

**Regular City Council Meeting
January 19, 2022 @ 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 January 19, 2022, 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, David Allison,** and **David Glasen.** Council members **Melina Meyer** and **Anne Schaefer** were present via teleconference. Council member **Jeff Guard** was absent. Also present were City Manager **Helen Howarth** and City Clerk **Susan Bourgeois.**

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

Bailer asked for the addition of item 15a. discussion of the ordinance for raw fish tax so citizens understood what it was Council would be discussing in the e.s.

Vote on the motion with the change to the agenda as noted: 6 yeas, 0 nays, 1 absent (Guard). Motion was approved.

E. Disclosures of Conflicts of Interest and ex parte communications – none

F. Communications by and Petitions from Visitors

1. Guest speaker **a.** Incident Management Team, COVID-19 Update: **Dr. Sanders** reported: 1) 17 active cases currently – many people are doing home tests and she recommends that positive cases be reported to them as well; 2) best mitigation has continued to be the vaccine and boosters which are very effective against reducing hospitalizations.

2. Audience comments regarding agenda items

Ken Jones of 514 Sunnyside Drive spoke about item 16 the executive session, this challenge needs to be taken seriously – what the City did was wrong, we don't have jurisdiction to tax what is going on out on the fishing grounds.

Mark Frohnafel representing Shoreside Petroleum of 100 Ocean Dock Road commented on agenda item 13 – he said Shoreside has been trying to put a floating fuel dock in the Harbor since they purchased the business from Orca Oil. Shoreside would like that location so he hoped Council wouldn't lease it for a brewery.

3. Chairpersons and Representatives of Boards and Commissions – CCMCA – **Dr. Sanders** said they have recently hired a case manager at Sound Alternatives which will be great to help tie people into all the resources out there for mental health treatment, so necessary today.

4. Student Council representative: no report

G. Approval of Consent Calendar

5. Minutes of the January 5, 2022 Regular Council Meeting

Vote on the Consent Calendar: 6 yeas, 0 nays, 1 absent. Schaefer-yes; Sherman-yes; Glasen-yes; Bailer-yes; Guard-absent; 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

6. Mayor's Report – had provided a written report – he had a work conflict this evening.

7. Manager's Report – City Manager **Helen Howarth** reported: 1) IBEW union and City management have been working together – substantial progress – it will come to Council soon for ratification and approval – nothing final until Council and union member approval; 2) prior insurance broker – we resolved that – sum of \$24k to buy out remainder of their contract – we will recoup that with the new broker fees being significantly

lower; 3) draft audit was received yesterday – should be prepared for the next meeting; 4) ABC Board met yesterday and they approved No Road Brewing through a drawing.

a. Public Works Director **Samantha Greenwood** reported. Snow: it is not snowing – we emptied the larger city snow dumps to prepare for the rest of winter.

Harbor: **Greenwood** introduced **Mark Keller** the City's project manager for the South Harbor Rebuild who attended via teleconference. He explained design-build and how that is the procurement process we will be using for attaining the contractor. He presented a timeline of events: RFP out for design-build firm in early March, proposals in by end of April, make a selection/negotiate a contract (all by end of June), expect to start demo by mid-November, start construction mid-December and hope for substantial completion April 2023. This is an extremely aggressive schedule.

Howarth gave time for City Planner **Kevin Johnson** to report about the DoT Copper River Highway master plan committee – he is on the committee and they need public input. There is an open house next week, Wednesday at 5 pm.

8. City Clerk's Report – **Bourgeois** reported: upcoming March 1 election – she named the seats coming available and the one ballot prop for Harbor/water loan; declaration of candidacy will close on January 31 and early voting will begin February 8.

9. Staff Quarterly Reports:

- a. Cordova Harbor and Port, 4Q 2021, **Harbormaster Tony Schinella**
- b. Museum and Cordova Center, 4Q 2021, **Museum Director Mimi Briggs**
- c. Cordova Volunteer Fire Department, 4Q 2021, **Fire Marshal Paul Trumblee**
- d. Cordova Police Department, 4Q 2021, **Police Chief Nate Taylor**

K. Correspondence

10. 12-16-21 Mayor's Letter to AMCO re No Road

L. Ordinances and Resolutions

11. Resolution 01-22-01 A resolution of the Council of the City of Cordova, Alaska providing input to the Alaska Department of Environmental Conservation (ADEC) on proposed changes to regulations on oil discharge prevention and contingency plans

M/Allison S/Bailer to approve Resolution 01-22-01 a resolution of the Council of the City of Cordova, Alaska providing input to the Alaska Department of Environmental Conservation (ADEC) on proposed changes to regulations on oil discharge prevention and contingency plans

Allison said City representative to RCAC, **Robert Beedle** brought this to us, and he supports it. **Bailer** said he supports. **Schaefer** thanked representative **Beedle** for bringing this to our attention. Other council members also spoke in support.

Vote on the motion: 6 yeas, 0 nays, 1 absent. Bailer-yes; Glasen-yes; Schaefer-yes; Allison-yes; Guard-absent; Meyer-yes; and Sherman-yes. Motion was approved.

12. Resolution 01-22-02 A resolution of the Council of the City of Cordova, Alaska authorizing the participation of its employees in the Public Employees' Deferred Compensation Plan of Alaska and the payment of the required contributions, pursuant to AS 39.45 ET SEQ

M/Bailer S/Schaefer to approve Resolution 01-22-02 a resolution of the Council of the City of Cordova, Alaska authorizing the participation of its employees in the Public Employees' Deferred Compensation Plan of Alaska and the payment of the required contributions, pursuant to AS 39.45 ET SEQ

Howarth explained that the City has always offered a 457 plan to employees but this is a change to the one that the State of Alaska offers it's employees and it not too long ago became an option for political subdivisions too – best benefit is that employees would see their retirement and their PERS data on same page and better plan for retirement.

Vote on the motion: 6 yeas, 0 nays, 1 absent. Sherman-yes; Guard-absent; Glasen-yes; Schaefer-yes; Allison-yes; Bailer-yes; and Meyer-yes. Motion was approved.

M. Unfinished Business – none

N. New & Miscellaneous Business

13. Council direction on disposal and method of disposal of Lot 2, Block 7A, Tidewater Development Park

M/Bailer S/Schaefer to dispose of a portion of Lot 2, Block 7A, Tidewater Development Park as outlined in Cordova Municipal Code 5.22.060 B by requesting sealed proposals to lease the property.

Bailer said he thinks City property should consistently be disposed by going out for proposals; he was surprised to see this come before them he thought we always had intentions to destroy that building after the lease expired. **Schaefer** agrees with proposals and wants to ensure the Harbor Commission saw this and agreed, depending on what the future plans are for that side of the harbor. **Planner Johnson** answered by saying that there has not been secured funding for work on that side of the harbor yet. He said both Planning and Harbor Commissions specifically commented that a 5-7-year time frame for a lease would be appropriate because in that time they could maybe have a better plan and secured funding for updates to that portion of the harbor. After further Council discussion, several Council members preferred to have a better plan for that part of the harbor before going out for proposals, so they would have a better idea of how the RFP would be written (i.e. what the term of the lease would be). **Sherman** and **Schaefer** both still spoke in favor of putting out the RFP to see what ideas were out there.

M/Allison S/Bailer to refer to staff.

Vote on the motion to refer: 4 yeas, 2 nays, 1 absent. Meyer-yes; Bailer-yes; Guard-absent; Glasen-yes; Sherman-no; Allison-yes; and Schaefer-no. Motion to refer was approved.

14. Discussion of COVID-19 Emergency Response – no discussion

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

Allison and **Bailer** asked for sales tax exemptions to be at the next meeting as a discussion item – they specifically asked for that part of code to be in the packet.

15a. City code on .5% raw fish tax – council discussion

Hearing no objection, **Vice Mayor Sherman** recessed the meeting at 8:50 pm so City Clerk could make copies of the .5% raw fish tax code section for the Council and audience.

The meeting was reconvened at 9:00 pm.

Vice Mayor Sherman read the code section into the record

5.41.020 - Levy of tax.

There is levied a raw fish sales tax of 0.5 percent on the sale price of raw fish transferred, sold or otherwise conveyed within the boundaries of the city. Raw fish delivered outside the boundaries of the city shall be taxable if the sales are contracted for or agreed to be made within the city.

O. Audience Participation

Ken Jones of 514 Sunnyside Drive spoke about the raw fish tax - he said there is no underlying agreement between fishermen and processors as per the code. He opined that the fishermen that don't have slips here and don't live here are being taxed without being represented because they don't vote here. He thinks the Council should take the second line of 5.41.020 out which would eliminate the challenges that are now being seen. He wants the Harbor funds accounted for in a better way.

Mark Frohnafel of 813 Woodland Drive said the numbering of houses is a big, huge, deal and he's glad it's getting done – it will be very important for Shoreside. He said that Shoreside wants to partner with the community. He is glad to see the DoT meeting about the Highway – he thinks it will get redone all the way to the glacier due to this infrastructure bill.

P. Council Comments

Meyer thanked staff for quarterlies and the work on the Harbor.

Schaefer also thanked staff for reports and for being available to answer Council questions tonight.

Allison said he'd like to see us beef up the advocacy for the Harbor Bond especially with the Early Voting starting Feb. 8. He'd much rather see current financials as opposed to the 14-month-old 2020 audit. Thanked Council members and staff for putting in the time and Vice Mayor for chairing the meeting.

Glasen also thanked staff. He's glad that we will see the 2020 audit and hopefully an expedited 2021 audit.

Bailer seriously thinks we should look at other options for legal advice for this harbor project. Doesn't think the argument holds water - that the fishermen not from here are paying taxes without representation. People from out of town pay sales tax – they didn't vote on that.

Sherman said she finds running a meeting very challenging and therefore has no comments.

Q. Executive Session

16. South harbor rebuild ½% raw fish tax challenge, to be discussed in executive session because the subject

is a matter the immediate knowledge of which would clearly have an adverse effect upon the finances of the government

M/Bailer S/Glasen to go into an executive session to discuss South harbor rebuild ½% raw fish tax challenge, to be discussed in executive session because the subject is a matter the immediate knowledge of which would clearly have an adverse effect upon the finances of the government.

Vote on the motion: 6 yeas, 0 nays, 1 absent (Guard). Motion was approved.

Hearing no objection, **Vice Mayor Sherman** recessed the meeting at 9:21 pm to clear the room.

Council entered the executive session at 9:28 pm, Public Works Director, Harbormaster and City Attorney were invited to attend the executive session; Council was back in open session at 10:17 pm.

Vice Mayor Sherman said there was a good discussion on the executive session subject and Council took no action – legal team provided Council with good information.

R. Adjournment

M/Bailer S/Allison to adjourn the meeting.

Hearing no objection **Vice Mayor Sherman** adjourned the meeting at 10:17 pm.

Approved: February 16, 2022

Attest: 
Susan Bourgeois, CMC, City Clerk

