

MATANUSKA-SUSITNA BOROUGH REGULAR MEETING  
ASSEMBLY SEPTEMBER 17, 2002

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on September 17, 2002 at Colony High School, 9550 S. Colony School Way, 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. Michael Gatti, Borough Attorney  
Mr. Jim Swing, Public Works Director  
Ms. Tammy Clayton, Finance Director  
Ms. Sandra Garley, Planning Director  
Mr. Jack Krill, Interim Public Safety Director

III. APPROVAL OF AGENDA

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

Mr. Duffy alerted the Assembly to the Consent Agenda, Item d (Resolution Serial No. 02-098), which prioritizes some capital projects under the Capital Project Matching Grant Program.

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

IV. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Bonnie Quill.

V. MINUTES OF PRECEDING MEETINGS

A. Regular Assembly Meeting: September 3, 2002.

Mayor Anderson asked if there were any corrections. None were offered.

GENERAL CONSENT: The minutes were approved as presented.

VI. 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:

- reported that the district has 13,520 students enrolled as of today;
- noted they have 113 students over projection and expect continued growth over the next month and a half;
- stated they are working hard to meet the new federal education mandates under the No Child Left Behind Act (NCLB), which was signed into law by President Bush in January 2002;
- informed that No Child Left Behind program is designed to improve student achievement by increasing federal involvement in public education both at the state and local levels; it requires increased accountability for states, school districts, and individual schools, and it gives greater choice for parents and greater flexibility for states and local education agencies in the use of federal dollars;
- reported that next week they will be sending home letters to all parents of students attending Title 1 schools, alerting them to their right to know about the qualifications of their children's teachers;
- explained that parents have a right to know whether Alaska has licensed or qualified their teacher for the grades and subjects he or she teaches, whether the teacher is teaching under an emergency permit or provisional status, the teacher's college major, and whether the teacher has any advanced degrees, and if so, the subject area;
- noted that NCLB has huge implications for public education; although it is still being interpreted, the law mandates that all teachers in Title 1 schools become highly qualified under a new federal legal definition;
- spoke to teacher qualifications, noting that a bachelor's degree and state teaching credentials are only the minimum qualifications;
- explained that to be considered highly qualified, teachers will have to pass rigorous new tests in their teaching area or pass a highly objective uniform state standard;
- informed that every teacher in the state, Title 1 or otherwise, will have to meet this standard by the end of the 2005-2006 school year; added that many of our teachers who are now teaching on K-8 teaching credentials in the middle school will not be considered highly qualified under the interpretation of this law;
- noted that one of the challenges is that the assessments required to become qualified don't exist; the state is working on it, but in the meantime, they are still required to send out notifications to parents of their right to know and they may have to send several notifications to parents that a teacher is not highly qualified in the eyes of the federal law;
- reported that they are working hard right now laying the groundwork so that staff and teachers understand the law and that our parents know their rights; and
- concluded that NCLB sets a vision for excellence and that is one the school district is willing to embrace.

## 3. Mat-Su Convention and Visitor's Bureau - Donna Massey

Donna Massey:

- informed that she owns and operates the Iditarod Bed & Breakfast and sits on the MSCVB Board of Directors;
- reported that the visitor center closed for the season yesterday and is pleased to report that visitor numbers were not down; explained that the numbers were not up either, but when you consider the negative reports in other areas and visitor centers around the state and the fact that our center was impacted by some of their signage being down as a result of Parks Highway road improvements, they consider the stable number to be a positive reflection on the efforts that MSCVB has made over the past years in raising tourism awareness of Mat-Su as a destination;
- reported on various fall and winter activities they will be promoting at various trade shows and conventions around the state and the lower 48;
- spoke to the ads and radio spots that were run in the valley to increase awareness of the direct and indirect benefits of tourism to the valley economy;
- reported that the local tourism campaign was recognized by the Travel Industry Association of America as a finalist in their Odyssey Travel Award, that they are very proud of this national recognition, and noted that the ad campaign will be on display at the Annual TIA Marketing Forum in Hollywood, FL on October 9-11, 2002;
- informed that the new Visitor's Guide will be off the press next week; noted that each year they strive to improve the guide visually and to keep the content fresh; discussed some of the improvements and additions to the guide;
- informed that they produce 100,000 guides annually and again this year it was designed using local talent;
- expressed appreciation for the identification of tourism as one of the clusters to be developed in the economic plan

and thanked Mr. Duffy for inviting them to participate;

- noted that the improvements to the visitor's center building were completed in June on schedule and that they have received numerous compliments from both locals and visitors;
- spoke to the visitor's center being selected as a polling site in the borough;
- concluded by calling attention to the MSCVB's current newsletter in the packet which includes a calendar of upcoming events; and
- invited the assembly's participation in their annual awards banquet on November 2 at the Palmer Depot.

## B. COMMITTEE REPORTS

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

Assemblymember Jansen:

- reported that a topic of discussion was the paving of Gulkana St. in front of the new Sherrod School; discussed what the borough might be able to do to help with signage; noted that apparently to have a flashing light indicating a school ahead requires the buy-in of the utility company, the school district, and the borough; noted that the administration offered to provide to the school district and the city the specifications for where such signs would need to be placed; and
- reported also that they discussed how the bonds were going to be structured in the November election.

### 2. Intergovernmental Liaison Committee

Assemblymember Jansen:

- reported that they talked about the schedule of committee meetings from now through January;
- discussed the joint assemblies' desire once again to meet with the Anchorage delegation and the Mat-Su delegation in December before they go to Juneau; and
- also discussed scheduling a meeting of the full assemblies in October to discuss legislative priorities; it is the hope at the October meeting to find some common grounds upon which to present a united front at the AML meeting;

### 3. Regional Transportation Planning Organization

Mayor Anderson:

- reported that the first meeting of this committee was held yesterday;
- informed that members included Ms. Simpson, Ms. Jansen, Mr. Duffy, and Patricia Hurt (who is on the Transportation Advisory Committee) in addition to himself;
- reported they discussed organization and direction; and
- noted that he was elected to chair the committee.

Assemblymember Simpson:

- added that they set up a technical committee, put in place some steps to select advisory committees and how the members are seated;
- noted that Pat Gambell, CEO for the Alaska Railroad, was selected Vice Chair; he gave a very comprehensive and compelling overview of how he sees this group working in regional transportation, looking at it from a systemic perspective rather than just isolated projects;
- reported they will be working to update the Knik Arm Crossing position paper to submit to Congressman Young by November 1; and
- noted their next meeting is on October 28.

## C. MANAGER COMMENTS

Mr. Duffy:

- informed that the scoping meeting dates have been set for the environmental assessment work on the ferry system, and that the borough meeting will be held on Monday, October 28, 2002, from 6-9 p.m. at the Cottonwood Public Safety Building;

- informed that the Anchorage scoping meeting will be held on October 29, 2002, from 6-9 p.m. at the Loussac Library;
- noted that the agency scoping meeting will be held in Anchorage at the offices of HDR from 2-4 p.m.
- reported that Evergreen Resources has notified the borough that they have permits to drill eight wells in the borough, and that two pilot wells were selected for the exploration program;
- informed that the U.S. Environmental Protection Agency has requested that he attend a local governmental advisory committee meeting in Washington, D.C. on October 8-11, 2002; they will pay for travel costs;
- advised that he has been appointed to two subcommittees – Small Wastewater System and Urban Sprawl, which he is co-chair;
- advised further that he will be meeting with our lobbyist, Mr. Silvers, and representatives from the International Economic Development Council while he is there;
- noted a number of compliments received for borough employees – to Officer Sander Williams of the Animal Care & Regulation; to Mr. Swing from Mr. Kyle Cherry who used to be the state’s only dam inspector; to the Palmer Ambulance Crew, and to the Borough for the Cottonwood Shores Subdivision project;
- thanked Mr. Krill as well as the personnel of the Public Safety Department for their very quick and efficient response to the accident at Teeland School last Friday; and
- spoke to the topics covered in his supplement report.

#### D. ATTORNEY COMMENTS

Mr. Gatti:

- reported the new assistant borough attorney started today;
- noted that he is confident she will do a good job for the borough and she will meeting the assembly members at one of the next meetings.

#### E. CLERK COMMENTS

Ms. Dillon:

- noted that she does not have a typed clerk’s report, noting elections and a heavy workload in this time frame;
- noted that finding a new polling place for the eight new precincts was a challenge, and thanked Donna Massey and MSCVB for serving as a polling place;
- informed the election is October 1, so there will not be a regular assembly meeting; and
- advised that certification is October 8, and the next regular meeting is October 15.

Assemblymember Colver inquired regarding the Manager’s Report, asking about the Memory Lakes Drainage Study; what the recommendations are, if the study is completed, and if there is an action plan.

Mr. Swing:

- responded that the study has been completed; they are going out to contract right now to implement some of the first recommendations of the study, which should improve drainage in Memory Lakes.

#### F. CITIZEN AND OTHER CORRESPONDENCE

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

- a. Library Board: May 25, 2002
- b. Port Commission: August 12, 2002
- c. Senior Citizens Advisory Board: August 19, 2002
- d. Wasilla-Lakes FSA Board of Supervisors: April 8, 2002

##### 2. INFORMATIONAL MEMORANDUMS

(There were no IMs presented.)

#### VIII. UNFINISHED BUSINESS

(There were no items of unfinished business.)

## IX. NEW BUSINESS

### A. INTRODUCTION (For public hearing - 10/15/02, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 02-159: AN ORDINANCE AMENDING MSB 17.52.250(A)(3) THE KELLY LAKE AREA RESIDENTIAL LAND USE DISTRICT.

a. IM No. 02-214

2. Ordinance Serial No. 02-154: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE CAUDILL & WALLING ROAD AREA REVISED NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 344 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.

a. Ordinance Serial No. 02-155: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$107,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE CAUDILL & WALLING ROAD AREA REVISED NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 344, AND FIXING DETAILS OF SAID BONDS.

(1) IM No. 02-242

3. Ordinance Serial No. 02-160: AN ORDINANCE AMENDING MSB 18.10 TO ADD 18.10.070, TERMINAL TARIFF, SETTING RATES AND ESTABLISHING RULES AND REGULATIONS FOR THE OPERATION OF PORT MACKENZIE.

a. IM No. 02-243

4. Ordinance Serial No. 02-161: AN ORDINANCE ADOPTING MSB 23.10.150(D) AND CORRESPONDING PROCEDURES TO PROVIDE A PREFERENCE RIGHT TO PURCHASE AN ADJACENT FARM UNIT DURING BOROUGH AGRICULTURAL LAND SALES. (Sponsor: Assemblymember Ladere)

a. IM No. 02-244

5. Ordinance Serial No. 02-162: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$7,500 OF REVENUES FROM MAP SALES TO THE FISCAL YEAR 2003 AREA WIDE FUND, INFORMATION TECHNOLOGY OPERATING BUDGET (100-100-121) FOR PRINTING COSTS.

a. IM No. 02-245

6. Ordinance Serial No. 02-163: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$2,549 FROM THE LAND MANAGEMENT FUND BALANCE, FUND 203, TO THE LAND MANAGEMENT OPERATING BUDGET TO PAY OFF THE LID ASSESSMENT FOR LOT 11, BLOCK 4, RIVERDELL ESTATES, WHICH IS A TEN-YEAR PLUS TAX FORECLOSED PROPERTY IN THE FAIRVIEW LOOP AREA WHERE REPURCHASE RIGHTS OF THE FORMER RECORD OWNER HAVE NOW EXPIRED.

a. IM No. 02-246

7. Ordinance Serial No. 02-164: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$65,763 FEDERAL EMERGENCY MANAGEMENT AGENCY ASSISTANCE TO FIREFIGHTERS GRANT AND REQUESTING AN APPROPRIATION OF \$7,307 FROM THE MEADOW LAKES FIRE SERVICE AREA FUND BALANCE, FUND 257, TO FUND 405, PROJECT NO. 45123, TO PURCHASE PERSONAL PROTECTIVE AND FIRE EQUIPMENT.

a. Resolution Serial No. 02-096: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE FEDERAL EMERGENCY MANAGEMENT AGENCY ASSISTANCE TO FIREFIGHTERS GRANT FOR THE MEADOW LAKES FIRE SERVICE AREA, PROJECT NO. 45123, FUND 405, TO PURCHASE PERSONAL PROTECTIVE AND FIRE EQUIPMENT.

(1) IM No. 02-247

8. Ordinance Serial No. 02-165: AN ORDINANCE ADOPTING A NEW NAME FOR THE BOROUGH'S PUBLIC SAFETY DEPARTMENT, "EMERGENCY SERVICES," AND AMENDING SECTIONS OF MSB 2.30 AND MSB 3.38.010, TO REFLECT THE RELATED OPERATIONAL AND PROCEDURAL CHANGES RESULTING FROM THE NAME CHANGE.

a. IM No. 02-248

9. Ordinance Serial No. 02-166: AN ORDINANCE ACCEPTING AND APPROPRIATING \$1,879,600 FROM THE ALASKA STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, TO FUND 415, PROJECT NO. 25037, TALKEETNA WASTEWATER IMPROVEMENTS.

a. Resolution Serial No. 02-097: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR TALKEETNA WASTEWATER IMPROVEMENTS, PROJECT NO. 25037, AND AUTHORIZING THE MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE ALASKA STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

(1) IM No. 02-250

10. Ordinance Serial No. 02-168: AN ORDINANCE AMENDING MSB 5.25.140(A), SERVICE AREA NO. 140: WASILLA-LAKES FIRE SERVICE AREA, BY ADJUSTING THE BOUNDARY TO REFLECT THE DELETION OF AN AREA OF LAND WHICH WOULD BE SPLIT BY A SERVICE AREA BOUNDARY FROM A PROPOSAL FOR A PRELIMINARY PLAT.

a. Ordinance Serial No. 02-167: AN ORDINANCE AMENDING MSB 5.25.142(A), SERVICE AREA NO. 132, GREATER PALMER CONSOLIDATED FIRE SERVICE AREA, BY ADJUSTING THE BOUNDARY TO REFLECT THE ADDITION OF TWO PARCELS OF LAND WHICH WOULD BE SPLIT BY A SERVICE AREA BOUNDARY FROM A PROPOSAL FOR A PRELIMINARY PLAT.

(1) IM No. 02-251

11. Ordinance Serial No. 02-169: AN ORDINANCE APPROVING AN APPROPRIATION OF \$473,951 FROM THE AREAWIDE FUND BALANCE, FUND 100 TO FUND 410, FOR THE DUST CONTROL MATCHING GRANT PROGRAM.

a. IM no. 02-252

Ms. Dillon read the above legislation into the record.

B. INTRODUCTION (For public hearing - 11/05/02, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 02-152: AN ORDINANCE CREATING McCORMICK LANE AND MCADOO WAY ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 372, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.

a. IM No. 02-232

2. Ordinance Serial No. 02-153: AN ORDINANCE CREATING LANI DRIVE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 373, APPROVING THE LOCAL IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.

a. IM No. 02-233

Ms. Dillon read the above legislation into the record.

MOTION: Assemblymember Jansen moved to introduce the legislation as read into the record by the clerk and set the public hearings for the first series of legislation to be held on October 15, 2002, and the public hearings for the second series of legislation to be held on November 5, 2002.

GENERAL CONSENT: The motion passed without objection.

### C. CONSENT AGENDA

Resolution Serial No. 02-098 and AM 02-180 were pulled from the consent agenda (see following page).

#### 1. RESOLUTIONS:

a. Resolution Serial No. 02-099: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR TOURISM INFRASTRUCTURE PROJECTS.

(1) IM No. 02-228

b. Resolution Serial No. 02-100: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR A PORTION OF THE COMMUNITY POOLS REPAIR AND RENOVATION PROJECTS, PROJECT NO. 15007.

(1) IM No. 02-241

c. Resolution Serial No. 02-101: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR TALKEETNA WASTEWATER IMPROVEMENTS, PROJECT NO. 25037.

(1) IM No. 02-249

#### 2. ACTION MEMORANDUMS

a. AM No. 02-175: AWARD OF BID NO. 03-016 TO ALASKA SURE SEAL IN THE AMOUNT OF \$32,809 FOR THE PURCHASE OF A MELTER APPLICATOR; NORTH WEST HANDLING SYSTEMS, INC. IN THE AMOUNT OF \$19,905 FOR A FORK LIFT; AND YUKON EQUIPMENT IN THE AMOUNT OF \$17,331 FOR A TILT TRAILER.

b. AM No. 02-178: CHANGE ORDER TO WOLVERINE SUPPLY IN THE AMOUNT OF \$48,222; HOUSTON HIGH SCHOOL.

c. AM No. 02-179: AWARD OF BID NO. 03-030 TO WM CONTRACTING INC. FOR AN AMOUNT NOT TO EXCEED \$21,080; POINT MACKENZIE AND LITTLE SU TRAILHEADS.

e. AM No. 02-181: APPROVAL OF ELECTION OFFICIALS FOR THE OCTOBER 1, 2002, REGULAR BOROUGH ELECTION.

f. AM No. 02-182: AWARD OF BID NO. 03-034 TO ALASKA SAFETY, INC. FOR AN AMOUNT NOT TO EXCEED \$20,688; PURCHASE OF BREATHING APPARATUS.

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.

d. Resolution Serial No. 02-098: A RESOLUTION PRIORITIZING CAPITAL PROJECTS IN THE BOROUGH FOR SUBMISSION TO THE STATE OF ALASKA FOR FY2004 FUNDING UNDER THE CAPITAL PROJECT MATCHING GRANT PROGRAM.

(1) IM No. 02-253

MOTION: Assemblymember Simpson moved to adopt Resolution Serial No. 02-098.

Assemblymember Simpson:

· noted the correspondence received from Friends of Old Knik who are concerned that there are graves beneath the

warehouse located on the borough property by the Knik Museum;

· she asked if Ms. Garley could put to rest the fears that the graves would be disturbed and inquired whether the grant confirmed that there are actually graves there and whether the building needs to be moved.

Ms. Garley:

- stated that the scope of work for this project was outlined by the Historic Preservation Council and that they are aware of the concerns of citizens of the area that there are some graves on the property that are close to where the building sets today;
- explained that the building was moved from Wasilla, where it was in the path of growth, to where it is today for fear that it would be lost if was not preserved;
- noted the building is up on blocks, it is in a temporary place stored at its present site;
- stated that part of this grant is to do the survey work to confirm property lines and do archeological clearances to make sure that the final site for this building would not interfere with any cultural resources, whether they were grave sites or other historically significant features of land; and
- added that part of process involved in the scope of work will be to ensure that the property is appropriately designated; that it will not be at its present location, but in some location closer to the Knik Museum.

Assemblymember Simpson requested that the Friends of Old Knik and the Tribal Council be notified of future action.

Assemblymember Colver commented that once the money is appropriated, the assembly would have an opportunity to address the scope of work.

Assemblymember Colberg inquired about project number 6, Hatcher Pass cross-country ski trails, where it references other visitor amenities, asking if the lodge is envisioned separate from the lodge for the downhill portion.

Mr. Duffy stated that it is more of a heated hut on the south side for the cross-country ski area.

VOTE: The motion passed without objection.

d. AM No. 02-180: AWARD OF BID NO. 03-031 TO NORTHSTAR SAND AND GRAVEL FOR \$20,592 FOR THE PURCHASE OF WINTER SAND FOR THE CENTRAL LANDFILL FACILITY; AND TO WILDER CONSTRUCTION IN THE AMOUNT OF \$18,500 FOR THE PURCHASE OF WINTER GRAVEL FOR THE CENTRAL LANDFILL FACILITY.

CONFLICT OF INTEREST: Assemblymember Colver declared a conflict of interest and asked to be recused.

RULING: Mayor Anderson noted that Assemblymember Colver was recused.

[Assemblymember Colver exited chambers.]

MOTION: Assemblymember Jansen moved for approval of AM No. 02-180.

VOTE: The motion passed without objection.

[Assemblymember Colver re-entered chambers.]

## D. MAYORAL NOMINATIONS AND APPOINTMENTS

### 1. Vacancy Report

MOTION: Assemblymember Jansen moved for assembly confirmation of Adam S. Boyd and Ellen Americus to the Agricultural and Forestry Advisory Board.

Assemblymember Ladere:

- expressed support for Adam Boyd for assembly confirmation, noting that he is a lifelong farmer on a very successful farm;

- spoke to Mr. Zobel's qualifications, noting that he is highly regarded and respected across both the agriculture and the forestry industries; and
- noted that she could not support Ms. Americus because she feels Mr. Zobel is more qualified.

Mayor Anderson noted for the record that Mr. Boyd and Mr. Zobel both applied for the same position.

Assemblymember Bush:

- echoed Assemblymember Ladere's evaluation of Dick Zobel, stating that he is more than qualified for this board; and
- stated that he also could not support Ms. Americus' confirmation for that reason.

MOTION: Assemblymember Ladere moved to divide the question to take the two appointments separately.

GENERAL CONSENT: The motion passed without objection.

Mayor Anderson asked if there was any further discussion as to confirmation of Mr. Boyd. None was offered.

VOTE: The motion confirming Adam Boyd passed without objection.

Mayor Anderson asked for discussion on the confirmation of Ms. Americus to the board.

Assemblymember Ladere:

- reiterated her objection to confirmation of Ms. Americus; and
- commented that she would like to see a logger appointed to the seat.

Mayor Anderson:

- spoke in favor of Ms. Americus; noted that she has a degree in forestry which he thinks would give her qualification; and
- stated that an additional reason her name was brought forward is continued accusations that the boards are not balanced, that this would bring balance to that particular board.

Assemblymember Bush:

- reiterated his objection to confirmation of Ms. Americus.

VOTE: The motion to confirm Ellen Americus passed, with Assemblymembers Ladere and Bush in opposition.

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

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

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

#### 1. Byron Williams

Mr. Williams:

- discussed a subdivision of his property which included a section line easement; it went through the platting department. They made the decision that there was no section line easement on his side of the road from material that was submitted by Pio Cotini;
- commended the borough manager for sticking by the judgments made by the planning commission and expressed appreciation for the professionalism of the planning department; and
- expressed his desire that all decisions in the future made by the planning commission and the assembly will be treated with as much dignity.

### B. PUBLIC HEARINGS (Three minutes per person.)

#### 1. Ordinance Serial No. 02-116: AN ORDINANCE ADOPTING MSB 17.61 CORE AREA CONDITIONAL USE PERMIT.

a. Ordinance Serial No. 02-116(SUB): AN ORDINANCE ESTABLISHING CORE AREA CONDITIONAL USE PERMITTING REQUIREMENTS FOR CERTAIN COMMERCIAL AND INDUSTRIAL USES THAT CAUSE NOISE AND TRAFFIC IMPACTS AND FOR CERTAIN COMMERCIAL AND INDUSTRIAL USES INVOLVING HAZARDOUS AND TOXIC SUBSTANCES WITHIN THE CORE AREA OF THE MATANUSKA-SUSITNA BOROUGH AND PROVIDING FOR PENALTIES FOR VIOLATIONS BY ADOPTING MSB 17.61, CORE AREA CONDITIONAL USE PERMIT REQUIREMENTS.

(1) im No. 02-170

Ms. Garley:

- summarized the amendments brought forward, taking into account the comments made during the public hearing on August 13;
- noted that the major change was in the section dealing with hazardous materials; and
- indicated that it has been simplified and clarifies issues that were complicated and technical so that it can be understood by the public.

Mayor Anderson opened the public hearing.

The following spoke in support of Ordinance Serial No. 02-116: Robert Niebrugge, Sharon Smith, Beth Snyder, Bernadine Jansen (Beth Snyder read her letter in support), Steve Miller, Colleen Hamblen, Tony Kristich, Kathy Wells, Jim Klauder, David Church, Ann Goodwin, Roy Goodwin, Michelle Church, Marla Nelson, Barbara Hunt, and Joan Hope.

The following spoke in opposition to Ordinance Serial No. 02-116: Byron Williams, Pat Marley, Glenda Smith, Paul Palmer, Nikki Jordan, James Harpster, Henry Kircher, Joyce Fitzgibbon, Pio Cottini, Roger Bliss, Sherry Tryobichk, Lucille Frye, Annette Harpster, Mary Psenak, and Tracey Moffit.

The following spoke in support of a zoning ordinance and interim mining district as opposed to conditional use: Steven Loos (Anchorage Sand & Gravel), Lloyd Malone (Quality Asphalt Paving), and Jim Klauder.

There being no others who wished to be heard, the public hearing was closed.

The meeting recessed at 8:07 p.m and reconvened at 8:20 p.m.

Mayor Anderson noted that Ordinance Serial No. 02-116 is before the assembly.

MOTION: Assemblymember Colberg moved to substitute Ordinance Serial No. 02-116 (SUB) (the yellow copy).

Mayor Anderson noted that Ordinance Serial No. 02-116 (SUB) was now before the assembly.

Lengthy discussion and questions of staff ensued concerning:

- whether grandfather rights would apply to currently expanding businesses, depending on the level of expansion on the effective date, January 1, 2003.
- the proposed development permit (\$5 fee) is a one-page form that asks for name, address, property ID, what the proposed use is, and square footage, which will allow the borough to quickly determine whether a conditional use permit would be required;
- the ordinance does not deal with the question of multi-family/single-family dwellings, but with the amount of traffic that is generated;
- this ordinance is limited to commercial and industrial operations;
- whether developers who want to come in and develop an area would be considered commercial or industrial or residential;
- the summary statement and intent of the ordinance;
- the statement that residential uses are not included in the ordinance because they do not present the same level of impacts;

- grandfather rights for existing mining operations;
- clarification on what would trigger an expansion requiring a conditional use permit;
- gravel operations that have federal or state permits and whether they have to abide by the borough's rules; and
- if gravel pits are existing at the time the ordinance becomes effective, they are grandfathered in, however, in the event that a "new" site is selected by a large gravel operator and they propose a business that would be large enough to fall under the federal regulation, the borough would be part of the process that they would go through.

Mr. Gatti:

- referenced MSB 17.61.030 which sets the test to determine whether an enlargement or expansion occurs; that it provides that a land use shall not be added to (one test) or enlarged (second test) unless a conditional use permit has been issued.

Discussion and questions of staff continued regarding:

- the administration does not believe there will be any significant workforce or enforcement related fiscal impacts relative to this ordinance;
- the borough will probably process about ten CUP applications per year which planning staff is capable of doing with existing staffing levels;
- examples of the types of new businesses that would require a permit, based on noise or traffic or hazardous materials; might include a new box store, very large strip commercial retail mall, a commercial kennel with a large number of animals, a metal fabricator, or an asphalt plant; and
- the process for evaluating an application for a CUP.

Mayor Anderson called for amendments to the substitute.

MOTION: Assemblymember Colberg moved secondary amendment to Ordinance Serial No. 02-116(SUB) proposed MSB 17.61.050, by adding two new paragraphs (E) and (F) to read:

(E) The application shall be accepted or rejected for failure to meet the requirements of subsections (B), (C), or (D) of this section. The rejection shall be in writing and shall state the deficient items. Once the deficiencies are corrected, the application shall be accepted as complete.

(F) A public hearing shall be scheduled before the planning commission within 60 calendar days of the acceptance of a complete application unless the 60-calendar-day limit is waived by the applicant.

Assemblymember Colberg explained the purpose of this amendment is to add a definite time frame so that the applicant will know there will be a time certain for response.

VOTE: The secondary amendment passed without objection.

MOTION: Assemblymember Simpson moved secondary amendment to Ordinance Serial No. 02-116(SUB), proposed MSB 17.61.080(C)(1) by inserting the phrase "or by routine maintenance as required by the FAA." The paragraph would then read:

(1) Sounds originating from aircraft in flight or during takeoff, landing, taxiing, or run-up, or by routine maintenance as required by the FAA.

Assemblymember Simpson explained that she was contacted by some people in the aviation community and when she read the items without routine maintenance that might generate sound, there was a concern that they perform maintenance such as prop balancing that have sustained high levels of sound which are required to maintain safe flight and flight privileges. She did not want this left to their discretion.

VOTE: The secondary amendment passed without objection.

MOTION: Assemblymember Jansen moved a secondary amendment to Ordinance Serial No. 02-116(SUB), proposed MSB 17.61.080(C)(8), by inserting the words "intrastate and" between the words "in" and "interstate." Paragraph

(C)(8) would then read:

(8) Sounds created by surface carriers engaged in intrastate and interstate commerce.

Assemblymember Jansen offered the amendment as a technical change.

VOTE: The secondary amendment passed without objection.

MOTION: Assemblymember Jansen moved a secondary amendment to Ordinance Serial No. 02-116(SUB), proposed MSB 17.61.140, definitions, by making punctuation corrections to the definition of “sound” as noted below:

“Sound” means an oscillation in pressure, stress, and particle displacement, particle velocity, or other physical parameter, in a medium with internal forces. The description of sound may include any characteristic of sound including the duration, intensity, and frequency.

Assemblymember Jansen offered the amendment as a technical change.

Assemblymember Ladere inquired if the planning commissioners were trained in evaluating sound levels as they will be evaluating staff reports in that regard.

Ms. Garley stated the planning commissioners are not given the technical training to do the field readings, which code compliance, planning staff, and land management staff are trained to do; however, they have had a presentation about sound given to the planning commission by Mr. Mullins and she would anticipate continuing to include these kinds of presentations on a biannual basis as part of planning commission training.

Assemblymember Ladere inquired as to the meaning of a medium with “external” forces.

Ms. Garley responded it could be such things as air or water – a medium that sound waves travel through.

VOTE: The secondary amendment passed without objection.

Mayor Anderson declared an “at ease” at 8:55 p.m.

MOTION: Assemblymember Jansen moved a secondary amendment to Ordinance Serial No. 02-116(SUB), proposed MSB 17.61.140, definitions, by adding a definition for the term “grandfather rights.” See MSB 17.80.010(A).

Ms. Garley read the suggested “grandfather rights” definition into the record as follows:

“Grandfather rights” means a legal nonconforming use of land or structures which were lawful before the effective date of this chapter, but which would be regulated or restricted under this chapter.

Assemblymember Jansen offered the amendment because there has been some discussion of the fact that grandfather rights are used, that she thought it would be cleaner and easier to just include it under the definitions with a reference that it is already in the code as opposed to repeating it.

Mr. Gatti suggested the following language: “Prior nonconforming uses shall be considered in accordance with MSB 17.80.010(A) instead of see section. It would be important to compare it the provision at MSB 17.61.030 on the expansion to make sure they are consistent. Ms. Garley confirmed that they were compatible.

At the suggestion of Mr. Gatti, the definition in the motion was changed to read “Grandfather rights” means prior nonconforming uses as referenced in MSB 17.80.010(A).

VOTE: The secondary amendment passed without objection.

MOTION: Assemblymember Colver moved a secondary amendment to Ordinance Serial No. 02-116(SUB), proposed MSB 17.61.020(B), by striking the language at the end of the section that reads: “and there is no change to the outside

appearance of the building or premises or other visible evidence of the conduct of the home occupation or business.”

Assemblymember Colver offered this amendment because the intent is to exempt home occupations and home businesses; stated that the above language really doesn't add anything to the exemption, but might lead to confusion, ambiguity, and complaints from neighbors.

VOTE: The secondary amendment passed without objection.

Mr. Gatti clarified that the test to determine whether a home-based occupation is exempt is that it be “clearly” incidental and subordinate to the use of the property, which is a little bit higher test than just stating it incidental and subordinate.

MOTION: Assemblymember Kelly moved a secondary amendment to Ordinance Serial No. 02-116(SUB), proposed MSB 17.61.050, by inserting a new paragraph (B) and renumbering the succeeding paragraphs. The new paragraph (B) would read as follows:

(B) Existing subdivision covenants, although not enforced by borough code or other administrative acts at this time, said covenants should hold first priority when the conditional use permit is applied for. A copy of local covenants should accompany the permit request and be provided by the requestor. A conditional use permit should be denied the applicant if a proposed use is inconsistent with local covenants unless approved by a super majority of the property owners in the subdivision. Said super majority approval document must accompany the application. If in the eyes of the local subdivision landowners a covenant inconsistency exists, as determined by the super majority, the permit will be denied.

Assemblymember Kelly spoke to the intent of the amendment, stating that it is not to enforce covenants but only to review the required information as suggested by this amendment to accomplish the goals of this ordinance; noted that this would provide a tool to ensure that property values, homes, businesses, or otherwise, are protected. It requires the requestor to have this information when he comes in for the application so it can proceed forward without a diverse effect on the neighborhood.

Mr. Duffy noted that the planning commission addresses whether covenants exist on the applicant's property and whether the proposed use is consistent or inconsistent; suggested that if there were a super majority that would approve the document, there shouldn't be any problem with amending the covenants to take care of the matter and keep the borough out of it.

Ms. Garley;

- added that the requirement to bring in covenants would be helpful to serve as notice to remind the applicant what the covenants say;
- suggested that, as opposed to a super majority, it would be cleaner if the applicant were to first seek any amendment to subdivision covenants and then provide the borough with a copy of the amended covenants; noted that it would keep the borough from getting caught in the middle of subdivision covenant amendment procedures.

MOTION: Assemblymember Colver moved a secondary amendment to remove the phrase “unless approved by a super majority of property owners in the subdivision.”

(The assembly allowed amendments to this one secondary amendment to clarify the paragraph.)

VOTE: The secondary amendment, deleting reference to super majority, passed unanimously.

Mr. Gatti cautioned against implying that a conditional use permit inconsistent with covenants cannot be granted; noting that it is in contrast with the idea that government regulates land use activity but does not interfere with private transactions between private individuals.

Assemblymember Jansen stated that she would support shortening the amendment just to provide the covenants, for the reasons stated by the attorney, but would not support the practice of getting involved in transactions between private

parties.

MOTION: Assemblymember Kelly moved a secondary amendment to strike the second sentence: “A conditional use permit should be denied the applicant if a proposed use is inconsistent with local covenants.”

Mr. Gatti cautioned against getting involved with interpreting covenants.

Assemblymember Kelly spoke to what is the first priority; stated the intent is to make sure that a copy of existing covenants accompany an application for conditional use when it is submitted.

The Mayor suggested, and Assemblymember Kelly agreed, that the words “hold first priority” should be deleted from the first sentence and rewritten for clarity.

Mayor Anderson restated the secondary amendment after the amendments to read as follows:

(B) A copy of local covenants should accompany the permit request and be provided by the requestor.

VOTE: The secondary amendment passed without objection.

Mayor Anderson asked if there were any further amendments. None were offered.

Mayor Anderson directed discussion back to the pending Motion to Substitute Ordinance Serial No. 02-116(SUB), proposed MSB 17.61, as amended.

Assemblymember Jansen:

- spoke in favor of the substitute ordinance;
- commended the attorney’s office and the work they did with the planning department on this ordinance, especially as it related to the clearer language concerning hazardous materials; and
- spoke to incorporating the public comments and stated that she believed sufficient time was allowed between public hearings.

Assemblymember Ladere stated she did not object to approving acceptance of the substitute, but objected to the ordinance itself.

GENERAL CONSENT: The motion to substitute Ordinance Serial No. 02-116(SUB), as amended, passed without objection.

Mayor Anderson noted that Ordinance Serial No. 02-116, as substituted and amended, was now before the assembly.

Assemblymember Jansen:

- spoke in support of the ordinance;
- stated she appreciated public testimony;
- said that she believes we do need to investigate and asked the administration to bring forward something about an interim mining district;
- emphasized the importance of supporting the gravel operators and recognized the benefits that they bring to the borough;
- spoke to housing being the number one industry in the valley and that hopefully through rewrite of the platting code, it will be recognized that when a subdivision goes in next to a commercial use that it might be up to the subdivider to mitigate the impact between the two uses;
- stated that at this point she wants to concentrate on the planning effort undertaken for the core area comprehensive plan and that she is hopeful that the planning effort will be structured so that the public can participate in the planning process; and
- noted that she believes the conditional use permit is something that will be a stop-gap measure and be refined to something better, which is why she will be voting in favor.

Assemblymember Colberg:

- spoke to the events of the last year related to public testimony on core area zoning to flex to Euclidian to the current conditional use;
- described the process where the assembly listens a lot but really doesn't have the opportunity to comment or respond to the complaints that people have during that process;
- noted that over the course of different testimonies a number of people have indicated that any effort to increase the scope of government is contrary to what the founding fathers envisioned, and although there are two sides to it, the starting point is simply that the founding fathers amongst themselves were not in agreement on most things and they compromised when they reached agreements.
- stated that there needs to be recognition at some point that the core area is an area that has a school enrollment of about equal to Fairbanks, that we'll have a population in excess of Fairbanks, and that it has become an urban area;
- to those who have repeatedly said they moved to the borough to get away from people or from the government, that was a good plan when there wasn't anyone else doing it, but when 60,000 people have the same plan, you can't move away from each other to the same location and achieve much, and that's what inevitably happened;
- quoted President James Madison: "If men were angels, no government would be necessary. If angels were to govern men, neither external or internal controls on government would be necessary. In framing a government which is to be administered by men, over men, the great difficulty lies in this – you must first enable the government to control the governed and in the next place oblige it to control itself."
- spoke in support of the ordinance stating that it is a compromise and a stop-gap measure of what we can use until we have some planning that will address whether or not zoning is appropriate on a more comprehensive basis;
- emphasized that something needs to be done to try to address problems in the interim;
- noted that the ordinance addresses a few uses where they could have a high impact, that it doesn't address everything, but there's got to be a starting point; and
- believes this ordinance is appropriate so he will be voting in favor.

Assemblymember Ladere:

- spoke in opposition, noting that she was surprised at the number of amendments which took place on this substitute and pointed out that it was a substitute and not the original ordinance;
- stated that she has a great concern for the safety of our residents and thinks industrial should be kept entirely away from residential;
- noted that there are areas of language in this substitute which are vague and which grant undefined discretion to the "commission" and to various staff members that she doesn't think should be granted;
- thinks that the ordinance needs to be more specific so that those people who are governed know exactly the process and the consequences;
- emphasized planning first and believes that the conditional use ordinance goes beyond the areas in which we have had a comprehensive planning process; and
- stated that based on public testimony, she believes the document needs more work.

Assemblymember Kelly:

- spoke in favor of the ordinance, stating that this is a good first step in the right direction;
- noted that we now have document that can be worked on at a slower pace; and
- encouraged passing the ordinance.

Assemblymember Colver:

- spoke in favor, noting that the conditional use is not a perfect measure but a step in the right direction to institute mutual respect between landowners and protection for our citizens living between Palmer and Wasilla;
- spoke to compromise stating that the assembly has listened to the people and built a bridge between the two sides, that it is time to heal and move on; and
- noted that no one gets everything they want in legislation and they are trying to do what is best for the community long term.

Assemblymember Simpson:

- spoke in opposition stating that no standards have been set forth that would tell her as a business owner what she would have to do if she were to come before the commission for a conditional use permit;

- thinks the standards are vague and need to be better defined; and
- agrees that we need something, but thinks the matter should be postponed to work on it further.

Assemblymember Bush:

- spoke in opposition, stating that he feels there needs to be more responsible planning to where more people are in agreement; and
- noted that it is obvious that at some point land use regulations in this borough will be necessary, but he can't support it until there is a better plan.

Mayor Anderson noted that everyone has spoken to the issue and would like to move the matter forward to a vote.

Point of order was raised by Assemblymember Ladere stating that she objects to voting at this time until second comments have been completed, given the Mayor's earlier instruction that assembly persons would be allowed two comments each. The point was well taken and Mayor Anderson called for further comments.

MOTION: Assemblymember Simpson moved for postponement to the second meeting in November to allow time for additional work on the standards to be applied by the planning commission.

Discussion ensued on the motion to postpone.

VOTE: The motion to postpone failed, with Assemblymembers Bush, Simpson, and Ladere voting in favor.

Mayor Anderson inquired if there was any further discussion before final vote on Ordinance Serial No. 02-116 as substituted and amended. None was offered.

VOTE: The motion to adopt Ordinance Serial No. 02-116, as substituted and as amended, passed, with Assemblymembers Bush, Simpson, and Ladere voting in opposition.

MOTION: Assemblymember Colberg moved for reconsideration of Ordinance Serial No. 02-116, as substituted and as amended.

VOTE: The motion to reconsider failed unanimously.

The meeting recessed at 9:55 p.m. and reconvened at 10:05 p.m.

Mayor Anderson noted that items 2 through 7 are all LIDs and proposed hearing them together.

CONFLICT OF INTEREST: Assemblymember Simpson declared a conflict of interest relating to item 7, Ordinance Serial No. 02-127/128, and asked to be recused for that item.

RULING: Mayor Anderson noted that items 2 through 6 would be heard together and item 7 heard separately. Assemblymember Simpson would be recused at that time. There were no objections.

2. Ordinance Serial No. 02-117: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE BRUNS LAKE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 343 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.

a. Ordinance Serial No. 02-118: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$13,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE BRUNS LAKE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 343, AND FIXING DETAILS OF SAID BONDS.  
(1) IM No. 02-196

3. Ordinance Serial No. 02-119: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE ROLLING ACRES SUBDIVISION NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 345 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.

a. Ordinance Serial No. 02-120: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$105,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE ROLLING ACRES SUBDIVISION NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 345, AND FIXING DETAILS OF SAID BONDS.

(1) IM No. 02-197

4. Ordinance Serial No. 02-121: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE GRUBSTAKE SUBDIVISION NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 351 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.

a. Ordinance Serial No. 02-122: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$49,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE GRUBSTAKE SUBDIVISION NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 351, AND FIXING DETAILS OF SAID BONDS.

(1) IM No. 02-198

5. Ordinance Serial No. 02-123: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE SNOWSHOE EAST SUBDIVISION NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 353 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.

a. Ordinance Serial No. 02-124: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$44,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE SNOWSHOE EAST SUBDIVISION NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 353, AND FIXING DETAILS OF SAID BONDS.

(1) IM No. 02-199

6. Ordinance Serial No. 02-125: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE BRUNS DRIVE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 354 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.

a. Ordinance Serial No. 02-126: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$22,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE BRUNS DRIVE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 354, AND FIXING DETAILS OF SAID BONDS.

(1) IM No. 02-200

Mayor Anderson opened the public hearing. There being no persons who wished to be heard, the public hearing was closed and discussion moved to the assembly.

MOTION: Assemblymember Jansen moved for approval of the above legislation as read into the record by the Mayor.

MOTION: Assemblymember Jansen moved a primary amendment of the following LID ordinances by changing the "not to exceed percent per annum rate" from 7.425 to 7.015, which include Ordinance Serial Nos. 02-118, 02-120, 02-122, 02-124, and 02-126.

Assemblymember Ladere asked for an analysis of the proposed amendment from the finance director.

Ms. Clayton explained that the taxpayer's semi-annual payment will be less because the interest rate has dropped; noted that the same rate the borough pays on the bond is the same rate that the taxpayers pay to the borough.

VOTE: The amendment to the percent per annum rate passed without objection.

Mayor Anderson inquired if there was any further discussion on Ordinance items 1 through 6. None was offered.

VOTE: The motion to adopt Ordinance Serial Nos. 02-117, 02-118 as amended, 02-119, 02-120 as amended, 02-121, 02-122 as amended, 02-123, 02-124 as amended, 02-125, and 02-126 as amended, passed without objection.

Mayor Anderson noted that Assemblymember Simpson was recused.

[Assemblymember Simpson exited chambers]

7. Ordinance Serial No. 02-127: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE SOUTH ROCKY LAKE AREA GAS LOCAL IMPROVEMENT DISTRICT NO. 355 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.

a. Ordinance Serial No. 02-128: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$85,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE SOUTH ROCKY LAKE AREA NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 355, AND FIXING DETAILS OF SAID BONDS.

(1) IM No. 02-201

Mayor Anderson opened the public hearing.

The following spoke in opposition to Ordinance 02-127: David Wallace and Robert Mellon.

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

MOTION: Assemblymember Jansen moved to adopt Ordinance Serial No. 02-127 and accompanying Ordinance Serial No. 02-128.

MOTION: Assemblymember Jansen moved to amend Ordinance Serial No. 02-128 by changing the not to exceed percent per annum rate from 7.425 to 7.015.

VOTE: The motion to amend Ordinance Serial No. 02-128 passed without objection.

Mayor Anderson called for discussion on the main motion, as amended.

Assemblymember Colver inquired how a replat would affect this LID.

Ms. Clayton responded that the replat would have to have been completed prior to the assessment roll; noted that the individuals talked to Ms. Dresher in December, and they were informed that it had to be completed prior the confirmation of the assessment roll; further noted that the assessment roll went to the assembly for introduction two or three weeks ago.

The Mayor asked if there was any further discussion. None was offered.

VOTE: The motion to adopt Ordinance Serial Nos. 02-127 and 02-128, as amended, passed without objection.

[Assemblymember Simpson entered chambers]

8. 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

Mayor Anderson opened the public hearing.

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

CONFLICT OF INTEREST: Assemblymember Ladere asked for a ruling as to conflict of interest because she has a granddaughter attending Meadow Lakes School.

RULING: Mayor Anderson ruled that Assemblymember Ladere did not have a conflict as there was no financial interest involved.

MOTION Assemblymember Ladere moved for approval of Ordinance Serial No. 02-156 and accompany Resolution Serial No. 02-091.

Assemblymember Ladere:

- spoke in favor of adoption; and
- stated that this is a heritage project from a wonderful woman who has passed away, named Bettina Williams; noted the school is excited about this program and thinks it is a very worthy project.

VOTE: The motion for adoption of Ordinance Serial No. 02-156 with Resolution Serial No. 02-091 passed without objection.

9. 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

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Jansen moved for approval of Ordinance Serial No. 02-157 and accompanying Resolution Serial No. 02-092.

Assemblymember Ladere:

- noted she has had several neighbors asking for this grant so she is delighted to see that the funds have become available.

VOTE: The motion for approval of Ordinance Serial No. 02-157 and Resolution Serial No. 02-092 passed without objection.

10. 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)

a. IM No. 02-240

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Colberg moved for approval of Ordinance Serial No. 02-158.

Assemblymember Colberg:

- explained that this is an effort to avoid in the future having a repeat of a naming commission running up against a popular, but not very well known, set of ideas about names.

Brief questions and discussion ensued.

MOTION: Assemblymember Colberg moved to amend the title of Ordinance Serial No. 02-158 to insert the word

“associated” so that it reads:

AN ORDINANCE AMENDING MSB 1.51.020 TO CLARIFY AND MAKE MORE SPECIFIC THE PROVISION FOR THE NAMING OF BOROUGH BUILDINGS, OTHER ASSOCIATED FIXED FACILITIES, AND PUBLIC PLACES.

VOTE: The amendment passed without objection.

Mayor Anderson asked if there was any further discussion before final vote on Ordinance Serial No. 02-158, as amended.. None was offered.

VOTE: The motion for approval of Ordinance Serial No. 02-158, as amended, passed without objection.

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

Mayor Anderson opened audience participation.

Chief Paul Theodore spoke to concerns regarding treatment and funding of native issues and protection of native grave sites.

John Braudigan spoke to historical preservation and treatment of existing graves near the Knik Museum; noted that there are not only native graves but also first pioneers in the valley, that roads and houses have been built over them.

Star Hen-Drake also spoke with respect to the graves. She requested that the borough reconsider the placement of the Herning warehouse and asked for respect for the sacred land of these people.

Nancy Sult, Vice President of Friends of Old Knik, spoke to lack of respect for native rights, noting that placement of the warehouse on a foundation anywhere behind the museum is wrong. She serves on the Historical Preservation Commission; noted it should include a native representative; also noted the chairman has not attended the last four meetings and she asked that she be replaced. She would like to see status be given back to cemeteries and it is her hope that someone on the assembly will step forward and designate all of the Knik cemeteries, including the one behind the museum.

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

### E. OTHER NEW BUSINESS

(There was no Other New Business)

### X. RECONSIDERATION

(There were no reconsiderations)

### XI. VETO

(There were no vetoes presented.)

### XII. EXECUTIVE SESSION

(There was no executive session held.)

### XIII. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Ladere:

- appreciated the testimonies of the people from Knik and spoke to their concerns;
- said that she has been assured that there are no graves there, but if there are, there is plenty of land elsewhere so as not to destroy something that is important to some of our people; and

- stated she is not sure what she can do, but she will look into it a little further and will do what she can.

Assemblymember Bush had no comment.

Assemblymember Simpson:

- clarified her reason for voting against the CUP; and
- expressed appreciation for serving the last three years in office, that it has been interesting, challenging, and special.

Assemblymember Kelly:

- also appreciated hearing the concerns of the Knik people; said he wishes them well and hopes that their needs can be met;
- stated that if the assembly's action tonight (on the CUP) does not keep work from progressing; there is still the opportunity to bring things forward to make changes, that passage has only helped to calm the troubled waters; stated that it is a living document and it needs to be treated as such;
- noted that this is his last meeting of service on the assembly and expressed appreciation for the three years; said it was a pleasure to work with honorable people; and
- congratulated the assembly members for their integrity and hard work and wished them well.

Assemblymember Colver:

MOTION: Assemblymember Colver moved to direct the administration to perform an assessment as to whether graves are present on the proposed Herning warehouse site at Old Knik. If graves are present, then the administration shall find another suitable location for the warehouse.

Assemblymember Simpson noted that, per Ms. Garley, it is part of the grant to do that very work.

Assemblymember Colver stated that at least it will be on record; noted that we've had testimony here and people are expecting some leadership; noted that it doesn't hurt to back them with the legislative intent that we wish to carry out that promise.

Assemblymember Ladere thanked Assemblymember Colver.

Mayor Anderson asked if there was any other discussion on the motion. None was offered.

VOTE: The motion passed without objection.

Assemblymember Jansen:

- thanked Assemblymember Colberg for his words this evening, that he summarized it very well and addressed a lot of the ongoing comments;
- said she would like to second what Assemblymember Kelly said, that even though we don't always agree, we all want to do what is right and what is right for our community; and
- noted that she is proud of what they did tonight, that it did not come easily, and she is very glad to be at this milestone.

Assemblymember Kelly:

- thanked Mayor Anderson and Manager Duffy for their support and the progress made regarding Triad and the hospital and reconsideration of relocation;
- noted it is going before the voters in November; and
- emphasized that it makes a difference to be on the assembly and come up with ideas, work on them, and bring them to where they are today.

Mayor Anderson:

- noted that he and Mr. Duffy will be meeting with Usibelli on Thursday and Friday;
- also will be going to Fairbanks to meet with Senator Theriault to discuss coal and port issues and about helping with the railroad spur;
- stated he will be attending the school board meeting tomorrow at their request to discuss the youth court issue; and
- stated that he personally thinks the school board should take a good hard look at funding it.

Assemblymember Kelly hoped that when the Mayor is in Fairbanks he take the opportunity to discuss the energy matters at hand; thinks that it is important that we recognize and get behind any kind of development that will keep our electricity under control.

Mayor Anderson continued:

- noted that he is sympathetic to the issues of the people of Knik and he will ask Mr. Duffy to look into it and hopefully bring something back regarding the recognition of cemeteries. He is not sure whether the borough has the power, but if we do, we might want to take the step toward recognition to keep these issues from reoccurring;
- applauded Assemblymember Colberg for his speech tonight; said that it was eloquently spoken and that if the borough had hallowed halls, his words are something he would like to see hung on those walls; and
- spoke to the CUP, stating that he thinks the affect is going to be tremendous in what it does for our community, that he hopes we can heal our community as far as the differences of opinion, and he thinks that most people will see that this was a correct step to take, that we can now move ahead in a positive manner with planning.

#### XIV. ADJOURNMENT

The regular meeting was adjourned at 10:43 p.m.

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TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:

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SANDRA A. DILLON, Borough Clerk

Minutes approved: October 15, 2002