I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on December 19, 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:

Ms. Michelle M. McGehee, CMC, Borough Clerk
Mr. John Duffy, Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Lonnie McKechnie, Executive Assistant to the Borough Clerk
Ms. Marian Romano, Assistant Borough Manager
Ms. Cheyenne Heindel, Revenue and Budget Manager
Mr. Keith Rountree, Public Works Director
Mr. Dennis Brodigan, Director of Emergency Services
Mr. Steve Cypra, Chief of Land and Resource Management
Mr. Murph O'Brien, Planning and Land Use Director
Mr. Sev Jones, Chief of Planning

III. APPROVAL OF AGENDA

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

GENERAL CONSENT: The agenda was approved as presented without objection.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Mark Burtels, a member of the audience.

V. MINUTES OF PRECEDING MEETINGS

A. Regular Assembly Meeting: 12/05/06

Mayor Menard inquired if there were any corrections to the regular meeting minutes of December 5, 2006.

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Wasilla City

Councilmember Metiva:

- advised that the council passed a resolution in support of the Long Range Transportation Plan;
- spoke regarding establishing a visitor tourist center in the city of Wasilla; and
- stated that the council is looking forward to the Joint Assembly/Tri-Cities meeting on February 8, 2006.

2. Matanuska-Susitna Borough School District

(There was no report provided.)

3. Mat-Su Youth Court

Mayor Menard advised that the Mat-Su Youth Court will be presenting their report on January 16, 2007.

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)*

Assemblymember Bettine:

- advised that Senator Ted Stevens will be the speaker at the joint chambers of commerce meeting on December 27, 2006;
- advised that Ms. Cheryl Metiva will be facilitating the Governor's Ball scheduled for January 27, 2007; and
- provided an update regarding the Wasilla Chamber of Commerce.

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. Duffy:

- spoke regarding congress running on continuing resolution; and
- provided an update regarding the site selection for the prison.

D. ATTORNEY COMMENTS

(There was no report provided.)

E. CLERK COMMENTS

Ms. McGehee:

- spoke regarding the upcoming meeting schedule; and
- noted that the quasi-judicial boards are still busy in the Clerk's Office.

Assemblymember Bettine:

- noted that there are boards and commissions that are listed on the Borough's web page that are not active;
- requested that the inactive boards be noted on the web page; and
- requested that newly appointed board members be contacted and advised of their meeting schedule.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
a. Board of Equalization: 08/08/06

2. Community Council Correspondence:
a. Glacier View Community Council: 09/21/06

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

F. INFORMATIONAL MEMORANDUMS

1. IM No. 06-352: AN INFORMATIONAL MEMORANDUM REGARDING ADDITIONAL FUNDING TO HDR ALASKA FOR THE ASSESSMENT OF BOROUGH INFRASTRUCTURE DUE TO THE RECENT FLOOD EMERGENCY.

The informational memorandum was presented and no comments were noted.

VII. UNFINISHED BUSINESS

A. Resolution Serial No. 06-152: A RESOLUTION APPROVING STATE LEGISLATIVE PRIORITIES FOR THE MATANUSKA-SUSITNA BOROUGH FOR THE YEAR 2007. *(Motion Pending: 11/21/06)*
1. IM No. 06-331

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

MOTION: Assemblymember Woods moved to amend Resolution Serial No. 06-152 by substitute Resolution Serial No. 06-152.

MOTION: Assemblymember Bettine moved a secondary amendment to Resolution Serial No. 06-152(SUB), state capital project priorities number 5, to add to the title the following phrase "and Watershed Management" to read as follows: River Erosion and Watershed Management.

VOTE: The secondary amendment passed without objection.

MOTION: Assemblymember Kluberton moved a secondary amendment to Resolution Serial No. 06-152(SUB), state capital project priorities number 5, to strike the phrase "and solutions to erosion and flooding" and insert in its place "flooding, erosion, and rising water table issues" to read as follows: 5. River Erosion and Watershed Management. Maintain existing flood erosion structures, necessary permits, provide match for federal funds, and pursue broader approaches to flooding, erosion, and rising water table issues.

VOTE: The secondary amendment passed without objection.

MOTION: Assemblymember Woods moved a secondary amendment to Resolution Serial No. 06-152(SUB), legislative operating fund priorities number 6, by adding the phrase "in the Matanuska-Susitna Borough" at end the sentence to read as follows: 6. Educational, financial, law enforcement, and prosecution resources from the State are needed in the Matanuska-Susitna Borough.

VOTE: The secondary amendment passed without objection.

VOTE: The motion to amend by substitute passed without objection.

VOTE: The main motion as amended by substitute passed without objection.

B. Resolution Serial No. 06-153: A RESOLUTION APPROVING FEDERAL PRIORITIES FOR THE MATANUSKA-SUSITNA BOROUGH FOR THE YEAR 2007. *(Motion Pending: 11/21/06)*

1. IM No. 06-332

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

MOTION: Assemblymember Woods moved a primary amendment to Resolution Serial No. 06-153, to the list of priorities by reordering item priority number four as priority number five, to strike the word "Matanuska" in the new priority number 5, and to insert the phrase "in the Mat-Su Borough" at the end of priority number 6 to read as follows:

1. Funding of Road and Trails
2. Hatcher Pass Ski Area
3. Agricultural Food Processing and Product Development Center
4. South Denali Visitor Center
5. River Erosion Management
6. Methamphetamine Grants for Law Enforcement, Education, and Treatment in the Mat-Su Borough

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

MOTION: Assemblymember Wells moved to suspend the rules and take up the introductions and vacancy report prior to finalizing unfinished business.

VOTE: The motion passed without objection.

(Unfinished Business continued to page 18 of 18.)

VIII. NEW BUSINESS

A. INTRODUCTION (For public hearing - 01/16/07, 7 p.m., Central Mat-Su Public Safety Building)

1. Ordinance Serial No. 07-001: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF $8,000 FROM THE TRAPPER CREEK ROAD SERVICE AREA FUND BALANCE, FUND 284, TO THE TRAPPER CREEK ROAD SERVICE AREA OPERATING BUDGET, FUND 284.

a. IM No. 07-003

2. Ordinance Serial No. 07-002: AN ORDINANCE AMENDING MSB 15.39, BOARD OF ADJUSTMENT AND APPEALS

a. IM No. 07-005

3. Ordinance Serial No. 07-003: AN ORDINANCE APPROPRIATING THE LOAN PROCEEDS IN THE AMOUNT OF $1,000,000 FROM THE ALASKA STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO THE SOLID WASTE ENTERPRISE FUND, FUND 510, AND REAPPROPRIATING $1,000,000 FROM THE SOLID WASTE ENTERPRISE FUND, TO FUND 420, PROJECT NO. 25038, FOR THE CONSTRUCTION OF A PERMANENT HOUSEHOLD HAZARDOUS WASTE FACILITY AT CENTRAL LANDFILL.

a. Resolution Serial No. 07-001: A RESOLUTION APPROVING THE SCOPE OF WORK AND AMENDING THE BUDGET FOR PROJECT NO. 25038 TO ALLOW FOR THE CONSTRUCTION OF A PERMANENT HOUSEHOLD HAZARDOUS WASTE FACILITY AT THE CENTRAL LANDFILL.

(1) IM No. 07-006

Ms. McGehee read the above legislation into the record.

MOTION: Assemblymember Woods moved to introduce the legislation as read into the record by the Clerk and set the public hearings for January 16, 2007.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Menard requested the following confirmations:

Board of Equalization
- Traci Barickman

Planning Commission
- Dianne Woodruff

Port Commission
- John Riggs

Mayor Menard made the following recommendations:

Animal Care and Regulation Board
- David Brown
- Millicent Peabody

Board of Adjustment and Appeals
- Andrew Robinson

Board of Equalization
- Tammy Bickel

Board of Ethics
- Amanda Browne

Borough Area Schools Site Selection Committee
- Cindy Bettine

Emergency Medical Services Board
- John Akers
- Lynn Moore

Enhanced 911 Advisory Board
- Daniel Stearns
- Dennis Brodigan

Historical Preservation Commission
- Bonnie Quill
- Erik Hirschmann

Library Board
- Virginia Wilt
- Linda Henning

Local Emergency Planning Committee
- Jonathan Owen
- Joanne Fine
- Elmer Feltz
- Leonard Betts
- Jane Conard
- Ken Slauson
- Dennis Brodigan

Office of Administrative Hearings
    Ross Kopperud
    DanaLyn Dalrymple
Parks, Recreation, and Trails Advisory Board
    Sharon McEntee
    Sandy Kogl
Planning Commission
    Brigitte Lively
    Dick Zobel
Platting Board
    Alan Larson
    Terry Nicodemus
    Steven Heinrich
Port Commission
    Jordan May
    Paul DuClos
Real Property Asset Management Board
    Terry Snyder
    Dulce Ben-East
    Bishop Buckle
    Kenneth Marsh
Transportation Advisory Board
    Robert Hamblen
    Allan Linn
    Henry Corbin
    Louis Friend
Big Lake RSA No. 33
    Joan Estes
Greater Palmer FSA No. 132
    Charles Akers
Meadow Lakes FSA No. 34
    William Browne
Sutton FSA No. 4
    Joseph Younack
Talkeetna FSA No. 24
    Mary Farina
Wasilla-Lakes FSA No. 130
    Ken Slauson
    Frederick Snodgrass
Willow FSA No. 35
    Claire Fitzgaireld
Big Lake RSA No. 21
    Jim Clemensen
Caswell Lakes RSA No. 15
    Patty Song

Fairview RSA No. 14
Daniel Elliott
Gold Trails RSA No. 28
Kenny Moss
Greater Willow RSA No. 20
John Grohol
Knik RSA No. 17
Henry Corbin
Meadow Lakes RSA No. 27
Stephen Edwards
David Schacht

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

VOTE: The motion passed without objection.

C. OTHER NEW BUSINESS

(The regular meeting recess at 6:40 p.m. and reconvened at 7:02 p.m.)

IX. 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. 06-226: 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

Mr. Jones provided a staff report.

Assemblymember Kluberton queried the reason that the Planning Commission held two public hearings on this issue.

Mr. Jones advised that there was a substantial amount of public comments and public testimony.

Assemblymember Kvalheim noted that even if the Assembly grants the minimum lot size of 5 acres, a multi-family dwelling could be built and the density they are striving for would be lost.

Mr. Jones:
- advised that it does not associate a density per lot size; and
- noted that a multi-family dwelling could be placed on a 5-acre lot.

Assemblymember Woods:

- spoke regarding the community council's concerns with recent platting actions that have occurred within the area; and
- advised that the community is in the process of updating their comprehensive plan.

Discussion ensued regarding:

- the Sutton area comprehensive plan update;
- whether other comprehensive plans specify a minimum lot size of 5 acres; and
- the Planning Commission's recommended amendments.

Mayor Menard opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 06-226: Mr. Mark Burtels; Mr. George Rauscher; Mr. Richard Sanders; Ms. Kathy Wells, Director of Friends of Mat-Su; Mr. Garvin Buccaria; and Mr. Kyle Carr.

The following persons spoke in opposition to Ordinance Serial No. 06-226: Mr. Jim Psenak; Mr. Gary LoRusso; Mr. Jeff Clemonts, Mat-Su Home Builders Association; Mr. Guy Turner; and Mr. Russell Joyce, Valley Board of Realtors;

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

(The regular meeting recessed at 7:58 p.m. and reconvened at 8:07 p.m.)

CONFLICT OF INTEREST: Mayor Menard advised that he has a conflict of interest on Ordinance Serial No. 06-226.

(Mayor Menard exited the meeting at this time.)

(Deputy Mayor Woods assumed the duties of the chair.)

MOTION: Assemblymember Kvalheim moved to adopt Ordinance Serial No. 06-226.

Assemblymember Woods:

- spoke regarding the Sutton community reviewing their comprehensive plan;
- requested the members support the ordinance; and
- spoke to the concerns of the Sutton community regarding density.

MOTION: Assemblymember Kvalheim moved a primary amendment to Ordinance Serial No. 06-226, MSB 17.27.075 (A), to strike "five acres" and insert in its place "2.5 acres" to read as follows: (A) Within the boundaries of the Sutton special land use district, the minimum lot size shall be 2.5 acres.

Assemblymember Woods:
- noted that there was opposition to the five-acre minimum lot size at the Sutton Community Council meeting; and
- stated that the 2.5 acres would settle some uncertainty to those that are against the five acres.

Assemblymember Allen:
- opined that this is bad public policy;
- noted that there is a procedure that should be followed; and
- opined that it is exclusionary and discriminatory development.

Assemblymember Kluberton:
- spoke to concerns in creating interim solutions; and
- stated that the Borough needs to view land use issues holistically.

Discussion ensued regarding:
- impacts of land use;
- whether to postpone the issue until the prison site is selected; and
- the need for Boroughwide planning.

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

VOTE: The motion to stop debate passed without objection.

VOTE: The primary amendment failed with Assemblymember Woods in support.

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

VOTE: The motion to stop debate passed without objection.

VOTE: The main motion failed with Assemblymember Woods in support.

(Mayor Menard re-entered the meeting at this time and resumed the duties of chair.)

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

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. 06-227.

VOTE: The motion passed without objection.

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

Assemblymember Bettine:

- spoke to concerns of receiving staff amendments at the last minute;
- requested that the Manager have the Planning Director create a seven member committee to review the proposed amendments; and
- requested that the committee finalize their review by March with a report to the Assembly by the first meeting in April.

Assemblymember Allen queried whether this issue is time-sensitive.

Assemblymember Bettine stated that the ordinance is time-sensitive and should be acted on tonight; however, not the new amendments that have come forward to the Assembly.

Assemblymember Church:

-

Discussion ensued regarding:

- the appointment of a committee to review the issue;
- the new amendments being suggested by staff; and
- whether each side of the issue could come up with a compromise.

Mr. Jones finalized the staff report.

Mayor Menard opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 06-228 and suggested amendments: Ms. Laura Bedard, Tesoro Iron Dog; Mr. Gregory Nielson; Ms. Marianne Beckham, Chair for the Board of Directors of the Tesoro Iron Dog; Mr. Marcus Barbee; Ms. Monet Barbey; Ms. Carrie Gray Wolf; Mr. Scott Wolf; and Ms. Mitzi VanAsdlan.

The following person spoke in opposition to the formation of a committee: Ms. Kathy Wells, Friends of Mat-Su.

The following persons spoke in opposition to Ordinance Serial No. 06-228: Mr. Lud Larson; Ms. Erika Bills; Ms. Beth Fread; Mr. Dixon Hall; Mr. Leonard Coile; Mr. Matthew Huck, Alaska Ice Racers; Mr. Bill Rogers; Ms. Heather Ann Gowerr; Mr. John Childs; Mr. James Pouger, Alaska Ice Racers; Ms. Stacie Hall; Mr. John Similink; and Ms. Kristi Hall.

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

(The regular meeting recessed at 9:48 p.m. and reconvened at 9:55 p.m.)

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 06-228.

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 06-228, MSB 17.63.015(H), by striking the phrase “snow machines and snow machine” to read as follows: (H) Races which are not conducted on a permanent facility are exempt from the provisions of this chapter.

Assemblymember Woods queried how “permanent facility” is defined.

Mr. O’Brien advised that a “permanent facility” is a constructed facility.

VOTE: The motion passed with Assemblymember Church opposed.

MOTION: Assemblymember Church moved a primary amendment to Ordinance Serial No. 06-228, MSB 17.63.020(I)(8), by striking the phrase “on a year round basis” to read as follows: (I)(8) Motorized race track activities may be permitted with hours of operations between 10 a.m. and 10 p.m. The planning commission may restrict motorized race track activities to certain days or hours of operations, Fridays, Saturdays, Sundays, and normal holidays.

Assemblymember Church:

- stated that the previous amendment doubles the length of time that communities can be impacted by racetracks; therefore, the phrase “on a year round basis” is no longer needed;
- spoke regarding the potential of increasing the number of winter races;
- stated that keeping the phrase “on a year round basis” in the legislation allows racetracks for cars to run on a year round basis, which is where most of the public’s concerns are; and
- requested the Assembly’s support of the amendment.

Assemblymember Wells spoke to the need to form a citizens committee to discuss the issue and attempt to come up with a compromise.

Discussion ensued regarding:

- conditional use permits;
- pre-existing legal non-conforming uses; and
- grandfather rights.

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

VOTE: The motion to stop debate failed with Assemblymembers Allen, Kvalheim, and Wells in support.

Discussion ensued regarding:
- the timeframe in which race tracks can operate;
- the need to form a committee to discuss the issues; and
- how pre-existing legal non-conforming uses are established.

VOTE: The primary amendment passed with Assemblymembers Bettine, Allen, and Wells opposed.

MOTION: Assemblymember Kluberton moved a primary amendment to Ordinance Serial No. 06-228, MSB 17.63.200 (I)(8), to strike "track," and to insert the phrase "on permanent tracks," to read as follows: (I)(8) Motorized race activities on permanent tracks may be permitted with hours of operations between 10 a.m. and 10 p.m. The planning commission may restrict motorized race track activities to certain days or hours of operations, Fridays, Saturdays, Sundays, and normal holidays.

VOTE: The primary amendment passed without objection.

Discussion ensued regarding the need to appointment a committee to discuss the issues.

VOTE: The main motion passed as amended without objection.

MOTION: Assemblymember Church moved to reconsider Ordinance Serial No. 06-228.

VOTE: The motion to reconsider failed unanimously.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke regarding concerns with the site selection process for the prison site: Mr. Garvin Buccaria

The following person spoke in opposition to the Point MacKenzie area for the prison site location:
Ms. Betty Faeo.

The following persons spoke regarding appointing a committee for a boroughwide comprehensive plan: Mr. Gary Lorruso and Ms. Kathy Wells, Director of Friends of Mat-Su.

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

VOTE: The motion passed with Assemblymember Allen opposed.

D. CONSENT AGENDA (AM Nos. 06-237, 06-238, 06-247, and 06-253 were pulled from the consent agenda and addressed separately. *See pp. 16-18*)

1. RESOLUTIONS

a. Resolution Serial No. 06-167: A RESOLUTION AMENDING THE BUDGET FOR THE MATANUSKA RIVER PARK COMFORT STATION PLUMBING REPLACEMENT/UPGRADE PROJECT, FUND 440, PROJECT NO. 20193, AND APPROVING THE SCOPE OF WORK AND BUDGET OF $13,500 FOR THE WASILLA POOL CAULKING REPAIRS, FUND 440, PROJECT NO. 15022.

(1) IM No. 06-351

b. Resolution Serial No. 06-168: A RESOLUTION SUPPORTING INCREMENT FUNDING IN THE STATE PARKS BUDGET TO FUND WINTER MAINTENANCE STAFF FOR BIG LAKE NORTH, BIG LAKE SOUTH, FINGER LAKE, AND MATANUSKA LAKE PARKS.

(1) IM No. 06-354

2. ASSEMBLY MEMORANDUMS

c. AM No. 06-246: APPROVAL TO RECLASSIFY THE BUILDING SUPPORT WORKER POSITION IN THE OPERATIONS AND MAINTENANCE DIVISION TO A BUILDING MAINTENANCE SPECIALIST.

e. AMNo.06-248: APPROVAL OF CHANGE ORDER TO D & S ROAD SERVICES, INC., IN THE AMOUNT OF $25,649.35 FOR EMERGENCY FLOOD REPAIRS TO MERCEDES ROAD, CUMMINGS ROAD, AND BEAVER ROAD IN THE TALKEETNA ROAD SERVICE AREA.

f. AM No. 06-250: APPROVAL OF CHANGE ORDER TO KEAN AND ASSOCIATES IN THE AMOUNT OF $70,000 FOR PROFESSIONAL SURVEYING SERVICES FOR THE CADASTRAL DATABASE INPUT.

g. AM No. 06-251: APPROVAL OF CHANGE ORDER TO SYSTEMS DESIGN, INC., IN THE AMOUNT OF $45,790 FOR THE PROCUREMENT AND INSTALLATION OF A BUSINESS LICENSE MODULE FOR THE PROPERTY APPRAISAL, TAX ASSESSMENT, BILLING, AND COLLECTION SYSTEM SOFTWARE.

h. AM No. 06-252: APPROVAL OF MODIFICATION TO AM NO. 06-232 TO ELIMINATE THE LIMITATION ON THE NUMBER OF DEFIBRILLATORS THAT CAN BE PURCHASED IN FISCAL YEAR 2007 FROM ZOLL MEDICAL EQUIPMENT.

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

VOTE: The motion passed without objection.

a. AM No. 06-237: APPROVAL OF CHANGE ORDER TO ALASKA RIM ENGINEERING, INC., IN THE AMOUNT OF $272,500 FOR RIGHT-OF-WAY AND SURVEY SERVICES FOR THE 2007 CAPITAL ROAD IMPROVEMENT PROJECTS AND FOR DESIGNATED LEGISLATIVE GRANT PROJECTS FOR THE 2007 CONSTRUCTION SEASON.

MOTION: Assemblymember Kvalheim moved to approve AM No. 06-237.

Assemblymember Kvalheim requested a staff report.

Mr. Rountree:
- spoke regarding work being performed in the past without a survey;
- stated that they found they were not verifying roads that were upgraded in regard to being centered in the right-of-way; and
- spoke regarding to the need to perform a survey prior to starting the work on the roads.

Assemblymember Bettine:
- advised that she support the concept of performing the surveys prior to doing the work; and
- queried whether the this work has been approved in the Capital Improvement Projects.

Mr. Rountree:
- advised that this work has been approved in the Capital Improvement Projects; and
- noted that they are currently working on the Capital Improvement Projects for 2008.

VOTE: The motion passed without objection.

b. AM No. 06-238: APPROVAL TO RECLASSIFY THE BOROUGH MANAGER'S SECRETARY POSITION IN THE ADMINISTRATION OFFICE TO EXECUTIVE ASSISTANT TO THE BOROUGH MANAGER AND BOROUGH MAYOR.

MOTION: Assemblymember Allen moved to approve AM No. 06-238.

Assemblymember Allen opined that this action memorandum is setting a bad precedent and needs to be done during the budget time.

Mr. Kluberton requested a staff report.

Mr. Duffy:
- advised that the job description does not recognize the job that is actually being performed; and
- advised that the person in this position is operating outside their job description;

Assemblymember Bettine queried the benefits.

Mr. Duffy:
- advised that if this was passed this evening, it would go forward to the classification committee; and
- noted it is estimated that the compensation could go up to at least $3,000 a year.

Discussion ensued regarding reclassifying the Manager's and Mayor's Executive Assistant position.

VOTE: The motion passed with Assemblymember Allen opposed.

d. AM No. 06-247: APPROVAL FOR AN ADMINISTRATIVE SECRETARY I PERMANENT PART-TIME BARGAINING UNIT POSITION TO ASSIST WITH SECRETARIAL WORK FOR THE ECONOMIC DEVELOPMENT DIRECTOR.

MOTION: Assemblymember Allen moved to approve AM No. 06-247.

Assemblymember Bettine requested a staff report.

Mr. Hanson stated that this would be a new position; however, there are funds in the budget to cover this position.

Assemblymember Allen spoke to concerns that there may be too much cushion in the budget.

Mr. Hanson:
- noted that the Economic Development Director is a new position; and
- spoke to the projects that the Economic Development Department is currently working on.

Assemblymember Wells:
- queried whether he has a conflict of interest on this issue, as he has worked with Mr. Hanson on projects; and
- advised that Mat-Su Resource Development Council will be given grants through the Borough after he leaves his position.

RULING: Mayor Menard ruled that Assemblymember Wells did not have a conflict of interest on AM No. 06-247.

Discussion ensued regarding:
- staffing the Economic Development Department; and
- concerns of adding new positions that were not included in the budget.

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

VOTE: The motion to stop debate passed without objection.

VOTE: The main motion passed with Assemblymembers Allen, Bettine, and Kluberton opposed.

CONFLICT OF INTEREST: Assemblymember Bettine declared a conflict of interest on AM No. 06-253.

RULING: Mayor Menard ruled that Assemblymember Bettine has a conflict of interest on AM No. 06-247 and would be recused from voting.

(Assemblymember Bettine exited the meeting at this time.)

i. AM No. 06-253: AWARD OF PROPOSAL NO. 07-067 TO ARCHITECTS ALASKA IN THE AMOUNT NOT TO EXCEED $120,000 FOR THE ADMINISTRATION BUILDING REMODEL DESIGN.

MOTION: Assemblymember Woods moved to approve AM No. 06-253.

VOTE: The motion passed without objection.

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

(Unfineshed Business continued from page 6 of 18.)

C. Ordinance Serial No. 06-223: AN ORDINANCE ESTABLISHING A NEW CHAPTER IN BOROUGH CODE, MSB 28.60, TIMBER HARVEST. *(Motion Pending: 12/05/06)*
1. Ordinance Serial No. 06-223(SUB): AN ORDINANCE ESTABLISHING A NEW CHAPTER IN BOROUGH CODE, MSB 28.60, TIMBER HARVEST.
a. Resolution Serial No. 06-169: A RESOLUTION ESTABLISHING FEES FOR TIMBER TRANSPORT PERMIT, MSB 28.60.080.
(1) IM No. 06-336
(2) IM No. 06-353

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

MOTION: Assemblymember Allen moved to postpone Ordinance Serial No. 06-223, Ordinance Serial No. 06-223(SUB), and Resolution Serial No. 06-169 to a time certain of January 9, 2007, at 5 p.m.

VOTE: The motion to postpone passed without objection.

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

Mayor Menard congratulated Mr. Talis Colberg for being appointed as the Attorney General of the state of Alaska by Governor Palin.

XIV. ADJOURNMENT

The regular meeting adjourned at 11:42 p.m.

/ S /

CURTIS D. MENARD, Borough Mayor

ATTEST:

/ S /

MICHELLE M. MCGEHEE, CMC, Borough Clerk

Minutes approved: 01/16/07