

MATANUSKA-SUSITNA BOROUGH REGULAR MEETING
ASSEMBLY APRIL 17, 2001

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on April 17, 2001, at the Matanuska-Susitna Borough Assembly Chambers, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Timothy L. Anderson.

II. ROLL CALL

Assembly members present and establishing a quorum were:

Mr. Larry DeVilbiss, Assembly District No. 1
Ms. Sara Jansen, Assembly District No. 2 (Deputy Mayor) via teleconference
Mr. Talis J. Colberg, Assembly District No. 3
Mr. Dan Kelly, Assembly District No. 4
Ms. Jody Simpson, Assembly District No. 5
Mr. Jim Colver, Assembly District No. 6
Ms. Kelly Lankford Ladere, Assembly District No. 7

Staff in attendance were:

Ms. Sandra Dillon, Borough Clerk
Mr. John Duffy, Borough Manager
Mr. Michael Gatti, Borough Attorney
Ms. Elizabeth Manfred, Deputy Borough Clerk
Mr. Jim Swing, Public Works Director
Ms. Tammy Clayton, Finance Director
Ms. Sandy Garley, Planning Director
Mr. Ron Swanson, Community Development Director
Mr. Kevin Koechlein, Public Safety Director
Mr. Karl Borglum, Borough Assessor
Ms. Jill Parsons, Land Management Officer
Mr. Paul Hulbert, Platting Officer

III. APPROVAL OF AGENDA

Mayor Anderson noted the following changes to the agenda:

- the administration requested that AM No. 01-034: VACATION OF PORTION OF PUBLIC USE EASEMENT LOCATED ON THE SOUTH BOUNDARY OF TAX PARCEL A-8, SECTION 32, T24N, R04W, SEWARD MERIDIAN, AK. LOCATED WITHIN THE "Y" COMMUNITY COUNCIL AREA and AM No. 01-038: APPROVAL OF MATANUSKA-SUSITNA CONVENTION AND VISITORS BUREAU GRANT AGREEMENT be addressed after Audience Participation.

There was no objection to the agenda as amended.

IV. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Eleanor Eberling, a member of the audience.

V. MINUTES OF PRECEDING MEETING

A. Special Assembly/Planning Commission Joint Meeting: March 27, 2001
B. Regular Assembly Meeting: April 3, 2001

Mayor Anderson referenced the minutes listed on the agenda and asked for any corrections.

Assemblymember Lankford Ladere noted a correction to the spelling of Ms. Renae Moore. [The correction was made where appropriate in the special minutes of March 27, 2001.]

Assemblymember DeVilbiss requested clarification to his third comment on page 15 regarding the bed tax appropriations. [After clerk's research, the comment was corrected to read "commented regarding bed tax appropriations."]

Assemblymember DeVilbiss requested clarification to Mayor Anderson's fourth comment on page 16 regarding discussion with the Lt. Governor. [After clerk's research, the comment was expanded to read "noted that he had discussed information technology development with the Lt. Governor."]

GENERAL CONSENT: The minutes from the special meeting of March 27, 2001, and the minutes for the regular meeting of April 3, 2001, were approved without objection pending clerk's research.

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Wasilla Council Member Patrick:

- stated that on April 23, 2001, the city of Wasilla will award the RFP for the scope of services for the multi-use sports facility;
- announced that the FY02 city budget will be introduced at 1 percent lower than the adopted FY01 city budget;
- remarked that an FAA grant for an airport master plan has been received;
- spoke to library issues and requested that the matter be included on the agenda for the joint assembly/city of Wasilla meeting in June; and
- commented that the Palmer Wasilla highway extension work will begin soon.

Palmer Mayor Guinotte:

- thanked the borough staff and assembly members for assistance with the charter school site relocation;
- opined that the borough proposal for redistricting was favorable to the city of Palmer;
- announced a work session with the Palmer Planning Commission regarding annexation;
- requested the assembly increase funding for the Palmer and Wasilla libraries; and
- commented regarding Palmer's contract to provide maintenance for borough parks within the city limits.

Assemblymember DeVilbiss:

- mentioned a recent contact with Mr. Ray Briggs referencing residency issues for voting purposes.

Assemblymember Jansen:

- spoke to Mr. Briggs' issues regarding the Palmer Airport Comprehensive Plan.

2. Matanuska-Susitna Borough School District

(There was no school district report given.)

B. COMMITTEE REPORTS

(There was no report from the Joint Assembly/School Board Committee on School Issues.)

C. MANAGER COMMENTS

Mr. Duffy:

- stated that school bonds and parks and recreation bonds were recently sold at a fair interest rate;
- announced the Cornell Group representative will be in the borough to begin developing the plan for the port development;
- requested that the assembly members read the regional transportation report handed out in preparation for future discussion;
- reported that Anchorage has been requested to modify their long-range plan to include the borough port facility and ferry proposal;
- spoke to the borough's FY02 budget which adheres to the assembly policy not to use fund balances to cover operating costs, represents a \$2.7 million reduction from the department's requests submitted, and is a proposed areawide increase of .32 mils;
- addressed the additional budget requests, associated costs, and mil levy required to support the requests which were not included in the budget as presented; and
- stated that the central treasury quarterly balance of \$120 million will be addressed during the general overview of the budget presentation.

D. ATTORNEY COMMENTS

(There were no attorney comments.)

E. CLERK COMMENTS

Ms. Dillon:

- noted the tracking report and requested comments or suggestions;
- spoke to the proposed state redistricting meetings; and
- reminded the assembly of the first budget presentation scheduled on April 19, 2001.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Historical Preservation - 02/02/01, 03/02/01
- b. Planning Commission - 03/02/01, 03/05/01, 03/26/01, 04/02/01

Assemblymember DeVilbiss questioned the lack of a definition for "farming" under the area of agricultural district permitted uses.

- c. Platting Board - 03/15/01
- d. School Board - 02/21/01
- e. Senior Citizen Advisory Board - 03/20/01

2. Community Council Correspondence:

- a. Butte Community Council - 02/14/01
- b. Talkeetna Community Council - 03/05/01

The citizen and other correspondence were presented and no comments other than noted were given.

G. INFORMATIONAL MEMORANDUMS

1. IM No. 01-065: POLICY FOR INTERNET USE AT THE BOROUGH LIBRARIES.

Assemblymember DeVilbiss voiced concerns with the policy as presented.

The informational memorandum was presented and no other comments were given.

VIII. UNFINISHED BUSINESS

IX. NEW BUSINESS

A. INTRODUCTION (Suggested public hearing - 05/01/01)

1. Ordinance Serial No.01-028: AN ORDINANCE APPROPRIATING MONIES FROM THE CENTRAL TREASURY AND ESTABLISHING THE RATE OF LEVY FOR ALL BOROUGH FUNCTIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2001, AND ENDING JUNE 30, 2002. [Public hearings set for May 3 and May 8, 2001]

2. Ordinance Serial No. 01-056: AN ORDINANCE APPROPRIATING \$14,143,000 FROM GENERAL OBLIGATION BOND PROCEEDS TO FUND 400, SCHOOL PROJECTS, FOR SCHOOL CONSTRUCTION, RENOVATION, AND TECHNOLOGY.
IM No. 01-059

3. Ordinance Serial No. 01-057: AN ORDINANCE APPROPRIATING \$70,000 FROM THE 2001 SERIES B, GENERAL OBLIGATION PARKS, RECREATION, AND TRAILS BOND TO FUND 440, PARKS, RECREATION, AND TRAILS PROJECT, PROJECT 15015, FOR THE HOUSING AND TRANSPORTATION OF AMERICORP PERSONNEL, AND NECESSARY EQUIPMENT AND SUPPLIES FOR CONSTRUCTION OF VARIOUS TRAILS AND RECREATIONAL PROJECTS WITHIN THE MATANUSKA-SUSITNA BOROUGH.

a. Resolution Serial No. 01-033: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE HOUSING AND TRANSPORTATION OF PERSONNEL FROM AMERICORP, AND FOR NECESSARY EQUIPMENT AND SUPPLIES NEEDED FOR THE CONSTRUCTION OF VARIOUS TRAILS AND RECREATIONAL PROJECTS WITHIN THE MATANUSKA-SUSITNA BOROUGH. IM No. 01-085

4. Ordinance Serial No. 01-058: AN ORDINANCE ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF \$1,860 FROM THE STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES, OFFICE OF HISTORY AND ARCHAEOLOGY, TO THE NON-LAPSING/NON-CAPITAL, FUND 480, TO FUND TRAVEL AND LODGING FOR A CERTIFIED LOCAL GOVERNMENT, HISTORIC PRESERVATION WORKSHOP IN ANCHORAGE.

a. Resolution Serial No. 01-034: A RESOLUTION APPROVING THE BUDGET OF \$1,860 AND SCOPE OF WORK FOR REIMBURSEMENT OF TRAVEL AND LODGING TO THE CERTIFIED LOCAL GOVERNMENT, HISTORIC PRESERVATION COMMISSION FOR THE CERTIFIED LOCAL GOVERNMENT WORKSHOP IN ANCHORAGE. IM No. 01-092

5. Ordinance Serial No. 01-059 : AN ORDINANCE AUTHORIZING THE FAIR MARKET VALUE SALE OF BOROUGH-OWNED REAL PROPERTY WITHIN SECTIONS 1, 2, 3, 4, AND 5, T28N, R5W, SEWARD MERIDIAN, ALASKA, LOCATED EAST OF THE CHULITNA RIVER AND WEST OF THE SUSITNA RIVER, TO THE WESTERN ALASKA COUNCIL BOY SCOUTS OF AMERICA. (MSB003164) IM No. 01-093

6. Ordinance Serial No. 01-060: AN ORDINANCE AUTHORIZING THE MANAGER TO EXECUTE A TRANSFER OF RESPONSIBILITIES AGREEMENT WITH THE CITY OF HOUSTON AND ACCEPTING AND APPROPRIATING \$25,398 FROM THE CITY OF HOUSTON FOR PAVING WASEY WAY ROAD TO FUND 410, ROAD SERVICE AREA CAPITAL PROJECT NO. 35213.

a. Resolution Serial No. 01-035: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE WASEY WAY ROAD PAVING PROJECT. IM No. 01-095

7. Ordinance Serial No. 01-061: AN ORDINANCE APPROVING THE CONVEYANCE OF U.S. SURVEY 3077A TO THE STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES AS PART OF THE OLD GLENN HIGHWAY RIGHT-OF-WAY, GOAT CREEK AREA. IM No. 01-096

8. Ordinance Serial No. 01-062: AN ORDINANCE APPROVING THE SUPPLEMENTAL APPROPRIATION OF \$350,000 FROM LAND MANAGEMENT FUND BALANCE, FUND 203, TO FUND 435, BOROUGH FACILITIES

CAPITAL PROJECTS, PROJECT NO. 10141, FOR THE PURCHASE OF LAND AND MAINTENANCE FACILITY.

a. Resolution Serial No. 01-036: A RESOLUTION APPROVING THE REVISED SCOPE OF WORK AND BUDGET FOR THE PURCHASE OF LAND AND MAINTENANCE FACILITY. IM No. 01-097

9. Ordinance Serial No. 01-063: AN ORDINANCE AMENDING MSB 16.20.050(A), REDUCTION OR WAIVER OF ROAD CONSTRUCTION. IM No. 01-098

10. Ordinance Serial No. 01-064: AN ORDINANCE AUTHORIZING THE MANAGER TO EXECUTE A TRANSFER OF RESPONSIBILITIES AGREEMENT WITH THE UPPER SUSITNA SENIORS, INC. AND ACCEPTING AND APPROPRIATING \$278,000 FROM THE UPPER SUSITNA SENIORS, INC. FOR CONSTRUCTION OF THE UPPER SUSITNA SENIOR CENTER, FUND NO. 480, PROJECT 45042.

a. Resolution Serial No. 01-039: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET OF \$278,000 FOR THE UPPER SUSITNA SENIOR CENTER.
IM No. 01-099

Ms. Dillon read the above legislation into the record.

MOTION: Assemblymember Simpson moved for introduction of the legislation as read into the record by the clerk and set the public hearings on May 1, 2001.

GENERAL CONSENT: The motion passed without objection.

B. INTRODUCTION (Suggested public hearing - 05/15/01)

1. Ordinance Serial No. 01-029: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE BLUFF VIEW ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 276 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.

a. Ordinance Serial No. 01-039: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$161,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE BLUFF VIEW ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 276, AND FIXING DETAILS OF SAID BONDS.
IM No. 01-071

2. Ordinance Serial No. 01-030: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE CAREFREE ACRES ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 293 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.

a. Ordinance Serial No. 01-040: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$57,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE CAREFREE ACRES ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 293, AND FIXING DETAILS OF SAID BONDS.
IM No. 01-072

3. Ordinance Serial No. 01-031: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE ZAKANDRA CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 296 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.

a. Ordinance Serial No. 01-041: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$16,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE ZAKANDRA CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 296, AND FIXING DETAILS OF SAID BONDS.
IM No. 01-073

4. Ordinance Serial No. 01-032: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE FINGER

LAKE SOUTH VIEW ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 299 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.

a. Ordinance Serial No. 01-042: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$39,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE FINGER LAKE SOUTH VIEW ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 299, AND FIXING DETAILS OF SAID BONDS. IM No. 01-074

5. Ordinance Serial No. 01-033: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE DONOVAN ESTATES ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 303 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.

a. Ordinance Serial No. 01-043: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$378,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENTS BONDS FOR THE DONOVAN ESTATES ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 303 AND FIXING DETAILS OF SAID BONDS.
IM No. 01-075

6. Ordinance Serial No. 01-034: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE COLONY EAST ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 305 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.

a. Ordinance Serial No. 01-044: AN ORDINANCE PROVIDING THE ISSUANCE AND SALE OF NOT TO EXCEED \$50,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR COLONY EAST ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 305 AND FIXING DETAILS OF SAID BONDS.
IM No. 01-076

7. Ordinance Serial No. 01-035: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE BROOKE HAVEN ESTATES ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 310 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.

a. Ordinance Serial No. 01-045: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$32,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE BROOKE HAVEN ESTATES ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 310, AND FIXING DETAILS OF SAID BONDS. IM No. 01-077

8. Ordinance Serial No. 01-036: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE HORSESHOE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 311 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.

a. Ordinance Serial No. 01-046: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$17,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE HORSESHOE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 311, AND FIXING DETAILS OF SAID BONDS.
IM No. 01-078

9. Ordinance Serial No. 01-037: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE ROAN DRIVE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 312 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.

a. Ordinance Serial No. 01-047: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$22,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE ROAN DRIVE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 312, AND FIXING DETAILS OF SAID BONDS.
IM No. 01-079

10. Ordinance Serial No. 01-038: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE

DECAMP CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 330 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.

a. Ordinance Serial No. 01-048: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$8,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE DECAMP CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 330 AND FIXING DETAILS OF SAID BONDS. IM No. 01-080

Ms. Dillon read the above legislation into the record.

MOTION: Assemblymember Simpson moved for introduction of the legislation as read into the record by the clerk and set the public hearings on May 15, 2001.

GENERAL CONSENT: The motion passed without objection.

C. CONSENT AGENDA

(AM Nos. 01-034, 038, 040, 041 and 042 were pulled from the consent agenda, see pages 10, 11, 16, and 17 for assembly action.)

1. RESOLUTIONS

a. Resolution Serial No. 01-037: A RESOLUTION ESTABLISHING THE MINIMUM LEVEL OF FUNDING FOR THE MATANUSKA-SUSITNA BOROUGH SCHOOL DISTRICT FOR THE FISCAL YEAR ENDING JUNE 30, 2002. IM No. 01-089

b. Resolution Serial No. 01-038: A RESOLUTION REVISING THE SCOPE OF WORK AND BUDGET FOR THE WASILLA-LAKES FIRE SERVICE AREA AS ADOPTED IN THE FISCAL YEAR 2000 BUDGET, CAPITAL PROJECTS, FUND 405, PROJECT NO. 45053, FOR THE AMOUNT OF \$3,889, TO PURCHASE PRO-PACK PORTABLE FOAM SYSTEMS, FOAM, AND RADIOS. IM No. 01-090

2. ACTION MEMORANDUMS

a. AM No. 01-030: VACATION OF UTILITY EASEMENT LOCATED ON THE SOUTH AND EAST BOUNDARIES OF LOTS 1, 2, AND 3, BLOCK 3, COUNTRY FIELD ESTATES II, SECTION 6, T17N, R01E, SEWARD MERIDIAN, AK, SOUTH LAKES COMMUNITY COUNCIL AREA.

c. AM No. 01-035: PURCHASE OF MEDICAL SUPPLIES FROM PROVIDENCE HEALTH SYSTEMS, ALASKA, FOR THE DEPARTMENT OF PUBLIC SAFETY.

d. AM No. 01-037: AWARD OF BID NO. 01-069, FURNISH EMERGENCY SERVICE EQUIPMENT ITEMS.

f. AM No. 01-039: AWARD PROPOSAL NO. 01-079, PURCHASE SELF-CONTAINED BREATHING APPARATUS.

Ms. Dillon read the above legislation into the record.

MOTION: Assemblymember Simpson moved to approve the consent agenda legislation as read into the record by the clerk.

GENERAL CONSENT: The motion passed without objection.

g. AM No. 01-040: AWARD OF BID NO. 01-071, ZONE VALVE REPLACEMENT FOR DOROTHY SWANDA JONES BOROUGH BUILDING.

MOTION: Assemblymember DeVilbiss moved for adoption of AM No. 01-040.

Mr. Swing gave a staff report regarding the need to replace all the zone valves throughout the older part of the building.

GENERAL CONSENT: The motion passed without objection.

h. AM No. 01-041: CHANGE ORDER TO CH2M HILL FOR ADDITIONAL ENGINEERING SERVICES FOR THE CENTRAL LANDFILL EXPANSION CELL 3 DESIGN PHASE I.

MOTION: Assemblymember DeVilbiss moved for adoption of AM No. 01-041.

MR. Swing gave a staff report regarding the process of closing cell 2 while opening cell 3 and the projected expenses involved.

GENERAL CONSENT: The motion passed without objection.

i. AM No. 01-042: APPROVAL OF CHANGE ORDER NO. 15 FOR TEELAND MIDDLE SCHOOL CONSTRUCTION CONTRACT.

CONFLICT OF INTEREST: Assemblymember Colver declared a possible conflict of interest and requested a ruling from the chair. He stated that he has no direct interest in the change order but he is a subcontractor for the Teeland Middle School construction contract.

RULING: Mayor Anderson ruled that Assemblymember Colver had a conflict of interest and would be recused from voting on the issue. (Assemblymember Colver left the room.)

MOTION: Assemblymember DeVilbiss moved for adoption of AM No. 01-042.

Mr. Swing:

- stated that the change order is a result of lack of coordination between the structural engineer and architect;
- remarked that the project remains under budget including this change order request; and
- reported that the Teeland Middle School construction is 85 percent complete.

GENERAL CONSENT: The motion passed without objection.

The assembly meeting recessed at 6:53 p.m. and reconvened at 7:10 p.m.

VII. SPECIAL ORDERS (to begin at 7 p.m.)

A. PERSONS TO BE HEARD (Three minutes per person.)

(There were no persons to be heard.)

B. PUBLIC HEARINGS (Three minutes per person.)

1. Ordinance Serial No. 01-049: AN ORDINANCE AMENDING MSB 23.10.230, AGREEMENTS BY APPLICATION, REPLACING THE LAND MANAGEMENT DIVISION POLICY AND PROCEDURE MANUAL POLICY ENTITLED "REAL PROPERTY DISPOSALS: SALES AND LEASES BY APPLICATION," AND REPEALING POLICY ENTITLED "TIME LIMITS FOR FILING COMPETING APPLICATIONS AND WHO CAN PARTICIPATE IN A COMPETITIVE SALE." (Sponsor: Assemblymember Colver) IM No. 01-008

Ms. Parson:

- explained that the proposed amendment encourages more competitive sales;
- stated that the proposed legislation more specifically defines when an application is appropriate, non-profits, and less

than fair market values;

- addressed the additional justification required to process an application in the best interest of the borough;
- noted that a property disposal is not a competitive process when a sale or lease is by application and is presented to the assembly for approval; and
- commented that the proposed legislative changes will affect any land sale application that has not already received assembly approval.

Mr. Duffy:

- reported that the effect of the proposed application process allows more property to be moved.

Mayor Anderson opened the public hearing.

Mr. Darcie Salmon:

- spoke in opposition to the ordinance as written; and
- supported review of the proposed legislation by the planning commission prior to assembly approval.

There being no others who wished to be heard, the public hearing was closed and discussion moved to the assembly.

MOTION: Assemblymember Colver moved for adoption of Ordinance Serial No. 01-049.

MOTION: Assemblymember Colver moved to postpone Ordinance Serial No. 01-049 to June 5, 2001, and to reopen the public hearing on June 5, 2001.

MOTION: Assemblymember DeVilbiss moved a primary amendment to insert the phrase “and to allow review by the planning commission.”

Discussion continued regarding referring the ordinance to the planning commission for review.

GENERAL CONSENT: The primary amendment, to refer to the planning commission, passed without objection.

GENERAL CONSENT: The motion, to postpone to June 5, 2001, to allow planning commission review, and to reopen the public hearing on June 5, 2001, passed without objection.

2. Ordinance Serial No. 01-050: AN ORDINANCE REQUESTING A SUPPLEMENTAL APPROPRIATION OF \$25,000 FROM THE WILLOW FIRE SERVICE AREA FUND BALANCE, FUND 258, TO THE WILLOW FIRE SERVICE AREA OPERATING BUDGET, FUND 258, TO UPGRADE, REFURBISH, AND REPLACE EQUIPMENT AND SUPPLIES. IM No. 01-060

Mayor Anderson opened the public hearing. There being no one who wished to be heard, the public hearing was closed and discussion moved to the assembly.

MOTION: Assemblymember Lankford Ladere moved for adoption of Ordinance Serial No. 01-050.

GENERAL CONSENT: The motion passed without objection.

3. Ordinance Serial No. 01-051: AN ORDINANCE AMENDING MSB 17.75.035(A), DESIGNATED SINGLE-FAMILY RESIDENTIAL LAND USE DISTRICTS, ADDING A NEW DISTRICT KNOWN AS WILDERNESS EAST, WHICH INCLUDES PORTIONS OF WILDERNESS EAST SUBDIVISION. IM No. 01-061

Ms. Garley:

- spoke to the application and process to include Wilderness East Subdivision as a single-family residential land use district.

Mayor Anderson opened the public hearing.

The following spoke in support of the ordinance as written: Ms. Kathy Wells.

The following spoke in opposition to the ordinance as written: Mr. Darcie Salmon.

There being no others who wished to be heard, the public hearing was closed and discussion moved to the assembly.

MOTION: Assemblymember Colberg moved for adoption of Ordinance Serial No. 01-051.

GENERAL CONSENT: The motion passed without objection.

4. Ordinance Serial No. 01-052: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$15,000 FROM THE LAND MANAGEMENT FUND BALANCE, FUND 203, AND A REAPPROPRIATION OF \$15,000 FROM THE LANDFILL FY01 OPERATING BUDGET, FUND 200, TO FUND 420, LANDFILL CAPITAL PROJECTS, PROJECT NO. 25031, FOR DESIGN SERVICES FOR 49TH STATE STREET.

a. IM No. 01-064

b. AM No. 01-033: APPROVAL OF AWARD FOR PROPOSAL NO. 01-066, 49TH STATE STREET DESIGN

Mayor Anderson opened the public hearing. There being no one who wished to be heard, the public hearing was closed and discussion moved to the assembly.

MOTION: Assemblymember Jansen moved for adoption of Ordinance Serial No. 01-052.

Ms. Clayton reported that the land management fund balance prior to this appropriation is \$4.3 million which includes \$2,000,015 designated as the permanent fund.

GENERAL CONSENT: The motion passed without objection.

5. Ordinance Serial No. 01-053: AN ORDINANCE AMENDING MSB 15.39.040 (D): COMPOSITION; APPOINTMENT; QUALIFICATIONS, FOR THE BOARD OF ADJUSTMENT AND APPEALS. IM No. 01-066

Ms. Dillon stated that this legislation was requested by the Board of Adjustment and Appeals to address the need for additional alternate members.

Mayor Anderson opened the public hearing. There being no one who wished to be heard, the public hearing was closed and discussion moved to the assembly.

MOTION: Assemblymember Jansen moved for adoption of Ordinance Serial No. 01-053.

Discussion ensued regarding recusal of a board member.

Mr. Gatti stated that the borough code provides that a member of a board or commission may not represent a party at that board or commission.

GENERAL CONSENT: The motion passed without objection.

6. Ordinance Serial No. 01-054: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$50,000 GRANT FROM THE UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE FOR A WILLOW CREEK STREAMBANK RESTORATION PROJECT.

a. Resolution Serial No. 01-023: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR A STREAMBANK RESTORATION PROJECT. IM No. 01-082

Ms. Jeanne Summers, U. S. Department of Interior, Fish and Wildlife Services:

- requested assistance with the habitat restoration and recreational enhancement projects for the mouth of Willow

Creek; and

- asked permission to collect spruce and willow on Mat-Su borough land for this project.

Mayor Anderson opened the public hearing.

Mr. Jim Norcross:

- spoke in support of the ordinance; and
- requested that future legislation of this nature be required to submit location maps.

There being no others who wished to be heard, the public hearing was closed and discussion moved to the assembly.

MOTION: Assemblymember Lankford Ladere moved for adoption of Ordinance Serial No. 01-054 and Resolution Serial No. 01-023.

MOTION: Assemblymember Lankford Ladere, based on staff recommendation that the resolution would not include matching in-kind services, moved a primary amendment to Resolution Serial No. 01-023 to:

- strike budget construction amount of \$122,655 and insert \$45,800;
- strike the total budget amount and insert \$50,000;
- strike the funding in-kind matching labor amount of \$2,280;
- strike the finding in-kind supplies/equipment amount of \$54,575;
- strike the Alaska Fish and Game Grant amount of \$20,000; and
- strike the funding total amount of \$126,855 and insert \$50,000.

GENERAL CONSENT: The primary amendment passed without objection.

GENERAL CONSENT: The main motion, as amended, passed without objection.

7. Ordinance Serial No. 01-055: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$15,000 GRANT FROM THE STATE OF ALASKA, DEPARTMENT OF FISH AND GAME, FOR A WILLOW CREEK STREAMBANK RESTORATION PROJECT.

a. Resolution Serial No. 01-024: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR A STREAMBANK RESTORATION PROJECT. IM No. 01-083

Ms. Mulberg, State of Alaska, Department of Fish and Game:

- stated that the purpose for this ordinance is to provide additional funds for the federal restoration project.;
- commented that the department of fish and game will continue to work in partnership with the borough on habitat restoration; and
- remarked that the state will establish a ten-year agreement to provide regular maintenance of this project.

Mayor Anderson opened the public hearing. There being no one who wished to be heard, the public hearing was closed and discussion moved to the assembly.

MOTION: Assemblymember Lankford Ladere moved for adoption of Ordinance Serial No. 01-055 and Resolution Serial No. 01-024.

Mr. Duffy:

- remarked that the borough may assume some liability for repair of the maintenance project for any flood damage;
- stated that construction will follow borough hazard regulations; and
- noted that the borough is not obligated for any financial responsibilities relating to this cooperative restoration project.

GENERAL CONSENT: The motion passed without objection.

The assembly meeting recessed 8:23 p.m. and reconvened at 8:32 p.m.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following people spoke in support of AM 01-034: VACATION OF PORTION F PUBLIC USE EASEMENT LOCATED ON THE SOUTH BOUNDARY OF TAX PARCEL A-8, SECTION 32, T24N, R04W, SEWARD MERIDIAN, AK, LOCATED WITHIN THE "Y" COMMUNITY COUNCIL AREA: Mr. Paul Campbell, Ms. Lois Young, Ms. Eleanor Ebling, Mr. Clarence Wells, Ms. Marjorie Thompson, Ms. Pauline Floyd, Ms. Jean Peterson, Mr. William Floyd, Mr. Herman Thompson, Ms. Mae Tischer, Ms. Janet Kincaid, Mr. Larry Cline, and Ms. Linda Cline.

Mr. Glenn Runyon spoke in support of AM 01-034 and referred to a letter dated April 16, 2001, to Mr. William Tull from Platting Officer Paul Hulert regarding the vacation of a portion of Helena Drive (PWZ-802).

The following spoke in opposition of AM No. 01-034: Ms. Carla Fasio and Mr. James Green.

The following requested that the borough reinstate Mr. Tom Hood as the Meadow Lakes Fire Chief: Ms. Donna Hood, Mr. Gilbert Tipton, Mr. Dave Norman, and Mr. Steve Tolley.

The following spoke in support of AM No. 01-038: APPROVAL OF MATANUSKA-SUSITNA CONVENTION AND VISITORS BUREAU GRANT AGREEMENT: Ms. Janet Kincaid, Mr. Steve Mahay, Ms. Donna Massey, Ms. Stephanie Gorder, Ms. Dee Dee Kay, and Ms. Diane Rose.

B. CONSENT AGENDA (continued from page 11)

b. AM No. 01-034: VACATION OF PORTION F PUBLIC USE EASEMENT LOCATED ON THE SOUTH BOUNDARY OF TAX PARCEL A-8, SECTION 32, T24N, R04W, SEWARD MERIDIAN, AK, LOCATED WITHIN THE "Y" COMMUNITY COUNCIL AREA.

MOTION: Assemblymember DeVilbiss moved for adoption of AM No. 01-034.

Mr. Hulbert addressed the following:

- the application to vacate the north 10 feet of the 60-foot public easement on the south side of tax parcel A-8, Section 32, T24N, R4W, Seward Meridian, Alaska;
- that staff will not prohibit any future subdivision due to a 50-foot right-of-way across tax parcel A-8, Section 32, T24, R4W, Seward Meridian, Alaska;
- the large area for future development with assurances that a 50-foot right-of-way will be approved; and
- a 50-foot utilities easement exists to the south of the road right-of-way.

Mr. Gatti:

- questioned when the 60-foot right-of-way would be required for future subdivisions; and
- asked that based on the present criteria, who would need a variance to subdivide their properties.

Mr. Hulbert:

- replied that the current code requires a 60-foot right-of-way for any future subdivisions of more than approximately 32 lots;
- stated that the platting officer would support a waiver of any variance based on the statement of Jim Swing, Public Works Director, regarding 50-foot right-of-way with a 10-foot snow storage and drainage easement to be equivalent to a required 60-foot right-of-way for subcollector streets.

Discussion continued on the borough code requirements concerning rights-of-way.

Mr. Gatti:

- cited MSB 16.15.035 stating that the borough shall not ordinarily approve vacations of public interest in land where objections are made by persons with an interest in land adjacent to or affected by the vacation or by any government agency which has a responsibility to the public which may be affected by the vacation. If the assembly finds an

objection to be valid, the vacation will be vetoed unless the objection is first satisfactorily resolved; and
• suggested the assembly look to how the objections filed may satisfactorily be resolved.

Assemblymember DeVilbiss noted that there are two other 100-foot legal rights-of-way.

MOTION: Assemblymember Colberg called for the question.

VOTE: The motion, to stop debate, failed with Assemblymembers Lankford Ladere, Colver, and Kelly opposed.

Discussion continued regarding the request for the vacation and how it affects the surrounding land.

VOTE: The main motion passed with Assemblymembers Colver and Kelly opposed.

MOTION: Assemblymember DeVilbiss moved for immediate reconsideration.

VOTE: The vote, to reconsider, failed with Assemblymember Kelly in support.

The assembly meeting recessed at 10:20 p.m. and reconvened at 10:28 p.m.

e. AM No. 01-038: APPROVAL OF MATANUSKA-SUSITNA CONVENTION AND VISITORS BUREAU GRANT AGREEMENT.

MOTION: Assemblymember DeVilbiss moved for adoption of AM No. 01-038.

CONFLICT OF INTEREST: Assemblymember DeVilbiss declared a potential conflict of interest and requested a ruling from the chair upon disclosure of tours being arranged for Wolverine Farms.

RULING: Mayor Anderson ruled that Assemblymember DeVilbiss does not have a substantial interest in the Matanuska-Susitna Convention and Visitors Bureau Grant Agreement.

Discussion followed concerning the formula for bed tax funds collected and the infrastructure created with bed tax funds.

VOTE: The motion passed with Assemblymembers Lankford Ladere and Kelly opposed.

D. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Anderson made the following recommendations:

Greater Willow RSA No. 20
Darryl Kowalski

Mayor Anderson requested the following confirmations:

Equalization Board
Patricia Check
Joe Tharp
Glenn Highway Scenic Byway Partnership Board
Julie Saupe, MSCVB
Judy Nix, King Mountain Lodge
Tim Horton, Long Rifle Lodge
Arnie Hrnecir, Hicks Creek Lodge
Corri Feige, Chickaloon Community Council
Rich Bagley, Matanuska-Susitna Borough Staff

Patty Hurt, Transportation Advisory Board
Patricia Wade, Chickaloon Village
Dan Dryden, Sutton Community Council
Greater Talkeetna RSA No. 29
James F. Okonek

Mayor Anderson requested that the assembly accept the following resignations:

Historical Preservation Commission
Henrietta Nugen
Platting Board
Helen Kaye

MOTION: Assemblymember Simpson moved to confirm the mayor's appointments up for confirmation this evening and to accept the resignations of Ms. Nugen and Ms. Kaye.

The mayor spoke to Ms. Kaye's resignation.

GENERAL CONSENT: The motion passed without objection.

E. OTHER NEW BUSINESS

X. RECONSIDERATION

(There was no reconsideration pending.)

XI. VETO

(There was no veto pending.)

XII. EXECUTIVE SESSION

There was no executive session.

XIII. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Colver:

- remarked that a structure built in compliance with setback requirements along a water front may not remain in compliance if nature removes a portion of the shoreline;
- requested the manager pursue a co-management agreement with the schools for recreation areas; and
- suggested Title 16 revisions to include time frames for parties to return to the platting board with the same issue after being rejected.

Assemblymember Kelly:

- spoke to the boy scout's land request.

MOTION: Assemblymember Simpson moved to extend the regular meeting past 11 p.m.

GENERAL CONSENT: The motion passed without objection.

Assemblymember Kelly:

- commented that Representative Ogan expressed full confidence in existing assembly members; and
- requested management pursue methods to develop a learning center in the borough similar to the Challenge Learning Center in Soldotna which may then become a new revenue source from the creation of jobs and tours.

Assemblymember Lankford Ladere:

- spoke to a letter to Mr. James Okonek from Mr. Ron Swanson regarding a request to provide funding to purchase a park in Talkeetna.

MOTION: Assemblymember Lankford Ladere moved to appropriate \$20,000 from land management funds to purchase land for a park in Talkeetna.

Discussion followed regarding lack of prior information and no public notice of the request.

WITHDRAW THE MOTION: Assemblymember Lankford Ladere requested to withdraw the motion. There was no objection.

Assemblymember Lankford Ladere:

- requested administration draft an ordinance regarding the purchase of a lot in Talkeetna for a public park;
- shared that Talkeetna Community Council has adopted an objection to the disposal of five- acre parcels on state land and suggested that the state combine five area parcels into ten acre parcels where ever possible;
- commended Mr. Swanson for providing oil and gas public hearing information to borough communities impacted; and
- asked that administration provide a comfortable work station to the person taking minutes during assembly meetings.

MOTION: Assemblymember DeVilbiss moved to reconsider AM 01-038: APPROVAL OF MATANUSKA-SUSITNA CONVENTION AND VISITORS BUREAU GRANT AGREEMENT.

VOTE: The motion, to reconsider, failed with Assemblymember Lankford Ladere in support.

Assemblymember DeVilbiss:

- stated that he will contact Mr. Briggs to advise him of his correct voting precinct which will be supported by a letter from the borough clerk to the Division of Elections;
- shared that the Butte Community Council will sponsor a local clean-up day on May 19, 2001;
- requested that the Butte Community Council be allowed to dump, free of charge, a portion of the trash collected prior to their scheduled free dump day in June.

Mr. Duffy responded that the administration is looking into the matter.

Assemblymember DeVilbiss:

- requested that the assembly oppose a redistricting plan presented by Alaskans for Fair Redistricting;
- stated that the right-to-farm bill is proceeding;
- requested that administration work on the drainage issue on Collier Road and develop a proposal to satisfy all neighbors;
- remarked that he does not want the borough to compete with a private party in the Hatcher Pass development;
- expressed displeasure with the library Internet policy adopted.

Mr. Duffy stated that Mr. Romack does not believe there is any private interest in development of the Hatcher Pass area.

Assemblymember Simpson:

- expressed pleasure in seeing that the submittal process for the capital municipal matching grant time frame was adjusted.;
- appreciated the information regarding the library filtering process;
- spoke to the lack of information contained in the borough federal lobbyist report; and
- anticipated the meeting with the Cornell Group concerning the strategic plans for the port development.

Mayor Anderson:

- emphasized that the \$20,000 request for funds to support a park in Talkeetna was only a portion of the asking price;
- attended the Talkeetna Chamber of Commerce meeting;
- attended the MSCVB luncheon;

- commented on the positive attitude observed at the Meadow Lakes Community Council and the steps they have taken to begin a community comprehensive plan;
- expressed pleasure of participation in career day at the Palmer Middle School;
- announced his intention to campaign for support of community clean-up days; and
- invited everyone to participate in their local community clean-up days.

XIV. ADJOURNMENT

The regular meeting was adjourned at 11:36 p.m.

TIMOTHY L. ANDERSON, Borough Mayor
ATTEST:

SANDRA A. DILLON, Borough Clerk

Minutes approved: May 1, 2001