

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on January 16, 2007, at the Central Mat-Su Public Safety Building, 101 W. Swanson Avenue, Wasilla, Alaska. The meeting was called to order at 6 p.m. by Mayor Curtis D. Menard.

II. ROLL CALL

Assembly members present and establishing a quorum were:

- Ms. Lynne Woods, Assembly District No. 1 (*Deputy Mayor*)
- Mr. Bill Allen, Assembly District No. 2
- Ms. Michelle R. Church, Assembly District No. 3 (*arrived 8:10 p.m.*)
- Ms. Mary Kvalheim, Assembly District No. 4
- Ms. Cindy L. Bettine, Assembly District No. 5
- Mr. Robert Wells, Assembly District No. 6
- Mr. Tom Kluberton, Assembly District No. 7

Staff in attendance were:

- Ms. Michelle M. McGehee, CMC, Borough Clerk
- Mr. John Duffy, Borough Manager
- Mr. John Aschenbrenner, Acting Borough Attorney
- Ms. Lonnie R. McKechnie, Executive Assistant to the Borough Clerk
- Ms. Tammy Clayton, Finance Director
- Mr. Keith Rountree, Public Works Director
- Mr. Dennis Brodigan, Emergency Services Director
- Mr. Ron Swanson, Community Development Director
- Mr. Murph O'Brien, Planning and Land Use Director
- Mr. Dave Hanson, Economic Development Director
- Mr. Sev Jones, Chief of Planning

III. APPROVAL OF AGENDA

Mayor Menard inquired if there were any changes to the agenda.

Mr. Duffy:

- requested that AM No. 07-010 be pulled from the agenda; and
- requested that AM No. 07-003 and AM No. 07-006 be pulled from the consent agenda for discussion.

Mayor Menard:

- inquired if there was any objection to adding an item under special orders to honor a member of the Platting Board; and
- inquired if there was any objection to taking up the consent agenda to 7 p.m.

There was no objection noted.

GENERAL CONSENT: The agenda was approved as amended without objection.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Rod Cottle, a member of the audience.

V. SPECIAL ORDERS OF THE DAY

Mayor Menard:

- presented a "Certificate of Excellence" to Mr. William Bruu for his service as vice chairman of the Platting Board for two terms; and
- thanked Mr. Bruu for his service.

VI. MINUTES OF PRECEDING MEETINGS

A. Special Assembly Meeting: 12/12/06

Mayor Menard inquired if there were any corrections to the special meeting minutes of December 12, 2006.

GENERAL CONSENT: The minutes were approved as presented without objection.

B. Regular Assembly Meeting: 12/19/06

Mayor Menard inquired if there were any corrections to the regular meeting minutes of December 19, 2006.

GENERAL CONSENT: The minutes were approved as presented without objection.

VII. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

(There was no reports provided.)

2. Matanuska-Susitna Borough School District

(There was no report provided.)

3. Mat-Su Youth Court Program

Ms. Lisa Albert Konecky introduced some of the students involved in the Mat-Su Youth Court program.

The students provided a presentation explaining how the Mat-Su Youth Court operates and the good that the program provides to the students who commit misdemeanors.

Ms. Lisa Albert Konecky:

- spoke regarding the costs associated with running Mat-Su Youth Court; and
- requested that the Borough continue to fund the Mat-Su Youth Court program.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Wells:

- advised that the committee discussed the prototypical design/build for schools;
- noted that Mr. Rountree attended the meeting to discuss the request for proposals on a school design; and
- advised that the School District will present their performance-based budgeting this year to the Assembly.

2. Assembly Public Relations

(There was no report provided.)

C. MANAGER COMMENTS

1. State/Federal Legislation

Mr. Duffy:

- advised that the Assembly has been provided with the federal lobbyist's quarterly report;
- spoke regarding the customer service survey that was performed at the Central Landfill; and
- advised that he has received a request from Denali Borough to have a joint meeting with the Assembly on February 15, 2007, regarding joint projects.

D. ATTORNEY COMMENTS

(There was no report provided.)

E. CLERK COMMENTS

Ms. McGehee:

- spoke regarding the upcoming meeting schedule;
- spoke regarding the meetings that the Assembly discussed having during the Assembly Retreat;

- spoke regarding the quasi-judicial and records management reports; and
- announced that the Borough Clerk's Office has hired Ms. Lonnie McKechnie for the Deputy Clerk position.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Board of Adjustment and Appeals: 07/07/06
 - b. Greater Butte Road Service Area No. 26: 11/09/06
 - c. Port Commission: 09/18/06, Resolution Serial Nos. 06-003, 06-004, 06-005, 06-006
 - d. Real Property Asset Management Board: Resolution Serial No. 06-12
 - e. Senior Citizen's Advisory Board: 08/21/06, 09/18/06
 - f. Transportation Advisory Board: Resolution Serial No. 06-10
2. Community Council Correspondence:
 - a. Chickaloon Community Council: 01/11/06, 02/08/06, 03/08/06, 04/12/06, 05/10/06, 07/12/06, 08/09/06, 08/23/06, 09/13/06, 10/17/06, 11/08/06
 - b. South Knik River Community Council: 04/15/06, 05/20/06

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

G. INFORMATIONAL MEMORANDUMS

1. IM No. 07-007: AN INFORMATIONAL MEMORANDUM PROVIDING THE RECORDS MANAGEMENT POLICIES APPROVED AND SIGNED BY THE BOROUGH CLERK AND THE MANAGER SUPPORTING THE RECORDS MANAGEMENT PROGRAM BOROUGHWIDE.

The informational memorandum was presented and no comments were noted.

- D. CONSENT AGENDA (Resolution Serial No. and AM Nos. 07-013 were pulled from the consent agenda and addressed separately. *See pp. 6-8*)

1. RESOLUTIONS

- a. Resolution Serial No. 07-005: A RESOLUTION AMENDING THE SCOPE OF WORK FOR PROJECT NO. 45204 TO ALLOW FOR THE PURCHASE OF A TIRE MACHINE, HYDRAULIC PRESS, WIRE FEED WELDER, AND A TIRE LIFT DOLLY FOR VEHICLE MAINTENANCE.
 - (1) IM No. 07-010
- b. Resolution Serial No. 07-006: A RESOLUTION IN SUPPORT OF FOOD BANK OF ALASKA'S CAPITAL CAMPAIGN TO FUND THE PURCHASE OF THEIR FACILITY.
 - (1) IM No. 07-013

c. Resolution Serial No. 07-007: A RESOLUTION AMENDING THE SCOPE OF WORK FOR THE CONSTRUCTION OF THE MEADOW LAKES PUBLIC SAFETY BUILDING, STATION 72, PROJECT NO. 10132, TO INCLUDE THE INTERIOR, EXTERIOR, AND FLOOR PAINTING AT STATION 71, AND THE FLOOR PAINTING AT STATION 72.

(1) IM No. 07-014

d. Resolution Serial No. 07-008: A RESOLUTION AMENDING THE BUDGETS OF PROJECT NO. 45205, PHASE I ROOF ASSESSMENT STUDY, AND PROJECT NO. 45202, SUBDIVISION CONSTRUCTION MANUAL, TO ALLOW ADDITIONAL FUNDING REQUIRED FOR THE REWRITE OF THE BOROUGH SUBDIVISION CONSTRUCTION MANUAL.

(1) IM No. 07-020

2. ASSEMBLY MEMORANDUMS

a. AM No. 07-002: AUTHORIZATION FOR THE MANAGER TO EXTINGUISH THE REMAINING TERM OF THE GROUND LEASE AND RELINQUISH OWNERSHIP OF THE SHELDON BUILDING LOCATED AT THE ALASKA STATE FAIRGROUNDS TO THE ALASKA STATE FAIR, INC.

d. AM No. 07-007: THE VACATION OF THE WESTERN PORTION OF THE 30 FOOT TELEPHONE AND ELECTRIC EASEMENT ACROSS LOTS 6 AND 7 OF PROMINENCE POINT SUBDIVISION, LOCATED IN SECTION 33, TOWNSHIP 18 NORTH, RANGE 1 EAST, SEWARD MERIDIAN, ALASKA, LOCATED IN THE NORTH LAKES COMMUNITY COUNCIL AREA.

e. AM No. 07-008: ACCEPTANCE OF LATE FILED AND RETROACTIVE APPROVAL OF SENIOR CITIZEN AND DISABLED VETERAN EXEMPTION APPLICATIONS.

f. AM No. 07-009: APPROVAL OF A CHANGE ORDER TO UNIT COMPANY IN THE AMOUNT OF \$123,411 FOR ADDITIONAL WORK TO THE KNIK-GOOSE BAY ELEMENTARY SCHOOL DESIGN/BUILD PROJECT, PROJECT NO. 40161.

~~g. AM No. 07-010: AUTHORIZATION TO PURCHASE AN INFRARED PATCHING MACHINE FROM AK INFRARED ASPHALT SYSTEMS INC., IN THE AMOUNT OF \$52,360 FOR THE PUBLIC WORKS DEPARTMENT.~~

h. AM No. 07-011: APPROVAL OF CHANGE ORDER TO ACE VENTURES, INC., (DBA ACE WATER WELLS) IN THE AMOUNT OF \$23,340 FOR ADDITIONAL WORK ON THE WASILLA-LAKES FIRE SERVICE AREA STATION 63 WELL DRILLING PROJECT, PROJECT NO. 10164.

- j. AM No. 07-014: AWARD OF PROPOSAL NO. 07-056 TO LOUNSBURY AND ASSOCIATES IN THE AMOUNT NOT TO EXCEED \$58,000 FOR THE SURVEY OF ROAD ALIGNMENTS ALONG A PORTION OF NORTHSORE DRIVE IN THE MEADOW LAKES AREA.
- k. AM No. 07-015: AWARD OF PROPOSAL NO. 07-068 TO KELMAR AND ASSOCIATES IN THE AMOUNT NOT TO EXCEED \$30,000 FOR A SECURITY ASSESSMENT OF BOROUGH BUILDINGS, RESOURCES AND ASSETS, AND SECURITY RECOMMENDATIONS TO BOROUGH EMPLOYEES.

Ms. McGehee read the above legislation into the record.

MOTION: Assemblymember Woods moved to approve the consent agenda as read into the record by the Clerk.

VOTE: The motion passed without objection.

- i. AM No. 07-013: AWARD OF PROPOSAL NO. 07-071 TO DOWL ENGINEERS IN THE AMOUNT OF \$95,875 FOR THE SUBDIVISION DESIGN CRITERIA MANUAL REWRITE.

MOTION: Assemblymember Bettine moved to approve AM No. 07-013.

Assemblymember Bettine:

- stated that she understands how important the rewrite is, due to the work that has been done on the Title 17 rewrite;
- noted that most of the work that was done on the Title 17 rewrite was done through committees;
- requested that administration put a group together to review the Dowl Engineers document and report back to the Assembly prior to the rewrite being placed on the agenda for adoption; and
- advised that she would like the group to have members that are engineers, surveyors, and road contractors.

Mr. Rountree:

- advised that community presentations are already part of the contract; and
- stated that presentations would be provided to the Assembly as the process goes forward.

VOTE: The motion passed without objection

- b. AM No. 07-003: VACATION OF A 15 FOOT WIDE UTILITY EASEMENT, TWO 10 FEET BY 25 FEET, AND TWO 10 FEET BY 40 FEET ANCHOR EASEMENTS LOCATED WITHIN THE BOUNDARIES OF THE PROPOSED CREEKSIDE TOWN SQUARE, AND THE VACATION OF TWO 15 FOOT WIDE SCREENING

EASEMENTS LOCATED WITHIN THE BOUNDARIES OF MANEY ACRES, PLAT NO. 83-255, FOR THE PROPOSED CREEKSIDE TOWN SQUARE, LOCATED WITHIN SECTION 11, TOWNSHIP 17 NORTH, RANGE 1 WEST.

- c. AM No.07-006: THE VACATION OF EAST DUANE DRIVE, BETWEEN SOUTH MANEY DRIVE AND SOUTH HERMON ROAD, FOR THE PROPOSED CREEKSIDE TOWN SQUARE, LOCATED WITHIN SECTION 11, TOWNSHIP 17 NORTH, RANGE 1 WEST.

MOTION: Assemblymember Woods moved to approve AM No. 07-003 and AM No. 07-006.

Mr. O'Brien provided a staff report.

Mr. Aschenbrenner:

- spoke to concerns on being able to ascertain what is being approved and vetoed;
- suggested that the Assembly fail the vacation if staff is requesting that a portion of the vacation not be approved; and
- noted that the developer can go back to the Platting Board and amend the preliminary plat.

Assemblymember Allen queried whether the developer would need to take extra steps that are not necessary.

Mr. Duffy advised that staff worked with the developer on an amendment that would resolve the three-phase power issue and provide turning lanes.

Discussion ensued regarding:

- utility easements; and
- amendments to the legislation.

MOTION: Assemblymember Woods moved a primary amendment to AM 07-003 to add the phrase "Subject to the dedication of a 15 foot utility easement along the west side of Hermon Road outside the dedicated right-of way" to read as follows: To vacate the 15 foot wide utility easements, two 10 foot by 25 foot and two 10 foot by 40 foot anchor easements located within the boundaries of the proposed Creekside Town Square, and vacation of two 15 foot wide screening easements located within the boundaries of Maney Acres, plat no. 83-255, for proposed Creekside Town Square. Located within section 11, township 17 north, range 1 west. Subject to the dedication of a 15 foot utility easement along the west side of Hermon Road outside the dedicated right-of way.

VOTE: The primary amendment passed with Assemblymember Bettine opposed.

MOTION: Assemblymember Woods moved a primary amendment to AM 07-006 to add the phrase "Subject to a 14 foot right-of-way dedication along the west side of Hermon Road" to read as follows: To vacate E. Duane Drive between S. Maney Drive and S. Hermon Road for proposed Creekside Town Square. Located within section 11, township 17 north, range 1 west. Subject to a 14 foot right-of-way dedication along the west side of Hermon Road.

VOTE: The primary amendment passed with Assemblymember Bettine opposed.

VOTE: The main motion passed as amended with Assemblymembers Kvalheim and Bettine opposed.

(The regular meeting recessed at 7:02 p.m. and reconvened at 7:18 p.m.)

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

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

B. PUBLIC HEARINGS (Three minutes per person.)

1. Ordinance Serial No. 06-212: AN ORDINANCE CREATING WENDT ROAD NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 419, 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. 06-311

2. Ordinance Serial No. 06-213: AN ORDINANCE CREATING NORTSHORE DRIVE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 420, 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. 06-312

3. Ordinance Serial No. 06-214: AN ORDINANCE CREATING HERMON HEIGHTS PHASE I AND II ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 421, 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. 06-313

4. Ordinance Serial No. 06-216: AN ORDINANCE CREATING NORTHSTAR CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 422, 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. 06-321
5. Ordinance Serial No. 06-217: AN ORDINANCE CREATING EAST SHORELINE CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 423, 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. 06-322

Ms. Clayton provided a staff report.

Mayor Menard opened the public hearing.

The following person spoke in support of Ordinance Serial No. 06-217: Ms. Wanda Phillips.

There being no others present who wished to testify, the public hearing closed and discussion moved to the Assembly.

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 06-212, Ordinance Serial No. 06-213, Ordinance Serial No. 06-214, Ordinance Serial No. 06-216, and Ordinance Serial No. 06-217.

MOTION: Assemblymember Kvalheim moved to amend IM No. 06-312 to replace the existing map with the amended map.

VOTE: The primary amendment passed without objection.

VOTE: The motion passed without objection. (*Clerk note: IM No. 06-312 was amended accordingly.*)

6. Ordinance Serial No. 07-001: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$8,000 FROM THE TRAPPER CREEK ROAD SERVICE AREA FUND BALANCE, FUND 284, TO THE TRAPPER CREEK ROAD SERVICE AREA OPERATING BUDGET, FUND 284.
 - a. IM No. 07-003

Mr. Rountree provided a staff report.

Mayor Menard opened the public hearing.

There being no one present who wished to testify, the public hearing closed and discussion moved to the Assembly.

MOTION: Assemblymember Kluberton moved to adopt Ordinance Serial No. 07-001.

VOTE: The motion passed without objection.

7. Ordinance Serial No. 07-002: AN ORDINANCE AMENDING MSB 15.39, BOARD OF ADJUSTMENT AND APPEALS
- a. IM No. 07-005

Ms. McGehee provided a staff report.

Mayor Menard opened the public hearing.

There being no one present who wished to testify, the public hearing closed and discussion moved to the Assembly.

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 07-002.

VOTE: The motion passed without objection.

8. Ordinance Serial No. 07-003: AN ORDINANCE APPROPRIATING THE LOAN PROCEEDS IN THE AMOUNT OF \$1,000,000 FROM THE ALASKA STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO THE SOLID WASTE ENTERPRISE FUND, FUND 510, AND REAPPROPRIATING \$1,000,000 FROM THE SOLID WASTE ENTERPRISE FUND, TO FUND 420, PROJECT NO. 25038, FOR THE CONSTRUCTION OF A PERMANENT HOUSEHOLD HAZARDOUS WASTE FACILITY AT CENTRAL LANDFILL.
- a. Resolution Serial No. 07-001: A RESOLUTION APPROVING THE SCOPE OF WORK AND AMENDING THE BUDGET FOR PROJECT NO. 25038 TO ALLOW FOR THE CONSTRUCTION OF A PERMANENT HOUSEHOLD HAZARDOUS WASTE FACILITY AT THE CENTRAL LANDFILL.
 - (1) IM No. 07-006
 - (2) AM No. 07-012: AWARD OF BID NO. 07-051 TO ROGER HICKEL CONTRACTING, INC., IN THE AMOUNT OF \$1,451,000 FOR THE CONSTRUCTION OF THE HOUSEHOLD HAZARDOUS MATERIAL COLLECTION FACILITY.

Mr. Rountree provided a staff report.

Mayor Menard opened the public hearing.

There being no one present who wished to testify, the public hearing closed and discussion moved to the Assembly.

MOTION: Assemblymember Allen moved to adopt Ordinance Serial No. 07-003, Resolution Serial No. 07-001, and to approve AM No. 07-012.

VOTE: The motion passed without objection.

9. Resolution Serial No. 07-002: A RESOLUTION DESIGNATING A SITE FOR THE NEW MAT-SU MEDIUM SECURITY PRISON.
 - a. Resolution Serial No. 07-004: A RESOLUTION AUTHORIZING THE BOROUGH MANAGER TO AMEND THE MEMORANDUM OF UNDERSTANDING REGARDING THE MAT-SU PRISON, WHICH EXPIRES JUNE 30, 2007.
 - (1) IM No. 07-019
 - (2) IM No. 07-024

Mr. Swanson provided a staff report.

Assemblymember Kvalheim:

- spoke to limiting the population of the prison; and
- queried whether the Memorandum of Understanding could limit the number of prisoners that can be housed at the prison.

Mr. Duffy:

- advised that the State Legislature passed legislation that states up to 2,251 beds; and
- advised that the Legislature would have to change the limit of the number of the beds.

Assemblymember Allen:

- advised that the court system was fined due to the overcrowding at the Sixth Avenue Prison;
- spoke regarding the need for the administration to provide fiscal note and socioeconomic impact assessment information; and
- stated that the Assembly and the public need to know the down sides and up sides there are for having a prison.

Assemblymember Woods:

- spoke regarding the land use activities and development in the Point MacKenzie area; and
- queried whether Alaska Housing Finance Corporation (AHFC) would manage the construction and secure the bids.

Mr. Swanson stated that AHFC would be providing the total management of the construction.

Assemblymember Allen:

- queried whether the Assembly would agree to performing a fiscal note and socioeconomic impact assessment;
- spoke to the need for local hire on the project; and
- spoke to the need for the parties to agree on who would be responsible for cost overruns.

Assemblymember Kvalheim queried whether the need for additional fire and rescue services in the area would affect the ISO rating.

Mr. Brodigan:

- advised that a strategy would be put together for fire and emergency services once a site has been selected; and
- noted that once they know what site is selected they can look at what services need to be provided.

Discussion ensued regarding:

- fire and rescue services within the prison area;
- visiting existing prisons; and
- continuing negotiations with the state of Alaska regarding the cost of the project.

Mayor Menard opened the public hearing.

The following persons spoke to concerns with the Point MacKenzie prison site: Mr. Gregory Lippman and Mr. Gordon Attaliades.

The following person spoke in opposition to the prison being located within the Point MacKenzie area: Mr. Earl Ernest, and Mr. Gary Brandt.

The following persons spoke in support of the prison being located within the Point MacKenzie area: Mr. Tony Turinsky, Mr. Rick Gatis, Mr. Chuck Henderson, and Mr. Dave Jenkins.

(Assemblymember Church arrived at 8:10 p.m.)

The following person spoke to concerns with the Point MacKenzie prison site: Mr. Darin Markwart.

The following persons spoke in opposition to the prison being located within the Point MacKenzie area: Mr. Greg Weaver, Mr. Tony Oney, Mr. Sande Wright, Ms. Ashley Malone, Mr. Pat Malone, and Ms. Joni Brandt.

The following persons spoke in support of the prison being located with the Point MacKenzie area: Mr. Jim Pitcher and Ms. Vicki Trytten.

The following person spoke to the need of land use planning: Ms. Kathy Wells, Director of the Friends of Mat-Su.

The following person spoke to concerns regarding the prison site selection process: Mr. Brian Winnestaffer.

(The regular meeting recess at 8:46 p.m. and reconvened at 9:02 p.m.)

The following persons spoke in opposition to the prison being located within the Point MacKenzie area: Ms. Elizabeth Faeo, Mr. Garvin Buccaria, and Mr. Richard Strutz.

The following persons spoke in support of the prison being located with the Point MacKenzie area: Ms. Flo Pitcher, Ms. Michelle Czajkowski, Mr. Larry Donahue, Mr. Tony Cox, Ms. Renee Howard, Mr. Dan Kenny, Mr. Greg Bell, and Ms. Kayla Williams.

The following person spoke in opposition to the Palmer and Sutton prison site locations and in favor of the Point MacKenzie prison site: Ms. Jessica Dryden.

The following person spoke to concerns regarding the public process on the prison site selection process: Mr. Pete Houston.

The following person spoke to the need for the state of Alaska to look at building a smaller prison and concerns regarding the cost of the prison: Mr. John Stewart.

There being no others present who wished to testify, the public hearing closed and discussion moved to the Assembly.

MOTION: Assemblymember Woods moved to adopt Resolution Serial No. 07-002 and Resolution Serial No. 07-004.

MOTION: Assemblymember Bettine moved a primary amendment to Resolution Serial No. 07-002 by paragraph, in the “Now, Therefore, Be It Resolved Clause,” by inserting the phrase “by an advisory committee” in between the words “addressed” and “and,” to strike the words “where possible,” to strike the words “are, but” and insert in its place the phrase “to be mitigated are, but,” and to insert the phrase “maintain traditional recreational uses” in between the words “quantity” and “the” to read as follows: Now, Therefore, Be It Resolved, that the Matanuska-Susitna Borough Assembly agrees that concerns raised by the Point MacKenzie Community Council, local property owners, and residents need to be addressed by an advisory committee and mitigated during the design, construction, and operation of the prison. The concerns to be mitigated are, but may not be limited to: protection of watershed and wildlife corridors between the Goose Bay and Susitna Flats State Game Refuges; water quality and quantity; maintain traditional recreational uses; the need for increased fire and emergency services; the desire for members of the community to be involved in the design, exact location and daily operations of the prison; road and other infrastructure needs and upgrade.

Assemblymember Bettine:

- stated that the amendment is to let the Pt. MacKenzie community know that there will be a committee formed to address concerns and issues that have been raised throughout the process; and
- stated that the intent of the amendment is to plan a community that will surely be impacted by the prison.

VOTE: The primary amendment passed without objection.

Assemblymember Woods queried the changes to the direct payments to AHFC contractors.

Ms. Clayton:

- advised that AHFC only has the authority to pay up to \$500,000; and
- noted for AHFC to go above the \$500,000, they would have to go back to the Legislature to receive an additional appropriation to accept the funds.

Assemblymember Woods queried if paying AHFC contractors directly would add extra work on the staff.

Ms. Clayton:

- stated that she does not see it adding work to staff;
- noted that previously the Borough would write a check to AHFC once a month and now they would write a check directly to the contractor; and
- advised that AHFC would be approving the expenditures prior to the Borough paying the contractor.

Assemblymember Allen:

- spoke to the need not to mislead the public regarding the prison issue;
- noted that the people who want the prison in the Pt MacKenzie area have good reasons, such as fire stations and utilities;
- spoke to the need to determine the costs to the Borough;
- stated that it needs to be clear to the participants in the project that the Borough wants benefits to the people and businesses of the Borough; and
- spoke regarding concerns of cost overruns.

Assemblymember Kvalheim queried the timeframe in which it would take to complete Assemblymember Allen's proposal regarding a fiscal note and a socioeconomic impact assessment.

Mr. Duffy:

- noted that it is costing \$58,000 a day for everyday that the project does not move forward;
- advised that to obtain the cost of infrastructure services would take approximately a month to complete; and
- advised that the economic impact by community would need to be performed by a contractor and it would take approximately a month to complete.

Discussion ensued regarding:

- the anticipated expenses to the Borough;
- the timeframe in which the fiscal note and socioeconomic impact assessment could be accomplished;
- comparing the fixed costs that the Borough provides to other communities in the Borough that are approximately the same size as Point MacKenzie;

- educating the public regarding services and the costs associated with those services;
- road improvements that would need to be performed for the Point MacKenzie prison site;
- the difficulty in predicting the development at Point MacKenzie;
- the affects that growth has had on the Borough;
- the need to focus on the known costs associated with the prison;
- the prison site selection process;
- the need to choose a site prior to performing an economic analysis;
- the design and construction agreement, the lease purchase agreement, and the request for proposals process; and
- whether the Borough could reduce the number of beds at the prison.

(The regular meeting recessed at 10:35 p.m. and reconvened at 10:45 p.m.)

MOTION: Assemblymember Woods moved to extend the meeting past 11 p.m. and not to exceed 12 midnight.

VOTE: The motion passed without objection.

MOTION: Assemblymember Bettine called for the question (to stop debate).

VOTE: The motion passed with Assemblymember Allen opposed.

VOTE: The main motion passed as amended without objection.

10. Ordinance Serial No. 07-005: AN ORDINANCE APPROVING A TIMBER SALE AT POINT MACKENZIE TO PREPARE THE SITE FOR THE MAT-SU MEDIUM SECURITY PRISON AND RELATED INFRASTRUCTURE WITHIN 15N04W21C001, 15N04W22C001, 15N04W27B001, AND 15N04W28A001.
 - a. IM No. 07-021

Mr. Swanson provided a staff report.

Assemblymember Church queried whether the timber sale would occur after the bonds are sold.

Mr. Swanson advised that the schedule is to have the bids open in February, as the trees need to be down on the ground by April 30, or the trees cannot be cut until after July.

Mayor Menard opened the public hearing.

The following persons spoke in opposition to Ordinance Serial No. 07-005: Mr. Sande Wright and Mr. Garvin Bucaria.

The following persons spoke in support of Ordinance Serial No. 07-005: Mr. Greg Bell and Mr. Tony Torinski.

There being no others present who wished to testify, the public hearing closed and discussion moved to the Assembly.

MOTION: Assemblymember Bettine moved to adopt Ordinance Serial No. 07-005.

MOTION: Assemblymember Bettine moved to amend Ordinance Serial No. 07-005 by substitute Ordinance Serial No. 07-005(SUB).

Assemblymember Bettine:

- noted that the substitute reduces the original four tracks down to the one track; and
- advised that the substitute has added a 100-foot vegetation buffer.

Assemblymember Kluberton queried when significant water testing data would be available.

Mr. Swanson:

- advised that the water hole drilling has been held off until the prison site was selected; and
- stated that they should be drilling holes by the weekend.

Assemblymember Allen queried when the water test results would be completed.

Mr. Swanson advised that they should be completed approximately a week after the holes are drilled.

Assemblymember Allen stated that he would not like to see clear cutting until the water test results are done.

Mr. Swanson advised that if the site turns out not to be suitable for the prison, the gravel will still be needed for the construction of the Pt. MacKenzie Road.

VOTE: The motion to amend by substitute passed without objection.

VOTE: The main motion passed as amended without objection.

11. Ordinance Serial No. 06-192: AN ORDINANCE REPEALING MSB 17.01, ACKNOWLEDGEMENT OF EXISTING LAND USE REGULATIONS, ENACTING MSB 17.02, MANDATORY LAND USE PERMIT, AND AMENDING MSB 17.125.010, DEFINITIONS.

a. Resolution Serial No. 06-139: A RESOLUTION ESTABLISHING FEES FOR MSB MANDATORY LAND USE PERMIT, TITLE 17, ZONING. *(Public Hearing continued from 11/21/06)*

(1) IM No. 06-273

Mr. O'Brien provided a staff report.

CONFLICT OF INTEREST: Mayor Menard declared that he had a conflict of interest on Ordinance Serial No. 06-192 and Resolution Serial No. 06-139.

(Mayor Menard exited the meeting at this time.)

(Deputy Mayor Woods assumed the duties as chair.)

Mr. Jones continued the staff report.

Deputy Mayor Woods opened the public hearing.

The following persons spoke in opposition to Ordinance Serial No. 06-192 and Resolution Serial No. 06-139: Mr. Dave Norton, Mr. Pio Cottini, Mr. Clarence Furbush, Mr. Steve Norton, and Mr. Phillip Furbush.

Deputy Mayor Woods inquired if there was any objection to continuing the public hearing to February 6, 2007.

MOTION: Assemblymember Allen moved to suspend the rules to extend the meeting to 12:15 a.m.

VOTE: The motion passed with Assemblymember Wells opposed.

The following person spoke in support of Ordinance Serial No. 06-192 and Resolution Serial No. 06-139: Ms. Sandy McDonald.

The following persons spoke in opposition to Ordinance Serial No. 06-192 and Resolution Serial No. 06-139: Mr. Pat Marley, Mr. Jim Pitcher, Ms. Kim Norton; and Mr. Sande Wright.

MOTION: Assemblymember Kvalheim moved to adopt Ordinance Serial No. 06-192 and Resolution Serial No. 06-139:

MOTION: Assemblymember Allen moved to postpone Ordinance Serial No. 06-192 to time certain of February 6, 2007.

Assemblymember Bettine requested that staff come back with suggestions to make the existing regulations mandatory.

VOTE: The motion to postpone to a time certain of February 6, 2007, passed without objection.

(Mayor Menard re-entered the meeting at this time and resumed the duties as chair.)

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person requested that the Assembly have the staff work on a solution for people who find themselves in a violation of a setback: Mr. Gary Loruso.

The following person spoke regarding the railroad corridor going through property in the Pt. MacKenzie area: Mr. Jim Pitcher.

IX. UNFINISHED BUSINESS

(There was no unfinished business presented.)

X. NEW BUSINESS

A. INTRODUCTION (For public hearing – 02/06/07, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 07-006: AN ORDINANCE CLASSIFYING ONE BOROUGH OWNED PARCEL FOR SALE IN THE WILLOW AREA.

a. IM No. 07-001

2. Ordinance Serial No. 07-008: AN ORDINANCE CLASSIFYING ONE BOROUGH OWNED PARCEL OF LAND FOR SALE IN THE BIG LAKE AREA.

a. IM No. 07-002

3. Ordinance Serial No. 07-010: AN ORDINANCE APPROVING AN APPROPRIATION OF \$95,000 FROM THE UNRESTRICTED NET ASSETS IN THE SOLID WASTE ENTERPRISE FUND, FUND 510, TO FUND 420, PROJECT NO. 25050, CENTRAL LANDFILL CELL III DEVELOPMENT, TO ALLOW FOR THE DESIGN OF A NEW CELL AT CENTRAL LANDFILL.

a. Resolution Serial No. 07-009: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET TO ALLOW FOR THE DESIGN DEVELOPMENT OF CELL III AT CENTRAL LANDFILL, PROJECT NO. 25050.

(1) IM No. 07-009

4. Ordinance Serial No. 07-011: AN ORDINANCE AMENDING MSB 15.24.030(B)(2), TO INCLUDE THE FINAL PLAN AMENDMENT TO THE MSB COASTAL MANAGEMENT PLAN.

a. IM No. 07-011

5. Ordinance Serial No. 07-012: AN ORDINANCE AMENDING MSB 3.15.200, BOARD OF EQUALIZATION, APPEAL; MSB 3.15.210, BOARD OF EQUALIZATION; AND MSB 3.15.220, BOARD OF EQUALIZATION, HEARING.

a. IM No. 07-012

6. Ordinance Serial No. 07-013: AN ORDINANCE TO ISSUE GENERAL OBLIGATION REFUNDING BONDS, 2007, IN ONE OR MORE SERIES IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$55,000,000 TO REFUND CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF THE BOROUGH, FIXING CERTAIN DETAILS OF SUCH BONDS AND AUTHORIZING THEIR SALE.

a. IM No. 07-022

Ms. McGehee read the above legislation into the record.

MOTION: Assemblymember Woods moved to introduce the legislation as read into the record by the Clerk and set the public hearings for February 6, 2007.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Menard requested the following confirmations:

Animal Care and Regulation Board

David Brown

Millicent Peabody

Board of Adjustment and Appeals

Elinros Laber

Andrew Robinson

Board of Equalization

Tammy Bickel

Board of Ethics

Amanda Browne

Borough Area School Site Selection Committee

Cindy Bettine

Resignation of Bill Allen

Emergency Medical Services Board

John Akers

Lynn Moore

Removal of Gwyn Jerman

Enhanced 911 Advisory Board

John Rhyshek

Daniel Stearns

Dennis Brodigan

Resignation of Rick Roberts

Historical Preservation Commission

Bonnie Quill

Erik Hirschmann

Joint Assembly/School Board Committee on School Issues

Rob Wells

Library Board

Virginia Wilt

Linda Henning

Virginia Richey

Local Emergency Planning Committee

Jonathan Owen

Joanne Fine

Elmer Feltz
Leonard Betts
Jane Conard
Ken Slauson
Resignation of Cindy Bettine
Dennis Brodigan
Office of Administrative Hearings
DanaLyn Dalrymple
Ross Kopperud
Parks, Recreation, and Trails Advisory Board
Sharon McEntee
Sandy Kogl
Planning Commission
Dick Zobel
Platting Board
Resignation of Linda Neslund
Alan Larson
Terry Nicodemus
Steven Heinrich
Port Commission
Jordan may
Paul DuClos
Real Property Asset Management Board
Terry Snyder
Dulce Ben-East
Bishop Buckle
Kenneth Marsh
Transportation Advisory Board
Robert Hamblen
Allan Linn
Henry Corbin
Louis Friend
Big Lake FSA No. 33
Joan Estes
Greater Palmer FSA No. 132
Charles Akers
Meadow Lakes FSA No. 34
William Browne
Sutton FSA No. 24
Joseph Younack
Wasilla Lakes FSA No. 130
Ken Slauson
Frederick Snodgrass
Big Lake RSA No. 21
Jim Clemensen

Caswell Lakes RSA No. 15
Patty Song
Fairview RSA No. 14
Daniel Elliott
Gold Trails RSA No. 28
Kenny Moss
Greater Willow RSA No. 20
John Grohol
Knik RSA No. 17
Henry Corbin
Meadow Lakes RSA No. 27
Stephen Edwards
David Schacht
North Colony RSA No. 23
Barbara Gerard
South Colony No. 16
Edward Strabel
Trapper Creek RSA No. 30
Gary Baker
Darlene Rich
Circle View and Stampede Estates Flood and Water SSA No. 131
Richard Jensen
Patti Huntsman
Talkeetna Flood Control SSA No. 7
Robert Holt

Mayor Menard made the following recommendations:

Animal Care and Regulation Board
Jamie West
Parks, Recreation, and Trails Advisory Board
Dewey Taylor
Planning Commission
Catherine Hummel
Platting Board
James Spangler
Senior Citizen Advisory Board
Judith Wake
Willow FSA No. 35
Herbert Schwager
Chase Trail SSA No. 134
Bethany Pike

MOTION: Assemblymember Woods moved to confirm the Mayor's recommendations and resignations up for confirmation this evening.

VOTE: The motion passed without objection.

