

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on June 7, 2005, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, 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:

Ms. Lynne Woods, 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:

Mr. John Duffy, Borough Manager
Ms. Teresa S. Williams, Borough Attorney
Ms. Janice A. Case, Acting Borough Clerk
Ms. Lonnie McKechnie, Executive Assistant to the Borough Clerk
Ms. Marian Romano, Assistant Borough Manager
Ms. Tammy Clayton, Finance Director
Mr. Keith Rountree, Public Works Director
Mr. Dennis Brodigan, Emergency Services Director
Mr. Ron Swanson, Community Development Director
Mr. Murph O'Brien, Planning and Land Use Director
Mr. Mark Van Dongen, Port Director
Mr. Russ Kraft, Purchasing Officer

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 Mr. Joe Lawton of the Alaska State Fair.

V. MINUTES OF PRECEDING MEETINGS

A. Special Assembly Meeting: 05/12/05

Mayor Anderson inquired if there were any corrections to the special meeting minutes of May 12, 2005.

GENERAL CONSENT: The minutes were approved as presented without objection.

B. Regular Assembly Meeting: 05/17/05

Mayor Anderson inquired if there were any corrections to the regular meeting minutes of May 17, 2005.

GENERAL CONSENT: The minutes were approved as presented without objection.

C. Special Assembly Meeting: 05/24/05

Mayor Anderson

- advised that there was a page in the Assembly's folders that showed replacement language for Amendment No 32 of the budget; and
- noted that that the extended language would be incorporated into the minutes.

Assemblymember Colver noted the following correction:

- page 22 of 26, noted that he would like to see on Amendment No. 37 of the budget, that the amendment was "revenue neutral." *[This item was corrected accordingly.]*

GENERAL CONSENT: The minutes were approved as amended without objection.

D. Special Assembly Meeting: 05/26/05

Mayor Anderson inquired if there were any corrections to the special meeting minutes of May 26, 2005.

GENERAL CONSENT: The minutes were approved as presented without objection.

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Wasilla City

Councilmember Straub:

- advised that the city of Wasilla had passed their operating budget;
- stated that they have added a deputy chief to the police department;
- advised that they will be introducing their capital improvement plan within the next month;
- commented that one of the council members will be resigning due to a residency issue;
- advised that they will be using the Anchorage Daily News for their advertising; and
- spoke regarding the road construction occurring within the city of Wasilla.

Assemblymember Simpson queried if a new Council Member would be appointed.

Councilmember Straub:

- responded that a new Council Member would be appointed; and
- advised that the council seat will be on the ballot for the October election.

Assemblymember Allen queried if the city adopted a performance-based budget.

Councilmember Straub advised that the city adopted a zero-based budget.

2. Matanuska-Susitna Borough School District

(There was no report presented.)

3. Alaska State Fair – Mr. Joe Lawton

Mr. Lawton:

- spoke regarding projects that the Alaska State Fair has working on during the spring;
- spoke regarding grants that have been received for the large barn project at the fairgrounds;
- stated that the marketing studies and the structural and engineering studies for the large barn are due prior to the fair starting; and
- spoke regarding the Scenic Byway Dedication that will be taking place at the fairgrounds on June 10, 2005;

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Colver:

- stated that the School District is excited about moving ahead on school bonding;
- stated that not all three of the desired schools have received State approval yet;
- spoke regarding the school site selection process;
- opined that a procedure is needed for citizens that want to endow land for school sites; and
- noted that the School Board will be speaking regarding school bonds at the joint meeting on June 14, 2005.

2. Regional Transportation Planning Organization

Mayor Anderson noted that the Regional Transportation Planning Organization has not met since the last report.

C. MANAGER COMMENTS

1. State/Federal Legislation

Ms. Romano:

- noted that the Manager's Report was extensive; and
- stated that there are items that she will discuss later in the agenda.

D. ATTORNEY COMMENTS

Ms. Williams:

- stated that a stipulated dismissal was filed in the Matanuska Electric Association lawsuit and that the lawsuit is over;
- advised that the attorney's fees and costs that have been filed in the Valley Board of Realtors case will be coming out of the Borough Attorney's budget; and
- spoke regarding the schedule at the court house.

E. CLERK COMMENTS

Ms. Case:

- referenced the meeting schedule;
- spoke regarding the special meeting that has been scheduled for June 13, 2005, in regards to an award of a proposal for Port MacKenzie gravel;
- referenced the special meeting on June 14, 2005, that is scheduled to introduce the sales tax and severance tax legislation; and
- noted that the public hearing on the sales tax and severance tax is scheduled for June 23, 2005.

Mayor Anderson:

- spoke regarding the special meeting scheduled for June 13, 2005;
- spoke regarding legislation on bonding issues for the October 4, 2005, election.

Assemblymember Colver advised that he would like a work session scheduled regarding police powers.

Mayor Anderson:

- spoke regarding the task force recommending that the Borough have police powers;

- stated that there is no reason that the voters cannot decide whether the Borough has police powers; and
- noted that the funding issue can go back out to the voters at a later date.

Discussion ensued regarding police powers.

Ms. Case:

- advised that the candidate filing period opens on July 18, 2005, and closes on July 29, 2005;
- spoke regarding providing local government tours to Sherrod Elementary School students; and
- advised that Ms. McGehee is on the Honor Roll for the General Municipal Code, at the nomination of the Clerk's office staff.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Board of Adjustment and Appeals: 04/01/05
 - b. Circle View and Stampede Estates Flood and Water Erosion Control Service Area: 04/21/05
 - c. Emergency Medical Services Advisory Board: 04/06/05
 - d. Enhanced 9-1-1 Advisory Board: 04/12/05
 - e. Knik Road Service Area No. 17: 05/05/05
 - f. Local Emergency Planning Committee: 03/16/05
 - g. Local Road Service Area Advisory Board: 05/19/05
 - h. Meadow Lakes Fire Service Area No. 34: 01/17/05, 02/10/05
 - i. Parks, Recreation, and Trails Advisory Board: 03/28/05, 04/25/05
 - j. Platting Board : 04/07/05, 04/21/05, 05/05/05, 05/19/05
 - k. Port Commission: 03/21/05, 04/13/05
 - l. Talkeetna Flood and Erosion Control Service Area No. 7: 03/28/05
2. Community Council Correspondence:
 - a. Chickaloon Community Council: Resolution 05-01
 - b. South Knik River Community Council: 03/19/05
 - c. Sutton Community Council: 04/12/05
 - d. Willow Area Community Organization: 05/05/05

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

G. INFORMATIONAL MEMORANDUMS

VIII. UNFINISHED BUSINESS

(There was no unfinished business presented.)

IX. NEW BUSINESS

- A. INTRODUCTION (For public hearing – 06/21/05, 7 p.m., Borough Assembly Chambers)
1. Ordinance Serial No. 05-081: AN ORDINANCE APPROVING THE REAPPROPRIATION OF \$25,000 FROM THE FISCAL YEAR 2005 ASSEMBLY OPERATING BUDGET, FUND 100, TO FUND 435, PROJECT NO. 10057, FOR THE UPGRADE OF THE AUDIO SYSTEM IN THE ASSEMBLY CHAMBERS. (*Sponsor: Assemblymember Vehrs*)
 - a. IM No. 05-152
 2. Ordinance Serial No. 05-082: AN ORDINANCE ISSUING NONAREAWIDE GENERAL OBLIGATION BONDS IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$4,660,000 TO FINANCE THE DESIGN AND CONSTRUCTION OF AN ANIMAL CARE FACILITY AND RELATED CAPITAL IMPROVEMENTS, AND TO SUBMIT THE QUESTION OF THE ISSUANCE OF SUCH BONDS TO THE QUALIFIED NONAREAWIDE VOTERS OF THE BOROUGH AT THE OCTOBER 4, 2005, BOROUGH ELECTION.
 - a. IM No. 05-127
 3. Ordinance Serial No. 05-083: AN ORDINANCE ISSUING NON-AREAWIDE GENERAL OBLIGATION BONDS IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$15,635,000 TO FINANCE THE CONSTRUCTION, MAJOR RENOVATION AND EXPANSION OF LIBRARY FACILITIES AND RELATED CAPITAL IMPROVEMENTS, AND TO SUBMIT THE QUESTION OF THE ISSUANCE OF SUCH BONDS TO THE QUALIFIED NON-AREAWIDE VOTERS OF THE BOROUGH AT THE OCTOBER 4, 2005, BOROUGH ELECTION.
 - a. IM No. 05-128
 4. Ordinance Serial No. 05-085: AN ORDINANCE REAPPROPRIATING \$110,000 FROM THE FISCAL YEAR 2005 AREAWIDE FUND, FUND 100, OFFICE OF INFORMATION TECHNOLOGY OPERATING BUDGET TO FUND 480, PROJECT NO. 20316, FOR PROFESSIONAL SERVICES, HARDWARE, AND SOFTWARE TO FACILITATE THE MIGRATION OF THE INFRASTRUCTURE NETWORK OPERATING SYSTEM, DIRECTORY SERVICES, AND E-MAIL SYSTEMS FROM NOVELL TO MICROSOFT WINDOWS PLATFORM.
 - a. Resolution Serial No. 05-072: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE MIGRATION OF THE INFRASTRUCTURE NETWORK OPERATING SYSTEM, DIRECTORY SERVICES, AND E-MAIL SYSTEMS FROM NOVELL TO MICROSOFT WINDOWS PLATFORM.
 - (1) IM No. 05-136
 5. Ordinance Serial No. 05-086: AN ORDINANCE APPROPRIATING \$20,000 FROM CASWELL LAKES ROAD SERVICE AREA NO. 15 FUND BALANCE TO FUND 410, PROJECT NO. 35009, CASWELL LAKES EMERGENCY ROAD REPAIRS.
 - a. IM No. 05-138

6. Ordinance Serial No. 05-087: AN ORDINANCE APPROPRIATING \$7,780 FROM THE ROAD SERVICE AREA REVOLVING LOAN FUND AND \$42,220 FROM THE GREATER WILLOW ROAD SERVICE AREA FUND BALANCE TO FUND 410 FOR EMERGENCY ROAD REPAIRS IN THE GREATER WILLOW ROAD SERVICE AREA NO. 20.
 - a. Resolution Serial No. 05-073: A RESOLUTION APPROVING A LOAN FROM THE ROAD SERVICE AREA REVOLVING LOAN FUND (FUND 610) IN THE AMOUNT OF \$7,780 TO THE GREATER WILLOW ROAD SERVICE AREA NO. 20 FOR EMERGENCY ROAD REPAIRS.
 - (1) IM No. 05-139
7. Ordinance Serial No. 05-088: AN ORDINANCE APPROPRIATING \$20,000 FROM THETALKEETNA ROAD SERVICE AREA NO. 29 FUND BALANCE TO FUND 410, PROJECT NO. 35012, TALKEETNA EMERGENCY ROAD REPAIRS.
 - a. IM No. 05-140
8. Ordinance Serial No. 05-089: AN ORDINANCE APPROPRIATING \$10,000 FROM THE TRAPPER CREEK ROAD SERVICE AREA NO. 30 FUND BALANCE TO FUND 410, PROJECT NO. 35013, TRAPPER CREEK EMERGENCY ROAD REPAIRS.
 - a. IM No. 05-141
9. Ordinance Serial No. 05-090: AN ORDINANCE APPROPRIATING \$15,000 FROM THE ROAD SERVICE AREA REVOLVING LOAN FUND TO FUND 410 FOR EMERGENCY ROAD REPAIRS IN THE BIG LAKE ROAD SERVICE AREA NO. 21.
 - a. Resolution Serial No. 05-074: A RESOLUTION APPROVING A LOAN FROM ROAD SERVICE AREA REVOLVING LOAN FUND (FUND 610) IN THE AMOUNT OF \$15,000 TO THE BIG LAKE ROAD SERVICE AREA NO. 21.
 - (1) IM No. 05-143
10. Ordinance Serial No. 05-091: AN ORDINANCE APPROVING A REAPPROPRIATION OF \$3,419 FROM THE FISCAL YEAR 2005 BIG LAKE FIRE SERVICE AREA OPERATING BUDGET, FUND 256, TO PROJECT NO. 45141, FUND 405, TO PURCHASE PERSONAL PROTECTIVE EQUIPMENT.
 - a. Resolution Serial No. 05-075: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 45141, FUND 405 TO PURCHASE PERSONAL PROTECTIVE EQUIPMENT FOR THE BIG LAKE FIRE SERVICE AREA.
 - (1) IM No. 05-146
11. Ordinance Serial No. 05-092: AN ORDINANCE APPROVING A REAPPROPRIATION OF \$12,992 FROM THE FISCAL YEAR 2005 MEADOW LAKES FIRE SERVICE AREA OPERATING BUDGET, FUND 257, TO PROJECT NO. 45123, FUND 405, TO PURCHASE PERSONAL PROTECTIVE EQUIPMENT.
 - a. Resolution Serial No. 05-076: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 45123, FUND 405 TO PURCHASE PERSONAL PROTECTIVE EQUIPMENT FOR MEADOW LAKES FIRE SERVICE AREA.

- (1) IM No. 05-147
12. Ordinance Serial No. 05-093: AN ORDINANCE APPROVING A REAPPROPRIATION OF \$25,000 FROM THE FINANCE ADMINISTRATIVE OPERATING BUDGET, FUND 100, TO FUND 480 FOR TREASURY MANAGEMENT SOFTWARE.
 - a. IM No. 05-148
13. Ordinance Serial No. 05-094: AN ORDINANCE APPROVING A REAPPROPRIATION OF \$75,000 FROM THE COMMUNITY DEVELOPMENT ADMINISTRATION DIVISION OPERATING BUDGET, FUND 100, AND \$175,000 FROM THE ECONOMIC DEVELOPMENT DIVISION OPERATING BUDGET, FUND 200, TO FUND 450 FOR DEVELOPMENT OF A NORDIC TRAIL SYSTEM AND RELATED FACILITIES FOR HATCHER PASS.
 - a. IM No. 05-149
14. Ordinance Serial No. 05-095: AN ORDINANCE APPROVING A REAPPROPRIATION OF \$200,000 FROM THE FINANCE DEPARTMENT OPERATING BUDGETS, FUND 100, TO FUND 480 FOR THE NEW ASSESSMENTS/GEOGRAPHICAL INFORMATION SYSTEMS (GIS)/TAX/LAND SYSTEM.
 - a. IM No. 05-150
- B. INTRODUCTION (For public hearing – 07/19/05, 7 p.m., Borough Assembly Chambers)
 1. Ordinance Serial No. 05-070: AN ORDINANCE CREATING MARCUS BAKER, TATLOW, AND LAKE GEORGE DRIVES ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 411, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT COSTS OF THE IMPROVEMENT.
 - a. IM No. 05-133

Ms. Case read the above legislation into the record.

MOTION: Assemblymember Colver moved to introduce the legislation as read into the record by the Acting Clerk and set the public hearings for June 21, 2005, July 19, 2005, respectively.

VOTE: The motion passed without objection.

Mayor Anderson inquired if there was any objection to addressing the Consent Agenda after Audience Participation.

There was no objection noted.

D. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Anderson made the following recommendations:

Enhanced 911 Advisory Board
Gina Wheeler
Sutton FSA No. 4
Joseph Younack

Mayor Anderson requested the following confirmations:

Board of Adjustment and Appeals
Elinros Laber
Enhanced 911 Advisory Board
Jeff Barron
Local Emergency Planning Committee
Elinros Laber
Planning Commission
Resignation of Larry LaGrone
Port Commission
Dave Cruz
Sutton FSA No. 4
Vincent Volpe
Mark Bertels
Talkeetna RSA No. 24
Randolph McLean Russell
Big Lake RSA No. 21
Michael Graves
Midway RSA No. 9
John Graham

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

VOTE: The motion passed with Assemblymember Vehrs in opposition.

(The regular meeting recessed at 6:42 p.m. and reconvened at 6:59 p.m.)

Mayor Anderson inquired if there was any objection to holding a work session regarding police powers on July 12, 2005, at 6 p.m.

There was no objection noted.

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

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

B. PUBLIC HEARINGS (Three minutes per person.)

1. Ordinance Serial No. 05-036: AN ORDINANCE CREATING SILVER BULLET CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 409, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.
 - a. IM No. 05-072

Ms. Clayton 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 Woods moved to adopt Ordinance Serial No. 05-036.

VOTE: The motion passed without objection.

2. Ordinance Serial No. 05-071: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$10,000 GRANT TO FUND 480, PROJECT NO. 45015, FROM THE ALASKA STATE DIVISION OF COMMUNITY ADVOCACY, DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT, TO ESTABLISH IMPROVED PUBLIC ACCESS TO WOLVERINE LAKE.
 - a. Resolution Serial No. 05-060: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET TO ESTABLISH IMPROVED PUBLIC ACCESS ON BOROUGH-OWNED LAND AT THE NORTHEAST END OF WOLVERINE LAKE.
(Sponsor: Assemblymember Woods)
 - (1) IM No. 05-101

Mayor Anderson opened the public hearing.

The following person spoke in favor of Ordinance Serial No. 05-071 and Resolution Serial No. 05-060: Ms. Celeste Moore.

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 05-071 and Resolution Serial No. 05-060.

Assemblymember Woods spoke regarding the importance of improved public access to Wolverine Lake in her district.

VOTE: The motion passed without objection.

3. Ordinance Serial No. 05-072: AN ORDINANCE AMENDING MSB 24.10.070(A) TO CHANGE THE LICENSE REGISTRATION FEES FOR KENNELS AND CATTERIES AND NEWLY ADOPTED ANIMALS FROM THE ANIMAL CARE AND REGULATION SHELTER.
 - a. Resolution Serial No. 05-061: A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY REVISING THE ANIMAL CARE AND REGULATION SHELTER'S FEE SCHEDULE FOR KENNEL AND CATTERY LICENSE REGISTRATION AND NEWLY ADOPTED ANIMALS FROM THE ANIMAL CARE AND REGULATION SHELTER. (*Sponsor: Assemblymember Vehrs*)
 - (1) IM No. 05-120

Mr. Brodigan:

- spoke regarding the meetings that the Animal Care and Regulation Board has held with regards to the fee schedule;
- spoke regarding the public input on the license fee issue;
- advised of how the new fee structure works;
- spoke regarding the time it takes staff to register a kennel; and
- spoke regarding the changes to the registration fee for newly adopted animals from the animal shelter.

Assemblymember Vehrs queried the deficit that the Animal Care and Regulation Division carried last year.

Mr. Brodigan advised that for fiscal year FY05 the approximate projected expenses of \$1,000,000 with an approximate projected revenue of \$130,000.

Assemblymember Vehrs queried if this was a good compromise for all the parties.

Mr. Brodigan:

- spoke regarding the different fee schedules that the Animal Care and Regulation Board looked at;
- opined that some of the proposed fee schedules were too complicated; and
- remarked that the new fee structure is a good compromise for all the parties.

Assemblymember Simpson:

- spoke regarding the license fee and the registering of each animal at the kennels; and
- queried how the Animal Care and Regulation Division would handle the changing number of animals at the kennels during the three-year registration period.

Mr. Brodigan:

- spoke regarding the trading of dogs between the kennels;
- noted that the registration fee lasts for three years;
- advised that they would only do a count of the number of animals at the kennels every three years when the kennel gets registered; and

- noted that this new system is much more efficient for the kennel owners and Animal Care and Regulation.

Assemblymember Allen queried how long a kennel inspection takes.

Mr. Brodigan advised that the \$50 fee would cover approximately 2 ½ hours of an officer's time.

Discussion ensued regarding the fee structure for kennels and catteries.

Mayor Anderson opened the public hearing.

The following person spoke in favor of Ordinance Serial No. 05-072 and Resolution Serial No. 05-061: Mr. John Wood.

The following person spoke against Ordinance Serial No. 05-072 and Resolution Serial No. 05-061: Ms. Kelly Griffin, Mat-Su Sled Dog Council; Mr. Doug Bartko; Ms. Claudia Sihler; Mr. Dan Hutenen; Mr. Ken Garr; and Mr. Frank Seiler.

MOTION: Assemblymember Vehrs moved to adopt Ordinance Serial No. 05-072 and Resolution Serial No. 05-061.

Assemblymember Vehrs:

- spoke regarding looking at putting a musher on the Animal Care and Regulation Board;
- noted that there are ways for the Board to have discussions with organizations without violating the Open Meetings Act;
- spoke regarding low cost animal shot clinics;
- noted that almost everything at the Animal Care and Regulation Division is complaint driven; and
- stated that the proposed fee structure is a compromise and better than the fee structure that is in place currently.

Assemblymember Simpson queried what happens if you have alterations in the number of animals that you have within the registration period.

Mr. Brodigan:

- stated that the kennels get the benefit of the doubt;
- advised that there are no penalties for increasing the number of animals at a kennel within the three-year registration period; and
- noted that it is not cost effective to try and track if kennels have increased the numbers of animals they have.

Assemblymember Woods queried what kind of impact there may be if a kennel doubled in size.

Mr. Brodigan:

- spoke regarding the testimony that was heard at the Animal Care and Regulation Board meetings; and

- stated that a kennel doubling in size would not be a normal scenario.

Mayor Anderson:

- stated that the service that Animal Care and Regulation provides is not a break even service; and
- advised that the service of Animal Care and Regulation is supported by non-area-wide tax revenues.

Assemblymember Vehrs queried if the composition of the Animal Care and Regulation Board could be changed.

Mayor Anderson:

- advised that the composition of the Board could be changed by bringing forward an ordinance;
- advised that he was going to look at placing a musher on the Animal Care and Regulation Board when a vacancy occurred; and
- opined that the Animal Care and Regulation Board is doing a good job.

VOTE: The motion passed without objection.

4. Ordinance Serial No. 05-073: AN ORDINANCE APPROVING A REAPPROPRIATION OF \$14,500 FROM FUND 480, PROJECT NO. 15012, TO FUND 440, PROJECT NO. 10157, FOR REMODELING AND BUILDING IMPROVEMENTS AT THE BRETT MEMORIAL ICE ARENA.
 - a. Resolution Serial No. 05-062: A RESOLUTION AMENDING THE BUDGETS FOR CAPITAL PROJECT NOS. 15012 AND 10157.
 - (1) IM No. 05-122

Mr. Rountree 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 Kvalheim moved to adopt Ordinance Serial No. 05-073 and Resolution Serial No. 05-062.

VOTE: The motion passed without objection.

5. Ordinance Serial No. 05-074: AN ORDINANCE ACCEPTING AND APPROPRIATING \$26,638 FROM THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT GRANT PROGRAM, TO FUND 480, PROJECT NO. 45126, TO EMPLOY A CITIZEN CORPS COORDINATOR AND PURCHASE SUPPLIES.

- a. Resolution Serial No. 05-063: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, PROJECT NO. 45125, FUND 480, TO EMPLOY A CITIZEN CORPS COORDINATOR AND PURCHASE SUPPLIES.
- (1) IM No. 05-124

Mr. Brodigan 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 Colver moved to adopt Ordinance Serial No. 05-074 and Resolution Serial No. 05-063.

VOTE: The motion passed without objection.

- 6. Ordinance Serial No. 05-075: AN ORDINANCE ACCEPTING AND APPROPRIATING \$195,200 FROM THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT GRANT PROGRAM, TO FUND 480, PROJECT NO. 10061, TO CONDUCT EXERCISES, DEVELOP AND CONDUCT ASSESSMENTS, AND PURCHASE EQUIPMENT AND SUPPLIES.
- a. Resolution Serial No. 05-064: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE HOMELAND SECURITY AND EMERGENCY MANAGEMENT GRANT, PROJECT NO. 10061, FUND 480, TO CONDUCT EXERCISES, DEVELOP AND CONDUCT ASSESSMENTS, AND PURCHASE EQUIPMENT AND SUPPLIES.
- (1) IM No. 05-125

No staff report was provided.

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 Colver moved to adopt Ordinance Serial No. 05-075 and Resolution Serial No. 05-064.

VOTE: The motion passed without objection.

- 7. Ordinance Serial No. 05-076: AN ORDINANCE EXTENDING THE TIME LIMIT FOR COMPLETION OF BOROUGH CAPITAL PROJECTS.
- a. IM No. 05-130

No staff report was provided.

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 Colver moved to adopt Ordinance Serial No. 05-076.

Assemblymember Colver queried if there was a way to close out some of the projects and reappropriate the money for the Childrens' Place.

Ms. Clayton advised that the Directors would have to be asked if their projects could be closed.

Assemblymember Colver requested that by the next meeting that projects that can be closed out be identified for the purpose of reappropriating money to the Childrens' Place.

Assemblymember Simpson queried if capital funds could be used for non-capital expenditures.

Ms. Clayton advised that areawide capital funds could be used for reappropriation on non-capital expenditures.

Discussion ensued regarding capital projects.

VOTE: The motion passed without objection.

(The regular meeting recessed at 8:15 p.m. and reconvened at 8:26 p.m.)

8. Ordinance Serial No. 05-077: AN ORDINANCE AMENDING MSB 5.25.060(C), TALKEETNA SEWER AND WATER SERVICE AREA NO. 36, AND AMENDING THE OPERATING RULES, RATES, AND PROCEDURES FOR THE USE OF SUPPLY OF PUBLIC SEWER AND WATER SYSTEMS IN TALKEETNA. *(Sponsor: Assemblymember Vehrs)*

a. IM No. 05-131

Mr. Romano:

- spoke regarding the public testimony that was provided by constituents in the service area; and
- spoke regarding the operating shortfall in the Talkeetna Sewer and Water Service Area budget.

CONFLICT OF INTEREST: Assemblymember Allen declared a conflict of interest as a grant may be applied for from the agency he works for.

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

(Assemblymember Allen exited the meeting.)

Ms. Romano:

- advised that the operating shortfall for this year is estimated at \$110,945, along with what is owed on the loan balance;
- spoke regarding the proposed plan to remedy the deficit;
- spoke regarding failing equipment in the water service area;
- advised that the service area does not have a fund balance to be able to address repairs to the equipment;
- spoke regarding grants that the service area can apply for; and
- spoke regarding developing a program to help families that cannot meet the costs.

Assemblymember Vehrs queried what would happen if the 25 percent increase that is recommended in six months after approval of the legislation is not adopted.

Ms. Romano stated that the service area would be running in the red regardless; however, without the second 25 percent increase they would be deeper in the red.

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. 05-077.

Assemblymember Vehrs:

- commended the staff for the work that has been done on the issue; and
- advised that initially the Talkeetna Sewer and Water Board approved all the changes, however, the full Board was not in attendance at the time the vote was taken;
- noted that the Talkeetna Sewer and Water Board is not in favor of the 25 percent recommended increase that is to go into affect six months from the adoption of the legislation;
- advised that the Board is counting on the \$40,000 grant from the State Legislature; and
- queried the billing system.

Ms. Romano:

- stated that the deficit is so astounding and they have no fund balance;
- commented that it has been 13 years since there has been a rate increase; and
- advised that the grant that may be applied for would be to meter the residences and not to reduce operating deficits or reduce loan balances.

Mayor Anderson queried the interest rates on the loans.

Ms. Clayton:

- noted that the interest rates change annually; and
- advised that the interest rate for this year could possibly be 3 percent.

Assemblymember Vehrs noted that this is the year that the Talkeetna Sewer and Water Board needs to start paying their loans back.

Discussion ensued regarding the deficit and the loans.

Assemblymember Colver:

- spoke regarding increasing the rates within six months by 25 percent and two percent for each year thereafter;
- advised that within the ordinance it doesn't have the language increasing the fees for water and sewer services except for the application fees; and
- noted that the ordinance only increases the rates by 25 percent and does not authorize the 25 percent increase at 6 months.

Ms. Romano advised that the intention is to increase all of the fees by 25 percent within six months.

Ms. Williams advised that the Assembly could come back at a later date to raise the fees or amend the legislation to reflect the increases.

Assemblymember Vehrs queried whether the two percent increase is included.

Mayor Anderson:

- opined that there will be the same problems in the future if the issue is not resolved; and
- requested that the issue be resolved with this legislation.

MOTION: Assemblymember Colberg moved a primary amendment to insert a section 6 within the code area of the ordinance to read as follows: An additional 25 percent rate increase shall take affect six months from adoption of this ordinance, and a 2 percent increase per year until there is no longer a deficit, with the exception of the application fees.

Assemblymember Colver spoke regarding the application fee increases being built into the legislation.

MOTION: Assemblymember Colver moved a secondary amendment to exempt the application fees from the rate increases.

VOTE: The secondary amendment passed without objection

Assemblymember Vehrs advised that the Board has suggested that she vote against the 25 percent increase at 6 months.

VOTE: The primary amendment passed with Assemblymember Vehrs in opposition.

VOTE: The main motion passed with Assemblymember Vehrs in opposition.

(Assemblymember Allen re-entered the meeting.)

9. Ordinance Serial No. 05-079: AN ORDINANCE APPROVING AN APPROPRIATION OF \$73,511 OF THE INTEREST EARNINGS ON THE PROCEEDS OF THE 2004 SERIES C, PORT GENERAL OBLIGATION BONDS AND \$1,659,000 FROM THE PORT ENTERPRISE FUND LOAN PROCEEDS TO FUND 450 FOR CONTRACT CLOSEOUT FOR THE PORT MACKENZIE DEEP DRAFT DOCK CONSTRUCTION PROJECT.
 - a. Resolution Serial No. 05-069: A RESOLUTION APPROVING A LOAN FROM THE LAND MANAGEMENT PERMANENT FUND (FUND 203) IN THE AMOUNT OF \$1,659,000 TO THE PORT ENTERPRISE FUND FOR CONTRACT CLOSEOUT OF THE PORT MACKENZIE DEEP DRAFT DOCK CONSTRUCTION PROJECT.
 - b. Resolution Serial No. 05-070: A RESOLUTION APPROVING AN AMENDED BUDGET FOR THE DEEP DRAFT DOCK PORT CONSTRUCTION PROJECT.
 - (1) IM No. 05-132
 - (2) AM No. 05-076: APPROVAL OF CHANGE ORDER NO. 2 TO MKB CONSTRUCTORS IN THE AMOUNT OF \$1,732,511 FOR THE CONTRACT CLOSEOUT FOR THE CONSTRUCTION OF THE DEEP DRAFT DOCK AT PORT MACKENZIE.

Mr. Van Dongen provided a staff report.

Assemblymember Colver queried whether there was a dispute on whether the capstan and quick release hooks were included in the contract.

Mr. Van Dongen:

- spoke regarding re-bidding the steel;
- advised that originally that these were owner provided materials;
- advised that the Purchasing Division made an addendum to the bid that deleted the capstan and quick release hooks as owner provided materials;
- noted that MKB Constructors interpreted the addendum to mean that the capstans and quick release hooks were deleted; and
- advised that this issue is resolved in the settlement.

Assemblymember Woods queried if the Port was currently paying money to the Land Management Fund.

Mr. Van Dongen:

- advised that the Port is not paying money to the Land Management fund; and
- advised that those funds were contingency funds that were subsequently taken back.

Mayor Anderson noted that it was proposed but has not been done.

Discussion ensued regarding Port revenues and expenses.

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. 05-079, Resolution Serial No. 05-069, Resolution Serial No. 05-070, and AM No. 05-076.

Assemblymember Simpson:

- spoke regarding the 40 percent increase in steel prices;
- advised that the cost is still within the accepted industry standards for contingencies;
- complimented the staff for negotiating the contract and coming up with creative solutions;
- noted that this is a loan from the Land Management Permanent Fund;
- commented that the interest from the loan will go back into the Land Management Permanent Fund;
- stated that the Borough can close out the contract with this legislation, continue to grow the Port, diversify the economy, grow industrial development, provide jobs, and at some point offset the mil rate; and
- requested support for the legislation.

Assemblymember Colver:

- thanked the staff for negotiating down the claim;
- spoke to being asked to approve a contingency last summer;
- spoke regarding the steel arriving late;
- cautioned to be careful in the future to include all the materials in the contract;
- spoke regarding how the Borough could have avoided the claim;
- spoke regarding the history of the claim;
- opined that the Borough could have done a better job in mitigating the impacts; and
- advised that he will not be supporting the legislation.

Assemblymember Simpson:

- stated that it would have resulted in a 1.5 million expense if the Port would have had to demobilize during the winter months and remobilize in the spring;
- commented that the majority of the Assembly approved the changes in the past; and
- stated that the situation is unfortunate and that there are lessons to be learned for the future.

Assemblymember Allen:

- opined that the costs that have been incurred by moving forward with the Port are less than they would have been if the Assembly would have waited;
- opined that the decision makers on this issue did not rush to any decisions; and
- commented that the Borough now has an asset that is generating revenue.

Assemblymember Vehrs states that the settlement could have been a lot higher if it was not for skillful negotiations.

Mayor Anderson:

- stated that he agrees with most of the points that have been made;
- opined that sometimes the decisions are rushed; and
- spoke to building contingencies in at the beginning.

VOTE: The motion passed with Assemblymember Colver in opposition.

MOTION: Assemblymember Simpson moved to reconsider Ordinance Serial No. 05-079, Resolution Serial No. 05-069, Resolution Serial No. 05-070, and AM No. 05-076.

VOTE: The motion to reconsider failed unanimously.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke regarding the proposed natural gas pipeline: Mr. Warren Keogh.

The following person spoke regarding the implementation of the tax on tobacco products: Ms. Nola Bragg.

The following person spoke regarding the American Red Cross Teen Corps Program: Ms. Konnie Shuey.

The following person spoke regarding Port MacKenzie and Police Powers: Ms. Jay Nolfi.

The following person spoke against the location of the shooting range in Resolution Serial No. 05-077: Ms. Jean Woods and Ms. Lucille Frey.

C. CONSENT AGENDA (Resolution Serial Nos. 05-077 and 05-078, and AM Nos. 05-070, 05-082, 05-083, 05-085, and 05-087 were pulled from the consent agenda and addressed separately. See pp. 22 of 28)

1. RESOLUTIONS

2. ACTION MEMORANDUMS

b. AM No. 05-073: APPROVAL OF THE VACATION OF A 33-FOOT SECTION LINE EASEMENT ALONG THE SOUTH BOUNDARY LINE OF UNITED STATES GOVERNMENT LOT 7 WITHIN SECTION 33, TOWNSHIP 18 NORTH, RANGE 1 EAST, IN THE PROPOSED RIDGEWATER COVE, LOCATED IN THE NORTH LAKES COMMUNITY COUNCIL AREA.

c. AM No. 05-075: APPROVAL OF THE VACATION OF A 30-FOOT ROAD AND UTILITY EASEMENT ALONG THE WEST AND NORTH

BOUNDARIES OF LOTS 1 THROUGH 3 IN KUMAR ACRES SUBDIVISION, SECTION 17, TOWNSHIP 18 NORTH, RANGE 1 EAST, SEWARD MERIDIAN, ALASKA, LOCATED IN THE FISHHOOK COMMUNITY COUNCIL AREA.

- d. AM No. 05-077: AUTHORIZATION TO PURCHASE FIREFIGHTER TURNOUT GEAR FOR \$53,662.40 FROM L.N. CURTIS & SONS, INC.
- e. AM No. 05-078: AUTHORIZATION TO PURCHASE MSA BRAND MASK MOUNTED REGULATORS, CYLINDERS, SELF-CONTAINED BREATHING APPARATUS, AND MISCELLANEOUS OVERHAUL KITS FROM ALASKA SAFETY, INC., IN THE AMOUNT OF \$58,252.90, FOR THE CENTRAL FIRE SERVICE AREA.
- f. AM No. 05-080: AWARD OF BID NO. 05-157 TO KOPPERUD TRANSPORTATION, INC., IN THE ANNUAL AMOUNT NOT TO EXCEED \$426,560.82 FOR KNIK ROAD SERVICE AREA NO. 17 ANNUAL ROAD MAINTENANCE.
- g. AM No. 05-081: AWARD OF BID NO. 05-158 TO KOPPERUD TRANSPORTATION, INC., IN THE ANNUAL AMOUNT NOT TO EXCEED \$46,818 FOR LAZY MOUNTAIN ROAD SERVICE AREA NO. 19 ANNUAL ROAD MAINTENANCE.
- j. AM No. 05-084: AWARD OF BID NO. 05-161 TO KOPPERUD TRANSPORTATION, INC., FOR THE ANNUAL AMOUNT NOT TO EXCEED \$138,647.88 FOR BUTTE ROAD SERVICE AREA NO. 26 ANNUAL ROAD MAINTENANCE.
- l. AM No. 05-086: AWARD OF BID NO. 05-163 TO KOPPERUD TRANSPORTATION, INC., FOR THE ANNUAL AMOUNT NOT TO EXCEED \$62,322 FOR ALPINE ROAD SERVICE AREA NO. 31 ANNUAL ROAD MAINTENANCE.
- n. AM No. 05-088: AWARD OF BID NO. 05-137 TO WESTERN CONSTRUCTION AND EQUIPMENT FOR THE CONTRACT AMOUNT OF \$28,615 TO PERFORM A GRAVEL SURFACE UPGRADE ON LUCY LAKE DRIVE AND CONNECT ALIX DRIVE WITH KNIK KNACK MUD SHACK ROAD.
- o. AM No. 05-089: AWARD OF BID NO. 05-139 TO NECHESTA GENERAL FOR THE CONTRACT AMOUNT OF \$71,336 TO RECONSTRUCT AND DITCH CRANE ROAD.
- p. AM No. 05-091: AWARD OF BID NO. 05-156 TO EAGLE ENTERPRISES, INC., FOR THE CONTRACT AMOUNT OF \$121,255 FOR THE PURCHASE OF URBAN SEARCH AND RESCUE/MEDICAL RESPONSE/WILDLAND RESPONSE GEAR (USAR GEAR).

Ms. Case read the above legislation into the record.

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

VOTE: The motion passed without objection.

- a. Resolution Serial No. 05-077: A RESOLUTION CREATING A PROCESS TO IDENTIFY A SAFE SHOOTING SITE FOR BOROUGH RESIDENTS ON BOROUGH LAND IN THE POINT MACKENZIE AREA. (*Sponsor: Assemblymember Colver*)
- (1) IM No. 05-153

MOTION: Assemblymember Simpson moved to adopt Resolution Serial No. 05-077.

MOTION: Assemblymember Simpson moved a primary amendment to amend Resolution Serial No. 05-077 by substitute Resolution Serial No. 05-077(SUB-1).

Assemblymember Simpson advised due to the substantial changes and the need for re-advertising that she would like to postpone both items.

Mayor Anderson requested clarification from the Clerk.

Ms. Case:

- advised that the motion to substitute would remain on the floor; and
- advised that both titles would be advertised for the postponement date.

Assemblymember Simpson:

- spoke regarding an e-mail that was received from Mr. Eddie Grasser of the National Rifle Association;
- advised that there are other areas in the Borough that need this type of facility;
- commented that she would like to broaden the search to include State land;
- suggested including the Alaska State Department of Natural Resources in the discussions;
- spoke regarding the other areas that are suggested in the substitute for shooting sites;
- spoke regarding one of the sites including classes in fire arm safety and certification; and
- opined that there is a need for these types of facilities and she would like to be more proactive on the approach.

Assemblymember Colver:

- stated that he agrees and supports the issues raised;
- noted that the Borough does not have a suitable core location for a shooting site;
- spoke regarding feedback that he has received from the public;
- advised that he would like to have the Pt. MacKenzie site designated prior to development taking place;
- spoke regarding the issues with multi-jurisdictions;

- requested that the substitute not be taken up at this time; and
- commented that in the future the Borough could look at other shooting site locations.

Discussion ensued regarding:

- tightening the timeframe for public review;
- the locations of the shooting sites; and
- supporting the original resolution and bringing the substitute back at a later date.

VOTE: The primary amendment to amend Resolution Serial No. 05-077 by substitute Resolution Serial No. 05-077(SUB-1) failed with Assemblymembers Simpson and Colberg in support.

VOTE: The main motion passed without objection.

MOTION: Assemblymember Colver moved to reconsider Resolution Serial No. 05-077.

VOTE: The motion to reconsider failed unanimously.

b. Resolution Serial No. 05-078: A RESOLUTION CREATING A PROCESS TO HAVE THE INTEREST OF THE BOROUGH REPORTED TO THE ALASKA STATE LEGISLATURE IN A TIMELY FASHION. (*Sponsor: Assemblymember Colver*)

(1) IM No. 05-154

MOTION: Assemblymember Simpson moved to approve Resolution Serial No. 05-078.

Assemblymember Simpson:

- opined that a mechanism does need to be put into place to handle this issue; and
- queried the definition of the word “interest” within the legislation.

Assemblymember Colver:

- spoke regarding instances when the Assembly did not have time to respond to the State Legislation prior to the Legislature taking action; and
- advised that the legislation would give the Mayor the option to respond to the State Legislature quickly.

Assemblymember Simpson:

- queried who determines which pieces of legislation get discussed;
- spoke regarding the number of bills that the State Legislature has;
- queried who decides when an issue rises to the level when the Assembly needs someone to speak for them if there is not a chance for the Assembly to designate the issues; and
- spoke regarding concerns on criteria regarding the policy.

Assemblymember Colver:

- stated that he envisioned that the Mayor could express concern on behalf of the Borough; and
- advised that at that time the Mayor could notify the Assembly of the action.

Mayor Anderson:

- advised that the purpose would be if the Assembly could not act on an item prior to the Legislature acting on that item;
- noted that the timelines would be based on the lobbyists' recommendations; and
- advised that he would do something similar to what happened with the E-911 issue by drafting legislation requesting that the Legislature give the Borough time to look at the issue.

Assemblymember Colberg:

- advised that the ordinance is not specific to the current mayor it would also pertain to future mayors;
- spoke regarding the Mayor communicating the actions after the fact;
- commented that there would be nothing that the Assembly could do if they did not agree with the Mayor's actions;
- opined that the legislation would abdicate the Assembly's roll on issues;
- commented that emergency meetings is the mechanism in place to take care of the issues;
- opined that there is no issue so important for the Assembly to give up their role; and
- reiterated that the mechanism for addressing these timing issues is the emergency meeting format.

Discussion ensued regarding the emergency meeting procedure.

MOTION: Assemblymember Allen moved to postpone Resolution Serial No. 05-078 to a time certain of August 2, 2005.

Assemblymember Allen:

- advised that this issue needs more thought; and
- stated that he feels a concurrence of the majority of the Assembly to act on an issue is needed.

Discussion continued.

VOTE: The motion to postpone to a time certain of August 2, 2005, passed unanimously.

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

VOTE: The motion passed unanimously.

(The regular meeting recessed at 10:55 and reconvened at 11 p.m.)

CONFLICT OF INTEREST: Assemblymember Colver declared a conflict of interest on AM Nos. 05-070 and 05-087.

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

Mayor Anderson inquired if there was any objection to taking AM No. 05-070 and 05-087 out of order due to Assemblymember Colver's conflict of interest.

There was no objection noted.

(Assemblymember Colver exited the meeting.)

- a. AM No. 05-070: AWARD OF BID NO. 05-128 TO WILDER CONSTRUCTION IN THE AMOUNT OF \$2,040,730 TO PROVIDE LABOR, EQUIPMENT, MATERIALS, TOOLS, AND INCIDENTALS FOR PERFORMING WORK ON THE 2005 ROADS PAVING PROJECT.

MOTION: Assemblymember Vehrs moved to approve AM No. 05-070.

VOTE: The motion passed without objection.

- m. AM No. 05-087: AWARD OF BID NO. 05-151 TO WILDER CONSTRUCTION COMPANY FOR THE CONTRACT AMOUNT OF \$773,653 FOR THE VALLEY PATHWAYS SCHOOL SITE DEVELOPMENT.

MOTION: Assemblymember Vehrs moved to approve AM No. 05-087.

VOTE: The motion passed without objection.

(Assemblymember Colver re-entered the regular meeting)

Assemblymember Colver requested that AM Nos. 05-082, 05-083, and 05-085 be moved together as he has the same concern on all of the contract awards.

There was no objection noted.

- h. AM No. 05-082: AWARD OF BID NO. 05-159 TO TEW'S EXCAVATION, INC., FOR THE ANNUAL AMOUNT NOT TO EXCEED \$272,403 FOR BIG LAKE ROAD SERVICE AREA NO. 21 ANNUAL ROAD MAINTENANCE.
- i. AM No. 05-083: AWARD OF BID NO. 05-160 TO TEW'S EXCAVATION, INC., FOR THE ANNUAL AMOUNT NOT TO EXCEED \$37,336 FOR NORTH COLONY ROAD SERVICE AREA NO. 23 ANNUAL ROAD MAINTENANCE.
- k. AM No. 05-085: AWARD OF BID NO. 05-162 TO TEW'S EXCAVATION, INC., FOR THE ANNUAL AMOUNT NOT TO EXCEED \$250,415 FOR MEADOW LAKES ROAD SERVICE AREA NO. 27 ANNUAL ROAD MAINTENANCE.

MOTION: Assemblymember Colver moved to approve AM Nos. 05-082, 05-083, and 05-085

Assemblymember Colver:

- spoke regarding concerns of giving bid increases to the contractor;
- spoke regarding the level of service the tax payers expect;
- stated that you cannot take one piece of equipment and use it in four different areas in the Borough; and
- stated that he would like documentation stating what equipment would be used when awarding these contracts.

Assemblymember Vehrs:

- stated that she has the same concerns for every contractor in the Borough;
- spoke regarding road service area problems within her district; and
- queried how many complaints a contractor has to have filed against them to loose their contract.

Ms. Romano advised that eight letters of complaint need to be received within a year.

Assemblymember Allen:

- opined that the Borough should require proof of equipment that will be used within the road service area; and
- queried if inspections are done on the equipment that the contractors use.

Mr. Kraft:

- advised that s contractor is required to provide a listing of equipment that will be used in each road service area;
- advised that different road service areas cannot share equipment; and
- noted that the Operations and Maintenance Division inspects the equipment within 30 days after the award of the contract.

Discussion ensued regarding the work the contractors perform in the road service areas.

VOTE: The motion passed with Assemblymember Colver in opposition.

E. OTHER NEW BUSINESS

X. RECONSIDERATION

XI. VETO

- A. AM No. 05-050: APPROVAL OF CHANGE ORDER NO. 4 TO TRYCK, NYMAN, HAYES, INC., IN THE AMOUNT OF \$358,118 TO COMPLETE THE DESIGN, PRELIMINARY ENGINEERING, AND GEOTECHNICAL WORK FOR THE FERRY LANDINGS, TERMINAL BUILDINGS, AND PARKING LOTS AT PORT

XII. EXECUTIVE SESSION

XIII. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Simpson:

- thanked the Assembly for their support on the Port legislation; and
- requested that the Clerk provide guidance on moving forward with the legislation on the shooting range.

Assemblymember Colberg read a letter from 1924 that was written by Mr. John Bodenburg regarding a bridge that was removed from the Matanuska River.

Assemblymember Allen:

- spoke regarding being moved by the issue of the Children's Place;
- commented that he could not support the Borough being engaged with the issue; and
- advised that he is looking into finding other funds for the Children's Place.

Assemblymember Woods:

- spoke regarding the gas line spur;
- spoke regarding the impact of the gas line to property owners; and
- commented that as long as the gas line is on a State right-of-way it removes the gas line from the Borough tax rolls.

Assemblymember Vehrs:

- spoke regarding the gravel operation in the Meadow Lakes area; and
- advised that she has asked the Attorney to look into what can be done for noise mitigation.

MOTION: Assemblymember Kvalheim moved to reconsider Resolution Serial No. 05-077.

VOTE: The motion to reconsider failed unanimously.

Assemblymember Kvalheim:

- thanked Assemblymember Allen and Colver for their support with the Children's Place; and
- spoke regarding the need for records retention.

MOTION: Assemblymember Colver moved for reconsideration of the Vacancy Report.

VOTE: The motion to reconsider failed unanimously.

Assemblymember Colver:

- advised that he is impressed with Mr. Keith Rountree's leadership in the Public Works Department; and
- spoke regarding the shooting sites and the selection of locations for the facilities.

Mayor Anderson:

- welcomed Mr. Roundtree as the Public Works Director;
- noted that he will not be in attendance at the June 21, 2005, meeting;
- spoke regarding going through the legislative process with the visiting students from Sherrod Elementary and Swanson Elementary;
- noted that he attended three graduation ceremonies last week;
- advised that his intent on the police powers issue is to go out to public vote;
- agreed that the public does need to know the cost of activating police powers; and
- stated that as Mayor he will always represent the best interest of the Borough.

XIV. ADJOURNMENT

The regular meeting adjourned at 11:42 p.m.

/s/

TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:

/s/

MICHELLE M. MCGEHEE, CMC, Borough Clerk

Minutes approved: June 21, 2005