

**Regular City Council Meeting
October 20, 2021 @ 7:00 pm
Cordova Center Community Rooms A & B
Minutes**

A. Call to order – Vice Mayor Cathy Sherman called the Council regular meeting to order at 7:00 pm on October 20, 2021, in the Cordova Center Community Rooms.

B. Invocation and pledge of allegiance - Vice Mayor Sherman led the audience in the Pledge of Allegiance.

C. Roll call - Present for roll call were Council members **Tom Bailer, Cathy Sherman, Jeff Guard, Anne Schaefer, David Allison,** and **David Glasen**. Council member **Melina Meyer** was present via teleconference. **Mayor Clay Koplín** was absent. Also present were City Manager **Helen Howarth** and City Clerk **Susan Bourgeois**.

D. Approval of Regular Agenda – M/Bailer S/Allison to approve the agenda.

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

E. Disclosures of Conflicts of Interest and ex parte communications – Bailer said that item 16 has his property mentioned but there is no financial gain for him. **Sherman** ruled there was no conflict. No objection from Council.

F. Communications by and Petitions from Visitors

1. Guest speaker

a. Incident Management Team, COVID-19 Update: **Dr. Sanders** reported: 1) currently we have 4 active cases – we are ready to give boosters as they are authorized – awaiting authorization also for vaccines for children aged 5-11.

2. Audience comments regarding agenda items

Kim Hager of 4.2-mile Whitshed spoke to item 16 – he made an offer of \$10,000 he hopes Council will consider approving that.

3. Chairpersons and Representatives of Boards and Commissions

CCMCA Board – Dr. Sanders reported: 1) CCMC continues to post positive months and continues to improve its financial stability; part of the reason is a switch from an offshore coding company to a domestic coding company; also trying to hire locally to avoid the costs of travelers and the staffing agencies that provide travelers; 2) they've hired a unit clerk, an occupational therapist; 3) thinks they could be self-sufficient in the future, one issue they can't yet fill the gap on is depreciation of capital infrastructure – so for 2022 they are asking to still be included in the City's budget.

School Board – no report.

a. PWSRCAC September 2021 meeting highlights

b. PWSAC Board of Director, City Representative **Tom Bailer** – reported to Council that new elections occurred and there is good Cordova representation on the executive board at PWSAC which is important. He also said there is a year-round fulltime employee based in Cordova who has a house and family here which is also good for Cordova; **Neil Wright** – the assistant production manager – staff and board have nothing but high praise for him.

4. Student Council representative – Ari Jeppson-Bolin submitted a written report in the packet

G. Approval of Consent Calendar

5. Minutes of the October 6, 2021 Regular Council Meeting

6. Per Charter Section 2-8 and Cordova Municipal Code 3.12.022, recordation of excused absence of Council member Tom Bailer from the October 6, 2021 Regular Meeting

Vote the Consent Calendar: 7 yeas, 0 nays. Schaefer-yes; Sherman-yes; Glasen-yes; Bailer-yes; Guard-yes; Meyer-yes; and Allison-yes. Consent Calendar was approved.

H. Approval of Minutes – in consent calendar

I. Consideration of Bids - none

J. Reports of Officers

7. Mayor's Report – no report

8. Manager's Report – City Manager **Helen Howarth** reported: 1) middle to end of November we will see the 2020 audit – very slow process, she has yet to see a draft.

a. City Financial Report 09-30-21

b. FY22 budget preparation schedule

Council questions: **Allison** said he needs to see account balances during this budget process – also he'd like balances on the ambulance fund, depreciation funds and all the other funds – he asked if these numbers include 3Q or not. **Howarth** said no, they do not – 3Q sales tax returns and 2nd half property tax payments aren't due until October 31.

9. City Clerk's Report – **Bourgeois** reported: 1) she included in the packet a flyer about board and commission vacancies, she will continue to do so through November packets for more public notification; 2) Clerk's office has been working on agenda items 14-16 in tonight's packet.

a. Public notice - Board and Commission Vacancies and how to apply

10. Staff Quarterly reports

a. City Investments, UBS Financial Services, **Chad Adams**

b. Cordova Museum and Cordova Center, Department Director, **Mimi Briggs**

c. CVFD, City Fire Marshal, **Paul Trumblee**

d. Cordova Police Department, Chief of Police, **Nate Taylor**

e. Cordova Harbor and Port, City Harbormaster, **Tony Schinella**

f. Library, Department Director, **Debbie Carlson**

K. Correspondence

11. 09-30-21 Letter from Office of the State Assessor reporting Cordova's 2021 FVD

12. 10-04-21 Email from J. Reynolds supporting Chamber of Commerce

13. 10-11-21 Letter from Chappell's concerning Chase Avenue property

L. Ordinances and Resolutions - none

M. Unfinished Business - none

N. New & Miscellaneous Business

14. Council Direction to Staff concerning placing a proposition for a Charter change on March 1, 2022 Election ballot

M/Allison S/Schaefer to direct staff to prepare a resolution for Council's consideration for approval of City Charter changing ballot language to accomplish a change in the way Council members are elected from "designated seats at-large" to "at-large".

Allison said that when this was changed in 1995 – the ballot language changing this was accomplishing a few things in one proposition so not sure if it was approved by the voters because they wanted to vote yes on the other parts of the ballot prop and this just got lumped in. He'd like to see this in front of voters alone, without other language to muddy it. He doesn't think Cordova is big enough for the designated seats as it has it now. He thinks a change would encourage people to run for Council. **Schaefer** supports this. **Meyer** said she isn't sure how she feels yet but does agree this should go before the voters for a decision. **Bailer** supports this. **Glaser** said he supports. **Guard** said he might be the only naysayer – he won't do so too strongly though – he does think the comments made do make some sense. He thinks the council we have now is a good representation of the populace as a whole and he thinks the way we vote for Council seats now has made it this way. If it's not broken why fix it? **Sherman** said she likes the ability to run for a council seat hoping to make a balance on the council. **Bailer** said, "to target somebody"? **Sherman** said, no, to make a balance. **Bailer** said he doesn't think it's a left-right-center thing – Council acts mostly about budgets, etc. not social issues. He thinks it will encourage people to run for Council. **Sherman** asked the Clerk if there was a cost to this being put on as a ballot proposition. **Bourgeois** said it would cost some attorney time and City Clerk time but since it would be a ballot prop on a regular election it would not be too costly; like would be an entire special election.

Vote the motion: 5 yeas, 2 nays. Sherman-no; Glaser-yes; Guard-no; Allison-yes; Bailer-yes; Meyer-yes; and Schaefer-yes. Motion was approved.

15. Council Action on Proposal Lot 11, Block 5, Odiak Park Subdivision

M/Schaefer S/Bailer to direct staff to use a different method for determining fair market value and publish a new RFP with the adjusted value.

Schaefer asked questions about how the fair market value was determined and how it could be done differently.

City Planner **Kevin Johnson** answered: The fair market value was determined by a licensed appraiser. Due to not receiving any proposal that met the minimum criteria in price. Staff wondered if Council wanted us to get a new appraisal, consider using assessed value and adding on the amount of our sales ratio – those are a couple of options or Council could choose not to dispose at this time. **Bailer** said that the Planning Commission gave us an unusual recommendation – that we consider using a different method to determine FMV and publish a new RFP. Code says we have options, but Code says we must calculate the FMV – opinions are not calculations. **Bailer** said – this appraiser does this for a living – he doesn't want to re-work his work. Therefore, his opinion is – that is a fair appraisal, and we should stick with it. **Allison** said he agrees with the appraiser on this one unless someone offers convincing arguments that they are way off base. **Glaser** said he agrees with **Bailer** – if we do this for one – we are getting in the weeds and we'll be expected to reevaluate appraisals all the time. **Meyer** said the reality is that land is expensive even if it needs work done. After discussion the maker of the motion and the second agreed to withdraw the original motion and make this motion instead:

M/Schaefer S/Bailer that Council has determined that the \$53,000 appraisal is the current fair market value of the property and Council determines not to dispose of the property since no qualifying proposal was received.

Vote the motion: 7 yeas, 0 nays. Guard-yes; Schaefer-yes; Glaser-yes; Meyer-yes; Bailer-yes; Allison-yes and Sherman-yes. Motion was approved.

16. Council Direction to Staff City - land disposal portion of Lot 10, Block 2, USS 3345

M/Bailer S/Sherman to maintain staff's determination of fair market value and if that price is not met the lot should not be sold at this time.

Bailer said this is an unfortunate situation – he hopes we can figure out a way within our code to make it amenable to all parties. He said that even if the City misrepresented the lot by calling 2 lots Lot 10, Block 6, the fact was that the warranty deeds clearly stated the portions as they were sold from seller to buyer to next buyer. It is not the City's responsibility to proofread legal documents or get involved in a sale of private property; it is up to a purchaser to do their due diligence before a purchase is made. Now to move forward, he is willing to discuss to see if they can come up with something that is fair to all involved. It is worthwhile to note that the property sold for far in excess of the assessed valuation. **Sherman** agrees and wants to hear other points of view. **Meyer** agreed with **Bailer's** thoughts – this is being brought up because the portion is a city owned lot. If these were 2 privately owned lots, this would not have occurred as people know what they own and pay taxes on.

City Attorney Wells was available and called in to the meeting and determined that it would be within code provisions for Council to not add the sales ratio factor and instead sell it for exactly the current assessed value. **Wells** opined that anything under fair market value and that was different than a method allowed by Code would open the City to liability.

After some discussion the motion was changed:

M/Allison S/Bailer to remove the sales ratio factor that was added to the assessed value and offer the lot for lease or purchase at the current assessed value of \$26,400 and to give the buyer a credit if the assessed value decreases after the assessor reassesses the property in fall 2021.

Vote the motion: 7 yeas, 0 nays. Bailer-yes; Guard-yes; Schaefer-yes; Allison-yes; Glaser-yes; Meyer-yes and Sherman-yes. Motion was approved.

17. Discussion of COVID-19 Emergency Response - none

18. Pending Agenda, Calendar, CIP List and Elected & Appointed Officials lists

First budget work session next week, Wed Oct 27 at 5pm – food would be provided – will be in the Ed Room due to the Electrify Alaska conference. Council mentioned some upcoming absences from Cordova – Clerk **Bourgeois** wanted to ensure there would be a quorum even if by teleconference at the December 15 regular meeting as that would be the adoption of the Budget. Enough Council members did commit to being available for the December 15 regular meeting.

O. Audience Participation - none

P. Council Comments

Council took a recess at 9:22 pm – back in session at 9:27 pm.

Allison wondered if the Planning Commission could look at our zoning, especially look at those 6 properties. He also opined that we should go out for an RFP for City Assessor.

Schaefer thanked staff for the quarterlies – also thanks to **Kevin** for all of the clarifications and assistance tonight.

Bailer said we shouldn't be selling property for anything but residential houses – there is a housing shortage. He has a piece of property in Colorado in a town about the size of Cordova. Recently he got a letter and they advised people not to drink the water – bottled only, there was an issue they needed 3 or 4 weeks to clear it up. It made him think about us – we are so lucky – we have a great water department, a great team there – imagine us sending such a letter out to processors, businesses, citizens – we are grateful for that department, they've been great for years. He hasn't been hearing rumblings from citizens or from employees lately – he thanked **Helen** and said under her watch things are going well – he wanted to put that out there.

Sherman agreed with **Bailer** and said she's not hearing complaints either but its too bad that you don't hear from people when things are going well.

Q. Executive Session

19. Attorney consultation regarding *Fejes and Associates* and potential legal challenge, in executive session because this is a subject the immediate knowledge of which would clearly have an adverse effect upon the finances of the government

M/Bailer S/Glasen to go into executive session to consult with the City Attorney regarding *Fejes and Associates* and potential legal challenge, in executive session because this is a subject the immediate knowledge of which would clearly have an adverse effect upon the finances of the government. In the executive session were the City Manager, the City Clerk and the City Attorney, **Holly Wells**.

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

There was a short recess to clear the room at 9:35 pm. The executive session began at 9:42 pm and Council came back into open session at 10:14 pm.

Vice Mayor Sherman said that in the executive session the Council gave direction to the City Attorney.

R. Adjournment

M/Allison S/Bailer to adjourn the meeting.

Hearing no objection **Vice Mayor Sherman** adjourned the meeting at 10:14 pm.

Approved: November 3, 2021

Attest: 
Susan Bourgeois, CMC, City Clerk

