

CALL TO ORDER

The special meeting of the City Council was called to order at 7.30 pm.

ROLL CALL

All members present except for Councilmember Alexie.

APPROVAL OF AGENDA

M/M by Bainton, 2nd by Carpenter to approve the agenda with the following change: agenda item should read Unfinished Business. Voice vote, motion carried.

UNFINISHED BUSINESS

BETHEL PORT DEVELOPMENT/EROSION CONTROL ISSUES

In attendance for the meeting were George Silides, engineer on the seawall project, and Steve Nourse, attorney for the City regarding the erosion problem.

City Manager Stigall reviewed for Council the Port development/erosion control problem along the riverfront at Bethel.

Steven Constantino, attorney for John Malone, addressed Council concerning the relocation of the Malone property, noting that the placement of barges along the riverfront to stop the erosion is no longer viable; that relocation of the Malone buildings is necessary; that the Malone's remain interested in an exchange of their land for a comparable piece of City land.

City Manager Stigall presented as an option the following: placement of the Malone buildings on land near Fish and Game; to exchange that piece of land for the Malone's. The Administration was reviewing the possibility of using disaster funds to accommodate the move. Mr. Stigall noted for Council that if disaster money is used to move the buildings that the City must acquire title to the Malone property as a part of receiving the disaster assistance money.

Mr. Constantino noted for Council that if the above land is exchanged that the City could retain a 30' buffer strip of land along the river fronting the piece of property but that the Malone's would require riparian rights go with the land exchanged. Mr. Constantino noted for Council that a section of the Malone building has been moved by the City to a portion of the Lyon's Club land; that the Malone's were prepared to exchange the named property on a one for one basis and to obtain an appraisal on the piece of land where the section of the Malone building is now located and to pro rate the Malone property by the assessed value of the land occupied by the section of the Malone building.

Mayor Sullivan noted for Council that the City is limited in how it can spend the emergency disaster funds and should remain within the scope of those funds in providing emergency services.

Attorney Nourse suggested that if City policy is to relocate the property owners at City expense and to exchange City property for the affected property that the City may incur an additional problem if at some time there is no suitable City land available for exchange.

City Manager Stigall noted that comparable land, if purchased, would be in excess of \$25,000.

Engineer Silides noted for Council that the land proposed for exchange is presently eroding and would be immediately adjacent to the end of the completed seawall; that exchanging this property would place the Malone's in the same situation that they presently find unacceptable.

Councilmember Aloysius requested that anyone wishing to address Council be first recognized by the Chairperson.

Edward Hoffman spoke in favor of placing the barges to support the eroding riverbank but spoke in opposition to exchanging the described land with that of the Malone's because the land proposed for the exchange is BIA land. City Manager Stigall informed Council that there is no BIA trust land within the land survey containing the proposed land for exchange. Mr. Constantino agreed with Mr. Hoffman that if timely placed, the barges would have helped slow the rate of erosion along the riverfront.

City Manager Stigall informed Council that whatever action Council takes that it will have an impact on the general fund; that the City has limited land available for exchange which at some point may mean the City will have to purchase land for the affected landowners; that the City must be prepared to lose 1st Avenue if the present rate of erosion continues.

Attorney Nourse noted for Council that the City does not have an obligation to do anything; that the City could exchange land on the basis that the land exchanged is needed for seawall construction; that the City should be careful not to set a precedent regarding land exchanges that the City may not be able to carry out in the long term; that other engineers have indicated that placing barges in the affected area would not be a cost effective method of stopping the erosion.

Mayor Sullivan asked how many landowners along 1st Avenue may be potential assistance claimants. City Manager Stigall informed Council that approximately 27 property owners may require assistance.

Councilmember Carpenter asked how the disaster funds can be used. Administration informed Council that up to \$175,000 is available to move houses with a limit of \$25,000 for any one unit; that the remainder of the funds are for protection of the petro dock.

Mayor Sullivan noted that the City should establish procedures for exchanging land if fiscally possible.

Councilmembers Veit and Bainton spoke in opposition to using general fund money for assisting disaster victims. Mayor Sullivan noted that Council cannot take on an open-ended commitment concerning the affected landowners. City Manager Stigall reminded Council that the City does not have general fund monies available to assist the affected parties.

Steven Constantino reminded Council that the City seawall is more than casually related to the erosion problem; that the City cannot say with certainty that the seawall is not a contributing factor to the erosion problem; that the City needs to weigh the cost of temporary abatement against the potential cost of assisting those landowners who may be affected by the erosion if nothing is done.

Vicki Malone suggested putting all the disaster money towards work at the petro dock and to use general fund money for abatement along the riverfront. Mayor Sullivan noted for Council that the City has limitations on how it can use the disaster funds and indicated to Council that abatement efforts may no longer be feasible.

Councilmember Aloysius recommended that Council adjourn until information requested at the last Council meeting is provided.

City Manager Stigall noted for Council that the City is awaiting information from the State but that the City cannot spend the disaster money in any way in which the City should choose.

Mayor Sullivan suggested that the proposed exchange of land near Fish and Game is not a good solution given the erosion occurring at that site; that the City consider trading City land for the Malone property as part of land needed for seawall construction.

Steven Constantino suggested that the City adopt Attorney Nourse's suggestion that the City exchange land with the Malone's for seawall construction purposes; that the Malone's need to know Council's intentions concerning the matter.

Mayor Sullivan suggested that the City buy the land and use disaster money to move the buildings.

Attorney Nourse asked how Council was to evaluate the property for price determination.

George Silides reminded Council that if the land was purchased for the seawall project that the cost to purchase could be charged to the seawall project.

motion

Councilmember Veit noted that Council needed to do something; that Council had to be concerned about all of Bethel; that the river is the common enemy; that the City must seek help from its Congressional representatives; that Council must give guidance to Administration as to how to proceed. M/M by Veit to direct Administration to take steps to protect the life and property of all Bethel citizens and to seek assistance from Bethel's legislators and that Council is concerned about all its citizens and will act in the best interests of all Bethel residents. The motion failed for a lack of a second.

Mayor Sullivan noted that the City has ordinance requirements that must be met before the City can move or exchange property. The Mayor recommended that Council take the following action:

- a. move affected buildings with emergency funds
- b. City purchase properties for seawall construction
- c. private landowners go into the marketplace to purchase land for relocation of buildings

Steven Constantino noted for Council that the City could move affected buildings to City land on a temporary basis through use of a revocable license that would not require ordinance action. Mr. Constantino suggested that the City needs to establish a fair market value for the affected property; that such a value is difficult to determine until the extent of seawall involvement with the erosion problem has been ascertained.

motion

Mayor Sullivan recommended that Council go into an executive session to review the matter. M/M by Carpenter, 2nd by Aloysius to go into executive session to discuss legal matters affecting the City. Voice vote, motion carried. Council moved to executive session.

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motion

Upon return from executive session, M/M by Carpenter, 2nd by Bainton to formally make the following offer to the Malone's:

- a. that the Malone house will be relocated once further with disaster aid money;
- b. that the house will be moved to a City lot under a revocable license with intent that the owner make arrangements for an alternative location or to a lot owned by the Malone's;
- c. that the City will purchase the remainder of the Malone lot where the house is presently located for \$5000.00;
- d. that the Malone's, as a condition for these actions, sign a release and waiver of claims against the City.

Poll vote, motion passed unanimously.

Steven Constantino asked Council's intentions if the offer is rejected; does it mean that the City will do nothing.

Mayor Sullivan noted that the City cannot expend money from the general fund on this matter; that this is the City's offer.

Attorney Nourse noted that this is the overall package which includes the purchase of the property, a waiver from the Malone's and the move of the house with disaster money with the City receiving title to the Malone property upon the move. The Mayor concurred that the City's offer includes a waiver of claims clause.

Councilmember Veit noted that the City could have offered to move the Malone house letting them keep the land, but that the City is offering the Malones a better deal by agreeing to purchase the property.

Attorney Nourse noted that the City has met its obligation by offering to use disaster money to move the Malone house.

Mayor Sullivan noted that other requests for disaster assistance money will be handled on a case by case basis; that exchanging lands is not feasible; that any revocable license will be limited in duration.

ADJOURNMENT

M/M by Aloysius to adjourn. The meeting adjourned at 10.38 pm.

PASSED AND APPROVED THIS *14th* DAY OF AUGUST, 1985.

ATTEST:


Wayne J. Maifers, City Clerk


Joe Sullivan, Mayor