

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on August 5, 2003, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:10 p.m. by Mayor Timothy L. Anderson.

II. ROLL CALL

Assembly members present and establishing a quorum were:

Mr. J. Bruce Bush, Assembly District No. 1
Mr. Bill Allen, Assembly District No. 2
Mr. Talis J. Colberg, Assembly District No. 3
Ms. Mary Kvalheim, Assembly District No. 4
Ms. Jody Simpson, Assembly District No. 5
Mr. Jim Colver, Assembly District No. 6 (Deputy Mayor)
Ms. Kelly Ladere, Assembly District No. 7

Staff in attendance were:

Ms. Sandra A. Dillon, CMC, Borough Clerk
Mr. John Duffy, Borough Manager
Ms. Teresa S. Williams, Borough Attorney
Mr. David Germer, Assistant Borough Manager
Ms. Janice Case, Borough Clerk's Secretary
Mr. Daniel Graham, Public Works Director
Mr. Jack Krill, Emergency Services Director
Mr. Ron Swanson, Community Development Director
Mr. Paul Hulbert, Platting Officer
Mr. Allen Black, Borough Assessor
Ms. Chris Drashner, Accounting Document Specialist

III. APPROVAL OF AGENDA

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

GENERAL CONSENT: The agenda was approved as presented.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ms. Jay Nolfi, a member of the audience.

V. MINUTES OF PRECEDING MEETINGS

Mayor Anderson referenced the minutes of the July 15, 2003, regular meeting and asked if there were any corrections thereto.

GENERAL CONSENT: The minutes of the July 15, 2003, regular meeting minutes were approved as presented without objection.

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

Senator Gene Therriault:

- stated that he is visiting Anchorage in preparation of a meeting with Secretary of the Interior Gale A. Norton;
- noted that while he is here, he has been visiting the valley to see the current projects going on, first-hand; and
- discussed the dissolution of the Municipal Assistance/Safe Communities programs, and how the Legislative Audit and Budget Committee allocated the \$15 million from the federal government.

Assemblymember Ladere:

- stated that Secretary Norton's department is instrumental in the development of the Southside Denali National Park;
- noted that there are several programs with funding available that would help the Matanuska-Susitna Borough's efforts to go forward in this development; and
- asked Senator Therriault to approach Secretary Norton regarding this issue.

Senator Therriault:

- commented that his meeting with Secretary Norton will take place in Denali Park; and
- stated that he will attempt to bring the issue to Secretary Norton's attention.

Assemblymember Colver thanked Senator Therriault and the Senate for their efforts on school debt reimbursement.

Ms. Angela Brister, Representative of Senator Ogan's office, reported that she is traveling to the local communities and updating Senator Ogan on their current activities and projects.

1. Reports from cities

Wasilla City

Councilmember Rob Sande:

- reported that the candidacy filing period has closed, and current Deputy Mayor Howard O'Neil and Councilmember Dianna Straub are unopposed;
- noted that construction on the sports complex has been moving along well;

- commented that the city of Wasilla will be advertising for a sports complex manager; and
- stated that library renovations will begin soon, primarily fixing the ventilation system and making the building Americans with Disabilities Act (ADA) compliant.

2. Matanuska-Susitna Borough School District

(There was no report.)

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Colver stated that this board will not be meeting until September.

2. Regional Transportation Planning Organization (RTPO)

Mayor Anderson reported that the July 28, 2003, meeting was very productive.

Mr. Duffy:

- stated that the Municipality of Anchorage formally joined the RTPO;
- discussed ways of communicating and coordinating with the Knik Arm Bridge and Toll Authority; and
- noted that the commuter rail system was also a topic of discussion.

Mayor Anderson stated that the next meeting will be on August 25, 2003.

C. MANAGER COMMENTS

Mr. Duffy:

- recommended postponing Ordinance Serial No. 03-134 indefinitely;
- stated that the Borough was informed by the Alaska State Department of Transportation and Public Facilities (DOT) that the funds listed in Ordinance Serial No. 03-134 are Federal Administration Transit funds, and road construction activities are not allowable with Federal Transit Administration funds;
- reviewed the projects for which the Borough has received federal funding assistance;
- discussed the FY03 federal priorities, such as the South Denali Visitor Center and the Matanuska River Erosion project;
- noted that a survey was recently completed as part of the tourism cluster analysis work that is underway with the Matanuska-Susitna Convention and Visitors Bureau, and the report will be forwarded to the Assembly;
- reported that a revised Memorandum of Agreement is being finalized by the National Park Service, which will describe the roles and responsibilities of each agency working on the South Denali Visitor Center;

- commented that DOT has requested, and the Borough has granted, office space for the regional transportation planner of the Borough area, which will allow for better communication between DOT and the Borough;
- informed that the Borough has scheduled two site familiarization tours of the Central Landfill to acquaint the Assembly and Planning Commissioners with the ongoing operations of the Central Landfill and the present construction of the new cell on August 15, 2003, and August 22, 2003, between 1 p.m. and 3 p.m.;
- noted that a memorandum from Mr. Ken Hudson, Chief of Code Compliance, is attached to the Manager's report, which discusses the Borough permitting for the Talkeetna Bluegrass Festival; and
- stated that a status report for the Parks and Recreation Bond projects is attached to the Manager's report.

Assemblymember Colver inquired regarding the cost of the permit for the Talkeetna Blue Grass Festival and the costs incurred by the Borough for the festival.

Mr. Duffy replied that the permit fee will not cover the costs incurred by the Borough for the festival.

Assemblymember Ladere queried regarding the status of the land capacity study for the community of Willow.

Mr. Duffy replied that the study is ongoing.

Mr. Duffy noted that there are two items on the consent agenda that he wanted to bring to the Assembly's attention, AM No. 03-140, regarding Hatcher Pass, and AM No. 163, regarding the dual-use vessel.

D. ATTORNEY COMMENTS

Ms. Williams updated the Assembly on the current Borough litigation.

E. CLERK COMMENTS

Ms. Dillon:

- noted that she is working with the Municipality of Anchorage to schedule a joint meeting;
- advised that voters must be registered 30 days prior to the election to be eligible to vote;
- stated that the candidate filing period has ended; and
- commented that she has attached a list of certified candidates to the Clerk's report.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Historic Preservation Commission: 03/07/03
 - b. Knik Road Service Area No. 17: 07/11/03

- c. Local Road Service Area Advisory Board: 06/19/03
 - d. Planning Commission: 07/07/03
 - e. Transportation Advisory Board: 06/25/03
- 2. Community Council Correspondence:
 - a. Meadow Lakes Community Council: 06/11/03
 - b. Trapper Creek Community Council: 06/12/03

Assemblymember Simpson noted that she will be making several corrections to the Knik Road Service Area No. 17 minutes for July 11, 2003, at their next meeting.

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

G. INFORMATIONAL MEMORANDUMS

- 1. IM No. 03-203: AN INFORMATIONAL MEMORANDUM TO REPORT THE MANAGER'S DECISION TO WAIVE STANDARD BID AWARD PROCEDURES TO ALLOW AWARD OF BID NO. 03-204 IN THE AMOUNT OF \$264,035 TO RAIN PROOF ROOFING FOR THE COLONY HIGH SCHOOL AND COTTONWOOD PUBLIC SAFETY BUILDING ROOF REPAIRS.
- 2. IM No. 03-207: AN INFORMATIONAL MEMORANDUM REGARDING THE GRANT AGREEMENT BETWEEN THE MATANUSKA-SUSITNA BOROUGH AND VALLEY COMMUNITY FOR RECYCLING SOLUTIONS.

The informational memorandums were presented and no comments were noted.

VIII. UNFINISHED BUSINESS

- A. AM No. 03-143: REQUEST TO THE ASSEMBLY TO RECOMMEND THREE NAMES FOR THE GOVERNOR'S CONSIDERATION FOR A BOROUGH REPRESENTATIVE TO SERVE ON THE KNIK ARM BRIDGE AND TOLL AUTHORITY BOARD OF DIRECTORS. *(Motion pending from 07/15/03)*

MOTION: Assemblymember Ladere moved to postpone AM No. 03-143 indefinitely.

VOTE: The motion passed without objection.

Mayor Anderson noted that the appointments have already been made, and the following people have been appointed to the Knik Arm Bridge and Toll Authority:

- Senator Lyda N. Green (non-voting member);
- Mr. David W. Haugen;
- Mr. Darcie Salmon;
- Representative Bill Stoltze (non-voting member); and
- Mr. George Wuerch.

(The meeting recessed at 6:48 p.m. and reconvened at 7 p.m.)

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

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

(There were no persons to be heard.)

B. PUBLIC HEARINGS (Three minutes per person.)

1. Ordinance Serial No. 03-105: AN ORDINANCE CREATING ALDER CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 383, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.
 - a. IM No. 03-154

Ms. Chris Drasher recommended denial of Ordinance Serial No. 03-105, as it did not meet the requirements of code.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Colberg moved to adopt Ordinance Serial No. 03-105.

VOTE: The motion failed unanimously.

2. Ordinance Serial No. 03-107: AN ORDINANCE CREATING LANI DRIVE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 384, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.
 - a. IM No. 03-164

Ms. Chris Drasher recommended approval of Ordinance Serial No. 03-107.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Allen moved to adopt Ordinance Serial No. 03-107.

VOTE: The motion passed without objection.

3. Ordinance Serial No. 03-124: AN ORDINANCE AMENDING MSB 5.25.142(A) AND PLACING ON THE BALLOT OF THE OCTOBER 7, 2003, REGULAR ELECTION THE ANNEXATION OF CERTAIN PROPERTIES IN THE BUFFALO MINE ROAD/SOAPSTONE ROAD AREA TO THE GREATER PALMER CONSOLIDATED FIRE SERVICE AREA NO. 132.
 - a. IM No. 03-157

Ms. Dillon reported that there were some initial concerns with the annexation, but noted that those concerns were addressed by changing the boundary lines of the annexation.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Bush moved to adopt Ordinance Serial No. 03-124.

VOTE: The motion passed without objection.

4. Ordinance Serial No. 03-125: AN ORDINANCE AMENDING MSB 5.25.036(A) TO ANNEX CERTAIN PROPERTIES IN THE MURPHY ROAD/RIDGE RUNNER CIRCLE AREA INTO THE NORTH COLONY ROAD SERVICE AREA NO. 23 AND TO INCLUDE THE LEGAL DESCRIPTION OF THE SERVICE AREA IN CODE.
 - a. IM No. 03-174

Ms. Dillon reported that there are no residents in the area proposed for annexation.

Mr. Graham explained the special circumstances for the North Colony Road Service Area No. 23, which is a split road service area.

Mayor Anderson opened the public hearing.

The following person spoke in favor of Ordinance Serial No. 03-125: Mr. Terry Beal.

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

MOTION: Assemblymember Bush moved to adopt Ordinance Serial No. 03-125.

VOTE: The motion passed without objection.

5. Ordinance Serial No. 03-126: AN ORDINANCE AMENDING MSB 5.25.038(A) AND PLACING ON THE BALLOT OF THE OCTOBER 7, 2003, REGULAR ELECTION THE

ANNEXATION OF CERTAIN PROPERTIES IN THE MONTANA CREEK/WILLOW
AREA TO THE TALKEETNA FIRE SERVICE AREA NO. 24.

- a. IM No. 03-175

Ms. Dillon recommended the Assembly adopt Ordinance Serial No. 03-126 and submit the question of annexation to the qualified votes in the proposed area for annexation.

Mayor Anderson opened the public hearing.

The following person spoke in opposition of Ordinance Serial No. 03-126 and the level of fire service currently offered in this area: Mr. Jesse Watts.

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

MOTION: Assemblymember Ladere moved to adopt Ordinance Serial No. 03-126.

VOTE: The motion passed without objection.

- 6. Ordinance Serial No. 03-127: AN ORDINANCE AMENDING MSB 5.25.030(A) AND PLACING ON THE BALLOT OF THE OCTOBER 7, 2003, REGULAR ELECTION THE ANNEXATION OF CERTAIN PROPERTIES IN THE DESHKA LANDING TO THE GREATER WILLOW ROAD SERVICE AREA NO. 20.

- a. IM No. 03-176

Mr. Graham explained the uniqueness of the annexation.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Ladere moved to adopt Ordinance Serial No. 03-127.

VOTE: The motion passed without objection.

- 7. Ordinance Serial No. 03-128: AN ORDINANCE AMENDING MSB 5.25.018(A), SERVICE AREA NO. 14, FAIRVIEW ROAD SERVICE AREA, BY ADJUSTING THE BOUNDARY TO REFLECT THE DELETION OF AN AREA OF LAND THAT WOULD BE SPLIT BY A SERVICE AREA BOUNDARY FROM A PROPOSAL FOR A PRELIMINARY PLAT.

- a. Ordinance Serial No. 03-129: AN ORDINANCE AMENDING MSB 5.25.024(A), SERVICE AREA NO. 17, KNIK ROAD SERVICE AREA, BY ADJUSTING THE BOUNDARY TO REFLECT THE ADDITION OF AN AREA OF LAND THAT WOULD BE SPLIT BY A SERVICE AREA BOUNDARY FROM A PROPOSAL FOR A PRELIMINARY PLAT.

a. IM No. 03-177

Ms. Dillon:

- recommended adoption of the legislation to meet the provisions of MSB 16.15.049(E); and
- stated that both road service areas agreed to the proposed legislation.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Colberg moved to adopt Ordinance Serial No. 03-128 and Ordinance Serial No. 03-129.

VOTE: The motion passed without objection.

8. Ordinance Serial No. 03-130: AN ORDINANCE ACCEPTING AND APPROPRIATING \$40,000 FROM THE UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, TO FUND 410, PROJECT NO. 30085, LITTLE MEADOW CREEK CULVERT REPLACEMENT.

a. Resolution Serial No. 03-070: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE MEADOW CREEK CULVERT REPLACEMENT, PROJECT NO. 30085.

(1) IM No. 03-178

Mr. Duffy reported that this project consists of replacing two existing culverts with larger culverts at a crossing of Little Meadow Creek.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Ladere moved to adopt Ordinance Serial No. 03-130 and Resolution Serial No. 03-070.

VOTE: The motion passed without objection.

9. Ordinance Serial No. 03-131: AN ORDINANCE ACCEPTING AND APPROPRIATING \$55,000 FROM THE UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, TO FUND 410, PROJECT NO. 30084, FISH PASSAGE CONSTRUCTION PROJECT.

a. Resolution Serial No. 03-071: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE FISH PASSAGE CONSTRUCTION PROJECT, PROJECT NO. 30084.

(1) IM No. 03-180

Mr. Duffy reported that the project consist of replacing culverts in Crooked Lake, King Fisher Lake, Cloudy Lake, Cottonwood Creek at Lupine Lane, and Cottonwood Creek at Cardiff Lane.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 03-131 and Resolution Serial No. 03-071.

VOTE: The motion passed without objection.

10. Ordinance Serial No. 03-132: AN ORDINANCE AMENDING THE BOROUGH CODE TITLE 18, RELATING TO THE PORT COMMISSION CHANGING REGULAR MEETINGS TO BE HELD MONTHLY, SETTING PROCEDURES FOR ADOPTING A YEARLY MEETING SCHEDULE, AND PROVIDING FOR CALLING A SPECIAL MEETING.
 - a. IM No. 03-186

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 03-132.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 03-132, proposed MSB 18.04.080(A), by striking the word “chairperson” in line 5 and inserting “port director”, to read, “Special meetings may be called by the port commission chairperson or by the port director upon the request of at least three port commission members.

VOTE: The primary amendment passed without objection.

VOTE: The motion as amended passed without objection. *(See reconsideration on p. 20)*

11. Ordinance Serial No. 03-134: AN ORDINANCE ACCEPTING AND APPROPRIATING \$2,000,000 FROM THE FEDERAL HIGHWAY ADMINISTRATION THROUGH THE ALASKA STATE DEPARTMENT OF TRANSPORTATION TO FUND 410, FOR POINT MACKENZIE ROAD IMPROVEMENTS, PROJECT NO. 35245.

- a. Resolution Serial No. 03-072: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE POINT MACKENZIE ROAD IMPROVEMENT PROJECT, PROJECT NO. 35245.
- (1) IM No. 03-193

Mr. Duffy:

- stated that the Federal Administration Transit funds may not be used for this project; and
- recommended postponing the legislation indefinitely.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Simpson moved to adopt Ordinance Serial No. 03-134 and Resolution Serial No. 03-072.

MOTION: Assemblymember Simpson moved to postpone Ordinance Serial No. 03-134 and Resolution Serial No. 03-072 indefinitely.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke regarding to a statement made by the Manager in relation to the Borough Clean-Up Program and requested that the Assembly initiate an independent financial and procedural audit of the Borough Clean-Up Program for the years 2001, 2002, and 2003: Mr. Bennett Durgeloh.

The following person spoke to concerns regarding septic treatment in the Borough: Ms. Helen Minnows.

The following person thanked Mayor Anderson, Assemblymember Simpson, and Mr. Duffy for attending a ceremony for the Rural Self-Help Housing program: Mr. Bill Allen.

The following person spoke in reference to comments made by a member of the Assembly regarding the veto of Ordinance Serial No. 03-121 and that member's conflict of interest: Mr. Arthur Quaas.

(The regular meeting recessed at 7:50 p.m. and reconvened at 8:05 p.m.)

The following person spoke regarding the proposed comprehensive plan and the bias in the Planning Commission regarding zoning: Ms. Lucille Frey, on behalf of Matanuska-Susitna Property Owners.

The following person spoke regarding the request of a non-objection from the Borough for the sale of a piece of agricultural land: Mr. Jesse Watts.

IX. NEW BUSINESS

- A. INTRODUCTION (For public hearing - 08/19/03, 7 p.m., Borough Assembly Chambers)
1. Ordinance Serial No. 03-133: AN ORDINANCE AMENDING THE FISCAL YEAR 2004 ANNUAL BUDGET AND CAPITAL RESERVE.
 - a. IM No. 03-187
 2. Ordinance Serial No. 03-135: AN ORDINANCE REAPPROPRIATING \$25,000 TO FUND 480, PROJECT NO. 45138, FROM THE FY04 PLANNING DIVISION'S OPERATING BUDGET (100-130-130-429-300) FOR THE PURPOSE OF PROFESSIONAL SERVICES TO ASSIST IN THE DEVELOPMENT OF THE Y COMMUNITY COMPREHENSIVE PLAN.
 - a. IM No. 03-148
 3. Ordinance Serial No. 03-136: AN ORDINANCE ACCEPTING AND APPROPRIATING \$4,225.67 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. 03-194
 4. Ordinance Serial No. 03-137: AN ORDINANCE ACCEPTING AND APPROPRIATING \$17,035.20 FROM THE STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES, OFFICE OF HISTORY AND ARCHAEOLOGY, TO FUND 480, PROJECT NO. 20325, FOR PHASE II OF THE INTERPRETATIVE SIGNS PROJECT FOR THE MATANUSKA COLONY HISTORIC DISTRICT.
 - a. Resolution Serial No. 03-082: A RESOLUTION APPROVING THE SCOPE OF WORK FOR PHASE II OF THE INTERPRETATIVE SIGNS PROJECT FOR THE MATANUSKA COLONY HISTORIC DISTRICT.
 - (1) IM No. 03-196
 5. Ordinance Serial No. 03-138: AN ORDINANCE PROVIDING FOR THE SALE OF CERTAIN BOROUGHWIDE REAL PROPERTY ACQUIRED THROUGH TAX FORECLOSURE FOR DELINQUENT REAL PROPERTY TAXES YEARS 1990, 1993, 1995, AND 1997 AND PRIOR, AND FOR DELINQUENT SPECIAL ASSESSMENTS YEARS 1995 AND 1998 AND PRIOR, AND NOT NEEDED FOR PUBLIC PURPOSE.
 - a. IM No. 03-199
 6. Ordinance Serial No. 03-139: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$53,975 FROM FUND 200, FUND BALANCE, TO FUND 200, FISCAL YEAR 2004 NON-AREAWIDE OPERATING BUDGET, FOR THE CENTRAL LANDFILL TO PURCHASE A TRANSFER TRAILER.
 - a. IM No. 03-200

7. Ordinance Serial No. 03-140: AN ORDINANCE ACCEPTING AND APPROPRIATING \$24,794 FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE, FOR THE SETTLEMENT AVENUE CULVERT REPLACEMENT PROJECT, PROJECT NO. 30078.
 - a. Resolution Serial No. 03-083: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE SETTLEMENT AVENUE CULVERT REPLACEMENT PROJECT, PROJECT NO. 30078.
 - (1) IM No. 03-201
8. Ordinance Serial No. 03-141: AN ORDINANCE ACCEPTING AND APPROPRIATING \$24,750 FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE, FOR THE SITZE ROAD BRIDGE PROJECT, PROJECT NO. 30079.
 - a. Resolution Serial No. 03-084: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE SITZE ROAD BRIDGE PROJECT, PROJECT NO. 30079.
 - (1) IM No. 03-202
9. Ordinance Serial No. 03-142: AN ORDINANCE ACCEPTING AND APPROPRIATING ALASKA STATE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT GRANT NO. 02-RR-011 IN THE AMOUNT OF \$83,871.42 AND GRANT NO. 03-DC-079 IN THE AMOUNT OF \$70,000, TO FUND 405, PROJECT NO. 45140, FOR FACILITY CONSTRUCTION AND THE PURCHASE OF FIRE FIGHTING EQUIPMENT.
 - a. Resolution Serial No. 03-085: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT GRANT NOS. 02-RR-011 AND 03-DC-079, PROJECT NO. 45140, FUND 405, FOR FACILITY CONSTRUCTION AND PURCHASE OF FIRE FIGHTING EQUIPMENT.
 - (1) IM No. 03-208
10. Resolution Serial No. 03-086: A RESOLUTION PROVIDING FOR THE CONTINUANCE OF THE ENHANCED 911 ADVISORY BOARD AND THE LOCAL ROAD SERVICE AREA ADVISORY BOARD.
 - a. IM No. 03-211

Ms. Dillon 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 19, 2003.

MOTION: Assemblymember Colver moved to divide the question, to address Ordinance Serial No. 03-140, Resolution Serial No. 03-083, Ordinance Serial No. 03-141, and Resolution Serial No. 03-084 separately.

CONFLICT OF INTEREST: Assemblymember Allen declared a conflict of interest on Ordinance Serial No. 03-140, Resolution Serial No. 03-083, Ordinance Serial No. 03-141, and Resolution Serial No. 03-084.

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 at this time.)

MOTION: Assemblymember Colver moved to introduce Ordinance Serial No. 03-140, Resolution Serial No. 03-083, Ordinance Serial No. 03-141, and Resolution Serial No. 03-084 for public hearing on August 19, 2003.

VOTE: The motion passed without objection.

(Assemblymember Allen returned to the meeting at this time.)

VOTE: The motion to introduce the remaining legislation passed without objection.

11. Ordinance Serial No. 03-143: AN ORDINANCE AUTHORIZING THE MATANUSKA-SUSITNA BOROUGH TO ISSUE AND SELL, NOT TO EXCEED \$10,000,000 OF LEASE CERTIFICATES OF PARTICIPATION TO FINANCE PORT MACKENZIE DOCK IMPROVEMENTS; THE EXECUTION AND DELIVERY OF A LEASE AND A LEASE PURCHASE AGREEMENT AND TRUST INDENTURE TO SECURE THE CERTIFICATES; THE EXECUTION OF A CERTIFICATE PURCHASE AGREEMENT; AND PROVIDING FOR RELATED MATTERS.

a. Ordinance Serial No. 03-144: AN ORDINANCE ACCEPTING AND APPROPRIATING \$3,000,000 FROM NPI, LLC TO FUND 450, FOR PORT MACKENZIE DEEP WATER DOCK IMPROVEMENTS.

(1) IM No. 03-212

MOTION: Assemblymember Colver moved to introduce Ordinance Serial No. 03-143 and Ordinance Serial No. 03-144 for public hearing on August 19, 2003.

MOTION: Assemblymember Simpson moved to amend the title of Ordinance Serial No. 03-143 by inserting “or lease revenue bonds” after “certificates of participation” with corresponding changes throughout the ordinance for consistency.

VOTE: The primary amendment passed without objection.

MOTION: The motion passed without objection.

B. CONSENT AGENDA

(Resolution Serial No. 03-090 and AM Nos. 03-140, 03-147, 03-153, 03-160, and 03-163 were pulled from the consent agenda and addressed separately. See pp. 16-18 of 21)

1. RESOLUTIONS

- a. Resolution Serial No. 03-087: A RESOLUTION AUTHORIZING THE MANAGER TO SUBMIT TO THE STATE OF ALASKA AN APPLICATION FOR A FEDERAL GRANT FOR THE ALASKA COASTAL MANAGEMENT PROGRAM'S SECTION 306 SPECIAL PROJECT.
(1) IM No. 03-197
- b. Resolution Serial No. 03-088: A RESOLUTION APPROVING THE AMENDED SCOPE OF WORK AND BUDGET AND AUTHORIZING THE MANAGER TO EXECUTE A TRANSFER OF RESPONSIBILITIES AGREEMENT BY AND BETWEEN THE MATANUSKA-SUSITNA BOROUGH AND THE SUNSHINE COMMUNITY HEALTH CENTER, FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM.
(1) IM No. 03-204
- c. Resolution Serial No. 03-089: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET AS ADOPTED IN THE FISCAL YEAR 2004 BUDGET, CAPITAL PROJECTS FUND 480, PROJECT NO. 10153, FOR THE AMOUNT OF \$12,000, FOR A PRIMARY SERVER AND SQL SOFTWARE AND TECHNICAL SUPPORT FOR THE ANIMAL CARE AND REGULATION DIVISION.
(1) IM No. 03-205
- e. Resolution Serial No. 03-091: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR THE MATANUSKA RIVER EROSION MITIGATION, PROJECT NO. 55008.
(1) IM No. 03-210
(2) AM No. 03-161: AWARD OF BID NO. 04-001 TO JIM PSENAK CONSTRUCTION IN THE AMOUNT OF \$103,720 FOR THE 2003 MATANUSKA RIVER EROSION CONTROL PROJECT.

2. ACTION MEMORANDUMS

- b. AM No. 03-142: AUTHORIZING THE CONTINUATION OF THE SITE SELECTION COMMITTEE FOR THE VOCATIONAL EDUCATION CENTER (HIGH SCHOOL).
- d. AM No. 03-150: AWARD OF BID NO. 04-002 TO CAL WORTHINGTON FORD IN THE AMOUNT OF \$29,017 FOR THE PURCHASE OF A VEHICLE FOR THE WASILLA FIRE SERVICE AREA.
- e. AM No. 03-151: RETROACTIVE APPROVAL OF DISABLED VETERAN TAX EXEMPTION FOR WESLEY S. ALLEN, LOT 1, BLOCK 14, KENNEDY ADDITION TO WASILLA TOWNSITE SUBDIVISION (1032B14L001) FOR TAX YEAR 2002.

- g. AM No. 03-155: RETROACTIVE APPROVAL OF SENIOR CITIZEN PROPERTY TAX EXEMPTION FOR EUGENE A. AVESUK, TAX ACCOUNT NO. 6612B20L009, FOR TAX YEARS 2001 AND 2002.
- h. AM No. 03-156: APPROVAL OF CHANGE ORDER TO ALASKA COATING AND URETHANE IN THE AMOUNT OF \$6,000 FOR SANDBLASTING AND PAINTING OF 40 CUBIC YARD REFUSE CONTAINERS FOR THE CENTRAL LANDFILL.
- i. AM No. 03-157: AWARD OF BID NO. 03-203 TO SWALLING CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF \$121,400 FOR 2003 TEST PILE PROGRAM ON THE PORT MACKENZIE DOCK.
- j. AM No. 03-158: RETROACTIVE APPROVAL OF DISABLED VETERAN TAX EXEMPTION FOR PHILLIP J. KARCHESKI, TAX ACCOUNT NO. 4620B02L004, FOR TAX YEARS 2001 AND 2002.

Ms. Dillon 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.

- d. Resolution Serial No. 03-090: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 25035, LANDFILL/TRANSFER SITE GATES AND IMPROVEMENTS TO ALLOW PAVING OF THE PARKING AND STAGING AREA AT CENTRAL LANDFILL.
- (1) IM No. 03-206
- (2) AM No. 03-154: APPROVAL OF CHANGE ORDER TO ALASKA ROADBUILDERS INC. IN THE AMOUNT OF \$72,000 FOR THE 2003 PHASE II ROADS PAVING PROJECT FOR THE PAVING OF LUTHER AVENUE AND THE CENTRAL LANDFILL OFFICE PARKING AND STAGING AREA.

CONFLICT OF INTEREST: Assemblymember Colver declared a conflict of interest on Resolution Serial No. 03-090, AM No. 03-154, and AM No. 03-153.

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

(Assemblymember Colver exited the meeting at this time.)

MOTION: Assemblymember Simpson moved to adopt Resolution Serial No. 03-090 and AM No. 03-154.

VOTE: The motion passed without objection.

- f. AM No. 03-153: APPROVAL OF CHANGE ORDER TO ALASKA ROADBUILDERS, INC. IN THE AMOUNT OF \$60,000 FOR THE 2003 PHASE II ROADS PAVING PROJECT TO EXTEND THE PAVING OF CARNEY ROAD IN GOLD TRAILS ROAD SERVICE AREA NO. 28 AND MEADOWOOD AND KING ARTHUR DRIVES IN THE CITY OF HOUSTON.

MOTION: Assemblymember Ladere moved to approve AM No. 03-153.

VOTE: The motion passed without objection

(Assemblymember Colver returned to the meeting at this time.)

- a. AM No. 03-140: APPROVING THE SOLICITATION FRAMEWORK FOR LEASING, DEVELOPING, AND OPERATING THE HATCHER PASS SKI AREA, INCLUDING THE SOUTH SIDE AREA.

MOTION: Assemblymember Ladere moved to approve AM No. 03-140.

Assemblymember Ladere inquired if any new information had come forward on how to proceed with the project.

Assemblymember Colver discussed possible ways to proceed with the project.

MOTION: Assemblymember Colver moved to approve AM No. 03-140 to replace page three of four, with the changes that have been presented, which change the proposal solicitation from an RFP to an RFQ.

Assemblymember Simpson inquired regarding the difference between a request for proposal (RFP) and a request for qualifications (RFQ).

Mr. Duffy explained the difference between a RFP and a RFQ.

Assemblymember Colberg spoke in opposition of AM No. 03-140.

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

VOTE: The motion as amended passed with Assemblymember Colberg in opposition.

- c. AM No. 03-147: APPROVAL OF CHANGE ORDER TO CH2M HILL IN THE AMOUNT OF \$54,822.80 FOR ENGINEERING SERVICES DURING CONSTRUCTION OF CELL 2B AT THE CENTRAL LANDFILL.

MOTION: Assemblymember Colver moved to approve AM No. 03-147.

Assemblymember Colver queried how much money the Borough has invested in the engineering for this project.

Mr. Graham:

- stated that there was a contract approved for an inspector to check the day-to-day process; and
- explained what the engineering services include.

VOTE: The motion passed without objection.

k. AM No. 03-160: APPROVING THE EXPENDITURE OF ADDITIONAL FUNDS TO MATANUSKA ELECTRIC ASSOCIATION IN THE AMOUNT OF \$63,000 FOR THE ELECTRICAL DISTRIBUTION SYSTEM AT THE HATCHER PASS SKI AREA, PROJECT NO. 20161, SUBPROJECTS 1802 AND 7401.

MOTION: Assemblymember Colver moved to approve AM No. 03-160.

MOTION: Assemblymember Colver moved a primary amendment to AM No. 03-160 to include a clause that does not allow funds to be released until 90 percent of the project has been completed.

Mr. Graham:

- stated that the Borough has control of the funds; and
- noted that the purpose of AM No. 03-160 is to secure the additional funds.

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

VOTE: The motion to stop debate passed without objection.

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

VOTE: The main motion passed without objection.

l. AM No. 03-163: AWARD OF PROPOSAL 03-200 TO THE LOCKHEED MARTIN CORPORATION IN THE AMOUNT OF \$50,000 FOR THE UPPER COOK INLET CARGO AND PASSENGER TRANSPORT/RESCUE BOAT FEASIBILITY DESIGN STUDY.

MOTION: Assemblymember Colberg moved to approve AM No. 03-163.

Assemblymember Colberg spoke in opposition of AM No. 03-163.

Assemblymember Ladere spoke in support of the legislation.

VOTE: The motion passed with Assemblymember Colberg in opposition.

C. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Anderson made the following recommendations:

Enhanced 911 Advisory Board

Dennis Casanovas

Local Emergency Planning Committee

Frank Ameduri

Mayor's Blue Ribbon Fisheries Committee

Jim Cooper

Mayor Anderson requested the following confirmations:

Agricultural and Forestry Advisory Board

Lorene Lynn

Enhanced 911 Advisory Board

Thomas Remaley

Equalization Board

Terrie Irwin

Site Selection Committee – Mid-Valley Pathways Alternative School

Doyle E. Currier

Kristal Whitted

Site Selection Committee – Nutrition Services Facility

Kay Slack

Site Selection Committee – Valley Pathways Alternative School

Cindi Payne

Meadow Lakes Road Service Area No. 27

William L. Attwood

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

Assemblymember Ladere inquired regarding Lorene Lynne's association with the Mat-Su Loggers Association.

Mayor Anderson stated that he had received a letter recommending Lorene Lynne to the board.

VOTE: The motion passed without objection.

D. OTHER NEW BUSINESS

X. RECONSIDERATION

MOTION: Assemblymember Simpson moved for reconsideration of Ordinance Serial No. 03-132.

VOTE: The motion to reconsider passed without objection.

MOTION: Assemblymember Ladere moved to refer Ordinance Serial No. 03-132 to the Port Commission for clarification.

VOTE: The motion passed without objection.

XI. VETO

(There were no vetoes.)

XII. EXECUTIVE SESSION

(There was no executive session.)

XIII. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Bush:

- stated that he recently traveled to the northern area of the Borough;
- noted that there are no signs indicating where the Borough boundaries are located; and
- asked that signs be placed in those locations.

Assemblymember Allen:

- stated that the Borough needs to find a less expensive way to fund small projects; and
- requested that the Borough specifically look at establishing a revolving loan fund.

Assemblymember Ladere:

- voiced concerns regarding the needs of the animal shelter; and
- commented that the AML conference was very productive and scheduled in a wonderful location.

Assemblymember Colberg stated that he appreciates the Manager calling attention to the specific action memorandums that need to be addressed.

Assemblymember Kvalheim:

- suggested revisiting the special events ordinance; and
- stated that it is important not to put more work on the staff, as the Borough is already understaffed.

Assemblymember Simpson stated some vandalism recently took place on the work the Americorp Team had recently completed.

Assemblymember Colver:

- commented on the importance of putting up signs at the entrances of the Borough;

- addressed concerns regarding the ability to take action on time critical items such as the Knik Arm Bridge and Toll Authority; and
- noted that he would like to see some perimeters set to allow the Manager to take action on time critical issues.

Mayor Anderson:

- thanked Assemblymember Colver for presiding over the July 15, 2003, meeting;
- commented that the AML conference was very productive;
- attended the 50th anniversary of the Butte Fire Department;
- noted that he went to the Talkeetna Community Council meeting last night;
- discussed the impact of cutting the community schools program; and
- requested administration research opening the school gymnasiums for public meetings.

Assemblymember Allen suggested Mayor Anderson write a thank you letter to Senator Terriault for attending the meeting.

XIV. ADJOURNMENT

The regular meeting adjourned at 9:30 p.m.

TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:

SANDRA A. DILLON, CMC, Borough Clerk

Minutes Approved: August 19, 2003