

**MINUTES FROM THE *SPECIAL* MEETING
OF SELDOVIA CITY COUNCIL
COUNCIL CHAMBERS**

**Wednesday
July 13, 2016
6:00 PM**

CORWIN SWEATT COLBERG PATRICK MORRISON ROJAS

A. Call to Order & Roll Call:

MEETING CALLED TO ORDER BY MAYOR LENT AT 6:04 PM
IN ATTENDANCE; CORWIN, SWEATT, COLBERG, PATRICK, MORRISON, ROJAS

B. Pledge of Allegiance: Held

C. Excused Absences: None

D. Agenda Approval:

ROJAS/PATRICK MOVED TO APPROVE THE AGENDA FOR THE SPECIAL MEETING OF JULY 13, 2016
VOICE VOTE/UNANIMOUS/MOTION CARRIES

E. Approval of Minutes: None

F. Treasurer's Report: None

G. Utility Report: None

H. Ordinance Introduction: None

I. Proclamations: None

J. Public Presentation Prior Notice: None

K. Public Presentation for Items not on Agenda:

L. Committee and Advisory Board Reports:

M. Unfinished Business:

1. Executive Session - Discussion of Trial Strategies, Tactics and Settlement in the Case City of Seldovia vs. Precious Earth, Inc et al

a. Presentation by Staff or Council

CLERK/STANISH- Introduced Joe Levesque and Mike Hansen who are attending via phone to present the status of the case up until now.

JOE LEVESQUE- Spoke to the Council and public on the case. The mediation was held on July 8 for 9 hours. Attending the mediation for the City were City Manager – Tod Larson, Mayor Lent, Councilman Corwin, City attorney - Joe Levesque, Alaska Municipal League Claims Adjustor - Jeff Lucas, and attorney Mike Hansen who is defending the City against the counter claim. The defendants were also attending with their attorney Chuck Winegarden, and the mediator- former Superior Court Judge John Reese.

b. Public Presentation

JEREMIAH CAMPBELL- Asked a question on the process and if the public will have a chance to weigh in on the Council's decision?

c. Council Discussion

ROJAS/PATRICK MOVED INTO EXECUTIVE SESSION TO DISCUSS TRIAL STRATEGIES, TACTICS AND SETTLEMENT IN THE CASE CITY OF SELDOVIA VS. PRECIOUS EARTH, INC ET AL AND INVITES JOE LEVESQUE, MIKE HANSEN, JUDGE REESE, TOD LARSON, AND LISA STANISH

VOICE VOTE/ UNANIMOUS/ MOTION CARRIES

NO ACTION TAKEN IN EXECUTIVE SESSION

MEETING CALLED BACK TO ORDER AT 7:30PM

ROJAS/ MOVED TO SUSPEND THE RULES TO ALLOW A SECOND PUBLIC COMMENT PERIOD AFTER JUDGE REESE'S PRESENTATION, EACH PERSON WILL BE ALLOWED ONE CHANCE TO SPEAK FOR 3 MINUTES AND WILL END AT 7:45 PM

ROLL CALL VOTE

CORWIN-NO, SWEATT-YES, COLBERG-NO, PATRICK-YES, MORRISON-YES, ROJAS- YES
MOTION CARRIES

JUDGE REESE- Outlined the lawsuit and countersuit. The settlement was in three parts; Mission St, Rocky St & Augustine North, and the counterclaim. The Mission St. portion is also settled in three pieces. Mission St. will be vacated, dividing the ROW between the adjacent owners, Mr. Davis will pay those costs. Second- Old Lolly Pop Park parcel is a long finger. It will be cut in two- one part stays with the City the other goes to Davis with the covenant the land will remain as is. There cannot be any disturbance to the vegetation at all and that covenant will remain with the property. Third- the Mission St stairs will be built on the City portion of the vacated ROW and continue on to Church St. The replat is Davis's responsibility. Rocky St. easement settlement is a curved, 25' radius on Mr. Davis' portion of the corner. Augustine North is being encroached on by Ivy's and will need to have the rocks moved back a few feet. The third part of the case is the \$1,000,000 counterclaim. Mr. Davis alleges many things – it is agreed that this part of the case will settle for \$40,000. \$35,000 of that will be covered by the City's insurance and \$5,000 is covered by the City. Included in this part of the settlement is that any past occurrences with the City and Davis are now settled and cannot be brought back for further litigation.

b. Public Presentation-

PUBLIC COMMENT focused on Augustine North Ave and the settlement decision of expanding that on the west side due to the encroachment of the property owners, and the clarification of the arch of the 25' radius.

d. Action/Disposition

CORWIN/COLBERG MOVED TO ACCEPT THE TERMS OF THE AGREEMENT

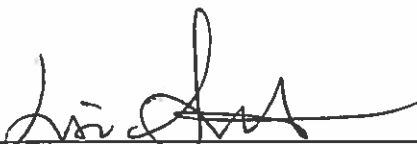
ROLL CALL VOTE

CORWIN-YES, SWEATT-NO, COLBERG-YES, PATRICK-YES, MORRISON-YES, ROJAS-YES
MOTION CARRIES

- N. **New Business:** None
- O. **Informational Items Not Requiring Action:** None
- P. **City Manager's Report:** None
- Q. **Council and Mayor Comments Concerning Items Not on the Agenda:** None
- R. **Next Meeting:** Regular Meeting, July 13, 2016 at 7:30 pm
- S. **Adjournment:**

ROJAS/COLBERG MOVED TO ADJOURN AT 7:45 PM
VOICE VOTE/ UNANIMOUS/ MOTION CARRIES

I certify the above represents accurate minutes of City of Seldovia Council meeting of July 13, 2016.



Lisa Stanish, City Clerk

Approved by Council July 27, 2016

