

Regular City Council Meeting
April 3, 2019 @ 7:00 pm
Cordova Center Community Rooms A & B
Minutes

A. Call to order

Vice Mayor Melina Meyer called the Council regular meeting to order at 7:00 pm on April 3, 2019, in the Cordova Center Community Rooms.

B. Invocation and pledge of allegiance

Vice Mayor Meyer led the audience in the Pledge of Allegiance.

C. Roll call

Present for roll call were Council members *Tom Bailer*, *Melina Meyer* and *David Glasen*. Council members *Jeff Guard* and *David Allison* were present via teleconference. *Mayor Koplín* and Council members *Ken Jones* and *Anne Schaefer* were absent. Also present were City Attorneys *Holly Wells* and *Annei Goldsmith*, City Manager *Alan Lanning* and City Clerk *Susan Bourgeois*.

D. Approval of Regular Agenda

M/Bailer S/Glasen to approve the Regular Agenda.

Vote on the motion: 5 yeas, 0 nays, 2 absent (Jones and Schaefer). Motion was approved.

E. Disclosures of Conflicts of Interest and ex parte communications

Council members *Bailer* and *Glasen* both declared that they were members of the PWSAC board of directors, but they have no financial interest and if PWSAC gets mentioned during discussion of item 17 they do not believe they are conflicted. *Vice Mayor Meyer* agreed.

F. Communications by and Petitions from Visitors

1. Guest speakers - none

2. Audience comments regarding agenda items - none

3. Chairpersons and Representatives of Boards and Commissions

CSD School Board President *Barb Jewell* reported for the School District and Board – she said students have returned from Close-Up and they had a great trip and learned a lot. She said that many of the students would be attending the Aurora Music Festival next weekend and several might get to compete at State after that. She said there is a survey out about the school calendar, the board will be voting on it next week. Obviously, she said the governor’s budget is not good for any of us. She said they will have a joint resolution in their packet and they’d like city council to read it, comment on it, pass and sign it after school board does, but school board will send it on either way. They are in the middle of budget planning during all this, which is pretty concerning since they are at the end of spending down their fund balance.

4. Student Council Representative Report – was not present

G. Approval of Consent Calendar

5. Resolution 04-19-15 A resolution of the City Council of the City of Cordova, Alaska, amending a service rate and correcting the wording within a section of the 2019 fee schedule approved as Resolution 12-18-34 on Dec 19, 2018

6. Resolution 04-19-16 A resolution of the City Council of the City of Cordova, Alaska, authorizing the City Manager to enter into an agreement with the Alaska Marine Highway System to indemnify the State for conduct of City of Cordova personnel during the April 2019 Alaska Shield drill aboard the Marine Highway Ferry

7. Record unexcused absence of Mayor *Clay Koplín* from the March 6, 2019 Regular Meeting

8. Record excused absence of Council member *Ken Jones* from the March 20, 2019 Regular Meeting

Vote on the approval of the consent calendar: 5 yeas, 0 nays, 2 absent. Allison-yes; Schaefer-absent; Jones-absent; Meyer-yes; Glasen-yes; Bailer-yes and Guard-yes. Consent calendar was approved.

H. Approval of Minutes

M/Bailer S/Glasen to approve the minutes.

9. Minutes of the 3-6-19 Regular Council Meeting

10. Minutes of the 3-20-19 Regular Council Meeting

Vote on the motion: 5 yeas, 0 nays, 2 absent (Jones and Schaefer). Motion was approved.

I. Consideration of Bids

11. Approval of Restated Employment Agreement with Susan Bourgeois, City Clerk

M/Glasen S/Bailer to approve the employment agreement with Susan Bourgeois.

Glasen commented that *Susan* is a good employee and we should keep her.

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

J. Reports of Officers

12. Mayor's Report

a. Tribute to *Zenas Edward Zeine* - *Bourgeois* commented that *Cathy Sherman* researched and wrote this about Mr. Zeine, Mr. *Bailer* commented that he agreed, *Ed Zeine* did a lot for Cordova in many varied capacities. *Vice Mayor Meyer* concurred.

13. Manager's Report -City Manager *Alan Lanning* reported 1) he has been forwarding Council AML updates as committees have been working through the budget, he has been testifying and he said that *Representative Stutes* and *Senator Stevens* will be here Friday April 12, 1:30 - 3 pm, for a Town Hall meeting, there will be a press release on that soon; 2) Alaska Shield exercise coming up next week - Cordova gets notoriety from events like this - there was an ammonia training this past Saturday too.

14. City Clerk's Report - *Bourgeois* reported: 1) last day to appeal for 2019 assessment roll, April 5 at 5 pm - so far *Tina Hammer* has had 30 appeals turned in - the assessor will be in the week of April 8 to start working on resolving those, if any are unresolved they will be heard before the Board of Equalization on April 15 a 7 pm.

K. Correspondence

15. March 2019 letter written by AML, signed by 20 local governments concerning Governor's budget

16. March 22, 2019 letter from PWSAC regarding Fish Tax

L. Ordinances and Resolutions

17. Ordinance 1174 An ordinance of the City Council of the City of Cordova, Alaska, enacting Cordova Municipal Code Chapter 5.41 Raw Fish Tax, the implementation of a voter approved 0.5% tax on the value of raw fish landed in the City of Cordova - 1st reading

M/Glasen S/Bailer to adopt Ordinance 1174 an ordinance of the City Council of the City of Cordova, Alaska, enacting Cordova Municipal Code Chapter 5.41 Raw Fish Tax, the implementation of a voter approved 0.5% tax on the value of raw fish landed in the City of Cordova.

Glasen said as was discussed in the work session, there were a few amendments we would probably need to make. He meant specifically the exemption for cost recovery and raceway fish sales. City Clerk *Bourgeois* assisted by reading aloud a suggested amendment.

M/Bailer S/Glasen to amend the ordinance by adding 5.41.040 B. The sale of raw fish harvested and sold by hatcheries as defined in AS 16.10.

Glasen said the intent of this amendment is to keep the Cordova processors on a level playing field with the processors outside of Cordova when bidding on hatchery cost recovery and raceway sales. *Allison* said he would support this amendment for now but he's not happy about the fact that hatcheries can set any budget they want knowing that they have the means to fund the budget with cost recovery sales. He thinks this is mitigated some because there are so many commercial fishermen on the board that help set the budget and often they are anxious to move on to fishing themselves, so they know they have to limit it some.

Vote on the motion to amend: 5 yeas, 0 nays, 2 absent: Meyer-yes; Schaefer-absent; Glasen-yes; Jones-absent; Allison-yes; Guard-yes and Bailer-yes. Amendment was approved.

M/Bailer S/Glasen to amend the ordinance by allowing staff the leeway to make changes to the language so that collection of the tax is only one time per year rather than the monthly collection as it reads now.

Allison said this would allow the processors, including direct marketers to compile the information and fill out the forms once per year, at the same time they are doing the similar work for the state's collection of fisheries business tax. *Meyer* said she is not opposed to once a year, but she will vote no, as she wants to understand the other taxes a little better first.

Vote on the motion to amend: 5 yeas, 0 nays, 2 absent: Jones-absent; Guard-yes; Glasen-yes; Meyer-yes; Bailer-yes; Schaefer-absent and Allison-yes. Amendment was approved.

M/Bailer S/Glasen to amend the ordinance by allowing staff the leeway to make changes to the language so that small direct marketers would have an option to pay this tax as a flat fee instead of a percentage of the gross.

Bailer thought this would be a way to collect up front in case these small guys skip out. **Glaser** said he thought they would jump at the chance to pay a flat fee and not have to do all the calculations, he is in favor. **Allison** said he is not in favor, he didn't think they would have extra work to do they are required to do it for the state too. **Guard** said he feels similarly to **Allison**, he didn't think this is so onerous on the buyers. **Meyer** said she agrees with **Allison** and **Guard**, if Council wants to go this route, then we should come up with the flat fee, we should have more detail prepared to make such an amendment - she said she might be willing to look into this again in the future. **Bailer** said he was thinking of a way to equate this to the sales tax cap that we have in place.

Vote on the motion to amend: 2 yeas, 3 nays, 2 absent: Schaefer-absent; Bailer-yes; Guard-no; Meyer-no; Allison-no; Jones-absent and Glaser-yes. Amendment failed.

Allison wanted to ensure that this ordinance does include language to include the tax being paid on any retros and any other price adjustments that are made to the price paid for fish. City Attorney **Wells** was able to answer that question - she said that language was included; it is captured in the definitions of "sale price" and "indirect consideration".

Vote on the main motion as amended twice: 5 yeas, 0 nays, 2 absent: Jones-absent; Glaser-yes; Meyer-yes; Bailer-yes; Allison-yes; Schaefer-absent and Guard-yes. Motion was approved.

M. Unfinished Business - none

N. New & Miscellaneous Business

Council member **Bailer** mentioned that he had forgotten during disclosures of conflicts of interest that his wife serves on the Board of the Cordova Telecom Cooperative - he doesn't think it's a conflict, but he wanted to disclose that.

18. Council action on a proposal for Lots 3 & 4, Block 6, Original Townsite

M/Bailer S/Glaser to approve the proposal from Cordova Telecom Cooperative for Lots 3 & 4, Block 6, Original Townsite.

Bailer said it is a very strong plan and he will support it. **Glaser** echoed the comments, looks like a cool proposal. **Allison** agreed it is a good plan, CTC is a good corporate citizen in Cordova, they abide by their liabilities, he thinks it is a good option for them to take care of their facility. **Guard** is also enthusiastic about the plan. He wonders how this will affect us property tax exemption-wise.

After some discussion, including questions raised by City Attorney **Wells**, Council realized that several of them may have conflicts of interest with this due to spouses that were employed by CTC and/or spouses that were on the CTC Board of Directors. The maker of the motion with concurrence of the second withdrew the motion.

M/Meyer S/Guard to refer to staff to get a conclusive ruling on conflict of interest concerning council members.

Vote on the motion to refer: 3 yeas, 0 nays, 2 absent (Jones and Schaefer) 2 conflicts of interest (Bailer and Glaser). Motion was approved.

19. Pending Agenda, Calendar and Elected & Appointed Officials lists

Bailer asked for more information about UBS and perhaps even putting this out to RFP, he wondered if other Council members were aware of the details of their fees. Manager **Lanning** said he is working on a report about that for Council - competing firms, return rates and fees, etc. So, there will be an agenda item forthcoming, he will need Council direction.

Bailer also asked about a joint meeting with CCMCA Board - CCMCA Board was going to get a date to **Bourgeois** - they were meeting tonight. **Glaser** wondered about a work session with ADF&G, economic impacts to Cordova of some of the fisheries management decisions they make. **Meyer** said she remembered that we mentioned an Urban Planning Committee perhaps when the Bear discussion was had, she wondered what staff had been working on - **Greenwood** presented what she, the refuse department, ADF&G were all doing in concert - it was a comprehensive plan, encompassing multiple partnerships.

O. Audience Participation

Chris Bolin of 607 Birch Street welcomed **Tom Bailer** back and said it was good to have **Dave Glaser** on Council - as far as the **Ed Zeine** tribute he said **Mr. Zeine** was an icon in the community - he did a lot for Cordova.

P. Council Comments

Guard thanked people for comments - congratulated the **Vice Mayor** for a well-run meeting.

Bailer gave a shout out to **Dave Roemhildt** for getting the façade of the old Library Museum building looking pretty good. In his construction work today, he wound up with a water issue and **Joel** was very quick to respond and did a great job, he thanked him for that, he appreciated the water department - said they are easy to get along with.

Meyer said she spent a while trying to understand the fish tax ordinance, she thought Council made some good amendments tonight - it is very different from the state's fish tax. As far as CTC and the CEC joint effort - she like the

collaboration and that they will help Main Street.

Allison said he would really like to look into some different microphones – it was really hard to hear tonight. *Vice Mayor Meyer* did an excellent job tonight.

Q. Executive Session

20. CCMC contract for management services, matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government

M/Bailer S/Glasen to go into an executive session to discuss CCMC contract for management services, matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government

Vote on the motion: 5 yeas, 0 nays, 2 absent (Jones and Schaefer). Motion was approved.

Vice Mayor Meyer recessed the meeting at 8:16 pm to clear the room before the executive session.

Council entered executive session at 8:23 pm and came back into regular session at 8:48 pm.

R. Adjournment

M/Bailer S/Glasen to adjourn the meeting.

Hearing no objection Vice Mayor Meyer adjourned the meeting at 8:48 pm.

Approved: April 17, 2019

Attest: 
Susan Bourgeois, CMC, City Clerk

