

**Minutes of the Regular Meeting
Denali Borough Planning Commission
Tri-Valley Community Center
November 12, 2013**

1) Call to Order

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

There were no public comments.

4) Approval of Agenda

Ryan JUSCZAK 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 October 15, 2013 Worksession, Public Hearing, and Regular Meeting minutes; Ryan JUSCZAK seconded. The VOTE to approve the October 15, 2013 minutes PASSED unanimously.

6) Correspondence

- a) Department of Natural Resources (DNR) – Public Notice Alaska Lime Co request for material extraction near Panorama Mt. (10/28/13 *Alaska Dispatch* article) Mr. Jim Caswell is the owner of the Alaska Lime Company.
- b) Nenana Area Borough Study – Draft Report Meeting Schedule & Newsletter
There is a meeting tonight in Nenana regarding this issue. One option being considered is to have the Denali Borough annex a portion of the area. The annexation into the Denali Borough would be subject to a vote of borough residents. The reason that Nenana was not included, when the Denali Borough was formed in 1990, was because they did not want to give up control of their school. The Nenana area has identified new sources of revenue, oil and a potential gas pipeline. Residents just north of the borough boundary have expressed interest in being annexed into the Denali Borough.
- c) ASAP Newsletter

7) Plats and Conditional Uses

Golden Valley Electric Association (GVEA) Communication Tower ASLS 2013-14 T10S8W Sec 17 F.M. creating a .5 acre Utility Tract and a 60 foot public access easement.

The GVEA development site is on land leased from the State of Alaska and is situated north of Rock Creek on the west side of the George Parks Highway. GVEA received boundary survey instructions from the state, conducted the survey, and is now submitting the plat for preliminary approval. Concern was voiced that an entity other than the landowner was submitting the plat. The planner stated that the DNR would be the last entity to sign the plat and a letter from the state directed GVEA to get Denali Borough approval.

The Staff Report summary indicates that a 60 foot wide public access easement is requested. It was suggested that the resolution, PC No 13-12, should be amended in two places, the title and the NOW THEREFORE clause, to include the term “wide” in the description of the easement.

It was noted that, as surveyed, there is a substantial section of the easement that is wider than 60 feet due to the slope of the land. Steve JONES MOVED to amend the title and the NOW THEREFORE clause of Resolution PC No 13-

12 by deleting 60 foot and adding "as surveyed" after the ADL number 41926. Baxter MERCER seconded. The VOTE to amend the resolution as described PASSED unanimously.

Molly MCKINLEY MOVED to grant preliminary approval of ASLS 2013-14 via Resolution PC 13-12; Patricia GRIGGS seconded. The ROLL CALL VOTE to grant preliminary approval for ASLS 2013-14 PASSED unanimously with GRIGGS, JONES, JUSCZAK, MCKINLEY, and MICHAELS voting in the affirmative.

8) Reports

a) Mayor

- The mayor thanked the commissioners for their service. Sid MICHAELS and Mark Menke have expressed a willingness to continue their service on the commission; the mayor has forwarded their names onto the assembly for approval at the November meeting. Don DeBlauw and Dave Talerico have accepted assembly seats won with write-in votes; Dave Evans won another term on the assembly. Jill Boelsma has submitted paperwork to serve on the assembly in District 1. Although the ballot was lacking in declared candidates, the assembly and school board have emerged as strong bodies. The District B seat on the assembly remains open.
- Alaska Stand Alone Pipeline (ASAP)
The governor has appointed the full board to the Alaska Gasline Development Corporation (AGDC). Terry Hinman has been doing a good job as the Healy/Denali Borough representative on the Community Advisory Council (CAC). He is considering stepping down from this volunteer position and the mayor is soliciting interest in a new person, possibly a commissioner, to act as the bridge between AGDC and the borough. The CAC meetings can be accessed remotely. The next meeting of the council is Thursday, November 21, which the mayor will attend as he will be in Anchorage for the Alaska Municipal League Conference.
- Tim Venechuk, hired to conduct the Panguingue B boundary survey, gave a presentation to the mayor and the planner updating them on the progress made. Mr. Venechuk is awaiting highway right-of-way information from the Department of Transportation, but speculated that he will have the project completed by the end of November.
- The commission received a series of emails, between the office, the borough attorney, and DNR, outlining a discussion as to what lands it can classify. DNR concluded that the borough can classify any land it has a deed to or management authority over. Management authority grants equitable title to the land, which allows for a variety of uses, but does not authorize disposal of the land.
- The mayor developed the Annual Work Plan, which is on the assembly's November agenda for discussion and approval.
- The planner is producing more detailed maps of borough lands to include surrounding land ownership and the status of borough land, whether patented or is under management authority. These new maps will be useful to the administration and the commission and will eventually be posted to the borough's website for the public.
- There is a community meeting in Cantwell scheduled for Friday, November 22 at 7 PM. The meeting will be attended by the Department of Commerce, Community and Economic Development, Division of Community and Regional Affairs, and AHTNA Corporation. The subject of the meeting is 14 (C) (3) lands, which are lands granted to communities for present and future public needs and uses (fire hall, school, parks, transfer station, etc.) via the Alaska Native Claims Settlement Act. The lands are to be transferred from AHTNA to an appropriate entity, which could include the state or the borough; the Native Village of Cantwell and Cantwell Community Incorporated have been twice denied the authority to accept the land transfer. Mr. Lee Lightfoot, from Cantwell, was present at the meeting and spoke briefly to the issue. The lands need to be selected from and signed off by AHTNA Corporation and it appears will be conveyed to a state trust for the community.

The mayor received a number of questions from the commission and responded as follows:

- There are no new updates to the AGDC route (Denali Bypass vs. Highway Utility Corridor) through the Denali Borough.

- The mayor mentioned at a prior meeting that he would like the commission to assist him in producing a priority list of municipal land entitlements to be surveyed. The mayor plans multiple town hall meetings to involve the public in this process and will also solicit their ideas on how the land might best be used. The mayor suggested that this effort will not move forward until after the holidays. The commission requested that the mayor advise them as to when he would like their input so they can put the item on their agenda.

b) **Borough Planner**

The planner asked the commissioners whether they would like the new maps on CD or a hard copy in addition to them being put online. All six commissioners requested hard copies of the maps.

9) **Communication and Appearance Requests**

There were no communication or appearance requests for this meeting.

10) **Unfinished Business**

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

It was speculated that AGDC will not seriously review the highway utility corridor and will instead use the Denali Bypass route. Can the borough refuse access to the Montana Creek selection? If AGDC makes no effort to investigate the highway route, it might be justification for seeking legal counsel. The mayor stated that he is under the impression that there will be drilling along the highway thru the National Park.

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

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

There is a proposed amendment to 4.01 in the packet plus a number of loose definitions not assigned to the draft chapter. The clerk noted that she had again discussed the proposed definitions chapter with the borough clerk, who reiterated that she would not support passage of this proposed ordinance as definitions, as per precedent, should be included in the chapter to which they are relevant.

Steve JONES MOVED to replace Draft 1 Chapter 4.01 Definitions with Proposed Amendment to Draft 1 thereby creating Draft 2; Ryan JUSCZAK seconded. The VOTE to replace as described PASSED unanimously.

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

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

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

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

The clerk read the following excerpt relating to Section 4.10.070 from the October 15, 2013 regular meeting minutes: *It was advised that this section of 4.10 be scrutinized against what is presently in code to ensure all procedures are aligned.* The Presiding Officer offered that this exercise is necessary in order to ensure that the newly proposed ordinances do not conflict with other changes made to Title 4 and the rest of the code.

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

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

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

f) **Draft 15 Chapter 4.25 Classification of Borough-owned Land**

The 4.25 Committee met and proposed two changes to Draft 15 Chapter 4.25. Molly MCKINLEY MOVED to amend Section 4.25.030 A. by deleting "or reclassified" from the end of the last sentence and to add a new sentence at the end of Section A. to read as follows: *"Any changes to existing classifications or current stated uses will require that the classification process be conducted in its entirety."* Baxter MERCER

1 seconded. The VOTE to amend Section 4.25.030 Procedural Requirements A. as described PASSED
2 unanimously.

3
4 Under 4.25.030 B. there is reference to “other public entities” and the question arose as to why this
5 language was added when the word public would appear to suffice. An attempt to limit classification
6 nominations to Denali Borough residents and the borough public bodies might not be legal.

7
8 Management Authority as defined by DNR might be included in Chapter 4.25, an appendix, or via a
9 definition. This concept is covered under 4.25.030 Procedural Requirements A.

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

12
13 **Draft Resolution Working Example Version 6**

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

15
16 **g) Letter to the Assembly (re: recommended amendments to Title 4)**

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

18
19 **h) Draft 2 Chapter 9.21 Zoning Scenic Corridor (Proposed New Chapter)**

20 Molly MCKINLEY MOVED to amend the title to this proposed chapter to “Zoning Nenana River Scenic
21 Corridor.” Steve JONES seconded. The VOTE to amend the title to Chapter 9.21 as described PASSED
22 unanimously.

23
24 Steve JONES MOVED to amend Section 9.21.010 Purpose by replacing what is in Draft 2 with the following:
25 *The purpose of this chapter is to designate an area along the Parks Highway and the Nenana River as a scenic*
26 *corridor free of commercial and residential development. Maintaining the corridor’s scenic nature will preserve*
27 *the area’s natural beauty, recreational value, and outstanding wildlife viewing for current and future Denali*
28 *Borough residents and visitors.* Molly MCKINLEY seconded.

29
30 Steve JONES MOVED to amend the amendment to add after Nenana River the phrase “*within the Denali*
31 *Borough.*” Baxter MERCER seconded the motion. The VOTE to amend the amendment PASSED unanimously.

32
33 The VOTE on the main motion to amend Section 9.21.010 Purpose as described PASSED unanimously.

34
35 The clerk noted that the change in the title requires language changes in the body of the ordinance. Sid
36 MICHAELS will bring proposed changes to the next meeting.

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

39
40 **i) Draft 1 Chapter 9.22 Zoning Airport Reserve (Proposed New Chapter)**

41 Steve JONES MOVED to add Section 9.22.015 Sunset Clause to read as follows: *This Airport Reserve District*
42 *Zoning Ordinance will automatically end 50 years after being adopted unless the area becomes a regional*
43 *airport within this time or unless the Denali Borough Assembly revokes this ordinance before that date by*
44 *Ordinance.* Baxter MERCER seconded.

45
46 Molly MCKINLEY MOVED to amend the amendment to change 50 years to 25 years. Ryan JUSCZAK seconded.
47 The VOTE to amend the amendment PASSED unanimously.

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49 The VOTE on the main motion, to add Section 9.22.015 as amended, PASSED unanimously.

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51 There are three versions proposed for geographic location. Patricia GRIGGS MOVED to insert Version 2 into
52 Section 9.22.030. Version 2 reads as follows: *The Airport Reserve District shall encompass an area described as*
53 *follows: all of Section 22, that portion of Sections 10, 15, 23, and 26 west of the Nenana River and that portion*

1 of Sections 9, 16, 21, and 27 east of the center line of the George Parks Highway in Township 11S, Range 8W of
2 the Fairbanks Meridian. Molly MCKINLEY seconded. The VOTE to add a geographic description as described
3 PASSED unanimously.

4
5 The Presiding Officer suggested that this item was nearing completion; it should be scrutinized by the
6 commissioners and reviewed in January and maybe February and then sent to the assembly.

7
8 By unanimous consent, this item was postponed to the next worksession, public hearing, and regular meeting.
9

10 **11) New Business**

11 There was no new business before the commission.

12
13 **12) Public Comments**

14 There were no public comments.

15
16 **13) Commissioner Comments**

17 Patricia GRIGGS noted that the Alaska Railroad will be featured on November 16 @ 5 PM on the Discovery Channel.

18
19 Baxter MERCER stated that the borough should consider refusing AGDC access to the Montana Creek area for the gas
20 pipeline, even if that means going to court. The United States House and Senate and the President of the United States
21 all granted AGDC an alternative route.

22
23 Steve JONES recommended moving both Title 9 Chapters 9.21 and 9.22 to the assembly at the same time. Steve
24 recommended waiting to see how the gas pipeline issue progresses before taking any further action. At some point the
25 borough may want to discuss options with the attorney. Jones will be gone for a month starting December 16.

26
27 Molly MCKINLEY suggested a positive resolution, which references actions taken in Washington DC, in support of the
28 highway corridor might be an option. Ms. MCKINLEY will be reviewing the classification chapter and attempting to
29 discern what is the best way forward. Molly will not be available in January, but could attend a December meeting.

30
31 Mayor Walker stated that the National Park preferred boreholes be drilled in the winter. He feels the borough was very
32 clear in stating its preferred route. The mayor announced a new Mayor's Community Service Award, which he hopes
33 will be ongoing. The Denali Borough Assembly approved a social media policy; there is a new Denali Borough Facebook
34 page.
35

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

37 The commission, by unanimous consent, cancelled the December meeting. The Presiding Officer stated that if
38 there was an emergency, he can call for a meeting.

39
40 The next meeting of the commission will be January 21, 2014 @ 6:15 PM in the Tri-Valley Community Center.
41

42 **15) Adjournment**

43 The Presiding Officer adjourned the November 12, 2013 Regular Meeting at 9:11 PM.
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46 APPROVED:


Sid MICHAELS, Presiding Officer

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49
50 ATTEST:


Linda PAGANELLI, Deputy Clerk

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52 Date Approved: 