I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on June 1, 2004, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was also teleconferenced to the Talkeetna Elementary School, 13798 E. Veterans Way, Talkeetna, 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. 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. Betty Vehrs, Assembly District No. 7

Staff in attendance were:

Ms. Michelle M. McGehee, CMC, Borough Clerk
Ms. Janice A. Case, Deputy 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

III. APPROVAL OF AGENDA

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

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ryan Coffman, Blake Kensey, and Regis Price, students from Colony High School.

V. MINUTES OF PRECEDING MEETINGS

A. Special Assembly Meeting: 05/11/04

Mayor Anderson inquired if there were any corrections to the special meeting minutes of May 11, 2004.

No corrections were noted.

GENERAL CONSENT: The minutes were approved as presented with no objections.

B. Special Assembly Meeting: 05/18/04

Mayor Anderson inquired if there were any corrections to the special meeting minutes of May 18, 2004.

No corrections were noted.

GENERAL CONSENT: The minutes were approved as presented with no objections.

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Wasilla City

Councilmember Vernie Bowen:
- reported that the city of Wasilla has passed the operating budget; and
- noted that the capital budget should be completed by June 14, 2004.

2. Matanuska-Susitna Borough School District

3. Alaska State Fair Re: Update on Fair Projects – Joe Lawton

Mr. Joe Lawton, General Manager for the Alaska State Fair:
- stated that this is the busy season for the Alaska State Fair;
- noted that they have over 50 event days scheduled for the month of June;
- commented that it has also been a heavy construction season;
- stated that they have been busy landscaping, and building foundations and infrastructure for the commuter center which opens on August 15th;
- reported that the Alaska Railroad had agreed to try out some theme trains in addition to the regular rides;

- discussed local group agreements, such as Mat-Su Comp Soccer taking over the yellow fields;
- stated that the Glenn Highway Scenic Byway has donated $15,000 for interpretive panels; and
- noted that they have received a bed tax grant for $47,000 for restrooms for the Don Shelton Building.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Mayor Anderson stated that no meetings have been held for the joint Assembly/School Board Committee on School Issues.

2. Regional Transportation Planning Organization

Mayor Anderson stated that no meetings for the Regional Transportation Planning Organization have been held.

C. MANAGER COMMENTS

1. State/Federal Legislation

Mr. Duffy:
- reported that the electrical line extension work for Hatcher Pass has been completed
- noted that the Borough is filing for the permit for the snowmaking water supply which will use an infiltration gallery;
- referred to the status report for the parks and recreation bonds;
- commented that the Borough has received a new youth grant in the amount of $340,000;
- stated that at the request of Assemblymember Vehrs, he had researched hosting Assembly meetings on-line;
- discussed the initial start-up cost and ongoing costs for the operation and maintenance of hosting the meetings on-line;
- stated that a teleconference between Mr. Madden of Lockheed Martin, the Borough's federal lobbyist, and himself will be held on June 1, 2004, to conduct a status report of the dual-use vessel project;
- noted that the new administrator of the Environmental Protection Agency, Michael Leavitt, will speak at the Resource Development Council meeting on June 10, 2004;
- stated that a public hearing on the proposed waste incinerator to be located in the Knik-Goosebay area will be held on June 16, 2004, at the Wasilla City Council Chambers between 7 p.m. and 9 p.m.;
- commented that the public comment period on the proposed conditional use permit ordinance for coal bed methane development has been extended to June 30, 2004;
- noted that the Borough has received invitations to attend the 10th anniversary celebration for Job Corps on June 25, 2004, at 11 a.m.;

- noted that Commonwealth North will be announcing and celebrating the Walter J. Hickel Award for Distinguished Public Policy Leadership, which will be awarded to Chairman Don Young;
- commented that the schedule for the leadership forum, hosted by the Governor and the Borough's Congressional Delegation is in the red folder; and
- reported on the status of the pipe pile delivery for Port MacKenzie.

Mr. Krafft explained the negotiations that the Borough is currently involved in with LB Foster.

Discussion ensued regarding:

- the original solicitation for this bid;
- the delivery schedule; and
- the possible effects of the delay.

D. ATTORNEY COMMENTS

Ms. Williams referred to the final order issued by the hearing officer in the Tew's Excavation appeal to the Office of Administrative Hearings.

E. CLERK COMMENTS

Ms. McGehee:

- reviewed the meeting schedule for June and July; and
- inquired if the Assembly wished to have the Platting Board present at the joint Assembly/Planning Commission meeting on June 22, 2004.

Mayor Anderson stated that he would prefer that the Platting Board only join the meeting when an issue needs to be addressed by the Platting Board.

Assemblymembers Allen and Colver concur with the Mayor.

Assemblymember Simpson stated that she would like to meet every other quarter or so with the Platting Board.

Ms. McGehee:

- noted that some key election dates have been included in the Clerk's report;
- stated that the Records Management Division, in conjunction with the IT Department, is currently in the process of implementing the electronic version of the Borough's Record Information Management Program;
- introduced Sharon Huckins, a new employee at the Clerk's Office; and
- discussed the school tour she and the Mayor held with students from Sherrod Elementary School.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
a. Library Board: 05/15/04
b. Midway Road Service Area No. 9: 05/06/04
c. Platting Board: 04/15/04, 05/06/04
d. Port Commission: 03/15/04

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

G. INFORMATIONAL MEMORANDUMS

(There were no informational memorandums presented.)

VIII. UNFINISHED BUSINESS

A. Ordinance Serial No. 04-086: AN ORDINANCE AMENDING MSB CHAPTER 8.50, TRASH AND JUNK. *(Postponed from 5/18/04, Motion pending)*
1. IM No. 04-113

MOTION: Assemblymember Colberg moved a primary amendment to amend MSB 8.50.020(B)(4)(d)(i), by striking “or can be credibly claimed to have been diminished” and inserting “by 10 percent”, and amending MSB 8.50.020(B)(4)(d)(ii), by inserting “by at least 10 percent” at the end of the sentence.

Assemblymember Colberg spoke to the amendment.

VOTE: The primary amendment passed without objection.

VOTE: The motion passed as amended without objection.

IX. NEW BUSINESS

A. INTRODUCTION (For public hearing - 06/15/04, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 04-102: AN ORDINANCE CLASSIFYING TWELVE PARCELS OF LAND AND APPROVING LANDS FOR SALE IN THE KNIK, BIG LAKE, AND WILLOW AREAS.
a. IM No. 04-076

2. Ordinance Serial No. 04-103: AN ORDINANCE AMENDING MSB TITLE 24 REGARDING ANIMAL CARE AND REGULATION CLARIFYING PROVISIONS FOR FORFEITURE OF ANIMALS; CREATING A NEW INFRACTION FOR VIOLATING A SUPERVISED QUARANTINE ORDER; AMENDING PROVISIONS CONCERNING PROTECTIVE CUSTODY OF ANIMALS; CREATING REQUIREMENTS FOR

RESTRAINT OF ANIMALS; ADDING DEFINITIONS FOR ABANDONMENT OF ANIMALS; AND AMENDING MSB TITLE 2 TO EXPAND THE JURISDICTION OF HEARING OFFICERS TO ANIMAL FORFEITURE CASES.
(Sponsor: Assemblymember Vehrs)

a. IM 04-137

3. Ordinance Serial No. 04-104: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF $26,685 FROM THE BIG LAKE FIRE SERVICE AREA FUND BALANCE, FUND 256, AND A TRANSFER OF $18,962 FROM PROJECT NO. 45032, FUND 405, AND $404 FROM PROJECT NO. 45069, FUND 405, TO PROJECT NO. 45104, FUND 405, TO ACCOMPLISH SEVERAL IMPROVEMENT PROJECTS TO THE THREE BIG LAKE PUBLIC SAFETY BUILDINGS.

a. Resolution Serial No. 04-081: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 45104, FUND 405, TO ACCOMPLISH SEVERAL IMPROVEMENT PROJECTS TO THE THREE BIG LAKE PUBLIC SAFETY BUILDINGS.

(1) IM No. 04-143

4. Ordinance Serial No. 04-105: AN ORDINANCE REAPPROPRIATING $47,000 FROM THE FISCAL YEAR 2004 AREAWIDE RESCUE DIVISION OPERATING BUDGET, FUND 100, TO THE RESCUE CAPITAL PROJECT, FUND 425, PROJECT NO. 45084, TO PURCHASE HEAVY HYDRAULIC RESCUE EQUIPMENT.

a. Resolution Serial No. 04-082: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR CAPITAL PROJECT NO. 45084, TO PURCHASE HEAVY HYDRAULIC RESCUE EQUIPMENT.

(1) IM No. 04-149

5. Ordinance Serial No. 04-106: AN ORDINANCE AMENDING MSB 3.04.095(C), RESERVE OF THE GENERAL FUND BALANCE FOR CAPITAL.
(Sponsor: Assemblymember Vehrs)

a. IM No. 04-152

6. Ordinance Serial No. 04-107: AN ORDINANCE APPROVING A REAPPROPRIATION OF $25,000 FROM THE FISCAL YEAR 2004 ANIMAL CARE AND REGULATION OPERATING BUDGET, FUND 200, TO PROJECT NO. 10156, FUND 480, TO PURCHASE OFFICE EQUIPMENT AND FURNITURE AT THE ANIMAL CARE SHELTER.

a. Resolution Serial No. 04-083: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 10156, FUND 480, TO PURCHASE OFFICE EQUIPMENT AND FURNITURE FOR THE ANIMAL CARE SHELTER.

(1) IM No. 04-153

7. Ordinance Serial No. 04-108: AN ORDINANCE ACCEPTING AND APPROPRIATING $5,680 FROM THE ALASKA STATE DIVISION OF EMERGENCY SERVICES TO THE LOCAL EMERGENCY PLANNING COMMITTEE, FUND 480, PROJECT NO. 20259, FOR FISCAL YEAR 2004 OPERATIONS.

a. Resolution Serial No. 04-084: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 20259, FUND 480, FOR FISCAL YEAR 2004 LOCAL EMERGENCY PLANNING COMMITTEE OPERATIONS.

(1) IM No. 04-154

8. Ordinance Serial No. 04-109: AN ORDINANCE ACCEPTING AND APPROPRIATING $926,023 FROM THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT GRANT PROGRAM, TO FUND 425, PROJECT NO. 45158, FOR THE PURPOSE OF EQUIPPING RESPONDERS TO BETTER DEAL WITH EMERGENCY INCIDENTS.

a. Resolution Serial No. 04-085: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, PROJECT NO. 45158, FUND 425, FOR THE PURPOSE OF EQUIPPING RESPONDERS TO BETTER DEAL WITH EMERGENCY INCIDENTS AND AUTHORIZING THE MANAGER TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE CITIES OF PALMER AND WASILLA.

(1) IM No. 04-155

9. Ordinance Serial No. 04-110: AN ORDINANCE ACCEPTING AND APPROPRIATING $47,000 FROM THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT GRANT PROGRAM, TO FUND 480, PROJECT NO. 45126, FOR TRAINING, TO EMPLOY A CITIZEN CORPS COORDINATOR, AND PURCHASE EQUIPMENT AND SUPPLIES.

a. Resolution Serial No. 04-086: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, PROJECT NO. 45126, FUND 480, FOR TRAINING, TO EMPLOY A CITIZEN CORPS COORDINATOR, AND PURCHASE EQUIPMENT AND SUPPLIES.

(1) IM No. 04-156

10. Ordinance Serial No. 04-111: AN ORDINANCE REAPPROPRIATING $47,699 FROM THE FISCAL YEAR 2004 AREAWIDE DIVISION OF OFFICE OF INFORMATION TECHNOLOGY OPERATING BUDGET AND REAPPROPRIATING $4,502 FROM THE FISCAL YEAR 2004 NON-AREAWIDE DIVISION OF OFFICE OF INFORMATION TECHNOLOGY OPERATING BUDGET FOR A TOTAL OF $52,201 TO FUND 480, PROJECT NO. 20348, FOR THE PROCUREMENT OF DELL NETWORK INFRASTRUCTURE SUPPORT HARDWARE TO INCLUDE SERVERS, RACKS, CABLES, AND CONSOLES.

a. Resolution Serial No. 04-087: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE PROCUREMENT OF DELL NETWORK INFRASTRUCTURE SUPPORT HARDWARE.

(1) IM No. 04-159

11. Ordinance Serial No. 04-112: AN ORDINANCE EXTENDING THE TIME LIMIT FOR COMPLETION OF BOROUGH CAPITAL PROJECTS.

a. IM No. 04-161

12. Ordinance Serial No. 04-113: AN ORDINANCE APPROVING AN APPROPRIATION OF $575,000 FROM THE LAND MANAGEMENT FUND BALANCE, FUND 203, AND A REAPPROPRIATION OF $155,000 FROM THE ECONOMIC DEVELOPMENT OPERATING BUDGET, FUND 200, AND $120,000 FROM THE PORT MACKENZIE OPERATING BUDGET, FUND 100, TO FUND 450 FOR A CONTINGENCY RESERVE FOR THE PORT MACKENZIE DEEP DRAFT DOCK CONSTRUCTION PROJECT.

a. Resolution Serial No. 04-088: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE 2004 SERIES C GENERAL OBLIGATION PORT CONSTRUCTION PROJECT.

(1) IM No. 04-162

13. Ordinance Serial No. 04-114: AN ORDINANCE ACCEPTING AND APPROPRIATING $10,635,729 FROM THE FEDERAL TRANSIT ADMINISTRATION, TO FUND 450, PROJECT NO. 70001, FOR THE PURPOSE OF DESIGN AND CONSTRUCTION OF FERRY TERMINALS, FERRY LANDINGS, AND ANCILLARY FACILITIES AND STUDIES.

a. Resolution Serial No. 04-089: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE PORT MACKENZIE INTERMODAL FACILITY (COOK INLET FERRY SYSTEM) PROJECT NO. 70001, FUND 450, FOR THE PURPOSE OF DESIGNING AND CONSTRUCTING FERRY LANDINGS, TERMINALS, AND ANCILLARY FACILITIES AND STUDIES TO SUPPORT THE IMPLEMENTATION OF FERRY SERVICE.

(1) IM No. 04-163

14. Ordinance Serial No. 04-115: AN ORDINANCE APPROVING AN APPROPRIATION OF $754,972 FROM THE AREAWIDE FUND BALANCE, FUND 100, OF WHICH $108,852 IS FOR THE CITY OF PALMER BLOCK GRANT, $150,076 IS FOR THE CITY OF WASILLA BLOCK GRANT AND $496,044 IS FOR TRANSFER TO FUND 480 FOR THE FINANCIAL SYSTEM UPGRADE AND THE NEW ASSESSMENT SYSTEM.

a. Ordinance Serial No. 04-116: AN ORDINANCE APPROVING A REAPPROPRIATION OF $55,000 FROM THE ACCOUNTING DIVISION OPERATING BUDGET, FUND 100, AND $54,956 FROM THE ASSESSMENT DIVISION OPERATING BUDGET, FUND 100, TO FUND 480 FOR FINANCIAL SYSTEM UPGRADE AND THE NEW ASSESSMENT SYSTEM.

(1) Resolution Serial No. 04-090: A RESOLUTION APPROVING THE TRANSFER OF $54,000 FROM THE GOVERNMENTAL ACCOUNTING STANDARDS BOARD 34 IMPLEMENTATION PROJECT, FUND 480, TO THE FINANCIAL AND ASSESSMENT SYSTEM UPGRADE PROJECT, FUND 480, AND ADOPTING A CORRESPONDING SCOPE OF WORK FOR THE ENTIRE PROJECT. *(Sponsors: Assemblymembers Allen and Kvalheim)*

(a) IM No. 04-164

15. Ordinance Serial No. 04-117: AN ORDINANCE REAPPROPRIATING $14,418 FROM FISCAL YEAR 2004 AREAWIDE OPERATING BUDGET, FUND 100, RECREATIONAL SERVICES DIVISION TO A NON-LAPSING PROJECT, PROJECT NO. 15007, FUND 480, FOR THE WASILLA POOL REFINISHING PROJECT.

a. Resolution Serial No. 04-091: A RESOLUTION APPROVING THE TRANSFER OF $10,582 FROM THE FISCAL YEAR 2003 AND 2004 CAPITAL PROJECTS TO THE WASILLA COMMUNITY POOL REFINISHING PROJECT; AMENDING THE SCOPE OF WORK AND BUDGET FROM FISCAL YEAR 2003 AND 2004 CAPITAL PROJECTS, AND APPROVING A SCOPE OF WORK AND BUDGET FOR THE WASILLA POOL REFINISHING PROJECT.

(1) IM No. 04-166

16. Ordinance Serial No. 04-118: AN ORDINANCE REAPPROPRIATING $29,745 FROM LAND MANAGEMENT FUND 203, FISCAL YEAR 2004 ASSET MANAGEMENT OPERATING BUDGET, TO A NON-LAPSING, NON-CAPITAL PROJECT NO. 45097, FUND 480 FOR THE ASSET MANAGEMENT PLAN.

a. AM No. 04-094: AWARD OF PROPOSAL NO. 04-128 TO NORTHERN ECONOMICS, INC., FOR THE CONTRACT AMOUNT NOT TO EXCEED $29,745 FOR THE DEVELOPMENT OF THE ASSET MANAGEMENT PLAN FOR BOROUGH-OWNED NATURAL RESOURCES.

(1) IM No. 04-167

Ms. McGehee read the above legislation into the record.

MOTION: Assemblymember Colver moved to introduce the legislation as read into the record by the Clerk and set the public hearings for June 15, 2004.

MOTION: Assemblymember Colver moved to divide the question to address Ordinance Serial No. 04-113 and Resolution Serial No. 04-088 separately.

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

MOTION: First Segment: To introduce the legislation as read into the record by the Clerk and set the public hearing for June 15, 2004, with the exception of Ordinance Serial No. 04-113 and Resolution Serial No. 04-088.

VOTE: The first segment of the motion, to introduce the legislation as read into the record by the Clerk and set the public hearing for June 15, 2004, with the exception of Ordinance Serial No. 04-113 and Resolution Serial No. 04-088, passed without objection.

MOTION: Second segment: To introduce Ordinance Serial No. 04-113 and Resolution Serial No. 04-088 and set the public hearing for June 15, 2004.

Assemblymember Colver voiced concerns regarding taking $575,000 from the land management fund balance.

MOTION: Assemblymember Colver moved a primary amendment to remove the appropriation of $575,000 from the land management fund balance, fund 203, from Ordinance Serial No. 04-113.

VOTE: The primary amendment failed with Assemblymembers Colver and Kvalheim in support.

VOTE: The second segment, to introduce Ordinance Serial No. 04-113 and Resolution Serial No. 04-088 and set the public hearing for June 15, 2004, passed without objection.

(The regular meeting recessed at 7:05 p.m. and reconvened at 7:10 p.m.)

VII. 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. 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

Mr. Duffy provided a staff report.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Vehrs moved to adopt Ordinance Serial No. 04-094.

VOTE: The motion passed without objection.

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

Mr. Duffy provided a staff report.

Mayor Anderson opened the public hearing.

The following person spoke in support of Ordinance Serial No. 04-095: Mr. Chris Canterberry.

The following person spoke in opposition of Ordinance Serial No. 04-095: Mr. Arthur Quaas and Ms. Agnes Quaas.

The following person suggested lowering the amount of the bonds, but keeping the liability insurance: Ms. Jean Woods.

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

MOTION: Assemblymember Vehrs moved to adopt Ordinance Serial No. 04-095.

Assemblymember Vehrs inquired if it was usual to have a bond for the entire amount.

Mr. Duffy stated that the bond underwriters require the full amount.

Assemblymember Vehrs inquired if the Borough has ever had to use the bond for clean-up purposes.

Mr. Duffy replied that the Borough has never needed to go after a bond.

Discussion ensued regarding the bond requirements.

MOTION: Assemblymember Colberg moved a primary amendment to MSB 8.55.040(I)(3), to strike, "to be exempted from bonding required under MSB 8.55.040(I)(2)" and to insert "a reduction of bonding required under MSB 8.55.040(I)(2) up to 75 percent".

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

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

Mr. Duffy provided a staff report.

Mayor Anderson opened the public hearing.

The following person spoke in support of the Ordinance Serial No. 04-096 and Resolution Serial No. 04-073: Mr. John Stein.

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

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 04-096 and Resolution Serial No. 04-073.

VOTE: The motion passed without objection.

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

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Vehrs moved to adopt Ordinance Serial No. 04-097 and Resolution Serial No. 04-074.

VOTE: The motion passed without objection.

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.

Mr. Duffy provided a staff report.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Simpson moved to adopt Ordinance Serial No. 04-098 and AM No. 04-090.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke regarding a bid submittal for a five-year waste transportation contract: Mr. Mokie Tew, owner of Tew's Excavation.

The following person thanked the Assembly for adopting the amplified sound and vibration ordinance: Mr. Jeff Bayless.

The following person voiced disappointment that the only viable project the Borough has with the potential for a really diversified tax base is Point MacKenzie and stated that if the problem is appropriating funds from the land management fund, the Assembly should take a close look at the Hatcher Pass project that has been awarded to a private developer: Ms. Jay Nolfi.

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

C. CONSENT AGENDA (Resolution Serial Nos. 04-093 and 04-096, and AM Nos. 04-096 and 04-101 were pulled from the consent agenda and addressed separately. See pp. 15 of 19)

1. RESOLUTIONS

a. Resolution Serial No. 04-092: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE REMODEL OF THE DOROTHY SWANDA JONES BUILDING AND TO PROVIDE FOR A NEW UNINTERRUPTED POWER SUPPLY.

(1) IM No. 04-111

c. Resolution Serial No. 04-094: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 20317, FOR THE ALCANTRA RECREATIONAL FACILITY.

(1) IM No. 04-148

d. Resolution Serial No. 04-095: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR A BOROUGHWIDE COMMUNITY SCHOOLS PROGRAM.

(1) IM No. 04-160

2. ACTION MEMORANDUMS

a. AM No. 04-092: RETROACTIVE APPROVAL OF DISABLED VETERAN PROPERTY TAX EXEMPTION FOR NATHANIEL P. CRIPPEN ON TAX ACCOUNT NUMBER 5018B02L011 FOR TAX YEARS 2002 AND 2003.

b. AM No. 04-093: RETROACTIVE APPROVAL OF DISABLED VETERAN PROPERTY TAX EXEMPTION FOR ROBERT L. COLLIER ON TAX ACCOUNT NUMBER 3015B03L004 FOR TAX YEAR 2003.

c. AM No. 04-095: AWARD OF BID NO. 04-135 TO TEW'S EXCAVATION FOR THE CONTRACT AMOUNT NOT TO EXCEED $248,700.80 FOR CORE AREA ROAD PROJECTS.

e. AM No. 04-097: THE VACATION OF THE NORTH 325.27-FOOT BY 25-FOOT OF SOUTH LINCOLN DRIVE AND THE ADJACENT NORTH 325.27-FOOT BY 25-FOOT ROAD EASEMENT RECORDED IN BOOK 436, PAGE 695, PALMER RECORDING DISTRICT, LOCATED IN SECTION 19, TOWNSHIP 17 NORTH, RANGE 2 WEST, SEWARD MERIDIAN, ALASKA, IN THE MEADOW LAKES COMMUNITY COUNCIL AREA.

f. AM No. 04-098: THE ELIMINATION OF THE 15-FOOT UTILITY EASEMENT ON THE WEST SIDE OF SOUTH LINCOLN DRIVE, LOCATED IN SECTION 19, TOWNSHIP 17 NORTH, RANGE 2 WEST, SEWARD MERIDIAN, ALASKA, IN THE MEADOW LAKES COMMUNITY COUNCIL AREA.

g. AM No. 04-099: THE ELIMINATION OF THE 15-FOOT UTILITY EASEMENT GRANTED IN BOOK 120, PAGE 416, RECORDED JULY 29, 1976, PALMER RECORDING DISTRICT, ON THE NORTH SIDE OF SOUTH BURMA ROAD IN SECTION 2, TOWNSHIP 16 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA, LOCATED IN THE BIG LAKE COMMUNITY COUNCIL AREA.

i. AM No. 04-104: THE VACATION OF A PORTION OF SOUTH BURMA ROAD IN GOVERNMENT LOT 2 AND GOVERNMENT LOT 7, RECORDED JULY 29, 1976, PALMER RECORDING DISTRICT, IN BOOK 120, PAGE 416, LOCATED IN SECTION 2, TOWNSHIP 16 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA, IN THE BIG LAKE COMMUNITY COUNCIL AREA.

Ms. McGehee read the above legislation into the record.

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

VOTE: The motion passed without objection.

b. Resolution Serial No. 04-093: A RESOLUTION REVISING THE EMERGENCY MEDICAL SERVICES FEE SCHEDULE FOR AMBULANCE AND RESCUE SERVICES.

(1) IM No. 04-146

MOTION: Assemblymember Colberg moved to adopt Resolution Serial No. 04-093.

Assemblymember Colberg asked Mr. Duffy to explain how the increased fees were calculated.

Mr. Brodigan explained that there is a two step process, (1) they evaluate rates locally and in the Lower 48 and (2) they are trying to come closer to off-setting the operation costs.

Discussion ensued regarding increased fees.

MOTION: Assemblymember Colver moved a primary amendment to insert "BE IT FURTHER RESOLVED, that in response to an incident, fees for services provided shall only be billed if actually utilized, not for merely a response."

Assemblymember Simpson queried who makes the determination of whom get billed and who does not get billed.

Mr. Brodigan stated that the Borough makes the determination of who gets billed.

Assemblymember Simpson inquired if there is liability if a person is not transported.

Mr. Brodigan stated that failure to transport is the largest litigation in emergency services across the country.

VOTE: The primary amendment passes without objection.

Discussion ensued regarding the increase of fees.

MOTION: Assemblymember Simpson moved to postpone Resolution Serial No. 04-093 to a time certain of June 15, 2004.

VOTE: The motion to postpone passed without objection.

d. AM No. 04-096: AWARD OF BID NO. 04-120 TO KOPPERUD TRANSPORTATION FOR A FIVE YEAR CONTRACT, SUBJECT TO ANNUAL APPROPRIATIONS, IN THE YEARLY AMOUNT OF $336,115 FOR THE TRANSPORTATION OF SOLID WASTE.

MOTION: Assemblymember Colberg moved to approve AM 04-096.

Assemblymember Colberg inquired what would happen if this was defeated.

Mr. Duffy replied that the project would be re-bid.

Mr. Krafft stated that the current contract is due to expire on June 30, 2004.

Discussion ensued regarding re-bidding the contract.

VOTE: The motion passed with Assemblymember Vehrs in opposition.

(The regular meeting recessed at 8:50 p.m. and reconvened at 8:55 p.m.)

h. AM No. 04-101: AWARD OF THE FINAL ENGINEERING AND DESIGN (PHASE-1) CONTRACT FOR THE DUAL-USE VESSEL TO LOCKHEED-MARTIN.

(1) Resolution Serial No. 04-096: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE FINAL ENGINEERING AND DESIGN (PHASE-1) OF THE DUAL-USE VESSEL, PROJECT NO. 70001, FUND 450.

MOTION: Assemblymember Colberg moved to adopt AM No. 04-101 and Resolution Serial No. 04-096.

VOTE: The motion passed with Assemblymember Colberg in opposition.

D. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Anderson made the following recommendations:
Parks, Recreation, and Trails Advisory Board
Kim Sollien

Mayor Anderson requested the following confirmations:
Title 16 Rewrite Committee
Resignation of Mark Masteller
Upper Cook Inlet Maritime Security Committee
Jordan May
Mike Janecek

Meadow Lakes Fire Service Area No. 34
Rae Arno

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

VOTE: The motion passed without objection.

E. OTHER NEW BUSINESS

(There was no other new business to present.)

X. RECONSIDERATION

(There were no reconsiderations presented.)

XI. VETO

(There was no veto presented.)

(The teleconference to Talkeetna was disconnected at this time.)

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 Houston High School litigation.)*

MOTION: Assemblymember Colver moved to enter executive session for matters the immediate public knowledge of which would clearly have an adverse effect upon the finances of the Borough; in particular, to discuss the Houston High School litigation.

VOTE: The motion passed without objection and the Assembly entered the executive session at 9:05 p.m. Those present during the executive session were: the Mayor, members of the Assembly, the Clerk, the Manager, the Attorney, Assistant Borough Attorney, Elizabeth Friedman, and Attorney at Law Steve Hutchins of Birch Horton Bittner and Cherot.

MOTION: Assemblymember Colver moved to exit from executive session.

VOTE: The motion passed and the Assembly exited the executive session at 9:30 p.m.

XIII. MAYOR AND ASSEMBLY COMMENTS

(The teleconference line to Talkeetna was unavailable at this time.)

Assemblymember Simpson:

- welcomed Ms. McGehee and Ms. Case in their new official capacity;
- requested that the Manager invite the Knik Arm Bridge and Toll Authority to meet with the Port Commission or the Assembly; and
- stated that the new trails maps look wonderful.

Assemblymember Allen:

- referred to letter he handed out regarding the efficiency of Borough operations; and
- asked that a work session be scheduled to discuss this item.

Assemblymember Kvalheim:

- discussed the need for a person to be appointed to the Title 16 Rewrite Committee in order to establish a quorum; and
- thanked Ms. McGehee and Ms. Case for their hard work.

Assemblymember Vehrs:

- stated that she is glad that Resolution Serial No. 04-093 was postponed; and
- and asked the Manager to bring back information on how Wyoming and Colorado taxes coal bed methane.

Assemblymember Colver:

- stated that he attended the Veterans Wall Memorial Service; and
- noted that they have a great presentation in honor to our veterans.

Mayor Anderson:

- stated that he added some agenda items to the joint Assembly/School Board meeting to open up dialog with the School Board regarding full funding and working with the joint facilities for better efficiency;
- noted that he had attended several graduations;
- thanked Assemblymember Colver for attending Veterans Wall Memorial Service in his place; and
- commented that over 2,000 people attended the Colony High School graduation, which was held at new Wasilla Sports Complex.

XIV. ADJOURNMENT

The regular meeting adjourned at 9:55 p.m.

/S/

TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:

/S/

MICHELLE M. MCGEHEE, CMC, Borough Clerk

Minutes approved: June 15, 2004