

# Planning Commission Minutes

Regular Scheduled Meeting November 8, 2001

PUBLIC WORKS BLDG., SECOND FLOOR CONFERENCE ROOM

7:30 PM

## I. CALL TO ORDER

The meeting was called to order by Acting Chair M. Charlie at 7:35 PM

## II. ROLL CALL

Present: M. Charlie, C. Albright, P. Jennings, J. Hamilton, D. Notti, J. Guinn

Excused: None

Unexcused: L. Andrew .

Others Present: Bret Burroughs, Representing Tunista Properties

Lorin Bradbury, Representing Pentecostal Church

Arvin Dull

Sandra Moseley, Admin Assistant. Recorder of minutes.

## III. APPROVAL OF MINUTES

MM D. Notti/M. Charlie Approve the minutes of the October 11 meeting.

Unanimous

## IV. APPROVAL OF AGENDA

MM D. Notti/J. Hamilton Approve the agenda.

Unanimous

## V. COMMUNICATIONS

Handouts at meeting:

1. Cover letter to the city's November 6<sup>th</sup> tide and submerged lands application to DNR.

2. Email exchange with Dept of Education and Early Development on LKSD's BRH and ME land exchange with attached letter to Dept of Natural Resources.

All others included in meeting packet.

## VI. PLANNERS REPORT

Mr. Malone reported:

City Wide Mapping Project: Doug Graether of ASCG reported via email on Tuesday that they would be forwarding the AutoCad data files on CD next week. They hope to begin printing grid

panels within the next 2 weeks. We have arranged a one day training at ASCG on the insertion of our future final plats into this database. This is scheduled for November 30<sup>th</sup>.

Phase 2 City Sub. Sewer & Water: The city attorneys office advised on Tuesday that the drawings for the lots that required relocation of easements has now been received from the engineers and forwarded to us in the mail. We are presently struggling with some appraisal matters over these relocated easements. The easement appraisals were all done (and paid for) during Phase 1. Many of these new easements that are being requested of landowners are smaller (significantly smaller) then originally asked for. The alternatives being discussed is applying a square foot value from the original appraisals to the reduced easement land area, or ordering new appraisals.

Final Plat, Lots 8-12, Block 6, Tract C-2, Mumtretlek Sub. There has been no further communication from Grant Shimanek of the Moravian Church since my last reporting to you last month. The Public Works director advises that there has been no request as yet for a final inspection of the public improvements related to this subdivision. Our office had anticipated having the final plat before you at this meeting.

Dedicated rights-of-ways and public easements on previously platted ANCSA and Indian Homestead Subdivision lands: I believe that I have been very clear with ONC that I would make these applications a priority in our office once presented. However, ONC still has not forwarded any additional reapplication paperwork for these rights-of-ways and public easements for the other subdivisions that were developed in BIA trust status since we completed Tsikoyak (Larson) Subdivision in early September. As previously reported, land sales on these remaining subdivisions has been suspended until these have been approved.

LKSD/DOE&ED Proposed Land Exchange: This relates to curing the encroachment of ME school on city land. The encroachment has been in place for almost 20 years. The planning office has spent the past 5 years working with LKSD and DOE&ED to cure this. We've had a land exchange agreement in place for the past 2 years that is now in plat form. I was hoping to present this plat to you at this meeting, if DOE&ED would present documented assurance that they could sign/execute such a plat for the State of Alaska. The school district occupies and manages this site through a land management agreement with DNR. This is a typical arrangement between DNR and other departments of state government. LKSD and DOE&ED have both asserted over the past five years that they had the authority to execute the necessary land exchange with the city to cure this encroachment. As you can see from the handout , DOE&ED has finally acknowledged (after 5 years) that they do not have the authority to execute either the plat that has been prepared, or a deed of conveyance for the lands to be exchanged to the city. Only DNR can do this at this time because we (city) conveyed this parcel to the State of Alaska. As I have shared with the City Manager, I would be greatly surprised if the attached letter to DNR gets the results asked for – DNR's outright conveying to DOE&ED the BHS/ME site. DNR is governed by statute (under Title 38) in such matters.

DNR Tide and Submerged Lands Application: As you can see from the handout cover letter to our application, this involves 2 locations. Location #1. are those lands located in front of the old hospital site that were not included in the 1997 tidelands conveyance to us because they had not be surveyed and platted. This is because these lands were not included in our bank stabilization projects in the 1980's. Location #2 in Brown's Slough is in the same category (unplatted and without bank protection). The Corp's of Engineers plans to include bank stabilization along this remaining unprotected area of the slough in their forth coming project.

Information Technology : Nicole added two new workstation network ports in the Police department. She spent several days on a rather serious virus infection at the Senior Center. This was most likely a trojan horse type infection. A trojan horse is a term for small programs which are unknowingly downloaded in an image file or email attachment and will sit in the computers memory while allowing access to the workstation and sending out a signal to some hacker programs, stating it is there. In this instance the virus nor its source could not be confirmed as the fix required wiping the hard drive, clean and reinstalling all programs. A virus was also discovered on one of the Youth Center workstations that required a complete change out of the hard drive. She also added some vendor provided upgrade budgeting and accounting modules to the finance departments IBM AS 400 system.

## **VII. PEOPLE TO BE HEARD**

Bret Burroughs representing Tunista Properties is asking for a vacation of the undeveloped portion of Third Ave. extension adjacent to Dull Lake. They are in the process of the application. Mr. Al Bianchi is the surveyor and has finished the survey. Mr. Burroughs stated he also has a letter from Ms. Winterstein requesting this vacation. Mr. Winterstein owns the property across from Tunista Properties on the undeveloped right-of-way. Mr. Malone stated that two owners represent the majority of property owners (there are 3 property owners) for the purposes of the petition to vacate application.

## **VIII. COMMISSIONERS COMMENTS**

Commissioner M. Charlie asked to be excused from the meeting and turned the Chair over to Chair Guinn. Chair Guinn excused Commissioner M. Charlie.

## **IX. OLD BUSINESS**

ITEM A. ABBREVIATED PRELIMINARY PLAT APPLICATION FOR THE SUBDIVISION OF LOT 1A, BLOCK 12, USS 3230B, CREATING LOTS 1C AND 1D. THIS SUBDIVISION NEITHER CREATES OR REMOVES ANY PUBLIC RIGHTS-OF-WAYS OR EASEMENTS. APPLICANT IS DAVID KELLER ( ALDER ST.) THIS ITEM WAS TABLED AT THE AUGUST 9, 2001, SEPTEMBER 20, 2001 AND THE OCTOBER 11, 2001 MEETING DUE TO NO REPRESENTATION BY THE APPLICANT.

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PUBLIC HEARING

Open public hearing at 8:00 PM

Mr. Malone stated that he sent a notice letter to David Keller via certified, return receipt and he received no answer. The return slip revealed that Mr. Keller had received the notice letter. Mr. Malone requested that since no one response had been received that the file be closed.

Close public hearing at 8:02 PM

MM D. Notti/J. Hamilton Motion to close the file.

Unanimous

ITEM B. APPLICATION FOR PRELIMINARY PLAT FROM THE BETHEL PENTECOSTAL CHURCH, ARTHUR DULL SR., AND ARVIN D. DULL FOR A REPLAT OF PLAT 98-7, BETHEL RECORDING DISTRICT. THIS IS A REPLAT OF LOTS 1 – 4, BLOCK 5, DULL SUBDIVISION, USS 3770. THE LOCATION IS THOSE LOTS IN THE VICINITY OF 455 RIDGECREST DRIVE. THIS ITEM WAS TABLED AT THE OCTOBER 11, 2001 MEETING DUE TO NO PERSONAL REPRESENTATION BY THE APPLICANT.

PUBLIC HEARING

Chair Guinn asked Mr. Malone to introduce the item. Mr. Malone introduced Mr. Bradbury and Mr. Dull. Mr. Malone stated that the reason that the applicant property owners to this subdivision needed to appear on record was that aside from the boundary correction in this survey, two easements were being removed.

Open public hearing at 8:03 PM.

Neither Mr. Dull nor Mr. Bradbury recalled the purpose or previous uses of the two easements in question. Both agreed that these were in place prior to the previous subdivision of the property and were no longer necessary nor served any purpose to the present owners.

Close public hearing at 8:07 PM

MM D. Notti/ J. Hamilton Approve the preliminary plat as presented.

Unanimous

Mr. Malone offered that he saw little reason to bring the plat back for a final plat public hearing in that no amendments were being made to the preliminary plat, and the purpose of this replat was to correct boundaries errors that had occurred in the last platting. He asked the commission to waive the final plat public hearing process.

**X. NEW BUSINESS**

ITEM A. RESOLUTION # 01-07. FINAL PLAT FOR THE VACATION OF APPROXIMATELY 317 FEET OF THE 7<sup>TH</sup> AVENUE RIGHT-OF-WAY BEGINNING AT THE EASTERLY TERMINUS OF THE 7<sup>TH</sup> AVENUE RIGHT-OF-WAY AND BROWN'S SLOUGH, TO THE WEST BOUNDARIES OF LT 3, BLK 1 AND LT 4, BLK 4, USS 3230 A&B.

PUBLIC HEARING

Chair Guinn asked Mr. Malone to introduce this item. Mr. Malone stated that the fees for this final plat application had been paid and that the final plat had past administrative approval.

Open public hearing at 8:10 PM

No testimony was offered.

Close public hearing at 8:13 PM

Vote in favor: 4 Against: 0 Abstained: 0

ITEM B. RESOLUTION # 01-08. FINAL PLAT OF MC CARR SUBDIVISION. A SUBDIVISION OF A PORTION OF TRACT 1A, USS 3790, EAST ADDITION TO THE BETHEL TOWNSITE, INTO LOT 2 (THE REMAINDER OF TRACT 1A), AND LOT 1, A 12, 717 S/F PARCEL LOCATED AT 590 HANGER LAKE ROAD. THE CITY COUNCIL HAS APPROVED THE CONVEYANCE OF LOT 1 TO DAVID MC CARR PURSUANT TO ORDINANCE #01-32.

PUBLIC HEARING

Chair Guinn asked Mr. Malone to introduce this item. Mr. Malone stated that ONC had paid the fees for this final plat application that the final plat had past administrative approval.

Open public hearing at 8:16 PM

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No testimony was offered.  
Close public hearing at 8:17 PM  
Vote in favor: 4 Against: 0 Abstained: 0

**XI. ADJOURNMENT**

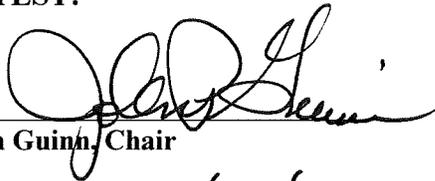
MM J. Hamilton/C. Albright Motion to adjourn.

Unanimous

Meeting adjourned at 8:18 PM

Minutes prepared by Sandra Moseley, Administrative Assistant

**ATTEST:**

  
John Guinn, Chair

Date: 12/13/01

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