

**MATANUSKA-SUSITNA BOROUGH REGULAR MEETING**  
**ASSEMBLY MARCH 5, 2002**

**I. CALL TO ORDER**

The regular meeting of the Matanuska-Susitna Borough Assembly was held on March 5, 2002, at the Matanuska-Susitna Borough Assembly Chambers, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Timothy L. Anderson

**II. ROLL CALL**

Assembly members present and establishing a quorum were:

Ms. Sara Jansen, Assembly District No. 2  
Mr. Talis J. Colberg, Assembly District No. 3  
Ms. Jody Simpson, Assembly District No. 5  
Ms. Kelly Ladere, Assembly District No. 7

Assembly members absent and excused were:

Mr. J. Bruce Bush, Assembly District No. 1  
Mr. Dan Kelly, Assembly District No. 4  
Mr. Jim Colver, Assembly District No. 6

Staff in attendance were:

Ms. Sandra A. Dillon, Borough Clerk  
Mr. John Duffy, Borough Manager  
Mr. Michael Gatti, Borough Attorney  
Mr. Dave Germer, Assistant Borough Manager  
Ms. Michelle M. McGehee, Deputy Borough Clerk  
Mr. Jim Swing, Public Works Director  
Ms. Tammy Clayton, Finance Director  
Ms. Sandra Garley, Planning Director  
Mr. Ron Swanson, Community Development Director  
Mr. Kevin Koechlein, Public Safety Director  
Mr. Karl Borglum, Borough Assessor

**III. APPROVAL OF AGENDA**

GENERAL CONSENT: The agenda, as presented, was approved without objection.

**IV. PLEDGE OF ALLEGIANCE**

The pledge of allegiance was led by a former assembly member, Jay Nolfi.

**V. MINUTES OF PRECEDING MEETING**

**A. Regular Assembly Meeting: February 19, 2002**

Mayor Anderson referenced the February 19, 2002, regular meeting minutes and asked for any corrections.

Assemblymember Simpson noted the following correction:

- page 3 of 22, committee reports, Intergovernmental Liaison Committee, noting that she had made the report and not Assemblymember Jansen. [After clerk's research, the minutes were corrected to properly reflect Assemblymember Simpson as presenting the report on the Intergovernmental Liaison Committee.]

Ms. Dillon noted the following correction:

- page 7 of 22, her comments, fourth bulleted item, to read: "informed that the next full meeting of the borough assembly and the Anchorage assembly is scheduled for April 11, 2002, at the Elk's Lodge. [This bulleted item was corrected to reflect the clarification.]

Assemblymember Colberg noted the following correction:

- page 18 of 22, Assemblymember Simpson's comments, last bulleted item, to read: "questioned why the borough would be seeking federal funding to build a day lodge." [After clerk's research, the minutes were corrected to properly reflect the clarification.]

GENERAL CONSENT: The February 19, 2002, assembly minutes were approved, as amended, without objection, pending clerk's research.

## **VI. REPORTS/CORRESPONDENCE**

### **A. AGENCY REPORTS**

#### **1. Reports from the cities**

##### Wasilla City

Ms. Diane Keller, Wasilla City Council Member:

- reported that work is being done on the airport master plan;
- noted that the bus shuttle for the Iditarod went smoothly;
- spoke to the purchase of road repair equipment;
- encouraged voters to vote in the city's special election; and
- spoke to the Mat-Su Youth Court's request for grant monies from the borough, the program, and past contributors.

#### **2. Matanuska-Susitna Borough School District**

Superintendent Patricia Chesbro:

- reported that the Alaska Society for Technology and Education held their annual conference at which seven awards were won by the Mat-Su school district for their entries of "Idita Movies";
- reported that Bart Harmeling, director of the Community Technology Center, was named Technology Educator of the Year;
- stated that the school board will be holding their final budget hearing on March 6; and
- commented that she is looking forward to the joint assembly/school board meeting on March 12, at which time she will have the math matters report available.

### **B. COMMITTEE REPORTS**

#### **1. Joint Assembly/School Board Committee on School Issues**

(There was no report given.)

#### **2. Intergovernmental Liaison Committee**

(There was no report given.)

### **C. MANAGER COMMENTS**

Mr. Duffy:

- reported that the Corps of Engineers report and the Lachel and Associates report regarding the port have arrived;
- stated that a draft report from Economic Research Associates, the consultant group working on the economic feasibility and business plan for the ski area project, is also under review;
- spoke to the prison proposal;
- noted that the Yellow Creek Permit request to rescind the revegetation requirement of a habitat permit has been denied;
- reported that his recent trip to Juneau to discuss borough proposals was well received; items discussed included the prison proposal and the children's medical facility; and
- remarked regarding his attendance at the recent Wasilla chamber meeting at which Kathleen Cronen, CEO of North Star Behavioral Health Systems, spoke.

Assemblymember Colberg inquired of the manager regarding his stance to pursue federal funding for the Hatcher Pass lodge project based upon the undertone of a recent article he had read in the Frontiersman Newspaper.

Mr. Duffy responded that he did not intend to pursue federal funding for the project.

#### D. ATTORNEY COMMENTS

(There were no comments presented.)

#### E. CLERK COMMENTS

Ms. Dillon:

- noted the assembly's current meeting schedule through the month of April;
- advised that the time for the April 11, 2002, meeting of the borough assembly and the Anchorage assembly has yet to be determined;
- reminded the assembly regarding the joint assembly/school board meeting scheduled for March 12, 2002;
- reported that the results of the Wasilla City special election will be calculated after 8 p.m. and that she would apprise the assembly members of the preliminary results as soon as determined;
- stated that the assembly does not have any meetings scheduled at this time regarding the core area zoning ordinance as it is still in the hands of the planning commission;
- noted that the memo requesting agenda items for the March 26, 2002, joint assembly/planning commission meeting is attached to the clerk's report for the assembly's review; and
- related that the commission has requested that the borough's land classification process be placed on the agenda for discussion;

Assemblymember Jansen asked Ms. Dillon to advise her of the May assembly meeting schedule.

#### F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
  - a. Historic Preservation Commission: 01/04/02
  - b. Parks, Recreation, and Trails Advisory Board: 01/28/02
  - c. Port Commission: 12/10/01
  - d. Circle View and Stampede Estates Flood and Erosion Control Service Area No. 131: 01/23/02
2. Community Council Correspondence:
  - a. Butte Community Council, Inc.: 12/12/01
  - b. Talkeetna Community Council: 01/07/02
3. Other Correspondence:

a. Cook Inlet Aquaculture Association: 01/19/02

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

## G. INFORMATIONAL MEMORANDUMS

1. IM No. 02-075: SUMMARY OF ISSUES DEVELOPED AT THE FEBRUARY 7, 2002, ASSEMBLY RETREAT.

The informational memorandum was presented and no comments were noted.

## VIII. UNFINISHED BUSINESS

(There was no unfinished business.)

## IX. NEW BUSINESS

### A. INTRODUCTION (Suggested public hearing - 03/19/02)

1. Ordinance Serial No. 02-038: AN ORDINANCE ACCEPTING AND APPROPRIATING \$700 FROM THE ALASKA DIVISION OF EMERGENCY SERVICES TO THE BOROUGH LOCAL EMERGENCY PLANNING COMMITTEE, FUND 480, PROJECT 20259, FOR FISCAL YEAR 2002 OPERATIONS.
  - a. IM No. 02-067
2. Ordinance Serial No. 02-039: AN ORDINANCE AMENDING MSB 3.24.030(B), ALLOCATION OF MOTOR VEHICLE REGISTRATION TAX REVENUES.
  - a. IM No. 02-068
3. Ordinance Serial No. 02-040: AN ORDINANCE APPROPRIATING \$225,000 FROM THE SERIES B GENERAL OBLIGATION PARKS, RECREATION, AND TRAILS BONDS, TO FUND 440, PARKS, RECREATION, AND TRAILS PROJECTS, PROJECT 15025, FOR IMPROVEMENTS AND UPGRADES TO THE MATANUSKA RIVER AND LAKE LUCILLE PARKS AND LITTLE-SU RIVER CAMPGROUND.
  - a. Resolution Serial No. 02-027: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR IMPROVEMENTS AND UPGRADES TO THE MATANUSKA RIVER AND LAKE LUCILLE PARKS AND LITTLE-SU RIVER CAMPGROUND USING SERIES B GENERAL OBLIGATION PARKS, RECREATION, AND TRAILS BONDS.
    - (1) IM No. 02-073

Ms. Dillon read the above legislation into the record.

MOTION: Assemblymember Jansen moved for introduction of the legislation as read into the record by the clerk and set the public hearings for March 19, 2002.

GENERAL CONSENT: The motion passed without objection.

### B. CONSENT AGENDA

(AM Nos. 02-023 and 02-026 were pulled from the consent agenda. See pp. 6)

#### 1. RESOLUTIONS

- a. Resolution Serial No. 02-028: A RESOLUTION APPROVING THE REVISED SCOPE OF WORK AND BUDGET FOR THE MATANUSKA-SUSITNA CONVENTION AND VISITORS BUREAU, PROJECT NO. 10145.

(1) IM No. 02-069

- b. Resolution Serial No. 02-029: A RESOLUTION APPROVING THE REVISED SCOPE OF WORK AND BUDGET FOR THE SCHOOL DISTRICT RENEWAL AND RENOVATION PROJECTS.

(1) IM No. 02-072

## 2. ACTION MEMORANDUMS

- a. AM No. 02-022: APPROVAL OF THE CONTRACT FOR DISPATCH SERVICES WITH THE CITY OF PALMER IN THE AMOUNT OF \$253,487.

c. AM No. 02-024: APPROVAL OF THE ROAD MAINTENANCE AND REPAIR CAPITAL PROJECTS, PROPOSED SUMMER 2002 LIST.

d. AM No. 02-025: AWARD OF PROPOSAL NO. 02-106, TO LOUNSBURY & ASSOCIATES, IN THE AMOUNT OF \$43,910 FOR TURN LANES FOR SCHOOL ACCESS AT SELDON ROAD.

f. AM NO. 02-028: AWARD OF BID NO. 02-131, TO NYE FRONTIER FORD, IN THE AMOUNT OF \$42,550, PURCHASE OF PUBLIC SAFETY VEHICLES.

Ms. Dillon read the above legislation into the record.

MOTION: Assemblymember Jansen moved to approve the above legislation as read into the record by the clerk.

GENERAL CONSENT: The motion passed without objection.

- b. AM No. 02-023: PROPOSAL TO CANCEL THE APRIL 2, 2002, REGULAR ASSEMBLY MEETING AND RESCHEDULE IT TO APRIL 9, 2002.

MOTION: Assemblymember Jansen moved to approve AM No. 02-023 which proposes to cancel the April 2, 2002, regular assembly meeting and reschedule it to April 9, 2002, and to move any public hearings or other items that have been set for April 2, 2002, to April 9, 2002.

GENERAL CONSENT: The motion passed without objection.

- e. AM No. 02-026: AWARD OF PROPOSAL NO. 02-123, TO DOWL ENGINEERS, IN THE AMOUNT OF \$40,025 FOR PROFESSIONAL ENGINEERING SERVICES FOR SITE SURVEY AND SOILS TESTING AND ANALYSIS OF SHERROD ELEMENTARY REPLACEMENT SCHOOL SITE.

MOTION: Assemblymember Colberg moved to approve AM No. 02-026.

Assemblymember Colberg inquired regarding the sealed bid rating procedure and selection of a bidder without knowledge of other bidders submittals.

Discussion ensued regarding:

- selection of professional contracts on a quality-based standard; and
- the negotiation process involved with the sealed bids.

GENERAL CONSENT: The motion passed without objection.

## C. MAYORAL NOMINATIONS AND APPOINTMENTS

### 1. VACANCY REPORT

Mayor Anderson made the following recommendations:

*Emergency Medical Services Board*

Daniel Bellknap

Stella Wiggins

Gordon Butt

Shelia Lamar

*Equalization Board*

Thomas Antonovich

*Local Emergency Planning Committee*

Elmer Feltz

David Mayschak

*Platting Board*

Evelyn Goughnour

*Meadow Lakes Road Service Area No. 27*

Warren L. Hutchinson

Mayor Anderson requested the following confirmations:

*Intergovernmental Liaison Committee*

Jim Colver

*Library Board*

Stephanie Toundas

*Port Commission*

John Perkins

*Regional Transportation Advisory Board*

Jody Simpson

Dan Kelly

*Gold Trail Road Service Area No. 28*

Rudy Turnbough

Mayor Anderson requested the following confirmation of resignation:

*Emergency Medical Services Board*

Christine Fritz

MOTION: Assemblymember Jansen moved to confirm the mayor's appointments up for confirmation this evening as presented and to accept resignations.

GENERAL CONSENT: The motion passed without objection.

MOTION: Assemblymember Jansen moved to confirm Helene Antel Brooks to the Board of Adjustment and Appeals.

[The name of Helene Antel Brooks was inadvertently not included in the prior motion to confirm the mayor's appointments.]

GENERAL CONSENT: The motion passed without objection.

Mayor Anderson:

- inquired if there was any objection to beginning the audience participation portion of the meeting at this time; and
- noted that audience participation would not close until after the public hearings were addressed.

GENERAL CONSENT: There was no objection to proceeding with the audience participation portion of the meeting.

**VII. SPECIAL ORDERS (to begin at 7 p.m.)**

**C. AUDIENCE PARTICIPATION (Three minutes per person.)**

(There were no comments presented at this time.)

The regular meeting recessed at 6:35 p.m. and reconvened at 7 p.m.

**VII. SPECIAL ORDERS (to begin at 7 p.m.)(continued)**

**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. 02-035: AN ORDINANCE APPROPRIATING \$140,000 FROM THE SERIES B GENERAL OBLIGATION PARKS, RECREATION, AND TRAILS BONDS TO FUND 440, PARKS, RECREATION, AND TRAILS PROJECTS, PROJECT 15024, FOR IMPROVEMENTS AND UPGRADES TO THE BIG LAKE BALLFIELD.
  - a. Resolution Serial No. 02-023: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR IMPROVEMENTS AND UPGRADES TO THE BIG LAKE BASEBALL FIELD AND WATER DRAINAGE SYSTEM USING SERIES B GENERAL OBLIGATION PARKS, RECREATION, AND TRAILS BONDS.
    - (1) IM No. 02-057

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 to adopt Ordinance Serial No. 02-035 and Resolution Serial No. 02-023.

Assemblymember Simpson:

- stated that the community is eagerly awaiting construction of the fields; and
- encouraged support of the legislation.

GENERAL CONSENT: The motion passed without objection.

2. Ordinance Serial No. 02-036: AN ORDINANCE ACCEPTING AND APPROPRIATING \$104,352 FROM THE ALASKA STATE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES FOR THE MATANUSKA-SUSITNA BOROUGH LONG-RANGE TRANSPORTATION PLAN AND

TRANSPORTATION MODEL TALKEETNA TRANSPORTATION STUDY, FUND 480, PROJECT NO. 20280.

- a. Resolution Serial No. 02-024: A RESOLUTION REVISING THE SCOPE OF WORK AND BUDGET FOR THE MATANUSKA-SUSITNA BOROUGH LONG-RANGE TRANSPORTATION PLAN AND TRANSPORTATION MODEL TALKEETNA TRANSPORTATION STUDY.
  - (1) IM No. 02-061

Mr. Duffy noted that some of the additional funds received from the state would be used for the Knik Arm Crossing.

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 to adopt Ordinance Serial No. 02-036 and Resolution Serial No. 02-024.

Assemblymember Ladere:

- stated that she had spoken with the Talkeetna Community Council regarding their position on the legislation;
- noted that the community council asked that it be passed;
- conveyed some disappointment in the study from the community council; and
- noted their request that data from the study be made available to them for their town study.

GENERAL CONSENT: The motion passed without objection.

#### C. AUDIENCE PARTICIPATION (Continued)

The following spoke in opposition to the proposed core area zoning ordinance: Sande Wright and James Garhardt.

Mr. Wright presented the assembly with a citizen petition containing 1396 signatures in opposition to the proposed core area zoning ordinance.

The following spoke and voiced concern regarding process of the core area zoning ordinance: Wasilla City Mayor, Sarah Palin and Wasilla Council Member, Diane Keller.

The following spoke in opposition to the public records request process: Pio Contini.

There being no others who wished to be heard, Mayor Anderson closed audience participation.

#### B. OTHER NEW BUSINESS

(There was no new business.)

#### X. RECONSIDERATION

(There were no reconsiderations.)

#### XI. VETO

(There were no vetos.)

#### XII. EXECUTIVE SESSION

(There was no executive session held.)

#### XIII. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Ladere:

- commented that public communications to her relating to the proposed core area zoning plan have not slowed down;
- spoke to a time frame for assembly participation in regard to the proposed zoning ordinance;
- remarked that Talkeetna is suffering from growth problems;
- noted several committees that have been formed in Talkeetna to deal with some of their growth issues;
- spoke to the Talkeetna incorporation election and to talks that have taken place regarding the expenses of becoming a city; and
- welcomed public participation regarding the proposed core area zoning ordinance and encouraged dialog between the public and the assembly in this regard.

Assemblymember Simpson: (Assemblymember Simpson offered no further comments.)

Assemblymember Colberg spoke regarding the proposed core area zoning ordinance.

MOTION: Assemblymember Colberg moved that the assembly send a recommendation to the planning commission stating: "Whereas many reasonable people have developed concerns and suspicions about the motivations and intentions behind the Euclidean zoning plan and it is being interpreted as an effort to control and limit their options rather than protect their investments it is appropriate to attempt to consider refocusing the efforts of the planning commission on the aspects of zoning that are more universally understood as beneficial to all concerned, namely protection of property owners from obvious unreasonable land uses in the core area. In that regard, it is respectfully requested that the planning commission attempt to identify land uses that have the obvious potential to create a blatant nuisance (i.e., chemical and industrial plants) and loss of value on adjoining parcels of property and create a procedure whereby such uses must go through a public hearing and permit process whereby such uses must be approved before they can be developed or denied if unreasonable. If the planning commission wishes to complete work on the draft Euclidean zoning ordinance that is fine, however, the assembly would like the planning commission to consider redirecting the focus of their efforts on the drafting of an ordinance that prevents the creation of new significant nuisance situations as opposed to creating an ordinance that classifies exiting land uses that are not controversial as nonconforming."

Assemblymember Colberg:

- opined that most of the efforts of the planning commission and staff have been to try to elevate people's concerns about things that no one would have an objection to;
- stated that a process had been initiated whereby a broad cross-section of the core area had been classified as potentially nonconforming from the beginning and which in turn has created an unnecessary amount of concern and friction;
- commented that discussion has never addressed what has really motivated the proposed zoning plan - avoidance of repetition of the things which have created problems in the past;
- spoke to the growing population of the borough;
- believes there is always a tiny percentage of the population that is unreasonable;
- further noted that it is possible to do things on your property which impacts others' property;
- understands that the planning commission may want to finish their work and bring the ordinance forward to the assembly, but feels that classifications of nuisance potentials should be identified and alternatives addressed;
- spoke to potential public suspicions regarding the plan; and
- stated that the motion is a recommendation to the planning commission to look at alternatives to the plan.

Discussion ensued regarding:

- the planning commission's schedule of meetings to discuss the core area zoning ordinance;
- continuance of the conversation until the March 26 joint assembly/planning commission meeting;
- the recommendation to the planning commission to look at alternatives;
- beginning with a solid base regarding a zoning plan;

- growth in the core area;
- control of issues through the conditional use process and the problem of not being able to identify future issues;
- the need to bring discussion to the assembly level; and
- potentially stopping the planning process by way of passage of the motion.

Assemblymember Colberg:

- noted that the motion would not stop the zoning planning process, but rather suggested that the planning commission look at alternatives.

VOTE: The motion failed with Assemblymembers Colberg, Ladere, and Simpson in favor.

Mayor Anderson clarified that four votes would be needed to pass the motion and there were only four members in attendance.

Assemblymember Jansen:

- spoke to the executive evaluations that took place earlier in the evening;
- commented that she is in support of recodification of the borough code; and
- remarked that she is looking forward to discussing the budget in April.

Mayor Anderson:

- commented regarding his recent trip to Juneau with the manager and Assemblymember Simpson and to their lobbying efforts for the port project and prison proposal and their review of the Juneau port harbor and ski resort;
- noted that he did meet with the mayor of Juneau;
- remarked that Juneau does not have a port authority and that the port is run strictly by the city;
- opined that it was a good time to address the legislators as they were in the process of finishing the introductions of legislation;
- spoke to the school board meeting to be held on March 6, 2002, and noted his intention to attend the meeting;
- reminded that he, the manager, and Assemblymember Colver would be traveling to Washington next week for their annual lobbying trip; and
- announced that March is Red Cross month and that he would be signing a joint proclamation on Thursday at the Wasilla Senior Center showing the support of the borough and the cities of Palmer and Wasilla.

#### **XIV. ADJOURNMENT**

The regular meeting adjourned at 7:51 p.m.

Minutes approved: March 19, 2002

*Signed copy available at the Clerk's office*