

**CITY OF COFFMAN COVE
SPECIAL CITY COUNCIL MEETING MINUTES
TUESDAY, SEPTEMBER 2ND 2014**

CALL TO ORDER: Vice Mayor Bryce Brucker called the meeting to order at 7:02PM

ROLL CALL: Mariana Carter, absent. Randy Neuberger, absent. Bryce Brucker, here. Dick Stewart, here. Brian Wilson, here. Perry Olson, here. Randy Lenz, here.

PLEDGE OF ALLEGIANCE: yes

PUBLIC COMMENT: none

PERSONS TO BE HEARD: none

NEW BUSINESS: none

UNFINISHED BUSINESS:

1. ALASKA COASTAL AGGREGATES PROPOSAL TO USE COFFMAN COVE'S LOG TRANSFER FACILITY:

Perry made the motion to strike (from the agreement) Section 2.3: strike the word **exclusive** from the first sentence.

Also strike the sentences:

"The City, so long as it does not unreasonably interfere with ACA's use of the Barge Ramp, may use the Barge Ramp for its own purposed or may grant use to others during the term of this Agreement. ACA will cooperate, to the best of its ability, with the City regarding use of the Barge Ramp by the City or other authorized users, as needed."

Dick seconded the motion.

Discussion: Perry feels if they strike the word exclusive it will not change anything ACA is looking for in the agreement. Misty interpreted the sentence to mean while they do not have the exclusive right to the barge ramp; they do have exclusive right of exporting rock. They want to make sure their competitors do not come in and start their own business. Bill Bennet explained that the "exclusive" references to the materials defined in section 2.1. Perry reiterated his motion by saying it does not say materials in the agreement and striking the word "exclusive" will not change the agreement.

Perry feels that the second part of his motion should be stricken because this part is giving ACA rights to our ramp and the city will not have the right to use their own barge ramp. We are not giving ACA the power to grant us the use of our own barge ramp. Bill Bennet explained that this would give ACA rights to the ramp when exporting rock. This might take 24 hours and they do not want to have to move for another barge.

Perry is looking at the agreement for future use, when there is a new council, new people, reading the contract for the first time. He wants it to be clear.

Mr. Bennet stated he does not have a problem with deleting the sentences.

Roll Call: Bryce, yes. Dick, yes. Brian, yes. Perry, yes. Randy L. yes. Motion passes 5/0.

Perry made the motion to strike section 4.5 "If ACA renews this agreement for an additional five (5) years, ACA will pay the \$1.00 per U.S. ton of material sold for the five (5) years."

Dick seconds the motion.

Perry feels that when the 5 years goes by, we are tying the hands for future negotiations. This would be good for ACA but not the city.

Roll Call: Dick, yes. Brian, no. Perry, yes. Randy L. no. Bryce, no. 3/2

Randy Lenz made the motion to approve the contract with changes as discussed. Brian seconded the motion.

Brian amended Randy's motion to reflect that a percentage, to be determined later, goes to a saving account for the LTF improvement and the Disaster Fund account. Randy L. seconded.

Roll Call on the amendment: Brian, yes. Perry, yes. Randy L. yes. Bryce, yes. Dick, yes.

Motion passes 5/0.

Roll Call on the motion: Perry, yes. Randy L. yes. Bryce, yes. Dick, yes. Brian, yes. **Motion passes 5/0.**

Public / Council comment: Bill Bennet thanked the council for the workshops and working with ACA for an agreement. He said they will be a good neighbor. He said he will have the final version e-mailed as soon as he can. He will let his lawyer know about the changes.

Perry requested the tape recording of this meeting be saved and never discarded.

Randy L made the motion to adjourn. Randy L. seconded. All were in favor.

Passed and approved this day _____ of _____ 2014.

Mayor, Mariana Carter

Clerk, Jean Soderberg

