

**Minutes of the Regular Meeting
Denali Borough Planning Commission
Tri-Valley Community Center
August 20, 2013**

1) Call to Order

Presiding Officer, Sid MICHAELS, called the planning commission regular meeting to order at 7:31 PM.

2) Roll Call

Planning Commissioners present were Steve JONES, Ryan JUSCZAK, Molly MCKINLEY, Mark MENKE, Baxter MERCER, and Sid MICHAELS. Patricia GRIGGS, who notified the commission she would be unable to attend, was absent.

3) Public Comments

Tim Venechuk of Healy, AK

Mr. Venechuk spoke to the proposed access easement vacation on Hilltop (Case File 13-002). To the north of Lot 3, the trail and access easements were formerly vacated in the Himalaya Subdivision. The westerly ridgeline, of Lot 3, is located on a 100 foot bluff and Mr. Venechuk opined that an access road would not be feasible. Mr. Venechuk asked if the commission had received the mortgage location survey. The said survey was provided to the commission in their e-packet.

4) Approval of Agenda

Molly MCKINLEY MOVED to approve the agenda, Baxter MERCER seconded. The VOTE to approve the agenda PASSED unanimously.

5) Approval of Minutes

Baxter MERCER MOVED to approve the July 16, 2013 Worksession, Public Hearing, and Regular Meeting minutes; Mark MENKE seconded. The VOTE to approve the July 16, 2013 minutes PASSED unanimously.

6) Correspondence

The Presiding Officer noted that the following correspondence was received by the commission via email over the past month:

- a) State of Alaska Oil and Gas Exploration Proposed Regulations
- b) DOI – BLM Central Yukon Resource Management Plan
- c) DNR – Evans Industries Long-term Lease Dry Creek
- d) DNR – Final Finding NEON (Stampede Road)
- e) DNR – Stampede Research Sites Request for Renewal
- f) Joint Alaska Pacific Range Complex (JPARC) – Environmental Impact Statement Record of Decision

7) Plats and Conditional Uses

1. Case File 13-002: Public access easement vacation and replat Hilltop Road; improvements lie within easement. Lot 3 - Tract B - T12S R8W Sec 24 - ASLS 87-237. (Eddington) Resolution No. PC 13-09

Presiding Officer MICHAELS provided that the commission received the Eddingtons' application, the Staff Report prepared by the planner, and plats to review. Mr. Venechuk, surveyor and representative for the Eddingtons, was present to respond to questions regarding his clients' replat.

Baxter MERCER stated he was all in favor of passing this request but had a couple of questions. He asked if the present owners of the property were the ones to build in the easement; Mr. Venechuk replied in the affirmative. Mr. Venechuk stated the lot line was not discernible in the field, the owners did their best to locate it, but they did not do a very good job, and they should have hired someone to assist them in locating

1 the line. Mr. Venechuk stated that it was a good thing the Eddingtons had not built over the lot line bordering
2 state land; a commissioner commented that perhaps they had. Mr. Venechuk was pressed on the issue of
3 whether the owner knew where the lot line was. Mr. Venechuk stated the owner felt he had a good idea
4 where it was and he was not sure if the owners were aware of the public access easement, which was clearly
5 illustrated on the survey plat. Baxter MERCER provided that he himself has been guilty of similar infractions
6 regarding easements. Mr. MERCER provided that Lot 1 also has a building in the easement. Mr. Venechuk said
7 building within access easements does not create a problem until the owner attempts to sell and the buyer
8 goes to the bank, which requires a survey plat, to borrow money.
9

10 Presiding Officer MICHAELS referred to Denali Borough Code (DBC) (Vacation of Easements and Rights-of-
11 Way), which states that when a public access easement is vacated then equal or better access be provided to
12 all areas affected by the vacation. Mr. Venechuk stated he was unfamiliar with this provision contained in DBC
13 and provided that the state land, which abuts the western property line and is located down the bluff from the
14 owner, is better accessed via Killian Drive. Mr. Venechuk said that he will have to become more familiar with
15 borough code. Steve JONES stated that the reason this same public access easement had been vacated in the
16 Himalaya Subdivision was because a useable road could not be built along the bluff located along the western
17 lot line.
18

19 Presiding Officer MICHAELS read into the record the following from Denali Borough Code (DBC) Section
20 9.10.110 Vacation of Easements and Rights-of-Way

21 9.10.110 A. The planning commission shall ordinarily approve a vacation if:

- 22 1. The vacation is conditioned upon the final approval of a plat affecting the same land, which
23 provides equal or better access to all areas affected by the vacation;
- 24 2. The right-of-way is not being used, a road is impossible or impractical to construct, and an
25 alternative access has been provided.

26 9.10.110 B. The planning commission shall not ordinarily approve vacations of public interest in land if:

- 27 1. There is not better access provided;
- 28 2. The vacation is of a public right-of-way providing access to a lake, river or other area with public
29 interest or value, unless the owner provides alternate and equal access.

30 9.10.110 F. Vacation petitions shall follow the procedures under DBC 9.10.100 and include the following:

- 31 1. The name, address and land ownership of each petitioner and all other land owners within the
32 petition area and within 500 feet beyond the petition area;
- 33 5. Written recommendations from affected agencies and municipality or satisfactory evidence that
34 they have received the preliminary plat or sketch 10 working days prior to the application being
35 submitted to the Denali Borough land technician. Reviewing agencies shall have a maximum of 10
36 working days for their review and response.
37

38 Mr. Venechuk took umbrage with 9.10.110 A. 1. stating it was more relevant to section line easements. Mr.
39 MICHAELS stated that he was reading from code that he did not write it. Mr. MICHAELS confirmed with Mr.
40 Venechuk that the public access easement on the western boundary of the property abutted state land. He
41 stated that as a member of the commission he must follow the law. Mr. MICHAELS asked the planner whether
42 the application complied with code; Ms. Lambert responded in the negative. Mr. Venechuk asked the
43 presiding officer to spell out what had not been addressed; the presiding officer stated he had just read the
44 pertinent parts of code. Mr. Venechuk asked for the information to be stated in English (as opposed to
45 "gobbledygook".) Mr. Venechuk derided the time it takes the state to act on requests and asked the
46 commission if it was trying to "tie a rope around people's necks." He said the rules (code) were guidelines and
47 the commission was there to grant waivers to the rules. Mr. MICHAELS stated requirements within code need
48 to be followed in order to vacate an easement and, at this time, the Eddington application is incomplete; the
49 state should be contacted and the names and addresses of landowners within 500' of the affected area need
50 to be submitted. Mr. Venechuk declared that he would need to discuss this with his (assembly) representative
51 and "get out of this circus" (commission) "and go to the next circus" (assembly) to get this addressed because
52 this is "ludicrous"; he added the commission was not working in the best interest of the public and was

1 holding up development. Mr. MICHAELS stated that the commission's role was to protect the public's interests
2 not the interests of an individual.
3

4 Steve JONES stated he agreed with Mr. MERCER and added the applicants made a mistake in building within
5 the easement and it has come back to haunt them. He continued that as access to the state land is better from
6 Killian Road he has no problem vacating the western or the eastern easements, but recommended
7 maintaining the northern public access easement, where the public could still access the state land on foot
8 thus serving the public's interest. He declared that the western and eastern easements are a nuisance to the
9 landowner. He furthered that going forward the commission will most likely be dealing with similar cases in
10 the area.
11

12 Baxter MERCER asked the representative if the commission were to vacate the eastern and western
13 easements but retain the northern one how much would that inconvenience him and/or the landowners. Mr.
14 Venechuk replied it would be a quick fix and no inconvenience and it would allow the Eddingtons to go to the
15 bank and get financing.
16

17 Sid MICHAELS asked how much of an inconvenience it would be to comply with code by gathering the names
18 and addresses of landowners within 500 feet of the petition area. Mr. Venechuk stated he had no idea who
19 these people (landowners) are, it would involve research at the State Recorder's Office or requesting an
20 abstract which could cost \$600-700, he would not do it, but he would have the client do it. Mr. MICHAELS
21 reiterated this information is required and the commission needs to comply with the laws of the Denali
22 Borough. If it is deemed the requirements in code are too onerous, the law should be changed, but not
23 ignored. Mr. MICHAELS opined that people that live near the area where a public access easement is to be
24 vacated should be notified although, at this time, it is not required in code.
25

26 Mr. Venechuk stated that posting the meeting and the issue was sufficient notice to the affected landowners
27 and continued a building permit would resolve this issue in that a landowner would be required to know
28 where their lines are located. It was recommended to Mr. Venechuk that if he wanted the code changed he
29 should address his concerns to the Denali Borough Assembly.
30

31 Mr. JONES stated that the planning commission is the platting authority for the State of Alaska in the Denali
32 Borough. If the state wanted to vacate an easement, it would need to come before the commission. To change
33 the wording of an ordinance is the task of the assembly. The commission is mandated to follow what is in
34 code. As far as the notification of the landowners within 500 feet of the affected area, in this case, it simply
35 has not been done.
36

37 Mr. MERCER stated he has been in both places, mistakenly or intentionally, when it comes to easements. He
38 furthered that he has found it difficult to ascertain property owners as the State of Alaska does not require the
39 recording of property that has been purchased. He reiterated that he had no problem with passing this
40 resolution and he would vote in favor of passage, excepting the northern easement be retained. Public notice
41 to nearby landowners is less important than holding up the applicants and furthered easements have been
42 vacated in the past without notifying nearby landowners.
43

44 Steve JONES MOVED to amend Resolution 13-09 by modifying the NOW THEREFORE BE IT RESOLVED
45 statement to read: the Denali Borough Planning Commission is providing preliminary approval for the replat
46 through vacation of a 25 foot public access easement in Lot 3, Tract B, ASLS 87-237 subject to the following:
47 1. Retain the 25 foot public access easement on the northern property boundary line, and
48 2. Vacate the 25 foot public access easements on the eastern and western property
49 boundary lines.
50

51 Baxter MERCER seconded. The VOTE to amend the resolution PASSED unanimously.

1 Baxter MERCER MOVED to approve the amended Resolution 13-09; Steve JONES seconded. The ROLL CALL
2 VOTE PASSED 5:1 with JONES, JUSCZAK, MCKINLEY, MENKE, and MERCER voting yea and Sid MICHAELS voting
3 nay.
4

5 The clerk asked the Presiding Officer to clarify whether the commission should expect further information,
6 required by code, from the applicants or their representative. The Presiding Officer stated that as the
7 resolution passed no further information will be forthcoming for this application.
8

- 9 2. Case File 13-004: Subdivide into 5 one-acre lots Lot 3 - T12S R8W Sec 23 - ASLS 89-97. SW of the south end of
10 Killian Rd (Shieber and Von Tersch) Resolution No. PC 13-10
11

12 The representative for Shieber and Von Tersch, Mr. Venechuk, was present to respond to questions from
13 the commission.
14

15 The original survey for this lot included a 60 foot public access easement, the Healy-Diamond Coal Mine
16 Trail, which runs diagonally NE to SW thru the southern two thirds of the lot. Mr. Venechuk stated that
17 the access easement could be used, but no permanent structures should be built within it. The applicants
18 are the two people on the deed to this property. The owners are requesting the lot be divided into five
19 one-acre parcels. Lot 3 D, the southwest corner lot, has two small pieces of unencumbered area, which
20 the owner is planning to use for placement of a dry, rental cabin. There is a 25 foot access easement that
21 the owners wish to retain.

22 Sid MICHAELS stated that Lot 3 C has a 60 foot access easement cutting across its eastern half; Lot 3 D has the
23 majority of its area encumbered by the same easement. Mr. MICHAELS stated he foresees problems in the
24 future with this plat because of the 60 foot right-of-way and the way the lot is proposed to be divided. Mr.
25 Venechuk stated that this public access easement cannot be vacated. Mr. MICHAELS stated that fact made it
26 more attractive to put something within the easement. Mr. Venechuk stated that if the owners build in the
27 easement it is their problem; it is their property. Mr. MICHAELS stated that if the owners did build in the
28 easement it would become a problem for the Denali Borough. Mr. Venechuk informed the commission that
29 one of the landowners contacted the state asking if the easement could be vacated; the state responded that
30 the trail is possibly an RS 2477 trail, which would involve a 100 foot easement instead of the 60 foot for a
31 public access easement. Mr. MICHAELS indicated that he saw four possible utilizable lots considering the
32 constraints of the easement.
33

34 Steve JONES stated that he would not be able to approve the plat due to the problems associated with the
35 easement's impacts on Lots 3C and 3D. Mr. Venechuk stated that the property belongs to the landowners and
36 they are not requesting the commission to plan their property for them. Mr. JONES reiterated that he could
37 not approve the plat even though at the present time the owners are planning a dry cabin only; in the future,
38 if the lot is sold, the new owner may want to install a septic system, which could not be done.
39

40 Baxter MERCER stated that the land may never be sold and the dry cabin may sit there for 50 years. Steve
41 JONES countered that in 50 years it would become a bigger problem than it is today. Mr. MERCER stated that
42 he does not like people telling him what he can and cannot do on his property and if the owners are willing to
43 take a chance and the risk on their plan, they should be allowed to do it. Mr. MERCER stated he would vote for
44 passage.
45

46 Mr. Venechuk requested that this item be pulled until he speaks to his clients because he agrees with Mr.
47 MICHAELS and MR. JONES that the unusable pieces are creating problems, that it may be okay for the owners
48 today, but 50 years from now it might not be, and there is probably a creative solution to the issue that can be
49 worked out. Mr. Venechuk stated he would bring the plat to the next meeting. He stated that the likely
50 solution would be to keep Lots 3A, 3B, and 3C as drawn and combine Lots 3D and 3E into one two-acre lot.
51

1 Steve JONES stated that the commission has had discussions with the State of Alaska about their subdivisions
2 and the commission has expressly objected to the creation of small, unusable remnants of land akin to what is
3 presently being proposed for Lots 3C and 3D. Mr. Venechuk said it was a right-of-way not an easement.
4

5 Steve JONES MOVED to have this item postponed to the September meeting at the request of the
6 representative so that he can discuss with his clients the proposed subdivision; Ryan JUSCZAK seconded.
7

8 Marsha Lambert requested clarification from the commission if the new plat subdivided the lot into four lots
9 instead of five would it still need to come back before the commission as this would be considered a short plat
10 and would normally be handled by the planner with no need to bring it before the commission. Baxter
11 MERCER stated he would be curious to see how the issue is resolved; Sid MICHAELS stated that as a resolution
12 is before the commission and the motion is to postpone, it should come back before the commission.
13

14 The VOTE to postpone PASSED unanimously.
15

16 **8) Reports**

17 a) **Mayor**

18 Mayor Walker was unable to be in attendance as he is participating in the summer Alaska Municipal
19 League/Alaska Conference of Mayors meetings in Valdez, AK. He provided a written report; see the
20 attached.
21

22 Ryan JUSCZAK stated that he has been working with the mayor and assembly members about the
23 prospect of developing a shooting range in the Healy area. He stated that local persons want a land area
24 set aside for this development prior to them organizing a group that would be responsible for
25 maintenance and other duties associated with a range. Steve JONES queried whether the group had
26 identified any locations. Mr. JUSCZAK said they had a few areas in mind one of which is out in Panguingue
27 B. Steve JONES stated that once an area has been identified it should be written up and the commission
28 could pass it onto the assembly to preserve it for the specified use. JUSCZAK stated the mayor indicated
29 that it should be on state land, but there is opposition to that idea because all the state land is railroad
30 owned and they do not want to deal with the railroad. Another proposed location is west of the Blue
31 Church (southwest corner of the intersection between the Stampede Road and the George Parks
32 Highway) in an area unusable for residential development. The range is tentatively planned to be 500 feet
33 long with a large embankment constructed in the back.
34

35 It was noted that the mayor is planning a September 5, 2013 6 PM town hall meeting at the Panguingue
36 Fire Hall to discuss classification of the "Wallace" (and "Mercer") permit areas. It was asked if the meeting
37 had been posted; the clerk responded in the affirmative and added that the Panguingue Creek
38 Homeowners Association had been contacted by phone and email. Baxter MERCER stated that there
39 appears to be a misunderstanding by the general public as to who is associated with the two permit areas
40 as Mr. MERCER has been receiving phone calls regarding the "Wallace" permit area, which was formerly
41 held by the Mercer family. The calls have been in reference to the gate on borough land, which is not on
42 the permit area, but is on the road leading to the permit land. Some members of the public assume this
43 gate is illegal and when hunting season begins it has been suggested that the lock on the gate will be
44 broken or the hunters will just go around it. Mr. MERCER stated that the mayor is aware of the issue. It is
45 assumed that the present permit holder erected the gate and posted signage stating that the area beyond
46 the gate is a private, leased area, and there is to be no trespassing; the area is neither private nor leased.
47 The Presiding Officer suggested this was an issue for the mayor.
48

49 b) **Borough Planner**

50 The planner had nothing to report at this meeting.
51
52

1 **9) Communication and Appearance Requests**

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

3
4 **10) Unfinished Business**

5 a) **Discussion Alaska Gas-line Development Corp (AGDC) Borehole Drilling on Denali Borough-owned Land**

6 AGDC submitted revised maps and special use permits for the three areas where borough land will be
7 impacted. It does not appear that AGDC is at all interested in developing along the Parks Highway Route
8 (vs. their preferred Denali Bypass Route). The suggestion, made by the planning commission, to avoid
9 Section 11, along the bypass route, also does not appear to have appeal.

10
11 Sid MICHAELS stated that there are boreholes being drilled up in the northern district along the railroad
12 and the Nenana River. Mr. MICHAELS stated that he has discussed this development with constituents
13 and has attempted to alert them to the fact that the pipeline will be 36 inches in diameter and it will have
14 problems at some time. The City of Anderson will essentially be bisected by the pipeline, north to south,
15 and might face serious issues if a problem arose as the residents could end up being isolated. This is an
16 issue the City of Anderson ought to address. It was unclear as to whether the City of Anderson has been
17 contacted by AGDC.

18
19 The mayor is tasked with the decision as to whether to grant the borehole drilling permits. The process
20 and who is responsible for the granting of a utility right-of-way on borough land is less certain.

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

22
23
24 b) **Draft 1 Chapter 4.01 Definitions (Proposed)**

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

26
27 c) **Draft 3 Chapter 4.05 Real Property Acquisition**

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

29
30 d) **Draft 10 Chapter 4.10 Management of Borough Real Property**

31 Baxter MERCER MOVED to amend 4.10.050 K. by changing the word disposal to lease in the title and in
32 the text of K. 1. and to further modify K.1. by deleting the phrase "of the interest disposed of." The
33 motion was seconded by Mark MENKE. The VOTE to amend 4.10.050 K as described PASSED unanimously.

34
35 Molly MCKINLEY MOVED to add the term "method" to the subtitles (1, 2, and 3) of 4.10.050 J. Lease Rate
36 to read as follows: Fair Market Value "Method," After Sales Gross "Method," and Lease Rate "Method"
37 Determined. The motion was seconded by Mark MENKE. The VOTE to modify 4.10.050 J as described
38 PASSED unanimously.

39
40 Steve JONES volunteered to gather additional information regarding the After Sales Gross Method
41 including a definition and examples. What would be particularly helpful to the commission is information
42 on how other municipal governments have used this method.

43
44 By unanimous consent, this item was postponed to the next meeting's worksession, public hearing, and
45 regular meeting agendas.

46
47 e) **Draft 8 Chapter 4.15 Disposal of Borough Real Property**

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

49
50 f) **Draft 14 Chapter 4.25 Classification of Borough-owned Land**

51 This item was discussed at length during the worksession. There are three versions of Chapter 4.25 before
52 the commission: Draft 14 and two versions based on a 2010 working document. The commission opted to

1 keep all versions on their agenda with the 2010 versions being identified as a proposed amendment 1
2 (MICHAELS) and proposed amendment 2 (MCKINLEY).

3
4 By unanimous consent, this item will appear on next month's worksession, public hearing, and regular
5 meeting agendas.

6
7 **Draft Resolution Working Example Version 6**

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

9
10 **g) Letter to the Assembly (re: recommended amendments to Title 4)**

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

12
13 **h) Draft 1 Chapter 9.21 Zoning Scenic Corridor (Proposed New Chapter)**

14 There are members of the public that feel enough preserved land exists in the Denali Borough already and
15 that no more reserved land need to be dedicated. Baxter MERCER stated that he is in favor of this proposal
16 and the only development he would like to see in the area is a bike trail. Steve JONES suggested a multi-
17 agency visitor center would be acceptable development in the scenic area.

18
19 Baxter MERCER MOVED to modify 9.21.030 Geographic Location by substituting it with the language in Draft 1
20 Proposed Amendment; Molly MCKINLEY seconded. The VOTE to substitute the language PASSED unanimously.

21
22 Molly MCKINLEY volunteered to review and construct a modified a Purpose Statement.

23
24 By unanimous consent, this item was postponed to the next worksession, public hearing, and regular
25 meetings.

26
27 **i) Draft 1 Chapter 9.22 Zoning Airport Reserve (Proposed New Chapter)**

28 There are three versions of an amendment to 9.22.030 Geographic Location. Steve JONES suggested including
29 language indicating that if this site is not selected for the proposed development the zoning will be rescinded.
30 Sid MICHAELS stated such a clause would probably be best suited for inclusion in the Purpose Statement.
31 Another alternate site is out in the Panguingue Area, which might impact residential areas and borough-
32 owned land. The third option is the present Healy Airstrip, which has multiple physical features that handicap
33 expansion.

34
35 All three versions proposing to amend the geographic location will be carried over to the next worksession,
36 public hearing, and regular meetings.

37
38 By unanimous consent, this item was postponed to the next worksession, public hearing, and regular
39 meetings.

40
41 **11) New Business**

42 There was no new business before the commission.

43
44 **12) Public Comments**

45 There were no public comments.

46
47 **13) Commissioner Comments**

48 Baxter MERCER commented that the commission is taking a long time to complete their proposed Title 4
49 amendments and there was a lot of progress made during a few worksessions. JUSCZAK suggested having only
50 one item on the worksession agenda. MICHAELS suggested more than one item could appear on a
51 worksession agenda, but the items should be listed with the top priority item at the top of the agenda. Other
52 suggestions included scheduling standalone worksessions or form a sub-committee to work on Chapter 4.25
53 to help move things along.

1 Molly MCKINLEY volunteered to work on a sub-committee dedicated to Chapter 4.25. She added that if
2 commissioners prepared for each worksession by reading through the materials prior to attending a meeting
3 the commission might be more effective. Consensus showed that the commission would like to read through
4 the chapters projected on a screen as a group. Ms. MCKINLEY stated she will be gone for the October
5 meeting.
6

7 Mark MENKE said he likes worksessions with a single topic. Mr. MENKE asked if the meeting time of the
8 commission will change back to the 1 PM time for the winter months. Ryan JUSCZAK stated that he cannot
9 make afternoon meetings.
10

11 Sid MICHAELS will not be in attendance at the September meeting and Molly MCKINLEY will serve as Presiding
12 Officer. The November meeting conflicts with the Alaska Municipal League and associated professional
13 conferences. The commission should consider moving the meeting to the week prior to the normally
14 scheduled meeting to November 12. The conference will be held in Anchorage. The clerk requested the
15 commissioners consider whether they want to attend as the office will be gearing up to make the
16 arrangements.
17
18

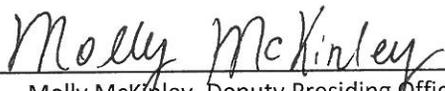
19 **14) Time and Place of Next Meeting**

20 The next meeting of the Planning Commission will be September 17, 2013 at 6:15 PM in the Tri-Valley
21 Community Center.
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23 **15) Adjournment**

24 The Presiding Officer adjourned the August 20, 2013 Regular Meeting at 9:19 PM.
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41 APPROVED:


Molly McKinley, Deputy Presiding Officer

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47 ATTEST:


Linda PAGANELLI, Deputy Clerk

48
49
50 Date Approved: 9.17.13
51

Aug. 19th 2013

Denali Borough Planning Commissioners:

I regret being unable to attend your Aug. 20th meeting. I am attending the summer Alaska Municipal League/Alaska Conference of Mayors meetings in Valdez. The agenda includes presentations on municipal topics such as PERS, redistricting, energy programs, and more.

Here are a few updates on planning related borough topics:

AGDC – On July 24th, the borough office received AGDC's revised borehole drilling special use permit separating the three distinct areas of borough land. On Aug 1st, I opened a public comment period soliciting comment on this proposed use of borough land. The comment period ends Aug. 28th. To date, I have received no comments.

Based on recommendations in Mr. Gorski's earlier letter relating to indemnification and request of borehole data, the Borough Assembly moved to not seek borehole data from AGDC. Mr. Gorski and I have been working with AGDC toward indemnification language; ensuring the borough is held harmless from any claims which might arise from this use of borough land.

I attended AGDC's public meeting in Healy on July 31st. The presenter, Ms. Langla, expressed strong doubt of the viability of the highway route through the Park, claiming environmental group opposition, although she was unable to identify a group standing in opposition.

Marsha, Linda and I participated in a web conference with AGDC engineers. They considered the borough's request to bypass Section 11 in the Montana Creek area and offered an explanation of the engineering difficulties and long term instability of such a physiographically challenging route.

Land Classification— Working toward a classification recommendation to the Planning Commission for the nominated parcels, Marsha and I toured the borough land which Mr. Wallace has used for horse grazing. I plan on holding a public meeting to solicit input on this classification on September 5th at 6pm at the Panguingue Creek Fire Hall.

Panguingue B Boundary Survey – A contract has been signed between the Denali Borough and Interior Surveying for this work.

Borough Gravel Pit – I visited Great Northwest again in the borough gravel pit they have used under the temporary special use permit. They expressed an interest in next year as well.

Shooting Range – With hunting season here, I recognize the value in having a safe, proper place to sight in. The range in Cantwell is fantastic. Although no Healy group has formed, I feel consideration of an appropriate location of such a facility is a worthwhile planning goal.

Again, sorry I can't be there. I hope you have a productive meeting and thank you for your service to your borough.

Respectfully,

Clay