

Mayor

David Allison

Council Members

Tom Bailer

Cathy Sherman

Jeff Guard

Melina Meyer

Anne Schaefer

Kristin Carpenter

Ken Jones

City Manager

Helen Howarth

City Clerk

Susan Bourgeois

Deputy Clerk

Tina Hammer

Student Council

Mhiikee Gasmen

**Regular City Council Meeting
February 15, 2023 @ 7:00 pm
Cordova Center Comm Rooms
Agenda**

A. Call to order

B. Invocation, pledge of allegiance

I pledge allegiance to the Flag of the United States of America, and to the republic for which it stands, one Nation under God, indivisible with liberty and justice for all.

C. Roll call

Mayor David Allison, Council members Tom Bailer, Cathy Sherman, Jeff Guard, Melina Meyer, Anne Schaefer, Kristin Carpenter, and Ken Jones



D. Approval of Regular Agenda..... (voice vote)

E. Disclosures of Conflicts of Interest and Ex Parte Communications

- conflicts as defined in Cordova Municipal Code 3.10.010 should be declared, then Mayor rules on whether member should be recused, Council can appeal the Mayor's ruling
- ex parte should be declared here, the content of the ex parte should be explained when the item comes before Council, ex parte does not recuse a member, it is required that ex parte is declared and explained

F. Communications by and Petitions from Visitors

1. Guest Speakers – **Kate Morse** and **Shae Bowman** of Copper River..... (page 1)
Watershed Project – overview of projects with City of Cordova
2. Audience comments regarding agenda items..... (3 minutes per speaker)
3. Chairpersons and Representatives of Boards and Commissions (**CCMCA BoD, School Board Rep**)
4. Student Council Report

G. Approval of Consent Calendar

5. Resolution 02-23-04..... (page 7)
A resolution of the Council of the City of Cordova, Alaska amending the Sewer Department section and the Refuse Department section of the 2023 Fee Schedule as had been approved in Resolution 12-22-33 on December 7, 2022
6. Minutes of the 12-07-22 Regular City Council Meeting..... (page 11)
7. Per Charter Section 2-8 and Cordova Municipal Code 3.12.022, recordation of unexcused absences of Council member **Melina Meyer** from the December 7, 2022 Regular Meeting and of Council member **Cathy Sherman** from the January 18, 2023 Regular Meeting
8. Council concurrence of Mayor's appointment of 2023 Election Board..... (page 15)

H. Approval of Minutes – in consent calendar

I. Consideration of Bids/Proposals/Contracts

9. Approval of Employment Agreement between City and *Helen Howarth*..... (roll call vote)(page 16)
10. Council action on change order *Mark Keller*, Project Manager..... (roll call vote)(page 24)
South Harbor rebuild project
11. Council action on change order *Turnagain Marine Construction*..... (roll call vote)(page 27)
South Harbor rebuild project

J. Reports of Officers

12. Mayor's Report

13. City Manager's Report..... (page 31)
 a. South Harbor Rebuild update
14. City Clerk's Report - Notice of Regular Election of 3-7-23 & sample ballot..... (page 32)
15. Staff Quarterly Reports:
 a. Museum and Cordova Center, 4Q 2022, **Mimi Briggs** Museum Director..... (page 35)
 b. CVFD, 4Q 2022, **Robert Mattson** CVFD Fire Chief..... (page 47)

K. Correspondence..... (see *primer* for description page 51)

16. 01-17-23 Letter from OSA re Cordova 2023 Population Determination..... (page 52)

L. Ordinances and Resolutions

17. Ordinance 1204..... (voice vote)(page 53)

An ordinance of the Council of the City of Cordova, Alaska, repealing Cordova Municipal Code chapter 19.04 "Flood Protection" and enacting Chapter 19.04 "Floodplain Management" to adopt National Flood Insurance Act land use criteria set forth in federal regulation as requirements for National Flood Insurance Program eligibility and amending CMC 1.28.05 to update the fine schedule to reflect changes to Chapter 19.04 - 1st reading

18. Resolution 02-23-03..... (voice vote)(page 105)

A resolution of the Council of the City of Cordova, Alaska designating Capital Improvement Projects

19. Resolution 02-23-05..... (voice vote)(page 108)

A resolution of the Council of the City of Cordova, Alaska supporting Native Village of Eyak efforts to improve healthcare in Cordova through upgrades to existing healthcare infrastructure while working to consolidate Cordova Community Medical Center and Native Village of Eyak healthcare services for the benefit of all Cordova and supporting funding requests to improve Cordova healthcare infrastructure and result in the consolidation of health service delivery

20. Resolution 02-23-06..... (roll call vote)(page 111)

A resolution of the Council of the City of Cordova, Alaska adopting a capital budget for fiscal year 2023 and appropriating the amount of \$1,442,795 as summarized pursuant to the following table

M. Unfinished Business – none

N. New & Miscellaneous Business

20. Pending Agenda, CIP List, Calendar, Elected & Appointed Officials lists..... (page 114)

O. Audience Participation

P. Council Comments

Q. Executive Session

City Council is permitted to enter an executive session if an explicit motion is made to do so calling out the subject to be discussed and if that subject falls into one of the 4 categories noted below. Therefore, even if specific agenda items are not listed under the Executive Session header on the agenda, any item on the agenda may trigger discussion on that item that is appropriate for or legally requires an executive session. In the event executive session is appropriate or required, Council may make a motion to enter executive session right during debate on that agenda item or could move to do so later in the meeting.

R. Adjournment

Executive Sessions per Cordova Municipal Code 3.14.030

- **subjects which may be considered are:** (1) matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government; (2) subjects that tend to prejudice the reputation and character of any person; provided that the person may request a public discussion; (3) matters which by law, municipal charter or code are required to be confidential; (4) matters involving consideration of governmental records that by law are not subject to public disclosure.
- **subjects may not be considered in the executive session except those mentioned in the motion calling for the executive session, unless they are auxiliary to the main question**
- **action may not be taken in an executive session except to give direction to an attorney or labor negotiator regarding the handling of a specific legal matter or pending labor negotiations**

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Regular Meetings of the Cordova City Council are live-streamed on the City's YouTube
<https://www.youtube.com/@CityofCordovaAlaska> or available there for viewing by the next business day



COPPER RIVER WATERSHED PROJECT

Contact Information

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City of Cordova & CRWP Partnership Projects

Stormwater Pollution Mitigation

1. [Snow Storage Site](#) - The City of Cordova Comprehensive Plan identifies the intent of the Parks and Recreation Department to be an active partner in the continued restoration of the Odiak watershed with the overall goal of maintaining this area as a natural space. The City of Cordova permitted CRWP to make improvements to its largest snow storage site at the CCMC parking lot for the purpose of reducing snow melt pollutants being discharged into Odiak Pond and to make drainage improvements to the site. The gravel drive leading off the parking lot to the pond is also the primary drainage from the parking lot. As water flows through this rock structure, sediment settles out along the way before the run-off water reaches the pond.



2. [Bioswale](#) - A partnership between CCMC, the City of Cordova, and CRWP was established to build and help maintain a bioswale behind the hospital to filter stormwater before it drains into Odiak Pond. Odiak Pond is an aquatic habitat that supports juvenile and adult coho salmon, Dolly Varden, and cutthroat trout. Stormwater can carry sediments, hydrocarbons, and other pollutants from the surface of roads and parking lots into local waterways and degrade water and habitat quality. The purpose of the bioswale is to increase the filtration of stormwater by native vegetation before it



drains into Odiak Pond in order to decrease pollutants entering this important aquatic ecosystem.

3. [Oil & Grit Separator](#) - In 2011 CRWP, the City of Cordova, and AK DOT worked together to install an Oil and Grit separator on Lake Ave to filter out sediment and hydrocarbons before being emptied into the lake. The Oil and Grit Separator is maintained by the City of Cordova Public Works department.



Education and Community Engagement

1. [Salmon Jam](#) - The City of Cordova supports the Copper River Salmon Jam through the use of the Mt. Eyak Ski Hill Recreation area for festival grounds. The City of Cordova Refuse Department also provides dumpsters and paint during Salmon Jam for the annual dumpster painting event.
2. [Salmon Tank at Mt. Eccles](#) - Every year CRWP works with Mt. Eccles Elementary school to host a Salmon Tank Education program where students raise salmon from eggs to fry in the classroom. The students monitor the tank, track the fry development, and feed the fry. This program inspires the youth of our community and instills a sense of stewardship to the region in support of understanding and appreciating the entire lifecycle of salmon.
3. [Education Programming at Mt. Eccles and Cordova Jr./Sr. Highschool](#) CRWP works with both Cordova Schools and partner organizations including the Prince William Sound Science Center to provide engaging opportunities to students throughout their school years, including stream and pond exploration field trips with middle school students, and a field-based summertime adventure for high school students. We are also hosting a Highschool Stewardship Intern. Scholarships are also available to graduating seniors looking to pursue a secondary degree that will benefit the economy, ecosystem, or cultures of the Copper River watershed.



Recycling

1. [Fishing Web Recycling](#) - The City of Cordova Refuse Department assists CRWP in facilitating the Fishing Web Recycling Program, by helping collect web, bale web, and loading bales into the recycling container. Since we started baling web we have sent two full 40 ft containers of baled web for recycling. Because the web is so compacted when it is baled the recycling effort has prevented an estimated 196 cubic yards of the un-baled web from being sent to the landfill. *196 cubic yards of un-baled web = Five 40ft shipping containers.*



2. The City of Cordova Refuse Department has been recycling aluminum cans for many years. In 2021, CRWP and the City of Cordova worked together to save costs for shipping aluminum cans to a recycler by including the aluminum cans in the shipments of baled nets. The revenue from the cans was reinvested to support further recycling efforts for cans and fishing web. Moving forward in 2023, CRWP will be working to increase community participation in the aluminum can recycling program.



Habitat Restoration

1. [Eyak Lake Weir](#) - CRWP and partners have received funding to replace the current failing weir structure at the outlet of Eyak Lake. This year we are working to have the final designs complete for the new structure and then construct it in 2024. The primary objectives are to improve fish passage up and downstream of the weir while maintaining current water levels to protect spawning sites and maintain current property lines along the lakeshore.



2. [Eyak Lake Database](#) - CRWP is working with partners to develop an interactive web map and database that will host data related to Eyak Lake. We also hope to update and ground truth spawning bed delineation and identify potential restoration opportunities for 2024 or future restoration and monitoring ideas.
3. [Odiak Pond Restoration](#) - In the summer of 2014, CRWP and partners removed an old wooden culvert remaining from the Copper River/Northwest Railroad. The goal was to re-establish the natural flow of water through Odiak watershed and improved fish passage to upstream channels for Coho salmon.
4. [Install Fish-Friendly Culverts](#):
 - a. **Ketchum Air Culvert Replacement**: Three small culverts on Powercreek Road were constricting water flow from the upstream side of Powercreek Road and degrading the downstream gravel spawning beds. In 2008 the three culverts were replaced with one fish-friendly culvert allowing the full width of the stream channel to flow under the road which has improved spawning habitat for sockeye and pink salmon.
 - b. **Eccles Creek Culvert Replacement** - In the 1980s a bridge on the 22' wide Eccles Creek was replaced with an 8' culvert. The culvert acted as a velocity barrier for rearing juvenile salmon. In 2009 the CRWP and the City of Cordova Planning department worked together to replace the culvert with a fish-friendly culvert that improved drainage and reduced sediment runoff.
 - c. [8 culverts on Copper River Highway](#) - Since 2016, CRWP and partners have replaced 8 undersized and/or failing culverts on the Copper River Highway. These culverts were replaced with new fish-friendly structures that have restored access to upstream spawning and rearing habitat for Coho and Sockeye Salmon, Coastal Cutthroat Trout, Dolly Varden, and other resident fish species. Seven more culverts will be improved on the Copper River Highway with funding from the EVOS Trustee Council, including 2 this summer.
5. [Powercreek Spit Removal](#) - Constructed in the 1960s; the Powercreek spit was built to offer wave protection to a float plane dock, however, the area was no longer being used for that purpose. In 2008, CRWP and the City of Cordova worked together to excavate



the spit and revegetate the shoreline which improved lake circulation adjacent to sockeye spawning beds and rearing habitat for cutthroat, coho, and sockeye salmon.

Invasive Plant Management

1. [Invasive Plant Removal](#) - Since 2014, CRWP has treated 188 acres of invasive species in Cordova. Species include Orange hawkweed, Butter and Eggs flower, Bohemian knotweed, Oxeye daisy, and Reed canarygrass. CRWP partners with City of Cordova Public Works and Parks and Recreation for the early detection of invasive plants on City property so that we can monitor the infestations and provide a rapid response with treatments when needed.



Copper River Watershed Project and City of Cordova Projects

- STORMWATER**
 - Snow Storage
 - Bioswale
 - Oil & Grit Separator
- EDUCATION/CELEBRATIONS**
 - Salmon Jam
 - Salmon Tank in the classroom
 - Education Programming
- RECYCLING**
 - Net Recycling
 - Aluminum Recycling
- HABITAT RESTORATION**
 - Eyak Lake Weir
 - Eyak Lake Database
 - Odiak Pond Restoration
 - Power Creek Spit Removal
 - Install fish-friendly culverts (and 8 more out the road!)
- INVASIVE PLANTS**
 - Invasive plant management

We appreciate the awesome staff at these City Departments:

- Public Works
- Parks & Recreation
- Refuse
- Planning

Connect with the Copper River Watershed Project:

Office: 907-424-3334

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AGENDA ITEM # 5
City Council Meeting Date: 2/15/2023
CITY COUNCIL COMMUNICATION FORM

FROM: Samantha Greenwood, Public Works Director
DATE: 2/7/23
ITEM: Resolution Amending the 2023 fee schedule for the Sewer and Refuse Departments.

☐ ORDINANCE
☒ RESOLUTION

☐ INFORMATION
☐ MOTION

I. REQUEST OR ISSUE: The request is for City Council to approve resolution 02-03-04 that amends the 2023 Fee Schedule by changing:

1. For the Sewer Fees section - change the Identifier of the Equivalent Unit Table from (C) Commercial to (I) Industrial for number 5a Bunkhouses and number 12 Hospital.
2. For the Refuse Fees section - Add fees for net disposal.

II. RECOMMENDED ACTION / NEXT STEP: Move to Approve Resolution 02-23-04.

III. FISCAL IMPACTS: 1. Sewer - This edit will allow billing to occur at the Industrial rate for these entities. 2. Refuse – Reduce the waste stream, save landfill space and equipment wear and tear.

IV. BACKGROUND INFORMATION: **Sewer Department Change**

This correction was missed when the fee schedule was updated. The modification brings the city into compliance with the City code and provides billing documentation.

Title 14

14.04.010 - Definitions.

"Industrial" means wholesale establishments, canneries, processors, hospitals, and other activities involving the assembling, fabrication, finishing, manufacturing and packaging of tangible personal property.

Refuse Department Change

The Copper River Watershed Project (CRWP) and the Refuse Department have diligently worked to create a sustainable web recycling program. The CRWP purchased a small baler modified to bale web

(nets), which can be used for aluminum cans. CRWP hosts monthly web collection events during the summer at the baler. The web is baled that day or stored in connexes purchased by CRWP and baled later. CRWP has also secured a buyer for the web and aluminum cans. Both are shipped out in the fall.

The Refuse Department's goals are to work towards sustainably reducing the waste stream that enters the landfill. This provides a longer life span for the landfill. In 2022, 10 bales of web were made. That is approximately 196 cubic yards of web that did not go into the landfill. To visualize 196 cubic yards, imagine 196 washing machines stacked. Each machine is about 1 cubic yard (3X3X3). This web also did not get caught in landfill new landfill equipment, which causes downtime and repairs. The success of the first year of baling and having a reliable buyer proved that we could sustainably bale the web and aluminum removing it from the landfill.

To encourage recycling and expand the benefits listed above, we are implementing a fee to dispose of web in landfill. These are nets that are not prepped for recycling, requiring the removal of the lead line and corks. The revenue will help to maintain the baler and pay for electricity.

V. LEGAL ISSUES: City Code requires fees and rates to be approved by Resolution therefore, an amendment to the same would be done via the same instrument. Fee and rate setting resolutions also require public hearings, therefore, there is a public hearing tonight before the regular meeting where the resolution will be before Council for approval.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES: Recycling reduces the waste stream to the landfill and is good for the environment.

**CITY OF CORDOVA, ALASKA
RESOLUTION 02-23-04**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF CORDOVA, ALASKA, AMENDING
THE SEWER DEPARTMENT SECTION AND THE REFUSE DEPARTMENT SECTION OF
THE 2023 FEE SCHEDULE AS HAD BEEN APPROVED IN RESOLUTION 12-22-33 ON
DECEMBER 7, 2022**

WHEREAS, the Council of the City of Cordova, Alaska, determines annually, by resolution, the fees, rates and charges for city services that are not otherwise established by ordinance or other applicable law; and

WHEREAS, within the Sewer Department's fee schedule section passed as Resolution 12-22-33, the Identifier in the Equivalent Unit Table was mislabeled; and

WHEREAS, Correcting the label brings the fee into compliance with Cordova Municipal Code 14.04.010 – Definitions, "Industrial"; and

WHEREAS, within the Refuse Department section of the fee schedule passed as Resolution 12-22-33, a fee for disposal of nets was inadvertently left out; and

WHEREAS, the Refuse Department and the Copper River Watershed Project have successfully implemented a net recycling program; and

WHEREAS, in 2022, 10 net bales were made, reducing the waste stream to the landfill by 196 cubic yards; and

WHEREAS, to encourage recycling and reduce the waste stream to the landfill, a fee for disposing of gill nets and seine nets has been established.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Cordova, Alaska, hereby amends the sewer department section and the refuse department section of the original fee schedule adopted as Resolution 12-22-33 on December 7, 2022 and directs the City Clerk to attach it as an addendum to that resolution; the error is ~~stricken through~~ below and the addition is **bold and underlined**.

BE IT FURTHER RESOLVED that all City fees, rates and charges shall remain in effect until changed by further action of the City Council.

Public Hearing: February 15, 2023

PASSED AND APPROVED THIS 15th DAY OF FEBRUARY 2023

David Allison, Mayor

ATTEST:

Susan Bourgeois, CMC, City Clerk

AMENDMENTS TO CITY OF CORDOVA 2023 FEE SCHEDULE
SEWER DEPARTMENT

Rates

Monthly fee for Residential sewer service is **Fifty-nine dollars and forty-eight cents (\$59.48)** multiplied by the equivalent unit in table below. Residential equivalent units are identified with an R.

The monthly fee for Commercial sewer service is **Seventy-four dollars and seventy-six cents (\$74.76)** multiplied by the equivalent unit in table below. Commercial equivalent units are identified with a C.

The monthly fee for Industrial sewer service is **One hundred twenty-five dollars and eighteen cents (\$131.44)** multiplied by the equivalent unit in table below. Industrial equivalent units are identified with an I.

Sewer

Equivalent Unit Table

	<u>Classification</u>	<u>Equivalent Unit</u>
5a	Bunkhouse facility with central bath; per bunk	0.3 X C <u>0.3 X I</u>
12	Hospital, rest home, convalescent home: for each bed	4.0 X C <u>1.0 X I</u>

AMENDMENTS TO CITY OF CORDOVA 2023 FEE SCHEDULE
REFUSE DEPARTMENT

Baler

<u>Disposal Fees</u>	<u>Unit</u>	<u>Rate</u>
Residential & Commercial Refuse	Cubic Yard	\$7.21
Construction & Demolition (C&D) Materials	Cubic Yard	\$11.37
Hazardous Materials	Gallon	\$10.61
Asbestos Materials*	Cubic Yard	\$138.65
Scrap Metal	Cubic Yard	\$20.59
<u>Gill Nets</u>	<u>Each</u>	<u>\$75.00</u>
<u>Seine Nets</u>	<u>Each</u>	<u>\$100.00</u>
Major Household Appliances – per item		\$10.26
Refrigerators, freezers & other w/ Freon** per item		\$61.03
*Customer must give 2 weeks advanced notice and receive approval prior to dumping.		
**Certificate of refrigerant removal required to receive Major Household Appliance rate.		

**Regular City Council Meeting
December 7, 2022 @ 7:00 pm
Cordova Center Community Rooms A & B
Minutes**

A. Call to order – Mayor David Allison called the Regular City Council Meeting to order at 7:00 pm on December 7, 2022, in the Cordova Center Community Rooms.

B. Invocation and pledge of allegiance – Mayor Allison led the audience in the Pledge of Allegiance.

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

D. Approval of Regular Agenda – M/Jones S/ Carpenter to approve the agenda.
With no objection, Mayor Allison declared the agenda approved as presented.

E. Disclosures of Conflicts of Interest and ex parte communications – Jones said he didn't think it a conflict, but he won't vote on the Harbor Commission appointments since he is one of the possible appointees. **Bourgeois** explained that to be recused it had to be for a financial conflict as defined in City Code. If he chooses not to vote (abstains) his vote will be a vote in the affirmative unless the Council concurs that he is financially conflicted. **Mayor Allison** ruled that it was not a conflict of interest and Council did not disagree.

F. Communications by and Petitions from Visitors

1. Guest speakers – **Arne Erickson** and **Martins Onskulis**, City Assessors, from Appraisal Company of Alaska, gave Council a short synopsis of how assessing will work now with the new program that they are using; MARS software. They are in town these next few days, and they will be visiting and photographing at least 200 of the properties in town; will photograph the rest over summer. **Arne** said with a low sales ratio, he anticipates there will be increased assessed values in 2023. He said of course there will be the customary appeal period; when assessors assess properties it is only from an external view and measurements of the property, they do not have the luxury of entering every home/building – which is what the appeal process is all about. He thanked the Council for allowing the City to move forward with this electronic means of assessing – it increases the efficiency. With Cordova now onboard, 10 of the 12 municipalities where they assess are now using this system. **Martins** compared the paper cards to a flip phone and MARS is like the newest iPhone; the automation makes for fewer errors in calculations and reporting. This past summer the Clerks mailed up boxes of old property record cards and all of them have been photocopied and the pdfs are attached to each property in MARS and all the details from the cards have been entered. This benefits property owners, City employees and the Assessors – accuracy is enhanced.

Carpenter asked if the whole thing is on the iPad he was holding. **Martins** said that the 15 boxes of property record cards are now right on his iPad, he can take pictures with it link it to GPS mapping, all very handy and much more streamlined and efficient, takes the iPad out in the field to do the work.

Howarth said that down the road there will be the ability for someone to get online and see this data like other communities have now.

2. Audience comments regarding agenda items:

Kasey Kinsman of 211 Council Ave spoke about the budget and about the Capital Priorities list specifically; he opined that he'd like to see a new Public Safety Building prioritized - at a higher level than where it is now. He'd like to see it more on the five-year plan vs. the 10-year plan – it's an essential service for the community; he thinks we are doing a disservice to the community by having the people on the front line in an antiquated and dilapidated building.

3. Chairpersons and Representatives of Boards and Commissions

Alex Russin, Superintendent of Schools, said that 2nd quarter is wrapping up and there are upcoming music programs at the elementary and HS next week. Valdez will bring teams over for basketball on Dec 16 & 17. School maintenance personnel will be in touch with city staff on a recent quote for a new boiler because the primary HS boiler had gone out recently but the waste oil one kicked un and there was assistance from the City and Shoreside over the weekend which was appreciated. He said they are anxiously awaiting results of the City buildings assessments as the school buildings were included in that. He thanked Council for the budget request – they will work on their 2024 budget starting in January and will be back to talk about their needs by May 2023.

a. Parks and Recreation Commission Resolution 2022-01

4. Student Council Report – no report

G. Approval of Consent Calendar

5. Minutes of the November 16, 2022 Regular Council Meeting

6. Per Charter Section 2-8 and Cordova Municipal Code 3.12.022, recordation of excused absence of Mayor **David Allison** from the Nov 16, 2022 Regular Meeting

7. Per Charter Section 2-8 and Cordova Municipal Code 3.12.022, recordation of unexcused absence of Council member **Cathy Sherman** from the Nov 16, 2022 Regular Meeting

8. Resolution 12-22-34 A resolution of the Council of the City of Cordova, Alaska authorizing the City Manager to enter into a Sole Source contract with ProComm Alaska LLC to provide consultation and communication equipment installation for Cordova Police 911 Communications Center

9. Council action to waive protest for the transfer of Beverage Dispensary License #919 to Robin Traxinger (Powder House Bar & Grill), including Restaurant Designation

Vote on the Consent Calendar: 6 yeas, 0 nays, 1 absent. Sherman-yes; Jones-yes; Guard-yes; Carpenter-yes; Bailer-yes; Meyer-absent; and Schaefer-yes. Consent Calendar was approved.

H. Approval of Minutes - in consent calendar

I. Consideration of Bids/Proposals/Contracts - none

J. Reports of Officers

10. Mayor's Report – **Mayor Allison** reported: 1) he sent out a report late to Council and he wanted Council and the public to be aware of the budgetary concerns he has about some of the revenue in the 2023 budget being one-time money, not continuing sources of revenue. He hopes citizens will give opinions on whether these services are what they want and are willing to pay for or if not, what are they willing to cut; 2) **Robert Beedle** is resigning his role as the City rep on PWSRCAC to take that same role as the CDFU rep. Therefore, at Pending Agenda we should discuss advertising that position. 3) He made his picks for names/people to fill the vacant seats on boards and commissions, when we get to that agenda item, we can discuss. 4) State and federal election was certified last week, we will have all the same we've had, **Peltola, Murkowski, Stutes, Dunleavy, Stevens** all won re-election.

11. Manager's Report – City Manager **Helen Howarth** reported: 1) been focused last few weeks on budget but one new other important happening is we will be switching our health insurance from self-insured Professional Benefit Services to Premiera Blue Cross Blue Shield of Alaska – better service, more comprehensive product and less expensive, current health plan is going south; 2) well on our way to negotiating the contract for harbor project per approval at the special meeting – good communication to harbor users underway – excited to get that project going

a. South Harbor Rebuild update – no further report.

12. City Clerk's Report – **Bourgeois** reported: 1) glad the assessors were here to speak tonight – glad to have this team still on board, very easy for staff to continue with them and the community recognizes **Arne** when he is out and about; 2) election advertising will begin this month – March 7, 2023 regular city election, 2 Council seats, 1 school board and 2 CCMC board seats; declaration of candidacy runs Dec 23 through Feb 6; 3) will be out of the office Dec 13 through Jan 10 – **Tina Hammer** will be here and in charge can do everything the Clerk does.

K. Correspondence

13. 11-14-22 Email from K. Hayden re Meetings and Budget

L. Ordinances and Resolutions

14. Resolution 12-22-32 A resolution of the Council of the City of Cordova, Alaska adopting an operating budget for fiscal year 2023 and appropriating the amount of \$17,569,066

M/Carpenter S/Jones to approve Resolution 12-22-32 a resolution of the Council of the City of Cordova, Alaska adopting an operating budget for fiscal year 2023 and appropriating the amount of \$17,569,066

Carpenter said we have been working on this for a while, not more than staff though. Has been a topic at many public meetings and she sees the expenses as investments in work that will be getting done – will gain us grants that are needed. She is in support of this budget. **Howarth** corrected the record – this budget does not include any ARPA or Covid money as revenue – those were pulled out of operating and set aside for a capital budget. **Bailer** said he had not been in favor of increasing funding to chamber but he appreciates that the manager will tie that increase to the chamber's marketing of Cordova Center. He will support this budget as it is, he hopes we can continue to do all that the people want. **Sherman** said she is optimistic like **Carpenter** – we worked hard through this budget, she is happy to see extra for chamber and there will be deliverables, sometimes we must spend money to make money – she sees things happening, put money out to get grants that pay for projects. **Guard** said he is in support, he's nervous about the size of it overall, he'd like us to sit down and determine with depreciation what it costs to offer the services we offer, not bare bones, not overly bloated but what it actually costs to run the City. Then he'd like to know as a community what we can afford – hopefully it is all of it. **Schaefer** is also in support – staff has put a ton of work in, we've seen many iterations, she is content, agrees with what has been said before her.

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

15. Resolution 12-22-33 A resolution of the Council of the City of Cordova, Alaska adopting City service fees, rates, and charges for the 2023 calendar budget

M/Carpenter S/Sherman to approve Resolution 12-22-33 a resolution of the Council of the City of Cordova, Alaska adopting City service fees, rates, and charges for the 2023 calendar budget

Carpenter said this is another package of financial information we've been talking about for weeks; it lines up with current standard fees and fitting into the budget. **Sherman** agrees, she commends all departments especially Parks and Rec, Planning, Cordova Center – some of these rates and fees saw increases but they were thoughtful and comprehensive in determining how/where to adjust them – they were justified.

Jones – nothing to add. **Bailer** and **Guard** agreed and stated they were in support. **Schaefer** concurred.

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

M. Unfinished Business – none

N. New & Miscellaneous Business

16. Council concurrence of Mayor's appointments to various City Boards and Commissions

M/Sherman S/Bailer to approve the recommendation for the appointments as presented by **Mayor Allison** of the following: Ken Jones and Andy Craig to Harbor Commission, Nancy Bird to Historic Preservation Commission, Mary Ann Bishop to Library Board, Henk Kruithof, Marv Vandenbroek and Karen Hallquist to Parks and Rec Commission and Mark Hall and Kris Ranney to Planning Commission.

M/Carpenter to amend the motion by changing the Harbor Commission appointments to Kate Laird and Ryan Schuetze for the sake of diversity – her point being that we expanded the Harbor Commission and saw lots of interested people come forward and now we have seen great interest again and yet we've kept the same people. This motion failed for lack of a second.

Vote on the motion: 5 yeas, 1 nay (Carpenter), 1 absent. Motion was approved.

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

Advertise for the PWSRCAC – Clerk said she would do so – PWSRCAC has asked for us to appoint before the end of January. **Carpenter** asked and others concurred to have the CIP list resolution on the next meeting agenda. Schedules for holiday travel were discussed and Council determined it best to cancel the December 21 regular meeting and it was decided that there would not be a quorum available for the January 4, 2023, meeting. Therefore, the next regular meeting will be January 18, 2023. Staff would be prepared to hold a special meeting if the need arose before then.

O. Audience Participation

Kasey Kinsman of 211 Council Ave supported Council member **Carpenter's** philosophy in filling the board and commission seats. He also brought up the housing issue in Cordova – he thinks it is an untapped form of revenue in a way. Maybe incentivizing large development – low-income housing seems available, there is also opportunity to spend \$500k or more – we need to bridge the gap for the housing that is unavailable between \$150k and \$350k in town. He personally knows 5 families that are trying to move here that is 20-25 people that would contribute to the tax base – would have professional employment in healthcare, with the Native Village or Native Corporation or the like who want to move here but for lack of housing haven't been able to do so.

P. Council Comments

Sherman thanked the Clerk for having the Assessors explain the new program, she appreciated audience comments tonight, she thanked the Manager for the switch back to Premier Blue Cross – sounds like a win: win, cost savings and a better benefit to employees.

Guard thanked staff for hard work getting us through the budget, harbor project, and mundane day-to-day stuff.

Jones looks forward to housing discussions, appreciates Mayor's appointments tonight, glad for discussions on CIP list too come January.

Schaefer huge thanks to staff for work on budget, and thanks to council members and for public comments tonight.

Carpenter thanked Kelsey Hayden for staying so closely involved in budget work – appreciated the correspondence. Thanked staff for work on budget – it's easier for Council because staff does the hard work behind the scenes and streamlines the process. Thanks to all who serve on boards and commissions.

Bailer echoed all the staff thanks – as far as housing affordable housing starts with land – maybe once the lots around town are assessed accurately, then people would be more incentivized to build on it.

Q. Executive Session – none

R. Adjournment

M/Jones S/Carpenter to adjourn the meeting.

Hearing no objection **Mayor Allison** adjourned the meeting at 8:06 pm.

Approved February 15, 2023

Attest: _____

Susan Bourgeois, City Clerk

A memo from Susan Bourgeois, CMC, City Clerk

DATE: February 8, 2023

TO: Mayor and City Council, Public

SUBJECT: Appointment of 2023 Election Board members

Below are the names of the individuals who have been selected to serve on the election board for the 2023 General Election on March 7, 2023.

Recommended motion: Move to concur with the Mayor's appointment of the 2023 Election board members as follows:

Ruth Steele, as Chairperson
Seawan Gehlbach
Sarah Trumblee
Ann Schultz
Lindsey Hammer
Abby Bourgeois
Susan Bourgeois
Tina Hammer

Required action: Majority voice vote or approval of the consent calendar.



Agenda item # 9
City Council Meeting Date: 2/15/23
CITY COUNCIL COMMUNICATION FORM

FROM: Sheryl Glasen, Human Resources Director
DATE: 2/15/23
ITEM: City Manager Contract Approval
NEXT STEP: Council Approval of Contract

☐ ORDINANCE
☒ MOTION

☐ RESOLUTION
☐ INFORMATION

I. REQUEST OR ISSUE: Employment Agreement approval for City Manager, Helen Howarth.

II. RECOMMENDED ACTION: Council suggested motion: to approve the employment agreement between the City of Cordova and Helen Howarth effective February 15, 2023.

III. FISCAL IMPACTS: Howarth will receive a salary increase of \$15,000.

IV. BACKGROUND INFORMATION: City Council conducted its annual evaluation of the City Manager; it was a positive evaluation with an above average outcome. Howarth asked for a salary increase.

V. LEGAL ISSUES: Charter and Code regarding City Manager can be found online:
https://library.municode.com/ak/cordova/codes/code_of_ordinances?nodeId=CHCOAL_ARTIICIM_AADDE
https://library.municode.com/ak/cordova/codes/code_of_ordinances?nodeId=CHCOAL_ARTIITHCO_S2-6CICL

Roll Call Vote because

Charter:

Section 3-1. - City manager, Appointment, term, qualification, removal.

There shall be a city manager who shall be appointed by a majority vote of all members of the council

City Code:

3.12.080 Meetings-Passage of Proposals

The council shall vote on a roll call vote where a majority of all members is required, or upon request of any council member. The results of all votes shall be entered into the minutes of the meeting.

VI. SUMMARY AND ALTERNATIVES: Council could choose not to approve the contract.

**CITY MANAGER
EMPLOYMENT AGREEMENT EFFECTIVE FEBRUARY 15, 2023**



This CITY MANAGER EMPLOYMENT AGREEMENT ("Agreement") is made and entered into effective February 15, 2023 by and between the City of Cordova ("CITY") and Helen Howarth, PO Box 875, Cordova, Alaska ("MANAGER").

NOW, THEREFORE, in consideration of the mutual covenants contained in this Agreement, City agrees to employ MANAGER as its City Manager under the terms and conditions set forth below:

1. Duties and Nature of Employment. City agrees to employ MANAGER, and the MANAGER agrees to be employed by the City in the position of City Manager. MANAGER is an at-will employee who serves at the pleasure of the City Council. MANAGER shall perform all duties and discharge all responsibilities of that position as prescribed by the laws of the State of Alaska, the Charter of City, the Cordova Municipal Code, all as may be amended from time to time, and as established by the Council, from time to time. MANAGER shall maintain residency in City during the entire term of this Agreement.
2. Term. This Agreement shall commence as of February 15, 2023, and shall expire on February 15, 2026, unless terminated earlier in accordance with Paragraph 3. The term may be extended upon mutual written agreement of the parties.
3. Termination of Agreement.
 - (a) MANAGER's employment under this Agreement is terminable at will and at any time by City, without any notice of any kind whatsoever, with or without cause, it being expressly and explicitly understood and agreed by MANAGER that he holds the position of City Manager and serves as City Manager at the will of the Council. Dismissal and grievance procedures applicable to other City employees as provided in the Cordova Municipal Code, if any, shall not apply to the termination of MANAGER's employment by the City Council.
 - (b) MANAGER shall provide City with written notice of her resignation no less than sixty (60) days prior to the effective date of her resignation or prior to termination of this Agreement. MANAGER will remain on site and in service for the notice period. At its option, City may pay salary in lieu of service through the effective resignation date, but on no account shall MANAGER receive compensation in lieu of service for a period longer than sixty (60) days regardless of the length of notice provided by MANAGER. If MANAGER resigns without providing such notice, then MANAGER shall forfeit all benefits which MANAGER otherwise would

have been entitled to receive upon resignation under this Agreement, including payment of unused accrued annual or sick leave.

- (c) This Agreement shall terminate automatically and immediately upon MANAGER's death. City shall pay any unused accrued annual and sick leave, and salary earned to the personal representative of MANAGER's estate.
- (d) If physical or mental condition renders MANAGER unable to perform the essential functions of MANAGER's position for a period of 12 weeks in any 12-month period, City may terminate this Agreement by providing not less than sixty (60) days' notice, or salary in lieu of notice. Such termination shall be without prejudice to any disability benefits otherwise payable under City plans or policies then applicable. Nothing in this paragraph shall be construed to preclude City from filling MANAGER's position with a non-temporary employee under the "key employee" concept articulated in the Family and Medical Leave Act, whether or not the Act applies.
- (e) MANAGER shall be responsible for her return transportation from Cordova.

4. Severance.

- (a) In the event that City terminates MANAGER's employment under this Agreement without cause, City shall pay MANAGER a lump sum as severance pay equal to three (3) months' aggregate salary and the monetized cost of insurance benefits paid by City on MANAGER's behalf, minus applicable deductions and withholding. MANAGER shall be required to execute and not revoke a general waiver and release of employment-related claims as a pre-condition of receiving such severance payment.
- (b) In the event City terminates MANAGER's employment for cause, or if MANAGER resigns her employment, regardless of cause, then MANAGER shall receive no severance pay from City. Any of the following shall constitute "cause" for termination: (i) MANAGER's failure to satisfactorily perform her duties in accordance with the provisions of this Agreement, or maintain her Cordova residency as required by this Agreement; (ii) MANAGER's intentional failure to obey any lawful directive of the Council; (iii) MANAGER's intentional failure to comply with the Charter of City or with the Cordova Municipal Code; (iv) intentional and willful misconduct which the Council reasonably believes reflects adversely on MANAGER's position as City Manager, including but not limited to, dishonesty, fraud, embezzlement, substance abuse, and criminal misconduct; or (v) any other acts or omissions of MANAGER which constitute "cause" under Alaska law.

5. Compensation. City agrees to pay MANAGER for her services an annualized salary of One Hundred Forty-Five Thousand Dollars (\$145,000.00) payable in near-equal installments in the same manner and schedule as other employees of City. All compensation paid to MANAGER shall be subject to required employment deductions, taxes and contributions. This salary amount shall be effective for the term of the Agreement, subject to annual review by the City Council. MANAGER shall receive any and all salary increases, such as COLA adjustments, given to all other exempt employees of City during the term of this Agreement.
6. Exempt Position. MANAGER acknowledges that the position of City Manager is exempt from the overtime requirements of state and federal minimum wage and overtime laws, and as such MANAGER is expected to work whatever hours are necessary to accomplish the goals and requirements of the position. The customary work week at Cordova for full time, exempt employees is Monday through Friday from 8:00 a.m. to 5:00 p.m. However, MANAGER acknowledges that the specified work hours and work week may differ depending on the needs of City, and that MANAGER may frequently be required to work beyond the confines of the regular work week and work hours. Time sheets shall be submitted to the Mayor or her designee for signature in accordance with the schedule utilized for other non-elected, non-collectively bargained employees.
7. Benefits. MANAGER shall be entitled to participate in City-sponsored health and life insurance benefits on the same basis as other full-time regular employees of City, subject to City's right to amend or terminate such benefits at any time.
8. Retirement Benefits. Manager shall be enrolled in the Alaska Public Employees Retirement System (PERS) during the term of this Agreement, so long as the City participates in the System.
9. Paid Time Off.
 - (a) Holidays – MANAGER shall receive regular pay for recognized holidays specified in the Cordova Municipal Code.
 - (b) Annual Leave – MANAGER shall accrue annual leave at a rate of 12 hours per month. Annual leave may be carried over from year to year. Annual leave accumulated in excess of 240 hours shall be forfeited on December 31 of each year. All accrued annual leave shall be cashed out upon separation, subject to the limitations of Section 8 hereof. Annual leave must be requested two weeks in advance. Requests for annual leave shall be submitted to the Mayor or City Council at any of its regularly scheduled twice-monthly meetings.
 - (c) Medical Leave – MANAGER shall accrue medical leave at a rate of 15 days per year. Medical leave shall be carried over from year to year. Fifty percent (50%) of MANAGER's accrued medical leave shall be cashed out upon separation on favorable terms up to a maximum of 520 hours,

subject to the limitations of Section 8 hereof. For an absence due to sudden illness or other unanticipated events, MANAGER shall telephone the Mayor or the designated City Council representative as soon as possible.

- (d) Miscellaneous – Annual and sick leave both accrue during the period of time MANAGER is on a paid leave, but not during leave without pay. Neither annual leave nor sick leave may be advanced.

10. Expenses.

- (a) Cell Phone – City will provide MANAGER with a cell phone for ease of contact of MANAGER during non-traditional work hours and particularly for use where the work of City requires travel outside of City, subject to City policy and public recordkeeping requirements.
- (b) Laptop Computer – City will provide MANAGER with a laptop or other portable computing device. All such devices shall be used by MANAGER for the sole and exclusive purpose of conducting official business and maintaining the operations of City. Use of all such devices is subject to City's policies regarding computer and internet use.
- (c) Vehicle Use – City shall provide MANAGER with an automobile for City business. The automobile may be used by other City employees from time to time when not being used by MANAGER.
- (d) Professional Dues – City shall pay for professional dues for ICMA membership, and other subscriptions or dues for participation in national, regional, state, and local associations and organizations for MANAGER's continued professional growth and advancement, as may be approved by the Council.
- (e) Travel – MANAGER shall be reimbursed for travel to out of town meetings or professional development as authorized by the City Council in the budget for each fiscal year or as approved in advance by the City Council, subject to City's expense documentation and reimbursement practices.

- 11. Confidentiality. MANAGER recognizes that the City Manager will receive and have access to information of a confidential nature. MANAGER agrees any confidential information obtained as a result of the City Manager position will be maintained as confidential to the extent authorized by law.

- 12. Indemnification. City shall indemnify, hold harmless and defend MANAGER against all claims and liability which may result from any claim, action or suit by any person based upon alleged injury to or death of a person or alleged loss of or damage to property that may occur or that may be alleged to have been caused by MANAGER acting in the course and scope of performing her official duties during the duration of her employment with City under this Agreement; provided, however, that City shall not be obliged to indemnify, hold harmless or defend

MANAGER against any such claim or liability arising out of or resulting from acts or omissions which, in the sole judgment of City, constitute dishonesty, fraud, or criminal misconduct. It is the intention of the parties that MANAGER shall be covered under the applicable City public officials' liability policy. The provisions of this Paragraph 12 shall survive the termination, expiration or other end of this Agreement and/or the MANAGER's employment with City.

13. Conflict of Interest. MANAGER will be fair and impartial in all dealings and will avoid any actions which create a conflict of interest or might reasonably be interpreted as affecting the impartiality of her position as City Manager. MANAGER shall not use her position for the primary purpose of obtaining personal financial gain or financial gain for a spouse, child, mother, father, or business with which MANAGER is associated. MANAGER shall not solicit or receive money for advice or assistance given in the course of her public employment. MANAGER may not represent a client for a fee before the City Council.
14. Other Employment. MANAGER acknowledges that he must devote a great deal of time outside normal City office hours to the business of Cordova. MANAGER shall not undertake employment with any person or entity other than Cordova without prior written approval of the City Council.
15. Performance Evaluation. The City Council shall evaluate the performance of MANAGER no less frequently than annually during the term of this Agreement. The evaluation shall be completed in accordance with written guidelines of expected standards of performance and personal conduct and a written performance evaluation procedure approved by the City Council prior to each evaluation and provided in advance to MANAGER.
16. Choice of Law; Exclusive Venue. Any controversy or claim arising out of or related to this Agreement or the breach thereof shall be governed by the laws of the State of Alaska, and City, Alaska, and the exclusive forum for any legal proceedings regarding such dispute shall be the Superior Court for the State of Alaska, Third Judicial District at Cordova.
17. Assignment. This Agreement shall not be assignable, in whole or in part, by either Party without the written consent of the other Party.
18. Integration and Modification. Except as otherwise provided herein, this instrument is the entire Agreement and supersedes any previous employment agreement or arrangements. It may be modified only in writing signed by each of the parties.
19. Severability. In the event any provision of this Agreement is deemed to be void, invalid, or unenforceable, that provision shall be severed from the remainder of this Agreement so as not to cause the invalidity or unenforceability of the remainder of this Agreement. All remaining provisions of this Agreement shall then continue in full force and effect. If any provision shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope and breadth permitted by law.

20. Waiver. The waiver by either Party of a breach of any of the provisions of this Agreement by the other Party shall not operate or be construed as a waiver of any subsequent breach by a Party.
21. Amendment. This Agreement may be amended in writing by mutual agreement of the Parties.
22. Applicability of City Personnel Regulations. The Cordova Municipal Code and any Personnel Regulations as they may exist from time to time shall govern this Agreement; provided, however, that the provisions of this Agreement shall take precedence in any area specifically addressed by this Agreement when there is a conflict between the Code, Regulations and this Agreement.
23. Employee's Certification. MANAGER hereby certifies that he has received a copy of this Agreement and the Cordova Municipal Code and any applicable employment policies and procedures. MANAGER further certifies that he/she has had the opportunity to be represented by independent counsel in the negotiation of this Agreement, has read the full Agreement, and understands the meaning and legal consequences of this Agreement.
24. Signatures. The Parties agree that a facsimile signature shall have the same force and effect as an original signature. This Agreement may be executed in counterparts and all counterparts so executed shall constitute one agreement which shall be binding on the Parties.

IN WITNESS WHEREOF, the City Council of the City of Cordova has caused this Agreement to be signed and executed on the City Council's behalf by its Mayor and duly attested by its City Clerk, and Helen Howarth has executed this Agreement for and on behalf of herself, on the day and year first written above.

CITY OF CORDOVA

MANAGER

BY: _____
David Allison, Mayor

BY: _____
Helen Howarth, City Manager

ATTEST:

BY: _____
Susan Bourgeois, City Clerk



AGENDA ITEM 10
City Council Meeting Date: 2/15/23
CITY COUNCIL COMMUNICATION FORM

FROM: Public Works
DATE: February 8, 2023
ITEM: Change order to Project Manager Contract, South Harbor Rebuild
NEXT STEP: Review and Approve Change Order

_____ RESOLUTION
_____ ORDINANCE
_____ INFORMATION
__X__ MOTION

I. REQUEST OR ISSUE: Vote on Change order over \$25,000 per City Code 5.12.050 (B).

II. RECOMMENDED ACTION / NEXT STEP: "I move to approve Change Order 001 for \$69,988 for additional time and travel for the South Harbor Rebuild Project Manager."

III. FISCAL IMPACTS: The funds for the change order will be from 702-400-54032 Harbor reserves.

	Harbor Reserve Fund Balance	Obligated Expenses	Change Orders
Harbor reserve Fund, balance 1/23	\$1,877,285.00		
R&M Engineer remaining balance	\$1,529,193.42	\$348,091.58	
Solstice Alaska Consulting, Inc.	\$1,493,016.35	\$36,177.07	
Mark Keller	\$1,333,406.35	\$89,622.00	\$69,988.00
Bond Payment for 2023	\$1,183,406.35	\$150,000.00	
Change order for Turnagain	\$976,426.35		\$206,980.00

The Harbor Reserve fund is replenished annually with revenue from the fish tax, wharfage, and the annual transfer from the harbor operations. This change order is in the best interest of the South Harbor Rebuild project. It will provide quality assurance, expertise, and liaison during the remaining crucial phases of the project.

Travel Cost 5 trips	\$12,500
Procurement and design Review Phase hours	\$31,763
Fabric and Construction Phase Hours	\$25,725
Total Change Order:	\$69,988

IV. BACKGROUND INFORMATION: At the March 16, 2022, City Council Meeting, the council awarded the contract to Mark Keller, Project Manager.

16. Resolution 03-22-08 A resolution of the Council of the City of Cordova, Alaska, authorizing the City Manager to enter into a sole source contract with Mark R. Keller, LLC. to provide project management for preconstruction services, procurement, fabrication, construction, and closeout tasks for the south harbor rebuild project. M/Glasen S/Schaefer to approve Resolution 03-22-08 A resolution of the Council of the City of Cordova, Alaska, authorizing the City Manager to enter into a sole source contract with Mark R. Keller, LLC. to provide project management for preconstruction services, procurement, fabrication, construction, and closeout tasks for the south harbor rebuild project. Glasen said he is in support – Mark is our guy. Schaefer wanted to clarify that this covers the whole project even though the timeframe has now been extended – Howarth replied, yes, it does. Vote on the motion: 7 yeas, 0 nays. Motion was approved.

The extensive work in developing the RFP and conceptual designs caused unplanned hours and travel during the preconstruction phase. There are 17 months to complete the procurement, fabrication design, and construction. This change order will add 4 hours per month to the procurement and design phase and the fabrication and construction phase. It will also fund an additional five inspection trips to Cordova.

Mark Keller became involved with the South Harbor Rebuild shortly after the RAISE grant was awarded. He has guided the city team through completing the conceptual design, writing the RFP, evaluating proposals, and selecting the Design Build firm. He knows all the components of the project. His past harbor and large project experience are extensive; his expertise and guidance are crucial to finish the project.

V. LEGAL ISSUES: The change order will be completed as outlined in the contract.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES: There are no known conflicts or environmental issues associated with this change.

5.12.050 Contract amendments.

- A. All amendments to contracts for supplies, services and construction, including change orders, shall be approved in writing by the city manager, subject to council approval where required under this section. Contract amendments shall not be used to avoid procurement by the competitive procedures established under this chapter.
- B. No contract amendment which will cause the total price of the contract, as amended, to exceed the greater of twenty-five thousand dollars or one hundred ten percent of the original contract price may be executed unless the council has approved a memorandum setting forth any modifications to the essential terms of the contract.

(Ord. 1019 § 2, 2008: Ord. 809 (part), 1998).

(Ord. No. 1093, § 2, 1-4-2012)



AGENDA ITEM 11
City Council Meeting Date: 2/15/23
CITY COUNCIL COMMUNICATION FORM

FROM: Public Works

DATE: February 8, 2023

ITEM: Change order to Turnagain Marine Construction contract

NEXT STEP: Review and Approve on Change Order

☐ RESOLUTION
☐ ORDINANCE

☐ INFORMATION
☒ MOTION

I. REQUEST OR ISSUE: Vote on Change order over \$25,000 per City Code 5.12.050 (B).

II. RECOMMENDED ACTION / NEXT STEP: “I move to approve Change Order 001 for \$206,890 for the additional upgrades of:

04 additional 32’ finger floats with water and power on the N dock (see attached drawing)

03 upgraded “T” docks on the end of H, I & J floats. (see attached Drawing)

III. FISCAL IMPACTS: The funds for the change order will be from 702-400-54032 Harbor reserves.

	Harbor Reserve Fund Balance	Obligated Expenses	Change Orders
Harbor reserve Fund, balance 1/23	\$1,877,285.00		
R&M Engineering remaining balance	\$1,529,193.42	\$348,091.58	
Solstice Alaska Consulting, Inc.	\$1,493,016.35	\$36,177.07	
Mark Keller	\$1,333,406.35	\$89,622.00	\$69,988.00
Bond Payment for 2023	\$1,183,406.35	\$150,000.00	
Change Order for Turnagain	\$976,426.35		\$206,980.00

The Harbor Reserve fund is replenished annually with revenue from the fish tax, wharfage, and the annual transfer from the harbor operations. The change order is in the best interest of the harbor, providing additional moorage, revenue, and future growth.

Location	Upgrade	Cost
J “T” float	Increase Float and pile size	\$28,560.00
I “T” float	Increase pile size	\$8,725.00
H “T” float	Increase Float and pile size	\$40,980.00
N float	Add 4 32’ finger floats	\$94,000.00
	Water and electrical to finger floats	\$34,625.00
Total Change Order:		\$206,908.00

IV. BACKGROUND INFORMATION: At the November 30, 2022, Regular City Council meeting, City Council awarded the South Harbor Rebuild contract to Turnagain Marine Construction Corporation (TMC) contract.

3. Award of Contract to Turnagain Marine Construction for South Harbor Rebuild M/Carpenter S/Jones to direct the City Manager to negotiate a contract with Turnagain Marine Construction to provide design and construction of the South Harbor Rebuild for a sum not to exceed \$39,596,575. Carpenter this is the vote that enables us to award the contract so we can get the work going, she’s in favor of the motion. Jones supports this motion for option B+ that staff presented. Meyer said its part of the process. Bailer is good with the motion. Guard is in support. Mayor Allison stated this is committing us, if we don’t get grants for the \$3.9 million, we will need to find a place to get that money. Vote on the motion: 5 yeas, 0 nays, 2 absent. Sherman-absent; Jones-yes; Guard-yes; Carpenter-yes; Bailer-yes; Meyer-yes and Schaefer-absent. Motion was approved

The Harbor Commission reviewed and commented on the drawings submitted with the proposal. Some of these edits included:

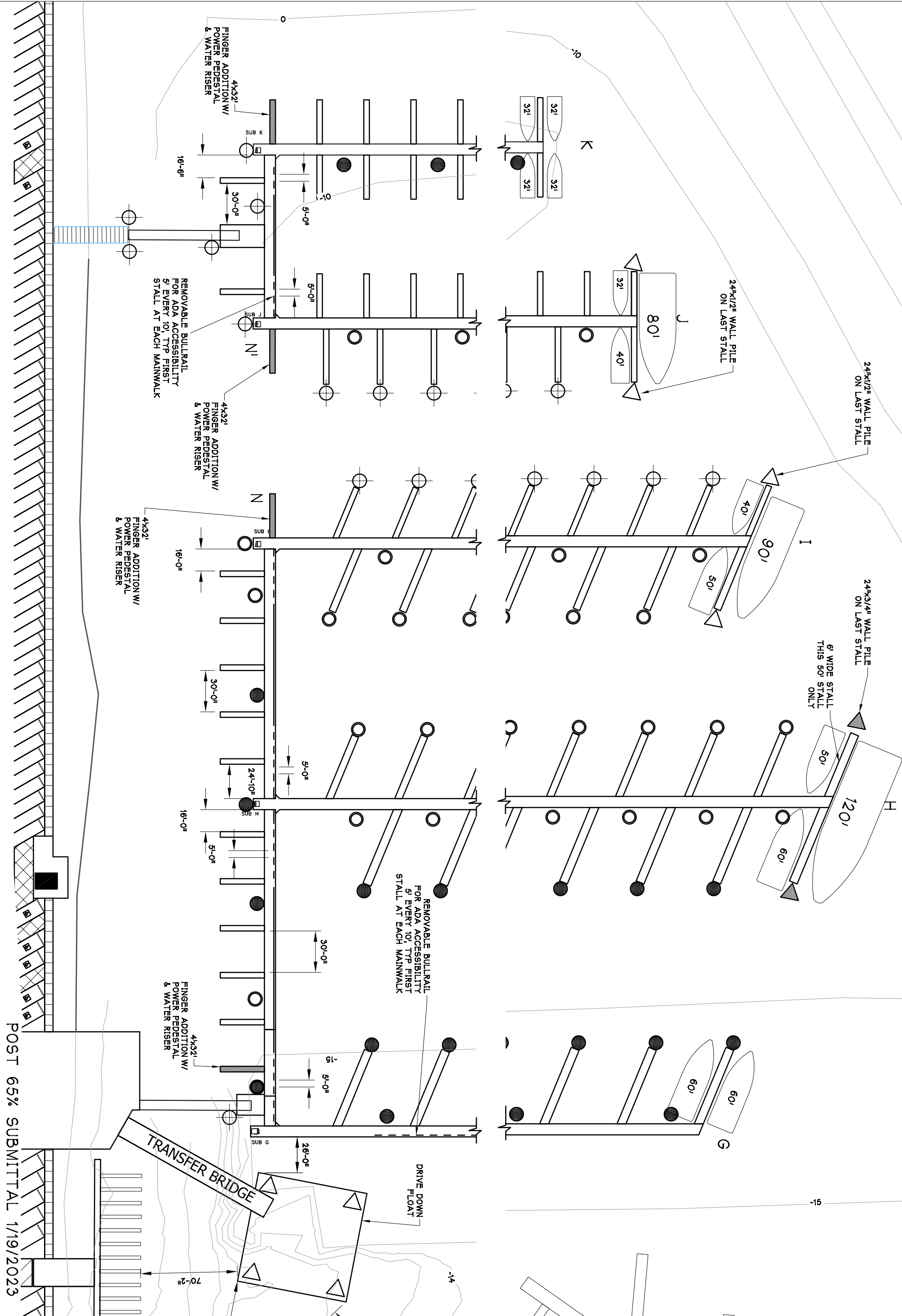
- the addition of the 4 slips on the N float
- verifying the capacity of the T-docks on the end of H, I & J floats,
- moving and reorienting the drive down dock
- designing the K gangway to accommodate two additional moorage spaces
- adjusting the position of the electrical transforms to the head dock
- move Drive Down Float services within the float perimeter for protection purposes
- ADA parking- vehicle & boat

Turnagain reviewed and incorporated the edits. The review of the T docks showed that they were designed to support vessels equal to the slip size of the side of the main dock and were not structurally sound to support the entire length of the slips. For example, I Float has 50’ slips on one side and 40’ slips on the other side. The T dock is being upgraded to structurally support 90’ boats, which are heavier and require stronger support for wind load (see attached drawing). Adding four 32’ finger floats on the N dock provides additional slips for the fleet. (see attached drawing). The Harbor Commission and staff believe that it is critical to upgrade the floats and piles to be structurally sound to support the largest vessel possible and provide as many slips as possible. All other edits were integrated into the project at no charge.

V. LEGAL ISSUES: The change order will be completed as outlined in the contract.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES: There are no known conflicts or environmental issues associated with this change.

VII. SUMMARY AND ALTERNATIVES: If the change order is not approved, the additional spaces will be lost, and the vessel sizes will be limited on the T docks.



POST 65% SUBMITTAL 1/19/2023

5.12.050 Contract amendments.

- A. All amendments to contracts for supplies, services and construction, including change orders, shall be approved in writing by the city manager, subject to council approval where required under this section. Contract amendments shall not be used to avoid procurement by the competitive procedures established under this chapter.
- B. No contract amendment which will cause the total price of the contract, as amended, to exceed the greater of twenty-five thousand dollars or one hundred ten percent of the original contract price may be executed unless the council has approved a memorandum setting forth any modifications to the essential terms of the contract.

(Ord. 1019 § 2, 2008: Ord. 809 (part), 1998).

(Ord. No. 1093, § 2, 1-4-2012)

Date: 2/15/23
TO: CITY COUNCIL
FROM: HELEN HOWARTH, CITY MANAGER
RE: Manager's Report

FY23 Capital Budget

FY23 Operating Budget was approved in December without a Capital Budget with Council direction to revisit the capital budget in first quarter 2023.

Department Heads submitted their FY23 capital requests representing investments needed in 2023 to enable City staff to perform City services. Council is asked to discuss and approve the FY23 Capital Budget at this meeting.

A Council work session will be scheduled in early April to develop a five-year Capital plan based on recommendations resulting from the facility assessment performed by Coffman Engineers, and equipment replacement and future needs schedules developed by Department Heads. This plan will inform future departmental and Council budgeting.

CCMC/NVE Healthcare

City Manager met with Ted Wright, Executive Director of NVE, Kari Collins, Director of Ilanka Health Clinic, and Dr. Hannah Sanders of CCMC to renew discussions around healthcare facilities and consolidation of healthcare services. The conversations resulted in agreement to pursue remodeling of the existing CCMC building to accommodate a Tribal Clinic and Critical Access Care Hospital with healthcare consolidation under Tribal management.

NVE has requested City of Cordova support for this effort and a resolution from Council is before the body for approval. NVE will meet with Alaska's congressional delegation in March to request an appropriation.

Housing

Staff is gathering data and information to inform an April Council work session on the topic of housing development in Cordova. Staff will outline obstacles and present opportunities for Council action to both leverage and encourage housing development.

Juneau lobbying

City Manager and Collin Bronson will be in Juneau, February 21-24 for the Alaska Municipal League Winter Legislative meeting and to discuss Cordova needs with legislators.

PUBLIC NOTICE

REGULAR CITY ELECTION

**** Regular Election - General Information ****

**** March 7, 2023 ****

**** Polling place: Cordova Center Community Room A
Voting hours: 7:00 am to 8:00 pm ****

To elect:

Seat B One (1) City Council Member for One (1) Regular, Three (3) Year Term

Seat C One (1) City Council Member for One (1) Regular, Three (3) Year Term

To elect:

One (1) School Board Member for One (1) Regular, Three (3) Year Term

To elect:

**Two (2) CCMC Authority Board Members for One (1) Regular, Three (3) Year Term
for One (1) Two (2) Year Term**

Early in-person voting at Cordova Center: Available February 14 – March 6, 2023, 8:00 am – 5:00 pm, Monday through Friday. Not including the President’s Day Holiday, Monday February 20, 2023.

Application for absentee voting: Submit a request for an absentee ballot to: City Clerk, City of Cordova, PO Box 1210, Cordova, AK 99574; or by email to cityclerk@cityofcordova.net . Application by mail shall be postmarked, and application by email shall be received by the city clerk no earlier than January 1, 2023 and no later than 7 days (Tuesday, February 28, 2023) before the election. Applications are available on the City website or may be requested from the City Clerk. Absentee ballot application may also be requested in-person at an early voting site during its hours of operation.

Casting an absentee ballot: An absentee ballot cast by mail must be postmarked on or before the date of the election and must be received by the City Clerk no later than 14 days after the election (March 21, 2023). An absentee ballot deposited in a drop box must be placed in the drop box by the close of polls on election day. Cordova has one Election Drop Box, located upstairs at the Cordova Center main entrance under the covered drop-off driveway.

Absentee voting a special needs ballot: A qualified voter who is unable to go to a polling place to vote because of disability, infirmity or confinement may vote absentee by special needs ballot. The voter may, through a representative, request a special needs ballot from an election official on election day or from the City Clerk up to 21 days (February 14, 2023) before the election date.

For further information, contact the City Clerk at cityclerk@cityofcordova.net or 424-6248.

Sample Ballot
Cordova General Election
March 7, 2023

sample ballot

City Council Member - Seat "B"

For regular, three (3) year term

Vote for one (1)

☐

Cathy R. H. Sherman

☐

(write-in)

City Council Member - Seat "C"

For regular, three (3) year term

Vote for one (1)

☐

Kasey Kinsman

☐

(write-in)

One (1) School Board Member

For regular, three (3) year term

Vote for one (1)

☐

David L. Glasen

☐

(write-in)

Two (2) CCMC Authority Board Members

For one (1) regular, three (3) year term - highest vote getter

For one (1) two (2) year term - second highest vote getter

Vote for two (2)

☐

Kelsey Hayden

☐

Christopher Iannazzone

☐

(write-in)

☐

(write-in)

Sample Ballot
Cordova General Election
March 7, 2023

sample ballot

City Council Member - Seat "B"

For regular, three (3) year term

Vote for one (1)

☐

Cathy R. H. Sherman

☐

(write-in)

City Council Member - Seat "C"

For regular, three (3) year term

Vote for one (1)

☐

Kasey Kinsman

☐

(write-in)

One (1) School Board Member

For regular, three (3) year term

Vote for one (1)

☐

David L. Glasen

☐

(write-in)

Two (2) CCMC Authority Board Members

For one (1) regular, three (3) year term - highest vote getter

For one (1) two (2) year term - second highest vote getter

Vote for two (2)

☐

Christopher Iannazzone

☐

Kelsey Hayden

☐

(write-in)

☐

(write-in)

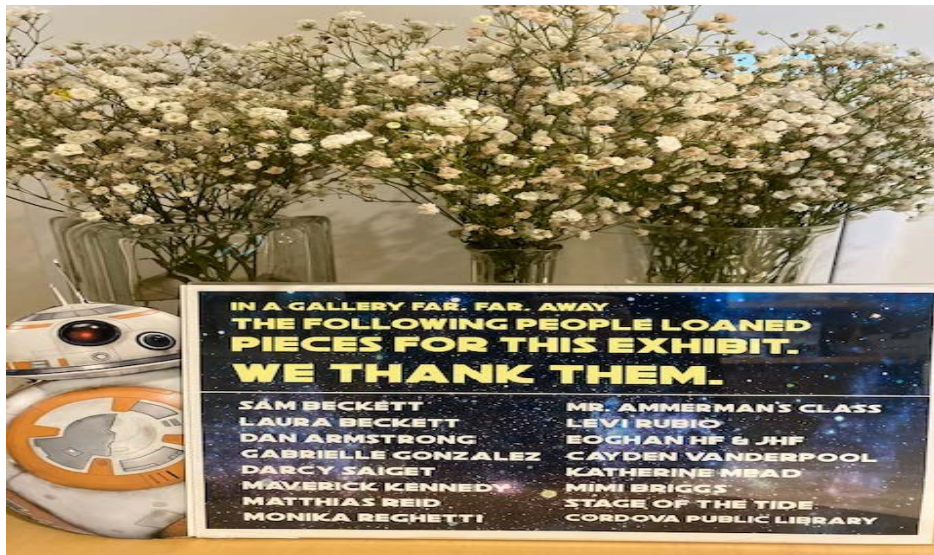
Visitation: 970

Last Year: 1047

- Visitors were from:
 - **Alaska:** Fairbanks, Kodiak, Cordova, Juneau, Gakona, Wasilla, Anchorage, Seward
 - **United States:** NV, UT, PA, MN, OH, MI, SD, AR
 - **International:**

Copper River Gallery Events:

October & November: *Star Wars the Mandalorian & more*







**HOLIDAY
ART SHOW**
&
Sale

On view December
2– January 27.
OPENING
RECEPTION:
Friday, December
2, 5–8 PM



Moonlight
Madness hours:
Friday, December
9 & 16, 5– 8 pm,
Friday, December
23, 5–7 pm.

Museum Accomplishments:

- 275 Cordova Historical Society members, 87 of whom are life members. Themed Annual Membership Dinner took place in the Copper River Gallery among the Star Wars paraphernalia. Many attendees came in costume. Jerry and Georgia McCune were name Volunteers of the Year



- All of our art exhibits were well attended, purchases supported our local artists and the continuing work in the Museum.
- Ongoing update and maintenance of copperrivergallery@zenfolio.com
- Completed research projects for individuals and government agencies.
- Continuing to finalize work on the Archives and Collections Management Room.
- The Historical Society Board has been updating policies and procedures and a creating a new 5-year strategic plan. Our goals from 2015 plan have been met!

Curator's Notes:

- Winter Sports Wall added:



- Updated Alaska & Empires:



- Photo requests, appropriate artifacts, signage, prepping images and text for display.

The Museum is open Tuesday thru Friday 10am-5pm and Saturday 12noon-5pm. Each new traveling/temporary exhibit opening evening is 5-7pm with refreshments. The Museum encourages City Council and Staff to walk through Cordova History.

First Quarter 2023 Gallery Exhibits:

February 2-27: Iceworm Photo & Art Show – SUPER ICEWORM

March 3-25: Illustrating Alaska: Artist's Making Children's Books

Respectfully submitted by Marina Briggs, Director

Museum Attendance

	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Total
1981					2483
1982					2928
1983					2618
1984					1973
1985					1414
1986	221	682	1004	209	2116
1987					1677
1988	262	645	1326	345	2578
1989	238	629	1270	374	2511
1990	411	765	1534	415	3125
1991	445	936	1355	308	3044
1992	443	509	1857	705	3514
1993	281	1078	1481	406	3246
1994	608	1255	1726	452	4041
1995	458	882	2067	548	3955
1996	905	1897	2358	741	5901
1997	634	1216	2896	936	5682
1998	1047	4330	6502	906	12,785*
1999	1288	3948	4890	853	10,979*
2000	1076	1562	2931	740	6,309
2001	1185	2484	3777	934	8380
2002	1242	2343	4176	1155	8916
2003	1590	2461	4111	963	9125
2004	1839	3063	4907	1206	11,015
2005	1834	3071	5216	1508	11,629
2006	2355	2953	6,189	1771	13,268
2007	1919	3613	4166	1442	11,140
2008	2092	3210	4919	1476	11,697
2009	1543	2436	3618	1138	8735
2010	1121	1866	2735	1051	6773
2011	1569	2275	3314	862	8020
2012	1268	2128	2329	1068	6783
2013	952	1868	2868	1320	7008
2014	1548	1876	2527	1639	7590
2015	1291	1737	2033	2015	7076
2016	1680	2461	3039	1454	8634
2017	1115	2098	3070	1436	7719
2018	1279	2889	2599	1440	8207 **
2019	1511	2276	2902	1654	8343 **
2020	832	4	109	1053	1998***
2021	479	1545	1871	1047	4942
2022	1020	2552	2602	970	7144

*Norwegian Cruise Lines

1996—School classes begin coming to the museum.

2009—Alaska Sightseeing Cruise West pulls out.

2015—Move to Cordova Center

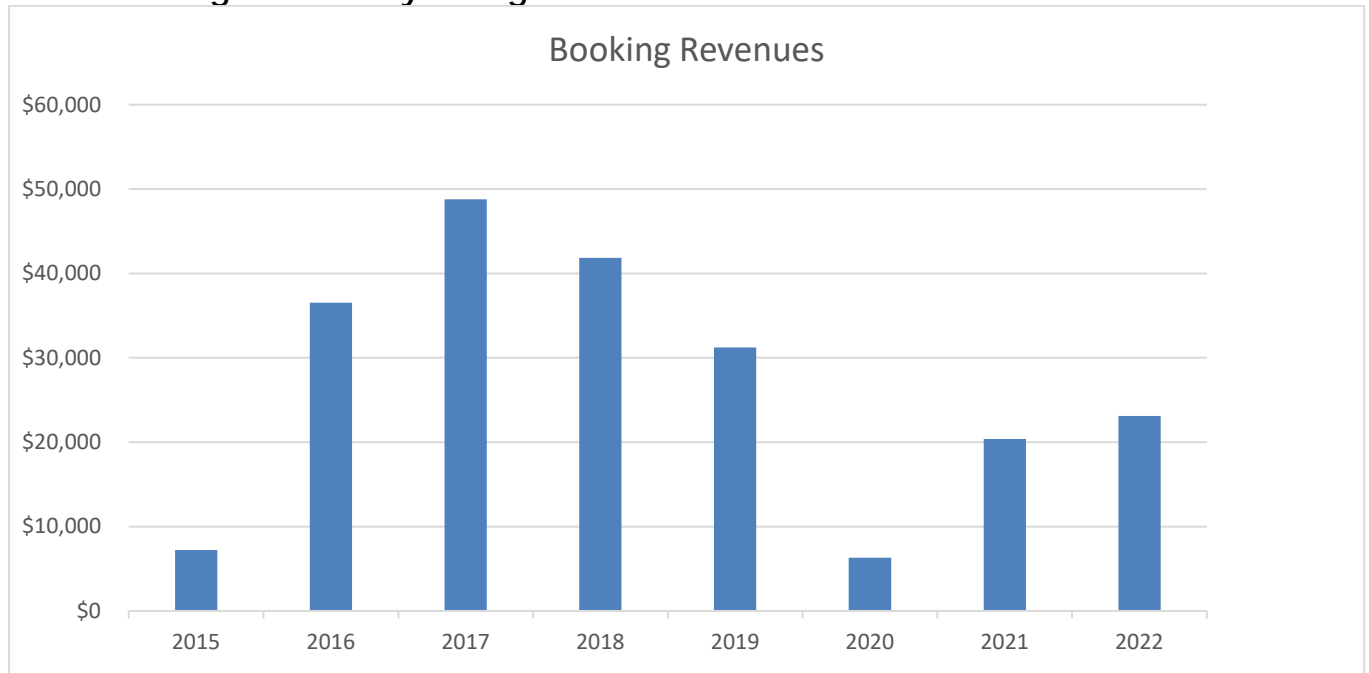
** Not open on Mondays in summer

***2020—Covid 19 Closure March to September

Cordova Center 4th Quarter 2022

The Cordova Center Events Management Team consists of Mimi Briggs, Malvin Fajardo and Paula Payne, With assistance from Cathy Sherman and Andrew Scott.

- Cordova Center **Use Policy**. Posted on website (thecordovacenter.com). *Always continuing to make notes for year-end review.*
- **Bookings: * January through December 2022 ***



- **In-Kind Non-Rev:**
 - \$7486 - Scheduled City of Cordova Meetings & other space donations; Boards & Commissions, EMO and Council teleconferences, Early Voting and Elections
- **Revenue: \$6553.45**
 - Some Cordova Center Event/Meeting Participants
Cordova Telecom Board, CR/PWS Marketing, PWS Science Center, Chugach Regional Subsistence Commission, Cordova Chamber of Commerce, Native Village of Eyak, SERVS, Northwind Quilter's Guild, Points North Heliski, Cordova Community Foundation and Cordova Electric
 - Event attendees #3,327
- **Donations:**
- **Grants:**
- **Landscaping:** Over wintering

Cordova Center 4th Quarter 2022

- **Marketing:**
 - Updated fee schedule completed and approved
 - Job Description and budget for Cordova Center Events Coordinator completed and approved
 - Cordova Center Staff continues work on marketing plans.
- **Upcoming First Quarter 2023:**
 - NVE Shepard Point Open House, Ilanka Cultural Center Membership Dinner, Board Meeting: CTC, CEC, CCF, CRPWSM, Iceworm Variety Show, Ealy Voting & Elections, USFS Job Fair, CFRC Membership Dinner and 4H Concert

The Cordova Center has returned to pre- Covid-19 conditions but continues to encourage best practices, hand washing and being vigilant if experiencing symptoms. Our air handlers and exchangers are fully deployed during events. Masks and hand sanitizer are readily available for public use.

Requests for Technical help has increased exponentially as virtual and in-person meetings are becoming the 'norm'. The search continues for technical staff to meet and expand demand.

Please enjoy pictures of some of our 4th Quarter events!



Celebration of Life for Fred & Kay Barnes.

Cordova Center 4th Quarter 2022



Chugach Regional Subsistence Commission



EVOS – Gulf Watch – PWSSC

Cordova Center 4th Quarter 2022



NVE – Coast Guard Appreciation Luncheon

The Cordova Center; the heart of our community.

Respectfully submitted:
Mimi Briggs
Cordova Center Events Team



CORDOVA CENTER

Community Inspired Development

Events Schedule: February 2023

Monday, 6

Education Room * 4pm * Prince William Sound Economic Development Seminar

Tuesday, 7

Education Room * 8am * University of Alaska ACEP Meeting

Wednesday, 8

Education Room * 10am * CR/PWS Marketing Association Board

Community Rooms A&B * 6pm * Harbor Commission

Friday, 10

Education Room * 1:30pm * Cordova Public Library * After School Art * 4th grade and up

Tuesday, 14

Community Room B * 8am * Early Voting through March 6

Wednesday, 15

Copper River Gallery * 5pm * IBEW 1547 Meeting

Mayor's Conference Room * 5:30pm * Cordova Historical Society Board

Education Room * 6pm * Cordova Telecom Board

Community Rooms A&B * 7pm * City Council

Friday, 17

Education Room * 1:30pm * Cordova Public Library * After School Art * 2nd grade up

Monday, 20

PRESIDENTS DAY HOLIDAY * CORDOVA CENTER CLOSED

Tuesday, 21

Atrium2 & Project Room * USFS Cordova Ranger District Job Faire

Wednesday, 22

Education Room * 6pm * Cordova Electric Coop Board

Friday, 24

Education Room * 1:30pm * Cordova Public Library * After School Art * 2nd grade up

Community Room A/Atrium2 * 4pm * Cordova Electric

Tuesday, 28

Education Room * 5:30-7:30 * Cordova Public Library Student Workshop

This Schedule is Subject to Change

To: Mayor and City Council
From: Robert Mattson, Fire Chief
Date: January 27th, 2023

CORDOVA VOLUNTEER FIRE DEPARTMENT

Quarterly Report

In the 4th quarter of 2022. We have 24 active volunteers and 3 paid staff.

Furthermore, the Cordova Volunteer Fire Department responded to 44 Emergency Calls for service for a total of 269 member hours. This year there were 27 Fire calls for service and 166 EMS calls for service. Including emergency calls, the department participated in the regular Thursday night meetings, public education, and other activities for a total of **4146 annual** member hours.

Not included in the total Member Hours are the On-Call Status for EMS and Officer on Duty of **33,280 hours. These annual figures help justify the need for the third paid position this year for Emergency Service Coverage and future needs for additional paid staff.**

Synopsis of notable training during this quarter, Engine Company Ops, bleeding shock trauma, fire PPE water rescue, emergency vehicle driver training, Elementary School fire prevention training, Public CPR and First Aid

Please see detail monthly activity sheets attached for more information on fire department activities.

October 2022 ACTIVITIES		Attendance	Hours	Total People Hours
Date	Thursday Meetings			
10/6	Training- Engine Company Operations	14	3	42
10/20	Training- Mandatory Reporting	14	3	42
10/26	Training-bleeding shock trauma EMT	14	4	56
10/27	Training- Trauma Skills	21	2	42
10/29	Training- EMT Skills day	14	4	56
	Total			238
Date	Public Education Taught			
10/5	Mt Eccles 1st Grade Fire Prevention	2	2	4
10/6	Mt Eccles 1st Grade Fire Prevention	2	2	4
10/7	CPR/AED	1	8	8
10/8	CPR/AED	1	8	8
10/13	Mt. Eccles 2nd Grade Fire Prevention	2	3	6
10/14	CPR/AED	1	8	8
10/17	Mt. Eccles Morning assembly	2	0.5	1
10/18	Mt. Eccles Kindergarten Fire Prevention	3	1	3
10/20	Mt. Eccles 3rd grade Fire Prevention	2	2	4
10/24	4th Grade Fire Prevention	2	3	6
10/26	6th Grade Fire Prevention	3	2	6
10/27	5th Grade Fire Prevention	3	2	6
	Total			64
Date	Other Activities			
10/1	E-14 Inventory	1	5	5
10/10	EMT I - Legal Issues	15	4	60
10/11	SAFER Grant	1	2	2
10/12	EMT I - Patient Assessments	14	4	56
10/19	EMT I- Anatomy	13	4	52
10/20	Alaska Shake Out Drill	8	1	8
10/29	Girls on Run Support	2	4	8
10/31	Halloween	13	4	53
	Total			244
Date	Fire Runs			
10/1	Fire Alarm Trident Bunkhouse	2	0.5	1
10/22	control burn callout	1	0.5	0.5
10/26	22-31	9	3	27
	Total			29
Date	Ambulance Runs			
10/2	Medical Standby	5	1	5
10/4	EMS 22-133	2	2	4
10/11	EMS 22-134	2	2	4
10/12	EMS 22-135	2	2	4
10/12	EMS 22-136	2	2	4
10/13	EMS 22-137	2	3	6
10/13	EMS 22-138	2	2	4
10/17	EMS 22-139	2	2	4
10/18	EMS 22-140	2	2	4
10/24	EMS 22-141	2	1	2
10/24	EMS 22-143	2	1	2
10/26	EMS 22-142	9	3	27
10/28	EMS 22-144	4	1	4
10/30	EMS 22-145	5	1	5
10/31	EMS 22-146	2	1	2
10/31	EMS 22-147	2	1	2
	Total			83
Total hours for the month of October				658

November 2022 ACTIVITIES		Attendance	Hours	Total People Hours
Date	Thursday Meetings			
11/3	Pool Night	17	2	34
11/10	Business Meeting	18	2	36
11/17				
11/24				
	Total			70
Date	Public Education Taught			
11/7	First Aid Training	2	1	2
11/8	First Aid Training	1	1	1
11/9	First Aid Training	2	1	2
11/14	First Aid Training	2	1	2
11/29	CPR	2	2	4
11/31	CPR and First Aid	2	1	2
	Total			13
Date	Other Activities			
11/3	Dive Training	4	2	8
11/5	EMT Class, medical assesment	12	3.5	42
11/6	Driver Training	2	1	2
11/7	Driver Training	2	1	2
11/7	Public Service Call	1	0.5	0.5
11/8	Driver Training	2	1	2
11/8	Driver Training	2	2	4
11/8	Auto alarm cancelled	1	0.5	0.5
11/9	Driver Training	2	1	2
11/9	EMT Class, Envornmental Emerg.	11	4	44
11/11	Emails	0.5	1	0.5
11/12	Vessel Drill Conductor	2	10	20
11/12	EMT Skills Class	11	4	44
11/14	Float-a-Pump	2	1	2
11/16	Coms/Pharma Training	11	3	33
11/17	Hydraulics Training	17	2	34
11/28	CPR/AED	2	1	2
11/30	EMT Training	9	3	27
	Total			270
Date	Fire Runs			
11/3	Ammonia Alarm going off 22-034	2	3	6
11/6	Cardon Monoxide alarm	1	1	1
11/8	Possible OD	3	1	3
11/23	Propaine smell	2	3	6
11/28	Dog Rescue 22-038	2	2	4
	Total			20
Date	Ambulance Runs			
11/8	22-151 Possible OD	3	1	3
11/8	MVA	5	1	5
11/8	Possible OD	3	1	3
11/12	Uncontrolled bloody nose 22-151	2	2	4
11/15	Full Code 22-153	8	2	16
11/23	Difficulty Breathing 22-154	4	1	4
11/26	Possible broken arm	2	1	2
11/27	Full Code 22-157	9	2	18
	Total			55
Total hours for the month of November				428

December 2022 ACTIVITIES		Attendance	Hours	Total People Hours
Date	Thursday Meetings			
12/1	By Law meeting	4	1	4
12/1	Patient packing/transport	15	2	30
12/8	Business Meeting	15	2	30
12/15	Thursday training	14	2	28
12/22	Holiday Dinner	47	2	94
	Total			186
Date	Public Education Taught			
	Total			0
Date	Other Activities			
12/1	Lamp Post Decorations	4	2	8
12/1	Public Assistance	1	0.5	0.5
12/3	EMT Skills/Practice	6	2	12
12/7	EMT Class	9	3	27
12/10	EMT Class	9	4	36
12/14	Driver Training	2	2	4
12/15	Public Assistance	1	0.5	1
12/15	Driver Training	2	1.5	3
12/21	EMT Review	7	2	14
	Total			88
Date	Fire Runs			
	Total			0
Date	Ambulance Runs			
12/2	Dizziness/Shortness of Breath	3	1	3
12/2	Full Code	10	3	30
12/3	Seizure	4	2	8
12/17	Diabetic/Throwing up	4	2	8
12/17	Fall on Ice	3	1	3
12/17	Medical Transport	2	2	4
12/21	Fall	2	1	2
12/24	Medical Transport	3	2	6
12/24	Transport to Hospital	4	1	4
12/24	Patient in bed and can't get up	2	2	4
12/24	Lift Assist	3	2	6
12/28	Medical Transport	2	2	4
	Total			82
Total hours for the month of December				356

Council Packet Correspondence Primer: **Communicating with Your Elected Cordova Officials**

This primer provides an overview of City of Cordova policies regarding the submission of correspondence to the City Clerk's office for distribution to City Council. These policies are general in nature and do not preempt the application of relevant laws to correspondence distribution. To the extent you have questions regarding the distribution of specific correspondence, please contact the City Clerk's office.

What gets published in Council packets as Correspondence?

- Letters, emails, cards, or other written or electronic mail addressed to City Council, any individual member of City Council or the Mayor, regardless of whether or not the sender has requested inclusion of the correspondence in a City Council packet.
- Letters, emails, cards, or other written or electronic mail written by the Mayor, individual City Council members in their capacity as elected officials, or the Council as a body
- Letters, emails, cards, or other written or electronic mail by agencies/entities that are pertinent to Council and the citizens of Cordova (e.g. population determination, full value determination, open comment periods for projects/leases in and around Cordova, etc.)
- Only correspondence received by the Clerk's Office on or before noon on the Wednesday before a regular Council meeting is eligible for inclusion in the packet for that meeting. Correspondence eligible for inclusion received after that date and time will be included in the next regularly scheduled Council meeting packet. (See CMC 3.12.035).

What does not get published in Council packets as Correspondence?

- Letters, emails, cards, or other written or electronic mail that are disparaging to individuals or entities
- Letters, emails, cards, or other written or electronic mail that have been sent anonymously
- Letters, emails, cards, or other written or electronic mail that contain confidential information or information that would warrant a constitutional violation of privacy or could potentially violate an individual's or an entity's constitutional rights.

More information about items not subject to publication:

- Correspondence that is not subject to publication in a Council packet will, however, be forwarded to the Mayor and City Council members with notification that the communication will not be included in the Council packet and the reasons for the exclusion.
- The City will attempt to contact the writer of the correspondence to inform them that the City has determined not to publish what they have sent. Notifications will be sent to the return address on the communication if one has been provided. (the best way to ensure the City is able to reach the writer is if the correspondence has been emailed through the City Clerk cityclerk@cityofcordova.net)
- A person who submits a communication that is not subject to publication in a Council packet, may still attend a meeting and read the communication during audience comments (if it is about an agenda item) or during audience participation, if it is not about an agenda item. Oral comments during a Council meeting will not be monitored or limited for content unless the comments made incite or promote violence against a person or entity. The City is not responsible or liable for the comments, thoughts, and/or opinions expressed by individuals during the public comment period at a Council meeting.

Suggestions concerning correspondence:

- Correspondence intended for all Council members should be emailed to the City Clerk at cityclerk@cityofcordova.net, hand-delivered or sent via U.S. mail to the Clerk's office. Correspondence should be clearly addressed to "Cordova City Council." Unless clearly stated otherwise, the City Clerk will presume that all correspondence addressed to City Council is intended for inclusion in the packet.



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce,
Community,
and Economic Development

DIVISION OF COMMUNITY AND REGIONAL
AFFAIRS

550 West Seventh Avenue, Suite 1640
Anchorage, AK 99501
Main: 907.269.4501 / 907.269.4581
Programs fax: 907.269.4539

January 17, 2023

The Honorable David Allison, Mayor
City of Cordova
P.O. Box 1210
Cordova, AK 99574

RE: FY 24 POPULATION FIGURE FOR PROPERTY TAX REVENUE LIMITATION PURPOSES

Dear Mayor:

In accordance with 3 AAC 131, the Department of Commerce, Community, and Economic Development annually determines the population of each municipality that levies and collects taxes on taxable property pursuant to AS 29.45.080 and AS 29.45.090.

The 2022 population of the City of Cordova for Property Tax Revenue Limitation purposes has been determined to be 2,566.

If you do **not** agree with this alternate population determination, you may appeal the determination to the Commissioner per 3 AAC 131.020. The appeal must be in writing and must be mailed to the Commissioner within 30 days after receipt of this notice of determination. The appeal must include the grounds for the appeal and any relevant evidence. The Commissioner can be reached at:

Julie Sande
550 W 7th AVE, STE 1535
Anchorage, AK 99501-3587

Please don't hesitate to contact me if you or your staff have any questions related to this matter.

Sincerely,

DocuSigned by:

Sandra Moller

D3D264AA98AF4E1...

Sandra Moller
Director, DCRA

Cc: Julie Sande, Commissioner, DCCED



AGENDA ITEM # 15
City Council Meeting Date: 2/15/2023
CITY COUNCIL COMMUNICATION FORM

FROM: Kevin Johnson, City Planner

DATE: 2/15/23

ITEM: Ordinance 1204 – Repeal CMC Chapter 19.04 “Flood Protection” and Replace with CMC Chapter 19.04 “Floodplain Management” and Associated Changes

NEXT STEP: Review Ordinance for Voice Vote Approval on first reading

____ RESOLUTION
 X **ORDINANCE**

____ INFORMATION
____ MOTION

I. REQUEST OR ISSUE: FEMA is requiring updates to the City’s floodplain protection code to remain in compliance with the requirements of FEMA’s National Flood Insurance Program (NFIP) standards. Staff requests the City Council reviews Ordinance 1204 which repeals and replaces CMC 19.04.

II. RECOMMENDED ACTION / NEXT STEP: Recommended Motion: “I move to adopt Ordinance 1204 an ordinance of the Council of the City of Cordova, Alaska, repealing Cordova Municipal Code Chapter 19.04 “Flood Protection” and enacting Chapter 19.04 “Floodplain Management” to adopt National Flood Insurance Act land use criteria set forth in federal regulation as requirements for national flood insurance program eligibility and amending CMC 1.28.05 to update the fine schedule to reflect changes to Chapter 19.04.

III. FISCAL IMPACTS: This update should have minimal fiscal impact in terms of staff and City resources. Staying in compliance with the Flood Insurance Program is a fiscal benefit to the City as it keeps us in good standing with FEMA to receive disaster relief funds if necessary, after a disaster.

IV. BACKGROUND INFORMATION: The National Flood Insurance Program (NFIP), enables homeowners, business owners and renters in participating communities to purchase federally backed flood insurance. This insurance offers an insurance alternative to disaster assistance to meet the escalating costs of repairing flood damage to buildings and their contents. Participating communities agree to adopt and enforce floodplain management ordinances to reduce future flood damage and to qualify for Federal assistance after flooding disasters.

In 2015 the city adopted codes regulating FEMA identified floodplains. The adoption of these codes served two main purposes, first to protect life and property and the second was to make our community eligible for flood insurance and disaster relief.

In the summer of 2022, a FEMA representative visited for a compliance check. During this check it was determined that some items within our code require updating. These updates are required for our City to remain in compliance with FEMA’s flood insurance program. Other changes were suggested but not required. After reviewing the suggested changes, staff suggests adopting those as well. They will help provide clarity to our floodplain permitting process and consistency when working on floodplain permitting with FEMA.

Attached is a FEMA review table showing the specific required and suggested changes. These changes are reflected in the attached Ordinance as well as the ~~Strikethrough~~-(deleted text) **Underline** (added text) Changes attachment.

Planning Commission reviewed these changes at its 12/13/22 meeting and passed the attached Resolution 23-01 at its 1/10/2023 meeting recommending that the City Council adopt Ordinance 1204.

V. LEGAL ISSUES: Legal has reviewed the ordinance and made minor adjustments regarding the appeal process so that it aligns with our current process for zoning appeals to increase code consistency.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES: The updates to this code do not change the status of any legally constructed structures within the established floodplain.

VII. ATTACHMENTS:

- A. Ordinance 1204
- B. Existing Code
- C. ~~Strikethrough~~ **Underline** Changes
- D. FEMA Review Sheet
- E. Planning Commission Resolution 23-1

**CITY OF CORDOVA, ALASKA
ORDINANCE 1204**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF CORDOVA, ALASKA,
REPEALING CORDOVA MUNICIPAL CODE CHAPTER 19.04 “FLOOD PROTECTION”
AND ENACTING CHAPTER 19.04 “FLOODPLAIN MANAGEMENT” TO ADOPT
NATIONAL FLOOD INSURANCE ACT LAND USE CRITERIA SET FORTH IN FEDERAL
REGULATION AS REQUIREMENTS FOR NATIONAL FLOOD INSURANCE PROGRAM
ELIGIBILITY AND AMENDING CMC 1.28.05 TO UPDATE THE FINE SCHEDULE TO
REFLECT CHANGES TO CHAPTER 19.04**

WHEREAS, the National Flood Insurance Act of 1968, as amended (“NFIA”) authorizes the Federal Emergency Management Agency (“FEMA”) to establish and carry out the National Flood Insurance Program (“NFIP”) to provide flood insurance against losses resulting from physical damage or loss of property to eligible persons; and

WHEREAS, under the NFIA, FEMA may only grant flood insurance to properties within communities that have adopted and enforce adequate land use and control measures that regulate floodplains as established by FEMA regulations located at 44 CFR 60.3, 60.4, and 60.5; and

WHEREAS, the City Council of the City of Cordova has determined that participation in the NFIP is necessary to provide residents the opportunity to apply for insurance through the Program; and

WHEREAS, FEMA Floodplain Specialist for FEMA Region 10, in which Cordova is located, has reviewed Cordova’s Code and provided the City Planner required changes to Chapter 19.04 to maintain NFIA compliance and NFIP eligibility; and

WHEREAS, it has been determined that is in the best interests of the City to adopt the definitions and requirements of the NFIA and to incorporate those changes into Chapter 19.04 of the Cordova Municipal Code to maintain compliance with the NFIA and NFIP eligible status.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cordova, that:

Section 1. Cordova Municipal Code 1.28.085(C), “Minor offense fine schedule”, is amended to read as follows:

C. The following violations of this code are amenable to disposition without court appearance upon payment of a fine in the amount listed below:

...

Environment

<u>19.04</u>	<u>Failure to comply with the requirements of this Chapter</u>	<u>500.00</u>
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Section 2. Chapter 19.04 of the Cordova Municipal Code, “Flood Protection”, is repealed and reenacted as Chapter 19.04 “Floodplain Management”, to read as follows:

Chapter 19.04 – FLOODPLAIN MANAGEMENT

19.04.010 Definitions.

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Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"Alteration of watercourse" means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

"Appeal" means a request for a review of the City Manager's interpretation of any provisions of this chapter.

"Area of shallow flooding" means a designated Zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" means the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Base flood elevation (BFE)" means the elevation to which floodwater is anticipated to rise during the base flood.

"Basement" means any area of the building, including any sunken room or sunken portion of a room, having its floor below ground level (subgrade) on all sides.

"Building" see "Structure".

"Development" means any manmade change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Existing manufactured (mobile) home park or manufactured (mobile) home subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured (mobile) home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured (mobile) home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of the ordinance codified in this chapter.

"Expansion to an existing manufactured (mobile) home park or manufactured (mobile) home subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured (mobile) homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

"Flood" or "flooding" means (a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or

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2. The unusual and rapid accumulation of runoff of surface waters from any source.
3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

"Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

"Flood insurance rate map (FIRM)" means the official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

"Flood insurance study (FIS)" see "Flood elevation study".

"Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source. See "Flood or flooding."

"Floodplain administrator" is the title assigned in federal regulation for the city official who is designated to administer and enforce the floodplain management regulations. The City has designated the City Manager as floodplain administrator and refers to the City Manager by title throughout this chapter.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

"Floodplain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

"Flood proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

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"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

"Habitable floor" means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

"Letter of map amendment (LOMA)" means an amendment to the currently effective FEMA map which establishes that a property is not located in a special flood hazard area. A LOMA is issued only by FEMA.

"Letter of map revision (LOMR)" means an official amendment to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

"Lowest floor" means the lowest floor of the lowest enclosed area (including "Basement"). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of any other requirements.

"Manufactured (mobile) home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

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"Modular building" means a building that is usually transported to its site on a steel frame or special trailer because it does not have a permanent chassis like a manufactured (mobile) home.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of the ordinance codified in this chapter.

"New manufactured (mobile) home park or manufactured (mobile) home subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured (mobile) home lots for rent or sale for which the construction of facilities for servicing the lot (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of the ordinance codified in this chapter.

"One-hundred-year flood" means a flood of a magnitude which can be expected to occur on the average of once every one-hundred years. It is possible for this size flood to occur during any year. The odds are one to a hundred that this size flood will occur during a given year, but there is a one percent chance that a flood will occur each year. Also known as the "one percent flood", and the NFIP "base flood."

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Special flood hazard area (SFHA)" see "Area of special flood hazard".

"Start of construction" means the first placement of permanent construction of a structure (other than a manufactured (mobile) home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For manufactured (mobile) homes not within a manufactured (mobile) home park or manufactured (mobile) home subdivision, "start of construction" means the affixing of the manufactured (mobile) home to its permanent site. For manufactured (mobile) homes within manufactured (mobile) home parks or manufactured (mobile) home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the manufactured (mobile) home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

"Structure" means a walled and roofed building, and includes mobile homes, manufactured homes, and gas and liquid storage tanks or containers that are principally above ground.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred. All structures that are determined to be substantially damaged

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are automatically considered to be substantial improvements, regardless of the actual repair work performed. If the cost necessary to fully repair the structure to its before damage condition is equal to or greater than fifty percent of the structure's market value before damages, then the structure must be elevated (or floodproofed if it is non-residential) to or above the base flood elevation (BFE), and meet other applicable NFIP requirements.

"Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement of a building, the cost of which equals or exceeds fifty percent of the market value of the building before the "start of construction" of the improvement. Substantial improvement includes buildings that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either any project for improvement of a building to correct existing state or local code violations or any alteration to a "historic building," provided that the alteration will not preclude the building's continued designation as a "historic building."

"Variance" means a grant of relief by a participating community from the terms of its floodplain management regulations.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

19.04.020 Statutory authority.

These regulations are adopted by the City Council pursuant to authority vested in that body by the Charter of the City and by AS 29.35.010 and AS 29.35.260 as amended.

19.04.030 Findings of fact.

- A. The flood hazard areas of the City are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

19.04.040 Purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money and costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;

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- E. To minimize damage to public facilities and utilities such as water mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their action.
- I. To participate in and maintain eligibility for national flood insurance and disaster relief.

19.04.050 Reduction of flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural flood plains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters, or which may increase flood hazards in other areas.

19.04.060 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

19.04.070 Applicability.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City.

19.04.080 Compliance required.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations.

19.04.090 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Cordova," dated December 16, 2015, with accompanying flood insurance maps is adopted by reference and declared to be a part of this chapter. The flood insurance study is on file at City Hall.

19.04.100 Development permit.

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A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 19.04.090. The permit shall be for all structures including manufactured (mobile) homes, as set forth in Section 19.04.010, and for all other development including fill and other activities also as set forth in Section 19.04.010. Application for a development permit shall be made on forms furnished by the City and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. Elevation in relation to the FIS and FIRM, of the lowest floor (including basement) of all structures;
- B. Elevation in relation to the FIS and FIRM to which any structure has been flood proofed;
- C. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section 19.04.260; and
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

19.04.110 City Manager—Administration.

The City Manager is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

19.04.120 City Manager—Duties generally.

Duties of the City Manager shall include, but not be limited to, those set forth in Sections 19.04.130 through 19.04.170.

19.04.130 City Manager—Permit review.

The City Manager shall:

- A. Review all development permits to determine that the permit requirements of this chapter have been satisfied;
- B. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

19.04.140 City Manager—Use of other base flood data.

When base flood elevation data has not been provided in accordance with Section 19.04.090, the City Manager shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Sections 19.04.250 and 19.04.260.

19.04.150 City Manager—Further information to be obtained.

The City Manager shall:

- A. Obtain and record the actual elevation (in relation to the FIS and FIRM) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;
- B. For all new or substantially improved flood-proofed structures:

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1. Verify and record the actual elevation (in relation to the FIS and FIRM), and
 2. Maintain the flood proofing certifications required in Section 19.04.100.C;
- C. Obtain and maintain the following for public inspection and make available as needed:
1. Certification required by Section 19.04.250 and Section 19.04.270 (lowest floor elevations for all structures, bottom of the lowest horizontal structural member (if applicable), and service facilities/mechanical equipment);
 2. Certification required by Section 19.04.260 (lowest floor elevations or floodproofing of non-residential structures and service facilities/mechanical equipment);
 3. Certification required by Section 19.04.277;
 4. Certification required by Section 19.04.276;
 5. Records of all variance actions, including justification for their issuance;
 6. Improvement and damage calculations.

19.04.160 City Manager—Alteration of watercourse.

The City Manager shall:

- A. Notify adjacent communities and the State Department of Community and Regional Affairs prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- B. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- C. Notify the Federal Insurance Administrator in writing of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.

19.04.170 City Manager—Interpretation of FIRM boundaries.

The City Manager shall make interpretations where needed, as to exact location of the boundaries of the areas of special hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 19.04.280.

19.04.180 Standards and specifications—Generally.

In all areas of special flood hazards the standards set forth in Sections 19.04.190 through 19.04.230 are required.

19.04.190 Subdivision proposals.

- A. All subdivision proposals shall be consistent with the need to minimize flood damage.
- B. All subdivision proposals shall have public utilities and facilities such as sewer, electrical, and water systems located and constructed to minimize flood damage.
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- D. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty lots or five acres, whichever is less.

19.04.200 Review of building permits.

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Where elevation data is not available, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high—water marks, photographs of past flooding, etc., where available.

19.04.210 Anchoring.

- A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- B. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
 - 1. Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than fifty feet long requiring one additional tie per side;
 - 2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than fifty feet long requiring four additional ties per side;
 - 3. All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds; and,
 - 4. Any additions to the mobile home be similarly anchored.
- C. An alternative method of anchoring may involve a system designed to withstand a wind force of ninety miles per hour or greater. Certification must be provided to the City Manager that this standard has been met.

19.04.220 Construction materials and methods.

- A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

19.04.230 Utilities.

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- D. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding.

19.04.240 Standards and specifications—Areas of special flood hazard.

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In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 19.04.090 or Section 19.04.140, the provisions set forth in Sections 19.04.250 through 19.04.270 are required.

19.04.250 Residential construction.

- A. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.
- B. A garage attached to a residential structure, constructed with the garage floor slab below the Base Flood Elevation, must be designed to allow for the automatic entry and exit of flood waters.

19.04.260 Nonresidential construction.

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- A. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- C. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Section 19.04.150B.

19.04.265 – Accessory structure construction (detached garages & storage structures).

Accessory structures, both residential and nonresidential, used solely for parking of vehicles or storage may be constructed such that the floor is below the Base Flood Elevation, provided the structure is designed and constructed in accordance with the following requirements based on the floodplain zone;

- A. A zones (A, AE, A1-30, AH, AO):
 - 1. Use of the accessory structure must be limited to parking of vehicles or storage;
 - 2. The portions of the accessory structure located below the Base Flood Elevation must be built using flood resistant materials;
 - 3. The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
 - 4. Any machinery or equipment servicing the accessory structure must be elevated or floodproofed to or above the Base Flood Elevation;
 - 5. The accessory structure must comply with floodway encroachment provisions in Section 19.04.276 and
 - 6. The accessory structure must be designed to allow for the automatic entry and exit of flood waters in accordance with Section 19.04.277.

Detached garages, storage structures and other accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 19.04.250(A), (B), or (C) as appropriate.

Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the City Manager for verification.

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19.04.266 – Standards for storage of materials and equipment.

- A. The storage or processing of materials that could be injurious to human, animal or plant life if released due to damage from flooding is prohibited in special flood hazard areas.
- B. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning

19.04.270 Manufactured (mobile) homes.

- A. Manufactured (mobile) homes shall be anchored in accordance with Section 19.04.210.
- B. For new manufactured (mobile) home parks and manufactured (mobile) home subdivisions; for expansions to existing manufactured (mobile) home parks and manufactured (mobile) home subdivisions; for existing manufactured (mobile) home parks and manufactured (mobile) home subdivisions where the repair reconstruction or improvement of the streets, utilities and pads equal or exceeds fifty percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for manufactured (mobile) homes not placed in a manufactured (mobile) home park or manufactured (mobile) home subdivision, require that:
 - 1. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured (mobile) home and the bottom of the I-beam will be at or above the base flood level;
 - 2. Adequate surface drainage and access for a hauler are provided; and,
 - 3. In the instance of elevation on pilings, that:
 - a. Lots are large enough to permit steps;
 - b. Piling foundations are placed in stable soil no more than ten feet apart; and
 - c. Reinforcement is provided for pilings more than six feet above the ground level.
- C. No manufactured (mobile) home shall be placed in a floodway, except in an existing manufactured (mobile) home park or existing mobile home subdivision.

19.04.275 – Recreational vehicles.

In A1-30, AH, and AE zones, all recreational vehicles to be placed on a site must:

- A. Be elevated and anchored; or
- B. Be on the site for less than one hundred eighty consecutive days; and
- C. Be fully licensed and highway ready.
- D. Meet the permit requirements of Section 19.04.100 and the applicable elevation and anchoring requirements for manufactured homes in Section 19.04.270.

19.04.276 – Floodways.

Located within the special flood hazard areas established in Section 19.04.090 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been

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demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge;

- B. If Section 19.04.276 is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of Section 19.04.240.
- C. Encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations may be permitted, provided that City of Cordova first applies for and fulfills the requirements for a Conditional Letter of Map Revision (CLOMR), and receives approval from the Federal Insurance Administrator to revise the FIRM and FIS in accordance with Section 19.04.160.

19.04.277 – Equalizing hydrostatic load.

All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for meeting this requirement must meet or exceed the following criteria:

For non-engineered openings:

- A. Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- B. The bottom of all openings shall be no higher than one foot above grade;
- C. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

Alternatively, a registered engineer or architect may design and certify engineered openings.

Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the City Manager for verification.

19.04.280 – Appeals.

- A. The planning commission as established by the City shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The planning commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the City Manager in the enforcement or administration of this chapter.
- C. Further appeal of any action or decision of the planning commission may be taken by any person or party aggrieved pursuant to the procedures set forth in Section 18.64.030.

19.04.281 – Variances – Nature of Variances.

The variance criteria set forth in this section are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants or the property owners.

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It is the duty of the City to help protect its citizens from flooding through enforcement of this chapter. This need is so compelling and the implications of the cost of insuring a structure built below the Base Flood Elevation are so serious that variances from the flood elevation or from other requirements of this chapter are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

19.04.282 – Variance applications.

An application for a variance under this chapter shall be submitted, considered, and decided in accordance with the procedures set forth in Section 18.64.020.

19.04.283 – Conditions for variances.

- A. Variances shall only be issued:
 - 1. Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing code;
 - 2. For the repair, rehabilitation or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;
 - 3. Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
 - 4. Upon a showing of good and sufficient cause;
 - 5. Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - 6. Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 19.04.010 in the definition of "Functionally Dependent Use."
- B. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
- C. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the Base Flood Elevation, provided the procedures of Sections 19.04.180 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

19.04.285 –Variance Criteria.

- A. In considering variance applications under this chapter, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - 1. The danger that materials may be swept onto other lands to the injury of others;

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2. The danger of life and property due to flooding or erosion damage;
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. The importance of the services provided by the proposed facility to the community;
 5. The necessity to the facility of a waterfront location, where applicable;
 6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
 7. The compatibility of the proposed use with existing and anticipated development;
 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 9. The safety of access to the property in time of flood for ordinary and emergency vehicles;
 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,
 11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water system and streets and bridges.
- B. Any applicant to whom a variance is granted shall be given written notice over the signature of the City Planner that:
1. The issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
 2. Such construction below the base flood elevation increases risks to life and property.
- C. The City Manager shall maintain a record of all variance actions, including justification for their issuance.

19.04.290 - (Reserved).

19.04.295 – Violations.

Violation of the provisions of this Chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall be subject to abatement as outlined in Section 8.08.030. Each day a violation occurs is a separate violation. The minimum penalty for a single violation of this chapter is specified in Chapter 1.28 of this Code. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

19.04.300 Conflict of provisions.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions; however, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

19.04.310 Liability.

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The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision law-fully made thereunder.

Section 3. This ordinance shall be effective thirty (30) days after its passage and publication. This ordinance shall be enacted in accordance with Section 2.13 of the Charter of the City of Cordova, Alaska, within ten (10) days after its passage.

1st reading: January 18, 2023

2nd reading and public hearing: _____

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

David Allison, Mayor

ATTEST:

Susan Bourgeois, CMC, City Clerk

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Chapter 19.04 - FLOOD PROTECTION

19.04.010 - Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

- A. "Appeal" means a request for a review of the city manager's interpretation of any provisions of this chapter or a request for a variance.
- B. "Area of shallow flooding" means a designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident.
- C. "Area of special flood hazard" means for regulatory purposes, the areas designated as subject to the "one-hundred-year flood," "base flood," and "one percent flood" on the flood insurance rate maps issued by the National Flood Insurance Program (NFIP) and other flood hazard studies used by the city for similar purposes. Also known as "special flood hazard area."
- D. "Base flood" means a flood that has a one percent chance of occurring in any given year as determined by NFIP guidelines. Also known as "one percent flood" and "one-hundred-year flood."
- E. "Base flood elevation (BFE)" means the elevation of surface water resulting from a flood that has a one percent chance of occurring in any given year. The elevation of the base flood.
- F. "Basement" means any area of the building, including any sunken room or sunken portion of a room, having its floor below ground level (subgrade) on all sides.
- G. "Development" means any manmade change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.
- H "Existing manufactured (mobile) home park or manufactured (mobile) home subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured (mobile) home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured (mobile) home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of the ordinance codified in this chapter.
- I. "Expansion to an existing manufactured (mobile) home park or manufactured (mobile) home subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured (mobile) homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).
- J. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of two or more acres of normally dry land area or of two or more properties (at least one of which is the policyholder's property) from:
 - 1. The overflow of inland or tidal waters; and/or
 - 2. The unusual and rapid accumulation of runoff of surface waters from any source.
- K. "Flood insurance rate map" (FIRM) means the official map on which the Federal Insurance Administration

has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

- L. "Flood insurance study (FIS)" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary-floodway map and the water surface elevation of the base flood.
- M. "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents.
- N. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- O. "Freeboard" means an additional amount of height above the base flood elevation used as a factor of safety (e.g., two feet above the base flood) in determining the level at which a structure's lowest floor must be elevated or flood proofed to be in accordance with state or community floodplain management regulations.
- P. "Habitable floor" means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."
- Q. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- R. "Historic building" means any building that is listed individually in the National Register of Historic places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district; or individually listed in a state inventory of historic places in states with preservation programs that have been approved by the Secretary of the Interior; or individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior; or
 - 2. Directly by the Secretary of the Interior in states without approved programs.
- S. "Letter of map amendment (LOMA)" means an amendment to the currently effective FEMA map which establishes that a property is not located in a special flood hazard area. A LOMA is issued only by FEMA.
- T. "Letter of map revision (LOMR)" means an official amendment to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.
- U. "Lowest floor" means the lowest floor of the lowest enclosed area (including a basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of any other requirements.
- V. "Manufactured (mobile) home" means a structure built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation. "Manufactured (mobile) home" does not

include recreational vehicles.

- W. "Modular building" means a building that is usually transported to its site on a steel frame or special trailer because it does not have a permanent chassis like a manufactured (mobile) home.
- X. "New construction" means structures for which the "start of construction" commenced on or after the effective date of the ordinance codified in this chapter.
- Y. "New manufactured (mobile) home park or manufactured (mobile) home subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured (mobile) home lots for rent or sale for which the construction of facilities for servicing the lot (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of the ordinance codified in this chapter.
- Z. "One-hundred-year flood" means a flood of a magnitude which can be expected to occur on the average of once every one hundred years. It is possible for this size flood to occur during any year. The odds are one to a hundred that this size flood will occur during a given year, but there is a one percent chance that a flood will occur each year. Also known as the "one percent flood", and the NFIP "base flood."
- AA. "Recreational vehicle" means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Also known as camper, and travel trailer.
- AB. "Special flood hazard area (SFHA)" means an area having special flood, mudflow, or flood-related erosion hazards, and shown on a flood hazard boundary map or a flood insurance rate map. Also the area subject to inundation by the "base flood", "one percent flood" and "one-hundred-year flood". Also known as "area of special flood hazard."
- AC. "Start of construction" means the first placement of permanent construction of a structure (other than a manufactured (mobile) home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For manufactured (mobile) homes not within a manufactured (mobile) home park or manufactured (mobile) home subdivision, "start of construction" means the affixing of the manufactured (mobile) home to its permanent site. For manufactured (mobile) homes within manufactured (mobile) home parks or manufactured (mobile) home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the manufactured (mobile) home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.
- AD. "Structure" means a walled and roofed building, and includes mobile homes, manufactured homes, and gas and liquid storage tanks or containers that are principally above ground.
- AE. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred. All structures that are determined to be substantially

damaged are automatically considered to be substantial improvements, regardless of the actual repair work performed. If the cost necessary to fully repair the structure to its before damage condition is equal to or greater than fifty percent of the structure's market value before damages, then the structure must be elevated (or floodproofed if it is non-residential) to or above the base flood elevation (BFE), and meet other applicable NFIP requirements.

AF. "Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement of a building, the cost of which equals or exceeds fifty percent of the market value of the building before the "start of construction" of the improvement. Substantial improvement includes buildings that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either any project for improvement of a building to correct existing state or local code violations or any alteration to a "historic building," provided that the alteration will not preclude the building's continued designation as a "historic building."

AG. "Variance" means a grant of relief by a participating community from the terms of its floodplain management regulations.

(Ord. 507 (part), 1979: prior code § 15.400.2).

(Ord. No. 1136, § 1, 10-7-2015)

19.04.020 - Statutory authority.

The Legislature of the state has in Alaska Statute 29.33.070 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

(Ord. 507 (part), 1979: prior code § 15.400.1.1).

19.04.030 - Findings of fact.

- A. The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

(Ord. 507 (part), 1979: prior code § 15.400.1.2).

19.04.040 - Purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money and costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at

the expense of the general public;

- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their action.

(Ord. 507 (part), 1979: prior code § 15.400.1.3).

19.04.050 - Reduction of flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural flood plains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

(Ord. 507 (part), 1979: prior code § 15.400.1.4).

19.04.060 - Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. 507 (part), 1979: prior code § 15.400.3.5).

19.04.070 - Applicability.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city.

(Ord. 507 (part), 1979: prior code § 15.400.3.1).

19.04.080 - Compliance required.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations.

(Ord. 507 (part), 1979: prior code § 15.400.3.3).

19.04.090 - Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Cordova," dated December 16, 2015, with accompanying flood insurance maps is adopted by reference and declared to be a part of this chapter. The flood insurance study is on file at city hall.

(Ord. 507 (part), 1979: prior code § 15.400.3.2).

(Ord. No. 1136, § 1, 10-7-2015)

19.04.100 - Development permit.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 19.04.090. The permit shall be for all structures including manufactured (mobile) homes, as set forth in Section 19.04.010, and for all other development including fill and other activities also as set forth in Section 19.04.010. Application for a development permit shall be made on forms furnished by the city and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. Elevation in relation to the FIS and FIRM, of the lowest floor (including basement) of all structures;
- B. Elevation in relation to the FIS and FIRM to which any structure has been flood proofed;
- C. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section 19.04.260; and
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(Ord. 507 (part), 1979: prior code § 15.400.4.1).

(Ord. No. 1136, § 1, 10-7-2015)

19.04.110 - City manager—Administration.

The city manager is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

(Ord. 507 (part), 1979: prior code § 15.400.4.2).

19.04.120 - City manager—Duties generally.

Duties of the city manager shall include, but not be limited to, those set forth in Sections 19.04.130 through 19.04.170.

(Ord. 507 (part), 1979: prior code § 15.400.4.3).

19.04.130 - City manager—Permit review.

The city manager shall:

- A. Review all development permits to determine that the permit requirements of this chapter have been satisfied;
- B. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(Ord. 507 (part), 1979: prior code § 15.400.4.3—1).

19.04.140 - City manager—Use of other base flood data.

When base flood elevation data has not been provided in accordance with Section 19.04.090, the city manager shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Sections 19.04.250 and 19.04.260.

(Ord. 507 (part), 1979: prior code § 15.400.4.3—2).

19.04.150 - City manager—Further information to be obtained.

The city manager shall:

- A. Obtain and record the actual elevation (in relation to the FIS and FIRM) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;
- B. For all new or substantially improved flood-proofed structures:
 - 1. Verify and record the actual elevation (in relation to the FIS and FIRM), and
 - 2. Maintain the flood proofing certifications required in Section 19.04.100.C;
- C. Maintain for public inspection all records pertaining to the provisions of this chapter.

(Ord. 507 (part), 1979: prior code § 15.400.4.3—3).

(Ord. No. 1136, § 1, 10-7-2015)

19.04.160 - City manager—Alteration of watercourse.

The city manager shall:

- A. Notify adjacent communities and the State Department of Community and Regional Affairs prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- B. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(Ord. 507 (part), 1979: prior code § 15.400.4.3—4).

19.04.170 - City manager—Interpretation of FIRM boundaries.

The city manager shall make interpretations where needed, as to exact location of the boundaries of the areas of special hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 19.04.280.

(Ord. 507 (part), 1979: prior code § 15.400.4.3—5).

19.04.180 - Standards and specifications—Generally.

In all areas of special flood hazards the standards set forth in Sections 19.04.190 through 19.04.230 are required.

(Ord. 507 (part), 1979: prior code § 15.400.5.1).

19.04.190 - Subdivision proposals.

- A. All subdivision proposals shall be consistent with the need to minimize flood damage.
- B. All subdivision proposals shall have public utilities and facilities such as sewer, electrical, and water systems located and constructed to minimize flood damage.
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- D. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty lots or five acres, whichever is less.

(Ord. 507 (part), 1979: prior code § 15.400.5.1-4).

19.04.200 - Review of building permits.

Where elevation data is not available, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high—water marks, photographs of past flooding, etc., where available.

(Ord. 507 (part), 1979: prior code § 15.400.5.1—5).

19.04.210 - Anchoring.

- A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- B. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
 - 1. Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than fifty feet long requiring one additional tie per side;
 - 2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than fifty feet long requiring four additional ties per side;
 - 3. All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds; and,
 - 4. Any additions to the mobile home be similarly anchored.

- C. An alternative method of anchoring may involve a system designed to withstand a wind force of ninety miles per hour or greater. Certification must be provided to the city manager that this standard has been met.

(Ord. 507 (part), 1979: prior code § 15.400.5.1—1).

19.04.220 - Construction materials and methods.

- A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(Ord. 507 (part), 1979: prior code § 15.400.5.1—2).

19.04.230 - Utilities.

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- D. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding.

(Ord. 507 (part), 1979: prior code § 15.400.5.1—3).

(Ord. No. 1136, § 1, 10-7-2015)

19.04.240 - Standards and specifications—Areas of special flood hazard.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 19.04.090 or Section 19.04.140, the provisions set forth in Sections 19.04.250 through 19.04.270 are required.

(Ord. 507 (part), 1979: prior code § 15.400.5.2).

19.04.250 - Residential construction.

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

(Ord. 507 (part), 1979: prior code § 15.400.5.2-1).

19.04.260 - Nonresidential construction.

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- A. Be flood proofed so that below the base flood level the structure is watertight with walls substantially imper the passage of water;
- B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- C. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Section 19.04.150B.

(Ord. 507 (part), 1979: prior code § 15.400.5.2-2).

19.04.270 - Manufactured (mobile) homes.

- A. Manufactured (mobile) homes shall be anchored in accordance with Section 19.04.210.
- B. For new manufactured (mobile) home parks and manufactured (mobile) home subdivisions; for expansions to existing manufactured (mobile) home parks and manufactured (mobile) home subdivisions; for existing manufactured (mobile) home parks and manufactured (mobile) home subdivisions where the repair reconstruction or improvement of the streets, utilities and pads equal or exceeds fifty percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for manufactured (mobile) homes not placed in a manufactured (mobile) home park or manufactured (mobile) home subdivision, require that:
 - 1. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured (mobile) home and the bottom of the I-beam will be at or above the base flood level;
 - 2. Adequate surface drainage and access for a hauler are provided; and,
 - 3. In the instance of elevation on pilings, that:
 - a. Lots are large enough to permit steps;
 - b. Piling foundations are placed in stable soil no more than ten feet apart; and
 - c. Reinforcement is provided for pilings more than six feet above the ground level.
- C. No manufactured (mobile) home shall be placed in a floodway, except in an existing manufactured (mobile) home park or existing mobile home subdivision.

(Ord. 507 (part), 1979: prior code § 15.400.5.2-3).

(Ord. No. 1136, § 1, 10-7-2015)

Editor's note— Ord. No. 1136, § 1, adopted October 7, 2015, amended § 19.04.270, to read as set out herein. Previously § 19.04.270 was titled "Mobile homes."

19.04.275 - Recreational vehicles.

In A1-30, AH, and AE zones, all recreational vehicles to be placed on a site must:

- A. Be elevated and anchored; or
- B. Be on the site for less than one hundred eighty consecutive days; and
- C. Be fully licensed and highway ready.

(Ord. No. 1136, § 1, 10-7-2015)

19.04.276 - Floodways.

Development in floodways shall not increase upstream flood elevations. For streams and other watercourses where FEMA has provided base flood elevations (BFEs), but no floodway has been designated, the community shall review floodplain development on a case-by-case basis to ensure that increases in water surface elevations do not occur and identify the need to designate a floodway if adequate information is available.

(Ord. No. 1136, § 1, 10-7-2015)

19.04.277 - Equalizing hydrostatic load.

For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are used solely for parking of vehicles, building access, or storage in an area other than a basement and which is subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing the entry and exit of floodwaters in accordance with the specifications in NFIP.

(Ord. No. 1136, § 1, 10-7-2015)

19.04.280 - Appeals.

- A. The planning commission as established by the city shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The planning commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the city manager in the enforcement or administration of this chapter.
- C. Those aggrieved by the decision of the planning commission, or any taxpayer, may appeal such decision to the Superior Court, as provided in AS 29.33.070.
- D. In passing upon such applications, the planning commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 1. The danger that materials may be swept onto other lands to the injury of others;
 2. The danger to life and property due to flooding or erosion damage;
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. The importance of the services provided by the proposed facility to the community;
 5. The necessity to the facility of a waterfront location, where applicable;
 6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 7. The compatibility of the proposed use with existing and anticipated development;
 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

11. The costs of providing governmental services during and after flood conditions, including maintenance and public utilities and facilities such as sewer, gas, electrical and water systems, and street and bridges.

- E. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the items in subsection D of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- F. Upon consideration of the factors in subsection D of this section and the purposes of this chapter, the planning commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- G. The city manager shall maintain the records of all appeal actions and report variances to the Federal Insurance Administration upon request.

(Ord. 507 (part), 1979: prior code § 15.400.4.4—1).

19.04.290 - Variances.

- A. Variances may be issued for reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- C. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- D. Variances shall only be issued upon:
 - 1. A showing of good and sufficient cause;
 - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 19.04.280D, on conflict with existing local laws on ordinances.
- E. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(Ord. 507 (part), 1979: prior code § 15.400.4.4-2).

19.04.300 - Conflict of provisions.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions; however, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. 507 (part), 1979: prior code § 15.400.3.4).

19.04.310 - Liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man—made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision law-fully made thereunder.

(Ord. 507 (part), 1979: prior code § 15.400.3.6).

Title 1 Changes

1.28.085 – Minor Offense Fine Schedule

C. The following violations of this code are amenable to disposition without court appearance upon payment of a fine in the amount listed below:

Environment

<u>19.04.050</u>	<u>Failure to comply with the requirements of this Title</u>	<u>500.00</u>
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Title 19 Changes

19.04.040 - Purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money and costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their action.

I. Participate in and maintain eligibility for flood insurance and disaster relief.

9.04.010 - definitions.

C. "Area of special flood hazard" means The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard". ~~for regulatory purposes, the~~

areas designated as subject to the "one-hundred-year flood," "base flood," and "one-percent flood" on the flood insurance rate maps issued by the National Flood Insurance Program (NFIP) and other flood hazard studies used by the city for similar purposes. Also known as "special flood hazard area."

D. "Base flood" means a flood that has a one percent chance of occurring in any given year as determined by NFIP guidelines. Also known as "one-percent flood" and "one-hundred-year flood." the flood having a one percent chance of being equaled or exceeded in any given year.

L. "Flood insurance study (FIS)" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary floodway map and the water surface elevation of the base flood. Flood elevation study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

M. "Floodproofing" means ~~any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents~~ Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

N. "Floodway" means ~~the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot~~ the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

P. "Functionally dependent use" A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

Commented [KJ1]: Definitions following letter P will need to be re-lettered accordingly.

ABA. "Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Also known as camper, and travel trailer.

AI. "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

19.04.050 – Violations

Violation of the provisions of this Title by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall be in violation of this code and subject to abatement as outlined in Section 8.08.030. Each day a violation occurs is a separate violation. The minimum penalty for a single violation of this chapter is specified in Chapter 1.28 of this Code. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

19.04.150 – City manager – Further information to be obtained

The city manager shall:

A. Obtain and record the actual elevation (in relation to the FIS and FIRM) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;

B. For all new or substantially improved flood-proofed structures:

1. Verify and record the actual elevation (in relation to the FIS and FIRM), and
2. Maintain the flood proofing certifications required in Section 19.04.100.C;

C. ~~Maintain for public inspection all records pertaining to the provisions of this chapter.~~ Obtain and maintain the following for public inspection and make available as needed:

_____ 1. Certification required by Section 19.04.250 and Section 19.04.270 (lowest floor elevations for all structures, bottom of the lowest horizontal structural member (if applicable), and service facilities/mechanical equipment);

_____ 2. Certification required by Section 19.04.260 (lowest floor elevations or floodproofing of non-residential structures and service facilities/mechanical equipment);

_____ 3. Certification required by Section 19.04.277;

_____ 4. Certification required by Section 19.04.276;

_____ 5. Records of all variance actions, including justification for their issuance;

_____ 6. Improvement and damage calculations.

19.04.160 – City manager—Alteration of watercourse.

The city manager shall:

A. Notify adjacent communities and the State Department of Community and Regional Affairs prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

B. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

C. Notify the Federal Insurance Administrator in writing of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.

19.04.250 – Residential construction.

A. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

B. A garage attached to a residential structure, constructed with the garage floor slab below the Base Flood Elevation, must be designed to allow for the automatic entry and exit of flood waters.

19.04.265 – Accessory structure construction (detached garages & storage structures).

Accessory structures, both residential and nonresidential, used solely for parking of vehicles or storage may be constructed such that the floor is below the Base Flood Elevation, provided the structure is designed and constructed in accordance with the following requirements based on the floodplain zone;

A.- A zones (A, AE, A1-30, AH, AO):

1. Use of the accessory structure must be limited to parking of vehicles or storage;
2. The portions of the accessory structure located below the Base Flood Elevation must be built using flood resistant materials;
3. The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
4. Any machinery or equipment servicing the accessory structure must be elevated or floodproofed to or above the Base Flood Elevation;
5. The accessory structure must comply with floodway encroachment provisions in Section 19.04.276 and

6. The accessory structure must be designed to allow for the automatic entry and exit of flood waters in accordance with Section 19.04.277.

Detached garages, storage structures and other accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 19.04.250(A), (B), or (C) as appropriate.

Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

19.04.266 – Standards for storage of materials and equipment.

A. The storage or processing of materials that could be injurious to human, animal or plant life if released due to damage from flooding is prohibited in special flood hazard areas.

B. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning

19.04.275 – Recreational vehicles.

In A1-30, AH, and AE zones, all recreational vehicles to be placed on a site must:

- A. Be elevated and anchored; or
- B. Be on the site for less than one hundred eighty consecutive days; and
- C. Be fully licensed and highway ready.

D, Meet the permit requirements of Section 19.04.100 of this ordinance and the applicable elevation and anchoring requirements for manufactured homes in Section 19.04.270.

19.04.276 – Floodways.

Development in floodways shall not increase upstream flood elevations. For streams and other watercourses where FEMA has provided base flood elevations (BFEs), but no floodway has been designated, the community shall review floodplain development on a case-by-case basis to ensure that increases in water surface elevations do not occur and identify the need to designate a floodway if adequate information is available.

Located within the special flood hazard areas established in Section 19.04.090 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through

hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge;

B. If Section 19.04.276 is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of Section 19.04.240.

C. Encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations may be permitted, provided that City of Cordova first applies for and fulfills the requirements for a Conditional Letter of Map Revision (CLOMR), and receives approval from the Federal Insurance Administrator to revise the FIRM and FIS in accordance with Section 19.04.160.

19.04.277 – Equalizing hydrostatic load.

For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are used solely for parking of vehicles, building access, or storage in an area other than a basement and which is subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing the entry and exit of floodwaters in accordance with the specifications in NFIP.

All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for meeting this requirement must meet or exceed the following criteria:

For non-engineered openings:

- A. Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- B. The bottom of all openings shall be no higher than one foot above grade;
- C. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

Alternatively, a registered engineer or architect may design and certify engineered openings.

Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

19.04.280 – Variances – Nature of VariancesAppeals.

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the

surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants or the property owners.

It is the duty of the City of Cordova to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the Base Flood Elevation are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

~~A. The planning commission as established by the city shall hear and decide appeals and requests for variances from the requirements of this chapter.~~

~~B. The planning commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the city manager in the enforcement or administration of this chapter.~~

~~C. Those aggrieved by the decision of the planning commission, or any taxpayer, may appeal such decision to the Superior Court, as provided in AS 29.33.070.~~

~~D. In passing upon such applications, the planning commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:~~

- ~~1. The danger that materials may be swept onto other lands to the injury of others;~~
- ~~2. The danger to life and property due to flooding or erosion damage;~~
- ~~3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;~~
- ~~4. The importance of the services provided by the proposed facility to the community;~~
- ~~5. The necessity to the facility of a waterfront location, where applicable;~~
- ~~6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;~~
- ~~7. The compatibility of the proposed use with existing and anticipated development;~~
- ~~8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;~~
- ~~9. The safety of access to the property in times of flood for ordinary and emergency vehicles;~~
- ~~10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and~~

~~11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and street and bridges.~~

~~E. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the items in subsection D of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.~~

~~F. Upon consideration of the factors in subsection D of this section and the purposes of this chapter, the planning commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.~~

~~G. The city manager shall maintain the records of all appeal actions and report variances to the Federal Insurance Administration upon request.~~

19.04.283 – Variances – Condition for variances.

A. Variances shall only be issued:

1. Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances;
2. For the repair, rehabilitation or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;
3. Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
4. Upon a showing of good and sufficient cause;
5. Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant;
6. Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 19.04.010 of this ordinance in the definition of "Functionally Dependent Use."

B. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.

C. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the Base Flood Elevation, provided the procedures of Sections 19.04.180 of this

ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

19.04.285 – Variances – Variance Criteria.

A. In considering variance applications, the {Governing Body} shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger of life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in time of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water system and streets and bridges.

B. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
2. Such construction below the base flood elevation increases risks to life and property; and

C. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.

19.04.290 – ~~Variances (Reserved).~~

~~A. Variances may be issued for reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.~~

~~B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result~~

~~.C. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.~~

~~D. Variances shall only be issued upon:~~

~~1. A showing of good and sufficient cause;~~

~~2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and~~

~~3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 19.04.280D, or conflict with existing local laws or ordinances.~~

~~E. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.~~

Alaska State NFIP Model Ordinance Checklist		
Must change	Community & CID:	Cordova, 020037
For discussion or a suggestion	Ordinance # & Date:	19.04
Compliant	Reviewer:	Mitch Paine, FEMA Region 10
	Review date:	5/27/2022

Criteria & Model Ordinance Reference	Federal Code Citations, Markups, and Comments
Section 1.0: Statutory Authorization, Findings of Fact, Purpose, and Objectives	Not mandatory to adopt section 1.0
1.1 Statutory Authorization	
The State of Alaska has delegated the responsibility to local governmental units to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the {Community Name}, does ordain as follows:	19.04.020
1.2 Findings of Fact	
A. The flood hazard areas of {Community Name} are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. B. These flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadvertently anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.	19.04.030
1.3 Statement of Purpose	
It is the purpose of this ordinance to promote public health, safety, and general welfare, and to minimize public and private losses due to flooding in flood hazard areas by provisions designed to: 1)Protect human life and health; 2)Minimize expenditure of public money for costly flood control projects; 3)Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; 4)Minimize prolonged business interruptions; 5)Minimize damage to public facilities and utilities, such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in flood hazard areas; 6)Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding; 7)Notify potential buyers that the property is in a special flood hazard area; 8)Notify those who occupy flood hazard areas that they assume responsibility for their actions; and 9)Participate in and maintain eligibility for flood insurance and disaster relief.	19.04.040, but would suggest including item 9) from the model ordinance
1.4 Methods of Reducing Flood Loss	
In order to accomplish its purposes, this ordinance includes methods and provisions for: 1) Restricting or prohibiting development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities, 2)Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; 3)Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters; 4)Controlling filling, grading, dredging, and other development which may increase flood damage; and 5) Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards in other areas.	19.04.050
Section 2.0 – Definitions	44 CFR 59.1 Not mandatory to adopt all definitions as shown. Asterisks denote a definition specifically in 44 CFR 59.1.
*Alteration of watercourse: Any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody	
Appeal: A request for a review of the interpretation of any provision of this ordinance or a request for a variance.	Yes
*Area of shallow flooding: A designated zone AO, AH, AR/AO or AR/AH (or VO) on a community’s Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.	Yes
*Area of special flood hazard: The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). “Special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.	Yes, but would suggest including the reference to specific flood zone language
ASCE 24: The most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.	
*Base flood: The flood having a 1% chance of being equaled or exceeded in any given year (also referred to as the “100-year flood”).	Yes, but must change to match model ordinance

*Base Flood Elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.	Yes
*Basement: Any area of the building having its floor sub-grade (below ground level) on all sides.	Yes
Building: See "Structure."	
Building Code: The currently effective versions of the International Building Code and the International Residential Code adopted by the State of Washington Building Code Council.	
Breakaway wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.	
Coastal High Hazard Area: An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as zone V1-30, VE or V.	
Critical Facility: A facility for which even a slight chance of flooding might be too great. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.	
*Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.	Yes
Elevation Certificate: An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).	
Elevated Building: For insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.	
Essential Facility: This term has the same meaning as "Essential Facility" defined in ASCE 24. Table 1-1 in ASCE 24-14 further identifies building occupancies that are essential facilities.	
Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community.	Yes
Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).	Yes
*Flood or Flooding: 1) A general and temporary condition of partial or complete inundation of normally dry land areas from: a) The overflow of inland or tidal waters. b) The unusual and rapid accumulation or runoff of surface waters from any source. c) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. 2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition	Yes
*Flood elevation study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).	Yes, identified as FIS, but should change to match model ordinance
*Flood Insurance Rate Map (FIRM): The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).	Yes
Flood Insurance Study (FIS): See "Flood elevation study".	
*Floodplain or flood prone area: Any land area susceptible to being inundated by water from any source. See "Flood or flooding."	
*Floodplain administrator: The community official designated by title to administer and enforce the floodplain management regulations.	
Floodplain management regulations: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.	
*Flood proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.	Yes, but would suggest changing to match model ordinance

*Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."	Yes, but must change to match model ordinance
*Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.	No, but must include if allowing variances
*Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.	Yes
Historic structure: Any structure that is: 1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; 2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; 3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or 4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: a. By an approved state program as determined by the Secretary of the Interior or b. Directly by the Secretary of the Interior in states without approved programs.	Yes
*Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance (i.e. provided there are adequate flood ventilation openings).	Yes
Manufactured Dwelling: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."	Yes
Manufactured Dwelling Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.	
Mean Sea Level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.	
*New construction: For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by COMMUNITY NAME and includes any subsequent improvements to such structures	Yes
New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations adopted by the community.	Yes
Reasonably Safe from Flooding: Development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, reasonably safe from flooding means that the lowest floor is at least two feet above the Highest Adjacent Grade.	
*Recreational Vehicle: A vehicle, 1) Built on a single chassis; 2) 400 square feet or less when measured at the largest horizontal projection; 3) Designed to be self-propelled or permanently towable by a light duty truck; and 4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.	Yes, but must change to match model ordinance
*Start of construction: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.	Yes

*Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.	Yes
*Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. '	Yes
*Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: 1)Any project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or 2)Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."	Yes
*Variance: A grant of relief by {COMMUNITY NAME} from the terms of a floodplain management regulation.	Yes
Violation: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.	No, but would suggest including
Water surface elevation: The height, in relation to the vertical datum utilized in the applicable flood insurance study of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.	
Water Dependent: A structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations	
Section 3.0 – General Provisions	
3.1 Lands to Which This Ordinance Applies	44 CFR 59.22(a)
This ordinance shall apply to all special flood hazard areas within the jurisdiction of {Community Name}.	19.04.070
3.2 Basis for Establishing the Areas of Special Flood Hazard	Mandatory (44 CFR 60.3 (preamble) and 44 CFR 60.2(h)). *In some communities, the phrase “and any revisions thereto” is not considered legally binding and should not be adopted.
The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report titled “The Flood Insurance Study (FIS) for {exact title of study}” dated {date}, with accompanying Flood Insurance Rate Maps (FIRMs) dated {date}, are hereby adopted by reference and declared to be a part of this ordinance. The FIS and FIRM panels are on file at {list the address or the building, i.e. Borough Administration Building, Department of Planning, Public Works etc.}.	19.04.090
3.3 Compliance	Mandatory (44 CFR 60.2(h))
All development within special flood hazard areas is subject to the terms of this ordinance and other applicable regulations.	19.04.080
3.4 Abrogation	Recommended (Not mandatory)
This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.	19.04.300
3.5 Interpretation	Recommended (Not mandatory)
In the interpretation and application of this ordinance, all provisions shall be: 1)Considered as minimum requirements; 2)liberally construed in favor of the governing body; and, 3)Deemed neither to limit nor repeal any other powers granted under state statutes.	19.04.060
3.6 Penalties for Noncompliance	Mandatory (44 CFR 60.2(h))
Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall {insert applicable penalty(ies) per State/local law}. Nothing herein contained shall prevent the {community name} from taking such other lawful action as is necessary to prevent or remedy any violation.	I don't see any penalties for noncompliance, but are they in another section?
3.7 Disclaimer of Liability	Recommended (Not mandatory)
The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the COMMUNITY NAME, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.	19.04.310
3.8 Severability	Mandatory (44 CFR 60.1(b)) The severability clause may be included in the adopting ordinance and left uncodified.
This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.	Not present in code, but should be in adopting ordinance

Section 4.0 – Administration	
4.1 Designation of the Floodplain Administrator	<i>Mandatory (44 CFR 59.22(b)(1))</i>
The INSERT INDIVIDUAL JOB TITLE is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.	19.04.110
4.2 Duties and Responsibilities of the Floodplain Administrator	<i>Mandatory (44 CFR 60.1(b))</i>
Duties of the floodplain administrator, or their designee, shall include, but not be limited to	19.04.120
4.2.1 Permit Review	<i>Mandatory (44 CFR 60.1(b))</i>
Review all development permits to determine that: A. The permit requirements of this ordinance have been satisfied; B. All other required state and federal permits have been obtained; C. The site is reasonably safe from flooding; D. In areas where a floodway has not been designated, require that no new construction, substantial improvements or other development (including fill) shall be permitted within Zones A1-30 and AE unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. {Do not include item D if not applicable to community}	19.04.130
4.2.2 Use of Other Base Flood Data	<i>Mandatory (44 CFR 60.3(b)(4))</i>
When Base Flood Elevation data has not been provided in accordance with Section 3.2 {or the numbering system used by the community}, the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation data available from a federal, state or other source, in order to administer Section 5.0 {or the numbering system used by the community}. Any such information shall be consistent with the requirements of the Federal Insurance Administrator.	19.04.140, 19.04.200
4.2.3. Obtain and Maintain for Public Inspection	<i>Required verbatim (44 CFR 60.3 (b)(5)); (44 CFR 60.3(b)(5)(i) and (iii)); (44 CFR 60.3(e)(2)); (44 CFR 60.3(b)(5)(i) and (iii)); (44 CFR 60.3(b)(5)(ii)); (44 CFR 60.3(b)(5)(iii)); (44 CFR 60.3(d)(3)); (44 CFR 60.6(a)(6)); (44 CFR 60.3(b)(5)(iii))</i>
Obtain and maintain the following for public inspection and make available as needed: A. Certification required by Section 5.1.3.1 and Section 5.5 {or the numbering system used by the community} (lowest floor elevations for all structures, bottom of the lowest horizontal structural member (if applicable), and service facilities/mechanical equipment); B. Certification required by Section 5.1.3.2 {or the numbering system used by the community} (lowest floor elevations or floodproofing of non-residential structures and service facilities/mechanical equipment); C. Certification required by Section 5.1.3.4 {or the numbering system used by the community} (engineered flood openings); D. Certification required by Section 5.7.A {or the numbering system used by the community} (floodway encroachments); E. Records of all variance actions, including justification for their issuance; F. Improvement and damage calculations.	19.04.150, but must include other pieces from the model ordinance
4.2.4 Notification to Other Entities	<i>Mandatory (44 CFR 59.22(a)(9)(v))</i>
A. Whenever a watercourse is to be altered or relocated, notify adjacent communities and the State Coordinating Office prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means, and assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained. B. Base Flood Elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data. C. Notify the Federal Insurance Administrator in writing of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.	19.04.160, but must include part "C" from the model ordinance
4.2.5 Remedial Actions	<i>Mandatory (44 CFR 59.24)</i>
Take actions on violations of this ordinance as required in Section 3.6 {or the numbering system used by the community} herein.	
4.3 Establishment of Development Permit	<i>Mandatory (44 CFR 60.3(a)(1))</i>

<p>A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any Special Flood Hazard Area established in Section 3.2 {or the numbering system used by the community}. Application for a Development Permit may be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:</p>	19.04.100
4.3.1 For A Zones (A, A1-30, AE, AH, AO)	<i>Mandatory (44 CFR 60.3(a)(1), 44 CFR 60.3(b)(3), 44 CFR 60.3(c)(4))</i>
<p>A. Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures. In Zone AO, elevation of existing highest adjacent grade and proposed elevation of lowest floor of all structures;</p> <p>B. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed;</p> <p>C. Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section 5.1.3.2 {or the numbering system used by the community}; and</p> <p>D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.</p>	19.04.100
4.3.2 For V Zones (VE, V1-30, V)	<i>Mandatory (44 CFR 60.3(e)(2))</i>
<p>A. Proposed elevation in relation to mean sea level of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all structures, and whether such structures contain a basement;</p> <p>B. Base Flood Elevation data for subdivision proposals or other development, including manufactured home parks or subdivisions, greater than 50 lots or 5 acres, whichever is the lesser; and</p> <p>C. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.</p>	N/A
5.0 Provisions for Flood Hazard Reduction	
5.1 General Standards	
In all special flood hazard areas, the following standards shall be adhered to:	
5.1.1 Anchoring	<i>Mandatory (44 CFR 60.3(a)(b)); (44 CFR 60.3(a)(3)(i)); (44 CFR 60.3(b)(8)); For more information, refer to guidebook, FEMA-85, “Manufactured Home Installation in Flood Hazard Areas.”</i>
<p>A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.</p> <p>B. All manufactured dwellings shall meet the anchoring standards of section 5.5.</p>	19.04.210
5.1.2 Construction Materials and Methods	<i>Mandatory (44 CFR 60.3(a)(3)(ii-iv))</i>
<p>A. All new construction and substantial improvements shall be constructed with materials resistant to flood damage;</p> <p>B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and</p> <p>C. All new construction and substantial improvement shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.</p> <p>D. Within Zones AH or AO, adequate drainage paths shall be constructed around structures on slopes to guide floodwaters around and away from proposed structures.</p>	19.04.230, 19.04.220
5.1.3 Elevation and Floodproofing	
5.1.3.1 Residential Construction	<i>Mandatory (44 CFR 60.3(c)(2) and (5));(44 CFR 60.3(c)(7)); (44 CFR 60.3(b)(2)); (44 CFR 60.3(e)); (44 CFR 60.3(c)(5), 44 CFR 60.3(e)(2)-(7)</i>
5.1.3.1.1 For A Zones (A, AE, A1-30, AH, AO):	
<p>Residential construction, new or substantial improvement, shall have the lowest floor, including basement, elevated to or above the Base Flood Elevation.</p> <p>A. In a Zone AO, the Base Flood Elevation is determined from the FIRM panel as the depth number specified. If no depth is specified, the required elevation is at minimum two (2) feet above highest adjacent grade.</p> <p>B. In a Zone A where the Base Flood Elevation has not been determined, the Base Flood Elevation is determined locally by the criteria set out in Section 4.2.2 {or the numbering system used by the community}. A minimum of 2 feet above highest adjacent grade may result in a lower insurance premium.</p> <p>C. In Zones AE, A1-30, and AH, the Base Flood Elevation is determined from the FIS and/or FIRM.</p> <p>D. A garage attached to a residential structure, constructed with the garage floor slab below the Base Flood Elevation, must be designed to allow for the automatic entry and exit of flood waters. See Section 5.1.3.4 {or the numbering system used by the community}.</p> <p>Upon completion of the structure, certification by a registered professional engineer or surveyor that the elevation requirements of the lowest floor, including basement, of this section have been satisfied shall be provided to the Floodplain Administrator for verification.</p>	19.04.250, but would suggest including language around attached garages
5.1.3.1.2 For V Zones (VE, V1-30, V)	

<p>Residential construction, new or substantial improvement, shall:</p> <p>A. Be located landward of the reach of mean high tide;</p> <p>B. Have the bottom of the lowest structural member of the lowest floor (excluding pilings and columns), elevated to or above the Base Flood Elevation;</p> <p>C. Have the pile or column foundation and structure attached thereto be anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards;</p> <p>D. Have the space below the lowest floor, usable solely for parking of vehicles, building access, or storage, either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot;</p> <p>E. Prohibit the use of fill for structural support of buildings; and</p> <p>F. Prohibit man-made alteration of sand dunes and mangrove stands.</p> <p>A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this Section.</p> <p>Upon completion of construction, certification by a registered professional engineer or architect that these design standards have been satisfied, and certification by a registered professional engineer or surveyor that the elevation requirements of the bottom of the lowest structural member of the lowest floor, excluding pilings and columns, of this section have been satisfied shall be provided to the Floodplain Administrator for verification.</p>	N/A
5.1.3.2 Nonresidential Construction	<i>Mandatory (44 CFR 60.3(c)(3) - (5))</i>
For A Zones (A, AE, A1-30, AH, AO)	
<p>Non-residential construction, new or substantial improvement, shall have the lowest floor either elevated to conform with Section 5.1.3.1(A), (B), or (C) as appropriate {or the numbering system used by the community},</p> <p>Or, together with attendant utility and sanitary facilities,</p> <p>A. Be floodproofed below the elevation recommended under Section 5.1.3.1(A), (B), or (C) as appropriate {or the numbering system used by the community} so that the structure is watertight with walls substantially impermeable to the passage of water; and</p> <p>B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.</p> <p>A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice meeting the provisions listed above.</p> <p>Upon completion of the structure, certification by a registered professional engineer or surveyor that the elevation requirements of the lowest floor, including basement, of this section have been satisfied shall be provided to the Floodplain Administrator for verification; or certification by a registered professional engineer or architect that the floodproofing design of this section is satisfied, including the specific elevation in relation to mean sea level to which such structures are floodproofed, shall be provided to the Floodplain Administrator for verification.</p>	19.04.260
For V Zones (VE, V1-30, V)	
Floodproofing of non-residential structures is prohibited. All structures must be elevated and constructed according to the requirements set forth in Section 5.1.3.1 {or the numbering system used by the community}.	
5.1.3.3 Appurtenant Structures (Detached Garages & Storage Structures)	<i>Optional, FEMA Policy on Agricultural/Accessory Structures</i>
For A Zones (A, AE, A1-30, AH, AO)	
<p>Appurtenant structures used solely for parking of vehicles or storage may be constructed such that the floor is below the Base Flood Elevation, provided the structure is designed and constructed in accordance with the following requirements:</p> <p>A. Use of the appurtenant structure must be limited to parking of vehicles or storage;</p> <p>B. The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials;</p> <p>C. The appurtenant structure must be adequately anchored to prevent flotation, collapse and lateral movement;</p> <p>D. Any machinery or equipment servicing the appurtenant structure must be elevated or floodproofed to or above the Base Flood Elevation;</p> <p>E. The appurtenant structure must comply with floodway encroachment provisions in Section 5.7 {or the numbering system used by the community}; and</p> <p>F. The appurtenant structure must be designed to allow for the automatic entry and exit of flood waters in accordance with Section 5.1.3.4 {or the numbering system used by the community}.</p> <p>Detached garages, storage structures and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 5.1.3.1(A), (B), or (C) as appropriate {or the numbering system used by the community}.</p> <p>Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.</p>	Not included, but would suggest including
For V Zones (VE, V1-30, V)	

Floodproofing of non-residential structures is prohibited. All structures must be elevated and constructed according to the requirements set forth in Section 5.1.3.1 {or the numbering system used by the community}.	N/A
5.1.3.4 Flood Openings	<i>Mandatory (44 CFR 60.3(c)(5))</i>
<p>All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for meeting this requirement must meet or exceed the following criteria:</p> <p>For non-engineered openings:</p> <p>A. Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;</p> <p>B. The bottom of all openings shall be no higher than one foot above grade;</p> <p>C. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.</p> <p>Alternatively, a registered engineer or architect may design and certify engineered openings.</p> <p>Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.</p>	19.04.277, but must change to match model ordinance
5.2 Standards for Storage of Materials and Equipment	<i>Mandatory (44 CFR 60.3(a))</i>
<p>A. The storage or processing of materials that could be injurious to human, animal or plant life if released due to damage from flooding is prohibited in special flood hazard areas.</p> <p>B. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning</p>	Not present, must include
5.3 Standards for Water Supply and Waste Disposal Systems	<i>Mandatory (44 CFR 60.3(a)(5)(6))</i>
<p>A. All new or replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.</p> <p>B. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.</p>	19.04.230
5.4 Development Proposals	<i>Mandatory (44 CFR 60.3(a)(4) & (b)(3))</i>
<p>All new development proposals, including subdivisions and manufactured home parks, shall:</p> <p>A. Be consistent with the need to minimize flood damage;</p> <p>B. Have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage; and</p> <p>C. Provide adequate drainage to reduce exposure to flood hazards.</p> <p>D. Include Base Flood Elevation data for all proposals greater than 50 lots or 5 acres, whichever is the lesser.</p>	19.04.190
5.5 Standards for Manufactured Homes	<i>Mandatory (44 CFR 60.3(b)(8); 44 CFR 60.3(c)(6)(iv); 44 CFR 60.3(c)(12)(ii)), 44 CFR 60.3(e)(8)</i>
5.5.1 For A Zones (A, AE, A1-30, AH, AO)	
<p>All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.</p> <p>A. Manufactured homes that are placed or substantially improved within Zone AO shall meet the residential construction standards in A Zones in Section 5.1.3.1 {or the numbering system used by the community}.</p> <p>B. Manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites:</p> <p>a. Outside of a manufactured home park or subdivision,</p> <p>b. In a new manufactured home park or subdivision,</p> <p>c. In an expansion to an existing manufactured home park or subdivision, or</p> <p>d. In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood,</p> <p>Be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement.</p> <p>C. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community’s FIRM that have not incurred substantial damage as the result of a flood are to be elevated so that either:</p> <p>a. The lowest floor of the manufactured home is at or above the base flood elevation, or</p> <p>b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.</p> <p>Upon completion of installation of the manufactured home, certification by a registered professional engineer or surveyor that the elevation requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.</p>	19.04.270
5.5.2 For V Zones (VE, V1-30, V)	

<p>A. Manufactured homes placed or substantially improved within Zones V1-30, V, and VE on the community's FIRM on sites:</p> <p>a. Outside of a manufactured home park or subdivision,</p> <p>b. In a new manufactured home park or subdivision,</p> <p>c. In an expansion to an existing manufactured home park or subdivision, or</p> <p>d. In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood,</p> <p>Meet the standards of residential construction in V Zones in Section 5.1.3.1 {or the numbering system used by the community}.</p> <p>B. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones V1-30, V, and VE on the community’s FIRM that have not incurred substantial damage as the result of a flood are to:</p> <p>a. Meet the standards of residential construction in V Zones in Section 5.1.3.1 {or the numbering system used by the community}; AND</p> <p>b. Be elevated so that either:</p> <p>i. The lowest floor of the manufactured home is at or above the base flood elevation, or</p> <p>ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.</p> <p>Upon completion of installation of the manufactured home, certification by a registered professional engineer or surveyor that the elevation requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.</p>	N/A
5.6 Standards for Recreational Vehicles	<i>Mandatory (44 CFR 60.3(c)(14)(i)-(iii), 60.3(e)(9))</i>
<p>All recreational vehicles placed on site shall:</p> <p>A. Be on site for fewer than 180 consecutive days,</p> <p>B. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or</p> <p>C. Meet the permit requirements of Section 4.0 {or the numbering system used by the community} of this ordinance and the applicable elevation and anchoring requirements for manufactured homes in Section 5.5 {or the numbering system used by the community}.</p>	19.04.275, but must include item "C" from the model ordinance
5.7 Floodways	<i>Mandatory (44 CFR 60.3(d))</i>
<p>Located within the special flood hazard areas established in Section 3.2 {or the numbering system used by the community} are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:</p> <p>A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge;</p> <p>B. If Section 5.7 (A) {or the numbering system used by the community} is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of Section 5.0 {or the numbering system used by the community}.</p> <p>C. Encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations may be permitted, provided that {community name} first applies for and fulfills the requirements for a Conditional Letter of Map Revision (CLOMR), and receives approval from the Federal Insurance Administrator to revise the FIRM and FIS in accordance with Section 4.2.4.B {or the numbering system used by the community}.</p>	19.04.276, but must change to match model ordinance
6.0 Variance Procedure	<i>FEMA Recommended. Must follow requirements in 44 CFR 60.6</i>
6.1 Nature of Variances	
<p>The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants or the property owners.</p> <p>It is the duty of the {governing body} to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the Base Flood Elevation are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.</p>	19.04.280 & 19.04.290, but must change. Let's discuss further
6.2 Conditions for Variances	

<div><div>A. Variances shall only be issued:</div><div><div>1. Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances;</div><div>2. For the repair, rehabilitation or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure; **</div><div>3. Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;</div><div>4. Upon a showing of good and sufficient cause;</div><div>5. Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant;</div><div>6. Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 2.0 {or the numbering system used by the community} of this ordinance in the definition of “Functionally Dependent Use.”</div></div><div>B. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.</div><div>C. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the Base Flood Elevation, provided the procedures of Sections 4.0 and 5.0 {or the numbering system used by the community} of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.</div></div>	
<div>6.3 Variance Criteria</div>	
<div><div>A. In considering variance applications, the {Governing Body} shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:</div><div><div>1. The danger that materials may be swept onto other lands to the injury of others;</div><div>2. The danger of life and property due to flooding or erosion damage;</div><div>3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;</div><div>4. The importance of the services provided by the proposed facility to the community;</div><div>5. The necessity to the facility of a waterfront location, where applicable;</div><div>6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;</div><div>7. The compatibility of the proposed use with existing and anticipated development;</div><div>8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;</div><div>9. The safety of access to the property in time of flood for ordinary and emergency vehicles;</div><div>10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,</div><div>11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water system and streets and bridges.</div></div><div>B. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:</div><div><div>1. The issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and</div><div>2. Such construction below the base flood elevation increases risks to life and property; and</div></div><div>C. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.</div></div>	
<div>Optional or Higher Standards Included</div>	

**CITY OF CORDOVA, ALASKA
PLANNING COMMISSION
RESOLUTION 23-1**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CORDOVA, ALASKA, RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA TO REPEAL AND REPLACE CORDOVA MUNICIPAL CODE CHAPTER 19.04 “FLOOD PROTECTION” WITH CHAPTER 19.04 “FLOODPLAIN MANAGEMENT” IN ORDER TO MAINTAIN COMPLIANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM STANDARDS.

WHEREAS, the National Flood Insurance Act of 1968, as amended (“NFIA”) authorizes the Federal Emergency Management Agency (“FEMA”) to establish and carry out the National Flood Insurance Program (“NFIP”) to provide flood insurance against losses resulting from physical damage or loss of property to eligible persons; and

WHEREAS, under the NFIA, FEMA may only grant flood insurance to properties within communities that have adopted and enforce adequate land use and control measures that regulate floodplains as established by FEMA regulations located at 44 CFR 60.3, 60.4, and 60.5; and

WHEREAS, FEMA Floodplain Specialist for FEMA Region 10, in which Cordova is located, has reviewed Cordova’s Code and provided the City Planner required changes to Chapter 19.04 to maintain NFIA compliance and NFIP eligibility; and

WHEREAS, the Planning Commission has reviewed the proposed Chapter 19.04 amendments required by the NFIA regulations; and

WHEREAS, the Planning Commission has determined it is in the City’s best interest to make the necessary amendments to maintain compliance with NFIA requirements in order to maintain its eligibility for the NFIP to protect the community from losses related to significant flooding events; and

WHEREAS, the Planning Commission recommends to City Council that it pass and approve the repeal and replacement of Chapter 19.04.


NOW, THEREFORE BE IT RESOLVED THAT the Planning Commission of the City of Cordova, Alaska hereby recommends to the City Council of the City of Cordova, Alaska to repeal and replace Chapter 19.04 of the Cordova Municipal Code.

PASSED AND APPROVED THIS 10TH DAY OF January, 2023



Tania Harrison, Chair

ATTEST:



Kevin Johnson, City Planner

**CITY OF CORDOVA, ALASKA
RESOLUTION 02-23-03**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF CORDOVA, ALASKA,
DESIGNATING CAPITAL IMPROVEMENT PROJECTS**

WHEREAS, the Cordova City Council has identified several Capital Improvement projects that will benefit the citizens of Cordova, and in several cases the entirety of Prince William Sound; and

WHEREAS, the Council of the City of Cordova has identified the following Capital Improvement projects as being critical to the future well-being and economy of Cordova and the surrounding area:

Port and Harbor

- South Harbor Replacement
- North Harbor Efficiency and Safety
 - Stabilize Breakwater Ave through sheet piling to create usable uplands for industrial, commercial, Harbor and associated uses.
 - Improve pedestrian safety by creating a sidewalk and boardwalk system to navigate between the north and south harbors.
 - Provide additional cranes, laydown areas, and in-harbor fuel services.
- Rebuild 3-Stage Dock
- Waste Oil Building
- Shipyard Expansion
- Harbor Basin Expansion

Public Works (Water/Sewer/Streets)

- Improve water delivery during peak water usage.
- Booster station at Murchison tank to improve water delivery during peak flow.
- Permanent siphon at Crater Lake to improve water delivery during peak flow.
- Upgrade Pipe Infrastructure.
- Upgrade pump stations and equipment.

Sewer Upgrades

- Replacement/upgrade of Wastewater plant and Scada.
- Replacement/Upgrades of Lift Stations.
- Replacement of Force main in Odiak Slough.
- Upgrade Pipe Infrastructure.

Streets Infrastructure and Equipment

- 6th and 7th Streets Upgrades
- Chase Avenue Upgrades
- Replace/Upgrade pedestrian walkways (4th and Adams) (Council Street), and (2nd Street to Main)
- Wheeled Loader
- Road Grader

Water Services and Fire Protection (hydrants) to Outlying Areas – Feasibility Study

Public Safety

- Mile 4 Substation Foundation Repair
- E-911 Implementation
- Acquire and integrate new hardware to fully utilize the new E-911 addressing.
- Replace Failing RMS
- Replace Dispatch Console
- Replace Radio Structure on Ski Hill
- Engineering and Preliminary Design of Public Safety Building

Recreational Safety and Development

Pool Infrastructure

- Replacement of 60mm PVC Pool liner
- Door and Siding Replacements and CMU Joint Repairs
- Pool Cover Replacement
- Pool Roof Replacement
- Ventilations Remodel/Replacement
- Electrical Distribution System Replacement
- ADA Compliance and Parking Area re-grade.

Bidarki Recreation Center

- Structural Repair
- Code and Ada Compliance
- Facility Improvements

Eyak Lake Skater's Cabin

- Demolish and replace.

Playground Renovations

- Replacement of swing set at Noel Pallas Children's Memorial Playground

Parks Restrooms/Buildings/Structures

- Ballfield/Cordova Municipal Park Restroom/Concession Stand – Code and ADA Compliance
- Fleming Spit Restroom Replacement
- Odiak Pond Boardwalk and Gazebo – Code and ADA Compliance
- Odiak Camper Park Restrooms/Facility Improvements – Code and ADA Compliance.
- Parks Maintenance Shop Facility Improvements – Code Compliance

Land Development

- Housing
- Cold Storage
- Harbor Basin Expansion

and;

WHEREAS, some or all of these projects will be submitted to State or Federal legislators and/or agencies as Capital Improvement projects for the City of Cordova, Alaska.

NOW, THEREFORE, BE IT RESOLVED THAT the Council of the City of Cordova, Alaska, hereby designates and prioritizes the above listed projects as Capital Improvement projects.

PASSED AND APPROVED THIS 1st DAY OF FEBRUARY 2023

David Allison, Mayor

Attest:

Susan Bourgeois, CMC, City Clerk

**CITY OF CORDOVA, ALASKA
RESOLUTION 03-22-03**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF CORDOVA, ALASKA,
DESIGNATING CAPITAL IMPROVEMENT PROJECTS**

WHEREAS, the Cordova City Council has identified several Capital Improvement projects that will benefit the citizens of Cordova, and in several cases the entirety of Prince William Sound; and

WHEREAS, the Council of the City of Cordova has identified the following Capital Improvement projects as being critical to the future well-being and economy of Cordova and the surrounding area:

1. Port and Harbor Renovations
 - a. South Harbor replacement (G, H & J floats priority)
 - b. Harbor basin expansion
 - c. General upgrades (north harbor sidewalks, waste oil building, harbor crane)
2. Upgrade Community Water Supply
 - a. Extend City water supply to 6-mile
3. Large Vessel Maintenance Facility
 - a. Shipyard building
 - b. Shipyard expansion and improvements
4. Public Safety Building
5. Road Improvements / ADA Sidewalk Improvements
 - a. Second Street
 - b. 6th & 7th Streets sidewalk/drainage project
 - c. Ferry terminal sidewalk
 - d. General street and sidewalk improvements

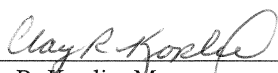
and;

WHEREAS, some or all of these projects will be submitted to State or Federal legislators and/or agencies as Capital Improvement projects for the City of Cordova, Alaska.

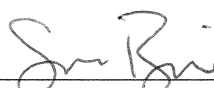
NOW, THEREFORE, BE IT RESOLVED THAT the Council of the City of Cordova, Alaska, hereby designates and prioritizes the above listed projects as Capital Improvement projects.

PASSED AND APPROVED THIS 2nd DAY OF MARCH 2022




Clay R. Koplin, Mayor

ATTEST:


Susan Bourgeois, CMC, City Clerk



10,000 years in our Traditional Homeland, Prince William Sound, the Copper River Delta, and the Gulf of Alaska

Helen Howarth, City Manager
City of Cordova
601 1st Street
Cordova, AK 99574

February 2, 2023

Dear Ms. Howarth:

As per our December 21, 2022, Letter of Interest, we again request a Letter of Support and Resolution for same to demonstrate to our Congressional Delegation that the City of Cordova has no intention of opposing the Native Village of Eyak's efforts to develop a new Tribal clinic and consolidate healthcare in the community. Rather, we would ask that both documents reflect the City's commitment to work with NVE on these important priorities.

As you are aware from our last meeting, the NVE now prefers to remodel existing Cordova Community Medical Center spaces and add new spaces, as the engineering and design allow, to accommodate the Tribal Clinic and CCMS. This seems reasonable as we are working toward consolidation at the same time we remodel and build new spaces.

We expect to complete all negotiations and consolidate business operations in the next 6-12 months. We understand this is ambitious, but with your and Hannah's help, doable.

Our more immediate timeline now is tightening as we take steps by mid-March to request an appropriation by March 30. To that end we hope you and Hannah may be able to accompany us to DC to voice support in-person.

Sincerely,

Ted A Wright
Executive Director

**CITY OF CORDOVA, ALASKA
RESOLUTION 02-23-05**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF CORDOVA, ALASKA,
SUPPORTING NATIVE VILLAGE OF EYAK EFFORTS TO IMPROVE HEALTHCARE IN
CORDOVA THROUGH UPGRADES TO EXISTING HEALTHCARE INFRASTRUCTURE
WHILE WORKING TO CONSOLIDATE CORDOVA COMMUNITY MEDICAL CENTER
AND NATIVE VILLAGE OF EYAK HEALTHCARE SERVICES FOR THE BENEFIT OF
ALL CORDOVA AND SUPPORTING FUNDING REQUESTS TO IMPROVE CORDOVA
HEALTHCARE INFRASTRUCTURE AND RESULT IN THE CONSOLIDATION OF
HEALTH SERVICE DELIVERY**

WHEREAS, City of Cordova and Native Village of Eyak provide healthcare services to the community of Cordova; and

WHEREAS, Cordova Community Medical Center is a City owned 13-bed critical access hospital with a 10-bed long term care unit that provides comprehensive healthcare services to the community of Cordova; and

WHEREAS, Cordova Community Medical Center is governed by the Cordova Community Medical Center Authority Board whose officials have been elected by the public to oversee healthcare services for Cordova; and

WHEREAS, Native Village of Eyak, owns and operates the tribally run Ilanka Community Health Center; and

WHEREAS, both Cordova Community Medical Center and Ilanka Community Health Center facilities are in need of substantial repair or replacement to maintain operations in accordance with Life Safety Code; and

WHEREAS, both parties agree that coordination of care and integration of healthcare services in Cordova would improve efficiency, safety, and health outcomes for community members; and

WHEREAS, both ICHC and CCMC operations depend on current services to maintain revenue cycle and operations; and

WHEREAS, both parties agree to not increase or expand services in competition with the other until consolidation of healthcare services has been completed; and

WHEREAS, NVE is willing to manage all healthcare services in Cordova; and

WHEREAS, remodeling the existing Cordova Community Medical Center, with the addition of new space as engineering and design allow, would be a cost effective and positive step towards consolidation.

NOW THEREFORE BE IT RESOLVED that the Council of the City of Cordova, Alaska, supports Native Village of Eyak's efforts to improve healthcare in Cordova through upgrades to existing

healthcare infrastructure while working to consolidate Cordova Community Medical Center and Native Village of Eyak healthcare services for the benefit of all Cordova and City of Cordova supports funding requests that improve Cordova’s healthcare infrastructure and result in the consolidation of health service delivery.

PASSED AND APPROVED THIS 15th DAY OF FEBRUARY 2023

David Allison, Mayor

ATTEST:

Susan Bourgeois, CMC, City Clerk

DRAFT

MEMO: 2/15/23

TO: Cordova City Council

FROM: Helen Howarth, City Manager

RE: CITY OF CORDOVA 2023 CAPITAL BUDGET

I am pleased to present the City of Cordova 2023 Capital Budget for Council approval.

The FY23 Operating Budget was approved in December 2022 with capital items removed for later discussion and approval in first quarter 2023.

Department Heads have identified immediate equipment needs and facility improvements necessary to fulfill City obligations. Department heads will be at the Council meeting to answer questions prior to approval of the FY23 Capital Budget

Requests presented for FY23 address only priority needs for 2023. A capital budget work session in April 2023 will identify the scope of the City's infrastructure and capital needs and assist staff in development of a five-year capital plan.

The capital budget totals \$1,443,795 in expenditures across multiple departments. Staff recommends using the balance of \$1,147,372 in unspent and unrestricted ARPA funds, and allocation of \$296,423 from the balance of \$1,644,113 from State of Alaska payment of prior year un-funded School Bond Debt Reimbursement. The \$1,347,690 balance will remain in the Central Treasury.

**CITY OF CORDOVA, ALASKA
RESOLUTION 02-23-06**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF CORDOVA, ALASKA, ADOPTING
A CAPITAL BUDGET FOR FISCAL YEAR 2023 AND APPROPRIATING THE AMOUNT
OF \$1,442,795 AS SUMMARIZED PURSUANT TO THE FOLLOWING TABLE**

FY23 CAPITAL BUDGET		
<u>Request Title</u>	<u>FY 2023 Capital Cost</u>	<u>Department</u>
Records Retention Digitization	25,000	City Clerk
Sales Tax Code Revision	50,000	City Manager
Accounting software replacement	85,000	Finance
Large Format Scanner	15,500	Planning
Replace Public Safety Buildings Exterior Doors for Fire Hall & AST	14,000	Facility Maintenance
Cordova Chamber of Commerce Siding and Roof Replacement	65,000	Facility Maintenance
Cordova Center remodel storage room for office	25,000	Facility Maintenance
Overhead Door Inspection & Preventive Maintenance	10,300	Facility Maintenance
Public Safety Building Roof Surface Replacement	230,000	Facility Maintenance
Ski Hill Emergency Radio Shelter replacement planning	5,000	Fire & Ems
Fire Sub Station Repair	120,000	Fire & Ems
Self-Contained Breathing Apparatus	60,000	Fire & Ems
E-Force CAD System	103,000	Law Enforcement
Vehicle Fleet (2 @ \$52,000)	104,000	Law Enforcement
Park & Recreation Master Plan	35,000	Parks & Rec Administration
Fitness Equipment replacement	15,000	Parks & Recreation - Bidarki
Parks fencing repair/replacement	10,000	Parks Maintenance
Playground Renewals	15,000	Parks Maintenance
Replacement of work van	45,000	Parks Maintenance
Odiak Camper Park Improvements	25,000	Parks Odiak Park
Bob Korn Memorial Swimming Pool Repairs	155,000	Parks-Pool
Eyak Drive Culvert Replacement	100,000	Street Maintenance
Chip Seal	70,000	Street Maintenance
Transit-250 Cargo AWD High Roof ext. Van 2023	61,995	Sewer
TOTAL	1,443,795	
FUND SOURCES		
ARPA/CLFRF FUNDS	-1,147,372	
School Bond Debt Reimbursement	-296,423	
TOTAL	-1,443,795	

WHEREAS, City has not consistently invested in needed capital upgrades and deferred maintenance needs; and

WHEREAS, City staff has assessed departmental equipment and infrastructure needs and submitted recommendations to the City Manager to address deficiencies; and

WHEREAS, City Manager reviewed those requests with each Department Head and presents a Capital Budget with requests total \$1,442,795 in expenditures across multiple departments; and

WHEREAS, City Manager recommends using one-time funds from the balance of \$1,147,372 in unspent and unrestricted ARPA funds, and \$296,423 from the balance of \$1,644,113 from State of Alaska prior year un-funded School Bond Debt Reimbursement.

NOW, THEREFORE BE IT RESOLVED THAT the Council of the City of Cordova, Alaska, hereby adopts the City Capital Budget and appropriates such funds for FY23, for the period of January 1, 2023 to December 31, 2023, in the amount of **\$1,442,795**.

BE IT FURTHER RESOLVED that all unencumbered balances remaining as of January 1, 2024 shall be transferred to the unappropriated fund balance of the respective fund from which appropriated.

PASSED AND APPROVED THIS 15th DAY OF FEBRUARY 2023

David Allison, Mayor

ATTEST:

Susan Bourgeois, CMC, City Clerk

Pending Agenda (PA) Primer

What is Pending Agenda?

A list of topics that Council wants to explore in the future (these are Pending, for an Agenda).

These topics might be worthy of an agenda item at a regular/special meeting (if there is a specific action being requested).

These topics might be worthy of a work session when Council can discuss at more length and come to a consensus about direction to staff to bring an action back.

How do you get something ON Pending Agenda?

During PA, a Council member can suggest a topic to add to PA. At that time, a second Council member, the Mayor or the City Manager can act as the second who agrees to add the item to the Pending Agenda List.

How do you get something OFF Pending Agenda?

During PA, a Council member can mention a topic that is on the list of topics and name a **specific date** to hear the item, either as an action item on a regular/special meeting or as a discussion item for a work session. If this occurs, a second member is still required, and the member(s) should clearly articulate the action intended or the specific topic for discussion and set a specific date.

Quarterly, we will go through all the items listed on PA and purge the ones that no longer seem practical or that have been handled already.

What is NOT appropriate for Pending Agenda?

Sometimes items are considered for PA but are more appropriately tasks for the Clerk or Manager. These items might warrant Council action in the future, and if so, will be brought back when that is necessary. A consensus of the entire body is required to task the Manager or Clerk with something specific.

The PA part of the meeting sometimes becomes a more detailed discussion of an item being proposed. Council should refrain from the extraneous discussion of a topic at this time and instead clearly state the item, get agreement of a second, and it will be added to the list. Obviously, sometimes a short discussion is required in order to articulate the detail of what is being added.



City Council of the City of Cordova, Alaska

Pending Agenda

February 15, 2023 Regular Council Meeting

A. Future agenda items - topics put on PA with no specific date for inclusion on an agenda	initially put on or revisited
1) City Manager authority re: purchases/contracts and whether budgeted/unbudgeted - new finance director	2/19/2020
2) City addressing - ongoing project 2022	11/4/2020
3) Public Safety Resources - discussion	1/20/2021
4) Ordinance change (Title 4) before a new CBA gets negotiated - so Council has a role in approval process	2/17/2021
5) Plan/schedule for departmental site visits/work sessions/state of the dept reporting	3/17/2021
6) Council discussion/direction to Planning and Zoning Commission re sale of City owned residential lots * this to occur in 2022 when Planning Commission begins work on land disposal maps	11/3/2021
7) Council discussion about incentives for investment in Cordova	11/3/2021
8) Revenues/financial planning/sales tax cap discussion	12/1/2021
9) Res to legislature supporting adoption of stricter punishment for drug sales that cause overdose deaths	6/15/2022
10) Code update of Chapter 5.40 Sales Tax	8/3/2022
11) Alaska Mariculture Alliance - city rep appointment after bylaw changes - update from Mayor	9/21/2022
12) Refuse department report on bear strategies	2/1/2023
13) Facilities worksession after results of facilities assessment have been finalized into a report	2/1/2023

B. Resolutions, Ordinances, other items that have been referred to staff	date referred
1) Res 03-22-05 adopting 2022 land disposal maps-referred until amendments to 5.22 come before Council 5.22 amendments via ord 1202 will be effective end 10/22 - will approve new land maps 1/23	3/2/2022
2) Disposal of PWSSC Bldg - referred until more of a plan for north harbor so the term of RFP would be known	1/19/2022
3) Res 11-21-42 placing ballot prop to change Council seats to undesignated (after 2022 state election)	11/17/2021
4) Res 03-21-13 support for snow avalanche and landslide hazards assessment	3/17/2021
5) Disposal of ASLS 79-258 - motion to put out for proposals was referred to staff after an e.s.	9/16/2020
6) Res 05-20-18 re CCMC sale committee	5/6/2020
7) Res 12-18-36 re E-911, will be back when a plan has been made	12/19/2018

C. Upcoming Meetings, agenda items and/or events: with specific dates
1) Capital Priorities List <u>Resolution (03-22-03)</u> is in each packet - if 2 council members want to revisit the resolution they should mention that at Pending Agenda and it can be included in the next packet for action
2) Staff quarterly reports will be in the following packets: some are in 4/20/22 others will be in 5/4/22 packet for 1Q <div style="display: flex; justify-content: space-around;"> 4/19/2023 7/20/2023 10/18/2023 1/17/2024 </div>
3) Joint City Council and School Board Meetings - twice per year, April & October 6pm before Council mtg 5/3/2023 6pm @ CHS before Sch Bd mtg Oct. or Nov. 2023
4) Clerk's evaluation - each year in Feb (before Council changeover after Mar election) - next Feb '23
5) Manager's evaluation - each year in Jan - next one Jan '24
6) In May each year City will provide public outreach regarding beginning of bear season
7) Council worksession about housing shortage/progress staff has made towards solutions - Apr 23
8) Joint City Council-Harbor Commission Meeting - sometime during 1Q 2023

photo by Wendy Ranney



D.	Council adds items to Pending Agenda in this way:		
	item for action	tasking which staff: Manager/Clerk?	proposed date
	1) ...		
	2) ...		
	3) ...		

Mayor Allison or the City Manager can either agree to such an item and that will automatically place it on an agenda, or a second Council member can concur with the sponsoring Council member.



City Council of the City of Cordova, Alaska
Pending Agenda
February 15, 2023 Regular Council Meeting

E. Membership of existing advisory committees of Council formed by resolution:

- 1) Fisheries Advisory Committee:**
- | | | |
|--|---|--|
| re-auth res 01-20-04 approved Jan 15, 2020 | 1-John Williams (fisheries educ/Mar Adv Prgm) | 2-Jeremy Botz (ADF&G) |
| auth res 04-03-45 approved Apr 16, 2003 | 3-vacant (processor rep) | 4-Jim Holley (marine transportation/AML) |
| | 5-Chelsea Haisman (fish union/CDFU) | 6-Tommy Sheridan (aquaculture) |
- 2) Cordova Trails Committee:**
- | | | |
|----------------------------------|--------------------|-----------------|
| re-auth res 11-18-29 app 11/7/18 | 1-Elizabeth Senear | 2-Toni Godes |
| auth res 11-09-65 app 12/2/09 | 3-Dave Zastrow | 4-Ryan Schuetze |
| | 5-Wendy Ranney | 6-Michelle Hahn |
- 3) Fisheries Development Committee:**
- | | | | |
|----------------------------------|-------------------|-----------------|------------------|
| authorizing resolution 12-16-43 | 1-Warren Chappell | 2-Andy Craig | 3-Bobby Linville |
| reauthorization via Res 11-19-51 | 4-Gus Linville | 5-vacant | 6-Bob Smith |
| approved 11/20/2019 | 7- Ron Blake | 8- John Whissel | |

F. City of Cordova appointed reps to various non-City Boards/Councils/Committees:

- 1) Prince William Sound Regional Citizens Advisory Council**
- | | | |
|--------------------|------------------------|----------------------------|
| David Janka | appointed January 2023 | 2 year term until May 2024 |
|--------------------|------------------------|----------------------------|
- 2) Prince William Sound Aquaculture Corporation Board of Directors**
- | | | |
|-------------------|--|-----------------------------|
| Tom Bailer | re-appointed October 2021 | 3 year term until Sept 2024 |
| | re-appointed October 2018 | |
| | appointed February 2017-filled a vacancy | |






CIP LIST RESOLUTION

A new CIP List Resolution is being considered tonight, therefore, the last one is not in this packet so as not to confuse Council and public. Once the newest one is approved it will appear in every City Council packet.

The last approved CIP list resolution was on March 7, 2022 as Resolution 03-22-03, City Council discussed Resolution 02-23-03 at the February 1, 2023 meeting and then referred that resolution to staff. Resolution 02-23-03 is before Council again tonight for consideration (agenda item 18) after staff has taken Council's comments/suggestions into account from the February 1, 2023 discussion.

February 2023

CALENDAR MONTH **FEBRUARY**
 CALENDAR YEAR **2023**
 1ST DAY OF WEEK **SUNDAY**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29	30	31	1	2	3	4
			Iceworm Festival "Super Iceworm" Jan 23 - Feb 4, 2023			
			7:00 Council reg mtg CCAB			
5	6	7	8	9	10	11
			6:00 Harbor Cms CCAB 7:00 Sch Bd HSL			Home CJHS VBall 2/10-11/23
12	13	14	15	16	17	18
		Early Voting: City Election at Cdv Ctr/City Hall: 2/14 - 2/17 8a-5p				
		6:30 P&Z CCAB	6:45 Council PH 7:00 Council reg mtg CCAB			
19	20	21	22	23	24	25
	Presidents Day Holiday City Offices closed		Early Voting: City Election at Cdv Ctr/City Hall: 2/21 - 2/24 8a-5p			Home CHS BBall 2/24-25/23
		5:30 CTC Board Meeting CCER	6:00 CEC Board Meeting	6:00 CCMCAB HCR		
26	27	28	1	2	3	4
		Early Voting: City Election at Cdv Ctr/City Hall: 2/27 - 3/3 8a-5p				
		6:00 P&R CCM				
5	6	Notes				Cncl - 1st & 3rd Wed P&Z - 2nd Tues SchBd, Hrb Cms - 2nd Wed CTC - 3rd Tues P&R - last Tues CEC - 4th Wed CCMCA Bd - last Thurs







Legend:
 CCAB-Community Rms A&B
 HSL-High School Library
 CCA-Community Rm A

CCB-Community Rm B
 CCM-Mayor's Conf Rm
 CCER-Education Room

LN-Library Fireplace Nook
 CRG-Copper River Gallery
 HCR-CCMC Conference Room

March 2023

CALENDAR MONTH	MARCH
CALENDAR YEAR	2023
1ST DAY OF WEEK	SUNDAY

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
26	27	28	1	2	3	4
			Early Voting: City Election at Cdv Ctr/City Hall: 3/1- 3/3 8a-5p			
			7:00 Council reg mtg CCAB			
5	6	7	8	9	10	11
Early Voting: City Election at Cdv Ctr/City Hall: 3/6 -8a-5p						
		Cordova General Election 7am - 8pm CCA	6:00 Harbor Cms CCAB 7:00 Sch Bd HSL			
12	13	14	15	16	17	18
						
		6:30 P&Z CCAB	7:00 Council reg mtg CCAB	1A/2A State Basketball Tournament March 15 - 18, 2023		
19	20	21	22	23	24	25
			6:00 CEC Board Meeting			
		5:30 CTC Board Meeting CCER				
26	27	28	29	30	31	1
	City Hall Closed Seward's Day Holiday 3/27	6:00 P&R CCM		6:00 CCMCAB HCR		
2	3	Notes			CTC Annual Mtg	

Legend:
 CCAB-Community Rms A&B
 HSL-High School Library
 CCA-Community Rm A

CCB-Community Rm B
 CCM-Mayor's Conf Rm
 CCER-Education Room

LN-Library Fireplace Nook
 CRG-Copper River Gallery
 HCR-CCMC Conference Room

Cncl - 1st & 3rd Wed
 P&Z - 2nd Tues
 SchBd, Hrb Cms - 2nd Wed
 CTC - 3rd Tues
 P&R - last Tues
 CEC - 4th Wed
 CCMCA Bd - last Thurs

City of Cordova, Alaska Elected Officials & Appointed Members of City Boards and Commissions

Mayor and City Council - Elected

seat/length of term	email	Date Elected	Term Expires
Mayor:	David Allison	March 1, 2022	March-25
3 years	Mayor@cityofcordova.net		
Council members:			
Seat A:	Tom Bailer, Vice Mayor	March 1, 2022	March-25
3 years	CouncilSeatA@cityofcordova.net	March 5, 2019	
Seat B:	Cathy Sherman	March 3, 2020	March-23
3 years	CouncilSeatB@cityofcordova.net		
Seat C:	Jeff Guard	Mar 3, 2020	March-23
3 years	CouncilSeatC@cityofcordova.net	Mar 5, 2017	
Seat D:	Melina Meyer	March 2, 2021	March-24
3 years	CouncilSeatD@cityofcordova.net	March 6, 2018	
Seat E:	Anne Schaefer	March 2, 2021	March-24
3 years	CouncilSeatE@cityofcordova.net	March 6, 2018	
		December 6, 2017	elected by cncl
Seat F:	Kristin Carpenter	March 1, 2022	March-25
3 years	CouncilSeatF@cityofcordova.net		
Seat G:	Ken Jones	March 1, 2022	March-25
3 years	CouncilSeatG@cityofcordova.net		

Cordova School District School Board of Education - Elected

length of term		Date Elected	Term Expires
3 years	Barb Jewell	Mar 1, 2022, Mar 5, 2013, Mar 1, 2016, Mar 5, 2019	March-25
	bjewell@cordovasd.org		
3 years	Henk Kruithof	March 2, 2021	March-24
	hkruithof@cordovasd.org		
3 years	Terri Stavig	March 1, 2022	March-25
	tstavig@cordovasd.org		
3 years	Peter Hoepfner	Mar 7, 2006, Mar 3, 2009, Mar 6, 2012, Mar 3, 2015, Mar 6, 2018, Mar 2, 2021	March-24
	phoepfner@cordovasd.org		
3 years	Sheryl Glasen, president	Mar 4, 2014, Mar 7, 2017, Mar 3, 2020	March-23
	saglasen@cordovasd.org		

seat up for re-election in 2023	vacant
board/commission chair	
seat up for re-appt in Nov 23	

City of Cordova, Alaska Elected Officials & Appointed Members of City Boards and Commissions

CCMC Authority - Board of Directors - Elected

length of term		Date Elected	Term Expires
3 years	Linnea Ronnegard, Chair CCMCBoardSeatC@cdvcmc.com	Mar 6, 2018, Mar 2, 2021	March-24
3 years	Ann Linville CCMCBoardSeatA@cdvcmc.com	March 1, 2022	March-25
3 years	Chris Iannazzone CCMCBoardSeatB@cdvcmc.com	March 24, 2022	term until 3/25 but up for 2-yr trm 3/23 <u>March-23</u> <u>March-25</u>
3 years	Liz Senear CCMCBoardSeatD@cdvcmc.com	March 2, 2021	March-24
3 years	Kelsey Appleton Hayden CCMCBoardSeatE@cdvcmc.com	March 3, 2020	March-23

Library Board - Appointed

length of term		Date Appointed	Term Expires
3 years	Mary Anne Bishop, Chair	Nov '06, '10, '13, '16, '19, Dec '22	November-25
3 years	Debra Adams	Dec '21	November-24
3 years	Sherman Powell	June '18, Feb '20, Jan '23	November-25
3 years	Ariisa Pearson	December-20	November-23
3 years	Krysta Williams	Feb '18, Dec '20	November-23

Planning Commission - Appointed

length of term		Date Appointed	Term Expires
3 years	Kris Ranney	Dec '22	November-25
3 years	Mark Hall, Vice Chair	Nov '19, Dec '22	November-25
3 years	Sarah Trumblee	Dec '20	November-23
3 years	Tania Harrison, Chair	Mar '22	November-24
3 years	Tom McGann	Feb '21	November-23
3 years	Chris Bolin	Sep '17, Nov '18 Dec '21	November-24
3 years	Trae Lohse	Nov '18, Dec '20	November-23

seat up for re-appt in Nov 23

vacant

seat up for re-election in 2023

board/commission chair

City of Cordova, Alaska Elected Officials & Appointed Members of City Boards and Commissions

Harbor Commission - Appointed

length of term		Date Appointed	Term Expires
3 years	Mike Babic	Nov '17, Dec '20	November-23
3 years	Andy Craig, Chair	Nov '16, '19 & Dec '22	November-25
3 years	Max Wiese	Mar '11, Jan '14, Nov '17, Dec '20	November-23
3 years	Ken Jones	Feb '13, Nov '16, Nov '19, Dec '22	November-25
3 years	Christa Hoover	Dec '21	November-24
3 years	Dave Glasen	Sept '22	November-24
3 years	Tommy Sheridan	Sept '22	November-24

Parks and Recreation Commission - Appointed

length of term		Date Appointed	Term Expires
3 years	Wendy Ranney, Chair	Aug '14, Nov '15, Nov '18, Dec '21	November-24
3 years	Henk Kruithof	Nov '19, Dec '22	November-25
3 years	Aaron Hansen	Dec '21	November-24
3 years	Kirsti Jurica	Nov '18, Dec '21	November-23
3 years	Marvin VanDenBroek	Feb '14, Nov '16, Nov '19, Dec '22	November-25
3 years	Karen Hallquist	Nov '13, '16, '19, Dec '22	November-25
3 years	Dave Zastrow	Sept '14, Feb '15, Nov '17, Dec '20	November-23

Historic Preservation Commission - Appointed

length of term		Date Appointed	Term Expires
3 years	vacant, PC member	Aug '16, Nov '19	November-22
3 years	vacant, professional member	Aug '16, Feb '20	November-22
3 years	vacant, NVE member	Nov '19	November-22
3 years	Christy Mog, professional member	Apr '22	November-23
3 years	Wendy Ranney, historical society member	Nov '18, Dec '21	November-24
3 years	Nancy Bird, professional member	Nov '17, Nov '18 Dec '21	November-24
3 years	Jim Casement, public member	Nov '17, Dec '20	November-23

seat up for re-election in 2023

vacant

board/commission chair

seat up for re-appt in Nov 23