



CITY OF BETHEL

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

Planning Commission Minutes

Regular Scheduled Meeting January 11, 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 7:37PM.

II. ROLL CALL

Present: J. Guinn, D. Notti, J. Hamilton, W. Keppel, M. Kenick, M. Charlie.

Excused: L. Andrew

Others Present: John Malone, City Planner
Sandra Moseley, Admin. Assistant, Recorder of Minutes
Colleen Soberay, City Clerk
Bob Graham, Bethel Resident

III. APPROVAL OF MINUTES

M/M J. Hamilton/M. Charlie Approve the minutes of December 14, 2000 meeting.

Unanimous

IV. APPROVAL OF AGENDA

M/M M. Charlie/J. Hamilton Approval of Agenda.

Unanimous

V. COMMUNICATIONS

None

VI. PLANNERS REPORT

Corps of Engineers 1200 Feet of East Ave. Seawall Rehabilitation and Extension Project: We have now retrieved copies of all the landowner records from the District Records Office. From these I am preparing a preliminary Land Status Report for the City Manager. I have completed about one half of these so far. As previously reported, site control by the community in the form of construction and maintenance
"Deep Sea Port and Transportation Center of the Kuskokwim"

Planning Commission Minutes, January 11, 2000 (Cont)

easements is always the first required step in any Corp's project. The City Manager has requested a meeting with the Corps in the next two weeks to scope out anticipated timelines, community requirements, etc.

City Sub Sewer & Water: The first 34 packets containing a project introductory letter, individual homeowner/property owner agreement, site drawing, and in some instances, a notice of encroachment, were mailed to landowners on Friday, January 5th. These involved properties contained in Phase 1 of the project. Phase 1 properties are those that involve mainline distribution sewer and water piping. Sample copies of these mailings are on the table for your information. This mailing involved 12 property owners where encroachments were determined to be in the existing utility easement areas of their lots. An additional encroachment notice was included with these packets that asked that these encroachments be remediated by June 15, 2001. The second portion of this mailing involved 22 property owners without any adverse conditions affecting their property.

The appraisals for those sites where easements need be acquired have now been reportedly (by the city attorneys office) completed. The letter from the city attorneys office notifying these landowners of our need to purchase easements and the legal noticing requirements for such purchases is now in final draft pending the city managers approval.

Code Review and Revision Project: The proposed revisions to Titles 15,16,17 & 18 of the BMC have now been introduced by council as Ordinance 001-05. The council has referred these to the Planning Commission for public hearings with the caveat that the Commission complete this process within 60 days of their introduction date. Copies of both the ordinance containing all the proposed revisions/amendments and the 14 page sectional analysis memorandum from the city attorney have been posted to the city web site under the Planning Commission, Public Works Department and City Clerks sites. Paper copies have also been provided to the Public Works Department for the Public Works Committee.

VII. PEOPLE TO BE HEARD

None.

VIII. COMMISSIONERS COMMENTS

Commissioner W. Keppel stated that the snow machines going between KUC and Judge Curdas house are going over the pipes and are scaring the pipes since there are no ramps to go over. Commissioner Keppel was told that this would be referred to Public Works.

IX. OLD BUSINESS

ITEM A. None

X. NEW BUSINESS

ITEM A. AMENDED CODES, TITLES 15,16,17 AND 18 FOR PUBLIC HEARING SCHEDULING. CODES WERE INTRODUCED AT THE JANUARY 9, 2001 CITY COUNCIL MEETING.

Mr. Malone reported that these had been referred to the Planning Commission for public hearing purposes. The council had also included a caveat that a report be made back to the council within 60 days. Mr. Malone further reported that these proposed amendments and the sectional analysis memorandum prepared by the city attorneys office would also be available on the city's web site. Chair J. Guinn stated that he would like to have a joint meeting with the Public Works Commission and representatives from the Fire Department at the commissions next regularly scheduled meeting of February 8th on these ordinances. J. Guinn also requested that any and all comments and/or proposed amendments be submitted in writing. City Clerk Soberay suggested that such a meeting for ordinance public hearings should be well noticed in advance. Mr. Malone replied that he agreed and would special notice these in advance of the normal meeting noticing.

ITEM B. CITY CLERK: WORK SESSION ON RULES OF PROCEEDURE

The City Clerk Colleen Soberay discussed procedures for commission and committees meetings. Mrs. Soberay also passed out a handbook on policies and procedures prepared by her office. She further discussed the duties of the chairman, secretary, posting of agendas, minutes and meeting noticing. She also reviewed the current ordinance on meeting attendance, vacancies, and the Open Meetings Act of the State of Alaska.

ITEM C. ANNUAL ELECTION OF CHAIR AND VICE CHAIR.

The current chair J.Guinn opened the floor for nominations.

John Guinn was nominated for chairman. Mark Charlie was nominated for vice chair.

M/M J. Hamilton/D. Notti Close the nominations and approve the two nominees by unanimous consent.

Unanimous

XI. ADJOURNMENT

M/M J. Hamilton/M. Kenick to adjourn.

Unanimous

Meeting was adjourned at 8:28PM

Minutes prepared by Sandra Moseley, Administrative Assistant

ATTEST:



John Guinn, Chairman

Date: 2/8/01



CITY OF BETHEL

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

Planning Commission Minutes

Regular Scheduled Meeting February 8, 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 7:32PM.

II. ROLL CALL

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

Others Present: John Malone, City Planner
Sandra Moseley, Admin. Assistant, Recorder of Minutes
Oly Olson, Bethel Resident
Cameron Campbell, Bethel Resident
Martina Campbell, Bethel Resident
Clair Grifka, Public Works Director
Tom Humphrey, YKHC, Capital Projects Engineer

III. APPROVAL OF MINUTES

M/M J. Hamilton/M. Kenick Approve the minutes of January 11, 2001 meeting.

Unanimous

IV. APPROVAL OF AGENDA

Commissioner Keppel requested that an additional Item C. be added under New Business, "Change the September meeting to the fourth Thursday".

M/M M. Kenick/J. Hamilton Approval of the agenda as amended

Unanimous

V. COMMUNICATIONS

Example of Easement Acquisition packets that were sent to Phase 1 City Subdivision sewer and water project landowners. All others were included in the meeting packets.

"Deep Sea Port and Transportation Center of the Kuskokwim"

VI. PLANNERS REPORT

Mr. Malone reported the following:

City Wide Mapping Project: The city wide photo mapping project RFP was extended for two weeks until February 9th. There have been several respondents from both in state and out of state. There were also many requests for more technical clarity in the published scope of work. Unfortunately, Purchasing included language within the RFP (typical of a contract proposal) that restricted respondents to the scope of work as published. Purchasing has since re-advertised the RFP removing this restrictive language

Coastal Zone Management Conference for Northern and Southcentral Regions: I attended the first of two scheduled annual conferences required under our grant on January 24-25 in Anchorage. Topics of special interest were presentations by the executive director of the Denali Commission on its rapidly expanding presence in many areas of rural capital needs, and NOAA on its new coastal environment and habitat inventory GIS mapping projects.

City Subdivision Sewer & Water Project – Easement Acquisitions: We received on February 2nd, from the city attorneys, the next 22 letters to lot owners that we will be required to purchase easements from. In this mailing will be copies of the appraisals reflecting the fair market value of the easements, lot drawing showing the acquired easement area, easement agreement, and land owner agreement for construction access. To date, responses (returned landowner agreements) from previous mailings has not been very good. There have been only 2 or 3 landowners that have contacted the planning office with specific questions concerning these. Today, February 5, we started making personal contacts with non responsive landowners.

Corps of Engineers 1200 Feet of East Avenue Seawall Rehabilitation and Extension Project: I have completed the land ownership/status report on the 17 or so parcels that will most likely be involved in this project. The tidelands that were accreted to the uplands as a result of the earlier seawall project, and now contained within Alaska Tidelands Survey 1346 (conveyed to the city by the state in 1997), will most likely provide sufficient on shore access to the Kuskokwim River portion of the project area. Within the anticipated Brown's Slough portion of the project, 4 or possibly 5 lots will most likely require the acquisition of construction and permanent maintenance easements for the project to proceed in this area.

Corps of Engineers General Permit Annual Report: The first annual report under our renewed Corps General Permit was submitted last week showing the accumulated fill by site authorized by local site plan permits during the previous calendar year. This annual accumulated fill report is now required as part of our General Permit. It is required to be submitted showing the fill sites on a city map.

Information Technology:

Unicom should be finished with their installation of the wireless wide area network (WAN) by the 19th of February, barring any technical issues. Nicole has have begun installing the network hardware in the offices. The firewall hardware for the WAN has arrived. The management software for this, to operate properly, requires Internet Explorer 5.5. We will make modifications on all workstations to assure that they are running the correct version of Internet Explorer before putting them on line. With this new security software/hardware, all incoming, outgoing email and website contacts will be logged. This is for the city's protection, as well as pre-empting any problems with employees.

Nicole will be giving classes on the WAN the week of February 14th . Operational protocols and security are the topics. We will not place the WAN in service until employees know how to utilize it properly, and can take proper security precautions with their workstations.

Nicole has also been working on security and access issues with the Youth Center Power Up network. They have a newly installed 10 workstation network that is for the use of the youth and community. The internet, especially for youth, needs restricted web site access.

The City Council has authorized the travel for the commission council designee, Commissioner Notti, and one other commission member to attend the annual Planning Commission Training sponsored by the Alaska Chapter of the American Planning Association, on February 16, 2001 at the Regency Hotel.

Action: Chair Guinn asked for those who would be interested in attending. Commissioner Notti reported that he had asked council for four participants. The council approved two. Commissioner Hamilton stated that she could and would like to attend. Chair Guinn asked the body for approval. Unanimous.

VI. PEOPLE TO BE HEARD

Cameron and Martina Campbell stated that they were in the process of selling their house in Tundra Ridge however the bank said their house was encroaching on the Utility easement by about four feet, and this issue needed to be taken care of before the house was sold. The Campbell's have a buyer and needed to know the best way to remedy the situation. Mr. Malone suggested that they have the building that is encroaching moved, and for this they would need a site permit, before the structure is moved.

VII. COMMISSIONERS COMMENTS

No comments were offered.

IX. OLD BUSINESS

ITEM A. None

X. NEW BUSINESS

ITEM A. INTRODUCTION OF PRELIMINARY PLAT. THIS PLAT VACATES THE COMMON BOUNDARY BETWEEN LOTS 1 AND 2, 5 AND 6,9 AND 10, 16 AND 17, 22 AND 23,41 AND 42, 43 AND 44 OF BLOCK 10. AND LOTS 13 AND 14 OF BLOCK 8 KASAYULI SUBDIVISION. THEREBY CREATING SINGLE LOTS 1A, 5A, 9A, 16A, 22A, 32A, 41A, 43A OF BLOCK 10, AND LOT 13A OF BLOCK 8, KASAYULI SUBDIVISION. THESE SUBDIVISIONS NEITHER CREATE OR REMOVE RIGHTS-OF-WAYS, EASEMENT OF ANY OTHER PUBLIC LAND USE DEDICATIONS APPLICANT IS THE YUKON-KUSKOKWIM HEALTH CORPORATION. PUBLIC HEARING.

Chair Guinn stated that he would be introducing this item as a representative of YKHC, and requested that the Chair be passed to the Vice Chair, Commissioner M. Charlie.

Public Hearing was opened at 7:52 P.M.

Mr. Tom Humphrey, YKHC Capital Projects Engineer, was introduced by J. Guinn. Humphrey stated that the purpose of these lot line vacations was because YKHC planned to construct ten (10) duplexes in Kasayulie Subdivision, for YKHC staff (floor plans were passed out to the Commissioners). Commissioner Keppel stated concerns over the roads and that this increase in housing would be a 20% increase in water and sewer services over existing demand.

Public Hearing closed at 8:07PM

M/M M. Kenick/J. Hamilton to approve preliminary plat.

Unanimous with one abstention (J. Guinn)

Some discussion followed as to approving this as the final plat as no rights-of-ways, public easements or other public dedications were involved in the subdivision.

M/M W. Kepple/D. Notti to approve both as a preliminary and final plat.

Unanimous with one abstention (J. Guinn)

Chair was passed back to Chair J. Guinn.

ITEM B. ORDINANCE NO.01-05. AMENDING BMC TITLES 15, 16, 17 ZND 18.

Chair Guinn asked Mr. Malone to introduce this item. Mr. Malone stated that a copy of the public notice for this public hearing had been included in the meeting packets. Copies of the ordinance packets had been provided to the public works director, fire chief and police chief. A separate mailing of packets was sent to the public works committee with an invitation to attend this meeting. Mr. Malone further reported that in a phone conversation with Lee Sharp earlier in the day, Mr. Sharp had indicated that he would be leaving on vacation March 12th. Mr. Malone suggested that the commission invite Mr. Sharp for the next scheduled commission meeting of March 8th and that this be the next scheduled public hearing date for this ordinance.

Chair Guinn opened the public hearing at 8:05PM.

Comments by Clair Grifka, Public Works Director:

17.24.060 (Page 67) Change total gravel depth from 4 inches to 6 inches. To be applied in two 3 inch lifts.

Written comments submitted by Oly Olson, Bethel citizen.

Oly Olson
P.O.Box 982
Bethel, AK 99559
(907)543-3190

16.04.030 Design and construction standards.

Strike out B; if the City has no engineer, they need one.

17.12.030 Submittal form and content.

B. 15. Refers to on site sewage disposal-strike that reference. ADEC does not allow that method of disposal in this City.

17.24.060 Street Construction.

A. 5. Within the improved driving surface of a local street four inches of (crushed gravel) (at least C1 as per attached City bid sheet.) Gravel shall be placed in 2-inch lifts. Each lift shall be rolled to ninety percent compaction.

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Written comments submitted by Commissioner Keppel:

Page 171-72 Add (I) Work Sessions- Informal-No voting ORD. 2.24.030

Page 174 ORD. 15.04.040 "Fire Hazard" Line 6 Add- Structure containing or situated close to any combustible ...

Page 181 ORD. 15.08.210 Change April 21, 1975 to January 01, 2001

Page 185 ORD. 15.12.020 Site Plan-Add (G) Nothing of permanent status shall impede future water and sewer lines or block access for emergency services to adjoining properties (for George Young)

Add (H)- Plans issued for structures shall have City of Bethel accepted road access or year round state of Alaska maintained roadways. (For fire, City services)

Add (I)- No public sharing of City, State or Utility easements.

Page 210 ORD. 17.04.025 D.2. Change 5 to 15 and return receipt (E) 5 to 15.

Page 212 ORD. 17.04.065 Application of new requirements Add (E) Prelim platting reviews from finance, public works and fire department to accompany initial presentation to planning commission.

Page 217 ORD. 17.12.050 Somewhat covers above, in case of city agencies should be required review and comment.

Page 218 ORD. 17.12.070 Planning Commission action-A.2.-What kind of conditional modifications are we restricted to, any time limits?

Page 222 ORD. 17.18.010 Add prelim plat finance, public works, fire department reviews required.

Page 227 ORD. 17.20.040 Minor replats notice-Require same as 17.18.010 (above)

Page 223 ORD. 17.24.050 Circulation system-Add (17) Streets and cul-de-sac will conform to Alaska state minimums for school buses.

Page 234 ORD. 17.24.060 Street Construction-Eliminate C-3.

#6-Change to-two 14 foot travel lanes W/2 foot shoulders (Remember Ptarmigan and Hazards)

#8 Change 13 feet to 15 feet

#9 Crushed multi faceted gravel

#10 Verify school bus turn around-80 feet

Page 235 Add (D) sand for streets to be assumed by city, playgrounds or other public improvements shall be provided by city for pick up at city sand pit for \$20.00 a 12 yard dump truck load to be pushed and loaded by city.

Page 237 Easements-All easements are to be non-shared with the public (snow removal-fire-water-sewer.

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Page 238 ORD 17.24.220 Easements-Drainage(E) Add thaw pipes may be required at Public Works discretion.

Page 239 ORD 17.24.230- (A) Add-or contract the installation themselves(sub-devider) at City Councils discretion-maybe be cheaper for contracted. (C) Exactly what does this mean?

Page 240 ORD 17.24.235- Water Supply Facilities-Question-Cost prohibitive? How about just having new buildings with standard remote hook-ups so when the lines go in, the houses are attached at the same time. Wouldn't this eliminate the need for 270 days of grace if the new construction was totally fitted? Wouldn't it be a lot cheaper to plan and plumb a building from the conception?

Page 242 Sewer Development-Same concerns as above for water.

Page 244 Add New ORD 17.24.285-Sewer treatment facility-The City is to adopt an aggressive campaign under the direction of Public Works with a targeted date of January 2004 for completion of a sewer treatment facility.

Page 258 ORD 18.04.070 notice C. change 6 to 15. Add (D) mailed "return receipt" (D.2) mailed "return receipt" Change (E) 5 to 15.

Page 260 ORD 18.16.010-Site plan permit required- Add Civil penalties and removal enforcement-point is City sub water/sewer encroachments.

Page 261 ORD 18.32.020 (G) Add-After prohibited but requires City registration. After January 01, 2001 prohibition to any new freezer vans on property zoned less than commercial, no registered freezer vans may be moved except to commercial property. Carry this to all applicable districts.

Page 277 ORD 18.48.200 Driveway Standards (A) Change 9 to 12 in both stated instances-Question. What does Willert and Grifka need for cost effective services?

Page 299 Enforcement- How can we clean up junk – fire safety? City efficiency?

Questions:

- Adoption of State standards for multi-family abodes.
- Minimum sizes for single & multi family sizes.
- Fire Marshall approvals for additions to any structure before site plan issue.
- Spec gravel standards.
- How far can be carry enforcement to clean up junk?
- Campground?
- Impound/junk car lot.
- Future Arterials.

Public Hearing was closed at 8:39PM

Planning Commission Minutes, February 8, 2001 (Cont)

ITEM C. MOVE THE SEPTEMBER MEETING TO THE FOURTH THURSDAY OF THE MONTH.

Commissioner W. Keppel stated that the September meeting should be moved to the 4th Thursday of the month because many people are out of town hunting. Chair J. Guinn agreed because it is also the time of year people are trying to finish up projects.

M/M W. Keppel/M. Charlie Notify City Clerk of calendar change to September meeting.

Unanimous

XI. ADJOURNMENT

M/M M. Kenick/L. Andrew to adjourn.

Unanimous

Meeting was adjourned at 8:52PM

Minutes prepared by Sandra Moseley, Administrative Assistant

ATTEST:



John Guinn, Chairman

Date: 3/8/01



CITY OF BETHEL

P.O. Box 388 Bethel, Alaska 99559-0388
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Planning Commission Minutes

Regular Scheduled Meeting March 8, 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 7:40PM.

II. ROLL CALL

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

Excused: J. Hamilton

Unexcused: L. Andrew and M. Kenick

Others Present: John Malone, City Planner

Sandra Moseley, Admin. Assistant, Recorder of Minutes

Lee Sharpe, Attorney with firm of Preston, Gates & Ellis

Teleconference: Louann Cutler, City Attorney with firm of Preston, Gates & Ellis

III. APPROVAL OF MINUTES

M/M Charlie/Keppel Approve the minutes of February 8, 2001 meeting.

Unanimous

IV. APPROVAL OF AGENDA

M/M Charlie/ Keppel To approve of the agenda as published.

Unanimous

V. COMMUNICATIONS

Mr. Malone passed out a copy of an email received from Lee Sharpe earlier in the day pertaining to the effective dates of requiring piped sewer and water in subdivisions, and a memo with additional suggested amendments from the Public Works departments. All others were included in the meeting packets.

"Deep Sea Port and Transportation Center of the Kuskokwim"

VI. PLANNERS REPORT

Mr. Malone reported the following:

City Clerk Reminder: The city clerk informs that there are still some commission members that have not turned their financial disclosure paperwork into her office.

RFP - City Wide Mapping Project: There have been three respondents to this RFP. I requested that our Purchasing Office forward our proposed scoring sheet for selection criteria to Keith Jost, Dept. of Community and Economic Development, for technical comments and suggestions. Part of Jost's duties is developing community profiles along with community mapping. He has dealt with many similar type orthophoto community mapping projects. The Purchasing Office is anticipating convening a proposal evaluation committee for this RFP next week.

City Subdivision Sewer & Water Project – Easement Acquisitions: Easement acquisition packets have been sent to all Phase 1 landowners where new or additional easements are required. These easement acquisitions appear to have raised many questions and concerns. Most of these have been readily addressed via phone contacts. So far two have needed resolution through the city attorneys office. Since we have started our follow-up contacts about four weeks ago, the response from landowners (signed and returned landowner agreements) has significantly increased. These follow-up contacts continue on a weekly bases.

New Shooting Range: Our Parks and Recreation Dept has been sponsoring an every two week meeting at the Youth Center of a citizen group interested in re-establishing a shooting range within the community. At this weeks meeting two land proposals were offered. One was from Mayor Rogers who offered the use of a portion of his native allotment located off BIA Road. He wished this to be limited to a 10 year use period. As this allotment is in restricted deed status all negotiations for this type of use would have to be negotiated through ONC. The other proposal was from Ralph and Monty Doyle who offered to convey 10 acres to the local shooting club from their eighty acres conveyed from John W. Haroldsen's native allotment. This parcel would be located just north east of the present Haroldsen Subdivision. Oly Olson, one of the citizen committee members, and the person who presented the Doyle's offer, said he had personally contacted most landowners in Haroldsen Subdivision as to locating the shooting range north of the subdivision. He reported that none objected and many spoke very much in favor of the location. The shooting club members present said that they would convene a club meeting shortly for the purpose of reactivating their membership and considering the land proposals.

Information Technology: The WAN installation wireless portion is complete. The Public Works and Administration buildings are presently on line. Nicole conducted the first employee networking classes last week, and two this week. Six more in networking basics remain to be scheduled. We will be ordering a new server for the Administration Building. The present server

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is now 5 years old and does not have sufficient processing power to run server based applications, as opposed to workstation applications. We will also be ordering and installing network client (for workstations) virus scanning software. The City has been hit by 5 viruses in the last week, fortunately none deleted files.

VII. PEOPLE TO BE HEARD

None

VIII. COMMISSIONERS COMMENTS

Commissioner Keppel had earlier commented on the progress and activities of the citizen working group that had been meeting for the purpose of re-establishing a new shooting range in the community.

Commissioner Notti wished to inform that at the last city council meeting council member Drake had recommended that Notti submit his resume to fill a vacancy on the Alaska Coastal Policy Council.

IX. OLD BUSINESS

None

X. NEW BUSINESS

ITEM A. ORDINANCE NO. 01-05, AMENDING BMC TITLES 15,16,17 AND 18.

SECOND PUBLIC HEARING

Chair Guinn opened the public hearing at 7:55PM. He asked Mr. Malone to introduce this item.

Mr Malone reported that there were three additional written documents received since the February 8th public hearing. He suggested starting with the Public Works Department March 8th memo dealing with culvert inspections, road widths, cul-de-sac radius and driveway widths, then proceeding with Lee Sharps email memo on the effective date of piped sewer and water requirements for new subdivisions, and then Lee Sharps response memo that was mailed to the Commissioner's on March 5th, responding to the written comments submitted at the Commissions February 8th meeting.

Planning Commission Minutes, March 8, 2001 (Cont)

(The following is a comment memo from the Public Works Department)

Ordinance Amendment Comments - Clair Grifka Public Works Dept. March 8,'01

ORD 17.24.060 (A) 6. Minimum of 28' drivable surface on both collectors and arterials plus 3' shoulders for a total surface width of 34'.

ORD 17.24.060 (B) Pertaining to driveway culverts located within road right-of-ways:

1. Road Maintenance should pre-approve driveway culvert location and culvert specifications. Give final approval or require corrective action after installed.

2. Any culvert over 40' shall be fitted with an approved thaw pipe.

ORD 17.24.050 Cul-de-sacs: Keep 70' radius. Strongly urged by both Public Works and Fire Department.

ORD 18.48.200 (B) Minimum driveway widths should be increased to 25'.

(End of Public Works Comment Memo)

Mr. Malone reported that he had met with the Public Works Director, Clair Grifka, and Road Maintenance Foreman, Chuck Willert, earlier in the day on the above proposed changes. Lee Sharp pointed out that the culverting inspection requirements that were being requested more appropriately belonged in the Site Plan Application section of the ordinances.

PC Action: M/M Notti/Keppel Adopt suggested Public Works changes as proposed.

Unanimous

(The following is an E-mail from Lee Sharp received March 8, 01 and handed out at meeting.)

John, here is some language that could be substituted for the Effective date section of Ord 01-05 that would delay the sewer and water improvements requirements for smaller subdivisions, but require it for larger subdivisions when the rest of the ordinance becomes effective. If the PC would like to delay it for all subdivisions, the language could be changed to delete reference to the larger subdivisions. Also, we could refine the language to make it effective in specified districts (1, 2, or 3) or within specific phasing areas per the map.

Deferral of sewer and water improvements requirements.

Planning Commission Minutes, March 8, 2001 (Cont)

Section 11. Effective Date. (a) Except as provided in subsection (b), this ordinance shall become effective on _____, 2001.

(b) BMC code sections 17.24.228 through 17.24.280 shall become effective upon the date set out in subsection (a) for all subdivisions creating ____ or more lots that have not received preliminary plat approval by that date; and shall become effective for all other subdivisions on January 1, 2002.

(End of Lee Sharp Email memo)

Discussion on implications of adopting these sections as written. As currently written this would require all new subdivisions to comply with piped sewer and water, regardless of size. Mr. Malone recommended a deferment to allow the city manager, city engineer, Public Works Department and Committee to evaluate different implementation scenarios. Lee Sharp suggested that the Commission defer the effective date of this section until January 1, 2002. Chair Guinn concurs.

PC Action: M/M Notti/Keppel Add language that would defer implementation of these sections until January 1, 2002.

Unanimous

(The next item address Lee Sharps responses to written comments that were presented at the Planning Commissions first public hearing of February 8, 2001.)

MEMORANDUM

TO: John Malone, City Planner
FROM: Gerald L. Sharp
DATE: March 2, 2001
SUBJECT: Response to Written Comments on Ordinance No. 01-05 (Platting and Zoning Code Revisions)

The following are my comments or suggestions relating to the comments provided to you by Clair Grifka, Oly Olson and Commissioner Keppel relating to Bethel Ordinance No. 01-05. Most of the suggestions made address what are essentially policy matters. The planning commission should recommend the policy it believes to be the most appropriate. Where it would be more appropriate to address the problem in a section other than the one identified by the citizen, I have indicated the more appropriate section.

Planning Commission Minutes, March 8, 2001 (Cont)

2.24.050 Add a new subsection (I) that would cover work sessions that are informal and at which no voting is permitted (Keppel). Work sessions (or similar sessions known by a different name) with their attendant informality are often essential to the efficient accomplishment of the work of a deliberative body such as a planning commission. Unfortunately, the source and purpose of the "no vote" rule is sometimes misunderstood or misapplied. This leads to unnecessary constraints when a purpose of the work session is to take advantage of the informal proceedings in order to reach a consensus on a subject.

The planning commission can take action as a planning commission only when it convenes as a planning commission. If the members of the planning commission convene as a work session or as a committee of the whole of the planning commission, any motion approved or other action taken at such a session is not an action of the planning commission; it is an action of the committee of the whole or the work session. The committee of the whole procedure is one that is recognized and covered in *Robert's Rules*. Under *Robert's*, the purpose of the committee of the whole is to permit the entire body to resolve itself into an informal proceeding. Once convened or resolved into a committee of the whole, the committee members are free to discuss the topic in an informal proceeding and to make motions as to what to report or recommend to the body when it reconvenes in its regular form. This procedure allows the members of the body to deal with matters in an informal manner and, at the same time, reach a definite consensus which then becomes a recommendation or report of the committee to the regular body.

The work session provision suggested could be incorporated into the rules governing the planning commission in two ways. First, a new subsection (I) could be added to BMC 2.24.050 authorizing work sessions of the planning commission and setting out a specific rule addressing the effect of a vote taken in a work session. Language for such a new provision can be drafted and provided if that is the commission's wish.

The second method would be to take advantage of BMC 2.24.050(D) which authorizes the Commission to adopt such modifications and additions to *Robert's Rules* as it may desire. This latter method has the advantage that the planning commission remains in control of the rule and would not have to go to the City Council for an amendment to the code if it found that the rule needed to be fine tuned.

PC Action: Discussion item that included City Attorney, Louann Cutler. Lee Sharp restated his written comments above and clarified the use and rules pertaining of work sessions and meeting as a committee of the whole.

15.04.040 Adding proximity to a combustible as a fire hazard (Keppel). Adding the phrase "or situated close to any combustible" to the second sentence of the definition of fire hazard will cause the structure which is near the combustibles to become the fire hazard. As I assume the purpose of the suggestion was to ensure that the city could deal with hazardous situations that threaten nearby structures, I suggest the addition of a new third sentence to the definition of "fire hazard" which would read:

Such term shall also mean and include any situation or condition in which any combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable substance of any kind is especially

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liable to cause fire or endanger the safety of any structure, premises or human life.

PC Action: M/M Keppel/Charlie Adopt suggested change.

Unanimous

9:18PM Chair Guinn suggested that the commission take a 5 minute break.

9:23PM Meeting Called back to order.

15.08.210 Date of application of flood hazard regulations to preexisting structures (Keppel). The existing provision of the flood hazard code that permits nonconforming, preexisting structures to continue in existence without being a violation of the code identifies the date by which such structures must have been in existence as merely "the effective date of this ordinance codified in this chapter." Records indicate that this date was April 21, 1975. This date was incorporated into the revision in order to eliminate any doubts as to when the regulations first became effective. If the April 21, 1975 date is changed to January 1, 2001, or any other date following April 21, 1975, it would have the effect of exempting from the existing and revised flood hazard regulations all structures constructed between April 21, 1975 and January 1, 2001, even though constructed in violation of the present flood hazard regulations. I doubt that FEMA would give its approval to such a change. FEMA approval of the flood hazard code is required if flood insurance it to continue to be available for structures within the city. A phrase was added in the revision to give the same kind of grandfather rights to structures that are made non-conforming by amendments made after April 21, 1975. I do, however, recommend that the following language be inserted in the second line after the word "or":

. . . to a structure in existence and in full compliance with this chapter on . . .

and insert a "," after the word "chapter" in the third line.

PC Action: M/M Keppel/Charlie Adopt suggested change.

Unanimous

15.12.020(G) Prohibition of permanent structures impeding water and sewer lines or access for emergency services (Keppel/George Young). The suggested restrictions should be added to 15.12.050(A) as required permit conditions. For the restrictions regarding structures that may impede future water and sewer lines, I suggest a new subsection (A)(10) be added and that the existing subsection (10) be renumbered as subsection (11). The new subsection (10) would read:

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(10) No permanent structure may be placed within the area designated on the plat of a lot as a sewer, water, utility or similar easement. No permanent structure may be placed within an area of a lot that has been designated for the installation of a public sewer or water system on a sewer or water master plan, engineering plans or in sewer and water construction specifications, that have been approved by the appropriate city authority.

The access for emergency services is generally dealt with under setback and yard requirements of a zoning code. A specific requirement of a site plan permit under BMC 15.12.050(A)(5) is that the permit require that structures meet the setback and yard requirements set out in BMC Title 18, the Bethel Zoning Code. Please refer to BMC Chapters 18.20 through 18.40. Minimum setback requirements for each of the different zoning districts are set out in these chapters; in each case, the setback requirements will be found in section 050 of the district chapter provisions. The purpose of setbacks in the zoning code is to ensure that there is appropriate or adequate air, light, open space and access for emergency situations (generally fire suppression). The setback requirements for each district should be examined to determine whether they are appropriate for the district to which they apply. Also note that in each section 050, structures, other than minor structures, are prohibited within the setback area. The term "minor structure" is defined in the proposed ordinance in section 16.12.030 (on page 34). It is defined, for setback purposes, as:

. . . a structure such as a dog house, small storage box or other small structure not exceeding 3 feet in height and not occupying more than 25 square feet; except, a fence that does not exceed 6 feet in height is treated as a minor structure.

A minor structure, as defined above, may be placed in a required setback. Temporary structures, no matter how temporary or easily moved, are not permitted within a setback area unless they meet the requirements for a minor structure. If the commission believes that the setback area should have either a greater or a lesser degree of protection, it should modify the definition of minor structure to reflect the policy it believes to be appropriate.

PC Action: M/M Keppel/Charlie New subsection (A)(10) be added and that the existing subsection (10) be renumbered as subsection (11). Adopt above recommended language for new subsection 10.

Unanimous

15.12.020 (H) Requirement for accepted road access (Keppel). The suggested restriction could be added as a new subsection (C) to BMC 15.12.040 reading:

(C) The land use administrator shall not approve any development for new structures or expansion of existing structures that

1. may be used for human habitation,
2. that would be occupied on a regular basis by individuals and would require the installation of new or larger water or sewage holding facilities, or

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3. that would increase the area or volume of an existing structure in a manner that would permit an increase in the number of persons who could live within or occupy the structure,

unless the street providing access to the site is maintained on a year round basis by the State of Alaska or is on the list of streets established by the director of public works under subsection (D) as meeting the minimum requirements for year round city maintenance.

(D) Only those streets that have been determined by the director of public works to meet the following minimum requirements may be placed on the list established for purposes of subsection (C):

1. the street has an improved drivable surface width of not less than _____ feet and has appropriate shoulders and ditches, and
2. if the street was constructed within two years of the date of the site plan application, the street met the construction standards required for streets required to be constructed as a condition of plat approval, or
3. if the street does not meet the two year and construction standards of subsection (D)(2) of this section, the street has a minimum improved driving surface width of _____ feet, has appropriate shoulders and ditches and does not have a history of failure evidenced by flooding, poor drainage, excessive wetness, heaving or other recurring conditions that cause the street to be impassible or would require frequent or substantial repairs or reconstruction, and
4. the director of public works has determined that under reasonably anticipated circumstances and with an ordinary and reasonable level of maintenance and repair for that type of street, city emergency vehicles, including police, ambulance and fire vehicles, as well as city sewer and water tank trucks should be able to safely use the street on a regular and year round basis without becoming stuck, and without damage to the street or the vehicle.

The conditions and standards a street must meet before a municipality accepts responsibility for maintenance would ordinarily be placed in some other part of the code, generally one that deals more closely with streets or the functions of the Public Works Department. Title 12 would be an appropriate location. Such provisions would generally include a little more detail and, perhaps, more precise standards than set out above. It would also probably contain procedures for getting a street qualified for the list and clarify the responsibilities of the City with respect to the street once it is on the approved list. It might even be appropriate to establish an additional list which would contain streets that do not quite come up to minimum City standards and for which the City would provide only limited or seasonal maintenance.

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The denial to a person of a permit required to develop their land based on factors over which they have little or no control can raise constitutional equal protection and "takings" issues. When such issues become relevant, there must be substantial governmental reasons for the restrictions that appear to "take" a person's property. Also, the restrictions need to be narrowly tailored to deal with the governmental purpose and to be relevant to the problem to be solved. The permit denial standards suggested above may need additional thought and refinement in light of possible constitutional issues that may be involved.

I would recommend that the above language not be added to the revisions at this time, but that a more complete provision regarding the determination of which streets qualify for city maintenance and repair be drafted and incorporated into Title 12. At the same time, some refinement of the types of development permitted or prohibited based on the access street could be included in the ordinance.

PC Action: M/M Keppel/Notti Refer to City Manager for Public Works Committee.

Unanimous

15.12.020 No sharing of city, state or utility easements (Keppel). Whether there can be a sharing or joint use of a city, state or utility easement is a policy matter to be addressed by the commission. On a related issue, it should be noted that the proposed BMC 17.04.070(B) sets out the authority of the City to control the placement of utility facilities within dedicated streets and dedicated utility rights-of-way and easements. This provides a mechanism for the avoidance of conflicts between utility facilities and avoids the rigidity of an absolute prohibition of multiple use of easements.

PC Action: M/M Keppel/Charlie No change .

Unanimous

16.04.030 Striking authorization for public works director to act in absence of the city engineer (Olson). This section is needed to assure that there will also be someone who can establish standards and perform certain plat reviews in the absence of the city engineer. Deletion of this section will not mandate the hiring of a city engineer; it would frustrate or impede the platting process if there were no engineer or the engineer were absent from the city.

PC Action: M/M Charlie/Keppel No change .

Unanimous

17.04.025(D) (2) and (E) Increasing notice requirements. The suggested increases in the time for mailing and posting of notice of platting action hearings and requiring return receipts for mailed notice has merit and is a policy matter for the planning commission. One factor that might be kept in mind is the statutory requirements for plat approval within 60 days. Increasing the notice time does not extend the 60-day requirement. Additionally, if the commission desired to continue a matter or reschedule it

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for a meeting sooner than its next monthly meeting, the 15-day mailed notice requirement would mean that the commission could not hold a hearing for another three weeks if it were to hold its hearing on the same day of the week as it meets for regular meetings. Requiring return receipts will increase the time and cost for mailed notice. A return receipt only gives the city some evidence that it mailed an envelope to the recipient; it does not improve or increase the quality or time of the notice. As the city currently does not regularly use return receipt mailings for notice of hearings, you may want to inquire of planning staff as to the effectiveness of the current practice.

PC Action taken: None – discussion item.

17.04.065 Preliminary plat review from finance, public works and fire department (Keppel). Proposed BMC 17.04.065 deals with a time in the platting process where plats have already been distributed to concerned agencies. This section deals with the authority of the planning commission to impose new requirements on plats that have been previously submitted and reviewed by the planning commission. It does not deal with the solicitation of comments from city and other agencies on preliminary plats.

Proposed BMC 17.12.050 requires submission of a copy of the preliminary plat to the fire department, public works department, and other government and private agencies. As the purpose for the submission of a copy to the finance department is not obvious, the reason for the submission to the finance department or the role it is expected to play in the plat approval process should be discussed by the commission so that appropriate changes can be made to this or other code provisions to set out the duties of the finance department with respect to preliminary plat applications.

PC Action taken: None – discussion item.

17.12.030(B) (15) Delete reference to onsite sewage disposal (Olson). This deletion would be appropriate as any of the few types of onsite sewage disposal that might be approved by a DEC would not involve in-soil disposals.

PC Action taken: None – discussion item.

17.12.050 Requiring city agency comments (Keppel). See comments at 17.04.065, above. Adding a requirement to the ordinance that city agencies are required to review and comment on preliminary plats would have unintended consequences if it is intended that timely review and comment by each city agency be a condition that must be met before the plat may be approved. Under such a provision, the failure of one city agency to respond could cause the planning commission to be unable to give its approval (or rejection) of a plat within the required 60 days. Obtaining city agency responses should be handled as an internal matter through policies set and communicated by the city manager.

PC Action taken: None – discussion item.

17.12.070 Conditional approval (Keppel). When the planning commission has before it a preliminary plat that requires changes, it could require that the plat be redrawn and returned to the commission with the required modifications shown before the commission gives its approval to the preliminary plat. In that case, there would be no approval of the plat until the commission had the opportunity to review the plat to ensure that its required modifications were

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correctly incorporated into the preliminary plat. To avoid the delay that would occur if the subdivider is required to bring the modified plat back before the planning commission, the planning commission could give its approval of the plat, conditioned on specific changes being incorporated into the preliminary plat. The commission could require that the modified plat be reviewed by the platting officer to determine whether the modifications had been correctly incorporated into the preliminary plat. If the planning commission wants to set limits on the amount of time the subdivider will be given to produce the modified plat, the commission could incorporate a reasonable time limit into its conditional approval.

PC Action taken: None – discussion item.

17.18.010 Preliminary plat review by finance department (Keppel). See comments under 17.04.065, above.

PC Action taken: None – discussion item.

17.20.040 Minor replat review by finance department (Keppel). See comments under 17.04.065, above.

PC Action taken: None – discussion item.

17.24.050 Cul-de-sac diameter for school buses (Keppel). The Alaska Department of Education and Early Development has established standards for school buses; however, the division responsible for the regulations that govern school bus standards informed me that it has not set any minimum or maximum turning radius standards for school busses. You may want to determine from the school district the greatest turning radius of the busses in the current fleet. You should get confirmation from Chief Young as to the requirements for the City's largest fire fighting apparatus.

PC Action taken: None – previously discussed.

17.24.060 Increase gravel depth and clarify gravel standards (Grifka, Olson and Keppel). The increase in the minimum gravel depth and the depth of each lift, and the clarification of the type and standards for the gravel are matters of policy, but should be based on sound engineering principals and experience with road building in Bethel. The standards set out in BMC 17.24.060(A) are minimums which may be made more stringent by the City Engineer. The minimum depths may be increased by changing the numbers in this section. The gravel minimum specifications may also be added, but should be designated by a class name for which there is a common (preferably national), recognized fixed standard.

PC Action taken: None – previously discussed.

17.24.060(C) (3) City payment for arterial street improvements (Keppel). As a general rule, there is no problem when a municipality requires a developer to bear the burden of the cost of public infrastructure required to serve the development. The developer may not be required to contribute more than what is required to serve the development. Collector streets, generally, and arterial streets, by definition, exist to serve more than just a single subdivision. When a street within a subdivision has been designated as part of an arterial system, requiring the subdivider to improve the street to arterial standards could be viewed as a "taking" since it would require the subdivider to pay for

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improving a street that is specifically designated and located so as to serve traffic from other subdivisions or areas of the city. While the city is justified in requiring local streets to be constructed at the subdivider's expense, requiring the subdivider to bear the expense of improving the street to the full collector or arterial width along with other costs that may be associated with the higher construction standards for collectors and arterials is viewed by some courts as a taking. To avoid that problem, the provisions of subsection (C) essentially give the city the opportunity to require the collector or arterial to be constructed to collector or arterial standards when the subdivision streets are constructed. If the City requires the extra width to be constructed, it must pay for that extra width. If the City is unwilling to pay for the extra width, then the subdivider is only required to construct this street to local street standards.

PC Action taken: None – discussion item.

17.24.060(C) (6) and (8) Increase of lane width requirements (Keppel). Although there may be engineering standards or recommendations as to lane widths for different types of streets, this is mostly a policy decision for the planning commission.

PC Action taken: None – previously discussed.

17.24.060(C) (9) Crushed gravel requirement for arterial and collector roads (Keppel). This subsection would allow the city engineer and public works director to establish minimum standards for construction of arterial and collector roads. If the commission would like to establish minimums, it could use essentially the same approach as is taken in subsection (C) (5) which sets minimum standards for surfacing of local streets.

PC Action taken: None – previously discussed.

17.24.060(C) (10) School bus turn radius and cul-de-sacs (Keppel). See discussion under 17.24.050, above.

PC Action taken: None – previously discussed.

17.24.060 Addition of language regarding source and cost of sand (Keppel). The source and cost of sand for the streets and other public improvements is a matter that should be dealt with under some other provision of the code relating to city property or resources and their sale, use or disposal.

PC Action taken: Recommended that this be placed in resolution form by Planning Commission supporting the reduced pricing of this resource for the above purposes.

17.24.200-220 Addition of provision to prevent sharing of easements (Keppel). See comments at 15.12.020(I), above.

PC Action taken: None – previously discussed

17.24.220(E) Additional of thaw pipes for drainage (Keppel). This recommendation could be accomplished by the addition of a second sentence to subsection (E) reading:

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Upon the recommendation of the director of public works, the planning commission may require the installation of thaw pipes of similar facilities.

PC Action taken: None – previously discussed.

17.24.030 (A) Additional language regarding subdivider contracting for water system installation (Keppel). The piped water system improvements are a responsibility of the subdivider, just as are streets, street lights and other subdivision improvements. The subdivider is free to choose the method of constructing the facilities.

PC Action taken: None – previously discussed.

17.24.030 (C) Explanation of subsection (Keppel). The preceding subsection (B) creates an exception to the requirement that the subdivider construct the piped water system. The exception applies when there is project approval and money available to the city or to a state or federal agency, for the construction of the water system within the next two years. Subsection (C) covers the situation where only a part of the required system qualifies for the exception. In such a case, the subdivider is required to construct the remainder of the system and leave it plugged and dry. The subdivider is required to pay in advance the amount that the city engineer estimates will be the cost to the city of connecting the subdivider-constructed part of the system to the City's water system.

PC Action taken: None – discussion only.

17.24.235 Water and sewer facilities cost: on-site facilities as alternative (Keppel). One of the purposes of requiring water and sewer improvements in the manner set out in 17.24.228-280 is to require the subdivider to bear the expense of public infrastructure that would otherwise have to be met out of the city treasury. Another purpose is to provide an incentive for the development of land which can be more economically served by the city. If the cost of installing a water or sewer facility will be about the same, whether constructed at the expense of the subdivider or constructed with city funds, the question is really who should bear the expense, the developer or the city. Requiring that new buildings be plumbed for sewer and water with the on-site lines extended to the sewer and water right-of-way may be an appropriate policy, but it does not address the issue of who is to bear the cost of installing the distribution and collection lines to which the individual properties must connect.

PC Action taken: None – previously discussed.

17.24.285 New section requiring sewer treatment plan (Keppel). Any special task taken on by a city department will require funding by the City Council. This is the body from which the direction (and the money) to accomplish a special plan or project will come. It is, essentially, a political/budget matter. However, BMC 16.08.020 requires that the planning commission regularly review the comprehensive plan and recommend additions, deletions and revisions to the City Council. As the 1996 Sewer and Water Facilities Master Plan is one of the elements in the comprehensive plan, it would be appropriate for the planning commission to review this plan and to make recommendations for appropriate changes to the City Council.

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PC Action taken: None – discussion only.

18.04.070(C), (D), (D) (2) and (E) Increased time of published mail and posted notice (Keppel). See the comments under 17.04.025, above regarding changes in mailed and posted notice and return receipts. In addition to recommending an increase in the time for mailed and posted notice, this recommendation also includes an increase from 6 days to 15 days for notice published in a newspaper. Because of requirements imposed by the newspaper on the number of days before publication by which the newspaper ad must have been placed and the requirements and time for obtaining purchase orders, the order for the ad may have to be initiated 8 to 10 days before the date of publication. This means that if 15 days' published notice is required, the ad order may have to be placed anywhere from 23 to 25 days before the day the hearing could be held. Additionally, the newspaper is weekly and is published on Thursday, the same day of the week that the commission holds its meetings. For this reason, if meetings are to be held on Thursdays, the meeting could not be held until the third Thursday following publication. When this 3-week period is added to the lead time required for ordering the ad, it could be 5 weeks from the meeting at which the commission sets a hearing until it can hold the hearing. Because mailed notice is being provided to affected property owners and posted notice is also being provided, the requirement for published notice takes on less importance than where published notice alone is being relied upon. The commission should consider whether the benefits of expanding the minimum required published time to 15 days outweigh the additional time that may be required to meet the published notice requirements.

If the requirement for return receipt mailing is added in subparagraph (D) (2), it need not be added anywhere else in subparagraph (D) as (D) (2) covers all mailed notice.

An effort was made to provide uniform requirements for giving notice of hearings. For that reason, the notice requirements under Title 18 are identical to the notice requirements under Title 17, except where the nature of the proceeding required a deviation from the uniform requirements. If the planning commission recommends changes to either 18.04.070 or 17.04.025, the same changes should be made to the other section, unless the commission believes that there is a reason that notice under the platting code should differ from notice under the zoning code. Also, if changes are made to the time that notice is required, the procedures to which notice requirements apply should be reviewed to determine whether the change would affect the times or scheduling of affected procedures.

PC Action taken: None – previously discussed.

18.16.010 Adding a requirement for civil penalties and authority for removal of encroachments into the city utility, water and sewer easements to site plan permit requirement (Keppel). There are two types of civil penalties. One is imposed by a court in a judicial proceeding. This can be expensive, as such proceeding requires a filing fee and that the City be represented by an attorney. The other type of civil penalty is one that is imposed by the City in an administrative proceeding. This generally requires that there be a hearing conducted before an unbiased tribunal, most often a hearing officer. This system, too, can be expensive. If compliance, rather than punishment, is the goal, then other methods of getting the city's easements cleared should be considered. The threat of a civil or criminal penalty could then be reserved as a last resort. The zoning code, however, does not appear to be the most direct place to deal with the problem. I would suggest a twofold approach.

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First, under the appropriate section of BMC 15.12 on site plan permits, a provision would be added prohibiting the issuance of a permit if there exists any prohibited encroachment into a city street, right-of-way, utility, sewer or water easement on the lot, or that originates or extends from the lot, that is the subject of the permit. Secondly, a more detailed or comprehensive approach would be added to the Bethel Code at Title 12 which is reserved for the regulation of streets, sidewalks and public places. These new provisions would prohibit encroachments, and would authorize the director of public works (or other appropriate official responsible for the public easement, street or place) to give notice to the owner of the offending property that the encroachment exists and specify a time by which the encroachment must be removed. Failure to remove as ordered would be a violation of the code subject to whatever civil and criminal penalties the council may believe to be appropriate. Failure to remove would also give the city the authority to go upon the property to remove the encroachment at the expense of the property owner, such expenses becoming a lien on the property.

In dealing with encroachments, the city will need to take care that it does not treat as an encroachment something that is permitted under the terms of a particular easement.

PC Action taken: None – previously discussed.

18.32.020 (G) Additional restrictions on freezer vans (Keppel). Language can be drafted to implement a freezer van registration program that would apply to all existing and "new" vans that are not used for the temporary storage of goods or materials shipped into the city in the van or to vans used for the temporary storage of goods and materials for immediate shipment out of the city in the van. The suggested category could be refined to ensure that the line between vans that must be registered and those that are exempt from registration is where the planning commission believes the line should be. If the planning commission believes that the additional restrictions on the use and movement of freezer vans is appropriate, language can be drafted that would implement whatever additional restrictions the commission believes are appropriate.

PC Action taken: None – previously discussed.

18.48.200 (A) Increasing residential driveway width (Keppel). Increasing the width of residential driveways from a minimum of 9 feet to a minimum of 12 feet is a policy matter for the planning commission; however, if a major consideration in setting minimum driveway widths is the ability of public works, sewer and water trucks to gain safe and convenient access to holding tanks, comments from the director of public works should be requested.

PC Action taken: None – previously discussed.

Other comments. Junk is generally dealt with by municipalities in two different ways. One is to deal with junkyards as conditional uses. Some municipalities may authorize junkyards as a permitted use in a heavy industrial district. Others allow junkyards only as a conditional use in industrial districts or in transitional districts that are well away from the urbanized areas. Some set minimum standards for sight obscuring fences around junkyards. The Bethel code allows junkyards as a permitted use in the industrial district and as a conditional use in the GU district. There are no minimum fencing

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standards. Impound yards are not specifically listed in the code, but a similar approach can be taken for impound yards.

The foregoing approach addresses what are essentially commercial operations. The second approach deals more with the junky yards that spring up around the residence of people who have a collection of discarded and inoperable refrigerators, snow machines, vehicles, salvaged building materials, etc. These situations are most often dealt with through ordinances that are a part of a city's health or health and safety codes. They generally contain provisions relating to filing of complaints with the city, investigation by the responsible department, the issuance of an order to remove the offending material followed by criminal prosecution if there is a failure to comply. To the extent that abandoned motor vehicles are involved, these are generally dealt with through other code provisions because motor vehicles are titled by the state and certain procedures need to be followed with respect to titled vehicles (even if there is no current license registration). The city code contains some provisions dealing with abandoned vehicles, but these provisions need to be revised and updated.

The remaining questions identified by Mr. Keppel could be addressed at the hearing.

(End of Lee Sharp Comment Memo)

Lee Sharp reported that a response letter had been received this afternoon in the Planners Office from the Federal Emergency Management Agency pertaining to the amendments to the flood ordinance in Title 15. Mr. Sharp indicated that he saw little problem with incorporating these.

Lee Sharp stated that his preferred way of reporting the Planning Commission revisions to the ordinance back to the council would be in the form of a Planning Commission substitute – Ordinance 01-05 (PC Substitute). By returning to the council in this manner he could incorporate the agreed to changes by the Commission in the body of the ordinance. The other, less desirable alternative, would be to submit the requested revisions as a separate document.

All commission members and staff agreed that the PC Substitute was the better alternative.

Chair J. Guinn thanked Lee Sharp for his work, help and suggestions on this ordinance revision project.

XI. ADJOURNMENT

M/M Notti/Charlie to adjourn.

Unanimous

Meeting was adjourned at 10:58PM.

Planning Commission Minutes, March 8, 2001 (Cont)

Prepared by: Sandra Moseley, (Administrative Assistant)

APPROVED:



John Guinn, Chair

Date 4/12/01



CITY OF BETHEL

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

Planning Commission Minutes

Regular Scheduled Meeting April 12, 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 7:40PM

II. ROLL CALL

Present: J. Guinn, D. Notti, J. Hamilton, W. Keppel, M. Kenick

Excused: L. Andrew, M. Charlie

Others Present: Sally Russell, Applicant for Variance

Oly Olson, Community Member

Grant Shimanek, Representing Alaska Moravian Church

Sandra Moseley, Administrative Assistant

By teleconference: John Malone, City Planner

III. APPROVAL OF MINUTES

M/M J. Hamilton/D. Notti Approval of minutes for March 8, 2001

Unanimous

IV. APPROVAL OF AGENDA

M/M J. Hamilton/D. Notti Approval of Agenda

Unanimous

V. COMMUNICATIONS

None except those included in meeting packets.

VI. PLANNERS REPORT

Mr. Malone reported:

Let me apologize for not being able to be present in person tonight. My travel schedule has been rather hectic over the past couple of weeks. This should slow down after this trip.

"Deep Sea Port and Transportation Center of the Kuskokwim"

Planning Commission Minutes, April 12, 2001(Cont)

RFP - City Wide Mapping Project: A proposal evaluation committee is scheduled for this week by the Finance Department Purchasing Office to evaluate the responses to the RFP. Hopefully from this there will be a recommended contract award to the City Manager.

City Subdivision Sewer & Water Project : Stosh Hoffman has been pursuing landowners most vigorously over the past week in order to procure the remaining document signatures for all Phase 1 landowners. As to be expected, more "creative" questions have come about from some. Most, Stosh has been able to respond to in short order, some needed to be referred to the city engineers, such as, what to do about sites where new construction is anticipated within the next year or so, and who is responsible for multiple residential structures on a site (the subdivision covenants restrict sites to one residential structure). There still remains some conflicting ownership issues on some lots between the District Records Office title records and unrecorded transactions that have occurred.

Information Technology: Nicole is out all week for IBM AS-400 training. A few glitches have occurred with the new WAN installation, but these seem to all have been adequately addressed both by Nicole and United Utilities.

Ordinance 01-05 (PC Substitute) amending Titles 15,16,17 &18: This ordinance passed council on Tuesday night (April 10th). The most recent road construction standards pertaining to gravel specifications (6" of compacted C1 gravel) was included. There was one date error as to the deferred inception date of the piped sewer and water sections (year 2001 instead of 2002) which was also corrected in the council passed version. The issue of road specifications for road standards in rights-of-ways already platted but not developed was sent to the Public Works Committee through the city manager. It was our recommendation at your March 8th meeting that these be placed within Title 12. Lee Sharp had developed some suggested language for this and I included this in my memo to the Public Works Committee.

VII. COMMISSIONER COMMENTS

Commissioner Keppel asked Mr. Malone if he has a ballpark figure for the mapping project. Mr. Malone stated that his best guess was that it could be accomplished for around \$150,000.00. Discussion followed about the respondents to the RFP and their proposals. Mr. Malone reported that one respondent (Mc Clintock Land Associates) advocated using earlier aerial photography (1997-98) in order to complete the project within the city's capital appropriation for the project. This approach by Mc Clintock would not map the whole city, as their previous photographic work did not cover the whole city. Chair Guinn said he would encourage the City Council and City Manager to only accept the most up to date aerial photographs be used.

Commissioner J. Hamilton stated she believed that Mc Clintocks last aerial photographs were taken in 1997.

Chair Guinn also suggested that there be a cap not to exceed \$155,000.00 for the mapping project.

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M/M J. Hamilton/D. Notti Recommending that the project:
A. Map of the whole city
B. Use current aerial photographs
C. A cap of \$155,000.00 on the project

Unanimous

VIII. PEOPLE TO BE HEARD

Grant Shimanek exhibited a preliminary plat for a subdivision of Tract C-2, Mumtretlek Subdivision. Mr. Malone stated that he invited Mr. Shimanek to this meeting so the commission would have a heads-up on this, as this plat would be the first under the new platting ordinances. Mr. Shimanek further stated that he planned to introduce the preliminary plat at the commissions May meeting.

Chair Guinn requested that Mr. Malone place on the next agenda.

Mr. O. Olson stated that Ross Boring, president of the local shooting club, asked that he give an update on the property for the new shooting range. Ralph Doyle has offered 10 acres within the northeast corner of Haroldsen Subdivision to the shooting club for the purpose of establishing a new shooting range within the community. Mr. Malone reported that he has been attending the shooting range meetings at the Youth Center sponsored by the Parks & Recreation Department, and has recently spoken with Ross Boring about the land issues. Mr. Malone said that a survey needed to be done first and a subdivision plat application needed be presented to his office for the commissions consideration/action. He felt that once the plat were approved that an ordinance need be drafted for councils consideration regarding the land use (as a shooting range), and exempting this area from the current ordinance that prohibits discharging a firearm within the city limits. Mr. O. Olson inquired as to the time period for this. Mr. Malone felt that this all could be accomplished at the same commission meeting that the plat was addressed. Commissioner D. Notti said the majority of the City Council are in favor of a new shooting range.

IX. OLD BUSINESS

ITEM A. None

X. NEW 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 Guinn asked Mr. Malone to introduce this item. Mr. Malone reported that the draft resolution prepared by him was in response to directions given to him at the commissions March 8th meeting when the topic was first introduced by Commissioner W. Keppel.

Chair Guinn Opened the Public Hearing at 8:04PM

Mr. O. Olson stated he was in favor of the resolution. Commissioner D. Notti said he was against the resolution because the pit (Calista sand pit at the airport) was given to the City for use in public maintenance purpose. Commissioner J. Hamilton stated she was opposed, but would support a discount for use by private developers that have to develop land to certain specs (public roads, etc.).

Commissioner W. Keppel stated it would benefit the people by lowering the development costs for roads and this would not compete with the other sand selling companies because the sand would not be sold to residents to build sand pads or things of that nature.

Commissioner D. Notti said that the sand pit (Calista Pit) was not a big moneymaker for the city. Mr. Malone stated that he believed that by virtue of the contract between Calista and the city for sand extraction from this pit that the city was restricted in the use of the sand to public projects; could not sell it to private parties. Mr. Malone further added that he felt that the discounted sale policy contained in this resolution could apply to future sand resources acquired, owned or developed by the city.

Chair J. Guinn stated that he felt that the resolution would not pass tonight and that the commission needs more input from other parties. He requested that the planner invite other interested parties such as sand pit owners and sand haulers to the next commission meeting, and that this be placed on the next commission meeting agenda.

Chair Guinn closed the Public Hearing at 8:17PM

M/M J. Hamilton/W. Keppel Continue public hearing at the next meeting.

ITEM B. VARIANCE APPLICATION. APPLICANT SALLY J. RUSSELL, ALSO APPEARING OF RECORD AS SALLY J. HERMAN. APPLICANT REQUESTS A VARIANCE OF APPROXIMATELY 2.8 FEET TO THE ROAD SETBACK REQUIREMENT ON OSAGE AVENUE OF AN EXISTING GARAGE STRUCTURE THAT APPLICANT INTENDS TO RENOVATE INTO HER PRIMARY RESIDENCE. EXISTING RAMP WITHIN ROAD SETBACK WILL BE REMOVED.

PUBLIC HEARING.

Chair Guinn asked Mr. Malone to introduce this item. Mr. Malone introduced Ms. Russell. He stated that in his Staff Report he informed that the subject lot was about to be subdivided by court order as part of a property settlement in a divorce action. The garage structure in question was on the property when she purchased it. She intends to renovate

Planning Commission Minutes, April 12, 2001(Cont)

this into her primary residence. As stated in his staff report, he recommends approving the variance.

Chair Guinn open Public Hearing at 8:18PM

Commissioner D. Notti asked Mr. Malone where the right of way of Osage terminated. Mr. Malone stated it ended at the Kusko Cab Co. Commissioner W. Keppel stated that he had viewed the site yesterday, and had no problem with the application. Ms. S. Russell said that she was sure that there had been an as-built survey ordered by the bank when she purchased the property, but had not seen a copy and did not know if the garage structure encroachment appeared on it. That if it did, she had not been notified of such. Ms. S. Russell further stated that the garage entrance ramp that is also an encroachment would be removed.

Public Hearing closed at 8:26PM

M/M M. Kenick/D. Notti Approve the variance as applied for.

Unanimous

XI. ADJOURNMENT

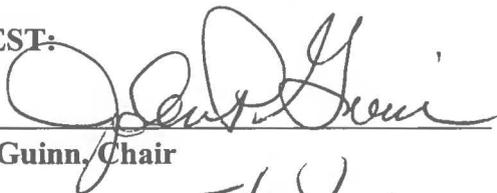
M/M J.Hamilton/D. Notti Move to adjourn.

Unanimous

Meeting was adjourned at 8:28PM

Prepared by: Sandra Moseley, Admin. Assistant

ATTEST:



John Guinn, Chair

DATE:

5/10/01



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 vacations.

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.

Planning Commission Minutes, May 10, 2001 (Cont)

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 the 1980 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.

Planning Commission Minutes, May 10, 2001 (Cont)

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.

Planning Commission Minutes, May 10, 2001 (Cont)

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.

Planning Commission Minutes, May 10, 2001 (Cont)

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

Planning Commission Minutes, May 10, 2001 (Cont)

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.

Planning Commission Minutes, May 10, 2001 (Cont)

Prepared By: Sandra Moseley, Administrative Assistant

ATTEST:



John Guinn, Chair

DATE: 5/14/01

Planning Commission Minutes

Regular Scheduled Meeting June 14, 2001

PUBLIC WORKS BLDG., SECOND FLOOR CONFERENCE ROOM

7:30 PM

I. CALL TO ORDER

The meeting was called to Order by Chair J. Guinn at 7:47PM.

II. ROLL CALL

Present: J. Guinn, D. Notti, W. Keppel, M. Kenick.

Excused: J. Hamilton, L. Andrew

Unexcused: M. Charlie

Others Present: John Malone, City Planner

Sandra Moseley, Admin Assistant, Recorder of Minutes

Michael Warzewick, David Martens, Troy Graham, Karen Fluegel, Susan and Jerry Heuy, Michelle Power, attorney for Susan and Jerry Huey, Jim Valcarce, attorney for Lee Gill, and O.N.C., Don Fancher, O.N.C.

III. APPROVAL OF MINUTES

M/M M. Kenick/D. Notti Approve the minutes of May 10, 2001 meeting.

Unanimous

IV. APPROVAL OF AGENDA

M/M W. Keppel/M. Kenick Approval of the agenda.

Unanimous

V. COMMUNICATIONS

Memo in response to Alaska Moravian Church May 23rd letter to the mayor concerning nonconforming lots. All others in meeting packet.

VI. PLANNERS REPORT

Mr. Malone reported:

Handouts: On May 23rd the Moravian Church sent a letter to the mayor concerning nonconforming sites. The focus of their concern was the many small lots that were created when Mumtretlek Subdivision was platted. Their letter contained many misunderstandings about nonconformity and my memo to the city manager is an attempt to clarify these.

Site Plan Activity: Site Plan application activity has been pretty constant; we are averaging about 2 a day. Our Code Enforcement Officer, Mike Burley, has been doing a very effective job in getting people into our office to correct compliance issues. Most of these involved failure to get a site plan. One matter involving fill on Lot 13B of H-Marker Lake Subdivision has been referred to the Corps. This involved fill placed in restricted wetlands (requires Corps permitting). The Corps advised on June 12th that this was going to be treated as a formal enforcement action by them. This of course involves a formal notification to the landowner requiring a formal corrective plan, and notifications to state Fish and Game and DEC. Corrective plans, once approved by the Corps, must also be approved by the noticed agencies and are subject to onsite final inspection before the complaint file is closed.

City Wide Mapping Project: I had a meeting with ASCG on June 5th on several issues involving the finished product of our project. I think we have them all resolved. They also were putting their field crew out to place the panels for the GPS satellite ties for the aerial photography portion of the project. They have developed a grid map of all the panels that will be included in the project, and a sample panel to show scale, plat overlays and title block information.

City Subdivision Sewer & Water Project : Our office has completed the job tasks involving Phase I. There are still some landowner issues in the hands of the city attorney. I believe all of these have been resolved – just waiting for paper exchange between landowner and the city attorneys office. We have begun Phase II. This involves 74 property owners. Nicole Dahl completely revamped our database system used to track the progress of individual landowner files. Accurate tracking of our contacts, questions and problems raised with many of these more complex and involved land owner issues is the most important use of the database.

East Avenue Seawall Project: The Corps project engineers were in on June 12th and we discussed the whole scope of the project – type of rehab proposed for various sections of the wall depending on the amount of distress being exhibited, Brown's Slough dredging width and dept and the extension of the H – Beam piling wall inside the slough. We have received our first formal lands status request for all lands that will be involved from the Reality Branch of the Corps and have responded. We have now set up a formal project file for this as this is anticipated to be a rather time consuming effort – gaining the required (by the Corps) easements for construction access and future maintenance.

Planning Commission Minutes, June 14, 2001 (Cont)

Small Boat Harbor Dredging: The Corps has advised that the maintenance dredging of the small boat harbor is scheduled for this winter. They anticipate going to bid in October.

Information Technology - Nicole Dahl:

Nicole is on leave from June 11-22. During the previous 2 weeks prior to going on leave she:

Wired the new purchasing office in City Hall with Ethernet for connectivity to the WAN.

Finished inputting landowner data into the database for Phase II of the City Subdivision Water & Sewer Project. Created several reports to be used by the Project Manager and the City Attorneys. All initial transaction paperwork in Phase I is complete and documented in database.

Wired the Senior Center with Ethernet and connected to the WAN.

Set up new direct deposit with Wells Fargo Bank via Internet, for automated payroll deposits. Transition date from NBA to Wells Fargo is June 23rd.

VII. PEOPLE TO BE HEARD

Mr. Warzewick presented a letter to the Commission in regards to commercial FAA(Part 135) float plane operations at H. Marker Lake. The residents of H. Marker Lake would like for operations to cease because of environmental and safety reasons. The letter was accepted by Chair Guinn stated he will make inquires into the matter.

David Martens said he was present to inquire about the drainage culverts being placed in the roads for the new Moravian subdivision church on Mission Lake. He felt that at least the one that was providing drainage to the extension of Mission Lake Road needed to be lowered as it was causing a significant amount of water backup. Commissioner W. Keppel said the culvert is a lot higher than the ground. Chair J. Guinn said he would have the matter referred to Public Works.

VIII. COMMISSIONERS COMMENTS

None at this time.

IX. OLD BUSINESS

Planning Commission Minutes, June 14, 2001 (Cont)

ITEM A. RESOLUTION NO. 01-02. A RESOLUTION OF FINDING RECOMMENDING THE VACATION OF APPROXIMATELY 317 FEET OF THE EASTERLY END OF THE 7TH AVENUE RIGHT-OF-WAY. PETITIONERS: HELEN HANEKEN, LIEGH GILL AND MYRON ANGSTMAN.

(ACTION ITEM)

Chair J. Guinn asked Mr. Malone to introduce the matter. Mr. Malone introduced Michell Power from Angstman Law offices representing petitioner Myron Angstman, and Jim Valcarce from Chris Cookes law firm representing petitioners Helen Haneken and Liegh Gill. Mr. Malone stated that the resolution (Resolution 010-02) had been prepared at the Commission's direction for presentation to the city council. That the council had 31 days to take action on the resolution after its adoption by the Commission. If approved/accepted by council, the petitioners would be instructed to proceed with a final plat application. Commissioner W. Keppel said he would like to have the road measured and brought up to code before passing the final plat. If its brought up to code before the final plat, it will be at a cost to the City.

M/M D. Notti/M. Kenick Approve Resolution 01-02.

Poll vote - unanimous

X. NEW BUSINESS

ITEM A. VARIANCE APPLICATION FOR THE SETBACK ENCROACHMENT OF 4 STRUCTURES ON LOT 18, BLOCK 3, MUMTRETLEK SUBDIVISION. APPLICANTS: JERRY AND SUSAN HUEY. (165 KILBUCK ST.)
PUBLIC HEARING

Mr. Malone introduced the applicants Jerry and Susan Huey along with their attorney Michell Powers. Mr. Malone indicated that his staff report was included in the meeting packets, and that he had recommended granting the variance as applied for.

Open Public Hearing at 8:31PM

Commissioner W. Keppel stated that he had viewed the property and found it to be a well maintained. He felt that the variance should be granted.

No other testimony offered.

Close Public Hearing at 8:33PM

M/M W. Keppel/D. Notti to approve the variance as applied for.

Unanimous

Planning Commission Minutes, June 14, 2001 (Cont)

ITEM B. ORUTSARARMIUT NATIVE COUNCIL (ONC) PROPOSAL TO LEASE A 12,717 S/F PORTION OF CITY OWNED TRACT 1, USS 3790 (HANGER LAKE ROAD) TO CONSTRUCT A HOUSE FOR DAVID MC CARR.

DISCUSSION ITEM

Mr. Malone introduced Donald Fancher from ONC and Jim Valcarce, ONC's attorney. Mr. Fancher stated that O.N.C has received HUD money to build a house for the David McCarr family. They are requesting a fifty (50) year lease from the City for construction of a new house. Commissioner W. Kepple said that when the new house goes up he would like to see the old house torn down. Mr. Malone stated that he felt that both the necessary resolution to council for such a lease disposal and the preliminary plat application could be handled at the next meeting. The Commission directed the planning director to prepare a resolution in support of the proposal. The address is 590 Hanger Lake Road. Mr. Malone asked what the terms should be. Commissioner D. Notti asked Donald Fancher if a dollar (\$1.00) per year was OK. Mr. Fancher indicated that it was. Chair Guinn concurred.

No formal action taken.

XI. ADJOURNMENT

M/M M. Kenick/W. Kepple to adjourn.

Unanimous

Adjournment 8:45PM

Prepared By: Sandra Moseley, Administrative Assistant

ATTEST:



John Guinn, Chair *Louie Andrew*

DATE: Aug 9 '01

Planning Commission Minutes

Regular Scheduled Meeting August 9, 2001

PUBLIC WORKS BLDG., SECOND FLOOR CONFERENCE ROOM

7:30 PM

The chair and vice chair were not present to convene the meeting. The four commission members present asked Commissioner Louie Andrew to be the acting chair. Commissioner Andrew accepted..

I. CALL TO ORDER

Acting Chair Andrew called the meeting to order at 7:35PM.

II. ROLL CALL

Present: D. Notti, L. Andrew, J. Hamilton, W. Keppel

Excused: J. Guinn, M.Charlie

Unexcused: M. Kenick

Others Present: John Malone, City Planner

Sandra Moseley, Admin. Assistant, Recorder of Minutes

Jerry Bloomfield, Ptarmigan Air, Scott Bailie, Tundra Investments, Jesse

Hunter, Catherine Slim, William Hunter, Nils P. Sara, Karen Fluegel,

George Walters, Fish & Wildlife, Kenneth O. Snyder, FAA. David McCarr

III. APPROVAL OF MINUTES

M/M W. Keppel/ J. Hamilton to approve the Minutes of the June 14, 2001 meeting.

Unanimous

IV. APPROVAL OF AGENDA

M/M J. Hamilton/D. Notti to approve the Agenda.

Unanimous

V. COMMUNICATIONS

Handed out at the meeting were: 1. Aug 2nd e-mail from ASCG on mapping project progress. 2. Letter to Tunista Properties – site permit compliance violations. All others were included in the meeting packet.

VI. PLANNERS REPORT

Mr. Malone reported:

Handouts: Aug 2nd e-mail from ASCG on mapping project progress. I am very pleased with our contractors progress so far. Getting the aerial photos completed and all of our recorded plats inserted into an AutoCad database are two very significant pieces of the scope of work. (Additional comments on this projects progress are below)

Letter to Tunista Properties – site permit compliance violations. Tunista Properties called this Tuesday about these violations and I feel we have a plan of correction worked out.

Dedicated rights-of-ways and public easements on previously platted ANCSA and Indian Homestead Subdivision lands: I have just been notified by ONC (Aug 8th) that all rights-of-ways and public easements dedicated as such on previously approved plats within these restricted deed trust lands now have to be rededicated and accepted by us in accordance with federal regulations. Apparently the approval language executed by the BIA on these plats did not comply with the trustee notification requirements to their beneficiary land owners that is required by federal regulations. In preliminarily reviewing the paperwork involved, this is going to be a bit of an administrative chore for both this office and ONC to complete all these. As a consequence, all land sales within these subdivisions has now been suspended until this is completed and approved by the BIA solicitors (attorney) office in Juneau.

Alaska Moravian Church Subdivision Tract C-2 – Final Plat: I was advised today that because of delays in being able to acquire gravel from Knik to complete their roads that they will not bring their final plat application to you until September. As they indicated during their preliminary plat hearing, they want to complete all their public improvement requirements prior to final plat submission to avoid having to procure a surety bond to guarantee these improvements completion.

Site Plan Activity: Site plan application activity has slowed somewhat to about 1 application per day over the past two weeks. There has been one new enforcement action over the past two weeks, and one formal notice of corrective/compliance action before a formal violation action is taken on another site (see letter handout).

Planning Commission Minutes, August 9, 2001 (Cont)

City Wide Mapping Project: Doug Graether, our Project Manager from ASCG, reported last week the processed aerial photos have been received and they are of excellent quality. They have nearly completed entering all of our recorded plats into AutoCad format. The mapping portion of the project has been sent out to a subcontractor, Kodiak Mapping, for bridging the aerial photos and survey data. At the same time ASCG has begun preparing the individual sheet layouts (see e-mail handout from Graether).

Training: I attended a 4 day training in Anchorage July 23-26 on the Corps of Engineers wetlands delineation determinations. This training involved the judicial determination of wetland boundaries pursuant to the current Corps manual for determining this. Under section 404 of the 1977 Clean Water Act, the Secretary of the Army is responsible for all permitting of discharge and dredging within waters of the United States. Waters of the United States include wetlands, rivers, lakes, streams, territorial seas, etc. The states coastal management program will be reimbursing us for the full amount of this training through an addendum to our current CZM grant.

Sewer & Water Projects : Phase I City Subdivision sewer and water has now gone to bid. We have been in negotiations for those properties involved in the change-out of the Ridgecrest Dr. (adjacent to old cemetery) forced sewer main. Three properties are involved in these easement acquisitions. This is the location (under Ridgecrest Dr.) that the present sewer system converges into a single pipe system before crossing Brown's Slough. These pipes are in excess of 20 years old and pretty much non accessible since the rehab of Ridgecrest Dr. by DOT 3 years ago. We plan to relocate this line behind Northern Lights Inn, and place within a steel seawall pipe culvert crossing Ridgecrest Dr.

Information Technology :

We have had several discussion with the technical staff and Steve Hamlen at Unicom about the end of the 6 month demo period for the wide area network (WAN). Regarding this, the technical staff at Unicom and Nicole have verified that the current hardware connectivity provided by Unicom was working properly. We are planning a technical and end user audit of the system (who uses and at what frequency, for what purposes, usage as an intranet versus e-mail. This will be carried out by Nicole, myself and Unicom staff. The purpose is to evaluate our usage of the system, how effective is it as a network, what are its current and future benefits, etc. We anticipate providing a jointly written report on this audit by next week. Under our letter of agreement with Unicom, at the end of the demonstration period we can either lease the system, purchase the system and contract with them for maintenance, or terminate and have the system removed.

VII. PEOPLE TO BE HEARD

VIII. COMMISSIONERS COMMENTS

IX. OLD BUSINESS

- ITEM A. RESOLUTION 01-03 DAVID MC CARR AND ORUTSARARMIUT NATIVE COUNCIL (ONC) PROPOSAL TO CONVEY A 12,717 S/F PORTION OF CITY OWNED TRACT 1A, USS 3790 (590 HANGER LAKE ROAD) TO DAVID MC CARR SO THAT ONC CAN CONSTRUCT A HOUSE FOR DAVID MC CARR.
ACTION ITEM

Acting Chair Andrew asked Mr. Malone to introduce this. Mr. Malone reported that this was the resolution that the Commission had requested be prepared at their June meeting when this item was first introduced in letter form by ONC. The original request from ONC was that this be a long term lease. However, several commissioner's had, since the June meeting, expressed their support for an outright conveyance of the property to Mr. Mc Carr.

M/M W. Keppel/D. Notti to approve the resolution as presented.

Unanimous

X. NEW BUSINESS

- ITEM A. PRELIMINARY PLAT. SUBDIVIDE A 12,717 S/F LEASE PARCEL WITHIN TRACT 1A REMAINDER, USS 3790, EAST ADDITION TO THE BETHEL TOWNSITE FOR CONVEYANCE TO DAVID MC CARR. APPLICANT IS THE CITY OF BETHEL.

PUBLIC HEARING

Mr. Malone reported that at the June meeting he had suggested preparing, concurrent with the resolution in Item A Old Business above, an application for a preliminary plat for the subdivided lot intended to be conveyed to David Mc Carr. By so doing, when the city council acted favorable on the disposal ordinance that would result from the passage of the commission's Resolution 01-03, his office could proceed immediately with the final platting application process.

Acting Chair Andrew opened the public hearing at 8:06 PM

No testimony offered.

Closed Public Hearing at 8:09 PM

M/M W. Keppel/D. Notti to approve the preliminary plat.

Planning Commission Minutes, August 9, 2001 (Cont)

Unanimous

ITEM B. RESOLUTION 01-04 RESERVATION OF A TEN ACRE SCHOOL SITE WEST OF CITY SUBDIVISION FOR THE YUUT ELITNAURVIATE/PEOPLES LEARNING CENTER.

ACTION ITEM

Commissioner Keppel asked Mr. Malone if a more specific location had been selected for this 10 acre site. Mr. Malone replied that one had not. That it would most likely be situated west of Pinky's Park. Mr. Malone further stated that his information is that the project is still very much in its formative stages, and the land commitment by the city is a commitment for financial participation in lieu of money.

M/M D. Notti/J. Hamilton to approve the resolution.

Unanimous

ITEM C. VARIANCE APPLICATION FOR A NONCONFORMING SINGLE FAMILY RESIDENCE TO THE SETBACK REQUIREMENTS. LOT 10D, BLOCK 2, NWA, USS 3770. APPLICANT KAREN FLUEGEL (63 7TH Ave.)

PUBLIC HEARING

Acting Chair Andrew asked Mr. Malone to introduce the item. Mr. Malone reported that his staff report had been included in the meeting packets. That he had recommended approval of the variance as applied for.

Acting Chair Andrew opened the public hearing at 8:013 PM

Commissioner Keppel stated that he had viewed Miss Fluegel's property and agreed that the variance was justified.

Close public hearing 8:16 PM

M/M D. Notti/J. Hamilton to pass the variance.

Unanimous

ITEM D. ABBREVIATED PRELIMINARY PLAT APPLICATION FOR THE SUBDIVISION OF LOT 7, TRACT F, TUNDRA RIDGE SUBDIV. CREATING LOTS 7A AND 7B. THIS SUBDIVISION NEITHER CREATES OR REMOVES ANY PUBLIC RIGHTS-OF-WAYS OR EASEMENTS. APPLICANT IS SCOTT BAILIE, MANAGING PARTNER, TUNDRA INVESTMENTS, LLC. (9219 MAKQALRIA ST.)

PUBLIC HEARING

Planning Commission Minutes, August 9, 2001 (Cont)

Mr. Malone introduced Scott Bailie, representing the applicant Tundra Investments. He further reported that this was a simple subdivision of a lot into two lots and that there were no public easements or rights-of-ways involved.

Acting Chair Andrew opened the public hearing at 8:18 PM

Commissioner Keppel asked Mr. Bailie why he wanted two lots. Mr. Bailie responded that they wished to borrow money against one lot and leave the other free and clear. Commissioner Keppel asked if the driveway access easement shown on Lot 7A that provided access to Lot 7B was usable at this time. Mr. Bailie responded that it was. That all of Lot 7A was filled.

Closed public hearing at 8:26 PM

M/M W. Keppel/D. Notti to approve the application.

Unanimous

ITEM E. 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 (340 ALDER ST.)

PUBLIC HEARING

Acting Chair Andrew opened the public hearing at 8:28 PM

No testimony was offered.

Closed public hearing at 8:29 PM

No one appeared to represent the applicant.

M/M D. Notti/J. Hamilton to table until next meeting on September 20, 2001.

Unanimous

Planning Commission Minutes, August 9, 2001 (Cont)

ITEM F. LETTER PETITION BY RESIDENTS OF H-MARKER LAKE SUBDV
REQUESTING THAT ALL COMMERCIAL FLOAT PLANE OPERATIONS ON
H-MARKER LAKE BE STOPPED.

DISCUSSION ITEM

Mr. Jerry Bloomfield representing Ptarmigan Air, passed out a six page handout. Mr. Bloomfield described the float plane operations of Ptarmigan Air on H-Marker Lake.

More discussion followed concerning the lack of adequate safe float plane mooring within the community. George Walters, a US Fish and Wildlife pilot, stated that there was not enough safe float plane operating areas within the city and that this was a growing sector within aviation. Commissioner Keppel reported that he had spoken with Marc Stemp, CEO of BNC, and that Stemp had indicated BNC's willingness to develop more mooring leased space on Hanger Lake. Mr. Malone stated that he felt that this was a long neglected transportation area (float planes). He further suggested to Commission Council Representative Notti that this was an area that should receive council direction as it involved other committees and commissions. Commissioner Keppel agreed with this and suggested asking the city council to appoint an ad hoc committee of interested people.

Commissioner J. Hamilton stated to the Chair that this was a transportation issue. Shortly thereafter Commissioner J. Hamilton left the meeting.

Acting Chair Andrew was notified of no quorum. The meeting was ended at 9:06 PM.

XI. ADJOURNMENT

Minutes prepared by Sandra Moseley, Administrative Assistant

APPROVED:



~~John Quinn~~, Chairman

Mice

Date: 09/20/01

Planning Commission Minutes

Regular Scheduled Meeting September 20, 2001

PUBLIC WORKS BLDG., SECOND FLOOR CONFERENCE ROOM

7:30 PM

Vice chair M. Charlie chaired the meeting because Chair Guinn would be joining via teleconference.

I. CALL TO ORDER

Meeting was called to order at 7:42PM.

II. ROLL CALL

Present: D. Notti, J. Hamilton, M. Charlie. By teleconference J. Guinn

Excused: C. Albright

Unexcused: W. Keppel, L. Andrew

Others Present: John Malone, City Planner

Sandra Moseley, Admin. Assistant, Recorder of Minutes

Jerry Galliard, Representing Crowley Marine Services, Inc.

Marc Stemp, CEO, Bethel Native Corp.

III. APPROVAL OF MINUTES

Vice Chair M. Charlie noted that he has been listed as unexcused for the August 9th meeting. He reported that he had contacted the planning office by phone of his absence. There was no objection to changing M. Charlie's absence to excused.

M/M D. Notti/J. Guinn to accept the minutes of the August 9, 2001 meeting as amended.

Unanimous

Mr. Malone stated that he would change the absence status of M. Charlie in the minutes before sending to the city clerk.

IV. APPROVAL OF AGENDA

Vice Chair M. Charlie read the agenda.

M/M J.Hamilton/D.Notti Approve the agenda as presented.

Unanimous

V. **COMMUNICATIONS**

Letter from DOT in response to public hearing notice on BNC Industrial Park preliminary plat (Item A New Business). All others included in the meeting packets.

VI. **PLANNERS REPORT**

Mr. Malone reported:

Dedicated rights-of-ways and public easements on previously platted ANCSA and Indian Homestead Subdivision lands: : ONC and this office has completed the reapplication paperwork for the rights-of-ways and public easements in Tsikoyak (Larson) Subdivision. This will now be transmitted by ONC to the BIA for final approval. ONC advises that the next reapplication packet being prepared is for Blueberry Fields Subdivision. As previously reported, all rights-of-ways and public easements dedicated as such on previously approved plats within these restricted deed trust lands now have to be rededicated and accepted by us in accordance with federal regulations. Apparently the previous approval language executed by the BIA on these plats did not comply with the trustee notification requirements to their beneficiary land owners that is required by federal regulations. As a consequence, all land sales within these subdivisions has now been suspended until this is completed and approved by the BIA solicitors (attorney) office in Juneau.

Site Plan Activity: Site plan application activity has dropped to about 3 per week. There has been one new enforcement action referred to Code Enforcement this week.

City Wide Mapping Project: The following email msg text is from Doug Graether, our Project Manager from ASCG, received on Tuesday Sept 18, "Kodiak Mapping is nearly complete with the mapping. They expect to deliver this week. We are 90% complete with the survey plat entry. When we receive the mapping we can prepare some samples of areas we have completed the plat entry for your review.- Doug"

New National Guard Readiness Center & Maintenance Facility: Lt. Col Schreiber, Construction and Facilities Management Officer for the National Guard, met with Mayor Rogers and myself on Monday Sept 17th to discuss conceptual designs and site location for these new facilities. The state has provided approximately \$600,000 for the design portion of this project. To be further discussed is the incorporation of space needs for the proposed new Peoples Learning Center. On the wall are design drawings from the new Juneau readiness center. The guard would like to adopt this design configuration for our new facilities.

Information Technology : Its been a very busy past two weeks in information technology due to our previous city web provider going out of business. Nicole had to move the whole website content to a new server provided by Unicom (cityofbethel.org) . This also required reassigning new email addresses for all employees on the new server.

Nicole has also been installing a new internal intranet client (city of Bethel only) email configuration on all employee workstations through our wide area network provided by Unicom.

Nicole also installed the new hardware firewall for security purposes in the City of Bethel Police Department. They now have access to email and the internal intranet applications through the wide area network.

VII. PEOPLE TO BE HEARD

None

VIII. COMMISSIONERS COMMENTS

Vice Chair M. Charlie requested that a letter be sent to Mary Kenick thanking her for her service on the planning commission. Mr. Malone stated that he would draft a letter for the chair's signature.

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 MEETING DUE TO NO REPRESENTATION OF THE APPLICANT.

PUBLIC HEARING

Vice Chair M. Charlie asked Mr. Malone to introduce this item. Mr. Malone reported that he had sent a letter to the plat applicant David Keller at the address that had been provided stating that his preliminary plat application had been tabled at the August meeting due to there being no representation of the applicant. Mr. Malone further stated that he received no response from this letter and the letter was not returned. A copy of this letter was included in the commissioner's meeting packets.

M/M J.Guinn/J.Hamilton Table until next meeting and send another letter to the applicant stating that representation at the meeting was required before the commission would take any action on his plat application.

Unanimous

X. NEW BUSINESS

ITEM A. PRELIMINARY PLAT APPLICATION. A SUBDIVISION OF TRACT 5A, USS 4000 INTO TRACTS 1, 2, AND 3. LOCATION IS LANDS SOUTH, EAST AND WEST OF OLD IHS HOSPITAL SITE. APPLICANT IS BETHEL NATIVE CORPORATION.

PUBLIC HEARING

Vice Chair M. Charlie asked Mr. Malone to introduce this item. Mr. Malone introduced Marc Stemp, CEO of Bethel Native Corporation and Jerry Galliard of Crowley Marine Services, Inc.

Public Hearing Opened at 7:50PM

Mr. Malone stated that the proposed subdivision creates 3 tracts, one of which (Tract 2) is intended for a new bulk fuel tank farm. To further accomplish this the current land use district containing Tract 2 needed to be changed from Public Lands and Institutions to Industrial. Mr. Malone asked Marc Stemp if the comment letter submitted by DOT&PF concerning the further dedication note on the proposed plat of the 100 foot right-of-way for Chief Eddie Hoffman Hwy, where it appeared on this proposed subdivision, was an ANCSA issue. Mr. Stemp replied that it was not and that the right-of-way of Chief Eddie Hoffman Hwy had been recognized and withheld in the US Dept. of Interior ANCSA land conveyances to Bethel Native Corporation. He further stated that he did not know why the state (DOT&PF) was asking for an additional dedication note by this platting.

Mr. Malone noted that an additional comment in the letter from DOT&PF was that access to the new proposed Tract 3 only occur from a 60 foot right-of-way between the proposed Tract 3 and Lot 5 of Tract 5A1 owned by YKHC. He further stated that applicants preliminary plat submission showed this as a new proposed 30 foot right-of-way. Mr. Malone further stated that this was an apparent error and that a 60 foot right-of-way already exists on the boundary of these properties by plat 98-14. Mr. Stemp indicated that he believed this to be true – further indicating that he would notify the surveyor of the error in their plat.

Mr. Stemp indicated that the Bethel Native Corporation had an additional item to introduce with this preliminary plat and that was a proposed pipeline easement between the petro port and the new proposed Tract 2 where the tank farm was to be located. Mr. Malone indicated that the routing of the proposed pipeline was still being negotiated by the city manager, and

Planning Commission Minutes, September 20, 2001 (Cont)

was not noticed for this public hearing for that reason. Mr. Malone further stated that these negotiations may produce a different routing for the pipeline then that currently reflected on the conceptual plans that have been provided for the tank farm at this time.

Public Hearing closed at 8:00PM

M/M J.Guinn/D.Notti Approve the preliminary plat with technical corrections noted in the discussion.

Unanimous

XI. ADJOURNMENT

M/M J. Hamilton/D. Notti to adjourn.

Unanimous

Adjournment 8:01PM

Prepared By: Sandra Moseley, Administrative Assistant

ATTEST:



John Guinn, Chair

DATE: 10/11/01

Planning Commission Minutes

Regular Scheduled Meeting October 11, 2001

PUBLIC WORKS BLDG., SECOND FLOOR CONFERENCE ROOM

7:30 PM

I. CALL TO ORDER

Meeting was called to order at 7:35 PM

II. ROLL CALL

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

Excused: L. Andrew

Others Present: John Malone, City Planner

Sandra Moseley, Admin Assistant, Recorder of Minutes

Marc Stemp, CEO, Bethel Native Corp.

Jerry Galliard, Representing Crowley Marine Services

Chair Guinn formally introduced and welcomed two new Commissioners, Pat Jennings and Clarence "Tim" Albright to the Planning Commission.

III. APPROVAL OF MINUTES

M/M D. Notti/J. Hamilton Approval of minutes of September 13, 2001 meeting.

Unanimous

IV. APPROVAL OF AGENDA

Chair Guinn introduced 2 additional New Business items at the request of the planning staff:

Item C: Ord # 01-37 (introduced at council on Oct 9, 2001) relating to leasing a portion of Lot 4, Block 15, USS 3230 to Napa Auto Parts.

Item D: Resolution 01-06 recommending to council the lease to the Kuskokwim 300 Race Committee a portion of Datu Park.

M/M J. Hamilton/D. Notti Approval of agenda with the two additions to New Business, Items C and D.

Unanimous

V. COMMUNICATIONS

Following handouts given at meeting - all others included in meeting packets:

1. Letter to ONC, final plat instructions for Mc Carr Subdivision.
2. Ord # 01-37 (introduced Oct 9, 2001) relating to leasing a portion of Lot 4, Block 15, USS 3230 to Napa Auto Parts for a citywide safe used battery disposal location (proposed lease document included).
3. Resolution 01-06 recommending to council the lease to the Kuskokwim 300 Race Committee a portion of Datu Park for the location of a headquarters building and visitor center.
4. Response letter to Tunistia Properties on proposed vacation of the undeveloped portion of Third Ave near Dull Lake.

VI. PLANNERS REPORT

Mr. Malone reported:

Dedicated rights-of-ways and public easements on previously platted ANCSA and Indian Homestead Subdivision lands: ONC has not forwarded any additional reapplication paperwork for the rights-of-ways and public easements for the other effected subdivisions that were developed in BIA trust status since we completed Tsikoyak (Larson) Subdivision in early September.

Quarterly Reports: The September quarterly reports to the Corps of Engineers and the Coastal Zone Management grant have been submitted.

City Wide Mapping Project: Kodiak Mapping advised by phone on Tuesday that they had completed their portion of the project (placement of subdivisions and planametric features on the areal photos and placing this in an AutoCad database). The last decision pending their returning the project to ASCG was the determination by our office on the identification of layers within the AutoCad files. This is an important consideration for our future use of these, i.e. creating and maintaining address maps by road and building features only; adding and amending land use districts, etc. They transmitted an example file yesterday and we edited and replied on the same day. Kodiak Mapping anticipates having the project, now in one continuous AutoCad data file back to ASCG on Friday or the following Monday. ASCG will then create the individual 1" = 100 feet grid maps from this database.

Phase 2 City Sub. Sewer & Water: We are starting the land access and easement acquisition portion of Phase 2. There are 70 properties involved in this phase.

Final Plat, Seventh Ave Vacation: I have approved the final plat drawing for the Seventh Ave vacation. I expect a completed final plat application in time to place on the agenda for our November meeting.

Final Plat, Lots 8-12, Block 6, Tract C-2, Mumtretlek Sub.: Grant Shimanek advised this week that the public improvements requirements for this subdivision are about complete and he anticipates having the final plat application into our office in time to for the final plat to be placed on your November agenda.

Information Technology: Nicole spent most of the past 2 weeks on the Finance Dept. IBM AS/400 hardware upgrade. This upgraded the memory, processor, and added four 8 gigabyte drives, replacing the former 4 gigabyte drive. Included in the upgrade package is a java web server with 3 layer security, for access to/from the internet. The Youth Center had received two new workstations that are being networked with their existing 12 workstation Power Up Computer Center project.

VII. PEOPLE TO BE HEARD

None at this time.

VIII. COMMISSIONERS COMMENTS

None at this time.

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 AND THE SEPTEMBER 20, 2001 MEETING DUE TO NO REPRESENTATION OF THE APPLICANT.

PUBLIC HEARING

Chair Guinn asked Mr. Malone to introduce this item.

Mr. Malone reported that he had again sent the applicant David Keller a letter notifying him that he needed to be personally represented at the meeting to respond to possible questions on his platting application. There has been no response from Mr. Keller, his surveyor or anyone else on this matter. Neither of the last 2 letters have been returned to the planning office because of addressing errors. Chair Guinn requested that this time the applicant be sent a certified return receipt notice and that the item be placed on next months agenda.

M/M J. Hamilton/C. Albright Table until next meeting.

Unanimous

X. NEW BUSINESS

ITEM A. 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.

PUBLIC HEARING

Chair Guinn asked Mr. Malone to introduce this item.

Mr. Malone observed that the applicant Lorin Bradbury was not in attendance, nor any of the other landowners involved in the replat. He further stated that he had just tried to contact the Bradbury residence before the meeting to remind Mr. Bradbury of the meeting but the phone line was busy. Commissioner Charlie offered that he thought the Bradbury's were out of state on vacation.

Chair Guinn asked Mr. Malone if it would be ok to proceed with this preliminary plat public hearing without applicant representation. Mr. Malone responded that aside from the relocation of boundary lines there was either the vacation or relocation of 2 easements in this replat. He felt that the applicants should present on the record the purpose of the actions being requested in regards to these easements.

Chair Guinn recommended that this item be until the next meeting.

No formal action taken.

ITEM B. RESOLUTION 01-05. PETITION FROM BETHEL NATIVE CORPORATION TO REDISTRIBUTE CERTAIN LANDS WITHIN USS 4000 FROM PUBLIC LANDS AND INSTITUTION TO INDUSTRIAL AND GENERAL USE.

PUBLIC HEARING

Chair Guinn asked Mr. Malone to introduce this item.

Mr. Malone introduced Marc Stemp, CEO of Bethel Native Corporation, representing the petitioner. Mr. Malone further stated that the commission had approved the preliminary plat for BNC Industrial Park at its last meeting. One of the parcels involved in this subdivision is the intended site for a new bulk fuel storage facility. All the lands contained in this proposed subdivision are currently within a Public Lands and Intuitions use district. BNC has requested that Tract 2 be redistricted to Industrial Use and the remaining lots to General Use. (Colored proposed redistricting maps had been provided the commissioner's in their meeting packets.)

Mr. Malone further stated that in the BNC petition letter they had also stated that they were going to redesignate the proposed subdivided land north of Chief Eddie Hoffman Hwy as a separate lot – Lot 4. This would accommodate the concern raised by DOT&PF about adding a plat note dedicating this right-of-way. By creating the separate lots this right-of-way would be delineated and separated on the plat.

Open public hearing at 7:59 PM

Marc Stemp presented from the colored exhibit drawings while Mr. Malone indicated the areas under consideration on the official January 1990 Land Use Maps.

Commissioner J. Hamilton asked about the closeness of the hospital and YKHC's new administration building to the proposed new bulk fuel facility. Mr. Malone responded that the existing bulk fuel storage facility was about the same distance away from these facilities.

Close public hearing at 8:08 PM.

M/M J. Hamilton/M. Charlie Adopt Resolution # 01-05 as presented.

Unanimous

ITEM C. ORDINANCE # 01-37 AN ORDINANCE AUTHORIZING A LEASE FOR PURPOSES OF PROVIDING THE NECESSARY PUBLIC SERVICE OF PROPER USED-BATTERY DISPOSAL.

(PUBLIC HEARING)

Chair Guinn asked Mr. Malone to introduce this item.

Mr. Malone reported that this ordinance had been introduced by council at its October 9th meeting. The city manager was supporting this as this would relieve our solid waste disposal site from having to handle, store and later prepare these batteries for shipment. Mr. Malone recommended that due to the fact that this proposed lease disposal had already been introduced by council, a motion instead of a resolution, reflecting the commissions recommendation should be adequate.

Open public hearing at 8:10 PM.

Commissioner J. Hamilton asked if there was not a water well on this property. Commissioner D. Notti stated that the old Nicholson well was still on the site but had been sealed for possible later use. He further stated that the proposed battery storage location was close to the water well head and that in the future the City might use that location for a treatment plant. Mr. Malone suggested that the commission might include in their motion the requirement for safe storage containment be included.

Close public hearing at 8:18 PM.

M/M C. Albright/D. Notti Recommend approval to the council with the further recommendation that safe containment storage be included in the ordinance.

Unanimous

ITEM D. RESOLUTION 01-06 RECOMMENDING TO COUNCIL THE LEASE TO THE KUSKOKWIM 300 RACE COMMITTEE A PORTION OF DATU PARK FOR THE LOCATION OF A HEADQUARTERS BUILDING AND VISITOR CENTER.

Chair Guinn asked Mr. Malone to introduce the item.

Mr. Malone gave a brief history of this lease proposal as it was initially considered by the Planning Commission in 1997. The Planning Commission had supported the use of the park site for this purpose at the terms presently contained in Resolution #01-06 (5 years with a 5 year

renewal option at a lease rate of \$100. per year) contingent upon the city attorney determination that the current deed restrictions concerning building improvements and commercial activities did not violate these restricted conditions in the original deed. It was the city attorneys opinion that the original deed restricted these uses of the park site. He further recommended that the original grantor (Bethel Marina Inc.) be contacted to see if they were willing to amend this deed by removing the restrictions about building improvements and commercial activities. The Kuskokwim 300 Race Committee has now done this. In August 2001 a new amended deed had been executed by the grantor specifically allowing the Race Committee to construct a race headquarters and visitor center building and allowing the commercial sale of items related to the Kuskokwim 300 race event to be sold on the site.

M/M D. Notti/C. Albright Adopt the resolution as presented.

Unanimous

XI. ADJOURNMENT

M/M J. Hamilton/D. Notti To adjourn

Unanimous

Meeting adjourned at 8:25 PM.

Minutes prepared by Sandra Moseley, Administrative Assistant

ATTEST: 
John Guinn, Chair

DATE: Nov 8, 2001

COMMUNITY DEVELOPMENT
COUNCIL
HEADQUARTERS
CITY OF KUSKOKWIM
615 JEN

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 6th 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

Planning Commission Minutes, November 8, 2001 (Cont)

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 30th.

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, Mumtrelek 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.

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 7TH AVENUE RIGHT-OF-WAY BEGINNING AT THE EASTERLY TERMINUS OF THE 7TH 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

Planning Commission Minutes, November 8, 2001 (Cont)

No testimony was offered.

Close public hearing at 8:17 PM

Vote in favor: 4 Against: 0 Abstained: 0

XI. ADJOURNMENT

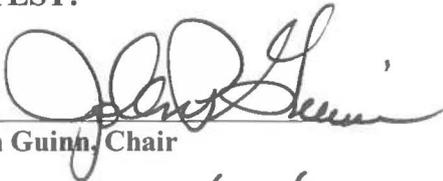
MM J. Hamilton/C. Albright Motion to adjourn.

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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Planning Commission Minutes

Regular Scheduled Meeting December 13, 2001

PUBLIC WORKS BLDG., SECOND FLOOR CONFERENCE ROOM

7:30 PM

I. CALL TO ORDER

Meeting was called to order at 7:35PM

II. ROLL CALL

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

Excused: None

Unexcused: M. Charlie

Others Present: Bret Burroughs, Representing Tunista Properties

John Malone, Planner, City of Bethel

Sandra Moseley, Admin, Assistant, Recorder of Minutes

III. APPROVAL OF MINUTES

MM J. Hamilton/C. Albright Approve the minutes of the November 8 meeting.

Unanimous

IV. APPROVAL OF AGENDA

J. Hamilton requested the addition of Item C under new business pertaining to The Commissions meeting time.

MM J. Hamilton/C. Albright Approve the agenda as amended.

Unanimous

V. COMMUNICATIONS

None additional – included in meeting packets.

VI. PLANNERS REPORT

Mr. Malone reported:

Code Enforcement: The party involved in the violation that is the subject of the enforcement letter enclosed with your meeting packets has produced the required Fire Marshall's Certificate for their site improvements. A Site Plan Application is still pending for these improvements. Remediation of the code enforcement action last summer that was referred to

Planning Commission Minutes, December 13, 2001 (Cont)

the Corps involving the filling of lake shore ground at H-Marker Lake has been approved by the Corps. The landowner will remove the fill and car tires used to contain the fill, back to the 25 foot waterline setback specified in the enforceable policies section of our Coastal Management Plan.

State of Alaska Hazard Mitigation Plan: I also included an email informational msg in your meeting packet from the Office of Governmental Coordination pertaining to the states pending Hazard Mitigation Plan. I'm pleased to report that for the hazards that pertain to our community we have mitigation policies in place (example of this would be our Flood Hazard ordinance), and land use ordinances.

Citywide Orthophoto Mapping Project: Nicole and I attended a training on November 30th with the CAD staff at ASCG. This was most instructive and informative. ASCG has now completed the entry of a little over 300 plats and US Surveys in a master AutoCad database (296 plats plus the US Surveys) currently of record in the Bethel Recorders Office. As anticipated, many were found with numerous errors that needed to be reconciled and noted in order that they would fit as intended. ASCG has six remaining plats left to insert that are particularly troublesome due to platting inaccuracies, and copy quality. They also created a database in MS Excel of all these plats and surveys with a Remarks column that records these discrepancies and inaccuracies found in the CAD retracements. We are adopting this as our master index plat file. The ASCG staff provided us with an AutoCad file of their completed master database so far. We anticipate starting to use this shortly in developing two additional, and long needed products; redoing the current master address map and updating the land use districting maps. The current 1990 land use districting stops at the airport. What still remains to be completed by ASCG in the mapping project is breaking this master database into 1" = 100 feet grid maps and overlaying and reconciling these on the aerial photos.

Dedicated rights-of-ways and public easements on previously platted ANCSA and Indian Homestead Subdivision plats: ONC has now completed the rededication of the ROW's and public easements for Blueberry Fields Subdivision. These have been approved and finalized by our office. The apparent delay in this project, that I previously reported, is a result of their (ONC and/or the BIA) appraisers to extract accurate square foot data from these plats. The rededications require an appraisal. It is the appraised value that these beneficiary landowners need acknowledge they are dedicating for public purposes. As originally reported, this step was omitted by the Trustee (BIA) when these plats were originally approved by the BIA. As previously reported, all land sales have been frozen in these subdivisions until these new public dedication filings have been executed by both the city and the beneficiary land owner and approved by the BIA.

Corps of Engineers East Ave. Seawall Rehab and Extension of Brown's Slough Bulkhead: On November 19, pursuant to the Alaska Coastal Management Program, the Office of the Governor, OMB, Division of Governmental Coordination issued its Final Consistency Determination for this project. Through this centralized evaluation and comment process all agencies of state government that may have some jurisdiction over the project get to comment and make stipulations and conditions as to what will constitute permitted or non

Planning Commission Minutes, December 13, 2001 (Cont)

permitted activities in the project. The only stipulated condition in this Final Consistency Determination came from the Dept. of Fish and Game. This stipulation states, "No water work or discharge of materials into fish bearing waters between the months of October through April".

Application to the State for Conveyance of Additional Tide and Submerged Lands: The application to DNR for conveyance to the city of the remaining tide and submerged lands below Brown's Slough bridge and those situated in front of the old hospital site was submitted on November 6th. The lands in front of the old hospital site up to the west boundary of Mumtretlek Subdivision received bank protection during the last Corps project in 1995-97. These were not conveyed by the state to the city in the 1997 conveyance of most of the river frontage tide and submerged lands because they were not surveyed at the time. With this addition along the river front, the city will control all the tidelands from the small boat harbor entrance to the petro port, and 100 feet out into the river channel. DNR has issued a favorable preliminary finding and decision for this transfer. This finding and decision has been formally noticed to the public and is in the public comment period.

Phase II City Subdivision Piped Sewer and Water: Five of the ten to be acquired easement acquisition packets have been sent to the landowners. We received 21 changed drawings last Friday from the engineers. These changed drawings involve those properties located around the lake in Tract B (between Akiachak St and Napakiak Dr.). These changes move the main lines outside the landowners lots around the parameter of Tract B. Thus relieving the requirement of having to acquire additional easements from these landowners.

Replacement of Ridgecrest Forced Main Sewer Line— alternative routing: This office has begun negotiations with the land owner for the new routing between 6th and 7th Avenues.

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

LKSD/DOE&ED Proposed Land Exchange: As you can see from the letter from DNR enclosed with your meeting packets, what I have asserted for several years to the Dept of Education and Early Development, they do not have the authority to convey the school lands proposed in our agreed exchange, has now been verified by DNR. It also sounds, from the tone of the letter, that DNR is not overly anxious to take our land exchange on as a priority.

Information Technology – Nicole Dahl:

Currently 5 systems are infected with Nimda, CIH, and Funluv virus. She could not get rid of Nimbda without pulling infected machine off the network and completely reformatting

Planning Commission Minutes, December 13, 2001 (Cont)

and reinstalling all their software. A primary clue to Nimda is email documents appearing on your desktop screen.

She attended a demo and meeting with Caselle Finance Software. This software is very intuitive, and menu driven. The drawback is it would not use our available IBM AS/400 server, and runs in MS Access database as a backend where it holds the data. Caselle has plans in the coming year to run this application on SQL server as well. This is a much better option as Access is not scalable, and tends to run slower the more records it holds. At this point she is not recommending changing the platform in the finance department.

She has also connected the Div. of Motor Vehicles (DMV) office to our wide area network (WAN), and to a connection port to the State of Alaska server (provides direct access to the central DMV database).

VII. PEOPLE TO BE HEARD

None at this time.

VIII. COMMISSIONERS COMMENTS

None at this time.

IX. OLD BUSINESS

NONE

X. NEW BUSINESS

ITEM A. REQUEST TO VACATE THE UNDEVELOPED PORTION OF 3RD AVENUE BETWEEN THE INTERSECTION OF WILLOW ST/RIDGECREST DR. AND DULL LAKE.

ACTION ITEM

Chair Guinn asked Mr. Malone to introduce the item.

Mr. Malone reported we would treat this application as we would any other right-of-way vacation, i.e. if approved, the land from the center line of the right-of-way would go to the abutting land owner with the exception that he would recommend placing a 20' preservation district down the center, 10' on each side of the center line of the right-of-way, to preserve the drainage to Dull Lake. He further stated that the petition was received too late (Dec 4th) to meet the noticing requirements for a public hearing. Commissioner J. Hamilton asked about the setbacks of certain buildings on the drawing exhibit. She wanted to know if all these met the setback requirements on Lots 7 & 8. Mr. Malone reported that the one building that did not meet setback had been removed. Commissioner J. Hamilton wants to be assured that there are no obstructions of drainage. Mr. Malone stated that he would have a resolution ready for the Commission's January meeting.

Planning Commission Minutes, December 13, 2001 (Cont)

MM D. Notti/C. Albright To proceed with a resolution as the reasons to vacate the public right-of-way contained in the petition appears to be supported by the ordinance.

Unanimous

ITEM B. RECOMMENDATION TO PUBLIC WORKS COMMITTEE ON THE DEFERRED ORDINANCE SECTIONS 17.24.228 THROUGH 17.24.280. THESE SECTIONS PERTAIN TO THE MANDATORY INSTALLATION OFF PIPED SEWER AND WATER IN ALL NEW SUBDIVISIONS. THESE SECTIONS BECOME EFFECTIVE ON JANUARY 1, 2002.

DISCUSSION ITEM

Chair Guinn asked Mr. Malone to introduce this item.

Mr. Malone stated that he had included in the meeting packets his May 5, 2001 memo packet to the City Manger, Public Works Director and City Engineer on the deferment of the effective date of these sections until January 1, 2002. He further stated that the Public Works Committee had again been given this May 5th memo packet at their last meeting. The Public Works Director reported that his committee has so far made no further recommendations for the Council as to modifying these sections.

Commissioner D. Notti stated that this may effectively stop any new subdivision development because of the costs involved. Mr. Malone offered that it was a matter of who should be responsible for these costs, the city or the developer. He further stated that there were several ways a developer could approach this from a surety bond, closed community system with central holding/lift stations, to the new provision provided in the platting ordinances for a formal contract between the developer and the city which could provide for a phased development of this portion of the developers public improvements requirements.

Mr. Malone added that this was obviously a sensitive area for developers and that is why the Planning Commission had recommended that its effective date be deferred to provide additional public hearing and comment time. So far no one has approached the city with an alternative recommendation to the current ordinance requirements that all new subdivisions comply.

ITEM C: DISCUSSION - TIME OF MEETING. ADDED TO AGENDA.

Commissioner J. Hamilton would like to change the time of the meeting from 7:30PM to 6:30PM. She recalled that the current meeting time was established to accommodate past Commissioner Tom Werner who was a pilot and usually did not get off work until the early evening.

Discussion followed between staff and commission members. No one had an objection to an earlier meeting time.

MM D. Notti/C. Albright to change time of meeting to 6:30PM.

Unanimous

Planning Commission Minutes, December 13, 2001 (Cont)

XI. ADJOURNMENT

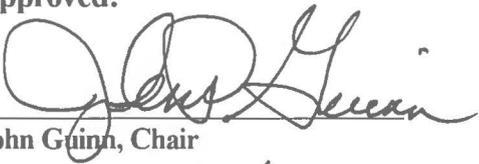
M/M J. Hamilton/C. Albright Motion to adjourn.

Unanimous

Meeting adjourned at 8:10PM

Minutes Prepared by Sandra Moseley, Administrative Assistant

Approved:



John Guinn, Chair

Date: 1/10/02