

**Minutes of the Regular Meeting
Denali Borough Planning Commission
Tri-Valley Community Center
October 15, 2013**

1) Call to Order

The Presiding Officer, Sid MICHAELS, called the planning commission regular meeting to order at 7:30 PM.

2) Roll Call

Planning Commissioners present were Patricia GRIGGS, Steve JONES, Ryan JUSCZAK, Baxter MERCER, and Sid MICHAELS. Molly MCKINLEY notified the commission at the September meeting she would not be in attendance; Mark MENKE was absent.

3) Public Comments

There were no public comments.

4) Approval of Agenda

Baxter MERCER MOVED to approve the agenda, Patricia GRIGGS seconded. The VOTE to approve the agenda PASSED unanimously.

5) Approval of Minutes

Patricia GRIGGS MOVED to approve the September 17, 2013 Worksession, Public Hearing, and Regular Meeting minutes; Ryan JUSCZAK seconded. The VOTE to approve the September 17, 2013 minutes PASSED unanimously.

6) Correspondence

A correspondence from the Department of Natural Resources was distributed prior to the meeting. The notice informed that the department has decided to not move forward, at this time, with adopting the Proposed Changes in Regulations.

7) Plats and Conditional Uses

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

8) Reports

a) **Mayor**

- Authorization for Matanuska Telephone Association's request to upgrade their facilities on borough property was approved. The illustration that accompanied the request caused some confusion as it appeared to indicate the present request was for a 30 foot right-of-way. The graphic was from 2005, when MTA requested and was granted a utility easement.
- The mayor and Holland America Princess (HAP) General Manager, Bonnie Westlund, met in part as a follow-up to the presentation given last month by Ms. Friesen, who brought to the attention of the commission numerous issues related to Princess seasonal employees housed in the Healy Homestead facility. The facility compound is set to house an additional 400 employees in 2014 bringing the total number of employees to approximately 800. Ms. Westlund professed to want to be a good partner in helping to resolve the issues created by this large influx of seasonal employees. Healy's services, infrastructure, and facilities are impacted. The general manager discussed mitigation measures already being taken by the company: Alaska State Trooper orientation at the beginning of the season and activities being offered to their employees; and suggested that HAP will be ramping up their security program in 2014. HAP's security personnel's authority ends at their property line and individual security persons will not enter private property to pursue employees engaged in questionable activities. The company hopes to engage the community by offering an open house. The mayor also discussed this topic

1 with the new Alaska State Trooper Sergeant Zeisel stationed in Healy. To date, the troopers have received
2 no calls regarding trespass issues in the Healy area.
3

4 It was suggested that beyond discussing the issue with the local troopers perhaps the borough should
5 contact the Alaska Department of Public Safety to make them aware of the potential for problems and to
6 get it on the record that they have been contacted. The Department of Transportation & Public Facilities
7 (DOT) should also be contacted to determine what they might be able to contribute to the safety of
8 pedestrians moving across the George Parks Highway at the busy intersection at Ranch Road. Another
9 suggestion was to create a new borough department to employ a Public Safety Officer; at the present
10 time, the borough does not have law enforcement powers. Another suggestion was for the Healy area to
11 incorporate into a city to have better leverage in managing their problems.
12

13 Soon after the September planning commission meeting, Ms. Friesen led the managers of HAP on a clean-
14 up, walkabout of the neighborhood being impacted by the employees. According to the mayor, it was an
15 eye opening experience for the managers, who spend the majority of their time in the summer in the
16 canyon removed from Healy. Ms. Friesen presented this issue to the assembly at their October meeting.
17

- 18 • The mayor is working on the Annual and Three-year Work Plans for the borough. He hopes to bring them
19 to the November assembly meeting.
- 20 • The mayor is interested in identifying a priority list for municipal lands to be surveyed. Swan Lake survey
21 was completed and is awaiting action by the Department of Natural Resources (DNR); the Panguingue B
22 survey is underway and per the contract should be submitted to DNR by November 1, 2013. It would be
23 reasonable to submit two requests for survey instructions for the FY 2014. Previous lists identified
24 Panguingue B, Otto Lake, and Slate Creek as priorities. The mayor will seek assembly, planning
25 commission, and public input in his efforts to prioritize, which parcels are next in line for surveying. The
26 borough's maps for municipal lands are posted online. Planner Marsha Lambert is researching municipal
27 lands and creating maps to reflect her findings. The borough now has management authority over 39,000
28 acres of land lands. The attorney has advised that DNR and supporting statutes are vague regarding what
29 management authority means as far as actions that the borough can take on conveyed but not patented
30 land. The borough's goal is to incrementally gain patent on all municipal entitlement lands. The Slate
31 Creek selection totals approximately 10,000 acres.
- 32 • Early and absentee voting for the November 5 election begins in the borough office on October 16.
- 33 • Representatives from the Alaska Railroad (AKRR) visited the borough office. The Holland America Princess
34 wye will be situated south of the Tipple Road instead of the original plan, which was to cross the road. The
35 railroad has been very good in their borough outreach efforts.
- 36 • The mayor contacted DOT requesting assistance with the process of how to develop a regional airport. On
37 October 3, DOT Planning Manager for Aviation and Highways, Mr. Roach, came to the borough for an
38 office visit and site reconnaissance trip, to the Healy Airport and the proposed airport site, as delineated
39 in Proposed Chapter 9.22, with the mayor and the planner. Mr. Roach, in a quick review of the proposed
40 site, indicated that it had a lot of potential with excellent approaches. The power lines present a yellow
41 flag, but these types of issues can be mitigated. Normally, development of a regional airport is driven by
42 industry rather than a municipality. Federal monies for planning and state funding for development are
43 less likely to be forthcoming due to the fact that the borough has two active public airports and highway
44 and rail access. The City of Nenana has a local sponsor airport; the responsibility for maintenance and
45 operations falls to the municipality. Local sponsorship for the planning process to determine feasibility
46 does not assume long term sponsorship. North Pole went through the master plan process, with the
47 Federal Aviation Administration, which resulted in a "no build" option. The Healy Airport, which has a
48 2900 foot runway, is underused and has well-known limitations particularly for emergency service
49 purposes. The state's lease, with the AKRR, for the airport is slated for renewal in 2015. Mr. Roach advised
50 that to pursue this project the borough would need to define a clear purpose and need statement, resolve
51 the issues with the existing airports, and create building blocks for gaining funding via development of

1 plans and passing of resolutions in support of the effort. Mr. Roach offered his further assistance to the
2 borough and indicated that he would be willing to discuss the issue with the commission.

- 3 • A local Eagle Scout contacted the borough looking for a location to hang ten owl nesting boxes for a
4 project. The mayor has considered issuing a special use permit for use of borough land, but the scout is
5 also open to using private property.

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7 b) **Borough Planner**

8 The planner had nothing to add.
9

10 **9) Communication and Appearance Requests**

11 There were no communication or appearance requests for this meeting.
12

13 **10) Unfinished Business**

14
15 a) **Discussion Alaska Gas-line Development Corp (AGDC) Borehole Drilling on Denali Borough-owned Land**

16 The law allowing the Alaska Stand Alone Gas Pipeline to be situated in the George Parks Highway utility
17 corridor through Denali National Park and Preserve has been signed by President Obama. AGDC has not
18 contacted the borough since this development, but it is assumed that both routes, the highway and the
19 bypass, will be evaluated. The bypass route is not in the best interest of the borough; it was suggested that it
20 would be detrimental to the borough in the long term. AGDC will have to get permission to cross borough land
21 with a pipeline; it was posited that if the borough had language in code for leasing a pipeline right-of-way it
22 might be able to generate some income from the use of borough land. The City of Nikiski has been identified
23 as the terminus for the TransCanada Alaska Pipeline Project, which means if either or both of these pipeline
24 projects proceeds, they will be aligned with the George Parks Highway and traverse the Denali Borough. Mr.
25 Mike Baker, formerly State Director for Senator Murkowski, is now working for AGDC.
26

27 By unanimous consent, this item was postponed to the next meeting.
28

29 b) **Draft 1 Chapter 4.01 Definitions (Proposed)**

30 Molly MCKINLEY submitted a document proposing to amend the definitions chapter; in addition, there are
31 four other documents each with a proposed term and a definition in the packet.
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33 By unanimous consent, this item was postponed to the next meeting.
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35 c) **Draft 3 Chapter 4.05 Real Property Acquisition**

36 There was no discussion on this issue. By unanimous consent, this item was postponed to the next meeting.
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38 d) **Draft 11 Chapter 4.10 Management of Borough Real Property**

39 Steve JONES MOVED to change 4.10.050 Leasing borough real property J.2. by deleting "After Sales Gross" and
40 inserting "Percentage Lease;" Baxter MERCER seconded. The VOTE to amend 4.10.050 as stated PASSED
41 unanimously.
42

43 At a prior meeting, Mayor Walker discussed the option of moving 4.10.070 Temporary Use of Borough Land
44 and a proposed fee schedule to the assembly for consideration. It was advised that this section of 4.10 be
45 scrutinized against what is presently in code to ensure all procedures are aligned.
46

47 By unanimous consent, this item was postponed to the next worksession, public hearing, and regular meetings.
48

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

50 There was no discussion on this issue. By unanimous consent, this item was postponed to the next meeting.
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1 f) **Draft 14 Chapter 4.25 Classification of Borough-owned Land**

2 Steve JONES MOVED to substitute Draft 14 Proposed Amendment (3) for Draft 14; Baxter MERCER
3 seconded. The VOTE to substitute PASSED 4:1 with GRIGGS, JONES, JUSCZAK, and MERCER voting yea and
4 MICHAELS voting nay.

5
6 Steve JONES, in reference to 4.25.030 Procedural Requirements A., recommended the commission have a
7 discussion regarding the attorney's opinion that the borough should not be classifying land until it has
8 obtained patent to that land. Under that premise, the borough would essentially be unable to use any of
9 the acreage the borough now has management authority over until the land has been surveyed,
10 patented, and then classified. A suggestion was made to override the attorney's opinion and to proceed
11 with the classification of at least the Wallace permit area. It was noted that the state, the borough, and
12 the Wallaces actually entered into an agreement, an assignment, which dictates that the contract,
13 between the state and the Wallaces, and its conditions continue until the state actually conveys title of
14 the land to the borough.

15
16 It was noted that the substituted language in Proposed Amendment (3) 4.25.030 A. requires classification
17 of land for a special use permit, as well as, land that is to be sold, leased, or otherwise disposed. Steve
18 JONES MOVED to remove the following language from the second sentence from 4.25.030 A.
19 "significantly impacted (e.g. special use permits, etc)." Baxter MERCER seconded the motion. The VOTE to
20 remove the language as stated PASSED unanimously.

21
22 There was discussion as to whether the committee formed to address issues with Chapter 4.25 would
23 continue to work on the chapter or be dissolved. Steve JONES, chair of the 4.25 Committee, stated that
24 there were two issues to be addressed: 1. whether the terms "recommended" and "non-recommended"
25 should be deleted or retained, and 2. development of a procedure for changing uses and reclassifying
26 land. It was agreed that the committee will continue to work on Chapter 4.25.

27
28 By unanimous consent, this item was postponed to the next worksession, public hearing, and regular meetings.

29
30 **Draft Resolution Working Example Version 6**

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

32
33 g) **Letter to the Assembly (re: recommended amendments to Title 4)**

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

35
36 h) **Draft 2 Chapter 9.21 Zoning Scenic Corridor (Proposed New Chapter)**

37 Molly MCKINLEY submitted language to revise the purpose statement. It was suggested that the purpose
38 should emphasize the natural environment vs. the threat of commercial development. Sid MICHAELS
39 volunteered to draft another purpose statement to be added to the packet for the next meeting. Section
40 9.21.030 Geographic Location should be further discussed and if deemed appropriate modified.

41
42 By unanimous consent, this item was postponed to the next worksession, public hearing, and regular meetings.

43
44 i) **Draft 1 Chapter 9.22 Zoning Airport Reserve (Proposed New Chapter)**

45 Steve JONES will work on a sunset clause for this chapter. The purpose of Chapter 9.22 is to preserve an area
46 free from development that would preclude the site from being used as an airport. Another ordinance,
47 regulating sound and height restrictions for airports, will need to be developed for existing and future airports.
48 Although this is a long term planning goal, it was opined that this issue is not a priority, the borough has many
49 other planning issues that take precedent over this one, and 9.22 should be removed from the agenda.

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51 Steve JONES MOVED to postpone this item to the next worksession, public hearing, and regular meeting;
52 Baxter MERCER seconded. The VOTE to postpone PASSED unanimously.

1 **11) New Business**

2 There was no new business before the commission.
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4 **12) Public Comments**

5 There were no public comments.
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7 **13) Commissioner Comments**

8 Ryan JUSCZAK stated that the commission needs to get focused on classifying lands and obtaining patent to
9 our lands. The commission needs to provide the mayor and the assembly with the tools needed to manage
10 our lands.
11

12 Mayor Walker said it was a good meeting and thanked the commissioners for their work.
13

14 Sid MICHAELS said we need a commissioner for the empty District 3 seat and urged the mayor and other Healy
15 area commissioners to make an effort to get somebody to fill the seat.
16

17 Steve JONES spoke with Ms. Jill Boelsma, resident of District 1, who expressed interest in sitting on the commission.
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19

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

21 The next meeting of the Planning Commission will be November 12, 2013 at 6:15 PM in the Tri-Valley
22 Community Center.
23

24 The commission should consider whether they want to convene the December meeting, which has been
25 cancelled in recent years .
26

27 **15) Adjournment**

28 The Presiding Officer adjourned the October 15, 2013 Regular Meeting at 9:28 PM.
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32 APPROVED: *Sidney W. Michaels*
33 Sid MICHAELS, Presiding Officer
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36
37 ATTEST: *Linda Paganeli*
38 Linda PAGANELLI, Deputy Clerk
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Date Approved: 11.12.13