

**Minutes of the Regular Meeting  
Denali Borough Planning Commission  
Tri-Valley Community Center  
October 16, 2012**

**1) Call to Order**

Deputy Presiding Officer, Anne CAPISTRANT, called the planning commission regular meeting to order at 7:22 PM.

**2) Roll Call**

Planning commission members present were Anne CAPISTRANT, Patricia GRIGGS, Steve JONES, Molly MCKINLEY, and Rick WEIBEL. Mark MENKE and Sid MICHAELS notified the office they would be unable to attend tonight's meeting. Bill MITCHELL was absent.

**3) Public Comments**

There were no public comments.

**4) Approval of Agenda**

Rick WEIBEL MOVED to approve the agenda, Patricia GRIGGS seconded. The VOTE to approve the agenda PASSED unanimously.

**5) Approval of Minutes**

- a) Patricia GRIGGS MOVED to approve the minutes from the September 18, 2012 Public Hearing; Rick WEIBEL seconded. The VOTE to approve the Public Hearing minutes PASSED unanimously.
- b) Patricia GRIGGS MOVED to approve the minutes from the September 18, 2012 Regular Meeting; Rick WEIBEL seconded. The VOTE to approve the Regular Meeting minutes PASSED unanimously.

**6) Correspondence**

There was no correspondence.

**7) Plats and Conditional Uses**

- a) GCI Public Utility Easement ADL 418268: Gravel pit eastside of highway north of Panguingue Creek  
Deputy Presiding Officer, Anne CAPISTRANT, noted that a prior concern, to ensure Matanuska Telephone Association and Golden Valley Electric Association be notified of the new public utility easement, has been addressed. There were no other concerns or comments voiced regarding the preliminary plat.

Rick WEIBEL MOVED to adopt Resolution No. PC 12-03; Molly MCKINLEY seconded.

Patricia GRIGGS MOVED to amend the second whereas clause from "...was submitted to the land office by GCI;" to "...was granted to GCI by the borough;" Molly MCKINLEY seconded. The VOTE to amend the resolution as described PASSED unanimously.

In reference to the "subject to the following" clause:

- It was clarified that the easement will be clearly marked with above ground markers; and
- It is assumed the Department of Transportation and Public Facilities has approved of the easement within their right-of-way as Note 2 on the plat indicates the easement is to be permitted by the state entity.

The ROLL CALL VOTE to approve the amended Resolution No. PC 12-03 PASSED unanimously with JONES, MCKINLEY, CAPISTRANT, GRIGGS, AND WEIBEL voting yea.

1 **8) Reports**

2 a) Mayor

3 The mayor provided the commission with a written report as he was unable to attend tonight's meeting.  
4 The following items were touched upon in the report: at the November 2012 assembly meeting, Ahtna  
5 will make a presentation regarding their efforts to detach land from the Matanuska-Susitna Borough and  
6 annex it into the Denali Borough; the Department of Natural Resources (DNR) announced the intent to  
7 adopt the Yukon Tanana Area Plan, which does identify the borough's efforts to establish the Stampede  
8 State Recreation Area; in regards to a controversy over an individual's efforts to expand a road in a  
9 subdivision created by the state, the mayor noted that the Denali Borough does not have road powers or  
10 any established road standards; and the Alaska Railroad is soliciting comments on a proposed new policy  
11 for residential use of railroad right-of-way. The mayor recommended the Alaska Railroad be put on the  
12 commission's November agenda. The Deputy Presiding Officer requested the Alaska Railroad appear on  
13 next month's agenda under New Business.

14  
15 b) Borough Planner

16 The planner had no formal report for the commission.  
17

18 **9) Communication and Appearance Requests**

19 There were no communication or appearance requests.  
20

21 **10) Unfinished Business**

22 a) Draft 13 Chapter 4.25 Classification of Borough-owned Land

23 The Deputy Presiding Officer, addressing Ms. Ragland's question posed at the Public Hearing, queried the  
24 commission as to how close the body was to forwarding Title 4 revisions to the assembly. It was noted  
25 that all terms have not been defined, there may be some polishing to be done, and the letter to  
26 accompany the revisions needs work. It was generally agreed that reading through each chapter would be  
27 a good exercise. There may be new commissioners after the election.  
28

29 Patricia GRIGGS MOVED to schedule a worksession on Title 4 and its associated example resolution and  
30 letter to the assembly for October 30, 2012 at noon in the planning office; Rick WEIBEL seconded. The  
31 VOTE to schedule the worksession as described was unanimous.  
32

33 Draft Resolution Working Example Version 5

34 It was noted that the resolutions as written are lacking the "Therefore now be it resolved..." clause.  
35 Version 5 of the working example contains seven (7) resolutions; the commission has discussed sending  
36 less to the assembly. JONES, who authored the Draft Resolution Working Example, recommended  
37 selecting Example 4 (T 12S/R 8W FM) to send to the assembly as it highlights the land the assembly  
38 considered for a municipal building and has a good amount of variety but is not too complex. The colored  
39 map illustrating the highway corridor from the northern boundary of the proposed regional airport to  
40 Otto Lake is the one associated with Example 4. On the map, 'B' is the parcel under consideration for  
41 classification in Example 4.  
42

43 The Deputy Presiding Officer requested chapters within Title 4 appear sequentially on the agenda for the  
44 next meeting.  
45

46 Rick WEIBEL MOVED to delete pages 1-6 and 9-14 (Resolution Working Examples 1-3 and 5-7) from the  
47 Draft Resolution Working Example Version 5 and to modify the accompanying map; Patricia GRIGGS  
48 seconded. Discussion ensued as to how the colored map, which was to illustrate a number of the  
49 proposed resolutions, could be changed to highlight the intent of Example 4. It was determined that the  
50 map should show T 12S/R 8W FM with the area now labeled 'B' as the subject of proposed classification.  
51 Borough-owned lands surrounding parcel 'B' should be designated, but no classification proposed. The

1 VOTE to amend Draft Resolution Working Example Version 5 and revise the accompanying map PASSED  
2 unanimously.

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4 This item will appear on next month's Worksession, Public Hearing and Regular Meeting Agendas.

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6 b) Draft 6 Chapter 4.15 Disposal of Borough Real Property

7 Rick WEIBEL MOVED to postpone this item to the next meeting; Molly MCKINLEY seconded. The VOTE to  
8 postpone PASSED unanimously.

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10 c) Draft 6 Chapter 4.10 Management of Borough Real Property

11 During the worksession, the commission came up with some proposed changes to Chapter 4.10. It was  
12 determined that a complete read through at the October 30, 2012 Worksession might bring more changes  
13 to light and the commission would wait to vote on amending Draft 6 until the November meeting. Rick  
14 WEIBEL MOVED to postpone this item to the next meeting; Patricia GRIGGS seconded. The VOTE to  
15 postpone to the next meeting PASSED unanimously.

16  
17 d) Letter to the Assembly (re: recommended amendments to the code)

18 Rick WEIBEL MOVED to postpone this item to the next meeting; Molly MCKINLEY seconded. The VOTE to  
19 postpone PASSED unanimously. An alternative approach to the letter, providing bulleted points versus a  
20 lot of text is being considered.

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22 e) Draft 2 DBC Chapter 9.10 Subdivisions

23 Rick WEIBEL MOVED to postpone this item to the next meeting; Molly MCKINLEY seconded. The VOTE to  
24 postpone PASSED unanimously.

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26 f) Draft 1 Chapter 4.01 Definitions (Proposed new chapter)

27 Molly MCKINLEY provided the commission with a definition of "findings of fact" from Black's Law  
28 Dictionary. It was noted that Black's definition may not serve the purposes of the commission. A search of  
29 the Denali Borough Code revealed "findings of fact" is used multiple times in Title 5 (Chapters 5.20, 5.25,  
30 and 5.40) and in Chapter 6.10. "Finding" is found in Title 4 (Chapters 4.05, 4.10, and 4.15) as well as  
31 Chapter 1.15 and the Denali Borough Charter Article III.

32  
33 Definitions of the following terms may be proposed for inclusion in the new chapter: municipal land  
34 entitlement, parcel, block, special use, findings of fact, development, and real property (see also borough  
35 real property).

36  
37 Information regarding Chapter 4.01 and 4.10 sent to Patricia GRIGGS on October 1, 2012 by the Deputy  
38 Clerk will be emailed to all commissioners.

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40 Rick WEIBEL MOVED to postpone this item to the next meeting; Patricia GRIGGS seconded. The VOTE to  
41 postpone PASSED unanimously.

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43 g) Draft 1 Chapter 4.05 Real Property Acquisition

44 The question arose as to whether the citation of Ordinance 98-07 §3code§1989 23-2 should be retained in  
45 reference to the definition of real property. (See Chapter 4.10 "Real Property" defined and Chapter 4.01  
46 Definitions) This topic will be discussed at the October 30 worksession. Two other ideas for the  
47 worksession included 1) working on the proposed definitions chapter last so as to be able to identify and  
48 possibly include other terms and 2) discuss 4.050.020 Procedural Requirements H. Stage 2 of a Liability  
49 Assessment and whether a checklist should be created to ensure this exercise is effective.

50  
51 Rick WEIBEL MOVED to postpone this item to the next meeting; Molly MCKINLEY seconded. The VOTE to  
52 postpone PASSED unanimously.

1 h) Draft 1 Chapter 4.20 Financial Provisions for Land Sales and Leases

2 Molly MCKINLEY MOVED to postpone this item to the next meeting; Rick WEIBEL seconded. The VOTE to  
3 postpone PASSED unanimously.  
4

5 i) Draft Yukon-Tanana Area Plan Discussion

6 The DNR intent to adopt notice was published. As the mayor noted in his report, the plan does not  
7 designate the Stampede State Recreation Area, but does acknowledge the borough's efforts on this issue.  
8 DNR noted it was beyond their authority to designate a regional airport.  
9

10 Ms. Hannah Ragland offered that DNR opted not to act on a Denali Citizens Council recommendation to  
11 change the draft plan's intent to classify P-88 as settlement. DNR explained that P-88 is affected by a  
12 Denali Borough municipal land entitlement selection, which has yet to be adjudicated. (P-88 is composed  
13 of the southern half of T12S/R8W FM Section 17 and is situated to the southwest of the Panguingue Creek  
14 Subdivision.) The land, which is described as mostly tundra, was classified as public recreation/wildlife  
15 habitat under the former Tanana Basin Area Plan. Ms. Ragland requested clarification as to whether the  
16 borough had actually selected this land. The commission requested Planner Marsha Lambert research this  
17 issue. If the planner determines that the borough did not make this selection, she should inform the state  
18 of her discoveries.  
19

20 Steve JONES MOVED to postpone this item to the next meeting; Molly MCKINLEY seconded. The VOTE to  
21 postpone PASSED unanimously.  
22

23 **11) New Business**

24 There was no new business before the commission.  
25

26 **12) Public Comments**

27 **Hannah Ragland – Resident Panguingue Creek Subdivision**

28 Ms. Ragland thanked the commission for being responsive and proactive on issues as well as plodding through  
29 the run of the mill business. She added that the service of Commissioner CAPISTRANT is greatly appreciated  
30 and that she will be missed.  
31

32 **13) Commissioner Comments**

33 Patricia GRIGGS apologized for being late, due to circumstances beyond her control, to the worksession. She  
34 stated she is glad the commission scheduled a worksession dedicated to Title 4 to read through the chapters.  
35

36 Rick WEIBEL said the planned worksession will be good and the read through will be the most productive thing  
37 the commission could do with the chapters.  
38

39 Steve JONES hopes the commission can work through the chapters, get something they can adopt, and send  
40 the package onto the assembly. He speculated that a joint worksession with the borough assembly could  
41 occur in December. He predicted that the assembly will work on it for at least four months. He is anxious to  
42 move onto the subdivision ordinance.  
43

44 Molly MCKINLEY announced she will not be present at the next regular meeting, but looks forward to the  
45 upcoming worksession.  
46

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

48 October 30, 2012 at noon in the Planner's Office Worksession on Title 4

49 November 20, 2012 at 1 PM Worksession, Public Hearing, and Regular Meeting in the Tri-Valley Community Center  
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**15) Adjournment**

The Deputy Presiding Officer adjourned the October 16, 2012 Regular Meeting at 8:28 PM.

APPROVED: *Sidney W. Michaels*  
Presiding Officer

ATTEST: *Linda L. Casarici*  
Deputy Clerk

Date Approved: *February 19, 2013*