

**CITY COUNCIL REGULAR MEETING
APRIL 02, 2014 @ 7:00 PM
LIBRARY MEETING ROOM
MINUTES**

A. CALL TO ORDER

Mayor James Kacsh called the Council Regular Meeting to order at 7:00 pm on April 02, 2014, in the Library Meeting Room.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Kacsh led the audience in the Pledge of Allegiance.

C. ROLL CALL

Present for roll call were *Mayor James Kacsh* and Council members *Tom Bailer, Bret Bradford, EJ Cheshier, Dave Reggiani* and *James Burton*. Council Member *Tim Joyce* was present via teleconference. Council member *Kristin Carpenter* was absent. Also present was City Clerk *Susan Bourgeois*.

D. APPROVAL OF REGULAR AGENDA

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

Vote on motion: 6 yeas, 0 nays, 1 absent (Carpenter). Motion passes.

E. DISCLOSURES OF CONFLICTS OF INTEREST – none

F. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

1. Guest Speaker – AK Shield after action report

Joanie Behrends and *Dick Groff* gave a report on Alaska Shield 2014 which was held in Cordova on Friday and Saturday March 27 & 28. *Mr. Groff* said there was a lot to learn and they will begin to work on it right away. He said that it was well done, participants and responders did a great job; now we have our ammunition to make it better, make it a safer place for citizens. *Behrends* had just returned from Anchorage where the Alaska Shield Exercise had continued for the entire week with 500 agencies working together at the Egan Center. *Behrends* ended her talk by thanking Council for the City support which now exists. She said it hadn't always been that way but now that the support is there, we are more prepared and are in better shape than we have ever been. She also said that a full report would be forthcoming in June. *Groff* also wanted to give accolades to three of the Public Work guys that he worked with on the desalinization plant on Saturday. He said they were smart, friendly and not afraid of hard work and they got things done.

2. Audience comments regarding agenda items:

Lindsay Butters of 940 Lake Avenue #8 said she was present to speak to item 22 and she said she has been trying to think of what to say for 60 days. She hopes that the materials they have provided in the packet say enough. She wanted to add, "We've got this."

Thomasina Andersen spoke about agenda item 22, she encouraged Council to support Harborside Pizza.

3. Chairpersons and Representatives of Boards and Commissions

Harbor – Burton said they meet next week; *Health Services Board – Bradford* said they had just met and credentialed some providers and elected *Kristin Carpenter* as new Board President; *Planning and Zoning – Reggiani* said they also meet next week; *School Board – Bradford* said School Board meets on April 9.

4. Student Council Representative Report – the student council representative was not present

G. APPROVAL OF CONSENT CALENDAR

Mayor Kacsh informed Council that the consent calendar was before them.

5. Ordinance 1114 an ordinance of the City Council of the City of Cordova, Alaska, repealing section 8.04.170 entitled trapping to eliminate contradiction in the Cordova Municipal Code – 2nd reading

6. Resolution 04-14-18 a resolution of the City Council of the City of Cordova, Alaska, approving the site plan from BKR & Associates for Ocean Beauty Seafoods to construct eight 320 sq. ft. modular units on Lot 4, Block 2, Cordova Industrial Park

7. Council concurrence of Mayor's reappointment of Robert Beedle as City of Cordova representative to the PWSRCAC Board of Directors
8. Record excused absence of Council member Burton from the March 19, 2014 Regular Meeting
Vote on Consent Calendar: 6 yeas, 0 nays, 1 absent (Carpenter). Joyce-yes; Bailer – yes; Burton – yes; Cheshier – yes; Reggiani-yes and Bradford –yes. Consent Calendar was approved.

H. APPROVAL OF MINUTES

M/Reggiani S/Burton to approve the Minutes.

9. Special Meeting Minutes 05-29-13
10. Special Meeting Minutes 06-04-13
11. Work Session Minutes 09-18-13
12. Special Meeting Minutes 10-23-13
13. Regular Meeting Minutes 03-19-14

Vote on motion: 6 yeas, 0 nays, 1 absent (Carpenter). Motion passes.

I. CONSIDERATION OF BIDS - none

J. REPORTS OF OFFICERS

14. Mayor's Report – *Mayor Kacsh* said he was involved in Alaska Shield as the PIO and he thought everything went well and there was a lot to take away from the experience. He said he would be heading to Juneau in the next week and a half; he will know better as the days progress. He will give testimony tomorrow on the Senate's capital budget.

15. Manager's Report – *Robertson* was not present.

16. City Clerk's Report – *Bourgeois* said that we are in the appeal period for the 2014 assessment roll. Last day to appeal is by 5pm on April 7 – 14 appeals in so far. Assessor will be in town before the BOE meeting which is scheduled for April 21 at 7pm. *Bourgeois* also mentioned that Ordinance 1115 was before them which offers changes to the Parks and Rec code section – if it were anyone's wish to maybe change that board to a five member board, this would be an appropriate time to do so, while that is in front of them. *Reggiani* asked the Clerk what it meant in her report when she referred to the Attorney researching the Department of Justice preclearance for a code change regarding elections. *Bourgeois* explained how Alaska had been a state that was required to have Department of Justice preclearance when anything out of the ordinary was occurring with Election laws. Even though that has changed recently, the City Attorney wanted to do her due diligence and ensure that it was ok for us to amend election code without the preclearance in place.

K. CORRESPONDENCE

17. Letter from Bob Smith in re Refuse Collection 03-14-14

18. Letter from AMHS in re proposed fall-winter-spring 2014-2015 schedule

Bailer mentioned that he looks forward to the Manager and staff bringing forward a resolution to the trash concerns as outlined in this one piece of correspondence.

L. ORDINANCES AND RESOLUTIONS

19. Ordinance 1115 An ordinance of the City Council of the City of Cordova, Alaska, amending sections 3.40.020 entitled "planning commission created- membership," 4.20.050 entitled "planning commission-members' terms of office," 3.52.020 entitled "advisory parks and recreation commission" and 11.08.020 entitled "harbor commission" to clarify and make consistent council member designation for service on city commissions

M/Bradford S/Joyce to adopt Ordinance 1115 an ordinance of the City Council of the City of Cordova, Alaska, amending sections 3.40.020 entitled "planning commission created- membership," 4.20.050 entitled "planning commission-members' terms of office," 3.52.020 entitled "advisory parks and recreation commission" and 11.08.020 entitled "harbor commission" to clarify and make consistent council member designation for service on city commissions.

Cheshier asked **Reggiani** if this is what he had in mind when he spoke at the last meeting. **Reggiani** said the Clerk did a great job amending code to be aligned with our past practice however, he still wonders what Council's intent is. He doesn't know if Council should have a "representative" on a board or commission – he doesn't speak for council when he speaks at a commission meeting as a member. He said what is missing is the School Board which is nowhere in our City Code. **Bradford** said he understands that, but he feels like when he sat on Parks and Rec what he would offer is to that commission, maybe what he felt like Council meant or where Council was coming from when they made decisions that affected that commission, etc. He said as far as school board goes, the role is very unclear. **Bailer** helped with some history – he was on P&Z when the Council rep became a voting member and to accomplish that, the next seat that was up for reappointment went away to make room for the council member voting – and that was his seat. **Joyce** said he remembers it a little differently. He believes that there was trouble attaining quorums on some of the boards and commissions and so a council rep seat was added. He also believes that the representative was intended as a way to bring Council info to the board and board info back to the council. **Mayor Kacsh** said his opinion is that one of the most important roles of being a council rep on a board or commission is the flow of information, intent and ideas between the two bodies. **Reggiani** opined that if we were going down the road of representation from Council then we should be thinking ex-officio seats. He said he wasn't ready to act on this the way it is written now. **Joyce** said we had asked staff to bring back an ordinance with clarification and that is what they did. He said he is ready to pass this on first reading or else we could delay this all summer if we want. **Cheshier** was ready to vote on this, he is ok with the member having a vote (he would not sit on a board without the ability to vote – would be futile) and sitting on the board/commission for one year time-frames. He also doesn't believe we would ever be stacking the deck, that couldn't/ wouldn't happen with only one Council member on the board. **Bradford** said as far as school board – we need to get with the school board and come up with some language that satisfies us and school board. **Reggiani** said someone should sit on a board or commission on their own merits; being a Council member should not preclude them from being on a board/commission. **Bailer** spoke about "shall" and offered an amendment to change that to "may". **Bradford** spoke in favor of the amendment. **Joyce** wanted Council to be aware that this amendment could mean that no Council member could be on a board/commission and Council might be hard-pressed to get a report, etc. and know what's going on at a board/commission.

M/Bailer S/Burton to amend the ordinance by changing shall to may wherever it refers to a council member being placed on a board/commission (a council member **may**, not a council member **shall**).

Vote on motion to amend: 5 yeas, 1 nay (Joyce), 1 absent (Carpenter). Motion passes.

Reggiani was still of the opinion that all terms should be for three years. He offered an amendment to that effect.

M/Reggiani S/Bailer to amend the ordinance so that all of the terms of board and/or commission members are for three years.

Bradford had a question for the maker of the motion: he wondered if that meant for the Council seats as well. **Reggiani** said that is exactly what he is doing; if there is need for a Council member on the board(s) then they should have an equal seat on the board(s), i.e. for three-year term. **Joyce** opined that the "may" already gives them the option of putting a Council member on or not and therefore the three-year term is not necessary, he thinks it should stay the way it is. **Bradford** said that he sees where **Joyce** is coming from, if a Council member sits on a board and is doing a good job, he will be kept on for another year, not necessary to make it a three-year term. He also sees the importance of having a knowledgeable, experienced board. **Reggiani** made clarifications: he said, the revision is changing the terms of Council seats on boards to one-year terms, he is of the opinion that the terms are presently three-year terms (all terms on boards and commissions). His amendment puts it back, or leaves it, at three-year terms (all seats on all boards and commissions). **Burton** thought a solution could be to have a Council seat on a board or commission run concurrently with that member's Council term - so as to avoid the lack of a spot on a commission for a seated Council member. **Joyce** disagreed with **Reggiani's** interpretation of the code; he said it has been past-practice that the Council seats are one-year terms.

He said that we are just clarifying code with this ordinance, not changing past-practice. It had just not been very clear in code previously, which is why we asked staff to bring us this ordinance. **Reggiani** agreed that at the last meeting we were looking at code and were deciding between changing code or following code and that's where he is at now. **Joyce** argued that code does not currently define the terms. **Cheshier** wanted to understand why **Reggiani** wanted the terms to be three years; if it were up to him, he would leave it as it is, that Council appoints a member each year to serve a one-year term on the boards and commissions. **Reggiani** said he is coming from a place that he doesn't think it's very important that the seat be a City-council member seat, and therefore, it should be a three year term like all the others. **Bailer, Joyce** and **Reggiani** each read the code and agreed that the code interpretation is difficult and it could be read either way as to whether those seats (i.e. Council members on the boards and commissions) were meant to be one-year or three year terms. **Bradford** said it could be interpreted either way and we are spending too much time on this.

Vote on motion to amend: 5 yeas, 1 nay (Joyce), 1 absent (Carpenter). Motion passes.

M/Bradford S/Cheshier to change the Parks and Recreation Commission from a seven-member commission to a five-member commission.

Reggiani spoke against the amendment he said he thought Council should move cautiously when thinking of eliminating possibilities for public input. **Bradford** said we are not doing this quickly, it has been a long time that there have been vacancies on that commission. **Bailer** said he would like to hear the input of the Parks and Rec Commission on this matter. **Joyce** thought for consistency it should be five, like Harbor Commission. **Cheshier** opined that we could keep the number of seats at seven but lower the quorum requirement to allow for more meetings.

Vote on motion to amend: 5 yeas, 1 nay (Reggiani), 1 absent (Carpenter). Motion passes.

Vote on main motion: 5 yeas, 1 nay (Joyce), 1 absent (Carpenter). Motion passes.

20. Resolution 04-14-19 a resolution of the City Council of the City of Cordova, Alaska, authorizing amendment to the FY14 budget and authorizing the transfer of \$73,996.67 to the Cordova School District for the purpose of purchasing 60 student computers, to be recorded in the City's budget account # 101-902-57004, school capital projects.

M/Cheshier S/Bradford to approve Resolution 04-14-19 a resolution of the City Council of the City of Cordova, Alaska, authorizing amendment to the FY14 budget and authorizing the transfer of \$73,996.67 to the Cordova School District for the purpose of purchasing 60 student computers, to be recorded in the City's budget account # 101-902-57004, school capital projects.

Mayor Kacsh introduced this by stating that the Schools had hoped to take advantage of the City funding the School buildings' liability insurance this year and use that amount as "over the cap" funding. However, he said when that got to the Commissioner of Education, he denied that and called it in-kind from the City. Therefore, the Schools are looking to the City to fund something comparably priced as a capital item, which is allowed to be "over the cap" thereby allowing the insurance expense to be used for education instead. **Joyce** opined that it was a little more complicated than that; it was a savings to the City to fund the liability insurance in the form of fewer deductibles. He also had questions about the computer purchase in that he wondered if smart-phones and/or tablets or some other technology was a better choice for students. **Joyce** also opined that the school needs to have a better maintenance program concerning its waste oil burner and if that is used efficiently, and if council could assist by putting some money into that, more cost savings could be realized vs. this computer purchase. **Bradford** said that two years ago he was the School Board rep and he sat at the Council table when Council discussed ways to fund the schools above and beyond the cap; the answer was in capital projects – the State says ok to that. He went to the School Board and reported that to them. **Bradford** said that last year they came back to us with an accounting software purchase and the Council did fund that which was above the cap but allowable. This year they are bringing us \$74K in new computers. **Superintendent Keel** was present and said that during Council's budget process she did bring forward multiple capital requests but Council did not put any into their budget. She said the waste oil burner is working perfectly; energy costs have declined three years in a row. She constantly tells the legislature how prudent

they are being with their funds. She went on to say that there is a long-range technology plan in place; this year's computer purchase is state of the art MacBook Air computers. **Reggiani** said he gravitates toward process and reiterated the Council budget process; begin in October, workshops, etc. passing a budget in December. He said that the only option to fund this \$74K now would be an increase in the mill rate or take it out of the City's General Fund Reserve. He said he doesn't prefer to do things like this out of cycle. He also doesn't understand the request, because it appears as though these computers have already been purchased so what's being requested is reimbursement. Knowing where the School District is in its fiscal year (different from the city's), wouldn't this really just be a transfer of funds from the City's reserve to the School District's reserve? Because, their fiscal year is already almost over. So, **Reggiani** asked the Superintendent and the School Board President, who was also in attendance, if there is a program that would be cut if this appropriation isn't made. **Superintendent Keel** said, yes, we are looking at a classroom teacher. **Reggiani** said, for the last two months of school, to which the **Superintendent** said no, but what would happen is we would have an unbalanced budget and we would have to dip into our fund balance which is very small and is also capped at how much we can have in there. She went on to say that she has been requesting these capital funds since October. She said that the School District's capital requests were not discussed during Council budget work sessions, except by her. **Burton** said he remembers sitting around this table at budget and discussing ways to fund the schools and it must be pretty frustrating for **Theresa** now to keep coming back and asking us for that funding. If we meant it, we should decide already. **Reggiani** said he thinks the people around this table want to fund the schools, but his recollection is that a lot of capital items, the City's as well as the Schools' were dropped when we realized it might mean raising property taxes to accomplish those things. **Reggiani** asked the School Board president if this had been vetted at budget time; i.e. was there public support for raising the mill rate to pay for these computers. **Barb Jewell** said that the School Board approved the original budget then had to approve the amended budget when the in-kind was taken out (i.e. when DOE did not allow the City's insurance payment to be beyond the cap). She said they had never discussed any mill rate increases because this is all happening later than the normal budget process. **Bailer** said he won't debate whether they want to buy computers or other technology, that's the school board's decision. He is not willing to up the mill rate for this now nor is he willing to dip into reserves. **Cheshier** said he will not support this; also not willing to raise taxes. He said it was a good idea but it didn't work out. He encouraged the School Board to get public input at their meetings and if town supports it he will when it comes time to set the mill rate.

Vote on motion: 2 yeas, 4 nays, 1 absent (Carpenter). Cheshier – no; Joyce–no; Bradford – yes; Burton – yes; Bailer – no and Reggiani–no. Motion fails.

M. UNFINISHED BUSINESS

21. Council designation of Council member to the Planning and Zoning Commission

Council concurred to take this item up after Ordinance 1115 was completed.

22. Council decision on requested extension of Brian Wildrick, Lot 8 Blk 2, SFDP Performance Deed of Trust
(may be discussed in executive session)

M/Bradford S/Bailer to refer this item to staff until City Manager Randy Robertson is back so he can report to Council on his conversations with Wildrick.

Vote on motion to amend: 6 yeas, 0 nays, 1 absent (Carpenter). Motion passes.

N. NEW & MISCELLANEOUS BUSINESS

23. Pending Agenda and Calendar

Council concurred to not have the second meeting of the month in April –considering it falls during the School's spring break. So, the Regular Council Meeting of April 16, 2014 was cancelled. If needed, Council might have special meetings to accommodate items that come up and need to be handled before then.

O. AUDIENCE PARTICIPATION

David Allison said he has always been a supporter of the schools. He would prefer if they came to Council with their needs, not with something they have already spent money on. They seem to be asking for money from the City's reserve so that they don't have to dig into their own "rainy day fund".

P. COUNCIL COMMENTS

24. Council Comments

Bailer said he totally agrees with Mr. Allison.

Reggiani showed a picture of a speed limit sign from down in Colorado where he just was on vacation. It is a sign that tells you the speed you are going along with the speed limit and it works very effectively. He thinks it could work on Whitshed Rd.

Bradford thanked Joanie Behrends and Dick Groff for all their work during Alaska Shield.

Mayor Kacsh said he would be speaking with DoT and ADF&G representatives when he goes to Juneau and he will bring the idea up of that sign with the DoT folks he talks to.

Q. EXECUTIVE SESSION – no executive session was necessary

R. ADJOURNMENT

M/Bradford S/Cheshier to adjourn. Hearing no objections the meeting was adjourned at 9:37 pm.

Approved: May 7, 2014

Attest: _____

Susan Bourgeois
Susan Bourgeois, CMC, City Clerk

