

11/9/21 703pm- Minutes

Big Lake Community Council meeting

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JAN 05 2022

CLERKS OFFICE

Dave Malo absent- quorum established

Agenda addition- Jill- presentations change? Approved? - yes

Minutes= approved? - yes

Presentations: MSB Manager Mike Brown & MSB Attorney Nick Spyropoulos:

West Lakes Blvd ROW settlement/ Burma Road Iditarod Trail crossing culvert-

1. Mr. Brown: There was a West lakes Blvd. ROW settlement between the MSB & Private party regarding access from West Lakes Blvd to the lake: MSB had a settlement with the property owner on the east side of the access, thus avoiding a court fight. "It's in the best interest for the MSB to settle disagreements before going to court," and MSB just wanted to "move on."

This agreement calls for "ROW access for public travel to be only 12 feet wide. Winter access only for vehicles, 12/1 thru 3/31, but per MSB Attorney there is legal "foot traffic" in this easement all year around. MSB will clean up previous work done along this ROW. MSB will stabilize slopes. Fix Drainage. Berm between properties is ok up to 6 feet high (I think). MSB will monitor & open seasonally by removing barriers." There are no plans to move any utilities and it's the MSB goal to keep costs down. Any design changes along the way will be paid by the MSB. Must be approved by the property owner. Work to begin next spring. Since Winter access is to be allowed, the landing will also be modified, if needed, to provide vehicle access on and off the lake.

Mayfield: Who pushed for the settlement? Brown- It's in the best interest of the MSB to settle and not go to court. Govt should not sue folks. Its best to settle. There was also an Executive session with assembly and the consensus was to settle with private property owner and move on. Dan= Would a "Freedom of Information Act" request indicate Assemblyman Tew pushed for this settlement? That he has a personal relationship with this property owner and has pushed for the resolution to benefit property owner. Mr. Brown: felt he had direction from whole assembly to settle the case within boundaries put forth by Assembly. Brown settled with property owner at the Assembly's direction. Mayfield- In 2010 council made recommendations on how this access should be developed. Why was that input not followed? Mayfield- Also, this access was addressed in the 2007 comp. plan as a priority access point. Council asked for 20 feet wide and did not request a "destination landing," just a right of way, designed by Ken Walsh. Was all planned at the time. Still 50k in borough coffers for development. Mayfield: It makes no sense that MSB representee would ever rescind this previously negotiated document. Especially if it narrows the access to only 12' road with a 6 berm on one side and a 20' hill on the other. This settlement makes this access nearly impossible to maintain in the months it is open. Mayfield feels that history shows that this property owner will keep changing design plan, as he has in the past, with the MSB on the hook for all future problems/ design request changes. Mayfield feels MSB sold out the interests of Big Lake. Councilwoman Jill- Is the MSB going to prepare and record document? Brown: No, but MSB will have a design that will be permanent and certified but not "recorded."

Councilman Ross- Will it be legal for public foot traffic access year around? "Yes", per MSB Attorney, but it is not written in the agreement, but the "MSB enjoys an easement to the MSB for year around foot traffic." Attorney indicated that foot traffic was allowed year around through this easement, but no vehicles to be parked in easement itself. He also said that there should be no harassment of public within this easement by property owner.

Councilman Terry- Was this was settled in the past and why now, all of a sudden did they decide to change the agreement? Why did they not settle with the documentation that they had in the past. Brown: This case was not a "slam dunk case." So, they felt settling with changes was best. Believes MSB made missteps in the past with this easement and "he changed it." Attorney- He says he "is not objective so he does what he was told" by his client, the MSB. Had a strong case but was told to settle it the case by the MSB Assembly. There were multiple exec sessions over time regarding this case, but (of course) they can't discuss what they spoke about in these meetings. Terry- There was no public input was taken during this whole process. Why only 12 feet? MSB should still use the whole ROW that is available as the MSB still owns the rest of the 30 ft road way next to this 12' ROW. Brown: Settlement allows MSB to use only 12 feet of easement. It is in the patent reservation already. The other 30' feet of easement is MSB easement and it's still there but has not been developed and there are no plans to develop it in the future. Terry-Why don't you just develop the entire MSB 30-foot ROW? Ross - can't we just use more access? Brown: just because there is an access spot "available on the map," doesn't mean it will become an access to the lake that would cost the borough money to develop, there are many easements around the lake that will never be developed.

BILL Harriet- In 2001 they owned the property and when he purchased it, he tried to give public access to the MSB and MSB did not want it.

Pres. Bill- What are the estimated costs for these agreed upon improvements? Not available yet, but MSB goal is to minimize costs. Moore: Money for improvements will come from cash in account designated for this ROW.

Pres. Bill- Can we see the new design before construction. Brown: yes, but some changes will be needed at the MSB expense to adjust the plans along the way. It is also agreed that a non-affiliated engineer will do this planning work. Brown: ROW needs to be designed so the public can access the row safely. Drainage fixed; sides stabilized. Lake access point to be made "useable for

vehicles" for winter use. Pres. Bill- #1: BLCC would like to see design before the construction. #2: In my opinion, this "reasonable settlement" does not make any sense when all but one person making this decision do not live in the community. All other assembly members from outside, property owner is not resident, Attorney & Manager all from other parts of the MSB, so it does not affect them. It's easy for all assembly members agree on something when none of them live in the community.

Mayfield: Will the utility pole will remain? Brown: "It's my understandings that the pole will remain." The intent around the language was to put limits on the costs that the MSB will incur so that winter access can be provided with minimal cost to the MSB.

Butch Moore: 1. Please define public row on a section line? What right does public have. Attorney: "Easement reserved along section lines, as federal land was being disposed of are different, depending on time of land transfer from Feds to state or private.

Butch Moore: Where is the public use easement? MSB: It goes all the way to the lake and overlaps the section line easement given to the MSB in a platted ROW when subdivided. MSB always owns the platted land in a road row. Moore: What is policy if someone stops public access? Attorney- no answer. Moore: "My point is that the property owner purchased property at a reduced rate at the time, knowing there was a ROW (thus reduced price) and now MSB is settling with property owner who most likely knew better." MSB reps.- (no comment)

Terry: Has a precedent been set regarding these types of ROWs? This was platted in the comp plan. Public owns this access. Now we are giving our rights away to a private owner and now, "have we set precedent in the future?" Moore: Can I do the same and reduce my own ROW exposure? Brown: No. There is no need to try to do this.

Jill- Will there be a sign placed at ROW so all rules/ safety info will be publicly posted and known to public/ land owner, including foot access? Moore: yes. Cathy Mayfield: Who will maintain/ plow it? Brown: The MSB will not plow it. QQ- Will obstacles placed by property owner be repaired/ removed so access will be useable when it is to be legal access? Brown- "non-interference" is part of the settlement private property owner and there should be no harassment by property owner.

Ken Walsh- The MSB needs to work with community to plan development responsibly in the future. Regulations (zoning) should be developed for this type of access problem. Borough wide planning/ regulations.

Subject 2: Culvert crossing underpass Burma Road & Iditarod Trail- The MSB just completed a trail crossing at the intersection of Burma Road & the Iditarod trail. It consists of a huge under culvert buried under Burma Rd so that trail users will not have conflict with vehicles while crossing Burma. This easement is on a traditional RS2477 trail (Iditarod Trail). This is a public use space that was already litigated and in place already. There was public safety concern with this intersection. In the past, funding for projects like this has occurred within the MSB and is used for trails. This was project costed \$750K, but was completed for use before this winter. MSB is happy the project could be finished in such a timely manner as prices continue to climb for raw materials at this time. Mr. Brown justifies price by comparing to other projects that were completed in the past that were similar. Some items in this bid were higher and others lower. The cost of the pipe was 1/3 of the total cost. Lots of excavation was done for this project to get below grade to make connections and make it all good. This is a "total price" and includes all design, permitting, parts and pieces. 100% costs are the total. Brown thinks MSB got good \$\$ value for the project and it "was not simple project."

Pres. Bill- Although we all support dog folks, Why the culvert? It seems excessive. Taz ma hall. Extensive project. Why? Plenty of options- Brown: It's not unrepresented and a good, safe solution to a problem as things continue to expand and more people move to the area. The safety of all folks who use the trails are the objective.

Pres. Bill: Was it justified? Road may even be moved in at some point in future. Brown: Yes.

Bill Kendig- President of the Knik/ Fairview community: There have been documented incidents between trail users and the road or vehicles on the road. There has also been an increase of traffic along Burma from the "Prison traffic" on Burma after shift change. 20 years been pushing for this project and we feel it was a necessary project.

"Mushing Community Rep."- The Iditarod race trail is roughly 1000 miles with different stake holders/ owners all along the way. Different entities who own the land where the trail runs. Iditarod has to work with all to preserve the access on this route to save it for the generations of Alaskans in the future. To pass on the Alaskan heritage of mushing, where Knik was the start of the Iditarod dream. Youth need to reconnect with this event. Try to grow generation that connects with eco system & dogs, land and it may help them figure out "who they want to be in the future." "What can we do together to grow the next generation of explorers?"

Pres. Bill- discussion is good, and sharing points of view is good.

Membership- Time to sign up for 2022. Currently 51 members in 2021

Treasury report: \$14,997.09 in checking and \$267.48 in savings

Legislative- There is a new district redistricting plan that is just finishing up with the resolutions from the committee. (Sadly) Senator Wilson will no longer be our Senator. In only 45 days another session will start. Offices are currently open, feel free to contact them. Nothing going on at this point. After "redistricting," not only will the representative for Big Lake but (if I'm not mistaken) Our district will also include VALDEZ, Pt. Mac., Willow, Talkeetna, Anderson & the Denali borough. All the way up to dist. 9. "That's a lot of territory for one person to represent."

Many folks think what will help the Big Lake area is incorporating somehow. Try to become a city or something. Next election we will get a new senator. Current senators need to rerun in this new huge district to be reelected. Website_ its online right now.

QQ- How are areas determined? Wilson: Geographical. No "city separation." Socio-economic situations and the MSB borough can "only 2 times can be split." 5 board members appointed and make determinations.

Assemblyman Tews- The "Animal Streets Neighborhood Project" (Musk Rat, Ermine etc.) was delayed. The original plan was to basically add more fill on the roads. It appears as though the real problem is with drainage of the watershed that runs from the "Cherrywood Street Subdivision" and runs under/ through all the subdivisions to the west and eventually drains in Big Lake/ Fish Creek. Runs under Hollywood and B.L.Road. It floods the Animal Street neighborhood frequently and the answer should be fixing the drainage the whole way and not just raising the level of the subdivision roads. Project back in the planning phase to upgrade drainage.

Calcium Chloride application this Summer in beautiful Big Lake: The project was let out with multiple bids returned. Assemblyman Tew did not like the price and "worked with" other contractors to get the bid price lowered. After receiving another round of bids, he was still not satisfied with the pricing and contacted another contractor who came in with a lower bid and was awarded contract. There were modifications to the contract specs along the way, per Mr. Tew.

Councilman TERRY- Requested all the emails regarding the Calcium Chloride purchase, bidding, award and application via "Freedom of Information Act" from the Borough and it seemed to indicate problems in MSB regarding this contract regarding non-Borough standard procurement and involvement from Assemblyman Tew and subsequent rebids? Terry feels Assemblyman Tew should not be involved with contract negotiations. "He is assemblyman not RSA board member or purchasing agent, he is our assemblyman." Terry thinks most folks making positive comments CC on the roads are friends of assemblyman who are merely doing so to help the Assemblyman. Terry indicates that it "Does not look good" from comments in internal emails he has seen from the request, and it all looks suspicious. Is all this ethical/ legal? (Terry asking Brown, referring to the seemingly improprieties) "Will the Attorney or the Borough Manager put a hold on Calcium Chloride application contracts this year until the bid process in the past summers work is investigated further? Terry: More public input should be obtained. Terry does not like the way the contract was administered or handled.

All this will be discussed at the RSA meeting discussion tomorrow night and this will be discussed there. (Road service meeting postponed) 7.9 miles approved by RSA board. 12 total done. \$990. Per mile for application. Costs were between \$600 per bag & \$800 per bag. How many bags per mile, using 4 bags per mile for 7 miles and 6 bags per mile for 5 miles in Big Lake. Mayfield: Was there a legal procurement process followed? It seems like Assemblyman Tews was intimately involved with contract negotiations and set the course of the contract award. "How did that process happen? How did 3 different bid processes get done with the different contractors?"

(Input from crowd): "Lake View Loop folks" are unhappy with the road application of calcium chloride in their hood. Sloppy. Did not last more than a month. Not smooth to start with. Road needs to be fixed.

Fire report- Chief Hightower- loves community involvement, keep it up! Oct is fire safety month. Follow the Westlakes Fire department web page and "learn the sounds of safety." Is it a "chirp?" A "beeping alarm?" Or a full-on fire alarm sound? You need to know the sounds. Share with children what the sounds are. Dept wants all folks have working alarms for free. CO alarms available for free too. 57 calls responded to in the past month, including 3 structure fires. Chimneys and alternative fuel heating sources are usually the problem. If you have a fire, please call the fire dept sooner in the process of the fire. They can always turn around and go back to the station. Make sure you have a Carbon detector in the house, preferably by the bedrooms so you'll be awakened when it goes off. Don't leave cars running in garage. Should have 1 CO detector in each home. Digital readouts are best so you can observe how high it is. Co is slightly lighter than air. OK to put outside of sleeping area is best so you are awakened. Height does not matter.

Recycling- sat/ sun 12-3 until weather gets too cold.

NEW business: ROW acquisition: as we plan a future upgrade Lakes Blvd., we should request wider ROW for bike trails. Also, our request should include other main streets that intersect with WLBLVD to the ROW for future bike trail is contiguous.

Bill Harriet. Regarding the Big Lake Comp plan- Does not think the plan is being followed and in noncompliance. Might take the time to take a look at it again. Does the comp plan need to be updated every 5 years? CC will get with MSB to start that process.

Thursday at Big Lake Elementary. Breakfast for vets and videos outside. 9-10am Thursday.

Bill Haller- Lions Club Holiday bazar will be at Lion's club. Tables are sold out. Black Friday weekend. Open skating this weekend (Yea). Xmas parade will be 12/11 this year. There are also 7 different hockey tournaments being held at the rink during December & January. Trunker treat was huge. Maybe 2k kids. Valley Transit bus won 1st place.

9:17 pm adjourned. (whew!)

 12/14/2021

I. CALL TO ORDER

An appeal hearing was held on October 13, 2021, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The hearing was called to order at 10 a.m. by Chair Terry Nicodemus.

II. ROLL CALL

Board members present and establishing a quorum were:

Terry Nicodemus, Chair
Claudia Roberts, Vice Chair
Tina Crawford
Jesse Rongitsch

Board members absent and excused were:

Larry Schmidt, recused

Staff in attendance were:

Ms. Brenda J. Henry, CMC, Assistant Borough Clerk
Mr. John Aschenbrenner, Deputy Borough Attorney
Mr. Jason Ortiz, Acting Planning and Land Use Director
Mr. Mark Whisenhunt, Planner II

III. APPROVAL OF AGENDA

Chair Nicodemus queried if there were any changes to the agenda.

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

IV. ITEMS OF BUSINESS

- A. Hearing, BOAA Case No. 21-04 – Appeal the Determination that a Conditional Use Permit is Required for Operation of the Comsat Quarry Near Talkeetna, Marty Parsons, Appellant on Behalf of the State of Alaska

Chair Nicodemus noted that there were a number of prehearing items that need to be addressed. Advised that Ms. Henry would speak to them on his behalf and that they would be taken up in order spoken to.

Ms. Henry noted that Brian and Diane Okenek and Becky Long filed late written arguments. Stated that they were emailed to Planning Staff and then forwarded to her office by Planning Staff after the date they were due. Spoke to MSB 15.39.180(B), which notes that late filings shall not be accepted without a request for a late filing. Advised that the persons who filed did not make a request to accept late filings. Queried on behalf of Chair Nicodemus if there was any objection to denying the late filings, as required by code?

There was no objection noted and the late filings were not admitted to the record.

Ms. Henry advised that On Friday, October 8, 2021, the appellant's attorney filed a motion to supplement the record. Noted that it was too late to reach the Chairperson for a decision on that date. Further noted that Chair Nicodemus requested to take up the motion at the hearing.

Chair Nicodemus queried if there was any objection to the appellant's motion to supplement the record.

Mr. Aschenbrenner noted that the documents the appellant seeks to have included in the record, are already a part of it.

Mr. Burke spoke to the reasons he submitted the motion to supplement. Stated that he now understands it is a part of the record and would withdraw his motion.

Chair Nicodemus queried if there was any objection to withdrawal of the motion to supplement the record.

There was no objection noted.

Ms. Henry spoke to the large amount of inquiries regarding telephonic participation. Advised that through the direction of Chair Nicodemus that a notice to the parties was issued notifying all parties that it was not possible to participate/listen telephonically, but that interested parties could be called when it was their time to testify provided they emailed the Clerk by 5 p.m. on October 12. Advised that she received requests from Renee Gontzel, Stephan Hanson, Becky Long, Gunnar Knapp, John Strassenburgh, Ruth Wood, Alice Knapp, and Steve Tower. Queried on behalf of Chair Nicodemus if there was any objection to calling those interested parties when it was their time to testify.

There was no objection noted.

Ms. Henry noted that there is a BOAA member with an unavoidable need to exit the meeting. Advised that if the BOAA has not concluded their business by 3 p.m. that the BOAA would exit adjudicatory session and immediately recess. Once the member returned, the BOAA would go back on record and re-enter adjudicatory session. Queried on behalf of Chair Nicodemus if there was any objection.

There was no objection noted.

1. Borough Staff *(10 minutes to Present the Decision Below and to Set Forth Evidence and Rationale of the Decision Maker.)*
 - a. Jason Ortiz, Acting Planning and Land Use Director

Mr. Ortiz presented the decision below and set forth the evidence and rationale of the decision maker.

2. Appellant *(15 Minutes Collectively)*
 - a. Dana Burke and Brian Gregg, Attorneys for Appellant

Mr. Dana Burke provided the opening statement on behalf of the appellant.

Mr. Rongitsch asked questions of Mr. Burke.

Chair Nicodemus asked questions of Mr. Burke.

3. Borough Attorney *(15 Minutes)*
 - a. John Aschenbrenner, Assistant Borough Attorney

Mr. Aschenbrenner provided his opening statement.

4. Interested Parties *(5 Minutes Each)*
 - a. Jonathan Korta – On behalf of Talkeetna Community Council

Mr. Korta spoke in support of the Planning and Land Use Director's decision.

- b. Geoffrey Parker or Thomas Meacham, Attorneys on behalf of Interested Party Comsat Area Lakes and Land Alliance

Mr. Parker spoke in support of the Planning and Land Use Director's decision.

- c. Tina Tomsen

Ms. Tomsen was present and testified in support of the Planning and Land Use Director's decision.

- d. Lisa Roderick

Ms. Roderick did not appear and did not provide testimony.

- e. Janice Tower

Janice Tower did not appear and did not provide testimony.

f. Steve Tower

Mr. Tower testified telephonically in support of the Planning and Land Use Director's decision.

g. Ruth Wood

Ms. Wood testified telephonically in support of the Planning and Land Use Director's decision.

h. John Strassenburgh

Mr. Strassenburgh testified telephonically in support of the Planning and Land Use Director's decision.

i. Mark Westman

Mark Westman did not appear and did not provide testimony.

j. Eric Hestnes

Eric Hestnes did not appear and did not provide testimony.

k. Sonja Hestnes

Sonja Hestnes did not appear and did not provide testimony.

l. Jeanie Hestnes

Jeanie Hestnes did not appear and did not provide testimony.

m. Kris Hestnes

Kris Hestnes did not appear and did not provide testimony.

n. Trina Jury

o.

Trina Jury did not appear and did not provide testimony.

p. John Jury

John Jury did not appear and did not provide testimony.

q. Larry Rivers

Larry Rivers did not appear and did not provide testimony.

r. Roger D. Robinson

Roger Robinson did not appear and did not provide testimony.

s. Pamela B. Robinson

Pamela B. Robinson did not appear and did not provide testimony.

t. Laura Caillet

Laura Caillet did not appear and did not provide testimony.

u. Mark Wildermuth

Mark Wildermuth did not appear and did not provide testimony.

v. Alice Knapp

Ms. Knapp testified telephonically in support of the Planning and Land Use Director's decision.

w. Gunnar Paulsen Knapp

Mr. Knapp testified telephonically in support of the Planning and Land Use Director's decision.

x. Becky Long

Ms. Long testified telephonically in support of the Planning and Land Use Director's decision.

y. Sue Deyoe

Sue Deyoe did not appear and did not provide testimony.

z. Jeff Lebegue

Jeff Lebegue did not appear and did not provide testimony.

aa. Diane Okonek

Diane Okonek did not appear and did not provide testimony.

bb. Brian Okonek

Brian Okonek did not appear and did not provide testimony.

cc. Patrick McGownd

Patrick McGownd did not appear and did not provide testimony.

dd. Tucker McGownd

Tucker McGownd did not appear and did not provide testimony.

ee. Eliza McGownd

Eliza McGownd did not appear and did not provide testimony.

ff. Michael Eastman

Michael Eastman did not appear and did not provide testimony.

gg. Howard Carbonne

Howard Carbonne was present provided testimony in support of the Planning and Land Use Director's decision.

hh. Janeen Hutchins

Janeen Hutchins was present provided testimony in support of the Planning and Land Use Director's decision.

ii. Diana Shear

Diana Shear did not appear and did not provide testimony.

jj. Richard Shear

Richard Shear did not appear and did not provide testimony.

kk. Melissa Lee

Melissa Lee did not appear and did not provide testimony.

ll. Renee Goentzel

Ms. Goentzel was present and provided testimony in opposition to the Planning and Land Use Director's decision.

mm. Stephan Hanson

Mr. Hanson testified telephonically in opposition of the Planning and Land Use Director's decision.

5. Appellant for Rebuttal (*5 Minutes Collectively*)
- a. Dana Burke or Brian Gregg

Mr. Gregg provided rebuttal on behalf of the appellant.

Mr. Rongitsch asked questions of Mr. Gregg.

IV. ADJUDICATORY SESSION

MOTION: Ms. Roberts moved to enter into adjudicatory session.

VOTE: The motion passed without objection and the BOAA entered adjudicatory session at 12:23 p.m.

MOTION: Ms. Roberts moved to exit adjudicatory session.

VOTE: The motion passed without objection and the BOAA exited adjudicatory session at 3 p.m.

The meeting recessed at 3 p.m. and reconvened at 3:39 p.m.

MOTION: Ms. Roberts moved to enter into adjudicatory session.

VOTE: The motion passed without objection and the BOAA entered adjudicatory session at 3:39 p.m.

MOTION: Ms. Roberts moved to exit adjudicatory session.

VOTE: The motion passed without objection and the BOAA exited adjudicatory session at 5:02 p.m.

Ms. Henry advised that the BOAA was unable to complete their final decision and that the BOAA would continue their adjudicatory session on October 27, 2021, at 10 a.m.

[Clerk' note: Due to space availability in which to have the hearing, the continued adjudicatory session was conducted on October 26, 2021, at 9 a.m.]

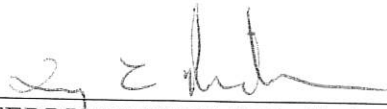
V. BOARD COMMENTS

There were no comments provided.

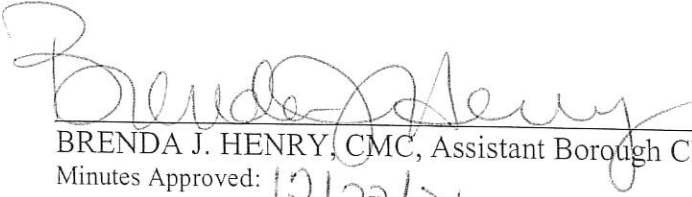
VI. ADJOURNMENT

The meeting adjourned at 5:03 p.m.

MATANUSKA-SUSITNA BOROUGH
BOARD OF ADJUSTMENT AND APPEALS


TERRY NICODEMUS, Chairperson

ATTEST:


BRENDA J. HENRY, CMC, Assistant Borough Clerk
Minutes Approved: 12/22/21

I. CALL TO ORDER

An appeal hearing was held on October 26, 2021, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The hearing was called to order at 9 a.m. by Chair Terry Nicodemus.

II. ROLL CALL

Board members present and establishing a quorum were:

Terry Nicodemus, Chair
Claudia Roberts, Vice Chair
Tina Crawford
Jesse Rongitsch

Board members absent and excused were:

Larry Schmidt, recused

Staff in attendance were:

Ms. Brenda J. Henry, CMC, Assistant Borough Clerk
Mr. John Aschenbrenner, Deputy Borough Attorney
Mr. Jason Ortiz, Acting Planning and Land Use Director
Mr. Mark Whisenhunt, Planner II

III. APPROVAL OF AGENDA

Chair Nicodemus queried if there were any changes to the agenda.

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

IV. ITEMS OF BUSINESS

[Clerk's Note: The only item of business was the continued adjudicatory session.]

IV. ADJUDICATORY SESSION

MOTION: Ms. Roberts moved to enter into adjudicatory session.

VOTE: The motion passed without objection and the BOAA entered adjudicatory session at 9:01 a.m.

MOTION: Ms. Roberts moved to exit adjudicatory session.

VOTE: The motion passed without objection and the BOAA exited adjudicatory session at 1:16 p.m.

Chair Nicodemus requested that Ms. Henry read only the draft final decision into the record.

Ms. Henry read the draft final decision into the record, which reversed the Planning and Land Use Director's decision.

MOTION: Ms. Crawford moved to approve the final decision as read into the record by the Clerk.

VOTE: The motion passed without objection.

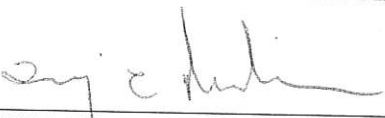
V. BOARD COMMENTS

There were no comments provided.

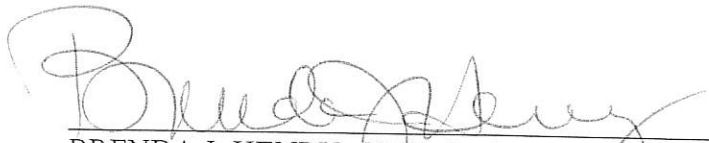
VI. ADJOURNMENT

The meeting adjourned at 1:19 p.m.

MATANUSKA-SUSITNA BOROUGH
BOARD OF ADJUSTMENT AND APPEALS


TERRY NICODEMUS, Chairperson

ATTEST:


BRENDA J. HENRY, CMC, Assistant Borough Clerk
Minutes Approved: 12/22/21

MATANUSKA-SUSITNA BOROUGH

BOARD OF ADJUSTMENT AND APPEALS

Appeal of Planning Commission)
Resolution No. 21-19, Denial of a)
Conditional Use Permit for Extraction)
of Earth Materials at Tax Parcel)
C001, Township 17 North, Range 2 West,)
Section 10, Seward Meridian, aka)
Sylvan Road Gravel Pit)
Trust Land Office, Appellant No. 1) BOAA Case No. 21-05
and)
Colaska dba QAP, Appellant No. 2)
_____)

NOTICE OF RIGHT TO APPEAL AND FINAL DECISION

NOTICE IS HEREBY GIVEN, that the Matanuska-Susitna Borough Board of Adjustment and Appeals, on December 22, 2021, rendered the following final decision regarding the appeal filed in the above captioned matter. **This final decision may be appealed to the Superior Court within 30 days of the date of this decision, pursuant to MSB 15.39.250 and the Alaska Rules of Appellate Procedure, Part 600.**

FINDINGS

1. Both appellants filed their appeal in a timely manner. By order of the Chairperson of the BOAA, the appeals were consolidated into a single appeal case.
2. On February 23, 2021, the appellant Colaska filed an application for conditional use permit (CUP) for earth materials extraction under MSB 17.30. R. 1-18

3. If the CUP was granted, according to the application material it would allow for the removal of approximately 2,000,000 cubic yards of earth materials from a 105-acre mining area within the parcel identified as Tax Parcel C001, Township 17 North, Range 2 West, Section 10, Seward Meridian. R. 2
4. The existing land use is a heavily forested land with no development on the subject parcel. The parcel contains wetlands, which bisect the northern two-thirds of the parcel from the southern one-third. Historical data indicates an unnamed stream on the parcel; staff did not observe a stream during the June 28, 2021, site visit. R. 13
5. The surrounding land use is developed with single-family homes to the north, east, and south of the subject parcel; these lots range in size from .17 acres to 20 acres, with the majority of them being 5 acres. Additional single-family homes are located to the west; these lots range in size from three to six acres. Within this subdivision, there are eight homes with direct access to an airstrip. The west/northwest lands are sandwiched between the Parks Highway and Sylvan Road and developed with commercial and industrial uses such as a truss plant, storage facilities, and restaurants. The lands to the north that abut the Parks Highway are primarily commercial. A charter school occupies a portion of a

commercial building located at the intersection of Sylvan Road and the Parks Highway. R. 18

6. Public comments were solicited from property owners within a half-mile radius of the proposed use as required by Borough code. A majority of the comments received were opposed to the CUP. Concerns expressed were:

- close proximity to residential homes;
- that the proposed use is in conflict with the existing use of residential homes;
- traffic danger to pedestrians and school bus stops;
- that Sylvan Road does not have shoulders or turn lanes and is unable to accommodate heavy commercial vehicles;
- that the intersection of Parks Highway and Sylvan Road is already overloaded with its current traffic load;
- negative impacts to health of residents;
- negative impact on land sales/property values;
- negative impacts on wells and septic systems;
- potential loss of habitat;
- potential impact on local business due to high volume commercial traffic;
- negative impact on the mental health of residents due to 24-hour operations;

- insufficient proposed noise barriers;
 - potential noise and air pollution; and
 - the lack of an environmental impact study for the proposed use.
7. The Borough's Public Works Department expressed concerns regarding potential damage to Sylvan Road due to high traffic volume and the weight of loaded trucks related to the proposed use. They suggested exploring the possibility of establishing a service area tax for the proposed use to pay for the repair and maintenance of Sylvan Road. R. 31
8. The proposed use is located within the Meadow Lakes Community Council boundaries and is therefore subject to the Meadow Lakes Comprehensive Plan (MLCP). The Borough's Comprehensive Development Plan is also applicable, as it is to all parcels within the Borough.
9. The MLCP lists Land Use Goal No. 3 as to establish a pedestrian oriented, mixed-use town center that will provide for public spaces to meet with friends and neighbors, venues for events and community meetings and commercial services such as a post office, financial institutions, grocery stores and restaurants. It is a goal to create a successful town center to improve the quality of life for residents, attract

- spending from those travelling through the community, and to develop a more positive image for the Meadow Lakes Community.
10. The MLCP lists Land Use Goal No. 4 as wanting to maintain the natural and rural character of the community and protect the quality of residential neighborhoods.
 11. It further states that the Community does recognize the value of creating opportunities for employment and increasing the local tax base. The balance point between these goals is to accept economic development activities, but also to establish rules to minimize the off-site impacts of such activities. This goal focuses on uses with significant impacts, such as large-scale resource development with the intent to limit impacts of more modest uses such as auto storage/junk yards.
 12. One of the plan's development standards states, "Impacts on environment - activities creating off-site impacts on surface and subsurface water quality and quantity and air quality are not permitted."
 13. The plan also identifies discouraged uses within the town center pedestrian core. It states, "Uses that disrupt opportunities to create a pedestrian-oriented commercial district. Uses that deaden a town center include large parcels devoted to a single function, e.g., large scale industrial

activities, auto sales, storage junkyards, and big box retail stores."

14. The Borough's comprehensive plan speaks to providing compatible development, protecting residential neighborhoods and property values, and to implementing regulations that protect residential development by separating incompatible uses.
15. MSB 8.52.010(A) states, "The Borough hereby finds and declares that noise, volume-enhanced sounds and their concomitant vibration are significant sources of environmental pollution, which represent a present and increasing threat to public peace and to the health, safety, and welfare of the residents of the Borough. Loud noise and amplified sounds have an adverse effect on the psychological and physiological well-being of persons. It is the intent of this chapter to provide for the prohibition of certain levels of noise and amplified sounds and their resulting vibration within the borough. It is also the intent of this chapter to mitigate the effects of incompatible land uses in accordance with the Matanuska-Susitna Borough Comprehensive Plan."
16. Earth material extraction activities are an industrial use that causes excessive noise, dust, and heavy truck traffic.

17. According to the Rutgers Noise and Technical Assistance Center (RNTAC), heavy trucks produce approximately 90 decibels when operating, which falls in the very loud category.
18. According to the RNTAC, a quiet to noisy home produces sound around 30-60 decibels, which falls in the faint and moderate categories
19. The CUP application states that the proposed use may operate seasonally, 24 hours a day and produce up to 1,000 daily vehicle trips.
20. The CUP application proposes a buffer that would include 25-feet of vegetation and a 10-foot tall earthen berm between the mining area and the north and east lot lines. The earthen berm would abut the section line easement to the west and south.
21. The traffic control plan submitted with the application states that the primary access to the proposed use would be directly across from Marigold Drive, which would eliminate a portion of the earthen berm.
22. The nearest residential structures to the primary access are approximately 25 and 40 feet to the north. Established quiet neighborhoods surround the proposed use on all sides.

23. The BOAA finds that production of sound levels such as 90 decibels in the center of quiet neighborhoods would have an adverse impact on its residents.
24. The *Alaska State Department of Environmental Conservation Best Management Practices for Gravel/Rock Aggregate Extraction Projects: Protecting Surface Water and Groundwater Quality in Alaska* notes established drinking water protection areas and recommended buffer zones for public water systems; this manual is available online and included in the record. It notes that there are public water system sources for water protection areas that have yet to be delineated. For those sources, it is recommended that excavation limits be restricted to areas outside public water system source buffer zones and that best management practices be used to prevent water contamination. R. 518-608
25. The manual states in part that some of the best ways to prevent mining impacts to surface and groundwater quality are to maintain distance between mining operations and the water to be protected and to also monitor water quality. It further recommends setbacks for mining operation from public water system source areas, surface water bodies, and the groundwater table. A detailed hydrogeological study performed by a qualified person is also recommended in order to evaluate

potential impacts and to design effective mitigation alternatives.

26. There has been no such study provided, nor has the appellant proposed to monitor the water quality.

27. This proposed use is within the State's recommended protection area for a community drinking water well.

R. 28-29

28. Sylvan Road is categorized as a residential collector. Residential collectors can typically accommodate average daily traffic (ADT) of 1,000 to 3,000. The Borough does not have any current traffic data for Sylvan Road as the last data collected was in 2011, which at that time was 512 ADT.

29. In the application material, it states, "Proposed driveway access located on the northwestern corner of the parcel is approximately 30-feet in width to accommodate safe entry and exit of haul trucks and vehicles." R. 8

30. The northwest corner of the parcel is nearest Marigold Drive. The driveway permit application and map attachment reflect that the approach would be nearest West Buttercup Drive, which is inconsistent with the CUP application. R. 264-265

31. In the response to the request for more information from the Borough, UMIAQ responded on April 7, 2021, and states in bullet 9. b. second paragraph, "Upon completion of phases I

and II, phase III would be opened, which may require a second Sylvan Road driveway access, south of the intersection with West Sun Ridge Circle, to ensure wetlands remain undisturbed." R. 6

32. The application material indicates that the proposed use will not operate in accordance with the State of Alaska's Best Management Practices Manual for Material Extraction, because mining within an identified Alaska State Department of Environmental Conservation Drinking Water Protection Area creates a risk of contamination. The risk of contamination can be minimized, but not completely eliminated, due to the size and proximity of the proposed operation.
33. The application material indicates that lighting will be located and shielded to direct light towards work areas to minimize light spillage onto adjacent property and upward into the night sky. The CUP application did not provide height and wattage for the light plants that would comply with the light standards in Borough code.
34. The appellant's are claiming that by the Planning Commission denying the conditional use permit, that it is usurping their legal right to develop and manage their lands. This is not accurate, as the denial of a conditional use permit does not prevent them from developing their lands, so long as they

meet all the requirements of Borough code, which they did not in this particular instance. The application failed to meet several of the requirements for the issuance of a conditional use permit.

35. In the transcript of the Planning Commission hearing, the applicant provided new and different information that conflicted with what was provided in the original application. R. 889 - 872

CONCLUSIONS

Based upon the above findings, the Board of Adjustment and Appeals makes the following conclusions:

1. The Board of Adjustment and Appeals has jurisdiction over this matter pursuant to MSB 15.39.030(A)(2).
2. MSB 15.39.210(A), states that the BOAA may exercise independent judgment on matters that relate to the interpretation or construction of ordinances or other provisions of law.
3. The BOAA may affirm, reverse, modify, in whole or in part, the appealed determination, decision, or order, or remand pursuant to MSB 15.39.220(A).
4. MSB 17.30.060(A)(1), states in part, (A) In granting an administrative permit or a conditional use permit, the director or commission must make the following findings: (1)

that the use is not inconsistent with the applicable comprehensive plan.

5. Based on the above findings, the Planning Commission properly found that the proposed use is inconsistent with the applicable comprehensive plans and is supported by substantial evidence in the record.
6. MSB 17.30.060(A)(2), requires that the use will preserve the value, spirit, character, and integrity of the surrounding area.
7. Based on the above findings, the Planning Commission properly found that proposed use will detract from the value, character, and integrity of the surrounding area and is supported by substantial evidence in the record.
8. MSB 17.30.060(A)(4), requires that granting the permit will not be harmful to the public health, safety, and general welfare.
9. Based on the above findings, the Planning Commission properly found that the proposed use will be harmful to the public health, safety, convenience, and welfare and is supported by substantial evidence in the record.
10. MSB 17.30.060(A)(5), requires that sufficient setbacks, lot area, buffers, or other safeguards are being provided to meet the conditions in MSB 17.30.050(B).

11. Based on the above findings, the Planning Commission properly found that the proposed use does not provide sufficient setbacks, lot area, buffers, or other safeguards and is supported by substantial evidence in the record.
12. Pursuant to MSB 17.28.060(A)(5)(a), noise mitigation measures shall include a description of measures to be taken by the applicant to mitigate or lessen noise impacts to surrounding properties and shall include, but not be limited to, hours of operation of noise-producing equipment, erecting noise barriers (i.e., berms a minimum of ten feet in height) between noise-producing equipment and adjacent uses, location of noise-producing equipment (i.e., below grade in excavated pit areas), and measures to utilize equipment with noise reduction features. (a) no sound resulting from the earth materials extraction activities shall create a sound level that exceeds the limits set forth for the existing receiving land use category in Table 1 when measured at or within the property boundary of the receiving land use:

Table 1. Sound Levels by
Receiving Land Use

Receiving Land Use Category	Time	Sound Level Limit (dB(A))
Residential Use	7 a.m. - 10 p.m.	60
	10 p.m. - 7 a.m.	50
Commercial Use	7 a.m. - 10 p.m.	70
	10 p.m. - 7 a.m.	60
Industrial Use or Undeveloped Land	At all times	80

13. Based on the above findings the proposed noise mitigation measures, which include retaining vegetative buffers and erecting a 10-foot tall earthen berm, the Planning Commission properly determined that there will be insufficient sound mitigation measures due to access points and proximity to residential homes and that noise level will exceed the levels established in Borough code and is supported by substantial evidence in the record.
14. MSB 17.28.060(A)(6), states that lighting standards are: (a) exterior lighting shall be located and shielded to direct the light towards the ground, in order to minimize light spillage onto adjacent properties and upward into the night sky. (b) illumination or other fixtures mounted higher than 20-feet or 150 watts or more shall have downward directional shielding.

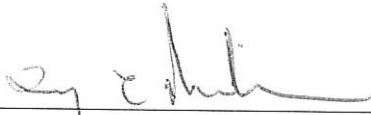
15. Based on the above findings, the Planning Commission properly determined that the applicant did not provide enough information to show compliance with the lighting standards established in Borough code and is supported by substantial evidence in the record.
16. The BOAA concludes that there was substantial evidence in the record to support that the Planning Commission denying the CUP application.

DECISION

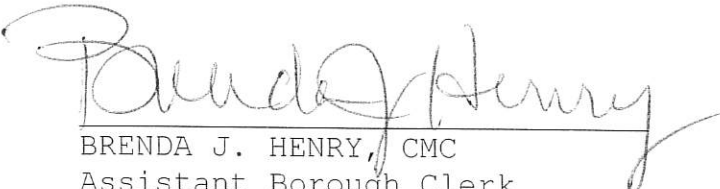
Based upon the above Findings and Conclusions, the Matanuska-Susitna Borough Board of Adjustment and Appeals affirms the Planning Commission's decision in denying the conditional use permit.

Dated this 22 day of December, 2021.

MATANUSKA-SUSITNA BOROUGH
BOARD OF ADJUSTMENT AND APPEALS


TERRY NICODEMUS, Chairperson

Attest:


BRENDA J. HENRY, CMC
Assistant Borough Clerk

Lazy Mountain Community Council
Meeting Minutes
Date 01/14/2021

I. Call to order

- a) Lorri Van Diest, President, called to order the regular meeting of the Lazy Mountain Community Council at 7:10 pm on 01/14/2021 at Lazy Mountain Bible Church.

II. Pledge of Allegiance

III. A quorum was established - 15 members

IV. Approval of Agenda by consent

V. Approval of minutes from last meeting

- i) Minutes from 10/08/2020 approval postponed till next LLCM

VI. Guest Speakers

- i) Tim Hale
(1) School bond debt
ii) Kathleen Shoup - Lisa Knight (YMCA).
(1) MatsuYMCA.org

VII. Reports

- i) Treasure's Report - \$298.60 in checking, \$345.59 in savings
ii) No RSA Report - Skipped

VIII. Unfinished Business

- i) CAP funds and LMCC Fire Station Project (No Update)
(1) Fire Department signed MOA on fire station parking lot
(2) Extended CAP funds till Dec 31, 2021 (\$138,700 left)
(a) Minutes must show for funds distribution
(i) Amount of funds
(ii) Project Name
(iii) Non Profit Organization

IX. New business

- i) CAP Project Funds
(1) Fire Station Water Tank
(a) Motion to add \$50K more to the Fire Station parking lot repair to new business agenda item at Feb 11 meeting. Seconded.
(i) Voted and passed (No Nays)
(b) Motion to add \$5K Fire station to fix underground water tank auto fill to new business agenda item at Feb 11 meeting. Seconded.
(i) Voted and passed (No Nays)
(c) Motion to authorize LMCC President to solicit proposals from community for the designation of the CAP funds to manage the project with commitment by March, Seconded.
(i) Voted to call questions (All)
(ii) Voted and passed (One Nay)
(2) LMTH Crime Deterrence
(a) Mat-Su Parks and Rec
(i) Motion to add to the Feb 11 meeting \$30K for an automatic gate the Lazy Mountain Trailhead parking lot. Seconded.
1. Voted and passed (One Nay)
ii) Donations
(a) Skipped due to time

X. Agenda Items for Feb 11, 2021

- i) Fire Station Project update
ii) LM Trail Head Crime Deterrent
iii) Other CAP projects

XI. Announcements

- i) Next LMCC Meeting - Feb 11th, 2021
ii) Non other due to time

XII. Adjournment



Lazy Mountain Community Council

Meeting Minutes

Date 02/11/2021

RECEIVED
JAN 04 2022
CLERKS OFFICE

I. Call to order

- a) Lorri Van Diest, President, called to order the regular meeting of the Lazy Mountain Community Council at 7:03 pm on 02/11/2021 at Lazy Mountain Bible Church.

II. Pledge of Allegiance

III. A quorum was established - 22 members

IV. Approval of Agenda

- i) Motion for approval of agenda with addition of prioritization of agenda items for LMCC March 11, 2021 meeting. Seconded.
ii) Approved

V. Approval of minutes from last meeting

- i) Minutes from 10/08/2020 and 01/14/2021 were approved by consent

VI. Guest Speaker - None

VII. Reports - None

VIII. Unfinished Business

- i) Fire Station parking lot tabled motion from 1/14/21 LMCC meeting
(a) Motion to add \$50K more to the Fire Station parking lot repair.
(i) Voted and FAILED (1 for and 17 oppose)
ii) Fire Station underground water tank tabled motion from 1/14/21 LMCC meeting
(a) Motion to add \$5K Fire station to fix underground water tank auto-fill. Seconded.
(i) Voted and FAILED (0 for and 16 Oppose)
iii) Lazy Mountain Trailhead parking lot
(a) Tabled to March special meeting by chair of meeting because of the need of an accurate contractor estimate.

IX. New business

- i) CAP Funds Proposals - \$138,700 left (CAP = Community Assistance program)
(1) Lazy Mountain Trailhead Crime Deterrents
(a) Borough open to putting in gate (LMCC President attending advisory board meeting)
(i) MSB Parks & Rec Manager says gate costs about \$40K with contractor fees
(2) Palmer Fire and Rescue Emergency Vehicle
(a) Patient transport vehicle
(b) Duels as water brush truck
(3) Lazy Mountain Recreation Area New Trail
(i) Multi-use pedestrian trail
1. 4 mile trail with no steep grades
2. Supported by borough (In Lazy Mt Rec Area master plan)
3. \$55K = Plan and one mile of trail
4. Could be matched if funded
(4) Wolverine Canyon - Bio Engineering
(a) About \$19K
(b) Need property owner's permission
(5) Non-profit organization presentation
(a) Moved to next meeting

X. Agenda Items for March 11, 2021

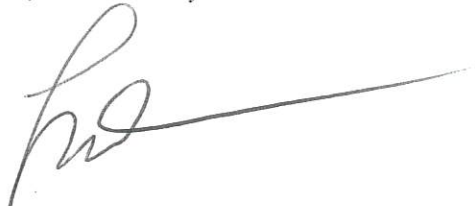
- i) 4 projects
ii) Ranking of proposals
iii) Non-profit organization presentation

XI. Announcements

- i) Next LMCC Meeting - March 11th, 2021
ii) None other due to time

XII. Adjournment

Lorri Van Diest adjourned the meeting at 9:00 PM
Minutes submitted by: James Buckingham, LMCC Secretary



Lazy Mountain Community Council

Meeting Minutes

Date 04/08/2021

RECEIVED
JAN 04 2022
CLERKS OFFICE

I. Call to order

- i) Lorri Van Diest, President, called to order the regular meeting of the Lazy Mountain Community Council at 7:09 pm on 04/08/2021 at Lazy Mountain Bible Church.

II. Pledge of Allegiance

III. A quorum was established - 27 members

IV. Approval of Agenda

- i) Approved by consent

V. Approval of minutes from last meeting

- i) Minutes from 02/11/2021 were approved by consent (no objection)

VI. Guest Speaker

- i) Andy Miller (YAK - Youth of Alaska)

VII. Reports

- i) Postponed - Treasurer was not able to get it.

VIII. Unfinished Business

- i) Lazy Mountain Trailhead Gate - Install gate to open and close with park hours
 - (1) Contractor estimate for Gate (\$45,300 + \$6,800 = \$52,100)
 - (2) Tabled Motion from 2/11/21 meeting – Allocate \$30K for the Lazy Mt Trailhead gate
 - (a) Motion to amend the tabled motion to \$52,100. Seconded.
 - (i) Discussion – Amend motion to “not to exceed \$55,000”
 - (ii) Withdrew motion to increase price to \$52,100 and amend it to “not to exceed \$55,000”
 - (iii) Call the Question (Vote to end discussion)
 - 1. PASSED – YES- 17; NO- 5
 - (iv) Vote on the Amended Motion of allocating up to \$55K for the Lazy Mountain Trailhead Parking lot gate
 - 1. Amended Motion PASSED – YES- 21; NO- 5; ABSTAIN- 1.

IX. New Business

i) Question – ranking of proposals

- (1) Discussion only. No motions made.

ii) CAP Projects

(1) Lazy Mt Trailhead Crime Deterrents

- (a) Conducted in unfinished business

(2) Palmer Fire and Rescue Emergency Vehicle

- (a) Motion to allocate CAP funds of \$30K for emergency vehicle. Seconded

- (i) Discussion

- (ii) Chair tabled motion until all CAP projects were discussed.

- (iii) Motion PASSED - YES-18; NO-4; ABSTAIN-2

(3) Wolverine Canyon Slope Stabilization Bio Engineering (\$18,700)

- (a) Discussion

- (b) Motion to allocate CAP funds of \$18,700 for the Wolverine Canyon Slope Stabilization project. Seconded

- (i) Motion FAILED – YES- 6; NO-16; ABSTAIN-1

(4) Lazy Mountain Recreation Area Pedestrian Trails

- (a) Discussion

- (b) Motion to allocate CAP funds of \$53,700 to the Valley Mountain Bikers and Hikers for a new pedestrian trail in the Lazy Mountain Recreation Area. Seconded.

- (i) Motion FAILED – YES- 10; NO-13

iii) CAP Donations

- (a) Motion to allocate CAP funds of \$53,700 to YAK as a donation. Seconded.

- (i) Discussion

- (ii) Motion to Amend the motion in the amount of \$20K to YAK. Seconded

- (iii) Motion to Table the motion on the YAK donation to the next LMCC meeting. Seconded.

- 1. Motion FAILED – YES- 8; NO- 16

- (iv) Voting on Amended Motion (allocating \$20K to YAK as donation)

- 1. Motion FAILED – YES- 3; NO- 22

- (v) Voting on Main Motion (allocating \$53.7K to YAK as donation)

- 1. Motion PASSED – YES- 16; NO- 9

Lazy Mountain Community Council

Meeting Minutes

Date 05/20/2021

RECEIVED

JAN 04 2022

CLERKS OFFICE

I. Call to order

- i) Lorri Van Diest, President, called to order the regular meeting of the Lazy Mountain Community Council at 7:05 pm on 05/20/2021 at Lazy Mountain Bible Church.

II. Pledge of Allegiance - N/A, no flag

III. Quorum was established - 15 members

IV. Approval of Agenda

- i) Approved by consent

V. Approval of minutes from last meeting

- i) Minutes from 04/08/2021 were approved and seconded (Favor 12 - oppose 0)
- ii) The minutes will be sent to the MSB Finance Department

VI. Guest Speaker

- i) None

VII. Reports

- i) None

VIII. Recap of CAP Projects and Donations

- i) Lazy Mtn Fire station parking lot - \$50K
- ii) Lazy Mtn Trailhead Parking Lot Gate - \$55K
- iii) Emergency Off Road Vehicle - \$30K
- iv) Donation to YAK - \$53.7

IX. Unfinished Business

- i) None

X. New Business

- i) Non-Profit Organization for Lazy Mt Trailhead parking lot gate project
 - (1) Permission to work with either non-profit
 - (a) Mat-Su YMCA
 - (b) Mat-Su Trails and Parks Foundation
 - (i) Moved to grant LMCC president authority to select either non profit to oversee gate project
 - 1. Seconded
 - 2. Vote - 14 yes (total quorum)
- ii) Clean Up date - May 22nd

XI. Agenda Items for September 9, 2021

- i) September 9th next LMCC Meeting
- ii) Update on CAP Projects

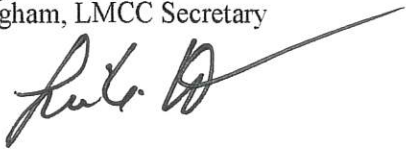
XII. Announcements

- i) None

XIII. Adjournment

Lorri Van Diest adjourned the meeting at 7:29 PM

Minutes submitted by: James Buckingham, LMCC Secretary



Lazy Mountain Community Council

Meeting Minutes

Date 09/12/2021

RECEIVED

JAN 04 2022

CLERKS OFFICE

I. Call to order

- i) Lorri Van Diest, President, called to order the regular meeting of the Lazy Mountain Community Council at 7:15 pm on 09/12/2021 at Lazy Mountain Bible Church.

II. Pledge of Allegiance - N/A No flag

III. A quorum was established - 12 members

IV. Approval of Agenda

- i) Moved and seconded (approved by consent)

V. Approval of minutes from last meeting

- i) Minutes from 05/12/2021 were moved and seconded (approved by consent)

VI. Guest Speaker

- i) Tim Hale
 - (1) Road Bond package 60 Mill
 - (2) Sales Tax on Ballot - Took that off
 - (3) Census - Mat Su - Six full districts

VII. Reports

- i) Treasury Report
 - (1) Checking \$338.60
 - (2) Savings \$386.70

VIII. Recap of CAP Projects and Donations

- i) Lzy Mtn Fire station parking lot - \$50K
 - (1) Need to tell the borough they want the funds
- ii) Lzy Mtn Trailhead Parking Lot Gate - \$55K
 - (1) Incorporated into the MSB Lazy Mountain Trailhead Safety Project
 - (i) Design phase
 - (ii) Work to be done May to June 2022
 - (iii) Unsure how funds will be transferred
- iii) Emergency Off Road Vehicle - \$30K
 - (1) Did they receive the money - Unknown
- iv) Donation to YAK - \$53.7
 - (1) Paperwork has been signed and returned to the borough

IX. Unfinished Business

- i) None

X. New Business

- i) Board member with terms expiring
 - (a) James Buckingham, Christi Cordes, and Lynn Fuller
- (2) Need to make an nomination advisory committee
 - (a) Jay Van Diest, Gerald DeVilbiss, and Mark Van Diest volunteered
- ii) LMCC Bylaw and voting issues
 - (1) Had a LMCC Board meeting (6 Attendees) because LMCC voting not abiding by LMCC Bylaw Article V due to COVID issues and had allowed attending/voting by phone for discussion and allocation of the CAP funds
 - (a) 5 board in favor adhering by laws and 1 wanted to continue the emergency allowance
 - (b) By law proposal to change bylaws mentioned

XI. Agenda Items for Annual Meeting

- i) Possible formation of bylaw committee

XII. Announcements

- i) Senator Hughes couldn't attend the meeting - read email
- ii) 13th annual emergency preparedness - Sep 25

XIII. Adjournment

Lorri Van Diest adjourned the meeting at 8:00 PM

Minutes submitted by: James Buckingham, LMCC Secretary



**MATANUSKA-SUSITNA BOROUGH
LIBRARY BOARD**

RECEIVED
JAN 04 2022
CLERKS OFFICE

Chairperson – Diane Holl-Rambo -- Talkeetna	Big Lake – Paige Moore	Willow – Carol Goltz
Vice Chair – Georgia Knazovich – Wasilla	Palmer – Susan Pougher	At Large 1 – Kathleen Shoop
Secretary – Ann Yadon – Trapper Creek	Sutton – Marci Hawkins	At Large 2 – Vacant

Minutes

REGULAR MEETING

Zoom – host Sutton Library

October 16, 2021

10: 00 am

EXECUTIVE SUMMARY

During the 16 October 2021 MSBLB meeting, the following actions/discussions occurred:

A. Suggestion was made to ensure that locations for proposed new Borough libraries be included in the update to Borough-Wide Planning Documents currently underway in the Borough Planning Department

B. A discussion of some of the maintenance and improvements needed at the Big Lake Library and where they should be allocated – in budget or CIP.

I. CALL TO ORDER

Meeting was called to order at 10:01 am.

II. ROLL CALL – DETERMINATION OF QUORUM

Members present and establishing a quorum were: Diane Holl-Rambo, Georgia Knazovich (briefly from the hospital), Ann Yadon, Paige Moore, Susan Pougher, Marci Hawkins, Carol Goltz, Kathleen Shoop.

Staff Present: Hugh Leslie, Juli Buzby, Zane Treesh, Beth Skow

III. APPROVAL OF AGENDA –

Add Mat-Su Borough Comprehensive Plan Update as B. to New Business.

Motion: Approve agenda as amended: Ms. Moore moved, Ms. Pougher second, motion passed.

IV. PLEDGE OF ALLEGIANCE

V. MINUTES OF PRECEDING MEETING

A. September 18, 2021

Motion: Approve minutes as amended: Ms. Goltz moved, Ms. Moore second, motion passed.

VI. BOROUGH AND LIBRARY STAFF REPORT

October 16, 2021 Mat-Su Borough Library Board

A. Hugh Leslie – The libraries are still in a good position with their budgets. Willow ribbon cutting will be on November 10th at 2 pm. Formal invitations will be issued to Board members, as well as those who have been involved with the process. If the Library Board would like to have a representative speak, be sure to let Hugh know.

B. Juli Buzby – Sutton Librarian -- A new volunteer for the teen program has started. They are meeting every Friday from 4-6 pm, and there was a good turnout for the first meeting. Storytime is both in-person and via Facebook, and is well attended both ways. The on-line presentations have found people who hadn't attended in person previously. Adult programs, Strong People and Book Club, are meeting via Zoom as well as in person. A few maintenance issues are being taken care of.

C. Zane Treesh – Wasilla Librarian – Circulation is staying good with 18,000 items checked out last month. Volunteers have been helping with shelving, which has helped a lot given the number of items. Continuing to see new library card registrations at about 40-65 people per week. The Friends will be doing a Story Walk around the building with about 20 stations. The library has applied for a grant for the Story Walk, but the State is still working through the applications. Mat-Su First Responders will hold training in the public room the week of the 25th. Elections for the city took place. The library is still good with the budget. There is a mask requirement, and most people comply with no issues. Most programming is still online. A bookmark contest was held in September with different grades, and the winners' bookmarks will be printed and made available at the library. The names of the winners of the Writing Contest will be published in the Frontiersman on October 31st. The library is still continuing curbside checkouts – about 20-27 per week.

D. Beth Skow – Palmer Librarian – Numbers are almost back to normal with circulation about 10,000 per month. The online Newspaper Subscription that Zane spearheaded has been a hit. About 60-100 take home craft bags and 60-100 STEAM program take home kits are being issued. STEAM program has been a big hit. Curbside checkouts is continuing between 9 and 3:30, and a number of people are using the curbside option. There is no requirement for masks, but there is a request for patrons to wear them. Staff is wearing masks as they are often helping people up close for more than 15 minutes at a time helping with things like email, other computer issues, etc. The library is staying afloat and keeping people happy.

VII. PERSONS TO BE HEARD/AUDIENCE PARTICIPATION – 3 minutes per person
None

VIII. UNFINISHED BUSINESS
A. Calendar for next year
Discussion of how to meet, days to meet, and times to meet will be taken up at January meeting.

IX. NEW BUSINESS
A. CIP Recommendations

Discussion regarding improvements and maintenance required at the 19-year old Big Lake Library. Most items probably come under maintenance rather than CIP, such as carpeting, painting, and general wear and tear. Suggestion was made to put a list together of the items needed along with dollar amounts for inclusion either in budget request or, depending on the dollar amount the Borough CIP. Any building expansion would go on the State CIP list and would need Assembly support.

Also suggested was a community informational meeting to explain the process for a building expansion prior to a needs assessment so people are aware of possibilities and what steps are needed.

B. Update to Borough-Wide Comprehensive Plan

The libraries at one time had a Comprehensive Plan that later became the Strategic Plan. In the Comprehensive Plan, a statement was included about how a community might become eligible for a Borough library, such as distance from already established libraries, the need to first establish a volunteer library, etc. Additionally, a map was included which projected, based on population, where new Borough libraries should be located. Since the Planning Department's *Planner Platform* states that "“comprehensive” implies that we are going to cover everything that makes a community a community in one plan....” libraries should be included.

X. ADVOCACY

A. Current needs

1. Ensure that your preferred candidate for Mayor or Assembly person (if you are in District 3, 6, or 7) knows that you support libraries and would like them to support libraries as well.
2. Watch for the Planning Department to ask for community input.

XI. CORRESPONDENCE

None

XII. MEMBER COMMENTS

At large – Kathleen Shoop – As a new member, Kathleen introduced herself.

Sutton Library – Marci Hawkins – Nothing to add to Librarian's report.

Willow Library – Carol Goltz – A member of the Willow Library Association is planning to apply for the Board to fill the Willow seat. The new library is getting good reviews from patrons. More of the new furniture is arriving. Trunk or Treat will be in the Library parking lot. Grand Opening is being scheduled for November 10th. The Sea Life Center is producing programming that the Libraries may want to use. These programs are on Tuesday and Wednesday mornings.

Palmer Library – Susan Pougher – The Friends of the Palmer Library will have an in-person and a Zoom meeting on October 25th. This will include elections and a regular

meeting. For Halloween, the Friends will have a tent outside and will be giving out candy, books, and non-candy treats.

Big Lake Library – Paige Moore – Storytime is continuing on-line with Peggy Oberg, and Anya Kean filled in one time. Both Craft and STEAM kits are going home with patrons. Peggy Oberg has relabeled nearly everything in the library. Patrons have said they like the new organization of books. Computer usage is way up. One staff member out for hip surgery.

Trapper Creek Library – Ann Yadon – Going to try doing a Craft Saturday starting in November. Hoping that this will be an adult program, but all ages will be welcome. If it works, may add another Saturday. The “pre-school” program that also includes homeschool children is continuing.

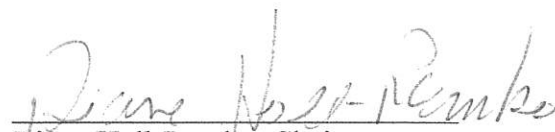
Talkeetna Library – Diane Holl-Rambo – Storytime has started up and is going well. Other programs are continuing. The Friends of the Library are planning a Stone Soup program, an evening of different nationality’s cooking, but that has been postponed because of COVID. Numbers are staying steady for circulation, and computer usage remains very popular..

XIII. NEXT MEETING

The 20 November meeting will be a Zoom meeting.

XIV. ADJOURNMENT

Motion to adjourn: Ms. Moore moved; Ms. Pougher second. Meeting adjourned at 10:58.


Diane Holl-Rambo, Chairperson

Attest:


Ann Yadon, Secretary

NORTH LAKES COMMUNITY COUNCIL MINUTES

Zoom Meeting
Meeting ID: 895 1522 7341
Passcode: 529999
Regular Meeting November 18, 2021

- I. **CALL TO ORDER/DETERMINATION OF QUORUM | 7:01 P.M.**
 - a. Determination of a Quorum – Quorum was established.
 - b. Pledge of Allegiance
- II. **AGENDA APPROVAL**

No proposed changes, Agenda approved as stands.
- III. **MINUTES APPROVAL- October 28, 2021**

No proposed changes, Minutes approved as stands.
- IV. **OFFICERS/COMMITTEE REPORTS**
 - a. President's Report- Nothing new to report.
 - b. Treasurer's Report- Profit and Loss report October provided. Reports on projects from all grant awardees are needed by November 30, 2021. Received application for 2022 Mat-Su Borough funds, application was completed and sent back to MSB.
 - c. Mat-Su Community Council for Public Safety Report- Still no meetings due to Covid, nothing new to report.
 - d. Finance Committee- Did not meet this month, nothing new to report. Next meeting scheduled for 12/09/2021.
 - e. By-Laws Committee- Several amendments to bylaws pertaining to election process were officially proposed at the last meeting, will be voted on in tonight's meeting under Old Business- Bylaws Amendments.
 - f. Marketing Committee- Nothing new to report.
 - g. Nominating Committee- To be discussed under New Business- Election Progress.
- V. **PRESENTATIONS**

Rachel Christiansen, Alaska Center's Clean Energy Fellow, Solarize 2022- Presenter was unable to attend meeting. She did send NLCC Board an email pertaining to the topic of her presentation. Her intention was to get work out that Solarize Anchorage is initiating a bulk purchasing program for solar energy material. This will assist in affordable solar installation for homeowners. There is an application process that is open as of today's meeting. She will make another attempt to come present more information on the project at a future meeting, Marketing Committee to get the word out of this presentation to increase attendance.
- VI. **OLD BUSINESS**
 - a. Bylaws Amendments- Information on proposed amendments was discussed at last meeting. No new discussion was brought forth. Brittany Rhodes made a motion to approve proposed amendments, Abraham Sayen seconded. All in favor, none opposed. Official amendments are as follows:
 - I. Article 9, Section 3, Subsection A- Board members shall be elected by the general membership at the ~~(October)~~ December meeting.

- II. Article 9, Section 4, Subsection A- The Board shall appoint a nominating committee at least ~~(three)~~ two ~~(months)~~ meetings prior to the ~~(October)~~ December membership meeting each year. The nominating committee shall be responsible for soliciting and presenting nominees at a general membership meeting at least one ~~(month)~~ meeting prior to the ~~(October)~~ December meeting (See ARTICLE 10 — COMMITTEES).
- III. Article 9, Section 5, Subsection A- Having established a pattern of rotating terms, elections for ~~{two (2)}~~ three (3) Board members shall be held in even numbered years. Elections for ~~{three (3)}~~ two (2) Board members shall be held in odd numbered years.

VII. NEW BUSINESS

- a. Election Progress- Theron Bair made a motion to extend Abraham Sayen and Rachel Sayen-Lambert's terms an additional 30 days until the election is held next month. Jimmy Matlock seconded. All in favor, none opposed. Nominating Committee was unable to find any new potential nominees for open Board seats. Abraham Sayen and Rachel Sayen-Lambert volunteered to be nominees for reelection. Nominated Committee officially present Abraham Sayen and Rachel Sayen-Lambert as nominees for open Board Member seats.
- b. Borough Planning Commission Meetings (December 6, December 20)- Currently nothing on their agenda pertaining to the NLCC, just notifying us of their meetings.
- c. Regular Meeting Schedule
- I. December 16- Schedule as stands. 2022 scheduled will be discussed at next month's meeting.

VIII. AUDIENCE PARTICIPATION

Theron Bair discussed being an election official for the recent MSB elections. He shares that this was a great experience and highly encourages other interested parties to sign up in the future. He also mentioned NLCC's current IT issues, including our email list. He would like a copy of our 501c3 Determination Letter from the IRS in order to get a free Google Suite subscription that is offered for non-profits. This would give us our own Google domain as well as tools to assist in managing our mailing/email lists. Treasurer Rachel Sayen-Lambert will investigate getting a copy of the Determination Letter.

IX. ADJOURN | 7:30 PM

Signed by:



President, Theron Bair

12/16/2021
Date Signed

Attested by:


Secretary, Brittany Rhodes

12/16/2021
Date Signed

NEXT MTG: December 16, 2021 - AT 7:00 P.M. AT THE BOYS AND GIRLS CLUB, WASILLA, AK & Via Zoom



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Meeting Minutes
November 4, 2021, 7:00pm
Upper Susitna Senior & Community Center

- I. Establish Quorum – Ned Sparks, Buddy Giddens, Joe Pride, Brian Kirby, Sheena Fort & Clark Smith.
- II. Call Meeting to Order – 7:04pm
- III. Pledge of Allegiance
- IV. Approval of Meeting Agenda
 - a. Motion by: Buddy Giddens
 - b. 2nd by: Brian Kirby
 - c.
- V. Approval of Meeting Minutes
 - a. Motion by: Brian Kirby
 - b. 2nd by: Sheena Fort
 - c.
- VI. Treasurer's Report
 - a. Checking Account – \$10,236.14
 - b. Savings Account – \$225.87
- VII. Persons to be Heard (suggested 3 minutes each)
 - a.
 - b.
- VIII. Correspondence –
 - a. Public Notice for 40acre parcel located in Caswell Lake Subdivision reserved for future development of park space / gravel & sand storage for Borough building Road Service Area. There is no immediate plan or funding sources for development currently. Public comments can be made by mail or on the Borough website.
- IX. Committee and Governmental Reports
 - a. Road Service Areas (15 & 29) – N/A
 - b. Borough Assembly Update – Tam Boeve informed the council that there will be a vote for a full-time fire fighter position to be shared between Caswell and Willow hopefully being active by the first of the year. There are also 4 parcels that have been put aside for future Fire Dept use (Mile 77, mile 86, mile 93 ½ & 94 ½)
 - c. Neighborhood Watch / Community Safety Update- They are patrolling two times a week covering the council area to Answer creek area. You can let them know if you will be gone and they can check on your house.
 - d. Fire District Update – They are hoping to get the new fire truck by April. There were 26 calls this last month, most were medical assist Calls. The Fire Dept. asks everyone stays off the lakes until they are fully frozen.
- X. Old Business
 - a. Trooper station- Tam will be helping get trooper logs from 2016 to now. Trapper Creek and Talkeetna are interested in furthering this project as well.
 - b. Fundraising Committee- N/A
 - c. Park Properties- form a committee for operation plan
- XI. New Business
 - a. Election results: Buddy Giddens, Brian Doyle & Brian Kirby.
 - b. Appointment of Officers:
 - i. President: Ned Sparks 1st Brian Kirby 2nd: Joe Pride
 - ii. Vice President: Joe Pride 1st Ned Sparks 2nd Brian Kirby
 - iii. Treasurer: Brian Doyle 1st Joe Pride 2nd Brian Kirby
 - iv. Secretary: Sheena Fort 1st Brian Kirby 2nd Joe Pride
 - c. Treasurer has changed from Trevor Walter to Brian Doyle. Ned Sparks continues to be the second signature.

12-02-21
Ned Sparks
[Signature]