

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on May 6, 2003, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Deputy Mayor Jim Colver.

II. ROLL CALL

Assembly members present and establishing a quorum were:

Mr. J. Bruce Bush, Assembly District No. 1
Mr. Bill Allen, Assembly District No. 2
Mr. Talis J. Colberg, Assembly District No. 3
Ms. Mary Kvalheim, Assembly District No. 4
Ms. Jody Simpson, Assembly District No. 5
Mr. Jim Colver, Assembly District No. 6 (Deputy Mayor)
Ms. Kelly Ladere, Assembly District No. 7

Staff in attendance were:

Ms. Sandra A. Dillon, CMC, Borough Clerk
Mr. John Duffy, Borough Manager
Ms. Teresa Williams, Borough Attorney
Mr. David Germer, Assistant Borough Manager
Ms. Michelle M. McGehee, Deputy Borough Clerk
Mr. Jim Swing, Public Works Director
Ms. Tammy Clayton, Finance Director
Mr. Jack Krill, Emergency Services Director
Mr. Ron Swanson, Community Development Director
Ms. Susan Dickinson, Interim Planning Director

III. APPROVAL OF AGENDA

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

Mr. Duffy requested that AM No. 03-086 be pulled from the consent agenda for discussion.

Deputy Mayor Colver:

- noted a title change to IM No. 03-112, a revisor of ordinance, which was provided to the Assembly for information only; and
- referred to a letter in the Assembly's red folder from the Palmer Water and Soil Conservation District regarding Resolution Serial No. 03-026.

GENERAL CONSENT: The agenda was approved as amended.

IV. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by members of the Colony High School Junior Reserve Officer Training Corps (JROTC), Boy Scout Troop No. 367, and Cub Scout Pack No. 367.

V. MINUTES OF PRECEDING MEETINGS

A. Special Assembly Meeting: April 8, 2003

Deputy Mayor Colver inquired if there were any corrections to the minutes. No corrections were noted.

GENERAL CONSENT: The minutes were approved as presented.

B. Special Joint Assembly/School Board Meeting: April 8, 2003

Deputy Mayor Colver inquired if there were any corrections to the minutes. No corrections were noted.

GENERAL CONSENT: The minutes were approved as presented.

C. Regular Assembly Meeting: April 15, 2003

Deputy Mayor Colver inquired if there were any corrections to the minutes.

Assemblymember Simpson:

- noted a correction to p. 7 of 18, third sentence, to strike the words “sectional analysis” and to insert the words “review of alternatives” to read: “Assemblymember Simpson asked that the administration provide a review of alternatives for the new ordinance;”
- noted a correction to p. 7 of 18, fourth sentence, to clarify that Ms. Jay Nolfi spoke in opposition to Ordinance Serial No. 02-161; and
- requested a clarification to her statements, first sentence, p. 17 of 18, to clarify the sentence “inquired whether or not we have received the requested legislation from the school board” to read: “Assemblymember Simpson inquired whether or not we have received the talking points of the school district’s preferred legislation for lobbying in Juneau.” *[After clerk’s research, these items were corrected accordingly.]*

GENERAL CONSENT: The minutes were approved as amended pending clerk’s research.

VI. SPECIAL ORDERS OF THE DAY

A. Proclamation in Honor of Colony High School Army Junior Reserve Officer Training Corps (ROTC)

Deputy Mayor Colver:

- presented members of the Colony High School Army JROTC with a proclamation in honor of their achievements; and
- recognized Shane Woods for being awarded the U.S. Army Alaska trophy for the top Army JROTC cadet in the state.

Colonel Strabel introduced members of the JROTC in attendance and voiced appreciation for their efforts and leadership.

B. Proclamation Re: Arbor Day

Deputy Mayor Colver:

- read a proclamation in honor of Arbor Day and presented the proclamation to Boy Scout Troop No. 367 and Cub Scout Pack No. 367; and
- stated that an Arbor Day celebration will be held on Monday, May 19, 2003, at the Veteran's Grove.

C. Proclamation in Honor of Educator Appreciation Week

Deputy Mayor Colver presented Kris Moore, President of the Mat-Su Councils of PTAs, and all teachers in attendance and with a proclamation in honor of Educator Appreciation Week.

Kris Moore thanked the Assembly for its support.

VII. REPORTS/CORRESPONDENCE

A. AGENCY REPORT

1. Reports from cities

Wasilla City

Councilmember Straub:

- reported regarding the City Council's meeting last night;
- encouraged funding for the borough's Animal Care and Regulation Division;
- asked the borough to pay particular attention to the Animal Care and Regulation Division's recordkeeping;
- noted that the City Council is searching for other options versus renewing the city's contract for animal control services;
- spoke to the groundbreaking ceremony for the Wasilla Multi-Use Sports Complex and the need for borough funding in the amount of \$500,000 to help build the sports complex's fields; and
- noted that the borough and the city would co-own the fields.

Assemblymember Allen requested clarification regarding Ms. Straub's comments on the Animal Care and Regulation Division's recordkeeping.

Ms. Straub:

- opined that the division's statistics are outdated; and
- spoke to the division's need of new industry-specific computer software.

2. Matanuska-Susitna Borough School District

(No reports were presented.)

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Deputy Mayor Colver:

- reported that a committee meeting was held yesterday;
- spoke to the restoration of debt reimbursements in the House and the Senate, resulting in approximately \$700,000 in savings;
- noted that legislation is pending that may minimize the impact of reduced transportation funding and that the district is looking at amendments to the legislation;
- spoke to increases in the foundation formula;
- remarked that some legislators are still trying to address the cost differential study;
- spoke to Mid-Valley High School's location issues and urged the site selection process forward; and
- reported that a Request for Proposals (RFP) will help the Horizon Charter School locate office space.

2. Regional Transportation Planning Organization (RTPO)

Deputy Mayor Colver:

- stated that the RTPO has not met; and
- noted that a meeting of the RTPO's technical committee will be held on May 12, 2003.

C. MANAGER COMMENTS

Mr. Duffy:

- reported regarding three bids for the vibracompaction and related work at the port;
- stated that the cost of the project for the vibracompaction and related work is \$620,000 and that the bid will be brought to the Assembly at the next meeting;
- advised that the Denali Commission has approved a grant in the amount of \$250,000 to design and engineer a natural gas line to the port;
- reported that the borough has received notice of the award of \$994,000 for spruce bark beetle mitigation and abatement work;

- advised regarding a request from the North and South Lakes Community Councils to conduct a survey of core area residents regarding interest in home security equipment and additional police protection;
- remarked that the administration proposes to work with the two community councils on a survey process;
- reminded the Assembly and members of the public regarding dates and times for open house meetings on the Core Area Comprehensive Plan;
- stated that the borough will also be gaining input from young adults at Colony High School regarding the comprehensive plan update;
- informed that the Federal Emergency Management Agency has set up a disaster recover center in the borough gym and noted the hours of operation;
- presented the Assembly with proposed improvements to the Seward Meridian Parkway and Bogard Road intersections;
- advised that two member of the Assembly and the Mayor will be absent during the May 20, 2003, meeting and asked the Assembly to consider rescheduling the meeting to May 27, 2003;
- acknowledged Jack Krill's promotion to the position of Emergency Services Director;
- acknowledged the arrival of Susan Dickenson, the new Interim Planning Director;
- announced Mr. Swing's notice of intent to retire from the position of Public Works Director;
- stated that administration would like to hire another Public Works Director concurrently for transition purposes;
- noted that Elizabeth Weiant had been recognized by the Matanuska Christian Schools for her excellent customer service; and
- recognized Borough Assessor Allen Black for being recommended to the Governor to participate on the State Assessment Review Board.

Assemblymember Simpson inquired regarding Mr. Swing's retirement date.

Mr. Duffy responded that Mr. Swing plans to retire by June 30, 2003.

Assemblymember Kvalheim:

- asked Mr. Duffy if the Assembly would be hearing further from him before proceeding with a survey regarding borough police powers; and
- queried whether or not the issue of police powers would have to go before borough voters.

Mr. Duffy:

- responded that he would report back to the Assembly before proceeding with the survey on police powers; and
- confirmed that the issue would have to go before the borough voters.

D. ATTORNEY COMMENTS

(Ms. Williams had no comments to present.)

E. CLERK COMMENTS

Ms. Dillon:

- reported regarding the Assembly's meeting schedule;
- advised that the previously scheduled work session regarding school and park and recreation bonds on May 13, 2003, has been changed to a special meeting at 3 p.m.;
- advised the Assembly regarding the need to make a decision on the potential reschedule of the May 20, 2003, regular Assembly meeting before the end of meeting in order to meet publication requirements;
- referenced additional budget information contained in the clerk's report that was provided by the Deputy Clerk; and
- noted that she is tracking the status of House Bill 157 regarding amendments to the Alaska Public Office's Commission.

Assemblymember Ladere thanked the clerk for efficiently managing the Assembly's schedule.

MOTION: Assemblymember Ladere moved to reschedule the May 20, 2003, regular Assembly meeting to May 27, 2003.

Discussion ensued regarding rescheduling the meeting.

VOTE: The motion passed with Assemblymember Bush in opposition.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Board of Adjustment and Appeals: 03/21/03
 - b. Gold Trails Road Service Area No. 28: 03/27/03
 - c. Greater Willow Road Service Area No. 20: 03/27/03
 - d. Knik Road Service Area No. 17: 04/03/03
 - e. Local Road Service Area Advisory Board: 02/20/03, 03/20/03
 - f. Mat-Su Fire Chiefs Association: 03/26/03
 - g. Senior Citizens Advisory Board: 03/17/03
 - h. Wasilla-Lakes Fire Service Area Board of Supervisors: 02/10/03
2. Community Council Correspondence:
 - a. Willow Area Community Organization: 04/07/03

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

G. INFORMATIONAL MEMORANDUMS

1. IM No. 03-105: AN INFORMATION MEMORANDUM DISCUSSING POTENTIAL SITES FOR WASILLA HIGH SCHOOL HOME BUILDING PROGRAM AND OPTIONS FOR PROCEEDING.
2. IM No. 03-112: AN INFORMATION MEMORANDUM REVISING RESOLUTION SERIAL NO. 03-017(AM) RELATING TO LAND MANAGEMENT POLICIES AND PROCEDURES AGREEMENTS BY APPLICATION.
3. IM No. 03-114: AN INFORMATION MEMORANDUM FOR APPROVAL BY THE MANAGER OF A REQUEST TO CONSTRUCT A HAY SHED IN A LOCATION OTHER THAN A HOME SITE WITHIN AGRICULTURAL RIGHTS FARM UNIT IDENTIFIED AS MSB 003436, LOCATED WITHIN SECTION 32, TOWNSHIP 26 NORTH, RANGE 5 WEST, SEWARD MERIDIAN, ALASKA, LOCATED ABOUT ONE MILE SOUTH OF THE PARKS HIGHWAY AND PETERSVILLE ROAD INTERSECTION.

The informational memorandums were presented and no comments other than noted were given.

(The regular meeting recessed at 6:50 p.m. and reconvened at 7 p.m.)

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

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

(There were no persons to be heard.)

B. PUBLIC HEARINGS (Three minutes per person)

1. Ordinance Serial No. 03-065: AN ORDINANCE AMENDING MSB TITLE 24: ANIMAL CARE AND REGULATION. *(Sponsored by: Assemblymembers Kvalheim and Simpson)*
 - a. IM No. 03-074

Ms. Williams:

- presented a staff report regarding Ordinance Serial No. 03-065;
- noted that the amendments were mainly housekeeping in nature;
- reported that the ordinance gives the board original jurisdiction over vicious classifications; and
- stated that the ordinance also gives the Animal Care and Regulation Officer the power to revoke kennel and cattery licenses.

Deputy Mayor Colver opened the public hearing.

The following person spoke in favor of Ordinance Serial No. 03-065 and in support of an amendment to clarify the intent of MSB 24.30.040(B)(3): Betty Vehrs.

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

MOTION: Assemblymember Simpson moved to adopt Ordinance Serial No. 03-065.

MOTION: Assemblymember Simpson moved to amend Ordinance Serial No. 03-065, section 25, which proposes a new paragraph (3) to MSB 24.30.040(B), by striking the phrase “further action as the chief deems necessary,” and inserting “reclassification,” to read: “All animals found not to be vicious by the Animal Care and Regulation Board shall be remanded back to the Chief Animal Care and Regulation Officer for reclassification.”

VOTE: The primary amendment passed without objection.

VOTE: The motion as amended passed without objection.

2. Ordinance Serial No. 03-066: AN ORDINANCE AMENDING MSB 3.04.095(A), GENERAL FUND BALANCE POLICY AND RESERVATIONS.
 - a. IM No. 03-109

Mr. Duffy reported regarding Ordinance Serial No. 03-066 and spoke to the fund balance policy reserve.

Deputy Mayor Colver opened the public hearing.

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

MOTION: Assemblymember Simpson moved to adopt Ordinance Serial No. 03-066.

VOTE: The motion passed without objection.

3. Ordinance Serial No. 03-067: AN ORDINANCE ACCEPTING AND APPROPRIATING \$14,000 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY CITIZEN EMERGENCY RESPONSE TEAMS (CERT) GRANT PROGRAM, TO FUND 480, PROJECT NO. 45126, TO TRAIN AND FORM CITIZEN EMERGENCY RESPONSE TEAMS AND PURCHASE EQUIPMENT.
 - a. Resolution Serial No. 03-032: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE FEDERAL EMERGENCY MANAGEMENT AGENCY CITIZEN EMERGENCY RESPONSE TEAMS (CERT) GRANT, PROJECT NO. 45126, FUND 480, TO TRAIN AND FORM CITIZEN EMERGENCY RESPONSE TEAMS AND PURCHASE EQUIPMENT.
 - (1) IM No. 03-083

Deputy Mayor Colver opened the public hearing.

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

MOTION: Assemblymember Simpson moved to adopt Ordinance Serial No. 03-067 and Resolution Serial No. 03-032.

VOTE: The motion passed without objection.

Assemblymember Allen asked the administration to send a thank you letter to the Federal Emergency Management Agency for the grant funding.

4. Ordinance Serial No. 03-068: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$41,670 FEDERAL EMERGENCY MANAGEMENT AGENCY ASSISTANCE TO FIREFIGHTERS GRANT, AND REAPPROPRIATING MATCHING FUNDS OF \$4,630 FROM FISCAL YEAR 2003 TALKEETNA FIRE SERVICE AREA, FUND 254, TO FUND 405, PROJECT NO. 45129, TO PURCHASE SELF-CONTAINED BREATHING APPARATUS, TESTER, AND RELATED EQUIPMENT FOR THE TALKEETNA FIRE SERVICE AREA.
 - a. Resolution Serial No. 03-033: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE FEDERAL EMERGENCY MANAGEMENT AGENCY ASSISTANCE TO FIREFIGHTERS GRANT FOR THE TALKEETNA FIRE SERVICE AREA, PROJECT NO. 45129, FUND 405, TO PURCHASE SELF-CONTAINED BREATHING APPARATUS, TESTER, AND RELATED EQUIPMENT FOR THE TALKEETNA FIRE SERVICE AREA.
 - (1) IM No. 03-084

Deputy Mayor Colver opened the public hearing.

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

MOTION: Assemblymember Ladere moved to adopt Ordinance Serial No. 03-068 and Resolution Serial No. 03-033.

VOTE: The motion passed without objection.

5. Ordinance Serial No. 03-069: AN ORDINANCE ACCEPTING AND APPROPRIATING \$17,500 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) ALL HAZARDS EMERGENCY OPERATIONS PLANNING GRANT, TO FUND 480, PROJECT NO. 45125, FOR THE PURPOSE OF UPDATING THE BOROUGH EMERGENCY OPERATIONS PLAN AND TRAINING.
 - a. Resolution Serial No. 03-034: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) ALL HAZARDS EMERGENCY OPERATIONS PLANNING GRANT, PROJECT NO. 45125, FUND 480, FOR THE PURPOSE OF UPDATING THE BOROUGH EMERGENCY OPERATIONS PLAN AND TRAINING.

(1) IM No. 03-085

Deputy Mayor Colver opened the public hearing.

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

MOTION: Assemblymember Simpson moved to adopt Ordinance Serial No. 03-069 and Resolution Serial No. 03-034.

VOTE: The motion passed without objection.

6. Ordinance Serial No. 03-070: AN ORDINANCE ACCEPTING AND APPROPRIATING \$30,000 FROM THE ALASKA STATE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, TO FUND 425, PROJECT NO. 45130, FOR THE UPGRADE OF THE BOROUGH RADIO REPEATER SYSTEM.
 - a. Resolution Serial No. 03-035: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, PROJECT NO. 45130, FUND 425, FOR THE UPGRADE OF THE BOROUGH RADIO REPEATER SYSTEM.

(1) IM No. 03-086

Deputy Mayor Colver opened the public hearing.

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

MOTION: Assemblymember Simpson moved to adopt Ordinance Serial No. 03-070 and Resolution Serial No. 03-035.

VOTE: The motion passed without objection.

7. Ordinance Serial No. 03-071: AN ORDINANCE AMENDING THE LAND USE DISTRICT MAP OF THE CITY OF HOUSTON FOR TOWNSHIP 18 NORTH, RANGE 3 WEST, SECTION 35, TAX PARCEL D6, SEWARD MERIDIAN, (MSB TAX ACCOUNT NO. 18N03W35D006), AT MILE 54 OF THE PARKS HIGHWAY.
 - a. IM No. 03-092

Mr. Duffy:

- reported that the Houston City Council approved the request to rezone from a multi-family residential classification to a commercial classification;
- advised that the Planning Commission recommended denial of the request, as the proposed rezone did not conform to the city's comprehensive plan; and

- stated that the administration is attempting to work with the city to amend their comprehensive plan to allow similar types of rezones to occur.

Assemblymember Ladere inquired if there were issues with addressing the rezone at this time, as the city is moving forward with a revision of their comprehensive plan.

Mr. Duffy responded that the ordinance, if approved, would result in spot zoning, which is illegal, and that the borough will continue to work with the city to address their comprehensive plan.

Deputy Mayor Colver opened the public hearing.

The following persons spoke in favor of Ordinance Serial No. 03-071; of business development in the city of Houston; and commented regarding the application and classification processes: Houston City Mayor Dale Adams, Lou McManus, Angela Rosas, and Kelly McManus.

Discussion ensued regarding the classification of “commercial” instead of “neighborhood commercial” in their application.

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

MOTION: Assemblymember Ladere moved to adopt Ordinance Serial No. 03-071.

Assemblymember Ladere:

- queried the manager regarding what could be done about the issues raised with business development in the city of Houston and regarding advice received from the borough regarding classification of the application; and
- spoke to aiding the persons who presented testimony with their land use application.

Mr. Duffy:

- responded that the city of Houston will need to look at revising their comprehensive plan; and
- stated that he would secure the file on the current application in order to review its classification and report back to the Assembly.

MOTION: Assemblymember Ladere moved to postpone Ordinance Serial No. 03-071 until after *item VIII, C, Audience Participation. (See p. 18 of 29)*

Assemblymember Simpson queried regarding the timeline for readdressing the city’s comprehensive plan.

VOTE: The motion to postpone to a time certain passed without objection.

8. Ordinance Serial No. 03-072: AN ORDINANCE AMENDING THE LAND USE DISTRICT MAP OF THE CITY OF HOUSTON FOR DENLOW BUSINESS PARK

SUBDIVISION, WITHIN TOWNSHIP 18 NORTH, RANGE 3 WEST, SECTION 35,
SEWARD MERIDIAN, ALASKA.

a. IM No. 03-093

Deputy Mayor Colver opened the public hearing.

The following persons spoke in favor of Ordinance Serial No. 03-072: Charles Thomas and Houston City Mayor Dale Adams.

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

MOTION: Assemblymember Ladere moved to adopt Ordinance Serial No. 03-072.

MOTION: Assemblymember Ladere moved to postpone Ordinance Serial No. 03-072 until after *item VIII, C, Audience Participation. (See p.18 of 28)*

VOTE: The motion to postpone to a time certain passed without objection.

9. Ordinance Serial No. 03-073: AN ORDINANCE APPROPRIATING \$150,000 FROM LAND MANAGEMENT FUND BALANCE, FUND 203 TO FUND 410, PROJECT NO. 35263 TO PAVE AND UPGRADE THE SEWARD MERIDIAN PARKWAY.

a. Resolution Serial No. 03-036: A RESOLUTION AMENDING THE POLICY FOR THE PURCHASE OF PUBLIC USE EASEMENTS OR RIGHTS-OF-WAY TO INCLUDE DESIGN AND CONSTRUCTION.

(1) IM No. 03-094

Mr. Swing provided a staff report regarding:

- the use of land management funds to pave and upgrade the Seward Meridian Parkway; and
- spoke to the emergency purchase of paving materials to assist the Alaska State Department of Transportation in the operation.

Assemblymember Simpson queried if the use of land management funds for paving of arterial roads would be determined on a case-by-case basis.

Mr. Duffy responded by speaking to the inequity in using road service area funds for the paving of regional roads.

Deputy Mayor Colver opened the public hearing.

The following person spoke regarding Ordinance Serial No. 03-073 and the use of land management funds for the paving of arterial roads: Jay Nolfi.

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

MOTION: Assemblymember Colberg moved to adopt Ordinance Serial No. 03-073 and Resolution Serial No. 03-036.

Discussion continued regarding:

- the use of a formula to determine the use of land management funds for paving rather than determining appropriations on a case-by-case basis;
- the timeframe for the Seward Meridian Parkway becoming a state road; and
- emergency purchasing procedures.

VOTE: The motion passed without objection.

(The regular meeting recessed at 8:10 p.m. and reconvened at 8:25 p.m.)

10. Ordinance Serial No. 03-074: AN ORDINANCE AMENDING PORTIONS OF MSB TITLE 25: ELECTIONS.
 - a. IM No. 03-096

Ms. McGehee presented a staff report regarding Ordinance Serial No. 03-074 and spoke to the proposed amendments of the ordinance.

Deputy Mayor Colver opened the public hearing.

The following persons spoke in support of the proposed election information pamphlet and in opposition to the proposed “by-mail” precincts, MSB 25.27.010: Jean Woods, Sherry Tryboyovich, Pat Purcell, Pio Cottini, and Penny Nixon.

The following person spoke in support of Ordinance Serial No. 03-074 and proposed grammatical amendments to old code language: Jean Krause.

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

MOTION: Assemblymember Simpson moved to adopt Ordinance Serial No. 03-074.

MOTION: Assemblymember Colberg moved a primary amendment to Ordinance Serial No. 03-074 to strike the proposed section MSB 25.27.010, which provides for “by-mail” precincts where the voter turnout was less than 75 voters at the last regular election.

Assemblymember Colberg:

- spoke to the consistency and equity in the distribution of ballots by this method, some by mail and some at the polls; and
- spoke to other possible issues related to by-mail precincts.

Discussion ensued regarding the merits of instituting MSB 25.27.010.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colberg moved a primary amendment to Ordinance Serial No. 03-074, the proposed subsection 24.05.120(A) by striking the phrase “of a strictly factual nature,” the word “biographical,” and inserting the phrase “to include the candidate’s name, birth date, Alaska residency, and a 100-word position statement by the candidate” between the words “information” and “sample,” to read: “Not later than fifteen calendar days prior to each regular or special election, the clerk shall prepare and mail to every borough box-holder a brochure containing information approved by the Assembly pertaining to each proposition on the ballot, candidate information to include candidate’s name, birth date, Alaska residency, and a 100-word position statement by the candidate, sample ballots, and other general voting information.

Assemblymember Colberg noted his concerns regarding the phrase “of a strictly factual nature” and regarding the possibility of biased information.

MOTION: Assemblymember Kvalheim moved a secondary amendment to insert the words “or less” after “100-word” to read: “Not later than fifteen calendar days prior to each regular or special election, the clerk shall prepare and mail to every borough box-holder a brochure containing information approved by the Assembly pertaining to each proposition on the ballot, candidate information to include candidate’s name, birth date, Alaska residency, and a 100-word or less position statement by the candidate, sample ballots, and other general voting information.

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment as amended passed without objection.

MOTION: Assemblymember Kvalheim moved a primary amendment to Ordinance Serial No. 03-074, proposed subsection 25.05.120(A) by striking the phrase “to every borough box-holder a” and inserting “an election,” to read: “Not later than fifteen calendar days prior to each regular or special election, the clerk shall prepare and mail an election brochure containing information approved by the Assembly pertaining to each proposition on the ballot, candidate information to include candidate’s name, birth date, Alaska Residency, and a 100-word or less position statement by the candidate, sample ballots, and other general voting information.

Discussion ensued regarding the target group of the mailing.

MOTION: Assemblymember Ladere moved a secondary amendment to Ordinance Serial No. 03-074, to insert the phrase, “to every borough registered voter” to read: Not later than fifteen calendar days prior to each regular or special election, the clerk shall prepare and mail an election brochure to every borough registered voter containing information approved by the Assembly pertaining to each proposition on the ballot, candidate information to include candidate’s name, birth date, Alaska

Residency, and a 100-word or less position statement by the candidate, sample ballots, and other general voting information.

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment as amended passed without objection.

Deputy Mayor Colver advised that the Assembly would take a brief at ease at this time.

VOTE: The main motion as amended passed without objection.

11. Ordinance Serial No. 03-075: AN ORDINANCE REAPPROPRIATING \$10,000 FROM FUND 276, GREATER WILLOW ROAD SERVICE AREA, TO FUND 410, PROJECT NO. 35254, ROAD SERVICE AREA NO. 20 PAVING FOR PAVING MICHIGAN STREET.
 - a. IM No. 03-098

Deputy Mayor Colver opened the public hearing.

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

MOTION: Assemblymember Ladere moved to adopt Ordinance Serial No. 03-075.

VOTE: The motion passed without objection.

12. Ordinance Serial No. 03-076: AN ORDINANCE APPROVING A REAPPROPRIATION OF \$39,300 FROM THE AREAWIDE FUND, FUND 100, EMERGENCY SERVICE ADMINISTRATIVE DIVISION TO AMBULANCE CAPITAL PROJECT NOS. 45119, 45120, AND 45122, FUND 425, AS A SUPPLEMENTAL ALLOCATION FOR THE PURCHASE OF THREE AMBULANCES FOR THE BUTTE, MEADOW LAKES, AND TALKEETNA AREAS.
 - a. Resolution Serial No. 03-037: A RESOLUTION REVISING THE SCOPE OF WORK AND BUDGET FOR CAPITAL PROJECT NO. 45122, FUND 425, FOR THE AMOUNT OF \$113,100, TO PURCHASE AN AMBULANCE AND RELATED EQUIPMENT FOR THE BUTTE AREA.
 - b. Resolution Serial No. 03-038: A RESOLUTION REVISING THE SCOPE OF WORK AND BUDGET FOR CAPITAL PROJECT NO. 45120, FUND 425, FOR THE AMOUNT OF \$113,100, TO PURCHASE AN AMBULANCE AND RELATED EQUIPMENT FOR THE MEADOW LAKES AREA.
 - c. Resolution Serial No. 03-039: A RESOLUTION REVISING THE SCOPE OF WORK AND BUDGET FOR CAPITAL PROJECT NO. 45119, FUND 425, FOR THE AMOUNT OF \$113,100, TO PURCHASE AN AMBULANCE AND RELATED EQUIPMENT FOR THE TALKEETNA AREA.
- (1) IM No. 03-099

Mr. Duffy provided a staff report regarding the need for additional funds to cover the shortfall in the purchase of three ambulances for the specified areas.

Deputy Mayor Colver opened the public hearing.

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

MOTION: Assemblymember Ladere moved to adopt Ordinance Serial No. 03-076 and Resolution Serial Nos. 03-037, 03-038, and 03-039.

VOTE: The motion passed without objection.

13. Ordinance Serial No. 03-077: AN ORDINANCE AMENDING MSB 2.20.030(A) TO MAKE MORE SPECIFIC THE PROVISIONS OF THE DUTIES OF THE MANAGER.
 - a. IM No. 03-102

Mr. Duffy:

- reported that the ordinance makes the duties of the manager more specific by requiring the implementation of performance measures that would help to quantify and analyze outputs;
- stated that the ordinance would require that all administrative units provide reports to the manager for further reporting to the Assembly;
- advised that the measures would allow a mechanism to propose mission objectives, set up performance objectives, and would increase the openness and dialog between the departments, the manager, and the Assembly;
- noted that a work session could be set up for Assembly review and comments of the proposed measures;
- suggested that administration report to the Assembly three times per year regarding departmental reports; and
- noted that the performance measures were modeled after Fairfax County.

Deputy Mayor Colver opened the public hearing.

The following person spoke regarding Ordinance Serial No. 03-077 and noted that some of the elements of the plan may be useful, including point of service questionnaires: Penny Nixon.

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

MOTION: Assemblymember Simpson moved to adopt Ordinance Serial No. 03-077.

Discussion ensued regarding:

- any costs that may be associated with the implementation of the performance measures;
- the amount of time that would be required of the manager for implementation and follow through;

- the need for outside resources to aid the manager in his proposed tasks;
- the size of the Mat-Su Borough in comparison to Fairfax County; and
- whether or not there is a need for implementation of the performance measures based upon the size of the borough.

Assemblymember Simpson spoke to the increase in efficiency and the implementation of checks and balances.

Assemblymember Allen noted his concerns regarding the resources available to the manager for implementation and urged the consideration of outside consultation.

VOTE: The motion failed with Assemblymembers Kvalheim, Simpson, and Colver in support. *(See Reconsideration p. 21 of 28)*

C. AUDIENCE PARTICIPATION (Three minutes per person)

The following person spoke regarding Ordinance Serial No. 03-042 and the removal of Tract B 4 of Township 24 North, Range 04 West, Section 18: Jim Okonek.

The following person spoke regarding the Cook Inlet Aquacultural Association, the availability of grant funding, and the need for strong borough representation: Floyd Heimbach.

The following person spoke in favor of AM No. 03-086, to allow administration to negotiate a framework for a use agreement at the port: Terry Nininger.

The following person spoke regarding the borough's support of public safety for residents in the North and South Lakes Community Council: Sherry Tryboyovich.

There being no others who wished to testify, Deputy Mayor Colver closed audience participation.

(The regular meeting recessed at 9:55 p.m. and reconvened at 10:05 p.m.)

7. Ordinance Serial No. 03-071: AN ORDINANCE AMENDING THE LAND USE DISTRICT MAP OF THE CITY OF HOUSTON FOR TOWNSHIP 18 NORTH, RANGE 3 WEST, SECTION 35, TAX PARCEL D6, SEWARD MERIDIAN, (MSB TAX ACCOUNT NO. 18N03W35D006), AT MILE 54 OF THE PARKS HIGHWAY.
 - a. IM No. 03-092

Mr. Duffy:

- updated the Assembly regarding the status of the rezone application for Ordinance Serial No. 03-071;
- stated that the definition of "Neighborhood Commercial" does not exist; therefore, borough staff recommended the classification of "Commercial;"
- reiterated that proceeding with action on the ordinance would result in spot zoning;

- advised that he is unsure of how many like applications are pending;
- stated that a review of the pending applications could be conducted by June 24, 2003; and
- noted that a review of the entire Houston comprehensive plan would take more time to address.

Assemblymember Ladere:

- thanked the administration for the update; and
- spoke to the need to bridge the difficulties presented to the city of Houston regarding the update of their comprehensive plan.

MOTION: Assemblymember Bush moved to postpone Ordinance Serial No. 03-071 to a time certain of June 24, 2003, and to bring back a comprehensive plan amendment and the rezone ordinance.

VOTE: The motion to postpone to a time certain passed without objection.

8. Ordinance Serial No. 03-072: AN ORDINANCE AMENDING THE LAND USE DISTRICT MAP OF THE CITY OF HOUSTON FOR DENLOW BUSINESS PARK SUBDIVISION, WITHIN TOWNSHIP 18 NORTH, RANGE 3 WEST, SECTION 35, SEWARD MERIDIAN, ALASKA.
- a. IM No. 03-093

Mr. Duffy reported regarding Ordinance Serial No. 03-072, citing the same information as applicable to Ordinance Serial No. 03-071.

MOTION: Assemblymember Bush moved to postpone Ordinance Serial No. 03-072 to a time certain of June 24, 2003, and to bring back a comprehensive plan amendment and the rezone ordinance.

Assemblymember Ladere asked Mr. Duffy to schedule a meeting with the Houston City Council to address a revision to the city's comprehensive plan.

VOTE: The motion to postpone to a time certain passed without objection.

IX. UNFINISHED BUSINESS

- A. Ordinance Serial No. 03-041: AN ORDINANCE CREATING MSB 17.76 LARGE LOT SINGLE FAMILY RESIDENTIAL LAND USE DISTRICT.
1. Ordinance Serial No. 03-042: AN ORDINANCE AMENDING MSB 17.76.040(A), DESIGNATING TRACT A, LICHTENWALNER TRACTS (PLAT 2001-14), ALSO KNOWN AS LIGHT WOOD SUBDIVISION, AND TRACT B 4 OF TOWNSHIP 24 NORTH, RANGE 04 WEST, SECTION 18, AS A LARGE LOT SINGLE FAMILY RESIDENTIAL LAND USE DISTRICT LOCATED NEAR TALKEETNA. *(Postponed from 04/15/03)*
2. Ordinance Serial No. 03-054: AN ORDINANCE AMENDING MSB 17.99.010; FEES.

- a. Resolution Serial No. 03-019: A RESOLUTION AMENDING THE SCHEDULE OF FEES FOR APPLICATIONS, VARIANCES, AND APPEALS UNDER TITLE 17; ZONING.
(Postponed from 04/15/03, Main motion pending)
- (1) IM No. 03-035
 - (2) IM No. 03-036
 - (3) IM No. 03-057

Mr. Duffy:

- reported that administration had previously asked for postponement of Ordinance Serial Nos. 03-041 and 03-042 in order to speak with the petition and the owner of Tract B4 to work out a mutual agreement;
- commended the Attorney's Office for conducting additional legal research that removes the concerns of administration regarding reverse spot zoning; and
- recommended an amendment to Ordinance Serial No. 03-042 to remove Tract B4.

MOTION: Assemblymember Ladere moved to adopt and Ordinance Serial Nos. 03-041 and 03-042. *(Motion pending from March 4, 2003)*

Deputy Mayor Colver suggested Ordinance Serial Nos. 03-041 and 03-042, and Ordinance Serial No. 03-054 and Resolution Serial No. 03-019 be addressed separately.

No objection was voiced by the Assembly.

VOTE: The motion to divide the question passed without objection.

Deputy Mayor Colver queried if the definitions of the chapter were separate from other similar chapters in the code.

(Members of the Assembly addressed Ordinance Serial No. 03-041 at this time.)

MOTION: Assemblymember Ladere moved the previous question (to stop debate).

VOTE: The motion to stop debate passed without objection.

VOTE: The main motion, to adopt Ordinance Serial No. 03-041, passed without objection.

(Members of the Assembly addressed Ordinance Serial No. 03-042 at this time.)

MOTION: Assemblymember Ladere moved a primary amendment to Ordinance Serial No. 03-042, to delete section 2, item 2, Township 25 North, Range 4 West, Section 18, to remove Tract B4.

VOTE: The primary amendment passed without objection

VOTE: The main motion, to adopt Ordinance Serial No. 03-042 as amended, passed without objection.

(Members of the Assembly addressed Ordinance Serial No. 03-054 and Resolution Serial No. 03-019 at this time.)

MOTION: Assemblymember Ladere moved to adopt Ordinance Serial No. 03-054 and Resolution Serial No. 03-019. *(Motion pending from 03/20/03)*

Mr. Duffy noted that the legislation includes fees for the ordinance previously adopted.

VOTE: The motion, to adopt Ordinance Serial No. 03-054 and Resolution Serial No. 03-019, passed without objection.

B. Resolution Serial No. 03-026: A RESOLUTION SUPPORTING REQUESTS BY THE PALMER, WASILLA, AND UPPER SUSITNA SOIL AND WATER CONSERVATION DISTRICTS THAT THE STATE CONSERVATIONIST OF THE NATURAL RESOURCE CONSERVATION SERVICE RECOGNIZE SOILS WITHIN THE BOROUGH BOUNDARY OF LAND CAPABILITY CLASSES 2, 3, AND 4C AS "SOILS OF LOCAL IMPORTANCE," AND TO PERFORM ON-SITE INVESTIGATIONS OF THOSE AREAS WHERE SOIL SURVEY COVERAGE IS INADEQUATE. *(Sponsored by: Assemblymember Bush)*

1. IM No. 03-066

MOTION: Assemblymember Ladere moved to adopt Resolution Serial No. 03-026. *(Pending from March 18, 2003)*

Mr. Duffy noted that a letter of support had been received by the Palmer Soil and Water Conservation District.

VOTE: The motion passed without objection.

MOTION: Assemblymember Allen moved to reconsider and enter on the minutes the reconsideration of Ordinance Serial No. 03-077, to be addressed at the May 27, 2003, regular Assembly meeting.

Ms. Dillon explained the process for a motion to reconsider and enter on the minutes, which will automatically be taken up at the next regular Assembly meeting.

(Assemblymember Ladere exited chambers for a brief recess at this time and returned shortly thereafter during the reading of "Introduction.")

X. NEW BUSINESS

A. INTRODUCTION (For public hearing - 05/20/03, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 03-080: AN ORDINANCE AMENDING MSB 4.48.030(B), REDUCING THE QUORUM REQUIREMENT FOR THE LOCAL ROAD SERVICE AREA ADVISORY BOARD. *(Sponsored by: Assemblymember Ladere)*
 - a. IM No. 03-023
2. Ordinance Serial No. 03-081: AN ORDINANCE CLASSIFYING BOROUGH-OWNED LAND DESCRIBED AS GOVERNMENT LOTS 9 AND 16, SECTION 25, TOWNSHIP 26 NORTH, RANGE 05 WEST, SEWARD MERIDIAN, ALASKA, LYING BETWEEN THE SUSITNA RIVER AND THE OLD TALKEETNA AIRSTRIP, AS "PUBLIC RECREATION LAND."
 - a. IM No. 03-100
3. Ordinance Serial No. 03-082: AN ORDINANCE ACCEPTING AND APPROPRIATING \$10,672.07 FROM MATANUSKA TELEPHONE ASSOCIATION AND GCI COMMUNICATIONS TO A NON-LAPSING CAPITAL FUND 480, PROJECT 20312, FOR UPGRADING AND ENHANCING THE TELECOMMUNICATIONS AND INFORMATION SERVICES IN THE BOROUGH LIBRARIES.
 - a. IM No. 03-104
4. Ordinance Serial No. 03-083: AN ORDINANCE ACCEPTING AND APPROPRIATING \$4,000 FROM SOUTHCENTRAL FOUNDATION, SUNSHINE COMMUNITY HEALTH CENTER, VALLEY HOSPITAL ASSOCIATION, AND CHICKALOON VILLAGE, TO FUND 480, PROJECT NO. 20333, FOR THE RURAL HEALTH MAT-SU HEALTHCARE PROVIDERS NETWORK FOR PLANNING AND NEEDS ASSESSMENT OF RURAL HEALTHCARE SERVICES.
 - a. IM No. 03-106
5. Ordinance Serial No. 03-084: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$49,123 FROM THE MEADOW LAKES FIRE SERVICE AREA FUND BALANCE, FUND 257, TO PROJECT NO. 10132, FUND 405, TO SUPPLEMENT THE CONSTRUCTION COSTS OF THE MEADOW LAKES PUBLIC SAFETY BUILDING NO. 72.
 - a. Resolution Serial No. 03-046: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR CAPITAL PROJECT NO. 10132, FUND 405, FOR THE AMOUNT OF \$529,026.42, TO CONSTRUCT THE MEADOW LAKES PUBLIC SAFETY BUILDING NO. 72.
 - (1) IM No. 03-115
6. Ordinance Serial No. 03-085: AN ORDINANCE ACCEPTING AND APPROPRIATING GRANT FUNDS IN THE AMOUNT OF \$80,000 FROM THE STATE OF ALASKA TO FUND 480, PROJECT NO. 20329, COASTAL IMPACT ASSISTANCE PROGRAM PROJECT.
 - a. Resolution Serial No. 03-047: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR THE COASTAL IMPACT ASSISTANCE PROGRAM GRANT, PROJECT NO. 20329 AND AUTHORIZING THE MANAGER TO ENTER INTO AN ASSISTANCE AGREEMENT WITH THE STATE OF ALASKA.

- (1) IM No. 03-117
- 7. Ordinance Serial No. 03-086: AN ORDINANCE AMENDING MSB 15.08.110(F), MEETINGS/AGENDA/ORDER OF BUSINESS, RELATING TO THE PLANNING COMMISSION.
 - a. IM No. 03-118
- 8. Ordinance Serial No. 03-087: AN ORDINANCE ACCEPTING AND APPROPRIATING \$50,000 FROM THE UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, TO FUND 410, PROJECT NO. 30083, LOWER ROAD CULVERT RESTORATION.
 - a. Resolution Serial No. 03-048: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE LOWER ROAD CULVERT RESTORATION, PROJECT NO. 30083.
- (1) IM No. 03-121

Ms. Dillon read the introductions into the record.

MOTION: Assemblymember Simpson moved to introduce the legislation as read into the record by the clerk and set the public hearings for May 27, 2003.

VOTE: The motion passed without objection.

B. CONSENT AGENDA

(AM Nos. 03-073, 03-084, and 03-086 were pulled from the consent agenda and addressed separately. *See pp. 25-27 of 28*).

1. RESOLUTIONS

- a. Resolution Serial No. 03-049: A RESOLUTION DESIGNATING THE DEPUTY BOROUGH CLERK TO ACT IN THE CAPACITY OF THE BOROUGH CLERK IN THE CLERK'S ABSENCE.
 - (1) IM No. 03-107
- b. Resolution Serial No. 03-050: A RESOLUTION ESTABLISHING A SITE SELECTION COMMITTEE FOR THE MID-VALLEY PATHWAYS ALTERNATIVE SCHOOL.
 - (1) IM No. 03-110
- c. Resolution Serial No. 03-051: A RESOLUTION ESTABLISHING A SITE SELECTION COMMITTEE FOR THE NUTRITION SERVICES FACILITY.
 - (1) IM No. 03-111
- d. Resolution Serial No. 03-052: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR TOURISM INFRASTRUCTURE PROJECT NO. 15006.

- (1) IM No. 03-113
- e. Resolution Serial No. 03-053: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE SWIFTWATER CREEK/SITZE ROAD BRIDGE, PROJECT NO. 30079.
- (1) IM No. 03-116
- f. Resolution Serial No. 03-054: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET AS ADOPTED IN RESOLUTION SERIAL NO. 00-088, PROJECT NO. 45064, FUND 480, TO PURCHASE MISCELLANEOUS HAND TOOLS AND EQUIPMENT.
- (1) Resolution Serial No. 03-055: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET AS ADOPTED IN FISCAL YEAR 2002 BUDGET, CAPITAL PROJECTS FUND 435, PROJECT NO. 10147, TO PURCHASE MISCELLANEOUS HAND TOOLS AND EQUIPMENT.
- a. IM No. 03-122
- g. Resolution Serial No. 03-056: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET AS ADOPTED IN FISCAL YEAR 2001 BUDGET, CAPITAL PROJECTS FUND 480, PROJECT NO. 45013, TO PURCHASE TWO VEHICLE MOUNTED ANIMAL CARE TRANSPORTATION BOXES.
- (1) IM No. 03-123
- 2. ACTION MEMORANDUMS
- a. AM No. 03-070: RETROACTIVE APPROVAL OF SENIOR CITIZEN TAX EXEMPTION FOR W. BRUCE CROUSE, 20N09E21C008 AND 20N09E21C012; TAX YEARS 2000, 2001, AND 2002.
- b. AM No. 03-072: THE ELIMINATION OF THE 20 FOOT BY 100 FOOT UTILITY EASEMENTS CENTERED ON THE COMMON LOT LINE OF LOTS 4 AND 5 AND 6 AND 7, BLOCK 3, AERO ON WOLF LAKE ADDITION NO. 3, PHASE II, LOCATED WITHIN SECTION 20, TOWNSHIP 18 NORTH, RANGE 2 EAST, SEWARD MERIDIAN, ALASKA; LOCATED IN THE NORTH LAKES COMMUNITY COUNCIL AREA.
- d. AM No. 03-075: CHANGE ORDER TO WOLFE REFRIGERATION IN THE AMOUNT OF \$4,125 FOR ADDITIONAL SERVICES FOR REFRIGERANT REMOVAL.
- e. AM No. 03-077: CHANGE ORDER TO ALASKA ROADBUILDERS, INC. IN THE AMOUNT OF \$55,000 FOR THE 2003 PHASE I ROADS PAVING PROJECT TO ADD THE PAVING OF LEATHERLEAF LOOP.
- f. AM No. 03-078: AWARD OF BID NO. 03-113 TO BRAUN NORTHWEST INC. IN THE AMOUNT OF \$432,400 FOR THE PURCHASE OF FOUR AMBULANCES TO BE

ASSIGNED TO THE MEADOW LAKES, WILLOW, TALKEETNA, AND BUTTE AMBULANCE SERVICES.

- g. AM No. 03-079: AWARD OF PROPOSAL NO. 03-142 TO ACUMEN INFORMATION SERVICES INC. IN AN AMOUNT NOT TO EXCEED \$46,500 FOR A RECORDS MANAGEMENT CONSULTANT.
- h. AM No. 03-080: AWARD OF PROPOSAL NO. 03-143 TO GEONORTH IN AN AMOUNT NOT TO EXCEED \$24,660 FOR DEVELOPMENT OF AN ONLINE MAPPING/GIS SYSTEM.
- i. AM No. 03-082: PURCHASE OF A REPLACEMENT TRUCK FOR THE GREATER PALMER FIRE SERVICE AREA FROM TONY CHEVROLET OF ANCHORAGE IN THE AMOUNT OF \$23,691.
- j. AM No. 03-083: AWARD OF BID NO. 03-168 TO AEROMAP U.S. IN THE AMOUNT OF \$138,699 FOR HIGH RESOLUTION SATELLITE IMAGERY (ORTHO-IMAGERY).

Ms. Dillon read the legislation into the record.

MOTION: Assemblymember Simpson moved to approve the consent agenda as read into the record by the clerk.

VOTE: The motion passed without objection.

Deputy Mayor Colver asked Assemblymember Simpson to take the Chair while he participated in debating AM No. 03-073.

(Deputy Mayor Colver relinquished the Chair to Assemblymember Simpson at this time.)

- c. AM No. 03-073: AWARD OF PROPOSAL NO. 03-140 TO QUINN VATERLAUS CONSULTING (QVC) IN AN AMOUNT NOT TO EXCEED \$80,000 EACH FISCAL YEAR FOR OWNER'S PROJECT REPRESENTATIVE ROADS PAVING.

MOTION: Assemblymember Ladere moved to approve AM No. 03-073.

Discussion ensued regarding:

- the extended cost associated with the award;
- the scope of work for the award and the responsibilities of the consultant;
- escalating yearly costs as inflation rises;
- the seasonal nature of the award;
- the possibility of securing another firm for less money;
- the possibility of hiring a seasonal employee to do the work;
- qualified persons usually being retired from Department of Transportation and the Public Employees Retirement System issues associated with their employment; and

- time limits associated with the proposal.

MOTION: Assemblymember Colver moved a primary amendment to the contract that no contract extensions be provided.

VOTE: The primary amendment passed without objection.

VOTE: The motion as amended passed with Assemblymembers Allen and Colver opposed.

k. AM No. 03-084: AWARD OF BID NO. 03-118 TO CONSTRUCTION UNLIMITED IN THE AMOUNT OF \$2,290,690 FOR THE TALKEETNA WATER AND SEWER UPGRADE PROJECT.

CONFLICT OF INTEREST: Deputy Mayor Colver declared a conflict of interest and asked to be recused from voting.

RULING: Presiding Officer Assemblymember Simpson ruled that Deputy Mayor Colver had a conflict of interest and would be recused from voting on the issue.

(Deputy Mayor Colver exited chambers at this time.)

MOTION: Assemblymember Allen moved to approve AM No. 03-084.

Assemblymember Ladere encouraged support of the action memorandum.

Assemblymember Allen queried the source of funds for the project.

Mr. Duffy responded that the Department of Agriculture was the source of funds.

CONFLICT OF INTEREST: Assemblymember Allen declared a conflict of interest and asked to be recused from voting on the issue.

RULING: Presiding Officer Assemblymember Simpson ruled that Assemblymember Allen had a conflict of interest and would be recused from voting on the issue.

(Assemblymember Allen exited chambers at this time.)

VOTE: The motion passed without objection.

(Deputy Mayor Colver and Assemblymember Allen returned to chambers at this time.)

(Deputy Mayor Colver resumed his duties as Chair at this time.)

MOTION: Assemblymember Simpson moved to extend the meeting past 11 p.m.

VOTE: The motion passed without objection.

I. AM No. 03-086: APPROVING THE NEGOTIATING FRAMEWORK FOR THE NPI LOADING FACILITY AND THE CONSTRUCTION OF THE DEEP WATER DOCK.

Mr. Germer:

- updated the Assembly regarding NPI's new offer of \$3 million to the borough for the purchase of materials for construction of a deep water dock;
- stated that NPI would receive exclusive rights to load bulk materials from the deep water dock;
- explained that the borough would enter into a non-binding letter of intent to establish a negotiating framework for a binding use agreement; and
- spoke to the particulars of the agreement.

MOTION: Assemblymember Simpson moved to approve AM No. 03-086.

Discussion ensued regarding:

- the consequences of any future dispute between NPI and the borough being addressed in part through a definitive use agreement;
- NPI's purchase of materials upon execution of the use agreement;
- going out to bid for the construction of the dock and then addressing bond procedures; and
- hiring a special maritime attorney to address leases.

Assemblymember Simpson stated that because she respects the work of the administration and the Port Commission regarding the proposal, she will support it.

Assemblymember Allen voiced concerns regarding the project being considered a sole source.

MOTION: Assemblymember Allen moved a primary amendment to AM No. 03-086 by requiring that a Request for Proposals (RFP) be released prior to proceeding, pending the results of the RFP.

Discussion continued regarding the timeframe for releasing an RFP.

Mr. Duffy stated that administration would begin an RFP process the following morning.

Discussion continued regarding the merits of releasing an RFP.

VOTE: The primary amendment passed with Assemblymembers Kvalheim and Simpson opposed.

Brief discussion ensued regarding the gravel resources at the port.

VOTE: The motion, as amended, passed without objection.

C. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Deputy Mayor Colver made the following recommendations:

Port Commission

Archie Giddings

Greater Willow Road Service Area No. 20

Donald C. L'Huillier

Deputy Mayor Colver requested the following confirmations:

Equalization Board

Robert G. Ameen

Port Commission

Resignation of Pam Sodloski

Transportation Advisory Board

Louis H. Friend III

Greater Willow Road Service Area No. 20

Resignation of Darryl Kowalski

Gold Trail Road Service Area No. 28

Resignation of Kenneth Clark

MOTION: Assemblymember Simpson moved to confirm the mayor's appointments up for confirmation this evening and accept the resignations.

VOTE: The motion passed without objection.

D. OTHER NEW BUSINESS

XI. RECONSIDERATION

(There were no reconsiderations presented.)

XII. VETO

(There were no vetos presented.)

XIII. EXECUTIVE SESSION

(There was no executive session held.)

XIV. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Allen:

- spoke to comments made by Wasilla City Council Member Straub regarding Animal Care and Regulation recordkeeping; and
- requested a status report on the subject during the May 27, 2003, meeting.

Assemblymember Ladere:

- thanked the Assembly and the administration for support in updating the Houston comprehensive plan;
- thanked the administration, the Port Commission, and NPI for their work at the port; and
- thanked Deputy Mayor Colver for conducting a good meeting.

Assemblymember Kvalheim:

- thanked the administration and employees for their work on the “Bumper Drag” clean up program;
- noted that 746 vehicles were collected boroughwide; and
- requested that a thank you letter be sent to the Alaska State Department of Transportation for their help and cooperation.

Deputy Mayor Colver commented that he believes applications for rezoning should be conducted through the Planning Department rather than through the Code Compliance Department.

Mr. Duffy stated that the transfer of responsibility in this regard is being addressed in the budget.

XV. ADJOURNMENT

The regular meeting adjourned at 11:15 p.m.