

MATANUSKA-SUSITNA BOROUGH REGULAR MEETING  
ASSEMBLY SEPTEMBER 3, 2002

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on September 3, 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 (Deputy Mayor)  
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  
Ms. Kelly Ladere, Assembly District No. 7

Staff in attendance were:

Ms. Sandra A. Dillon, Borough Clerk  
Mr. John Duffy, Borough Manager  
Mr. John Aschenbrenner, Assistant Borough Attorney  
Mr. David Germer, Assistant Borough Manager  
Ms. Melissa E. 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. Jack Krill, Interim Public Safety Director  
Mr. Paul Hulbert, Platting Officer

III. APPROVAL OF AGENDA

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

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

IV. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Mark Binggeli, a member of the audience.

V. MINUTES OF PRECEDING MEETINGS

A. Regular Assembly Meeting: August 6, 2002

Mayor Anderson referenced the regular assembly meeting minutes of August 6, 2002, and asked if there were any corrections.

Assemblymember Jansen stated that she did have a number of changes, and that she has spoken to the clerk regarding the changes. [After clerk's research the errors noted by Assemblymember Jansen were corrected as requested.]

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

## B. Special Assembly Meeting: August 13, 2002

Mayor Anderson referenced the special assembly meeting minutes of August 13, 2002, and asked if there were any corrections.

Assemblymember Colver asked that it be noted on page 2 of 3 that he left chambers due to illness. [At the request of Assemblymember Colver, the statement was corrected to read: "Assemblymember Colver exited the meeting at this time due to illness."]

GENERAL CONSENT: The minutes were approved as amended without objection, pending the requested change.

## C. Regular Assembly Meeting: August 20, 2002

Mayor Anderson referenced the regular assembly meeting minutes of August 20, 2002, and asked if there were any corrections.

Assemblymember Simpson requested that on page 27 of 28, Mayor and Assembly Comments, the first bulleted item of Assemblymember Jansen's statements at the bottom of the page, it be clarified that this would be a process to hire a borough attorney. [After clerk's research this statement was corrected to read "• requested that human resources begin work on a suggested process for hiring a new borough attorney and bring it back to the assembly."]

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

## VI. SPECIAL ORDERS OF THE DAY

A. Proclamation in honor of the Alaska Army National Guard, Company B, 297th Support Battalion re: participation in the abandoned vehicle recovery project "Operation Bumper Drag" in the Matanuska-Susitna Borough on August 2nd, 3rd, and 4th of 2002.

Mayor Anderson:

- acknowledged the members of the Alaska Army National Guard, Company B, 297th Support Battalion;
- read the proclamation to the audience; and
- presented the proclamation in honor of their achievements.

## VII. REPORTS/CORRESPONDENCE

### A. AGENCY REPORTS

#### 1. Reports from cities

(There were no reports presented from the cities.)

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

Kim Floyd, Public Information Specialist:

- stated that today marks the beginning of the 38th year in the Mat-Su Borough School District;
- informed that the school district is the valley's largest employer with 1,700 teachers and support staff, with a projected enrollment of 13,200 students;
- commented that the Mat-Su Borough is the state's third largest district, and within a few years Mat-Su will surpass Fairbanks to become the state's second largest district;
- discussed the first day of school;
- informed that the school district has elected to participate in a third-party independent curriculum audit which is scheduled for the first week in October and the outcome will be available in December;
- commented that the district reached a one-year tentative agreement with the union representing the 940 teachers;

- discussed the options available if the certified employees strike; and
- informed that there will be a school board meeting on September 4, 2002, at 6 p.m. at Palmer High School; she has passed out agendas for review.

Assemblymember Jansen queried as to Fairbanks enrollment numbers.

Ms. Floyd responded that the Mat-Su Borough School District is only a couple of hundred students behind Fairbanks.

## B. COMMITTEE REPORTS

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

Mayor Anderson stated that the next Joint Assembly/School Board meeting will be on September 10, 2002.

### 2. Intergovernmental Liaison Committee

Mayor Anderson stated that the meeting will be held on September 12, 2002, at 1 p.m. in assembly chambers.

### 3. Regional Transportation Planning Organization

Mayor Anderson stated that the meeting will be held on September 16, 2002, in Anchorage.

Discussion ensued regarding a meeting with the Denali Borough.

## C. MANAGER COMMENTS

Mr. Duffy:

- informed the assembly that a proposed approach was received from Economic Research Associates regarding the Hatcher Pass project and he will be coming back to the assembly with an overall approach to the project;
- commented on the number of employees who will be retiring in the next nine months;
- informed that the manager's report includes information on AML issues and stated that the resolutions must be postmarked by October 30;
- commented that he had misstated the public notice on the city of Wasilla annexations; those annexations have taken place;
- stated that the borough has recently completed a site inspection of borough lands in the Shulin Lake area with the mineral consultant, and that the inspection is in its preliminary state; and
- summarized that he and Mr. Swing were able to meet with representatives of the Corps of Engineers as well as the Palmer Water and Soil Conservation District regarding the Matanuska River study and they were able to convince the Corps of Engineers to change their scope of work to address potentially mining gravel out of the Matanuska River.

## D. ATTORNEY COMMENTS

No comments were presented.

## E. CLERK COMMENTS

Ms. Dillon:

- stated that a list of future assembly meetings is attached to clerk's report;
- referenced the agenda for the joint school board meeting;
- commented that AML would like recommendations that the assembly members may have to make the conference better;
- stated that she has given information on the election;
- referenced the tracking report;
- informed that the public has been requesting copies of the conditional use permit ordinance and the clerk's office has distributed approximately 300; and

- presented the framed “thank you” from the Boys and Girls Club.

Discussion ensued regarding items on the tracking report and the agenda for the joint assembly school board/assembly meeting.

#### F. CITIZEN AND OTHER CORRESPONDENCE

##### 1. MSB Board/Committee Minutes:

- a. Board of Adjustment and Appeals: 06/25/02, 07/22/02

##### 2. Community Council Correspondence:

- b. Big Lake Community Council: 07/10/02

#### G. INFORMATIONAL MEMORANDUMS

##### 1. IM No. 02-237: A GRANT AGREEMENT IN THE AMOUNT OF \$50,000 WITH THE VALLEY COMMUNITY FOR RECYCLING SOLUTIONS; COMMUNITY RECYCLING CENTER.

Assemblymember Colberg expressed concerns regarding the allocation of the funds in IM No. 02-237.

##### 2. IM No. 02-239: A CONTRACT ISSUED TO KAR KILLER IN AN AMOUNT NOT TO EXCEED \$19,900; 2002 CLEAN-UP, JUNK VEHICLE REMOVAL.

#### X. NEW BUSINESS

##### A. INTRODUCTION (For public hearing - 09/17/02, 7 p.m., Colony High School)

##### 1. Ordinance Serial No. 02-156: AN ORDINANCE ACCEPTING AND APPROPRIATING \$9,000 FROM THE UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, TO FUND 400, PROJECT NO. 40142, MEADOW LAKES ELEVATED WALKWAY AND TEACHING PLATFORM.

##### a. Resolution Serial No. 02-091: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE MEADOW LAKES ELEVATED WALKWAY AND TEACHING PLATFORM, PROJECT NO. 40142.

(1) IM No. 02-234

##### 2. Ordinance Serial No. 02-157: AN ORDINANCE ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF \$87,500 FROM THE STATE OF ALASKA, DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, TO FUND 480, PROJECT NO. 20332, FOR A TRAFFIC CALMING DEMONSTRATION PROJECT.

##### a. Resolution Serial No. 02-092: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR A TRAFFIC CALMING DEMONSTRATION PROJECT.

(1) IM No. 02-235

##### 3. Ordinance Serial No. 02-158: AN ORDINANCE AMENDING MSB 1.51.020 TO CLARIFY AND MAKE MORE SPECIFIC THE PROVISION FOR THE NAMING OF BOROUGH BUILDINGS, OTHER FIXED FACILITIES, AND PUBLIC PLACES.

(Sponsor: Assemblymember Colberg)

(1) IM No. 02-240

Ms. Dillon read the introductions into the record and noted that the meeting for public hearings would be held at Colony High School.

MOTION: Assemblymember Jansen moved to approve the introductions as read into the record by the clerk and set for

public hearing on September 17, 2002.

GENERAL CONSENT: The motion passed without objection.

## B. CONSENT AGENDA

(Resolution Serial No. 02-093 and AM Nos. 02-142, 02-143, 02-165, 02-169, and 02-172 were pulled from the consent agenda. See pp. 7,8, 18 and 19.)

### 1. RESOLUTIONS

b. Resolution Serial No. 02-094: A RESOLUTION SUPPORTING OBTAINING SUFFICIENT RIGHT-OF-WAY TO ACCESS THE SOUTHERN PORTION OF THE HATCHER PASS SKI AREA LEASEHOLD.

(Sponsor: Assemblymember Colver)

(1) IM No. 02-238

### 2. ACTION MEMORANDUMS

a. AM No. 02-113: RETROACTIVE APPROVAL OF DISABLED VETERAN EXEMPTION FOR MR. DUANE R. EVERTSON, KNOLLWOOD HEIGHTS BLOCK 3, LOT 7, AND LOT 8 (6523B03L007 AND 6523B03L008).

b. AM No. 02-136: RETROACTIVE APPROVAL OF DISABLED VETERAN EXEMPTION FOR MR. FRED PIERRE WEISS, WASILLA TOWNSITE BLOCK 6, LOT 6, AND LOT 7 (1066B06L006 AND 1066B06L007).

e. AM No. 02-162: RETROACTIVE APPROVAL OF SENIOR CITIZEN PROPERTY TAX EXEMPTION FOR MRS. VIOLET L. PITTS, 18N01E08D012.

f. AM No. 02-163: RETROACTIVE APPROVAL OF DISABLED VETERAN EXEMPTION FOR MR. THEODORE R. JOHNSTON, SHOREWOOD BLOCK 7, LOT 21 (1344B07L021).

g. AM No. 02-164: CHANGE ORDER APPROVAL TO JANSSEN CONTRACTING COMPANY, INC. IN THE AMOUNT OF \$61,593.96; WASILLA HIGH SCHOOL REMODEL.

i. AM No. 02-166: AWARD OF BID NO. 03-019 TO L.N. CURTIS & SONS FOR AN AMOUNT ANTICIPATED TO EXCEED \$15,000; FURNISH EMERGENCY SERVICES PERSONAL PROTECTIVE ITEMS.

j. AM No. 02-167: AWARD OF PROPOSAL NO. 03-018 TO LAND DESIGN NORTH FOR AN AMOUNT NOT TO EXCEED \$29,913; MASTER PLAN ON 44 ACRES OF LAND IN THE BIG LAKE CORE AREA.

k. AM No. 02-168: REQUEST FOR PROJECT EMPLOYEES TO ASSIST WITH THE ADMINISTRATION AND IMPLEMENTATION OF PORT MACKENZIE AND WORKFORCE INVESTMENT ACT PROJECTS.

m. AM No. 02-170: BOROUGH INVESTMENT POLICY FOR SHORT TERM OPERATING FUNDS.

n. AM No. 02-171: PURCHASE OF 353 TONS OF SODIUM CHLORIDE IN THE AMOUNT OF \$28,272.30 FROM BERING MARINE CORPORATION; ROAD MAINTENANCE.

p. AM No. 02-173: AWARD OF \$12,000 TO CHRIS BECK & ASSOCIATES TO COMPLETE THE TALKEETNA TRANSPORTATION AND COMMUNITY PLANNING 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. Resolution Serial No. 02-093: A RESOLUTION REVISING THE SCOPE OF WORK AND BUDGET AS ADOPTED IN THE FISCAL YEAR 2003 BUDGET, CAPITAL PROJECTS FUND 405, PROJECT NO. 45111, FOR THE AMOUNT OF \$120,000, FOR A LIVE-FIRE TRAINING TOWER IN THE BIG LAKE FIRE SERVICE AREA (FSA).

(1) IM No. 02-231

MOTION: Assemblymember Ladere moved to adopt Resolution Serial No. 02-093.

Assemblymember Ladere queried the location of the training tower.

Mr. Krill responded that there will be two possible locations, one is directly behind the fire station and the other is at the old Houston septage site.

GENERAL CONSENT: The motion passed without objection.

c. AM No. 02-142: VACATION OF THE 15-FOOT WALKWAY AND VEHICLE ACCESS EASEMENT ON LOTS 9, 10 AND 15, BLOCK 2, FINGER COVE ESTATES, LOCATED WITHIN SECTION 33, TOWNSHIP 18 NORTH, RANGE 1 EAST, SEWARD MERIDIAN, ALASKA, SOUTH LAKES COMMUNITY COUNCIL.

MOTION: Assemblymember Jansen moved to adopt AM No. 02-142.

Ms. Garley:

- reported the history of the request for the vacation; and
- stated that staff has recommended that the assembly defeat the vacation because the BOAA has required the provision of an alternate private easement, which is not supported by the facts in borough code;
- referenced MSB 16.15.035(B)(1)(b), informing that the surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed; and
- summarized that if an alternate access were necessary, then providing a private easement is not sufficient to meet the requirement for providing equal and alternate access for the public easement which is being vacated.

Mr. Aschenbrenner commented that the vacation does not meet borough code.

Discussion ensued regarding the platting board's decision and the BOAA's decision regarding this vacation.

Mr. Hulbert explained the history of this appeal.

Assemblymember Jansen recommended that code be changed to allow platting board decisions to be heard by a hearing officer.

VOTE: The motion failed with Assemblymember Bush in favor.

d. AM No. 02-143: VACATION OF HUNT CIRCLE RIGHT-OF-WAY, FINGER COVE ESTATES, LOCATED IN SECTION 33, TOWNSHIP 18 NORTH, RANGE 1 EAST, SEWARD MERIDIAN, ALASKA, SOUTH LAKES COMMUNITY COUNCIL.

MOTION: Assemblymember Jansen moved to adopt AM No. 02-143.

Mr. Duffy stated that AM No. 02-143 addressed the same situation as AM No. 02-142.

VOTE: The motion failed unanimously.

The regular meeting recessed at 6:45 and reconvened at 7 p.m.

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

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

Clarence Larson spoke regarding the requested permit for North Star Speedway.

Mr. Duffy:

- stated that he spoke with Sandra Garley today regarding the length of time that has passed in the permit process; and
- informed that the staff believes the item can be completed within 45 days.

Assemblymember Ladere queried whether there are significant reasons that may delay the opening of business in 2003.

Mr. Larson reiterated that he needs a response as soon as possible so that the racers will have time to build their racecars.

Ms. Garley:

- stated that she is not aware of any action that would prevent the racetrack from opening next season;
- commented that the issue will require her to go through a record that is over 2000 pages long;
- commented that her decision has to be well constructed, documented, and thought out; and
- informed that the planning department has never prevented racing for this season.

Discussion continued regarding the time specified for a resolution of this issue.

B. PUBLIC HEARINGS (Three minutes per person.)

Mayor Anderson stated that he would be enforcing Robert's Rules of Order -- that no assembly member may speak more than twice to the same question.

1. Ordinance Serial No. 02-139: AN ORDINANCE ESTABLISHING A TAX ON A NATURAL RESOURCE WHENEVER THE NATURAL RESOURCE IS SEVERED FROM PROPERTY WITHIN THE MATANUSKA-SUSITNA BOROUGH AND PROVIDING FOR PENALTIES FOR FAILURE TO PAY TAXES DUE BY ADOPTING MSB 3.55 NATURAL RESOURCE DEPLETION TAX.

(Sponsor: Assemblymember Ladere)

a. IM No. 02-181

Mayor Anderson opened the public hearing.

The following spoke in opposition to Ordinance Serial No. 02-139: Dale Mormon, Steven Lovs, Tevon Edmonson, Lloyd Melone, Jane Campbell, Michael Matteucci, Bob Morigeau, Jean Woods, Roger Bliss, Bill Fuger, Scott Bridges, Barbara Huff-Tuckness, Roger Gay, David Post (Department of Transportation), Anna von Reitz, A.J. Schwichtenberg, Troy Haas, Noline Jordan, and Mike Pearson.

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. 02-139.

MOTION: Assemblymember Ladere moved to amend page 2 of 7 of Ordinance Serial No. 02-139 by striking the word "seller" and inserting the word "severer" in MSB 3.55.020(A).

GENERAL CONSENT: The amendment passed without objection.

MOTION: Assemblymember Ladere moved a primary amendment to Ordinance Serial No. 02-139 by striking MSB 3.55.070 Civil Penalties and MSB 3.55.080 Interest and inserting a new section MSB 3.55.070 Rates of Penalty and Interest to read as follows:

3.55.070 Rates of Penalty and Interest

(A) A penalty of five percent of the tax due shall be added to all delinquent taxes on the day they become delinquent and every 30 calendar days thereafter. However, the total penalty shall not exceed 20 percent of the tax due. Interest of

two percent above the prime rate as of the date levy shall accrue upon all unpaid taxes, not including penalty, from the due date until paid in full. However, the total interest shall not exceed 15 percent per year.

(B) For knowingly failing to file a tax statement required under this chapter or knowingly making a false affidavit to a statement required under this chapter relative to the amount, location, kind, or value of property subject to taxation with intent to evade taxation, a penalty not to exceed a fine of \$1,000 may be imposed.

MOTION: Assemblymember Kelly moved a secondary amendment to Ordinance Serial No. 02-139 deleting “two percent above the prime rate” and inserting “two percent per year.”

Mr. Aschenbrenner stated that critical thing is that the total interest shall not exceed 15 percent per year in accordance with Alaska State Statute 29.45.250, therefore the secondary amendment would not change the effect.

Assemblymember Jansen spoke in opposition to the secondary amendment.

VOTE: The secondary amendment failed with Assemblymembers Ladere and Kelly in favor.

Mr. Aschenbrenner stated that these amendments were brought to the assembly in order to bring this ordinance into compliance with the state statute.

GENERAL CONSENT: The primary amendment passed without objection.

Assemblymember Colver:

- stated that he cannot support this ordinance because it will hurt the competitiveness of the local gravel producers and other small businesses in that sector and would impact future mining; and
- commented that this could mean job loss in one of the highest paying sectors of the local economy.

Assemblymember Simpson:

- spoke in objection to the ordinance; and
- discussed the unintended consequences of the ordinance.

Assemblymember Kelly:

- stated he will not support the ordinance;
- commented that the ordinance does not include mining; and
- opined that the impact of the ordinance is not conducive to the business community.

Assemblymember Ladere:

- spoke in support of the ordinance;
- commented that this particular method for a municipality to generate income is not new to this area, and that other municipalities in this state impose such a source of revenue within their boundaries; and
- contended that she would like to call attention to the fact that the small pit owners in this borough are contributing substantially in a secondary fashion to additional tax revenues.

Assemblymember Jansen:

- stated that the problem is that the borough does not have a diverse business community;
- agreed with statements made by Assemblymember Ladere;
- commented that it is the job of government to look at of the potential resources;
- contended that the problem is that this particular piece of legislation discriminates; and
- stated that she is in opposition to the proposed ordinance.

Assemblymember Colberg spoke in opposition to the ordinance.

VOTE: The main motion failed with Assemblymember Ladere in favor.

Mayor Anderson commented regarding the ordinance.

The regular meeting recessed at 8:15 p.m. and reconvened at 8:25 p.m.

2. Ordinance Serial No. 02-140: AN ORDINANCE PROVIDING FOR THE SALE OF CERTAIN BOROUGHWIDE REAL PROPERTY ACQUIRED THROUGH TAX FORECLOSURE FOR DELINQUENT REAL PROPERTY TAXES YEARS 1994 AND 1996 AND PRIOR AND FOR DELINQUENT SPECIAL ASSESSMENTS YEARS 1997 AND PRIOR, AND NOT NEEDED FOR PUBLIC PURPOSE.

a. IM No. 02-213

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. 02-140.

Assemblymember Jansen commented that this is an opportunity to sell private land and get taxes paid.

GENERAL CONSENT: The motion passed without objection.

3. Ordinance Serial No. 02-141: AN ORDINANCE ACCEPTING AND APPROPRIATING \$67,900 FROM THE ALASKA STATE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, TO FUND 440, PROJECT NO. 15026, SU-VALLEY CROSS-COUNTRY BIATHLON TRAILS.

a. Resolution Serial No. 02-095: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR MATERIALS AND LABOR CONSTRUCTING A BIATHLON FACILITY AND RELATED FACILITIES IN THE UPPER SUSITNA VALLEY AND AUTHORIZING THE BOROUGH MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE UPPER SUSITNA SHOOTERS ASSOCIATION TO CONSTRUCT SUCH A FACILITY.

(1) IM No. 02-216

(2) IM No. 02-236

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. 02-141 and Resolution Serial No. 02-095.

Assemblymember Ladere:

- stated that there are two projects written into each other; and
- questioned staff as to the relationship between the biathlon and the shooters.

Mr. Duffy explained that rather than locating the facility at Su-Valley High, it is being located at the Upper Susitna Shooters to eliminate some liability problems with the high school and the borough will be able to put the shooting range, which is part of the biathlon, with the shooters.

Mr. Swanson:

- explained that the total package is \$97,000 which has already been appropriated;
- stated that the borough hasn't been involved with the Upper Susitna Shooters for a long period of time and they are very interested in building the biathlon course as part of their facility; and
- concluded that part of this facility will be open to the public as well.

Discussion ensued regarding whether both parties are aware that the biathlon would be located on the shooter's property.

MOTION: Assemblymember Ladere moved to postpone Ordinance Serial No. 02-141 to a time certain of October 15, 2002.

GENERAL CONSENT: The motion to postpone passed without objection.

4. Ordinance Serial No. 02-142: AN ORDINANCE ACCEPTING AND APPROPRIATING \$59,500 FROM THE ALASKA STATE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, TO FUND 410, PROJECT NO. 35245, POINT MACKENZIE ROAD IMPROVEMENTS.

a. Resolution Serial No. 02-081: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE POINT MACKENZIE ROAD IMPROVEMENTS PROJECT, PROJECT NO. 35245, AND AUTHORIZING THE MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE ALASKA STATE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.

(1) IM No. 02-217

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. 02-142 and Resolution Serial No. 02-081.

Assemblymember Simpson spoke in support of the ordinance and accompanying resolution.

GENERAL CONSENT: The motion passed without objection.

5. Ordinance Serial No. 02-143: AN ORDINANCE ACCEPTING AND APPROPRIATING \$100,000 FROM THE STATE OF ALASKA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, TO FUND 480, PROJECT NO. 25043, MATANUSKA RIVER EROSION CONTROL DIKE UPGRADE.

a. Resolution Serial No. 02-082: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE MATANUSKA RIVER EROSION CONTROL DIKE UPGRADE PROJECT, PROJECT NO. 25043, AND AUTHORIZING THE MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE STATE OF ALASKA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.

(1) IM No. 02-219

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 Bush moved to adopt Ordinance Serial No. 02-143 and Resolution Serial No. 02-082.

GENERAL CONSENT: The motion passed without objection.

6. Ordinance Serial No. 02-144: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$14,988 FROM FUND 290, FUND BALANCE, TO FUND 290, FISCAL YEAR 2003 OPERATING BUDGET, TALKEETNA FLOOD CONTROL SERVICE AREA TO REPLENISH THE REPAIR RESERVE AT THE TALKEETNA DIKE.

a. IM No. 02-220

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. 02-144.

GENERAL CONSENT: The motion passed without objection.

7. Ordinance Serial No. 02-145: AN ORDINANCE ACCEPTING AND APPROPRIATING \$350,000 FROM THE ALASKA STATE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, TO FUND 410, ROAD SERVICE CAPITAL PROJECTS FOR ROAD IMPROVEMENTS AND PAVING.

a. Resolution Serial No. 02-083: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR

**ROAD IMPROVEMENTS AND PAVING AND AUTHORIZING THE MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE ALASKA STATE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.**

(1) IM No. 02-221

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. 02-145 and Resolution Serial No. 02-083.

**GENERAL CONSENT:** The motion passed without objection.

**8. Resolution Serial No. 02-080: A RESOLUTION PROVIDING FOR THE CONTINUANCE OF CERTAIN BOROUGH BOARDS AND COMMISSIONS.**

a. IM No. 02-222

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. 02-080.

**GENERAL CONSENT:** The motion passed without objection.

Mayor Anderson commented that the bid review panel may be eliminated and a different method of hearing bid reviews may be implemented.

**9. Ordinance Serial No. 02-146: AN ORDINANCE ACCEPTING AND APPROPRIATING \$100,000 FROM THE ALASKA STATE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, TO FUND 425, PROJECT NO. 45119, TO PURCHASE AN AMBULANCE AND RELATED EQUIPMENT FOR THE TALKEETNA AREA.**

a. Resolution Serial No. 02-084: A RESOLUTION SETTING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 45119, FUND 425, TO PURCHASE AN AMBULANCE WITH RELATED EQUIPMENT FOR THE TALKEETNA AREA.

(1) IM No. 02-223

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. 02-146 and Resolution Serial No. 02-084.

**GENERAL CONSENT:** The motion passed without objection.

**10. Ordinance Serial No. 02-147: AN ORDINANCE ACCEPTING AND APPROPRIATING \$100,000 FROM THE ALASKA STATE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, TO FUND 425, PROJECT NO. 45120, TO PURCHASE AN AMBULANCE AND RELATED EQUIPMENT FOR THE MEADOW LAKES AREA.**

a. Resolution Serial No. 02-085: A RESOLUTION SETTING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 45120, FUND 425, TO PURCHASE AN AMBULANCE AND RELATED EQUIPMENT FOR THE MEADOW LAKES AREA.

(1) IM No. 02-224

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. 02-147 and Resolution Serial No. 02-085.

GENERAL CONSENT: The motion passed without objection.

12. Ordinance Serial No. 02-149: AN ORDINANCE ACCEPTING AND APPROPRIATING \$150,000 FROM THE ALASKA STATE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, AND APPROPRIATING \$100,000 TO FUND 425, PROJECT NO. 45122, TO PURCHASE AN AMBULANCE AND RELATED EQUIPMENT, AND \$50,000 TO FUND 405, PROJECT NO. 45121, TO PURCHASE A BRUSH VEHICLE AND RELATED EQUIPMENT FOR THE BUTTE AREA.

a. Resolution Serial No. 02-087: A RESOLUTION SETTING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 45122, FUND 425, TO PURCHASE AN AMBULANCE AND RELATED EQUIPMENT, AND FOR PROJECT NO. 45121, FUND 405, TO PURCHASE A BRUSH VEHICLE AND RELATED EQUIPMENT FOR THE BUTTE AREA.

(1) IM No. 02-226

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 Bush moved to adopt Ordinance Serial No. 02-149 and Resolution Serial No. 02-087.

GENERAL CONSENT: The motion passed without objection.

11. Ordinance Serial No. 02-148: AN ORDINANCE ACCEPTING AND APPROPRIATING \$115,150 FROM THE ALASKA STATE MUNICIPAL CAPITAL PROJECT MATCHING GRANT PROGRAM, TO FUND 425, PROJECT NO. 45118, FOR THE PURCHASE OF AN AMBULANCE, RESCUE UNIT, AND RELATED EQUIPMENT FOR THE WILLOW AREA.

a. Resolution Serial No. 02-086: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE MUNICIPAL CAPITAL PROJECT MATCHING GRANT, FOR THE PURCHASE OF AN AMBULANCE, RESCUE UNIT AND RELATED EQUIPMENT, FUND 425, PROJECT NO. 45118, FOR THE WILLOW AREA.

(1) IM No. 02-225

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. 02-148 and Resolution Serial No. 02-086.

Assemblymember Ladere queried whether there will be ambulance and rescue units leaving service in the borough as a result of the purchase of the new equipment.

Mr. Krill:

- stated that staff is evaluating the condition of the current vehicles; and
- informed that the worst high mileage, high maintenance ambulances will be taken out of service.

Assemblymember Jansen stated that she is glad to see all of the new equipment, and she would like to see her area receive new equipment.

GENERAL CONSENT: The motion passed without objection.

13. Ordinance Serial No. 02-150: AN ORDINANCE ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF \$325,000 FROM THE STATE OF ALASKA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT TO FUND 475, PROJECT NO. 20331, FOR THE DON SHELDON HANGAR AND

COMMUNITY CENTER PROJECT.

a. Resolution Serial No. 02-088: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE DON SHELDON AIRPLANE HANGAR COMMUNITY AND ARTS CENTER PROJECT.

(1) IM No. 02-227

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. 02-150 and Resolution Serial No. 02-088.

Assemblymember Ladere:

- stated that the community of Talkeetna is working very hard to keep their distinctive character;
- commented that this particular project will preserve a historic building with an appropriate use; and
- stated that this building is going to see summer and winter use on a regular basis.

Discussion ensued regarding additional funding for this project.

GENERAL CONSENT: The motion passed without objection.

14. Ordinance Serial No. 02-151: AN ORDINANCE ACCEPTING AND APPROPRIATING \$39,509 FROM UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, TO FUND 480, PROJECT

NO. 20330, MAT-SU BOROUGH GIS PROPERTY WEB SITE PROJECT.

a. Resolution Serial No. 02-089: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE MAT-SU BOROUGH GIS PROPERTY WEB SITE PROJECT.

(1) IM No. 02-229

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. 02-151 and Resolution Serial No. 02-089.

GENERAL CONSENT: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

Dan Cottini spoke regarding a new rescue vehicle for the Greater Palmer Fire Department.

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

IX. UNFINISHED BUSINESS

(There was no unfinished business.)

B. CONSENT AGENDA (Continued from page 6)

h. AM No. 02-165: AWARD OF BID NO. 03-015, LITTLE SUSITNA PARK AND LAKE LUCILLE CAMPGROUND RV DUMP STATIONS, TO CONSTRUCTION UNLIMITED FOR AN AMOUNT NOT TO EXCEED \$178,000.

CONFLICT OF INTEREST: Assemblymember Colver asked to recuse himself.

RULING: Mayor Anderson noted that Assemblymember Colver did have a conflict and recused him.

[Assemblymember Colver exited chambers.]

MOTION: Assemblymember Jansen moved to adopt AM No. 02-165

GENERAL CONSENT: The motion passed without objection.

[Assemblymember Colver entered chambers.]

l. AM No. 02-169: APPROVAL OF FUNDING IN THE AMOUNT OF \$75,236; STREETLIGHT INSTALLATIONS IN ROAD SERVICE AREAS: FAIRVIEW NO. 14, SOUTH COLONY NO. 16, LAZY MOUNTAIN NO. 19, BOGARD NO. 25, AND GOLD TRAILS NO. 28.

MOTION: Assemblymember Colver moved to adopt AM No. 02-169.

Assemblymember Colver:

- stated that he is in support of the streetlight installation; and
- discussed issues with streetlight installations from last year.

Assemblymember Kelly queried regarding the guidelines for the site selection of new streetlights.

Mr. Swing:

- responded that these are school bus stops;
- commented that each intersection is designed as a separate entity; and
- explained that some of the poles used were left over from previous years.

Discussion ensued regarding lighting at intersections and the process for site selection.

GENERAL CONSENT: The motion passed without objection.

o. AM No. 02-172: PROPOSED PROCESS FOR RECRUITMENT AND SELECTION OF BOROUGH ATTORNEY.

MOTION: Assemblymember Jansen moved to adopt AM No. 02-172.

Discussion ensued regarding the process identified in the AM.

MOTION: Assemblymember Ladere moved the previous question (to stop debate).

VOTE: The motion for the previous question (to stop debate) passed without objection.

VOTE: The main motion to adopt AM No. 02-172 failed with Assemblymembers Colver and Kelly in support.

MOTION: Assemblymember Jansen moved that the assembly begin the process of hiring the borough attorney by beginning the advertising period as soon as possible, to run for a period of 20 business days; requesting human resources to rank the applications; requesting that administration develop a score sheet for use by the assembly in their review of all of the applications which meet the minimum qualifications; the assembly members individually will also review the applications by contacting the clerk's office, setting up an appointment, and scoring the applications.

GENERAL CONSENT: The motion passed without objection.

## C. MAYORAL NOMINATIONS AND APPOINTMENTS

### 1. VACANCY REPORT

Mayor Anderson made the following recommendations:

Agricultural & Forestry Advisory Board

Adam S. Boyd

Ellen Americus

Mayor Anderson requested the following confirmations:

Animal Care & Regulation Board

William L. Attwood

Regional Transportation Planning Organization

Sara Jansen

Jody Simpson

Patricia Hurt

Mayor Anderson requested the following confirmation of resignations:

Adjustment and Appeals Board

Claudia Roberts

Meadow Lakes FSA #34

Ferman Strickland

MOTION: Assemblymember Jansen moved to confirm the recommendations as presented and to confirm the resignations of Ferman Strickland and Claudia Roberts.

GENERAL CONSENT: The motion passed without objection

Assemblymember Ladere spoke to the resignation of Mr. Strickland, applauded him for his many years of service, and stated that she is sorrowful that he is resigning.

GENERAL CONSENT: The motion passed without objection.

D. OTHER NEW BUSINESS

XI. RECONSIDERATION

XII. VETO

XII. EXECUTIVE SESSION

XIV. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Ladere:

- thanked the assembly for \$12,000 to continue projects in Talkeetna; and
- discussed the possible solutions for the traffic problem in Talkeetna.

Assemblymember Kelly:

- stated that he will miss the assembly when he leaves office;
- addressed the November election, regarding moving the capital to Mat-Su Borough; and
- requested that administration begin to look at possible sites.

Assemblymember Colberg:

- commented that the natural resource depletion tax ordinance was not a waste of time; and
- stated that Assemblymember Ladere set forth some very good reasons for considering such a tax.

Assemblymember Simpson:

- stated that Assemblymember Ladere eloquently supported her position on the tax ordinance;
- commented that she had an opportunity to sit with people at Central Mat-Su who rescued the girl hit by a cement truck; and
- stated that the assembly's work and funding was well represented in this incident.

Assemblymember Jansen:

- stated that she took an opportunity to go to Hatcher Pass;
- commented that Wilder Construction did a good job;
- informed that she is getting involved with the Glenn Highway Scenic Byway Partnership Board;
- commented on the employees leaving the borough;
- discussed Karl Borglum's resignation; and
- spoke to her work for the Alaska State Fair.

Mayor Anderson:

- informed that tours of gravel pits are available;
- commented on future meetings with Whittier;
- stated that the Denali Park issue will be coming forward shortly; and
- thanked Mr. Bush for the cakes he brought in for the meeting.

#### XV. ADJOURNMENT

The regular meeting adjourned at 9:45 p.m.

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TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:

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SANDRA A. DILLON, Borough Clerk

(SEAL)