

**SELDOVIA**  
**CITY COUNCIL**

**MONDAY**  
**February 25, 2019**  
**6:00 PM**



**REGULAR MEETING**  
**MULTI-PURPOSE ROOM**

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

**Monday  
February 25, 2019  
6:00pm**

SWEATT COLBERG CAMPBELL MORRISON ROJAS LETHIN
--

- 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: Minutes of the Regular Meeting, February 11, 2019
  - 2. Payment Approval Report: Payment Approval Report 02/01/2019-02/28/2019
  - 3. Ordinance Introduction:
- F. Mayoral Proclamations:
- G. Public Presentation Prior Notice: (each presenter has up to 10 min)
- H. Public Presentation for Items not on Agenda: (public has 3 min each)
- I. Committee and Advisory Board Reports: (each member has 5 min)
  - 1. Cemetery Update-
- J. Public Hearings:
- K. Unfinished Business:
- L. New Business:
  - 1. Discussion- DOT Land Relinquishment Application- Seldovia Airport
    - a. Presentation by Staff or Council
    - b. Council Discussion
    - c. Public Presentation or Hearing (public has 3 min each)
    - d. Action/Disposition
  - 2. Discussion- Governor Dunleavy FY2020 Amended Budget State of Alaska
    - 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: See Laydown
  - 2. City Manager's Report: See Laydown
  - 3. Chief of Police Report: See Laydown
- M. Informational Items Not Requiring Action:
  - 1. The next FY20 Budget Workshop is scheduled for March 11, 2019 at 4:00pm
- O. Executive Session:
- P. Council and Mayor Comments Concerning Items Not on the Agenda:
- Q. Next Meeting: Regular Meeting will be held on Monday, March 11, 2019 at 6:00 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 February 25, 2019**

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Pages 20-22	Informational Memorandum- Potential impacts to Seldovia from FY2020 Governor Dunleavy's Amended Budget

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**MINUTES FROM A REGULAR MEETING  
OF SELDOVIA CITY COUNCIL  
COUNCIL CHAMBERS  
Monday  
February 11, 2019  
6:00pm**

COLBERG CAMPBELL MORRISON ROJAS LETHIN SWEATT
--

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

STAFF:

CITY MANAGER CAMERON  
POLICE CHIEF CUSHMAN  
CITY CLERK GEAGEL

- B. Pledge of Allegiance: Held  
C. Excused Absences: None  
D. Agenda Approval:

ROJAS/COLBERG MOVED TO APPROVE THE AGENDA  
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, January 28, 2019  
2. Payment Approval Report:  
3. Ordinance Introduction:

ROJAS/SWEATT 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) None  
I. Committee and Advisory Board Reports: (each member has 5 min) None  
J. Public Hearings:

**1. ORDINANCE 19-06 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA, AMENDING CHAPTER 11.10.040 GENERAL UTILITY RIGHT-OF-WAY USE PERMIT**

a. Presentation by Staff or Council

CLERK GEAGEL- Presented ordinance 19-06 amending chapter 11.10.040 general utility right-of-way use permit to no longer require an annual general permit which would allow the general permit to be good for the life of the utility.

b. Council Discussion

ROJAS- Spoke in support of ordinance 19-06.

SWEATT- Spoke in support of ordinance 19-06.

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

MAYOR LENT called for public comment and none was offered.

d. Action/Disposition

SWEATT/ROJAS MOVED TO ADOPT ORDINANCE 19-06  
VOICE VOTE/UNANIMOUS/MOTION PASSED

**2. ORDINANCE 19-07 A NON-CODE ORDINANCE OF THE CITY OF SELDOVIA, ALASKA, AMENDING FY 2019 FEE SCHEDULE TO INCLUDE A DRIVEWAY PERMIT APPLICATION FEE, AN ENCROACHMENT PERMIT APPLICATION FEE, AN INDIVIDUAL RIGHT-OF-WAY PROJECT**

APPLICATION FEE, A GENERAL UTILITY ROW USE PERMIT FEE, AND A UTILITY CONSTRUCTION PROJECT PERMIT FEE

- a. Presentation by Staff or Council

CLERK GEAGEL- Presented Ordinance 19-07 amending the FY19 fee schedule to include application fees for the new row permits recently passed. She presented the councils request for staff's recommendations on the application fees.

- b. Council Discussion

SWEATT-Thanked the staff.

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

MAYOR LENT called for public comment and none was offered.

- d. Action/Disposition

ROJAS/SWEATT MOVED TO ADOPT ORDINANCE 19-07  
VOICE VOTE/UNANIMOUS/MOTION PASSED

3. RESOLUTION 19-15 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA ENCOURAGING THE STATE OF ALASKA BOARD OF FISHERIES TO RESCIND THEIR JANUARY 18, 2019 DECISION TO MOVE THE UPPER COOK INLET 2020 FINFISH MEETING TO ANCHORAGE DUE TO THE LACK OF ADEQUATE PUBLIC NOTICE AND PROCESS

- a. Presentation by Staff or Council

CLERK GEAGEL- Presented Resolution 19-15.

- b. Council Discussion

MORRISON- Inquired about the process of the meeting location being changed.

COLBERG-Discussed the meeting had been previously planned to be held on the Kenai and they had changed the meeting location without public notice.

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

MAYOR LENT called for public comment and none was offered.

- d. Action/Disposition

COLBERG/ROJAS MOVED TO APPROVE RESOLUTION 19-15  
VOICE VOTE/UNANIMOUS/MOTION PASSED

4. RESOLUTION 19-16 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA ADOPTING THE CITY OF SELDOVIA SOURCE WATER PROTECTION PLAN AND AUTHORIZING THE CITY MANAGER TO FORWARD THE DOCUMENTS TO THE STATE OF ALASKA AND OTHER ORGANIZATIONS AS APPROPRIATE

- a. Presentation by Staff or Council

CLERK GEAGEL- Presented Resolution 19-16.

- b. Council Discussion

MAYOR LENT called for council comment and none was offered.

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

GREG WOLFING, resident- Spoke in support of the Seldovia Source Water Protection Plan

- d. Action/Disposition

ROJAS/SWEATT MOVED TO APPROVE RESOLUTION 19-16  
VOICE VOTE/UNANIMOUS/MOTION PASSED

K. Unfinished Business: None

L. New Business:

1. ACTION MEMORANDUM 19-07 RECOMMENDING THE REAPPOINTMENT OF CASSIDI CAMERON AS THE REPRESENTATIVE FOR SELDOVIA TO THE KENAI PENINSULA ECONOMIC DEVELOPMENT DISTRICT (KPEDD)

- a. Presentation by Staff or Council

CLERK GEAGEL- Presented Action Memorandum 19-07.

b. Council Discussion

ROJAS- Spoke in support of Action Memorandum 19-07 and spoke of appreciation for the city manager.

SWEATT- Spoke in support of Action Memorandum 19-07.

MORRISON- Spoke in support of Action Memorandum 19-07.

COLBERG- Spoke in support of Action Memorandum 19-07.

CAMPBELL- Spoke in support of Action Memorandum 19-07 and discussed the importance of having a representative at those meetings representing Seldovia's interests and hearing about opportunities for Seldovia.

LETHIN- Spoke in support of Action Memorandum 19-07.

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

GREG WOLFER, resident- Spoke in support of Action Memorandum 19-07.

d. Action/Disposition

SWEATT/COLBERG MOVED TO APPROVE ACTION MEMORANDUM 19-07

VOICE VOTE/UNANIMOUS/MOTION PASSED

2. Discussion- POA-2016-00392 Seldovia Slough Army Corp Permit Comment Period

a. Presentation by Staff or Council

CLERK GEAGEL- Presented the Army Corp of Engineers preliminary letter concerning application POA-2016-00392 asking for comment on the preliminary findings approving the proposed work by February 19<sup>th</sup>. She discussed that the setback from the mean high tide was the mean high tide line, but that the applicant owned the land below the mean high tide which had been surveyed in the last couple of months.

b. Council Discussion

ROJAS- Clarified that the discussion was to allow for council comment about the Army Corp's findings during the 15-day comment period. She asked if the staff had any question upon reviewing the findings.

CM CAMERON- Discussed that the staff had thoroughly reviewed Seldovia's policy on decks and docks and on the tidelands and the applicant would need a building permit through the city. She discussed that tideland ownership depended upon the property and that some owners did own their tidelands.

COLBERG- Discussed that he had no problems with the request and that at one time most of the places on the slough had a dock.

MORRISON- Discussed that he had no problems with the request. He inquired if the city owned most of the tidelands at one time.

CAMPBELL- Inquired about setbacks for the mean high tide and discussed the preliminary findings in the letter from the Army Corp and discussed that he had no problems with the request

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

MAYOR LENT called for public comment and none was offered.

d. Action/Disposition

NO ACTION WAS TAKEN AT THIS TIME

3. Discussion- Lollipop Park Equipment

a. Presentation by Staff or Council

CM CAMERON- Discussed that at last meeting Harmony Payton had approached the city council requesting an update to the equipment at Lollipop Park. She asked if council wished for her to apply for a grant with the Rasmuson Foundation, there was a tier one grant for projects under \$25000 that would be a good fit. The foundation meets at least quarterly for tier one grant requests received throughout the year. She stated that she thought that the turnaround would be pretty quick for such a small amount.

b. Council Discussion

COLBERG- Spoke in support of the city manager applying for a grant with the Rasmuson Foundation for the replacement of Lollipop Park Equipment.

ROJAS- Spoke in support of the city manager applying for a grant with the Rasmuson Foundation for the replacement of Lollipop Park Equipment.



CAMPBELL- Spoke in support of the city manager applying for a grant with the Rasmuson Foundation for the replacement of Lollipop Park Equipment. He inquired if there was any indication of turnaround time for approval and discussed wanting to see the equipment replaced within their means and wanting to see the equipment replaced by late summer if possible.

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

MAYOR LENT called for public comment and none was offered.

d. Action/Disposition

## CONSENSUS OF COUNCIL TO HAVE THE CITY MANAGER APPLY FOR A GRANT FOR LOLLIPOP PARK

### M. Administration Reports:

1. Treasurer's Report: None

2. City Manager's Report: See Laydown

CM CAMERON- Asked for the council to suspend the rules to allow a presenter who arrived late to present.

TIM DILLON- Discussed ideas to improve the use of the pavilion. The pavilion was finished in 2013, the last thing that needed to be done was the placement of the informative signs that would span the inside of the pavilion. He would install 4 signs on each side of the pavilion, 4 ethnographic with a timeline of the people and 4 with the geological timeline. He asked for city council consideration to allow him to install the signs, and presented a sign as an example. He asked the city council to consider future improvements to the building by allowing him to design and fundraise for a building addition on Jerry Straniks side of the lot. It would be a solarium type room with all greenhouse material and a shed roof. He cited that there were 270 people in attendance at the previous year's fishing derby held in the pavilion and he had to put up a 40x40 tarp. It was 12 years in the designing of the pavilion and it would be a slow process for the solarium. He stated that he understood that he would need to work with the city council and with planning and zoning and the city manager. He already spoke with the chamber of commerce about using their nonprofit status for accepting donations. He stated that he was asking for the city councils blessing at this time to begin the process.

ROJAS- Spoke in support of Tim beginning the process. She stated that she did not want it to be any cost to the city, but built by donation.

LETHIN- Spoke in support of Tim beginning the process.

COLBERG- Spoke in support of Tim beginning the process.

MORRISON- Asked if there would be an entrance from inside the pavilion to the solarium and inquired if it would still be on city property.

SWEATT- Inquired about the cost to the city.

CAMPBELL- Spoke in support of Tim beginning the process and thanked Tim for his stewardship.

MAYOR LENT- Spoke in support of Tim beginning the process.

CM CAMERON- Presented her city managers report as written, including; that since the weather was cooperating to get a jump start before spring and summer work, Tyler and Charles were scheduling the two key box repairs needed for the following week. She shared with the city council her status as the PAC president and a parent of two students at the local school and discussed the great momentum the principal had for the school the previous couple of years. The principal had put in his notice due to the cost of living expense and the community, PAC, and parents were pushing for a solution that would allow him to stay. The school board meeting was that evening and his resignation would be a discussion. She stated that she wanted to inform council in order to help the school succeed which ultimately allows for the community to succeed. She discussed that Governor Dunleavy had proposed a 20 million education cut, equaling about 1.74 million for the Kenai Peninsula Borough School District. Should the city council want to reach out she had a whole lot of contacts of people they could reach out to. Budget season had begun and she would have a presentation at the next budget workshop with the information from today, spreadsheets, and more information. The effort put-in the last couple years was showing. The city's accountants had their final numbers and were drafting their final report for the audit, she stated she was hopeful that they would see it that week. She had drafted a letter to the DOT requesting reconveyance of the little corner of the airport. The letter was sent straight to commissioner and she received a great response stating that they were open to that option. She had completed as much of the EOP as she should could at that point and sent it to Paul who came back with suggestions, they will continue to go back and forth and work on it. HEA and ACS were both open to a community meeting, they are working to figure out the right time. Brad with HEA met with her that afternoon and discussed that HEA had established two back up modes of communication with the generator and one with a radio that does not rely on the

internet. She discussed that Layla was continuing with clinic cleanup and 8 old boxes of x-rays had been transferred to the SPH radiology department, where they would keep the ones required to be kept and dispose of the ones that needed to be disposed. She received an email from Summit Physical Therapy in Homer, looking to offer services here, locally. She invited them to come over and tour the clinic space and see if there was a relationship that they could make happen. The community clean up would be May 1<sup>st</sup>. It was usually held on a Saturday, this year they would be taking a different approach considering the staff and their work week. May 1<sup>st</sup> was an early release day at school, the city would be partnering with Harmony from the Sea Otter Community Center who would grab the kids to join the cleanup and offer prizes for the people who cleaned up the most. The source water protection plan committee would like to do some public outreach and reach out to Karen Bornheimer to plan a field trip with the kids showing them how their water gets to the faucet. The state and borough have been trying to figure out a good system for collecting online sales tax and ensuring that online sales tax was being collected, being reported, and being paid to communities correctly. For instance, their zip code was 99663 and had two different tax structures, if online retailers are just going by the zip code then that is not correct. Brandy Harbaugh from the borough sales tax division was estimating 1.5 million dollars in additional sales tax to the borough. Willy Dunn was asking questions about what that online sales tax would mean for the community on the city's behalf. Caselle had offered nine months of free software support, she was asking them for a year. LED lights for the multi-purpose building were on hold to see if they were approved for the grant. The request to replace the street lights with LED had been given to HEA it had to go through the utility tariff. There was not a formal plan drafted for replacing LED lights in the city building including the maintenance building.

SWEATT- Inquired about what that amount of sales tax would mean for their community.

ROJAS- Inquired if Caselle had been cleaned up for the audit and if they had paid for what the city wanted paid.

LETHIN- Inquired about the status of installing LED lights in the city's facilities and for the street lights in order to cut costs. He discussed that the community would not have a ferry for two months, he had communicated with the governor's office through email requesting the Tustumena stay in service while the Kennicott was on dry dock and not in service. It was high time to start pressuring state to look at south central ferry service and to give them something better then they had been getting.

### 3. Chief of Police Report: None

#### M. Informational Items Not Requiring Action:

1. The next FY20 Budget Workshop is scheduled for February 25, 2019 at 4:00pm

O. Executive Session: None

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

COLBERG- Thanked everybody for coming and Tim, Cassidi, and Heidi.

CAMPBELL- Thanked everyone for attending and the staff for the work they had done on the water and sewer fees at work session prior to the meeting, he really appreciated that.

MORRISON- Thanked everyone for showing up and great job staff. He really liked Tim's idea and thought it was needed.

ROJAS-Thanked the staff for all they had done, thanked the public for being there, and thanked Tim for his volunteerism and what he was doing for the community. She had discussed with Cassidi that while she was on the phone listening to the last meeting and not being in room she got to thinking, wow look at all they had got done. For this little town how much they were getting done at the city council, she thanked the council for all their hard work, for moving forward in a positive manner, for having someone at the helm, someone at her side, Heidi, that was a go getter, they were doing a really great job. She really had to compliment everyone and it made her feel really good. Thank you all.

LETHIN- He seconded Vivian's comments. The staff is doing just great and he thanked everyone for coming and Tim for his work.

SWEATT-Thanked everyone for coming and the city staff for the great job they were doing.

MAYOR LENT- Thanked everybody for being there. Tim, he had not had the opportunity, the pavilion has served a great use, well done and thank you.

Q. Next Meeting: Regular Meeting will be held on Monday, February 25, 2019 at 6:00 pm

R. Adjournment:

COLBERG/ROJAS MOVED TO ADJOURN AT 7:07 PM

NO OBJECTION/MOTION PASSED

I certify the above represents accurate minutes of City of Seldovia Council meeting of February 11, 2019.

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

Approved by Council \_\_\_\_\_

DRAFT



STATE OF ALASKA  
DEPARTMENT OF TRANSPORTATION  
AND PUBLIC FACILITIES

**APPLICATION FOR DISPOSAL OF  
STATE LAND AND RELINQUISHMENT  
OF LAND INTERESTS**

RECEIVED \_\_\_\_\_

Please see attached instructions and applicable regulations.

Name of Applicant: \_\_\_\_\_ Title: \_\_\_\_\_

Business Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_

Physical Address: \_\_\_\_\_

Name of Highway: \_\_\_\_\_ Milepost if known: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Phone: \_\_\_\_\_

E-mail Address: \_\_\_\_\_ Fax: \_\_\_\_\_

Type of Land Ownership Interest: ☐ Fee Simple ☐ PLO ☐ Easement  
☐ Permit ☐ Lease

Legal or General Description of State Land or Interest Requested for Disposal (Attach Separate Sheet if Necessary):  
\_\_\_\_\_

Do you own the property adjacent to the area requested? ☐ Yes ☐ No

If Yes, Please Provide Tax ID Number/Legal Description: \_\_\_\_\_  
\_\_\_\_\_

Is Property Within City/Borough Limits? ☐ Yes ☐ No

If Yes, Name of City/Borough \_\_\_\_\_

Reason for Application: \_\_\_\_\_  
\_\_\_\_\_

Size of requested property: \_\_\_\_\_

## **REQUIRED ATTACHMENTS FOR APPLICATION**

### **REQUIRED FOR ALL APPLICATIONS:**

- ☐ Photographs and/or drawings of the land you wish to purchase
- ☐ Proof of ownership of adjoining or underlying property
- ☐ Nonrefundable application fee (other fees may be required; see attachment)

### **IF APPLICABLE**

- ☐ An As-built Survey (or subdivision plat)

**Use the space below to attach photographs and/or drawings of the land you wish to purchase.**

## APPLICANT'S CERTIFICATION

I certify that the statements and information provided with the application are true and correct. I further certify that I am the owner of the adjacent property or owner of the underlying fee in the above-described property.

Date \_\_\_\_\_

Signature \_\_\_\_\_

## DEPARTMENT APPROVAL

Date \_\_\_\_\_

Signature \_\_\_\_\_

**Please mail or take your application to:**

<b>Southeast Region Mailing Address:</b>  DOT&PF ROW 6860 Glacier Hwy Juneau AK 99801-7909  Voice: (907) 465-4540 or 1-800-575-4540 Fax: (907) 465-3506 TDD: (907) 465-4410	<b>Central Region Mailing Address:</b>  DOT&PF ROW PO Box 196900 Anchorage AK 99519-6900  Voice: (907) 269-0700 or 1-800-770-5263 Fax: (907) 248-9456 TDD: (907) 269-0473	<b>Northern Region Mailing Address:</b>  DOT&PF ROW 2301 Peger Road Fairbanks AK 99709-5316  Voice: (907) 451-5400 or 1-800-475-2464 Fax: (907) 451-5411 TDD: (907) 451-2363
<b>Southeast Region Physical Address:</b>  DOT&PF ROW 6860 Glacier Hwy Juneau AK 99801-7909	<b>Central Region Physical Address:</b>  DOT&PF ROW 4111 Aviation Drive Anchorage AK 99502-1058	<b>Northern Region Physical Address:</b>  DOT&PF ROW 2720 Picket Place Fairbanks AK 99709

## **COSTS, PROCEDURES, AND APPLICABLE REGULATIONS**

1. **APPLICATION & FEE** - A completed and signed application form requesting the sale of State land or the relinquishment of land interest must be submitted along with a nonrefundable application fee of \$200 to start the process. Also, attach photos and/or drawing of the land you wish to purchase and proof of ownership of your adjoining or underlying property.

2. **AS-BUILT SURVEY** - To identify the right-of-way (ROW) to be purchased and determine the location of utility lines and improvements, an As-Built Survey may be necessary. The As-Built Survey, prepared by a Registered Professional Land Surveyor currently licensed to practice in the State of Alaska, must include the items listed on the State As-Built handout sheet. This can cost from \$300 to \$2,000, and is to be provided and paid for by the Buyer.

### **Scope of Work:**

A. The As Built Survey will accurately locate:

- 1) The surface improvements including buildings, driveways, fences, etc. on the subject property.
- 2) Any utilities above or below ground on the subject property.
- 3) The plan metric features between the shoulder of the adjacent roadway and the subject property. This should include the road shoulder, toe of fill or cut slope, ditch, culverts or any appurtenant structures or improvements. Within 25 feet of the subject property all utilities above or below ground will also be located. Items that suggest the existence of other property interests shall be identified.

B. The As-Built Survey will show recovered property corners and found or calculated bearings and distances along the boundary of the subject property. This may be used to develop a legal description or an easement. If the property has to be further subdivided or a lot line removed because the subject property is too small to stand alone a replat will be done separate from this As-Built Survey.

C. The As-Built Survey will show a tie between the boundary of the subject property and two right of way monuments.

D. The As-Built Survey will be signed and sealed by a surveyor currently registered in Alaska. The following certificate will appear on the As-Built:

### **SURVEYOR'S CERTIFICATE:**

I hereby certify that I am properly Registered and Licensed to practice Land Surveying in the State of Alaska, that this drawing represents a survey made by me or under my direct supervision, that monuments shown hereon actually exist as described, that all dimensions and other details are correct to the extent shown hereon, that a diligent effort to locate all above and below ground utilities was made, and that those utilities are shown.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Registration No.

\_\_\_\_\_  
Registered Land Surveyor

E. The As-Built Survey will be sent to the Department at the appropriate office address shown above and the decision will be made as to how much property will be relinquished. The As-Built Survey will then be sent back showing the area that is to be relinquished and to have a plat made for the approval of either the Borough or the Municipality where the subject property is located.



3. **ADVERTISING** - The State is required to advertise its intent to dispose of the ROW in local newspapers. Advertising fees can be from \$150 to \$300 with the minimum of \$150 to be paid in advance by the buyer.

4. **APPRAISAL** - To determine the sales price, an appraisal prepared by a State Certified appraiser will be needed on the larger parcels. The Regional ROW Appraisal Supervisor will determine the type of appraisal needed and arrange for the appraisal to be prepared as soon as the Buyer provides the necessary funds. The appraisal will be reviewed and approved by the State. The entire appraisal process can take from 30 to 60 days to complete and will cost from \$500 to \$1,200, with the minimum of \$500 to be paid in advance by the buyer. On the smaller parcels, a value estimate may be used.

5. **REPLAT** - To remove the property from public ROW and combine it with the adjoining private property, the Buyer must provide the State with a replat of the property, prepared by a Registered Professional Land Surveyor currently licensed to practice in the State of Alaska. A preliminary plat should be submitted for State review prior to submitting it to the local platting authority for final approval. After recording the final approved replat, provide a copy to the Department's ROW Section. The replat can cost the Buyer from \$2,000 to \$5,000 and take up to 90 days.

6. **PURCHASE** - Before the Deed will be executed and recorded, the Buyer shall provide a copy of the recorded plat and reimburse the State for any unpaid costs and provide payment for the property acquisition in the form of a U.S. Postal Money Order, Cashier's Check or Certified Check. If sold to the adjoining property owner, the purchase price will be based on the appraisal. If sold by public bid, the appraised value will be the minimum bid price.

**NOTE:** The above costs are approximate, and items 1, 3, and 4 are to be paid in advance. Items 2 and 5 are to be paid directly to the Engineering firm providing the service. The entire procedure can take anywhere from a minimum of 2 months, up to a year or longer. Reasonable times will be allowed for the Buyer to provide the required items. After which the file will be closed and all work terminated.

**Alaska Administrative Code, Title 17 (Transportation and Public Facilities)**  
**Chapter 10. Engineering: Encroachments, Driveways, and Road Approaches**  
**Article 3. Land Disposal**

**17 AAC 10.100. LAND DISPOSAL.** (a) Except for a conveyance of land by a commissioner's deed issued under 17 AAC 05.020, or an encroachment permit issued under 17 AAC 10.011, the provisions of 17 AAC 10.100 through 17 AAC 10.120 apply to a disposal of land, or an interest in land, contained within a highway right-of-way, whether the land or interest was acquired by gift, transfer from the federal government, purchase, or the exercise of the power of eminent domain.

(b) The department will prepare a decisional document summarizing its decision to dispose of a particular parcel of land acquired in a right-of-way acquisition. In that document, the department will summarize the conclusion that the particular parcel of land is excess right-of-way and whether the land has a present or potential use for parks, conservation, recreation, or related uses. The department will, in its discretion, find that the land is excess right-of-way, if the land is located outside of the slope limits of a highway, the land is not necessary for the highway's operation or maintenance, and the land is not needed for a public purpose. If the department finds that the land has a present or potential use for parks, conservation, recreation, or related uses, the department will describe in the decisional document the department's efforts to dispose of the land to public agencies for parks, conservation, recreation, or related uses. If the public agencies decline to acquire the parcel, the department will conduct the land disposal according to 17 AAC 10.105 - 17 AAC 10.120.

**17 AAC 10.105. DISPOSAL BY NEGOTIATED SALE TO AN ADJOINING PROPERTY OWNER.** (a) The department will, in its discretion, convey the interest that it holds in a parcel of excess right-of-way to an adjoining property owner, if the adjoining property owner applies for the conveyance and pays a \$200 nonrefundable application fee, and if the

(1) adjoining property is the land from which an acquisition of land, in a fee simple interest, for the right-of-way was made; or

(2) right-of-way is held as an easement and the owner of the underlying fee simple interest is also the owner of the adjoining land.

(b) The consideration for a conveyance of a fee simple interest under this section is the fair market value of the land, estimated under commonly accepted appraisal techniques. If the interest the department holds is an easement, the consideration for the transaction is 90 percent of the fair market value of the fee simple interest, not subject to the easement.

(c) A grantee under this section shall provide appraisal services, title insurance, surveying, and platting that are acceptable to the department, or reimburse the department for the cost of these activities if the department provides them.

(d) The department will not make a conveyance under this section without issuing public notice of the pending sale, published at least once in a newspaper of general circulation, in the area where the excess right-of-way is located, at least 30 days before the projected closing date of the transaction. In that notice, the department will describe the land offered for sale, and provide that the department will accept public comments regarding the sale that are received before the projected closing date. The grantee shall reimburse the department for the cost of public notice.

**17 AAC 10.110. DISPOSAL BY COMPETITIVE SALE.** (a) If a parcel of excess right-of-way may be developed without the use of other land, and any adjoining owner who qualifies to purchase the land under 17 AAC 10.105 declines an opportunity to purchase the land, the department will, in its discretion, dispose of the parcel of land through competitive sealed bids, with the award to the highest bidder.

(b) The department will not open competitive sealed bids without issuing public notice of the pending sale, published at least once in a newspaper of general circulation, in the area where the excess right-of-way is located, at least 30 days before bid opening. In that notice, the department will give the date, time, and place of the bid

opening, describe the land offered for sale, provide that the department will accept public comments regarding the sale that are received at least seven days before the bid opening, and inform bidders of at least the following conditions:

(1) the payment schedule;

(2) that the successful bidder may be required to apply for and receive a replat of the land from the municipal planning and zoning authority;

(3) that the department reserves the right to reject any and all bids.

(c) The department will, in its discretion, accomplish the sale of excess land through an outcry auction. The department will issue public notice for the sale consistent with (b) of this section.

(d) If the department has attempted the sale of a parcel of excess right-of-way under (a) or (c) of this section, the department will, in its discretion, offer the parcel for sale over the counter, for its fair market value, for a period not to exceed 120 days after the date of the unsuccessful sale, under the same terms and conditions set for the competitive sale under (b) of this section. If an over-the-counter sale does not occur within the 120 days after the attempted competitive sale, the department will withdraw the parcel and will not convey it without issuing, in accordance with (b) of this section, a new public notice of the sale.

**17 AAC 10.115. DISPOSAL THROUGH BROKERS.** (a) If a parcel of excess right-of-way is offered for sale by competitive sale under 17 AAC 10.110, and no bids satisfactory to the department are received, the department will, in its discretion, list the particular parcel for sale with a real estate broker licensed under AS 08.88.

(b) The department will select the broker in accordance with AS 36.30 (State Procurement Code) and 2 AAC 12.

(c) Notice of the sale of the parcel of excess right-of-way will be given in accordance with 17 AAC 10.105(d).

**17 AAC 10.120. LAND EXCHANGES.** (a) For the purpose of a land exchange under AS 19.05.110 , AS 19.05.120, AS 35.20.040, or AS 35.20.050, the department will, in its discretion, use excess right-of-way in the transaction.

(b) The department will not make an exchange of land under this section without

(1) preparing a written decision that the exchange is in the state's best interest, and that the value of the parcels of land to be exchanged is substantially equal; and

(2) issuing public notice of the pending exchange, published at least once in a newspaper in general circulation in the area where the excess right-of-way is located, at least 30 days before the projected date of the exchange; in that notice, the department will describe the land to be exchanged, and will provide that the department will accept public comments regarding the exchange that are received before the projected date of the exchange.

**17 AAC 10.125. CONVEYANCE DOCUMENTS.** The department will convey land or interests in land under 17 AAC 10.100 - 17 AAC 10.120 by

(1) quitclaim deed, in a form prescribed by the department, and subject to any utility permit issued under 17 AAC 15; and

(2) any other transfer documents the department determines are necessary to memorialize the transaction.

**17 AAC 10.130. LAND OUTSIDE OF RIGHT-OF-WAY LIMITS.** (a) If a parcel of land is located outside of the right-of-way limits of a highway, the department will, in its discretion, dispose of the land, or an interest in the land, under the provisions of this section. Before making a disposal under this section, the department will prepare a decisional document summarizing its decision to dispose of a particular parcel of land located outside of a highway right-of-way. In that document, the department will summarize the conclusion that the particular parcel of land is not needed for a public purpose and whether the land has a present or potential use for parks, conservation, recreation, or related uses. If the department finds that the land has a present or potential use for parks, conservation, recreation, or related uses, the department will describe, in the decisional document, the department's efforts to convey the land to public agencies for parks, conservation, recreation, or related uses. If the public agencies decline to acquire the parcel, the department will conduct the land disposal under this section.

(b) The department will, in its discretion, dispose of land located outside the right-of-way limits of a highway through competitive bidding, outcry auction, or over-the-counter sale under 17 AAC 10.110, or by sale through a broker under 17 AAC 10.115. The department will convey land under this subsection by

(1) quitclaim deed, in a form prescribed by the department; and

(2) any other transfer documents the department determines are necessary to memorialize the transaction.

(c) The department will, in its discretion, offer land located outside of the right-of-way limits of a highway for lease through an invitation to bid by means of competitive sealed bidding. The department will not open bids for the lease without public notice of the proposed lease, in accordance with (d) of this section. The department will award the lease to the highest bidder who is responsive to the invitation to bid. In the lease, the department will include terms that protect the best interests of the state and that are consistent with the invitation to bid.

(d) The department will not make a sale or lease under this section without issuing public notice of the pending transaction, published at least once in a newspaper of general circulation, in the area where the land is located, at least 30 days before the projected closing date of the transaction. In that notice, the department will describe the land offered for sale or lease, and provide that the department will accept public comments regarding the sale that are received at least seven days before the projected closing date.

**From:** Thoerner, Frederick D (DOT) <[fred.thoerner@alaska.gov](mailto:fred.thoerner@alaska.gov)>

**Sent:** Friday, February 15, 2019 2:02 PM

**To:** Cassidi Cameron <[citymanager@cityofseldovia.com](mailto:citymanager@cityofseldovia.com)>

**Cc:** Simpson, Danika L (DOT) <[danika.simpson@alaska.gov](mailto:danika.simpson@alaska.gov)>; Bailey, Jennifer L Q (DOT) <[jennifer.bailey@alaska.gov](mailto:jennifer.bailey@alaska.gov)>; Swain, Vickie L (DOT) <[vickie.swain@alaska.gov](mailto:vickie.swain@alaska.gov)>

**Subject:** DOT Land Relinquishment Application - Seldovia airport: Request to the Commissioner for airport land divestiture

Good Afternoon Ms. Cameron,

Please find attached Application for Disposal of State Land. There is a \$200.00 nonrefundable application fee, you can mail check with application or I can take payment by phone. DOT/PF mailing address is P.O. Box 196900 Anchorage AK 99519. Prior to submission of your request, the Department would like to request a conference call with all stake holders in an effort to manage expectations. Please let us know when you have you are available to discuss further.

#### COSTS, PROCEDURES, AND APPLICABLE REGULATIONS

1. APPLICATION & FEE - A completed and signed application form requesting the sale of State land or the relinquishment of land interest must be submitted along with a nonrefundable application fee of \$200 to start the process. Also, attach photos and/or drawing of the land you wish to purchase and proof of ownership of your adjoining or underlying property.

2. AS-BUILT SURVEY - To identify the right-of-way (ROW) to be purchased and determine the location of utility lines and improvements, an As-Built Survey may be necessary. The As-Built Survey, prepared by a Registered Professional Land Surveyor currently licensed to practice in the State of Alaska, must include the items listed on the State As-Built handout sheet. This can cost from \$300 to \$2,000, and is to be provided and paid for by the Buyer.

#### Scope of Work:

A. The As Built Survey will accurately locate:

- 1) The surface improvements including buildings, driveways, fences, etc. on the subject property.
- 2) Any utilities above or below ground on the subject property.

3) The planimetric features between the shoulder of the adjacent roadway and the subject property. This should include the road shoulder, toe of fill or cut slope, ditch, culverts or any appurtenant structures or improvements. Within 25 feet of the subject property all utilities above or below ground will also be located. Items that suggest the existence of other property interests shall be identified.

B. The As-Built Survey will show recovered property corners and found or calculated bearings and distances along the boundary of the subject property. This may be used to develop a legal description

or an easement. If the property has to be further subdivided or a lot line removed because the subject property is too small to stand alone a replat will be done separate from this As-Built Survey.

C. The As-Built Survey will show a tie between the boundary of the subject property and two right of way monuments.

D. The As-Built Survey will be signed and sealed by a surveyor currently registered in Alaska. The following certificate will appear on the As-Built:

**SURVEYOR'S CERTIFICATE:**

I hereby certify that I am properly Registered and Licensed to practice Land Surveying in the State of Alaska, that this drawing represents a survey made by me or under my direct supervision, that monuments shown hereon actually exist as described, that all dimensions and other details are correct to the extent shown hereon, that a diligent effort to locate all above and below ground utilities was made, and that those utilities are shown.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Registration No.

\_\_\_\_\_  
Registered Land Surveyor

E. The As-Built Survey will be sent to the Department at the appropriate office address shown above and the decision will be made as to how much property will be relinquished. The As-Built Survey will then be sent back showing the area that is to be relinquished and to have a plat made for the approval of either the Borough or the Municipality where the subject property is located.

3. **ADVERTISING** - The State is required to advertise its intent to dispose of the ROW in local newspapers. Advertising fees can be from \$150 to \$300 with the minimum of \$250 to be paid in advance by the buyer.

4. **APPRAISAL** - To determine the sales price, an appraisal prepared by a State Certified appraiser will be needed on the larger parcels. The Regional ROW Appraisal Supervisor will determine the type of appraisal needed and arrange for the appraisal to be prepared as soon as the Buyer provides the necessary funds. The appraisal will be reviewed and approved by the State. The entire appraisal process can take from 30 to 60 days to complete and will cost from \$3,000-\$4,000.

5. **REPLAT** - To remove the property from public ROW and combine it with the adjoining private property, the Buyer must provide the State with a replat of the property, prepared by a Registered Professional Land Surveyor currently licensed to practice in the State of Alaska. A preliminary plat should be submitted for State review prior to submitting it to the local platting authority for final approval. After recording the final approved replat, provide a copy to the Department's ROW Section. The replat can cost the Buyer from \$2,000 to \$5,000 and take up to 90 days.

6. **PURCHASE** - Before the Deed will be executed and recorded, the Buyer shall provide a copy of the recorded plat and reimburse the State for any unpaid costs and provide payment for the property acquisition in the form of a U.S. Postal Money Order, Cashier's Check or Certified Check. If sold to the

adjoining property owner, the purchase price will be based on the appraisal. If sold by public bid, the appraised value will be the minimum bid price.

NOTE: The above costs are approximate, and items 1, 3, and 4 are to be paid in advance. Items 2 and 5 are to be paid directly to the Engineering firm providing the service. The entire procedure can take anywhere from a minimum of 2 months, up to a year or longer. Reasonable times will be allowed for the Buyer to provide the required items. After which the file will be closed and all work terminated.

I am available to answer any questions.

Regards,

Fred Thoerner  
Right of Way Agent  
Property Manager  
State of Alaska DOT/PF  
Phone: 907-269-0679





## City of Seldovia

P.O. Drawer B, Seldovia, Alaska 99663  
 Phone: (907) 234-7643, Fax: (907) 234-7430  
 email: citymanager@cityofseldovia.com  
 website: www.cityofseldovia.com

**To: Mayor and Seldovia City Council**

**From: Cassidi Cameron**

**Subject: FY2020 Governor Dunleavy's Proposed Amendments to State Budget and the potential impacts to the City of Seldovia**

**Date: February 20, 2019**

<u>State Department or Program</u>	<u>Proposed Action from Governor Dunleavy</u>	<u>Effect on Seldovia</u>
Alaska Marine Highway – DOT	Proposed 75% reduction in funding	<p>Consideration on limited run schedule.</p> <ul style="list-style-type: none"> <li>• May-September Ferry Service</li> <li>• October-April No Ferry Service</li> </ul> <p>Tremendous decrease in goods and services into Seldovia, very limited transportation for residents and visitors and business owners, potential of higher rates if privatized, lower purchase power of residents and visitors, lower sales tax income, extreme decrease in employment for Seldovians in the form of line handling and ferry agent, extreme decrease in Dock Revenues in General Fund due to cut in ferry service, City currently receives \$200/docking per AMHS contract, estimated at 120 dockings per year. FY19 Budget Dock Ferry Stops Revenue = \$24,000 FY20 Ferry Stops Revenue = \$6,000 A difference of \$18,000.00</p>

<b>Education</b>	Cutting more than \$300 million in base student allocation education funding; translates to \$1.4 million cut in Kenai Peninsula School District	Continuation of low enrollment numbers mean less FTEs, mean less funding and investment for our children. A school with diminished resources and staff does not attract families and individuals to our community, decreasing viability in Seldovia, a decrease in quality of education for our children, detrimental to economic stability in Seldovia.
<b>Early Childhood and Pre-K</b>	Proposed to cut these programs out entirely	Cutting out opportunities for our children cuts opportunities for our future.
<b>Public Safety</b>	Decrease in Trooper contracts	Currently receive \$20,000 in additional state funding from State of Alaska Public Safety; this money goes directly into General Fund for Police services. Contract with APS enables the Chief of Police to provide services for outside city limits.
<b>Community Assistance – Revenue Sharing</b>	Eliminated program	FY19 Budgeted Community Assistance – General Fund Revenues = \$78,008.00 Equates to 13.5% of our general fund revenues; would have to cut general fund expenditures to make up this deficit OR increase sales tax, property tax, or other forms of general fund revenues.
<b>Medicaid Cuts</b>		Would directly affect our aging population, straining already thin income levels, decreasing purchasing power, leading to decreased local spending, leading to decreased sales tax revenues.

<b>Alaska Fisheries Tax</b>	Eliminated Program	FY19 Budgeted Revenues for Dock = \$2341.00 in Fisheries Tax; a decrease would decrease revenues in Dock.
<b>Petroleum Property Tax</b>	Repeal the current legislation providing property taxes to boroughs for oil; KPB would lose \$15 million in their budget	Borough could propose to increase sales tax rate; property tax rate, or both to make up for lost revenues.

**Total direct impacts potential to City of Seldovia Budget:**

**Directly Quantified:**

- **AMHS = \$18,000.00**
- **AMHS Water = \$13,500.00**
- **Community Assistance = \$78,017.00**
- **Public Safety = \$20,000.00**
- **Alaska Fisheries Tax = \$2341.00**
- **Senior Programing = \$55,000.00**
- **TOTAL= \$186,585.00**

**Fiscal Impacts not yet known:**

- **Decrease in Sales Tax Revenues, currently our sales tax revenues= 23% of general fund revenues**
- **Increase in property taxes for residents**
- **Increase in Cost of Living Expenses**
- **Increase in Freight Expenses**
- **Increase in Cost of Goods, Operating Costs for all Departments**
- **Job Loss, Decrease in FTE, less workforce = less services**