

The regular meeting of the Matanuska-Susitna Borough Planning Commission was held on August 15, 2016, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:00 p.m. by Chair John Klapperich.

**I. CALL TO ORDER, ROLL CALL, AND DETERMINATION OF QUORUM**

Planning Commission members present and establishing a quorum:

Ms. Mary Anderson, Assembly District #1  
Mr. Thomas Healy, Assembly District #2  
Mr. John Klapperich, Assembly District #3 *Chair*  
Ms. Colleen Vague, Assembly District #4  
Mr. William Kendig, Assembly District #5  
Mr. Vern Rauchenstein, Assembly District #7

Planning Commission members absent and excused were:

Mr. Tomas Adams, Assembly District #6

Staff in attendance:

Mr. Alex Strawn, Development Services Manager  
Mr. John Aschenbrenner, Deputy Borough Attorney  
Ms. Susan Lee, Planner II  
Ms. Mary Brodigan, Planning Commission Clerk

**II. APPROVAL OF AGENDA**

Chair Klapperich inquired if there were any changes to the agenda.

GENERAL CONSENT: The agenda was approved without objection.

**III. PLEDGE OF ALLEGIANCE**

The pledge of allegiance was led by Mr. Douglas Clegg, a member of the audience.

**IV. CONSENT AGENDA**

**A. Minutes**

1. August 1, 2016, regular meeting minutes

**A. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS**

1. **Resolution 16-30**, a Conditional Use Permit (CUP) in accordance with MSB 17.67 – Tall Structures including Telecommunication Facilities, Wind Energy Conversion Systems, and Other Tall Structures, for a 180 foot tall telecommunication tower (NSL1), located at 23619 W. Parks Highway; MSB Tax ID # 18N04W11A001; within Township 18 North, Range 4 West, Section 11, Seward Meridian. Public Hearing: September 19, 2016. (*Staff: Mark Whisenhunt*)

2. **Resolution 16-31**, a Conditional Use Permit (CUP) in accordance with MSB 17.67 – Tall Structures including Telecommunication Facilities, Wind Energy Conversion Systems, and Other Tall Structures, for a 180 foot tall telecommunication tower (DLY1), located at 41238 W. Parks Highway; MSB Tax ID # 20N04W06C003; within Township 20 North, Range 4 West, Section 6, Seward Meridian. Public Hearing: September 19, 2016. (*Staff: Mark Whisenhunt*)
3. **Resolution 16-32**, a Conditional Use Permit (CUP) in accordance with MSB 17.67 – Tall Structures including Telecommunication Facilities, Wind Energy Conversion Systems, and Other Tall Structures, for a 180 foot tall telecommunication tower (KSH1), located at 15960 E. Kashwitna Road; MSB Tax ID # 23N04W29C006; within Township 23 North, Range 4 West, Section 29, Seward Meridian. Public Hearing: September 19, 2016. (*Staff: Mark Whisenhunt*)

**C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS**

1. **Resolution 16-27**, recommending Assembly adoption of the FY 2018 – 2023 Capital Improvement Program. Public Hearing: September 19, 2016. (*Staff: Sara Jansen*)

Chair Klapperich read the consent agenda into the record.

Chair Klapperich inquired if there were any changes to the consent agenda.

GENERAL CONSENT: The consent agenda was approved without objection.

**V. COMMITTEE REPORTS**

*(There were no committee reports.)*

**VI. AGENCY/STAFF REPORTS**

*(There were no agency/staff reports.)*

**VII. LAND USE CLASSIFICATIONS**

*(There were no land use classifications.)*

**VIII. AUDIENCE PARTICIPATION (Three minutes per person.)**

The following persons spoke in protest of the proposed Central Monofill Services facility: Ms. Rose Williams, Mr. Eric Bleakney, Ms. Geri McCann, Ms. Stephanie Nowers, Ms. Barbara Landi, Mr. Chris Kepler, Mr. Nicholas McGrath, Ms. Janet McGrath, Ms. Stephanie Figon, Mr. Tony Sellen, and Mr. William Quantick.

The following persons spoke regarding the Colony Skilled Nursing Facility: Mr. Douglas Clegg and Mr. Donald Dyer.

The following person spoke regarding concerns with public process: Mr. Eugene Carl Haberman.

**IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS** (*Public Hearing not to begin before 6:15 P.M.*)

*Commission members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application.*

*(There were no quasi-judicial public hearings.)*

**X. PUBLIC HEARING LEGISLATIVE MATTERS**

- A. Resolution 16-28**, recommending Assembly approval of an Interim Materials District (IMD) known as Denali Highway Mile 99, in accordance with MSB 17.28 – Interim Materials District, for the extraction of 500,000 cubic yards of earth material within a 69.91 acre parcel until the year 2060, located within Township 19 South, Range 2 West, Section 10 & 15, Fairbanks Meridian. (*Applicant: State of Alaska, Department of Transportation and Public Facilities, AKDOT&PF, Staff: Susan Lee*)

Chair Klapperich read the resolution title into the record.

Ms. Susan Lee provided a staff report:

- staff recommended approval of the resolution with conditions.

Commissioners questioned staff regarding clarification of the size of the cells as shown on page 367 of the packet.

Mr. Henry Cole, Alaska Department of Transportation and Public Facilities (AKDOT&PF), provided an overview of their application via teleconference.

Commissioners questioned Mr. Cole regarding:

- whether there are other sources of gravel in the area; and
- will this IMD change the way the highway is used.

Chair Klapperich opened the public hearing.

The following person spoke regarding concerns with public process: Mr. Eugene Carl Haberman.

There being no one else to be heard, Chair Klapperich closed the public hearing and discussion moved to the Planning Commission.

Chair Klapperich offered Mr. Cole the opportunity to respond to questions and comments from members of the audience.

Mr. Cole responded to questions and comments from a member of the audience.

**MOTION:** Commissioner Healy moved to approve Resolution 16-28. The motion was seconded.

**MOTION:** Commissioner Rauchenstein moved a primary amendment to add an additional condition to read: "The owner shall apply for a driveway permit prior to constructing a second driveway." The motion was seconded.

Deputy Attorney Aschenbrenner stated that this is a state road and the applicant, the State of Alaska, would not apply for a driveway permit with the Borough.

Mr. Cole:

- stated that there currently are no driveways in existence;
- for DOT to put in a driveway from a DOT road to a DOT material site would consist of sending a drawing of the proposal to our traffic engineer who will make sure that it complies with site distance requirements and dimensions;
- stated the AKDDOT does not require permits from themselves, and
- if and when they do construct a driveway, they will hold it to the same standards that they require of commercial businesses, contractors, and homeowners.

**WITHDRAWN:** Commissioner Rauchenstein withdrew his primary amendment.

There was no objection noted.

**VOTE:** The main motion passed without objection.

## **XI. CORRESPONDENCE AND INFORMATION**

- A. Superior Court Order Remanding the Planning Commission's Denial of CMS's Permit
- B. Ethics Board Advisory Opinion 15-01

Chair Klapperich read the item into the record.

Mr. Alex Strawn:

- provided an overview of the events leading up to these agenda items;
- stated that he will be making a recommendation to the commission as to how he thinks that they should proceed with the recusal of Commissioner Kendig and the Conditional Use Permit (CUP) application for Central Monofill Services (CMS);
- recommended that the commission also give CMS the opportunity to state how they think the commission should proceed;
- noted that there was a procedural error with the way that Commissioner Kendig was recused, and for that reason, the CUP was remanded back to the commission by Alaska Superior Court;
- the Superior Court ordered that the commission revisit the recusal of Commissioner Kendig and then revisit CMS's application;
- recommended that the commission first afford Commissioner Kendig the opportunity to state his position on whether or not he should recuse himself;
- if Commissioner Kendig does not choose to recuse himself, the commission will need to take up the matter of his recusal;

- the decision on whether to recuse Commissioner Kendig needs to be addressed first because if he is to be recused, he will not be able to participate in the proceedings;
- suggested that in this case they should review the transcripts for the previous meetings dealing with this issue, the information within the record, and the facts surrounding the recusal;
- the commission may also wish to request additional information to explore some of the facts around the case;
- stated that the next few PC meetings are already pretty full with towers, variances, and liquor stores;
- opined that November would be the earliest that a public hearing could be scheduled for this item;
- noted that the record will be large and the PC will need to act as a whole; and
- new commissioners will need to get caught up in order for the commission to make a new decision and to adopted findings of fact and conclusions of law to support the decision.

Chair Klapperich requested that both Mr. Aschenbrenner and Mr. Ingaldson explain to the Planning Commission how they think the commission should proceed regarding the recusal of Commissioner Kendig and the public hearing for CMS.

Mr. John Aschenbrenner, Deputy Borough Attorney:

- clarified that the court did not reverse the decision of the Planning Commission, but vacated the decision at the point where the commission took up the question of Commissioner Kendig's recusal;
- stated that there is currently no decision regarding CMS's application for a CUP;
- after the commission rendered its decision, Commissioner Kendig sought an ethics opinion on whether he should sit during a legislative item for an Assembly ordinance that would affect the ability of applicants like CMS to seek a permit within the core area;
- in the process of rendering a decision on the legislative item, the Ethics Board found that Commissioner Kendig had been appropriately recused on CMS's application for a CUP;
- opined that the commission has before it the task of determining if Commissioner Kendig should sit;
- the court also conveyed that it was the appropriate decision that Commissioner Kendig not vote on his recusal;
- Mr. Kendig can choose to recuse himself, in which case the commission will not have to take up the matter collectively;
- if he does not choose to recuse himself, the commission will have to address the matter;
- the two new commissioners will need to review the record and he urged the rest of the commission to familiarize themselves with it as well;
- in addition to vacating the decision, the court ruled that it will be appropriate to hold a hearing;
- opined that because the commission is back at the beginning before the previous public hearing, the hearing the court was contemplating was another public hearing before this body;
- stated that the court noted that if the matter isn't resolved under MSB 2.71.080 Recusal, the commission will have to take up 2.71.070(A)(2)(d), *A municipal official may not take or withhold official action in order to affect a matter in which the municipal official has a*

*substantial financial interest or 15.08.150(A) shall not participate in deliberation or vote on a question if (1) the commission member or a member of the commission member's immediate family has a substantial financial interest in any property affected by the decision or (2) could foreseeably profit in any material way through a favorable or unfavorable decision;*

- if Commissioner Kendig does not recuse himself, additional information will need to be elicited from him since MSB 2.71.080 is fairly clear that an official must recuse himself if there has been a transaction that has occurred within 12-months of the matter:
  - what was the nature of the transaction that occurred between Commissioner Kendig and the individuals that are seeking this permit from the borough;
  - what was the nature of the conversation that members of the public witnessed after Commissioner Kendig recused himself and then took a seat in the audience;
  - commissioners will need to look at this information with regards to MSB 15.08.150 Conflict of Interest;
- the court made it clear that the commission must provide findings of fact not only on the recusal, but on the merits of the application;
- following a decision on a recusal and the public hearing, both sides can provide findings of fact, but the prevailing side is required to provide findings of fact; and
- stated that it is important to give the court the underlying rationale for a decision.

Chair Klapperich queried Mr. Aschenbrenner as to what he would like the Planning Commission to do tonight.

Mr. Aschenbrenner:

- questioned if Commissioner Kendig intends to recuse himself tonight;
- noted that Commissioner Kendig has an ethics opinion from the MSB Board of Ethics stating that he was properly recused from the original hearing;
- if Commissioner Kendig does not recuse himself, both he and Mr. Ingaldson concur that the verbiage should be "should Commissioner Kendig be recused from this matter" rather than "should he continue to sit";
- the second statement was in the negative and leaves a question as to the outcome; and
- opined that the commission had the correct outcome, but unfortunately the question was framed incorrectly.

Mr. Bill Ingaldson, Attorney representing CMS:

- stated the he and Mr. Aschenbrenner agree on some things, but not on other things;
- opined that the ethics opinion was part of the appeal and that the judge was aware of it;
- one of the arguments advanced by the borough is that even if there was a mistake with parliamentary procedure, the right result happened as confirmed by the ethics opinion;
- stated that this argument was rejected by the judge;
- CMS was not part of that particular ethics opinion and was unaware of it until recently;
- noted that even an ethics opinion is subject to appeal;
- the PC can consider this ethics opinion, but opined that it's not binding;
- stated that his appeal to superior court on behalf of CMS was to overturn the recusal of Commissioner Kendig;

- Judge Smith rejected this argument and agreed with the borough that the decision had to be vacated;
- the commission will need to look at this from the perspective of now;
- a commissioner that may not have had a conflict back then, but may have one now;
- agreed with Mr. Aschenbrenner that the question of recusal was framed wrong;
- the question should have been, “should Commissioner Kendig be recused”;
- Commissioner Kendig was not allowed to vote and so the vote came down to four people and it took four votes to take action;
- opined that it takes a majority vote and not four affirmative votes;
- stated that the court agreed that it should have been a majority vote;
- Commissioners Healy, Klapperich, and Rauchenstein voted that they thought that Commissioner Kendig could be fair, and Commissioner Endle voted “no”;
- noted there was one sale of some scrap metal for less than \$1,000 and questioned whether this would make Commissioner Kendig a client;
- opined that this is a vague area;
- respectfully disagreed that and suggested that Judge Smith disagreed as well;
- opined that the issue is “can Commissioner Kendig be fair”;
- stated that going forward procedurally, one of the commissioners will have to bring a motion to recuse Commissioner Kendig unless he should choose to recuse himself for some reason;
- there will have to be a majority vote to recuse him and there will have to be a basis for the recusal;
- noted that there was a member of the Board of Adjustment and Appeals (BOAA) that divulged that he had done surveys for many of the people that live in that area;
- when asked if he could still be fair, he stated that he could;
- at the time of the first public hearing, Commissioner Healy worked for the City of Palmer and the City Mayor and Manager spoke against this application;
- stated that he has known Commissioner Healy on a professional level for a number of years and does not believe that he would make a decision based on what his employer said;
- suggested that the commission needs to afford Mr. Kendig the same courtesy;
- opined that if someone is recused, that is an automatic negative vote;
- agreed that the commission’s first step is to address the issue with Commissioner Kendig;
- suggested that if he hasn’t had any recent dealings with CMS, that will be the end of it unless someone else has another reason for him to be recused;
- acknowledged that Mr. Kendig spent a lot of time reviewing the packet the last time, and because he sold scrap metal for less than \$1,000, he could not sit on this item;
- if this is something that the commission feels is unfair, then someone should make the motion to recuse Commissioner Kendig which will require a second and a vote;
- stated that he has heard hearsay comments and accusations that Commissioner Kendig was seen talking to CMS;
- his clients have denied speaking to Commissioner Kendig;
- acknowledged that during a break, Commissioner Kendig did approach him and started to speak, but he immediately cut him off saying “we can’t talk;”
- stated that they separated with no discussion;
- the process needs to be fair going forward for everyone including property owners and the applicants;

- since the decision has been vacated, everyone will have to go through the whole thing again and he would prefer to have seven commissioners sitting rather than six; and
- reminded the commissioners that all commissioners will have to go through the same process to determine if they have a potential conflict.

Mr. Aschenbrenner:

- stated that Mr. Ingaldson conveyed that the court rejected the Borough's argument that it could ignore the procedural motion and in the same sentence he brought up that the court had rejected the ethics complaint;
- stated that this is absolutely wrong;
- there was no reference in the court's decision regarding the ethics opinion;
- the court just didn't take it up;
- the Board of Ethics received their authority from the MSB Assembly to decide questions of ethics;
- the commission has a decision by that body conveying that Commissioner Kendig was properly recused;
- opined the idea that the court rejected the ethics opinion is flatly wrong; and
- stated that this will not be a new application, but the same application.

Mr. Ingaldson:

- agrees with Mr. Aschenbrenner that the ethics opinion is not referenced in the court decision, but implicit in his ruling is that it was rejected;
- stated that he will be happy to provide the commission with the briefing on this issue;
- emphasized that the defense brought up by the borough was that it doesn't matter that there was a procedural error because the ethics opinion determined that Mr. Kendig was appropriately recused;
- stated that the court rejected that argument or they wouldn't be here on this issue today;
- opined that the court wouldn't send anything back to vote on it if they didn't think that he deserved to be here;
- stated that it's not in the decision, but a lot of the things aren't in the decision; and
- implicit in that decision necessarily is that Judge Smith isn't going to make you do all do a bunch more work for nothing.

Commissioner Kendig:

- stated that he has a lot of questions before he makes a decision;
- heard that there will be a new public hearing, but is not clear if it will be the same application; and
- queried the borough attorney if the timeline will remain the same since so much time has passed.

Mr. Strawn stated that it will be the same application.

Mr. Aschenbrenner:

- the timeline remains the same;
- stated that it would be turning borough code on its head to say that an individual commissioner can sit as long as enough time goes by on an individual application;

- this is the argument of CMS; and
- it is wrong to interpret borough code in the way that CMS is seeking, and opined that it makes no sense.

**Chair Klapperich:**

- stated that he had said that there wouldn't be any action tonight since there isn't an official public hearing; and
- prefers that Commissioner Kendig does not state his position tonight.

**Commissioner Kendig:**

- stated that he is as astounded about all of the this as anyone else;
- noted that it hasn't been any fun sitting in the hot seat;
- he takes his position on the commission very seriously, and wants without a shadow of a doubt to make the right decision;
- noted that Assemblymembers have in the past asked for a second opinion from a neutral party and is asking for the same;
- stated that he will be asking for another opinion from the Board of Ethics as he believes that this is a little bit of a different situation; and
- he would also like an opinion from an outside law firm.

**Mr. Aschenbrenner:**

- stated that the Board of Ethics is the second opinion;
- the ethics opinion addressed that Commissioner Kendig was properly recused;
- it does not address the various borough ordinances that will also have a bearing on whether or not he should sit;
- stated that there isn't anything to prohibit him from seeking another opinion from the Board of Ethics in the interim between this date and the date that the matter is set for a future public hearing;
- borough staff does not object to Commissioner Kendig seeking another opinion, but urges him to provide enough information to the board so that they can render a decision on those additional ordinances; and
- stated that even if Commissioner Kendig seeks an opinion from an outside attorney, the final authority is with the Board of Ethics.

**Chair Klapperich:**

- clarified that there will not be a public hearing regarding Commissioner Kendig's recusal;
- this will be an individual and Planning Commission decision only; and
- stated that there will be a new public hearing even though it is the same application that came before the commission previously.

**Mr. Aschenbrenner:**

- would like to note for the record, as he did in the original hearing, that anyone can appeal the final decision of the Planning Commission including interested parties, members of the public, and staff;
- if there is an error built into the record with regard to who is sitting, they will have an opportunity to appeal the decision based on that question;

- this was noted in the courts decision; and
- while there won't be a separate public hearing regarding Mr. Kendig's recusal, it's clear that members of the public would have an opportunity to appeal the decision based on that question.

Mr. Ingaldson:

- stated that there is a lot of case law in Alaska regarding recusals;
- there has to be a legitimate reason for a recusal and it cannot be done lightly;
- judges that have tried to recused themselves have had their recusals overturned;
- the reason is that the public has the right to have a full panel whenever possible;
- there must be a serious reason to recuse yourselves;
- stated that he would agree with Mr. Aschenbrenner that if we were not having a new public hearing, we would go back to voting as it was at that time;
- this is what we urged the court to do, but they rejected it;
- you will have to go back a year from now and if one of you has a conflict that you didn't have before, you won't be able to sit;
- Commissioner Kendig's transaction was over two years ago with less than a \$1,000 purchase;
- our position is that it was not a violation anyway;
- reminded the commission that an ethics opinion can be appealed;
- if you say that one of you should be recused because of this ethics opinion, we will be right back here because Judge Smith's decision is irreconcilable with that finding; and
- opined he would not be here asking commissioners to vote if, as a matter of law, Mr. Kendig should have recused himself.

Discussion ensued amongst the commission as to how to proceed.

Mr. Aschenbrenner:

- when the court vacated the decision, Judge Smith remanded it with the understanding that the matter was placed back before the commission at the point in time that the board took up who should sit on the matter;
- the appellant argued that Mr. Kendig's absence from the board was prejudicial to them;
- opined that to a certain extent the court agreed in the sense that it vacated the final decision and put it back before the board at the point in time that Commissioner Kendig's recusal was taken up by the commission;
- the vacation is of the final order, but the commission will still need to consider the entire record;
- the record will consist of everything that existed at the point in time where the commission took up the recusal question along with the transcript of the public hearings and anything new that comes before the commission before and during the new public hearing; and
- the commission will have to render a decision based on all of this information.

Mr. Ingaldson:

- stated that it is their position that there should be a vote on Mr. Kendig, after which he could review the record, and everyone else wouldn't have to go through this again;

- Mr. Aschenbrenner argued that people have the right to have a hearing and Judge Smith agreed with him on that;
- concurred that the order is clear that the hearing was vacated;
- acknowledged that if the borough has new evidence, the commission will get to hear it;
- similarly, if CMS has new information, the commission will get to hear that as well;
- disagrees with Mr. Aschenbrenner on one point;
- the commission does not get to go back right to the spot to make it convenient to recuse Commissioner Kendig;
- everyone has worked very hard on this and deserves some finality, but everyone also deserves to have a fair hearing;
- stated that he will be happy to meet with Mr. Aschenbrenner about the scope of where to go and opines that they can come to some agreement of what they can or cannot consider; and
- very much appreciates that Mr. Aschenbrenner has been kind enough to urge the commission to listen to him.

Chair Klapperich queried the commission as to how they would like to wrap things up tonight.

Commissioner Vague:

- stated that she has known Mr. Kendig for more than ten years;
- acknowledged that Mr. Kendig brought this subject up to her in a private conversation that came up before she was given this information;
- queried whether this was ex parte communication and if she will need to recuse herself if the commission has to vote on whether or not to recuse Mr. Kendig;
- stated that she felt like she was being swayed to vote one way or another regarding a recusal; and
- until she got the packet a few days later, she didn't know what Mr. Kendig was talking about.

Mr. Aschenbrenner:

- ex parte contact contemplates a communication between a commissioner and one side;
- opined that this does not meet the definition of ex parte contact;
- thanked Commissioner Vague for disclosing this information;
- stated that the Borough Attorney's Office, on behalf of staff, does not object to Commissioner Vague sitting; and
- recommended that the commission allow Mr. Ingaldson to weigh in.

Mr. Ingaldson:

- stated that he has no objection to Commissioner Vague sitting;
- noted that no one has made a motion to recuse yet; and
- if Commissioner Vague wishes, she can abstain from voting on the recusal.

Chair Klapperich:

- requested clarification that if Commissioner Kendig chooses to recuse himself, the commission will not have to vote on his recusal; and

- if Commissioner Kendig does not recuse himself, the commission will need to vote on whether he should be recused.

Mr. Ingaldson:

- stated that if Commissioner Kendig does not recuse himself, then he sits unless a commissioner moves to recuse him; and
- the motion will need to be seconded and then there will be a vote.

Chair Klapperich queried the commission as to what they would like to accomplish tonight.

Commissioner Healy:

- suggested that the commission schedule a public hearing for some time in November or December to provide adequate public notice;
- the borough will provide the packet with all of the information that has been considered previously; and
- the recusal issue can be brought up again just prior to the public hearing.

Discussion ensued:

- possible dates for the public hearing;
- the commission prefers not to schedule a public hearing on November 7<sup>th</sup> as only half of the Assembly Chambers will be available due to the November 8<sup>th</sup> election;
- possibly moving the November 7<sup>th</sup> meeting to November 14<sup>th</sup>;
- the potential for scheduling conflicts in December due to the holidays; and
- limiting the agenda to the one public hearing for CMS.

Commissioner Kendig stated that he has a conflict on November 14<sup>th</sup> and is not available.

The commission requested that Ms. Brodigan schedule the public hearing for a date other than November 7 or 14, 2016.

[Clerk's note: the introduction for CMS has been scheduled for November 7, 2016, with the public hearing on December 5, 2016.]

## **XII. UNFINISHED BUSINESS**

*(There was no unfinished business.)*

## **XIII. NEW BUSINESS**

*(There was no new business.)*

## **XIV. COMMISSION BUSINESS**

### **A. Upcoming Planning Commission Agenda Items**

*(Commission Business was presented and no comments were noted.)*

**XV. DIRECTOR AND COMMISSIONER COMMENTS**

Ms. Brodigan:

- stated that there are a couple of updates for code books; and
- requested commissioners bring in their code books if they would like them updated prior to the next few meetings.

Commissioner Anderson:

- thanked everyone for coming out tonight to listen to the proceedings and to weigh in;
- thanked Mr. Aschenbrenner and Mr. Ingaldson for bringing commissioners up to speed;
- stated that she is new and acknowledged that this will be a challenge, but opined that she is up to the task;
- thanked her fellow commissioners for their patience once again;
- acknowledged that sometimes issues like this come back and it takes a bit of time to get up to speed; and
- opined that the commission will come up with a good decision.

Commissioner Vague:

- stated that she has known Commissioner Kendig for years and would like to make it clear that she has the utmost respect for him;
- opined that he will do what is right for himself, everyone else on the board, and for the community;
- stated that she did not mean to imply anything otherwise, other than she wanted to do the right thing; and
- opined that the code word for the day is to be very transparent.

Commissioner Healy stated that he will be out of state during the September 19<sup>th</sup> and October 3<sup>rd</sup> meetings, and asking to be excused.

Chair Klapperich:

- stated that he wants the applicant to feel very confident regarding Commissioners Vague and Anderson regarding their professionalism and preparedness;
- noted that Ms. Vague provided great leadership on the school board for many years;
- Ms. Anderson, wife of former Mayor Anderson certainly knows what is going on;
- opined that they come very well educated and prepared;
- Mr. Adams will lend good credence as well;
- opined that sometimes getting it right takes a little extra effort; and
- stated that as chairman of this commission, he takes public process very seriously.

**XVI. ADJOURNMENT**

The regular meeting adjourned at 8:52 p.m.



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JOHN KLAPPERICH, Planning Commission  
Chair

ATTEST:



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MARY BRODIGAN, Planning Commission  
Clerk

*Minutes approved: November 7, 2016*