February 8, 2016

To: The Denali Borough Planning Commission

Attached are the documents supporting the following timeline of events and conversations regarding PC Resolution 09-06:

June 18, 2009	PC meeting minutes, Request for Easement
August 20, 2009	PC meeting minutes, Resolution 09-06 Approval
August 20, 2009	PC Resolution 09-06
February 21, 2012	PC meeting minutes, Mayor report notes
June 13, 2014	Copy of complaint to DNR from Mr. Robert Stiver
June 17, 2014	PC meeting minutes, Correspondence, DNR complaint
July 15, 2014	PC meeting minutes, New Business discussion
August 19, 2014	PC meeting minutes, Unfinished Business, discussion
September 16, 2014	PC meeting minutes, Unfinished Business, discussion
October 21, 2014	PC meeting minutes, Unfinished Business, discussion
November 11, 2014	PC meeting minutes, Unfinished Business, discussion
November 19, 2014	CONFIDENTIAL email from Denali Borough Attorney J. Gorski
January 20, 2015	PC meeting minutes, Unfinished Business, discussion
February 15, 2015	PC meeting Mayors Report
March 17, 2015	PC meeting minutes, Communication and Appearance
April 21, 2015	PC meeting minutes, Public Comments, New Business, discussion
April 22, 2015	Letter sent to land owner
May 19, 2015	PC meeting minutes, Mayor Report
September 15, 2015	PC meeting minutes, Borough Planner Report
September 28, 2015	Letter sent to land owner
October 28, 2015	Letter sent to land owner
November 10, 2015	PC meeting minutes, Communication and Appearance

John MINER MOVED to suspend the rules and take up item 7.a. under New Business. Rick WEIBEL seconded. The VOTE to suspend the rules of business PASSED unanimously.

7a) New Business

a) Request for easement across borough land [Slate Creek]

The Presiding Officer invited the Borough Planner to provide an update on developments. Drew Simmons stated that he was asked to walk the area to explore potential access routes by two parties, Ms. Speer, who requested the easement, and Mr. Guggisberg, a neighboring landowner.

1. Ms. Speer proposes an access route to her state remote parcel that begins at an already established access point from the highway. The route avoids the "closed" archaeological site, utilizes public easements along the southern boundaries of the Scheldt and Stiver properties, crosses approximately 1000' of borough property, and ends at the northeast corner of her parcel. This route would roughly parallel and lay to the north of a waterway. It is estimated to be approximately one mile in length.

2. Mr. Guggisberg proposed a route for gaining access to state remote parcels. The starting-off point was not defined, but the premise is that access off the highway would be north of Panguingue Creek either using a constructed right-of-way [Elmore] or putting in a new one. The map illustrates this route would follow public easements south along the boundary between parcels owned by the Denali Borough and LaChapelle. It then tracks west along the boundary between Stiver and Elmore properties. Here the line on the map ceases. The alternate route could travel south along a section line or follow the public easement along the Stiver's western boundary. It would then cross approximately 1000' of borough property to the northeastern corner of Speer's remote parcel.

John MINER voiced concern as to whether the Planning Commission could grant an easement across the borough's parcel as there is no management plan for the property. Jim ANDERSON responded that the commission had granted at least one easement [utility] without a management plan. The PRESIDING OFFICER invited the principles present to provide additional information to the commission.

Tim Venechuk, representative for Ms. Speer, stated that he has done a number of surveys for remote parcel owners in the area. He has used the north bank of the waterway for access and suggested a cut-and-fill 12-16-foot roadway would suffice. Venechuk mentioned that the Stiver's are for access while Scheldt is opposed.

Mr. Venechuk responded to questions. The following topics were broached during discussion:

- The property south of the closed area, from the highway to the northwest corner of the Vlah/Guggisberg parcel, is owned by the state.
- To cross state land, DNR requires a permit for an easement and charges a fee for the right to construct. The cost to file for a public access permit is $100.
- Ms. Speer's proposed easement will be public.
- Ms. Speer is presently working with DNR and the Corps of Engineers to obtain necessary permits.

- Ms. Speer is presently working with DNR and the Corps of Engineers to obtain necessary permits.
- In addition to the 1000-foot stretch across borough property, there might be other areas along the Stiver and Scheldt parcels, where encroachment onto borough land occurs.
- Concern was voiced as to the safety issues involved with access to the highway in the prescribed location.
- Since Scheldt's boundary butts up to the waterway, it has a 50-foot easement; Stiver's property stops at the embankment and has a 25-foot easement.
- The request is for a minimum 50-foot easement across borough land.
- With an eye to the future, minimum roadbed should be planned for 22-foot wide.
- The party requires assurance from the borough that an access easement will be granted before moving forward with plans.
- Some form of paperwork, a letter of intent or a resolution, should be required in order to approve the potential access. Mr. Venechuk offered that the party could submit a formal request asking for the easement.
- DNR supplied the borough with a letter of non-objection to an issuance of an easement.
- Steve JONES provided personal experience with building an access road in Alaska. He provided DNR with a map, much like the one before the commission, with a sketch of a proposed route. He produced an as-built survey after the road was built. In his assessment, the information provided by Ms. Speer and her representative is enough to start the process. How much borough land will be used will be determined once the route is built and surveyed.
- Concern was voiced if approving this easement would set a precedent for others to come to the borough requesting easements across borough land.
- There was no paperwork required by the borough to request an easement.

Mr. Guggisberg stated that he had no objection to the proposed easement to Ms. Speer's property. He referenced the route that he walked with the planner and noted that the intent of proposing it was to offer an access route that would best serve the borough and the remote parcel owners. The alternate route focuses on using existing easements. He promoted long-term planning for access. There are 164 acres of privately owned land in addition to borough land in the Slate Creek area. Some properties will inevitably be subdivided and sold. Good, wide access is a positive goal especially considering access for emergency vehicles and allowance for two-way traffic.

Mr. Guggisberg, who constructed the right-of-way off the highway to his remote parcel, explained that in addition to the DNR permit he was required to obtain a permit from the Department of Transportation and Public Facilities [DOT] for access from the highway. The DOT residential permit is currently approved for four residences. Any more traffic than that would require different access specifications. Mr. Guggisberg acknowledged that his access is not in the safest location. If this access were to service the 164 acres of private land, there would be serious concern for safety in the long-term.

Wayne LaChapelle, Healy resident and neighboring parcel owner, stated that he is not opposed to the granting of access to Ms. Speer's parcel or other parcels in the area.

LaChapelle noted that access to his property would be difficult to achieve due to the presence of a steep bluff to the east, but would be enhanced if Ms. Speer's road were built. He noted that many of the large remote parcels will likely be subdivided overtime and with the borough owning a large portion of land, planning is important.

Jim ANDERSON noted this issue, access to remote state parcels, presently before the commission is affecting people across the state and there is a lesson to be learned. He emphasized that the next time DNR comes to the Planning Commission with a proposed land disposal the commission insist that DNR have legal and physically feasible access available to those sites.

Steve JONES mentioned that John Elmore successfully constructed access up the steep bluff. Although reenacting that scenario may not be attractive, upgrading the Elmore driveway and connecting to the easements to the south provides an alternate access option. JONES requested a response from Elmore. Mr. Elmore indicated that constructing his driveway was a lot of work and cost a lot of money. He indicated much of the ground is swamp and every bit of road material needs to be hauled in.

Steve JONES MOVED to have the commission produce a letter of non-objection for the proposed easement, which will accommodate a 22-foot roadbed, and require an as-built survey to show how much and where borough land is affected before the commission gives final approval on the easement. Rick WEIBEL seconded the motion for the purposes of discussion.

John MINER stated that there is potentially an issue with the DOT permit for the driveway accessing the highway. He cautioned against allowing the development of "a spaghetti of roads" throughout the area. If the proposed easement is granted, it should be wide enough for at least a 2-lane road even if it encroaches onto borough land.

Sid MICHAELS requested that the motion delineate where the proposed easement starts and stops. Steve JONES agreed and added the following language to the motion: the proposed easement begins where it leaves state and enters borough land and ends at the northeast corner of the Speer property.

Rick WEIBEL stated that the motion asked the commission to approve the proposed easement and queried whether the next time the body would see it would be as an "as built"? Steve JONES replied in the affirmative. WEIBEL asked for confirmation that the body would not have a second opportunity to review the details of the easement. Steve JONES confirmed and stated that as long as the easement stayed within the general location of the green line on the map the commission would provide a letter of non-objection.

Rick WEIBEL stated that he agreed with MICHAELS that some more specifics on where the easement would be placed were needed in the motion. WEIBEL asserted that there is no ordinance/mechanism to guide the commission on this decision and voiced concern that there may be repercussions.

Discussion ensued on whether the easement is a land disposal, negated, as there would be no change in ownership of the property, or a conditional use, which allows for the construction and use of the easement. Further queries attempted to identify whether the borough could stipulate the excellence of the road as a condition of use. The motion gives permission to build a road, but the easement requested with the as built should accommodate a 22-foot roadbed; the commission is not requiring that any road be built.

Presiding Officer ANDERSON asked for a reiteration of the motion. The clerk replied with the following language:

The Planning Commission will produce a letter of non-objection for the proposed easement, which will accommodate up to a 22-foot roadbed while not exceeding 50-feet in width, across borough land. And the easement is to begin after leaving state land and extend west to the northeast corner of Ms. Speer's property. And an as-built survey is required to show how much and where borough land was affected.

When asked, Tim Venechuk indicated that these stipulations were reasonable.

The ROLL CALL VOTE on the motion had Steve JONES, John MINER, Rick WEIBEL, and Jim ANDERSON voting YEA and Sid MICHAELS voting NAY. The motion PASSED 4-1.

Presiding Officer ANDERSON declared a resumption of business.

6) Unfinished Business

a.) Municipal Land Entitlement [MLE]

Steve JONES stated the commission should identify, as soon as possible, further land selections and submit them to DNR. For instance, the commission knows that it wants to reselect land in the Cantwell area.

Mayor Talerico stated he spoke with Ms. Alvarez, DNR, on the current MLE selections and discovered that the borough should soon receive parcels not under appeal or rejected in the final finding. The method of transfer will be different then in the past. Transfer of management authority will be in blocks with a list of all ADL numbers listed rather than individual documents for each parcel. Actually, the final finding itself transferred management authority.

Jim ANDERSON spoke in favor of starting the process of prioritizing lands to be surveyed.

b.) Base Map – RFP

John MINER spoke in favor of the commission approving DRAFT (2) with the changes discussed in the worksession: removal of the layers requesting railroad right-of-way, State of Alaska DOT right-of-ways, and waterways and include a layer depicting all of the public easements and private right-of-ways across state land.

The mayor indicated he would like to add an explanation of the attributes, owner name, owner address, owner contact information, full legal description, etc. that will be required

John MINER stated that he was under the impression that the commission had decided not to work from any of the past drafts of local option zoning ordinances. He claimed that the previous ordinances had largely been developed to fit the McKinley Village model. He professed that the ordinance should focus on further development of communities in the borough. MINER identified the following as fundamental flaws in the present ordinance: concentration is on too small of an area and it does not take the needs of the community into consideration. He stated that progress would be more likely if the commission just started over.

Steve JONES emphasized that the commission needs to protect against spot zoning and takings.

Jim ANDERSON stated that the commission has been tasked by the assembly to develop an ordinance that provides citizens with the option to zone. ANDERSON asserted that the commission needed to attempt to fulfill the delegated task and welcomed commissioners to provide their written input at the next meeting. Steve JONES stated that ideally two or three options should be presented to the public. Sid MICHAELS observed that the commission might not be ready for public outreach sessions in October. He agreed that several options for a zoning ordinance would be beneficial.

JONES stated that the commission could use a couple of worksessions on this issue. The commissioners concurred. Sid MICHAELS noted that he would be absent from the state during September. The worksession was set for Monday, September 14, 2009 @ 1 P.M. in the borough office. ANDERSON encouraged the commissioners to attend and bring good ideas to the table.

e.) DBC 4.05 Real Property Acquisition
John MINER spoke in favor of Draft 3 submitted by the mayor. The administration should formalize the draft, correct the error on page 2, and bring the draft to the September meeting.

7) New Business

a.) Resolution 09-06 Preliminary Approval for Easement across borough land
Presiding Officer ANDERSON stated the commission granted the easement in June. At this time, the commission wishes to formalize the action with passage of a resolution.

Sid MICHAELS requested permission to distribute a substitute version of the draft resolution. MICHAELS' version corrected typos, deleted the term non-objection or modified it to read preliminary approval, and the NOTE: was moved to a statement of resolve.

Sid MICHAELS suggested placing this resolution on a public hearing agenda and postponing passage until the next meeting. John MINER MOVED to accept the language submitted by Sid MICHAELS and postpone until the next meeting where it would be heard at a public hearing. MICHAELS seconded.

Ms. Speer stated opposition to further delay on this issue as it has undergone a 21-day posted comment period with no objections.

Jim ANDERSON agrees with the changes made to the draft resolution but did not concur that every resolution before the commission required a public hearing prior to voting. He stated a formal public hearing on this issue was held during the June meeting. ANDERSON expressed appreciation for the position of the applicant, who put a lot of time into moving the project forward and has already been granted approval for the easement. He furthered the commission had an obligation to stand behind the previous decision.

Sid MICHAELS emphasized that passage of a resolution regarding this easement would legally protect Ms. Speer and the Denali Borough.

Presiding Officer ANDERSON requested a citation of where in the code it states that all resolutions of the Planning Commission must have a public hearing. ANDERSON called for a five-minute recess to research the issue.

Presiding Officer ANDERSON reconvened the meeting and noted that there was a motion and a second on the floor to postpone Resolution 09-06 to the September meeting. John MINER queried whether the code expressly states a Planning Commission resolution needs to go to a public hearing prior to the commission taking action on that resolution. Jim ANDERSON responded in the negative. ANDERSON called for the VOTE; with four nay and two yea votes, the motion to postpone FAILED.

Presiding Officer ANDERSON called for a motion to approve the substitute resolution. Sid MICHAELS MOVED, Steve JONES seconded.

Sid MICHAELS MOVED to AMEND the substitute resolution. The first "Be It Resolved" statement should be stricken and in its stead the language from the draft resolution under NOTE should replace it as follows: BE IT FURTHER RESOLVED: Within two years of the easement being established, a final as-built plat must be submitted to the Denali Borough Land Planner. John MINER seconded.

The VOTE to AMEND the substitute resolution PASSED unanimously.

The ROLL CALL VOTE to adopt the amended, substitute resolution 09-06 PASSED unanimously with USIBELLI, MINER, JONES, ANDERSON, MITCHELL, and MICHAELS voting yea.

b.) Resolution 09-07 Appreciation Chuck Saylor

Presiding Officer ANDERSON noted the resolution before the commission was in appreciation for all the time Mr. Saylor spent working on the Comprehensive Plan. John MINER MOVED to adopt, Sid MICHAELS seconded. The ROLL CALL VOTE to adopt Resolution 09-07 PASSED unanimously with JONES, MINER, MICHAELS, ANDERSON, MITCHELL, and USIBELLI voting yea.

Presiding Officer ANDERSON recognized Ms. Speer, who requested clarification on the meaning of Resolution 09-06. ANDERSON provided the following: the substitute resolution passed, the borough granted up to a 50-foot wide easement across borough land, and final approval of the plat is required. If the applicant finds it impossible to abide by the guidelines in prior meeting minutes, the letter of non-objection, and/or Resolution 09-07, then the applicant is advised to confer with the Planner.

c.) Denali Properties, LLC request for easement across state land behind the Grande Denali Lodge

Steve JONES stated that the Planning Commission agreed to submit a letter to DNR by the August 25 deadline objecting to the easement proposal as presented by Denali Properties, LLC. The Presiding Officer stated that if there are any additional points besides those enumerated by Steve JONES they should be sent to the clerk by Monday the 24.

d.) Proposal to request a recreational use permit from the Alaska Railroad

Steve JONES stated that the Planning Commission agreed to request information from the Alaska Railroad (AKRR) regarding liability protection they require from the borough in order for the commission to progress on the permit application. Elizabeth USIBELLI noted that Usibelli Coal Mine and Golden Valley Electric Association sublease from the AKRR and advised that these entities might not be amenable to the proposed recreational use permit. Jim ANDERSON

DENALI BOROUGH, ALAKSA
PLANNING COMMISSION

RESOLUTION NO. PC 09-06

A RESOLUTION PROVIDING PRELIMINARY APPROVAL FOR A PUBLIC EASEMENT ACROSS BOROUGH LAND IN THE SLATE CREEK AREA

WHEREAS: All formal acts by the Planning Commission must be by resolution; and

WHEREAS: A conditional use permit for a public easement across Denali Borough Municipal Land Entitlement ADL 415800 within the southeastern portion of Slate Creek T11S, R8W within Sections 33 and 34, FM was submitted to the land office; and

WHEREAS: A 21 day posted comment period provided the public with the opportunity to address the easement; and

WHEREAS: There was no public objection to the proposed easement; and

WHEREAS: Adjoining property owners were notified by certified mail of the proposed easement and comments received were in support of the Planning Commission approving the easement, and

WHEREAS: The aforementioned request has been reviewed by the Denali Borough Planning Commission; and

NOW THEREFORE BE IT RESOLVED: The Denali Borough Planning Commission is providing preliminary approval for the public easement across borough land subject to the following:

1. The easement will accommodate up to a 22-foot roadbed
2. The easement will not exceed 50-feet in width
3. The easement is to begin after leaving state land and extend west to the northeast corner of Ms. Speer's property , ASLS 83-168 Tract F
4. The easement will utilize public easements along the southern boundaries of the Scheldt and Stiver properties, roughly parallel and lay to the north of a waterway, and cross approximately 1000' of borough property.
5. An as-built survey that dedicates the easement to public access must be created by a State Certified Surveyor and is required prior to final approval of the easement

BE IT FURTHER RESOLVED: Within two years of the easement being established, a final as-built plat must be submitted to the Denali Borough Land Planner.

BE IT FURTHER RESOLVED: The Denali Borough Planning Office shall adjudicate the final as-built plat.

PASSED and APPROVED by the Denali borough Planning Commission this 20th day of August, 2009.

Presiding Officer

ATTEST:

Planning Commission Clerk

VOTE: YEA – 6 (Anderson, Jones, Michaels, Miner, Mitchell, Usibelli), NAY – 0, and ABSENT – 1

Land Office
Case File: CU09-001

THE OFFICIAL SEAL OF THE DENALI BOROUGH

complete this project within the 2012 budget cycle. The advertisement, for the RFP, will be posted in March with work potentially starting in early April.

- The mayor responded to inquiries on the following issues:
  1. The mayor shared some of his perceptions gained from a recent trip to Juneau: the legislators appear somewhat distracted in that 59 of the 60 will have to run for reelection this November; land and infrastructure issues are not a major focus; some bills being introduced appear more intent on garnering media attention than doing the people's business; there is a lot of talk about state departments experiencing budget cuts due to expected declines in revenue from the federal government; the Alaska Department of Transportation and Public Facilities receives a lot of federal dollars and may be particularly impacted by cutbacks; the governor has eliminated many state jobs with an across the board cut of any positions that were vacant for over eight months. The mayor anticipates that the borough will be impacted by unfilled/eliminated state jobs and reduced department budgets.

     The design of the Susitna Dam project has been modified to increase the height of the dam 15 feet. This will increase the area to be flooded, from approximately 24 miles to 36 miles, which will extend the impacted area into the Denali Borough.

     A number of legislators commented on the plight of the Denali Borough when it comes to redistricting noting that the borough has gotten shoehorned around from being connected to the city of North Pole then to West Fairbanks and now to western Alaska.

     Representative Stoltz is working to refine the law that allows the Board of the Alaska Railroad to release nonessential railroad property. There is some talk of instituting a petition system so that citizens could propose the transfer of nonessential railroad lands. The board would be required to address these requests.

  2. The borough assembly opted to oppose the spraying of herbicides by the Alaska Railroad in the Denali Borough. A letter has been sent to the Alaska Department of Environmental Conservation conveying that sentiment in regards to the proposed spraying from Clear Air Force Base to Fairbanks.

b) Planner
- Mr. Mercer signed his one-year temporary use permit.
- Mr. Wait, from the Department of Natural Resources, contacted the borough asking for information on the Speer easement. As part of her agreement to gain an easement across state land, Ms. Speer was required to put up a bond. Although the bond has not been secured, Ms. Speer has cleared the easement from the highway to the borough's property boundary and has not yet begun clearing borough-owned land.

9) Communication and Appearance Requests

There were no communication or appearance requests for this meeting.

10) Unfinished Business

a) FY 2013 Budget

Anne CAPISTRANT MOVED to put $5,600 into the proposed budget for non-staff stipends; Julia POTTER seconded. The VOTE to include $5,600 for this line item PASSED unanimously.

Julia POTTER MOVED to put $61,500 into the proposed budget for staff salaries; Patricia GRIGGS seconded. The VOTE to include $61,500 for this line item PASSED unanimously.

Marsha Lambert

From: Burns, Patty A (DNR) [patty.burns@alaska.gov]
Sent: Friday, June 13, 2014 10:22 AM
To: marsha_lambert@denaliborough.com
Cc: Wait, Alexander J (DNR)
Subject: Trail damage complain

Hello Marsha,

I have tried to reach you by phone, but, the Denali Borough phone system doesn't seem to be working right now. Dropped multiple call attempts.

I am making contact with you to let you know that DNR received a complaint from Robert Stiner regarding trail damage and junk piles allegedly caused by Shirly spear. Apparently the first ½ mile of the trail is on DNR-managed land. After that, the trail is on Denali Borough land.

I provided Mr. Stiner with your contact information. He intends to send photos to both of our agencies. Apparently the trail damage begins were Ms. Stiver dropped a dozer blade on the tundra near the border between DNR and Denali Borough land. Should you or someone the Borough staff inspect the site and determine where the trail damage starts, please provide that information to A.J. Wait (cc'd).

Thanks,

Patty Burns
Conveyances, Material Sales & Hazmat
State of Alaska, Department of Natural Resources
Division of Mining, Land & Water
Northern Region Office
(907) 451-3014

A.J. 451-2777 aj.wait@...

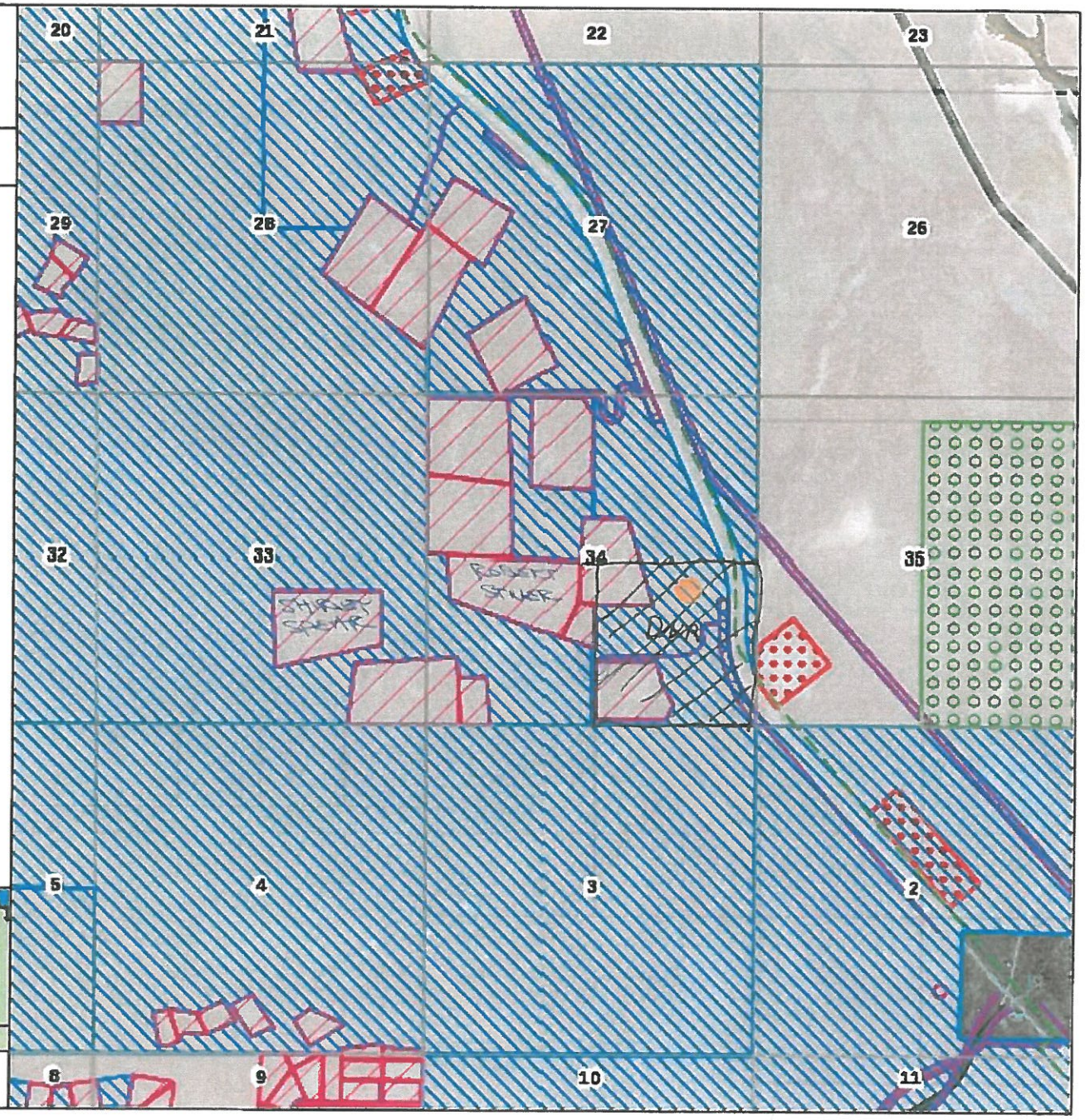
My Map

Alaska Mapper

Spherical Mercator WGS 84 - EPSG:3857

2,000 ft

- Annotation - Point
- PLSS Sections
- Agrmnt, Sttlmnt, Rcnvynce
- Agrmnt, Sttlmnt, Rcnvynce
- Agrmnt, Sttlmnt, Rcnvynce
- Other Activities
- Other Activities
- Other Activities
- Permit or Lease
- Permit or Lease
- Permit or Lease
- Easements
- Easement
- Easement
- Federal Actions
- Federal Actions
- Land Disposal Available
- Land Disposal Available
- Land Disposal Available
- Land Disposal Conveyed
- Land Disposal Conveyed
- Land Disposal Conveyed
- Land Disposal Other
- Land Disposal Other
- Land Disposal Other
- Management Agreement
- Management Agreement
- Mental Health Trust Land
- Municipal Entitlement
- Municipal Tideland
- Native Allotment
- Other Acquired Land
- Other Acquired Land
- OSL 490 School Trust Land-Other Acquired Lands
- Resource Sale
- Resource Sale
- RS2477
- Tentative Approval or Patent
- Tentative Approval or Patent
- School Trust Lands St Tentative App or Patent
- Boroughs
- Recording Districts
- Survey Boundary
- Survey Boundary
- Survey Boundary
- Township



GRAPHIC ILLUSTRATION ONLY.
SOURCE DOCUMENT REMAINS THE OFFICIAL RECORD.
Date Created: Wednesday, June 11, 2014
Created By: ajwait

ROBERT STIVER 529-2295

Marcia Lambert
Deputy Borough

93-1330

Marsha Lambert

From:	robert & dawn [chstiver@alaska.net]
Sent:	Wednesday, July 30, 2014 8:51 PM
To:	marsha.lambert@denaliborough.com
Cc:	marsha_lambert@denaliborough.com
Subject:	Addressing the dumping by Shirley Speer
Attachments:	HealyFoto.jpg; HealyFoto2.jpg

July 30, 2014

Hello Denali Borough,

I would appreciate your review and feedback regarding my situation, as explained below. I had understood that Shirley Speer obtained permission to build a trail originally. It is now a very wide trail or a road, rapidly filling up with junk along the sides.

I staked a remote parcel at Slate Creek in 1985. I always thought I would build a cabin on it someday. I lived in Fairbanks for 8 years, but had friends in Healy and spent much of my spare time there. So, it seemed a logical place to have a cabin and perhaps live someday. Access was a problem, but I knew I could put in a snowmachine trail. In 2007 I hauled material and built the first part of a deck for a wall tent with enough wood for a 12x16 foot foundation.

I found out Shirley Speer was building a trail up there with a cat and had received permission from the borough. My wife and I gave her $500 toward trail development as I knew we would be using it and did not want to use someone else's road without helping out on the cost. We were going to pay another $500 if she stayed below the bench, where we had identified our best cabin site and built the wall tent platform. The road went up on the bench and down our property line, but she encroached 70 feet right inside of our property at one of my survey markers and cut trees on the far side of the road there also. I thought a trail was only allowed to be 6 foot wide; this was quite wider with trees cut much further off the road than was necessary.

The road was also scraped directly over a permafrost layer. This quickly eroded so much that you could not even get a 4 wheeler up it. I saw that a new trail was being used parallel to that area to get above it. Shirley also cut at least one tree on my property at least 200 feet inside the property line and used that as a snowmachine and 4 wheeler trail. The original road has been bladed again, so I hope she is back to using that. However, I am sure it is a muddy mess with all the rains the area has been getting.

There is a large mess of desks, chairs and other camp-type material piling up on the side of the road now. It is not covered and is only going to deteriorate. I have attached a few photos. One shows windows stacked up next to the road. The other shows the pile of office-type furniture.

I do see the logic of being able to store some things that will eventually be used in a cabin, but this has gone far beyond that. If I had known how wide the road was going to be, how unusable it was going to be once the spring runoff washed the gravel and dirt off again, and how it is currently being used as a dumping ground, I would have asked that it not be granted.

I would hope that the Denali Borough has some sort of ordinance that forbids dumping things along a road. This roadway was granted by the borough and the dumping on this roadway is not even close to the homeowner's property. If the scattered items were moved to the homeowner's property in a reasonable amount of time, that would be fine. However, this is not going to get better with time unless someone spells out what has to be done with the accumulating piles of junk. I am hoping that you have the authority and jurisdiction to address this matter with Shirley Speer.

Please let me know if the borough is able to address this with Shirley and share with me what can be done to rectify the situation. Thank you for reviewing my concerns and I look forward to your feedback.

Sincerely,

Robert Stiver

37021 Denise Lake Dr.

Soldotna, AK 99669

Minutes of the Regular Meeting
Denali Borough Planning Commission
Tri-Valley Community Center
June 17, 2014

1) Call to Order

The Presiding Officer, Sid MICHAELS, called the planning commission regular meeting to order at 7:36 PM.

2) Roll Call

Planning Commissioners present were Patricia GRIGGS, Steve JONES, Ryan JUSCZAK, Lee LIGHTFOOT, Molly MCKINLEY, Sid MICHAELS, and Kesslyn TENCH. Mark MENKE and Baxter MERCER were absent.

3) Public Comments

There were no public comments.

4) Approval of Agenda

Patricia GRIGGS MOVED to approve the agenda; Kesslyn TENCH seconded. The VOTE to approve the agenda PASSED unanimously.

6) Approval of Minutes

Patricia GRIGGS MOVED to approve the May 20, 2014 Worksession, Public Hearing, and Regular Meeting minutes; Kesslyn TENCH seconded. The VOTE to approve the May 20, 2014 minutes PASSED unanimously.

7) Correspondence

- DNR – MLE Final Finding and Decision Denali Borough Municipal Land Entitlement
  The planner confirmed that there were many errors on the maps produced by the Department of Natural Resources (DNR) in the Final Finding. The planner will be corresponding with DNR regarding these errors and request corrected documents.
- DNR – Final Land Use Permit Film Crew – Stampede Trail Not Permitted
- DNR – Complaint Filed by Robert Stiver – Trail Damage/Junk Piles Caused by Shirley Speer
  Back in 2009, Ms. Speer received permission from DNR and the Denali Borough to construct a road to her remote parcel. Mr. Stiver waged a complaint with DNR regarding the development. The planner intends on doing a reconnaissance of the road and taking pictures.
- AGDC – Courtesy Notification of Seismic Fault Exploration on Denali Borough Land
  AGDC plans to prepare the site for excavation this week; actual excavation will begin next week sometime around the 22nd of the month.

8) Plats and Conditional Uses

There were no plats or conditional use issues before the commission.

9) Reports

a) Mayor

- The mayor apologized for missing the June 10 worksession. He attended the Anderson City Council meeting that evening.
- The National Association of Counties (NAoC) Conference in Anchorage was worthwhile. There were lots of good speakers and attendees from throughout the region were diverse.
- The mayor has maintained communication with the Department of Transportation and Public Facilities (DOT) particularly on the topic of safety at the Healy Spur/Ranch Road and Parks Highway intersection. In the interim, the speed limit has been dropped to 35 miles per hour. In the early part of June, DOT conducted some field observations and data collection at the intersection; the mayor

11) Unfinished Business

Ryan JUSCZAK MOVED to postpone to the next meeting all items a) thru k) listed under Unfinished Business; Patricia GRIGGS seconded. The VOTE to postpone all items listed under Unfinished Business PASSED unanimously.

a) **Discussion of Gas Pipeline Projects(s) within the Denali Borough**

b) **Draft 1 Management Plan – Panguingue B West**

c) **Draft 2 Chapter 4.01 Definitions (Proposed)**

d) **Draft 3 Chapter 4.05 Real Property Acquisition**

e) **Draft 12 Chapter 4.10 Management of Borough Real Property**

f) **Draft 8 Chapter 4.15 Disposal of Borough Real Property**

g) **Draft 17 Chapter 4.25 Real Property Management Plan** (Proposed replacement for Chapter 4.25 Classification of Borough-owned Lands.)

h) **Draft 2 Chapter 9.15 Zoning – Proposed Amendment: Height Restrictions**

i) **Comprehensive Plan Review**

j. **DNR – Public and Charitable Use (Land) – Broad Pass**

k. **DOT – Statewide Long Range Transportation Plan**

12) New Business

a) **Discussion Speer Easement across Borough Land – Slate Creek**

Some flaws in the Speer plan have been identified and they are causing problems. If there is no follow thru and no request for a final as-built survey, what can the borough do? Mr. Striver's complaint was filed with DNR. DNR forwarded the complaint onto the borough as it is in our area. DNR asked Mr. Striver to send photographs and share them with the borough. To date, the photographs have not been received. The mayor did walk the easement, but he did not bring a camera. The easement is a little over a mile long. The borough should determine exactly where the access has been placed.

Ryan JUSCZAK MOVED to postpone this item to the next meeting; Baxter MERCER seconded. The VOTE to postpone was unanimous.

13) Public Comments

Susan Braun of Panguingue Creek Subdivision

Ms. Braun agrees with the mayor that there should be a comment period for the potential development proposed near the McKinley Village area.

Barbara Brease of Stony Creek Drive, Healy

Ms. Brease requested that the commission assist the neighborhood in encouraging Evans to move their operation away from the residential area.

14) Commissioner Comments

Lee LIGHTFOOT was thanked for the good job he did standing in for the presiding officer.

I. **Discussion Speer Easement across Borough Land – Slate Creek Area**

A final plat has never been submitted. The commission concurred the mayor should send Ms. Speer a letter that she has not fulfilled her obligations via the resolution, she is in trespass, and she should remove items from borough property. Ms. Speer will have to go thru the process of requesting the easement again. The mayor agreed to the request to author the letter to Ms. Speer. It might be a good idea to run this issue by the borough attorney. By unanimous consent this item was postponed to the next regular meeting.

11) New Business

There was no new business before the commission.

12) Public Comments

Susan Braun of Panguingue Creek Subdivision

Ms. Braun stated that she was in favor of hiring Sheinberg Associates to assist the borough in planning.

Hannah Ragland of Panguingue Creek Subdivision

Ms. Ragland stated that at least for the first parcel, Panguingue B, the borough should obtain some professional assistance in planning. Once one is done it could be used as a template for future planning.

13) Commissioner Comments

Patricia GRIGGS stated that she appreciated the presentation given by Hannah Ragland. There is a situation occurring in the northern part of the borough regarding road maintenance that may come before the commission.

Kesslyn TENCH thanked the public and specifically thanked Hannah for her presentation.

Steve JONES supports hiring a community planning firm to assist the borough.

Ryan JUSCZAK thanked Hannah for her presentation.

Molly MCKINLEY thanked Hannah for her presentation. She queried how the commission might want to move forward with Title 4. Molly will be resigning from the commission due to a new job with the National Park Service. She has enjoyed working with the group and is actively searching for a replacement commissioner.

Lee LIGHTFOOT was happy to see all nine members present.

Mayor Walker stated it was a good meeting and Hannah gave a good presentation.

Sid MICHAELS stated that he appreciated the public comments and Hannah's presentation. He thanked Lee LIGHTFOOT for acting as presiding officer in his absence. He had a great time in Europe.

14) Time and Place of Next Meeting

The next regular meeting of the commission will be September 16, 2014 @ 6:15 PM in the Tri-Valley Community Center.

15) Adjournment

The Acting-Presiding Officer adjourned the July 15, 2014 Regular Meeting at 9:41 PM.

APPROVED: Sidney W. Michaels

Sid MICHAELS, Presiding Officer

ATTEST: Linda L. Paganelli

Linda PAGANELLI, Deputy Clerk

Date Approved: September 16, 2014

By unanimous consent this item was postponed to the next regular meeting.

k. **DOT – Statewide Long Range Transportation Plan**

The commission was instructed to think about what comments they might want to include in a letter or resolution and to submit them to the clerk for inclusion in the next meeting packet. The DOT document included in the packet labeled Frequently Asked Questions provides guidance on how to submit comments.

There is a National Park Service (NPS) meeting scheduled for September 30, 2014 from 5:30 to 7:30 PM at McKinley Village Community Center on proposed enhancements at Crabby's Crossing Mile 231.

By unanimous consent this item was postponed to the next worksession and regular meeting.

l. **Discussion Speer Easement across Borough Land – Slate Creek Area**

Although the intent of the language of the resolution granting Ms. Speer the easement was clear to the commission, the use of the phrase "within two years of the easement being established" has since been interpreted as somewhat ambiguous. The administration appears amenable to letting Ms. Speer continue to work on the easement and towards submitting a plat; the commission interprets Ms. Speer's delay in producing the plat as being not in compliance.

Steve JONES MOVED to request that the mayor provide Ms. Speer one-year to complete the process from date of the letter because the commission's intent was to give her two years as of the date of approval of the resolution; Baxter MERCER seconded. After further discussion, the two parties putting forward the motion agreed to have it withdrawn.

The passage of the resolution was a legal action undertaken by the commission. Prior to giving Ms. Speer any ultimatums, it is advisable that the attorney look into this issue.

Steve JONES MOVED to ask the mayor to seek legal advice on the Speer easement; Baxter MERCER seconded. The VOTE to have the mayor seek legal advice PASSED unanimously, 8-0.

A second access easement across borough land was granted by the commission in August. The newly passed resolution allowing access states that the planning office shall adjudicate the final plat within two years of the planning commission's preliminary approval.

By unanimous consent this item was postponed to the next regular meeting.

11) New Business

a) **Alaska Planning Conference – NOV 16-18, 2014 and Alaska Municipal League Conference – NOV 19-21, 2014**

The borough's deadline for committing to attending the conference(s) is October 8, 2014. Steve JONES, Kesslyn TENCH, and Patricia GRIGGS are considering attending. The conference coincides with the date of the November meeting. Once the number of persons attending is defined, the commission will consider moving the November meeting to the 11th.

b) **Selection of Deputy Presiding Officer**

As the Deputy Presiding Officer, Molly MCKINLEY is resigning and the Presiding Officer, Sid MICHAELS, will not be at the October meeting, the commission opted to elect a new Deputy Presiding Officer to serve for the duration of the term ending November 30, 2014. Based on Mr. LIGHTFOOT'S prior superb job filling in as Presiding Officer, Mark MENKE nominated Lee LIGHTFOOT as Deputy Presiding Officer; Patricia GRIGGS seconded. There were no further nominations. The VOTE to approve Mr. LIGHTFOOT as deputy PASSED 7-1. As Mr. LIGHTFOOT was not present at the meeting, it was understood that he has the right to refuse service.

D, E, F, and G until the February 2015 meeting when the items will be listed on the agenda under Unfinished Business; Baxter MERCER seconded. The VOTE to postpone these items until February was unanimous.

c) **Draft 3 Chapter 4.01 Definitions (Proposed)**
Postponed until February 2015; see 10) b) above.

d) **Draft 3 Chapter 4.05 Real Property Acquisition**
Postponed until February 2015; see 10) b) above.

e) **Draft 12 Chapter 4.10 Management of Borough Real Property**
Postponed until February 2015; see 10) b) above.

f) **Draft 8 Chapter 4.15 Disposal of Borough Real Property**
Postponed until February 2015; see 10) b) above.

g) **Draft 17 Chapter 4.25 Real Property Management Plan** (Proposed replacement for Chapter 4.25 Classification of Borough-owned Lands.)
Postponed until February 2015; see 10) b) above.

h) **Draft 7 Chapter 9.15 Zoning – Proposed Amendment: Height Restrictions**
Steve JONES MOVED to approve the proposed amendment to Chapter 9.15 and to ask the mayor to present this item along with proposed chapters 9.21 and 9.22 to the assembly; Ryan JUSCZAK seconded. The VOTE to approve the proposed amendment and to have the mayor present the identified items to the assembly PASSED unanimously.

i) **Draft 2 Chapter 9.15 Memo to the Assembly**
Steve JONES MOVED to approve the memo and to request the mayor present it to the assembly along with the documents identified in 10) h); Baxter MERCER seconded. The VOTE to approve the memo and have the mayor present it with the identified documents was unanimous.

j) **Comprehensive Plan Review**
The commission made progress on this item during the worksession and specific members volunteered to work on revising certain sections of the plan. Steve JONES MOVED to postpone this item to the next worksession (Chapters 1-6), public hearing, and regular meeting; Baxter MERCER seconded. The VOTE to postpone was unanimous.

k) **DNR – Public and Charitable Use (Land) – Broad Pass**
It is up to the Denali Borough to make something happen on this issue; a proposal needs to be drafted, approved, and submitted to DNR. One objective on this issue would be to partner or somehow obtain funding from the Scenic Byway Corridor group and other sources. A phased project with a breakdown of dollar amounts for each phase might be an approach. The State DOT gets money from the federal government for scenic byway projects; DOT decides what projects get funded. By unanimous consent this item was postponed to the next worksession and regular meeting.

l) **DOT – Statewide Long Range Transportation Plan**
This item was discussed during the worksession. Steve JONES volunteered to draft a letter from the notes he brought to this meeting regarding a modified design for the Mile 231 enhancement project. JONES will work with Marsha to generate a map. Baxter MERCER MOVED to have Steve Jones work on producing the documents to support his idea for modifying the Mile 231 enhancement project and bring them to the next meeting; Mark MENKE seconded. The VOTE to have Mr. JONES work on this project PASSED unanimously.

m) **Discussion Speer Easement across Borough Land – Slate Creek Area**
The mayor provided the following update: the attorney was asked to review this issue; Ms. Speer is not in trespass at this time; the resolution granting an easement across borough land should be more precise in spelling out a timeframe and more exact language should be used in detailing what is required on the plat; it is recommended that the commission invite Ms. Speer to a meeting to address their concerns (Notice to Show

Cause). The mayor recommended keeping this item on the agenda and the office will produce a document for the commission to review asking Ms. Speer to appear before the commission. If Ms. Speer refused to appear, then she may be considered in trespass. The request for an appearance could be pushed out to 2015; Mr. Gorski suggested a minimum of a 30-day period for the notice.

Baxter MERCER MOVED to postpone this item to the next meeting; Patricia GRIGGS seconded. The VOTE to postpone was PASSED unanimously.

11) New Business

a) Resolution PC 14-10 Appreciation Molly MCINLEY

Steve JONES MOVED to approve the resolution; Mark MENKE seconded. The ROLL CALL VOTE to approve Resolution PC1410 PASSED unanimously with GRIGGS, JONES, JUSCZAK, MENKE, MERCER, and TENCH voting in the affirmative.

b) Commission training (DCRA)

Patricia GRIGGS MOVED to accept the draft training agenda produced by Ms. Diane Sam of the DCRA and to propose February 21 or 28 for the Saturday training session; Baxter MERCER seconded. The VOTE to accept the agenda and propose the dates stated PASSED unanimously.

12) Public Comments

There were no public comments.

13) Commissioner Comments

Patricia GRIGGS stated it was a good meeting, it was good to have public present, and there was opportunity to say goodbye to Molly McKinley in person.

Ryan JUSCZAK announced that tonight would be his last meeting as a commissioner; it was a pleasure learning all the juicy information. Ryan thanked the planner, Marsha, and the clerk, Linda, for doing all the work in producing the packets and getting the commission the information they needed for their meetings.

Mark MENKE thanked Ms. TENCH for stepping up and serving as acting-presiding officer.

Kesslyn TENCH thanked Steve JONES for all the work he produced on the Mile 230 enhancement project.

14) Time and Place of Next Meeting

Patricia GRIGGS MOVED to change the November meeting from the 18th to the 11th; Baxter MERCER seconded. The VOTE to change the regular meeting to NOVEMBER 11, 2014 PASSED unanimously.

15) Adjournment

The Acting-Presiding Officer adjourned the October 21, 2014 Regular Meeting at: 9:34 PM.

APPROVED: Sidney W. Michaels
Sid MICHAELS, Presiding Officer

ATTEST: Linda J. Paganelli
Linda PAGANELLI, Deputy Clerk

Date Approved: November 11, 2014

should be delayed until January to provide the commission time to polish the draft resolution to make it more readable.

Steve JONES withdrew his motion to approve; Kesslyn TENCH withdrew her second.

By unanimous consent, this item was postponed to the next worksession, public hearing, and regular meeting.

Steve JONES volunteered to draft a letter from the outline entitled Response to DOT's Long Range Transportation Plan. The final letter, which would explain the present status of the borough's transportation plan, along with resolutions 14-11 and 14-12 and the zoning ordinances passed to the assembly could be compiled into a packet and sent to the point person within the Department of Natural Resources (DNR) for the Yukon-Tanana Area Plan.

Sid MICHAELS, the clerk, and Patricia GRIGGS agreed to work on the draft letter prior to the January packet being put together.

By unanimous consent, this item will appear as a sub-item of DOT - Statewide Long Range Transportation Plan under Unfinished Business on the next worksession, public hearing, and regular meeting agendas.

d) DNR – Public and Charitable Use (Land) – Broad Pass

Although funding under the Scenic Byways is not available at this time there are other sources of funding that could be pursued. Some time needs to be dedicated to this issue. It would be an asset to the borough to obtain and plan for a piece of land in the southern area of the borough.

By unanimous consent, this item will appear on the next regular meeting agenda.

e) Discussion Speer Easement across Borough Land – Slate Creek Area

The minutes from the October 2014 meeting indicate that the borough attorney does not consider Ms. Speer to be in trespass of borough property at this time. His recommendation is to invite Ms. Speer to appear before the commission to respond to questions and concerns of its members and the administration. If Ms. Speer refuses to appear, she may be in trespass. Mayor Walker stated that no letter has yet been sent to Ms. Speer. The timing of when the letter should be sent was determined to best occur after the first of the year, as the commission most likely won't meet in December and the holidays are a busy season for all. The attorney recommended a 30-day notice be given to Ms. Speer. The notice/letter should come from the staff person assigned to the commission or if not staff, then the administrator, with a cc to the planning commission. If Ms. Speer does attend a meeting, legal issues may arise. It was suggested that the mayor, who has spoken with the attorney, may be the best person to pose questions to Ms. Speer.

The correspondence from the attorney was in an email, which the commission would like to be able to review. The mayor suggested he could request a more full-blown write-up from the attorney regarding this issue. The intent of the invitation to Ms. Speer is to clarify the easement issue, whether or not there is trespass, and what steps Ms. Speer needs to take to resolve the issue; ultimately this will be a lesson learned for future granting of easements across borough land. The administration will request the final as-built survey for the entire right-of-way. The attorney stated that each affected landowner will need to deal with the "junk" or items left on their property. The main issue is the as-built; Ms. Speer needs to explain why the commission should not revoke the preliminary approval for the easement due to the applicant not complying with the terms and conditions of the resolution.

The mayor agreed to share the attorney's correspondence via email with the commissioners. It was noted that the correspondence is deemed confidential and should not be forwarded or shared with others.

In discussion with the planner, Ms. Speer indicated willingness to come in and talk about the issue and indicated she was working on getting an as-built survey done.

f) Commission Training - DCRA

The training with Ms. Diane Sam of DCRA is scheduled for February 21, 2015 from 9 AM to 4 PM. By unanimous consent, this item was postponed to the next regular meeting.

11) New Business

There was no new business before the commission.

12) Public Comments

Molly McKinley of Panguingue Creek Subdivision

Ms. McKinley stated that she would be absent from the borough for a number of months. She appreciates that the commission is paying a lot of attention to the DOT Transportation Plan and park land trails and encouraged continued vigilance on these topics. For those going to conference, have a good time.

13) Commissioner Comments

Patricia GRIGGS stated that the commission got quite a bit accomplished tonight and generated good ideas for the next meeting.

Steve JONES would like to see a discussion of 2015 land sales added to the next agenda. There are borough-owned parcels that could easily be put up for sale. It would be good to add revenue to the Land Management Budget. The mayor and the planner could identify some of those parcels and provide maps so the commission has something to look at. By unanimous consent, this item will appear under NEW BUSINESS on the January 20, 2015 regular meeting agenda.

Kesslyn TENCH stated that she looked forward to attending the training conference in Anchorage next week.

Mark MENKE thanked members of the commission for using their time and talents to draft letters, maps and other documents used to support the commission's work. Mr. MENKE also congratulated the mayor on his reelection.

Mayor Walker stated that it was a great meeting and he is encouraged by the communications with DOT.

14) Time and Place of Next Meeting

By unanimous consent, the commission agreed to cancel the December 2014 meeting.

The next meeting of the commission will be January 20, 2015 @ 6:15 PM in the Tri-Valley Community Center.

15) Adjournment

The presiding officer adjourned the November 11, 2014 Regular Meeting at: 9:00 PM.

APPROVED: Sidney W. Michaels
Sid MICHAELS, Presiding Officer

ATTEST: Gail Pieknik
Gail PIEKNIK, Borough Clerk

Date Approved: 1/20/2015

Under Local Government/Public Nonprofit Corporations, Patricia GRIGGS MOVED to amend by adding McKinley Volunteer Fire Department and under Healy and Cantwell to name the fire departments. Lee LIGHTFOOT seconded. The VOTE was unanimous.

Lee LIGHTFOOT MOVED to amend on page 9, Goal 9 by deleting Clean Coal and inserting Unit II to read, "Goal 9 – Encourage the opening and operation of the Healy Unit II Power Plant." Baxter MERCER seconded. The VOTE was unanimous.

Sid MICHAELS MOVED to amend Goal number 7 to state, "Support a bridge across the Nenana River at Ferry to provide year round access from the Parks Highway to the Eva Creek Wind Farm and existing mining facilities." Mark MENKE seconded. The VOTE was unanimous.

By unanimous consent, this will be placed on the next meeting agenda.

DOT – Statewide Long Range Transportation Plan (STIP)
Resolution No. PC 14-12 Supporting Multi-User Paths along the George Parks Highway

Baxter MERCER MOVED to amend by substitution version B for version A and to renumber the resolution to PC 15-01. Mark MENKE seconded. The VOTE was unanimous.

Kesslyn TENCH MOVED to amend by deleting quality and mostly off highway from the second to last sentence in number 1 to read, "This would provide a path for non-motorized traffic and connect existing trails inside Denali National Park to the various hotels, campgrounds and community." Mark MENKE seconded. The VOTE was unanimous.

Patricia GRIGGS MOVED to amend number 3 to delete "at least a couple miles" and insert "a multi-use path" in the first sentence and delete "along and" in the second sentence. The section to read, "Cantwell needs a multi-use path along the Parks Highway as it passes through the community and Village of Cantwell. There is a lot of foot traffic on the highway shoulders and students walk to school during poor light conditions during the winter months. The highway ROW could be used for this multi-use path." Kesslyn TENCH seconded. The VOTE was unanimous.

Baxter MERCER MOVED to postpone to the next work session, public hearing and regular meeting. Kesslyn TENCH seconded. The VOTE was unanimous.

DNR – Public and Charitable Use (Land) – Broad Pass
It was discussed and decided that the borough does not have a project for the land at this time and to remove this item from the agenda.

Discussion Speer Easement across Borough Land – Slate Creek Area
It was suggested that the mayor invite Ms. Speer to the March, April or May meeting.

Commission Training - DCRA
The training with Ms. Diane Sam of DCRA is scheduled for February 21, 2015 from 9 AM to 4 PM.

Mayor's Report to to Commission

February 2015 Planning Commission Report:

Commissioners:

As I will be at the AML Legislative Conference during your meeting, please accept this report.

Shirley Speer has come into the office twice and we have discussed her clean-up efforts and her progress toward completing the final as built survey in order to meet the requirements of the PC Resolution.

She plans to attend the March 17th meeting to address the Commission regarding the concerns.

The Healy Ad Hoc Pedestrian Safety and Transportation Committee continues its progress toward an improvement plan. Their next meeting is Thursday February 26th at 5:30.

A work session devoted to furthering discussion on the proposed Stampede Rec Area is scheduled for Wednesday February 25th at 6 p.m. in TVCC's Windjammer room.

I plan on attending the DCRA training this Saturday, but as I'll be returning from an all-day MAG Board in Anchorage on Friday, I may be a little late.

Don't forget Winterfest and the Saturday night Chili dinner with a band and talent show.

At the December Assembly, they moved to ask our counsel's opinion whether the zoning ordinances were "spot zoning". While he concluded that a good case could be made that they are not "spot zoning", he also articulated other important issued with the ordinances and the process.

I will quote: "However, what seems to be the more appropriate inquiry is whether these ordinances are consistent with the Borough's comprehensive land use plan and whether the Borough has acted in a way to further those articulated goals and objectives by providing sufficient due process and notice to affected landowners".

The Assembly noted the time they put into the ordinance updating and improving code as it pertains to noticing land owners.

be the largest benefactor because of the unorganized boroughs that the gas line would travel through.

At the last assembly meeting, Ahtna requested support from the assembly for the Jack River and Carlo Creek hydro-projects. The assembly voted to support the Jack River hydro-project but did not vote on the Carlo Creek project.

The Stampede Recreation Area, Resolution 15-01, was postponed indefinitely. The assembly received numerous letters and a petition showing opposition to the resolution and there was concern about trail degradation.

The borough hired a new employee. We welcome Amber Renshaw who will serve as the Deputy Clerk/Financial Clerk.

The Healy Transportation and Pedestrian Safety Adhoc Committee is preparing a survey to send out to the public for comment. The next meeting will be held on Monday, March 23, 2015 at 5:30 PM.

The mayor spoke with Agnew Beck on helping the borough with land management and Code updates. The company is researching our Code and Comprehensive Plan in order to produce a bid to the borough. The mayor will share the bid with the planning commission when he receives it. There are not many companies on the Railbelt that do local municipal planning for smaller communities. Andrew Beck has worked with Trapper Creek and Mat-Su and others in Alaska.

Borough Planner

There was no report from the planner.

Communication and Appearance Requests

Shirley Speer: discussion on clean-up efforts along Slate Creek right-of-way and progress toward completing the final as-built survey per PC Resolution 09-06.

Ms. Speer gave an update on the progress of the road that she is building. She has hired someone with equipment to finish the road. It will be a one lane road to her property. The surveyor that she hired did not complete the survey so she is hiring another surveyor from Fairbanks. She will keep the planning commission up to date on the progress of the survey but expects it to be finished by this summer.

Ms. Speer informed the planning commission that she has purchased a lot from Robert S. Scheldt. This lot extends across the easement for the road. Ms. Speer believes that her road does not follow the 20-foot wide State of Alaska access easement but cuts across the parcel that she purchased and therefore the easement is no longer public.

There were complaints about debris being left along the road. Ms. Speer explained that she has cleaned up the majority of the debris. The rest of what is there is on her private property.

Once the road survey is finished, Ms. Speer is to bring the survey plat before the planning commission for approval per PC Resolution 09-06 and at that time, the planning commission will be able to tell where exactly Ms. Speer's road is located and if it is according to Resolution 09-06.

The planning commission requested that a copy of Mr. Gorski's letter on Ms. Speer's ROW be placed on the next regular meeting agenda under New Business for discussion.

Unfinished Business

Comprehensive Plan Review

Patricia GRIGGS handed out a sheet with numerous edits for the Comprehensive Plan, Version D as follows:

1) Chapter 4 Land Use (page 7 of 29) State Lands: last paragraph, last sentence: They are the [Tanana Basin Area Plan,]... Please use new plan name.

2) Summary of Existing Conditions (page 8 of 29) Highways and Roads, 5th paragraph 4th line...home heating; passing lanes [were] added... delete word 'were' as all the other items in that sentence are phrases, not sentences.

3) Goals for Transportation Planning. (page 12 of 29) Goal 4: ...Healy [(?zoned as...?)], also last line ...for residents and tourists.

4) (Page 13 of 29) Goal 9, 3rd line, typo – add space &_Preserve.

5) Goals 10 and 12 are nearly the same. Goal 11 is partly used in Goal 13.

6) Chapter 6 – Public Facilities and Services, (doc p 18; or p 13 of 29) 4th line: McKinley Village[/Denali Par)],... delete to match earlier use on doc. (page 12 or page 5 of 29)

7) (Page 14 of 29) 2nd line ...and management [by] of the Denali Park Service.

8) U.S. Postal Service: ...throughout the Denali Borough[. They are] in.... (Make into one sentence.)

9) U.S. Fish and Wildlife Service: remove italics from "within the Denali Borough."

10) (Page 15 of 29) Department of Natural Resources: first line, ...over state lands within the Denali Borough...

11) (Page 16 of 29) 2nd line: which provide[s]... third line ...United States Post Office[s] and...

12) McKinley Village [/Denali Park Area] to match pages 5 and 13 of 29. Also, Should the fourth line "There is a contract U.S. postal facility at Denali National Park and Preserve." Be under a separate Heading for Denali Park?

13) Copper River Native Association (page 16 of 29) When I prepared this change to the Comp Plan, I did not have any available info on this topic. So, this paragraph needs some clarification, such as provides or oversees(?) many service programs(?)...services/programs(?) include...

14) (Page 17 of 29) Goal 11 is partly used in goal 5

Minutes of the Regular Meeting
Denali Borough Planning Commission
Tri-Valley Community Center
April 21, 2015

Call to Order

Sid MICHAELS, Presiding Officer, called the regular meeting to order at 7:29 PM

Roll Call

Planning commissioners present were: Patricia GRIGGS, Sid MICHAELS, Lee LIGHTFOOT, Mark MENKE, Kesslyn TENCH. Absent: Steve JONES, Baxter MERCER. Mayor Clay Walker was also present.

Public Comments

Shirley Speer, Healy area resident, asked if the borough had authority to ask property owners to remove abandoned debris from their private property. Additionally, Ms. Speer asked that future questions, comments, or issues regarding her private property be communicated to her promptly, in writing, and believes she should receive an apology for the lack of communication prior to last month's meeting.

Isabella Saxe, student from Tri-Valley High School, presented an example of a running track that the students would like to have added to the current soccer field. The students will be requesting the donation of equipment and materials from construction companies working highway projects in our area this summer to complete the track. The students are requesting borough permission to pursue this project since school facilities are borough facilities.

Approval of Agenda

Patricia GRIGGS MOVED to approve the agenda as presented. Lee LIGHTFOOT seconded the motion. The VOTE to approve the agenda passed unanimously.

Approval of Minutes

Patricia GRIGGS MOVED to approve the March 17, 2015 meeting minutes as presented. Kesslyn TENCH seconded the motion. The VOTE to approve the minutes passed unanimously.

Correspondence

There was no correspondence.

Plats and Conditional Uses

There were no plats or conditional uses before the commission.

Reports

Mayor

Mayor Clay Walker reported on the following:
At the April 8, 2015 meeting, the Assembly approved the Mayor's Annual Work Plan.

The Mayor's Annual Report was sent out to residents borough wide.

The Municipal Advisory Gasline Project Board discussed plans for an environmental impact study to be conducted later this year on a gas pipeline. There will be open house and public

Mark MENKE MOVED to amend page 7, the paragraph in the State lands section, by adjusting the second sentence into the position of first sentence. Lee LIGHTFOOT seconded the motion. The VOTE by hand was unanimous.

Mark MENKE MOVED to reference the George Parks Highway as designated federal Interstate A4 on page 9 in the first paragraph, second sentence. Patricia GRIGGS seconded the motion. The VOTE by show of hands was unanimous.

Mark MENKE MOVED to delete the paragraph highlighted in yellow on Page 17 regarding the Copper River Native Association and to approve the revised language highlighted in green. Patricia GRIGGS seconded the motion. The VOTE by hand was unanimous.

Kesslyn TENCH MOVED to delete the meeting dates listed on Pages 26-28 that have no additional reference information. Lee LIGHTFOOT seconded the motion. The VOTE by hand was unanimous.

Mark MENKE MOVED to approve the graph inserted into Page 30. Lee LIGHTFOOT seconded the motion. The VOTE by hand was unanimous.

Sid Michaels asked that a clean, non-highlighted copy of the Comprehensive Plan be sent to all commissioners for the May meeting. The next version will be version F.

The Comprehensive Plan was postponed to the next worksession, public hearing, and regular meeting by unanimous consent.

Healy Transfer Station Location

The commission discussed creating a community wide survey and hosting an open house regarding the location site for a transfer station in the Healy area. The goal is to send out the survey and schedule the open house for late August.

The Healy transfer station location discussion will be postponed to the next worksession, public hearing, and regular meeting by unanimous consent.

New Business

Discussion: Planning Commission Resolution 09-06

Ms. Shirley Speer explained that as a result of her purchase of additional property, the road that accesses her property does not remain within the State of Alaska easement. It is her belief that the portion of the road outside the State easement is no longer considered public. When the as-built survey is complete, she will submit it to the commission. Presiding Officer Sid Michaels expressed concern about the portion of the road not being considered public but clarified that the planning commission will not make any determination until the survey is complete and available for their review.

Discussion: Consultant for help with planning

The commission discussed the need to utilize the services of a consulting firm to assist in the planning process. The discussion consensus was that receiving this assistance will be worthwhile as long as the assembly is open to receive the outcome of this planning effort.

DENALI BOROUGH

COPY

P.O. Box 480 • Healy, Alaska 99743
Phone (907) 683-1330 • Fax (907) 683-1340
dbgovt@mtaonline.net
www.denaliborough.govoffice.com

Clay Walker, Mayor

April 22, 2015

Ms. Shirley Speer
P.O. Box 342
Healy, AK 99743

Re: Resolution No. PC 09-06 Preliminary Approval for Public Access Easement across Borough-owned Land

Dear Ms. Speer,

Please allow me to provide a review of the Denali Borough's consideration of the above resolution. It is my hope that this correspondence will result in a more clear understanding of where we are with regard to this issue, how we got here, and how we might go forward in a productive manner.

First, my apologies that this is the first letter you have received. In late January 2015, I had intentions of sending you a letter inviting you to come to a Planning Commission meeting to discuss the easement and the resolution. About that time, you came into the borough office. When you came to the office, we discussed the Planning Commission's desire to discuss with you the status of the easement, including progress toward the required as-built survey and your efforts to clean up the "stuff" along the route. You agreed to attend the March 17, 2015 Planning Commission meeting.

By way of additional background, in June 2014, the Alaska Department of Natural Resources informed the Denali Borough that a complaint had been filed regarding trail location, trail damage, and an accumulation of "stuff" along the easement. Subsequently, we were contacted directly by the affected property owner, who reiterated his complaint and requested action on the part of the borough. The borough planner, Marsha Lambert, conducted a preliminary field investigation by walking the route. During that site visit, you conversed with Ms. Lambert and it was my understanding that you took that opportunity to describe your plans to remove a majority of the "stuff."

This complaint was considered by the Denali Borough Planning Commission at their July 15, 2014 meeting. Consideration of the complaint prompted a review of Resolution PC 09-06, which generated further questions of compliance. The resolution passed in 2009 included a requirement of a final as-built survey plat to be submitted "within two years of the easement being established." For a few months, the Commission deliberated possible interpretations of the resolution. At their January 20, 2015 meeting, these deliberations resulted in the planning commission suggesting that I invite you to a future meeting; which I did, verbally, within the following two weeks.

The Denali Borough Planning Commission appreciated your appearance at the March meeting when you informed them that a majority of the "stuff" had been removed from the proposed easement and that you had plans to complete the as-built survey this summer. The Commission asked that you please keep them informed of your progress.

At this time it is worthy of noting that a number of additional questions arose based on the input you provided at the March 17th and April 21st Planning Commission meetings. You stated that a portion of the proposed easement may not be dedicated to a public use and that the final easement may not follow the route described in the resolution. Because these questions can only properly be addressed when an as-built survey plat is delivered, the delivery of the plat at the earliest possible date is essential. Once that as-built survey is submitted, you may well have to address additional questions it may raise as the proposed final easement is addressed by the Borough Planning Commission.

The borough recognizes the considerable effort put into this access-providing project and we remain hopeful that this public regulatory process will yield a result satisfactory to all. However, since quite a number of years have passed since the initial resolution was issued, the Borough Planning Commission is desirous of bringing this matter to conclusion and, as such, is looking forward to getting your as-built survey by the end of this summer.

Sincerely,

T Clay Walker

Clay Walker, Mayor

Reports

Mayor

Mayor Clay Walker reported on the following:

A letter was sent to Ms. Shirley Speer regarding Planning Commission Resolution 09-06. No communication from Ms. Speer has been received since the April Planning Commission meeting.

SB 100 has been updated and now includes payment in lieu of taxes, PILT, language that provides an avenue of compensation for borough lands utilized for a natural gas pipeline.

Representatives for the Alaska Natural Gas Pipeline are hosting local meetings to provide general information regarding the Natural Gas Pipeline project, process and the environmental impact statement.

The Assembly passed a resolution to support the planning efforts towards developing a Healy Transfer Station.

The Assembly also supported the Agnew Beck Consulting proposal to assist the commission with planning efforts.

The Department of Natural Resources had a representative at the May assembly meeting discussing land management and generally allowed uses on state lands, including commercial use permits. The borough could add generally allowed uses and commercial permitting on borough lands to our code.

Mayor Walker is considering August 30, 2015 for the annual borough tour of Denali National Park.

Borough Planner

Denali Borough Planner Marsha Lambert reported that she had attended a recent Alaska Natural Gas conference that reviewed the route for the proposed natural gas pipeline. The pipeline will be in ground for most of the route. The routing process for certain areas in our borough is still yet to be determined including the canyon between Healy and Denali National Park. Additional workshops and conferences will be scheduled as the project progresses.

Sid MICHAELS asked if there was a projected date for construction and completion. Ms. Lambert reported that the current timeline looks at construction beginning in 2020 and utilization by 2026.

Communication and Appearance Requests

There was no communication or appearances.

Unfinished Business

attending a Municipal Advisory Gasline Board meeting in Fairbanks on Sept 23. The assembly has asked Mayor Walker to provide comments on proposed Denali National Park entrance area trail improvements. The Comprehensive Plan was approved by the assembly at the September meeting. The Healy Transportation and Pedestrian Safety committee is continuing to work on a safety plan which will come to the planning commission for inclusion in the Comprehensive Plan once completed. Golden Valley Electrical Association is having a dedication ceremony for Unit 2 on September 21. Denali Borough Emergency Planning and Projects Coordinator Chris Noel will be presenting on individual and community firewise planning and prepardness at a meeting for the Panguingue Creek Home Owners Association on September 23. Diane Sam contacted the borough regarding an opportunity to map portions or all of the Denali Borough through a partially state funded program. By unanimous consent the commission added State Mapping Opportunity to the October agenda.

Borough Planner

Sid MICHAELS asked for an update on PC Resolution 09-06 providing preliminary approval for a public easement across borough land in the Slate Creek area. Borough Planner Marsha Lambert stated that no new information had been submitted. Baxter MERCER made a motion for a letter to be sent requesting an update on PC Resolution 09-06. Kesslyn TENCH seconded the motion. The VOTE to request an update on PC Resolution 09-06 was unanimous.

Communication and Appearance Requests

None

Unfinished Business

Healy Transfer Station Location and Draft Community Survey

Mayor Walker suggested a new location to consider at Milepost 252 along the George Parks Highway. The commission discussed the location and asked that this site be included in the survey. Mayor Walker provided an update on the Alaska Railroad lease process and possible costs for the Milepost 2.2 Healy Spur Road location. The commission discussed which survey questions might be most valuable, recognizing that other factors will also need to be considered before a final location decision is made, such as development and management costs. The commission discussed the possibility of sending out a survey without the location sites since so much information is still unknown for some of the sites. By unanimous consent the commission requested that the Healy Transfer Station Location and Draft Community Survey remain on the agenda for the October meeting and asked that two versions of the survey be available for review: one with the location information included and one with the location information omitted.

Planning Services Provided by Agnew::Beck: Borough Land Management

Agnew::Beck has community meetings scheduled in October to publicly review the land management recommendations and draft land classifications for Denali Borough land. By unanimous consent Planning Services Provided by Agnew::Beck: Borough Land Management was postponed to the October agenda.

DENALI BOROUGH

PO Box 480
Healy, Alaska 99743
Phone: (907) 683-1330
Fax: (907) 683-1340
www.denaliborough.govoffice.com

Clay Walker, Mayor

September 28, 2015

COPY

Ms. Shirley Speer
HC1 Box 2980
Healy, AK 99743

Re: Resolution No. PC 09-06 Preliminary Approval for Public Access Easement across Borough-owned Land

Dear Ms. Speer,

The Denali Borough Planning Commission inquired at their September 15, 2015 meeting whether or not the requested as-built survey, identified in the above resolution, had been submitted to the borough. When I informed them that the survey had not been received yet, the commission asked if I would send you a letter inviting you to their next meeting in October to get an update on the progress of the survey.

In the letter dated April 22, 2015, the commission requested the as-built survey be submitted "by the end of the summer." Please accommodate this request by either providing a written update or scheduling an appearance before the commission at their October 20, 2015 meeting. A written update or an appearance request can be sent to the Planning Commission Clerk, Amber Renshaw at amber_renshaw@denaliborough.com. Please respond by October 6, 2015.

Should you have any questions feel free the call the borough office at 683-1330.

Sincerely,

Marsha

Marsha Lambert
Denali Borough Land Planner
marsha_lambert@denaliborough.com

COPY

DENALI BOROUGH

PO Box 480
Healy, Alaska 99743
Phone: (907) 683-1330
Fax: (907) 683-1340
www.denaliborough.govoffice.com

Clay Walker, Mayor

October 28, 2015

Ms. Shirley Speer
HC1 Box 2980
Healy, AK 99743

Re: Resolution No. PC 09-06 Preliminary Approval for Public Access Easement across Borough-owned Land

Dear Ms. Speer,

Since the October Planning Commission meeting was cancelled, I would like to invite you to their next meeting on November 10, 2016 or their January 19, 2016 meeting. The Planning Commission has requested an update on the progress of the as-built survey.

Please accommodate this request by either providing a written update or scheduling an appearance before the commission at their next meeting(s). A written update or an appearance request can be sent to the Planning Commission Clerk, Amber Renshaw, at amber_renshaw@denaliborough.com. Please respond as soon as possible by letting us know which meeting you would like to attend or with the written update.

Could you please provide us updated contact information such as phone and/or email?

Should you have any questions, feel free the call the borough office at 683-1330.

Sincerely,

Clay Walker
Denali Borough Mayor

Reports

Mayor

Mayor Clay Walker reported on the following items: The 2015 Denali Borough election occurred on November 3, 2015. All Assembly and School Board seats are filled. Three Planning Commission seats will end their term the end of November, 2015. The commissioners currently filling those seats have all expressed a desire to continue to serve on the planning commission and will be recommended for approval at the next assembly meeting. Election of Officers will be on the January Planning Commission agenda. The Healy Transportation and Pedestrian Safety committee is reaching the final stages of their safety report. This report will come to the Planning Commission and Assembly when completed. The intersection of the Healy Spur Road and George Parks Highway is slated to receive flashing beacon signage to alert drivers of pedestrian traffic. Denali National Park will be hosting an open house regarding trails and waysides in the entrance area of Denali National Park on November 18, 2015.

Borough Planner

No report

Communication and Appearance Requests

PC Resolution 09-06 Update

No update was provided. The commission postponed PC Resolution 09-06 Update to the next regular meeting by unanimous consent.

Unfinished Business

Healy Transfer Station Location and Draft Community Survey

Kesslyn TENCH moved to postpone indefinitely the Healy Transfer Station Draft Community Survey. Barbara BREASE seconded the motion. The VOTE to postpone indefinately the Healy Transfer Station Draft Community Survey was unanimous.

PC Resolution 15-04 Healy Transfer Station Location

Steve JONES made a motion to adopt PC Resolution 15-04. Kesslyn TENCH seconded. The roll call VOTE to adopt PC Resolution 15-04 was unanimous.

Planning services provided by Agnew::Beck

Baxter MERCER moved to postpone Agnew::Beck planning services to the next meeting. Mark MENKE seconded. The VOTE to postpone was unanimous.

New Business

State Mapping Opportunity

By unanimous consent, the planning commission determined that the cost of mapping portions of the Denali Borough were too high and made a recommendation to not move forward with the mapping project. The commission asked Mayor Walker to inform the Assembly and the State Department of their recommendation.