

I. CALL TO ORDER

The special meeting of the Matanuska-Susitna Borough Assembly was held on June 23, 2009, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:01 p.m. by Mayor Talis J. Colberg for the purpose of holding a joint Assembly/Planning Commission meeting.

II. ROLL CALL

Assembly members present and establishing a quorum were:

Ms. Lynne Woods, Assembly District No. 1 (*Deputy Borough Mayor*)
Mr. Pete Houston, Assembly District No. 2
Mr. Mark Ewing, Assembly District No. 4
Ms. Cindy L. Bettine, Assembly District No. 5
Mr. Robert Wells, Assembly District No. 6 (*arrived at 6:06 p.m.*)
Mr. Tom Kluberton, Assembly District No. 7

Assembly members absent and excused were:

Ms. Michelle R. Church, Assembly District No. 3

Planning Commission members present and establishing a quorum were:

Mr. David Cheezem, District 2
Mr. Mark Masteller, District 3 (*Chair*)
Mr. William Bruu, District 5
Mr. Dick Zobel, District 6
Mr. Vern Halter, District 7

Planning Commission members absent and excused were:

Mr. Ken Klunder, District 1 (*Vice-Chair*)
Mr. Patrick Johnson, District 4

Staff in attendance were:

Ms. Lonnie R. McKechnie, Borough Clerk
Ms. Elizabeth Gray, Assistant Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Brenda J. Henry, Executive Assistant to the Borough Clerk
Ms. Eileen Probasco, Chief of Planning
Mr. Mark Mayo, Planning and Land Use Director
Mr. Alex Strawn, Planner II
Ms. Lauren Kruer, Planner II

III. APPROVAL OF AGENDA

Mayor Colberg inquired if there were any changes to the agenda.

GENERAL CONSENT: The agenda was approved as presented without objection.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ms. Jay Nolfi, a member of the public.

V. AUDIENCE PARTICIPATION

The following person spoke regarding South Trunk Extension and the South Palmer Elementary School: Mr. Randy Dellar

VI. ITEMS OF BUSINESS

A. Build Out Analysis Report (*Requested by Administration.*)

Ms. Lauren Kruer:

- spoke to the build out analysis software that Planning is currently having loaded on their computers;
- noted that the build out analysis purpose is to show what land is available for development;
- further added that it can also show consequences for land use when full build out occurs;
- noted that the major study areas that analysis were performed on were Big lake, Point MacKenzie, Willow, Knik-Fairview, Talkeetna, and the core area;
- stated that you can determine what kind of growth may occur when surrounding areas are projected at full build out;
- noted that Boroughwide regulations were taken into consideration;
- stated that they identified all of the existing land uses and their constraints;
- noted that they then assign typical land use planning classifications for their analysis;
- advised that the software can constantly change to meet the Borough's growth;
- further added that they work closely with Geographic Information Services (GIS) in order to ensure the maps are up to date;
- noted that complete build out is projected for the year of 2019; and
- noted that regional planning and neighborhood design can be performed with this software.

Assemblymember Wells queried the economic analysis that leads to these projections.

Ms. Kruer:

- noted that the breakdown works in many pieces;
- spoke to using reliable sources of information for their analysis;
- related that the software uses information from the Alaska State Department of Labor or census information; and

- noted that they also use studies performed on prior projects, such as those that reflect financial impact.

Planning Commissioner Cheezem queried if land appropriate for farming could be overlaid.

Ms. Kruer:

- advised that an overlay can be done; and
- stated that if the rate at which farm land is used, then it would be possible to project when it will run out.

Planning Commissioner Cheezem noted that the software would work well when analyzing hydrology projects.

Ms. Bettine;

- queried at what point does the Borough need another high school; and
- further asked where it is needed most.

Ms. Kruer:

- noted that the question really is how far does the Assembly want to look out;
- stated that a five-year picture is better than a 10 year picture;
- further added that in 10 years a lot can change, due to the economy and numerous other factors; and
- stated that different scenarios should be looked at in order to determine the best location for a high school.

Discussion ensued regarding:

- density scales; and
- transportation modes.

B. Hatcher Pass Project Update *(Requested by Administration.)*

Mr. Ron Swanson, President RWS Consulting:

- spoke to the environmental impact statement for the Hatcher Pass project; and
- noted that it has been requested that the environmental impact statement be scaled back to an environmental assessment.

Mr. Duffy advised that federal agencies have decided that an environmental impact study may not be needed.

Mr. Stewart Osgood, P.E., President of DOWL HKR:

- noted the two areas for development, which are the northern alpine area and the southern Nordic area;
- spoke regarding the Federal Transportation Administration funded portion of the project;
- stated that secondary to development are the ski lifts, day lodge, snow makers, etcetera;
- noted that all aspects are being analyzed as the project moves forward;

- advised that they have gone through scoping phase, which is the public process and resource agencies;
- stated that they are in the process of determining wetlands, quantifying fish and habitat areas;
- advised that there has been a bald eagle nest survey;
- noted that the cultural and archeological survey of the area is ongoing in case special protection is needed;
- stated that the increase of traffic is a concern with the public;
- spoke to their being concerns about access for people other than skiers;
- noted that the Borough does not control what motorized or non-motorized vehicles are allowed in the area;
- spoke to doing the initial layout of roads and parking areas;
- advised that they have looked at several access road possibilities;
- related that there was a thorough process to eliminate alignments;
- advised that they have narrowed it down to the red and yellow alignments;
- noted that they want a friendly right of way acquisition process;
- noted that routes through subdivisions were eliminated;
- spoke to the yellow alignment being the most appropriate route;
- advised that they are working with the existing property owner to minimize impact for access;
- noted that the intent is for the trailhead to be Mat-Su Community Transit (MASCOT) accessible;
- related that the schedule to complete environmental document for public review is the fall of 2011;
- further added that the Environmental Impact Statement is due in the spring;
- advised that the intent is for construction to start in 2011; and
- stated that for the most part there has been positive public reaction.

Planning Commission Chair Mastellar queried how many property owners are affected by the proposed alignment.

Mr. Osgood advised that there is only one property owner affected.

Assemblymember Wells queried the length of the red alignment.

Mr. Osgood advised that it is approximately 1300 feet.

Assemblymember Wells requested that Mr. Osgood speak to the public comments.

Mr. Osgood

- noted that there are concerns about shutting out currently allowed uses;
- stated that generally people believe that there is enough space for all types of users; and
- noted that it is a priority to work together to create a multi-use area.

Planning Commissioner Halter queried if there has been any consideration given to access from the Willow Fishhook side.

Mr. Osgood advised that as of this date, there been no discussion that he is aware of.

Assemblymember Bettine:

- opined that there should be access from the Willow Fishhook side;
- further added that it should not be part of the development plan;
- stated that she will support further studies for a Willow Fishhook access; and
- spoke to Hatcher Pass once being considered extremely important for tourism within the Borough.

Discussion ensued regarding:

- earmark funds that could be used for the Hatcher Pass project;
- the Hatcher Pass management plan;
- timelines for the project;
- Federal Transportation Administration funds for roads; and
- the environmental impact study.

C. Legislative Referral Process to the Planning Commission (*Requested by Assemblymember Bettine.*)

Assemblymember Bettine:

- spoke to her concerns with the 90-day turn around for referrals to the Planning Commission;
- stated that it is six months before the Assembly receives legislation back;
- spoke to concerns that 90 days is too long; and
- queried who decides how much of the 90 days is used.

Mr. Spiropoulos:

- stated that a timeline of 30 days is not an appropriate length of time;
- advised that 30 days is not sufficient time to address referrals properly;
- stated that the Planning Commission needs a fair opportunity to review the legislation;
- advised that a shortened amount of time for referrals, could affect the viability of the legislation; and
- noted that a variety of factors come into play.

Planning Commission Chair Mastellar:

- noted his appreciation for this matter being the agenda;
- related that this is an issue for the Planning Commission;
- advised that sometimes the 90 days is half past before the Planning Commission has even seen the legislation;
- related that in some cases, the Planning Commission requires additional time;
- stated that there are some things need to be worked out; and
- further stated that shortening the time frame for referrals will not help the issue.

Planning Commissioner Bruu:

- stated that haste makes waste; and
- opined that staff requires time to review the legislation as does the Planning Commission.

Planning Commissioner Halter:

- stated that everyone is trying to do it all at once;
- stated that when that happens, no one knows what is being done; and
- opined that 90 days is a rush, as it is tough to review legislation and get it back to the Assembly by the due date.

Discussion ensued regarding:

- time lines for referrals;
- possibly tolling time frames for referrals; and
- public input on referrals.

(This joint meeting recessed at 7:40 p.m. reconvened at 7:49 p.m.)

D. Legal Representation for the Planning Commission *(Requested by Planning Commissioner Mastellar.)*

Planning Commission Chair Mastellar:

- stated that the Planning Commission feels that they need someone to represent them as a board; and
- queried who speaks for and defends Planning Commission actions.

Mr. Spiropoulos:

- stated that the Planning Commission reviews legislation and forwards it to the Assembly;
- further added that they act in a quasi-judicial capacity regarding variances and permits;
- noted that Borough Attorney is for support of staff;
- further added that if the Borough attorney sits with Planning Commission and renders procedural advice, that the Borough attorney would then have a conflict;
- stated that when the Planning Commission is acting in a quasi-judicial capacity, as judges, they do not have representation; and
- further added that if litigants do not like decisions that are rendered by the Board, they have the ability to appeal.

Planning Commissioner Bruu:

- stated that within Borough code, the Board of Adjustments and Appeals can acquire representation; and
- noted that the Planning Commission is asking for the same authority.

Planning Commissioner Halter:

- stated that there will come a time when the Borough Attorney will be conflicted out; and
- further added that it will be at that time the Planning Commission would like to ensure they always have access to legal representation.

Mr. Spiropoulos:

- stated that if the Planning Commission is not happy with the advice they are given, nothing says they have to take it; and
- stated that because the Planning Commission is quasi-judicial they are an independent body.

Planning Commissioner Halter stated that the Planning Commission may want to have legal advice as it relates to procedure and issues of substance.

Assemblymember Kluberton:

- spoke to frustration faced by both bodies; and
- noted that when in doubt, he would encourage the Planning Commission to request additional information.

Planning Commissioner Zobel:

- spoke to a current quasi-judicial decision before the Planning Commission;
- noted that some members wanted to abstain from voting, as they felt they did not have enough information to make a decision;
- stated that the Attorney told them they had to vote, that they could not abstain; and
- further added that at that time, it would have been helpful to have an opinion other than the Borough Attorney for Planning staff opinion.

Assemblymember Ewing noted that he tried to abstain from a vote while on the Planning Commission and was advised that he could not abstain.

Assemblymember Bettine:

- stated that she likes the suggestion to postpone matters or decisions; and
- further added that if the Planning Commission does not feel as though they have all the information needed to make a decision, that it would be staffs job to get the information needed.

Discussion ensued regarding legal representation and procedural advice for the PC.

E. Planning Commission Related Oral History Projects *(Requested by Planning Commissioner Cheezem.)*

Planning Commissioner Cheezem:

- spoke to creating art style projects for planning related oral history;
- queried why the Borough could not pursue the “1% in Art” for Hatcher Pass;
- noted that Hatcher Pass has a long history; and
- opined that someone should incorporate history to create a written document.

Deputy Mayor Woods:

- spoke to a presentation regarding the history of gold mining in Hatcher Pass;
- noted that there is a lot of history in the Borough that could be compiled; and
- opined that this is a really good idea.

F. Towers Plan Presentation (*Requested by Administration.*)

Mr. Strawn:

- advised that in the fall of 2007, Administration requested staff to come up with tower plan;
- noted that in April 2008 an unofficial group formed;
- stated that in July 2008, 10 members were officially appointed to the group by the Planning Commission;
- advised that the contract for the Tower's plan was awarded to CityScape Consultants;
- noted that in October 2008, CityScape did an assessment of tower infrastructure within the Borough;
- advised that CityScape took a good inventory of all the towers located within the Borough;
- spoke regarding the public workshops;
- stated that a follow up assessment was performed in March 2009;
- spoke to the history of telecommunications in Alaska;
- noted that the current networks for cell phones and analog phones are 1G and 2G;
- spoke to Alaska being in the beginning stages of 3G development;
- noted that there are many tower types and locations;
- stated that they are compiling a useful map that includes all working towers;
- related that in past five years, a majority of the towers have proliferated;
- stated that Alaska currently has an underdeveloped network;
- noted that more towers are coming to the Borough and there is no way to stop them; and
- advised that they are working to identify all tower owners.

Assemblymember Kluberton queried what was being analyzed.

Mr. Strawn:

- stated that the towers are being color coded for signal strength;
- related that it was high tech software that did the engineering analysis; and
- noted that towers can only handle so many calls and that is what causes "dropped calls" on cell phones.

Assemblymember Bettine queried why the presentation map does not show the big towers out at Lake Louise.

Mr. Strawn advised that it was limited to the coverage area buffer around the road

Assemblymember Ewing:

- advised that the towers Assemblymember Bettine refers to are old Alaska Communication System towers that use microwave to get telephone services to Glennallen;
- noted that they are currently being used as multiple access towers;

- stated that they have been there since the 1980's; and
- further added that they have to use microwave, as fiber optic cable cannot be used due to topography.

Mr. Strawn stated that this information can be included in the plan.

Discussion ensued regarding:

- towers within the Borough;
- the map showing tower locations; and
- collocation of towers.

VI. PLANNING COMMISSION, MAYOR, ASSEMBLY, AND STAFF COMMENTS

Planning Commissioner Zobel congratulated Mayor Colberg.

Planning Commissssioner Cheezem congratulated Mayor Colberg.

Planning Commission Chair Mastellar:

- congratulated Mayor Colberg; and
- spoke to a presentation regarding "Beyond Freeways;" and
- noted that a waste water management meeting is taking place at Mat-Su College tomorrow.

Assemblymember Ewing:

- thanked Deputy Mayor Woods for her work;
- congratulated Mayor Colberg on his commitment to serve the Borough; and
- wished Mr. Mayo good luck and thanked him for his work at the Borough.

Assemblymember Bettine:

- spoke regarding two letters from the Pt. MacKenzie Community Council, which were provided to the Assembly and Planning Commissioners;
- advised that the Pt. MacKenzie Community Council has been rejuvenated with new president; and
- welcomed Mayor Colberg.

Assemblymember Woods:

- stated that it was good to see everyone and thanked them for their attendance;
- thanked the Assembly and Borough staff for the luncheon in her honor; and
- stated that Alaska Municipal League summer policy meeting will be held in Palmer August 12 through the 14.

Mr. Duffy stated that he has received the Alaska Municipal League package and will distribute it to the Assembly.

VII. ADJOURNMENT

The special joint meeting adjourned at 9:06 p.m.

ATTEST:

TALIS J. COLBERG, Borough Mayor

LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 07/21/09