

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on April 7, 2009, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:04.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. Pete Houston, Assembly District No. 2
Ms. Michelle R. Church, Assembly District No. 3
Mr. Mark Ewing, 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. Lonnie R. McKechnie, Borough Clerk
Mr. John Duffy, Borough Manager
Ms. Elizabeth Gray Assistant Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Brenda J. Henry, Executive Assistant to the Borough Clerk
Ms. Tammy Clayton, Finance Director
Mr. Keith Rountree, Public Works Director
Mr. Dennis Brodigan, Emergency Services Director
Ms. Linda Brenner, Community Development Director
Mr. Mark Mayo, Planning and Land Use Director
Ms. Patty Sullivan, Public Affairs Director
Mr. Dave Hanson, Economic Development Director
Ms. Joell Church, Records Management Officer
Ms. Nancy Cameron, Land Management Agent

III. APPROVAL OF AGENDA

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

Assemblymember Bettine requested that Ordinance Serial No. 09-054 and Resolution Serial No. 09-028 be heard first under public hearings.

There was no objection noted.

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Jim Colver, President of the Matanuska-Susitna Borough School Board.

V. MINUTES OF PRECEDING MEETINGS

A. Special Assembly Meeting: 03/10/09

Deputy Mayor Woods inquired if there were any corrections to the special meeting minutes of March 10, 2009.

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

B. Joint Assembly/School Board Meeting: 03/10/09

Deputy Mayor Woods inquired if there were any corrections to the special meeting minutes of March 10, 2009.

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

C. Special Assembly Meeting: 03/17/09

Deputy Mayor Woods inquired if there were any corrections to the special meeting minutes of March 17, 2009.

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

D. Regular Assembly Meeting: 03/17/09

Deputy Mayor Woods inquired if there were any corrections to the regular meeting minutes of March 17, 2009.

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

(There were no reports provided.)

2. Matanuska-Susitna Borough School District

Mr. Jim Colver, School Board President:

- spoke to the reasons the School District does not support Resolution Serial No. 09-033;
- commented that the bulk of the budget for South Palmer Elementary School is for staffing and the benefits associated with staff;
- noted that lack of funding is an issue this year; and
- stated that with the growth in the Borough, class sizes are increasing.

Mr. George Troxel:

- related that the School District will be graduating approximately 1,100 seniors this year;
- advised that Colony High School won their third straight State wrestling championship;
- stated that Ms. Janet Johnson, a student at Wasilla High School, was chosen as the Gatorade Athlete of the Year;
- spoke to the Science Olympiad being a huge event for the School District;
- noted that many valley students were recognized at the state Spirit of Youth Awards, for their community service;
- noted that the State mandated assessment are being conducted this week;
- stated that the School Board adopted a comprehensive literacy curriculum for the first time, in 19 years; and
- commented that the literacy curriculum was inspired by the math curriculum that was created last year.

Mr. Ole Larson, School Board Member:

- requested that the Assembly seriously look at changing code with regards to the School District's fund balance;
- stated that the School District will probably have funds left over this fiscal year`;
- commented that it would be nice to have a reserve that stayed with the school budget;
- sated that because the funds do not go into reserves, it creates a spending frenzy at the end of the fiscal year; and
- related that the School District is looking into the possibility of keeping the funds in a reserve.

3. Mat-Su Convention and Visitors Bureau – Ms. Karen Harris, Board President

Ms. Karen Harris:

- noted that they are requesting \$728,000 this year, which is a four percent increase;
- noted that the MSCVB had to trim their budget from last year;
- commented that they would like to receive a 70/30 split on the bed tax;
- stated it would provide for more stable funding for the bureau if the split was in place;
- noted that in the current Borough budget, there are unspent funds, which were to provide for building improvements and asphalt;
- noted that the MSCVB did not request those funds;
- spoke to how the MSCVB is reaching out to community groups;

- spoke regarding the MSCVB's performance measures; and
- invited the assembly to a luncheon scheduled for April 8, 2009, with the topic being, "The present and future of Mat-Su Convention and Visitors Bureau."

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Wells noted that the meeting was cancelled.

2. Assembly Public Relations

(There were no reports provided.)

C. MANAGER COMMENTS

1. State/Federal Legislation

Mr. Duffy:

- spoke to the Croto Creek emergency bridge repairs;
- spoke regarding the new ladder truck at Station 65;
- noted that the construction of the new recycling center should begin within a few weeks;
- spoke to the Highway Trust Fund and how congress is considering the funding for this project;
- noted that the Borough has received \$1.5 million in funding from the State for the landfill; and
- advised that he and Ms. Clayton have recommended moving forward with the school bonds, as the current inflation rate is low, which should provide for good bid estimates.

D. ATTORNEY COMMENTS

(There was no report provided.)

E. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule; and
- noted that there is a Joint Assembly/School Board meeting scheduled for June 9, 2009, which is the same day as the special election; and
- queried if the Assembly would like to reschedule this meeting.

Assemblymember Bettine queried if this meeting could be rescheduled to sometime in the fall.

Ms. McKechnie advised that there is a joint meeting already scheduled for September 8, 2009.

There was no objection noted.

Ms. McKechnie:

- noted that last spring/summer the Assembly requested to be on their own for meals in between meetings; and
- queried if the Assembly would like to do this again.

Assemblymember Bettine opined that it is good for the Assembly to take a break away from the building.

There was no objection noted.

Assemblymember Bettine:

- commented that Representative Young will be in the Borough on April 15, 2009; and
- opined that this would be a good time to show him the location of the future agriculture processing plant.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Big Lake and Meadow Lakes FSA: 04/07/08, 11/17/08, 12/15/08
- b. Board of Adjustment and Appeals: 02/04/08, 02/08/08, 06/23/08, 07/16/08, 07/22/08, 08/14/08, 08/29/08, 10/03/08, 12/09/08
- c. Library Board: 11/15/08
- d. Local Planning Committee: 12/17/08, 01/28/09
- e. Parks, Recreation, and Trails Advisory Board: Resolution Serial No.08-09, Resolution Serial No. 08-10, Resolution Serial No. 08-12, Resolution Serial No. 09-01, Resolution Serial No. 09-02
- f. Planning Commission: 09/08/08, 11/17/08, 12/15/08, 01/05/09, 01/19/09, Resolution Serial No. 08-21(AM), Resolution Serial No. 08-038, Resolution Serial No. 08-40, Resolution Serial No. 09-02, Resolution Serial No. 09-03, Resolution Serial No. 09-04, Resolution Serial No. 09-07 (AM), Resolution Serial No. 09-09, Resolution Serial No.09-10, Resolution Serial No.09-11, Resolution Serial No. 09-17
- g. Platting Board: 02/05/09
- h. Port Commission: 12/15/08, Resolution Serial No. 08-003, Resolution Serial No. 08-004
- i. Real Property Asset Management Board: 10/08/08, 11/12/08, Resolution Serial No. 08-04(AM), Resolution Serial No. 09-01, Resolution Serial No. 09-02
- j. South Colony RSA No. 16 Minutes: 10/16/08, Resolution dated 10/06/08
- k. Trapper Creek RSA No. 30 Minutes: 11/13/08
- l. Senior Citizen's Advisory Board: 09/15/08, Resolution Serial No. 08-01, Resolution Serial No. 08-02, Resolution Serial No. 08-03
- m. Transportation Advisory Board: Resolution Serial No. 08-09, Resolution Serial No. 09-01
- n. Wasilla Lakes FSA Board of Supervisors: 11/10/08

2. Community Council Correspondence:

- a. Gateway Community Council: 01/24/08, 04/24/08, 10/23/08, 01/08/09
- b. Sutton Community Council: 08/06/08, 09/03/08, 09/09/08, 11/10/08

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

A. INFORMATIONAL MEMORANDUMS

1. IM No. 09-092: AN INFORMATIONAL MEMORANDUM (REVISOR OF ORDINANCE) REGARDING A REVISION TO MSB 17.23.130(A), POINT MACKENZIE PORT SPECIAL USE DISTRICT, ADOPTED BY ORDINANCE SERIAL NO. 02-208.

The informational memorandum was presented and no comments were noted.

VII. NEW BUSINESS

A. INTRODUCTION (For public hearing – 04/21/09, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 09-057: AN ORDINANCE AMENDING MSB 2.08.060, COMPENSATION AND REIMBURSEMENT, FOR THE MAYOR; AND AMENDING MSB 2.12.060, COMPENSATION AND REIMBURSEMENT, FOR THE ASSEMBLY; TO INCLUDE THE ALLOTTED EXPENSE REIMBURSEMENTS INTO THE MAYORS, DEPUTY MAYORS, AND ASSEMBLY YEARLY COMPENSATION. *(Sponsored by Assemblymember Bettine.)*

a. IM No. 09-084

2. Ordinance Serial No. 09-058: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$10,000 FROM CASWELL LAKES ROAD SERVICE AREA NO. 15 FUND BALANCE, FUND 272, TO CASWELL LAKES ROAD SERVICE AREA NO. 15 FISCAL YEAR 2009 OPERATING BUDGET, FUND 272.

a. IM No. 09-056

3. Ordinance Serial No. 09-059: AN ORDINANCE APPROVING AN APPROPRIATION OF \$220,000 FROM GOLD TRAIL ROAD SERVICE AREA NO. 28 FUND BALANCE, FUND 282, TO FUND 410, PROJECT NO. 30048, FOR GOLD TRAIL ROAD SERVICE AREA NO. 28 CAPITAL PROJECTS.

a. IM No. 09-063

Ms. McKechnie read the above legislation into the record.

MOTION: Assemblymember Bettine moved to introduce the legislation as read into the record by the Clerk and set the public hearings for 04/21/09.

VOTE: The motion passed without objection.

- B. REFERRALS (For referral to the Planning Commission for 90 days or other date specified by the Assembly)

1. Ordinance Serial No. 09-060: AN ORDINANCE ADOPTING THE 2009 BIG LAKE COMPREHENSIVE PLAN UPDATE.
 - a. IM NO. 09-086
2. Ordinance Serial No. 09-061: AN ORDINANCE AMENDING MSB 27.15.040 TO IMPOSE AN ABSOLUTE DURATIONAL LIMIT OF THIRTY-SIX MONTHS FOR PRELIMINARY PLATS AND FORTY-EIGHT MONTHS FOR PHASED DEVELOPMENT MASTER PLANS UNDER FORMER TITLE 16: SUBDIVISIONS, BY LIMITING TOTAL EXTENSIONS TO NO MORE THAN TWELVE MONTHS.
 - a. IM No. 09-087

MOTION: Assemblymember Bettine moved to refer Ordinance Serial Nos. 09-060 and 09-061 to the Planning Commission for 90 days.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Deputy Mayor Woods requested the following confirmations:

Health and Social Services Board

Sammye Pokryfki

Library Board

Jeanne Troshynski

Sharon Scott

Local Emergency Planning Committee

Bill Costello

Caswell Lakes FSA No. 135

Cheryl Newsome

Fairview RSA No. 14

David Hopper

Deputy Mayor Woods made the following recommendations:

Board of Ethics

Sherry Whitstine

Health and Social Services

Susan McCauley

Parks, Recreation, and Trails Advisory Board

George Shelton

Real Property Asset Management Board

Daniel Elliott

Caswell Lakes FSA No. 135

Terrance Shanigan

MOTION: Assemblymember Bettine moved to confirm the Deputy Mayor's recommendations up for confirmation this evening.

VOTE: The motion passed without objection.

(The regular meeting recessed at 6:36 p.m. and reconvened at 7:00 p.m.)

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

A. PUBLIC HEARINGS (Three minutes per person.)

19. Ordinance Serial No. 09-054: AN ORDINANCE AMENDING MSB 5.25.140, TO ANNEX PROPERTIES IN AND AROUND THE CARPENTER LAKE AREA INTO THE WASILLA-LAKES FIRE SERVICE AREA NO. 130 WITHOUT THE PLACEMENT OF THE QUESTION ON THE BALLOT, PER MSB 5.20.005(G), AND CORRECTING CLERICAL ERRORS IN THE LEGAL DESCRIPTION. (Sponsored by: Assemblymember Bettine)
- a. Resolution Serial No. 09-028: A RESOLUTION FINDING THE ANNEXATION OF PROPERTIES IN AND AROUND THE CARPENTER LAKE AREA INTO THE WEST-LAKES FIRE SERVICE AREA NO. 130 SERVES THE PUBLIC INTEREST WITHOUT THE PLACEMENT OF THE QUESTION ON THE BALLOT.
- (1) IM No. 09-082

Ms. McKechnie and Mr. Dennis Brodigan provided a staff report.

Assemblymember Bettine:

- noted that the concerns of her constituents, are that they are paying a fire service area tax; and
- further added that there is no road service area, and therefore the roads are not maintained.

Mr. Brodigan:

- spoke to the fact that some properties are outside the five-mile driving radius from the nearest fire station;
- noted that insurance companies do not always follow the International Standard for Organization (ISO); and
- related that it is the insurance companies who decide if there is any benefit to being annexed into a fire service area.

Assemblymember Ewing queried if there are many areas that pay fire service area tax that are without road service.

Mr. Brodigan affirmed the query.

Deputy Mayor Woods opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 09-054 and Resolution Serial No. 09-028: Ms. Kathleen Weeks, Mr. James Mills, and Ms. Theresa Mills.

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

MOTION: Assemblymember Bettine moved to adopt Ordinance Serial No. 09-054 and Resolution Serial No. 09-028.

VOTE: The motion passed without objection.

3. Ordinance Serial No. 09-033: AN ORDINANCE AMENDING MSB 2.12.070, MEETINGS; TO CHANGE THE TIME OF DAY THAT THE FIRST REGULAR MONTHLY MEETING OF THE ASSEMBLY BEGINS. *(Sponsored by: Assemblymembers Bettine and Houston)*
 - a. IM No. 09-040

Deputy Mayor Woods opened the public hearing.

The following person spoke in opposition to Ordinance Serial No. 09-033: Mr. Rod Ewing, Ms. Diane Woodruff, and Mr. Jim Colver.

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

MOTION: Assemblymember Bettine moved to adopt Ordinance Serial No. 09-033:

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 09-033, MSB 2.12.070(B), by striking the phrase “The first regular meeting of the month shall begin at 1 p.m. and the second regular meeting of the month shall,” by striking “6 p.m.” and inserting “5 p.m.” in its place, and by striking “all regular meetings shall be held” to read as follows: (B) Regular meetings of the assembly shall be held on the first and third Tuesday of each month beginning at 5 p.m. in the assembly chambers located at 350 East Dahlia Avenue, Palmer, Alaska unless otherwise designated by the assembly. A regular meeting of the assembly may be canceled by the assembly; however, if no quorum exists or there is an emergency, it may be canceled by the mayor. No regular meeting shall be held on any holiday recognized by the borough, the first week of October (regular election day) or the week of December 24 through January 1 (Christmas-New Years). All meetings and worksessions except for executive sessions shall be public meetings and shall be electronically recorded.

Assemblymember Kluberton:

- noted that even if the Assembly meetings being at 5:00 p.m. and public hearings begin at 6:00 p.m., there will be constituents who will be affected;
- further added that those who have lengthy driving times will be unable to attend, due to work responsibilities; and
- noted that he prefers consistency and will vote against this ordinance.

Assemblymember Ewing:

- advised that he understands the late nights that this ordinance is trying to prevent;
- further added that late nights are sometimes part of being an Assembly member; and
- noted that he will not support this ordinance.

VOTE: The main motion failed unanimously.

Assemblymember Houston:

- noted that he was under the impression that it was the number of the meetings that was at issue, not the time of day;
- stated that it was not the intent to exclude public participation; and
- noted that he will vote against the ordinance.

Discussion ensued regarding Assembly meeting times.

VOTE: The main motion amendment failed unanimously.

2. Ordinance Serial No. 09-034: AN ORDINANCE AMENDING MSB27.20.045 TO ALLOW PROVISIONS TO EXEMPT THE SUBDIVISION OF CERTAIN AGRICULTURAL PARCELS FROM ROAD CONSTRUCTION REQUIREMENTS.
 - a. IM No. 09-047

Assemblymember Wells:

- disclosed that in 1977, he and his partners purchased agriculture parcels; and
- added that he does not feel he has a conflict, but wanted the Assembly to be aware of this purchase.

Deputy Mayor Woods queried if there was any objection from the Assembly.

There was no objection noted.

Mr. Mark Mayo provided a staff report.

Assemblymember Bettine queried if the plat note can ever be removed.

Mr. Paul Hulbert:

- affirmed the query;
- advised that plats are affected by specific State Statutes;

- stated that public hearings have to be held regarding that specific plat note; and
- noted that after that process, a resolution would need to come forward to the Assembly.

Assemblymember Bettine queried the number of residences that would be allowed on a five acre home site.

Mr. Hulbert:

- advised that this is not addressed in this section of the code; and
- stated that once the parcel has been deeded by the Borough to the property owner, he is unsure if there are any further restrictions that would apply.

Assemblymember Bettine queried if these rules apply if the person was a homesteader.

Mr. Hulbert advised that it only applies to those with agriculture rights under Title 13.

Assemblymember Bettine queried what prompted this ordinance.

Deputy Mayor Woods advised that under this provision, property owners can have an agriculture parcel and set aside a 5 acre parcel for a home site without having to secure driveway permits.

Assemblymember Kluberton queried if the plat note will protect the parcels from commercial residences.

Mr. Duffy:

- advised that it is restricted to five acres;
- added that if commercial housing was built, that Title 13 would not apply anymore; and
- noted that it would not be a home site in this case.

Mr. Spiropoulos advised that deed restrictions prevent commercial residences from being built on agriculture parcels.

Discussion ensued regarding the exemption of agriculture parcels.

Deputy Mayor Woods opened the public hearing.

The following persons spoke in favor of Ordinance Serial No. 09-034 and how it will allow for them to receive funding to make their home habitable: Mr. Ben Crawford and Ms. Virginia Crawford.

MOTION: Assemblymember Bettine moved to adopt Ordinance Serial No. 09-034.

VOTE: The motion passed without objection.

3. Ordinance Serial No. 09-035: AN ORDINANCE AUTHORIZING THE BOROUGH TO ISSUE AREAWIDE GENERAL OBLIGATION BONDS, 2009, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$19,030,000 TO FINANCE THE

ACQUISITION, CONSTRUCTION, INSTALLATION, MAJOR RENOVATION AND RENEWAL OF EDUCATIONAL AND RELATED CAPITAL IMPROVEMENTS IN THE BOROUGH, FIXING CERTAIN DETAILS OF SUCH BONDS AND AUTHORIZING THEIR SALE.

a. IM No. 09-052

Ms. Tammy Clayton provided a staff report.

Assemblymember Bettine queried if cost of the bond was included in the actual bond.

Ms. Clayton:

- advised that the Department of Education does not allow the cost of the bond to be included within the actual bond; and
- further added that a premium is written in, which is used to pay the costs associated with the bond.

Assemblymember Kluberton queried if the Assembly approves the sale of the bonds, and the funds are available, if it will be up to the School District how the funds are spent.

Ms. Clayton stated that it is predetermined within the application where the funds will be spent.

Deputy Mayor Woods opened the public hearing.

The following person spoke in support of Ordinance Serial No. 09-035: Mr. Henry Cottle, Director of Operations and Maintenance with the School District.

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

MOTION: Assemblymember Bettine moved to adopt Ordinance Serial No. 09-035

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 09-035, Section 5, in the second paragraph, by striking the year "2029" and inserting in its place "2030" and by striking the date of "January 1, 2010" and inserting in its place "July 1, 2010."

VOTE: The primary amendment passed without objection.

VOTE: The main motion as amended passed without objection.

4. Ordinance Serial No. 09-037: AN ORDINANCE ACCEPTING AND APPROPRIATING AN \$800 DONATION FROM THE BIG LAKE COMMUNITY COUNCIL TO FUND 440, PROJECT NO. 15018, FOR FISH CREEK PARK PLAYGROUND EQUIPMENT.

- a. Resolution Serial No. 09-023: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE FISH CREEK PARK PLAYGROUND EQUIPMENT.
(1) IM No. 09-069

Ms. Linda Brenner provided a staff report.

Assemblymember Bettine queried if the funds are specifically for playground equipment replacement.

Ms. Brenner affirmed the query.

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 Bettine moved to adopt Ordinance Serial No. 09-037 and Resolution Serial No. 09-023.

VOTE: The motion passed without objection.

Deputy Mayor Woods asked if there was any objection to moving Ordinance Serial Nos. 09-040, 09-041, 09-042, 09-043, 09-044, 09-045, 09-046, and 09-047 together.

There was no objection noted.

5. Ordinance Serial No. 09-040: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$10,613 FROM THE ROAD SERVICE AREA GRID ROLLER MAINTENANCE FUND BALANCE, FUND 266, TO THE ROAD SERVICE AREA GRID ROLLER FISCAL YEAR 2009 OPERATING BUDGET, FUND 266.
 - a. IM No. 09-032
6. Ordinance Serial No. 09-041: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$15,000 FROM ALPINE ROAD SERVICE AREA NO. 31 FUND BALANCE, FUND 285, TO THE ALPINE ROAD SERVICE AREA NO. 31 FISCAL YEAR 2009 OPERATING BUDGET, FUND 285.
 - a. IM No. 09-055
7. Ordinance Serial No. 09-042: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$70,000 FROM FAIRVIEW ROAD SERVICE AREA NO. 14 FUND BALANCE, FUND 271, TO THE FAIRVIEW ROAD SERVICE AREA NO. 14 FISCAL YEAR 2009 OPERATING BUDGET, FUND 285.
 - a. IM No. 09-057

8. Ordinance Serial No. 09-043: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$25,000 FROM KNIK ROAD SERVICE AREA NO. 17 FUND BALANCE, FUND 274, TO THE KNIK ROAD SERVICE AREA NO. 17 FISCAL YEAR 2009 OPERATING BUDGET, FUND 274.
 - a. IM No. 09-059
9. Ordinance Serial No. 09-044: AN ORDINANCE APPROVING SUPPLEMENTAL APPROPRIATION OF \$6,500 FROM NORTH COLONY ROAD SERVICE AREA NO. 23 FUND BALANCE, FUND 278, TO THE NORTH COLONY ROAD SERVICE AREA NO. 23 FISCAL YEAR 2009 OPERATING BUDGET, FUND 278.
 - a. IM No. 09-060
10. Ordinance Serial No. 09-045: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$40,000 FROM MEADOW LAKES ROAD SERVICE AREA NO. 27 FUND BALANCE, FUND 281, TO MEADOW LAKES ROAD SERVICE AREA NO. 27 FISCAL YEAR 2009 OPERATING BUDGET, FUND 281.
 - a. IM No. 09-062
11. Ordinance Serial No. 09-046: AN ORDINANCE APPROVING AN APPROPRIATION OF \$100,000 FROM MIDWAY ROAD SERVICE AREA NO. 9 FUND BALANCE, FUND 270, TO FUND 410, PROJECT NO. 30036, FOR MIDWAY ROAD SERVICE AREA NO. 9 CAPITAL PROJECTS.
 - a. IM No. 09-064
12. Ordinance Serial No. 09-047: AN ORDINANCE APPROVING AN APPROPRIATION OF \$15,000 FROM ALPINE ROAD SERVICE AREA NO. 31 FUND BALANCE, FUND 285, TO FUND 410, PROJECT NO. 30051, FOR ALPINE ROAD SERVICE AREA NO. 31 CAPITAL PROJECTS.
 - a. IM No. 09-065

Mr. Rountree provided a staff report.

Assemblymember Church queried what the funds for Midway Road Service Area No. 9 were being requested for.

Mr. Rountree stated that the funding is for already completed road projects.

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 Bettine moved to adopt Ordinance Serial Nos. 09-040, 09-041, 09-042, 09-043, 09-044, 09-045, 09-046, and 09-047.

VOTE: The motion passed without objection.

(This regular meeting recessed at 8:25 p.m. and reconvened at 8:38 p.m.)

13. Ordinance Serial No. 09-048: AN ORDINANCE AMENDING MSB 2.47.060(E), BOROUGHWIDE RECORDS MANAGEMENT PROGRAM.
 - a. IM No. 09-066

Mr. Keith Rountree 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 Bettine moved to adopt Ordinance Serial No. 09-048.

Assemblymember Ewing queried who determines whether a document is deemed historical.

Ms. Joell Church noted that TRIM Context, which is the records management program the Borough uses, categorizes the documents.

Mr. Duffy advised that any type of document that pertains to ownership of property will be kept indefinitely.

Mr. Spiropoulos further added that anything that transfers ownership to the Borough must be kept forever.

Assemblymember Houston queried the intent of the original ordinance.

Mr. Rountree:

- stated that he was unsure of the original intent;
- commented that it was not coordinated with staff; and
- further added that it conflicted with everything staff was trying to accomplish.

Mr. Spiropoulos:

- noted that due to past litigation the former Assembly was worried that not enough was being retained;
- further added that it was decided at that time to keep everything, in addition to the drawings; and
- stated that the statute of limitations on contracts is six years.

Assemblymember Bettine queried if the Borough was affected by not having all the drawings.

Mr. Spiropoulos:

- stated that the Borough was not affected; and
- noted that the Borough had a counterclaim, and that the drawings would have helped the counterclaim to be resolved quicker.

Discussion ensued regarding historical documents.

VOTE: The motion passed with Assemblymember Ewing in objection.

14. Ordinance Serial No. 09-049: AN ORDINANCE APPROVING THE MODIFICATION OF THE SPECIFIC RESTRICTION WITHIN QUITCLAIM DEED SERIAL NO. 2002-001549-0, RECORDED OCTOBER 7, 2002, LIFTING THE RESTRICTION ON A SPECIFIC 20-ACRE AND A SPECIFIC 10-ACRE PARCEL WITHIN GREAT ALASKA COUNCIL PROPERTY THAT “ALL ACTIVITIES BE OPERATED BY AND FOR THE SOLE BENEFIT OF NOT-FOR-PROFIT ENTITIES” FOR THE PURPOSE OF ALLOWING LEGAL ACCESS ACROSS AND THROUGH DENALI SON-GLO TRUST LAND AND ALASKA HOTEL PROPERTIES LAND FROM THE PARKS HIGHWAY TO GREAT ALASKA COUNCIL, BOY SCOUTS OF AMERICA, PROPERTY.
 - a. IM No. 09-068

Ms. Nancy Cameron provided a staff report.

Assemblymember Church queried if Blair Lake has a public easement.

Ms. Cameron responded that it does have a public easement.

Assemblymember Bettine queried if the public is aware that they would have to access Blair Lake by the river.

Ms. Cameron:

- affirmed the query;
- noted that there is a 330-foot west boundary of the Great Alaska Council property, where a canoe can be docked;
- stated that this will allow the public to hike, walk around, or access the river through State property, as there is no road access; and
- advised that it is not intended to deny access.

Assemblymember Bettine queried the summary appraisal.

Ms. Cameron related a summary appraisal is a summarization of the value of the property, due to the fact that there is no like property to compare it to.

Assemblymember Church noted that it appears as though Alaska Hotel Properties, Inc. can do whatever they would like with the property.

Ms. Cameron:

- agreed that it could appear that way, but noted there are many topographical constraints on the property; and
- noted that the Borough has restricted the property, in that it cannot be used to harvest timber for profit or commercial use.

Assemblymember Church queried if it was possible to turn some of the parcels into gravel pits.

Ms. Cameron stated that the parcels cannot become gravel pits.

Discussion ensued regarding:

- whether the Borough will be compensated for the subject property;
- the 20-acre parcel, and whether it can be developed; and
- reclamation of roads, former proposed bridges, and river landings.

Deputy Mayor Woods opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 09-049: Mr. Dennis LeBlanc, Past President of the Great Alaska Council; Mr. Audun Mikkelsen, Executive Director, Great Alaska Council; Mr. Mike Sage, and Mr. Andrew Swanson.

The following person spoke in opposition to the proposed easements within Ordinance Serial No. 09-049: Mr. Kolman Soifer, Mr. Randy Williams, Mr. Daniel Elliot.

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

MOTION: Assemblymember Ewing moved to extend the meeting past 10 p.m. and not to exceed 11:00 p.m.

VOTE: The motion passed without objection.

MOTION: Assemblymember Kluberton moved to adopted Ordinance Serial No. 09-049.

MOTION: Assemblymember Kluberton moved a primary amendment to Ordinance Serial No. 09-049, Section 2, under no. 1, by striking the words “Commercial Logging for profit” and insert in its place “Timber harvesting or other resource extraction for commercial or non-profit fundraising purposes” to read: 1. Timber harvesting or other resource extraction for commercial or non-profit fundraising purposes is prohibited within the Great Alaska Council property and any property conveyed within its boundaries.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Kluberton moved a primary amendment to Ordinance Serial No. 09-049, Section 2, under 9 – A – 1, by inserting “and Susitna” after the word “Chulitna” and to put an “s” at the end of the word “river,” and after “use” insert “within Great Alaska Council property and” to read: 1. Access to Chulitna and Susitna Rivers is prohibited for commercial business use within Great Alaska Council lands and from land conveyed from Great Alaska Council.

VOTE: The primary amendment passed without objection.

Assemblymember Kluberton:

- noted he would like to see the set back increased from 300 feet;
- opined that anything involving horses should be located as far south as possible, from the 10-acre parcel; and
- stated that if the impact can be minimized on the outset, it is better for all parties involved.

MOTION: Assemblymember Houston moved a primary amendment to Ordinance Serial No. 09-049, Section 2, no. 4, by striking “300-feet” from the common boundary and inserting “500-feet” in its place and striking “300-feet” from the stream and inserting “100-feet” in its place to read: 4. “The north boundary of the 10-acre parcel shall be located a minimum of 500-feet from the common boundary of Great Alaska Council and Denali Son-Glo property. The south boundary of the 10-acre parcel shall be located a minimum of 100-feet from the stream, commonly known as Gorsuch Creek, flowing southwesterly to the Chulitna River, located within the North one-half of Township 28 North, Range 4 West, Section 4. The Great Alaska Council shall have the 10-acre parcel surveyed and corners staked with rebar and surveyors cap.”

Discussion ensued regarding:

- water body setbacks;
- easements; and
- best management practices.

VOTE: The primary amendment passed with Assemblymembers Wells, Bettine, and Woods opposed.

Discussion ensued regarding road issues to the Great Alaska Council property.

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

VOTE: The motion to stop debate passed with Assemblymembers Ewing and Wells opposed.

VOTE: The main motion as amended passed without objection.

15. Ordinance Serial No. 09-050: AN ORDINANCE ACCEPTING AND APPROPRIATING \$114,000 FROM THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, TO FUND 475, PROJECT NO. 47016 FOR THE PURCHASE OF VANS FOR USE IN A REGIONAL VANPOOL PROGRAM.
 - a. Resolution Serial No. 09-026: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE PURCHASE OF VANS FOR USE IN A REGIONAL VANPOOL PROGRAM.
 - (1) IM No. 09-071

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 Bettine moved to adopt Ordinance Serial No. 09-050 and Resolution Serial No. 09-026.

VOTE: The motion passed without objection.

16. Ordinance Serial No. 09-051: AN ORDINANCE APPROVING AN APPROPRIATION OF \$360,000 FROM THE GREATER PALMER CONSOLIDATED FIRE SERVICE AREA FUND BALANCE, FUND 259, TO FUND 405, PROJECT NO. 45055, TO ALLOW FOR THE PURCHASE OF A NEW TANKER AND RELATED EQUIPMENT.
 - a. Resolution Serial No. 09-027: A RESOLUTION APPROVING THE SCOPE OF WORK AND AMENDED BUDGET FOR PROJECT NO. 45055, TO ALLOW FOR THE PURCHASE OF A NEW TANKER AND RELATED EQUIPMENT.
 - (1) IM No. 09-072
 - (2) AM No. 09-025: AWARD OF BID NO. 09-060 TO PIERCE MANUFACTURING, INC., IN THE AMOUNT OF \$322,395 FOR THE PURCHASE OF A PUMPER TANKER FOR THE PALMER FIRE SERVICE AREA.

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 Houston moved to adopt Ordinance Serial No. 09-051, Resolution Serial No. 09-027, and AM No. 09-025.

VOTE: The motion passed without objection.

17. Ordinance Serial No. 09-052: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$60,000 FROM THE WEST LAKES FIRE SERVICE AREA NO. 136 FUND BALANCE, FUND 249, TO THE WEST LAKES FIRE SERVICE AREA NO. 136 FISCAL YEAR 2009 OPERATING BUDGET, FUND 249, TO

PROVIDE FUNDING FOR PAYROLL EXPENSES FOR THE REMAINDER OF FISCAL YEAR 2009.
 - a. IM No. 09-073

Mr. Dennis Brodigan 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 Bettine moved to adopt Ordinance Serial No. 09-052

VOTE: The motion passed without objection.

18. Ordinance Serial No. 09-053: AN ORDINANCE ADOPTING MSB 1.55 EXEMPTION FROM PAYMENT OF FILING FEE AND CRITERIA FOR EVALUATION.

a. IM No. 09-081

Mr. Spiropoulos 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 Bettine moved to adopt Ordinance Serial No. 09-053

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following persons spoke in opposition to Resolution Serial No. 09-033: Mr. Tom Lytle, Principal of South Palmer Elementary School (with 18 persons standing in support); Mr. Walt Remille, Mr. Dale Fosselman, Fairview East Committee member; Mr. George Troxel, Chief School Administrator; Mr. Don Carney, Assistant Director of MSB School District; and Ms. Maritt Youngblood.

The following persons spoke to concerns with the Nelson Road Extension: Ms. Monica Swan and Mr. Randy Dellar.

MOTION: Assemblymember Church moved to suspend the rules and extend the meeting past 11 p.m., and not to exceed 11:30 p.m.

VOTE: The motion passed without objection.

D. CONSENT AGENDA (Resolution Serial No. 09-031 and Resolution Serial No. 09-033 were pulled from the consent agenda and addressed separately. *See pp. 22 through 23*)

1. RESOLUTIONS

b. Resolution Serial No. 09-032: A RESOLUTION AUTHORIZING THE BOROUGH MANAGER TO ENTER INTO AN AGREEMENT OF SERVICES WITH THE CITY OF PALMER FOR ANIMAL CARE SERVICES.

(1) IM No. 09-090

2. ASSEMBLY MEMORANDUMS

- a. AM No. 09-020: ACCEPTANCE OF LATE FILED AND RETROACTIVE SENIOR CITIZEN AND DISABLED VETERAN EXEMPTION APPLICATIONS.
- b. AM No. 09-021: AUTHORIZING THE MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE STATE OF ALASKA REGARDING STATE USE OF 2007 HOMELAND SECURITY GRANT FUNDING ON BEHALF OF THE MATANUSKA-SUSITNA BOROUGH FOR A STATE MANAGED SECURITY VULNERABILITY ASSESSMENT.
- c. AM No. 09-022: APPROVING A TRANSFER OF \$33,000 FROM ASSEMBLY RESERVES (100-100-102) TO PROVIDE FUNDING FOR THE JUNE 9, 2009, SPECIAL ELECTION (100-100-105).
- d. AM No. 09-023: ACCEPTANCE OF LATE FILED AND RETROACTIVE SENIOR CITIZEN AND DISABLED VETERAN EXEMPTION APPLICATIONS.
- e. AM No. 09-024: AWARD OF PROPOSAL NO. 09-072 TO ALASKA RIM ENGINEERING, INC., IN THE AMOUNT NOT TO EXCEED \$250,000 FOR THE ENGSTROM ROAD UPGRADE DESIGN PROJECT.
- f. AM No. 09-026: AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH MATANUSKA TELEPHONE ASSOCIATION TO EXTEND AND INSTALL TELEPHONE AND DATA COMMUNICATION LINES TO THE GOOSE CREEK CORRECTIONAL CENTER FOR AN AMOUNT NOT TO EXCEED \$502,996.70.

Ms. McKechnie read the above legislation into the record.

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

VOTE: The motion passed without objection.

- a. Resolution Serial No. 09-031: A RESOLUTION AMENDING THE BUDGETS AND SETTING A SCOPE OF WORK AND BUDGET FOR THE VEHICLE PURCHASE PROJECT NO. 20266, TO ALLOW FOR THE PURCHASE OF A FORD F350 ONE-TON FOUR WHEEL DRIVE TRUCK AND PLOW AND PORTABLE HEATER AND TRAILER.
(1) IM No. 09-049

MOTION: Assemblymember Bettine moved to adopt Resolution Serial No. 09-031.

Assemblymember Bettine noted that she requested the legislation be pulled, as she opposes the legislation until the budget is balanced.

Assemblymember Kluberton queried the reason for the legislation.

Mr. Rountree:

- stated that it is to purchase a truck to complete snow removal operations at the Dorothy Swanda Jones Building and the other Borough buildings;
- noted that it takes several hours to remove snow if the Borough receives heavy snow fall; and
- stated that the portable heater had been requested in order to facilitate faster thawing or to prevent freezing.

Assemblymember Bettine opined that if it is only two parking lots, that perhaps a contractor would be more cost efficient

Assemblymember Ewing:

- spoke to the need to replace commercial vehicles once they have high mileage; and
- commented that he is in favor of purchasing a portable heater.

Assemblymember Wells:

- noted that at this time he cannot support the legislation; and
- state that the portable heaters could be looked at during the budget.

VOTE: The motion failed with Assemblymember Ewing in support.

- c. Resolution Serial No. 09-033: A RESOLUTION POSTPONING THE SOUTH PALMER ELEMENTARY SCHOOL OPENING. *(Sponsored by: Assemblymember Church)*
(1) IM No. 09-091

MOTION: Assemblymember Wells moved to adopt Resolution Serial No.09-033.

Deputy Mayor Woods noted that she requested that Resolution Serial No. 09-033 be pulled, as she opposes delaying the opening of the South Palmer Elementary School.

Assemblymember Church:

- stated that there has been a lot of discussion regarding additional work to make the access road more drivable; and
- queried the funds it would require to make the access road to the school drivable.

Mr. Rountree advised that the estimate, in order to make the access road more drivable, is \$350,000.

Assemblymember Wells:

- advised that he does not support the legislation;
- noted that opening the school would provide for employment of teachers and spending money locally; and
- stated that he respects the reason that the legislation was brought forward.

Assemblymember Bettine:

- noted the \$1 million that the School District has set aside; and
- queried whether the School Board would be willing to use those funds to help build the road for the school.

Mr. Troxel:

- advised that he could not speak for the School Board; and
- noted that the funds that have been set aside are to be spent on text books.

Assemblymember Ewing noted that he respects the reasons that the legislation was brought before the Assembly.

MOTION: The motion failed unanimously.

X. RECONSIDERATION

(There were no reconsiderations presented.)

XI. VETO

(There were no vetoes presented.)

XII. EXECUTIVE SESSION

(There was no executive session held.)

XIII. MAYOR AND ASSEMBLY COMMENTS

(There were no comments provided.)

XIV. ADJOURNMENT

The regular meeting adjourned at 11:30 p.m.

LYNNE WOODS, Deputy Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 05/05/09