

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ENACTING MSB 1.10.170 CODIFYING THE MSB POWER TO RESTRICT MOTORIZED EQUIPMENT ON LAKES AND WATERWAYS

AGENDA OF: July 20th, 2021

ASSEMBLY ACTION:

*Adopted with JS, MT, & RY objecting. 08.03.21 KBJ*

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY MICHAEL BROWN, BOROUGH MANAGER: *MB*

Route To:	Department/Individual	Initials	Remarks
	Originator	NS/MW	
	Borough Attorney	<i>NS</i>	
	Borough Clerk	<i>AM 7/12/21</i>	<i>(Signature)</i>

ATTACHMENT (S) : Fiscal Note: YES      NO   X    
Ordinance Serial No. 21-078 (2 pp)  
MSB Assembly Certificate of Election February 1, 1994 (3 pp)  
MSB Ord. No. 93-132 (2 pp)

**SUMMARY STATEMENT:** This ordinance is sponsored by the Borough Manager to codify the Borough's power to restrict on the use of motorized equipment on certain lakes and waterways within the Matanuska-Susitna Borough.

Currently, the Matanuska-Susitna Borough restricts motorized equipment on lakes and waterways. However, the power to do so is not expressly stated in the Code, even though voters passed this proposition in 1994. Therefore, this power should be codified in the Code.

**DISCUSSION:** In a special borough election on February 1, 1994, Matanuska-Susitna Borough voters passed the proposition to restrict motorized equipment on lakes and waterways. Below is the exact language:

"PROPOSITION NO. 1 - RESTRICTION OF MOTORIZED EQUIPMENT

Shall an ordinance be adopted to provide a restriction on the use of motorized equipment on certain lakes and waterways within the Matanuska-Susitna Borough?"

The Proposition passed with 3,424 votes in favor to 3,153 votes against. While the voters adopted this proposition in the special election, the power never made it into the list of powers in Chapter 1.10 of the Borough code.

Currently, there are code sections that describe lake management, such as:

- MSB 17.58 MOTORIZED USES ON LAKES AND WATERWAYS;
- MSB 17.59 LAKE MANAGEMENT PLAN IMPLEMENTATION;
- MSB 15.24.030 COMPREHENSIVE PLAND AND PURPOSES; and
- MSB 15.24.031 INITIATING AND AMENDING LAKE MANAGEMENT PLANS.

In the MSB Code, areawide powers are listed in "ARTICLE II. AREAWIDE POWERS" beginning at MSB 1.10.100. The power to restrict motorized equipment on lakes and waterways ordinance should be added to this section of the code, so that the code adequately reflects this power.

**RECOMMENDATION OF ADMINISTRATION:** Adoption of Legislation.



MATANUSKA-SUSITNA BOROUGH  
ASSEMBLY CERTIFICATE OF ELECTION  
FEBRUARY 1, 1994

We, the Assembly of the Matanuska-Susitna Borough, hereby certify that the votes cast in the special borough election of February 1, 1994, are as follows:

POLL      ABSENTEE      QUESTIONED      TOTAL

(A) PROPOSITION NO. 1 - RESTRICTION OF MOTORIZED EQUIPMENT

Shall an ordinance be adopted to provide a restriction on the use of motorized equipment on certain lakes and waterways within the Matanuska-Susitna Borough?

YES	3,129	129	166	3,424
NO	2,884	119	150	3,153

(B) PROPOSITION NO. 2 - EDUCATIONAL AND RELATED CAPITAL IMPROVEMENTS BONDS

Shall the Matanuska-Susitna Borough incur debt and issue general obligation bonds not to exceed sixteen million one hundred forty-five thousand Dollars (\$16,145,000) for the purpose of paying a portion of the costs of planning, designing, acquiring property for, site preparation, constructing, installing and equipping educational and related capital improvements within the borough?

YES	3,394	116	209	3,719
NO	2,591	132	107	2,830

TOTAL POLL VOTERS:	6,036
TOTAL ABSENTEE BALLOTS COUNTED:	251
TOTAL QUESTIONED BALLOTS COUNTED:	318
TOTAL PERSONAL REPRESENTATIVE BALLOTS COUNTED:	2
TOTAL	6,607

1M 21-158  
OR 21-078

WE, the Matanuska-Susitna Borough Assembly, jointly certify that this is a true and accurate statement of the votes cast in the special borough election of February 1, 1994, and hereby declare said election validity held to the best of our knowledge and belief.

DATED, this 8 day of February, 1994.

Ernest W. Brannon  
Ernest W. Brannon, Mayor

Mary Gelfst  
Mary Gelfst, Assemblymember

Janet Kincaid  
Janet Kincaid, Assemblymember

Eleanor F. Oakley  
Eleanor Oakley, Assemblymember

Barbara Lacher  
Barbara Lacher, Assemblymember

Jay Nolli  
Jay Nolli, Assemblymember

Robert Wells  
Robert Wells, Assemblymember

Doyle E. Holmes  
Doyle Holmes, Assemblymember

ATTEST:

Linda A. Dahl  
Linda A. Dahl, Borough Clerk

1M 21-158  
OR 21-078



Matanuska-Susitna Borough February 1, 1994 Special Election Official Election Results

MATANUSKA-SUSITNA BOROUGH		BOGARD	BUTTE	ESK	GREATER	GREATER	HOUSTON	LOK	LUTZ	COTTON	MEADOW	PALMER	SCHROCK	SHEP	SUSITNA	SUTTON	TALKEE	TRAPPER	WASILLA	WASILLA	WILLOW	Peel	Asseel	Quest	TOTAL
FEBRUARY 1, 1994 SPECIAL ELECTION		27-005	27-005	27-005	27-007	27-007	27-011	27-013	27-015	27-017	27-019	27-021	27-023	27-025	27-027	27-029	27-031	27-033	27-035	27-037	27-039	-	-	-	-
REGISTERED VOTERS		28,776	28,116	28,116	28,116	28,116	28,116	28,116	28,116	28,116	28,116	28,116	28,116	28,116	28,116	28,116	28,116	28,116	28,116	28,116	28,116	-	-	-	-
BALLOT COUNTED (A card)		1076	1065	1065	1065	1065	1065	1065	1065	1065	1065	1065	1065	1065	1065	1065	1065	1065	1065	1065	1065	-	-	-	-
Conceder Counted N. Ballots		320	310	310	310	310	310	310	310	310	310	310	310	310	310	310	310	310	310	310	310	-	-	-	-
Conceder Counted N. Ballots		320	310	310	310	310	310	310	310	310	310	310	310	310	310	310	310	310	310	310	310	-	-	-	-
QUESTIONS BALLOTS		11	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	-	-	-	-
QUESTIONS BALLOTS		24	33	33	33	33	33	33	33	33	33	33	33	33	33	33	33	33	33	33	33	-	-	-	-
PERSONAL REPRE BALLOTS		0	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	-	-	-	-
PROPOSITION NO. 1																									
RETIREMENT OF INSURED EMPLOYEES		YES	143	135	135	135	135	135	135	135	135	135	135	135	135	135	135	135	135	135	135	-	-	-	-
NO		NO	115	78	78	78	78	78	78	78	78	78	78	78	78	78	78	78	78	78	78	-	-	-	-
PROPOSITION NO. 2																									
EXACTING & INSURING CHANG		YES	322	150	150	150	150	150	150	150	150	150	150	150	150	150	150	150	150	150	150	-	-	-	-
NO		NO	114	157	157	157	157	157	157	157	157	157	157	157	157	157	157	157	157	157	157	-	-	-	-

1M 21-158  
OR 21-078

FEBRUARY 1, 1994 SPECIAL ELECTION

CODE ORDINANCE

INTRODUCED BY: Assemblymember Lacher

*Passed at 2-2-94  
Special election*

MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 93-132

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY PLACING AN  
INITIATIVE QUESTION ON THE BALLOT AT A SPECIAL ELECTION.

WHEREAS, an initiative petition seeking to amend MSB 17.58 to provide a restriction on the use of motorized equipment on certain lakes and waterways within the Matanuska-Susitna Borough was filed with the clerk on November 10, 1993; and

WHEREAS, the initiative petition meets the requirements of AS 29.26.130 and AS 29.26.140; and

WHEREAS, the clerk certified the petition on November 19, 1993; and

WHEREAS, AS 29.26.170 requires the clerk to submit the matters to the voters at a special election within 75 days, but not sooner than 45 days after certification.

BE IT ENACTED:

\*Section 1. Classification. Section 2 of this ordinance is of general and permanent nature and shall become a part of the borough code. Sections 1, 3, and 4 are non-code ordinances.

\*Section 2. Adoption of chapter. MSB 17.58, Motorized Uses on Lakes and Waterways, is adopted.

\*Section 3. Submission to the voters. The borough clerk is directed to place before the voters at a special borough election on February 1, 1994, the question of whether an ordinance be approved to restrict use of motorized equipment on certain lakes and waterways. The ballot proposition submitted to the voters shall read substantially as follows:

*IM 21-158  
OR 21-078*



PROPOSITION NO. \_\_\_\_\_

Restriction of Motorized Equipment

Shall an ordinance be adopted to provide a restriction on the use of motorized equipment on certain lakes and waterways within the Matanuska-Susitna Borough?

YES \_\_\_\_\_

NO \_\_\_\_\_

\*Section 4. Effective date. Section 2 of this ordinance shall take effect on \_\_\_\_\_, 19\_\_\_\_, if the proposition required by section 3 is approved by the voters. Section 3 of this ordinance shall take effect on the date the United States Department of Justice issues its nonobjection to the special election date, or the date by which the United States Department of Justice must object to the special election date if no objection is issued within the objection period.

INTRODUCTION: 11/30/93 PUBLIC HEARING: 12/14/93

ADOPTED by the Matanuska-Susitna Borough Assembly this 14 day of December, 1993.

Ernest W. Brannon  
ERNEST W. BRANNON, Borough Mayor

ATTEST:

Linda Dahl  
LINDA DAHL, Borough Clerk  
(SEAL)

1M 21-158  
OR 21-078