



CITY OF BETHEL

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PLANNING/PORT SPECIAL MEETING MINUTES

April 12, 1993

CALL TO ORDER

Port Commission Chairman DeSousa called the special Planning/Port Commission meeting of April 12, 1993, to order at 7:40 pm.

ROLL CALL

Present: (Port) Allen DeSousa, John Hawkins, Grant Fairbanks, Bruce Nerby, Buster Richardson, Allan Wintersteen; (Planning) Bill Adams, John Guinn, Joan Hamilton, Jake Metcalfe

Absent, excused: (Port) Manny Konig; (Planning) Doug Moody, Tom Warner

Absent, unexcused: (Planning) Louie Andrew

Also present were Bartz Englishoe of Englishoe and Associates and Port Director Stuart Greydanus.

Port Commission Chairman DeSousa opened the Public Hearing on the Comprehensive Land Use and Development Plan for the City of Bethel's Reclaimed Tidelands.

PEOPLE TO BE HEARD

J.B. Crow passed out a photo of his property taken in July, 1980, depicting the seawall he built. Mr. Crow reiterated his suggestion that the City use their in-house surveyor to determine the meander lines from all evidence. Mr. Crow stated that doing so could prevent costly future litigation. Mr. Englishoe said that the State is touchy about the surveys for the leases and probably would not accept any other survey.

City Manager Nancy Gross addressed the joint Commissions stating the reasons the City wanted the meeting were to formally approve the vacation and rededication of public access easements and to clarify the second paragraph on page 8 under the heading "Subleases." Ms. Gross specifically asked for a decision concerning the upland owners' subleasing their sublease for the reclaimed tidelands.

Mr. Englishoe reminded the Commissions that the

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lease to the City from the State would have strict stipulations that any subleasees would have to comply with.

Seeing no other people who wished to speak, Chairman DeSousa closed the Public Hearing and opened the meeting to comments of Commissioners.

**COMMISSIONERS'
COMMENTS**

Mr. Nerby stated that requiring the upland owners to enter into a lease for the reclaimed lands in front of their property denies the owners their right to continue what they've traditionally done before.

Mr. Fairbanks spoke in favor of allowing the upland owners to sublease their sublease with permission of the governing body.

Mr. Nerby stated the lease with the upland owner should include access to the water over the seawall.

Mr. Fairbanks suggested the upland owner be given first refusal to moorage space on the seawall in front of his property. Mr. Richardson agreed, as long as the going moorage rate was charged to the owner.

motion

M/M Hawkins to table the discussion of technicalities and deal only with the issues the Commissions had information on. Motion died for lack of a second.

Mr. Englishoe suggested changing the second paragraph to state the City could enter into a sublease with a third party if the upland owner did not wish to lease the reclaimed land. Mr. Guinn agreed provided the existing access be maintained.

motion

M/M Richardson, 2nd by Hawkins that the sublease portion of the CLUDP state that upland owners have the first option to sublease the reclaimed tidelands in front of their property, with the provision that access cannot be cut off across the property; the upland owners also be given first option to enter a separate lease for the seawall space along the reclaimed land at the current moorage rate; and if the upland owners wish to

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sublease their sublease, they must first receive permission from the City Council.

motion M/M Buster, 2nd by Hawkins to amend the motion to allow the City to enter into a sublease for moorage with a third party if the upland owner does not wish to exercise his option. Poll vote. Motion as amended passed, 9-yes, 1-abstain (Nerby).

motion M/M by Guinn, 2nd by Richardson to change the language in the second paragraph under the heading "Subleases" to read "The City may enter into a sublease with a third party." Poll vote. Motion carried, 8-yes, 1-no (DeSousa), 1-abstain (Nerby).

motion M/M by Fairbanks, 2nd by Hawkins to designate the center of the beach at the end of Tract D as float plane access only and to vacate the public access easement across Tract D. Poll vote. Motion carried, 9-yes, 1-no (Richardson).

motion M/M by Richardson, 2nd by Guinn to formally vacate the fifty foot public access easement in Tract C and to move it down the seawall. Poll vote. Motion carried unanimously.

motion M/M by Richardson, 2nd by Fairbanks to vacate the public access easement as located at the end of Tract E. Poll vote. Motion carried unanimously.

motion M/M by Fairbanks, 2nd by Guinn to vacate the public access easement in Tract F. Poll vote. Motion carried unanimously.

motion M/M Fairbankss, 2nd by Hawkins to eliminate the last sentence on page 9 under Lot 9, Block 20. Poll vote. Motion failed, 6-no, 2-yes (Fairbanks, Hawkins), 1-abstain (Nerby).

motion M/M by Richardson, 2nd by Guinn to adjourn the meeting at 10:05 pm. Voice vote. Motion carried unanimously.


Connie Tucker
Connie Tucker, Commission Clerk