

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on February 19, 2008, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:05 p.m. by Mayor Curtis D. Menard.

II. ROLL CALL

Assembly members present and establishing a quorum were:

Ms. Lynne Woods, Assembly District No. 1 (*Deputy Mayor*)
Mr. Pete Houston, Assembly District No. 2
Ms. Michelle R. Church, Assembly District No. 3
Ms. Mary Kvalheim, Assembly District No. 4
Mr. Tom Kluberton, Assembly District No. 7

Assemblymembers absent and excused were:

Ms. Cindy L. Bettine, Assembly District No. 5
Mr. Robert Wells, Assembly District No. 6

Staff in attendance were:

Ms. Lonnie R. McKechnie, Borough Clerk
Mr. John Duffy, Borough Manager
Ms. Marian Romano, Assistant Borough Manager
Mr. John Aschenbrenner, Assistant Borough Attorney
Ms. Amanda E. Charles, Executive Assistant to the Borough Clerk
Mr. Keith Rountree, Public Works Director
Mr. Dennis Brodigan, Emergency Services Director
Mr. Mark Mayo, Planning and Land Use Director
Ms. Patty Sullivan, Public Affairs Director
Mr. Dave Hanson, Economic Development Director
Ms. Patty Sullivan, Public Information Manager
Mr. Russ Kraft, Purchasing Officer
Mr. Bill Klebesadel, Project Management/Engineering Division Manager
Mr. Emerson Kruger, Planner II
Mr. Lauren Kruer, Planner II

III. APPROVAL OF AGENDA

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

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Gary LoRusso, a member of the public.

V. MINUTES OF PRECEDING MEETINGS

- A. Special Assembly Meeting: 01/08/08
- B. Special Assembly Meeting: 01/15/08
- C. Regular Assembly Meeting: 01/15/08
- D. Special Assembly Meeting: 01/28/08
- E. Special Assembly Meeting: 01/29/08
- F. Regular Assembly Meeting: 02/05/08

Mayor Menard inquired if there were any corrections to the meeting minutes of January 8, 2008, January 15, 2008 (special), January 5, 2008, (regular), January 28, 2008, January 29, 2008, and February 5, 2008.

GENERAL CONSENT: The minutes were approved as presented without objection.

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

- 1. Reports from cities

(There were no reports provided.)

- 2. Matanuska-Susitna Borough School District

(There was no report provided.)

B. COMMITTEE REPORTS

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

(There was no report provided.)

- 2. Assembly Public Relations

(There were no reports provided.)

G. MANAGER COMMENTS

- 1. State/Federal Legislation

Mr. Duffy:

- reported that the revenue bond sale had been signed for the new Animal Shelter;
- recognized Ms. Sullivan for her work on the annual report;
- spoke regarding the quarterly survey results;
- commented on Senate Bill 189; and
- spoke regarding the change in hours of operation for the Animal Shelter.

Assemblymember Church requested that the Assembly no longer receive the contractors' project manuals, and the associated paperwork, regarding school updates.

There was no objection noted.

H. ATTORNEY COMMENTS

(There was no report provided.)

I. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule;
- pointed out the budget meetings; and
- asked if the Assembly would like to schedule the Hatcher Pass Ski Area work session on March 4, 2008.

Assemblymember Church requested that the March 4, 2008, work session begin at 3 p.m.

There was no objection noted.

Ms. McKechnie:

- notified the Assembly that Palmer had invited the Assembly to the next joint meeting which would be held at the Palmer Depot;
- stated that the date of the proposed meeting was March 27, 2008, at 6 p.m.; and
- advised that the Assembly had a work session scheduled for 3 p.m. that same day.

There was no objection noted.

J. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Board of Adjustment and Appeals: 11/14/07, 11/16/07, 11/27/07, 01/09/08
- b. Local Emergency Planning Committee: 11/19/07
- c. Local Road Service Area Advisory Board: 04/19/07
- d. Platting Board: 12/20/07
- e. Fairview RSA No. 14: 02/27/07, 06/20/07

2. Community Council Correspondence:
 - a. Glacier View Community Council: 10/25/07
 - b. North Lakes Community Council: 09/20/07
 - c. Talkeetna Community Council: 11/05/07

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

K. INFORMATIONAL MEMORANDUMS

1. IM No. 08-031: CONTRACT AWARDS AND AMENDMENTS IN THE AMOUNT OF \$100,000 OR LESS, AND SOLE SOURCE PROCUREMENTS, FOR THE PERIOD OF JANUARY 1, 2008, TO JANUARY 31, 2008.

The informational memorandum was presented and no comments were noted.

VIII. UNFINISHED BUSINESS

- A. Ordinance Serial No. 08-013: AN ORDINANCE RELATING TO ANIMAL CARE AND REGULATION BY AMENDING MSB 24.05, GENERAL PROVISIONS; AMENDING MSB 24.26, ANIMAL BITE AND ATTACK INCIDENTS; AND AMENDING MSB 24.40.050, FINES FOR INFRACTIONS.
 1. IM No. 08-025

Ms. Romano provided a staff report.

MOTION PENDING: Assemblymember Woods moved to adopt Ordinance Serial No. 08-013.

MOTION: Assemblymember Kvalheim moved a primary amendment to Ordinance Serial No. 08-013, by striking subsection MSB 24.05.090(C) in its entirety.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

IX. NEW BUSINESS

- A. INTRODUCTION (For public hearing - 03/04/08, 7 p.m., Borough Assembly Chambers)
 1. Ordinance Serial No. 08-029: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$13,500 FROM GARDEN TERRACE SERVICE AREA NO. 8 FUND BALANCE, FUND 291, TO THE GARDEN TERRACE SERVICE AREA NO. 8 FISCAL YEAR 2008 OPERATING BUDGET, FUND 291.
 - a. IM No. 08-043

2. Ordinance Serial No. 08-030: AN ORDINANCE AMENDING MSB 15.24.030(B) TO INCLUDE THE LAZY MOUNTAIN COMPREHENSIVE PLAN.
 - a. IM No. 08-044
3. Ordinance Serial No. 08-031: AN ORDINANCE ADOPTING MSB 4.58, HEALTH AND SOCIAL SERVICES BOARD.
 - a. IM No. 08-045
4. Ordinance Serial No. 08-032: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$3,940 DONATION FROM THE TALKEETNA COMMUNITY PLAN ORGANIZATION TO FUND 480, PROJECT NO. 47005, FOR THE TALKEETNA PUBLIC FACILITIES PLAN.
 - a. Resolution Serial No. 08-015: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE TALKEETNA PUBLIC FACILITIES PLAN.
 - (1) IM No. 08-048
5. Ordinance Serial No. 08-033: AN ORDINANCE APPROVING AN APPROPRIATION OF \$148,755 FROM THE LAND MANAGEMENT FUND BALANCE FUND 203, TO FUND 450, PROJECT NO. 70007, TO PAY FOR EXPLOSIVE ORDNANCE DISPOSAL CLEARANCE AT POINT MACKENZIE TO BE REIMBURSED FROM THE ROYALTIES RECEIVED FROM ALASKA AGGREGATE PRODUCTS MATERIAL.
 - a. Resolution Serial No. 08-016: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR EXPLOSIVE ORDNANCE DISPOSAL CLEARANCE AT POINT MACKENZIE TO BE REIMBURSED FROM THE ROYALTIES RECEIVED FROM ALASKA AGGREGATE PRODUCTS MATERIAL SALE CONTRACT.
 - (1) AM No. 08-015: AUTHORIZING CONTRACT NO. 08-092 WITH BRICE ENVIRONMENTAL SERVICES CORPORATION FOR AN AMOUNT NOT TO EXCEED \$148,755 FOR EXPLOSIVE ORDNANCE DISPOSAL CLEARANCE AT POINT MACKENZIE.
 - (2) IM No. 08-051

Ms. McKechnie read the above legislation into the record.

MOTION: Assemblymember Woods moved to introduce the legislation as read into the record by the Clerk and set the public hearings for March 4, 2008.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Menard requested the following confirmations:

Historical Preservation Commission
Leroi Heaven
Local Emergency Planning Committee
Donald Warble
Resignation of David Harbour
Transportation Advisory Board
Michael Campfield

Mayor Menard made the following recommendations:

Board of Adjustment and Appeals
Alvah Clark Buswell
Board of Equalization
Brian Sullivan
Borough Area School Site Selection Committee
Kevin Sorensen
Transportation Advisory Board
Kenneth Ray

MOTION: Assemblymember Woods moved to confirm the Mayor's recommendations and resignations up for confirmation this evening.

VOTE: The motion passed without objection.

C. OTHER NEW BUSINESS

XIII. MAYOR AND ASSEMBLY COMMENTS

Mayor Menard reported on the population growth of the Matanuska-Susitna Borough;

Assemblymember Woods:

- spoke regarding revenue sharing; and
- commented on Senate Bill 72.

Assemblymember Houston:

- reported that he attended a town hall meeting where the public's concerns were voiced;
- elaborated that the public's concerns matched the Assembly's legislative priorities; and
- spoke regarding the Board of Regions.

Assemblymember Kluberton:

- spoke regarding progress on the Board of Fisheries; and
- spoke regarding a possible property tax exemption for non-profit senior housing.

Assemblymember Kvalheim voiced support regarding a property tax exemption for non-profit senior housing.

VII. 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. 08-018: AN ORDINANCE AMENDING MSB 17.73; MULTI-FAMILY DEVELOPMENT DESIGN STANDARDS. *(Previously Ordinance Serial No. 07-180)*
 - a. Ordinance Serial No. 08-018(SUB): AN ORDINANCE AMENDING MSB 17.73; MULTI-FAMILY DEVELOPMENT DESIGN STANDARDS.
 - (1) IM No. 08-037
 - (2) IM No. 08-054

Ms. Kruer provided a staff report.

Assemblymember Woods requested that the staff clarify whether they support the substitute ordinance.

Ms. Kruer affirmed the query.

Mayor Menard opened the public hearing.

The following person spoke to areas of concern in Ordinance Serial No. 08-018: Mr. Gary LaRusso.

The following person spoke in opposition to Ordinance Serial No. 08-018: Ms. Kathy Wells.

There being no others present who wished to testify, the public hearing closed and discussion moved to the Assembly.

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 08-018

MOTION: Assemblymember Woods moved to amend Ordinance Serial No. 08-018 by substitute, Ordinance Serial No. 08-018(SUB).

Mayor Menard asked if there were any amendments to Ordinance Serial No. 08-018(SUB).

MOTION: Assemblymember Kluberton moved a primary amendment to Ordinance Serial No. 08-018(SUB), by striking all references to the five-foot front yard setback incentive.

Assemblymember Kvalheim stated that she would not be supporting the primary amendment.

VOTE: The primary amendment failed with Assemblymember Houston and Assemblymember Kluberton in favor.

VOTE: The motion to amend by substitute Ordinance Serial No. 08-018(SUB) passed without objection.

2. Ordinance Serial No. 08-019: AN ORDINANCE ADOPTING THE JACOBSEN LAKE, LAKE MANAGEMENT PLAN, AND AMENDING MSB 15.24.030, COMPREHENSIVE PLAN AND PURPOSES, AND MSB 17.59, LAKE MANAGEMENT PLAN IMPLEMENTATION.
 - a. IM No. 08-012

Mr. Kruger provided a staff report.

Mayor Menard opened the public hearing.

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

MOTION: Assemblymember Kvalheim moved to adopt Ordinance Serial No. 08-019.

Assemblymember Houston queried whether the quiet hours of Ordinance Serial No. 08-019 were consistent with the noise ordinance that recently passed.

Mr. Duffy:

- stated that individuals from the community provide input regarding the noise levels that are allowed at the lake; and
- noted that there had been no problems reported regarding adherence to the quiet hours.

Assemblymember Houston asked how the public is noticed of the quiet hours.

Mr. Duffy stated that the quiet hours are posted at the public access points.

VOTE: The motion passed without objection.

3. Ordinance Serial No. 08-020: AN ORDINANCE APPROVING AN APPROPRIATION OF \$117,853 FROM BOGARD ROAD SERVICE AREA NO. 25 FUND BALANCE, FUND 279, TO FUND 410, PROJECT NO. 30045, FOR BOGARD ROAD SERVICE AREA NO. 25, CAPITAL PROJECTS.
 - a. IM No. 08-014

Mr. Rountree provided a staff report.

Mr. Duffy advised that this would take five affirmative votes to pass.

Mayor Menard opened the public hearing.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 08-020.

Assemblymember Houston requested clarification on the reason that this ordinance requires five affirmative votes.

Mr. Duffy explained that code requires a super majority vote in order to take money from the reserves.

VOTE: The motion passed without objection.

4. Ordinance Serial No. 08-021: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$25,000 FROM FREEDOM HILLS SUBDIVISION SERVICE AREA FUND BALANCE, FUND 294, TO THE FREEDOM HILLS SUBDIVISION SERVICE AREA FISCAL YEAR 2008 OPERATING BUDGET, FUND 294.
 - a. IM No. 08-015

Mr. Rountree:

- provided a staff report; and
- requested that the Assembly postpone the ordinance indefinitely, so that changes can be made.

Mayor Menard opened the public hearing.

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

MOTION: Assemblymember Kluberton moved to adopt Ordinance Serial No. 08-021.

MOTION: Assemblymember Kluberton moved to postpone Ordinance Serial No. 08-021 indefinitely.

VOTE: The motion to postpone indefinitely passed without objection.

5. Ordinance Serial No. 08-022: AN ORDINANCE ACCEPTING AND APPROPRIATING \$107,720 FROM THE UNITED STATES DEPARTMENT OF DEFENSE, COMMUNITY ECONOMIC ADJUSTMENT PLANNING ASSISTANCE PROGRAM, TO FUND 480, PROJECT NO. 47003, JOINT LAND USE STUDY WITH ELMENDORF AIR FORCE BASE, FORT RICHARDSON, AND THE ALASKA ARMY NATIONAL GUARD.
 - a. Resolution Serial No. 08-013: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET AND AUTHORIZING THE MANAGER TO ENTER INTO NECESSARY AGREEMENTS FOR THE COMPLETION OF A JOINT LAND USE

STUDY WITH ELMENDORF AIR FORCE BASE, FORT RICHARDSON, AND THE ALASKA ARMY NATIONAL GUARD.

(1) IM No. 08-027

Mr. Duffy provided a staff report.

Assemblymember Church queried the land use study.

Mr. Duffy:

- stated that the land use study would be for possible encroachment areas; and
- elaborated that it would be a standard land use plan which would set forth regulations in the necessary areas.

Mayor Menard opened the public hearing.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 08-022 and Resolution Serial No. 08-013.

VOTE: The motion passed without objection.

6. Ordinance Serial No. 08-023: AN ORDINANCE PROVIDING A TAX EXEMPTION FOR AN INCREASE IN THE ASSESSED VALUE OF PROPERTY RESULTING FROM HARVESTING INSECT-INFESTED TIMBER AND AMENDING MSB 3.15.035; OPTIONAL EXEMPTIONS. (*Sponsor: Assemblymember Woods*)

a. IM No. 08-034

Mr. Duffy provided a staff report.

Mayor Menard opened the public hearing.

The following person spoke in support of Ordinance Serial No. 08-023: Mr. Glen Holt and Ms. Cindy Bettin.

There being no others present who wished to testify, the public hearing closed and discussion moved to the Assembly.

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 08-023.

Assemblymember Woods advised that she had received no objection from the affected community councils.

VOTE: The motion passed without objection.

7. Ordinance Serial No. 08-024: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$16,981 FROM THE BIG LAKE FIRE SERVICE AREA FUND BALANCE, FUND 256, TO THE BIG LAKE FIRE SERVICE AREA FISCAL YEAR 2008 OPERATING BUDGET, FUND 256.
 - a. IM No. 08-038

Mr. Brodigan provided a staff report.

Mayor Menard opened the public hearing.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 08-024.

(The regular meeting recessed at 8:04 p.m. and reconvened at 8:12 p.m.)

VOTE: The motion passed without objection.

8. Ordinance Serial No. 08-025: AN ORDINANCE AMENDING MSB 3.04.135; DISPOSITION OF UNCOLLECTIBLE RECEIVABLES.
 - a. IM No. 08-040

Mr. Kraft provided a staff report.

Mayor Menard opened the public hearing.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 08-025.

VOTE: The motion passed without objection.

9. Ordinance Serial No. 08-026: AN ORDINANCE AMENDING PORTIONS OF MSB 3.36.020, RENEWAL AND DURATION OF BUSINESS LICENSES.
 - a. IM No. 08-041

Mr. Duffy provided a staff report.

Mayor Menard opened the public hearing.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 08-026.

Assemblymembers Houston asked if the ordinance was retroactive.

Mr. Duffy explained that it is not retroactive.

Mr. Aschenbrenner explained that the effective date of the ordinance is January 1, 2007.

Mr. Kluberton queried why the applicants cannot obtain a yearly license.

Mr. Duffy:

- stated that the Assembly could change the code; and
- noted that it would cause an increase in work load for the staff.

VOTE: The motion passed without objection.

10. Ordinance Serial No. 08-027: AN ORDINANCE AMENDING MSB 3.08.150, EXECUTION OF CONTRACTS; MSB 3.08.161, ASSEMBLY APPROVAL OF CONTRACTS; MSB 3.08.170, CONTRACT AMENDMENTS, ASSEMBLY APPROVAL; MSB 3.08.260, COMPETITIVE SEALED PROPOSALS AND NEGOTIATED PROCUREMENT; AND MSB 3.08.270, OPEN MARKET PROCEDURE.

a. IM No. 08-042

Mr. Kraft provided a staff report.

Assemblymembers Woods asked if it would help procedurally to raise the procurement amount in MSB 3.08.270 to \$25,000.

Mr. Kraft responded that it would expedite matters without losing any of the integrity of the current procedures.

Mayor Menard opened the public hearing.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 08-027.

MOTION: Assemblymembers Woods moved a primary amendment to Ordinance Serial No. 08-027 to strike the amount of "\$15,000" and replace it with "\$25,000" to read as follows: (A) The purchasing officer may in the best interest of the borough procure all supplies, services, professional services and construction having an estimated value of not more than \$25,000 on the open market without formal advertising or other formal bid procedures.

Assemblymember Kluberton spoke to concerns in spending funds in an expedited manner.

Assemblymember Woods stated that the reason for the amendment is to make the process more efficient and affective.

VOTE: The primary amendment passed with Assemblymember Church in opposition.

VOTE: The main motion passed as amended without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke regarding a need to increase public notices to include conditional use permits and all Borough board agendas: Ms. Kathy Wells.

D. CONSENT AGENDA

1. RESOLUTIONS

- a. Resolution Serial No. 08-014: A RESOLUTION AMENDING THE SCOPE OF WORK FOR PORT MACKENZIE-PHASE II, PROJECT NO. 70001, TO INCLUDE THE DESIGN AND CONSTRUCTION OF A FERRY LANDING AT PORT MACKENZIE.
(1) IM No. 08-046

2. ASSEMBLY MEMORANDUMS

(There were no Assembly Memorandums presented.)

Ms. McKechnie read the above legislation into the record.

MOTION: Assemblymember Woods moved to approve the consent agenda as read into the record by the Clerk.

VOTE: The motion passed without objection.

X. RECONSIDERATION

(There were no reconsiderations presented.)

XI. VETO

(There were no vetoes presented.)

XII. EXECUTIVE SESSION

(There was no executive session held.)

XIV. ADJOURNMENT

The regular meeting adjourned at 8:50 p.m.

/ S /

CURTIS D. MENARD, Borough Mayor

ATTEST:

/ S /

JOELL CHURCH, Acting Borough Clerk

Minutes approved: 03/04/08