

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on July 17, 2007, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 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. Bill Allen, 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
Mr. Tom Kluberton, Assembly District No. 7

Staff in attendance were:

Ms. Michelle M. McGehee, CMC, Borough Clerk
Mr. John Duffy, Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Amanda E. Charles, Executive Secretary to the Borough Clerk
Ms. Tammy Clayton, Finance Director
Ms. Marian Romano, Assistant Borough Manager
Mr. Dennis Brodigan, Emergency Services Director
Mr. Sev Jones, Acting Planning and Land Use Director
Ms. Patty Sullivan, Public Information Manager
Ms. Linda Brenner, Division Manager of Recreational Services

III. APPROVAL OF AGENDA

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

GENERAL CONSENT: The agenda was approved without objection.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ms. Helen Munoz.

V. MINUTES OF PRECEDING MEETINGS

A. Special Assembly Meeting: 05/17/07

- B. Special Assembly Meeting: 05/23/07
- C. Special Assembly Meeting: 05/30/07
- D. Regular Assembly Meeting: 06/05/07

VI. SPECIAL ORDERS OF THE DAY

- A. A Proclamation in Recognition of Kay Love

Mayor Menard:

- read the proclamation into the record; and
- presented the proclamation to Ms. Kay Love.

VII. REPORTS/CORRESPONDENCE

- A. AGENCY REPORTS

- 1. Reports from cities

City of Wasilla

Mr. Casey Renolds, Economic Development Planner:

- spoke regarding feedback from the cities regarding Ordinance Serial No. 07-096; and
- read a letter into the record from Mayor Keller, city of Wasilla, regarding IM 07-174;

City of Houston

Ms. Sandy McDonald:

- stated that fire station has been completed; and
- spoke regarding the kayaks race on the Little Su.

- 2. Matanuska-Susitna Borough School District

President DeVilbiss:

- stated that the School District is not having scheduled meetings currently;
- noted that he has been receiving concerns from the public about Su Valley High School; and
- emphasized that the school year is fast approaching.

- B. COMMITTEE REPORTS

- 1. Joint Assembly/School Board Committee on School Issues

Assemblymember Church stated that the next meeting is August 1, 2007.

Assemblymember Wells added that hopes to address the School District's concerns at the next meeting.

2. Assembly Public Relations

C. MANAGER COMMENTS

1. State/Federal Legislation

Mr. Duffy stated that the Manager's report was sent out electronically.

2. Su Valley High School Update

Mr. Duffy:

- commended the emergency responders and fire fighters; and
- added that the Manager's Report contains an update on all of the actions taken to date on Su Valley High School.

D. ATTORNEY COMMENTS

(There was no report provided.)

E. CLERK COMMENTS

Ms. McGehee:

- referenced the Clerk's Report;
- noted that Records Management will now have a training session during the new employee orientations;
- added that a copy of the Records and Information Management for Beginners training manual is attached to the Clerk Report;
- pointed out the important dates included in the elections report; and
- spoke regarding the next Alaska Municipal League conference in Denali.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Animal Care and Regulation Board: 4/9/07, 5/14/07
- b. Board of Adjustment and Appeals: 1/17/07, 1/25/07, 4/5/07
- c. Emergency Medical Services Advisory Board: 11/1/06, 12/6/06
- d. Enhanced 9-1-1 Advisory Board: 4/10/07
- e. Greater Butte Road Service Area No. 26: 3/8/07, 04/25/07
- f. Greater Talkeetna Road Service Board of Supervisors: 12/14/06
- g. Local Emergency Planning Committee Minutes: 2/21/07, 3/21/07
- h. Planning Commission: 3/19/07, 4/2/07, 4/16/07
- i. Planning Commission Resolution Serial Nos.: 07-07, 07-24, 07-25, 07-26, 07-27(AM), 07-033
- j. Platting Board: 3/15/07, 4/19/07

- k. Port Commission: 3/19/07
- l. Port Commission Resolution Serial No. 07-003
- m. Real Property Asset Management Board: 4/11/07
- n. Real Property Asset Management Board Resolution Serial No. 07-09
- o. South Knik River Community Council: 11/18/06
- p. Wasilla-Lakes Fire Service Area Board of Supervisors: 3/19/07, 4/9/07

- 2. Community Council Correspondence:
 - a. Chickaloon Community Council: 2/14/07, 3/14/07, 4/11/07
 - b. Petersville Community Council Meeting: 10/3/06, 11/3/06, 12/4/06, 1/23/07
 - c. Pt. MacKenzie Community Council: 3/31/07

G. INFORMATIONAL MEMORANDUMS

- 1. IM No. 07-172: AN INFORMATIONAL MEMORANDUM REGARDING CONTRACT AWARDS AND AMENDMENTS IN THE AMOUNT OF \$100,000 OR LESS AND EMERGENCY PROCUREMENTS FOR THE PERIOD OF JUNE 1, 2007, TO JUNE 30, 2007.

Assemblymember Allen:

- supported the decision by the Assembly to allow the manager to approve contracts up to \$100,000; and
- requested further detail be added to the informational memorandums.

Assemblymember Bettine:

- spoke regarding the format of the informational memorandums;
- opined that she liked the maps that were previously presented with the award of the contracts;
- requested that the assembly district be added next to each contract award; and
- queried if there was a way for the Assembly members to be made aware of who will receive the contracts prior to their award.

Assemblymember Allen:

- appreciated Assemblymember Bettine's viewpoints; and
- opined that he supports the request to add the assembly district and members to each award of contract listed in the memorandum.

Mr. Duffy stated that the advertisements can be sent to the Assembly members prior to their award.

- 2. IM No. 07-174: AN INFORMATIONAL MEMORANDUM EXPLAINING THE DRAFT SCOPE OF WORK FOR THE MATANUSKA-SUSITNA BOROUGH AND THE CITY OF PALMER SPACE DEVELOPMENT MASTER PLAN OPTIONS.

Mr. Duffy stated this memorandum was on the agenda in order to get feedback from the Assembly.

Assemblymember Kvalheim stated she would like an invitation sent to all the cities in order to receive their input on the project.

Assemblymember Allen requested clarification on the scope of work.

Mr. Duffy:

- stated that the Borough had received unsolicited offers of space for the Borough offices;
- clarified that one of the offers included space for the city of Palmer's offices;
- added that it was an option to have both municipalities within the same building; and
- noted that there would be a cost savings with this option.

Assemblymember Allen

- opined that he liked the concept;
- stated that he would like one state-of the-art chambers for all Borough boards, with adequate parking;
- requested to strike the word "medium" when speaking of long-term needs;
- stated that it would be hard to obtain a ten year lease due to the financing restrictions;
- opined that it would be better to sign a 15-year lease; and
- requested to add the word "proven" to second bullet, under classifications, on page four, to read as follows: "proven financial ability."

Assemblymember Bettine:

- suggested postponing this item for a future work session; and
- requested invitations be sent to the other two cities, as well as outlying communities.

Assemblymember Allen objected to the invitation.

Discussion ensued regarding a meeting time for this work session.

Assemblymember Allen opined that he did not feel it appropriate to move the location of the government body away from the associated cities.

Assemblymember Kvalheim opined the importance of having a central place for the public to gather.

Discussion ensued regarding the option of a work session.

Ms. McGehee stated that a work session had been scheduled for September 4, 2007, at 3 p.m.

MOTION: Assemblymember Bettine moved to postpone the item until the scheduled work session.

VOTE: The motion passed without objection.

MOTION: Assemblymember Church moved to reconsider setting a work session regarding IM No. 07-174.

VOTE: The motion failed with Assemblymember Allen in support.

3. IM No. 07-179: AN INFORMATIONAL MEMORANDUM PROVIDING SUBMISSION OF THE FINAL REPORT FROM THE MAYOR'S BLUE RIBBON TASK FORCE ON FORMING AN ECONOMIC DEVELOPMENT CORPORATION AND THANKING THE MEMBERS FOR THEIR WORK.

Mr. Hanson:

- provided a report;
 - stated that there were areas that were not covered by the task force;
 - noted that there is a need to provide investment and relocation availabilities to businesses;
 - added that this will diversify the tax base;
 - stated that the next step is to speak with local businesses; and
 - concluded that now is not the opportune time to speak with local businesses.
4. IM No. 07-180: AN INFORMATIONAL MEMORANDUM INFORMING THE ASSEMBLY THAT THE LAND AND RESOURCE MANAGEMENT DIVISION INTENDS TO SOLICIT AND ENTER INTO A PURCHASE AGREEMENT WITH A SELLER OF REAL PROPERTY TO FILL THE GAP IN FIRE PROTECTION COVERAGE THAT EXISTS BETWEEN APPROXIMATELY MILEPOSTS FIVE (CHUGACH VIEW DRIVE) AND NINE (HOWDIE DRIVE) WITHIN THE FAIRVIEW LOOP AREA.

The informational memorandums were presented with the comments noted above.

(The regular meeting recessed at 7:05 p.m. and reconvened at 7:14 p.m.)

VIII. 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. 07-087: AN ORDINANCE ACCEPTING AND APPROPRIATING \$500,000 FROM THE FEDERAL TRANSIT ADMINISTRATION TO FUND 475, PROJECT NO. 20343, FOR THE PURCHASE OF BUSES AND A DRIVING SIMULATOR FOR MASCOT.
 - a. Resolution Serial No. 07-067: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET AND AUTHORIZING THE MANAGER TO ENTER INTO THE NECESSARY AGREEMENTS WITH THE FTA AND MASCOT FOR THE PURCHASE OF NEW BUSES AND A DRIVING SIMULATOR.
 - (1) IM No. 07-059
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.

Mr. Duffy:

- provided a brief report; and
- stated that the Borough will be handling the budget of this item.

Assemblymember Allen queried the number of buses bought for this amount.

A member of the audience reported that six buses, plus a simulator, would be purchased.

Mr. Duffy stated that the Borough will be managing the funds and reimbursements.

Assemblymember Bettine requested clarification.

Mr. Duffy explained the process in accepting the monies on behalf of MASCOT and the responsibilities therein.

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 07-087 and accompanying Resolution Serial No. 07-067.

VOTE: The motion passed without objection.

2. Ordinance Serial No. 07-088: AN ORDINANCE APPROVING THE STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, APPLICATION TO ACQUIRE BOROUGH-OWNED LAND IDENTIFIED AS PARCEL 43 FOR THE RECONSTRUCTION OF TRUNK ROAD (MSB004876).
 - a. IM No. 07-145

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.

Ms. Brenner provided a staff report.

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 07-088.

VOTE: The motion passed without objection.

3. Ordinance Serial No. 07-089: AN ORDINANCE AMENDING MSB 19.08, SCHOOL BUILDING DESIGN AND CONSTRUCTION.

a. IM No. 07-146

Mr. Duffy provided a staff report.

The following person spoke regarding the naming of schools: School Board President Larry DeVilbiss.

MOTION: Assemblymember Bettine moved to postpone Ordinance Serial No. 07-089 to a time certain of August 7, 2007.

VOTE: The motion passed without objection.

4. Ordinance Serial No. 07-090: AN ORDINANCE ACCEPTING AND APPROPRIATING \$40,000 FROM THE UNITED STATES FISH AND WILDLIFE SERVICE FOR THE COTTONWOOD CREEK AT ENGSTROM ROAD CULVERT REPLACEMENT PROJECT, PROJECT NO. 30091, FUND 410.

a. Resolution Serial No. 07-068: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE COTTONWOOD CREEK AT ENGSTROM ROAD CULVERT REPLACEMENT PROJECT, PROJECT NO. 30091.

(1) IM No. 07-149

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 Wells moved to adopt Ordinance Serial No. 07-090 and accompanying Resolution Serial No. 07-068.

VOTE: The motion passed without objection.

5. Ordinance Serial No. 07-091: AN ORDINANCE AMENDING MSB 2.12.070(J) MEETINGS, SPECIFICALLY TO MODIFY THE TIME OF ADJOURNMENT FOR MEETINGS. *(Sponsored by: Assemblymember Allen)*

a. IM No. 07-154

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.

Assemblymember Allen spoke regarding the need to adjourn early in order to better serve the public.

Assemblymember Church:

- requested keeping the adjournment time at midnight; and

- noted that there is a need for the Assembly members to be concise and more pointed in their discussions.

MOTION: Assemblymember Allen moved to adopt Ordinance Serial No. 07-091.

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

MOTION: Assemblymember Allen moved to reconsider Ordinance Serial No. 07-091.

VOTE: The motion to reconsider failed with Assembly members Bettine, Woods, and Church in support

6. Ordinance Serial No. 07-092: AN ORDINANCE AMENDING MSB 2.08.060, MAYORAL COMPENSATION AND REIMBURSEMENT, AND MSB 2.12.060, ASSEMBLY COMPENSATION AND REIMBURSEMENT. *(Sponsored by: Assemblymember Bettine)*
 - a. IM No. 07-155

Mayor Menard opened the public hearing.

The following person spoke regarding the accounting of the gross salary of the assembly members: Ms. Jay Nolfi.

MOTION: Assemblymember Bettine moved to adopt Ordinance Serial No. 07-092.

VOTE: The motion passed without objection.

7. Ordinance Serial No. 07-093: AN ORDINANCE PLACING ON THE BALLOT OF THE OCTOBER 2007 REGULAR BOROUGH ELECTION, A PLAN FOR SCHOOL BOARD MEMBERSHIP STRUCTURE, SPECIFICALLY IN REGARD TO DISTRICTING SEATS OF SCHOOL BOARD MEMBERS AND QUALIFICATIONS OF OFFICE BY AMENDING MSB 19.04.020 AND MSB 19.04.040, AND AMENDING MSB 25.15.010(A), CANDIDATE QUALIFICATIONS. *(Sponsored by: Assemblymember Bettine)*
 - a. IM No. 07-159

Mayor Menard opened the public hearing.

The following person spoke regarding the lack of communication with the School Board regarding Ordinance Serial No. 07-093: School Board President Larry DeVilbiss;

The following persons spoke regarding lack of support for Ordinance Serial No. 07-093: Mr. George Stuart and School Board Member Jim Colver.

MOTION: Assemblymember Bettine moved to adopt Ordinance Serial No. 07-093.

Assemblymember Bettine:

- clarified that this ordinance places the question on the ballot; and
- spoke regarding the need for equal representation in all areas of the Borough.

Assemblymember Wells opined his support regarding putting this item before the voters.
Assemblymember Church queried Mr. Spiropolous regarding term limits.

Mr. Spiropolous:

- noted a conflict in State statute;
- clarified that there is lack of power as a second class borough to set requirements; and
- stated that the Assembly does have the power to put it before the voters.

Assemblymember Allen:

- opined that there is not a problem with the current representation on the School Board;
- noted that his district is not represented on the School Board;
- commented that the School Board does an excellent job; and
- concluded that it is not good for relationships to vote on a matter that involves another body.

Assemblymember Kluberton commented on his support of putting this item before the voters.

Mayor Menard:

- noted his agreement with Mr. Allen in regards to involving the School Board; and
- stated that the other bodies should be involved in the future.

VOTE: The motion passed with Assemblymembers Allen and Wells in opposition.

8. Ordinance Serial No. 07-094: AN ORDINANCE ADOPTING MSB 3.15.075, TAX ADJUSTMENTS ON PROPERTY AFFECTED BY FIRE. *(Sponsored by: Assemblymember Bettine)*
 - a. IM No. 07-156

Mr. Duffy:

- provided a staff reported; and
- noted that this ordinance applies to commercial businesses and would affect the budget reserves.

Assemblymember Allen opined his objection to increasing the amount of reserves.

Assemblymember Bettine asked if the increase would affect the non-areawide reserve.

Mr. Duffy affirmed the query.

Assemblymember Bettine queried the amount to be placed in reserve.

Ms. Clayton noted that the largest property tax is \$37,000.

The following person spoke regarding her support of Ordinance Serial No. 07-094: Ms. Colleen Hamblen.

The following person spoke regarding her opposition to Ordinance Serial No. 07-094: Ms. Jay Nolfi.

MOTION: Assemblymember Bettine moved to adopt Ordinance Serial No. 07-094.

Discussion ensued regarding the legalities of raising the amount of damages above \$1,000.

Assemblymember Church queried the assessments of new houses built on a piece of property after January 1 of each year.

Mr. Spiropolous responded that there is only one assessment done per year, which is January 1.

Assemblymember Kluberton opined that he did not think that the \$1,000 would be an issue.

VOTE: The motion passed without objection

9. Ordinance Serial No. 07-095: AN ORDINANCE ACCEPTING AND APPROPRIATING \$1,000,000 FROM THE STATE OF ALASKA GENERAL FUND TO FUND 430 FOR THE ENGSTROM ROAD UPGRADE PROJECT, AND ACCEPTING AND APPROPRIATING \$12,000,000 FROM THE STATE OF ALASKA GENERAL FUND TO FUND 490 FOR THE SOUTH CENTRAL RAIL EXTENSION – PORT MACKENZIE TO MAINLINE PROJECT.
- a. Resolution Serial No. 07-069: A RESOLUTION APPROVING THE SCOPES OF WORK AND BUDGETS AND AUTHORIZING THE MANAGER TO ENTER INTO THE NECESSARY AGREEMENTS WITH THE STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, FOR THE ENGSTROM ROAD UPGRADE PROJECT AND WITH THE STATE OF ALASKA DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT, FOR THE SOUTH CENTRAL RAIL EXTENSION – PORT MACKENZIE TO MAINLINE PROJECT.
- (1) IM No. 07-161

CONFLICT OF INTEREST: Assemblymember Allen declared a conflict of interest on Ordinance Serial No. 07-095 and accompanying Resolution Serial No. 07-069.

RULING: Mayor Menard ruled that Assemblymember Allen had a conflict of interest on Ordinance Serial No. 07-095 and accompanying Resolution Serial No. 07-069 and would be recused from voting.

(Assemblymember Allen exited the meeting at this time.)

Mr. Duffy noted that an amendment would be necessary to change \$12,000,000 to \$10,000,000.

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. 07-095 and Resolution Serial No. 07-069.

MOTION: Assemblymember Woods moved to strike \$12,000,000 and insert \$10,000,000 throughout Ordinance Serial No. 07-095 and Resolution Serial No. 07-069.

[Clerk Note: This amendment changed the total amount accepted from the state of Alaska from \$13,000,000 to \$11,000,000.]

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

(The regular meeting recessed at 8:49 p.m. and reconvened at 9:08 p.m.)

10. Ordinance Serial No. 07-096: AN ORDINANCE ADOPTING MSB 8.32, ELECTRICAL GENERATION FACILITY OR POWER PLANT.

a. Resolution Serial No. 07-070: A RESOLUTION ADOPTING THE SCHEDULE OF FEES AUTHORIZED UNDER MSB 8.32.220, FEES; FOR APPLICATION UNDER MSB 8.32.
(Sponsored by: Assemblymembers Kluberton and Allen)

(1) IM No. 07-162

Mr. Duffy:

- stated that electrical generation power plants do have some negative effects;
- spoke to studies that have been done on the side effects of coal fire plants; and
- spoke regarding the reasons to mimic the state of California's statutes and regulations regarding coal fired plants.

Mr. Jones:

- spoke regarding public commentary, 70 comments in support of Ordinance Serial No. 07-096 and 5 in opposition;
- stated that the Planning Commission's July 12, 2007, meeting had public in attendance to speak which equaled 16 in favor and 6 in opposition;
- spoke to recommendations for change from the Planning Commission;
- added that the suggestions from the Planning Commission included changing the power of the plant from 50 megawatts to 20 megawatts;
- noted another recommendation by the Planning Commission to include the cities of Palmer, Wasilla, and Houston into the ordinance; and
- clarified that staff is supportive of Mr. Spiropolous' amendments noted in the memorandum.

Mr. Spiropolous:

- spoke to his memorandum dated July 10, 2007;
- clarified the land use amendment;
- noted that there is a lack of clarification on page 23 of 71; and
- spoke to the lack of clarity on several other references within the ordinance.

Assemblymember Woods queried if the Borough had the ability to establish standards regarding emissions.

Mr. Duffy stated that only the Environmental Protection Agency (EPA) had that ability.

Assemblymember Woods queried the ability of the Assembly to adopt an ordinance which sets the limits for emissions.

Mr. Duffy affirmed the query, stating that he had found other municipalities which had done the same.

Mayor Menard opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 07-096 and Resolution Serial No. 07-070: Mr. Darin Markwardt, Mr. Randi Hirschmany, Mr. Michael Janecek, and Ms. Barbara Hanson.

The following person spoke against Ordinance Serial No. 07-096: Mr. Larry DeVilbiss

MOTION: Assemblymember Allen moved to extend the discussion past 10 p.m., but not to exceed 11 p.m.

VOTE: The motion passed without objection.

The following persons spoke in support of Ordinance Serial No. 07-096 and Resolution Serial No. 07-070: Mr. Sid McCaustand, Mr. Jason Quirarte, Mr. Jarel Vinduska, Ms. Mimi Peabody, Ms. Sarah Mayfield, Mr. Greg Bill, Mr. Russ Maddox, Ms. Margaret Subers, Ms. Susan Edge, Ms. Christine Vecchio, Ms. Kathy Wells, Mr. John Strassenburgh, and Mr. Steve Miller.

The following persons spoke against Ordinance Serial No. 07-096 and Resolution Serial No. 07-070: Mr. Patrick O'Connor, Mr. Bill Folsom, Mr. Jimmy Matlock, Mr. Jim Walker, Ms. Annette Harpster, Mr. Pio Cottini, Mr. Charlie Boddy, Mr. Steve Denton, Ms. Lucille Frey, and Mr. John Woods.

MOTION: Assemblymember Bettine made a motion to suspend the rules to extend the meeting past 11 p.m., but no later than midnight.

VOTE: The motion passed without objection.

MOTION: Assemblymember Kluberton moved to adopt Ordinance Serial No. 07-096 and Resolution Serial No. 07-070.

MOTION: Assemblymember Kluberton moved to postpone Ordinance Serial No. 07-096 and Resolution Serial No. 07-070 to a time certain of September 18, 2007, with a work session preceding at 3 p.m.

MOTION: Assemblymember Bettine called the question (to stop debate).

VOTE: The motion to stop debate passed with Assemblymember Bettine opposed.

VOTE: The motion to postpone to a time certain of September 18, 2007, failed with Assemblymember Allen in support.

MOTION: Assemblymember Church moved to postpone Ordinance Serial No. 07-096 and Resolution Serial No. 07-070 to a time certain of August 28, 2007, at 6 p.m. with a work session preceding at 1 p.m.

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

D. CONSENT AGENDA (AM No. 07-101 was pulled from the consent agenda and addressed separately. *See pp. 15-16*)

1. RESOLUTIONS

a. Resolution Serial No. 07-071: A RESOLUTION TO REVISE THE SUBDIVISION CONSTRUCTION MANUAL INSPECTION FEE OF 1 AND 2 PERCENT TO A SUBDIVISION IMPROVEMENTS PROCESSING FEE OF 5 PERCENT.

(1) IM No. 07-142

b. Resolution Serial No. 07-072: A RESOLUTION SUPPORTING THE CONTINUED PROCESSING OF LOCAL MILK AT THE MATANUSKA MAID CREAMERY UNTIL THE NEW LOCAL BOTTLING PLANT IS OPERATIONAL. (*Sponsored by: Assemblymember Bettine*)

(1) IM No. 07-164

c. Resolution Serial No. 07-073: A RESOLUTION STATING NON-OBJECTION TO THE LAKE LOUISE FIRE SERVICE BEING RECOGNIZED AS A VOLUNTEER FIRE SERVICE TO PROVIDE FIRE PROTECTION IN THE LAKE LOUISE AREA. (*Sponsored by: Assemblymember Woods*)

(1) IM No. 07-184

- d. Resolution Serial No. 07-082: A RESOLUTION AUTHORIZING THE PARTICIPATION IN THE "COMMUNITY ECONOMIC ADJUSTMENT PLANNING ASSISTANCE FOR JOINT LAND USE STUDIES" GRANT PROGRAM, TO APPLY FOR FUNDS TO PREPARE AND ADOPT A JOINT LAND USE STUDY WITH FORT RICHARDSON AND ELMENDORF AIR FORCE BASE.
- (1) IM No. 07-187
2. ASSEMBLY MEMORANDUMS
- a. AM No. 07-099: ACCEPTANCE OF LATE FILED AND RETROACTIVE SENIOR CITIZEN AND DISABLED VETERAN EXEMPTION APPLICATIONS.
 - b. AM No. 07-100: AWARD OF BID NO. 07-153 TO L & N VENTURES FOR THE CONTRACT AMOUNT OF \$248,452 FOR SCHWALD ROAD UPGRADE PHASE III PROJECT.
 - d. AM No. 07-104: AWARD OF PROPOSAL NO. 07-199 TO COLLINS CONSTRUCTION, INC., FOR THE CONTRACT AMOUNT OF \$1,295,000 FOR THE TRAPPER CREEK AMBULANCE, LIBRARY, AND MULTI-USE BUILDING DESIGN-BUILD.
 - e. AM No. 07-105: AWARD OF PROPOSAL NO. 07-182 TO HDR ALASKA, INC., FOR THE CONTRACT AMOUNT OF \$158,062 FOR THE OWNERS REPRESENTATIVE FOR THE PORT MACKENZIE ROAD DESIGN AND CONSTRUCTION.
 - f. AM No. 07-107: AWARD OF PROPOSAL NO. 07-186 TO URS CORPORATION FOR THE CONTRACT AMOUNT OF \$149,992 FOR THE MSB PUBLIC FACILITIES PLAN UPDATE.
 - g. AM No. 07-108: APPROVAL OF LEASE AGREEMENT FOR USE OF UPPER SUSITNA SENIOR CENTER AS INTERIM SUSITNA VALLEY HIGH SCHOOL SITE.

Ms. McGehee 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.

- c. AM No. 07-101: AWARD OF BID NO. 07-197 TO EMERALD ALASKA, INC., FOR THE CONTRACT AMOUNT OF \$221,919 FOR HAZARDOUS WASTE COLLECTION AT THE CENTRAL LANDFILL PER CONTRACT YEAR.

Assemblymember Bettine queried if the contract awarded in AM No. 07-101 had previously been awarded.

Mr. Duffy responded that AM 07-101 awarded a separate contract.

MOTION: Assemblymember Bettine moved to approve AM No. 07-101.

VOTE: The motion passed without objection.

IX. UNFINISHED BUSINESS

1. Resolution Serial No. 07-045: A RESOLUTION ESTABLISHING FEES FOR MSB MANDATORY LAND USE PERMIT, TITLE 17, ZONING. *(continued from 04/17/2007)*
 - a. IM No. 07-112

MOTION: Assemblymember moved to postpone the Resolution Serial No. 07-045 until the September 18, 2007, meeting.

VOTE: The motion passed without objection.

X. NEW BUSINESS

A. INTRODUCTION (For public hearing - 08/07/2007, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 07-098: AN ORDINANCE ACCEPTING AND APPROPRIATING AUGUST 2006 SOUTH-CENTRAL FLOOD DISASTER RELIEF MONIES IN THE AMOUNT OF \$1,803,785 FROM THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT (DHS AND EM) AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), TO FUND 445, PROJECT NO. 55013.
 - a. Resolution Serial No. 07-074: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE AUGUST 2006 SOUTH-CENTRAL FLOOD DISASTER RELIEF MONIES, PROJECT NO. 55013.
 - (1) IM No. 07-165
2. Ordinance Serial No. 07-099: AN ORDINANCE AMENDING MSB 1.50.040, EXEMPTIONS FOR PARTICULAR RECORDS.
 - a. IM No. 07-160
3. Ordinance Serial No. 07-100: AN ORDINANCE ACCEPTING AND APPROPRIATING \$80,000 FROM THE NATURE CONSERVANCY IN ALASKA, TO FUND 410, PROJECT NO. 30084, FOR THE FISH PASSAGE CONSTRUCTION PROJECT.
 - a. Resolution Serial No. 07-075: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE NATURE CONSERVANCY IN ALASKA GRANT FOR THE FISH PASSAGE CONSTRUCTION PROJECT, PROJECT NO. 30084.
 - (1) IM No. 07-163
4. Ordinance Serial No. 07-101: AN ORDINANCE CLASSIFYING AS RESERVE USE – PUBLIC PURPOSE AND RETAINING IN PUBLIC OWNERSHIP LOT 7, BLOCK 1; LOT 10, BLOCK 1; LOT 1, BLOCK 4; LOT 9, BLOCK 4; AND LOT 12, BLOCK 10;

WINDSONG SUBDIVISION IN THE GOAT CREEK AREA; AND 17N02E02B004, 17N02E02B005, 17N02E02B002, AND 17N02E02B003 IN THE BUTTE AREA, WHICH WERE ACQUIRED THROUGH TAX FORECLOSURE, AND APPROVING A SUPPLEMENTAL APPROPRIATION IN AN AMOUNT NOT TO EXCEED \$24,367.00 FROM THE LAND MANAGEMENT FUND, FUND 203, FUND BALANCE TO PAY ALL DELINQUENT TAXES, PENALTIES, INTEREST, AND FORECLOSURE COSTS UP TO CLERK'S DEED AND ALL DELINQUENT LOCAL IMPROVEMENT SPECIAL ASSESSMENT PRINCIPAL AND INTEREST FOR PARCELS 17N02E02B002 AND 17N02E02B005.

a. IM No. 07-166

5. Ordinance Serial No. 07-102: AN ORDINANCE ACCEPTING AND APPROPRIATING \$250,892 FROM THE ALASKA STATE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, TO FUND 475, PROJECT NO. 20367, HUMAN SERVICES COMMUNITY MATCHING GRANT.

a. Resolution Serial No. 07-076: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PARTICIPATION IN THE HUMAN SERVICES COMMUNITY MATCHING GRANT PROGRAM.

(1) IM No. 07-167

6. Ordinance Serial No. 07-103: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$38,500 ALASKA COASTAL MANAGEMENT (306 PROGRAM, REQUIRED TASKS) GRANT TO FUND 480, PROJECT NO. 20158, FOR FISCAL YEAR 2008 REQUIRED TASKS.

a. Resolution Serial No. 07-077: A RESOLUTION ESTABLISHING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA COASTAL MANAGEMENT (306 PROGRAM, REQUIRED TASKS) GRANT FOR FISCAL YEAR 2008.

(1) IM No. 07-168

7. Ordinance Serial No. 07-104: AN ORDINANCE APPROVING AN APPROPRIATION OF \$10,000 FROM THE GREATER TALKEETNA ROAD SERVICE AREA NO. 29 FUND BALANCE, FUND 283, TO FUND 445, PROJECT NO. 55014, FOR REPAIRS TO THE MONTANA CREEK BRIDGE AT YODER ROAD.

a. Resolution Serial No. 07-078: A RESOLUTION APPROVING THE AMENDED BUDGET FOR MONTANA CREEK FLOODING PROJECT NO. 55014.

(1) IM No. 07-169

8. Ordinance Serial No. 07-105: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$30,000 FROM THE BIG LAKE ROAD SERVICE AREA NO. 21 FUND BALANCE, FUND 277, TO THE BIG LAKE ROAD SERVICE AREA NO. 21 FISCAL YEAR 2008 OPERATING BUDGET, FUND 277.

a. IM No. 07-171

9. Ordinance Serial No. 07-106: AN ORDINANCE PROVIDING FOR THE SALE OF CERTAIN BOROUGH-WIDE REAL PROPERTY ACQUIRED THROUGH TAX FORECLOSURE FOR DELINQUENT REAL PROPERTY TAXES YEARS 1999, 2000,

AND 2001, AND PRIOR AND FOR DELINQUENT SPECIAL ASSESSMENTS FOR THE YEAR 2003 AND PRIOR, AND NOT NEEDED FOR PUBLIC PURPOSE.

- a. IM No. 07-175
- 10. Ordinance Serial. No. 07-107: AN ORDINANCE TO AUTHORIZE THE MATANUSKA-SUSITNA BOROUGH TO INCUR INDEBTEDNESS IN THE AMOUNT OF \$3,500,000 FROM THE STATE OF ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO CONSTRUCT A LINED REFUSE DISPOSAL CELL, CELL III.
 - a. IM No. 07-177
- 11. Ordinance Serial. No. 07-108: AN ORDINANCE APPROPRIATING THE LOAN PROCEEDS IN THE AMOUNT OF \$3,500,000 FROM THE ALASKA STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO THE SOLID WASTE ENTERPRISE FUND, FUND 510, AND REAPPROPRIATING \$3,500,000 FROM THE SOLID WASTE ENTERPRISE FUND TO FUND 420, PROJECT NO. 25050, CENTRAL LANDFILL CELL III DEVELOPMENT.
 - a. Resolution Serial No. 07-079: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 25050 TO ALLOW FOR THE CONSTRUCTION OF NEW LINED CELL, CELL III AT THE CENTRAL LANDFILL.
 - (1) IM No. 07-178
 - (2) AM No. 07-106: AWARD OF BID NO. 08-004 TO STEPPERS CONSTRUCTION, INC., FOR THE CONTRACT AMOUNT OF \$2,973,385.00 FOR THE CONSTRUCTION OF CELL III AT THE CENTRAL LANDFILL.
- 12. Ordinance Serial No. 07-109: AN ORDINANCE AMENDING MSB 5.15.010, OPERATION OF SERVICE AREAS; ORGANIZATION OF BOARDS OF SUPERVISORS. *(Sponsored by: Assemblymember Bettine)*
 - a. IM No. 07-181
- 13. Ordinance Serial. No. 07-110: AN ORDINANCE APPROVING AN APPROPRIATION OF \$440,000 FROM THE E-911 FUND BALANCE, FUND 202, TO FUND 480, PROJECT NO. 45184, TO PURCHASE AND INSTALL NECESSARY HARDWARE, SOFTWARE AND RELATED EXPENSES TO IMPLEMENT THE PHASE II WIRELESS CAPABILITIES IN THE E-911 SYSTEM.
 - a. Resolution Serial No. 07-080: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE PHASE II WIRELESS CAPABILITIES IN THE E-911 SYSTEM PROJECT.
 - (1) IM No. 07-182
- 14. Ordinance Serial. No. 07-111: AN ORDINANCE APPROVING AN APPROPRIATION OF \$220,000 FROM THE E-911 FUND BALANCE, FUND 202, TO FUND PROJECT NO. 45184, FUND 480, TO PURCHASE AND INSTALL THE NECESSARY HARDWARE, SOFTWARE AND RELATED EXPENSES TO IMPLEMENT THE DISPATCH BACK-UP AND OVERFLOW CAPABILITY IN THE E-911 SYSTEM.
 - a. Resolution Serial No. 07-081: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE DISPATCH BACK-UP AND OVERFLOW PROJECT.

- (1) IM No. 07-183
- 15. Ordinance Serial No. 07-112: AN ORDINANCE ADOPTING MSB 3.35, A UNIFORM SALES TAX.
 - a. Ordinance Serial No. 07-113: AN ORDINANCE AUTHORIZING THE MATANUSKA-SUSITNA BOROUGH TO ENACT AN AREAWIDE REAL PROPERTY TAX LIMIT OF 7.8 MILLS, TO ENACT AN AREAWIDE SALES TAX NOT EXCEEDING THREE PERCENT OF SALES, SERVICES, AND RENTALS WITHIN THE BOROUGH, ENACT AN AREAWIDE RESIDENTIAL REAL PROPERTY TAX EXEMPTION OF \$10,000 OF ASSESSED VALUE, PROVIDE A SUNSET OF THE PROVISION, AND TO SUBMIT THE QUESTIONS TO THE QUALIFIED VOTERS OF THE BOROUGH AT THE OCTOBER 2, 2007, REGULAR BOROUGH ELECTION.
- (1) IM No. 07-185
- 16. Ordinance Serial No. 07-114: AN ORDINANCE ESTABLISHING A TAX ON A NATURAL RESOURCE WHENEVER THE NATURAL RESOURCE IS SEVERED FROM PROPERTY WITHIN THE MATANUSKA-SUSITNA BOROUGH AND PROVIDING FOR PENALTIES FOR FAILURE TO PAY TAXES DUE BY ADOPTING MSB 3.55, NATURAL RESOURCE SEVERANCE TAX. *(Sponsored by: Assemblymember Allen)*
 - a. IM No. 07-186
- B. INTRODUCTION (For public hearing - 08/21/2007, 7 p.m., Borough Assembly Chambers)
 - 1. Ordinance Serial No. 07-040: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE RAVEN DRIVE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 412 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 07-041: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$38,000.00 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE RAVEN DRIVE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 412, AND FIXING DETAILS OF SAID BONDS.
 - (1) IM No. 07-088
 - 2. Ordinance Serial No. 07-042: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE NORTH FLYING CIRCUS CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 413 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 07-043: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$16,000.00 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE NORTH FLYING CIRCUS CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 413, AND FIXING DETAILS OF SAID BONDS.
 - (1) IM No. 07-089

3. Ordinance Serial No. 07-044: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE ASPEN STREET ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 414 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 07-045: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$36,000.00 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE ASPEN STREET ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 414, AND FIXING DETAILS OF SAID BONDS.
(1) IM No. 07-090
4. Ordinance Serial No. 07-046: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE OLD SQUAW LOOP AND COURT ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 415 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 07-047: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$68,000.00 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE OLD SQUAW LOOP AND COURT ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 415, AND FIXING DETAILS OF SAID BONDS.
(1) IM No. 07-091
5. Ordinance Serial No. 07-048: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE LINCOLN, SCHULZ AND ROSEHILL DRIVES ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 416 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 07-049: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$112,000.00 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE LINCOLN, SCHULZ AND ROSEHILL DRIVES AND

ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 416, AND FIXING DETAILS OF SAID BONDS.
(1) IM No. 07-092
6. Ordinance Serial No. 07-050: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE GERONDALE CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 417 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 07-051: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$44,000.00 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE GERONDALE CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 417, AND FIXING DETAILS OF SAID BONDS.
(1) IM No. 07-093
7. Ordinance Serial No. 07-052: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE ROSEMARY PLACE ROAD PAVING LOCAL IMPROVEMENT

DISTRICT NO. 418 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.

- a. Ordinance Serial No. 07-053: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$26,000.00 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE ROSEMARY PLACE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 418, AND FIXING DETAILS OF SAID BONDS.
- (1) IM No. 07-094

Ms. McGehee 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 August 7, 2007, and August 21, 2007, respectively.

VOTE: The motion passed without objection.

C. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Menard requested the following confirmations:

Board of Adjustment and Appeals

Resignation of Helene Antel

William Tull

Emergency Medical Services Board

Resignation of Glori Strickler

Library Board

Resignation of Virginia Wilt

Local Emergency Planning Committee

Resignation of Kevin Koechlein

David Harbour

Mayor's Blue Ribbon Task Force on Forming a Health and Social Services Board

Removal of Jodi Larsen

Resignation of Bonnie Burgan-Kelly

Alpine RSA #31

Marilyn E. Staggs

Mayor Menard made the following recommendations:

Board of Ethics

Charissa Cherry

Mayor's Blue Ribbon Task Force on Forming a Health and Social Services Board

Kristien Hull

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

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke regarding fines in Houston: Mr. Dale Adams

The following persons spoke regarding a request for further public hearings on Ordinance Serial No. 07-096 and Resolution Serial No. 07-070: Ms. Colleen Hamblen, Ms. Kathy Wells, and Ms. Rita Campbell.

D. OTHER NEW BUSINESS

XI. RECONSIDERATION

(There were no reconsiderations presented.)

XII. VETO

(There were no vetoes presented.)

XIII. EXECUTIVE SESSION

(There was no executive session held.)

XIV. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Church requested clarification on the discrepancy in bar closing times between the Matanuska-Susitna Borough and the city of Anchorage.

Assemblymember Allen responded providing previous years' information.

Assemblymember Bettine spoke regarding further meetings on Ordinance Serial No. 07-096 and Resolution Serial No. 07-070.

Assemblymember Kluberton opined that he would only like to hear from consultants and agency representatives.

XV. ADJOURNMENT

The regular meeting adjourned at 11:55 p.m.