

Amended **MINUTES FROM A REGULAR MEETING
OF SELDOVIA CITY COUNCIL
COUNCIL CHAMBERS**

**Monday
July 23, 2018
6:00pm**

| |
|--|
| SWEATT COLBERG CAMPBELL MORRISON ROJAS LETHIN |
|--|

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

STAFF: CITY MANAGER CAMERON
CITY CLERK GEAGEL

- B. Pledge of Allegiance: Held
C. Excused Absences: None
D. Agenda Approval: ROJAS/SWEATT MOVED TO APPROVE TONIGHT'S AGENDA OF JULY 23, 2018
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, June 27, 2018
2. Payment Approval Report: Payment Approval Report 07/01/18-07/31/18
3. Ordinance Introduction: None

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- Presented on events from the previous weekend. SVT hosted the annual Women's Gathering and the Health and Safety Fair. Stephanie and the Linwood put on the annual Fly-In. They were great events that brought a lot of people to town. That coming weekend was the Jakolof Ten Miler, which is a bike and foot race from Jakolof to town. Tania Spurkland is the coordinator with the help of the Jakolof Bay Running Club and donations of business members from the community for prizes. It will be followed by live music on Dean's lawn by Darryl and the Scribs. Concurrently at 2 o'clock there will be a gathering for Maryann Bateman at outside beach, hosted by Michelle. That Saturday evening the Pepper Shaker's will play at the Boardwalk Hotel from six to nine.
I. Committee and Advisory Board Reports: (each member has 5 min)
WALT SONEN- Seldovia Representative for the Cook Inlet RCAC. Over the past month and a half, he took two trips. One was to Anchorage where he toured the Chadux Facility, which is an oil spill cleaning outfit that serves the Cook Inlet and Western Alaska. They primarily deal with product spills, not crude oil. He stated he was very impressed with all the equipment they have on hand. On the same trip they toured the International Bird Rescue and Sanctuary who clean as many as 250 birds in Anchorage. Several weeks ago, they were given a tour by Hilcorp to the west side of Cook Inlet by airplane, to Ladd Landing where they are assembling pipe to transport crude oil across the inlet that is now being transported by tanker.
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 which includes a penalty offense of 300 dollars. The allowable amount is in increments of ten gallons a removal, not to exceed 50 gallons a week.
b. Council Discussion
ROJAS- Spoke in support of the ordinance. People cannot take an excavator and go out, but they can still get gravel for their sanding.
SWEATT- Spoke in support of the Ordinance 18-18.

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

JERE MURRAY- Asked about the beach area term stating landward from the low water line. The state owns below mean high tide and the term should be clarified to mean high tide upwards.

WALT SONEN- Discussed that there was a meeting years ago and it was moved and approved that 5 gallons could be removed at a time.

CM CAMERON- Commented that the amendment could be brought back as defined at the next meeting.

d. Action/Disposition

ROJAS/COLBERG MOVED TO TABLE ITEM ORDINANCE 18-18 FOR DEFINITIONS DEFINED IN THEIR ORDINANCE

VOICE VOTE/UNANIMOUS/MOTION PASSED

K. Unfinished Business: None

L. New Business:

1. Discussion- Scott Ogan Proposal

a. Presentation by Staff or Council

CLERK/GEAGEL- Presented Scott Ogan's presentation in the regular packet, followed by an email of support from the Seldovia Chamber of Commerce and a letter of support from Alaska Coastal Marine. A copy of the deed was received that day and was in the laydown, there was an asterisk by the line stating the intent was for unrestricted public access. Also, in the laydown, was a letter from Scott with changes to the proposal, followed by multiple letters of public comment. One more letter of public comment was at the end of the packet as a late entry. Seldovia Municipal code chapter 6.18 was included in the laydown for the council's reference as it discusses the procedures for lease and the process for negotiated leases.

b. Council Discussion

ROJAS- Discussed that with it written in the deed that it must be devoted to public use and if the property is used for anything other than public it will immediately revert to the grantor it is hard to move forward. She viewed the area proposed with Scott this past week and discussed areas that would not work for her as a citizen and areas that could possibly work that are lower key. She thanked Scott for his fortitude and passion for his project.

CAMPBELL- Inquired if the conveyance had been discussed further with the borough to see if it was set in stone or if it could be changed. Lot 1 was from the borough and lot 2 was from the state. It is not a moot point, until it is known if it is set in stone or if it is able to be changed in the written document. He spoke in support of the Scott's new proposal of a single zip line out of the way.

COLBERG- Discussed that the way he read the conveyance they could not lease out the property, it is all for public use.

MORRISON- Discussed that lot 1 and lot 2 were under the same stipulations. If it is carved in stone they certainly don't want it to revert back, they need to investigate the stipulations to see if they can be broken and then continue the discussion. He spoke in opposition of the proposal for use at the RV Park, it is not the right spot and takes away the aesthetics of the area. He spoke in support of the zip line, just not in that location.

LETHIN- Stated that they could direct the City Manager to find out more information from the borough and bring it back to the council, they need more information and facts. Public land is used for a lot of things where the government leases it out to vendors who provide services.

SWEATT- Spoke in agreement with directing the City Manager to find out the information and bring it back to council. She asked Scott if the zip line project on the hill was a done deal for him and if there was no way to negotiate with FAA.

CM CAMERON- Asked the council to continue the conversation considering the item as if the conveyance could be changed. A tremendous amount of public came out to speak about the item and discussion needs to occur.

MAYOR LENT- Spoke in support of a zip line, the location may not be the best, but a zipline would bring people and business to Seldovia.

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

SCOTT OGAN- Discussed that he had a meeting scheduled the following day with Senator Sullivan's office, FAA, and DOT. There would be a meeting the following week with Senator Stevens office, FAA, DOT, and the City Manager. It is going to take an act of congress to change the airport crossing FAA law, they have been trying for years, this is one example of areas with issues like this across the state. The RV Park proposal is much more reasonable then trying to get an act of congress. If DOT gave him the permit it would be with full knowledge that FAA could state that he could not use the property and he would be given thirty-day notice to get out. He discussed that he did not want to develop something contrary to the values of Seldovia. Zip lines are done in the

most ecologically sensitive areas in the world. It is a way for people who don't live here to see the views and the canopy of the forest and he would do it in the most ecological friendly way. He has revised his original plan to just one zipline, low-impact, no tree houses, and moved into the trees so that the Outside Beach would not be impacted. Lot 1 is the lot he is talking about and he would suggest that it was in alignment with the borough's plans for economic development.

MAYOR LENT called for public comment.

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

STEVE BAINBRIDGE

JENNY CHISSUS, President of the Seldovia Chamber of Commerce

MELISSA PETERSON

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

JOSEPH FLECKENSTEIN

WALT SONEN

STU FELBERG

TANIA SPURKLAND

CINDY MOM, owner of Seldovia Nature Tours

KARI HENDRICH

REBECCA LAMBOURN- Addressed the council regarding the midden sites located in RV Park area.

GINNEY MOORE- Addressed the council regarding the need to research other areas with zip lines like Talkeetna in regards to if the zip lines are as low impact as those areas thought they would be.

d. Action/Disposition

THE CITY COUNCIL DIRECTED THE CITY MANAGER TO FIND OUT FROM THE BOROUGH IF THE CONVEYANCE COULD BE CHANGED AND TO PRESENT THE ISSUE TO LEGAL

2. Discussion- Annexation

a. Presentation by Staff or Council

CLERK/GEAGEL- Presented the information requested by Councilmember Lethin in regards to annexation of the Seldovia Recreational Service area. The Seldovia Recreational Service Area population is 430 and the City of Seldovia Population of 216, which would make the population outside of Seldovia 214. Taxable values for the City of Seldovia and SRSA were on page 34 of the regular packet and it was noted that the SRSA value if it was annexed would be slightly more for the City than it is currently for the borough because the borough offers more tax breaks. The KPB Assessing parcel totals were in the regular packet, and the direct road maintenance costs for the borough which does not include overhead or departmental costs totaled \$50,621.66 were in the laydown.

b. Council Discussion

LETHIN- Discussed that since the information has been gathered it would be up to council whether or not they would like to form a local committee to look and examine further if annexation would make any sense or to just drop it. He spoke in support of the consensus being to drop annexation.

ROJAS- Spoke in agreement with forming a committee, otherwise it is a lot of work to put on the staff. It is a long process and an exasperated process, it would save the city of Seldovia budget wise. It is going to take people dedicating their time and she will not be able to be on the committee. If there is a group of people in town and out of town that do some work towards this direction then it can be put in a file for the future. It would behoove the city if they could annex in.

CAMPBELL- Spoke in agreement with forming a committee, it will be community resources and staff time, but to take any steps past that is probably not in the best interest of the city, as discussed last time it is going to be extremely expensive and take a lot of time. A lot of other communities that have done this have had to hire outside resources that take a lot of money to help them get through the process. Our tiny staff can barely keep up with the demands of the community. He spoke in support of letting it go to committee or letting it die.

SWEATT- Inquired as to who would be on the committee. She spoke in support of letting it go to committee or letting it die. She spoke in opposition of the city staff spending time on this given the fact that they were many more important things to deal with at this time.

MORRISON- Discussed that he thought they were leaning towards annexing Hugh Smiths property first because someone suggested that they go through smaller parcels instead of all the way out to Jakolof.

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

JERE MURRAY- Discussed that he was on the committee regarding the annexation of Hugh Smith's lots with the previous city manager, Tod Larson. It obviously satisfied standards and was the best approach, when someone wants to be annexed, to add taxable values. Hugh will not start the process unless the city provides water and sewer. He spoke in opposition of annexing the SRSA area and instead the city should work to get water and sewer to Hugh Smith's lots.

d. Action/Disposition

NO ACTION WAS TAKEN

3. Discussion- Seldovia Slough Bridge Stairs

a. Presentation by Staff or Council

CLERK/GEAGEL- Presented Mike Welding's Seldovia Slough bridge stairs donation proposal. She spoke with Bridge design with the DOT and they wrote a letter of support for the stairs as they would help with erosion on the bank from foot traffic and weather. The proposal is being passed around DOT Right of Way department right now. It sounds very promising they just do not want the guardrail or bridge touched or changed in anyway or that will mean feasibility studies and more. Danika, her contact with the DOT, stated it looked promising but that they would probably issue a letter of nonobjection instead of an encroachment permit. This is being presented for councils' approval and would be great to have a motion to pursue having the stairs placed alongside the Seldovia slough and an encroachment permit or letter of nonobjection, if the council approves.

b. Council Discussion

ROJAS- Spoke in support of the Seldovia Slough bridge stairs.

SWEATT- Clarified that it was a donation and people would still have to step over the guardrail.

MORRISON- Spoke in support of the Seldovia Slough bridge stairs.

CAMPBELL- Spoke in support of the Seldovia Slough bridge stairs.

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

MAYOR LENT called for public comment.

The following people spoke in support of the Seldovia Slough bridge stairs

SANDY MURRAY

JERE MURRAY

JENNY CHISSUS- Addressed the council inquiring that the stairs do not interfere with the property owner.

d. Action/Disposition

ROJAS/CAMPBELL MOVED TO PURSUE HAVING THE STAIRS PLACED ALONGSIDE THE SELDOVIA SLOUGH AND AN ENCROACHMENT PERMIT OR LETTER OF NONOBJECTION FROM DOT

VOICE VOTE/UNANIMOUS/MOTION PASSED

*** MAYOR LENT CALLED FOR A TEN-MINUTE RECESS AT 7:30PM***

*** MAYOR LENT CALLED THE MEETING BACK TO ORDER AT 7:40PM****

ROJAS/MORRISON MOVED TO SUSPEND RULES TO ALLOW PAULIE CARLUCCIO TO GIVE A REPORT

VOICE VOTE/UNANIMOUS/MOTION PASSED

PAULIE CARLUCCIO- Planning Commissioner, reported to the council recent planning commission activity. She was reappointed for three years to the borough planning commission, so she will no longer be able to attend the regular council meetings since they are held the same night. The commission is making head way on commercial marine and will be able to hopefully present that to council within a couple of months. They have reached a stumbling block on the Cedar Street extension. One owner would like to be paid for any land that would be given for the road and two others may be on the fence. Two property owners of the four lots are for the extension, however unless the city is prepared to pay for the survey and the lots it is not going to happen. In the future, they need to have all the property owner's come together first and present the proposal. The planning commission has been working on this project for two years. The unfortunate thing is that it is private property and they face liability in continuing to plow the road. It is up to property owners if they want to close that path, they have the right to do that. Now that the city knows that it is private property, people can choose to drive on it but that doesn't mean that the city can. The city manager has looked into prescriptive easement and its \$50,000 to \$70,000. The owners don't want to pay for any part of the survey. She asked what does the city want to do for this and in the future? Do they want to start to pay, and to take over the cost of the survey? They kind of have an idea of the property lines because Walt recently had his property surveyed. No surveyor is going to certify something someone else did unless he can check it. The survey quote was around \$12,000.00.

JENNY CHISSUS- Discussed that easement has been happening like a prescriptive easement. Her concern was for her in-laws that live on the street, and if the city is no longer going to maintain or plow the street not just the property owners use the street. People who don't live on that street use it all the time, what will that do to Kachemak Street? Her in-laws want to have access and it adds more value to the city than just for the citizens there. The property owners are willing, they are just not willing to pay. One of issues on the properties is different surveys were done at different times and they don't quite match up. The other question is can you get an as-built, like the road as is versus platted? Then everyone has a starting place to see what is real.

COLBERG- Discussed that someone in the 70's let the street be put in. It is dirt and gravel and was raised because of the water from Lake Susan. Somewhere in a document is an agreement from a previous property owner.

CAMPBELL- Discussed that there could have been an agreement, but not in record books. He stated that the issue needed to be on next agenda to get it sorted out one way or another. It will need to be surveyed in order to know what owners would want for those properties.

4. Discussion- City of Seldovia Business License

a. Presentation by Staff or Council

CLERK/GEAGEL- Discussed the idea of reinstating a more in-depth business license that includes zoning. It had been suggested that it would be a more effective route instead of property registration. She discussed ordinance 17-22 that repealed city business licenses, as well as the City of Seward's business license code and their application, which was a little more in-depth. Reenacting business licenses, ordinance 17-22 could be repealed and the old business license code reinstated or if they want to update the code and make it more comprehensive a new ordinance could be written similar to Seward's.

b. Council Discussion

SWEATT- Spoke in support of the business registration draft in the packet.

LETHIN- Spoke in opposition of a City of Seldovia business license.

MAYOR LENT- Spoke in support of a City of Seldovia business license.

CM CAMERON- Discussed that the biggest reason for having a city business license was as a billing tool for office staff, to know who is seasonal and what services should be billed for commercial customers.

CAMPBELL- Commented that he understood getting more information and it was not going to give any more information at the borough level. He spoke in support of an annual business registration.

ROJAS- Spoke in support of reinstating city business licenses.

COLBERG- Spoke in support of reinstating city business licenses.

MORRISON- Spoke in support of an annual business registration.

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

MAYOR LENT called for public comment.

The following people spoke in support of a City of Seldovia business license.

PAULIE CARLUCCIO

JENNY CHISSUS

PAUL CHISSUS

MARY PEDLOW- Discussed that the business license would not help the borough with collecting sales tax, but that the utility billing needed to be dealt with.

d. Action/Disposition

CONSENSUS OF THE COUNCIL TO DRAFT AN ORDINANCE AND BRING IT BACK

M. Administration Reports:

1. Treasurer's Report: None

2. City Manager's Report: See Laydown

CM CAMERON- Presented her city managers' report as written, including a water treatment plant update. There have been issues with filter one and instead of closing the grant they have requested an extension. There is also a DEC turbidity report requirement that has nine more months until the DEC can sign off. The police position was offered and accepted by her number one candidate, he is checking with his supervisor if he can come down intermittently while he is transitioning to the city. There was a letter included in the laydown with an update on the HEA generator, they are working on the kinks. LED street lights are happening, HEA is asking for patience as they phase out the old lights. Harmony Payton was hired as the new SOCC coordinator, she has a wide variety of ideas and will be attending training in Kenai next month. End of year financials will be presented at the next meeting. She has been back and forth with Seldovia Fuel and Lube and they finally got a draft lease with the terms meet upon in June. She drafted a letter of support for Nor Sea, who are very excited to come to Seldovia and are hoping for the 2019 salmon season. She is working with Kevin with the Alaska Rural Water Association on developing a drinking water source protection plan, which will meet criteria and give them higher points. The KPEDD economic overview is available at the city office and shows a younger business movement happening now. The hazard mitigation people came down and they just finalized the brochure and are developing the Tsunami Ready Plan.

N. Informational Items Not Requiring Action: None

O. Executive Session: None

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

SWEATT- Thanked everybody for being there, just an observation when there is a highly charged emotional subject how many people are there and when it concerns other things nobody is there. Thank you all for coming and Heidi, Cassidi, Jackie, you guys do a great job. Thanks.

COLBERG- Thanked everybody for coming. Steps on the bridge he knows are going to be state approved and donated but it comes down to liability on them and who is going to take care of them. Thanks for all your hard work Cassidi.

CAMPBELL- Thanks everyone for coming. He appreciated the spirited debate and is glad to be there in person and not just a voice on the phone. It is nice to be there and interact, it is a little more fun in person. Thanks again everyone.

MORRISON- Thanked everyone for showing up, it's been a really good meeting and thanks to the staff for the great job you are doing.

ROJAS- Nice to have you here Jeremiah. Thank you all for coming and participating in the meeting, hopefully we will see you next time.

LETHIN- Thanked the staff for their hard work, Cassidi, and Heidi especially for your work getting information on annexation. Hopefully it is helpful to people to have some knowledge about it. Thank you everyone for coming. He also let them know that they no longer have a dental clinic in the community, it has been put away and he would predict that they were not going to find any tenants for the clinic for a long time.

MAYOR LENT- Thank everybody for coming and we will see you next time

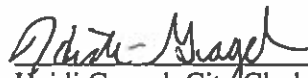
Q. Next Meeting: Regular Meeting will be held on Monday, August 08, 2018 at 6:00 pm

R. Adjournment:

ROJAS/SWEATT MOVED TO ADJOURN AT 8:55PM

NO OBJECTION/MOTION PASSED

I certify the above represents accurate minutes of City of Seldovia Council meeting of July 23, 2018.


Heidi Geagel, City Clerk

Approved by Council 8/13/2018