

MATANUSKA-SUSITNA BOROUGH

350 East Dahlia Avenue, Palmer, Alaska 99645-6488 - 907-745-9683

BOROUGH MAYOR

Timothy L. Anderson

BOROUGH CLERK

Michelle M. McGehee, CMC

BOROUGH MANAGER

John Duffy

BOROUGH ATTORNEY

Teresa S. Williams



BOROUGH ASSEMBLY

Lynne Woods, District 1

Bill Allen, District 2

Talis J. Colberg, District 3

Mary Kvalheim, District 4

Jody Simpson, District 5

Jim Colver, District 6

Betty Vehrs, District 7

ASSEMBLY AGENDA

**ASSEMBLY CHAMBERS
350 E. DAHLIA AVENUE, PALMER**

REGULAR MEETING

6 P.M.

TUESDAY, APRIL 19, 2005

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA¹
- IV. PLEDGE OF ALLEGIANCE
- V. MINUTES OF PRECEDING MEETINGS
 - A. Special Assembly Meeting: 04/05/05
 - B. Regular Assembly Meeting: 04/05/05
- VI. REPORTS/CORRESPONDENCE
 - A. AGENCY REPORTS
 - 1. Reports from cities
 - 2. Matanuska-Susitna Borough School District

¹ Mayor Anderson noted that the Executive Session would be taken up after item 6B, Committee Reports.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues
2. Regional Transportation Planning Organization

C. MANAGER COMMENTS

1. State/Federal Legislation

D. ATTORNEY COMMENTS

E. CLERK COMMENTS

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Emergency Medical Services Board: 02/02/05, 03/02/05
 - b. Enhanced 911 Advisory Board: 02/08/05, 03/08/05
 - c. Library Board: Resolution Serial No. 05-01
 - d. Local Emergency Planning Committee: 02/16/03
 - e. Talkeetna Fire Service Area No. 24: 02/24/05, 03/24/05
 - f. Talkeetna Water and Sewer Service Area No. 36: 02/24/05
 - g. Parks, Recreation, and Trails Advisory Board: 02/28/05, Resolution Serial No. 05-06
2. Community Council Correspondence:
 - a. Glacier View Community Council: 03/24/05
 - b. Y Community Council: 03/03/05
3. Other Board/Committee Correspondence:
 - a. Cook Inlet Aquaculture Association: 01/15/05

G. INFORMATIONAL MEMORANDUMS

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

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

1. Mr. Joseph Hawkins Re: Legacy Building, LLC. in Palmer, Alaska

B. PUBLIC HEARINGS (Three minutes per person.)

1. Ordinance Serial No. 05-041: AN ORDINANCE ACCEPTING THE FINAL REPORT OF CRITICAL HABITATS, INC., ON WETLAND MITIGATION BANKING OF BOROUGH-OWNED LAND; ESTABLISHING A NEW SECTION IN CODE CREATING A WETLAND MITIGATION BANK AND DEFINING ITS PURPOSES AND FUNCTIONS; AUTHORIZING THE MANAGER TO CREATE PRIVATE CONSERVATION EASEMENTS FOR WETLAND MITIGATION BANKING; AND AUTHORIZING A REQUEST FOR PROPOSALS FOR CREATION AND OPERATION OF A WETLAND MITIGATION BANK.
 - a. IM No. 05-052
2. Ordinance Serial No. 05-042: AN ORDINANCE AMENDING MSB 23.05.100(A)(15), THE CLASSIFICATION OF WATERSHED LANDS AND ADOPTING MSB 23.05.100(A)(17), A NEW LAND CLASSIFICATION OF WETLAND BANK LAND.
 - a. IM No. 05-053
3. Ordinance Serial No. 05-043: AN ORDINANCE CLASSIFYING BOROUGH-OWNED LAND WITHIN SECTIONS 1, 3, 4, 10, AND 12, TOWNSHIP 16 NORTH, RANGE 6 WEST, SEWARD MERIDIAN, ALASKA (FISH CREEK AREA) AS WETLAND BANK AND AGRICULTURE; AND LAND WITHIN SECTIONS 5, 8, 10, 20, AND 29, TOWNSHIP 16 NORTH, RANGE 3 WEST, SEWARD MERIDIAN, ALASKA (BIG LAKE AND POINT MACKENZIE AREAS), SECTIONS 10, 29, 31, AND 32, TOWNSHIP 17 NORTH, RANGE 5 WEST, SEWARD MERIDIAN, ALASKA (FISH CREEK AND DELYNDIA LAKE AREAS), SECTIONS 12, 13, 17, 18, 19, 20, 23, 24, AND 30, TOWNSHIP 16 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA (POINT MACKENZIE, DIAMOND LAKE, SEVEN MILE LAKE, CARPENTER LAKE AREAS) AS WETLAND BANK AND PUBLIC RECREATION (MSB 004260).
 - a. IM No. 05-054
4. Ordinance Serial No. 05-044: AN ORDINANCE ACCEPTING AND APPROPRIATING \$62,500 FROM THE ALASKA STATE DIVISION OF EMERGENCY SERVICES, AND \$187,500 FROM THE HAZARD MITIGATION GRANT PROGRAM, AND APPROPRIATING \$13,650 FROM THE 2004 SERIES B

GENERAL OBLIGATION SCHOOL BOND INTEREST EARNINGS TO FUND 400 FOR THE PURCHASE AND INSTALLATION OF ROOF STRAPPING SYSTEMS FOR SELECTED BOROUGH SCHOOLS.

a. Resolution Serial No. 05-037: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE SCHOOL ROOF UPGRADES HAZARD MITIGATION, PROJECT NO. 40158, FUND 400.

(1) IM No. 05-071

5. Ordinance Serial No. 05-045: AN ORDINANCE ACCEPTING AND APPROPRIATING \$2,885.50 TO FUND 480, PROJECT NO. 45009, FROM BARB AND LOUIS LACHER FOR THE SEVEN MILE CANOE LAKE SIGNAGE PROJECT.

a. Resolution Serial No. 05-038: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE SEVEN MILE CANOE TRAIL SIGN PROJECT.

(1) IM No. 05-076

6. Ordinance Serial No. 05-046: AN ORDINANCE REPEALING MSB 3.37, REAL ESTATE TRANSFER FEE.

a. Ordinance Serial No. 05-047: AN ORDINANCE REPEALING REGULATIONS FOR THE REAL ESTATE TRANSFER FEE, MSB 3.37.

(Sponsors: Assemblymembers Kvalheim and Vehrs)

(1) IM No. 05-079

7. Ordinance Serial No. 05-048: AN ORDINANCE AMENDING MSB 5.25.022, SOUTH COLONY ROAD SERVICE AREA NO. 16, TO ADD A LEGAL DESCRIPTION AND TO AMEND THE BOUNDARIES AFFECTED BY THE TRUNK ROAD REALIGNMENT.

a. Ordinance Serial No. 05-049: AN ORDINANCE AMENDING MSB 5.25.016, MIDWAY ROAD SERVICE AREA NO. 9, TO AMEND THE BOUNDARIES AFFECTED BY THE TRUNK ROAD REALIGNMENT.

(1) IM No. 05-084

8. Ordinance Serial No. 05-050: AN ORDINANCE AMENDING MSB 1.50.040, EXEMPTION FOR PARTICULAR RECORDS, TO ADD A SUBSECTION TO ENSURE THAT FINANCIAL INFORMATION SUBMITTED BY PROPERTY OWNERS TO

THE BOROUGH ASSESSOR IS CONSIDERED CONFIDENTIAL
INFORMATION UNDER MSB 1.50.040.

a. IM No. 05-085

9. Ordinance Serial No. 05-051: AN ORDINANCE AMENDING MSB 3.15.030(B) CONCERNING ELIGIBILITY REQUIREMENTS FOR SENIOR CITIZENS AND DISABLED VETERANS TO RECEIVE TAX EXEMPTIONS THROUGH USE OF PERMANENT FUND RECORDS.

a. IM No. 05-086

10. Ordinance Serial No. 05-052: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$5,500 GRANT TO FUND 440, PROJECT NO. 15015, FROM THE UNITED STATES FISH AND WILDLIFE SERVICE FOR RIVER CROSSINGS AT MCROBERTS CREEK AS PART OF THE PLUMLEY MAUD TRAIL IMPROVEMENTS.

a. Resolution Serial No. 05-039: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR RIVER CROSSINGS AT MCROBERTS CREEK AS PART OF THE PLUMLEY MAUD TRAIL IMPROVEMENTS.

(1) IM No. 05-087

C. AUDIENCE PARTICIPATION (Three minutes per person.)

VIII. UNFINISHED BUSINESS

- A. Ordinance Serial No. 05-026: AN ORDINANCE AUTHORIZING THE SALE OF TIMBER WITHIN APPROXIMATELY 900 ACRES OF BOROUGH-OWNED LAND DESCRIBED AS THE NORTH SHEEP CREEK FOREST MANAGEMENT UNIT TO APPLICANT NPI, LLC. (MSB004323) WITH A VALUE GREATER THAN \$25,000. *(Motion pending 03/01/05) (Proposed substitute included in packet.)*

1. IM No. 05-038

2. IM No. 05-058

- B. AM No. 05-041: AUTHORIZATION OF CHANGE ORDER NO. 4 TO LOUNSBURY & ASSOCIATES, CONTRACT NO. 04-093, IN THE AMOUNT OF \$20,000 FOR ADDITIONAL WORK ON THE MEADOW LAKES ELEMENTARY SCHOOL TURN LANES AND HIGHWAY LIGHTING DESIGN PROJECT. *(Motion pending 04/05/05)*

IX. NEW BUSINESS

A. INTRODUCTION (For public hearing - 05/03/05, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 05-053: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$14,500 GRANT FROM THE ALASKA STATE DEPARTMENT OF NATURAL RESOURCES, DIVISION OF AGRICULTURE TO FUND 480, PROJECT NO. 20205, FOR A MATERIALS ASSESSMENT WITHIN THE FISH CREEK MANAGEMENT PLAN AREA.
 - a. Resolution Serial No. 05-045: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 20205, FUND 480 AND AUTHORIZING THE MANAGER TO ENTER INTO A CONTRACTUAL SERVICES AGREEMENT WITH THE STATE OF ALASKA FOR A MATERIALS ASSESSMENT WITHIN THE FISH CREEK MANAGEMENT PLAN AREA.
 - (1) IM No. 05-090
2. Ordinance Serial No. 05-054: AN ORDINANCE REAPPROPRIATING \$40,000 FROM FUND 100, AREAWIDE FUND, COMMUNITY DEVELOPMENT ADMINISTRATION DIVISION FISCAL YEAR 2005 OPERATING BUDGET TO FUND 480, PROJECT NO. 45159 FOR THE STUDENT CONSERVATION ASSOCIATION AND AMERICORPS SUMMER 2005 WORK PROJECTS.
 - a. Resolution Serial No. 05-046: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE STUDENT CONSERVATION CORPS AND AMERICORPS CREWS FOR THE SUMMER 2005 WORK SEASON.
 - (1) IM No. 05-091
3. Ordinance Serial No. 05-055: AN ORDINANCE APPROPRIATING \$50,000 OF THE INTEREST EARNINGS ON THE PROCEEDS OF THE 2001 SERIES A, GENERAL OBLIGATION BONDS TO FUND 400, SCHOOL CAPITAL PROJECTS, PROJECT NO. 40158 TO ALLOW COMPLETION OF THE DESIGN OF THE ROOF REPLACEMENT AT SU VALLEY HIGH SCHOOL.

- a. Resolution Serial No. 05-047: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR THE SU VALLEY HIGH SCHOOL ROOF REPLACEMENT.
(1) IM No. 05-093
 4. Ordinance Serial No. 05-056: AN ORDINANCE APPROVING THE REAPPROPRIATION OF \$48,171 FROM THE PLANNING DEPARTMENT'S OPERATING BUDGET, FUND 100, TO FUND 480, PROJECT NO. 20349 FOR THE HUMAN SERVICES COMMUNITY MATCHING GRANT PROGRAM.
 - a. Resolution Serial No. 05-048: A RESOLUTION AUTHORIZING THE MANAGER TO AMEND THE HUMAN SERVICES COMMUNITY MATCHING GRANT AGREEMENTS.
(1) IM No. 05-096
 5. Ordinance Serial No. 05-057: AN ORDINANCE ACCEPTING AND APPROPRIATING \$4,120 FROM THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT TO THE BOROUGH LOCAL EMERGENCY PLANNING COMMITTEE, FUND 480, PROJECT NO. 20259, FOR FISCAL YEAR 2005 OPERATIONS.
 - a. Resolution Serial No. 05-049: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 20259, FUND 480, FOR THE FISCAL YEAR 2005 LOCAL EMERGENCY PLANNING COMMITTEE OPERATIONS.
(1) IM No. 05-099
- B. INTRODUCTION (For public hearing - 05/05/05, 7 p.m., Central Mat-Su Public Safety Building and on 05/12/05, 7 p.m., Central Mat-Su Public Safety Building)²
 1. Ordinance Serial No. 05-005: AN ORDINANCE APPROPRIATING MONIES FROM THE CENTRAL TREASURY AND ESTABLISHING THE RATE OF LEVY FOR ALL BOROUGH FUNCTIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2005 AND ENDING JUNE 30, 2006.

² The public hearing dates for Ordinance Serial No. 05-005 were changed to May 5, 2005, 7 p.m., Central Mat-Su Public Safety Building and May 12, 2005, 7 p.m., Central Mat-Su Public Safety Building.)

C. INTRODUCTION (For public hearing - 06/07/05, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 05-036: AN ORDINANCE CREATING SILVER BULLET CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 409, 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. 05-072

D. CONSENT AGENDA³

1. RESOLUTIONS

- a. Resolution Serial No. 05-050: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR THE WILLOW PUBLIC SAFETY BUILDING (STATION 12-1), PROJECT NO. 45089, TO ALLOW FOR MAINTENANCE, REPAIRS, AND IMPROVEMENTS TO THE FACILITY.
 - (1) IM No. 05-094
- b. Resolution Serial No. 05-051: A RESOLUTION ESTABLISHING THE MINIMUM LEVEL OF FUNDING FOR THE MATANUSKA-SUSITNA BOROUGH SCHOOL DISTRICT FOR THE FISCAL YEAR ENDING JUNE 30, 2006.
 - (1) IM No. 05-095
- c. Resolution Serial No. 05-052: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE PURCHASE OF RESCUE EQUIPMENT TO BE LOCATED AT THE GREATER PALMER FIRE SERVICE AREA, PROJECT NO. 45167, FUND 425.
 - (1) IM No. 05-098
- d. Resolution Serial No. 05-053: A RESOLUTION AMENDING THE DATES THE BOARD OF EQUALIZATION MEETS TO HEAR THE 2005 APPEALS.

³ Resolution Serial No. 05-054 and AM No. 05-050 were pulled from the consent agenda and address separately.

(1) IM No. 05-103

- e. Resolution Serial No. 05-054: A RESOLUTION SUPPORTING HOUSE BILL (HB) 49, RELATING TO MUNICIPAL AID GRANTS. (*Sponsor: Mayor Anderson*)
- (1) IM No. 05-104

2. ACTION MEMORANDUMS

- a. AM No. 05-043: APPROVAL OF CHANGE ORDER NO. 3 TO MCCOOL CARLSON GREEN IN THE AMOUNT OF \$59,156 FOR ADDITIONAL WORK ON THE WASILLA AREA ELEMENTARY SCHOOL DESIGN SERVICES, PROJECT NO. 40146.
- b. AM No. 04-044: AWARD OF BID NO. 05-112 TO ARCTIC STRIPING INC., IN THE AMOUNT OF \$49,805 FOR PAINTING YELLOW CENTERLINES ON APPROXIMATELY 30 MILES OF EXISTING ROADS AND WHITE EDGE LINES ON SELECTED ROADS.
- c. AM No. 05-045: AUTHORIZING THE MANAGER TO ENTER INTO AN AUTOMATIC AND MUTUAL AID IN FIRE AND RESCUE AGREEMENT WITH THE CITY OF HOUSTON.
- d. AM No. 05-046: AUTHORIZING THE MANAGER TO ENTER INTO AN AUTOMATIC AND MUTUAL AID IN FIRE PROTECTION AGREEMENT WITH THE CITY OF PALMER.
- e. AM No. 05-047: APPROVAL OF THE RESCUE SERVICES CONTRACT WITH THE CITY OF PALMER IN THE AMOUNT OF \$24,000 AND AUTHORIZING THE MANAGER TO ENTER INTO A MUTUAL AID AGREEMENT FOR RESCUE SERVICES.

- f. AM No. 05-050: APPROVAL OF CHANGE ORDER NO. 4 TO TRYCK, NYMAN, HAYES, INC., IN THE AMOUNT OF \$358,118 TO COMPLETE THE DESIGN, PRELIMINARY ENGINEERING, AND GEOTECHNICAL WORK FOR THE FERRY LANDINGS, TERMINAL BUILDINGS, AND PARKING LOTS AT PORT MACKENZIE AND THE PORT OF ANCHORAGE.
- g. AM No. 05-051: AWARD OF PROPOSAL NO. 05-063 TO MCCOOL CARLSON GREEN IN AN AMOUNT NOT TO EXCEED \$1,518,720 FOR ARCHITECTURAL/ENGINEERING SERVICES TO DESIGN THE NEW CAREER CENTER-VOCATIONAL HIGH SCHOOL.
- h. AM No. 05-052: AWARD OF BID NO. 05-106 TO GOERTZ CONSTRUCTION FOR THE CONTRACT AMOUNT OF \$859,223 TO COMPLETE THE FIRE SPRINKLER SYSTEM AND REPLACE OVERHEAD LIGHTING IN SELECTED AREAS OF PALMER JUNIOR MIDDLE SCHOOL.

E. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

F. OTHER NEW BUSINESS

X. RECONSIDERATION

XI. VETO

- A. Ordinance Serial No. 05-033: AN ORDINANCE APPROVING A REAPPROPRIATION OF \$575,000 FROM THE LAND MANAGEMENT FUND BALANCE, FUND 203, \$120,000 FROM THE AREAWIDE FUND BALANCE, FUND 100, AND \$155,000 FROM THE NON-AREAWIDE FUND BALANCE, FUND 200, TO FUND 450 FOR A CONTINGENCY RESERVE FOR THE PORT MACKENZIE DEEP DRAFT DOCK CONSTRUCTION PROJECT. *(Veto issued by Mayor Anderson on 04/04/05)*

1. IM No. 05-060

- XII. EXECUTIVE SESSION *(matters, the immediate public knowledge of which would clearly have an adverse effect upon the finances of the borough; in particular to discuss the NPI, LLC port contract with the Borough and the non-claim overages on the Port MacKenzie deep draft dock construction.)*
- XIII. MAYOR AND ASSEMBLY COMMENTS
- XIV. ADJOURNMENT