

MATANUSKA-SUSITNA BOROUGH REGULAR MEETING
ASSEMBLY MAY 7, 2002

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on May 7, 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 (arrived at 6:06 p.m.)
Ms. Sara Jansen, Assembly District No. 2
Mr. Talis J. Colberg, Assembly District No. 3
Mr. Dan Kelly, Assembly District No. 4
Ms. Jody Simpson, Assembly District No. 5
Mr. Jim Colver, Assembly District No. 6 (arrived at 6:30 p.m.)
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
Mr. Ron Swanson, Community Development Director
Mr. Jack Krill, Acting Public Safety Director
Mr. Karl Borglum, Borough Assessor
Ms. Tammy Clayton, Finance Director

III. APPROVAL OF AGENDA

Mayor Anderson inquired if there were any items to be pulled from the agenda.

Assemblymember Ladere requested that Resolution Serial No. 02-051 be moved from the consent agenda and placed in the regular agenda at 9 p.m., or later, at the request of those people who wish to testify.

Mayor Anderson noted that Resolution Serial No. 02-051 would be taken up after the public hearings were addressed.

Mr. Duffy:

- asked that Ordinance Serial No. 02-031, item A, Unfinished Business, be pulled as he has heard from a number of contractors who have expressed some concerns about the process and wish to talk about the issue;
- noted that there is also an amendment to the appeal process in regard to Ordinance Serial No. 02-031; and
- stated that he would like to come back to the assembly with a new ordinance, which would also allow for public testimony.

Ms. Dillon advised that it would be appropriate to postpone Ordinance Serial No. 02-031 indefinitely and then bring back a new ordinance for introduction and public hearing.

Brief discussion followed regarding when an ordinance would be brought back to the assembly.

Mr. Duffy stated that the ordinance would be brought back to the assembly for public hearing on June 18, 2002.

Mr. Duffy also noted that AM No. 02-080 would have to be pulled from the agenda as it has been sent out for a rebid on the contract.

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

IV. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Bonnie Quill, Executive Director of the Mat-Su Convention and Visitors Bureau.

V. MINUTES OF PRECEDING MEETING

Mayor Anderson referenced the special assembly meeting minutes of March 28, 2002, and inquired if there were any corrections thereto. No objections were noted.

Mayor Anderson referenced the regular assembly meeting minutes of April 9, 2002, and inquired if there were any corrections thereto. No objections were noted.

Mayor Anderson referenced the regular assembly meeting minutes of April 16, 2002, and inquired if there were any corrections thereto. No objections were noted.

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from the cities

(There were no reports from the cities.)

2. Matanuska-Susitna Borough School District

Mr. Jack Sherman, Director of Business and Risk Management:

- spoke to teacher contract negotiations; and
- reported regarding the principal selection process.

3. Mat-Su Multi-jurisdictional Sex Abuse of Minors Investigative Unit

Mayor Anderson noted that Chief Savage had yet to arrive at the meeting and that this report would be given upon his arrival. (See p. 7)

4. Mat-Su Convention and Visitors Bureau:

Bonnie Quill, Executive Director:

- stated that she was appointed the new executive director on March 27, 2002;
- reported that the visitors bureau is scheduled to open its doors on May 13, 2002;
- thanked the borough for improvements made to the visitors center;
- spoke regarding planned improvements near the parking area;
- commented regarding their tourism awareness campaign, which ran in March via radio and newspaper ads;
- noted that the visitors bureau will be working with Channel 4 and Channel 11 to air television campaigns this summer;
- stated that the visitors bureau will be represented at the Travel Industry of America this year; and
- briefed members of the assembly regarding other ways the visitor's bureau have been attempting to increase their marketing efforts.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Jansen informed that the committee was scheduled to meet yesterday, but that the meeting was canceled at the request of the school district.

2. Intergovernmental Liaison Committee:

(There has been no meeting since last reported. The next meeting will be scheduled late May or early June.)

C. MANAGER COMMENTS

Mr. Duffy:

- reported that MEA has received bids on the electrical line extension project at Point MacKenzie;
- noted that the bids, along with the deletion of the .5-mile stretch toward Carl Anderson's property, resulted in lowering the estimated project cost by \$400,000;
- requested a work session be held on June 4, 2002, before the regular assembly meeting, in order to have consultants available to speak to the assembly regarding the business plan and economic feasibility study in the Hatcher Pass area;
- reported that the fiscal impact estimate of the proposed prequalification ordinance is estimated at \$4,500 per year;
- referenced an attachment to the manager's report regarding a revenue and expenditure summary statement for July 1, 2002, through April 30, 2002;
- referenced an attachment to the manager's report regarding school district reports that describe total salaries and benefits for FY03 and total salaries and benefits for principals for FY03;
- noted that the borough attorney has provided a memorandum regarding library service areas that describes the issues relating to overlaying a service area onto a non-areawide power;
- advised that the national Environmental Protection Agency (EPA) office has asked that he serve on the local government advisory committee, which advises the EPA administrator on EPA policies and procedures;
- spoke to his most recent lobbying trip to Juneau;
- related that the regional prison proposal has a slim chance of success this year and stated that the proposal will be looked at next year; and
- overviewed other projects currently being reviewed in the state legislature including the Meadow Lakes medical facility, substandard road projects, and highway improvements.

Assemblymember Ladere asked if she could be provided with a breakdown of the generalized items on the list of road improvements and paving.

D. ATTORNEY COMMENTS

Mr. Gatti had no comments to present.

E. CLERK COMMENTS

Ms. Dillon:

- reminded the public and members of the assembly that a work session will be held on May 9, 2002, from 6 - 7 p.m., and that the first public hearing on the budget would be held thereafter;
- stated that the second public hearing on the budget would be held May 14, 2002, at 7 p.m., after which time the assembly can begin budget deliberations, with the proposed adoption of the budget scheduled for May 16, 2002; and
- noted that she would schedule a work session on June 4, 2002, at 3 p.m., at the request of the manager.

Brief assembly discussion followed regarding the time frame associated with adoption of the FY03 borough budget.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Animal Care and Regulation Board: 03/11/02
 - b. Board of Adjustment and Appeals: 03/08/02
 - c. Library Board: 03/30/02
 - d. Midway Road Service Area No. 9 Advisory Board: 04/11/02
 - e. Parks, Recreation, and Trails Advisory Board: 03/26/02
 - f. Planning Commission: 03/18/02, 04/01/02
 - g. Public Works Building Naming Committee: 04/23/02
 - h. Senior Citizen Advisory Board: 04/15/02
 - i. Wasilla-Lakes Fire Service Area Board of Supervisors: 03/11/02
2. Community Council Correspondence:
 - a. Y Community Council: 01/03/02, 02/07/02, 03/07/02, 04/05/02
3. Other Correspondence:
 - a. Cook Inlet Aquaculture Association: 02/23/02

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

G. INFORMATIONAL MEMORANDUMS

1. IM No. 02-115: NON-BINDING LETTER OF INTENT REGARDING PORT MACKENZIE DOCK EXPANSION AND RELATED PREFERENTIAL RIGHTS.

Mr. Duffy:

- stated that the informational memorandum was being provided to the assembly so that they could have additional time to review the issue before any discussion takes place; and
- noted that the administration is currently looking at a more detailed cost estimate of the proposed deep-water dock.

Assemblymember Simpson thanked Mr. Duffy for also placing this information on the port commission agenda.

The information memorandum was presented and no comments other than noted were given.

IX. 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) (Postponed from 04/09/02; Motion pending)
 1. IM No. 02-047
 2. IM No. 02-064
 3. AM No. 02-035: APPROVAL OF PREQUALIFICATION PROCEDURES.

Mr. Duffy restated the issues that caused him to ask that the legislation be postponed indefinitely.

Discussion ensued regarding:

- why an integrated ordinance had not been brought back to the assembly for discussion at the meeting;
- difficulties in amending a substitute ordinance with another substitute; and
- concerns from contractors that they will be removed from competing for bids in projects due to process.

MOTION: Assemblymember Jansen moved to postpone Ordinance Serial No. 02-031 indefinitely.

Members of the assembly concurred that the ordinance should be reviewed more and reintroduced at the June 4, 2002, assembly meeting, with public hearing to be held on June 18, 2002.

GENERAL CONSENT: The motion, to postpone indefinitely, passed without objection.

B. 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.

1. IM No. 02-051 (Postponed from 04/09/02)

MAIN MOTION PENDING: Assemblymember Colver moved to adopt Ordinance Serial No. 02-033.

Assemblymember Colver:

- spoke to the legislation, noting that there are not enough favorable ballots to approve the local improvement district; and
- opined that the assessment roles should be brought up-to-date as he does not believe they are completely accurate.

GENERAL CONSENT: The motion to adopt Ordinance Serial No. 02-033 failed unanimously.

C. Resolution Serial No. 02-041: A RESOLUTION DIRECTING THE ADMINISTRATION AND PLANNING COMMISSION ON ZONING.

1. IM No. 02-095 (Continued testimony from 04/09/02)

Mayor Anderson:

- noted that testimony would be continued for those people who did not get to speak on Resolution Serial No. 02-041 during the April 9, 2002, meeting due to the mandatory midnight closure of the assembly meeting;
- stated that this item would be taken up later in the agenda as there was not sufficient time to discuss the matter before the 7 p.m. special orders section of the agenda; and
- advised that public hearing sign-up sheets were available at the back of the room for those people who wished to testify.

The regular meeting recessed at 6:49 p.m. and reconvened at 7 p.m.

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

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

1. Margaret Volz re: The Children's Place and Sex Abuse of Minors Investigative Unit

Chief Savage:

- stated that he was representing the city of Wasilla;
- provided an overview of the tasks and objectives of the regional task force that was formed in February 2002 to address sexual abuse of minors; and
- spoke to the need for funding of the program.

Ms. Volz:

- introduced herself to the members of the assembly;

- stated that she is a pediatric nurse practitioner;
- presented the assembly with information regarding The Children's Place;
- informed how The Children's Place is working in conjunction with the Mat-Su Multi-jurisdictional Sex Abuse of Minors Investigative Unit to address sexual abuse of minors in the valley; and
- spoke to the need for funding of the program.

Assembly discussion ensued regarding the request for funding.

CONFLICT OF INTEREST: Assemblymember Jansen stated that if the issue of funding were to be discussed at this time, that she would have to recuse herself from chambers.

(Assemblymember Jansen exited chambers at this time.)

Assemblymember Kelly inquired as to the amount of funds that were being requested from the borough.

Chief Savage stated that 90 percent of the match (\$38,000) would be appropriately allocated to the borough's share of reported sexual abuse of minors' activity in the valley.

Discussion continued regarding grant funding for the program after the first year.

(Assemblymember Jansen returned to chambers at this time.)

2. Linda Anderson re: Boys and Girls Club's request for funding

CONFLICT OF INTEREST: Mayor Anderson recused himself from the discussion as his wife would be speaking to the assembly regarding the Mat-Su Boys and Girls Club.

(Mayor Anderson exited chambers at this time.)

Ms. Anderson (Also see AM No. 02-069, p. 21):

- introduced herself as the area manager for Mat-Su Boys and Girls Club;
- stated that there are currently two active programs in the valley - the club house and the elementary school program;
- provided the assembly with an overview of the goals and objectives of the Mat-Su Boys and Girls Club;
- spoke to the elementary school program;
- noted that the Mat-Su Girls and Boys Club has currently partnered with MASCOT in order to bus some of the school children;
- commented regarding the benefits of the program;
- stated that they expect 1000 participating children in the program this year;
- remarked that they are facility based; and
- informed that the Mat-Su Boys and Girls Club is only requesting one percent of their annual budget from the assembly.

Discussion followed regarding if any funds had been requested from the school district.

Ms. Anderson noted that the school district already provides substantial benefits to the program.

(Mayor Anderson returned to chambers at this time.)

3. Becky Williams re: Valley Hospital's community needs assessment

Ms. Williams:

- spoke to the hospital's request for borough support in the form of a \$9000 grant for a community needs assessment;

- stated that the goal of the project is to assess the needs of borough communities in order to enhance social services in the borough;
- informed that a survey of 500 community households and 75 businesses would be undertaken across the borough by the Mat-Su Agency Partnership (MAP) organization;
- remarked that it is a 9-phase project;
- noted that it is their goal to rank the borough's top 3 - 5 social service needs; and
- stated that over \$30,000 has already been raised for the project.

Discussion ensued regarding the differences between the proposed community needs assessment and the Denali Commission's current project;

Ms. Williams informed that the Denali Commission's project is specific to rural health issues whereas they will be looking at a more broad-based range of issues. She further stated that they are working with the Denali Commission to reduce duplication in the two studies.

Ms. Garley confirmed that the two studies would not overlap on issues addressed.

4. Leo Kaye re: Veteran's War Dog Memorial

Mr. Kaye:

- introduced himself as the chairman of Veteran's Wall of Honor and coordinator of the war dogs monument project;
- stated that he is seeking support to create a monument in honor of war dogs;
- reported that over 4000 German Shepherds served as scouts in the war;
- invited members of the assembly to attend the Veteran's Day Memorial on May 27, 2002, at 1 p.m.;
- spoke to new additions to the Veteran's Wall of Honor; and
- requested a \$5,000 grant from the borough in order to construct the war dogs monument.

5. Larry DeVilbiss re: procedure for voting on zoning

Mr. DeVilbiss:

- spoke to his idea regarding voting on zoning;
- suggested that once complete, the core area zoning ordinance and a map should be distributed to all property owners effected, that the property owners should be provided with the zoning status of their property, and that they should be asked if an advisory vote is needed;
- stated that the advantage would be that the borough would not be under the time constraints of a special election and that the borough would hear directly from those individuals effected; and
- opined that this would be an effective way to gain feedback on the issue of core area zoning.

B. PUBLIC HEARINGS (Three minutes per person.)

1. Ordinance Serial No. 02-049: AN ORDINANCE AMENDING MSB 16.15.070(A), RIGHT-OF-WAY ACQUISITION PLATS, TO ADD "RAILROAD" TO THE RIGHT- OF-WAY ACQUISITION PLAT PROCEDURES.
 - a. IM No. 02-083

Ms. Garley:

- provided a staff report regarding Ordinance Serial No. 02-049;
- stated that the Alaska Railroad will need to purchase more right-of-way to account for a track realignment; and
- noted that both the planning department and the planning commission recommended adding this provision to the code.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Jansen moved to adopt Ordinance Serial No. 02-049.

GENERAL CONSENT: The motion passed without objection.

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

Ms. Garley:

- provided a staff report regarding Ordinance Serial No. 02-050;
- reported that the planning department has received a request for a residential land use district;
- noted that there are no recorded covenants for the area, but that there are some notes on the recorded plat;
- informed that the area is primarily residential in nature and undeveloped;
- noted that there is no through access in regard to the surrounding parcels;
- stated that the Knik-Fairview Community Council was notified of the proposed action and that no comments from them were received;
- reported that notice was sent to all property owners in the surrounding areas; and
- advised that the proposed action is compatible with the area land use comprehensive plan.

Mayor Anderson opened the public hearing.

The following person spoke in favor of Ordinance Serial No. 02-050: John Smodey.

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

MOTION: Assemblymember Simpson moved to adopt Ordinance Serial No. 02-050.

Assemblymember Simpson:

- thanked Ms. Garley for the comprehensive support she provided to the applicant;
- commented that she had asked Ms. McKibben of the planning department to check receipt of the notice by the community council president;
- stated that she had been informed that the community council president had acknowledged the notice; and
- remarked that the residential land use district would have positive impacts to the neighborhood.

GENERAL CONSENT: The motion passed without objection.

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

Mr. Duffy provided a brief report regarding Ordinance Serial No. 02-051.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Jansen moved to adopt Ordinance Serial No. 02-051.

Assemblymember Ladere spoke regarding the process for sale of land acquired through tax foreclosures.

GENERAL CONSENT: The motion passed without objection.

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

Mr. Sherman reported that the requested appropriation resulted from additional students and additional grant funds received.

Assemblymember Jansen requested clarification from Mr. Sherman regarding the table of figures and inquired about special revenue fund changes.

(Assemblymember Colver was excused from chambers at this time for a short break.)

Mr. Sherman explained the layout and bottom line of the table.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Jansen moved to adopt Ordinance Serial No. 02-052.

Assemblymember Jansen voiced support of the legislation.

GENERAL CONSENT: The motion passed without objection. (Assemblymember Colver was not present during the vote taking.)

(Assemblymember Colver returned to chambers at this time.)

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

Mr. Duffy noted that the legislation would allow for an additional 800 feet of paved road in the city of Houston.

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. 02-053.

Assemblymember Ladere voiced support of the ordinance.

GENERAL CONSENT: The motion passed without objection.

6. Ordinance Serial No. 02-063: AN ORDINANCE ACCEPTING AND APPROPRIATING \$696 FROM THE ALASKA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT TO THE COASTAL MANAGEMENT (306) PROGRAM FISCAL YEAR 2002 GRANT, TO FUND 480, PROJECT NO. 20158.
 - a. Resolution Serial No. 02-047: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR THE FISCAL YEAR 2002 COASTAL MANAGEMENT GRANT (306) PROGRAM.
 - (1) IM No. 02-091

Ms. Garley spoke regarding a previous award from the grant program and the authorized amendment to the initial grant.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Jansen moved to adopt Ordinance Serial No. 02-063.

GENERAL CONSENT: The motion passed without objection.

7. Ordinance Serial No. 02-064: AN ORDINANCE CLASSIFYING BOROUGH-OWNED REAL PROPERTY DESCRIBED AS THE E1/2 NW1/4, S1/2, SECTION 32, T26N, R4W; AND GLO LOTS 1, 2, 3, AND 4, S1/2, S1/2 N1/2, SECTION 5, T25N, R4W, SEWARD MERIDIAN, ALASKA, IN THE TALKEETNA LAKES AREA, AS PUBLIC RECREATION LAND.
 - a. IM No. 02-101

Mr. Swanson:

- provided a staff report to the assembly regarding Ordinance Serial No. 02-064;
- stated that 858 acres are contained in the proposed land classification, that the area has been identified in many area plans, and that recommendations are that the proposal and classification take place;
- noted wide support of the legislation from the Talkeetna Community Council;
- noted general support from the Talkeetna Chamber of Commerce;
- stated that the planning commission has also approved the classification; and
- advised that the Talkeetna Chamber is not in support of the area of Comsat Road being included in the classification.

Mayor Anderson opened the public hearing.

The following people spoke in favor of Ordinance Serial No. 02-064: Pam Robinson, Karen Jahns, Chris Mannix, Howard Carbone, Ed O'Connor, Joe LeBeau.

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

MOTION: Assemblymember Ladere moved to adopt Ordinance Serial No. 02-064.

Assemblymember Ladere:

- voiced support of the legislation;
- thanked the users of the area for being at the meeting to testify;
- spoke to the strategic location of the property; and
- spoke to the development of recreational economy in the community.

GENERAL CONSENT: The motion passed without objection.

8. Ordinance Serial No. 02-065: AN ORDINANCE AUTHORIZING THE CLASSIFICATION AND THE FAIR MARKET VALUE SALE OF BOROUGH- OWNED REAL PROPERTY LYING WITHIN SECTION 23, T24N, R9W, SEWARD MERIDIAN, ALASKA, LOCATED WEST OF SHULIN LAKE AND EAST OF THE KAHILTNA RIVER (MSB 3514).
 - a. IM No. 02-102

Mr. Swanson:

- provided a staff report regarding Ordinance Serial No. 02-065;
- stated that the airstrip has been used on and off over a period of years by locals in the area;
- reported that the initially application was for lease of the land;
- noted that the borough reviewed liability associated with the lease of an airstrip;
- advised that the lease to the applicant was changed to a sale of the airstrip in order to release the borough from liability;
- stated that the borough has received a petition for competitive sale and also a petition for a special land use district regarding the airstrip;
- recommended the creation of a master plan; and
- noted that there is state land and wetlands in the area.

Discussion ensued regarding:

- procedures regarding the application process;
- historical access into the Shulin Lake area;
- public notice of a lease of the land to the applicant, and not a sale;
- the subsequent distribution of a letter informing property owners in the area that the airstrip would not be leased, but rather sold to the applicant;
- the legal differences between proper notice of a lease and a sale;
- opposition from some of the property owners in the area of sale without a competitive bid process; and
- the time frame associated with the applicant's initial submission of his application.

Mr. Gatti:

- spoke to past history regarding the lease/sale procedures for disposal of borough land;
- advised that the issue of proper notice in this regard would have to be reviewed; and
- stated that the property could be sold by application if the sale was properly noticed for thirty days.

Discussion continued regarding there being no differentiation in the policy and procedures manual regarding the process used to notice a sale or a lease of land.

Mayor Anderson opened the public hearing.

The following person spoke in favor of Ordinance Serial No. 02-065: Carl Tatlow (applicant).

Members of the assembly queried Mr. Tatlow regarding his use of the airstrip, his proposed improvements to the airstrip, and maintenance of the airstrip thereafter.

The following people spoke in opposition to Ordinance Serial No. 02-065, in favor of sale through competitive bid, and in favor of an ordinance creating a special land use district: Tamara Phillips.

Discussion ensued regarding:

- provisions for public access in the deed;
- the provision for public access following the deed to the land and not to the owner; and
- the differences between a master plan and a the creation of a special land use district.

The regular meeting recessed at 9 p.m. and reconvened at 9:13 p.m.

The following people spoke in opposition of Ordinance Serial No. 02-065, in favor of sale by competitive bid, and in favor of a special land use district: Chris Phillips and Steve Joynt.

The following people spoke in favor of Ordinance Serial No. 02-065, provided the airstrip remain available for public use forever: Terry Souza, Jeff Pralle, Dee Hoffmeister, Lorraine Phillips, Glenn Bohn, Mike Grimes, Bill Hansen, Kelly Painter, Bob Gilmore, and Boyd Gochanour.

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

MOTION: Assemblymember Ladere moved to adopt Ordinance Serial No. 02-065.

Assemblymember Ladere generally spoke in favor of the legislation and to the facilitation of access to property by other owners in the area.

Other members of the assembly spoke in general support of the legislation but voiced concerns related to proper public notice of the sale.

Mr. Gatti reiterated his concerns regarding proper public notice and suggested that the public hearing close and that the ordinance be postponed until further review of the issue.

Discussion continued regarding how the borough could accommodate property owners in the area who are interested in developing a land plan.

MOTION: Assemblymember Jansen moved to amend Ordinance Serial No. 02-065 (p. 177 of the assembly packet), Section 3, Disposal of real property, paragraph e, to insert the words "and deed restriction" after the word "covenant" to read: The Matanuska-Susitna Borough shall place a covenant and deed restriction on the subject property that allows use of the airstrip by the public."

GENERAL CONSENT: The motion to amend Ordinance Serial No. 02-065 passed without objection.

MOTION: Assemblymember Ladere moved to postpone Ordinance Serial No. 02-065 to a time certain of May 21, 2002.

GENERAL CONSENT: The motion passed without objection.

9. Ordinance Serial No. 02-067: AN ORDINANCE AMENDING MSB TITLE 25:
ELECTIONS.
 - a. IM No. 02-105

Ms. Dillon informed the assembly that this ordinance provides technical and grammatical revisions to the elections code.

Mayor Anderson opened the public hearing.

The following person requested clarification regarding a provision of the ordinance addressing felony convictions and voter qualification: Penny Nixon.

MOTION: Assemblymember Jansen moved to adopt Ordinance Serial No. 02-067.

GENERAL CONSENT: The motion passed without objection.

Mayor Anderson noted that Resolution Serial No. 02-051 would be addressed at this time.
(See p. 1)

- c. Resolution Serial No. 02-051: A RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES REMOVE THE WILLOW PEDESTRIAN UNDERPASS FROM THE DESIGN OF THE PARKS HIGHWAY IMPROVEMENT PROJECT. (Sponsor: Assemblymember Ladere)
(1) IM No. 02-114

MOTION: Assemblymember Ladere moved to adopt Resolution Serial No. 02-051.

Mayor Anderson informed that public testimony would be heard regarding the resolution.

The following people spoke in opposition to Resolution Serial No. 02-051: Steve Charles, Ray Kelly, and Linda Kelly.

The following people spoke in favor of Resolution Serial No. 02-051: Harry Jacobson, Jim Norcross, Steve White, Rich Pralle, Bobbie Lewis, Terry Bunker, Jim Bunker, Dee Pralle, Mark Merrill, Donna Marks, Bill Marks, and Doyle Holmes.

Discussion ensued regarding the proposed location of the underpass and safety concerns related thereto, including the road grade.

MOTION: Assemblymember Jansen moved to extend the regular assembly meeting past 11 p.m., but no later than midnight.

GENERAL CONSENT: The motion passed without objection.

MOTION: Assemblymember Ladere moved a primary amendment to add a "Be it Further Resolved . . ." clause to read: "Be it further resolved that the Matanuska-Susitna Borough Assembly hereby directs the administration to work with the community and the Department of Transportation to find a more suitable location for the pedestrian underpass."

Assemblymember Ladere stated that she believes the administration can find a location for the pedestrian underpass that does not significantly raise the Parks Highway.

GENERAL CONSENT: The primary amendment passed without objection.

Discussion continued regarding:

- the request from the Department of Transportation for the borough to state that there are no safety concerns at the site proposed for the underpass installation; and
- liability issues related to injuries that may occur at this location.

VOTE: The main motion, as amended, passed without objection.

X. NEW BUSINESS

A. INTRODUCTION (For public hearing - 05/21/02, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 02-068: AN ORDINANCE ADOPTING MSB 3.04.095, ESTABLISHING A GENERAL FUND BALANCE POLICY AND RESERVES OF THE GENERAL FUND BALANCE.
 - a. IM No. 02-119
2. Ordinance Serial No. 02-069: AN ORDINANCE REAPPROPRIATING \$35,000 FROM THE LAND MANAGEMENT FUND, LAND MANAGEMENT DIVISION, FUND 203 OPERATING BUDGET, AND \$14,600 FROM THE LAND MANAGEMENT FUND, ASSET MANAGEMENT AND DEVELOPMENT DIVISION, FUND 203 OPERATING BUDGET, TO THE MINERAL

AND MATERIAL RESOURCES ASSET PLAN PROJECT (45097), FUND 480, FOR THE PURPOSE OF COMPLETING WORK BEYOND THE END OF THE FISCAL YEAR.

a. IM No. 02-110

B. INTRODUCTION (For public hearing - 6/04/02, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 02-055: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE DESTIN DRIVE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 324 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 02-056: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$28,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE DESTIN DRIVE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 324, AND FIXING DETAILS OF SAID BONDS.
 - (1) IM No. 02-106
2. Ordinance Serial No. 02-057: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE RALEIGH HILLS ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 339 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 02-058: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$110,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE RALEIGH HILLS ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 339, AND FIXING DETAILS OF SAID BONDS.
 - (1) IM No. 02-107
3. Ordinance Serial No. 02-059: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE SPRINGWOOD DRIVE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 323 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 02-060: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$66,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE SPRINGWOOD DRIVE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 323, AND FIXING DETAILS OF SAID BONDS.
 - (1) IM No. 02-108
4. Ordinance Serial No. 02-061: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE WASILLA EAST SUBDIVISION ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 335 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 02-062: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$89,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE WASILLA EAST SUBDIVISION ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 335, AND FIXING DETAILS OF SAID BONDS.
 - (1) IM No. 02-109

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 21, 2002, and June 4, 2002, respectively.

GENERAL CONSENT: The motion passed without objection.

C. CONSENT AGENDA

(AM Nos. 02-069, 02-074, and 02-076 were pulled from the consent agenda. See p. 21)

1. RESOLUTIONS

- a. Resolution Serial No. 02-049: A RESOLUTION TO AMEND THE BUDGET OUTLINED IN RESOLUTION SERIAL NO. 99-054 AND APPROVE A NEW SCOPE OF WORK TO REFLECT THE TRANSFER OF \$3,179.90 IN FUNDS FROM THE STATE OF ALASKA MUNICIPAL MATCHING GRANT CHICKALOON BRIDGE PROJECT TO THE TALKEETNA HISTORICAL SOCIETY.
(1) IM No. 02-118
- b. Resolution Serial No. 02-050: A RESOLUTION SETTING THE SURCHARGE FOR ENHANCED 911 SYSTEMS FOR THE PERIOD OF JULY 1, 2002, THROUGH JUNE 30, 2003.
(1) IM No. 02-111

(1) IM No. 02-114

2. ACTION MEMORANDUMS

- a. AM No. 02-050: ELIMINATION OF 15-FOOT UTILITY EASEMENT ON NORTH BOUNDARY OF LOTS 1 AND 2, BLOCK 1, NANCY KNOLL SUBDIVISION, LOCATED IN SECTION 33, T19N, R4W, SEWARD MERIDIAN, ALASKA, LOCATED WITHIN THE WILLOW COMMUNITY COUNCIL AREA.
- b. AM No. 02-057: VACATION OF THE 33-FOOT SECTION LINE EASEMENT ACROSS LOT 9, FALK LAKE AND REPLACEMENT WITH A TEN-FOOT PATH ON THE NORTH SIDE OF LOT 9 FOR ACCESS TO THE LAKE, LOCATED WITHIN SECTION 23, T17N, R2E, SEWARD MERIDIAN, ALASKA, LOCATED WITHIN THE BUTTE COMMUNITY COUNCIL AREA.
- c. AM No. 02-058: VACATION OF SECTION LINE EASEMENT FOR SECTIONS 35/36, T17N, R2E, SEWARD MERIDIAN, ALASKA, LOCATED WITHIN THE BUTTE COMMUNITY COUNCIL AREA.
- d. AM No. 02-059: VACATION OF A PORTION OF THE RIGHT-OF-WAY ON SOUTH LAZY LAKE DRIVE ON THE NORTH SIDE OF LOT 2, BLOCK 1, LAZY LAKES SUBDIVISION, LOCATED WITHIN SECTION 9, T17N, R3W, SEWARD MERIDIAN, ALASKA, LOCATED WITHIN THE BIG LAKE COMMUNITY COUNCIL AREA.
- e. AM No. 02-060: VACATION OF THE 10-FOOT UTILITY EASEMENT ON THE NORTH SIDE OF LOT 2, BLOCK 1, LAZY LAKES SUBDIVISION, LOCATED WITHIN SECTION 9, T17N, R3W, SEWARD MERIDIAN, ALASKA, LOCATED WITHIN THE BIG LAKE COMMUNITY COUNCIL AREA.
- f. AM No. 02-061: AWARD OF BID NO. 02-148 IN AN AMOUNT WHICH MAY EXCEED \$15,000 TO ALASKA SAFETY, INC; FURNISH SELF-CONTAINED BREATHING APPARATUS AND ASSOCIATED ITEMS.

- g. AM No. 02-062: RETROACTIVE APPROVAL OF DISABLED VETERAN EXEMPTION FOR MR. ROBERT P. HERNDON (19N03E22B005).
- h. AM No. 02-063: RETROACTIVE APPROVAL OF DISABLED VETERAN EXEMPTION FOR MR. ROBERT J. TRAUT, SPRINGER VIEW ESTATES, BLOCK 4, LOTS 7 AND 8 (2674B04L007, 2674B04L008).
- i. AM No. 02-064: AWARD OF BID NO. 02-158 IN THE AMOUNT OF \$40,968 TO ARCTIC STRIPING, INC; 2002 ROADS STRIPING.
- j. AM No. 02-065: AWARD OF BID NO. 02-160 IN THE AMOUNT OF \$19,850 TO AXBERG BUILDERS; SUTTON PUBLIC SAFETY BUILDING TRAINING FACILITY.
- k. AM No. 02-066: RETROACTIVE APPROVAL OF DISABLED VETERAN EXEMPTION FOR MR. RICHARD G. BECKER, COTTONWOOD SHORES, BLOCK 9, LOT 24 (6445B09L024).
- l. AM No. 02-068: CHANGE ORDER IN THE AMOUNT OF \$16,250 TO WILDER CONSTRUCTION; ROYAL CREEK CROSSING.
- n. AM No. 02-070: PURCHASE OF SMART CART MOBILE COMPUTER LAB IN THE AMOUNT OF \$18,358 FROM GATEWAY.
- o. AM No. 02-071: AWARD OF SOLICITATION NUMBER 02-142 IN THE AMOUNT OF \$19,755 TO PIONEER EQUIPMENT INCORPORATED; PARKS AND TRAILS LIGHT CONSTRUCTION EQUIPMENT.
- p. AM No. 02-073: AWARD OF BID NO. 02-163 IN THE AMOUNT OF \$72,750 TO CRUZ CONSTRUCTION, INC; PORT MACKENZIE RIGHT-OF-WAY CLEARING.
- r. AM No. 02-075: AWARD OF BID NO. 02-164 IN THE AMOUNT OF \$31,068.75 TO RUTTER BROTHERS, INC; UPGRADE A PORTION OF FISH LAKE ROAD.
- t. AM No. 02-077: AWARD OF BID NO. 02-149 IN THE AMOUNT OF \$47,720 TO L.N. CURTIS AND SONS; RESCUE EQUIPMENT.
- u. AM No. 02-078: AWARD OF BID NO. 02-157 IN THE AMOUNT OF NOT TO EXCEED \$50,000 TO WILDER CONSTRUCTION; CIRCLE VIEW DIKE MAINTENANCE.
- v. AM No. 02-079: AWARD OF BID NO. 02-153 IN AN AMOUNT, WHICH MAY EXCEED \$15,000 TO L. N. CURTIS AND SONS; EXTRICATION JUMPSUITS.

Ms. Dillon read the above legislation into the record.

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

GENERAL CONSENT: The motion passed without objection.

- m. AM No. 02-069: APPROPRIATING \$5,000 FROM ASSEMBLY RESERVES FY02 BUDGET FOR THE BOYS AND GIRLS CLUBS OF THE MAT-SU VALLEY.

Mayor Anderson previously declared a conflict of interest in regard to this subject.

(Mayor Anderson exited chambers at this time.)

MOTION: Assemblymember Colberg moved to approve AM No. 02-069.

Assemblymember Colberg:

- opined that there are many worthy organizations in the borough;
- expressed concerns that funding for such organizations will become a precedent; and
- does not believe the borough wants to enter into preferential treatment of groups.

Assemblymember Simpson echoed Assemblymember Colberg's sentiments in regard to funding non-profit organizations.

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

(Mayor Anderson returned to chambers at this time.)

- q. AM No. 02-074: APPROPRIATING \$5000 FROM THE MAYOR'S FY02 OPERATING BUDGET (100-110-104) TO PROVIDE FUNDING TO THE "VETERANS WALL OF HONOR" COMMITTEE FOR THE "WAR DOGS" MEMORIAL.

MOTION: Assemblymember Colberg moved to approve AM No. 02-074.

Assemblymember Colberg reiterated his opinion regarding the funding of non-profit organizations.

Brief discussion ensued regarding funding for AM No. 02-074 being generated from the mayor's discretionary budget.

VOTE: The motion passed with Assemblymembers Bush, Colberg, and Ladere in opposition.

- s. AM No. 02-076: APPROPRIATING \$9,000 FROM FY02 ASSEMBLY RESERVES TO THE MAT-SU AGENCY PARTNERSHIP (MAP) FOR THE PURPOSE OF CONDUCTING A COMMUNITY NEEDS ASSESSMENT IN THE MAT-SU VALLEY.

MOTION: Assemblymember Colberg moved to approve AM No. 02-076.

Mayor Anderson noted that a member of the public asked to speak directly to the action memorandum. Members of the assembly had no objections in this regard.

Ms. Jahns:

- spoke regarding the Mat-Su Agency Partnership and the proposed community needs assessment - noting that the group is distinct as it encompasses many nonprofit organizations; and
- encouraged assembly support of the legislation.

Brief discussion ensued regarding the community needs assessment and the tools that will be used to gather data.

VOTE: The motion passed with Assemblymembers Bush and Colberg in opposition.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

Mayor Anderson opened audience participation.

The following person spoke against zoning and in favor of an update of the comprehensive plan: W. Ray Reed.

The following person spoke against zoning and in favor of sending an advisory vote on zoning to the people of the borough: James Uhl.

The following person spoke in favor of the special land use district process and conditional use permits, and against zoning: Pio Cotini.

The following person spoke against zoning: Roger Bliss.

D. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Anderson requested the following confirmations:

Transportation Advisory Board
Christopher Remick

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

Mayor Anderson requested confirmation of the following resignations:

Caswell Lakes Road Service Area No. 15
John Yow

Meadow Lakes Road Service Area No. 27
Roy "Jack" Bowe

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

GENERAL CONSENT: The motion passed without objection.

MOTION: Assemblymember Ladere moved for reconsideration of Resolution Serial No. 02-051.

GENERAL CONSENT: The motion to reconsider failed unanimously.

XI. ADJOURNMENT

Mayor Anderson declared the meeting adjourned and explained the mandatory midnight closure of assembly meetings.

Minutes approved: May 21, 2002

Signed copy available in the clerk's office.