

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on August 16, 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:

- 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 (*via teleconference at 6 p.m.*)

Assembly members absent and excused were:

- Ms. Lynne Woods, Assembly District No. 1

Staff in attendance were:

- Ms. Michelle M. McGehee, Borough Clerk
- Mr. John Duffy, Borough Manager
- Ms. Teresa S. Williams, Borough Attorney
- Ms. Marian Romano, Assistant Borough Manager
- 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. Murph O'Brien, Planning and Land Use Director

III. APPROVAL OF AGENDA

Mayor Anderson:

- advised that administration has requested that Ordinance Serial No. 05-158 be pulled from the agenda; and
- inquired if there were any other changes to the agenda.

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Rob Wells, Matanuska-Susitna Borough School Board Member.

V. MINUTES OF PRECEDING MEETINGS

A. Special Assembly Meeting: 08/02/05

Mayor Anderson inquired if there were any corrections to the special meeting minutes of August 2, 2005.

Assemblymember Colberg noted the following correction:
page 23 of 24, noted that he had a conflict of interest on Ordinance Serial No. 05-133 and Resolution Serial No. 05-102 and that the minutes did not reflect him exiting the room prior to the vote being taken and re-entering the room after the vote was taken. *[This item was corrected accordingly.]*

Ms. McGehee noted that on page 17, the first bulleted item under Assemblymember Simpson's comments, the phrase "lack of a" will be inserted before the word "common," to read as follows: noted that one of the issues that the State had regarding this matter is the lack of a common reporting system among vendors. *[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
2. Matanuska-Susitna Borough School District

School Board Member Wells:

- thanked the Assembly for their service to the Borough;
- commented that the School Board members have followed funding issues that may affect the public education budget such as the tax cap;
- requested that if any analysis and projections are being developed for the next fiscal year that they be forwarded to the Joint Assembly/School Board Committee on School Issues; and
- noted that early projections would be helpful for the performance-based budgeting.

Wasilla City

Councilmember Straub:

- spoke regarding the city of Wasilla and the Borough working jointly on the Shadowood Subdivision;

- advised that the Wasilla City Council was able to correct the Open Meetings Act Violation at the last meeting; and
- noted that there has been continued progress on the road construction in Wasilla.

Assemblymember Colver:

- noted that there are differences in the Borough platting code and the city of Wasilla platting code;
- commented that the city of Wasilla requires a minimum 10,000 square foot lot while Borough code requires a minimum of 7,000 square feet; and
- queried whether the city of Wasilla has concerns regarding the Borough's minimum lot size.

Councilmember Straub:

- noted that the city of Wasilla and the Borough are working together on the issues; and
- advised that the lot size issue should be before the Wasilla Council at the next meeting.

Assemblymember Colver:

- advised that the Borough is revising subdivision regulations; and
- noted that the regulations are out for public comment.

Councilmember Straub advised that she would make sure that the Wasilla City Planning Department, Public Works Department, and Planning Commission provide public comments to the Borough.

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 noted that the next Regional Transportation Planning Organization meeting is scheduled for August 29, 2005.

C. MANAGER COMMENTS

1. State/Federal Legislation

Mr. Duffy:

- spoke regarding Governor Murkowski rejecting the Borough's request for emergency assistance on the Matanuska River erosion;
- stated that the Borough will be providing Governor Murkowski with additional information regarding the erosion at the Matanuska River in hopes that emergency assistance will ultimately be provided;
- spoke regarding the Borough's municipal entitlement lands;

- advised that the Alaska Municipal League is requesting new proposed policy statements and resolutions for consideration at the November annual conference;
- advised that Governor Murkowski and Mr. Joel Gilbertson, Commissioner of Health and Social Services, will be at the ground breaking ceremony for Alaska Veterans and Pioneers Home on August 29, 2005;
- stated that the Alaska Drug Endangered Children Task Force will hold a conference starting on October 26, 2005;
- spoke regarding the Purpose and Need Statement from the Municipality of Anchorage on the Knik Arm Crossing;
- advised that the contractor for the management review audit would like to meet with the Assembly on September 13, 2005; and
- requested that the Assembly review the two proposals that have been received for the State lobbyist by August 25, 2005.

Mayor Anderson queried the rating system for the State lobbyist proposals.

Mr. Duffy:

- advised that the two proposals will be scored by the Assembly;
- advised once the Assembly has scored the proposals, the numbers would be tallied; and
- noted that an action memorandum would come forward to the Assembly awarding the contract.

D. ATTORNEY COMMENTS

Ms. Williams:

- advised that the Attorney's Office is short staffed due to an emergency situation that arose; and
- advised that the new administrative secretary would be starting work the following week.

E. CLERK COMMENTS

Ms. McGehee:

- referenced the meeting schedule;
- queried if the Assembly would like to schedule the September 13, 2005, work session for the management review audit, at 3 p.m.

There was no objection noted.

Ms. McGehee:

- advised that the September 20, 2005, work session on forest management has been rescheduled for 2 p.m.;
- noted that agenda items for the joint meeting with the School Board and the joint meeting with the Municipality of Anchorage Assembly are due in the Clerk's Office on September 2, 2005;

- advised that she and Janice Case would be out of the office on August 17, 2005, to attend the Borough's terrorist exercise;
- provided an election update; and
- advised that the Alaska Municipal League does not have an agenda as of yet for the November conference.

Assemblymember Allen:

- expressed concern regarding using the term O & M in the election pamphlet; and
- stated that what he had intended for the election pamphlet on the bonding issues, including the school bonding issues, was the total operating costs, including O & M.

Ms. McGehee advised that the Clerk's Office would work with Administration to obtain the information.

Discussion ensued regarding the election pamphlet.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Emergency Medical Services Advisory Board: 05/04/05, 05/18/05, 06/01/05
 - b. Library Advisory Board: Resolution Serial No. 05-02
 - c. Local Emergency Planning Committee: 04/20/05
 - d. Planning Commission: 07/18/05
 - e. Senior Citizens Advisory Board: 07/18/05
2. Community Council Correspondence:
 - f. Butte Community Council: Letter Re: Comprehensive Plan
 - g. Trapper Creek Community Council: 07/23/05
 - h. Y Community Council: 04/07/05, 06/09/05

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

G. INFORMATIONAL MEMORANDUMS

(There were no Informational Memorandums presented.)

VIII. UNFINISHED BUSINESS

(There was no Unfinished Business presented.)

IX. NEW BUSINESS¹

- A. INTRODUCTION (For public hearing - 09/06/05, 7 p.m., Borough Assembly Chambers)

¹ Ordinance Serial No. 05-158 was removed from the agenda at agenda setting.

1. Ordinance Serial No. 05-142: AN ORDINANCE REQUESTING A SUPPLEMENTAL APPROPRIATION OF \$5,500 FROM THE BUTTE FIRE SERVICE AREA FUND BALANCE, FUND 251, TO THE BUTTE FIRE SERVICE AREA FISCAL YEAR 2006 OPERATING BUDGET, FUND 251, TO SUPPLEMENT THE PURCHASE OF FIRE EQUIPMENT.
 - a. IM No. 05-206

3. Ordinance Serial No. 05-143: AN ORDINANCE DELETING THE TERMINAL MORaine DISTRICT, MSB 17.23.140, FROM THE POINT MACKENZIE PORT SPECIAL USE DISTRICT AND ADDING THE AREA TO THE PORT INDUSTRIAL DISTRICT – ONE, MSB 23.17.110.
 - a. IM No. 05-208

4. Ordinance Serial No 05-144: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$40,000 ALASKA COASTAL MANAGEMENT (306 PROGRAM REQUIRED TASKS) GRANT TO FUND 480, PROJECT NO. 20158, FOR FISCAL YEAR 2006 REQUIRED TASKS.
 - a. Resolution Serial No. 05-110: A RESOLUTION ESTABLISHING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA COASTAL MANAGEMENT (306 PROGRAM REQUIRED TASKS) GRANT FOR FISCAL YEAR 2006.
 - (1) IM No. 05-212

5. Ordinance Serial No. 05-145: AN ORDINANCE ACCEPTING AND APPROPRIATING AN \$11,000 ALASKA COASTAL MANAGEMENT (SPECIAL PROJECTS) GRANT AND REAPPROPRIATING \$25,500 TO FUND 480, PROJECT NO. 20158, FOR THIS PROGRAM DURING FISCAL YEAR 2006.
 - a. Resolution Serial No. 05-111: A RESOLUTION ESTABLISHING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA COASTAL MANAGEMENT GRANT FOR FISCAL YEAR 2006 FOR COMPLETION OF THE MATANUSKA-SUSITNA BOROUGH COASTAL MANAGEMENT PLAN AMENDMENT.
 - (1) IM No. 05-213

6. Ordinance Serial No. 05-146: AN ORDINANCE REPEALING MSB 4.44, AGRICULTURAL AND FORESTRY ADVISORY BOARD, IN ITS ENTIRETY AND RECODIFYING IT AS MSB 4.45, THE REAL PROPERTY ASSET MANAGEMENT BOARD.
 - a. Ordinance Serial No. 05-147: AN ORDINANCE ESTABLISHING THE REAL PROPERTY ASSET MANAGEMENT BOARD AND ESTABLISHING THE BOARD'S COMPOSITION, FUNCTIONS, AND DUTIES WITHIN TITLE 23.
 - (1) IM No. 05-217

7. Ordinance Serial No. 05-148: AN ORDINANCE AMENDING MSB 23.10.120(B), REGARDING THE METHOD OF APPROVAL BY THE ASSEMBLY FOR MATERIAL SALES.
 - a. IM No. 05-218

8. Ordinance Serial No. 05-149: AN ORDINANCE RE-ESTABLISHING THE PARKS, RECREATION, AND TRAILS ADVISORY BOARD AND ESTABLISHING THE BOARD'S COMPOSITION, FUNCTION, AND DUTIES WITHIN TITLE 4 OF BOROUGH CODE.
 - a. IM No. 05-219

9. Ordinance Serial No. 05-150: AN ORDINANCE AMENDING MSB 15.24.030(B), BY ADDING THE MATANUSKA-SUSITNA BOROUGH PARKS, RECREATION, AND OPEN SPACE PLAN.
 - a. IM No. 05-221

10. Ordinance Serial No. 05-151: AN ORDINANCE TO ACCEPT AND APPROPRIATE \$300,272 GRANT FUNDS FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT FOR THE FIRE ALARM UPGRADE AT THE PALMER JUNIOR/MIDDLE SCHOOL, FUND 400.
 - a. Resolution Serial No. 05-112: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE FIRE ALARM UPGRADE AT THE PALMER/JUNIOR MIDDLE SCHOOL.
 - (1) IM No. 05-223

11. Ordinance Serial No. 05-152: AN ORDINANCE TO ACCEPT AND APPROPRIATE \$35,000 GRANT FUNDS FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT FOR THE ACADEMY CHARTER ADMINISTRATIVE BUILDING IMPROVEMENTS, FUND 400, PROJECT NO. 40159.
 - a. Resolution Serial No. 05-113: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ACADEMY CHARTER SCHOOL ADMINISTRATIVE BUILDING IMPROVEMENTS, PROJECT NO. 40159.
 - (1) IM No. 05-224

12. Ordinance Serial No. 05-153: AN ORDINANCE TO ACCEPT AND APPROPRIATE \$172, 502 GRANT FUNDS FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT FOR THE COLONY HIGH SCHOOL RUNNING TRACK, FUND 400.
 - a. Resolution Serial No. 05-114: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE COLONY HIGH SCHOOL RUNNING TRACK.
 - (1) IM No. 05-225

13. Ordinance Serial No. 05-154: AN ORDINANCE TO ACCEPT AND APPROPRIATE \$100,000 GRANT FUNDS FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT FOR THE IDITAROD ELEMENTARY SCHOOL FENCING, FUND 400.
 - a. Resolution Serial No. 05-115: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE IDITAROD ELEMENTARY SCHOOL FENCING.
 - (1) IM No. 05-226

14. Ordinance Serial No. 05-155: AN ORDINANCE TO ACCEPT AND APPROPRIATE \$200,000 GRANT FUNDS FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT FOR THE MATANUSKA RIVER FLOOD EROSION CONTROL, FUND 445.
 - a. Resolution Serial No. 05-116: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE MATANUSKA RIVER FLOOD EROSION CONTROL.
 - (1) IM No. 05-227
15. Ordinance Serial No. 05-156: AN ORDINANCE TO ACCEPT AND APPROPRIATE \$75,000 OF GRANT FUNDS FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT FOR ROAD PAVING ON MEADOW LAKES DRIVE, FUND 410.
 - a. Resolution Serial No. 05-117: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR ROAD PAVING ON MEADOW LAKES DRIVE.
 - (1) IM No. 05-228
16. Ordinance Serial No. 05-157: AN ORDINANCE TO ACCEPT AND APPROPRIATE \$85,000 OF GRANT FUNDS FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT FOR THE CHIP SEAL TEST PROJECT ON CRYSTAL LAKE ROAD IN WILLOW.
 - a. Resolution Serial No. 05-118: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE CHIP SEAL TEST PROJECT ON CRYSTAL LAKE ROAD IN WILLOW.
 - (1) IM No. 05-229
17. ~~Ordinance Serial No. 05-158: AN ORDINANCE AMENDING MSB 15.24.030(B), TO ADOPT THE MEADOW LAKES COMPREHENSIVE PLAN.~~
 - a. ~~IM No. 05-230~~
18. Ordinance Serial No. 05-159: AN ORDINANCE ACCEPTING AND APPROPRIATING \$5,880,942 FROM THE FEDERAL TRANSIT ADMINISTRATION, TO FUND 450, PROJECT NO. 70001, FOR THE FERRY VESSEL.
 - a. Resolution Serial No. 05-119: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE FERRY VESSEL.
 - (1) IM No. 05-231

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 September 6, 2005.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Anderson made the following recommendations:

- Enhanced 911 Advisory Board
 - Eileen Markiel
- Bogard RSA No. 25 Board of Supervisors
 - Gary Hessmer
- Fairview RSA No. 14 Board of Supervisors
 - David Hopper

Mayor Anderson requested the following confirmations:

- Historical Preservation Commission
 - Jennifer Harrison

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

VOTE: The motion passed without objection.

C. OTHER NEW BUSINESS

(The regular meeting recessed at 6:36 p.m. and reconvened at 7:03 p.m.)

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

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

B. PUBLIC HEARINGS (Three minutes per person.)

1. Ordinance Serial No. 05-096: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR EVE'S DRIVE AND RIB ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 385 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 05-097: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$29,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE EVE'S DRIVE AND RIB ROAD ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 385, AND FIXING DETAILS OF SAID BONDS.
 - (1) IM No. 05-163

Ms. Clayton provided a staff report.

Assemblymember Simpson queried if the following ordinances could be moved together: Ordinance Serial No. 05-096, Ordinance Serial No. 05-097 Ordinance Serial No. 05-098, Ordinance Serial No. 05-099, Ordinance Serial No. 05-100, Ordinance Serial No. 05-101, Ordinance Serial No. 05-102, Ordinance Serial No. 05-103, Ordinance Serial No. 05-104, and Ordinance Serial No. 05-105.

There was no objection noted.

2. Ordinance Serial No. 05-098: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE UNALASKA AND ST. PAUL DRIVES ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 388 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial Nos. 05-099: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$19,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE UNALASKA AND ST. PAUL DRIVES ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 388, AND FIXING DETAILS OF SAID BONDS.
 - (1) IM No. 05-164
3. Ordinance Serial No. 05-100: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE COUNTRY FIELD CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 392 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 05-101: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$21,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE COUNTRY FIELD CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 392, AND FIXING DETAILS OF SAID BONDS.
 - (1) IM No. 05-166
4. Ordinance Serial No. 05-102: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE NORTH WILLOW DRIVE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 393 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 05-103: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$32,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE NORTH WILLOW DRIVE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 393, AND FIXING DETAILS OF SAID BONDS.
 - (1) IM No. 05-167
5. Ordinance Serial No. 05-104: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE SUN RIDGE CIRCLE ROAD PAVING LOCAL IMPROVEMENT

DISTRICT NO. 400 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.

- a. Ordinance Serial No. 05-105: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$30,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE SUN RIDGE CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 400, AND FIXING DETAILS OF SAID BONDS.
 - (1) IM No. 05-168

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. 05-096, Ordinance Serial No. 05-097 Ordinance Serial No. 05-098, Ordinance Serial No. 05-099, Ordinance Serial No. 05-100, Ordinance Serial No. 05-101, Ordinance Serial No. 05-102, Ordinance Serial No. 05-103, Ordinance Serial No. 05-104, and Ordinance Serial No. 05-105.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No.05-097, Ordinance Serial No. 05-099, Ordinance Serial No. 05-101, Ordinance Serial No. 05-103, and Ordinance Serial No. 05-105, by striking the interest rate of 5.599 percent on page 4 and inserting the interest rate of 5.819 percent.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

- 6. 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

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 Colberg had a conflict of interest and would be recused from voting on the issue.

(Assemblymember Colberg exited the meeting at this time.)

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 Vehrs moved to adopt Ordinance Serial No. 05-133 and Resolution Serial No. 05-102.

VOTE: The motion passed without objection.

(Assemblymember Colberg returned to the meeting.)

7. 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

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. 05-134 and Resolution Serial No. 05-103.

VOTE: The motion passed without objection.

8. 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

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. 05-135 and Resolution Serial No. 05-104.

VOTE: The motion passed without objection.

9. 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

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. 05-137.

VOTE: The motion passed without objection.

10. Ordinance Serial No. 05-138: AN ORDINANCE ACCEPTING AND APPROPRIATING \$5,000 FROM KNIK INDUSTRIES TO FISCAL YEAR 2006, AREA WIDE 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

Mr. Duffy provided a staff report.

Mayor Anderson opened the public hearing.

The following persons spoke in opposition of Ordinance Serial No. 05-138: Ms. Nancy Sult and Ms. Star Theodore.

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. 05-138.

Assemblymember Simpson:

- spoke regarding the expense of ground penetrating radar;
- recommended that the ground penetrating radar be used if funding should come available; and
- spoke regarding the benefits to Borough oversight on the project, as the project was taking place on private property.

VOTE: The motion passed with Assemblymembers Colver and Vehrs in opposition.

11. 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

Mr. Duffy provided a staff report.

Assemblymember Simpson:

- queried the change by substitute from the August 2, 2005, regular meeting; and
- requested an explanation of the changes.

Mr. Duffy:

- advised that the original intent of the ordinance was to defer taxes; however, Alaska State Statute does not allow for tax deferment; and
- spoke regarding the changes that were brought forward on the ordinance for introduction.

Assemblymember Colberg:

- spoke regarding the screening process of the applications;
- opined that the ordinance would encourage applications for hardship tax exemptions;
- commented that it is inappropriate that someone could have \$750,000 in assets and be able to apply for a hardship tax exemption; and
- opined that at a time when a tax cap has been passed and the Borough will be in need of revenue, encouraging applications to further exempt some people who already have an exemption is not a good idea.

Mr. Duffy:

- advised that people can already apply for the hardship tax exemption; and
- commented that there is no criteria currently established.

Assemblymember Colberg opined that the ordinance implies that an application would be well received, due to the fact that there is a criteria being established.

Assemblymember Colver queried if the hardship tax exemption only applies to senior citizens.

Ms. Williams advised that Alaska Statute 29.45.030, states that the exemption is for senior citizens that are 65 years or older, disabled veterans, and a widow or widower who is at least 60 years old of a person who qualified for the exemption.

Assemblymember Simpson queried if there was a fiscal note.

Ms. Clayton stated that there was a fiscal note; however, a definitive number could not be calculated because it depends on the number of applications received and the Assembly approval of those applications.

Mayor Anderson opened the public hearing.

The following person spoke in favor of Ordinance Serial No. 05-140: Ms. Jay Nolfi.

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

MOTION: Assemblymember Allen moved to adopt Ordinance Serial No. 05-140.

Assemblymember Kvalheim:

- spoke regarding the seniors that have property but do not have the ability to subdivide the property;
- stated that she supports Assemblymember Allen going to Juneau and requesting that the State have a deferment plan in statute;
- stated that this legislation is a way to keep some of the seniors citizens in the Borough; and
- advised that criteria is needed due to the fact that the State exemption is already in place.

Assemblymember Colver opined that the legislation needs to state that if you meet the criteria that it does not mean that you are guaranteed to be granted the hardship tax exemption.

Assemblymember Allen agreed that there needs to be language in the legislation that explains that the hardship tax exemption needs to meet the approval of the Assembly.

(The regular meeting recessed at 7:42 p.m. and reconvened at 7:56 p.m.)

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 05-140 under procedures, to add paragraph (4) under subsection (B) to read as follows: (B)(4) the assembly may or may not approve an application regardless of its meeting any or all of the criteria set forth in this section.

Assemblymember Allen:

- noted that any hardship exemption application has to come before the Assembly for consideration whether it meets the criteria or not; and
- spoke to the need to make it clear in the legislation that the Assembly may not approve the application even if the applicant meets the criteria.

Mayor Anderson asked for clarification on how the hardship tax exemption applications were handled previously.

Mr. Duffy:

- advised that the applications were brought forward to the Assembly; and
- that he would either recommend or not recommend approval of the exemption to the Assembly.

Assemblymember Kvalheim queried whether administration would continue to make a recommendation to the Assembly on whether to approve or deny the application.

Mr. Duffy advised that he would still make a recommendation.

Mayor Anderson:

- spoke regarding concerns that most of the senior citizens will meet the criteria;
- opined that it puts the Assembly in the position where the decisions are being made without hard guidelines; and
- opined that the language in the legislation is vague.

Assemblymember Simpson queried in what example would the Assembly not approve a hardship exemption application.

Assemblymember Colberg:

- advised that he would not approve a hardship tax exemption if an applicant had \$500,000 in the bank, but they meet all of the criteria;
- stated that the criteria implies that the application will be accepted more likely than not;
- stated that the criteria does not mean anything due to the fact that it is still up to the Assembly to decide; and
- reiterated that the criteria would encourage more people to apply for the hardship tax exemption.

Assemblymember Allen:

- stated that he is looking for something that establishes ground rules;
- noted that the Assembly has been elected to fulfill an obligation to represent the people;
- spoke regarding applications that fit the criteria, but have other circumstances that would diminish the person's case of hardship; and
- opined that he does not agree that the criteria would encourage people to apply for a hardship tax exemption.

VOTE: The primary amendment passed without objection

MOTION: Assemblymember Colver moved to amend section (A)(4), by striking \$750,000 and inserting \$350,000, to read as follows: The total assets owned by the applicant on the date of application may not exceed \$350,000 including the first \$150,000 of the market value of the principle residents of the applicant for which the hardship tax exemption is requested.

Assemblymember Allen opined that net worth should be looked at and not assets.

Assemblymember Simpson queried if there was a basis for selecting the total asset amount of \$750,000.

Mr. Duffy:

- advised that they reviewed an analysis of tax deferral programs throughout the United States that the America Association of Retired People conducted;
- advised that there was a wide variety of programs; and
- stated that they attempted to identify a program that would fit with what the legislation was attempting to accomplish.

Assemblymember Colver spoke to the need to have measurable criteria for the meaning of hardship.

Assemblymember Allen:

- opined that the legislation needs more work; and
- stated that the legislation is needed; however, it needs to be done correctly.

MOTION: Assemblymember Allen moved to postpone Ordinance Serial No. 05-140 to a time certain of October 18, 2005.

Assemblymember Colver:

- agreed that the legislation needs more work; and
- stated that he would like the legislation to sunset after one year, so the Assembly can measure how well it worked.

Discussion ensued regarding criteria for the hardship tax exemption.

VOTE: The motion to postpone to a time certain of October 18, 2005, passed with Assemblymember Kvalheim in opposition.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke in favor of AM No. 05-151: Mr. Ed Strabel.

D. CONSENT AGENDA (Resolution Serial No. 05-109 and AM Nos. 05-146 and 05-149 were pulled from the consent agenda and addressed separately. *See pp. 18-19 of 21*)

1. RESOLUTIONS

a. Resolution Serial No. 05-107: A RESOLUTION ESTABLISHING FEES FOR PARK AND RECREATIONAL FACILITIES, LIBRARIES, AND COMMUNITY ENRICHMENT PROGRAMS.

(1) IM No. 05-220

b. Resolution Serial No. 05-108: A RESOLUTION AMENDING THE BUDGET FOR THE SUTTON LIBRARY AND COMMUNITY CENTER PROJECT AND APPROVING THE SCOPE OF WORK AND BUDGET FOR THE BIG LAKE LIBRARY IMPROVEMENT PROJECT.

(1) IM No. 05-222

2. ASSEMBLY MEMORANDUMS

a. AM No. 05-143: AUTHORIZING THE PURCHASE OF 2,200 TONS OF SODIUM CHLORIDE FROM BERING MARINE CORPORATION IN THE AMOUNT OF \$195,800 FOR WINTER ROAD MAINTENANCE.

c. AM No. 05-148: AUTHORIZATION FOR THE MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE POINT MACKENZIE CORRECTIONAL FARM, FOR THE CARE AND HOUSING OF ANIMALS IN A CRISIS SITUATION.

e. AM No. 05-150: AWARD OF BID NO. 06-034 TO RL TRUCKING FOR THE CONTRACT AMOUNT OF \$39,430 FOR THE FIRST AVENUE TO WILLOW DRIVE PROJECT.

f. AM No. 05-151: APPROVAL OF THE PURCHASE OF A PISTON BULLY NORDIC TRAIL GROOMER FROM ANCHORAGE NORDIC SKI CLUB FOR THE AMOUNT OF \$43,000.

g. AM No. 05-152: AWARD OF BID NO. 06-005 TO NYE FRONTIER FORD FOR THE AMOUNT OF \$97,659 FOR THE PURCHASE OF THREE EMERGENCY SERVICES STAFF VEHICLES.

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.

- c. Resolution Serial No. 05-109: A RESOLUTION AMENDING THE SCHEDULE OF FEES FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE.
- (a) IM No. 05-232

MOTION: Assemblymember Colver moved to adopt Resolution Serial No. 05-109.

MOTION: Assemblymember Colver moved to postpone Resolution Serial No. 05-109 to a time certain of September 20, 2005.

Assemblymember Colver:

- advised that he would like to have time to develop an incentive program for recycling; and
- spoke regarding landfill expansion costs.

Mayor Anderson queried whether the fee increases were reflected in the budget.

Ms. Clayton:

- advised that the fee increases were included in the budget; and
- advised that if the fee was not reflected in the budget, the solid waste enterprise fund would have operated at a deficit.

Assemblymember Allen:

- stated that you can enhance the enterprise fund by offering financial incentives; and
- advised that there are other things that need to be done to extend the economic life of the plan.

Assemblymember Simpson:

- stated that she was not sure how the revenue from a recycling program would be calculated;
- spoke regarding the collection of solid waste in the outlying areas running at a deficit of \$350,000 a year; and
- advised that she will not be voting in favor of postponement.

Assemblymember Colver spoke regarding non-disclosure and after-the-fact fees after the budget has been passed.

Assemblymember Kvalheim:

- advised that Valley Community for Recycling would be happy to help the Borough further the recycling program; and
- commented that the legislation should be adopted.

VOTE: The motion to postpone to a time certain of September 20, 2005, failed with and Assemblymembers Simpson, Kvalheim, and Allen in opposition and Assemblymembers Colver, Vehrs, and Colberg in favor (tie vote).

VOTE: The main motion passed with Assemblymembers Colver and Vehrs in opposition.

MOTION: Assemblymember Kvalheim moved to reconsideration Resolution Serial No. 05-109.

VOTE: The motion to reconsider failed unanimously.

b. AM No. 05-146: DESIGNATION OF NON-BARGAINING UNIT POSITIONS IN THE FISCAL YEAR 2006 BUDGET; PUBLIC AFFAIRS MANAGER AND ECONOMIC DEVELOPMENT DIRECTOR.

MOTION: Assemblymember Colberg moved to approve AM No. 05-146.

Assemblymember Colberg voiced his opposition to AM No. 05-146.

VOTE: The motion passed with Assemblymember Colberg in opposition.

d. AM No. 05-149: APPROVAL OF CHANGE ORDER NO. 3 TO COLLINS CONSTRUCTION IN THE AMOUNT OF \$60,417 FOR THE WASILLA AREA ELEMENTARY SCHOOL.

CONFLICT OF INTEREST: Assemblymember Colver declared a conflict of interest on AM No. 05-149.

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 Kvalheim moved to approve AM No. 05-146

VOTE: The motion passed without objection.

(Assemblymember Colver returned to the meeting.)

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

Mayor Anderson:

- noted that the Alaska Shield/Northern Edge Exercise will occur on August 17, 2005, and that the Assembly members may be called on to participate; and
- advised that he will be out of town and attending the Alaska Municipal League Conference.

XIV. ADJOURNMENT

The regular meeting adjourned at 8:37 p.m.

/ S /

TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:

/ S /

MICHELLE M. MCGEHEE, CMC, Borough Clerk

Minutes approved: 09/06/05