CITY OF BETHEL

P.O. Box 388 Bethel, Alaska 99559-0388
907-543-2047
FAX # 543-4171

Planning Commission Minutes

Regular Scheduled Meeting May 10, 2001

PUBLIC WORKS BLDG., SECOND FLOOR CONFERENCE ROOM 7:30 PM

I. CALL TO ORDER

Meeting was called to Order by Chair J. Guinn at 7:42PM.

II. ROLL CALL

Present: J. Guinn, D. Notti, L. Andrew, W. Keppel, M. Charlie

Excused: J. Hamilton

Unexcused: M Kenick

Others Present: John Malone, City Planner; Sandra Moseley, Admin. Assist, Recorder of Minutes; Grant Shimanek, Alaska Moravian Church; David Marten, resident; Angela Denning-Barnes, Tundra Drums; Helen Hancken, petitioner, Item B New Business; Leigh Gill, petitioner, Item B, New Business; Francis Reich, Item B, New Business, Alice Noes, Alaska Moravian Church; Myron Angstmam, petitioner, Item B, New Business.
(Note: a number of other persons appeared at the meeting but did not sign in or ask to be included on the attendance sheet).

III. APPROVAL OF MINUTES

M/M M.Charlie/D. Notti Approve the minutes of the April 12, 2001 meeting.

Unanimous

IV. APPROVAL OF AGENDA

Mr. Malone noted that under Item B, New Business, this had been noticed for a public hearing and this action was omitted when the agenda was published. He requested that this action be added to Item B.

M/M L. Andrew/M. Charlie Approve the agenda as amended.

Unanimous

V. COMMUNICATIONS

1. Three additional items under ITEM B, New Business (Note Planners Report that follows)
2. Memorandum packet pertaining to the deferment of sections 17.24.228 through 17.24.280 in Ordinance 01-05.
3. Letter from Marc Stemp, CEO of BNC, pertaining to the use of Tract 5C, USS 4000

All others were sent with the meeting packets.

VI. PLANNERS REPORT

Mr. Malone reported:

Handouts: There are three additional items for ITEM B, New Business. Mr. Angstman faxed a memo today with some additional language as to the public purpose/benefit in support of his petition to vacate a portion of 7th Avenue. There is also a memo received today from Clair Grifka, Public Works Director, pertaining the street condition, maintenance and sewer and water utility truck access to this portion of 7th Avenue. Thirdly, a fax memo from the city attorney in response to my question on a procedural issue pertaining to the Commission's action on the resolution required by the amended new ordinance for public land vactions.

Ordinance 01-05, memorandum and packet of materials pertaining to the deferred effective date of sections 17.24.228 through 17.24.280 for the mandatory installation of piped sewer and water systems. I've distributed this memorandum to the city engineer and the public works director last week. The public works director advised yesterday that he has distributed these to the public works committee. Please retain these packets as we may be called upon to make further amendments to these sections as a result of this more expanded time period evaluation.

Tract 5C, USS 4000: Marc Stemp, CEO of BNC, has asked that I distribute this letter concerning uses of Tract 5C. I understand that the proposed use of Tract 5C as the location of another fuel tank farm has been introduced to council. The city manager advises that he has referred these use issues raised by BNC to the city attorney. I have not heard of any response yet from the city attorney on the matter.

Site Plan Activity: As to be expected site plan application activity has picked up significantly. The public works director and I still need to work up an inspection/approval form for culvert placement to insure compliance with the new ordinance requirement of both pre-approval of culvert location within our ROW's, and final inspection after installation.

RFP - City Wide Mapping Project: A 4 member proposal evaluation committee (PEC) was convened on April 17th to evaluate and score the 3 respondents to the citywide mapping RFP.

The PEC chose ASCG, Inc. of Anchorage as the best qualified respondent that most closely met the scope of work requirements of the RFP and your guidance motion pertaining to most recent aerial photography, mapping of the whole city and cost, at our April 12th meeting. ASCG's total project cost was $144,839.00. According to ASCG's submitted work schedule, they plan to begin delivering finalized maps weekly beginning August 31, 2001. The city attorney advised me yesterday that she has a draft contract prepared for ASCG that is pending the city managers and ASCG's approval.

City Subdivision Sewer & Water Project: We are as of today down to 2 Landowner Agreement and Easement Acquisition document packets for 2 lots that are still out. One party is overseas, but reportedly has these documents in their possession for the purpose of acquiring their wife's signature. The second party may prove to be a bit more difficult and we will probably refer this to the city attorney. The owner of record of this parcel is reportedly only holding the title to the property because the original/previous owner has financial difficulties that has placed their assets in jeopardy of seizure. Reportedly a conflict has arose between the present owner of record and this previous owner and the owner of record has advised us that she has Quitclaimed the property back to the previous owner. Both of these parties are out of the community, one is out of the state. We have not seen a copy of this most recent reported Quitclaim Deed, however, the conveyor (present owner of record) reports that she will be recording it shortly with the District Recorders Office.

Information Technology: Nicole is currently installing a new Windows NT server in the City Office building. Last week she spent most of her time in the Planning Office on projects regarding public noticing under the new platting ordinances. The two preliminary plat applications currently on your agenda require landowner noticing within a 600 foot radius of the proposed subdivision. One application required 58 notices, the other 108. Nicole has set up a database design that allows these noticing lists to be down loaded from the utilities data file by streets, then mail merged for printing purposes. The result of this is a much more expedient method of mail noticing then we previously had. This and the City Subdivision Water and Sewer Project occupied most of her time last week.

VII. PEOPLE TO BE HEARD

Chair Guinn asked if there were any comments or testimony pertaining to items that were not on the agenda.

None

VIII. COMMISSIONERS COMMENTS

Commissioner W. Keppel wished to clarify excusable absences. He had learned from the city clerk and the city policy manual that only certain absences should be considered excusable. He did not think that church attendance on Thursday nights (scheduled

Commission meeting night) should be considered excusable. That this was a personal choice.

Chair Guinn responded that he would have to hear more specific facts before he would rule on such an issue. Chair Guinn further indicated that he would not proceed further with this issue at this time.

Commissioner D. Notti (noting the large audience) said it was nice to have a crowd at the meeting for a change.

IX. OLD BUSINESS

ITEM A. RESOLUTION NO. 01-01, A RESOLUTION TO THE CITY COUNCIL RECOMMENDING CONSIDERATION BE GIVEN TO DISCOUNTING CITY OWNED SAND TO BE USED BY PRIVATE PARTIES IN DEVELOPING PUBLIC IMPROVEMENTS WITHIN DEDICATED PUBLIC RIGHTS-OF-WAYS AND OTHER PUBLIC PURPOSES.
PUBLIC HEARING

Chair J. Guinn asked Mr. Malone to introduce this item. Mr. Malone reported that per the commissions request at their April 12th meeting he had Sandra Mosely on April 27th send a fax memo to several sand and general contractors inviting their input and comments at this meeting. Included in the list were Marc Stemp, of BNC; L.J. Davis; Faulkner-Walsh; Korthius; Jeffwood Construction; Osborne Construction; T&H Leveling; Knik Construction; Ben Dale and Paul O'Brien. Mr. Malone noted that none of these appeared to be attendance for this meeting. Mr. Malone also made available copies of the1980 Agreement of Sand Right between the city and Calista Corporation for what is commonly known as the Calista sand pit at the airport.

Chair J. Guinn opened the Public Hearing at 7:54PM.

Chair J. Guinn read the 1980 City of Bethel/Calista Agreement of Sand Right.

Commissioner D. Notti stated he could not support the City giving away the sand that Calista Corporation was good enough to give the city. Commissioner W. Keppel said that Calista didn't give us anything and that they owed the City 1,280 acres (under ANCSA 14 (c) (3)). It was given to the City to help make the community a better place. Commissioner D. Notti stated that it was up-to 1280 acres. Commissioner W. Keppel stated that the sand would not be used for capital projects that were funded by state or federal money and that the resolution could be clear about this by stating that the sand could only be used for city owned roads, green spaces and designated parks.

Chair J. Guinn closed Public Hearing at 8:05PM.

M/M W. Keppel/ Approve resolution 01-01 with the following amendment that specifies the use of city owned sand for city roads, green spaces and designated parks. Any other uses would be considered on a case by case bases.

Motion failed for lack of a second.

X. NEW BUSINESS

ITEM A. PRELIMINARY PLAT CREATING A SUBDIVISION OF TRACT C-2, MUMTRETLEK SUBDIVISION. THIS SUBDIVISION CREATES LOTS 8 THRU 12 AS AN ADDITION TO BLOCK 6, AND A REMAINDER OF TRACT C-2 AS TRACT C-2A, MUMTRETLEK SUBDIVISION. APPLICANT IS THE ALASKA MORAVIAN CHURCH. LOCATION IS THE UNDEVELOPED PORTION OF THE MISSION LAKE ROAD RIGHT-OF-WAY.

PUBLIC HEARING

Chair J. Guinn asked Mr. Malone to introduce the item. Mr. Malone introduced Grant Shimanek representing the applicant Alaska Moravian Church. Mr. Malone reported that the public hearing had been noticed pursuant to the new platting ordinance. Under the requirement for individual noticing within a 600 foot radius of the subject plat, 58 individual notices had been sent out. He further reported that he had discussed needed changes to the submitted plat with Mr. G. Shimanek, electric utility access and installation with Lenny Welch of Bethel Utilities Corporation, and the needed completion by the city of a small portion of the Mission Lake Road required to access the new subdivision. Mr. Malone further reported that the Public Works Director advised that his department would schedule the road work early on as soon as dirt work conditions permitted, and Bethel Utilities reported that they could access the subdivision from existing easements. Mr. Malone further stated that it was his understanding the applicant intended to have all the necessary public improvements completed and approved prior to the final plat hearing. In so doing, there would be no need for a public improvement guarantee bond/surety for these improvements. Mr. Shimanek concurred that this was their intention.

Chair J. Guinn opened public hearing at 8:02PM

Mr. Shimanek stated the letter he had hand delivered tonight to the Planning Commission, laid out their intended development schedule. He further stated that he would be recommending to the Board of the Alaska Moravian Church that they request of the city that the remainder of the Mission Lake Road right-of-way from this subdivision eastward not be developed as a roadway, but left for pedestrian use only as is its current boardwalk status.

Dave Marten concurred with this remainder of the right-of-way being left for pedestrian use only. D. Marten also questioned the displacement by the proposed subdivision of a long used snow machine trail. Mr. Shimanek replied that an alternate trail would most likely be selected by snow machines as there was no further development anticipated by the church on this tract in this area. Chair J. Guinn commented that they (snow machines) will always find a way. Mr. Malone commented that in the comprehensive plan trail study, most, if not all recognized snow machine trails were in part on private property. This still remains a challenge to a dedicated trail system within the city. Commissioner D. Notti noted that this was private property (applicants property). Commissioner W. Keppel stated that this was a moot issue after things like City Subdivision sewer and water project go in – will not be able to cross over new piping system.

Further discussion occurred around drainage discharge. Mr. Malone responded that the applicant still needed to submit a drainage plan for public works approval.

Chair J. Guinn closed the Public Hearing at 8:23PM

Mr. Malone asked Mr. Shimanek if scheduling the final plat hearing for the commission's regularly scheduled August meeting was sufficient time for completion of the public improvements within the subdivision. Mr. Shimanek replied that he thought that it was.

M/M D. Notti/M. Charlie Approve the preliminary plat application.

Unanimous

ITEM B. PRELIMINARY PLAT. PETITION TO VACATE APPROXIMATELY 317 FEET OF THE EASTERLY END OF THE 7TH AVENEUE RIGHT-OF-WAY. PETITIONERS: HELEN HANEKEN, LIEGH GILL AND MYRON ANGSTMAN.

PUBLIC HEARING

Chair J. Guinn asked Mr. Malone to introduce the item. Mr. Malone introduced the petitioners Helen Haneken, Liegh Gill and Myron Angstman. Mr. Malone reported that the public hearing had been noticed pursuant to the new platting ordinance. Under the requirement for individual noticing within a 600 foot radius of the subject plat, 108 individual notices had been sent out. Mr. Malone further reported that Mr. Angstman had faxed this morning a revised statement of public benefit to their petition and this had been distributed earlier in the meeting. Also handed out earlier in the meeting was a memo from Clair Grifka, Public Works Director, to the Planning Commission that addressed the road condition, road maintenance and sewer and water service access to the petitioner's properties. The Public Works Director reported no objection to the proposed vacation as presented in the petition.

Mr. Malone further reported that of the approximate 317 feet of right-of-way that the petitioner's were asking to vacate, approximately 217 feet of the right-of-way remained unimproved with a road. Further, the area is zoned General Use with the exception of Lot 1, Block 1, which had been sold to Mr. Angstman a couple of years ago through a public bidding process. This had been rezoned by the council as a condition of this sale as Open Space. The whole area is in the designated Special Hazard flood zone and significant portions of the subject lots are within the Corps of Engineers restricted wetlands (requiring Corps permitting for development).

Chair J. Guinn opened the public hearing at 8:35PM.

Mr. Angstman gave a brief history of the development of this portion of 7th Avenue over the past 25 years or so. He reported that the original road into his lots were constructed by him, and for many years maintained by him through a private contractor. Later, the city did upgrade the road by adding gravel, but they never widened it or moved it closer to the center of the right-of-way . At the time that he placed the road there was no working local surveyor and he placed the road within the right-of-way, but on the southern extreme of the right-of-way – not in the center. Several years after his moving into the area, the house currently owned by petitioner's Gill and Hanaken, was located across the street on the north side of 7th Avenue. Because the road was located on the extreme south portion of the right-of-way, access to this house required an extensive driveway across the right-of-way to reach the road. Currently these are the only developed parcels on this portion of 7th Avenue.

Mr. Angstman further offered that he would stipulate that the vacated portions of the right-of-way that would vacate to his (5) lots would not be developed any further. This would be of benefit to the city in that they would never be required to further develop 7th Avenue to Brown's Slough to accommodate his lots should he ever sell them (Lots 1 & 2 of Block 1 and Lots 1A and 3 of Block 4). Also, the city would be relieved of maintaining that portion of 7th Avenue fronting Lot 3, Block 1 (Henekan & Liegh property) and Lot 4, Block 4 after the vacation as this would have to be privately maintained by the landowners as a private driveway.

Mr. Malone asked Mr. Angstman if he would object to vacating the boundary between Lots 1 & 2 of Block 1 (these lots are unimproved and contiguous to Brown's Slough) and having the zoning designation for the new combined lot zoned as Open Space as Lot 1, Block 1 is currently zoned (Open Space zone was placed on Lot 1, Block 1 as a condition of a city open bid sale several years previous). Mr. Angstman had no objection.

Mr. Malone further pointed out that the petitioners would have to provide on their plat, easement access to Lots 1 & 2 of Block 1 and Lots 1A and 3 of Block 4, as the vacation of the 7th Avenue right-of-way would land-lock these lots. Mr. Angstman acknowledged that he understood this.

Commissioner W. Keppel pointed out that under the subdivision ordinance this vacation would require the placement of a cul-de-sac at the new terminus of 7th Avenue.

Chair J. Guinn closed Public Hearing at 9:05PM

M/M W. Keppel/D. Notti Direct the planner to prepare the necessary resolution approving the preliminary plat for the Planning Commissions consideration at their next meeting.

Unanimous

ITEM C. PUBLIC PARK DEDICATION. DETERMINE MERITS AND FEASABILITY OF DEDICATING A PUBLIC PARK USAGE ALONG THE SEAWALL AT THE WEST END OF FIRST AVENUE AND THE INTERSECTION OF BLUFF DRIVE. REFERRED TO THE PLANNING OFFICE BY THE CITY COUNCIL BY COUNCIL RESOLUTION #01-15.

DISCUSSION ITEM

Chair J. Guinn asked Mr. Malone to introduce the item.

Mr. Malone stated that a copy of City Council resolution #01-15 had been included in the meeting packets and a letter from Marc Stemp, CEO of Bethel Native Corporation, was handed out earlier in the meeting. This resolution directed the City Planner to research the feasibility of the use of city owned riverfront property for community and recreation facility use and report back to the council.

The council resolution did not identify the specific waterfront location under consideration for a recreation facility. Commissioner W. Keppel corrected Mr. Malone's miss understanding of the location of the intended site as Tract 5C (adjacent to the Petro Port) not Bluff Drive. Mr. Malone stated that the reason he assumed the Bluff Drive location was the correct one was there had been considerable interest over the years expressed by residents of First Avenue in establishing a community park site along the waterfront in the vicinity of Bluff Drive and First Avenue.

Commissioner D. Notti stated that he could not support the Tract 5C (Petro Port) location for such use, but could support the Bluff Drive location.

Commissioner W. Keppel stated that he supported the Tract 5C location because it was quite, you could moor boats, it was used by elders coming to the community and was in easy walking distance of YKHC and the hospital. He further added that a lot of people come to the community for hospital services and this was an area where they could set up

tents and the city could provide portatoilets for sanitation. Currently there is no public access through Bethel Native Corporations land (Tract 5A) situated between Tract 5C and YKHC, but that he had spoken to Marc Stemp of Bethel Native Corporation about this and Mr. Stemp had told him that Bethel Native Corporation would be willing to provide such a trail access. Also what was needed was money for a floating dock at this location. Janet Athanas of the Parks and Recreation Department had told him that she felt that she could find money for playground equipment for this site.

Commissioner D. Notti stated that he wished to counter several points of Commissioner W. Keppel's comments. Given Kniks monopoly on gravel (a portion of Tract 5C is used as a gravel port), the uncertainty of the BNC/Crowley tank farm deal (reportedly to be located on Tract 5A) and the current letter proposal before council to lease Tract 5C by another party to establish another tank farm, he felt that is very important to keep this property open for at least another year or until the issue of another tank farm locating in the community is resolved.

Commissioner W. Keppel stated that he had heard that there was a letter from the city attorney saying that it was ok to develop city owned Tract 5C (in response to Marc Semp letter previously handed out at this meeting). Further, that there could not be more then 2.5 acres of usable ground in Tract 5C and this would only support about 4 million gallons of storage compared to Bethel Fuel Sales 9 million gallons – so what do you save ? Also, you need keep the seawall pipe and seawall rock stored there because there is no other place for it.

Commissioner D.Notti stated that if Bethel Native Corporation developed their site (Tract 5A) their pipes to the riverfront would block any access to the seawall pipe and rock storage area. Commissioner W. Keppel responded that you could simply build a bridge over the fuel pipes like Bethel Fuel Sales had done in their yard.

Commissioner W. Keppel stated that Bethel Fuel Sales had bought out Faulkner's airport fueling service – their a big company that can control everything. You can't threaten a large company like that with a small company (company that is proposing to lease Tract 5C for new tank farm).

No further discussion – no action taken on this item.

XI. ADJOURNMENT

M/M L. Andrew/D. Notti To adjourn.

Unanimous

Meeting was adjourned at 9:45PM.

Prepared By: Sandra Moseley, Administrative Assistant

ATTEST:

John Guinn, Chair

DATE: 6/14/01