

MATANUSKA-SUSITNA BOROUGH - REGULAR MEETING

ASSEMBLY - AUGUST 7, 2001

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on August 7, 2001, at the Matanuska-Susitna Borough Assembly Chambers, Palmer, Alaska. The meeting was called to order at 6 p.m. by Deputy Mayor Sara Jansen.

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. 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, arrived at 6:06 p.m.
Ms. Kelly Lankford Ladere, Assembly District No. 7

Mayor Timothy L. Anderson was absent and excused.

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

Deputy Mayor Jansen noted the following changes to the agenda:

- the administration requested that AM No. 01-111: APPROVAL OF EXPENDITURE OF FUNDS IN THE AMOUNT OF \$2500 RELATED TO SALES TAX PROPOSITION, be pulled and may be resubmitted in ordinance format; and
- the proposed substitute for Ordinance Serial No. 01-118: AN ORDINANCE REPEALING MSB 17.60.135 AND ENACTING MSB 17.63 REGULATING RACE TRACKS IN THE CORE AREA, was printed on buff colored paper and placed in the front of the packet.

There was no objection to the agenda as amended.

IV. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by a member of the audience, Kathy Wells.

V. MINUTES OF PRECEDING MEETINGS

A. Regular Assembly Meeting: July 17, 2001

The deputy mayor referenced the July 17, 2001, regular minutes and asked for any corrections.

Assemblymember Lankford Ladere requested a correction to her first comment on

page 23. [After clerk's research, the comment was corrected to read "stated that the Alaska Railroad closed a siding north of Talkeetna;"]

Assemblymember DeVilbiss asked for a correction to the spelling of last name of a citizen who gave public testimony on page 10 and 11. [After clerk's research, the name was corrected to read "Jim Gaiser" on both pages.]

GENERAL CONSENT: The minutes of the regular meeting of July 17, 2001, were approved without objection pending the clerk's research.

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Wasilla Council Member Cottle:

- expressed a desire to have various traffic and road repairs addressed;
- commented regarding the status of the proposed sports complex; and
- addressed the Nelson Road paving proposal.

2. Matanuska-Susitna Borough School District

(There was no representative from the school district.)

B. Committee REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Colberg:

- proposed that a joint assembly/school board Committee focus Committee meet to discuss valley education goals;
- stated that the focus Committee would seek to develop a pilot program to discuss valley education goals with the public;
- proposed that the next joint school board/assembly meeting be a seminar to address these issues; and
- announced that the next joint assembly/school board Committee meeting is scheduled for August 27, 2001, at noon.

2. Intergovernmental Liaison Committee (Anchorage Municipality -Matanuska-Susitna Borough)

Assemblymember Simpson:

- stated that the Committee reviewed the Knik Arm crossing literature;
- predicted approximate expenditures of \$2 billion to complete the total project;
- remarked that the Committee reviewed the draft of DOT's RFP for developing a regional planning transportation Committee;
- noted that Anchorage presented their plans for a public transit system;
- announced that the next liaison Committee meeting is scheduled for August 23, 2001, and the topic for discussion will be regional economic development.

Assemblymember Lankford Ladere requested a copy of the DOT proposal for developing a regional planning transportation Committee.

C. MANAGER COMMENTS

Mr. Duffy:

- noted the two manager reports dated July 27 and August 6, 2001,

shared that the Chijuk timber project is moving forward with timber being cut and sold in Oregon;

- spoke to a memorandum regarding FEMA grants and unexpended funds;
- thanked members of the public, the national guard, and borough staff for participation in the recent borough clean-up program; and
- presented a framed print of the initial shipment of pre-fab homes shipped from Port MacKenzie.

Assemblymember Lankford Ladere:

- noted that there are 11 rail cars with Chijuk timber waiting to be shipped; and
- thanked the borough for assistance in removing junk cars from the Talkeetna area.

D. ATTORNEY COMMENTS

(There were no attorney comments given.)

E. CLERK COMMENTS

Ms. Dillon:

- noted the 3 p.m. work session scheduled for August 21, 2001;
- spoke to the change in dates for the work session with the Anchorage Municipality and shared the invitation to a reception hosted by the Eagle River/Chugiak Chamber of Commerce prior to the work session; and
- commented regarding the reapportionment board plans.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Meadow Lakes Road Service Area No. 27 - 07/25/01
- b. Planning Commission - 06/18/01, 06/25/01
- c. Platting Board - 07/05/01
- d. Senior Citizens Advisory Board - 07/17/01

2. Community Council Correspondence:

- a. Butte Community Council - 04/11/01, 05/09/01
- b. Lazy Mountain Community Council - 06/14/01, 06/28/01
- c. South Knik River Community Council - 05/19/01, 07/21/01

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

G. INFORMATIONAL MEMORANDUMS

(There were no informational memorandums.)

VIII. UNFINISHED BUSINESS

IX. NEW BUSINESS

A. INTRODUCTION (Suggested public hearing - 08/21/01)

1. Ordinance Serial No. 01-120: AN ORDINANCE ADOPTING A NEW NAME FOR THE BOROUGH'S ANIMAL CONTROL DIVISION, "ANIMAL CARE AND REGULATION DIVISION," AND AMENDING TITLE 24 TO REFLECT THE RELATED OPERATIONAL AND PROCEDURAL CHANGES RESULTING FROM THE NAME CHANGE. (Sponsors: Assemblymembers Simpson and Ladere)

a. IM No. 01-143

2. Ordinance Serial No. 01-121: AN ORDINANCE DEDICATING TAX FORECLOSED PROPERTIES SITUATED WITHIN WINDSONG SUBDIVISION TO A PUBLIC PURPOSE.

a. Ordinance Serial No. 01-122: AN ORDINANCE AUTHORIZING THE CONVEYANCE OF A SEWER AND WATER EASEMENT TO CERTAIN PARCELS WITHIN WINDSONG SUBDIVISION IN ORDER TO MITIGATE PUBLIC HEALTH, SAFETY, AND WELFARE ISSUES.

(1) IM No. 01-179

3. Ordinance Serial No. 01-123: AN ORDINANCE APPROPRIATING \$265,000 FROM THE 2001 SERIES B, GENERAL OBLIGATION PARKS, RECREATION, AND TRAILS BONDS TO FUND 440, PARKS, RECREATION, AND TRAILS PROJECTS, PROJECT 15018, FOR THE MATERIALS AND LABOR TO PURCHASE AND CONSTRUCT PLAYGROUND STRUCTURES AT MATANUSKA RIVER PARK, PALMER NEIGHBORHOOD PARKS, LAKE LUCILLE PARK, LITTLE-SU RIVER CAMPGROUND, WILLOW AREA COMMUNITY CENTER, FISH CREEK PARK AT BIG LAKE, SUTTON ELEMENTARY SCHOOL, TALKEETNA AND TRAPPER CREEK ELEMENTARY SCHOOLS.

a. Resolution Serial No. 01-071: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE MATERIALS AND LABOR TO PURCHASE AND CONSTRUCT PLAYGROUND STRUCTURES AT MATANUSKA RIVER PARK, PALMER NEIGHBORHOOD PARKS, LAKE LUCILLE PARK, LITTLE-SU RIVER CAMPGROUND, WILLOW AREA COMMUNITY CENTER, FISH CREEK PARK AT BIG LAKE, SUTTON ELEMENTARY SCHOOL, TALKEETNA AND TRAPPER CREEK ELEMENTARY SCHOOLS. (1) IM No. 01-183

4. Ordinance Serial No. 01-124: AN ORDINANCE APPROPRIATING \$480,000 FROM THE 2001 SERIES B, GENERAL OBLIGATION PARKS, RECREATION, AND TRAILS BONDS TO FUND 440, PARKS, RECREATION, AND TRAILS PROJECTS, PROJECT 15019, FOR THE DESIGN AND CONSTRUCTION FOR THE EXPANSION OF THE BRETT MEMORIAL ICE ARENA.

a. Resolution Serial No. 01-072: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE DESIGN AND CONSTRUCTION FOR THE EXPANSION OF THE BRETT MEMORIAL ICE ARENA. (1) IM No. 01-184

5. Ordinance Serial No. 01-125: AN ORDINANCE ACCEPTING AND APPROPRIATING \$48,695 FROM THE WESTERN COUNCIL, BOY SCOUTS OF AMERICA, TO FUND 480, PROJECT 45041.

a. Ordinance Serial No. 01-126: AN ORDINANCE REAPPROPRIATING \$38,435 FROM THE LAND MANAGEMENT FUND, FUND 203, LAND MANAGEMENT DIVISION FY 2002 OPERATING FUND, TO FUND 480, PROJECT NO. 45041.

b. Resolution Serial No. 01-073: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE CADASTRAL SURVEY OF THE BLAIR LAKE AND WHISKERS CREEK AREA. (1) IM No. 01-186

(2) AM No. 01-111: AWARD OF PROPOSAL NO. 01-114, MUNICIPAL ENTITLEMENT LAND SURVEY FOR BLAIR LAKE AND WHISKERS CREEK.

6. Ordinance Serial No. 01-127: AN ORDINANCE ACCEPTING AND APPROPRIATING \$8,000 TO FUND 410, PROJECT NO. 35227, ROSE DRIVE PAVING PROJECT, AS THE LOT OWNERS PORTION OF THE COST TO PAVE ROSE DRIVE.

a. Resolution Serial No. 01-074: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ROSE DRIVE PAVING PROJECT. (1) IM No. 01-187

7. Ordinance Serial No. 01-128: AN ORDINANCE APPROVING AN APPROPRIATION OF \$29,838 FROM THE AREAWIDE FUND BALANCE, FUND 100, TO FUND 410, FOR THE DUST CONTROL MATCHING GRANT PROGRAM. a. IM No. 01-188

8. Ordinance Serial No. 01-129: AN ORDINANCE ACCEPTING AND APPROPRIATING \$367,000 FROM THE STATE OF ALASKA TO THE UPPER SUSITNA SENIOR CENTER, FUND 480, PROJECT 45042.

a. Resolution Serial No. 01-075: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR THE CONSTRUCTION OF THE UPPER SUSITNA SENIOR CENTER. (1) IM No. 01-189

(2) AM No. 01-113: AWARD OF BID NO. 01-117, UPPER SUSITNA SENIOR CENTER CONSTRUCTION.

9. Ordinance Serial No. 01-130: AN ORDINANCE REQUESTING A SUPPLEMENTAL APPROPRIATION OF \$11,370 FROM THE WASILLA LAKES FIRE SERVICE AREA FUND BALANCE, FUND 250, TO THE WASILLA LAKES FIRE SERVICE AREA OPERATING BUDGET FUND 250, TO PURCHASE PERSONAL PROTECTIVE CLOTHING. a. IM No. 01-190

10. Ordinance Serial No. 01-131: AN ORDINANCE REQUESTING A SUPPLEMENTAL APPROPRIATION OF \$10,300 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. a. IM No. 01-191

11. Ordinance Serial No. 01-132: AN ORDINANCE ACCEPTING AND APPROPRIATING \$13,500 FROM THE ALASKA DIVISION OF EMERGENCY SERVICES TO THE BOROUGH LOCAL EMERGENCY PLANNING Committee FUND 480, PROJECT 20259, FOR FISCAL YEAR 2002 OPERATIONS. a. IM No. 01-192

12. Ordinance Serial No. 01-119: AN ORDINANCE CREATING NORTH SHORE NO. 2 NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 340, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT. a. IM No. 01-193

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 hearing for August 21, 2001.

DIVIDE THE QUESTION: Assemblymember Lankford Ladere moved to divide the question and address separately Ordinance Serial No. 01-129: AN ORDINANCE ACCEPTING AND APPROPRIATING \$367,000 FROM THE STATE OF ALASKA TO THE UPPER SUSITNA SENIOR CENTER, FUND 480, PROJECT 45042 and companion legislation.

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

GENERAL CONSENT: The motion, for introduction of legislation as read into the record by the clerk and set for public hearing on August 21, 2001, was passed without objection.

CONFLICT OF INTEREST: Assemblymember Lankford Ladere requested to be recused from the vote on Ordinance Serial No. 01-129 and accompanying legislation stating a family conflict of interest.

RULING: Deputy Mayor Jansen ruled the Assemblymember Lankford Ladere had a conflict of interest for Ordinance Serial No. 01-129 and accompanying legislation and would be recused from voting on the issues. (*Assemblymember Lankford Ladere exited the assembly chambers.*)

GENERAL CONSENT: The motion, for introduction of Ordinance Serial No. 01-129, Resolution Serial No. 01-075, and AM No. 01-113 and set for public hearing on August 21, 2001, passed without objection. (*Assemblymember Lankford Ladere reentered the assembly chambers.*)

B. CONSENT AGENDA

(Resolution Serial Nos. 01-076 and 080 and AM Nos. 01-102, 108, and 110 were pulled from the consent agenda, see pages 8, 9, 16, and 17 for assembly

action.)

1. RESOLUTIONS

b. Resolution Serial No. 01-077: A RESOLUTION APPROVING A MUTUAL AID AGREEMENT FOR FIRE PROTECTION WITH THE MUNICIPALITY OF ANCHORAGE. (1) IM No. 01-180

c. Resolution Serial No. 01-078: A RESOLUTION PROVIDING FOR THE CONTINUANCE OF THE ANIMAL CARE AND REGULATION BOARD. (1) IM No. 01-185

d. Resolution Serial No. 01-079: A RESOLUTION SUPPORTING A SUBMITTAL OF A PRE-APPLICATION FOR FUNDING TO THE STATE OF ALASKA, DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT FOR THE COMPLETION OF THE DON SHELDON AIRPLANE HANGER, A COMMUNITY AND ARTS CENTER IN THE NORTHERN SUSITNA VALLEY. (1) IM No. 01-194

f. Resolution Serial No. 01-081: A RESOLUTION OF THE ASSEMBLIES OF THE MATANUSKA-SUSITNA BOROUGH AND THE MUNICIPALITY OF ANCHORAGE REQUESTING CONGRESSIONAL FUNDING TO BOTH UPDATE THE KNIK ARM CROSSING CORRIDOR ANALYSIS AND TO FURTHER IMPLEMENT REGIONAL LAND USE AND TRANSPORTATION PLANNING BETWEEN THE MATANUSKA-SUSITNA BOROUGH AND THE MUNICIPALITY OF ANCHORAGE. (Sponsors: Intergovernmental Liaison Committee)

2. ACTION MEMORANDUMS

a. AM No. 01-093: AWARD OF BID NO. 01-128: BIG LAKE LIBRARY CONSTRUCTION.

c. AM No. 01-106: VACATION OF PORTION OF NORTH FLORENCE DRIVE RIGHT-OF-WAY, FLORENCE LAKE SUBDIVISION, SECTION 24, T19N, R5W, SEWARD MERIDIAN, ALASKA, WILLOW COMMUNITY COUNCIL AREA.

e. AM No. 01-109: CHANGE ORDER TO ARCHITECTS ALASKA'S CONTRACT TO ADD CONSTRUCTION PHASE SERVICES FOR THE ALCANTRA RECREATIONAL SITE.

g. AM No. 01-112: CHANGE ORDER FOR PRUHS CORPORATION FOR THE 2001 ROAD PAVING PHASE I PROJECT.

Ms. Dillon read the above legislation into the record.

MOTION: Assemblymember Simpson 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. 01-076: A RESOLUTION SUPPORTING THE ALEXANDER CREEK NATIVE'S REQUEST TO OBTAIN DESIGNATION AS A VILLAGE. (1) IM No. 01-175

MOTION: Assemblymember Kelly moved for adoption of Resolution Serial No. 01-076.

Assemblymember Kelly questioned the current public use of the Alexander Creek Natives area for sports and recreation use.

Mr. Duffy responded stating that obtaining village status will not impact borough lands.

Mr. Gottstein, Esq., Attorney for Alexander Creek Natives:

- reiterated that no borough interest will be diminished in any manner; and
- noted that the land is owned by the corporation and has established private party rights.

Stephanie Thompson, President of Alexander Creek:

- commented that previously approximately 42 people lived at Alexander Creek;
- specified that originally the village was limited to two five-acre parcels; and
- stated that approximately 11 people currently live full time at Alexander Creek.

GENERAL CONSENT: The motion passed without objection.

e. Resolution Serial No. 01-080: A RESOLUTION APPROVING THE CHANGE OF THE SCOPE OF WORK AND BUDGET FOR THE BOROUGH ADMINISTRATION BUILDING REPAIR AND REHABILITATION PROJECTS, PROJECT NO. 10057. (1) IM No. 01-195

MOTION: Assemblymember Colver moved for adoption of Resolution Serial No. 01-080.

Mr. Duffy:

- expanded on the necessity for the rehabilitation project;
- explained that the proposal incorporates more efficient use of existing space; and
- stated that meetings held in the first floor conference room are often over capacity for fire standards.

Discussion continued on floor plans for the proposed changes.

The regular assembly meeting recessed at 6:55 p.m. and reconvened at 7:03 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. 01-075: AN ORDINANCE CREATING BRUNS PARK NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 338, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT. a. IM No. 01-125

Deputy Mayor Jansen 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. 01-075.

VOTE: The motion passed with Assemblymembers DeVilbiss and Simpson opposed.

2. Ordinance Serial No. 01-093: AN ORDINANCE CREATING SOUTH BIG LAKE ROAD NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 325, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT. a. IM No. 01-144

Ms. Clayton stated the finance department was not aware of problems or conflicts with this LID.

Deputy Mayor Jansen opened the public hearing. The following spoke in favor of the ordinance as presented: Kathleen Glines, Peter Maxey, and Betty Philbin. There being no one 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. 01-093.

VOTE: The motion passed with Assemblymembers DeVilbiss and Simpson opposed.

3. Ordinance Serial No. 01-118: AN ORDINANCE REPEALING MSB 17.60.135 AND ENACTING MSB 17.63 REGULATING RACE TRACKS IN THE CORE AREA. (Sponsors: Mayor Anderson and Assemblymember Colberg) a. IM No. 01-178

Ms. Garley stated that the current ordinance no longer meets the needs in the core area and that the planning commission supports the requested changes.

Ms. Clayton reported the following on behalf of the borough assessor:

- the borough has continually decreased the property values surrounding race tracks in the core area; and
- the total decrease in property values surrounding the race tracks is \$4.3 million.

Deputy Mayor Jansen opened the public hearing.

The following spoke in support of the ordinance as presented: Gary Wolf, Mark Masteller, David Church, Jim Colberg, and Leonard Nugen.

The following were opposed to the ordinance as presented: Amber Sawyer, Kelly Sawyer, Jessie Sawyer, Dan Braden, Jim Tuner, Steve Marineau, William Freed, Anna Branson, Michelle Kyte, A. J. Schwitenberg, Ashley Hansen, Mike Hansen, Don Cunningham, Joan Schwachert, John Schwachert, Erin Heywood, Paul Heywood, Corey LaCosta, Kitty McKeown, Earl Lackey, Myrna Sands, Larry Hutchins, Keith Akers, and Beth Hurlbert.

The regular meeting recessed at 8:27 p.m. and reconvened at 8:40 p.m.

The public hearing reconvened with the following speaking in support of the ordinance as presented: Evelyn Campbell, Kathy Wells, Sig Colberg, Dale Tumey, George Stewart, Ann Goodman, Roy Goodman, Debra Schlit, Don Nardi, Michael Janecek, Michelle Church, and Kim Robinson.

The following were opposed to the ordinance as presented: Urchel Kirby, Lud Larson, Pio Cottini, Richard Larew, Chuck Johnson, Earl Smith, Ron Harvey, R. D. Mandell, Elizabeth Theberge, Dennis Plourd, Karen Akers, Lucille Frey, Larry Theobold, Chris Sawyer, Bill Larkin, and Ken Slauson.

The regular meeting recessed at 9:53 p.m. and reconvened at 10:03 p.m.

MOTION: Assemblymember Colberg moved for adoption of Ordinance Serial No. 01-118.

MOTION: Assemblymember Colberg moved to postpone to August 21 and instruct the administration to hire a sound engineer to testify and make appropriate changes to the ordinance in regards to the decibel level.

MOTION: Assemblymember Kelly moved a primary amendment to the postponement to change the date to September 18, 2001.

VOTE: The primary amendment, to postpone to September 18, 2001, passed with Assemblymembers Colberg and Jansen opposed.

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

MOTION: Assemblymember Kelly moved to set a work session at 3 p.m. on September 4, 2001, to discuss the race track ordinance.

VOTE: The motion failed with Assemblymembers Lankford Ladere, Kelly, and Simpson in support.

4. 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. IM No. 01-152

Deputy Mayor Jansen 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 Colver moved for adoption of Ordinance Serial No. 01-106.

MOTION: Assemblymember Colver moved a primary amendment to insert a new Section 3 which would read:

Section 3. Reservation of Easement. A public use easement shall be reserved along the west 100 feet of the N 1/2 NW 1/4, Section 31, T18N, R1E, Seward Meridian, Alaska.

If adopted, the existing Section 3 would then become Section 4.

GENERAL CONSENT: The primary amendment passed without objection.

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

5. 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. IM No. 01-156

6. 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. IM No. 01-157

7. 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. IM No. 01-158

8. 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. IM No. 01-159

9. 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. IM No. 01-160

10. 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.

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. IM No. 01-161

SUSPENSION OF THE RULES: Deputy Mayor Jansen requested a suspension of the rules to take action on Ordinance Serial No. 01-107, Resolution Serial No. 01-057, Ordinance Serial No. 01-108, Resolution Serial No. 01-058, Ordinance Serial No. 01-109, Resolution Serial No. 01-059, Ordinance Serial No. 01-110, Resolution Serial No. 01-060, Ordinance Serial No. 01-111, Resolution Serial No. 01-061, Ordinance Serial No. 01-112, and Resolution Serial No. 01-062 together. There was no objection.

Deputy Mayor Jansen 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 Nos. 01-107, 108, 109, 110, 111, and 112 and Resolution Serial Nos. 01-057, 058, 059, 060, 061, and 062.

GENERAL CONSENT: The motion passed without objection.

11. 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. IM No. 01-168

Deputy Mayor Jansen 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 on Ordinance Serial No. 01-113 and Resolution Serial No. 01-063.

Assemblymember DeVilbiss spoke to the ordinance.

Mr. Duffy responded to the issue of locking the gate to the Lazy Mountain

Recreation Area.

GENERAL CONSENT: The motion passed without objection.

12. 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. IM No. 01-169

Deputy Mayor Jansen 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 Kelly moved for adoption of Ordinance Serial No. 01-114.

Mr. Koechlein remarked that emergency services personnel will be paid \$10 per shift.

GENERAL CONSENT: The motion passed without objection.

13. Ordinance Serial No. 01-115: AN ORDINANCE ADOPTING MSB 1.50.040(B), ACCESS TO PUBLIC RECORDS. IM No. 01-170

Deputy Mayor Jansen 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 Simpson moved for adoption of Ordinance Serial No. 01-115.

MOTION: Assemblymember Simpson moved a primary amendment to Ordinance Serial No. 01-115 to paragraph 9 to add the phrase "disclosure subsequently required by state or federal law or regulation, or court order." If adopted, the paragraph would read:

(9) information compiled by the borough from information described in this section shall be kept confidential unless: disclosure is authorized by the person supplying the information and by the project, bond, loan, or guarantee applicant or borrower; or disclosure subsequently required by state or federal law or regulation, or court order.

Mr. Aschenbrenner commented that the amendment covers a situation where state, federal, or court order could require a document be disclosed subsequent to the original being considered confidential.

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

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

14. 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. IM No. 01-171

Deputy Mayor Jansen 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. 01-116.

GENERAL CONSENT: The motion passed without objection.

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

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

15. Ordinance Serial No. 01-117: AN ORDINANCE AMENDING MSB 3.08.235(C), AUTHORITY TO DEBAR OR SUSPEND; CAUSES. IM No. 01-172

Deputy Mayor Jansen 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 Simpson moved for adoption of Ordinance Serial No. 01-117.

Mr. Duffy stated this amendment is recommended by the high tech industry to include the clauses as protection against products being offered and then not delivered.

GENERAL CONSENT: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

(There was no audience participation.)

B. CONSENT AGENDA (continued from page 9)

e. Resolution Serial No. 01-080: A RESOLUTION APPROVING THE CHANGE OF THE SCOPE OF WORK AND BUDGET FOR THE BOROUGH ADMINISTRATION BUILDING REPAIR AND REHABILITATION PROJECTS, PROJECT NO.10057. IM No. 01-195 (action continued from page 9)

Discussion continued regarding the ability to control public access by having a conference room located on the lower level of the administration building.

VOTE: The motion passed with Assemblymember Colver opposed.

b. AM No. 01-102: AWARD OF BID NO. 01-149, 2001 ROADS PAVING - PHASE II.

MOTION: Assemblymember Colver moved for adoption of AM No. 01-102.

Mr. Swing stated this award was delayed due to a bid protest and spoke to the performance standards required.

GENERAL CONSENT: The motion passed without objection.

d. AM No. 01-108: APPROVING A CHANGE ORDER TO COLLINS CONSTRUCTION FOR \$88,137 FOR COSTS RELATED TO BID ALTERNATE ITEMS, 1, 2, 3, AND 5 AT THE BURCHELL HIGH SCHOOL ADDITION/ALTERATION PROJECT.

CONFLICT OF INTEREST: Assemblymember Colver requested to be recused from the vote on AM No. 01-108 stating that he is a subcontractor to Collins Construction.

RULING: Deputy Mayor Jansen ruled that Assemblymember Colver had a conflict of interest for AM No. 01-108 and would be recused from voting on the issue. (*Assemblymember Colver exited the assembly chambers.*)

MOTION: Assemblymember Simpson moved for adoption of AM No. 01-108

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

f. AM No. 01-110: AWARD OF BID NO. 01-153, RSA NO. 21, BIG LAKE ROAD MAINTENANCE CONTRACT (REISSUE).

MOTION: Assemblymember DeVilbiss moved for adoption of AM No.01-110.

Discussion followed regarding the low bidder withdrawing from the process.

GENERAL CONSENT: The motion passed without objection.

C. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Deputy Mayor Jansen made the following recommendations:

Adjustment and Appeals Board

- Stacie Stigar (reappointment from alternate position)

Port Commission

- Pam Sadloske, Seat 3

Reapportionment Advisory Committee

- Gayle Rowland, District 1
- Deidre Berberich, District 2
- Phil Markwardt, District 3
- Kevin Sant, District 4
- James Chesbro, District 5
- Marian Romano, District 6
- Rich Erickson, District 7

Deputy Mayor Jansen requested the following confirmations:

Animal Care and Regulation Board

- Joan S. Westall, Animal Owner (reappointment 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

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

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

MOTION: Assemblymember Simpson moved to confirm the mayor's appointments up for confirmation this evening.

DIVIDE THE QUESTION: Assemblymember Simpson moved to divide the question and address the names of Keith A. Smith and Linda DeSimone Smith separately.

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

GENERAL CONSENT: The motion, to confirm the mayor's appointments, passed without objection.

MOTION: Assemblymember Simpson moved to postpone the appointments of Keith A. Smith and Linda DeSimone Smith to August 21, 2001, to allow legal review of having a husband and wife serving on the same board.

GENERAL CONSENT: The motion, to postpone, passed without objection.

Assemblymember Lankford Ladere questioned the appointment process for the reapportionment board.

Assemblymember Simpson stated for the record her disappointment in the appointment process for the reapportionment board.

D. OTHER NEW BUSINESS

(There was no 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 Kelly:

- expressed disappointment that the assembly did not schedule a work session to discuss the race track issues;
- supported the race track ordinance postponement to acquire additional information; and
- requested that the borough attorney address the constitutionality issues raised regarding the proposed race track ordinance.

Assemblymember Colver:

- requested that the administration withhold action on a traffic impact study until the core area zoning issue is completed;
- shared that the Mat-Su Youth Court reported a 5 percent recidivism rate in the past year;
- stated he wished to attend the upcoming trails symposium sponsored by the parks and recreation department (*there was no objection from the assembly*);
- reported that he was appointed to the governor's coastal policy council; and
- spoke to the assembly meeting schedule issue regarding conflicts with holidays.

Discussion followed regarding the assembly meeting schedule.

Mr. Aschenbrenner spoke to MSB 2.12.070(B), Meetings, and recommended an ordinance amendment if a schedule change is desired.

Assemblymember DeVilbiss:

- noted that there are new buildings on the Charter School site;
- stated he was intrigued by this evening's race track testimony;
- questioned the grandfather rights issue of the proposed changes to the race track ordinance; and

- asked that the assembly release information from the executive session concerning reapportionment.

The assembly consensus was to allow the borough attorney to research Assemblymember DeVilbiss's request.

Assemblymember Colberg:

- opined that teleconferences were not an efficient method of public process;
- supported the consideration of an amicus brief regarding the reapportionment request; and
- spoke to the need for further research regarding the proposed race track ordinance.

Assemblymember Lankford Ladere:

- questioned the schedule concerning a work session covering assembly policies and procedures;
- noted that the modifications to Oil Well Road were delayed by Army Corps of Engineers personnel beyond the July deadline established by the Department of Fish and Game; and
- commented that Oil Well Road extends past Kroto Creek approximately 2 miles.

Assemblymember Simpson:

- reported that the earthwork was initiated for the construction of the fire training tower;
- stated that she had participated in the borough clean-up program and expressed her appreciation to the staff and volunteers who contributed to the success of the program;
- voiced her pleasure regarding the Big Lake Library construction;
- thanked the manager for the bond expenditures information; and
- requested to attend the trails symposium hosted by the parks and recreation department (*there was no objection from the assembly*).

Deputy Mayor Jansen:

- invited the assembly to visit the new public works maintenance facility;
- spoke to the history of the race track ordinance and her desire to craft a fair and reasonable amended race track ordinance; and
- thanked the assembly for their good work this evening.

XIV. ADJOURNMENT

The regular meeting adjourned at 11:40 p.m.

Minutes approved: August 7, 2001

Signed copy available at the clerk's office