

**CITY COUNCIL REGULAR MEETING
OCTOBER 01, 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 October 01, 2014, 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, Tom Bailer, Bret Bradford, Dave Reggiani* and *James Burton*. Also present were Student Council representative *Sarah Hoepfner*, City Manager *Randy Robertson* City Clerk *Susan Bourgeois*.

D. APPROVAL OF REGULAR AGENDA

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

Vote on motion: 6 yeas, 0 nays, 1 vacancy (seat E). 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, HSB, Parks & Rec, P&Z, School Board

Burton said that Harbor Commission would be meeting next Wednesday.

Carpenter said HSB has been busy. The regular quarterly meeting should have been tonight but with interviews and other meetings, they have rescheduled that for Oct 15 before the next Council meeting. She happily announced that *Stephen Sundby* has been offered the Hospital Administrator position. They are working out the details as he will remain a CCMC employee and not become a Providence employee as has been the past practice for hospital administrators since the Providence contract has been in place. *Carpenter* also reported that *Varnadoe* and *Sundby* spoke with Healthland about EHR and the implementation plan is on a better course. *Bailer* asked about *Sundby's* position as Executive Director of Sound Alternatives and *Sundby* reported that they would not be filling that – he would handle both positions and some of those duties would be absorbed – quite a cost savings.

Bailer said that P&Z met and agenda item 9 in the consent calendar is from P&Z.

Bradford said there have been a few meetings of the school board – they have voted to drop the Student Activities to the 2A level from 3A.

a. Report from Fisheries Advisory Committee

4. Student Council Representative *Sarah Hoepfner* reported that there was an all-school game night last week – half the student body attended. She said there was a spirit week last week for Cross Country regionals and this week, *Sara* and *Zach Hamberger* would be attending State in Anchorage. JH Basketball has home games this weekend with Delta and Volleyball will travel to Kenai and Homer. Next week will be a wrestling spirit week and a home tournament next weekend. There will be two dances this month: welcome freshmen dance and a Sadie Hawkins dance. *Hoepfner* said the biggest talk around school is the decision for 2A sports to begin next year. *Carpenter* asked for her perspective on that decision. *Hoepfner* said since she is a senior it doesn't matter as much for her; she would have preferred to remain 3A. She believes there are a lot of benefits to both sides.

G. APPROVAL OF CONSENT CALENDAR

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

5. Ordinance 1121 An ordinance of the City Council of the City of Cordova, Alaska, amending section 2.20.010(d) of the Cordova Municipal Code to revise broadcast notification requirements for City elections from once in each month for three months prior to the election to continuously for 40 days prior to the election – 2nd reading
- ~~6. Substitute Resolution 09-14-39 A resolution of the City Council of the City of Cordova, Alaska, authorizing the City Manager to enter into a five (5) year lease of Lots 3 and 4, Block 8, Original Townsite and all improvements thereon with the Cordova Chamber of Commerce~~
7. Council's waiving of the right to protest the Liquor license change of location for Tiny Wings, Inc. dba Anchor Bar Liquor Store
8. Council decision regarding 2014 Land Disposal Maps
- ~~9. Council decision regarding disposal method of City owned property~~
10. Record excused absence for Council member Bradford from the September 17, 2014 Regular Meeting. Vote on Consent Calendar: 6 yeas, 0 nays, 1 vacancy (seat E). Joyce-yes; Bradford-yes; Bailer-yes; Carpenter-yes; Burton-yes; Reggiani-yes and Hoepfner-yes. Consent Calendar was approved.
Mayor Kacsh said 6 would be 15a and 9 would be 17a.

H. APPROVAL OF MINUTES

M/Joyce S/Bradford to approve the Minutes.

11. Regular Meeting Minutes 09-17-14

Vote on motion: 6 yeas, 0 nays, 1 vacancy (seat E). Motion passes.

I. CONSIDERATION OF BIDS

J. REPORTS OF OFFICERS

12. Mayor's Report – *Mayor Kacsh* said he met with CAYAC – a non-profit, members of the Parks and Rec Department and members of the School Board and it was a good productive discussion. He also testified on the summer 2015 ferry schedule – he commented on the inequity in the rates.

13. Manager's Report – *Robertson* said it was Alaska book week and he commended *Miriam Dunbar* and the Library staff for some well-attended events. Also on Monday night October 6, a representative from the American Ramp Company will be in to hold a public meeting to discuss the makeup of a skate park and pump track in Cordova behind the Tot Park. *Robertson* mentioned the Cordova Conversation – our electronic newsletter that has over 100 people signed up and receiving weekly. *Senator Stevens* will be in Cordova on October 21-22. He says it is a social visit – the timing is good as he hasn't been here for about a year and we could discuss capital projects with him before the session. The churches have gotten together and are organizing a dinner in recognition of the USCG on November 7. The light at the intersection by the high school has been fixed by the State DoT. He met today with *Rogers*, the architect and Dawson – boots on the ground for Cordova Center on November 3. Finally, *Robertson* had a little bit to say about some new employees as he introduced them to the Council: *Aaron Muma*, in charge now at the baler and landfill facilities, *Sam Christe*, new at the WWTP division, *Blake Reece* a new dispatcher and the *Shapleigh's* – you already met *Jason* with the Harbor and *Crystal* is now back at Bidarki. Lastly, *Micah Renfeldt* has taken over the Parks Labor and Maintenance position.

a. Cordova Center update report – *Rogers* reported that DCI (Dawson Construction Inc.) has turned in their final GMP (guaranteed maximum price) to us. They will be restarting work on Monday November 3. At the end of October there will be an important meeting with the design team and contractor for the last chance changes. *Rogers* said that he has offered the superintendent of facilities position to *Weston Bennett* and he has accepted and will begin on October 27. His first task will be project manager for the Cordova Center. Windows are being worked on – a sample mock-up of a new design will be installed at the end of November as a trial. *Bailer* thanked *Rogers* for the update. He asked if the insulation which is spec'ed at 16 inches, whether that was after settling of the blown-in insulation or before settling. *Rogers* said he would have to get the answer to

that. **Sherman** added that as far as fundraising – she can update what is in the packet it says \$44,800 and the new amount is over \$70,000.

b. Finance Director report

14. City Clerk's Report - Bourgeois said the Clerk's office has been mostly working on the Special Election, trying to work out the details with the State for the elections to be held simultaneously. Absentee in person will begin October 20 at City Hall and people can request absentee by mail ballots at any time – she has received a few already.

K. CORRESPONDENCE - none

L. ORDINANCES AND RESOLUTIONS

15. Resolution 10-14-42 A resolution of the City Council of the City of Cordova, Alaska, approving a contract amendment with Dawson construction for a limited notice to proceed for Phase II of the Cordova Center project for a cumulative sum of \$8,693,523

M/Bradford S/Joyce to approve Resolution 10-14-42 a resolution of the City Council of the City of Cordova, Alaska, approving a contract amendment with Dawson construction for a limited notice to proceed for Phase II of the Cordova Center project for a cumulative sum of \$8,693,523.

Joyce said that the work load was redistributed to allow for the majority of the mechanical, etc. to get done and might leave the kitchen and some of the theater to be left.

Vote on Consent Calendar: 6 yeas, 0 nays, 1 vacancy (seat E). Burton-yes; Joyce-yes; Bradford-yes; Carpenter-yes; Reggiani-yes; Bailer-yes and Hoepfner-yes. Motion passes.

15a. 6. Substitute Resolution 09-14-39 A resolution of the City Council of the City of Cordova, Alaska, authorizing the City Manager to enter into a five (5) year lease of Lots 3 and 4, Block 8, Original Townsite and all improvements thereon with the Cordova Chamber of Commerce

M/Reggiani S/Joyce to approve Substitute Resolution 09-14-39 A resolution of the City Council of the City of Cordova, Alaska, authorizing the City Manager to enter into a five (5) year lease of Lots 3 and 4, Block 8, Original Townsite and all improvements thereon with the Cordova Chamber of Commerce.

M/Reggiani S/Burton to amend the resolution by striking the last whereas and on the last whereas, strike “the annual rental rate will be One Dollar (\$1.00)” and insert “will provide an in-kind contribution of \$23,470 annually for the annual rental rate for the term of the lease”.

Reggiani said this captures the intent of the discussion last time that shows that the in-kind has an annual contribution associated with it as the value of the lease.

Vote on amendment: 6 yeas, 0 nays, 1 vacancy (seat E). Amendment passes.

Bailer asked if this would come before us again. The response was, no, it would not. **Bailer** said he knew there was an MOU with the Chamber of Commerce and he wondered if we could get copies of that, before the budget process starts.

Vote on main motion: 6 yeas, 0 nays, 1 vacancy (seat E). Main motion passes.

M. UNFINISHED BUSINESS

16. Council election to fill vacancy of City Council Seat E

Bourgeois handed out ballots for Council to vote. After collecting the ballots, **Bourgeois** tallied the votes and read them aloud. **Hayley Hoover** received votes from Bradford, Carpenter, Joyce and Burton and **Robert Beedle** received votes from Reggiani and Bailer. Therefore, **Hayley Hoover** was duly elected by the majority of the remaining members of Council (i.e. four) to fill Seat E. **Mayor Kacsh** asked that she be sworn in at the next regular meeting.

N. NEW & MISCELLANEOUS BUSINESS

17. Approval of Tideland Permit for Outfall Line and Seawater Intake Line for Northern Fish Alaska LLC, dba Prime Select Seafoods

M/Carpenter S/Bradford to approve a permit for Prime Select Seafoods outfall and seawater intake lines as described and including the special conditions.

Vote on motion: 6 yeas, 0 nays, 1 vacancy (seat E). Motion passes.

17a. 9. Council decision regarding disposal method of City owned property

M/Joyce S/Bradford to direct the City Manager to dispose by direct negotiation with Anne and Ronald Winters a portion of Lot 13 Block 5 and a portion of Tract A, Odiak Park Subdivision which will meet all required setbacks of the Medium Residential Zoning District.

Joyce said he was of the opinion that we should only dispose of the one foot that is necessary, instead of the full fifteen feet. *City Planner Greenwood* said that at P&Z they discussed this at length and there were several reasons why it is in our best interest to make it to the legal setbacks: 1) otherwise you wind up with a non-conforming building – could cause issues with future sales and if the building is destroyed it cannot be put back in same location; 2) also, the lot has fill on the west side equal to the setbacks; 3) she said this would be the least messy way to handle this situation – wind up with the most buildable normally sized lots around it.

Joyce said we should just do the minimum necessary; if they cannot rebuild if it gets destroyed then so be it, they will build to the setbacks as they were supposed to initially. *Bradford* said P&Z commission weighed in on this, we are selling it to them to make it right, let's just do this. *Bailer* said that this all was discussed at P&Z; we just don't have the enforcement, nobody's fault. He mentioned a time where this had been done in the past. He opined that we'd be adding structures, value, to the tax rolls. *Reggiani* said that at P&Z, many of the commissioners felt awkward that it was happening after the fact, i.e. that the building permit had never been given for this (never applied for). He agrees with *Joyce* and would support the 1 foot instead of the 15 feet. *Joyce* said we could be requiring them to move this building.

M/Joyce S/Burton to make that a one foot setback on the one side.

Burton agreed to not set a precedent of people asking for forgiveness later on instead of getting the building permit initially. *Bradford* said he would agree if it weren't a piece of swamp that we were talking about. He won't support the amendment. *Bailer* said as far as precedent, we have done this before. He won't support the amendment. *Carpenter* said that the swamp is the wetlands of that area and it is important part of the hydrology of that area. They have actually found Coho smolt there. *Joyce* said what we have done in the past isn't exactly like this – that other land owner wasn't asking after-the-fact to buy land he had encroached upon.

Vote on amendment: 4 yeas, 2 nays (Bradford, Bailer), 1 vacancy (seat E). Amendment passes.

Bailer said he thinks we are cheating the City out of some tax dollars and we are creating a hardship for some taxpaying citizens.

Vote on main motion: 5 yeas, 1 nay (Bailer), 1 vacancy (seat E). Main motion passes.

18. Pending Agenda, Calendar, Elected & Appointed Officials lists

Bailer asked if the Value Engineering list for the Cordova Center can be on the next agenda. *Joyce* said he thinks that is premature. *Bailer* said let's get it on there so we can discuss it. *Bradford* and *Burton* agreed they want to see it. *Mayor Kacsh* said we should start scheduling budget work sessions. *Robertson* said he was thinking they could have a very rough draft in 2 – 3 weeks; last of October or first of November. *Reggiani* opined that he'd like to have a short kick-off meeting sooner rather than later that could offer the budget from Council's point of view. With HSB and a possible public hearing before the regular meeting on 10/15/14 Council opted for an agenda item regarding budget for the regular meeting instead of a work session before the meeting. *Bradford* asked for an item regarding the MOU between the chamber and the City as well as a discussion of the expectations the City has for the chamber. He also mentioned that the Fisheries Advisory Committee was asking for a new member and was asking other questions that Council should answer – he asked for that as an item. *Joyce* said Council and the *Mayor* should ask for interest to fill that seat.

O. AUDIENCE PARTICIPATION

P. COUNCIL COMMENTS

19. Council Comments

Carpenter wanted to put in one more plug for contributions from Council members to the Cordova Center. The funders (foundations) are looking for broad support – they care more that a lot of people gave \$50 or \$100 vs. 2 people giving \$1000 each – they want to see broad community support for a project.

Joyce ditto what *Carpenter* said. We are asking Rasmussen to up their ante and this is one of the things they are looking at.

Q. EXECUTIVE SESSION

20. Performance Deed of Trust negotiation

21. Cordova Center update / finances

22. Settlement offer on longstanding City litigation

M/Joyce S/Bradford to go into executive session to discuss matters the immediate knowledge of which would clearly have an adverse effect on the finances of the government specifically, Performance Deed of Trust negotiation, Cordova Center finances and Settlement offer on longstanding City litigation.

Vote on motion: 6 yeas, 0 nays, 1 vacancy (seat E). Motion passes.

M/Joyce S/Bradford to recess the meeting to clear the room before the executive session. With no objection the meeting was recessed from 8:33 pm until 8:35 pm.

Council entered the executive session at 8:36 pm and reconvened the regular meeting at 9:56 pm.

M/Joyce S/Burton to direct the City Manager to proceed as was discussed in the executive session regarding purchasing the *Dea Church* property.

Vote on motion: 6 yeas, 0 nays, 1 vacancy (seat E). Motion passes.

R. ADJOURNMENT

M/Burton S/Bradford to adjourn. Hearing no objections the meeting was adjourned at 9:58 pm.

Approved: October 15, 2014

Attest: _____

Susan Bourgeois, CMC, City Clerk

