

**SELDOVIA**  
**CITY COUNCIL**

**MONDAY**  
**October 22, 2018**  
**6:00 PM**



**REGULAR MEETING**  
**MULTI-PURPOSE ROOM**

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**AGENDA FOR A REGULAR MEETING  
OF SELDOVIA CITY COUNCIL  
COUNCIL CHAMBERS**

**Monday  
October 22, 2018  
6:00pm**

SWEATT COLBERG CAMPBELL MORRISON ROJAS LETHIN
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- A. Call to Order & Roll Call:
- B. Pledge of Allegiance:
- C. Excused Absences:
- D. Agenda Approval:
- E. Consent Agenda: *(All items under the Consent Agenda are approved with a single motion, no discussion, and one vote. A Council Member may request to remove an item(s) for discussion and a separate vote.)*
  - 1. Approval of Minutes: Minutes of the Regular Meeting, October 08, 2018
  - 2. Payment Approval Report:
  - 3. Ordinance Introduction:
- 1. ORDINANCE 19-02 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA, ADOPTING CHAPTER 11.10 RIGHT OF WAY
- 2. ORDINANCE 19-03 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA, AMENDING TITLE 18.52 COMMERCIAL MARINE, CHAPTER 18.20 DEFINITIONS, AND TITLE 1 GENERAL PROVISIONS SECTION 1.08.040 TO INCLUDE 18.52.120 VIOLATION—PENALTIES
- F. Mayoral Proclamations:
- G. Public Presentation Prior Notice: (each presenter has up to 10 min)
  - 1. Tim Dillon, KPEDD
- H. Public Presentation for Items not on Agenda: (public has 3 min each)
- I. Committee and Advisory Board Reports: (each member has 5 min)
  - 1. Cemetery Update
- J. Public Hearings:
  - 1. RESOLUTION 19-05 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA ADOPTING A VIDEO SURVEILLANCE POLICY FOR THE CITY OF SELDOVIA
    - a. Presentation by Staff or Council
    - b. Council Discussion
    - c. Public Presentation or Hearing (public has 3 min each)
    - d. Action/Disposition
- K. Unfinished Business:
- L. New Business:
  - 1. Discussion- ORDINANCE 19-04 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA, AMENDING CHAPTER 6.18 REAL PROPERTY—SALE OR DISPOSAL
    - a. Presentation by Staff or Council
    - b. Council Discussion
    - c. Public Presentation or Hearing (public has 3 min each)
    - d. Action/Disposition
- M. Administration Reports:
  - 1. Treasurer's Report: None
  - 2. City Manager's Report: See Laydown
- N. Informational Items Not Requiring Action:
  - 1. The City Manager and City Clerk will not be in office the week of November 12, 2018 so that they may attend the AML conference.
- O. Executive Session:
- P. Council and Mayor Comments Concerning Items Not on the Agenda:
- Q. Next Meeting: Regular Meeting will be held on Monday, November 26, 2018 at 6:00 pm
- R. Adjournment:

\* IF YOU REQUIRE SPECIAL ASSISTANCE TO ATTEND THE MEETING, PLEASE NOTIFY THE CITY OFFICE 24 HOURS  
IN ADVANCE AND ARRANGEMENTS WILL BE MADE \*

**Seldovia City Council  
Regular Meeting  
October 22, 2018**

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Page 21	Resolution 19-05 Video Surveillance Policy- DRAFT
Pages 22-23	City of Seldovia Video Surveillance Policy- DRAFT
Pages 24-32	Ordinance 19-04 Amending Chapter 6.18 Real Property- DRAFT

**Notes**

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**MINUTES OF A REGULAR MEETING  
OF SELDOVIA CITY COUNCIL  
COUNCIL CHAMBERS  
Monday  
October 8, 2018  
6:00pm**

COLBERG CAMPBELL MORRISON ROJAS LETHIN SWEATT
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A. Call to Order & Roll Call: MEETING CALLED TO ORDER BY MAYOR LENT AT 6:00 PM  
PRESENT: COUNCILMEMBERS: COLBERG, CAMPBELL, MORRISON, LETHIN- telephonic, and SWEATT

STAFF: CITY MANAGER CAMERON  
CITY CLERK GEAGEL  
POLICE CHIEF CUSHMAN

- B. Pledge of Allegiance: Held
- C. Excused Absences: ROJAS
- D. Agenda Approval: COLBERG/CAMPBELL MOVED TO APPROVE THE AGENDA

SWEATT/COLBERG MOVED TO AMEND THE AGENDA TO ADD ITEM L4.  
DISCUSSION- SVFD FIRETENDER AND TO MOVE ITEM M.2-1 TO ITEM G.  
VOICE VOTE/UNANIMOUS/MOTION PASSED

COLBERG/CAMPBELL MOVED TO APPROVE THE AGENDA AS AMENDED  
VOICE VOTE/UNANIMOUS/MOTION PASSED

E. Consent Agenda: *(All items under the Consent Agenda are approved with a single motion, no discussion, and one vote. A Council Member may request to remove an item(s) for discussion and a separate vote.)*

- 1. Approval of Minutes: Minutes of the Regular Meeting, September 10, 2018  
Minutes of the Special Meeting, September 17, 2018
- 2. Payment Approval Report: Payment Approval Report 09/01/18-10/31/18
- 3. Ordinance Introduction:

SWEATT/COLBERG MOVED TO ACCEPT THE CONSENT AGENDA  
VOICE VOTE/UNANIMOUS/MOTION PASSED

- F. Mayoral Proclamations: None
- G. Public Presentation Prior Notice: (each presenter has up to 10 min)

M.2- 1. Seldovia Police Chief- Paul Cushman, Introduction.

CM CAMERON- Introduced Mr. Paul Cushman and his family and discussed that she looked forward to working with Paul.

POLICE CHIEF CUSHMAN- Discussed that he was happy to be there, it was a steep learning curve, but he was happy to be a part of the community.

1. Kevin Schoneman, Alaska Rural Water Association and Charley Palmer, DEC

KEVIN SCHONEMAN, ARWA- Introduced himself as Seldovia's Source Water Protection Specialist, he has worked with Seldovia for many years. Funding comes from the USDA's farmed services. He was currently working on three protection plans at no cost to the communities and in collaboration with Charlie to ensure requirements are met so that the plan was endorsed. He presented a PowerPoint slide show as written in the laydown. He discussed that volcanoes were always a concern. The protection plan would include what measures a community may need to employ to protect their water source. Fire was more of a concern than volcanoes, and human activity was the number one threat, whether intentional or not. There was not a lot of restriction in Seldovia's water shed area and they want people to be able to hike up there but people need to be sensible. DNR, UAA, and the state all own property in the water source protection area, he did not see any SNA land right close to the area. He could try to help anyone who

has concerns with well water, they can work with anyone in the area, but they did not usually work with individual wells. He asked if the Seldovia Village worked with the ANTHC Scattered Sites Program, a lot of times individual wells and septic were encompassed by the program and ANTHC was the lead most often.

CHARLIE PALMER, DEC- Introduced himself as a hydrologist with the state and he assisted Schoneman with the presentation. He discussed that several agencies work together to notify communities when ashfall from a volcano may impact a community, they are not normally long events and the biggest incident is the increase in water consumption to wash away the ash. Seldovia was fortunate to have a large amount of water storage. Part of the protection plan would be how the community responds to an event. He discussed wildfire being a potential contamination source and foam agents were normally used at airports and for aviation, not so much for forest fires where the concern was more about the run off. He discussed the hodgepodge of owners around the watershed and how Homer got extra territory from KPB in order to manage their watershed area. There are a couple of examples in Alaska of purchasing developmental water rights. He discussed individual wells being a concern in other villages as well and that DEC's focus was on regulated water systems. Communities can develop their own water protection plans and some plans are broader.

MORRISON- Inquired as to what the city's biggest fear or worst-case fear would be with water contamination and would it be volcanos going off and ash and silica contaminating sources? Would the Water Treatment Plant notify them of contamination?

LAUREL HILTS, resident- Discussed the paralleling universe of Seldovia Village Tribe and the City of Seldovia and asked if it made sense to have the water protection plan look at all the water of people drinking well water beyond the city limits.

H. Public Presentation for Items not on Agenda: (public has 3 min each)

LAUREL HILTS, resident- Discussed that they had wrapped up a great summer season, and appreciated businesses staying open longer, such as, the Boardwalk, Thyme on Boardwalk, and the Seldovia Bay Ferry which ran until the 16th. Perry's Café would be open during the winter by Chris and Karen, and the Linwood would have lunch and dinner seven days a week. The Halloween Carnival would be September 27<sup>th</sup> and was hosted by SVT at the school and was a great opportunity to collaborate. The new preschool started up and it was great to see the kids have that opportunity again. The Seldovia Arts Council was preparing for its 20<sup>th</sup> annual Seldovia Summer Solstice Music Festival next June, they were seeking extra sponsorships and donations to make it a really great event and opportunity for the community to bring people in.

I. Committee and Advisory Board Reports: (each member has 5 min) None

J. Public Hearings:

1. RESOLUTION 19-04 CERTIFICATE OF RESULTS OF ELECTION OCTOBER 2, 2018

a. Presentation by Staff or Council

CLERK GEAGEL- Opened absentee and questioned ballots with election judge Christine Kashevarof and Greg Wolfer present.

ELECTION JUDGE GREG WOLFER AND CHRISTINE KASHEVAROF- tallied the absentee and questioned ballots presented and presented the final tallies to council.

b. Council Discussion

MORRISON- Thanked the voters for having confidence in him and stated he was happy to serve another three years.

c. Public Presentation or Hearing (public has 3 min each)

MAYOR LENT called for public comment and none was offered.

d. Action/Disposition

CAMPBELL/SWEATT MOVED TO ADOPT RESOLUTION 19-04 CERTIFICATE OF RESULTS OF ELECTION OCTOBER 2, 2018

VOICE VOTE/UNANIMOUS/MOTION PASSED

e. Swearing in Ceremony for Elected Council Members

CLERK GEAGEL ADMINISTERED THE OATH OF OFFICE TO COUNCIL MEMBER COLBERG  
CLERK GEAGEL ADMINISTERED THE OATH OF OFFICE TO COUNCIL MEMBER MORRISON

2. ORDINANCE 19-01 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA, ADOPTING CHAPTER 5.35 BUSINESS LICENSE AND ESTABLISHING A PENALTY OF OFFENSE IN TITLE 1.08.040 MINOR OFFENSE TABLE- amended

a. Presentation by Staff or Council

CLERK GEAGEL- Presented an amended Ordinance 19-01 with the changes discussed at the previous meeting.

b. Council Discussion

SWEATT- Spoke in support of Ordinance 19-01.

Campbell- Spoke in support of Ordinance 19-01.

c. Public Presentation or Hearing (public has 3 min each)

MAYOR LENT called for public comment and none was offered.

d. Action/Disposition

CAMPBELL/MORRISON MOVED TO ADOPT ORDINANCE 19-01 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA, ADOPTING CHAPTER 5.35 BUSINESS LICENSE AND ESTABLISHING A PENALTY OF OFFENSE IN TITLE 1.08.040 MINOR OFFENSE TABLE AS AMENDED

VOICE VOTE/UNANIMOUS/MOTION PASSED

K. Unfinished Business:

L. New Business:

1. Discussion- ORDINANCE 19-02 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA, ADOPTING CHAPTER 11.10 RIGHT OF WAY

a. Presentation by Staff or Council

CLERK GEAGEL- Presented Ordinance 19-02 as recommended by the Planning Commission and legal for permits for the utility use of right-of-way's. The chapter should state Utility Use of Right of Way. The original ordinance was from the Kenai Peninsula Borough and was amended to suit Seldovia. It requires a general utility permit and construction permits for each individual road opening project, there is an extensive construction permit requirements section, followed by a section on prior existing installations and a section on appeals and enforcement.

b. Council Discussion

CAMPBELL- Inquired if HEA would have to fill out an application for all future projects in a right of way.

CM CAMERON- Discussed that there was a section in the code for prior existing installations and HEA and other utilities would have to fill out an application for those as well as any future projects. An easement would be needed for construction not in a right of way, but on city property.

c. Public Presentation or Hearing (public has 3 min each)

MAYOR LENT called for public comment and none was offered.

d. Action/Disposition

CAMPBELL/COLBERG ORDINANCE 19-02 MOVED TO INTRODUCE THE ORDINANCE AT THE NEXT MEETING AND INCLUDE A COPY OF THE APPLICATION

VOICE VOTE/UNANIMOUS/MOTION PASSED

2. Discussion- ORDINANCE 19-03 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA, AMENDING TITLE 18.52 COMMERCIAL MARINE, CHAPTER 18.20 DEFINITIONS, AND TITLE 1 GENERAL PROVISIONS SECTION 1.08.040 TO INCLUDE 18.52.120 VIOLATION—PENALTIES

a. Presentation by Staff or Council

CLERK GEAGEL- Presented Ordinance 19-03 updating Title 18's Commercial Marine chapter, as recommended by the Planning Commission and discussed the changes being made. She discussed that a reformatting of Title 18 into a more comprehensive matrix format was mentioned at the last planning meeting and would be discussed at the next planning meeting.

b. Council Discussion

LETHIN- Spoke in support of changing commercial marine, but it should be commercial residential and the secondary use should be put back in as a primary use. He listed several businesses that were residential commercial. He suggested grandfathering everybody that is residential commercial now instead of making them jump through hoops. He stated that if someone wanted to be in business there was plenty of opportunity without this zoning.

CAMPBELL- He spoke in opposition of changing commercial marine to commercial residential, it would open the door for nothing but rentals.

CM CAMERON- Discussed that the conditional use process for long term rentals would take in account how many rentals were in that zone.

SWEATT- Discussed that the goal in the new commercial district was to have everyone have business if they were going to live there. A lot of people were working very hard to make Seldovia a little more viable and encourage folks to move there full time or during the summer.

MAYOR LENT- Stated that Seldovia did not have the volume of people to have all businesses on Main Street.

COLBERG- Spoke in opposition of Lethin's proposal.

c. Public Presentation or Hearing (public has 3 min each)

LAUREL HILTS, resident- Discussed that there was a long history of people living around the waterfront that were zoned commercial marine who were taking advantage of the lack of enforcement. She discussed that there were businesses from the pavilion to Perley's and spoke in opposition of grandfathering people in that took advantage. She spoke in support of Ordinance 19-02, Seldovia was growing and they need to enhance it, not hinder.

CHRISTINE KASHEVAROF, resident- Spoke in agreement with Laurel.

d. Action/Disposition

CAMPBELL/SWEATT MOVED TO INTRODUCE THE ORDINANCE AT THE NEXT MEETING  
VOICE VOTE/UNANIMOUS/MOTION PASSED

3. Discussion-City Building Vandalism

a. Presentation by Staff or Council

CM CAMERON- Discussed that there had been vandalism around the harbor office and the multi-purpose building. It appeared to be some kind of spray on the plants to make them die. Janice, a university horticulturist, came down and took some samples and discussed with Cameron that she did not think it was an accident, it was deliberate by someone who was well versed in horticulture or with plants in the way the substance was applied. She had stated she was certain they were targeted, the branches were still pliable and green inside, and there was a good chance they would come back in the spring. Janice also discussed her opinions with Police Chief Cushman. A security camera policy and what it would take to put security cameras on the buildings was discussed in office. It would not break the bank and they would be manageable with a retention schedule. They would be motion activated and the city would be proactive with city property. Last time the discussion of security cameras was for inside the office, these would be outside the building, motion censored and timed.

b. Council Discussion

LETHIN- Discussed that the cost would be minimal and the video could be DVR'd.

CAMPBELL- Discussed the possibility of involving the DEC or EPA since it was so close to the main water shed.

KEVIN SCHONEMAN, ARWA- Discussed that he would be happy to call up the Nonpoint Source Program with the Clean Water Act. Illegal dumping especially next to the Kachemak Bay was criminal. If this occurred in a drinking water area or system it would be a terrorist act and a federal offense.

CHARLIE PALMER, DEC- Discussed that if council requested he could notify someone in his department.

MORRISON- Spoke in support of a video surveillance policy.

SWEATT- Inquired about the retention schedule.

COLBERG- Spoke in support of a video surveillance policy.

c. Public Presentation or Hearing (public has 3 min each)

CHRISTINE KASHEVAROF, resident – Discussed that Spit Spots installed security cameras for people locally. She stated that she would like to see the community come together, it's not going to go away if something isn't done, and she was pleased to have a cop there.

LAUREL HILTS, resident- Asked the Council to acknowledge Doug Perrin in this time, he was deeply grieving. She asked council to give a statement that this does not happen in their town and it was not okay.

GREG WOLFER, resident- Spoke in agreement with Laurel. Doug was not doing very well and took a lot of pride in his work, Suzie Stranik does the same thing.

CHIEF OFFICER CUSHMAN- Discussed that cameras were not only great for catching someone after the fact but as a deterrent.

d. Action/Disposition

**CONSENSUS TO DIRECT THE CITY STAFF TO CREATE A VIDEO CAMERA SURVEILLANCE POLICY AND HAVE CHARLIE SPEAK WITH SOMEONE AT THE STATE**

#### 4. Discussion-SVFD Firetender

##### a. Presentation by Staff or Council

CM CAMERON- Discussed that the Seldovia Volunteer Fire Department had planned to acquire a firetender that was being transferred out of a fleet and that UAA was doing the repairs through a class, at cost. At the beginning of the summer the work was extended to September, and now it had been extended to December. She had been looking at a cost analysis of adding the tender to the fleet and whether it was a direct need to add the tender to the department. Fire Chief Andrew was there to discuss how the fire department felt about the tender. They would have to move Rescue One out of the shop and heat and maintain the new tender. The new tender could not be kept outside and filled. The fire department's preferred method was to hook up to a hydrant then they don't have to worry about water running out. In speaking with Davis, he thought they could sell the tender to a wildlands department for around \$20,000-25,000. Parts had cost them around \$9,000 to this point, they had voted to spend up to twelve, and had raised twelve. By selling they could make a little money to put towards things that could be better utilized. She read the executive board's motion as written in the laydown and she had suggested to the board that they brought it up at tonight's meeting since the council represents the City of Seldovia and its constituents.

ANDREW MATTOX, Fire Chief- discussed that for the tender to remain empty they would have to purge it every time it was filled and emptied. It was not like the old vehicle which was basically a tank on wheels. It was a lot more sophisticated and a fairly advanced piece of equipment. Another issue was that in the winter it did not have four-wheel drive. He spoke with Rick Harkness, who is the Fire Chief for Barabara Heights and a mechanic, his overall assessment was that it was the wrong vehicle for the area as it was fairly advanced asset, large and heavy and folks would need an awareness of how it felt to be half empty going around corners and sloshing. Though he had not seen any specification on the weight of the vehicle he estimated it was probably over 20 tons and was not sure how the shoulders and driveways were going to handle it. As for operating it Mattox stated that it was a manual transmission and not a lot of folks had that ability to operate it, there were a few folks in the room, but he certainly did not know how to. The Fire Department Executive Board was aware that the funding was raised from the community and that a few individuals were excited for it. It was well intentioned, but now they find themselves in the spot of how much more expensive it would be and they would have to route resources to it and away from other activities that help them serve the mission. Another excellent expenditure would be to identify hydrants that needed repaired, it would cost around \$5000 a hydrant to fix. Even if stretching out a lot of hose to hook onto a hydrant at maximum flow a hydrant open in five minutes would use as much as the vehicle was capable of holding and everyone knew how to work a hydrant. The department was also exploring purchasing more hoses as it was a fairly pressing need. The tanker would be used in a very narrow capacity and there were so many other things that were needed.

MARK JANES, Public Safety Officer- Discussed that there were other needs for the department. The airport brush fire outlined some of those needs such as outdated hoses. With these funds they could get mile long hoses that could reach from any hydrant. Barabara Heights Volunteer Fire Department already had a pump system and a new tanker.

b. Council Discussion

MAYOR LENT- Inquired if they had to keep the new tender warm in the winter and how much money had been put into it.

SWEATT- Spoke in support of selling the tanker and ensuring that everyone who had made donations was notified.

CAMPBELL- Spoke in support of selling the tanker for better benefits for the community. At some point they needed to discuss repairing a fire hydrant a year. They are going to have to start spending a little every year to get ahead. He spoke in support of notifying everyone who was so generous in making those donations.

MORRISON- Inquired if donations were specifically for the tanker.

COLBERG- Spoke in support of selling the tanker and ensuring that everyone who had made donations was notified.

c. Public Presentation or Hearing (public has 3 min each)

GREG WOLFER, SVFD member- Spoke in support of selling the tanker and checking the fire hydrants.

CHRISTINE KASHEVAROF, resident- Discussed the idea of letting people or groups adopt a hydrant. She would be willing to adopt a hydrant, it is better then having a house burn down.

d. Action/Disposition

CAMPBELL/SWEATT MOVED TO EXERCISE OPTION 4, SELL THE WATER TANKER, IF THAT IS THE WISHES OF COMMUNITY AND COUNCIL  
VOICE VOTE/UNANIMOUS/MOTION PASSED

M. Administration Reports:

1. Treasurer's Report: None

2. City Manager's Report: See Laydown

CM CAMERON- Presented the City Manager's report as written in the laydown and included that; a leak on Anderson Way was fixed by the property owner and reduced water use by 40,000 gallons a day. The tiniest leak loses a tremendous amount of water, such as a leaky hose and they were able to see a difference immediately. It motivated them to bring Kevin back down, he has a very useful tool to pinpoint leaks based on sound and vibration, it is very fancy equipment. The leak on Anderson Way by Bobbi's house was next on the list to fix next week when Tyler was back. They were supposed to be using between 80,000-100,000 a day, it was up to 200,000 at one point and is right now hovering around 100,000 thanks to the Water Treatment Plant, programs like ARWA and maintenance fixing leaks. She presented a recap of previous sales tax and property tax in the laydown, and stated that they were on an upswing. Carl Hyde with the DOT had been on vacation, she would reach out to him again next week. The City was granted a grant through VSW to do a preliminary sewer study, it is the first phase and they were hopeful for more. The Community Block Grant, was based on the lmi for eligibility, Heidi and herself had put together a survey. The grant was for their universe and they had made the case that geographically included out the road. The vice president of Caselle came to Seldovia to push through issues that they had occurred during conversion, and the data was given to Altman and Rogers who will be down in two weeks to complete the 2017 audit and they hope to see data from that audit soon. Jackie would be attending a Rural Water Utility Management training in December. On October 23 ARWA would be sending someone to Seldovia for a training. It was a great opportunity at no cost for the staff and operators, and was open to all if council or anyone would like to attend. She was still working on the O&M and would have a draft for Tyler to review next week. When she first committed to the city manager position they had agreed on a sixth month evaluation and that time had come and went, she requested an evaluation at the next council meeting and would email the council evaluation forms. She stated she was looking forward to AML and was hoping to promote Seldovia and make great contacts.

~~1. Seldovia Police Chief Paul Cushman, Introduction. Moved to Item G.~~

N. Informational Items Not Requiring Action:

1. The City Manager and City Clerk will not be in office the week of November 12, 2018 so that they may attend the AML conference.

O. Executive Session: None

- P. Council and Mayor Comments Concerning Items Not on the Agenda:  
COLBERG- Thanked everybody for attending, he enjoyed the presentation.  
CAMPBELL-Thanked everybody in the community and Charlie and Kevin for presenting.  
MORRISON- Thanked everyone for being there, for the presentation, and the staff.  
LETHIN- Requested the attorney have a quick look at chapter 18.52.  
SWEATT- Thanked everyone for coming and staying and gave thanks for the presentation.  
MAYOR LENT- Thanked everyone for showing up and thanked the judges for what they do.
- Q. Next Meeting: Regular Meeting will be held on Monday, October 22, 2018 at 6:00 pm
- R. Adjournment:

COLBERG/CAMPBELL MOVED TO ADJOURN AT 8:36 PM  
NO OBJECTION/MOTION PASSED

I certify the above represents accurate minutes of City of Seldovia Council meeting of October 08, 2018.

\_\_\_\_\_  
Heidi Geagel, City Clerk

Approved by Council \_\_\_\_\_

DRAFT

**CITY OF SELDOVIA**

**ORDINANCE 19-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA,  
ADOPTING CHAPTER 11.10 PERMITS FOR UTILITY USE OF RIGHT-OF-WAY**

**SECTION 1. CLASSIFICATION:** This ordinance is permanent in nature and shall become a part of the Municipal Code of the City of Seldovia.

**SECTION 2: SEVERABILITY:** If any provision of this ordinance or any application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application to another person or circumstances shall not be affected thereby.

**SECTION 3. ADOPTING CHAPTER 11.10 Permits for Utility Use of Right-of-Way:**

**Title 11**

**Streets, Sidewalks, Park Land\* and Cemetery**

**Chapters:**

11.04 Street Excavation

11.08 Sidewalks

11.10 Permits for Utility Use of Right-of-Way

11.12 Park Land

11.13 Camping Regulations

11.14 Violations and Penalties

11.16 Cemetery Advisory Commission

## Chapter 11.10 Permits for Utility Use of Right-of-Way

### Sections:

- 11.10.010 Purpose--Administration.
- 11.10.020 Definitions.
- 11.10.030 Utility use of right-of-way—Permits required.
- 11.10.040 General utility right-of-way use permit.
- 11.10.050 Utility construction project permits.
- 11.10.060 Construction permit requirements.
- 11.10.070 Standards concerning excavation activity.
- 11.10.080 Utility locations within the right-of-way.
- 11.10.090 Prior existing installations—Maintenance—Relocation-- Costs.
- 11.10.100 Appeals/Enforcement

**11.10.010 Purpose—Administration.** A. The purpose of this chapter is to provide for regulation of construction activities by public utilities within City of Seldovia rights-of-way.

B. This chapter shall be administered by the City Manager.

**11.10.020 Definitions.** The following words, when used in this chapter, shall have the meanings respectively ascribed to them in this section:

A. “City Right-of-way” all dedicated rights-of-way, public easements and section line easements within the City of Seldovia.

B. “Maintenance” upkeep, repair, or improvement work on an existing utility facility which does not expand the area occupied by, or change the location of the facility.

C. “Excavation” the removal, carrying away, backfilling, tunneling, boring, bulldozing, digging out, leveling, clearing, or moving of earth or soil by manual or mechanical means.

D. “Public utility” every corporation, company, individual or association of individuals as defined by AS 42.05.720 that owns, operates, manages or controls any plant, pipeline or system for furnishing electrical service, telephone service, cable television service, natural or manufactured gas service, water service or sewer service to the public for compensation.

E. “Road opening” excavation within a road accepted for maintenance by the City of Seldovia.

### **11.10.030 Utility use of right-of-way—Permits required.**

A. After **January 1, 2019**, a public utility shall not construct any facility in, under or over city right-of-way without first having been granted:

1. A general utility right-of-way use permit as set forth in section 11.10.040 of this chapter; and,

2. A utility construction project permit for each individual road opening project, excavation or overhead pole line project as set forth in section 11.10.050 of this chapter.

B. Utility right-of-way use permits may include reasonable conditions deemed necessary to protect the public health, safety and welfare and the interests of the city.

**11.10.040 General utility right-of-way use permit.** A. A general utility right-of-way use permit shall give written evidence of a utility's written agreement to comply with terms, conditions and requirements of this chapter, including, but not limited to:

1. A provision for indemnification by the utility saving the city harmless against any loss or damages due to the negligence of the utility or its agents and employees while constructing, operating and maintaining its plant and equipment in, under or over city right-of-way.

B. There is established an annual base fee for a general utility right-of-way permit in the amount listed in the most current City of Seldovia Fee Schedule. Permit renewal fees are due at the beginning of each calendar year.

C. A general utility right-of-way permit issued to a utility authorizes the utility to:

1. Conduct normal maintenance and/or repairs of existing utility facilities within a right-of-way.
2. Provide service connections from existing utility facilities within a right-of-way to individual customer facilities outside of the right-of-way.

D. Each service connection installed under a general utility right-of-way permit shall be reported to the City Manager in accordance with the provisions of section 11.10.040(C).

1. A one-time fee in the amount listed in the most current City of Seldovia Fee Schedule for each service connection installed shall accompany the utility's report.

2. The utility bears the responsibility for submitting an accurate report and accounting of all service connections installed on an annual basis.

**11.10.050 Utility construction project permits.** A. After securing a general right-of-way use permit as provided in section 11.10.040 of this chapter, a utility shall obtain a permit from the city for each individual road opening project, excavation or overhead pole line project sought to be performed by a utility for the purpose of installing new primary or secondary distribution lines, trunks or mains; including extensions of existing facilities.

B. Application shall be made upon forms provided by the city and shall include, at a minimum, the following information:

1. The name and location of the right-of-way for which the permit is sought;
2. The type of improvement or facility planned;
3. Plans, drawings, or sketches showing the length, horizontal width, vertical depth and configuration of the improvement, its specific location within the right-of-way and its relationship to the existing roadway;
4. The proposed method of location and marking of the boundaries of the right-of-way for construction purposes;

5. The name of the utility, its address, phone number and contact person;

6. Whether any subcontractor may be working for the utility on this project and, if so, the subcontractor's name, address, phone number and contact person;

7. Whether a detour of traffic will be necessary and, if so, a traffic routing narrative statement and plan as required by Section 11.10.050 of this chapter;

8. Exceptions to assigned utility locations as prescribed by section 11.10.060 of this chapter; and

9. Any additional information and assurances as the City Manager shall find reasonably necessary for the issuance of a construction project permit.

C. Each application for a utility construction permit shall include a fee in the amount listed in the most current City of Seldovia Fee Schedule.

D. The City shall review and grant or deny construction project permits within 10 working days, where the standards, terms and conditions of the chapter are met.

**11.10.060 Construction permit requirements.** A. Each permit shall set out a window for construction dates including projected start and completion dates, and the procedure to be followed for any required road closures during the course of construction.

B. Utility lines or facilities shall be located to assure compatibility with all present and anticipated future uses of the right-of-way in which the utility is located. The following general standards shall apply:

1. Utilities shall be located outside of the existing or anticipated travel surface and avoid impacting the drainage of the roadway whenever possible.

2. The location of the utility shall allow for the safe and practical maintenance and improvement of both the utility and the roadway.

3. Surface utility fixtures shall be set back from the existing or planned roadway surface and shall not be located so to create a visual or physical obstacle or hazard.

4. Excavation, backfill, or other disturbance by utility construction or maintenance activities shall be finished in a manner which restores the ground surface and landscape to the original or better condition. Clearing of vegetation shall be held to the minimum necessary for safe construction and maintenance of the utility. Slash and debris shall be disposed of in a neat and orderly manner. Felled timber shall be removed in a manner approved by the City Manager prior to the next construction season.

C. Each permit shall require that prior to beginning the next construction season the permittee shall provide proof of compliance with the application and permit requirements by filing with the City Manager as-built survey or other similar documentation as approved by the City Manager showing the actual location and configuration of the facility within the right-of-way.

D. Coordination between utilities for their construction activities within city rights-of-way shall be solely the responsibility of the utilities and each permit shall expressly state the City's disclaimer of any warranty or liability regarding coordination of utility facilities.

**11.10.070 Standards concerning excavation activity.** Upon securing a permit, all utilities shall abide by the following excavation standards:

A. Repair broken lines. The utility shall immediately notify an affected utility of any damage to their plant or equipment.

B. Project coordination. The utility shall insure adequate and timely notice to fire, emergency medical and police agencies and attempt to coordinate its work with the schedule for other construction work. It is the responsibility of the utility to see that proper traffic signs, detours and safeguards are provided, and that property owners affected are notified.

C. Traffic routing. Where traffic is affected, the utility shall provide that proper signing and safeguards be in accordance with the Alaska Traffic Manual and shall notify the Seldovia City Office to obtain clearance for the type of detour, time and other limitations imposed.

D. Closing roads. When traffic conditions permit, the City may, by written approval, permit the closing of roads to all traffic for a necessary period of time. Such approval may require the utility to give notification to various public agencies and to the general public.

E. Clearance for vital structures. The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water gates, underground vaults, valve housing structures and all other vital equipment unless approved on the permit.

F. Restoration of right-of-way. The right-of-way shall be restored to the grade and condition originally found. Gravel, paving or seal coating, ditches, culverts, fences, signs or other improvements shall be replaced, unless specific direction to the contrary is authorized in writing by the City. Failure to do so will be cause for the City to accomplish the required work and to collect damages from the utility.

G. Clean up. As the excavation work progresses, all roads shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris caused by the construction. All existing drainage ways shall remain free and unobstructed. All cleanup operations shall be accomplished at the expense of the Utility and shall be completed to the satisfaction of the city.

H. Prompt completion of work. After an excavation is commenced, the work shall be promptly completed and the road restored to its original condition as soon as possible.

I. Urgent work: The City shall have the authority to condition the issuance of a permit upon the utility's operating on a twenty-four hour per day schedule, in order to complete an excavation as soon as possible when required by traffic conditions, safety or the convenience of the traveling public.

J. Emergency action. Nothing in this chapter shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or for the location of trouble in conduit or pipe, or for making repairs, provided that the person making such excavation shall make a reasonable effort to notify police dispatch of the location of the emergency excavation. A utility excavating on an emergency basis in a roadway shall apply for a permit on the first working day after such work is commenced.

K. Existing survey monuments shall be protected and if disturbed or destroyed by construction activities, they will be replaced in accordance with AS 34.65.040.

**11.10.080 Utility locations within the right-of-way.** A. All utility facilities shall be placed within either of two 10-foot wide corridors located along the outer portions of each side of the right-of-way, i.e. ten feet as measured from the edge of the right-of-way toward the centerline of the right-of-way. If only half of the right-of-way has been dedicated, utilities placed within the right-of-way shall be placed only within the ten feet of the right-of-way adjacent to the subdivided lots or tracts from which the right-of-way was created.

B. Exceptions to assigned utility locations:

1. Whenever a utility finds it unreasonable to place its facilities within their assigned area, it may apply for an exception on a form provided by the City Manager and shall include, at a minimum, the following information:

a. A complete explanation as to why the utility is requesting an exception from its assigned location within the right-of-way;

b. Additional plans, drawings or sketches necessary to show locations of other existing utilities, problem areas such as rock or wetlands, and locations where the utility is proposing to place new facilities; and,

c. Evidence that the request for an exception has been reviewed and approved by all other affected utilities.

2. Subject to appeal to the Seldovia Planning Commission, the City Manager or his designee has authority to grant an exception to the assigned utility location within the city right-of-way.

3. Requests for exceptions that become necessary and evident during actual ongoing construction shall be deemed approved if not rejected or modified after receipt by the City Manager. It is a utility's responsibility to inquire if the request for an exception has been approved, rejected or modified.

**11.10.090 Prior existing installations—Maintenance—Relocation—Costs.** A. Utility facilities, within a right-of-way subject to this chapter, installed prior to the effective date of this ordinance may remain in place as installed unless relocation of the prior existing utility is required for the installation or construction of a road or another utility within the right-of-way. In the event that such relocation is required, the relocated facility must comply with the provisions of this chapter.

B. The release from compliance granted under this section does not create the presumption the existing facility was properly or reasonably installed. Further while this release allows maintenance of existing facilities for their useful life, except as otherwise provided herein, it does not authorize an upgrade or relocation of the existing facility without complying with the provisions of this chapter.

C. Responsibility, if any, for the cost of relocation shall be determined in accordance with rulings of the Alaska Public Utilities Commission and any tariffs approved under its rules.

**11.10.100 Appeals/Enforcement.** A. Decisions of the City Manager regarding utility right-of-way permits shall be final unless appealed by the applicant to the Seldovia Planning Commission within 20 (twenty) calendar days after the City Manager's decision has been issued.

B. Appeal of a Seldovia Planning Commission determination regarding the City Manager's decision shall be directly to the Alaska Public Utilities Commission, or to the Superior Court of the State of Alaska, as appropriate.

C. Any person aggrieved by a decision of the City or a utility pertaining to this chapter may, within 30 calendar days after a decision is mailed or delivered to the person, file an appeal to the Alaska Public Utilities Commission pursuant to AS 42.05.251, or to the Superior Court of the State of Alaska, as appropriate.

D. Nothing in this section shall prohibit a mutually acceptable alternative dispute resolution procedure between the City and a utility to avoid the expense of an appeal to the Alaska Public Utilities Commission.

E. The City may, in its discretion, seek injunctive relief to enforce compliance with this chapter.

**SECTION 4. EFFECTIVE DATE.** This ordinance becomes effective upon its adoption by the City Council.

**ADOPTED** by a duly constituted quorum of the City Council of the City of Seldovia, Alaska this \_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

\_\_\_\_\_

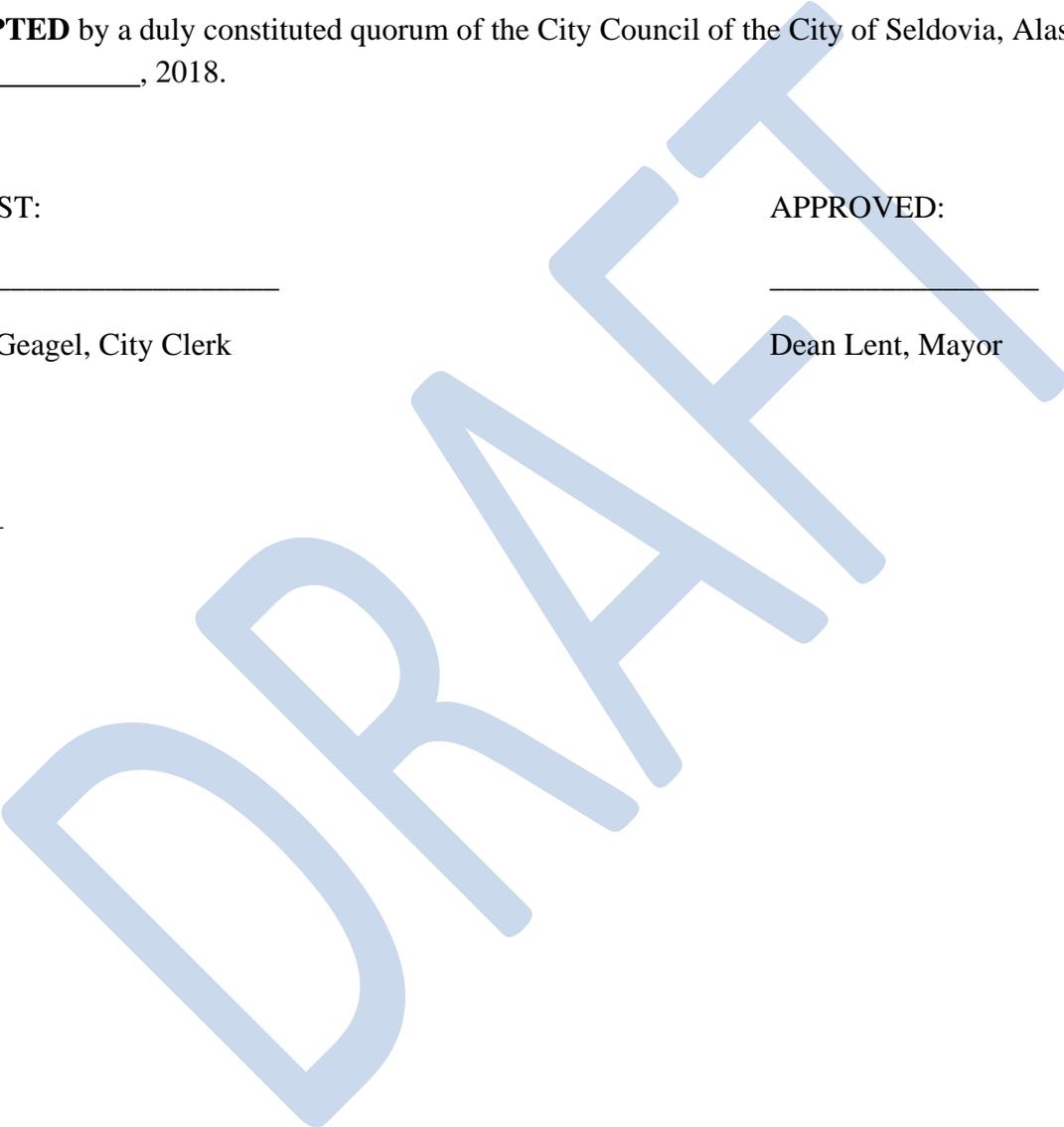
Heidi Geagel, City Clerk

APPROVED:

\_\_\_\_\_

Dean Lent, Mayor

Vote:  
Colberg-  
Campbell-  
Morrison-  
Rojas-  
Lethin-  
Sweatt-



**CITY OF SELDOVIA**

**ORDINANCE 19-03**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA,  
AMENDING TITLE 18.52 COMMERCIAL MARINE, CHAPTER 18.20 DEFINITIONS, AND  
TITLE 1 GENERAL PROVISIONS SECTION 1.08.040 TO INCLUDE 18.52.120 VIOLATION—  
PENALTIES**

**SECTION 1. CLASSIFICATION.** This ordinance is permanent in nature and shall become a part of the Municipal Code of the City of Seldovia.

**SECTION 2. AMENDING TITLE 18.52 CM—COMMERCIAL MARINE BY REMOVING LANGUAGE IN ~~STRIKEOUT~~ AND ADDING LANGUAGE IN HIGHLIGHT TO READ AS FOLLOWS:**

Chapter 18.52  
CM—Commercial Marine  
**CB- COMMERCIAL BUSINESS**

**Sections:**

18.52.010 Purpose ~~Purpose~~ **Intent.**

18.52.020 Permitted Uses.

**18.52.025 Incidental Secondary Uses.**

18.52.030 Prohibited Uses.

18.52.040 Performance Standards.

18.52.050 Minimum Lot Area and Width.

18.52.060 Parking Area and Off-Street Loading Space.

18.52.070 Building Setback.

18.52.080 Visibility at Access Points and Intersections.

18.52.090 Building Height.

18.52.100 Conditional Uses.

18.52.110 Signage.

18.52.120 Violation—Penalties.

**18.52.010 Purpose Intent.** This district provides an area for the service and commercial activities which support water dependent activities related to commercial and sport fishing, tourism, recreation and transportation. The CB District is established to provide an area for convenient, attractive and concentrated commercial development. Regulations applying to this zone are designed to encourage a compact group of business of the type which are mutually beneficial and located close enough together to encourage walk-in trade.

**18.52.020 Permitted Uses.** In the CM CB District, permitted uses are as follows:

- A. Retail and wholesale businesses
- B. Service
- C. Incidental Secondary Uses
  1. Attached residential dwelling unit.
  2. Attached multi-residential dwelling unit.
  3. Business specific office. (Ord. 06-10)
- C. Business Specific Offices
- D. Restaurants, taverns, and entertainment establishments.
- E. Hotels and motels
- F. Hospitals, medical and dental clinics

**18.52.025 Incidental Secondary Uses.** The following uses shall be permitted as incidental secondary uses and shall not exceed forty-nine percent of the building:

- A. Attached residential dwelling unit.
- B. Attached multi-residential dwelling unit.

**18.52.030 Prohibited Uses.** In the CM CB District, prohibited uses are as follows:

- A. Motor vehicle sales and service
- B. A. Extraction of natural resources for sale not incidental to development of the area for a permitted use.
- B. Residence or building without a commercial purpose provided in 18.52.020 Permitted Uses.

**18.52.040 Performance Standards.** Each permitted use shall meet the following performance standards:

A. All permits required for work done in the tidelands shall be obtained prior to granting a building permit.

B. Street and utilities must be adequate to safely accommodate the proposed use presently and in the future.

**18.52.050 Minimum Lot Area and Width.** In the ~~CC~~ **CB** District, the minimum lot size and width shall be as follows:

A. 5000 square feet. (Ord. 00-08), (Ord. 06-10)

B. Lot area shall be sufficient to meet the parking and setback standards of this chapter. (Ord. 06-10)

**18.52.060 Parking Area and Off-Street Loading Space.** In the ~~CM~~ **CB** District, parking areas and off-street loading space requirements shall be as follows:

A. Residential uses, same as required in the Residential District;

B. Retail sales, one space per 200 square feet of gross usable floor area;

C. Service business and offices, one space for each 300 square feet of gross usable floor area;

D. Restaurants, bars and other entertainment establishments, one parking space for each four seats based on maximum seating capacity;

E. Transient housing, one parking space for each three rooms;

F. In addition to the above requirements, one parking space for every four employees shall be provided;

G. If the applicant adequately demonstrates that the use will serve customers who are not dependent on motor vehicles to reach the business, the parking requirements may be reduced accordingly by the City Planning Commission;

H. One off-street loading space at least 30 feet long by 10 feet wide by 16 feet high inside dimensions shall be provided for each 10,000 square foot of usable floor area.

I. Decks or Docks in this section shall be constructed to allow for the docking of water craft within the lot boundaries and in compliance with the provisions set forth in Chapter 18.52. (Ord. 00-08; Ord. 06-10; Ord. 17-06)

**18.52.070 Building Setback.** In the CM **CB** District, building setback requirements shall be as follows:

A. Ten (10) feet from all rights-of-way if the right-of-way meets existing requirements;

B. If the adjacent right-of-way is less than required by existing standards, the setback shall be equal to ½ the required right-of-way width plus ten (10) feet measured from the right-of-way centerline. Required right-of-way shall be that required by City plans or ordinance. If no City plan or ordinance exists, the right-of-way requirements of the Borough subdivision requirements shall apply;

C. Six (6) feet from all property boundaries not bordering right-of-way, unless adequate fire-walls are provided and adequate access to the rear of the building is otherwise provided.

D. The setback for a deck or dock proposed along the shore of the Seldovia Small Boat Harbor (defined as any waterfront lot on Main St. between lots 19307917 and 19203059) shall be the mean high tide line. Any deck or dock proposed beyond the mean high tide shall be heard by the Planning and Zoning Commission under the conditional use permitting process (Ord. 00-08; Ord. 06-10; Ord. 17-06)

**18.52.080 Visibility at Access Points and Intersections.** A. No vehicle shall be parked within thirty feet (30') of any existing municipality street intersection;

B. To ensure that a vehicle's driver has good visibility at street intersections, on corner lots both public and privately owned, there shall not be a fence, wall, hedge, planting or structure, or other obstacle including vehicles that will impede visibility between a height of 2-1/3 feet and 8 feet and greater than one foot wide above the centerline grades of the intersecting streets unless parked in already approved and designated parking area. (Ord. 00-08; Ord. 06-10; Ord 18-12)

**18.52.090 Building Height.** The maximum building height is twenty-eight (28) feet measured from the centerline of Main Street. (Ord. 06-10)

**18.52.100 Conditional Uses.** The following uses shall be permitted if it is determined that the requirements of Chapters 18.68 and 18.72 are met:

A. Signage uses in excess of those specified in Section 18.52.110.

B. Seafood processing (Ord. 17-13)

C. Keeping of livestock may be permitted provided the provisions set forth in Chapters 18.52, 18.68, 18.72 are satisfied.

D. Building of decks or docks within the Seldovia Small Boat Harbor (as defined by SMC 18.52.070 D) beyond the mean high tide may be permitted if the provisions set forth in Chapter 18.52, and 18.68 are met (Ord. 01-01; Ord. 17-05; Ord. 17-06)

E. Marijuana cultivation facilities, manufacturing facilities, retail facilities, and testing facilities as defined by State law, SMC 18.78 and SMC Ord. 16-09. (Ord. 17-07)

F. Long-term annual residential rentals, in excess of twelve consecutive months, as the primary permitted commercial use

G. Motor vehicle sales and service within a confined specified space

**18.52.110 Signage.** Combined signage serving the Commercial Marine Business District shall not exceed 15% of wall surface area as viewed from any lot line. (Ord. 01-01)

**18.52.120 Violation—Penalties.** Any use of property in the Commercial Business District that is not provided in 18.52.020 or the use of any Incidental secondary use provided in 18.52.025 without a permitted use provided in 18.52.020 shall be considered a violation of this chapter. The penalty for an offense in this chapter is the fine listed in the fine schedule in SMC 1.08.040.

### **SECTION 3. AMENDING TITLE 18.20 DEFINITIONS BY ADDING LANGUAGE IN TO READ AS FOLLOWS:**

18.20.270 Attached residential dwelling unit. A building located on a single lot containing multiple units of which one is a dwelling unit designed for one family.

18.20.280 Attached multi-residential dwelling unit. A building located on a single lot containing multiple units of which more than one is a dwelling unit and designed for multiple families.

18.20.290 Monthly Residential Rentals. A unit attached to a building or a single unattached building rented as a dwelling unit for more than thirty consecutive days.

**SECTION 4. TITLE 1.08.040 IS AMENDED BY ADDING THE LANGUAGE TO READ AS FOLLOWS:**

18.52.120	Violation-- Penalties	\$300
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**SECTION 5. EFFECTIVE DATE.** This ordinance becomes effective upon its adoption by the City Council.

**ADOPTED** by a duly constituted quorum of the City Council of the City of Seldovia, Alaska this \_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

\_\_\_\_\_

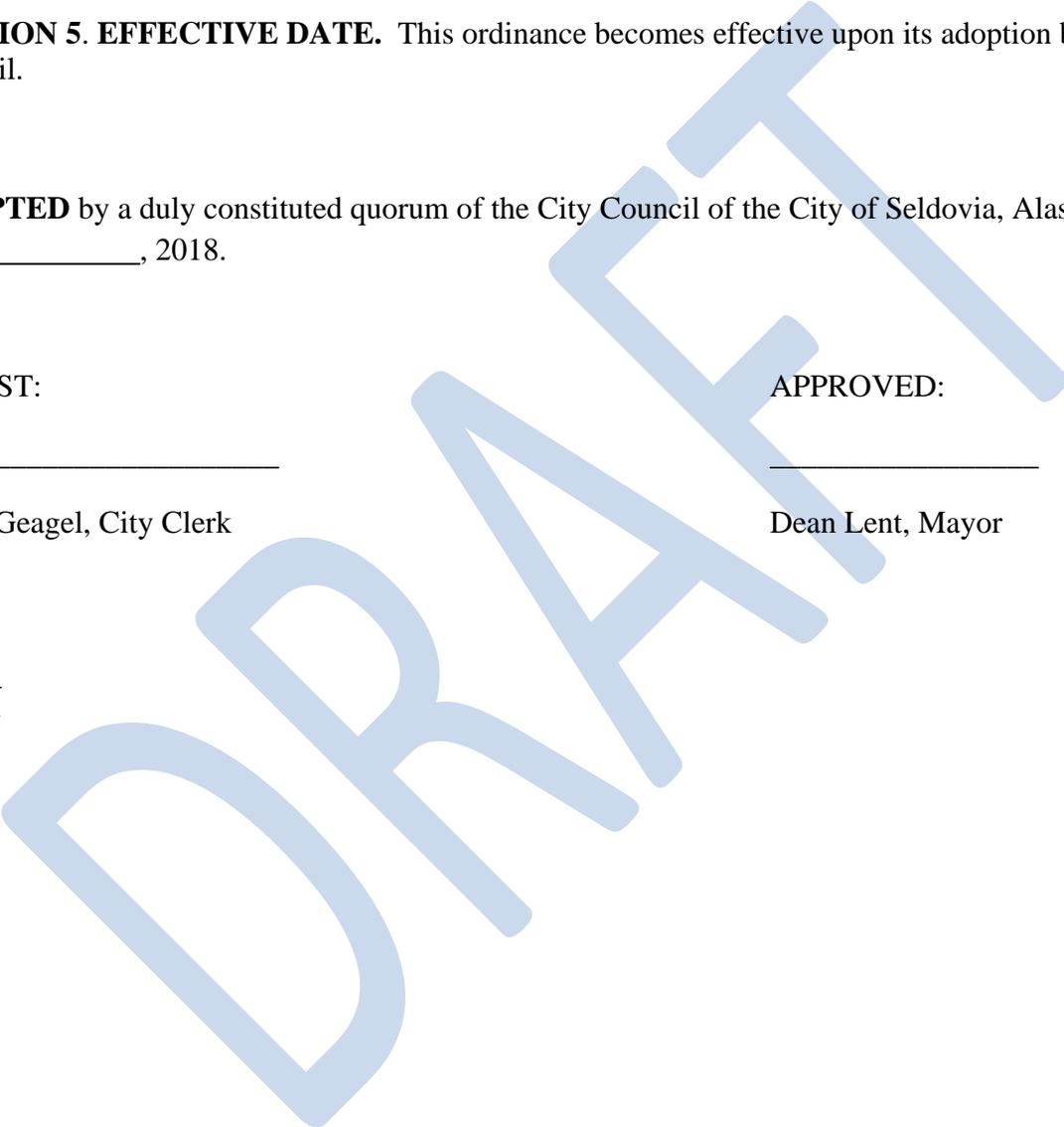
Heidi Geagel, City Clerk

APPROVED:

\_\_\_\_\_

Dean Lent, Mayor

- Vote:
- Colberg-
- Campbell-
- Morrison-
- Rojas-
- Lethin-
- Sweatt-



**CITY OF SELDOVIA**

**RESOLUTION 19-05**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA  
ADOPTING A VIDEO SURVEILLANCE POLICY FOR THE CITY OF SELDOVIA**

**WHEREAS** the City is concerned with the safety and security of its employees, the public, and city-owned and personal property, in or on city property; and

**WHEREAS:** the City of Seldovia desires to increase the safety and security of its facilities for the benefit of employees, the public, and the City, by implementing a video surveillance systems in or on its facilities; and

**WHEREAS:** it is good practice to establish a policy addressing the procedures and standards for video surveillance before implementing a video surveillance system.

**NOW, THEREFORE, BE IT RESOLVED THAT:** the City Council of the City of Seldovia, Alaska adopts a video surveillance policy for the City of Seldovia.

**PASSED AND APPROVED** by a duly constituted quorum of the City Council of the City of Seldovia on this \_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

\_\_\_\_\_

Heidi Geagel, City Clerk

APPROVED:

\_\_\_\_\_

Dean Lent, Mayor

City of Seldovia

Video Surveillance Policy

I. GENERAL

The City is concerned with safety and security of its employees, the public and property (City owned and personal) in or on City property.

II. PURPOSE

The City of Seldovia desires to increase the safety and security of its facilities for the benefit of employees, the public, and the City.

III. RESPONSIBILITY

- A. Department heads shall ensure that their department staff follows the procedure set forth in the policy. (e.g., Harbormaster, Public Safety Officer)
- B. Compliance with this policy is the responsibility of all City employees.
- C. The City Manager or their designee shall maintain this policy.

IV. POLICY

- A. Surveillance technology may be placed in any public or common work areas in or on City property. The priority for the use of any surveillance technology will be those areas where security concerns are the greatest such as public entrances to facilities and outside of public buildings or where there is reasonable justification, such as theft or vandalism. Surveillance technology may also be used in common public service areas (e.g. department front counters).
- B. Surveillance technology may be necessary in individual enclosed office areas (walled in areas with a door), with the consent of the person occupying the office to deal with specific security related problems. Such installed surveillance technology shall be removed once the threat has been eliminated.
- C. Surveillance technology will be set to capture video images only; no sound will be recorder. Real-time images may be monitored by authorized staff.
- D. Notwithstanding the foregoing, employees should not have any expectation of privacy while in public or common work areas. The City recognizes that employees have a legitimate expectation of privacy in lavatories, lockers and break rooms, and no form of surveillance technology will be used in those areas.
- E. Nothing in this policy limits any lawful surveillance by law enforcement agencies.
- F. Some systems may automatically archive certain events. For example, motion sensor cameras in the entrances to facilities and outside of public buildings.
- G. Electronic recordings of surveillance camera captured data are typically archived for periods not to exceed thirty (30) days, however manual archival of a specific incident can occur at any time allowing the data to be preserved.
- H. Access to the archived surveillance data is restricted, per this policy.

V. PROCEDURE

- A. The City Manager, in cooperation with department heads and in accordance with this policy, will determine the appropriate location for surveillance cameras.

- B. Notice that surveillance cameras are in use will be posted at facility entrance(s) and, if cameras are in use in the parking areas of such facilities, notice(s) will be posted on a light pole (or other suitable structure) in the parking area nearest the parking area's entrance(s). Employees whose workstations is in the surveillance area will be notified before a surveillance camera is installed, unless installed pursuant to a court order or warrant.
- C. The City Manager may designate specific job titles that are authorized to view real time images on a provided monitor. Only the system administrator, City Manager, law enforcement personnel, or other person(s) designated by the City Manager may review images stored on surveillance systems.
- D. The release of information captured by the surveillance systems is not appropriate except as identified in this policy. Information learned while viewing surveillance footage (either real time or archived data) is not to be shared except for an express business purpose. The improper posting, sharing, viewing, etc., of this information will be cause for disciplinary action, up to and including termination of employment.
- E. Any review of activities captured and recorded by surveillance cameras will be for the purpose of increasing safety and security for employees, the public, and/or the City.
  - 1. A log will be will be maintained at each facility employing surveillance technology that will record information on the date, location and reason for review.
- F. If a member of the public or other non-authorized person requests surveillance footage, the request must be made in accordance with the Seldovia Municipal Code 2.56 Public Information.
- G. In the event any authorized person views illegal activities recorded by surveillance cameras, that person shall promptly report such activities to the City Manager for coordination with the appropriate local law enforcement agency.

## CITY OF SELDOVIA

### ORDINANCE 19-04

#### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA, AMENDING CHAPTER 6.18 REAL PROPERTY—SALE OR DISPOSAL

**SECTION 1. CLASSIFICATION.** This ordinance is permanent in nature and shall become a part of the Municipal Code of the City of Seldovia.

**SECTION 2. AMENDING TITLE 6.18 REAL PROPERTY—SALE OR DISPOSAL BY REMOVING LANGUAGE IN STRIKEOUT AND ADDING LANGUAGE IN HIGHLIGHT TO READ AS FOLLOWS:**

#### Chapter 6.18 Real Property--Sale or Disposal

##### Sections:

- 6.18.010 Authority--City.
- 6.18.030 Form.
- 6.18.040 Rights and powers.
- 6.18.050 Public and charitable conveyances.
- 6.18.060 Property exchanges.
- 6.18.070 Grants for federal and state programs.
- 6.18.080 Sale or disposal of industrial sites.
- 6.18.090 Change of use.
- 6.18.100 Real property as security.
- ~~6.18.110 Procedure for sale.~~
- ~~6.18.120 Best bidder--Defined.~~
- ~~6.18.130 Rejection of bids for sale--Subsequent actions.~~
- ~~6.18.133 Property Purchase Application.~~
- ~~6.18.135 Property Purchase Application.~~
- ~~6.18.140 Procedure for lease.~~
- ~~6.18.150 Rejection of bids for lease--Subsequent actions.~~
- ~~6.18.160 Negotiated Leases~~
- 6.18.110 Appraisal required.
- 6.18.120 Methods of disposal and fees.
- 6.18.130 Public notice.
- 6.18.140 Conditions of sale.
- 6.18.150 General sales procedures.
- 6.18.160 Sales by public auction or sealed bid.
- 6.18.170 Best bidder--Defined.
- 6.18.180 Rejection of bids for sale--Subsequent actions.
- 6.18.190 Negotiated sales and exchanges.
- 6.18.200 Negotiated Leases.
- 6.18.210 Leases for space in City buildings.

~~**6.18.110 Procedure for sale.** A. Value established. Prior to sale or disposal of real property or an interest in real property, the City Manager shall establish the fair value of the property, based on borough assessed value, subject to approval by the City Council. A parcel of real property retaining an estimated value in excess of twenty-five thousand dollars shall, in addition, be appraised by an independent professional appraiser prior to sale.~~

~~B. Notice public sale. Notice inviting bids shall be published twice, in a newspaper of general circulation in the City with the first such publication being at least thirty days preceding the last day set for the receipt of bids, and be posted in three public places in Seldovia. The newspaper notice required herein shall name the clerk, recite the legal description of the property to be sold, and shall state:~~

- ~~1. Where bid forms may be secured, the closing time for submission of bids and place of submission, the time and place for opening bids, and other information which may be required for the particular item; or~~
- ~~2. The time and place of public auction.~~

~~C. Bids public sale. Sealed bids, if required by the notice, shall be submitted personally or by mail to the clerk, and shall be identified as bids on the envelope. Mailed bids shall not be accepted unless postmarked prior to closing time for submission or verified by other means to closing time for submission or verified by other means of communication. The property or interest in property to be sold shall be sold to the best bidder if sealed bids are required, or to the highest bidder if the sale is conducted by public auction; no bid under the established fair value may be accepted except as provided in this chapter.~~

~~D. Terms. The purchaser at a competitive bid sale, public auction, or over the counter sale shall immediately pay to the City ten percent (10%) or more of his bid. The balance of the purchase price shall be paid within thirty (30) days or all rights to the property shall be forfeited. (Ord. 83 4, 1983; Ord. 89 5 Sec. 3, 1989)~~

~~**6.18.120 Best bidder Defined.** A. "Best bidder," in Section 6.18.110(C), means that bidder whose bid and whose submitted plans for the use of the property to be sold are considered to have best met the land use plans of the City and the financial interest of the City as property owner. In evaluating the bids and plans, the City Manager shall be consulted and the following shall be considered:~~

- ~~1. The bid price for the property;~~
- ~~2. The compatibility of the proposed use with the general land use plan of the City; and~~
- ~~3. The ability of the bidder to meet his financial obligation and to carry out the plan.~~

~~B. If any bid other than the highest bid is accepted, there shall be submitted to the unsuccessful higher bidder or bidders a written statement setting forth the reason for refusing the bid or bids, within ten days. The minutes of the Council relating to the matter are a sufficient statement. (Ord. 78 2(part), 1978)~~

~~**6.18.130 Rejection of bids for sale Subsequent actions.** Council~~

~~Powers. If the sale is by sealed bid, the Council may:~~

~~A. Reject defective or nonresponsive bids;~~

~~B. Reject all bids;~~

~~C. Authorize negotiation by the City Manager with bidders whose bids and plans are substantially equal and most approximate best bids; or~~

~~D. Reschedule the sale for bidding, after making substantial changes in the specifications for plans to give sufficient notice of the deficiencies found in the proper submitted bids.~~

~~E. Provide for over the counter sales. (Ord. 83-4, 1983; Ord. 78-2(part), 1978)~~

~~**6.18.133 Property purchase application.** Applications for purchase must include the following items:~~

~~A. Land use plans;~~

~~B. Plot plans;~~

~~C. Building plans to include elevations;~~

~~D. Timetable for development. (Ord. 83-4, 1983)~~

~~**6.18.135 Property development plan implementation.** Developer must complete development plans within two years of the date of purchase agreement. The City Council may extend the time upon formal application of the developer to the Council. (Ord. 83-4, 1983)~~

~~**6.18.140 Procedure for lease.** A. Value Established. Prior to leasing real property or an interest in real property the City Manager shall establish a minimum acceptable annual rental value.~~

~~B. Notice.~~

~~1. Notice inviting bids shall be posted in three public places in Seldovia at least one week proceeding the last day set for receipt of bids.~~

~~2. If disposal of land or interest in land is authorized by negotiated lease as defined in SMC section 6.18.160, an ordinance approving the disposal shall be given in the same manner as for other ordinances and a public hearing shall be held.~~

~~C. Bids. Sealed bids shall be submitted to the clerk by mail or in person on; or prior, to the time and date specified in the notice inviting bids and shall be identified as bids on the envelope.~~

~~D. Public Lease. The property or interest in property to be leased shall be leased to the best responsive bidder.~~

~~E. Duration. Leases shall be set upon approval by the City Council on a case by case basis.~~

~~F. Lack of Bids. In the event a qualifying bid is not received, the City Manager is authorized to negotiate a lease of the property. (Ord. 81-1(part), 1981)~~

~~\_\_\_\_\_ G. Renewal. If, at the expiration of any lease of any lands hereunder, the lessee desires a renewal lease on the land, properties, or interests covered thereby, he or she shall, not sooner than one hundred eighty (180) days prior to the expiration, make application for a renewal lease in writing on forms provided entitled "Application for Renewal of Lease," certifying under oath as to the character and value of all improvements existing on the lands, properties or interests therein, the purpose for which he or she desires to renew the lease, and such other information as the mayor shall upon recommendation of the planning commission and direction of the Council issue a renewal of the lease to the lease. The date that the application for renewal of lease is presented to the office of the City Manager, as evidenced by the date stamped thereon, whether delivered or forwarded by regular, certified or registered mail, shall be binding.~~

~~**6.18.150 Rejection of bids for lease—Subsequent actions.** If the lease is by sealed bid the City Manager may:~~

~~A. \_\_\_\_\_ Reject defective or nonresponsive bids;~~

~~B. \_\_\_\_\_ Reject any or all bids;~~

~~C. \_\_\_\_\_ Negotiate a lease with bidders who bids and plans are substantially equal and most approximate a best bid. (Ord. 81-1(part), 1981)~~

~~\_\_\_\_\_ **6.18.160 Negotiated leases.**~~

~~\_\_\_\_\_ A. The City Manager, with the approval of the Council by Ordinance, may negotiate a lease of City land without public auction or sealed bid and without voter ratification under the following conditions:~~

~~\_\_\_\_\_ 1. The lease is for a beneficial new industry or economic development;~~

~~\_\_\_\_\_ B. An application to lease City lands for a beneficial new industry or economic development under this subsection shall be made by completing an application to lease City land and shall include a complete business plan for development and use of the property requested.~~

~~\_\_\_\_\_ 1. The City may from time to time, make such other requirements as it deems proper before the issuance of such leases. For example, but limited to; length of the lease or terms for payment.~~

~~\_\_\_\_\_ C. The lessee's failure to develop and use the land in accordance with the approved plan may result in revocation of the lease.~~

~~\_\_\_\_\_ D. Renewal. Renewal of negotiated leases under this section are subject to the conditions set forth in Section 6.18.140 G.~~

**6.18.110 Appraisal required.** No lands or any interest in land shall be sold or exchanged unless the same has been appraised by a qualified appraiser within six months prior to the date fixed for the sale or exchange. The City Manager shall be responsible for having such appraisal made and it shall reflect any restrictions on

the use of the land as offered for sale. Alternatively, the latest available Kenai Peninsula Borough assessed value may be used. No land shall be sold or exchanged for less than the approved minimum appraised or assessed value.

**6.18.120 Methods of disposal and fees.** Land or any interest in land may be disposed of under one of the following procedures as approved by the City Council:

1. By public auction or sealed bid to the highest qualified bidder.
2. By negotiated sale, lease or exchange.
3. By over-the-counter sales.
4. Through the use of real estate brokers.
5. By any other means permitted by law.

**6.18.130 Public notice.**

A. Sale or Lease of Land. Except as otherwise provided in this chapter, public notice shall be given of any sale of lands or any interest therein. Notice shall be published shall be posted in three public places for three consecutive weeks preceding the time of sale or lease stated in the in the vicinity in which the land or interest therein is to be sold or leased. In no event shall the sale or lease be held less than nine days nor more than three weeks following the last date of publication. Such notice shall set forth a description of the land and the interest therein to be sold or leased and the time, place and general terms of the sale or lease and limitations.

B. Negotiated Sales, Leases and Exchanges. If disposal of land or interest in land is authorized by negotiated sale or lease, or by exchange of lands, public notice or the ordinance approving the disposal shall be given in the same manner as for other ordinances and a public hearing shall be held.

**6.18.140 Conditions of Sale.** Any sale or other disposition of City lands or any interest in lands shall be subject to terms and conditions as set forth in this chapter and in the City ordinance or resolution approving the disposition. The City Manager may impose additional conditions, limitations and terms for the protection of the interest of the City and the public.

**6.18.150 General Sale Procedures.** All applications for purchase or lease of City land shall be filed with the City on appropriate forms provided by the City. The filing of an application for purchase shall not in any way vest any right in the applicant to the land or to the use of the land applied for. Applications for purchase must include the following items:

1. Land use plans;
2. Plot plans;
3. Building plans to include elevations;
4. Timetable for development. (Ord. 83-4, 1983)

**6.18.160 Sales by public auction or sealed bid.**

A. Public auctions shall be held by the City Manager or his or her representative. At the completion of the auction of each tract of land, the City

Manager or his or her representative shall indicate the apparent high bidder. The City Manager may reject all bids in the best interest of the City.

B. Upon deposit of the required sum by the apparent high bidder, the City Manager or his or her representative shall immediately issue a receipt containing a description of the land or interest therein sold, the price bid and the terms of the sale, which receipt shall be acknowledged in writing by the bidder. Upon completion of the final payment on the contract of purchase, the City Clerk will issue to the purchaser a quitclaim deed. A contract of sale or lease in a form approved by the City Attorney shall be signed by the purchaser or lessee.

C. Sealed bids, if required by the notice, shall be submitted personally or by mail to the clerk, and shall be identified as bids on the envelope. Mailed bids shall not be accepted unless postmarked prior to closing time for submission or verified by other means to closing time for submission or verified by other means of communication. The property or interest in property to be sold shall be sold to the best bidder if sealed bids are required, or to the highest bidder if the sale is conducted by public auction; no bid under the established fair value may be accepted except as provided in this chapter.

D. Terms. The purchaser at a competitive bid sale, public auction, or over the counter sale shall immediately pay to the City ten percent (10%) or more of his bid or in case of a lease offering, an amount equal to the annual rent. Lands to be purchased for a principal sum of \$500.00 or less will not be sold on contract but will be paid for in full. The balance of the purchase price shall be paid within thirty (30) days or all rights to the property shall be forfeited. (Ord. 83-4, 1983; Ord. 89-5 Sec. 3, 1989)

**6.18.170 Best bidder--Defined.**

A. "Best bidder," in Section 6.18.160(D), means that bidder whose bid and whose submitted plans for the use of the property to be sold are considered to have best met the land use plans of the City and the financial interest of the City as property owner. In evaluating the bids and plans, the City Manager shall be consulted and the following shall be considered:

1. The bid price for the property;
2. The compatibility of the proposed use with the general land use plan of the City; and
3. The ability of the bidder to meet his financial obligation and to carry out the plan.

B. If any bid other than the highest bid is accepted, there shall be submitted to the unsuccessful higher bidder or bidders a written statement setting forth the reason for refusing the bid or bids, within ten days. The minutes of the Council relating to the matter are a sufficient statement. (Ord. 78-2(part), 1978)

**6.18.180 Rejection of bids for sale--Subsequent actions.** Council Powers. If the sale is by sealed bid, the Council may:

- A. Reject defective or nonresponsive bids;
- B. Reject all bids;

C. Authorize negotiation by the City Manager with bidders whose bids and plans are substantially equal and most approximate best bids; or

D. Reschedule the sale for bidding, after making substantial changes in the specifications for plans to give sufficient notice of the deficiencies found in the proper submitted bids.

E. Provide for over the counter sales. (Ord .83-4, 1983; Ord. 78-2(part), 1978)

**6.18.190 Negotiated sales and exchanges.**

A. The City Manager may, with the approval of the City Council by ordinance, negotiate a sale or exchange of City land without public auction or sealed bid if the following conditions exist:

1. The application to purchase or exchange City land is:

a. By an owner of property contiguous on a side with the City land applied for and the purchase is necessary for the proper utilization of the owner's contiguous property;

b. By the United States, the state or a political subdivision;

c. By a public utility for facilities serving the general public;

d. For a beneficial new industry; or

e. For a particular, stated purpose in the best interests of the City, and the Council approves the sale with appropriate findings and conditions;

2. The land so sold or exchanged shall not be used by the purchaser, his or her heirs or assigns for any purpose other than that for which it has been classified by the City Council at time of sale or unless otherwise zoned subsequent to sale;

3. No such sale or exchange shall be made if the result of such sale or exchange were to hinder or prevent the utilization of a larger parcel of City land to its best advantage;

4. Such sale or exchange is in the best interest of the City.

B. Negotiated sales shall be subject to all other requirements and conditions applicable to sales under this chapter.

**6.18.200 Negotiated leases.**

A. The City Manager may, with the approval of the Council by ordinance, negotiate a lease of City land without public auction or sealed bid and without voter ratification under one or more of the following conditions:

1. The lease is for property the fair annual rental value of which is \$2,500 or less for a term not exceeding 10 years and an annual rental value not less than eight percent of the appraised value; or

2. The lease is for a beneficial new industry, subject to the terms of this chapter; or

3. The lease is for a public purpose, to a governmental agency or not-for-profit corporation formed for the purpose of carrying on the public service; or

4. The lease is to a public utility, for a site for public utility facilities, in which case no appraisal of the leased property is required.

B. Leases approved under this section shall be subject to all other requirements and conditions applicable to leases under this chapter.

C. Leases for Public Purpose. Application for a lease for public purposes shall be made in the same manner as other applications and shall contain a plan for development and use of the property requested. The Council shall, in each case, determine that the proposed usage of City property is for a worthwhile public service, that there will be no discrimination in providing service, and the usage is nonprofit. The City may, from time to time, make such other requirements as it deems proper before the issuance of such leases. Failure to carry out such plan as submitted and agreed upon may result in revocation of the lease.

**6.18.210 Leases for space in City buildings.** Notwithstanding any other provisions of this chapter, the City Manager may, subject to the approval of the City Council by resolution, award a lease for space in a building owned by the City either by negotiation or to the person that submits the best proposal in response to a request for proposals. Any such leases shall be restricted to the following uses:

A. Government agencies or nonprofit organizations providing a public service.

B. The provision of goods or services, on either a for-profit or nonprofit basis, that support or complement the public uses or functions for which the building is used.

C. Provide revenue to the City from the productive use of building space that would otherwise not be required for any public purpose during the lease term.

**6.18.220 Leases--Duration.** Leases issued shall not exceed five years in duration, but are renewable at the option of the City Council. All leases shall be revocable when used contrary to the conditions under which they are granted, or when Council in its judgement determines that the best interest of the City would be served by revocation.<sup>[HG1]</sup>

**SECTION 3. EFFECTIVE DATE.** This ordinance becomes effective upon its adoption by the City Council.

**ADOPTED** by a duly constituted quorum of the City Council of the City of Seldovia, Alaska  
this \_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

\_\_\_\_\_  
Heidi Geagel, City Clerk

APPROVED:

\_\_\_\_\_  
Dean Lent, Mayor

Vote:  
Colberg-  
Campbell-  
Morrison-  
Rojas-  
Lethin-  
Sweatt-

DRAFT