

MINUTES FROM THE REGULAR MEETING
OF SELDOVIA CITY COUNCIL
COUNCIL CHAMBERS

Wednesday
September 28, 2016
7:30pm

CORWIN
SWEATT
COLBERG
PATRICK
MORRISON
ROJAS

- A. Call to Order & Roll Call:
MEETING CALLED TO ORDER BY MAYOR LENT AT 7:31PM
IN ATTENDANCE; CORWIN, SWEATT, COLBERG, PATRICK AND MORRISON
- B. Pledge of Allegiance: HELD
- C. Excused Absences: ROJAS
- D. Agenda Approval:

SWEATT/COLBERG MOVED TO APPROVE THE AGENDA
MORRISON/COLBERG MOVED TO REMOVE ITEM N4 FROM THE AGENDA
VOICE VOTE/ UNANIMOUS/ MOTION PASSED
SWEATT/MORRISON MOVED TO APPROVE THE AGENDA AS AMENDED
VOICE VOTE/ UNANIMOUS/ MOTION PASSED

- E. Approval of Minutes: Minutes of the Regular Meeting, Sept. 14, 2016

PATRICK/SWEATT MOVED TO APPROVE THE MINUTES FROM THE REGULAR MEETING OF SEPT.
14, 2016
VOICE VOTE/ UNANIMOUS/ MOTION PASSED

- F. Treasurer's Report:
FINANCE OFFICER/LITTLE- Presented the treasurer's report in the packet
- G. Utility Report: Presented in the Treasurer's report
- H. Ordinance Introduction:

1. ORDINANCE 17-08 AN ORDINANCE OF THE CITY OF SELDOVIA AMENDING TITLE 11, CHAPTER 11.13 CAMPING REGULATIONS, TO PROVIDE CLARIFICATION ON ALLOWABLE SITES FOR CAMPING

COLBERG/SWEATT MOVED TO INTRODUCE ORDINANCE 17-08 AN ORDINANCE OF THE CITY OF SELDOVIA AMENDING TITLE 11, CHAPTER 11.13 CAMPING REGULATIONS, TO PROVIDE CLARIFICATION ON ALLOWABLE SITES FOR CAMPING
VOICE VOTE/ UNANIMOUS/ MOTION PASSED

- I. Proclamations: None
- J. Public Presentation Prior Notice: (each presenter has up to 10 min)
1. Alisha Chartier: Update and information from the PWSRCAC meeting in Cordova
CHARTIER- Explained some of the changes in the works with Alyeska/SERVS Marine Services Transition from Crowley to Edison Chouest Offshore. Alyeska has offered to come to Seldovia to present information on the new tugs being built for the tanker transports in Prince Williams Sound.
2. Hugh Smith's Subdivision Proposal
SMITH-Discussed with the Council his wishes to have them direct the City manager to look into the process and costs of annexing his subdivision just outside of City limits along Rocky St.
CM/LARSON- Asked the Council for guidance on this request. Does the Council want Tod to look into this process?

CONSENSUS OF THE COUNCIL TO DIRECT THE CITY MANAGER TO LOOK INTO THE PROCESS OF ANNEXATION

- K. Public Presentation for Items not on Agenda: (public has 3 min each)
Hearing None

- L. Committee and Advisory Board Reports: (each member has 5 min)
PAULIE CARLUCCIO- Reported on the KPB amendmened Ordinance which Council objected to. The ordinance did not pass at the assembly meeting, but was voted to be reconsidered at the next meeting.
- M. Unfinished Business: None
- N. New Business:

1. Update on Litigation; Possible Executive Session to Discuss Trial Strategies and Tactics in the Case City of Seldovia vs. Precious Earth, Inc et all

a. Presentation by Staff or Council

JOE LEVESQUE, CITY ATTORNEY- Gave a brief summary of the litigation. On July 8th, we had a mediation where the parties reached an agreement, council voted to approve the agreement. Lately, we've been trying to match the closing documents that everyone would accept in order to have this dismissed. The last couple of months there have been several drafts of a mutual release and/or a stipulation to dismiss. For one reason or another there have been differet opinions of what was needed. Mike Hansen and Joe Levesque have gone through and made sure whatever documents we agree upon will adhere to the agreement the City Council made. He believes they are at a point where they have an agreement.

b. Public Presentation (public has 3 min each)

CARLUCCIO- Posed the question to Mr. Levesque on the agreement being with both the City attorney's and Precious Earth's attorney.

LEVESQUE- Yes, for all parties involved

c. Council Discussion

SWEATT- Questioned what the problem was causing this agreement to take long.

LEVESQUE- The problem has been getting an agreement on how the closing documents read, whether or not everyone has to sign, whether everyone has to give a mutual release, whether a stipulation to dismiss could work in the same fashion and what elements need to be in that stipulation to dismiss to protect the interest of all parties and which everyone was willing to accept.

SWEATT- Asked if the language that was changed was different than the original agreement.

LEVESQUE- No. As far as the property agreement, that was pretty easy. The modification of the documents were done to protect the City and in no way compromised the settlement that was originally agreed upon and approved by the City Council.

CORWIN- Asked if Council would be able to see the final document prior to signing the agreement.

LEVESQUE- Yes. If the Council desires to enter into Executive Session, he has put together a packet with the original and final documents for Council to see how they read.

SWEATT/COLBERG MOVED TO ENTER INTO EXECUTIVE SESSION TO DISCUSS TRIAL STRATEGIES AND TACTICS IN THE CASE CITY OF SELDOVIA VS. PRECIOUS EARTH, INC ET ALL AND INVITE JOE LEVESQUE, MIKE HANSEN, TOD LARSON AND STAFF
VOICE VOTE/ UNANIMOUS/ MOTION PASSED

d. Action/Disposition

COUNCIL HAD DISCUSSIONS WITH THE CITY ATTORNEY'S AND GAVE THEM DIRECTION. NO ACTION WAS TAKEN IN EXECUTIVE SESSION

2. City Council Request to Pursue a Permanent Easement Agreement Across POSH Community Dr.

a. Presentation by Staff or Council

CLERK/STANISH- This item came up during the camping discussion at the last meeting. A portion of POSH Community Dr. crosses private land which is a cause for concern. We are looking for direction from the Council for the City manager on this issue.

b. Public Presentation (public has 3 min each)

JAN WYLAND- Asked if there was money involved in the easement agreement with the Johnsons.

c. Council Discussion

SWEATT- Agrees in the need to pursue an easement across the property for continued access.

SWEATT/CORWIN MOVED TO DIRECT TOD TO PURSUE A PERMANENT EASEMENT AGREEMENT ACROSS POSH COMMUNITY DR.

d. Action/Disposition

VOICE VOTE/ UNANIMOUS/ MOTION PASSED

3. City Council Confirmation of the Appointment of Richard Bates to the Seldovia Planning and Zoning Commission

a. Presentation by Staff or Council

MAYOR LENT- Informed the Council he had heard Mr. Bates has the desire to do something for the city. He approached him to inquire on his interest in joining Planning and Zoning. He agreed to try and see how it goes.

b. Public Presentation (public has 3 min each)

Hearing none

c. Council Discussion

SWEATT- Spoke with Rick also and he sounded interested in giving it a try. She has no objection to the appointment.

SWEATT/PATRICK MOVED TO CONFIRM THE APPOINTMENT OF RICHARD BATES TO THE PLANNING AND ZONING COMMISSION

d. Action/Disposition

VOICE VOTE/ UNANIMOUS/ MOTION PASSED

~~4. Authorization for the City Manager to Enter Into the Sea Otter Community Center Management Agreement.~~

~~a. Presentation by Staff or Council~~

~~b. Public Presentation (public has 3 min each)~~

~~c. Council Discussion~~

~~d. Action/Disposition~~

Removed from the agenda

O. Informational Items Not Requiring Action:

1. Elections update, Clerk/Stanish

2. Seldovia F&G Advisory Committee Meeting on Oct. 11 in the Multi Purpose Room at 7pm.

P. City Manager's Report: As written

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

SWEATT/COLBERG/PATRICK/MORRISON/LENT- All thanked everone for coming and thanked the staff for a great job

R. Next Meeting: Regular Meeting on October 12, 2016 at 7:30 pm

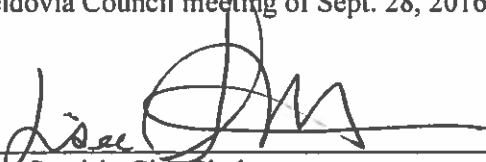
S. Adjournment:

SWEATT/MORRISON MOVED TO ADJOURN AT 9:10PM

VOICE VOTE/ UNANIMOUS/ MOTION PASSED

I certify the above represents accurate minutes of City of Seldovia Council meeting of Sept. 28, 2016.





Lisa Stanish, City Clerk

Approved by Council Oct. 12, 2016