

**PLANNING COMMISSION REGULAR MEETING
JULY 8, 2014 AT 6:30 PM
LIBRARY MEETING ROOM
MINUTES**

1. CALL TO ORDER

Chairman *Tom Bailer* called the Planning Commission Regular Meeting to order at 6:30 PM on July 8, 2014 in the Library Meeting Room.

2. ROLL CALL

Present for roll call were Chairman *Tom Bailer* and Commissioners *David Reggiani, John Greenwood, Tom McGann, Scott Pegau, John Baenen, and Allen Roemhildt.*

Also present were City Planner, *Samantha Greenwood*, and Assistant Planner, *Leif Stavig.*

4 people were in the audience.

3. APPROVAL OF AGENDA

M/Reggiani S/Greenwood to approve the Agenda.

Upon voice vote, motion passed 7-0.

Yea: *Bailer, Greenwood, McGann, Pegau, Baenen, Roemhildt, Reggiani*

Nay: None

Absent: None

4. APPROVAL OF MINUTES

M/Greenwood S/Pegau to approve the Minutes.

Upon voice vote, motion passed 7-0.

Yea: *Bailer, Greenwood, McGann, Pegau, Baenen, Roemhildt, Reggiani*

Nay: None

Absent: None

5. DISCLOSURES OF CONFLICTS OF INTEREST

Pegau said he had a conflict of interest with new item "Disposal for 'Old Sea Grant Office,'" as he works for the Prince William Sound Science Center.

Bailer acknowledged the conflict of interest.

6. CORRESPONDENCE

S. Greenwood acknowledged the correspondence from the Science Center.

7. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

Pegau said because he had a conflict of interest he would speak from the audience. He wanted to discuss the "Old Sea Grant Office." He said that the Science Center does use that for their heavy equipment that they load at the dock; it is useful for them as a business. Referring to the recommended motion; in the City Code there are actually three methods you can dispose. First is to accept the lease and pass it to the City Council, the second is

to go through a land disposal process, and the third is to reject. *Pegau* recommends that instead of going through the land disposal process, the Commission accept the lease as it is provided and pass it to City Council.

8. PLANNER'S REPORT

S. Greenwood added that *Brandon (Dahl)* had resigned and his last day is July 16. *Dave* and *Virginia Calvert* are also leaving. The City is having a water shortage. The infrared machine has been running, streets did their first cut repair on Chase Avenue. The chip seal oil is in town.

Greenwood confirmed that they had received a letter of no objection from the State on the CTC Conditional Use Permit.

Stavig said he talked to *David Charlton*, who works for FCC at the State level. Issues with microwave transmitters are unproven, but *Charlton* said that the decision by the Commission to limit the height was reasonable.

S. Greenwood said that the tower was up and that the City is still working with CTC lawyers on the lease, and that they are currently looking at getting the lease on the August 6 City Council meeting.

McGann asked if the State was just going to do a four inch lift (repaving) on Whitshed Road and not repair the cause of the problem as it fails in the same spots.

S. Greenwood said that she did not know.

Greenwood said that as an update on the new (CTC) tower, he was up there and they have not done any remediation on removing or covering the ladder. He doesn't know if CTC has any plans, but the Commission requested that. He doesn't know how they enforce.

S. Greenwood said that the motion that was made was that access would be limited under 20 feet, and that she would check on it. The motion was not, "You can't have a ladder."

Bailer said that he (*Paul Kelly*) said on the record that he would remove the ladder.

Pegau asked that when the Commission voted on the tower, because they said the lease was part of the Conditional Use Permit, does that meet the requirement for leases coming to the Commission prior to City Council?

S. Greenwood said that it was part of it, but the other part is that this was a lease that has been in place since 1991 and they breached that contract and it is tied in with the State. The City can't say, "Who else wants to lease this property" because that is not an option as far as the State is concerned.

Pegau said that the way he reads Code is that if it is a land disposal action it needs to come to the Planning Commission prior to City Council.

S. Greenwood hopes that common sense and staff time would be considered.

S. Greenwood replied to *Reggiani's* request for an update on Safe Routes to School and said that they are still waiting for a DOT permit for the raised crosswalk on Lake Avenue. The drawings are complete and 100%. The RFP is just waiting for the DOT permit.

Bailer verified that the bridge at 36 Mile will not be repaired.

9. NEW/MISCELLANEOUS BUSINESS

- a. Land Disposal for Lot 4A, Block 5, North Fill Development Park Addition No. 2

M/McGann S/Greenwood to recommend to City Council disposal of Lot 4A, Block 5, North Fill Development Park Addition No. 2 by requesting sealed proposals to lease or purchase the property.

McGann said that he's never liked the impound lot there and that there has to be a better use.

Greenwood said that there's a better use for it and that he hopes to see more than a couple proposals.

Reggiani echoed past comments and said that it is nice to see there are a couple interested.

Pegau said he doesn't support it as neither of the letters received were compelling. Even if there were other bids, there are so many restrictions on the lot since it is not a fully compliant lot. He's not convinced that opening it would save or gain the City money.

Baenen said he was for better use of that lot.

Roemhildt said he was for making it available, but that he agreed with *Pegau* about waiting to see more proposals on it.

Bailer said he was leaning towards *Pegau* and is waiting to see more proposals on it. He also wants to know where the City is going to go with the impound lot because it is full right now.

S. Greenwood said that it was an issue, because it will cost money and finding a location is difficult. Staff have been looking; the substation has terrain issues and the water treatment plant has an easement access for Eccles Lagoon.

Baenen said that he thinks 17 Mile would be a good place. There's fencing, it has a gate, and there's a locked building.

Reggiani said that this testimony is confusing as he remembers the City Manager testifying before the Commission that his recommendation was to make this lot available. If there has been a change of heart it should come from the City Manager in writing. He thinks that requesting proposals doesn't hurt anything; it just starts the process. When the proposals come in they will be weighed.

Upon voice vote, main motion passed 6-1.

Yea: *Bailer, Greenwood, McGann, Baenen, Roemhildt, Reggiani*

Nay: *Pegau*

Absent: None

- b. Disposal for "Old Sea Grant Office"

M/McGann S/Greenwood to recommend to City Council disposal by lease of a building locally known as the "Old Sea Grant Office" located on a portion of Lot 3, Block 7A, and Tidewater Development Park by negotiating an agreement (Method 1, listed above) with the Prince William Sound Science Center.

McGann didn't see any comments from the Harbor and can't see anyone else that would want it, so he would lease it.

Greenwood said they have had a long-standing use of that property.

Reggiani said he was confused on the process as they aren't following recent practice and City Code. He was confused why it went straight to City Council and not the Planning Commission. On January 7, 2014 the Planning Commission took up the AC lease for a portion of Lot 5, Block 1, the background in the staff

memo to the Commission was, "It's expiring on March 31st, 2014 and AC has requested another five year lease. Since the lease expired the disposal process needs to occur." He said they moved forward with a two stage step. The first stage was to amend the Land Disposal Maps, showing that portion of Lot 5, Block 1 as available in Resolution 14-01. The second Whereas says, "Whereas the City of Cordova Planning and Zoning Commission has determined that updating the 2013 Land Disposal Maps at this time... is important to maintain consistency and provide current status to the public and Council." The first Whereas cites all the relevant code. The second stage was making a recommendation for disposal. The background statement from the Planning Department said, "The letter of interest attached is for Lot 5, Block 1, South Fill Development Park. It was received by the City Planner from AC on August 13, 2013 and is being brought forward on January 7. The current lease with AC expires on March 31, and in accordance with 5.22.040E the Planning Commission shall review the application or letter of interest and make a recommendation for City Council." He said they reviewed that and he thinks that the City entered into direct negotiation with AC. He wants to hear from the Harbor Commission before making a decision.

S. Greenwood said that she believes that the resolution was determined to be null and void because it was available when made for lease. Other than that (AC) lease we have done multiple leases that went straight to City Council. In the four years that she's been at the City it has gone straight to City Council. She said that if they want to make the Code clear and say that all leases and renewals go to the Planning Commission first, that's fine, but she believes we should move this lease forward and fix the Code after.

Baenen said they also reviewed the State lease on Center Drive (ADF&G).

S. Greenwood said that they may have talked about it in the Planner's Report, but it went straight to City Council.

Bailer asked if the way the City Code is written, shouldn't the lease come to the Commission?

S. Greenwood said that a lease going directly to Council doesn't preclude it from somebody coming to Council wanting to lease it and Council sending it back to the Commission.

Reggiani said that he doesn't see a choice; Code says, "Shall come to the Planning Commission."

Baenen said that he would like to see it go to the Harbor Commission.

Tony Schinella, Harbormaster, said that he would like to see it go to the Harbor Commission. He said that it was a short lease and they have no plans to start demolishing and putting a new harbor in. His biggest concern is who is responsible for taking care of the building.

Reggiani said that because it is in the harbor footprint he wants to hear what they have to say about it. He said that it needs to go out for proposals to make it fair for the community.

M/Reggiani S/Baenen to refer this to the Harbor Commission for their recommendation.

McGann thinks that having the Harbormaster at the meeting satisfies his concerns. In regards to the maintenance of the building, it's called out clearly on page 21, in the lease agreement, that the tenant is responsible for the maintenance of the building.

Baenen said that he (**Schinella**) is not the Harbor Commission. He clarified that **Schinella** said that the Harbor Commission wanted to talk about it.

Reggiani said he didn't want to slight the Harbor Commission. They were appointed to review things like this. He thinks they need to enable them and have more people involved in the local government. He doesn't think it would be out of the ordinary to extend the lease for a couple months to follow the process.

Upon voice vote, motion to refer passed 6-0.

Yea: *Bailer, Greenwood, McGann, Pegau, Baenen, Roemhildt, Reggiani*

Nay: None

Absent: *Pegau* (Conflict of Interest)

10. PENDING CALENDAR

Pegau wanted to bring up the boat and storage visible from the AC parking lot. He still thinks that the Commission needs to address that building in some form.

S. Greenwood said that they are currently speaking with the owner and working through timeframes. If they can't come to agreement, the City will invoke the Dangerous Abatement Code.

Bailer asked staff for an update on the next Planner's Report.

Greenwood wanted to bring to the next meeting, or as soon as they can, the issue of the land on the South Fill being used as a transfer station. He wanted to discuss it to see if that's how they want to use that land, as he is not in favor of that as a garbage transfer station; it's free garbage for everybody.

Reggiani verified it was not an approved use for that zone.

S. Greenwood said there will be an update on the next Council meeting by *Brandon (Dahl)*.

Baenen asked if it was just temporary while work was done on the baler and did temporary become full-time somehow?

Rich Rogers, Public Works Director, said the baler construction is substantially complete, and that he briefed the City Manager a couple of weeks ago letting him know that despite the positive comments, they are losing revenue and there is a zoning issue. Based on that discussion, *Robertson* asked *Rogers* and *Dahl* to brief City Council on the status of that property and to seek Council's guidance. He said that they are still there on a temporary basis.

Reggiani asked *Rogers* if *Robertson* was hoping to go to City Council to get direction to see if the City should request an exemption in zoning from the Planning Commission before City staff goes to the Commission?

Rogers said *Robertson* wanted them to present their observations with the positives and negatives to get their feedback. He said that if Council says they want it then they have to go to the Planning Commission. He explained various fees charged for refuse. He said that the revenue for the past three years has been \$20,000 - \$30,000.

Bailer said they would add it as a discussion item on the next agenda.

Pegau said it would be good to resolve the issues related with the process associated with leases. One of the biggest issues in January was: If a lease ends, what is the status of the property that was leased?

Bailer said there will be discussion on this at the next meeting.

McGann said it would be nice to know in the future what leases are coming up as they do not know the dates.

11. AUDIENCE PARTICIPATION

Greg LoForte, 319 First Street, said that his lot (adjacent to the Impound Lot) is a substandard lot. The lot was originally leased from the City by himself and *Mark Lyman*. They had paid to subdivide it, and now there are

two substandard lots. He said that he would like to buy the lot; if that's not agreeable he would buy 20 feet of it. He also said in the old days, you leased something for three years and half of the lease price went to the sale price of the property. If you didn't develop the property in three years than you lost everything. As for getting financed, it is difficult, but if you're talking to the City and bankers he found it easy. He also said when the Forest Service lease in the harbor comes up, he hopes the Planning Commission will involve the Harbor Commission.

12. COMMISSION COMMENTS

Roemhildt said he feels good about referring to the Harbor Commission.

Pegau said he looks forward to the discussion about leases. He is for being consistent in how they treat businesses.

Greenwood echoes those same thoughts as there seems to be confusion.

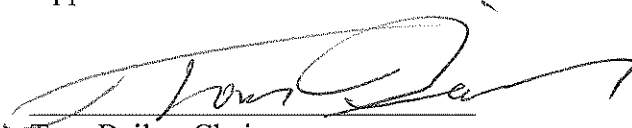
Reggiani thanked *LoForte* for showing up and explaining his point of view.

Bailer thanked *Schinella* for showing up and he appreciated the Science Center's letter.

13. ADJOURNMENT

M/McGann S/Pegau to adjourn the Regular Meeting at 7:36 PM; with no objection, the meeting was adjourned.

Approved:



Tom Bailer, Chairman



Leif Stavig, Assistant Planner