

Seldovia City Council

*Wednesday  
June 13, 2018  
7:30pm*

NEVER DOUBT THAT A SMALL GROUP  
OF THOUGHTFUL COMMITTED CITIZENS  
**CAN CHANGE  
THE WORLD;**  
INDEED, IT IS THE ONLY THING THAT EVER HAS.

Regular Meeting  
Multi-Purpose Room



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

**Wednesday  
June 13, 2018  
7:30pm**

CAMPBELL MORRISON ROJAS LETHIN SWEATT COLBERG
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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: None
  - 2. Payment Approval Report: None
  - 3. Ordinance Introduction: None
- F. Mayoral Proclamations:
- G. Public Presentation Prior Notice: (each presenter has up to 10 min)
  - 1. KPB Assembly Member- Willy Dunne
- H. Public Presentation for Items not on Agenda: (public has 3 min each)
- I. Committee and Advisory Board Reports: (each member has 5 min)
- J. Public Hearings:
- K. Unfinished Business:
- L. New Business:
  - 1. Application for Reappointment of Paulette Bokenko Carluccio to the Kenai Peninsula Borough Planning Commission (move to approve)
    - a. Presentation by Staff or Council
    - b. Council Discussion
    - c. Public Presentation or Hearing (public has 3 min each)
    - d. Action/Disposition
  - 2. Discussion- Public Notice US Army Corp of Engineers Application for Permit POA-2017-271- Pebble Project DRAFT LETTER AND RESOLUTION
    - a. Presentation by Staff or Council
    - b. Council Discussion
    - c. Public Presentation or Hearing (public has 3 min each)
    - d. Action/Disposition
  - 3. Discussion- 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
    - b. Council Discussion
    - c. Public Presentation or Hearing (public has 3 min each)
    - d. Action/Disposition
  - 4. Discussion- Seldovia Petition to the Local Boundary Commission
    - a. Presentation by Staff or Council
    - b. Council Discussion
    - c. Public Presentation or Hearing (public has 3 min each)
    - d. Action/Disposition

5. Discussion- Tidelands Application Approval

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

6. Discussion - Clinic Space Allocation

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

7. Discussion- Police Position

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

8. Public Safety Contract

- 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:
2. City Manager's Report: See Laydown

N. Informational Items Not Requiring Action:

1. After the next council meeting Wednesday June 27, 2018 at 7:30pm regular council meetings will be held Mondays at 6pm.

O. Executive Session:

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

Q. Next Meeting: Regular Meeting will be held on June 27, 2018 at 7:30 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  
June 13, 2018**

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Page 7	Seldovia Petition to the Local Boundary Commission: Council Member Lethin
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Page 9-11	Tidelands Permit Application- DRAFT
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**NOTES:**

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Paulette Bokenko Carluccio  
PO Box 116  
Seldovia, AK 99663

May 31, 2018

Mayor and Council  
City of Seldovia  
PO Drawer B  
Seldovia, AK 99663

RE: Application for Reappointment to the Kenai Peninsula Borough Planning  
Commission as the City of Seldovia Representative

Dear Mayor and Council,

Please accept this letter as my application for reappointment to the Kenai Peninsula Borough Planning Commission as the City of Seldovia Representative. I have served in that capacity for the past twelve years. During that time, I have familiarized myself with KPB Planning Codes and willingly spent the time and effort necessary to learn what I needed to in order to be an effective commissioner.

Additionally, I have a Bachelor of Science degree in Management from Rutgers University of New Jersey. I own and operate a small business in Seldovia; serve on the Board of the Seldovia Chamber of Commerce and Chair the Seldovia Planning and Zoning Commission. I am a registered voter, property owner and resident of Seldovia.

It has been an honor to serve on the Kenai Peninsula Borough Planning Commission and I respectfully request reappointment.

Thanking you in advance for your consideration, I am

Respectfully yours,

  
Paulette Bokenko Carluccio

**CITY OF SELDOVIA**

**RESOLUTION 18-15**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA  
STATING CONCERN FOR THE PROPOSED PEBBLE PROJECT, PERMIT  
APPLICATION POA-2017-271, U.S. ARMY CORPS OF ENGINEERS REGULATORY  
DIVISION**

**WHEREAS:** the salmon runs are an intricate and vital part of the Alaskan and Seldovian economy, culture and overall way of life; and

**WHEREAS:** Seldovia as a whole is a fishing community and the families and community of Seldovia depend greatly on the fishing habitat being preserved for commercial, sports, and subsistence use; and

**WHEREAS:** the City Council of the City of Seldovia states their concerns for the Seldovia fishing families of Bristol Bay and all the fishermen of Bristol Bay and the Cook Inlet that would be economical devastated should any damage occur to the world renowned fishery of Bristol Bay; and

**WHEREAS:** the City Council of the City of Seldovia requests the U.S Army Corp of Engineers Regulatory Division explore all alternatives during the EIS scoping process; and

**WHEREAS:** the City Council of the City of Seldovia requests the U.S Army Corp of Engineers Regulatory Division insure that appropriate mitigation procedures are a priority for the project and in place in case of any and all emergencies.

**NOW, THEREFORE, BE IT RESOLVED THAT:** the City Council of the City of Seldovia, Alaska; states their concern for the proposed Pebble Project, Application POA-2017-271, U.S. Army Corps of Engineers Regulatory Division.

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

ATTEST:

APPROVED:

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

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



**CITY OF SELDOVIA**

**ORDINANCE 18-18 amended**

**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**

**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 11.06 CITY LAND EXCAVATION:**

**Title 11**

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

**Chapters:**

- 11.04 Street Excavation
- 11.06 City Land Excavation
- 11.08 Sidewalks
- 11.12 Park Land
- 11.13 Camping Regulations
- 11.14 Violations and Penalties
- 11.16 Cemetery Advisory Commission

## Chapter 11.06 City Land Excavation

### Sections:

- 11.06.010 Intent.
- 11.06.020 Definitions.
- 11.06.030 Removal—Prohibited.
- 11.06.040 Permitted.
- 11.06.050 Violation—Penalties.

**11.06.010 Intent.** It is the intent of this chapter to protect and preserve the stability of all the City- Owned land areas and beach areas which may require like protection.

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

“Beach area” means the zone of sand, gravel and other unconsolidated materials that extends landward from the low water line to the place where there is a marked change in material or physiographic form.

“Dredge material” means earth, sand or gravel that is removed from below the low water line in City harbor.

“Excavation” means the digging out and removal of gravel or other fill materials whereby any existing surface grade is altered or disturbed.

“Removal” means the movement by lifting, pushing aside or taking away or off of any gravel or other fill materials from any area subject to the provisions of this chapter.

**11.06.030 Removal-- Prohibited.** A. The removal or excavation of gravel, gravel fill or other fill material from any beach area or from any portion of City-owned land shall be regulated by the City.

B. The removal or excavation of gravel, gravel fill or other fill material by machinery from any beach area city-owned shall be prohibited except as provided in SMC 11.06.040.

**11.06.040 Permitted.** A. This chapter shall not apply to the removal or excavation of gravel, gravel fill or other fill material from any beach or from any portion of the City-owned land by the City of Seldovia.

B. This chapter shall not apply to dredge material placed or stored on City-Owned Land by the City of Seldovia. The City may provide for the use and disposal of such dredge material in the following order of priority, with all proceeds from sales of dredge material being deposited in the port/harbor enterprise fund:

1. Replacement of material removed from City beaches by storms or erosion.
2. Fill to improve City-owned land and beaches.
3. Sale for use as fill on privately owned or leased property.
4. Emergency repairs of erosion.

C. Gravel, gravel fill or other fill material may be removed for personal use, in increments smaller than ten gallons a removal, not to exceed fifty gallons a week.

**11.06.050 Violation—Penalties.** Any excavation or removal of gravel, gravel fill or fill material not permitted 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 4. MINOR OFFENSE TABLE 1.08.040**

11.06.060	Excavation or removal of gravel or fill	\$300.00
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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:                   Rojas-  
Colberg-               Lethin-  
Campbell-             Sweatt-  
Morrison-

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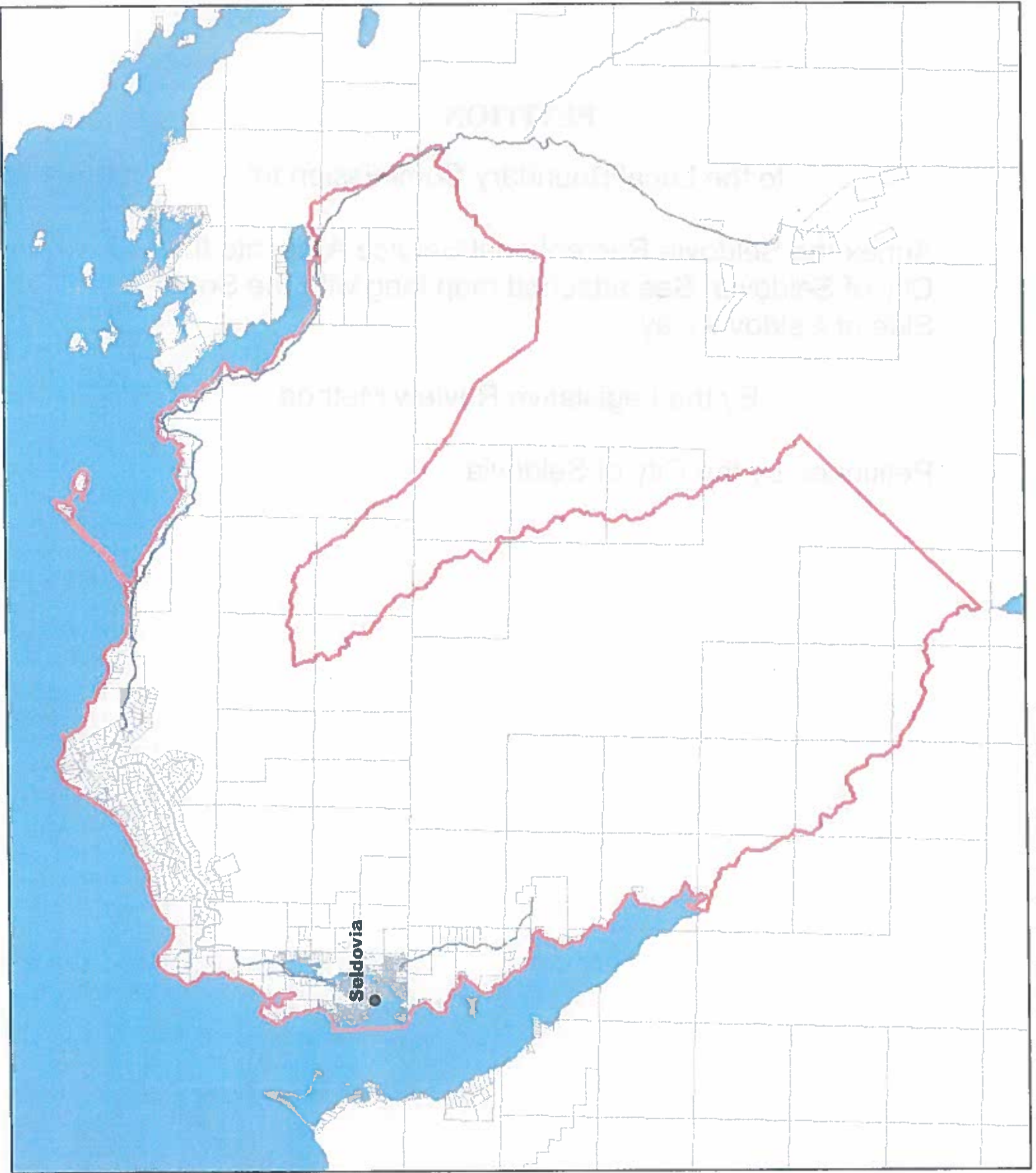
**PETITION**

to the Local Boundary Commission to

Annex the Seldovia Recreational Service Area into the City of Seldovia. See attached map long with the South Side of Seldovia Bay.

By the Legislative Review Method

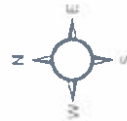
Petitioned by the City of Seldovia



**Seldovia  
Recreational  
Service Area**

Map Date: 9/16/2015

- Major Road
- State Highway
- Water



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.





## City of Seldovia

P.O. Drawer B, Seldovia, Alaska 99663  
Phone: (907) 234-7643, Fax: (907) 234-7430  
email: [cityclerk@cityofseldovia.com](mailto:cityclerk@cityofseldovia.com)  
website: [www.cityofseldovia.com](http://www.cityofseldovia.com)

### TIDELAND PERMIT APPLICATION

(Must be accompanied with \$250 non-refundable fee)

#### INSTRUCTIONS:

1. Print or type requested information. Incomplete applications will delay issuance of the permit. **Tideland Permits are \$250. All permits are subject to approval by City Council.**

2. Prior to the placement of any improvements on City-owned tidelands the Applicant must request a Tidelands Permit from the City of Seldovia per Chapter 14.16 of the Seldovia Municipal Code (SMC).

3. Applicant shall submit with the Tideland Permit Application the permit fee, a location map of the proposed improvements, and all applicable State and Federal permits. A Tideland Permit Application will not be considered complete without proof of applicable State and Federal permits.

4. The Applicant will be responsible for all construction and maintenance of the improvements contained on City tidelands. The Applicant is responsible for obtaining all applicable State and Federal permits. Once the improvements are in place, the applicant must submit an as-built showing the location of all improvements. It will be the responsibility of the applicant to remove, move, or provide additional infrastructure if any development, including fill, is to occur on City tidelands.

**SMC 14.12.020 Protection of fish and game.** Prior to any construction or development by any persons or governmental agency that will use, divert, obstruct, pollute or utilized any of the waters of the state or materials from such water areas, the Commissioner of the Alaska Department of Fish and Game shall be notified and a letter of approval obtained by the applicant pursuant to Chapter 94, Article I, Section 31, SLA 1959, as amended. (Prior code Sec. 15.025)

**SMC 14.16.030 Tideland permit--Purpose.** The City Council may issue permits for the use and/or improvement of city-owned tidelands. Council shall give such preference to the use of the land as will be of greatest economic benefit to the City, provided that first preference shall be granted to the upland owner over other nonpreference applicants for the use of tideland and contiguous submerged land seaward of the upland property and which is needed by such owner for the purpose or purposes for which it may be granted. (Prior code Sec. 15.170)

**SMC 14.16.040 Tideland permit--Application.** Application for a tideland permit shall be submitted to the City Manager. The City Manager shall submit the application to the City Council for their approval or disapproval. Whereupon, Council may, with or without a public hearing or posted notice, grant or reject the requested permit. (Prior code Sec. 15.175)

**SMC 14.16.050 Tideland permit--Duration.** A. Permits issued shall not exceed five years in duration, but are renewable at the option of the City Council. All permits shall be revocable when used contrary to the conditions under which they are granted, or when Council in its judgment determines that the best interest of the City would be served by revocation. If any permit expires or is revoked, all improvements place on the tide or contiguous lands shall be removed by the permittee within sixty days; provided, however, that the City Manager may extend the time for removing such improvements in cases where hardship is shown. A permittee may, with the consent of the City Manager, sell his improvements to any succeeding permittee.



# City of Seldovia

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Phone: (907) 234-7643, Fax: (907) 234-7430  
email: cityclerk@cityofseldovia.com  
website: www.cityofseldovia.com

## APPLICANT INFORMATION

Applicant (please print): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

## PERMIT INFORMATION

TYPE OF PERMIT REQUESTED: Preference Right  Lease  Utility Easement  Right of Way

Detailed Description of Improvements: \_\_\_\_\_  
\_\_\_\_\_

Itemized Value of Improvements: \_\_\_\_\_  
\_\_\_\_\_

Legal Description of Tidelands: \_\_\_\_\_  
\_\_\_\_\_

Are you the uplands Owner: \_\_\_\_\_ If yes what is the legal Description: \_\_\_\_\_

Desired Construction Start Date: \_\_\_\_\_

Anticipated Construction End Date: \_\_\_\_\_

## BEFORE SUBMITTING THIS APPLICATION HAVE YOU:

Provided all required documentation?

Attached an application fee?

Signed application?

Site Plan Attached?:

*Note:* The City of Seldovia reserves the right to return incomplete applications or require additional information.

## APPLICANT CERTIFICATION

*By the signature(s) attached hereto, I (we) certify that the information provided within this application and accompanying documentation is, to the best of my (our) knowledge, true and accurate.*

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name and Title: \_\_\_\_\_

## FOR CITY USE ONLY

DATE RECEIVED: \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_

RECEIPT NO: \_\_\_\_\_

APPROVED: \_\_\_\_\_ DENIED: \_\_\_\_\_

IF YOU HAVE ANY QUESTIONS, CONTACT THE CITY OF SELDOVIA 907-234-7643





## City of Seldovia

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website: [www.cityofseldovia.com](http://www.cityofseldovia.com)

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1. **“EASEMENT”** means a non-possessory interest in city land that entitles the holder to a specified limited use. A Council resolution authorizing the easement shall be required before the City Manager may grant an easement except that a resolution shall not be required if the easement is necessary for the development of a service area improvement or city facility; or city land that is subject to a cooperative easement agreement.
3. **Access Easement:** At the Grantee’s own expense, a Public Access Easement must be surveyed and comply with the survey, monumentation, platting and construction requirements contained in the borough subdivision ordinances.
4. **Public Utility Easement:** The City of Seldovia may grant a utility easement only if there is not an existing easement suitable for the purposes for which the easement is sought. A public utility easement is not exclusive and the City will retain the right to allow other uses of the easement. The City will retain the right to require utility users to enter into maintenance agreements with the original easement holder. The Grantee at their own expense must survey and map the public utility easement. The length of time a utility easement will be granted for a period of time that is reasonably related to the useful life of the particular improvements and will be conditioned on a continued need. A utility easement may be revoked and revert to the city if it is abandoned or no longer in use.

DRAFT





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# MOVING PLAN AND SPACE DISPOSITION OF SPACE ALLOCATION FOR CLINIC SPACE

APRIL 11<sup>TH</sup> REGULAR CITY COUNCIL MEETING, COUNCIL MOVED FOR THE CITY MANAGER TO BRING A PLAN TO  
COUNCIL FOR CONSIDERATION





## MOVING PLAN AND SPACE DISPOSITION OF SPACE ALLOCATION FOR CLINIC SPACE

- Clinic Expense History:
  - FY2014: \$8,407.00
  - FY2015: \$8,755.00
  - FY2016: \$7,186.00
  - FY2017: \$6,655.00
  - FY2018: \$6,505.00
  - FY2019: \$9,030.00
  - TOTAL \$46,538
- Facility has been used as clinic space, dental space for over 40 years. There have been rents received in the past – anywhere from \$150/month - \$200/month or \$2.00/foot (Stranik 1980s), but most recently, \$0 funds have been received or contracts have not had a monetary compensation to the City.
- Approximate Square Footage: 2300



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### Options:

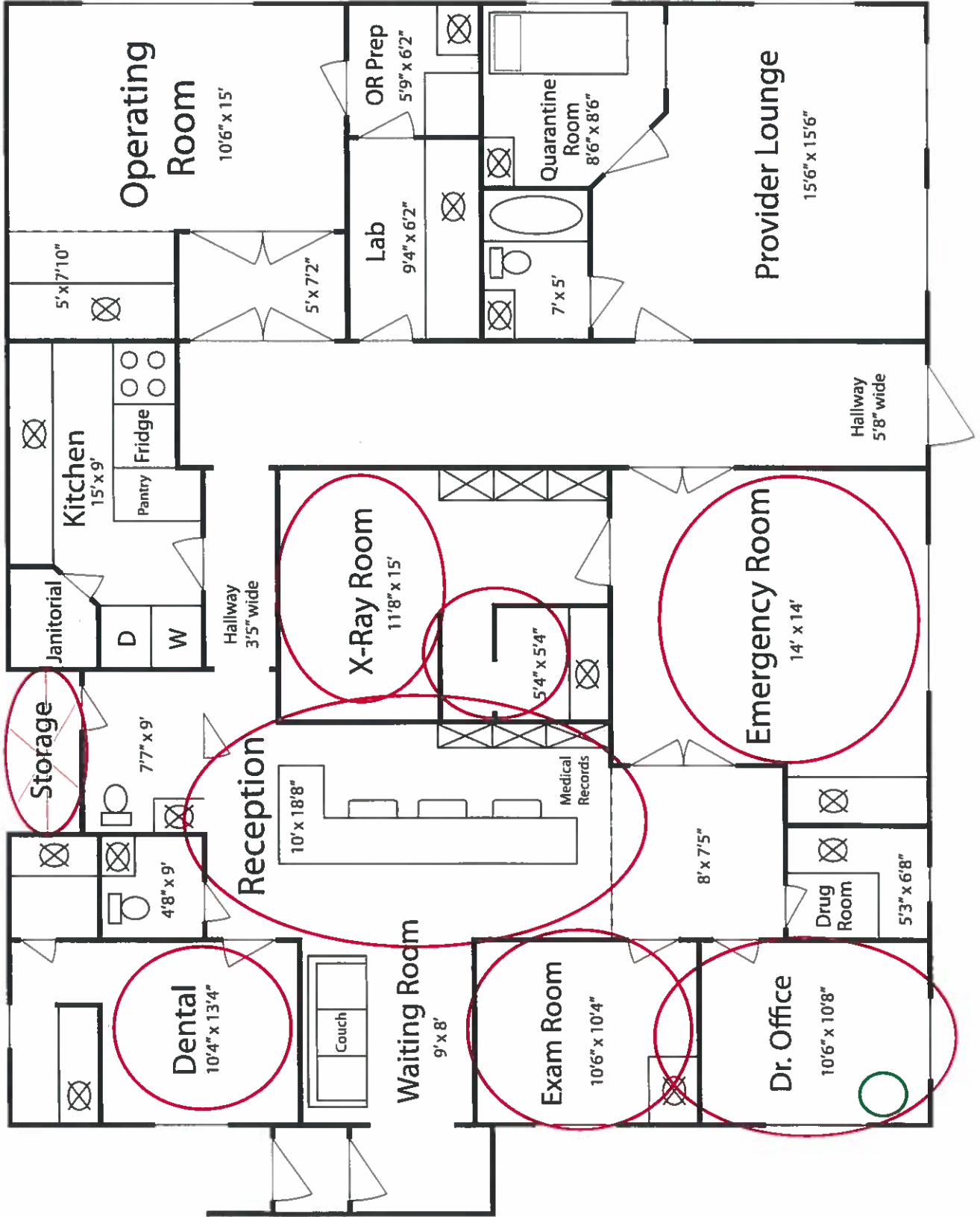
- #1 Continue to have space available for Homer Public Health, Local Dentists, additional health related services for use- free of charge. City Office handles scheduling, cleaning, maintenance of space; City continues to assume overhead expenses.
- #2 Convert part of space (Provider Lounge) into living quarters for Temporary contract police individuals; City continues to assume overhead expenses.
- #3 Liquidate City equipment and property; use these funds to put back into clinic space for renovation, lease out space to potential tenants (possible opportunity with a local, longstanding service). Revenues for lease would go into the General Fund; possible revenues could be up to \$45,000 annually based on \$1.63/foot; at \$2.00/foot = \$55,200.00 annually.

MOVING PLAN AND SPACE DISPOSITION OF SPACE  
ALLOCATION FOR CLINIC SPACE





# Seldovia Medical Clinic





**ALASKA DEPARTMENT OF PUBLIC SAFETY  
CONTRACT FOR SPECIAL SERVICES**

**July 1, 2018 to June 30, 2019**

**GENERAL PROVISIONS**

**The parties.** The parties to this contract are the Alaska Department of Public Safety (hereinafter referred to as the "Department") and the City of Seldovia (hereinafter referred to as the "City").

**Sole Agreement.** The City and the Department undertake this contract under the terms set forth below. This contract is the sole agreement between the parties relating to special services, and there are no other agreements, express or implied.

**Effective Date/Termination/Amendments.** This contract is effective July 1, 2018 and continues in force until June 30, 2019. Either party may terminate the agreement with thirty (30) days written notice to the other party. This agreement may be amended by written agreement of the parties.

1. The Department will pay the City for services provided in accordance with, and under the terms of, this contract. Payments will be made quarterly in the amount of \$5,000.00, for a total of \$20,000.00. Payment for services provided under this contract will be made in four payments in the amount of and covering the period indicated below:

<b>Period Covered</b>	<b>Amount</b>	<b>Payment Process Can Be Initiated</b>
07/01/18 - 09/30/18	\$5,000.00	10/01/18
10/01/18 - 12/31/18	\$5,000.00	01/01/19
01/01/19 - 03/31/19	\$5,000.00	04/01/19
04/01/19 - 06/30/19	\$5,000.00	06/01/19
<b>12 Month Total</b>	<b>\$20,000.00</b>	

2. The City will provide and perform the services specified in this contract to the satisfaction of the Department, in support of Department personnel and operations.

**SPECIAL PROVISIONS**

3. The City will:
  - a. services in the Greater Seldovia Region that would otherwise normally be performed by Department personnel, i.e.: criminal investigations, traffic enforcement, search and rescue, process service, prisoner transport and care, intelligence gathering, agency assists, property/evidence

**ALASKA DEPARTMENT OF PUBLIC SAFETY  
CONTRACT FOR SPECIAL SERVICES**

**July 1, 2018 to June 30, 2019**

preservation and handling, court appearance, etc. Traffic enforcement means addressing a specific traffic enforcement problems or complaints identified by the Department, City, or the public on a case-by-case basis. Search and Rescue does not include marine (Cook Inlet, Kachemak Bay, Gulf of Alaska, Seldovia Bay) search and rescues.

- b. Provide to the Department in a timely manner all necessary, required, and requested reports, completed forms, and/or documentation relative to Department duties performed.
4. The Department will:
- a. Provide necessary, required and appropriate support to the City to enable the City to carry out their obligations relative to this contract.

IN WITNESS OF THIS AGREEMENT, the undersigned duly authorized officers have subscribed their names on behalf of the City and the Department respectively.

For the City of Seldovia:

For the Department of Public Safety:

By \_\_\_\_\_

By \_\_\_\_\_

Printed Name \_\_\_\_\_

Printed Name \_\_\_\_\_

Official Title \_\_\_\_\_

Official Title \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_