

Planning Commissioners

Terry Hoefflerle, Seat A, Deputy Chair
Paul Liedberg, Seat B
Bill Rodawalt, Seat C, Chair



Rachel Muir, Seat D
Andy Anderson, Seat E
Julie Baltar, Seat F
Izetta Chambers, Seat G

**REGULAR MEETING MINUTES
March 19, 2013**

I. CALL TO ORDER

The regular meeting of the Planning Commission was held on March 19, 2013, at the Dillingham City Council Chambers, Dillingham, Alaska. Bill Rodawalt Chair, called the meeting to order at 5:38 p.m.

II. ROLL CALL (quorum is 4)

Members present:

Terry Hoefflerle, Deputy Chair, Seat A
Bill Rodawalt, Chair, Seat C
Andy Anderson, Seat E,
Paul Liedberg, Seat B
Julie Baltar, Seat F, on teleconference

Members Absent:

Rachel Muir, Seat D, excused
Izetta Chambers, Seat G, excused

Staff in Attendance:

Jody Seitz, City Planner, Acting Commission Clerk

Guests: Attorney Patrick Munson

IV. APPROVAL OF MINUTES OF JANUARY 15, 2013.

MOTION: Paul Liedberg moved and Terry Hoefflerle seconded the motion to approve the minutes of January 15, 2013.

Discussion: The minutes were recorded, but through a technical malfunction, recorded no audio. The Planner was able to reconstruct the essential components of the meeting, and asked the commissioners for their input after perusing their own notes from that evening.

Discussion about the guests at the meeting of 1/15/2013: Robin Samuelson, Robert Heyano, Carrie Pleier and one other.

Chair asked for direction in this situation: Thoefflerle recommended adopting them with a note that the recording of minutes was unavailable. Hoefflerle moved

to amend the minutes saying the audio was lost or unavailable and to the best of our recollection the following guests were present and if any of them wish to append their notes to the meeting they can. Amending the amendment to include J. Baltar's notes about the amendments to resolution 2013-04.

ACTION: Unanimous approval to pass the above amendments to the amendment.

ACTION: Unanimous approval to pass the amendment to the minutes as stated above.

ACTION: Unanimous approval of the minutes as amended.

V. APPROVAL OF THE AGENDA

- 1) Planner Seitz requested adding Schedule Date for Planning Commission Training as item C under New Business.
- 2) Terry Hoefflerle requested to amend the agenda to add Bristol Bay Area plan Revision as item D under New Business

ACTION: unanimous approval.

IV. COMMUNICATIONS

A. Public Comment

- Planner reports receiving several comments since the last meeting requesting a separated multi-use path be continued from Kananak Road where it ends east of the Lake Road intersection, to Kananak Hospital.
- Suggests keeping those people in mind when coming up with a committee for a walking plan.
- Reports that there was a lot of discussion about doing a plan years ago.

Discussion about the construction of walkways paid for by the state in conjunction with ADOT projects.

- That walkways were once part of the TRAACK program which is no longer funded.
- Suggests applying for a CAPSIS project (legislative grant).
- Approach Curyung Tribe about funding a project to be done with ADOT projects.
- Mentioned there will be some pedestrian amenities funded as part of the ADOT project in summer of 2013.

B. Planner's Report

Mentioned that the Neighborhood Initiative grant may not be funded in 2014.

Question about the individual who contacted the Planning Department about another proposed subdivided lot on the same parcel as Tuntuvak Subdivision.

The individual did not know about the Tuntuvak subdivision and was concerned about and opposed to the requirement for a public right of way to provide access to Wood River.

C. Citizen Comments – no guests present.

VI. PUBLIC HEARINGS – None.

VII. UNFINISHED BUSINESS

Resolution 2013-04 –

Note: This discussion took place without an amendment to the agenda.

Discussion about the resolution as amended, substituting the wording “unique landownership patterns in the community” for “Native Allotments”, encompassing unique private properties.

Commission to take up remainder of discussion of this resolution under Commissioner Comments.

A. Resolution 2013-07- Encroachment Permit for Lot 6 USS 2732 fence and roof

MOTION: *there was no motion prior to discussion of Resolution 2013-07*

Planner gave synopsis of the issues with the fence and roof for Attorney Patrick Munson, who joined the meeting (6:00 p.m.)

Attorney Patrick Munson:

- City just needs to be able to get to the easement.
- The easement looks too small.
- The City does potentially have liability for damage outside the easement.
- Could end up trespassing, has its own liability.
- Attorney approves indemnity clause in Resolution 2013-07, as a way to get around the issue of the easement size.
- Unless the landowner wants to convey another easement, the City should not consider going through the yard in other places.
- Set up the plat approval as conditional on landowner consenting to the terms that are agreeable to both. Execute the easement with the plat approval.
- Easement has to be negotiated and granted by the landowner to the city.

Discussion about the size of the easement possible and the encroachment permit exchange.

City gives encroachment permit and landowner holds the City harmless for any damage to the roof or yard. Also that temporary construction easements would allow the City to work outside its own easement, but that they are negotiated at the time of the construction, not put on plats.

Attorney Munson:

- The hold harmless clause would be in the easement and would run with the land.
- Will be a significant burden on the property.
- Owners will likely try to back out. It could be problematic to enforce this type of indemnification against the landowner. Would be better to get a big easement, but may not be possible.
- 14 foot easement with indemnification could work.

Discussion about the Planning Commission's obligation to protect both the City and yet not hurt the landowner's ability to sell his property.

- that PC should protect the landowners serviced by the sewer line and manhole.
- That what is proposed is not overkill. City already has an easement that is too small, were unsuccessful in getting a larger easement. Needs to be clearly stated for everyone to see.
- PC has responsibility to look out for the City's interest as well as other property owners serviced by the sewer line.
- Notes that the landowner built his roof into the sewer line easement, contrary to his approved land use permit.

MOTION: Paul Liedberg moves to amend the Resolution 2013-07 as follows:

"WHEREAS the homeowner of Lot 6 agrees to hold the city harmless for any damage to their yard, roof or fence due to the City's necessary access of the easement sewer line or manhole for repairs."

SECOND: Terry Hoefflerle seconds the motion and proposes the following friendly amendment to the amendment. Commissioner Liedberg agrees

That the above WHEREAS becomes the THEREFORE clause in the resolution.

Discussion about involving the landowner and getting his approval for this change to the resolution.

- Landowner has not attended any of the three previous meetings and desires to move the issue along.
- Attorney questions whether the commission should move this along without the landowner's involvement.
- Notes again that landowner has not attended any of 3 previous meetings on this subject.
- Questions attorney whether the proposed resolution is minimum to protect the city and let the landowner sell his property
- Attorney says the proposed resolution on the encroachment permit is adequate to allow the landowner to sell his property and provide the City gets an indemnity for overstepping its bounds when using the easement. Access issue doesn't really encompass the potentially divergent views of the city and landowner.
- Expresses frustration about having so many meetings and would like to move this forward so the landowner can sell his land, but he has not come to any meetings.
- If city is held harmless for tearing down the fence, then it can service its sewer line. There's no need for the gate.

Question: *Reporter's note: There was no call for the question.*

ACTION: Commission unanimously approves the amended amendment to Resolution 2013-07

MOTION: *Reporter's note: Chair immediately called for a vote on Resolution 2013-07 as amended.*

ACTION: Commission approved Resolution 2013-07 as amended unanimously.

Attorney Patrick Munson left the meeting at 7:00 p.m.

B. Easement Committee Report

Terry Hoefflerle gave a report on the Subdivision Access Committee. The committee has met 3 times. Have assignments for the next meeting. Meeting biweekly. Have established a sunset date and intend to have a recommendation to the Planning commission by May 1.

C. Land Use Permit Ordinance Revisions – Action plan

Planner submitted an action plan for improving the Land Use permit program.

- Emphasize that on trust properties that it's voluntary and in the best interests of the landowner to comply.
- Suggestion to emphasize educational aspects of the program. It's a tool for educating people about septic, property boundaries, planning for roads, parking, etc.
- Suggestion to put in form of resolution for planning Commission to adopt as a policy.
- Chair suggests a task list to get volunteers to take on particular tasks.
- Key thing is improvement in municipal code.
- A little public relations, explaining why the Planning Commission is working on this.

D. Community Walking Plan –

Planner asked for volunteers to help with this. No one volunteered.

- Notes that commissioner Muir has been most active with walking plans, and offers Ms. Baltar as well.
- That all that is needed is to read what the Planner puts together.
- Suggests those people who have called regarding the bike path out to the hospital.

VI. NEW BUSINESS

A. Hospital road names – a courtesy review by the Planning Commission

Planner passed out the hospital names map and requested comment from Commissioners. Commissioners had no objections.

B. CIP timeline for FY15 annual update of the six year CIP

Planner explained moved up CIP timeline for FY15 annual update of the Six Year CIP.

- Commissioner commented that the process is getting better every year and that it's the result of having continuity in the Planning Department.

- Bill Rodawalt agreed to be on the Project Review Committee, replacing Paul Liedberg.

C. Planning Commission Training

Commission decided on May 8 either 4-7 or 5-8 p.m. Planner to send out a scheduler.

D. Bristol Bay Area Plan –

Terry Hoefflerle mentioned that the community spent considerable time and thought incorporating healthful environment, sustainability and encouraging renewable resource development as opposed to non-renewable resource development in the City's Comprehensive Plan. The court sent the Bristol Bay Area Plan back to the ADNR to be reworked. He believes the City has an obligation to comment on this due to the potential for pollution and impact on the salmon runs and the local economy. Comments are due sometime in May.

VII. PUBLIC COMMENTS/COMMITTEE COMMENTS

Chair Bill Rodawalt requested unanimous consent to approve the changes suggested earlier in the meeting.

ACTION: Unanimously approved.

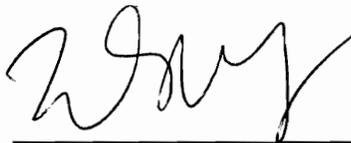
Rodawalt noted there was an earthquake earlier.

Paul Liedberg noted that two bills regarding Chikuminuk Park now related only to feasibility, not full development. Will move fast late in the session. Thanks Planner.

Julie Baltar – no comment.

Terry Hoefflerle wants to see the Bristol Bay Area Plan calendared for the next meeting. Suggested Tim Troll or Susan Flensburg or Rick Halford be invited to speak at the next meeting. Offered to make contact with them. Commented on legislation by Governor to reduce public comment and activities that would impede development of projects like Pebble. Urges comment by individual citizens.

VIII. ADJOURNMENT 7:38 p.m.



Bill Rodawalt, Chair

ATTEST:



Jody Seitz, Recorder