

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on March 6, 2007, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Deputy Mayor Lynne Woods.

II. ROLL CALL

Assembly members present and establishing a quorum were:

Ms. Lynne Woods, Assembly District No. 1 (*Deputy Mayor*)
Mr. Bill Allen, Assembly District No. 2
Ms. Michelle R. Church, Assembly District No. 3
Ms. Mary Kvalheim, Assembly District No. 4
Ms. Cindy L. Bettine, Assembly District No. 5
Mr. Robert Wells, Assembly District No. 6
Mr. Tom Kluberton, Assembly District No. 7

Staff in attendance were:

Ms. Michelle M. McGehee, CMC, Borough Clerk
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Lonnie R. McKechnie, Deputy Borough Clerk
Ms. Marian Romano, Assistant Borough Manager
Ms. Tammy Clayton Finance Director
Mr. Keith Rountree, Public Works Director
Mr. Dennis Brodigan, Director of Emergency Services
Mr. Ron Swanson, Community Development Director
Mr. Murph O'Brien, Planning and Land Use Director
Mr. Dave Hanson, Economic Development Director
Ms. Patty Sullivan, Public Information Manager
Mr. Sev Jones, Chief of Planning
Ms. Teresa Frederickson, Planner II
Mr. Brad Sworts, Transportation and Environmental Manager

III. APPROVAL OF AGENDA

Deputy Mayor Woods inquired if there were any changes to the agenda.

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Marcus Barbee, a member of the audience.

V. MINUTES OF PRECEDING MEETINGS

A. Regular Assembly Meeting: 03/06/07

Deputy Mayor Woods inquired if there were any corrections to the regular meeting minutes of March 6, 2007.

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Houston City

Councilmember Blanchard:

- advised that the city of Houston has plans for an addition to City Hall; and
- noted that the Houston Police Department is now located in the fire hall.

2. Matanuska-Susitna Borough School District

(There was no report provided.)

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

(There was no report provided.)

2. Assembly Public Relations

(There were no reports provided.)

3. Mat-Su Convention and Visitors Bureau

Ms. Bonnie Quill:

- spoke regarding the economic importance of the visitor industry;
- spoke regarding the South Denali Visitor's Facility;

- requested that the Assembly hold a work session with the MSCVB regarding the funding formula; and
- advised that the MSCVB is holding their annual auction and wine tasting on March 24, 2007.

Assemblymember Bettine:

- spoke in favor of holding a work session regarding the funding formula; and
- requested that the meeting be held on April 10, 2007, in Wasilla.

There was no objection noted.

C. MANAGER COMMENTS

1. State/Federal Legislation

Assemblymembers Bettine and Church provided an update regarding their trip to Washington D.C.

D. ATTORNEY COMMENTS

Mr. Spiropoulos advised that he would be out of the office for the rest of the week to attend a technology conference.

E. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule; and
- noted that the agendas for the March 27, 2007, meetings are attached for the Assembly's review.

Assemblymember Kvalheim:

- requested that the Clerk bring back a suggested date for the Assembly to hold a work session regarding a possible sales tax; and
- requested that an executive session be added to the April 3, 2007, regular meeting agenda to discuss the Borough Manager's personnel investigation of Fire Chief Jack Krill Jr., and the process of investigation.

There were no objections noted.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Animal Care and Regulation Board: 01/11/07, 01/24/07, 02/12/07
 - b. Caswell Lakes RSA No. 15: 10/05/06, 11/02/06
 - c. Greater Palmer Consolidated FSA No. 132: 12/11/06
 - d. Greater Talkeetna RSA No. 29: 11/09/06
 - e. Local Emergency Planning Committee: 10/25/06, 11/15/06

- f. Parks, Recreation, and Trails Advisory Board: 11/27/06, Resolution Serial Nos. 07-03, 07-04, 07-05
 - g. Platting Board: 11/02/06, 11/16/06, 12/07/06
 - h. Wasilla-Lakes FSA No. 130: 12/18/06, Resolution from 02/19/07
- 2. Community Council Correspondence:
 - a. Glacier View Community Council: 12/21/06
 - b. Meadow Lakes Community Council: 12/11/06

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

G. INFORMATIONAL MEMORANDUMS

(There were no informational memorandums presented.)

IX. NEW BUSINESS

- A. INTRODUCTION (For public hearing - 04/03/07, 7 p.m., Borough Assembly Chambers)
 - 1. Ordinance Serial No. 07-023: AN ORDINANCE AMENDING EXHIBIT "A" OF ORDINANCE SERIAL NO. 05-111, RELATING TO RAVEN DRIVE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 412.
 - a. IM No. 07-060
 - 2. Ordinance Serial No. 07-029: AN ORDINANCE ADOPTING MSB 2.40, INFORMATION TECHNOLOGY DEPARTMENT.
 - a. IM No. 07-030
 - 3. Ordinance Serial No. 07-030: AN ORDINANCE REAPPROPRIATING \$25,000 FROM LAND MANAGEMENT, FUND 203, COMMUNITY DEVELOPMENT ADMINISTRATIVE DIVISION FISCAL YEAR 2007 OPERATING BUDGET, TO FUND 480, FOR THE FRANCE ROAD 160 ASSET MANAGEMENT PLAN, PROJECT NO. 45097.
 - a. IM No. 07-068
 - 4. Ordinance Serial No. 07-031: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$39,525 FROM THE LAND MANAGEMENT FUND BALANCE FUND 203, TO THE FISCAL YEAR 2007 LAND AND RESOURCE MANAGEMENT DIVISION OPERATING BUDGET, FUND 203, TO PAY LOCAL IMPROVEMENT DISTRICT FEES ASSOCIATED WITH BOROUGH-OWNED PROPERTIES.
 - a. IM No. 07-071
 - 5. Ordinance Serial No. 07-032: AN ORDINANCE AMENDING MSB 25.05.060, INITIATIVE, REFERENDUM, AND RECALL; MSB 25.15.020(B), DECLARATION OF CANDIDACY, MAYOR, ASSEMBLY, SCHOOL BOARD; MSB 25.15.030(D),

DECLARATIONS OF CANDIDACY, PROCEDURE; MSB 25.15.050, NOMINATIONS, PUBLIC OFFICIAL FINANCIAL DISCLOSURE; MSB 25.30.020(A), PROHIBITION OF POLITICAL PERSUASION NEAR POLLS; AND MSB 25.35.015, WRITE-IN VOTES. (*Sponsor: Assemblymember Kluberton*)

a. IM No. 07-072

Ms. McKechnie read the above legislation into the record.

MOTION: Assemblymember Allen moved to introduce the legislation as read into the record by the Deputy Clerk and set the public hearings for March 20, 2007.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Menard requested the following confirmations:

- Board of Equalization
 - Gregory Brooker
- Enhanced 911 Advisory Board
 - Clint Vardeman
- Local Emergency Planning Committee
 - Louis Friend
- Platting Board
 - Resignation of Steven Heinrich
- Port Commission
 - Resignation of Jordan May
- Greater Butte RSA No. 26
 - Lucy Klebesadel

Mayor Menard made the following recommendations:

- Animal Care and Regulation Board
 - Adam Cardwell
- Mayor's Blue Ribbon Task Force on Road Service Areas
 - Cindy Bettine
 - Tom Kluberton
 - Jim Norcross
 - Arthur Quaas
 - Gary Hessmer
 - Kurt Devon
 - Gregory Strong
 - William Snyder
 - Clayton Tew
 - William Stearns
 - Allan Linn

Platting Board
Thomas Smith
Anne Winckler
Senior Citizen Advisory Board
Anita Daniels
Talkeetna FSA No. 24
Lori Chesney
Mark Wildermuth

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

VOTE: The motion passed without objection.

C. OTHER NEW BUSINESS

VIII. UNFINISHED BUSINESS

(There was no unfinished business presented.)

MOTION: Assemblymember Kluberton moved to suspend the rules to take up the consent agenda, for the purpose of pulling items from the consent agenda.

VOTE: The motion to suspend the rules passed without objection.

Deputy Mayor Woods requested that Resolution Serial No. 07-035 be pulled from the consent agenda for discussion.

Assemblymember Allen requested that Resolution Serial No. 07-039 and AM No. 07-048 be pulled from the consent agenda for discussion.

Assemblymember Kluberton requested that AM No. 07-047 be pulled from the consent agenda for discussion.

(The consent agenda is continued on page 14 of 22.)

(The regular meeting recessed at 6:40 p.m. and reconvened at 7 p.m.)

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

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

B. PUBLIC HEARINGS (Three minutes per person.)

1. Ordinance Serial No. 07-014: AN ORDINANCE CREATING MCDOWELL ROAD ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 424, 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. 07-035

Deputy Mayor Woods opened the public hearing.

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

Deputy Mayor Woods advised that the public hearing for Ordinance Serial No. 07-014 would be continued to April 3, 2007.

There was no objection noted.

2. Ordinance Serial No. 07-015: AN ORDINANCE CREATING WESLEY DRIVE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 425, 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. 07-036

Deputy Mayor Woods opened the public hearing.

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

Deputy Mayor Woods advised that the public hearing for Ordinance Serial No. 07-014 would be continued to April 3, 2007.

There was no objection noted.

Ms. McGehee clarified that Ordinance Serial No. 07-014 and Ordinance Serial No. 07-015 should have gone forward for public hearing on April 3, 2007, and therefore, the public hearings need to be continued to April 3, 2007.

3. Ordinance Serial No. 07-024: AN ORDINANCE ADOPTING THE STEVENS AND ORIANA LAKE, LAKE MANAGEMENT PLAN, AND AMENDING MSB 15.24.030, COMPREHENSIVE PLAN AND PURPOSES, AND MSB 17.59, LAKE MANAGEMENT PLAN IMPLEMENTATION.
 - a. IM No. 07-033

Ms. Frederickson provided a staff report.

Assemblymember Bettine queried if it is unusual for the Planning Commission to change the plans that are brought forward by the planning team.

Ms. Frederickson:

- stated that there was some confusion regarding the guidelines;
- noted that the Planning Commission considered the public's testimony into their decision; and
- spoke regarding lake management plan guidelines.

Assemblymember Church queried if timesharing was discussed at the planning teams meeting.

Ms. Frederickson:

- advised that timesharing was discussed at the planning teams meeting; and
- stated that the property owners agreed to boat responsibly.

Discussion ensued regarding timesharing in the lake management plan.

Deputy Mayor Woods opened the public hearing.

The following persons spoke in support of having timesharing in the lake management plan rather than the 10-horse power limit: Mr. Sam Hunt, Ms. Diane Hunt, Mr. Allan Sandar, Mr. Marc Eid, and Mr. Tom Allen.

The following person spoke in favor of the ordinance and in opposition to having water skiing on the lake: Ms. Rachel Buser.

The following persons spoke in support of the lake management plan without timesharing: Ms. Janet Severson and Mr. Robert Field.

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

MOTION: Assemblymember Kluberton moved to adopt Ordinance Serial No. 07-024.

Assemblymember Bettine:

- spoke to concerns regarding the Planning Commission changing the lake management plan, as the plan came forward from the community committee; and
- opined that timesharing is a compromise.

Assemblymember Kluberton:

- stated that it is a shame to see a quiet lake lose its serenity; and
- spoke to the need for the community to hold additional meetings regarding the lake management plan.

Assemblymember Church queried if the only recourse would be for the Assembly to fail the ordinance to fix the issues.

Mr. O'Brien:

- noted that there is a strict process for lake management plans; and
- suggested that the lake management plan be sent back to the Planning Department so that additional meetings could be held.

Discussion ensued regarding:

- community concerns and suggestions;
- whether additional community meetings should be held; and
- including timesharing back into the lake management plan.

MOTION: Assemblymember Allen called for the question (to stop debate).

VOTE: The motion to stop debate failed unanimously.

Assemblymember Kluberton spoke to the need to remove the 10-horse power limit and return the timesharing to the lake management plan.

MOTION: Assemblymember Allen moved to postpone Ordinance Serial No. 07-024 to a time certain of April 3, 2007.

VOTE: The motion to postpone to a time certain of April 3, 2007, passed without objection.

4. Ordinance Serial No. 07-025: AN ORDINANCE AMENDING TITLE 27, SUBDIVISIONS: MSB 27.05, GENERAL PROVISIONS; MSB 27.10, PLATTING BOARD; MSB 27.15, PLAT APPROVAL, ABBREVIATED PLAT SUBDIVISIONS, AND VACATIONS, MSB 27.20, SUBDIVISION DEVELOPMENT STANDARDS; AND MSB 27.35, SUBDIVISION AGREEMENTS.
 - a. IM No. 07-041

Mr. O'Brien provided a staff report.

Deputy Mayor Woods queried the reason for the change in the well radius.

Mr. O'Brien spoke regarding the flexibility that the change would allow.

Mr. Hulbert stated that in certain circumstances the adjacent property is a public right-of-way; therefore, the protected well radius can go into the petitioned right-of-way.

Discussion ensued regarding the suggested changes to the well radius.

Assemblymember Church queried the deletions in MSB 27.15.040 regarding minor modifications.

Mr. O'Brien:

- advised that the criteria that defined minor modifications was previously deleted; and
- stated that if the final plat does not substantially comport with the preliminary plat the plat will not be able to move forward without a rehearing.

Mr. Spiropoulos stated that MSB 27.15.060 was previously deleted from the title; therefore, deleting the reference in MSB 27.15.040(E) is a technical amendment.

Deputy Mayor Woods opened the public hearing.

The following person spoke in opposition to Ordinance Serial No. 07-025: Ms. Lucille Frey.

The following person spoke to concerns regarding the changes to the well radius and the preliminary plat and final plat: Mr. Pio Cottini.

The following person spoke in favor to the change in the well radius: Mr. Gary Larusso.

The following person spoke regarding concerns that the Platting Officer being able to approve minor modifications to plats: Ms. Jean Krause.

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

MOTION: Assemblymember Allen moved to adopt Ordinance Serial No. 07-025.

Assemblymember Kluberton spoke regarding the need for the Assembly to review the changes in the subdivision code after it has been used for a year.

Assemblymember Church:

- spoke to concerns regarding leaving MSB 27.15.040(E), regarding minor modifications, in the legislation; and
- opined that it is appropriate to make amendments to Title 27, as issues arise.

MOTION: Assemblymember Church moved a primary amendment to Ordinance Serial No. 07-025, to delete MSB 27.15.040(E) in its entirety.

Assemblymember Church:

- noted that if the deletion of the subsection becomes an issue for the Platting Board, it can be reviewed again; and
- spoke in favor of a public process.

Assemblymember Woods queried if there are references to MSB 27.15.040(E) anywhere else in Title 27.

Mr. O'Brien advised that he would need to review Title 27 to see if there are any other references to MSB 27.15.040(E).

(The regular meeting recessed 8:25 p.m. and reconvened at 8:31 p.m.)

WITHDRAW: Assemblymember Church requested to withdraw the primary amendment.

Assemblymember Church:

- advised that she is withdrawing the motion to provide the staff time to review Title 27 and see if the amendment has any other ramifications; and
- requested that staff bring the information back to the Assembly by April 17, 2007.

There was no objection noted.

5. Ordinance Serial No. 07-026: AN ORDINANCE ACCEPTING AND APPROPRIATING \$60,000 FROM THE UNITED STATES FISH AND WILDLIFE SERVICE FOR THE COLTER CREEK AT NORTH SITZE ROAD CULVERT REPLACEMENT PROJECT, PROJECT NO. 30090, FUND 410.
 - a. Resolution Serial No. 07-030: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE COLTER CREEK AT NORTH SITZE ROAD CULVERT REPLACEMENT PROJECT, PROJECT NO. 30090.
 - (1) IM No. 07-054

Deputy Mayor Woods 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 Wells moved to adopt Ordinance Serial No. 07-026 and Resolution Serial No. 07-030:

VOTE: The motion passed without objection.

6. Resolution Serial No. 07-031: A RESOLUTION ADOPTING THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2008 THROUGH FISCAL YEAR 2013.
 - a. IM No. 07-055

Mr. Sworts provided a staff report.

Deputy Mayor Woods 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 Allen moved to adopt Resolution Serial No. 07-031.

MOTION: Assemblymember Bettine moved a primary amendment to IM No. 07-055, Capital Improvement Program, Transportation Safety Projects, by inserting an item “a” under item “3” to read as follows: Improved access to the two elementary schools located on Hollywood Road to include a grade reduction to Hollywood Road. This change will also need to be reflected on the Comparison Table.

Assemblymember Bettine advised that there are funds available from the State through the “Safe Routes to Schools Program.”

Assemblymember Allen queried the amount of funds needed.

Mr. Rountree:

- advised that the current estimate to lower the road and provide additional access is \$3,000,000;
- advised that they are waiting for the Alaska State Department of Education and Early Development’s approval to use the construction funds; and
- stated that the Alaska State Department of Education and Early Development will probably approve the use of the funds, as the Borough is not requesting additional funds outside of the bond.

Discussion ensued regarding:

- the cost of the project; and
- the bond funds.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Bettine moved a primary amendment to IM No. 07-055, Capital Improvement Program, Airport Projects – Big Lake Airport, by inserting an item “4” to read as follows: (4) Big Lake/Fish Creek Float Plane Launch. This change will also need to be reflected on the Comparison Table.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Bettine moved a primary amendment to IM No. 07-055, Capital Improvement Program, FY08 Capital Projects, by inserting the following project as item number 21, “Community/Mat-Su College Library, Distribution Facility and Auditorium,” and to renumber the project accordingly. This change will also need to be reflected on the Comparison Table.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Bettine moved a primary amendment to IM No. 07-055, Capital Improvement Program, General Transportation Project, by renumbering the “Seldon/Bogard To Glenn Highway Extension” as project number 1, to increase the amount to \$26 million, and to renumber the projects accordingly.

MOTION: Assemblymember Wells moved a secondary amendment to IM No. 07-055, Capital Improvement Program, General Transportation Project, by renumbering the “Seldon/Bogard To Glenn Highway Extension,” as project number 2, and to renumber the projects accordingly.

Assemblymember Bettine spoke to the need for the Assembly to lobby the State Delegation to receive the funds for the project.

Assemblymember Allen advised that there is a need for the Borough to have a good relationship with the Alaska State Department of Transportation.

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment passed as amended without objection.

MOTION: Assemblymember Kluberton moved a primary amendment to IM No. 07-055, Capital Improvement Program, Transportation Projects Need List FY 2008-2018, by striking the “Sunshine Road Paving” project.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed without objection.

7. Ordinance Serial No. 07-027: AN ORDINANCE ACCEPTING AND APPROPRIATING \$5,000,000 FROM THE FEDERAL TRANSIT ADMINISTRATION TO FUND 450, PROJECT NO. 70001, FOR THE CONSTRUCTION OF THE FERRY TERMINAL AND FACILITIES ON THE ANCHORAGE SIDE.

a. Resolution Serial No. 07-032: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET AND AUTHORIZING THE MANAGER TO ENTER INTO THE NECESSARY AGREEMENTS FOR THE CONSTRUCTION OF THE FERRY TERMINAL AND FACILITIES ON THE ANCHORAGE SIDE.

(1) IM No. 07-058

Mr. O’Brien provided a staff report.

Deputy Mayor Woods 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 Allen moved to adopt Ordinance Serial No. 07-027 and Resolution Serial No. 07-032.

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VOTE: The motion passed without objection.

8. Ordinance Serial No. 07-028: AN ORDINANCE REAPPROPRIATING \$19,718 FROM FUND 480, PROJECT NO. 10117, TEMPORARY RECORDS STORAGE TO FUND 435, PROJECT NO. 45124, RECORDS MANAGEMENT CONSULTANT, TO PROVIDE FOR PERIODIC AUDITS OF THE BOROUGHWIDE RECORDS MANAGEMENT PROGRAM.
- a. Resolution Serial No. 07-033: A RESOLUTION AMENDING THE BUDGETS OF PROJECT NO. 10117, TEMPORARY RECORDS STORAGE AND PROJECT NO. 45124, RECORDS MANAGEMENT CONSULTANT, TO PROVIDE FOR PERIODIC AUDITS OF THE BOROUGHWIDE RECORDS MANAGEMENT PROGRAM. *(Sponsor: Assemblymember Kvalheim)*
- (1) IM No. 07-062

Ms. McGehee provided a staff report.

Deputy Mayor Woods opened the public hearing.

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

MOTION: Assemblymember Kvalheim moved to adopt Ordinance Serial No. 07-028 and Resolution Serial No. 07-033:

VOTE: The motion passed without objection.

(The regular meeting recessed at 9:04 p.m. and reconvened at 9:15 p.m.)

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke regarding the wrongful termination of Chief Jack Krill: Ms. Susan Darnell.

The following persons spoke in favor of reconsidering Ordinance Serial No. 06-192(AM): Mr. Clinton Buzwell, Mr. Mark Simpson, Ms. Monet Barbee, Mr. Marcus Barbee, Mr. Ron Musgrove, Mr. John Anderson, Mr. Randy Owens, Ms. Gretchen Nielson, Mr. Rand Trewyn, Ms. Patty Huntsman, Mr. Pio Cottini, Ms. Lucille Frey, Ms. Carolyn Kuch, Mr. Clarence Furbush, Mr. Phillip Furbush, Ms. Julie Martin, Ms. Patty Barber, and Mr. Jim Matlock.

The following person spoke in opposition to the reconsideration of Ordinance Serial No. 06-192(AM): Mr. David Owens.

The following person spoke in opposition to Resolution Serial No. 07-039: Mr. Lyle Buzby.

- D. CONSENT AGENDA (Resolution Serial Nos. 07-035 and 07-039 and AM Nos. 07-047 and 07-048 were pulled from the consent agenda and addressed separately. *See pp. 17-19*)

1. RESOLUTIONS

- a. Resolution Serial No. 07-034: A RESOLUTION REVISING THE ANIMAL CARE AND REGULATION ADOPTION FEE SCHEDULE FOR THE SPAYING OR NEUTERING OF DOGS AND CATS.

(1) IM No. 07-029

- c. Resolution Serial No. 07-036: A RESOLUTION AMENDING THE BUDGETS FOR PROJECT NOS. 10149, 10154, 10155, 10143, AND 10168, TO ALLOW ADDITIONAL FUNDS FOR THE SITE ACQUISITION, DESIGN, AND ENGINEERING OF A NEW SUTTON LIBRARY/COMMUNITY CENTER.

(1) IM No. 07-067

- d. Resolution Serial No. 07-037: A RESOLUTION AUTHORIZING THE BOROUGH MANAGER TO EXECUTE A GRANT AGREEMENT WITH THE CITY OF WASILLA IN THE AMOUNT OF \$230,000 FOR DESIGN OF THE LUCILLE STREET REHABILITATION PROJECT.

(1) IM No. 07-069

- e. Resolution Serial No. 07-038: A RESOLUTION AUTHORIZING THE BOROUGH MANAGER TO EXECUTE A GRANT AGREEMENT WITH THE CITY OF WASILLA IN THE AMOUNT OF \$60,107.77 FOR THE PAVING OF VIXEN CIRCLE, EDEN COURT, AND A PORTION OF FERN STREET, RAVENSWOOD, ALTHEA STREET, AND BAY VIEW DRIVE WITHIN THE CITY OF WASILLA.

(1) IM No. 07-070

2. ASSEMBLY MEMORANDUMS

- a. AM No. 07-035: AUTHORIZING THE MANAGER TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE ALASKA STATE DEPARTMENT OF NATURAL RESOURCES, DIVISION OF FORESTRY, FOR WILDFIRE FUEL REDUCTION IN THE AMOUNT NOT TO EXCEED \$200,000 FOR THE YEAR OF 2007.

- b. AM No. 07-036: AWARD OF BID NO. 07-076 TO B & E LANDSCAPING AND EXCAVATION IN THE CONTRACT AMOUNT NOT TO EXCEED \$89,000 FOR AREA 1, BURMA ROAD SOUTH, FUEL REDUCTION PROJECT.

- c. AMNo.07-039: AWARD OF BID NO. 07-100 TO L.N. CURTIS & SONS, MUNICIPAL EMERGENCY SERVICES, YOUNG'S FIREHOUSE, EAGLE ENTERPRISES, AND ALLSTAR FIRE EQUIPMENT IN AN AMOUNT THAT MAY

EXCEED \$25,000 PER VENDOR FOR THE PURCHASE OF EMERGENCY SERVICES ITEMS THROUGHOUT THE YEAR.

- d. AM No. 07-040: AWARD OF BID NO. 07-108 TO VALLEY GENERAL CONSTRUCTION IN THE CONTRACT AMOUNT OF \$46,685 FOR THE LAKESHORE DRIVE PROJECT.
- e. AM No. 07-041: AWARD OF BID NO. 07-111 TO 3C CONSTRUCTION IN THE CONTRACT AMOUNT OF \$52,910 FOR THE CASWELL LAKES ROAD SERVICE AREA NO. 15 ROAD UPGRADE PROJECT.
- f. AM No. 07-042: AWARD OF BID NO. 07-109 TO INTEGRITY EXCAVATING, INC., IN THE CONTRACT AMOUNT OF \$77,750 FOR THE HIGHLAND DRIVE AND TERRACE LOOP PROJECT.
- g. AM No. 07-043: AWARD OF BID NO. 07-105 TO 3C CONSTRUCTION IN THE CONTRACT AMOUNT OF \$70,000 FOR THE BROOKS ROAD PROJECT.
- h. AM No. 07-044: AWARD OF BID NO. 07-098 TO WOLVERINE SUPPLY INC., IN THE CONTRACT AMOUNT OF \$54,400 FOR THE WILLOW COMMUNITY CENTER SIDING INSTALLATION.
- i. AM No. 07-045: AWARD OF BID NO. 07-103 TO VALLEY GENERAL CONSTRUCTION IN THE CONTRACT AMOUNT OF \$67,850 FOR THE ROGERS ROAD UPGRADE PROJECT.
- j. AM No. 07-046: AUTHORIZATION TO PURCHASE HURST RESCUE EQUIPMENT FROM L.N. CURTIS & SONS IN AN AMOUNT NOT TO EXCEED \$35,000, WITH A PURCHASE AUTHORIZATION THAT WILL EXPIRE JUNE 30, 2007.
- m. AM No. 07-049: AWARD OF BID NO. 07-082 TO NORTH STAR ANIMAL HOSPITAL IN THE YEARLY AMOUNT THAT MAY EXCEED \$25,000 FOR THE SPAY AND NEUTER PROGRAM VETERINARIAN SERVICES.
- n. AM No. 07-050: AWARD OF PROPOSAL NO. 07-086 TO MAT-SU TITLE INSURANCE AGENCY, INC., IN THE YEARLY AMOUNT THAT MAY EXCEED \$25,000 FOR LITIGATION GUARANTEES.
- o. AM No. 07-051: AUTHORIZATION TO AWARD A ONE-TIME CONTRACT TO ALASKA SAFETY INC., IN THE AMOUNT OF \$50,000 TO UPGRADE SELF-CONTAINED BREATHING APPARATUS SYSTEMS FOR THE CENTRAL MAT-SU FIRE DEPARTMENT.

- p. AM No. 07-052: AWARD OF BID NO. 07-121 TO WIRTANEN INC., IN THE CONTRACT AMOUNT OF \$59,750 FOR THE MATANUSKA RIVER PARK COMFORT STATION MECHANICAL UPGRADES.

Ms. McGehee read the above legislation into the record.

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

VOTE: The motion passed without objection.

- b. Resolution Serial No. 07-035: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR INFRASTRUCTURE PROJECTS USING THE FISCAL YEAR 2007 TRANSIENT ACCOMMODATION TAX (BED TAX) FUNDS IN AN AMOUNT NOT TO EXCEED \$340,000.

(1) IM No. 07-066

Deputy Mayor Woods:

- spoke regarding the tourism infrastructure grants; and
- queried when the scope was changed.

Mr. Swanson:

- stated that the scope has not changed; however, it has evolved over time; and
- spoke regarding the criteria that was used by the committee.

MOTION: Assemblymember Allen moved to adopt Resolution Serial No. 07-035.

VOTE: The motion passed without objection.

- f. Resolution Serial No. 07-039: A RESOLUTION AMENDING THE BUDGET FOR THE OLD ADMINISTRATION BUILDING RENOVATION/REMODEL PROJECT AND APPROVE THE SCOPE OF WORK AND BUDGET FOR THE NEW ANNEX BUILDING CONSTRUCTION PROJECT.

(1) IM No. 07-074

MOTION: Assemblymember Allen moved to adopt Resolution Serial No. 07-039.

Assemblymember Allen:

- noted that \$1.5 million was appropriated for this project; and
- queried the purpose of spending \$121,105 of the appropriated funds.

Mr. Rountree:

- advised that the contract to Architects Alaska was for an amount not to exceed \$120,000; however, the actual invoice from Architect Alaska is for \$5,000; and
- noted that the rest of the funds will go back into the project fund.

Assemblymember Wells:

- queried how much ball field space would be used; and
- queried the parking.

Mr. Rountree:

- advised that the field that is located closest to the existing building would be used; and
- noted that 25 to 30 additional parking spaces would be needed.

Discussion ensued regarding:

- the size of the building;
- the issues with renovating the old administrative building;
- the costs associated with constructing a new facility;
- whether the new structure would resemble the existing historical buildings in the area; and
- leasing space as an option.

MOTION: Assemblymember Allen moved to postpone Resolution Serial No. 07-039 to a time certain of April 17, 2007.

VOTE: The motion to postpone to a time certain of April 17, 2007, passed without objection.

MOTION: Assemblymember Allen moved to extend the meeting past 11 p.m. but not to exceed 12 midnight.

VOTE: The motion passed without objection.

k. AM No.07-047: AUTHORIZATION TO PURCHASE AN INFRARED PATCHING MACHINE FROM AK INFRARED ASPHALT SYSTEMS, INC., IN THE AMOUNT OF \$52,360 FOR THE PUBLIC WORKS DEPARTMENT.

MOTION: Assemblymember Kluberton moved to approve AM No. 07-047.

Assemblymember Kluberton:

- requested that the Assembly consider prorating the purchase by pavement miles within the road service areas; and
- noted that administration's overhead is already being prorated by road miles within the road service area.

Mr. Rountree spoke to the reasons that he disagrees with prorating costs by road miles.

MOTION: Assemblymember Bettine moved to postpone AM No. 07-047 to a time certain of April 17, 2007.

Assemblymember Bettine:

- requested that the Assembly be provided with the cost per pavement mile within each road service area as an option for the Assembly to review;
- requested that other funding options be looked into; and
- stated that this work could be contracted out until the Mayor's Blue Ribbon Task Force on Road Service Areas completes their work.

VOTE: The motion to postpone to a time certain of April 17, 2007, passed without objection.

I. AM No. 07-048: AUTHORIZATION TO PURCHASE COMMUNICATIONS EQUIPMENT FROM MOTOROLA IN THE AMOUNT NOT TO EXCEED \$100,000 ANNUALLY FOR THE EMERGENCY SERVICES DEPARTMENT.

MOTION: Assemblymember Allen moved to approve AM No. 07-048.

Assemblymember Allen queried the figure for the parts inventory.

Mr. Brodigan:

- stated that this is separate than the purchases done through Procom, which is a distributor of Motorola;
- advised that Motorola allows Procom to sell certain radios; however, other items for the ALMR System are sold direct from Motorola; and
- spoke regarding the items that will be purchased for the dispatch center.

Assemblymember Allen queried the timeframe the Borough will be doing the annual purchases, as the legislation appears to be a never ending commitment.

Mr. Brodigan:

- stated that he is not sure of the timeframe for the annual purchases from Motorola;
- spoke regarding the ALMR system replacing the analog system; and
- noted that he hopes to continue to get a majority of the funds through federal and state grant funds.

MOTION: Assemblymember Church moved a primary amendment to AM No. 07-048, by deleting the word "annually" and inserting in its place the phrase "fiscal year 2007" throughout the legislation. *[Clerk note: the amendment on the floor was to qualify the timeline of expenditure. Upon consultation with purchasing and the Borough Attorney, the amendment reflects expenditures through the end of FY07.]*

VOTE: The primary amendment passed without objection.

VOTE: The main motion was approved as amended without objection.

(The regular meeting recessed at 11 p.m. and reconvened at 11:05 p.m.)

X. RECONSIDERATION

A. Ordinance Serial No. 06-192(AM): AN ORDINANCE REPEALING MSB 17.01, ACKNOWLEDGEMENT OF EXISTING LAND USE REGULATIONS, ENACTING MSB 17.02, MANDATORY LAND USE PERMIT, AND AMENDING MSB 17.125.010, DEFINITIONS. *(Reconsideration filed 03/07/07 by Assemblymember Allen)*

1. IM No. 06-273

MOTION: Assemblymember Allen moved to reconsider Ordinance Serial No. 06-192(AM).

Assemblymember Wells:

- noted that he was out of the State when this ordinance was voted on previously; and
- stated that he would like his vote on this issue on the record.

VOTE: The motion to reconsider passed with Assemblymembers Church and Kvalheim opposed.

Mr. O'Brien and Mr. Jones provided a staff report.

Assemblymember Kluberton queried whether the state statute requires that the Borough perform planning.

Mr. Spiropoulos advised that there is a statutory requirement for the Borough to perform planning.

Assemblymember Kluberton queried if the purposes of the legislation is to register the building that is occurring, so that there is an accurate sense of development in the Borough.

Mr. O'Brien:

- spoke to the benefits of the permit; and
- noted that it does cost the public and the Borough to resolve the issues that occur.

Discussion ensued regarding:

- how the public will be notified that a permit is required;
- the need to continually make the public aware of the permit;
- the minimum amount of square footage and the percentage of an addition that would require a permit; and
- concerns regarding the implementation of the process.

MOTION: Assemblymember Allen called for question (to stop debate).

VOTE: The motion to stop debate passed unanimously.

VOTE: The main motion passed with Assemblymembers Woods, Bettine, and Wells opposed.

XI. VETO

(There were no vetoes presented.)

XII. EXECUTIVE SESSION

(There was no executive session held.)

XIII. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Bettine requested that the Clerk's Office start adding the Assembly Member's names to all of the resolutions and action memorandums on the agenda.

Assemblymember Allen requested that the assembly members keep Mayor Menard in their prayers.

Assemblymember Woods spoke to testifying in from of the Legislature regarding revenue sharing.

XIV. ADJOURNMENT

The regular meeting adjourned at 11:43 p.m.

/ S /

CURTIS D. MENARD, Borough Mayor

ATTEST:

/ S /

MICHELLE M. MCGEHEE, CMC, Borough Clerk

Minutes approved: 04/05/07