

**I. CALL TO ORDER**

The regular meeting of the Matanuska-Susitna Borough Assembly was held on March 18, 2003, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Timothy L. Anderson.

**II. ROLL CALL**

Assembly members present and establishing a quorum were:

- Mr. J. Bruce Bush, Assembly District No. 1
- 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
- Ms. Janice A. Case, Borough Clerk's Secretary
- Mr. Jim Swing, Public Works Director
- Ms. Tammy Clayton, Finance Director
- Mr. Jack Krill, Interim Emergency Services Director
- Mr. Ron Swanson, Community Development Director
- Mr. David Recor, Planning Director

**III. APPROVAL OF AGENDA**

Mayor Anderson:

- noted the addition of "Applicants for Assembly District No. 2", item VIII, (B), and Resolution Serial No. 03-028 as item IX, (B), (1), (f); and
- inquired as to if there were any additional changes.

GENERAL CONSENT: The agenda was approved as amended.

**IV. PLEDGE OF ALLEGIANCE**

The pledge of allegiance was led by Mr. Penny Nixon, a member of the audience.

## **V. MINUTES OF PRECEDING MEETINGS**

### **A. Regular Assembly Meeting: March 4, 2003**

Mayor Anderson referenced the regular minutes of March 4, 2003, and asked if there were any corrections thereto.

Assemblymember Kvalheim:

- page 17 of 21, item VIII, corrected her comments to strike “is and is not able to discuss at meetings” and to insert “may and may not support as representatives of the Matanuska-Susitna Borough” to read, “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.” *[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**

##### Wasilla City

Ms. Diana Straub, Wasilla City Council Member:

- noted that the Wasilla City Council ratified a resolution of disaster as a result of substantial losses from the winds;
- informed that the city of Wasilla is encouraging members of the community to call the emergency hotline at the borough; and
- stated that the city of Wasilla is willing to help the borough in any way possible.

Assemblymember Ladere asked if the city has an estimate of the costs of damage sustained.

Councilmember Straub reported that the estimated amount of damage as of March 17, 2003, was \$120,000 for city-owned properties.

#### **2. Matanuska-Susitna Borough School District**

(There was no report presented.)

### **B. COMMITTEE REPORTS**

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Colver stated that there have been no meetings.

2. Regional Transportation Planning Organization (RTPO)

Assemblymember Simpson:

- stated that members were updated on RTPO regional transportation priorities;
- adopted bylaws for the organization; and
- noted that the next meeting is scheduled for June 2, 2003, at Finger Lake.

C. MANAGER COMMENTS

Mr. Duffy:

- reported on the wind storm damage;
- thanked the emergency response crews and borough employees who helped staff the Emergency Operations Center for all of their hard work;
- stated that the borough has been selected to host the United States Senate Committee on transportation hearings on April 14, 2003;
- noted that Ms. Tammy Clayton is one of the five people who has been nominated to serve on the executive board of the Government Financial Officers Association; and
- introduced Mr. David Recor, the new borough planning director.

Assemblymember Colver:

- inquired as to the design of the remodel for the borough gym;
- asked why there is nothing noted in Mr. Gillespie's report in the Capital Matching Grant Program for the Dorothy Swanda Jones Building.

Mr. Jim Swing:

- replied that the plans for the borough gym remodel is simply a conceptual drawing; and
- noted that this was done in order to give the assembly an idea of the cost and design for review and action.

Mr. Duffy:

- replied that he believes the error in the Capital Matching Grant Program is a typographical error; and
- noted that he would check with Mr. Gillespie to confirm.

Assemblymember Colberg inquired as into trip to Washington D.C., specifically regarding the ferry.

Mr. Duffy:

- replied that he received a positive response concerning the ferry; and
- discussed a dual-use vessel.

Discussion ensued regarding the Washington D.C. trip.

Assemblymember Ladere inquired about the payment in lieu of taxes (PILT).

Mr. Duffy replied that the PILT increased last year and is expected to increase again this year.

D. ATTORNEY COMMENTS

Ms. Williams had no comments to present.

E. CLERK COMMENTS

Ms. Dillon reviewed the schedule of meetings for April and May.

Assemblymember Ladere inquired about the assembly retreat that was originally scheduled for March 22, 2003.

Ms. Dillon replied that the March 22, 2003, date was cancelled.

Assemblymember Ladere asked Ms. Dillon to reschedule the retreat for April.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
  - a. Board of Adjustment and Appeals: 02/07/03
  - b. Consolidated Dispatch Advisory Committee: 01/14/03; 01/28/03; 02/11/03
  - c. Emergency Medical Services Advisory Board: 02/05/03
  - d. Enhanced 9-1-1 Advisory Board: 01/14/03; 02/11/03
  - e. Historic Preservation Commission: 02/07/03
  - f. Local Emergency Planning Committee: 01/15/03
  - g. Parks, Recreation, and Trails Advisory Board: 02/25/03
  - h. Planning Commission: 02/03/03; 02/10/03; 02/24/03
  - i. Platting Board: 02/06/03; 02/20/03
  - j. Port Commission: 01/20/03
  - k. Senior Citizens Advisory Board: 02/18/03
  - l. Wasilla-Lakes Fire Service Area Board of Supervisors: 01/13/03
2. Other Correspondence:
  - a. Cook Inlet Aquaculture Association: 02/27/03

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

G. INFORMATIONAL MEMORANDUMS

(There were no informational memorandums to present.)

**VIII. UNFINISHED BUSINESS (see p. 13)**

- A. MOTION: Assemblymember Ladere moved that the assembly request the resignation of Planning Commissioner Lee Sharp. (*Motion pending from March 4, 2003, regular meeting.*)

Assemblymember Bush asked the attorney to discuss the March 17, 2003, Planning Commission meeting.

Ms. Williams:

- explained the series of events that took place at the Planning Commission meeting;
- noted that the attorney's office has researched Mr. Sharp's prior relationships with North Star Speedway;
- stated that the attorney's office advised Mr. Sharp to declare a conflict of interest with anything pertaining to the race track; and
- informed that Mr. Sharp disregarded her advice.

Assemblymember Ladere:

- stated that she has spoken directly with a number of parties involved at the March 3, 2003, Planning Commission meeting;
- noted that all parties made it clear that the assistant borough attorney clearly noted that it was not appropriate to discuss several of the items that were under litigation;
- informed that she feels very strongly that we ask our legal council to serve us to the best of their ability, and only under very unusual circumstances would we disregard their advice;
- ~~stated~~ stated that she will be supporting the motion to ask for Mr. Sharp's resignation.

Assemblymember Simpson:

- stated that she had some reservations and regret about the March 4, 2003, regular assembly meeting; and
- noted that she will be joining Assemblymember Ladere in asking for Commissioner Sharp's resignation.

Assemblymember Colver:

- asked Ms. Williams if there had been a ruling from the chair stating that Mr. Sharp had a conflict of interest and the ruling had been challenged; and
- inquired as to if any real action had been taken by Mr. Sharp pertaining to the race track.

Ms. Williams:

- replied that no ruling had been made by the chair, only that the chair advised Mr. Sharp of the borough attorney's counsel; and
- stated that no action has yet been taken by Mr. Sharp on the race track.

Assemblymember Colberg:

- stated that he had a different point of view than Assemblymember Ladere after reading the March 3, 2003, Planning Commission meeting transcript; and
- informed that the March 17, 2003, Planning Commission meeting is a different matter and

may very well be a reason for Mr. Sharp to step aside.

Assemblymember Kvalheim stated that she is in agreement with Assemblymember Colberg and will not be supporting the motion at this time.

Assemblymember Simpson inquired if the state of Alaska Bar Council was consulted on this issue.

Ms. Williams:

- stated that Ms. Elizabeth Friedman, Assistant Borough Attorney, called with a hypothetical situation without using names, and at that time bar council replied that it was a conflict of interest; and
- noted that the principal concern is the conflict of interest sections listed in borough code.

Discussion ensued regarding the advice of the Alaska Bar Council.

Assemblymember Colberg asked if it would be more appropriate to issue a directive to Commissioner Sharp to recuse himself.

Mayor Anderson indicated that he would write a letter to Commissioner Sharp regarding this issue.

MOTION: Assemblymember Simpson moved the previous question.

VOTE: The motion failed with Assemblymembers Colver and Kvalheim in opposition.

Assemblymember Bush asked for a directive to be sent to Commissioner Sharp to recuse himself from any issues regarding the race track.

Mayor Anderson:

- replied that he would send a letter to Commissioner Sharp; and
- informed that if the letter is disregarded he will then request the removal of Commissioner Sharp from the Planning Commission.

(The regular meeting recessed at 6:50 p.m. and reconvened at 7:07 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. 03-030: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE WEST LAKE VIEW CIRCLE AREA NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 357 AND ESTABLISHING THE METHOD OF

- TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
- a. Ordinance Serial No. 03-031: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$8,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE WEST LAKE VIEW CIRCLE AREA NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 357, AND FIXING DETAILS OF SAID BONDS.
- (1) IM No. 03-027

Ms. Clayton provided a staff report and recommended approval of the legislation.

Mayor Anderson opened the public hearing.

The following spoke regarding Ordinance Serial No. 03-030, stating that he opposed the borough's ability to foreclose and subsidize natural gas: Ken Slauson.

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

MOTION: Assemblymember Ladere moved to adopt Ordinance Serial Nos. 03-030 and 03-031.

MOTION: Assemblymember Ladere moved a primary amendment to Ordinance Serial No. 03-031, section 7 (page 117 of the packet), by striking 7.535 and inserting 7.115.

Assemblymember Ladere stated that the purpose of this amendment is the result of Wells Fargo advising the borough of the change in the interest rate.

VOTE: The primary amendment passed without objection.

Assemblymember Ladere:

- spoke to the legislation; and
- noted that she is in agreement with Mr. Slauson and will be voting against future gas LIDs.

Assemblymember Kvalheim noted that she is also in agreement with Mr. Slauson, and will be voting against future gas facilities.

Assemblymember Colberg stated that if it will be a trend to vote against local improvement districts, an ordinance should be drawn up regarding this matter.

VOTE: The main motion as amended passed without objection.

2. Ordinance Serial No. 03-032: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE NORTH WEST VISNAW LAKE AREA NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 368 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
- a. Ordinance Serial No. 03-033: AN ORDINANCE PROVIDING FOR THE ISSUANCE

AND SALE OF NOT TO EXCEED \$95,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE NORTH WEST VISNAW LAKE AREA NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 368, AND FIXING DETAILS OF SAID BONDS.

(1) IM No. 03-028

Mr. Duffy noted that a future ordinance will be forthcoming regarding local improvement districts.

Ms. Clayton provided a staff report and recommended approval of the legislation.

Mayor Anderson opened the public hearing.

The following spoke in opposition of Ordinance Serial Nos. 03-032 and 03-033: Ms. Roberta Krajnik.

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

MOTION: Assemblymember Ladere moved to adopt Ordinance Serial Nos. 03-032 and 03-033.

MOTION: Assemblymember Ladere moved a primary amendment to Ordinance Serial No. 03-033, section 7 (page 140 of the packet), by striking 7.535 and inserting 7.115.

Assemblymember Ladere stated that the amendment is the result of Wells Fargo advising the borough of the change in the interest rate.

VOTE: The primary amendment passed without objection.

VOTE: The main motion as amended passed without objection.

3. 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

Mr. Ron Swanson discussed Ordinance Serial No. 03-048 and recommended approval.

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. 03-048.

VOTE: The motion passed without objection.

4. Ordinance Serial No. 03-049: AN ORDINANCE AMENDING MSB 16.05.030, PENALTIES AND REMEDIES, BY REPEALING SUBSECTION (E).
- a. IM No. 03-040

Mr. Duffy replied that Ordinance Serial No. 03-049 is to modify MSB Title 16 to comply with state statutes.

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 Simpson moved to adopt Ordinance Serial No. 03-049.

MOTION: Assemblymember Colver moved to postpone Ordinance Serial No. 03-049 to the April 1, 2003, regular meeting and to reopen the public hearing.

Assemblymember Colver:

- stated that this ordinance raises some concern regarding constitutional issues; and
- noted that he would like to hear further input from the real estate community.

Assemblymember Simpson asked Ms. Williams if she has any position on the legislation.

Ms. Williams stated that the legislation would bring the code into compliance with Alaska Statutes.

Discussion ensued regarding postponing the ordinance.

VOTE: The motion to postpone to a time certain passed without objection.

5. 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

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. 03-050.

Assemblymember Ladere:

- spoke to Ordinance Serial No. 03-050; and
- requested that the road supervisors in the Meadow Lakes Road Service Area No. 27 receive an updated map and the legal description.

Mr. Duffy replied that the road supervisors would receive an updated map and legal description.

VOTE: The motion passed without objection.

6. Resolution Serial No. 03-017: A RESOLUTION ADOPTING THE CAPITAL IMPROVEMENT PROGRAM FOR FY 2004-2009.
  - a. IM No. 03-054

Mr. Duffy spoke to the legislation; discussed why certain changes were made.

Mayor Anderson opened the public hearing.

The following spoke regarding the borough adopting an extended long term plan to approve a centrally located airport in the borough: Penny Nixon.

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

MOTION: Assemblymember Colberg moved to adopt Resolution Serial No. 03-017.

Mr. Duffy noted that a grant has been received from the Federal Aviation Administration to study airports.

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 03-017, page 17, item (2) (e), to note in the comments that the project is under construction.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 03-017, page 34, item (4) to strike phrase, “ the borough is in the process of constructing” and to insert “There is” so that the sentence in comments would read: “There is a middle school and community ball fields/recreation area.”.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 03-017, page 34, item (6), to add to the title and to the comments “and Separated Pathway.”

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 03-017, page 38, item (22), to add to the title and to the comments “and Separated Pathway.”

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 03-017, page 39, item (23), to add to the title and to the comments, “and Separated Pathway.”

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 03-017, page 53, item (7), the funding should reflect, “remaining balances from school bonds,” not funding not yet identified.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 03-017, page 61, item (5), the funding should reflect, “\$100,000 grants,” not funding not yet identified.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 03-017, page 62, item (7), to delete the Blair River/Creek Bridge entirely.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 03-017, page 62, item (10), to strike “Phase II” from the title and show federal funding.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 03-017, page 75, item (3), Wasilla-Fishhook, to show funding.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 03-017, page 75-76, move item (8), Lucille Street Paved Pedestrian/Bike Path, to item 5 and renumber accordingly.

VOTE: The primary amendment passed with Assemblymembers Colberg and Simpson in opposition.

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 03-017, page 96, to add a (2) (g), Visitor Center/Day Lodge, Hatcher Pass.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 03-017, page 98, item (13), to strike the word “gym” from the title so that it reads, “Remodel Dorothy Swanda Jones Building.”

VOTE: The amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 03-017, page 100, to remove item (31).

VOTE: The amendment passed without objection.

MOTION: Assemblymember Ladere moved a primary amendment to strike item 7, on page 62 of Resolution Serial No. 03-017.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Ladere moved a primary amendment to Resolution Serial No. 03-017, page 17, item 3, by adding the pedestrian under pass on the Parks Highway at Long Lake Road.

VOTE: The primary amendment passed without objection.

VOTE: The main motion as amended passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following spoke regarding AM No. 03-042, the deep water dock and NPI proposal: Mr. Terry Nineger.

The following spoke to the resignation of Planning Commissioner Lee Sharp: Ms. Annette Harpster.

The following thanked the volunteers and borough staff for their efforts during the wind storm: Mr. Ken Slauson.

The following spoke to Resolution Serial No. 03-027, and asked that it be brought before local groups: Mr. Dick Philbin.

The following spoke to the increase in assessments without road upgrades: Ms. Lucille Frey.

The following spoke in regard to Resolution Serial No. 03-026: Mr. Terry Ellis and Mr. Dick Zobel for Wasilla Soil and Water Conservation.

(The regular meeting recessed at 8:16 p.m. and reconvened at 8:30 p.m.)

### **VIII. UNFINISHED BUSINESS**

#### **B. Assembly District No. 2 Appointment**

**MOTION:** Assemblymember Colver moved to appoint Mr. Bill Allen to fill the vacated seat for Assembly District No. 2.

Mayor Anderson asked Ms. Williams for her legal council on a potential conflict of interest.

Ms. Williams stated that she has determined that Mayor Anderson does not have conflict of interest.

Assemblymember Bush stated that Mr. Kevin Sorensen should be appointed to Assembly District No. 2.

Assemblymember Kvalheim noted that she will be supporting Mr. Bill Allen.

Discussion continued on preferences between Mr. Bill Allen and Mr. Kevin Sorensen.

**VOTE:** The motion failed with Assemblymembers Ladere, Colver, and Kvalheim in support and Assemblymembers Bush, Colberg, and Simpson opposed (tie vote). The motion **passed** with Mayor Anderson invoking his voting privileged in the affirmative.

Ms. Dillon explained that Mr. Bill Allen would officially be sworn in at the April 1, 2003, regular meeting.

**MOTION:** Assemblymember Colver moved to reconsider the motion to appoint Mr. Bill Allen to fill the vacated seat for Assembly District No. 2.

**VOTE:** The motion to reconsider failed with Assemblymember Bush and Simpson in support.

### **IX. NEW BUSINESS**

#### **A. INTRODUCTION (For public hearing – 03/04/03, 7 p.m., Borough Assembly Chambers)**

1. Ordinance Serial No. 03-055: AN ORDINANCE AMENDING TITLE 15 AND TITLE 23, REGARDING THE BOARD OF ADJUSTMENT AND APPEALS TO CHANGE THE BOARD'S JURISDICTION BY DELETING ITS JURISDICTION OVER APPEALS OF THE MANAGER'S DECISIONS MADE PURSUANT TO TITLE 23 AND MAKING

CONTRACTS ENTERED INTO UNDER TITLE 23 SUBJECT TO JUDICIAL REVIEW;  
AND AMENDING TITLE 23 TO ALLOW CONTRACTS TO BE TERMINATED FOR  
EITHER VIOLATION OF THE CONTRACT OR MATERIAL MISREPRESENTATION  
RATHER THAN BOTH.

- a. IM No. 03-053
2. Ordinance Serial No. 03-056: AN ORDINANCE RE-APPROPRIATING \$85,900 TO FUND 480, PROJECT 20129, FROM THE FY03 PLANNING DIVISION'S OPERATING BUDGET (100-130-130-429-300) FOR THE PURPOSE OF PROFESSIONAL SERVICES TO UNDERTAKE UPDATING THE CORE AREA COMPREHENSIVE PLAN.
  - a. IM No. 03-062
3. Ordinance Serial No. 03-057: AN ORDINANCE ACCEPTING AND APPROPRIATING \$421,250 FROM THE STATE OF ALASKA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT TO FUND 475, PROJECT NO. 20336, FOR THE SUNSHINE COMMUNITY HEALTH CENTER.
  - a. Resolution Serial No. 03-022: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET AND AUTHORIZING THE MANAGER TO EXECUTE A TRANSFER OF RESPONSIBILITIES AGREEMENT BY AND BETWEEN THE MATANUSKA-SUSITNA BOROUGH AND THE SUNSHINE COMMUNITY HEALTH CENTER, FOR PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM.
    - (1) IM No. 03-064
4. Ordinance Serial No. 03-058: AN ORDINANCE APPROPRIATING \$385,000 OF INTEREST EARNINGS ON THE 2000 SERIES A, GENERAL OBLIGATION SCHOOL BONDS TO FUND 400, SCHOOL CAPITAL PROJECTS, PROJECT NO. 40136, TO FUND A SHORTFALL IN THE WASILLA HIGH SCHOOL REMODEL PROJECT.
  - a. IM No. 03-065
5. Ordinance Serial No. 03-059: AN ORDINANCE TO RECLASSIFY AS "GENERAL PURPOSE LANDS" THE DESIGNATED HOME SITE WITHIN TRACT A-1 OF NOTICE OF FORTY-ACRE EXEMPTION RECORDED IN THE TALKEETNA RECORDING DISTRICT IN BOOK 177, PAGE 514, SECTION 32, T26N, R5W, SEWARD MERIDIAN, ALASKA, AND TO AUTHORIZE THE FEE SIMPLE ESTATE SALE OF THE HOME SITE AS PROVIDED TO OWNERS OF AGRICULTURAL LAND SALES UNDER FORMER TITLE 13, AND ORDINANCE SERIAL NO. 86-78; LOCATED HALF A MILE SOUTH OF INTERSECTION OF PARKS HIGHWAY AND PETERSVILLE ROAD IN THE TRAPPER CREEK COMMUNITY COUNCIL AREA (MSB003862).
  - a. IM No. 03-067
6. Ordinance Serial No. 03-060: AN ORDINANCE REQUESTING A SUPPLEMENTAL APPROPRIATION OF \$40,000 FROM THE WASILLA-LAKES FIRE SERVICE AREA FUND BALANCE, FUND 250, TO THE WASILLA-LAKES FIRE SERVICE AREA FISCAL YEAR 2003 OPERATING BUDGET, FUND 250, FOR NON-EMPLOYEE

COMPENSATION.

- a. IM No. 03-071
  
- 7. Ordinance Serial No. 03-061: AN ORDINANCE RE-APPROPRIATING \$40,311.48 FROM FUND 435, BOROUGH FACILITIES, PROJECT NO. 10117, RECORDS RETENTION BUILDING, TO FUND 480, PROJECT NO. 45124, FOR THE PURPOSE OF CONDUCTING AN ASSESSMENT AND AUDIT OF THE BOROUGHWIDE RECORDS MANAGEMENT PRACTICES.
  - a. IM No. 03-072
  
- 8. Ordinance Serial No. 03-062: AN ORDINANCE AMENDING MSB 2.52.690(C), PROVIDING FOR DISCIPLINE AND DISCHARGE PROCEDURES OF EXEMPT AND CONFIDENTIAL EMPLOYEES.
  - a. IM No. 03-073

Ms. Dillon read the introductions into the record.

MOTION: Assemblymember Colberg moved to approve the introductions as read into the record by the clerk and set the public hearings for April 1, 2003.

VOTE: The motion passed without objection.

D. CONSENT AGENDA

(Resolution Serial Nos. 03-024, 03-026, 03-027 and AM Nos. 03-042 and 03-043 were pulled from the consent agenda and discussed separately. See pp. 18-20)

1. RESOLUTIONS

- a. Resolution Serial No. 03-023: A RESOLUTION AMENDING THE BUDGET FOR THE PRESERVATION PLAN AND PRESERVATION ORDINANCE UPDATE TO ADDRESS HISTORIC DISTRICT NEEDS.
  - (1) IM No. 03-058
  
- c. Resolution Serial No. 03-025: A RESOLUTION REVISING THE EMERGENCY MEDICAL SERVICES FEE SCHEDULE FOR AMBULANCE AND RESCUE SERVICES.
  - (2) ~~IM No. 03-061~~
  
- f. Resolution Serial No. 03-028: A RESOLUTION AUTHORIZING THE EXTENSION OF THE DISASTER EMERGENCY DECLARATION ISSUED BY THE BOROUGH ON MARCH 13, 2003, THROUGH APRIL 1, 2003.
  - (1) IM No. 03-076

2. ACTION MEMORANDUMS

- a. AM No. 03-040: THE VACATION OF A PORTION OF WEST HIBBARD ROAD IN PROPOSED SUNSET VIEW ESTATES, LOCATED IN SECTION 29, TOWNSHIP 17 NORTH, RANGE 3 WEST, SEWARD MERIDIAN, ALASKA, LOCATED IN THE BIG LAKE COMMUNITY COUNCIL AREA.
- d. AM No. 03-045: PURCHASE OF BULK CALCIUM CHLORIDE FROM UNIVAR USA IN THE AMOUNT OF \$173,299.50 FOR ROAD MAINTENANCE.
- e. AM No. 03-050: AWARD OF PROPOSAL 03-123 TO EDWARD J. PALMER AND ASSOCIATES IN AN AMOUNT NOT TO EXCEED \$25,000 FOR TRAIL SURVEYING AND MAPPING IN THE TALKEETNA AREA.
- f. AM No. 03-051: RETROACTIVE APPROVAL OF DISABLED VETERAN TAX EXEMPTION FOR RAYMOND SAWYER, LOT 9, BLOCK 1, PIONEER MEADOWS PHASE I (4946B01L009); TAX YEAR 2002.
- g. AM No. 03-053: APPROVAL OF THE SCHEMATIC DESIGN FOR THE DISTRICTWIDE COMPUTER TECHNOLOGY UPGRADES, PROJECT NO. 40139.
- h. AM No. 03-054: RETROACTIVE APPROVAL OF SENIOR CITIZEN TAX EXEMPTION FOR CALVIN ROCQUEMORE, LOT 5, BLOCK 2, MIDWAY ESTATES ADDITION NO. 5 (1257B02L005); TAX YEARS 2001 AND 2002.

Ms. Dillon read the above legislation into the record.

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

VOTE: The motion passed without objection.

- b. Resolution Serial No. 03-024: A RESOLUTION APPROVING THE LOCATION IN PALMER OF THE NUTRITION SERVICES FACILITY.
- (1) IM No. 03-059

MOTION: Assemblymember Ladere moved to adopt Resolution Serial No. 03-024.

Assemblymember Ladere asked if a site selection committee was selected for this facility.

Mr. Duffy replied that a site selection committee was not selected for this facility.

Assemblymember Ladere asked Ms. Williams to research the requirements of site selection committees.

MOTION: Assemblymember Ladere moved to postpone Resolution Serial No. 03-024 until after item C of the action memorandums. (*see p. 18*)

VOTE: The motion to postpone to a time certain passed without objection.

- c. Resolution Serial No. 03-026: A RESOLUTION SUPPORTING REQUESTS BY THE PALMER, WASILLA, AND UPPER SUSITNA SOIL AND WATER CONSERVATION DISTRICTS THAT THE STATE CONSERVATIONIST OF THE NATURAL RESOURCE CONSERVATION SERVICE RECOGNIZE SOILS WITHIN THE BOROUGH BOUNDARY OF LAND CAPABILITY CLASSES 2, 3, AND 4C AS “SOILS OF LOCAL IMPORTANCE,” AND TO PERFORM ON-SITE INVESTIGATIONS OF THOSE AREAS WHERE SOIL SURVEY COVERAGE IS INADEQUATE.

*(Sponsor: Assemblymember Bush)*

- (1) IM No. 03-066

MOTION: Assemblymember Ladere moved adopt Resolution Serial No. 03-026.

MOTION: Assemblymember Ladere moved to postpone Resolution Serial No. 03-026 until the May 6, 2003, regular meeting.

VOTE: The motion to postpone passed without objection.

- d. Resolution Serial No. 03-027: A RESOLUTION WHICH IDENTIFIES AN AREA IN THE POINT MACKENZIE AREA AS THE FUTURE SITE FOR THE EXPANSION AND RELOCATION OF THE TED STEVENS INTERNATIONAL AIRPORT.

- (1) IM No. 03-068

MOTION: Assemblymember Ladere moved to adopt Resolution Serial No. 03-027.

Assemblymember Ladere spoke in opposition of the legislation.

Assemblymember Colberg:

- asked if any immediate costs would be incurred by this legislation; and
- inquired as to if any public hearings were held.

Mr. Duffy:

- replied that this issue has been on the tracking report for some time;
- stated that there would be no immediate costs; and
- noted that public hearings were held in Anchorage.

Discussion ensued regarding the legislation.

MOTION: Assemblymember Colver moved to refer Resolution Serial No. 03-027 to the Planning Commission for public hearing.

Assemblymember Simpson:

- stated that the Point Mackenzie Community Council has held public conversations on this

- issue;
- noted that they have not endorsed or opposed the legislation; and
- informed that there is opposition from the farming community.

Assemblymember Bush stated that the motion to refer to the Planning Commission would not be adequate.

Assemblymember Simpson spoke in favor of referring the legislation to the Planning Commission.

Assemblymember Ladere:

- stated that an airport of this size involves more than one community; and
- noted that the Planning Commission is premature at this stage.

VOTE: The motion to refer passed with Assemblymembers Bush and Ladere in opposition.

#### ACTION MEMORANDUMS

- b. AM No. 03-042: PORT MACKENZIE DEEP-WATER DOCK DEVELOPMENT OPTIONS; NPI WOODCHIP PROJECT.

MOTION: Assemblymember Colberg moved to approve AM No. 03-042.

Assemblymember Colberg inquired in regard to the three different options listed in the legislation.

Mr. Germer explained the three options.

Discussion ensued regarding the three options and time delay.

VOTE: The motion passed with Assemblymember Ladere in opposition.

- c. AM No. 03-043: ROAD SERVICE AREA ROAD IMPROVEMENTS.

MOTION: Assemblymember Kvalheim moved to approve AM No. 03-043.

VOTE: The motion passed with Assemblymembers Colver and Ladere in opposition.

- e. Resolution Serial No. 03-024: A RESOLUTION APPROVING THE LOCATION IN PALMER OF THE NUTRITION SERVICES FACILITY.

- (1) IM No. 03-059

MOTION: Assemblymember Ladere moved to adopt Resolution Serial No. 03-024.  
*(Motion pending see p. 17)*

Ms. Williams reported that according to MSB 19.08, a site selection committee is necessary.

MOTION: Assemblymember Ladere moved to postpone Resolution Serial No. 03-024 indefinitely.

VOTE: The motion to postpone indefinitely passed without objection.

E. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Anderson made the following recommendations:

Platting Board  
Claudia Roberts

Mayor Anderson requested the following confirmations:

Administrative Hearing Officers for Bid Appeals  
Noel Kopperud  
Denis R. Lazarus  
Scott A. Sterling  
Enhanced 911 Advisory Board  
Removal of Simon Brown  
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

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

VOTE: The motion passed without objection.

F. OTHER NEW BUSINESS

(There was no other new business to present.)

**XI. RECONSIDERATION**

(There were no reconsiderations presented.)

**XII. VETO**

(There was no veto presented.)

### **XIII. EXECUTIVE SESSION**

(There was no executive session held.)

### **XVI. MAYOR AND ASSEMBLY COMMENTS**

Assemblymember Bush:

- thanked MEA, MTA, and all of the volunteers for their help with the emergency disaster;
- ~~noted~~ that he looking forward to working with Mr. Bill Allen.

Assemblymember Colberg stated that it was amazing that the fire at Kerttula farm was extinguished.

Assemblymember Ladere:

- recommended that the assembly members allow at least two hours to get to Talkeetna;
- stated that making big decisions for the port in short order, such as Resolution Serial No. 03-027, is precipitous;
- noted that she agrees with others that the very final draft and final hour is not the time to correct the Capital Improvement Program legislation;
- thanked the manager for the advertisement of a competitive bid for supplying fuel supplies to the borough;
- stated that a competitive bid program on the septic pump services and any matter over \$100,000 should be through a competitive process;
- expressed gratitude to emergency services and the Alaska State Department of Forestry for their efforts;
- commented that she is looking forward to the updates the attorney will be making to the code; and
- reported that the city of Houston asked for a widespread change in the comprehensive plan.

Assemblymember Kvalheim:

- thanked the emergency responders and borough for all of their hard work during the wind storm;
- asked administration for a report on the pending local improvement districts and a proposed ordinance; and
- inquired if it is possible to create an ordinance to charge a fee to people who are burning fields and if burning gets out of control.

Mr. Duffy replied that he is working with the attorney to design better burn bans.

Assemblymember Simpson:

- expressed appreciation to all of the assembly district no. 2 applicants;
- reported on the management agreement with the Aurora Dog Mushing Club; and
- discussed the Washington D.C. trip.

Assemblymember Colver:

- commended staff for their response to the wind storms;
- stated that his thoughts and prayers are with the firefighter who was injured during the wind storms; and
- reported on the Washington D.C. trip.

Mayor Anderson:

- welcomed Mr. Allen to the assembly;
- thanked Mr. Krill, Mr. Germer, and Ms. Dillon for keeping him up to date during the wind storm;
- stated that the Washington D.C. trip was very successful; and
- discussed the statewide breakfast conference at Lake Lucille.

## **XV. ADJOURNMENT**

The regular meeting adjourned at 10:25 p.m.

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TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:

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SANDRA A. DILLON, CMC, Borough Clerk

Minutes approved: April 1, 2003