

I. CALL TO ORDER

The special meeting of the Matanuska-Susitna Borough Assembly was held on October 28, 2003, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Tim Anderson for the purpose of holding a joint Assembly/Planning Commission/Platting Board meeting.

II. ROLL CALL

Assembly members present and establishing a quorum were:

- Mr. Bill Allen, Assembly District No. 2
- Mr. Talis J. Colberg, Assembly District No. 3
- Ms. Mary Kvalheim, Assembly District No. 4
- Ms. Jody Simpson, Assembly District No. 5
- Mr. Jim Colver, Assembly District No. 6 (Deputy Mayor)
- Ms. Betty Vehrs, Assembly District No. 7

Assembly members absent and excused were:

- Mr. J. Bruce Bush, Assembly District No. 1

Planning Commission members present and establishing a quorum were:

- Mr. Chris Rose, District No. 1 (Vice-chair)
- Ms. Helga Larson, District No. 2 (Chair)
- Mr. Lee Sharp, District No. 3
- Ms. Faye L. Palin, District No. 4
- Mr. David Webster, District No. 5
- Mr. Gary Wolf, District No. 6

Planning Commission members absent were:

- Ms. Rose M. Jenne, District No. 7

Platting Board members present and establishing a quorum were:

- Ms. Janet Kincaid, District No. 1 (Chair)
- Mr. Alan L. Larson, District No. 2
- Ms. Janet Whitfield, District No. 3
- Mr. William Bruu, District No. 5 (Vice-chair)
- Ms. Claudia Roberts, District No. 6

Platting Board members absent were:

- Mr. Patrick Johnson, District No. 4
- Vacant, District No. 7

Staff in attendance were:

Ms. Sandra A. Dillon, CMC, Borough Clerk
Ms. Tammy Clayton, Acting Borough Manager
Ms. Teresa S. Williams, Borough Attorney
Mr. John Aschenbrenner, Assistant Borough Attorney
Ms. Janice Case, Borough Clerk's Secretary
Ms. Susan Dickinson, Planning Director
Mr. Paul Hulbert, Platting Officer

III. APPROVAL OF AGENDA

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

GENERAL CONSENT: The agenda was approved as presented.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Garvin Bucaria, a member of the audience.

V. JOINT ASSEMBLY/PLANNING COMMISSION/PLATTING BOARD

A. Title 16 Update (*Assemblymember Simpson*)

Ms. Dickinson:

- reported that Title 16 is ready to be reviewed by the Platting Board;
- noted that staff is in the process of reviewing the comments made by the surveyors;
- stated that the surveyor comments would be separate but attached to the ordinance.

Assemblymember Simpson asked for clarification on the timeline of the review process.

Ms. Dickinson:

- explained that the ordinance would first be reviewed by the Platting Board with public hearings, then it would be reviewed by the Planning Commission with public hearings, and finally by the Assembly;
- noted that a resolution for a Title 16 review committee is on the November 4, 2003, regular Assembly agenda; and
- stated that if the resolution is approved by the Assembly, the ordinance will be reviewed by this committee before it is brought forward to the Platting Board.

Discussion ensued regarding the review process.

B. Water Body Setback Variances (*Assemblymember Simpson*)

Assemblymember Simpson:

- stated that in certain areas of the Borough, the 75-foot setback is an unreasonable regulation due to topography or other reasons;
- noted that it has been her desire to come up with code regulations that allow for alternatives in certain areas to the 75-foot setback; and
- requested that the Planning Department calendar this issue and give updates on what they may be able to accomplish.

Ms. Dickinson:

- stated that this issue is on the Planning Department's schedule;
- noted that one of the problems the Borough faces is the lack of a required building permit;
- stated that the Borough currently recommends that people come in to the Borough prior to building to ensure that they meet all of the code regulations; and
- discussed various problems the Borough faces because of people building without following code regulations.

Ms. Kincaid voiced concern regarding the quality of water in the Borough.

Assemblymember Colver:

- stated that he has been informed by the constituents in his district that increased algae blooms have been occurring in the lakes; and
- noted that in practice the Borough does not have any best management practices, which is something that should be considered.

Discussion ensued regarding:

- problems relating to the 75-foot setback variance;
- amnesty;
- a land use permit system;
- the cost of permits; and
- a public education program.

C. Watershed/Drainage Assessments (*Assemblymember Simpson*)

Ms. Dickinson:

- reported that the Borough is interested in performing a watershed analysis;
- noted that the Borough has been researching additional sources of funding for a study; and
- stated that the Borough has also been looking at putting this item on the federal list of priorities.

Discussion ensued regarding:

- obtaining research that has already been performed; and
- a comprehensive approach with various agencies in order to maximize the amount of funds and staff.

Commissioner Rose stated that the Borough needed to move forward with this study as soon as possible.

Assemblymember Simpson requested that a work session be scheduled with the Platting Board and Planning Commission to discuss the previous studies compiled by the Planning Director.

D. Problems with Common Wells and Septic Systems (*Platting Board*)

Ms. Kincaid stated that Title 16 does not have provisions or guidelines for common wells and septic systems.

Mr. Bruu:

- discussed the problem with removing a plat note for community septic systems; and
- noted that the ordinance for Title 16 needs to clarify what will happen with common wells and septic systems.

Discussion ensued regarding common wells and septic systems.

E. Site Condo Issues (*Platting Board*)

Mr. Bruu:

- stated that the Borough has no provisions in Title 16 to address site condos;
- discussed the importance of regulating site condos for the health and safety of residents.

Assemblymember Simpson inquired if there are any site condos in the Borough.

Ms. Dickinson replied that there are some within the city of Wasilla.

Mayor Anderson noted that the city of Wasilla has regulations for site condos.

Assemblymember Colver requested that the Attorney research how the Borough could address public health and safety issues for site condos.

Discussion ensued regarding the lack of regulations for site condos.

F. Requests for Easements Re: Matanuska Electric Association and Abbreviated Plats (*Platting Board*)

Mr. Aschenbrenner read A.S. 29.40.090:

- “(a) Notwithstanding other provisions of this chapter, the assembly shall by ordinance establish an abbreviated plat for procedure for a plat that will:
- (1) subdivide a single lot into not more than four lots;
 - (2) provide legal and physical access to a public highway or street for each lot created by the subdivision;
 - (3) not contain or require a dedication of a street, right-of-way, or other area;

(4) not require a vacation of a public dedication of land or a variance from a subdivision regulation.

(b) The platting authority shall waive the preparation, submission for approval, filing, and recording of a plat on the satisfactory evidence that the subdivision meets the requirements of (a) of this section and each lot created by the subdivision is five acres or larger.”

Discussion ensued regarding property rights and easements.

Mr. Aschenbrenner stated that there cannot be dedications within the context of the abbreviated plats, but that the dedications can be granted prior to the abbreviated plats.

Assemblymember Simpson inquired if the code is compliant with Alaska Statutes.

Mr. Aschenbrenner affirmed that the code is in compliance with Alaska Statutes.

Ms. Dickinson stated that it is common practice for an easement to be recorded prior to an abbreviated plat.

Mayor Anderson inquired if the Platting Board had any closing comments.

The Platting Board had no comments.

(The Platting Board adjourned and exited the meeting at this time.)

(The special meeting recessed at 7:30 p.m. and reconvened at 7:50 p.m.)

VI. JOINT ASSEMBLY/PLANNING COMMISSION

A. Coal Bed Methane

Assemblymember Colver:

- stated that he recently traveled to Colorado to research the coal bed methane issue; and
- gave a presentation on the impacts of coal bed methane in Colorado and New Mexico.

Discussion ensued regarding coal bed methane in Colorado and New Mexico concerning:

- wells and pipelines;
- vehicle traffic and its impacts;
- the need to obtain a master plan from the companies planning to drill;
- air, light, water, and noise pollution issues;
- compressor stations;
- costs of water testing;
- assessments and taxation;
- cumulative emissions;
- cost and benefit analysis;
- well density;

- long term effects;
- permit fees; and
- reclamation.

Mayor Anderson asked Ms. Dickinson to summarize the action the Borough is taking at this point in reference to coal bed methane.

Ms. Dickinson:

- discussed the efforts that are underway to address the coal bed methane issue;
- noted that the Manager has been asked to participate on the Alaska State Department of Natural Resources (DNR) Project Team dealing with the coal bed methane issue.

Assemblymember Colver inquired if Ms. Dickinson would be present at the upcoming DNR Project Team meeting.

Ms. Dickinson replied that she was not scheduled to attend the DNR meeting with the Manager.

Assemblymember Colver stated that he was under the impression that staff from the Planning Department would be attending the meetings with the Manager.

Mayor Anderson:

- stated that one of the issues that has come up regarding the DNR meetings is whether or not the State would allow the public to attend the meetings;
- noted that the Manager has stated that if the State would not allow the public to attend the meetings, he would not attend the meetings either; and
- encouraged the public to talk to DNR because they could at least listen to what happens at the meetings even though they could not participate.

Assemblymember Allen expressed the importance of these meetings being open to the public.

Commissioner Sharp inquired if the Planning Commission would be participating in the work sessions and the process of developing regulations on coal bed methane.

Mayor Anderson stated that the Planning Commission would be the first Borough agency that dealt with the ordinance on coal bed methane.

Assemblymember Colver inquired if the Assembly would be having joint work sessions with the Planning Commission on this issue.

Mayor Anderson replied that having joint work sessions would be up to the Assembly.

Discussion ensued regarding the Borough's process for addressing coal bed methane.

Assemblymember Simpson stated that she would like to see the Assembly come to an agreement on what they would like to pursue and set up a list that would help give the Assembly direction.

Mayor Anderson asked Ms. Dickinson to bring a list of priorities to the next Assembly meeting.

VII. AUDIENCE PARTICIPATION

The following person spoke regarding setback variances and coal bed methane: Mr. Garvin Bucaria.

The following persons spoke regarding coal bed methane: Mr. Jim Sykes, Ms. Robin McLean, Mr. Mark Austin, Mr. Chris Whittington-Evans, Mr. Myrl Thompson, and Mr. Dick Stoffel.

VIII. MAYOR, ASSEMBLY, PLANNING COMMISSION, AND PLATTING BOARD COMMENTS

Ms. Dillon:

- advised the Assembly that three Assembly members have asked for a special meeting on Friday at 3 p.m.;
- stated that Representative Gatto (House Finance Ways and Means Committee) would like to meet with the Assembly on Thursday, November 6th from 12 noon to 1:30 p.m.; and
- noted that she would be contacting the Assembly regarding the meeting with the committee.

Commissioner Webster stated that the Borough has a big task ahead.

Commissioner Palin thanked the Assembly for the opportunity to listen and learn.

Commissioner Larson stated that it is amazing to see what has happened with coal bed methane in other states.

Commissioner Sharp:

- stated that the Borough needs to look at the comprehensive plan before they draft an ordinance on coal bed methane;
- commented that some hydrogen sulfide seeps already exist in the Borough; and
- stated that a baseline seep study needs to be performed.

Commissioner Rose:

- opined that it was because of what the State did and the State process that the Borough is in this situation;
- thanked the private citizens for educating themselves on coal bed methane; and
- agreed that a baseline water studies and socio-economic study needs to be done.

Commissioner Wolf encouraged citizen participation if possible on the DNR Project Team.

Assemblymember Simpson:

- inquired who would be attending the DNR Project Team meeting on Thursday, October 30, 2003;

- encouraged the Borough to attach fiscal notes to the projects it would like to undertake for coal bed methane; and
- stated that the Assembly would need to put a selection process in place if a citizen was placed on the DNR Project Team.

Assemblymember Colberg:

- stated that it is necessary to have regulations on coal bed methane;
- applauded Evergreen Resources for informing the Assembly of their progress;
- opined that it should be the State's responsibility to perform a socio-economic study;
- asked administration to bring someone forward to inform the Assembly of what the State's role will be in addressing the coal bed methane issues; and
- commented that a baseline water study would be a good allocation of funds.

Assemblymember Vehrs:

- voiced concern regarding the impact coal bed methane may have on tourism;
- commented on the problems that may occur with the standing water on coal bed methane sites and the West Nile Virus; and
- noted that there are a tremendous amount of oil leases in Assembly District 7.

Assemblymember Allen:

- expressed appreciation to the Planning Commission and Platting Board for attending the meeting tonight;
- commented that many sound recommendations have been voiced;
- asked the Assembly to consider appointing five to seven members of the Planning Commission and Assembly to work with the Planning Department to identify a scope of work and budget;
- opined that the Borough needs some unbiased independent professional assistance.

Assemblymember Kvalheim agreed that the Assembly needs to be concerned about the costs that will be associated with addressing the coal bed methane issue.

Assemblymember Colver:

- commented that he favors working with the Planning Commission on the coal bed methane issue;
- stated that a critical path is needed; and
- requested that the Attorney draft official comments to present to DNR by November 14, 2003.

Mayor Anderson:

- commented that this is the first meeting where we have started looking for solutions on coal bed methane reasonably;
- encouraged the Assembly to travel to other communities who have faced the same problems with coal bed methane;
- stated that we must approach this issue responsibly;

- indicated that the committee approach from Mr. Allen has potential and should be brought up at a regular Assembly meeting;
- discussed the advantages of requiring people to obtain building permits.

IX. ADJOURNMENT

The special meeting adjourned at 10:30 p.m.

TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:

SANDRA A. DILLON, CMC, Borough Clerk

Minutes approved: November 18, 2003