

MINUTES
NOME PLANNING COMMISSION
REGULAR MEETING
September 5, 2006

Chairman Anderson called the regular meeting of the Nome Planning Commission to order at 7:00 P.M on Tuesday, September 5, 2006 in the City Council Chambers in Nome City Hall located at 102 Division Street.

ROLL CALL:

Mr. Greg Smith is given the Oath of Office.

COMMISSION

MEMBERS PRESENT:

Irene Anderson, Greg Smith, Matt Johnson, Jerald Brown, Bryan Timbers, Charlie Weiss.

COMMISSION

MEMBERS ABSENT:

Tom Sparks was excused.

ALSO PRESENT:

Randy Romenesko, CITY MANAGER; Pat Hahn, BUILDING INSPECTOR; Leslee Wessel, CITY CLERK; Terrie Perkins, DEPUTY CITY CLERK.

AUDIENCE PRESENT:

Ted Meyer, Nome Nugget Newspaper.

APPROVAL OF AGENDA:

Chairman Anderson called for any changes or additions to the agenda.

A motion was made by Commissioner Johnson and seconded by Commissioner Weiss to approve the agenda as presented.

Hearing no objections, the motion CARRIED.

APPROVAL OF MINUTES:

The minutes of the June 5, 2006 regular meeting minutes were presented for approval.

A motion was made by Commissioner Timbers and seconded by Commissioner Brown to approve the June 5, 2006 regular meeting minutes as presented.

Hearing no objections, the motion CARRIED.

COMMUNICATIONS:

- A. Public Notice of Application for Permit, Applicant: Clifton McHenry, Waterway: Norton Sound, Purpose: extract gold from the ocean floor sediments.

- B. Memo dated June 15, 2006 to Randy Romenesko, City Manager, from James Vogel, P.E., Acting City Engineer, RE: Meeting with ADOT on Nome Roads Projects.
- C. Public Notice of Application for Permit, Applicant: Melissa Riordan, AK DOT/PF, Waterway: Norton Sound, Purpose: Repair and prevent surface damage along the embankment edges of the Nome-Taylor Highway from MP0-1.
- D. Public Notice of Application for Permit, Applicant: Nikolai I. Ivanoff, Water way: Saturday Creek, Purpose: Residential development.

Commissioner Weiss wonders if a driveway permit has been issued for this project and explains that last year they received a notice from the State of Alaska DOT that when we make recommendations they (applicant) should already have in place a drive way permit and he doesn't see that in the information provided. Whoever is going to do this should already have contacted the SOA to make sure they can get a driveway permit for that area. We got a letter as the Planning Commission last year sometime stating this. I don't see it in here that the State has okayed the driveway permit.

Chairman Anderson responds because this is the Army Corps of Engineers this is the federal permit for placement of gravel and rock on the tundra for this turn around of the driveway and the foundation pads for these two properties. He would work with the State of Alaska DOT and apply for these 50 ft culverts and it shouldn't be any big deal to work with DOT to obtain those driveway permits.

It is determined that part of this project is inside the city limits and a portion is outside the city limits and it is not in our GP.

City Manager Romenesko adds that they permit for fill and all they care about is the 404 water quality issues and they don't typically deal with other agencies or state requirements. The Corps can permit it but the DOT could still not issue a driveway permit.

- E. Public Notice-Re-Issuance, Expansion and Rename of General Permit (GP) 2006-214, (Previously Identified as GP 90-1N).

Commissioner Timbers wonders if every thing that was asked to be included was included and City Manager Romenesko responds yes.

Commissioner Timbers adds they gave us all the additional land covered by the permit and the definition changes.

Commissioner Brown adds about 50 additional acres.

- F. Letter dated July 12, 2006, to Mayor Michels, from Frank H. Murkowski, Governor, RE: Senate Bill 231.
- G. Letter dated July 14, 2006, to Randy Romenesko, City Manager, from Chris Rowe, RE: Rock Creek Development.
- H. Letter dated July 25, 2006, to Honorable Denise Michels, Mayor, City of Nome, from Drue Pearce, Senior Advisor to the Secretary for Alaska Affairs, US Department of the Interior, RE: natural gas exploration.

- I. Letter dated July 25, 2006, to Honorable Denise Michels, Mayor, City of Nome, from R.M. "Johnnie" Burton, Director, Minerals Management Service, US Department of the Interior, RE: energy source alternatives.

City Manager Romenesko adds that we are still talking with Alaska Dept. of Natural Resources folks to see if they might do some "onshore" exploration. There have been calls for bids for the last 4 or 5 years out in the ocean and they've never received any bids.

- J. Letter dated August 3, 2006, to Honorable Denise Michels, Mayor, City of Nome, from Chuck Howe, Northern Region Environmental Coordinator, Department of Transportation and Public Facilities, RE: Nome Storm ER Permanent Repairs, Project ER-0076(2)/60661, SCOPING LETTER.

Commissioner Timbers wonders if there is any money beside FEMA monies to replace that or to make it better than it was because it's just going to wash out again.

City Manager Romenesko explains that FEMA will replace, they will do some mitigation if you can show that it's required – like Seppala Drive definitely needs mitigation money. We asked that question when Andrew Niemec was here with Deputy Commissioner McKennan and I can't remember his response but I will find out.

Commissioner Timbers continues not just for Seppala and not just for Front Street but the whole road down the coast to Solomon is at risk and they just keep rebuilding it when we have a storm. They really need to raise the elevation and get some armor rock in there to protect the banks.

City Manager Romenesko responds that it has been our experience that they won't pay for anything beyond existing.

Commissioner Timbers states this is something that we as a community should make a project to get some type of funding for the entire stretch. Everyone will stand to benefit from having that road repaired so that it holds.

- K. Letter dated August 23, 2006, to Mr. Ervin Petty, Emergency Management Specialist, Division of Homeland Security & Emergency Management, Department of Military and Veterans Affairs, from Randy Romenesko, City Manager, RE: City of Nome, Alaska-All-Hazards Mitigation Plan.

City Manager Romenesko explains that the State did respond and they did agree to the extension.

CITIZENS COMMENTS:

No Citizens comments.

REPORTS:

DEPUTY CITY CLERK

1. 2006 Building/Remodeling Permit Summary
 - a. Building permits issued in June/July/Aug: 15
 - b. Remodeling permits issued in June/July/Aug: 12
2. 2006 Misc. Permit Summary

a. Misc Permits issued in June/July/Aug: 15

CITY BUILDING INSPECTOR

Building Inspector Pat Hahn states he has nothing to report at this time.

CITY MANAGER

1. May 22-June 9, 2006
2. June 13-June 23, 2006
3. June 26-July 7, 2006
4. July 10-August 11, 2006
5. August 15-25, 2006

Commissioner Brown wonders if the port will be finished this year.

City Manager Romenesko responds that they will be finished by the end of this week with the actual rock work and then by the 17th with closing down operations, cleaning sites, final dressing/grading etc..they made very very good progress and not having any bad weather allowed them to get that entrance channel done just in time for our first storm.

City Manager Romenesko continues there was a dredging claim that was dismissed by the Corps and no further actions were taken by the contractor and I believe the time expired on that one. The big rock claim is still pending. The Corps has rendered an opinion but they have more time to get an appeal or sue. It is a \$5,000,000 claim and the City may have to pay part of that if the decision is in the contractors favor.

Chairman Anderson announces that there is a 1 day workshop in Anchorage on November 1, 2006 on subdivisions, plats, land use etc... and City Manager Romenesko states that although there is no set budget line item for training he wanted to see if there may be one or two Commissioners that would like to attend as it would be a very worthwhile training.

Chairman Anderson requests that a PDF of the brochure be made and emailed to all of the Commissioners.

Commissioner Weiss asks whether there is any new information about the City and Kawerak partnering to build a cultural center.

City Manager Romenesko responds the Museum/Library Commission has only met once this summer and they need to figure out a piece of property on which to put the facility. The city is sitting on \$50,000 in grant funds that could be used to help them move forward. They as a body were going to come up with a piece and they haven't done that yet. Kawerak has had staff for the last year working on this program for the cultural center and they are starting year two of a three year grant. They just recently approached me saying that they are looking for partners and is the City interested. I said the City is willing to support your project but whether we are willing to partner on it – I don't know – I recommend we start back at ground zero and go back and visit the Museum/Library Commission and see if they have changed their mind or outlook.

City Manager Romenesko further adds that Kawerak has identified significant partners with the University and some non-profit organization that clearly sound pretty interesting. I suggested to Eileen and Kaci that they visit with the Commission.

Commissioner Weiss asks if they have any kind idea on costs yet and City Manager Romenesko responds no all they have is a planning grant. They haven't figured out how big. They know what they want to do and they think they know what the benefits are and why people are going to be interested in participating in their facility but they don't have a dollar number or any of that yet. I suggested that Eileen bring a couple Commissioners to their next meeting as Eileen sits on our Museum/Library Commission.

UNFINISHED BUSINESS:

A. Panorama View Subdivision

City Manager Romenesko explains Blaine Galleher came back to me after his visit with you folks and wondered where he should go next. I spent some time talking with the city attorney and I learned that we can actually accept ROW by deed. I guess I was not really aware of that as I've never seen it done that way.

Commissioner Timbers wonders if Brooks has seen the plat. He adds it looks like streets and ROW's are dedicated to the public.

City Manager Romenesko responds when I sent the letter off to Brooks I had what Blaine gave me which was a scaled down version of the whole thing and Brooks' comments back to me was here are the two scenarios that you can do and he was in favor of option two and then he gave me caveats – you need to find out does everyone that owns property there need to convey a deed to the City for the ROW or is it in the original deed? He didn't have it and I have not looked at it yet. I talked with Blaine today and I told him I need to see the plat and any other amendments to the plat. I know there was regulatory action going on.

Commissioner Timbers explains that it was initially filed illegally as it didn't have DNR approval and it was accepted anyway by the recording office. Then they were selling lots and it caught up with them because they weren't providing services that they promised. He adds that plat looks like there is a dedication of the ROW's but maybe if Brooks looks at that-that may be enough.

City Manager Romenesko continues I asked Blaine to get me all of the bits and pieces and the history so that I could get it to him to figure out what the deed needs to say and because of the way code is written the City Council has to through the ordinance process accept the ROW.

Chairman Anderson adds that's what the City did when they accepted those deeds from Sitnasuak on the 14C.

City Manager Romenesko explains chapter two in the code says the acquisition of real property is done by the Council by ordinance.

Commissioner Timbers states I was thinking this was outside the city limits when it was platted and so if there was a dedication to the public of the right-of-ways – it would have been the State that really had jurisdiction over it. Why would something additional be required just because there is an annexation if that original dedication was effective? They don't really have anything left to dedicate – they've already dedicated it to the public and it is now within the city limits so maybe nothing additional really needs to be done.

City Manager Romenesko adds I will look because when I talked to Blaine and asked him that question, his comment to me was well I think we still retain ownership. Commissioner Timbers adds yes I saw that but I don't think he is right.

Commissioner Timbers wonders if they retain the mineral rights up there. City Manager Romenesko responds that he doesn't know for sure and Chairman Anderson adds they are probably just selling surface rights.

Commissioner Timbers comments assuming that there has been a dedication and the City now has jurisdiction to do what it wants in terms of maintenance and upkeep and so on – does the City have a policy about when these private subdivision are going to start getting those kinds of public services such as snow removal?

City Manager Romenesko responds no we don't. The services we provide are completely voluntary and are policy decision and we don't have a policy so it will be kind of a "catch's catch can" policy.

Commissioner Timbers adds it seems to me with only two residences up there that that makes a lot of sense. Certainly, if you had a tax base up there it would make sense to provide the services.

City Manager Romenesko continues I know that in the past we have provided for some nominal snow removal. I can tell you that its Blaine's goal to sell every one of those lots and get them on the taxroll as soon as he can.

Chairman Anderson adds only part of them would be on the taxroll and I don't know what the City would do about that.

Commissioner Weiss wonders what the assessed value of Panorama lots would be compared to what is on the taxroll for similar areas such as Icyview or the Darling Subdivision.

City Clerk Leslee Wessel states that she is unsure and would need to check the actual tax folders and City Manager Romenesko adds that his guess would be that the lots in Panorama are undervalued at this time.

There is discussion about where the city boundaries are with regard to the Panorama View Subdivision. There are approximately 22 lots within the City. City Manager Romenesko adds that for sometime there has been a problem with knowing exactly where the corporate boundaries really are. We have the deed from DNR but it is a Metes and Bounds description. He adds that he met with a Bruce O. from BLM last week and he was asking us about the grant where we received funds to put our taxroll on the website and with the plan of linking the taxroll to some aerial photography that we have had done. He asked me if they had extra money and could append our grant what we would do. I said our number one priority would be to get a physical survey of our corporate boundaries so we could set some corners. It's hard to know which lots are in or out of the subdivision.

Commissioner Timbers asks if the City is taxing any of the lots out there and the response is yes we are.

Chairman Anderson adds some of those lots are listed in the wetlands development permit. City Manager Romenesko explains yes we listed them as we knew they were part in and part out and we had reason to believe there would development out there.

Chairman Anderson states it would be very good to get the boundaries surveyed but I don't know how this solves the problem or proposes a solution for Blaine.

City Manager Romenesko continues the State never gave us a deed when it got annexed stating these lots are now in the City; they are yours.

Commissioner Timbers wonders if the State gave us a deed for other roads. City Manager Romenesko responds no, they didn't. He was under the impression that if they had the road before we went in there – they retained ownership and the deed was to the public and at the time it was the State who was representing the public.

It is determined that 28 lots are showing on the taxroll for Panorama View Subdivision.

City Manager Romenesko further explains that there is reason to believe that if this subdivision was fully developed and people started to put houses out there the City's level of activity would go up commensurate with other subdivisions in town that have grown - we slowly provide more services.

Commissioner Timbers wonders if there will be a problem with snow dumps. He adds that he remembers there was some resistance to dedicating a lot or lots for that purpose.

City Manager Romenesko responds what will happen is kind of the same thing that has happened with Martinson's – we will push snow on vacant lots until someone says stop. Then we will push to the end of the subdivision (like out at Icyview). We have struck deals in the past with Alaska Gold or eventually we could be in to a "truck hauling" mode as things mature.

Commissioner Weiss adds as far as the snow dump goes it's not in our regulations yet – it's only in our proposed regulations.

Chairman Anderson states usually when we bring something under Unfinished Business we take an action but on this issue do you feel it should go back to staff with the concerns brought up by the Commissioners?

City Manager Romenesko agrees and adds this has been a moving target for me but I think in the last week we've made significant progress in trying to figure out what's going on and given what we have just learned tonight as well as discussion with Blaine, the legal history of the deeds, and if I can get everything I need to do a thorough analysis then we can go about addressing this issue.

Commissioner Timbers comments there is some language in that dedication that's a little unusual and I think Brooks ought to look at it. It says: "I hereby adopt this plat as a subdivision with my free consent and dedicate all streets, alleys, walks, parks and other open spaces to public or private use". What does that mean, which ones are public and which ones are private? I don't see any private driveways...

Chairman Anderson responds well at that time the Anvil Mountain road was dedicated only for government use. The access that Sitnasuak got title to land in this neighborhood very specifically said Anvil Mountain road has a public easement on it and the use of that road was only reserved for the United States Government and for years they had the gates up there. Do you remember the gates? Finally we were able to talk them in to removing the gates and then it became public road by conveyance to the city government.

City Manager Romenesko clarifies it's not a public road it's an easement. Chairman Anderson continues before that easement went from Sitnasuak to the City of Nome the easement that Sitnasuak had was only for government use.

City Manager adds I've had people in the past call me and say well you need to come open this road for me and I've said it's not a road its an easement and an easement has certain language.

Chairman Anderson also points out that there may be issues with utilities and lines. There is electricity all the way around.

Commissioner Weiss comments this is somewhat similar to how Icyview was when it got annexed. The original loop was maintained by the State of Alaska and then I think the City did some type of trade.

NEW BUSINESS:

none

COMMISSION MEMBERS REPORTS:

No comments/reports were heard by Commissioners.

SCHEDULE OF NEXT MEETING DATE:

The Nome Planning Commission determined that the next regular meeting shall be held October 3, 2006, 7:00 P.M. Commissioner Anderson will be gone for the October 3rd meeting and Commissioner Timbers will be gone for the next two meetings.

There is a work session on Monday, October 2, 2006 at 6:00 PM, regarding zoning code.


ADJOURNMENT:

Commissioner Johnson moved and Commissioner Brown seconded a motion to adjourn. Hearing no objection, the MOTION UNANIMOUSLY CARRIED and the meeting ADJOURNED at 7:31 P.M.

SIGNED and **DATED** this 3rd day of October, 2006.


VICE CHAIRMAN TOM SPARKS

ATTEST:


Terrie A.F. Perkins, Deputy City Clerk