



PLANNING COMMISSION

Wednesday, November 8, 2023, at 5:30 PM

MINUTES

In compliance with the Americans with Disabilities Act, individuals needing special accommodations / during this meeting should notify the City of Dillingham at 907-842-5212 at least three working days before the meeting.

MEETING INFORMATION

PLANNING COMMISSION REGULAR MEETING CITY HALL COUNCIL CHAMBERS / 5:30 p.m.

CALL TO ORDER

A regular meeting of the Planning Commission was held on Wednesday November 8, 2023, at the Dillingham City Council Chambers in Dillingham, Alaska and called to order at 5:39 pm.

Roll Call

Commission members present and establishing a quorum (a quorum being four): Kaleb Westfall, *Elizabeth Clark*, Gregg Marxmiller, Susan Isaacs, Michael Bennett, Burt Luckhurst, Jennifer Evridge.

Council members excused: *Elizabeth Clark* present in meeting at 5:50pm.

APPROVAL OF MINUTES

Minutes for the October 24, 2023, Regular Planning Commission Meeting:

Motion: Sue Isaacs moved, and Gregg Marxmiller seconded the motion.

Vote: the motion passed unanimously by vote

APPROVAL OF AGENDA

Regular Planning Meeting Agenda

Motion: to approve the agenda made by Gregg Marxmiller, seconded by Sue Isaacs.

Voting: The motion passed unanimously by vote

Communications to the Planning Commission

Fire Chief Norman Heyano submitted a new Downtown Fire Department design from Talkeetna to replace the existing Downtown Fire Hall. The existing fire station isn't feasible any more for one is too small and the building is too old. The new station will have four doors to accommodate two fire engines and two ambulances. This station will also have an office & living quarter for summer employees. The proposed site is across the road from the small boat harbor. Bert asked if there was going to be a Fire Department Crossing Light at the road because, it is a busy part of town. Coolie stated it is possible as other stations have done this.

Mayor Alice Ruby approved the Planning commission list of capital improvements. Alice recommended how expensive it would be to develop the Fire Station on the proposed spot. Alice mentioned that Choggiung had

conducted drilling sites in this area and the peat moss was measured to 30ft deep and cannot build on anything adjacent to the Boat Harbor due to the deep peat moss and unstable ground. Mayor Ruby also mentions the last item on the agenda, where the city council would like to develop a parcel. It was recommended that the Planning Commission form a Housing committee to accomplish this task because of how expensive it is. Entities are ready to work with the city and have funding to develop, such as Bristol Bay Housing Authority, Bristol Bay Area Health Corporation, Alaska Commercial Company, and Dillingham City School District. BBHA has the experience with subdivision development and engineers. BBHA is in the process of building new housing within the next 2 to 3 years, perfect timing for the city.

Rebecca Markley from Unicom completed a presentation on the Unicom Fiberoptic plan to get internet to other communities in the Southwest Region. She provided background information on Unicom Fiber upgrades for GCI and NETC who have partnered together on a project to deliver faster internet and affordable, unlimited data plans to Bethel and 12 other communities in the Yukon-Kuskokwim Delta region. This project will require installation of Fiber Optic Cable (FOC), associated facilities, including one beach manhole (3x4x4) FOC on City of Dillingham owned land. Most on land or through terrestrial waters will be laid on the surface to reduce wetland impacts, the FOC on City of Dillingham-owned lands will be buried to protect it from damage. To minimize ground disturbances when crossing stream banks, lakes, and wetlands the cable will be installed during winter months when the ground is frozen. It is anticipated that the construction will begin in 2024 and be completed to 2026. To facilitate construction of the project, Unicom requires a Land Entry Permit and easement agreement from City of Dillingham. Unicom is requesting permission to enter the property within the area shown on the attached figures to survey and construct the FOC network. Upon completion of construction, an as-built survey of the new facilities location will be compiled, and then the easement will be finalized and recorded.

Commissioner Kaleb Westfall ask for correction on where the manhole is located off the road. Rebecca responds if you look at the handout it shows to the estimated location of the manhole.

Commission Elizabeth Clark asked if the subsistence or commercial fishing will be able to access during summer months and how long will this project take. Rebecca said it will go very quickly and don't see any problems.

William Chaney went on record as CEO of Nushagak Cooperative saying that Nushagak Cooperative did not see any problems with this project, but if the city had any future plans for any improvements it would need to be addressed beforehand or included.

William Chaney with Nushagak Cooperative presented Hydro Electric project in the Head waters of Wood Tikchik National Park on the Nuyakuk River.

Key Features:

1. Current proposed 10-14MW
2. No dam utilization of existing natural control
3. Limited footprint & short bypass reach through limited aquatic habitat zone.
4. No lengthy access roads necessary, air or via river.
5. Highest control flows coincide with peak running timing for key salmon species, renewable hydro generation would flow for power production for 100% of fish processing effort.
6. Base on analysts most appealing renewable options in the region. Multiple options have been analyzed over past 10 years, such as wind generation.

Key Development Over The Past year:

1. Collaborative ARWG and public involvement related to technical study plan improvement (collective development, review and commenting)
 - a. Bo-monthly ARWG meetings
 - b. Website updates and emails to contact list throughout process.
 - c. Review / comment period associated with the RSP.
2. Geotechnical analysis
3. Biological study camp established.

4. All requisite natural resource permit applications submitted.
 - a. ADNR land use Permit
 - b. ADFG Fish Habitat Permit
 - c. ADFG Fish Resource permit
5. 2023 Study Season completed.

Natural Resource Study Program:

1. Fisheries
 - a. Fish Community and Behavior Near the Project Area
 - b. Falls Fish Passage study
 - c. Entrainment and Impingement study
 - d. Tailrace False Attraction Evaluation
 - e. Chinook and Sockeye Life Cycle Modeling
 - f. Integrated Risk Assessment of Fish Populations
2. Water Resources:
 - a. Dissolved Oxygen and Water Temperature Focus
 - b. Flow Duration Curve/Stationarity Assessment
 - c. Future Flows Study
 - d. Ice Processes Assessment
3. Terrestrial
 - a. Botanical Impact Assessment
 - b. Wetlands Impact Assessment
 - c. Caribou Population Evaluation
4. Cultural
 - a. Subsistence Study
 - b. Section 106 Evaluation
5. Recreational and Aesthetics
 - a. Noise study
 - b. Recreation Inventory

Project Goals:

Assess the feasibility of Nuyakuk Falls as a hydro prospect while respecting the environment and local/regional interests.

At the current phase - Assess the feasibility of the Project via:

1. Natural resource studies
2. Geotechnical evaluation
3. Preliminary design concepts
4. Dialogue with the local and regional stockholders

Use the best possible science and regional experts to assess feasibility.**If deemed environmentally feasible, the Project will.**

1. Significantly reduce (if not eliminate) current reliance on fossil fuel resources for electricity.
2. Represent a long-term, renewable power source for the region.
3. Stabilize and lower power source for the region.
4. Provide short and long-term employment opportunities for the region.

Consistently collaborate with, information and involve all interested regional individuals, Tribal entities, and public interest groups throughout the process.

Overall Project Licensing ScheduleKey FERC Milestones

1. Comprehensive Study Seasons- 2023and 2024

2. Study Reporting – 2023 and 2024
3. Study Reporting Meetings- 2023 and 2024
4. Ongoing infrastructural and site Analysis and Design- 2023 and 2024
5. Further Geotechnical Analysis- 2024
6. Preliminary Licensing proposal- 2024/ early 2025
7. PIP Comment Period- 2024/ early 2025
8. Final License Application 2025

questions: Gregg asked if we were going to lose out on PCE. William mentioned that the Federal Government is making it well worth the incentive to switch over.

A 5-minute recess was called and passed by members of the Planning Commission.

Meeting called to order @ 7:16pm by Commission Chair Westfall

Planners report: Patty had no written report at this time since, she gave one two weeks and nothing new to report. After the meeting she got on a plane for doctor's appointment in Anchorage and hand delivered the Mylar plat to DOT. Once returned to the office on Monday she was appointed to Acting City Manager during Kimberly Johnson absence. At this point in time, she had to deal with the Territorial School building demolition and gather information for the Comprehensive plan for CIP list. Any questions?

Elizabeth Clark said she was asked if there was any asbestos in the building?

Patty mentioned that there was a small layer of paint on the floor but, since it was wet and no dust or concerns at the time of removal.

Citizen's comments on items not on agenda:

No one in the room or on-line to make any comments.

PUBLIC HEARING

None scheduled.

Unfinished Business

Capital improvement list for FY 2024

- Harbor Float Replacement
- Harbor Revetments and Breakwater/Emergency Bank Stabilization
- Snag Point Erosion/Sewer Lagoon Bank Stabilization
- Wastewater System Upgrades
- Downtown Fire Hall replacement
- Water System Improvements, phase III
- Replace one well the Landfill for Ground Water Monitoring
- New Landfill Trash or Ash Cell
- Repair Landfill Shop
- Fire Hydrant Replacement and or/repair

Kaleb Westfall mentions that we are going adopt and prioritize list. Is there a Motion.

Gregg Marxmiller moves to adopt resolution 2023-04 Capital Improvement List, Elizabeth Clark second.

Kaleb Westfall opens for discussion.

Gregg Marxmiller question is there any indication why the list is in this order?

Patty sorted the listed with Manager Johnson as available funding right now. You as Planning Commission would sort these as way of importance to present to the City Council, list as to what is priority from page 8 to 7. The first three bullets have funding available right now. The exception of the Fire Hall design that Fire Chief Heyano presented it cost 1.7 million to build in Talkeetna. We need to

include water line hook up to existing line above harbor access road brought down a little and across to the tundra about 2 to 3 hundred feet to gravel pad suggested for the Downtown Fire Hall build.

Gegg Marxmiller stated that he was not going to make a motion for the items of importance on this list but, it seen to be on here from the past, if need I can move items from page 7 to page 8.

Sue Isaacs asked for clarification on the importance on the list in order.

Gregg Marxmiller said as for the city the items with numbers the legislators look at for priority or go with what is easily funded.

Patty mentioned that the harbor float was awarded 5 million for design. The most important is PND Engineers 2019 design for our harbor is it appropriate for the city of Dillingham and harbor. The float design with gangway and catwalks would hang during the winter months and secured to posts dropped into harbor. Danny Miller, Harbor Master, and I as a community member have weighed in on this and administration have talked about what complications that might come up or do we have the resources to maintain. Mark Schwantes, the newly hired Acting Public Works Director, a few local fishermen, some employees have given their comments. This doesn't affect our Capital Improvement List, but it does affect a design. This design appears problematic with our strategic plan. The plan didn't include conversation with landowners. The current revetments are on Peter Pan Seafoods property and Bristol Bay Native Corporation, who have stated they do not want revetments on their property on the other side because, that's where they put the ice tender. As we move forward we need to be more knowledgeable of the new design since, this wasn't put before the Planning Commission without adequate input. Patty was told by Mr. Hladick that it wasn't passed, and she has looked for a denial letter but, not yet seen one.

Kaleb Westfall is not opposed to Gregg's idea of just leaving as is or moving it around. Are the harbor floats more important than the water/wastewater that effects everybody or most.

Sue Isaacs stated these are all important but, we need new one. But the water system is very important too. We can't wait another 10 years.

Michael Bennett asked how old is our water/wastewater system? Patty what portion? Is there anything that needs to be address right away.

Patty states that we had a pipe our downtown infrastructure is 40 years old and failing one section a time.

Michael Bennett believes that water/wastewater is very important because, we can't have the city without water/wastewater & pipes torn up all over the town. So, I think we should move top of the list.

Elizabeth Clark would like to move water/wastewater up as it is very important for dieses control however recognizes the Downtown Fire Hall is important as well. I like to propose move water/wastewater 1 & 2 and fire hall 3 and keep the rest. Are we looking as actually funded or need base. Elizabeth stated she wanted them in order of need.

Jennifer Evridge stated that top 3 funded and or is through the snag point erosion project. Did we receive the 5 million for the Harbor floats and do we have the money available in the bank. I agree with Liz's idea of water and wastewater project s would be more of a priority in the Legislators. My question is the money sitting in the bank or spent on a design we don't really like and agree with Michael on importance of the water/wastewater's upgrades to top of the list.

Kaleb Westfall asked for clarification on the funding.

Patty stated the city has received the 5 million dollars for design of the Harbor Floats, water/wastewater phase costs are included in your packet.

Gregg Marxmiller stated he understood the importance of moving forward with the listed items as it shows constituency with previous years and keeps the more important items moving forward, who then made a motion to pass the CIP List. Kaleb Westfall asked for clarification if it should be kept in the order of:

1. Wastewater Improvements
2. Water System Improvements, phase III
3. New Downtown Fire Station
4. Harbor Float Replacement
5. Harbor Revetments and Breakwater/Emergency Bank Stabilization
6. Replace one well the Landfill for Ground Water Monitoring
7. New Landfill Trash or Ash Cell
8. Repair Landfill Shop
9. Fire Hydrant Replacement and or/repair

All members agreed that this is the order that they would like to have the CIP List in the above order.

Elizabeth Clark made a motion as accepting the list as stated as read by Kaleb Westfall in the organized manner, Gregg Marxmiller accepted the Friendly Amendment. There was discussion by all Commissioners if water system improvements should be listed as 1 then Wastewater Improvements as 2 – Patty stated the best forward motion is to vote on this then make a motion to rearrange the list as there is currently a motion within a motion on the floor. General discussion continued the list order for 2 more minutes. Elizabeth Clark called the question, Kaleb Westfall acknowledged the question, Michael Bennett seconded the question. Some discussion occurred for the importance of the actual order of the CIP List.

Motion passed unanimously.

Resolution 2023-04 as amended; Gregg Marxmiller called a question on Resolution 2023-04 as amended. Gregg motioned to correct the date and amend the 2022 to 2023 then called a question on the motion. Kaleb Westfall seconded the question as amended. Micheal Bennett made a motion to add a friendly amendment, moving Wastewater to position two on the list and Water System improvements to number one on the list.

1. Water System Improvements, phase III
2. Wastewater Improvements
3. New Downtown Fire Station
4. Harbor Float Replacement
5. Harbor Revetments and Breakwater/Emergency Bank Stabilization
6. Replace one well the Landfill for Ground Water Monitoring
7. New Landfill Trash or Ash Cell
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Bert Luckhurst seconded the motion. Gregg Marxmiller called the question, Kaleb Westfall acknowledged the question.

Motion passed unanimously.

NEW BUSINESS

4. Playground: Include the discussion of Planning the routine maintenance and inspection of the new playground that is located at the Downtown Park. Item requested to be listed by Commissioner Elizabeth Clark to openly discuss the Playground.

Elizabeth stated she no longer works for BBNA and no longer has a conflict of interest on the Downtown Playground that was paid for by BBNA. Elizabeth did make a motion to table the discussion on the Downtown Playground, motion was seconded by Bert Luckhurst. Gregg Marxmiller called a point of order to state that this should be noted as a postponed section and not a Tabled. Bert accepted the point of order and held his second on the motion.

Discussion by Gregg was he did not like the format of this section on the New Business and it should have been put into as a point of information under the Communication to the Commissioners, Elizabeth stated that she agreed with Gregg and that she wanted something on the table to discuss.

Motion passed unanimously.

5. Request for an Easement through City of Dillingham lands to be granted to Unicom, Inc., to install Fiber Optic Cable

Gregg Marxmiller made a motion to adopt Resolution 2022-03 with the amendments to change the dates on the document. Elizabeth Clark seconded the motion.

Discussion: Micheal Bennett wanted to make sure the city does not have any plans to make a parking lot. Bert Luckhurst stated that he agreed and that once it's given it will be their easement and we will not be able to build on the Fiber Optic Cable (FOC). Bert Luckhurst wanted to have a parking lot or boat launch installed being primitive at best. Bert suggested that GCI could part of the solution by putting in a parking lot or a better road. Gregg suggested that Rebecca Markely speak to the request. Rebecca stated that asphalt over the easement would prevent being able to access the FOC to be able to maintenance it. Kaleb asked about propeller interference or propeller interference. Rebecca stated that this was already studied, and this was not a foreseen issue as it would be buried before the shallow portion of the beach. Micheal Bennett also raised the concern of bigger scows and their anchors hooking the FOC and breaking the line and who would be responsible for the repair the line. Rebecca stated that Unicom has taken this into consideration and that is why this location was chosen due to the unlikely event of this occurring. Micheal asked would the liability be on Unicom or the vessel owner. Rebecca stated it would be on the vessel owner if the vessel owner broke the line as it would be noted on charts and wide PSAs would be broadcast of the line location. Bert Luckhurst stated he does not agree with this Resolution. Gregg Marxmiller stated that he did not have any issues with this placement and agrees with this resolution and does agree with this resolution. Kaleb Westfall stated he does not like the location due to AML and other large tenders who anchor in that area. Elizabeth asked if there would be any environmental impacts due to the salmon and the environmental status, as the beach is a large area that is used for subsistence, and she wants to make sure it does not have any negative impacts on the environment. Michael asked if it was Federal funded and why does it not go through Federal lands which the Hospital sits on and does not hinder the fishing area of the beach. Kaleb Westfall asked if there were any other locations that have been explored. Rebecca stated that this area was the most reasonable and safest route, as well as a NTIA report that will be released at a later time (environmental review). Patty has stated that Will Chaney with Nushagak Cooperative who spoke earlier does support the Unicom FOC project. Patty asked if Unicom would be agreeable to doing some sort of road improvement prior to burying the FOC, Rebecca stated yes, and they could discuss and consider this due to the primitive state. Kaleb asked if the safety of the FOC was due to the ice shear and the use of the road. Rebecca stated it was a double armored cable which is the stronger of the FOC. Gregg was concerned about the disturbance of the boat that is sunken in the beach gravel. Patty stated an archaeological walk through has already been completed in May 2023 and the boat was already part of this walk through. Rebecca asked for "no-construction time", almost all commissioners stated that May through July would be a bad time due the subsistence fishing and the boat launching that occurs during this time. Sue suggested postponing this topic to the next meeting, Kaleb seconded that and asked for a list of information be supplied to the Planning Commissioners prior to the next meeting. Patty recommended that Unicom complete a workshop in a 2-week time period, Elizabeth Clark stated that for her that is difficult so suggested to do a workshop in December prior to the regular scheduled Planning Commission meeting with only one agenda item listed as the Unicom easement. Susan Isaacs changed her suggestion to a Motion to postpone, Bert Luckhurst seconded the motion.

Discussion: Micheal asked for clarification if this would be moved to the December meeting, Kaleb stated yes.

Motion YAY's: Bert Luckhurst, Susan Isaacs, Elizabeth Clark, Kaleb Westfall, Micheal Bennett

Nay: Gregg Marxmiller

Kaleb asked for the Commissioners to think of items that they would like to ask Unicom and state those in their Comments at the end of the meeting.

6. Planning Commissioner Seat B and Seat E terms will be completed on December 31, 2023. If the Current Seat holders would like to run again a memo to the mayor must be completed and submitted to Mayor Alice Ruby prior to the end of Term. I will start Advertising the Seats as available by appointment of the mayor at the end of this month per Dillingham Municipal Code, 2.68.020. Seat B, currently occupied by Planning Commissioner Jennifer Evridge Seat E, currently occupied by Planning Commissioner Susan Isaacs.

Gregg Marxmiller asked if this is for informational purposes only, and if so should have been put into the Report to the Commissioners and not under the New Business section of the meeting. Patty apologized for the inconvenience as it was only information to be shared.

7. The City Council would like to develop parcel 1-120-020 Planning should start for the future development of the 320 acres of land that was given to the City of Dillingham. Micheal stated he wanted this on the agenda so the City Council could move forward with developing the land into subdivisions to increase housing. Gregg asked what the desired action was and if anyone had considered working with other stakeholders. Kaleb stated that his concern would be with specific steak holders having interest with only certain types of individuals and not a wide variety of steak holders. Michael stated the motion by the City Council was to consider multiple housing opportunities while talking to the other steak holders and this was just a way to open the discussion on creating land options for people to develop housing. Kaleb stated the most current housing study was needing upwards of 400 homes to maintain the current need that has been identified within Dillingham. Gregg stated this is a large task for the Planning Commission and maybe should be delt with by professional services and does not think the Planning Commission is the right place to be development subdivision. Gregg also stated he thought that the access was also an issue as it appears to only have limited access.

Elizabeth Clark made a motion to postpone further discussion on this until the January meeting.

Micheal Bennett objected and stated he wanted direction to keep moving forward. Gregg stated he wanted a workshop on this development of this lot and is in favor of a workshop preferably before the next meeting. Point of Order was called by Patty as a motion was on the floor then followed by an objection, with no second. Now a vote on the second to object the objection must be completed. Kaleb Seconded the Objection, Kaleb Seconded the Objection.

Motion to object YAY's: Kaleb Westfall, Micheal Bennett, Susan Isaac, Bert Luckhurst, Gregg Marxmiller,

Motion NAY's: Elizabeth Clark, Jennifer Evridge

Motion fails.

Micheal makes a motion to have a workshop prior to the Unicom meeting postponed until December. Bert Luckhurst seconds the motion.

Discussion: Elizabeth stated she will be unavailable most of December. Gregg wants to make sure people are invited to the meeting to assist with the subdivision development.

Question was called by Sue Isaacs, no objections. Motion passes unanimously.

COMMISSIONER COMMENTS

Susan Isaacs, said it was a good meeting with lots of information.

Elizabeth Clark, would like to see where Unicom explored alternate routes for the FOC. Would like to see the additional report on the environmental impacts by Unicom. Elizabeth also requested that the CIP list would like to start working on it sooner possibly in August of 2024 in a workshop.

Bert Luckhurst, thanked staff for their work and thanks to Kaleb for the pizza.

Gregg Marxmiller, wanted to know why Unicom was putting this in and what is the benefit to the community. Also thanked the staff for their work and thanked Kaleb for pizza.

Jennifer Evridge, was sad she did not get any pizza, and did not like how long the Nushagak presentation was. She would like to hear from Unicom prior ideas or different routes and any engineering reports that went with it. Jennifer also wanted to discuss the 320 acres of land to be discussed and who will be developing it but does believe it should be sold to the private sector to be developed. Jennifer thanked the staff at the city and all positive she has seen at the Landfill and different departments. She stated she would be putting in to retain her seat on the Planning Commission and is enjoying all the positive work within the Planning Commission.

Michael Bennett, thanked staff for their work.

Kaleb Westfall, this was a long meeting with lots of information, big meeting with lots of big decisions. These decision will impact our future, thanked staff for their work.

ADJOURNMENT

Commission Chair Kaleb Westfall adjourned the meeting at 9:20 pm.

Commissioner Kaleb Westfall

ATTEST:

Patty Buholm, Planning Director

Approval Date: _____