

I. CALL TO ORDER; ROLL CALL

The meeting of the Matanuska-Susitna Borough Animal Care and Regulation Board was called to order at 5 p.m. by Acting Chair West for the purpose of conducting an appeal hearing for AC&R Case No. 16-01 and a regular meeting immediately following the appeal.

Board members present and establishing a quorum were:

Ms. Jamie West
Ms. Sharon Sweeney
Mr. Dave Allen
Ms. Kelleigh Orthman
Ms. Barbara Landi

Staff in attendance were:

Ms. Brenda J. Henry, CMC, Assistant Clerk
Mr. Matt Hardwig, Chief Animal Care and Regulation Officer
Ms. Kirsten Vessel, Animal Care Manager
Ms. Trina Sears, Assistant Borough Attorney
Mr. Hugh Leslie, Recreation and Library Services Director

II. APPROVAL OF AGENDA

Ms. Henry:

- advised that Chief Hardwig had provided photos to supplement the record late on Friday, November 25;
- noted that there was not adequate time for the Borough to do a motion to supplement the record or for the appellant to respond to such a motion;
- related that the Borough may want to do an oral motion to supplement the record; and
- stated that it would be up to the Board whether to allow that.

Ms. Sears advised that she would like to do an oral motion to supplement the record.

Ms. Henry advised that if the Board chose to approve the motion, that the photos would be pages 58 through 64 of the record.

Acting Chair West queried if there was any objection to supplementing the record.

There was no objection noted.

Acting Chair West queried if there was any objection to approving the agenda.

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

IV. ITEMS OF BUSINESS

A. Elect Chair

MOTION: Ms. Orthman nominated Ms. West for Chair.

VOTE: There was no objection noted.

B. Elect Vice Chair

MOTION: Ms. Sweeney nominated Ms. Orthman for Vice Chair.

VOTE: There was no objection noted.

C. HEARING: Case No. 16-01, Justin Heller, Appellant *(Time frames for presenting testimony are outlined in MSB 24.30.030, Proceedings and may be extended only by the Board.)*

1. Opening Presentation by Borough Staff *(15 Minutes)*

a. Ms. Trina Sears, Assistant Borough Attorney

Ms. Sears provided her opening statement.

2. Opening Presentation by Animal Owner *(15 Minutes)*

a. Mr. Justin Heller

Mr. Heller provided his opening statement.

Ms. Sweeney asked questions of Mr. Heller.

Mr. Allen asked questions of Mr. Heller

3. Victim Statements *(8 Minutes Each)*

a. B.M., minor victim

B.M. provided his victim statement.

4. Witness Statements *(3 Minutes - witnesses are subject to examination by the Animal Care and Regulation Board)*

a. Chief Matthew Hardwig, Animal Care and Regulation

Chief Hardwig provided his testimony.

- b. Officer Darla Erskine, Animal Care and Regulation

(Officer Erskine did not appear and did not provide testimony.)

- c. E.E., minor witness

E.E. provided his testimony.

- d. James Turner

(Mr. Turner did not appear and did not provide testimony.)

- e. MSB - Any person listed on appellant's witness list
- f. MSB - Any person named and/or mentioned in the record
- g. MSB - Any rebuttal witnesses

(No additional witnesses listed in items e., f., or g. appeared or provided testimony.)

5. Closing Remarks by Owner *(10 Minutes)*

- a. Mr. Justin Heller

Mr. Heller provided his closing remarks.

6. Closing Remarks by Borough *(10 Minutes)*

- a. Ms. Trina Sears, Assistant Borough Attorney

Ms. Sears provided her closing remarks.

IV. ADJUDICATORY SESSION

MOTION: Mr. Allen moved to enter into adjudicatory session.

VOTE: There was no objection noted and the Board entered into adjudicatory session at 5:54 p.m.

MOTION: Mr. Allen moved to exit adjudicatory session.

VOTE: There was no objection noted and the Board entered into adjudicatory session at 6:06 p.m.

Chair West requested Ms. Henry read the draft findings, conclusions, and final order into the record.

Ms. Henry read the draft into the record.

MOTION: Mr. Allen moved to approve the findings, conclusions and final order as read into the record by the Clerk.

VOTE: The motion passed without objection.

(The meeting recessed at 6:07 p.m. and reconvened at 6:16 p.m.)

REGULAR MEETING *(Immediately following hearing)*

I. APPROVAL OF MINUTES

A. December 14, 2015

Chair West queried if there were any changes to the minutes.

GENERAL CONSENT: The minutes were approved as presented without objection.

II. REPORTS AND CORRESPONDENCE

A. Animal Care and Regulation Manager

Ms. Vesel reported on the activities of the shelter.

II. AUDIENCE PARTICIPATION (Three minutes per person)

Mr. Leslie advised the Board that he was available to answer any questions they may have.

The following persons spoke to concerns with the intent of the legislation and opined that the problem with pets caught in traps is due to off-leash pets: Mr. Richard Person, Mr. Kenny Barber, Mr. Johnathan Zeppa, and Mr. Kyle Waite.

III. ITEMS OF BUSINESS

A. Review, Discussion, and Recommendation Regarding Assembly Legislation to Prohibit Trapping on Boroughowned Public School Property and the Boroughowned Portion of Crevasse Moraine Trail System.

Chair West requested that Ms. Henry guide the Board through review of the legislation.

The Board reviewed each portion of the draft legislation and had no changes or comments.

The Board requested that Ms. Henry draft a memorandum on their behalf stating that they had no comments on the draft legislation.

IV. BOARD COMMENTS

(There were no comments provided.)

VI. ADJOURNMENT

The meeting adjourned at 6:58 p.m.

MATANUSKA-SUSITNA BOROUGH
ANIMAL CARE AND REGULATION BOARD


Kelleigh Orthmann, Board Chair

ATTEST:


BRENDA J. HENRY, CMC, Assistant Clerk

Minutes Approved: 03/22/18

MATANUSKA-SUSITNA BOROUGH

ANIMAL CARE AND REGULATION BOARD

IN RE:)
)
Appeal of the denial of a Kennel License))
)
Deborah Luper, Appellant) AC&R Case No. 18-01
)
)
_____)

NOTICE OF RIGHT TO APPEAL AND FINAL ORDER

NOTICE IS HEREBY GIVEN, that the Matanuska-Susitna Borough Animal Care and Regulation Board, on March 22, 2018, rendered the following Final Order regarding the appeal of the denial of a kennel license, in the above-captioned matter. This Final Order may be appealed to Superior Court within 30 days of the date of distribution pursuant to MSB 24.30.050 and the Alaska Rules of Appellate Procedure, Part VI, Rules 601-612.

FINDINGS

1. The Animal Care and Regulation Board has appellate jurisdiction over this matter pursuant to MSB 24.30.020(A) (A).
2. The Chief Animal Care and Regulation Officer has the power to enforce the provisions of Title 24, per MSB 4.35.020(B).
3. The appeal in the captioned case was filed in several parts on January 18, January 22, and January 23, 2018.
4. The date of the Chief Animal Care and Regulation Officers' decision that is being appealed is December 16, 2017.

5. MSB 24.30.040(A)(1) states that "A request for a hearing shall be in writing and filed with the Clerk within five borough business days of the date the animal owner is served with the Chief Animal Care and Regulation Officer's decision."
6. The notarized affidavit of posting lists January 3, 2018, as the date that the kennel license denial was served on the appellant at her residence.
7. Beginning August 22, 2017, the Borough received numerous complaints of barking dogs, in violation of MSB 24.05.030, by way of Case Nos. A17-001569, A17001610, A17-001616, A17-001618, A17-001623, A17-001628, A17-001634, A17-001651.
8. On August 24, 2017, the appellant was cited for "failure to register a kennel" first offense, in violation of MSB 24.10.020(A).
9. On August 30, 2017, the Chief Animal Care and Regulation Officer cited the appellant for animal annoyance; the Chief also discussed with the appellant the need to correct the violations.
10. Since August 30, 2017, the Borough received further complaints by way of Case Nos. A17-001753 and A17-001754.
11. On September 14, 2017, the appellant applied for a kennel license for 36 dogs.

12. On September 19, 2017, the Chief Animal Care and Regulation Officer again cited the appellant for animal annoyance and instructed her to come into compliance no later than October 15, 2017.
13. After October 15, 2017, the Borough received complaints of further annoyances, to include October 16th, October 30th, and November 1st, 2017, which are the subject of Case No. A17-002032.
14. On December 5, 2017, the appellant was convicted of "animal annoyance" and three counts of "failure to restrain an animal" (MSB Case No. A17-001753 and Alaska State Court Case No. 3PA-17-07865MO).
15. It was reported by three separate households that the annoyance continued through December 15, 2017.

CONCLUSIONS

Based upon the above Findings, the Animal Care and Regulation Board now makes the following Conclusions:

1. The Borough provided the appellant ample due process by not objecting to her late filed appeal moving forward.
2. The appellant has been convicted at the court level of animal annoyance and three counts of failure to restrain an animal by way of Alaska State Court Case No. 3PA-17-07865MO.
3. Animal Care Officers went above and beyond to refrain from impounding the appellant's unrestrained dogs, as evidenced in the record.

4. MSB 24.10.040(A) states that "No kennel or cattery shall be maintained or operated in a manner which is an annoyance."
5. MSB 24.05.010 defines "Annoyance" as "an actual unreasonable interference with the sleep, work, recreation, or reasonable right to peace, safety, or privacy of a person."
6. MSB 24.10.020(G)(2)(b) states that prior violations of title 24 within the last 5 years is a relevant factor that can be considered by the Chief Animal Care and Regulation Officer when approving or denying a kennel license.
7. The record contains sufficient evidence to show that the appellant was in violation of Borough code prior to applying for a kennel license.
8. Based on the evidence in the record, the Chief Animal Care and Regulation Officer appropriately denied the appellant's application for a kennel license due to numerous violations of Borough code.
9. Based on the evidence in the record, the Chief Animal Care and Regulation Officer appropriately determined that the appellant's kennel does not meet the requirements of MSB 24.10.040 and therefore denied the application.
10. Based on the evidence in the record, the Chief Animal Care and Regulation Officer appropriately determined that due to the denial of the kennel license, that the appellant is required to reduce the number of adult dogs to four, within 30 days of receiving the notice of denial of kennel license.

FINAL ORDER

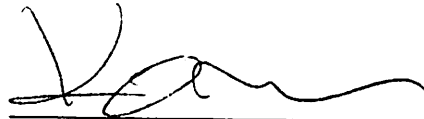
Based upon the above Findings and Conclusions, the Animal Care and Regulation Board now makes the following Order:

IT IS HEREBY ORDERED, that the decision of the Chief Animal Care and Regulation Officer is upheld and the kennel license is denied.

IT IS FURTHER ORDERED, that the appellant shall come into compliance with the order issued by the Chief Animal Care and Regulation Officer within 30 days of this final order.

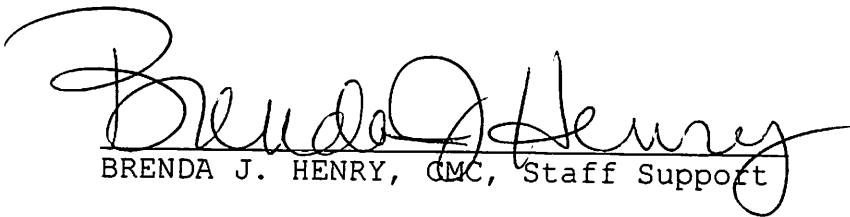
DATED at Palmer, Alaska this 22 day of March, 2018.

ANIMAL CARE AND REGULATION BOARD



Kelleigh Orthmann, Chair

ATTEST:



BRENDA J. HENRY, CMC, Staff Support

MATANUSKA-SUSITNA BOROUGH
ANIMAL CARE AND REGULATION BOARD

IN RE:)
)
Appeal the Protective Custody Order for)
Luna, Anna, Poppy, and Vixen)
)
Nancy and Jim Oliver, Appellants) AC&R Case No. 18-02
)
)
_____)

NOTICE OF RIGHT TO APPEAL AND FINAL ORDER

NOTICE IS HEREBY GIVEN, that the Matanuska-Susitna Borough Animal Care and Regulation Board, on March 28, 2018, rendered the following Final Order regarding the appeal of the denial of a kennel license, in the above-captioned matter. This Final Order may be appealed to Superior Court within 30 days of the date of distribution pursuant to MSB 24.30.050 and the Alaska Rules of Appellate Procedure, Part VI, Rules 601-612.

FINDINGS

1. The Animal Care and Regulation Board has appellate jurisdiction over this matter pursuant to MSB 24.30.020(A)(A).
2. From May 17, 2016, the Borough has received numerous complaints of the appellant's dogs running loose, acting aggressive, attacking domestic animals, and chasing people; Seven of those complaints were within three weeks of May 17, 2016.

3. In more than one of those seven complaints, the appellant's dogs were accused of killing neighboring domestic animals.
4. On February 1, 2018, an Animal Care and Regulation Officer met with the appellants. During this meeting, the history of repeated violations of Title 24 were addressed.
5. The Officer also addressed the safety concerns involved with the repeated violations of Title 24.
6. On February 12, 2018, the Borough received a report of multiple German shepherds loose and in the road on Knik Goose Bay Road.
7. Animal Care and Regulation Officers patrolled the area and observed two of the appellant's dogs on the side of Knik Goose Bay Road; one adult and one puppy.
8. Officers observed the adult dog attempting to cross Knik Goose Bay Road, at which time it was almost hit by a truck.
9. Officers were not able to capture the dogs and responded to the appellant's house to make contact.
10. Upon arrival, three dogs were observed as unrestrained on the appellant's property; those dogs were Luna, Anna, and Poppy, which were then impounded by the Officers.
11. When an Officer attempted to contact the appellants the remainder of the appellant's dogs, including Level One classified dogs, exited the house through a doggy door.

12. The responding Officer was in fear of being injured as the dogs were barking, growling, and grabbing at the Officer's clothing, pulling him toward the ground.
13. During this incident, Vixen was impounded for being in violation of her Level One Classification release conditions.
14. During this incident, Nancy Oliver exited the home and while restraining most of the dogs, admitted to letting the dogs out because it was icy and she was taking a shower.

CONCLUSIONS

Based upon the above Findings, the Animal Care and Regulation Board now makes the following Conclusions:

1. The Chief Animal Care and Regulation Officer has the power to enforce the provisions of Title 24, per MSB 24.35.020(B).
2. MSB 24.05, defines restraint as "actual physical control such as a leash, harness, chain, tether, fence, or building; competent voice control while actively engaged in an organized activity, which requires that an animal not be physically restrained, or in a form of recognized hunting which requires the use of an animal such as a retriever, or while actively mushing with or training sled dogs originating from a currently licensed mushing facility; or the condition of an animal when on the property of its

owner, in visual contact with the owner, and obedient to the owner's command; or dogs harnessed and attached to a gangline in a dog team."

3. MSB 24.15.010(A), states in part that "animals found running-at-large are subject to impoundment by a Borough Animal Care and Regulation Officer."
4. The appellant's dogs have been reported as running-at-large numerous times, which is a violation of Title 24.
5. The Chief Animal Care and Regulation Officer properly impounded the dogs Luna, Anna, Poppy, and Vixen, as they were found running-at-large and in violation of Title 24.
6. Due to the numerous violations of Title 24, the Chief Animal Care and Regulation Officer properly applied discretion and placed additional conditions on the return of the dogs to the appellants.
7. The dogs have been returned to the appellants on February 22, 2018, after the premises were inspected to ensure that the appellants were in compliance with the protective custody order that is the subject of this appeal.

FINAL ORDER

Based upon the above Findings and Conclusions, the Animal Care and Regulation Board now makes the following Order:

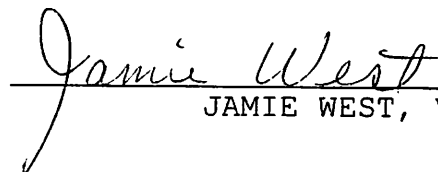
IT IS HEREBY ORDERED, that the decision of the Chief Animal Care and Regulation Officer is upheld and the protective custody order stands.

The appellants shall remain in compliance with the requirements outlined in the protective custody order (A18-002639), as issued by the Chief Animal Care and Regulation Officer on February 14, 2018.

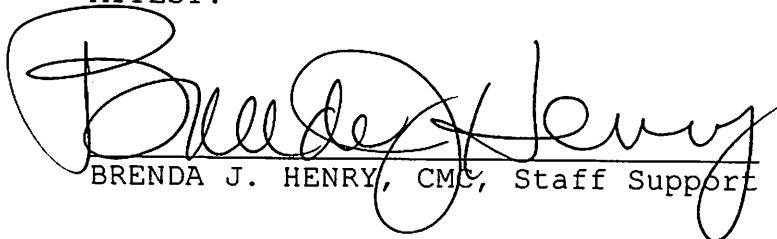
The appellants may apply to the chief animal care and regulation officer, in writing, to have the classification modified or removed in accordance with Title 24 upon payment of outstanding fees, including a review fee required by code, without any further incident, including any violation of this title, no sooner than March 28, 2019.

DATED at Palmer, Alaska this 28 day of March, 2018.

ANIMAL CARE AND REGULATION BOARD


JAMIE WEST, Vice Chair

ATTEST:


BRENDA J. HENRY, CMC, Staff Support

MATANUSKA-SUSITNA BOROUGH
ANIMAL CARE AND REGULATION BOARD

IN RE:)
)
Appeal of the level 1 classification of)
Vixen, Quentin, Maddie, Linus, Bucky,)
Maggie, Timmie, & Griz)
)
Nancy & Jim Oliver, Appellants) AC&R Case No. 18-03
)
)
_____)

NOTICE OF RIGHT TO APPEAL AND FINAL ORDER

NOTICE IS HEREBY GIVEN, that the Matanuska-Susitna Borough Animal Care and Regulation Board, on March 28, 2018, rendered the following Final Order regarding the appeal of the denial of a kennel license, in the above-captioned matter. This Final Order may be appealed to Superior Court within 30 days of the date of distribution pursuant to MSB 24.30.050 and the Alaska Rules of Appellate Procedure, Part VI, Rules 601-612.

FINDINGS

1. The Animal Care and Regulation Board has appellate jurisdiction over this matter pursuant to MSB 24.30.020(A)(A).
2. On December 3, 2016, a pack of the appellant's German shepherds attacked a dog team.
3. On December 3, 2016, it was also reported that the appellant's dogs had been loose three times that same week; the appellants were issued three citations for failure to

restrain, third offense; failure to comply with a written release order; and failure to register a kennel.

4. On August 18, 2017, the Borough received a report that one of the appellant's black German shepherds had been loose for days. Nancy Oliver confirmed that dogs had escaped and assured the Borough that the problem was fixed and it would not happen again.
5. On October 4, 2017, the Borough received a report of five of the appellant's German shepherds loose in the road. Nancy Oliver confirmed that Jim Oliver had retrieved the dogs; the Borough issued citations for failure to comply with a written release order, failure to restrain, and failure to register a kennel.
6. On January 24, 2018, the Borough received a report of dogs killing a pig and chickens. The evidence suggested it was dogs belonging to the appellants and the Borough issued citations for failure to restrain for January 24 and January 25, 2018.
7. On January 26, 2018, the appellant's dogs were suspected of killing chickens.
8. On January 27, 2018, the Borough received a report of two of the appellant's German shepherds being loose and a citation was issued for failure to restrain.

9. On January 28, 2018, the appellant's dog Maggie, who was previously classified as a Level One animal, was impounded after being caught in a live trap. Citations were issued for failure to restrain - Third Offense and failure to comply with a written release order.
10. On February 3, 2018, the Borough received a report that two of the appellant's German shepherds were trying to get into the live trap that Maggie was caught in.
11. On February 10, 2018, the Borough received a report that one of the appellant's dogs was suspected of killing chickens.
12. On February 11, 2018, Nancy Oliver left messages with the Animal Care and Regulation Shelter that Timmie and Bucky, both Level One Classified dogs, had gotten loose; She reported shortly thereafter that the dogs had returned home.
13. On February 12, 2018, the Borough received a report of multiple German shepherds being loose.
14. On February 12, 2018, four of the appellant's dogs were impounded for being unrestrained.
15. Animal Care and Regulation Officers observed two of the appellant's dogs loose near Knik Goose Bay Road; one was identified as having something that resembled a rabbit fur

in its mouth and the other was identified as Timmie; Timmie was previously classified as a Level One.

16. Responding officers attempted contact with the appellants at their property; three of the appellant's dogs were unrestrained.
17. During this contact, the remainder of the appellant's dogs exited a doggy door and all of them were unrestrained; Nancy Oliver admitted to letting the dogs out because it was too icy and she was taking a shower.

CONCLUSIONS

Based upon the above Findings, the Animal Care and Regulation Board now makes the following Conclusions:

1. The Chief Animal Care and Regulation Officer has the power to enforce the provisions of Title 24, per MSB 4.35.020(B).
2. Eight of the appellant's dogs were classified as Level One animals on July 26, 2016.
3. The appellants have violated Title 24 by not adhering to the conditions for Level One classified animals.
4. The Chief Animal Care and Regulation Officer properly classified or reclassified the dogs due to numerous complaints of the animals running unrestrained and causing public safety concerns.
5. On December 3, 2016, appellants were cited (P00426238 and P00426239) for failure to restrain, third offense, failure

to comply with a written release order, and failure to register a kennel; appellants plead no contest to each count.

6. Per MSB 24.26.040(A), the Chief Animal Care and Regulation Officer shall have the discretion to increase or decrease a classified animal's restrictions based upon relevant circumstances.
7. The Chief Animal Care and Regulation Officer appropriately exercised his discretion in placing additional conditions on the appellant's animals due to numerous violations of Title 24.

FINAL ORDER

Based upon the above Findings and Conclusions, the Animal Care and Regulation Board now makes the following Order:

IT IS HEREBY ORDERED, that the decision of the Chief Animal Care and Regulation Officer is upheld and the Level One Classification of Vixen, Quentin, Maddie, Linus, Bucky, Maggie, Timmie, and Griz stands.

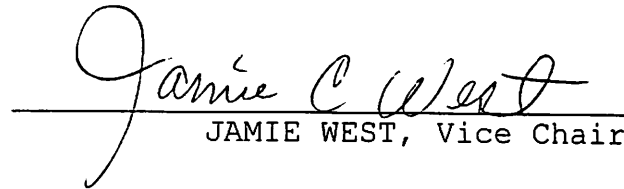
IT IS FURTHER ORDERED, that the appellants must comply with the conditions ordered by the Chief Animal Care and Regulation Officer as issued on February 14, 2018, within 30 days of the date of this final order.

The appellants may apply to the chief animal care and regulation officer, in writing, to have the classification

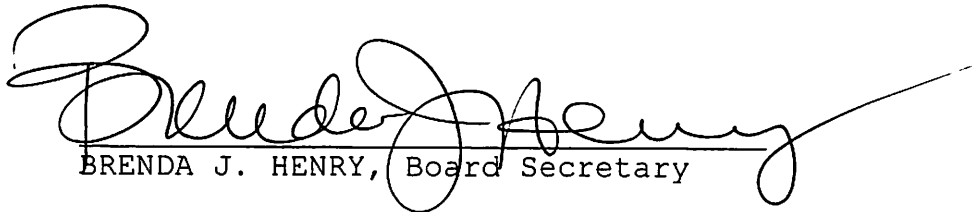
modified or removed in accordance with Title 24 upon payment of outstanding fees, including a review fee required by code, without any further incident, including any violation of this title, no sooner than March 28, 2019.

DATED at Palmer, Alaska this 28 day of March, 2018.

ANIMAL CARE AND REGULATION BOARD


JAMIE WEST, Vice Chair

ATTEST:


BRENDA J. HENRY, Board Secretary

MATANUSKA-SUSITNA BOROUGH
ANIMAL CARE AND REGULATION BOARD

IN RE:)
)
Appeal the denial of a kennel license,)
)
Nancy & Jim Oliver, Appellants) AC&R Case No. 18-04
)
)
_____)

NOTICE OF RIGHT TO APPEAL AND FINAL ORDER

NOTICE IS HEREBY GIVEN, that the Matanuska-Susitna Borough Animal Care and Regulation Board, on March 28, 2018, rendered the following Final Order regarding the appeal of the denial of a kennel license, in the above-captioned matter. This Final Order may be appealed to Superior Court within 30 days of the date of distribution pursuant to MSB 24.30.050 and the Alaska Rules of Appellate Procedure, Part VI, Rules 601-612.

FINDINGS

1. The Animal Care and Regulation Board has appellate jurisdiction over this matter pursuant to MSB 24.30.020(A)(A).
2. Beginning in late 2015, the Borough began receiving reports about the appellant's dogs being unrestrained.
3. On May 17, 2016, the Borough received a complaint of aggressive German shepherds running loose, attacking wildlife and a cat.

4. Also on May 17, 2016, a complaint was received of a German Shepherd having killed a cat on May 15, 2016.
5. On July 11, 2016, the Borough received a complaint of a pack of German shepherds running loose and chasing children.
6. On July 21, 2016, the Borough received a complaint of a pack of shepherds chasing a person riding an ATV.
7. On December 3, 2016, a pack of German shepherds belonging to the appellants attacked a dog sled team. A complaint was also received that the dogs been loose three times that same week.
8. On August 18, 2017, the Borough received a report that a black shepherd belonging to the appellants had been loose for days; this was confirmed by Ms. Oliver.
9. On October 4, 2017, the Borough received a report that five of the appellant's German shepherds were loose and in the road; this was confirmed by Ms. Oliver.
10. On January 24, 2018, the Borough received a report of dogs that had killed a pig and chickens; the appellant's dogs were suspects in this incident as the tracks from the scene led back to the appellant's house.
11. On January 26, 2018, the Borough received a report of dogs that had killed chickens; the appellant's dogs were suspects in this incident.

12. On January 27, 2018, the Borough received a report of two of the appellant's dogs being loose.
13. On January 28, 2018, a Level One Classified dog, Maggie, was impounded after being caught in a live trap.
14. On January 31, 2018, the appellant's submitted an application for a kennel license.
15. On February 3, 2018, the Borough received a report of two German shepherds trying to get into the live trap that Maggie was previously caught in.
16. On February 10, 2018, the Borough received a report of dogs that had killed chickens; the appellant's dogs were suspects in this incident.
17. On February 11, 2018, Ms. Oliver left messages that two Level One Classified dogs, Timmie and Bucky, had gotten out of their enclosure.
18. On February 12, 2018, the Borough received a report of multiple German shepherds running loose.
19. On February 12, 2018, four dogs belonging to the appellants were impounded for being unrestrained.
20. On February 12, 2018, Animal Care Officers observed two dogs belonging to the appellants attempting to cross over or near Knik Goose Bay Road.
21. On February 12, 2018, Animal Care Officers responding to the appellant's home observed three dogs that were

unrestrained. During the visit, the remainder of the appellant's dogs exited the residence through a doggie door and were all unrestrained.

CONCLUSIONS

Based upon the above Findings, the Animal Care and Regulation Board now makes the following Conclusions:

1. The Chief Animal Care and Regulation Officer has the power to enforce the provisions of Title 24, per MSB 4.35.020(B).
2. The appellant's plead no contest to the two citations issued on May 17, 2016, for failure to restrain.
3. The appellant's plead no contest to the citations (MSBZP00400413 and MSBZP00400414) issued on July 13, 2016, for two counts of failure to register a kennel and two counts of failure to restrain.
4. The appellant's plead no contest to citations (MSBZP00426238 and MSBZP00426239) issued on December 3, 2016, for failure to restrain (3rd offense), failure to comply with a written release order, and failure to register a kennel.
5. Jim Oliver plead no contest to a citation (MSBZP00454455) issued on October 4, 2017, for failure to comply with a written release order, failure to restrain, and failure to register a kennel.

6. MSB 24.10.020, states in part "that no person shall own or operate a kennel or cattery or own four or more dogs or cats over the age of six months without licensing as a kennel or cattery."
7. MSB 24.10.040(A) states that "no kennel or cattery shall be maintained or operated in a manner which is an annoyance."
8. In making the determinations required for issuance of a kennel license, the Chief Animal Care and Regulation Officer may consider any relevant factors, such as prior convictions of Borough code within the last five years, as a basis for denying the kennel license, per MSB 24.10.020(G)(2) and (G)(2)(b).
9. The appellants have been cited and had court judgments entered against them three times for failure to register a kennel; new citations have been issued for failure to register a kennel that the court still has to address.
10. 1 year and 6 months passed between the first citation for failure to register a kennel and the date the appellant's applied for a kennel license.

FINAL ORDER

Based upon the above Findings and Conclusions, the Animal Care and Regulation Board now makes the following Order:

IT IS HEREBY ORDERED, that the decision of the Chief Animal Care and Regulation Officer is upheld and the kennel license is denied.

The appellants are ordered to comply with the conditions of the kennel denial by reducing the number of adult dogs to four, within 30 days of this final order.

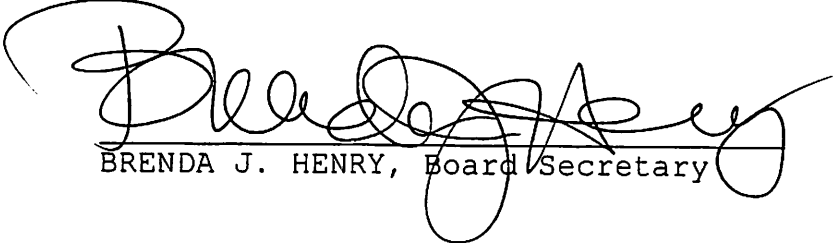
The appellant's may reapply for a kennel license no sooner than March 28, 2019.

DATED at Palmer, Alaska this 28 day of March, 2018.

ANIMAL CARE AND REGULATION BOARD


JAMIE WEST, Chair

ATTEST:


BRENDA J. HENRY, Board Secretary

Meeting minutes RSA 27 Meadow lakes

Held September 23, 2017 at station 71

RECEIVED
MAR 23 2018
CLERKS OFFICE

Meeting called to order at 7:00pm

Attending was Steve Edwards, Mike Fulton, Bob Cassel, quorum was met. Borough staff Scott.

Minutes from earlier meeting was read and approved.

Discussion of the Capital list followed

Several paving projects were completed, or are still scheduled for completion before October 30. Tweed, Coronado, Windy bottom, thundercloud. Otherwise only one other project (JJ/ridgecrest) on the previous CIP list was completed due to various unspecified delays. The board expressed frustration with the slow pace of these projects and Scott said it would be best to contact Alex for details.

Steve indicated he would talk to Alex and would ask to have some additional projects started since very little of the money dedicated for capital list projects was actually spent this year due to the various delays.


A large amount of work was done over the summer with Optional maintenance and Recondition road money. Scott started and completed numerous projects this way and the board members were quite pleased with the results of that effort. Skyview, Meadow lakes loop, Indigo, Johnson, Full Curl, Phillips and others all received needed maintenance.

The new CIP list was reviewed and resolution approving it signed by the board members. The same projects remain from last year with a couple new ones appearing above the arbitrary "funded" line. As has happened in numerous past years, uncompleted projects from previous lists take up a large portion of the "funded" portion as rollover projects.

Adjourned at 8:30pm



Stephen Edwards, chair


Approved 2-22-18
(SLB)

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION MINUTES**

CLERKS OFFICE

**REGULAR MEETING
MARCH 19, 2018**

The regular meeting of the Matanuska-Susitna Borough Planning Commission was held on March 19, 2018, 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 Colleen Vague.

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

Planning Commission members present and establishing a quorum:

Ms. Mary Anderson, Assembly District #1
Ms. Eileen Patterson, Assembly District #2
Ms. Patricia Chesbro, Assembly District #3
Ms. Colleen Vague, Assembly District #4, Chair
Mr. Chris Elder, Assembly District #5

Planning Commission members absent and excused were:

Mr. Stafford Glashan, Assembly District #6

Planning Commission members absent were:

Mr. Sassan Mossanen, Assembly District #7

Staff in attendance:

Ms. Eileen Probasco, Planning & Land Use Director
Mr. Alex Strawn, Development Services Manager
Ms. Trina Sears, Assistant Borough Attorney
Mr. Mark Whisenhunt, Planner II
Ms. Mary Brodigan, Planning Commission Clerk

II. APPROVAL OF AGENDA

Chair Vague 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. Mark Whisenhunt, a member of Borough staff.

IV. CONSENT AGENDA**A. Minutes**

1. March 5, 2018, regular meeting minutes

A. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS

1. **Resolution 18-08**, a Conditional Use Permit (CUP) in accordance with MSB 17.60 – Conditional Uses; allowing a modification to the operation of an existing marijuana retail facility, located at 4901 E. Blue Lupine Drive, Suite E (Tax ID # 1027000L005); within

Township 17 North, Range 1 East, Section 17, Seward Meridian. Public Hearing: April 2, 2018. (*Applicant: Caleb Saunders dba Green Jar, Staff: Mark Whisenhunt*).

B. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS

1. **Resolution 18-04**, recommending Assembly approval of a Comprehensive Plan Process Update. Public Hearing: April 2, 2018. (*Staff: Jessica Smith*).

Chair Vague read the consent agenda into the record.

Chair Vague 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 person spoke regarding concerns with the MSB School Board public process: Mr. Eugene Carl Haberman.

(The meeting recessed at 6:07 p.m., and reconvened at 6:15 p.m.)

IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS (*Public Hearings 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.

- A. **Resolution 18-07**, a Conditional Use Permit (CUP) in accordance with MSB 17.60 - Conditional Uses; allowing the operation of a marijuana cultivation facility, located at 6570 W. Trevett Circle, Suite C (Tax ID# 17N02W10A015); within Township 17 North, Range 2 West, Section 10, Seward Meridian. (*Applicant: Robert Mays III, dba Alaska Frontier Cannabis, Staff: Mark Whisenhunt*)

Chair Vague read the resolution title into the record.

Chair Vague:

- read the memorandum regarding quasi-judicial actions into the record;
- queried commissioners to determine if any of them have a financial interest in the proposed Conditional Use Permit (CUP);
- have had any ex parte contact with the applicant, members of the public, or interested parties in the proposed CUP; and
- if all commissioners are able to be impartial in a decision.

Mr. Whisenhunt provided a staff report:

- staff recommended approval of the resolution with conditions.

Chair Vague invited the applicant or their representative to provide an overview of their application.

Mr. Robert Mays III, provided an overview of his application.

Commissioners questioned the applicant regarding:

- clarification of whether the RV park will remain open;
- whether there will be a negative effect on the proposed business if the RV park remains open;
- can long term tenants stay in an RV park;
- clarification of the definitions for an RV park and a mobile home park;
- will the RV park need to be permitted for it to remain in business;
- can the property be subdivided allowing the two uses;
- clarification of what needs to be done to bring the RV park into compliance;
- are there minors living in the RV park; and
- clarification of how the unfinished boathouse will be used as a cultivation facility.

Chair Vague opened the public hearing.

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

Chair Vague invited staff to respond to questions and comments from the audience.

Mr. Whisenhunt responded to comments made during audience participation.

Chair Vague invited the applicant to respond to questions and comments from the audience.

Mr. Mays responded to comments from the audience.

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

MOTION: Commissioner Elder moved to approve Resolution 18-07. The motion was seconded.

Commissioner Elder:

- stated his concerns with having children living in the RV park within such close proximity to a marijuana cultivation facility; and
- is supporting the resolution as presented.

VOTE: The main motion passed without objection.

X. PUBLIC HEARING LEGISLATIVE MATTERS

- A. **Resolution 18-05**, recommending Assembly approval of an ordinance adopting MSB 17.09 Amendments and Changes. (*Staff: Eileen Probasco*).

Chair Vague read the resolution title into the record.

Ms. Eileen Probasco provided a staff report:

- staff recommended approval of the resolution.

Commissioners questioned staff regarding:

- clarification that this new section of code will replace language scattered throughout Title 17;
- will there be a public hearing for Title 30; and
- clarification of why the notification time for a public hearing was changed from seven days to five.

Chair Vague 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 Vague closed the public hearing and discussion moved to the Planning Commission.

MOTION: Commissioner Chesbro moved to approve Resolution 18-05. The motion was seconded.

MOTION: Commissioner Anderson moved a primary amendment to amend the ordinance attached to Resolution 18-05 by including the changes contained in the March 19, 2018, draft ordinance. The motion was seconded.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

- B. **Resolution 18-06**, recommending Assembly approval of an ordinance adopting MSB 17.10 Overlay Districts. (*Staff: Eileen Probasco*).

Chair Vague read the resolution title into the record.

Ms. Eileen Probasco provided a staff report:

- staff recommended approval of the resolution.

Commissioners questioned staff regarding:

- whether the borough has powers to regulate airspace;
- how does this Overlay District differ from a Special Land Use District;
- clarification of whether they are voting on a process or an actual Overlay District; and
- who and how many people are asking for this overlay district.

Chair Vague 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 Vague closed the public hearing and discussion moved to the Planning Commission.

MOTION: Commissioner Elder moved to approve Resolution 18-06. The motion was seconded.

Commissioner Elder:

- questioned whether it's necessary to have an ordinance to tell people that they are moving into an area where there is airplane noise;
- concerned that this is too restrictive;
- stated that he's not against this, but is not ready to vote on this item tonight; and
- suggested that the commission table the item and come back to it at another date.

Commissioner Chesbro:

- concerned that the commission doesn't know what all of the components of the Overlay District are; and
- stated that the possibility for this to expand to something else is implicit.

Commissioner Patterson questioned whether the four-page document prepared by the Wolf Lake Airport group will be going forward to the Assembly.

Ms. Probasco:

- responded to questions and concerns from the Planning Commission; and
- stated that if the resolution is postponed, it will give her the opportunity to provide documented support from the cities and other aviation groups.

MOTION: Commissioner Anderson moved to postpone Resolution 18-06 until May 7, 2018. The motion was seconded.

VOTE: The motion to postpone Resolution 18-06 until May 7, 2018, passed without objection.

Commissioners requested staff provide the names of the members of the Wolf Lake Airport group.

[Clerk's note: Resolution 18-06 was placed on the May 7, 2018, Planning Commission agenda under Unfinished Business.]

XI. CORRESPONDENCE AND INFORMATION

(There was no correspondence and information.)

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

Commissioner Anderson thanked staff for all of the detailed information they provided and for responding to requests for additional information.

Chair Vague thanked staff for their hard work.

XVI. ADJOURNMENT

The regular meeting adjourned at 7:29 p.m.



COLLEEN VAGUE, Planning Commission
Chair

ATTEST:



MARY BRODIGAN, Planning Commission
Clerk

Minutes approved: April 2, 2018

RECEIVED

APR 04 2018

CLERKS OFFICE

By: Jessica Smith
Introduced: March 19, 2018
Public Hearing: April 2, 2018
Action: Adopted

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 18-04**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION
REQUESTING STAFF TO UPDATE THE COMPREHENSIVE PLANNING PROCESS.

WHEREAS, guidelines for the Development or Update of
Community Based Comprehensive Plans and SPUDs was last updated by
the Planning Commission in Resolution No. 09-14 in 2009; and

WHEREAS, the Matanuska-Susitna Borough population has
continued to increase; and

WHEREAS, 11 area comprehensive plans are currently in need of
an update or re-write; and

WHEREAS, the current comprehensive planning process requires
extensive staff and citizen planning team resources; and

WHEREAS, the current comprehensive process lacks direction on
how to best receive input from all stakeholders within the planning
area; and

WHEREAS, Community Council attendance and membership alone
may not represent a full cross section of planning area residents;
and

WHEREAS, community-based planning efforts should have a well-
defined process so that the goals of borough residents are
expressed in a productive manner.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby requests staff to prepare a revised comprehensive planning process policy for review and adoption by the Planning Commission.

BE IT FURTHER RESOLVED, this new process should reduce the time needed to amend or create a comprehensive plan while utilizing planning staff in the most efficient manner possible.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 2nd day of April, 2018.


COLLEEN VAGUE, Chair

ATTEST


MARY BRODIGAN, Planning Clerk

(SEAL)



PASSED UNANIMOUSLY: Vague, Anderson, Chesbro, Glashan, and Mossanen

RECEIVED

APR 03 2018

CLERKS OFFICE

By: Mark Whisenhunt
Introduced: February 6, 2018
Public Hearing: March 6, 2018
Action: April 2, 2018

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 18-08**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING THE MODIFICATION OF AN EXISTING CONDITIONAL USE PERMIT FOR THE OPERATION OF A MARIJUANA RETAIL FACILITY AT 4901 EAST BLUE LUPINE DRIVE, SUITE E, LOCATED WITHIN TOWNSHIP 17 NORTH, RANGE 1 EAST, SECTION 17; TAX ID# 1027000L005, SEWARD MERIDIAN.

WHEREAS, an application has been received from Caleb Saunders, on behalf of Green Jar, to modify an existing conditional use permit for the operation of a marijuana retail facility at 4901 East Blue Lupine Drive, Suite E, Tax ID# 1027000L005; located within Township 17 North, Range 1 East, Section 17, Seward Meridian; and

WHEREAS, the applicant is specifically requesting to expand the hours of operation and to alter the fencing requirement of Planning Commission Resolution 17-08; and

WHEREAS, MSB 17.60.040 allows a property owner to apply for a modification of a conditional use permit; and

WHEREAS, MSB 17.60.030(A)(4) requires a conditional use permit for the operation of a marijuana retail facility; and

WHEREAS, on March 6, 2018, Green Jar obtained approval from the MSB Planning Commission to operate a marijuana retail

facility at the subject property, through the adoption of Planning Commission Resolution 17-08; and

WHEREAS, Green Jar is currently operating in accordance with Conditional Use Permit #176020160007; and

WHEREAS, the subject lot was developed for and has been used commercially since 1985; and

WHEREAS, East Blue Lupine Drive is dominated by commercial and industrial uses on its frontage; and

WHEREAS, lot 6 abuts the subject parcel to the west and was developed for and has been used as commercial since 1984; and

WHEREAS, lots 5 & 6 share a common access onto East Blue Lupine Drive; and

WHEREAS, a commercial trailer business abuts the subject parcel to the east; and

WHEREAS, a six-foot tall chain-link fence has been constructed on the east and north sides of the structure; and

WHEREAS, two concrete barriers have been placed in front of the garage door for added security; and

WHEREAS, the current operating hours are 10:00 a.m. - 10:00 p.m., Monday through Saturday; and

WHEREAS, the proposed hours of operation are 8:00 a.m. - 12:00 a.m., daily; and

WHEREAS, consumption of marijuana is prohibited at the site; and

WHEREAS, East Blue Lupine Drive is classified as a Major Collector, which is capable of accommodating traffic generated by several commercial retail businesses; and

WHEREAS, persons under the age of 21 are prohibited from entering the facility; and

WHEREAS, a combination of cameras, motion detectors, and lighting are in place to secure the site and monitor all activities at the facility; and

WHEREAS, the Borough has not received any complaints related to this facility; and

WHEREAS, the State Alcohol & Marijuana Control Office has not received any complaints related to this facility; and

WHEREAS, the existing structure meets all applicable setback requirements required by MSB 17.55 - Setbacks and Screening Easements; and

WHEREAS, all of the required site plans and operational information have been provided by the applicant; and

WHEREAS, the operation is wholly contained within Suite E of a commercial building; and

WHEREAS, there is no industrial equipment or any processes that generate noise associated with the proposed use; and

WHEREAS, all marijuana is stored in sealed containers; and

WHEREAS, the Borough has not received any noise or odor complaints related to this facility; and

WHEREAS, the subject location has been used for commercial retail for approximately 33 years; and

WHEREAS, the marijuana retail facility has been in operation since March 2017; and

WHEREAS, the proposed modification has no impact on the setback distance to school grounds; and

WHEREAS, the closest school (Machetanz Elementary) is approximately 6,700 feet away from the proposed use; and

WHEREAS, the Green Jar marijuana retail facility has obtained State of Alaska Marijuana Establishment License #10008; and

WHEREAS, a copy of the State of Alaska Marijuana Establishment License #10008 for the Green Jar marijuana retail facility has been provided; and

WHEREAS, the chain-link fence is not a part of Green Jar's security plan filed with the State of Alaska Alcohol & Marijuana Control Office; and

WHEREAS, the State of Alaska limits the hours of operations for marijuana retail facilities to 8:00 a.m. - 5:00 a.m., daily; and

WHEREAS, the proposed modification has no impact to State of Alaska Marijuana Establishment License #10008 for the Green Jar marijuana retail facility; and

WHEREAS, the Matanuska-Susitna Borough Fire Code Official has issued a certificate of occupancy for the Green Jar marijuana retail facility; and

WHEREAS, the Matanuska-Susitna Borough Fire Code Office submitted a comment on February 8, 2018 noting it has no objections to the proposed modification of the existing Conditional Use Permit; and

WHEREAS, the northern half of the property is heavily treed and undeveloped; and

WHEREAS, the subject lot is sandwiched between two roads: East Blue Lupine Drive to the south and East Barley Avenue to the north; and

WHEREAS, East Barley Avenue abuts the northern property line; however, no access onto East Barley Avenue is proposed; and

WHEREAS, to the north and northwest of East Barley Avenue there is a mix of residential uses, vacant land, an electric substation, and a religious service building; and

WHEREAS, the existing use is 2,610 square feet in size; and

WHEREAS, a marijuana retail facility 2,610 square feet in size is required to provided eight parking spaces with one ADA compliant space; and

WHEREAS, 29 customer parking spaces are provided in a shared parking lot; and

WHEREAS, each space is 20 feet in length and ten feet wide;
and

WHEREAS, there are no vertical clearance limitations on
site; and

WHEREAS, the proposed modification does not change the size
of the facility or the parking requirements; and

WHEREAS, ADA guidelines require one van accessible parking
space, for every 1 to 25 spaces; and

WHEREAS, two parking spaces compliant with ADA guidelines
are provided in the shared parking lot; and

WHEREAS, the proposed modification does not change the size
of the facility or the ADA parking requirements; and

WHEREAS, the Planning Commission has reviewed this
application with respect to standards set forth in MSB
17.60.100, 17.60.150 and 17.60.170; and

Whereas, the Planning Commission conducted a public hearing
on April 2, 2018 on this matter.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna
Borough Planning Commission hereby adopts the aforementioned
findings of fact and makes the following conclusions of law
supporting approval of Planning Commission Resolution 18-08:

1. The proposed modification will not detract from the
value, character and integrity of the surrounding area

(MSB 17.60.100(B)(1)).

2. The proposed modification will not be harmful to the public health, safety, convenience and welfare (MSB 17.60.100(B)(2)).
3. Sufficient setbacks, lot area, buffers or other safeguards are being provided (MSB 17.60.100(B)(3)).
4. The application material has met all of the requirements of this chapter (MSB 17.60.100(B)(4)).
5. The proposed modification will not negatively affect other properties due to factors such as noise and odor (MSB 17.60.150(A)(1)).
6. Measures are in place to reduce negative affects upon adjacent properties (MSB 17.60.150(A)(2)(a-c)).
7. The proposed modification is compatible with the character of the surrounding area (MSB 17.60.150(A)(3)).
8. The existing use is more than 1,000 feet away from any school grounds (MSB 17.60.150(B)(1)).
9. Documentation demonstrating all applicable licenses pertaining to 3 AAC 306.005 have been obtained (MSB 17.60150(D)(1)).
10. The proposed modification is in full compliance with all applicable fire code (MSB 17.60.150(D)(2)).

11. The existing use is located on a parcel that is appropriate for commercial use (MSB 17.60.170(A)(1-3)).
12. The existing use meets the minimum number of parking space for retail facilities (MSB 17.60.170(B)).
13. The existing use complies with current ADA parking space guidelines (MSB 17.60.170(C)).

BE IT FURTHER RESOLVED, that the Planning Commission finds this application does meet the standards of MSB 17.60 and hereby modifies the conditional use permit approved on March 6, 2017 for the operation of a marijuana retail facility, by approving the following conditions to supersede conditions three and five of Planning Commission Resolution 17-08:

1. A concrete barrier, at least three feet tall, shall be installed outside of the facility within five feet of the garage door to block vehicular access to the facility.
2. The hours of operation shall not exceed 8:00 a.m. - 12:00 a.m., daily.

/

/

/

/

/

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 2nd day of April, 2018.


COLLEEN VAGUE, Chair

ATTEST


MARY BRODIGAN, Planning Clerk

(SEAL)



YES: *Vague, Anderson, Chaskro, Glashan, and Mottaneri*

NO:

Point MacKenzie Community Council Minutes for October 12, 2017

Point MacKenzie Community Council was called to order by President Gary Foster at 7:00pm on October 12th, 2017 at Art & Boots Scates Public Safety Building. The Pledge of Allegiance was recited.

- II. The board members conducted a roll call, and a quorum was determined to be present.
- III. Approval of Minutes for June 8th meeting were unavailable. *MOVED 6-8-2017 @ No quorum*

IV. Reports

a. Correspondence received/sent

- 1. MSB requiring a MSB business license
- 2. MatSu Special Santa Program

b. Treasurer's report- ~~Billie is out of town.~~ *Billie is out of town.*

c. MatSu Borough report Dan Mayfield- Close election results. PMCC is appreciative of all the efforts Dan does to keep us informed He is proposing a resolution to the assembly send a message to state legislators to repeal SB91. All members in attendance were unanimous in the opinion of repealing SB91. He also recommended strengthening our Neighborhood Watch programs.

APPROVED NOV 9, 2017

Jamene Winick - Secretary

still in budget. RSA severance tax modified to give monies to general fund rather than RSA's, amendment to exclude our RSA 17. Northern Asphalt is our RSA 17 maintenance with a five year contract. No bids on development of Alsop road gravel pit. RR project may be completed with a \$75 million dollar loan from AIDA/state funded, with MSB.

Port MacKenzie repairs are ongoing.

d) Point MacKenzie Fire Dept Station 64

No report

e) Park Subcommittee

Will need inspection on playground equipment. RSP anything over \$25,000.00. Questions concerning needing an engineer to design road, and wetlands permit, or if MSB road standards to be included in bid is sufficient. Need a copy of survey from Emerson. Tree clearing has to happen before May 1st due to Bird Mitigation.

V. General Election of new Board Members for PMCC

Gary Foster was nominated for President by Tammy Windsor, 2nd by Betty Herriman. Donald Thomson was nominated by Tammy Windsor, 2nd by Wilma Gonzales. Tammy Windsor nominated Wilma Gonzales for Treasurer, 2nd by Tara Oney. Gary Foster nominated Tammy Windsor for Secretary, 2nd by Betty Harriman. Tammy Windsor nominated Tara Oney for Alternate, 2nd by Deb Foster. All nominations were voted in unanimously.

VI. Announcements

Clean up dates for Point MacKenzie were chosen as May 7 to May 13th

VII. Unfinished Business

a) Liability Insurance

Gary Foster said he had a meeting with Beth Livy of Country Financial to procure a policy.

VIII. New Business

projects needed to serve a growing population in the valley. Also, the need for recycling and how it can save space at the landfill. Members were interested in a grant supplying refurbished recycling containers and agreed to discuss at a later date. Molly at VRC was given as a contact for further details. Members thanked Gary and Deb Foster at our Transfer Station on the security and cleanliness of our Transfer Station, and its location is very valuable to our community.

- VI. Tamera Windsor made the motion to adjourn the meeting, Betty Herriman 2nd the motion.**

Pt. MacKenzie Community Council Meeting

Date 04.12.2017

[illegible]

Point MacKenzie Community Council
Minutes for November 9, 2017 Meeting

President Gary Foster called meeting to order at 7:00pm. Pledge of Allegiance. A quorum was determined. October 12, 2017 Minutes were approved by Gary Foster, 2nd by Billy Gonzales.

Correspondence Received/Sent

Received letter for scheduling council meetings from borough. Approval to schedule meetings every other month on the second Thursday starting in February 2018.

Received paperwork for scheduling meetings at the Art Boots Scates Fire Station for 2018.

Received MatSu Borough business

Received letter from Barb at MatSu Borough the semi-annual reports are due for revenue sharing funds 2012, 2013, 2014, 2015, 2016, 2017

Received letter from HDL Engineering for scope of design/engineering on Point MacKenzie Community Park for \$24,500.00. Gary motioned to move forward

Pres -
Jamela Wendorf - Sec

12/14/17

APPROVED
DEC. 14, 2017

for the design. Billy Gonzales 2nd. Board was unanimous. It is unknown whether core samples or any scope of work can be done in winter.

Treasurer's Report – General account \$828.93/Project account \$100,543.85

Dan Mayfield gave a MatSu Borough update. A resolution was passed by the assembly to repeal SB91 to be forwarded to state legislators. The Subdivision Planning/Platting Title 43 rewrite is to have other laws in developing subdivisions, such as driveways, roads, paving, and right of ways. The Port is looking at possible contracts for logging, and moving bulk wood. The Railway has applied for a grant for completion. The borough is working towards the port to profit rather than be subsidized. The Board and community brought up their concerns of heavy logging traffic, and commercial truck traffic on the first 8 miles of Point MacKenzie road, with the crumbling narrow road with no shoulders. The community would like to see major road improvements prior to any more infrastructure, projects involving large heavy trucks for the safety of our community.

Betty Herriman brought up a concern of speeding prison vans and prison traffic. It was suggested to get license plate number and vehicle description and report to Goose Creek Prison officials. If it continues, to report to Alaska State Troopers and ask for a patrol for speeders.

Vice President Donald Thomsen has moved out of Point MacKenzie, and will need to be replaced. The Board will like to get more people involved in the community.

The light at Mailboxes is still not replaced. The corner light was replaced but not the mailbox light. It was brought up that our mailbox project has been great as we can now get small packages delivered, and mailboxes are secure.

AT&T account closed that was used for prior board secretary.

The community recycling issue will be revisited at a later date. The community would like to see the return from our community to be put back into our community. Possibly doing the can recycling ourselves to go into our general fund, or donating to an organization like the Boy Scouts to pick up.

Tammy Windsor moved to adjourn. Betty Herriman
2nd.

Pt. MacKenzie Community Council Meeting

Date November 9, 2017

[illegible]

RECEIVED

APR 05 2018

CLERKS OFFICE

Point MacKenzie Community Council

Minutes for December 14, 2017

President Gary Foster called meeting to order at 7p.

Pledge of Allegiance. A quorum was determined. Gary

Foster made a motion to approved minutes from

November 9th, 2017 meeting, Billie Gonzales 2nd.

Correspondence Received/Sent

1. Letter from Trails and Parks opening up grant season opening, and we're invited to apply for funds.

2. Country Financial requesting Loss Statement from AKUSA Insurance, who has moved offices out of state, after many repeated calls, emails requests, we received no response from AKUSA. Country Financial cancelled our insurance and sent refund check of \$776.71. Country Financial has misplaced our insurance folder, but says they will try to work with us. Refund check will be deposited back in project account.

3. MSB will keep \$30,000 grant monies in a project account for Point MacKenzie Community Park, and

Feb 8, 2018
Minutes Approved as written
Janene Winder

will pay for work directly. HDL will work with MSB for Geotech data. They have not started Geotech work at this time.

4. Point MacKenzie Community Council received their MatSu borough business license.

Treasurer's Report

Regular account \$848.93

Project account \$100,460.28

MatSu Report

22 million plastic bags are used in the borough. The dump has to pay for a company after a windstorm to clean up. Gary Foster made the suggestion to have prisoners from the prison to do cleanup. The MSB can't ban but can tax for revenue to pay for clean up. The city of Wasilla has a proposal to ban coming up for a vote. Palmer will most likely follow suit.

A proposed MSB 3% sales tax for additional funding for MSB school district was voted on and failed to pass. A community task force was put in place to look for ways

for additional funding came back with suggestions – sales tax was a last resort. They suggested a look at the revenue cap that is dated info from the 1980's, based on Anchorage's consumer price index. The community task force will continue look at options. The Point MacKenzie Community Council is against any new taxes of any kind.

Unfinished Business

PMCC Vice President position will need to be filled until the April board member election. Donald Thomsen has not attended meetings, and is no longer a resident of Point MacKenzie. Bylaws state the President can appoint a replacement until the next election, bylaws state a board member may hold two positions, or the alternate can serve the open position. Gary suggested we wait until the next meeting when the alternate is in attendance.

New Business

After several moose hits on the same particularly brushy area of Point MacKenzie, a good Samaritan neighbor with a chipper/brusher cleared the bad spot of

the road for safety of other drivers. Toby Riddell of MSB called Gary Foster on whether there was a permit. We did not know we were supposed to have one, and will apply for one if any additional road clearing is done in our community by residents. Gary motioned that the council pay for the gas (\$300.00) for the brusher machine as it greatly improves the safety of our community.

Tamera Windsor 2nd. With the amount of traffic from the prison, port, trucks, and residents, our road easement needs to be brushed back more than is currently being done. We will send a letter of request to the RSA about our need for additional easement clearing. The visibility of moose is nonexistent in many areas along our road, and is a constant dangerous hazard.

A big thank you to Deb Foster for volunteering (by Gary Foster) to help Treasurer Wilma Gonzales with PMCC 2017 taxes.

Due to the bad Spruce Beetle kill in the Point MacKenzie, and the lack of fire protection in the area, what are the options for removing dead trees either on

or near the property lines abutting borough land that are considered a fire hazard? If property owners are willing to pay professional contractors, with liability insurance, and skilled workers to remove these fire hazard trees, what is the process? The borough needs to come up with some rules and regs to address the fire hazard of dead trees close to homes and cabins. Logging areas have been opened in Point MacKenzie, and we are hoping they remove the large amount of dead Spruce in the area.

Gary Foster made the motion to adjourn the meeting.
Wilma Gonzales 2nd.

DEC 14, 2017

Name	Address or Phone	General Member
Tamera Windsor	441385	✓
Tamera Windsor		✓
GARY FOSTER		✓
Billie Gonzales		✓
Billie Gonzales		✓
Sam Maynard		✓