

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on August 2, 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:

Ms. Michelle M. McGehee, Borough Clerk
Mr. John Duffy, Borough Manager
Ms. Teresa S. Williams, Borough Attorney
Ms. Lonnie McKechnie, Executive Assistant to the Borough Clerk
Ms. Tammy Clayton, Finance Director
Mr. Keith Rountree, Public Works Director
Mr. Dennis Brodigan, Emergency Services Director
Mr. Ron Swanson, Community Development Director
Mr. Sev Jones, Chief of the Planning Division

Assemblymember Allen:

- read a statement regarding the life and accomplishments of the late Honorable Governor Jay Hammond and the contributions he gave to Alaska; and
- requested a moment of silence to honor the late Honorable Governor Jay Hammond.

Members of the Assembly further recognized the life and impressions of the late Honorable Governor Jay Hammond.

III. APPROVAL OF AGENDA

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

Mr. Duffy advised that there is a replacement for Ordinance Serial No. 05-140, which is being introduced and contained in the red folder.

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ms. Sara Welton, Matanuska-Susitna Borough School Board Member.

V. MINUTES OF PRECEDING MEETINGS

A. Special Assembly Meeting: 07/12/05

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

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

B. Special Assembly Meeting: 07/19/05

Mayor Anderson inquired if there were any corrections to the special meeting minutes of July 19, 2005.

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

C. Regular Assembly Meeting: 07/19/05

Mayor Anderson inquired if there were any corrections to the regular meeting minutes of July 19, 2005.

Assemblymember Simpson noted the following correction:
page 20 of 21, noted that she had spoken to the need to implement a special land use district for Hatcher Pass before finalizing negotiations with the private sector.. *[This item was corrected accordingly.]*

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Wasilla City

Councilmember Straub:

- advised that the Council had filled the vacant council seat with Mr. Verdie Bowen;
- spoke regarding a joint subcommittee meeting that the city of Wasilla had with the city of Palmer and the city of Houston regarding Alaska State Department of Transportation projects; and
- advised that at the next Council meeting they would be discussing whether a violation of the Open Meetings Act occurred regarding the ballot process for filling the vacant council seat.

Mayor Anderson queried whether a pedestrian tunnel would go under the highway at the lake.

Councilmember Straub:

- advised that a pedestrian tunnel would go under the highway at the lake; and
- advised that a parking lot will be located on the railroad side.

2. Matanuska-Susitna Borough School District

School Board President Chmielewski:

- spoke regarding the late Honorable Governor Jay Hammond attending the Su Valley High School graduation;
- advised that on August 11, 2005, the School District would be having a joint meeting with Matanuska Telephone Association and the Matanuska Valley Federal Credit Union regarding the carver model for governments; and
- advised that the training for performance-based budgeting would begin in September.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Mayor Anderson noted that the Joint Assembly/School Board Committee on School Issues has not met since the last report.

2. Regional Transportation Planning Organization

Mayor Anderson advised that the next meeting will be held on August 29, 2005.

C. MANAGER COMMENTS

1. State/Federal Legislation

Mr. Duffy:

- advised that Congressman Don Young was successful in passing the authorization for the transportation bill;
- advised that the State will receive \$426 million per year from the transportation bill;
- provided an update on the work that is being done in regards to the Matanuska River erosion;
- advised that there was a \$6 million appropriation for the Transportation and Community and System Preservation Program and the Point Mackenzie road project;
- advised that the city of Palmer is planning to annex land west of the current city boundaries;
- spoke regarding the draft contractor performance evaluation form;
- advised that the Wasilla Area Elementary School construction is almost 50 percent complete;
- stated that the Public Works Department is creating procedures to inspect bridges that are less than 20 feet in length, which is the Borough's responsibility;
- noted that the Garden Terrace project is delayed until spring 2006 when it is projected that the Environmental Protection Agency's funding will be received;
- spoke regarding a letter from Senator Huggins that clarifies the intent of the \$500,000 appropriation for Hatcher Pass road improvements;

- spoke regarding scheduling work sessions on the long range transportation plans and forest management issues; and
- advised that Governor Frank Murkowski visited Port MacKenzie and was impressed with the progress that has been made.

Discussion ensued regarding the Matanuska River erosion.

D. ATTORNEY COMMENTS

Ms. Williams advised that the Attorney's Office filled the Administrative Secretary position.

E. CLERK COMMENTS

Ms. McGehee:

- referenced the meeting schedule; and
- queried if the Assembly wanted to schedule the work sessions that Mr. Duffy was suggesting.

Assemblymember Vehrs queried if the work session on forest management could be held on September 20, 2005, at 3 p.m.

There was no objection noted.

Mr. Duffy:

- advised that he would like to have a work session regarding landfill fees on August 16, 2005, at 4 p.m.; and
- commented that the work session on the long range transportation plan could be held in October.

There was no objection noted.

Ms. McGehee:

- provided an election update;
- advised that once the ballot proposition information is finalized that it will be placed on the Borough website;
- noted that once the ballots are finalized they will also be placed on the Borough website;
- advised that the request for proposal process has begun for the upgrade of the Assembly Chambers audio equipment; and
- noted that the National Associate of Counties membership is in place.

Mayor Anderson queried regarding the status of the tobacco tax referendum.

Ms. McGehee:

- advised that she expects that the Canvass Board will complete their process by Wednesday, August 3, 2005; and
- advised that the rate of the no counts is 25 percent, therefore the canvassing process is taking more time.

(The regular meeting recessed at 6:42 p.m. and reconvened at 7:05 p.m.)

Mayor Anderson:

- welcomed Representative Carl Gatto to the Assembly meeting; and
- advised that Representative Gatto would be holding an open house at the Legislative Information Office on August 3, 2005.

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. 05-114: AN ORDINANCE APPROVING THE MODIFICATION OF THE LEASE AGREEMENT WITH ALUTIIQ MANUFACTURING CONTRACTORS, LLC., EXPANDING ALLOWED USES, SUBLEASING, AND RELATED TERMS (MSB002946).
 - a. IM No. 05-180

Mr. Swanson provided a staff report.

Mayor Anderson opened the public hearing.

The following person spoke in favor of Ordinance Serial No. 05-114: Ms. Jay Nolfi.

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

MOTION: Assemblymember Simpson moved to adopt Ordinance Serial No. 05-114.

Assemblymember Simpson:

- noted that the Borough has been planning to have VECO on the Borough's side of the inlet for years; and
- spoke regarding VECO using Port MacKenzie in their business proposals.

Assemblymember Colver:

- stated that it is good to see VECO making the commitment to be at Port MacKenzie; and
- stated that he is looking forward to a great partnership with VECO.

Mayor Anderson queried whether VECO is pursuing a lease at Port MacKenzie.

Mr. Duffy advised that VECO is pursuing their own lease at Port MacKenzie.

VOTE: The motion passed without objection.

2. Ordinance Serial No. 05-116: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$66,200 ALASKA STATE DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT GRANT, FOR THE WASILLA-LAKES FIRE SERVICE AREA, PROJECT NO. 45158, FUND 425, FOR SURVEILLANCE, WARNING, ACCESS, AND INTRUSION CONTROL EQUIPMENT.
 - a. Resolution Serial No. 05-089: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT GRANT FOR THE WASILLA-LAKES FIRE SERVICE AREA, PROJECT NO. 45158, FUND 425, TO PURCHASE SURVEILLANCE, WARNING, ACCESS, AND INTRUSION CONTROL EQUIPMENT.
 - (1) IM No. 05-155

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 Kvalheim moved to adopt Ordinance Serial No. 05-116 and Resolution Serial No. 05-089.

VOTE: The motion passed without objection.

3. Ordinance Serial No. 05-117: AN ORDINANCE AMENDING MSB 2.12.090, AGENDA, ORDER OF BUSINESS, PARAGRAPHS C(7) AND C(9), BY MOVING THE CONSENT AGENDA TO SPECIAL ORDERS.
 - a. IM No. 05-179

Mayor Anderson opened the public hearing.

The following person spoke in favor of Ordinance Serial No. 05-117: Ms. Jean Woods

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

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 05-117.

VOTE: The motion passed without objection.

4. Ordinance Serial No. 05-118: AN ORDINANCE ACCEPTING AND APPROPRIATING \$15,444 FROM THE ALASKA STATE OFFICE OF HISTORY AND ARCHAEOLOGY, TO FUND 480, PROJECT NO. 20358, TO RESEARCH THE FEASIBILITY OF NATIONAL HERITAGE AREA DESIGNATION FOR PROPERTIES WITHIN THE MATANUSKA-SUSITNA BOROUGH.

- a. Resolution Serial No. 05-090: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET TO RESEARCH THE FEASIBILITY OF NATIONAL HERITAGE AREAS DESIGNATION FOR PROPERTIES WITHIN THE MATANUSKA-SUSITNA BOROUGH.
- (1) IM No. 05-182

Mr. Jones provided a staff report.

Mayor Anderson opened the public hearing.

The following person spoke in favor of Ordinance Serial No. 05-118 and Resolution Serial No. 05-090: Ms. Dot Helm.

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

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 05-118 and Resolution Serial No. 05-090.

VOTE: The motion passed without objection.

- 5. Ordinance Serial No. 05-119: AN ORDINANCE ACCEPTING AND APPROPRIATING \$15,444 FROM THE ALASKA STATE DEPARTMENT OF NATURAL RESOURCES, OFFICE OF HISTORY AND ARCHAEOLOGY TO FUND 480, PROJECT NO. 20354, TO CREATE A DOCUMENT OR DESIGN GUIDELINES AND ASSIST THE COMMUNITY IN IMPLEMENTING AN ORDINANCE TO PROTECT THE 1935 MATANUSKA COLONY HISTORIC DISTRICT LOCATED IN PALMER.
- a. Resolution Serial No. 05-091: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET TO CONTINUE TO CREATE A DOCUMENT OR DESIGN GUIDELINES AND ASSIST THE COMMUNITY IN IMPLEMENTING AN ORDINANCE TO PROTECT THE 1935 MATANUSKA COLONY HISTORIC DISTRICT LOCATED IN PALMER.
- (1) IM No. 05-183

Mr. Jones 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 Allen moved to adopt Ordinance Serial No. 05-119 and Resolution Serial No. 05-091.

VOTE: The motion passed without objection.

6. Ordinance Serial No. 05-120: AN ORDINANCE PROVIDING FOR THE SALE OF CERTAIN BOROUGHWIDE REAL PROPERTY ACQUIRED THROUGH TAX FORECLOSURE FOR DELINQUENT REAL PROPERTY TAXES YEARS 1997, 1998, AND 1999 AND PRIOR, AND FOR DELINQUENT SPECIAL ASSESSMENTS YEARS 2000 AND 2001 AND PRIOR, AND NOT NEEDED FOR PUBLIC PURPOSE.
 - a. IM No. 05-188

Mr. Swanson provided a staff report.

Assemblymember Allen queried if there were any lands included in the sale that could be used for public purpose.

Mr. Swanson advised that the public purpose land is pulled out separately and is not included in the land sale that is before the Assembly.

Assemblymember Allen queried the re-purchase rights of the former owners.

Mr. Swanson advised that the former record owner has up to ten years to re-purchase the property.

Assemblymember Vehrs queried if there was a way to tell if the properties that are being sold belong to senior citizens.

Mr. Swanson:

- advised that they do not have any way to tell if the properties belong to senior citizens; and
- spoke regarding the process in contacting record owners.

Discussion ensued regarding the foreclosure sale of properties.

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. 05-120.

VOTE: The motion passed without objection.

CONFLICT OF INTEREST: Assemblymember Allen declared a conflict of interest on Ordinance Serial No. 05-121 and Resolution Serial No. 05-092.

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.)

7. Ordinance Serial No. 05-121: AN ORDINANCE ACCEPTING AND APPROPRIATING \$240 FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE TO FUND 480, PROJECT NO. 45131, FOR THE CONTINUATION OF THE SPRUCE BARK BEETLE WILDFIRE HAZARD MITIGATION PROJECT.
 - a. Resolution Serial No. 05-092: A RESOLUTION AMENDING THE BUDGET FOR PROJECT NO. 45131, FUND 480, FOR THE CONTINUATION OF THE SPRUCE BARK BEETLE WILDFIRE HAZARD MITIGATION PROJECT.
 - (1) IM No. 05-190

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. 05-121 and Resolution Serial No. 05-092.

VOTE: The motion passed without objection.

(Assemblymember Allen returned to the meeting.)

8. Ordinance Serial No. 05-122: AN ORDINANCE APPROVING REAPPROPRIATIONS FROM PROJECT NOS. 45030, 45055, 45071, 45090, 45115, 45154, AND 45155, TO THE GREATER PALMER FIRE SERVICE AREA FUND BALANCE, FUND 259, IN THE AMOUNT OF \$348,015, TO CLEAR THE REMAINING BALANCES AND CLOSE THE PROJECTS.
 - a. Resolution Serial No. 05-093: A RESOLUTION AMENDING THE BUDGETS FOR PROJECT NOS. 45030, 45055, 45071, 45090, 45115, 45154, AND 45155, FUND 405, TO CLEAR THE REMAINING BALANCES AND CLOSE THE PROJECTS.
 - (1) IM No. 05-191

Mr. Brodigan provided a staff report.

Assemblymember Woods queried if the policy for the fire service areas limits their fund balances.

Mr. Brodigan:

- advised that there are no written policies;
- advised that the fire services area boards determine what they will keep in their reserve funds;
- spoke regarding equipment replacement needs; and
- stated that it is prudent of the fire services area boards to maintain their fund balances.

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 Allen moved to adopt Ordinance Serial No. 05-122 and Resolution Serial No. 05-093.

VOTE: The motion passed without objection.

9. Ordinance Serial No. 05-126: AN ORDINANCE ISSUING AREAWIDE GENERAL OBLIGATION BONDS IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$12,700,000 TO FINANCE THE CONSTRUCTION, MAJOR RENOVATION, AND RENEWAL OF EDUCATIONAL CAPITAL IMPROVEMENT PROJECTS AND RELATED CAPITAL IMPROVEMENTS IN THE BOROUGH, AND TO SUBMIT THE QUESTION OF THE ISSUANCE OF SUCH BONDS TO THE QUALIFIED VOTERS OF THE BOROUGH AT THE OCTOBER 4, 2005, BOROUGH ELECTION.
 - a. Ordinance Serial No. 05-127: AN ORDINANCE ISSUING AREAWIDE GENERAL OBLIGATION BONDS IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$27,870,000 TO FINANCE THE CONSTRUCTION, MAJOR RENOVATION, AND RENEWAL OF EDUCATIONAL CAPITAL IMPROVEMENT PROJECTS AND RELATED CAPITAL IMPROVEMENTS IN THE BOROUGH, AND TO SUBMIT THE QUESTION OF THE ISSUANCE OF SUCH BONDS TO THE QUALIFIED VOTERS OF THE BOROUGH AT THE OCTOBER 4, 2005, BOROUGH ELECTION.
 - (1) IM No. 05-197

Ms. Clayton:

- spoke regarding Senate Bill 73 approving \$40,570,000 for Borough projects that are eligible for debt service reimbursement;
- spoke regarding the school projects that the School Board submitted applications for to the Alaska State Department of Education; and
- spoke regarding the cost to the tax payers for the bonding of the three schools.

Assemblymember Colver:

- commented that the projected costs to build the schools is greater than the \$40,570,000; and
- queried if the authorized amount for reimbursement was going on the ballot.

Ms. Clayton:

- advised that the projected costs for the South Palmer and South Trunk Elementary Schools exceeded the authorized amount; and
- stated that once the project agreements have been signed the projects will have to be downsized or some of the additive alternatives will need to be left out.

Assemblymember Woods asked if the cost to the voters would be in the election pamphlet or on the ballot.

Ms. Clayton advised that the cost to the voters would be in the election pamphlet.

Mayor Anderson opened the public hearing.

The following person spoke in favor of Ordinance Serial No. 05-126 and Ordinance Serial No. 05-127: Ms. Kim Floyd, of the Matanuska-Susitna Borough School District.

Assemblymember Simpson:

- commented that the projects may need to be downsized;
- stated that from her understanding the School District is using guidelines from 1999 and the school designs are outdated; and
- queried if the School District had contingency plans, other than downsizing, for the three schools.

Ms. Floyd:

- advised that the School District is working with the Borough on a contingency plans; and
- noted that one of the options is land donations.

The following persons spoke in favor of Ordinance Serial No. 05-126 and Ordinance Serial No. 05-127: Ms. Anne Kilkenny; Representative Carl Gatto; and Mr. Mike Chemielewski, School Board President.

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

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 05-126 and Ordinance Serial No. 05-127.

Assemblymember Colver queried if the reimbursement amount could be upgraded prior to the Assembly approving the sale of the bonds if the schools meet the enrollment requirement of the State.

Ms. Clayton:

- advised that the Alaska State Department of Education did state that the Borough could resubmit an application to be re-evaluated; and
- advised that the Alaska State Department of Education could either reaffirm the 60 percent reimbursement or increase the reimbursement to 70 percent.

VOTE: The motion passed without objection.

10. Ordinance Serial No. 05-128: AN ORDINANCE ACCEPTING AND APPROPRIATING \$200,384 FROM THE ALASKA STATE DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO FUND 475, PROJECT NO. 20360, HUMAN SERVICES COMMUNITY MATCHING GRANT.
 - a. Resolution Serial No. 05-094: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PARTICIPATION IN THE HUMAN SERVICES COMMUNITY MATCHING GRANT PROGRAM.
 - (1) IM No. 05-199

Mr. Jones provided a staff report.

Assemblymember Woods queried the 30 percent match required by the State.

Mr. Jones:

- advised that there is a 30 percent match requirement, however the Borough is going to provide a 50 percent match; and
- advised that the 50 percent match would be split with the applicant.

Assemblymember Allen queried how the Borough could accept funds, even if the funds are being passed through to non-profit agencies, if the Borough does not have health powers.

Ms. Williams:

- advised that the Borough has limited health powers; and
- stated that the limited health powers are used for pass-through funds.

Assemblymember Allen queried the administration fee.

Mr. Duffy:

- noted that the administration fee is a policy that was adopted by resolution; and
- advised that part of the fees go towards auditing the grants.

Ms. Clayton spoke regarding the Borough's administrative costs.

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. 05-128 and Resolution Serial No. 05-094.

VOTE: The motion passed without objection.

11. Ordinance Serial No. 05-129: AN ORDINANCE ACCEPTING AND APPROPRIATING \$2,500,000 GRANT FUNDS FROM THE ALASKA STATE DEPARTMENT OF COMMERCE COMMUNITY AND ECONOMIC DEVELOPMENT FOR THE ACADEMY CHARTER GYM CONSTRUCTION, PROJECT NO. 40159.

a. Resolution Serial No. 05-095: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ACADEMY CHARTER SCHOOL GYM CONSTRUCTION, PROJECT NO. 40159.

(1) IM No. 05-200

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 Allen moved to adopt Ordinance Serial No. 05-129 and Resolution Serial No. 05-095.

Assemblymember Allen:

- noted that the Charter School has worked hard to get the funding approved by the State Legislature; and
- commented that the gym will also be for community use.

VOTE: The motion passed without objection.

(The regular meeting recessed at 8:05 p.m. and reconvened at 8:16)

12. Ordinance Serial No. 05-130:AN ORDINANCE ADOPTING MSB 3.04.075, TAX LEVY LIMITATION. *(Sponsor: Assemblymember Colver)*
 - a. IM No. 05-202

Mayor Anderson opened the public hearing.

The following persons spoke in favor of Ordinance Serial No. 05-130: Mr. Ken Slauson, Joint Wasilla-Lakes, Big Lake, and Meadow Lakes Fire Service Areas; Ms. Colleen Hamblin; and Mr. Meryl Thompson.

The following persons spoke in opposition of Ordinance Serial No. 05-130: Ms. Annette Harpster, Mr. Dennis Oakland, Representative Carl Gatto, Ms. Anne Kilkenny, Ms. Lucille Frey, Ms. Sherry Pinckley, Ms. Jay Nolfi, and Mr. Charlie Fannon.

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 05-130.

Assemblymember Colver:

- congratulated those who worked on the tax cap initiative for their hard work;
- commented that there is a difference in opinion on the service area issue;
- noted that the ordinance has the same exact language except for the language in subsection (B)(5);
- explained how the mil levies would be set in the service areas;
- spoke regarding the impact the initiative would have on the service areas and the Borough budget;
- stated that the Assembly has fiduciary responsibilities Boroughwide;
- advised that the joint fire service area boards recommend approval of the ordinance due to the fire service area exemption;
- advised that the Borough Attorney has determined that the ordinance is substantially similar to the tax cap initiative;
- stated that if the exemption for the service areas is not specifically stated in the language of the bill, then no changes can be made for two years;

- spoke regarding the service areas being able to raise their mil rates to meet the needs of their service area; and
- stated that the ordinance would protect the service areas system of delivering services.

Assemblymember Simpson:

- advised that she supports the tax cap initiative being on the ballot for the voters to decide;
- noted that when this issue was litigated that the Judge had determined that the Borough was incorrect on not letting the tax cap initiative be forwarded to the voters;
- advised that in March 2005 the Assembly unanimously defeated the motion to appeal the courts decision;
- spoke regarding the citizens work to place the tax cap initiative on the ballot;
- stated that it is the citizens constitutional right to petition their government; and
- spoke regarding the need for the definitions in Ordinance Serial No. 05-139.

Assemblymember Vehrs:

- advised that the board of supervisors are unpaid appointed members;
- stated that she is disappointed that the tax cap initiative did not make the exemption for the service areas;
- noted that the Borough Attorney has stated that the service areas are not exempt from the tax cap initiative;
- opined that the tax cap initiative would pit service areas against service areas; and
- spoke regarding protection of the service areas.

Assemblymember Kvalheim:

- advised that she agrees with Assemblymember Vehrs; and
- stated that this is not about right, wrong, or political will, but rather it is about what is best for the entire Borough.

Assemblymember Simpson:

- advised that it is her understanding that the staff was going to bring forward definitions after the October election;
- stated that the Assembly has the opportunity to define the terms ahead of time and not after the fact by bringing forward definitions now; and
- reiterated that she believes that the tax cap initiative needs to go to the ballot.

Assemblymember Colver:

- stated that we cannot afford to leave the service areas hanging and fighting for every nickel to provide services;
- commented that there are liability issues if the service areas are not adequately funded; and
- stated that you can not carve out service area exemptions with definitions.

Assemblymember Colberg:

- advised that he supports the tax cap initiative, however he believes that eventually the tax cap would be repealed;
- stated that ultimately the tax cap would bring the way the Borough does business to a halt;
- commented regarding his thoughts of the ordinance being brought forward at this time; and

- spoke regarding bringing the Borough spending patterns more in line with the natural growth of the government.

Mayor Anderson:

- stated that a tax cap is a tax cap no matter how it is done; and
- advised that the State Legislature commonly passes a law when an initiative comes forward.

VOTE: The motion passed with Assemblymembers Simpson, Allen, and Colberg in opposition.

MOTION: Assemblymember Colver moved to for reconsideration of Ordinance Serial No. 05-130.

VOTE: The motion to reconsider failed unanimously.

(The regular meeting recessed at 9:10 p.m. and reconvened at 9:22)

13. Ordinance Serial No. 05-131: AN ORDINANCE EXPANDING CURRENT NON-AREAWIDE HEALTH POWERS BY ADOPTING AREAWIDE HEALTH POWERS FOR THE LIMITED PURPOSE OF EDUCATING, REGULATING AND PROTECTING THE PUBLIC'S HEALTH, SAFETY, AND WELFARE AS AFFECTED BY METHAMPHETAMINES, AND REFERRING THE ISSUE TO THE VOTERS AT THE OCTOBER 4, 2005, GENERAL ELECTION.
 - a. Ordinance Serial No. 05-132: AN ORDINANCE ESTABLISHING REGULATIONS WITH REGARD TO THE SALE OF METHAMPHETAMINE PRECURSOR DRUGS WITHIN THE MATANUSKA-SUSITNA BOROUGH. *(Sponsor: Assemblymember Colver)*
 - (1) IM No. 05-203

Mr. Brodigan:

- advised that Dr. David Werner and Dr. Cathy Baldwin-Johnson were on teleconference to speak to the medical affects of methamphetamines;
- advised that Sergeant Andy Greensteet and Investigator Mike Ingraham, of the Alaska State Troopers, would speak to the law enforcement aspects of methamphetamines;
- explained that methamphetamine labs are an emerging trend;
- advised that in the Matanuska-Susitna Borough the trend of methamphetamine labs have grown 270 percent in the last five years;
- reported on the people who can be endangered by the toxic labs;
- spoke regarding the establishment of a Meth Watch Program; and
- spoke regarding the Municipality of Anchorage and Carrs-Safeway helping fund the Meth Watch Program.

Dr. David Werner:

- spoke regarding the legitimate uses of pseudoephedrine;
- advised that when he prescribes antihistamines that he does not suggest more than 10-14 days usage;
- advised that pseudoephedrine is used to offset the drowsiness of the common over-the-counter antihistamines; and

- advised that pseudoephedrine does not have any legitimate uses other than for sinus infections or the common cold.

Dr. Cathy Baldwin-Johnson, Chair for Drug Endangered Children's Task Force:

- spoke regarding the Drug Endangered Children's Task Force;
- advised that methamphetamines are highly addictive and destroys families;
- reported that methamphetamines cause the release of adrenaline and dopamine;
- noted that methamphetamines permanently damages cells in the brain;
- advised that it is estimated that 30-50 percent of labs have kids living in them;
- stated that the drug itself permeates the walls, countertops, and linoleum flooring of the labs;
- commented that when you clean the surfaces of a lab that the drug will resurface again two days later;
- advised that 80 percent of the kids who are in the labs will test positive for the drug by breathing in the drug;
- spoke regarding the items that are used to manufacture methamphetamines;
- noted that fires and explosions are very common in methamphetamine labs;
- advised that the kids are at high risk for physical abuse, neglect, and sexual abuse;
- spoke regarding fires that have occurred in the Borough due to methamphetamine labs;
- spoke regarding the people who can accidentally come in contact with methamphetamines; and
- advised that for every pound of methamphetamine produced there are 4-5 pounds of toxic waste that is created.

Assemblymember Colver commended Dr. Cathy Baldwin-Johnson for the work she has done over the years on the methamphetamine issue.

Sergeant Andy Greenstreet, Alaska State Troopers:

- advised that the methamphetamine problem in the Borough will continue to grow;
- spoke regarding Statewide methamphetamine lab statistics;
- advised that so far in 2005, there have been 30 methamphetamine labs investigated Statewide and 19 of those labs were in the Borough;
- advised of the agencies that are involved in the investigation of methamphetamine labs; and
- spoke regarding the impact the drug has on the human element.

Investigator Mike Ingraham, Alaska State Troopers:

- advised that there has been a large increase of methamphetamine labs in the Borough;
- advised that since his tenure at the Mat-Su Narcotic Unit he has been assigned to investigate 30 methamphetamine labs;
- spoke regarding the locations that methamphetamine labs are being found;
- noted that some of the labs are located near the waterways;
- stated that he has seen families destroyed due to methamphetamines;
- spoke to the expense to clean methamphetamine labs; and
- spoke regarding the crimes that can be contributed to methamphetamines.

Mayor Anderson queried if the labs are creating the methamphetamine for personal use or for distribution and sale.

Investigator Ingraham advised that the labs creating methamphetamine for both personal use and for sale.

Assemblymember Simpson:

- noted that one of the issues that the State had regarding this issue is the lack of a common reporting system among vendors; and
- queried how you would be informed if an individual is purchasing pseudoephedrine from multiple locations.

Investigator Ingraham:

- stated that there is no uniform way to be informed of who is purchasing pseudoephedrine from particular stores;
- advised that there are some stores that have elected to have individuals show photo identification and a signature to purchase pseudoephedrine; and
- advised that other stores have limited the purchase of pseudoephedrine items to three.

Discussion ensued regarding the tracking of the individuals who are purchasing pseudoephedrine.

Mr. Brodigan stated that there is hope that the Meth Watch Program will be funded by public and private partnerships.

Mayor Anderson opened the public hearing.

The following persons spoke in favor of Ordinance Serial No. 05-131 and Ordinance Serial No. 05-132: Ms. Anne Kilkenny, Ms. Marlena Adams, and Mr. Meryl Thompson.

The following person spoke regarding the Assembly adopting the legislation rather than taking the issue to the ballot: Ms. Lucille Frey.

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

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 05-131 and Ordinance Serial No. 05-132.

Assemblymember Colver:

- advised that Carrs-Safeway is very interested in sponsoring the Meth Watch Program regionally;
- spoke regarding the reporting issue;
- stated that the way this is being envisioned is to have a corporate sponsored coordinator to promote the Meth Watch Program; and
- remarked that he is hopeful that the Municipality of Anchorage will adopt similar legislation so there will be a regional approach to the issue.

Assemblymember Simpson queried if the Meth Watch Program would require a Borough employee.

Assemblymember Colver advised that the coordinator would work through Meth Watch Program with cooperate sponsorship.

Assemblymember Vehrs queried the reason that the issue has to go to the ballot.

Ms. Williams:

- advised that health powers are limited by State Statute and by the voters;
- advised that currently the Borough has non Areawide limited health powers specifically for the purpose of pass through grants;
- stated that the Borough does not have any powers to cover the regulation of methamphetamines; and
- stated that these are the reasons she suggested that the issue go to the voters.

Assemblymember Colver:

- spoke regarding the Matanuska-Susitna Borough being the methamphetamine capital of Alaska;
- stated that it is alarming that the Borough has 75 percent of the labs in the State; and
- noted that it would be a deterrent if the pseudoephedrine was placed behind the counter at the stores.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 05-131 to subsection (B)(4) to strike the word “Alaska” and insert the phrase “issued by any governmental agency” after the word “identification,” to read as follows: (B)(4) the number of the purchaser’s motor vehicle operator’s license or other legal identification issues by any governmental agency at the tie of the purchase; and in subsection (C) to strike the words “Alaska” and “state-issued” and to insert the phrase “issued by any governmental agency” after the work “identification,” to read as follows: As used in this section, “legal identification” means a valid motor vehicle operator’s license or other official and valid identification issued by any governmental agency of the purchaser that contains a photograph of the purchaser.

VOTE: The primary amendment passed without objection.

Assemblymember Allen:

- opined that this an issue that the State needs to address and not the Borough;
- commented that he does not believe that this will be funded with grants;
- spoke regarding enforcement issues;
- stated that he is aware that methamphetamines are a large problem;
- spoke regarding the demands on local governments to expand health powers; and
- stated that by placing this issue on the ballot without a fiscal note is asking for trouble.

VOTE: The main motion passed as amended with Assemblymembers Allen and Simpson in opposition.

MOTION: Assemblymember Vehrs moved for reconsideration of Ordinance Serial No. 05-131 and Ordinance Serial No. 05-132..

VOTE: The motion to reconsider failed unanimously.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke regarding the Meadow Lakes Comprehensive Plan: Mr. Rod Ewing.

The following persons spoke regarding water issues on Larose Drive: Mr. James Harpster and Ms. Annette Harpster

The following persons spoke regarding graves on Knik Goose Bay Road: Ms. Nancy Sult and Ms. Star Theodore.

The following person thanked the Assembly for their service to the public: Ms. Anne Kilkenny.

The following person spoke regarding voting in service areas: Ms. Jay Nolfi.

MOTION: Assemblymember Colver moved to extend the meeting past 11 p.m. and not to exceed 12 midnight.

VOTE: The motion passed without objection.

VIII. UNFINISHED BUSINESS

A. Ordinance Serial No. 05-026: AN ORDINANCE AUTHORIZING THE SALE OF TIMBER WITHIN APPROXIMATELY 900 ACRES OF BOROUGH-OWNED LAND DESCRIBED AS THE NORTH SHEEP CREEK FOREST MANAGEMENT UNIT TO APPLICANT NPI, LLC. (MSB004323) WITH A VALUE GREATER THAN \$25,000. *(Postponed from 04/19/05 - motion pending from 02/01/05) (Proposed substitute included in packet pocket- Ordinance Serial No. 05-026(SUB-1), IM No. 05-102.)*

1. IM No. 05-038
2. IM No. 05-058

MOTION PENDING: Assemblymember Vehrs moved to adopt Ordinance Serial No. 05-026.

MOTION: Assemblymember Vehrs moved to postpone Ordinance Serial No. 05-026 indefinitely.

Assemblymember Vehrs:

- advised that the reasons she would like to postpone Ordinance Serial No. 05-026 indefinitely are due to the fact that a work session has been scheduled for forest management and a permitting process is being proposed for timber sales; and
- advised that the sale that is being proposed needs to go through the process that is going to be implemented.

Mr. Duffy:

- advised that a permitting process is being developed;
- stated that the changes to the procedures and policies for Title 23 are ready; and

- advised that it is the intention that the guidelines and recommendations of the permitting process would apply to this timber sale.

Assemblymember Simpson queried if the prior process would be dismissed.

Mr. Duffy:

- advised that a contract has not been entered into so there is no contractual liability; and
- advised that a work session has been scheduled to address the controversies.

VOTE: The motion to postpone indefinitely passed without objection.

MOTION Assemblymember Vehrs moved for reconsideration of postpone Ordinance Serial No. 05-026 indefinitely.

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) (Motion pending 06/07/05)

(1) IM No. 05-154

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

Mayor Anderson:

- stated that he believes that this is part of his job as the Mayor;
- advised that if a piece of legislation had not yet passed the Assembly that he would state that the Assembly is considering the item; and
- noted that there is no time to call an Assembly meeting during the last week of the Legislative session.

Assemblymember Simpson:

- advised that there have been no insurances given that the process cannot be manipulated;
- stated that the Mayor is the ceremonial head of the Borough and does not speak for the Assembly without the Assembly's directive;
- spoke regarding the Open Meetings Act notification;
- commented that she has an issue with being advised after the fact on an issue; and
- spoke regarding the Open Meetings Act Dissertation by Mr. Gordon Tans.

Assemblymember Allen:

- commented that there is no process in place;
- noted that he does not want to put the Manager in the position of speaking for the Assembly; and
- stated that there is a need to have someone in Juneau representing and looking out for the best interest of the Borough.

Assemblymember Colver spoke regarding the public notice process.

VOTE: The motion passed with Assemblymembers Colberg and Simpson in opposition.

MOTION: Assemblymember Colver moved for reconsideration of Ordinance Serial No 05-078.

VOTE: The motion to reconsider failed with Assemblymember Colberg in favor.

IX. NEW BUSINESS

A. INTRODUCTION (For public hearing - 08/16/05, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 05-133: AN ORDINANCE ACCEPTING AND APPROPRIATING \$4,000 FROM THE ALASKA HUMANITIES FORUM TO FUND 480, PROJECT NO. 20342, TO RESEARCH THE PREHISTORIC COLONIZATION OF SOUTH CENTRAL ALASKA.

a. Resolution Serial No. 05-102: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET TO CONTINUE RESEARCHING THE PREHISTORIC COLONIZATION OF SOUTH CENTRAL ALASKA BY EXAMINING ARTIFACTS AND SOIL PROFILES TAKEN FROM TWO PREHISTORIC SITES IN THE TRAPPER CREEK AND TALKEETNA AREAS.

(1) IM No. 05-201

2. Ordinance Serial No. 05-134: AN ORDINANCE ACCEPTING AND APPROPRIATING \$14,825 FROM THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT GRANT PROGRAM, TO FUND 480, PROJECT NO. 45188, FOR PARTICIPATION AND EXECUTION OF THE ALASKA SHIELD/NORTHERN EDGE EXERCISE.

a. Resolution Serial No. 05-103: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, PROJECT NO. 45188, FUND 480, FOR THE PREPARATION AND EXECUTION OF THE ALASKA SHIELD/NORTHERN EDGE EXERCISE.

(1) IM No. 05-205

3. Ordinance Serial No. 05-135: AN ORDINANCE ACCEPTING AND APPROPRIATING \$22,125 FROM THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT FOR THE BOROUGH LOCAL EMERGENCY PLANNING COMMITTEE, FUND 480, PROJECT NO. 20259, FOR FISCAL YEAR 2006 OPERATIONS.

a. Resolution Serial No. 05-104: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT GRANT, PROJECT NO. 20259, FUND 480, FOR THE LOCAL EMERGENCY PLANNING COMMITTEE.

(1) IM No. 05-207

4. Ordinance Serial No. 05-137: AN ORDINANCE ACCEPTING AND APPROPRIATING \$3,884.93 FROM MATANUSKA TELEPHONE ASSOCIATION TO A NON-LAPSING CAPITAL FUND 480, PROJECT NO. 20312, FOR UPGRADING AND ENHANCING THE TELECOMMUNICATIONS AND INFORMATION SERVICES IN THE BOROUGH LIBRARIES.
 - a. IM No. 05-209

5. Ordinance Serial No. 05-138: AN ORDINANCE ACCEPTING AND APPROPRIATING \$5,000 FROM KNIK INDUSTRIES TO FISCAL YEAR 2006, AREAWIDE FUND, FUND 100, CULTURAL RESOURCES OPERATING BUDGET FOR THE PURPOSE OF HIRING AN ARCHAEOLOGICAL SITE SUPERVISOR FOR THE KNIK TOWNSITE ARCHAEOLOGICAL EXCAVATION.
 - a. IM No. 05-211

6. Ordinance Serial No. 05-139: AN ORDINANCE ADDING DEFINITIONS RELATED TO THE TAX LIMITATION BALLOT INITIATIVE TO SUBSECTION 3.15.010 (A) OF THE BOROUGH CODE.
 - a. IM No. 05-215

7. Ordinance Serial No. 05-140: AN ORDINANCE ADOPTING MSB 3.15.045, HARDSHIP TAX EXEMPTION CRITERIA FOR CONSIDERATION OF APPLICATIONS. (*Sponsors: Assemblymembers Allen, Kvalheim, and Woods*)
 - a. IM No. 05-129

Ms. McGehee read the above legislation into the record.

MOTION: Assemblymember Colver moved to introduce the legislation as read into the record by the Clerk and set the public hearings for August 16, 2005.

MOTION: Assemblymember Colberg moved to divide the question to address Ordinance Serial No. 05-133, Resolution Serial No. 05-102, Ordinance Serial No. 05-139, and Ordinance Serial No. 05-140 separately.

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

MOTION: First segment of the motion: To introduce the legislation as read into the record by the Clerk and set the public hearings for August 16, 2005, with the exception of Ordinance Serial No. 05-133 and Resolution Serial No. 05-102, and Ordinance Serial No. 05-139 and Ordinance Serial No. 05-140.

VOTE: The First segment of the motion, to introduce the legislation as read into the record by the Clerk and set the public hearings for August 16, 2005, with the exception of Ordinance Serial No. 05-133, Resolution Serial No. 05-102, Ordinance Serial No. 05-139, and Ordinance Serial No. 05-140, passed without objection.

CONFLICT OF INTEREST: Assemblymember Colberg declared a conflict of interest on Ordinance Serial No. 05-133 and Resolution Serial No. 05-102.

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

(Assemblymember Colberg exited the meeting at this time.)

MOTION: Second segment of the motion: To introduce Ordinance Serial No. 05-133 and Resolution Serial No. 05-102 and set the public hearing for August 16, 2005.

VOTE: The second segment, to introduce Ordinance Serial No. 05-133 and Resolution Serial No. 05-102 and set the public hearing for August 16, 2005, passed without objection.

(Assemblymember Colberg returned to the meeting.)

MOTION: Third Segment of the motion: To introduce Ordinance Serial No. 05-139 and set the public hearing for August 16, 2005.

MOTION: Assemblymember Vehrs moved to postpone the introduction of Ordinance Serial No. 05-139 indefinitely.

Assemblymember Vehrs commented that since the tax cap initiative will not be going on the ballot that there is no need for Ordinance Serial No. 05-139 to go forward.

Assemblymember Colberg:

- advised that the Mayor can still veto the action that was taken on Ordinance Serial No. 05-130;
- commented that he has been advised by the Borough Attorney that if the Mayor were to veto Ordinance Serial No. 05-130 that the tax cap initiative would go forward to the ballot; and
- noted that the Assembly would still want to be able to consider Ordinance Serial No. 05-139 should the tax cap initiative go forward to the ballot.

Assemblymember Colver queried whether the Mayor intended to veto Ordinance Serial No. 05-130.

Mayor Anderson:

- informed that he did no intentions to veto Ordinance Serial No. 05-130: and
- advised that he would be more inclined to veto Ordinance Serial No. 05-139 should it pass.

Assemblymember Colver spoke regarding having a work session on the definitions and the formula that needs to be developed.

VOTE: The motion to postpone the introduction of Ordinance Serial No. 05-139 indefinitely passed with Assemblymembers Colberg and Simpson in opposition.

MOTION: Fourth segment of the motion: To introduce Ordinance Serial No. 05-140 and set the public hearing for August 16, 2005.

Assemblymember Allen:

- noted that the substitute does not do what was intended by the sponsors regarding the deferment issue; and
- advised that he plans to work with the Attorney's Office to come up with some language to be brought to the State Legislature to allow the Borough to make exemptions for hardship cases.

Mr. Duffy:

- advised that the Borough does not have the legal authority to defer taxes;
- advised that an individual can apply for an extreme hardship exemption today, however there is no criteria to address the issue; and
- stated that the legislation provides criteria to weigh the applications for extreme hardship exemptions while state legislation is pursued regarding deferment.

VOTE: The fourth segment, to introduce Ordinance Serial No. 05-140 and set the public hearing for August 16, 2005, passed with Assemblymember Colberg in opposition.

MOTION: Assemblymember Vehrs moved for reconsideration of postponing the introduction of Ordinance Serial No. 05-139.

VOTE: The motion to reconsider failed with Assemblymember Colberg in favor.

Mr. Duffy:

- requested that Resolution Serial No. 05-105 be pulled from the consent agenda; and
- advised that they would like to have the Agricultural and Forestry Advisory Board sunset and reconstitute it as the Real Property Asset Management Board.

B. CONSENT AGENDA (Resolution Serial No. 05-106 and AM Nos. 05-132, 05-141, and 05-147 were pulled from the consent agenda and addressed separately (*see pp. 26 of 29*)).

1. RESOLUTIONS

a. Resolution Serial No. 05-105: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR TOURISM INFRASTRUCTURE (BED TAX) PROJECT NOS. 15006 AND 15030, FUND 480.

(1) IM No. 05-137

2. ACTION MEMORANDUMS

b. AM No. 05-133: APPROVAL OF A VACATION OF THAT PORTION OF ADL 32386 CROSSING LOT 6, SECTION 4, TOWNSHIP 15 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA, LOCATED WITHIN THE SOUTHEAST 1/4 OF SECTION 4, TOWNSHIP 15 NORTH, RANGE 4 WEST, IN THE POINT MACKENZIE COMMUNITY COUNCIL AREA.

- b. AM No. 05-134: AWARD OF BID NO. 05-179 TO L & N VENTURES FOR THE CONTRACT AMOUNT OF \$50,770 FOR THE UPGRADE OF KING ARTHUR DRIVE.
- c. AM No. 05-135: AWARD OF BID NO. 05-180 TO D & S ROAD SERVICES FOR THE CONTRACT AMOUNT OF \$52,810 TO CUT THE OVERGROWTH AND REPAIR THE RUTS AND WASH OUTS BETWEEN SOUTHFORK ROAD AND MONTANA CREEK ROAD.
- d. AM No. 05-136: AWARD OF BID NO. 05-182 TO TEW'S EXCAVATION FOR THE CONTRACT AMOUNT OF \$38,520 FOR THE HAWK LANE AND KIOWA STREET PROJECT.
- e. AM No. 05-137: AWARD OF BID NO. 05-183 TO L & N VENTURES FOR THE CONTRACT AMOUNT OF \$44,670 FOR THE BURMA ROAD UPGRADE PROJECT.
- f. AM No. 05-138: AWARD OF BID NO. 05-185 TO RL TRUCKING FOR THE CONTRACT AMOUNT OF \$47,875 FOR THE UPGRADE OF PINNELL CIRCLE.
- g. AM No. 05-139: AWARD OF BID NO. 05-113 TO LITTLE SUSITNA CONSTRUCTION COMPANY FOR THE CONTRACT AMOUNT NOT TO EXCEED \$149,868 FOR THE COLONY HIGH SCHOOL VENTILATION IMPROVEMENTS.
- h. AM No. 05-140: AWARD OF BID NO. 05-121 TO CAPITAL OFFICE SYSTEMS FOR THE AMOUNT NOT TO EXCEED \$38,852.94 FOR THE PURCHASE OF READY ROOM FURNITURE FOR THE CENTRAL PUBLIC SAFETY BUILDING.
- k. AM No. 05-142: APPROVAL OF CHANGE ORDER TO STEPPERS CONSTRUCTION FOR THE AMOUNT OF \$27,945.70 FOR THE CENTRAL LANDFILL CELL 2B CONSTRUCTION AS PART OF THE CENTRAL LANDFILL EXPANSION CELL DEVELOPMENT.
- l. AM No. 05-144: AWARD OF BID NO. 06-001 TO JANSSEN CONTRACTING COMPANY, INC. FOR THE CONTRACT AMOUNT OF \$10,602,777 FOR THE CONSTRUCTION OF THE NUTRITION SERVICES FACILITY.
- m. AM No. 05-145: APPROVAL OF EMPLOYEE TITLE CHANGE FROM PROGRAMMER/ANALYST TO INFORMATIONAL TECHNOLOGY (IT) SPECIALIST SYSTEMS ADMINISTRATOR.

Ms. McGehee read the above legislation into the record.

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

VOTE: The motion passed without objection.

- b. Resolution Serial No. 05-106: A RESOLUTION PROVIDING FOR THE CONTINUANCE OF CERTAIN BOROUGH BOARDS AND COMMISSIONS ACCORDING TO ORDINANCE SERIAL NO. 04-080, WHICH IN PART ESTABLISHED THE PERMANENT CONTINUANCE OF BOARDS AND COMMISSIONS UNTIL FINAL DISPOSITION BY THE ASSEMBLY, AND CONTINUANCE OF COMMITTEES UNTIL SUCH TIME AS A FINAL REPORT HAS BEEN COMPLETED.

(1) IM No. 05-214

MOTION: Assemblymember Colver moved to approve Resolution Serial No. 05-105.

MOTION: Assemblymember Colver moved a primary amendment to remove the Agricultural and Forestry Advisory Board and allow the Board to sunset.

VOTE: The primary motion passed without objection.

Assemblymember Colver queried if the Mayor's Blue Ribbon Fisheries Committee was a temporary committee.

Mayor Anderson:

- advised that he would prefer that the Mayor's Blue Ribbons Fisheries Committee be a temporary committee; and
- advised that the Board has been active one time during a five year period.

MOTION: Assemblymember Colver moved a primary amendment to remove the Mayor's Blue Ribbon Fisheries Committee and allow the Board to sunset.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection

CONFLICT OF INTEREST: Assemblymember Colver declared a conflict of interest on AM Nos. 05-132, 05-141, and 05-147.

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

(Assemblymember Colver exited the meeting at this time.)

a. AM No. 05-132: APPROVAL OF CHANGE ORDER TO WILDER CONSTRUCTION IN THE AMOUNT OF \$158,000 FOR THE 2005 ROADS PAVING PROJECT.

i. AM No. 05-141: APPROVAL OF CHANGE ORDER TO COLLINS CONSTRUCTION FOR THE AMOUNT OF \$58,859 FOR THE COMPLETION OF VALUE ENGINEERED ITEMS IN THE WASILLA AREA ELEMENTARY SCHOOL CONSTRUCTION PROJECT.

- n. AM No. 05-147: AWARD OF PROPOSAL NO. 06-011 TO WILDER CONSTRUCTION IN THE CONTRACT AMOUNT NOT TO EXCEED \$584,325 FOR THE MATANUSKA RIVER SPUR DIKE NO. 5 DESIGN AND CONSTRUCTION.

MOTION: Assemblymember Kvalheim moved to approve AM Nos. 05-132, 05-141, and 05-147.

VOTE: The motion passed without objection.

(Assemblymember Colver returned the meeting.)

C. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Anderson made the following recommendations:

Historical Preservation Commission

Jennifer Harrison

Board RSA Board of Supervisors No. 25

Gary Hessmer

Mayor Anderson requested the following confirmations:

Planning Commission

Curtis Menard

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

VOTE: The motion passed without objection.

D. OTHER NEW BUSINESS

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 Allen:

- advised that Governor Murkowski is impressed with the progress the Borough has made with infrastructure at Port MacKenzie; and
- requested that thoughts and prayers be with the late Honorable Governor Jay Hammond's family.

Assemblymember Woods:

- spoke regarding the Matanuska River erosion;
- advised that 86 percent of Alaska's villages are faced with erosion issues;
- complimented Chickaloon Tribal Council for restoring some of the old creek beds at Moose Creek;
- advised that she has been attending the meetings of the Matanuska River Water Shed Coalition;
- spoke regarding people shooting guns on the Borough land at the Knik River; and
- advised that she had visited her constituents on Larose Drive four separate times regarding the water issue.

Assemblymember Vehrs:

- spoke regarding the Meadow Lakes Comprehensive Plan;
- advised that the Willow Community Council voted to start a comprehensive plan without the Borough's assistance; and
- queried whether the Borough could use some of the fund that were appropriated in Ordinance Serial No. 05-138 to address the issues of Ms. Star Theodore and Ms. Nancy Sult.

Mr. Duffy advised that he was not sure if the \$5,000 could be used for those purposes, however he would find out.

Assemblymember Vehrs queried if the request for proposal has gone out for a lobbyist contract in Juneau.

Mr. Duffy:

- advised that the lobbyist contract is out for request for proposal; and
- advised that once the proposals are received the Assembly will receive copies for rating purposes.

Assemblymember Colver thanked the Assembly for their support with the methamphetamine legislation

Mayor Anderson advised that he will not be attending the August 16, 2005, regular meeting due to the Alaska Municipal Leagues Conference in Skagway

XIV. ADJOURNMENT

The regular meeting adjourned at 11:35 p.m.

/ S /

TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:

/ S /

MICHELLE M. MCGEHEE, CMC, Borough Clerk

Minutes approved: 08/16/05