

# Planning Commission Minutes

Regular Scheduled Meeting January 10, 2002

PUBLIC WORKS BLDG., SECOND FLOOR CONFERENCE ROOM

6:30 PM

## I. CALL TO ORDER

The meeting was called to order by Chair Guinn at 6:30PM

## II. ROLL CALL

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

Excused: J. Hamilton

Others Present: John Malone, Planning Director

Andy McGowen, Representing Tunista Properties

Sandra Moseley, Admin Assistant, Recorder of Minutes

## III. APPROVAL OF MINUTES

M/M M. Charlie/D. Notti Approve the minutes of the December 13, 2001 meeting.

Unanimous

## IV. APPROVAL OF AGENDA

M/M C. Albright/M. Charlie Approve the agenda.

Unanimous

## V. COMMUNICATIONS

Distributed at meeting:

1. Final Finding and Decision from DNR for the transfer of an additional 8 acres of tidelands to the city.
2. Letter to BNC authorizing the final plat application for BNC Industrial Park Subdv.

All others included in meeting packets.

## VI. PLANNERS REPORT

Mr. Malone reported:

Citywide Orthophoto Mapping Project: There have been no significant progress reports from the ASCG staff during the past two weeks. We have resolved some platting issues that arose. We have taken several opportunities to work with our new AutoCad Land Desktop software and the partially completed master survey drawing provided us last month by ASCG. We've

Planning Commission Minutes, January 10, 2002 (Cont)

successfully inserted several new plats (recorded this summer) in the master survey drawing. Being able to keep this master updated is one of the important goals of the project.

Dedicated rights-of-ways and public easements on previously platted

ANSCA and Indian Homestead Subdivision plats: There has been no further communication from ONC on the readiness of additional subdivisions since my last reporting.

Corps of Engineers East Ave. Seawall Rehab and Extension of Brown's Slough Bulkhead:

Last week the Corps provided us with the preliminary construction bid documents for this project for comment and review. I've had the opportunity to review and have commented as to the extent of the permanent easements they are requesting the city to acquire on two of the properties in Brown's Slough (Hoffman Fuel Garage and Corinas Case Lot store). From the proposed construction drawings these easements extend well into these properties around existing buildings. The easements, if acquired as drawn, would effectively limit any further development to existing improvements on these sites. I fully anticipate that these landowners will object to this.

BNC Industrial Park Subdv – Tract 5A, USS 4000: The council passed Ordinance #01-48 on Tuesday which approves the redistricting of this tract from PL&I to Industrial and GU, that you had recommended in Resolution # 01-05. BNC has now been notified to proceed with their final plat application for this subdivision.

Phase II & III City Subdivision Piped Sewer and Water: We have completed the mailings of the introduction letters and landowner agreements to all but 5 of the 76 property owners involved in this phase. The remaining 5 mailings are deceased individuals, need correct mailing verifications, or amended title reports from the title company (discovered property changed ownership since last year). There have been several phone contacts from these landowners since the mailings. Many more than we received during Phase I. I suspect this is because the public in general has become much more informed about the project as a whole. CRW has now provided us with final construction drawings for Phase I. These are very helpful in answering many landowner questions as to the details of lift station and house connections, etc. CRW has also advised that the contractor will not begin the installation of Phase I until the first week of June.

DNR Tide & Submerged Lands Conveyances to City: The handout with the Finding and Decision from DNR approving the transfer of the additional 8 acres of tidelands to the city was quite a surprise. This has to be a record for DNR as far as expediting anything. We now have management control over these lands, and this is what we wanted for the Corps project in Brown's Slough. Later, DNR will develop survey instructions, and we most likely will be responsible for performing the survey. Upon completion of the surveys the state will then formerly convey by deed.

Information Technology: Nicole has been working on the Corps of Engineers annual report required under our General Permit. This report requires a map location of all permits issued over the calendar year. Service calls and system problems over the holidays were minimal. We submitted a midyear budget modification for council's consideration at their January 8<sup>th</sup> meeting. The council did not approve this at this meeting. The city clerk reported that she felt the submission was too late for council to fully evaluate. There was one large equipment item included in this. This was the replacement of the central server for the Public Works facility. The existing server has begun to exhibit indications of premature failures with two of its four disk drives. In order to prevent a catastrophic loss of data we are planning to place the new server on line as the primary and retain the current server as backup. We hope the council will reconsider this at their next meeting.

**VII. PEOPLE TO BE HEARD**

Andy McGowen of Tunista Properties, he will be heard under ITEM: A Old Business.

**IX. COMMISSIONERS COMMENTS**

Chair J. Guinn would like to revisit sections 17.24.280 through 17.24.280 of Ordinance #01-05 pertaining to the mandatory installation of piped sewer and water in new subdivisions at the February Planning Commission meeting. These sections became effective on January 1, 2002. He felt that the public was not fully aware of the implications of this and wanted more opportunity for public input and discussion. Mr. Malone offered that the complete memo packet that he had prepared last May for the Public Works Director, City Manager and City Engineer on the actions taken by the Planning Commission on these sections had been included in the last council meeting packets (January 8<sup>th</sup>) at the request of the City Manager. There apparently were no comments offered by the public or action by the council. Commissioner D. Notti stated that at this City Council meeting, Councilman J. Drake expressed the opinion that they just leave it "on the books" because the first one to apply for a new subdivision would ask for and probably get an exception.

Chair J. Guinn asked Mr. Malone to include the item on the February agenda.

**X. OLD BUSINESS**

ITEM A. PETITION TO VACATE THE UNDEVELOPED PORTION OF 3<sup>RD</sup> STREET BETWEEN THE INTERSECTION OF WILLOW ST/RIDGECREST DR. AND DULL LAKE. RESOLUTION NO. 02-01.

PUBLIC HEARING

Open Public Hearing at 6:55PM

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

Mr. Malone introduced Andy McGowen, representing Tunista Properties. Mr. Malone stated that the application is complete and that he had provided for a 20 foot wide Protection District in the resolution to preserve drainage. Mr. McGowen stated that Tunista intends to enhance the site. They have some encroachment issues with freezer vans and Tunista will take care those and cleanup of the property. Tunista wants to make the area nice. Mr. Malone said there is a vacation of the lot line between Lots 7&8 that Tunista wants to take care of in the final plat. The current property boundary runs through one of the existing buildings. This vacation request is included in the resolution, and should not be a problem.

Public Hearing closed at 7:00PM.

Role call vote: 5 In Favor 0 Opposed 0 Abstained

**X. NEW BUSINESS**

ITEM A. ANNUAL ELECTION OF PLANNING COMMISSION OFFICERS.

ACTION ITEM

Chair Guinn opened the floor for nominations.

M. Charlie nominate J. Guinn as chair.

M/M D. Notti/P. Jennings Close nominations and approve J. Guinn unanimously.

Unanimous

D. Notti nominate M. Charlie as Vice Chair

M/M D. Notti /C. Albright Close nominations and approve M. Charlie unanimously.

Unanimous

**XI. ADJOURNMENT**

M/M C. Albright/P. Jennings To adjourn.

Unanimous

Meeting Adjourn at 7:10PM

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Minutes prepared by Sandra Moseley, Administrative Assistant

Approved:

*John Guinn*  
John Guinn, Chair  
CLARENCE ALSAID

Date: 01-26-02

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## Planning Commission Minutes

Special Meeting February 22, 2002

PUBLIC WORKS BLDG., SECOND FLOOR CONFERENCE ROOM

6:30 PM

### I. CALL TO ORDER

The meeting was called to order by Acting Chair C. Albright at 6:40 PM

### II. ROLL CALL

Present: J. Hamilton, P. Jennings, B. Glasheen, C. Albright

Excused: J. Guinn, M. Charlie

Unexcused: D. Notti

Others Present: John Malone, Planning Director

Mark Stemp, CEO Bethel Native Corp.

Kerri Drew, Admin. Assistant, Recorder of minutes

### III. APPROVAL OF MINUTES

M/M J. Hamilton/P. Jennings Approve the minutes of the January 10, 2002 meeting.

Unanimous

### IV. APPROVAL OF AGENDA

M/M J. Hamilton/P. Jennings Approve the Agenda.

Unanimous

### V. COMMUNICATIONS

1. Letter from DOT&PF acknowledging that their previous written comments/concerns regarding BNC Industrial Park Subdivision have been addressed in the Final Plat (ITEM A – OLD BUSINESS)

### VI. PLANNERS REPORT

Mr. Malone reported:

March Meeting: My previous suggestion to move the March meeting to Tuesday the 12<sup>th</sup> instead of our regular Thursday the 14<sup>th</sup> meeting date, because I am scheduled to be in Juneau

March 13<sup>th</sup> through the 19<sup>th</sup> , did not seem to receive much support so I will teleconference in on the 14<sup>th</sup> .

Citywide Orthophoto Mapping Project: As you can see, hanging on the wall is the two types of printed products that we will be receiving from ASCG. The note sheets attached to these are the list of changes that staff so far has determined we would like to see. As you can see, one set of prints contains the orthophotos and the other does not. We anticipate that there probably will be a greater demand for the nonortho because they are much less cluttered and easier to read and interpret. Next to these you will see portions of the master base map created on our plotter in black and white. We will be able to create any portion of the city from our cad system in multiple colors if need be. Doug Graether, the project lead from ASCG, was in Bethel this Tuesday and Wednesday performing some through the ice channel surveys for the up coming Corps project – we reviewed the comments that I have posted and Graether will be printing another set for review.

David Keller – Preliminary Plat Application – Alder St. David Keller finally contacted our office in response to the several mailings I sent regarding representation for his preliminary plat application at our meetings. He apologized for being non responsive and informed that he no longer intended to subdivide his lot.

Transfer of Tide and Submerged Lands to the City by DNR: As previously reported, DNR issued a Final Finding and Decision on January 9<sup>th</sup> approving these conveyances to the city. This finding and decision became final on February 9<sup>th</sup> . Reportedly there were no comments of record during this 30 day comment period. Again, this gives us immediate “management control” over these lands. DNR will eventually issue survey instructions and we will be responsible for completing the survey. Once the survey(s) are approved, DNR will issue the city a deed.

Dedicated rights-of-ways and public easements on previously platted ANSCA and Indian Homestead Subdivision plats: Again, no further communication from ONC on the readiness of additional subdivisions since my last two reportings.

Corps of Engineers East Ave. Seawall Rehab and Extension of Brown’s Slough Bulkhead: We are having as-built surveys done on the 3 lots on Brown’s Slough closest to the slough bridge. We suspect there are some building encroachments on the underground tieback system in the third lot, Corina’s Store. The Corps has pretty much left the amount of upland maintenance easement lands to be acquired for this project up to the city. This is a very different approach to these easement acquisitions then my previous experience with the Corp. The Corp typically will define the easement parameters it wants for a project and leave it to the community to acquire these. The as-built survey should be completed by next week.

BNC Industrial Park Subdv – Tract 5A, USS 4000: As you know from our agenda, the Final Plat hearing on this subdivision is scheduled for tonight. The administration, BNC and

Crowley are presently negotiating a Facilities Use Agreement ( port access and usage with Crowley) and a pipeline easement agreement between the new tank farm and the petro port with BNC.

Phase II & III City Subdivision Piped Sewer and Water: Stosh has been on leave for the past two weeks, so there has been little activity between the landowners and this office during his absence. We had some property boundary issues to resolve that required the services of a surveyor. These have been completed. We have been alerted to the fact that we now have some landowners in this phase that are just opposed to the project on general principals - wanting to keep the status quo of the haul system. If more specific concerns come forward I will certainly keep you informed as to who and what these concerns are, if we can not resolve them through our office, or through the city attorney.

Information Technology: Nicole has spent the better part of a week putting the police department systems back on line through a temporary server. During an upgrade from Windows NT to Windows 2000 server, the police departments primary domain controller server had a hardware failure. This machine holds the ACRIS and NetRMS applications that are used by dispatch and the police officers to track calls, case numbers, and documents related to all police department activities. In an effort to bring the applications back online, she transferred an older server from Planning. She managed to bring ACRIS back up, but without NetRMS. NetRMS cannot be utilized on this temporary replacement server because the data sets will not match – will create different data sets that will not be compatible with original sets on downed server. Megg (the software distributor for both software applications) will be sending us the SQL software disk that will allow the construction of data sets on the temporary server while the main server is being repaired. Megg did not include the software disks with the initial installation. She hopes to have both systems up and running within another week.

The Council passed our budget modifications on Tuesday (Feb 12) so we will be able to order a replacement server for the Public Works facility. This server is three years old now. Aside from supporting the LAN (local area network) for various office within Public Works, it also hosts our city wide WAN (wide area network) that links all the city's facilities. We will most likely keep the old server on line as a mirrored backup – so we do not run the risk of a catastrophic shut down similar to that experience by the Police Department.

Nicole created a retracement Record of Survey of the Small Boat Harbor survey in our cad system. The original 1982 recorded plat was in many parts illegible. This 1982 boundary survey is the only survey of record of the boat harbor. The surveyor who performed the 1982 survey has signed this and it has now been recorded. This is the last plat missing from our mapping project and this retracement has now been uploaded to ASCG for inclusion in the master base map cad file.

M/M J. Hamilton/B. Glasheen Approved Planners Report

**VII. PEOPLE TO BE HEARD**

None

**IX. COMMISSIONERS COMMENTS**

Commissioner J. Hamilton asked if there are land issues involving the new Longhouse (old Kuskokwim Inn) property.

Mr. Malone commented that none had come to the Planning Office, but he heard there were some issues with the State Fire Marshall's office , but they had been resolved.

**X. OLD BUSINESS**

ITEM A. FINAL PLAT APPLICATION FOR BNC INDUSTRIAL PARK SUBDIVISION, A SUBDIVISION OF REMAINDER TRACT 5A, US SURVEY 4000. LOCATION IS IN THE VICINITY OF THE OLD IHS HOSPITAL SITE BETWEEN THE KUSKOKWIM RIVER AND CHIEF EDDIE HOFFMAN HWY. APPLICANT IS BETHEL NATIVE CORPORATION. RESOLUTION NO. 02-02.

**PUBLIC HEARING**

Acting Chair C. Albright asked Mr. Malone to introduce the item.

Mr. Malone introduced Mark Stemp, CEO of Bethel Native Corporation. Mr. Malone reported that the concerns raised by DOT&PF during the preliminary plat process had been adequately addressed on the final plat, as reflected in the letter from DOT&PF handed out earlier in the meeting. He recommended approval of the final plat resolution.

Open public Hearing at 6:47 PM

Mr. Stemp thanked the Commission for the Special Meeting to address this matter and asked the commission for their favorable granting of the request.

Public Hearing closed at 6:49 PM

Acting Chair C. Albright instructed the recorder of the minutes to take the member vote on the resolution.

Resolution vote: 4 In Favor 0 Opposed 0 Abstained

The resolution was signed by Acting Chair C. Albright.

**NEW BUSINESS**

None

Planning Commission Minutes, February 22, 2002 (Cont)

**XI. ADJOURNMENT**

M/M J. Hamilton/P. Jennings To adjourn.

Unanimous

Meeting Adjourned at 6:55 PM

**Minutes Prepared by Kerri Drew, Administrative Assistant**

ATTEST:

  
John Guinn, Chair

DATE: 3/2/02

## **Planning Commission Minutes**

**Special Meeting March 21, 2002**

**PUBLIC WORKS BLDG., SECOND FLOOR CONFERENCE ROOM**

**6:30 PM**

### **I. CALL TO ORDER**

The meeting was called to order by Chair Guinn at 6:45PM.

### **II. ROLL CALL**

Present: J. Guinn, D. Notti, J. Hamilton, P. Jennings, B. Glasheen

Excused: C. Albright, M. Charlie

Others Present: John Malone, Planning Director

Bob Graham, Bethel Resident

Sandra Moseley, Admin. Assistant, Recorder of Minutes

### **III. APPROVAL OF MINUTES**

M/M J. Hamilton/P. Jennings Approve the minutes of February 22 meeting.

Unanimous

### **IV. APPROVAL OF AGENDA**

M/M J. Hamilton/B. Glasheen to approve the agenda.

Unanimous

### **V. COMMUNICATIONS**

Handed out at the meeting:

1. Hand delivered letter from Bob Graham, dated March 8, pertaining to Agenda Item A, New Business.
2. March 11 letter to Mathew Nicolai of CALISTA Corp. concerning the granting of a right-of-way on the west boundary of the WAVE Subdivision site.
3. March 11 letter to DOT&PF commenting on the Draft Environmental Assessment for the first 5 year development under the 20 year Airport Master Plan.
4. Letter from Dept of Education & Early Development to DNR on Bethel Regional High School encroachment issues and transferring title to this school site to DE&ED for the purpose of effecting a land exchange with the city to cure this.

All others in the meeting packet.

**VI. PLANNERS REPORT**

Mr. Malone reported:

Alaska Coastal Management Conference: I just returned today from the ACMP conference in Juneau. This attendance is part of our grant requirement for managing our coastal district. Water quality was one of the central issues discussed. Urban runoff and sediment containment probably was the single most important point for our drainage management.

Citywide Orthophoto Mapping Project: We received last week two updated versions of the printed ortho and nonortho products from ASCG. As previously commented, we think there will be much more demand for reproductions of the nonortho grid sheets. I have made a few comments back to Doug Graether of ASCG on these, and my email with his response is posted on the nonortho sheets on the wall for your information. Please feel free to add any of your comments on the email sheet and I will transmit them to Graether.

Corps of Engineers East Ave. Seawall Rehab and Extension of Brown's Slough Bulkhead: We received the as-built surveys of the 3 lots on Brown's Slough closest to the slough bridge. These were forwarded to the Corps last week. Alan Jeffries, the project engineer, has already made additional requests from this survey. He is particularly interested in how much of the uplands the city intends to acquire in easements from these upland owners. As previously reported, the land fronting Corina's Store is the most problematic as there is only approximately 12 feet of space between the landowners constructed retaining wall and buildings. We are all very much still in the discussion stage about these easements, and how much land they need entail. As I'm sure all can appreciate, these are very small sites with a long history of use.

Dedicated rights-of-ways and public easements on previously platted ANSCA and Indian Homestead Subdivision plats: Again, no further communication from ONC on the readiness of additional subdivisions since my last three reportings.

BNC Industrial Park Subdv – USS 4000: This plat has now been recorded.

Third Street Vacation: Tunista Properties has submitted all but the final plat in this matter. I understand that their surveyor is working on this, so I would anticipate having this before you at your April meeting.

Phase II & III City Subdivision Piped Sewer and Water: Stosh is back and engaging landowner questions. Most pertain to landowner requests for rerouting of the piping on their lots.

Planning Commission Minutes, March 21, 2002 (Cont)

Information Technology: Nicole continues with the street mapping project. She has been diverted to her IT duties since last Thursday as we received our new network server and she has been busy setting this up and transferring files. We also temporarily moved our existing network server to the Police Dept. pending the repairs necessary to put theirs back on line. Also, the city clerk's office is setting up a scanning microfiche project to achieve city records and Nicole will be required to go through an orientation on the software and system operation with the vendor representative.

**VII. PEOPLE TO BE HEARD**

None at this time.

**IX. COMMISSIONERS COMMENTS**

Chair Guinn welcomed Brian Glasheen to the Commission.

**X. OLD BUSINESS**

ITEM A. PUBLIC HEARING ON ANY FURTHER RECOMMENDATIONS TO PLATTING ORDINANCE SECTIONS 17.24.228 THROUGH 17.24.280. THESE SECTIONS PERTAIN TO THE MANDATORY INSTALLATION OF PIPED SEWER AND WATER IN ALL NEW SUBDIVISIONS. THESE SECTIONS BECOME EFFECTIVE ON JANUARY 1, 2002.

PUBLIC HEARING

Chair Guinn opened Public Hearing at 6:52PM.

(Earlier in the meeting Mr. Malone handed out a letter to the Commission members that Mr. Graham had prepared for the following testimony)

Mr. Bob Graham stated that he is opposed to the ordinance and would like to recommend that the Commission ask the City Council to rescind this ordinance. The cost of the lot plus the pipes are too expensive for individuals to buy. He would like to recommend that it be a requirement that houses be designed to be ready to receive piped sewer and water. Subdivision developers should have the option to have their own trucks to provide water and sewer service, or a private individual could provide this service. Intermediate development of the FAA line to be used as a trunk line with dump stations could be developed. The City should develop a major line with dump stations to keep spending down. This would also be a savings for subdivision developers as well. This would cut down on distance travel by trucks, truck repairs, whether it's your own, the city's or private individuals.

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Commissioner J. Hamilton asked about piped line the cost. Commissioner D. Notti responded that the cost is estimated at about \$150.00 per foot. Chair Guinn stated he would like to postpone the ordinance.

Commissioner D. Notti stated that because of the cost factor, it was not unreasonable to require houses be plumbed to receive piped water and sewer.

Mr. Malone suggested recommending to Council (1) an additional deferment of the ordinance pending a study (2) amending ordinance to accommodate small subdivisions that would have little or no impact on the existing haul system. This would have to be approved by the Director of Public Works, and could be limited to a subdivision of no more than 4 or 5 lots. Mr. Malone further added that the city need pay attention to the state and federal funding sources that are currently funding our retrofitted system. These sources should not be expected to fund all future sewer and water development in the city.

Chair Guinn would like to recommend to Council that they extend the deferment of this ordinance requiring piped water and sewer until a more detailed study can be done on the impact and development cost. Further, this study should review the time scheduling for future water and sewer lines and trunks. The city should enforce ordinances for new subdivision developments to insure they have proper easements in place to accommodate piped sewer and water. Chair Guinn would like to have a resolution prepared by staff for the next meeting that addressed this recommendation.

Public Hearing closed at 7:30PM

M/M J. Hamilton/D. Notti Recommend to Council that they extend the deferment of this ordinance requiring piped water and sewer until a more detailed study can be done on the impact and development cost. Further, this study should review the time scheduling for future water and sewer lines and trunks. The city should enforce ordinances for new subdivision developments to insure they have proper easements in place to accommodate piped sewer and water.

Unanimous

**X. NEW BUSINESS**

None at this time.

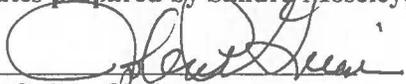
**XI. ADJOURNMENT**

M/M J. Hamilton/B. Glasheen to adjourn at 7:37PM

Unanimous

Planning Commission Minutes, March 21, 2002 (Cont)

Minutes prepared by Sandra Moseley, Administrative Assistant

  
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John Guinn, Chair

Date: 4/11/02

# Planning Commission Minutes

Regular Scheduled Meeting April 11, 2002

PUBLIC WORKS BLDG., SECOND FLOOR CONFERENCE ROOM

6:30 PM

## I. CALL TO ORDER

Chair Guinn called the meeting to order at 6:37PM

## II. ROLL CALL

Present: J. Guinn, P. Jennings, B. Glasheen, C. Albright, M. Charlie

Unexcused: J. Hamilton, D. Notti

Others Present: John Malone, City Planner

Sandra Moseley, Admin. Assistant, Recorder of Minutes

Bob Graham, Andy McGowan, Nick Pollock, Don Fancher,  
Ben Dale

## III. APPROVAL OF MINUTES

M/M M. Charlie/C. Albright to approve the minutes of March 14, 2002.

Unanimous

## IV. APPROVAL OF AGENDA

Mr. Malone asked the chair to consider adding Item A under New Business pertaining to a recently referred request by the city manager to lease a portion of the old TACAN site to BNC.

M/M M. Charlie/C. Albright Approve the agenda with amendment to New Business ITEM A., old TACAN site lease to BNC.

Unanimous

## V. COMMUNICATIONS

Handed out at meeting:

1. Letter from YKHC on community work group effort to establish an assisted living facility in Bethel for the elderly.
2. Letter packet from ONC pertaining to a long term lease from the city for the portion of the TACAN site occupied by their office building.
3. April 6, 2002 memorandum with attached ordinance #02-09 from the city clerk to all boards and commissions.

All others were included in the meeting packets.

**VI. PLANNERS REPORT**

Mr. Malone reported:

Minor Replat Applications - FYI: In your meeting packets I enclosed the public noticing for the first Minor Replat applications we have received under this new provision in our revised platting ordinances.

Citywide Orthophoto Mapping Project: April 9 email update from Doug Graether our project lead at ASCG. Graether returned from a two week vacation on March 29. "Going through all of the as-builts and tweaking the property lines to get as 'best fit' as I can. Should have that finished up today and be able to start shipping finals for you to look at."

Corps of Engineers East Ave. Seawall Rehab and Extension of Brown's Slough Bulkhead: A short while ago the city manager received a rather lengthy email from the Corps in Anchorage which included several exchanges between their Anchorage office, Pacific Northwest Hq's and the office of the Undersecretary of the Army in Washington, D.C. The gist of these is there appears that there is not sufficient appropriated funds to proceed with the project. This appears to us to be in conflict with the authorization language that Sen. Steven's had in his authorization bill. The bill specifically authorized the Corps to expend the necessary amount for this project from their emergency funds. The city manager is in contact with Sen. Stevens office over the Corps interpretation of their authority under this emergency funds expenditure authority.

Dedicated rights-of-ways and public easements on previously platted ANSCA and Indian Homestead Subdivision plats: ONC presented the rededication signature documents for Nunvak Estates Subdv (Hoffman Sub) last Friday. This now completes all the major restricted deed subdivisions except for Martina Oscar Subdv. ONC advises that there is but a few lots left in restricted deed status in Martina Oscar. ONC further advises that Tundra Ridge will not be included in this trustee required rededication of public ROW's and easements as this subdivision was removed from restricted deed status at its inception. I questioned ONC as to their intentions in resolving the same issues with Haroldsen Estates. The response was that they had no definite plans for Haroldsen Estates at this time, i.e., restricted deed land sales have been frozen there for quite sometime and will remain so until other issues such as the need for completion of the public improvements have been resolved.

ONC Office Building Encroachment (corner of Ridgecrest Dr. & Akakeek St): This item did not come forward as a potential action item until last Friday. As you will observe from the map handed out earlier, a significant portion of the ONC office building and BNC's parking lot lies within the property boundaries of the old TACAN site. The TACAN site was conveyed to the city over twenty years ago (BNC formally relinquished this from their ANSCA 14 C3 filings). From the letter handouts you will note that ONC is arranging financing and wishes to use this building as collateral. BNC reportedly is willing to enter

Planning Commission Agenda, April 11, 2002 (Cont)

into a long term lease with ONC for the portion of the land and building occupying BNC's land. ONC would like to enter into a long term lease with the city also. I have recommended to the city manager that a city lease should be with BNC as BNC occupies more of this city parcel than ONC. Then BNC could sublease back to ONC as part of a single lease package.

Phase II & III City Subdivision Piped Sewer and Water: Stosh advises that we about 75% of the landowners have now responded. Shortly he will start personally contacting individuals who have not responded.

Information Technology: Nicole continues to deal with the Police Departments server issues. Also, the connectivity between the Police Department and the Troopers ASPN network. This continues to be a problem in providing a gateway through the Police Departments new hardware firewall. Nicole also continues with several planning office projects including reworking the site plan permit database and the street mapping project.

**VII. PEOPLE TO BE HEARD**

None at this time.

**IX. COMMISSIONERS COMMENTS**

None at this time.

**X. OLD BUSINESS**

ITEM A. FINAL PLAT HEARING. THIRD STREET VACATION. APPLICANTS: TUNISTA PROPERTIES, ALLAN WINTERSTEEN, CITY OF BETHEL. PROPERTY IS LOCATED BETWEEN WATSON'S CORNER AND DULL LAKE.

PUBLIC HEARING

Chair Guinn asked Mr. Malone to introduce the item. Mr. Malone reported that the final plat conformed to the ordinances and recommended approval.

Open public hearing at 6:52 PM

No testimony was offered.

Close public hearing at 6:53PM

Roll call vote: Vote in favor: 5 Against: 0 Abstained: 0

ITEM B. PUBLIC HEARING ON ANY FURTHER RECOMMENDATIONS TO PLATTING ORDINANCE SECTIONS 17.24.228 THROUGH 17.24.280. THESE SECTIONS PERTAIN TO THE MANDATORY INSTALLATION OF PIPED SEWER AND WATER IN ALL NEW SUBDIVISIONS. THESE SECTIONS BECOME EFFECTIVE ON JANUARY 1, 2002.

PUBLIC HEARING

A draft of resolution #02-04 recommending to the council that these sections be repealed and a formal study be conducted to evaluate the impact of these sections had been mailed to the commission member two weeks previous.

Open public hearing at 6:54PM

Andy McGowan thinks it's ridiculous and will make the price of lots too high, no one will be able to afford housing in the City of Bethel. The government pays for everything in Bethel – this will bring on favoritism (as to who can afford to develop). Its cost prohibited (for small developers).

Ben Dale stated that he has been trying for years to put in a subdivision - he would recommend that we repeal the ordinance.

Chair Guinn stated that the easements in all new subdivisions for water and sewer should be put in to insure utilities can be installed (at a future time).

Don Fancher works for O.N.C. and they are just getting in to housing development. They are currently eligible to receive up to \$2 million from HUD and \$250,000 from the BIA to develop small 5 acre tracts for housing. This ordinance would make it cost prohibited to develop.

Nick Pollock and has been trying for 20 plus years to buy a house and the ordinance will eliminate the American Dream in Bethel – not only for me but for my kids.

Mr. Malone said he concurred with most of the testimony offered and that is why the resolution was drafted.

Close public hearing at 7:04PM

Roll call vote: Vote in favor: 5 Against: 0 Abstained: 0

**X. NEW BUSINESS**

**ITEM A: RECOMMENDATION TO COUNCIL TO LEASE A PORTION OF OLD TACAN SITE OCCUPIED BY BNC AND ONC.**

Chair Guinn asked Mr. Malone to introduce this item.

Mr. Malone reported that the city owns most of the old TACAN site including the area currently occupied by the ONC office building and a portion of the BNC apartment complex parking lot on the corner of Ridgecrest Dr. and Akakeek St. O.N.C. is applying for a loan and wants to use their office building as collateral. What is being proposed is that the city enter into a long term lease with B.N.C, as B.N.C occupies the largest portion of this city parcel. O.N.C's office building also occupies a portion of B.N.C's land at this site. Then BNC could sublease to O.N.C. This would make it much cleaner then leasing to two tenants. The manager supports this lease and thinks the council is also be in favor .

M/M C. Albright/M. Charlie Recommend to council that the City of Bethel enter into a long term lease with B.N.C. for the TACAN site parcel at a nominal lease rate.

Unanimous

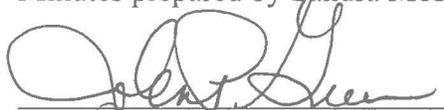
**XI. ADJOURNMENT**

Chair Guinn made motion to adjourn.

No objection.

Meeting adjourned at 7:20PM

Minutes prepared by Sandra Moseley, Administrative Assistant.

  
\_\_\_\_\_  
John Guinn, Chair

Date: 5/9/02

# Planning Commission Minutes

Regular Scheduled Meeting May 9, 2002

PUBLIC WORKS BLDG., SECOND FLOOR CONFERENCE ROOM

6:30 PM

## I. CALL TO ORDER

Meeting was called to order by Chair J. Guinn at 6:38PM.

## II. ROLL CALL

Present: J. Guinn, B. Glasheen, P. Jennings, C. Albright

Excused: D. Notti

Unexcused: J. Hamilton, M. Charlie

Others Present: John Malone, City Planner (Teleconference)  
Sandra Moseley, Admin. Assistant, Recorder of Minutes  
Willy Keppel, Resident  
Mildred Reuter, Resident

## III. APPROVAL OF MINUTES

M/M C. Albright/P. Jennings to approve the minutes of April 11, 2002 meeting.

Unanimous

## IV. APPROVAL OF AGENDA

M/M C. Albright/B. Glasheen to approve the Agenda.

Unanimous

## V. COMMUNICATIONS

None other than that enclosed in meeting packets.

## VI. PLANNERS REPORT

Mr. Malone reported:

Minor Replat Applications - FYI: I included in your meeting packets a new form that can be used for simple lot line vacations and lot consolidation. I received this in sample format from the DNR Recording Office supervisor in Juneau. Juneau has a similar Minor Replating ordinance and has been using this form format to accomplish the recording of these. For these simple vacations this will undoubtedly save us considerable administrative and hearing time and save the public the cost of a survey.

Planning Commission Minutes May 9, 2002 (Cont)

AutoCad Training: Today I just finished a 3 day training in our new AutoCad Land Desktop software. This is the software that we will be using to manage the base map and the projects developed from the base map (like the new address map project). The base map file of the entire mapping project is part of the deliverables of mapping project. You already have seen samples of some this that was generated from a draft version of the AutoCad base map file.

Citywide Orthophoto Mapping Project: May 1 email msg from Doug Graether of ASCG on project status:

"Am sending you a final map for your review. If this meets your approval I will start the mass production and be sending them on a weekly basis. I will start with the populated areas and save the undeveloped areas for last (unless you have a need for a specific area). I have rotated the property lines to 'best fit' the various as-builts you were able to collect. There will still be some small differences (+- a couple of feet) since I am rotating the property lines as a whole and the as-builts are individual surveys. I think overall that the fit is very good and there shouldn't be any problems."

Corps of Engineers East Ave. Seawall Rehab and Extension of Brown's Slough Bulkhead: As the following April 24 '02 email excerpt from Andrea Elconin, the Corps project manager for our project indicates, we have some good news. The email is addressed to the city manager and myself. The acronym PCA stands for Project Cooperation Agreement.

"As you know, we have been given the green light by headquarters to submit the PCA amendment for approval and to start construction on the bank stabilization project. The major caveat is that we can only spend up to \$1.3 million federal funds out of the Corps' funds available. The remainder of federal funds must be appropriated in a congressional add. the City of Bethel will need to pursue that with their congressional delegation, as we are not allowed to lobby Congress. As we discussed yesterday, we would need a minimum appropriation of \$2.5 million, but we have informed Congress that we have the capability to use \$5 million on this project. In order to start processing the PCA amendment I will need resolutions from the City Council approving the finance plan you prepared in February and the PCA amendment. Below I have attached the finance plan, the PCA amendment, and the original PCA."

Budget Packet: As I hope you have had an opportunity to review, in your packets was also a copy of the administrations introduced FY '03 budget. I think the managers cover memo is self explanatory as to councils intention that all commission and committees have an opportunity to review and comment. The Planning budget is incrementally pretty flat from last year. There are no new capital items. The equipment item for \$3,300. is to replace our now 6 year old plotter. This plotter was purchased by my predecessor and the manufacturer has gone out of business 2 years or so ago. I've accumulated many supplies for this over the past 2 years from a third party vendor in anticipation of the demand from the mapping project. I fully expect to use a significant amount these in the next few months. When these supplies are exhausted I would like to replace with a better quality unit, and one from a long standing brand name manufacturer – HP.

Information Technology: There has been a reorganization of the IT position since the hiring of the new Deputy City Manager. The IT position will now be managed through that position. The city manager has split Nicole's duties between Planning Tech (now half day in the morning – this now effectively restores the Planning Tech position) and IT (half day in the afternoon). I think it is fair to say that Nicole has found this new arrangement quite challenging - and so have I. The planning office has seen little of her under this new arrangement and some things are falling behind – like the need to revamp the Site Plan database to conform to Microsofts new release of their Access database contained in our new MS Office product.

**VII. PEOPLE TO BE HEARD**

None at this time.

**IX. COMMISSIONERS COMMENTS**

None at this time.

**X. OLD BUSINESS**

None

**X. NEW BUSINESS**

ITEM A. PRELIMINARY PLAT, KASAYULI SUBDV, VACATING THE COMMON PROPERTY BOUNDARY BETWEEN LOTS 13 & 14, 15 & 16, 17 & 18 OF BLOCK 7, LOTS 5 & 6, 7 & 8 OF BLOCK 8, AND LOTS 4 & 5 AND 8 & 9 OF BLOCK 9, CREATING CONSOLIDATED LOTS 13A, 15A AND 17A OF BLOCK 7, LOTS 5A AND 7A OF BLOCK 8, AND LOTS 4A AND 8A OF BLOCK 9.

PUBLIC HEARING

Chair Guinn announced that this agenda item called for a public hearing. He further announced that he was stepping down as chair as he had a conflict of interest in this matter as an employee of YKHC and as the party presenting the preliminary plat for the Commissions consideration. He further asked the members to appoint a temporary Chair for this agenda item. Commissioner P. Jennings stated that he did feel that Chair Guinn does have a conflict of interest even though he stepped down as Chair. Commissioner B. Glasheen concurred with Commissioner Jennings, and felt that there was a conflict of interest. Chair Guinn did not agree with this interpretation of his conflict of interest.

With Chair Guinn unable to vote on any action involving this matter, the body was left without a quorum. Chair Guinn announced that he was calling a special meeting for next

Planning Commission Minutes May 9, 2002 (Cont)

Thursday (May 16<sup>th</sup>) with this item as the agenda item and instructed the planning staff to notice this.

M/M C. Albright/P. Jennings to table until the next meeting.

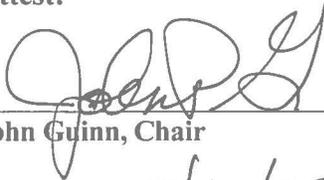
Unanimous

**XI. ADJOURNMENT**

Chair Guinn adjourned the meeting at 6:47PM

Minutes prepared by Sandra Moseley, Administrative Assistant

Attest:

  
\_\_\_\_\_  
John Guinn, Chair

Date: 5/16/02

# Planning Commission Minutes

Special Meeting May 16, 2002

PUBLIC WORKS BLDG., SECOND FLOOR CONFERENCE ROOM

6:30 PM

## I. CALL TO ORDER

Meeting was called to Order by Chair Guinn at 6:50PM

## II. ROLL CALL

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

Others Present: John Malone, City Planner  
Sandra Moseley, Admin. Assistant, Recorder of Minutes

## III. APPROVAL OF MINUTES

M/M B. Glasheen/M. Charlie to approve the minutes of the May 9, 2002 meeting.

Unanimous

## IV. APPROVAL OF AGENDA

M/M M. Charlie/B. Glasheen to approve the Agenda.

Unanimous

## V. COMMUNICATIONS

A letter date May 16, 2002, signed by Paul O'Brien, Chair of the Public Works Committee was handed out to the members present. Mr. Malone informed that it had been received from Willie Keppel at about 4:30PM today. The letter pertained to New Business ITEM A.

## VI. NEW BUSINESS

ITEM A. PRELIMINARY PLAT, KASAYULI SUBDV, VACATING THE COMMON PROPERTY BOUNDARY BETWEEN LOTS 13 & 14, 15 & 16, 17 & 18 OF BLOCK 7, LOTS 5 & 6, 7 & 8 OF BLOCK 8, AND LOTS 4 & 5 AND 8 & 9 OF BLOCK 9, CREATING CONSOLIDATED LOTS 13A, 15A AND 17A OF BLOCK 7, LOTS 5A AND 7A OF BLOCK 8, AND LOTS 4A AND 8A OF BLOCK 9.

PUBLIC HEARING

Planning Commission Minutes, May 16, 2002 (Cont)

Commissioner B. Glasheen asked about the status of the access road to Kasaylui Subdivision that is mentioned in Paul O'Briens letter handed out earlier. Mr. Malone reported that it was being maintained by Faulkner/Walsh as long as the borrow pit located just before the subdivision was open. He further added that this road is not part of Kasayuli Subdivision. He further reported that he had viewed this road today and it appeared in good condition.

Chair Guinn announced that under protest he was declaring a conflict of interest in this matter as an employee of YKHC. He asked the members present if they felt he had a conflict of interest in this matter. Commissioner P. Jennings felt that there was a conflict. He stated his concern was one of public perception as much as the rules. He stated that he did not wish to take action on this item at this time if there was a possibility that Mr. Guinn's conflict of interest was questioned.

Commissioner B. Glasheen concurred with the issue of public perception. Commissioner M. Charlie disagreed with this. He offered several personal examples of his employment relationship with AVCP Rural Housing and his membership on boards where his declaration of conflict as an employee was customary to place on the record, but did not bar his participation in an item just because of his employee status. Commissioner P. Jennings restated his concern over possible public perception in the matter and he did not want to risk that.

Chair Guinn announced that he was again tabling the item. There was further discussion about noticing another Special Meeting as the next regularly scheduled meeting was not until June 13<sup>th</sup>. Mr. Malone suggest May 30<sup>th</sup>. It was agreed to notice another Special Meeting for May 30<sup>th</sup> with the same single agenda item.

**VII. ADJOURNMENT**

Chair Guinn adjourned the meeting without objection.

Meeting adjourned at 7:10PM

Minutes prepared by Sandra Moseley, Administrative Assistant.

  
\_\_\_\_\_  
John Guinn, Chair

Date: 5/30/02

## **Planning Commission Minutes**

**Special Meeting May 30, 2002**

**PUBLIC WORKS BLDG., SECOND FLOOR CONFERENCE ROOM**

**6:30 PM**

### **I. CALL TO ORDER**

The meeting was called to order by Chair Guinn at 6:30PM

### **II. ROLL CALL**

Present: J. Guinn, D. Notti, B. Glasheen, J. Hamilton, P. Jennings, M. Charlie

Excused: C. Albright

Others Present: John Malone, City Planner

Sandra Moseley, Admin. Assistant, Recorder of Minutes

Robin Thompson, YKHC Vice President Support Services

Tauni Rodgers, Resident

Cheri Turner, Resident

### **III. APPROVAL OF MINUTES**

M/M J. Hamilton/P. Jennings to approve the minutes for May16, 2002

Unanimous

### **IV. APPROVAL OF AGENDA**

M/M M. Charlie/D. Notti to approve the agenda.

Unanimous

### **V. COMUNICATIONS**

Handouts at meeting:

1. Supplemental Public Notice – Coastal Management Program. Application to fill and develop significant wetlands, Lt 2, Blk 6, US Survey 3770, and Planning Office email response comments to Office of the Governor, Division of Governmental Coordination.

2. May 17, 2002 letter from Crowley project engineer on status of permits for bulk fuel terminal, and drainage plan application for Public Works Dept review and comment.

## **VI. PLANNERS REPORT**

Mr. Malone reported:

June 13<sup>th</sup> Regularly Scheduled Meeting: Just a heads-up – I have no action items yet to agenda for this meeting. The latest time for noticing of items (in the newspaper) will be up on Weds. Also, I will be attending Mental Health Trust meetings in Anchorage and Seward most of next week.

Citywide Orthophoto Mapping Project: Doug Graether, our project lead at ASCG, will be in Bethel on Tuesday to conduct our annual river channel surveys. He will be bringing the final base map on CD and the first grid panels. As previously reported, he will be batch printing these each week until all the panels are completed (217 panels in all).

Corps of Engineers East Ave. Seawall Rehab and Extension of Brown's Slough Bulkhead: I provided a briefing packet on the project for Howard Elliott, Port Director, to be handed out at his Port Commission meeting last week. This was Howard's first meeting with his commissioners since his return earlier in the spring.

Response to Corp's of Engineers Individual Permit Application for the fill and development of Lt 2, Blk 6, US Survey 3770 (Osage Ave – property next to Northern Lights Restaurant): As you can see from the handout, Mike Salzbrun has applied to fill the property adjacent to Northern Lights Restaurant for the purpose of building an equipment warehouse/shop. This total site is significant wetlands and therefore falls under the Corps jurisdiction as far as permitting and our Coastal Management Plan Enforceable Policies.

Crowley Bulk Fuel Terminal Permitting: The other handout is a letter from Crowley's project engineer, Wiley Wilhelm, listing and commenting on the status of this projects permitting. Also attached is a site drainage plan that has been forwarded to our Public Works Department for review. Chuck Willard, our road maintenance foreman, walked the site today and will be forwarding a written memo report on his findings and determinations as to the drainage issues, especially the offsite drainage – routing of drainage water offsite.

## **VII. NEW BUSINESS**

ITEM A. PRELIMINARY PLAT, KASAYULI SUBDV, VACATING THE COMMON PROPERTY BOUNDARY BETWEEN LOTS 13 & 14, 15 & 16, 17 & 18 OF BLOCK 7, LOTS 5 & 6, 7 & 8 OF BLOCK 8, AND LOTS 4 & 5 AND 8 & 9 OF BLOCK 9, CREATING CONSOLIDATED LOTS 13A, 15A AND 17A OF BLOCK 7, LOTS 5A AND 7A OF BLOCK 8, AND LOTS 4A AND 8A OF BLOCK 9. APPLICANT IS YUKON KUSKOKWIM HEATH CORP.

PUBLIC HEARING

Planning Commission Minutes, May 30, 2002 (Cont)

Chair Guinn asked Mr. Malone to introduce the item. He also said that he was stepping down as chair due to his possible conflict of interest as an employee of YKHC.

Vice Chair M. Charlie opened the public hearing at 6:33PM

Robin Thompson of YKHC introduced the item for the applicant YKHC.

Commissioner B. Glasheen asked the size of the water and sewer tanks that would be installed for the proposed duplexes by YKHC on these combined lot sites.

R. Thompson said he was not sure but thought they would be 1000 gallon water tanks in each unit and 2500 gallon common sewage holding for each duplex.

Commissioner D. Notti noted that as duplexes they would represent the same sewer and water use as two single family houses on separate lots.

Robin Thompson noted that this was true but duplexes would require less service as the units would be serviced together.

Tauni Rodgers read a petition signed by eighteen residents – text follows:

*We the undersigned homeowners/landowners of Kasayuli Subdivision:*

*1. Do not wish to see the construction of buildings that are not owner occupied out at Kasayuli Subdivision until the road and water issues are resolved by the City of Bethel. Construction of such buildings will have the following effects on Kasayuli and the City of Bethel:*

*An increase in water and sewer services needed in the area.*

*An increase in personnel, salaries, equipment and maintenance for the City.*

*An increase in wear and tear on a road that has not been inspected by an engineer or officially accepted by the city.*

*2. We ask the City to hold YKHC to their promise of putting in a watering point/well house before any other buildings are constructed. This would decrease time spent refilling and trucking services, and wear and tear on the Kasayuli Subdivision road.*

*3. Due to the issue of the roads we are concerned for the safety of Kasayuli residents in an emergency or fire. We ask the City to assist in resolving the issues of the roads by enforcing the requirements needed for them to be accepted. (End of text)*

Robin Thompson responded by saying that single family residences or duplexes will increase demand – YKHC has invested \$100,000. in the development of a water well for the subdivision and YKHC has a grant to study the development of (piped) sewer and water services in the subdivision.

J. Guinn stated that grant to do sewer and water study has been accepted by the city.

Planning Commission Minutes, May 30, 2002 (Cont)

Commissioner D. Notti stated that the road from Tower Road to the (borrow) pit is Faulkners (Faulkner-Walsh Const.) responsibility.

J. Guinn stated – until we (YKHC) close the pit.

Commissioner B. Glasheen asked has the road (access road) been accepted (by the city)?

J. Guinn responded the right-of-way was public but that the road was being maintained by Faulkner as long as the pit was opened.

Vice Chair Charlie closed the public hearing at 6:55PM.

M/M D. Notti/J. Hamilton Accept the preliminary plat.

Discussion:

Commission B. Glasheen stated that he still was not clear on the access road issue. The letter to Public Works Department was never answered (letter submitted at May 16, 2002 Special Meeting signed by the chair of the Public Works Committee).

Commissioner D. Notti stated that he did not think the access road had anything to do with this (matter before the commission).

J. Guinn stated that there are a lot worse roads in town then this (access road) – access road is well maintained – will be maintained by Faulkner until 20 million cubic yards of sand has been extracted (from borrow pit) or contract is terminated.

Commissioner P. Jennings stated that the subdivision roads were always passable this winter.

Vice Chair M. Charlie stated that the city is growing – there is a need for more housing – this is a vacation issue (lot line vacation) – regardless of who is maintaining the roads they will have to be maintained anyway.

Commissioner D. Notti stated that it was not uncommon for some roads to be privately maintained – that this was not uncommon in many other communities.

J. Guinn stated that he has attended many homeowner association meetings (for Kasayuli Subdivision) – corrected several complaints – YKHC will respond to association complaints.

Close Public Hearing at 6:55PM

Vice Chair Charlie asked for a role call vote on the motion:

M.Charlie-yes. P.Jennings-yes. B. Glasheen-yes. J.Hamilton-yes. D. Notti-yes J.Guinn abstained.

**VIII. ADJOURNMENT**

M/M J. Hamilton/P. Jennings to adjourn at 7:15PM

Unanimous

Minutes prepared by Sandra Moseley, Administrative Assistant

  
\_\_\_\_\_  
John Gunn, Chair

Date: 7/11/02

## **Planning Commission Minutes**

**Regular Scheduled Meeting July 11, 2002**

**PUBLIC WORKS BLDG., SECOND FLOOR CONFERENCE ROOM**

**6:30 PM**

### **I. CALL TO ORDER**

Meeting was called to order by Chair Guinn at 6:40PM.

### **II. ROLL CALL**

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

Excused: M. Charlie

Others Present: John Malone, City Planner

Sandra Moseley, Admin. Assistant, Recorder of Minutes

Robin Thompson, Vice President, Support Services, YKHC

### **III. APPROVAL OF MINUTES**

M/M C. Albright/B. Glasheen to approve the minutes of June 13, 2002 meeting.

Unanimous

### **IV. APPROVAL OF AGENDA**

M/M D. Notti/C. Albright to approve the agenda with the amended addition of People to be Heard, Planners Report.

Unanimous

### **V. COMMUNICATIONS**

None

### **VI. PLANNERS REPORT**

Mr. Malone reported:

Citywide Orthophoto Mapping Project: We have been receiving both printed orthophoto and nonorthophoto grid panels on a regular basis for the past three weeks. As of this week we have received 45 + completed panels. ASCG has two plotters running continuously producing these. Having them produced on a plotter (instead of reproduced by copying) creates a much superior product.

Corps of Engineers East Ave. Seawall Rehab and Extension of Brown's Slough Bulkhead: I prepared for Council's consideration a resolution requested by the Corps accepting the final agreed to Project

Planning Commission Minutes, July 11, 2002 (Cont)

Cooperation Agreement between the Corps and the City for this project. Council passed this resolution on Tuesday (July 9) and also approved the project finance plan for the project.

Annual Corps of Engineers Regulatory Branch visit: Representatives of the Corps Regulatory Branch visited on June 27 – 28. This was their annual inspection and review of our site plan permitting process, site inspections of sites that involve Corps Individual Permits, and current Corps enforcement actions. All went well from our office. The Corps is most interested in updating the restricted wetlands map for Bethel. There are only two paper copies of this official map, which was published back in the 1980's. One is kept by them and the other by us. I met with a Corps representative and Doug Graether of ASCG in Anchorage last Friday to negotiate a CAD reproduction project of this map. Aside from a reprinted version of the original map, this would also provide in CAD file format, a ready means for reproducing this. Also, at our 5 year General Permit renewal period(s), this will provide a much more practicable way of making modifications than freehand line drawings on a printed map. ASCG will be dealing directly with the Corps on this project.

Corp's of Engineers Individual Permit Application for the fill and development of Lt 2, Blk 6, US Survey 3770 (Osage Ave – property next to Northern Lights Restaurant): The Corps inspected this site last week and consulted with the applicant Mike Salzbrun. To date I have not received word as to the Corps determination on Mr. Salzbrun's application for a Corps Individual Permit (IP) to fill this site. The Corps did share that the criteria that we have in our Coastal District enforceable policies requiring that there be a demonstrated "significant public need" and "no feasible prudent alternative" are criteria the Corps will be considering in determining the approval of this IP.

Corps of Engineers Enforcement Action: Our office reported to the Corps non permitted fill that was added to the Northern Lights Restaurant site two weeks ago (corner of Osage & Ridgecrest). This fill extended the existing pad into the significant wetlands, or restricted wetlands. As you are certainly aware, fill in these areas can only be approved by the Corps. The Corps is treating this as a violation.

Crowley Bulk Fuel Terminal Permitting: The negotiated easement and port facilities use agreement for the pipeline between the tank storage facility and the petro dock have been completed and approved by Council. Two weeks ago the Army Corps of Engineers issued Crowley a Corps Individual Permit for fill and dredging for this project. The Division of Governmental Coordination also issued a Final Consistency Determination for the project, which included the Departmental of Environmental Conservation approval. The only permit awaiting the issuance of a City of Bethel Site Plan Permit is the State Fire Marshal's approval certificate for the installation of the storage tanks and other improvements. Reportedly (from Crowley's project engineer), this permit has now been approved and pending the Fire Marshall's signature. As soon as this certificate is received we will issue our City Site Plan Permit.

Phase I City Subdivision sewer and water project: Stosh Hoffman continues as our acting project inspector. Stosh has been providing CRW Engineering and myself with weekly written reports, station by station, of the contractors progress, problem areas, decisions made in the field, etc., from his daily logs. CRW reports that they are very satisfied with his work.

Planning Commission Minutes, July 11, 2002 (Cont)

Site Plan Permits: Site plan application activity remains quite high – about 1 to 2 applications per day over the past two weeks. Five of these pertained to new single family homes.

Pinky's Park Boardwalk Replacement and Extension Project: This is a State DOTPF project funded through STIP funds. Clair Grifka and I did a site inspection with the contractor (Northern Contracting Services) two weeks ago to determine off-site staging needs by the contractor. I have issued three temporary land use permits for the contractor to accommodate this. Two of these are along Akiachak Ave by the Log Cabin, and BNC's land across from the Teen Center (BNC has given us a one year use permit for this site). The third is adjacent to Owl Street Park on Ptarmigan (new boardwalk extension will go to Owl Street Park).

**VII. PEOPLE TO BE HEARD**

None at this time.

**IX. COMMISSIONERS COMMENTS**

Commissioner J. Hamilton recommended that the Code Enforcer check out the B. Graham Low income housing units.

**X. OLD BUSINESS**

ITEM A. RESOLUTION 02-05. FINAL PLAT, KASAYULI SUBDV, VACATING THE COMMON PROPERTY BOUNDARY BETWEEN LOTS 13 & 14, 15 & 16, 17 & 18 OF BLOCK 7, LOTS 5 & 6, 7 & 8 OF BLOCK 8, AND LOTS 4 & 5 AND 8 & 9 OF BLOCK 9, CREATING CONSOLIDATED LOTS 13A, 15A AND 17A OF BLOCK 7, LOTS 5A AND 7A OF BLOCK 8, AND LOTS 4A AND 8A OF BLOCK 9.

**PUBLIC HEARING**

Chair Guinn announced a possible conflict of interest in this matter. He stepped down and passed the Chair to D. Notti for this item.

Chair Guinn announced he would abstain from voting on this item.

Acting Chair D. Notti opened the Public Hearing at 6:49PM.

No testimony was offered.

Planning Commission Minutes, July 11, 2002 (Cont)

Closed Public Hearing at 6:50PM

Roll call vote:

Passed by a vote of Yes 5 No 0 Abstain 1

**X. NEW BUSINESS**

None at this time.

**XI. ADJOURNMENT**

M/M J. Hamilton/C. Albright to adjourn at 6:55PM.

Unanimous

Minutes prepared by Sandra Moseley, Administrative Assistant

  
\_\_\_\_\_  
John Guinn, Chair

Date: 8/15/02

# Planning Commission Minutes

Rescheduled Regular Meeting August 15, 2002

PUBLIC WORKS BLDG., SECOND FLOOR CONFERENCE ROOM

6:30 PM

## I. CALL TO ORDER

The meeting was called to Order by Chair Guinn at 6:40PM.

## II. ROLL CALL

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

Excused: D. Notti, B. Glasheen

Unexcused: M. Charlie

Others Present: Sandra Moseley, Admin. Assistant, Recorder of Minutes  
James T. Hoffman, Resident

## III. APPROVAL OF MINUTES

M/M J. Hamilton/C. Albright to approve the minutes of the July 11, 2002 meeting.

Unanimous

## IV. APPROVAL OF AGENDA

M/M J. Hamilton/C. Albright to approve the agenda.

Unanimous

## V. COMMUNICATIONS

None at this time.

## VI. PLANNERS REPORT

Mr. Malone reported:

September Meeting Date: Just a reminder that our September meeting is held on the third Thursday (September 19). This is intended to accommodate those who make the upriver excursion during moose season.

Planning Commission Minutes, August 15, 2002 (Cont)

September Meeting Date: Just a reminder that our September meeting is held on the third Thursday (September 19). This is intended to accommodate those who make the upriver excursion during moose season.

CMP FY'02 Annual Report: Aside from the Corps enforcement actions that I've briefed you on at previous meetings, there are no required actions, changes or modifications to our current coastal management plan. Again, the enforceable policies in our coastal management plan (policies pertaining to significant wetlands) are also governed by our Corp General Permit and applied through local permitting that is authorized by the General Permit.

Citywide Orthophoto Mapping Project: As you can see from the product in our meeting room we have been receiving finished product from ASCG on a regular bases. Keeping an accurate inventory and arranging for proper and assessable storage is our next challenge. At this point our plan is to leave the printed products that represent the undeveloped areas of the city in their boxes and index these accordingly. I will probably store these under the light table next to our computer storeroom. The prints representing the developed portions of the city we anticipate storing in the gray map file cabinets located in the same area as the light table. We will further keep some sets of these readily available on the map rack in this room for convenient access. That is our organizational plan of the moment.

Corps of Engineers East Ave. Seawall Rehab and Extension of Brown's Slough Bulkhead: As previously reported, in July the council passed a resolution accepting the final agreed to Project Cooperation Agreement between the Corps and the City, and they also approved the project finance plan for the project. The next phase of this project is the city securing site control for construction. Construction will involve removing all the old tieback systems upland to the buried deadmen where the thermopiles are located. Also still pending is the balance of federal funds that needs to be appropriated by Congress. The city manager has been working with Senator Steven's office on this.

Corps of Engineers Regulatory Branch Visit: Mary Leykom, Regulatory Specialist from the Corps (she is Leroy Phillips new assistant), anticipates being hear for your September 19 meeting. She also anticipates having our new area planner from state DOT/PF, Brad Sworts, with her. Katrina Moss, our previous area planner, has left DOT/PF and is now working for the FAA. Mary Leykom reports no particular agenda for this visit with us except to inspect some IP permit locations that the Corps currently has out in the community. I also mentioned in my last report that I had met with Mary and Doug Graether of ASCG about updating our community significant/restricted wetlands map. Mary has reported via email that ASCG has given the Corp a price for this conversion (converting onto our new maps) and she has submitted the project for consideration/approval.

Corps of Engineers Enforcement Action: As previously reported, our office had reported to the Corps non permitted fill that was added to the Northern Lights Restaurant site (corner of Osage & Ridgcrest). I received a copy of a letter dated July 22<sup>nd</sup> from the Corps to the owners of Northern Lights Restaurant indicating that the site restoration undertaken by Northern Lights satisfied the Corps, and that the site was no longer in violation. We had provided the Corps digital photos of this compliance/restoration work via email as it progressed.

Planning Commission Minutes, August 15, 2002 (Cont)

Crowley Bulk Fuel Terminal Permitting: I issued a Site Plan Permit to Bethel Native Corp and Crowley Marine Services on July 22<sup>nd</sup> to proceed with the construction of the bulk fuel terminal facility on Tract 2, BNC Industrial Park Sub. The permit required conformity with the construction and inspections requirements of Ordinance 01-45 adopted earlier this year by council. Permitting of the pipeline to the petro port is still pending the signing and recording of the easement agreement and port facility use agreement.

Phase I City Subdivision sewer and water project: Greg Sargent, our past Utilities Foreman, has rejoined the city and has taken over as lead inspector on the project. Stosh Hoffman continues in his previous role of dealing with homeowner/landowner issues.

Pinky's Park Boardwalk Replacement and Extension Project: As previously reported this is a State DOTPF project funded through STIP funds. The contractor arrived on July 19 and executed the Temporary/Revocable Land Use Permits under BMC 04.08.055 (valid for 6 months) that I previously reported had been negotiated for three sites for construction staging and storage.

Nicole Dahl: Nicole's last day was Friday August 2. She intends to return to school this fall. She has indicated her willingness to remain aboard as a temp until the end of the month to complete the mapping project filing, and the new address map project. She'll certainly be missed and we wish her well in her future pursuits.

**VII. PEOPLE TO BE HEARD**

None at this time.

**IX. COMMISSIONERS COMMENTS**

None at this time.

**X. OLD BUSINESS**

None

**X. NEW BUSINESS**

ITEM A. VARIANCE APPLICATION BY SCOTT AND MOLLY BAILIE FOR A PRE-CONSTRUCTION SIDE YARD AND REAR YARD SETBACK VARIANCE ON LOT 17, BLOCK 10, US SURVEY 3790 (114 EAST AVE.)

PUBLIC HEARING

The Public Hearing opened at 6:50PM.

No one to address this issue.

Planning Commission Minutes, August 15, 2002 (Cont)

Closed the Public Hearing at 6:53PM

M/M J. Hamilton/C. Albright to table until next meeting.

Unanimous

ITEM B. PLANNING COMMISSION RECOMMENDATION TO CITY COUNCIL FOR THE DISPOSAL OF LOT 8A, BLK 8, CITY SUBDIVISION. (LOCATED ADJACENT TO 217 AKIAK DR.)

ACTION ITEM

Chair Guinn introduced James Hoffman. Mr. Hoffman stated that he would like to have that piece of property to build a storage building for his supplies that he needs for his business. The Commission agreed that the property was too small to build on and that it was needed for access (to the sewer and water mains located on city owned Tract C behind this lot). The lot is also restricted by covenant to residential single dwelling use only.

The official action is no action - no recommendation to council.

**XI. ADJOURNMENT**

M/M J. Hamilton/C. Albright to adjourn at 7:06PM.

Unanimous

Minutes prepared by Sandra Moseley, Administrative Assistant.

ATTEST:

  
~~John Guinn, Chair~~ MARIC CHARLE, VICE CHAIR

Date: 9/19/02

# Planning Commission Minutes

Regular Scheduled Meeting September 19, 2002

PUBLIC WORKS BLDG., SECOND FLOOR CONFERENCE ROOM

6:30 PM

## I. CALL TO ORDER

The meeting was called to order by Acting Chair Mark Charlie at 6:35PM.

## II. ROLL CALL

Present: D. Notti, B. Glasheen, P. Jennings, M. Charlie

Excused: J. Guinn, J. Hamilton, C. Albright

Other Present: John Malone, City Planner

Sandra Moseley, Admin. Assistant, Recorder of minutes

Mary Leykom, Corp of Engineers

Scott Bailie, appearing for Item A, New Business

## III. APPROVAL OF MINUTES

M/M D. Notti/B. Glasheen for approval of the August 15, 2002 minutes.

Unanimous

## IV. APPROVAL OF AGENDA

M/M D. Notti/P. Jennings to approve the Agenda.

Unanimous

## V. COMMUNICATIONS

Handout: "Community of Bethel Planning" October 10, '02 community planning forum.

## VI. PLANNERS REPORT

Mr. Malone reported:

Citywide Orthophoto Mapping Project: As you can see from our meeting room, the sorting and storing of the printed products is just about complete. For City Hall distribution we plan on placing a copy of the one quarter section grid map in ortho and nonortho in the customer service area of the Finance Department with a grid map index sheet for ordering purposes. By this manner, people who wish to order copies of the individual grids can mark those they wish to purchase on one of these grid map index sheets and forward to the Planning Office.

Planning Commission Minutes, September 19, 2002 (Cont)

Closed Public Hearing at 6:49PM

M/M D. Notti/B. Glasheen to approve the variance.

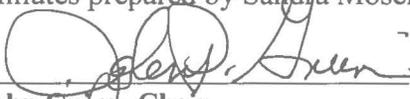
Unanimous

**XI. ADJOURNMENT**

M/M D. Notti/P. Jennings to adjourn at 6:50PM.

Unanimous

Minutes prepared by Sandra Moseley, Administrative Assistant.

  
\_\_\_\_\_  
John Guinn, Chair

Date: 11/21/02

## **Planning Commission Minutes**

**Rescheduled Regular Meeting November 21, 2002**

**PUBLIC WORKS BLDG., SECOND FLOOR CONFERENCE ROOM**

**6:30 PM**

### **I. CALL TO ORDER**

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

### **II. ROLL CALL**

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

Excused : Mark Charlie

Others Present:

John Malone, City Planner

Betsy Jumper, Admin. Assistant

Jorene Hout, Citizen

Willy Keppel, Citizen

Janelle Vanasse, Executive Director of Yuut Elitnaurviat, "Peoples Learning Center"

Dave Trantham, City Council Member

### **III. APPROVAL OF MINUTES**

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

Unanimous.

### **IV. APPROVAL OF AGENDA**

M/M J.Hamilton/T. Albright

Unanimous

### **V. COMMUNICATIONS**

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

All others included in meeting packets.

**VI. PLANNERS REPORT**

Mr. Malone Reported:

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

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

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

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

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

Public Hearing opened at 6:55PM

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

Public Hearing closed at 6:57PM

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

Continued to next meeting.

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

ACTION ITEM

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**XI. ADJOURNMENT**

M/M by J. Hamilton/J. Shantz

Unanimous

Adjournment at 7:55 PM.

Minutes prepared by: Betsy Jumper, Administrative Assistant

ATTEST:

  
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John Gunn, Chair

Date: 1/23/03