

MATANUSKA-SUSITNA BOROUGH REGULAR MEETING
ASSEMBLY SEPTEMBER 4, 2001

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on September 4, 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
Mr. Talis J. Colberg, Assembly District No. 3
Mr. Dan Kelly, Assembly District No. 4
Ms. Jody Simpson, Assembly District No. 5
Mr. Jim Colver, Assembly District No. 6
Ms. Kelly Lankford Ladere, Assembly District No. 7

Staff in attendance were:

Ms. Sandra A. Dillon, Borough Clerk
Mr. Dave Germer, Assistant Borough Manager
Mr. John Aschenbrenner, Assistant Borough Attorney
Ms. Michelle M. McGehee, Borough Clerk's Secretary
Mr. Jim Swing, Public Works Director
Ms. Tammy Clayton, Finance Director
Ms. Sandy Garley, Planning Director
Mr. Ron Swanson, Community Development Director
Mr. Karl Borglum, Borough Assessor
Mr. Jack Krill, Chief Central Mat-Su Fire Department
Mr. Ken Hudson, Chief of Code Compliance

III. APPROVAL OF AGENDA

There was no objection to the agenda.

IV. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Jim Cooper, Palmer City Council Member.

V. MINUTES OF PRECEDING MEETINGS

A. Regular Assembly Meeting: August 21, 2001

The mayor referenced the August 21, 2001, regular minutes and asked for any corrections.

Assemblymember DeVilbiss requested that the record reflect his request for a legal opinion regarding the propriety of entering executive session to discuss redistricting. His request was added to page 20 of 21.

GENERAL CONSENT: The minutes of the regular meeting of August 21, 2001, were approved without objection pending clerk's research.

VI. SPECIAL ORDERS OF THE DAY

A. Proclamation for the Alaska Army National Guard, Company B, 297th Support Battalion for participation in Clean-

up 2001.

Mayor Anderson:

- presented a proclamation to the Alaska Army National Guard, Company B, 297th Support Battalion, for their participation in Clean-up 2001; and
- thanked them for their community involvement and hard work.

The receiving members of the support battalion in turn presented Mr. Ken Hudson, Chief of Code Compliance, with a plaque expressing their appreciation for the efforts of the code compliance division and for the partnership that they have facilitated with the Alaska Army National Guard.

VII. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Palmer Mayor Guinotte:

- thanked the borough for restoring \$1000 to the budget for borough parks within the city of Palmer;
- reported that the city of Palmer is working on zoning regulations;
- commented that the city is entertaining the hire of an outside consultation firm to perform an analysis and discuss potential annexation;
- remarked regarding low flying model airplanes around the Palmer area; and
- spoke to street paving projects.

2. Matanuska-Susitna Borough School District

Superintendent Pat Chesbro:

- reported that she had an opportunity to visit schools in the northern part of the borough;
- expressed her appreciation to the borough and to the communities for wonderful school facilities;
- anticipates meeting the school district's projected student enrollment for the year;
- noted that not all of the furniture for Teeland and Larson schools has arrived; and
- stated that the school nurses are doing a good job of tracking the new vaccination requirements.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Colberg:

- reported that Superintendent Chesbro will be giving a report regarding the summer school math program at the next meeting;
- stated that Mr. Jim Swing reported on new school construction projects;
- commented that the committee discussed forming another committee at the school district level to address alternate school dates; and
- noted that the next joint assembly/school board committee meeting will be held on October 1, 2001, at 12 noon.

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

(There was no report given.)

C. MANAGER COMMENTS

Mr. Germer:

- reported that there will be a joint port commission/assembly meeting work session on September 11, 2001, at 3 p.m., in the assembly chambers to receive a presentation from the Cornell Group regarding future development of the port;

- noted that the port commission held a joint work session with the Anchorage port commission on August 27, 2001, which consisted of presentations on the Foreign Trade Zone and the Knik Arm Crossing;
- stated that the administration received a letter from VECO Corporation expressing interest in the use of the dock and uplands;
- spoke to the manager's response to Northwest Pacific Industries, Limited Liability Corporation's (NPI LLC) correspondence of August 17, 2001, and reiterated the borough's commitment to the project;
- remarked that the latest version of the borough's Fact Book is now available;
- spoke to economic development efforts on behalf of the borough to assist members of the local business community in their efforts and in expansion of their businesses;
- reported that modifications are being made to a proposed ordinance to provide economic development incentives for new and expanding businesses; and
- stated that he and the manager would be meeting with Commissioner Perkins on September 12, 2001, to discuss the port project and state participation.

D. ATTORNEY COMMENTS

(There were no comments given.)

E. CLERK COMMENTS

Ms. Dillon:

- clarified that there will be two work sessions on September 11, 2001: a 2 p.m. work session for the port commission only and a 3 p.m. joint assembly/port commission work session; and
- recommended cancellation of the September 6, 2001, work session to discuss assembly policies and procedures as certain individuals will not be available to meet during that time; and
- suggested a potential retreat during the later part of October to discuss issues relating to the Alaska Municipal League (AML) and assembly policies and procedures.

MOTION: Assemblymember Colberg moved to postpone rescheduling the September 6, 2001, work session re: assembly policies and procedures until October 16, 2001.

VOTE: The motion passed with Assemblymember Kelly in opposition.

Ms. Dillon (comments continued):

- confirmed cancellation of the September 6, 2001, work session based upon the previous motion;
- stated that the reapportionment advisory committee will meet on September 5 and 6, 2001, and that the planning department expects a minimum of another eight meetings; and
- reported that she is drafting an ordinance regarding the special election for redistricting, to be held on January 15, 2002, which she will be bringing forward to the assembly during the next meeting.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- Emergency Medical Services Advisory Board - 03/07/01, 04/04/01, 05/02/01, 06/06/01
- Enhanced 9-1-1 Advisory Board - 03/13/01, 04/10/01, 05/08/01, 06/12/01, 07/10/01, 08/21/01
- Local Emergency Planning Committee - 02/21/01, 03/21/01, 04/25/01, 05/16/01, 07/25/01
- Platting Board - 08/02/01
- Wasilla-Lakes Fire Service Area Board of Supervisors - 06/12/01

Assemblymember DeVilbiss:

- requested the clerk to give notice to all borough boards and commissions regarding the necessity of timely minutes.

2. Community Council Correspondence:

- Big Lake Community Council - 08/08/01
- Lazy Mountain Community Council - 07/06/01

3. Assembly Correspondence:

- a. Limited Traffic Impact Analysis: Palmer/Wasilla Hwy.and Hyer Rd. Intersection (Sponsor: Assemblymember Kelly)

G. INFORMATIONAL MEMORANDUMS

1. IM No. 01-220: PAYMENT OF INTEREST ON RETAINAGE

2. IM No. 01-222: RESULTS OF SEALED BID NO. 02-010, CLEANUP 2001 - VEHICLE, APPLIANCE, AND JUNK METAL, CRUSHING AND REMOVAL.

Assemblymember Jansen:

- queried the list of the borough's top ten taxpayers and the name Wasilla LLC.

Ms. Clayton:

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

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

IX. UNFINISHED BUSINESS

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

1. IM No. 01-227

Assemblymember DeVilbiss:

- queried if Mayor Anderson had a chance to address his and Assemblymember Lankford Ladere's request for a conflict of interest ruling regarding the appearance of impropriety in voting on the issue of releasing legal documentation to the city of Wasilla.

CONFLICT OF INTEREST: Assemblymember DeVilbiss asked for a conflict of interest ruling as he is a plaintiff in the current litigation.

Mayor Anderson:

- conferred with John Aschenbrenner, the Assistant Borough Attorney, who informed him that a conflict of interest did not exist per MSB 2.70, Code of Ethics;
- noted that an appearance of impropriety was not in fact a conflict of interest; and
- commented that the assembly has a duty to vote unless a real conflict of interest is identified.

RULING: Mayor Anderson ruled that Assemblymember DeVilbiss did not have a conflict of interest in regard to voting on the issue of releasing legal information on redistricting to the city of Wasilla.

Mayor Anderson:

- noted that Assemblymember Lankford Ladere also did not have a conflict of interest in regard to this matter.

Assemblymember DeVilbiss:

- reiterated his request for a legal opinion as to the propriety of the assembly entering executive session to discuss redistricting.

Discussion ensued regarding:

- the appropriateness of releasing the information to the city of Wasilla and also to the public at large.

MOTION: Assemblymember Jansen moved to amend the pending motion to insert the phrase, "and the public at large" to read: "Assemblymember DeVilbiss moved to share the information gained through outside counsel regarding the redistricting issues with the city of Wasilla and the public at large."

Discussion continued regarding:

- assembly authority to release attorney-client privileged information;
- the impact the information could have on the proposed amicus brief if it is released before the brief; and
- the options the borough has available to them in regard to release of the information.

MOTION: Assemblymember Jansen moved the previous question.

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

GENERAL CONSENT: The motion to amend the pending motion to insert the phrase, “and the public at large” to read: Assemblymember DeVilbiss moved to share the information gained through outside counsel regarding the redistricting issues with the city of Wasilla and the public at large, passed without objection.

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

The regular meeting recessed at 6:55 p.m. and reconvened at 7:06 p.m.

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

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

1. Hazel Daily re: Model Airplane Flight and Noise Controls

Ms. Daily:

- believes that the city of Palmer needs assistance from the borough to address the issue;
- spoke to the Alaska Radio Control Society and the field located off of Scott Road where they operate;
- remarked that there are a number of problems associated with unregulated flying including, noise and safety;
- stated that people in the area have a vested interest in their community and want protection and peace of mind;
- noted that majority of the flying club’s members live in Anchorage and travel to the borough to operate their planes due to the lack of regulation; and
- commented that there would be no issue if zoning and noise level regulations existed in residential neighborhoods;
- researched the FAA reporting requirements for model airplane operators and stated that these requirements are not being followed; and
- noted that some of the planes are silent, but still propose a serious risk to the public should crashes occur.

Members of the Assembly inquired if Ms. Daily had met with the manager to discuss the issue.

Ms. Daily:

- responded that she had met with the manager and was told that the issue would be reviewed; and
- believes that model airplanes operators should have a place to fly, but not in residential neighborhoods.

B. PUBLIC HEARINGS (Three minutes per person.)

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. No. 01-165

Ms. Clayton:

- presented a staff report regarding the history of the initial appropriation; and
- stated that funds were not received in advance and that a deficit of \$5,500 existed; and
- commented that \$2,500 has been received through collections, leaving a deficit of \$3,000.

Mr. Swing:

- remarked that the funds for the project were received from a matching grant program.

Ms. Clayton:

- reported that a policy has since been instituted to receive funds in advance.

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 Colver moved for adoption of Ordinance Serial No. 01-133.

Discussion continued regarding:

- the road service area's approval of the initial expenditure;
- the reappropriation of funds from the road service area operating budget to account for the deficit without the knowledge of, or a recommendation from, the road service area; and
- reference of the ordinance to the Gold Trail Road Service Area Board of Supervisors for a recommendation.

MOTION: Assemblymember Colver moved to refer Ordinance Serial No. 01-133 to the Gold Trail Road Service Area Board of Supervisors for a recommendation during their next regular meeting.

GENERAL CONSENT: The motion passed without objection.

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

Mayor Anderson opened the public hearing.

The following spoke in opposition of Ordinance Serial No. 01-134: Nancy Sult.

There being no others 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. 01-134 and Resolution Serial No. 01-082.

Ms. Garley:

- presented a staff report regarding the work conducted at the Old Knik Townsite;
- stated that the borough's cultural resource specialist, Fran Seager-Boss, has been charged with developing a work program for Summit Inc.'s contract archeologist;
- noted that the borough is tasked with mitigation and recording of the site;
- reported that all funds spent on the project are received through grants;
- commented that students are attracted to the project via grants;
- stated that specific state and federal regulations must be followed during the process; and
- reiterated that the borough's interest in the project is to salvage the history of the town site.

Discussion ensued regarding:

- the originator of the resource grant to Summit Inc.; and
- the removal of burial sites during excavation.

GENERAL CONSENT: The motion to adopt Ordinance Serial No. 01-134 and Resolution Serial No. 01-082 passed without objection.

Mayor Anderson:

- commented that due to the similarities of the legislation, New Business, items 3, 4, 6, and 7, would be addressed under one public hearing if there were no objections. [No objections were noted.]

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

6. 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

7. 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. Jean Summers, representative of the U.S. Department of Fish and Wildlife Service:

- stated that she was in attendance with Ms. Gay Muhlberg of the Alaska State Department of Fish and Game;
- expressed the department of fish and wildlife's desire to partner with the borough on many projects;
- noted that contributions have been received in excess of \$87,000;
- commented that signed agreements must be returned by September 17, 2001;
- spoke to several projects including: culvert replacements at Crooked Lake and Cloudy Lake; a penetrated walkway and platform at Fuller Lake; a footbridge at Cottonwood Creek, and a bridge at Sawyer Creek.

Members of the assembly inquired if the department of fish and wildlife was open to working with the borough regarding future projects.

Ms. Summers:

- responded that the department was interested in future projects;

- noted that the next grant cycle begins in February; and
- asked the assembly to bring these projects forward at that time.

Assemblymember DeVilbiss:

- noted a footbridge at Eska Creek as a future project.

Assemblymember Simpson:

- noted a footbridge at Echo Lake as a future project.

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

MOTION: Assemblymember Jansen moved for adoption of Ordinance Serial Nos. 01-135, 01-136, 01-140, and 01-143 and also companion Resolution Serial Nos. 01-083, 01-084, 01-088, and 01-091.

GENERAL CONSENT: The motion passed without objection.

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

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. 01-137 and Resolution Serial No. 01-085.

Assemblymember Lankford Ladere:

- commented that the area is heavily populated; and
- noted the need for an alternate escape route for people who live on Montana Creek Road.

GENERAL CONSENT: The motion passed without objection.

8. 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

Mayor Anderson opened the public hearing.

The following spoke to Ordinance Serial No. 01-138: Ms. Jean Woods.

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

MOTION: Assemblymember Lankford Ladere moved for adoption of Ordinance Serial No. 01-138 and Resolution Serial No. 01-086.

GENERAL CONSENT: The motion passed without objection.

9. 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

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. 01-139 and Resolution Serial No. 01-087.

Assemblymember Kelly:

- spoke to the administrative fees associated with the proposed project;
- commented that the city of Wasilla had requested a grant in the amount of \$32,500; and
- opined that the project should be fully funded.

MOTION: Assemblymember Kelly moved to amend Resolution Serial No. 01-087 to strike the amount of \$29,700 and to insert the amount of \$32,500, such additional funds to be appropriated from the assembly reserves, to read:

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] \$32,500, FOR THE CONSTRUCTION OF THE ARMED FORCES HONOR GARDEN.

Ms. Clayton:

- reported that administrative fees have never been waived in the past;
- noted that administrative fees are associated with all grants; and
- stated that the fee schedule is being applied in accordance with a resolution adopted by the assembly some time ago.

Mr. Aschenbrenner:

- noted that Resolution Serial No. 89-039 set out the specific percentage of grant monies to be applied to administrative costs;
- advised that it would be prudent for the assembly to postpone action on the ordinance and resolution until such time as Resolution Serial No. 89-039 could be amended; and
- commented that there are no existing provisions which would allow for a waiver of the fees.

Discussion ensued regarding:

- precedence setting in regard to the waiver of administrative fees.

Assemblymember Kelly:

- reiterated that the additional funds could be allocated from the assembly reserves.

VOTE: The motion to amend Resolution Serial No. 01-087 to strike the amount of \$29,700 and to insert the amount of \$32,500, such additional funds to be appropriated from the assembly reserves, passed with Assemblymembers Jansen, Colberg, and Simpson in opposition.

GENERAL CONSENT: The motion as amended passed without objection.

10. 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

Mr. Swing:

- presented a staff report and noted that the project is funded by park bonds; and
- stated that the appropriation is to construct a boat launch to Big Lake and to upgrade the road to the launch.

Discussion ensued regarding:

- adequate funds needed to complete the project.

Mayor Anderson opened the public hearing.

The following spoke in favor of Ordinance Serial No. 01-141: Jay Nolfi.

There being no others 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. 01-141 and Resolution Serial No. 01-089.

Discussion continued regarding:

- the alternate access that this project would provide to those who use the lake recreationally;
- future development of the project; and
- maintenance associated with the project.

GENERAL CONSENT: The motion passed without objection.

11. 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

Mr. Swing:

- provided a staff report and noted that this project will also be funded by parks and recreation bonds; and
- noted the location of the boat launch and day use area.

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. 01-142 and Resolution Serial No. 01-090.

GENERAL CONSENT: The motion passed without objection.

The regular meeting recessed at 8:25 p.m. and reconvened at 8:35 p.m.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

Mr. Terry Ninniger, representative of Northwest Pacific Industries (NPI), spoke to issues regarding the wood chipping

facility at Port MacKenzie and the need for a deep water dock in order to load their product.

Mr. Denis Stengrim, Jerry Baker, Pearl Knoebel, Michelle Church, and Mary Psenak spoke to residential neighborhood problems associated with the operation of model airplanes.

Mr. Jim Turner, representing the Friends of Hatcher Pass, spoke to initiating a recall petition regarding the mayor and members of the assembly, and also addressed the resignation of the borough manager.

Mr. Bill Moll, representing the Citizens to Restore Open and Honest Government, also spoke to the initiation of a recall petition and requested the resignation of the borough manager.

Mr. Lud Larson, President of North Star Speedway, spoke to the tax records and assessed value of the race track and to other properties in the area.

IX. UNFINISHED BUSINESS

B. Ordinance Serial No. 01-014(AM): AN ORDINANCE ADOPTING MSB 19.08.023, ESTABLISHING A SITE SELECTION PROCESS FOR CHARTER SCHOOLS. (Sponsor: Assemblymember DeVilbiss)(Referred to Planning Commission on 02/20/01)

1. IM No. 01-028
2. IM No. 01-223

MOTION: Assemblymember Jansen moved to postpone Ordinance Serial No. 01-014(AM) to a time certain of September 18, 2001.

Assemblymember Jansen:

- noted concerns regarding the reference to “purchase” of property in the ordinance when state statute mandates charter school contract terms for a period of three years; and
- opined that the requirements should be researched and the ordinance amended with new provisions that account for the short contract terms.

Ms. Clayton:

- stated that the department of education has requirements related to purchasing;
- commented that there are additional requirements if bonding is involved; and
- noted that this issue would be researched.

GENERAL CONSENT: The motion, to postpone to a time certain of September 18, 2001, passed without objection.

X. NEW BUSINESS

A. INTRODUCTION (Suggested public hearing - 09/18/01)

1. Ordinance Serial No. 01-151: AN ORDINANCE ACCEPTING AND APPROPRIATING \$5,000 FROM THE CITY OF WASILLA TO FISCAL YEAR 2002 OPERATING BUDGET (100.130.134) FOR JUNK VEHICLE REMOVAL.

a. IM No. 01-209

2. Ordinance Serial No. 01-152: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$25,000 FROM THE WASILLA-LAKES FIRE SERVICE AREA FUND BALANCE, FUND 250, TO THE WASILLA-LAKES FIRE SERVICE AREA OPERATING BUDGET, FUND 250, TO PURCHASE RADIOS, ACCESSORIES, SOFTWARE FOR PROGRAMMING AND RADIO INSTALLATION.

a. IM No. 210

3. Ordinance Serial No. 01-153: AN ORDINANCE REQUESTING AN APPROPRIATION OF \$6,200 FROM THE TALKEETNA FIRE SERVICE AREA FUND BALANCE, FUND 254, TO THE CAPITAL PROJECTS, FUND 405,

PROJECT NO. 10136, TO PAY FOR SITE PREPARATIONS, PAVING, AND OTHER ASSOCIATED COSTS.

a. Resolution Serial No. 01-093: A RESOLUTION REVISING THE SCOPE OF WORK FOR THE TALKEETNA FIRE SERVICE AREA CAPITAL PROJECTS, FUND 405, PROJECT NO. 10136, FOR AN ADDITIONAL \$6,200, TO PAY FOR SITE PREPARATIONS, PAVING, AND OTHER ASSOCIATED COSTS.

(1) IM No. 01-219

4. Ordinance Serial No. 01-154: AN ORDINANCE ACCEPTING AND APPROPRIATING \$140,000 FROM THE ALASKA STATE MUNICIPAL CAPITAL PROJECT MATCHING GRANT PROGRAM, TO FUND 425, PROJECT NO. 45092, FOR THE PURCHASE OF ONE AMBULANCE, ONE RESCUE UNIT, AND RELATED EQUIPMENT.

a. Resolution Serial No. 01-094: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE MUNICIPAL CAPITAL PROJECT MATCHING GRANT, FOR THE PURCHASE OF ONE AMBULANCE, ONE RESCUE UNIT, AND RELATED EQUIPMENT, FUND 425, PROJECT NO. 45092.

(1) IM No. 01-221

5. Ordinance Serial No. 01-155: AN ORDINANCE ACCEPTING AND APPROPRIATING \$147,334 FROM THE ALASKA STATE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, TO FUND 435, TO BUILD A COVERED STORAGE AREA FOR SALTED SAND, PROJECT NO. 30077.

a. Ordinance Serial No. 01-156: AN ORDINANCE REAPPROPRIATING \$63,143 FROM FUND 410 TO FUND 435 FOR THE MATCH FOR BUILDING A COVERED STORAGE AREA FOR SALTED SAND, PROJECT NO. 30077.

b. Resolution Serial No. 01-095: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET TO BUILD A COVERED STORAGE AREA FOR SALTED SAND AND AUTHORIZING THE MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE ALASKA STATE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.

(1) IM No. 01-226

B. INTRODUCTION (Suggested public hearing 10/16/01)

1. Ordinance Serial No. 01-144: AN ORDINANCE CREATING BRUNS LAKE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 343, 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. 01-211

2. Ordinance Serial No. 01-146: AN ORDINANCE CREATING LEATHERLEAF LOOP REVISED ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 346, 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. 01-214

3. Ordinance Serial No. 01-147: AN ORDINANCE CREATING MONTE VISTA ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 347, 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. 01-215

4. Ordinance Serial No. 01-148: AN ORDINANCE CREATING TALGACH VIEW SUBDIVISION ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 349, 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. 01-216

5. Ordinance Serial No. 01-149: AN ORDINANCE CREATING GRUBSTAKE SUBDIVISION NATURAL GAS

LOCAL IMPROVEMENT DISTRICT NO. 351, 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. 01-217

6. Ordinance Serial No. 01-150: AN ORDINANCE CREATING FOREST HILLS SUBDIVISION ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 352, 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. 01-218

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 18 and October 16, 2001, respectively.

GENERAL CONSENT: The motion passed without objection.

C. CONSENT AGENDA

(Resolution Serial Nos. 01-097 and 01-100 and AM Nos. 01-129, 01-131, and 01-132 were pulled from the consent agenda.)

1. RESOLUTIONS

a. Resolution Serial No. 01-096: A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE SHERROD REPLACEMENT ELEMENTARY SCHOOL SITE SELECTION COMMITTEE FOR A SITE FOR THE SHERROD REPLACEMENT SCHOOL IN THE PALMER AREA.

(1) IM No. 201

b. Resolution Serial No. 01-097: A RESOLUTION APPROVING THE CHANGE OF THE SCOPE OF WORK AND BUDGET FOR THE WILLOW COMMUNITY CENTER REPAIR AND REHABILITATION PROJECTS, PROJECT NO. 10060

(1) IM No. 01-213

c. Resolution Serial No. 01-098: A RESOLUTION REVISING THE SCOPE OF WORK AND BUDGET FOR THE PURCHASE AND INSTALLATION OF A SNOWPLOW TO A DUMP BODY WITH A TELESCOPIC HOIST FOR A PARKS AND RECREATION TRUCK.

(1) IM No. 01-225

2. ACTION MEMORANDUMS

a. AM No. 01-124: VACATION OF PUBLIC RIGHT OF WAY WITHIN LOT 7A, BLOCK 2, FINGER COVE ESTATES, SECTION 33, T18N, R1E, SEWARD MERIDIAN, SOUTH LAKES COMMUNITY COUNCIL AREA.

b. AM No. 01-125: VACATION OF PUBLIC RIGHT OF WAY WITHIN TRACTS A AND B, ASLS 84-106, SECTIONS 33 AND 34, T23N, R8W, AND SECTION 4, T22N, R8W, SEWARD MERIDIAN, ALASKA.

c. AM No. 01-127: AWARD OF BID NO. 02-026, FISH LAKES ROAD PROJECT.

d. AM No. 01-128: AWARD OF BID NO. 02-020, TO PURCHASE DEFIBRILLATORS TO UPGRADE AMBULANCE CARDIAC CARE EQUIPMENT.

f. AM No. 01-130: APPROVAL OF CHANGE ORDER TO D & S ROAD SERVICE CONTRACT TO ADD HELENA AVENUE TO THE RSA NO. 29 TALKEETNA GRAVEL OVERLAY (RE-BID) PROJECT.

i. AM NO. 01-133: AWARD OF BID NO. 02-031, RSA NO 26, ROADS PROJECT.

j. AM No. 01-134: APPROVAL OF ELECTION OFFICIALS FOR THE OCTOBER 2, 2001, REGULAR BOROUGH ELECTION.

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.

Assemblymember DeVilbiss:

- clarified his intent to pull Resolution Serial No. 01-099 rather than Resolution Serial No. 01-097.

MOTION: Assemblymember Jansen moved to amend the consent agenda to include Resolution Serial No. 01-097 and to pull Resolution Serial No. 01-099.

GENERAL CONSENT: The motion to amend the consent agenda passed without objection.

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

d. Resolution Serial No. 01-099: A RESOLUTION IN SUPPORT OF CHANGING THE NAME OF NORTH AMERICA'S TALLEST PEAK FROM "MT MCKINLEY" TO "DENALI." (Sponsor: Assemblymember Lankford Ladere)

MOTION: Assemblymember DeVilbiss moved for approval of AM No. 01-099.

Assemblymember Lankford Ladere:

- noted the cultural significance of the name "Denali."

VOTE: The motion passed with Assemblymembers DeVilbiss and Kelly in opposition.

e. Resolution Serial No. 01-100: A RESOLUTION ESTABLISHING THE MAYOR'S "FISCAL GAP" COMMUNITY BASED TASK FORCE.

Mayor Anderson:

- explained that the task force concept was generated from discussions during the mayor's conference; and
- noted that local groups are established throughout the state;

Discussion followed regarding:

- the expiration term of the task force;
- the length of time that may be necessary for the group to finalize their task; and
- the scope of the task force's authority.

MOTION: Assemblymember DeVilbiss moved to amend Resolution Serial No. 01-100 to sunset the term of the task force to one year instead of three.

Assemblymember Colberg:

- noted his concern regarding the amount of work and time involved with such a task force.

VOTE: The motion to amend Resolution Serial No. 01-100 passed with Assemblymember Colberg in opposition.

VOTE: The motion, as amended, failed with Assemblymembers Jansen, Lankford Ladere, and Colver in support.

e. AM No. 01-129: AWARD OF BID NO. 02-005: FURNISH MEDICAL SUPPLIES.

MOTION: Assemblymember Jansen moved to approve AM No. 01-129.

MOTION: Assemblymember Jansen moved to amend AM No. 01-129 by striking reference to "13c" in the third line under "staff recommendations."

Assemblymember Jansen:

- noted that the line item was successfully protested to the manager.

GENERAL CONSENT: The motion to amend AM No. 01-129 passed without objection.

GENERAL CONSENT: The motion as amended passed without objection.

g. AM NO. 01-131: CONTINUATION OF A PROFESSIONAL SERVICES AGREEMENT FOR FINANCIAL ADVISOR SERVICES.

MOTION: Assemblymember Jansen moved for approval of AM No. 01-131.

MOTION: Assemblymember Jansen moved to amend AM No. 01-131 by inserting the phrase, "To authorize the manger to enter into a contract for the. . .", to read: "To authorize the manager to enter into a contract for the continuation of a professional services agreement for financial advisor services."

Discussion followed regarding:

- previous contract extensions; and
- if the agency holds the borough's central bank accounts;

Ms. Clayton:

- noted that the agency, Wells Fargo, holds the borough's central bank accounts;
- commented regarding the recent change in ownership of the bank;
- stated that the Wells Fargo contract expires June 2002; and
- remarked that the extension is in regard to the existing agreement.

GENERAL CONSENT: The motion, to amend AM No. 01-131, passed without objection.

CONFLICT OF INTEREST: Assemblymember Jansen requested a conflict of interest ruling regarding AM No. 01-131 as she serves as an advisory member to the local Palmer branch of Wells Fargo.

RULING: Mayor Anderson ruled that Assemblymember Jansen had a conflict of interest regarding AM No. 01-131 and would be recused from voting on the issue. (Assemblymember Jansen exited the assembly chambers.)

Mayor Anderson asked for a revote to the motion to amend AM No. 01-131 considering Assemblymember Jansen's statement of conflict. (No objections were noted and the motion to amend AM No. 01-131 stood approved.)

Ms. Clayton:

- noted the three-year term of the agreement;
- commented that there could be an extensive time period between the time work is performed and the payout; and
- stated that it is in the best interest of the borough to have a sole source contract.

GENERAL CONSENT: The motion, as amended, to approve AM No. 01-131, passed without objection.

(Assemblymember Jansen reentered the assembly chambers.)

h. AM No. 01-132: AWARD OF BID NO. 02-029, HORSESHOE LAKE ROAD CONNECTOR PROJECT.

CONFLICT OF INTEREST: Assemblymember Colver requested as conflict of interest ruling as he had worked

directly with the contractor involved in the project.

RULING: Mayor Anderson ruled that Assemblymember Colver had a conflict of interest regarding AM No. 01-132 and would be recused from voting on the issue. (Assemblymember Colver exited the assembly chambers.)

MOTION: Assemblymember Jansen moved for approval of AM No. 01-132.

GENERAL CONSENT: The motion to approve AM No. 01-132 passed without objection.

(Assemblymember Colver reentered the assembly chambers.)

The regular meeting recessed at 10:04 p.m. and reconvened at 10:13 p.m.

D. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Anderson made the following recommendations:

Platting Board

Claudia Roberts

Roger Anderson

Talkeetna Flood Control SSA #7

William W. Stearns

Midway RSA #9

Larry S. Leveen

South Colony RSA #16

Carl Gatto

Talkeetna Sewer and Water SSA #36

Eugene Jenne

Mayor Anderson requested the following confirmations:

Animal Care and Regulation Board

Kathy Bellknap

Butte FSA #2

Brenda Layton

Midway RSA #9

Roy Goodman

Greater Butte RSA #26

Arthur Quaas

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

GENERAL CONSENT: The motion passed without objection.

E. OTHER NEW BUSINESS

(There was no other new business.)

XI. RECONSIDERATION

MOTION: Assemblymember Jansen moved to reconsider the motion to share information gained through outside counsel regarding redistricting with the city of Wasilla and the public at large.

GENERAL CONSENT: The motion, to reconsider, failed unanimously.

MOTION: Assemblymember Lankford Ladere moved to reconsider AM No. 01-099.

VOTE: The motion, to reconsider, failed with Assemblymembers Simpson, Colberg, Colver, Jansen, and Lankford Ladere in favor.

MOTION: Assemblymember DeVilbiss moved to reconsider Ordinance Serial No. 01-139 and Resolution Serial No. 01-087.

GENERAL CONSENT: The motion, to reconsider, failed unanimously.

XII. VETO

(There was no veto pending.)

XIII. EXECUTIVE SESSION

(There was no executive session.)

XIV. MAYOR AND ASSEMBLY COMMENTS

MOTION: Assemblymember DeVilbiss moved to direct the borough attorney to seek 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.

Assemblymember DeVilbiss:

- opined that independent counsel might be able to aid the borough to redefine certain processes in regard to the Open Meetings Act;

Discussion followed regarding:

- action on the matter being considered moot at this time as the borough has already voted to release the information.

VOTE: The motion, to direct the borough attorney to seek 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, failed with Assemblymembers Lankford Ladere, Devilbiss, and Kelly in favor.

Assemblymember DeVilbiss:

- spoke to complaints that he has received from people in the Butte area who did not receive their tax assessments timely and now have late fees due to postal changes;
- opined that the post office should work closely with the borough before changing addresses; and
- requested the borough clerk draft a resolution calling for the resignation of the borough manager.

Assemblymember Lankford Ladere:

- commented that there are other areas, other than residential area, that available for model airplane operators to fly their planes;
- noted that there are no signs on the Denali Highway that indicate entrance into the Matanuska-Susitna Borough;
- commented that she and the manager have been visiting corporations in regard to economic development and partnerships with the borough;
- commented that the borough should be more aggressive in approaching corporations who do business in the borough to develop partnerships; and
- spoke to wood product utilization in Big Lake.

Assemblymember Simpson:

- encouraged everyone to attend the Big Lake Library ground-breaking ceremony.

Assemblymember Colberg:

- queried the mayor if he had the opportunity to speak with the attorney regarding his request for a conflict of interest

ruling on the race track issue.

Mayor Anderson:

- stated that he did speak with the attorney in this regard; and
- remarked that no conflict of interest exists.

Assemblymember Kelly:

- commented that he received ten ribbons from his entries in the Alaska State Fair;
- opined that the radio-controlled airplane issue could be addressed with the enactment of a noise ordinance;
- asked the administration to analyze the enactment of a noise ordinance and to bring the analysis back to the assembly;
- thanked the assembly for appropriating additional funds for the honor garden;
- spoke to the issue of burial sites at the Old Knik Townsite; and
- opined that in regard to the name change of Mt McKinley, no person or persons should have historical claims that grant them rights over anyone else;

Assemblymember Colver:

- commented that he is excited that Veco is interested in contracting for work at Port MacKenzie;
- noted his concern regarding Ordinance Serial No. 01-055, to build a sand storage facility and noted that appropriated monies were initially made available for the upgrade of roads; and
- stated that the involvement of the road service areas is needed.

Assemblymember Jansen:

- thanked Ms. Dailey for speaking to the assembly regarding the operation of model airplanes in residential areas;
- commented that change is inevitable in the borough due to population increases; and
- opined that the borough should look at issues from a proactive stance.

Mayor Anderson:

- spoke to the model airplane issue;
- agreed that the assembly should take a proactive stance regarding matters of the borough;
- commented that he and the manager gave a presentation at the Wasilla Chamber of Commerce meeting regarding the sales tax;
- reported that he will be at the Big Lake Chamber of Commerce and will be introducing the assistant manager, David Germer;
- noted the topic of discussion at the Big Lake Chamber to be economic development; and
- remarked regarding his participation in education appreciation day at the Alaska State Fair.

XV. ADJOURNMENT

The regular meeting adjourned at 10:53 p.m.

TIMOTHY L. ANDERSON, Borough Mayor
ATTEST:

SANDRA A. DILLON, Borough Clerk

Minutes approved: September 18, 2001