I. **Call to Order**

HLBAC Commission Chair Wende Wilber called the meeting to order at 11:30 a.m.

**Commissioners Present:**  
Kati Capozzi, Commissioner  
Jim Fredrick, Vice-Chair  
Vicki Gerken, Commissioner  
Peggy Looney, Commissioner  
Brad Quade, Commissioner  
Ron Tenny, Commissioner  
Wende Wilber, Chair

**Staff Present:**  
Robin E. Ward, Executive Director  
Nicole Jones-Vogel, Land Management Officer  
Tawny Klebesadel, Office Manager

**Commissioners Absent:**  
(No Absences)

II. **Approval of the January 10, 2019 Agenda and the Meeting Minutes of December 13, 2018**

Vice-Chair Jim Fredrick moved to approve the meeting minutes of December 13, 2018. The motion was seconded and approval of the minutes passed unanimously. Mr. Fredrick moved to approve the agenda. The motion was seconded and approval of the agenda passed unanimously. Chair Wilber welcomed new Commissioner Vicki Gerken.

III. **Director’s Report**

Director Robin Ward relinquished her time to allow Nicole Jones-Vogel to provide an update regarding the Master Planning endeavor of the Former Native Hospital Site (FNHS). Ms. Jones-Vogel reported the Draft Master Plan will be available for review at our next HLBAC meeting and the Final Plan the following meeting after the 30-day public review period. We've taken the four concepts and whittled it down to two mixed-use plans with one focus on residential and the other on commercial. There is a huge amount of consensus on activating the property with near-term uses. There is also consensus on the native culture. We have asked to be on the agenda for Native Village of Eklutna annual meeting and the Tikhatnu Forum quarterly meeting. Ms. Jones-Vogel described the consistent uses and the unique uses to each of the concepts (indicating on maps). There are potential grant opportunities, but we’d like to delay applying until the Master Plan is finalized. Commissioner Peggy Looney inquired if there was earthquake damage. Director Ward responded none have been observed, however the property will be inspected in the spring.

IV. **Proposed Action Items and Public Hearings:**

a. **HLBAC Resolution 2019-02:** A Resolution recommending Assembly approval of the disposal by Intra-Governmental Permit for perpetual, non-exclusive electrical easement to Municipal Light and Power for portions within HLB Parcel 4-046, legally described as Block 35 East Addition of Original Townsite of Anchorage.
Ms. Jones-Vogel provided the staff report showing existing easements and the requested easement for undergrounding electrical utilities on the FNHS (indicating on the map). We issue Intra-Governmental Permits (IGP) because we can’t grant easements to ourselves. Because of the potential sale of ML&P to Chugach Electric Association (CEA), that would become a full easement upon title conveyance. Director Ward commented Ms. Gerken had originally assisted in drafting the IGP language for instances like this. Ms. Jones-Vogel added that all of our IGP documents are recorded. Commissioner Brad Quade inquired if the easement was aerial or just subsurface. **Jake Maxwell, PLS, ML&P**, responded the IGP includes both. There are aerial lines there that are in the right-of-way, and this will produce some cost savings.

Chair Wilber opened up the public hearing and seeing no persons present to provide testimony, closed the public hearing. Mr. Fredrick moved to approve including summarizing findings that the proposal is consistent with HLB mission and IGP converts to an easement in case there’s sale to CEA. The motion was seconded and passed unanimously.

This motion: **Passed 7-0**

V. **Introduction**

a. A discussion regarding HLB entering into a Cooperative Use Agreement with the Girdwood Nordic Ski Club for on-going maintenance of the existing 5K Nordic Loop, including implementation of a revegetation plan.

Chair Wilber explained this item was not up for action and there would be no opportunity to provide public testimony. This is an opportunity for education. Ms. Jones-Vogel stated the HLBAC approves our Cooperative Use Agreements (CUA). Historically, we haven’t used them, we’ve used Land Use Permits and other contracts to manage these type of uses. In light of the findings we’ve had throughout our experience on the 5K Nordic Loop, we found a really good use of CUAs, in a lot of ways they have similar elements as Land Use Permits. With the 5K we have a public use easement, which also has similar language, but the CUA has additional language, such as annual meetings, annual maintenance plans submitted and approved by staff, etc. Because of the close proximity of other groups managing trails in the area, we could look at having an annual meeting with all of the trail managing groups. Because of the experience working with the Nordic Ski Association of Anchorage (NSAA), Ms. Jones-Vogel introduced **Brad Cooke, Parks & Recreation (P&R) Outdoor Recreation Superintendent**, to share his thoughts. **Mr. Cooke** said that P&R has many groups managing P&R resources and use the CUAs to provide for long-term maintenance management versus a construction project specific agreement which has an expiration date. CUAs are very successful because the partner, such as NSAA, is the expert. They know skiing, they built the original trails, as was done in Girdwood, and then entered into a CUA maintenance agreement. A lot of the conflicts that have come up are about who is responsible for what and what is allowed to be done with or without approval. The NSAA CUA is extremely successful, it’s an old agreement, and there’s a lot of mutual respect between the parties. Everybody’s pretty rational, we try to not contract ourselves out of common sense. For the legal protection side of things, we are very particular about our wording. For the maintenance side, we leave a little gray. If it gets too specific, it gets a little ridiculous. We all work very closely; we all have each other’s cell phones and we communicate. It’s mostly the personal relationships that makes it strong. Director Ward asked if there are regular meetings and reporting. **Mr. Cooke** responded yes. We meet at the beginning of the season and they give us a projected maintenance plan. NSAA doesn’t pick out specific trees to be removed; they say this trail needs to be widened to 20’ – or this trail has an erosion issue. We also do end of season reports and we also do annual key control; who has what keys. The only official required meeting is the renewal meeting. Director Ward asked if the renewals were done annually. **Mr. Cooke** responded that they have, but are changing it to a longer term – 2 to 3 years. The CUA has come to a point where it doesn’t change much. Commissioner Ron Tenny inquired if the CUA
was used for already constructed trails. Mr. Cooke gave an example where a contract was made with the user group who had a subcontractor construct the trails. Upon completion, the CUA is updated to include the new resource. Chair Wilber inquired if there was language of what happens if the improvement plan is not followed. Mr. Cooke stated it doesn’t have specifics like if you don’t do this, then this will happen. It does have an exit clause. Any party can exit with so much notice for any reason. The relationship comes in when the product delivered wasn’t what was expected, they’ll go back and fix it, because we both have high stakes in this process. We can’t do without them and they can’t do without us. We find a way to make it work. Commissioner Brad Quade inquired if there was a security component where there’s a bonding requirement or financial assurance for protection for the landowner. Things happen that are unfortunate. Mr. Cooke responded that we require insurance where MOA is additionally insured and about two years ago we added a subrogation waiver requirement, which essentially means that if somebody sues the organization, that organization’s insurance can’t go after the MOA. That’s a newer requirement that comes from our Risk Management. Director Ward added that our Risk Manager has strengthened all of the insurance provisions for MOA contracts for every Department, including ours. Mr. Cooke added that comes back to the CUA legal language which is very strong and very specific. It’s operational language that has gray area. That’s how we protect ourselves, having strong language and a strong defense team. Director Ward asked if there was anything in the CUA’s that they have to have a certain amount of budget or if they have to spend a certain amount on maintenance every year, or penalties if they don’t follow the maintenance plan. Mr. Cooke responded the mission is to retain that relationship. If you’re getting to a point where things aren’t meeting a standard, then you can start looking at other agreements, such as subcontractors to meet that standard. It’s a lot of soft work to get to meeting that standard. The days for asking for forgiveness; we’re past that. Sometimes there is where personalities cause that, but a lot of times there is no defined standard. For instance, it seemed like the right width. Well, you’ve got 6-12’ of trail width, but you have 10’ of clearance – and you have to ask is it within that. No. And then you have to ask can you revegetate it back to within that. Yes. Director Ward asked if there were minimum standards without so much detail that it doesn’t hamper them. Mr. Cooke responded there are no trails that say, “I’m a ski trail.” There’s class 1-5, and you can ski on classes 1, 2 & 3. They might say this is a class 3, but we’re trying to pass in a race zone. Can we re-class it as a class 2 to meet the new standard. We say there’s a process for re-classing a trail. We don’t want to contract ourselves out of what makes sense. Mr. Cooke stated there is a federal classification system, by U.S. Forestry Service, in place, you just need to apply it. They usually make reasonable requests that are ideal for the users, like moving a trail that had become too awkward. It’s important for us to understand it is a reasonable request and then we ask for Director approval. Commissioner Peggy Looney was given confirmation he was referring to the Parks & Rec Director. Ms. Looney asked if there was one point of contact or do you deal with a Board. Mr. Cooke responded yes and no, it depends upon the action. NSAA has an Operations POC, a Permitting/policy POC and Mr. Cooke tries to be the POC for the MOA. Mr. Cooke stated there is a GIS mapping layer of maintenance responsibility for zones within the trails. The CUA doesn’t have the mapping, but does include which trails and distance to be maintained. Chair Wilber inquired if CUA’s would require HLBAC and Assembly approval. Ms. Jones-Vogel responded that CUA’s would be reviewed at the Department level, with HLBAC review. Director Ward added that we have great templates available because Parks & Rec has done a great job with CUA’s.

VI. Appearance Request(s)

Seeing no Appearance Requests, Chair Wilber moved on to Persons or Items not on the Agenda.

VII. Persons or Items not on the Agenda

Julie Raymond-Yakoubian urged Commissioners to keep the Girdwood Forest Loop and 5K Nordic Trails intermingled. Ms. Raymond-Yakoubian provided concerns with the 5K Nordic Trail, the Girdwood Nordic Ski Club, the viewshed, the survey, violations of agreement, Ombudsman’s report regarding the Girdwood Trails Committee, additional trail development, damage to lands, distress in the community. She requests HLBAC pass a Resolution
detailing transgressions, require GNSC be required to do extensive replanting and remediation for the life of the trail, rescind approval of the Forest Loop, and state the GNSC needs to make real and measurable progress regarding remediation on the 5K, prior to revisiting Forest Loop recommendation to the Assembly.

**Brendan Raymond-Yakoubian** requests the 5K damage be remediated, Winner Creek Trail viewshed restored, extracted gravel be replaced, bring things into compliance with what the public was promised, and Forest Loop approval be rescinded.

Mr. Tenny commented that the viewshed was coming back and remediation may cause more damage and suggested working with the US Forest Service.

**Debra Croghan** echoed the Raymond-Yakoubians’ comments. The 5K damage is devastating, was present during construction, doesn’t want more destruction there, and visitors devastated, too. **Ms. Croghan** said remediation can be done in a non-destructive way, it is HLB & HLBAC’s responsibility to fix this, and requests rescinding Forest Loop approval.

Mr. Quade inquired if the visitors described as distraught were recent visits. **Ms. Croghan** replied during construction everybody was talking about it. Were they distraught, no, nobody went to the hospital. **Ms. Croghan** stated she doesn’t go down to that part of the trail anymore.

**Johnathan Lee** stated he has similar concerns with the 5K and concerns with the proposed Forest Loop. **Mr. Lee** stated he was present at the Girdwood Trails meeting in 2008 for the 5K. It was voted in over a lot of public opposition. It was a packed house, but most of those people were not allowed to vote. There were a lot of concerns regarding the impact to the Winner Creek Trail by Girdwood residents. GNSC stated there would only be a couple of places where the 5K would be barely visible from Winner Creek Trail. Last year I was at the Trails Committee where the same officer from GNSC said word for word the same thing about the new proposed Forest Loop. Why would we believe it now, it wasn’t true last time. **Mr. Lee** asked that before the new trail was approved to have GNSC remediate the 5K.

Mr. Tenny commented that where the comments about the viewshed conflicts are, it is not on HLB land, but on ADOT&PF land. It’s really not in HLBAC jurisdiction. It would be between GNSC and ADOT&PF, for at least a ½ mile of it. Director Ward added HLBAC made a recommendation for it to go on to the Assembly, but they do still have to go to the Urban Design Commission (UDC) first, and they have not made an application to do that. Today, it’s paused until they go to the UDC, before it goes to the Assembly, if it is passed by the UDC. Mr. Tenny commented that we can’t change what had happened, but we can learn from it, and thinks that HLB has been continuing to learn and has been making changes.

Chair Wilber seeing no other persons wishing to provide testimony or comments, moved on to Commissioner Comments.

**VIII. Commissioner Comments**

Ms. Looney asked about Verizon leases all being on hold. Director Ward responded the Verizon cell tower lease on Dowling and Elmore has been approved and we’re waiting for their signature. If another group wanted that area for a similar or different use, we would begin the process again. Ms. Looney asked if that was the only lease they had. Ms. Jones-Vogel stated it was the only lease we had with Verizon and when she last spoke to them they had alluded to putting all Alaska cell tower leases on hold as a part of their corporate process.
Commissioner Gerken inquired about the trail crossing DOT&PF lands and whether they had a permit. Director Ward stated that would be GNSC responsibility to go to that landowner to get permission.

Mr. Quade commented that bonding would be beneficial for construction. Risk management is important throughout and having bonding in place during construction can fix problems if they come up. Director Ward added most construction projects do have bond requirements.

Chair Wilber commented it would be advantageous to bring in the Forest Service and discuss how they manage trails and how that could benefit us. Mr. Tenny added they may have different ideas about re-aligning the Winner Creek trail instead of the 5K. Chair Wilber said it’s important to hear from that adjacent landowner as a commission and we need to be working with GNSC. Girdwood has a lot of passion about these trails and we need a positive path forward that works for everybody.

Chair Wilber asked if there were any further Commissioner comments, and seeing none, went on to the next scheduled meeting.

IX. Next Meeting

Chair Wilber stated the next regularly scheduled commission meeting date will be at 11:30am, Thursday, February 14, 2019 in the Permit & Development Center conference room 170, at 4700 Elmore Road, and further stated she would not be able to attend.

X. Adjournment

Following the completion of business, Mr. Tenny moved to adjourn. The motion was seconded and approved unanimously. The meeting was adjourned at 12:36 p.m.

PASSED and APPROVED on this, the 14th day of March, 2019.

Wende Wilber, Chair
Heritage Land Bank Advisory Commission

Respectfully submitted for the Heritage Land Bank Advisory Commission by:
Tawny Kiebesadel, RED Office Manager

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