

MATANUSKA-SUSITNA BOROUGH REGULAR MEETING
ASSEMBLY APRIL 9, 2002

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on April 9, 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:

Mr. J. Bruce Bush, Assembly District No. 1
Ms. Sara Jansen, Assembly District No. 2
Mr. Talis J. Colberg, Assembly District No. 3
Mr. Dan Kelly, Assembly District No. 4 (arrived at 6: 07 p.m.)
Ms. Jody Simpson, Assembly District No. 5
Mr. Jim Colver, Assembly District No. 6
Ms. Kelly Ladere, Assembly District No. 7

Staff in attendance were:

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

III. APPROVAL OF AGENDA

Mayor Anderson:

- noted that item XI. Veto, would be moved up on the agenda and discussed after clerk comments;
- stated that Resolution Serial No. 02-046 would be pulled from the consent agenda and discussed under item VIII. Unfinished Business, in conjunction with item B., Resolution Serial No. 02-039; and
- inquired if there were any recommended changes to the agenda from administration.

Mr. Duffy:

- requested that Resolution Serial No. 02-031, item A., Unfinished Business, be postponed until the next regular meeting, as administration is preparing an amendment to adjust the appeal process.

Assemblymember Colver asked Mr. Duffy to prepare a version of the ordinance that would show the amendments proposed for adoption.

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

IV. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Paul Campbell, a member of the audience.

Mayor Anderson advised members of the public that sign-up sheets were available at the back of the room for public testimony.

V. MINUTES OF PRECEDING MEETING

A. Special Assembly Meeting: March 12, 2002

Mayor Anderson inquired if there were any corrections to the March 12, 2002, special assembly meeting minutes. No corrections were noted.

GENERAL CONSENT: The minutes of the March 12, 2002, special assembly meeting were approved as presented.

B. Regular Assembly Meeting: March 19, 2002

Mayor Anderson inquired if there were any corrections to the March 19, 2002, regular assembly meeting minutes. No corrections were noted.

GENERAL CONSENT: The minutes of the March 19, 2002, regular assembly meeting were approved as presented.

C. Special Assembly Meeting: March 26, 2002

Mayor Anderson inquired if there were any corrections to the March 26, 2002, special assembly meeting minutes. No corrections were noted.

GENERAL CONSENT: The minutes of the March 26, 2002, special assembly meeting were approved as presented.

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from the cities

Palmer City

Mayor Jim Cooper, city of Palmer:

- reported that the Palmer annexation meeting is scheduled for April 25, 2002, at 7:30 p.m., in the borough assembly chambers;
- spoke to city projects including: the paving of Denali Street, Eagle Street, and Gulcana Street, and improvements to the Palmer Airport taxiway;
- thanked Mayor Anderson for speaking on the city's behalf regarding road projects while at the recent Alaska Municipal League conference; and
- noted that a meeting has been scheduled with the Department of Transportation on April 10, 2002, to discuss the speed limit near the charter school and possible paving of Airport Road.

2. Matanuska-Susitna Borough School District

Superintendent Patricia Chesbro:

- reported regarding the status of teacher contract arbitration; advisory arbitration has been set for April 23 and 24;
- noted that classified staff arbitration dates have not yet been scheduled;
- spoke regarding the attendance at, and the outcome of participating in, the Alaska Teaching Fair; and
- remarked that the honor band and choir are performing at Palmer High School at 7 p.m. this evening.

Assemblymember Jansen recognized that April is child abuse awareness month and thanked the school district for their

child abuse awareness program.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Colver:

- noted that the committee met on April 1, 2002, and that he was unable to attend;
- reported that items discussed included the proposed nutrition center and the school budget; and
- stated that the next committee meeting will be held on April 15, 2002.

2. Intergovernmental Liaison Committee:

Assemblymember Simpson:

- stated that she is no longer on the committee, but did attend the meeting as Assemblymember Jansen and Assemblymember Colver had prior commitments;
- reported that items discussed included: the energy plan that is being developed for the south-central region and SB 231 (regional prison proposal);
- commented that the committee viewed a presentation on land use patterns and tools;
- noted that the regional steering committee will be meeting in Anchorage on April 18; and
- received an overview of wildland and fire-fighting efforts.

C. MANAGER COMMENTS

Mr. Duffy:

- reported that Ms. Clayton and Mr. Germer are in Juneau working with representatives from the Federal Highway Administration and the Alaska State Department of Transportation regarding closure of issues applicable to the Port MacKenzie dock;
- noted that the borough is seeking to get the funds released from the federal highway administration that they were holding pending resolution of the issues contained in the Corps on Engineers report;
- stated that there has been a large amount of interest regarding port projects;
- reported that Economic Research Associates are continuing their work on the economic feasibility and business plan for the ski area; the final plan is expected the first week of May;
- advised that SB 231 will be heard by the Senate Judiciary Committee tomorrow at 1:30 p.m., and that Ms. Clayton and Mr. Germer will be testifying on behalf of the borough;
- referenced the borough's lobbyists' reports;
- noted that there has been some difficulty in obtaining a site for the Economic Development Conference and that they are currently looking at Job Corp as a site, are looking into a keynote speaker, and stated that the conference has been rescheduled for May 23;
- spoke to a replacement page for the school district budget, noting a typographical error;
- commented that administration is taking a more proactive approach to career development for borough employees;
- stated that the borough was notified by the redistricting board that all comments on redistricting had to be submitted by April 10 and advised that he had sent the borough assembly's approved map to the redistricting board; and
- noted that the administration had been contacted by the Municipality of Anchorage to see if the borough and the municipality could work out a common boundary between the two areas and stated that the municipality was unable to define a common boundary.

Mayor Anderson stated that he had sent correspondence to Mayor Wuerch reiterating the borough's position on its proposed reapportionment boundaries.

Mr. Duffy (cont.)

- commented that the planning commission expects to have work completed on the zoning ordinance by mid-May;
- noted that the Rural Mat-Su Health Care Providers Network has been awarded a grant for \$150,000 for conceptual planning of health care facilities in the Mat-Su Borough;
- advised that the borough will be having a one-stop recycling day on April 13, 2002;
- spoke to obtaining warehousing in the Port MacKenzie area;
- noted that Anchorage Economic Development Corporation has asked if the borough is interested in working with them in this regard; and
- stated that the Anchorage Economic Development Corporation has also asked that the borough consider supporting Anchorage's efforts to develop an economic development plan and that they are seeking a \$150,000 appropriation from the state legislature.

Assemblymember Jansen referenced the borough's state lobbyist report and inquired regarding pupil transportation and possible state funding cuts.

D. ATTORNEY COMMENTS

Mr. Gatti:

- advised that the legal department has taken a closer look at the motion made during the last assembly meeting regarding directing the administration and planning commission on zoning; and
- noted that his office conferred with the law firm of Walker Walker, LLC, who has opined that the motion made at the last meeting was in fact a directive, that no final action was entailed, and that the motion was properly made.

E. CLERK COMMENTS

Ms. Dillon:

- advised that a special meeting has been scheduled on April 30, 2002, prior to the previously scheduled work session, to address time-sensitive action memorandums;
- reminded that the joint meeting of the Borough assembly and the Anchorage assembly is scheduled at 5:30 p.m. on Thursday, April 11, at the Lake Lucille Inn; and
- noted that the joint assembly/school board committee on school issues meeting has been rescheduled to April 15 at noon in the first floor conference room.

XI. VETO

A. Motion to direct administration and the planning commission on zoning issued March 19, 2002.

MOTION: Assemblymember Jansen moved to override the mayor's veto of March 19, 2002, on the motion to direct administration and the planning commission on zoning.

Assemblymember Jansen:

- noted that she would be voting "no" in order to sustain the veto;
- stated that Resolution Serial No. 02-041, contained in the assembly packet, references the same directive as in the vetoed motion; and
- advised that an override of the veto would require a two-thirds vote of the assembly.

Ms. Dillon clarified that Resolution Serial No. 02-041 could be taken up if the veto was sustained, but that it could not be addressed if the veto was overridden by two-thirds vote of the assembly.

Mayor Anderson inquired of the attorney if the veto had been properly advertised.

Mr. Gatti confirmed that the veto was properly advertised.

Discussion followed regarding public testimony on the zoning directive.

VOTE: The motion to override the mayor's veto of March 19, 2002, to direct administration and the planning commission on zoning, failed with Assemblymember Colberg in support.

Mayor Anderson noted that the veto had been sustained.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Animal Care and Regulation Board: 01/14/02, 02/11/02
 - b. Library Board: 02/23/02
 - c. Local Road Service Area Advisory Board: 03/21/02
 - d. Mat-Su Fire Chiefs' Association: 02/27/02
 - e. Parks, Recreation, and Trails Advisory Board: 02/26/02
 - f. Planning Commission: 02/21/02, 03/04/02, 03/07/02, 03/11/02
 - g. Port Commission: 02/11/02
 - h. Senior Citizens' Advisory Board: 03/18/02
 - i. Trapper Creek Road Service Area No. 30: 02/14/02, 03/14/02
2. Community Council Correspondence:
 - a. Big Lake Community Council: 02/13/02, 03/13/02
 - b. Butte Community Council: 02/13/02
 - c. North Lakes Community Council: 12/12/01, 12/19/01, 02/27/02
 - d. South Knik River Community Council: 03/16/02

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

G. INFORMATIONAL MEMORANDUMS

(There were no informational memoranda presented.)

VIII. UNFINISHED BUSINESS

- A. Ordinance Serial No. 02-031: AN ORDINANCE ADOPTING MSB 3.08.225, ESTABLISHING RULES AND REGULATIONS GOVERNING THE PREQUALIFICATION OF CONTRACTORS BIDDING ON CONSTRUCTION PROJECTS EXCEEDING \$750,000 FOR THE MATANUSKA-SUSITNA BOROUGH.
(Sponsor: Assemblymember Colver) (Motion pending)
 1. IM No. 02-047
 2. IM No. 02-064
 3. AM No. 02-035: APPROVAL OF PREQUALIFICATION PROCEDURES

MOTION: Assemblymember Jansen moved to postpone Ordinance Serial No. 02-031 to a time certain of April 16, 2002.

Assemblymember Jansen noted that the administration had an amendment to the appeal process and felt this should be incorporated into the substitute.

Assemblymember Ladere asked for a detailed accounting of the fiscal note for Ordinance Serial No. 02-031 and requested that members of the public also have the opportunity to review the fiscal note.

Ms. Dillon noted that the agenda for the April 16, 2002, assembly meeting had already been set and advertised, and that Ordinance Serial No. 02-031 should be postponed to a time certain of May 7, 2002.

GENERAL CONSENT: There was no objection to postponing Ordinance Serial No. 02-031 to a time certain of May 7, 2002.

B. Resolution Serial No. 02-039: A RESOLUTION SUPPORTING A LONG-RANGE FISCAL PLAN THIS YEAR THAT ENSURES A STABLE FUTURE FOR ALL ALASKANS BY PROMOTING AFFORDABLE STATE AND LOCAL TAX LEVELS AND ADEQUATE STATE AND LOCAL SERVICES

1. IM No. 02-085 (Sponsor: Mayor Anderson) (Postponed from 03/19/02)

Mayor Anderson noted that a substitute resolution, Resolution Serial No. 02-046, could be found on page 328 of the assembly packet.

MOTION: Assemblymember Jansen moved to amend Resolution Serial No. 02-039 by substitution of Resolution Serial No. 02-046.

Assemblymember Jansen encouraged the Legislature to look at the fiscal plan and to let them know that the borough is in support of their attempt to find a resolution.

Discussion followed regarding the language of the resolution being generic enough to encourage the legislature to continue on their path of defining objectives.

Mayor Anderson noted that item VIII. Unfinished Business, would be continued after the special orders section of the agenda. (See p. 14)

The meeting recessed at 6:53 p.m. and reconvened at 7:10 p.m.

VII. 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. 02-032: AN ORDINANCE CREATING DAY ROAD AREA ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 360, 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. 02-050

Ms. Veech:

- reported that 21 ballots were mailed to property owners;
- stated that 6 ballots were "yes" votes, or 29 percent;
- stated that 15 ballots were returned as "no" votes, or were not returned at all; and
- advised that the administration recommends denial of Ordinance Serial No. 02-032.

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. 02-032.

Assemblymember Ladere stated that it is clear from the ballots returned that property owners in the area were not in favor of the passage of the local improvement district.

GENERAL CONSENT: The motion failed unanimously.

2. Ordinance Serial No. 02-033: AN ORDINANCE CREATING SCOTWOOD ESTATES DIV V ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 361, 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. 02-051

Ms. Veech:

- reported that 85 ballots were mailed to property owners;
- stated that 37 ballots were returned as "yes" votes, or 44 percent;
- stated that 14 ballots were returned as "no" votes, or 16 percent;
- remarked that 34 ballots, or 40 percent, were returned unmarked or were not returned; and
- advised that the administration recommends denial of Ordinance Serial No. 02-033.

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 Colver moved to adopt Ordinance Serial No. 02-033.

Assemblymember Colver expressed concerns regarding improper mailing of the ballots.

MOTION: Assemblymember Colver moved to postpone Ordinance Serial No. 02-033 to a time certain of May 7, 2002.

Discussion ensued regarding:

- whether or not the legislation could be postponed until the next regular meeting;
- the 30-day time period associated with response to ballots sent out for local improvement districts;
- the possible necessity of revising the plan and resending it out to the property owners of; and
- the reballoting process.

Mr. Gatti spoke to the provisions contained in MSB 3.08.062 and advised that if the assembly chose to revise the plan, it would have to be resent to the property owners in questions.

GENERAL CONSENT: The motion, to postpone Ordinance Serial No. 02-033 to a time certain of May 7, 2002, passed unanimously.

3. Ordinance Serial No. 02-034: AN ORDINANCE CREATING SNOWSHOE EAST SUBDIVISION NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 353, 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. 02-052

Ms. Veech:

- reported that 16 ballots were mailed to property owners;
- stated that 9 ballots were returned as "yes" votes, or 56 percent;
- stated that 7 ballots were not returned; and
- advised that the administration recommends adopting Ordinance Serial No. 02-034.

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. 02-034.

Assemblymember Simpson reiterated her position regarding natural gas local improvement districts in that she does not support such proposed legislation unless there is 100 percent approval among the property owners.

Members of the assembly discussed the local improvement district process as it relates to gas LIDs and the benefits derived by a privately owned organization for providing such services.

GENERAL CONSENT: The motion passed without objection.

4. Ordinance Serial No. 02-037: AN ORDINANCE ADOPTING MSB 17.27, SUTTON SPECIAL LAND USE DISTRICT.
a. IM No. 02-058

Ms. Garley gave an overview of the ordinance and the proposed amendments to the Sutton Special Land Use District as outlined in a memorandum from the attorney.

Members of the assembly discussed whether or not to continue discussion in light of the proposed amendments or to postpone the ordinance for further review.

Ms. Garley noted that the proposed amendments would address definitions that are not used in the language of the ordinance and community correctional residential centers being listed as prohibited uses instead of as conditional uses.

Mr. Gatti:

- spoke to state and federal law; and
- advised that state operated facilities who have conditionally consented to land use regulations on the local level do not have to comply with local regulatory land use provisions with the Governor's decision of overriding need.

Mayor Anderson opened the public hearing.

The following persons spoke in favor of Ordinance Serial No. 02-037: Nancy Bertels, Lynn Woods, Ann Dryden, Robin McLean, Chris Rose, and Merle Johnson.

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

MOTION: Assemblymember Jansen moved to adopt Ordinance Serial No. 02-037.

MOTION: Assemblymember Jansen moved to postpone Ordinance Serial No. 02-037 to a time certain of June 4, 2002, to continue the public hearing at that time, and to direct the administration to prepare a substitute ordinance incorporating the recommendations identified in Mr. Aschenbrenner's March 28, 2002, correspondence.

Assemblymember Jansen opined that the members of the community should be allotted sufficient time to review the changes to the Sutton Special Land Use District and should be allowed to comment regarding the changes.

Assemblymember Colver opined that he would like to see the proposed changes brought back in a substitute ordinance and that consistency amongst other special land use districts be reviewed.

MOTION: Assemblymember Colver moved a primary amendment to strike the phrase "incorporating the recommendations identified in Mr. Aschenbrenner's March 28, 2002, correspondence", to read: "to postpone Ordinance Serial No. 02-037 to a time certain of June 4, 2002, to continue the public hearing at that time, and to direct the administration to prepare a substitute ordinance."

[Note: This motion to amend was improperly made as motions to postpone to a time certain may only be amended as to the time of postponement.]

Mr. Duffy stated that administration would remove all superfluous definitions and address other issues, and have Ms. Garley work with the planning team for an ordinance to be brought back to the assembly in June.

Assemblymember Jansen requested that the administration and the committee address issues related to the American's with Disabilities Act.

VOTE: The primary amendment passed with no objection.

[Note: This vote was improperly taken as motions to postpone to a time certain may only be amended as to the time of postponement.]

VOTE: The main motion passed without objection.

5. Ordinance Serial No. 02-043: AN ORDINANCE AMENDING MSB 3.15.030(C), ESTABLISHING PROCEDURES AND DEADLINES FOR FILING FOR SENIOR CITIZEN AND DISABLED VETERAN EXEMPTIONS UNDER AS 29.45.030(F).
 - a. IM No. 02-049

Mr. Borglum:

- provided a staff report regarding HB 118 and noted that local governments do not have the authority to accept retroactive applications for the exemptions; a
- stated that qualifying seniors would no longer have to file for the exemption on a yearly basis.

Mayor Anderson opened the public hearing.

The following spoke in favor of Ordinance Serial No. 02-043: Bob Traut, Phil Herndon, and Lucille Frey.

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

MOTION: Assemblymember Jansen moved to adopt Ordinance Serial No. 02-043.

GENERAL CONSENT: The motion passed without objection.

6. Ordinance Serial No. 02-044: AN ORDINANCE ACCEPTING AND APPROPRIATING \$131,216 FROM THE U.S. DEPARTMENT OF COMMERCE COASTAL IMPACT ASSISTANCE PROGRAM GRANT TO PROJECT 20329, FUND 480.
 - a. Resolution Serial No. 02-030: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE COASTAL IMPACT ASSISTANCE PROGRAM GRANT PROJECT 20329, FUND 480.
 - (1) IM No. 02-074

Mr. Duffy stated that the borough has received a grant in the amount of \$131,216 from the U.S. Department of Commerce Coastal Impact Assistance Program which would provide satellite imagery of the core area, help with basic planning issues, and provide information for developers and emergency responders.

Mayor Anderson opened the public hearing.

The following person spoke regarding the various area plans in the Susitna Valley: Clarence Furbush.

The following person spoke and inquired if the project proposed in AM No. 02-051 was also in the coastal impact management plan: Robert Shumaker.

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

MOTION: Assemblymember Jansen moved to adopt Ordinance Serial No. 02-044 and Resolution Serial No. 02-030.

GENERAL CONSENT: The motion passed without objection.

7. Ordinance Serial No. 02-045: AN ORDINANCE ACCEPTING AND APPROPRIATING \$5,000 FROM THE STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES, DIVISION OF PARKS AND OUTDOOR RECREATION, TO FUND 440, PROJECT 15014, FOR THE COMPLETION OF THE PORT MACKENZIE TRAILHEAD.
 - a. Resolution Serial No. 02-031: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE PORT MACKENZIE TRAILHEAD COMPLETION GRANT FUNDED BY THE ALASKA STATE DEPARTMENT OF NATURAL RESOURCES, DIVISION OF PARKS AND OUTDOOR RECREATION.
 - (1) IM No. 02-081

Mr. Duffy reported that the proposed legislation would provide for completion of the trailhead at Port MacKenzie.

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. 02-045 and Resolution Serial No. 02-031.

Assemblymember Simpson:

- commented that the project began last year;
- noted that residents in the Port MacKenzie area have expressed their desire to have recreational traffic funneled through specific areas; and
- encouraged support for use of TRAAK funds and passage of the legislation.

GENERAL CONSENT: The motion passed without objection.

8. Ordinance Serial No. 02-046: AN ORDINANCE ACCEPTING AND APPROPRIATING \$4,750 FROM THE ALASKA STATE DEPARTMENT OF NATURAL RESOURCES, DIVISION OF PARKS AND OUTDOOR RECREATION, TO FUND 480, PROJECT 15006, FOR THE CONSTRUCTION OF THE LITTLE-SU WINTER TRAILHEAD.
 - a. Resolution Serial No. 02-032: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE LITTLE-SU WINTER TRAILHEAD CONSTRUCTION GRANT FUNDED BY THE ALASKA STATE DEPARTMENT OF NATURAL RESOURCES, DIVISION OF PARKS AND OUTDOOR RECREATION.
 - (1) IM No. 02-082

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. 02-046 and Resolution Serial No. 02-032.

Assemblymember Simpson:

- reiterated support for the use of TRAAK grant funds;
- spoke to public safety issues including lack of parking and vehicle overcrowding; and
- stated that the project is supported by the area community council.

GENERAL CONSENT: The motion passed without objection.

The meeting recessed at 8:25 p.m. and reconvened at 8:33 p.m.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

Mayor Anderson:

- spoke to Resolution Serial No. 02-041 and advised that public testimony would be provided separately for this item;
- noted that Ordinance Serial No. 02-054 was being introduced at the meeting and that public testimony would be provided as scheduled by the assembly.

The following person spoke regarding communication between the local governmental entity and members of the community: Joan Hope

The following person queried regarding comments made that the borough is supportive of the sale of a track of land in the Port MacKenzie area to a non-profit organization for agricultural purposes: Dick Zobel

Assemblymember Simpson read through the state's documentation, noted that the issue has never come before the assembly, and stated that she will work with the manager to find out where the statements came from.

Discussion ensued regarding the involvement of the borough's agricultural and forestry advisory board.

The following persons spoke in opposition to the proposed core area zoning ordinance: Philip Sparrow, Joel Sigman, Arthur Whitmer, Leslie Seddon, Barbara Miller, Pia Cotini, Pat Marley, Wanda Rowland, and Penny Nixon.

The following persons spoke regarding IM No. 02-087 relating to the Farm Loop Community Council's request to be extracted from the core area zoning plan: Pio Cotini, Jim Harpster, Lesley Sutton, Annette Harpster, Walter Schumacher, and Tracy Moffitt.

The following persons spoke in favor of zoning in the core area: Joe LeBeau, Ellen Americus, Chris Evans, Steve Miller, Lucy Hope, Gail Niebrugge, Jim Chesbro, Dori McDannold, and Sheila Dickman.

The following person spoke to Assemblymember Ladere's comments made at a Meadow Lakes Community Council meeting regarding a vehicle fatality accident that occurred and the abilities of emergency medical services to adequately respond to the accident: Lorie Miner

The following persons spoke in opposition to Ordinance Serial No. 02-054: Michelle Church and Colleen Hamblen.

The following persons spoke in favor of Ordinance Serial No. 02-054: Darcie Salmon, Annette Harpster, Pia Cotini, and Mary Psenak.

The regular meeting recessed at 9:53 p.m. and reconvened at 10:01 p.m.

The following person spoke regarding cuts faced by the Palmer meat plant and stated that it is in the borough's interest to remove operation of the facility from the Alaska State Department of Corrections: Robert Shumaker.

XI. UNFINISHED BUSINESS (Cont from p. 7)

VOTE: The motion, to substitute Resolution Serial No. 02-039 with Resolution Serial No. 02-046, passed without objection

VOTE: The main motion, as substituted, passed with Assemblymembers Ladere, Jansen, and Colberg in opposition.

[Note: The adopted substitute resolution is numbered Resolution Serial No. 02-039(SUB).]

X. NEW BUSINESS

A. INTRODUCTION (For public hearing - 05/07/02, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 02-049: AN ORDINANCE AMENDING MSB 16.15.070(A), RIGHT-OF-WAY ACQUISITION PLATS, TO ADD "RAILROAD" TO RIGHT-OF-WAY ACQUISITION PLAT PROCEDURES.
 - a. IM No. 02-083
2. Ordinance Serial No. 02-050: AN ORDINANCE ADOPTING MSB 17.52.250(A)(13), FAIRVIEW ESTATES ADDITION NO. 1, BLOCK 2, LOTS 1-22, RESIDENTIAL LAND USE DISTRICT.
 - a. IM No. 02-090
3. Ordinance Serial No. 02-051: AN ORDINANCE PROVIDING FOR THE SALE OF CERTAIN BOROUGH-WIDE REAL PROPERTY ACQUIRED THROUGH TAX FORECLOSURE FOR DELINQUENT REAL PROPERTY TAXES YEARS 1985 AND EARLIER, 1990, 1991, 1993, 1994, 1995, 1997, AND PRIOR AND FOR DELINQUENT SPECIAL ASSESSMENTS YEARS 1994, 1995, 1996, 1998, AND PRIOR, AND NOT NEEDED FOR PUBLIC PURPOSE.
 - a. IM No. 02-092
4. Ordinance Serial No. 02-052: AN ORDINANCE APPROPRIATING AN ADDITIONAL AMOUNT OF \$2,836,363 FROM STATE, FEDERAL, AND OTHER REVENUE SOURCES TO FUND 204, EDUCATION OPERATING FUND, FOR FISCAL YEAR 2002.
 - a. IM No. 02-094
5. Ordinance Serial No. 02-053: AN ORDINANCE ACCEPTING AND APPROPRIATING \$10,000 FROM THE CITY OF HOUSTON FOR ADDITIONAL PAVING OF WASEY WAY ROAD TO FUND 410, ROAD SERVICE AREA CAPITAL PROJECT NO. 35213.
 - a. Resolution Serial No. 02-040: A RESOLUTION APPROVING THE REVISED SCOPE OF WORK AND BUDGET FOR ADDITIONAL PAVING OF WASEY WAY ROAD AND AUTHORIZING THE MANAGER TO AMEND THE TRANSFER OF RESPONSIBILITIES AGREEMENT.
 - (1) IM No. 02-097
6. Ordinance Serial No. 02-054: AN ORDINANCE PLACING BEFORE THE VOTERS AT THE REGULAR ELECTION ON OCTOBER 1, 2002, AN AREAWIDE ADVISORY QUESTION OF WHETHER THE BOROUGH SHALL CONSIDER IMPLEMENTING ZONING CHANGES IN AREAS OUTSIDE OF THE CITIES OF HOUSTON, PALMER, AND WASILLA.
 - a. IM No. 02-098 (Sponsor: Assemblymember Kelly)

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 May 7, 2002.

MOTION: Assemblymember Colver moved to divide the question to discuss Ordinance Serial No. 02-054 separately.

GENERAL CONSENT: The motion, to divide the question, passed without objection.

Assemblymember Colver:

- spoke in opposition to setting the public hearing on Ordinance Serial No. 02-054 for May 7, 2002; and
- opined that it is premature to bring an ordinance forward to the voters without having a final document from the planning commission to review.

MOTION: Assemblymember Colver moved to postpone the public hearing on Ordinance Serial No. 02-054 from May 7, 2002, to July 16, 2002.

Assemblymember Simpson inquired regarding the last date to adopt an ordinance to be placed on the October 2002 ballot.

Ms. Dillon responded that the last date to adopt an ordinance for placement on the October ballot would be August 6, 2002.

Assemblymember Kelly:

- provided members of the assembly with a position statement related to Ordinance Serial No. 02-054 and read his statements into the record;
- stated that the prior advisory vote regarding zoning was taken in 1999 and was queried on a precinct by precinct basis, and not by core area precincts;
- spoke to the wording of the proposed proposition; and
- commented that the ordinance is not a tactic to stall the zoning process.

Discussion ensued regarding:

- whether or not it would be beneficial to send the question of zoning to the people for a vote and if such action would be premature as there is not yet a final zoning document to consider;
- postponement of Ordinance Serial No. 02-054 until the second meeting in July in order to allow the assembly to have an opportunity to review any ordinance that comes forward from the planning commission relating to core area zoning;
- the planning commission's target date for release of the proposed core area zoning ordinance;
- precincts which are separate, but fall underneath the same comprehensive plan; and
- the need to obtain feedback from the prospective community councils and constituents.

VOTE: The motion, to postpone the public hearing on Ordinance Serial No. 02-054 from May 7, 2002, to July 16, 2002, passed with Assemblymembers Ladere and Kelly in opposition.

GENERAL CONSENT: The motion, to introduce the legislation as read into the record by the clerk and set the public hearings for May 7, 2002, passed without objection.

C. CONSENT AGENDA

(Resolution Serial No. 02-045, AM 02-020, AM No. 02-041, AM 02-048, and AM No. 02-049 were pulled from the consent agenda. (See pp. 17)

1. RESOLUTIONS

- b. Resolution Serial No. 02-042: A RESOLUTION REVISING THE SCOPE OF WORK AND BUDGET FOR FUND 405, PROJECT NOS. 20165 TRUCKS, 45050 COMMAND VEHICLE, 45074 CASCADE SYSTEM, 45087 SCBA REPLACEMENT, AND 45088 ELECTRICAL SYSTEM AND AIR HANDLING ROOM; TO RENOVATE AND RENEW MEADOW LAKES

PUBLIC SAFETY BUILDING, PURCHASE EQUIPMENT, AND COMPLETE OUTSIDE ENHANCEMENTS, FUND 405, PROJECT NO. 45088.

(1) IM No. 02-088

c. Resolution Serial No. 02-043: A RESOLUTION REQUESTING FISCAL YEAR 2003 SAFE COMMUNITIES FUNDING FROM THE STATE OF ALASKA, DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.

(1) IM No. 02-093

d. Resolution Serial No. 02-044: A RESOLUTION AUTHORIZING THE MANAGER TO EXECUTE A GRANT AGREEMENT WITH THE CITY OF WASILLA IN THE AMOUNT OF \$94,120.30 FOR PAVING.

(1) IM No. 02-096

f. Resolution Serial No. 02-046: A RESOLUTION SUPPORTING THE ALASKA STATE LEGISLATURE'S EFFORTS TO DEVELOP A SOUND FISCAL PLAN AND POLICY.

2. ACTION MEMORANDUMS

b. AM No. 02-033: AWARD OF BID NO. 02-101 TO BRAUN NORTHWEST IN THE AMOUNT OF \$105,100; PURCHASE OF ONE 4 X 4 AMBULANCE.

c. AM No. 02-038: VACATION OF THE EASTERN PORTION OF ADL (ALASKA DIVISION OF LANDS) 22453 WITHIN SECTION 35, TOWNSHIP 17 NORTH, RANGE 2 EAST, SEWARD MERIDIAN, ALASKA.

d. AM No. 02-039: AWARD OF BID NO. 02-128 TO L.N. CURTIS AND SONS IN THE AMOUNT OF \$32,490; THERMAL IMAGING CAMERA.

e. AM No. 02-040: AWARD OF BID NO. 02-118 TO COLLINS CONSTRUCTION IN THE AMOUNT OF \$919,100; BRETT MEMORIAL ICE ARENA ADDITION.

g. AM No. 02-042: AWARD OF BID NO. 02-126 TO KELUCO GENERAL CONTRACTORS INC., IN THE AMOUNT OF \$35,105.39; VISITOR CENTER REPAIRS.

h. AM No. 02-047: VACATION OF 15-FOOT UTILITY EASEMENT ON NORTH SIDE OF LOTS 224 AND 225, CASWELL LAKES SUBDIVISION, LOCATED IN SECTION 12, TOWNSHIP 22 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA, WITHIN THE "Y" COMMUNITY COUNCIL.

k. AM No. 02-051: AWARD OF PROPOSAL NO. 02-104 TO IGIS TECHNOLOGIES, INC, IN THE AMOUNT OF NOT TO EXCEED \$49,600; RESOURCE ASSET MANAGEMENT PLAN.

l. AM No. 02-053: AUTHORIZING THE MANAGER TO ENTER INTO AN AGREEMENT WITH MATANUSKA-ELECTRIC ASSOCIATION, INC, FOR THE EXTENSION OF A THREE-PHASE ELECTRICAL DISTRIBUTION SYSTEM TO PORT MACKENZIE, FOR A TOTAL NOT TO EXCEED \$1,749,200.

Ms. Dillon read the above legislation into the record.

MOTION: Assemblymember Jansen moved to approve the consent agenda as read into the record by the clerk.

GENERAL CONSENT: The motion passed without objection.

- e. Resolution Serial No. 02-045: A RESOLUTION ADOPTING THE BOROUGH'S TOP TWO COOK INLET REGIONAL TRANSPORTATION PRIORITIES. (1) IM No. 02-100

MOTION: Assemblymember Kelly moved to adopt Resolution Serial No. 02-045.

Assemblymember Kelly expressed concerns regarding the proposed bridge rail over the Knik Arm Crossing.

Members of the assembly discussed support of the rail by Congressman Young.

GENERAL CONSENT: The motion passed without objection.

- a. AM No. 02-020: VACATION OF PORTION OF OLD HYER SPUR IN MOUNTAIN ASH SUBDIVISION LOCATED WITHIN SECTION 04, TOWNSHIP 17 NORTH, RANGE 1 EAST, SEWARD MERIDIAN, ALASKA, SOUTH LAKES COMMUNITY COUNCIL AREA.

MOTION: Assemblymember Ladere moved to approve AM No. 02-020.

Assemblymember Ladere:

- referenced the background material presented with the action memorandum;
- questioned dates applicable to the vacation;
- queried as to why payment of fees from the applicant had yet to be made; and
- stated that she is not supportive of the legislation.

Discussion ensued regarding:

- the date that the reconsideration was issued;
- the automatic 30-day assembly approval period for vacations;
- payment of fees being part of the condition for approval of the vacation;
- objections received from individuals whose property is not contiguous to the easement; and
- legal and physical access to all parcels.

VOTE: The motion passed with Assemblymember Ladere in opposition.

- f. AM No. 02-041: PURCHASE OF BULK CALCIUM CHLORIDE FROM VAN WATERS AND ROGERS, INC., IN THE AMOUNT OF \$75,427.20, FOR ROAD MAINTENANCE.

MOTION: Assemblymember Kelly moved to approve AM No. 02-041.

Assemblymember Kelly inquired if the Port MacKenzie calcium chloride applications were related to the action memorandum.

Mr. Swing responded that the purchase of the calcium chloride was generally for the overlay of gravel roads, which includes an application of calcium chloride.

GENERAL CONSENT: The motion passed without objection.

MOTION: Assemblymember Jansen moved to extend the regular meeting beyond 11 p.m., but not later than midnight.

GENERAL CONSENT: The motion passed without objection.

- e. AM No. 02-048: REVISE THE SCOPE OF WORK AND BUDGET FOR THE SCHOOL DISTRICT RENEWAL AND RENOVATION PROJECTS - FIFTH - INCREMENT FOR THE ACADEMY CHARTER SCHOOL, PROJECT 40137, SUBPROJECT 1801.

MOTION: Assemblymember Colver moved to approve AM No. 02-048.

Assemblymember Colver thanked Mr. Swing for finding the funds for the project.

GENERAL CONSENT: The motion passed without objection.

- j. AM No. 02-049: MATANUSKA-SUSITNA BOROUGH TRANSPORTATION PLAN AND STUDY, CHANGE ORDER APPROVAL REQUEST.

MOTION: Assemblymember Kelly moved to approve AM No. 02-049.

Assemblymember Kelly inquired regarding the request for additional funds.

Mr. Duffy responded that the additional funds were for design of a proposed model of the Knik Arm Crossing.

GENERAL CONSENT: The motion passed without objection.

1. VACANCY REPORT

Mayor Anderson made the following recommendations:

Transportation Advisory Board
Christopher Remick

Greater Talkeetna Road Service Area No. 29
Gerald E. Denison

Mayor Anderson requested the following confirmations:

Public Safety Building and Fire Training Facility Naming Committee
Peter Burchell
Colleen Cottle
Bessie Miller
June Robinette
Carlene Sanders

Public Works Building Naming Committee
Charles Griffin
Joe Lawton
Charles Logsdon
Dee Prickett
Carol M. Strouse

Transportation Advisory Board
Wrex Diem (LRSAAB Chairman)

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

GENERAL CONSENT: The motion passed without objection.

- a. Resolution Serial No. 02-041: A RESOLUTION DIRECTING THE ADMINISTRATION AND PLANNING COMMISSION ON ZONING.
(1) IM No. 02-095 (This resolution was pulled from the consent agenda to allow for public testimony.)

MOTION: Assemblymember Jansen moved to adopt Resolution Serial No. 02-041.

The following persons spoke in opposition to Resolution Serial No. 02-041: Tracy Moffitt, Kevin Sorensen, Mary Psenak, Bennett Durgeloh, Rhonda Durgeloh, Robert Niebrugge, Michelle Church, Tom Robertson, Jim Rowland, Sherry Trbojevich, Mike Trbojevich, and Jeanette Jean.

The following persons spoke in favor of a conditional use ordinance rather than the proposed core area zoning ordinance: Pio Cotini, Pia Cotini, Sande Wright, Berkley Tilton, Philip Furbush, Penny Nixon, Dave Norton, and Lucille Frey.

The following person thanked the assembly for their consideration of the issues: Robert Shumaker.

The following person spoke to public misinformation regarding the core area zoning issue: Robin McLean.

XII. ADJOURNMENT

Mayor Anderson declared the meeting adjourned and explained the mandatory midnight closure of assembly meetings. He also noted that public testimony would be concluded at the May 7, 2002, regular meeting for those individuals who signed up to testify but time did not permit.

Minutes approved: May 7, 2002.

Signed copy available in the clerk's office.