

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on March 6, 2007, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska; and teleconferenced to Upper Susitna Senior Center, Mile 98.5 Parks Highway. 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. Tom Kluberton, Assembly District No. 7

Assembly members absent and excused were:

Mr. Robert Wells, Assembly District No. 6

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. Elizabeth Hartley, Comptroller
Ms. Marian Romano, Assistant Borough Manager
Mr. Keith Rountree, Public Works Director
Mr. Clinton Vardeman, Deputy Director of Emergency Services
Mr. Ron Swanson, Community Development Director
Mr. Murph O'Brien, Planning and Land Use Director
Mr. Dave Hanson, Economic Development Director
Ms. Patty Sullivan, Public Information Manager
Mr. Sev Jones, Chief of Planning
Ms. Eileen Probasco, Planner II

III. APPROVAL OF AGENDA

Mayor Menard inquired if there was any objection to adding Ms. Mariam Valentine from the National Park Service under agency reports.

There was no objection noted.

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

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Assemblymember Bettine.

V. MINUTES OF PRECEDING MEETINGS

A. Regular Assembly Meeting: 02/20/07

Mayor Menard inquired if there were any corrections to the regular meeting minutes of February 20, 2007.

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

VI. SPECIAL ORDERS OF THE DAY

A. A Proclamation in Honor of Janet Kincaid for Her Dedication and Service to the Citizens of the Matanuska-Susitna Borough.

Mayor Menard:

- read the proclamation into the record; and
- presented the proclamation to Ms. Janet Kincaid for her years of dedicated service to the Borough.

VII. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

(There were no reports provided.)

2. Matanuska-Susitna Borough School District

(There was no reports provided.)

3. National Park Service - Ms. Mariam Valentine

Ms. Valentine spoke regarding the reasons that the National Park Service is seeking to put the Denali National Park on the list of World Heritage Sites.

Assemblymember Woods queried the value in seeking a designation for the Denali National Park.

Ms. Valentine:

- advised that World Heritage Site designations are marketed world wide;
- noted that World Heritage Sites can receive special funding; and
- stated that the designation would not affect the management or regulations in the park.

Assemblymember Kvalheim queried whether people seek to travel to World Heritage Sites.

Ms. Valentine:

- advised that people do seek to travel to World Heritage Sites; and
- spoke to other World Heritage Site locations in the nation.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Church:

- advised that the committee spoke regarding the upcoming budget; and
- noted that the committee discussed topics that the Joint Assembly/School Board could add to the next joint meeting agenda.

2. Assembly Public Relations

(There were no reports provided.)

C. MANAGER COMMENTS

1. State/Federal Legislation

Mr. Duffy:

- spoke regarding meeting with the Legislative Delegation in Juneau;
- advised that Governor Palin's Capital Budget is out for review;
- provided an update regarding the Bogard Road Extension;
- advised that the Borough received a letter of appreciation from Alaskans for Palmer Hay Flats;
- noted that he has provided the Assembly with a copy of the Police Task Force Report; and
- requested that Mr. Rountree speak to the rehabilitation of the old School District administrative building.

Mr. Rountree:

- advised that the Assembly previously approved \$1.5 million to rehabilitate the old administrative building to relieve cramped space in the Dorothy Swanda Jones Building;
- stated that they are no longer sure that the Salvation Army will sell their property to provide parking, nor that the city of Palmer will be the successful buyer of the property;

- advised that the city of Palmer would only be able to provide 26 parking spots, while the Borough requires 70 parking spots;
- spoke regarding the approximate cost of the rehabilitation; and
- spoke regarding the possible options that the Borough has to gain more space.

(The regular meeting recessed at 6:24 p.m. and reconvened at 6:44 p.m.)

Mr. Rountree:

- advised that the city of Palmer has agreed that the Borough could build an annex on the ball field behind the Borough with the understanding that the Borough would provide funds to help move the ball field;
- spoke regarding what the annex building would contain;
- advised that the cost proposal to construct a new building would be \$2.2 million; and
- opined that building an annex would be the most cost-effective proposal.

Assemblymember Allen queried whether the city of Palmer would still be able to have the use of the Assembly Chambers for their meetings.

Mr. Rountree advised that the city of Palmer would still be able to use the new facility.

Mr. Allen:

- stated that he would like to see a joint use of a new Assembly Chambers with the city of Palmer;
- queried what work would be performed to the Dorothy Swanda Jones Building; and
- spoke to concerns regarding heating, ventilating, and air conditioning system (HVAC) in the Dorothy Swanda Jones Building.

Mr. Rountree:

- advised that some renovations would need to be done when people move over to the annex building; and
- noted that areas in the building are being painted at this time.

Assemblymember Bettine requested that a commercial appraisal be performed on the old School District administration building.

Discussion ensued regarding:

- the cost of a new facility; and
- the renovation costs of the Dorothy Swanda Jones Building.

Mr. Duffy:

- advised that the meeting with the Fairbanks Borough Assembly and the Denali Borough Assembly regarding the rail line extension went well; and
- advised that he will be meeting with the Federal Delegation in Washington D.C. next week.

D. ATTORNEY COMMENTS

Mr. Spiropoulos:

- provided an update regarding the tobacco tax litigation;
- advised that the judge has ordered that the parties discuss a settlement of the case by March 27, 2007; and
- queried if the Assembly would like to schedule an executive session to discuss the options in this case.

Assemblymember Allen stated that he does not see a need for the Assembly to hold an executive session; however, requested that the Assembly be kept informed with the proceedings of the case.

E. CLERK COMMENTS

Ms. McGehee:

- spoke regarding the upcoming meeting schedule; and
- spoke regarding a request that has been made for the Assembly to hold a work session for Seward City Councilmember Dunham to discuss issues with the Seward Prison.

Assemblymember Allen:

- advised that he had invited Councilmember Dunham to provide a briefing to the Assembly on Seward's experience with dealing with the State on their prison issue; and
- stated that he believes it is in the best interest of the Borough to let Councilmember Dunham provide a briefing.

Discussion ensued regarding the meeting schedule.

Ms. McGehee:

- advised that a revised Joint Assembly/School Board meeting agenda has been provided;
- noted that the quasi-judicial and records management reports have been provided; and
- advised that the Parliamentary Procedure training for staff and board members went very well.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Planning Commission: 05/01/06, 09/18/06
 - b. Real Property Asset Management Board: 12/13/06
 - c. Trapper Creek RSA No. 30: 11/14/06
2. Community Council Correspondence:
 - a. Lazy Mountain Community Council: 10/12/06

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

G. INFORMATIONAL MEMORANDUMS

1. IM No. 07-061: AN INFORMATION MEMORANDUM ADVISING THE ASSEMBLY OF A TECHNICAL AMENDMENT TO RESOLUTION SERIAL NO. 06-166, REGARDING THE FEE STRUCTURE FOR THE MULTI-FAMILY DEVELOPMENT DESIGN STANDARDS. *(Revisor of ordinances)*

The informational memorandum was presented and no comments were noted.

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.)

CONFLICT OF INTEREST: Assemblymember Kluberton declared a conflict of interest on Ordinance Serial No. 07-061.

RULING: Mayor Menard ruled that Assemblymember Kluberton has a conflict of interest on Ordinance Serial No. 07-061 and would be recused from voting.

(Assemblymember Kluberton exited the meeting at this time.)

1. Ordinance Serial No. 07-020: AN ORDINANCE AMENDING TITLE 15; PLANNING, TO ADOPT THE Y COMMUNITY COMPREHENSIVE PLAN.
 - a. IM No. 07-038

Ms. Probasco provided a staff report.

Assemblymember Kvalheim queried how the community would stop the items listed under discouraged uses from happening in their community.

Ms. Probasco advised for that the community could get enforceable regulations if they choose to go forward and create a Special Land Use District.

Assemblymember Bettine queried if the election of the board of directors for the community council has anything to do with the comprehensive plan.

Mr. Spiropoulos:

- noted that there has been correspondence from community members that feel that the current board members should not have been the people who voted to send the comprehensive plan forward to the Assembly; and
- stated that code does not mandate that the Assembly wait for lawsuits to be settled prior to the Assembly considered a comprehensive plan.

Mayor Menard opened the public hearing.

The following persons spoke to the need for the comprehensive plan to go back to the planning committee for additional work: Ms. Denise Chapel, Ms. Anne Skinner, Mr. Wade Bartel, Ms. Margaret Bartel, Mr. James Skinner, and Ms. Ralfina Miller.

The following persons spoke in favor of Ordinance Serial No. 07-020: Mr. Gene Olnier; Mr. Glen Turner proxy for Carrie Sayer; Mr. Ed O'Connor, Ms. Kathy Wells, Director of Friends of Mat-Su; Mr. Hermon Thompson, Ms. Mary Jo Fitzgerald; Ms. Mary Gunderson; Mr. Richard Burgener; Ms. Mandy Hartley; Ms. Kandy Moore; Mr. Brandon Stevenson; Ms. Holly Stinson; Ms. Tammy Hamler; Ms. Jessica Stevens; Mr. Scott Holcomb; Ms. Stacie Argetsinger; Mr. Troy Smiley; Mr. Robert Ambrose; Ms. Diane Marble; Ms. Patti Coleman; Mr. Robert Coleman; and Ms. Laurie Holcomb.

The following person spoke in support of a comprehensive plan, to concerns regarding this issue going forward in spite of the courts mandate that no major issues move forward, and requested that the Assembly allow the community to solve their issues internally: Ms. Kelline Lankford.

The following person spoke in opposition to Ordinance Serial No. 07-020: Mr. William Davidson

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

(The regular meeting recessed at 8:17 p.m. and reconvened at 8:35 p.m.)

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 07-020.

Assemblymember Allen:

- queried whether the Y Community Council's election was legal and binding; and
- queried the judge's decision in the case.

Mr. Spiropoulos:

- noted that the Borough is not a party to the lawsuit;
- spoke to a copy of the order that was provided to the Borough;
- noted that the litigation has not yet been concluded;
- advised that the court order states that whoever was on the community council board previously are still on the board; and
- noted that the order does not state that the community council board cannot take action on issues.

Assemblymember Bettine queried the comprehensive planning process that has to do with community councils after the initial letter is submitted to the Borough requesting comprehensive planning.

Mr. Duffy advised that the code allows for community councils to provide comments for comprehensive plans.

Assemblymember Church stated it is her understanding that comprehensive plans do not necessarily have to be written by community councils; however, comprehensive plans are usually forwarded by the community council.

Discussion ensued regarding:

- boundaries of community councils;
- community participation in the comprehensive planning process;
- how the comprehensive plan moved forward to the Borough;
- the work that the community put into the comprehensive plan; and
- the possibility of forming a new community council in the Y area.

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

VOTE: The motion to stop debate passed without objection.

VOTE: The main motion passed without objection.

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

2. Ordinance Serial No. 07-021: AN ORDINANCE ACCEPTING AND APPROPRIATING \$80,000 FROM THE UNITED STATES FISH AND WILDLIFE SERVICE FOR THE SURREY ROAD CULVERT REPLACEMENT PROJECT, PROJECT NO. 30089, FUND 410.
 - a. Resolution Serial No. 07-021: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE SURREY ROAD CULVERT REPLACEMENT PROJECT, PROJECT NO. 30089.
 - (1) IM No. 07-040

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. 07-021 and Resolution Serial No. 07-021.

VOTE: The motion passed without objection.

3. Ordinance Serial No. 07-022: AN ORDINANCE APPROVING AN APPROPRIATION OF \$190,000 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 THE CENTRAL LANDFILL.

a. Resolution Serial No. 07-022: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET TO ALLOW FOR THE DESIGN DEVELOPMENT OF CELL III AT THE CENTRAL LANDFILL, PROJECT NO. 25050.

(1) IM No. 07-046

Mr. Rountree 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 Allen moved to adopt Ordinance Serial No. 07-022 and Resolution Serial No. 07-022.

Assemblymember Allen:

- stated that the design fee is in a reasonable range, which is five to 10 percent of the project; and
- requested that the Assembly approve the legislation.

Assemblymember Church:

- spoke regarding the need for the Borough to be working on recycling efforts; and
- stated that it costs a lot of money to continue filling the landfill with recyclable items.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke to concerns regarding issues with Wasilla-Lakes Fire Service Area chief, Mr. Jack Krill Jr.: Mr. Ron Burhardsmeier.

The following person spoke to concerns regarding the issues with Wasilla-Lakes Fire Service Area chief, Mr. Jack Krill Jr. and the investigation that occurred: Mr. Dan Tucker.

The following person spoke regarding House Bill 133 on the Local Boundary Commission: Ms. Flo Pitcher.

The following person spoke in support of Ordinance Serial No. 06-192: Ms. Kathy Wells, President of Gateway Community Council.

The following persons spoke to concerns regarding the rail corridor from Willow to Point MacKenzie: Mr. Bob Chlupach and Ms. Andrea Haltman.

The following persons spoke in opposition to Ordinance Serial No. 06-192: Mr. Pat Marley and Mr. Dave Norton.

The following person spoke regarding the proposed amendments within Ordinance Serial No. 07-025 to Title 27: Mr. Jim Colver.

D. CONSENT AGENDA (Resolution Serial Nos. 07-024 and 07-026 and AM No. 07-030 were pulled from the consent agenda and addressed separately. *See pp. 11-15*)

1. RESOLUTIONS

c. Resolution Serial No. 07-027: A RESOLUTION IN SUPPORT OF THE SOUTHCENTRAL RAILROAD LINE EXTENSION.

(1) IM No. 07-057

d. Resolution Serial No. 07-028: A RESOLUTION SUPPORTING THE ESTABLISHMENT OF A RENEWABLE ENERGY FUND FOR THE STATE OF ALASKA. (*Sponsor: Assemblymember Woods*)

(1) IM No. 07-063

e. Resolution Serial No. 07-029: A RESOLUTION IN SUPPORT OF THE NOMINATION OF DENALI NATIONAL PARK AND PRESERVE TO THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO) WORLD HERITAGE SITE LIST.

(1) IM No. 07-064

2. ASSEMBLY MEMORANDUMS

b. AM No. 07-031: AUTHORIZATION TO FUND THE ALASKA STATE DEPARTMENT OF NATURAL RESOURCES, DIVISION OF PARKS AND OUTDOOR RECREATION'S DEVELOPMENT OF A LAND USE/MASTER INTERPRETIVE PLAN FOR THE SOUTH DENALI VISITOR CENTER COMPLEX IN THE AMOUNT OF \$100,000.

c. AM No. 07-032: AWARD OF BID NO. 07-089 TO B & E LANDSCAPING AND EXCAVATION IN THE CONTRACT AMOUNT OF \$44,000 FOR THE BIRCH HILLS SUBDIVISION CLEARING PROJECT.

d. AM No. 07-033: AWARD OF BID NO. 07-114 TO SWALLING CONSTRUCTION IN THE CONTRACT AMOUNT OF \$53,400 FOR THE LOWER ROAD PILE INSTALLATION TO SUPPORT THE NEW BRIDGE AT THE WASILLA CREEK CROSSING.

e. AM No. 07-034: AWARD OF PROPOSAL NO. 07-095 TO MACTEC ENGINEERING AND CONSULTING IN THE CONTRACT AMOUNT OF \$184,401.06 FOR THE CENTRAL LANDFILL CELL III DESIGN.

Ms. McGehee read the above legislation into the record.

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

VOTE: The motion passed without objection.

- a. Resolution Serial No. 07-024: A RESOLUTION APPROVING THE SCOPE OF WORK AND AMENDING THE BUDGETS FOR THE FEDERAL FISCAL YEAR 2006 SECTION 1702 EARMARK PROJECTS TO REFLECT ACTUAL EARMARK AMOUNTS AND TO INCLUDE THE FEDERAL TRANSPORTATION GRANT MATCHING FUNDS THAT WERE IDENTIFIED IN THE FISCAL YEAR 2007 CAPITAL PROJECTS BUDGET.
- (1) Resolution Serial No. 07-025: A RESOLUTION APPROVING THE SCOPES OF WORK AND BUDGETS FOR ADDITIONAL PROJECTS TO BE FUNDED BY THE FEDERAL TRANSPORTATION GRANT MATCH FUNDS THAT WERE IDENTIFIED IN THE FISCAL YEAR 2007 CAPITAL PROJECTS BUDGET.
- (a) IM No. 07-042

MOTION: Assemblymember Kluberton moved to adopt Resolution Serial No. 07-024 and Resolution Serial No. 07-025.

MOTION: Assemblymember Kluberton moved a primary amendment to Resolution Serial No. 07-025, by striking the Petersville Road Safety Trail Reconnaissance Study from the scope of work and budget and dividing those funds as follows:

- inserting Montana Creek Bridge at Yoder Road Project, for flood damage repair in the amount of \$40,000; and
- adding \$35,000 to the project total for the Clark-Wolverine Road Upgrade Project.

Assemblymember Kluberton:

- spoke regarding the discussion that took place during the work session regarding road service areas; and
- stated that these two projects are challenging to the road service areas;
- noted the unreported damage that was done to the Montana Creek bridge; and
- stated that these are worthy projects.

Assemblymember Woods:

- advised that she has recently requested funds from the State of Alaska for the Clark-Wolverine Road Project;
- noted that the project has been on the deferred maintenance list for a number of years; and
- advised that she was successful in receiving funds for the project from the State; however, the funds from the State were not enough to complete the project.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

Mr. Duffy inquired if the Assembly could discuss AM No. 07-030 prior to discussing on Resolution Serial No. 07-026, as he had to leave the meeting.

There was no objection noted.

- a. AM No. 07-030: APPROVAL OF A ONE-YEAR EXTENSION TO THE CONTRACT WITH JERRY MACKIE AND ASSOCIATES FOR STATE LOBBYIST SERVICES IN THE AMOUNT OF \$60,000 PER YEAR PLUS EXPENSES UP TO \$1,000 PER YEAR.

MOTION: Assemblymember Bettine moved to approve AM No. 07-030.

Assemblymember Bettine:

- spoke regarding a previous discussion regarding retaining Mr. Mackie; and
- queried the dates of the contract and at what point the Assembly will discuss the continued retention of Mr. Mackie.

Mr. Duffy:

- stated that he thought previously that the Assembly decided to extend the contract rather than going forward to competitive bid; and
- advised that in August the Assembly will decide whether to request proposals for these services.

Discussion ensued regarding the length of the extension of the contract.

VOTE: The motion passed without objection.

- b. Resolution Serial No. 07-026: A RESOLUTION CREATING A MAYOR'S BLUE RIBBON TASK FORCE ON ROAD SERVICE AREAS. (*Sponsor: Mayor Menard*)

(1) IM No. 07-053

MOTION: Assemblymember Bettine moved to adopt Resolution Serial No. 07-026.

Assemblymember Bettine noted that the committee may not be able to consider all of the main issues in the summary statement due the committee's six month time frame.

MOTION: Assemblymember Bettine moved a primary amendment to Resolution Serial No. 07-026, by striking the fifth and sixth "Whereas" clauses.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Bettine moved a primary amendment to Resolution Serial No. 07-026, in the seventh "Whereas" clause, by striking the phrase "bridges less than 25 feet long that are not included in the capital improvement programs because of inadequate available funds" to read as follows: Whereas, the Borough is facing many challenges in regards to road maintenance and capital upgrades to include costs of several of the maintenance contracts increasing anywhere from

30 percent to 140 percent; continued degradation of roads due to inadequate funding in certain road service areas; lack of comprehensive Borough-wide road maintenance and capital improvement plan; and insufficient cost-per-mile based maintenance contracting approach to comparing bids versus a more sophisticated specifications model.

Mr. Rountree:

- advised that this amendment would have a huge funding impact to the road service areas;
- stated that at this time the Borough has no means to fund repairs and replacement of bridges less than 25 feet; and
- advised that the task force will be looking at capital programs.

Assemblymember Woods queried if the purpose of the amendment was not to have the task force address this issue.

Assemblymember Bettine:

- noted that the task force has a six-month deadline;
- commented that items may need to come forward for the ballot; and
- stated that this issue could be addressed; however, it does not need to be specified in the legislation.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Bettine moved a primary amendment to Resolution Serial No. 07-026, in the second “Be It Further Resolved” clause, by striking the word “one” from the second sentence and inserting in its place the word “two,” to strike the phrase “the Matanuska-Susitna Borough Public Works Director,” and to strike the phrase “community council representative” and insert in its place the phrase “at-large member” to read as follows: Be It Further Resolved, that the task force shall consist of thirteen representatives from the following segments of the community: two Assembly Members, one representative from the Municipality of Anchorage’s Maintenance Department, three road service area board members from different road service areas, one representative from the Alaska State Department of Transportation Operations and Maintenance, one local developer, one at-large member, one consultant from an engineering firm, two maintenance contract holders, and one member of the Transportation Advisory Board.

Assemblymember Allen noted that having a consultant from an engineering firm may be a conflict.

Assemblymember Bettine advised that the staff recommended that the task force have a consultant from an engineering firm.

Mr. Rountree:

- advised that the task force will be looking at a funding model;
- noted that there are factors that an engineering firm will have the expertise on;

- stated that the purpose of the task force is to generate ideas; and
- spoke regarding the composition of the task force.

Discussion ensued regarding the composition of the task force.

MOTION: Assemblymember Allen moved a secondary amendment to Resolution Serial No. 07-026, in the second “Be It Further Resolved” clause, by striking the “one consultant from an engineering firm” to read as follows: Be It Further Resolved, that the task force shall consist of thirteen representatives from the following segments of the community: two Assembly Members, one representative from the Municipality of Anchorage’s Maintenance Department, three road service area board members from different road service areas, one representative from the Alaska State Department of Transportation Operations and Maintenance, one local developer, on at-large member, two maintenance contract holders, and one member of the Transportation Advisory Board.

VOTE: The secondary amendment passed without objection.

MOTION: Assemblymember Bettine moved a secondary amendment to Resolution Serial No. 07-026, in the second “Be It Further Resolved” clause by reducing the number of road service area members from three members to two members to read as follows: Be It Further Resolved, that the task force shall consist of thirteen representatives from the following segments of the community: two Assembly Members, one representative from the Municipality of Anchorage’s Maintenance Department, two road service area board members from different road service areas, one representative from the Alaska State Department of Transportation Operations and Maintenance, one local developer, on at-large member, two maintenance contract holders, and one member of the Transportation Advisory Board.

Mr. Rountree:

- spoke to the need to have three road service areas members from different areas of the Borough on the task force; and
- stated that he feels uneasy not having the Public Works Director as a voting member on the task force, as the Public Works Department will have to execute the task force’s recommendations.

Assemblymember Allen spoke to the need to have broad representation on the task force.

VOTE: The secondary amendment failed unanimously.

Assemblymember Woods queried whether there are funds available for a facilitator.

Mr. Rountree advised that administration would be funding the facilitator for the committee.

Assemblymember Woods spoke to the need to keep the Public Works Director as part of the committee.

Assemblymember Bettine stated that her intent was not to take the Public Works Director out of the picture; however, a staff member should not be a voting member.

VOTE: The primary amendment passed as amended without objection.

MOTION: Assemblymember Bettine moved a primary amendment to Resolution Serial No. 07-026, in the second “Be It Further Resolved,” to strike the number “thirteen” and insert in its place “twelve” to read as follows: Be It Further Resolved, that the task force shall consist of twelve representatives from the following segments of the community: two Assembly Members, one representative from the Municipality of Anchorage’s Maintenance Department, two road service area board members from different road service areas, one representative from the Alaska State Department of Transportation Operations and Maintenance, one local developer, one at-large member, two maintenance contract holders, and one member of the Transportation Advisory Board.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Bettine moved a primary to Resolution Serial No. 07-026, to insert a fourth “Be It Further Resolved” clause to read as follows: Be It Further Resolved, that all meetings of the task force shall be supported by the public works director and a recording secretary from public works, and the finance director, or designee, to be able to assist in answering questions of the committee related to the road service and financing aspects of the committee’s scope of work and to perform any other necessary support duties that may be required.

VOTE: The primary amendment passed without objection.

VOTE: The main motion as amended passed without objection.

(The regular meeting recessed at 10:20 p.m. and reconvened at 10:30 p.m.)

IX. UNFINISHED BUSINESS

- A. 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

Mr. Sev Jones provided a staff report.

Assemblymember Bettine:

- spoke regarding the request to make the current regulations mandatory; and
- queried if the reason that the current regulations are not mandatory is because they are more restrictive than what is being brought forward.

Mr. Jones advised that making the current regulations mandatory would mean they would be more restrictive than the mandatory land use permit.

Discussion ensued regarding:

- the staff's recommended amendments;
- the current regulations versus the mandatory land use permit regulations;
- the need to accommodate the residents who live farther away;
- the issues with the notification acknowledgement;
- the need for the information that the mandatory land use permit will provide to properly plan; and
- public testimony and concerns.

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

VOTE: The motion passed without objection.

MOTION PENDING: Assemblymember Kvalheim moved to adopt Ordinance Serial No. 06-192 and Resolution Serial No. 06-139.

MOTION: Assemblymember Kvalheim moved a primary amendment to Ordinance Serial No. 06-192, Section 4, to strike the words "six months" and insert in its place the words "one year" to read as follows: Section 4. Effective date. This ordinance shall take effect one year upon adoption by the Matanuska-Susitna Borough Assembly.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Kvalheim moved a primary amendment to Ordinance Serial No. 06-192, MSB 17.02.010, to insert a subsection (D) to read as follows: (D) A land use permit is not required where commencement of construction or placement, as defined in MSB 17.125, occurred before the effective date of this ordinance.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Kvalheim moved a primary amendment to Ordinance Serial No. 06-192, MSB 17.02.030((B)(2)(b), by inserting the word "commercial" between the words "a" and "building," and to insert the phrase "that results in the building gross floor area equaling" between the words "building" and "less" to

read as follows: (B)(2)(b) construction, placement, or addition to a commercial building that results in the buildings gross floor area equaling less than 1,500 square feet.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Kluberton moved a primary amendment to Ordinance Serial No. 06-192, MSB 17.02.010(A) and (B), to insert the word “and Houston” at the end of each subsection to read as follows:

(A) It is the intent of this chapter to improve the level of compliance with existing borough code by establishing a mandatory land use review process and directly providing regulatory information to persons proposing development within the borough outside of the Cities of Palmer Wasilla, and Houston.

(B) This chapter is applicable within all areas of the Matanuska-Susitna Borough outside of the Cities of Palmer, Wasilla, and Houston.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Kluberton moved a primary amendment to Ordinance Serial No. 06-192, MSB 17.02.020(A)(1) and (2), by striking the reference to “300” in each paragraph and inserting in its place “480” to read as follows:

(A) The land owner or authorized agent shall obtain a land use permit from the Matanuska-Susitna Borough planning department prior to the commencement of:

(1) the construction or placement of any building whose gross floor area is 480 square feet or greater;

(2) any addition exceeding 10 percent of a building’s gross floor area and that results in a total gross floor area of 480 square feet or greater.

Assemblymember Kluberton:

- noted that typically people build in 4-foot increments; and
- stated that he wants to increase the gross square foot area to approximate a modest home.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Kluberton moved a primary amendment to Ordinance Serial No. 06-192, MSB 17.02.020(C), by striking “5 percent” and inserting in its place “10 percent” to read as follows: (C) The planning and land use director may administratively grant minor modifications to an approved permit as long as the proposed modification complies with all code standards. Minor modifications shall consist of no more than a 10 percent change in gross floor area or a change of less than 10 linear feet in the placement of a building. The applicant shall submit an updated site plan and a narrative description of the proposed modification for the planning director’s review. No fee is required for the submission of a request for a minor modification to an approved permit.

VOTE: The primary amendment passed without objection.

Assemblymember Kluberton:

- noted that the new regulations requires the filing of a permit when someone is adding 10 percent to an existing structure; and
- stated that it seems out of line to require someone in the process of building to get a permit at the 5 percent level.

MOTION: Assemblymember Church moved a primary amendment to Ordinance Serial No. 06-192, MSB 17.02..010, by inserting new language into subsection (B), changing the current (B) to (C), and changing the current (C) to (D) to read as follows:

(B) It is the intent of this chapter to improve responsible allocation of limited borough resources such as planning, transportation, and placement of public facilities through mandatory review and approval of planned development prior to building.

(C) This chapter is applicable within all areas of the Matanuska-Susitna Borough outside of the cities of Palmer and Wasilla.

(D) There are federal, state, and local requirements governing land use. It is the responsibility of the individual land owners to obtain a determination whether such requirements apply to the development of their land. Any land within the boundaries of the Matanuska-Susitna Borough is subject to land use and development regulations. It is not the intent of this chapter to replace or supersede regulations of other chapters within this title. Additional information and permits, such as flood damage prevention, mobile home park ordinance, conditional uses, and regulation of alcoholic beverages may be required in accordance with borough code. This title will be amended and updated as necessary when new Title 17 regulations are adopted.

Assemblymember Church:

- stated that the legislation provides basic tools to the Borough to provide some planning; and
- stated that if the Borough does not know what is being built, there is no way to plan growth.

Assemblymember Allen requested that staff report on the amendment.

Mr. Jones stated that the amendment does not change the ordinance; however, it may make the ordinance clearer.

Assemblymember Kluberton noted that he has been informed by staff that the Borough provides these services to the city of Houston; therefore, Houston should not be exempted.

Discussion ensued regarding the intent of the amendment.

WITHDRAW: Assemblymember Church requested to withdraw the primary amendment.

There was no objection noted.

MOTION: Assemblymember Bettine moved to reconsider the primary amendment that inserted the word "Houston" in MSB 17.02.010(A) and (B).

VOTE: The motion to reconsider passed without objection.

VOTE: The primary amendment failed unanimously.

Assemblymember Bettine queried if the fees would be taken up at another meeting should the ordinance pass at this meeting.

Ms. McGehee advised that the ordinance and the resolution with the fees have come forward to the Assembly as one package and moved together.

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

(Mayor Menard exited the meeting at this time.)

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

MOTION: Assemblymember Allen moved to divide the question to take Ordinance Serial No. 06-192 and Resolution Serial No. 06-139 separately.

VOTE: The motion to divide the question passed without objection.

MOTION: Segment 1. To adopt Ordinance Serial No. 06-192 as amended.

VOTE: Segment 1. The motion to adopt Ordinance Serial No. 06-192 passed as amended with Assemblymembers Bettine and Woods opposed.

MOTION: Segment 2. To adopt Resolution Serial No. 06-139.

MOTION: Assemblymember Allen moved to postpone Resolution Serial No. 06-139 to a time certain of April 17, 2007.

VOTE: The motion to postpone Resolution Serial No. 06-139 to a time certain of April 17, 2007, passed without objection.

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

X. NEW BUSINESS

A. INTRODUCTION (For public hearing - 03/20/07, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 07-024: AN ORDINANCE ADOPTING THE STEVENS AND ORIANA LAKE, LAKE MANAGEMENT PLAN, AND AMENDING MSB 15.24.030,

COMPREHENSIVE PLAN AND PURPOSES, AND MSB 17.59, LAKE MANAGEMENT PLAN IMPLEMENTATION.

- a. IM No. 07-033
2. Ordinance Serial No. 07-025: AN ORDINANCE AMENDING TITLE 27, SUBDIVISIONS: MSB 27.05, GENERAL PROVISIONS; MSB 27.10, PLATTING BOARD; MSB 27.15, PLAT APPROVAL, ABBREVIATED PLAT SUBDIVISION, AND VACATIONS, MSB 27.20, SUBDIVISION DEVELOPMENT STANDARDS; AND MSB 27.35, SUBDIVISION AGREEMENTS.
 - a. IM No. 07-041
3. Ordinance Serial No. 07-026: AN ORDINANCE ACCEPTING AND APPROPRIATING \$60,000 FROM THE UNITED STATES FISH AND WILDLIFE SERVICE FOR THE COLTER CREEK AT NORTH SITZE ROAD CULVERT REPLACEMENT PROJECT, PROJECT NO. 30090, FUND 410.
 - a. Resolution Serial No. 07-030: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE COLTER CREEK AT NORTH SITZE ROAD CULVERT REPLACEMENT PROJECT, PROJECT NO. 30090.
 - (1) IM No. 07-054
4. Resolution Serial No. 07-031: A RESOLUTION ADOPTING THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2008 THROUGH FISCAL YEAR 2013.
 - a. IM No. 07-055
5. Ordinance Serial No. 07-027: AN ORDINANCE ACCEPTING AND APPROPRIATING \$5,000,000 FROM THE FEDERAL TRANSIT ADMINISTRATION TO FUND 450, PROJECT NO. 70001, FOR THE CONSTRUCTION OF THE FERRY TERMINAL AND FACILITIES ON THE ANCHORAGE SIDE.
 - a. Resolution Serial No. 07-032: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET AND AUTHORIZING THE MANAGER TO ENTER INTO THE NECESSARY AGREEMENTS FOR THE CONSTRUCTION OF THE FERRY TERMINAL AND FACILITIES ON THE ANCHORAGE SIDE.
 - (1) IM No. 07-058
6. Ordinance Serial No. 07-028: AN ORDINANCE REAPPROPRIATING \$19,718 FROM FUND 480, PROJECT NO. 10117, TEMPORARY RECORDS STORAGE TO FUND 435, PROJECT NO. 45124, RECORDS MANAGEMENT CONSULTANT, TO PROVIDE FOR PERIODIC AUDITS OF THE BOROUGHWISE RECORDS MANAGEMENT PROGRAM.
 - a. Resolution Serial No. 07-033: A RESOLUTION AMENDING THE BUDGETS OF PROJECT NO. 10117, TEMPORARY RECORDS STORAGE AND PROJECT NO. 45124, RECORDS MANAGEMENT CONSULTANT, TO PROVIDE FOR PERIODIC AUDITS OF THE BOROUGHWISE RECORDS MANAGEMENT PROGRAM. (*Sponsor: Assemblymember Kvalheim*)

(1) IM No. 07-062

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 March 20, 2007.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Menard requested the following confirmations:

Enhanced 911 Advisory Board
Resignation of John Glass
Mayor's Blue Ribbon Sportsmen's Committee
Marty Metiva
Parks, Recreation, and Trails Advisory Board
Resignation of Rob Buck
Greater Talkeetna RSA No. 29
David Johnston

Mayor Menard made the following recommendations:

Board Equalization
Gregory Brooker
Enhanced 911 Advisory Board
Clint Vardeman
Local Emergency Planning Committee
Louis Friend
Greater Butte RSA No. 26
Lucy Klebesadel

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

VOTE: The motion passed without objection.

C. OTHER NEW BUSINESS

XI. RECONSIDERATION

(There were no reconsiderations presented.)

XII. VETO

(There were no vetoes presented.)

XIII. EXECUTIVE SESSION

(There was no executive session held.)

XIV. MAYOR AND ASSEMBLY COMMENTS

Mr. Spiropoulos stated that he would like to go on record stating that Mr. Tucker, during his testimony, had a two-page document that had been delivered to Mr. Jack Krill Jr. today.

Assemblymember Bettine queried the status of Fire Chief Jack Krill Jr.

Ms. Romano stated that she has not been included in the discussions; however, she has heard that the document was delivered to Mr. Krill today.

Assemblymember Woods:

- spoke regarding attending a meeting on the Bogard Road Extension in Eagle Estates;
- advised that she has been working on energy efficiency in the construction of new buildings; and
- stated that it is appropriate that new buildings conserve energy.

Assemblymember Allen:

- stated that the objective of the land use permits is to get the public to come in and participate; and
- spoke to the need to keep the fees low so that the public will participate in the land use permit.

Assemblymember Kluberton:

- spoke regarding the Mayor's Blue Ribbon Sportsmen's Committee; and
- spoke to the need for a personnel policy handbook for staff and supervisors.

Assemblymember Kvalheim:

- stated that the mandatory land use permit fees need to remain low to get the public to participate; and
- spoke in support of the need for a personnel policy handbook.

Assemblymember Church spoke in support of the need to conserve energy.

Mayor Menard:

- spoke to the need to conserve energy; and
- advised that he will not be present at the March 20, 2007, meeting.

XV. ADJOURNMENT

The regular meeting adjourned at 11:43 p.m.

/ S /

LYNNE WOODS, Deputy Borough Mayor

ATTEST:

/ S /

MICHELLE M. MCGEHEE, CMC, Borough Clerk

Minutes approved: 03/20/07