

**Minutes of the Regular Meeting
Denali Borough Planning Commission
Tri-Valley Community Center
September 16, 2014**

1) Call to Order

The Presiding Officer 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, Molly MCKINLEY, Mark MENKE, Baxter MERCER, and Sid MICHAELS. Lee LIGHTFOOT informed the office that he would be unable to attend the meeting; Kesslyn TENCH informed that she would be late arriving to the meeting. Ms. TENCH arrived at 8:05 PM.*

3) Public Comments

There were no public comments.

4) Approval of Agenda

Baxter MERCER MOVED to approve the agenda; Patricia GRIGGS seconded.

By unanimous consent, the agenda was amended to add under New Business b.) Election of Deputy Presiding Officer. The VOTE to approve the amended agenda PASSED unanimously.

5) Approval of Minutes

Patricia GRIGGS MOVED to approve the August 19, 2014 Worksession, Public Hearing, and Regular Meeting minutes; Ryan JUSCZAK seconded. The VOTE to approve the August minutes PASSED unanimously.

6) Correspondence

There were no correspondences.

7) Plats and Conditional Uses

1. Resolution PC No. 14-08: Plat 14-009 Vacation/Replat: George Parks Hwy. Section 24, T12S, R8W, F.M. (ASLS 88-188 Tract B and ASLS 87-125 Tracts B & C). Vacate common lot lines and the 25-foot public access easements associated with those lot lines and vacate the 25-foot public access easement along the George Parks Hwy.

Discussion ensued as to whether Tracts A (87-125), B (87-125), and C (90-85) have 25-foot public access easements on their side of the line thereby retaining a 50-foot public access easement even with the vacation of the 50-foot public access easement between Tract C (87-235) and Tract B (88-188). If yes, these easements should be shown on the plat. As per DBC 9.10.110 A.1., a vacation must provide equal or better access to all areas affected by the vacation. It was recommended that the surveyor update the plat to show the easements if they exist.

There was question as to whether the state was contacted regarding the vacation of the public access easement as state land may be impacted. Notice of the request for the vacation should be communicated to state entities as a courtesy.

Another request was to have utility easements shown on the plat.

On page 2 of the Staff Report, under the subheading General, there is a typographical error, which identifies the incorrect geographic location of the plat.

1 Steve JONES MOVED to postpone this item until a revised plat is submitted to the commission that illustrates any
2 utility easements and all access easements (Tract A 87-125, Tract B 87-127, and Tract C 90-85) and contact with the
3 Department of Transportation (DOT) and the Department of Natural Resources (DNR) has been accomplished;
4 Patricia GRIGGS seconded.
5

6 Mark MENKE, owner of the property and plat under review, recused himself from voting on this issue. By
7 unanimous consent, the Planning Commission agreed to Mr. Menke's recusal. The VOTE to postpone this item
8 PASSED unanimously 6-0.
9

- 10 2. Resolution PC No. 14-09: Plat 14-011 Vacation/Replat: Lignite Subdivision Section 1, T12S, R8W, F.M. Vacate the
11 common lot line and 30-foot utility easement between Lots 8B and 9C in the Lignite Subdivision and the 15-foot
12 utility easement within Lot 9C.

13 The planner was requested to provide the commission with the responses received from the affected utility
14 companies. Matanuska Telephone Association's (MTA) letter of response, which indicated they had no objection to
15 the vacation of the utility easements, was read into the record. Golden Valley Electric Association's (GVEA) letter of
16 response was read into the record and indicated that it had no objection for granting preliminary approval for the
17 vacation of the utility easements, but requested the standard utility easement notes 1-4 be added to the plat and
18 that they be given the opportunity to review the final plat prior to approval by the Denali Borough.
19

20 It was noted that the utility easement notes seem different than what has been requested by GVEA in the past.
21 The original plat did have utility easement notes, which were not carried over. Mark MENKE, property owner,
22 stated that this item should be postponed and he will have his representative amend the plat. The resolution
23 should be amended to include GVEA's request to review the final plat.
24

25 Property owner, Mark MENKE, requested to be recused from the vote on this item. By unanimous consent the
26 commission agreed to Mr. Menke's recusal.
27

28 Steve JONES MOVED to postpone this item until the standard utility easement notes are added to the preliminary
29 plat; Patricia GRIGGS seconded. The VOTE to postpone was unanimous, 6-0.
30

31 Molly MCKINLEY MOVED to request that the land technician amend Resolution No. PC 14-09 under the NOW
32 THEREFORE BE IT RESOLVED clause by adding 3.) GVEA to review final plat prior to approval by the Denali Borough;
33 Baxter MERCER seconded. The VOTE to amend the resolution as stated PASSED unanimously, 6-0.
34

35 There was discussion as to whether the standard utility easement notes have become more restrictive,
36 encompassing more property, and how that might impact the property owner. It was speculated that the notes
37 may be grandfathered in until such time as a change has been requested. Just by signing up for service, a property
38 owner often agrees to certain stipulations.
39

40 **8) Reports**

41 a) **Mayor**

- 42 • The public notice ordinance 14-07 sent to the assembly from the commission was amended to read
43 10 business days. An assemblyperson had a question regarding the defined petition area. Is the
44 petition area the actual easement or the parcel on which the easement lies? A number of
45 commissioners agreed that the petition area is the parcel. The assembly offered the commission the
46 prerogative to work on the language; the commission was fine with the assembly refining the
47 language describing the petition area.
- 48 • Larry Persily, Federal Coordinator for an Alaska North Slope natural gas pipeline, gave a presentation
49 to the assembly at their September meeting. He brought with him a lot of information stored on
50 thumb drives for distribution to the assembly and commission.
- 51 • The Healy Transportation and Pedestrian Safety Project Ad Hoc Committee met and had a
52 presentation from DOT Local Area Planner Dwayne Hoskins on the planning process and routes to

1 successful projects. The committee determined that it should garner public opinion on where the
2 major safety needs are within the core area being studied and deliberated the best method of
3 receiving that input. The committee decided to host an Open House on October 15, 2014 at the Tri-
4 Valley Community Center.

- 5 • There was a MAG Board meeting in Anchorage last week. The meeting focused on economics and
6 fiscal realities and slices of the pie including municipal benefits; recommendations to the governor
7 will be submitted in December.
- 8 • There will be a meeting in Cantwell hosted by the Department of Commerce, Community, and
9 Economic Development – Division of Community and Regional Affairs focusing on the trusteeship of
10 municipal lands (14.3.c.) for unincorporated communities. The meeting will be on September 30,
11 2014 from 6-9 PM in the Cantwell Community Center. It is expected that the school property will be
12 on the agenda.
- 13 • MTA is planning an upgrade to telecommunication’s system at the Tri-Valley School. The Denali
14 Borough provided a letter of non-objection to the project.
- 15 • The ASAP Supplemental Environmental Impact Statement comment period ends October 14, 2014.
16 The ASAP group left the Healy maps, which are online, for borough review. According to the federal
17 gasline coordinator, the ASAP line is viewed as less likely to be built vs. the LNG line.
- 18 • Marsha Lambert did a field visit to the Speer easement. She met up with Ms. Speer and discussed
19 borough concerns. Ms. Speer indicated that she is actively working on getting a plat produced and is
20 moving the piles of stuff to her property. A letter will be sent informing her of the complaint received
21 and encouraging her to provide the borough with updates on her continued progress on the
22 aforementioned fronts.
- 23 • The mayor expressed his appreciation of Molly MCKINLEY and her admirable service on the
24 commission.

25 **b) Borough Planner**

- 26 • Marsha gave a brief recap of what items she found out on the Speer easement. Ms. Speer, in consult
27 with her surveyor, is investigating the state requirements for the establishment of an easement. Ms.
28 Lambert did not mention to Ms. Speer that there was a 2-year deadline to submit the plat to the
29 borough. In the past, Ms. Speer was informed that she could not barter the downed trees for services
30 rendered.

31
32 The commission is under the impression that Ms. Speer’s time is up. The language in the resolution
33 states that the plat needed to be submitted once the route was established; she is still working on
34 constructing the easement. The mayor enumerated the following points: there is 1000’ of borough land
35 involved in the one-mile easement, the commission granted permission for the easement, and the
36 mayor did agree to step in and send a correspondence to Ms. Speer. If the commission wants to
37 reevaluate the situation and then make its own determination on how to precede that would be an
38 appropriate role for the commission as the originator of the initial granting of the easement.

39
40 *Kesslyn TENCH arrived at the meeting at 8:05 PM.

41
42 **9) Communication and Appearance Requests**

43 There were no communication or appearance requests.

44 **10) Unfinished Business**

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

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

47
48 **b) Draft 2 Management Plan – Panguingue B West**

49 There was discussion during the worksession as to whether the commission wanted the clerk to investigate
50 possible training for the commission on this and related land management issues. Kesslyn TENCH MOVED to
51 have the clerk investigate training options for the commission; Molly MCKINLEY seconded. The VOTE to have

1 the clerk look into training opportunities PASSED unanimously. By unanimous consent this item was
2 postponed to the next worksession and regular meeting.

3
4 Items c) thru f) were by unanimous consent postponed to the next regular meeting.

5
6 c) **Draft 3 Chapter 4.01 Definitions (Proposed)**

7
8 d) **Draft 3 Chapter 4.05 Real Property Acquisition**

9
10 e) **Draft 12 Chapter 4.10 Management of Borough Real Property**

11
12 f) **Draft 8 Chapter 4.15 Disposal of Borough Real Property**

13
14 g) **Draft 17 Chapter 4.25 Real Property Management Plan** (Proposed replacement for Chapter 4.25 Classification
15 of Borough-owned Lands.)

16
17 Baxter MERCER MOVED to substitute Draft 16 4.25 Classification for Draft 17 4.25 Management Plan; Patricia
18 GRIGGS seconded.

19
20 The commission would like to bring back classification for the purpose of discussion. Another option is to table
21 both of these items until some training on land planning processes have been arranged. MERCER and GRIGGS
22 agreed to withdraw the motion. By unanimous consent this item was postponed to the next meeting.

23
24 h) **Draft 5 Chapter 9.15 Zoning – Proposed Amendment: Height Restrictions**

25 Steve JONES MOVED to substitute Draft 6 for Draft 5; Patricia GRIGGS seconded. The VOTE to substitute was
26 unanimous, 8-0.

27
28 Patricia GRIGGS MOVED to amend Draft 6 by deleting Section 9.15.030 proposed title change and any other
29 references to 9.15.030 in the ordinance; Baxter MERCER seconded. The VOTE to amend as described PASSED
30 unanimously, 8-0.

31
32 Steve JONES MOVED to substitute Memorandum Draft 1.a. for the Draft document; Molly MCKINLEY
33 seconded. The VOTE to substitute PASSED unanimously, 8-0.

34
35 Baxter MERCER MOVED to amend Memorandum Draft 1.a. in the following ways: add to section 9.15.020
36 after "Therefore the current language..." in this section and add to 1.) under Height restrictions external fire
37 escapes, and delete all references to Section 9.15.030; Kesslyn TENCH seconded. The VOTE to amend as
38 described PASSED unanimously, 8-0. The next memorandum before the commission will be Draft 2.

39
40 By unanimous consent this item was postponed to the next worksession, public hearing, and regular meeting.

41
42 i) **Comprehensive Plan Review**

43 The commission decided to keep Chapters 4, 5, and 6 on the agenda. It would be good to discuss the Land Use
44 Plan and road standards when reviewing these chapters. The clerk recorded proposed changes to these chapters
45 in the minutes of the worksession. This item should be moved up on the worksession agenda to item 2.

46
47 By unanimous consent this item was postponed to the next worksession, public hearing, and regular meeting.

48
49 j. **DNR – Public and Charitable Use (Land) – Broad Pass**

50 This item requires special attention perhaps by an individual or small group. Steve JONES suggested that he
51 might find time to work on this item sometime in October. There is money in the Scenic Byway program that
52 might be used to develop a welcome site on Broad Pass. An application must be submitted to DNR.

1 By unanimous consent this item was postponed to the next regular meeting.
2

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

4 The commission was instructed to think about what comments they might want to include in a letter or
5 resolution and to submit them to the clerk for inclusion in the next meeting packet. The DOT document
6 included in the packet labeled Frequently Asked Questions provides guidance on how to submit comments.
7

8 There is a National Park Service (NPS) meeting scheduled for September 30, 2014 from 5:30 to 7:30 PM at
9 McKinley Village Community Center on proposed enhancements at Crabby’s Crossing Mile 231.
10

11 By unanimous consent this item was postponed to the next worksession and regular meeting.
12

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

14 Although the intent of the language of the resolution granting Ms. Speer the easement was clear to the
15 commission, the use of the phrase “within two years of the easement being established” has since been
16 interpreted as somewhat ambiguous. The administration appears amenable to letting Ms. Speer continue to
17 work on the easement and towards submitting a plat; the commission interprets Ms. Speer’s delay in
18 producing the plat as being not in compliance.
19

20 Steve JONES MOVED to request that the mayor provide Ms. Speer one-year to complete the process from
21 date of the letter because the commission’s intent was to give her two years as of the date of approval of the
22 resolution; Baxter MERCER seconded. After further discussion, the two parties putting forward the motion
23 agreed to have it withdrawn.
24

25 The passage of the resolution was a legal action undertaken by the commission. Prior to giving Ms. Speer any
26 ultimatums, it is advisable that the attorney look into this issue.
27

28 Steve JONES MOVED to ask the mayor to seek legal advice on the Speer easement; Baxter MERCER seconded.
29 The VOTE to have the mayor seek legal advice PASSED unanimously, 8-0.
30

31 A second access easement across borough land was granted by the commission in August. The newly passed
32 resolution allowing access states that the planning office shall adjudicate the final plat within two years of the
33 planning commission’s preliminary approval.
34

35 By unanimous consent this item was postponed to the next regular meeting.
36

37 **11) New Business**

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

39 The borough’s deadline for committing to attending the conference(s) is October 8, 2014. Steve JONES,
40 Kesslyn TENCH, and Patricia GRIGGS are considering attending. The conference coincides with the date of the
41 November meeting. Once the number of persons attending is defined, the commission will consider moving
42 the November meeting to the 11th.
43

44 **b) Selection of Deputy Presiding Officer**

45 As the Deputy Presiding Officer, Molly MCKINLEY is resigning and the Presiding Officer, Sid MICHAELS, will not
46 be at the October meeting, the commission opted to elect a new Deputy Presiding Officer to serve for the
47 duration of the term ending November 30, 2014. Based on Mr. LIGHTFOOT’S prior superb job filling in as
48 Presiding Officer, Mark MENKE nominated Lee LIGHTFOOT as Deputy Presiding Officer; Patricia GRIGGS
49 seconded. There were no further nominations. The VOTE to approve Mr. LIGHTFOOT as deputy PASSED 7-1. As
50 Mr. LIGHTFOOT was not present at the meeting, it was understood that he has the right to refuse service.
51
52

1 **12) Public Comments**

2 Barbara Brease of Healy, Alaska

3 Ms. Brease informed the commission that she walked the Speer easement and was shocked and surprised to see
4 all the trash, furniture, and liquid contaminants along the way. A very large area has been impacted. It was
5 speculated that the Department of Environmental Conservation might hold the borough accountable to cleanup
6 any contamination from these liquids.
7

8 **13) Commissioner Comments**

9 Patricia GRIGGS thanked Molly MCKINLEY for her time on the commission and serving as Deputy Presiding Officer. Ms.
10 Griggs stated she appreciated working with Molly.
11

12 Mark MENKE thanked Molly for her time of service and wished her good luck in her new planning position with the
13 NPS.
14

15 Steve JONES stated that he valued Molly's input and thanked her for her service.
16

17 Kesslyn TENCH apologized for being late to the meeting; she was involved with a robotics demonstration over at the
18 school. Ms. TENCH stated that Molly was an inspiration to her and she looks forward to getting some training.
19

20 Molly MCKINLEY stated that she is working on finding a replacement commissioner. The NPS is hosting an open house
21 on September 25, 2014 starting at 6 PM at the McKinley Community Center with a focus on the Denali Park Long Range
22 Transportation Plan. Molly thanked all for their thanks; she appreciated working with the commission and meeting new
23 people from different parts of the borough.
24

25 Ryan JUSCZAK thanked Molly for her contributions. Mr. JUSCZAK asked the mayor if the borough had a wood cutting
26 program. The mayor responded in the negative as no lot has been identified for this kind of use and there are liability
27 and management issues that have not been addressed. Even the cleanup of the Speer easement, liability and
28 management issues come into play. A comment was added that the contractor that clears the pipeline right-of-way
29 should be required to stack the downed trees as was done on the clearing of the highway right-of-way.
30

31 Sid MICHAELS thanked Molly.
32

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

34 The next regular meeting of the commission will be October 21, 2014 @ 6:15 PM in the Tri-Valley
35 Community Center.
36

37 **15) Adjournment**

38 The Presiding Officer adjourned the September 16, 2014 Regular Meeting at: 9:34 PM.
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40
41

42
43 APPROVED: Sidney W. Michaels
44 Sid MICHAELS, Presiding Officer
45
46
47

48
49 ATTEST: Linda Paganelli
50 Linda PAGANELLI, Deputy Clerk
51

Date Approved: OCTOBER 21, 2014