

MINUTES
NOME PLANNING COMMISSION
RESCHEDULED REGULAR MEETING
October 15, 2008

Chairman Irene Anderson called the rescheduled regular meeting of the Nome Planning Commission to order at 7:00 PM on Wednesday, October 15, 2008 in the City Council Chambers in Nome City Hall located at 102 Division Street.

ROLL CALL:

COMMISSION

Irene Anderson, Jerald Brown, Charlie Weiss, Jeff Darling, Tom Sparks
Greg Smith, and James Adams

MEMBERS PRESENT:

COMMISSION

MEMBERS ABSENT:

ALSO PRESENT:

Camille Ten Eyck, Deputy City Clerk, City Manager Hallgren, City Manager Bahnke

AUDIENCE PRESENT:

Nikolai Ivanoff, Jay David, Sandra Medearis, Telephonically: Dennis Borgen, VericeDoble, George Krier.

APPROVAL OF AGENDA:

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

A MOTION was made by Commissioner Sparks and seconded by Commissioner Smith to approve the agenda.

Hearing no objections, the motion **CARRIED**

APPROVAL OF MINUTES:

The September 2nd, 2008 Regularly Scheduled Meeting Minutes were presented for approval.

A MOTION was made by Commissioner Weiss
And seconded by Commissioner Brown to
Approve the Regularly Scheduled Meeting Minutes
of September 2nd, 2008.

Commissioner Sparks abstained.

Hearing no objections, the motion CARRIED.

COMMUNICATIONS:

Chairman Anderson read through the communications presented on the agenda and asked if there were any comments or questions. No comments were made.

CITIZENS COMMENT:

STAFF REPORTS:

DEPUTY CITY CLERK

Permit Report:

1. Building/ Remodel - September
 - 0 Building Permits Issued,
 - 2 Remodel Permits Issued, Valuation: \$8,010.60 – Fees Collected \$208.50

SEPT. TOTAL VALUATION: \$8010.60 SEPT. FEES: \$ 208.50

TOTAL SEPTEMBER PERMITS ISSUED: 2

2008 TOTAL VALUATION: \$3,959,136.08 TOTAL FEES: \$28,255.85

TOTAL PERMITS ISSUED: 29

2. Miscellaneous Permits – September

- 1 Fill Permits Issued
- 1 Move Permit
- 3 Excavation Permits
- 2 Demolition Permits

September Total Fees: \$125

PERMITS ISSUED: 7

CITY BUILDING INSPECTOR:

CITY MANAGER:

Peter Hallgren: I should tell you we had the final inspection on the Crowley Dock this afternoon. There are a few questions, but basically they are just finishing it up right now with final landscaping. The city will have to redo the street right in front of it next year. The high pile and the low pile sections are essentially done now.

C. Sparks: Have you removed that blockage of the traffic down there and we can drive down there again.

Peter Hallgren: You will have to talk to the permanent manager about that.

Peter Hallgren: I should also mention on abatement. We are still waiting for an excavator to be available. City crew will abate two structures as soon as the excavator becomes available.

Chairman Anderson: At this time we would like to thank you for your time and interest in our town, city and planning commission.

Peter Hallgren: Thank You very much. Nome is an interesting place. I have been in many places, however what strikes me is how well this place works. You may notice bickering amongst yourselves, but for an outsider to come in it is a very solid community. The people I have had to deal with I think are exceptional. I appreciated being here.

OLD BUSINESS:

NEW BUSINESS:

- A. Preliminary Plat Application: RE: Dedication of a Portion of the Nome ByPass Road, Block 78A, Lots 4-7, Block 112A Lots 1-3, & 7-12, block 113 Lots 1-6

DISCUSSION:

Dennis Borgen & Verice Doble , Land Surveyors called telephonically.

Chairman Anderson: Good Evening. Is there anything you would like to add to the presentation and information we have before us?

Dennis Borgen: We have nothing further to add.

Chairman Anderson: In the letter we received dated yesterday the last sentence in the first paragraph states: "Federal regulations stipulate that after public sale, any remaining unsold properties will be transferred to the municipality by deed and no deed has been found." Is what you are recommending before this goes forth that the city have an in depth title search?"

Dennis Borgen: The certificate to plat already includes the title search which the Title Company performed. What I would recommend approving the preliminary plat with two conditions:

- ❖ 1. is that block 112A be removed from the platting process at the request of the city if this does not get resolved.
- ❖ 2. City get the advice of their attorney ask if he feels the title is clear enough as it is or he can recommend a title opinion or a quiet title action.

The City needs to feel comfortable enough to sign the final plat as owners.

C.Weiss: The city should have time to straighten out the title issue. I also have a question. Looking at the curve at the lots adjacent to that, I have a concern getting access to those lots on the curve and wondering if we can put anything on the plat that access roads have to go on to another street not the By Pass Road on that curvature. It might be hazardous for people turning in.

Dennis Borgen: We can do that. There appears there is access on all sides of those lots. Lot 7B does not have constructed access on 5th Ave. In Block 112A you can combine those lots and there would be only one access at the expense of two lots combined into one. You could also restrict access on Block 78A to the south corner get it away from the curve as much as you can.

C. Sparks: What is going to happen to the former lots 4A, 5A, & 6A. Is that going to just be an unsubdivided remaining parcel?

Dennis Borgen: They will be kept as they are. There is no intention to replat those lots.

C. Sparks: Where would the public access be there? Possibly on 7th Avenue?

Dennis Borgen: Whatever public access they had before.

Verice Doble: If we included those lots in the plat then there would have had to be some constructed access of some sort.

Chairman Anderson: Since there are no further questions, we will hang up now. Thank You for being part of our meeting.

Dennis Borgen: Thank You for including us and we will be speaking to you all again.

Nikolai Ivanoff: The Gold Company has no objections to this preliminary plat. It is in the city's interest to expedite this plat before there could be any changes in Alaska Gold's Ownership.

Peter Hallgren: I would like to speak if I may. I would recommend you pass the preliminary plat according with what was recommended tonight. The city should turn

over to the city attorney the issue of ownership of Block 112A. I don't know if a quiet title search would be necessary or adequate because you can not quiet title against the United States government. Since the property was replatted in 1981, and there has not been any claims against the property. As a practical matter I do not see any problem putting a public road across this property. Since the property was replatted in 1981, and there has not been any claims against the property.

A Motion was made by Commissioner Adams and Seconded by Commissioner Darling to approve the Preliminary Plat Application for the Dedication of a Portion of the Nome By Pass Road

At the roll call:

Ayes: Darling, Weiss, Brown, Adams, Anderson, Smith

Nays:

Abstain: Sparks

Hearing no Objections the Motion **CARRIED**
With the Condition The City Attorney
Research Block 112A Legal Title

B. Final Plat Application: RE: Nome 21st Century Subdivision Phase 1 – with
From Jim Vogel, City Engineer

Public Hearing Opened ~7.37 P.M.

DISCUSSION:

George Krier: The road is built and is now time to finalize the subdivision. I just wanted to be available in case anyone had any technical questions.

C. Weiss: On lot 8 on the north end of the subdivision, is that being serviced off the easement that is in Icy View now?

George Krier: No, that easement was put in by the request of Nome Joint Utilities for a future easement if they install a water line.

C. Weiss: Are there any culverts in the Alaska Gold Drive?

George Krier: There is one culver right at the intersection. That is a preventive type of culvert. No water will flow through it. The DOT wanted it set there in the event the owners of those lots adjacent to Osborne Rd would fill all the way into the road and there could be water impounded there.

Chairman Anderson: Has anyone from the city inspected the road?

George Krier: Yes it has been inspected. Randy prepared a report on that.

Jay David: My concern is about lot 8. Everything about the land dips down. My concern is to find out if an adequate perk test has been done on that lot. My home is right next to that area.

Chairman Anderson: Are you on sewer and water?

Jay David: Yes we are.

Chairman Anderson: You don't think lot 8 could tie into the existing sewer and water system?

Jay David: I have no idea if that is the plan or not. My understanding is that this is all not going to be tied in.

Nikolai Ivanoff: Right now we want people to enjoy the view. NJUS asked us to put in two easements for future development water line. In this case south and east of Icy View, I think it would be a long time before development.

Chairman Anderson: If you look at the notes on the top of the plat number 2 addresses the administrative code dealing with on site water and waste water. The existing ordinance says if there is existing sewer and water on this road system through Icy view and if someone buys the property and uses it for residential since it is zoned already then they would be required to hook up to the existing system. If the water line does not go that way, then the DEC rules would have to be followed.

Jay David: If I understand Nikolai's plan, initially it will be a septic system. The reason I am asking about lot 8 is because of the slant of the land and if a perk test has been done.

C. Sparks: If I recall when we looked at the preliminary plat, there were a couple of perk tests done and George would you verify the fact that they were not done on every lot.

George Krier: That is correct. There was a materials investigation and perking is no issue. We did not check every square inch, but an adequate amount to guarantee the findings.

C. Sparks: If an individual buys one of these lots and goes to DEC they could have to have a Perk test done before DEC would grant waste disposal system.

George Krier: Actually, according to the DEC regulations that would be up to the engineer would make that call.

Jay David: My concern still is lot 8 which is all still going down hill into 8. Logically, if anyone is going to build on lot 8 is going to build on the high end of the lot. It continues to slope down. It seems to me it should be checked.

Nikolai Ivanoff: We always are willing to make discounts or work with buyer if there is a problem.

Jay David: What I am even questioning is if this lot should even be on the plat?

Nikolai Ivanoff: No it should be included in the subdivision.

C. Weiss: I do know in the seventies when Icy View was developed, the house next to you had an existing septic tank. Those houses worked better than any other in Icy View because the ground was so good.

C. Sparks: Just a couple of things, our regulations say the lot adjoining the one that is going to be developed has access to water then the developer going to put it in not the buyer.

George Krier: The preliminary plat was approved under the old subdivision regulations not the current subdivision regulations. Basically, that would explain the difference in the standards between this plat and one that would be presented under the new regulations.

C. Sparks: We had a problem in the past with the old regulations with what was adjacent to. The new regulations helped us with that, however, my understanding was if the adjacent lot had sewer and water you had to put it in as a subdivider.

Jay David: Would someone please explain what you all are agreeing to here.

C. Sparks: We upgraded our subdivision regulations. In the past, the old regulations said if your lot is adjacent to a lot that has sewer and water the subdivider had to put in sewer and water. The new regulations have given us more guidance as to the definition of adjacent lots. The preliminary plat on this major subdivision came before us under the old regulations. We can not impose the new regulations on this final plat.

C. Weiss: My question is why there are not power poles on this plat? It does say street lights.

Chairman Anderson: Let's look at the old subdivision regulations. The previous subdivision regulations say on final approval of a major subdivision the following apply: streets, water supply, sanitary systems, surface drainage, & monumentation. There is nothing directly on power poles.

C. Darling: There are not going to be any power poles out there until someone buys a lot.

C. Weiss: At that point it would be NJUS's responsibility. We can accept this final plat as is with the continuing improvements as long as the Gold Company puts up a bond securing the work to be done.

Nikolai Ivanoff: Charlie Reader told me today we have \$8200 left from his contract. Gold Company would be willing to double or put down \$15,000 to secure the final plat.

C. Darling: According to Randy's memo, work needs to be done in June 2009 to get it up to standards. The bond should be more than \$8200.

George Krier: Charlie Reader is already committed to bringing the road up to standards and he has been already paid for these services. What Nikolai is talking about is the additional outstanding that Charlie requires to complete all of his work. Q Trucking will stand by all their work and make it correct with that amount of money left.

C. Weiss: Q Trucking's contract is only good to Alaska Gold not to the city. The Bond we are asking for is for the protection of the city and the completion of the work. The bond protects the city from being stuck with the expenses in case the work is not done.

George Krier: Jim Vogel already agreed to the amount of the bond and felt it was sufficient.

Chairman Anderson: We do have an email from Jim Vogel confirming this.

Nikolai Ivanoff: We would be happy to put down \$15,000 to cover the amount of \$8200 and the extra 10 percent required. We really need to have this approved now so people can buy and move in. The City benefits and people can benefit.

Public Hearing Closed ~ 8:20 P.M.

A **Motion** was made by Commissioner Sparks and Seconded by Commissioner Brown to approve the Final Plat of Nome 21st Century Phase 1 with the condition of A \$15,000 Surety Bond placed in a City Account by Alaska Gold securing road work completion by June 09

At the roll call:

Ayes: Darling, Weiss, Brown, Adams,
Anderson, Smith, Sparks

Nays:
Abstain:
Hearing no Objections the Motion **CARRIED**

COMMISSIONER MEMBERS REPORT:

Commissioner Adams: None

Commissioner Brown: City Council passed the zoning ordinance , but removed the definition of junk.

Commissioner Weiss: I would like us to look at in the near future driveway access. Maybe we could look at that in conjunction with fill permits.

Commissioner Darling: None

Commissioner Sparks: Glad to be back. Sorry had to miss so many meetings.

Chairman Anderson: There is a transportation meeting next week. Also we have this book about Historic Buildings of Nome. It is fascinating to look through. The only thing that is of some concern is some recommendations for the planning commission they make. I'll pass it around so you all can look.

ADJOURNMENT:

A Motion was made by Commissioner Smith and Seconded by Commissioner Brown to ADJOURN Hearing no objection, the MOTION CARRIED. The meeting ADJOURNED at 8:46 P.M.

SIGNED and DATED this December 2, 2008


CHAIRMAN Irene Anderson

ATTEST:


Camille Ten Eyck, DEPUTY CITY CLERK