

Regular City Council Meeting
June 7, 2023 @ 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 June 7, 2023, 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 member **Tom Bailer, Cathy Sherman, Kasey Kinsman, Kristin Carpenter** and **Ken Jones**. Council members **Melina Meyer** and **Anne Schaefer** were absent. Also present were City Manager **Helen Howarth** and City Clerk **Susan Bourgeois**.

D. Approval of Regular Agenda

M/Bailer S/Carpenter to approve the agenda. **Mayor Allison** said there would be a quick executive session right after we approve the agenda.

M/Jones to move item 3. a. to item 22. a. **Mayor Allison** asked if there was any objection to moving that item, there was no objection.

Hearing no objection **Mayor Allison** declared the agenda approved as revised.

M/Carpenter S/Sherman to enter into an executive session to discuss matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government, specifically to hear advice from the City attorney about quasi-judicial items and disclosure of ex parte communication.

Hearing no objection **Mayor Allison** declared the motion approved.

the executive session began at 7:04 pm

City Attorneys **Holly Wells** and **Jes Spuhler** called in to the executive session and the City Manager, City Clerk and City Planner were also in the executive session.

Mayor Allison called the meeting back into session at 7:30 pm. He said the attorneys gave Council a brief on ex parte communication and how/when to disclose that which may have occurred to the body.

E. Disclosures of Conflicts of Interest and ex parte communications

Sherman disclosed contact from the USFS District Ranger about item 17 – he had asked if she had any questions – she said she did not, she said the materials in the packet were sufficient. **Kinsman** disclosed contact from the District Ranger but did not discuss the item with him. He was contacted by constituents about item 17, they were voicing opinions of the ordinance. **Bailer** disclosed contact by the USFS Law Enforcement Officer and 15 – 20 fishermen and pilots – he received no new information from any of those contacts – they reargued points that had been made at the previous reading. **Carpenter** disclosed contact with a constituent about item 21, it is an issue she has discussed with this person before and she did not get any new information that wasn't already in the packet. **Jones** had no disclosures.

F. Communications by and Petitions from Visitors

1. Guest speakers - none

2. Audience comments regarding agenda items

Mike Collins local pilot – spoke in favor of replacing/reusing the old airplane float (agenda item 3a). Currently there are gillnetters tied up there and nets on the float. It is important to pilots in the spring and winter when you can't land in the lake – there aren't a lot of places to tie up airplanes in the lake in summer.

Brad Sjostedt spoke in favor of the airplane float/net mending float it is pretty important for the community. Several user group – gillnetters, seiners, pilots. We should come up with a way to repair and/or replace.

Nancy Bird of 101 Lake Avenue, spoke on behalf of the birds, against the approval of item 21. She loves Camtu's – agrees that the business does an amazing job for the community – but reminded everyone how critical those mudflats are to the Western Sandpiper in particular.

John Harvill of 701 Railroad Ave spoke in favor of the passage of item 21, Resolution 06-23-23. **Camtu's** has to have a dock – when they increase profits they give it back; they pass it on to the fisherman to their employees. This resolution will give them the opportunity to approach the Corps of Engineers – local government support is required to start that process.

Mary Ann Bishop of 700 Fourth Street representing the PWS Audubon Society spoke against Council passage of item 21 the support and lease resolution for Camtu's Alaska Wild Seafoods. Audubon supports Camtu's Alaska Wild Seafoods and the fishing industry but believes the environmental impact to the mudflats would be too great and believes there are alternatives to explore.

Kate McLaughlin of 2.2 Mile Whitshed Rd, also a member of the Audubon Society, stated she supports what **Nancy Bird** and **Mary Ann Bishop** have just relayed. She said the unintended consequences need to be considered, she hoped this project could be slowed down.

3. Chairpersons and Representatives of Boards and Commissions:

School District Superintendent **Alex Russin** reported: 1) we had a successful graduation of 20 students and 17 of them are planning for trade school or college/university and the other 3 entering directly into the work force; 2) there was also a great 6th grade promotion for those going from Elementary to the Jr/Sr High School in August; 3) first of 3 summer school sessions begins June 12 – kids will be back in the building for a little bit of time, summer food service program well underway – serving breakfast and lunch – we are a little short on staffing, summer especially – we've had office staff and kitchen staff and myself in classrooms cleaning and shampooing carpets – if anyone is looking for a job or is retired and wants to help out; 4) we have 2 teaching positions still to fill, a second sped teacher in the elementary school and a 5th grade teacher – please spread the word for us.

~~a. Harbor Commission Resolution 05-23-02 Requesting Funding to Relocate or Replace the Old Airplane Float, approved 05-10-23 (moved to 21a at approval of the agenda)~~

b. May 2023 PWSRCAC Board Meeting Highlights, **David Janka**, City Rep

4. Student Council Report – summer vacation

G. Approval of Consent Calendar

5. Minutes: a. 05-17-23 Regular City Council Meeting Minutes

6. Per Charter Section 2-8 and Cordova Municipal Code 3.12.022, recordation of excused absence of **Anne Schaefer** from the May 17, 2023 Regular Meeting

Vote on the Consent Calendar: 5 yeas, 0 nays, 2 absent. Schaefer-absent; Sherman-yes; Jones-yes; Bailer-yes; Kinsman-yes; Meyer- absent; and Carpenter-yes. Consent Calendar was approved.

H. Approval of Minutes - in consent calendar

I. Consideration of Bids/Proposals/Contracts - none

J. Reports of Officers

8. Mayor's Report – it is a busy week with Copper River Nouveau on Saturday. USCG change of command ceremony for the Fir is on July 6 and then an open house from 12-2 at the Copper River Brewery if anyone wants to attend. He also has a short meeting with some Alyeska folks the morning after Nouveau. Last week he met with the USPS again – no commitments to anything but are here listening.

Questions: **Bailer** had a comment about City Attorney usage by staff without the Manager's approval and by any council member without the Mayor's approval. He said we kind of have that policy in place but maybe we've gone away from that and need to talk about it again.

9. City Manager's Report – **Howarth** reported: 1) financials are in this packet through 4/30/23, **Barb Webber** has set a date for retirement, we want to thank her for her many years of loyal service, end of the year or early January, she'll stay on for a transition, the position has been advertised. **Howarth** asked **Planner Kevin Johnson** to answer a few questions that have come up recently: 1) **Johnson** said that the signs are up around town on the lots that are changing to available per the new Code about land

disposal maps – people can read the notice on the signs and make comments if they choose – adjacent property owners should've received mailing as well; 2) addressing – **Johnson** said it is almost completed, he just keeps looking it over and making small adjustments – people are more than welcome to call City Hall and ask for him if they want their address; 3) NVE has been doing some soil sampling on Hollis Henrichs and a lot of people seemed concerned about that – we are aware, nothing has been decided yet they are just testing the ground there – no sale of land has occurred.

Collin Bronson gave a Harbor project update – still working on moving boats and where they may be relocated – June 16 there will be a lottery of sorts, because not all that want spaces will get them. Grant-wise Denali (we put in for \$2m) is still being scored so it could be a while before we hear anything. There are state grants out there on the recreational side that could work for us, exploring those now. To date we have spent \$6.9 million and by the end of the month will have spent \$8 million. He also spoke about the disposition of the docks being removed – **Bronson** said that in the contract it states that once the docks are demoed they are considered owned by the contractor and they will be taken to the landfill – there is liability involved and environmental issues, we cannot sell them, give them away or anything like that.

Howarth had one more item to report – new Museum Director has begun work, **Ashley Bivin**. Personnel-wise we are short dispatchers and are offering \$1000 hiring bonus, City provides all the training.

a. City Financials through April 30, 2023

10. City Clerk's Report – no report.

K. Correspondence

11. 05-05-23 Email from J. Burton re HC Resolution 05-23-02 about aircraft float relocation

12. 05-13-23 Email from R. Merritt regarding net mending float

13. 05-15-23 Notice of open comment period for non-competitive land sale DNR to R. Chapek

14. 05-25-23 Copper River Highway Culvert Construction Announcement

L. Ordinances and Resolutions

15. Ordinance 1205 An ordinance of the Council of the City of Cordova, Alaska, amending Section 14.24.020 by deleting the definition of vault or rough box and amending 14.24.080 C by eliminating the requirement of a vault or rough box, removing reference to vault or rough box, and renumbering the burial requirements accordingly – 2nd reading

M/Bailer S/Sherman to adopt Ordinance 1205 An ordinance of the Council of the City of Cordova, Alaska, amending Section 14.24.020 by deleting the definition of vault or rough box and amending 14.24.080 C by eliminating the requirement of a vault or rough box, removing reference to vault or rough box, and renumbering the burial requirements accordingly.

Bailer said he supports, **Sherman** also, no further comments.

Vote on the motion: 5 yeas, 0 nays, 2 absent. Sherman-yes; Jones-yes; Kinsman-yes; Carpenter-yes; Bailer-yes; Meyer- absent; and Schaefer-absent. Motion was approved.

16. Ordinance 1206 An ordinance of the Council of the City of Cordova, Alaska, amending Section 14.20.090 Containers-Location by changing the section title to Containers-Placement and by adding the following language: “containers of refuse shall not be placed prior to 6 am on the scheduled pick-up day” and amending section 1.28.085 C Minor Offense Fine Schedule by changing the title of the reference to 14.20.090 there, as well, to 14.20.090 Containers-Placement – 2nd reading

M/Bailer S/Carpenter to adopt Ordinance 1206 An ordinance of the Council of the City of Cordova, Alaska, amending Section 14.20.090 Containers-Location by changing the section title to Containers-Placement and by adding the following language: “containers of refuse shall not be placed prior to 6 am on the scheduled pick-up day” and amending section 1.28.085 C Minor Offense Fine Schedule by changing the title of the reference to 14.20.090 there, as well, to 14.20.090 Containers-Placement.

Bailer said this was discussed, he supports it, it is an effort to decrease the bear nuisance problem.

Vote on the motion: 5 yeas, 0 nays, 2 absent. Kinsman-yes; Schaefer-absent; Jones-yes; Meyer-absent; Bailer-yes; Carpenter-yes; and Sherman-yes. Motion was approved.

17. Ordinance 1207 An ordinance of the Council of the City of Cordova, Alaska, authorizing the City Manager to enter into a twenty-year lease with the United States Forest Service (USFS), for a portion of property described as a roughly 4,500 square foot portion of Lot 3, Block 7A, Tidewater Development Park – 2nd reading

M/Carpenter S/Bailer to adopt Ordinance 1207 An ordinance of the Council of the City of Cordova, Alaska, authorizing the City Manager to enter into a twenty-year lease with the United States Forest Service (USFS), for a portion of property described as a roughly 4,500 square foot portion of Lot 3, Block 7A, Tidewater Development Park

Carpenter said she will vote in favor – the timing of this is such that there are no issues even if we get the PIDP grant, it is a time-consuming process, she sees no urgency in the timing of this, no reason to not approve. She appreciates the information about agencies elsewhere who do or do not have dedicated floats, looks like in Southeast they do, but everyplace is different. The need for a net mending float is well-supported by staff and Council. **Carpenter** said that the Harbor Commission supports this – their resolution says so. She also said that the USFS has been a super-strong partner to the City; USFS employees participate in all City festivals, Shorebird, 4th of July, Fungus Festival, Iceworm, Salmon Jam. There is no conflict especially with the 16-month out clause – she sees no crisis approving this. **Howarth** pointed out that per Council’s request after first reading, adjustments were made, the lease now has an annual CPI rent increase. **Bailer** said he supported this last time and **Carpenter** has made good points that he agrees with – he will support tonight especially based on the Harbor Commission recommendation. **Sherman** said she supported it once, is glad to see the CPI increase included now, to her this is a 16-month lease, and she supports it. She and the whole of Council are in support of an airplane and net-mending float. **Kinsman** said his big concern is that we are just kicking it down the road by approving this, he doesn’t think they will have a solution in 16 months. He wants them to find a sustainable solution long-term. He said he will likely support this though. **Jones** said that the Harbor Commission does not support this, they support a short-term lease, and this is a 20-year lease. There are multiple public documents that say this is the best spot for net-mending/airplane float. He thinks it’s time to rip the band-aid off. **Jones** said the USFS rep last time told us he hasn’t evaluated any other location. If we vote this down tonight they will be forced to evaluate other locations. **Carpenter** said she wants for the North harbor are predicated on us having money. Currently we are still \$3 million or more short on the South Harbor, so we certainly don’t have the money. **Jones** said that this location is even blocking a possible floating fuel dock. We don’t know though, because when this came before Council it was a direct negotiation with the USFS, we don’t know if Shoreside would’ve moved ahead with the fuel dock. To that point, **Bailer** said, if Shoreside does want to go ahead with that, the process would go to Planning Commission first, then Council; that would be the time to notify the USFS and give them their 16-month notice. That is why this is setup this way.

Vote on the motion: 3 yeas, 2 nays, 2 absent. Bailer-yes; Kinsman-no; Schaefer-absent; Carpenter-yes; Jones-no; Meyer-absent; and Sherman-yes. Motion fails. (final adoption of ordinances require a majority of all)

18. Resolution 06-23-20 A resolution of the Council of the City of Cordova, Alaska, setting the property tax mill levy for the 2023 tax year at 10.02 mills for all properties in the City of Cordova

M/Carpenter S/Sherman to approve Resolution 06-23-20 A resolution of the Council of the City of Cordova, Alaska, setting the property tax mill levy for the 2023 tax year at 10.02 mills for all properties in the City of Cordova

Carpenter said this is the rate that will bring in the same amount of revenue that we had this (last) year, around \$2.8 million; obviously, a lower mill rate because assessed values have gone up. She wants to ensure we have enough revenue to do all that we want to do; she might be ok with having it a little bit higher. **Sherman** is also open to hearing if there is extra money we know we need for something this year. **Bailer** asked **Howarth** how she came up with this number. **Howarth** said Council approved a budget last December for the 2023 calendar year and we put forward a resolution with the mill rate necessary to fulfill the revenue that was in the approved budget of \$2,800,000. **Bailer** asked if there is anything that has come up that would require additional revenue. She can’t think of anything in particular; the school budget which is before you later can be handled without any need for an increase and we can consider their

needs again in the fall when we work on 2024 budget. **Bailer** will go with staff's recommendation. **Jones** will also support it as written, won't support a mill rate higher than this. **Kinsman** asked about the example on the spreadsheet; looks like it shows there is about a 4% increase even with the mill rate dropping. **Bourgeois** said that is true on a house valued at \$350k in 2022 which increased to \$420k in 2023 at mill rates of 11.54 and 10.02 respectively, there will still be a slight increase in taxes in 2023.

Vote on the motion: 5 yeas, 0 nays, 2 absent. Carpenter-yes; Sherman-yes; Bailer-yes; Meyer-absent; Schaefer-absent; Kinsman-yes; and Jones-yes. Motion was approved.

19. Resolution 06-23-21 A resolution of the Council of the City of Cordova, Alaska, establishing the level of Local Funding and approving the budget of the Cordova Public School District for the fiscal year ending June 30, 2024

M/Kinsman S/Carpenter to approve Resolution 06-23-21 A resolution of the Council of the City of Cordova, Alaska, establishing the level of Local Funding and approving the budget of the Cordova Public School District for the fiscal year ending June 30, 2024.

Kinsman and **Carpenter** had no real comments, just putting it on the table. **Jones** said he supports this because the increase can be split off into the next budget cycle; properly budget for it and not require a budget amendment halfway through the year. **Bailer** and **Sherman** expressed support.

Vote on the motion: 5 yeas, 0 nays, 2 absent. Kinsman-yes; Jones-yes; Carpenter-yes; Schaefer-absent; Bailer-yes; Sherman-yes; and Meyer-absent. Motion was approved.

20. Resolution 06-23-22 A resolution of the Council of the City of Cordova, Alaska, authorizing the City Manager to negotiate and grant a right of way easement to the Native Village of Eyak for the Shepard Point Road Project

M/Bailer S/Sherman to approve Resolution 06-23-22 A resolution of the Council of the City of Cordova, Alaska, authorizing the City Manager to negotiate and grant a right of way easement to the Native Village of Eyak for the Shepard Point Road Project.

Bailer said he doesn't see any reason not to support this. **Howarth** said there had been a guest speaker presentation a few meetings back where it was thoroughly explained as to the benefits to the City. **Sherman** spoke in support of going with staff's recommendation. **Jones** and **Carpenter** said they would support. **Kinsman** said he thinks overall this road will bring benefit to the entire community.

Vote on the motion: 5 yeas, 0 nays, 2 absent. Schaefer-absent; Carpenter-yes; Jones-yes; Kinsman-yes; Meyer-absent; Bailer-yes; and Sherman-yes. Motion was approved.

21. Resolution 06-23-23 A resolution of the Council of the City of Cordova, Alaska, supporting Camtu's Alaska Wild Seafoods proposal to excavate tidelands to create access to a proposed dock facility in the South Fill and authorizing the City Manager to enter into negotiations with Camtu's Alaska Wild Seafoods to lease the area

M/Jones S/Bailer to approve Resolution 06-23-23 A resolution of the Council of the City of Cordova, Alaska, supporting Camtu's Alaska Wild Seafoods proposal to excavate tidelands to create access to a proposed dock facility in the South Fill and authorizing the City Manager to enter into negotiations with Camtu's Alaska Wild Seafoods to lease the area.

Jones said he supports this; he thinks this business has done a lot to support the fleet, our community, a good common sense use of this area – he understands concern about the mudflat to some extent – he thinks there will be plenty of mudflat left. He said this will decrease the wear and tear on City infrastructure as this company currently uses City dock for deliveries. **Bailer** said he will support. **Sherman** said she is in support but thinks we should be cognizant of the natural environment and the remainder of the mudflat. She is hoping that the permitting process will identify any habitat concerns. **Kinsman** said he will support and encouraged the developers to put forth an effort to ensure environmental conservation in that area and maybe help to provide access to the mudflats for shorebird viewing. **Carpenter** said she will not support this; she does understand the great economic contribution that *Camtu* has made to this community and she appreciates that. **Carpenter** said we are losing tideflat worldwide at an incredible rate and there are Hudsonian Godwits, a specific and endangered shorebird, that returns here, and mudflats are known as the ocean's nursery – healthy marine environment depends on healthy mudflats. She said tenders will be in and out of that dock area and they will be pumping their bilges out and there will be contaminants released. When the same occurs within the harbor, at least it is contained, out on that mud flat it will get

dispersed all over the mudflat. She understands that this business wants to get more efficiencies in their operation. **Carpenter** said she doesn't have any great solutions; she wishes she did. We are losing critical habitat of tidelands and wetlands and for that reason she will not support.

Vote on the motion: 4 yeas, 1 nays, 2 absent. Sherman-yes; Schaefer-absent; Kinsman-yes; Meyer-absent; Jones-yes; Bailer-yes; and Carpenter-no. Motion was approved.

M. Unfinished Business – none

N. New & Miscellaneous Business

3a. 21a. Harbor Commission Resolution 05-23-02 Requesting Funding to Relocate or Replace the Old Airplane Float, approved 05-10-23

M/Jones to direct staff to evaluate moving and repairing the old airplane float.

Bourgeois had said she put this on per the Pending Agenda discussion at the 6/7/23 meeting as a resolution/recommendation from a board or commission, kind of like a report, not an action item. There is a specific piece of code that prohibits adding an action item onto an agenda. She believes it would be out of order to act on this now, but it would be appropriate to discuss.

Jones said there are many people in the community that want this. He thinks we have an opportunity to refurbish and relocate this old airplane float. He would like a report from staff on how much it would cost to rebuild this and how much to relocate it. He said he is being stonewalled, he heard the City Manager say it's off the table, it can't happen. He said it is our call not her call. He said we have disaster money coming, maybe not today but it will be coming so maybe we set the pieces aside at the landfill until we have the money. **Bailer** said he's not quite sure that is exactly what the City Manager said. **Bailer** said he doesn't want to direct staff, he wants to hear from the Harbor Commission, about where they think it will go. We were told that engineers looked at this and said it is not viable, don't know if that was a quick look – he wouldn't want to put any money into this until an engineer determined if it is still usable. **Sherman** suggested a joint work session with Harbor Commission to discuss this.

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

Council scheduled a Joint Work Session with Harbor Commission for July 5 at Noon. **Carpenter** mentioned she would be a guest speaker on June 21 for PWSEDD – a report on the PWS Ferry Authority Feasibility Study. **Bourgeois** said NVE was slated for June 21 and Sheridan Alpine would be reporting on July 5. CCMC will give a financial update including their most recent audit on 6/21/23. **Sherman** and **Carpenter** asked for USFS lease to come back as it is currently written. **Bourgeois** said it can come back as a new ordinance. **Bailer** said he can accept that it did not get approved, but he can't accept that only 5 Council members were in attendance. **Jones** said he'd like to see it come back in October. **Jones** said he would like it back in a different form. **Carpenter** and **Sherman** said bring back the lease on July 5. Council asked the Clerk to start including a tally of Council attendance in her reports in packets quarterly.

O. Audience Participation

John Harvill thanked Council for the approval tonight and he said he believes in protecting the environment so he assured Council they will work on the environmental part of this. He also commented on item 20 – he just wants Council to ensure that when that road gets built everyone will have the ability to use it and get out there so that if the cruise ships come, everyone has the ability to open a shop out there, etc.

Camtu Ho also thanked the Council for tonight's approval.

Kinsey Brown said she would really like to see City Council meetings streamed again, she didn't know if we only did that during Covid, she really appreciated being able to watch that way.

P. Council Comments

Kinsman as far as Ordinance 1207, he said he hopes we can have a full Council to vote on that and we can arrive at a solution – he wants to ensure we are being the best stewards of that space.

Sherman was fun to have a live audience tonight. She is very thankful for *Dave Janka* as our RCAC representative.

Jones is disappointed that we're bringing it right back. He'd like to see follow up on the housing work session.

Bailer said he's been doing this a while and he wants people to understand that they shouldn't take our comments or our votes too personally, we are all just trying to do the best for our community.

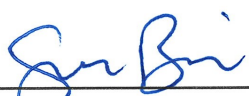
Carpenter thanked staff for getting us the financials tonight as you are working through the new system. Thanks to **Kevin** for getting the addressing system going, that has been years in the making. I know there is not a solution yet for it but, the burn pile is very noticeable in the new Science Center building – she just moved her office there and it is really noticeable. She wanted to reiterate that there is a whole bunch of trash from the boat yard that gets blown into the ditch across the road – she hopes staff can tackle that issue – maybe some more messaging for the users of the boat yard area.

Q. Executive Session – none

R. Adjournment

Hearing no objection **Mayor Allison** adjourned the meeting at 9:54 pm.

Approved June 21, 2023

Attest: 

Susan Bourgeois, CMC, City Clerk

