

MATANUSKA-SUSITNA BOROUGH ASSEMBLY

**REGULAR MEETING
SEPTEMBER 5, 2000**

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on September 5, 2000, at the Matanuska-Susitna Borough Assembly Chambers, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Darcie K. Salmon.

II. ROLL CALL

Assembly members present and establishing a quorum were:

Mr. Larry DeVilbiss, Assembly District No. 1
Ms. Sara Jansen, Assembly District No. 2
Mr. James Colberg, Assembly District No. 3
Mr. Dan Kelly, Assembly District No. 4
Ms. Jody Simpson, Assembly District No. 5
Mr. Jim Turner, Assembly District No. 6
Mr. Doyle Holmes, Assembly District No. 7 (Deputy Mayor)

Staff in attendance were:

Ms. Sandra Dillon, Borough Clerk
Mr. Michael J. Scott, Borough Manager
Mr. John Duffy, Assistant Manager
Mr. Michael Gatti, Borough Attorney
Ms. Elizabeth Manfred, Borough Deputy Clerk
Mr. Jim Swing, Public Works Director
Ms. Tammy Clayton, Finance Director
Mr. Karl Borglum, Borough Assessor
Ms. Cindy Gilder, Planning Director
Mr. Ron Swanson, Community Development Director
Mr. Jack Krill, Acting Public Safety Director

III. APPROVAL OF AGENDA

Mayor Salmon noted the following changes to the agenda:

- Assemblymember Jansen requested that the Department of Education Adequacy Report be pulled from "Other New Business" and rescheduled for the September 12, 2000, Joint Assembly/School Board Meeting.

There was no objection to the agenda as amended.

IV. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Assemblymember Jansen.

V. MINUTES OF PRECEDING MEETINGS

- A. Special Assembly Meeting: August 8, 2000
- B. Regular Assembly Meeting: August 15, 2000

MOTION: Assemblymember Simpson moved for approval of the special assembly meeting minutes of August 8, 2000, and the regular assembly meeting minutes of August 15, 2000.

Assemblymember Simpson requested research regarding her comments on page 17 of the August 15, 2000, minutes. *[After clerk's research, the statement was corrected to read: questioned the time line for the core waterways group review of the service to the dock.]*

Assemblymember Jansen requested research regarding Ms. Clayton's comments on page 6 of the August 15, 2000, minutes. *[After clerk's research, the statement was corrected to read: "Ms. Clayton related that the cost of the bond required is approximately \$20 per \$1000."]*

Assemblymember Jansen also requested research regarding Mr. Gatti's comments on page 6 of the August 15, 2000, minutes. *[After clerk's research, the statement was corrected to read: restated the definition of "mass outdoor gathering;"]*

GENERAL CONSENT: The motion passed without objection and the special assembly minutes for August 8 and the regular assembly minutes for August 15, 2000, were approved pending the clerk's research.

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Report from cities

(There were no representatives from the cities present.)

A. Matanuska-Susitna Borough School District

Ms. Patricia Chesbro, School Superintendent:

- reported school will start tomorrow in the district; and
- and thanked Assemblymembers Jansen, Kelly, and Turner for attending the meeting concerning high school qualifying tests.

B. COMMITTEE REPORTS

(The assembly currently has no committees.)

C. MANAGER COMMENTS

Mr. Scott:

- shared the Port MacKenzie Project update and status report;
- noted a letter from the US Department of Transportation regarding the borough's August 4, 2000, protest of Port MacKenzie assessment and request for clarification of eligibility;
- spoke to a change order for the Port MacKenzie project;
- presented a US Army Corps of Engineers public notice of permit request for Knik Arm 131;
- acknowledged a notice from the borough land management division regarding current land sales;
- announced a schedule for the Park and Recreation Asset Management Plan open house meetings;
- presented a memo from Ms. Clayton regarding the appropriation of motor vehicle registration tax revenues;
- remarked that the borough public safety department has received a \$64, 000 state grant for funding EMS radio systems; and
- shared the 1998 through 2000 traffic volume statistics and noted the increased volume on the Palmer-Wasilla Hwy.

Discussion followed on the placement of traffic counters and the comparisons of statistics reported.

Mr. Scott:

- commented about the expenses incurred for the Clean-Up 2000 project;
- spoke to a memo from planning regarding the Community Development Block Grant revised budget for the Upper Susitna Seniors housing;
- acknowledged a memo from public works with the responses to questions concerning the US Fish and Wildlife culvert restoration funding for the Orchid Lake outflow;
- shared a thank-you letter from the Department of Community and Economic Development for successfully completing the grant for the Hollywood Road from Big Lake;
- invited the assembly and public to a meeting for clean energy presented by BP Exploration (Alaska) Inc. in the assembly chambers on September 6, 2000; and
- spoke to the public comments time schedule presented for the core area land use rules presentations.

Discussion followed concerning the availability of the proposed Core Area Special Land Use Impact District.

Mr. Scott stated that the copies will be available September 6, 2000.

D. ATTORNEY COMMENTS

Mr. Gatti:

- stated that he received a revised draft to the Hatcher Pass Joint Venture agreement today and will review it, make recommendations to the manager, and be prepared for the work session on September 19.

Mr. Scott stated that the revised draft with legal review will be presented to the assembly.

E. CLERK COMMENTS

Ms. Dillon:

- presented the meeting schedule for September and October and noted that the work session for the Hatcher Pass Joint Venture agreement has been rescheduled for 4 p.m. on September 19.
- shared the final agenda for the joint assembly/school board meeting of September 12, 2000;
- commented that a joint meeting is scheduled with the Anchorage assembly for 4 p.m. on November 2, 2000, in Mayor Wuerch's conference room to discuss the tax cap initiative and economic development issues; and
- remarked that a memorandum concerning the special events ordinance is included in the front of the packet.

Assemblymember DeVilbiss requested that a summary of the school testing meeting and district enrollment information be presented at the September 12, 2000, joint assembly/school board meeting.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Emergency Medical Services Advisory Board - 05/10/00, 06/21/00, 08/02/00
 - b. Enhanced 911 Advisory Board - 07/11/00, 08/08/00
 - c. Library Board - 06/03/00
 - d. Local Emergency Planning Committee - 05/17/00, 07/19/00
 - e. Parks and Recreation Board - 07/25/00
 - f. Planning Commission - 07/31/00, 08/07/00
 - g. Platting Board - 07/06/00, 07/20/00, 08/03/00, 08/17/00
 - h. Transportation Advisory Board - 07/25/00
2. Community Council Correspondence:
 - a. Butte Community Council - 06/14/00
 - b. Meadow Lakes Community Council - 05/10/00, 06/14/00
 - c. Talkeetna Community Council - 07/03/00, 07/28/00
 - d. Trapper Creek Community Council - 08/19/00

Assemblymember DeVilbiss asked if the state grant received for EMS radios would solve the communication problems outlined on page 14 of the EMS minutes.

Mr. Scott stated the \$64,000 would correct the communication problems.

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

G. INFORMATIONAL MEMORANDUMS

(There were no informational memorandums.)

IX. NEW BUSINESS

A. INTRODUCTION (Suggested public hearing - 09/19/00)

1. Ordinance Serial No. 00-151: AN ORDINANCE ACCEPTING A \$38,700 ALASKA COASTAL MANAGEMENT PROGRAM 306 GRANT AND APPROPRIATING THE MONEY TO FUND 480 FOR THIS PROGRAM DURING FY01.
- a. Resolution Serial No. 00-060: A RESOLUTION ESTABLISHING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA COASTAL MANAGEMENT PROGRAM 306 GRANT FOR FY01. IM No. 00-178
2. Ordinance Serial No. 00-152: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$18,548 FROM THE LAND MANAGEMENT FUND BALANCE TO PAY ALL DELINQUENT SPECIAL ASSESSMENTS AND ALL DELINQUENT TAXES, PENALTIES, INTEREST, AND FORECLOSURE COSTS UP TO THE CLERK'S DEED ON TAX FORECLOSED PROPERTIES BEING RETAINED FOR PUBLIC PURPOSE IN THE GOAT CREEK, KNIK-GOOSE BAY, CITY OF WASILLA, PALMER HAY FLATS, LAZY MOUNTAIN, AND PALMER-FISHHOOK AREAS.
- a. Ordinance Serial No. 00-153: AN ORDINANCE CLASSIFYING CERTAIN TAX FORECLOSED PROPERTIES IN THE GOAT CREEK, KNIK-GOOSE BAY, CITY OF WASILLA, PALMER HAY FLATS, LAZY MOUNTAIN, AND PALMER-FISHHOOK AREAS FOR "RESERVE USE LANDS" AND RETAINING THEM FOR PUBLIC PURPOSE. IM No. 00-191
3. Ordinance Serial No. 00-154: AN ORDINANCE ADOPTING MSB 17.23, POINT MACKENZIE PORT SPECIAL LAND USE DISTRICT.
- a. Ordinance Serial No. 00-155: AN ORDINANCE ADOPTING MSB 18.10, POINT MACKENZIE PORT DEVELOPMENT STANDARD DISTRICT.
- b. Ordinance Serial No. 00-156: AN ORDINANCE AMENDING MSB 1.45.100(B), ADDING FINES FOR MSB 17.23.
- c. Ordinance Serial No. 00-157: AN ORDINANCE ADOPTING MSB 15.39.030(A)(6), DELEGATING APPEALS OF POINT MACKENZIE PORT COMMISSION TO THE BOARD OF ADJUSTMENT AND APPEALS.

- d. Ordinance Serial No. 00-158: AN ORDINANCE ADOPTING MSB 16.20.040(C)(1), POINT MACKENZIE PORT SPECIAL LAND USE DISTRICT, DEVELOPMENT STANDARDS DISTRICT.
- e. Ordinance Serial No. 00-159: AN ORDINANCE ADOPTING MSB 18.03.030(C), PROVIDING FOR VARIANCES FROM THE PROVISIONS OF MSB 17.23, WITHIN THE POINT MACKENZIE PORT SPECIAL LAND USE DISTRICT. IM No. 00-192
- 4. Ordinance Serial No. 00-160: AN ORDINANCE ACCEPTING AND APPROPRIATING \$6,000 FROM THE FRIENDS OF PALMER LIBRARY FOR LIBRARY INFORMATION TECHNOLOGY UPGRADES.
- a. Resolution Serial No. 00-061: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE PURCHASE OF ON-LINE CATALOG HARDWARE AND SOFTWARE FOR THE BOROUGH-WIDE LIBRARY SYSTEM. IM No. 00-193
AM No. 00-093: APPROVAL OF PURCHASE OF ON-LINE CATALOG HARDWARE AND SOFTWARE FOR LIBRARY SYSTEM.
- 5. Ordinance Serial No. 00-161: AN ORDINANCE TO CLASSIFY OR RECLASSIFY AND AUTHORIZE THE SALE OF CERTAIN BOROUGH-OWNED LANDS LOCATED IN PORTIONS OF SECTIONS 30 AND 31, T22N, R4W, SEWARD MERIDIAN, ALASKA; AND PORTIONS OF SECTIONS 19, 22, 23, AND 27, T24N, R5W, SEWARD MERIDIAN, ALASKA, ALL LOCATED WITHIN THE Y COMMUNITY COUNCIL AREA; AND TRACT A, ALASKA STATE CADASTRAL SURVEY WITHIN SECTION 28, T26N, R5W, SEWARD MERIDIAN, ALASKA, FILED AS PLAT 95-31, TALKEETNA RECORDING DISTRICT, LOCATED WITHIN THE TRAPPER CREEK COMMUNITY COUNCIL AREA. (RE: MSB003304-2000 AGRICULTURAL SALE PROJECT) IM No. 00-196
- 6. Ordinance Serial No. 00-162: AN ORDINANCE APPROPRIATING \$36,000 FROM THE BUTTE FIRE SERVICE AREA FUND BALANCE, FUND 251, TO THE BUTTE FIRE SERVICE AREA CAPITAL PROJECT FUND 405, PROJECT 45068, TO PURCHASE FIRE APPARATUS.
- a. Resolution Serial No. 00-062: A RESOLUTION REVISING THE SCOPE OF WORK AND BUDGET AS ADOPTED IN THE FISCAL YEAR 2001 BUDGET, CAPITAL PROJECTS FUND 405, FOR THE AMOUNT OF \$24,000, SPECIFICALLY TO PURCHASE A BRUSH TRUCK PUMP UNIT, PROJECT NO. 45045, AND TOOLS AND EQUIPMENT, PROJECT NO. 45067, AND APPROVING THE SCOPE OF WORK AND BUDGET FOR \$36,000 FROM THE BUTTE FIRE SERVICE AREA CAPITAL PROJECT FUND 405, PROJECT 45068 TO PURCHASE FIRE APPARATUS. IM No. 00-201
- 7. Ordinance Serial No. 00-163: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$15,446 FROM THE LAND MANAGEMENT FUND TO PAY ALL SPECIAL ASSESSMENTS AND ANY PENALTIES, INTEREST, AND

FORECLOSURE COSTS ON BOROUGH-OWNED PROPERTIES IN THE BUTTE,
WASILLA, SEYMOUR LAKE, AND SCHROCK ROAD AREAS. (MSB003348)
IM No. 00-202

8. Ordinance Serial No. 00-164: AN ORDINANCE APPROVING A LEASE FOR TWO TRACTS OF LAND NOT TO EXCEED 40 ACRES FOR A PERIOD OF 30 YEARS WITH AN OPTION TO RENEW FOR SIX ADDITIONAL SUCCESSIVE FIVE-YEAR TERMS FOR THE PURPOSE OF PROCESSING AND SHIPPING WOOD PRODUCTS AT PORT MACKENZIE LOCATED WITHIN T14N, R4W, SEWARD MERIDIAN, ALASKA, SECTIONS 24 AND 25. IM No. 00-203
9. Ordinance Serial No. 00-165: AN ORDINANCE ACCEPTING AND APPROPRIATING \$50,000 FROM THE UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, FOR REMOVAL AND REPLACEMENT OF BACK ACRES AVENUE BRIDGE.
 - a. Resolution Serial No. 00-063: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE REMOVAL AND REPLACEMENT OF BACK ACRES AVENUE BRIDGE. IM No. 00-206
10. Ordinance Serial No. 00-166: AN ORDINANCE ACCEPTING AND APPROPRIATING \$14,500 FROM THE UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, FOR THE ORCHID LAKE OUTFLOW CULVERT REPLACEMENT.
 - a. Resolution Serial No. 00-064: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ORCHID LAKE OUTFLOW CULVERT REPLACEMENT. IM No. 00-207

Ms. Dillon read the above legislation into the record.

MOTION: Assemblymember Holmes moved for introduction of the above-referenced legislation and set for public hearing on September 19, 2000.

Mr. Scott:

- stated that the land management fund pays penalties and interest on foreclosed properties to the general fund;
- remarked that properties returned to land management in this manner are then resold with the purchase price deposited in the land management fund ,less 25 percent, which is deposited in the permanent fund; and
- acknowledged that land reclassified as recreational is not sold.

GENERAL CONSENT: The motion for introduction passed without objection.

B. INTRODUCTION (Suggested public hearing - 10/17/00)

1. Ordinance Serial No. 00-147: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE CHERRY HILL SUBDIVISION NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 295 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 00-148: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$52,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE CHERRY HILL SUBDIVISION NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 295, AND FIXING DETAILS OF SAID BONDS. IM No. 00-194
2. Ordinance Serial No. 00-149: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE BIG ROCK ROAD NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 292 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 00-150: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$31,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE BIG ROCK ROAD NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 292, AND FIXING DETAILS OF SAID BONDS. IM No. 00-195
3. Ordinance Serial No. 00-167: AN ORDINANCE CREATING DESTIN DRIVE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 324, 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. IM No. 00-197
4. Ordinance Serial No. 00-168: AN ORDINANCE CREATING WEATHERVANE CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 326, 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. IM No. 00-198
5. Ordinance Serial No. 00-169: AN ORDINANCE CREATING GAIL DRIVE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 327, 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. IM No. 00-199

6. Ordinance Serial No. 00-170: AN ORDINANCE CREATING PARKWOOD DRIVE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 328, 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.
IM No. 00-200

Ms. Dillon read the above legislation into the record.

MOTION: Assemblymember Holmes moved for introduction of the above-referenced legislation and set for public hearing October 17, 2000.

GENERAL CONSENT: The motion for introduction passed without objection.

C. CONSENT AGENDA

(Resolution Serial Nos. 00-066 was pulled from the consent agenda, see page 10.)

(Resolution Serial No. 00-067 was pulled from the consent agenda, see page 19.)

1. RESOLUTIONS

- a. Resolution Serial No. 00-065: A RESOLUTION APPROVING THE REVISED SCOPE OF WORK AND BUDGET OF \$400,000 FOR THE UPPER SUSITNA SENIOR CENTER.
IM No. 00-190

2. ACTION MEMORANDUMS

- a. AM No. 00-062: AWARD A CONTRACT TO NINE ONE ONE, INC., FOR SOFTWARE INTERFACE TO MERGE MATANUSKA-SUSITNA BOROUGH G.I.S. DATA WITH E911 DATA.
- b. AM No. 00-095: APPROVAL OF VACATION OF A PORTION OF EAST LAKEVIEW ROAD WITHIN THE PROPOSED KING'S RIDGE MASTER PLAN, LOCATED IN SECTION 25, T18N, R1W, SEWARD MERIDIAN, ALASKA, FISHHOOK COMMUNITY COUNCIL AREA.
- c. AM No. 00-097: AWARD OF BID NO. 01-015, REMOVAL OF ABANDONED VEHICLES AND DEBRIS.
- d. AM No. 00-098: APPROVAL OF CHANGE ORDER TO PRUHS CORPORATION FOR EXTRA WORK IN GOLD TRAILS ROAD SERVICE AREA NO. 28.
- e. AM No. 00-099: AWARD OF BID NO. 01-014, ASPHALT PARKING LOTS SEALING AND STRIPING.

- f. AM No. 00-100: AWARD OF BID NO. 01-017, HOUSTON HIGH SCHOOL SITE PREPARATION.
- g. AM No. 00-101: APPROVAL OF ELECTION OFFICIALS FOR THE OCTOBER 3, 2000, REGULAR BOROUGH ELECTION.
- h. AM No. 00-102: APPROVAL OF THE SCOPE OF WORK FOR TALKEETNA LIBRARY RENEWAL AND RENOVATIONS.
- i. AM No. 00-103: AWARD OF BID NO. 01-019, PURCHASE VEHICLES FOR PUBLIC SAFETY, ANIMAL CONTROL.
- j. AM No. 00-110: AWARD OF BID NO. 01-023, REMOVAL AND REPLACEMENT OF CONCRETE STAIRS TO WEST ENTRANCE OF DOROTHY SWANDA JONES ADMINISTRATION BUILDING GYM.

Ms. Dillon read the above consent agenda items into the record.

MOTION: Assemblymember Holmes moved for approval of the above-referenced consent agenda items.

GENERAL CONSENT: The motion passed without objection.

- b. Resolution Serial No. 00-066: A RESOLUTION URGING THE ALASKA CONGRESSIONAL DELEGATION, THROUGH SENATOR TED STEVENS, TO FUND \$500,000 TOWARDS THE ACQUISITION AND CONSTRUCTION OF A WASILLA TO BIG LAKE MULTIPLE-USE TRAIL. IM No. 00-204

MOTION: Assemblymember Holmes moved to adopt Resolution Serial No. 00-066.

Discussion followed regarding the proposed trail: that it is in conflict with private and mental health lands and is not included in the ballot proposition bond proposal.

Mr. Scott:

- commented that the money in the bond proposal is for public trails and not specifically the Wasilla to Big Lake multiple-use trail;
- explained that the requested \$500,000 would be used for land purchase of rights-of-way and construction for the multiple-use trail;
- remarked that the trails committee did not include the multiple-use trail proposal in their trails plan; and
- stated that Senator Stevens requested the borough nominate projects for trails plan.

VOTE: The motion passed with Assemblymember Jansen opposed.

The regular assembly meeting recessed at 6:52 p.m. and reconvened at 7:04 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. 00-120: AN ORDINANCE CREATING SOUTH COLONIAL PARK ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 315, 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. 00-148
2. Ordinance Serial No. 00-121: AN ORDINANCE CREATING ROAN DRIVE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 312, 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. 00-149
3. Ordinance Serial No. 00-122: AN ORDINANCE CREATING WILDERNESS ACRES NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 320, 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. 00-151
4. Ordinance Serial No. 00-123: AN ORDINANCE CREATING CAUDILL AND WALLING ROAD AREA NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 317, 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. 00-152
5. Ordinance Serial No. 00-124: AN ORDINANCE CREATING NORTH WOLVERINE ROAD AREA NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 314, 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. 00-153

6. Ordinance Serial No. 00-134: AN ORDINANCE CREATING BEAVER LAKES AREA NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 313, 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. 00-154
 - b. IM No. 00-208
7. Ordinance Serial No. 00-135: AN ORDINANCE CREATING SCHROCK/PITTMAN AREA NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 322, 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. 00-155
8. Ordinance Serial No. 00-136: AN ORDINANCE CREATING ANDERSON POINT AREA NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 319, 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. 00-171
 - b. IM No. 00-209
9. Ordinance Serial No. 00-140: AN ORDINANCE CREATING DECAMP CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 330, 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. 00-182
10. Ordinance Serial No. 00-137: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE INNER SPRINGER NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 287 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 00-138: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$40,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE INNER SPRINGER NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 287, AND FIXING DETAILS OF SAID BONDS.
IM No. 00-183

Mayor Salmon opened public hearings on Ordinances Serial Nos. 00-120, 121, 122 123, 124, 134, 135, 136, 140, 137, and 138.

The following spoke in favor of Ordinance Serial No. 00-122 as written: Mr. Michael Turner.

The following spoke in favor of Ordinance Serial No. 00-134 as written: Mr. Art Godin, Ms. Mary Newton; Mr. George McCain, Ms. Andrea Berg, Mr. Bruce Unger, Mr. Dawson Lindblom, Mr. Frank Paul, Mr. Ed Mooney, and Mr. Dennis Cooley.

Ms. Linda Grant spoke in favor of Ordinance Serial No. 00-134 if an alternate funding source was proposed.

The following spoke in favor of Ordinance Serial No. 00-135 as written: Mr. Roland O'Shea, Ms. Gertrude Grover, Ms. Lova O'Shea, Mr. Richard Dortland, and Ms. Carol Dortland.

There being no others wishing to be heard, the public hearing was closed and discussion moved to the assembly.

MOTION: Assemblymember Holmes moved for adoption of Ordinance Serial Nos. 00-120, 123, 124, and 136.

Ms. Clayton:

- stated that the required supporting ballot tallies were not received for Ordinance Serial Nos. 00-120, 123, and 124; and
- remarked that the bank declined financing on Ordinance Serial No. 00-136 because the ratio of assessed properties was below the minimum requirement.

VOTE: The motion failed unanimously. *[The assembly may not proceed with the improvements unless ballots approving the local improvement district are timely filed by owners of the property bearing more than one-half of the estimated cost of the improvement. Ordinance Serial No. 00-120 received 50 percent in favor. Ordinance Serial No. 00-123 received 46 percent in favor. Ordinance Serial No. 00-124 received 32 percent in favor. Ordinance Serial No. 00-136 did not meet the bonding requirements of the bank.]*

MOTION: Assemblymember Holmes moved for adoption of Ordinance Serial No. 00-121.

GENERAL CONSENT: The motion passed without objection.

MOTION: Assemblymember Colberg moved for adoption of Ordinance Serial No. 00-122.

GENERAL CONSENT: The motion passed without objection.

MOTION: Assemblymember Simpson moved for adoption of Ordinance Serial No. 00-134.

Assemblymember Simpson stated her non-support of the present funding system for gas local improvement districts.

VOTE: The motion passed with Assemblymembers DeVilbiss and Simpson opposed.

MOTION: Assemblymember Turner moved for adoption of Ordinance Serial No. 00-135.

VOTE: The motion passed with Assemblymembers DeVilbiss and Simpson opposed.

MOTION: Assemblymember Colberg moved for adoption of Ordinance Serial No. 00-140.

GENERAL CONSENT: The motion passed without objection.

MOTION: Assemblymember Jansen moved for adoption of Ordinance Serial No. 00-137 and 138.

GENERAL CONSENT: The motion passed without objection.

11. Ordinance Serial No. 00-141: AN ORDINANCE ACCEPTING AND APPROPRIATING \$793,282 FROM THE STATE OF ALASKA, DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, SENATE BILL 192, FOR THE CONSTRUCTION OF THE BIG LAKE LIBRARY.

a. Resolution Serial No. 00-058: A RESOLUTION IDENTIFYING THE SCOPE OF WORK AND BUDGET FOR THE CONSTRUCTION OF THE NEW BIG LAKE LIBRARY FUNDED IN PART BY A MUNICIPAL CAPITAL PROJECT MATCHING GRANT FROM THE STATE OF ALASKA. IM No. 00-184

Mayor Salmon opened the public hearing. There being no one wishing to be heard, the public hearing was closed and discussion moved to the assembly.

MOTION: Assemblymember Simpson moved for adoption of Ordinance Serial No. 00-141 and Resolution Serial No. 00-058.

Discussion followed on total funding required for construction and the land transfer issues.

GENERAL CONSENT: The motion passed without objection.

12. Ordinance Serial No. 00-142: AN ORDINANCE APPROPRIATING \$20,000 FROM THE LAND MANAGEMENT FUND BALANCE, FUND 203, TO TALKEETNA BUS PARKING LOT, CAPITAL PROJECT NO. 35210, FUND 440.

a. Resolution Serial No. 00-059: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE TALKEETNA BUS PARKING LOT, FUND 440.
IM No. 00-187

Mayor Salmon opened the public hearing. There being no one wishing to be heard, the public hearing was closed and discussion moved to the assembly.

MOTION: Assemblymember Holmes moved for adoption of Ordinance Serial No. 00-142 and Resolution Serial No. 00-059.

Discussion followed on the merits of borough funding versus state funding for the parking lot.

Mr. Scott:

- remarked that the state is funding a paving project for the Talkeetna Spur road;
- stated that the borough may fund projects in unincorporated communities; and
- commented that the funding for the parking lot is a moderate amount to help alleviate a public safety and economic development issue and was requested by the community.

Mr. Gatti:

- stated that this funding may have a direct or indirect impact on the question of incorporation;
- remarked that funding for the parking may be viewed as borough support for Talkeetna.

VOTE: The motion passed with Assemblymember Kelly opposed.

13. Ordinance Serial No. 00-143: AN ORDINANCE ACCEPTING AND APPROPRIATING GRANT MONIES IN THE AMOUNT OF \$48,900.05 FROM FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR THE 1999-2000 WINTER STORM DISASTER. IM No. 00-188

Mayor Salmon opened the public hearing. There being no one wishing to be heard, the public hearing was closed and discussion moved to the assembly.

MOTION: Assemblymember Holmes moved for adoption of Ordinance Serial No. 00-143.

Discussion followed on the projects covered by this appropriation.

Mr. Scott:

- explained that the contracts previously in place for typical and ordinary maintenance services are not covered by this grant.

GENERAL CONSENT: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

Mr. Tom Akinson, Project Review Coordinator for Coastal Management:

- reported working with borough planning and code compliance regarding a proposed resort in the Jacobsen Lake area;
- encouraged the borough to continue the coastal zone management program; and
- stated borough participation in the program allows borough input in area projects.

Mr. Steven Wright, Coastal District Coordinator, stated borough participation in coastal zone management fulfills the borough's best interest for coastal zone management.

MOTION: Assemblymember DeVilbiss moved to suspend the rules to allow questions to Mr. Atkinson and Mr. Wright.

GENERAL CONSENT: The motion, to suspend the rules, passed without objection.

Assemblymember DeVilbiss questioned how boundaries are set for the coastal zone management districts.

Mr. Wright:

- responded that the boundary is set by borough assembly action only; and
- requested that the borough continue the program.

Mr. Garvin Bucaria:

- spoke to the need for borough infrastructure development prior to awarding long-term contracts; and
- requested postponing action on special land use development until after the results of the tax cap initiative on the November ballot.

Ms. Jay Nolfi:

- spoke to the transient accommodation tax as a funding source for the Talkeetna parking lot; and
- stated that the Wasilla-Big Lake trail was not listed on the STIP, CIP, or the bond ballot; and
- remarked that the community of Big Lake supported trails but did not specify the Wasilla-Big Lake trail.

The regular assembly meeting recessed at 8:15 p.m. and reconvened at 8:30 p.m.

VIII. UNFINISHED BUSINESS

1. Ordinance Serial No. 00-117(SUB)(AM): AN ORDINANCE AMENDING TITLE 8, HEALTH AND WELFARE, BY ADDING CHAPTER 8.55, SPECIAL EVENTS. IM No. 00-161 and IM No. 00-189

PREVIOUS MOTION: Assemblymember DeVilbiss moved a secondary amendment to MSB 8.55.010 (A)(3)(b) to insert or open air.

Discussion continued on the definition of “fully enclosed” and “open air” permanent structures.

Mr. Gatti:

- stated that reasonable public safety issues required in an ordinance are defensible; and
- remarked that typically the first amendment prohibits content-driven restrictions.

Discussion continued on restricting permanent structures and the exemptions of government activities.

Mr. Scott supported the definition of a permanent structure as written.

MOTION: Assemblymember Jansen moved the previous question.

VOTE: The motion, to stop debate, failed with Assemblymembers Holmes, Kelly, and Turner opposed.

Discussion continued on the secondary amendment to insert the phrase “or open air.”

VOTE: The secondary amendment passed with Assemblymember Jansen opposed.

MOTION: Assemblymember Holmes moved a secondary amendment to the second whereas clause to insert **certain** in front of outdoor gatherings.

Mr. Gatti advised that any gathering with alcohol involved may be regulated.

VOTE: The secondary amendment failed with Assemblymembers Holmes and DeVilbiss in favor.

MOTION: Assemblymember Holmes moved a secondary amendment to MSB 8.55.010(A)(3) to strike [THEATRICAL EXHIBITION, PUBLIC SHOW, DISPLAY, ENTERTAINMENT, AMUSEMENT OR OTHER EXHIBITION INCLUDING BUT NOT LIMITED TO] and insert **raves**.

Discussion continued on content-driven versus content-neutral requirements of an ordinance.

VOTE: The secondary amendment failed with Assemblymember Holmes in favor.

MOTION: Assemblymember Kelly moved a secondary amendment to MSB 8.55.040(I)(2) to strike [500] and insert **501**, and to strike [1000] and insert **1001**.

GENERAL CONSENT: The secondary amendment passed without objection.

MOTION: Assemblymember Jansen moved a secondary amendment to MSB 8.55.010(A)(1) to add the phrase, **whether by pedestrian or vehicle gate**.

GENERAL CONSENT: The secondary amendment passed without objection.

MOTION: Assemblymember Jansen moved a secondary amendment to MSB 8.55.040(I)(2) to rephrase the beginning sentence to read **Due to the possibility of damage or expense to the borough arising from the event or the operator's failure to comply with the requirements of the permit, the operator shall furnish a bond, cash, certified check, or equivalent, . . .**

GENERAL CONSENT: The secondary amendment passed without objection.

MOTION: Assemblymember Jansen moved a secondary amendment to MSB 8.55.080 to strike [FORTY-FIVE (45)] and insert **thirty (30) calendar**.

GENERAL CONSENT: The secondary amendment passed without objection

MOTION: Assemblymember DeVilbiss moved to amend the sectional analysis to reflect that it is not the intent of the body to regulate existing businesses that accumulate or pass through over five hundred people on a serial basis in a day's time.

Mr. Gatti:

- stated that the sectional analysis is an interpretational tool for what the ordinance means; and
- commented that amending the sectional analysis does not amend the ordinance.

Discussion continued on definition of mass outdoor gathering.

GENERAL CONSENT: The motion to amend the sectional analysis passed without objection.

Assemblymember Jansen requested clarification if a Rave may be held at Capitol Speedway.

Mr. Scott replied that under the definition of "open air," and if all conditions of the permit requirements are met, the answer is "yes".

MOTION: Assemblymember Holmes moved a secondary amendment to MSB 8.55.090(B) to strike [AN APPEAL FROM THE DECISION OF THE BOROUGH MANAGER MAY BE TAKEN WITHIN THE TIME PRESCRIBED IN THE ALASKA RULES OF APPELLATE PROCEDURE, PART 600, BY AN OPERATOR.] and insert **The Board of Adjustment and Appeals shall hear and decide.**

Mr. Gatti:

- stated that the proposed amendment would require an amendment to MSB 15.39; and
- commented that the Board of Appeals was designed to hear conditional use permit issues.

VOTE: The secondary amendment failed with Assemblymembers Holmes and Colberg in favor.

VOTE: The primary amendment to amend by substitution passed with Assemblymember Holmes opposed.

VOTE: The main motion to adopt Ordinance Serial No. 00-117(SUB)(AM) passed with Assemblymember Holmes opposed.

MOTION: Assemblymember Jansen moved for immediate reconsideration of Ordinance Serial No. 00-117(SUB)(AM).

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

MOTION: Assemblymember Colberg moved to reconsider Ordinance Serial No. 00-142.

The regular assembly meeting recessed at 10:12 p.m. and reconvened at 10:20 p.m.

VOTE: The motion, to reconsider, failed with Assemblymembers DeVilbiss, Kelly, and Colberg in favor.

CONSENT AGENDA (Continued from page 9.)

c. Resolution Serial No. 00-067: A RESOLUTION ESTABLISHING THE FEE FOR A SPECIAL EVENT PERMIT. IM No. 00-205

MOTION: Assemblymember Holmes moved to adopt Resolution Serial No. 00-067.

Discussion followed concerning borough fees for required permits.

VOTE: The motion passed with Assemblymember Holmes opposed.

D. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Salmon made the following recommendations:

Emergency Medical Services Board

Mr. Tyan Stanley

Lazy Mountain RSA No. 19 Service Area Supervisor

Ms. Hilary H. Leiss

Bogard RSA No. 25 Service Area Supervisor

Mr. Carol Christiansen

Greater Talkeetna RSA No. 29 Service Area Supervisor

Mr. Ray McDonald

Mayor Salmon requested the approval of the following confirmation:

Historical Preservation Commission

Mr. Randall C. Lorenz

Mayor Salmon requested the following resignations be accepted:

Local Emergency Planning Commission

Mr. Russell Butts

Mayor's Blue Ribbon Fisheries Committee

Mr. Russell Butts

Parks, Recreation, and Trails Advisory Board

Mr. Russell Butts

MOTION: Assemblymember Holmes moved to accept and confirm the above-referenced mayor's recommendations and to accept Mr. Russell Butts resignations.

E. OTHER NEW BUSINESS

(There was no other new business.)

X. RECONSIDERATION

(There was no reconsideration pending.)

XI. VETO

(There was no veto pending.)

XII. EXECUTIVE SESSION

(There was no executive session.)

XIII. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Holmes:

- asked the manager for a status report on a recent BOAA decision concerning Lawler.

Mr. Scott replied that the borough does not plan to entertain further action in this matter.

Mr. Gatti:

- stated that the manager did not seek legal counsel in his decision regarding the Lawler case; and
- requested an executive session to discuss the decision not to pursue the Lawler case.

Assemblymember Holmes (comments continued):

- questioned if a lower trash disposal rate will be addressed for senior citizens.

MOTION: Assemblymember Holmes moved to require the manager to bring any proposed RFPs to the assembly for approval prior to advertising concerning Point MacKenzie land sales or development and that no monetary awards may be included for bidding on these RFPs. *[See IM No. 00-218]*

Mr. Swanson:

- reported that the plan for South Goose Bay is out for public review and then it will be presented to the planning commission and the assembly for approval; and
- commented that the borough is currently going through the Lake Lorraine subdivision process and when completed, the competitive bid process begin will begin.

VOTE: The motion passed with Assemblymembers DeVilbiss, Turner, and Kelly opposed.

Assemblymember DeVilbiss:

- appreciated the improvement in the assembly sound system;
- agreed with the manager's course of action for the BOAA appeal;
- requested that future public hearings be addressed separately;
- spoke to the assembly control of setting boundaries for coastal zone management program; and
- expressed concern in the continued port development with the absence of a road corridor.

Assemblymember Jansen:

- stated for the record her support for a noise ordinance.

MOTION: Assemblymember Jansen moved to enter into an executive session to discuss matters that the immediate public knowledge of which would clearly have an adverse effect upon the finances of the borough and subjects that by law or ordinance are required to be confidential, in particular the Lawler BOAA case. The assembly, manager, clerk, attorney, and planning director will attend the executive session.

MOTION: Assemblymember Holmes moved to extend the regular assembly meeting past 11 p.m.

GENERAL CONSENT: The motion, to extend the meeting, passed without objection.

Discussion continued on the need for an executive session.

MOTION: Assemblymember Simpson moved the previous question.

VOTE: The motion, to stop debate, passed with Assemblymember Turner opposed.

VOTE: The motion, to enter executive session, passed with Assemblymembers Holmes, Colberg, and Turner opposed and the assembly entered the executive session at 11:10 p.m. Those present during the executive session were the mayor, entire assembly, clerk, manager, attorney, and planning director.

MOTION: Assemblymember Colberg moved to exit from the executive session.

GENERAL CONSENT: The motion passed without objection and the assembly exited the executive session at 11:37 p.m.

XIII. MAYOR AND ASSEMBLY COMMENTS (continued from page 20)

Assemblymember Jansen:

- asked if there are still vacancies on the Parks and Recreation board.

Assemblymember Kelly:

- enjoyed attending the school testing meeting;
- applauded the passage of the special events ordinance;

- stated his support for the Talkeetna parking lot project and explained his opposition was only to the funding source;
- opposed the motion concerning the RFPs in the Point MacKenzie area; and
- asked for information concerning the land management fund distribution and clarification of a line item in the financial statement reporting the 25 percent distribution to the permanent fund.

Assemblymember Colberg:

- expressed support for a noise ordinance; and
- questioned the process of appointments to boards and commissions.

Assemblymember Simpson:

- thanked the assembly for supporting the Big Lake Library construction; and
- anticipated attendance at the port ribbon cutting ceremony and extended an invitation to the audience to enjoy the festivities.

Mayor Salmon:

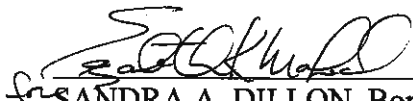
- stated that the ribbon cutting ceremony for Port MacKenzie is a big day in the history of the borough;
- emphasized that regulations are designed to prevent actions;
- spoke to the mayor's powers of appointment to boards and commissions;
- expressed disappointment regarding the motion on RFPs in the Port MacKenzie area; and
- supported the special events ordinance.

XIV. ADJOURNMENT

The regular meeting was adjourned at 11:50 p.m.


DARCIE K. SALMON, Borough Mayor

ATTEST:


SANDRA A. DILLON, Borough Clerk

Minutes approved September 19, 2000.