

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on December 5, 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:

Mr. Bill Allen, Assembly District No. 2 (*arrived 6:35 p.m.*)
Ms. Michelle R. Church, Assembly District No. 3
Ms. Mary Kvalheim, Assembly District No. 4
Ms. Cindy L. Bettine, Assembly District No. 5
Mr. Tom Kluberton, Assembly District No. 7

Assemblymembers absent and excused were:

Ms. Lynne Woods, Assembly District No. 1 (*Deputy Mayor*)
Mr. Robert Wells, Assembly District No. 6

Staff in attendance were:

Ms. Michelle M. McGehee, CMC, Borough Clerk
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Marian Romano, Acting 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, Director of Emergency Services
Mr. Ron Swanson, Community Development Director
Mr. Murph O'Brien, Planning and Land Use Director

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 School Board President Larry DeVilbiss.

V. MINUTES OF PRECEDING MEETINGS

A. Regular Assembly Meeting: 10/17/06

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

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

B. Special Assembly Meeting: 10/24/06

Mayor Menard inquired if there were any corrections to the special meeting minutes of October 24, 2006.

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

C. Regular Assembly Meeting: 11/21/06

Mayor Menard inquired if there were any corrections to the regular meeting minutes of November 21, 2006.

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

(There were no reports provided.)

2. Matanuska-Susitna Borough School District

School Board President DeVilbiss:

- provided an update regarding the School District's curriculum audit; and
- spoke regarding having to adjust the School District's budget due to the shortfalls in the projected student enrollment.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

(There was no report provided.)

2. Assembly Public Relations Committees

(There was no report provided.)

a. Chambers of Commerce *(Assemblymember Bettine)*

(There was no report provided.)

b. School Board *(Assemblymember Allen)*

(There was no report provided.)

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)*

C. MANAGER COMMENTS

1. State/Federal Legislation

Mr. Romano provided a update regarding the Information Technology Division.

Assemblymember Bettine queried what Borough departments would be affected by the conversion project.

Ms. Romano:

- advised that all the Borough departments would be affected by the conversion; and
- spoke regarding the new assessment software.

D. ATTORNEY COMMENTS

(There was no report provided.)

E. CLERK COMMENTS

Ms. McGehee:

- spoke regarding the upcoming meeting schedule;
- noted that the quasi-judicial boards are still busy in the Clerk's Office;
- spoke regarding audio streaming the Assembly meetings; and
- queried whether the Assembly would like to continue the audio streaming of the Assembly meetings.

Assemblymember Church:

- spoke regarding positive comments she has received from the public regarding audio streaming the Assembly meetings; and
- advised that she supports the audio streaming of the meetings.

Assemblymember Bettine:

- noted that she has also heard positive comments from the public regarding the audio streaming of Assembly meetings; and
- queried whether there was a cost to administration for the audio streaming.

Ms. McGehee advised that she needs to meet with the Information Technology Division to meet to discuss these issues.

Ms. Romano:

- stated that audio streaming is technically possible; however, a concern would be regarding the security firewall; and
- advised that once they are able to get the Borough's website overhauled, the audio streaming can be done internally.

Discussion ensued regarding the audio streaming of Assembly meetings.

Mayor Menard queried if there was any objection to having Radio Free Palmer audio stream the next regular Assembly meeting.

There was no objection noted.

Ms. McGehee provided an update regarding the Borough employees Christmas Party.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Animal Care and Regulation Board: 07/10/06, 08/14/06, 09/15/06, 10/09/06
- b. Caswell Lakes RSA No. 15: 10/05/06
- c. Greater Butte RSA No. 26: 11/09/06
- d. Greater Willow RSA No. 20: 06/29/06, 08/08/06, 10/05/06
- e. Library Board: 09/16/06

- f. Planning Commission: 11/06/06
 - g. Real Property Asset Management Board: 10/11/06
 - h. Sutton FSA No. 4: Resolution from 11/06/06
- 2. Community Council Correspondence:
 - a. Pt. MacKenzie Community Council: 09/30/06
 - b. Trapper Creek Community Council: 11/16/06
 - c. Y Community Council: 11/02/06

The citizen and correspondence were presented.

Assemblymember Bettine:

- advised that some of the minutes from the boards that have been brought forward to the Assembly have not been approved by the board; and
- queried whether there could be a regulation that the board's meeting minutes have to be approved prior to coming forward to the Assembly.

Ms. McGehee:

- advised that correspondence has gone out to the boards requesting only approved minutes be submitted; and
- noted that the Clerk's Office can implement a tracking system to make sure that the minutes being brought forward to the Assembly have been approved by the boards.

Discussion ensued regarding the Assembly only receiving approved minutes from the boards.

G. INFORMATIONAL MEMORANDUMS

(There were no informational memorandums presented.)

VII. UNFINISHED BUSINESS

- A. Ordinance Serial No. 06-170: AN ORDINANCE PROHIBITING POLITICAL FUNDRAISING ON OR BY THE USE OF BOROUGH PROPERTY AND THE USE OF BOROUGH PROPERTY FOR POLITICAL CAMPAIGN PURPOSES. *(Sponsored by: Assemblymember Kvalheim) (Motion Pending: 09/05/06)*
 - 1. IM No. 06-237

MOTION PENDING: Assemblymember Kvalheim moved to adopt Ordinance Serial No. 06-170.

MOTION: Assemblymember Kvalheim moved to postpone Ordinance Serial No. 06-170 indefinitely.

Assemblymember Kvalheim:

- advised that the Ethics Board feels that there needs to be a re-write of the ethics code; and
- advised that another ordinance will be brought back to the Assembly at a later date.

VOTE: The motion passed without objection.

CONFLICT OF INTEREST: Mayor Menard and Assemblymember Kluberton advised that they have a conflict of interest on Ordinance Serial No. 06-188, as they had reviewed the multi-development design standards while they were on the Planning Commission

(Mayor Menard and Assemblymember Kluberton exited the meeting at this time.)

(Assemblymember Kvalheim assumed the duties of the chair.)

- B. OrdinanceSerialNo.06-188: AN ORDINANCE ADOPTING MSB 17.73, MULTI-FAMILY DEVELOPMENT DESIGN STANDARDS.
1. Resolution Serial No. 06-166: A RESOLUTION ESTABLISHING FEES FOR MULTI-FAMILY DEVELOPMENT DESIGN STANDARDS APPLICATIONS UNDER TITLE 17, ZONING.
 - a. IM No. 06-292
 - b. IM No. 06-229

MOTION PENDING: Assemblymember Bettine moved to adopt Ordinance Serial No. 06-188

Ms. Romano:

- requested that Ordinance Serial No. 06-188 be postponed until February 6, 2006; and
- spoke regarding the changes that have been requested by developers.

MOTION: Assemblymember Allen moved to postpone Ordinance Serial No. 06-188 to February 6, 2006, and to reopen the public hearing at that time.

Assemblymember Church:

- queried whether the ordinance would be going back to the Planning Commission; and
- noted that the developers had a lot of input in drafting the current ordinance.

Mr. O'Brien:

- advised that the developers have come up with additional incentives regarding water quality issues; and
- stated that staff believes that the additional incentives are worth exploring.

Assemblymember Bettine requested that the amendments be provided to the Assembly a week prior to the scheduled meeting to provide time for review.

Discussion ensued regarding:

- the possible amendments to the legislation; and
- the public's input on the amendments.

VOTE: The motion passed without objection

(Mayor Menard and Assemblymember Kluberton re-entered the meeting at this time.)

(Mayor Menard resumed the duties of chair.)

(The regular meeting recessed at 6:50 p.m. and reconvened at 7:01 p.m.)

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. 06-218: 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

Mr. O'Brien provided a staff report.

Assemblymember Church queried the schedule for the public process.

Mr. O'Brien:

- advised that there has been one public meeting for Bogard Road Extension East;
- advised that alternatives are being reviewed; and
- advised that he was not sure of the date for the next public meeting.

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 Kvalheim moved to adopt Ordinance Serial No. 06-218 and Resolution Serial No. 06-155.

VOTE: The motion passed without objection.

CONFLICT OF INTEREST: Assemblymember Allen declared a conflict of interest on Ordinance Serial No. 06-219 and Resolution Serial No. 06-156.

RULING: Mayor Menard ruled that Assemblymember Allen had a conflict of interest on Ordinance Serial No. 06-219 and Resolution Serial No. 06-156 and would be recused from voting.

(Assemblymember Allen exited the meeting at this time.)

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

Ms. Clayton 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 Kluberton moved to adopt Ordinance Serial No. 06-219 and Resolution Serial No. 06-156.

VOTE: The motion passed without objection.

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

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

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 Bettine moved to adopt Ordinance Serial No. 06-220 and Resolution Serial No. 06-157.

VOTE: The motion passed without objection.

CONFLICT OF INTEREST: Assemblymember Allen declared a conflict of interest on Ordinance Serial No. 06-221 and Resolution Serial No. 06-158.

RULING: Mayor Menard ruled that Assemblymember Allen has a conflict of interest on Ordinance Serial No. 06-221 and Resolution Serial No. 06-158 and would be recused from voting.

(Assemblymember Allen exited the meeting at this time.)

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

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 Bettine moved to adopt Ordinance Serial No. 06-221 and Resolution Serial No. 06-158.

VOTE: The motion passed without objection.

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

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

Mr. Swanson provided a staff report.

Assemblymember Allen:

- queried whether it was a good time to create rules for natural resource development;
- stated that the Borough has the reputation of inviting companies in to do exploration work and then changes the rules during the process; and
- spoke to the need to develop rules regarding resource development for the companies that want to come into the Borough.

Mr. Swanson:

- spoke to the work that has gone into creating Title 28;
- noted his agreement with Assemblymember Allen's assessment; and
- noted that Title 28 provides rules for resource development.

Assemblymember Bettine queried how long it would take to get the definitions that apply to gravel extraction, coal bed methane, and timber into Title 28.

Mr. Swanson advised that the definitions for Title 28 could be brought forward soon.

Assemblymember Kvalheim noted that the timber moratorium would not be lifted until all the information is in place.

Mr. Swanson:

- advised that the timber moratorium would not be lifted until legislation is brought forward on how the Borough handles timber; and
- advised that the forest resource inventory contract would be final by January.

Discussion ensued regarding:

- the Alaska State Division of Forestry five-year plan; and
- the reason that the resource management legislation is coming forward at separate times.

Mayor Menard opened the public hearing.

The following person spoke in support of Ordinance Serial No. 06-222 and suggested modifications: Ms. Kathy Wells, Director of Friends of Mat-Su.

MOTION: Assemblymember Kvalheim moved to adopt Ordinance Serial No. 06-222.

MOTION: Assemblymember Kvalheim moved a primary amendment to Ordinance Serial No. 06-222, by making the following technical amendments:

- MSB 28.100.010, Definitions
 - “dba” to strike the word “mean” to read as follows: “dba” means a unit of sound pressure level measuring the amplitude of sound;
 - “Forest Resources and Protection Act” by striking the word “protection” and insert in its place “practices” to read as follows: “Forest Resources and Practices Act” means Chapter 17 (AS 41), of the Alaska State Statutes to include any implementing regulations (11 AAC 95);
 - “Multiple use” by striking the word “public” and insert in its place “borough,” to strike the phrase “within the borough,” and to insert the phrase “and on state land so that they are utilized in a combination that will best meet the present and future needs of the people of Alaska. For both borough and state land” between the words “resident” and “periodic,” and to insert the phrase “may be made” between the words “conditions” and “some” to read as follows: “Multiple use” means the management of all the various renewable surface resources on borough land so that they are utilized in a combination which will best meet the needs of borough residents, and on state land so that they are utilized in a combination that will best meet the present and future needs of the people of Alaska. For both borough and state land periodic adjustments in use to conform to changing needs and conditions may be made. Some land will be used for less than all of the resources, without impairment of the productivity of the land, and with consideration being given to the relative values of the various resources;
 - to delete the definition “Non-timber forest products” in its entirety;
 - “Private land” to insert the phrase “unless otherwise defined in state law” at the end of the sentence to read as follows: “Private land” is land owned by any person or legal entity to include land owned by the University of Alaska or the Alaska Mental Health Trust Authority, unless otherwise defined in state law;
 - “Timber” to delete the word “bark” to read as follows: “Timber” means a tree, log, bolt, cant, chips, or other wood product.

Assemblymember Allen queried the applicability of the amendments.

Mr. Swanson stated that the amendments came forward due to the discussions that took place with the people who are involved in the industry and property owners.

Assemblymember Bettine queried which boards and commissions have supported the legislation.

Mr. Swanson:

- advised that the legislation was presented and supported by the Real Property Asset Management Board; and
- spoke to the work that the Real Property Asset Management Board performed on the legislation.

Assemblymember Allen queried whether the vote to support the legislation by the Real Property Asset Management Board was unanimous.

Mr. Swanson advised that the Real Property Asset Management Board's vote in support of the legislation was unanimous.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Church moved a primary amendment to Ordinance Serial No. 06-222, MSB 28.10.030(A), by striking the word "should" and to insert in its place the word "shall" to read as follows: (A) Monitoring shall occur to ensure compliance with this title.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

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

Mr. Swanson provided a staff report.

Assemblymember Allen queried the appeal process and timelines.

Mr. Swanson:

- advised that the Manager has to make a decision within 10 days from the date the appeal is filed; and
- spoke regarding public notice.

Assemblymember Kvalheim queried the performance bond.

Mr. Swanson:

- spoke regarding the matrix that has been developed to help review the dollar amount for the performance bonds;
- stated that it is in the developers best interest to perform the work and receive the funds back; and
- stated that there have been only a couple of cases where he has had to crash a bond.

Assemblymember Kvalheim queried if the timber harvest developers operate 24-hours a day.

Mr. Swanson:

- stated that it is up to the particular developer how long they operate; and
- stated that it is more efficient for the contractors to operate 24-hours a day to harvest particular areas and move on; however, this is not always the case.

Assemblymember Kvalheim queried whether the residents in the area have the means to appeal a contractor that is operating 24-hours a day.

Mr. Swanson stated that if the permissible decibel levels are exceeded the timber harvest activity is stopped.

Assemblymember Kvalheim encouraged fees that can allow for someone to be present for enforcement purposes.

Mr. Swanson advised that another piece of legislation needs to come forward to the Assembly that establishes fees.

Discussion ensued regarding:

- conflicts within residential areas;
- the permit process; and
- decibel levels and hours of operation.

Mayor Menard opened the public hearing.

The following person spoke in support of Ordinance Serial No. 06-222: Ms. Kathy Wells, Director of Friends of Mat-Su.

The following person spoke in support of moving the timber harvest legislation forward: Mr. Dane Crowley, Resource Manager for NPI.

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

MOTION: Assemblymember Kvalheim moved to adopt Ordinance Serial No. 06-223.

Assemblymember Bettine:

- spoke regarding the need for the Assembly to hold a work session regarding this issue;
- stated that permit fees are needed for enforcement purposes;
- noted that a road recently has been accepted into one of the road service areas due to the fact that the inspection was not done in a timely manner; and
- reiterated the need for the Assembly to hold a work session to discuss issues in the legislation.

MOTION: Assemblymember Bettine moved to postpone Ordinance Serial No. 06-223 to a time certain of February 20, 2006, and hold a work session regarding the issue on February 6, 2006.

Assemblymember Allen:

- queried the negatives that will be accrued by the industry should the adoption of the ordinance be delayed;
- spoke to the need to show recognition and appreciation for the investment the developers have made in the industry; and
- queried the reason that amendments could not be made at a later date.

Assemblymember Bettine queried whether the industry could continue harvesting if the timber harvest permit was not in place.

Mr. Swanson:

- stated that if the legislation was not adopted, the industry would continue to harvest timber without a timber harvest permit in place; and
- commented that the residents will be affected the most without the timber harvest permit.

Discussion ensued regarding:

- passing the legislation without established fees; and
- the postponement of the ordinance.

(The regular meeting recessed at 8:36 p.m. and reconvened at 8:50 p.m.)

MOTION: Assemblymember Allen moved a secondary amendment to strike the postponement date of February 20, 2006, and insert in its place December 19, 2006, to include a Resolution establishing fees, and to hold a work session regarding the issue on February 6, 2006.

Discussion ensued regarding:

- the postponement of the ordinance;
- amendments that may come forward by the Assembly; and
- whether the public could testify regarding the fee schedule.

VOTE: The secondary amendment passed without objection.

Mr. Swanson advised that administration could bring forward topics of discussion for the February 6, 2006, work session on December 19, 2006.

Assemblymember Kluberton queried whether the public or the timber industry could participate at the work session.

Ms. McGehee noted that pass practice does not allow for audience participation at work sessions; however, the Clerk's Office could advertise the work session in a way that would accommodate the discussion.

Discussion ensued regarding the work session format.

VOTE: The motion to postpone to a time certain, as amended, passed without objection.

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

Ms. McGehee 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 Kvalheim moved to adopt Ordinance Serial No. 06-224 and Resolution Serial No. 06-159.

Assemblymember Allen queried the reason that the petition would not be circulated to the residents.

Assemblymember Bettine stated that Assemblymember Woods has advised many residents within the proposed annexation area are in favor of being annexed into the Sutton Fire Service Area.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke regarding the Alaska State Bar Association: Ms. Teresa Obermeyer.

D. CONSENT AGENDA (Resolution Serial No. 06-161 and AM No. 06-245 were pulled from the consent agenda and addressed separately. *See pp. 23 of 28*)

1. RESOLUTIONS

- a. Resolution Serial No. 06-160: A RESOLUTION AMENDING THE SCOPE OF WORK TO ALLOW FOR MAINTENANCE AND REPAIRS TO THE ALPINE HISTORICAL SITE, PROJECT NO. 45160.
 - (1) IM No. 06-330

- c. Resolution Serial No. 06-162: A RESOLUTION AMENDING THE BUDGET FOR THE UNITED STATES DEPARTMENT OF JUSTICE, COMMUNITY ORIENTED POLICING SERVICES GRANT, PROJECT NO. 20316, FUND 480, TO UPGRADE THE DISPATCH CENTERS AND FIELD UNITS TO MAKE THEM ALASKA LAND MOBILE RADIO COMPATIBLE AND AUTHORIZING THE MANAGER TO ENTER INTO AGREEMENTS WITH THE CITIES OF HOUSTON, PALMER, AND WASILLA.
(1) IM No. 06-342
- d. Resolution Serial No. 06-163: A RESOLUTION APPROVING THE ALASKA STATE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES GLENN HIGHWAY IMPROVEMENTS, MILEPOST 92-97 PROJECT.
(1) IM No. 06-345
- e. Resolution Serial No. 06-164: A RESOLUTION SUPPORTING THE MATANUSKA-SUSITNA BOROUGH'S DENALI COMMISSION TRANSPORTATION IMPROVEMENT PROGRAM FISCAL YEAR 2007 PROJECT NOMINATIONS.
(Sponsor: Assemblymember Bettine)
(1) IM No. 06-346
- f. Resolution Serial No. 06-165: A RESOLUTION SUPPORTING A "ZERO WASTE" PRACTICE APPROACH FOR ALL BOROUGH OPERATIONS. *(Sponsor: Assemblymember Kvalheim)*
(1) IM No. 06-347

2. ASSEMBLY MEMORANDUMS

- a. AM No. 06-226: APPROVAL OF CHANGE ORDER NO. 1 TO WOLF ARCHITECTURE IN THE AMOUNT OF \$30,000 TO MODIFY THE SCOPE OF SERVICES FOR ADDITIONAL WORK FOR THE ANIMAL CARE PHASED RENOVATION PLAN
- b. AMNo.06-227: AWARD OF BID NO. 07-060 TO MAT-SU SECURITY SERVICES IN THE CONTRACT AMOUNT NOT TO EXCEED \$125,000 FOR 24-HOUR SECURITY GUARD SERVICES THROUGH JUNE 30, 2007, AT PORT MACKENZIE.
- c. AM No. 06-234: APPROVAL TO DESTROY THE BALLOTS OF THE OCTOBER 3, 2006, REGULAR BOROUGH ELECTION.
- d. AM No. 06-235: APPROVAL OF THE 2007 ASSEMBLY MEETING SCHEDULE.
- e. AMNo.06-239: APPROVAL OF CHANGE ORDER TO E & E CONSTRUCTION, INC. IN THE AMOUNT OF \$56,000 FOR ADDITIONAL WORK TO THE BUTTE FIRE SERVICE AREA PUBLIC SAFETY BUILDING 2-1 ANNEX DESIGN/BUILD PROJECT, PROJECT NO. 45113.

- f. AM No. 06-241: APPROVAL OF CHANGE ORDER TO JANSSEN CONTRACTING IN THE AMOUNT OF \$60,259 FOR ADDITIONAL WORK TO THE NUTRITION SERVICES FACILITY, PROJECT NO. 40145.
- g. AMNo.06-242: AWARD OF BID NO. 07-062 TO KENNERSON EXCAVATION IN THE CONTRACT AMOUNT OF \$93,850 FOR THE WILLIWAU SUBDIVISION PROJECT.
- h. AM No. 06-243: AUTHORIZATION TO PURCHASE TWO FORD EXPEDITIONS FROM NYE FRONTIER FORD IN THE AMOUNT OF \$55,554 FOR THE BIG LAKE FIRE SERVICE AREA AND THE MEADOW LAKES FIRE SERVICE AREA; SOLICITATION NO. 07-073.
- i. AM No. 06-244: AWARD OF BID NO. 07-064 TO DENALI GENERAL CONTRACTORS INC., IN THE AMOUNT OF \$4,635,000 FOR THE SUSITNA VALLEY HIGH SCHOOL ROOF REPLACEMENT.

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.

- b. Resolution Serial No. 06-161: A RESOLUTION AUTHORIZING PARTICIPATION IN THE FISCAL YEAR 2006 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM TO APPLY FOR FUNDS FOR THE CONSTRUCTION OF A PUBLIC FACILITY IN THE LAKE LOUISE AREA.
- (1) IM No. 06-340

MOTION: Assemblymember Bettine moved to adopt Resolution Serial No. 06-161

Assemblymember Bettine queried whether the roads that lead to the property are maintained by a road service area.

Mr. O'Brien advised that Lake Louise Road is maintained by the State of Alaska.

Mr. Swanson:

- advised that there is no road service area at the location; and
- noted that the site is Borough-owned land.

VOTE: The motion passed without objection

- j. AM No. 06-245: AUTHORIZATION TO PURCHASE THREE PUMPER/TANKER VEHICLES FROM H & W EMERGENCY VEHICLES IN THE AMOUNT OF \$895,101 FOR THE BIG LAKE FIRE SERVICE AREA AND THE WASILLA LAKES FIRE SERVICE AREA.

MOTION: Assemblymember Kvalheim moved to approve AM No. 06-245.

Assemblymember Kvalheim:

- noted the letter that the Assembly received from Mr. Fred McPherson opposing the Borough using inter-governmental contracts; and
- spoke to the procurement process and entering into contracts with other municipalities.

Assemblymember Bettine queried if any of the funds would be supplemented by the fire service areas.

Mr. Brodigan:

- advised that the three vehicles have been budgeted during the budgeting process;
- spoke regarding the funding that the Big Lake Fire Service Area received from the state of Alaska; and
- advised that the other vehicles are coming out of the fire service areas project funds.

VOTE: The motion passed without objection.

IX. NEW BUSINESS

- A. INTRODUCTION (For public hearing - 12/19/06, 7 p.m., Borough Assembly Chambers)
1. OrdinanceSerialNo.06-226: AN ORDINANCE AMENDING MSB 17.27, SUTTON SPECIAL LAND USE DISTRICT, BY ESTABLISHING A MINIMUM OF FIVE ACRE LOT SIZES ON AN INTERIM BASIS.
 - a. IM No. 06-317
 2. Ordinance Serial No. 06-227: AN ORDINANCE REQUESTING A SUPPLEMENTAL APPROPRIATION OF \$25,000 FROM THE BIG LAKE FIRE SERVICE AREA FUND BALANCE, FUND 256, TO THE BIG LAKE FIRE SERVICE AREA FISCAL YEAR 2007 OPERATING BUDGET, FUND 256, FOR EMERGENCY STRUCTURAL REPAIRS TO AN OUT-BUILDING AT BIG LAKE FIRE STATION.
 - a. IM No. 06-343
 3. Ordinance Serial No. 06-228: AN ORDINANCE AMENDING THE SCOPE AND APPLICABILITY OF MSB 17.63, RACE TRACK REGULATIONS.
 - a. IM No. 06-344

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 19, 2006.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Menard requested the following confirmations:

- Animal Care and Regulation Board
 - Resignation of Judy Masteller
- Emergency Medical Services Board
 - Resignation of Lorie Miner
- Library Board
 - Resignation of Dave McLaughlin
- Local Emergency Planning Committee
 - Resignation of Tom Healy
 - Removal of Michael Blodgett
 - Removal of Charles St. George
 - Removal of Tanya Larrabee-Boehm
 - Removal of Elinros Laber
 - Removal of Sheila Lamar
- Transportation Advisory Board
 - Chris Kepler
- Meadow Lakes RSA No. 27
 - Resignation of Jeanne Jones
- Talkeetna Sewer and Water Service Area No. 36
 - Resignation of Robert Denny

Mayor Anderson made the following recommendations:

- Planning Commission
 - Dianne Woodruff
- Port Commission
 - John Riggs

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

VOTE: The motion passed without objection.

C. OTHER NEW BUSINESS

X. RECONSIDERATION

(There were no reconsiderations presented.)

XI. VETO

(There were no vetoes presented.)

XII. EXECUTIVE SESSION

(There was no executive session held.)

XIII. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Allen:

- spoke regarding the older items that are listed on the tracking report;
- requested that an analysis of fees being charged at the landfill be done to determine how much it would cost to amortize \$3,000,000 of debt over 30 years, be placed on the tracking report; and
- requested that the relationship between the Assembly and Borough administration be placed on the January 6, 2006, Assembly Retreat agenda, with a time limit for discussion of a half hour.

Ms. McGehee queried whether the Assembly would like to itemize topics of discussion on the Assembly Retreat agenda, or to keep a general outline.

Assemblymember Allen requested that items of particular interests to individual assembly members be placed on the agenda, with time limits.

Assemblymember Kluberton:

- spoke regarding the need for equitable distribution of substandard road funds;
- spoke to the need to discuss how road service area funds are applied; and
- requested that this item be placed on the January 6, 2006, Assembly Retreat agenda.

Assemblymember Kvalheim:

- requested that administration find out where the legislation for conventional oil, gas, coal, and gold regulations are in the process; and
- queried whether the moratorium has a three-month deadline.

Ms. Romano advised that there is language in the moratorium legislation that requires a proposal be brought forward to the Assembly by January 16, 2007.

Assemblymember Church queried if there is anything that the Assembly can do when comments are brought forward to the Assembly as official community council comments, when in fact they turn out not to be official comments from the community council.

Mr. Spiropoulos:

- stated that the Assembly establishes community council status and ultimately, the Assembly has the power to revoke the status;

- noted that community councils are advisory bodies;
- advised that the community council is suppose to communicate with the Assembly by resolution; and
- noted that individual members of community councils have the right to petition the Assembly.

Assemblymember Bettine:

- requested that management provide a report on improving customer relations at the January 6, 2006, Assembly Retreat;
- spoke regarding the Matrix report regarding road service areas;
- stated that there is a need for a staff member to attend the road service area meetings to take minutes; and
- spoke regarding attending the inauguration of Governor Sarah Palin in Fairbanks.

Mayor Menard:

- spoke regarding attending the inauguration of Governor Sarah Palin in Fairbanks;
- advised that he has been appointed to the Governor’s Transportation Transition Team;
- requested that assembly members provide him with names for the December 19, 2006, vacancy report; and
- requested that a timeframe be set for January 6, 2006, Assembly Retreat items and be presented to the Assembly at the December 19, 2006, regular meeting;

XIV. ADJOURNMENT

The regular meeting adjourned at 10:15 p.m.

/ S /

CURTIS D. MENARD, Borough Mayor

ATTEST:

/ S /

MICHELLE M. MCGEHEE, CMC, Borough Clerk

Minutes approved: 12/19/06