

MATANUSKA-SUSITNA BOROUGH REGULAR MEETING
ASSEMBLY OCTOBER 15, 2002

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on October 15, 2002, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, 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. Mary Kvalheim, Assembly District No. 4 (Certified newly elected official at 6:20 p.m.)
Ms. Jody Simpson, Assembly District No. 5
Mr. Jim Colver, Assembly District No. 6
Ms. Kelly Ladere, Assembly District No. 7

Staff in attendance were:

Ms. Sandra A. Dillon, Borough Clerk
Mr. John Duffy, Borough Manager
Mr. David Germer, Assistant Borough Manager
Mr. John Aschenbrenner, Assistant Borough Attorney
Ms. Michelle M. McGehee, Deputy Borough Clerk
Mr. Jim Swing, Public Works Director
Mr. Ron Swanson, Community Development Director
Ms. Tammy Clayton, Finance Director
Ms. Sandra Garley, Planning Director
Mr. Jack Krill, Interim Public Safety Director
Mr. Roger McRoberts, Land Management Agent

III. APPROVAL OF AGENDA

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

GENERAL CONSENT: The agenda was approved as presented.

Mayor Anderson recognized two Su-Valley students in attendance.

IV. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Katie Hurley, Marion Romano, and Linda Anderson, members of the audience.

V. MINUTES OF PRECEDING MEETINGS

A. Joint Assembly/School Board Meeting: September 10, 2002

Mayor Anderson asked if there were any corrections.

Assemblymember Jansen asked the clerk to research Mr. Doyle's comments on page five of nine - believes the acreage referenced should reflect 20 or 30 acres, not 10 acres. [After clerk's research, this item was confirmed to have been stated as, "10 acres."]

GENERAL CONSENT: The minutes were approved pending clerk's research.

B. Regular Assembly Meeting: September 17, 2002

Mayor Anderson asked if there were any corrections.

Assemblymember Jansen:

- page 4 of 30, Assemblymember Simpson's comments, to read, "to set up a technical committee." [After clerk's research, this item was corrected.]
- page 5 of 30, Mr. Duffy comments, line 6, to read: "advised that he has been appointed to two subcommittees – Small [WATER RACE] Wastewater System and Urban Sprawl, which he is co-chair." [After clerk's research, this item was corrected.]

GENERAL CONSENT: The minutes were approved pending clerk's research.

VI. SPECIAL ORDERS OF THE DAY

A. Proclamation in recognition of Avalanche Awareness Month - Wesley Coyne, President, Back Country Avalanche Awareness Response Team

Mayor Anderson presented Mr. Coyne with a proclamation in honor of Avalanche Awareness Month.

Mr. Coyne thanked the mayor and members of the assembly for their consideration and declaration of Avalanche Awareness Month.

B. Certification of October 1, 2002, Election Results for Assembly District No. 4.

Ms. Dillon:

- reported that there had been a request for recount of five precincts in the Assembly District No. 4 race and for the absentee and questioned ballots for the district; and
- asked Ms. Keeling to present the canvass board report as it pertained to the recount Assembly District No. 4.

Ms. Geraldine Keeling, Canvass Board Chairperson:

- reported that the canvass board met last Friday at 9 a.m to recount precincts in Assembly District No. 4;
- stated that three small changes to the totals given last Tuesday did occur upon recount;
- noted that the hand count of the five precincts resulted in one additional vote for Mary Kvalheim and one additional vote in absentee for Scott Lapiene due to voters who had marked their ballot lightly enough that the accuvote unit did not pick up the votes; and
- stated that the third change occurred in the write-in race, as the oval for a write-in candidate had been marked but no name written in the blank provided for the candidate's name, therefore, the canvass board choose to count this mark as a blank.

Ms. Dillon read the results of the Assembly District No. 4 race into the record.

MOTION: Assemblymember Jansen moved to accept the results of the canvass board and to certify the results of Assembly District No. 4 as read into the record by the clerk.

GENERAL CONSENT: The motion passed without objection.

At this time, Ms. Dillon swore in Mary Kvalheim as the newly elected assembly member for Assembly District No. 4.

Ms. Kvalheim thanked all her supporters, the canvass board, and the clerk's office for their efforts.

VII. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

(There were no city representatives in attendance.)

2. Matanuska-Susitna Borough School District

Kim Floyd, Public Information Specialist:

- welcomed Assemblymember Kvalheim;
- reported that there has been a tentative agreement reached with the Classified Employees Association;
- recognized teachers who had recently been given technical awards;
- spoke regarding the recent school district audit, noting that the auditors analyzed the way the district manages their instruction programs;
- reported that the auditors' findings and recommendations would be presented to the school board at their December 4, 2002, meeting; invited the assembly members to attend the meeting;
- noted the school board's business meeting to be held tomorrow night at Palmer Junior High; and
- thanked Assemblymember Kelly for his support throughout the years, remembering that he was the first to make the motion to fully fund the school district.

Assemblymember Jansen inquired regarding the status of the wing currently under construction at Wasilla High School.

Ms. Floyd stated that she would have to check on this status.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Colver:

- reported those in attendance during the last meeting of the joint assembly/school board committee on school issues;
- noted one of the issues discussed to be the 25 percent drop-out rate of students from the beginning of high school through the senior year;
- stated that it is their desire to decrease this drop-out rate through the addition of another alternative school or vocational/technical education school;
- reported other items discussed to be the state funding formula, Proposition C, the need for a new elementary school in the Wasilla area, and the need for a new vocational/technical education school;
- stated that the auditors did advise an increased reserve for inventory; and
- concluded by saying that the committee also discussed co-locating school district and borough administration purchasing departments at the school district warehouse.

Assemblymember Ladere inquired if the committee had reached a conclusion regarding the borough and the school board working together on procurement.

Assemblymember Colver stated that the committee believes there will be no cost savings regarding the matter, but that it has not been dropped at this time and they are looking for alternatives.

2. Intergovernmental Liaison Committee

Mayor Anderson stated that there is no pending meeting scheduled at this time.

3. Regional Transportation Planning Organization

Mayor Anderson:

- stated that a meeting will be held some time in November; and

- spoke regarding the technical committee that has been formed, noting that planning director, Sandy Garley, is a member of the committee.

A. MANAGER COMMENTS

Mr. Duffy:

- reported that he has recently been in Washington DC;
- informed that Cascadia has filed their brief with the court regarding their objection to the Department of Natural Resources' decision to convey a portion of the Hatcher Pass lands to the borough;
- stated that after several attempts and extensions to bring the current Chijuk Creek timber sale contract into compliance, the borough has taken steps to terminate the contract on October 22, 2002, unless the breach of contract is cured;
- spoke regarding the federal lobbyist's report;
- referenced an analysis from the borough attorney's office regarding the dedication of cemeteries, noting that the borough does not have the power to dedicate cemeteries;
- reported that a draft ordinance has been prepared and upon assembly approval, the ordinance would call for a hearing officer to adjudicate bid protests;

- spoke regarding large spikes projected in employee health insurance costs from \$70 a month to approximately \$200 - \$300 per month;
- stated that a labor-management committee has been formed to identify some immediate solutions to the forecasted increase as well as to identify long-term solutions to the rising costs of health care. The committee has met and is finalizing a proposal which will be brought to the assembly in November for review;
- spoke to an ordinance on the agenda which would grant agricultural preference rights; noted that the Agriculture and Forestry Advisory Board met last night and has drafted a motion stating that they cannot support the ordinance unless it is amended to require proof of agricultural use;
- reported that he had spoke with Ms. Mannix, a cross-country ski coach, who understands the legal difficulties associated with placing a biathlon trail on school district property and believes the location being offered by the Upper Susitna Shooters Association is an acceptable solution to the issue; and
- advised regarding a land sale and the dedication of land in the Willow area as parks and recreation land; noted that an individual who was previously in disagreement with the dedication due to concerns about trespassing is now in agreement.

Assemblymember Ladere:

- spoke regarding the federal lobbyist's report and encouraged the manager to bring forward a T-21, stating that she would like to be part of the process;
- noted her concerns regarding the possible increased expense of the employees' health care;
- commented that regarding the agricultural property rights - a similar program used to exist and she hopes that the assembly can discuss the issue in more detail; and
- also noted her full support of the proposed biathlon trail system.

Assemblymember Colver inquired if the borough has responded to the objection of the conveyance of land in the Hatcher Pass area and if the borough has standing in the matter.

Mr. Aschenbrenner:

- responded that the borough is entertaining filing an amicus brief in the matter and that an action memorandum would be brought to the assembly at its next meeting for consideration of this filing; and
- advised the assembly to address the matter further when legislation is formally brought forward to them.

Mayor Anderson recognized Senator Gene Therriault of the North Pole in attendance and thanked him for visiting the borough.

B. ATTORNEY COMMENTS

Mr. Aschenbrenner:

- wished Assemblymember Kelly well in his future endeavors; and
- congratulated Assemblymember Kvalheim and Assemblymember Simpson for their successful campaigns.

C. CLERK COMMENTS

Ms. Dillon:

- noted the assembly meeting schedule through December 2002;
- stated that a special meeting will be held on October 22, 2002, at 3:30 p.m. regarding attorney applications for the borough attorney position;
- informed that a human resources person would be available at the meeting to speak about ways to interview;
- stated that immediately after the special meeting, a joint assembly/planning commission meeting will be held at 6 p.m.;
- advised that she is one of three trainers for newly elected officials and that arrangements for the Alaska Municipal League (AML) Valdez conference are currently being made through her office;
- referenced attached informational materials from the Alaska Public Offices Commission;
- acknowledged a letter of recognition from a member of the canvass board to the clerk's office regarding the professionalism and aid provided by the clerk and her staff;
- noted that the tracking report is attached for review;
- advised that some assembly members may not be able to attend the November 5, 2002, regularly scheduled assembly meeting, suggesting that the matter be taken up before the end of the meeting;
- thanked Assemblymember Kelly for his years of service; and
- congratulated Assemblymember Kvalheim and Assemblymember Simpson for successful campaigns.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Animal Care and Regulation Board: 07/08/02
- b. Greater Talkeetna Road Service Area No. 29: 07/12/02
- c. Mat-Su Fire Chiefs Association: 08/14/02
- d. Planning Commission: 08/05/02, 09/16/02
- e. Regional Transportation Planning Organization 9/16/02
- f. Wasilla-Lakes Fire Service Area Board of Supervisors: 08/12/02

2. Community Council Correspondence:

- a. South Knik River Community Council: 09/28/02

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

G. INFORMATIONAL MEMORANDUMS

(There were no informational memorandums presented.)

IX. UNFINISHED BUSINESS

A. Ordinance Serial No. 02-129: AN ORDINANCE AUTHORIZING THE SALE AND RECLASSIFYING AS "AGRICULTURAL LANDS" FOUR PARCELS PREVIOUSLY CLASSIFIED "AGRICULTURAL LANDS" UNDER MSB TITLE 13. (Main motion pending)

1. IM No. 02-186

Mr. Duffy stated that this item of business was postponed to allow an ordinance to be drafted and brought back to the assembly stating all preference rights. Further stated that this ordinance is under public hearings for action tonight.

Mayor Anderson noted that the assembly would temporarily move to item B. in order to allow the clerk time to research items related to Ordinance Serial No. 02-129. (See p. 8 and 15)

B. Ordinance Serial No. 02-132: AN ORDINANCE CLASSIFYING AS “GENERAL PURPOSE LANDS” AND “PUBLIC RECREATION LANDS” TWO TRACTS OF LAND IN THE WILLOW AREA NEAR BOOT LAKE APPROVING ONE TRACT FOR SALE. (MSB003356) (Main motion pending)

1. IM No. 02-189
2. IM No. 02-264

Mr. Duffy stated that an objection to the ordinance was raised at the public hearing from a nearby property owner who voiced concerns about trespassing. Further stated that the borough has worked with the property owner on a solution to relocate the trail to eliminate a potential for trespass.

VOTE: The motion passed without objection.

C. AM No. 02-140: APPOINTMENT OF SITE SELECTION COMMITTEE FOR THE NEW WASILLA AREA ELEMENTARY SCHOOL. (Main motion pending)

VOTE: The motion passed without objection.

D. 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.

1. 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 MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE UPPER SUSITNA SHOOTERS ASSOCIATION TO CONSTRUCT SUCH A FACILITY. (Main motion pending)

- a. IM No. 02-265
- b. IM No. 02-236
- c. IM No. 02-216

Mr. Duffy:

- reported that the assembly directed the administration to contact the school district and the cross-country ski people regarding this item of business at the last meeting;
- stated that the school district does prefer that the biathlon trail be off-sight due to liability issues; and
- stated that there are no issues related to the Upper Susitna Shooters Associations’ property and that the borough is looking forward to working with them.

MOTION: Assemblymember Ladere moved to suspend the rules to allow a speaker from the Upper Susitna Shooters Association regarding the issue.

VOTE: The motion passed without objection.

Audry Dennison, secretary for the association, stated that the members of the association are fully supportive of the ordinance.

Members of the assembly queried regarding funding for construction.

Mr. Duffy advised that there are sufficient funds to construct the facility.

Mr. McRoberts acknowledged that the grant funds from the Department of Community and Economic Development have also been secured.

VOTE: The motion passed without objection.

A. Ordinance Serial No. 02-129: AN ORDINANCE AUTHORIZING THE SALE AND RECLASSIFYING AS “AGRICULTURAL LANDS” FOUR PARCELS PREVIOUSLY CLASSIFIED “AGRICULTURAL LANDS”

UNDER MSB TITLE 13. (Main motion pending)

1. IM No. 02-186

MOTION: Assemblymember Jansen moved to postpone Ordinance Serial No. 02-129 to a time certain immediately after the public hearing for Ordinance Serial No. 02-161 (at tonight's meeting). (See p. 15)

VOTE: The motion passed without objection.

The regular meeting recessed at 6:50 p.m. and reconvened at 7 p.m.

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

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

B. PUBLIC HEARINGS (Three minutes per person.)

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

a. IM No. 02-214

MOTION: Assemblymember Ladere moved to adopt Ordinance Serial No. 02-159.

Ms. Garley:

- reported that a request had been received from property owners in the Houston area to exclude a 20-acre parcel from the residential land use district;
- stated that 14 of 19 property owners signed a petition in support of the request;
- stated that this issue was heard by the planning commission in August and that it is the planning commission's recommendation that the parcel be approved for removal;
- noted that the local chamber of commerce is also in support of the extraction; and
- advised that staff also recommends approval of the applicants' request.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Ladere moved to adopt Ordinance Serial No. 02-159.

VOTE: The motion passed without objection.

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

Mayor Anderson advised that there has been a request from administration to postpone this item of business until the November 5, 2002, meeting, as there were a number of individuals who did not receive notice.

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 postpone Ordinance Serial No. 02-154 to a time certain of November 5, 2002, with the public hearing to reopen.

VOTE: The motion passed without objection.

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

Mr. VanDoggen reported that staff recommends approval of the ordinance.

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. 02-160.

Assemblymember Simpson advised that the port commission passed this item at the last meeting.

VOTE: The motion passed without objection.

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)

IM No. 02-244

Mr. Swanson reported that the ordinance fashions preference rights to purchase agricultural lands and that no other municipality has preference rights in this regard. Mr. Swanson reported further on the application process, staff review of the applications, and the purchase process.

Assemblymember Simpson inquired regarding the number of persons that could hold a preference right on a parcel.

Mr. Swanson replied that multiple people could hold interest in a parcel as there may be many adjacent property owners, however, he further noted that there are only approximately 50 agricultural parcels on record at the borough.

CONFLICT OF INTEREST: Assemblymember Ladere asked assistant borough attorney, John Aschenbrenner, if she had any conflict of interest regarding the ordinance, as she is a property owner of agricultural parcels.

Mayor Anderson called an at-ease at 7:16 p.m. and the meeting reconvened at 7:18 p.m.

Mr. Aschenbrenner stated that he would need a few moments to research borough code in this regard.

Discussion followed regarding any potential conflict of interest and whether or not to continue addressing Ordinance Serial No. 02-161.

Ms. Dillon advised regarding the standard process of assembly members declaring a conflict of interest.

Mayor Anderson informed that the assembly would revisit this item of business after Mr. Aschenbrenner had a chance to review the borough code and form an opinion. (See p. 14)

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

Mr. Duffy reported regarding the printing costs and revenue received from the sale of borough maps.

Mayor Anderson opened the public hearing.

MOTION: Assemblymember Jansen moved to adopt Ordinance Serial No. 02-162.

VOTE: The motion passed without objection.

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

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Simpson moved to adopt Ordinance Serial No. 02-163.

VOTE: The motion passed without objection.

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

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Ladere moved to adopt Ordinance Serial No. 02-164 and Resolution Serial No. 02-096.

Assemblymember Ladere stated that the capacity of the fire service area is still building and encouraged support of the legislation.

VOTE: The motion passed without objection.

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

Mr. Duffy reported regarding the reorganization of the public safety department, noting that the term "public safety" is often associated with law enforcement. The task force assigned to make recommendations regarding the reorganization proposed the term "emergency services" to be a more appropriate name for the department and its functions.

Mayor Anderson opened the public hearing.

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

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

Assemblymember Jansen encouraged support of the legislation and opined that “emergency services” is much more descriptive of the department’s tasks.

VOTE: The motion passed without objection.

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

Mr. Duffy reported that the grant funds would be used to reconstruct the wastewater system in Talkeetna.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Ladere moved to adopt Ordinance Serial No. 02-166 and Resolution Serial No. 02-097.

Assemblymember Ladere stated that the funds are badly needed and that the town of Talkeetna is looking forward to a resolution of the issues.

VOTE: The motion passed without objection.

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

Ms. Dillon:

- advised that the borough code states a parcel or a plat cannot be split by a service area;
- stated that the proposed legislation will correct such an occurrence; and
- noted that the fire service area boards are in agreement.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Jansen moved to adopt Ordinance Serial Nos. 02-168 and 02-167.

VOTE: The motion passed without objection.

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

Mr. Duffy reported regarding Ordinance Serial No. 02-169.

Assemblymember Simpson queried regarding the spring bid schedule and if the borough would be starting their projects earlier.

Mr. Duffy confirmed that the bid schedule for projects would be moved up.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Jansen moved to adopt Ordinance Serial No. 02-169.

Assemblymember Jansen encouraged support of the legislation.

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)

IM No. 02-244

(Continued from p.10)

Mr. Aschenbrenner stated that he does not believe Assemblymember Ladere has a conflict of interest as it relates to Ordinance Serial No. 02-161. She falls into a class of individuals who own interest in land overall and not any specific parcel in question.

RULING: Mayor Anderson ruled that Assemblymember Ladere did not have a conflict regarding Ordinance Serial No. 02-161.

Mayor Anderson opened the public hearing.

The following person spoke in favor of Ordinance Serial No. 02-161: Philip Smith.

The following person spoke in opposition to Ordinance Serial No. 02-161: Jay Nolfi.

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. 02-161.

Assemblymember Ladere:

- commented that people in the borough have clearly indicated that they want to have agriculture as part of their lives;
- spoke to economic development incentives through discretions in tax and deferred payments;
- stated that she believes that there are flaws in the proposed process, but that the ordinance does give real farmers a way to increase their holdings; and
- suggested further discussion of the issue.

Assemblymember Simpson:

- spoke regarding the agricultural and forestry advisory board's motion and the difficulties in defining the term "farmer;"
- opined that the ordinance sets a precedent for the sale of property - once allowing preferences to one group, the door

will open for other types of requests;

- referenced the Fish Creek agricultural parcels;
- noted that any farmer may obtain land via the competitive bid process; and
- stated that she cannot support the ordinance as she does not believe it is appropriate to allow individual preferences.

Assemblymember Jansen:

- stated that she would be supporting the ordinance due to the importance of the agricultural economy;
- commented that by the very nature of classification, agriculture is already put into a different category; and
- remarked that she is not in favor of attempting to define the term “farmer”, noting the difficulties at the state and local levels in the past.

Assemblymember Colver inquired if this ordinance was borough specific.

Mr. Duffy responded that the ordinance does limit preference rights to those people whose adjacent parcel was purchased from the borough. Mr. Duffy further stated that if the ordinance was amended, a person owning state or other adjacent land would be able to also have preference rights.

Assemblymember Ladere clarified that it is her intent to have the proposed purchase preference rights applicable to any farmer who qualifies as an adjacent agricultural parcel owner.

MOTION: Assemblymember Ladere moved to postpone Ordinance Serial No. 02-161 to a time certain of December 3, 2002.

Assemblymember Simpson asked Assemblymember Ladere to clarify her reasons for requesting postponement.

Assemblymember Ladere clarified that her intent was to include all farmers and not to limit others from having preference rights, and she would therefore like to see an amendment or substitution to the ordinance.

VOTE: The motion to postpone passed with Assemblymembers Simpson and Jansen in opposition.

A. Ordinance Serial No. 02-129: AN ORDINANCE AUTHORIZING THE SALE AND RECLASSIFYING AS “AGRICULTURAL LANDS” FOUR PARCELS PREVIOUSLY CLASSIFIED “AGRICULTURAL LANDS” UNDER MSB TITLE 13. (Main motion pending)

1. IM No. 02-186

(Continued from p. 8)

MOTION: Assemblymember Ladere moved to postpone Ordinance Serial No. 02-129 to December 3, 2002.

VOTE: The motion to postpone passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following spoke regarding the Willow Creek streambank restoration project: Meaghan Dean and Bryce Dean.

Senator Therriault:

- introduced himself to the mayor and members of the assembly;
- spoke regarding the area that he represents;
- noted that due to the redistricting boundary changes, there are three precincts that he represents that fall into the borough boundaries; and
- pledged to work closely with the borough on joint issues should he be re-elected.

Assemblymember Colver spoke regarding a grant that will be available for the restoration of the Willow streambank.

There were no other persons in attendance who wished to testify.

X. NEW BUSINESS

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

1. Ordinance Serial No. 02-170: AN ORDINANCE ACCEPTING AND APPROPRIATING \$36,400 FROM THE ALASKA STATE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, TO FUND 430, PROJECT NO. 35246, LAKE LOUISE ROADS IMPROVEMENT.

a. Resolution Serial No. 02-102: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE LAKE LOUISE ROADS IMPROVEMENT PROJECT, PROJECT NO. 35246, AND AUTHORIZING THE MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE ALASKA STATE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.

(1) IM No. 02-215

2. Resolution Serial No. 02-103: A RESOLUTION TERMINATING THE REGIONAL TRANSPORTATION ADVISORY BOARD.

a. IM No. 02-255

3. Ordinance Serial No. 02-171: AN ORDINANCE APPROPRIATING \$45,000 OF INTEREST EARNINGS ON THE 1999 SERIES A, GENERAL OBLIGATION SCHOOL BONDS TO FUND 400, SCHOOL CAPITAL PROJECTS, PROJECT NO. 40132, TO FUND A SHORTFALL IN THE ALTERNATIVE SCHOOL (BURCHELL) ADDITION/ALTERATION PROJECT.

a. IM No. 02-259

4. Ordinance Serial No. 02-172: AN ORDINANCE ACCEPTING AND APPROPRIATING \$20,000 FROM THE ALASKA DIVISION OF EMERGENCY SERVICES TO THE BOROUGH LOCAL EMERGENCY PLANNING COMMITTEE FUND 480, PROJECT 20259, FOR FISCAL YEAR 2003 OPERATIONS.

a. IM No. 02-262

5. Ordinance Serial No. 02-173: AN ORDINANCE CLASSIFYING A TRACT OF LAND NEAR LITTLE WILLOW CREEK AS RESIDENTIAL LANDS/PRIVATE RECREATION LANDS AND APPROVING THE LAND FOR FUTURE SALE.

a. IM No. 02-263

6. Ordinance Serial No. 02-174: AN ORDINANCE REQUESTING A SUPPLEMENTAL APPROPRIATION OF \$27,000 FROM THE MEADOW LAKES FIRE SERVICE AREA FUND BALANCE, FUND 257, TO THE MEADOW LAKES FIRE SERVICE AREA FISCAL YEAR 2003 OPERATING BUDGET, FUND 257, FOR RESPONDER COMPENSATION.

a. IM No. 02-266

7. Ordinance Serial No. 02-175: AN ORDINANCE ACCEPTING AND APPROPRIATING \$375,000 FROM THE ALASKA STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, TO FUND 415, PROJECT NO. 30082, GARDEN TERRACE WATER SYSTEM UPGRADES.

a. Ordinance Serial No. 02-176: AN ORDINANCE ACCEPTING AND APPROPRIATING \$20,000 FROM FUND 291, FUND BALANCE TO FUND 415, PROJECT NO. 30082, GARDEN TERRACE WATER SYSTEM UPGRADES.

b. Resolution Serial No. 02-104: A RESOLUTION APPROVING A PARTIAL SCOPE OF WORK AND BUDGET FOR GARDEN TERRACE WATER SYSTEM UPGRADES, PROJECT NO. 30082, AND AUTHORIZING THE MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE ALASKA STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

(1) IM No. 02-267

8. Ordinance Serial No. 02-177: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$10,000 GRANT TO FUND 480, PROJECT 20322, FROM THE NATIONAL ASSOCIATION OF COUNTIES FOR PHASE II OF THE

STREAM BANK RESTORATION AT WILLOW CREEK.

a. Resolution Serial No. 02-105: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR CONTINUING A STREAM BANK RESTORATION PROJECT ALONG WILLOW CREEK.

(1) IM No. 02-268

9. Ordinance Serial No. 02-178: AN ORDINANCE REQUESTING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$60,390 FROM THE MEADOW LAKES FIRE SERVICE AREA FUND BALANCE, FUND 257, TO THE MEADOW LAKES FIRE SERVICE AREA OPERATION BUDGET 257, TO PAY OFF THE REVOLVING LOAN.

a. IM No. 02-270

B. INTRODUCTION (For public hearing - 11/19/02, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 02-179: AN ORDINANCE ADOPTING MSB 15.24.030(C)(25), KALMBACH LAKE, LAKE MANAGEMENT PLAN.

a. Ordinance Serial No. 02-180: AN ORDINANCE AMENDING MSB 17.59, LAKE MANAGEMENT PLAN IMPLEMENTATION.

(1) IM No. 02-257

Ms. Dillon read the above legislation into the record.

MOTION: Assemblymember Jansen moved to approve the legislation as read into the record by the clerk and set the public hearings for November 5, 2002, and November 19, 2002, respectively.

GENERAL CONSENT: The motion passed without objection.

The regular meeting recessed at 8:03 p.m. and reconvened at 8:06 p.m.

C. CONSENT AGENDA

(Resolution Serial Nos. 02-106 and 02-107 and AM Nos. 02-185 and 02-186 were pulled from the consent agenda and addressed separately.) (See pp 18-19)

2. ACTION MEMORANDUMS

a. AM No. 02-183: VACATION OF THE 33-FOOT SECTION LINE EASEMENT ON THE SOUTH BOUNDARY OF LOT 14, BLOCK 7, TEXAS SUBDIVISION LOCATED WITHIN SECTION 9, TOWNSHIP 17 NORTH, RANGE 3 WEST, SEWARD MERIDIAN, ALASKA, LOCATED IN THE BIG LAKE COMMUNITY COUNCIL AREA.

b. AM No. 02-184: VACATION OF THE NORTH 23 FEET OF THE 33-FOOT SECTION LINE EASEMENT ON THE SOUTH BOUNDARY OF LOT 3, HARDISTY'S WASILLA LAKE, LOCATED WITHIN SECTION 2, TOWNSHIP 17 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, ALASKA.

Ms. Dillon read the above legislation into the record.

MOTION: Assemblymember Jansen moved for approval of the consent agenda as read into the record by the clerk.

VOTE: The motion passed without objection.

1. RESOLUTIONS

a. Resolution Serial No. 02-106: A RESOLUTION AMENDING MSB TITLE 16 FEE SCHEDULE.

(1) IM No. 02-254

MOTION: Assemblymember Colver moved to adopt Resolution Serial No. 02-106.

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 02-106, fee schedule, item C., to read, "Final plats, 50 % of preliminary fee, excepting abbreviated plats."

Discussion ensued regarding the fee schedule and the filing process for preliminary plats and abbreviated plats.

VOTE: The primary amendment passed without objection.

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

b. Resolution Serial No. 02-107: A RESOLUTION SUPPORTING THE ISSUANCE OF A RIGHT-OF-WAY PERMIT IN THE KENAI NATIONAL WILDLIFE REFUGE.

(1) IM No. 02-260

MOTION: Assemblymember Colver moved to adopt Resolution Serial No. 02-107.

Discussion ensued regarding the need for a resolution in this regard.

Mr. Duffy explained that the Kenai Borough is concerned regarding potential opposition and are looking for support from other areas that may derive benefit from oil and gas development.

VOTE: The motion to adopt Resolution Serial No. 02-107 passed with Assemblymembers Jansen and Simpson in opposition.

c. AM No. 02-185: VACATION OF JIM CREEK TRAIL WITHIN STARR ESTATES, LOCATED WITHIN SECTION 30, TOWNSHIP 17 NORTH, RANGE 3 EAST, SEWARD MERIDIAN, ALASKA, LOCATED IN THE LAZY MOUNTAIN COMMUNITY COUNCIL AREA.

MOTION: Assemblymember Bush moved to approve AM No. 02-185.

Assemblymember Bush:

- relayed that it has come to his attention that this vacation is not in fact in the Lazy Mountain Community Council area, but is rather in the Butte Community Council area; and
- noted that this difference may require additional public notice.

Mr. Aschenbrenner:

- advised that the vacation was noticed properly to the residents of the Butte Community Council area; and
- suggested taking action on the item by postponing it until the next regularly scheduled meeting to allow for additional advertising.

MOTION: Assemblymember Bush moved to postpone AM No. 02-185 to a time certain of November 5, 2002.

VOTE: The motion passed without objection.

d. AM No. 02-186: APPROVAL OF CHANGE ORDER TO ASCG, INC. IN THE AMOUNT OF \$117,684.30 FOR TALKEETNA WATER AND SEWER UPGRADE PROJECT.

MOTION: Assemblymember Ladere moved to approve AM No. 02-186.

Assemblymember Ladere queried regarding funding details as they relate to the scope of work.

Mr. Swing:

- reported that when the project started, the borough received a notice of violation from the Department of Environmental Conservation for the treatment facility;
- stated that the initial \$100,000 received to start the project was enough to complete the preliminary engineering

aspects;

- noted that additional funds were then received via grants; and
- concluded that this is a \$2.6 million project, including the contractor's costs.

VOTE: The motion passed without objection.

D. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Anderson made the following recommendations:

Caswell Lakes Road Service Area No. 15

Ron R. Wilson

Mayor Anderson requested the following confirmations:

Fairview Road Service Area No. 14

John H. Lettow III

Trapper Creek Road Service Area No. 30

Ellen Peltier

Circle View And Stampede Estates Flood and Water Erosion Control Service Area No. 131

Linda DeSimone Smith

Chase Trail Special Service Area No. 134

Ruth Marmor

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

GENERAL CONSENT: The motion passed without objection.

E. OTHER NEW BUSINESS

(There was no other new business.)

XI. RECONSIDERATION

(There were no items to be reconsidered.)

XII. VETO

(There were no vetos.)

XIII. EXECUTIVE SESSION

(There was no executive session held.)

XIV. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Bush:

- spoke to problems faced by the farming community in the 1980s;
- stated that the farming effort in the Point MacKenzie area was not a failure, it is simply a long-term project that requires more than one generation of farming;
- noted that the proposed Ordinance Serial No. 02-161 will save farm land for future generations;
- noted prior difficulties in making a determination on what constitutes the definition of a "farmer;"
- commented that many classes of people can be referred to as farmers;
- opined that the ordinance does need more work; and

- concluded that most successful farms are able to buy land as they grow.

Members of the assembly discussed the regularly scheduled November 5, 2002, assembly meeting at this time.

MOTION: Assemblymember Colver moved to postpone the November 5, 2002, regular assembly meeting to November 7, 2002.

Members of the assembly advised that it may be prudent in the future, during state election years, to avoid scheduling an assembly meeting during election night.

Ms. Dillon noted that this issue had never been brought up before, but that it could certainly be addressed in the future.

VOTE: The motion to postpone passed with Assemblymembers Jansen and Simpson in opposition.

Assemblymember Ladere:

- noted that she did not prepare a written report on her recent trip to Washington D.C. as she has been ill; a report will be forthcoming;
- reported that the borough was well received and received a very positive response;
- spoke to a large gathering of people yesterday at the Willow Area Community Organization for a meeting regarding road maintenance and funding of maintenance on the Parks Highway, noting that there are only two maintenance people currently employed by the department of transportation in that area, down from 71 employees, and that the residents are quite concerned about road maintenance and vehicular safety, especially as it pertains to busing safety; and
- relayed that Representative Scott Ogan did commit to looking for \$200,000 that was previously in the budget and had been removed.

Assemblymember Colver had no comments to present.

Assemblymember Simpson:

- expressed appreciation to Senator Therriault for his attendance at the meeting;
- commented that she will be attending the Alaska Municipal League conference in Valdez in November and asked if Mr. Duffy could arrange a tour of the port; and
- noted that she had also attended the meeting in Willow last night regarding maintenance of the Parks Highway and stated that she is pleased to hear that everyone will continue to work to find a solution to the issue.

Assemblymember Kvalheim:

- acknowledged the amount of information and the scope of work involved with being on the borough assembly; and
- thanked the staff for all their help.

Assemblymember Jansen:

- welcomed Assemblymember Kvalheim to the table;
- stated that maintenance of the Parks Highway is a very important issue and that it is frustrating to see facets of government pointing fingers over the loss of \$200,000;
- also thanked Senator Therriault for his attendance at the meeting;
- opined that farming is an industry that is very important to the Valley and stated that she hoped that Assemblymembers Ladere and Bush would be able to work with the administration before the proposed ordinance comes back to the assembly at the December 3, 2002, regular meeting; and
- commented that she would also like to be part of a port tour during the Alaska Municipal League conference in November.

Mayor Anderson:

- reiterated his thanks to Senator Therriault for coming to the assembly meeting and introducing himself to the members;
- welcomed Assemblymember Kvalheim as a member of the assembly; and
- commented regarding dedication ceremonies that will take place tomorrow for the Glenn Highway Scenic Byway;

10:30 at the Colony Inn and noon at the Palmer Community Center (railroad depot).

XV. ADJOURNMENT

The regular meeting adjourned at 8:47 p.m.

TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:

SANDRA A. DILLON, Borough Clerk