

MATANUSKA-SUSITNA BOROUGH - REGULAR MEETING

ASSEMBLY - JULY 17, 2001

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on July 17, 2001, at the Matanuska-Susitna Borough Assembly Chambers, Palmer, Alaska. The meeting was called to order at 6:05 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)
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

Assembly member absent and excused:

Mr. Talis J. Colberg, Assembly District No. 3

Staff in attendance were:

Ms. Sandra Dillon, Borough Clerk
Mr. John Duffy, Borough Manager
Mr. John Aschenbrenner, Deputy 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

III. APPROVAL OF AGENDA

There was no objection to the agenda as presented.

IV. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Bonnie Quill, a member of the audience.

V. MINUTES OF PRECEDING MEETINGS

A. Special Assembly Meeting: June 12, 2001

The mayor referenced the June 12, 2001, special minutes and asked for any corrections.

Assemblymember Lankford Ladere noted that the call to order time was incorrect. *[After clerk's research, the minutes were corrected to read " The special meeting was called to order at 4 p.m. by Mayor Timothy L. Anderson."]*

B. Special Joint Assembly/School Board Meeting: June 12, 2001

The mayor referenced the June 12, 2001, special joint assembly/school board minutes and asked for any corrections. There were no corrections noted.

C. Regular Assembly Meeting: June 19, 2001

The mayor referenced June 19, 2001, minutes and asked for any corrections.

Assemblymember Colver requested clarification to his comment on page 8. *[After clerk's research, his comment was expanded to read "Assemblymember Colver questioned the borough powers and the ability to provide services for a state and federal highway."]*

Assemblymember DeVilbiss questioned the title of a borough board listed on page 9. *[After clerk's research, the minutes were corrected to read "Planning Commission."]*

Assemblymember DeVilbiss requested clarification of Ken Slauson's comments on page 15. *[After clerk's research, the comments were corrected to read "Ken Slauson spoke in favor of Ordinance Serial No. 01-083 and recommended that the local improvement district process be limited to public projects only."]*

D. Special Joint Assembly/Planning Commission Meeting: June 26, 2001

The mayor referenced the June 26, 2001, special joint assembly/planning commission minutes and asked for any corrections.

Assemblymember Lankford Ladere asked that her comment requesting that the planning commission attend the joint Mat-Su/Anchorage assembly meetings be included on page 4. *[After clerk's research, the following comment was added to read "requested that the planning commission be invited to attend the joint Mat-Su/Anchorage assembly meetings."]*

E. Special Assembly Meeting: June 28, 2001

The mayor referenced the June 28, 2001, special assembly meeting and asked for corrections.

Ms. Dillon stated that there was an omission of a motion at the top of page 3. *[After clerk's research, the following motion and action was added:*

MOTION: Assemblymember DeVilbiss moved a primary amendment to strike all reference to an 11 mill cap on the property tax.]

Discussion followed concerning the clarity of the ballot language.

GENERAL CONSENT: The primary amendment passed without objection.

Assemblymember Lankford Ladere requested clarification of her comments on page 6 concerning the Petersville area and road upgrades. *[After clerk's research, her comments were expanded to read "noted that she is working with the manager to developed an economic development plan in the Petersville area;" and "reported that a commercial enterprise is activating a state permit of RS 2477 for road upgrades;"]*

Assemblymember DeVilbiss requested that Assemblymember Kelly's comments on page 6 reflect his objection to the mill cap. *[After clerk's research, Assemblymember Kelly's comments were expanded to include "voiced his objection to deleting the mill cap from the sales tax ordinance."]*

Assemblymember Colver requested that an addition be made to page 5 to include Mr. Borglum's comments concerning the intent of the \$500 limit. *[After clerk's research, the following comments were added:*

Mr. Borglum:

- stated that businesses will be taxed in the course of doing business; and*

- explained that the borough would collect tax on the gross receipts while allowing the business to determine how to collect the taxes.]

Assemblymember Colver noted that a word was omitted from the title in his comments on page 6. [After clerk's research, the comment was corrected to read "noted that he attended the dedication of the Matanuska Glacier Wayside and encouraged the borough to support similar tourism projects.]

F. Special Assembly Meeting: July 10, 2001

The mayor referenced the minutes of July 10, 2001, special meeting and asked for any corrections.

Ms. Dillon noted that the vote on the top of page 4 listed assemblymembers voting in support of a failed motion. [After clerk's research, the vote was corrected to read

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

GENERAL CONSENT: The minutes of the special meeting of June 12, 2001, special joint assembly/school board meeting of June 12, 2001, regular meeting of June 19, 2001, special joint assembly/planning commission meeting of June 26, 2001, special meeting of June 28, 2001, and special meeting of July 10, 2001, were approved without objection pending the clerk's research.

VI. SPECIAL ORDERS OF THE DAY

A. Proclamation of appreciation to Betty Vehrs for her work with animal care and regulation.

Mayor Anderson read the proclamation of appreciation to Betty Vehrs who accepted it and thanked the assembly for the recognition.

VII. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Palmer Mayor Guinotte:

- reported on the Palmer paving projects;
- noted that the Palmer Lions Club has donated funds to the borough animal care and regulation program;
- requested that local municipalities support action to move the legislature to the borough; and
- spoke to state road paving projects.

Wasilla Council Member O'Neil:

- spoke to the Wasilla council resolution to file a challenge to the state redistricting plan;
- commented that the proposed sports complex will not be on the ballot for October 2, 2001;
- listed several public works projects in progress; and
- noted that the city has received a grant for the design reroute of railroad tracks.

2. Matanuska-Susitna Borough School District

Superintendent Chesbro:

- remarked that the majority of current summer school programs are federally funded; and
- stated that pretesting and post-testing were completed for the "Math Matters" summer program.

3. Mat-Su Convention and Visitors Bureau: Status report by Julie Saupe and Steve Mahay

Ms. Saupe:

- thanked the assembly for passing the recent grant agreement;
- invited the assembly to use the convention and visitors bureau as a resource;
- stated that the visitors bureau is in the process of developing a Mat-Su Valley brand;
- described a new goal of the bureau to increase local awareness of tourism attractions and activities available within the borough;
- spoke to the publication and distribution of the Mat-Su Valley Compass;
- mentioned that the contract for designing the 2002 Explorers Guide was awarded locally;
- announced that an intern was hired who will identify a special event to stage locally and annually; and
- advised that visitation statistics have increased.

(Mr. Mahay was unable to attend and participate.)

B. Committee REPORTS

1. Joint Assembly/School Board Committee on School Issues

(There was no report given.)

Matanuska-Susitna Borough/Anchorage Municipality Intergovernmental Liaison Committee

Assemblymember Jansen:

- reported that the topic of the first meeting centered on the Knik Arm crossing;
- cited the 1993 Knik Arm crossing report as a three-prong approach covering (1) Anchorage side approach, (2) the bridge, and (3) road to Houston;
- advised that the liaison Committee has requested an update to the executive study to include listed expenditures in present dollar amounts; and
- reaffirmed that the future of the municipalities of Anchorage and Matanuska-Susitna Borough are tied together.

C. MANAGER COMMENTS

Mr. Duffy:

- announced that the state Department of Transportation has approved the borough's scope of work for \$2.7 million in grant funds for port projects;
- stated that the Corps of Engineers' preliminary written report and analysis of the port is due the week of July 16;
- congratulated Ms. Clayton and the finance department for receiving the Government Finance Officer's Association certificate of achievement;
- commented that the borough is participating in the Top of the World Logistics Summit 2001 to market the borough and the port; and
- introduced David Germer as the new Assistant Manager.

D. ATTORNEY COMMENTS

(There were no attorney comments.)

E. CLERK COMMENTS

Ms. Dillon:

- noted that the special assembly meeting for July 24, 2001, is scheduled at the Cottonwood Public Safety building;
- shared that the joint work session with Anchorage is scheduled for August 16, 2001, at Mirror Lake School Library;
- remarked that the AML Board of Directors and Alaska Conference of Mayors meeting is scheduled for August 16 and 17, 2001, at Lake Lucille, Wasilla;
- spoke to the borough elections candidate filing period;
- stated that January 15, 2002, is tentatively scheduled for a special election concerning the borough reapportionment plan;
- addressed the tracking report and asked for comments; and
- thanked Jay Nolfi for sharing her framed collection of port dedication mementos and invited the audience to view them.

Assemblymember DeVilbiss asked that administration develop a conditional use ordinance concerning group housing.

Assemblymember Colver requested his name be added as co-sponsor to the group housing ordinance.

Assemblymember Simpson advised that she will be out of town from August 16 to 21, 2001.

F. CITIZEN AND OTHER CORRESPONDENCE

G. MSB Board/Committee Minutes:

- a. Agricultural and Forestry Advisory Board - 06/11/01
- b. Big Lake FSA Board of Supervisors - 03/12/01
- c. Greater Palmer Consolidated FSA Board of Supervisors - 06/11/01
- d. Greater Willow RSA Board of Supervisors - 03/22/01
- e. Local Road Service Area Advisory Board - 5/17/01
- f. Planning Commission - 06/04/01
- g. Platting Board - 06/07/01, 06/21/01
- h. Senior Citizens Advisory Board - 06/19/01
- i. Wasilla-Lakes FSA Board of Supervisors - 05/07/01, 05/30/01

2. Community Council Correspondence:

- a. Big Lake Community Council - 05/09/01
- b. Lazy Mountain Community Council - 11/09/00, 01/11/01, 03/08/01, 05/10/01, 07/06/01
- c. Meadow Lakes Community Council - 05/09/01
- d. Talkeetna Community Council - 06/04/01

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

The regular meeting recessed at 6:55 p.m. and reconvened at 7:10 p.m.

VIII. 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. 01-096: AN ORDINANCE APPROPRIATING \$400,000 OF INTEREST EARNINGS ON THE 1999 SERIES A, GENERAL OBLIGATION SCHOOL BONDS TO FUND 400,

SCHOOL CAPITAL PROJECTS, PROJECT NO. 40132 , A SHORTFALL IN THE ALTERNATIVE SCHOOL (BURCHELL) ADDITION/ALTERATION PROJECT.

a. IM No. 01-035

b. AM No. 01-100: APPROVING A CHANGE ORDER TO COLLINS CONSTRUCTION FOR \$339,250 TO AWARD BID ALTERNATE ITEMS 1, 2, 3, AND 5 AT THE BURCHELL HIGH SCHOOL ADDITION/ALTERATION PROJECT.

CONFLICT OF INTEREST: Assemblymember Colver requested a ruling from the chair concerning a possible conflict of interest stating that he is a subcontractor for Collins Construction.

RULING Mayor Anderson ruled that Assemblymember Colver had a conflict of interest and would be recused from voting on the issues. (Assemblymember Colver exited the assembly chambers.)

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. 01-096 and AM No. 01-100.

GENERAL CONSENT: The motion passed without objection. (Assemblymember Colver re-entered the assembly chambers.)

2. Ordinance Serial No. 01-095: AN ORDINANCE AMENDING MSB 15.24.030(B)(1), THE PUBLIC FACILITIES ELEMENT OF THE COMPREHENSIVE PLAN OF THE MATANUSKA-SUSITNA BOROUGH BY CHANGING THE LIBRARY ELEMENT OF THE PLAN. (Sponsor: Assemblymember Simpson)

a. IM No. 01-138

Mr. Duffy reported on the proposed amendments.

Mayor Anderson opened the public hearing.

The following spoke in favor of the ordinance as presented: Carolyn McRoberts, Verna Ewer, and Debbie Lorenz.

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

MOTION: Assemblymember Simpson moved for adoption of Ordinance Serial No. 01-095.

Assemblymember Jansen requested that the assembly explore library funding issues in the near future.

Assemblymember DeVilbiss voiced concerns regarding additional new library sites.

Discussion continued concerning library funding issues.

GENERAL CONSENT: The motion passed without objection.

3. Ordinance Serial No. 01-097: AN ORDINANCE AMENDING MSB 25.05.100(B) SIMPLE MAJORITY; PROHIBITION ON RUNOFF ELECTIONS, TO REQUIRE RUNOFF ELECTIONS FOR ASSEMBLY SEATS. (Sponsor: Assemblymember DeVilbiss)

a. IM No. 01-139

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 DeVilbiss moved for adoption of Ordinance Serial No. 01-097.

Discussion followed regarding the additional special election expense, campaign expenses, and confusion of a borough run-off election which may coincide with federal and state elections in November.

VOTE: The motion failed Assemblymember DeVilbiss in favor.

4. Ordinance Serial No. 01-098: AN ORDINANCE APPROPRIATING \$100,000 FROM THE 2001 SERIES B, GENERAL OBLIGATION PARKS, RECREATION, AND TRAILS BONDS TO FUND 440, PARKS, RECREATION, AND TRAILS PROJECTS, PROJECT 15016, FOR THE MATERIALS AND LABOR TO IMPROVE THE EXISTING TALKEETNA AND SUTTON OUTDOOR ICE RINKS.

a. Resolution Serial No. 01-051: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE MATERIALS AND LABOR TO IMPROVE THE TALKEETNA AND SUTTON OUTDOOR ICE RINKS AND AUTHORIZING THE BOROUGH MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE TALKEETNA YOUTH HOCKEY ASSOCIATION AND THE SUTTON PTA.

(1) IM No. 01-140

Mr. Duffy:

- recommended support of the ordinance and resolution;
- stated both facilities are well used and currently unsafe;
- commented that both facilities receive community support; and
- advised that both facilities were included on the bond ballot.

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. 01-098 and Resolution Serial No. 01-051.

Discussion followed regarding the volunteers engaged in the effort with government providing the resources.

GENERAL CONSENT: The motion passed without objection.

5. Ordinance Serial No. 01-099: AN ORDINANCE APPROVING AN APPROPRIATION OF \$230,000 FROM THE WASILLA-LAKES FIRE SERVICE AREA FUND BALANCE, FUND 250, TO THE FIRE SERVICE CAPITAL PROJECT FUND 405, PROJECT 45057, TO DESIGN AND CONSTRUCT A FIRE TRAINING TOWER FACILITY AT KNIK PUBLIC SAFETY BUILDING.

a. Resolution Serial No. 01-052: A RESOLUTION REVISING THE SCOPE OF WORK AND BUDGET AS ADOPTED IN THE FISCAL YEAR 2001 CAPITAL IMPROVEMENT BUDGET, IN THE AMOUNT OF \$320,000, AND APPROVING THE SCOPE OF WORK AND BUDGET FOR AN ADDITIONAL \$230,000 FROM THE WASILLA-LAKES FIRE SERVICE AREA FUND BALANCE, FOR PROJECT NO. 45057, TO DESIGN AND CONSTRUCT A TRAINING TOWER FACILITY.

(1) IM No. 01-141

(2) AM No. 01-088: AWARD OF PROPOSAL NO. 01-109, KNIK-GOOSE BAY ROAD FIRE TRAINING FACILITY DESIGN/BUILD.

CONFLICT OF INTEREST: Assemblymember Colver requested a ruling from the chair concerning a possible conflict of interest stating that the contractor for the project is a client of his.

RULING: Mayor Anderson ruled that Assemblymember Colver had a conflict of interest for Ordinance Serial No. 01-099, Resolution Serial No. 01-052, and AM No. 01-088 and would be recused from voting on the issues. (Assemblymember Colver exited the assembly chambers.)

Mr. Duffy:

- remarked that the closest training facility is in Anchorage; and
- commented that a local training facility will result in lower insurance ratings.

Mayor Anderson opened the public hearing.

The following spoke in favor of the ordinance as presented: Ken Slauson, Jim Gaiser, and Dan Tucker.

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

MOTION: Assemblymember Kelly moved for adoption of Ordinance Serial No. 01-099, Resolution serial No. 01-052, and AM No. 01-088.

GENERAL CONSENT: The motion passed without objection. (Assemblymember Colver re-entered the assembly chambers.)

6. Ordinance Serial No. 01-100: AN ORDINANCE APPROPRIATING \$985,000 FROM THE 2001 SERIES B, GENERAL OBLIGATION PARKS, RECREATION, AND TRAILS BONDS TO FUND 440, PARKS, RECREATION, AND TRAILS PROJECTS, PROJECT 20317, TO CONSTRUCT THE ALCANTRA SOCCER AND BASEBALL FIELD COMPLEX.

a. Resolution Serial No. 01-053: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALCANTRA SOCCER AND BASEBALL FIELD COMPLEX.

(1) IM No. 01-142

(2) AM No. 01-081: AWARD OF BID No. 01-125, ALCANTRA RECREATIONAL FACILITY.

CONFLICT OF INTEREST: Assemblymember Colver requested a ruling from the chair concerning a possible conflict of interest stating he is a subcontractor for a construction firm who will bid on this project.

RULING: Mayor Anderson ruled that Assemblymember Colver had a conflict of interest for Ordinance Serial No. 01-100, Resolution Serial No. 01-053, and AM No. 01-081 and would be recused from voting on the issues. (Assemblymember Colver exited the assembly chambers.)

Mr. Swanson stated the recreational area fields are projected for use next summer.

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. 01-100, Resolution Serial No. 01-053, and AM No. 01-081.

Discussion followed concerning the increased recreation expenses involved for a project that will not generate revenue.

GENERAL CONSENT: The motion passed without objection. (Assemblymember Colver reentered the assembly chambers.)

7. Ordinance Serial No. 01-101: AN ORDINANCE TO ACCEPT AND APPROPRIATE \$7,000 FROM SUMMIT ALASKA INC. TO THE CULTURAL RESOURCES FISCAL YEAR 2002 OPERATING BUDGET FOR THE PURPOSE OF HIRING A SITE SUPERVISOR AND AN ASSISTANT FOR THE KNIK TOWNSITE ARCHAEOLOGICAL EXCAVATIONS TAKING PLACE WITHIN SUMMIT ALASKA INC. PROPERTY DURING THE 2001 SUMMER FIELD SEASON.

a. IM No. 01-148

Mr. Duffy explained that the ordinance allows Summit Alaska, Inc. to mine the gravel while preserving the archaeological value.

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. 01-101.

Assemblymember Simpson voiced concerns regarding grave sites and RS 2477.

GENERAL CONSENT: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

Barbara Leiss:

- voiced support for introduction of a conditional use permit; and
- suggested limiting parameters of residential treatment centers.

James Gaiser:

- expressed support for conditional use permits;
- questioned the response time of law enforcement to the Lazy Mountain area; and
- recited concerns regarding the size of the proposed treatment center on Lazy Mountain.

Andrea Laughlin-Gaiser:

- objected to the proposed youth treatment center on Lazy Mountain;
- stated the area has inadequate public safety services; and
- suggested an alternative site in the vicinity of the Job Corps.

Jean Woods, Harry Aulman, Mike Kelly, Carolyn McRoberts, and Vern Luthman supported the Upper Susitna Shooters Association outdoor range proposal.

Ken Klunder, President of the Lazy Mountain Community Council, spoke in support of developing a conditional use permit.

Diane Keller:

- spoke to Wasilla city council's challenge to the state redistricting plan;
- requested that the borough be pro-active regarding the state redistricting plan;
- commented that the city of Wasilla has adopted a group home ordinance; and
- suggested that the MSCVB consider a summer solstice party as an annual event.

Bob Munson spoke in support of moving the legislature to the borough and answered questions from the assembly.

Taunine Boothby:

- thanked the assembly for supporting the fire training tower ordinance; and
- stated that it was difficult to understand the assembly's position on the state redistricting plan.

John Pinard, President of the Upper Susitna Shooters Association, spoke in support of the Upper Susitna Shooters Association.

Gerald Denison spoke in favor of the Upper Susitna Shooters Association request for land and stated there currently is no long-range shooting facility within Alaska.

Ken Slauson:

- thanked the assembly for supporting the fire training tower project; and
- spoke to the need for a challenge to the state redistricting plan.

Lucille Frye requested that the reapportionment board consist of seven members with one person from each district.

Gerald Vinduska supported conditional use permits

Leroy Nord expressed concerns regarding the proposed youth treatment facility

on Lazy Mountain.

Jay Nolfi:

- spoke to the redistricting plan proposed by the state; and
- requested that the borough reapportionment advisory board be a seven-member board with one member representing each district.

Lucille Frey stated that in 1981 a seven-member reapportionment board was appointed.

The regular meeting recessed at 9 p.m. and reconvened at 9:12 p.m.

G. INFORMATIONAL MEMORANDUMS

1. IM No. 01-121: HOMESTEAD AND HOMESITES.

Discussion ensued concerning the benefits of instigating homestead and homesite acts.

2. IM No. 01-164: MATANUSKA RIVER EROSION CONTROL STATUS.

Mr. Duffy explained the requirement of a mandatory status report when emergency spending occurs.

Assemblymember Lankford Ladere:

- requested administration not use abbreviations in reports that are unfamiliar to the public; and
- asked for the status of federal funding requests for borough erosion control projects.

The informational memorandums were presented and no other comments were given.

IX. UNFINISHED BUSINESS

A. Ordinance Serial No. 01-077(AM): AN ORDINANCE APPROVING THE SALE AT LESS THAN FAIR MARKET VALUE OF BOROUGH OWNED LAND DESCRIBED AS THAT PORTION OF THE S 1/2 N 1/2 LOCATED EAST OF THE PARKS HIGHWAY RIGHT-OF-WAY CENTERLINE, SECTION 20, T23N, R4W, SEWARD MERIDIAN, ALASKA, LOCATED IN THE GOOSE CREEK AREA, MSB003308.

1. IM No. 01-112 (Postponed from 06/19/01)

a. Resolution Serial No. 01-070: A RESOLUTION APPROVING THE BEST INTEREST FINDING AND DECISION FOR THE SALE OF THE S1/2 N1/2 EAST OF THE PARKS HIGHWAY RIGHT-OF-WAY CENTERLINE, SECTION 20, T23N, R4W, SEWARD MERIDIAN, ALASKA, LOCATED IN THE GOOSE CREEK AREA, MSB003308.

(1) IM No. 01-153

Ms. Dillon spoke to the status of the ordinance and the amendments adopted to date.

Mr. Duffy explained that administration incorporated the comments and suggestions made and recommended that the land be sold at less than fair market value.

Discussion followed regarding the conditions of the sale.

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

X. NEW BUSINESS

A. INTRODUCTION (Suggested public hearing - 08/07/01)

1. Ordinance Serial No. 01-106: AN ORDINANCE APPROVING THE CLASSIFICATION AND DEVELOPMENT OF BOROUGH-OWNED LANDS DESCRIBED AS THAT PORTION OF E 1/2 SW 1/4, T18N, R1E, SECTION 31, SEWARD MERIDIAN, ALASKA, NORTH OF THE BOGARD ROAD RIGHT-OF-WAY CENTERLINE AND THE N 1/2 GLO LOT 3, T18N, R1E, SECTION 31, SEWARD MERIDIAN, ALASKA, AS PUBLIC RECREATION LAND AND CLASSIFICATION, AND THE S 1/2 GLO LOT 3, T18N, R1E, SECTION 31, SEWARD MERIDIAN, ALASKA, NORTH OF THE BOGARD ROAD RIGHT-OF-WAY CENTERLINE AS RESERVED USE LAND, TO PROVIDE FOR THE SCHOOL DISTRICT'S CENTRAL MAINTENANCE FACILITY LOCATED IN THE WASILLA AREA, MSB002917.
a. IM No. 01-152

2. Ordinance Serial No. 01-107: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$5,000 VOLUNTEER FIRE ASSISTANCE GRANT RECEIVED FROM THE SOUTH-CENTRAL REGION OF THE STATE OF ALASKA DIVISION OF FORESTRY AND REQUESTING A SUPPLEMENTAL APPROPRIATION OF \$5,000 FROM THE BUTTE FIRE SERVICE AREA FUND BALANCE, FUND 251, TO FUND 405, PROJECT NO. 20144.

a. Resolution Serial No. 01-057: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE VOLUNTEER FIRE ASSISTANCE GRANT, FOR BUTTE FIRE SERVICE AREA, PROJECT NO. 20144, FUND 405.

(1) IM No. 01-156

3. Ordinance Serial No. 01-108: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$5,000 VOLUNTEER FIRE ASSISTANCE GRANT RECEIVED FROM THE SOUTH-CENTRAL REGION OF THE STATE OF ALASKA DIVISION OF FORESTRY AND REQUESTING A SUPPLEMENTAL APPROPRIATION OF \$5,000 FROM THE SUTTON FIRE SERVICE AREA FUND BALANCE, FUND 253, TO FUND 405, PROJECT NO. 20255.

a. Resolution Serial No. 01-058: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE VOLUNTEER FIRE ASSISTANCE GRANT, FOR SUTTON FIRE SERVICE AREA, PROJECT NO. 20255, FUND 405.

(1) IM No. 01-157

4. Ordinance Serial No. 01-109: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$5,000 VOLUNTEER FIRE ASSISTANCE GRANT RECEIVED FROM THE SOUTH-CENTRAL REGION OF THE STATE OF ALASKA DIVISION OF FORESTRY AND REQUESTING A SUPPLEMENTAL APPROPRIATION OF \$5,000 FROM THE TALKEETNA FIRE SERVICE AREA FUND BALANCE, FUND 254, TO FUND 405, PROJECT NO. 20145.

a. Resolution Serial No. 01-059: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE VOLUNTEER FIRE ASSISTANCE GRANT, FOR TALKEETNA FIRE SERVICE AREA, PROJECT NO. 20145, FUND 405.

(1) IM No. 01-158

5. Ordinance Serial No. 01-110: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$5,000 VOLUNTEER FIRE ASSISTANCE GRANT RECEIVED FROM THE SOUTH-CENTRAL REGION OF THE STATE OF ALASKA DIVISION OF FORESTRY AND REQUESTING A SUPPLEMENTAL APPROPRIATION OF \$5,000 FROM THE BIG LAKE FIRE SERVICE AREA FUND BALANCE, FUND 256, TO FUND 405, PROJECT NO. 20277.

a. Resolution Serial No. 01-060: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE VOLUNTEER FIRE ASSISTANCE GRANT FOR BIG LAKE FIRE SERVICE AREA, FUND 405, PROJECT 20277.

(1) IM No. 01-159

6. Ordinance Serial No. 01-111: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$5,000 VOLUNTEER FIRE ASSISTANCE GRANT RECEIVED FROM THE SOUTH-CENTRAL REGION OF THE STATE OF ALASKA DIVISION OF FORESTRY AND REQUESTING A SUPPLEMENTAL APPROPRIATION OF \$5,000 FROM THE MEADOW LAKES FIRE SERVICE AREA FUND BALANCE, FUND 257, TO FUND 405, PROJECT 20257.

a. Resolution Serial No. 01-061: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE VOLUNTEER FIRE ASSISTANCE GRANT FOR MEADOW LAKES FIRE SERVICE AREA, FUND 405, PROJECT NO. 20257.

(1) IM No. 01-160

7. Ordinance Serial No. 01-112: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$5,000 VOLUNTEER FIRE ASSISTANCE GRANT RECEIVED FROM THE SOUTH-CENTRAL REGION OF THE STATE OF ALASKA DIVISION OF FORESTRY AND REQUESTING A SUPPLEMENTAL APPROPRIATION OF \$5,000 FROM THE WILLOW FIRE SERVICE AREA FUND BALANCE, FUND

258, TO FUND 405, PROJECT NO. 20146.

a. Resolution Serial No. 01-062: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE VOLUNTEER FIRE ASSISTANCE GRANT FOR WILLOW FIRE SERVICE AREA, FUND 405, PROJECT NO. 20146.

(1) IM No. 01-161

8. Ordinance Serial No. 01-113: AN ORDINANCE APPROVING AN APPROPRIATION OF \$55,000 FROM THE PARKS, RECREATION, AND TRAILS 2001 SERIES B BOND TO FUND 440, CULTURAL AND RECREATION CAPITAL PROJECTS, PROJECT NO. 20193, MATANUSKA RIVER PARK, AND AN APPROPRIATION OF \$60,000 TO PROJECT NO. 15017, LAZY MOUNTAIN RECREATION AREA.

a. Resolution Serial No. 01-063: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE MATANUSKA RIVER PARK AND LAZY MOUNTAIN RECREATION AREA PAVING PROJECTS.

(1) IM No. 01-168

9. Ordinance Serial No. 01-114: AN ORDINANCE ACCEPTING AND APPROPRIATING \$4,500 FROM THE CITY OF WASILLA TO THE FISCAL YEAR 2002 AMBULANCE OPERATING BUDGET, FUND 100, FOR THE PURPOSE OF PLACING THREE EMERGENCY MEDICAL TECHNICIANS (EMT) ON CALL AT THE WASILLA AMBULANCE STATION.

a. IM No. 01-169

10. Ordinance Serial No. 01-115: AN ORDINANCE ADOPTING MSB 1.50.040(B), ACCESS TO PUBLIC RECORDS.

a. IM No. 01-170

11. Ordinance Serial No. 01-116: AN ORDINANCE REQUESTING A SUPPLEMENTAL APPROPRIATION OF \$35,000 FROM THE MEADOW LAKES FIRE SERVICE AREA FUND BALANCE, FUND 257, TO THE MEADOW LAKES FIRE SERVICE AREA OPERATING BUDGET, FUND 257, TO PURCHASE RESCUE AND FIRE EQUIPMENT.

a. IM No. 01-171

12. Ordinance Serial No. 01-117: AN ORDINANCE AMENDING MSB 3.08.235(C), AUTHORITY TO DEBAR OR SUSPEND; CAUSES.

a. IM No. 01-172

13. Ordinance Serial No. 01-118: AN ORDINANCE REPEALING MSB 17.60.135 AND ENACTING MSB 17.63 REGULATING RACE TRACKS IN THE CORE AREA.

a. IM No. 01-178 (Sponsors: Mayor Anderson and Assemblymember Colberg)

Ms. Dillon read the above legislation into the record.

MOTION: Assemblymember Jansen moved for introduction of the legislation as read into the record by the clerk and set the public hearing for August 7, 2001.

GENERAL CONSENT: The motion passed without objection.

B. CONSENT AGENDA

(Resolution Serial Nos. 01-064, 068, 065, and 067 were pulled from the agenda, see pages 17 through 21 for assembly action.)

1. RESOLUTIONS

c. Resolution Serial No. 01-066: A RESOLUTION RECOMMENDING THAT THE STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES INSTALL A TRAFFIC SIGNAL AT THE INTERSECTION OF HYER ROAD AND THE PALMER-WASILLA HIGHWAY.

(1) IM No. 01-174

2. ACTION MEMORANDUMS

a. AM No. 01-099: VACATION OF PUBLIC INTEREST IN THE THIRTY-FIVE FOOT WIDE RIGHT-OF-WAY, SCENIC DRIVE, LOCATED WITHIN IMPOSSIBLE SUBDIVISION, SECTION 9,

T17N, R3W, SEWARD MERIDIAN, ALASKA, BIG LAKE COMMUNITY COUNCIL AREA.

b. AM No. 01-103: AWARD OF PROPOSAL NO. 01-131, LOCAL AREA NETWORK CABLING.

c. AM No. 01-104: AWARD OF PROPOSAL NO. 01-127, ON-CALL SOIL AND ASPHALT LABORATORY AND FIELD TESTING SERVICES FOR ROAD PAVING.

d. AM NO. 01-105: AWARD OF BID NO. 01-132, ANNUAL MAINTENANCE CONTRACT FOR KNIK ROAD SERVICE AREA NO. 17.

Ms. Dillon read the above legislation into the record.

MOTION: Assemblymember Jansen moved for adoption of the above-referenced legislation as read into the record by the clerk.

GENERAL CONSENT: The motion passed without objection.

a. Resolution Serial No. 01-064: A RESOLUTION RECOMMENDING APPROVAL OF THE STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DECISION TO CONVEY A PORTION OF THE HATCHER PASS SKI RESORT LAND TO THE MATANUSKA-SUSITNA BOROUGH, ADL 227511, AND ISSUE A RIGHT-OF-WAY FOR ACCESS, ADL 227945.

(1) IM 01-154

MOTION: Assemblymember DeVilbiss moved for adoption of Resolution Serial No. 01-064.

MOTION: Assemblymember Colver moved a primary amendment to insert an additional "be it resolved" clause to read:

BE IT FURTHER RESOLVED, that the borough request the Department of Natural Resources to include a deed restriction in the conveyance that the lands conveyed shall comply with the Hatcher Pass Management Plan as amended.

Mr. Duffy spoke to the amendment.

Discussion followed on the merits of the amendment.

MOTION: Assemblymember Jansen moved the previous question.

GENERAL CONSENT: The motion, to stop debate, passed without objection.

VOTE: The primary amendment failed with Assemblymembers Lankford Ladere, DeVilbiss, and Kelly opposed. (The vote was a tie vote with Mayor Anderson declining his right to vote.)

GENERAL CONSENT: The main motion passed without objection.

b. Resolution Serial No. 01-065: A RESOLUTION ESTABLISHING AN ELEVEN-MILL TAX CAP ON REAL PROPERTY TAXATION. (Sponsor: Assemblymember Jansen)

(1) IM No. 01-173

MOTION: Assemblymember Lankford Ladere moved for adoption of Resolution Serial No. 01-065.

Discussion followed concerning the property tax cap amount in relationship to the proposed sales tax.

MOTION: Assemblymember Simpson moved a primary amendment to strike "eleven-mill" and insert "ten-mill" throughout the legislation.

MOTION: Assemblymember DeVilbiss moved a secondary amendment to strike "ten-mill" and insert "eight-mill" throughout the legislation.

Mr. Duffy advised that the borough would not be able to provide the current services with an eight-mill tax cap and a 2 percent sales tax.

Discussion continued regarding the projected revenues generated with sales tax and property tax.

VOTE: The secondary amendment failed with Assemblymember DeVilbiss in support.

VOTE: The primary amendment failed with Assemblymembers DeVilbiss and Simpson in support.

MOTION: Assemblymember Jansen moved a primary amendment to strike "adopt" and insert "consider adopting" in the final clause to read "NOW, THEREFORE, BE IT RESOLVED, that the Assembly of the Matanuska-Susitna Borough shall consider adopting by ordinance...."

Discussion followed regarding the primary amendment.

VOTE: The primary amendment passed with Assemblymember Lankford Ladere opposed.

MOTION: Assemblymember DeVilbiss moved a primary amendment to the last clause to insert the word "next" before Assembly to read "NOW, THEREFORE BE IT RESOLVED, that the next Assembly...."

RULING: Mayor Anderson ruled the motion out of order.

MOTION: Assemblymember DeVilbiss moved a primary amendment to the last clause to insert "at the first regular assembly meeting after the October election" to read "NOW, THEREFORE, BE IT RESOLVED, that at the first regular assembly meeting after the October election the Assembly of the Matanuska-Susitna Borough shall consider adopting, by ordinance, an eleven-mill cap on areawide real property tax rates...."

RULING: Mayor Anderson ruled the motion out of order.

VOTE: The main motion, as amended, passed with Assemblymembers Devilbiss and Lankford Ladere opposed.

MOTION: Assemblymember Jansen moved to extend the meeting beyond 11 p.m.

GENERAL CONSENT: The motion, to extend the meeting, passed without objection.

The regular meeting recessed at 10:50 p.m. and reconvened at 10:55 p.m.

MOTION: Assemblymember DeVilbiss moved to reconsider Resolution Serial No. 01-064.

VOTE: The motion, to reconsider, failed with Assemblymembers Jansen and Colver in support.

d. Resolution Serial No. 01-067: A RESOLUTION IN SUPPORT OF MOVING THE ALASKA STATE LEGISLATIVE SESSIONS TO THE MATANUSKA-SUSITNA BOROUGH.

(1) IM No. 01-176 (Sponsor: Mayor Anderson)

MOTION: Assemblymember Lankford Ladere moved for adoption of Resolution Serial No. 01-067.

GENERAL CONSENT: The motion passed without objection.

e. Resolution Serial No. 01-068: A RESOLUTION DECLARING THE APPORTIONMENT OF ASSEMBLY DISTRICTS NOT IN COMPLIANCE WITH THE STANDARDS OF A.S. 29.02.060(A) AND DIRECTING THE ADMINISTRATION TO PREPARE A REAPPORTIONMENT PLAN TO PLACE BEFORE THE VOTERS.

(1) Resolution Serial No. 01-069: A RESOLUTION ESTABLISHING A REAPPORTIONMENT ADVISORY Committee.

(a) IM No. 01-177

MOTION: Assemblymember DeVilbiss moved for adoption of Resolution Serial No. 01-068 and Resolution Serial No. 01-069.

MOTION: Assemblymember Colver moved to divide the question and address separately Resolution Serial No. 01-069: A RESOLUTION ESTABLISHING A REAPPORTIONMENT ADVISORY Committee.

GENERAL CONSENT: The motion, to divide the question, passed without objection.

GENERAL CONSENT: The motion, for adoption of Resolution Serial No. 01-068, passed without objection.

Mayor Anderson spoke to Resolution Serial No. 01-069 and the membership proposed.

MOTION: Assemblymember DeVilbiss moved a primary amendment to (A) COMPOSITION, to strike "five" and insert "seven, one from each assembly district" to read: "The Committee shall consist of seven members, one from each assembly district, who are appointed by the mayor...."

MOTION: Assemblymember Simpson moved a secondary amendment to (A) COMPOSITION to insert "nominated by the assembly" to read "The Committee shall consist of seven members, one from each district, who are nominated by the assembly, appointed by the mayor, and confirmed by the assembly...."

RULING: Mayor Anderson ruled that the motion was out of order stating that the power to appoint boards and commissions at the borough level rests with the mayor and those appointments are confirmed by the assembly.

Discussion followed on the membership requirements of the board.

VOTE: The primary amendment, to change the board membership to seven, passed with Assemblymember Colver opposed.

MOTION: Assemblymember Jansen moved a primary amendment to (B)(3) to strike "October 26 " and insert "October 3," to strike "November 6" and insert "October 16" to read "The proposed plans shall be prepared and presented to the borough clerk no later than October 3, 2001, for the packet of October 16, 2001, regular assembly meeting" and to (D) to strike "November 6" and insert "October 16" to read "The term of the Committee shall expire upon completion of the duties herein assigned, no later than October 16, 2001, unless continued by the assembly."

Ms. Dillon explained the time frame requirements to conduct a special election.

GENERAL CONSENT: The primary amendment passed without objection.

MOTION: Assemblymember Lankford Ladere moved a primary amendment to (A) to strike "appointed as chairman of the Committee" and to insert "of which one member will be selected by the Committee to serve as chairperson" to read: "The Committee shall consist of seven members, one from each assembly district, who are appointed by the mayor and confirmed by the assembly, of which one member shall be selected by the Committee to serve as chairperson."

VOTE: The primary amendment passed with Assemblymembers Jansen and Colver opposed.

MOTION: Assemblymember Colver moved a primary amendment to (B)(2) to insert "that preserve the existing boundaries to the maximum extent possible." to

read: "To develop, select, and propose one or more plans of the borough that preserve the existing boundaries to the maximum extent possible for representation of the citizens of the borough for review by the assembly."

VOTE: The motion failed with Assemblymember Colver in support.

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

C. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Anderson made the following recommendations:

Animal Care and Regulation Board

- Joan S. Westall, Animal Owner (Transfer from alternate position)
- David R. Brown, Alternate

Cook Inlet Aquaculture Association

- James Chesbro

Local Emergency Planning Committee

- Patricia Sullivan, News Media

Parks, Recreation and Trails Advisory Board

- Howell Powder, District 6

Port Commission

- Patricia Hurt, Seat 3

Circle View and Stampede Estates Flood and Erosion Control SSA No. 131

- Keith A. Smith
- Linda DeSimone Smith
- Ben A. Milam

Mayor Anderson requested the following confirmations:

Emergency Medical Services Board

- Lynn I. Moore, Trapper Creek Ambulance alternate

Labor Relations Board

- Brigitte Lively

Planning Board

- Rose Jenne

Mayor Anderson requested that the assembly accept the following resignations:

Adjustment and Appeals Board

- L. Andrew Robinson
- Animal Care and Regulation Board
- Peri Tharp, Animal Owner

MOTION: Assemblymember Jansen moved to confirm the mayor's appointments up for confirmation this evening and to accept the resignations of L. Andrew Robinson and Peri Tharp and the transfer of Joan S. Westall.

Discussion followed on the appropriateness of appointing husband and wife to a board and the need for people with prior business experience to serve on the Port Commission.

GENERAL CONSENT: The motion passed without objection.

D. OTHER NEW BUSINESS

(There was no other new business.)

XI. RECONSIDERATION

(There was no reconsideration pending.)

XII. VETO

A. Issued June 21, 2001

(There was no action taken on the veto.)

XIII. EXECUTIVE SESSION

(There was no executive session.)

XIV. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Jansen:

- reported on her attendance to a Wasilla Chamber of Commerce meeting and the discussion regarding the proposed multi-use facility in Wasilla;
- spoke to the need for conditional use permit legislation;
- opined that there was a difference between being unhappy with the state redistricting plan and having grounds to challenge the plan constitutionally;
- expressed disappointment in the non-support of a deed restriction in the conveyance of Hatcher Pass lands to comply with the Hatcher Pass Management Plan; and
- responded to the comments made regarding the motivation for Resolution Serial No. 01-065, establishing an eleven-mill tax cap on real property.

Assemblymember Kelly:

- explained that he followed legal counsel's advice concerning the state redistricting plan;
- expressed pleasure with the effort by the Alaskans for Efficient Government to move the legislative sessions to the Matanuska-Susitna Borough; and
- noted his pleasure with the assembly support for the Upper Susitna Shooters Association.

Assemblymember Colver:

- questioned the status of the Academy Charter School; and
- reiterated his disappointment with the non-support of a deed restriction for Hatcher Pass conveyance.

Assemblymember DeVilbiss:

- commented regarding the exportation of carrots from the valley;
- requested that ballot language and information regarding ballot issues be presented to the assembly prior to release;

- suggested that the Appalachian presentation may be displayed within the borough; and
- reported on a recent visit to Lake Louise regarding local airport expansion proposed.

Assemblymember Lankford Ladere:

- stated that the Alaska Railroad closed a siding north of Talkeetna; and
- requested that the borough maintain open communication with businesses that impact the borough.

Mayor Anderson:

- announced that the deputy mayor would convene the next meeting as he will be unable to attend;
- mentioned that the fall recycle day is planned for July 21, 2001, at the borough landfill;
- commented that the Lazy Mountain issue enforces the need for zoning;
- responded to Wasilla Council Member Keller's comments regarding the borough assembly use of executive sessions to hear attorney opinions; and
- requested names representing from each assembly member to represent their district on the reapportionment board by July 24, 2001.

Mr. Duffy:

- spoke to birch hardwood products from Chijuk Forest; and
- stated that the mill plant in Portland accepting birch from Chijuk has been retrofitted.

XV. ADJOURNMENT

The regular meeting adjourned at 12 midnight.

Minutes approved: August 7, 2001

Signed copy available at the clerk's office