

# MATANUSKA-SUSITNA BOROUGH

350 East Dahlia Avenue, Palmer, Alaska 99645-6488 - 907-745-9683

## **BOROUGH MAYOR**

Curtis D. Menard

## **BOROUGH CLERK**

Michelle M. McGehee, CMC

## **BOROUGH MANAGER**

John Duffy

## **BOROUGH ATTORNEY**

Nicholas Spiropoulos



## **BOROUGH ASSEMBLY**

Lynne Woods, District 1  
Bill Allen, District 2  
Michelle R. Church, District 3  
Mary Kvalheim, District 4  
Cindy L. Bettine, District 5  
Robert F. Wells, District 6  
Tom Kluberton, District 7

## **ASSEMBLY AGENDA**

**ASSEMBLY CHAMBERS  
350 E. DAHLIA AVENUE, PALMER**

**REGULAR MEETING**

**6 P.M.**

**TUESDAY, AUGUST 7, 2007**

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. PLEDGE OF ALLEGIANCE
- V. MINUTES OF PRECEDING MEETINGS
  - A. Special Assembly/School Board Meeting: 06/12/07
  - B. Special Assembly Meeting: 06/19/07
  - C. Special Assembly Meeting: 06/26/07
  - D. Special Assembly/Planning Commission Meeting: 06/26/07
  - E. Regular Assembly Meeting: 06/19/07
- VI. REPORTS/CORRESPONDENCE
  - A. AGENCY REPORTS
    1. Reports from cities
    2. Matanuska-Susitna Borough School District

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues
2. Assembly Public Relations

C. MANAGER COMMENTS

1. State/Federal Legislation
2. Su Valley High School Update

D. ATTORNEY COMMENTS

E. CLERK COMMENTS

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
  - a. Port Commission: 6/18/07, Resolution Serial. No. 07-004
  - b. Real Property Asset Management Board Resolution Serial Nos. 07-10, 07-11
2. Community Council Correspondence:
  - a. Meadow Lakes Community Council Resolution No. 07-01
  - b. Sutton Community Council: 5/10/07, 6/14/07

G. INFORMATIONAL MEMORANDUMS

1. IM No. 07-188: AN INFORMATIONAL MEMORANDUM REGARDING A GRANT AGREEMENT WITH THE VALLEY COMMUNITY FOR RECYCLING SOLUTIONS IN THE AMOUNT OF \$75,000.

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

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

1. Mr. David Pepper Re: revision to MSB 8.52.

B. PUBLIC HEARINGS (Three minutes per person.)

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(A)(3), EXEMPTIONS FOR PARTICULAR RECORDS, BY DELETING MSB 1.50.040(A)(3).

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

C. AUDIENCE PARTICIPATION (Three minutes per person.)

D. CONSENT AGENDA

1. RESOLUTIONS

- a. Resolution Serial No. 07-083: A RESOLUTION AMENDING THE BUDGETS FOR TEELAND MIDDLE SCHOOL CONSTRUCTION, PROJECT NO. 40129, AND SELDON ROAD CHANNELIZATION, PROJECT NO. 40129, AND APPROVE THE SCOPE OF WORK AND BUDGET FOR THE CONSTRUCTION OF A FIRE APPARATUS ROAD AT TEELAND MIDDLE SCHOOL.  
(1) IM No. 07-198

- b. Resolution Serial No. 07-084: A RESOLUTION AMENDING THE BUDGETS FOR THE INTERIOR AND EXTERIOR PAINTING OF

BUTTE PUBLIC SAFETY BUILDING AND THE BUTTE FIRE EQUIPMENT PROJECTS AND APPROVING THE SCOPE OF WORK FOR BUTTE FIRE EQUIPMENT, PROJECT NUMBER 45026, FUND 405, TO PURCHASE PERSONAL PROTECTIVE EQUIPMENT.

(1) IM No. 07-200

- c. Resolution Serial No. 07-085: A RESOLUTION ENCOURAGING THE STATE LEGISLATURE TO ADOPT EDUCATION FUNDING CRITERIA THAT ADEQUATELY AND FAIRLY FUNDS ALL ALASKA SCHOOL DISTRICTS.

(1) IM No. 07-207

- d. Resolution Serial No. 07-086: A RESOLUTION REGARDING THE PROPOSAL TO PLACE COOK INLET BULUGA WHALES ON THE ENDANGERED SPECIES LIST.

(1) IM No. 07-208

## 2. ASSEMBLY MEMORANDUMS

- a. AM No. 07-092: AWARD OF BID NO 07-175 TO WM CONTRACTING, INC., FOR AN ANNUAL AMOUNT NOT TO EXCEED \$261,438.24 FOR ROAD SERVICE AREA #9, MIDWAY ANNUAL ROAD MAINTENANCE.

- b. AM No. 07-095: AWARD OF BID NO. 07-178 TO L & N VENTURES FOR AN ANNUAL AMOUNT NOT TO EXCEED \$527,331.90 FOR ROAD SERVICE AREA #27, MEADOW LAKES ANNUAL ROAD MAINTENANCE.

## VIII. UNFINISHED BUSINESS

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

1. IM No. 07-146

## IX. NEW BUSINESS

- A. INTRODUCTION (For public hearing - 08/21/2007, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 07-115: AN ORDINANCE AMENDING MSB 17.28, INTERIM MATERIALS DISTRICT, TO INCLUDE PROVISIONS FOR REGULATING EXCAVATION INTO THE SEASONAL HIGH WATER TABLE.

a. IM No. 07-100

2. Ordinance Serial No. 07-116: AN ORDINANCE AUTHORIZING THE MATANUSKA-SUSITNA BOROUGH TO ISSUE AND SELL NOT TO EXCEED \$5,750,000 ANIMAL CARE FACILITY LEASE CERTIFICATES OF PARTICIPATION, 2007; 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. 07-117: AN ORDINANCE AUTHORIZING THE MATANUSKA-SUSITNA BOROUGH TO ISSUE AND SELL NOT TO EXCEED \$3,750,000 PUBLIC SAFETY BUILDING LEASE CERTIFICATES OF PARTICIPATION, 2007; TO DEFEASE AND REFUND THE EXISTING CERTIFICATES OF PARTICIPATION FOR THE PUBLIC SAFETY BUILDING; 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.
    - (1) IM No. 07-111
3. Ordinance Serial No. 07-118: AN ORDINANCE ACCEPTING AND APPROPRIATING \$16,500 FROM THE ALASKA STATE OFFICE OF HISTORY AND ARCHAEOLOGY, TO FUND 480, PROJECT NO. 20358, TO CONTINUE RESEARCHING THE FEASIBILITY OF A NATIONAL HERITAGE AREA DESIGNATION FOR THE MATANUSKA, KNIK AND SUSITNA RIVER VALLEYS LOCATED WITHIN THE MATANUSKA-SUSITNA BOROUGH.
  - a. Resolution Serial No. 07-087: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET TO CONTINUE RESEARCHING THE FEASIBILITY OF A NATIONAL HERITAGE AREA DESIGNATION FOR THE MATANUSKA, KNIK AND SUSITNA RIVER VALLEYS LOCATED WITHIN THE MATANUSKA-SUSITNA BOROUGH.
    - (1) IM No. 07-190
4. Ordinance Serial No. 07-119: AN ORDINANCE REAPPROPRIATING \$25,000 FROM THE DUST CONTROL PROGRAM, PROJECT NO. 35000, FUND 410, TO FUND 415, FOR THE TALKEETNA SEWER AND WATER REPAIRS, UPGRADE, AND EXPANSION PROJECT, PROJECT NO. 25037, TO ALLOW FOR THE REPAVING OF B STREET.
  - a. Resolution Serial No. 07-088: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR THE TALKEETNA SEWER AND WATER REPAIRS, UPGRADE, AND EXPANSION, PROJECT NO. 25037.

(1) IM No. 07-193

5. Ordinance Serial No. 07-120: AN ORDINANCE ACCEPTING AND APPROPRIATING \$22,081 FROM THE U.S. FISH AND WILDLIFE SERVICE TO FUND 480, PROJECT NO. 20368 FOR THE STRATEGIC CONSERVATION PLANNING THROUGH GREEN INFRASTRUCTURE PROGRAM.

a. Resolution Serial No. 07-089: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET AND AUTHORIZING THE MANAGER TO ENTER INTO THE NECESSARY AGREEMENTS FOR THE STRATEGIC CONSERVATION PLANNING THROUGH GREEN INFRASTRUCTURE PROGRAM.

(1) IM No. 07-195

6. Ordinance Serial No. 07-121: AN ORDINANCE AMENDING MSB 17.02.010, INTENT AND APPLICABILITY, TO EXCLUDE THE CITY OF HOUSTON FROM THE REQUIREMENTS OF MSB 17.02, MANDATORY LAND USE PERMIT.

a. IM No. 07-196

7. Ordinance Serial No. 07-122: AN ORDINANCE REAPPROPRIATING \$119,991 FROM THE FISCAL YEAR 2008 AREAWIDE DUST CONTROL PROGRAM, PROJECT NO. 35000, FUND 410, TO FUND 830, FOR A FISCAL YEAR 2006 ROAD LOCAL IMPROVEMENT DISTRICT PROGRAM SHORTFALL.

a. IM No. 07-197

8. Ordinance Serial No. 07-123: AN ORDINANCE ACCEPTING AND APPROPRIATING \$17,800 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 2008 OPERATIONS.

a. Resolution Serial No. 07-090: 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 BOROUGH LOCAL EMERGENCY PLANNING COMMITTEE.

(1) IM No. 07-199

9. Ordinance Serial No. 07-124: AN ORDINANCE ACCEPTING AND APPROPRIATING AN ADDITIONAL \$5,287 FROM THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, TO FUND 480, PROJECT NO. 45126, TO ALLOW FOR THE CONTINUATION OF THE CITIZEN CORPS PROGRAM.

- a. Resolution Serial No. 07-091: A RESOLUTION AMENDING THE BUDGET FOR THE CITIZEN CORPS PROGRAM, PROJECT NO. 45126, FUND 480, TO ALLOW FOR THE CONTINUATION OF THE CITIZEN CORPS PROGRAM.  
(1) IM No. 07-202

- 10. Ordinance Serial No. 07-125: AN ORDINANCE AMENDING MSB 25.05.090, PROHIBITION ON USE OF PUBLIC MONEYS, TO PROMOTE PASSAGE OF BALLOT PROPOSITIONS. *(Sponsored by: Assemblymember Church)*
  - a. IM No. 07-205

B. MAYORAL NOMINATIONS AND APPOINTMENTS

- 1. VACANCY REPORT

C. OTHER NEW BUSINESS

X. RECONSIDERATION *(Filed by Assemblymember Kvalheim, 7/18/07)*

- A. 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)*
  - 1. IM No. 07-159

XI. VETO

XII. EXECUTIVE SESSION *(for matters, the immediate public knowledge of which would clearly have an adverse effect upon the finances of the borough and for matters which by law, municipal charter, or ordinance are required to be confidential, specifically to discuss Nash v. Matanuska-Susitna Borough, Case No. 3PA-03-328CI, in particular to discuss litigation strategy.)*

XIII. MAYOR AND ASSEMBLY COMMENTS

XIV. ADJOURNMENT