



# THE CITY OF WHITTIER

*Gateway to Western Prince William Sound*

P.O. Box 608 • Whittier, Alaska 99693 • (907) 427-2327 • Fax (907) 472-2404

**PLANNING COMMISSION  
REGULAR MEETING  
WEDNESDAY, SEPTEMBER 6, 2017  
Homeowners' Lounge, BTI Building  
6:00 p.m.**

## MINUTES

### **1. CALL TO ORDER**

Charlene Arneson called the meeting to order at 6:09 pm. Charlene Arneson, Chair of the Commission, turned the meeting over to the Vice Chair, Dyanna Pratt, and stated that she will follow along and vote during the meeting. Dyanna led the opening ceremony.

### **2. ROLL CALL**

Charlene Arneson (telephonic), Dyanna Pratt, Ed Hedges and Jean Swingle

#### **COMMISSION MEMBERS ABSENT**

Terry Bender

**MOTION:** Charlene Arneson made a motion to excuse Terry Bender's absence from the previous Commission meeting on August 23, 2017.

**SECOND:** Ed Hedges

**DISCUSSION:** None

**VOTE:** Motion failed with Ed Hedges voting for and Dyanna Pratt, Jean Swingle and Charlene Arneson voting against

**MOTION:** Charlene Arneson made a motion to excuse Terry Bender from tonight's meeting.

**SECOND:** Dyanna Pratt

**DISCUSSION:** None

**VOTE:** Motion failed

### **3. ADMINISTRATION PRESENT**

Mark Lynch, City Manager

Annie Reeves, Assistant City Manager

Naelene Matsumiya, Office Assistant

John Janik, Finance Director

#### **PUBLIC PRESENT**

Lindsey Vaughan

### **4. APPROVAL OF REGULAR MEETING AGENDA**

**MOTION:** Jean Swingle made a motion to approve the September 6, 2017 Regular Meeting

Agenda as is.

**SECOND:** Ed Hedges

**DISCUSSION:** None

**VOTE:** Passed Unanimously

**5. APPROVAL OF MINUTES**

**MOTION:** Ed Hedges made a motion to approve the Special Meeting Minutes of August 23, 2017, as is.

**SECOND:** Jean Swingle

**DISCUSSION:** None

**VOTE:** Passed Unanimously

**6. CORRESPONDENCE**

None

**7. OLD BUSINESS:**

**A. Final Plat Approval Submittal – Lots 38-41, First Addition to Port of Whittier**

Dyanna Pratt informed the Commission that a request was made to Lindsey Vaughan to change the plat name so that it reads as *Preliminary Plat* instead of Plat. She asked Lindsey if the changes have been made and Lindsey replied that they have. A draft Mylar was brought in front of the Commission for review. Dyanna pointed out that the reason Lindsey does not have it signed was because it needed to be signed by both owners. Lindsey commented that due to the operating agreement for the LLC, at least 60% of the ownership has to be signed on any agreement. She explained that she had taken it to the title company earlier today and they recommended that a second signature should be added so that 60% of the ownership could be signed. Dyanna asked about the time frame for collecting these signatures. Lindsey replied that it will take a couple of weeks to obtain.

Dyanna Pratt asked about plans for the lots located north of the plat. Lindsey answered that there has not been any interest in purchasing those lots, but they are affiliated with the Forest Service so if anyone were to purchase them, it would have to go through the Forest Service.

Charlene Arneson asked if there were hubs on the other lots. Lindsey responded that the four lots that were surveyed are the only lots with hubs and that majority of the lots have not been surveyed. Charlene asked if the lots were surveyed in the future, as people begin to purchase them, will she have to bring it back to the Planning Commission. Dyanna said that she had thought it was required for lots to be platted and surveyed before they were sold. Mark Lynch agreed and added that he did not understand how lots in the area were sold if there isn't a final plat. Lindsey replied that the reason is because the original plat was recorded in 1966 and there were different standards such as lots didn't require platting at the time. She expressed that even though it states that it is a preliminary plat, it was accepted by the recording district. She said the lots are surveyed as they are purchased.

Charlene Arneson commented that the surveyor stated that there was nothing on the plat itself and that no actual survey has been done on the land and that if the lots sell, the plat itself was done by Metes and bounds which are by the hubs that were placed by the USGS. Lindsey replied the lots were surveyed by BLM and were sold based on the preliminary plat descriptions and not on an actual ground survey. Charlene stated that what we have is the outside perimeter and four lots on the inside of that perimeter that have hubs. Lindsey answered that parcels from 3-10 have monuments—that were shown on the plat that was recovered—that were surveyed in 2000 for the DOT acquisition for the right of way.

Charlene Arneson asked if the plat has been recorded since there was a change for right of way by the Alaska Department of Transportation. Lindsey replied that during the early stages of the project, her team discovered that the plat had not been recorded until last year, but it was a record of survey not of subdivision and they only set monuments to preexisting lots. She continued by saying it did not meet the requirements of the subdivision. Charlene addressed that the plat should be recorded and that the City should have a copy of it. She explained that when she had contacted DNR Recording office, they informed her that they could not find anything else that had

been recorded. Lindsey answered that because it is a DOT plat, there is an entire 25 page plat for the Whittier access. Charlene asked Lindsey if the City of Whittier should have these plats on file. She answered that they can be found under the title report that was submitted some time ago.

Lindsey Vaughan addressed that they weren't surveyed as lots, they were just purchased and the outer corners were monumented. Lindsey clarified that the plat was recorded after she started the project. She said that she has a copy from DOT, but it wasn't recorded yet. She made sure to add a disclaimer on the plat that she had presented tonight that the record of survey was recorded. Charlene asked Lindsey if she will be recording it soon. Lindsey answered that DOT has already recorded it and disclosed the plat number: 2016-42. Lindsey indicated that page 18 of the 25 page plat is the area that is she is working on. Charlene asked Lindsey if she will be coming back to present any changes that will be made in the future on plat W-66-1. Lindsey told Charlene that she does not believe she will be back because Brooke Marston and his associates do not have any interest in the remaining lots so they will be sold to the Forest Service. Lindsey stated that the subdivision shown on W-66-1 it would fall under a record of survey because monuments will be placed by the Metes and bounds description and it wouldn't qualify as a subdivision. She also stated that it would not require a Planning and Zoning Commission approval because the lots already exist according to the State of Alaska.

Mark Lynch responded that the City attorney disagrees with a lot of the things that Lindsey has said. He addressed that the statement in which Lindsey Vaughan had said the recorder's office accepted a preliminary plat as final would be an error on the recording office's part. Lindsey clarified that it was recorded in 1996. Mark replied that since the City of Whittier was formed (1968-19969) it has been a platting jurisdiction and there has never been a final plat for any of the lots. Mark assured that the final plat can be done tonight, but the issues are still stand and must be dealt with at a later time. He believes the lots have been improperly handled.

Jean Swingle asked if the name needed to be a discussion topic for tonight. The Commission agreed to keep the name to avoid any further complications.

Dyanna Pratt mentioned that the taxes have not been paid and payment is due on the 31<sup>st</sup> of October. She commented that they are current as of today.

**MOTION:** Dyanna Pratt made a motion to accept the plat with the conditions:

1. To produce the notarized and signed plat.
2. The 60 days time frame starts when the notarized and signed plat is received.
3. And pending when the final plat is approved, the taxes will be current.

**SECOND:** Ed Hedges

**DISCUSSION:** None

**VOTE:** Unanimous

#### **8. MISCELLANEOUS BUSINESS**

The City Manager introduced the newest members of the City of Whittier administration staff, Annie Reeves the Assistant City Manager and John Janik, the Finance Officer.

#### **9. ADJOURNMENT:**

**MOTION:** Ed Hedges made a motion to adjourn the meeting

**SECOND:** Dyanna Pratt

**DISCUSSION:** None

**VOTE:** Unanimous

Charlene Arneson adjourned the meeting at 6:35 pm.

**ATTEST:**



Naelene Matsumiya  
Office Assistant



Charlene Arneson  
Commission Chairperson