

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on September 20, 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:

Ms. Lynne Woods, Assembly District No. 1
Mr. Bill Allen, Assembly District No. 2 (*via teleconference*)
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

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
Ms. Sally Letterman, Volunteer Coordinator

III. APPROVAL OF AGENDA

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

GENERAL CONSENT: The agenda was approved without objection.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Joe Lawton, Alaska State Fair.

V. MINUTES OF PRECEDING MEETINGS

A. Special Assembly Meeting: 08/25/05

Mayor Anderson inquired if there were any corrections to the special meeting minutes of August 25, 2005.

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

B. Regular Assembly Meeting: 09/06/05

Mayor Anderson inquired if there were any corrections to the regular meeting minutes of August 25, 2005.

Assemblymember Kvalheim noted the following correction:

- page 26 of 28, noted that under the Mayor's ruling regarding the conflict of interest for AM No. 05-160 it should state Assemblymember Colver had the conflict of interest and not Assemblymember Kvalheim. *[This item was corrected accordingly.]*

Assemblymember Colver noted the following correction:

- page 15 of 28, noted that the word "grater" needs to be replaced by the word "grader" to read as follows: Assemblymember Colver advised that his intention was that the permittee would use their own grader. *[This item was corrected accordingly.]*

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

VI. SPECIAL ORDERS OF THE DAY

A. Award to Borough Responders that won the LN Curtis Responder of the Year Award for 2004

Mayor Anderson:

- read the proclamation into the record; and
- requested that Ms. Sally Letterman, Volunteer Coordinator, present the awards.

Ms. Sally Letterman:

- spoke to the accident that emergency services responded to in which they received LN Curtis Responder of the Year Award for 2004; and
- presented the awards to Mr. Jack Krill Jr., Mr. Malene Green, Mr. Rich Boothby, and Mr. Marvin Rankin

Mayor Anderson thanked the emergency responders for their hard work.

VII. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Wasilla City

Councilmember Cox:

- advised that the last Council meeting adjourned due to a lack of a quorum;
- spoke regarding the transportation summit that will be held the following week; and
- encouraged the public to vote at the October 4, 2005, election.

2. Matanuska-Susitna Borough School District

Mr. Chemielewski, School Board President:

- advised that a teacher from Sherrod Elementary School, Ms. Sharon Russell, was honored with the Alaska's National Star of Teaching from the United States Department of Education and was awarded the Phi Delta Cappa Walmart Teacher of the Year Award;
- spoke regarding how Ms. Russell has contributed to the School District;
- advised that 20 district schools are participating in the relief effort for the hurricane Katrina; and
- reported that the School District is within 180 students of the enrollment projections.

3. Alaska State Fair – Mr. Joe Lawton

Mr. Lawton:

- advised that the paid attendance at the Alaska State Fair was down 8 percent from last year;
- spoke regarding the potential date change for the start of the fair due to school starting earlier next year;
- spoke regarding the engineering study to do the upgrades for the big red barn; and
- thanked the Borough Emergency Services for being helpful with the fair this year.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Colver:

- spoke regarding enrollment projections; and
- advised that it was expected that Larson Elementary School would have a huge increase in students this school year; however, the school is holding at capacity.

2. Regional Transportation Planning Organization

Mayor Anderson advised that the next scheduled meeting is October 24, 2005.

C. MANAGER COMMENTS

1. State/Federal Legislation

Mr. Duffy:

- spoke regarding a letter of appreciation that was received from the Alaska State Department of Natural Resources for the contribution of Mr. Ron Durham on the cold-water immersion video as part of boating safety efforts;
- advised that the grizzly bear that is on the landing in the administration building will be moved to Port MacKenzie once the terminal building is built; and
- advised that the Alaska State Division of Parks has invited the Assembly to attend a tour of Independence Mine on September 22, 2005.

D. ATTORNEY COMMENTS

(There were no comments provided.)

E. CLERK COMMENTS

Ms. McGehee:

- reviewed the upcoming meeting schedule;
- provided an election update;
- spoke regarding the Assembly projects that are outstanding; and
- requested that a group picture of the Assembly be taken the night of election certification.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Animal Care and Regulation Board: 07/26/02, 08/08/05
- b. Board of Adjustment and Appeals: 04/04/05, 05/06/05, 05/17/05
- c. Greater Palmer Consolidated Fire Service Area No. 132: 03/14/05, 05/11/05, 07/11/05
- d. Knik Road Service Area No. 17: 09/09/05
- e. Midway Road Service Area No. 9: 08/26/05
- f. Parks, Recreation, and Trails Advisory Board: Resolution Serial No. 05-09, Resolution Serial No. 05-111
- g. Planning Commission: 08/08/05, 08/15/05
- h. Port Commission: 07/18/05, Resolution Serial No. 05-005(AM), Port Commission Serial No. 05-007
- i. Talkeetna Sewer and Water Special Service Area No. 36: 07/28/05
- j. Trapper Creek Road Service Area No. 30: 06/16/05

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

G. INFORMATIONAL MEMORANDUMS

(There were no informational memorandums presented.)

IX. UNFINISHED BUSINESS

(There was no unfinished business presented.)

X. NEW BUSINESS

A. INTRODUCTION (For public hearing - 10/18/05, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 05-158: AN ORDINANCE AMENDING MSB 15.24.030(B), TO ADOPT THE MEADOW LAKES COMPREHENSIVE PLAN.
(Sponsor: Assemblymember Vehrs)
 - a. IM No. 05-230

2. Ordinance Serial No. 05-169: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$130,869 GRANT TO FUND 440, PROJECT NO. 15032, FROM THE ALASKA STATE DEPARTMENT OF NATURAL RESOURCES, DIVISION OF PARKS AND OUTDOOR RECREATION FOR THE GOLD MINT TRAIL.
 - a. Resolution Serial No. 05-128: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR GOLD MINT TRAIL, INDEPENDENCE MINE-GOLD CORD LAKE TRAIL, AND THE SUMMIT LAKE-APRIL BOWL TRAIL.
(Sponsor: Assemblymember Colver)
 - (1) IM No. 05-249

3. Ordinance Serial No. 05-170: AN ORDINANCE AMENDING MSB 17.29, FLOOD DAMAGE PREVENTION, RELATING TO PROPOSED PLATTING ACTIONS.
 - a. IM No. 05-252

4. Ordinance Serial No. 05-171: AN ORDINANCE APPROPRIATING \$273,546 TO FUND 400, PROJECT NO. 40160, SUSITNA VALLEY SCHOOL RENOVATION AND RENEWAL, FROM THE 1999 SERIES A GENERAL OBLIGATION SCHOOL BOND FUNDS.
 - a. Resolution Serial No. 05-129: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE SUSITNA VALLEY SCHOOL RENOVATION AND RENEWAL PROJECT NO. 40160.
 - (1) IM No. 05-253
 - (2) AM No. 05-173: APPROVAL OF CHANGE ORDER NO. 2 TO BURKHART CROFT ARCHITECTS IN THE AMOUNT OF \$273,546 FOR REQUIRED DESIGN WORK ON THE SUSITNA VALLEY HIGH SCHOOL ROOF REPLACEMENT DESIGN.

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 October 18, 2005.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Anderson requested the following confirmations:

- Historical Preservation Commission
 - Resignation of James V. Grizzell
- Local Emergency Planning Committee
 - Karen Walton
- Parks, Recreation, and Trails Advisory Board
 - Arthur Mannix
- Caswell Lakes Road Service Area No. 15
 - Resignation of Bret Hamrick

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

VOTE: The motion passed without objection.

Mayor Anderson noted that there was cake in the lounge in honor of Assemblymember Simpson's six-year term on the Assembly.

(The regular meeting recessed at 6:32 p.m. and reconvened at 7:01 p.m.)

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

Ms. McGehee:

- advised that an absentee ballot application was received that was identical to the application that the Clerk's Office distributes; however, the application was not distributed by the Clerk's Office;
- spoke to the language that is on the back of the application; and
- advised that the Clerk's Office is doing research to find out who is sending these applications.

Assemblymember Simpson queried the difference between the applications.

Ms. McGehee:

- stated that the application speaks more to the election than to a ballot application; and
- noted that the back side of the application included propaganda statements.

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. 05-161: AN ORDINANCE APPROVING AN APPROPRIATION OF \$19,918 FROM THE AREA WIDE FUND BALANCE, FUND 100, TO FUND 410, FOR THE DUST CONTROL PROGRAM.

a. IM No. 05-235

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. 05-161.

VOTE: The motion passed without objection.

2. Ordinance Serial No. 05-162: AN ORDINANCE APPROVING AN APPROPRIATION OF \$10,000 FROM THE MEADOW LAKES FIRE SERVICE AREA FUND BALANCE, FUND 257, TO PROJECT NO. 45152, FUND 405, TO SUPPLEMENT THE PURCHASE OF A PUMPER/TANKER VEHICLE AND RELATED EQUIPMENT.
 - a. Resolution Serial No. 05-125: A RESOLUTION AMENDING THE BUDGET OF PROJECT NO. 45152, FUND 405, TO SUPPLEMENT THE PURCHASE OF MEADOW LAKES PUMPER/TANKER VEHICLE AND RELATED EQUIPMENT.
 - (1) IM No. 05-238

Mr. Brodigan provided a staff report.

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. 05-162 and Resolution Serial No. 05-125.

VOTE: The motion passed without objection.

Mayor Anderson:

- advised that it was requested that Ordinance Serial No. 05-163 be moved to the end of the public hearings; and
- queried whether there was any objection.

There was no objection noted.

- 4 Ordinance Serial No. 05-164: AN ORDINANCE APPROPRIATING \$30,000 OF INTEREST EARNINGS ON THE 1998 SERIES A GENERAL OBLIGATION SCHOOL BONDS TO FUND 400, SCHOOL CAPITAL PROJECTS, PROJECT NO. 40128, TO FUND THE CONSTRUCTION OF TURN LANES AND HIGHWAY LIGHTING ON PITTMAN ROAD TO THE MEADOW LAKES ELEMENTARY SCHOOL.
 - a. IM No. 05-240
 - b. AM No. 05-167: APPROVAL OF CHANGE ORDER TO WILDER CONSTRUCTION IN THE AMOUNT OF \$35,000 FOR THE MEADOW LAKES ELEMENTARY SCHOOL TURN LANES AND HIGHWAY LIGHTING PROJECT FOR ADDITIONAL EXCAVATION, GRAVEL FILL, AND ASPHALT.

CONFLICT OF INTEREST: Assemblymember Colver declared a conflict of interest on Ordinance Serial No. 05-164 and AM No. 05-167.

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.)

Mr. Duffy provided a staff report.

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. 05-164 and AM No. 05-167.

VOTE: The motion passed without objection.

(Assemblymember Colver returned to the meeting.)

5 Ordinance Serial No. 05-165: AN ORDINANCE AMENDING MSB 24.05.080(A)(4), TO FURTHER DEFINE HUMANE ANIMAL CARE, AND MSB 24.26.080(A)(2), ALLOWING THE ANIMAL CARE AND REGULATION BOARD TO MAKE A RECOMMENDATION, AFTER THE HEARING PROCESS, TO SHORTEN THE TIME FRAME IN WHICH THE CHIEF ANIMAL CARE AND REGULATION OFFICER CAN REMOVE, REDUCE, OR MODIFY A CLASSIFICATION OF AN ANIMAL THAT HAS BEEN CLASSIFIED AT A LEVEL 3 OR 4. *(Sponsor: Assemblymember Vehrs)*

a. IM No. 05-245

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 Vehrs moved to adopt Ordinance Serial No. 05-165. Assemblymember Vehrs advised that she spoke to the Attorney regarding the legislation and a few amendments were recommended.

MOTION: Assemblymember Vehrs moved to amend Ordinance Serial No. 05-165, MSB 24.05.080(A)(4), to strike the word “or” between the words “disease” and “injury” and re-insert the word “, or” after the word “injury” to read as follows: (4) veterinary care when needed to treat the animal for sickness, disease, injury, or to prevent suffering of the animal.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Vehrs moved to amend Ordinance Serial No. 05-165, MSB 24.26.080(A)(2), to strike the proposed amendment “or a time as recommended by the Animal Care and Regulation Board after a hearing on the classification” and to insert in its place the following amendment “or 18 months if recommended by the animal care and regulation board after a hearing on the classification to read as follows: (2) a Level 3 or Level 4 animal has been classified for two years or 18 months if recommended by the animal care and regulation board after a hearing on the classification, without any further incident, including any violation of this title

Assemblymember Vehrs spoke to the reasons that the replacement language does not give the Chief of Animal Care and Regulation the total discretion on having a classification reduced, modified, or removed.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Vehrs moved to amend Ordinance Serial No. 05-165, MSB 24.26.080(A), to insert a paragraph (4) to read as follows: (4) notwithstanding the two-year time provision of subsection (A)(2) of this section, the chief animal care and regulation officer must review the classification of an animal upon an application presented after eighteen months if advised to do so by the animal care and regulation board. The advisement by the board must be in writing made after a hearing on the classification and must specify the facts and circumstances which support the advisement.

VOTE: The primary amendment passed without objection.

VOTE: The main motion as amended passed without objection.

6 Ordinance Serial No. 05-166: AN ORDINANCE APPROPRIATING \$83,681 OF INTEREST EARNINGS ON THE 2001 SERIES A GENERAL OBLIGATION SCHOOL BONDS TO FUND 400, SCHOOL CAPITAL PROJECTS, PROJECT NO. 40138, FOR FLASHING SAFETY LIGHTS AT THE SHERROD ELEMENTARY SCHOOL ZONE.

a. IM No. 05-246

Mr. Duffy 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 Allen moved to adopt Ordinance Serial No. 05-166.

VOTE: The motion passed without objection.

- 7 Ordinance Serial No. 05-167: AN ORDINANCE APPROVING AN APPROPRIATION OF \$19,000 FROM THE CIRCLE VIEW DEBT SERVICE FUND BALANCE, FUND 310, TO THE MATANUSKA RIVER FLOOD EROSION CONTROL PROJECT, FUND 445, PROJECT NO. 55008, FOR THE CONSTRUCTION AND/OR MAINTENANCE OF FLOOD EROSION CONTROL STRUCTURES ON THE MATANUSKA RIVER.
 - a. Resolution Serial No. 05-126: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE CONSTRUCTION AND/OR MAINTENANCE OF MATANUSKA RIVER FLOOD EROSION CONTROL STRUCTURES.
 - (1) IM No. 05-248

Mr. Duffy provided a staff report.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 05-167 and Resolution Serial No. 05-126.

VOTE: The motion passed without objection.

8. Ordinance Serial No. 05-168: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY TO AUTHORIZE THE MATANUSKA-SUSITNA BOROUGH TO INCUR INDEBTEDNESS IN THE PRINCIPAL AMOUNT OF \$296,000 FROM THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO BUILD A COVERED STORAGE AREA FOR SALTED SAND.
 - a. IM No. 05-158

Mr. Rountree:

- provided changes in the amortization chart to the Assembly;
- spoke regarding the problems at the current location where the sand is being stored;
- advised that a grant in the amount of \$147,000 was received from the Alaska State Department of Community and Economic Development;
- advised that the facility would cover the sand storage for the core area only; and
- noted that the road service area supervisors do know about the facility; however, he does not have a resolution from those boards.

Assemblymember Colver queried the change in the amortization schedule.

Mr. Rountree advised that the change in the amortization schedule occurred do to the fact that it is only the core area road service areas that will use the storage facility.

Assemblymember Vehrs queried that since there are fewer road service areas that will use the facility, does that mean that those road service areas will be paying more for the facility.

Mr. Rountree advised that the road service areas that use the facility will pay more than on the original amortization schedule that included all the road service areas.

Assemblymember Allen queried the reason there was no resolutions from the road service areas to supporting the ordinance.

Mr. Rountree stated that there would be no problem to go back to the road service areas to get resolutions of support.

Mayor Anderson opened the public hearing.

The following person advised that the information regarding Ordinance Serial No. 05-168 has not been brought to the road service area boards and requested that the legislation be postponed: Mr. Henry Corbin, member of the Knik Road Service Area Board of Supervisors No. 17.

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

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 05-168.

MOTION: Assemblymember Colver moved to amend IM No. 05-158 to replace the amortization schedule as provided by the Public Works Department.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved to postpone Ordinance Serial No. 05-168 to a time certain of November 1, 2005.

Assemblymember Simpson:

- stated that she believes that this topic has been discussed previously with the road service areas; and
- noted that it is a good idea to have resolutions from those boards in support of the facility.

Assemblymember Vehrs:

- stated that the road service area boards serve a vital function;
- opined that the road service area boards need to weigh in on matters when there is a fiscal note that affects their budgets; and
- spoke regarding a breakdown in communications with the road service area boards.

Assemblymember Colver spoke regarding the importance of the Assembly receiving recommendations from the boards.

VOTE: The motion to postpone to a time certain of November 1, 2005, passed without objection.

3. Ordinance Serial No. 05-163: AN ORDINANCE ADOPTING THE RECLASSIFICATION TO PUBLIC RECREATION AND SELECTION FOR USE AS A PUBLIC SHOOTING SITE, THAT PORTION OF THE WEST ½ WITHIN SECTION 9, TOWNSHIP 15 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA, LOCATED IN THE POINT MACKENZIE AREA (MSB 4508).

(Sponsor: Assemblymember Colver)

a. IM No. 05-239

Mr. Cypra provided a staff report.

Assemblymember Colver:

- spoke regarding the confusion on what property the public provided comment on in the packet; and
- stated that there was also confusion in some correspondence on the section where the Iditarod Trail is located.

Mr. Cypra:

- stated that the maps were specific to individual sites and notice went out to those areas for public comment;
- advised that the comments that were received back from the public did not show the area that was being commented on;
- stated that the Borough would have to take in good faith that the public was commenting on the two sites on Alsop Road and on the 320 acres by Jewel Lake; and
- noted that there are more oppositions to the Jewel Lake site.

Assemblymember Colver clarified that this ordinance is just a land designation.

Mayor Anderson opened the public hearing.

The following person thanked the Assembly for designating land for a shooting site and spoke regarding the problems with the land that is proposed for designation: Mr. Noel Woods.

The following person spoke in support of Ordinance Serial No. 05-163 and requested that the Assembly look for a land designation in the core area: Mr. Rod Arno, Executive Director of the Alaska Outdoor Council, an affiliate of the National Rifle Association.

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

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 05-163.

Assemblymember Colver:

- stated that he can understand the Parks, Recreation, and Trails Advisory Boards and the Planning Commissions objections to recommending a location site, due to the confusion in the public process;
- spoke regarding the designing of the shooting site;
- stated that this is the time to set land aside for the designation; and
- noted that there was no site specific objection to the site.

Assemblymember Simpson:

- stated that the record was confusing due to the fact that the process was confusing;
- advised that the Point MacKenzie Community Council has not meet to consider the land designation;

- spoke regarding the Parks, Recreation, and Trails Advisory Board and the Planning Commission not approving the land designation;
- opined that it is a good idea to set land aside; however, a better process is laid out in Ordinance Serial No. 05-083; and
- noted that there were no constituents in Assembly District 5 that supported the land designation.

Assemblymember Colver:

- stated that wisdom and experience needed to used;
- reiterated that the record was not clear for the Parks, Recreation, and Trails Advisory Board and the Planning Commission;
- stated that some of the members of those boards do not want to have a shooting site anywhere;
- opined that there needs to be hunters on those boards; and
- stated that some of the problems in the Borough are due to the fact there are no places for the shooters to go.

Assemblymember Simpson urged the Assembly to go with the process that is incorporated in Ordinance Serial No. 05-083.

Mayor Anderson:

- stated that the Borough made a mistake 20 years ago by not designating land for shooting activities;
- spoke to the need to set aside land now for a shooting site; and
- stated that by designating land now people will know in the future that they are purchasing property next to an area that is designated for a shooting site.

Assemblymember Woods:

- spoke regarding concerns that the Parks, Recreation, and Trails Advisory Board and the Planning Commission did not support the classification of the land; and
- noted that the boards did state that they were not opposed to a shooting range, just to the process.

VOTE: The motion failed with Assemblymembers Vehrs, Colver, and Kvalheim in support.

MOTION: Assemblymember Simpson moved to reconsider Ordinance Serial No. 05-163.

VOTE: The motion to reconsider failed with Assemblymembers Vehrs and Colver in support.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following persons requested that the Assembly hold a public hearing on AM No. 05-181: Ms. Gene Woods, Mr. Michael Miller, Mr. Ralph Baldwin, Ms. Nancy Moore, Ms. Kathy Wells, and Mr. Pio Cotini.

The following persons spoke in favor of AM No. 05-181: Mr. Jim Turner, Mr. Rob Wells, Ms. Jill Reese, and Mr. Ken Savage.

The following people spoke regarding concerns with AM No. 05-181: Ms. Jay Nolfi and Mr. Noel Woods.

The following person spoke regarding problems with the Code Compliance Division with regards to trash and junk on a neighbor's property: Mr. Jim Stocker.

(The meeting recessed at 8:30 p.m. and reconvened at 8:46 p.m.)

D. CONSENT AGENDA (AM Nos. 05-169, 05-170, 05-171, 05-177, 05-178, 05-180, and 05-181 were pulled from the consent agenda and addressed separately. *See pp. 15-23 of 24*)

1. RESOLUTIONS

b. Resolution Serial No. 05-127: A RESOLUTION ESTABLISHING FEES FOR APPLICATIONS, VARIANCES, CONDITIONAL USE PERMITS, AND APPEALS UNDER TITLE 17, ZONING.

(1) IM No. 05-251

2. ASSEMBLY MEMORANDUMS

a. AM No. 05-131: APPROVAL OF CHANGE ORDER NO. 1 TO JIM PSENAK CONSTRUCTION IN THE AMOUNT OF \$41,060.96 FOR THE MATANUSKA RIVER 2005, SPUR DIKES REPAIR.

b. AM No. 05-168: THE VACATION OF THE UNCONSTRUCTED 50' RIGHT-OF-WAY EASEMENT ALONG THE WEST BOUNDARY OF THE PARCEL RECORDED IN BOOK 97 PAGE 136 OF THE PALMER RECORDING DISTRICT THROUGH THE PROPOSED GOLD CORD ESTATES, LOCATED IN THE SOUTHEAST 1/4 SOUTHEAST 1/4 SECTION 8, TOWNSHIP 18 NORTH, RANGE 1 EAST, SEWARD MERIDIAN, ALASKA, IN THE FISHHOOK COMMUNITY COUNCIL AREA.

f. AM No. 05-172: AWARD OF PROPOSAL NO. 05-206 TO ROBERT T. KEAN AND ASSOCIATES IN THE CONTRACT AMOUNT OF \$60,000 FOR THE BIG LAKE PUBLIC ACCESS DOCUMENTATION PROJECT.

g. AM No. 05-174: AUTHORIZING THE PURCHASE OF UP TO FIVE ZOLL BRAND EXTERNAL DEFIBRILLATORS FOR USE IN EMERGENCY RESPONSE VEHICLES IN THE AMOUNT NOT TO EXCEED \$135,000 FOR THE FISCAL YEAR 2006.

h. AM No. 05-175: AUTHORIZING THE PURCHASE OF MOTOROLA COMMUNICATION EQUIPMENT FOR INSTALLATION IN MATANUSKA-

SUSITNA BOROUGH SCHOOL DISTRICT VEHICLES AND FACILITIES IN THE AMOUNT OF \$129,879.52.

- i. AM No. 05-176: AUTHORIZING THE PURCHASE OF A SET OF PORTABLE HYDRAULIC HEAVY LIFT APPARATUS JACKS FOR THE DEPARTMENT OF EMERGENCY SERVICES FROM GRAY EQUIPMENT IN THE AMOUNT OF \$56,127.
- l. AM No. 05-179: AWARD OF PROPOSAL NO. 06-054 TO LDMA IN THE CONTRACT AMOUNT OF \$150,000 PER YEAR AND UP TO \$30,000 PER YEAR FOR APPROVED EXPENSES FOR THE OWNERS CONSTRUCTION PROJECT REPRESENTATIVE DURING THE CONSTRUCTION OF THE KNIK TRB/E-CRAFT.

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

VOTE: The motion passed without objection.

- c. AM No. 05-169: THE VACATION OF A 6' BY 23' PORTION OF THE 80 FOOT RIGHT-OF-WAY OF SETTLERS BAY DRIVE ADJACENT TO LOT 2, BLOCK 14, SETTLERS BAY NO. 2, LOCATED IN SECTION 3, TOWNSHIP 16 NORTH, RANGE 2 WEST, SEWARD MERIDIAN, ALASKA, IN THE KNIK-FAIRVIEW COMMUNITY COUNCIL AREA.

MOTION: Assemblymember Colver moved to approve AM No. 05-169.

Assemblymember Colver:

- stated that he cannot continue to support the vacations of public rights-of-way;
- stated that public rights-of-way are very expensive and difficult to obtain when you need to extend a road;
- spoke to the amnesty clause that was adopted in 1993; and
- stated that he will vote against vacations until the Borough can address the issue in a more rational manner.

Assemblymember Simpson queried if there is any other process in place to address the matter.

Mr. O'Brien:

- advised that they are working on making the knowledge of existing land use regulations mandatory; and
- spoke regarding land use permits.

Assemblymember Simpson queried if the approval of the vacation was at the recommendation of the Platting Board.

Mr. O'Brien advised that the Platting Board did approve the vacation.

Assemblymember Colver requested that the staff provide an as-built of the structure when vacations come forward to the Assembly.

VOTE: The motion failed with Assemblymembers Simpson, Woods, and Colberg in favor and Assemblymembers Colver, Vehrs, and Kvalheim opposed. (Tie vote.)

d. AM No. 05-170: THE VACATION OF A 15' UTILITY EASEMENT WHICH WILL BE RELOCATED TO THE SOUTH IN THE PROPOSED CREEKSHORE RUN, LOCATED IN THE SOUTHEAST ¼ OF SECTION 15, TOWNSHIP 18 NORTH, RANGE 1 EAST, IN THE MEADOW LAKES COMMUNITY COUNCIL AREA.

MOTION: Assemblymember Vehrs moved to approve AM No. 05-170.

Assemblymember Vehrs:

- spoke regarding the problem with the layout of the subdivision and roads;
- noted that the road the developer upgraded is not the road that the public uses to access the subdivision;
- spoke regarding the problems with the intersection at Vine; and
- opined that the vacation would not eliminate all of the problems.

VOTE: The motion failed with Assemblymember Colberg in support.

e. AM No. 05-171: THE VACATION OF EAST BEEHCRAFT ROAD ADJACENT TO LOT 2, BLOCK 2, AERO SUBDIVISION ON WOLF LAKE, LOCATED IN SECTION 21, TOWNSHIP 18 NORTH, RANGE 1 EAST, IN THE NORTH LAKES COMMUNITY COUNCIL AREA.

MOTION: Assemblymember Colver moved to approve AM No. 05-171.

Assemblymember Colver:

- noted that there was no as-built in the record;
- stated that maybe there should be a lesser setback for a garage; however, code does not provide for that;
- spoke regarding the problems with giving away road rights-of-way; and
- spoke to the need to find other solutions to the vacation issue.

Assemblymember Vehrs remarked that she thought that the Borough was attempting to address this issue with enacting land use permits.

Mr. Duffy advised that the land use permit process is currently being worked on.

Discussion ensued regarding vacations and the policy that is in place.

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

- j. AM No. 05-177: AUTHORIZING A ONE MONTH EXTENSION OF THE INTERIM ROAD SERVICE AGREEMENT WITH LN VENTURES FOR ROAD MAINTENANCE SERVICES FOR THE GOLD TRAILS ROAD SERVICE AREA NO. 28 IN AN AMOUNT NOT TO EXCEED \$35,000.

MOTION: Assemblymember Vehrs moved to approve AM No. 05-177.

Assemblymember Vehrs queried the process on this.

Mr. Rountree:

- advised that the proposal that came in from the contractor for the month of October was for \$23,000;
- advised that the Purchasing Officer advised that the actual cost for October could be up to \$30,000; and
- noted that AM No. 05-177 does state that it is not to exceed \$35,000.

Assemblymember Vehrs:

- noted that if the bid is under \$25,000, Assembly approval is not needed;
- commented that if it is an emergency bid, only two bids are needed; and
- advised that she did not understand the emergency of not having a contractor for a month.

Assemblymember Colver:

- spoke regarding the Purchasing Division's request for quotes for one month of maintenance and then requesting LN Ventures to provide a quote for another month;
- stated that he has a problem approving a \$23,000 contract for October and a \$15,000 contract for September; and
- commented that he is pleased that there will be a new contractor due to the fact that the road maintenance has been suffering in the Gold Trails area.

Mr. Rountree:

- advised that the costs for September is for road grading only; and
- noted that the costs for October is for grading gravel roads, sanding, and snow removal.

Assemblymember Colver:

- queried if the contractor was directed to do other work; and
- spoke regarding the need to be fair to the other contractors.

Mr. Duffy:

- stated that the Purchasing Division wanted to have cushioning in the contract in case there is snow fall;
- queried if purchasing could re-bid the additional work so that the other contractors could have the opportunity; and
- queried if it was an emergency to pass AM No. 05-177 tonight or if it could wait for another meeting.

Mr. Rountree advised that AM No. 05-177 could be postponed for another meeting.

Assemblymember Vehrs:

- spoke regarding the equity in information given to all the contractors; and
- noted that all the contractors should have the opportunity to bid if this is not an emergency.

Assemblymember Simpson queried what happens when there is no contract in place and work needs to be done in the road service area.

Mr. Rountree:

- advised that he suspects that it would be handled the same way as this contract; and
- advised that contractors that have the equipment and experience would be contacted and a proposal would be requested.

Assemblymember Colver:

- stated that the Assembly could direct the Manager to go out for quotes for October, approve the \$35,000, and not award the proposal to a specific entity; and
- opined that this would be fair so all the contractors are bidding on the same work.

Discussion ensued regarding soliciting bids with all the work identified.

Ms. Clayton:

- noted that the monies are for the month of September and October;
- advised that if AM No. 05-177 fails than nothing would come back to the Assembly, due to the fact that the bid would be less than \$25,000 and the contract would end September 30; and
- advised that a bid would need to go out for the month of October.

VOTE: The motion to adopt AM No. 05-177 failed unanimously.

k. AM No. 05-178: AWARD OF PROPOSAL NO. 06-040 TO JERRY MACKIE AND ASSOCIATES IN THE CONTRACT AMOUNT OF \$60,000 PER YEAR AND UP TO \$1,000 PER YEAR FOR EXPENSES FOR THE STATE LOBBYIST.

MOTION: Assemblymember Colberg moved to approve AM No. 05-178.

Assemblymember Colberg:

- stated that action on the matter would essentially fire Mr. Gillespie; and
- opined that Mr. Gillespie has been the best lobbyist the Borough has had since he has been on the Assembly.

Assemblymember Woods:

- spoke regarding the evaluation process; and
- queried the reason why it is being interpreted as a firing.

Mr. Colberg:

- stated that Mr. Gillespie had done an adequate job representing the needs of the Borough; and
- opined that a new lobbyist was being sought due to a conflict between Mr. Gillespie and Deputy Mayor Colver.

Assemblymember Simpson:

- opined that Mr. Gillespie has done an excellent job for the Borough; and
- stated that the extent of lobbying that Jerry Mackie and Associates has performed is two years for the city of Juneau.

Assemblymember Allen advised that he was also against changing lobbyists.

Assemblymember Vehrs:

- spoke regarding the process in ranking the lobbyists; and
- noted that Mr. Mackie and Associates received the highest score.

VOTE: The motion passed with Assemblymembers Allen, Simpson, and Colberg opposed.

MOTION: Assemblymember Vehrs moved to reconsider AM No. 05-178.

VOTE: The motion to reconsider failed with Assemblymembers Colberg and Simpson in support.

MOTION: Assemblymember Vehrs moved to reconsider AM No. 05-169.

VOTE: The motion to reconsider failed with Assemblymember Colberg in support.

MOTION: Assemblymember Vehrs moved to reconsider AM No. 05-170.

VOTE: The motion to reconsider failed with Assemblymember Colberg in support.

m. AM No. 05-180: AWARD OF PROPOSAL NO. 06-058 IN THE AMOUNT NOT TO EXCEED \$1,800,000 FOR THE DESIGN STUDY FOR THE KNIK TRANSPORT/RESCUE BOAT/EXPEDITIONARY CRAFT.

MOTION: Assemblymember Woods moved to approve AM No. 05-180.

Assemblymember Woods requested a staff report.

Mr. Duffy:

- advised that the Borough is moving to the next phase of designing the ferry vessel;
- spoke regarding finalizing the negotiations with Guido Perla and Associates, Inc. for \$897,480; and
- requested that an amendment be made to reflect the contractor and the change in the money amount.

MOTION: Assemblymember Simpson moved to amend AM No. 05-180 to award proposal No. 06-058 to Guido Perla and Associates, Inc., for an amount not to exceed \$897,480.

VOTE: The primary amendment passed without objection.

VOTE: The main motion as amended passed without objection.

n. AM No. 05-181: AUTHORIZING THE MANAGER TO COMPLETE NEGOTIATIONS WITH J.L. PROPERTIES ON THE DEVELOPMENT AGREEMENT FOR THE HATCHER PASS SKI AREA PROJECT.

MOTION: Assemblymember Vehrs moved to approve AM No. 05-181.

Mr. Duffy:

- advised that the approval of AM No. 05-181 would begin the negotiations with JL Properties;
- noted that the Assembly would provide the administration with direction;
- stated that this is like other contracts that have been negotiated along the way; and
- stated that once the final and best offer occurs, the public hearing process would begin.

Assemblymember Vehrs queried when the commercial development area changed from 20 acres to 25 acres.

Mr. Duffy:

- advised that the developer believes that there is more land that could be developed; and
- advised that the final number of acres will not be known until JL Properties has completed their fact finding and due diligence.

Assemblymember Allen:

- stated that he appreciates JL Properties stepping up to the plate to work on the Hatcher Pass project;
- advised that he is interested in advancing the project; however, if substantial changes are not made it will not be acceptable to him;
- opined that the draft proposal is a good deal for JL Properties, not the Borough;
- spoke regarding JL Properties securing a loan for the development with Borough land;
- stated that he needs to know the present quick-sale market value of the borough land being proposed to be used in the development plan;
- opined that JL Properties should invest a minimum of 15 percent of the total project cost in true cash;
- opined that it is unacceptable that the developer will leverage the Borough's assets and use revenues from the sale or employment of those assets to service the debt for this project;
- stated that if this project fails, hind site will be that the federal funds should have been used for other Borough projects;
- opined that the title of the land should not be transferred until cash payment by JL Properties is placed in a trust account or an irrevocable letter of credit;
- stated that all fees should be accounted for in the project budget and paid as a project expense;

- stated that there needs to be adequate time for public hearings or this issue needs to be taken to the voters;
- advised that he would like an opinion from the Attorney regarding Assemblymember Colver's ethical position, due to the fact that his half-brother is the Chairman of the Board for AIDEA/AEA, where the loan is being considered by the developer;
- stated that he hopes an agreement can be reached that is mutually beneficial to the developers and the Borough; and
- opined that there is a long way to go before an intelligent decision can be made on this matter.

Assemblymember Vehrs:

- requested a copy of Assemblymember Allen's concerns; and
- queried whether Assemblymember Allen was in support of a public hearing.

Assemblymember Allen:

- opined that the Manager needs to have an agreement that is acceptable to the Borough and then go out to public hearing; and
- spoke regarding the need to have public opinion on the issue.

Assemblymember Vehrs:

- spoke regarding concerns on approving the Manager to move forward with negotiations when the presentation from JL Properties was only a week prior;
- stated that some people believe that the Borough is going through on an agreement and not just negotiations; and
- queried if there could be a reserved development without an alpine ski area, as mandated by the 1989 Hatcher Pass Management Plan.

Mr. Duffy advised that the alpine ski area can be built first by itself or they can be built together, as long as an escrow account for the alpine ski area is established and secured first.

Ms. Williams advised that the Hatcher Pass Management Plan states that the resort development is allowed only in conjunction with the alpine ski resort.

Assemblymember Vehrs:

- queried if the Borough would own the ski area; and
- queried what would happen if JL Properties pulls out of the agreement.

Mr. Duffy:

- opined that the lifts are an asset that the Borough would want to own;
- advised that the issue of operating is a separate question that has not been worked out yet; and
- stated that the ownership issue would be worked out in the agreement.

Assemblymember Simpson queried if benchmarks would be brought back to the Assembly for direction, as the negotiations are progressing forward.

Mr. Duffy advised that he would report back regularly to the Assembly to receive direction as the negotiations are progressing.

Assemblymember Colberg:

- spoke regarding the Manager requesting direction from the Assembly to move forward;
- stated that the Assembly should not be asking questions on whether we will own the ski resort, as this is an issue the Assembly or the voters will decide and should not be subject to open-ended negotiations;
- spoke to the need to have public input at this stage of the process; and
- opined that the Assembly should have a position at least on the main points of the issue.

MOTION: Assemblymember Colberg moved to postpone AM No. 05-181 to a time certain of October 18, 2005, for the purpose of holding a public hearing.

Assemblymember Colver:

- stated that the Borough asked JL Properties to come forward with a proposal;
- noted that the Hatcher Pass project has been around for over 20 years;
- spoke to the need to have commercial development in the Borough;
- opined that the Hatcher Pass project has been through a process for a long time;
- spoke regarding the investment of time, funding, and the requirement of land;
- stated that this is the first time that a financial institution has been interested in this project;
- stated that the deal is not done and the Assembly can weigh in on the process;
- spoke regarding the public process;
- opined that this is just a start and the Borough needs to work on a better deal;
- stated that the Borough is not providing cash, but infrastructure; and
- spoke regarding having the Manager move forward with negotiations.

Assemblymember Woods:

- advised that she has received considerable comments from her constituents on this issue;
- stated that she supports the ski development and nothing will begin in Hatcher Pass until all the pieces are in place; and
- advised that she does not want to approve any deal unless the public is informed and if does not benefit the people economically.

Assemblymember Allen:

- opined that at this point the Manager does not have any direction from the Assembly;
- suggested that the Assembly give the Manager some direction on moving forward;
- opined that there is a positive feeling in the community for the Hatcher Pass project; and
- advised that he would like a work session scheduled so that the Assembly can provide the Manager with direction.

Assemblymember Simpson advised that she would also like a work session scheduled, and is in support of postponement for a public hearing.

Discussion ensued regarding:

- scheduling a work session; and
- postponement for the purpose of holding a public hearing.

VOTE: The motion to postpone AM No. 05-181 and hold a public hearing on October 18, 2005, passed with Assemblymembers Colver and Woods opposed.

Mayor Anderson queried if there was any objection to holding a work session regarding negotiations with JL Properties on October 13, 2005, at 6 p.m.

There was no objection noted.

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 Simpson thanked the Clerk's Office for providing the cake for her last Assembly meeting.

Assemblymember Vehrs:

- thanked Assemblymember Simpson for her service to the Borough; and
- stated that Assemblymember Simpson has been a wonderful example.

Assemblymember Woods:

- thanked Assemblymember Simpson for her service;
- stated that she has learned a lot from Assemblymember Simpson;
- spoke regarding another family having to move due to the Matanuska River erosion;
- advised that the Matanuska River Watershed Group is continuing to meet; and
- announced that her and her husband will be celebrating their 38th wedding anniversary on Thursday.

Assemblymember Kvalheim stated that she appreciates the work that Assemblymember Simpson has done for the Borough.

Assemblymember Colver:

- opined that the Assembly erred by putting the consent agenda at the end of the agenda, due to the long break that is unnecessary; and
- noted that he is in favor of the way the agenda was previously done.

XV. ADJOURNMENT

The regular meeting adjourned at 10:30 p.m.

/s/

TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:

/s/

MICHELLE M. MCGEHEE, CMC, Borough Clerk

Minutes approved: 11/01/05