

I. CALL TO ORDER

The special meeting of the Matanuska-Susitna Borough Assembly was held on March 22, 2011, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Larry DeVilbiss for the purpose of holding a joint Assembly/Planning Commission meeting, discussion of assessment procedures, and the vacancy report.

II. ROLL CALL

Assembly members present and establishing a quorum were:

Mr. Warren Keogh, Assembly District No. 1
Mr. Noel Woods, Assembly District No. 2
Mr. Ronald Arvin, Assembly District No. 3 (*Deputy Mayor*)
Mr. Mark Ewing, Assembly District No. 4
Ms. Cindy L. Bettine, Assembly District No. 5 (*arrived at 6:05 p.m.*)
Mr. Jim Colver, Assembly District No. 6
Mr. Vern Halter, Assembly District No. 7

Planning Commission members present and establishing a quorum were:

Mr. Gary Foster, District 1
Mr. Patrick Johnson, District 4 (*Chair*)
Mr. William Haller, District 5
Mr. Tom Adams, District 6
Mr. John Anderson, District 7

Planning Commission members absent and excused were:

Mr. David Cheezum, District 2

Staff in attendance were:

Ms. Cheryl Marino, Deputy Borough Clerk
Ms. Elizabeth Gray, Acting Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Brenda J. Henry, Executive Assistant to the Borough Clerk
Ms. Christine Nelson, Planning and Land Use Director
Ms. Eileen Probasco, Chief of Planning
Ms. Frankie Barker, Environmental Planner
Mr. Alex Strawn, Planner II
Mr. Lloyd Smith, Chief Appraiser
Mr. Dave Dunivan, Assessor

III. APPROVAL OF AGENDA

Mayor DeVilbiss:

- related that staff had requested to present item “G” at the top of the agenda, with item “C” immediately following;
- stated that the remaining agenda items would be presented in the order of the agenda; and
- inquired if there was any objection.

There was no objection noted.

Mayor DeVilbiss inquired if there were any additional changes to the agenda.

There were no comments noted.

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Bill Klebesadel, a member of the audience.

V. AUDIENCE PARTICIPATION

The following person spoke regarding concerns with planning, platting, and permitting fees: Mr. Butch Moore.

VI. ITEMS OF BUSINESS *(not to exceed 2 hours)*

G. Port Leasing Process Update *(requested by Administration)*

Ms. Probasco provided an update regarding the port leasing process.

Assemblymember Bettine queried if the Assembly would be considering a single piece of legislation that addresses Title 18 and Title 27.

Ms. Probasco affirmed the query.

Assemblymember Halter queried if any changes had been made to the port leasing legislation since the last Assembly meeting.

Ms. Probasco stated that there have not been any changes.

Assemblymember Ewing queried the vote of the Planning Commission regarding Assembly Ordinance Serial No. 11-033.

Ms. Probasco related that the Planning Commission voted unanimously in opposition to the legislation.

Assemblymember Ewing queried why rules were being suspended for the Borough when residents are held to a higher standard.

Ms. Probasco:

- related that the ordinance does not address only subdivisions at the port; and
- noted that it also addresses other property within the Borough.

Assemblymember Ewing queried if the ordinance had been changed as a result of the Planning Commission vote.

Ms. Probasco stated that it had not, as the legislation has already been introduced.

Assemblymember Bettine queried what sections of the road would be looked at for corridor access.

Ms. Probasco:

- stated that the initial focus of the committee was only on the area within the port district boundaries;
- related that after further discussion that Mr. Sworts had with the Alaska State Department of Transportation (DOT), it was identified the need to do the entire length of the road;
- noted that DOT is interested in participating with the Borough to fund the project; and
- stated that the project will more than likely be broken into phases.

Discussion ensued regarding:

- funding sources for the project;
- DOT participation in the project;
- mileage of the project; and
- which phases would take priorities.

Mayor DeVilbiss requested the Planning Commission provide comments regarding the legislation.

Planning Commission Chair Johnson:

- stated that there were many ideas against adoption of the legislation;
- noted that he had concerns with the quality of life guarantees the legislation made to residents in the area; and
- spoke to concerns with sufficient public participation.

Planning Commissioner Adams:

- stated his main concern was that rather than fixing code, that the legislation is finding a way around it;
- opined it would be more appropriate to fix code; and
- noted that was the main concern of most of the members of the Planning Commission.

Planning Commissioner Anderson:

- spoke to the efforts of the Planning Commission regarding the legislation;
- noted that many amendments had been considered; and
- stated that in the end, the Commission chose unanimously to vote in opposition rather than to suggest any amendments.

Assemblymember Colver stated that he shares the concerns of the Planning Commission.

Assemblymember Ewing:

- spoke to his past service on the Planning Commission; and
- opined that a unanimous decision is a strong statement that should be considered.

C. Mat-Su Wetlands Management Plan Update *(requested by Administration)*

Mr. Murph O'Brien of HDR, Wetlands Project Manager for the Borough, provided an update regarding the Mat-Su Wetlands Management Plan.

Assemblymember Ewing queried if the funds were sufficient to complete the plan by 2012.

Mr. O'Brien affirmed the query.

Assemblymember Halter queried the definition of wetlands.

Mr. O'Brien:

- stated that basically wetlands are saturated soils that support specific types of plants;
- related that there are different types of classifications; and
- noted that the most important classifications are of those that are near rivers, lakes, or streams.

Discussion ensued regarding:

- how wetlands are designated;
- the pros and cons to designating wetlands;
- functional assessments of wetlands;
- mitigating impacts of wetland development;
- the development and preservation of wetlands;
- the mapping of wetlands;
- different classes of wetlands;
- the need to have an accurate watershed atlas for the Borough;
- the National Wetlands Inventory; and
- appraisals of wetlands.

A. Platting Board Update *(requested by Assembly)*

Ms. Helga Larson, Platting Board Chair, provided an update regarding the Platting Board.

Assemblymember Ewing spoke to concerns with Terry Nicodemus resigning from the Platting

Board.

Ms. Larson stated that his resignation was due to the fact that being on the Platting Board interfered with Mr. Nicodemus' ability to represent his clients.

Assemblymember Colver requested information concerning the number of platting pre-application conferences and platting cases.

Ms. Larson advised that Mr. Hulbert had that information and could provide it.

Planning Commission Chair Johnson spoke to concerns regarding the Horizontal Development Act and how it affects Title 27.

B. Planning Department Work Program (*requested by Administration*)

Assemblymember Colver queried if the Hatcher Pass Management Plan listed on page three of the handout is a new plan.

Ms. Probasco:

- stated that one of the requirements of the State's updated Hatcher Pass Management Plan, is that development that occurs within an area needs to be in conjunction with an adopted plan; and
- related that this supports the development plan for the area.

Assemblymember Bettine requested that the area the plan covers be defined.

Ms. Probasco stated that it is Borough owned land in the Hatcher Pass area that will be the focus of the development being proposed.

Assemblymember Bettine queried if this will be a special land use district.

Ms. Probasco stated that it would not be.

Assemblymember Bettine queried if there will be a working group for this plan.

Ms. Probasco:

- related that there is currently no group; and
- noted that it could be done should that be something the Assembly would like to happen.

Assemblymember Bettine:

- spoke to her concerns regarding the success of the Alpine ski area if there is no housing; and
- stated that there is a need for proper development in the Alpine area.

Discussion ensued regarding:

- importance of regularly communicating with the Assembly on projects;
- the need to create policies for development within the Hatcher Pass area;
- the need for the Planning Department project plan to provide more detailed information;
- the annual capital improvement project list (CIP);
- the possibility of advancing the CIP schedule;
- negative aspects of advancing the CIP schedule;
- the need to amend code if the schedule is advanced; and
- the School Board and Road Service Areas CIPs.

D. Great Land Trust Update on the Mat-Su Conservation Prioritization *(requested by Administration)*

Ms. Frankie Barker introduced Mr. Phil Shephard, Executive Director of Great Land Trust.

Mr. Shephard provided an update on the Mat-Su Conservation Prioritization.

Mayor DeVilbiss inquired if it was possible to integrate the program with the Farmland Trust.

Mr. Shephard:

- stated that Greatland Trust works in conjunction with the Farmland Trust quite a bit;
- noted that the focuses are often different due to the different types of land in question; and
- related that if there is a mix of types of lands that would require cooperation between the entities.

E. South Denali Gateway Update *(requested by Administration)*

Ms. Probasco introduced Mr. Ben Ellis, Alaska State Parks Director and Mr. Wayne Biessel, Alaska State Parks, Palmer Superintendent.

Mr. Biessel and Ms. Probasco provided an update regarding the South Denali Gateway project.

Mayor DeVilbiss inquired if there was any objection to continuing the joint meeting past the recommended two-hour time limit.

There was no objection noted.

Assemblymember Bettine:

- queried the time frame of development plans for a hotel within the area; and
- queried if there are snow machine trails that go into the park.

Ms. Biessel:

- stated that he has not seen the development plans for a lodge;
- noted that the developers have said the plans are compliant with the intent of the project; and
- stated that the trail goes from Knik into Denali Park and is called the “Susitna Valley Winter Trail.”

Assemblymember Bettine queried how close the trail actually gets to the south gateway area.

Mr. Biessel:

- stated that the trail is very close;
- related that the northern end of the Susitna trail terminates within Denali Park;
- stated that the intent is to have the trail go further into the park and beyond; and
- noted it is part of the planning process, with a lot of support from the snow machine community.

Assemblymember Halter queried who originally sold the 160 acres for the project.

Mr. Biessel stated that it was a gentleman from Fairbanks.

Assemblymember Halter queried if the shuttle system is still part of the project.

Mr. Biessel affirmed the query.

Assemblymember Halter queried if the State has control of the subject acreage.

Mr. Biessel affirmed the query.

Assemblymember Halter queried if the environmental impact study was federally funded.

Mr. Biessel affirmed the query.

Mayor DeVilbiss inquired if there was any objection to the Planning Commission providing comments prior to the Assembly's discussion on assessment procedures.

There was no objection noted.

Planning Commissioner Foster:

- thanked everyone for their time; and
- opined it was a good meeting.

Planning Commissioner Adams:

- thanked the Assembly for their time;
- stated that he looks forward to working together on Borough projects;
- thanked the Planning Staff and the reports that were provided; and
- spoke to his appreciation of the spreadsheet that details Planning Department projects.

Planning Commission Chair Johnson:

- thanked the Assembly for the meeting; and
- stated that the Planning Commission is happy to evaluate land use projects and provide suggestions to the Assembly.

(The Planning Commission exited the meeting at 8:13 p.m.)

(The meeting recessed at 8:14 p.m. and reconvened at 8:28 p.m.)

F. Planning Department Fee Study *(requested by Administration)*

H. Community Comprehensive Plan Reviews and Amendments Process *(requested by Assemblymember Bettine)*

(Items “F” and “H” were not taken up.)

VII. ASSEMBLY ITEMS OF BUSINESS

A. DISCUSSION OF ASSESSMENT PROCEDURES

Mr. Steve Van Sant, Alaska State Assessor provided an overview of what is required of the Borough regarding assessment regulations.

Assemblymember Colver:

- spoke to concerns with the recent increase in property tax assessments;
- opined that property can easily be incorrectly assessed due to many issues that are not identified;
- stated that when property is appraised and topographical constraints are identified the value of the property should be adjusted;
- spoke to parcels he has reviewed that have no road access and a lot of wetland and other constraints that lowered the overall value of the property; and
- spoke to physical characteristics that always vary with any two parcels of land.

Mr. Van Sant:

- agreed that adjustments to assessments have to be made when any constraints are identified;
- stated that it is difficult to find comparable properties when assessing larger parcels; and
- related that even with the lack of comparable properties, that assessed values are still coming in lower than sale prices.

Assemblymember Keogh:

- spoke to the fact that assessments are behind several years in the Lazy Mountain area; and
- queried if there are any other areas within the State that are also behind in yearly property assessments.

Mr. Van Sant:

- stated that it is not unusual for some areas to go without a change in assessments due to lack of data available to assessors;
- related that when necessary data is discovered then changes are made;
- stated that he suspects that a lack of comparable data in the Lazy Mountain area may be a reason that assessments are not current;
- noted that there could be several other reasons for delays; and
- advised that it is not unusual for values to not change yearly.

Assemblymember Halter queried if assessed values could be capped.

Mr. Van Sant:

- stated that it would be against the law for them to be capped; and
- noted that there was an initiative that tried to change that, but it failed.

Mayor DeVilbiss stated that the mill rate is capped.

Mr. Van Sant:

- stated that the mill rate is capped at 30 mills for operations; and
- related that there is no cap for bonded indebtedness.

Assemblymember Arvin queried if there is a state law regarding mandatory sales disclosure.

Mr. Van Sant stated that there is no mandatory sales disclosure law in the state of Alaska.

Discussion ensued regarding;

- the benefits of mandatory reporting becoming state law;
- privacy of information regarding the sales prices of property;
- how assessed values are handled over time;
- information available to appraisers versus what is available to assessors;
- how properties are assessed;
- market adjusted cost approach that is used by assessors;
- the need to integrate technology available to the Borough to be used for assessments;
- how lack of roads, wells, and power affect property assessments;
- lack of comparable sales in areas hindering assessments;
- how analytical sales are applied to assessment processes;
- how the market affects assessments;
- the need to balance the assessment process;
- anomalies that have prevented assessments being conducted in a timely manner;
- whether or not it is possible to accomplish yearly assessments;
- differences in assessments of properties that are right next door to each other;
- the assessment process for primary (frontage road) properties versus secondary (non-frontage road);
- different types of appraisals and assessments;
- concerns with the large increase of some assessments;
- the possibility of changing the assessment cycle;
- the possibility of hiring additional in-house assessors; and
- the possibility of hiring contract assessors.

Assemblymember Bettine:

- spoke to amendments that she will be proposing for the assessment code;

- related that it will go before the Borough Attorney for a legal review; and
- stated that she wants it to be introduced on April 5, 2011.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

The Mayor requested the following confirmations:

Board of Equalization
 Traci Barickman
 Borough Area Schools Site Selection Committee
 Verne Rupright
 Emergency Medical Services Board
 Jalan Van Nice
 Resignation of Lisa Behrens from the Butte Ambulance Alternate Seat
 Lisa Behrens to the Butte Ambulance Seat
 Kara Boothby
 Health and Social Services Board
 Stephanie Allen
 Library Board
 Pam Ockerlander
 Local Emergency Planning Committee
 Kurt Soeder
 James Littrell
 Steven Adams
 Planning Commission
 John Klapperich
 Platting Board
 Katie Cruthers
 Point MacKenzie Public Safety Building Naming Committee
 Jeff Wendt
 Marc Van Dongen
 James Steele
 Toby Riddell
 Cindy Bettine
 Meadow Lakes RSA No. 27
 Michael Fulton

The Mayor made the following recommendations:

Board of Ethics
 David Wilson
 Dan Kennedy
 Historical Preservation Commission
 Arlene Stephl

Willow FSA No. 35
Lori Wiertsema
Talkeetna Sewer and Water Service Area No. 36
Jane Steere

MOTION: Assemblymember Arvin moved to approve the Mayor's recommendations and resignations up for confirmation this evening.

MOTION: Assemblymember Bettine moved to divide the question to take up the confirmation of John Klapperich to the Planning Commission separately.

VOTE: The motion passed with Assemblymembers Ewing, Woods, and Arvin in opposition.

MOTION: First Segment. Assemblymember Arvin moved to approve the Mayor's recommendations and resignations up for confirmation this evening.

VOTE: The motion passed without objection

MOTION: Second Segment. Assemblymember Bettine moved to confirm John Klapperich to the Planning Commission.

VOTE: The motion failed with Assemblymembers Ewing, Woods, and Arvin in support.

VIII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Assemblymember Ewing:

- spoke to concerns with appraisals; and
- opined that it would be more appropriate to re-enact Title 16 and repeal Title 27.

MOTION: Assemblymember Halter moved to extend the meeting past 10 p.m. and not to exceed 10:10 p.m.

VOTE: The motion passed without objection.

Assemblymember Bettine:

- stated that she would like discussion regarding the Mayor's letter sent to legislators about his opposition to community grants for charitable non-profits; and
- opined that the Assembly should have been consulted prior to any such letter being sent.

Mayor DeVilbiss:

- stated that he does not have anything against non-profits organizations; and
- opined that he is not willing to force tax payers to fund such organizations.

Assemblymember Bettine:

- stated that the Assembly is the body that appropriates funds;

- spoke to her concerns with the Mayor's letter;
- opined that sending a letter regarding Assembly duties is inappropriate; and
- noted that the Mayor has the right to send letters to legislators, but the Assembly does not and perhaps that should change.

Mayor DeVilbiss stated that his letter did not indicate any action that would be taken by the Assembly, and that it was clear he was speaking on his own behalf.

Assemblymember Arvin requested information regarding the vests for the Assembly.

Ms. Marino advised that a sample will be coming forward to the Assembly soon.


Assemblymember Arvin proposed that the Assembly planning session be held at the Goose Creek Correctional Facility.

Assemblymember Colver:

- proposed that the Planning Session be conducted as a family event; and
- opined that it would provide a mechanism for the Assembly to get to know each other on a different level.

IX. ADJOURNMENT

The meeting adjourned at 10:06 p.m.


LARRY DEVILBISS, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 04/19/11