

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on April 15, 2008, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:06 p.m. by Mayor Curtis D. Menard.

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
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. Lonnie R. McKechnie, Borough Clerk
Ms. Marian Romano, Assistant Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Cheryl D. Marino, Deputy Clerk
Ms. Tammy Clayton, Finance Director
Mr. Keith Rountree, Public Works Director
Mr. Dennis Brodigan, Emergency Services Director
Mr. 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. Eileen Probasco, Planning Chief
Mr. Emerson Krueger, Planner II

III. APPROVAL OF AGENDA

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

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Menard.

V. MINUTES OF PRECEDING MEETINGS

- A. Special Assembly Meeting: 03/18/08
- B. Regular Assembly Meeting: 03/18/08
- C. Special Assembly Meeting: 03/25/08
- D. Joint Assembly/Planning Commission Meeting: 03/25/08
- E. Regular Assembly Meeting: 04/01/08

Mayor Menard inquired if there were any corrections to the special meeting minutes of March 18, 2008, regular meeting minutes of March 18, 2008, special meeting minutes of March 25, 2008, joint meeting minutes of March 25, 2008, and regular meeting minutes of April 1, 2008.

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Palmer City

Mr. Ralph Hulbert:

- advised that Bill Allen, city of Palmer Manager, had requested him to speak to the Assembly;
- spoke regarding Ordinance Serial No. 08-017 and the impact of it on the city of Palmer's Waste Water Treatment Plant; and
- requested that the ordinance be returned to the committee.

Assemblymember Kluberton queried the reasons that the ordinance would affect building a wet land or sewer pipe.

Mr. Ralph Hubert explained that he needs clarification on the language of the ordinance.

2. Matanuska-Susitna Borough School District

Ms. Monica Grant, Teeland Middle School Principal:

- spoke regarding the April 17, 2008, budget presentation; and
- commented on the enhanced packages for middle schools, special education, and operations and maintenance.

Mr. Dave Russell, Teeland Middle School Assistant:

- spoke on the priorities of the Middle Schools budget; and
- commented on the pyramid of success model.

Mr. Gene Stone, Palmer Junior Middle School Principal:

- spoke about the progress of their at-risk intervention program; and
- spoke to previous budget expenditures.

Assemblymember Church queried the promethean board.

Mr. Stone stated that it is technology that increases the teachers' ability to share assessments with other schools in the district.

Assemblymember Bettine queried the current pupil to teacher ratio (PTR).

Mr. Stone replied that the PTR is 23-to-1.

Discussion ensued regarding classroom space and intervention classes for additional support.

Ms. Mary McMahan, Colony Middle School Principal:

- spoke on school program data;
- spoke to the importance of intervening with the at-risk students prior to their dropping out of school;
- noted the benefits of the enhanced package; and
- spoke to the implementation of the in-school suspension program.

Ms. Amy Spargo, Wasilla Middle School Principal:

- spoke regarding the in-school suspension program and school drop-outs; and
- commented on benefits of the enhanced package.

Assemblymember Houston queried the in-school suspension program.

Ms. Spargo spoke to the benefits of the in-school suspension program.

Discussion ensued regarding:

- student suspension;
- the juvenile assessment program; and
- funding for the program.

Ms. Lucy Hope, Director of Student Support Services, spoke on the importance of special education.

Assemblymember Woods queried the state funding.

Ms. Lucy Hope:

- explained the special education funding formula that the state uses; and
- noted that it is part of the entire operating fund.

Mr. Barry Johnson, Mat-Su Day School Principal:

- spoke regarding the focus of the Mat-Su Day School;
- spoke regarding the next-step program and the educational conference;
- noted the need for student safety; and
- spoke in favor of the enhanced package.

Assemblymember Kluberton queried about the School District's follow-up process on students with Individual Education Plans (IEP) transitioning out of school.

Mr. Barry Johnson advised that the IEP is done once the student graduates.

Assemblymember Church queried if the Bring the Kids Home initiative is funded.

Mr. Johnson stated that there is funding.

Assemblymember Houston queried the tracking and measurement of success of the bring the kids home initiative.

Mr. Barry Johnson:

- advised that they measure success by tracking the needs and the IEP of students and their behavioral data; and
- spoke to the transition program.

Discussion ensued regarding the residential program.

Ms. Carol Boatman, Snoeshoe Elementary Principal:

- discussed increasing student achievement; and
- noted the need for funding and supporting the needs of IEP related duties.

Mr. Henry Cottle, Operations and Maintenance Director and People Transportation Director, spoke in support of the enhanced package.

Assemblymember Kluberton queried the boiler replacement costs.

Mr. Cottle explained the boiler costs.

Discussion ensued regarding the costs of the boiler replacement.

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. 08-028: AN ORDINANCE CREATING BRENNA'S WAY ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 431, 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. 08-053

Ms. Clayton provided a staff report.

Mayor Menard 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. 08-028

VOTE: The motion failed unanimously.

Mayor Menard inquired if there was any objection to moving Ordinance Serial No. 08-040 and Ordinance Serial No. 08-041 together.

There was no objection noted.

2. Ordinance Serial No. 08-040: 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. 08-077
3. Ordinance Serial No. 08-041: AN ORDINANCE AMENDING EXHIBIT "A" OF ORDINANCE SERIAL NO. 06-036, RELATING TO ROSEMARY PLACE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 418.
 - a. IM No. 08-078

Ms. Clayton provided a staff report.

Mayor Menard 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. 08-040 and Ordinance Serial No. 08-041.

VOTE: The motion passed without objection.

4. Ordinance Serial No. 08-042: AN ORDINANCE ADOPTING THE SUNBEAM AND SUNCREST LAKES, LAKE MANAGEMENT PLAN, AND AMENDING MSB 15.24.030, COMPREHENSIVE PLAN AND PURPOSES, AND MSB 17.59, LAKE MANAGEMENT PLAN IMPLEMENTATION.
 - a. IM No. 08-059

Mr. Krueger provided a staff report.

Assemblymember Church queried the Lake Management Plan timeframe.

Mr. Krueger spoke regarding issues with the timeframe on this particular plan.

Mayor Menard 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 Kluberton moved to adopt Ordinance Serial No. 08-042.

VOTE: The motion passed without objection.

5. Ordinance Serial No. 08-043: AN ORDINANCE AMENDING MSB 17.30, CONDITIONAL USE PERMIT FOR EARTH MATERIALS EXTRACTION ACTIVITIES TO ADDRESS APPLICABILITY.
 - a. IM No. 08-068

Ms. Probasco provided a staff report.

Assemblymember Woods queried the applicability of the 2,000 yards.

Ms. Probasco noted that the Planning Division, Code Compliance Division, and staff from Administration discussed the number of yards with the Home Builders Association.

Discussion ensued regarding the applicability of the extraction amount.

Assemblymember Bettine queried the language in subsections (D) and (F) of the ordinance.

Mr. Spiropolus:

- spoke regarding subsections (D) and (F) of the ordinance;
- spoke to the intent of exemptions from section (F); and
- noted possible code amendments.

Assemblymember Bettine:

- queried if the ordinance was worded appropriately; and
- queried whether the correct measurement was used.

Ms. Probasco spoke about the measurement of the excavation.

Discussion ensued regarding:

- the language in the ordinance; and
- possible amendments to the ordinance.

Mayor Menard opened the public hearing.

The following person spoke to supporting 2,000 cubic yards and in favor of postponement: Mr. Mark Contini.

The following persons spoke in support of Ordinance Serial No. 08-043: Mr. Garvin Bucaria; Ms. Jennifer Coker, Mat-Su Home Builders Association; and Mr. Gary LoRusso.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 08-043.

Assemblymember Woods:

- noted the intent of the ordinance; and
- stated her support of the ordinance.

Assemblymember Houston stated that this is an example of legislation that can be changed as the process proceeds.

VOTE: The motion passed without objection.

6. Ordinance Serial No. 08-044: AN ORDINANCE ACCEPTING AND APPROPRIATING \$70,000 FROM THE UNITED STATES FISH AND WILDLIFE SERVICE FOR THE SCHWALD AND EAST COLES ROAD CULVERT REPLACEMENTS PROJECT, PROJECT NO. 30094, FUND 410.
 - a. Resolution Serial No. 08-027: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE SCHWALD AND EAST COLES ROAD CULVERT REPLACEMENTS PROJECT, PROJECT NO. 30094.
 - (1) IM No. 08-073

Mr. Rountree provided a staff report.

Assemblymember Wells queried past culvert replacements and salmon issues.

Mr. Rountree reported that he would discuss the previous culvert replacements with his staff.

Assemblymember Bettine queried the \$70,000 match funding for the Capital Improvement Plan.

Mr. Rountree stated that this procedure is standard for capital programs.

Mayor Menard 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. 08-044 and Resolution No. 08-027.

VOTE: The motion passed without objection.

7. Ordinance Serial No. 08-045: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$118,000 FROM THE GREATER PALMER FIRE SERVICE AREA FUND BALANCE, FUND 259, TO THE GREATER PALMER FIRE SERVICE AREA FISCAL YEAR 2008 OPERATING BUDGET, FUND 259.
 - a. IM No. 08-076

Mr. Brodigan provided a staff report.

Assemblymember Wells queried if the fire service area supervisors had approved the appropriation.

Mr. Brodigan:

- stated that the fire service area supervisors had approved the appropriation; and
- stated that all contractual items have been calendared for the future.

Mayor Menard 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. 08-045.

VOTE: The motion passed without objection.

8. Ordinance Serial No. 08-046: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$25,000 FROM FREEDOM HILLS SUBDIVISION ROAD FUND BALANCE, FUND 294, TO THE FREEDOM HILLS SUBDIVISION ROAD FISCAL YEAR 2008 OPERATING BUDGET, FUND 294.
 - a. IM No. 08-079

Mr. Rountree provided a staff report.

Mayor Menard 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 Kluberton moved to adopt Ordinance Serial No. 08-046.

VOTE: The motion passed without objection.

Mayor Menard inquired if there was objection to moving Ordinance Serial No. 08-047, Resolution Serial No. 08-028, Ordinance Serial No. 08-048, Resolution Serial No. 08-029, Ordinance Serial No. 08-049, Resolution Serial No. 08-030, Ordinance Serial No. 08-050, and Resolution Serial No. 08-031 together.

There was no objection noted.

9. Ordinance Serial No. 08-047: AN ORDINANCE APPROVING A REAPPROPRIATION OF \$10,000 FROM FAIRVIEW ROAD SERVICE AREA NO. 14 FISCAL YEAR 2008 OPERATING BUDGET, FUND 271, TO FAIRVIEW ROAD SERVICE AREA NO. 14 PAVING AND DUST CONTROL, PROJECT NO. 35344, FUND 410.
 - a. Resolution Serial No. 08-028: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET TO ALLOW FOR PAVING AND UPGRADES WITHIN FAIRVIEW ROAD SERVICE AREA NO. 14, PROJECT NO. 35344.
 - (1) IM No. 08-080
10. Ordinance Serial No. 08-048: AN ORDINANCE APPROVING A REAPPROPRIATION OF \$7,500 FROM GOLD TRAILS ROAD SERVICE AREA NO. 28 FISCAL YEAR 2008 OPERATING BUDGET, FUND 282, TO GOLD TRAILS ROAD SERVICE AREA NO. 28 PAVING AND DUST CONTROL, PROJECT NO. 35347, FUND 410.
 - a. Resolution Serial No. 08-029: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET TO ALLOW FOR PAVING AND UPGRADES WITHIN GOLD TRAILS ROAD SERVICE AREA NO. 28, PROJECT NO. 35347.
 - (1) IM No. 08-081
11. Ordinance Serial No. 08-049: AN ORDINANCE APPROVING A REAPPROPRIATION OF \$60,000 FROM KNIK ROAD SERVICE AREA NO. 17 FISCAL YEAR 2008 OPERATING BUDGET, FUND 274, TO KNIK ROAD SERVICE AREA NO. 17 PAVING AND DUST CONTROL, PROJECT NO. 35345, FUND 410.
 - a. Resolution Serial No. 08-030: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET TO ALLOW FOR PAVING AND UPGRADES WITHIN KNIK ROAD SERVICE AREA NO. 17, PROJECT NO. 35345.
 - (1) IM No. 08-082
12. Ordinance Serial No. 08-050: AN ORDINANCE APPROVING A REAPPROPRIATION OF \$12,500 FROM MEADOW LAKES ROAD SERVICE AREA NO. 27 FISCAL YEAR 2008 OPERATING BUDGET, FUND 281, TO MEADOW LAKES ROAD SERVICE AREA NO. 27 PAVING AND DUST CONTROL, PROJECT NO. 35346, FUND 410.

- a. Resolution Serial No. 08-031: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET TO ALLOW FOR PAVING AND UPGRADES WITHIN ROAD SERVICE AREA NO. 27, MEADOW LAKES, PROJECT NO. 35346.

(1) IM No. 08-083

Mr. Rountree provided a staff report.

Mayor Menard 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 Church moved to adopt Ordinance Serial No. 08-047, Resolution Serial No. 08-028, Ordinance Serial No. 08-048, Resolution Serial No. 08-029, Ordinance Serial No. 08-049, Resolution Serial No. 08-030, Ordinance Serial No. 08-050 and Resolution Serial No. 08-031.

VOTE: The motion passed without objection.

13. Ordinance Serial No. 08-051: AN ORDINANCE APPROVING AN APPROPRIATION OF \$80,000 FROM GOLD TRAILS ROAD SERVICE AREA NO. 28 FUND BALANCE, FUND 282, TO FUND 410, PROJECT NO. 30048, FOR GOLD TRAILS ROAD SERVICE AREA NO. 28 CAPITAL PROJECTS.

(1) IM No. 08-084

Mr. Rountree provided a staff report.

Assemblymember Wells advised that he would like a listing of the projects.

Mayor Menard 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. 08-051.

VOTE: The motion passed without objection.

14. Ordinance Serial No. 08-052: AN ORDINANCE ACCEPTING AND APPROPRIATING \$500,000 FROM THE ALASKA STATE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT TO FUND 475, PROJECT NO. 20351, THE ALASKA COMMUNITY DEVELOPMENT CORPORATION HOME OWNER-OCCUPIED HOUSING REHABILITATION PROGRAM.

- a. Resolution Serial No. 08-032: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA COMMUNITY DEVELOPMENT CORPORATION HOME OWNER-OCCUPIED REHABILITATION PROGRAM AND

AUTHORIZING THE MANAGER TO ENTER INTO AN AMENDED TRANSFER OF RESPONSIBILITIES AGREEMENT.

(1) IM No. 08-085

Ms. Probasco provided a staff report.

Mayor Menard 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 Woods moved to adopt Ordinance Serial No. 08-052 and Resolution Serial No. 08-32.

VOTE: The motion passed without objection.

15. Ordinance Serial No. 08-053: AN ORDINANCE ACCEPTING AND APPROPRIATING \$850,000 FROM THE ALASKA STATE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT TO FUND 425, PROJECT NO. 45230, LAKE LOUISE EMERGENCY RESPONSE FACILITY.

a. Resolution Serial No. 08-033: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR LAKE LOUISE EMERGENCY RESPONSE FACILITY AND AUTHORIZING THE MANAGER TO ENTER INTO THE NECESSARY GRANT AGREEMENTS.

(1) IM No. 08-086

Ms. Probasco provided a staff report.

Mayor Menard 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 Woods moved to adopt Ordinance Serial No. 08-053 and Resolution Serial No. 08-033.

VOTE: The motion passed without objection.

(The regular meeting recessed at 7:56 p.m. and reconvened at 8:09 p.m.)

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following persons spoke in opposition to Ordinance Serial No. 08-017 and Ordinance Serial No. 08-017(SUB): Mr. Bill Kerslake; Mr. Rob Brown, Central Paving Products; Mr. Shane Linse; Mr. Boone Daniels; Mr. Marc Cottini; Mr. Reed Dilley; Ms. Gene Woods; Mr. Jerry Wolf; and Mr. Doug Wright.

The following persons spoke regarding being on the working group, to concerns with the legislation as written, and advised that that they would support postponing the legislation: Mr. Steve Connelly, Central Paving Products; and Mr. Chuck Wilkes.

The following person spoke regarding concerns with the ordinance and the affect it may have on the gravel industry: Mr. Steve Silverstein, Alaska Railroad.

The following person spoke in support of Ordinance Serial No. 08-017(SUB): Mr. Don Rusiver, Anchorage Sand and Gravel.

The following persons spoke in support of Ordinance Serial No. 08-017: Ms. Mimi Peabody, Friends of the Mat-Su; Ms. Dot Helm; Mr. John Linear; Mr. Ralph Baldwin; Mr. Mick Nolan; Mr. Ed Coyle; and Mr. Brian Winnestaffer.

The following person spoke regarding the safeguards that are used while dredging and in support of a reasonable conditional use permit: Mr. Wes Vandermartin, Anchorage Sand and Gravel.

The following person spoke in opposition to Ordinance Serial No. 08-017 and in support of a conditional use permit: Mr. Trevor Edmonson, Wilder Construction.

The following person spoke in support of Ordinance Serial No. 08-017 and in favor of reclamation: Mr. Mike Wolf.

The following person spoke regarding the need for professionals to determine impact and to the economic impact on the sand and gravel industry: Mr. Ken Sandvik.

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

VOTE: The motion passed without objection.

The following persons spoke in support of Ordinance Serial No. 08-017: Mr. Alan Peck, and Mr. Garvin Bucaria.

The following person spoke to concerns that the issue is being moved to quickly and in favor of providing the working group more time to work on the legislation: Mr. Matt French.

The following person spoke regarding concerns with Ordinance Serial No. 08-017 and the need for the legislation to be based on science: Mr. Dan Young.

(The regular meeting recessed at 10:16 p.m. and reconvened at 10:31 p.m.)

MOTION: Assemblymember Church moved to suspend the rules to discuss unfinished business next on the agenda.

VOTE: The motion passed without objection.

VIII. UNFINISHED BUSINESS

- A. Ordinance Serial No. 08-017: AN ORDINANCE AMENDING MSB 17.28, INTERIM MATERIALS DISTRICT, TO INCLUDE PROVISIONS FOR REGULATING EXCAVATION INTO THE SEASONAL HIGH WATER TABLE. *(Main motion pending from: 08/21/07)(Previously Ordinance Serial No. 07-115)*
1. Ordinance Serial No. 08-017(SUB): AN ORDINANCE AMENDING MSB 17.28, INTERIM MATERIALS DISTRICT, TO INCLUDE PROVISIONS FOR REGULATING EXCAVATION INTO THE SEASONAL HIGH WATER TABLE.
- a. IM No. 08-036
- b. IM No. 08-065

MOTION PENDING: Assemblymember Woods motioned to adopt Ordinance Serial No. 08-017.

Mr. Krueger provided a staff report.

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

Assemblymember Wells queried the code ordinance regarding adjournment time.

Mr. Spiropoulos:

- advised that the Assembly had passed an ordinance changing the adjournment time;
- noted that MSB 2.12.070 has a mandatory adjournment time of 10 p.m.; however, with two-thirds vote, by the Assembly, it can be extended by an hour; and
- stated that the Assembly can suspend their own rules should they choose to do so.

Assemblymember Houston queried the outcome should the Assembly adjourn the meeting.

Ms. McKechnie responded that the business would be set for the next regular meeting unless there was another meeting scheduled to take up the business.

Assemblymember Bettine stressed the importance of continuing the business at the current meeting.

Discussion ensued regarding adjourning the meeting.

VOTE: The motion to extend the meeting passed with Assemblymembers Kluberton and Houston in opposition.

Mr. Krueger continued his staff report.

MOTION: Assemblymember Bettine moved to postpone Ordinance Serial Nos. 08-017 and 08-017(SUB) to a time certain of October 21, 2008.

Assemblymember Church:

- stated that she would like the Assembly to adopt the ordinance and restrict excavation to four feet above the water table, with the exception of the people that are grandfathered;
- stated passing the ordinance does not preclude the industry from getting together to discuss what their best practices should be; and
- voiced opposition to the substitute ordinance.

Assemblymember Bettine:

- spoke to the reasons for postponement;
- stated that a sunset clause could be placed into the legislation; and
- expressed concern regarding the lack of reclamation.

Assemblymember Kvalheim stated that she cannot support the postponement with the same working group.

Assemblymember Houston opined that there will be a rush of grandfather rights applications being turned into the Borough if the Assembly postpones the legislation.

Assemblymember Woods:

- stated that she would like to work out a win-win situation for everyone; and
- noted her support for postponement.

Assemblymember Kluberton:

- noted his agreement that if the Assembly postpones the ordinance there will be a rush of grandfather rights applications being turned into the Borough; and
- stated that should the legislation be postponed, he would like to see a moratorium on mining into the water table.

Discussion ensued regarding postponement.

(Assemblymember Kluberton exited the meeting at 11:05 p.m.)

VOTE: The motion failed with Assemblymembers Wells, Bettine, and Woods in favor, and Assemblymembers Houston, Kvalheim, and Church opposed. (Tie vote) The motion failed with Mayor Menard invoking his voting privilege in the negative.

MOTION: Assemblymember Wells moved to postpone Ordinance Serial Nos. 08-017 and 08-017(SUB) to a time certain of September 16, 2008.

Discussion ensued regarding postponement.

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

VOTE: The motion to stop debate passed without objection.

VOTE: The motion to postpone failed with Assemblymembers Wells, Bettine, and Woods in favor, and Assemblymembers Houston, Kvalheim, and Church opposed. (Tie vote) The motion failed with Mayor Menard invoking his voting privilege in the negative.

Assemblymember Houston spoke to the working group reconvening and volunteered his time to attend the meetings.

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 08-017, Section 4, by inserting the language “and will automatically expire on October 21, 2008” to read: “Effective date. This ordinance shall take effect upon adoption by the Matanuska-Susitna Borough Assembly and will automatically expire on October 21, 2008.”

Assemblymember Wells suggested that a new ordinance be introduced and for the public hearing to take place the night that Ordinance Serial No. 08-017 expires.

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

VOTE: The motion to stop debate passed without objection.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

A. INTRODUCTION (For public hearing - 04/24/08 and 04/29/08, 6 p.m., Central Mat-Su Public Safety Building)

1. Ordinance Serial No. 08-008: AN ORDINANCE APPROPRIATING MONIES FROM THE CENTRAL TREASURY FOR THE BOROUGH OPERATING FUNDS, ENTERPRISE FUNDS AND CAPITAL FUNDS AND ESTABLISHING THE RATE OF LEVY FOR ALL BOROUGH FUNCTIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, AND ENDING JUNE 30, 2009.

Ms. McKechnie read the above legislation into the record.

MOTION: Assemblymember Woods moved to introduce the legislation as read into the record by the Clerk and set the public hearings for April 24, 2008, and April 29, 2008.

VOTE: The motion passed without objection.

D. CONSENT AGENDA (*Resolution Serial No. 08-034 and AM Nos. 08-034, 08-035, 08-036, 08-037, and 08-039 were pulled from the consent agenda and addressed separately. See pp. 17 – 18*)

1. RESOLUTIONS

b. Resolution Serial No. 08-035: A RESOLUTION SUPPORTING REQUESTS BY THE PALMER, WASILLA AND UPPER SUSITNA SOIL AND WATER CONSERVATION DISTRICTS THAT THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCE CONSERVATION SERVICE, RECOGNIZE THOSE FARMLANDS WITHIN THE BOROUGH BOUNDARY MEETING THE CRITERIA OF LAND CAPABILITY CLASSES 2, 3, AND 4C AS "FARMLANDS OF LOCAL IMPORTANCE".

(1) IM No. 08-089

c. Resolution Serial No. 08-036: A RESOLUTION REVISING THE EMERGENCY SERVICES FEE SCHEDULE FOR AMBULANCE AND RESCUE SERVICES.

(1) IM No. 08-091

d. Resolution Serial No. 08-037: A RESOLUTION ESTABLISHING THE MINIMUM LEVEL OF FUNDING FOR THE MATANUSKA-SUSITNA BOROUGH SCHOOL DISTRICT FOR THE FISCAL YEAR ENDING JUNE 30, 2009.

(1) IM No. 08-092

2. ASSEMBLY MEMORANDUMS

a. AM No. 08-032: AWARDING BID NO. 08-096 TO PIERCE MANUFACTURING, INC., IN THE AMOUNT OF \$923,922 FOR THE PURCHASE OF AN AERIAL LADDER PLATFORM APPARATUS FOR THE WASILLA-LAKES FIRE SERVICE AREA NO. 130.

b. AM No. 08-033: AWARDING BID NO. 08-097 TO PIERCE MANUFACTURING, INC., IN THE AMOUNT OF \$992,983 FOR THE PURCHASE OF TWO INTERFACE/WATER SUPPLY ENGINES FOR THE WASILLA-LAKES FIRE SERVICE AREA NO. 130.

g. AM No. 08-038: AWARDING BID NO. 08-111 TO L & N VENTURES, IN THE CONTRACT AMOUNT OF \$271,084 FOR THE HAZEL AVENUE PROJECT PHASE II.

i. AM No. 08-040: APPROVING THE TRANSFER OF \$769 FROM ASSEMBLY RESERVES TO PROVIDE FOR A PORTION OF THE COST OF THE MAYOR'S BLUE RIBBON SPORTSMEN'S COMMITTEE'S ATTENDANCE AT THE ALASKA STATE BOARD OF FISHERIES CONFERENCE.

Ms. McKechnie read the above legislation into the record.

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

VOTE: The motion passed without objection.

- a. Resolution Serial No. 08-034: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR INFRASTRUCTURE PROJECTS USING THE FISCAL YEAR 2008 TRANSIENT ACCOMMODATION TAX (BED TAX) FUNDS IN AN AMOUNT NOT TO EXCEED \$217,500.
(2) IM No. 08-088

MOTION: Assemblymember Wells moved to adopt Resolution Serial No. 08-034.

Ms. Brenner provided a staff report.

VOTE: The motion passed without objection.

- c. AM No. 08-034: APPROVING THE FINAL DESIGN (95%) FOR THE SUSITNA VALLEY HIGH SCHOOL NEW CONSTRUCTION, PROJECT NO. 40167, AND AUTHORIZING MCCOOL CARLSON GREEN TO PROCEED WITH THE CONSTRUCTION DOCUMENTS PHASE.

MOTION: Assemblymember Wells moved to adopt AM No. 08-034.

Assemblymember Wells queried the design changes.

Mr. Rountree:

- noted that the Alaska State Department of Education did not approve the multi-use court; and
- advised that the infrastructure will be provided, but the multi-use court will not be built.

VOTE: The motion passed without objection.

- d. AM No. 08-035: APPROVING A CHANGE ORDER TO MCCOOL CARLSON GREEN IN THE AMOUNT OF \$478,988 FOR ADDITIONAL DESIGN, BIDDING, AND CONSTRUCTION ADMINISTRATION SERVICES REQUIRED FOR SUSITNA VALLEY HIGH NEW CONSTRUCTION, PROJECT NO. 40167.

MOTION: Assemblymember Bettine moved to adopt AM No. 08-035.

Mr. Rountree provided a staff report.

VOTE: The motion passed without objection.

- e. AM No. 08-036: AWARDING PROPOSAL NO.08-100 TO COLLINS CONSTRUCTION, INC., IN THE AMOUNT OF \$14,176,200 FOR THE SOUTH PALMER ELEMENTARY SCHOOL CONSTRUCTION.

MOTION: Assemblymember Church moved to adopt AM No. 08-036.

MOTION: Assemblymember Church moved to postpone AM No. 08-036 to a time certain of May 6, 2008.

Assemblymember Church:

- spoke to the issues with building the road; and
- advised that she is in support of postponement until the road issues are addressed.

Mr. Rountree:

- spoke to the location of the facility; and
- noted that the road construction is in the State's budget.

Discussion ensued regarding postponement.

VOTE: The motion to postpone to a time certain of May 6, 2008, passed without objection.

f. AM No. 08-037: AUTHORIZING THE PURCHASE OF FIVE AMBULANCES FOR THE TOTAL AMOUNT OF \$697,200 TO BRAUN NORTHWEST, INC.

MOTION: Assemblymember Wells moved to adopt AM No. 08-037.

Mr. Brodigan provided a staff report.

VOTE: The motion passed without objection.

h. AM No. 08-039: AUTHORIZING THE MANAGER TO COMPLETE A FEASIBILITY ANALYSIS OF A PROPOSED ADDITION TO NORTH COLONY ROAD SERVICE AREA NO. 23, TO PROVIDE ALTERNATE ACCESS TO THE SOAPSTONE ROAD AREA RESIDENTS.

MOTION: Assemblymember Wells moved to adopt AM No. 08-039.

Assemblymember Wells noted that he would be working with the Assembly and Administration to track this legislation.

VOTE: The motion passed without objection.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

(There were no reports provided.)

2. Assembly Public Relations

(There were no reports provided.)

C. MANAGER COMMENTS

(There was no report provided.)

D. ATTORNEY COMMENTS

(There was no report provided.)

E. CLERK COMMENTS

(There was no report provided.)

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Local Emergency Planning Committee: 01/23/08
- b. Local Road Service Area Advisory Board: 09/20/07
- c. Parks, Recreation, and Trails Advisory Board: 01/28/08 Resolution Serial Nos.: 08-01, 08-02
- d. Planning Commission: Resolution Serial No. 07-47
- e. Platting Board: 03/06/08

2. Community Council Correspondence:

- a. North Lakes Community Council: 01/29/08

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

G. INFORMATIONAL MEMORANDUMS

1. IM NO. 08-093: APPROVING CONTRACT AWARDS AND AMENDMENTS IN THE AMOUNT OF \$100,000 OR LESS, AND SOLE SOURCE PROCUREMENTS, FOR THE PERIOD OF MARCH 1, 2008, TO MARCH 31, 2008.

The informational memorandum was presented and no comments were noted.

IX. NEW BUSINESS

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Menard requested the following confirmations:

Board of Ethics

Jon-Marc Petersen

Resignation of Kathy Wells

Historical Preservation Commission
Robert L. Meinhardt III
Mayor's Blue Ribbon Sportsmen's Committee
Resignation of Marty Metiva
Parks, Recreation, and Trails Advisory Board
Resignation of Trula Acena
Knik RSA No. 17
John A. Schaeffner

Mayor Menard made the following recommendations:

Lazy Mountain RSA No. 19
Shannon Rochelle

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

VOTE: The motion passed without objection.

C. OTHER NEW BUSINESS

X. RECONSIDERATION

(There were no reconsiderations presented.)

XI. VETO

(There were no vetoes presented.)

XII. EXECUTIVE SESSION

(There was no executive session held.)

XIII. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Kvalheim:

- requested that the Planning Staff not be involved in working group meeting for the excavation into the water table; and
- spoke regarding the Valley Community for Recycling handout.

Assemblymember Bettine:

- stated that she will not be in attendance at the April 17, 2008, meeting; and
- requested that she be provided with all of the documentation and presentations from that meeting.

XIV. ADJOURNMENT

The regular meeting adjourned at 11:58 p.m.

ATTEST:

CURTIS D. MENARD, Borough Mayor

LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 05/06/08