

MATANUSKA-SUSITNA BOROUGH REGULAR MEETING
ASSEMBLY NOVEMBER 20, 2001

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on November 20, 2001, at the Matanuska-Susitna Borough Assembly Chambers, Palmer, Alaska. Mayor Timothy L. Anderson called the meeting to order at 6 p.m.

II. ROLL CALL

Assembly members present and establishing a quorum were:

Mr. J. Bruce Bush, Assembly District No. 1
Ms. Sara Jansen, Assembly District No. 2
Mr. Dan Kelly, Assembly District No. 4
Ms. Jody Simpson, Assembly District No. 5
Mr. Jim Colver, Assembly District No. 6
Ms. Kelly Lankford Ladere, Assembly District No. 7

Assembly members absent and excused were:

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

Staff in attendance was:

Ms. Sandra A. Dillon, Borough Clerk
Mr. David Germer, Acting Borough Manager
Mr. Michael Gatti, Borough Attorney
Ms. Michelle M. McGehee, 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, Director of Public Safety
Mr. Karl Borglum, Borough Assessor

III. APPROVAL OF AGENDA

Ms. Dillon:

- referenced informational items located in the assembly members= red folders including LID ballot tallies, a proposed amendment to Resolution Serial No. 01-121, copies of the clerk and manager report, and a resolution from the Municipality of Anchorage assembly regarding the common legislative priorities.

The agenda, as presented, was approved without objection.

IV. PLEDGE OF ALLEGIANCE

Dee Loeshe, a member of the audience, led the pledge of allegiance.

V. MINUTES OF PRECEDING MEETINGS

Ms. Dillon informed the assembly that the clerk=s office was extremely busy with the preparation of the special election and other unexpected items, and thus the minutes of the November 6, 2001, meeting had been contracted out and would be available in the December 4, 2001, regular meeting packet.

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Palmer City

Mayor Anderson noted that Palmer City Mayor Jim Cooper contacted the clerk's office to notify the assembly that he would not be able to attend the meeting due to a conflict in schedule. The city is in the middle of their budget process and has been meeting every Tuesday evening.

Houston City

Assemblymember Ladere:

- stated that she had attended the last Houston City Council meeting;
- discussed items including the Miller's Reach Fire and gravel pits;
- noted that the council had filled their vacant seat; and
- commented that she had invited the Houston City Council to attend the borough assembly meetings.

2. Matanuska-Susitna Borough School District

(There was no report given.)

3. Mat-Su Convention and Visitors Bureau (MSCVB)

Ms. Donna Massey:

- reported that the MSCVB has been developing marketing strategies;
- spoke to the new Mat-Su Visitors Guide;
- noted considerable changes in the titling of the guide regarding various areas in the borough;
- stated that the MSCVB introduced a new concept in the visitors guide which includes all recreational activities of the borough into one statement, AYahoo Mat-Su!@;
- presented both winter and summer versions of the MSCVB jingle, AFun is at its peak in the valley;@ and
- commented that the jingle will be long running and incorporated into advertising.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

(There was no meeting held since the last report.)

2. Joint Intergovernmental Liaison Committee

Assemblymember Jansen:

- stated that the committee met last Thursday;
\$ reported that the meeting was relatively brief thanks to the prior work done on behalf of the members;
- commented that the committee discussed items including: joint state and federal legislative priorities, SB 209 regarding railroad property lease terms, and future meetings;
- reported that a meeting of the borough assembly and the Municipality of Anchorage assembly will be held on December 13, 2001;
- noted items of discussion for the south-central regional meeting, which will be held during the Alaska Municipal League conference on November 28, 2001, to include educational bills and school funding; and
- stated that the committee also discussed a joint port authority.

C. MANAGER COMMENTS

Mr. Germer:

- spoke to an Alaska State Department of Transportation (DOT) proposal to limit local government participation regarding transportation facilities;
- commented that it appears the proposal is not in conformance with state laws;
- reported that the manager has drafted a proposed process in regard to the DOT proposal that involves local governments and other participating municipalities;
- noted that Mr. Swing will be meeting with DOT and borough officials to discuss the issue;
- reported that the Corps of Engineers has completed review of the Port MacKenzie dock and have expressed some concerns;
- stated that three geotechnical consultants have been contracted to develop recommendations for any improvements that can be made regarding the dock;
- advised that the geotechnical review teams would be going back to their respective locations within the United States to analyze the data and finalize their recommendations;
- noted that the teams did not identify any critical concerns with the dock;
- spoke to efforts on behalf of the department of public safety to provide training classes and employee work shops on safe mail handling and instant command training; and
- reported that ten out of 22 parcels of land were sold in the most recent borough land sale.

D. ATTORNEY COMMENTS

Mr. Gatti:

- reported regarding the status of the filing of the amicus brief in the state redistricting litigation; and
- commented that it may be possible to file the amicus brief in both superior and supreme courts.

E. CLERK COMMENTS

Ms. Dillon:

- noted some scheduling concerns regarding the south-central regional meeting to be held during the Alaska Municipal League conference;
- spoke to scheduling of the assembly retreat at the Talkeetna Alaskan Lodge on December 8, 2001;
- provided an update regarding preparation of the January 15, 2002, special election on the reapportionment of assembly districts and a proposed plan of apportionment; and
- reminded the assembly of the invitation extended to them to attend a hearing on November 28, 2001, from 9 a.m. to noon, regarding regional transportation requirements.

Members of the assembly expressed concerns related to conflicted schedules in regard to scheduling the November meeting at AML.

Ms. Dillon stated that she would relay the assembly's concerns to the Municipality of Anchorage.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Planning Commission - 10/15/01
- b. Port Commission - 10/08/01

2. Community Council Correspondence:

- a. Big Lake Community Council - 10/10/01

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

G. INFORMATIONAL MEMORANDUMS

1. IM No. 01-280: STATUS REPORT ON THE ANCHORAGE AIRPORT MASTER PLAN PROJECT.
2. IM No. 01-283: APPOINTMENT OF ALTERNATE MEMBER TO THE PLANNING COMMISSION.

The informational memoranda were presented and no comments were given.

VIII. UNFINISHED BUSINESS

(There was no unfinished business.)

IX. NEW BUSINESS

A. INTRODUCTION

(There were no introductions to read into the record.)

B. CONSENT AGENDA

(Resolution Serial No. 01-121 and AM No. 01-167 were pulled from the consent agenda.)

1. RESOLUTIONS

a. Resolution Serial No. 01-119: A RESOLUTION CALLING UPON THE GOVERNOR AND THE ATTORNEY GENERAL OF THE STATE OF ALASKA TO DO EVERYTHING POSSIBLE TO EXPEDITE THE RESOLUTION OF LAWSUITS BROUGHT BY THE VICTIMS OF THE MILLER=S REACH FIRE NO. 2. (Sponsor: Assemblymember Ladere)

(1) IM No. 01-275

b. Resolution Serial No. 01-120: A RESOLUTION SUPPORTING THE REAUTHORIZATION OF THE TRANS-ALASKA PIPELINE PERMIT.

(1) IM No. 01-281

d. Resolution Serial No. 01-122: A RESOLUTION APPROVING COMMON FEDERAL LEGISLATIVE PRIORITIES BETWEEN THE MATANUSKA-SUSITNA BOROUGH AND THE MUNICIPALITY OF ANCHORAGE.

2. ACTION MEMORANDUMS

a. AM No. 01-126: VACATION OF PORTION OF PUBLIC RIGHT-OF-WAY, NORTH GAVIIDAE DRIVE, WITHIN PROPOSED KALMBACH LAKE NORTH ADDITION 1 MASTER PLAN, WITHIN SECTION 35, TOWNSHIP 18 NORTH, RANGE 2 WEST, SEWARD MERIDIAN, ALASKA, MEADOW LAKES COMMUNITY COUNCIL AREA.

b. AM No. 01-166: BIG LAKE PUBLIC LIBRARY CHANGE ORDER FOR NOT TO EXCEED \$47,477 TO ARCHITECTS ALASKA FOR CONSTRUCTION PHASE SERVICES AND RECORD DRAWINGS.

d. AM No. 01-169: AWARD OF BID NO. 02-060, TO ALASKA SALES AND SERVICE FOR \$57,705, PUBLIC SAFETY VEHICLE PURCHASE.

Ms. Dillon read the above legislation into the record.

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

GENERAL CONSENT: The motion passed without objection.

c. Resolution Serial No. 01-121: A RESOLUTION APPROVING COMMON STATE LEGISLATIVE PRIORITIES BETWEEN THE MATANUSKA-SUSITNA BOROUGH AND THE MUNICIPALITY OF ANCHORAGE

MOTION: Assemblymember Jansen moved for adoption of Resolution Serial No. 01-121.

Assemblymember Jansen stated that a priority list was necessary regarding the legislation.

MOTION: Assemblymember Jansen moved to amend Resolution Serial No. 01-121 by substituting items 1 through 14 currently in the resolution to read as follows:

1. Education Funding
2. Education Capital Project Criteria
3. GARVEE Bond Initiative
4. DOT&PF Operating and Maintenance Budget
5. Adoption of Long-range Fiscal Plan and Bi-annual State Budget
6. Fully Fund Capital Grant Matching Program
7. Continued State Support of Safe Communities and Revenue Sharing Programs
8. Urban Interface Wild Land Fire Prevention
9. South-central Alaska Energy Plan
10. Glenn Highway Illumination
11. Commuter Bus Study
12. Marine Highway System
13. Senior Citizen Exemption Eligibility Criteria and Full Funding
14. Support Approval of Senate Bill 209

Summary of Changes

The listing has basically been reordered as to priority and A#11, increased penalties for driving without license or insurance@ has been deleted and A#14, support approval of SB 209" has been inserted.

Discussion ensued regarding the necessity to address the Alaska State Department of Transportation=s proposal to remove local government input regarding transportation facilities.

Members of the assembly agreed that this issue would be addressed during the Alaska Municipal League conference in November.

GENERAL CONSENT: The motion, to amend Resolution Serial No. 01-121, passed without objection.

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

c. AM No. 01-167: CHANGE ORDER TO THRELKELD AND ASSOCIATES TO INCREASE CONTRACT IN THE AMOUNT OF \$40,000 FOR CLAIMS SERVICES FOR HOUSTON HIGH SCHOOL PROJECT.

MOTION: Assemblymember Colver moved to adopt AM No. 01-167.

CONFLICT OF INTEREST: Mayor Anderson noted a previously existing conflict for Assemblymember Ladere regarding the contractor used for AM No. 01-167.

Assemblymember Ladere:

- stated that any previous conflict had been removed as the family member in question no longer works for the contractor.

RULING: Mayor Anderson ruled that Assemblymember Ladere did not have a conflict in regard to AM No. 01-167.

Assemblymember Colver:

- opined that contractors should be preapproved to avoid future claims.

GENERAL CONSENT: The motion passed without objection.

C. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Anderson requested the following confirmations:
Joint Assembly/School Board Committee on School Issues
Jim Colver, Assembly District 6
Talkeetna Flood Control Service Area No. 7
Robert Gerlach

MOTION: Assemblymember Jansen moved to accept the confirmations for the evening.

GENERAL CONSENT: The motion passed without objection.

The regular meeting recessed at 6:45 p.m. and reconvened at 7 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. 01-145: AN ORDINANCE CREATING CAUDILL AND WALLING ROAD AREA NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 344, 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. 01-212

Ms. Clayton:

\$ reported that 61 percent of the ballots regarding the local improvement district were received; and \$ stated that the administration recommends approval of Ordinance Serial No. 01-145.

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

MOTION: Assemblymember Bush moved to adopt Ordinance Serial No. 01-145.

Assemblymember Bush:

- noted that there were six objections to creation of the local improvement district.

Assemblymember Simpson:

- stated that she would not be supporting the local improvement district as it did not receive 100 percent approval from the residents.

VOTE: The motion passed with Assemblymember Simpson in opposition.

2. Ordinance Serial No. 01-166: AN ORDINANCE CREATING BRUNS DRIVE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 354, 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. 01-244

Ms. Clayton:

- reported that 62 percent of the ballots regarding the local improvement district were received; and
- stated that administration recommends approval of Ordinance Serial No. 01-166.

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

MOTION: Assemblymember Ladere moved for adoption of Ordinance Serial No. 01-166.

Assemblymember Ladere:

- noted her support of the legislation as there are a number of residents who are in favor of the local improvement district.

VOTE: The motion passed with Assemblymember Simpson in opposition.

3. Ordinance Serial No. 01-167: AN ORDINANCE CREATING IDLE WILD NO. 1 SUBDIVISION NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 350, 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. 01-245

Ms. Clayton:

- noted that 50 percent of the ballots for the local improvement district were received;
- advised that the borough code requires over 50 percent of the ballots to be received in order to approve the local improvement district; and
- stated that the administration recommends denial of the local improvement district.

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

MOTION: Assemblymember Simpson moved for adoption of Ordinance Serial No. 01-167.

Assemblymember Simpson restated her position regarding the creation of local improvement districts that do not receive 100 percent approval of the residents.

GENERAL CONSENT: The motion failed unanimously.

4. Ordinance Serial No. 01-187: AN ORDINANCE AMENDING MSB 2.12.071(D) RELATING TO THE PURPOSES FOR ENTERING EXECUTIVE SESSIONS.

a. IM No. 01-256

Mr. Gatti commented regarding the amendment to MSB 2.12.071(D).

Mayor Anderson opened the public hearing.

Mr. Jim Turner:

- recommended that assembly executive sessions be recorded.

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

MOTION: Assemblymember Jansen moved for adoption of Ordinance Serial No. 01-187.

Discussion ensued regarding:

- recording executive sessions;
- the borough tradition to not record these sessions; and
- a possible amendment to the ordinance to provide for recording of executive sessions.

Ms. Dillon:

- advised that she did not believe that an amendment of this nature could be made to the existing ordinance; and
- recommended bringing another ordinance forward to the assembly in this regard.

Mr. Gatti:

- opined that it may be possible to amend the ordinance to include recording of executive sessions.

Members of the assembly agreed that an ordinance should be brought back to the assembly providing for the recording of assembly executive sessions.

GENERAL CONSENT: The motion passed unanimously.

5. Ordinance Serial No. 01-188: AN ORDINANCE ADOPTING MSB 15.24.030(C)(24), LONG LAKE (HOUSTON), LAKE MANAGEMENT PLAN.

a. Ordinance Serial No. 01-191: AN ORDINANCE AMENDING MSB 17.59, LAKE MANAGEMENT PLAN IMPLEMENTATION.

1. IM No. 01-268

Ms. Garley presented a staff report regarding code requirements and the process used to prepare the lake management plan.

Mayor Anderson opened the public hearing.

The following spoke in favor of Ordinance Serial No. 01-188 and Ordinance Serial No. 01-191: Delance E. Wiegeler and Judy Alward.

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

MOTION: Assemblymember Ladere moved for adoption of Ordinance Serial No. 01-188 and Ordinance Serial No. 01-191.

Assemblymember Ladere:

- noted overwhelming response for the passage of the lake management plan; and
- encouraged support of the legislation.

GENERAL CONSENT: The motion passed unanimously.

6. Ordinance Serial No. 01-189: AN ORDINANCE ACCEPTING AND APPROPRIATING \$2,800 FROM HOWDIE INVESTMENT COMPANY TO THE PORT MACKENZIE PROJECT NO. 70001, FUND 450, FROM THE SALE

OF SHEET PILES.

a. IM No. 01-269

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

MOTION: Assemblymember Simpson moved for adoption of Ordinance Serial No. 01-190.

Discussion ensued regarding the number of sheet piles still to be sold.

GENERAL CONSENT: The motion passed unanimously.

7. Ordinance Serial No. 01-190: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$22,800 OF REVENUES FROM THE MICROCHIP SALES TO THE FISCAL YEAR 2002 ANIMAL CARE AND REGULATION DIVISION OPERATING BUDGET (200-160-606) FOR PURCHASING MICROCHIPS AND FUNDING A TEMPORARY POSITION.

a. IM No. 01-272

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

MOTION: Assemblymember Jansen moved for adoption of Ordinance Serial No. 01-190.

Assemblymember Ladere:

- stated that she had requested to sponsor the ordinance;
- noted the code requirement to microchip animals; and
- commented that the microchip program is paying for itself.

Assemblymember Simpson:

- stated that she supports the legislation; and
- expressed her desire to see statistics regarding the number of animals microchipped.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

Ms. Linda Loria:

- spoke to a proposed vacation of a public right-of-way on Hyer Spur Road that is conflicting with the borough code; and
- requested that the assembly deny this vacation as there are a number of concerns related to it.

Ms. Annette Delong, Past President of the Wasilla Chamber of Commerce:

- introduced the newly elected members of the Wasilla Chamber of Commerce; and
- conveyed the chamber's desire to move forward in their working relationship with the borough in order to foster growth and prosperity for the members of the community.

Members of the assembly thanked the Wasilla Chamber of Commerce for coming to the meeting and in turn voiced support of a strong working relationship with the business community.

D. OTHER NEW BUSINESS

X. RECONSIDERATION

XI. VETO

XII. EXECUTIVE SESSION

XIII. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Colver:

- spoke to a new beginning and the need to cooperate regarding the business community in the borough; and
- thanked the Wasilla Chamber of Commerce for their participation at the meeting.

Assemblymember Ladere:

- spoke to British Petroleum sponsoring a priority project to realign Montana Creek in an effort to enhance fish life, to protect the campgrounds, and to protect Montana Creek Road from washing out;
- expressed her hope to see the work on Montana Creek accomplished in the spring;
- thanked the Wasilla Chamber of Commerce for coming to the meeting; and
- spoke to mutual benefits that will be derived from a good working relationship with the business community.

Assemblymember Bush:

- thanked the Wasilla Chamber for their attendance at the meeting;
- noted that he would not be in attendance at the December 4, 2001, assembly meeting;
- spoke to his recent participation at community council meetings; and
- commented that a meeting is scheduled to be held on December 15, 2001, regarding improvements to the Old Glenn Highway (time and place to be determined).

Assemblymember Kelly:

- referenced the next regular Wasilla City Council;
- spoke to Open Meetings Act requirements;
- thanked the Wasilla Chamber of Commerce for their attendance at the meeting; and
- commented regarding fellowship with the borough business community.

Assemblymember Simpson:

- thanked the borough staff for their quick response to the Alaska State Department of Transportation's proposal to remove local government input from the transportation facilities process;
- thanked the Wasilla Chamber of Commerce for their participation at the meeting; and
- stated that she is looking forward to the Alaska Municipal League conference.

Assemblymember Jansen:

- expressed her pleasure to see that a meeting is scheduled to discuss improvements needed to the Old Glenn Highway;
- encouraged whomever is facilitating the meeting to contact the Palmer Chamber of Commerce; and
- commented regarding the Palmer Colony Days celebration to be held on December 7 and 8, 2001.

Mayor Anderson:

- commented regarding the community council meetings attended by himself and Assemblymember Bush;
- noted a presentation made to the south-lakes community council;
- stated that the south-lakes community council would like to reactivate its status as a borough community council;
- noted the newly elected officials training at the Alaska Municipal League conference on November 26 and 27;
- stated that the conference of mayors will be held on Tuesday, November 27, 2001;
- expressed his appreciation to the Wasilla Chamber of Commerce for coming to the meeting; and

- wished everyone happy holidays.

XIV. ADJOURNMENT

The regular meeting adjourned at 8 p.m.

SARA JANSEN, Deputy Borough Mayor

ATTEST:

SANDRA A. DILLON, Borough Clerk

Minutes Approved: December 4, 2001