I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on March 4, 2003, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:05 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
Vacant, Assembly District No. 2
Mr. Talis J. Colberg, Assembly District No. 3
Ms. Mary Kvalheim, 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. David Germer, Assistant Borough Manager
Ms. Teresa Williams, Borough Attorney
Mr. John Aschenbrenner, Assistant Borough Attorney
Ms. Janice A. Case, Borough Clerk's Secretary
Mr. Jim Swing, Public Works Director
Ms. Kelli Veech, Acting Finance Director
Mr. Jack Krill, Interim Emergency Services Director
Mr. Ron Swanson, Acting Planning Director

III. APPROVAL OF AGENDA

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

MOTION: Assemblymember Simpson moved to amend the agenda to add Ordinance Serial No. 03-014, as item one of the public hearings. *(The clerk had explained that the ordinance had been introduced, the public hearing was advertised, it was just omitted from the agenda.)*

VOTE: The motion passed without objection.

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

IV. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Ms. Doreen Toller, Mat-Su Convention and Visitors Bureau Board Member.

V. MINUTES OF PRECEDING MEETINGS

A. Regular Assembly Meeting: February 18, 2003

Mayor Anderson referenced the regular minutes of February 18, 2003, and asked if there were any corrections thereto.

Assemblymember Ladere:
- page 20 of 22, corrected the typo which reads 180 kilowatts, to read, "…880 kilowatts of hydroelectric power". *[After clerk's research, this item was corrected.]*

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORT

1. Reports from cities

<u>Wasilla City</u>

Mayor Keller:
- stated that the multi-use sports complex is still in the design phase;
- informed that the Wasilla City Council passed a resolution regarding the prison expansion;
- awarded a contract for the Wasilla Police Department emergency generator;
- accepted $2,500 from Fred Meyers for their Tree City USA program;
- noted that the Wasilla Planning Commission and city council are considering ideas for an amnesty program for set-back violations;
- thanked Assemblymember Kvalheim for continuing to attend the Wasilla City Council meetings and Assemblymember Jansen for her dedication and efforts on the assembly; and
- congratulated Ms. Dillon for the Clerk of the Year Award.

Assemblymember Colver:
- asked about measures being taken in regards to set-back violations; and
- urged Mayor Keller to consider some measures.

Discussion ensued regarding set-back violations.

2. Matanuska-Susitna Borough School District

Kim Floyd, Public Information Specialist:

- stated that the Wasilla High School students won the Battle of the Books competition;
- noted that the cost study is now a dead issue at the state level;
- believes the lobbying and awareness efforts will save the school district $1.4 million dollars;
- reported that students in grades 2 – 12 are participating in state-mandated testing this week;
- informed that nutrition services has coordinated the offering of free breakfast packs to students who are participating in the tests;
- noted that supervisor Linda Stoll won the USDA's prestigious LINC Award, which stands for leadership, innovation, and nutrition collaboration, for her development of a low cost nutrition education cd-rom for elementary school students; and
- stated that the school board will begin public hearings on the FY 04 budget, March 5, 2003, at 6 p.m., at Palmer High School.

Assemblymember Simpson questioned Ms. Floyd about the opening of the new Houston Middle School for only seventh and eighth grades.

Mr. Jack Sherman replied that it is possible that the high school will open as a junior high school, not a middle school.

Assemblymember Simpson asked if the current budget proposal is for middle school grades or others.

Mr. Sherman affirmed that the current budget proposal is for the middle school grades.

Assemblymember Kvalheim asked Ms. Floyd about school bonding.

Discussion ensued regarding school bonding.

3. U.S. Fish and Wildlife Service Re: Status Report on Conservation Programs and Partnerships with the Borough

Mr. Mike Roy gave a presentation on restoring and protecting fish and wildlife in the Mat-Su Valley.

4. Mat-Su Convention and Visitors Bureau (MSCVB)

Ms. Doreen Toller, Mat-Su Convention and Visitors Bureau Board Member:

- stated that the MSCVB recently held a planning retreat, where priorities and goals were identified;

- reported that in 2002, the Matanuska-Susitna Region was the only borough in the state to realize a growth in tourism;
- noted that the Kenai Peninsula Borough praised our achievements and are looking for MSCVB's help in marketing their own area;
- state that for FY03 they have received 96 percent of their budgeted funding;
- noted that the bed tax receipts are contributing to some meaningful projects throughout the borough;
- stated that they are continuing to educate residents on the benefits of tourism;
- informed that the tourism awareness campaign was a finalist in the national Odyssey Awards;
- indicated that they are actively involved with the manager regarding a survey to help measure the economic impact of tourism;
- stated that they will be returning to "Pow Wow" for the second year, to promote the Mat-Su area;
- reported that the MSCVB will be hosting the Highway Neighbors Convention in Talkeetna; and
- noted that they will also be holding a fundraising event on April 12, 2003, at Evangelo's Restaurant, which will have travel bargains and wine tasting.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Colver:
- reported on the problems with the cost study;
- noted that it is too early to determine if the funding formula will be adjusted;
- stated that class size is expected to increase two pupils per class for high schools and middle schools; and one pupil for elementary schools; and
- informed that an agreement has been reached between the borough and the school district to jointly fund the Dynix system upgrade.

2. Regional Transportation Planning Organization (RTPO)

Mayor Anderson stated that there have been no meetings.

C. MANAGER COMMENTS

Mr. Duffy:
- discussed the federal lobbyist's report;
- noted that the borough received an award of $421,250 through the Community Development Block Program for the Sunshine Health Clinic;
- reported that the administration has completed two reviews of platting actions at the request of nearby property owners;

- stated that he has reviewed the animal care and regulation contracts with the cites of Wasilla and Palmer, and is continuing to work with the cities on revisions; and
- referenced the proposed Public Participation Program for the Core Area Comprehensive Planning Process.

D. ATTORNEY COMMENTS

Mayor Anderson welcomed the new borough attorney, Ms. Teresa Williams.

Ms. Williams stated that she looks forward to working with the assembly.

E. CLERK COMMENTS

Ms. Dillon:
- noted the list of upcoming meetings; and
- reviewed the current list of applicants for assembly district 2.

VI. REPORTS AND CORRESPONDENCE

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
a. Animal Care and Regulation Board: 01/06/03; 01/13/03
b. Board of Adjustment and Appeals: 01/24/03
c. Historic Preservation Commission: 11/08/02; 12/06/02
d. Matanuska-Susitna Borough School District: 12/04/02; 1/15/03
e. Transportation Advisory Board: 01/22/03
f. Willow Fire Service Area No. 35, Board of Supervisors: 01/08/03; 01/15/03

2. Other Correspondence:
a. Cook Inlet Aquaculture Association: 01/25/03

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

G. INFORMATIONAL MEMORANDUMS

(There were no informational memorandums to present.)

(The regular meeting recessed at 6:53 p.m. and reconvened at 7:03 p.m.)

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

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

(There were no persons to be heard.)

B. PUBLIC HEARINGS (Three minutes per person.)

1. Ordinance Serial No. 03-014: AN ORDINANCE CREATING WILLOW, CROWBERRY, AND BIRCH DRIVE AREA ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 377, 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. 03-019

Ms. Kelli Veech, MSB Comptroller, recommended approval of Ordinance Serial No. 03-014.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Colberg moved to adopt Ordinance Serial No. 03-014.

VOTE: The motion passed without objection.

2. Ordinance Serial No. 03-034: AN ORDINANCE AMENDING MSB 5.25.058(A), SERVICE AREA NO. 34, MEADOW 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. 03-035: AN ORDINANCE AMENDING MSB 5.25.140(A), SERVICE AREA NO. 130: WASILLA-LAKES FIRE SERVICE AREA, BY ADJUSTING THE BOUNDARY TO REFLECT THE ADDITION OF AN AREA OF LAND WHICH WOULD BE SPLIT BY A SERVICE AREA BOUNDARY FROM A PROPOSAL FOR A PRELIMINARY PLAT.

(1) IM No. 03-029

CONFLICT OF INTEREST: Assemblymember Colver declared a conflict of interest regarding Ordinance Serial Nos. 03-034 and 03-035, and requested to be excused from voting on this legislation.

RULING: Mayor Anderson ruled that Assemblymember Colver had a conflict of interest and would be recused from voting on the issue.

(Assemblymember Colver exited chambers at this time.)

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Ladere moved to adopt Ordinance Serial No. 03-034 and Ordinance Serial No. 03-035.

VOTE: The motion passed without objection.

(Assemblymember Colver returned to chambers at this time.)

3. Ordinance Serial No. 03-036: AN ORDINANCE REAPPROPRIATING $130,000 FROM THE FISCAL YEAR 2003 BIG LAKE FIRE SERVICE AREA OPERATING BUDGET, FUND 256, TO PROJECT NO. 45111, FUND 405, FOR A LIVE-FIRE TRAINING TOWER.

a. Resolution Serial No. 03-008: A RESOLUTION REVISING THE SCOPE OF WORK AND BUDGET FOR CAPITAL PROJECT NO. 45111, FUND 405, FOR THE TOTAL AMOUNT OF $250,000, FOR A LIVE-FIRE TRAINING TOWER IN THE BIG LAKE FIRE SERVICE AREA (FSA).

b. Resolution Serial No. 03-009: A RESOLUTION APPROVING A LOAN FROM THE FIRE SERVICE AREA REVOLVING LOAN FUND, FUND 605, IN THE AMOUNT OF $130,000 TO THE BIG LAKE FIRE SERVICE AREA, FUND 256, FOR A LIVE-FIRE TRAINING TOWER.

(1) IM No. 03-030

(2) IM No. 03-031

Mr. Jack Krill, MSB Interim Emergency Services Director:

- reported on the need for these training towers;
- stated that the current training tower receives a large amount of use; and
- informed that this training tower is on a smaller scale to afford the Big Lake and Meadow Lake Fire Service areas the necessary training.

Mayor Anderson opened the public hearing.

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

Assemblymember Bush inquired as to if all fire service areas would be able to use this training facility.

Mr. Krill affirmed that all fire service areas would be able to use this training facility.

MOTION: Assemblymember Simpson moved to adopt Ordinance Serial No. 03-036, Resolution Serial No. 03-008, and Resolution Serial No. 03-009.

Assemblymember Simpson spoke in favor of the motion.

VOTE: The motion passed without objection.

4. Ordinance Serial No. 03-037: AN ORDINANCE APPROPRIATING AN ADDITIONAL AMOUNT OF $11,559,339 FROM STATE, FEDERAL, AND OTHER REVENUE SOURCE TO FUND 204, EDUCATION OPERATING FUND, FOR FISCAL YEAR 2003.

a. IM No. 03-033

Ms. Kathy Vanover stated that this is a housekeeping ordinance, bringing everything up to date and in balance.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Colver moved to approve Ordinance Serial No. 03-037.

GENERAL CONSENT: The motion passed without objection.

5. Ordinance Serial No. 03-041: AN ORDINANCE CREATING MSB 17.76 LARGE LOT SINGLE FAMILY RESIDENTIAL LAND USE DISTRICT.

a. Ordinance Serial No. 03-042: AN ORDINANCE AMENDING MSB 17.76.040(A), DESIGNATING TRACT A, LICHENNWALNER TRACTS (PLAT 2001-14), ALSO KNOWN AS LIGHT WOOD SUBDIVISION, AND TRACT B 4 OF TOWNSHIP 24 NORTH, RANGE 04 WEST, SECTION 18, AS A LARGE LOT SINGLE FAMILY RESIDENTIAL LAND USE DISTRICT LOCATED NEAR TALKEETNA.

(1) IM No. 03-035

(2) IM No. 03-036

Mr. Duffy:

- stated that this ordinance is a variance of the Single Family Residential Land Use District, with large lots being the difference; and

- recommended that the assembly postpone this ordinance until the April 15, 2003, regular meeting.

Mayor Anderson opened the public hearing.

The following person spoke in favor of Ordinance Serial No. 03-041 and Ordinance Serial No. 03-042: Mr. James Okonek.

Mayor Anderson closed the public hearing and discussion moved to the assembly.

MOTION: Assemblymember Ladere moved to adopt Ordinance Serial No. 03-041 and Ordinance Serial No. 03-042.

MOTION: Assemblymember Ladere moved to postpone Ordinance Serial No. 03-041 and Ordinance Serial No. 03-042 until the April 15, 2003, regular meeting.

VOTE: The motion to postpone Ordinance Serial No. 03-041 and Ordinance Serial No. 03-042 until the April 15, 2003, regular meeting passed without objection.

6. Ordinance Serial No. 03-043: AN ORDINANCE APPROPRIATING FISCAL YEAR 2002 ROAD SERVICE AREA FUND BALANCES TO FUND 410, ROAD SERVICE AREA CAPITAL PROJECTS, AND TO CERTAIN ROAD SERVICE AREA FISCAL YEAR 2003 OPERATING BUDGETS.
a. IM No. 03-042

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Kvalheim moved to adopt Ordinance Serial No. 03-043.

VOTE: The motion passed without objection.

7. Ordinance Serial No. 03-044: AN ORDINANCE AMENDING MSB 15.24.031 THE PROCESS FOR INITIATING AND AMENDING LAKE MANAGEMENT PLANS.
a. IM No. 03-044

Mr. Ron Swanson stated that the borough currently has inconsistent policies and this ordinance will provide consistency.

Assemblymember Ladere inquired as to the petitions, and asked if they must be signed and dated as a standard process.

Mr. Swanson stated that each person on the deed must sign the petition.

Mayor Anderson opened the public hearing.

The following persons spoke in favor of Ordinance Serial No. 03-044, but stated that they have some concerns: Mr. Fritz Kalmbach and Mr. Penny Nixon.

MOTION: Assemblymember Bush moved to adopt Ordinance Serial No. 03-044.

Assemblymember Bush stated that some amendments do need to be made to the lake management plan.

MOTION: Assemblymember Bush moved a primary amendment to Ordinance Serial No. 03-044, the last sentence in Section (A) (1) on page 168 of the packet and the last sentence in Section (B) (2) on page 170 of the packet by inserting the phrase, "…unless Federal, State, or Borough owned parcels within 600 feet of the shoreline make up 50 percent or more of the total ownership, then they must participate in the petition process."

Discussion ensued regarding amendment.

VOTE: The primary amendment failed with Assemblymember Bush in support.

MOTION: Assemblymember Ladere moved a primary amendment to Ordinance Serial No. 03-044 to strike 45 calendar days and insert 60 calendar days on page 168, section (A) (2), and page 170, section (B) (3).

Assemblymember Ladere stated that in some outlying areas, it is difficult for residents to respond in such a short amount of time.

VOTE: The primary amendment passed without objection.

Assemblymember Colver inquired as to if the "50 parcels" on page 170 of the packet is supposed to be 50 percent.

Mr. Swanson stated that it is 50 parcels.

Discussion ensued regarding 50 parcels versus 50 percent.

MOTION: Assemblymember Ladere moved a primary amendment to Ordinance Serial No. 03-044 to insert "…not less than 60 calendar days" for residents to respond to the notification.

VOTE: The primary amendment passed without objection.

VOTE: The main motion as amended passed without objection.

8. Ordinance Serial No. 03-045: AN ORDINANCE ACCEPTING AND APPROPRIATING $50,021 FROM THE CITY OF HOUSTON FOR PAVING WEST MEADOWOOD DRIVE, WINTERHAVEN DRIVE, AND KING ARTHUR DRIVE TO FUND 410, ROAD SERVICE AREA CAPITAL PROJECT NO. 35247, CITY OF HOUSTON PAVING.

a. Resolution Serial No. 03-013: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PAVING MEADOWOOD DRIVE, WINTERHAVEN DRIVE, AND KING ARTHUR DRIVE IN THE CITY OF HOUSTON, PROJECT NO. 35247.

(1) IM No. 03-046

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Ladere moved to adopt Ordinance Serial No. 03-045 and Resolution Serial No. 03-013.

VOTE: The motion passed without objection.

9. Ordinance Serial No. 03-046: AN ORDINANCE ACCEPTING AND APPROPRIATING $109,000 FROM THE ALASKA STATE DEPARTMENT OF NATURAL RESOURCES, DIVISION OF FORESTRY TO FUND 480, PROJECT NO. 20329, COASTAL IMPACT ASSISTANCE PROGRAM GRANT PROJECT.

a. Ordinance Serial No. 03-047: AN ORDINANCE ACCEPTING AND APPROPRIATING $30,000 FROM THE NATURAL RESOURCES CONSERVATION SERVICES, UNITED STATES DEPARTMENT OF AGRICULTURE TO FUND 480, PROJECT NO. 20329, COASTAL IMPACT ASSISTANCE PROGRAM GRANT PROJECT.

b. Resolution Serial No. 03-014: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR THE COASTAL IMPACT ASSISTANCE PROGRAM GRANT, PROJECT NO. 20329 AND AUTHORIZING THE MANAGER TO ENTER INTO COOPERATIVE AGREEMENTS WITH THE ALASKA DEPARTMENT OF NATURAL RESOURCES, DIVISION OF FORESTRY AND THE NATURAL RESOURCES CONSERVATION SERVICES, UNITED STATES DEPARTMENT OF AGRICULTURE.

(1) IM No. 03-049

Mr. Duffy stated that these funds will be used to acquire a satellite system for a geographic information system.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Colberg moved to adopt Ordinance Serial No. 03-046, Ordinance 03-047, and Resolution Serial No. 03-014.

Assemblymember Ladere spoke in favor of the legislation.

VOTE: The motion passed without objection.

B. AUDIENCE PARTICIPATION (Three minutes per person.)

The following persons spoke regarding Planning Commission meeting on March 3, 2003, and the discussion between Planning Commissioner Lee Sharp and Chief of Code Compliance Ken Hudson during the staff report of that meeting: Ms. Lucille Frey, Mr. Penny Nixon, Mr. Patrick O'Connor, Ms. Mary Psenak, Ms. Michelle Church, and Ms. Shery Trboyervich.

The following person spoke regarding tax increases and assessment increases and asked that Assemblymember Colver look into this matter to determine if a 20 percent increase is common across the board: Mr. Penny Nixon, President of North Lakes Community Council.

Discussion ensued regarding tax increases.

The following person spoke to the Platting Board issues and concerns: Ms. Jean Krause.

The following person discussed borough property that is being used with no compensation to the borough: Mr. Tom Becal.

(The regular meeting recessed at 8:25 p.m. and reconvened at 8:40 p.m.)

VIII. UNFINISHED BUSINESS

(There was no unfinished business.)

IX. NEW BUSINESS

A. INTRODUCTION (For public hearing – 03/18/03, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 03-048: AN ORDINANCE CLASSIFYING A 240-ACRE TRACT OF LAND IN THE KASHWITNA AREA IN TWO PORTIONS AND APPROVING THE ENTIRE TRACT FOR SALE. ONE PORTION BEING APPROXIMATELY 60 ACRES IN

SIZE CLASSIFIED AS "GENERAL PURPOSE LANDS" AND THE OTHER PORTION BEING APPROXIMATELY 180 ACRES IN SIZE CLASSIFIED AS "WATERSHED LANDS." (MSB003338)

a. IM No. 03-034

2. Ordinance Serial No. 03-049: AN ORDINANCE AMENDING MSB 16.05.030, PENALTIES AND REMEDIES, BY REPEALING SUBSECTION (E).

a. IM No. 03-040

3. Ordinance Serial No. 03-050: AN ORDINANCE AMENDING MSB 5.25.044(A) TO REFLECT THE CURRENT MEADOW LAKES ROAD SERVICE AREA NO. 27 LEGAL DESCRIPTION.

a. IM No. 03-050

4. Resolution Serial No. 03-017: A RESOLUTION ADOPTING THE CAPITAL IMPROVEMENT PROGRAM FOR FY 2004-2009.

a. IM No. 03-054

B. INTRODUCTION (For public hearing – 03/20/03, 6 p.m., Talkeetna Elementary School)

1. Ordinance Serial No. 03-051: AN ORDINANCE ADOPTING MSB 17.25, TALKEETNA SPECIAL LAND USE DISTRICT.

a. Ordinance Serial No. 03-052: AN ORDINANCE AMENDING MSB 16.20 TO ACKNOWLEDGE DIFFERENT SUBDIVISION DEVELOPMENT STANDARDS IN THE TALKEETNA SPECIAL LAND USE DISTRICT.

b. Resolution Serial No. 03-018: A RESOLUTION AMENDING THE SCHEDULE OF FEES FOR APPLICATIONS, VARIANCES, AND APPEALS UNDER TITLE 17; ZONING.

(1) IM No. 03-047

2. Ordinance Serial No. 03-053: AN ORDINANCE AMENDING MSB 17.55, SETBACKS AND SCREENING EASEMENTS.

a. IM No. 03-056

3. Ordinance Serial No. 03-054: AN ORDINANCE AMENDING MSB 17.99.010; FEES.

a. Resolution Serial No. 03-019: A RESOLUTION AMENDING THE SCHEDULE OF FEES FOR APPLICATIONS, VARIANCES, AND APPEALS UNDER TITLE 17; ZONING.

(1) IM No. 03-057

Ms. Dillon read the above legislation into the record.

MOTION: Assemblymember Kvalheim moved to approve the introductions as read into the record by the clerk, and set public hearings for March 18, 2003, and March 20, 2003, respectively.

VOTE: The motion passed without objection.

C. CONSENT AGENDA

(AM Nos. 03-034, 03-035, and 03-047 were pulled from the consent agenda and discussed separately. See pp. 14-15)

1. RESOLUTIONS

a. Resolution Serial No. 03-020: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR THE ADMINISTRATION BUILDING REMODEL PROJECT, PROJECT NO. 10057, SUBPROJECT 1830.

(1) IM No. 03-055

b. Resolution Serial No. 03-021: A RESOLUTION SETTING THE SCOPE OF WORK AND REVISED BUDGET FOR CONTINUED SERVICES UNDER THE WORKFORCE INVESTMENT ACT ADULT AND DISLOCATED WORKER PROGRAMS GRANT.

(1) IM No. 03-060

2. ACTION MEMORANDUMS

c. AM No. 03-046: AWARD OF BID NO. 03-115 TO NYE FRONTIER FORD IN THE AMOUNT OF $39,633 FOR THE PURCHASE OF A BRUSH/SUPPORT TRUCK FOR THE MEADOW LAKES FIRE SERVICE AREA.

e. AM No. 03-048: APPROVAL OF CHANGE ORDER NUMBER TWO OF CONTRACT 02-096 TO MCCLINTOCK LAND ASSOCIATES IN THE AMOUNT OF $20,200 FOR THE SURVEYING, RIGHT-OF-WAY RESEARCH, AND RESEARCH OF LAND STATUS OF TRAILS IN AN AREA AROUND CASWELL LAKES AND THE KASHWITNA RIVER.

Ms. Dillon read the above legislation into the record.

MOTION: Assemblymember Simpson moved to approve the consent agenda as read into the record by the clerk.

GENERAL CONSENT: The motion passed without objection.

a. AM No. 03-034: APPOINTMENT OF SITE SELECTION COMMITTEE FOR THE BERYOZAVA SCHOOL.

MOTION: Assemblymember Simpson moved to approve AM No. 03-034.

Assemblymember Simpson spoke in regard to the scheduling of site selection committees.

Mayor Anderson voiced concerns regarding setting site selection committees for schools yet to be funded.

Discussion ensued regarding the timing and setting of site selection committees for schools.

MOTION: Assemblymember Simpson moved the previous question.

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

VOTE: The main motion passed without objection.

b. AM No. 03-035: APPOINTMENT OF SITE SELECTION COMMITTEE FOR THE VALLEY PATHWAYS ALTERNATIVE SCHOOL.

MOTION: Assemblymember Simpson moved to approve AM No. 03-035.

Assemblymember Simpson spoke in favor of the legislation.

VOTE: The motion passed without objection.

d. AM No. 03-047: AWARD OF BID NO. 03-126 TO CONSTRUCTION UNLIMITED IN THE AMOUNT OF $94,932 FOR THE MEADOW LAKES LOOP REALIGNMENT.

CONFLICT OF INTEREST: Assemblymember Colver declared a conflict of interest regarding AM Nos. 03-047, and requested to be excused.

RULING: Mayor Anderson ruled that Assemblymember Colver had a conflict of interest and would be recused from voting on the issue.

(Assemblymember Colver exited chambers at this time.)

MOTION: Assemblymember Ladere moved to approve AM No. 03-047.

Assemblymember Ladere spoke in favor of the motion.

VOTE: The motion passed without objection.

(Assemblymember Colver returned to chambers at this time.)

C. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Anderson made the following recommendations:

- Adjustment and Appeals
  - Claudia Roberts
- Administrative Hearing Officers for Bid Appeals
  - Noel Kopperud
  - Denis R. Lazarus
  - Scott A. Sterling
- Local Emergency Planning Committee
  - Charles St. George
  - Dennis Brodigan
- Platting Board
  - Alan L. Larson
- Gold Trail RSA No. 28
  - Brad Gamble
- Willow FSA No. 35
  - Patricia Madigan

Mayor Anderson requested the following confirmations:

- Emergency Medical Services Board
  - Amanda Peterson
- Library Board
  - Michael Kelly
- Local Emergency Planning Committee
  - Removal of Carl Luchsinger
  - Removal of Tim McKeown
  - Removal of Simon Brown
- Site Selection Committee, Sutton Library and Community Center
  - Michael Barickman
  - Lynne M. Woods
- Senior Citizens Advisory Board
  - Don Anderson
- South Colony Road Service Area No. 16
  - George Stuart
- Knik Road Service Area No. 17
  - Robert Ruiz
- Meadow Lakes Road Service Area No. 27
  - Thomas E. Weber

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

GENERAL CONSENT: The motion passed without objection.

D. OTHER NEW BUSINESS

(There was no other new business.)

X. RECONSIDERATION

(There were no reconsiderations presented.)

XI. VETO

(There were no vetoes presented.)

XII. EXECUTIVE SESSION

(There was no executive session held.)

XIII. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Kvalheim asked the clerk to bring forth a policy on what assembly members may and may not support as representatives of the Matanuska-Susitna Borough.

Assemblymember Colver:
- asked management to investigate the March 3, 2003, Planning Commission meeting; and
- discussed school site selection committees.

Assemblymember Ladere asked if the subdivision codes would be coming forward in May or June.

Mr. Duffy replied that administration is moving right along with the revision of Title 16.

Assemblymember Ladere:
- stated that the Willow Community Council is willing to go forward with the comprehensive plan;
- informed that the Willow Community Council, the Y Community Council, and the Trapper Creek Community Council are all in favor of a separated pathway on the Parks Highway;
- noted that the Parks Highway is a serious safety hazard with bicycles and double-ended trucks;

- asked staff to bring forward a resolution in support of a separated pathway in the reconstruction of the Parks Highway;
- stated that junk trailers are being moved into the Willow area and she is looking to pass an ordinance to reduce the amount of trash trailers allowed on a parcel;
- thanked the clerk and staff for the summary listing of policies adopted by resolutions over the years; and
- discussed other transportation issues.

MOTION: Assemblymember Ladere moved that the assembly request the resignation of Planning Commissioner Lee Sharp.

Mayor Anderson called for an "at ease" to provide the attorney and clerk an opportunity to research whether the motion is in order.

(The regular meeting recessed at 9:22 p.m. and reconvened at 9:26 p.m.)

Mayor Anderson:
- cited MSB 4.05.030(B)(1), "A vacancy occurs on the board when: a member is removed for good cause by the mayor with the approval of the assembly or by a two-thirds majority of the assembly;"
- informed that the attorney advised that good cause is what a reasonable person would expect the cause to be;
- recommended that the motion might be premature and suggested that the assembly listen to the tape before they make a decision; and
- reiterated that it would take a 2/3 vote of the assembly to pass the motion.

Assemblymember Ladere stated that she would like to listen to the recording of the Planning Commission meeting.

Mayor Anderson asked Assemblymember Ladere to restate the main motion.

MOTION: Assemblymember Ladere restated the main motion: that the assembly request the resignation of Planning Commissioner Lee Sharp

MOTION: Assemblymember Ladere moved to postpone the motion until the March 18, 2003, regular assembly meeting.

Assemblymember Colver voiced concern that the assembly doesn't have all the facts necessary to dismiss Mr. Sharp.

Assemblymember Simpson:

- queried the reason for moving and postponing the motion rather than making the motion at the next meeting; and
- requested to have the discussion between Mr. Sharp and Mr. Hudson transcribed for review.

Assemblymember Ladere responded that postponement will give the assembly time to review the circumstances at this meeting.

Assemblymember Colberg:

- stated that he is in support of the motion to postpone; and
- noted that he is in favor of having the Planning Commission meeting transcribed.

Assemblymember Kvalheim stated that she is in favor of the postponement, but is not in favor of dismissing Mr. Sharp from the Planning Commission.

Assemblymember Bush voiced his support for the motion and the postponement.

VOTE: The motion to postpone passed without objection.

Assemblymember Bush:

- thanked the U.S. Fish and Wildlife Service for the grants awarded to the Mat-Su area; and
- stated that the attorneys were hired to provide advice; and
- noted that some action needs to be taken regarding the action that took place at the Planning Commission meeting.

Assemblymember Colberg discussed Ms. Krause's concerns and issues regarding the Platting Board.

(The meeting recessed at 9:37 p.m. and reconvened at 10 p.m.)

Mayor Anderson:

- advised that the month of March is Red Cross month and he will be signing a joint proclamation with the cities;
- advised that he has requested a meeting with Ms. Krause and borough staff to clarify the issues; and
- stated that he is highly disappointed that the assembly has moved for Mr. Sharp's termination without any facts.

VETO: Mayor Anderson issued his veto to the motion made by Assemblymember Ladere to postpone the motion to request the resignation of Planning Commissioner Lee Sharp to the March 18, 2003, regular assembly meeting.

MOTION: Assemblymember Kvalheim moved to override the Mayor's veto.

Assemblymember Simpson asked for clarification from the clerk as to the motion to override the veto.

Assemblymember Colberg:

- informed Mayor Anderson that he is now putting the main motion before the assembly without any facts; and
- noted that he is putting Mr. Sharp in an awkward position and is asking the assembly to make a judgment based on hearsay.

Discussion continued on the effects of the original motion and the motion to override the veto.

VOTE: The motion to override the veto failed with Assemblymembers Colver and Kvalheim in support, and Assemblymembers Simpson, Colberg, Bush, and Ladere in opposition. *(A two-thirds vote is required to override a veto.)*

Mayor Anderson announced that the main motion is now on the floor and advised the assembly that a two-thirds vote (5) is required to pass to motion.

Assemblymember Simpson queried the clerk regarding the ability to bring back the motion should it fail tonight.

Ms. Dillon explained that, for organizations that meet at least quarterly, a motion which was defeated can be brought up again at the next regular meeting, in its identical form, and would be treated as a new and separate motion.

Assemblymember Colberg stated that he wished to abstain from voting on this motion.

Assemblymember Ladere inquired as to what the consequences would be if she refused to vote.

Assistant Borough Attorney John Aschenbrenner advised that Title 29 requires an assembly member to vote unless there is some reason that would preclude them from voting; e.g., a conflict.

Assemblymember Ladere indicated that she could leave and reiterated her question as to the consequences.

The regular meeting recessed at 10:10 p.m. to research Assemblymember Colberg and Ladere's questions and reconvened at 10:15 p.m.

Discussion ensued regarding whether a "call of the house" would be in order.

The clerk recognized that this motion is used to obtain a quorum, and she advised that the assembly does not have legal power to compel the attendance of their members.

Mayor Anderson:

- stated that a "call of the house" is not in order; that the assembly does not have a rule on this; and
- turned to Mr. Aschenbrenner to respond to the question on abstaining.

Mr. Aschenbrenner:

- stated that MSB 2.12.111(A) and A.S. 29.20.160(c) provides that each member present shall vote on each question unless required to abstain from voting on a question by law; and
- advised that if you are present and have not declared a conflict of interest, you must vote.

Discussion ensued regarding what would happen if everyone left the meeting.

(Assemblymembers Colberg, Ladere, and Bush exited the meeting.)

XIV. ADJOURNMENT

Mayor Anderson announced that the meeting was adjourned for lack of a quorum and the motion will be carried over to the next meeting. The meeting adjourned at 10:20 p.m.

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TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:

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SANDRA A. DILLON, CMC, Borough Clerk

Minutes approved: March 18, 2003