

Heritage Land Bank Advisory Commission Meeting

Thursday, November 17, 2022 at 11:30 a.m.

Permit & Development Center, Training Room
4700 Elmore Road, Anchorage, Alaska 99507

or via Microsoft Teams and telephonic hearing (907) 519-0237 Conference ID 643 898 065#

MINUTES

I. **Call to Order and Statement of Procedure:** Chair Brett Wilbanks called the meeting to order at 11:31 am.

II. **Roll Call, Introductions and Disclosures**

Wilbanks, Flynn, Tenny, Hansen, Warfield, Oswald were all present. Marshall (Excused)

Chair Wilbanks asked if Commissioners had any disclosures and referenced disclosures made at a previous meeting.

III. **Approval of Agenda and Minutes**

a. November 17, 2022 Agenda – RH moved BF seconded, agenda passed unanimously.

Two Minute recess to allow staff to grab a new speaker. Meeting recess continued to 11:45 am to continue to address technology challenges.

Chair Wilbanks requested that a motion be made to move Resolution 2022-09 to immediately next on the agenda. **Commissioner Oswald moved, Commissioner Hanson seconded and it was unanimously approved.**

a. **Resolution 2022-09:** A resolution recommending approval of the competitive disposal of portions of HLB Parcels 6-011, 6-016, and 6-017, legally described as Tract I Prince Addition Alyeska Subdivision (Plat 87-131)(PID 075-311-04-000), Tract B Girdwood Elementary School Subdivision (Plat 85-38)(PID 075-031-32-000), and Tract 9A Section 9 Township 10 North Range 2 East (Plat 73-220)(PID 075-041-31-000), to CY Investments as described in the Development Agreement between the developer and the Municipality of Anchorage dated April 29, 2022, and amend the HLB 2021 Annual Work Program.

Chair Wilbanks referenced the Assembly Ordinance (AO) that was presented at a recent meeting and discussed the language and how it did not reference the language approved by the HLBAC. The concern that the development agreement is considered the only binding agreement of note and that those conditions approved by the HLBAC in the resolution were not included in the AO.

Technical issues continued and Chair Wilbanks passed the meeting Chair to Tammy Oswald. Acting Chair Oswald summarized the points Chair Wilbanks was making regarding the HLBAC Resolution conditions not being included in the AO. To include the HLBAC conditions, an amendment to the

AO would be required. Acting Chair Oswald asked staff to comment on the AO. Ms. Giboney responded that while the conditions were not explicitly listed in the AO the HLBAC Resolution was an attachment and part of the Assembly packet on the item.

Commissioner Tenny left the meeting during the discussion of the agenda item; therefore, Acting Chair Oswald requested that a commissioner make a motion to restore the agenda as printed.

Motion by CW, seconded by BF no objections.

- b. October 27, 2022 Minutes - BW made a motion to approve the minutes as presented BF seconded, and there were no objections.

IV. Director's Report

Ms. Giboney provided the director's report which included the following updates:

- MOA is working to renew the contract with Nicole Jones-Vogel to continue to support the HLB in 2023
- In negotiation with a new Land Management Officer to start in January.
- The agenda item related to Alaska Natural Burial Disposal was pulled from the agenda to continue to collaborate with the non-profit and various MOA agencies to determine the best path forward.
- Explanation of the re-vote for HLBAC Resolution 2022-09 prompted discussion of the Open Public Meetings Act (OPMA). Legal attended the meeting and was able to answer questions regarding whether or not utilizing email with the ability for commissioners to "reply all" was compliant with OPMA. After discussion Acting Chair Oswald requested that staff send all correspondence to the Commissioners so that "reply all" was not an option.

V. Proposed Action Items and Public Hearings (No Public Hearing shall extend over 60 minutes without an extension by majority vote of the commission. If not extended, Public Hearing may be held open and continued to the next meeting if public testimony is not complete.)

- b. **Resolution 2022-09:** A resolution recommending approval of the competitive disposal of portions of HLB Parcels 6-011, 6-016, and 6-017, legally described as Tract I Prince Addition Alyeska Subdivision (Plat 87-131)(PID 075-311-04-000), Tract B Girdwood Elementary School Subdivision (Plat 85-38)(PID 075-031-32-000), and Tract 9A Section 9 Township 10 North Range 2 East (Plat 73-220)(PID 075-041-31-000), to CY Investments as described in the Development Agreement between the developer and the Municipality of Anchorage dated April 29, 2022, and amend the HLB 2021 Annual Work Program.

Acting Chair Oswald recapped comments from earlier in the meeting and Ms. Giboney offered that the Commissioners could make a motion to direct HLB staff to prepare an "S" version to submit to the Assembly. Discussion regarding protocol of Assembly Ordinance occurred with Legal stating the HLBAC would not be able to submit an "S" version. The Assembly would need to vote on and approve an "S" version should one be prepared. Concerns were raised that the original AO did not include HLBAC approved conditions as outlined in the Resolution.

CW made a motion to postpone Resolution 2022-09 to the December meeting. This motion was not seconded.

Commissioner Wilbanks reminded the Commissioners that the Assembly would be taking action before the next regularly scheduled HLBAC meeting.

Dean Gates, Assembly Council, joined the HLBAC meeting. Acting Chair Oswald provided a brief overview and outlined the Commissioners concerns with the resolution conditions not being included in the Assembly Ordinance. Mr. Gates addressed the HLBAC resolution being added as an attachment to the Assembly Ordinance and that an "S" version could be drafted.

MOA Legal reminded the Commissioners that she was present to address the previously voided voting which was conducted by secret ballot. Ms. Giboney read the Resolution 2022-09 into record.

A roll call vote was conducted with three aye, one no, and one abstaining. It was stated during the meeting that the resolution did not pass; however, Resolution 2022-09 did pass as there was a majority of the quorum. An email with this correction was sent out to the HLBAC Commissioners and the HLBAC Email List on November 18, 2022.

c. **Resolution 2022-11:** The acquisition of real properties, legally described as Block 5 Lot 30 (PID 012-492-03-000), Block 5 Lot 31 (PID 012-492-02-000), Block 11 Lot 29 (PID 012-491-65-000), and Block 11 Lot 30 (PID 012-491-66-000) of the Laurel Acres Subdivision (Plat 71-44), placement into the Heritage Land Bank inventory, and amend the 2021 Heritage Land Bank Annual Work Program and 2022-2026 Five-Year Management Plan.

Ms. Giboney provided a brief overview of the proposed acquisition. There were no Commissioner questions and the public hearing was opened.

CW moved to open the public hearing, BW seconded, and there were no objections.

A guest online attended the meeting and was reminded that to provide on-line testimony a request needed to be provided to staff by 5 pm the day before the meeting.

CW moved to amend the instructions to allow the community member to provide testimony, BF seconded, there were no objections.

Vernon Osborn testified and stated that the work the HLBAC is doing is devaluing his property by fifty percent and is being taxed at a rate too high. He went on to further describe potential development plans he has for his property and identified a contradiction with adjacent snow disposal sites at the periphery of the Laurel Acres properties.

Starvia Boushell, attending the meeting on behalf of her grandmother. Concerned with what could happen with the lots if her grandmother chose to not sell or donate to the MOA. She echoed comments made by Vernon Osborn.

Ms. Giboney stated that if any members of the public were interested in the project, they could reach her directly.

Acting Chair Oswald closed the public hearing and summarized the history of Laurel Acres subdivision and asked for a roll call vote.

A roll call vote was conducted and the vote passed unanimously 5 - 0.

VI. Persons or Items Not on the Agenda (THREE minutes per individual, each person may only speak once, commissioners and staff will not answer questions, but may have questions for you after your testimony.)

Rachel Bernhardt, representing Alaska Natural Burial, Ms. Bernhardt provided a summary of the goals of Alaska Natural Burial and their interest in HLB property 2-156. She stated her disappointment with the item being removed from the agenda, but appreciated the effort to further evaluate the project. She reiterated the need for burial areas in the Anchorage area.

Gary Cain, community member, commenting on Resolution 2022-10 that had been pulled from the agenda. He raised concern that standards for development, operations, or maintenance for natural burials are not defined in Anchorage Municipal Code. He stressed that further studies regarding feasibility should be done prior to entertaining any potential lease agreement. Definition and regulations need to be established prior to authorizing such a use. He suggested a starting point of Green Burial Council 2022 standards which he believed this property would not meet those standards.

VII. Commissioner Comments

No Commissioner comments.

VIII. Next Regularly Scheduled Meeting Date: Thursday, December 15, 2022 at 11:30AM in the Permit & Development Center, 4700 Elmore Road, Anchorage, Alaska or via Microsoft Teams and telephonic hearing.

Commissioner Wilbanks requested that the regular meeting time be moved from 11:30 am to 1:30 pm Alaska Time. Acting Chair asked staff if there was any reason that the meeting could not be moved; Ms. Giboney stated that she was unaware of any barriers to moving the meeting time. Commissioners Warfield, Flynn, and Hansen stated that the 1:30 pm time was acceptable with their calendars.

CW moved to move the December 15, 2022 meeting to 1:30 pm and a discussion on the meeting time be discussed at the next meeting, BW seconded and there were no objections.

IX. Adjournment

BW moved to adjourn, BH seconded, no objections. The meeting adjourned at 1:07 pm.