

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on September 4, 2007, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Deputy Mayor Woods.

II. ROLL CALL

Assembly members present and establishing a quorum were:

Ms. Lynne Woods, Assembly District No. 1 (*Deputy Mayor*)
Ms. Michelle R. Church, Assembly District No. 3
Ms. Mary Kvalheim, Assembly District No. 4
Ms. Cindy L. Bettine, Assembly District No. 5
Mr. Robert Wells, Assembly District No. 6
Mr. Tom Kluberton, Assembly District No. 7

Staff in attendance were:

Ms. Michelle M. McGehee, CMC, Borough Clerk
Mr. John Duffy, Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Amanda E. Charles, Executive Assistant to the Borough Clerk
Ms. Tammy Clayton, Finance Director
Mr. Sev Jones, Acting Planning Director
Mr. Michael Keenan, Acting Fire Chief
Ms. Patty Sullivan, Public Information Manager
Mr. Bill Klebesadel, Project Management and Engineering Division Manager
Mr. Dave Heier, Chief of Land and Resource Management
Ms. Lauren Kruer, Planner II

III. APPROVAL OF AGENDA

Deputy Mayor Woods inquired if there were any changes to the agenda.

Deputy Mayor Woods added item VII(A)(4), Alaska Municipal League - Kathy Wasserman.

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ms. Helen Munoz, a member of the audience.

V. MINUTES OF PRECEDING MEETINGS

A. Regular Assembly Meeting: 08/21/07

Deputy Mayor Woods inquired if there were any corrections to the regular meeting minutes of August 21, 2007.

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

VI. SPECIAL ORDERS OF THE DAY

(There were none presented.)

VII. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

City of Wasilla

Council Member Mark Ewing:

- noted a need for further library funding;
- spoke regarding the Hermon Road development; and
- commented on concerns in the community regarding the lack of notice on the annexation.

2. Matanuska-Susitna Borough School District

(There was no report provided.)

3. Mat-Su Convention and Visitors Bureau (MSCVB) – Ms. Bonnie Quill

Ms. Bonnie Quill:

- reported on MSCVB's efforts to bring more people to the Mat-Su Borough in 2008;
- spoke regarding publications within the visitors guide;
- commented on several marketing avenues; and
- touched on the increased number of visitors to Alaska.

4. Alaska Municipal League (AML) – Ms. Kathy Wasserman

Ms. Kathy Wasserman, Director of AML:

- spoke regarding increased communications;
- noted community needs such as transportation funding and Medicaid;

- commented on available training;
- stated that the annual conference is being held in Fairbanks in November 2007; and
- spoke regarding efforts to increase communications between AML and all the municipalities.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

(There was no report provided.)

2. Assembly Public Relations

(There was no report provided.)

C. MANAGER COMMENTS

1. State/Federal Legislation

Mr. Duffy:

- stated that he had fixed the problems with the Educational Task Force Report;
- spoke regarding the need for the Assembly to rate the proposals that were submitted in response to the RFP for the lobbyist;
- noted that they would be emailed to the Assembly members;
- requested that they be returned by September 10, 2007;
- explained that the rating process is confidential;
- reported that he would be looking into Councilmember Ewing's letter;
- stated he spoke on KTNA, KYBR, and to the Palmer Chamber regarding Borough issues,
- informed the Assembly that he would be speaking regularly on KSKA and KBYR;
- spoke to the importance of the Governor visiting South Denali with him on September 17, 2007, in order to impress upon her the importance of a visitors' center there;
- added that he and Mr. Hanson would be providing a presentation to, and meeting with, the Alaska Resource Development Council;
- spoke regarding interviews for the open director positions in Planning and Community Development; and
- commented on upcoming training regarding community services.

2. Su Valley High School Update

Assemblymember Kluberton queried Mr. Duffy on the cross country trails that were damaged and possible future repairs.

Mr. Duffy:

- stated that he heard it was wildland mitigation;
- added that if it proved true, the Borough would be fixing the trail; and
- clarified that he had not heard anything to the contrary.

Discussion ensued regarding the cross country trail.

Assemblymember Bettine queried the development of East Sun Mountain Avenue in any plans.

Mr. Duffy:

- clarified that only Hermon Road had been mentioned in previous discussions; and
- stated that he would be following up and would report back to the Assembly.

Assemblymember Bettine requested clarification regarding who handles the traffic if the road straddles the boundary lines between the Borough and the City.

Mr. Duffy responded that both municipalities would work with the road issues.

D. ATTORNEY COMMENTS

(There was no report provided.)

E. CLERK COMMENTS

Ms. McGehee:

- spoke regarding the Acumen audit report; and
- noted that there was a tentative work session scheduled for 5 p.m. on September 11, 2007.

Assemblymember Bettine requested that it be moved to 5:30 p.m. the same day.

Ms. McGehee:

- spoke regarding updates to the Assembly's calendar; and
- pointed out the requested meeting for October 30, 2007, to further discuss the Borough space development plan.

Assemblymember Bettine requested 3 p.m. for an additional work session regarding the Borough space development plan.

Ms. McGehee:

- commented on the quasi-judicial report and the records management report;
- reported on the Tower software seminar;
- spoke regarding the election calendar; and
- referenced information attached regarding the AML conference in November.

Deputy Mayor Woods requested an addition to the tracking report regarding the chronic code compliance violator which was given to the Attorney.

Discussion ensued regarding amending initiatives that have been adopted at the polls.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Animal Care and Regulation Board: 06/11/07, 06/12/07, 07/09/07
 - b. Board of Adjustment and Appeals: 06/05/07, 06/20/07
 - c. Greater Talkeetna Road Service Area No. 29: 03/08/07
 - d. Platting Board: 05/03/07, 05/10/07, 05/17/07, 06/07/07, 06/21/07, 07/05/07
 - e. South Colony Road Service Area No. 16: 02/14/07
2. Community Council Correspondence:
 - a. Willow Area Community Organization: 01/29/07, 04/02/07, 05/07/07, 06/04/07

G. INFORMATIONAL MEMORANDUMS

X. NEW BUSINESS

- A. INTRODUCTION (For public hearing - 09/18/2007, 7 p.m., Borough Assembly Chambers)
 1. Ordinance Serial No. 07-133: AN ORDINANCE APPROVING AN APPROPRIATION OF \$30,000 FROM CASWELL LAKES ROAD SERVICE AREA NO. 15 FUND BALANCE, FUND 272, TO THE CASWELL LAKES ROAD SERVICE AREA NO. 15 FISCAL YEAR 2008 OPERATING BUDGET, FUND 272.
 - a. IM No. 07-226

Ms. McGehee read the legislation into the record.

MOTION: Assemblymember Kvalheim moved to introduce the legislation as read into the record by the Clerk and set the public hearings for September 18, 2007.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Menard requested the following confirmations:
Board of Adjustment and Appeals
Glen Price

Mayor's Blue Ribbon Task Force on Forming a Health and Social Services Board
Removal of Leah Holman
Ray Michaelson

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

VOTE: The motion passed without objection.

Assemblymember Bettine requested the Clerk gather a list of board members who will be expiring on December 31, 2007.

C. OTHER NEW BUSINESS

IX. UNFINISHED BUSINESS

- A. Ordinance Serial No. 07-089: AN ORDINANCE AMENDING MSB 19.08, SCHOOL BUILDING DESIGN AND CONSTRUCTION. (*Main motion pending from: July 17, 2007*)
1. IM No. 07-146

Assemblymember Bettine opined her concern on the lack of communications between the School Board and the Assembly.

Discussion ensued regarding communications between the School Board and the Assembly and the origination of the postponement.

MOTION: Deputy Mayor Woods called for the question (to stop debate).

VOTE: The motion passed without objection.

VOTE: The main motion passed without objection.

VIII. 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. 07-126: AN ORDINANCE ACCEPTING AND APPROPRIATING \$63,188 FROM THE UNITED STATES FISH AND WILDLIFE SERVICE FOR THE FISH PASSAGE CONSTRUCTION PROJECT ON GOVERNMENT CREEK AT EDGERTON PARK ROAD, PROJECT NO. 30084, FUND 410.

- a. Resolution Serial No. 07-096: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE FISH PASSAGE CONSTRUCTION PROJECT ON GOVERNMENT CREEK AT EDGERTON PARK ROAD, PROJECT NO. 30084.
- (1) IM No. 07-209

Deputy Mayor Woods opened the public hearing.

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

MOTION: Assemblymember Wells moved to adopt Ordinance Serial No. 07-126 and Resolution Serial No. 07-096.

Assemblymember Church queried if this was similar to the Lower Road project as far as grants are concerned.

Mr. Duffy affirmed the query.

Assemblymember Bettine requested that staff include maps with this type of legislation.

VOTE: The motion passed without objection.

2. Ordinance Serial No. 07-127: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$70,000 FROM THE WASILLA-LAKES FIRE SERVICE AREA FUND BALANCE, FUND 250, TO THE FISCAL YEAR 2008 WASILLA-LAKES FIRE SERVICE AREA OPERATING BUDGET, FUND 250.
- a. IM No. 07-210

Mr. Keenan:

- provided a staff report; and
- noted that this change was requested to accommodate new technology that was added to the pumper/tanker trucks currently being constructed.

Deputy Mayor Woods 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. 07-127.

VOTE: The motion passed without objection.

3. Ordinance Serial No. 07-128: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$35,000 FROM THE BIG LAKE FIRE SERVICE AREA FUND

BALANCE, FUND 256, TO THE FISCAL YEAR 2008 BIG LAKE FIRE SERVICE AREA OPERATING BUDGET, FUND 256.

a. IM No. 07-211

Deputy Mayor Woods opened the public hearing.

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

MOTION: Assemblymember Bettine moved to adopt Ordinance Serial No. 07-128.

VOTE: The motion passed without objection.

4. Ordinance Serial No. 07-129: AN ORDINANCE AMENDING MSB 4.60, HUMAN SERVICES CITIZENS ADVISORY COMMITTEE.

a. IM No. 07-212

Mr. Jones:

- provided a staff report;
- stated that this is a technical amendment; and
- noted that by amending this code, the code will then follow state statute, which will allow flexibility for funding.

Assemblymember Bettine noted her concern of the public's understanding of the code at the time of application and possible areas for amendment within the code.

Deputy Mayor Woods 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 adopt Ordinance Serial No. 07-129.

MOTION: Assemblymember Bettine moved a primary amendment on page 127, section 2, item 2, to insert "grant applications, and" into the first sentence, between the words "received" and "funds" to read as follows:

"Based on proposals received, grant applications, and funds will be distributed in accordance with the priorities described in the most recent version of the Mat-Su Community Needs Assessment."

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

5. Ordinance Serial No. 07-130: AN ORDINANCE AMENDING MSB 17.30, CONDITIONAL USE PERMIT FOR EARTH MATERIAL EXTRACTION ACTIVITIES, FOR CLARIFICATION OF APPLICABILITY.
 - a. IM No. 07-215

Mr. Jones:

- provided a staff report;
- noted that this is a technical amendment;
- stated that the intention of the ordinance is to regulate the extraction of materials, not incidental extractions; and
- summarized that they are inserting half a sentence to add clarification.

Discussion ensued regarding:

- the principal use of a piece of property; and
- the extraction of gravel versus the incidental extraction of gravel.

Deputy Mayor Woods opened the public hearing.

The following person spoke in a general nature regarding Ordinance Serial No. 07-130: Ms. Helen Munoz.

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

MOTION: Assemblymember Kvalheim moved to adopt Ordinance Serial No. 07-130.

VOTE: The motion passed without objection.

6. Ordinance Serial No. 07-131: AN ORDINANCE AMENDING MSB TITLE 15 – PLANNING, TO ADOPT THE 2007 CORE AREA COMPREHENSIVE PLAN UPDATE.
 - a. IM No. 07-217

Mr. Sev Jones:

- provided a staff report;
- commented that if the core area was a city, it would be the 98th largest city in the United States;
- spoke regarding the goals and policies of the comprehensive plan;
- noted the three major issues addressed were:
 - o rapid population growth;
 - o diminishing land use; and
 - o funding for new public infrastructure;
- added that the population of the core area has doubled since 1985;
- reported on the public process which included, open houses, public opinion, and unanimous support of the Planning Commission; and

- noted the differences between land use maps and zoning maps.

Deputy Mayor Woods queried the intent of the commercial use areas and its compatibility with the residential areas.

Mr. Jones stated that the plan incorporates the current commercial zones and how they will be developed further.

Deputy Mayor Woods opened the public hearing.

The following person spoke regarding his lack of support for Ordinance Serial No. 07-131 if it includes the Bogard Road extension route which would pass next to Colony High School: Mr. Bob Taylor.

Deputy Mayor Woods queried if the transportation plan in the Core Area Comprehensive Plan was specific the route of the Bogard Road extension.

Mr. Jones stated that it is not specific to that extension route.

The following person spoke regarding her support of Ordinance Serial No. 07-131: Ms. Kathy Wells.

The following person spoke regarding the Bogard Road Extension and how different routes may be interpreted in Ordinance Serial No. 07-131: Mr. Brent Taylor.

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

MOTION: Assemblymember Kvalheim moved to adopt Ordinance Serial No. 07-131.

Assemblymember Church expressed her thanks to all the staff for their hard work throughout all the meetings pertaining to this topic.

VOTE: The motion passed without objection.

7. Ordinance Serial No. 07-132: AN ORDINANCE DECLARING THAT THE SEAT FOR ASSEMBLY DISTRICT NO. 2 SHALL REMAIN VACANT UNTIL DECEMBER 1, 2007, IF SUCH VACANCY CONTINUES TO EXIST BEYOND THE CERTIFICATION OF ELECTION TO BE HELD ON OCTOBER 2, 2007.
 - a. IM No. 07-228

Mr. Spiropolous:

- noted that the Assembly accepted the resignation of former Assemblymember Allen;
- spoke regarding the necessity of filling the seat; and

- reported on the specifics of the ordinance.

MOTION: Assemblymember Kvalheim moved to adopt Ordinance Serial No. 07-132.

MOTION: Assemblymember Kluberton moved a primary amendment to strike December 1, 2007, and insert in its place December 4, 2007.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke regarding electrical service problems and the associated upgrades which are needed in their community center: Ms. Linda Oxley, Chair of the Willow Area Community Organization and Ms. Pat Madigan of the Willow Area Community Organization.

The following person spoke regarding an enforcement order imposed on his property due to current building codes: Mr. Chuck Spinelli.

Deputy Mayor Woods requested the Attorney and Manager work with the Mr. Spinelli on this item.

Mr. Spiropolous clarified that Mr. Spinelli has the ability to appeal to the Board of Adjustment and Appeals if he does not agree with the enforcement order.

D. CONSENT AGENDA

Assemblymember Bettine requested that Resolution Serial No. 07-100 be addressed separately.

1. RESOLUTIONS

- a. Resolution Serial No. 07-098: A RESOLUTION APPROVING A SIX-MONTH TIME EXTENSION FOR THE MAYOR'S BLUE RIBBON TASK FORCE ON FORMING A HEALTH AND SOCIAL SERVICES BOARD.

(1) IM No. 07-189

- b. Resolution Serial No. 07-099: A RESOLUTION APPROVING THE AMENDED SCOPE OF WORK FOR PROJECT NO. 35267, FUND 430, CHICKALOON TRAIL ROAD IMPROVEMENTS, TO ALLOW FOR ADDITIONAL ROAD UPGRADES.

(1) IM No. 07-218

2. ASSEMBLY MEMORANDUMS

- a. AM No. 07-113: AN ACTION MEMORANDUM APPROVING A VACATION OF A 15-FOOT ACCESS EASEMENT ON THE NORTH SIDE OF TAX PARCELS D5 AND D6 IN PROPOSED TARA ESTATES, LOCATED IN SECTION 9, TOWNSHIP 17 NORTH, RANGE 3 WEST, SEWARD MERIDIAN, AK, LOCATED IN THE BIG LAKE COMMUNITY COUNCIL AREA.
- b. AM No. 07-114: AN ACTION MEMORANDUM APPROVING A VACATION OF A 25-FOOT PATENT RESERVATION ALONG THE NORTH BOUNDARY TO ALLEVIATE A SETBACK ENCROACHMENT IN THE PROPOSED MAKI SUBDIVISION, LOCATED IN SECTION 32, TOWNSHIP 22 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, AK, LOCATED IN THE “Y” COMMUNITY COUNCIL AREA.
- c. AM No. 07-115: AN ACTION MEMORANDUM APPROVING A VACATION OF TWO 33-FOOT PATENT RESERVATIONS ON THE COMMON LOT LINE OF GOVERNMENT LOTS 59 AND 60, LOCATED IN SECTION 33, TOWNSHIP 19 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, AK, LOCATED IN THE WILLOW COMMUNITY COUNCIL AREA.
- d. AM No. 07-117: AN ACTION MEMORANDUM APPROVING A CHANGE ORDER TO WESTERN CONSTRUCTION AND EQUIPMENT IN THE AMOUNT OF \$3,094 FOR PURCHASE OF RIP RAP FOR THE LOWER ROAD BRIDGE ERECTION PROJECT, PROJECT NO. 30036.
- e. AM No. 07-118: AN ACTION MEMORANDUM REGARDING AN APPLICATION FROM 1977 AGRICULTURAL RIGHTS FARM UNIT OWNER TO OBTAIN APPROVAL TO DIVIDE INTO THREE PARCELS THE ORIGINAL 160 ± ACRE FARM UNIT, DESCRIBED AS S1/2 S1/2 SECTION 10, TOWNSHIP 24 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, AND SELL TWO PARCELS TO BE 40 ± ACRES WITH A 2-ACRE HOME SITE ALLOWED IN EACH, AND RETAIN ONE PARCEL TO BE 80 ± ACRES WITH THE ORIGINAL HOME SITE, SAID PROPERTY IS LOCATED WITHIN THE TALKEETNA RECORDING DISTRICT AND Y COMMUNITY COUNCIL AREA. (MSB 000497 AND MSB 004897)
- f. AM No. 07-121: APPROVAL OF ELECTION OFFICIALS FOR THE OCTOBER 2, 2007, REGULAR BOROUGH ELECTION.

Ms. McGehee read the above legislation into the record.

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

VOTE: The motion passed without objection.

- c. Resolution Serial No. 07-100: A RESOLUTION APPROVING A SIX-MONTH EXTENSION FOR THE MAYOR'S BLUE RIBBON TASK FORCE ON ROAD SERVICE AREAS.
(1) IM No. 07-230

MOTION: Assemblymember Bettine moved to adopt Resolution Serial No. 07-100.

Assemblymember Bettine noted a discussion regarding changing the six-month extension to a four-month extension.

Assemblymember Kluberton agreed that the four-month extension may be adequate.

MOTION: Assemblymember Bettine moved a primary amendment to strike the phrase "six-month" and insert in its place the phrase "four-month" throughout the resolution.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed without objection.

XI. RECONSIDERATION

(There were no reconsiderations presented.)

XII. VETO

(There were no vetoes presented.)

XIII. EXECUTIVE SESSION

(There was no executive session held.)

XIV. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Kluberton:

- stated that all work in court regarding the Y Community Council had concluded;
- added that they are waiting on the judge for a final decision; and
- concluded that changes may be forthcoming.

Assemblymember Kvalheim thanked everyone for the work on the Core Area Plan.

Assemblymember Bettine:

- requested clarification on the “persons to be heard” section of the agenda to help give direction to the public; and
- provided clarification on the Core Area Plan and how it is community driven.

Assemblymember Church:

- thanked everyone for their work on the Core Area Plan; and
- requested that a resolution be drafted regarding Mr. Erickson’s suggestion to audit MEA.

Deputy Mayor Woods thanked everyone for their hard work.

XV. ADJOURNMENT

The regular meeting adjourned at 8:31 p.m.

/ S /

LYNNE WOODS, Deputy Borough Mayor

ATTEST:

/ S /

MICHELLE M. MCGEHEE, CMC, Borough Clerk

Minutes approved: 09/18/07