

**I. CALL TO ORDER**

The regular meeting of the Matanuska-Susitna Borough Assembly was held on October 21, 2003, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Timothy L. Anderson.

**II. ROLL CALL**

Assembly members present and establishing a quorum were:

- Mr. J. Bruce Bush, Assembly District No. 1
- Mr. Bill Allen, Assembly District No. 2
- Mr. Talis J. Colberg, Assembly District No. 3
- Ms. Mary Kvalheim, Assembly District No. 4
- Ms. Jody Simpson, Assembly District No. 5
- Mr. Jim Colver, Assembly District No. 6 (Deputy Mayor)
- Ms. Betty Vehrs, Assembly District No. 7

Staff in attendance were:

- Ms. Sandra A. Dillon, CMC, Borough Clerk
- Mr. John Duffy, Borough Manager
- Ms. Teresa S. Williams, Borough Attorney
- Mr. David Germer, Assistant Borough Manager
- Ms. Janice Case, Borough Clerk's Secretary
- Ms. Tammy Clayton, Finance Director
- Mr. Chuck Braun, Acting Public Works Director
- Mr. Jack Krill, Emergency Services Director
- Mr. Ron Swanson, Community Development Director
- Ms. Susan Dickinson, Planning Director

**III. APPROVAL OF AGENDA**

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

GENERAL CONSENT: The agenda was approved as presented.

**IV. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mr. Joe Lawton, a member of the audience.

**V. MINUTES OF PRECEDING MEETINGS**

Mayor Anderson referenced the minutes of the September 9, 2003, joint Assembly/School Board meeting and asked if there were any corrections thereto.

GENERAL CONSENT: The minutes of the September 9, 2003, joint Assembly/School Board meeting were approved as presented without objection.

Mayor Anderson referenced the minutes of the September 16, 2003, regular meeting and asked if there were any corrections thereto.

GENERAL CONSENT: The minutes of the September 16, 2003, regular meeting were approved as presented without objection.

## **VI. REPORTS/CORRESPONDENCE**

### **A. AGENCY REPORTS**

#### **1. Reports from cities**

*(There were no reports presented.)*

#### **2. Matanuska-Susitna Borough School District**

*(There was no report presented.)*

#### **3. Alaska State Fair Re: 2003 Fair Results and 2004 Fair Projects and Issues – Joe Lawton**

Mr. Joe Lawton, General Manager of the Alaska State Fair:

- stated that the Alaska State Fair is still planning to move forward with the 90,000 square-foot Farm Exhibit Building;
- noted that they are optimistic that they will receive funding to proceed with the building;
- informed that they recently acquired property with an 80-foot hole, which was a functioning gravel extraction and dump site;
- stated that the Alaska State Fair property has recently been annexed to the city of Palmer;
- reported that they are working with the city of Palmer to change the zoning codes;
- commented that the State pulled its matching funds out of the commuter center project; and
- noted that the Alaska State Fair is looking for additional funding for the project.

Assemblymember Colberg inquired as to the amount of funds being pulled out by the State for the commuter center project.

Mr. Lawton replied that the State pulled approximately \$100,000.

Assemblymember Allen requested Mr. Lawton forward him a copy of the Alaska State Fair's five-year plan.

4. Mat-Su Convention and Visitors Bureau (MSCVB) Re: Quarterly Update – Bonnie Quill

Ms. Bonnie Quill, MSCVB Executive Director:

- discussed the various shows the MSCVB has participated in to promote the Matanuska-Susitna Borough, including the Alaska Winter and Travel Show;
- distributed the 2004 visitors guide;
- explained that the guide has expanded from 32 to 36 pages and has exceeded the sales goal of advertisements and memberships;
- referred to the Annual FY03 report;
- commented that the MSCVB won the Western Association Convention and Visitors Bureau 2003 Idea Faire award for Best of Show; and
- invited the Assembly members to attend the MSCVB annual meeting on Friday, November 7, 2003, at the Lake Lucille Inn and the annual awards banquet on Saturday, November 8, 2003, at the Lake Lucille Inn.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Colver:

- discussed the problem with schools being over capacity;
- noted that the site originally selected for the Wasilla Area Elementary School is the Church Road coal bed methane site; and
- stated that the site selection committee would be looking for new possible site locations.

Assemblymember Allen:

- stated that education programs have been driven by funding, not by need;
- commented on the local contribution cap formula, and stated that the State does not address the needs of a growing community such as the Borough;
- asked the Assembly and School Board to take an in-depth look at this problem.

2. Regional Transportation Planning Organization

Mayor Anderson stated that there have been no meetings.

C. MANAGER COMMENTS

Mr. Duffy:

- reported that the Port MacKenzie vibra-compaction project has been completed and the Borough has exceeded the acceptable levels of compaction;
- noted that the final work on the barge dock has also been completed;
- commented that a final draft of the joint venture agreement with NPI, LLC has been prepared and is ready for execution;

- stated that an on-site meeting was held with representatives of the U.S. Army Logistics Groups to familiarize U.S. Army officials with the port district;
- noted that the U.S. Army is considering our port as a site to load and transfer munitions for the various military bases in Alaska;
- informed that on October 22, 2003, a mid-term vessel report will be presented by Lockheed Martin;
- stated that the request-for-quotation has been issued for Hatcher Pass and some initial inquiries have been received;
- noted that the Borough has begun work preparing for the upcoming bond rating review and bond sales associated with the recent voter approvals;
- stated that the tentative schedule is to conduct the rating and bond pricing meetings in January and the bond sale during the second week of February;
- commented that the Borough was recently awarded over \$1 million in Homeland Security grant funds;
- noted that Trapper Creek would host a community gathering similar to the forum sponsored by the Y Community Council on Friday, October 24, 2003, at 5:30 p.m. and Saturday, October 25, 2003, at 9 a.m. at the Trapper Creek Elementary School;
- commented that the Borough's computer based transportation model is fully calibrated and the Borough is analyzing the impacts of certain road improvements for their ability to reduce congestion and improve safety;
- discussed the initiative by the Commissioner of the Alaska State Department of Natural Resources (DNR) to address the recent controversy on coal bed methane development;
- suggested that the Assembly schedule educational work sessions regarding the coal bed methane issue in order to be better informed;
- noted that Mr. Gillespie would attend the November 4, 2003, Assembly meeting;
- discussed the recent vandalism on the Alcantra Soccer Field; and
- stated that the Local Government Advisory Committee would meet between October 27 and 29, 2003, in Portland to discuss water and wastewater infrastructure funding and managing growth.

Assemblymember Colver:

- discussed the vandalism that occurred at the soccer fields; and
- recommended administration look into using video surveillance to monitor the area, as it is in an isolated location.

Assemblymember Vehrs inquired when the next DNR meeting was for the project team and if it would be possible to have a member of the public on the project team.

Mr. Duffy:

- replied that the next meeting will be on October 22, 2003, at 1 p.m. at the Alaska State Department of Natural Resources; and
- noted that a member of the public was considered by the Commissioner, but that he decided against having a member of the public on the project team.

Mayor Anderson requested the Manager to advise the Assembly of the meeting schedule for the coal bed methane project team.

Assemblymember Kvalheim:

- inquired as to the master plan of the coal bed methane contractors in the Valley;
- asked what the Borough's emergency plan is regarding coal bed methane; and
- recommended that the Assembly schedule the educational work sessions on coal bed methane.

Assemblymember Simpson asked Mr. Krill to send out information describing how Emergency Services is prepared to respond to coal bed methane problems.

Assemblymember Allen:

- inquired if the Manager has contacted other communities who have experience with coal bed methane; and
- asked him to forward the information to the Assembly.

Mr. Duffy replied he has contacted other communities and will forward the information to the Assembly.

Mayor Anderson:

- asked that a series of local government workshops on coal bed methane be scheduled; and
- requested that the ordinance on coal bed methane be prepared in conjunction with the workshops.

#### D. ATTORNEY COMMENTS

*(There were no comments presented.)*

#### E. CLERK COMMENTS

Ms. Dillon:

- reported that the recount for the mayoral race will begin on Thursday, October 23, 2003, at 8 a.m. in Assembly Chambers;
- informed that she has received a request that the recount be hand counted, which she has taken under advisement; and
- noted that arrangements for AML in Nome have been made and to contact the Clerk's Office with any questions.

#### F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Animal Care and Regulation Board: 07/14/03, 08/11/03 (special meeting), 08/11/03 (regular meeting)

- b. Consolidated Dispatch Advisory Committee: 07/08/03, 08/12/03
  - c. Emergency Medical Services Advisory Board: 08/06/03
  - d. Enhanced 9-1-1 Advisory Board: 07/08/03, 08/12/03
  - e. Historical Preservation Commission: 04/04/03, 07/11/03
  - f. Knik RSA No. 17 Board of Supervisors: 10/02/03
  - g. Library Board: 05/17/03, 09/20/03
  - h. Local Emergency Planning Committee: 05/21/03
  - i. Parks, Recreation, and Trails Advisory Board: 07/28/03, 09/22/03
  - j. Planning Commission: 08/04/03, 09/15/03
  - k. Regional Transportation Planning Organization: 07/28/03
  - l. Transportation Advisory Board: 07/23/03, 08/27/03
  - m. Wasilla-Lakes FSA No. 130 Board of Supervisors: 09/08/03
  - n. Willow FSA No. 35 Board of Supervisors: 05/07/03, 06/04/03, 07/02/03, 08/06/03
- 2. Community Council Correspondence:
    - a. Meadow Lakes Community Council: 08/13/03
    - b. Willow Area Community Organization: 09/08/03

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

#### G. INFORMATIONAL MEMORANDUMS

- 1. IM No. 03-249: AN INFORMATIONAL MEMORANDUM REGARDING THE CONTRACT AGREEMENT WITH WILLIAM L. DOOLITTLE FOR AN EMERGENCY 911 ASSESSMENTS STUDY.

Assemblymember Vehrs inquired if this is the same assessment that was performed in May 2002.

Mr. Duffy:

- replied that this is not the same study that was performed in May 2002;
- stated that the Borough was informed by 911, Inc., that the current system could face a catastrophic failure; and
- noted that the Borough hired William L. Doolittle to find out what could fail and what upgrades may be needed.

Assemblymember Colberg asked for clarification of the difference between this study and previous studies that have been performed.

Mr. Krill:

- stated that a needs assessment analysis was previously performed to project the development of a consolidated regional dispatch center; and
- explained that the purpose of the current study was to analyze the current dispatch system and any technical problems that may occur with the software program that is used.

2. IM No. 03-250: AN INFORMATIONAL MEMORANDUM REGARDING THE AWARD OF CONTRACT TO WELDIN CONSTRUCTION, INC., IN THE AMOUNT OF \$26,700 FOR REPLACEMENT OF LIGHTING AT EMERGENCY SERVICES STATION 65.

The informational memorandums were presented.

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

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

1. Mick Nolan Re: Title 16 Rewrite

Mayor Anderson stated that Mr. Nolan wished to be placed on the November 4, 2003, regular meeting agenda for persons to be heard.

### **B. PUBLIC HEARINGS (Three minutes per person.)**

1. Ordinance Serial No. 03-154: AN ORDINANCE AMENDING MSB TITLE 24, ANIMAL CARE AND REGULATION. (*Sponsor: Assemblymember Simpson*)
  - a. IM No. 03-225

CONFLICT OF INTEREST: Assemblymember Vehrs declared of conflict of interest because she was a member of the Animal Care and Regulation Board when this ordinance was created.

RULING: Mayor Anderson declared that Assemblymember Vehrs had a conflict of interest and would be recused from voting on the issue.

*(Assemblymember Vehrs exited the meeting at this time.)*

Mr. Allison:

- stated that many of the changes made to Title 24 are for clarification to make it easily understood by the public; and
- discussed the new levels of classifications.

Mayor Anderson opened the public hearing.

The following person spoke in support of Ordinance Serial No. 03-154: Ms. Joan Westall, a member of the Animal Care and Regulation Board.

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

MOTION: Assemblymember Simpson moved to adopt Ordinance Serial No. 03-154.

MOTION: Assemblymember Simpson moved a primary amendment to MSB 24.26.010(A)(2), to strike “unrestrained,” to read “Level 2 classification is established if an animal bites or causes physical injury to any domestic animal.”

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Simpson moved a primary amendment to MSB 24.26.010(A)(3)(b), to strike “while under restraint,” to read “causes any serious injury to a domestic animal.”

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Simpson moved to amend Ordinance Serial No. 03-154, the effective date, by inserting, “Sections 1 through 14 of this ordinance are retroactive to September 1, 2003, and section 15 (MSB 24.40.050(A)) of” before “this ordinance,” to read, “Sections 1 through 14 of this ordinance are retroactive to September 1, 2003, and section 15 (MSB 24.40.050(A)) of this ordinance shall take effect upon adoption by the Matanuska-Susitna Borough Assembly.”

Assemblymember Colberg inquired if this would affect any pending animal care and regulation cases.

Mr. Aschenbrenner replied that the retroactive effective date should not be a problem.

VOTE: The motion passed without objection.

MOTION: Assemblymember Colberg moved to amend Ordinance Serial No. 03-154, the definition of “attack,” by striking the words “including, but” in the second line, and inserting the words “which may include but is” after the word behavior, to read “‘Attack’ means an animal exhibiting overt aggressive behavior which may include, but is not limited to, snarling, baring teeth, chasing, growling, snapping, pouncing, or lunging.”

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

*(Assemblymember Vehrs returned to the meeting at this time.)*

2. Ordinance Serial No. 03-155: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$23,691 FROM THE GREATER PALMER FIRE SERVICE AREA FUND BALANCE, FUND 259, TO THE GREATER PALMER FIRE SERVICE AREA FISCAL YEAR 2004 OPERATING BUDGET, FUND 259, TO REPLACE A VEHICLE.

- a. IM No. 03-231

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Allen moved to adopt Ordinance Serial No. 03-155.

VOTE: The motion passed without objection.

3. Ordinance Serial No. 03-156: AN ORDINANCE ACCEPTING AND APPROPRIATING \$5,000 FROM THE ALASKA STATE DIVISION OF EMERGENCY SERVICES PRE-DISASTER MITIGATION GRANT PROGRAM, TO FUND 480, PROJECT NO. 20341, TO ASSIST IN COMPLETING THE DRAFT ALL-HAZARD MITIGATION PLAN.
  - a. Resolution Serial No. 03-100: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF EMERGENCY SERVICES (ADES) PRE-DISASTER MITIGATION GRANT, FUND 480, PROJECT NO. 20341.
    - (1) IM No. 03-233

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 03-156 and Resolution Serial No. 03-100.

VOTE: The motion passed without objection.

4. Ordinance Serial No. 03-157: AN ORDINANCE ACCEPTING AND APPROPRIATING \$25,000 FROM THE NATIONAL PARK SERVICE (NPS) TO FUND 480, PROJECT NO. 45138, FOR THE PURPOSE OF HIRING PROFESSIONAL SERVICES TO ASSIST IN THE DEVELOPMENT OF THE Y COMMUNITY COMPREHENSIVE PLAN.
  - a. Resolution Serial No. 03-101: A RESOLUTION ESTABLISHING A SCOPE OF WORK AND BUDGET AND AUTHORIZING THE MANAGER TO ENTER INTO A COOPERATIVE AGREEMENT BY AND BETWEEN THE MATANUSKA-SUSITNA BOROUGH AND THE NATIONAL PARK SERVICE, FOR THE PURPOSE OF HIRING PROFESSIONAL SERVICES TO ASSIST IN THE DEVELOPMENT OF THE Y COMMUNITY COMPREHENSIVE PLAN.
    - (1) IM No. 03-235

Mr. Duffy reported that the National Park Service has agreed to award matching funds in the amount of \$25,000 to assist in the planning efforts in the Y Community Council area.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Vehrs moved to adopt Ordinance Serial No. 03-157 and Resolution Serial No. 03-101.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke regarding appointing a representative from Willow to the Blue Ribbon Task Force on Police Powers: Ms. Gail Just-Cornelius.

### **VIII. UNFINISHED BUSINESS**

### **IX. NEW BUSINESS**

A. INTRODUCTION (For public hearing - 11/04/03, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 03-164: AN ORDINANCE CLASSIFYING LANDS AND APPROVING LANDS FOR SALE OR RETENTION.

a. IM No. 03-229

2. Ordinance Serial No. 03-165: AN ORDINANCE ACCEPTING A [\$38,700] \$38,250 ALASKA COASTAL MANAGEMENT (306 PROGRAM REQUIRED TASKS) GRANT AND APPROPRIATING [\$38,700] \$38,250 TO FUND 480, FOR THIS PROGRAM DURING FY04.<sup>1</sup>

a. Resolution Serial No. 03-103: A RESOLUTION ESTABLISHING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA COASTAL MANAGEMENT (306 PROGRAM REQUIRED TASKS) GRANT FOR FY04.

(1) IM No. 03-236

(2) IM No. 03-253

3. Ordinance Serial No. 03-166: AN ORDINANCE ACCEPTING AND APPROPRIATING \$2,312,500 FROM THE FEDERAL HIGHWAY ADMINISTRATION THROUGH THE ALASKA STATE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES TO FUND 430, FOR THE LITTLE SUSITNA RIVER ACCESS ROAD AND BRIDGE, PROJECT NO. 35264.

a. Resolution Serial No. 03-104: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE LITTLE SUSITNA RIVER ACCESS ROAD AND BRIDGE PROJECT, PROJECT NO. 35264.

(1) IM No. 03-239

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<sup>1</sup> Ms. Dillon noted prior to the introductions that the amount of the grant awarded in Ordinance Serial No. 03-165 was changed from \$38,700 to \$38,250.

4. Ordinance Serial No. 03-167: AN ORDINANCE ACCEPTING AND APPROPRIATING \$27,959 FROM THE ALASKA STATE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, ALASKA COASTAL MANAGEMENT PROGRAM 306, TO FUND 480, PROJECT NO. 20342, TO CONDUCT A SURVEY, EVALUATION, AND INVENTORY OF HISTORIC SITES IN THE MIDDLE SUSITNA COASTAL ZONE MANAGEMENT DISTRICT AND ADJACENT CORRIDORS.
  - a. Resolution Serial No. 03-105: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE AMOUNT OF \$27,959 TO CONDUCT A SURVEY, EVALUATION, AND INVENTORY OF HISTORICAL SITES IN THE COASTAL MANAGEMENT ZONE AND ADJACENT CORRIDOR OF THE MIDDLE SUSITNA RIVER REGION.
    - (1) IM No. 03-248
- B. INTRODUCTION (For public hearing - 12/02/03, 7 p.m., Borough Assembly Chambers)
  2. Ordinance Serial No. 03-159: AN ORDINANCE CREATING SHEENA MAY ESTATES AREA ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 387, 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. 03-244
  3. Ordinance Serial No. 03-160: AN ORDINANCE CREATING WAGON ROAD AND RAWHIDE LANE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 389, 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 IMPROVEMENT.
    - a. IM No. 03-245

Ms. Dillon 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 November 4, 2003, and December 2, 2003, respectively.

VOTE: The motion passed without objection.

1. Ordinance Serial No. 03-158: AN ORDINANCE CREATING UNALASKA AND ST. PAUL DRIVES ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 388, 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. 03-243

CONFLICT OF INTEREST: Assemblymember Colver declared a conflict of interest on Ordinance Serial No. 03-158.

RULING: Mayor Anderson ruled that Assemblymember Colver had a conflict of interest and would be recused from voting on the issue.

*(Assemblymember Colver exited the meeting at this time.)*

Ms. Dillon read Ordinance Serial No. 03-158 into the record.

MOTION: Assemblymember Kvalheim moved to introduce the legislation as read into the record by the Clerk and set the public hearing for December 2, 2003.

VOTE: The motion passed without objection.

*(Assemblymember Colver returned to the meeting at this time.)*

#### C. CONSENT AGENDA

(Resolution Serial Nos. 03-106 and 03-107 and AM Nos. 03-197, 03-205, 03-212, and 03-213 were pulled from the consent agenda and addressed separately. See pp. 13-16 of 19)

##### 1. RESOLUTIONS

c. Resolution Serial No. 03-108: A RESOLUTION AUTHORIZING THE MANAGER TO EXECUTE A GRANT AGREEMENT WITH THE CITY OF PALMER IN THE AMOUNT OF \$30,787.21 FOR THE PAVING OF SOUTH DENALI STREET AND APPROACHES ON EAST BIRCH AVENUE AND EAST BLUEBERRY AVENUE.

(1) IM No. 03-241

d. Resolution Serial No. 03-109: A RESOLUTION APPROVING A PARTIAL SCOPE OF WORK AND BUDGET FOR THE LANDFILL EXPANSION, PROJECT NO. 25038, TO ALLOW FOR THE CONSTRUCTION OF AN EQUIPMENT MAINTENANCE STORAGE BUILDING.

(1) IM No. 03-242

##### 2. ACTION MEMORANDUMS

a. AM No. 03-196: AUTHORIZING THE PURCHASE OF A FORD EXPLORER FROM NYE FRONTIER FORD IN THE AMOUNT OF \$22,002 FOR THE PUBLIC WORKS DEPARTMENT.

- c. AM No. 03-198: AWARD OF PROPOSAL 04-007 TO INFORMATION INSIGHTS IN AN AMOUNT NOT TO EXCEED \$138,514 TO CONDUCT A RURAL HEALTH CARE NEEDS ASSESSMENT.
- d. AM No. 03-204: AUTHORIZATION OF CHANGE ORDER NO. 1 TO CRITICAL HABITATS, INC., IN THE AMOUNT OF \$34,598 TO PROCEED WITH PHASES TWO AND THREE OF THE WETLANDS BANK ASSESSMENT.
- f. AM No. 03-206: AWARD OF BID NO. 04-039 TO CUMMINS NORTHWEST IN THE AMOUNT OF \$9,576.58 FOR THE INITIAL YEAR, AND \$9,301.58 FOR EACH ADDITIONAL ONE YEAR OPTION PERIOD, FOR GENERATOR TESTING AND MAINTENANCE.
- g. AM No. 03-207: AWARD OF PROPOSAL 04-036 TO CODE PUBLISHING, INC., IN THE AMOUNT OF \$22,375 FOR RECODIFICATION OF THE BOROUGH CODE, AND FOR THE AMOUNT OF \$5,150 PER YEAR FOR FOUR YEARS OF MAINTENANCE OF THE CODE.
- h. AM No. 03-208: APPROVAL OF CHANGE ORDER TO KOPPERUD TRANSPORTATION, INC., IN THE AMOUNT OF \$30,000 FOR THE SETTLEMENT AVENUE CULVERT REPLACEMENT PROJECT, PROJECT NO. 30078.
- i. AM No. 03-209: AWARD OF BID NO. 04-035 TO BIG R MANUFACTURING, LLC., IN THE AMOUNT OF \$70,475 FOR THE PURCHASE OF A PORTABLE STEEL BRIDGE TO REPLACE THE THREE PERCHED CULVERTS AT THE SITZE ROAD CROSSING OVER SWIFTWATER CREEK IN THE GOLD TRAILS ROAD SERVICE AREA.
- j. AM No. 03-210: AWARD OF PROPOSAL 03-148 TO SERVICE OIL AND GAS AND VALLEY FUEL IN AN AMOUNT EXPECTED TO EXCEED \$15,000 EACH FOR THE DELIVERY OF HEATING OILS AND DIESEL FUELS.
- k. AM No. 03-211: AWARD OF BID 04-028 TO ALASKA SALES AND SERVICE IN THE AMOUNT OF \$33,438 FOR AN EMERGENCY SERVICES ADMINISTRATIVE TRUCK.

Ms. Dillon read the consent agenda into the record.

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

VOTE: The motion passed without objection.

- a. Resolution Serial No. 03-106: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR TOURISM INFRASTRUCTURE PROJECTS.
- (1) IM No. 03-237

MOTION: Assemblymember Colver moved to adopt Resolution Serial No. 03-106.

MOTION: Assemblymember Colver moved a primary amendment to reduce the \$31,995.55 for the Big Lake boat launch to \$16,000 and to provide \$15,995.55 for the Hatcher Pass Nordic ski trail.

Assemblymember Colver spoke in support of the amendment.

Assemblymember Simpson inquired what would be accomplished with the funds for the Big Lake boat launch.

Mr. Swanson:

- replied that the funds are for signage and to complete the paving where the boat launch is located to eliminate erosion problems;
- stated that if the paving is not completed the Borough would lose the boat launch.

Assemblymember Simpson spoke in opposition to the amendment.

Discussion ensued regarding the amendment.

VOTE: The primary amendment failed with Assemblymembers Kvalheim and Colver in support.

VOTE: The main motion passed with Assemblymember Colver in opposition.

MOTION: Assemblymember Simpson moved for immediate reconsideration of Resolution Serial No. 03-106.

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

b. Resolution Serial No. 03-107: A RESOLUTION AMENDING THE COMPOSITION OF THE BLUE RIBBON TASK FORCE ON THE POLICE POWERS TO ADD TWO ADDITIONAL AT-LARGE MEMBERS.

(1) IM No. 03-238

MOTION: Assemblymember Colver moved to adopt Resolution Serial No. 03-107.

MOTION: Assemblymember Colver moved a primary amendment to insert, "Whereas, notwithstanding the provisions of MSB 4.05.040, the committee members need not be restricted to borough residents?".

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed without objection.

- b. AM No. 03-197: APPROVAL OF CHANGE ORDER TO BOUTET COMPANY IN THE AMOUNT OF \$27,000 FOR THE ON-SITE PROJECT REPRESENTATIVE DURING CONSTRUCTION OF CENTRAL LANDFILL CELL 2B.

MOTION: Assemblymember Colver moved to approve AM No. 03-197.

Mr. Braun:

- explained that the Borough provided the on-site material needed by the contractor to manufacture the cover needed for the cell;
- stated that the contractor has been having a difficult time manufacturing enough gravel for the cover that meets the required specifications;
- noted that the Borough has also informed the contractor that they would not have winter shut-down; and
- commented that due to the extension of time working an on-site representative is needed for an additional six weeks.

Assemblymember Colver:

- stated that this was the third change order the Assembly has received for an on-site representative; and
- commented that he is not happy to see another change order come through on this project.

Assemblymember Allen inquired if the concern of the Borough was that the contractor may not be using compliant material.

Mr. Braun affirmed that the type of material being used is a concern.

Assemblymember Simpson asked if an on-site representative was a requirement of the grant.

Mr. Braun replied that it is often a requirement of a grant to have on-site representative, but cannot confirm that it was a requirement of this grant.

Assemblymember Colberg inquired what would happen if the Assembly voted this change order down.

Mr. Braun replied that the Borough would assume the liability of the project.

Discussion ensued regarding the on-site project representative.

MOTION: Assemblymember Simpson called for the question (to stop debate).

VOTE: The motion to stop debate passed with Assemblymember Colver in opposition.

VOTE: The motion to approve AM No. 03-197 passed with Assemblymembers Kvalheim, Colver, and Allen in opposition.

- e. AM No. 03-205: AWARD OF BID NO. 04-044 TO WILDER CONSTRUCTION IN THE AMOUNT OF \$43,644.25 FOR THE SUPPLY OF WINTER ROAD CHIPS.

CONFLICT OF INTEREST: Assemblymember Colver declared a conflict of interest on AM Nos. 03-205 and 03-213.

RULING: Mayor Anderson ruled that Assemblymember Colver had a conflict of interest and would be recused from voting on the issues.

*(Assemblymember Colver exited the meeting at this time.)*

MOTION: Assemblymember Bush moved to approve AM No. 03-205.

VOTE: The motion passed without objection.

- m. AM No. 03-213: AUTHORIZE THE PURCHASE OF WINTER ROAD SAND IN THE AMOUNT OF \$30,065 FROM CENTRAL PAVING PRODUCTS.

MOTION: Assemblymember Colberg moved to approve AM No. 03-213.

VOTE: The motion passed without objection.

*(Assemblymember Colver returned to the meeting at this time.)*

- l. AM No. 03-212: AWARD OF A PURCHASE AGREEMENT WITH ZOLL MEDICAL IN THE AMOUNT OF \$23,215 FOR THE SUPPLY OF TWO DEFIBRILLATORS FOR EMERGENCY SERVICES.

MOTION: Assemblymember Colver moved to approve AM No. 03-212.

MOTION: Assemblymember Colver moved to amend AM No. 03-212 by striking the amount "\$23,215" throughout the AM, and inserting "\$29,215".

VOTE: The primary amendment passed without objection.

VOTE: The main motion as amended passed without objection.

#### D. MAYORAL NOMINATIONS AND APPOINTMENTS

##### 1. VACANCY REPORT

Mayor Anderson made the following recommendations:

Local Emergency Planning Committee

Walter Gilmour

James Moody

Big Lake Road Service Area No. 21

Jim Clemensen  
Greater Butte Road Service Area No. 26  
Mike Whitlach

Mayor Anderson requested the following confirmations:

Knik Road Service Area No. 17

Henry Corbin

North Colony Road Service Area No. 23

Barbara Gerard

Meadow Lakes Road Service Area No. 27

David Schacht

Talkeetna Sewer and Water Service Area No. 36

Werner Rauchenstein

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

VOTE: The motion passed without objection.

E. OTHER NEW BUSINESS

**X. RECONSIDERATION**

*(There were reconsiderations.)*

**XI. VETO**

*(There were no vetoes.)*

**XII. EXECUTIVE SESSION**

*(There was no executive session.)*

**XIII. MAYOR AND ASSEMBLY COMMENTS**

Assemblymember Vehrs commented that she enjoyed her first meeting as a member of the Assembly.

Assemblymember Bush:

- informed that he would be traveling to Colorado to look first-hand at the shallow gas situation and would report to the Assembly when he returns;
- stated that he also took a trip out to the Knik Glacier this weekend with some friends; and
- noted that there were quite a bit of people in the area.

Assemblymember Simpson thanked Mr. Swanson for the wetlands bank investigation, which will bring a lot of benefits to the Borough.

Assemblymember Kvalheim:

- stated that she was very pleased with the water quality studies in the Manager's report and would like to see it on the 2004 Federal Funding Priority List;
- requested a method for the Assembly to address state legislation so that the same situation that occurred with House Bill 69 does not take place again.

Assemblymember Allen:

- thanked Assemblymember Bush for traveling to Colorado to look into the shallow gas situation;
- welcomed Assemblymember Vehrs;
- requested the Attorney research reclamation laws; and
- stated that it is not a good policy for the people in the Borough to take material out of the land and then leave.

Mr. Aschenbrenner replied that he would research the matter.

Mr. Duffy;

- replied that the Borough does not have reclamation;
- noted that the Alaska State Department of Natural Resources does require it now, but they have not in the past; and
- stated that former Assemblymember Jansen developed an ordinance on mining districts that may include provisions for reclamation.

Assemblymember Allen requested a copy of the written findings for the ordinance.

Assemblymember Colver:

- requested that the lease requests from Evergreen Resources be sent to the Planning Commission and then to the Assembly; and
- opined that the Borough has a problem with project management, as shown on all of the change orders that have been occurring.

Mayor Anderson:

- asked Administration to bring several options forward to the Assembly regarding addressing state legislation;
- stated that it is important that the Assembly comment on state legislative actions;
- reminded the Assembly that the Houston High School dedication is on Thursday, October 23, 2003, at 6 p.m.; and
- welcomed Assemblymember Vehrs to the Assembly.

#### **XIV. ADJOURNMENT**

The regular meeting adjourned at 8:38 p.m.

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TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:

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SANDRA A. DILLON, CMC, Borough Clerk

Minutes Approved: November 4, 2003