I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on February 1, 2005, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was also teleconferenced to the Su-Valley High School Library, Mile 98.6 Parks Highway, Talkeetna, 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:

Ms. Lynne Woods, Assembly District No. 1
Mr. Bill Allen, Assembly District No. 2 *(via teleconference)*
Mr. Talis J. Colberg, Assembly District No. 3
Ms. Mary Kvalheim, Assembly District No. 4
Ms. Jody Simpson, Assembly District No. 5
Mr. Jim Colver, Assembly District No. 6 *(Deputy Mayor)*
Ms. Betty Vehrs, Assembly District No. 7

Staff in attendance were:

Ms. Michelle M. McGehee, CMC, Borough Clerk
Mr. John Duffy, Borough Manager
Ms. Janice A. Case, Deputy Borough Clerk
Ms. Teresa S. Williams, Borough Attorney
Ms. Tammy Clayton, Finance Director
Mr. Don Shiesl, Public Works Director
Mr. Dennis Brodigan, Emergency Services Director
Mr. Ron Swanson, Community Development Director
Mr. Murph O'Brien, Planning and Land Use Director

III. APPROVAL OF AGENDA

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

Mr. Duffy noted that substitute legislation would be introduced for Ordinance Serial No. 05-028 and Resolution Serial No. 05-019 under introductions.

Mayor Anderson noted that items 6 and 7 under the public hearings would be moved to items 1 and 2.

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ms. Sammye Pokryfki, a member of the audience.

V. MINUTES OF PRECEDING MEETINGS

A. Regular Assembly Meeting: 01/18/05

Mayor Anderson inquired if there were any corrections to the regular meeting minutes of January 18, 2005.

Ms. McGehee noted that Ms. Clayton was in attendance at the meeting, and the record will be noted in the minutes.

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Wasilla City

Councilmember Ron Cox:
- reported that Wasilla has approved the funds for the engineering for the Garden Terrace waterworks;
- stated that the traffic light problem at Lowes has been solved;
- noted that the city of Wasilla began working on the budget this week; and
- commented that Wasilla Mayor Keller was in Juneau last week.

Houston City

Councilmember Blanchard:
- reported that the new police officer has brought in $18,000 from December 14, 2004, to January 18, 2005;
- stated that another police officer is currently in training in Sitka; and
- noted that Curves for Women has opened in Houston.

2. Matanuska-Susitna Borough School District

(There was no report presented.)

3. Valley Community for Recycling Solutions Re: Update on Activities and Upcoming Innovations – Ms. Mollie Boyer

(There was no report presented.)

4. Mat-Su Agency Partnership Re: Update on Human Services – Ms. Sammye Pokryfki

Ms. Sammye Pokryfki:
- reported that the Mat-Su Agency Partnership is repeating the community needs assessment;
- stated that they are trying to establish a process to repeat the community needs assessment every three years in order to chart the effects of growth in the community;
- stated that the Mat-Su Agency Partnership, the hospital, and law enforcement is working to recreate the model in the community that responds to sexual assault;
- stated that they are no longer able to use the current model; and
- reported State has tasked the Matanuska-Susitna Borough with coming up with a model for behavioral health integration.

Assemblymember Vehrs queried why they are replacing the current sexual assault model and asked what they will be replacing it with.

Ms. Pokryfki:
- stated that the person leading the current system is leaving;
- noted that more staff will be necessary; and
- stated that the new model will incorporate more staff members.

Assemblymember Colver:
- noted that the Assembly is currently working on the budget; and
- inquired if the agency needed any assistance.

Ms. Pokryfki:
- invited the members of the Assembly to attend the meetings which are held on the second Thursday of each month from 12 noon to 1:30 p.m.; and
- stated that the Borough has provided a lot of assistance.

Assemblymember Vehrs requested that the Clerk send the Assembly an e-mail to remind them of the meeting.

5. Kumin and Associates Re: Ferry/Port Terminal Building

Mr. John Kumin:
- reviewed the design of the Matanuska-Susitna Borough ferry terminal building;
- noted that there would be two buildings, the ferry terminal building and the port office;

- stated that another building in Anchorage would be a non-public building and would house equipment and serve as a waiting room for the crew members;
- stated that the design is consistent with the budget; and
- commented that the building is designed for future expansion.

Mr. Duffy noted that the fire protection for the ferry terminal building will also serve as fire protection for the dock.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Mayor Anderson noted that the joint Assembly/School Board Committee on School Issues has not met.

2. Regional Transportation Planning Organization (RTPO)

Mayor Anderson:
- reported that the request for proposals has been issued for the regional transportation plan; and
- stated that the RTPO passed two resolutions, one for reauthorization of the Transportation Efficiency Act (TEA) program and another supporting the Governor's proposed transportation package.

3. Alaska Municipal League (AML)

Mayor Anderson:
- noted that he and Assemblymember Vehrs were in Juneau last week to attend the AML Conference of Mayors and Board Meeting;
- stated that many small cities are in crisis due to the loss of revenue sharing funds last year; and
- reviewed the Senior Citizen/Disabled Veteran Property Tax Exemption Program History 1973-2004 handout.

Assemblymember Vehrs reviewed the Sustaining Alaska's Communities Package handout which included four key points: (1) revenue sharing to sustain communities, (2) local tax relief and state mandate relief, (3) Public Employees Retirement System (PERS)/Teachers Retirement System (TRS), and (4) incentives to form sustainable and accountable boroughs.

Mayor Anderson discussed the issues occurring with PERS and TRS.

Discussion ensued regarding PERS/TRS.

Mayor Anderson:

- noted that AML does support the community dividend package;
- stated that they attended a presentation from the Alaska State Port Authority in Juneau; and
- reported the Alaska State Port Authority stated that with the Alaska Pipeline for Gas there is a 5 percent community dividend based on population.

C. MANAGER COMMENTS

1. State/Federal Legislation

Mr. Duffy:

- reported that the Alaska State Department of Education and Early Development has agreed to provide the Borough with approval to access a portion of the available funds for the 1 percent for Arts Program to fully fund the school projects;
- stated that the first bulk commodities carrier is currently at Port MacKenzie to load approximately 42,000 tons of wood chips;
- thanked Mr. Mark VanDongen (Port Director) and Mr. Jack Krill, Jr. (Fire Chief) for accomplishing all of the last minute arrangements for the ship docking at Port MacKenzie;
- stated that the Borough is in the process of filing a financial assistance grant in the amount of $500,000 from the Natural Resource Conservation Service (NRCS) for the Matanuska River erosion;
- noted that Senators Stevens and Murkowski have introduced legislation in Congress to create an “Alaska Floodplain and Erosion Mitigation Commission;”
- stated that the Borough’s federal lobbyist and General Sharrow of Congressman Young’s office have informed the Borough that Congressman Young will be introducing the new Transportation Efficiency Act a Legacy for Users (TEA-LU) bill within the next few weeks;
- stated that the Borough has been asked to send its projects in as soon as possible to ensure that they are included in the bill;
- reported that the Congressional Budget Office released an estimate of federal gasoline tax receipts, which funds the Highway Trust Fund, and noted that the estimated revenue is lower this year;
- commented that the International Helicopter Association will be awarding Bud Roberts with the Pilot of the Year Award for his efforts in the child/mother rescue from the Knik River on August 14, 2004;
- stated that the proposals for completing the management review audit are due February 9, 2005, and the evaluation criteria, rating sheets, and proposals will be available for the Assembly to review on February 10, 2005; and
- noted that he and Ms. Clayton would be in San Francisco for bond rating presentations on February 7 and 8, 2005.

Mayor Anderson queried the net effect of the revenue generated from the ships docking at the port and asked where the funds are transferred.

Mr. Duffy:
- replied that the ships are charged $60,000 for wharfage and dockage; and
- stated that the funds are transferred to the port enterprise fund.

Discussion ensued regarding the revenue generated from the port.

D. ATTORNEY COMMENTS

Ms. Williams:
- noted that a transcript for the tax cap initiative case has been included in the red folder;
- stated that an executive session will be scheduled on the February 15, 2005, regular Assembly meeting to discuss the possibility of an appeal for the tax cap initiative case;
- stated that the oral arguments for the real estate transfer fee case will be rescheduled; and
- stated that she will begin interviewing applicants for the Assistant Borough Attorney position next week.

E. CLERK COMMENTS

Ms. McGehee:
- noted that the Clerk's report was distributed on Friday;
- reviewed the upcoming meeting schedule for February and March; and
- inquired regarding the employee luncheon.

Mayor Anderson:
- stated that in the past all the members of the Assembly contributed personal funds for the luncheon; and
- stated that the luncheon was scheduled during the work week and the members of the Assembly were asked to attend.

Assemblymember Simpson stated that it developed into a situation where some members were unable to contribute.

Assemblymember Colberg noted that the Assembly voted to no longer hold the luncheons.

Assemblymember Colver suggested something smaller to acknowledge the employees.

Ms. McGehee:
- noted that she, Ms. Case, and Ms. McKechnie would be in Juneau for the rest of the week for the Alaska Association of Municipal Clerks Conference;
- noted that Ms. Church would be Acting Clerk in her absence; and
- stated that she would be accepting the Lifetime Achievement Award for Municipal Clerk on behalf of Sandra A. Dillon, former Borough Clerk.

(The regular meeting recessed at 6:55 p.m. and reconvened at 7:08 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. 05-025: AN ORDINANCE AUTHORIZING THE MATANUSKA-SUSITNA BOROUGH TO ISSUE GENERAL OBLIGATION SCHOOL BONDS, 2005 SERIES A IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED $27,700,000 TO PROVIDE FUNDS FOR SCHOOL AND RELATED CAPITAL IMPROVEMENTS IN THE BOROUGH, FIXING CERTAIN DETAILS OF SUCH BONDS AND AUTHORIZING THEIR SALE.

a. IM No. 05-036

Ms. Clayton provided a staff report.

Mayor Anderson inquired regarding the effect on the mill rate.

Ms. Clayton stated that the estimated effect is not to exceed .2 mills.

Mayor Anderson 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 Colver moved to adopt Ordinance Serial No. 05-025.

VOTE: The motion passed without objection.

2. Ordinance Serial No. 05-026: AN ORDINANCE AUTHORIZING THE SALE OF TIMBER WITHIN APPROXIMATELY 900 ACRES OF BOROUGH-OWNED LAND DESCRIBED AS THE NORTH SHEEP CREEK FOREST MANAGEMENT UNIT TO APPLICANT NPI, LLC. (MSB004323) WITH A VALUE GREATER THAN $25,000.

a. IM No. 05-038

Mr. Swanson:

- stated that public comments have been received on the timber sale the last few weeks;
- referred to the memoranda in the red folder;
- reviewed the location of the timber sale;
- noted that the timber sale had gone through the normal public process;
- stated that 156 notifications had been sent out, one was returned in favor and another in opposition; and
- reviewed the competitive bid process that was held for the timber sale.

Mr. Duffy asked Mr. Swanson to review the Forest Practices Act and how it impacts this sale.

Mr. Swanson reviewed the Forest Practices Act.

Assemblymember Colver queried regarding the performance bond requirement.

Mr. Swanson replied that a performance bond requirement is $10,000.

Discussion ensued regarding the timber sale.

Mayor Anderson opened the public hearing.

The following person stated that Friends of Mat-Su is not opposed to timber sales within the Borough and addressed some concerns regarding timber sales, such as traffic and public notification: Ms. Kathy Wells, Director of Friends of Mat-Su.

The following persons spoke in support of Ordinance Serial No. 05-026: Mr. Roger McRoberts, representative for NPI, LLC.; Mr. Steven Heinrich; and Mr. Penny Nixon.

The following persons spoke in opposition to Ordinance Serial No. 05-026: Mr. Rick Horstman, Mr. Gary Moore, Mr. Richard Beringer, Mr. Scott Holcomb, Ms. Ruth Wood, Mr. Jon Snodgrass, Mr. William Bouterse, Ms. Teri Moridian, Ms. Mandy Jo Hartley (for Ms. Holly Stinson), Mr. Dave Johnson, Ms. Mary Jo Berger, Ms. Tammy Handler, Mr. Ken Marsh, Ms. Sandy Cogel, Mr. John Strassenburg, Ms. Noel Berginer, and Ms. Susan Mason-Boucher.

The following person suggested educating the residents regarding forest management before a sale and spoke in opposition to Ordinance Serial No. 05-026: Mr. David Hostman.

The following person spoke in support and asked that the safety concerns be addressed: Ms. Jean Woods.

The following person stated that opening the canopy is detrimental to the forests: Ms. Dana Olson.

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

(The regular meeting recessed at 8:45 p.m. and reconvened at 9 p.m.)

MOTION: Assemblymember Vehrs moved to adopt Ordinance Serial No. 05-026.

Assemblymember Vehrs:

- stated that the Assembly has heard testimony tonight from the northern region of the Borough and knows how they feel about the timber sale;
- noted that the arrival of the ship at Port MacKenzie is a big step for the Borough;
- discussed the growth of the Borough and economic development;

- voiced concerns regarding the last timber sale;
- voiced concerns regarding the condition of the roads the semi-trucks would be driving on;
- opined that the Borough has not given enough safeguards;
- referred to the Chujiak timber sale and Oilwell Road;
- suggested a conditional use permit process for timber sales; and
- spoke in opposition to Ordinance Serial No. 05-026.

Assemblymember Colver inquired if there would be a difference between the conditions on this sale and a conditional use permit for a timber sale if one existed.

Mr. Duffy replied that a conditional use permit would require the development of an ordinance and that the approval of the conditional use permit would occur at the Planning Commission level.

Assemblymember Colver:
- stated that he understands the concerns that have been voiced;
- suggested establishing certain conditions for road maintenance, a trucking plan, and hours of operation; and
- stated that members of the public should be provided with an opportunity to view the land in a safe way.

Assemblymember Simpson:
- stated that the Borough will be seeing more and more of similar sales;
- noted that the forests in this area are over mature and insect-infested lands, and that this is a prescribed harvest;
- stated that it is the Boroughs responsibility to care for our resources;
- commented that the contract deals with items such as the dates of timber removal, locations, sites, and roads;
- suggested putting in place a future report of how the contract is working; and
- stated that negotiating the contract lies with the Manager.

Assemblymember Colberg:
- stated that a large amount of funds have been invested the deep draft dock at Port MacKenzie;
- stated that additional provisions could be added to the contract such as hours of operation and traffic regulations; and
- noted that he is opposed to sending timber sales to the Planning Commission for a conditional use permit.

Assemblymember Kvalheim:
- stated that she would like to see the wood chipping move forward;
- noted that she also wants to protect the safety and health of the citizens who live in this area; and
- stated that she would like to see more restrictions built into the contract.

MOTION: Assemblymember Colver moved to postpone Ordinance Serial No. 05-026 to the March 1, 2005, regular meeting in order to bring back enforceable conditions for this sale in response to the concerns that have been stated.

Assemblymember Colver:

- spoke to the need for enforceable conditions; and
- suggested that reports be given to the Assembly on a regular basis.

Assemblymember Vehrs spoke in opposition to postponing.

VOTE: The motion to postpone to a time certain of March 1, 2005, passed with Assemblymember Vehrs in opposition.

3. Ordinance Serial No. 05-011: AN ORDINANCE AMENDING MSB 15.24.030, COMPREHENSIVE PLAN AND PURPOSES, SPECIFICALLY TO INCLUDE THE JUNE 2003 MATANUSKA-SUSITNA BOROUGH RAIL CORRIDOR STUDY. *(Public Hearing continued from 01/18/05)*

a. IM No. 05-010

Mr. VanDongen provided a staff report.

Mayor Anderson reopened the public hearing.

The following person spoke in opposition to Ordinance Serial No. 05-011: Ms. Dana Olson.

Mr. Ed McCain:

- spoke regarding the impact that the proposed rail corridor will have to his hay farm on the road going out to the Deshka Landing;
- stated that the rail corridor dissects his property and will go straight through where his house sits on the property;
- advised that he has been a land surveyor for 35 years; and
- stated that the route could be moved one quarter mile to the east which would utilize a State right-of-way.

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

MOTION: Assemblymember Simpson moved to adopt Ordinance Serial No. 05-011.

Assemblymember Simpson:

- stated that this is a long-range plan that has been discussed for more than a decade;
- commented that a interim corridor is currently in place;
- noted that this study takes into consideration the impacts of communities and has moved the corridor from large demographics;

- stated that the study has gone through the public process and has been presented to community councils;
- noted that this corridor is part of the phased approach for the infrastructure to Port MacKenzie; and
- stated that this is a conceptual route and that there will be future opportunities to adjust the route and address community concerns.

(The regular meeting recessed at 9:58 p.m. and reconvened at 10:16 p.m.)

MOTION: Assemblymember Colver moved a primary amendment to the 2003 Rail Corridor Study, Map C9, sheet 11, to move corridor 3 one-quarter mile to the east.

Assemblymember Colberg asked if the land one-quarter mile to the east of corridor 3 is owned by a private party.

Mr. Duffy:

- replied that he does not know who owns the land one-quarter mile to the east of corridor 3; and
- stated that the Borough will not know where the exact line is until an environmental impact study has been completed.

Assemblymember Colberg stated that the amendment could be moving the corridor closer to another person who would also have a problem.

Assemblymember Simpson spoke in opposition to the primary amendment.

Assemblymember Vehrs spoke in support of the primary amendment.

VOTE: The primary amendment passed with Assemblymembers Simpson and Colberg in opposition.

VOTE: The main motion passed as amended without objection.

4. Ordinance Serial No. 05-021: AN ORDINANCE AMENDING MSB 2.52.160(C), EMPLOYMENT RESTRICTIONS CONCERNING NEPOTISM.

a. IM No. 05-001

Mr. Duffy provided a staff report.

Mayor Anderson 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 Colver moved to adopt Ordinance Serial No. 05-021.

Assemblymember Vehrs spoke in opposition of Ordinance Serial No. 05-021

Assemblymember Allen spoke in support of Ordinance Serial No. 05-021.

Assemblymember Simpson spoke in support of Ordinance Serial No. 05-021.

VOTE: The motion passed with Assemblymember Vehrs in opposition.

5. Ordinance Serial No. 05-022: AN ORDINANCE AMENDING MSB 17.41.518, MSB 17.41.520, AND MSB 17.41.920, SPECIFICALLY TO ADDRESS PENALTIES AND REMEDIES ASSOCIATED WITH THE CITY OF HOUSTON LAND REGULATIONS AND CONDITIONAL USE PERMITS FOR USED CAR LOTS, THE SALE OF USED PARTS, AND JUNK/SALVAGE YARDS IN ANY COMMERCIAL "C" OR NON-COMMERCIAL "NC" DISTRICT WITHIN THE CITY OF HOUSTON. *(Sponsor: Assemblymember Vehrs)*

a. IM No. 05-111

Mayor Anderson opened the public hearing.

The following person spoke in support of Ordinance Serial No. 05-022: Houston Councilmember Dannie O'Brien.

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

MOTION: Assemblymember Vehrs moved to adopt Ordinance Serial No. 05-022.

VOTE: The motion passed without objection.

6. Ordinance Serial No. 05-023: AN ORDINANCE ADOPTING VOLUNTARY BEST MANAGEMENT PRACTICES FOR DEVELOPMENT AROUND WATER BODIES.

a. IM No. 05-032

Mr. O'Brien provided a staff report.

Mayor Anderson opened the public hearing.

The following person voiced concern regarding the management practices being "voluntary" and suggested educating citizens regarding these practices: Ms. Kathy Wells, Director of Friends of Mat-Su.

The following person spoke regarding the State's land use plans: Ms. Dana Olson.

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

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 05-023.

Assemblymember Kvalheim:

- agreed that these practices should be mandatory;
- requested approval of Ordinance Serial No. 05-023; and
- suggested that the Assembly work towards mandatory regulations.

Assemblymember Simpson:
- spoke regarding setback requirements being unable to be applied across the board;
- opined that this is a good step in the right direction; and
- stated that Ms. Lynn Fuller, the Water Quality Coordinator, will be in Big Lake area to educate the public on shoreline setbacks.

Assemblymember Colver requested that the Clerk add shoreline impact mitigation to the next joint Assembly/Planning Commission meeting.

VOTE: The motion passed without objection.

7. Ordinance Serial No. 05-024: AN ORDINANCE ACCEPTING AND APPROPRIATING $13,652.17 FROM MATANUSKA TELEPHONE ASSOCIATION AND $225.70 FROM GCI TO A NON-LAPSING CAPITAL FUND 480, PROJECT NO. 20312, FOR UPGRADING AND ENHANCING THE TELECOMMUNICATIONS AND INFORMATION SERVICES IN THE BOROUGH LIBRARIES.

a. IM No. 05-034

Mayor Anderson 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 Colver moved to adopt Ordinance Serial No. 05-024.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke in opposition to AM 05-019: Ms. Dana Olson.

The following person spoke concerning problems with mushers not being represented on the Animal Care and Regulation Board and requested that two more members be added to the Board, one of them being a musher: Mr. John Wood.

MOTION: Assemblymember Colver moved to extend the regular meeting past 11 p.m. and no later than 12 midnight.

VOTE: The motion passed without objection.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

a. Animal Care and Regulation Board: 12/13/04

b. Library Board: 01/15/05

c. Mayor’s Blue Ribbon Task Force on Police Powers: 07/07/04

d. Parks, Recreation, and Trails Advisory Board: 12/27/04
e. Transportation Advisory Board: 11/17/04, 12/15/04, Resolution 04-08, Resolution 04-09, Resolution 04-11, Resolution 04-12

Assemblymember Colberg:
- stated that he has received a complaint that the minutes for the Parks, Recreation, and Trails Advisory Board are non-objective; and
- asked if it was the Board's decision to have the Borough take their minutes.

Mr. Swanson:
- stated that the Board requested that the Borough take the minutes; and
- noted that they have been doing so for several years.

Assemblymember Colberg inquired if the Board would be able to vote to begin taking their own minutes again.

Mr. Swanson affirmed that the Board could vote to take their own minutes.

G. INFORMATIONAL MEMORANDUMS

VIII. UNFINISHED BUSINESS

(There was no unfinished business.)

IX. NEW BUSINESS

A. INTRODUCTION (For public hearing - 02/15/05, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 05-027: AN ORDINANCE REQUESTING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $35,000 FROM THE WASILLA-LAKES FIRE SERVICE AREA (FSA) FUND BALANCE, FUND 250, TO THE FISCAL YEAR 2005 WASILLA-LAKES OPERATING BUDGET, FUND 250, IN ORDER TO FULLY FUND AN ADDITIONAL PERMANENT FSA ASSISTANT POSITION. *(Sponsor: Assemblymember Kvalheim)*
a. IM No. 05-040

2. Ordinance Serial No. 05-028: AN ORDINANCE ACCEPTING AND APPROPRIATING $9,500,000 FROM THE FEDERAL HIGHWAY ADMINISTRATION AND $2,000,000 FROM THE FEDERAL AVIATION ADMINISTRATION FOR FEDERAL FISCAL YEAR 2004 SECTION 115 EARMARK PROJECTS AND FEDERAL FISCAL YEAR 2005 EARMARK PROJECTS.
a. Resolution Serial No. 05-019: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE FEDERAL FISCAL YEAR 2004 SECTION 115 EARMARK PROJECTS AND THE FEDERAL FISCAL YEAR 2005 EARMARK PROJECTS.

(1) IM No. 05-041

Ms. McGehee read the above legislation into the record and noted that the presented substitute version for Ordinance Serial No. 05-028 and Resolution Serial No. 05-019 would be coming forward for public hearing on February 15, 2005, upon tonight's introduction.

MOTION: Assemblymember Colver moved to introduce the legislation as read into the record by the Clerk and set the public hearings for February 15, 2005.

VOTE: The motion passed without objection.

C. CONSENT AGENDA (Resolution Serial Nos. 05-022 and 05-023 and AM Nos. 05-017 and 05-018 were pulled from the consent agenda and addressed separately. See pp. 15-17 of 19)

1. RESOLUTIONS

a. Resolution Serial No. 05-020: A RESOLUTION APPROVING COMMON FEDERAL LEGISLATIVE PRIORITIES BETWEEN THE MATANUSKA-SUSITNA BOROUGH AND THE MUNICIPALITY OF ANCHORAGE FOR THE YEAR 2005.
(1) IM No. 05-042

b. Resolution Serial No. 05-021: A RESOLUTION APPROVING COMMON STATE LEGISLATIVE PRIORITIES BETWEEN THE MATANUSKA-SUSITNA BOROUGH AND THE MUNICIPALITY OF ANCHORAGE FOR THE YEAR 2005.
(1) IM No. 05-043

2. ACTION MEMORANDUMS

c. AM No. 05-019: AUTHORIZING THE MANAGER TO ENTER INTO AN AGREEMENT WITH KNIK ARM BRIDGE AND TOLL AUTHORITY TO DEVELOP A LAND USE AND TRANSPORTATION IMPACT ANALYSIS FOR THE LOWER KNIK-FAIRVIEW, LOWER BIG LAKE, AND POINT MACKENZIE COMMUNITY COUNCIL AREAS.

d. AM No. 05-020: APPROVAL TO REMAND THE PROPOSED SELECTION OF PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR THE CAREER AND TECHNICAL EDUCATION CENTER BACK TO THE SCHOOL BOARD FOR A NEW REVIEW AND SELECTION PROCESS THAT INCLUDES THE USE OF A PUBLISHED SET OF EVALUATION CRITERIA THAT IS AVAILABLE TO THE PUBLIC PRIOR TO THE RATING.

Ms. McGehee read the above legislation into the record.

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

VOTE: The motion passed without objection.

c. Resolution Serial No. 05-022: A RESOLUTION APPROVING STATE LEGISLATIVE PRIORITIES FOR THE MATANUSKA-SUSITNA BOROUGH FOR THE YEAR 2005.

(1) IM No. 05-044

MOTION: Assemblymember Colver moved to adopt Resolution Serial No. 05-022.

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 05-022, item 14, by striking "Hatcher Pass Trail System" and inserting "Hatcher Pass Ski Area Development" and to amend IM NO. 05-044, item 14, to make the corresponding caption title change and to insert the following paragraph, "The Borough seeks additional lands through the Municipal Entitlement Program to support the development of the community and commercial center as proposed within the Master Plan for Hatcher Pass. The Borough also supports legislation to modify the existing public use area to provide for the transfer of lands to the Borough, if necessary. The Borough also requests funding for the public infrastructure such as roads and utilities for the development."

Assemblymember Colver spoke in support.

Assemblymember Colberg spoke in opposition to the primary amendment.

Assemblymember Colver stated that this amendment would give the Manager some direction to pursue this type of legislation should it be needed.

Assemblymember Kvalheim spoke in support.

(Assemblymember Allen exited the meeting at this time.)

MOTION: Assemblymember Vehrs moved a secondary amendment to amend the title to read "Hatcher Pass Trail System and Hatcher Pass Ski Area Development."

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment passed as amended with Assemblymembers Simpson and Colberg in opposition.

VOTE: The main motion passed as amended without objection.

d. Resolution Serial No. 05-023: A RESOLUTION APPROVING THE FEDERAL LEGISLATIVE AND CAPITAL PRIORITIES FOR THE MATANUSKA-SUSITNA BOROUGH FOR THE YEAR 2005.

(1) IM No. 05-045

MOTION: Assemblymember Simpson moved to adopt Resolution Serial No. 05-023.

MOTION: Assemblymember Simpson moved a primary amendment to IM No. 05-045 to add item 6, by inserting "Transportation Corridor EIS" as one of the key improvements.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

a. AM No. 05-017: APPROVAL OF A CHANGE ORDER TO COMMERCIAL CONTRACTORS INC., IN THE AMOUNT OF $96,338 FOR THE MATANUSKA-SUSITNA BOROUGH SCHOOL DISTRICT FLOORING REPLACEMENT, PROJECT NO. 40153, AND DISTRICT WIDE REPAIR AND RENOVATION, PROJECT NO. 40157.

MOTION: Assemblymember Woods moved to approve AM No. 05-017.

Assemblymember Woods inquired regarding the large amount of the change order.

Mr. Shiesl:
- stated that they have received some good prices on the carpeting and insulation;
- noted that if they had to re-bid they would not receive such good prices; and
- stated that the School District has requested some additional work in an expedited time frame.

VOTE: The motion passed without objection.

MOTION: Assemblymember Colver moved to reconsider Resolution Serial No. 05-022.

VOTE: The motion to reconsider failed with Assemblymembers Vehrs, Kvalheim, and Colver in opposition and Assemblymembers Woods, Colberg, and Simpson in support. *(Tie vote)*

b. AM No. 05-018: AWARD OF PROPOSAL NO. 05-080 TO HATTENBURG, DILLEY, AND LINNELL FOR $109,382 FOR THE VALLEY PATHWAYS SCHOOL SITE DEVELOPMENT SITE.

CONFLICT OF INTEREST: Assemblymember Colver declared a conflict of interest.

RULING: Mayor Anderson ruled that Assemblymember Colver had a conflict of interest and would be recused from voting on this issue.

(Assemblymember Colver exited the meeting at this time.)

MOTION: Assemblymember Kvalheim moved to approve AM No. 05-018.

VOTE: The motion passed without objection.

(Assemblymember Colver returned to the meeting at this time.)

D. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Anderson made the following recommendations:

Animal Care and Regulation Board
- William Bouterse

Mayor Anderson requested the following confirmations:

Animal Care and Regulation Board
- James Chesbro, Sr.
- Resignation of Larry LaGrone

Agricultural & Forestry Advisory Board
- Teresa Weiland

Enhanced 911 Advisory Board
- Thomas Remaley

Local Emergency Planning Committee
- Tanya Larrabee-Boehm
- Kevin Koechlein

Senior Citizen Advisory Board
- Helen Munoz

Borough Area Schools Site Selection Committee
- Mary Kvalheim

Greater Palmer FSA No. 132
- Danny Allison

Alpine RSA No. 31
- David VanCleve
- Charles De Freest

MOTION: Assemblymember Colver moved to confirm the Mayor’s appointments and resignations up for confirmation this evening.

VOTE: The motion passed without objection.

E. OTHER NEW BUSINESS

(There was no other new business.)

XI. RECONSIDERATION

(There were no reconsiderations presented.)

XII. VETO

(There were no vetoes presented.)

XIII. EXECUTIVE SESSION

(There was no executive session held.)

XIV. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Woods stated that she will be out of town February 6 through 23, 2005.

Assemblymember Kvalheim:

- stated that on page 44 of Matanuska-Susitna Borough Rail Corridor Study, June 2003, there is a large list of commodities; and
- requested that the Borough provide an estimate of what the Borough would gain in revenue as a result of the commodities listed.

Assemblymember Vehrs:

- stated that she looks forward to strengthening the timber sale ordinance; and
- directed the Manager to bring forward a conditional use permit process for timber sales.

Assemblymember Colver:

- commended the staff in the Public Works Department and Ms. Clayton for getting approval to free up the $6 million in 1 percent for Arts Program for other school projects; and
- noted that the Palmer Ice Arena is having its grand opening on February 5, 2005.

Mayor Anderson reported that he is continuing to attend the community council meetings to provide an update on the rail corridor study.

XV. ADJOURNMENT

The regular meeting adjourned at 11:20 p.m.

/ S /

TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:

/ S /

MICHELLE M. MCGEHEE, CMC, Borough Clerk

Minutes approved: February 15, 2005