

MATANUSKA-SUSITNA BOROUGH - REGULAR MEETING

ASSEMBLY - AUGUST 21, 2001

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on August 21, 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)
Mr. Talis J. Colberg, Assembly District No. 3
Mr. Dan Kelly, Assembly District No. 4
Mr. Jim Colver, Assembly District No. 6
Ms. Kelly Lankford Ladere, Assembly District No. 7

Assembly members absent and excused:

Ms. Jody Simpson, Assembly District No. 5

Staff in attendance were:

Ms. Sandra Dillon, Borough Clerk
Mr. John Duffy, Borough Manager
Mr. Dave Germer, Assistant 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

III. APPROVAL OF AGENDA

Mayor Anderson noted the following changes to the agenda:

- the administration requested that AM No. 01-118: EXTENSION OF ELECTRICAL DISTRIBUTION SYSTEM TO THE HATCHER PASS SKI AREA, be pulled and resubmitted at a later date.

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 and former assembly member, Ms. Jay Nolfi

V. MINUTES OF PRECEDING MEETINGS

A. Regular Assembly Meeting: August 7, 2001

The mayor referenced the August 7, 2001, regular minutes and asked for any corrections.

Assemblymember Lankford Ladere noted a spelling error of her name on page 3.

[After clerk's research, the comment was corrected to read "Assemblymember Lankford Ladere requested a copy of the DOT proposal for developing a regional planning transportation Committee.]

Assemblymember Jansen noted on page 2, that she was referenced as mayor. *[After clerk's research, the statement was corrected to read: "The deputy mayor referenced the July 17, 2001, regular minutes and asked for any corrections."]*

Assemblymember DeVilbiss questioned the spelling of the word "complied" contained in the motion on page 15. *[After clerk's research, the phrase was corrected to read "(9) information compiled by the borough...."]*

GENERAL CONSENT: The minutes of the regular meeting of August 7, 2001, were approved without objection pending the clerk's research.

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Wasilla Council Member Cottle:

- spoke to the loss of community member Curtis Menard Jr.;
- reported that the city of Wasilla has accepted grants for developing water projects; and
- remarked that a contract for \$74,000 was awarded to study long-term sewer needs for the city.

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

(There was no report given.)

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

(There was no report given.)

C. MANAGER COMMENTS

Mr. Duffy:

- reported that the borough street and subdivision maps have been updated and distributed;
- commented about the draft report received from the Cornell Group regarding port development;
- requested that a work session be scheduled with the port commission in September to discuss the Cornell Group draft report;
- stated that the preliminary draft report from the Corps of Engineers for the port identified areas to be addressed including strengthening the foundation and completing compaction;
- noted that the Talkeetna incorporation meeting is scheduled for August 25 and stated that the borough has some concerns but generally supports incorporation requests;
- commented that the DNR remote recreational cabin program was a success; and
- shared that the borough sent local firefighters south to assist with fire suppression in the western states and gain knowledge and experience.

D. ATTORNEY COMMENTS

Mr. Gatti:

- reported that the Hatcher Pass decision indicated that the borough was out of compliance with the public records and open meetings acts; that curative acts were taken in June; and that the land sale could proceed;
- stated that the borough will refocus on procedures and address the code regarding the open meetings procedures;
- commented that the borough has identified problems with the Talkeetna incorporation application; and
- noted that district court upheld the decision that whales were not an endangered species.

E. CLERK COMMENTS

Ms. Dillon:

- reminded the assembly of a reception scheduled before the joint meeting with Anchorage assembly given by Chugiak/Eagle River Chamber of Commerce; it begins at 5 p.m., Mirror Lake Elementary School, August 23, 2001;
- noted that a joint assembly/school board meeting is scheduled September 11 and requested agenda items;
- scheduled an assembly work session with the port commission for 3 p.m., September 11, 2001, to discuss the Cornell Group report;
- discussed the alternate methods of voting offered for the regular borough election;
- stated that meetings will be scheduled for the reapportionment board upon confirmation of the board this evening;
- presented the tracking report and asked for comments, additions, or deletions; and
- remarked that a work session regarding EMS consolidation will be scheduled soon.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Historical Preservation Commission - 05/11/01, 06/08/01
- b. Mat-Su Fire Chiefs Association - 07/25/01
- c. Planning Commission - 07/16/01

2. Community Council Correspondence:

- a. North Lakes Community Council - 04/11/01
- b. Talkeetna Community Council - 07/02/01

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

G. INFORMATIONAL MEMORANDUMS

1. IM No 01-197: NOTIFICATION OF CERTIFICATION OF 2001 REGULAR REAL PROPERTY ASSESSMENT ROLL.
2. IM No. 01-208: SPRING 2001 COMMUNITY CLEAN UP PROGRAM EXPENSE REPORT.

Assemblymember Jansen questioned the listing of borough top ten taxpayers and the name of Wasilla LLC.

Ms. Clayton stated:

- that Wasilla LLC comprises the former Carrs holdings; and
- that the total taxable assessed evaluation is approximately \$3 billion.

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

VIII. UNFINISHED BUSINESS

(There was no unfinished business.)

IX. NEW BUSINESS

A. INTRODUCTION (Suggested public hearing - 09/04/01)

1. Ordinance Serial No. 01-133: AN ORDINANCE APPROVING A REAPPROPRIATION OF \$3,000 FROM THE GOLD TRAILS ROAD SERVICE AREA FY02 OPERATING BUDGET, FUND 282, TO FUND 410, RSA CAPITAL PROJECTS, PROJECT NO. 30048 FOR TEX AL DRIVE.

a. IM No. 01-165

2. Ordinance Serial No. 01-134: AN ORDINANCE ACCEPTING AND APPROPRIATING \$13,400 FROM THE STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES, OFFICE OF HISTORY AND ARCHAEOLOGY, TO FUND 480, FOR THE PURPOSE OF TEST EXCAVATING AND ANALYZING THE OLD KNIK TOWNSITE.

a. Resolution Serial No. 01-082: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PHASE IV OF THE SURVEY, EVALUATION, AND INVENTORY OF THE RESIDENTIAL PORTION OF THE OLD KNIK TOWNSITE.

(1) IM No. 01-196

3. Ordinance Serial No. 01-135: AN ORDINANCE ACCEPTING AND APPROPRIATING \$15,000 FROM THE UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, TO FUND 410, PROJECT NO. 30073 FOR CONSTRUCTION OF A FOOTBRIDGE ACROSS COTTONWOOD CREEK.

a. Resolution Serial No. 01-083: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE COTTONWOOD CREEK FOOTBRIDGE AND AUTHORIZING THE MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE.

(1) IM No. 01-198

4. Ordinance Serial No. 01-136: AN ORDINANCE ACCEPTING AND APPROPRIATING \$15,000 FROM THE UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, TO FUND 410, PROJECT NO. 30074, CLOUDY LAKE OUTFLOW CULVERT REPLACEMENT.

a. Resolution Serial No. 01-084: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE CLOUDY LAKE OUTFLOW CULVERT REPLACEMENT AND AUTHORIZING THE MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE.

(1) IM No. 01-199

5. Ordinance Serial No. 01-137: AN ORDINANCE ACCEPTING AND APPROPRIATING \$12,000 FROM THE UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, TO FUND 410, PROJECT NO. 30075, SAWYER CREEK BRIDGE.

a. Resolution Serial No. 01-085: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR SAWYER CREEK BRIDGE AND AUTHORIZING THE MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE.

(1) IM No. 01-200

6. Ordinance Serial No. 01-138: AN ORDINANCE ACCEPTING AND APPROPRIATING \$5,633 FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE TO FUND 480, PROJECT NO. 20326, SAWYER CREEK STREAM BANK RESTORATION.

a. Resolution Serial No. 01-086: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE SAWYER CREEK STREAM BANK RESTORATION AND AUTHORIZING THE MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE.

(1) IM No. 01-202

7. Ordinance Serial No. 01-139: AN ORDINANCE ACCEPTING AND APPROPRIATING \$32,500 FROM THE STATE OF ALASKA, DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT TO FUND 480, PROJECT NO. 20327, FOR THE ARMED FORCES HONOR GARDEN CONSTRUCTION IN WASILLA.

a. Resolution Serial No. 01-087: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET, AND AUTHORIZING THE BOROUGH MANAGER TO EXECUTE A TRANSFER OF RESPONSIBILITY AGREEMENT WITH THE CITY OF WASILLA IN THE AMOUNT OF \$29,700, FOR THE CONSTRUCTION OF THE ARMED FORCES HONOR GARDEN.

(1) IM No. 01-203

8. Ordinance Serial No. 01-140: AN ORDINANCE ACCEPTING AND APPROPRIATING \$20,000 FROM THE UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, TO FUND 400, PROJECT NO. 40142, FOR THE CONSTRUCTION OF A WALKWAY AND PLATFORM AT FULLER LAKE.

a. Resolution Serial No. 01-088: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE FULLER LAKE WALKWAY AND PLATFORM AND AUTHORIZING THE MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE.

(1) IM No. 01-204

9. Ordinance Serial No. 01-141: AN ORDINANCE APPROVING AN APPROPRIATION OF \$75,000 FROM THE PARKS, RECREATION, AND TRAILS 2001 SERIES B BOND TO FUND 440, CULTURAL AND RECREATION CAPITAL PROJECTS, PROJECT NO. 15020, TO UPGRADE THE ROAD ACCESS AND CONSTRUCT A BOAT LAUNCH AT BIG LAKE.

a. Resolution Serial No. 01-089: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE BIG LAKE PARK BOAT LAUNCH.

(1) IM No. 01-205

10. Ordinance Serial No. 01-142: AN ORDINANCE APPROVING AN APPROPRIATION OF \$80,000 FROM THE PARKS, RECREATION, AND TRAILS 2001 SERIES B BOND TO FUND 440 CULTURAL AND RECREATION CAPITAL PROJECTS, PROJECT NO. 15019, TO CONSTRUCT THE LAKE LOUISE BOAT LAUNCH AND DAY USE AREA.

a. Resolution Serial No. 01-090: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE LAKE LOUISE BOAT LAUNCH AND DAY USE AREA.

(1) IM No. 01-206

11. Ordinance Serial No. 01-143: AN ORDINANCE ACCEPTING AND APPROPRIATING \$25,000 FROM THE UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, TO FUND 410, PROJECT NO. 30076, CROOKED LAKE CULVERT RESTORATION.

a. Resolution Serial No. 01-091: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE CROOKED LAKE CULVERT RESTORATION PROJECT AND AUTHORIZING THE MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE.

(1) IM No. 01-207

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 September 4, 2001.

GENERAL CONSENT: The motion, for introduction of legislation as read into the record by the clerk and set for public hearing on September 4, 2001, was passed without objection.

B. CONSENT AGENDA

(Resolution Serial No. 01-092 and AM 01-117 were pulled from the consent agenda [see pages 8 and 15 for assembly action.]

1. RESOLUTIONS

2. ACTION MEMORANDUMS

a. AM No. 01-114: VACATION OF A SECTION LINE EASEMENT WITHIN TWIN LAKES SUBDIVISION ADDITION 1, TRACT A, SECTION 21, T18N, R1E, SEWARD MERIDIAN, ALASKA, NORTH LAKES COMMUNITY COUNCIL AREA.

b. AM No. 01-116: CHANGE ORDER TO PRUHS CORPORATION TO ADD EXTRA WORK FOR THE 2001 ROAD PAVING PROJECT PHASE II.

e. AM No. 01-119: AWARD OF BID NO. 02-013, CONTRACT FOR SWIMMING POOL CHEMICALS.

f. AM No. 01-120: APPROVAL OF A CHANGE ORDER TO VALLEY TREE SERVICE FOR THE PROFESSIONAL TREE CLEARING SERVICES CONTRACT.

g. AM No. 01-121: AWARD OF PROPOSAL NO. 02-016, BODENBURG CREEK BRIDGES DESIGN/BUILD.

h. AM No. 01-122: AWARD OF BID NO. 02-012, RSA NO. 27, MEADOW LAKES ROAD MAINTENANCE CONTRACT RE-ISSUE.

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. 01-092: A RESOLUTION RECOMMENDING THAT IMPROVEMENTS BE MADE TO POINT MACKENZIE ROAD. (Sponsors: Assemblymembers Simpson and Kelly)
(1) IM No. 01-181

MOTION: Assemblymember DeVilbiss moved for adoption of Resolution Serial No. 01-092.

Assemblymember DeVilbiss questioned the funding source for the improvements to Point MacKenzie Road.

Mr. Duffy responded that no funds will be appropriated from road service area accounts.

GENERAL CONSENT: The motion passed without objection

The regular assembly meeting recessed at 6:55 p.m. and reconvened at 7:03 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. 01-119: 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

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 to continue the public hearing to September

18, 2001.

GENERAL CONSENT: The motion, to continue the public hearing on September 18, 2001, passed without objection.

2. 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

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. 01-120.

Assemblymember Lankford Ladere spoke to the positive changes and improvements in the borough animal care program.

Discussion followed on the success of the present animal care program.

GENERAL CONSENT: The motion passed without objection.

3. 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

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 Nos. 01-121 and 122.

GENERAL CONSENT: The motion passed without objection.

4. 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

(2) AM No. 01-123: AWARD OF BID NO. 02-008, PURCHASE PLAYGROUND EQUIPMENT.

Mayor Anderson opened the public hearing.

Ms. Jean Woods voiced concerns regarding expenditures for school playgrounds and questioned accessibility to the recreation equipment on those sites.

Mr. Duffy responded that school sites with equipment purchased by bond funds will be accessible at all times.

MOTION: Assemblymember Jansen moved for adoption of Ordinance Serial No. 01-123, Resolution Serial No. 01-071 and AM No. 01-123.

Assemblymember Lankford Ladere asked administration to provide an updated report of expenditures made with bond funding.

GENERAL CONSENT: The motion passed without objection.

5. 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

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 Kelly moved for adoption of Ordinance Serial No. 01-124 and Resolution Serial No. 01-072.

GENERAL CONSENT: The motion passed without objection.

6. 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.

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 Nos. 01-125 and 126, Resolution Serial No. 01-073, and AM No. 01-111.

Mr. Swanson discussed the additional expenditures associated with transportation costs to complete the survey in remote areas.

GENERAL CONSENT: The motion passed without objection.

7. 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

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. 01-127.

GENERAL CONSENT: The motion passed without objection.

8. 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

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. 01-128.

GENERAL CONSENT: The motion passed without objection.

9. 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.

CONFLICT OF INTEREST: Mayor Anderson requested to be recused stating a financial interest in Ordinance Serial No. 01-129, Resoution Serial No. 01-075, and AM No. 01-113. (Mayor Anderson is the accountant for the Upper Susitna Senior Center.)

RULING: Deputy Mayor Jansen ruled that Mayor Anderson had a conflict of interest in Ordinance Serial No. 01-129, Resolution Serial No. 01-075, and AM No. 01-113. (*Mayor Anderson exited the assembly chambers.*)

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 that 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.*)

CONFLICT OF INTEREST: Assemblymember DeVilbiss requested a ruling from the chair regarding a possible conflict of interest stating he had made a cash donation to the Upper Susitna Senior Center construction project.

Mr. Gatti stated that Assemblymember had no financial interest or gain and therefore no conflict of interest.

Deputy Mayor Jansen opened the public hearing.

The following spoke in favor of the ordinance as presented: Mae Tischer.

There being no one else 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. 01-129, Resolution Serial No. 01-075, and AM no. 01-113.

Discussion followed concerning the contractor's ability to honor current construction obligations.

Mr. Swing stated:

- that the contractor is currently behind on another borough construction

project;

- that the contractor agreed to hold the bid price until September;
- recommended a pre-award conference to ask the contractor questions concerning man power to complete both projects.

Discussion followed concerning the contractor's ability to honor current construction obligations.

MOTION: Assemblymember Kelly moved a primary amendment to the first sentence of the staff recommendation of AM No. 01-113 to insert "authorize the manager to enter into a contract to"

DIVIDE THE QUESTION: Assemblymember Colver 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 Resolution Serial No. 01-075: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR THE CONSTRUCTION OF THE UPPER SUSITNA SENIOR CENTER from AM No. 01-113: AWARD OF BID NO. 01-117, UPPER SUSITNA SENIOR CENTER CONSTRUCTION.

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

GENERAL CONSENT: The motion, for adoption of Ordinance Serial No. 01-129 and Resolution Serial No. 01-075, passed without objection.

GENERAL CONSENT: The primary amendment, to AM No. 01-113, passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to strike "Wolverine" and insert "E & E Construction" with the intent to award the contract to the second highest bidder, E & E Construction.

Ms. Clayton advised:

- that the bid award to Wolverrine has been advertised;
- that E & E Construction was allowed a time frame to protest the bid award;
- and
- that the amount of the award advertised would not match the amount of the bid E & E submitted.

RULING: Deputy Mayor Jansen ruled the amendment out of order.

VOTE: The motion, for adoption of AM No. 01-113 as amended, passed with Assemblymember Colver opposed. (*Mayor Anderson and Assemblymember Lankford Ladere reentered the assembly chambers.*)

10. 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

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 Kelly moved for adoption of Ordinance Serial No. 01-130.

GENERAL CONSENT: The motion passed without objection.

11. 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

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. 01-131.

GENERAL CONSENT: The motion passed without objection.

12. 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

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. 01-132.

GENERAL CONSENT: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

Mr. Fred Agree spoke to the Hatcher Pass litigation.

Mr. David Conover questioned property tax and service area tax processes.

Mr. Duffy responded and made an appointment with Mr. Conover to discuss the issues.

B. CONSENT AGENDA (*Continued from page 7*)

c. AM No. 01-117: APPROVING A CHANGE ORDER TO CONSOLIDATED ENTERPRISES, INC. FOR \$25,225 FOR ADDITIONAL ROOF SEAM REPAIR WORK AT WASILLA HIGH SCHOOL.

MOTION: Assemblymember Kelly moved for adoption of AM No. 01-117.

Mr. Swing gave a staff report stating that the roof seams were not visible during the bid process and the extent of damage was noted upon initiation of the project.

GENERAL CONSENT: The motion passed without objection.

C. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Anderson made the following recommendations:

Animal Care and Regulations Board
Kathy Bellknap, Animal Trainer

Butte FSA No. 2
Brenda Layton

Midway RSA No. 9
N. Roy Goodman

Greater Butte RSA No. 26
Arthur (Marty) Quaas

Mayor Anderson requested the following confirmations:

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

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

Keith A. Smith
Linda DeSimone Smith

Mayor Anderson requested that the assembly accept the following resignations:

Animal Care and Regulation Board
Rod Hutchinson

Platting Board
Mark Ward, District 3

MOTION: Assemblymember Jansen moved to confirm the mayor's appointments up for confirmation this evening and to accept the resignations of Rod Hutchinson and Mark Ward.

DIVIDE THE QUESTION: Assemblymember Lankford Ladere moved to divide the question and address the Reapportionment Advisory Committee and the Circle View and Stampede Estates Flood and Erosion Control separately.

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

GENERAL CONSENT: The motion to confirm the mayor's appointments up for confirmation this evening and to accept the resignations of Rod Hutchinson and Mark Ward passed without objection.

Discussion followed concerning the appointment of spouses to the same board.

VOTE: The motion, to confirm Keith A. Smith and Linda DeSimone Smith to the Circle View and Stampede Estates Flood and Erosion Control Board, passed with Assemblymembers Lankford Ladere and Kelly opposed.

Discussion followed concerning the method of the appointments to the Reapportionment Advisory Committee.

MOTION: Assemblymember DeVilbiss moved to divide the question to vote on the appointment to District 7 separately.

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

GENERAL CONSENT: The motion, to confirm the appointments to the Reapportionment Advisory Board, passed without objection.

Discussion continued on the method of selection for the District 7 nomination.

GENERAL CONSENT: The second segment, to confirm Rich Erickson, passed without objection.

GENERAL CONSENT: The motion passed without objection.

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 Lankford Ladere:

- announced that she is meeting e a joint public safety task force will meet August 29, 2001, at 4 p.m. to discuss development of public safety building in the Upper Susitna area;
- spoke to the benefits of training wildfire attack personnel boroughwide;
- related that an ambulance call in Talkeetna response time was 40 minutes and the victim died;
- reported that a seal was observed in Montana Creek;
- remarked that former Meadow Lakes Fire Chief Tom Hood charges were reduced to misdemeanors; and
- spoke to the merits of a barter system in the smaller communities.

MOTION: Assemblymember DeVilbiss moved for reconsideration of 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, Resolution Serial No. 01-075: Resolution Serial No. 01-075: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR THE CONSTRUCTION OF THE UPPER SUSITNA SENIOR CENTER, and AM No. 01-113: AWARD OF BID NO. 01-117, UPPER SUSITNA SENIOR CENTER.

CONFLICT OF INTEREST: Mayor Anderson requested to be recused stating a financial interest in Ordinance Serial No. 01-129, Resoution Serial No. 01-075, and AM No. 01-113.

RULING: Deputy Mayor Jansen ruled that Mayor Anderson had a conflict of interest in Ordinance Serial No. 01-129, Resolution Serial No. 01-075, and AM No. 01-113. *(Mayor Anderson exited the assembly chambers.)*

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 that 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 reconsideration, failed unanimously. *(Mayor Anderson and Assemblymember Lankford Ladere returned to the assembly chambers.)*

Assemblymember DeVilbiss:

- advised the assembly to move cautiously when reviewing the Chickaloon proposals;
- thanked the clerk for obtaining the Anchorage sales tax ballot language regarding sales tax off-setting property tax; and
- reiterated the need to address borough transportation issues.

Assemblymember Colberg:

- expressed appreciation of the manager's attention to Mr. Conover's tax problems; and
- asked for the attorney to research a possible conflict of interest regarding his residence location in relation to the race track issues.

Assemblymember Kelly:

- expressed concerns with the Chickaloon proposals;
- voiced his concerns with the Wasilla traffic congestion; and
- apologized for an error in identifying Jim Colberg's property on his race track analysis.

Assemblymember Colver:

- requested that the assembly review tax exemption requirements for non-profits;
- expressed condolences for the Curtis Menard and Ray Craig families;
- added his concerns to the traffic engineering problems;
- opined that the Hatcher Pass litigation has unresolved issues and requested to meet with counsel regarding options, payment of legal fees, and the open meetings ordinance issue.

MOTION: Assemblymember Colver moved to schedule an executive session on the September 4, 2001, regular meeting to discuss the Hatcher Pass litigation.

Discussion followed concerning the need for an executive session.

WITHDRAW: Assemblymember Colver requested to withdraw the motion. There was no objection to the withdrawal.

Assemblymember Jansen:

- reported that Palmer is studying a four-phase annexation plan;
- spoke to the traffic issues of a new subdivision planned adjoined to Brittany Estates;
- mentioned a constituents concerns regarding remote control airplanes--safety and noise issues;
- requested that the assembly members contact legislators regarding support of the Garvee bond package;
- noted that a DOT traffic impact study is due for release on August 22, 2001;
- commented regarding the need for installation of a stop light at the Palmer/Wasilla Highway and Hyer Road intersection;
- reported the status of the paving project in the city of Palmer;
- announced the state fair dates; and
- challenged assembly members to locate a peacock on the state fair grounds.

Assemblymember Kelly:

- asked that the assembly support the request for a stop light near the bus barn on the Palmer/Wasilla Highway.

Assemblymember DeVilbiss:

- requested a legal analysis as to the propriety of the assembly entering

executive session on July 10, 2001, to discuss potential litigation involving the state's redistricting plan.

MOTION: Assemblymember DeVilbiss moved to share the information gained through outside counsel regarding the redistricting issues with the city of Wasilla.

Discussion followed concerning this motion being seen as support for the lawsuit.

Mr. Gatti stated that releasing legal opinion would not indicate support of the litigation.

The regular assembly meeting recessed at 9:25 p.m. and reconvened at 9:35 p.m.

Mr. Gatti stated the following options regarding the handling of the outside council's research:

- the assembly may release the document to the public at large;
- the assembly may release the document to Attorney Tom Klinkner for preparation of a lawsuit;
- the assembly may chose to withhold the document; or
- the assembly may use the document in filing an amicus brief.

MOTION: Assemblymember DeVilbiss moved to postpone to a time certain of September 4, 2001, to allow research by the borough attorney.

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

The attorney was directed to research a possible conflict of interest of Assemblymembers DeVilbiss and Lankford Ladere voting on the release of information to assist in litigation which lists them as plaintiffs.

Assemblymember Colberg requested a resolution be drafted and presented proposing filing an amicus brief with a maximum funding of \$50,000.

Mayor Anderson:

- invited the assembly members to share judging and other duties relating to the state fair;
- encouraged participation in the state fair;
- commented on the Hatcher Pass litigation; and
- thanked Assemblymembers Colberg and Jansen for their attendance at the AML Conference of Mayors held in Wasilla.

Assemblymember Colberg:

- spoke to the presentation by Alaska State Troopers regarding the expanding drug problems within the borough relating to crystal meth production and sale;
- commented on the trail systems designs for south east Alaska; and
- noted that AML presentations in Wasilla included the declining funding sources for local government, an overview of AML legislative goals; declining oil revenues vs state expenditures; and the natural gas pipeline options.

Mayor Anderson continued:

- clarified his position on the proposal to move the legislature to the Matanuska-Susitna borough;
- discussed the borough's position on the proposed legislature move with Mayor Smith of Juneau;
- stated that the petition to move the legislature does not address funding for the move;
- shared that he and the manager have scheduled meetings with several local entities to discuss borough issues including the sales tax proposition;

thanked Assemblymember Jansen for chairing the August 7, 2001, regular meeting;

- spoke to the traffic congestion issues;
- expressed appreciation of the open dialog with the Chickaloon Tribe during the work session; and
- assured the audience that the goal of the assembly is to be equal to all recognized borough tribes.

XIV. ADJOURNMENT

The regular meeting adjourned at 10:03 p.m.

Minutes approved: September 4, 2001

Signed copy available at the clerk's office