

MINUTES OF A REGULAR MEETING  
OF SELDOVIA CITY COUNCIL  
COUNCIL CHAMBERS

Monday  
August 13, 2018  
6:00pm

LETHIN  
SWEATT  
COLBERG  
CAMPBELL  
MORRISON  
ROJAS

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

STAFF: CITY MANAGER CAMERON  
FINANCE OFFICER TAYLOR  
CITY CLERK GEAGEL

- B. Pledge of Allegiance: Held

- C. Excused Absences: none

- D. Agenda Approval: ROJAS/COLBERG MOVED TO APPROVE THE AGENDA  
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, July 23, 2018
2. Payment Approval Report: None
3. Ordinance Introduction: None

CLERK GEAGEL- Discussed that the minutes were amended for two misspelled names, and the amended minutes were placed in the laydown

SWEATT/ROJAS MOVED TO APPROVE THE CONSENT AGENDA  
VOICE VOTE/UNANIMOUS/MOTION PASSED

- F. Mayoral Proclamations: None

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

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

LAUREL HILTS- The Salmonberry Contest was this past weekend. Coming up Labor Day weekend is the 5K run and chainsaw carvings. Tomorrow is registration for the school, returning students can register online.

- I. Committee and Advisory Board Reports: (each member has 5 min)

SANDY MURRAY- a member of Parks and Recreation since its conception. Visitors would tell her how much like hiking. She placed a log book from July 2012 through January 2018 at the beginning of the Otterbahn Trail. Hikers from 48 states wrote in the book, only West Virginia and Rhode Island were not represented. Hikers from all over Alaska wrote in the book. Lots of local people hike the trail, most do not sign the log. People from 21 countries wrote in the book. She shared some quotes from the log book. A new log book is beginning, and will be at the beginning of the trail by the SOCC on the right-hand side.

- J. Public Hearings:

1. ORDINANCE 18-18 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA, ADOPTING CHAPTER 11.06 CITY LAND EXCAVATION AND ESTABLISHING A PENALTY OF OFFENSE IN TITLE 1.08.040 MINOR OFFENSE TABLE

- a. Presentation by Staff or Council

CLERK GEAGEL- Presented Ordinance 18-18 with the beach area term amended to read from the 17.2 mean high water tideline upwards.

- b. Council Discussion

ROJAS- Spoke in support of Ordinance 18-18.

SWEATT- Spoke in support of Ordinance 18-18.

CAMPBELL- Spoke in support of Ordinance 18-18.  
c. Public Presentation or Hearing (public has 3 min each)

Mayor Lent called for public comment and none was offered.

d. Action/Disposition

ROJAS/MORRISON MOVED TO ADOPT ORDINANCE 18-18 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA, ADOPTING CHAPTER 11.06 CITY LAND EXCAVATION AND ESTABLISHING A PENALTY OF OFFENSE IN TITLE 1.08.040 MINOR OFFENSE TABLE  
VOICE VOTE/UNANIMOUS/MOTION PASSED

2. RESOLUTION 19-01 NOTICE OF ELECTION, OCTOBER 2, 2018, CITY OF SELDOVIA

a. Presentation by Staff or Council

CLERK GEAGEL- Presented Resolution 19-01 Notice of Election, October 2, 2018, for two council seats.

b. Council Discussion

ROJAS- Inquired as to which two seats were open.

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

Mayor Lent called for public comment and none was offered.

d. Action/Disposition

CAMPBELL/LETHIN MOVED TO ADOPT RESOLUTION 19-01 NOTIFICATION OF ELECTION, OCTOBER 2, 2018, CITY OF SELDOVIA  
VOICE VOTE/UNANIMOUS/MOTION PASSED

3. RESOLUTION 19-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA ALLOWING THE CITY CLERK TO DESTROY OLD RECORDS FROM THE ARCHIVES

a. Presentation by Staff or Council

CLERK GEAGEL- Presented Resolution 19-02 allowing the city clerk to destroy old records from the archive based on the recent retention schedule resolution and records management ordinance that was passed

CM CAMERON- Stated for the record that Heidi had gone through every single paper in the files boxes, everything that needed to be retained had been pulled aside. It was a four-month project she has been working on.

b. Council Discussion

SWEATT- Spoke in support of Resolution 19-02.

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

Mayor Lent called for public comment and none was offered.

d. Action/Disposition

SWEATT/ROJAS MOVED TO ADOPT RESOLUTION 19-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA ALLOWING THE CITY CLERK TO DESTROY OLD RECORDS FROM THE ARCHIVES  
VOICE VOTE/UNANIMOUS/MOTION PASSED

K. Unfinished Business: None

L. New Business:

1. Scott Ogan Proposal

a. Presentation by Staff or Council

CM CAMERON- Discussed that it was possible to reconvey the RV park through the Kenai Peninsula Borough's reconveyance. There was also a grant that closed in 2015 through the land and water use conservation project that states that the park without the approval of the Secretary of the Interior, shall not be converted to anything other than public outdoor recreation use in perpetuity or for the term of the lease. The Secretary shall approve such

conversion only if it is found to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions deemed necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness.

b. Council Discussion

CAMPBELL- Discussed that someone had brought to his attention that they thought he had a conflict of interest. He stated that in the original plans the possibility of him being a minor partner had been discussed, as it developed he did not have the time or energy and any thought of him being a partner was off the table. Secondly it had been discussed having a kiosk at his place for ticketing, but nothing was finalized or agreed to and he would forgo any lease or anything of monetary value for the space. He stated that he did not feel he has a conflict and he spoke in support of the zipline, stating that it would not be operating in the morning or at night and parameters could be set ensuring that.

ROJAS- Thanked the staff for the information. She spoke in support of the zipline but in opposition of having it in the RV park and in opposition of the staff using any more time towards the proposal. The city would not receive any sales tax because it is outside of city limits and there were lawyer fees, other fees and the possibility of insurance costs associated with the proposal. The paperwork leaned towards not approving the proposal.

SWEATT- Spoke in agreement with Rojas and spoke in support of the original zipline proposal but in opposition of the new RV park zipline proposal.

LETHIN- Spoke in agreement with Sweatt and in support of the zipline on the mountain and pursuing a right of way from the DOT in order to do so. He spoke in opposition of having the zipline in the RV park and putting any more time and energy in order for them to do so.

MORRISON- Spoke in opposition of the zipline in the RV park and in support of the zipline at the airport property and wished the Scott the best and spoke of his appreciation for Scott's drive.

COLBERG- Stated that he was elected by the people and the majority rules.

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

MAYOR LENT called for public comment.

The following people spoke in support of Scott Ogan's Seldovia RV Park zip line proposal.

BETSY SCOTT  
KEITH GAIN  
MADALYN GRAHN  
JENIFER HAERLE  
JENNY CHISSUS  
STEVE BAINBRIDGE  
PAUL CHISSUS  
SYDNEY TAYLOR

The following people spoke in opposition of Scott Ogan's Seldovia RV Park zip line proposal.

TRACY PHILPOT  
CAMILLE TURNER  
JOE FLECKENSTEIN  
REBECCA LAMBOURN  
JERE MURRAY  
CINDY MOM  
WALT SONEN

SANDY MURRAY- Addressed the council, not against zipline but in encouragement for Scott to explore the right of way at the airport, he can develop up there and people can have RV park.

SCOTT OGAN- lease holder reservoir property hoping to go and plans were thwarted. Thanked people being here, this is beautiful, thanks for being here, and really respect everyone's opinions. Agree Keith you guys deliberated before heard public comment, suggest you recommend city manager if can get right of way, would prefer to build up there, do not want controversy. Total respect those that oppose, Cindy mom said this is the only

public place, first place been too, can you move it, revised plan, made sure has setbacks, suggest other action city manager move forward of conveyance, city is in best interest to have control there, whether or not he is approved. He is willing to pay 500, ziplining is kind of an outdoor public activity, ca ask Joe with the BLM department of interior, will do it himself if they like. Emphasize zipline is built in most environment sensitive areas, like to develop issues, environmentalist like to go through canopy, don't see why so much angst, up to zipline builder, may not work, certainly willing to listen, community values and those that want to see development. Short - minute or two (length of time on zipline).

d. Action/Disposition

MAYOR LENT- Spoke in support of the zipline.

CAMPBELL- Spoke in support of the zipline and in agreement that the spot on the mountain was a better spot.

ROJAS- Stated that Seldovia does not say no to business, everyone is on board with a zipline, that is not the issue, the issue it where it is being proposed. Beat down the doors to get DOT to compromise and make the right of way happen. The same amount of time and work will go into both processes.

LETHIN- Inquired where they were at with the DOT right of way.

CM CAMERON- Discussed that she had put in a proposal with the DOT for a replat and possible purchase or the area of the right of way and had received positive reception. She was working towards a global solution, not just for Mr. Ogan but for their water access and UAA's access.

MORRISON- Spoke in opposition of the proposal and of spending money to reconvey.

**CAMPBELL/COLBERG MOVE TO SUBMIT PETITION FOR RECONVEYANCE RV PARK WITH ALL APPLICATION COST PAID BY SELDOVIA BAY ADVENTURES**

ROJAS- Inquired if it was legally okay for an outside entity to pay for the application.

**ROLL CALL VOTE**

LETHIN-N, SWEATT-N, COLBERG-Y, CAMPBELL-Y, MORRISON-N, ROJAS-N

MOTION FAILED

\*\*\* Mayor Lent called for a five-minute recess at 7:25pm\*\*\*

\*\*\*Mayor Lent called the meeting back to order at 7:35pm\*\*\*

**2. Discussion- Cedar Street Extension**

a. Presentation by Staff or Council

CM CAMERON- Discussed the Cedar Street Extension timeline she had built with the long history of the issue on Cedar Street not being a platted road. In the late 90's the property owners at that time came close to having a replat done. The final replat was approved by the borough assembly only to have two property owners not sign off in the end. Fast forward to 2017 where there was discussion on areas that needed solved through out town, February '17 through now Cedar Street has been discussed and they have come up against a wall, property owners would like property lost for the road purchased. This is a conundrum; the city could pay all costs associated with this and set precedence of how to handle these issues in town and there are many. Another option may be to share property costs with owners in agreement and create a cul-de-sac, it would be a partial solution and not global solution. Council needs to discuss how much they want to put into this.

b. Council Discussion

ROJAS- Discussed what a hard situation it was for the city and property owners and that a cul-de-sac could require more land from property owners. It was new news to her that there were access easements set up amongst the property owners. The question is does the city want to maintain private properties. All properties all have access. What do the property owners want the city to do and what can the city do? She would like to hear from property owners about how they feel about a cul-de-sac.

CAMPBELL- Spoke in opposition of prescriptive easement and eminent domain. Right now, it is private property, not a city road and the city are trespassing when they plow. He discussed that it was an access issue and one possibility was for the property owners to obtain easements among themselves.

MORRISON- Spoke in favor of leaving it be and stop maintaining. It is their property they bought it, it is just a driveway.

SWEATT- Spoke in opposition of the city picking up all costs. She asked how had the property's been sold over and over again without access. If there is a right of way easement then what is the issue?

COLBERG- Discussed that the timeline only went back to 1996. The road was built in the 70's and blocked at one point. The property owners disagreed and feuding with city and it is somewhere in the records. If the city plows a private driveway than they get to plow everyone.

LETHIN- Spoke in support of tabling the issue indefinitely if property owners already have easements.

CM CAMERON- Discussed that a cul-de-sac would need more land for a turn around. Nothing had been recorded about the city maintaining the road and that's what counts.

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

JENNY CHISSUS- Discussed that current property owners had access. Randy had access via Lake street, the Chissus's had a vehicular easement through Randi's. Tod Beller bought a property easement through the Int-Houts. The only property that did not have access was the old Swick property between Bellers and Chissus's. The current road as exists has been there forever. The seven property owners have an interest, but they are not the only ones riding on the road. Everybody who goes down Shoreline goes down that road, the city has an obligation to continue to maintain the road. It is the general consensus of the property owners to accept what is currently there and to give up property to the city for liable access in exchange for the survey. She spoke in opposition of closing the street or a cul-de-sac, the extension is used heavily and Kachemak being the only road is a whole other set of issues the city does not want to see. She asked Walt and Randy if the Int-Houts had been willing to move forward if the city paid for the survey?

REBECCA LAMBOURN- Asked the council to consider what it would mean if the road closed, people would have to go up Kachemak street. She commented that Willow Street was in the wrong place and should be moved over onto the property. She was told surveys were being done. She would like to hear from the city the plan for traffic if the road closed. She recently had a survey done on her property across from Willow Street and can show where the stakes are. They are slightly squeezed in so as not to run into the Int-Houts.

WALT SONEN- Discussed how important the road was for the city, many people drive up and down that road. He would be giving up more property than anyone else, and he is okay with it. No one is going to know how much they are losing without a whole survey. It is a catch 22, if the city pays for the survey, there are seven lots and five owners, and one lot does not agree, at least not yet. The heirs to that property, responded negatively. Maybe they can wait it out until Cassidi says they have done enough and they do a cul-de-sac, they would be happy. There would be the question of the turnaround. The best thing for everyone was to make the road legal just the way it is. It is well used and to take Shoreline to Lake Street and come down Kachemak to Willow, is two right angle turns, they are going to get a lot of noise on that. Tod Beller is of opinion, that the city can have his land but he wants them to pay the whole survey cost. If anyone does not agree then it's off. This is what happened in 98 and it's been there ever since. He is willing to go anyway the city wants to go. Mrs. Int-Hout was offered that the city would pay the survey cost and she still refused.

RANDI SWEET- Discussed that one possible interim solution was for the land owners to lease the land to the city for one dollar and that take away the liability from the city. Her biggest concern was the impact to the city, there was already one issue that caused a lot of heart burn, a road issue that created a lot of hard feelings, she did not want to create hard feelings. She tried to contact her lawyer about considerations, and did contact the state, Uniform Relocation Assistance was enacted in 1970 and requires fair compulsory for use of their land. It is likely the laws do apply to the city; the issue is trying not to go into eminent domain and then having to pay for the land. At the planning meeting it was discussed that it was an owner driven issue, but she had not had that feeling. The owners need to agree before the council can vote. The city has done things to maintain the road, it is not a trail, over the last twenty years the city has maintained the road and made improvements. She stated she would love to get it solved and did not want the issue to pass to other owners.

d. Action/Disposition

CM CAMERON- Discussed that she had spoken with Ms. Int-Hout extensively, and offered to cover the survey cost and exchange Willow Street and she still did not want to do that. Willow Street as is, is on her property and does not need replatted, just moved 15 to 17 feet on the west side and then angled down towards stop sign. She discussed that she thought that if they tried to put Willow Street where it needs to be that they will get a lot of push back and lose all the progress that they had made. She discussed that the money would have to come from the general or unencumbered fund.

SWEATT- Discussed that they cannot move forward without the last property owner and asked if they should continue to plow?

CAMPBELL- Spoke in support of Randi's interim solution. Technically, it is still going across the last property owners land. He spoke in support of putting Willow Street in the right place in the name of safety, it is a dangerous corner. Then they may get people to come back to table. He spoke in support of going ahead with the survey and either splitting it with the willing property owners or paying for the whole survey, it is not fair for those who are willing to have to pay for those who are not and it is not a bad way to spend money. They are not going to make any head way unless all the property owners come to the table. They may not get Cedar Street fixed but at least Willow Street will be. He stated they needed to wait until the next meeting to finish the discussion with information on their concerns about finance and the city manager needs to contact the other property owners and discuss where it is headed, it is one of those or the road reverts back to the owners or the third option that they lease the land for one dollar or else they have to stop maintaining.

ROJAS- Discussed that it was a standstill like twenty years ago and she was confused how the city could keep moving forward, they need all the owners onboard. She asked if the willing property owners were willing to split the bill. She would like to see it get down, they are setting a precedence for other areas. Before they jump in she would like finance officer to see if they have the money to spend.

SWEATT- Asked what it would take to move Willow Street into the right place and at least correct that and see what happens. The only other option to not be trespassers, is to stop plowing the road.

LETHIN- Discussed they should talk to the other property owner first, and ask her if she is willing to negotiate.

MORRISON- Suggested they make Kachemak Street a one way and asked why the city would survey property that was not theirs. He spoke in opposition of paying for the survey and in support of giving the property back to the property owners.

COLBERG- Spoke in support of having Willow Street put in the right place. He spoke in support of having the survey done.

CAMPBELL/ROJAS MOVED TO TABLE THE DISCUSSION TO A TIME CERTAIN AT THE NEXT MEETING WITH INFORMATION THAT IS NEEDED  
VOICE VOTE/UNANIMOUS/MOTION PASSED

### 3. Discussion- City of Seldovia Business License

#### a. Presentation by Staff or Council

CLERK GEAGEL- Discussed that a license and a registration were the same concept and presented a draft ordinance for Seldovia business licenses based on Seward's business license and required an annual fee, proof of a state business license, proof of a valid current KPB sales tax license, proof of an occupational license if applicable, proof of any permits if needed, verification from the city departments that all bills are current and verification from the Kenai Peninsula Borough that all sales and property tax accounts were current. She explained that the penalty was based on the city's general penalty and that it would penalize someone for engaging in a business in city limits without first obtaining a city business license. It has not been introduced yet and the occurrence per penalty could be defined and brought back when it was introduced.

#### b. Council Discussion

ROJAS- Spoke in support of the draft ordinance.

CAMPBELL- Spoke in support of the draft ordinance and asked if the penalty was per day or per occurrence?

CM CAMERON- Suggested they define the penalty per occurrence.

SWEATT- Inquired if people would incur a penalty if they filled the form out wrong.

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

JENNY CHISSUS- Spoke in opposition of the draft business license ordinance. It is a lot of stuff to locate and validate every year and it was bothersome to see, they want to effectively encourage business and it is a whole lot of additional work for the staff and business owner. Realistically if someone was doing business without a license are they going to chase after them for \$300?

PAUL CHISSUS- Stated he was behind business licenses at the last meeting and still is, but it could be simplified. The old business license required a state id and occupational license. He would submit a number that they could look up. It seems like a lot of work.

#### d. Action/Disposition

ROJAS- Discussed that the big reason for business licenses was for billing and when people fill out their zone area and what to charge for water and sewer. Knowing people were current on sales and property taxes would clarify that people in business were paying taxes to the city, the business owner gets the information for the staff.

CM CAMERON- Discussed that having sales and property taxes current was a large part of last council meeting's discussion. She talked to Seward's city manager and the borough and they said it was great information for a business license. She could get a statement from the borough.

MORRISON- Discussed that he was in agreement with the Chissus'- that it was invasive.

ROJAS/COLBERG MOVED TO INTRODUCE ORDINANCE 19-01 AT THE NEXT MEETING  
VOICE VOTE/UNANIMOUS/MOTION PASSED

M. Administration Reports:

1. Treasurer's Report: See Laydown

F/O TAYLOR- Presented the treasurer's report as written in the laydown.

2. City Manager's Report: See Laydown

CM MANAGER- Presented cm report as written in laydown, including the recent water repairs underway, DOT donated cold patch for no charge and the maintenance crew was able to fix the roads saving \$20,000-\$25,000 in material. George is screening sand at the head of Jakolof and Randy is delivering it for him and has done about 90 runs. George and the DOT are appreciative and she is very happy to have that relationship. She has been working with Kevin with Alaska Rural Water Association doing water detection and the source water protection plan. The state keeps score of certain things and being proactive. If a plan is in place it is 15 points, which is high for points and also helps protect the reservoir - their only water source for the community. When they get further they will get a committee and work out the details of the plan. The DEC and State like it and it puts them in a better position to receive funding. The Seldovia Fuel and Lube lease is still going, the ball is in SFL's court right now. The new police officer was there with his family the past weekend looking at properties, once they get their living situation solidified they will be here. Right now, he is working on his days off from Kenai. There was a fire response incident and 12-15 people responded, Andrew was great at directing everyone and it was great to see everyone jump in and get the fire suppressed. She is trying to get their score increased for capital improvement projects with Rural Management classes and is looking for funding for the water line from the reservoir to the plant, as well as the wastewater, if she can get their scores above what they need to be then can start applying, it is a course that staff can be in this fall. In 2016 there was a dam inspection, part of the requirements was to create an O&M manual, she is working on that before the next one is due. There have been a variety of public safety issues she is unable to speak on. Charles with public works is over half way through his water one certification. He jumped right in there and has had pretty much 100% on all his quizzes.

N. Informational Items Not Requiring Action:

1. The filing period for Declaration of Candidacy opens Tuesday, August 14, 2018.

O. Executive Session: None

P. Council and Mayor Comments Concerning Items Not on the Agenda:

LETHIN- Thanked everyone for coming, good meeting.

SWEATT-Thanked all the people who were there and the people who stayed and thanked the staff for all their hard work.

COLBERG- Thanked all those that came and those that stayed. 90% of the state is locked up there is 3% for people to live on and use, land is scarce.

CAMPBELL- Thanked the staff and everyone for coming and participating in the spirited conversation that evening.

MORRISON- Thanked everyone who showed up, it is good to have input and he thanked the staff.

ROJAS- Since moving the meetings up they have been staying longer. She thanked everyone for showing up and the staff. She will be out of town for the next five meetings but will be able to call in.

MAYOR LENT- Stated that he agreed that the public comments should go before the council comments.

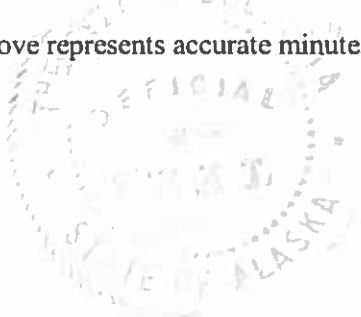
Q. Next Meeting: Regular Meeting will be held on Monday, August 27, 2018 at 6:00 pm

R. Adjournment:

ROJAS/SWEATT MOVED TO ADJOURN AT 9:15 PM

NO OBJECTION/MOTION PASSED

I certify the above represents accurate minutes of City of Seldovia Council meeting of August 13, 2018.



Heidi Geagel  
Heidi Geagel, City Clerk

Approved by Council 08/27/18