

Planning Commission Minutes

Rescheduled Regular Meeting November 21, 2002

PUBLIC WORKS BLDG., SECOND FLOOR CONFERENCE ROOM

6:30 PM

I. CALL TO ORDER

Meeting was called to order by Chair Guinn at 6:45 pm.

II. ROLL CALL

Present: John Guinn, Pat Jennings, Joan Hamilton, Brian Glasheen, Joy Shantz, and Tim Albright.

Excused : Mark Charlie

Others Present:

John Malone, City Planner
Betsy Jumper, Admin. Assistant
Jorene Hout, Citizen
Willy Keppel, Citizen
Janelle Vanasse, Executive Director of Yuut Elitnaurviat, "Peoples Learning Center"
Dave Trantham, City Council Member

III. APPROVAL OF MINUTES

M/M T. Albright/P. Jennings Approve the Minutes of the September 19, 2002 meeting.

Unanimous.

IV. APPROVAL OF AGENDA

M/M J.Hamilton/T. Albright

Unanimous

V. COMMUNICATIONS

Letter from the Special Assistant to the Secretary of Interior for Alaska, to Mr. Malone pertaining to subdivision platting dedications on native allotments.

All others included in meeting packets.

VI. PLANNERS REPORT

Mr. Malone Reported:

Denali Commission Transportation Needs: On November 4 I mailed a request from the City Manager for your input on transportation needs that were not being adequately addressed by existing programs for the Denali Commission.

Mapping Project: We have now produced large scale maps of the city similar to the one on the wall in our meeting room for all departments. These are a bit challenging in that they are produced on 42" paper and this is not a standard plot width. I believe I have now a reliable plot table stored for reproducing these if needed. We have about used up all of our 42" wide paper on these first runs.

Letter from Special Assistant to the Secretary of Interior on still unresolved issues surrounding the conveyance to state political subdivisions of rights-of-ways and easements on native allotment lands: The letter handout that I just gave you indicates that this matter is still not resolved at the federal level. A goodly amount of time was spent by me last year resolving these conveyance issues in subdivisions that were platted from native allotments. Apparently those efforts in assuring good title to previously platted publicly dedicated rights-of-ways and easements is still in question, not only in Bethel, but all over the state. Included in the information packet enclosed with this letter was a letter from Governor Knowles to the Regional Director of the BIA urging a better resolution to this than past practices. As indicated in the handout letter, included in the up and coming AFN Conference "Working Together" will be a workshop focusing on the issue of subdivision dedication. I understand the intent is to introduce federal legislation to finally clarify these conveyance issues.

Corps of Engineers East Ave. Seawall Rehab and Extension of Brown's Slough Bulkhead: The Alaska District Office notified us last week that the amended Project Cooperation Agreement (PCA) between the city and the Corps has finally been approved by the office of the Secretary of the Army. We anticipate executing this sometime in early December. We are not authorized by the Corps to proceed with the permanent easement acquisitions for the project until the PCA has been executed by all parties (city attorney must also sign).

Crowley Bulk Fuel Terminal Inspections: ASCG performed their first inspection on the new tank farm project on November 5th. Several concerns were raised, particularly around the leaving of the large excavation without adequate public protection/noticing that would alert the public to its existence. Two other concerns were water buildup in the excavation and how that would be disposed of in the spring, and freezing and thawing of the exposed tank pad throughout the winter. This may effect the compaction of the subbase. There has not yet been a response from Crowley's engineer on these issues.

Phase I City Subdivision sewer and water project: Greg Sargent has informed that CRW noticed Osborne Construction this Monday, November 18, with what amounts to a stop work order on Phase I. Osborne shut down for the winter a few weeks ago. I understand this notice stems from many chronic inspection failures around workmanship and failures to correct deficiencies when noticed in writing.

Personnel: We have yet to have a viable applicant apply for the Planning Tech job. Stosh Hoffman has been filling in as much as possible with these duties. I understand that Sandra Moseley should be back in Bethel next week. No definite date on when she is expected to return to work.

VII. PEOPLE TO BE HEARD

None

VIII. COMMISSIONERS COMMENTS

J. Hamilton inquired about the status of structures on Bob Graham's lot on Ptarmigan Rd. J. Malone said he could only remember Mr. Graham coming in once this summer for a site plan permit for that site and he thought it was denied without Fire Marshal approval. He further reported that Al Bianchi (surveyor) is doing an "as-built" of the site in preparation for more development.

IX. OLD BUSINESS

NONE

X. NEW BUSINESS

ITEM A. VARIANCE APPLICATION OF ROBERT SEPT FOR A POST-CONSTRUCTION REAR YARD SETBACK VARIANCE ON LOT 21, BLOCK 5, US SURVEY 3230 B (841 SIXTH AVE.)

PUBLIC HEARING

Chair Guinn asked Mr. Malone to introduce the item. Mr. Malone informed that the applicant had requested a continuance until after December 1 because his attorney was out of the community. Mr. Malone further reported that the applicant through his attorney had presented on Tuesday (Nov 19) a Variance Application Supplement to the Planning Office. He advised that he would be amending his staff report to the Planning Commission and the commissioners would be receiving both in the mail.

Chair Guinn announced that he was opening the Public Hearing because it was on the agenda.

Public Hearing opened at 6:55PM

Chair Guinn asked if anyone was present to testify on this matter. No one offered to testify.

Public Hearing closed at 6:57PM

Chair Guinn asked if there were any objections to a continuance in this matter. No objections were made.

Continued to next meeting.

ITEM B. PLANNING COMMISSION RECOMMENDATION TO CITY COUNCIL OF A 10 ACRE SITE SELECTION IN THE AREA WEST OF PINKY'S PARK FOR THE CAMPUS LOCATION OF YUUT ELITNAURVIAT - PEOPLES LEARNING CENTER.

ACTION ITEM

Chair Guinn asked Mr. Malone to introduce the matter. Mr. Malone stated that in the meeting packets was a 10 acre site drawing prepared by EEIS Engineering that was situated just west of the bowling alley. Also included was a "talking points" outline prepared by these engineers that supported this site selection. This is the site that the council had indicated was their Preference 1 for the school campus location. He further pointed out that he had a larger version displayed on the wall with a new city quarter section map of the area for reference purposes.

Mr. Malone then introduced J. Vanasse, Director of Yuut Elitnaurviat - People's Learning Center.

J. Vanasse talked about the site where hopefully the center will go (city council Preference 1) and the advantages to that area; i.e., close to town, road, sewer/water and the contribution of the land by the city.

J. Malone stated that that land is zoned "Public Lands and Institutions". An appraisal was currently being performed by Stan Dunagan of Affiliated Appraisers.

J. Shantz inquired about the Notice of Disposal (as provided in BMC Title 4) and the new ordinance (Ordinance 02-33). J. Malone responded that the city attorney would be the best person to ask about that.

Willy Keppel's concerns were mainly has the public been notified (noticing of land disposal), road access/increased traffic, water/sewer. He also questioned why aren't the

maps better (map showing site in an area layout) and where is the appraisal. "Not convinced Phase 2 & 3 are going to happen. What about site 2? Site 2 has some problems with Brown's Slough, but nothing that couldn't be dealt with. I would like to see other options offered. It would be nice to get further development on the rest of the city land in that area from this project. People need land to build on – business need land. Sub-division rules need to be followed. What is this project going to cost? Where's the footprint (site layout)? Is it really going to pay for itself? "

D. Tratham stated he thought it was a good project and compared it to the 1993 Cultural Center conveyance to the University, except there was no controversy on the cultural center project land disposal because it was done right. "This is a good thing" (current project).

J. Hout agreed with the concept of the learning center, but felt that the book (ordinances) needs to be followed, and another big concern was adequate access road/water and sewer services. She does not agree with the ordinance (Ord 02-33). "You can't use one ordinance to by-pass another ordinance on the sale of land. There are very specific things you have to do when you sell or give land from a municipality. You can't by-pass the process by putting in a clause saying that a particular ordinance no longer applies in this particular case. Another thing, the City council would be foolish to give carte blanche to the city manager; each member of the city council has a responsibility to the community as an elected member. They need to follow the process along. Another thing, according to the Bethel Municipal Code, the mayor signs the deeds and this is in violation to that section of the code (ord 02-33). But my big concern about this particular parcel, is that it's 300 feet off the end of that road in City Sub, but, I don't see anything that gives adequate access to water/sewer. How long will it take for the piped water to be installed, or will the city trucks need to go in there?" Also, will busses (school) be able to go in there? You need to have 2 accesses; what is really going to be the cost of the roads?". Ms. Hout questioned the electricity usage by the center, i.e., will it max out City Sub? She also indicated lots of loose ends yet, but it is for growth and development and vocational training for the young people.

J. Shantz asked could the commission recommend that the ordinance have a legal description. Again, J. Malone responded that the city attorney would be the best person to answer that. He added that the ordinance (Ord 02-33) required a site survey, and the plat that resulted from this would be the sites legal description once approved by the commission.

Chairman Guinn asked what the committee wanted to do. T. Albright commented that things were vague and need to be cleared up.

J. Hamilton asked if there were other ordinances besides this one that were applicable to this action?

J. Hout noted it's very well spelled out how land is disposed of.

J. Hamilton asked if they were all contained in this one section. J. Malone stated Title 4 Section 08.040 pertains to land disposal; this non-codified ordinance (Ord 02-33) that is applying to this land disposal is a separate ordinance. What applies to this conveyance is what is written in this ordinance (Ord 02-33).

J. Hout commented it seems to be asking for a court challenge.

M/M J. Hamilton/J. Shantz that the Planning Commission recommends to City Council a 10 acre site selection in the area of Pinky's Park (Council Preference Area 1) for the campus location of Yuut Elitnaubviat – People's Learning Center. The Commission further recommends that the City follow all applicable land disposal ordinances.

Motion passed. Five members voted in favor, B. Glasheen voted against.

XI. ADJOURNMENT

M/M by J. Hamilton/J. Shantz

Unanimous

Adjournment at 7:55 PM.

Minutes prepared by: Betsy Jumper, Administrative Assistant

ATTEST:



John Gunn, Chair

Date: 1/23/03