

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on September 19, 2006, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Timothy L. Anderson.

II. ROLL CALL

Assembly members present and establishing a quorum were:

Ms. Lynne Woods, Assembly District No. 1
Mr. Bill Allen, Assembly District No. 2
Mr. Talis J. Colberg, Assembly District No. 3
Ms. Mary Kvalheim, Assembly District No. 4
Ms. Cindy L. Bettine, Assembly District No. 5
Mr. Jim Colver, Assembly District No. 6 (*Deputy Mayor*)
Ms. Betty Vehrs, Assembly District No. 7

Staff in attendance were:

Mr. John Duffy, Borough Manager
Ms. Michelle M. McGehee, CMC, Borough Clerk
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Sharon Huckins, Secretary I
Ms. Marian Romano, Assistant Borough Manager
Ms. Tammy Clayton, Finance Director
Mr. Keith Rountree, Public Works Director
Mr. Dennis Brodigan, Emergency Services Director
Mr. Ron Swanson, Community Development Director
Mr. Murph O'Brien, Planning and Land Use Director

III. APPROVAL OF AGENDA

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

GENERAL CONSENT: The agenda was approved without objection.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Matanuska-Susitna Borough Emergency Responders.

V. MINUTES OF PRECEDING MEETINGS

A. Joint Assembly/Planning Commission: 08/29/06

Mayor Anderson inquired if there were any corrections to the special meeting minutes of August 29, 2006.

GENERAL CONSENT: The minutes were approved as presented without objection.

VI. SPECIAL ORDERS OF THE DAY

A. A Proclamation in Honor of Mr. Tim McKeown Service as an Emergency Responder

Mayor Anderson:

- advised that Mr. Tim McKeown, a Matanuska-Susitna Borough Emergency Responder, passed away; and
- spoke regarding the celebration of life he attend in honor of Mr. McKeown.

Assemblymember Vehrs:

- read the proclamation into the record; and
- presented the proclamation to Ms. Vergie McKeown.

VII. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Palmer City

Mayor John Combs:

- addressed the Palmer City annexation;
- spoke in support of a Palmer City skateboard park; and
- stated that he wants the kids in the city to be safe.

Assemblymember Allen queried if the kids would be donating funds for the skateboard park.

Mayor Combs:

- advised that the parents and kids have formed an association;
- noted that there would be a yearly fee of \$5; and
- noted that the skateboard park would provide an opportunity for the kids.

Discussion ensued regarding the skateboard park.

Mayor Combs expressed his appreciation for the phone calls and letters he received when he was ill.

Wasilla City

Councilmember Cox:

- provided an update regarding the Wasilla City audit process; and
- advised that the skateboard park in Wasilla is used constantly.

2. Matanuska-Susitna Borough School District

(There was no report provided.)

A. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

(There was no report provided.)

2. Regional Transportation Planning Organization

(There was no report provided.)

3. Assembly Public Relations Committees

a. Chambers of Commerce *(Assemblymembers Vehrs and Bettine)*

(There was no report provided.)

b. School Board *(Assemblymembers Allen and Colver)*

(There was no report provided.)

c. Cities *(Assemblymembers Kvalheim, Allen, and Vehrs)*

(There was no report provided.)

d. Home Builders and Realtors Associations *(Assemblymembers Colver, Bettine, and Vehrs)*

(There was no report provided.)

e. Community Councils *(Mayor Anderson and Manager)*

(There was no report provided.)

f. Civic Clubs *(Mayor Anderson and Assemblymember Kvalheim)*

(There was no report provided.)

g. Non-Profit Organizations (*Mayor Anderson and Assemblymembers Kvalheim and Vehrs*)

(There was no report provided.)

B. MANAGER COMMENTS

1. State/Federal Legislation

Mr. Duffy:

- provided an update regarding the South Denali Project;
- advised that the Alaska State Department of Transportation has recommended no further analysis on the North Access Project, as it is cost prohibited; and
- spoke regarding the bond report.

Assemblymember Vehrs queried the status of the prison project.

Mr. Duffy advised that the consultant is going through the site information to get ready for the public process.

Assemblymember Bettine queried the number of prison sites.

Mr. Duffy advised that it has been narrowed down to ten to eleven prison sites.

C. ATTORNEY COMMENTS

(There was no report provided.)

D. CLERK COMMENTS

Ms. McGehee:

- spoke regarding the upcoming meeting schedule;
- provided an election update; and
- spoke regarding the election information pamphlet.

E. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Circle View and Stampede Estates Flood and Water Erosion Control SSA: 05/25/06, 06/22/06
- b. Parks, Recreation, and Trails Advisory Board: Resolution Serial Nos. 06-13, 06-14, 06-15
- c. Joint Wasilla-Lakes, Meadow Lakes, and Big Lakes FSA Board of Supervisors : 07/10/06

The citizen and correspondence were presented and no comments were noted.

F. INFORMATIONAL MEMORANDUMS

(There were no informational memorandums presented.)

Mayor Anderson queried if there was any objection to addressing item "A" under unfinished business after special orders.

There was no objection noted.

IX. UNFINISHED BUSINESS

- B. Ordinance Serial No. 06-144: AN ORDINANCE PLACING ON THE BALLOT OF THE OCTOBER 3, 2006, REGULAR ELECTION, A QUESTION TO ADOPT LIMITED POLICE POWERS TO REGULATE PAWNBROKERS WITHIN THE MATANUSKA-SUSITNA BOROUGH.
1. Ordinance Serial No. 06-145: AN ORDINANCE ENACTING MSB 3.39, TITLED "REGULATION OF PAWNBROKERS." *(Sponsor: Assemblymember Colver) (Motion Pending from 08/01/06)*
- (a) IM No. 06-211

MOTION PENDING: Assemblymember Colver moved to adopt Ordinance Serial No. 06-144 and Ordinance Serial No. 06-145.

Mayor Anderson:

- noted that it is no longer possible for the ordinance to be placed on the October 3, 2006, election ballot; and
- advised that if the Assembly chose to move forward with the legislation, it would need to be re-advertised with the next regular election date.

Assemblymember Colver spoke to the need to change the title and go back and re-introduce the legislation with the new title.

Mayor Anderson:

- opined that the legislation is a good concept; and
- spoke regarding Borough staff working with the pawnbrokers to work out the issues with the legislation.

Discussion ensued regarding regulating pawn brokers.

MOTION: Assemblymember Bettine moved to postpone Ordinance Serial No. 06-144 and Ordinance Serial No. 06-145 indefinitely.

VOTE: The motion passed with Assemblymember Colver opposed.

(Unfinished Business continued to page 13 of 29.)

X. NEW BUSINESS

A. INTRODUCTION (For public hearing - 09/26/06, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 06-187: AN ORDINANCE APPROPRIATING \$40,277,669 TO FUND 400, SCHOOL PROJECTS, FOR THE ACQUISITION, CONSTRUCTION, AND INSTALLATION OF SCHOOL AND RELATED CAPITAL IMPROVEMENTS WITHIN THE BOROUGH AND FOR RELATED ISSUANCE COSTS FOR THE 2006 SERIES A AND B GENERAL OBLIGATION SCHOOL BONDS.

1. Resolution Serial No. 06-129: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE 2006 SERIES A AND SERIES B GENERAL OBLIGATION SCHOOL BOND CONSTRUCTION PROJECTS.

(1) IM No. 06-269

B. INTRODUCTION (For public hearing - 10/17/06, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 06-188: AN ORDINANCE ADOPTING MSB 17.73, MULTI-FAMILY DEVELOPMENT DESIGN STANDARDS.

a. IM No. 06-229

2. Ordinance Serial No. 06-189: AN ORDINANCE CLASSIFYING FIVE BOROUGH-OWNED PARCELS OF LAND FOR SALE OR RETENTION IN THE SHULIN LAKE, KASHWITNA, BIG LAKE, AND CHICKALOON AREA.

a. IM No. 06-266

3. Ordinance Serial No. 06-190: AN ORDINANCE ACCEPTING AND APPROPRIATING \$47,261 FROM THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT GRANT PROGRAM, TO FUND 480, PROJECT NO. 45126, TO SUPPORT THE BOROUGH CITIZEN CORPS PROGRAM.

a. Resolution Serial No. 06-133: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, PROJECT NO. 45126, FUND 480, TO SUPPORT THE BOROUGH CITIZEN CORPS PROGRAM.

(1) IM No. 06-279

Ms. McGehee read the above legislation into the record.

MOTION: Assemblymember Colberg moved to introduce the legislation as read into the record by the Clerk and set the public hearings for September 26, 2006, and October 17, 2006, respectively.

VOTE: The motion passed without objection.

C. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Anderson requested the following confirmations:

Enhanced 911 Advisory Board
Resignation of Don Savage
Resignation of Gina Wheeler
Meadow Lakes Public Safety Building Naming Committee
Ferm in Strickland
Parks, Recreation, and Trails Advisory Board
Dorothy Helm

Mayor Anderson requested the following recommendations:

Enhanced 911 Advisory Board
John Glass
Meadow Lakes Public Safety Building Naming Committee
William Browne

MOTION: Assemblymember Colver moved to confirm the Mayor's appointments and resignations up for confirmation this evening.

VOTE: The motion passed without objection.

D. OTHER NEW BUSINESS

(The regular meeting recessed at 6:45 p.m. and reconvened at 7 p.m.)

VIII. SPECIAL ORDERS (to begin at 7 p.m.)

A. PERSONS TO BE HEARD (Three minutes per person.)

B. PUBLIC HEARINGS (Three minutes per person.)

1. Ordinance Serial No. 06-183: AN ORDINANCE AMENDING MSB 15.24.030(B)(3), COMPREHENSIVE PLAN AND PURPOSES; CITY OF PALMER.
 - a. IM No. 06-259

Ms. Sara Jansen, Palmer City Community Development Director, provided a staff report

Mayor Anderson opened the public hearing.

The following person spoke regarding the city of Palmer maintaining amenities:
Mr. Garvin Buccaria.

There being no others present who wished to testify, the public hearing closed and discussion moved to the Assembly.

MOTION: Assemblymember Allen moved to adopt Ordinance Serial No. 06-183.

VOTE: The motion passed without objection.

CONFLICT OF INTEREST: Assemblymember Allen advised that he had a conflict of interest on Ordinance Serial No. 06-184 and Resolution Serial No. 06-127.

RULING: Mayor Anderson ruled that Assemblymember Allen had a conflict of interest on Ordinance Serial No. 06-184 and Resolution Serial No. 06-127 and would be recused from voting.

(Assemblymember Allen exited the meeting at this time.)

2. Ordinance Serial No. 06-184: AN ORDINANCE ACCEPTING AND APPROPRIATING GRANT FUNDS IN THE AMOUNT OF \$250,000 FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT, TO FUND 435, PROJECT NO. 10171, AGRICULTURAL PROCESSING AND PRODUCT DEVELOPMENT CENTER CONSTRUCTION.
 - a. Resolution Serial No. 06-127: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT GRANT, PROJECT NO. 10171, FUND 435, FOR THE PRELIMINARY CONSTRUCTION OF THE AGRICULTURAL PROCESSING AND PRODUCT DEVELOPMENT CENTER.
- (1) IM No. 06-262

Mayor Anderson opened the public hearing.

There being no one present who wished to testify, the public hearing closed and discussion moved to the Assembly.

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 06-184 and Resolution Serial No. 06-127.

Assemblymember Woods:

- spoke regarding her enthusiasm for the project; and
- stated that this project is a way to keep farms economically healthy.

VOTE: The motion passed without objection.

(Assemblymember Allen re-entered the meeting at this time.)

3. Ordinance Serial No. 06-185: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$7,500 ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT, AND REAPPROPRIATING \$7,500 FROM THE BIG LAKE FIRE SERVICE AREA FISCAL YEAR 2007 OPERATING BUDGET, FUND 256, TO PROJECT NO. 20277, FUND 405, TO PURCHASE STRUCTURAL AND WILDLAND FIRE EQUIPMENT AND SUPPLIES.
 - a. Resolution Serial No. 06-128: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND MATCHING FUNDS FOR THE BIG LAKE FIRE SERVICE AREA, PROJECT NO. 20277, FUND 405.
 - (1) IM No. 06-267

Mayor Anderson opened the public hearing.

There being no one present who wished to testify, the public hearing closed and discussion moved to the Assembly.

MOTION: Assemblymember Bettine moved to adopt Ordinance Serial No. 06-185 and Resolution Serial No. 06-128.

VOTE: The motion passed without objection.

4. Ordinance Serial No. 06-186: AN ORDINANCE RATIFYING THE BOROUGH MANAGER'S ENTRY INTO A MEMORANDUM OF UNDERSTANDING REGARDING THE MAT-SU PRISON.
 - a. IM No. 06-270

Mr. Duffy provided a staff report.

Assemblymember Bettine queried how the Borough would get reimbursed if the next Governor does not support the project.

Mr. Duffy:

- advised that this is a risk; however, the Borough would request reimbursement from the State's operating or capital budget;
- advised that Senator Lyda Green would help the Borough to get reimbursed; and
- advised that the Gubernatorial candidates have stated that they are in support of the project.

Assemblymember Bettine queried what determines the final cost of the project.

Mr. Duffy

- advised that the final cost of the project would be determined by the number of beds in the facility; and
- spoke regarding the process to get a cost estimate.

Assemblymember Allen queried whether the project manager had determined an estimate on the design work.

Ms. Clayton:

- advised that the project manager has done preliminary estimates;
- stated that based on the initial estimates, there are not sufficient funds; and
- spoke regarding the capitalization of interest.

Discussion ensued regarding the cost estimates for the prison project.

Mayor Anderson opened the public hearing.

There being no one present who wished to testify, the public hearing closed and discussion moved to the Assembly.

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 06-186.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following persons spoke in support of Ordinance Serial No. 06-147 with modifications: Mr. Mark Masteller, Planning Commission Chair; and Ms. Diane Woodruff, Planning Commission member.

The following person spoke regarding Borough timber sales: Mr. Garvin Buccaria.

The following person spoke in support of Ordinance Serial No. 06-147: Mr. Dave Owens.

D. CONSENT AGENDA (Resolution Serial No. 06-130 with AM No. 06-189 and Resolution Serial No. 06-131 with AM No. 06-192 were pulled from the consent agenda as requested by Assemblymember Bettine and addressed separately. *See pp. 11-12 of 29*)

1. RESOLUTIONS

- c. Resolution Serial No. 06-132: A RESOLUTION ADOPTING THE MATANUSKA-SUSITNA BOROUGH RECORDS RETENTION SCHEDULE.
(1) IM No. 06-281

2. ASSEMBLY MEMORANDUMS

- a. AM No. 06-190: CHANGE ORDER APPROVAL TO MCCOOL CARLSON GREEN ARCHITECTS IN THE AMOUNT OF \$35,732 FOR ADDITIONAL CONSTRUCTION ADMINISTRATION FOR THE CAREER CENTER/VOCATIONAL HIGH SCHOOL CONSTRUCTION PROJECT, PROJECT NO. 40144.

- c. AM No. 06-193: THE VACATION OF A PORTION OF 33 FEET OF RIGHT-OF- WAY ON THE EAST SIDE OF TRACT B, MARSHALL ADDITION, LOCATED IN SECTION 35, TOWNSHIP 17 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA, LOCATED IN THE BIG LAKE COMMUNITY COUNCIL AREA.
- d. AM No. 06-194: AWARD OF BID NO. 07-029 TO MAD MOOSE WOOD PRODUCTS IN THE CONTRACT AMOUNT OF \$45,775.80 FOR THE BEVERLY LAKE ROAD FIRE MITIGATION PROJECT.
- e. AM No. 06-195: AWARD OF BID NO. 07-027 TO AAA VALLEY GRAVEL IN THE CONTRACT AMOUNT OF \$50,700, AND TO CENTRAL PAVING PRODUCTS IN THE CONTRACT AMOUNT OF \$149,106.50, TO SUPPLY WINTER SAND AND CHIPS FOR ROAD MAINTENANCE PURPOSES.

Ms. McGehee read the above legislation into the record.

MOTION: Assemblymember Colver moved to approve the consent agenda as read into the record by the Clerk.

VOTE: The motion passed without objection.

- a. Resolution Serial No. 06-130: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE PURCHASE OF TWO VIBRATORY COMPACTORS AND TRAILERS FOR THE BOROUGHWIDE ROADS UPGRADE AND IMPROVEMENT PROJECT, PROJECT NO. 30008.
 - (1) IM No. 06-275
 - (2) AM No. 06-189: AWARD OF BID NO. 06-182 TO NC MACHINERY IN THE CONTRACT AMOUNT NOT TO EXCEED \$483,318 FOR THE PURCHASE OF VIBRATORY SOIL COMPACTORS AND TILT TRAILERS.

MOTION: Assemblymember Bettine moved to approve Resolution Serial No. 06-130 and AM No. 06-189.

Assemblymember Bettine queried whether road service area funds would be used.

Mr. Rountree advised that the road service areas would be charged for the operation and maintenance, but not the purchase of the equipment.

Mr. Duffy advised that State funds are being used as the federal highway funds did not work out.

Assemblymember Vehrs:

- queried how it would be determined where the vibratory compactors would be located; and
- queried whether the maintenance costs would be shared on a prorated basis.

Mr. Rountree:

- advised that a list of projects has already been approved by the Assembly; and
- advised that the use of the vibratory compactors would be determined by the Operation and Maintenance Division and the road service areas.

Discussion ensued regarding:

- the use of the vibratory compactors to upgrade roads;
- how the road service area funds would be used;
- the road projects that the Assembly has approved;
- whether a position needs to be approved to operate the vibratory compactors;
- difficulty between road service areas and contractors; and
- the need for an operational plan.

VOTE: The motion passed without objection.

- b. Resolution Serial No. 06-131: A RESOLUTION AMENDING THE BUDGETS FOR PROJECT NOS. 40151, 40155, 40156, AND 40150, TO ALLOW COMPLETION OF THE SIDI NG REPLACEMENT PROJECT AT THE BIG LA KE ELEMENTARY SCHOOL.
- (1) IM No. 06-277
- (2) AM No. 06-192: APPROVAL OF CHANGE ORDER TO COOK INLET CONTRACTING IN THE AMOUNT OF \$206,402 TO COMPLETE THE SIDI NG REPLACEMENT PROJECT AT THE BIG LA KE ELEMENTARY SCHOOL , PROJECT NO. 40150

MOTION: Assemblymember Bettine moved to approve Resolution Serial No. 06-131 and AM No. 06-192.

Assemblymember Bettine queried when the work would be completed.

Mr. Rountree:

- advised that the contractor has a performance period of 180-200 days;
- spoke regarding the modifications to the project; and
- advised that the life, health, and safety issues with the sidewalks have been taken care of.

Assemblymember Bettine stated that the residents would like to see the work completed by the start of the next school year.

VOTE: The motion passed without objection.

(The regular meeting recessed at 8 p.m. and reconvened at 8:18 p.m.)

(Unfinished business continued from page 5 of 29 .)

- A. Ordinance Serial No. 06-147: AN ORDINANCE REPEALING TITLE 16, SUBDIVISIONS, IN ITS ENTIRETY, ADOPTING TITLE 27, SUBDIVISIONS, AND AMENDING MSB 15.39.140.
1. IM No. 06-198

MOTION PENDING: Assemblymember Kvalheim moved to adopt Ordinance Serial No. 06-147.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.15.060(A), to strike paragraph (4) in its entirety.

Assemblymember Bettine queried the purpose of removing the paragraph.

Assemblymember Colver:

- stated that the removal of the paragraph does not hurt anything, as it does not have an effect; and
- stated that the information comes out of the platting process and permitting requirements.

Assemblymember Bettine voiced concerns about cross referencing through the legislation.

Assemblymember Allen queried the reason that the paragraph is being removed if it makes no difference if it is there or not.

Assemblymember Colver:

- stated that the paragraph is redundant; and
- spoke regarding the permitting process.

Discussion ensued regarding the affect of striking the paragraph from the legislation.

VOTE: The primary amendment passed with Assemblymembers Woods, Allen, and Bettine opposed.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.15.050(B), by inserting the word "qualified" before the word "engineer," inserting the phrase "when required by ADEC, or a qualified hydrologist" between the words "engineer" and "using," and inserting the phrase "when required" at the end of the paragraph to read as follows: (B) Water and Wastewater: All tests required under this section must be conducted by a qualified engineer when required by ADEC, or a qualified hydrologist using established engineering practices, and must bear the original seal and signature of the engineer who conducted the test when required.

MOTION: Assemblymember Colberg moved a secondary amendment to Ordinance Serial No. 06-147, MSB 27.15.050(B), by striking the phrase “when required by the ADEC,” striking the phrase “when required” at the end of the paragraph and inserting in its place the phrase “by a qualified engineer or a qualified hydrologist” to read as follows: (B) Water and Wastewater: All tests required under this section must be conducted by a qualified engineer or a qualified hydrologist using established engineering practices, and must bear the original seal and signature of the engineer who conducted the test by a qualified engineer or a qualified hydrologist.

VOTE: The secondary amendment passed without objection.

MOTION: Assemblymember Colberg moved a secondary amendment to Ordinance Serial No. 06-147, MSB 27.15.050(B), by striking the phrase “by a qualified engineer” between the words “test” and “or” and inserting the phrase “the signature of the” before the phrase “qualified hydrologist,” and to insert the phrase “who conducted the test” at the end of the paragraph to read as follows: (B) Water and Wastewater. All tests required under this section must be conducted by a qualified engineer or a qualified hydrologist using established engineering practices, and must bear the original seal and signature of the engineer who conducted the test or the signature of the qualified hydrologist who conducted the test.

VOTE: The secondary amendment passed without objection

VOTE: The primary amendment passed as amended without objection.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.15.050(D)(2), by inserting the phrase “The Drainage Management and Erosion Control plan can be submitted after preliminary plat approval but prior to road construction” before the last sentence to read as follows: (D)(2) Drainage from proposed construction activities shall be managed and accommodated onsite, or an analysis of the proposed development’s drainage impact on adjacent and subject property shall be submitted along with a plan for storm water drainage and erosion control that describes how off-site mitigation shall occur, including mitigation for run-off around wetlands, watercourses, and waterbodies, where such wetlands, watercourses, or waterbodies exist. The Drainage Management and Erosion Control plan can be submitted after preliminary plat approval but prior to road construction. The Drainage Management and Erosion Control Plan shall contain the following:

Assemblymember Colver:

- advised that this was a recommendation from some of the surveyors;
- spoke regarding drainage plans; and
- queried if there was a way that the engineers did not to have to submit the plans two times.

Mr. O'Brien

- spoke regarding how the drainage plans are currently being received;
- stated that a more detailed drainage plan needs to be required; and
- noted that he believes that the motion was already acted on.

Discussion ensued regarding:

- whether an amendment regarding this has already been made;
- the public process; and
- plat modifications.

MOTION: Assemblymember Bettine called for the question (to stop debate).

VOTE: The motion to stop debate passed without objection.

VOTE: The primary amendment failed with Assemblymember Colver in support.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.15.080 (B) (1), (2), (3), (4) and (C) by:

- (B)(1) striking the phrase "tax official certification of tax payment and;"
- (B)(3) by striking in its entirety;
- (B)(4) by renumbering as paragraph (3); and
- (C) by inserting paragraph (1) to read "Prior to recording, the applicant will provide the platting officer with tax official certification of tax payment, and documentation that utility easements have been provided" to read as follows:
 - (B) All waiver subdivision requests shall be submitted to the platting officer for approval and shall be accompanied by:
 - (1) one completed waiver application form with notarized signature of the owner, and notarized signature of the mortgagee, if applicable;
 - (2) a neat, legible, scaled drawing, prepared by a registered land surveyor, showing location of monuments, recorded easements, improvements, parent parcel boundaries, severed parcel boundaries, arrow indicating true north, section, township and range, and all easements disclosed by the certificate;
 - (3) proof of ownership, which shall contain the property descriptions, and proof of recorded utility easements, the proof of ownership shall be a certificate to plat;
 - (C) Approval of waiver subdivision expires 36 months after date of the submittal with application fee, unless an approved extension has been granted in accordance with this title.
 - (1) Prior to recording, the applicant will provide the platting officer with tax official certification of tax payment, and documentation that utility easements have been provided.

Assemblymember Bettine requested that staff provide comments on the amendment.

Mr. O'Brien:

- advised that staff concurs with portions of the amendment; and
- spoke regarding the language that needs to be retained.

MOTION: Assemblymember Woods moved a secondary amendment to Ordinance Serial No. 06-147, MSB 27.15.080(B), by re-inserting paragraph (3), and 27.15.080(C)(1), by striking the phrase "and documentation that utility easements have been provided" to read as follows:

(B) All waiver subdivision requests shall be submitted to the platting officer for approval and shall be accompanied by:

(1) one completed waiver application form with notarized signature of the owner, and notarized signature of the mortgagee, if applicable;

(2) a neat, legible, scaled drawing, prepared by a registered land surveyor, showing location of monuments, recorded easements, improvements, parent parcel boundaries, severed parcel boundaries, arrow indicating true north, section, township and range, and all easements disclosed by the certificate;

(3) documentation demonstrating that all necessary utility accesses are in place;

(4) proof of ownership, which shall contain the property descriptions, and proof of recorded utility easements, the proof of ownership shall be a certificate to plat;

(C) Approval of waiver subdivision expires 36 months after date of the submittal with application fee, unless an approved extension has been granted in accordance with this title.

(1) Prior to recording, the applicant will provide the platting officer with tax official certification of tax payment.

Assemblymember Colver spoke to concerns regarding recording of easements.

VOTE: The secondary amendment passed with Assemblymembers Colver and Vehrs opposed.

MOTION: Assemblymember Colver moved a secondary amendment to Ordinance Serial No. 06-147, MSB 27.15.080(B)(3), by striking the word "accesses" and inserting in its place the word "easements" to read as follows:

(B) All waiver subdivision requests shall be submitted to the platting officer for approval and shall be accompanied by:

(1) one completed waiver application form with notarized signature of the owner, and notarized signature of the mortgagee, if applicable;

(2) a neat, legible, scaled drawing, prepared by a registered land surveyor, showing location of monuments, recorded easements, improvements, parent parcel boundaries, severed parcel boundaries, arrow indicating true north, section, township and range, and all easements disclosed by the certificate;

(3) documentation demonstrating that all necessary utility easements are in place;

(4) proof of ownership, which shall contain the property descriptions, and proof of recorded utility easements, the proof of ownership shall be a certificate to plat;

(C) Approval of waiver subdivision expires 36 months after date of the submittal with application fee, unless an approved extension has been granted in accordance with this title.

(1) Prior to recording, the applicant will provide the platting officer with tax official certification of tax payment.

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment passed as amended without objection.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.15.090(D), to strike the language in its entirety.

Assemblymember Colver:

- spoke regarding public concerns; and
- stated that he sought a legal opinion on this issue.

Assemblymember Vehrs queried the Borough Attorney's opinion on this issue.

Mr. Spiropoulos:

- referenced a memorandum from Mr. Aschenbrenner dated May 20, 2004;
- spoke regarding what the law was regarding this issue prior to the 1985 amendments; and
- spoke regarding Alaska Statute requirements.

Discussion ensued regarding abbreviated plats.

VOTE: The primary amendment failed with Assemblymembers Colver and Vehrs in support.

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 06-147, 27.15.090(D), to strike the phrase "one time" and insert in its place "once every two years" to read as follows: (D) An abbreviated plat may occur once every two years for a given parcel, lot, or track.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.15.100(A)(1), to insert a subparagraph (a) to read as follows: (A)(1)(a) a petition can provide evidence to the platting board that the easement(s) is not needed or an alternate easement has been or will be provided.

Assemblymember Colver:

- stated that there is a lot of rigidity with utility companies;
- advised that there are no provisions to deal with an entity that does not give up easements; and
- spoke regarding the issues with vacating utility easements.

Assemblymember Colberg:

- opined that the amendment is inviting a set of problems which can become a mess; and
- noted that it puts the Borough in the position of having to defend the Planning Board if they vacate a utility easement.

Discussion ensued regarding the issues with vacating utility easements.

VOTE: The motion failed with Assemblymembers Woods, Colver, and Vehrs in support.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.15.120(E), to strike paragraph (3) in its entirety.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.15.170(H), to insert the paragraph "I, (surveyors name and land surveyor number), hereby certify that I am a registered professional land surveyor in the state of Alaska and that this plat represents a survey made by me or under my direct supervision, and that the monuments show on the plat shall be set on or before _____, and that all dimensional and other details are true and correct to the best of my knowledge" at the end of the section to read as follows:

(H) Surveyors Certificate. A surveyor's certificate shall be substantially in one of the forms that follow, whichever is appropriate:

"I, (surveyors name and land surveyor number), hereby certify that I am a registered land surveyor in the state of Alaska and that this plat represents a survey made by me or under my direct supervision, and that the monuments shown on the plat actually exist as described, and that all dimensional and other details are true and correct to the best of my knowledge."

"I, (surveyor's name and land survey number, hereby certify that this plat was prepared by me or under my direct supervision using record dimensions from Plat # _____."

"I, (surveyors name and land surveyor number), hereby certify that I am a registered professional land surveyor in the state of Alaska and that this plat represents a survey made by me or under my direct supervision, and that the monuments show on the plat shall be set on or before _____, and that all dimensional and other details are true and correct to the best of my knowledge."

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.20.005(C), by striking subsection (C) in its entirety.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.20.020(C), by inserting the phrase “where necessary and additional access required herein is not redundant” to read as follows: (C) Proposed subdivisions shall provide through connecting rights-of-way of Residential Standard minimum (as defined in the MSB Subdivision Construction Manual) where necessary and additional access required herein is not redundant, to all adjoining subdivided and unsubdivided parcels to improve interconnectivity and public safety. If it is shown by the applicant to be unnecessary for future development and is unnecessary for public safety, then a reduction to a lesser road right-of-way standard shall be applied to all of (or a portion of) the right-of-way that is being considered for a reduced standard. Dedication shall include any road identified in the current streets and highways plan.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.20.030(B), to insert a new paragraph (3), renumber the current paragraph (3) to (4) to read as follows:

(3) For rural recreational and remote subdivisions within remote areas of the Borough where highway vehicle access is not feasible or practical, the platting board shall allow waiving road construction provided that:

- (a) all lots created are provided with legal access;
- (b) physical access is provided via existing trails within a public right-of-way, or trails are constructed within dedicated rights-of-way;
- (c) lots are 5 acres or larger; and
- (d) where practical and feasible the platting board may require construction of a turnaround or parking area at the trailhead.

(4) Subdivisions that cannot comply with legal access requirements of MSB 27.20.035 shall only be allowed where each proposed parcel can be directly accessed by a navigable water body, a public airport, or a railroad access point that provides service to the public, and where each lot, tract, or parcel created abuts that access to the subdivision.

Assemblymember Colver spoke regarding issues with remote parcels.

Assemblymember Bettine queried how “rural recreation” would be defined.

Mr. O’Brien:

- advised that there is no definition for “rural recreation” currently; and
- noted that there also is no definition for “remote.”

Assemblymember Colver stated that he is trying to address the homestead issue.

Assemblymember Woods queried how the issue of “rural recreation” and “remote” would be handled if they are not defined.

Mayor Anderson opined that the highway definition should be used.

Discussion ensued regarding the issues of “rural recreation” and “remote.”

MOTION: Assemblymember Colver moved a secondary amendment to Ordinance Serial No. 06-147, MSB 27.20.030(B)(3), by striking the word “shall” in (3) and inserting in its place “may,” and inserting a paragraph (e) that reads “there will be no road maintenance provided” to read as follows:

(3) For rural recreational and remote subdivisions within remote areas of the Borough where highway vehicle access is not feasible or practical, the platting board may allow waiving road construction provided that:

- (a) all lots created are provided with legal access;
- (b) physical access is provided via existing trails within a public right-of-way, or trails are constructed within dedicated rights-of-way;
- (c) lots are 5 acres or larger; and
- (d) where practical and feasible the platting board may require construction of a turnaround or parking area at the trailhead.

(e) there will be

(4) Subdivisions that cannot comply with legal access requirements of MSB 27.20.035 shall only be allowed where each proposed parcel can be directly accessed by a navigable water body, a public airport, or a railroad access point that provides service to the public, and where each lot, tract, or parcel created abuts that access to the subdivision.

VOTE: The secondary amendment failed with Assemblymembers Allen, Colver, and Vehrs in support.

VOTE: The primary amendment failed with Assemblymembers Colver and Vehrs in support.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.20.040(B), by inserting the sentence “A property adjacent to a road described in (A) above shall not be denied access where existing a road or driveway causes an access to be less than 650 feet of separation” at the end of the paragraph to read as follows: (B) The distance between direct access way onto national, state, or borough roads classified as highways or arterial roads shall be maximized and shall be 650 feet or greater when measured at center line unless pre-existing conditions and pre-existing non-conforming lots do not allow. Access shall be by collector street, frontage road, or shared driveways, where feasible. A property adjacent to a road described in (A) above shall not be denied

access where existing a road or driveway causes an access to be less than 650 feet of separation.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.20.060(E)(1)(a), by striking the word “contiguous” and striking the phrase “delineated on the plat,” and inserting in its place “identified and submitted on a separate non-recorded drawing,” to read as follows: (E)(1)(a) each non-open space lot has 10,000 square feet of useable septic area identified and submitted on a separate non-recorded drawing, unless served by community wastewater system.

VOTE: The primary amendment failed with Assemblymembers Colver and Vehrs in support.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.20.065(D), as follows:

- (D) by striking the phrase “flag lots are not to be used to circumvent the construction of roads; however,” and striking the phrase “where no other public access is feasible;”
- (D)(1) to striking the word “two” and insert in its place “five;”
- (D)(5) to strike “250” and insert in its place “330;”
- (D)(7) to insert the phrase “excepting in rural areas, or if there will be no future road, a plat note stating no public roads will be dedicated within the flag pole” at the end of the paragraph;
- (D)(9) to strike the word “five” and insert in its place “ten” throughout the paragraph, and strike the word “two” and insert in its place the word “five” to read as follows:

(D) Flag lots may be allowed provided that:

(1) no more than two pole portions are adjoining; if pole portions are adjoining, they shall share a common access point to the road at the road right-of-way line. For flag lots greater than five acres, the pole portion shall be overlaid with a public use easement that extends a minimum of 100 feet past the furthest point at which the pole portion connects to the flag portion of the proposed lots, to allow for future subdivision of the flagged parcels. No construction is necessary within the pole portion of the lots until the flagged lots are further subdivided; and

(2) the minimum pole portion width is 30 feet where two pole portions are adjoining, and 60 feet for a single pole portion; and

(3) the flag pole portion of the lot is not included in useable area calculations or in the three to one length to width ration; and

(4) the flag lot fronts on a borough standard-width legal right-of-way;

(5) the pole portion of the flag lot is of uniform width and does not exceed the square root of 125 percent of the flagged parcel’s square footage. Lots of less than two acres shall have a maximum pole length of 330 feet;

(6) the pole portion of the flag lot or the adjacent pole portions of two flag lots meets the geometry of residential standard road;

(7) the applicant demonstrates, following consultation with the MSB Department of Public Works, that a physical road can be constructed within each flag pole portions in accordance with standards contained in the MSB Subdivision Construction Manual, excepting in rural area, or if there will be no future road, a plat note stating no public roads will be dedicated within the flag pole.

(8) utility easements are located outside of the flag pole portion of the lot, excepting where a flag is greater than 60 feet wide;

(9) flag lots are limited to ten per cent of the total number of lots for any subdivision of 60 or more lots, up to a maximum of ten flag lots, and no more than five lots for a subdivision of less than 60 lots. The calculated amount shall be rounded to the greater number in case of a fraction of .5 or greater, and rounded to the lesser number in case of a fraction of less than .5.

Assemblymember Colver:

- noted that the amendment is a recommendation of a few surveyors; and
- spoke regarding issues with flag lots and rural areas.

Mayor Anderson noted that there is still no definition for “rural.”

Assemblymember Colberg queried how someone will know whether there will not be a future road.

Mr. O’Brien:

- spoke regarding how the staff tried to come up with compromise language for flag lots;
- noted that they worked with the public during the Planning Commission stage to come up with the language;
- opined that staff came up with a compromise; and
- recommended maintaining the existing language.

MOTION: Assemblymember Bettine moved a secondary amendment to Ordinance Serial No. 06-147, 27.20.065(D)(7), to delete the phrase “excepting in rural area, or if there will be no future road, a plat note stating no public roads will be dedicated within the flag pole” to read as follows:

(D) Flag lots may be allowed provided that:

(1) no more than two pole portions are adjoining; if pole portions are adjoining, they shall share a common access point to the road at the road right-of-way line. For flag lots greater than five acres, the pole portion shall be overlaid with a public use easement that extends a minimum of 100 feet past the furthest point at which the pole portion connects to the flag portion of the proposed lots, to allow for future subdivision of the flagged parcels. No construction is necessary within the pole portion of the lots until the flagged lots are further subdivided; and

(2) the minimum pole portion width is 30 feet where two pole portions are adjoining, and 60 feet for a single pole portion; and

- (3) the flag pole portion of the lot is not included in useable area calculations or in the three to one length to width ration; and
- (4) the flag lot fronts on a borough standard-width legal right-of-way;
- (5) the pole portion of the flag lot is of uniform width and does not exceed the square root of 125 percent of the flagged parcel's square footage. Lots of less than two acres shall have a maximum pole length of 330 feet;
- (6) the pole portion of the flag lot or the adjacent pole portions of two flag lots meets the geometry of residential standard road;
- (7) the applicant demonstrates, following consultation with the MSB Department of Public Works, that a physical road can be constructed within each flag pole portions in accordance with standards contained in the MSB Subdivision Construction Manual.
- (8) utility easements are located outside of the flag pole portion of the lot, excepting where a flag is greater than 60 feet wide;
- (9) flag lots are limited to ten percent of the total number of lots for any subdivision of 60 or more lots, up to a maximum of ten flag lots, and no more than five lots for a subdivision of less than 60 lots. The calculated amount shall be rounded to the greater number in case of a fraction of .5 or greater, and rounded to the lesser number in case of a fraction of less than .5.

Assemblymembers Colver and Vehrs spoke in opposition to the secondary amendment.

VOTE: The secondary amendment passed with Assemblymembers Colver and Vehrs opposed.

MOTION: Assemblymember Bettine moved a secondary amendment to Ordinance Serial No. 06-147, 27.20.065(D)(7), to insert the following phrases into (D), "Flag lots are not to be used to circumvent the construction of roads; however," at the beginning of the paragraph and "where no other public access is feasible" between the words "allowed" and "provided" to read as follows:
 (D) Flag lots are not to be used to circumvent the construction of roads; however, flag lots may be allowed where no other public access is feasible provided that:

- (1) no more than two pole portions are adjoining; if pole portions are adjoining, they shall share a common access point to the road at the road right-of-way line. For flag lots greater than five acres, the pole portion shall be overlaid with a public use easement that extends a minimum of 100 feet past the furthest point at which the pole portion connects to the flag portion of the proposed lots, to allow for future subdivision of the flagged parcels. No construction is necessary within the pole portion of the lots until the flagged lots are further subdivided; and
- (2) the minimum pole portion width is 30 feet where two pole portions are adjoining, and 60 feet for a single pole portion; and
- (3) the flag pole portion of the lot is not included in useable area calculations or in the three to one length to width ration; and
- (4) the flag lot fronts on a borough standard-width legal right-of-way;

(5) the pole portion of the flag lot is of uniform width and does not exceed the square root of 125 percent of the flagged parcel's square footage. Lots of less than two acres shall have a maximum pole length of 330 feet;

(6) the pole portion of the flag lot or the adjacent pole portions of two flag lots meets the geometry of residential standard road;

(7) the applicant demonstrates, following consultation with the MSB Department of Public Works, that a physical road can be constructed within each flag pole portions in accordance with standards contained in the MSB Subdivision Construction Manual.

(8) utility easements are located outside of the flag pole portion of the lot, excepting where a flag is greater than 60 feet wide;

(9) flag lots are limited to ten percent of the total number of lots for any subdivision of 60 or more lots, up to a maximum of ten flag lots, and no more than five lots for a subdivision of less than 60 lots. The calculated amount shall be rounded to the greater number in case of a fraction of .5 or greater, and rounded to the lesser number in case of a fraction of less than .5.

VOTE: The secondary amendment passed with Assemblymember Colver and Vehrs opposed.

MOTION: Assemblymember Colver moved a secondary amendment to Ordinance Serial No. 06-147, MSB 27.20.065(D)(7), to insert the phrase "excepting if alternate access is provided" to read as follows:

(D) Flag lots may be allowed provided that:

(1) no more than two pole portions are adjoining; if pole portions are adjoining, they shall share a common access point to the road at the road right-of-way line. For flag lots greater than five acres, the pole portion shall be overlaid with a public use easement that extends a minimum of 100 feet past the furthest point at which the pole portion connects to the flag portion of the proposed lots, to allow for future subdivision of the flagged parcels. No construction is necessary within the pole portion of the lots until the flagged lots are further subdivided; and

(2) the minimum pole portion width is 30 feet where two pole portions are adjoining, and 60 feet for a single pole portion; and

(3) the flag pole portion of the lot is not included in useable area calculations or in the three to one length to width ration; and

(4) the flag lot fronts on a borough standard-width legal right-of-way;

(5) the pole portion of the flag lot is of uniform width and does not exceed the square root of 125 percent of the flagged parcel's square footage. Lots of less than two acres shall have a maximum pole length of 330 feet;

(6) the pole portion of the flag lot or the adjacent pole portions of two flag lots meets the geometry of residential standard road;

(7) the applicant demonstrates, following consultation with the MSB Department of Public Works, that a physical road can be constructed within each flag pole portions in accordance with standards contained in the MSB Subdivision Construction Manual excepting if alternate access is provided.

(8) utility easements are located outside of the flag pole portion of the lot, excepting where a flag is greater than 60 feet wide;

(9) flag lots are limited to ten per cent of the total number of lots for any subdivision of 60 or more lots, up to a maximum of ten flag lots, and no more than five lots for a subdivision of less than 60 lots. The calculated amount shall be rounded to the greater number in case of a fraction of .5 or greater, and rounded to the lesser number in case of a fraction of less than .5.

Assemblymember Bettine queried alternate access.

Assemblymember Colver drew a diagram to show where alternate access is used on flag lots.

MOTION: Assemblymember Allen called for the question (to stop debate).

VOTE: The motion to stop debate passed without objection.

VOTE: The secondary amendment failed with Assemblymembers Woods, Colver and Vehrs in support.

MOTION: Assemblymember Colver moved a secondary amendment to Ordinance Serial No. 06-147, MSB 27.20.065(D)(8), to strike the number "60" and insert in its place the number "75" to read as follows:

(D) Flag lots are not to be used to circumvent the construction of roads; however, flag lots may be allowed where no other public access is feasible provided that:

(1) no more than two pole portions are adjoining; if pole portions are adjoining, they shall share a common access point to the road at the road right-of-way line. For flag lots greater than five acres, the pole portion shall be overlaid with a public use easement that extends a minimum of 100 feet past the furthest point at which the pole portion connects to the flag portion of the proposed lots, to allow for future subdivision of the flagged parcels. No construction is necessary within the pole portion of the lots until the flagged lots are further subdivided; and

(2) the minimum pole portion width is 30 feet where two pole portions are adjoining, and 60 feet for a single pole portion; and

(3) the flag pole portion of the lot is not included in useable area calculations or in the three to one length to width ration; and

(4) the flag lot fronts on a borough standard-width legal right-of-way;

(5) the pole portion of the flag lot is of uniform width and does not exceed the square root of 125 percent of the flagged parcel's square footage. Lots of less than two acres shall have a maximum pole length of 330 feet;

(6) the pole portion of the flag lot or the adjacent pole portions of two flag lots meets the geometry of residential standard road;

(7) the applicant demonstrates, following consultation with the MSB Department of Public Works, that a physical road can be constructed within each flag pole portions in accordance with standards contained in the MSB Subdivision Construction Manual.

(8) utility easements are located outside of the flag pole portion of the lot, excepting where a flag is greater than 75 feet wide;

(9) flag lots are limited to ten per cent of the total number of lots for any subdivision of 60 or more lots, up to a maximum of ten flag lots, and no more than five lots for a subdivision of less than 60 lots. The calculated amount shall be rounded to the greater number in case of a fraction of .5 or greater, and rounded to the lesser number in case of a fraction of less than .5.

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment passed as amended without objection.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.35.005(C), to insert a paragraph (13) to read as follows: (13) the setting of property corners and monuments may be part of an agreement.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colberg moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.20.030, to insert the phrase “and (C)” at the end of (A), to replace the current (B)(3) and make it (C), and to strike the language in subsection (B) and paragraphs (B)(1), (2), (3)(a) in their entirety to read as follows:

(A) There shall be physical access within legal rights-of-way to all subdivisions and to all lots within subdivisions, and to adjacent properties, except as allowed by subsections (B) and (C).

(B) If there are no overriding public health, safety, or welfare concerns, the platting board may waive the physical road requirements of subsection (A) to the extent that they apply to external access. This waiver shall only apply where the applicant demonstrated that construction of a standard road is not practical or feasible due to significant topographical constraints, or where the proposed subdivision is further than one mile from a publicly maintained road. In either case, the applicant must demonstrate that permanent alternate public access to the subdivision is practical and feasible by means of a navigable water body, floatplane access, trail, publicly-owned airport, or a railroad access point that provides service to the public. In addition, all of the following criteria must be met;

(1) for trail access, it must be shown that a dedicated legal right-of-way exists, or will be created, in which it is feasible to construct a thorough-standard road to the subdivision;

(2) sufficient land area shall be dedicated for parking at the permanent alternate public access point, unless the applicant demonstrates that it is unnecessary to serve the proposed subdivision;

(3) the applicant shall demonstrate that the internal road system and access from the permanent alternate public access point can be constructed to borough standards.

(C) Subdivisions that cannot comply with legal access requirements of MSB 27.20.035 shall only be allowed where each proposed parcel can be directly accessed by a navigable water body, floatplane access, a public airport, or a railroad access point that provides service to the public, and where each lot, tract, or parcel created abuts that access to the subdivision.

Assemblymember Colver:

- stated that staff wants to make sure there is no trail access;
- opined that the provision before worked fine; and
- spoke regarding the trail provisions.

Assemblymember Colberg:

- spoke regarding issues that arise when you do not have a plan or procedure; and
- spoke regarding the issue of remote subdivisions.

Discussion ensued regarding road access.

MOTION: Assemblymember Allen called for the question (to stop debate).

VOTE: The motion passed with Assemblymembers Woods, Bettine, and Colver opposed.

VOTE: The primary amendment passed with Assemblymembers Bettine, Colver, and Vehrs opposed

(The regular meeting recessed at 10:39 p.m. and reconvened at 10:49 p.m.)

MOTION: Assemblymember Allen moved to adjourn the regular meeting.

VOTE: The motion failed with Assemblymembers Allen and Colberg in support.

MOTION: Assemblymember Colver moved to extend the meeting past 11 p.m. and not to exceed 12 midnight.

VOTE: The motion passed with Assemblymembers Allen and Vehrs opposed.

MOTION: Assemblymember Colberg moved to suspend the rules and take up the executive session at this time.

VOTE: The motion failed with Assemblymembers Woods, Allen, Colberg, and Kvalheim in support and Assemblymembers Bettine, Colver, and Vehrs in opposition. (Motion requires a 2/3 vote to pass.)

MOTION: Assemblymember Colver moved a primary amendment on Ordinance Serial No. 06-147, MSB 27.20.030(B), to strike the word “significant” to read as follows: (B) If there are no overriding public health, safety, or welfare concerns, the platting board may waive the physical road requirements of subsection (A) to the extent that they apply to external access. This waiver shall only apply where the applicant demonstrated that construction of a standard road is not practical or feasible due to topographical constraints, or where the proposed subdivision is further than one mile from a publicly maintained road. In either case, the applicant must demonstrate that permanent alternate public access to the subdivision is practical and feasible by means of a navigable water body, floatplane access, trail, publicly-owned airport, or a railroad access point that provides service to the public. In addition, all of the following criteria must be met;

Assemblymember Colberg opined that the word “significant” is needed in this section.

Assemblymember Vehrs stated that the word “significant” is up to interpretation.

VOTE: The primary amendment passed with Assemblymembers Allen, Colberg, and Bettine opposed.

MOTION: Assemblymember Colver moved a primary amendment on Ordinance Serial No. 06-147, MSB 27.20.030(B), to insert the phrase “excepting where platting board allows deviation” between the words “road” and “in” to read as follows: (B) If there are no overriding public health, safety, or welfare concerns, the platting board may waive the physical road requirements of subsection (A) to the extent that they apply to external access. This waiver shall only apply where the applicant demonstrated that construction of a standard road is not practical or feasible due to topographical constraints, or where the proposed subdivision is further than one mile from a publicly maintained road excepting where platting board allows deviation. In either case, the applicant must demonstrate that permanent alternate public access to the subdivision is practical and feasible by means of a navigable water body, floatplane access, trail, publicly-owned airport, or a railroad access point that provides service to the public. In addition, all of the following criteria must be met;

Assemblymember Colberg stated that the amendment defeats the purpose.

MOTION: Assemblymember Bettine called for the question (to stop debate).

VOTE: The motion to stop debate passed without objection.

VOTE: The primary amendment failed with Assemblymembers Colver and Vehrs in support.

MOTION: Assemblymember Allen moved to postpone Ordinance Serial No. 06-147 to a time certain of September 26, 2006.

VOTE: The motion to postpone to a time certain of September 26, 2006, passed without objection.

XI. RECONSIDERATION

(There were no reconsiderations presented.)

XII. VETO

(There were no vetoes presented.)

XIII. EXECUTIVE SESSION *(for matters, the immediate public knowledge of which would clearly have an adverse effect upon the finances of the borough and matters which by law, municipal charter, or ordinance are required to be confidential; direction may be given to the Attorney or labor negotiator regarding labor negotiations)*

A. Labor Contract Negotiations Between MSB and MSBEA

MOTION: Assemblymember Colver moved to enter executive session for matters, the immediate public knowledge of which would clearly have an adverse effect upon the finances of the borough and matters which by law, municipal charter, or ordinance are required to be confidential; direction may be given to the Attorney or labor negotiator regarding labor negotiations, specifically to address the labor contract, negotiations between the Matanuska-Susitna Borough and the Matanuska-Susitna Borough Employees Association. Those present during the executive session were the Mayor, Assembly, Manager, Attorney, Clerk, Human Resources Manager, and Finance Director.

VOTE: The motion passed with Assemblymembers Colver and Vehrs opposed, the Assembly entered executive session at 11:04 p.m.

MOTION: Assemblymember Woods moved to exit executive session.

VOTE: The motion passed without objection and the Assembly exited executive session at 11:52 p.m.

XIV. MAYOR AND ASSEMBLY COMMENTS

(There were no comments provided.)

XV. ADJOURNMENT

The regular meeting adjourned at 11:52 p.m.

/ S /

CURTIS D. MENARD, Borough Mayor

ATTEST:

/ S /

MICHELLE M. MCGEHEE, CMC, Borough Clerk

Minutes approved: 11/21/06