

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

**Minutes of the Regular Meeting
Denali Borough Planning Commission
Tri-Valley Community Center
April 15, 2014**

1) Call to Order

The Presiding Officer, Sid MICHAELS, called the planning commission regular meeting to order at 7:33 PM.

2) Roll Call

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

3) Public Comments

Timothy Venechuk, Healy Alaska

Mr. Venechuk informed the commission he was present, as a representative of the property owner, to respond to any questions they might have regarding the plat before them.

4) Approval of Agenda

Patricia GRIGGS MOVED to approve the agenda; Ryan JUSCZAK seconded. The VOTE to approve the agenda PASSED unanimously.

6) Approval of Minutes

Patricia GRIGGS MOVED to approve the March 18, 2014 Worksession, Public Hearing, and Regular Meeting minutes; Molly MCKINLEY seconded. The VOTE to approve the March 18, 2014 minutes PASSED unanimously.

7) Correspondence

a) Governor's Administrative Order – Municipal Advisory Gas Project Review Board

It was noted that it was fortunate that the Denali Borough Mayor was selected to serve on this board. Mayor Walker was able to attend a pre-review board meeting with the governor and other mayors. There is concern amongst those municipalities that have a property tax structure in place that the idea of Payment In Lieu of Taxes (PILT) might jeopardize oil pipeline taxes and future gas pipeline revenue. The Denali Borough, which does not have a property tax, supports a PILT framework.

b) DNR – June Creek SD Gravel Mining Buffers and Reclamation Plan

Great Northwest, Inc. purchased a couple of residential lots in June Creek Subdivision that they intend to mine gravel on for their Department of Transportation (DOT) project in the Denali Borough. Great Northwest will be subject to a severance tax for this activity. Mining in a subdivision is an example where zoning might have protected property owners. The highway near the Princess development in Healy was part of the McPherson Subdivision and it too was mined for gravel. The Princess site itself was also residential.

c) DNR – Great Northwest, Inc. Request for Temporary Use of Water (3 applications)

The commission felt as if there was not much they could do to influence the decision as to whether the temporary use of water was permitted. Last year, the commission made comment to the Department of Natural Resources (DNR) suggesting an alternate site for the Rock Creek Pond be found to no avail. It was noted that the beavers, which had inhabited the pond, have moved into the Rock Creek Subdivision, which may now suffer flooding.

8) Plats and Conditional Uses

- a) REPLAT: Hilltop Road Section 24, T12S, R8W, F.M. (ASLS #s 87-317 and 87-336-Tract B). Vacate the common lot line and the two 25-foot access easements associated with that line, and vacate the access easements running along Hill Top Road**

1 Mr. Venechuk, representative of the property owners, was present to respond to questions.
2 Steve JONES MOVED to approve Resolution No. PC 14-05; Baxter MERCER seconded.
3

4 Sid MICHAELS commented he was glad to see the names and addresses of the applicant and property owners
5 within 500 feet of the proposed vacation in the packet. Mr. Venechuk noted that Marsha Lambert had researched
6 and provided the names and addresses. MICHAELS suggested that the borough should make an attempt to notify
7 property owners of the proposed vacations of easements and rights-of-way; this stipulation is not presently in
8 code. There was discussion as to whether notice should also be posted in the newspaper and at local posting
9 places. It was noted that this additional notice would prolong the process for approving vacations of easements
10 and rights-of-way.
11

12 The ROLL CALL VOTE to approve Resolution No. PC 14-05 PASSED unanimously with GRIGGS, JONES, JUSCZAK,
13 MCKINLEY, MERCER, and MICHAELS voting in the affirmative.
14

15 **9) Reports**

16 a) **Mayor**

- 17 • Regarding the DNR Preliminary Decision on the borough's **Municipal Land Entitlements (MLE)**, the
18 borough provided two letters to DNR. One letter, submitted within the defined comment period,
19 outlined issues of concern and preferred outcomes; the second was sent to the Commissioner of DNR
20 requesting a 90-day extension on the comment period. The commissioner did grant a 30-day informal
21 extension.
22

23 On April 3, a teleconference between the borough and DNR representatives, Dwyer, Jensen, and
24 Phelps, was convened to clarify some issues with the Preliminary Decision. The rejection of the
25 Stampede Road north selection is due to its land classification of wildlife habitat & public recreation
26 use, which is unconveyable; the Broad Pass area was rejected because it was selected by AHTNA and
27 Railbelt Mental Health and thus the state will not receive the land to convey. There was confusion as
28 to whether or not the state had selected land in the Broad Pass area and the mayor requested further
29 clarification from DNR on this issue.
30

31 Additional information garnered during the teleconference call included the following:

- 32 ➤ The borough may have the ability to acquire land from the state outside the MLE program, via Alaska
33 Statute 35.05.8.10 Public and Charitable Use for a conveyance for a public purpose authority. The
34 proposed southern "Welcome to the Denali Borough" site might fall under this category of
35 acceptable uses.
- 36 ➤ Embedded in the Preliminary Decision is the conditional permission, granted management authority,
37 to use all conveyed land short of selling it thereby bypassing the need to request consent from the
38 commissioner.
- 39 ➤ DNR personnel suggested that a municipality does not normally seek to survey all their lands, which
40 might be a poor use of public funds, but rather it is customary to survey lands planned for disposal.
41
- 42 • On the **Riley Creek Bridge**, DOT requested, in a letter dated March 4, Local Planning Authority (LPA)
43 for the project. This item was discussed with the assembly and the commission at their March
44 meetings. The mayor apologized for neglecting to ask the commission to move to approve granting
45 LPA to DOT for the bridge project as precedent for this procedure was established last year with the
46 granting to DOT LPA for the passing lanes project. In the meantime, the mayor went ahead and
47 granted LPA to DOT.
48

49 Patricia GRIGGS MOVED to approve the DOT's Local Planning Authority for the Riley Creek Bridge
50 Project; Baxter MERCER seconded. The VOTE to grant DOT Local Planning Authority for the project
51 PASSED unanimously.
52

- 1 • Thank you for submitting the **Denali Borough Financial Disclosure** forms on time. The mayor spoke
- 2 with Mr. Menke regarding his interest in remaining on the Planning Commission. Mr. Menke
- 3 apologized for not being able to attend meetings all winter, but expressed interest in continuing on
- 4 the commission.
- 5 • On April 16, the Tri-Valley Community Library is hosting a community event focused on providing
- 6 information on the **Princess employee development in Healy**. Questions from the public have been
- 7 submitted, Tri-Valley students will pose the questions, and administrators from Princess will respond.
- 8 Representatives from the DOT and the local State Troopers will be in attendance.
- 9 • **DOT** has been requested to host a public meeting on George Parks Highway construction projects
- 10 occurring in the Denali Borough this summer. The meeting is tentatively scheduled for May 8 at 6 PM
- 11 in the Tri-Valley Community Center. DOT will also present at the May 14 Assembly meeting.
- 12 • The **Annual Kantishna Road Trip** is slated for Saturday, June 8, the first day the Park Road opens to
- 13 the west end. The trip is planned for a Sunday to provide an opportunity for landfill workers to
- 14 attend. The mayor sees the trip as a chance for borough officials to visit with businesses out west and
- 15 to gain a broader perspective on park resources. A Park Service representative will be present and
- 16 Doyon-ARAMARK Joint Venture has agreed to provide transportation. It will be a long day running
- 17 from approximately 7 AM to 7 PM; the borough will provide food and beverages. Each borough
- 18 official can invite one guest over 16 years of age. RSVP to the mayor by May 15. It was noted that the
- 19 original intent of the trip was for the borough to assert its right to visit its constituents.
- 20 • On April 15, Golden Valley Electric Association (GVEA) invited Interior mayors to tour the **Healy Clean**
- 21 **Coal Power Plant (Healy 2) and Healy 1**. The Healy 2 plant is expected to be up and running by the
- 22 second quarter of next year and approximately 28 full-time employees. The opening of Healy 2 is
- 23 expected to stabilize electric rates.

24
25 It was stated that DOT required the contractor when clearing along the Parks Highway for the passing lane
26 project to cut timber into 8-foot lengths, stack it in piles, and allow residents to pick it up. It was suggested
27 that the Denali Borough send a note of appreciation to the department thanking them for this provision in the
28 contract; many locals have been taking advantage of this source of firewood.

29
30 **b) Borough Planner**

31 Marsha Lambert was not present at the meeting.

32
33 **10) Communication and Appearance Requests**

34 There were no communication or appearance requests for this meeting.

35
36 **11) Unfinished Business**

37
38 **a) Discussion Alaska Gas-line Development Corp (AGDC) Pipeline Project within the Denali Borough**

39 The mayor provided that the Liquid Natural Gas (LNG) pipeline folks had been in touch with the borough. The
40 mayor will be the point of contact for this group. It is uncertain whether the LNG group is under AGDC. By
41 unanimous consent, this item was postponed to the next meeting.

42
43 **b) Draft 2 Chapter 4.01 Definitions (Proposed)**

44 During the worksession, the commission discussed having a separate worksession dedicated to Title 4, with a
45 focus on doing a table top exercise to classify and produce a management plan for Panguingue B. The mayor
46 was asked if he wanted the commission to produce a management plan for Panguingue B. The mayor decided
47 that he wanted to discuss the idea of the commission taking a run at producing a management plan with the
48 assembly before formally requesting it of the commission. By unanimous consent, the commission decided to
49 go ahead and schedule a worksession for May 6, 2014 at 6:15 PM to approximately 9:15 PM at the Tri-Valley
50 Community Center. Molly MCKINLEY, a key proponent for the exercise may not be available May 6. She will
51 contact the office as soon as she knows what her work schedule will be; if Molly cannot make the 6th, the
52 commission determined that it would postpone the Title 4 Worksession until after the May meeting. Items

1 that would be useful for the worksession include a large format map of Panguingue B to be able to draw lines
2 on and topographic information, as well as, use of the large screen would be helpful. Staff will try to come up
3 with a packet of information to assist the commission in this effort. If a commissioner identifies some other
4 need, inform the clerk.
5

6 The mayor was advised by Mr. Tim Venechuk that aerial photographs of the Panguingue area might be
7 purchased in conjunction with a Usibelli project and would cost \$6-8,000.
8

9 By unanimous consent, this item was postponed to the next meeting.
10

11 **c) Draft 3 Chapter 4.05 Real Property Acquisition**

12 There was no discussion on this issue. By unanimous consent, this item was postponed to the next meeting.
13

14 **d) Draft 12 Chapter 4.10 Management of Borough Real Property**

15 There was no discussion on this item. By unanimous consent, this item was postponed to the next meeting.
16

17 **e) Draft 8 Chapter 4.15 Disposal of Borough Real Property**

18 There was no discussion on this issue. By unanimous consent, this item was postponed to the next meeting.
19

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

22 There was no discussion on this issue. By unanimous consent, this item was postponed to the next meeting.
23

24 **g) Proposed Amendment Chapter 9.15 Zoning – Height Restrictions**

25 The commission by unanimous consent requested the clerk put this document into ordinance form in
26 preparation for forwarding it onto the assembly. It was asked if the height restrictions would negatively
27 impact the GVEA wind farm or an expansion of the same. As the farm is already in place, it would be
28 grandfathered in and for expansion a special building permit could be pursued. There is also discussion of
29 taller towers being required if the Susitna River Dam is built.
30

31 By unanimous consent, this item was postponed to the next regular meeting.
32

33 **12) New Business**

34 **a) DNR – Municipal Land Entitlement Preliminary Decision Discussion**

- 35 ➤ The mayor was asked if paperwork had been filed to formally reject the **Boulder Creek** selection. The
36 mayor stated that it had not been done partly as a result of the conversation with DNR representative
37 Phelps. Mr. Phelps seemed to indicate that the borough should not formally relinquish this request
38 because the borough could end up with an amount of acreage less than what is deserved via the MLE
39 program. There was confusion regarding this position. In the Preliminary Decision, Boulder Creek is
40 listed as conditionally approved. The decision also states, Under Lands Proposed to be Conditionally
41 Approved (p. 20 of 23 Boulder Creek acreage), "Land from this selection is to be used for the
42 fulfillment of any remaining entitlement acreage not otherwise fulfilled by the other selections of the
43 borough. Only that portion of the Boulder Creek Area is to be conveyed that will satisfy this
44 requirement." Is the Preliminary actually the final decision? Does the borough have the right to
45 reject and reselect lands? It was suggested that the borough get an opinion on this issue from the
46 attorney.
47 ➤ It was opined that the state blanket filed for land in 1965 in the Broad Pass area. This point is also
48 under contention as it is unclear whether the state selected in this region. The borough has always
49 wanted to reserve a certain amount of acreage for selection in the Broad Pass area. DNR indicated
50 that AHTNA and Railbelt Mental Health and Addictions would have priority over the state and that
51 there was virtually no way the state would ever gain ownership of land in the area. There was a
52 further question as to whether the state owned any land north of Summit Lake Airstrip and north of
53 the Matanuska-Susitna Borough.

- 1 ➤ The mayor asked the commission if it wanted to reopen the selection process. Two other areas that
2 have been discussed for future land selections include the Tonzana and Delta River areas. Both sites
3 have existing airstrips, which would not be conveyed, but have nearby tracts of land that may be
4 selectable. The Tonzana selection would add another state area plan for the borough to weigh-in on.
5 ➤ The state redrew the lines of their area plans. A result was that the Denali Borough largely went from
6 being under the Tanana Basin Area Plan into the Yukon Tanana Area Plan (YTAP). At the same time,
7 the state reclassified certain parcels of land to allow conveyance to the borough under the MLE
8 program. Under this major revision, are lands that were previously unconveyable due to their
9 classification now available for borough selection? Steve JONES volunteered to review the YTAP maps
10 to attempt to determine whether there are new lands available for borough selection. The mayor has
11 a couple of ideas that he asked Steve to include in the review.
12 ➤ The 30-day informal extension ends on May 3, 2014.
13 ➤ It was noted that certain lands cannot be selected by the borough, but the borough can zone state
14 land regardless of its classification.
15 ➤ The borough intends on requesting the gravel pit near the McKinley Park Community Center under
16 Title 29 and/or the Public and Charitable Use. The pit is adjacent to the AHTNA gravel pit.
17 ➤ The borough did receive a corrected version of the Preliminary Decision.
18 By unanimous consent, this item was postponed to the next meeting.

19
20 **b) DOT – Riley Creek Bridge Discussion**

21 The bridge should be a great improvement for traffic at the park’s entrance. There was discussion regarding the
22 plans for the railroad crossing. The scope of the present project is focused on the park intersection.
23

24 By unanimous consent, this item was dropped from the agenda.
25

26 **13) Public Comments**

27 There were no public comments.
28

29 **14) Commissioner Comments**

30 Molly MCKINLEY thanked Steve JONES for reviewing the YTAP maps and working with the mayor on this issue. She
31 stated that it is a good idea to codify that notice is sent to property owners when vacating an easement or right-
32 of-way. Sid MICHAELS volunteered to look into language for notice. It was suggested this item be added to next
33 month’s worksession and meeting agendas. By unanimous consent, Chapter 9.10 will be added to next month’s
34 agenda.
35

36 Patricia GRIGGS stated it was a good meeting. The Presiding Officer thanked Ms. Griggs for making the meeting
37 even when she had other obligations.
38

39 Baxter MERCER noted that the assembly meeting in Anderson lasted two hours.
40

41 Steve JONES noted that the assembly meeting in Cantwell lasted an hour and three-quarters. It was noted
42 that neither of the zoning chapters forwarded to the assembly have yet to make it onto their agenda.
43

44 Ryan JUSCZAK stated that if the commission wants to have the assembly grant them the ability to create the
45 management plans that the commission needs to produce something. He furthered that the commission has not
46 given them anything for a while. Mr. JUSCZAK expressed frustration over the time that classification has taken and
47 that the borough is losing money because the code lacks tools for charging for land use.
48

49 The clerk asked the commissioners whether they were interested in continuing membership with the American
50 Planning Association – Alaska Chapter. The one downside noted was that planning training associated with the
51 Alaska Municipal League for non-members would cost the borough a bit more. The subscription is \$450.00 per

1 year. Marsha Lambert will remain a member and is willing to share her magazines with commissioners who have
2 interest. By unanimous consent, the commission agreed to drop the subscription/membership.
3

4 Sid MICHAELS noted that it was time, as per code, to review the Comprehensive Plan. The last review was in 2011.
5 By unanimous consent, the Comprehensive Plan was added to the next meeting under New Business.
6

7 **15) Time and Place of Next Meeting**

8 The next worksession of the commission will be May 6, 2014 @ 6:15 PM in the Tri-Valley Community Center.
9

10 The next regular meeting of the commission will be May 20, 2014 @ 6:15 PM in the Tri-Valley Community
11 Center.
12

13 **16) Adjournment**

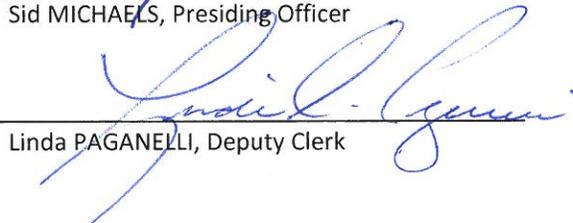
14 The Presiding Officer adjourned the April 15, 2014 Regular Meeting at 9:18 PM.
15
16
17
18
19
20
21
22
23
24
25
26
27

28
29 APPROVED:



30 Sid MICHAELS, Presiding Officer

31
32
33 ATTEST:


34 Linda PAGANELLI, Deputy Clerk
35

Date Approved: 5-20-14