

Planning Commissioners

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



Rachel Muir, Seat D
Andy Anderson, Seat E
Izetta Chambers, Seat G

**REGULAR MEETING MINUTES
November 20, 2012**

I. CALL TO ORDER

The regular meeting of the Planning Commission was held on November 20, 2012, at the Dillingham City Council Chambers, Dillingham, Alaska. Paul Liedberg, Chair, called the meeting to order at 5:30 p.m.

II. ROLL CALL

Members present: (Quorum is four)

Paul Liedberg, Chair, Seat B
Bill Rodawalt, Seat C
Andy Anderson, Seat C
Rachel Muir, Seat D
Terry Hoefflerle, Seat A

Members absent:

Izetta Chambers, Seat G

Staff in Attendance: Jody Seitz, City Planner

Guests: none

III. APPROVAL OF AGENDA

MOTION: Terry Hoefflerle moved. Bill Rodawalt second.

Amendments to Agenda: Planner Seitz stated that item VII C could be removed from the agenda because the action was all on private property.

Chair Liedberg says in the minutes the PC discussed a resolution for Choggiung re: the ski trail. Did anything happen on that or if it could come back on next months agenda? Planner Seitz reported the PC made no motions re doing that.

GENERAL CONSENT: The motion to approve the agenda passed unanimously.

IV. APPROVAL OF MINUTES

A. Minutes of November 2, 2012

MOTION: Rachel Muir moved to approve the Minutes of November 2. Terry Hoefflerle seconded the motion.

Discussion: Under item VII A. Resolution 2012-20 Recommend Approval of Art Installation on Carlson Property Wall.....Chair Liedberg commented that he believed that the PC left the wording as it was originally. PC members agreed that that was the intent of the discussion.

VOTE: The motion to approve the amendment to the minutes of November 2 passed unanimously.

V. COMMUNICATIONS

A. Planner's Report

Planner Seitz commented on the public hearing for the CDBG grant to come during this meeting. Discussed the difference between tabling and postponing a resolution, that if there was a date for the resolution to be heard again, there is no need to notify agencies again.

Other issues besides those in the report:

- That the CDBG is a federal grant administered by the state.
- That there is funding remaining from the force main relocation project which could possibly be redirected to lift stations which aren't built to current standards and are hazardous – no separation between electrical components and methane gas.
- That the problem with relocating the force main has been resolved.

B. Communications to the Planning Commission

- Planner contacted M. Savo re: Tuntuvak Subdivision to relay attorney's advice

VI. PUBLIC HEARINGS

A. Tuntuvak Subdivision

Opened public hearing at 5:52 and closed it 5:53. No public here to testify on this.

B. Community Development Block Grant- opened public hearing at 5:53 p.m.

Planner relayed what the Community Development Block Grant can be used to fund: acquisition, construction, reconstruction of public facilities and improvements like health clinics, daycare centers, shelters for homeless, water and sewer systems, solid waste disposal facilities, community centers, docks

and harbors, electrical distribution lines, fuel and gas distribution systems, transportation improvements, removal of architectural barriers, acquisition and disposition of real property, design and engineering plans, fire protection facilities and equipment. It can conduct studies, collect data, do marketing, feasibility studies, comprehensive land use plans, erosion control plans, community economic development plans, prepare capital improvement plans, update any of the above, all under planning. It can also do special economic development projects.

Ineligible projects are: equipment, government buildings, regular government operations, maintenance and operations, and political activities.

Who can apply: incorporated cities and boroughs. There is a maximum amount of \$850,000 per grant. They expect to grant about 5-7 projects with what they have this year.

The proposed project currently needed in Dillingham, through the CIP process, and working with the manager, and the council and planning commission, was Fire and Public Safety Facilities. We're hoping that through getting a planning grant through CDBG we can proceed to decide: are we going to do one building or two, what's going to be in the building, how to fund it, and get 10% design out of the project.

Planner Seitz has been working with Agnew::Beck to develop this grant.

Tonight asks if there are any citizen comments on the proposed project and if there are other examples of projects people would like to see the CDBG used for and then hopefully get the Planning Commission support for this project.

Further questions produced the following comments:

- That there's only \$2 million in Community Development Block Grant funds for distribution this year.
- The City would ask for about \$150,000 and the match can include in-kind labor and the building assessment.
- 1/3 match is required.
- That the grant application has resulted in interesting data about the Dillingham Police department from dispatch data.
- 1/2 all inmates have been brought there by state troopers
- 650 agency assist calls this year; 38% of them are state or other agency assist which originated outside of Dillingham
- 2 calls per day are to assist other agencies
- This allows Dillingham to submit the grant under the census area, rather than just the City of Dillingham.

Comments

- The biggest issue seems to be whether to build one facility or two.

Commissioner Rachel Muir, who is a Public Health Nurse, questioned whether another multiple use facility might be gotten through CDBG because there is no place to exercise indoors, and that the community needs a recreational facility, a community center. Dillingham has very high rates of obesity and from a public health standpoint it would be very beneficial. Planner Seitz says the city manager has expressed that it is possible for a group of citizens to pursue a strategy to fund such a thing, but then the long term problem is how to keep it going. It would be good to look to the CDBG for other projects like that in the future.

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There were no members of the public present for this hearing other than commissioners.

- *Chair Liedberg closed the public hearing at 6:00 p.m.*

VII. UNFINISHED BUSINESS

A. Downtown Streets

- Fixing D street by the Senior Center and Seward Street is not currently assured when the Downtown Streets project happens.
- Manager and Planner met with lobbyists to ask them to work on getting at least a little funding for several projects, including those streets and the utilities under the streets.
- Question about the number of turnaround communications required for coming up to speed on the downtown streets project.
- Question about the timeline for the downtown streets project.
- That Kanakanak road project timeline is not clear.
- That ADOT wants Planning Commission to reaffirm where the City stands on its previous recommendations from the Context Sensitive Solutions workshops.
- Schedule review of the project for Friday, Dec. 14 at noon.

- ### **B. Parliamentary procedure – Planner Seitz passed out parliamentary procedure booklets and information from a Planning Commission handbook on ex-parte communication.**

VIII. NEW BUSINESS

A. Resolution 2012-22 to approve the preliminary plat of Tuntuvak Subdivision

Planner Seitz passed out her plat report and related resolution for approval of the preliminary plat. She reported they have been revised based on advice from City Attorney Brooks Chandler who advises against passing the plat until public access is provided to Wood River Road.

Planner Seitz reviewed the plat with the Planning commission per her revised report.

- That it is possible there is incomplete and inaccurate information about landownership south of the proposed subdivision

- That it is possible that the landowners south of the proposed subdivision have public access over adjacent public land.

Discussion:

- That public access to Wood River Road to the subdivision is required by code.
- That the private access easement appears to belong to George Nelson.
- That the planning commission could either pass the plat conditionally or wait until December to address it, that the code requires the Planning Commission to deal with the plat within 60 days.
- That the ordinance dictates this has to be a public road before we can pass this and pointing that out to all the landowners is important.
- Question about whether the landowner has to improve the road for it to be a public access easement, whether the Planning Commission can require it to be the minimum feet of 50 feet.
- Planner Seitz says she'll bring that question to the City Attorney, but she doesn't believe that the PC can require that.
- If the road is not built to city standards, city has no obligation to maintain it.
- It's the landowners' responsibility to approach the neighboring landowner about changing the easement.
- There are questions about the combination of private easement, utility easements, and public drive that are unknown
- Question about whether grandfather rights apply.
- That the applicant was called today and informed about the attorney's opinion.
- Gives time to family to consider its options. There are financial implications to the planning commission's decisions.
- Should probably postpone decision. Planning Commission needs to point out the deficiencies and offer a solution or solutions to the problem.
- The ordinance dictates this needs to be a public road before we can pass this, and that pointing that out to all the landowners is important and then following the ordinance.

Does the landowner have to make improvements to make it a public road.
Planner Seitz: not sure that can be required since those landowners did not bring this plat forward.

- Important to not injure someone by being dilatory in this process.
- We do have the ordinance, and it's a good one, and this just points out again the difficulty we're going to have in moving from a community with 60-70% of

its residential land tied up in native allotments, and moving from that to a situation where land use reflects the municipal ordinance and good policy.

- Can we learn something from this – about the process of getting from traditional and customary to where things conform to best practices.
- Don't know if we can learn from it or not, but if we don't take a bigger look at these issues when they come up, we'll look at them individually forever, and probably earn the enmity of many of the people we deal with forever.

The applicant commented to Planner Seitz, "I don't understand how come I can't do this and my sister can?" It's a misunderstanding of what happened with the plat. The access easement that serves US6166, her sister had access from a neighboring parcel's public driveway....Can't perpetuate private road easements – example is Squaw Creek Road...where the beginning of the road is private...and the road cannot be improved as a public road.

- Postponing is the general concensus is to postpone the plat, with good recommendations to the landowners and the surveyor about shortcomings of the plat. The big things are the recommendation for the public easement, and that it could be platted on the same plat. That there should be a request for 50' since there is a utility easement which could be added to the easement.

Motion: Bill Rodawalt moved to postpone action until next meeting; Andy Anderson seconded.

Vote: General consent.

Motion: Bill Rodawalt moved to suspend the rules to take up the motion that we ask the staff to convey the information as outlined in the revised staff report dated November 20, 2012, with the addition of Point L, request 50" easement. Second by Terry Hoeffler. There was a two-thirds majority to temporarily suspend the rules.

Vote:unanimous in favor.

The applicant had asked how the Planning Commission can require a public access easement to her subdivision. Planner Seitz passed out Public Law which is the legal underpinning of the Planning Commission's authority to request public access on Native Allotment subdivisions. It allows Allottees to go through the local Platting Authority and the same rules apply to all subdivisions.

B. Resolution 2012-23 – Supporting Use of CDBG for planning Fire and Public Safety Facilities.

Motion: Rachel Muir moved to approve. Bill Rodawalt second.

VOTE: unanimous consent.

C. Resolution 2012-24 – Approval of Encroachment for utilities– removed from agenda

D. Election of Chair of the Planning Commission

Terry Hoefflerle nominates Andy Anderson.

Andy Anderson nominates Bill Rodawalt as chair. Terry Hoefflerle seconds.

Andy Anderson requests his nomination be rescinded.

Terry Hoefflerle withdrew his nomination of Andy Anderson.

Bill Rodawalt nominates Izetta Chambers.

Request to staff to send email to Izetta to let her know she's been nominated then send that response to all commissioners and then format so that commissioners can return their vote to Planning Department staff.

Motion: Bill Rodawalt moved to postpone action on electing a chairman

Second: No second

Chair Liedberg requested that each individual vote by email and send vote to staff who will then notify the commission who was elected.

VII. COMMISSION COMMENTS

Rachel Muir would like to see the use of the CDBG grant expanded.

Andy Anderson: none

Terry Hoefflerle: none

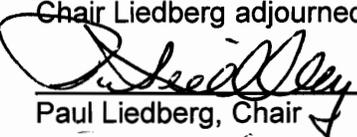
Bill Rodawalt: none

Paul Liedberg – notified the City Council Code Committee about the Planning Commission work on Land Use Permit code. There is interest by the public on regulating taxis in town. Next Code committee December 13, 2012. Also he has received 3 complaints today about KNik Construction clearing all the trees between the gravel pit and the road. Suggests a clear role for the Planning Commission to have some type of conditional use permits to regulate that type of activity.

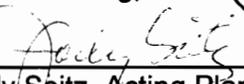
Thanks for your support all the past several years.

VIII. ADJOURNMENT

Chair Liedberg adjourned the meeting at 7:15 p.m.


Paul Liedberg, Chair

12/18/2012
Date


Jody Seitz, Acting Planning Commission Clerk

12/18/2012
Date