I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on March 16, 2004, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was also teleconferenced to the Trapper Creek Elementary School Library, Mile 2.5 Petersville Road, Trapper Creek, 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
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 (Deputy Mayor)
Ms. Betty Vehrs, Assembly District No. 7

Assembly members absent and excused were:

Mr. Bill Allen, Assembly District No. 2

Staff in attendance were:

Ms. Sandra A. Dillon, CMC, Borough Clerk
Mr. John Duffy, Borough Manager
Ms. Teresa S. Williams, Borough Attorney
Ms. Michelle M. McGehee, Deputy Borough Clerk
Ms. Tammy Clayton, Finance Director
Mr. Don Shiesl, Public Works Director
Mr. Dennis Brodigan, Emergency Services Director
Mr. Ron Swanson, Community Development Director
Ms. Susan Dickinson, Planning and Land Use Director

III. APPROVAL OF AGENDA

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

GENERAL CONSENT: The agenda was approved as presented.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Elizabeth Manfred, a member of the audience.

V. MINUTES OF PRECEDING MEETINGS

A. Special Assembly Meeting: March 2, 2004

Mayor Anderson inquired if there were any corrections to the minutes.

GENERAL CONSENT: The minutes of the March 2, 2004, special assembly meeting were approved without objection.

B. Regular Assembly Meeting: March 2, 2004

Mayor Anderson inquired if there were any corrections to the minutes.

Assemblymember Simpson made the following correction:

- Page 4 of 21, first bulleted item, to read: "reported that [GOVERNOR] **Senator** Murkowski liked the joint approach to transportation funding and a cooperative effort on behalf of the municipalities." *[After Clerk's research, this item was corrected accordingly.]*

Assemblymember Colver requested the following correction:

- Page 15 of 21, third paragraph, to expand on his comments:

"

- commented that the issue is about what kind of Borough communities we want to have;
- stated that the facility would benefit the Borough as a whole and provide a constructive means of activity for the children of the Borough;
- remarked that the facility would also be used by homeschooled children and charter schools;
- commented that the facility would provide a constructive means of activity for the children of the Borough;
- urged the importance of supporting other areawide projects;
- spoke regarding previous budget cuts in 2004 due to the Governor's veto of the Borough's capital matching grants ;
- noted that in spite of the budget cuts, funding was provided for projects like a parking lot in Talkeetna and repairs to the Willow Community Center;
- commented that he always voted to support capital projects irregardless of what district they were in and remarked that not one of the projects he supported was in his district;
- spoke regarding the Borough's great commitment to schools;
- noted that the city of Palmer is paying all operations and maintenance costs for the proposed project and that the request is a one time request that they have already set aside $2 million of their own funds for the project;
- spoke regarding the Big Lake Library project;
- spoke regarding the maintenance and operation costs of Port MacKenzie - $330,000 for FY04 and $850,000 within the past three years; and
- urged the Assembly support the project." *[After Clerk's research, this item was corrected accordingly.]*

Assemblymember Colver requested the following correction:

- Page 16 of 21, third sentence, to correct the members voting in support, to read: "The motion failed with Assemblymembers [COLBERG] **Colver** and Vehrs in support." *[After Clerk's research, this item was corrected accordingly.]*

GENERAL CONSENT: The minutes of the March 2, 2004, regular assembly meeting were approved as amended without objection.

VI. SPECIAL ORDERS OF THE DAY

A. Proclamation in Recognition of Red Cross Month – March 2004

Mayor Anderson:
- presented Ms. Tanya Larrabee with a proclamation in recognition of the efforts of Red Cross; and
- spoke regarding the homeland security system.

Ms. Larrabee:
- thanked the Borough for their support of the Red Cross;
- spoke to fund raising efforts for carbon monoxide detectors; and
- encouraged anyone interested in the fund raising efforts of Red Cross to contact her.

B. Presentation of Funds from Matanuska Electric Association

Mayor Anderson:
- recognized Deborah Luper of Matanuska Electric Association (MEA); and
- stated that Ms. Luper had contacted the Borough regarding a refund check from MEA.

Ms. Luper:
- presented the Borough with a refund check in the amount of $17,340.76; and
- spoke to the reasons for the refund and to the commitment of MEA to provide good services to their members.

VII. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

<u>Wasilla City</u>

Councilmember Cox thanked the Assembly for attending the opening of sports complex.

2. Matanuska-Susitna Borough School District

(There was no School District representative in attendance.)

3. Mat-Su Convention and Visitors Bureau – Doreen Toller

Ms. Toller, President of the Mat-Su Convention and Visitors Bureau (MSCVB):

- provided the Assembly with an overview of the marketing strategies of MSCVB, image branding, and visitor statistics;
- spoke regarding MSCVB's action plan for FY05;
- advocated the renewal of the grant between MSCVB and the Borough;
- advised the Assembly regarding MSCVB's intentions to increase international exposure to the Borough;
- reported the MSCVB is launching a new visitor's website that is easier to navigate and has links to local businesses;
- noted increase use of the Internet in planning trips;
- advised regarding MSCVB's local awareness campaign;
- stated that Martin Buser has agreed to help promote the campaign; and
- thanked the Borough for their continued support.

Members of the Assembly thanked MSCVB for their increased marketing efforts and inquired regarding the increase of tourism to the Borough in relation to the rest of the state.

Ms. Toller responded that the Borough is the only region that has shown an increase in growth, while tourism in other areas is either flat or decreasing.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Colver advised that the committee has not held a meeting since the last report was presented.

2. Regional Transportation Planning Organization (RTPO)

Mayor Anderson advised that the RPTO has not held a meeting since the last report was presented.

C. MANAGER COMMENTS

Mr. Duffy:

- stated that two reports have been provided to the Assembly, one for the March 9 special joint Assembly/School Board meeting and one for tonight;
- updated the Assembly regarding the status of Port MacKenzie;
- reported that the Borough recently met with the new Regional Director of the Department of Transportation and Public Facilities for the Central Region, Mr. William Robertson;
- provided the Assembly with a summary of Borough State Transportation Improvement projects and a schedule of dates;
- noted that a permit has been issued to the hospital; and

- reported regarding the results of a space analysis conducted on the Dorothy Swanda Jones Borough Administration Building.

Assemblymember Colver:
- stated that the property behind the Borough is for sale; and
- commented that the Borough should look into the possible purchase of the property.

Mr. Duffy:
- responded that he will have the Community Development Department inquire into the property; and
- advised that a conditional use permit ordinance for coal bed methane has been drafted. *(Mr. Duffy distributed copies of the draft ordinance to the Assembly.)*

Assemblymember Colver:
- spoke regarding the power line extension in Hatcher Pass;
- noted his discontent that approximately ½ mile of the power line is above ground;
- stated that he was assured that the entire power line would be buried under ground; and
- commented that he should have been notified that a change of conditions occurred.

Mr. Duffy:
- advised that the change of circumstances was not initiated by Matanuska Electric Association, but rather by the Department of Transportation;
- stated that MEA and the Borough worked hard to accommodate the Department of Transportation's needs;
- commented that the Department of Transportation would not allow the Borough to move the power line to the other part of the maintenance easement;
- spoke to the Borough's efforts to negotiate an entire underground power line; and
- stated that if there was any future possibility of burying the exposed portion of the power line, that the Borough would do its best to bury the line.

Assemblymember Colver:
- impressed the importance of being informed of any type of change in circumstances;
- stated that a constituent informed him of the change; and
- spoke to the use of Borough right-of-way to bury the power line.

Mr. Duffy stated that bedrock is a site limitation to consider when speaking of burying the power line.

Mayor Anderson:
- thanked the Manager and staff who worked on the draft coal bed methane ordinance; and
- spoke to his desire to have the draft ordinance placed on the Borough website for public access.

1. State/Federal Legislation

Mr. Duffy had no comments to present.

A. ATTORNEY COMMENTS

Ms. Williams had no comments to present.

B. CLERK COMMENTS

Ms. Dillon:

- noted that she has provided information on the Alaska Municipal League's spring fly-in on April 14 and 15 in Juneau;
- advised the Assembly of the very heavy meeting schedule between now and the month of May and cautioned the Assembly to check their meeting schedule regularly;
- reminded the Assembly that their April 6 meeting will be held in Talkeetna;
- stated that she would tentatively reserve hotel accommodations for the members who may be interested in staying in Talkeetna on April 6;
- provided the members with their current travel budgets;
- reported that the 2002-2004 legislation has been placed on the website;
- provided an update of records management activity; and
- stated that a copy of the tracking report was attached to her Clerk's report for review and update by the Assembly.

Assemblymember Vehrs stated that she was unaware that $219 was taken from her account for training and conference fees for the Assembly goal setting retreat.

[Note: After Clerk's research, the funding was charged to another account.]

Assemblymember Simpson:

- stated that she was also unaware that the account would be charged for the goal setting retreat; and
- asked if the format and charges for a facilitator would be included in the budget summary.

Ms. Dillon acknowledged that they would be.

C. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
a. Animal Care and Regulation Board: 01/12/04 (special), 01/12/04 (regular)
b. Library Board: 02/21/04
c. Mayor's Blue Ribbon Task Force on Police Powers: 01/07/04, 01/14/04, 01/28/04
d. Parks, Recreation, and Trails Advisory Board: 02/23/04
e. Senior Citizen Advisory Board: 02/17/04

2. Community Council Correspondence
a. Willow Area Community Organization: 02/19/04

b. “Y” Community Council: 01/08/04

Assemblymember Simpson:

- stated that she has read the last minutes of the Mayor’s Blue Ribbon Task Force on Police Powers; and
- inquired if a budget has been established for the committee for mail outs and other purposes.

Mayor Anderson stated that no requests have been received for budgetary items.

Assemblymember Simpson:

- advised that the committee is bringing in speakers to present information to the committee members; and
- asked that she be notified regarding scheduled speakers so that she may determine whether or not she is interested in attending the presentations.

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

D. INFORMATIONAL MEMORANDUMS

1. IM No. 04-074: AN INFORMATIONAL MEMORANDUM REGARDING A PROPOSED TIMBER SALE TO NPI, LLC IN THE MONTANA CREEK AREA, CONTRACT
NO. MSB003872.

The informational memorandum was presented and no comments were noted.

IX. UNFINISHED BUSINESS

a. Resolution Serial No. 04-043: A RESOLUTION SETTING FORTH ASSEMBLY RULES OF PROCEDURE AND POLICIES.*(Postponed from 03/02/04, Motion pending)*

(1) IM No. 04-071

MOTION: Assemblymember Kvalheim moved to postpone Resolution Serial No. 04-043 to a time certain of May 4, 2004, and to set a work session for April 20, 2004.

Assemblymember Kvalheim acknowledged that the issue has been discussed at a previous work session and that not all members of the Assembly could be present to reach a consensus of a policy direction at that time.

Assemblymember Colver opined that a work session is needed to reach an understanding of the use of official Borough letterhead for communications.

Assemblymember Vehrs stated she believed that any issues could easily be dispatched tonight.

Assemblymember Simpson:

- agreed that the subject could be addressed this evening; and
- noted how many times the issue of Assembly policies and procedures had been postponed in the past and the number of work session that have been scheduled to address the issues.

Assemblymember Colberg spoke against postponement of the resolution.

VOTE: The motion to postpone to a time certain of May 4, 2004, and to schedule a work session on April 20, 2004, failed with Assemblymembers Kvalheim and Colver in support.

Mayor Anderson noted that discussion on Resolution Serial No. 04-043 would resume after the Special Orders portion of the agenda. *(See pp. 16 of 25)*

X. NEW BUSINESS

A. INTRODUCTION (For public hearing - 04/06/04, 7 p.m., Talkeetna Elementary School)

1. Ordinance Serial No. 04-049: AN ORDINANCE ADOPTING THE TALKEETNA LAKES RECREATION AREA MANAGEMENT PLAN, AND OFFICIALLY NAMING THE AREA THE TALKEETNA LAKES PARK.

a. IM No. 04-055

2. Ordinance Serial No. 04-050: AN ORDINANCE ADOPTING THE TALKEETNA RIVERFRONT PARK LAND USE PLAN AND ECONOMIC DEVELOPMENT STRATEGY.

a. IM No. 04-078

3. Ordinance Serial No. 04-051: AN ORDINANCE APPROPRIATING $36,117 OF INTEREST EARNINGS ON THE 2001 SERIES A GENERAL OBLIGATION SCHOOL BONDS TO FUND 400, SCHOOL CAPITAL PROJECTS, PROJECT NO. 40138 FOR PAVING NORTH GULKANA STREET AND EAST EAGLE AVENUE.

a. Resolution Serial No. 04-045: A RESOLUTION AUTHORIZING THE MANAGER TO EXECUTE A GRANT AGREEMENT WITH THE CITY OF PALMER IN THE AMOUNT OF $98,155.20 FOR THE PAVING OF NORTH GULKANA STREET, EAST EAGLE AVENUE, AND NORTH VALLEY WAY.

(1) IM No. 04-045

4. Ordinance Serial No. 04-052: AN ORDINANCE APPROPRIATING $120,000 FROM THE NON-AREAWIDE FUND BALANCE, FUND 200, TO FUND 480, FOR A LANDFILL SEQUENCING PLAN AND EVALUATION OF CLOSURE COST OBLIGATIONS, PROJECT NO. 25045.

a. Resolution Serial No. 04-046: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 25045, LANDFILL SEQUENCING PLAN AND CLOSURE COST OBLIGATIONS EVALUATION.

(1) IM No. 04-066

5. Ordinance Serial No. 04-053: AN ORDINANCE ADOPTING NEW PROCEDURES FOR THE IMPLEMENTATION OF AN AREAWIDE ROAD DUST CONTROL PROGRAM FOR AIR POLLUTION CONTROL.

a. IM No. 04-073

6. Ordinance Serial No. 04-054: AN ORDINANCE CLASSIFYING SIX PARCELS OF LAND AND APPROVING LANDS FOR SALE AND RETENTION IN THE UPPER SUSITNA AREA.

a. IM No. 04-075

7. Ordinance Serial No. 04-055: AN ORDINANCE REAPPROPRIATING $4,582.95 FROM FUND 420, LANDFILL CAPITAL PROJECTS, TO FUND 480, NON-CAPITAL PROJECTS, FOR THE CENTRAL LANDFILL BUILDING IMPROVEMENTS PROJECT, PROJECT NO. 25044.

a. Resolution Serial No. 04-047: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR THE CENTRAL LANDFILL BUILDING IMPROVEMENTS PROJECT, PROJECT NO. 25044.

(1) IM No. 04-077

8. Ordinance Serial No. 04-056: AN ORDINANCE ACCEPTING AND APPROPRIATING $36,388 FROM THE ALASKA STATE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES FOR THE LONG RANGE TRANSPORTATION PLAN (LRTP) AND THE OFFICIAL STREETS AND HIGHWAYS PLAN (OSHP) UPDATE, FUND 480, PROJECT NO. 20280.

a. Resolution Serial No. 04-048: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE LONG RANGE TRANSPORTATION PLAN AND OFFICIAL STREETS AND HIGHWAY PLAN UPDATES, AND AUTHORIZING THE MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE ALASKA STATE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES FOR THIS PROJECT.

(1) IM No. 04-079

9. Ordinance Serial No. 04-057: AN ORDINANCE AMENDING MSB 2.29.010 TO CHANGE THE COMPOSITION OF THE OFFICE OF ADMINISTRATIVE HEARINGS.

a. IM No. 04-081

Ms. Dillon read the above legislation into the record.

MOTION: Assemblymember Colver moved to introduce the legislation as read into the record by the Clerk and set the public hearings for April 6, 2004.

VOTE: The motion passed without objection.

(The regular meeting recessed at 6:55 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.)

(There were no persons to be heard.)

B. PUBLIC HEARINGS (Three minutes per person.)

1. Resolution Serial No. 04-039: A RESOLUTION ADOPTING THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2004 TO FISCAL YEAR 2010.

a. IM No. 04-060

Mr. O'Brien provided a staff report on Resolution Serial No. 04-039.

Mayor Anderson 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 Colver moved to adopt Resolution Serial No. 04-039.

MOTION: Assemblymember Kvalheim moved a primary amendment to the Borough Capital section of the Borough's Capital Improvement Program, page 88, to make the current item number 6, item 6a, and to insert item 6b for the following project:

"Garden Terrace Water Main Extension with funding in the amount of $1,800,000 with $900,000 from the City of Wasilla, and $900,000 from the Borough. Both entities have existing funding in the form of grants from EPA for this project."

Assemblymember Kvalheim:
- spoke to the poor quality of the water system in the Garden Terrace Subdivision; and
- stated that a water main extension will bring clean water to the subdivision at a reasonable price.

Discussion ensued regarding:
- the proposed water main;
- the need for the Garden Terrace service area if a water main extension is provided; and
- whether or not the residents in the subdivision have been notified regarding the potential construction of a water main extension.

VOTE: The primary amendment passed without objection.

Assemblymember Vehrs queried the inclusion of capital projects items for ambulance, fire remount, and apparatus replacement upgrade purposes.

Mr. Duffy explained the inclusion of these items in the capital improvement program.

MOTION: Assemblymember Colver moved a primary amendment to page 93 of the Capital Improvement Program, to add item 41, Fishhook Community Center Building in the amount of $400,000

Assemblymember Simpson queried if this item was in addition to the fire station.

Assemblymember Colver acknowledged that the item was in addition.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to make the following technical amendments to the Capital Improvement Program:

1. National Highway System

- 1a (page 16) Seward Meridian to Crusey Street
  Amend "project status" to read: Project will be under construction the summers of 2004 and 2005
- 1c (page 16) interchanges at Seward Meridian and Hyer Road
  Delete reference to Hyer Road as it has been constructed.
- 2 (page 16) Parks Highway Improvements MP 44-52.3
  Add to the title Lucas Road to Big Lake so the title reads: "Parks Highway Improvements Lucas Road to Big Lake"
  Add notation "FY 04 design, $1.500
  Delete "funding not yet identified" and insert "Project status: In design"
- 3 (page 16) Glenn Highway MP 41 Dogwood Intersection
  Delete notation "Funding not yet identified"
  Insert "Project funded in FY 04 at $1,150. Project status: In design"
- 4 (page 17) Parks Highway Improvements MP 67-72
  Delete notation "funding not yet identified"
  Insert "Project status: Under construction; will be completed summer 2004"

2. General Transportation Improvement Projects

- Trunk Road (page 33)
  Insert in project status: "$4,000 will be advanced from FY 07 for a total construction amount of $10,000"

3. Airports

- Wasilla Municipal Airport (page 60)
  Remove reference to "floatplane" in Projects 1 - 12.

4. MSB Capital Projects

- 18, Garden Terrace Water and Sewer (page 90)
  Strike the MSB amount of 20 ($20,000) and insert 100 ($100,000)

VOTE: The primary amendment passed without objection.

VOTE: The main motion as amended passed without objection.

2. Ordinance Serial No. 04-044: AN ORDINANCE ADOPTING THE DESHKA RIVER RECREATION MANAGEMENT PLAN.
a. IM No. 04-063

Mr. Swanson provided a comprehensive staff report regarding Ordinance Serial No. 04-044.

Assemblymember Colver queried the land use classification as "public recreation lands," if data gathered was from the users of the river, whether or not the land has water table issues, the definition of the river bank, and the use of the land for a lodge site.

Mr. Swanson:
- informed that answers to survey questions were compiled from people on the river and that the data gathered from open houses was also compiled from people who directly used the river;
- stated that a segment of the land could be developed with severe restrictions and that staff has considered the need for water table work and environmental assessment;
- noted that any development would have to occur 200 feet from the river;
- reported that most of the river is meandering and that the bank is steep;
- spoke to the history of lodges and the seasonal use of lodges; and
- advised that the state is not interested in developing on the river.

Mayor Anderson 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 Vehrs moved to adopt Ordinance Serial No. 04-044.

Members of the Assembly voiced support of the legislation and the public process that was implemented in gathering the data.

VOTE: The motion passed without objection.

3. Ordinance Serial No. 04-045: AN ORDINANCE ACCEPTING AND APPROPRIATING AN $88,901 FEDERAL EMERGENCY MANAGEMENT AGENCY ASSISTANCE TO FIREFIGHTERS GRANT AND REQUESTING AN APPROPRIATION OF $9,877 FROM THE WILLOW FIRE SERVICE AREA FUND BALANCE, FUND 258, TO PROJECT NO. 45094, FUND 405, TO PURCHASE FIRE FIGHTING AND PERSONAL PROTECTIVE EQUIPMENT AND SUPPLIES.
a. Resolution Serial No. 04-040: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE FEDERAL EMERGENCY MANAGEMENT AGENCY ASSISTANCE TO FIREFIGHTERS GRANT FOR THE WILLOW FIRE SERVICE

AREA, PROJECT NO. 45094, FUND 405, TO PURCHASE FIRE FIGHTING AND PERSONAL PROTECTIVE EQUIPMENT AND SUPPLIES.

(1) IM No. 04-064

Mayor Anderson 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 Vehrs moved to adopt Ordinance Serial No. 04-045 and Resolution Serial No. 04-040.

VOTE: The motion passed without objection.

4. Ordinance Serial No. 04-046: AN ORDINANCE REAPPROPRIATING $6,000 FROM THE FISCAL YEAR 2004 AREAWIDE RECORDS DIVISION OPERATING BUDGET (100-100-106) TO FUND 480, PROJECT NO. 45124, TO CONTINUE PHASE II OF THE ASSESSMENT AND AUDIT OF THE BOROUGHWIDE RECORDS MANAGEMENT PRACTICES.

a. Resolution Serial No. 04-041: A RESOLUTION APPROVING THE AMENDED SCOPE OF WORK AND BUDGET FOR THE ASSESSMENT AND AUDIT OF THE BOROUGHWIDE RECORDS MANAGEMENT PRACTICES.

(1) IM No. 04-068

Ms. Dillon provided a staff report regarding Ordinance Serial No. 04-046 and Resolution Serial No. 04-04.

Mayor Anderson 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 Colver moved to adopt Ordinance Serial No. 04-046 and Resolution Serial No. 04-041.

VOTE: The motion passed without objection.

5. Ordinance Serial No. 04-048: AN ORDINANCE AMENDING MSB 3.04.095 TO ESTABLISH A RESERVE WITHIN THE GENERAL FUND FOR MAJOR REPAIR AND RENOVATION.

a.. AM No. 04-042: ESTABLISHING A RESERVE FOR MAJOR REPAIRS AND RENOVATION AND ESTABLISHING THE CRITERIA FOR QUALIFICATION OF SUCH PROJECTS. *(Sponsors: Assemblymembers Allen and Colver)*

Assemblymember Colberg inquired how the issue of repair and renovation would be addressed from year to year and the budgetary impacts involved.

Mr. Duffy:
- spoke to the use of bond monies for repair and renovation;
- stated that many projects are included in the capital portion of the budget that will be presented in April;
- advised that many repair and renovation projects are currently not funded; and
- spoke to increases in the mill levy or the use of land management funds to cover the costs of repair and renovation projects.

Assemblymember Colberg queried how funds would be side aside for repair and renovation projects if the legislation was not adopted.

Mr. Duffy responded that no funds are earmarked for this purpose.

Assemblymember Colberg:
- spoke regarding the Willow Area Community Organization Building; and
- inquired if additional funds would also be appropriated in the operating budget.

Mr. Duffy responded that any further appropriation would be made by the Assembly.

Assemblymember Colberg spoke to the use of a repair and renovation reserve and the possibility of additional requests for funding in the future.

Mr. Duffy responded that he did not think any funding received from the state would inhibit the School District from asking for additional funds.

Discussion continued regarding:
- the deferred maintenance lists that the School District has submitted to the state in the past;
- funding the reserve in a minimum amount of $1 million;
- the Assembly discretion to fund the reserve in whatever amount they may want; and
- the minimum fund balance falling below what is budgeted and a subsequent plan submitted by the manager to address the reserve.

Mayor Anderson opened the public hearing.

The following person spoke in support of the legislation but questioned the timing of establishing the reserve based on other budgetary requests and the current state of the budget: Ms. Jay Nolfi.

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

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 04-048 and AM No. 04-042.

MOTION: Assemblymember Colver moved to postpone Ordinance Serial No. 04-048 and AM No. 04-042 to a time certain of April 20, 2004.

VOTE: The motion to postpone to a time certain passed with Assemblymember Colberg opposed.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

Ms. Lucille Frey:
- spoke regarding the asset management plan for land in the Butte area;
- stated that the title of the plan is misleading in reference to "borough-owned property;"
- spoke to adopting limited large lot standards; and
- commented that as the document is currently written, the plan would also apply to private property.

The following persons spoke regarding the volume of the speaker system at Fishhead's Bar and the impact that the noise is having on the residential neighborhood above the bar: Dewey Taylor, Gini King Taylor, and Joe Webber.

Ms. Jay Nolfi:
- spoke against the placement of some items on the consent agenda that merit public input, particularly in regard to Resolution Serial No. 04-050;
- commented regarding the wireline and wireless 911 surcharge;
- stated that the wireline surcharge proposed in 1994 was presented as a temporary measure;
- noted that the fee has been renewed annually for the last ten years; and
- spoke to the amount of money being collected as a result of the fees.

Assemblymember Colver:
- spoke regarding the bass sound levels being produced by the sound system at Fishhead's Bar; and
- queried Mr. Duffy regarding an amendment to the Core Area Comprehensive Plan to include a limitation on bass frequencies.

Mr. Duffy responded that two alternatives are being looked at as a possible resolution to the noise level including an amendment to the Core Area Comprehensive Plan and a modification of the nuisance section of the Borough Code.

Assemblymember Kvalheim queried the time frame for producing a resolution for the residents.

Mr. Duffy:
- spoke regarding the staff and public hearing processes involved in bringing an ordinance forward; and
- stated that an ordinance can take anywhere from 45 days to 3 months before it is presented to the Assembly.

Discussion ensued regarding:

- the increased decibel level in the summer time when the doors to the bar are open and neighbors windows are open; and
- possible grandfather issues associated with implementing any new regulations.

Assemblymember Simpson requested that the members of the Assembly be provided with a copy of the Mullin’s report that was conducted to analyze the noise level at Fishhead’s Bar.

Mr. Duffy stated that there are no non-conforming status exemptions when addressing a nuisance issue.

IX. UNFINISHED BUSINESS *(Continued from pp. 8 of 25)*

a. Resolution Serial No. 04-043: A RESOLUTION SETTING FORTH ASSEMBLY RULES OF PROCEDURE AND POLICIES.*(Postponed from 03/02/04, Motion pending)*

(1) IM No. 04-071

MOTION: Assemblymember Colberg moved a primary amendment to Resolution Serial No. 04-043 to strike provision I., C, Communications.

Assemblymember Colberg:

- opined that it is not enforceable to require that once a position of the Assembly to be upheld by all Assembly members; and
- stated that if the provision was enforceable, it would have the effect that no one could ever propose a subsequent change in an ordinance.

VOTE: The primary amendment passed without objection

MOTION: Assemblymember Vehrs moved a primary amendment to strike item VI., A, Assembly Comments.

Assemblymember Vehrs:

- spoke in opposition to the provision;
- stated that she feels the provision interferes with process; and
- opined that the limitation of the provision infringes on the individual rights of the members.

Assemblymember Colver voiced support of the amendment.

Assemblymember Colberg queried if the provision would also prevent motions to reconsider.

Ms. Dillon stated that the provision, as written, would exclude any motions to reconsider actions of the Assembly under this section of the agenda.

Assemblymember Colberg:

- stated that he would support the amendment;

- commented that motions may be made for legitimate reasons; and
- noted that the Assembly always has the right to vote against last minute motions.

Mayor Anderson cautioned the members regarding public notice requirements that may be applicable to issues brought up by motions under the Assembly Comments portion of the agenda.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colberg moved a primary amendment to strike item III., A, Out of Borough Travel.

Assemblymember Colberg stated that the policy was redundant, as a provision has already been established in Borough Code to address Assembly travel.

VOTE: The primary amendment passed without objection.

Assemblymember Colver requested clarification of provision II., A., specifically regarding the definition of the terminology "significantly modify."

Mr. Duffy responded that the definition was an operational definition.

Assemblymember Vehrs:
- referenced provision I., B.; and
- requested clarification on the definition of "official communications."

Ms. Dillon explained the initial intent of the provision, stating that correspondence from individual members of the Assembly was not to be viewed as a position statement of the entire Assembly; therefore, communications from individual Assembly members was not to be drafted on official Borough letterhead.

MOTION: Assemblymember Colver moved to strike the last sentence of provision I., B., "All official communication will be routed to the Borough Clerk, who will give a copy to the mayor and assembly and keep a copy in the clerk's records."

Discussion ensued regarding:
- press releases drafted by individual members of the Assembly;
- copying all members of the Assembly with individual correspondence as an informational courtesy to the members and to keep the members informed;
- the political nature of correspondence from individual Assembly members;
- allowing the Assembly to distribute individual correspondence so long as the correspondence does not purport a representation of the Assembly as a whole; and
- the impossibility of enforcing sanctions against members for the release of individual correspondence.

Mayor Anderson asked Ms. Williams for her interpretation of "official communications" as provided by the provision.

Ms. Williams referenced the wording of the preceding paragraph and opined that the definition is addressed in the paragraph.

VOTE: The primary amendment to strike the last sentence of provision I., B., failed with Assemblymembers Bush, Colver, and Colberg in favor and Assemblymembers Simpson, Kvalheim, and Vehrs opposed.

MOTION: The main motion as amended passed with Assemblymember Colver is opposition.

MOTION: Assemblymember Colberg moved to reconsider Resolution Serial No. 04-043.

VOTE: The motion to reconsider failed unanimously

(The regular meeting recessed at 8:45 p.m. and reconvened at 9 p.m.)

B. CONSENT AGENDA

(Resolution Serial No. 04-050 and AM Nos. 04-030, 04-044, and 04-057 were pulled from the consent agenda and addressed separately. *See pp. 20 of 25)*

1. RESOLUTIONS

a. Resolution Serial No. 04-049: A RESOLUTION APPROVING THE VOCATIONAL EDUCATION CENTER SITE SELECTION IN THE SELDON/BOGARD ROAD AREA.

(1) IM No. 04-034

c. Resolution Serial No. 04-051: A RESOLUTION SUPPORTING SENATE BILL 227 AND HOUSE BILL 322, RELATING TO MUNICIPAL INITIATIVE AND REFERENDUM ELECTIONS.

(1) IM No. 04-082

d. Resolution Serial No. 04-052: A RESOLUTION SUPPORTING A MUNICIPAL OR COMMUNITY DIVIDEND. *(Sponsor: Mayor Anderson)*

(1) IM No. 04-084

2. ACTION MEMORANDUMS

b. AM No. 04-043: SOLE SOURCE AWARD OF BID NO. 04-112 TO L.N. CURTIS AND SONS IN THE AMOUNT OF $121,452.25 FOR THE PURCHASE OF FIREFIGHTER TURNOUT GEAR.

d. AM No. 04-045: AWARD OF BID NO. 03-112 TO PROCOMM ALASKA IN AN AMOUNT NOT TO EXCEED $50,000 FOR A BLANKET ORDERING AGREEMENT TO PURCHASE COMMUNICATION EQUIPMENT.

e. AM No. 04-046: AWARD OF BID NO. 04-061 TO LIFE FITNESS AND SOURCELINQ IN AN AMOUNT NOT TO EXCEED $37,312 FOR THE PURCHASE OF EXERCISE EQUIPMENT FOR THE BIG LAKE FIRE STATION 81.

f. AM No. 04-047: AUTHORIZING THE PURCHASE OF 50 SELF-CONTAINED BREATHING APPARATUS UPGRADE KITS IN THE AMOUNT OF $46,547.50 FROM ALASKA SAFETY, INC.

g. AM No. 04-048: AWARD OF BID NO. 04-094 TO MKB CONSTRUCTORS IN THE AMOUNT OF $9,970,000 FOR THE CONSTRUCTION OF THE PORT MACKENZIE DEEP DRAFT DOCK.

h. AM No. 04-049: AWARD OF BID NO. 04-091 TO PINNACLE CONSTRUCTION, INC. IN THE AMOUNT NOT TO EXCEED $35,583.32 FOR THE ELECTRICAL AND LIGHTING UPGRADES FOR THE DOROTHY SWANDA JONES ADMINISTRATION BUILDING.

i. AM No. 04-050: AWARD OF BID NO. 04-102 TO J.A. SPAIN AND SONS INC., FOR A YEARLY AMOUNT NOT TO EXCEED $157,585.85 FOR ROAD SERVICE AREA NO. 20 ANNUAL ROAD MAINTENANCE IN THE WILLOW AREA.

j. AM No. 04-051: APPROVAL OF A THREE-YEAR GRANT AGREEMENT BETWEEN THE MATANUSKA-SUSITNA BOROUGH AND THE MATANUSKA-SUSITNA CONVENTION AND VISITORS BUREAU.

Ms. Dillon read the above legislation into the record.

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

VOTE: The motion passed without objection.

b. Resolution Serial No. 04-050: A RESOLUTION SETTING THE SURCHARGE FOR WIRELINE AND WIRELESS ENHANCED 911 SYSTEMS FOR THE PERIOD OF JULY 1, 2004, THROUGH JUNE 30, 2005.

(1) IM No. 04-080

MOTION: Assemblymember Colberg moved to adopt Resolution Serial No. 04-050.

Assemblymember Colberg:

- queried the federal mandate of the surcharge; and

- inquired regarding the amount of revenue already generated for this purpose.

Mr. Duffy responded that the Borough is federally mandated to provide the 911 service.

Ms. Clayton stated that approximately $50,000 per month is generated from the surcharge.

Discussion ensued regarding:

- the amount of equipment in dollars that is budgeted;
- whether or not there is an end for the surcharge, or if it is assumed that it will always continue;
- making the Borough system Phase II compliant, as federally mandated;
- ongoing operating and maintenance costs after compliancy has been reached;
- House Bill 499, which may increase the surcharge up to $2 for each wireless line in the state;
- 50 percent of 911 calls coming through on wireless lines;
- costs associated to cell phone carriers;
- cell phone providers charging a separate fee for the service;
- the use of revenues being outlined by state statute;
- help to fund the carriers to implement equipment so that 911 calls show up on the Borough's mapping system;
- liability issues potentially associated with not reaching the status of Phase II compliance; and
- the need for a cap on the amount of money that carriers can obtain from the Borough.

VOTE: The motion passed without objection.

a. AM No. 04-030: CHANGE ORDER TO PRUHS CORPORATION IN THE AMOUNT OF $25,000 FOR THE SELDON ROAD CHANNELIZATION PROJECT.

CONFLICT OF INTEREST: Assemblymember Colver requested a conflict of interest ruling as one of his clients is associated with the project.

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 Kvalheim moved to approve AM No. 04-030.

VOTE: The motion passed without objection.

(Assemblymember Colver returned to chambers at this time.)

c. AM No. 04-044: SOLE SOURCE AWARD OF BID NO. 04-113 TO ZOLL MEDICAL CORPORATION IN THE AMOUNT OF $24,250 FOR THE PURCHASE OF ONE ZOLL DEFIBRILLATOR.

MOTION: Assemblymember Vehrs moved to approve AM No. 04-044.

Assemblymember Vehrs asked for a report regarding AM No. 04-044.

Mr. Brodigan:
- spoke regarding the use of defibrillators; and
- noted that the defibrillator would be used as a backup when another defibrillator is sent for maintenance and repair.

VOTE: The motion passed without objection.

k. AM No. 04-057: AWARD OF PROPOSAL NO. 04-098, FEDERAL LOBBYIST SERVICES FOR AN AMOUNT NOT TO EXCEED $75,000 YEARLY.

MOTION: Assemblymember Colberg moved a primary amendment to AM No. 04-057 and award the proposal to the North Star Group in an amount of $60,000 for an annual retainer plus extraordinary expenses that are pre-approved by the Manager.

MOTION: Assemblymember Simpson moved a secondary amendment to insert the phrase "total expenses not to exceed $75,000."

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment passed with Assemblymembers Colberg and Bush opposed.

VOTE: The main motion as amended passed with Assemblymembers Colberg and Bush opposed.

MOTION: Assemblymember Colver moved to reconsider AM No. 04-057.

VOTE: The motion to reconsider failed with Assemblymember Colberg in support.

C. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Anderson made the following recommendations:
Office of Administrative Hearings
Karen Jennings
Site Selection Committee – Borough Area School

David Webster
Talkeetna Fire Service Area No. 24
Hans Tolber

Mayor Anderson requested the following confirmation of resignations:
Office of Administrative Hearings
Resignation of Denis Lazarus
Site Selection Committee – Borough Area Schools
Resignation of Rose Jenne
Meadow Lakes Road Service Area No. 27
Resignation of Urchel D. Kerby

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

VOTE: The motion passed without objection.

D. OTHER NEW BUSINESS

1. Borough Clerk Position

MOTION: Assemblymember Kvalheim moved to offer the position of Borough Clerk to Michelle M. McGehee and to set up a special meeting for the purpose of the Assembly meeting with Michelle to negotiate a contract which would include salary, effective date, probationary time, etc."

Assemblymember Kvalheim spoke in support of her motion.

Assemblymembers Simpson, Colberg, and Bush spoke in opposition to deviating from the regular Borough practice of advertising and interviewing for an open position.

Assemblymembers Kvalheim, Vehrs, and Colver spoke in support of appointing Michelle M. McGehee to the position of Borough Clerk.

VOTE: The motion failed with Assemblymembers Kvalheim, Vehrs, and Colver in favor and Assemblymembers Simpson, Colberg, and Bush in opposed. (Tie vote) The motion passed with Mayor Anderson invoking his voting privilege in the affirmative.

MOTION: Assemblymember Colver moved to reconsider the motion to offer the position of Borough Clerk to Michelle M. McGehee and to set up a special meeting for the purpose of the Assembly meeting with Michelle to negotiate a contract which would include salary, effective date, probationary time, etc."

VOTE: The motion to reconsider failed with Assemblymembers Simpson, Colberg, and Bush in favor and Assemblymembers Kvalheim, Vehrs, and Colver opposed.

XI. RECONSIDERATION

(There were no reconsiderations.)

XII. VETO

(There were no vetos presented.)

XIII. EXECUTIVE SESSION

(There was no executive session held.)

XIV. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Vehrs commented regarding the success of another Animal Care and Regulation shot clinic that was held in Talkeetna last Saturday.

Assemblymember Colberg:

- requested that the Manager send a letter to the residents in the Garden Terrance Subdivision informing them of possible pending actions to their water system and an explanation of how the actions may affect the residents; and
- asked the Attorney for a legal opinion on how the Mayor can enter into a decision of an Assembly appointment.

Assemblymember Simpson:

- requested that a conservation easement be considered under the rewrite of Title 16;
- requested that the members of the Assembly be copied with the Mullin's report regarding the noise levels at Fishhead's Bar; and
- requested a legal opinion regarding the appointment process used in the selection of the Borough Clerk.

Assemblymember Bush provided a report regarding his recent trip to Juneau to meet with Representative Harris on coal bed methane development in the Matanuska-Susitna Borough.

Assemblymember Kvalheim:

- commented regarding a resolution from the Historical Society regarding a division of the bed tax; and
- spoke regarding a call that she had received from a gentleman who spoke of implementing a way for Code Compliance to address frivolous complaints.

Mr. Duffy stated that it is possible to explore a way to address frivolous Code Compliance complaints.

Assemblymember Colver:

- wished Mayor Anderson and Mr. Duffy a successful trip to Washington, D.C.;
- congratulated Michelle McGehee regarding the offer of the Borough Clerk's position;
- spoke regarding concerns from residents outside of the cities of Wasilla in Palmer in regard to being annexed to the city; and
- opined that the Borough should write a letter to the Regulatory Commission of Alaska saying we approve sewer and water district boundaries, but that this is not a precursor to future annexations of residents outside of city boundaries.

MOTION: Assemblymember Colver moved to direct the Manager to write a letter to the Regulatory Commission of Alaska regarding the consent agreement between the cities of Palmer and Wasilla for water and sewer districts, the letter shall state (1) that the Borough supports the agreement and (2) that Borough residents are not acquiescing approval of any future city annexations within these sewer and water districts.

Mayor Anderson queried Ms. Williams regarding any legal issues associated with notice requirements on the motion.

Ms. Williams stated that advertising is the option if there is any question about public notice on an issue.

Mayor Anderson stated that he believed the motion should be advertised to accommodate public notice.

RULING: Mayor Anderson ruled the motion out of order.

MOTION: Assemblymember Colver appealed the decision of the Chair.

VOTE: The motion to sustain the decision of the Chair passed with Assemblymember Colver in opposition.

Mayor Anderson:

- congratulated Michelle McGehee regarding the offer of the Borough Clerk's position;
- spoke regarding the opening of the Wasilla Multi-use Sports Complex;
- commented regarding the benefits of these facilities to the Borough's youths;
- stated that he is looking forward to his lobbying trip to Washington, D.C.;
- remarked that it will be good to meet the new lobbyist and to see how they perform; and
- queried the Manager regarding if he had been contacted by Evergreen Resources.

Mr. Duffy replied that he had not been contact as of yet by Evergreen Resources.

XV. ADJOURNMENT

The regular meeting adjourned at 10:30 p.m.

/S/

TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:

/S/

MICHELLE M. MCGEHEE, Borough Clerk

Minutes approved: April 6, 2004