

**CITY OF KOTZEBUE  
REGULAR PLANNING COMMISSION MEETING  
MINUTES  
MAY 9, 2024**

**I. CALL TO ORDER**

Acting Chairman Nordlum called the regular meeting to order at 5:30 P.M.

**ROLL CALL**

In attendance were:

Clay Nordlum, Acting Chairman

Commissioners: Herb Sweezey; Barbara Collison; Johnathan Heft

Chairman Norton was excused from the meeting due to his concurrent responsibilities as a member of the City Council, which required his presence in Washington DC for lobbying purposes.

**II. INVOCATION / PLEDGE OF ALLEGIANCE**

A moment of silence was observed, and the pledge of allegiance was said by all.

**III. OATH OF OFFICE**

No oath of office took place.

**IV. INTRODUCTION OF GUESTS**

***In-Person:***

Sam Camp, Planning Director; Gem Belamour, City Planner

***Telephonically:***

Joe Evans, City Attorney; Meagan Lincoln; Matt Bergan; Jackie Hebnes, Bristol Engineering

**V. APPROVAL/AMENDMENTS TO AGENDA**

During the meeting, amendments were made to the agenda as follows:

1. The Memorandum of Understanding (MOU) regarding the inclusion of City-Owned Facilities and Roads into the NVOK National Tribal Transportation Inventory has been added to Item IX, New Business, under Item B.

**Commissioner Heft moved to approve agenda, as amended, seconded by Commissioner Sweezey.**

**Motion carries unanimously by voice vote.**

## VI. APPROVAL OF MINUTES

A. April 11, 2024 – Regular Planning Commission Meeting

**Commissioner Swezey moved to approve 04/11/24 Regular Planning Commission Minutes, as presented, seconded by Commissioner Heft.**

**Motion carries unanimously by voice vote.**

## VII. CITIZEN'S COMMENTS

A citizen raised concerns regarding the access between Third Avenue and Grayling Street. The citizen highlighted that students and teachers frequently walk through the Public Works lot and the area between the Courthouse/Armory and Chukchi Campus. Currently, there is no dedicated easement in these areas, posing safety risks due to the presence of heavy equipment from Public Works and the narrow passage between the Armory and the fence on Chukchi Campus. The citizen requested that the Planning Commission consider the possibility of establishing an easement to enhance safety for students and teachers.

Concerns regarding the extent of the tidelands owned by the city was also raised, noting that there is a specific limit defining where the city's tidelands start and end. The citizen suggested that the city or the Planning Commission consider reaching out to the state to acquire additional tidelands. This acquisition would be within the "new" city limits, which were expanded decades ago. The citizen emphasized that obtaining more tidelands could significantly aid in the city's economic development.

Planning Director Camp responded with support for both comments. Regarding the school access road, he acknowledged the need and expressed interest in the project, emphasizing the importance of planning and identifying suitable city-owned land. He noted the current issue of students using Public Works as a shortcut and welcomed citizen input for potential solutions. On the topic of expanding tidelands, he deferred to Joe for historical context but expressed willingness to explore the process further.

City Attorney Evans clarified that the permits issued pertain to tidelands for individuals engaged in fishing activities within city tidelands. These permits are not for operating shore-based facilities within tidelands but for fishing within them. While some shore-based facilities existed in tidelands in the past, current operations are typically outside of tideland boundaries. The city obtained its current tidelands from the state in the 1970s, and there hasn't been an attempt to expand them since. However, the city could potentially request an expansion to align with its current municipal boundaries approved in 1972. The existing tidelands were issued before the city's boundary expansion, hence their smaller size compared to current boundaries.

Acting Chairman Nordlum personally acknowledged the significant safety issue with children walking through city property, especially during heavy snow periods when visibility and safety are compromised due to the presence of heavy machinery. He expressed skepticism about the feasibility of maintaining a plowed pathway, noting the challenges in keeping even main roads clear during winter storms. However, he supported the concept in principle and recalled discussions from the city's transportation plan released last year, which included community meetings at the Boys and Girls Club.

Commissioner Sweezey expressed support for establishing a pathway, recognizing the lack of a clear route from one side to the other. He suggested considering the possibility of installing a fence to prevent children from accessing areas with heavy machinery while still creating a designated pathway through the property.

#### **VIII. UNFINISHED BUSINESS**

No unfinished business.

#### **IX. NEW BUSINESS**

##### **A. Variance Application – Meagan Lincoln**

Planning Director Camp provided an overview of the situation concerning a proposed building in Kotzebue, noting similarities to previous variance cases. He highlighted the purpose of setbacks in maintaining adequate spacing between buildings. Specifically, while the proposed building meets setback requirements by being five feet from the property line, it encroaches two and a half feet beyond it, leaving approximately two feet between the encroachment and an existing structure.

The applicant then clarified that their proposed building is slightly over three feet from the property line and is 18 feet wide. Planning Director Camp acknowledged this clarification and reiterated the necessity of variances in Kotzebue due to the practical challenges of strict adherence to city code in every instance. He emphasized the importance of thorough due diligence in reviewing such cases, leaving the decision-making process to the Planning Commission for deliberation.

**Acting Chairman Nordlum made a motion to approve the variance application seconded by Commissioner Sweezey.**

**Motion carries unanimously by roll call vote.**

##### **B. MOU – Addition of City-Owned Roads to NVOK National Tribal Transportation Inventory**

Planning Director Camp provided an overview of the MOU initiated by the tribe, which involved collaboration with the city attorney and public works director starting in late April. After initial review, questions arose that required clarification from the tribe, resulting in a revised draft now presented as a second iteration. Originally comprising five entries, one road—Devil's Lake Road—was excluded due to its closure under the Watershed Protection Act, despite occasional public use. The remaining four facilities outlined in the MOU include the Airport Access Road, Kotzebue Avenues, Beach Access Road near the sewage ponds, and the Boat Harbor at Swan Lake, encompassing not only docks and parking but also adjacent areas like the fairgrounds and softball fields. Each facility is detailed within the MOU, specifying locations and additional operational details.

The purpose of incorporating these facilities into the tribal transportation inventory is to facilitate future projects, maintenance, or potential improvements funded through tribal transportation funds. Planning Director Camp emphasized that final approval would rest with the city council following the Planning Commission's decision on the MOU.

Commissioner Swezey raised a concern regarding the MOU, focusing specifically on the roads mentioned. He pointed out that for infrastructure under these roads, such as water pipes, if city maintenance or projects were required, coordination with the tribe would be necessary. This collaboration would be essential for accessing and working on infrastructure located beneath the roads outlined in the MOU.

Planning Director Camp clarified that the city would retain ownership of the roads and facilities mentioned in the MOU. These assets would simply be included in the tribe's transportation inventory list, enabling the city to potentially access tribal transportation funds for projects or maintenance on these specific roads and facilities. This arrangement does not involve transferring ownership to the tribe but rather facilitates cooperation where necessary funds could be requested from the tribe based on the listed assets in their inventory.

Acting Chairman Nordlum provided background on tribal roads and the tribal transportation program, which receives federal funding based on mileage. He clarified that while the city retains ownership and responsibility for maintenance and plowing of the roads, the tribe could use federal funds for upgrades and some maintenance costs. His concern focused on the MOU's language, which discusses improvements benefiting both parties but does not explicitly address whether tribal funds would support ongoing maintenance by the city. He cited Kotzebue Way as an example where maintenance challenges have arisen despite its importance to residents. Acting Chairman Nordlum questioned whether a separate agreement would be needed to ensure tribal funds contribute to continued maintenance, as this aspect was not currently addressed in the MOU.

Planning Director Camp provided clarification on the MOU's implications, emphasizing that the city would retain ownership of the roads and facilities listed while adding them to the tribe's transportation inventory for potential funding access. He raised a concern about the maintenance responsibility outlined in Section A of the MOU, noting that it lacks specificity and could lead to ambiguity regarding the city's obligations. He highlighted specific challenges with maintenance on various roads and facilities, such as irregular maintenance on Kotzebue Way and flooding issues on Beach Access Road during spring. Camp discussed the city's current role in maintaining the Boat Harbor, including docks and parking areas, but not other associated spaces like the fairgrounds and softball field.

City Attorney Evans echoed Camp's concerns, suggesting that the MOU should include provisions acknowledging maintenance subject to available funding. He emphasized the need for flexibility in budgeting and prioritizing road maintenance annually. Acting Chairman Nordlum expressed agreement, citing examples of challenging maintenance scenarios and suggesting further discussion and education about Tribal Transportation Program (TTP) funding and its application to city roads.

Acting Chairman Nordlum proposed postponing further discussion to address maintenance concerns and gain clarity on TTP funding mechanisms. He suggested inviting representatives from the tribe to explain their program and funding allocations, especially considering the relatively small mileage of roads involved. Planning Director Camp confirmed that the city has entered into MOUs for other roads in the past, indicating familiarity with such agreements.

Ms. Hebner from Bristol Engineering highlighted our involvement with the tribe's long-range transportation plan. They update their inventory annually, but typically align updates with their long-range transportation plans, updated approximately every five years.

Regarding city MOUs, many city roads are already in the official inventory, except for these particular existing roads, which are not listed. Adding them to the tribal inventory ensures consistency across all city roads.

She also mentioned the addition of Cape Blossom Road to the inventory, noting discrepancies in mileage between the existing inventory and the actual road length, which underscores the importance of accurate inventory updates.

Ms. Hebner emphasized the need to include these roads in the tribe's inventory for federal funding purposes, clarifying that ownership will not be transferred. She expressed readiness to proceed pending the inclusion of City Attorney Evans' concerns in Section A and a more defined term for maintenance in Section B.

Commissioner Heft expressed his support, contingent upon clarifications regarding the maintenance responsibilities for the roads and the funding arrangements.

**Commissioner Sweezey proposed a motion to recommend to the City Council the acceptance of the MOU with NVOK concerning the Addition of City-Owned Roads to the tribe's National Tribal Transportation Inventory. The motion included the provision to incorporate "subject to available funding" and to enhance clarity regarding the definition of maintenance within the MOU. Commissioner Heft seconded the motion.**

**Motion carries unanimously by roll call vote.**

#### C. Zoning Project – Work Group Creation

City Planner Belamour provided an overview of the zoning project underway within the city of Kotzebue. The project aims to establish zoning districts and create a zoning map within the city limits, encompassing both developed and undeveloped areas. Belamour presented a draft timeline outlining the project's phases and activities, emphasizing the need for extensive feedback and research to identify and protect crucial areas, such as habitats, subsistence areas, and berry picking sites.

The project's timeline spans multiple years due to the iterative nature of the process and the necessity of public and stakeholder engagement. Belamour outlined the current phase as initiation and visioning, during which a workgroup will be established. The Planning Commission's input is sought to determine the composition of the workgroup, which may include members from the Planning Commission, City Council, relevant corporations, businesses, and other stakeholders deemed essential to the process. By establishing the workgroup, the project aims to facilitate collaboration and advance towards its objectives effectively.

Commissioner Collison proposed including representatives from businesses and individuals in the workgroup, alongside members from the Planning Commission. She suggested establishing a clear guideline for the workgroup's size to ensure effective collaboration without overwhelming participation. While she initially suggested a maximum of 10 members, she acknowledged flexibility depending on the circumstances. She emphasized the importance of maintaining a manageable group size to facilitate productive discussions and decision-making.

Acting Chairman Nordlum suggested a smaller workgroup of about four or five members for the zoning project, emphasizing efficiency and focused decision-making. He differentiated between the core workgroup responsible for detailed discussions and the broader contacts who would receive updates throughout the process. Commissioner

Collison highlighted her availability to represent the Planning Commission in the workgroup, underscoring her commitment despite not having other obligations.

City Planner Belamour suggested that the zoning workgroup should include a representative from the Planning Commission, as well as a member from the city council to ensure alignment and support at that level. She emphasized the importance of transparency and communication within the city council regarding the progress of the zoning project. Additionally, she agreed with the suggestion to include representatives from KIC due to their significant land ownership within and outside the city boundaries. She also supported Commissioner Collison's proposal to include a seat for the public in the workgroup, emphasizing the need for public understanding and engagement to dispel misconceptions about the project's intentions. She stressed that zoning aims to protect existing properties and subsistence activities rather than encroach upon them.

Planning Director Camp outlined a practical approach for forming the zoning workgroup, suggesting they start with identified stakeholders who have already expressed interest. He proposed including a representative from the planning department and the planning commission, alongside members from the city council and the first interested member of the public. He recommended seeking additional participants based on specific categories such as residential, business, and subsistence interests. He sought direction from the planning commission to reach out to potential stakeholders and compile a list of interested parties. This initial list would then be reviewed to ensure a balanced representation before finalizing the committee makeup.

Commissioner Swezey proposed a recommendation for the Planning Department to establish a workgroup consisting of representatives from various entities, including the Planning Department itself, the Tribe, the Planning Commission, City Council, and KIC. Additionally, he suggested allowing any interested member of the public to participate.

Commissioner Collison suggested that as the project progresses, efforts should be made to make the discussions more accessible to the wider community, including those who may not have attended the meetings. She emphasized the importance of transparency and inclusivity, noting that while a meeting format might not accommodate everyone's input, disseminating information effectively could encourage broader participation and ensure that the community remains informed and engaged in the zoning project.

City Planner Belamour proposed incorporating a dedicated section on the city's new website for the zoning project. This section would serve as a repository for project updates, meeting summaries, and discussions, ensuring that the public has easy access to information and can follow the project's progress. She highlighted the importance of transparency and community engagement, suggesting that stakeholders like the school

district could receive project updates even if they are not part of the workgroup sessions directly. This approach aims to foster ongoing public involvement and feedback throughout the duration of the zoning project, allowing residents to contribute their perspectives and suggestions effectively.

At the conclusion of the zoning discussion, the Planning Commission provided a recommendation to the Planning Department to establish a workgroup comprising seven seats: representatives from the Planning Department, Planning Commission, City Council, Native Village of Kotzebue (NVOK), Kikiktagruk Inupiat Corporation (KIC), and two seats for public representation. Additionally, the Planning Commission suggested that the Planning Department formulate a mission or goal statement for the zoning project. This statement would serve to inform the public and stakeholders about the purpose and objectives of the project, ensuring transparency and clarity throughout the process.

#### D. Tidelands Permit Application and Agreement Forms

Planning Director Camp provided an update on the tidelands application and agreement, noting that there hasn't been an official permit application or agreement yet. The Planning Department facilitated the creation of the general application form for interested parties. The application requires project details, particularly regarding the intended use of the tidelands, such as for commercial fishing. The Planning Department has also disseminated information to the public, informing them of the need to contact the department if they intend to utilize tidelands in Kotzebue. Planning Director Camp welcomed any feedback or input on the new application form and agreement.

### **X. TIME & PLACE OF NEXT MEETING**

May 9, 2024 – Regular Planning Commission Meeting

### **XI. COMMISSIONER'S COMMENTS**

#### A. Herb Sweezey

Commissioner Sweezey expressed support for the citizen's idea regarding the crossing through Public Works and the Armory and Chukchi campus, emphasizing its significance in addressing safety concerns for students and teachers.

#### B. Barbara Collison

Commissioner Collison expressed satisfaction with the progress made on the zoning work, indicating excitement about the developments achieved so far.



C. Jonathan Heft

Commissioner Heft expressed interest in addressing the school walkways and pass-through area thru Public Works, particularly focusing on safety concerns, and the area between the Armory and Chukchi campus. Additionally, he expressed satisfaction with the progress made on the workgroup and zoning initiatives. He suggested updating Planning Commission members via the city website.

D. Clay Nordlum

Acting Chairman Nordlum concurred with Commissioner Heft's remarks regarding the school walkway concerns through Public Works and the area near the Chukchi campus. He also acknowledged the significance of the zoning project as a long-term endeavor, expressing interest in contributing to its development.

E. VACANT

F. Ernest Norton, Chairman  
Excused.

G. VACANT

**XII. ADJOURNMENT**

**Commissioner Collison moved to adjourn the meeting, seconded by Commissioner Sweezey.**

The Planning Commission Meeting adjourned at 7:12 PM.