

**I. CALL TO ORDER**

The regular meeting of the Matanuska-Susitna Borough Assembly was held on February 6, 2007, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Deputy Mayor Lynne Woods.

**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 R. McKechnie, Deputy Borough Clerk  
Ms. Tammy Clayton, Finance Director  
Mr. Keith Rountree, Public Works Director  
Mr. Dennis Brodigan, Emergency Services Director  
Mr. Ron Swanson, Community Development Director  
Mr. Murph O'Brien, Planning and Land Use Director  
Ms. Patty Sullivan, Public Relations Manager  
Mr. Dave Hanson, Economic Development Director  
Mr. Dave Dunivan, Assessor  
Mr. Sev Jones, Planning Division Chief  
Ms. Susan Lee, Planner I  
Ms. Lauren Kruer, Planner II

**III. APPROVAL OF AGENDA**

Deputy Mayor Woods inquired if there were any changes to the agenda.

Mr. Duffy:

- noted that Administration will be requesting that the Assembly vote against Ordinance Serial No. 07-010 and Resolution Serial No. 07-009, as the bids came in substantially higher than expected; and
- advised that they will bring forward new legislation regarding this at a later date.

Assemblymember Kvalheim requested that Ordinance Serial No. 06-192 and Resolution Serial No. 06-139 be postponed until March 6, 2007.

Deputy Mayor Woods inquired if there was any objection to postponing Ordinance Serial No. 06-192 and Resolution Serial No. 06-139 until March 6, 2007.

There was no objection noted.

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

*(Mayor Menard joined the meeting telephonically at this time.)*

#### **IV. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by School Board Member Purcell.

#### **V. MINUTES OF PRECEDING MEETINGS**

A. Special Assembly Meeting: 01/09/07

Deputy Mayor Woods inquired if there were any corrections to the special meeting minutes of January 9, 2007.

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

B. Regular Assembly Meeting: 01/16/07

Deputy Mayor Woods inquired if there were any corrections to the regular meeting minutes of January 16, 2007.

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

#### **VI. REPORTS/CORRESPONDENCE**

A. AGENCY REPORTS

1. Reports from cities

##### Houston City

Deputy Mayor Frost:

- advised that Councilmember Vehrs stepped down and Ms. Carla Hendrix has been appointed in her place as a council member;
- advised that they are working on improving the cities website; and
- spoke regarding road issues in the Houston area.

## 2. Matanuska-Susitna Borough School District

School Board Member Purcell Invited the Assembly to attend the Nutrition Services Facility dedication on February 16, 2007.

Assemblymember Allen queried whether the student enrollment numbers are declining or leveling out.

School Board Member Purcell:

- stated that the enrollment numbers have leveled off below projections; and
- noted that she does not believe that the enrollment numbers are declining.

## 3. Alaska Attachment and Bonding Associates – Update on the R.A.V.E.N Respite Project and Group Home Activities

Ms. Eleanor Oakley, Executive Director:

- advised that they are in the second year of the project;
- advised that they have received two grants from the Mat-Su Health Foundation;
- spoke regarding certified training for respite providers;
- advised that they have hired a new staff member, under a federal grant, to help with marketing and fund raising; and
- advised that she has been re-licensed as a foster parent and has opened a therapeutic foster home.

Assemblymember Kvalheim queried if the program is still dealing with methamphetamine-related children.

Ms. Oakley:

- advised that some of their parents are dealing with the methamphetamine-related children; and
- spoke regarding children who are affected by fetal alcohol syndrome.

## 4. Mat-Su Convention and Visitors Bureau

Ms. Bonnie Quill:

- provided an update regarding the discussions that took place at the November Mat-Su Convention and Visitors Bureau Board (MSCVB) retreat;
- spoke regarding the benefits of the new Anchorage Convention and Visitors Bureau and the South Denali Visitors facility;
- advised that the three-year grant agreement between the Borough and the MSCVB expires on July 1, 2007, and that the MSCVB Board will continue discussions regarding the funding formula at their next meeting;
- spoke regarding efforts to expand tourism in the Borough; and
- advised that Mr. Bill Geist will be in attendance at a joint chambers meeting to discuss tourism marketing and trends.

## C. MANAGER COMMENTS

### 1. State/Federal Legislation

Mr. Duffy:

- spoke regarding the South Palmer school site selection;
- advised that Ms. Clayton has a preliminary statement regarding the general obligation bonds on the agenda for this evening; and
- noted that the Assembly has a quorum for the joint meeting with the Denali Borough on February 15, 2007.

Assemblymember Kvalheim queried the permits that Polarconsult Alaska is requesting for an in-stream electrical generator in the Hatcher Pass area.

Mr. Duffy:

- advised that he has received a notice from Polarconsult Alaska seeking permits to put in an in-stream electrical generator on a creek that is between the Borough's leasehold in Hatcher Pass and the Motherlode Lodge; and
- stated that administration has a more in depth analysis from the firm.

Assemblymember Kvalheim queried whether there would be any more information to come forward to the Assembly for approval.

Mr. Duffy advised that he does not believe that this issue needs the Borough's approval.

Discussion ensued regarding the in-stream electrical generator.

Assemblymember Church requested an update regarding the Bogard Road extension and south Trunk Road projects.

Mr. O'Brien:

- advised that the consultants for the Bogard Road extension will provide a presentation to the joint Assembly/Planning Commission in March;
- spoke regarding the public process;
- advised that the south Trunk Road project is in the Long Range Transportation Plan; and
- advised that a request for proposal for pre-design and environmental services will be issued soon regarding the south Trunk Road project.

Deputy Mayor Woods queried where the funds are coming from.

Mr. O'Brien:

- advised that the funds are provided by the State; and
- spoke regarding the scope of work for the south Trunk Road project.

## B. COMMITTEE REPORTS

### 1. Joint Assembly/School Board Committee on School Issues

Assemblymember Wells advised that the Committee spoke regarding: Ordinance Serial No. 07-019, regarding the membership of the committee; the Palmer Area school site selection; President Bush's inclusion of the No Child Left Behind Act in his budget for reauthorization; and the possibility for a year round school schedule.

Deputy Mayor Woods noted that the Committee also spoke regarding program-based budgeting.

### 2. Assembly Public Relations

Assemblymember Bettine:

- spoke regarding correspondence she has received from the Home Builders Association;
- noted that they are opposed to the land use permit legislation; and
- stated that she will bring back their recommended changes to the legislation to the Assembly.

## D. ATTORNEY COMMENTS

Mr. Spiropoulos:

- advised that the summary judgment that the Borough received on the tobacco case has been appealed to the Supreme Court;
- advised that the Borough prevailed at court regarding the Valley Country Stores case;
- stated that he is looking into appealing the Board of Adjustment and Appeals decision regarding case no. 06-11 on a package liquor store; however, he needs to look into the issue further prior to making a decision; and
- noted that the Denali Borough has dealt with coal bed methane issues before and that the Assembly may wish to put the matter on the joint agenda for discussion.

Deputy Mayor Woods advised that joint agenda has been advertised already.

Assemblymember Bettine requested clarification on the Board of Adjustment and Appeals case no. 06-11.

Mr. Spiropoulos:

- advised that the Board of Adjustment and Appeals (BOAA) overturned the Planning Commission's decision to deny the applicant a conditional use permit for a package liquor store;
- spoke regarding code requirements that the BOAA make findings of fact if they reverse a lower board's decision; and
- advised that the Borough filed for reconsideration on the matter so that the BOAA would make findings and fact; however, the BOAA denied the reconsideration.

Assemblymember Kvalheim queried regarding the BOAA discussing matters in executive session.

Mr. Spiropoulos advised that the code allows for the BOAA to deliberate in adjudicatory session.

#### E. CLERK COMMENTS

Ms. McGehee:

- spoke regarding the upcoming meeting schedule; and
- noted that the calendar for the budget work sessions will be coming forward to the Assembly in the future.

Assemblymember Kvalheim requested that the Attorney's 6-month evaluation be scheduled on March 27, 2007, at 5 p.m.

Deputy Mayor Woods inquired if there was any objection to setting the Attorney's evaluation for March 27, 2007.

There was no objection noted.

Ms. McGehee:

- referenced the quasi-judicial report; and
- spoke regarding the Alaska Municipal League's Summer Legislative Meeting.

Assemblymember Kvalheim queried how to take items off of the tracking report.

Ms. McGehee advised that an Assembly Member may remove an item in their district or a majority of the Assembly could modify the report.

*(The regular meeting recessed at 6:57 p.m. and reconvened at 7:10 p.m.)*

#### VII. 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. 07-006: AN ORDINANCE CLASSIFYING ONE BOROUGH-OWNED PARCEL FOR SALE IN THE WILLOW AREA.
  - a. IM No. 07-001

Mr. Swanson provided a staff report.

Deputy Mayor Woods queried if the access to the property would be down the section line.

Mr. Swanson advised that the access to the property would be down the section line.

Deputy Mayor Woods 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. 07-006.

Assemblymember Kluberton:

- advised that he spoke to the chair for the Willow Area Community Organization; and
- noted that in the Chair's perspective, there is no resistance in the community regarding this issue.

VOTE: The motion passed without objection.

- 2 Ordinance Serial No. 07-008: AN ORDINANCE CLASSIFYING ONE BOROUGH-OWNED PARCEL OF LAND FOR SALE IN THE BIG LAKE AREA.
  - a. IM No. 07-002

Mr. Swanson provided a staff report.

Deputy Mayor Woods 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. 07-008.

VOTE: The motion passed without objection.

3. Ordinance Serial No. 07-010: AN ORDINANCE APPROVING AN APPROPRIATION OF \$95,000 FROM THE UNRESTRICTED NET ASSETS IN THE SOLID WASTE ENTERPRISE FUND, FUND 510, TO FUND 420, PROJECT NO. 25050, CENTRAL LANDFILL CELL III DEVELOPMENT, TO ALLOW FOR THE DESIGN OF A NEW CELL AT CENTRAL LANDFILL.
  - a. Resolution Serial No. 07-009: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET TO ALLOW FOR THE DESIGN DEVELOPMENT OF CELL III AT CENTRAL LANDFILL, PROJECT NO. 25050.
    - (1) IM No. 07-009

Mr. Duffy:

- stated that the bids regarding this project have come in and are substantially higher than anticipated;
- requested that the Assembly proceed with the public hearing and vote the legislation down; and
- advised that new legislation would come before the Assembly at a later date.

Assemblymember Wells queried whether there would be another public hearing when the new information is brought forward.

Mr. Duffy advised that it would come forward for public hearing.

Assemblymember Church queried if the cells were being filled faster than anticipated.

Mr. Rountree:

- advised that the cells are being filled faster than anticipated; and
- stated that they are looking at the long-term plan for the land fill.

Assemblymember Church queried if the long range plan for the landfill included the recycling effort and whether the Valley Community for Recycling Solutions (VCRS) would affect the plan.

Mr. Rountree:

- stated that he believes that there are affects, as VCRS has an active program; and
- noted that he could provide some information to the Assembly.

Deputy Mayor Woods opened the public hearing.

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

MOTION: Assemblymember Allen moved to adopt Ordinance Serial No. 07-006 and Resolution Serial No. 07-009.

Assemblymember Allen recommended that the Assembly defeat the legislation, as the bids have come in higher than anticipated.

VOTE: The motion failed unanimously.

4. Ordinance Serial No. 07-011: AN ORDINANCE AMENDING MSB 15.24.030(B)(2), TO INCLUDE THE FINAL PLAN AMENDMENT TO THE MSB COASTAL MANAGEMENT PLAN.
  - a. IM No. 07-011

Mr. O'Brien provided a staff report.

Assemblymember Wells queried funding for the plan.

Mr. O'Brien:

- advised that the Borough receives an annual grant; and
- noted the part of Ms. Lee's salary is funded through the grant.

Deputy Mayor Woods opened the public hearing.

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

MOTION: Assemblymember Allen moved to adopt Ordinance Serial No. 07-011.

VOTE: The motion passed without objection.

5 Ordinance Serial No. 07-012: AN ORDINANCE AMENDING  
MSB 3.15.200, BOARD OF EQUALIZATION, APPEAL; MSB 3.15.210, BOARD OF  
EQUALIZATION; AND MSB 3.15.220, BOARD OF EQUALIZATION, HEARING.  
a. IM No. 07-012

Mr. Spiropoulos provided a staff report.

Deputy Mayor Woods queried the reason that the compensation of members is in separate locations in the legislation.

Mr. Spiropoulos advised that compensation does not need to be in the legislation in two separate areas, and that it is a duplicate provision.

Deputy Mayor Woods queried who set the fee for filing an appeal.

Mr. Spiropoulos:

- stated that the Board of Equalization set the fee; and
- advised that the Board of Equalization reviewed the Anchorage code regarding the appeal process.

Mr. Duffy advised that the Board was trying to address the situation of an appeal being filed, prior to the staff gathering the information needed for the appeal, just to have the appellant not appear at the hearing.

Assemblymember Allen queried the current compensation for the Board.

Mr. Spiropoulos advised that currently the Board receives \$50 per meeting.

Deputy Mayor Woods opened the public hearing.

The following person requested that the Assembly not charge a fee to file an assessment appeal:  
Mr. Pio Cotini.

The following person spoke regarding the Board bringing information forward on his appeal rather than acting in a quasi-judicial capacity: 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. 07-012.

**MOTION:** Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 07-012, MSB 3.15.200(F), to strike the sentence in its entirety and replace it with the following: (F) The assessment secretary shall serve as the direct staff support to the board of equalization and shall perform all duties necessary to support the board; including but not limited to: scheduling meetings, distributing information to the members; preparing agendas, minutes, and final orders; and meeting set up and break down.

**VOTE:** The primary amendment passed without objection.

**MOTION:** Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 07-012, MSB 3.15.225(E)(5), to striking the following sentence “Documents offered at the hearing, which should have been provided within 15 days from the close of the appeal period, will not be accepted into evidence by the board” and insert in its place “The board of equalization may in its discretion decline to accept documents offered at the hearing which should have been provided within 15 days from the close of the appeal period. In exercising this discretion, the board shall consider the relevance and probative value of the documents which are under consideration accepting those documents which in all fairness are necessary to a fair resolution of the appeal” to read as follows: (E)(5) Rules of evidence. Evidence shall only be presented by the appellant and the assessor or their authorized representative. The board shall not be restricted by the formal rules of evidence; however, the presiding chair may exclude evidence irrelevant to the issues appealed. Hearsay evidence may be considered provided that there are adequate guarantees of its trustworthiness and that it is more probative on the point for which it is offered than any other evidence which the proponent can procure by reasonable efforts. The appellant must submit to the assessor's office within fifteen days after the close of appeal period all documentary evidence in their possession which they wish to be considered and which is relevant to the resolution of the appeal. This evidence includes but is not limited to purchase and closing documents, appraisal reports, brokers opinion of value, engineers reports, estimates to repair, rent rolls, leases, and income and expense information. The board of equalization may in its discretion decline to accept documents offered at the hearing which should have been provided within 15 days from the close of the appeal period. In exercising this discretion, the board shall consider the relevance and probative value of the documents which are under consideration accepting those documents which in all fairness are necessary to a fair resolution of the appeal. Prior to the BOE meeting, the appellant and assessor may agree to an extension of time for the production of evidence.

Assemblymember Allen spoke to concerns that the Board members could bring forward evidence during a hearing process.

Assemblymember Bettine:

- stated that her intent was that any evidence that is relevant can be submitted;
- noted that she would like to make this process more friendly for the tax-payer;
- spoke regarding concerns that the person that is appealing is not receiving the information in a timely manner from the Borough.

*(The regular meeting recessed at 7:46 p.m. and reconvened at 7:59 p.m.)*

Assemblymember Bettine:

- stated that the amendment allows for pertinent information to be used if that information comes forward after the 15 days has lapsed; and
- noted that the way it is written now, pertinent information coming in after the deadline can not be used.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 07-012, No. 3, MSB 3.15.200(H), to strike the reference to the number “5” and to insert in its place the number “10,” and to insert the word “written” between “of” and “notification” to read as follows: (H) A property owner, who seeks to appeal the Assessor's valuation after the 30-day filing period has closed, shall file a letter with the Assessor stating the reasons why the property owner was unable to comply with the 30-day appeal period. The board or a panel thereof shall consider each letter and shall only consider reasons the appellant was unable to comply with the 30-day appeal period. It shall not consider evidence regarding property valuation. The determination shall be based on the letter and supporting documents. The board or a panel thereof shall interpret the term "unable to comply" as meaning that a property owner must demonstrate compelling reasons or circumstances which would prevent a reasonable person under the circumstances from filing an appeal. If the request is granted, the property owner shall have 10 days from the date of written notification by the Assessor to file an appeal. If the request is denied, the Assessor shall notify the property owner of the board's decision.

Assemblymember Allen queried if these would be calendar days or business days.

Mr. Spiropoulos advised that it would mean calendar days.

MOTION: Assemblymember Kluberton moved a secondary amendment to Ordinance Serial No. 07-012, MSB 3.15.200(H), to insert the word “business” after the word “10” to read: (H) A property owner, who seeks to appeal the Assessor's valuation after the 30-day filing period has closed, shall file a letter with the Assessor stating the reasons why the property owner was unable to comply with the 30-day appeal period. The board or a panel thereof shall consider each letter and shall only consider reasons the appellant was unable to comply with the 30-day appeal period. It shall not consider evidence regarding property valuation. The

determination shall be based on the letter and supporting documents. The board or a panel thereof shall interpret the term "unable to comply" as meaning that a property owner must demonstrate compelling reasons or circumstances which would prevent a reasonable person under the circumstances from filing an appeal. If the request is granted, the property owner shall have 10 business days from the date of written notification by the Assessor to file an appeal. If the request is denied, the Assessor shall notify the property owner of the board's decision.

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment passed as amended without objection.

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 07-012, MSB 3.15.200(H), to insert the words "in writing" at the end of the subsection to read: (H) A property owner, who seeks to appeal the Assessor's valuation after the 30-day filing period has closed, shall file a letter with the Assessor stating the reasons why the property owner was unable to comply with the 30-day appeal period. The board or a panel thereof shall consider each letter and shall only consider reasons the appellant was unable to comply with the 30-day appeal period. It shall not consider evidence regarding property valuation. The determination shall be based on the letter and supporting documents. The board or a panel thereof shall interpret the term "unable to comply" as meaning that a property owner must demonstrate compelling reasons or circumstances which would prevent a reasonable person under the circumstances from filing an appeal. If the request is granted, the property owner shall have 10 business days from the date of written notification by the Assessor to file an appeal. If the request is denied, the Assessor shall notify the property owner of the board's decision in writing.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 07-012, MSB 3.15.215(K), to strike subsection (K) in its entirety.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 07-012, MSB 3.15.225(A), to insert the phrase "and the applicant" between the words "thereof" and "with" to read: (A) Preparation of appeal packet. The Borough assessor shall furnish the board of equalization or a panel thereof, and the applicant, with copies of the appellant's appeal and a summary of assessment data relating to the appeal.

Assemblymember Bettine stated the intent is to make sure that the person filing the appeal will received the same information that is provided to the board.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 07-012, MSB 3.15.225(E)(4), to insert the phrase “including but not limited to documents presented or requested by the board of equalization for presentation of appeal” to read: (E)(4) Burden of proof. The burden of proof rests with the appellant. The only grounds for adjustment of an assessment are unequal, excessive, improper or under valuation based on the facts stated in a valid written appeal or proven at the appeal hearing in accordance with subsections 5 and 7 of this section. If the valuation is found to be too low, the board may raise the assessment. The borough shall make available to the appellant all reasonably pertinent documents requested for presentation of the appeal, including but not limited to documents presented or requested by the board of equalization for presentation of the appeal,

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 07-012, MSB 3.15.225(E)(6), to strike the phrase “at the discretion of the presiding chair” to read” (E)(6) Order of presentation. The appellant shall present evidence and argument first. Following the appellant, the assessor or his representative shall present the borough’s evidence and argument. Each party shall be allowed a total of five minutes to present evidence, and make oral argument unless additional time is permitted by the presiding chair. The appellant may make a rebuttal presentation, not to exceed two minutes, directed solely to the issues raised by the assessor. The members of the board may ask questions, through the presiding chair, of either the appellant or the assessor at any time during the hearing. After both the appellant and the assessor have made their presentations, each may question the other through the presiding chair. The presiding chair may end the questioning and call for a motion from the other members.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Kvalheim moved a primary amendment to Ordinance Serial No. 07-012, MSB 3.15.215(G), to strike the date reference of “January 15” and to insert in its place the date of “December 31” and to insert the following at the end of the subsection “A board member may not serve more than two full consecutive terms. A board member who serves more than one-half of a term is considered to have served a full term. After one year from the date of termination of a board member’s second full consecutive term, the ex-board member may be reappointed to the board” to read as follows: (G) Term of Office. Terms of office shall be for three years and shall be staggered so that approximately one-third of the terms shall expire each year on December 31. A board member may not serve more

than two full consecutive terms. A board member who serves more than one-half of a term is considered to have served a full term. After one year from the date of termination of a board member's second full consecutive term, the ex-board member may be reappointed to the board

VOTE: The primary amendment passed without objection.

Assemblymember Wells queried the approximate number of assessments that are sent out every year.

Mr. Duffy advised that approximately 65,000 assessments are sent out yearly.

Assemblymember Wells:

- noted that there were 700 appeals filed last cycle; and
- queried the number of people who filed an appeal that did not come to the hearing.

Mr. Duffy:

- advised that approximately one-third of the appeals filed did not have appellants attend the hearing; and
- noted that it takes approximately five hours of staff time to prepare for each appeal.

Assemblymember Bettine queried how the fee would ensure that the applicant for the appeal would attend the hearing.

Mr. Duffy:

- stated that he is having a hard time explaining the fee, as it was request by the board;
- stated that he agrees that the \$25 fee is not enough to ensure that people attend the hearing; and
- commented that the Municipality of Anchorage has increased their assessment appeal fee to \$500.

Discussion ensued regarding the fee to file an assessment appeal.

MOTION: Assemblymember Wells moved a primary amendment to Ordinance Serial No. 07-12, MSB 3.15.200(B), to strike the sentences "no appeal application shall be accepted unless a filing fee of \$25 is paid. If the appeal results in a reduction from the original assessed value, the filing fee shall be refunded" to read as follows: (B) The appellant shall, within 30 calendar days after the date of mailing of notice of assessment, submit to the assessor a written appeal specifying grounds in the form that the board of equalization may require. Otherwise, the right of appeal ceases unless the board of equalization finds that the taxpayer was unable to comply. The Assessor shall assign a case number to the appeal within one week of filing.

VOTE: The primary amendment passed with Assemblymembers Kvalheim and Church opposed.

VOTE: The main motion passed as amended without objection.

6. Ordinance Serial No. 07-013: AN ORDINANCE TO ISSUE GENERAL OBLIGATION REFUNDING BONDS, 2007, IN ONE OR MORE SERIES IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$55,000,000 TO REFUND CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF THE BOROUGH, FIXING CERTAIN DETAILS OF SUCH BONDS AND AUTHORIZING THEIR SALE.
  - a. IM No. 07-022

Ms. Clayton provided a staff report.

Assemblymember Allen queried the interest cost.

Ms. Clayton advised that the true interest costs were 3.72 percent.

Assemblymember Allen queried the total bonded indebtedness of the Borough.

Ms. Clayton advised that the total bonded indebtedness is \$189,000,000.

Deputy Mayor Woods opened the public hearing.

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

MOTION: Assemblymember Allen moved to adopt Ordinance Serial No. 07-013.

VOTE: The motion passed without objection.

CONFLICT OF INTEREST: Assemblymember Kluberton declared a conflict of interest on Ordinance Serial No. 06-188, Ordinance Serial No. 06-188(SUB), and Resolution Serial No. 06-166.

RULING: Deputy Mayor Woods ruled that Assemblymember Kluberton has a conflict of interest on Ordinance Serial No. 06-188, Ordinance Serial No. 06-188(SUB), and Resolution Serial No. 06-166, and would be recused from voting.

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

7. Ordinance Serial No. 06-188: AN ORDINANCE ADOPTING MSB 17.73, MULTI-FAMILY DEVELOPMENT DESIGN STANDARDS.
  - a. Ordinance Serial No. 06-188(SUB): AN ORDINANCE ADOPTING MSB 17.73, MULTI-FAMILY DEVELOPMENT DESIGN STANDARDS.

- b. Resolution Serial No. 06-166: A RESOLUTION ESTABLISHING FEES FOR MULTI-FAMILY DEVELOPMENT DESIGN STANDARDS APPLICATIONS UNDER TITLE 17, ZONING.
- (1) IM No. 07-034
  - (2) IM No. 06-292
  - (3) IM No. 06-229

Mr. Jones provided a staff report.

Deputy Mayor Woods:

- noted that the legislation references the Subdivision Construction Manual when it is talking about roads between the multi-family units; and
- queried whether the standards in the Subdivision Construction Manual would be the same when it comes to a road within a lot.

Mr. Jones:

- stated that the standard is for a minimum width of 20 feet for an internal drive system; and
- noted that if there is a parking lot associated with that, it would be a 24 foot minimum to allow for additional back up space.

Deputy Mayor Woods queried the useable open space language where it states that the open space should be available to all segments of the population.

Mr. Jones:

- advised that the “all segments of the population” relates to the American with Disabilities Act standards; and
- noted that this issue was brought up at the Planning Commission; however, they decided to leave the language the same.

Deputy Mayor Woods:

- stated that she would rather have the language read “residents” rather than “population;” and
- noted that the open space is for the residents and is not intended to become a public park.

Assemblymember Church:

- spoke regarding the mixed use opportunities; and
- queried the conditional use permits for commercial uses.

Mr. Jones:

- stated that if there isn't an associated conditional use permit as part of the development than a condition use permit would still be required;
- spoke regarding standards of commercial use; and
- stated that a conditional use permit would not be necessary unless the applicant chose to request one in trying to address their plan.

Deputy Mayor Woods opened the public hearing.

The following person spoke in support of Ordinance Serial No. 06-188 and Resolution Serial No. 06-166 and to concerns for water quality, issues with wetlands, fire safety, and access degradation: Mr. Jim Sykes.

The following person spoke in support of Ordinance Serial No. 06-188 and Resolution Serial No. 06-166 and expressed concerns regarding water quality: Ms. Cathy Well, Director of Friends of Mat-Su.

The following person spoke to concerns regarding the cost of the regulations: Mr. Pio Cotini.

The following person spoke to concerns that the legislation will bring about unintended consequences and that the legislation goes beyond life safety issues: Mr. Dave Norton.

The following person spoke in favor of Ordinance Serial No. 06-188 and Resolution Serial No. 06-166: Mr. Jim Colver.

The following person spoke to concerns that the legislation requires more stringent requirements on water issues than the Alaska State Department of Environmental Conservation and the cost to the families that live in multi-family developments: Ms. Kim Norton.

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

MOTION PENDING: Assemblymember Allen moved to adopt Ordinance Serial No. 06-188 and Resolution Serial No. 06-166.

MOTION: Assemblymember Allen moved to amend Ordinance Serial No. 06-188 by substitute Ordinance Serial No. 06-188(SUB).

*(Mayor Menard exited the teleconference at this time.)*

*(The regular meeting recessed at 9:10 p.m. and reconvened at 9:24 p.m.)*

Assemblymember Kvalheim:

- stated that she believes there has been a misunderstanding, as you can have the ability to have a chain linked fence with the standards; and
- stated that she is pleased with the legislation and the fire safety language that has been added.

Assemblymember Wells queried where the number of “3 or more units” came from.

Mr. Jones:

- advised that the number of units was discussed at the committee level;
- stated that they had discussions with the fire department and that State Statute describes 4 or more units; and
- noted that the fire department encouraged that the requirements stay three units for fire safety issues.

Assemblymember Wells:

- spoke to concerns regarding planting ratios and distance between plants; and
- queried the language in the landscaping portion of the legislation.

Mr. Jones stated that standards must be made if there is going to be a requirement for perimeter landscaping.

Assemblymember Allen:

- stated that there has been good work put into the legislation;
- stated that there needs to be affordable housing in the Borough;
- stated that the legislation is restrictive to the point that it is leaning toward exclusivity; and
- opined that the legislation needs more work in light of the testimony provided by the public.

Assemblymember Church:

- spoke to the need to get ahead of the multi-family development issue rather than dealing with the issues as they come up;
- spoke to the potential risks should the legislation not pass; and
- stated that the Assembly has to rely on the expertise of the Planning staff.

**MOTION:** Assemblymember Woods moved a primary amendment to Ordinance Serial No. 06-188(SUB), (17.73.220(A), Useable Open Space, third line, remove “segments of the population” and insert “accessible to all residents and guests thereof” to read: (A) All new multi-family developments will set aside useable open space. The useable open space shall be accessible to all residents and guests thereof. Usable open space may include active recreational facilities, such as equipment for youth, ball fields, court games, and picnic tables. Usable open space shall comply with the Americans with Disabilities Act of 1990 (ADA) requirements. In addition to the ADA standards, all buildings exceeding four units must comply with all Fair Housing Act of 1968 requirements.

**VOTE:** The primary amendment passed without objection.

**MOTION:** Deputy Mayor Woods moved a secondary amendment to Ordinance Serial No. 06-188(SUB), MSB 17.73.040(A)(1), to strike the number “3” and insert in its place the number “5” to read: Residential development constructed at a density equal to or greater than five units per 40,000 square feet of lot area.

Assemblymember Woods advised that the intent of the amendment is to allow for 4-plexes and that the legislation will take affect for 5 or more units.

Assemblymember Church:

- spoke to the concerns of the fire chief; and
- noted that the fire chief requested that the committee keep the number of units at three.

Discussion ensued regarding fire safety issues with raising the density to 5 or more units.

VOTE: The primary amendment passed without objection.

Mr. Spiropoulos advised that since the number of units per 40,000 square feet has changed to five, that the lot area in MSB 17.72.040(A)(1)(a)(i) needs to be changed to .000125.

MOTION: Deputy Mayor Woods moved a secondary amendment to Ordinance Serial No. 06-188(SUB), MSB 17.73.040(A)(1)(a)(i), to strike the he number “.000075” and inserting in its place he number “.000125” to read: (A)(1)(a)(i) .000125 multiplied by lot area.

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment to amend by substitute passed without objection.

VOTE: The main motion passed as amended with Assemblymember Wells opposed.

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

Assemblymember Bettine:

- requested that work be done on the Subdivision Construction Manual regarding interior roads; and
- requested that the legislation be brought forward to the Assembly by the second meeting in March.

MOTION: Assemblymember Church moved to reconsider Ordinance Serial No. 06-188(SUB) and Resolution Serial No. 06-166.

VOTE: The motion failed unanimously.

#### C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke regarding Lazy Mountain Productions starting a cable channel and offered the Assembly to broadcast the Assembly meetings on the cable channel and video streaming on the web: Mr. Bob Elyard.

The following person spoke to concerns regarding the Borough’s school site selection process: Mr. Kevin Sorensen.

The following spoke in favor of Resolution Serial No. 07-012 and Resolution Serial No. 07-013: Mr. Gary Gearhard of Turner Construction.

The following person spoke regarding the Willow to Point MacKenzie Rail Corridor cutting across agricultural lands: Ms. Flo Pitcher.

The following persons spoke to concerns regarding the Palmer area school site selection process: Mr. Pio Cotini, School Board Member Cheryl Turner, Mr. Pat Marley, and Mr. Dave Norton.

The following person spoke regarding concerns of consultant fees and the nordic trails system in Resolution Serial No. 07-010 and AM No. 07-020: Mr. Jim Colver.

D. CONSENT AGENDA (Resolution Serial Nos. 07-010, 07-011, and 07-012 and AM No. 07-016 were pulled from the consent agenda and addressed separately. *See pp. 21-24*)

1. RESOLUTIONS

d. Resolution Serial No. 07-014: A RESOLUTION AMENDING THE BUDGETS FOR THE DISTRICT WIDE RENEWAL AND RENOVATION FOR MECHANICAL/ELECTRICAL SYSTEMS, PROJECT NO. 40155, AND DISTRICT WIDE RENEWAL AND RENOVATION FOR FLOORING, PROJECT NO. 40153, AND DISTRICT WIDE RENEWAL AND RENOVATION FOR BUILDING SYSTEMS, PROJECT NO. 40156, TO ALLOW FOR ADDITIONAL WORK AT COLONY HIGH SCHOOL.

(1) IM No. 07-031

e. Resolution Serial No. 07-015: A RESOLUTION CREATING A MAYOR'S BLUE RIBBON SPORTSMEN'S COMMITTEE.

(1) IM No. 07-039

2. ASSEMBLY MEMORANDUMS

b. AM No. 07-017: AWARD OF BID NO. 07-075 TO KING OF DIAMONDS EXCAVATING IN THE CONTRACT AMOUNT OF \$57,750 FOR THE UPGRADE OF MAPLEWOOD DRIVE.

c. AM No. 07-018: AWARD OF PROPOSAL NO. 07-005 TO KEAN AND ASSOCIATES IN THE AMOUNT OF \$57,296 FOR THE BIG LAKE PUBLIC ACCESS DOCUMENTATION PROJECT PHASE 1B.

d. AM No. 07-019: AWARD OF PROPOSAL NO. 07-090 TO TEKIMATE, INC., IN THE AMOUNT OF \$29,152 FOR THE INSTALLATION AND CONFIGURATION OF CISCO ROUTERS AND SWITCHES FOR THE BOROUGH'S COMPUTER NETWORK.

Ms. McGehee read the above legislation into the record.

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

VOTE: The motion passed without objection.

- a. Resolution Serial No. 07-010: A RESOLUTION APPROVING THE SCOPE OF WORK AND AMENDING THE BUDGET FOR THE HATCHER PASS SKI DEVELOPMENT AND TRANSPORTATION DEVELOPMENT PROJECT.
- (1) IM No. 07-016
- (2) AM No. 07-020: AWARD OF PROPOSAL NO. 07-059 TO DOWL ENGINEERS IN THE AMOUNT NOT TO EXCEED \$374,116 FOR THE HATCHER PASS SKI AREA DESIGN AND ENVIRONMENTAL STUDIES.

MOTION: Assemblymember Church moved to adopt Resolution Serial No. 07-010 and AM No. 07-020.

Assemblymember Church queried if the environmental study would decide whether there is a bridge needed.

Mr. O'Brien:

- spoke regarding federal project requirements;
- spoke regarding the areas that the environmental study will review; and
- advised that these issues have to be looked at prior to going forward with the design.

Mr. Duffy advised that there is a possibility that a bridge will not be necessary.

VOTE: The motion passed without objection.

- b. Resolution Serial No. 07-011: A RESOLUTION AMENDING THE BUDGETS OF PROJECT NO. 40135, SCHOOL DISTRICT RENOVATION AND RENEWAL ASBESTOS ABATEMENT, AND PROJECT NO. 40159, PALMER ACADEMY CHARTER SCHOOL GYM CONSTRUCTION, TO ALLOW ADDITIONAL WORK ON THE PALMER ACADEMY CHARTER SCHOOL GYM.
- (1) IM No. 07-023

MOTION: Assemblymember Wells moved to adopt Resolution serial No. 07-011.

Assemblymember Wells:

- queried how the Borough staff and School District staff work together when there are funds left over from other projects;
- noted that there have been a number of slow speed collisions at the access to the Shaw Elementary School; and
- queried whether health and safety issues would be addressed above noise suppression issues.

Mr. Rountree:

- advised that the Borough works closely with the School District's maintenance staff on projects;
- noted that they did not work with the School District on this issue, as the Academy Charter School contacted him directly regarding the project;

- advised that there were funds remaining from the asbestos abatement project to put towards the work at Academy Charter School; and
- noted that there could be schools that have asbestos; however, there are no projects identified where asbestos abatement is required.

Deputy Mayor Woods queried where the Academy Charter School was acquiring the other funds for the project.

Mr. Rountree advised that the remainder of the funds needed for the project were provided by donations and fund raising at the school.

Assemblymember Allen queried whether the Borough has done a yearly inspection to determine whether there is asbestos in any of the schools.

Mr. Rountree:

- advised that the School District takes care of the inspections; and
- noted that the School District monitors their own asbestos program.

VOTE:           The motion passed without objection.

- c.       Resolution Serial No. 07-012: A RESOLUTION SELECTING THE SITE FOR THE NEW SOUTH PALMER AREA ELEMENTARY SCHOOL.
- (1)     Resolution Serial No. 07-013: A RESOLUTION AUTHORIZING THE BOROUGH MANAGER TO ACQUIRE A DONATED PARCEL OF LAND FOR THE PURPOSE OF AN ELEMENTARY SCHOOL.
- (a)     IM No. 07-026

MOTION:       Assemblymember Church moved to adopt Resolution serial No. 07-012 and Resolution Serial No. 07-013.

Mr. Duffy:

- noted that there have been a lot of questions raised regarding this issue; and
- requested that the Assembly allow Mr. Swanson to provide a staff report to speak to the selection process.

Deputy Mayor Woods queried whether there was any objection.

There was no objection noted.

Mr. Swanson provided a staff report.

Assemblymember Kvalheim thanked the staff for working on this issue and bringing the information forward.

Assemblymember Kluberton queried whether the negotiations would be affected if the Assembly were to give the School Board the opportunity to verify their decision.

Mr. Swanson:

- stated that technically the offers to the Borough have terminated; therefore the property owners would need to be contacted to see if they would extend their offers; and
- noted that the school site recommendation came from School District staff and School Board members were present during the site selection process.

Assemblymember Bettine:

- stated that the school bonds has acquisitioned funds for a south Palmer school site; and
- queried whether the bonds could be used to purchase the second site.

Ms. Clayton:

- advised that the bond funds could not be used for the purchase of the second site;
- stated that there is a stipulation in the bond proposition that the project has to be approved by the State for debt service reimbursement; and
- noted that the State only approved one school in the area.

Discussion ensued regarding:

- the school bond proposition language; and
- the Nelson Road site being partially out of the targeted area.

**MOTION:** Assemblymember Allen moved a primary amendment to Resolution Serial No. 07-012, by inserting the following “Whereas” and “Be It Further Resolved clauses: “Whereas, the sites at Nelson Road and Springer Loop were both determined to met the needs to serve the growing population in the area” after the fifth and “Be It Further Resolved, that the Manager continues reasonable efforts to acquire the Springer Loop site (described as portion of Southwest ¼ Southwest ¼ Section 9, 17N02E, Seward Meridian) for a school to be built when the Mat-Su School District supports constructing a new school in the South Palmer Area and when funding for constructing a new school is available.

**MOTION:** Assemblymember Wells moved to extend the meeting past 11 p.m. and not to exceed 12 midnight.

**VOTE:** The motion passed without objection.

Assemblymember Kvalheim advised that she would support the amendment, as the Borough Area Site Selection Committee was in favor of acquiring both properties.

Assemblymember Church spoke regarding concerns for the Borough to acquire any future site when and if the School District is in support.

Deputy Mayor Woods advised that the School District’s demographics show that there is continuing growth in both areas.

Discussion ensued regarding where the funds for the second site would come from.

MOTION: Assemblymember Church moved to postpone Resolution Serial No. 07-012 and Resolution Serial No. 07-013 to a time certain of February 20, 2007.

Assemblymember Wells:

- opined that the Assembly could move forward and approve the legislation tonight; and
- stated that the Assembly's approval of the legislation does not prohibit a School Board reconsideration.

Assemblymember Bettine:

- queried the reasons for postponing the legislation; and
- stated that she would be in favor of postponement if the Assembly was going to request staff to provide specific information.

Assemblymember Church stated that there are too many questions outstanding that need to be answered prior to passing the legislation.

VOTE: The motion to postpone to a time certain failed with Assemblymember Kvalheim in favor.

Discussion ensued regarding:

- the Springer Loop site being included into the legislation;
- whether the School Board agrees with the recommendation of the Borough Area School Site Selection Committee; and
- the need for a back up site.

VOTE: The primary amendment passed with Assemblymembers Bettine and Church opposed.

VOTE: The main motion as amended passed without objection.

- a. AM No. 07-016: APPROVAL OF CHANGE ORDER TO DENALI GENERAL CONTRACTORS, INC., IN THE AMOUNT OF \$470,000 FOR ADDITIONAL WORK TO THE SUSITNA VALLEY HIGH SCHOOL ROOF REPLACEMENT, PROJECT NO. 40160.

MOTION: Assemblymember Allen moved to approve AM No. 07-016.

Assemblymember Allen requested a staff report.

Mr. Rountree provided a staff report.

VOTE: The motion passed without objection.

Deputy Mayor Woods inquired if there was any objection to taking up the introductions and the vacancy report prior to unfinished business.

There was no objection noted.

## **IX. NEW BUSINESS**

### **A. INTRODUCTION (For public hearing - 02/20/07, 7 p.m., Borough Assembly Chambers)**

1. Ordinance Serial No. 07-016: AN ORDINANCE CLASSIFYING SEVEN BOROUGH-OWNED PARCELS OF LAND IN THE TRAPPER CREEK AREA AS PRIVATE RECREATION LAND, ONE BOROUGH-OWNED PARCEL IN THE HOUSTON AREA CLASSIFIED AS GENERAL PURPOSE, AND ONE BOROUGH-OWNED PARCEL IN THE TRAPPER CREEK AREA CLASSIFIED AS GENERAL PURPOSE, AND SAID PARCELS TO BE OFFERED FOR SALE ON A COMPETITIVE BASIS.

a. IM No. 07-015

2. Ordinance Serial No. 07-017: AN ORDINANCE ADOPTING MSB 3.15.033, SENIOR CITIZEN/DISABLED VETERAN HARDSHIP TAX EXEMPTION; ESTABLISHING CRITERIA FOR EVALUATION, PROCEDURE, AND PROVIDING FOR AN APPEALS PROCESS.

a. IM No. 07-025

3. Ordinance Serial No. 07-018: AN ORDINANCE ACCEPTING AND APPROPRIATING \$5,000 FROM THE ALASKA STATE DEPARTMENT OF EDUCATION TO FUND 480, PROJECT NO. 20364, FOR CONTINUING EDUCATION GRANTS AT THE BIG LAKE, SUTTON, TALKEETNA, TRAPPER CREEK, AND WILLOW PUBLIC LIBRARIES.

a. Resolution Serial No. 07-016: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR CONTINUING EDUCATION GRANTS FOR THE BIG LAKE, SUTTON, TALKEETNA, TRAPPER CREEK, AND WILLOW PUBLIC LIBRARIES.

(1) IM No. 07-027

4. Ordinance Serial No. 07-019: AN ORDINANCE AMENDING TITLE 4 AND TITLE 19, TO ESTABLISH A BOROUGH AREA SCHOOLS SITE SELECTION COMMITTEE.

a. IM No. 07-037

**MOTION:** Assemblymember Allen moved to introduce the legislation as read into the record by the Clerk and set the public hearings for February 20, 2007.

**VOTE:** The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Menard requested the following confirmations:

Borough Area Schools Site Selection Committee

Removal of Linda Menard

Mayor's Blue Ribbon Task Force on Forming a Health and Social Services Board

Resignation of John Fairfield

Mayor Menard made the following recommendations:

Animal Care and Regulation Board

Jamie West

Board of Ethics

Christian Hartley

Borough Area Schools Site Selection Committee

Patricia Purcell

Emergency Medical Services Board

Patricia Stewart

Paul Gavell

Mayor's Blue Ribbon Sportsmen's Committee

Tom Kluberton

Bruce Knowles

Larry Engel

Tony Russ

Nathan Carey

Michael Hudson

Parks, Recreation, and Trails Advisory Board

Dewey Taylor

Planning Commission

Ken Klunder

Platting Board

James Spangler

Mae Sprague

Senior Citizen Advisory Board

Judith Wake

Willow FSA No. 35

Claire Fitzgerald

Board RSA No. 25

Carol Christiansen

Chase Trail SSA No. 134

Bethany Pike

MOTION: Assemblymember Allen moved to confirm the resignations up for confirmation this evening.

VOTE: The motion passed without objection.

C. OTHER NEW BUSINESS

**VIII. UNFINISHED BUSINESS**

- A. Ordinance Serial No. 06-223: AN ORDINANCE ESTABLISHING A NEW CHAPTER IN BOROUGH CODE, MSB28.60, TIMBER HARVEST. *(Main Motion Pending: 12/05/06 / Primary Amendment Pending: 01/09/07)*
  - 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 PENDING: Assemblymember Woods moved to amend Ordinance Serial No. 06-223 by substitute Ordinance Serial No. 06-223.

MOTION PENDING: Assemblymember Kluberton moved a secondary amendment to Ordinance Serial No. 06-223(SUB), MSB 28.60.050(B)(4), by inserting the phrase “75-foot buffer” at the beginning of the sentence to read as follows: (B)(4) 75-foot buffer adjacent to private property.

WITHDRAW: Assemblymember Kluberton requested to withdraw the secondary amendment.

Assemblymember Kluberton stated that it has been recommended that this amendment not go forward based on information from the Attorney General’s Office.

Deputy Mayor Woods inquired if there was any objection to the withdrawal of the secondary amendment.

There was no objection noted.

Mr. Kluberton stated that the Assembly would need to adopt the language currently pending to follow the Attorney General’s Office’s advice regarding buffers.

Mr. Swanson advised that staff, the Borough Attorney, and the Attorney General’s Office are recommending that the word “visual” be taken out of the legislation.

MOTION: Assemblymember Kluberton 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 February 20, 2007.

Assemblymember Kluberton advised that he would like to have time to prepare his amendments correctly and to allow the Assembly to review the amendments prior to the next meeting.

Assemblymember Bettine requested that the amendments be included in the February 20, 2007, Assembly packet.

VOTE: The motion to postpone to a time certain to February 20, 2007, passed without objection.

~~B. 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.~~

~~1. Resolution Serial No. 06-139: A RESOLUTION ESTABLISHING FEES FOR MSB MANDATORY LAND USE PERMIT, TITLE 17, ZONING. (Motion Pending: 01/16/07)~~

~~a. IM No. 06-273~~

*(Ordinance Serial No. 06-192 and Resolution Serial No. 06-139 were postponed at the agenda setting to March 6, 2007.)*

## **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 Kluberton:

- referenced a letter from Senator Huggins regarding whether the Borough could exempt senior centers from paying property tax; and
- requested that staff provide the Assembly the amount of property tax the senior centers pay.

Mr. Duffy advised that State law would need to be changed to exempt senior centers from paying property tax.

Assemblymember Kluberton spoke regarding the need to convene a group to bring the Assembly a recommendation regarding the timber inventory.

Assemblymember Kvalheim:

- spoke regarding the reasons that she voted against taking out the \$25 filing fee for assessment appeals;
- requested that Dr. Cole do more modeling for tourism, for cabin logs, and birch syrup; and
- queried the water tests at the prison site.

Mr. Duffy advised that there are positive preliminary results; however, they do not have the final numbers as of yet.

Assemblymember Kvalheim requested that a letter be sent to Governor Palin regarding the health and social services grants.

Assemblymember Bettine:

- requested that the Assembly attend the open houses and town hall meetings for Senator Huggins and Representative Newman in an effort to address issues that are important to the Borough;
- encouraged the Assembly to attend the joint chamber meeting for the discussion of using tourism as economic development;
- spoke regarding the Board of Equalization appeal process;
- spoke regarding the Borough's assessment process; and
- requested that Administration look into how other municipalities conduct their assessment process

Assemblymember Wells:

- spoke to the work that went into the multi-family legislation;
- stated that the reason he voted against the multi-family legislation is that it went too far; and
- spoke regarding the Academy Charter School calling and requesting funds for work on the acoustics in the gymnasium; and
- spoke to the need for the Manager to come up with a ranking system, as there are safety issues that should be addressed prior to acoustical issues.

Deputy Mayor Woods:

- spoke regarding attending the Alaska Municipal League Conference;
- congratulated the participants of a wrestling competition she attended;
- advised that she will be attending the Tri-Borough Meeting in Soldotna; and
- provided a quote from Martin Luther King in honor of Black History Month.

**XIV. ADJOURNMENT**

The regular meeting adjourned at 11:50 p.m.

***/ S /***

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CURTIS D. MENARD, Borough Mayor

ATTEST:

***/ S /***

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MICHELLE M. MCGEHEE, CMC, Borough Clerk

Minutes approved: 02/20/07