
City of Bethel, Alaska

Planning Commission Minutes - DRAFT

October 28, 2004

Rescheduled Meeting

Bethel, Alaska

CALL TO ORDER

A regular meeting of the Bethel Planning Commission was held on October 28, 2004 at 6:35 p.m. in the Public Works Bldg, 2nd Floor Conference Room, Bethel, Alaska.

Chair John Guinn called the meeting to order at 6:35 p.m.

ROLL CALL

Comprising a quorum of the Commission, the following were present:

John Guinn	Joan Hamilton	Joy Shantz	Pat Jennings
Tundy Rodgers	Brian Glasheen		

Excused absence(s): Mark Charlie

Unexcused absence(s):

Also in attendance were the following:

John Malone, City Planner
 Emilee Kutch, Planning Technician
 Irene & Joseph (Sonny) Venes
 Chuck Willert
 Sandra Cott
 Bill Ferguson, LSKD

APPROVAL OF MINUTES

MOVED BY:		Postpone approval of the September 19 minutes for the next Planning Commission meeting.
SECONDED BY:		

VOTE ON MOTION	
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APPROVAL OF AGENDA

MOVED BY:	J. Hamilton	To approve the agenda as amended.
SECONDED BY:	P. Jennings	

Add agenda ITEM D under New Business. Resolution #04-04, Lease of Bethel Group Home property to LKSD.

VOTE ON MOTION	Unanimous
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COMMUNICATIONS

Meeting Handouts:

1. Email comment to DOT/PF on 2006-2008 proposed changes to STIP program.
2. Draft Resolution 04-04, lease of Bethel Group Home property to LKSD.
3. City dock land status map – proposed city dock lands & infrastructure transfer from DOT/PF.
4. Letter to Mayor from DNR announcing Oct 20-22 workshop on coastal district plan amendments.
5. Scoping outline on requirements for coastal plan rewrite.

PLANNERS REPORT

J. Malone reported:

Please note that some of my report is a bit dated because we did not meet in September.

New Minutes Format: A few weeks back the city clerk sent a reminder email to all committee and commissions that were not using the new council adopted minute format to please start using. So starting with this meeting we will start using this.

Corps of Engineers General Permit (GP) Renewal: Mary Lekyum, our Corps representative in the Regulatory Branch, has been promoted and transferred to southeast. Prior to leaving she wanted to start our GP renewal process. One of the renewal requirements that needs accompany our permit to the national level is a cumulative impact report from the last five years of permit activity. We audited the previous five year permit database against the hard copies of permits issued and transmitted this in spreadsheet form to the Corps. One significant step in the renewal process out of the way.

National Flood Insurance Program (NFIP) Community Rating System (CRS) Application: I met with Christy Miller, the state NFIP representative, and Rori Marston from Senator Stevens office on August 24th. This meeting was the Community Assistance Visit portion of the CRS application process. I believe all the information that was requested was adequately provided. Ms. Miller shared at the termination of the meeting that her letter to the Insurance Services Office (ISO) and Region X, NFIP would be favorable. When this letter is received I will certainly share with the commission. As previously reported, this is the first of three visitations required under the CRS application process. The other required site visitations are from Region X, Federal Emergency Management Agency (agency that administers the NFIP) and ISO the agency that will establish our community's new insurance ratings. The CRS Coordinators Manual has arrived and I have reviewed this material. This is the guidance manual for the application process. The application packet from ISO has not yet arrived.

Last week while attending the ACMP workshop on the coastal plan rewrites I met briefly with Christy Miller who informed that her Community Assistance letter was coming and it would be a "positive letter".

Alaska Coastal Management Program: Last week I attended a workshop sponsored by the Dept of Natural Resources (DNR) on coastal plan rewrites. Also in attendance was Eileen Bechtel who will be our contracted person for the actual plan rewrite. You will recall that DNR provided grant funds to all the coastal areas and districts for such contracted services. Our grant award was \$18,000. Eileen has since signed a contract agreement with us. She is also rewriting plans for Nome, Valdez and Whittier. There are very few persons within the state that are qualified (acceptable to DNR) for these plan rewrites, and I am most pleased to have someone with Eileen's experience and background in this program working with us. There is still a tremendous amount of uncertainty in the outcome of these plan rewrites with regards to the new regulations that became effective on July 1. These new regulations restrict local input – local due deference - on all issues that had in the past been the prerogative of local districts. Secondly, the new state regulations have not been approved by NOAA, the federal agency that funds and manages the program nationwide. There was a NOAA representative present throughout the workshop. I think it is a fair characterization of his impression from the reactions of the local districts over the loss of local control that NOAA may reject the changes being brought about by these regulations.

City Dock Transfer: The proposed dock transfer documents for the city dock were included in your meeting packet. The meeting handout map shows the result of our record research of the ownership of the dock lands. Council has asked the administration to return a recommendation on this transfer. Unfortunately this transfer agreement does not include the dock lands. The majority of the land area that comprises the actual dock is in state ownership. Through a phone conversation with DOT/PF they indicated they would be willing to recommend to DNR a transfer of these to the city. DOT/PF has not yet been able to locate the Interagency Land Management Agreement between DOT/PF and DNR – they believe the only copy is in DNR's files. These interagency management agreements typically specify the authority that the managing agency has in state lands. They come in all shapes and flavors depending on the land use, year drafted and under what administration they were drafted.

DOT/PF and Changes to the STIP Program: DOT/PF is soliciting comments on the 2006-2008 draft STIP program. Three weeks ago the administration and the city council met with representatives from DOT/PF's Southcentral Region on new proposed changes to the program. Most, if not all of these changes are the result of reduced federal funding. The local match requirement now being discussed will probably put most, if not all, new projects out of reach for rural communities unless they can access additional funding from other sources. The written comment period for this draft ended October 8. At the request of the city manager I emailed comments to DOT/PF. Copies of my comments are included in the meeting handouts. It appears that the local match requirement will retroactively apply to the six already approved projects that we have pending under the STIP program.

Transfer of Bethel Group Home to LKSD: The LKSD Board has reportedly acquired the old Bethel Group Home facilities located at 142 Atsaq St. in Turnkey III Subdivision (Bethel Heights). At the October 26th city council meeting it was requested that the Planning Commission address the ground lease of this property from the city to LKSD at this meeting. I have prepared draft Resolution #04-04 for your consideration.

Cadastral Mapping Project: Last week I met with our contractor, Larry Clamp of ASCG, on this project. He informs that they are nearing completion of the map data transfer from our city CAD maps to the new ArcView software program that will become our GIS management software. Our IT manager, Sam Blankenship, and I have just about finalized the new computer system components for this from the systems options list provided by ASCG.

Doughnut Hole Project: At the city councils October 26th meeting the Planning Commission was directed to develop a right-of-way plan for the Doughnut Hole. The area of focus is a north/south right-of-way, and roadway, beginning at the presently unnamed road in front of the Lu Lu Heron Congregate Care facility, extending south to the platted but undeveloped east/west right-of-way north of the Anna David allotment. It was also suggested that we investigate additional east/west rights-of ways from City Subdivision to this new proposed right-of-way. This would include the extension of Akiachak Street passed the new YE learning center and the extension of Quinhagak Lane. The council would like a completed plan for this by February 1st.

Some of the larger issues on our plate for the near future:

1. Renewal of our 5 year Corps of Engineer General Permit.
2. Cadastral Mapping project – training and installation of new computer systems.
3. Coastal Management Plan rewrite – after completion of draft will require 2 public hearings.
4. Doughnut Hole rights-of-ways
5. NFIP Community Rating System

Site Plan Permit Applications and Code Enforcement: To date we have issued 141 Site Permits so far this season. Since my last reporting there have been 2 more sanitation code violations (honey buckets on site). Both required court appearances and both were upheld by the court for failure to appear by the defendants. Also, another nine abandoned vehicle in ROW were cited – all nine have since been removed by Public Works.

Chair Guinn asked if there were question for the planner:

T. Rodgers asks if any snow machines were included in the abandoned vehicles?

Emilee replied, "No."

J. Shantz would like to thank Emilee for a good job at Code Enforcement.

J. Malone states she spends a lot of time with people and their situations and listens to people, it is a tough job.

PEOPLE TO BE HEARD

None

COMMISSIONERS COMMENTS

P. Jennings – none

T. Rodgers reports that as courtesy to the Governor, they had every one stand at the council meeting. All had a chance to ask the Governor harsh questions of living in rural

Alaska. New council members were seated. Welcomed Yolanda Jorgenson to the council.

J. Hamilton asks if Donlin Creek Road was mentioned.

T. Rodgers responds that council addressed it.

J. Shantz – none

J. Hamilton – none

B. Glasheen – none

J. Guinn - none

UNFINISHED BUSINESS

None

NEW BUSINESS

Chair J. Guinn asks J. Malone to introduce Item A.

Item A – APPLICATION FOR A CONDITIONAL USE PERMIT FOR A NONCONFORMING PROPERTY LOCATED AT 290 MISSION LAKE ROAD. THE APPLICATION IS FOR APPROVAL FOR THE TRANSFERING OF A NONCONFORMING PROPERTY THROUGH A CONDITIONAL USE PERMIT PURSUANT TO BMC 18.80.050.C.

ACTION ITEM

MOVED BY:	J. Shantz	Move to accept Conditional Use Permit application.
SECONDED BY:	T. Rodgers	

VOTE ON MOTION	Unanimous
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Item B – RESOLUTION 04-03. A RESOLUTION RECOMMENDING TO CITY COUNCIL THE CONVEYANCE OF A 1,700 S/F PORTION OF TRACT B1, CITY SUBDIVISION TO IRENE AND JOSEPH (SONNY) VENES JR. TO CURE A BUILDING ENCROACHMENT.

ACTION ITEM

Chair J. Guinn asks J. Malone to introduce Item B.

T. Rodgers asks J. Venes if he had applied for a variance first.

J. Venes responds, "No."

J. Malone answers that a variance would not cure the building encroachment.

J. Shantz asks if the city has any drainage issues with the property.

J. Malone responds that it would not have any detrimental effects – land would not change.

J. Shantz suggests that the city in need of money and there is no use for it (this parcel of land) by the city, then this would work out for the home owner and the city.

B. Glasheen would like to know if there are any conditions for fill.

J. Malone stated that there had been a similar conveyance of city land to the Rose family. As a condition of the conveyance no additional fill could be added – land remained unchanged.

T. Rodgers says the property owner would have to apply for a site plan anyway.

T. Rodgers approves resolution #04-03 with reservations.

MOVED BY:	J. Shantz	Role call vote on Resolution #04-03
SECONDED BY:	T. Rodgers	

VOTE ON MOTION	6-Yes / 0 –No / 0 - abstained
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Item C – YKHC MINOR REPLATS TO VACATE THE COMMON BOUNDARIES BETWEEN LOT 14 AND LOT 5 OF BLOCK 10, LOT 2 AND LOT 3 OF BLOCK 1, LOT 3 AND LOT 4 OF BLOCK 2, PLAT 98-3, KASAYULI SUBDIVISION, THEREBY CREATING THREE SINGLE LOTS, LOT 14A OF BLOCK 10, LOT 2A OF BLOCK 1, AND LOT 3A OF BLOCK 2 OF KASAYULI SUBDIVISION. REQUESTED BY COUNCIL REPRESENTATIVE TUNDY RODGERS.

DISCUSSION ITEM

T. Rodgers with questions and very hard comment after talking to the prior Mayor, YKHC development has 39 duplexes out there. By the time they are done that will be 39 more times for water/sewer to truck out there and right now we are taxed to the limit. We are going to have to buy more vehicles, and none of these people are paying city taxes. The question I want to know is how many of those duplexes are being built on re-plat properties that haven't been done. The last re-plat application failed, are those properties still built on?

J. Guinn answered, "yes, they were approved, the last three went thru a minor re-plat which goes thru planning department.

T. Rodgers says we voted no on the last three.

J. Guinn comments there are two ways to do plats.

T. Rodgers states again the planning commission voted on no re-plat. If it still goes thru then there is some hanky panky going on. Is YKHC still legal? How does the planning commission feel about people living in buildings and not paying taxes. If YKHC would leave the water/sewer to the individual home owners and charge them rent for the building itself, then we would be collecting taxes. But YKHC, is footing the bill for water/sewer. The re-plats failed here once, if they went thru some other way around the corner and those buildings are being lived in against the planning commission voting no, then those three properties are illegal according to state statute.

J. Guinn comments that they do pay for water/sewer and fuel to make it livable for the employees. The other thing you are wrong on is the planning commission did not vote that night, you made a motion Tundy to take it off the agenda and that failed and then there was a motion to approve them and it failed for a lack of a second. Go to the record and check it.

T. Rodgers would like to recommend to the public works committee to look at some way that YKHC should pay their equitable share.

B. Glasheen adds that goes to the cost not to tax, just increase your cost and no one pays tax. That's an accounting problem for the utilities of the city, I don't think it is relative to YKHC's development.

T. Rodgers comments he has done his duty as a representative to this commission by bringing the issues that constituents have brought up.

B. Glasheen agrees that these are good issues in considering the next step to take.

J. Shantz asks for an explanation if it the motion died for a lack of a second, how did the process get to the boundaries vacated.

J. Guinn responds that they put in a plat with the whole subdivision to build 8 duplexes.

Which came to the planning commission for 30 days for preliminary and final plat was approved. The funding did not come thru for Hooper Bay so we took the extra 2 duplexes and diverted them to Bethel and one extra one because the lots were to low to build on. So showing those three, that's the ones Tundy is talking about, Tundy at that time, said the council didn't want us to build anymore duplexes and he wanted to take it off the agenda. That motion failed, there was a motion to approve them, it died for a lack of second. So, there are minor re-plats, which you can do one by one, I took three minor re-plats to vacate the lot lines, turned them in to the planning department, if they are no problems with easements or Right of Way, then they are approved, so now we are building on them.

T. Rodgers says knowing the law and what the planning commission felt about it and the council, you did it anyway, that's unethical.

J. Guinn comments that Tundy is unethical, trying to take it off the agenda and denying YKHC due process.

T. Rodgers suggests that both did a unethical thing.

J. Guinn comments that happy employees are going into the housing.

T. Rodgers states his apologies for any derogatory comments that may have offended anybody.

ITEM D. RESOLUTION #04-04. RESOLUTION RECOMMENDING TO THE CITY COUNCIL THE PROPERTY LEASE OF TRACT B, BLOCK 3, AND A PORTION OF TRACT D, TURNKEY III SUBDIVISION, TO THE LOWER KUSKOKWIM SCHOOL DISTRICT. THIS IS THE LOCATION OF THE BETHEL GROUP HOME FACILITIES. (142 ATSAQ ST.)

ACTION ITEM

Chair J. Guinn asks J. Malone to introduce Item D

T. Rodgers responds for clarification the Bethel Group Home lost all the buildings and everything to the city in default, they moved out and did not move the buildings, I don't believe a contract should be written that's already written with a \$3,700.00 – 30 year land lease, when we are looking around for cop shops and places to put other things that we own. I voiced this at the council meeting when it was brought up. It was suppose to be addressed to the planning commission for other land use ideas.

J. Malone would like to conclude his introductory presentation with an understanding of what the facts to be. The land which is what we are talking about here has always been

owned by the city and leased to the Bethel Group Home. Apparently the LKSD school district had a board meeting and agreed to take possession of the facility for children's programs.

T. Rodgers says the Bethel Group Home owned the facilities but the city owned the property, but when they closed down and moved out they were suppose to take the buildings and everything with them, or they lost everything to the city on default. The city manager explained that in front of council, two different times that the city owns it. If the city wants to keep it, default time is already gone, we can keep it and do whatever we want with it. We are responsible for the liability insurance and the up keep. The idea came up that the cops are out of room and the Governor, Senator Murkowski and everybody else said it's deplorable that our police department is working in such tight quarters. I wanted to bring before the planning commission an idea to maybe open a substation there where most of the crime is, being it belongs to the city now, and work that into the budget. I am opposed to recommending to council for a lease that has not been looked into at all by the planning commission or the new council. Because I know the new council would say "no, without further investigation".

J. Malone states he was sent a copy of the school board minutes by the administration. The action item authorizes the administration to proceed with negotiations with the Bethel Group Home board for the transfer of the buildings and the land lease with the city. So that's why the resolution before you is drafted the way it is - the information you have is news to me.

T. Rodgers again replies that it was stated at the council meeting and the wording is in the minutes. I myself and Mr. Herron had a couple of questions by council members. And the first time the Group Home came to council, YKHC was suppose to take over, but they opted out because the city owns the property. We at that time, under the old council, were going to have them move the buildings, so we could utilize the property.

J. Malone responds this is different information, and I was at the council meeting and I thought that my directions were very clear.

B. Ferguson states that the only reason LKSD pursued this, we were approached by a committee from city council and asked if we wanted this property. So they came to us and said YKHC does not want this, can you use it for educational purposes and we told them yes we could, we were looking for something for special education and boarding school. The committee was Thor Williams, Hugh Dymont, Bob Herron and one other person.

T. Rodgers recommends that pending investigation we put this on hold.

MOVED BY:	T. Rodgers	Motion to hold in abeyance until further direction from council.
SECONDED BY:	B. Glasheen	

VOTE ON MOTION	Unanimous
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ADJOURNMENT

MOVED BY:	J. Hamilton	To adjourn the meeting at 8 p.m.
SECONDED BY:	P. Jennings	

VOTE ON MOTION	Unanimous
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Minutes prepared by Emilee Kutch, Planning Technician.

Next Scheduled Meeting is November 10, 2004. John Malone to attend via teleconference.

APPROVED THIS ____ **day of** _____ **2004.**

ATTEST:

John Guinn, Chair