

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on June 17, 2008, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:09 p.m. by Mayor Curtis D. Menard.

II. ROLL CALL

Assembly members present and establishing a quorum were:

Ms. Lynne Woods, Assembly District No. 1 (*Deputy Mayor*)
Mr. Pete Houston, Assembly District No. 2
Ms. Michelle R. Church, Assembly District No. 3
Ms. Mary Kvalheim, Assembly District No. 4
Ms. Cindy L. Bettine, Assembly District No. 5
Mr. Robert Wells, Assembly District No. 6 (*via teleconference*)
Mr. Tom Kluberton, Assembly District No. 7

Staff in attendance were:

Ms. Lonnie R. McKechnie, Borough Clerk
Mr. John Duffy, Borough Manager
Ms. Marian Romano, Assistant Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Amanda E. Charles, Executive Assistant to the Borough Clerk
Mr. Dennis Brodigan, Emergency Services Director
Ms. Linda Brenner, Community Development Director
Mr. Mark Mayo, Planning and Land Use Director
Ms. Patty Sullivan, Public Affairs Director
Mr. Dave Hanson, Economic Development Director
Mr. Chuck Braun, Division Manager of Operations and Maintenance Division
Ms. Elizabeth Hartley, Comptroller

III. APPROVAL OF AGENDA

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

Assemblymember Wells:

- requested that Ordinance Serial Nos. 08-003, 08-004, and 08-003(SUB) be pulled from the agenda; and
- requested a new public hearing be held on Ordinance Serial Nos. 08-003, 08-004, and 08-003(SUB) at the August 5, 2008, regular meeting.

There was no objection noted.

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. George Troxell, School District Superintendent.

V. MINUTES OF PRECEDING MEETINGS

Mayor Menard inquired if there were any corrections to the regular meeting minutes of June 3, 2008.

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Wasilla City

Assemblymember Kvalheim:

- reported on behalf of Councilmember Woodruff;
- stated that the city had received the report from Denali Law Group;
- commented on the report; and
- noted that they were currently rewriting their code of ethics.

2. Matanuska-Susitna Borough School District

Mr. Troxell:

- provided a report which covered the energy costs for the School District; and
- discussed the challenges of merging the School District and Borough Informational Technologies Departments.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

(There was no report provided.)

2. Assembly Public Relations

(There were no reports provided.)

B. MANAGER COMMENTS

1. State/Federal Legislation

Mr. Duffy:

- spoke regarding the Regional Transit Authority meeting;
- commented on future endeavors for the Regional Transit Authority; and
- stated that he would follow up with the Assembly as the research progressed.

C. ATTORNEY COMMENTS

Mr. Spiropoulos stated that he would be out of the office June 19, 2008, through July 2, 2008.

Assemblymember Bettine requested that the Manager and the Attorney provide a description of the setback abatement process.

D. CLERK COMMENTS

Ms. McKechnie spoke regarding the upcoming meeting schedule.

E. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Emergency Medical Services Board: 02/06/08
 - b. Enhanced 911 Advisory Board: 01/08/08
 - c. Parks, Recreation, and Trails Advisory Board: 03/24/08
 - d. Transportation Advisory Board: 12/12/07
2. Community Council Correspondence:
 - a. Glacier View Community Council: 02/28/08, 03/25/08, 04/25/08
 - b. North Lakes Community Council: 03/25/08
 - c. Talkeetna Community Council: 01/07/08, 02/04/08

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

F. INFORMATIONAL MEMORANDUMS

(There were no informational memorandums presented.)

X. NEW BUSINESS

A. INTRODUCTION (For public hearing - 06/24/08, 6 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 08-075: AN ORDINANCE RELATING TO THE CONSTRUCTION, ADDITIONS, IMPROVEMENTS, BETTERMENTS, REPAIR, RECONSTRUCTION, OR ACQUISITION OF PUBLIC ROADS AND FACILITIES RELATED THERETO IN THE MATANUSKA-SUSITNA BOROUGH, TOGETHER

WITH ALL NECESSARY EQUIPMENT AND TRANSPORTATION FACILITIES, AND THE ACQUISITION OF LANDS OR RIGHTS IN LANDS IN CONNECTION THERE WITH, AND A DEBT OF SAID BOROUGH, AUTHORIZING THE ISSUANCE OF AREAWIDE GENERAL OBLIGATIONS BONDS OF SAID BOROUGH IN AN AMOUNT NOT TO EXCEED THE SUM OF \$34,500,000 TO FINANCE THE COST, IN WHOLE OR IN PART, OF SUCH PUBLIC ROADS AND APPURTENANCES, AND PROVIDING FOR THE SUBMISSION TO THE VOTERS OF SAID BOROUGH OF A PROPOSITION RATIFYING THE AUTHORIZATION OF SAID BONDS AT THE OCTOBER 7, 2008, REGULAR BOROUGH ELECTION.

- a. IM No. 08-147
- B. INTRODUCTION (For public hearing - 07/15/08, 7 p.m., Talkeetna Elementary School, 13798 E. Veterans Way, Talkeetna, Alaska - Teleconferenced to the Borough Assembly Chambers)
 1. Ordinance Serial No. 08-098: AN ORDINANCE AMENDING MSB 27.05, DEFINITION OF TERMS; MSB 27.15, PLAT APPROVAL, ABBREVIATED PLAT SUBDIVISIONS AND VACATIONS; MSB 27.20, SUBDIVISION DEVELOPMENT STANDARDS; AND MSB 27.35, SUBDIVISION AGREEMENTS
 - a. IM No. 08-095
 2. Ordinance Serial No. 08-099: AN ORDINANCE AMENDING MSB 17.28, INTERIM MATERIALS DISTRICT, BY REPEALING MSB 17.28.060(A)(5)(b) IN ITS ENTIRETY.
 - a. IM No. 08-152
 3. Ordinance Serial No. 08-100: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$60,000 FROM THE GREATER WILLOW ROAD SERVICE AREA NO. 20 FUND BALANCE, FUND 276, TO THE GREATER WILLOW ROAD SERVICE AREA NO. 20 FISCAL YEAR 2009 OPERATING BUDGET, FUND 276.
 - a. IM No. 08-156
 - b. AM No. 08-059: AWARD OF BID NO. 08-131 TO JA SPAIN & SONS IN THE ANNUAL CONTRACT AMOUNT NOT TO EXCEED \$339,627.20 FOR THE ANNUAL ROAD MAINTENANCE OF GREATER WILLOW ROAD SERVICE AREA NO. 20.
 4. Ordinance Serial No. 08-101: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$80,000 FROM THE GREATER TALKEETNA ROAD SERVICE AREA NO. 29 FUND BALANCE, FUND 283, TO THE GREATER TALKEETNA ROAD SERVICE AREA NO. 29 FISCAL YEAR 2009 OPERATING BUDGET, FUND 283.
 - a. IM No. 08-157
 - b. AM No. 08-061: AWARD OF BID NO. 08-133 TO D & S ROAD SERVICE IN THE ANNUAL AMOUNT NOT TO EXCEED \$317,169 FOR THE ANNUAL ROAD MAINTENANCE OF GREATER TALKEETNA ROAD SERVICE AREA NO. 29.

Ms. McKechnie read the above legislation into the record.

MOTION: Assemblymember Woods moved to introduce the legislation as read into the record by the Clerk and set the public hearings for June 24, 2008, and July 15, 2008, respectively.

VOTE: The motion passed without objection.

C. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Menard requested the following confirmations:
Borough Area Schools Site Selection Committee
Michelle Church
Mark Masteller

Mayor Menard made the following recommendations:
Citizens Advisory Committee on the Point Mackenzie Prison Site
Roger 'Toby' Riddell
Health and Social Services Board
Jimmie Rogers
Kevin Munson
Parks, Recreation, and Trails Advisory Board
Michelle Scott-Weber
Chase Trail Service Area # 134
Peg Foster

MOTION: Assemblymember Woods moved to confirm the Mayor's recommendations up for confirmation this evening.

VOTE: The motion passed without objection.

D. OTHER NEW BUSINESS

(The regular meeting recessed at 6:28 p.m. and reconvened at 7:05 p.m.)

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.)

Mayor Menard inquired if there was any objection to taking Ordinance Serial No. 08-076 and Resolution Serial No. 08-058, Ordinance Serial No. 08-077 and Resolution Serial No. 08-059,

Ordinance Serial No. 08-085 and Resolution Serial No. 08-064, Ordinance Serial No. 08-088 and Resolution Serial No. 08-066, Ordinance Serial No. 08-090, Ordinance Serial No. 08-093 and Resolution Serial No. 08-068, Ordinance Serial No. 08-096 and Resolution Serial No. 08-071, and Ordinance Serial No. 08-097 together.

There was no objection noted.

1. Ordinance Serial No. 08-076: AN ORDINANCE ACCEPTING AND APPROPRIATING \$5,000 FROM KNIK INDUSTRIES TO FUND 480, PROJECT NO. 47010, FOR THE PURPOSE OF HIRING AN ARCHAEOLOGICAL SITE SUPERVISOR FOR THE KNIK TOWNSITE ARCHAEOLOGICAL EXCAVATION.
 - a. Resolution Serial No. 08-058: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR AN ARCHAEOLOGICAL SITE SUPERVISOR TO CARRY OUT ARCHAEOLOGICAL EXCAVATIONS FOR THE KNIK TOWNSITE ARCHAEOLOGICAL EXCAVATION.
 - (1) IM No. 08-117
2. Ordinance Serial No. 08-077: AN ORDINANCE REAPPROPRIATING \$235,000 FROM THE PLANNING DIVISION'S FISCAL YEAR 2008 OPERATING BUDGET, FUND 100, TO FUND 480, PROJECT NOS. 47006, 47007, 47008, AND 47009; AND \$46,000 FROM THE WATER AND AIR QUALITY DIVISION'S FISCAL YEAR 2008 OPERATING BUDGET, FUND 100, TO FUND 480, PROJECT NOS. 47007 AND 45022, FOR PLANNING AND ENVIRONMENTAL STUDY SERVICES.
 - a. Resolution Serial No. 08-059: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 47006, MSB SHORT RANGE TRANSIT PLAN, PROJECT NO. 47007, TRUNK ROAD CONNECTOR STUDY; PROJECT NO. 47008, TOWER MASTER PLAN; PROJECT NO. 47009, MSB LAND BUILD OUT ANALYSIS; AND PROJECT NO. 45022, MATANUSKA RIVER WATERSHED STUDY.
 - (1) IM No. 08-119
10. Ordinance Serial No. 08-085: AN ORDINANCE REAPPROPRIATING \$12,000 FROM CULTURAL RESOURCES DIVISION'S FISCAL YEAR 2008 OPERATING BUDGET, FUND 100, TO FUND 480, PROJECT NO. 47011, TO CONTINUE ARCHAEOLOGICAL SURVEYS AS AN OUTCOME OF TRANSPORTATION, PLATTING, AND LAND USE PROJECTS.
 1. Resolution Serial No. 08-064: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE CULTURAL RESOURCE ARCHAEOLOGICAL SURVEYS AS AN OUTCOME OF TRANSPORTATION, PLATTING, AND LAND USE ACTIVITIES.
 - a. IM No. 08-136
13. Ordinance Serial No. 08-088: AN ORDINANCE REAPPROPRIATING \$52,000 FROM THE GEOGRAPHIC INFORMATION SYSTEMS DIVISION'S FISCAL YEAR 2008 OPERATING BUDGET, FUND 100, TO FUND 480, PROJECT NO. 47504, FOR THE PROCUREMENT OF GEOSPATIAL DATA.

1. Resolution Serial No. 08-066: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR ACQUISITION OF GEOSPATIAL DATA.
 - a. IM No. 08-140

14. Ordinance Serial No. 08-090: AN ORDINANCE REAPPROPRIATING \$50,000 FROM ECONOMIC DEVELOPMENT DEPARTMENT, FUND 200, FISCAL YEAR 2008 OPERATING BUDGET, TO FUND 480, FOR ECONOMIC DEVELOPMENT PLANNING, PROJECT NO. 47012.
 - a. IM No. 08-143

17. Ordinance Serial No. 08-093: AN ORDINANCE REAPPROPRIATING \$106,772 FROM THE LAND AND RESOURCE MANAGEMENT DIVISION'S FISCAL YEAR 2008 OPERATING BUDGET, FUND 203, TO FUND 480, PROJECT NO. 15031, FOR PHASE II OF THE FOREST MANAGEMENT PLAN.
 1. Resolution Serial No. 08-068: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO . 15031, PHASE II OF THE FOREST MANAGEMENT PLAN.
 - a. IM No. 08-146

20. Ordinance Serial No. 08-096: AN ORDINANCE REAPPROPRIATING FUNDS IN THE AMOUNT OF \$44,442 FROM FUND 425, PROJECT NOS. 45122, 45167, AND 45212, TO FUND 480, PROJECT NO. 20266, DEPARTMENT OF EMERGENCY SERVICES FLEET SERVICE REPLACEMENT VEHICLE.
 - a. Resolution Serial No. 08-071: A RESOLUTION AMENDING THE BUDGETS FOR PROJECT NOS. 20266, 45122, 45167, 45181, AND 45212, AND SETTING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 20266 TO ALLOW FOR THE PURCHASE OF DEPARTMENT OF EMERGENCY SERVICES FLEET SERVICE REPLACEMENT VEHICLE.
 - (1) IM No. 08-151

21. Ordinance Serial No. 08-097: AN ORDINANCE REAPPROPRIATING \$25,000 FROM THE ASSEMBLY'S FISCAL YEAR 2008 OPERATING BUDGET, FUND 100, TO FUND 480, AND \$39,000 FROM THE ASSEMBLY RESERVE ACCOUNT, FUND 100, TO FUND 480, TO PERFORM MANAGEMENT REVIEW AUDIT'S OF BOROUGH DEPARTMENTS. (*Sponsor: Assemblymember Kvalheim*)
 - a. IM No. 08-153

Assemblymember Bettine requested clarification that the funds for Ordinance Serial No. 08-097 were from fiscal year 2008.

Ms. McKechnie confirmed the query.

Assemblymember Church requested clarification on the Trunk Road connector study within Ordinance Serial No. 08-077.

Mr. Duffy stated that the Alaska State Department of Transportation is not currently upgrading Trunk Road.

Mr. Mayo:

- stated that the current project stops at Palmer-Wasilla Highway;
- the reconnaissance work done on this project would provide access to the school; and
- elaborated that it would ease commercial traffic at the “S” curve north of the intersection.

Mr. Duffy:

- stated that the study would look at how to prevent congestion on the Palmer-Wasilla Highway; and
- noted that the State did not have funds to perform this project.

Assemblymember Bettine spoke regarding how the Borough is once again funding State roads.

Assemblymember Wells noted that no other communities fund roads as the Borough does.

Assemblymember Bettine:

- referenced Ordinance Serial No. 08-090; and
- queried how the strategic plan will affect the Economic Development Plan

Mr. Duffy stated that the strategic plan is far enough ahead of the Economic Development Plan that they will flow together nicely.

Mayor Menard 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. 08-076 and Resolution Serial No. 08-058, Ordinance Serial No. 08-077 and Resolution Serial No. 08-059, Ordinance Serial No. 08-085 and Resolution Serial No. 08-064, Ordinance Serial No. 08-088 and Resolution Serial No. 08-066, Ordinance Serial No. 08-090, Ordinance Serial No. 08-093 and Resolution Serial No. 08-068, Ordinance Serial No. 08-096 and Resolution Serial No. 08-071, and Ordinance Serial No. 08-097.

VOTE: The motion passed without objection.

3. Ordinance Serial No. 08-078: AN ORDINANCE REAPPROPRIATING \$25,000 FROM FUND 203, LAND AND RESOURCE MANAGEMENT FISCAL YEAR 2008 OPERATING BUDGET, TO FUND 490, PROJECT NO. 75002, FOR STATE REVIEW OF THE ENVIRONMENTAL SCOPE, PHASE I, FOR HATCHER PASS DEVELOPMENT.

- a. Resolution Serial No. 08-060: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE STATE REVIEW OF THE ENVIRONMENTAL SCOPE, PHASE I, FOR THE HATCHER PASS DEVELOPMENT PROJECT.
- (1) IM No. 08-124

Ms. Brenner provided a staff report.

Assemblymember Church queried the scope of the environmental impact study (EIS).

Mr. Duffy:

- stated that it was for a cumulative impact study; and
- elaborated that it would cover both the nordic and alpine ski areas.

Mayor Menard 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. 08-078 and Resolution Serial No. 08-060.

VOTE: The motion passed without objection.

4. Ordinance Serial No. 08-079: AN ORDINANCE ACCEPTING AND APPROPRIATING \$50,000 FROM THE UNITED STATES FISH AND WILDLIFE SERVICE FOR THE CRABB CIRCLE/WELTIN WAY/EDGERTON PARK ROAD CULVERT UPGRADES PROJECT, PROJECT NO. 30096, FUND 410.
- a. Resolution Serial No. 08-061: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE CRABB CIRCLE/WELTIN WAY/EDGERTON PARK ROAD CULVERT UPGRADES PROJECT, PROJECT NO. 30096.
- (1) IM No. 08-129

Mr. Braun provided a staff report.

Mayor Menard 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. 08-079 and Resolution Serial No. 08-061.

VOTE: The motion passed without objection.

5. Ordinance Serial No. 08-080: AN ORDINANCE ADOPTING AN AMENDMENT TO THE MATANUSKA-SUSITNA BOROUGH RECREATIONAL TRAILS PLAN

COMPONENT OF THE BOROUGH'S COMPREHENSIVE PLAN THAT ADDS TRAILS AND TRAIL SYSTEMS, MSB 15.24.030(B)(16).

a. IM No. 08-130

Ms. Brenner provided a staff report.

Assemblymember Bettine queried if the requests were done once yearly.

Ms. Brenner affirmed the query.

Mayor Menard opened the public hearing.

The following person spoke to the need for a definition of 'multi-use' in Borough code:
Ms. Lucille Fry.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 08-080.

VOTE: The motion passed without objection.

6. Ordinance Serial No. 08-081: AN ORDINANCE ACCEPTING AND APPROPRIATING \$185,000 FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT, TO FUND 400, PROJECT NO. 40112 AND PROJECT NO. 40045, FOR THE FISCAL YEAR 2009 DESIGNATED LEGISLATIVE GRANTS FOR VARIOUS FACILITY PROJECTS THROUGHOUT THE BOROUGH.

a. Resolution Serial No. 08-062: A RESOLUTION APPROVING A SCOPE OF WORK AND BUDGET FOR THE FISCAL YEAR 2009 DESIGNATED LEGISLATIVE GRANT PROJECTS FROM THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT, TO FUND 400, PROJECT NO. 40112 AND PROJECT NO. 40045, FOR VARIOUS FACILITY PROJECTS THROUGHOUT THE BOROUGH.

(1) IM No. 08-131

Mr. Braun provided a staff report.

Mayor Menard 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 adopt Ordinance Serial No. 08-081 and Resolution Serial No. 08-062.

VOTE: The motion passed without objection.

7. Ordinance Serial No. 08-082: AN ORDINANCE AMENDING MSB 2.30.020(A)(2) AND MSB 2.20.030(A), TO REFLECT THE TRANSFER OF SUPERVISION OF ANIMAL CARE AND REGULATION FROM THE DEPARTMENT OF EMERGENCY SERVICES TO THE DEPARTMENT OF ADMINISTRATION, AS PER IM NO. 07-257.
 - a. IM No. 08-132

Mr. Duffy provided a staff report.

Mayor Menard 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 Houston moved to adopt Ordinance Serial No. 08-082.

VOTE: The motion passed without objection.

8. Ordinance Serial No. 08-083: AN ORDINANCE APPROVING AN APPROPRIATION OF \$85,500 FROM KNIK ROAD SERVICE AREA NO. 17 FUND BALANCE, FUND 274, TO FUND 410, PROJECT NO. 35016, FOR KNIK ROAD SERVICE AREA NO. 17 EMERGENCY ROAD REPAIRS.
 - a. IM No. 08-133

Mr. Braun provided a staff report.

Mayor Menard 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 Bettine moved to adopt Ordinance Serial No. 08-083.

VOTE: The motion passed without objection.

9. Ordinance Serial No. 08-084: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$5,183 OF REVENUES FROM PUBLIC DONATIONS TO THE FISCAL YEAR 2008 ANIMAL CARE AND REGULATION DIVISION'S OPERATING BUDGET, 200.160.606, AND REAPPROPRIATING \$5,183 FROM THE FISCAL YEAR 2008 ANIMAL CARE AND REGULATION DIVISION'S OPERATING BUDGET, FUND 200, TO FUND 435, PROJECT NO. 10176, TO PURCHASE FURNITURE, FIXTURES, AND EQUIPMENT FOR THE EXPANDED ANIMAL SHELTER.

- a. Resolution Serial No. 08-063: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 10176, FUND 435, TO PURCHASE FIXTURES, FURNITURE, AND EQUIPMENT FOR THE EXPANDED ANIMAL SHELTER.
- (1) IM No. 08-135

Ms. Romano provided a staff report.

Mayor Menard 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 Houston moved to adopt Ordinance Serial No. 08-084 and Resolution Serial No. 08-063.

VOTE: The motion passed without objection.

11. Ordinance Serial No. 08-086: AN ORDINANCE EXTENDING THE TIME LIMIT FOR COMPLETION OF BOROUGH CAPITAL PROJECTS.
- a. IM No. 08-137

Mr. Braun provided a staff report.

Assemblymember Woods queried the \$10,000 for Sutton Library.

Mr. Duffy:

- explained that this was not an additional \$10,000; and
- elaborated on the timelines as they relate to coming before the Assembly.

Assemblymember Kluberton asked if there were any monies for Susitna Valley High School.

Mr. Duffy stated that there will be a lapse in monies.

Assemblymember Church queried the location of the water and electricity being provided to Hatcher Pass.

Mr. Duffy

- responded that there was electricity running to the proposed daylight site; and
- noted that the water would be for a snow making machine.

Mayor Menard 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. 08-086.

MOTION: Assemblymember Church moved a primary amendment to IM No. 08-137 to the Capital Projects Report, to insert the following project, Project No. 45124, sub 1800, to perform periodic records management audits in the amount of \$12,000.

Assemblymember Church:

- requested that the money be added back into the Capital Projects list as it was inadvertently deleted due to the way it was listed on the report; and
- noted that this was at the request of the Clerk.

Mr. Duffy explained that it was a technical error.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed without objection.

12. Ordinance Serial No. 08-087: AN ORDINANCE APPROVING A REAPPROPRIATION OF \$60,000 FROM THE EDUCATION OPERATING FUND 204, TO BIG LAKE ELEMENTARY SCHOOL RE-ROOF PROJECT, PROJECT NO. 40042, FUND 400.
 - a. Resolution Serial No. 08-065: A RESOLUTION AMENDING THE BUDGET FOR PROJECT NO. 40042, TO ALLOW FOR BIG LAKE ELEMENTARY SCHOOL RE-ROOF PROJECT.
 - (1) IM No. 08-139

Mr. Braun provided a staff report.

Mayor Menard 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 Bettine moved to adopt Ordinance Serial No. 08-087 and Resolution Serial No. 08-065

VOTE: The motion passed without objection.

15. Ordinance Serial No. 08-091: AN ORDINANCE WAIVING THE PROVISIONS OF MSB 3.04.110(C), FOR THE FISCAL YEAR ENDING JUNE 30, 2008, TO ALLOW THE SCHOOL DISTRICT TO RETAIN 100 PERCENT OF THEIR ENDING FUND BALANCE. (*Sponsor: Assemblymember Wells*)
 - a. IM No. 08-142

Ms. Hartley provided a staff report.

Assemblymember Kluberton spoke regarding funding concerns for Susitna Valley High School.

Mayor Menard opened the public hearing.

The following person spoke in support of Ordinance Serial No. 08-091 and specifically to the School District's fund balance difference from last year to this year: Mr. Ron Rucker, President of CEA.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 08-091.

(The regular meeting recessed at 8:09 p.m. and reconvened at 8:19 p.m.)

MOTION: Assemblymember Kvalheim moved a primary amendment to Ordinance Serial No. 08-091, by inserting after section 3 the following: BE IT RESOLVED, that the Matanuska-Susitna Borough Assembly, understanding that the School Board is statutorily responsible for the School District's budget and expenditures, highly encourages that the additional funds provided by this ordinance be used to support the special needs education programs.

Assemblymember Bettine queried why the Borough cannot fund a specific program.

Mr. Duffy:

- stated that it could be done if the School Board and the Assembly can come to an agreement; and
- deferred to the Attorney.

Mr. Spiropoulos stated that the ultimate decision on how to spend the funds is up to the School Board.

Assemblymember Woods stated that she would not support the amendment.

VOTE: The motion passed with Assemblymembers Woods and Bettine in opposition.

Mr. Wells spoke in support of using the reserve funds for Susitna Valley High School if needed.

Discussion ensued regarding the funds that would be retained by the School District and the funds which would lapse back to the Borough.

Assemblymember Bettine:

- spoke regarding the substantial funding that the School District receives; and
- spoke against the ordinance.

MOTION: Assemblymember Houston moved a primary amendment to Ordinance Serial No. 08-091, Section 2, to strike “retain 100 percent of their ending fund balance. This waiver applies to the fiscal year ending June 30, 2008, only” and insert in its place “keep 100 percent of the energy funds that they received from the State in fiscal year 2008 only” to read as follows: Notwithstanding Borough ordinances to the contrary, the Matanuska-Susitna Borough Assembly hereby waives the provisions of MSB 3.04.110(C), to allow the School District to keep 100 percent of the energy funds that they received from the State in fiscal year 2008 only.

Assemblymembers Kluberton and Church spoke in support of the primary amendment.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

16. Ordinance Serial No. 08-092: AN ORDINANCE APPROVING A REAPPROPRIATION OF \$41,000 FROM SCHOOL DISTRICT EDUCATION OPERATING FUND 204, TO FUND 400, PROJECT NO. 40108, COTTONWOOD CREEK ELEMENTARY SCHOOL, FOR THE CONSTRUCTION OF THE SOUTH ENTRANCE DRIVEWAY EXTENSION.
 1. Resolution Serial No. 08-067: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 40108, TO ALLOW FOR COTTONWOOD CREEK ELEMENTARY SCHOOL SOUTH ENTRANCE DRIVEWAY EXTENSION.
 - b. IM No. 08-144

Mr. Braun provided a staff report.

Assemblymember Bettine queried if the changes would be to a Borough road.

Assemblymember Church stated that it would level the grade and add a turn lane on school grounds.

Mayor Menard 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. 08-092 and Resolution Serial No. 08-067.

VOTE: The motion passed without objection.

22. Ordinance Serial No. 08-094: AN ORDINANCE AMENDING MSB 5.25.036(A), AND PLACING ON THE BALLOT OF THE OCTOBER 7, 2008, REGULAR ELECTION, THE ANNEXATION OF CERTAIN PROPERTY IN AND

AROUND THE EAST JENSEN AND KOENEN ROAD AREAS INTO THE NORTH COLONY ROAD SERVICE AREA NO. 23. (*Sponsor: Assemblymember Woods*)

- a. Resolution Serial No. 08-069: A RESOLUTION FINDING THE ANNEXATION OF PROPERTY IN AND AROUND THE EAST JENSEN AND KOENEN ROAD AREAS INTO THE NORTH COLONY ROAD SERVICE AREA NO. 23 SERVES THE PUBLIC INTEREST WITHOUT CIRCULATION OF A PETITION AMONG THE RESIDENTS IN SAID AREA, AS ALLOWED BY MSB 5.10.015, INITIATION BY THE ASSEMBLY.
 - (1) IM No. 08-148

Mr. Braun provided a staff report.

Mayor Menard 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. 08-094 and Resolution Serial No. 08-069.

VOTE: The motion passed without objection.

23. Ordinance Serial No. 08-095: AN ORDINANCE ESTABLISHING MSB 5.25.144, AND PLACING ON THE BALLOT OF THE OCTOBER 7, 2008, REGULAR ELECTION, THE FORMATION OF THE CASWELL LAKES FIRE SERVICE AREA NO. 135. (*Sponsor: Assemblymember Kluberton*)
 - a. Resolution Serial No. 08-070: A RESOLUTION FINDING THAT THE FORMATION OF THE CASWELL LAKES FIRE SERVICE AREA NO. 135 SERVES THE PUBLIC INTEREST WITHOUT CIRCULATION OF A PETITION AMONG RESIDENTS IN SAID AREA, AS ALLOWED BY MSB 5.10.015, INITIATION BY THE ASSEMBLY.
 - (1) IM No. 08-149

Assemblymember Kluberton spoke in support of the ordinance.

Mayor Menard 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 Kluberton moved to adopt Ordinance Serial No. 08-095 and Resolution Serial No. 08-070.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

(There was no one present who wished to speak.)

D. CONSENT AGENDA (AM Nos. 08-057 and 08-058 were pulled from the consent agenda and addressed separately. *See pp. 18-19*)

1. RESOLUTIONS

a. Resolution Serial No. 08-072: A RESOLUTION AMENDING THE SCOPE OF WORK FOR PROJECT NO. 70001, PORT MACKENZIE – PHASE II OF THE FEDERAL TRANSIT ADMINISTRATION FUNDS.

(1) IM No. 08-138

b. Resolution Serial No. 08-073: A RESOLUTION CREATING A CITIZENS ADVISORY COMMITTEE ON THE POINT MACKENZIE PRISON. *(Sponsored by: Assemblymember Bettine)*

(1) IM No. 08-162

2. ASSEMBLY MEMORANDUMS

c. AM No. 08-060: AWARD OF BID NO. 08-132 TO TEW'S EXCAVATION IN THE ANNUAL AMOUNT NOT TO EXCEED \$503,867 FOR THE ANNUAL ROAD MAINTENANCE OF BIG LAKE ROAD SERVICE AREA NO. 21.

d. AM No. 08-062: AWARD OF BID NO. 08-134 TO D & S ROAD SERVICE IN THE ANNUAL AMOUNT NOT TO EXCEED \$90,015 FOR THE ANNUAL ROAD MAINTENANCE OF TRAPPER CREEK ROAD SERVICE AREA NO. 30.

e. AM No. 08-063: AWARD OF BID NO. 08-146 TO TEW'S EXCAVATION IN THE ANNUAL AMOUNT NOT TO EXCEED \$240,150 FOR THE ANNUAL ROAD MAINTENANCE OF FAIRVIEW ROAD SERVICE AREA NO. 14.

f. AM No. 08-064: APPROVAL OF CHANGE ORDER TO PERKINS CONSULTING, CONTRACT NO. 07-196 IN THE AMOUNT OF \$95,000, FOR IMPLEMENTATION OF PHASE II OF THE SOUTH CENTRAL RAIL EXTENSION.

g. AM No. 08-065: APPROVAL OF EXTENSION OF CONTRACT NO. 04-098 FOR FEDERAL LOBBYIST SERVICES WITH NORTH STAR GROUP THROUGH JUNE 30, 2009, FOR THE BASE AMOUNT OF \$75,000.

Ms. McKechnie read the above legislation into the record.

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

VOTE: The motion passed without objection.

- a. AM No. 08-057: APPROVAL OF A CHANGE ORDER TO DOWL ENGINEERING IN THE AMOUNT OF \$30,447 FOR THE SUBDIVISION DESIGN CRITERIA MANUAL REWRITE.

Mr. Klebesadel provided a staff report.

MOTION: Assemblymember Bettine moved to adopt AM No. 08-057.

Assemblymember Bettine:

- spoke regarding the need for the public and the industry to have input before the subdivision design criteria manual rewrite is complete;
- stated that she found the change order confusing; and
- stated that she could not support the change order.

Assemblymember Kluberton:

- stated that he would like a scope of work to come with the request for the funds; and
- spoke regarding concerns with the direction of the subdivision construction manual.

Mr. Duffy:

- suggested postponing the transfer of monies until a later date;
- spoke to errors in the legislation; and
- requested AM No. 08-057 be voted down.

MOTION: Assemblymember Bettine moved to postpone AM No. 08-057 indefinitely.

Assemblymember Kluberton spoke regarding the importance to address scope, schedule, and budget with all change orders.

VOTE: The motion to postpone indefinitely passed without objection.

- b. AM No. 08-058: AWARD OF BID NO. 08-130 TO TEW'S EXCAVATION IN THE ANNUAL AMOUNT NOT TO EXCEED \$425,810 FOR THE ANNUAL ROAD MAINTENANCE OF SOUTH COLONY ROAD SERVICE AREA NO. 16

MOTION: Assemblymember Wells moved to adopt AM No. 08-058.

Mr. Braun provided a staff report.

Assemblymember Wells stated that the road service area members are not happy with this contractor's work.

Assemblymember Bettine queried the contract renewal procedures.

Mr. Braun stated that the Borough and the contractor both have the opportunity to not renew the contract.

Discussion ensued:

- the contractor's work history with the Borough; and
- the particulars of the contracts.

VOTE: The motion passed without objection.

VIII. UNFINISHED BUSINESS

- A. ~~Ordinance Serial No. 08-003: AN ORDINANCE ADOPTING MSB 17.21, HATCHER PASS SPECIAL LAND USE DISTRICT, AND AMENDING MSB 17.125, DEFINITIONS. (Main motion pending from: 03/04/08)~~
1. ~~Ordinance Serial No. 08-004: AN ORDINANCE PROVIDING POLICIES AND STANDARDS FOR THE HATCHER PASS SPECIAL LAND USE DISTRICT, MSB 17.21.~~
2. ~~Ordinance Serial No. 08-003(SUB): AN ORDINANCE ADOPTING MSB 17.21, HATCHER PASS SPECIAL LAND USE DISTRICT, AND AMENDING 17.125, DEFINITIONS. (Ordinance Serial No. 08-003(SUB) is a substitute and a combination for both Ordinance Serial Nos. 08-003 and 08-004.)~~
- a. ~~IM No. 08-158~~
- b. ~~IM No. 08-005~~

X. RECONSIDERATION

(There were no reconsiderations presented.)

XI. VETO

(There were no vetoes presented.)

XII. EXECUTIVE SESSION

(There was no executive session held.)

XIII. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Church spoke regarding the need for a work session on the Hatcher Pass Special Land Use District (SPUD) legislation.

Assemblymembers Kvalheim and Kluberton spoke in favor of an additional work session to discuss the Hatcher Pass SPUD legislation.

Assemblymember Houston requested further review of the School District's Lapsed funds.

Assemblymember Woods:

- spoke regarding a handout from the Alaska Municipal League which was provided to the Assembly in the mail;
- spoke in favor of sustainable communities; and
- reported on gravel pits which are trying to operate without proper permits.

Assemblymember Bettine spoke in support of the School District having a fund reserve.

Assemblymember Wells spoke in favor of sustainable communities.

XIV. ADJOURNMENT

The regular meeting adjourned at 9:53 p.m.

/ S /

CURTIS D. MENARD, Borough Mayor

ATTEST:

/ S /

LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 07/15/08