

I. CALL TO ORDER

The special meeting of the Matanuska-Susitna Borough Assembly was held on January 9, 2007, at the Palmer High School Theater, 1170 E. Arctic Avenue, Palmer, Alaska. The meeting was called to order at 5 p.m. by Mayor Curtis D. Menard for the purpose of introducing Resolution Serial No. 07-002 and Ordinance Serial No. 07-005 and discussing Ordinance Serial No. 06-223.

II. ROLL CALL

Assembly members present and establishing a quorum were:

Ms. Lynne Woods, Assembly District No. 1 (*Deputy Mayor*)
Mr. Bill Allen, Assembly District No. 2
Ms. Michelle R. Church, Assembly District No. 3
Ms. Mary Kvalheim, Assembly District No. 4 (*arrived a 5:05 p.m.*)
Ms. Cindy L. Bettine, Assembly District No. 5
Mr. Rob Wells, Assembly District No. 6
Mr. Tom Kluberton, Assembly District No. 7

Staff in attendance were:

Ms. Michelle M. McGehee, CMC, Borough Clerk
Mr. John Duffy, Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Lonnie McKechnie, Executive Assistant to the Borough Clerk
Mr. Ron Swanson, Director of Community Development
Mr. Keith Rountree, Public Works Director
Ms. Tammy Clayton, Finance Director
Mr. Murph O'Brien, Planning and Land Use Director

III. APPROVAL OF AGENDA

Mayor Menard inquired if there were any 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 Alaska State Representative Carl Gatto.

NEW BUSINESS

A. INTRODUCTION (For public hearing- 01/16/07, 7 p.m., Central Mat-Su Public Safety Building)

1. Resolution Serial No. 07-002: A RESOLUTION DESIGNATING A SITE FOR THE NEW MAT-SU MEDIUM SECURITY PRISON.
 - a. IM No. 07-019
2. Ordinance Serial No. 07-005: AN ORDINANCE APPROVING A TIMBER SALE AT POINT MACKENZIE TO PREPARE THE SITE FOR THE MAT-SU MEDIUM SECURITY PRISON AND RELATED INFRASTRUCTURE WITHIN 15N04W21C001, 15N04W22C001, 15N04W27B001, AND 15N04W28A001.
 - a. IM No. 07-021

Ms. McGehee read the above legislation into the record.

MOTION: Assemblymember Woods moved to introduce the legislation as read into the record by the Clerk and set the public hearings for January 16, 2007.

VOTE: The motion passed without objection.

V. UNFINISHED BUSINESS

- A. Ordinance Serial No. 06-223: AN ORDINANCE ESTABLISHING A NEW CHAPTER IN BOROUGH CODE, MSB 28.60, TIMBER HARVEST.
(Motion Pending: 12/05/06)
 1. Ordinance Serial No. 06-223(SUB): AN ORDINANCE ESTABLISHING A NEW CHAPTER IN BOROUGH CODE, MSB 28.60, TIMBER HARVEST.
 - a. Resolution Serial No. 06-169: A RESOLUTION ESTABLISHING FEES FOR TIMBER TRANSPORT PERMIT, MSB 28.60.080.
 - (1) IM No. 06-336
 - (2) IM No. 06-353

Mr. Swanson provided a staff report.

Assemblymember Kvalheim queried the effectiveness of the enforcement costs.

Mr. Swanson:

- advised that the fees are in the original resolution; and
- advised that the directors of the Public Works and Planning and Land Use departments could speak to the costs.

MOTION PENDING: Assemblymember Kvalheim moved to adopt Ordinance Serial No. 06-223.

MOTION: Assemblymember Woods moved to amend Ordinance Serial No. 06-223 by substitute Ordinance Serial No. 06-223.

Assemblymember Bettine queried whether the \$300 application and permit fee would cover the cost of inspections during the timber harvest.

Mr. O'Brien:

- noted that \$300 is consistent with other permit fees that the Borough charges;
- stated that permit fees do not typically cover all of the costs for permit review and enforcement;
- advised that he anticipates receiving three to four permits a year; therefore, it will not be a significant impact; and
- spoke regarding the permitting process.

Assemblymember Kluberton queried if the permit fee would cover the costs of monitoring the noise and light levels in the field or if it is strictly a transportation permit.

Mr. O'Brien advised that the fee is primarily for the transportation permit.

Assemblymember Kluberton queried the monitoring of the harvest activities.

Mr. Swanson:

- stated that if the timber is a Borough sale, the fees would be rolled into the contract;
- noted that the timber contract would be monitored;
- stated that when it comes to the sale of timber on State or private lands, there is not another fee other than the \$300 permit fee; and
- advised that the Alaska State Division of Forestry is continually monitoring timber sales.

Discussion ensued regarding the monitoring of the timber harvest activities.

MOTION: Assemblymember Kvalheim moved a secondary amendment to Ordinance Serial No.06-223(SUB), MSB 28.60.050(B)(4), by striking the phrase "where improvements exist" to read as follows: (B)(4) adjacent to private property.

Assemblymember Kluberton:

- stated that the subject of buffers is not always just visual;
- spoke to damage done to property caused by contractors felling trees; and
- stated that 75-foot buffers need to be established along every cutting zone so that trees that are being cut cannot fall onto neighboring property and cause damage; and
- opined that a 75-foot setback is a reasonable setback.

VOTE: The primary amendment passed with Assemblymembers Allen and Wells opposed.

MOTION: Assemblymember Kluberton moved a secondary amendment to Ordinance Serial No. 06-223(SUB), MSB 28.60.050(B)(4), by inserting the phrase "75-foot buffer" at the beginning of the sentence to read as follows: (B)(4) 75-foot buffer adjacent to private property.

Assemblymember Wells queried whether the buffer would only exist if it is adjacent to privately-owned land.

Assemblymember Kluberton:

- stated that the Borough Attorney does not believe that the Borough could require an adjoining property owner to maintain a visual buffer; and
- noted that the 75-foot buffer would be located on the property that is being logged to avoid damaging the adjacent property.

Mr. Swanson noted that the Borough could require a 75-foot buffer on public land that is being logged; however, private land would be a different issue.

Mr. Spiropoulos:

- noted that the amendment addresses visual buffers on public land;
- stated that he has not been asked to look into having visual buffers on private land; therefore, he would not be able to answer the question at this time; and
- advised that the Assembly can require any size buffer on Borough land.

Discussion ensued regarding visual buffers on public and private land.

MOTION: Assemblymember Allen moved to postpone Ordinance Serial No. 06-223, Ordinance Serial No. 06-223(SUB), and Resolution Serial No. 06-169 to a time certain of February 6, 2007.

VOTE: The motion to postpone to a time certain of February 6, 2007, passed without objection.

VI. AUDIENCE PARTICIPATION

The following persons spoke in favor of the prison site being located in the Pt. MacKenzie area: Mr. Tony Cox, Mr. Dave Jenkins, and Mr. Sande Wright.

The following persons spoke in opposition to the prison site being located in the Palmer area: Ms. Stephanie Figor, Mr. Franklin Wall, Ms. Roseann Leiner, and Mr. Scott Luce.

The following persons spoke regarding the prison site selection process: Mr. Pete Houston and Mr. Dale Olsen.

The following person requested that the Assembly reconsider the introduction of Resolution Serial No. 07-002: Mr. John Leiner.

The following person spoke regarding the need to listen to the constituents and the prison site selection: Alaska State Representative Carl Gatto.

VII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

(There were no comments provided.)

VIII. ADJOURNMENT

The special meeting adjourned at 6:05 p.m.

/ S /

CURTIS D. MENARD, Borough Mayor

ATTEST:

/ S /

MICHELLE M. MCGEHEE, CMC, Borough Clerk

Minutes approved: 02/06/07