

**I. CALL TO ORDER**

The regular meeting of the Matanuska-Susitna Borough Assembly was held on May 18, 2004, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was also teleconferenced to the Trapper Creek Elementary School Library, Mile 2.5 W. Petersville Road, Trapper Creek, Alaska. The meeting was called to order at 6 p.m. by Mayor Timothy L. Anderson.

**II. ROLL CALL**

Assembly members present and establishing a quorum were:

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. Betty Vehrs, Assembly District No. 7

Assembly members absent and excused were:

Mr. J. Bruce Bush, Assembly District No. 1

Staff in attendance were:

Ms. Sandra A. Dillon, CMC, Borough Clerk  
Ms. Michelle M. McGehee, CMC, Incoming Borough Clerk  
Mr. John Duffy, Borough Manager  
Ms. Teresa S. Williams, Borough Attorney  
Ms. Tammy Clayton, Finance Director  
Mr. Don Shiesl, Public Works Director  
Mr. Dennis Brodigan, Emergency Services Director  
Mr. Ron Swanson, Community Development Director  
Ms. Susan Dickinson, Planning and Land Use Director  
Mr. Murphy O'Brien, Chief of Planning

**III. APPROVAL OF AGENDA**

Mayor Anderson:

- noted that Ordinance Serial No. 04-099 and Resolution Serial No. 04-080 were added to the introduction section of the agenda with a suggested public hearing of May 26, 2004; and
- stated that a substitute of Ordinance Serial No. 04-092 could be found in the Assembly's red folders.

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

**IV. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Barbara LaGrone, a member of the audience.

## **V. MINUTES OF PRECEDING MEETINGS**

### **A. Regular Assembly Meeting: May 4, 2004**

Mayor Anderson asked for any corrections to the minutes.

No corrections were noted.

**GENERAL CONSENT:** The minutes of the May 4, 2004, regular Assembly meeting were approved as presented without objection.

### **B. Special Assembly Meeting: May 6, 2004**

Mayor Anderson asked for any corrections to the minutes.

No corrections were noted.

**GENERAL CONSENT:** The minutes of the May 6, 2004, special Assembly meeting were approved as presented without objection.

## **VI. SPECIAL ORDERS OF THE DAY**

### **A. Proclamation in Recognition of Homeownership Month, June 2004**

Mayor Anderson presented a proclamation in recognition of Homeownership Month to Frank Muncy of the United States Department of Agriculture.

Mr. Muncy:

- thanked Mayor Anderson and the members of the Assembly for recognizing homeownership in the Borough; and
- spoke regarding the increased number of home loans, mostly to first-time homebuyers.

### **B. Proclamation in Recognition of Emergency Medical Services Week, May 16-22, 2004**

Mayor Anderson presented a proclamation in recognition of Emergency Medical Services Week to Mia Magioni.

Ms. Magioni spoke regarding Emergency Medical Services Week and thanked the Mayor and Assembly for their recognition.

### **C. Proclamation in Honor of Sandra A. Dillon, CMC, Borough Clerk**

Mayor Anderson:

- presented a proclamation in honor of Borough Clerk Sandra A. Dillon, CMC, for her years of service and dedication to the Assembly and citizens of the Matanuska-Susitna Borough; and
- thanked Ms. Dillon for the guidance, support, and professionalism that she has provided.

Ms. Dillon thanked everyone for the honor and stated that it has been her pleasure to serve and Borough.

## **VII. REPORTS/CORRESPONDENCE**

### **A. AGENCY REPORTS**

#### **1. Reports from cities**

##### Houston City

Mayor Dale Adams:

- reported that the city has passed a new trash and junk ordinance; and
- stated that the City is requesting that the Borough pass enforcement order and citation authority to the City.

#### **2. Matanuska-Susitna Borough School District**

School Board President Mike Chmielewski:

- thanked Sandra Dillon for her professionalism and inspiration in her tenure;
- reported that the School Board will meet tomorrow evening and will hear the first report on the spring test results;
- noted that budget updates would be discussed;
- commented regarding potential changes to special education that could pose a large issue for the School District; and
- reminded the Mayor and members of the Assembly regarding the upcoming graduation dates.

### **B. COMMITTEE REPORTS**

#### **1. Joint Assembly/School Board Committee on School Issues**

Assemblymember Colver reported that no meetings have been held since the last report was given.

#### **2. Regional Transportation Planning Organization**

Mayor Anderson stated that a meeting date has not been set as of this time.

### **C. MANAGER COMMENTS**

Mr. Duffy:

- reported that there has been no new news from the Borough's state lobbyist in Juneau since the last legislative report;
- advised that earmark funding received from the Alaska State Department of Transportation is being counted against the State funding allocation due to a Congressional change on how earmarks are considered;
- noted that the change in how earmarks are considered has caused a shortage of funds for projects throughout the state;
- spoke to how projects are now prioritized statewide on a regional basis with regions receiving specific allocations;
- advised that the regional director is now asking the Borough if we would transfer the Borough's \$3 million earmark for Mat-Su road improvements to the George Parks Highway project as a means of addressing the state's funding shortfall;
- commented that the regional director has noted that if the funds are not made available, that some other Borough project will be delayed
- suggested allowing the Administration to draft a letter regarding the Borough's position on the issue and to meet with the Alaska State Department of Transportation to see if any alternatives exist; and
- stated that the projects selected for delay should be based on a reasonable set of criteria such as accident rates, vehicle miles traveled, etc, and that a statewide review be undertaken.

Discussion ensued regarding:

- the big impact on the Borough caused by the shortfall in earmark funding;
- the old method of allocating funds for road projects;

Assemblymember Simpson requested a copy of the letter prepared by Mr. Duffy to the Alaska State Department of Transportation.

Assemblymember Colver requested that a copy of Mr. Duffy's letter be sent to Chairman Young.

Mr. Duffy:

- stated that he has already contacted our delegation and that he would follow up with Chairman Young;
- presented a summary of some potential Borough revenue sources, including a sales and severance tax;
- noted that should the Assembly adopt the proposed real estate transfer fee on May 26, 2004, that the funding could be applied to the FY05 budget;
- noted that additional revenues could be applied to a supplemental appropriation of funds to the School District;
- referenced statistics included in his written report;
- referenced the School District financial report including in his written report; and
- reported that the Borough has received a grant from the Alaska State Department of Environmental Conservation in the amount of \$116,000 for the upgrade to the water system at Garden Terrance Subdivision.

#### D. ATTORNEY COMMENTS

(Ms. Williams had no comments to present.)

E. CLERK COMMENTS

Ms. Dillon:

- advised regarding the Assembly's current meeting schedule through the month of June;
- asked for any updates to the tracking report; and
- announced that Ms. McGehee has promoted Ms. Case to the position of Deputy Clerk.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
  - a. Animal Care and Regulation Board: 03/08/04
  - b. Library Board: 04/17/04
  - c. Parks, Recreation, and Trails Advisory Board: 04/05/04
  - d. Senior Citizens Advisory Board: 04/12/04
  - e. Wasilla-Lakes, Meadow Lakes, Big Lake Fire Service Area Joint Board of Supervisors: 03/08/04
  - f. Willow Fire Service Area Board of Supervisors: 01/07/04, 02/04/04, 02/13/04, 03/03/04
2. Community Council Correspondence:
  - a. Talkeetna Community Council: 01/05/04, 02/02/04, 04/05/04

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

G. INFORMATIONAL MEMORANDUMS

*(There were no informational memorandums presented.)*

*(The regular meeting recess at 6:42 and reconvened at 7 p.m.)*

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

Mayor Anderson:

- noted that a special birthday would take place tomorrow; and
- wished Ms. Nolfi happy birthday.

Mayor Anderson, members of the Assembly, and members of the audience sang "Happy Birthday" in celebration of Ms. Nolfi's birthday.

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. 04-085: AN ORDINANCE REAPPROPRIATING \$23,612 TO FUND 480, PROJECT NO. 20280; \$25,000 TO FUND 480, PROJECT NO. 45161; AND \$31,064 TO FUND 480, PROJECT NO. 45162, FROM THE FY04 PLANNING DIVISION'S OPERATING BUDGET (100-130-130-429-300) FOR THE PURPOSE OF PLANNING STUDY SERVICES TO ASSIST IN THE UPDATE OF THE LONG RANGE TRANSPORTATION PLAN, TO ASSIST IN THE DEVELOPMENT OF THE TRAPPER CREEK COMMUNITY COMPREHENSIVE PLAN AND THE BIG LAKE ACCESS EASEMENT STUDY.
  - a. IM No. 04-112

Mr. Duffy provided a staff report regarding Ordinance Serial No. 04-085.

Mayor Anderson opened the public hearing.

There being no one present who wished to testify, Mayor Anderson closed the public hearing.

MOTION: Assemblymember Simpson moved to adopt Ordinance Serial No. 04-085.

VOTE: The motion passed without objection.

2. Ordinance Serial No. 04-086: AN ORDINANCE AMENDING MSB CHAPTER 8.50, TRASH AND JUNK.
  - a. IM No. 04-113

Ms. Williams provided a staff report regarding Ordinance Serial No. 04-086.

Assemblymember Colberg queried how a person would know that they are in violation of the code short of the Assessor stating that they are in violation.

Ms. Williams stated that the Borough would have to prove deterioration or disrepair before the Assessor would become involved.

Mr. Duffy:

- stated that any action would be complaint driven and that the Borough would go to the property to speak with the property owner; and
- advised that perhaps a series of other meetings would be held to speak with the property owner of any issues and conditions of clean up.

Assemblymember Colberg:

- spoke to potential allegations of junk and trash and proof of such conditions being established by some objective criteria; and
- opined that the Assessor would have to bring an issue to the Borough's attention, and therefore the Borough is the complainant.

Mr. Duffy noted his understanding to be that a case would be developed to go to court and that Code Compliance would then ask the Assessor if the present condition of the property had caused the deterioration of property values in the surrounding area.

Mayor Anderson opened the public hearing.

The following person spoke in regard to the implementation of a filing fee for complainants:  
Ms. Jean Woods.

The following persons spoke in opposition to Ordinance Serial No. 04-086: Mr. John Levan, Mr. Penny Nixon, Chair of the North Lakes Community Council, Ms. Lucille Frey, and Ms. Konnie Shuey.

The following persons spoke in support of Ordinance Serial No. 04-086: Ms. Michelle Church, Ms. Cindy Bettini, Ms. Kathy Wells, and Mr. Gregory Nilsson.

The following person spoke in regard to people's perception of trash and stated that the Assembly should consider revisions to Ordinance Serial No. 04-086 to make it more conducive to residents:  
Ms. Annette Harpster.

There being no others present who wished to testify, Mayor Anderson closed the public hearing.

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 04-086.

Ms. Williams expressed her desire to have more time to address the legislation based on concerns raised through the public testimony.

MOTION: Assemblymember Colberg moved to postpone Ordinance Serial No. 04-086 to a time certain of June 1, 2004.

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

3. Ordinance Serial No. 04-087: AN ORDINANCE REAPPROPRIATING \$39,240 FROM FISCAL YEAR 2004 AREAWIDE FUND 100, RECREATIONAL SERVICES OPERATING BUDGET TO A NON-LAPSING, NON-CAPITAL, FUND 440, PROJECT NO. 20345 FOR THE COMMUNITY SCHOOLS PROGRAM.

*(Sponsor: Assemblymember Vehrs)*

a. IM No. 04-122

Mayor Anderson opened the public hearing.

There being no one present who wished to testify, Mayor Anderson closed the public hearing.

MOTION: Assemblymember Vehrs moved to adopt Ordinance Serial No. 04-087.

Discussion ensued regarding:

- a reassurance from the School District that the community councils can utilize the school facilities should the legislation be adopted;
- the potential groups that will administer the program; and

- the desire of the Assembly to speak with the School District regarding the use of school facilities.

Assemblymember Allen requested a memorandum of agreement from the School District regarding the Borough's use of school facilities for a five-year period.

Mayor Anderson noted that the Assembly would not be voting on the program tonight, but rather to put aside lapsed funding for the purpose.

VOTE: The motion passed without objection.

4. Ordinance Serial No. 04-088: AN ORDINANCE ADOPTING MSB 23.10.270, ACQUISITION AND EXCHANGE, AND REPEALING THAT SECTION OF THE LAND MANAGEMENT DIVISION POLICY AND PROCEDURE MANUAL ON ACQUISITION AND EXCHANGE.
  - a. IM No. 04-123

Mr. Swanson provided a staff report regarding Ordinance Serial No. 04-088.

Mayor Anderson opened the public hearing.

There being no one present who wished to testify, Mayor Anderson closed the public hearing.

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 04-088.

VOTE: The motion passed without objection.

5. Ordinance Serial No. 04-089: AN ORDINANCE ACCEPTING AND APPROPRIATING \$6,000 FROM THE CITY OF HOUSTON FOR ADDITIONAL PAVING OF WEST MEADOWWOOD DRIVE AND KING ARTHUR DRIVE TO FUND 410, ROAD SERVICE AREA CAPITAL PROJECT NO. 35247, 2003 CITY OF HOUSTON PAVING.
  - a. Resolution Serial No. 04-069: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR ADDITIONAL PAVING IN THE CITY OF HOUSTON 2003 PAVING, PROJECT NO. 35247.
    - (1) IM No. 04-124

Mayor Anderson opened the public hearing.

There being no one present who wished to testify, Mayor Anderson closed the public hearing.

MOTION: Assemblymember Vehrs moved to adopt Ordinance Serial No. 04-089 and Resolution Serial No. 04-069.

VOTE: The motion passed without objection.

6. Ordinance Serial No. 04-090: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$2,368.30 OF REVENUES FROM PUBLIC DONATIONS TO THE

FISCAL YEAR 2004 ANIMAL CARE AND REGULATION DIVISION OPERATING BUDGET, 200-160-606, FOR PURCHASING ANIMAL FENCING, TOYS, AND EQUIPMENT.

- a. IM No. 04-126

Mayor Anderson opened the public hearing.

There being no one present who wished to testify, Mayor Anderson closed the public hearing.

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 04-090.

VOTE: The motion passed without objection.

*[Clerk's Note: The Trapper Creek Elementary School teleconference site disconnected their teleconference connection at 7:55 p.m., and the Clerk could not reestablish the connection.]*

7. Ordinance Serial No. 04-091: AN ORDINANCE ACCEPTING AND APPROPRIATING \$10,000 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY ALL HAZARDS EMERGENCY OPERATIONS PLANNING GRANT, TO FUND 480, PROJECT NO. 45125, FOR THE PURPOSE OF UPDATING AND PUBLISHING THE BOROUGH EMERGENCY OPERATIONS PLAN AND TRAINING.
- a. Resolution Serial No. 04-070: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR THE FEDERAL EMERGENCY MANAGEMENT AGENCY ALL HAZARDS EMERGENCY OPERATIONS PLANNING GRANT, PROJECT NO. 45125, FUND 480, FOR THE PURPOSE OF UPDATING AND PUBLISHING THE BOROUGH EMERGENCY OPERATIONS PLAN AND TRAINING.
- (1) IM No. 04-127

Mayor Anderson opened the public hearing.

There being no one present who wished to testify, Mayor Anderson closed the public hearing.

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 04-091 and Resolution Serial No. 04-070.

VOTE: The motion passed without objection.

8. Ordinance Serial No. 04-092: AN ORDINANCE ADOPTING MSB 8.52, NOISE AND VIBRATION.
- a. IM No. 04-131

Ms. Williams:

- provided a staff report regarding Ordinance Serial No. 04-092;
- referenced a substitute to the ordinance distributed on green paper;
- noted the only major change to the legislation to be a reorder of the sections in an effort to clarify the ordinance;

- reported that the legislation is written as a public nuisance ordinance that is intended to address specific enjoyment of a person's property, that it is complaint driven, that the complainant would be required to go to court and testify that were disturbed, and that noise was plainly audible across property lines;
- spoke to what noises would classify as a violation;
- advised that violations are infractions and cannot exceed \$500 per citation;
- remarked that the ordinance would take effect immediately; and
- stated that no grandfathering rights would be associated with the ordinance.

Discussion ensued regarding:

- the responsibilities of the Borough to investigate complaints and prosecute them if there is a violation of the code;
- the ordinance being applicable to musically amplified sounds; and
- the exemption of road noise from the legislation.

Mayor Anderson opened the public hearing.

The following person spoke in regard to a need for a sunset clause in the legislation: Mr. Noel Woods.

The following person stated that the ordinance should have a broader focus than amplified sound and that there should be time frames associated with the noise ordinance: Ms. Rose Johnson.

The following persons spoke in opposition to Ordinance Serial No. 04-092: Mr. John Levan, Ms. Angela Coley, Mr. Bob Stevens, Mr. James McCormick, Mr. Mark Stowers, Mr. Penny Nixon, Mr. Wes Wallace, and Ms. Lucille Frey.

The following persons spoke in support of Ordinance Serial No. 04-092: Mr. Dewy Taylor, Ms. Tara Gibbs, Ms. Nancy Kants, and Mr. Josh Klauder.

*(The regular meeting recessed at 8:47 p.m. and reconvened at 8:55 p.m.)*

The following person spoke against Ordinance Serial No. 04-092: Ms. Konnie Shuey.

The following persons spoke in support of Ordinance Serial No. 04-092: Ms. Cindy Bettini and Ms. Marie Bailey.

The following person encouraged the Assembly to enforce the ordinances already in place for disorderly conduct: Ms. Diana Straub.

The following persons spoke in support of Ordinance Serial No. 04-092: Mr. Gregory Nillsson, Mr. Bob Messinger, Ms. Melany Messinger, Mr. Clyde Pomer, Mr. Joe Weber, Ms. Maxine Franklin, Ms. Laurie McJimsey, Ms. Betty Herbert, Ms. Barbara LaGrone, Ms. Michelle Church, Mr. Larry LaGrone, Ms. Jean Woods, Mr. Jim Klauder, Ms. Kathy Wells, Ms. Virginia King Taylor, and Mr. Grant Olson.

The following persons spoke in opposition to Ordinance Serial No. 04-092: Mr. Mike Justice, Ms. Jay Nolfi, Ms. Jessica Gunn, Ms. Annette Harpster, Mr. David Brown, Mr. Mark Mandosa, and Mr. David Myers.

There being no others present who wished to testify, Mayor Anderson closed the public hearing.

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 04-092.

*(The regular meeting recessed at 10 p.m. and reconvened at 10:09 p.m.).*

MOTION: Assemblymember Colver moved to amend Ordinance Serial No. 04-092 by Ordinance Serial No. 04-092 (SUB-1).

Mayor Anderson queried if there were any amendments to the original version of Ordinance Serial No. 04-092.

No amendments were proposed.

Mayor Anderson opened Ordinance Serial No. 04-092(SUB-1) up for amendments.

MOTION: Assemblymember Kvalheim moved a primary amendment to page 2 of 6, section 8, line 9, to add the following time requirement: “5 minutes or more, quiet hours between 12 noon through 4 p.m. and 10 p.m. to 12 noon Sunday through Thursday, and between 12 noon and 4 p.m., and 11 p.m. and 12 noon Friday and Saturday, also to insert the language in section B after the word “vibration.”

MOTION: Assemblymember Colberg moved to divide the question to address noise and vibration separately.

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

Discussion ensued regarding state statutes on disorderly conduct and enforcing the proposed legislation.

VOTE: The primary amendment to section A passed without objection.

Assemblymember Colberg opined that vibration should be applied around the clock and not in time intervals.

VOTE: The primary amendment to section B failed with Assemblymember Allen in support.

MOTION: Assemblymember Simpson moved to insert a sunset clause to Ordinance Serial No. 04-092(SUB-1) of June 15, 2005.

VOTE: The primary amendment failed with Assemblymember Simpson in support.

Discussion continued regarding the implementation of a fee schedule through a resolution for the Assembly's consideration.

Mr. Duffy noted that this would be presented for the Assembly's consideration on June 1 or 15.

VOTE: Substitute Ordinance Serial No. 04-092(SUB-1), as amended, passed without objection.

VOTE: Ordinance Serial No. 04-092, as substituted and amended, passed without objection.

MOTION: Assemblymember Colver moved to reconsider Ordinance Serial No. 04-092(SUB-1)(AM).

VOTE: The motion to reconsider failed unanimously.

#### C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke regarding a request for a waiver or variance for property off Caulder Road: Mr. Gary Feaster.

The following person spoke in regard to economic development and the disposal of Borough land into private ownership: Mr. Clarence Furbush.

The following person spoke to utilizing the bed tax to help pay for emergency services in the Willow and Talkeetna areas: Ms. Jean Woods.

The following person thanked the Assembly and the Mayor on behalf of the residents of the Goddard Subdivision for passing the noise ordinance: Ms. Virginia King-Taylor.

The following person thanked Ms. Dillon for her professionalism, dedication, and service to the Borough: Ms. Michelle Church.

There being no others who wished to speak, Mayor Anderson closed audience participation.

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

VOTE: The motion passed without objection.

### **IX. UNFINISHED BUSINESS**

A. Ordinance Serial No. 04-048: AN ORDINANCE AMENDING MSB 3.04.095 TO ESTABLISH A RESERVE WITHIN THE GENERAL FUND FOR MAJOR REPAIR AND RENOVATION.

1. AM No. 04-042: ESTABLISHING A RESERVE FOR MAJOR REPAIRS AND RENOVATION AND ESTABLISHING THE CRITERIA FOR QUALIFICATION OF

**SUCH PROJECTS.** (*Sponsors: Assemblymembers Allen and Colver*) (*Postponed from 05/04/04, Motion pending*)

Assemblymember Allen:

- stated that schools are a great asset and investment;
- spoke regarding allowing capital assets to fall into disrepair;
- proposed establishing a sinking fund to, in part, improve the Borough's bond rating;
- asked the members of the Assembly to support the request;
- noted that no funding will be requested for this purpose for fiscal year 2005, and that a funding request will be brought to the Assembly during the next budget cycle;
- stated that it is incumbent upon the Assembly to set up a reserve fund to address major maintenance problems; and
- opined that the project qualifications outlined in the legislation are well thought out.

Discussion ensued regarding:

- establishing the reserve at this point without funding;
- establishing a line item in the budget with a zero balance;
- improving the Borough's bond rating and interest expense; and
- the useful life of buildings.

**MOTION:** Assemblymember Vehrs moved a primary amendment to require five votes to allocate monies from the reserve.

**VOTE:** The primary amendment passed without objection

**VOTE:** The main motion as amended passed with Assemblymember Colberg in opposition.

## **X. NEW BUSINESS**

**A. INTRODUCTION** (For public hearing - 06/01/04, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 04-094: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$14,120.13 FROM THE LAND MANAGEMENT FUND BALANCE, FUND 203, TO PAY DELINQUENT TAXES, SPECIAL ASSESSMENT PRINCIPLE, PENALTIES, INTEREST, AND FORECLOSURE COSTS ON FORECLOSED PROPERTIES FOR LOT 7, BLOCK 10, WILDERNESS EAST, LOT 13, BLOCK 1, LALEN LAKE, AND LOT 15, BLOCK 6, RIVERDELL ESTATES WHERE THE REPURCHASE RIGHTS OF THE FORMER RECORD OWNERS HAVE EXPIRED.
  - a. IM No. 04-102
2. Ordinance Serial No. 04-095: AN ORDINANCE AMENDING MSB 8.55.040, SPECIAL EVENTS, TO ALLOW EXEMPTIONS FROM BONDING REQUIREMENTS UNDER CERTAIN CONDITIONS.
  - a. IM No. 04-130

3. Ordinance Serial No. 04-096: AN ORDINANCE ACCEPTING AND APPROPRIATING \$500,000 FROM THE ALASKA STATE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT TO FUND 480, PROJECT NO. 20347, KIDS ARE PEOPLE, INC. YOUTH TRANSITIONAL LIVING CENTER AND OFFICE ADDITION.
  - a. Resolution Serial No. 04-073: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET AND AUTHORIZING THE MANAGER TO EXECUTE A TRANSFER OF RESPONSIBILITIES AGREEMENT BY AND BETWEEN THE MATANUSKA-SUSITNA BOROUGH AND KIDS ARE PEOPLE, INC. FOR PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.
    - (1) IM No. 04-135
  
4. Ordinance Serial No. 04-097: AN ORDINANCE APPROVING A REAPPROPRIATION OF \$2,400 FROM THE FISCAL YEAR 2004 MEADOW LAKES FIRE SERVICE AREA OPERATING BUDGET, FUND 257, TO CAPITAL PROJECT NO. 45114, FUND 405, AS A SUPPLEMENTAL ALLOCATION FOR THE UPGRADE OF THE PUMP SYSTEM IN THE WATER STORAGE TANK AT THE MEADOW LAKES PUBLIC SAFETY BUILDING.
  - a. Resolution Serial No. 04-074: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET AS ADOPTED IN FISCAL YEAR 2003 BUDGET, CAPITAL PROJECTS, FUND 405, PROJECT NO. 45114, TO UPGRADE THE PUMP SYSTEM IN THE WATER STORAGE TANK AT THE MEADOW LAKES PUBLIC SAFETY BUILDING.
    - (1) IM No. 04-141
  
5. Ordinance Serial No. 04-098: AN ORDINANCE REAPPROPRIATING \$135,000 TO FUND 480, FROM THE FY04 PLANNING DEPARTMENT'S OPERATING BUDGET, FUND 100, FOR THE PURPOSE OF UPDATING THE MASTER PLAN FOR PORT MACKENZIE.
  - a. IM No. 04-145
  - b. AM No. 04-090: AWARD OF PROPOSAL NO. 04-141 TO THE CORNELL GROUP, INC. FOR THE AMOUNT NOT TO EXCEED \$135,000 FOR THE PORT MACKENZIE MASTER PLAN.
  
- B. INTRODUCTION (For public hearing - 05/26/04, 1 p.m., Borough Assembly Chambers)
  1. Ordinance Serial No. 04-099: AN ORDINANCE AMENDING MSB 3.15 TO ADOPT A SECTION ADDRESSING REAL ESTATE TRANSFER FEE.
    - a. Resolution Serial No. 04-080: A RESOLUTION APPROVING THE SCHEDULE OF FEES FOR REAL ESTATE TRANSFERS UNDER MSB 3.37: REAL ESTATE TRANSFER FEE. (*Sponsors: Assemblymembers Kvalheim, Vehrs, Allen, and Colver*)
      - a. IM No. 04-147

MOTION: Assemblymember Colver moved to introduce the legislation as read into the record by the Clerk and set the public hearings for May 18 and May 26 respectively.

MOTION: Assemblymember Simpson moved to divide the question to address Ordinance Serial No. 04-099 and Resolution Serial No. 04-080 separately.

VOTE: The motion to divide the question passed with Assemblymembers Colberg and Simpson in opposition

FIRST SEGMENT: To introduce the legislation as read into the record by the clerk, with the exception of Ordinance Serial No. 04-099 and Resolution Serial No. 04-080.

VOTE: The motion passed without objection.

Assemblymember Simpson:

- spoke in regard to deviating from the standard practice of introducing legislation and holding public hearings; and
- stated that she is concerned that the public will not have enough time to review and legislation.

Discussion ensued regarding the notice that was provided to the public regarding Ordinance Serial No. 04-099 and Resolution Serial No. 04-080.

SECOND SEGMENT: To introduce Ordinance Serial No. 04-099 and Resolution Serial No. 04-080 and set the public hearing for May 26, 2004, at 1 p.m, in the Borough Assembly Chambers.

VOTE: The motion passed without objection.

B. CONSENT AGENDA

1. RESOLUTIONS

a. Resolution Serial No. 04-075: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR THE CENTRAL LANDFILL EXPANSION PROJECT NO. 25038, TO ALLOW COMPLETION OF THE BIG LAKE TRANSFER SITE IMPROVEMENTS.

(1) IM No. 04-132

b. Resolution Serial No. 04-076: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 10141, MAINTENANCE FACILITY, TO ALLOW FOR CONSTRUCTION OF A TIRE STORAGE BUILDING.

(1) IM No. 04-133

c. Resolution Serial No. 04-077: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 30082, GARDEN TERRACE WATER SYSTEM UPGRADES AND CONVERSION.

(1) Resolution Serial No. 04-078: A RESOLUTION APPROVING A LOAN FROM THE SERVICE AREA REVOLVING LOAN FUND, FUND 600, IN THE AMOUNT OF \$57,900 TO THE GARDEN TERRACE WATER UPGRADES/CONVERSION, PROJECT NO. 30082, FOR THE GARDEN TERRACE SERVICE AREA, FUND 291.

(a) IM No. 04-138

- d. Resolution Serial No. 04-079: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET AS ADOPTED IN THE FISCAL YEAR 2003 BUDGET, CAPITAL PROJECTS, FUND 405, PROJECT NO. 45102, TO PURCHASE PERSONAL PROTECTIVE EQUIPMENT FOR THE BIG LAKE FIRE SERVICE AREA.
  - (1) IM No. 04-142
- 2. ACTION MEMORANDUMS
  - a. AM No. 04-086: AWARD OF BID NO. 04-132 TO ALASKA RESOURCE GROUP FOR THE CONTRACT AMOUNT NOT TO EXCEED \$22,982 FOR THE TALKEETNA TOWNSITE ROADS PROJECT.
  - b. AM No. 04-087: AUTHORIZING THE PURCHASE OF ONE FORD ESCAPE FROM NYE FRONTIER FORD IN THE AMOUNT OF \$22,002.
  - c. AM No. 04-088: AWARD OF BID NO. 04-142 TO ANCHORAGE WELL AND PUMP SERVICE, INC., FOR THE CONTRACT AMOUNT NOT TO EXCEED \$22,176 FOR THE MEADOW LAKES SUBMERSIBLE WATER PUMP REPLACEMENT.
  - d. AM No. 04-089: AWARD OF PROPOSAL NO. 04-101 TO SAUNDERS FORESTRY CONSULTING FOR AN AMOUNT NOT TO EXCEED \$220,506 FOR WILDFIRE MITIGATION/FORESTRY CONSULTING.
  - e. AM No. 04-091: AWARD OF BID NO. 04-134 TO TEW'S EXCAVATION FOR THE CONTRACT AMOUNT NOT TO EXCEED \$80,080 FOR ROAD PROJECTS IN THE BIG LAKE ROAD SERVICE AREA AND THE MEADOW LAKES ROAD SERVICE AREA.

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

VOTE: The motion passed without objection.

## C. MAYORAL NOMINATIONS AND APPOINTMENTS

### 1. VACANCY REPORT

Mayor Anderson made the following recommendations:

Upper Cook Inlet Maritime Security Committee  
Jordan May  
Mike Janecek  
Meadow Lakes Fire Service Area No. 34  
Rae Arno

Mayor Anderson requested the following confirmations:

Meadow Lakes Road Service Area No. 27  
Byron Keith Akers  
Resignation of Tom Weber

**MOTION:** Assemblymember Colver moved to confirm the Mayor's appointments and resignations up for confirmation this evening.

**VOTE:** The motion passed without objection.

Assemblymember Colver spoke to possibly waiving the district specific member requirement for the Title 16 Rewrite Committee.

**D. OTHER NEW BUSINESS**

*(There was no other new business presented.)*

**XI. RECONSIDERATION**

*(There were no reconsiderations presented.)*

**XII. VETO**

*(There were no vetoes presented.)*

**XIII. EXECUTIVE SESSION**

*(There was no executive session held.)*

**XIV. MAYOR AND ASSEMBLY COMMENTS**

Assemblymember Allen:

- spoke regarding the success of the groundbreaking event for the new hospital; and
- stated that he was delighted to see such a good turnout for the occasion.

Assemblymember Simpson:

- reported regarding her recent trip to Juneau;
- spoke to her attendance at the Alaska Records Management Association (ARMA); and
- requested that facility use of schools be added as an agenda item for the June 8, 2004, joint Assembly/School Board meeting.

Assemblymember Vehrs:

- stated that she has been working hard to help fill the board vacancies in her area;
- encouraged the members of the Assembly to recruit volunteers for their districts; and
- commented that she is interested in pursuing filing fees for complaints in regard to some of the ordinances coming forward to the Assembly.

Assemblymember Kvalheim:

- spoke regarding the public hearing held at Wasilla City Hall on the waste facility;
- stated that there was a good turnout at the last Meadow Lakes Community Council meeting; and
- thanked Ms. Dillon for all her work over the years serving the public and the Assembly.

Assemblymember Colver:

- thanked Sandy for her years of service to the Borough;
- spoke regarding AM No. 04-090, in particular to the rating process on an update to the Port MacKenzie Master Plan;
- complimented Assemblymember Kvalheim for being receptive to her constituents;
- reported regarding his recent trip to Juneau at the end of the legislative session;
- opined that the Governor will not veto funding for education; and
- noted that House Bill 531 regarding coal bed methane regulations has not left the Senate Finance Committee at this time.

Mayor Anderson thanked everyone in attendance for a good meeting.

## **XV. ADJOURNMENT**

The regular meeting adjourned at 11:24 p.m.

**/s/**

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TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:

**/s/**

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MICHELLE M. MCGEHEE, CMC, Borough Clerk

Minutes approved: June 15, 2004