

Mayor

Clay Koplin

Council Members

James Burton

Tim Joyce

Tom Bailer

Robert Beedle

Josh Hallquist

David Allison

James Wiese

City Manager

Alan Lanning

City Clerk

Susan Bourgeois

Deputy Clerk

Tina Hammer

Student Council

Corinne Pegau

**Regular City Council Meeting
December 7, 2016 @ 7:00 pm
Cordova Center Community Rooms
Agenda**



A. Call to order

B. Invocation and pledge of allegiance

I pledge allegiance to the Flag of the United States of America, and to the republic for which it stands, one Nation under God, indivisible with liberty and justice for all.

C. Roll call

Mayor Clay Koplin, Council members James Burton, Tim Joyce, Tom Bailer, Robert Beedle, Josh Hallquist, David Allison and James Wiese

D. Approval of Regular Agenda..... (voice vote)

E. Disclosures of Conflicts of Interest

F. Communications by and Petitions from Visitors

1. Guest Speakers
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)
4. Student Council Representative Report

G. Approval of Consent Calendar..... (roll call vote)

5. Resolution 12-16-36..... (page 1)

A resolution of the City Council of the City of Cordova, Alaska, authorizing the City Manager to enter in to a two year agreement with John W. Bitney for consulting services in the amount of Forty Eight Thousand Dollars (\$48,000) per year plus reasonable expenses

H. Approval of Minutes..... (voice vote)

6. Minutes of 11-2-16 Regular Council Meeting..... (page 6)

I. Consideration of Bids

J. Reports of Officers

7. Mayor's Report..... (page 9)
8. Manager's Report..... (page 12)
9. City Clerk's Report..... (page 18)

K. Correspondence

10. 10-28-16 Letter from Susan Kennedy in re Cordova Center..... (page 19)
11. 11-01-16 Email from Emily Stolarcyk regarding NE17 Navy exercises..... (page 20)
12. 11-02-16 AKDoT Southcoast Region Director's Quarterly newsletter..... (page 31)
13. 11-17-16 Letter from Bob Smith regarding condition of harbor..... (page 33)
14. 11-28-16 Letter from Mayor Koplin re AK Air essential air service..... (page 34)

L. Ordinances and Resolutions

15. Ordinance 1148..... (roll call vote)(page 35)

An ordinance of the City Council of the City of Cordova, Alaska, amending Cordova Municipal Code by removing definitions from chapter 18.08, repealing and reenacting chapter 18.52, and amending

the title of section 18.80.040 to update and define nonconforming lots, structures, and uses, to allow for the expansion and alteration of nonconforming structures, and to increase the amount of time a nonconforming use can cease to exist before it is considered discontinued. - 2nd reading

16. Ordinance 1149..... (voice vote)(page 46)

An ordinance of the City Council of the City of Cordova, Alaska, creating a new Cordova municipal code title 15 to restructure the Cordova Community Medical Center, repealing the existing title 15. - 1st reading

M. Unfinished Business

17. FY17 Budget Preparation - discussion

N. New & Miscellaneous Business

18. Council confirmation of Mayor's appointments to fill seats on..... (voice vote)(page 51)
City boards and commissions

19. City Attorney RFP of July 2015 - discussion (may be discussed in executive session)..... (page 61)

20. Pending Agenda, Calendar and Elected & Appointed Officials lists..... (page 74)

O. Audience Participation

P. Council Comments

Q. Executive Session

21. See item 19. above

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, you may contact 424-6200 for assistance.

Full City Council agendas and packets available online at www.cityofcordova.net



Agenda Item # 5. within the Consent Calendar City Council Meeting Date: 12/7/2016

City Council Communication Form

FROM: Susan Bourgeois, CMC, City Clerk
DATE: 11/28/2016
ITEM: Resolution 12-16-36
ACTION: Approval of contract with lobbyist John Bitney

☐ Ordinance
☒ Resolution

☐ Motion
☐ Information

I. REQUEST OR ISSUE:

Approval of 2 year contract

II. RECOMMENDED ACTION:

Approval of the consent calendar including: motion to approve resolution 12-16-36.

III. FISCAL IMPACTS:

\$48,000/year request is \$2,000/year less than last 2 year contract with John Bitney approved in 2014

IV. BACKGROUND INFORMATION:

See attached letter from John Bitney

V. LEGAL ISSUES:

Many of the issues occurring at the state government level are legal issues that a City lobbyist would be instrumental in sorting through and then reporting to staff and/or Council about.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

none

VII. SUMMARY AND ALTERNATIVES:

Bitney's letter outlines what he has done for Cordova in his six years as lobbyist.

November 22, 2016

Alan:

Please consider this request to place before the Cordova City Council a proposal to continue lobbying services for the City of Cordova. Attached is an extension of the agreement that has been used since my services began in December 2010.

In the six years that I have been retained to work for the City of Cordova, here are a few of the main projects and accomplishments:

- Funding for the Cordova Center from the State of Alaska and EVOS Trustees
- Hospital and harbor improvements
- Redistricting of legislative regions
- Protecting state funding for municipal functions, including PERS, marine highway system, education, ADF&G, and transportation
- Coordinating communications with the Governor's Office and Legislative delegation

Over the next two years, the Alaska Legislature will establish new state revenues and make further budget reductions. Cordova's legislators are in both the House and Senate majority caucuses, and well positioned to advocate budget policies that protect the best interests of the community.

Funding priorities for capital projects are established annually by the City Council. With state budget reductions, there will need to be more focus over the next two years on federal opportunities for infrastructure development.

It has been an honor advocating for Cordova. I would welcome an opportunity to discuss this proposal before the Council in more detail.

Please let me know if there are any questions or need for additional information.

John Bitney
(907) 317-0038 c.

**CITY OF CORDOVA, ALASKA
RESOLUTION 12-16-36**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA,
AUTHORIZING THE CITY MANAGER TO ENTER IN TO A TWO YEAR
AGREEMENT WITH JOHN W. BITNEY FOR CONSULTING SERVICES IN THE
AMOUNT OF FORTY-EIGHT THOUSAND DOLLARS (\$48,000) PER YEAR PLUS
REASONABLE EXPENSES**

WHEREAS, the City of Cordova is in need of a Consultant to lobby on behalf of the City before the State Legislature and others; and

WHEREAS, the Mayor has recommended, that John W. Bitney is the best candidate for this position.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Cordova, Alaska, hereby authorizes the City Manager to enter into a two (2) year agreement, attached as Exhibit "A", with John W. Bitney in the amount of forty-eight thousand dollars (\$48,000) per year plus reasonable expenses.

PASSED AND APPROVED THIS 7th DAY OF DECEMBER, 2016

Clay R. Koplin, Mayor

ATTEST:

Susan Bourgeois, CMC, City Clerk

**AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN
THE CITY OF CORDOVA AND JOHN W. BITNEY**

The parties to this Agreement are the CITY OF CORDOVA, P.O. BOX 1210, CORDOVA, AK 99574, herein referred to as "City," and JOHN W. BITNEY, P.O. Box 521072, Big Lake, AK 99652, herein referred to as "Consultant."

I. Scope of Work. The Consultant is retained to represent the City before various public and private entities, including, but not limited to, the Alaska State Legislature and the United States Legislature, at the specific direction of the City. The Consultant shall advocate the priorities of the City as established by Cordova City Council, Mayor, and City Manager.

II. Term of Agreement. This Agreement shall be in effect from January 1, 2017 until December 31, 2018, unless amended in writing in accordance with the terms of this Agreement.

III. Communication. The Consultant shall communicate regularly, especially during the Legislative session, with the Mayor and City Manager, or their designees. The Consultant shall advocate the priorities established by the City as directed by the Mayor or City Manager, or their designees. Further, the Consultant shall meet with the City at mutually agreed times to present reports, discuss strategy and develop plans.

IV. Exclusivity. The Consultant agrees not to represent any other municipal or borough client during the term of this agreement without consent of the City. If the Consultant chooses to take an additional municipal or borough client the Consultant shall notify the City Manager and Mayor at least 90 days prior to accepting the new client. The City may choose to allow the Consultant to add the new client. If the Consultant chooses to accept a municipal or borough client without approval from the City, the City may choose to withdraw from this agreement without penalty, and payments to the Consultant shall be prorated to the date of withdrawal.

V. Compensation. The City shall pay Consultant the sum of forty-eight thousand dollars (\$48,000.00) each year for two years. A payment of twelve thousand dollars (\$12,000.00) each shall be made quarterly on January 1, April 1, July 1, and October 1, 2017, and on January 1, April 1, July 1, and October 1, 2018.

VI. Reimbursable Expenses. The City shall reimburse Consultant for reasonable expenses incurred in conjunction with fulfilling Consultant's obligations under this Agreement. Payments for expenses shall be made within 30 days of receipt of consultant's invoice.

VII. Amendment to Agreement. This Agreement may be amended or modified in writing. Any amendment or modification must be signed by the City and the Consultant to be valid.

VIII. Termination. This agreement may be terminated by either party with 90 days written notice.

IX. Entire Agreement. This document represents the entire agreement between the parties.

CITY OF CORDOVA

CONSULTANT

By: _____
Alan Lanning (City Manager)

By: _____
John W. Bitney (Consultant)

Date: _____

Date: _____

**Regular City Council Meeting
November 2, 2016 @ 7:00 pm
Cordova Center Community Rooms A & B
Minutes**

A. Call to order

Mayor Clay Koplin called the Regular Council Meeting to order at 7:00 pm on November 2, 2016 in the Cordova Center Community Rooms.

B. Invocation and pledge of allegiance

Mayor Clay Koplin led the audience in the Pledge of Allegiance.

C. Roll call

Present for roll call were **Mayor Koplin** and Council members **James Burton**, **Tim Joyce**, **Robert Beedle**, **Josh Hallquist**, **David Allison** and **James Wiese**. Council member **Tom Bailer** was present via teleconference. Student Council representative to the City Council, **Corinne Pegau** was also present for roll call. Also present were City Manager **Alan Lanning** and City Clerk **Susan Bourgeois**.

D. Approval of Regular Agenda

M/Burton S/Joyce to approve the Regular Agenda.

Hearing no objection, **Mayor Koplin** said the agenda was approved as presented.

E. Disclosures of Conflicts of Interest - none

F. Communications by and Petitions from Visitors

1. Guest Speakers - none

2. Audience comments regarding agenda items

Kate McLaughlin President and Executive Director of Prince William Soundkeeper addressed K.13. the letter about the Navy exercises. She thanked the **Mayor** and wholeheartedly approved of his suggestion to hold a work session regarding that item. She handed Council an article she printed that gives some more detail about the harmful chemicals making their way into the water and the environment during these activities.

3. Chairpersons and Representatives of Boards and Commissions

Beedle said that he wanted to recognize that **Glenn Anderson** has retired and he had worked for the City for more than 20 years. He thanked **Glenn** for his service and also thanked **Greg LoForte** who would be coming off the Harbor Commission this month.

Joyce reported that HSB would be meeting next week.

Parks & Rec - **Susie Herschleb**, Director of Parks and Rec was in the audience and reported that the commission has been mostly focused on community conversations about the Nirvana spit situation. They have also discussed budget priorities which led to a review of the Master Plan. At their next regular meeting they hope to provide an audit of the services provided and discussion should ensue regarding which need to be continued and which maybe they can consider pulling out of.

Barb Jewell, President of the School Board reported that there were parent/teacher conferences in progress and **Alex Russin** was at his which is why he wasn't present here - she hoped that many parents were attending the conferences. The board set priorities in September, both for the superintendent and for the board. We are asking the super and the district to focus on strategic planning, a comprehensive social/emotional learning platform - looking at overall things that support the whole student. The board will look at restructuring our committees, developing a better superintendent evaluation process and communications both within the district and with the community. She mentioned that they are grateful for the help the City is giving, especially **Weston Bennett** and engineering crew regarding the windows at Mt. Eccles and the roof (successfully resolved) and the heating system at Mt. Eccles too.

Bailer said that P&Z hadn't met

4. Student Council Representative Report **Corinne Pegau** reported that the anti-bullying campaign went well - more pledges still coming in, she followed up with some of Council's suggestions from last meeting. Student Council is also working on leadership skills - she will be attending a leadership conference in Anchorage later in November. She wondered if Council had suggestions on how to assist with leadership training within the High School. **Mayor Koplin** suggested maybe attendance at a Student Council meeting - **Cori** said he should contact **Mr. Clark** if that was a possibility.

G. Approval of Consent Calendar

Mayor Koplin declared the consent calendar was before the City Council.

5. Continuation of the Historic Preservation Commission

6. Record unexcused absences for **Mayor Koplin** and Council member **Joyce** and excused absences for Council members **Beedle** and **Wiese** from the October 19, 2016 Regular Meeting

Vote on the consent calendar: 7 yeas, 0 nays. Wiese-yes; Burton-yes; Beedle-yes; Hallquist-yes; Allison-yes; Joyce-yes and Bailer-yes. Consent Calendar was approved.

H. Approval of Minutes

M/Burton S/Joyce to approve the minutes.

7. Minutes of 10-19-16 City Council Public Hearing

8. Minutes of 10-19-16 Regular Council Meeting

Vote on the motion: 7 yeas, 0 nays. Motion approved.

I. Consideration of Bids - none

J. Reports of Officers

9. Mayor's Report - **Mayor Koplin** thanked **Vice Mayor Bailer** for chairing the two October meetings while he was gone. He received an email from Representative Stutes who wanted to be here tonight but she is campaigning as well as working on AMHS and Tanner Crab fishery issues for us. Emailed with **John Bitney** to get guidance as he and **Hallquist** and **Wiese** prepare for AML meeting. Navy meeting here on December 7 - he'd like that as a work session before the regular meeting. **Mayor Koplin** said he's be writing a letter of support for Alaska Airlines for their EAS status.

10. Manager's Report - **Lanning** said he had sent such a letter of request as well. The manager also reported that he has asked staff to use city council communication forms from now on as the preferred method of communication for written agenda items in council packets. Addressing and E-911 - he's been holding internal meetings and will get back to them in such a format. He has also been working on internal and external meetings, budget and lots of reading - he's about halfway through the City Code. His written report was about used oil reuse and **Beedle** and **Bailer** both commented that they were glad he was looking into it.

11. City Clerk's Report - **Bourgeois** had nothing to add to her written report in the packet. **Beedle** asked about the Valdez question regarding junk car disposal. **Bourgeois** said she forwarded the contact info to the City Planner who said she would work with Valdez to see if a coordinated effort could be looked into between the two cities. **Bourgeois** said it is still in the preliminary stages.

K. Correspondence

12. 10-10-16 Letter from John Harvill in re City beautification

13. 10-19-16 Letter from AK Commander regarding NE17 Navy exercises and trip to Cordova to discuss

L. Ordinances and Resolutions

14. Ordinance 1148 An ordinance of the City Council of the City of Cordova, Alaska, amending Cordova Municipal Code by removing definitions from chapter 18.08, repealing and reenacting chapter 18.52, and amending the title of section 18.80.040 to update and define nonconforming lots, structures, and uses, to allow for the expansion and alteration of nonconforming structures, and to increase the amount of time a nonconforming use can cease to exist before it is considered discontinued. - 1st reading

M/Joyce S/Beedle to adopt Ordinance 1148 an ordinance of the City Council of the City of Cordova, Alaska, amending Cordova Municipal Code by removing definitions from chapter 18.08, repealing and reenacting chapter 18.52, and amending the title of section 18.80.040 to update and define nonconforming lots, structures, and uses, to allow for the expansion and alteration of nonconforming structures, and to increase the amount of time a nonconforming use can cease to exist before it is considered discontinued.

Joyce said he had a few questions about this and went in to speak to the manager and the planning staff about this to better understand it. He said the way code reads now it is onerous for people wishing to add onto existing structure to be able to do so and still comply with code. This ordinance would alleviate those problems and make it easier for those with non-conforming structures to better their living conditions. He stressed that non-conforming does not mean illegal, it means that it was legal when built but codes have since been changed to then make it non-conforming. **Hallquist** said he thinks this is striking a good balance; it gives staff the tools to work with people in Cordova - not throwing road blocks in their way when they are trying to do something that's legitimate. He supports this. **Bailer** voted against this at P & Z and he commented that he supports most of this, allowing people to build onto existing non-conforming structures, etc. but the problem he has is that it also throws out the minimum square footage of a buildable lot of 4,000 square feet. Assistant

Planner **Leif Stavig** helped to clarify that the ordinance before them, specifically the new section 18.52.030 just is a more clear way to say what we have currently been practicing anyway (as referenced by current code 18.56.010A). **Joyce** said he agrees with Council member **Hallquist** – this will make it easier for people.

Vote on the motion: 6 yeas, 1 nay (Bailer). Motion approved.

M. Unfinished Business - none

N. New & Miscellaneous Business

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

Mayor Koplin mentioned sobriety next weekend. December 7 would be a work session at 6 pm with the Navy. Council wanted at least one 2 hour strategic planning session before the end of the year – **Lanning** mentioned maybe a combo budget work session and strategic planning – Council opted for Nov. 29 for such a work session. Council confirmed that the second regular meeting in November is canceled. **Bourgeois** then asked for a special meeting on the evening of Thursday Nov. 10 at 6:30 before the HSB meeting, as there would be a bid to vote upon.

O. Audience Participation

Scott Pegau of 110 Mt. Eccles Estates thanked Council for the vote on the ordinance that P & Z had worked through and recommended. He said that it had been super restrictive and now it will be easier for people who hadn't ever done anything illegal.

P. Council Comments

Bailer said he is glad to hear that the schools are getting help from our facilities maintenance person as was always intended. **Joyce** he agrees with that. As far as the small lots – we need to know what the community wants. He thanked **Alan** he knows he's still getting his feet wet, etc.

Beedle also welcomed Alan. He mentioned the bioswale going in for the snow dump – he thanked the Copper River Watershed for that.

Hallquist thanked staff and audience for coming.

Burton and **Wiese** both echoed that.

Q. Adjournment

M/Burton S/Joyce to adjourn the meeting.

Hearing no objection the meeting was adjourned at 8:09 pm.

Approved: December 7, 2016

Attest: _____

Susan Bourgeois, CMC, City Clerk

Mayor's Report
12-2-16
Clay Koplin

Alaska Municipal League Trip Report:

I attended Alaska Municipal League in Anchorage Nov. 16-18 where I met with City Manager, Mayors, and consultants to municipalities from across the State of Alaska and was the voting delegate for Cordova for Resolutions of the Alaska Municipal League and here are the highlights:

- The #1 problem facing Alaskan communities is not the economic crisis, but the opioid drug abuse epidemic. A very moving presentation by social workers, law enforcement, and municipal representatives that had personal family tragedies wrapped around the epidemic explained the neurological mechanics of the drugs, and the reason they are so addictive and so very difficult to recover from. It is critical for Cordova to recognize the magnitude of the problem in Cordova and work to support those workers and volunteers and families on the front lines and back lines fighting this difficult battle. It will take the entire community's efforts to fight and heal.
- I was able to meet with various municipal attorneys familiar with Cordova to build and maintain a relationship including Joe Levesque and Brooks Chandler, the principal partners in their firms.
- I voted for the various resolutions and spoke to the mandatory disclosure of property sales information Resolution 2017-04, which was ultimately adopted. The adopted (paraphrased/summarized) resolution titles are fairly self-explanatory and are as follows:
 - 2017-01 Alaska Legislature Adopting a Sustainable Budget Plan Concentrating on Careful Revenue Growth Instead of Just Cuts and Carefully Considering the FY2017 Fiscal Plan presented by Alaska Municipal League
 - 2017-03 Alaska Municipal League Supporting Public Employee Retirement System (PERS) Reform
 - 2017-04 Supporting Legislation Adopting Real Property Sales Disclosure in Alaska
 - 2017-06 Opposing Legislation which would Increase the Burden on PERS/TERS Employers beyond the Current Employer Limits of 22% for PERS and 12.56% for TRS
 - 2017-08 Supporting Enhanced Local Control of the Issuance of Alcohol Beverage Licenses and Permits within all Municipalities
 - 2017-09 Supporting a Change to Alaska Statutes to Change the Fire Sprinkler Exemption from Mandatory to Optional Exemption
 - 2017-11 Supporting Full Funding for the Harbor Facility Grant Program in the FY2018 Budget. **This is a very important Resolution for Cordova, I did not speak to it because so many coastal communities spoke in favor and it had obvious strong support and passed overwhelmingly.**
 - 2017-13 Supporting Proposed Changes to Alaska Statutes 30.30 and 05.25 Improving the Management and Prevention of Derelict Vessels. **Also a consideration for Cordova which passed by a wide margin.**
 - 2017-15 Supporting Full Funding From the State of Alaska for School Bond Debt Reimbursement and State Aid for Construction in Regional Educational Attendance Areas (REAs). **This was probably the single largest fiscal hit to Cordova from the State this year, approximately \$250,000 of school construction match which the State had committed to when the Cordova City Council took those bonds to the voters and was withdrawn last session.**

- 2017-16 Not imposing new cuts to ADF&G Commercial Fisheries Division and that any new Fisheries Related Taxes go to ADF&G CommFish division. **This is critical to Cordova. It was widely debated and passed by a thin margin of coastal communities and others. Cordova is trying to expand and develop new fisheries and support those we already have.**

I voted in favor of all of these resolutions feeling that they were beneficial to the community of Cordova. The full resolutions are available at:

<http://www.akml.org/wp-content/uploads/2013/07/2017-Resolutions.pdf>

- I met with City Lobbyist John Bitney, who attended the whole conference and met with Cordova City Councilmen and City Manager in attendance. He also introduced me to key officials and staff of AML, the State of Alaska, and vendors/consultants to Cities. John is well known and respected in both State and Federal Circles.
- My overall takeaway is that the State Economy is in a downward spiral and the best possible outcome is for the Governor, Senate, and House of Representatives to adopt a fiscal plan and follow it. For Cordova's part, we will not be able to rely on the State or Federal Government to fix our Problem. I will be speaking to two simple steps that every Cordovan can take to fix our local economy, and by fix I mean for the City to contribute the maximum allowed by State Law to the Cordova School District, operate the Cordova Community Medical Center at a break-even or better, and maintain a reasonable suite of services and capital improvements budget for the City. **The two simple solutions to Cordova's budget gap that every Cordovan can help with is for residents to 1) Patronize our local medical services (CCMC and Illanka Clinic), and 2) Shop in Cordova to generate sales tax so that property taxes and other options can stay off the table.** If you have not friended me on Facebook, I will be speaking to this in more detail on my **Clay Koplin Mayor for Cordova Facebook Page**, please friend it or my **Clay Koplin Facebook Page** for periodic posts of community wide interest or to communicate with me.

I submitted a letter of support for the Alaska Airlines EAS program to the Department of Transportation and Alaska Airlines.

I have attended the City Council Meetings, Health Services Board Meetings, and Special City Council Meetings of November and reviewed their and the Cordova School District budgets to assist and support City Council and the City Manager through a very difficult budget cycle.

I have worked extensively with the Eyak Preservation Council to understand the balance between the Alaska Command's need to perform military exercises in the Gulf of Alaska (Northern Edge 2017) and the timing and location of those exercise to avoid disruptions and harm to the fish and other populations of mammals and birds that concentrate during the spring migration in May which is the proposed timing of the exercise. The City Council's resolution and primary ask are to change the timing and minimize the proximity of the location to coastal communities and migration corridors as a compromise for conducting the exercises in the Gulf. Note that other countries can and do conduct these exercises in the Gulf of Alaska and do not have to follow US Environmental Law or consult with the State of Alaska or coastal communities.

I was honored to attend the 2016 Native Village of Eyak's Sobriety Celebration as a speaker and was moved by the powerful celebratory dancing and socializing at the event. The Native Village of Eyak provided the opportunity for the City Manager, City Councilmen and I to meet with the Governor to

discuss Cordova concerns. I was also able to meet with Representative Louise Stutes who very much appreciated the support that Cordova provided in the election. She very much looks forward to serving and supporting Cordova and her District through the very difficult budget cycle ahead. She plans to be back in Cordova soon for the community launch of the Cordova Fil-Am association which she helped to organize.

I have met with various members of the community on various issues, especially fisheries and economic growth.

I attended a regional energy summit with the Chugach Alaska, Eyak, and Tatitlek Corporations hosted by the Native Village of Eyak to identify and pursue energy and economic growth opportunities for Cordova and the region, which all of the Corporations and NVE are committed to. We identified some very exciting opportunities and will be collaborating on those.

Have a great November Cordova!

Mayor Clay



AGENDA ITEM #

City Council Meeting Date: 12/7/2016

CITY COUNCIL COMMUNICATION FORM

FROM: Alan Lanning, City Manager

DATE: 12/07/20016

ITEM: Issues Update

NEXT STEP: No Action Required

☐ ORDINANCE
☐ MOTION
☒ INFORMATION
☐ RESOLUTION

I. REQUEST OR ISSUE:

Over the course of the past several weeks, a number of questions and directions were issued by Council. This communication is intended to be an update and response to those items. No action is required at this time.

II. RECOMMENDED ACTION / NEXT STEP:

No action is required unless further direction is given.

III. FISCAL IMPACTS:

Legal: We have placed a budgeted amount of \$100k in the 2017 budget.

Stairway to Pool: The last cost was \$153,600 with the current cost unknown due to expired bids, change orders and lack of funds.

Sin Taxes: Potential of \$250k in new revenue @ 10% rate increase. This was

discussed at the budget work session on 12/29 and will be part of further discussion as of 12/7.

2500 s.f. Lots: No fiscal impact related to this part of the discussion.

Permanent Fund: Language from Charter & Code attached.

IV. BACKGROUND INFORMATION:

The City Council has asked about the following issues:

RFP concerning legal services: The RFP has been placed in the packet and further discussion regarding legal services has been scheduled for an executive session discussion.

Stairway to Pool: Current status, with a bit of background info:

Dawson Construction had this South Stair construction as a \$98,000 “allowance” line item in its 2013 Scope of Work outlining the Phases II work. In 2014 this task was placed in Stage 4 work (last to be approved, funded, and done, after Stages 1, 2, 3 were commenced).

The steel, concrete, wooden roof stairway was desired by community to “connect” the upper downtown area with the harbor area via a nice, safe walkway, rather than walking around to the south or north trails

The design was included in Phase II drawings, but Dawson said the design was incomplete. MRV had it redesigned in January 2015, after reviewing several options with Council, with more footing details and steel details. Dawson felt the new design would cost more than the originally allowance line item. The stairs were included in the “site civil package” issued to Dawson in Jan/Feb 2015 and subcontracted to Eagle. Eagle found a steel fabricator that later declined the work. Their new price of work pushed the total line item to \$153,600 for walkway, sitework, and Dawson oversight.

This increased dollar amount was included in one or two presentations to Council in 2015/2016 when transfers of monies were authorized by Council to pay the bills. Dawson prepared a Change Order Proposal COP for \$65,737 (for the overage) for me to sign and authorize the work. I have not signed it because Jon Stavig tells me he has no funds to pay that amount along with several other invoices already due to Dawson and MRV and possibly other project participants. We have heard that Eagle’s supplier has backed out of the work so their pricing is no longer reliable, as another steel supplier will have to be found.

The South Stairway connects the Second Floor south balcony in an “L” shaped switch back ramp running down to and landing near the open lot between the Pool and Police Building (sketch attached).

Stairs will connect the Cordova downtown area (1st Street business district) to the Harbor area.

Pre-fabricated Steel deck and steps placed on cast-in-place concrete column footings founded on bedrock or competent soils, with shingled roof to match the Cordova Center.

Broadcasting Meetings: We have the capability, but there are no external systems in place to broadcast. We don’t have a dedicated channel, nor do we have any access through GCI at this time. Again, given the development of systems, we could broadcast, but also at an unknown cost.

Sin Taxes: We have detailed those as part of the budget discussion at the 29th Work Session.

2500 s.f. lots: There does not appear to be any situations where a property owner owned a single, undeveloped 25' wide lot. Most of the lots are already developed with structures that extend over lot lines. The actual total number of lots known are about 300 and there are about 100 owners, so on average each owner owns three lots. However, we estimate about 30 lots that could be developed under the individual 2,500 s.f. lot scenario.

Permanent Fund: There has been discussion regarding the ability to fund non-personnel and non-operational expenses in the 2017 budget. I am including the Charter and Code language for your review and will provide further information as required about the use of the Permanent Fund.

V. LEGAL ISSUES:

None identified at this time.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None for purposes of this update.

VII. SUMMARY AND ALTERNATIVES:

Additional direction is always welcome.

City Charter on Permanent Fund (General Reserve Fund)

Section - 5-22.

There shall be established as a separate fund within the finances of the City of Cordova to be known as Cordova General Reserve Fund and administered by city code, charter and state laws. The purpose for establishment of the fund is to provide for a continuing source of funding for capital and operating expenses for the city. The council may not consider any revenue from the fund as anticipated revenue for the purpose of funding operating expenses when preparing and approving the budget. The establishment of the fund is intended to assist in minimizing the tax burden to the citizens of Cordova, and preserve in trust assets of the city for the benefit of present and future generations of Cordova residents. The council may, from time to time, make deposits to the fund in the same manner as it makes other appropriations. Any funds received by the city from any source may be deposited into the fund. The fund principal, once established, shall be appropriated only by ordinance. An ordinance to appropriate funds from the principal of the Cordova General Reserve Fund shall require the favorable roll call vote of all seven city council members, or six city council members and the mayor, the results to be entered into the journal. The mayor shall be allowed to vote only if exactly six (6) council members vote in favor of any such ordinance.

(Added by Resolution 87-51, 1987, and amended by Resolutions 5-95-39 and 5-95-50, approved by voters on July 19, 1995).

City Code on Permanent Fund (General Reserve Fund)

Chapter 5.44 - CORDOVA GENERAL RESERVE FUND

Sections:

5.44.010 - Cordova general reserve fund established.

There is established as a separate fund within the finances of the city a fund to be known as the Cordova general reserve fund (hereinafter referred to as "the fund"). The Cordova general reserve fund is also referred to as the "city permanent fund." The fund shall be administered in accordance with the provisions of this chapter.

(Ord. 789 (part), 1997: Ord. 615 § 1, 1987).

5.44.020 - Purpose.

The purpose for establishment of the fund is to provide a continuing source of funding for the capital and operating expenses of the city. The council may not consider any revenue from the Cordova general reserve fund as anticipated revenues for the purpose of funding operating expenses when approving the budget. The establishment of the fund is intended to assist in

minimizing the tax burden to the citizens of Cordova, and preserve in trust assets of the city for the benefit of present and future generations of Cordova residents.

(Ord. 789 (part), 1997: Ord. 615 § 2, 1987).

5.44.030 - Deposits to the fund.

The council may, from time to time, make deposits to the fund in the same manner as it makes other appropriations. Any funds received by the city from any source may be deposited into the fund; provided, however, it shall be the policy of the city council that any windfall funds from legal settlements received by the city shall be deposited into the fund to fulfill the purpose as set forth in Section 5.44.020.

(Ord. 702 (part), 1992: Ord. 615 § 3, 1987).

5.44.040 - Management of fund.

An investment policy consistent with the Prudent Investor Act shall be adopted by the city council by resolution, and may be amended as necessary by resolution. The city treasurer shall follow the investment policy adopted by the city council for investment and management of amounts in the fund.

(Ord. 615 § 4, 1987).

(Ord. No. 1059, § 1, 11-4-2009)

5.44.050 - Income and distribution.

- A. In conjunction with the audit of the city's financial statements each year, the city treasurer shall prepare a report for the city council which shows, as of the last day of the preceding fiscal year, the nature of each outstanding investment, including the purchase date, purchase price, and estimated net yield rate at the time of purchase, and the income earned from each investment from the initial date of purchase to the date of the report. The report shall be delivered to the city council in conjunction with the audited financial statements.
- B. In conjunction with audit of the city's financial statements each year, the net income of the fund shall be determined as of the last day of the preceding fiscal year in accordance with this section and utilizing generally accepted accounting principles. The city treasurer shall report such determination to the city council in conjunction with delivery of the audited financial statements.
- C. For the purposes of determining the net income of the fund, "net income" means the total income yielded from investment of the principal of the fund for the preceding fiscal year, less any amounts needed;
 - 1. To reimburse the fund principal in the event a transaction results in an actual dollar loss in principal;
 - 2. To offset any reduction in fund principal due to administrative costs;

3. To offset any depletive effect of inflation on the fund principal during the fiscal year, as may be determined by a nationally recognized inflation index.

D. The net income of the fund is unrestricted general income of the city.

(Ord. 933, 2003; Ord. 915, 2002; Ord. 615 § 5, 1987).

5.44.060 - Principal.

- A. Fund principal may be appropriated only by ordinance. A public hearing shall be held on the introduction and first reading of such ordinance. The procedure for passage of any such ordinance shall be governed by subsection B of this section.
- B. No ordinance to appropriate principal from the fund shall be passed, except upon the favorable roll call of all seven city council members, or six city council members and the mayor, the results of which shall be entered in the minutes of the meeting. The mayor shall be allowed to vote only if exactly six of the city council members vote in favor of any such appropriation.

(Ord. 789 (part), 1997; Ord. 702 (part), 1992; Ord. 615 § 6, 1987).



City of Cordova,
Office of the City Clerk
Cordova, AK 99574
601 First Street * PO Box 1210

Phone: 907.424.6248
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E-mail: cityclerk@cityofcordova.net

CITY CLERK'S REPORT TO COUNCIL

December 7, 2016 Regular Council Meeting

Date of Report: Nov 2-28, 2016

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

Clerk's Office has been working on:

- Disseminated the passed/signed/sealed minutes from regular meeting of 11-2-16
- Prepared agenda and packet for special meeting on 11-10-16, work session on 11-29-16 and work session, public hearing and regular meeting on 12-07-16 including minutes from 11-2-16 regular meeting
- Deputy Clerk attended 11-29-16 work session
- Signed City payroll and accounts payable checks
- Deputy Clerk answered property related questions, foreclosures, sales, taxes paid/owed, etc.
- Corresponded with Navy personnel to coordinate work session of tonight
- Corresponded with members of the public and media especially interested in the Navy work session of tonight
- Attended staff meetings
- Compiled letters of interest, forwarded them to Mayor, then prepared agenda item regarding board/commission appointments on tonight's agenda
- Per direction from Mayor and with assistance from lobbyist John Bitney prepared the resolution for his contract approval in tonight's packet
- Recently revised the certification of posting of notice template for Council meeting agendas to add John Bitney, city lobbyist and to add superintendent and School Board president as these are often reporters at regular meetings
- Worked with HSB President and CCMC administrator on Ordinance 1149 before council tonight for first reading
- Responded to public request regarding fee schedule rates at the harbor
- Discussed budget work session with member of the public who was in attendance – encouraged contact with Council members and City Manager regarding suggestions re sales tax exemptions

To the Cordova City Manager & City Council

rec'd
10/28/16

When reading the City Manager's (Randy Robertson) Budget Executive Summary for Fiscal Year 2016, I'm left with a few questions regarding some of the statements made. Robertson states that construction costs for Cordova Center was near \$29 million, with \$1 million yet to be paid.

- 1) What is the actual total construction cost of the Cordova Center?
 - a) Where does a person get the actual breakdown of construction costs?
- 2) What are the monthly utility and maintenance costs for the Cordova Center?
 - a) How do these costs compare with previous expenditures prior to the construction of the Center?

Robertson goes on to state: *"conferences, plays, movies, increased patronage, visitors, associated revenue for fuel, restaurants and hotels all have seen an upswing thanks in large measure to the Cordova Center."*

- 3) In dollars and cents, how does this "upswing" compare with the "to be expected" loss in fish tax revenues?
- 4) Where is Lake City?

Please Respond



Susan Bourgeois

From: emily@redzone.org
Sent: Tuesday, November 01, 2016 12:34 PM
To: Susan Bourgeois
Subject: Please forward to City Council members - RE: Letter from the Navy
Attachments: SenatorMurkowski_LettertoNavy_09162016.pdf; Navy Response to Senator Murkowski.pdf

Importance: High

Hi Susan,

Would you please forward my message below to the City Council members? Thank you!

Dear Cordova City Council Members,

I regret that I will be traveling on 11/2 and therefore unable to attend the Council meeting. However, I would like to take this opportunity to comment on the letter to Mayor Koplin from Alaskan Command dated October 19th, 2016.

The letter from Alaskan Command makes several broad misstatements. The first is the second paragraph stating the dates for Northern Edge 2017, May 1 - 12. This is a plan, not absolute. The Navy does not currently have permits to conduct Northern Edge '17. The National Marine Fisheries Service has yet to award the Navy a Letter of Authorization for this exercise. The Navy has not yet released their final Record of Decision. Until they do, the dates are not yet final.

Next, the third paragraph of their letter where it states "residents of Alaska can be assured that environmental protection is an integral component of preparations...." Please note it specifically states *preparations*, not the exercise itself. Furthermore, the Navy cannot guarantee environmental protection. Their EIS clearly states that their activities do have an impact on our environment. Impacts include the takes to marine mammals (>36,000 each year), fish mortality (amount uncouncted by the Navy), and pollution from their expended materials (~352,000 lbs per year, 10,500 lbs hazardous materials).

Remember that about 90% of the Navy's training area (TMAA) is within EFH for all five species of Pacific Salmon. Regarding the unknown impacts to fish these exercises pose, please reference the Fish Section of the Navy's EIS: http://www.goaeis.com/Portals/GOAEIS/files/EIS/GOA_FEIS_3_6_Fish.pdf. Within this section the Navy repeatedly states the impacts to fish are unknown, but can include:

- Direct physical injury, such as potential for death, injury, or failure to (or an increase in the time needed to) reach the next developmental stage;
- Stress to fish populations in warfare areas including: environmental stressors, acoustic effects of underwater sounds to fish, effects of underwater impulsive sounds, explosive ordnance, nonexplosive ordnance, and expended materials.
- Potential stressors to fish and EFH include vessel movements (disturbance and collisions), aircraft overflights (disturbance), explosive ordnance, sonar training (disturbance), weapons firing/nonexplosive ordnance use (disturbance and strikes), and expended materials (ordnance-related materials, targets, sonobuoys, and marine markers).
- Potential effects of explosive charge detonations on fish and EFH include disruption of habitat; exposure to chemical by-products; disturbance, injury, or death from the shock (pressure) wave; acoustic impacts; and indirect effects including those on prey species and other components of the food web.

Alaskan Command states that their exercises will take place within the TMAA (Temporary Maritime Activities Area). This means that the Navy is not willing to move at this time despite repeated requests from not only Cordova but the communities of Homer, Kodiak and Valdez as well. The communities of Girdwood and Sitka are also considering passing the resolution first passed by Cordova's City Council in June, 2016.

This letter is not what Senator Murkowski asked for when she encouraged the Navy to engage with communities again. Her letter to the Navy and the Navy's response is attached for reference. In an email to me from the Senator's Chief of Staff, Nathan Bergerbest, on October 13th it was clearly communicated that the dates for Northern Edge '17 is undecided:

From: Bergerbest, Nathan (Murkowski)
Sent: Thursday, October 13, 2016 11:30 PM
To: emily@redzone.org; Froehlich, Ephraim (Murkowski) <Ephraim_Froehlich@murkowski.senate.gov>
Subject: Re: Request from Coastal Communities RE the Navy in the GOA

We had the Navy and ALCOM in and did discuss with them the question of moving the exercise... Whether the whole exercise moves, the Navy doesn't play or reduces play, the Navy does its own thing in the fall, or concerns are mitigated are all part of the ongoing discussion and one that the communities will join in when the Navy and ALCOM visit.

Nate

In conclusion, it would appear that the community of Cordova is in disagreement with the Navy on the proposed timing and location of future Northern Edge training exercises. From their letter to Mayor Koplin, the Navy makes it clear that they are presupposing decisions and conversations against the recommendation of Senator Murkowski.

As planned the Navy's activities pose a risk to our fisheries we cannot accept, especially given the time - the first two weeks of May. Please note that in the entire history of the Navy conducting training exercises (1973 - 2015) not one time did they even occur in May. 1973 - 2003 were held in the winter months. 2004 - 2015 were held in the June. 2011 and 2015 are the only times the Navy has had authorization to use active sonar during Northern Edge.

Please let me know if you have any questions at this time. I will be in town when the Navy is here on December 7th.

Respectfully,

Emily E. Stolarczyk
Program Manager

Eyak Preservation Council
PO Box 460
Cordova, AK 99574
907.424.5890
www.eyakpreservationcouncil.org



LISA MURKOWSKI
ALASKA

COMMITTEES:
ENERGY AND NATURAL RESOURCES
CHAIRMAN
APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR,
ENVIRONMENT, AND RELATED AGENCIES
CHAIRMAN
HEALTH, EDUCATION, LABOR,
AND PENSIONS
INDIAN AFFAIRS

United States Senate

WASHINGTON, DC 20510-0203
(202) 224-6665
(202) 224-5301 FAX

September 16, 2016

510 L STREET, SUITE 600
ANCHORAGE, AK 99501-1956
(907) 271-3735

101 12TH AVENUE, ROOM 329
FAIRBANKS, AK 99701-6278
(907) 456-0233

800 GLACIER AVENUE, SUITE 101
JUNEAU, AK 99801
(907) 586-7277

805 FRONTAGE ROAD, SUITE 105
KENAI, AK 99611-9104
(907) 283-5808

1900 FIRST AVENUE, SUITE 225
KETCHIKAN, AK 99901-6059
(907) 225-6880

851 EAST WESTPOINT DRIVE, SUITE 307
WASILLA, AK 99654-7142
(907) 376-7665

Honorable Ray Mabus
Secretary of the Navy
The Pentagon
Washington, DC 20350

Mr. Secretary:

As you know, Alaskans take great pride in the Armed Services and strive to be of assistance every opportunity they have. We firmly believe that Alaskans support our military families better than any other. You have personally observed this spirit in your travels to Anchorage and to Alaska's North Slope. And I deeply appreciate your recognition of my personal support for the Navy when in 2013 you presented me with the Department of the Navy Distinguished Public Service Award.

That is why it is painful to express concern over the manner in which the Navy is approaching its participation in Northern Edge 2017. As you know, Northern Edge is a biennial joint synchronized exercise which fully utilizes Alaska's air, land and sea training ranges to demonstrate innovative technologies and cutting edge tactics. The Navy is one among many players in the Northern Edge exercise. However its participation has drawn the most controversy.

In the run-up to Northern Edge 2015 I was forced to cajole the Navy into meeting with stakeholders in the affected communities after receiving letters from Mayors and State Legislators expressing opposition to the exercise. At the time the Navy was willing only to conduct tribal consultations. Alaskan Command staff in Anchorage were aware of the rising opposition to the Navy's contribution to Northern Edge but were barred from addressing these concerns because of the absence of "Public Affairs Guidance."

I hoped that the Navy would learn from this experience and proactively work with stakeholders in planning for Northern Edge 2017. I was encouraged when the Navy took the initiative to participate in COMFISH 2016, Alaska's largest commercial fishing show. This was a good start and I expected that it was the beginning of a sustained proactive outreach effort. Unfortunately, I was proven wrong. Once again, I am told stakeholder consultation is stymied by the lack of "Public Affairs Guidance."

During the months of July and August I received over a hundred letters from Alaskans concerned about the timing and impact of Northern Edge 2017. Governor Bill Walker received the same letters. I am taking the liberty of enclosing a sample letter. On August 8th the Homer City Council adopted a resolution of opposition to the Navy's involvement in Northern Edge 2017. This led me to ask Alaskan Command for a brief on Northern Edge 2017.

On August 22nd my Deputy Chief of Staff received that brief. He learned from the briefers that a number of proposed mitigations and avoidance techniques were in the works but could not be discussed with the stakeholder community due to a lack of "Public Affairs Guidance." This is extremely troubling to me. Also troubling are reports that the Navy denied Freedom of Information Act requests submitted by conservation biologist Rick Steiner who sought to verify the impact levels of Northern Edge 2015. This lack of transparency only fuels concerns that the Navy has something to hide, regardless of whether there is any validity to the concerns.

The August 2016 issue of Alaska Business Monthly includes an excellent article by Tasha Anderson about the environmental regulatory challenges faced by natural resource developers in Alaska. Although Alaska is regarded as a state that is favorable to natural resource development, the article notes that even here communities expect that developers will obtain a social license to operate.

Local environmental attorney Eric Fjelstad of the Perkins Coie firm contributed a list of five best practices for developers to the article, among them "Reach Out to Important Stakeholders."

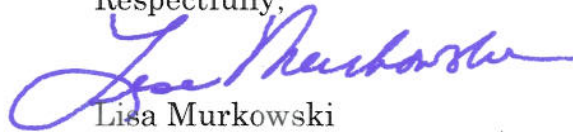
Communicating with the community is vital in order to obtain a "social license," or the support of the community around a project. Depending on the project, that community could be a small geographical area or the entire state. "It's really important to put in the time to understand what people are concerned about and to gain broad support. It matters..."

I strongly encourage you to direct the Commander, Pacific Fleet, in conjunction with his partners at Alaskan Command, to reengage with stakeholders in the communities adjacent to Northern Edge 2017 with all deliberate speed. Any further delay in stakeholder communication could result in the adoption of similar resolutions by other coastal communities in Southcentral Alaska and endanger support for the Navy's long term involvement in the Northern Edge exercise, notwithstanding its intention to avoid or mitigate environmental impacts.

In Alaska, process matters and it is expected that project proponents will engage in meaningful conversations with a broad range of stakeholders, even those that the proponent might find distasteful or immovable. That is the Alaskan way.

Nathan Bergerbest, my Deputy Chief of Staff, and Ephraim Froehlich who handles marine issues on my Washington staff are available to further discuss these concerns with your team.

Respectfully,



Lisa Murkowski
United States Senator

Enclosures

SAMPLE NORTHERN EDGE 17 OPPOSITION LETTER

Dear Governor Walker, Lt. Governor Mallott, Senator Murkowski and Senator Sullivan,

The U.S. Navy has recently stated that it has planned a training event to occur in the Gulf of Alaska from May 1 - 12, 2017. I am concerned about the negative impacts the Navy's 'Northern Edge' combined training exercises could have on the ecosystems in the Gulf of Alaska. As your constituent, I request that you and the State of Alaska encourage the US Navy to take their training exercises further offshore and move the timing of the exercises exclusively to the Fall or before the Spring. While these trainings take place in federal waters, the Navy's activities could impact State managed resources, such as salmon and other commercially viable species.

There is no question that military preparedness drills are of national importance. However, I am gravely concerned about the risk and potential damage to Alaska's subsistence, commercial and recreational fisheries, marine habitats, fish and wildlife resources, and regional economies.

The Navy's existing federal regulatory permits and authorizations expired in May 2016. The Navy is currently seeking re-authorization for its exercises for an additional five years, 2016 - 2021. Presently, the Navy's area for conducting these training exercises is 20 -24 nautical miles from communities on Kodiak Island, and close to other communities on the South Central Alaskan coast including Cordova, Valdez, Homer, Seward, and Yakutat.

According to the Navy's Environmental Impact Statement (EIS), these "war games" involve the use of high-frequency and mid-frequency sonar for submarine exercises, plus a variety of live weapons and explosives deployments-bombs, heavy deck guns, torpedoes, missiles, and large carrier strikes, the remains of which will never be recovered. Annually these trainings could leave up to 352,000 lbs of expended and hazardous materials in the waters of the GOA. Hazardous materials may include Cyanide, Chromium, Lead, Tungsten, Nickel, Cadmium, Barium chromate, Chlorides, Phosphorus, Titanium compounds, Lead oxide, Potassium perchlorate, Lead chromate, Ammonium perchlorate, Fulminate of mercury, and Lead azide. The Navy recognizes that fish could mistake expended materials as prey, thus ingesting harmful and lingering toxic substances. Any public or commercial impression that Alaska's fish may be tainted would be extremely detrimental to Alaska's commercial fishing industries. This could present additional economic hardships for working Alaskans as we all face the current fiscal crisis.

Since 2004 these exercises have occurred in June during the most prolific breeding and migratory periods of the marine supported life in the region (salmon, whales, birds). In the entire history of Navy trainings in the GOA, no activity has ever occurred in May. The coastline around the GOA is home to many coastal communities and Alaska Native people who rely on marine and freshwater resources for commercial, recreational and subsistence uses. May is an extremely active time for many species with essential habitat in the GOA. The Navy's EIS indicates that it can meet its training goals during other times of the year (e.g. October), which would be less threatening to Alaskan marine resources than May.

The Navy's activities area in the GOA includes Essential Fish Habitat for many species of subsistence and commercial fisheries, including those found in Prince William Sound, which has still not fully recovered from the Exxon Valdez oil spill. These waters also support the most sustainable and economically valuable fisheries in the USA. Commercial fishing is the largest private sector employer in Alaska, providing some 63,000 jobs as well as a healthy sustainable food source. Nearly 100% of sockeye salmon in the USA comes from Alaska.

The Navy is asking for authorization to conduct their training exercises without providing any new information regarding the possible impacts these trainings have on fish populations within the GOA. The Navy's 2011 EIS left many questions unanswered regarding impacts to fish and repeatedly stated that more research is needed. Pursuant to the National Environmental Policy Act, the Navy should have filled in these information gaps before planning additional exercises. Proceeding with trainings before more research is unlawful and puts fish, commercial and subsistence fisheries at unnecessary risk.

If authorized, the Navy is predicting over 182,000 marine mammal takes over the next five years in the GOA. This is too high; this is beyond a negligible impact to these species. Consider the last year the Navy conducted trainings: in 2015 over 30 whales were reported dead in this region. The National Oceanic and Atmospheric Administration has classified this as an 'unusual mortality event.' No further explanation as to what caused these deaths has been reported. Many people have expressed concern that the Navy's activities may be a contributing factor to some of these whale mortalities. Yet, there has been insufficient transparency over Northern Edge '15 sonar and explosive activities. After repeated documented Freedom of Information Act requests, the Navy is not disclosing locations where its exercises took place nor how long active sonar was used nor the decibel level of sonar used. It has designated the information as classified and thus unavailable to the public.

In March 2015, the U.S. District Court, District of Hawaii, found that the U.S. Navy and the National Marine Fisheries Service violated the law when they failed to meet multiple requirements of the Marine Mammal Protection Act, the Endangered Species Act, and the National Environmental Policy Act when authorizing the Navy's training and testing activities in the Hawaiian and Southern California ranges. The resulting settlement of that lawsuit means the Navy is now prohibited from using mid-frequency active sonar for training and testing activities in many of the designated biologically important areas in those ranges.

Therefore, I request:

- similar protections enacted for the Hawaiian and Southern California ranges be extended for all marine mammal species of the Gulf of Alaska;
- that the timing of the exercises be moved to a different time of year because the spring and summer months are a critical time for many commercial fishermen and whale species;
- that all trainings taking place within the GOA TMAA (Gulf of Alaska Temporary Maritime Activities Area) and the airspace above the GOA TMAA be moved to the TMAA's offshore stratum and outside of all the biologically vital seamounts;
- that independent observers accompany all Navy vessels for the duration of any and all training exercise.

I/we are extremely concerned about the potential impact the Navy's proposed plan may have on Alaska's fish and wildlife resources, Native subsistence activities, commercial and recreational fisheries and the regional economy. I request that the State of Alaska and its U.S. Senators encourage the Navy to take its exercises further offshore and to the fall.

Thank you,

**CITY OF HOMER
HOMER, ALASKA**

Lewis

RESOLUTION 16-081(A)

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
OPPOSING SITING AND TIMING OF U.S. NAVY TRAINING
EXERCISES THAT POSE RISKS TO FISH AND FISHERIES IN THE
GULF OF ALASKA.

WHEREAS, The City of Homer is the governing body with the full power and authority as recognized by the citizens of Homer, to act for its members, and has responsibility to provide government for the good health and welfare of its citizens; and

WHEREAS, The City of Homer recognizes the value of naval practices in preparing our Navy for wartime activities; and

WHEREAS, The U.S. Navy plans to conduct training activities utilizing explosives, live ordnance, and sonar in the Gulf of Alaska in 2017 that will have impacts on marine life and habitat vital to the interests of the City of Homer and its citizens; and

WHEREAS, These trainings will impact the waters of the Gulf of Alaska by annually releasing up to approximately 352,000 pounds of expended materials including up to 10,500 pounds of hazardous materials including cyanide, chromium, lead, tungsten, nickel, cadmium, barium chromate, chlorides, phosphorus, titanium compounds, lead oxide, potassium perchlorate, lead chromate, ammonium perchlorate, fulminate of mercury, and lead azide into waters designated by NOAA as Essential Fish Habitat for a multitude of species that support the economic development in Alaskan coastal communities and harvest of wild Alaskan salmon and other fish for global markets; and

WHEREAS, The training area and vicinity is a highly productive region for many marine fish and shellfish populations and supports some of the most productive fisheries in the United States, and an important spawning area for many fishes, and the training is scheduled to take place during the summer season when many fish populations are migrating and spawning (at least 383 species belonging to 84 families of marine and anadromous fishes have been reported from the predominant ecosystems found in the training area); and

WHEREAS, The port of Homer is reliant on the fish and wildlife resources in the Gulf of Alaska for their subsistence harvest and the livelihoods supported by commercial fishing; and

WHEREAS, The City of Homer supports all cultural, traditional and subsistence activities historically and continually practiced by Native and non-Native peoples in the Gulf of Alaska; and

WHEREAS, The City of Homer finds no scientific information or traditional knowledge demonstrating that the U.S. Navy's training activities can take place without negatively affecting salmon, marine mammal, bird and other marine habitats.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, does hereby request that the U.S. Navy refrain from using live ordnance or sonar in any Marine Protected Area, including NOAA Fisheries Marine Protected Areas, State Marine Protected Areas and Habitat Areas of Particular Concern.

BE IT FURTHER RESOLVED that the City Council of the Homer, Alaska, hereby requests that the U.S. Navy relocate its training area to the far southeast corner of the current designated training area, off the Continental Shelf areas of the Gulf of Alaska, and away from seamounts.

BE IT FURTHER RESOLVED that the City Council of Homer, Alaska, requests the U.S. Navy to conduct its training exercises after the middle of September and before the spring, so as not to impact migrating salmon and other species.

PASSED AND ADOPTED by the Homer City Council this 8th day of August, 2016.

CITY OF HOMER



Mary E. Wythe
MARY E. WYTHE, MAYOR

ATTEST:

Jo Johnson
JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A



DEPARTMENT OF THE NAVY
THE ASSISTANT SECRETARY OF THE NAVY
(ENERGY, INSTALLATIONS AND ENVIRONMENT)
1000 NAVY PENTAGON
WASHINGTON DC 20350-1000

OCT 4 2016

The Honorable Lisa Murkowski
United States Senate
Washington, D.C. 20510-0203

Dear Senator Murkowski:

Thank you for your letter of September 16, 2016 concerning Navy's participation in Northern Edge 2017 (NE17). I also appreciate you taking the time to meet with RDML Lou Cariello, my Navy environmental readiness lead, on September 29th to address the concerns raised in your letter. I want to assure you the Navy is working closely with Alaska Command (ALCOM) and the U.S. Pacific Command to improve our communication with the coastal communities of Southeast Alaska. We will work with local stakeholders to ensure they are fully aware of NE17 training activities and the measures that will be put in place to minimize environmental impacts.

The Navy is committed to protecting the environment while meeting our national security obligations. We are aware of and appreciate the unique environment in the Gulf of Alaska (GOA), including its critically important natural resources. As outlined in the recently released *Gulf of Alaska Navy Training Activities Final Supplemental Environmental Impact Statement/Overseas Environmental Impact Statement (SEIS/OEIS)* (July 2016), we take proactive steps to avoid harming marine species in the GOA through the use of protective measures and work to avoid conflicts with civilian activities (e.g. fishing) during training events.

I readily admit we could have done a much better job reaching out to potentially affected stakeholders leading up to NE15. The Navy shares your position that it is critical for us to engage early and often with potentially affected stakeholders leading up to NE17. As discussed during your September 29th meeting with RDML Cariello, ALCOM, supported by the Navy (Pacific Fleet) and other Services, is implementing an aggressive outreach plan that will include meetings with town councils in Kodiak, Homer, Cordova and Seward; and discussions with stakeholders at events such as the Alaska Federation of Natives, COMFISH, Alaska Maritime Symposium, and the Alaska Forum on the Environment. Additionally, we plan to attend other local, regional, and state-wide events with an aim to initiate a two-way dialogue with citizens in coastal communities, fishing interests, the scientific and environmental community, as well as local, state and Federal officials. It is important that we clearly convey the scope of NE17 activities and, together with the regulatory community and scientific experts, address concerns and, if needed, dispel misinformation related to the exercise and environmental impacts.

The Navy plans to build upon the lessons learned from NE15 and NE17 to expand public involvement opportunities and community engagement in the future for all training activities in the GOA. The Navy values the unique training opportunity and environment that exists in Alaska and we are committed to being open with the public about our activities and environmental impacts.

Once again, thank you for taking the time to meet with us and please do not hesitate to reach out with any additional questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read 'DVM', with a long horizontal flourish extending to the right.

Dennis V. McGinn



Southcoast Region

Director's Quarterly

Alaska Department of Transportation & Public Facilities

Fall Edition

October 2016

DIRECTOR'S MESSAGE



Michael J. Coffey

Southcoast Region director, is a degreed engineer from Humboldt State University & has over 30 years of maintenance, operations, design & construction experience with the Alaska Department of Transportation & Public Facilities (DOT&PF).

Winter came a bit early to Southcoast Region this year with Juneau seeing snow before Fairbanks for the first time in over 70 years. It wasn't a problem though, our highly dedicated maintenance crews were ready.

At the Alaska Department of Transportation & Public Facilities (ADOT&PF) summer maintenance equipment such as brush cutting tools & pot-hole patching equipment are cleaned & stored. The department's trucks have been converted back into snow plows & equipped with plows on the front, blades underneath, & storage for either sand or anti-icing materials in the bed. Our innovative, highly efficient Tow-Plows are also prepared & ready to go.

The department's State Equipment Fleet has also taken the time to check each vehicle's condition. From tire pressure & fluid levels to belts, hoses & filters, the department's equipment operators know that a well-maintained vehicle is critical to safe winter travel.

Here are a few tips so you too can be ready for winter driving.

Start by making sure your vehicle is properly equipped for winter driving conditions. Consider studded tires, which are now legal to use across the state.

It is also wise to read the owner's manual of your vehicle & check the following:		Additionally, anyone traveling in Alaska during winter should also carry extra items such as	
• tire pressure	• antifreeze	• flares & candles • blankets • food & water • shovel	
• defroster & heater	• belts & hoses		
• battery & lights	• brakes & brake fluid		
• motor oil & filters	• wiper blades & washer fluid.		

When driving, follow these four tips to a safer winter commute:

- 1) Give yourself extra time
- 2) Clear all snow & ice from the outside of your vehicle
- 3) Use your headlights
- 4) Allow more room between you & the vehicle in front of you.

If roads are impassable, consider staying home until maintenance crews clear the road or conditions improve. In most communities across Southcoast Region the maintenance crews are responsible for both the airport & state roads. This requires the crew on shift to bounce between clearing runways for commercial flights & plowing roads, often multiple times per day. During a winter storm, response times to clear state roads may vary. Storms vary widely in their characteristics & winter maintenance activities must adjust based upon the timing, intensity, duration of the storm, temperature, humidity, wind conditions & the nature of the precipitation.

While winter storms may at times temporarily overtake snow & ice control operations, our maintenance crews will continue to strive to provide the highest level of service possible for the communities where they call home.

Your safety is our priority at ADOT&PF. By working together we can all look forward to a safer winter on Alaska's roads & highways.

CONSTRUCTION

Juneau - Mendenhall Valley Adaptive Traffic Signal Control System

The new Mendenhall Valley adaptive traffic signal control system project has been completed. It will operate weekdays between 7:00 a.m. & 7:00 p.m. at five traffic signals comprising the Valley network (Riverside & Egan, Riverside & Mall Road, Loop & Mall Road, Loop & Egan, & "McNugget").

The adaptive feature will adjust traffic signal green times to keep traffic moving as volumes fluctuate, with the goal of maximizing throughput to mainline traffic without excessive adverse impact (delay) to side streets.

During weekends & on weekdays between 7:00 p.m. & 7:00 a.m., the five signals in the Valley network will not be in coordination & will "run free", i.e., signal timing will be based on vehicle detection.



The adaptive project includes installation of pan-tilt-zoom cameras at the intersections comprising the Valley traffic signal network. This enables traffic operations managers to monitor their performance & take proactive measures to respond to problems. No video will be recorded.

NOTE:

The system is running in test mode for up to two weeks as traffic operations personnel monitor the system to ensure its stability.

PROJECT AWARDS & FUNDING

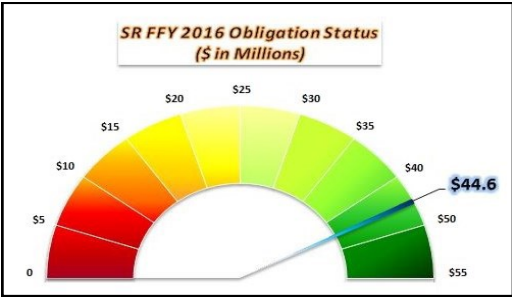
Fiscal Year 2016 Project Funding

Total funds SR obligated to date

\$44,599,966.93

Of which: AMHS = **\$3,431,618.37**

Currently no funds are pending approval.



Project Awards

For FY16, the Southcoast Region advertised 31 construction projects, & awarded 30 projects totaling \$131,837,088. Those projects included improvements to highways, airports, bridges, harbors, AMHS terminals & ferries. For the start of FY17, the Region awarded 4 additional projects valued at \$19,272,031, and we currently have two more advertising.

No projects were awarded in October.

Project Name	Award Date	Winning Bidder	# of Bidders	Awarded	Bid Amount in \$
KTN: Trollars Creek Bridge Replacement	8/17/16	Orion Marine Contractors	7	Yes	\$1,549,850
Cold Bay Airport Improvements	8/22/16	Knik Construction	3	Yes	\$13,242,749
KTN: North Tongass Hwy Illumination	8/23/16	Swanson General Construction	3	Yes	\$4,163,270
JNU: Glacier Highway Safety Improvements	8/26/16	Glacier State Contractors	1	Yes	\$316,162
SGY: Replace Captain William Henry Moore Bridge	Currently Advertising				
Yakutat Highway Fish Passage Improvements	Currently Advertising				
Total Projects Awarded for FY17			4		\$19,272,031

IMPORTANT LINKS

- Alaska Navigator for Southcoast Region
- Subscribe to receive news & updates via email
- Access department news & updates on Facebook & Twitter
- Get the scoop on Southcoast Region projects

alaskanavigator.org
public.govdelivery.com/accounts/AKDOT/subscriber/new?
[@AlaskaDOTPF](https://www.facebook.com/AlaskaDOTPF)
<http://dot.alaska.gov/projects-status/>

PRECONSTRUCTION

Ketchikan to Shelter Cove Road, Stage 2

The Shelter Cove road project will extend the Ketchikan road system from the end of Revilla Road near Harriet Hunt Lake to Shelter Cove on Carroll Inlet. The Project will provide public access to the existing Shelter Cove area logging road system, thereby expanding Ketchikan’s recreational & subsistence activities.

In May of 2016, a contract to construct Shelter Cove road was awarded to Miller Construction of Juneau, Alaska in the amount of \$11,473,390. Construction of approximately 7.5 miles of new 14 ft wide single lane road was begun in July 2016.

As of Oct 21, the project status is: Starting from the Ketchikan side, the Contractor has completed 2.5 miles of clearing, 2.0 miles of grubbing & 1.5 miles of pioneer road. Culvert installation work is expected to begin very soon The prime contractor is working on an agreement with a subcontractor to begin construction of pioneer road starting from the Shelter Cove side of the project. 1.17 miles of the roadway corridor has been cleared from the Shelter Cove side.

Weather permitting; the current schedule is to work until December 17, 2016 with a short recess during the Thanksgiving Holiday. Miller Construction is scheduled to remobilize to the site in February of 2017 & complete the project on-time by October 31, 2017.



Shelter Cove Road – Pioneer road construction in progress

CONSTRUCTION PROJECTS

Projects through Final Inspection

- PSG Nordic Dr. Refurb. (Haugen - Ferry Terminal)
- PSG Haugen Dr. Bike Path Improvement
- POW Hydaburg Rd Pavement Rehabilitation

Projects in Construction

- Angoon Ferry Terminal Passenger Facility
- Baranof Warm Springs Harbor Improvement
- Chignik Public Dock
- Cold Bay Airport Improvement
- JNU Egan Drive 10th - Loop Pavement Rehabilitation
- JNU Egan & Salmon Creek Intersection Safety Improvement
- JNU Glacier Highway Safety Improvement
- JNU Mendenhall Valley Adaptive Traffic Signal Control System
- Kake Ferry Term. Passenger Facility
- KTN Airport ARFF Buildings
- KTN Gravina Mill Access Road
- KTN N. Tongass Illumination
- KTN Shelter Cove Road (stage 2)
- KTN Troller’s Creek Bridge Replacement.
- KTN Water St. Trestle Replacement



Shelter Cove Rd slope failure after over 2.5 inches of rain in 12 hours.



KTN Water St : preparing for the 1st girder launch

MEET THE SOUTHCOAST REGION

Garrett Paul

Garrett Paul was promoted to Southcoast Region Construction Project Manager (ENG II) on October 3, 2016. Please welcome Garrett home to Juneau.

Garrett is a 2003 graduate of Juneau-Douglas High School. He received a Bachelor of Science Degree in Civil Engineering from the Oregon Institute of Technology, Klamath Falls OR in June 2009 & was awarded his Alaska Professional Engineering license in June 2014.

He started with AK DOT&PF in 2009 & worked his way through the Engineer in Training Program (EA I/II/III). Prior to his latest promotion, Garrett was an Engineer I in Central Region’s Preliminary Design & Environmental Section.

We are very excited to have Garrett on our team.



MAINTENANCE & OPERATIONS

American Airlines Flight 288 Diverted to Cold Bay

On October 12, 2016, at approx. 8:12 a.m., Cold Bay Airport Manager Harold (Hap) Kramer received a call from Cold Bay Radio reporting that inbound American Airlines (AA) flight 288 was coming to Cold Bay for an emergency landing. At 8:18 a.m. John Mathews from AA called in the emergency inbound Boeing 787-8 with right engine failure, 100 passengers, 14 crew & ETA of 1 hour 20 minutes.



Cold Bay Airport Manager Harold (Hap) Kremer & SEF David Lyons respond to AA Flight 288 emergency landing

The Cold Bay M&O crew started preparing for the aircraft by making calls to City of Cold Bay to request that they set up a recovery center & clinic, & for Izembeck Refuge to act as Security / Transportation. Additionally, State Equipment Fleet Mechanic David Lyons prepared Engine 26 for the inbound emergency. Hap also contacted Tina Bergam, State DOT project engineer to assume the position of emergency information desk contact, in which she provided much needed help.

At 9:39 a.m. AA 288 landed without incident. Shortly thereafter the Aircraft Rescue & Fire Fighting (ARFF) crew, David Lyons, Bill King, & Hap responded to the aircraft to complete the drive-by inspection. Seeing no physical damage to the aircraft, PenAir helped by placing the emergency stairs. In coordination with the flight crew, the ARFF crew completed a walk around inspection of the aircraft. After which the pilot announced that the passengers could get off the plane & stretch their legs. The Coast Guard hanger was utilized as a staging area.

At approximately 6:22 p.m. an Alaska Airlines charter arrived to transport the passengers & their luggage to Anchorage. The DOT&PF Cold Bay staff did an excellent job along with the community in responding & assisting passengers until an alternative aircraft was able to provide transportation to Anchorage.

A Message from American Airlines Rep Raj Sidhum, Manger Customer Care – International Chicago, O'Hare to Hap:

“Warm greetings from Chicago .Even though there are not enough words to say thanks to you but still I would like to say thanks from the bottom of my heart to you & your team in all the assistance & support you provided on October 12 when our flight AA 288 diverted to your airport. You were a God sent angel to us. All the communication means you provided us helped us to plan & take care of our customers. Looking back at it I can confidently say there could not have been better airport for us to divert. I feel happy & blessed to meet such a great helpful people. Anything we can do will be our pleasure. Once again please accept our thanks & we look forward to meet with you under better & relaxed conditions.”

11/16/16

RECEIVED

NOV 17 2016

City of Cordova

To the City Manager and Cordova City Council,

Pursuant to the provisions of Ordinance 1144 of the Cordova Municipal Code Section 1 Chapter 8; the so called "Nuisance" Ordinance; it is necessary at this time that "serial publication" the Cogitator notify the City Manager of an alleged Public Nuisance as per section 8.08.030 of Ordinance 1144. We believe that this Public Nuisance should be abated under subsection F of section 8.08.030 of Cordova City code.

We believe that this nuisance qualifies as a nuisance under numerous portions of Ordinance 1144:

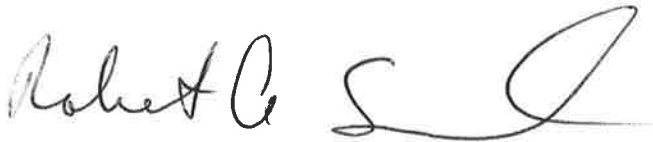
1. 8.08.030: "Public Nuisance" means any act or condition forbidden by any provisions of this chapter and any act or condition that *annoys, injures, or endangers the safety, health, comfort, senses or repose of the public or any portion thereof*.
2. 8.08.030: No person shall maintain property in such condition as to become so defective, unsightly or in such conditions of (*deterioration or disrepair*) that the same causes appreciable diminution of the property values of surrounding property or is materially detrimental to nearby properties.

The Council and previous City Managers have been informed numerous time and in numerous ways of this problem and the pressing need for abatement. Perhaps with the enactment of Ordinance 1144 this long-term, festering problem can be addressed in a meaningful way. Whatever actions previous Councils and Managers have taken to address this chronic nuisance it has only gotten worse.

We refer to the disrepair, deterioration, and dilapidated state of Cordova's small boat harbor. Cordova is consistently in the top 10 fishing ports in the United States and yet, if you tie your boat up in Cordova's small boat harbor there is a very real possibility that the float you are tied up to will disintegrate in a storm. Such an incident occurred during a recent storm. But this is not the first time such an incident has occurred, nor will it be the last if nuisance abatement proceedings are not initiated.

Cordova remains in the top 10 seaports in the U.S. not *because* of actions taken by its local government but in *spite* of them. The harbor and its disgraceful condition stands (just barely) in mute testimony to this. The necessity of small boat owners and harbor personnel to put the harbor floats back together at the height of a storm with chewing gum, duct tape, and baling wire does indeed *endanger the safety of the public...or any portion thereof*. The City in its wisdom enacted Ordinance 1144. The City in its wisdom also accepted ownership (and therefore liability) of the harbor. Of course the advanced state of disrepair will take quite some time to remedy. In the interim, may we suggest that the City contact the owner of the Polar Bear and see if he would be willing to allow finger floats to be welded to his vessel so that small boat owners would have a secure place to tie their boats up.

Sincerely,



Robert A. Smith

Media Mogul & Editor-in-chief - Cogitator

November 28, 2016

Michael D. Gormas, Office of Aviation Analysis
United States Department of Transportation
1200 New Jersey Ave SE
Washington, DC 20590

Re: Order 2016-9-14, Essential Air Service (EAS) at Cordova, Gustavus, Petersburg, Wrangell, and/or
Yakutat, Alaska – OST-1998-4899

Dear Mr. Gormas:

The community of Cordova, Alaska, strongly supports the selection of Alaska Airlines to continue providing essential air service to our community and Southeast Alaska with commercial jet aircraft.

Alaska Airlines' service connects Southeast Alaska communities to maintain critical commercial, social, and cultural ties between those communities. By tying these connections to hubs in Seattle and Anchorage, residents of the served communities can make connections with other carriers for domestic or global travel. Just as critically, the freight capabilities of Alaska Airlines is essential to the coast fishing communities, which market high-value fresh fish to global markets, particularly from Cordova where air freighted fish delivery is measured in millions of pounds annually. The 737-jet passenger aircraft, which Alaska Airlines will continue using on this route, provides freight and mail capacity that other carriers cannot provide.

The served communities are not connected by road system to the Alaska or US Highway System. As State of Alaska experiences unprecedented fiscal constraints, the Alaska Marine Highway System has cut service and routes, and are likely to cut more in the coming years. Air service has become increasingly more vital for transportation access. Medical access is another critical service impacted by reduced ferry schedules.

Alaska Airlines is particularly suited to providing service to Southeast Alaska because aircraft are equipped with Required Navigation Performance Technology, which enables the airline to reliably access Southeast Alaska's airports during inclement weather, thus reducing diversions and cancellations and, in turn, enabling people and products to dependably reach and leave the communities.

In summary, Alaska Airlines' service is critical to the economic, social, and cultural health of our communities and Cordova supports their application to provide Essential Air Service to Southeast Alaska.

Sincerely,

Clay Koplin, Cordova Mayor

Memorandum

To: City Council
From: Planning Staff
Date: 10/12/16
Re: Ordinance 1148

PART I – GENERAL INFORMATION

Cordova is abundant with nonconforming lots, structures, and uses, all of which require staff to frequently refer to Cordova Municipal Code Chapter 18.52 (Attachment A). Staff have identified several persistent issues with Chapter 18.52:

1. Nonconforming lots, structures, and uses are not clearly separated and defined.
2. “Building” and “use” are used interchangeably in some cases.
3. There are typos that further confuse some of the provisions.
4. The provisions of nonconformities are not clear.
5. The current code does not allow expansion or alteration of nonconforming structures even if the expansion or alteration would not aggravate the nonconforming portion of the structure.

Staff propose repealing and reenacting Chapter 18.52 to address these issues. See Attachment B for the proposed amendments to Cordova Municipal Code.

PART II – BACKGROUND

8/9/16 – At the Planning Commission Regular Meeting, the commission referred the resolution back to staff so that staff could rewrite a portion of the code that was discussed at the meeting. From the approved minutes:

M/Roemhildt S/Pegau to approve Resolution 16-05.

Roemhildt said he was apprehensive about changing code, but he thinks it is a good idea to move forward with development safely. **Baenen** said it seemed like a good idea, but he wanted to hear what the others had to say. **Pegau** said his gut reaction was that you shouldn’t be able to build on a nonconforming lot, but then he remembered that the builder would have to meet all of the other codes. If someone wanted to build on one of the small lots in town and he was a neighbor, he would have to accept that. For the 24 months as the amount of time before a nonconforming use is discontinued he had to do the math for it to make sense.

Pegau struggled with Section 18.52.040F with general maintenance; he understands replacement or repair of a structural portion of a building, but not a deck or arctic entry which makes it nonconforming. He also had some confusion with Section 18.52.060, in that he didn’t recognize that there is conforming, nonconforming, and unauthorized. He said that it may be a redundancy, but it would help to add something that made it clearer that if someone did something unauthorized, it would not be considered nonconforming. **McGann** said he was okay with the code as it was presented in the packet.

M/Pegau S/Roemhildt to recess for five minutes.
With no objection, the meeting was recessed.

McGann called the meeting back to order at 7:30 PM.

M/Pegau S/Roemhildt to amend Section 18.52.040F so that it reads, “nothing in this section shall be construed to prevent general maintenance on a nonconforming structure when there is no evidence that removal of that part of the structure would jeopardize the structural integrity of the structure.”

Frohnappfel sees where **Pegau** is going with the amendment and he supports it. **Greenwood** said that she thinks everyone understands where **Pegau** is going, and suggested that staff can rewrite it and bring it back for the next meeting.

M/Pegau S/Frohnappfel to refer back to staff.

Greenwood asked if the commission also wanted some changes for 18.52.060. **Pegau** said that it’s confusing because unlawful is never stated. **Frohnappfel** said that by proving something is nonconforming, someone is showing that it’s not unlawful. The way to prove it is a building permit. **Greenwood** said that there are multiple ways people can prove nonconforming; it is going to be a case-by-case basis.

Upon roll call vote, motion to refer passed 5-0.

Yea: McGann, Pegau, Baenen, Roemhildt, Frohnappfel

Absent: Bailer, Kocan

10/11/16 – At the Planning Commission Regular Meeting, the commission passed Resolution 16-05 (attached). The following is a summary of the agenda item.

M/McGann S/Pegau to approve Resolution 16-05.

Pegau said his questions in the past were about maintenance and non-structural elements. In looking at other codes they are not much different than the proposed code. **Bailer** provided copies of the Mat-Su Borough code on nonconforming to the commission. He likes the way it is written and he thinks it explains things better. They wouldn’t have to run it through legal as it had already been done by Mat-Su. **Greenwood** said that the proposed code had also ran through legal.

Bailer verified that the code change would allow building on nonconforming lots. He won’t support the resolution because he disagrees with building on lots less than 4,000 square feet. **McGann** said that any future building still has to conform to code. What they are looking at is current nonconforming structures that were legal when they were built. He is okay with that. **Greenwood** said that if you build on a nonconforming lot you would have to meet setbacks.

Frohnappfel said that it comes down to enforcement. There are many nonconforming structures in the community. He is missing why they are updating the code. **Greenwood** said that the reason they are updating the code is because they have had multiple building permits from people who own nonconforming houses and want to expand in a way that does not increase the nonconformity. **Stavig** said to remember that the big thing that came up with the commission was the Waterfront Commercial Park District. They wanted to change the zoning requirements, but they chose not to because it would have made all of the legally constructed buildings nonconforming. **Bailer** said that was different because it was legal nonconforming. **Stavig** said that all nonconforming was legal. **Greenwood** said if it is not nonconforming it is illegal.

Greenwood said that they hear over and over that housing is an issue and medium-income houses are difficult to find. The nonconforming houses are the types of houses they are seeing. One side of the house might be only three feet from one side lot line, but the other side may have 15 feet and the family wants to add a bedroom. If the house burns down they have to build it back to code. **Pegau** said that the resolution allows for maintenance of nonconforming structures. If there is 50 percent destruction it has to be rebuilt to meet code.

Bailer said he thought 90 days that a nonconforming use could be discontinued was too short. **Pegau** said that the proposed code expanded it to two years. **McGann** said the point was that some uses are seasonal and two years allows a seasonal business to miss one season.

Upon voice vote, motion passed 5-1.

Yea: **McGann, Pegau, Baenen, Roemhildt, Frohnapfel**

Nay: **Bailer**

Absent: **Kocan**

PART III - ANALYSIS

The proposed definition for nonconforming lots, structures, and uses is: “a lot, structure, or use authorized by the city through the application of city administrative processes, laws, and/or regulations that existed at the time of authorization but which no longer apply under the current requirements of this title.” It is important to understand that a nonconformity is created legally. If something does not conform to code and was not legally created it is not considered nonconforming.

Staff have had multiple requests from individuals wishing to expand or alter nonconforming residential structures. Many of these structures are located in the core city limits and were built in the early to mid-1900s. A lot of these smaller starter homes are nonconforming because at the time of building there were no setbacks or the setback requirements have changed. Most of the requests come from people wishing to expand or alter their structure in ways that don’t increase or aggravate the nonconformity, however the current code prohibits any expansion. While it is important to continue to move towards conformity of current code regulations, our current code is extremely restrictive when it comes to nonconformities and can be detrimental to property values.

The comprehensive plan and the purpose of zoning is to promote and protect property values and investments by the citizens. The existing code addressing nonconforming situations seems to contradict these overarching goals and objectives. To determine if the current city code was similar to other city codes and to find solutions to address the concerns of the current nonconforming code, staff researched multiple city codes in Alaska and across the country. By far, the majority of nonconforming codes allowed nonconforming structures to be expanded or altered if the expansion did not aggravate the nonconformity. The other city codes also separated and clarified the three types of nonconformities to eliminate confusion and to clearly apply provisions to each type of nonconformity.

In developing a new code, the timeframe for a nonconforming use to be considered discontinued was contemplated by staff. The existing code has the timeframe at 90 days and the proposed code has 24 months. Other communities in Alaska have opted for this longer time frame likely due to the seasonality of certain uses and the potential for unforeseen circumstances to occur.

After spending time researching and looking into the issue brought up at the 8/9/16 Planning Commission Regular Meeting, staff determined that the proposed amendment may be better fleshed out in Section 18.52.040 D, the section about damage of the structure.

The changes that were made would allow someone to continually maintain a nonconformity, but make it clearer that if it falls into significant disrepair, it cannot be replaced. Additionally, adding the “nonconforming portion” part gives the city discretion when it comes to determining whether or not the nonconformity is part of the whole structure (e.g. corner of main structure) or something separate (e.g. deck, carport, arctic entry, etc.).

Ultimately, the reasons staff made these changes as opposed to the amendment were:

1. Since the nonconformity was legally constructed, owners should be able to maintain it.
2. It may cause parts of structures to be unmaintained and fall in disrepair.
3. With the above edits, someone couldn't replace more than 50 percent of the nonconformity and say that it was just maintenance as they would be removing it to replace it.

PART IV – STAFF RECOMMENDATION

Staff recommend council adopt Ordinance 1148.

PART V – SUGGESTED MOTION

“I move to adopt Ordinance 1148.”

ATTACHMENT A – EXISTING CODE

Chapter 18.52 - NONCONFORMING USES

18.52.010 - Conditions for continuation.

Any otherwise lawful use of land, structure, building or premises (including parking areas), existing at the time the ordinance codified in this title became effective, but not conforming to the provisions hereof, may be continued, provided:

- A. That if such nonconforming use is discontinued for a period of over ninety days or is abandoned, the use of such land thereafter shall be subject to the provisions of this title;
- B. That no conforming building or building used for a nonconforming use shall be added to, structurally altered, or enlarged in any manner, except as required by another ordinance of the city or by state law, or in order to bring the building, or its use into full conformity with the provisions of this title or Title 16;
- C. That no conforming use occupying a conforming building or portion thereof, or occupying any land, shall be enlarged or extended into any other portion of such building or land not actually so occupied at the effective date of the ordinance codified in this title;
- D. In cases where a variance is sought from Chapter 18.52, nonconforming single-family buildings shall be exempt from section 18.64.020(A)(2)(a) of this title;
- E. Nothing in this section shall be construed to prevent general maintenance on a nonconforming building or building housing a nonconforming use.

(Ord. 695 § 2, 3, 1992; prior code § 15.213(A)).

18.52.020 - Conditions for occupation or use.

Any building or portion thereof in existence prior to the effective date of this ordinance which is specifically designed or arranged to be lawfully occupied or used in a manner not conforming to the provisions of this title may thereafter be so occupied or used, subject to the limitations set forth above for existing nonconforming uses. The term "in existence" shall include, for the purposes of this section only, any building under actual construction at such date; provided, that such building be completed within one year therefrom.

(Prior code § 15.213(B)).

18.52.030 - Damage or destruction.

- A. Except as provided in Subsection B of this section, no building which has been damaged or partially destroyed to the extent of more than fifty percent of its assessed value shall be repaired, moved or altered except in conformity with the provisions of this title.
- B. The planning commission may grant a conditional use permit for a telecommunication tower to be repaired or replaced without changing its location, provided that the repaired or replaced telecommunication tower meets all of the requirements for a conditional use permit under Section 18.60.015, except the requirements in Section 18.60.015(C)(7) and (9).

(Prior code § 15.213(C)).

(Ord. No. 1070, § 10, 7-21-2010)

18.52.040 - Applicability.

The provisions of this chapter shall apply to uses which become nonconforming by reason of any amendment to the ordinance codified in this title, as of the effective date of such amendment.

(Prior code § 15.213(D)).

18.52.050 - Junkyards—Declared nuisance when.

Regardless of any other provision of this title, any junkyard as defined in this title, which after the adoption of the ordinance codified in this title exists located in any district other than an I district as nonconforming use, is declared to be a public nuisance and shall be abated, removed or changed to a conforming use within two years thereafter.

(Prior code § 15.213(E)).

**CITY OF CORDOVA, ALASKA
ORDINANCE 1148**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA, AMENDING
CORDOVA MUNICIPAL CODE BY REMOVING DEFINITIONS FROM CHAPTER 18.08,
REPEALING AND REENACTING CHAPTER 18.52, AND AMENDING THE TITLE OF SECTION
18.80.040 TO UPDATE AND DEFINE NONCONFORMING LOTS, STRUCTURES, AND USES, TO
ALLOW FOR THE EXPANSION AND ALTERATION OF NONCONFORMING STRUCTURES,
AND TO INCREASE THE AMOUNT OF TIME A NONCONFORMING USE CAN CEASE TO
EXIST BEFORE IT IS CONSIDERED DISCONTINUED**

WHEREAS, the City of Cordova, Alaska (“City”) has determined that Chapter 18.52 entitled Nonconforming Uses” is difficult to interpret as it does not clearly differentiate between the different types of nonconformities; and

WHEREAS, Chapter 18.52 does not allow for the expansion of nonconforming buildings even if the expansion does not aggravate the nonconformity; and

WHEREAS, the City has determined that the proposed changes to the Cordova Municipal Code are in accordance with the purpose of Title 18 and the Comprehensive Plan.

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

Section 1. Section 18.08.010 of the Cordova Municipal Code entitled “Definitions” is amended by deleting the following definitions:

~~“General maintenance” means the upkeep of property or equipment; to keep in an existing state of repair; preserve from failure or decline.~~

~~“Nonconforming building” means any building or structure or any portion thereof, lawfully existing at the time the ordinance codified in this title became effective, which was designed, erected or structurally altered for a use that does not conform to the use regulations of the zone in which it is located or a building or structure that does not conform to all the height and area regulations of the zone in which it is located.~~

Section 2. Chapter 18.52 of the Cordova Municipal Code entitled “Nonconforming Uses” is repealed and reenacted as follows:

Chapter 18.52 – NONCONFORMITIES

18.52.010 – Purpose.

The purpose of this chapter is to permit nonconforming lots, uses, and structures to protect property owners from undue hardship despite their compliance with past city laws, zoning codes, and regulations while moving towards conformity of lots, uses and structures.

18.52.020 – Definitions.

For the purposes of this chapter the following words or phrases shall be interpreted or defined as set forth in this section, and such interpretations or definitions shall supersede any conflicting interpretations or definitions set forth elsewhere in this title:

“Abandon” means the cessation of use for any length of time, combined with intent to indefinitely cease such use.

“Aggravate” means the physical alteration of structures if such alteration results in a greater invasion in any dimension of setback or height requirements, or a further violation of density, parking, or other requirements of this title.

“Discontinued” means that a nonconforming use has ceased, and has not substantially resumed, for a period of 24 consecutive months, regardless of intent.

“Nonconforming lot, structure, or use” means a lot, structure, or use authorized by the city through the application of city administrative processes, laws, and/or regulations that existed at the time of authorization but which no longer apply under the current requirements of this title.

18.52.030 – Nonconforming lots.

If at any time a nonconforming lot is brought into conformity with this title, the lot shall thereafter conform to all the regulations of the zoning district in which it is located.

A nonconforming lot may be developed in conformity with all other provisions of this title even though such lot fails to meet currently applicable minimum area or width requirements.

18.52.040 – Nonconforming structures.

If at any time a nonconforming structure is brought into conformity with this title, the structure shall thereafter conform to all the regulations of the zoning district in which it is located.

A nonconforming structure may be continued so long as it remains otherwise lawful. The following provisions apply to nonconforming structures:

- A. A nonconforming structure may be enlarged or altered, provided that it does not aggravate the nonconformity, and that no portion of the nonconforming structure extends over any lot line into property not owned by the owner of the nonconforming structure.
- B. A nonconforming structure may be altered to decrease its nonconformity.
- C. If a nonconforming structure is moved for any reason for any distance whatsoever it shall thereafter conform to the code provisions applicable in the zone in which it is located after it is moved.
- D. If a nonconforming structure or nonconforming portion of a structure is damaged, removed, or demolished by any means, including but not limited to acts of nature, acts of persons or animals, or lack of maintenance, to an extent of more than 50 percent of the nonconforming structure or nonconforming portion of a structure as determined by an inspection by the city, it shall not be reconstructed except in conformity with the provisions of Cordova Municipal Code.
- E. A nonconforming residential structure may be enlarged or altered without requiring additional parking, as long as the number of dwelling units in the structure is not increased and none of the existing parking is diminished.
- F. Nothing in this section shall be construed to prevent general maintenance on a nonconforming structure. General maintenance includes the repair or replacement of walls, doors, windows, roof, fixtures, wiring, and plumbing.

18.52.050 – Nonconforming uses.

If at any time a nonconforming use is brought into conformity with this title, the use shall thereafter conform to all the regulations of the zoning district in which it is located.

A nonconforming use may be continued so long as it remains otherwise lawful. The following provisions apply to nonconforming uses:

- A. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied as of the date it became nonconforming.
- B. No nonconforming use shall be moved in whole or in part to any other portion of the lot that was not occupied by the nonconforming use as of the date it became nonconforming.
- C. If at any time a nonconforming use is abandoned or discontinued, the use of that lot shall thereafter conform to the code provisions applicable in the zone in which the lot is located, and the nonconforming use shall not thereafter be resumed or allowed to continue.

18.52.060 – Proof of nonconforming lot, structure, or use.

A property owner shall bear the burden of proving that a lot, use, or structure is nonconforming for purposes of this chapter.

Section 3. Section 18.80.040 of the Cordova Municipal Code entitled “Nonconforming building or structure” is amended as follows:

18.80.040 – ~~Nonconforming~~ **Unlawful** building or structure.

Any building or structure set up, erected, built, moved or maintained, or any use of property contrary to the provisions of this title shall be and the same is declared to be unlawful and a violation of this title and the city attorney shall, upon order of the city council, immediately commence action or actions, proceeding or proceedings, for the abatement, removal and enjoinder thereof, in the manner provided by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such building, structure or use, and restrain and enjoin any person from setting up, erecting, moving, or maintaining any such building or structure, or using any property contrary to the provisions of this title.

Section 4. This ordinance shall be effective thirty (30) days after its passage and publication. This ordinance shall be enacted in accordance with Section 2.13 of the Charter of the City of Cordova, Alaska, and published within ten (10) days after its passage.

1st reading: October 19, 2016

2nd reading and public hearing:

PASSED AND APPROVED THIS ____ DAY OF _____, 2016

Clay Koplin, Mayor

ATTEST:

Susan Bourgeois, CMC, City Clerk

**CITY OF CORDOVA, ALASKA
PLANNING COMMISSION
RESOLUTION 16-05**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CORDOVA, ALASKA, RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA TO REMOVE DEFINITIONS FROM CHAPTER 18.08, TO REPEAL AND REENACT CHAPTER 18.52, AND TO AMEND THE TITLE OF SECTION 18.80.040 OF THE CORDOVA MUNICIPAL CODE IN ORDER TO UPDATE AND DEFINE NONCONFORMING LOTS, STRUCTURES, AND USES, TO ALLOW FOR THE EXPANSION AND ALTERATION OF NONCONFORMING STRUCTURES, AND TO INCREASE THE AMOUNT OF TIME A NONCONFORMING USE CAN CEASE BEFORE IT IS CONSIDERED DISCONTINUED

WHEREAS, the Planning Commission has determined that Chapter 18.52 entitled Nonconforming Uses” is difficult to interpret as it does not clearly differentiate between the different types of nonconformities; and

WHEREAS, Chapter 18.52 does not allow for the expansion of nonconforming buildings even if the expansion does not aggravate the nonconformity; and

WHEREAS, the Planning Commission has determined that the proposed changes to the Cordova Municipal Code are in accordance with the purpose of Title 18; and

WHEREAS, the Planning Commission recommend to City Council to accept the proposed amendments.

NOW, THEREFORE BE IT RESOLVED THAT the Planning Commission of the City of Cordova, Alaska hereby recommend to the City Council of the City of Cordova, Alaska to remove definitions from Chapter 18.08, to repeal and reenact Chapter 18.52, and to amend the title of Section 18.80.040 of the Cordova Municipal Code in order to update and define nonconforming lots, structures and uses, to allow for the expansion and alteration of nonconforming structures, and to increase the amount of time a nonconforming use can cease before it is considered discontinued.

PASSED AND APPROVED THIS 11TH DAY OF OCTOBER, 2016



Tom Bailer, Chair

ATTEST:



Samantha Greenwood, City Planner

18.72.080 - Effective date.

No ordinance of the city council affecting an amendment, supplement, change or classification, repeal of regulations or restrictions, the boundaries of districts or classifications of property shall become effective until after a public hearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen days' notice of the time and place of such hearing shall be published in a paper of general circulation in the city. When the proposed amendment covers a change in the boundaries of a district, notice to owners of property shall be given in the manner above prescribed for variances.

(Prior code § 15.223 (G)).

**CITY OF CORDOVA, ALASKA
ORDINANCE 1149**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA CREATING
A NEW CORDOVA MUNICIPAL CODE TITLE 15 TO RESTRUCTURE THE CORDOVA
COMMUNITY MEDICAL CENTER, REPEALING THE EXISTING TITLE 15**

WHEREAS, it is in the best interest of the City of Cordova to establish an autonomous governance of the Cordova Community Medical Center with its own board of directors and the powers and duties more particularly set for in Title 15;

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

Section 1. Cordova Municipal Code Title 15 is adopted to read as follows:

Title 15 - CORDOVA COMMUNITY MEDICAL CENTER AUTHORITY

Sections:

15.10.001	Established; termination
15.10.005	Definition Cordova Community Medical Center
15.20.010	Board of Directors
15.30.020	Administration
15.40.040	Reports and Recommendations
15.50.040	Legal Counsel
15.60.050	Powers
15.70.060	Fiscal Management
15.70.061	Exemptions from Taxes
15.70.062	Annual Budget
15.70.063	Annual Audit

15.10.001 Established; termination.

- A. The Cordova Community Medical Center Authority shall be established as a public corporate authority of the City of Cordova (“City”), for the purposes of managing the operations of the Cordova Community Medical Center (“CCMC”). This authority is an instrument of the City, but exists independently of and separately from the City, with powers authorized under Section 1-4. The authority shall continue to exist until terminated by ordinance. When the Authority’s existence is terminated, all of its rights, and control of assets and properties shall pass to the City.

15.10.005 Definition of Cordova Community Medical Center or CCMC. *Cordova Community Medical Center or CCMC* shall mean the group of facilities consisting of an acute care hospital, long term care facility and clinic, and all other health care facilities owned and/or operated by the City;

15.20.010 Board of Directors.

- A. The Authority shall be governed by a Board of Directors consisting of five members elected by the voters of Cordova, Alaska. Board members shall be qualified electors of the City of Cordova.
- B. No member of the Board shall be an employee, or immediate family member (as defined in 42 CFR 1001.1001(a)(2)) or member of the household of an employee of CCMC or other medical provider in Cordova either now or any time in the past twelve months; a tenant of the facility either now or any time in the past twelve months; a board member or director of a medical provider other than CCMC either now or any time in the past twelve months; a contractor that provides medical or other services to the facility either now or any time in the past twelve months; an employee of any such tenant or contractor either now or any time in the past twelve months; an individual, an immediate family member (as defined in 42 CFR 1001.1001(a)(2)) or a member of the household of an individual, or a managing employee of an entity, that has been excluded from participation in Medicare, Medicaid or any other Federal health care program as listed on the United States Department of Health & Human Services, Office of Inspector General's List of Excluded Individuals/Entities.
- C. No member, or former member, of the Board shall be eligible for employment or contracting to provide services to CCMC until at least twelve months have elapsed since they have last served on the Board.
- D. Members shall be elected by the voters to three year terms that will be staggered. In the first election, the highest vote getter will serve a three year term, the next two highest vote getters will serve two year terms and the next two highest vote getters will serve one year terms. Thereafter, the members elected will serve three year terms.
- E. Vacancies on the Board shall be filled by the Board until the next regular election, when a member shall be elected to serve the rest of the unexpired term in the same manner that a mayor is now or may hereafter be elected to serve the rest of an unexpired term.
- F. In the event that there are not enough members elected to fully seat a five-member board at the first election, the Cordova City Council shall select enough members to fill the vacancies. This section shall only apply to the first election, all other vacancies thereafter shall be filled in accordance with Section E above.
- G. The Board shall meet at least monthly, at a time and place to be designated by the Board, and notice and agenda of all regularly scheduled meetings shall be posted at a public location in the CCMC, and at City Hall. Any two members of the Board may schedule a special meeting at any time when they determine such a meeting is necessary and all special meetings shall be posted with 24 hours notice. All meetings of the Board shall be open to the public, except that the board may meet in executive session, in accordance with Alaska Statute 44.62.310, the Alaska Open Meetings Act.
- H. The Board may maintain membership in any local, state, or national group or association organized and operated for the promotion of the public health and welfare or the advancement of the efficiency of medical center and community health facilities administration, and in connection therewith, pay dues and fees thereto.

15.30.020 Administration

- A. The Board of Directors of the Authority shall select the Chief Executive Officer ("CEO") of the CCMC. The CEO shall serve at the pleasure of the Board. The CEO shall establish and direct all operations of CCMC activities, both internal and external.

B. The authority and duties of the CEO are as follows:

- a. The CEO shall be responsible for the overall supervision and direction of the affairs and activities of CCMC. The CEO shall have such authority and duties as may be assigned and directed by the Board and those generally incumbent with CEOs at other hospitals.
- b. To be responsible for carrying out all applicable federal and state laws, City code, and CCMC rules and regulations. Reviews compliance of CCMC with national, state and local standards and accreditation agencies.
- c. Establishes policies pertaining to total patient care, personnel, medical staff, financial status, public relations, maintenance of building and grounds, all other policies needed for the operation of CCMC under broad directives from the Board. Reviews compliance with established policies by personnel and medical staff. Periodically reviews policies and makes changes as found necessary.
- d. Establishes departmental staffing patterns. Evaluates jobs, prepares job descriptions, establishes job classifications and sets wage and salary schedules. Hires and discharges employees at CCMC in a manner consistent with federal and state laws and in accordance with the personnel policies of CCMC. Reviews and checks competence of work force.
- e. To work with the professional staff and those concerned with the rendering of quality professional services at the hospital to the end that the best possible care may be rendered to all patients.
- f. Regularly checks financial status of CCMC and maintains an efficient accounting system to meet the needs of the facility. Directs that forecast budgets be prepared and changes in fee schedules be made to insure coverage of cost of operations.
- g. To attend all meetings of the CCMC Boards and all committee meetings of the Board.
- h. To prepare such reports as may be required on any phase of hospital activity by the Board.
- i. Represents CCMC in dealings with outside agencies, including governmental and third party payors. Represents CCMC at top level meetings, etc. and participates in such.
- j. To perform other duties that may be in the best interests of CCMC.

15.40.040 Reports and Recommendations.

The Authority shall file with the City Manager and the City Council an annual report, and schedule an annual work session, of its activities and shall make recommendations for the legislation or other actions it consider necessary to carry out its corporate purposes. The annual report shall include an annual audit, including income, expenditures, investments and inventory.

15.50.040 Legal Counsel.

The City Attorney shall advise and assist the Authority in general legal matters. The Authority shall also have the power to retain independent and/or specialized counsel in matters affecting the Authority.

15.60.050 Powers.

In furtherance of its corporate powers, the Authority has the following powers:

1. To sue and be sued. To have a seal and alter it at pleasure.
2. To adopt, amend, and repeal bylaws for its organization and internal management, however, bylaws regarding notice of meetings shall be adopted consistent with 3.14.020.
3. To operate and manage the City land and facilities in Authority inventory.
4. To design, construct, improve, alter, or repair the City land and facilities in the Authority's inventory, subject to budgetary approval.
5. Subject to 3.10.020, to accept gifts, grants, or loans, and enter into contracts, partnerships, joint ventures, and similar agreements, or other transactions with any governmental or private agency or entity as the Authority considers appropriate.
6. To deposit or invest its funds.

15.70.060 Fiscal Management.

Finances of the Authority and CCMC shall be managed in accordance with City, State and Federal laws and regulations, those regulations generally prescribed by any accrediting associations as may apply, and as the Board determines to accept.

15.70.061 Exemptions from Taxes.

The real and personal property of the Authority and its assets, income and receipts are declared to be the property of a political subdivision of the state, and together with any City land or facilities in the Authority's inventory devoted to an essential public and governmental function and purpose, and the property assets, income, receipts and facilities, shall be exempt from all City taxes.

15.70.062 Annual Budget.

The Authority shall have a separate budget than the Annual City Budget and shall prepare and submit for review an annual budget to the City Manager and City Council prior to approval of the City's Annual Budget in accordance with.

15.70.063 Annual Audit.

The Authority shall be subject to the audit requirements of Government Auditing Standards, in addition any applicable requirements of the State of Alaska, Department of Health and Social Services, or the Centers for Medicare and Medicaid Services, or any other grantor or funding source.

Section 2. This ordinance shall be effective thirty (30) days after its passage and publication. This ordinance shall be enacted in accordance with Section 2.13 of the Charter of the City of Cordova, Alaska, and published within ten (10) days after its passage.

1st reading:	December 7, 2016
2nd reading and public hearing:	_____, 2016

PASSED AND APPROVED THIS _____ DAY OF _____, 2016

Clay Koplin, Mayor

ATTEST:

Susan Bourgeois, CMC, City Clerk

DRAFT

A memo from Susan Bourgeois, CMC, City Clerk

DATE: November 30, 2016

TO: Mayor and City Council

SUBJECT: Harbor Commission, Library Board, Parks & Recreation Commission and Planning & Zoning Commission Appointments

There are **two** vacant seats on the Library Board, **two** vacant seats on the Harbor Commission, **two** vacant seats on the Parks and Recreation Commission and **two** vacant seats on the Planning & Zoning Commission. The Clerk's Office has been advertising these vacancies and has asked for letters to be submitted by November 8, 2016. At the time of printing of this packet 9 letters have been received expressing interest in these various appointments. All of the letters are included in this agenda item.

Board or Commission	# of seats to fill	Members whose terms are up	Letters received from
Harbor Commission	2	Greg LoForte Ken Jones	Andy Craig Ken Jones
Library Board	2	Mary Ann Bishop Shannon Mallory	Mary Anne Bishop Erica Clark
Parks & Recreation Commission	2	Marvin VanDenBroek Karen Hallquist	Marvin VanDenBroek Sarah Kathrein Karen Hallquist
Planning & Zoning Commission	2	Tom Bailer Allen Roemhildt	Nancy Bird Allen Roemhildt

RECOMMENDED ACTION: **Mayor Koplin** will consider the letters received and ask Council to confirm his nominations for the appointments.

RECOMMENDED MOTION: Move to confirm Mayor Koplin's appointment(s):

to the Harbor Commission of the following:

Andy Craig & Ken Jones to seats that will expire in November 2019.

to the Library Board of the following:

Mary Anne Bishop & Erica Clark to seats that will expire in November 2019.

to the Parks and Recreation Commission of the following:

Marvin VanDenBroek & Karen Hallquist to seats that will expire in November 2019.

to the Planning & Zoning Commission of the following:

Nancy Bird & Allen Roemhildt to seats that will expire in November 2019.

REQUIRED ACTION: Majority voice vote.

Susan Bourgeois

From: MazieMarv VanDenBroek <maziemarv@hotmail.com>
Sent: Sunday, September 11, 2016 11:07 AM
To: Susan Bourgeois
Subject: Mayor Clay Koplin . Letter of interest.

I am interested in serving another term on the Parks & Recreation Commission.

MARVIN VAN DEN BROEK

Susan Bourgeois

From: Fv Serenity <fvserenity@gmail.com>
Sent: Thursday, October 06, 2016 10:58 AM
To: Susan Bourgeois
Subject: Harbor commission

To Mayor Coplin and council members

I would like to throw my name back in the hat for another term on the harbor commission. I feel like it is important to have all user groups represented at these meetings and am currently the only purse seine vessel owner to hold a chair. I feel like the city, harbor department, and commission have made many steps in the right direction the last few years and I would like to be a part of the progress moving into the future.

Thank you for your consideration
- Ken Jones

Sent from my iPhone

Susan Bourgeois

From: Allen Roemhildt <adroemhildt@gmail.com>
Sent: Thursday, October 13, 2016 1:21 PM
To: Susan Bourgeois
Subject: Commissioner Seat

Hello Susan,

I am interested in remaining on the Planning and Zoning commission for another term. I feel that I have gained the experience to continue being an effective member of the team and further contribute to the community. This is a responsibility I take seriously and will do the best I can to serve with diligence and excellence.

Allen D. Roemhildt

October 21, 2016

Andy Craig
P.O. Box 2465
Cordova, AK 99574

Clay Koplin, Mayor
City of Cordova
P.O. Box 1210
Cordova, AK 99575

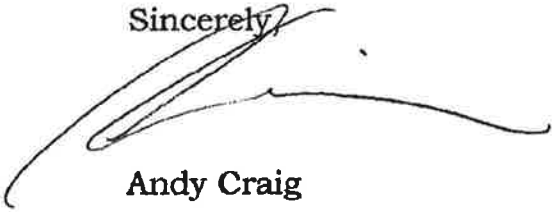
Honorable Mayor Koplin;

This is my letter of interest in serving on the City of Cordova Harbor Commission. I am a long time Cordova resident and a year round harbor user.

I am an owner of Alaska Marine Response LLC, a salvage and marine contractor, and a commercial fisherman. For these businesses I rent slips in our harbor for the salvage tug *Oswell Foss* and fishing vessel *Alena K*.

I look forward to working with City staff in addressing our harbor needs and challenges.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andy Craig', with a long, sweeping horizontal stroke extending to the right.

Andy Craig

Susan Bourgeois

From: Karen Hallquist <kjhallquist@yahoo.com>
Sent: Wednesday, October 26, 2016 9:27 AM
To: Clay Koplin
Cc: Susan Bourgeois
Subject: P&R Comission-letter of interest-Karen Hallquist

Dear Mayor Koplin,

I'm interested in continuing to serve on the Parks and Recreation Commission for another term.

I'm a huge advocate of parks and recreation in Cordova. I feel that our Parks and Recreation department offers the community a great variety of opportunities for people of all ages. I always try my best to forward information regarding activities and discussions out into the public.

With the knowledge I gain from the commission meetings, I feel comfortable talking to the public in-passing regarding issues, that may arise or opportunities that are offered at Bidarki and the Bob Korn Pool.

Thanks, Karen Hallquist

(P.S. Sorry to keep the letter short & sweet)

P.O. Box 1185
Cordova, AK 99574
November 1, 2016

Mayor Clay Koplin
City of Cordova
P.O. Box 1210
Cordova, AK 99574
Sent via email: cityclerk@cityofcordova.net

Dear Mayor Koplin:

I am interested in serving on the Planning and Zoning Commission. As I near my 40th anniversary of arrival in Cordova, I recognize many changes that have occurred in Cordova. It makes me grateful for the past work of both city planners and the citizens who've dedicated time and effort to this important commission's work. I believe my experience serving on Boards and past knowledge of city processes will help me be an effective Commission member. Attached is my resume.

It would be an honor to be appointed to the P&Z Commission. Thank you for your consideration.

Sincerely,

Nancy Bird
Nbird5800@gmail.com

MARY ANNE BISHOP
PO Box 2396
Cordova, Alaska 99574

November 5, 2016

Honorable Clay Koplin
Mayor of Cordova

Dear Mayor Koplin,

This letter is to express my interest in renewing my appointment to the Cordova Library Board for a three year period. I am very committed to our library serving as a community resource center. I enjoy serving on the Board and have sought to assist the library in other ways including helping with the recent library move and volunteering for the family fun nights at the library. I believe that my background in research, grant administration as well as my previous board experience serve to strengthen our Library Board. I appreciate your consideration of my request. I look forward to hearing from you.

Most sincerely,

A handwritten signature in dark ink that reads "Mary Anne Bishop". The script is cursive and fluid, with the first letters of each name being capitalized and prominent.

Mary Anne Bishop, Ph.D.
700 Fourth Street
PO Box 2396
Cordova Alaska
home: 424-5290

cc: Cathy Sherman, Library & Museum Director
Susan Bourgeois, City Clerk

Susan Bourgeois

From: Erica Clark <nomadicmermaid@gmail.com>
Sent: Monday, November 07, 2016 11:06 AM
To: Susan Bourgeois
Subject: Library Board

Good Morning Susan,

Please forward the letter of interest to Mayor Koplin for consideration. Thanks for all that you do!~Erica

Greetings Mayor Koplin,

As a seasoned nomad, moving first between fishing seasons, then academic calendars, and most recently to active duty spouse, libraries across the West coast and the Midwest have provided a haven for me. As a child growing up in Kodiak, countless rainy afternoons and evenings were spent among the shelves. During the not-so-lucrative fishing seasons, the library catalogue of movies became my family's Blockbuster Video. And days upon days of my life as an undergraduate and graduate student were spent curled up in armchairs, hunkered over desks in personal-use work cubbies, and in front of computer screens in libraries from Alaska to Oregon to frigid northern Michigan.

Throughout my time as a military spouse, libraries have consistently provided clear pathways into the communities that my husband and I have moved to. Public events, such as book signings, evening presentations, and monthly book club gatherings have offered a way to interact with locals and to learn about our newest community. Libraries have often acted as a comforting space to migrate to during the early months of transition, when homesickness sets in. The smell of hundreds of old books and the quiet rustle of pages provides consistency among the chaos of frequent relocations.

I appreciate your time spent reading this letter, and thank you for your careful consideration. I hope that this letter reflects my excited willingness to volunteer my time towards the betterment of the Cordova community. I look forward to the opportunity to give back to a community that has given so much to my family and I.

With Respect,

Erica Clark

--

I am trying to show through my actions that you can make a far better world if you just care enough. That's all you have to do. It's no big deal. One act of kindness a day can do it.

Erica C. Thompson-Clark

Clay Koplin
City of Cordova
601 1st St
Cordova, AK 99574

November 7, 2016

Mayor Koplin,

Thank you for taking the time to consider me for one of the available commission positions for the City of Cordova. My name is Sarah Kathrein and I am the Judicial System Administrator for the Native Village of Eyak. I have lived in Cordova for about 9 months but this is going to be my forever home and I believe that it is crucial to not just live here, but be actively involved in the community.

When I decided I wanted to apply for a commission position, I was torn between Parks and Recreation and Planning and Zoning. I believe that both would provide invaluable experience in their own way. And while I would be more than happy to be considered for either position, my first choice would be Parks and Recreation.

Born and raised in Oregon, I have always been an avid hiker and outdoor enthusiast. That along with my previous experience working for a health and wellness company has made me passionate about community involvement, recreation opportunities, and physical activity. I believe a commission seat will allow me to learn more of the workings of Cordova's City Government and allow me to have a positive impact on my surroundings.

I'm 25 years old and believe that is time for me to increase my civic involvement. Eventually, it will be my generation making decisions for the city of Cordova and I believe it is never too early to get my foot in the door and learn from its current commission and council members.

Thank you again for considering me for one of the Parks and Recreation Commission seats. I look forward to the opportunity. If you have any questions, please feel free to contact me at any time.

Best,

Sarah Kathrein
PO Box 101
Cordova, AK 99574
907-429-5797
sarahkathrein@gmail.com

Charter re City Attorney:

Section 3-8. - City attorney.

There shall be a city attorney, who shall be an officer of the city appointed by the council for an indefinite term, and who shall be director, or head, of the department of law. The city attorney shall, on request, advise the council, the city manager, and all other officers and agencies of the city government regarding their legal powers, duties and functions, and draft or assist them in drafting legal documents. The city attorney shall represent the city in all civil and criminal proceedings in which the city is interested unless the council secures special counsel for particular proceedings. In the exercise of administrative duties and functions, including proceedings against persons who violate provisions of the charter and ordinances, the city attorney shall be under the administrative supervision and control of the city manager except as the council may otherwise provide by ordinance. Notwithstanding charter [section 4-2](#)(1), the city attorney is not required to be a resident of the city.

(Amended by Resolutions 5-95-45 and 5-95-56, approved by the voters on July 19, 1995).

REQUEST FOR PROPOSALS
General Counsel Legal Services
RELEASE DATE: Monday, 20 July, 2015
SUBMISSION DEADLINE: Friday, 14 August, 2015 @ 5:00 pm

Mail Proposals to:

City of Cordova
Office of City Manager (Attn: R. Robertson)
602 Railroad Avenue
P.O. Box 1210
Cordova, Alaska 99574

Subject: City of Cordova General Legal Services Request for Proposals

To: All interested parties

The City Council of the City of Cordova offers the enclosed Request for Proposals (RFP) for City Attorney and general municipal legal services for your consideration.

I encourage you/your firm to submit a proposal per the enclosed guidelines if you are interested in providing services to the City of Cordova in the areas of general legal services and to act as City Attorney. If you have any questions, please contact me at (907) 424-6200, or email at citymanager@cityofcordova.net.

In advance, thank you for your interest and consideration.

Respectfully,

Randy Robertson
City Manager

Description:

The City of Cordova, Alaska, will receive sealed proposals from firms qualified to perform City Attorney/General Legal Services (hereinafter CA/GLS) until 5:00 p.m. (local) on Friday, 14 August 2015 at the Cordova City Hall located at 602 Railroad Avenue, P.O. Box 1210, Cordova, Alaska 99574. Firms are invited to submit a proposal outlining their experience and qualifications in performing work directly related to the services required as detailed in this RFP packet.

The City invites interested firms to submit written proposals to perform legal services which cover the scope of its' municipal business and public service duties and affairs and are generally/usually associated with the duties performed by a CA. These services will be provided on a contractual basis for a three (3) year period, and may be renewed through mutual consent of both parties under the same terms and conditions. For budgetary stability the City wishes a fixed rate for the duration of this contract. The City may elect to seek new proposals at any time during the duration of the contract.

While the City is requesting proposals for CA/GLS, this action should not be construed as a negative reflection on the products and services currently being provided by legal counsel, and in fact, invite and encourage the current vendor to submit a proposal under the guidelines of this RFP. The City Council believes it is in Cordova's best interest to periodically examine and seek opportunities for new proposals.

No proposal will be considered unless fully completed in the manner provided by this packet. Only hard copied bids will be accepted (no facsimile or electronic copy). Ten (10) bound copies (one (1) "MASTER" and nine (9) copies) complying with provisions of this packet must be submitted by the stated due date and time. Proposals received after closing time will be considered non-responsive. All expenses related to the submitting a proposal are the Proposer sole responsibility and all documentation submitted will become the property of the City of Cordova. Early submissions are authorized and encouraged.

Submission of a proposal establishes a conclusive presumption that the Proposer is familiar with the RFP and the specifications and terms outlined therein, and that the Proposer understands and agrees to abide by each and all of the stipulations and requirements contained therein.

The City may reject any proposal not in compliance with the prescribed public bidding procedures and requirements. Copies of this document may be found on the city's web site at: <http://cityofcordova.net>, or obtained from the City Clerk or City Manager.

Background:

The City of Cordova is governed under a Mayor/Council-City Manager form of government, with the Mayor serving as presiding officer of the Council. The City Manager is the city's executive officer with the code-derived authority and responsibility to oversee and manage the day-to-day duties of the city staff. He/she is responsible for the appointment and removal of all city department heads and employees with the exception of the City Clerk. The City Manager prepares and presents Cordova's annual budget and is generally the primary contact with the City Attorney for GLS matters. The City Council consists of seven (7) city-wide elected seats selected by citizens for rotational three year terms. The City Council will serve as the hiring authority for the CA/GLS firm selected by this process.

Proposed Timelines and Instructions:

Monday, 20 July 2015: RFP Opening date

Friday, 17 August 2015: RFP Closing date (5:00 p.m. local)

Possible interviews with City Council: Late August thru September 2015

Award of Contract and start date: Target date is o/a 1 October 2015

Note: The City of Cordova reserves the right to modify this schedule at its discretion. Notification of changes will be made via the city's web page and to those who are known potential vendors.

Proposal Validity Period and Withdrawal: Each proposal shall be irrevocable for a period of one-hundred-and- twenty (120) days from the RFP Opening date. Proposal may only be withdrawn by written notice prior to the date and time set for the opening of the proposal. No proposal may be withdrawn after 120 days from the deadline for submission.

Rejection: The City of Cordova reserves the right to reject any and all proposals, or to accept or reject any proposal in part or in total and to waive any minor informality or process irregularity in proposals received if it is determined by the Council or City Manager that the best interest of the City will be served in doing so. In the event all proposals are rejected by the City, notice of such will be posted to the City's web-based home-page. No proposal will be considered from any person, firm or corporation in arrears or in default to the city on any contract, debt or other legal obligation or if the proposer's is disqualified by the City from consideration for a contract award or if the proposer's has committed a violation of a contract or other material sanction within the last five (5) years immediately preceding the date of issuance of this document.

Procurement Policy: Procurement for the city will be handled in a manner providing fair opportunity to all businesses. This will be accomplished without abrogation or sacrifice of quality and determined to be in the best interest of Cordova. The City of Cordova is an equal employment opportunity employer.

Proposal Signatures: Proposals must be signed and dated by an authorized official of the firm submitting the proposal. Each signature represents binding commitment upon the proposer to provide the goods and/or services offered to the city if the proposer is determined to be the most responsive and responsible.

Contract Award: The city reserves the right to award by item, group of items or total proposal. The proposer to whom the award is made will be notified at the earliest possible date. Notification of actions associated with the RFP will be made via announcements on the city's web page, through phone conversations or by electronic emails with the interested parties from the City Manager.

No RFP Response: Firms who are direct recipients of this RFP by actions taken of the City Council or City Manager but who do not intend to submit a proposal are requested to return a notice stating the reason(s) for not responding. Electronic (email) responses are preferred and should be submitted to: citymanager@cityofcordova.net.

NOTE: Proposals are subject to public disclosure after the deadline for submission IAW public law.

SPECIAL REQUIREMENTS & INSTRUCTIONS

Minimum Qualifications: Proposer will be deemed unqualified and rejected if they do not meet the following minimum qualifications or submit documentation which reflects that:

- No conflicts of interest between the city and those of its existing elected or appointed officials as determined by the city;
- The CA and principles of the firm hold a juris doctorate degree from an American Bar Association (ABA) accredited college or university and an active license in good standing with the Alaska State Bar. No sustained complaints on file with the State Bar Association for the past 3 years. Admitted to practice before State and Federal Courts;
- The firm in general and the CA in specific have demonstrable experience in the following areas of law: land use, codes and ordinances, election law, open meetings and FOIA, contracts, construction, public finance, employment, municipal litigation, medical malpractice and criminal matters. Individual/firm must be experienced and proficient in legal matters affecting the City, to include without limitation, federal and state constitutional law, federal and state non- constitutional law, Alaska Statutes, and the City of Cordova Municipal Code.
- The RFP reflects competence, legal and client management experience of all attorney's assigned to represent the city of Cordova under this contract;

- The RFP is received with a minimum of three (3) Alaskan municipalities for reference;
- The proposal reflects that the firm selected will provide responsive, timely service to the needs of the City of Cordova;
- A three (3) year fixed rate duration;
- A demonstrable ability to effectively represent and advocate for the interest of the City of Cordova and its elected officials and/or public servants in writing or at all public forums.

SCOPE OF SERVICES

It is the intention of the City of Cordova to enter into an agreement with a qualified law firm to provide CA/GLS on behalf of the City, Mayor and Council and City staff at a fixed hourly rate. The services will consist of providing legal counsel per Article 3.8, Charter of the City of Cordova, Alaska, and include but not be limited to:

- a. Providing the Mayor, Council and City Staff legal and/or regulatory advice, recommendations, and opinions on issues that routinely come up in normal day to day operation of the City. From time to time, there may be instances where the leadership of Cordova feel the circumstances require outside legal counsel.
- b. Prepare legal documents such as deeds, easements, ordinances, resolutions and legal opinions as needed. Provide representation in court, negotiate on the City's behalf and handle other legal matters that may arise.
- c. Be reasonably accessible for consultation by the City Council, Mayor and the City Staff.
- d. Draft opinion letters regarding, among other subjects, the interpretation of the City code, state and federal laws, and policies.
- e. Perform other such duties as may be prescribed by ordinance or by direction of the City Manager, Mayor and/or City Council.
- f. Work effectively with the Mayor, City Council, and City Staff, and also with other public agencies with which the City has legal connections.
- g. Assist with all appeals as provided per general provisions and intent of the Cordova Municipal Code.
- h. Serve as the city's primary point of contact for issues related to the formal conduct of Council or City Committee meetings.

- i. Advise the City Clerk on matters/issues related to the conduct of municipal elections.
- j. Attend regular or special called meetings when determined to be in the best interest of the city.

STATEMENT OF QUALIFICATIONS (SOQ) REQUIREMENTS:

For submission uniformity and to strengthen comparability, the SOQ submitted in response to this RFP must be no more than twenty (20) pages in length (excluding letter of transmittal, resumes, title page(s), index/table of contents, attachments, dividers or other forms, if required). Please provide the name, address, phone number, fax number, website for your firm, and any other firm or firms with whom you would collaborate with on this matter, together with the name, address, phone, fax and email, for the point of contact for your firm. If you propose to collaborate with another firm, provide the same information requested in this Statement for that firm. Please detail each of the following points in your Proposal:

- a. Table of Contents (identify materials by section and page number).
- b. Letter of Transmittal (Limited to two (3) pages).

Briefly state your organization's understanding of the services to be performed and your commitment to provide the services as specified. The transmittal letter must be signed by a corporate officer or other individual who has the authority to bind the firm.

- c. Statement of Qualifications shall, at minimum, address the following areas:

1. Experience: The firm's demonstrated experience, abilities, and past performance in handling municipal matters . . . be specific. Outline a detailed snap-shot of the professional and educational qualifications of key professional staff. Include quality, depth and range of experience(s), academic and professional background and expertise with representation of a small municipal government. Please list any other information that relates directly to the firm's ability to perform the requested services. In particular, the City is interested in the firm's caseload over the last 10 years in the following areas of law: Municipal zoning, Police Liability, Ordinance drafting, application and prosecution, Land use appeals, Civil rights, Premises liability, Public employment labor law, Condemnation, Pension and tax matters, Ordinance drafting, and general contracts and construction contracting.

2. Primary Attorney: Provide detailed professional and educational qualifications of the primary attorney proposed for the City. Include quality, depth and range of experience(s) and expertise with representation of a small municipal government including areas of law outlined above.

3. Legal Approach: Describe the organizational structure of the firm and the proposed method of performing the defined services. Such description should include, at a minimum, identification of principal counsel, supervising counsel and staff to be assigned to particular

matters, identification of available administrative resources, and the general workflow and means of communication with the City. Outline who and how you would handle litigation within your firm.

4. References: The names and current telephone numbers of three (3) Alaskan client references who are familiar with the firm's experience and the experience of the primary attorney in the areas described in above. It is the firm's responsibility to ensure that their reference submissions are received by the City Manager on, or before, the proposal submission deadline, for inclusion in the evaluation process. Business references that are not received, or are not completely robust to address the basic work scope of the RFP and contributions of the proposing firm may adversely affect the firm in the evaluation process. The City may contact any or all business references for validation of information submitted.

5. Conflicts: A list of all matters and/or cases where the firm currently represents an individual or entity with interests adverse to the City; include in the letter of transmittal.

FIRM BACKGROUND AND REFERENCES:

PRIMARY FIRM INFORMATION: - Firms must provide a company profile. Information shall be provided in within the RFP as a separate section and include, at minimum, the following:

a. Company ownership. If incorporated, the state in which the company is incorporated and the date of incorporation. An out-of-city firm must become duly qualified to do business with the City by acquiring a City of Cordova business license and possess other licenses as they may be required by the State of Alaska.

b. Disclosure of any alleged significant prior or ongoing contract failures, contract breaches, any civil or criminal litigation or investigation pending which involves the firm or in which the firm has been judged guilty or liable. **This is a mandatory disclosure.**

c. Location(s) from which employees will be assigned.

d. Name, address and telephone number of the firm's point of contact for a contract resulting from this RFP.

e. Company background/history and why firm is qualified to provide the services described in this RFP.

f. Length of time firm has been providing services described in this RFP to the public and/or private sector. Please provide a brief description.

g. Has the firm ever been engaged under contract by any State or Municipal agency located within the State of Alaska? If "Yes," specify when, for what duties, and for which agency.

h. Is the firm or any of the firm's employees employed by the City, any of its political subdivisions or by any other government? If "Yes," is that employee planning to render services while on annual leave, compensatory time, sick leave, or on his own time.

i. Has the firm ever been engaged under contract with a union? If "Yes," specify when, for what duties, and for which union.

j. Resumes for key staff to be responsible for performance of any contract resulting from this RFP.

INDEPENDENT COUNSEL INFORMATION:

The proposal must reflect consideration of whether they will use independent counsel? If the response in "yes", the firm must:

- Identify specific independent counsel to be utilized and the specific requirements of this RFP for which each proposed independent counselor will perform services.

- Provide the same information for any proposed independent counsel as requested in the Primary Firm Information section.

- References as specified above must be provided for any proposed independent counsel.

- The City requires that the awarded firm provide proof of payment to any independent counsel used for this project. Proposals shall include a plan by which the City will be notified of such payments.

COST:

A cost fee statement shall contain all pricing information relative to the services as described in this RFP. The City is not responsible for expenses incurred in preparing and submitting responses to the RFP, and such costs will not be entertained in the submission.

Proposals will state the following cost information:

a. An hourly cost for services to be provided for each task of the contract. If attorneys of various billable rates will provide the city with work products, please provide that schedule.

b. Travel time costs and associated expenses to travel to attend one meeting for one full business day to City Hall, Cordova, Alaska. This number will be used to calculate the cost of additional trips in a budget year.

PAYMENT:

Payment for the contracted service will be within 30 days upon receipt of invoice and the using city's review and approval process. Payment tied to an hourly rate or on an "as needed basis." The City generally pays for services billed on a monthly basis, upon receipt of an invoice and using agency approval. Firms may propose an alternative payment option; alternative payment options must be listed as an attachment to the RFP. Alternative payment options will be considered if deemed in the best interest of the City, project or service solicited herein. The City does not issue payment prior to receipt of goods or services.

SUBMITTAL INSTRUCTIONS:

Given the distance and requisite travel the City will not be conducting a pre-bid conference for potential proposers. However, the City will accept questions and/or comments in writing, received either by mail, facsimile or e-mail regarding this RFP. Questions must reference this RFP and be electronically submitted to the City Manager: citymanager@cityofcordova.net. Deadline for submitting questions is 5:00 p.m. local, Tuesday, 4 August 2015. All questions and/or comments will be addressed in writing and responses mailed or emailed to prospective firms as quickly as possible. Please provide company name, address, phone number, email address and contact person when submitting questions.

SUBMITTALS: - Proposers shall submit one (1) original proposal marked "MASTER", and nine (9) identical copies to:

City of Cordova
Office of the City Manager (Attn: R. Robertson)
602 Railroad Avenue
P.O. Box 1210
Cordova, AK 99574

Proposals shall be clearly labeled in a sealed envelope or box as follows:
"REQUEST FOR PROPOSAL: General Legal Services"

PROPOSAL SUBMISSION DEADLINE: Proposals must be received in Cordova City Hall by 5:00 p.m. local, Friday 14 August 2015. Proposals that do not arrive by proposal opening time and date WILL NOT BE ACCEPTED. Proposers may submit their proposal any time prior to the above stated deadline.

ERRORS - The City will not be held responsible for proposal envelopes mishandled as a result of the envelope not being properly prepared. Facsimile, e-mail or telephone proposals will NOT be considered; however, at the City's discretion, a proposal may be submitted all or in part via electronic media if prior arrangements with the City Manager are made. The City will not be responsible for any error or failure in facsimile or email transmission or receipt.

DISCREPANCIES - If discrepancies are found between two or more copies of the proposal, the master copy will provide the basis for resolving such discrepancies. If one copy of the proposal is not clearly marked "MASTER," the City may reject the proposal. However, the City may, at its sole option, select one copy to be used as the master.

FORMAT - For ease of evaluation, the proposal should be presented in a format that corresponds to and references sections outlined within this RFP, and should be presented in the same order. Responses to each section and subsection should be labeled so as to indicate which item is being addressed. Exceptions to this will be considered during the evaluation process.

DOCUMENTATION - If complete responses cannot be provided without referencing supporting documentation, such documentation must be provided with the proposal and specific references made to the tab, page, section and/or paragraph where the supplemental information can be found.

FORMAT - Proposals are to be prepared in such a way as to provide a straightforward, concise delineation of capabilities to satisfy the requirements of this RFP. Expensive bindings, colored displays, promotional materials, etc., are not necessary or desired. Emphasis should be concentrated on conformance to the RFP instructions, responsiveness to the RFP requirements, and on completeness and clarity of content.

DETAILS - Descriptions on how any and all equipment and/or services will be used to meet the requirements of this RFP shall be given, in detail, along with any additional information documents that are appropriately marked.

SIGNATURE - The proposal must be signed by the individual(s) legally authorized to bind the company.

CITY CONTACT – As previously outlined, for purposes of addressing questions concerning this RFP, the sole contact at the City of Cordova will be the City Manager. (907) 424-6200 or email citymanager@cityofcordova.net.

REVIEW - Proposers who believe proposal requirements or specifications are unnecessarily restrictive or limit competition may wish to discuss the matter with the City Manager. To be considered, a request for clarification or review must be received no later than to affect the receipt of the proposer's response to the RFP's deadline of 5:00 p.m. local, Friday, 14 August 2015.

CHANGES - If a proposer changes any material RFP language, proposer's response may be deemed non-responsive.

LICENSING - Proposers are cautioned that some services may contain licensing requirement(s). Proposers shall be proactive in verification of these requirements prior to proposal submittal. Proposals, which do not contain evidence of the proposer's possession of the requisite licensure, may be deemed non-responsive.

SUBMITTAL REQUIREMENT - Proposals shall be submitted in two (2) distinct parts - the narrative/technical proposal and the cost proposal. **The narrative/technical proposal must not include cost and pricing information.** While Technical and Cost proposals may be shipped together (i.e., in the same box/envelope), each proposal, inclusive of the master and requisite number of copies, must be bound or packaged separately.

SELECTION & AWARD:

The City of Cordova reserves the right to reject any or all proposals and is not bound to accept the lowest cost proposal if that proposal is determined to not be in the best interest of the city.

The City Council will conduct interviews and, by resolution appoint the firm or firms selected to provide the services outlined within this document. It is the intent of the City Council to award a contract for legal services for three (3) years at a fixed rate during the duration. At any time during the contract the Council may take action to terminate the contract with 90 day notice. Prior to the expiration of the agreement the Council will review and assess the firm's performance. They may take action to either extend, terminate, or seek new proposals through an RFP.

If the Council determines interviews will take place, selection of the firms to be interviewed shall be based upon, but not limited to the following criteria:

- a. The firm's approach to and understanding of the Scope of Work.
- b. The firm's experience with similar contracts and clients.
- c. Experience and qualifications of the proposed staff in providing similar services.
- d. A demonstrated ability to deliver work on time and within budget.
- e. Input from references.
- f. Financial acceptability (cost of providing services per the proposed rate schedule).
- g. Demonstration of workload capacity commensurate with the level of services required by the City.
- h. Exhibit of sound judgement, integrity and reliability as determined by the references provided.

Clarification may, at the City's sole option, be conducted with firms who submit proposals determined to be acceptable and competitive. Firms shall be accorded fair and equal treatment with respect to any opportunity. There shall be no disclosure of any information derived from proposals submitted by competing firms.

An award is contingent upon the successful negotiation of final contract terms and upon approval of the Cordova City Council. Negotiations shall be confidential and not subject to disclosure to competing firms unless and until an agreement is reached. If contract negotiations cannot be concluded successfully, the City may negotiate a contract with another firm or withdraw the RFP.

TERMS AND CONDITIONS:

- a. This contract shall remain in effect for an initial time period of three (3) years, after which it may then be renewed by the City Council. At any time, the city's may terminate the agreement with 90 day notice.
- b. Any contract periods and/or any renewals shall be based upon:
 - Satisfactory service and performance;
 - Being mutually agreed to, in writing, within 90 days prior to the expiration date of the contract;
 - Continuation of this contract beyond the current year is subject to and contingent upon sufficient funds being appropriated, budgeted, and otherwise made available by the Cordova City Council. The City may terminate this Contract, and Contractor waives any and all claim(s) for damages, effective immediately upon receipt of written notice (or any date specified therein) if, for any reason, the Contracting Agency's funding from City, State, and/or federal sources is not appropriated, or is withdrawn, limited, or impaired;
 - Procurement and annual renewal of a City of Cordova Business License;
 - The City reserves the right to alter, amend, or modify any provisions of this RFP, or to withdraw this RFP, at any time prior to the award of a contract.

The Point of Contact for this RFP is Randy E. Robertson, City Manager, (907) 424-6200, or citymanager@cityofcordova.net

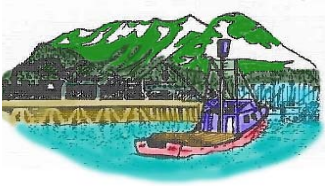
The City of Cordova is an Equal Employment Opportunity organization.

Again, I encourage you/your firm to submit a proposal per the enclosed guidelines if you are interested in providing services to the City of Cordova in the areas of general legal services and to act as City Attorney. If you have any questions, please contact me at (907) 424-6200, or email at citymanager@cityofcordova.net.

In advance, thank you for your interest and consideration.

Respectfully,

*Randy Robertson
City Manager*



City Council of the City of Cordova, Alaska

Pending Agenda - December 7, 2016 Regular Council Meeting

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

- 1) Council approval of 2017 Budget - set for December 21, 2016 Regular meeting
including a public hearing on December 21, 2016
- 2) Council approval of fee & rate schedule resolution - also public hearing December 21, 2016
- 3) Council direction to staff in pursuing Crater Lake Water & Power project from City (water) side
future Council agenda item
- 4) Discussion/action regarding water charges at the Harbor

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

- 1) Capital Priorities List and Resolution to come before Council quarterly:

3/1/20176/7/20179/20/201712/6/2017
- 2) **10/1/16** was the effective date of Ordinance 1137 (plastic bag and polystyrene container ban), Council wants this as a reminder and to gauge the effectiveness of the enactment of this ordinance
- 3) Ordinance 1146 put marijuana moratorium until January 1, 2017
- 4) Staff quarterly reports will be in the following packets:

1/18/20174/19/20177/19/201710/18/2017
- 5) March 7, 2017 - City Regular Election, advertising to begin December 2016
up for election - council seats B & C (Joyce, Bailer) and one school board seat (Glasen)

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

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

item:

suggested
agenda date:

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

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



City Council of the City of Cordova, Alaska

Pending Agenda - December 7, 2016 Regular Council Meeting

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






- 1) Fisheries Advisory Committee:
authorizing resolution 04-03-45
approved Apr 16, 2003
1-Torie Baker, chair (Marine Adv Prgm)
2-Jeremy Botz (ADF&G)
3-Ken Roemhildt (Seafood Sales)
4-Jim Holley (AML)
5-Chelsea Haisman
6-Dave Reggiani (PWSAC)
- 2) Cordova Trails Committee:
authorizing resolution 11-09-65
approved Dec 2, 2009
1-Elizabeth Senear
2-Toni Godes
3-Dave Zastrow
4-vacant
5-vacant

E. City of Cordova appointed representatives to various other Boards et al:

- 1) Prince William Sound Regional Citizens Advisory Council
Robert Beedle appointed April 2013
re-appointed March 2014
re-appointed March 2016
2 year term
- 2) Prince William Sound Aquaculture Corporation Board of Directors
Bret Bradford appointed October 2015
3 year term
- 3) Southeast Conference AMHS Reform Project Steering Committee
Mike Anderson appointed April 2016
through December 2017
Sylvia Lange alternate

DECEMBER 2016

CALENDAR MONTH	DECEMBER
CALENDAR YEAR	2016
1ST DAY OF WEEK	SUNDAY

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
27	28	29	30	1	2	3
					Tree Lighting and Holiday Bazaar	
						district HS Vball @ CIA
4	5	6	7	8	9	10
			6:00 Council work session CCAB 6:45 Council pub hrg CCAB 7:00 Council reg mtg CCAB	7:00 HSB CCAB	state HS Vball @ Dimond HS	
					region HS wrestling @ ACS	
11	12	13	14	15	16	17
		6:30 P&Z CCB	7:00 Sch Bd HSL 7:00 Harbor Cms CCB			state HS wrestling @ AkAir Center
18	19	20	21	22	23	24
			6:45 Council pub hrg CCAB 7:00 Council reg mtg CCAB	CSD end 2Q	CSD vacation 12-23 thru 1-4	
25	26	27	28	29	30	31
	Christmas-City Hall Offices Closed	boys & girls varsity Bball @ rally the regions 12/27-12/30 in Anchorage				
	CSD vacation 12-23 thru 1-4				CSD vacation 12-23 thru 1-4	
1	2	Notes				

Legend:
 CCAB-Cordova Center
 Community Rms A&B
 HSL-High School Library

CCA-Cordova Center
 Community Rm A
 CCB-Cordova Center
 Community Rm B

CCM-Cordova Center Mayor's
 Conference Rm
 CCER-Cordova Center
 Education Room





JANUARY 2017

CALENDAR MONTH	JANUARY
CALENDAR YEAR	2017
1ST DAY OF WEEK	SUNDAY

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 	2 New Year holiday - City Hall Offices Closed	3	4 6:45 Council pub hrg (maybe) CCAB 7:00 Council reg mtg CCAB	5	6	7
8	9	10 6:30 P&Z CCB	11 7:00 Sch Bd HSL 7:00 Harbor Cms CCB	12 7:00 HSB CCAB	13	14
15	16  i have a dream! MLK Jr. Day-City Hall Offices Closed	17 1st regular session of 30th legislature begins	18 6:45 Council pub hrg (maybe) CCAB 7:00 Council reg mtg CCAB	19	20 	21
22	23	24	25	26	27 Cordova Tip-off Basketball Tourney Jan 19-21 CSD Inservice 1/19 & 1/20	28
29	30	31 6:00 P&R CCM	1	2	3	4
5	6	Notes Legend: CCAB-Cordova Center Community Rms A&B HSL-High School Library CCA-Cordova Center Community Rm A CCB-Cordova Center Community Rm B CCM-Cordova Center Mayor's Conference Rm CCER-Cordova Center Education Room				

FEBRUARY 2017

CALENDAR MONTH	FEBRUARY
CALENDAR YEAR	2017
1ST DAY OF WEEK	SUNDAY

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29	30	31	1	2	3	4
			6:45 Council pub hrg (maybe) CCAB 7:00 Council reg mtg CCAB	Iceworm festival Feb1-Feb 5		
					Iceworm festival Feb 1-Feb 5	
5	6	7	8	9	10	11
			7:00 Sch Bd HSL 7:00 Harbor Cms CCB	7:00 HSB CCAB	CSD Inservice	
12	13	14	15	16	17	18
		6:30 P&Z CCB	6:45 Council pub hrg (maybe) CCAB 7:00 Council reg mtg CCAB			 Home HS Basketball Feb 17-18
19	20	21	22	23	24	25
	Presidents' Day-City Hall Offices Closed CSD Holiday	----- absentee voting @ City Hall Feb 21 - Mar 6 M-F 8a-5p -----				 Home HS Basketball Feb 24-25
26	27	28	1	2	3	4
		----- absentee voting @ City Hall Feb 21 - Mar 6 M-F 8a-5p -----				
5	6	Notes				

Legend:
CCAB-Cordova Center
 Community Rms A&B
HSL-High School Library

CCA-Cordova Center
 Community Rm A
CCB-Cordova Center
 Community Rm B

CCM-Cordova Center Mayor's
 Conference Rm
CCER-Cordova Center
 Education Room

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

MAYOR AND CITY COUNCIL - ELECTED

seat/length of term	email	Date Elected	Term Expires
Mayor: 3 years Council members:	Clay Koplin Mayor@cityofcordova.net	March 1, 2016	March-19
Seat A: 3 years	James Burton CouncilSeatA@cityofcordova.net	March 1, 2016 March 5, 2013	March-19
Seat B: 3 years	Timothy Joyce CouncilSeatB@cityofcordova.net	March 4, 2014 March 14, 2013 filled vacancy August 2, 2012 appt to A	March-17
Seat C: 3 years	Tom Bailer, Vice Mayor CouncilSeatC@cityofcordova.net	March 4, 2014	March-17
Seat D: 3 years	Robert Beedle CouncilSeatD@cityofcordova.net	March 3, 2015	March-18
Seat E: 3 years	Josh Hallquist CouncilSeatE@cityofcordova.net	March 3, 2015	March-18
Seat F: 3 years	David Allison CouncilSeatF@cityofcordova.net	March 1, 2016	March-19
Seat G: 3 years	James Wiese CouncilSeatG@cityofcordova.net	March 1, 2016	March-19

SCHOOL BOARD - ELECTED

length of term		Date Elected	Term Expires
3 years	Barb Jewell, President bjewell@cordovasd.org	March 1, 2016 March 5, 2013	March-19
3 years	Bret Bradford bbradford@cordovasd.org	March 3, 2015	March-18
3 years	Tammy Altermott taltermott@cordovasd.org	March 1, 2016 March 5, 2013	March-19
3 years	Peter Hoepfner phoepfner@cordovasd.org	March 3, 2015 March 6, 2012 March 3, 2009 March 7, 2006	March-18
3 years	Sheryl Glasen sglasen@cordovasd.org <i>Vacant (appointed, non-voting)</i> <i>City Council Rep</i>	March 4, 2014	March-17

seat up for re-election in 2017

termed out in 2017

board/commission chair

advertised seat up Nov 16

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

LIBRARY BOARD - APPOINTED

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

COMMUNITY HEALTH SERVICES BOARD - with Council election

length of term		Date Appointed	Term Expires
3 years	David Allison		with Council office
3 years	James Burton		with Council office
3 years	Tim Joyce, President		with Council office
3 years	Tom Bailer		with Council office
3 years	Robert Beedle		with Council office
3 years	Josh Hallquist		with Council office
3 years	James Wiese		with Council office

PLANNING AND ZONING COMMISSION - APPOINTED

length of term		Date Appointed	Term Expires
3 years	Tom Bailer, Chair	November-13 December-11 November-08	November-16
3 years	Allen Roemhildt	January-14	November-16
3 years	Scott Pegau	December-14 December-11	November-17
3 years	John Baenen	November-15 December-12	November-18
3 years	Tom McGann, vice chair	December-14 December-11 April-11	November-17
3 years	Heath Kocan	November-15	November-18
3 years	Mark Frohnappfel	February-15	November-17

seat up for re-election in 2017

advertised seat up Nov 16

termed out in 2017

board/commission chair

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

HARBOR COMMISSION - APPOINTED

length of term		Date Appointed	Term Expires
3 years	Robert Beedle, Chair	January-14	November-17
3 years	Greg LoForte	February-13	November-16
		January-10	
		January-07	
3 years	Max Wiese	January-14	November-17
		March-11	
3 years	Ken Jones	February-13	November-16
3 years	Jacob Betts	November-15	November-18

PARKS AND RECREATION COMMISSION - APPOINTED

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

HISTORIC PRESERVATION COMMISSION - APPOINTED

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

seat up for re-election in 2017

termed out in 2017

board/commission chair

advertised seat up Nov 16