

**MINUTES FROM A REGULAR MEETING
OF SELDOVIA CITY COUNCIL
COUNCIL CHAMBERS
Wednesday
January 10, 2018
7:30pm**

SWEATT COLBERG CAMPBELL MORRISON ROJAS LETHIN

- A. Call to Order & Roll Call: MEETING CALLED TO ORDER BY ACTING MAYOR ROJAS AT 7:35 PM IN ATTENDANCE; SWEATT, COLBERG, CAMPBELL-telephonic, MORRISON, ROJAS, LETHIN-telephonic
- B. Pledge of Allegiance: Held
- C. Excused Absences: Mayor Lent
- D. Agenda Approval:
SWEATT/COLBERG MOVED TO APPROVE THE AGENDA
VOICE VOTE/UNANIMOUS/MOTION PASSED

ROJAS- Asked the Council to postpone Items H. Ordinance Introduction until after Item N3 to allow the presenters to speak first.
GENERAL CONSENT- THE CHANGE WAS APPROVED WITHOUT ANY OBJECTION

- E. Approval of Minutes: Minutes of the Regular Meeting, December 13, 2017
COLBERG/SWEATT MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING DECEMBER 13, 2017
VOICE VOTE/UNANIMOUS/MOTION PASSED

- F. Treasurer's Report/ Utility Report: None
- G. Voucher/Payroll Report :

ROJAS- Verified that the x-ray registration was annual.
CM CAMERON- Discussed the November HEA bill for the floats had already decreased slightly from the new lights that were installed and came online the last ten days of the month. December's bill should show a much larger decrease. She also discussed that the City will receive a premium holiday from Aetna for the months of February and March, where the City will not be billed or owe for employee insurance.
MORRISON/COLBERG MOVED TO APPROVE THE VOUCHER REPORT
VOICE VOTE/UNANIMOUS/MOTION PASSED

- H. Ordinance Introduction: **POSTPONED UNTIL AFTER ITEM N3.**
- I. Proclamations:
- J. Public Presentation Prior Notice: (each presenter has up to 10 min)

1. Todd Paxton- Cook Inlet Spill Prevention & Response, Inc.

CM CAMERON- Presented for Todd Paxton as he was unable to make it the meeting. She read his letter in the packet donating \$1500 to the new head start program through the school, \$1500 to the Seldovia Arts Council and \$500 to SOS.

WALT SONEN- Discussed that the reasoning behind the donations was that CISPRI had signed a contract with SOS that they would spend \$15000.00 on training with SOS, but they had fallen about \$4000 short in funds. SOS had requested that amount would be donated to a couple of community programs.

2. Shelly Wade- Kenai Peninsula Borough Comprehensive Plan

SHELLY WADE- Discussed that she was part of a large project team that was hired by the Borough to work on this process. The Kenai Peninsula Borough Comprehensive Plan was initiated almost a year ago, late spring it started but had a slower start than anticipated; but had a really great summer and spent the whole summer going to different community events on the Peninsula. They have talked to 2000 people during this process including 600 person surveys, which is a part of the plan to here from the people what is their vision for the Kenai Peninsula Borough. This comprehensive plan process is one the City of Seldovia is familiar with; she has seen the City's fold out plan for

the community, which is a nice easy digestible way to see what the plan is for Seldovia. The KPB plan is a much larger creature. The process is supposed to set out a vision for the Borough with a clear set of goals and also practical strategies and action items that can help guide not only the Borough but community and regional organizations and to municipalities in making their future plans. It really lays out those goals strategies and actions in specific categories that include land use, environment, housing, transportation, education, community facilities, and a pretty robust section on health and social services. Although the plan is required by Alaska Statutes, health and social services are not but because they felt it is such an important part of what is happening today in communities, they put a whole section on economic development and part of that are tourism and fisheries and whole bunch of stuff. This is really meant to be a road map for the Borough and sets some priorities; it is a long term document, 10-15 years out. They are actually developing an implementation short term plan that is not included in the draft plan. The draft plan is out and available for public comment, the comment period will close March 31st. There is a project email and updates going out to anyone who is interested. Input is absolutely critical to the success of the plan, that includes looking at what are the biggest priorities for people, what is missing that should be in the plan, what are the things that really resonate, or are there things in there that you read and have an adverse reaction and feel it doesn't align with Borough wide values. KPB is willing to ship full copies to have at the library. You can submit comments on the website or through snail mail, whatever works best. There are two opposing pieces; wanting services, access to trails and good roads but at the same time not wanting to embrace new growth. They are asking what is best for KPB, where and what types of growth are wanted or not, for instance, fishing, tourism and agriculture.

ROJAS- Spoke in support of having the draft plan at the library.

CM CAMERON- Mentioned that it was also available on the City website.

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

LAUREL HILTS- Discussed the great community events that happened at the end of the year. She gave big thanks to the Swick family for putting on the annual fireworks display and thanked the Fire and EMS and Officer Daniels for standing by during the event. Sage Stanish is representing Susan B English School and the community as an athlete playing basketball; he is traveling and practicing with the team of Nikolaevsk Warriors this year. January does not have any major events on the calendar.

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

HELI HANSEN- Presented for the Sea Otter Community Center. She discussed that she had training with the Borough in December which was great. Most of the rest of December was spent catching up on paperwork. There was a performance by Billy Goat with square dancing that was a big hit; Cindy Mom gave a presentation from her time at St. Paul. Yoga, basketball, and pickle ball still took place. This month she is showing a couple of documentaries, Wild China is the first one, and then later in the month she will show The Ascent of Woman, there will also be soap making, yoga, pickle ball, and basketball. In February, she hopes to bring back the art club, basket weaving and photography. Mark has also planned to start a drone club. She posts on the website and chatterbox.

M. Unfinished Business: None

N. New Business:

1. RESOLUTION 18-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELDOVIA ADOPTING AN ALTERNATIVE ALLOCATION METHOD FOR THE FY18 SHARED FISHERIES BUSINESS TAX PROGRAM AND CERTIFYING THAT THIS ALLOCATION METHOD FAIRLY REPRESENTS THE DISTRIBUTION OF SIGNIFICANT EFFECTS OF FISHERIES BUSINESS ACTIVITY IN FMA 14: COOK INLET

- a. Presentation by Staff or Council
- b. Public Presentation (public has 3 min each)
- c. Council Discussion
- d. Action/Disposition

SWEATT/COLBERG MOVED TO ADOPT RESOLUTION 18-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELDOVIA ADOPTING AN ALTERNATIVE ALLOCATION METHOD FOR THE FY18 SHARED FISHERIES BUSINESS TAX PROGRAM AND CERTIFYING THAT THIS ALLOCATION

METHOD FAIRLY REPRESENTS THE DISTRIBUTION OF SIGNIFICANT EFFECTS OF FISHERIES
BUSINESS ACTIVITY IN FMA 14: COOK INLET
VOICE VOTE/UNANIMOUS/MOTION PASSED

2. Trafficability Recommendation #5- 10.16.015 Parking During Snow- Prohibited—For Council Review

a. Presentation by Staff or Council

CLERK/GEAGEL- Presented a draft ordinance for 10.16.015 Parking During Snow- Prohibited for council review per the acceptance of trafficability item number five at the previous meeting and asked the council to consider if the timeline for snow accumulation was appropriate and what the penalty fee would be for those that do not abide by the code. She has discussed the timeline with maintenance and they stated it was suitable for their needs.

b. Public Presentation (public has 3 min each)

WALT SONEN- Spoke in support of the idea of being tied to a certain depth of snow instead blocking it off completely.

LAUREL HILTS- Discussed that she would hope that it would be at the discretion of the police officer for the fines and that people would be asked to move first.

c. Council Discussion

ROJAS- Asked Officer Daniels that if people didn't move after we always remind them first and they outright refuse to follow directions what he thought the fine should be \$50, \$100, \$150. Unauthorized parking on City land is \$250.

SWEATT- Asked that the City office still call people to ask them to move first. She suggested a \$75.00 fine and one warning.

MORRISON- Discussed that there is only one spot that he has seen be habitual and it's the only place he has seen it happen. How much effort is a couple of warnings?

OFFICER DANIELS- Spoke in support of a \$75.00 fine and one written warning being enough.

CAMPBELL- Spoke in favor of a fine and one warning.

d. Action/Disposition

COLBERG/MORRISON MOVED TO SET THE PENALTY FEE FOR ORDINANCE 18-08 TO \$75.00 DOLLARS WITH ONE WARNING AND MOVED TO INTRODUCE ORDINANCE 18-08 AT THE NEXT MEETING

VOICE VOTE/UNANIMOUS/MOTION PASSED

3. Public Notice US Army Corp of Engineers Application for Permit POA-2015-564 Discussion

a. Presentation by Staff or Council

CM CAMERON- Discussed the Public Notice for the Army Corp of Engineers in the regular packet page 19 along with other items in the laydown. She read the purpose of the permit from the applicant and explained that the comment period ends January 18th, just next week. She spoke with the project manager who wanted to make sure that any comment made should be based on what they are evaluating on page five of the permit packet. She would like the Council to discuss these after public comment, there are a couple issues that are City related, part of the project is in City limits, specifically part of the proposal is to fill in the right of way on Backer's lane, and it appears some of the proposed work would go beyond their property lines and into the City's tidelands, the City does manage and own the tidelands up to the City limits line. She would like the Council to discuss these items and decide if they would like to submit an official comment with the Army Corp of Engineers. She informed the public that if they would like their comments to be verbatim in the minutes to please let the City Clerk know or else she will summarize.

ROJAS- Requested the public keep their comments to the facts and the issues that they find of concern for themselves and the City.

b. Public Presentation (public has 3 min each)

VALISA HIGMAN- Introduced herself and stated her address at 3 mile, 119 South Boone, but she owns property close to Backer's island. She discussed that the evaluation states the road is needed for erosion control, she has lived near the island her whole life, and the shape of the island has not changed in that time. It is a bedrock island and not eroding on the inside projected waters side of the island. The property owner had cut off the access to her property, the only access she has now is through the tidelands around Backer's Island, if he extends his road

further out into the tidelands and around Backer's Island she will have no land access to her property, which means her only access would be by water, which is her primary access now, the current and wind on the backside of Backer's Island can get very severe and pick up very quickly and if she is on her property on Schooner Beach she can be prevented from getting home, not having any access will make it very dangerous for her. When the tide is high on the backside of Backer's Island she cannot walk around it anyways, it's only a low tide access at this point. By granting him access to his property it will prevent her access to hers. Tom Beck another property owner on the island is trying to address the Army Corp because the right of way is his only access to his land.

WALT SONEN- Discussed that the City should emphasize the existing right of way over the isthmus that is historical, there was a cannery in 1915, and was used by him personally for 40 years or more and the land owner has blocked that since he has been active out there. The proposed road that he wants to put in encroaches on the public sector; will that become a public road? He stated that he did not think it was necessary and why he says what he wants to do it is quite a stretch. He would suggest the road going directly up the island and not into the public sector and the couple sections that are not his property.

LISA STANISH- Discussed that the road he wants to create permanently is accessed by a private road across his property then moves on to a public road and if it continues to be a permanent road it takes away public lands and the tidelands that belong to the City. Allowing this permit to go through is basically giving away your tidelands so that he can have a private road access. A private road to a public road doesn't make any sense and is not very fair to take away City public land, and taking away access from somebody who needs that access to reach their property. Historically the permittee has closed off their lands; if he really wants to work with the community and the City she suggested he makes Precious Earth Parkway a permanent public easement. His reason for wanting the land to build his road are not necessarily accurate there are three cabins that have been built on that island in the last fifteen years, that were built without a road. It is completely feasible to build on the island without a road. Her other concern is the other landowners, he is not the only landowner on Backer's Island, are they aware of what is happening? Are they concerned this temporary road that was built outside of the permitting process and given permits after the fact. She questioned if the Corp was required to inform the other landowners of what is going on and requested the Council ask the Corp. They will no longer own an island but a spit of land that has value on their property, and a potential negative value.

SACHIKO SCOTT- Discussed that she was concerned with the intertidal shoreline habitat disturbance and that the Corp person does not have to visit the site before they make a decision. She stated she did not think there was much erosion control needed for the island and asked if there was concern about having rocks dumped on the City sewer pump station over there on the beach.

STEVE STANISH- Mentioned that on page 20 under proposed work they called it a 630 foot long permanent access road to Backer's Lane.

c. Council Discussion

CM CAMERON- Reread the items for discussion on page five of the permit packet at Council's request. She suggested they discuss what's happening inside City limits on their tidelands and where it will wrap around to Backer's Lane which is the City's right of way. It does state that it is a road on page 20 and that in addition he wants to put in shot rock and material to be used as stabilization. It should be discussed where a large amount of material would be placed in front of the right of way and that no one can block a right of way. The other issue to discuss is the utilities. Water and sewer run back in forth to the island and its cabins. Last year it was difficult when maintenance had to fix a problem, if it was buried how would they maintain it? Katie with the Army Corp mentioned it would be helpful to discuss the alternatives on page three as well and if any would be viable. Based on your history and experience would a dock or a road up the isthmus on to his property be viable?

ROJAS- Suggested that the public make a comment on those items as well if they had not already done so. Requested the Council started with the discussion on conservation and economics. She has lived here 44 years and tourists come and look for a pristine environment. A rock wall is not pristine and one that they would regret. Aesthetics is a huge component and quality of life and goes hand in hand with economics. She spoke in agreement with Campbell and was astonished that they were on the same level of not being able to understand the maps provided, that is why Council and public input is much needed. She asked if fish and wildlife were a concern. Erosion was not an issue, there are two little places sloughing a little bit off, 707 feet of erosion is a bit out of range, somebody not on the ground reading this report would think the island is eroding away. The island is bedrock, he says erosion, but he has to blast. It will be an issue for kayakers and walkers to discern whose land they are on. There are enough problems maintaining the water and sewer lines without a 30 foot wall sitting on top of them. For alternatives Item #2 was the only one that really made sense, instead of all rock along the

shoreline, he could go up the utility to Backer's Lane. She did not know if the trees were tested, but doubted they were 200 years old as it has been cleared for logging over the years.

COLBERG- Stated that it needed to be clarified if this was a road or a driveway. If it is a road they need a legal description if it is public or private. They cannot deny anyone access to their land and cannot block a right of way. For alternatives number one is on someone else's property, number two would be cheaper.

MORRISON- Spoke in agreement with everyone and asked why they would put the road in front of the island when it will just slough off into the bay, and he could drive right up the island instead. He asked if it would be public or private and who would maintain it if he builds in the tidelands and it ends at the City's right of way. Once it sloughs off, access to walk around will have to be at very low tides or people will be climbing over slough. He stated he would like to direct the City Manager to ask questions of the Army Corp. As for economics it could be a very nice large hotel and bring in cruise ships. It could also be aesthetically beautiful, but will not stay as it will just vibrate off. Number two would be the best alternative and he would take the 200 year old trees if the applicant wanted, the blasting would be good rock to build the road.

CAMPBELL- Discussed that on page three of the applicants proposal he states "where possible" which is fairly alarming when you look at the drawings, they cannot make any decisions with that language and need an engineer to track where it is at, in or outside of property lines. He understands the concept but a lot more work needs to be done before the Army Corp knows exactly what's being done and what they are agreeing too. It is interesting the survey easements are not a part of Backer's Island. The applicant wants to fill all the way around and into the easements. The original road was constructed before any permits were given. He would be in favor of the City Manager asking legal to assess the City's current disposition of the City's tidelands.

LETHIN- Discussed that he would like the permit to go to EPA and Fish and Game. He stated he had absolutely no interest in the City disposing of its tidelands.

SWEATT- Discussed that she did not know why tidelands should be given up and that it was not right to cut off others access. She asked if there was still enough time to ask for a public hearing with comments closing on January 18th.

d. Action/Disposition

MORRISON/COLBERG MOVED TO DIRECT THE CITY MANAGER TO MAKE AN OFFICIAL COMMENT WITH THE ARMY CORP OF ENGINEERS AND TO REQUEST A PUBLIC HEARING

ACTING MAYOR ROJAS CALLED FOR A FIVE MINUTE RECESS AT 9:15PM

ACTING MAYOR ROJAS CALLED THE MEETING BACK TO ORDER AT 9:20PM

H. Ordinance Introduction:

1. ORDINANCE 18-06 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA, AMENDING TITLE 8 HEALTH AND SAFETY SECTION 8.12.120 DUMPING ON PUBLIC PROPERTY AND TITLE 1 GENERAL PROVISIONS SECTION 1.08.040 CODE SECTION 8.12.120 TO INCLUDE PRIVATE PROPERTY

a. Presentation by Staff or Council

CLERK/GEAGEL- Discussed that Ordinance 18-06 will amend code section 8.12.120 Dumping on Public Property to now state 8.12.120 Depositing on Public and Private Property and amends the code that addresses the penalty in the Uniform Minor Offense table in Title 1 to include private property.

b. Public Presentation (public has 3 min each)

c. Council Discussion

CAMPBELL- The word safety in the title needs corrected

d. Action/Disposition

COLBERG/SWEATT MOVED TO INTRODUCE ORDINANCE 18-06 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA, AMENDING TITLE 8 HEALTH AND SAFETY SECTION 8.12.120 DUMPING ON PUBLIC PROPERTY AND TITLE 1 GENERAL PROVISIONS SECTION 1.08.040 CODE SECTION 8.12.120 TO INCLUDE PRIVATE PROPERTY
VOICE VOTE/UNANIMOUS/MOTION PASSED

2. ORDINANCE 18-09 A NON-CODE ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA, AMENDING THE FY17 BUDGET BY ALLOCATING FUNDS THROUGHOUT SPECIFIED CLASS LINE ITEMS FOR FISCAL YEAR 2017

a. Presentation by Staff or Council

CLERK/GEAGEL- Discussed that this was a housekeeping item to clean up the FY17 budget to include various unanticipated expenses as well as the \$55,000 purchase of the Caselle software program and its one years' worth of software support.

b. Public Presentation

c. Council Discussion

d. Action/Disposition

SWEATT/COLBERG MOVED TO INTRODUCE ORDINANCE 18-09 A NON-CODE ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA, AMENDING THE FY17 BUDGET BY ALLOCATING FUNDS THROUGHOUT SPECIFIED CLASS LINE ITEMS FOR FISCAL YEAR 2017
VOICE VOTE/UNANIMOUS/MOTION PASSED

3. ORDINANCE 18-07 A NON-CODE ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A RENTAL LEASE AGREEMENT FOR THE RETAIL BUILDING LOCATED ON LOT 1, BLOCK 5, WATERFRONT RESUBDIVISION NO.1 WITH THE SELDOVIA FUEL AND LUBE INC. – Possible Executive Session

a. Presentation by Staff or Council

CM CAMERON- Discussed that the Fuel and Lube Station has been under an agreement at some point for the building. Right now there is no agreement recorded at the recorder's office. This is another housekeeping item to get something in writing. She would like to discuss the specific terms she is proposing in the draft of the lease so that she can move forward with Fuel and Lube.

b. Public Presentation

c. Council Discussion

SWEATT/COLBERG MOVED TO ENTER INTO EXECUTIVE SESSION FOR MATTERS, THE IMMEDIATE KNOWLEDGE OF WHICH WOULD CLEARLY HAVE AN ADVERSE EFFECT UPON THE FINANCES OF THE CITY TO DISCUSS PRICE AND TERMS OF PROPERTY THAT WILL BE OFFERED FOR LEASE, PUBLIC KNOWLEDGE REGARDING SUCH, OR THE TERMS THEREOF, WOULD CAUSE A LIKELIHOOD OF DECREASED PRICE OR LESS FAVORABLE TERMS AND INVITED IN STAFF AT 9:26PM

VOICE VOTE/UNANIMOUS/MOTION PASSED

SWEATT/MORRISON MOVED OUT OF EXECUTIVE SESSION AT 9:47PM

VOICE VOTE/UNANIMOUS/MOTION PASSED

NO ACTION WAS TAKEN

d. Action/Disposition

SWEATT/COLBERG MOVED TO INTRODUCE ORDINANCE 18-07 A NON-CODE ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A RENTAL LEASE AGREEMENT FOR THE RETAIL BUILDING LOCATED ON LOT 1, BLOCK 5, WATERFRONT RESUBDIVISION NO.1 WITH THE SELDOVIA FUEL AND LUBE INC.

VOICE VOTE/UNANIMOUS/MOTION PASSED

O. Informational Items Not Requiring Action:

1. Jane Boer- Parliamentary Procedures Training- Tentative Schedule

2. FY19 Budget Cycle Timeline

P. City Manager's Report: See laydown

CAMPBELL- Discussed that he would like HEA to be approach about exploring the option of changing out the street lights for LED lights.

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

SWEATT- Thanked everybody that came and left, all the comments, Laurel for hanging in there and the ladies in the office for all the good work you are doing.

COLBERG- Thank you Laurel and the folks who couldn't stay and you ladies in the office thank you for doing a great job running our City.

CAMPBELL- Thanked everyone and encouraged the council as individual citizens to comment on the Backer's Island proposal as well.

MORRISON- Thank you everyone for coming, it's nice to see a touchy subject be dealt with civilly. He is proud to be a council member, thank you.

LETHIN- Thanked everyone. He gave an update on some of the things he has been doing, he had a meeting with Tony Cange with SNA last week about Red Mountain road and what the guard can do for them to get them engaged and hopefully pursuing get the guard involved. He also had lunch with Ron Duncan the president of GCI to talk about improving cell phone and internet services in Seldovia, to get it on his radar, and got him to commit to coming to Seldovia next summer.

ROJAS- Also encouraged the Council and private citizens to respond to the proposal. She will not be present at the next Council meeting but she should be able to call in. She is also proud to be a Council member and thinks they are on a positive track. She thanked the Council, all the staff, and the public that shows up.

R. Next Meeting: Regular Meeting will be held on January 24, 2018 at 7:30 pm

S. Adjournment:

COLBERG/MORRISON MOVED TO ADJOURN AT 10:05 PM
VOICE VOTE/UNANIMOUS/MOTION PASSED

I certify the above represents accurate minutes of City of Seldovia Council meeting of January 10, 2018.



Heidi Geagel, City Clerk

Approved by Council 01/24/2018