

CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on June 4, 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
Ms. Jody Simpson, Assembly District No. 5
Mr. Jim Colver, Assembly District No. 6

Assembly members absent and excused were:

Mr. Dan Kelly, Assembly District No. 4
Ms. Kelly Ladere, Assembly District No. 7

Staff in attendance were:

Ms. Sandra A. Dillon, Borough Clerk
Mr. John Duffy, Borough Manager
Mr. David Germer, Assistant Borough Manager
Mr. Michael Gatti, Borough Attorney
Mr. John Aschenbrenner, Assistant Borough Attorney
Ms. Melissa Niemi, Borough Clerk's Secretary
Mr. Jim Swing, Public Works Director
Ms. Tammy Clayton, Finance Director
Ms. Sandra Garley, Planning Director
Mr. Ron Swanson, Community Development Director
Mr. Karl Borglum, Borough Assessor
Mr. Jack Krill, Interim Public Safety Director
Ms. Heather Bovat, Chief of Planning

III. APPROVAL OF AGENDA

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

GENERAL CONSENT: The agenda was approved without objection.

IV. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Lucille Frey, a member of the audience.

V. MINUTES OF PRECEDING MEETINGS

A. Special Assembly Meeting: May 14, 2002

Mayor Anderson referenced the special assembly meeting minutes of May 14, 2002, and asked if there were any corrections.

GENERAL CONSENT: The minutes were approved as presented with no objection.

B. Regular Assembly Meeting: May 21, 2002

Mayor Anderson referenced the regular assembly meeting minutes of May 21, 2002, and asked if there were any corrections.

GENERAL CONSENT: The minutes were approved as presented with no objection.

VI. SPECIAL ORDERS OF THE DAY

(Mr. Hodges was not present at the assembly meeting, therefore delivery of his proclamation will be postponed to the June 18, 2002, assembly meeting.)

VII. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

(There were no reports presented from the cities.)

2. Matanuska-Susitna Borough School District

(There was no report presented.)

B. COMMITTEE REPORTS

1. Joint Assembly/School Board on School Issues

Assemblymember Jansen:

- reported that the board discussed information technology resources;
- stated that a committee was formed to discuss the AS400 and the future vision of IT;
- spoke to the membership of the committee;
- addressed the nutritional center; and
- informed that a written synopsis of the nutritional center project will be available from Rob Wells at the June 11, 2002, joint school board meeting.

Assemblymember Colver:

- spoke to the nutritional center project;
- stated that the director of agriculture and Rob Wells are seeking funding for the budget; and
- commented that the project is moving along well with the support of Senators Green and Stevens.

2. Intergovernmental Liaison Committee

(There was no report presented.)

Mayor Anderson stated that the next agenda will include the Regional Transportation Steering Committee.

C. MANAGER COMMENTS

Mr. Duffy:

- discussed the current port projects;
- informed that the hydrographic and site scan survey is complete and it confirms that there will be 60-70 feet of deep water where the dock would be;
- stated that the topography of the port district is done and contour maps are being completed;
- commented that Alaska Manufacturing will be shipping out homes this week;

- stated that there have been many proposals in the work sought to be completed at the dock;
- referenced the economic development seminar completed last Friday, expecting to have formal report from IEDC sometime in the near future;
- spoke to the Evergreen Resources Operation Plan;
- commented that the borough has received \$37,000 from DEC for a water quality monitoring program;
- discussed the receipt of a notice of intent to award \$1.2 million to the borough for workforce investment act fund;
- stated that he had meeting with Quorum Health Resources, who is interested in a joint partnership with Valley Hospital;
- commented that there is a strong interest in building 75-bed hospital in the borough with Quorum and at least one other firm;
- expressed that the borough had a very successful tax foreclosure sale and that the borough received \$265,000 from the sale, as well as an additional \$50,000 in taxes collected prior to the sale;
- set forth that the planning commission has set special meetings for the conditional use permit ordinance; the dates of the meetings will be June 10, 24, 26, July 1 and July 8. The commission's target is to have the public hearing on July 1;
- stated that he has a detailed report on the status of the Houston High and Talkeetna water and sewer projects from Mr. Carol;
- spoke to the school district's purchase of their own AS400, and commented that there is an agreement to have this issue resolved within 30 days; and
- discussed the additional funding for EMS.

Jack Krill spoke to the current shift programs that have resulted in faster response times.

Discussion ensued regarding the workforce development programs.

Mayor Anderson questioned if there will be a report coming back from the committee on the IT issues.

Assemblymember Jansen responded that there will be a report on the issues.

Mr. Duffy identified the members of the committee as being Mr. John Duffy, Mr. David Germer, Ms. Tammy Clayton, and Ms. Sheila Heffner from the borough; Mr. Bob Doyle, Superintendent; Mr. Jack Sherman, Director of Business and Risk Management; and Mr. Don Chicarell, Assistant Superintendent from the school district.

D. ATTORNEY COMMENTS

Mr. Gatti had no comments to present.

E. CLERK COMMENTS

Ms. Dillon:

- stated the assembly has only one meeting in July;
- spoke to the introduction of the zoning ordinance on June 18, with public hearings on July 23 and 25; [Note: These dates have since been changed.]
- stated that the introduction of the conditional use ordinance would be on July 16 with the public hearing on August 8;
- offered general information about elections;
- informed that the borough is expected to receive the new district and precinct maps approximately June 16 or 17;
- stated that there are two annexations, one a road service and one a fire service area, that have been certified; and
- spoke to the tracking report.

Assemblymember Jansen:

- spoke to the possibility of a work session before the public hearings on the proposed zoning ordinance; and

- stated that she would like to devote an hour or two for general conversation on zoning.

Assemblymember Colver spoke in agreement with Assemblymember Jansen.

MOTION: Assemblymember Jansen moved to schedule a work session from 3-5 p.m. on July 16, 2002, to discuss zoning.

Discussion ensued regarding setting the work session and the topics to be assessed.

GENERAL CONSENT: The motion passed without objection.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Library Board: 04/20/02
- b. Planning Commission: 04/15/02, 05/03/02
- c. Port Commission: 03/11/02

G. INFORMATIONAL MEMORANDUMS

1. IM No. 02-132: PARTICIPATION IN THE ANCHORAGE ECONOMIC DEVELOPMENT CORPORATION'S (AEDC) MILITARY/GLOBAL LOGISTICS STUDY.

IX. UNFINISHED BUSINESS

(There was no unfinished business.)

X. NEW BUSINESS

A. INTRODUCTION (For public hearing - 06/18/02, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 02-080: AN ORDINANCE REAPPROPRIATING \$30,000 FROM THE FY2002 BOROUGH CLERK'S OPERATING BUDGET (100-100-103) TO FUND 480, PROJECT NO. 45007, FOR RECODIFYING THE BOROUGH CODE OF ORDINANCES.

(Sponsors: Assemblymembers Jansen and Simpson)

a. IM No. 02-124

2. Ordinance Serial No. 02-075: AN ORDINANCE ADOPTING MSB 3.08.225, ESTABLISHING RULES AND REGULATIONS GOVERNING THE PREQUALIFICATION OF BIDDERS BIDDING ON CONSTRUCTION PROJECTS EXCEEDING \$750,000 FOR THE MATANUSKA-SUSITNA BOROUGH.

a. IM No. 02-128

(See Assemblymember Colver's request for reconsideration on Ordinance Serial No. 02-075, page 18.)

3. Ordinance Serial No. 02-081: AN ORDINANCE REQUESTING A REAPPROPRIATION OF \$10,000 FROM THE AREAWIDE FUND, FY2002 LAW OPERATING BUDGET, TO FUND 480, PROJECT 45099, BELUGA WHALE LITIGATION.

a. IM No. 02-135

4. Ordinance Serial No. 02-082: AN ORDINANCE ACCEPTING AND APPROPRIATING \$1,300,000 FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, TO FUND 415, PROJECT NO. 25037, FOR THE TALKEETNA SEWER SYSTEM PROJECT.

a. IM No. 02-136

5. Ordinance Serial No. 02-083: AN ORDINANCE EXTENDING THE TIME LIMIT FOR COMPLETION OF BOROUGH CAPITAL PROJECTS.

a. IM No. 02-137

6. Ordinance Serial No. 02-084: AN ORDINANCE REQUESTING A REAPPROPRIATION OF \$108,000 FROM THE AREAWIDE FUND OPERATING BUDGET, FUND 100; \$31,000 FROM THE LAND MANAGEMENT FUND, FUND 203, OPERATING BUDGET AND \$50,000 FROM THE BOROUGH FACILITIES CAPITAL PROJECT FUND, FUND 435, PROJECT 10117, TO FUND 480 FOR THE DATABASE DEVELOPMENT PROJECT.

a. IM No. 02-138

b. IM No. 02-116

7. Ordinance Serial No. 02-085: AN ORDINANCE AMENDING MSB 17.99.010; FEES.

a. Resolution Serial No. 02-054: A RESOLUTION AMENDING THE SCHEDULE OF FEES FOR APPLICATIONS, VARIANCES, AND APPEALS UNDER TITLE 17; ZONING.

(1) IM No. 02-143

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 to set the public hearings for June 18, 2002.

GENERAL CONSENT: The motion passed without objection.

B. CONSENT AGENDA

(AM Nos. 02-081, 02-098, 02-100, and 02-102 were pulled from the consent agenda. See pp. 8-9.)

1. RESOLUTIONS (None presented)

2. ACTION MEMORANDUMS

b. AM No. 02-085: ELIMINATION OF UTILITY EASEMENT ON LOTS 1 AND 2, BLOCK 1, PARKS HIGHWAY INDUSTRIAL, LOCATED WITHIN SECTION 6/7, T17N, R1W, SM, AK., LOCATED WITHIN THE MEADOW LAKES COMMUNITY COUNCIL AREA.

c. AM No. 02-086: ELIMINATION OF UTILITY EASEMENT ON THE EAST BOUNDARY OF LOT 8, BLOCK 3, BIRCH PARK, LOCATED WITHIN SECTION 15, T17N, R3W, SM, AK, LOCATED WITHIN THE BIG LAKE COMMUNITY COUNCIL AREA.

d. AM No. 02-087: ELIMINATION OF UTILITY EASEMENT ON LOT 4, BLOCK 6, KRANBERRY HILLS, LOCATED WITHIN SECTION 11, T17N, R2W, SM, AK, LOCATED WITHIN THE MEADOW LAKES COMMUNITY COUNCIL AREA.

e. AM No. 02-096: RETROACTIVE APPROVAL OF DISABLED VETERAN EXEMPTION FOR MR. MANUEL P. QUINTANA, BARRY'S RESORT BLOCK 5, LOT 17 (2082B05L017)

g. AM No. 02-099: AWARD OF BID NO. 02-182 TO COMMERCIAL CONTRACTORS, INC. IN THE AMOUNT OF \$360,800; MATANUSKA-SUSITNA BOROUGH SCHOOL DISTRICT 2002 CARPET REPLACEMENTS, PROJECT 40141.

i. AM No. 02-101: AWARD OF BID NO. 02-188 TO TEW'S EXCAVATION LLC IN THE AMOUNT OF \$577,637; ANNUAL MAINTENANCE AND OPERATIONS OF CENTRAL LANDFILL, FISCAL YEAR 2003 - 2007.

k. AM No. 02-103: AWARD OF BID NO. 02-196 TO MAT-SU TEST LABORATORY OF ALASKA IN THE

AMOUNT OF \$44,640; TESTING AND ANALYSIS OF WATER MONITORING PROGRAM.

1. AM No. 02-104: AWARD OF BID NO. 02-195 TO KOPPERUD TRANSPORTATION, INC. IN AN AMOUNT NOT TO EXCEED \$49,418; RSA 9 AND 14 ROADS PROJECT.

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.

a. AM No. 02-081: EXTENSION OF STATE LOBBYIST CONTRACT, GILLESPIE AND ASSOCIATES, FOR FY03, WITH A TWO-YEAR RENEWAL OPTION AND AUTHORIZATION OF REIMBURSEMENT EXPENSES.

MOTION: Assemblymember Simpson moved to approve AM No. 02-081.

Assemblymember Simpson queried Mr. Duffy as to why he was recommending that the expenses be reimbursed when he authorized extension of the contract last year which was a flat rate with no expenses included.

Mr. Duffy:

- responded that Mr. Gillespie's work on the prison project and the North Star Behavioral project has resulted in additional time as well as additional expenses;
- stated that the new projects have increased the amount of time that Mr. Gillespie has been working for the borough which has resulted in more individual meetings with legislators; and
- opined that considering the work that Mr. Gillespie did last year and the work that will be expected of him in the future years, the increase is warranted.

Assemblymember Simpson questioned as to the total amount requested for reimbursement and if a change order sufficient to amend a contract.

Mr. Duffy:

- responded that Mr. Gillespie will be requested to provide receipts for all reimbursement required; and
- stated that the contract will have to be amended to include expenses and the change order for funding.

Tammy Clayton:

- informed that a change order would be sufficient to increase the contract to cover the expenses; and
- stated that the change order would in essence be the amendment.

Discussion ensued regarding the reimbursable expenses.

GENERAL CONSENT: The motion to approve AM No. 02-081 passed without objection.

CONFLICT OF INTEREST: Assemblymember Colver requested recusal from the discussion of AM Nos. 02-098, 02-100, and 02-102 because he may be working on these projects.

RULING: Mayor Anderson ruled that Assemblymember Colver did have a conflict of interest in this regard.

(Assemblymember Colver exited chambers at this time.)

f. AM No. 02-098: BRETT MEMORIAL ICE ARENA CHANGE ORDER APPROVAL IN THE AMOUNT OF \$19,716; INCREASE WATER PRESSURE.

h. AM No. 02-100: AWARD OF PROPOSAL 02-152 TO COLLINS CONSTRUCTION, INC. IN THE AMOUNT OF \$9,142,695; SHERROD ELEMENTARY REPLACEMENT SCHOOL DESIGN AND CONSTRUCTION

j. AM No. 02-102: AWARD OF BID NO. 02-190 TO WILDER CONSTRUCTION IN THE AMOUNT OF \$1,728,450; 2002 ROADS PAVING.

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.

(Assemblymember Colver returned to chambers at this time.)

C. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Anderson requested the following confirmations:

Bid Review Panel
Resignation of William Larkin
Local Emergency Planning Committee
Johnnie Winder
Senior Citizens Advisory Board
Resignation of William Larkin
Meadow Lakes RSA #27
Dave Schacht

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

GENERAL CONSENT: The motion passed with no objection.

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

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

(There were no persons to be heard.)

B. PUBLIC HEARINGS (Three minutes per person.)

1. Ordinance Serial No. 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

Ms. Clayton informed the assembly that the project is complete and the staff is finalizing the assessment roll.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Colberg moved to adopt Ordinance Serial

Nos. 02-055 and 02-056.

MOTION: Assemblymember Jansen moved a primary amendment to Ordinance Serial No. 02-056 to strike “5.578” and insert “5.528” percent.

GENERAL CONSENT: The primary amendment passed without objection.

GENERAL CONSENT: The main motion, as amended, passed without objection.

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

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Colver moved to adopt Ordinance Serial Nos. 02-057 and 05-058.

MOTION: Assemblymember Jansen moved a primary amendment to Ordinance Serial No. 02-058 to strike “5.578” and insert “5.528” percent.

GENERAL CONSENT: The primary amendment passed without objection.

GENERAL CONSENT: The main motion, as amended, passed without objection.

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

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Colberg moved to adopt Ordinance Serial Nos. 02-059 and 02-060.

MOTION: Assemblymember Jansen moved a primary amendment to Ordinance Serial No. 02-060 to strike “5.578” and insert “5.528” percent.

GENERAL CONSENT: The primary amendment passed without objection.

GENERAL CONSENT: The main motion, as amended, passed without objection.

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

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Colberg moved to adopt Ordinance Serial Nos. 02-061 and 02-062 and a primary amendment to Ordinance Serial No. 02-062 to strike “5.578” and insert “5.528” percent.

GENERAL CONSENT: The amendment was approved without objection.

GENERAL CONSENT: The main motion, as amended, was adopted without objection.

5. Ordinance Serial No. 02-037: AN ORDINANCE ADOPTING MSB 17.27, SUTTON SPECIAL LAND USE DISTRICT. (Postponed from 04/09/02; Motion pending)

a. IM No. 02-058

b. IM No. 02-144

Ms. Garley:

- stated that this ordinance was introduced in April;
- informed that there was a memo sent out from the attorney’s office regarding changes to make the ordinance easier to read;
- explained the changes which have been made;
- commented that the body of the ordinance remained the same;
- stated that there have been ten items recommended for conditional use permits for Sutton; and
- informed that there are three prohibited uses in addition to the ten conditional use activities.

Assemblymember Colver:

- requested that the attorney explain how services can be offered by the Chickaloon tribe; and
- addressed treatment inside the facility vs. services offered by the Chickaloon tribe.

Mr. Gatti:

- referenced the Fair Housing Act; and
- spoke to the implications under the Americans with Disabilities Act.

Discussion continued regarding outpatient treatment.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Jansen moved to substitute the pending Ordinance Serial No. 02-037.

GENERAL CONSENT: The motion to substitute passed without objection.

MOTION: Assemblymember Jansen moved a primary amendment to Ordinance Serial No. 02-037 to change the effective date of this ordinance by striking the phrase “upon adoption by the Matanuska-Susitna Borough” and inserting the date “January 1, 2003.”

GENERAL CONSENT: The primary amendment passed without objection.

GENERAL CONSENT: The main motion, as substituted, passed without objection.

Assemblymember Colver clarified that this ordinance is not prohibiting treatment centers that are not mandated by a court order.

6. Ordinance Serial No. 02-070: AN ORDINANCE ACCEPTING AND APPROPRIATING \$7,577.41 FROM MATANUSKA TELEPHONE ASSOCIATION TO A NON-LAPSING CAPITAL FUND 480, PROJECT 20312, FOR UPGRADING AND ENHANCING THE TELECOMMUNICATIONS AND INFORMATION SERVICES IN THE BOROUGH LIBRARIES.

a. IM No. 02-120

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Jansen moved to adopt Ordinance Serial No. 02-070.

GENERAL CONSENT: The motion passed without objection.

7. Ordinance Serial No. 02-071: AN ORDINANCE AUTHORIZING THE CLASSIFICATION OF GOVERNMENT LOT 22, T18N, R2E, SEWARD MERIDIAN, ALASKA, BEING NOT MORE THAN FIVE ACRES TO "GENERAL PURPOSE LANDS" AND APPROVING THE AGRICULTURAL RIGHTS PARCEL OWNER'S REQUEST TO PURCHASE THE FEE ESTATE OF THE ORIGINAL FARM UNIT HOMESITE, SAID PARCEL BEING LOCATED ON THE GLENN HIGHWAY IN THE MOOSE CREEK AREA (MSB002895).

a. IM No. 02-121

Mr. Duffy:

- stated that this finalizes an agricultural parcel disposal that was initiated many years ago;
- and informed that the applicants complied with the development plans.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Bush moved to adopt Ordinance Serial No. 02-071.

Assemblymember Bush commented that work has been in progress on this for a long time and requested that the ordinance be approved.

GENERAL CONSENT: The motion passed without objection.

8. Ordinance Serial No. 02-072: AN ORDINANCE AMENDING MSB 25.05.100, BY REPEALING THE REQUIREMENT FOR A RUNOFF ELECTION IF NO CANDIDATE RECEIVES OVER 40 PERCENT OF THE VOTES CAST FOR THE OFFICE OF MAYOR. (Sponsor: Mayor Anderson)

a. IM No. 02-126

Ms. Dillon spoke to history of Ordinance Serial No. 02-072.

Assemblymember Jansen inquired regarding the cost of a special election.

Ms. Dillon:

- responded that the cost of a special election is approximately \$30,000; and
- informed that a runoff election still requires all election officials and polling places.

Mayor Anderson opened the public hearing.

The following people spoke in opposition to Ordinance Serial No. 02-072: Mr. Penny Nixon, Ms. Sherry Trboyevich, Ms. Lucille Frey (read letter from Mary Psenek), Ms. Jean Woods, and Ms. Jay Nolfi.

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

MOTION: Assemblymember Jansen moved to adopt of Ordinance Serial No. 02-072.

Mayor Anderson:

- stated that the ordinance was not brought forward for political reasons;
- informed that the ordinance was brought forward for consistency;
- opined that it is unfair for elected officials to have different standards to rise to;
- commented that this would eliminate runoff elections; and
- remarked that this is a way of fixing the rules so that they are equal for all.

Assemblymember Colver queried the clerk regarding the turnout for the 1997 election.

Ms. Dillon:

responded that the voter turnout was 22.1% for the 2000 mayoral runoff election;

- informed that the turnout in the 2000 October election was 18.5%; and
- commented that the numbers won't calculate exactly because sometimes people only vote for certain positions.

Assemblymember Colver:

- stated that Anchorage recently had the same issue; and
- spoke to the downsides to runoff elections.

Assemblymember Colberg:

- compared this issue to the recent election in France;
- opined that this issue is about democracy and majority rule;
- commented that any official who is elected without a majority vote has a constituent issue;
- stated that the process of runoffs is to preserve the integrity of the position; and
- contended that he is against this proposal.

Assemblymember Jansen:

- spoke to the reasoning for this policy as it currently stands; and
- stated that the borough should be consistent.

Assemblymember Colver:

- spoke to previous elections where the numbers were close;
- opined that this could encourage more people to get into the race to avoid an outcome thereby increasing the length and cost of the campaign; and
- commented that there has not been a problem with the policy.

Assemblymember Bush:

- opined that 40 percent is good because the mayor is a boroughwide position; and
- stated that for the integrity of borough it would be politically wrong to pass this ordinance.

Assemblymember Colberg:

- spoke regarding the legitimacy of the race; and
- commented that this policy eliminates doubt.

VOTE: The motion to adopt Ordinance Serial No. 02-072 failed with Assemblymembers Jansen and Colver in support.

Mayor Anderson requested the clerk draft an ordinance for introduction at the next meeting which would require the assembly to have the same requirements for election as the mayor.

9. Ordinance Serial No. 02-073: AN ORDINANCE AUTHORIZING THE CLASSIFICATION OF LOT 2, SECTION 24, T18N, R2W, SEWARD MERIDIAN, ALASKA, BEING APPROXIMATELY 0.09 ACRES, AS "GENERAL PURPOSE LANDS" AND APPROVING THE SALE OF SAID PARCEL, LOCATED IN MEADOW LAKES AREA (MSB003562).

a. IM No. 02-127

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Jansen moved to adopt Ordinance Serial No. 02-073.

GENERAL CONSENT: The motion passed without objection.

10. Ordinance Serial No. 02-074: AN ORDINANCE REQUESTING A REAPPROPRIATION OF \$60,000 FROM THE AREAWIDE FUND, FINANCE ADMINISTRATION OPERATING BUDGET, FUND 100, TO FUND 480, FOR THE GASB 34 IMPLEMENTATION PROJECT.

a. IM No. 02-129

Ms. Clayton:

- stated that the project has been started and will take more years to implement;
- informed that what was projected to be spent this year will be spent over the next two fiscal years; and
- requested that the money be placed in a non-lapsing account to be used over the next two years, and any money left in the year 2004 will be replaced in the area wide fund.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Jansen moved to adopt Ordinance Serial No. 02-074.

GENERAL CONSENT: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following people spoke regarding the proposed zoning ordinance: Mr. Penny Nixon and Ms. Lucille Frey.

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

D. OTHER NEW BUSINESS

(There was no other new business.)

XI. RECONSIDERATION

(There were no reconsiderations.)

XII. VETO

(There were no vetos presented.)

XIII. EXECUTIVE SESSION

(There was no executive session held.)

XIV. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Simpson:

- commented on the proclamation awarded to Mr. Jon Brautigam in honor of his trails work for Trails Day at the Knik Museum; and
- queried Mr. Duffy regarding the school district's purchase of an AS400.

Mr. Duffy:

- responded that the school district was interested in having a student information system;
- stated that it was determined that there was not a competitive bid completed before the purchase; and
- commented that the committee is to determine whether the borough and school district will have a shared system.

Assemblymember Simpson required that the borough attorney follow up regarding the school district's requirements regarding seeking competitive bids before a purchase.

Mr. Gatti:

- confirmed that he will follow up regarding this issue; and
- informed the members that the school district is separate from the borough.

Assemblymember Bush:

- complimented Assemblymember Jansen for her idea to have a work session on zoning;
- stated that he would like to have the public hearing on the proposed zoning ordinance at same time as the public hearing on the conditional use permit; and
- commented that he would like to move the public hearings to August or September.

Discussion ensued regarding the timing of introduction of the proposed zoning ordinance.

(Continued from page 5.)

RECONSIDERATION: Assemblymember Colver moved for reconsideration of the introduction of the ordinances, and specifically to address Ordinance Serial No. 02-075.

GENERAL CONSENT: The motion to reconsider passed without objection.

Mayor Anderson noted the introduction of ordinances was now on the floor.

MOTION: Assemblymember Colver moved to pull (divide the question) Ordinance Serial No. 02-075 from the introductions.

GENERAL CONSENT: The motion to pull (divide the question) Ordinance Serial No. 02-075 from the introductions passed without objection.

GENERAL CONSENT: Hearing no objection, the remaining ordinances were reset for public hearing on June 18, 2002.

GENERAL CONSENT: The motion to introduce Ordinance Serial No. 02-075 failed without objection.

Assemblymember Colver:

- discussed the recent high school graduations;
- congratulated all high school graduates;
- stated that he attended a volunteer appreciation ceremony at Larson Elementary;
- informed that the gentleman who owns land adjacent to Hatcher Pass has interest in donating some of the land to give the borough access to its property; and
- remarked that the owners of the Valley Country Store may be working to solve the traffic problems in the area.

Assemblymember Jansen:

- noted that she finds the situation regarding the school district and noncompetitive bid purchase very disheartening and is hopeful dialogue will begin about this issue of shared technology; and
- thanked Mr. Germer and Mr. Duffy for their vigilance in this matter.

XV. ADJOURNMENT

The regular meeting adjourned at 8:23 p.m.

TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:

SANDRA A. DILLON, Borough Clerk

(SEAL)

Minutes approved: June 18, 2002