

**CITY COUNCIL REGULAR MEETING
JULY 03, 2013 @ 7:30 PM
LIBRARY MEETING ROOM
MINUTES**

A. CALL TO ORDER

Mayor James Kacsh called the Council Regular Meeting to order at 7:30 pm on July 03, 2013, in the Library Meeting Room.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor James Kacsh led the audience in the Pledge of Allegiance.

C. ROLL CALL

Present for roll call were *Mayor James Kacsh* and Council members *Kristin Carpenter, Tim Joyce, David Allison, Bret Bradford* and *David Reggiani*. Council members *EJ Cheshier* and *James Burton* were absent. Also present were Acting City Manager *Moe Zamarron* and City Clerk *Susan Bourgeois*.

D. APPROVAL OF REGULAR AGENDA

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

Vote on motion: 5 yeas, 0 nays, 2 absent (Cheshier, Burton). Motion passes.

E. DISCLOSURES OF CONFLICTS OF INTEREST - none

F. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

1. Guest Speaker – none

2. Audience comments regarding agenda items – none

3. Chairpersons and Representatives of Boards and Commissions

Harbor Commission Council Representative *Burton* was not present.

HSB representative *Allison* said the Board had just met previous to this Council meeting; they credentialed two doctors, staff has interviewed three doctors and we are trying to get at least two of those to sign on, a good thing.

P&R representative *Kristin Carpenter* said there hadn't been a meeting since last Council meeting.

P&Z representative *Reggiani* said they had a meeting scheduled for next week.

School Board representative *Bret Bradford* said there also hadn't been a meeting.

4. Superintendent's Report - *Theresa Keel* was not present – school's out.

G. APPROVAL OF CONSENT CALENDAR

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

5. Record excused absence of Council member *Joyce* from the June 19, 2013 regular meeting.

Vote on Consent Calendar: 5 yeas, 0 nays, 2 absent. Cheshier-absent; Bradford-yes; Burton-absent; Joyce-yes; Carpenter-yes; Allison-yes and Reggiani-yes. Consent Calendar was approved.

H. APPROVAL OF MINUTES

M/Reggiani S/Joyce to approve the Minutes.

Reggiani opined that there were sections of the minutes that were incomplete. Under the manager's report when they were discussing emails, he thought there was quite a bit missing. Also, on page 6 regarding the City Clerk's employment agreement, he thinks there is some missing information there too and it bounces back and forth between first person and third person. *Joyce* clarified that it was specifically page 3 about the email conversation and on page 6 it was the first and third person discrepancy but that the content was right. *Reggiani* said exactly, but without listening to it again himself, he thought it most appropriate to refer it back to staff.

M/Reggiani S/Allison to refer the Regular Meeting Minutes 06-19-13 back to the City Clerk's office to listen to the record and see if those can be made a little more clear.

Vote on motion to refer: 5 yeas, 0 nays, 2 absent (Cheshier, Burton). Motion passes.

6. Public Hearing Minutes 06-19-13

M/Reggiani S/Joyce to approve Public Hearing Minutes 06-19-13

Vote on motion to approve Public Hearing Minutes 06-19-13: 5 yeas, 0 nays, 2 absent (Cheshier, Burton).

Motion passes.

7. Regular Meeting Minutes 06-19-13 - referred

I. CONSIDERATION OF BIDS – none

J. REPORTS OF OFFICERS

13. Mayor's Report

Mayor Kacsh said he met with NVE last week on Shepard Point Road and they will present to us on July 17 and there will also be a resolution of support on the agenda at the July 17 meeting. Today at lunch he met with Eyak Corporation and the Chamber of Commerce concerning the washed out bridge 339 so that we can all have a unified voice in requesting that the state fix the bridge. They are proposing a subsidy for other ways to access the other side of the bridge; all just ideas now. Last night he presented Helen Grindle with a proclamation on her 100th birthday.

14. Manager's Report – *Zamarron* said he appreciates Council letting him sit in here for a couple of weeks and their consideration of his application for City Manager. He felt *Robertson* was a good choice and looking forward to work with him. *Zamarron* referred to his report and said Title 4 is being reviewed by staff for grammar and content. In addition to the items listed in his report, the City received a notice of noncompliance from the State of Alaska, from two agencies within the office of DNR. This notice is for not having an agreement in place with the Sheridan ski club. A deadline of July 19, 2013 was given to reach an agreement. This involves both the DNR leasing office and the division of Parks and Outdoor Recreation for grant noncompliance. *Zamarron* will discuss this issue in detail at the next meeting. He has been keeping *Robertson* up to date with daily operations and an email account has been set up for him. *Greenwood* has been working on cleaning up right-of-ways. A load of recyclables was hauled to Anchorage netting \$3,158 for the refuse fund. *Bradford* questioned what was holding up the ski hill agreement. *Zamarron* answered it was just difficult to get everyone from the club together to sign the agreement. *Joyce* commented that as far as the communication lease goes if someone was injured on the ski hill communication would be necessary. *Bradford* stated the leases could not be for profit with a grant. *Zamarron* said the use permit is for outdoor recreation and any other use requires a conversion process.

15. City Clerk's Report – *Bourgeois* said she recently purchased business cards for the Mayor and asked if any council member that has two or three years left on their term would like cards, if so she will order them. Regarding the Clerk's contract, she asked council if something could be put on the pending agenda tying the leave component of Title 4 to her contract. She would like to do that at the July 17, 2013 meeting. Tax bills were mailed and there have been many payments already received. We are using the new property tax system which has been working well.

K. CORRESPONDENCE - None

L. ORDINANCES AND RESOLUTIONS

11. Ordinance 1110 An ordinance of the City Council of the City of Cordova, Alaska, repealing and reenacting Cordova Municipal Code Title 4 – 1st reading

M/Reggiani S/Allison to adopt Ordinance 1110 an ordinance of the City Council of the City of Cordova, Alaska, repealing and reenacting Cordova Municipal Code Title 4

Zamarron stated staff is reviewing the wording and some of the content. *Reggiani* read through the material but had a hard time with the format. He felt it was difficult to see what was carried forward from the existing code and what was a new suggestion from the attorney. He had so many edits that he doesn't think

a regular meeting is the place to go through it line by line. **Reggiani** suggested a work shop with council and the new City Manager as he felt it was important for the management section of our code and the middle or end of August would be a good time as that would let **Robertson** get up to speed. He also suggested the city attorney who provided the concept also be present at the workshop. **Joyce** agreed with **Reggiani** and felt it was quite extensive and would like to break it up into sections. He would like to see staff involved as it affects a lot of people and their lives. **Mayor Kacsh** was not necessarily in favor of a handbook as opposed to having it in code. He felt that by leaving it in code changes would be less easy. **Bradford** thinks a handbook is handy and supports **Joyce** and **Reggiani's** workshop proposal. He questioned the timeliness of the memo to Mayor and Council from the attorney as it was dated April 26th and this was the first time he had seen it. He's concerned that it was in the City's possession for two months and just coming to council. **Carpenter** is not opposed to the handbook format but it is her understanding that it would be codified so it would still have the same weight of what we currently have. She wants attorney input to make sure all the changes from the current code are covered. She feels the handbook gives the City a little bit more flexibility in terms of how personnel are managed with broader coverage. The idea of combining personal leave and medical leave is one item she wanted to look at with the attorney. **Reggiani** stated he is also concerned about the date of the memo. He is looking for an explanation as to why it wasn't in correspondence or why it didn't come directly to the City Council and Mayor. He feels those kinds of memos would have a high priority. He stated that the only three positions that he could think of that could hold up the memo would be the Mayor, the City Manager or the Clerk. **Joyce** commented that historically when a complicated issue comes in the City Manager would look over it first until it was ready for a first reading. He said it is not uncommon for items to come in then take a while before it's on the agenda. He personally feels it is not ready for a first reading and that there are a lot of things that need to be fixed and he will refer it back to staff. Two months may be a long time but it's not uncommon. **Allison** agrees with what's been said but questions who directed the attorney what to change and what not to change. He feels we are giving the attorney way too much leeway. After reading the changes he prefers the original code and feels there are things that did not belong in a personnel policy. Some of the content should not have been prepared by the attorney considering the price at which they are producing it. Regarding the workshops he would like to discuss the leave portion before the City Manager arrives and the Clerk's contract ends. **Allison** suggested if a decision is not made on leave that some language be put in the Clerk's contract tying it back to whatever decision is made ultimately. He will not pass this on any reading tonight and stated there are way too many things the staff and council have found. He is in favor of referring it back to staff with council comments. He would like to have a discussion sometime between now and August 7th about the leave situation and tie it to the Clerk's contract. **Zamarron** noted that staff is spending an hour to an hour and a half once or twice a week to present to council some cleaned up language in this title. He understands that some of the items directly affect staff's wellbeing and that council will have a say on those issues. He feels there is a lot a work to be done and requests that staff finish their work and present to council something a little farther along. **Carpenter** would like to hear from the attorney sooner rather than later because she is assuming it is proposed this way because this is considered to be the new best practice. She also would like a workshop to go over it and hear why it was proposed this way. **Reggiani** stated he is not sure who is driving the bus but when the city attorney started this chapter it would have been handy to have a conversation early on so she could have had some direction from council. **Greenwood** interjected that the direction came from the prior City Manager, Mark Lynch, to create the personnel handbook. **Reggiani** continued that he was not pointing fingers at staff but merely felt it's better to have the conversation early on so council could weigh in; and understand if the handbook is a good idea and is something the council wants to move forward on. He would like a workshop and appreciates **Zamarron's** comments on the inherent conflict of interest staff has on some of these provisions. Everyone is aware of the conflict but that doesn't mean staff can't weigh in on it. **Reggiani** strongly agrees with **Carpenter** and believes at this workshop **Amy (Limeres** – City Attorney who worked on this) should be here in person so council could drill into her thoughts and figure out what

her direction is. Council has spent a lot of time talking about this and staff has put a lot of time in to it and he is not sure if anyone really directed it. **Mayor Kacsh** stated that over the last three years a lot of money has been put into rewriting the entire code and this is just the section the attorney is at. He recalls an update from **Lynch** that the attorneys were approaching this but as far as direction and which way they were going to go on it, council didn't know or have input. **Reggiani** agrees that council didn't know about it until Friday when they picked up their packets. He felt if they had known in late April, red flags would have started to go off and we could have saved a lot of time. **Joyce** recalls a memo where the attorney was recommending that we do a handbook versus ordinances because ordinances are too bulky. A handbook is easier to change to keep compliant with changes in state law. He feel that you need to go through the handbook line by line and doesn't know if they could have been further head if they had known earlier. **Mayor Kacsh** stated that the Clerk's contract is on hold pending a concept from council on what they are going to do on one section that has do with paid time off. He would like to have the discussion move towards that so the intent is known for the next meeting. **Joyce** said that was under chapter 6, leave policies, and he would like to see that be one of the first ones council takes up in a workshop. **Bradford** asked where the highlights are from and what they mean. **Bourgeois** stated that they are directly from the attorney. **Greenwood** added the highlights are questions the attorney would be asking staff about our current procedures. She continued by saying that **Amy Limeres** sent everything for review and that is why it never came to Council. When it comes to staff, they go through it line by line to extract the meaning, clean up the version, and then bring it to council to look at. **Limeres** took the leave policy from code and brought it across. Annual leave is one of the examples where code says maximum of 240 hours, employees accrue leave after 240 hours. Maximum does not mean accruing leave. When **Limeres** didn't know things she would highlight them as she didn't have direct contact with staff. **Appleton** interjected that she did spend time with **Limeres** on the leave section of the code and discussed current city procedure with her.

M/Reggiani S/Joyce to refer Ordinance 1110 to staff and to schedule a work session on this during the pending agenda portion of tonight's meeting.

Vote on motion to refer to staff and to schedule a work session: 5 yeas, 0 nays, 2 absent (Cheshier, Burton).
Motion passes.

M. UNFINISHED BUSINESS - None

N. NEW & MISCELLANEOUS BUSINESS

12. Discussion with John Bitney, City Lobbyist redistricting update & out of session lobbying

Mayor Kacsh informed council that **Bitney** has chartered a trip with his family on the sound today and that the **Mayor** was not able to reach him but that he planned to call in.

M/Joyce S/Bradford to recess five minutes, with no objection they stood in recess for five minutes.

Mayor Kacsh discussed an email between **Bitney** and himself which states **Bitney's** points on sending someone to Kodiak. The **Mayor** felt it is our legislators' responsibility to come see us and listen to their constituents; however, we can't form a good plan if we can't get a response from them. He said it's important we be heard and build a good working relationship which might mean going to Kodiak and having face to face meetings. Our attempts to bring them to town are failing as they have not accepted the numerous invites to Cordova. **Carpenter** hoped that in the fall their schedule might ease up a little. **Bradford** is concerned that **Bitney** has not been available for meetings. **Mayor Kacsh** said that it was just a timing issue. **Bradford** would like to see an email from **Bitney** if he can't make meetings. **Reggiani** pointed out that **Bitney** did send an email to the **Mayor** saying he would not be able to make this meeting because of his holiday. He agrees with **Bitney's** read on this and especially who's responsibility it is. He's wondering if there is a way to strengthen the next invitation to Cordova by having the Mayor and Council sign. **Carpenter** suggested an invite to CDFU's annual fish prom. She said the Copper River Watershed project is trying to combine their annual event with the fungus festival this year and with the Seafood Association on the 6th or 7th of September.

Bradford appreciates the email the *Mayor* got but stated *Bitney's* contract is with the council and feels his correspondence should include the council. He thinks *Bitney* is doing a good job. *Bradford* would like to include the Governor on invites to legislators to let him know we are having a hard time getting a response. *Joyce* suggested inviting the Governor. *Mayor Kacsh* said a CEC board member received a no from Representative Austerman on invites to Cordova. On the redistricting issue, he would like council to formulate a letter stating Cordova needs to stay in a similar socioeconomic group within coastal Alaska.

13. Pending Agenda and Calendar

Mayor Kacsh asked about putting the Clerk's contract on July 17. *Carpenter* inquired about a meeting with *Amy* prior to discussing the Clerk's contract. *Reggiani* liked the idea of breaking up the sections when meeting with *Amy* and felt a work session before the regular meeting was a good idea. *Carpenter* would like to do a lunch meeting to go over the handbook sections. *Bradford* liked the lunch meeting and the idea of breaking it up into chapters. *Mayor Kacsh* recommended council start with the pressing issue of paid time off, section six. A noon meeting was tentatively scheduled for Wednesday, July 10, if *Limeres* is available for a teleconference. *Reggiani* stated he would be in Anchorage and would call in from the attorney's office. *Joyce* suggested keeping the meeting just to section six. A work session was scheduled for 6:30 pm to go over handbook, chapter to be determined at July 10th meeting. *Allison* indicated a need for a meeting to discuss the Health Services Board repayment plan proposal. Coming forward in the next month or so will be a review of Providence which CCMC is working on. *Mayor Kacsh* is leaving an opening for *Bitney* for July 17.

O. AUDIENCE PARTICIPATION

Linda Crider, Eccles Lagoon thanked council for putting the Whitshed Road project on the STIP and the local match they made in December. She wasn't sure how the budgeting takes place or when but would like to see a small amount put aside each year so by the third year a large amount will not be owed. She hopes things will continue the same for the long range transportation plans with the State. She said Karen Swartzbart wanted her to bring up the speed limit on Whitshed and that DOT will be sending someone to do a speed study. She would like to see the Mayor, City Council and Chief of Police convey to DOT the section between Copper River Highway and the recreation center be 25 mph.

Cathy Sherman, 403 Davis thanked council for their discussion on title 4. She gave council some history when the City had a personnel policy committee. This was comprised of staff, people from the community and a council member. The policy was reviewed in house then brought to council. That was a good process and a lot cheaper as it was before the age of the lawyer. She appreciates council allowing staff to participate as this affects all the employees at the City.

P. COUNCIL COMMENTS

14. Council Comments

Allison stated one of the problems in staff getting changes before council is that council doesn't know what the complaints are about without seeing them. He feels we all have the same concerns and wants to make sure it works for employees. He thanked and welcomed *Zamarron* to his first meeting as acting City Manager.

Reggiani echoed *Allison's* comments and felt he did a good job explaining council's frustrations.

Bradford felt the more he dealt with attorneys the more he liked the method *Cathy* just explained.

Carpenter echoed what *Reggiani* said but added that part of the issue was the transition with the City Manager position and hopefully there will be more consistency going forward.

Joyce thanked *Zamarron*. He reminded folks of the big 4th of July picnic on Main Street. There will be a BBQ and events going on. Festivities start at 9 am with a kelp box derby race.

Mayor Kacsh mentioned he received a letter from DCCED for the \$1M that was appropriated during the legislative session.

Q. EXECUTIVE SESSION

15. Cordova Center Finances – Attorney advice/update

M/Joyce S/Bradford to go into an executive session to discuss matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government, specifically Cordova Center finances.

Vote on motion: 5 yeas, 0 nays, 2 absent (Cheshier, Burton). Motion passes.

M/Joyce S/Allison for a five minute recess before executive session begins.

Vote on motion: 5 yeas, 0 nays, 2 absent (Cheshier, Burton). Motion passes.

Council recessed for five minutes at 8:40 pm then entered executive session at 8:46 pm; Council came out of executive session at 8:55 pm. Invited to the executive session were *Zamarron, Stavig, Sherman* and *Bourgeois*.

Mayor Kacsh said we are out of executive session.

R. ADJOURNMENT

M/Allison S/Reggiani to adjourn the regular meeting at 8:55 pm; with no objection, the meeting was adjourned.

Approved: August 7, 2013

Attest: *Tina Hammer*
Tina Hammer, Deputy Clerk

