

I. CALL TO ORDER

The special meeting of the Matanuska-Susitna Borough Assembly was held on October 27, 2009, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 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. Ronald Arvin, Assembly District No. 3
Mr. Mark Ewing, Assembly District No. 4
Ms. Cindy Bettine, Assembly District No. 5 (*arrived at 6:08 p.m.*)
Mr. Vern Halter, Assembly District No. 7

Assembly members absent and excused were:

Mr. Jim Colver, Assembly District No. 6

Planning Commission members present and establishing a quorum were:

Mr. Ken Klunder, District 1 (*Vice-Chair*)
Mr. David Cheezem, District 2
Mr. Mark Masteller, District 3 (*Chair*)
Mr. Patrick Johnson, District 4
Mr. William Bruu, District 5
Mr. Dick Zobel, District 6

Staff in attendance were:

Ms. Lonnie R. McKechnie, Borough Clerk
Mr. John Duffy, Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Brenda J. Henry, Executive Assistant to the Borough Clerk
Ms. Susan Lee, Planner II
Mr. Emerson Krueger, Planner II
Ms. Lauren Kruer, Planner II
Mr. Joe Welliver, Planner II

III. APPROVAL OF AGENDA

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

Mr. Duffy advised that the Items A and C could be combined into a single presentation and heard after Item B.

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

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ms. Lauren Kruer, Planner II.

V. AUDIENCE PARTICIPATION

(There was no one present who wished testify.)

VI. ITEMS OF BUSINESS

(There were technical difficulties and the Assembly and Planning Commission heard Item B first.)

B. Joint Land Use Study (JLUS) Update *(Requested by Administration)*

Mr. Emerson Kruger provided an update regarding the Joint Land Use Study.

Planning Commissioner Johnson:

- stated that he was notified about aircraft from Eielson Air Force Base wanting to break the sound barrier near Lake Louise; and
- queried if anything was mentioned regarding that issue in the study.

Mr. Krueger stated that there are noise and speed restrictions governed by the Federal Aviation Administration for that area.

Assemblymember Bettine spoke to an experience she had with military aircraft coming up unexpectedly and very low.

Mr. Krueger:

- advised that when there is an issue regarding military aircraft, it is suppose to be reported to the military; and
- stated that the military takes these types of reports seriously and take steps to ensure it does not happen again.

A. Borough Comprehensive Plan Update *(Requested by Administration)*

C. Zoning Code Update *(Requested by Administration)*

Ms. Lauren Kruer and Mr. Emerson Krueger provided a presentation regarding the Borough Comprehensive Plan and the Zoning Code update.

Planning Commissioner Bruu:

- queried if the Zoning Code update will be required to go through the referral process;
- opined that the referral process is not working, as it does not provide sufficient time for the Planning Commission to do their job effectively; and
- spoke to concerns that a project as large as updating the zoning code, would require much more time than 90 days.

Mayor Colberg requested that Mr. Spiropoulos speak to the reason that the referral process was implemented.

Mr. Spiropoulos:

- advised that the referral process was a result of confusion and complaints in the past over different versions of the same document going forward to the Assembly;
- noted that the other issues were that items required to by law, were not going to the Planning Commission before going to the Assembly;
- stated that this process was created to address both issues;
- advised that State law requires that the Planning Commission review legislation that deals with land use issues;
- stated that the referral process was created to ensure that this happens;
- commented that if the Planning Commission requires additional time, that they could request that the Assembly provide extra time;
- noted that code states that there are some items that can go directly to the Planning Commission; and
- stated that the zoning code update would be that type of item.

Assemblymember Bettine stated that items such as the zoning code update should go directly to the Planning Commission.

Planning Commission Chair Masteller queried if the Master Plan is scheduled to be updated in 2010.

Ms. Kruer stated that changes in one area may result in changes being required in other areas.

Mr. Duffy advised that he is 95 percent sure that the Master Plan will require an update when the zoning code update concludes.

Assemblymember Houston queried if it is possible to make the Master Plan changes referenced back to the Strategic Plan.

Mr. Duffy advised that it would be easier to make the Strategic Plan reference back to the Master Plan.

Discussion ensued regarding the referral process.

Assemblymember Ewing queried the use of KSKA radio as an advertising vehicle for notifying the public of the Zoning Code update.

Ms. Kruer:

- advised that with KSKA radio there is no advertising, but rather a sponsorship program; and
- noted that they have also used local radio station KMBQ, as well as television ads to promote the update.

Assemblymember Ewing queried if the television and the radio advertisements use the same advertisement.

Ms. Kruer:

- affirmed the query;
- spoke to the radio advertisements being verbatim of the television advertisements; and
- noted that if the audio for the television advertisement referenced something visual, it was changed to accommodate radio playback.

Commissioner Klunder:

- opined that the zoning code update needs to be handled carefully;
- stated that the Planning Commission has to write something that the public will have confidence in;
- noted that code says the Planning Commission has 90 days to act on legislation that is sent to them through the referral process; and
- queried how the Assembly feels a big project, such as this should be handled, while gaining the confidence of the community.

Assemblymember Houston stated that as he understands code, it allows the Assembly to adjust the time line for the referral process.

Mr. Spiropoulos:

- advised that code does not require that everything that goes before the Planning Commission come through the Assembly first; and
- further added that Borough code provides a timeline for an instance when legislation comes from the Assembly to the Planning Commission

Assemblymember Houston opined that the process needs refining.

Commissioner Klunder:

- stated that when the Planning Commission received a recent gravel ordinance, it had a time line of 90 days; and
- queried what determined that the Planning Commission had 90 days.

Mr. Spiropoulos advised that the ordinance states that the referral process is 90 days, unless a different timeline is set by the Assembly.

Commissioner Klunder queried when the Planning Commission is asked to write a code ordinance, must it go before the Assembly first.

Mr. Spiropoulos stated that it does not.

Commissioner Cheezum:

- opined that the role of the Planning Commission is to synthesize the information that is received; and
- stated that the Assembly should then receive a short summary on what the Planning Commission recommends.

Assemblymember Woods:

- stated that she likes the referral process;
- noted that it does require a lot of reading, but all the information the Assembly requires to make their decision is included;
- related that public opinion and the information from the Planning Commission helps in decision making process;
- related that she realizes that the timeline can push the Planning Commission; and
- opined that the Assembly and the Planning Commission have to continue to make things happen.

Assemblymember Halter queried the intent of Phase I of the Zoning Code update.

Ms. Kruer related that the intent is to create a healthy baseline, as well as condense and compile information.

Assemblymember Halter spoke to his concerns with the 90 day timeline.

Assemblymember Bettine:

- opined that the zoning code update should go directly to the Planning Commission so that the 90 day timeline will not apply; and
- queried if there was an estimated timeline for the Planning Commission to be able to complete their review of the zoning code update.

Ms. Kruer:

- stated that realistically, they are looking at two to three months; and
- advised that they are hopeful it will be faster than that.

Assemblymember Bettine;

- queried that when the 90 day deadline is nearing, and the Planning Commission needs more time, is there anything that prevents them from coming forward and requesting more time; and
- noted that the Assembly needs to know when the Planning Commission needs more time to review referrals.

Commissioner Bruu:

- opined that the zoning code update would require at least a year before the Planning Commission would be ready to make a recommendation;
- spoke to frustrations with not having adequate time to address legislation during the referral process; and
- stated that with the ongoing business before the Planning Commission, they will be very busy.

Discussion ensued regarding:

- concerns with the referral process;
- sending the zoning code update directly to the Planning Commission rather than through the referral process; and
- the estimation of the time required to complete the Planning Commission review of the Zoning Code update.

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

Commissioner Bruu:

- thanked that Assembly for listening to the concerns of the Planning Commission regarding the referral process;
- stated that the Planning Commission is doing the very best they can;
- noted that the people on the Planning Commission are strictly volunteers; and
- noted that they take it personally when they do not feel they are being allowed to do the best job possible.

Planning Commissioner Cheezum:

- stated that he enjoyed the discussion regarding the referral process;
- commented that he is impressed with staff and the work they have done on the zoning code update;
- opined that whether the Planning Commission agrees with staff recommendations or not, that staff has put a lot of work into this project and they have impressed and inspired him; and
- spoke to the possibility of promoting film production within the Borough.

Commissioner Klunder stated that he enjoyed the meeting.

Commissioner Zobel:

- noted his appreciation for the discussion regarding the referral process; and
- opined that the Planning Commission and the Assembly both face many challenges.

Commissioner Johnson:

- stated that he is glad that the Assembly heard the frustrations of the Planning Commission when it comes to the referral process;
- commented that the Planning Commission does everything in their ability to get referrals back to the Assembly promptly; and
- noted that he is glad that the Assembly understands the concerns of the Planning Commission.

Planning Commission Chair Mastellar:

- thanked staff for their presentations; and
- thanked the Assembly for listening to the concerns of the Planning Commission.

Mr. Spiropoulos:

- stated that the Supreme Court made a ruling in Carmony versus McKechnie; and
- further added that the Supreme Court ruled against Carmony.

Assemblymember Houston:

- stated that he enjoyed the discussion this evening, as it felt productive; and
- commented that he would like for the Planning Commission and Administration to bring recommendations forward if a particular process is not working.

Assemblymember Ewing:

- stated that it is a pleasure to meet with the Planning Commission;
- related that he understands the concerns of the Planning Commission regarding the referral process;
- opined that there is no need to place undue pressure on them; and
- thanked the Planning Commission for all the hard work they do.

Assemblymember Arvin stated that it was a pleasure to meet the Planning Commission.

Assemblymember Woods:

- stated that she values the joint meetings;
- noted that it provides the Assembly an opportunity to discuss things, see perspectives, and understand the concerns that the Planning Commission may have; and
- thanked them for their hard work.

Assemblymember Bettine:

- noted her appreciation of presentations by staff to keep the joint body updated on Borough projects;
- stated that she is thankful that the referral process was discussed this evening;
- related that she appreciates the hard work that the Planning Commission does; and
- noted that she looks forward to the next meeting.

Assemblymember Halter:

- stated that it was a pleasure to be on the Planning Commission for many years;
- noted that he will miss the work he did while there; and
- related that as an Assembly Member, he is looking forward to the work he will now do with the Planning Commission.

VII. ADJOURNMENT

The special joint meeting adjourned at 7:59 p.m.


TALIS J. COLBERG, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 11/10/09