## I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on April 18, 2000, at the Matanuska-Susitna Borough Assembly Chambers, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Darcie K. Salmon.

## II. ROLL CALL

Assembly members present and establishing a quorum were:

Mr. Larry DeVilbiss, Assembly District No. 1
Ms. Sara Jansen, Assembly District No. 2
Mr. James Colberg, Assembly District No. 3
Mr. Dan Kelly, Assembly District No. 4
Ms. Jody Simpson, Assembly District No. 5
Mr. Jim Turner, Assembly District No. 6
Mr. Doyle Holmes, Assembly District No. 7 (Deputy Mayor)

Staff in attendance were:

Ms. Sandra Dillon, Borough Clerk
Mr. Michael J. Scott, Borough Manager
Mr. John Duffy, Assistant Manager
Mr. John Aschenbrenner, Deputy Borough Attorney
Mr. Gary Lebowich, Human Resources Manager
Ms. Elizabeth Manfred, Borough Deputy Clerk
Mr. Jim Swing, Public Works Director
Ms. Tammy Clayton, Finance Director
Mr. Karl Borglum, Borough Assessor
Ms. Cindy Gilder, Planning Director
Mr. Ron Swanson, Community Development Director
Mr. Kevin Koechlein, Public Safety Director

## III. APPROVAL OF AGENDA

There was no objection to the agenda as presented.

## IV. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Assemblymember Jansen.

## V. MINUTES OF PRECEDING MEETINGS

A. Special Joint Assembly/Planning Commission Meeting: March 28, 2000
B. Regular Assembly Meeting: April 4, 2000

MOTION: Assemblymember Kelly moved for approval of the March 28, 2000, special joint assembly/planning commission meeting minutes and the April 4, 2000, regular assembly meeting minutes.

Assembly Jansen:

- April 4, 2000, regular assembly minutes, page 3, third bullet under her comments, would prefer the reference of "vocational training" as "various career fields." [Clerk changed statement to read: "Remarked about the discussion centered on the "pathways to learning program," which is tracks of classes that are chosen for pupils at the sophomore level toward [A VOCATIONAL TYPE TRAINING] **various career fields**."

GENERAL CONSENT: The motion passed without objection and the March 28, 2000, special joint assembly/planning commission meeting minutes were approved as presented and the April 4, 2000, regular assembly meeting minutes were approved pending research.

## VI. ORDERS OF THE DAY

A. Proclamation for Ruth Hulbert as Alaska State Spelling Bee Champion

Mayor Salmon read and presented a proclamation honoring Ms. Hulbert.

## VII. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Report from cities

Palmer Mayor Henry Guinotte:

- Announced that the city hired a fire training officer to allow a lower fire insurance rating and will require the return of the fire training facility which is currently occupied by a charter school.
- Stated that the city agreed to allow the charter school one year additional occupancy at no cost and is willing to negotiate a lease/purchase agreement with the borough concerning a city parcel for the school.

- Commented that New Horizons, a telecommunication company, provided two $5,000 scholarships for Palmer High School senior students seeking additional education in scientific, electronic, or related fields.
- Announced that a 20-year celebration of the sister city relationship with the city of Saroma, Japan will be celebrated with 18 Palmer residents traveling to Japan.
- Commented that the planned improvements for the intersection of the Glenn and Palmer/Wasilla Highway will begin this summer.
- Expressed pleasure in the proposed city business developments of Burger King, Meineke Muffler, a Laser Car Wash, Shuck's Auto, and Quick Lube.
- Spoke about the proposed annexation of land south of Palmer Junior Middle School for market-based senior citizen housing.
- Commented that Senator Lyda Green stated that funds will be available to open the juvenile detention facility, at least part-time.
- Stated that the city council supports an increase in borough recreational activity areas.

Discussion followed.

Wasilla City Council Member Dianne Keller:

- Thanked the assembly for the approval of parks powers transfer to the city and stated that the council accepted those powers.
- Remarked that the city has improved the baseball fields within the city boundaries and is working with volunteer services to further develop the facilities.
- Stated that the city is purchasing property for a maintenance shop and storm drainage system.
- Announced that the city has hired a seasonal public works inspector and will also hire a sewer lagoon worker.
- Commented that she is a member of the borough local emergency planning committee, that the committee's health fair booth was well attended, and that scout leaders took copies of the family disaster plans for distribution.
- Voiced appreciation that Assemblymember Kelly attends city council meetings.
- Inquired about the lower assessment values surrounding the new WalMart store.

Mr. Scott responded that a letter is being drafted concerning the property tax assessment decrease in the vicinity of the new WalMart store.

Discussion followed.

2. Matanuska-Susitna Borough School District

(There was no school district representative present.)

B. COMMITTEE REPORTS

1. Joint Committee on School Funding

(There was no report given.)

C. MANAGER COMMENTS

Mr. Scott:

- Announced that Congressman Don Young will be at the borough administration building on May 2, 2000, and that the assembly work session agenda for that date reflects the change to speak with Congressman Young regarding federal legislative priorities.
- Referred to the Port MacKenzie update and Mr. Steve Silver's legislative information contained in the written manager's report.
- Announced that Mr. Mark Van Dongen was employed as port director.
- Commented about the response from Governor Knowles regarding Mr. Bob Pawlowski's possible appointment to the Board of Marine Pilots.
- Referred to the memorandum from Mr. Dick Lowman regarding spring breakup flooding in several borough areas.
- Stated that the Talkeetna sewage lagoon overflowed last week and that the Federal Emergency Management (FEMA) funds provided for the emergency snow removal maintenance, but are not available for the overflow repair. The borough will submit another report to allow a portion of those maintenance funds to cover the pumping needed in several areas of the borough.
- Spoke to the state capital budget report by Mr. Ray Gillespie that contains all requested projects, except the Fish Creek Park Wayside.
- Commented that the Community Development Block Grant update for the Upper Susitna Senior Center separates the design and construction costs.
- Commented that the legislature is still working on the railroad appropriation.
- Remarked that SB 192 was included in the written manager's report for assembly information.
- Referred to the letter from the Federal Highway Administration to the Alaska Department of Transportation regarding the 80 percent reimbursement of $4,547,346.19 for the Port MacKenzie Project
- Announced that the borough prevailed in the Buzdor bid review appeal (Proposal No. 00-090, Field Testing Services for Teeland Middle/Greater Core Elementary Schools).
- Stated that Alaska Department of Fish & Game requested MEA to perform an electric lighting study for the Palmer Hay Flats because of moose/automobile accidents.
- Spoke to the public safety department memo regarding Channel 2 Television broadcasting weekly about the animal adoption program.

- Noted the Anchorage Daily News article regarding the spruce bark beetle killed trees and associated fire hazard.
- Mentioned that Assemblymember DeVilbiss previously requested information from the Port MacKenzie Rehabilitation Program regarding current inmate original crime statistics and the requested statistical information is not available, but that the facility does not house felons.
- Remarked that the community survey was printed on April 14, 2000, with distribution expected this week and will be returned to Ivan Moore Research for compilation.
- Announced that April is National Child Abuse Awareness Month.

Discussion followed.

Mr. Scott requested that the April 4, 2000, assembly meeting minutes reflect that the State DOT letter stated the funds would be received in 7 to 10 days, and he suggested that funds would probably be received in about two weeks. [Clerk research changed to read: "Announced that the borough will receive a $4.8 million reimbursement check [WITHIN 7-10 DAYS] from the state **within the next few weeks** for port construction; and that the borough is working with the state on the non-participating issues."]

Assemblymember Colberg inquired about the sequence of reimbursement from the federal government through the state government to the borough.

Mr. Scott responded that the federal government issues the state an authorization to proceed on the allocation, the state is to issue a check from the state treasury to the borough, and the state does not need to receive the funds from the federal agencies before issuing those funds to the borough.

Discussion continued.

(Reports/Correspondence continued on page 10.)

## XIII. EXECUTIVE SESSION

MOTION: Assemblymember Kelly moved to enter an executive session for subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion, specifically concerning Resolution Serial No. 00-018.

Mr. Aschenbrenner:
- Stated that there are two questions to resolve: (1) if related to the resolution, the veto is legislative and executive session would not be in order. He also noted that the time

to override has lapsed; and (2) the motion made based on the reason to enter executive session does not delineate a person to be discussed.
- Noted it is not appropriate to go into executive session to discuss the veto, and if the executive session is to discuss a person, then that person must be noticed.

Assemblymember Kelly:
- Responded that the scenario was based on the assumption of the veto being brought forward.
- Expressed his opinion that the process of the veto was improper.

Mr. Aschenbrenner:
- Reiterated that the veto was legislative in nature and that by entering an executive session the assembly is not acting in a judicial manner.
- Advised against discussing the issue in a public forum and against risking violating an open meetings law by entering the executive session.

Discussion followed.

MOTION: Assemblymember Holmes moved to postpone the motion, to enter an executive session, until after New Business.

GENERAL CONSENT: The motion, to postpone, passed without objection.

(See executive session, continued on page 17.)

The regular assembly meeting recessed at 6:48 p.m. and reconvened at 7 p.m.

## VIII. SPECIAL ORDERS

A. PERSONS TO BE HEARD

1. Mr. Bill Nelson: Investigation of Hazardous Waste

Mr. Nelson:
- Spoke to an alleged illegal sanitary fill on Hyer Road.
- Inquired about subdivision plat approval.
- Requested an investigating committee to research the issue.

Mayor Salmon recognized the Wasilla High School students in attendance.

B. PUBLIC HEARINGS

1. Ordinance Serial No. 00-049: AN ORDINANCE APPROVING THE CLASSIFICATION OF "GENERAL PURPOSE LANDS" AND SALE OF

BOROUGH-OWNED LAND DESCRIBED AS PARCELS 1, 2, AND 3, OF PLAT WAIVER 79-172W, SECTION 13, T18N, R2E, SEWARD MERIDIAN, ALASKA, LOCATED IN THE LAZY MOUNTAIN AREA, MSB002888. IM No. 00-045

Mayor Salmon opened the public hearing.

The following spoke in favor of the ordinance: Mr. John Seeman.

There being no others wishing to be heard, the public hearing was closed and discussion moved to the assembly.

MOTION: Assemblymember DeVilbiss moved for adoption of Ordinance Serial No. 00-049.

Discussion followed.

Mr. Swanson gave a staff report.

Discussion continued.

MOTION: Assemblymember DeVilbiss moved a primary amendment to the fifth whereas clause to insert language to read: "[W]olverine Creek **and incorporate into the family trust;** and . . ." AND, insert a section 5 to read: "**There shall be no further subdivision of existing parcels**." (This will then necessitate the renumbering of section 5 to section 6.)

Discussion followed.

VOTE: The primary amendment failed with Assemblymembers Holmes and DeVilbiss in favor.

VOTE: The main motion passed unanimously.

2. Ordinance Serial No. 00-050: AN ORDINANCE FOR A SUPPLEMENTAL APPROPRIATION OF $7,500 FROM THE GARDEN TERRACE ESTATES SERVICE AREA FUND BALANCE, FUND 291, TO THE GARDEN TERRACE ESTATES SERVICE AREA FISCAL YEAR 2000 OPERATING BUDGET. IM No. 00-064

Mayor Salmon opened the public hearing. There being no one wishing to be heard, the public hearing was closed and discussion moved to the assembly.

MOTION: Assemblymember Colberg moved for adoption of Ordinance Serial No. 00-050.

Discussion followed.

GENERAL CONSENT: The motion passed without objection.

3. Ordinance Serial No. 00-051: AN ORDINANCE REAPPROPRIATING $13,113 FROM FUND 272, CASWELL LAKES ROAD SERVICE AREA NO. 15, TO FUND 410, ROAD SERVICE AREA CAPITAL PROJECTS. IM N0. 00-066

Mayor Salmon opened the public hearing.

Mr. James Skinner inquired about remaining funds from previous projects.

Mayor Salmon suggested that Mr. Skinner contact the public works department concerning project fund balances.

There being no others wishing to be heard, the public hearing was closed and discussion moved to the assembly.

MOTION: Assemblymember Holmes moved for adoption of Ordinance Serial No. 00-051.

Discussion followed.

Mr. Swing gave a staff report. Discussion continued.

GENERAL CONSENT: The motion passed without objection.

4. Ordinance Serial No. 00-052: AN ORDINANCE ACCEPTING AND APPROPRIATING $3,000 FROM THE MEMORY LAKE ESTATES COMMUNITY ASSOCIATION FOR SUPPLEMENTING A DRAINAGE STUDY.

a. Resolution Serial No. 00-020: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE MEMORY LAKE ESTATES DRAINAGE STUDY. IM No. 00-067

Mayor Salmon opened the public hearing. There being no one wishing to be heard, the public hearing was closed and discussion moved to the assembly.

MOTION: Assemblymember Turner moved for adoption of Ordinance Serial No. 00-052 and Resolution Serial No. 00-020.

Discussion followed.

GENERAL CONSENT: The motion passed without objection.

5. Ordinance Serial No. 00-053: AN ORDINANCE ACCEPTING AND APPROPRIATING A $300,000 PROJECT IMPACT GRANT RECEIVED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) TO PROJECT 20318, FUND 480, FOR THE PROJECT IMPACT PROGRAM.

a. Resolution Serial No. 00-021: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE PROJECT IMPACT PROGRAM GRANT, PROJECT 20318, FUND 480. IM 00-069

Mayor Salmon opened the public hearing. There being no one wishing to be heard, the public hearing was closed and discussion moved to the assembly.

MOTION: Assemblymember Holmes moved for adoption of Ordinance Serial No. 00-053 and Resolution Serial No. 00-021.

Discussion followed.

GENERAL CONSENT: The motion passed without objection.

6. Ordinance Serial No. 00-054: AN ORDINANCE REAPPROPRIATING $74,800 FROM THE LAND MANAGEMENT FUND, COMMUNITY DEVELOPMENT DEPARTMENT FY2000 OPERATING FUND, TO FUND 480, BOROUGH-WIDE PARKS AND RECREATION COMPREHENSIVE PLAN. IM No. 00-071

a. AM No. 00-036: AWARD OF PROPOSAL NO. 00-096, CONSULTANT SERVICES FOR DEVELOPMENT OF BOROUGH-WIDE PARKS AND RECREATION PLAN.

Mayor Salmon opened the public hearing. There being no one wishing to be heard, the public hearing was closed and discussion moved to the assembly.

MOTION: Assemblymember Holmes moved for adoption of Ordinance Serial No. 00-054 and AM No. 00-036.

Discussion followed.

Mr. Swanson stated that the parks, recreation, and trails advisory board supports the ordinance. Discussion continued.

MOTION: Assemblymember Holmes moved to postpone Ordinance Serial No. 00-054 and Resolution Serial No. 00-036 until budget hearings.

VOTE: The motion, to postpone, failed with Assemblymembers Holmes, DeVilbiss, and Kelly in favor.

MOTION: The main motion passed with Assemblymembers Holmes and DeVilbiss opposed.

C. AUDIENCE PARTICIPATION

Ms. Helen Munoz:
- Talked about the need for septage disposal development in this borough.
- Requested to be informed about any proposals concerning septage disposal.

Ms. Cindy Mielke:
- Commented about the drainage and flooding problems in Village Park Subdivision (Wasilla Fishhook and Seldon Roads).
- Presented a citizen petition requesting a better drainage system in the Village Park Subdivision.

Discussion followed.

Mr. James Skinner:
- Spoke about road maintenance contractor inequities within the Caswell Lakes Service Area No. 15 road system.
- Requested assistance in requiring the maintenance contractor to follow the current contract.

Mr. Ralph Kolbeck:
- Remarked about the current flooding conditions in Village Park Subdivision (Snowshoe Lane).

Mr. Scott stated that a study needs to be performed to identify the best resolution of the flooding issue.

The regular assembly meeting recessed at 8:29 p.m. and reconvened at 8:45 p.m.

**VII. REPORTS AND CORRESPONDENCE** (Continued from page 5.)

D. ATTORNEY COMMENTS

(There were no attorney comments.)

## E. CLERK COMMENTS

Ms. Dillon:

- Commented about the assembly meeting schedule and the agenda change to reflect Congressman Young's visit.
- Referred to the memorandum to the community councils regarding the plenary meeting rescheduled for fall.
- Stated that the proposed joint meeting with the Anchorage assembly is in the planning stage and she will return with additional information as it becomes available.
- Presented the election schedule and a brochure to increase voter awareness developed by Ms. Manfred.
- Requested assembly code books for supplement updates.
- Stated that the assembly tracking report was distributed for information.
- Acknowledged the manager and Mr. Gillespie for assistance on HB155, redistricting time frames.
- Thanked the mayor for the proclamation honoring Municipal Clerks Week.

Discussion followed.

Mayor Salmon stated he will not be available for the May 11, 2000, scheduled budget meeting.

Ms. Dillon responded that the May 11, 2000, meeting is tentative for the assembly to adopt the budget and may be rescheduled if additional time is required.

## F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
   - a. Emergency Medical Services Advisory Board - 03/01/00
   - b. Local Emergency Planning Committee - 02/16/00
   - c. Planning Commission - 03/20/00, 03/27/00
   - d. Platting Board - 03/16/00
   - e. Transportation Advisory Board - 01/25/00

2. Community Council Correspondence:
   - a. Big Lake Community Council - 03/08/00
   - b. Willow Area Community Organization - 03/06/00

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

G. INFORMATIONAL MEMORANDUMS

(There were no information memorandums presented.)

## IX. UNFINISHED BUSINESS

(There was no unfinished business.)

## X. NEW BUSINESS

A. INTRODUCTION (Suggested hearing - 05/02/00 )

1. Ordinance Serial No. 00-055: AN ORDINANCE PROVIDING FOR THE CONTINUANCE OF THE ENHANCED 911 ADVISORY BOARD AND CHANGES TO THE BOARD EXPIRATION DATES AND MEMBER TERM EXPIRATIONS. IM No. 00-065

2. Ordinance Serial No. 00-056: AN ORDINANCE ACCEPTING AND APPROPRIATING $15,000 FROM THE STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES, DIVISION OF PARKS AND OUTDOOR RECREATION FOR CONSTRUCTION OF THE PORT MACKENZIE TRAILHEAD.

a. Resolution Serial No. 00-022: A RESOLUTION IDENTIFYING THE SCOPE OF WORK AND BUDGET FOR THE PORT MACKENZIE TRAILHEAD GRANT FUNDED BY THE STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES, DIVISION OF PARKS AND OUTDOOR RECREATION. IM No. 00-072

3. Ordinance Serial No. 00-057: AN ORDINANCE APPROPRIATING $31,190 FROM THE AREAWIDE FUND BALANCE, FUND 100, TO THE CAPITAL PROJECTS, TOURISM INFRASTRUCTURE FUND, FUND 480, TO PROVIDE FUNDING FOR TOURISM RELATED PROJECTS.

a. Resolution Serial No. 00-023: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR INFRASTRUCTURE PROJECTS USING THE TRANSIENT ACCOMMODATION TAX (BED TAX) IN THE AMOUNT OF $174,700. IM No. 00-085

4. Ordinance Serial No. 00-033: AN ORDINANCE APPROPRIATING MONIES FROM ALL CENTRAL TREASURY AND ESTABLISHING THE RATE OF

LEVY FOR ALL BOROUGH FUNCTIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2000, AND ENDING JUNE 30, 2001.

(See reconsideration of Ordinance Serial No. 00-033, page 17.)

Ms. Dillon read the above-referenced legislation into the record.

MOTION: Assemblymember Holmes moved for introduction of the above-referenced legislation and set for public hearing on May 2, 2000.

GENERAL CONSENT: The motion passed without objection.

B. INTRODUCTION (Suggested hearing - 06/06/00)

1. Ordinance Serial No. 00-058: AN ORDINANCE CREATING DONOVAN ESTATES ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 303, 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. IM No. 00-077

2. Ordinance Serial No. 00-059: AN ORDINANCE CREATING COLONY EAST ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 305, 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. IM No. 00-078

3. Ordinance Serial No. 00-060: AN ORDINANCE CREATING NORTHERN COLONIAL PARK ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 307, 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. IM No. 00-079

4. Ordinance Serial No. 00-061: AN ORDINANCE CREATING NORTHERN BRENTWOOD ESTATES ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 308, 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. IM No. 00-080

5. Ordinance Serial No. 00-062: AN ORDINANCE CREATING BROOKE HAVEN ESTATES ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 310, 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. IM No. 00-081

6. Ordinance Serial No. 00-063 AN ORDINANCE CREATING HORSESHOE DRIVE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 311, 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. IM No 00-082

Ms. Dillon read the above-referenced legislation into the record.

MOTION: Assemblymember Holmes moved for introduction of the above-referenced legislation and set for public hearing on June 6, 2000.

GENERAL CONSENT: The motion passed without objection.

C. CONSENT AGENDA

(AM Nos. 00-034, 00-038, and 00-42 were pulled from the consent agenda, see page 15 for assembly action.)

1. RESOLUTIONS

a. Resolution Serial No. 00-024: A RESOLUTION APPROVING A LOAN IN THE AMOUNT OF $5,000 FROM ROAD SERVICE AREA REVOLVING LOAN FUND, FUND 610, TO THE CASWELL LAKES ROAD SERVICE AREA NO. 15, FUND 272. IM No. 00-073

b. Resolution Serial No. 00-025: A RESOLUTION APPROVING COMMUNITY COUNCIL BOUNDARY REVISIONS TO GATEWAY COMMUNITY COUNCIL, KNIK-FAIRVIEW COMMUNITY COUNCIL, NORTH LAKES COMMUNITY COUNCIL, SOUTH LAKES COMMUNITY COUNCIL, AND POINT MACKENZIE COMMUNITY COUNCIL. IM No. 00-074

c. Resolution Serial No. 00-026: A RESOLUTION ESTABLISHING THE MINIMUM LEVEL OF FUNDING FOR THE MATANUSKA-SUSITNA BOROUGH

SCHOOL DISTRICT FOR THE FISCAL YEAR ENDING JUNE 30, 2001. IM No. 00-84

2. ACTION MEMORANDUMS

b. AM No. 00-037: AWARD FOR PROPOSAL NO. 00-093, CONSULTANT FOR EMERGENCY MEDICAL SERVICES SYSTEM EVALUATION.

d. AM No. 00-039: VACATION OF RIDGEVIEW CIRCLE CUL-DE-SAC AND UTILITY EASEMENTS WITHIN PROPOSED BRECKENRIDGE SUBDIVISION, LOTS 1A THROUGH 13A, BLOCK 1, LOCATED WITHIN SECTION 23, T18N, R01W, SEWARD MERIDIAN, ALASKA.

e. AM No. 00-040: VACATION OF 100-FOOT SECTION LINE EASEMENT COMMON TO SECTIONS 24 AND 25, T21N, R5W, SEWARD MERIDIAN, ALASKA, WITHIN DENALI VIEW SUBDIVISION, WILLOW COMMUNITY COUNCIL AREA.

f. AM No. 00-041: AWARD OF BID NO. 00-092, DUCT CLEANING MAT-SU BOROUGH ADMINISTRATION BUILDING.

h. AM No. 00-043: APPROVAL OF PURCHASE OF BULK CALCIUM CHLORIDE AND SODIUM CHLORIDE FOR ROAD MAINTENANCE.

Ms. Dillon read the above-referenced consent agenda items into the record.

MOTION: Assemblymember Holmes moved for approval of the above-referenced consent agenda items.

GENERAL CONSENT: The motion passed without objection.

a. AM No. 00-034: CONTRACT RENEWAL WITH THE FRONTIERSMAN FOR BOROUGH PAGE ADVERTISEMENT.

MOTION: Assemblymember Holmes moved for approval of AM No. 00-034.

Discussion followed.

GENERAL CONSENT: The motion passed without objection.

c. AM No. 00-038: AWARD OF BID NO. 00-106, FIRE ALARM SYSTEM UPGRADES FOR BUTTE AND COTTONWOOD ELEMENTARY SCHOOLS.

MOTION: Assemblymember Holmes moved for approval of AM No. 00-038.

Discussion followed.

GENERAL CONSENT: The motion passed without objection.

g. AM No. 00-042: AWARD OF PROPOSAL NO. 00-108, ON-CALL SURVEYORS.

MOTION: Assemblymember Holmes moved for approval of AM No. 00-042.

Discussion followed.

Mr. Swing gave a staff report. Discussion continued.

GENERAL CONSENT: The motion passed without objection.

D. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Salmon made the following recommendations:
- Enhanced 911 Advisory Board
  - Mr. Charles Fannon, city of Wasilla position
- Big Lake Road Service Area No. 21 board of supervisors
  - Mr. Wes Hamrick

Mayor Salmon requested the following confirmations:
- Enhanced 911 Advisory Board
  - Ms. Christine Fritz, city of Palmer position
- School Site Selection Committee, Two Elementary Schools
  - Ms. Mary Kvalheim, planning commission position

MOTION: Assemblymember Holmes moved for approval of the above-referenced confirmations.

GENERAL CONSENT: The motion passed without objection.

E. OTHER NEW BUSINESS

(There was no other new business.)

## XII. VETO

(There was no veto pending.)

## XIII. EXECUTIVE SESSION

(Continued from page 6.)

PREVIOUS MOTION: Assemblymember Kelly moved to enter an executive session for subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion, specifically concerning the mayor's veto of Resolution Serial No. 00-018.

Assembly inquired as to specifically which person the assembly member wished to discuss.

Assemblymember Kelly clarified that he wished to discuss the mayor.

The mayor voiced no objection to entering executive session, and he reminded the assembly of Mr. Aschenbrenner's previous comments in relation to the portion of the motion relating to the resolution.

Discussion continued regarding the appropriateness of entering executive session.

VOTE: The motion to enter executive session passed with Assemblymembers DeVilbiss, Turner, and Simpson opposed and the assembly entered the executive session at 9:12 p.m. Those present during the executive session were the entire assembly, mayor, manager, and assistant attorney.

MOTION: Assemblymember Holmes moved to exit from the executive session.

GENERAL CONSENT: The motion passed without objection and the assembly exited the executive session at 9:23 p.m.

The regular assembly meeting recessed at 9:25 p.m. and reconvened at 9:30 p.m.

## XI. RECONSIDERATION

(Continued from page 13.)

4. Ordinance Serial No. 00-033: AN ORDINANCE APPROPRIATING MONIES FROM ALL CENTRAL TREASURY AND ESTABLISHING THE RATE OF

LEVY FOR ALL BOROUGH FUNCTIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2000, AND ENDING JUNE 30, 2001.

Ms. Dillon explained that the ordinance was introduced and set for public hearing on May 2, 2000; rather, it should reflect the public hearing dates of May 4 and May 9, 2000.

MOTION: Assemblymember Holmes moved for reconsideration Ordinance Serial No. 00-033 to correct the public hearing dates.

GENERAL CONSENT: The motion, to reconsider, passed without objection.

Ms. Dillon read Ordinance Serial No. 00-033 with corrected public hearing dates.

MOTION: Assemblymember Holmes moved for introduction of Ordinance Serial No. 00-033 and set public hearings on May 4 and May 9, 2000.

GENERAL CONSENT: The motion passed without objection.

## XIV. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Holmes:

- Questioned the decrease in assessed value of properties near the new WalMart store.
- Explained his theory regarding the excessive flooding problems.
- Inquired if the two road projects near Talkeetna, which were set for paving last year but held off because of the early freeze, will be paved this construction season.
- Stated his opinion that a borough septage facility would not be economically feasible. He supported analyzing the need, but not with a lot of expense.
- Expressed his feelings, for the record, concerning the requested executive session. He noted that the assembly entered and exited the executive session rather quickly because the assembly member making the motion to enter executive session wanted to discuss the veto action of the resolution, which legislative action was not appropriate in executive session.

Assemblymember DeVilbiss

- Commented on the spring thaw and flooding problems.
- Expressed his belief that the FEMA funds would be available to assist with the flooding problems.
- Spoke to SB 305, property owner rights during emergency situations.

Discussion followed.

Assemblymember Jansen

- Will look to the borough attorney for legal opinions.

Assemblymember Turner

- Expressed his belief that Assemblymember Kelly violated the open meetings act before tonight by sending a faxed memorandum to assembly members. He had previously been advised on another matter from the borough attorney that there could be probable OMA violations associated with such actions.
- Stated that the assembly members had the option to call up the veto so that the matter could have been discussed, but no one exercised that option.
- Commented that assembly members should take advantage of advice from the clerk and attorney in these matters prior to taking action.
- Referenced the resolution and associated veto. Noted that the assistant manager is not a line manager and does not supervise employees, but that does not disqualify the position from being an acting manager. It is not automatic that the assistant manager should serve as acting manager; it seems more appropriate that the manager choose the acting manager, not the assembly.
- Spoke to the devaluation of property assessments surrounding the new WalMart store.
- Stated that a new speaker system is needed for the assembly chambers.
- Expressed his thoughts that the veto issue should have been a public not private conversation.
- Inquired if the borough assembly would consider a resolution of support for Iditarod Sled Dog Race sponsors.

Assemblymember Kelly:

- Requested that the manager advise Ms. Helen Munoz regarding borough actions on septic facility plans.
- Commented about the flooding and the need to purchase emergency equipment necessary to deal with the problem.
- Inquired about the Caswell Lakes area snow removal issue.
- Stated that the Palmer dispatch office has knowledge of borough emergency contacts during off-duty hours.
- Expressed his opinion that it is not a violation of the OMA to call an executive session but noted that the content could have been construed as a violation; however, he noted the assembly exited executive session rather than discuss the veto.
- Clarified that he sent a letter out to the mayor stating his concerns regarding the veto of the resolution. That because the letter was public information, he advanced the assembly a copy of the letter. He reiterated his position that this action was not in violation of the open meetings act.
- Reminded the assembly that the manager stated in a public meeting that he had confidence in the assistant manager.

- Explained that a majority vote is all that is required to pass actions of the assembly; therefore, he questioned the mayor's reason for issuing the veto.
- Stated that because he felt the veto should be null and void as a result of lack of explanation in the veto message, he was requesting that the attorney issue a finding of fact determination on the matter.

Mr. Scott responded that the borough will research the Caswell Lakes area snow removal issue presented by Mr. Skinner, and stated that Mr. Swing and Mr. Skinner have discussed the issue for several months.

Assemblymember Colberg:

- Inquired about items contained in the tracking report that have no status comments.
- Spoke to the assembly's responsibility for appointing an acting manager.
- Cited portions of the assistant manager job description.
- Requested an attorney opinion regarding the circulation of documents to assembly members by assembly members.

Mr. Aschenbrenner stated that the correspondence circulation issue needs to be researched.

Assemblymember Simpson:

- Inquired if independent counsel referred to by the State Attorney General's office could be considered to answer the questions regarding the veto issue.

Mr. Scott responded that the borough attorney has the right to seek independent counsel.

Discussion followed.

Mayor Salmon:

- Stated that Mr. Gatti reviewed the veto language prior to release, that Attorney Gordan Tans was consulted after the veto was questioned, and determination made that the veto was legal.
- Remarked that he envisions no problem in the immediate future concerning septic businesses and the availability of dumping at the Anchorage facilities.
- Expressed his understanding that calcium or sodium chloride treatment on roads restricts road paving for four to eight years.
- Commented that the Iditarod Sled Dog Race is receiving negative publicity on the internet.

Discussion followed.

Assemblymember Kelly inquired about the video tape mentioned by Mr. Nelson.

Mr. Scott replied that after viewing the video, he forwarded it to the State Department of Environmental Conservation for their review and possible action.

Discussion followed.

## XV. ADJOURNMENT

The regular assembly meeting adjourned at 10:19 p.m.

Darcie K. Salmon

DARCIE K. SALMON, Borough Mayor

ATTEST:

Sandra A. Dillon

SANDRA A. DILLON, Borough Clerk

Minutes approved May 2, 2000.