

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on November 21, 2006, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Curtis D. Menard.

II. ROLL CALL

Assembly members present and establishing a quorum were:

Ms. Lynne Woods, Assembly District No. 1 (*Deputy Mayor*)
Mr. Bill Allen, Assembly District No. 2
Ms. Michelle R. Church, Assembly District No. 3
Ms. Mary Kvalheim, Assembly District No. 4
Ms. Cindy L. Bettine, Assembly District No. 5
Mr. Robert Wells, Assembly District No. 6
Mr. Tom Kluberton, Assembly District No. 7

Staff in attendance were:

Mr. John Duffy, Borough Manager
Ms. Michelle M. McGehee, CMC, Borough Clerk
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Lonnie McKechnie, Executive Assistant to the Borough Clerk
Ms. Tammy Clayton, Finance Director
Mr. Keith Rountree, Public Works Director
Mr. Dennis Brodigan, Director of Emergency Services
Mr. Ron Swanson, Community Development Director
Mr. Murph O'Brien, Planning and Land Use Director
Mr. Dave Hanson, Economic Development Director
Mr. Sev Jones, Planning Chief
Ms. Patty Sullivan, Public Relations Manager

III. APPROVAL OF AGENDA

Mayor Menard 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 Ms. Cheryl Metiva, Executive Director for the Wasilla Chamber of Commerce.

V. MINUTES OF PRECEDING MEETINGS

A. Special Assembly Meeting: 09/11/06

Mayor Menard inquired if there were any corrections to the special meeting minutes of September 11, 2006.

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

B. Regular Assembly Meeting: 09/19/06

Mayor Menard inquired if there were any corrections to the regular meeting minutes of September 19, 2006.

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

C. Special Assembly Meeting: 09/26/06

Mayor Menard inquired if there were any corrections to the special meeting minutes of September 26, 2006.

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

D. Special Assembly Meeting: 10/17/06

Mayor Menard inquired if there were any corrections to the special meeting minutes of October 17, 2006.

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

VI. SPECIAL ORDERS OF THE DAY

A. A Proclamation in Recognition of Veterans Remembrance Month

Mayor Menard:

- read the proclamation into the record; and
- presented the proclamation to Mr. David Alvarez, Chairman of the American National Veterans Service.

B. A Proclamation in Recognition of Adoption Day

Mayor Menard:

- read the proclamation into the record; and
- presented the proclamation to Mr. Greg Vankirk.

- C. Presentation to Community Emergency Response Teams for Participation in Providing Support During the August Floods

Mayor Menard expressed appreciation for the volunteers who assisted during the August floods.

Ms. Bea Adler:

- recognized the Community Emergency Response Teams (CERT) who assisted during the August floods; and
- presented plaques and letters of appreciation to the CERT Teams for their service.

VII. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Wasilla City

Councilmember Metiva:

- thanked Mr. Duffy for attending the Wasilla City Council meeting on November 6, 2006;
- congratulated Assemblymember Woods for being elected to the Executive Board of the Alaska Municipal League; and
- stated that he looks forward to the Joint Assembly/Tri-Cities meeting in 2007.

2. Matanuska-Susitna Borough School District

(There were no reports provided.)

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

(There was no report provided.)

2. Assembly Public Relations Committees

- a. Chambers of Commerce (*Assemblymember Bettine*)

(There was no report provided.)

- b. School Board (*Assemblymember Allen*)

Assemblymember Woods:

- spoke regarding attending the Palmer Junior Middle School Veterans Celebration; and
- spoke regarding visiting the Wasilla Junior Middle School and Wasilla High School, and speaking to the issues that the schools are having.

Assemblymember Allen:

- spoke to the need to improve the Assembly's relationship with the School Board; and
- requested a work session with the School Board so that the bodies could speak to each others expectations.

c. Cities (*Assemblymembers Kvalheim and Allen*)

(There was no report provided.)

d. Home Builders and Realtors Associations (*Assemblymember Bettine*)

(There was no report provided.)

e. Community Councils (*Mayor Menard and Manager*)

(There was no report provided.)

f. Civic Clubs (*Mayor Menard and Assemblymember Kvalheim*)

(There was no report provided.)

g. Non-Profit Organizations (*Mayor Menard and Assemblymember Kvalheim*)

(There was no report provided.)

C. MANAGER COMMENTS

1. State/Federal Legislation

Mr. Duffy:

- advised that there is a tentative meeting date with the State Delegation for December 18, 2006;
- requested a work session on January 9, 2006, to discuss the issues associated with the prison; and
- advised that he would like to take some personnel leave in the month of December.

D. ATTORNEY COMMENTS

(There was no report provided.)

E. CLERK COMMENTS

Ms. McGehee:

- spoke regarding the upcoming meeting schedule; and
- noted that she would look into hiring a caterer for the joint meeting with the State Legislative Delegation.

Assemblymember Allen spoke to the need for the Assembly to meet to discuss priorities prior to meeting with the State Delegation.

Discussion ensued regarding holding a strategy meeting prior to meeting with the State Delegation.

Mayor Menard queried if there was any objection to holding a special meeting on December 12, 2006, to discuss strategies prior to the meeting with the State Delegation.

There was no objection noted.

Ms. McGehee:

- spoke regarding scheduling the Assembly Retreat in January; and
- queried whether there was any objection to holding a joint meeting with the cities on February 8, 2006, at the Wasilla Sports Complex.

There was no objection noted.

Ms. McGehee:

- introduced Ms. Cheryl Marino, the new Administrative Assistant in the Clerk's Office;
- advised that this evening's meeting is being audio-streamed through Radio Free Palmer, as a demonstration;
- noted that the quasi-judicial boards are still very active; and
- spoke regarding the updates to the tracking report.

Assemblymember Bettine queried whether there has been a public hearing scheduled in Willow regarding the prison.

Mr. Duffy:

- advised that the Willow Area Community Organization will be holding a meeting regarding the prison on December 4, 2006; and
- noted that it is not a formal public hearing.

Mr. Kluberton queried whether the comment period for the prison could be extended to accommodate input from the Willow Area Community Organization meeting.

Mr. Duffy advised that the comment period regarding the prison could be extended.

Assemblymember Woods:

- spoke regarding the Borough employee's Christmas party scheduled for December 17, 2006; and
- requested that the members of the Assembly help contribute to the production of the Christmas party.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Caswell Lakes RSA No. 15: 09/07/06
 - b. Greater Talkeetna RSA No. 29: 09/14/06
 - c. Knik RSA No. 17: 10/26/06
 - d. Local Road Service Area Advisory Board: 09/21/06
 - e. Parks, Recreation, and Trails Advisory Board: 09/25/06, Resolution No. 06-17
 - f. Planning Commission: 10/16/06
 - g. Platting Board: 07/06/06, 07/20/06, 08/03/06, 08/17/06, 09/07/06, 09/21/06, 10/05/06
 - h. Port Commission: 09/18/06
 - i. Real Property Asset Management Board: 09/13/06
 - j. Talkeetna Sewer and Water SSA No. 36: 05/25/06, 06/29/06
 - k. Wasilla-Lakes FSA No. 130: 08/14/06
2. Community Council Correspondence:
 - a. Glacier View Community Council: 07/27/06, 08/31/06
 - b. Lazy Mountain Community Council: 09/14/06
 - c. Trapper Creek Community Council: 10/19/06

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

G. INFORMATIONAL MEMORANDUMS

1. IM No. 06-319: AN INFORMATIONAL MEMORANDUM REGARDING CHANGE ORDER NO. 2 TO SANDERS FORESTRY CONSULTING IN THE AMOUNT OF \$55,143 FOR THE FOREST MANAGEMENT PLAN, TIMBER SURVEY, AND APPRAISAL CONTRACT INITIATING PART TWO.
2. IM No. 06-320: AN INFORMATIONAL MEMORANDUM REGARDING THE PURCHASE OF REQUIRED LICENSING FOR THE COMPUTER-AIDED DISPATCH SYSTEM HARDWARE SUITE FROM ASAP SOFTWARE EXPRESS INC., FOR THE AMOUNT UP TO \$28,335.03.

The informational memorandums were presented and no comments were noted.

(The regular meeting recessed at 6:47 p.m. and reconvened at 7:03 p.m.)

Mayor Menard queried whether there was any objection to suspending the rules and going back to city reports to hear the city of Houston report.

There was no objection noted.

Houston City

Councilmember Fannon:

- noted that the Houston City Council has a resolution in support of the prison being located in Houston;
- stated that there will be people impacted negatively no matter where the prison is located; and
- requested that the Assembly support the prison location site in Houston.

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

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

B. PUBLIC HEARINGS (Three minutes per person.)

1. Ordinance Serial No. 06-191: AN ORDINANCE RECOMMENDING THE CLASSIFICATION OF GLO 11, 12, AND 13, SECTION 6 AND GLO 3, AND THE NORTHWEST ¼ SOUTHWEST ¼ OF SECTION 5, ALL LOCATED IN TOWNSHIP 18 NORTH, RANGE 3 EAST, SEWARD MERIDIAN, ALASKA, AS “GENERAL PURPOSE” LAND AND SALE OF THE FIVE PARCELS WITH DEVELOPMENT RESTRICTIONS TO THE INDIVIDUAL APPLICANTS FOR EACH PARCEL (MSB003446 AND MSB002878) IN THE LAZY MOUNTAIN COMMUNITY COUNCIL AREA.
 - a. IM No. 06-272

Mr. Swanson provided a staff report.

Mayor Menard opened the public hearing.

The following persons spoke in favor of Ordinance Serial No. 06-191: Mr. Carl Clark, Ms. Mary Rose Clark, Mr. Wil Peabody, and Mr. Dan Linden.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 06-191.

Assemblymember Woods stated that she attended community meetings where the purchase of the land was discussed and there was almost unanimous consent that the Borough sell the property.

Assemblymember Church thanked the applicants for waiting through the Borough’s process.

VOTE: The motion passed without objection.

2. Ordinance Serial No. 06-193: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$26,169 GRANT TO FUND 440, PROJECT NO. 15032, FROM THE ALASKA STATE DEPARTMENT OF NATURAL RESOURCES, DIVISION OF PARKS AND OUTDOOR RECREATION FOR THE HATCHER PASS MULTIPLE PURPOSE TRAILS.
 - a. Resolution Serial No. 06-140: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE HATCHER PASS MULTIPLE PURPOSE TRAIL.
 - (1) IM No. 06-282

Mayor Menard opened the public hearing.

The following person spoke in favor of Ordinance Serial No. 06-193 and Resolution Serial No. 06-140: Ms. Betsy Scott.

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

MOTION: Assemblymember Wells moved to adopt Ordinance Serial No. 06-193 and Resolution Serial No. 06-140.

Assemblymember Wells:

- stated that the Hatcher Pass area is a treasure for a lot of users; and
- opined that the trail improvements will be good for residents Statewide.

VOTE: The motion passed without objection.

3. Ordinance Serial No. 06-194: AN ORDINANCE ACCEPTING AND APPROPRIATING \$16,820.88 FROM MATANUSKA TELEPHONE ASSOCIATION TO A NON-LAPSING CAPITAL FUND 440, PROJECT NO. 20323, FOR UPGRADING AND ENHANCING THE TELECOMMUNICATIONS AND INFORMATION SERVICES IN THE BOROUGH LIBRARIES.
 - a. IM No. 06-283

Mr. Duffy provided a staff report.

Mayor Menard 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 Woods moved to adopt Ordinance Serial No. 06-194.

VOTE: The motion passed without objection.

4. Ordinance Serial No. 06-195: AN ORDINANCE ACCEPTING AND APPROPRIATING \$30,000 FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO FUND 480, PROJECT NO. 45197, FOR THE WETLANDS PROGRAM DEVELOPMENT PROJECT.
- a. Resolution Serial No. 06-141: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE WETLANDS PROGRAM DEVELOPMENT PROJECT.
- (1) IM No. 06-285

Mr. Duffy provided a staff report.

Mayor Menard opened the public hearing.

The following person spoke regarding the need for the Borough to have a wetlands program:
Mr. Garvin Buccaria.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 06-195 and Resolution Serial No. 06-141.

VOTE: The motion passed without objection.

5. Ordinance Serial No. 06-196: AN ORDINANCE APPROVING AN APPROPRIATION OF \$229,160 FROM THE AREAWIDE FUND BALANCE, FUND 100, TO FUND 410, FOR THE DUST CONTROL PROGRAM.
- a. IM No. 06-290

Mayor Menard 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 Woods moved to adopt Ordinance Serial No. 06-196.

Assemblymember Allen requested an explanation of the purpose of the funds.

Ms. Clayton:

- advised that the funds go directly to dust control; and
- stated that the Public Works Department will be bringing legislation forward to approve the projects for dust control.

VOTE: The motion passed without objection.

Mayor Menard inquired if there was any objection to moving the following legislation together: Ordinance Serial No. 06-197, Ordinance Serial No. 06-198, Ordinance Serial No. 06-199, Ordinance Serial No. 06-200, Ordinance Serial No. 06-201, Ordinance Serial No. 06-202, Ordinance Serial No. 06-203, Ordinance Serial No. 06-204, and Ordinance Serial No. 06-205.

There was no objection noted.

Ms. McGehee read the following legislation into the record.

6. Ordinance Serial No. 06-197: AN ORDINANCE APPROPRIATING \$1,767 FROM ALPINE ROAD SERVICE AREA NO. 31 FUND BALANCE, FUND 285, TO FUND 435, PROJECT NO. 30077, FOR THE SALTED SAND STORAGE PROJECT.
 - a. IM No. 06-294
7. Ordinance Serial No. 06-198: AN ORDINANCE REAPPROPRIATING \$32,743 FROM MIDWAY ROAD SERVICE AREA CAPITAL PROJECT NO. 30036, FUND 410, TO FUND 435, PROJECT NO. 30077, FOR THE SALTED SAND STORAGE BUILDING PROJECT.
 - a. IM No. 06-295
8. Ordinance Serial No. 06-199: AN ORDINANCE REAPPROPRIATING \$19,329 FROM FAIRVIEW ROAD SERVICE AREA CAPITAL PROJECT NO. 30037, FUND 410, TO FUND 435, PROJECT NO. 30077, FOR THE SALTED SAND STORAGE BUILDING PROJECT.
 - a. IM No. 06-296
9. Ordinance Serial No. 06-200: AN ORDINANCE REAPPROPRIATING \$70,592 FROM SOUTH COLONY ROAD SERVICE AREA CAPITAL PROJECT NO. 30039, FUND 410, TO FUND 435, PROJECT NO. 30077, FOR THE SALTED SAND STORAGE BUILDING PROJECT.
 - a. IM No. 06-297
10. Ordinance Serial No. 06-201: AN ORDINANCE REAPPROPRIATING \$385 FROM LAZY MOUNTAIN ROAD SERVICE AREA CAPITAL PROJECT NO. 30041, FUND 410, TO FUND 435, PROJECT NO. 30077, FOR THE SALTED SAND STORAGE BUILDING PROJECT.
 - a. IM No. 06-298
11. Ordinance Serial No. 06-202: AN ORDINANCE REAPPROPRIATING \$8,712 FROM NORTH COLONY ROAD SERVICE AREA CAPITAL PROJECT NO. 30044, FUND 410, TO FUND 435, PROJECT NO. 30077, FOR THE SALTED SAND STORAGE BUILDING PROJECT.
 - a. IM No. 06-299

12. Ordinance Serial No. 06-203: AN ORDINANCE REAPPROPRIATING \$65,437 FROM BOGARD ROAD SERVICE AREA CAPITAL PROJECT NO. 30045, FUND 410, TO FUND 435, PROJECT NO. 30077, FOR THE SALTED SAND STORAGE BUILDING PROJECT.
 - a. IM No. 06-300
13. Ordinance Serial No. 06-204: AN ORDINANCE REAPPROPRIATING \$3,679 FROM BUTTE ROAD SERVICE AREA CAPITAL PROJECT NO. 30046, FUND 410, TO FUND 435, PROJECT NO. 30077, FOR THE SALTED SAND STORAGE BUILDING PROJECT.
 - a. IM No. 06-301
14. Ordinance Serial No. 06-205: AN ORDINANCE REAPPROPRIATING \$39,446 FROM GOLD TRAILS ROAD SERVICE AREA CAPITAL PROJECT NO. 30048, FUND 410, TO FUND 435, PROJECT NO. 30077, FOR THE SALTED SAND STORAGE BUILDING PROJECT.
 - a. IM No. 06-302

Mr. Rountree provided a staff report.

Assemblymember Bettine:

- spoke regarding the escalation in the cost to build the sand storage building;
- spoke regarding the issues with the process;
- noted that road conditions are a high priority for constituents; and
- opined that the road service areas should be reimbursed for this project in the next budget cycle.

Mayor Menard opened the public hearing.

The following person spoke in favor of the salted sand storage facility: Mr. Carol Christianson, Bogard Road Service Area Board of Supervisors.

The following person spoke regarding concerns on the cost escalations and from taking the funds from the road service areas budgets: Ms. Mitzie Van Aslan.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 06-197, Ordinance Serial No. 06-198, Ordinance Serial No. 06-199, Ordinance Serial No. 06-200, Ordinance Serial No. 06-201, Ordinance Serial No. 06-202, Ordinance Serial No. 06-203, Ordinance Serial No. 06-204, and Ordinance Serial No. 06-205.

VOTE: The motion passed without objection.

15. Ordinance Serial No. 06-206: AN ORDINANCE ACCEPTING AND APPROPRIATING \$70,000 FROM THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, TO FUND 480, PROJECT NO. 20330, MATANUSKA-SUSITNA BOROUGH GEOGRAPHICAL INFORMATION SYSTEMS (GIS) PROPERTY WEBSITE PROJECT.
 - a. Resolution Serial No. 06-145: A RESOLUTION APPROVING THE REVISED SCOPE OF WORK AND BUDGET FOR THE MATANUSKA-SUSITNA BOROUGH GEOGRAPHICAL INFORMATION SYSTEMS (GIS) PROPERTY WEBSITE PROJECT, PROJECT NO. 20330, AND AUTHORIZING THE MANAGER TO MODIFY AN ASSISTANCE AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, FOR MANAGEMENT OF THE GRANT.
- (1) IM No. 06-303

Mr. Duffy provided a staff report.

Mayor Menard 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 Woods moved to adopt Ordinance Serial No. 06-206 and Resolution Serial No. 06-145.

Assemblymember Woods queried the method the public would use to view the assets.

Mr. Duffy advised that the public would be able to view the assets on the Borough website.

Discussion ensued regarding how the public would access the Borough website to view the assets.

VOTE: The motion passed without objection.

16. Ordinance Serial No. 06-208: AN ORDINANCE APPROVING AN APPROPRIATION OF \$15,000 FROM THE MEADOW LAKES FIRE SERVICE AREA FUND BALANCE, FUND 257, TO PROJECT NO. 45050, FUND 405, TO SUPPLEMENT THE PURCHASE OF A FIRE COMMAND VEHICLE AND RELATED EQUIPMENT.
 - a. Resolution Serial No. 06-142: A RESOLUTION AMENDING THE BUDGET OF PROJECT NO. 45050, FUND 405, TO SUPPLEMENT THE PURCHASE OF A FIRE COMMAND VEHICLE AND RELATED EQUIPMENT.
- (1) IM No. 06-305

Mr. Brodigan provided a staff report.

Mayor Menard 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 Kluberton moved to adopt Ordinance Serial No. 06-208 and Resolution Serial No. 06-142.

VOTE: The motion passed without objection.

17. Ordinance Serial No. 06-209: AN ORDINANCE APPROVING AN APPROPRIATION OF \$43,000 FROM THE WILLOW FIRE SERVICE AREA FUND BALANCE, FUND 258, TO PROJECT NO. 45211, FUND 405, TO PURCHASE A FIRE VEHICLE AND RELATED EQUIPMENT.
- a. Resolution Serial No. 06-143: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 45211, FUND 405, TO PURCHASE A FIRE VEHICLE AND RELATED EQUIPMENT.
- (1) IM No. 06-306

Mr. Brodigan provided a staff report.

Mayor Menard 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 Kluberton moved to adopt Ordinance Serial No. 06-209 and Resolution Serial No. 06-143.

Assemblymember Allen queried whether the purchase of the vehicle was to replace another vehicle.

Mr. Brodigan:

- advised that a vehicle is not being replaced; and
- advised that the original intent was to place the compressed air foam system on an Alaska State Division of Forestry vehicle; however, the vehicle was not capable of carrying the load.

Assemblymember Allen queried what happens to vehicles that are replaced.

Mr. Brodigan advised that replaced vehicles could go into surplus or be relocated to another fire station.

VOTE: The motion passed without objection.

18. Ordinance Serial No. 06-210: AN ORDINANCE ACCEPTING AND APPROPRIATING \$302,000 FROM THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT GRANT PROGRAM, TO FUND 425, PROJECT NO. 45158, FOR EXERCISE EXPENSES AND TO PURCHASE INTEROPERABLE COMMUNICATIONS EQUIPMENT.
 - a. Resolution Serial No. 06-144: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, PROJECT NO. 45158, FUND 425, FOR EXERCISE EXPENSES AND TO PURCHASE INTEROPERABLE COMMUNICATION EQUIPMENT.
- (1) IM No. 06-307

Mr. Brodigan provided a staff report.

Mayor Menard opened the public hearing.

The following person spoke to concerns regarding the cost of the maintenance of the communication system: Mr. Garvin Buccaria.

Assemblymember Allen queried the maintenance cost and the fiscal note.

Mr. Brodigan:

- stated that in the foreseeable future, the United States Department of Defense and the state of Alaska are fully funding the system and operational and maintenance expenses;
- noted that in the future they may request that the users pay an incremental portion of the operations and maintenance; and
- advised that the United States Department of Defense and the state of Alaska have made a commitment to fully fund the project for the next two years.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 06-210 and Resolution Serial No. 06-144.

VOTE: The motion passed without objection.

19. Ordinance Serial No. 06-211: AN ORDINANCE TO AUTHORIZE THE MATANUSKA-SUSITNA BOROUGH TO INCUR INDEBTEDNESS IN THE AMOUNT OF \$1,000,000 FROM THE ALASKA STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO BUILD A PERMANENT HOUSEHOLD HAZARDOUS WASTE FACILITY AT CENTRAL LANDFILL.
 - a. IM No. 06-308
 - b. IM No. 06-339

Mr. Rountree provided a staff report.

Mayor Menard opened the public hearing.

The following person spoke in opposition to Ordinance Serial No. 06-211: Mr. Pat Marley.

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

MOTION: Assemblymember Allen moved to adopt Ordinance Serial No. 06-211.

Assemblymember Allen:

- noted that the cost of building the facility is approximately \$233 per square foot;
- spoke regarding the extra equipment that is needed for the facility;
- spoke regarding the funding sources to build the facility; and
- recommended approval of the legislation.

Assemblymember Woods requested clarification of the solid waste enterprise fund.

Mr. Rountree:

- advised that it would be paid through fees; and
- noted that the enterprise fund is self-sustaining.

Mr. Duffy advised that real property taxes are not used for the landfill.

MOTION: Assemblymember Allen moved a primary amendment to Ordinance Serial No. 06-211 by striking all references to “\$606,375” and to insert in its place “\$1,000,000” throughout the legislation.

VOTE: The primary amendment passed without objection.

VOTE: The motion passed as amended without objection.

(The regular meeting recess at 8:12 p.m. and reconvened at 8:26 p.m.)

20. Ordinance Serial No. 06-215: AN ORDINANCE AMENDING MSB 17.60.030, CONDITIONAL USES, AND MSB 17.63.010, RACE TRACK REGULATIONS, FROM BEING REQUIRED IN THE CORE AREA, TO BEING REQUIRED BOROUGHWIDE.

a. IM No. 06-318

Mr. Jones provided a staff report.

Assemblymember Kluberton queried whether Capitol Speedway would have to apply for a conditional use permit or whether they would have grandfather rights.

Mr. Jones advised that any existing racetracks, unless they change their uses, would have grandfather rights.

Assemblymember Church:

- clarified that the Knik Fairview Community Council did not take a vote on this issue; and
- noted that the information that the Assembly received regarding the Knik Fairview Community Council was incorrect.

Assemblymember Kvalheim:

- noted that the suggested amendments for the ordinance are not on the agenda for this evening; and
- queried the Planning Department's recommendation.

Mr. Jones:

- noted that the amendments were spoken to at a public hearing at the Planning Commission level; and
- opined that the Assembly could take action on the amendments at the meeting this evening.

Assemblymember Bettine queried if amendments could be brought forward at a future meeting if the ordinance was approved this evening.

Mr. Duffy advised that if the ordinance were adopted tonight that the amendments could be brought back at a later date.

Mayor Menard opened the public hearing.

The following persons spoke in favor of Ordinance Serial No. 06-215: Ms. Cathy Hummel, Ms. Charlotte Sartor, Mr. Mark Simpson, Mr. Charles Griffin, Ms. Carrie Graywolf, Mr. Marcus Barbey, and Ms. Colleen Hamblen.

The following persons spoke in opposition to Ordinance Serial No. 06-215: Ms. Karen Lackey; Mr. Lud Larson; Ms. Kelly Sawyer; Mr. Bill Klebesadel; Mr. James Borden; Ms. Lucille Frey; Mr. Darrel Dreher; Mr. Dana Pruhs, President of South Central Motor Sports Association; Mr. Keith Akers, North Star Speedway Race Director; and Ms. Laura Bedarl.

The following persons clarified that the Knik-Fairview Community Council did not vote in opposition to this ordinance as it was not on their agenda: Ms. Anne Winkler, Secretary of the Knik-Fairview Community Council; and Mr. Robert Hamblen.

The following person spoke regarding concerns that the guidelines are too strict and requested modifications: Ms. Erika Bills.

(The regular meeting recess at 9:36 p.m. and reconvened at 9:45 p.m.)

The following persons spoke in support of Ordinance Serial No. 06-215: Ms. Mitzie VanAsdlan, Mr. Jeff Arndt; Ms. Mary Barrett, Mr. Gregory Nilsson, Mr. Carl Bingham, and Ms. Kathy Wells.

The following persons spoke in opposition to Ordinance Serial No. 06-215: Ms. Karen Akers, North Star Speedway Manager; Mr. Daniel Hertrich; Ms. Laurie Flanders, Ms. Kristina Coats, Mr. Mike Wolf, Mr. Bruce Walden, Ms. Patty Barber, Ms. Charlotte Sandsted, Mr. Landin Binder, and Ms. Jane Erickson.

The following person advised that he attended the Knik-Fairveiw Community Council meeting and was on the agenda to receive a support letter in opposition to the ordinance: Mr. Harry Brunhoezel.

The follow person encouraged the Assembly to send the ordinance back to the Planning Commission for more work: Mr. Scott Lapine.

The following person spoke to concerns on how the legislation moved forward through the Planning Commission to the Assembly and encouraged the Assembly to have a committee review the issue: Ms. Annette Harpster.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 06-215.

Assemblymember Church:

- noted that the existing race tracks are grandfathered;
- stated that the ordinance allows for public notice and public input for new racetracks;
- opined that conditional use permits are a compromise;
- spoke regarding economic development;
- opined that the same protection needs to be applied to the entire Borough and not just the core area; and
- spoke regarding the purpose for conditional use permits.

Assemblymember Kvalheim queried whether the amendments that have been recommended by staff could be taken up at this meeting.

Ms. McGehee:

- stated that the way the ordinance has been drafted and noticed to the public is specific to two sections of MSB 17.60 and 17.63;
- noted that the amendments are not part of the code sections that have been noticed to the public; and
- stated that there are issues related to public notice and to whether the amendments are germane, as the ordinance has been narrowly constructed.

Mr. Spiropoulos:

- advised that the body would have to determine whether the amendments are germane;
- spoke regarding court cases that have dealt with these types of amendments to ordinances;
- stated that the question is if the proposed amendments change the nature of the ordinance; and
- noted that the amendments are in response to public comments at the Planning Commission level.

Assemblymember Kvalheim advised that she is a strong proponent for ordinances to apply Boroughwide rather than just to the core area.

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 06-215, Section 4, MSB 17.63.005, to add a definition for “One-time annual race” to read as follows: “One-time annual race means a race which occurs annually but only once a year.”

Assemblymember Wells:

- noted that if he votes on the amendments that that does not speak to whether the amendments are germane; and
- noted that staff commented that the issue needs more of an extensive review before it goes boroughwide.

(Assemblymember Woods exited the meeting at this time.)

Assemblymember Allen:

- opined that more work needs to be done on this ordinance;
- spoke in favor of people getting together and coming up with a compromise on the issue; and
- opined that the current ordinance is a no win situation for either side.

MOTION: Assemblymember Allen moved to postpone Ordinance Serial No. 06-215 to a time certain of December 19, 2006, and to refer to committee.

Assemblymember Allen:

- stated that he would like to see the opposing sides of the issue meet and come up with a compromise; and
- requested that a committee of seven be appointed to come back within two weeks to report to the Assembly.

Discussion ensued regarding postponing the ordinance and referring the issue to a committee.

Assemblymember Kluberton:

- stated that the Assembly does not apply land use regulations based on urban versus rural;
- noted that this issue is similar in that a core area ordinance is being expanded borough wide;
- spoke regarding the difficulties of reaching a compromise on a borough wide level; and
- opined that appointing a committee will not resolve the issue.

MOTION: Assemblymember Bettine moved to extend the meeting passed 11 p.m. but not to exceed 12 midnight.

VOTE: The motion passed without objection.

Discussion ensued regarding:

- postponement of the ordinance and referring the issue to a committee; and
- the need for more work to be done on the ordinance.

WITHDRAWN: Assemblymember Allen withdrew his motion to postpone Ordinance Serial No. 06-215 to a time certain of December 19, 2006, and to refer to committee.

There was no objection noted.

WITHDRAWN: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 06-215, Section 4, MSB 17.63.005, to add a definition for “One-time annual race” to read as follows: “One-time annual race means a race which occurs annually but only once a year.”

There was no objection noted.

MOTION: Assemblymember Allen moved to refer Ordinance Serial No. 06-215 back to the Planning Commission with a recommendation to the Assembly by February 1, 2007.

VOTE: The motion failed with Assemblymembers Allen and Wells in support.

Assemblymember Bettine queried if amendments could be brought back if the ordinance is adopted this evening.

Ms. McGehee advised that amendments could be brought forward as soon as the next meeting.

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

VOTE: The motion to stop debate failed with Assemblymember Allen in support.

Discussion ensued regarding:

- the need to make amendments to the ordinance;
- giving the Butte community time to work with the race track owners in the Butte; and
- whether to adopt the ordinance prior to making the amendments.

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

VOTE: The motion to stop debate passed with Assemblymembers Allen and Wells in opposition.

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

Assemblymember Church requested that administration bring the ordinance including the amendments back to the Assembly by December 19, 2006.

MOTION: Assemblymember Wells moved to suspend the rules to take up the consent agenda and introductions.

VOTE: The motion passed without objection.

(Public hearings continued to page 26 of 28.)

C. CONSENT AGENDA (Resolution Serial No. 06-150, Resolution 06-152, and Resolution Serial No. 06-153 were pulled from the consent agenda and addressed separately. *See pp. 23 of 28*)

1. RESOLUTIONS

a. Resolution Serial No. 06-146: A RESOLUTION ESTABLISHING DATES CERTAIN FOR PAYMENT, DELINQUENCY, PROTEST, AND APPEAL OF 2007 REGULAR TAX ROLLS AND BUSINESS INVENTORY FILING, AND FOR THE COMMENCEMENT OF HEARINGS BEFORE THE BOARD OF EQUALIZATION.

(1) IM No. 06-316

b. Resolution Serial No. 06-147: A RESOLUTION AMENDING THE BUDGET FOR PROJECT NO. 20266, TO ALLOW FOR THE PURCHASE OF A 1 ¼ TON SUPERCAB FOR AN OPERATION AND MAINTENANCE FACILITY MAINTENANCE VEHICLE.

(1) IM No. 06-323

c. Resolution Serial No. 06-148: A RESOLUTION APPROVING THE PARTIAL SCOPE OF WORK AND BUDGET OF ROAD SERVICE AREA CAPITAL FUNDS TO ALLOW FOR SURVEYING AND ENGINEERING SERVICES IN SUPPORT OF 2007 ROAD MAINTENANCE AND REPAIR CAPITAL PROJECTS.

(1) IM No. 06-325

d. Resolution Serial No. 06-149: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE CONSTRUCTION OF THE SALTED SAND STORAGE BUILDING AT CENTRAL LANDFILL, PROJECT NO. 30077.

(1) IM No. 06-326

- f. Resolution Serial No. 06-151: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE BOROUGHWIDE ROAD UPGRADES PROJECT, FUND 410, FOR THE FISCAL YEAR 2007 DESIGNATED LEGISLATIVE GRANT FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT.
 - (1) IM No. 06-329
- i. Resolution Serial No. 06-154: A RESOLUTION AUTHORIZING THE MANAGER TO EXECUTE A TRANSFER OF RESPONSIBILITIES AGREEMENT BY AND BETWEEN THE MATANUSKA-SUSITNA BOROUGH AND ALASKA FAMILY SERVICES FOR THE COMPLETION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE TRANSITIONAL LIVING CENTER.
 - (1) IM No. 06-337
- 2. ASSEMBLY MEMORANDUMS
 - a. AM No. 06-216: APPROVAL OF AGREEMENT WITH ROMEA IN THE AMOUNT OF \$25,000 FOR CONTRACTUAL WORK IN AN EFFORT TO COMPLETE ADDITIONAL STUDIES ON BELUGA WHALES PRIOR TO THE ENDANGERED SPECIES ACT DETERMINATION.
 - b. AM No. 06-220: AUTHORIZATION TO EXCEED OPTIONAL MAINTENANCE LIMITS AND APPROVE CHANGE ORDERS FOR THE APPLICATION OF CALCIUM CHLORIDE TO ROADS UNDER THE ROAD SERVICE AREA ANNUAL MAINTENANCE CONTRACTS TO KOPPERUD TRANSPORTATION IN THE AMOUNT OF \$19,100 FOR MIDWAY RSA, \$19,688 FOR GREATER BUTTE RSA, AND \$10,125 FOR ALPINE RSA; TO TEW'S EXCAVATION IN THE AMOUNT OF \$20,300 FOR SOUTH COLONY RSA, \$20,500 FOR BIG LAKE RSA, AND \$27,000 FOR MEADOW LAKES RSA; TO JA SPAIN AND SONS IN THE AMOUNT OF \$45,000 FOR KNIK RSA AND \$20,100 FOR BOGARD RSA; AND TO TEELING AND SONS IN THE AMOUNT OF \$55,000 FOR GOLD TRAILS RSA.
 - c. AM No. 06-221: AWARD OF BID NO. 07-035 TO KING OF DIAMONDS EXCAVATING IN THE CONTRACT AMOUNT OF \$183,250 FOR THE SCHWALD ROAD UPGRADE PHASE II PROJECT – AMENDED.
 - d. AM No. 06-222: APPROVAL OF CHANGE ORDER TO ALASKA RIM ENGINEERING, INC. IN THE AMOUNT OF \$145,000 FOR RIGHT-OF-WAY AND SURVEY SERVICES ON CAPITAL ROAD IMPROVEMENT PROJECTS.
 - e. AM No. 06-223: APPROVAL OF CHANGE ORDER TO UNIT COMPANY IN THE AMOUNT OF \$249,957 FOR ADDITIONAL WORK TO THE KNIK-GOOSE BAY ELEMENTARY SCHOOL DESIGN/BUILD PROJECT, PROJECT NO. 40161.

- f. AM No. 06-224: REQUEST APPROVAL FOR A PERMANENT ANIMAL CARE SHELTER ASSISTANT POSITION TO MAINTAIN QUALITY OPERATIONS OF THE BOROUGH ANIMAL CARE AND REGULATION SHELTER.
- g. AM No. 06-225: AWARD OF PROPOSAL NO. 07-025 TO 911 INSIGHT IN THE AMOUNT NOT TO EXCEED \$90,000 FOR THE E-911 SYSTEM PHASE II WIRELESS PROJECT CONSULTANT.
- h. AM No. 06-228: AWARD OF BID NO. 07-061 TO NORTHERN GEOTECHNICAL ENGINEERING FOR THE AMOUNT NOT TO EXCEED \$75,000 FOR ON-CALL SPECIAL INSPECTIONS, FIELD TESTING, AND LABORATORY SERVICES FOR VARIOUS BUILDING, ROAD, DOCK, AND UTILITY PROJECTS.
- i. AM No. 06-229: AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH COLLINS CONSTRUCTION IN THE AMOUNT OF \$55,027 FOR UPGRADES TO THE SHAW ELEMENTARY SCHOOL WATER DISTRIBUTION SYSTEM.
- j. AM No. 06-230: AWARD OF BID NO. 07-055 TO CONSTRUCTION MACHINERY INDUSTRIAL LLC IN THE AMOUNT NOT TO EXCEED \$68,845 FOR THE PURCHASE OF A BACKHOE FOR THE CENTRAL LANDFILL.
- k. AM No. 06-232: AUTHORIZATION TO PURCHASE UP TO FIVE ZOLL BRAND EXTERNAL DEFIBRILLATORS IN THE AMOUNT NOT TO EXCEED \$135,000 FOR THE USE IN DEPARTMENT OF EMERGENCY SERVICES VEHICLES.
- l. AM No. 06-233: AWARD OF PROPOSAL NO. 07-018 TO CORVUS CONTRACTORS LLC IN THE AMOUNT NOT TO EXCEED \$675,000 FOR THE SAND STORAGE BUILDING DESIGN-BUILD.

Ms. McGehee read the above legislation into the record.

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

VOTE: The motion passed without objection.

CONFLICT OF INTEREST: Assemblymember Wells declared a conflict of interest on Resolution Serial No. 06-150.

RULING: Mayor Menard ruled that Assemblymember Wells had a conflict of interest and would be recused from voting.

(Assemblymember Wells exited the meeting at this time.)

- e. Resolution Serial No. 06-150: A RESOLUTION ADOPTING THE JUNE 2006 UPDATE OF THE MAT-SU COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY.

(1) IM No. 06-327

MOTION: Assemblymember Bettine moved to adopt Resolution Serial No. 06-150

VOTE: The motion passed without objection.

(Assemblymember Wells re-entered the meeting at this time.)

Assemblymember Allen:

- noted that during the public testimony on Ordinance Serial No. 06-215, a question was raised on whether Assemblymember Church could vote on the issue;
- stated that Mr. Spiropoulos has advised that Assemblymember Church has no reason to recuse herself from voting on the ordinance; and
- stated that he wanted this issue to be placed into the record.

- g. Resolution Serial No. 06-152: A RESOLUTION APPROVING STATE LEGISLATIVE PRIORITIES FOR THE MATANUSKA-SUSITNA BOROUGH FOR THE YEAR 2007.

(1) IM No. 06-331

MOTION: Assemblymember Kvalheim moved to adopt Resolution Serial No. 06-152.

MOTION: Assemblymember Kvalheim moved to postpone Resolution Serial No. 06-152 to a time certain of December 19, 2006.

VOTE: The motion to postpone to time certain passed without objection.

- h. Resolution Serial No. 06-153: A RESOLUTION APPROVING FEDERAL PRIORITIES FOR THE MATANUSKA-SUSITNA BOROUGH FOR THE YEAR 2007.

(1) IM No. 06-332

MOTION: Assemblymember Kvalheim moved to adopt Resolution Serial No. 06-153.

MOTION: Assemblymember Kvalheim moved to postpone Resolution Serial No. 06-153 to a time certain of December 19, 2006.

VOTE: The motion passed without objection.

IX. NEW BUSINESS

A. INTRODUCTION (For public hearing - 12/05/06, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 06-218: AN ORDINANCE ACCEPTING AND APPROPRIATING AN ADDITIONAL \$45,000 FROM THE STATE OF ALASKA GENERAL FUND TO FUND 430, PROJECT NO. 35299, FOR THE BOGARD ROAD EXTENSION EAST AND SELDON ROAD EXTENSION WEST HIGHWAY PROJECTS.
 - a. Resolution Serial No. 06-155: A RESOLUTION APPROVING THE AMENDED BUDGET FOR THE BOGARD ROAD EXTENSION EAST AND THE SELDON ROAD EXTENSION WEST HIGHWAY PROJECTS.
 - (1) IM No. 06-314
2. Ordinance Serial No. 06-219: AN ORDINANCE ACCEPTING AND APPROPRIATING GRANT FUNDS IN THE AMOUNT OF \$2,500 FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT, TO FUND 480, FOR UPGRADES TO THE SKWENTNA AIRPORT.
 - a. Resolution Serial No. 06-156: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE GRANT FOR THE UPGRADES TO THE SKWENTNA AIRPORT.
 - (1) IM No. 06-324
3. Ordinance Serial No. 06-220: AN ORDINANCE APPROVING AN APPROPRIATION OF \$20,000 FROM THE BIG LAKE FIRE SERVICE AREA FUND BALANCE, FUND 256, TO PROJECT NO. 45209, FUND 405, TO SUPPLEMENT THE PURCHASE OF FIRE APPARATUS AND RELATED EQUIPMENT.
 - a. Resolution Serial No. 06-157: A RESOLUTION AMENDING THE BUDGET OF PROJECT NO. 45209, FUND 405, TO SUPPLEMENT THE PURCHASE OF FIRE APPARATUS AND RELATED EQUIPMENT, FOR THE BIG LAKE FIRE SERVICE AREA.
 - (1) IM No. 06-333
4. Ordinance Serial No. 06-221: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$77,639.13 GRANT, FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT, TO FUND 405, PROJECT NO. 45140, FOR CONSTRUCTION AND RENOVATION OF FACILITIES AND PURCHASE OF FIRE FIGHTING EQUIPMENT, FOR THE GREATER PALMER FIRE SERVICE AREA.
 - a. Resolution Serial No. 06-158: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT GRANT, PROJECT NO. 45140, FUND 405, FOR THE CONSTRUCTION AND RENOVATION OF FACILITIES AND THE PURCHASE OF FIRE FIGHTING EQUIPMENT FOR THE GREATER PALMER FIRE SERVICE AREA.

- (1) IM No. 06-334
- 5. Ordinance Serial No. 06-222: AN ORDINANCE CREATING A NEW TITLE 28, NATURAL RESOURCE UTILIZATION, AND CREATING NEW CHAPTERS, GENERAL PROVISIONS, AND DEFINITIONS.
 - a. IM No. 06-335
- 6. Ordinance Serial No. 06-223: AN ORDINANCE ESTABLISHING A NEW CHAPTER IN BOROUGH CODE, MSB 28.60, TIMBER HARVEST.
 - a. IM No. 06-336
- 7. Ordinance Serial No. 06-224: AN ORDINANCE AMENDING MSB 5.25.010(A), AND PLACING ON THE BALLOT OF THE OCTOBER 2, 2007, REGULAR ELECTION, THE ANNEXATION OF CERTAIN PROPERTIES IN AND AROUND THE NORTH ALL ELKS ROAD AREA, INTO THE SUTTON FIRE SERVICE AREA NO. 4.
 - a. Resolution Serial No. 06-159: A RESOLUTION FINDING THE ANNEXATION OF PROPERTIES IN AND AROUND THE NORTH ALL ELKS ROAD AREA INTO THE SUTTON FIRE SERVICE AREA NO. 4 SERVES THE PUBLIC INTEREST WITHOUT CIRCULATION OF PETITION AMONG RESIDENTS IN SAID AREA, AS ALLOWED BY MSB 5.10.015, INITIATION BY THE ASSEMBLY.
(Sponsor: Assemblymember Woods)
- (1) IM No. 06-338
- B. INTRODUCTION (For public hearing - 01/16/07, 7 p.m., Borough Assembly Chambers)
- 1. Ordinance Serial No. 06-212: AN ORDINANCE CREATING WENDT ROAD NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 419, 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. 06-311
- 2. Ordinance Serial No. 06-213: AN ORDINANCE CREATING NORTHSORE DRIVE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 420, 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. 06-312
- 3. Ordinance Serial No. 06-214: AN ORDINANCE CREATING HERMON HEIGHTS PHASE I AND II ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 421, 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. 06-313

4. Ordinance Serial No. 06-216: AN ORDINANCE CREATING NORTHSTAR CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 422, 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. 06-321

5. Ordinance Serial No. 06-217: AN ORDINANCE CREATING EAST SHORELINE CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 423, 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. 06-322

Ms. McGehee read the above legislation into the record.

MOTION: Assemblymember Kvalheim moved to introduce the legislation as read into the record by the Clerk and set the public hearings for December 5, 2006, and January 16, 2006, respectively.

VOTE: The motion passed without objection.

(Public hearings continued from page 20 of 28)

CONFLICT OF INTEREST: Mayor Menard advised he has a conflict of interest on Ordinance Serial No. 06-192 and Resolution Serial No. 06-139.

(Mayor Menard exited the meeting at this time.)

(Assemblymember Kvalheim assumed the duties as chair.)

Mr. Spriopoulos:

- advised that Assemblymember Kluberton had asked him whether he had a conflict of interest on ordinance Serial No. 06-192 and Resolution Serial No. 06-139, as Assemblymember Kluberton was on the Planning Commission while discussions were taking place; and
- advised that Assemblymember Kluberton does not have a conflict of interest on the legislation as he was no longer on the Planning Commission when this issue was voted on.

21. Ordinance Serial No. 06-192: AN ORDINANCE REPEALING MSB 17.01, ACKNOWLEDGEMENT OF EXISTING LAND USE REGULATIONS, ENACTING MSB 17.02, MANDATORY LAND USE PERMIT, AND AMENDING MSB 17.125.010, DEFINITIONS.
- b. Resolution Serial No. 06-139: A RESOLUTION ESTABLISHING FEES FOR MSB MANDATORY LAND USE PERMIT, TITLE 17, ZONING.
- (1) IM No. 06-273

Mr. Jones provided a staff report.

Assemblymember Allen queried whether the existing staff could meet the deadlines.

Mr. Jones:

- spoke to reviewing other jurisdictions with the same growth rates;
- noted that he has worked in three separate jurisdictions that did building and land use permits;
- spoke regarding staff levels within the different jurisdictions that were reviewed; and
- opined that the current staff levels could meet the deadlines.

Assemblymember Church queried whether this was a site permit rather than a building permit.

Mr. Jones:

- stated that there has been a misconception that this is a building permit; and
- spoke regarding the differences between a site permit and building permit.

Assemblymember Bettine:

- requested that staff continue the staff report at the next meeting so that the public hearing could take place; and
- queried whether the vacancy report could be taken up at the next meeting.

Ms. McGehee advised that the vacancy report and unfinished business could move forward to the December 5, 2006, meeting.

Assemblymember Kvalheim opened the public hearing.

The following persons spoke in opposition to Ordinance Serial No. 06-192 and Resolution Serial No. 06-139: Mr. Gordon Attalides, Mr. Pat Marley, Ms. Julie Starr, and Mr. Dan Owens.

Assemblymember Kvalheim queried if there was any objection to continuing the public hearing on Ordinance Serial No. 06-192 and Resolution Serial No. 06-139 to January 16, 2006.

There was no objection noted.

MOTION: Assemblymember Bettine moved to reconsider Ordinance Serial No. 06-215.

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

X. ADJOURNMENT

The regular meeting adjourned at 12 a.m.

/ S /

CURTIS D. MENARD, Borough Mayor

ATTEST:

/ S /

MICHELLE M. MCGEHEE, CMC, Borough Clerk

Minutes approved: 12/05/06