

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on April 3, 2007, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Curtis D. Menard.

II. ROLL CALL

Assembly members present and establishing a quorum were:

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

Staff in attendance were:

Ms. Michelle M. McGehee, CMC, Borough Clerk
Mr. John Duffy, Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Lonnie R. McKechnie, Deputy Borough Clerk
Ms. Tammy Clayton, Finance Director
Ms. Marian Romano, Assistant Borough Manager
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 Information Manager
Mr. Dave Hanson, Economic Development Director

III. APPROVAL OF AGENDA

Mayor Menard inquired if there were any 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 Mr. George Troxel, Chief School Administrator.

V. MINUTES OF PRECEDING MEETINGS

A. Special Assembly Meeting: 03/13/07

Mayor Menard inquired if there were any corrections to the special meeting minutes of March 13, 2007.

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

B. Regular Assembly Meeting: 03/20/07

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

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Wasilla City

Councilmember Koskela:

- spoke regarding the easements for the Creekside Town Square development that the Assembly will be addressing at their next meeting;
- noted that the developer is here to provide the Assembly with an overview of the project; and
- urged the Assembly to look at approving the easements.

Mr. Jack Barrett, Meritage Development Group, LLC:

- spoke regarding the need for retailers within the city of Wasilla;
- reported on the development plans;
- noted that the development would create 1,050 to 1,200 jobs; and
- spoke regarding the issue with the quantity of liquor licenses within the city of Wasilla.

2. Matanuska-Susitna Borough School District

Mr. Troxel, Chief School Administrator:

- stated that the School District has worked hard to plan for the future over the last five years; and
- spoke regarding the process that the School District has used for performance-based budgeting.

The following principals provided a report on the small schools' performance-based budgeting: Ms. Alberta Norberg, Willow Elementary School; Ms. Katherine Fennel, Sutton Elementary School; Ms. Wendy Taylor, Glacier View Elementary School; and Mr. Chris Hager, Talkeetna Elementary School and Trapper Creek Elementary School.

Assemblymember Allen queried the number of the students in the kindergarten and music classes at each school.

The principals reported the numbers of students in the kindergarten and music classes in their schools.

Assemblymember Woods:

- commented that two of the small schools are within her assembly district;
- spoke regarding the difficulties with the funding for small schools; and
- noted that the residents within the small communities place a high value on the small schools.

Assemblymember Church:

- advised that the Assembly is considering placing a boroughwide sales tax on the ballot due to the revenue shortfalls; and
- queried whether the principals would be interested in a boroughwide sales tax.

Mr. Hager advised that he, personally, would support a sales tax for the overall welfare of the community.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

(There was no report provided.)

2. Assembly Public Relations

(There were no reports provided.)

C. MANAGER COMMENTS

1. State/Federal Legislation

Mr. Duffy:

- spoke regarding the Borough services telephone survey;
- advised that Superintendent Paul Anderson will not be moving forward with designating the Denali Park and Preserve as a World Heritage Site;
- spoke regarding a letter that was received from Mr. Rex Turner in regards to the extension of Trunk Road;

- spoke regarding updating the State Legislative Delegation from the Kenai Peninsula Borough and the Fairbanks North Star Borough regarding the rail line extension; and
- spoke to the need for assembly members to be in Juneau every two weeks while the Legislature finalizes their session.

Assemblymember Bettine:

- queried if there was a specific message that needs to get out with regards to the Boroughs state priority list; and
- spoke regarding the issues with PRS/TERS,

Mr. Duffy:

- advised that he and the Mayor would be meeting with the Municipality of Anchorage and the Kenai Peninsula Borough to discuss the issues;
- stated that the Alaska Municipal League has hired Mr. Gillespie to push revenue sharing; and
- opined that the Borough has been clear regarding the need for the senior citizens and disabled veteran exemptions being funded and the need for revenue sharing.

Assemblymember Bettine:

- noted that some of the elected state officials believe that they are providing revenue sharing by funding schools and road projects; and
- requested that the Manager provide a fact sheet so that the Assembly members can speak to these issues with the Legislators.

Assemblymember Kvalheim spoke to the need to educate the public so that they can also let the Legislators know that they support the funding.

Discussion ensued regarding:

- the Point MacKenzie prison; and
- the Borough's state lobbyist.

D. ATTORNEY COMMENTS

Mr. Spiropoulos advised that the court has remanded a tax assessment case back to the Board of Equalization for findings.

E. CLERK COMMENTS

Ms. McGehee:

- spoke regarding the upcoming meeting schedule; and
- noted that a work session for May 22, 2007, regarding sales tax has been added to the meeting schedule.

Discussion ensued regarding the sales tax work session. A work session was also scheduled on the same matter for April 17, 2007, at 3 p.m.

Ms. McGehee introduced Ms. Amanda Charles, the new Executive Assistant to the Borough Clerk.

Assemblymember Woods requested that the Interim Materials District be placed on the tracking report.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Greater Palmer Fire Service Area No. 132: 01/15/07
 - b. Library Advisory Board: Resolution Serial Nos. 07-01, 07-02
 - c. Meadow Lakes Public Safety Building Naming Committee: 11/06/06, 11/20/06, 01/15/07
 - d. Parks, Recreation, and Trails Advisory Board: Resolution Serial Nos. 06-18, 06-19, 06-20
 - e. Port Commission: 12/18/06, Resolution Serial No. 07-001
 - f. Real Property Asset Management Board: 01/10/07, Resolution Serial Nos. 06-09, 06-10, 06-11, 07-02, 07-03(SUB)
2. Community Council Correspondence:
 - a. South Knik River Community Council: 09/15/06

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

G. INFORMATIONAL MEMORANDUMS

1. IM No. 07-080: AN INFORMATIONAL MEMORANDUM ADVISING OF THE STATUS OF THE NEGOTIATIONS FOR THE SCHOOL SITE ON SPRINGER LOOP.

Assemblymember Wells:

- noted that efforts will be suspended until funding sources are identified; and
- queried if the site has been appraised.

Mr. Swanson advised that the property has been appraised.

Assemblymember Wells:

- commented that the original resolution approved the acquisition of both sites for future schools;
- queried if there are suggestions on where funds can be identified; and
- noted that with the rate of growth in the Borough, there is a need for another site in the Palmer area.

Mr. Duffy:

- spoke regarding the land management fund;
- noted that there is a potential for lapsed funds from the School District; and
- advised that there could be a capital line item set aside in the budget.

(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. 07-014: AN ORDINANCE CREATING MCDOWELL ROAD ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 424, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT. *(Continued public hearing from March 20, 2007)*
 - a. IM No. 07-035

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.

Ms. Clayton provided a staff report.

MOTION: Assemblymember Wells moved to adopt Ordinance Serial No. 07-014.

VOTE: The motion passed without objection.

- 2. Ordinance Serial No. 07-015: AN ORDINANCE CREATING WESLEY DRIVE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 425, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT. *(Continued public hearing from March 20, 2007)*
 - a. IM No. 07-036

Ms. Clayton provided a staff report.

Mayor Menard opened the public hearing.

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

MOTION: Assemblymember Bettine moved to adopt Ordinance Serial No. 07-015.

VOTE: The motion failed unanimously.

3. Ordinance Serial No. 07-023: AN ORDINANCE AMENDING EXHIBIT “A” OF ORDINANCE SERIAL NO. 05-111, RELATING TO RAVEN DRIVE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 412.
 - a. IM No. 07-060

Ms. Clayton 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 Wells moved to adopt Ordinance Serial No. 07-023.

VOTE: The motion passed without objection.

4. Ordinance Serial No. 07-029: AN ORDINANCE ADOPTING MSB 2.40, INFORMATION TECHNOLOGY DEPARTMENT.
 - a. IM No. 07-030

Ms. Romano provided a staff report.

Assemblymember Allen queried if the new person would also have management experience.

Ms. Romano advised that the person currently in the position has management experience.

Assemblymember Allen:

- queried the title “Head of the Information Technology Department (IT)”; and
- noted that the heads of the departments are directors.

Mr. Duffy advised that the industry title for this position is “Chief Information Officer.”

Assemblymember Kvalheim queried whether Geographic Information Systems (GIS) would stay under the IT Department.

Ms. Romano advised that GIS would stay under the IT Department.

Discussion ensued regarding:

- the department head title; and
- the services that will be provided.

Mayor Menard opened the public hearing.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 07-029.

VOTE: The motion passed without objection.

5. Ordinance Serial No. 07-030: AN ORDINANCE REAPPROPRIATING \$25,000 FROM LAND MANAGEMENT, FUND 203, COMMUNITY DEVELOPMENT ADMINISTRATIVE DIVISION FISCAL YEAR 2007 OPERATING BUDGET, TO FUND 480, FOR THE FRANCE ROAD 160 ASSET MANAGEMENT PLAN, PROJECT NO. 45097.
 - a. IM No. 07-068

Mr. Swanson provided a staff report.

Assemblymember Allen queried if the site is suitable for construction.

Mr. Swanson stated that a lot of dirt would need to be removed for construction; however, over time, it will be a valuable piece of property.

Mr. Allen queried if the Borough is working with the city of Palmer.

Mr. Swanson advised that the Borough is working jointly with the city of Palmer.

Assemblymember Bettine queried if the site would be suitable for future schools.

Mr. Swanson advised that the Borough will be looking into whether it is a suitable site for a future school.

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. 07-030.

VOTE: The motion passed without objection.

6. Ordinance Serial No. 07-031: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$39,525 FROM THE LAND MANAGEMENT FUND BALANCE, FUND 203, TO THE FISCAL YEAR 2007 LAND AND RESOURCE MANAGEMENT DIVISION OPERATING BUDGET, FUND 203, TO PAY LOCAL IMPROVEMENT DISTRICT FEES ASSOCIATED WITH BOROUGH-OWNED PROPERTIES.
 - a. IM No. 07-071

Mr. Swanson provided a staff report.

Mayor Menard opened the public hearing.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 07-031.

VOTE: The motion passed without objection.

7. Ordinance Serial No. 07-032: AN ORDINANCE AMENDING MSB 25.05.060, INITIATIVE, REFERENDUM, AND RECALL; MSB 25.15.020(B), DECLARATION OF CANDIDACY, MAYOR, ASSEMBLY, SCHOOL BOARD; MSB 25.15.030(D), DECLARATIONS OF CANDIDACY, PROCEDURE; MSB 25.15.050, NOMINATIONS, PUBLIC OFFICIAL FINANCIAL DISCLOSURE; MSB 25.30.020(A), PROHIBITION OF POLITICAL PERSUASION NEAR POLLS; AND MSB 25.35.015, WRITE-IN VOTES. *(Sponsor: Assemblymember Kluberton)*
 - a. IM No. 07-072

Ms. McGehee provided a staff report.

Assemblymember Bettine queried the reason for the non-refundable cash fee.

Ms. McGehee advised that there was a candidate, in the last election, that filed for candidacy with a check that ultimately failed to clear, and the action resulted in a disqualification of the candidacy.

Assemblymember Bettine spoke regarding the need for the candidates to track their payments.

Ms. McGehee:

- advised that she spoke to this issue with the Alaska Public Offices' Commission (APOC); and
- noted that APOC does not require funds in this small of an amount, for this purpose, to be tracked.

Assemblymember Kluberton:

- noted that the filing fee is a pre-campaign expense that does not need to be tracked; and
- spoke regarding the problems that a bounced check can cause.

Ms. McGehee:

- advised that in this case, the ballots were already in the process of being printed when the Clerk's Office was not made aware of the matter until three weeks later; and
- noted that it would have cost the Borough \$15,000 to reprint the ballots.

Mayor Menard opened the public hearing.

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

MOTION: Assemblymember Kluberton moved to adopt Ordinance Serial No. 07-032.

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 07-032, MSB 25.15.030(D), by striking the word “cash” throughout that subsection to read as follows: (D) A non-refundable \$25 fee shall accompany each declaration of candidacy for the office of mayor, assembly seats, and school board seats to help defray administrative costs of holding the election. If a candidate withdraws a declaration for one seat or office to file for another seat or office, in accordance with MSB 25.15.055, an additional non-refundable \$25 filing fee shall be collected by the clerk’s office. An application showing proof of indigence may be completed, and submitted to the clerk for approval, by candidates requesting waiver of the filing fee.

VOTE: The primary amendment failed with Assemblymembers Bettine, Allen, and Wells in support.

VOTE: The main motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke regarding a petition that has been signed by some members of the Central Mat-Su Fire Department regarding the Wasilla-Lakes Fire Service Area Board of Supervisors and in support of Mr. Duffy’s actions regarding the former Fire Chief, Mr. Jack Krill Jr.: Mr. Roy Rostacher.

The following persons spoke in support of Mr. Duffy’s actions regarding the former Fire Chief, Mr. Jack Krill: Mr. Daniel Sides, Ms. Ginny Gee, and Mr. Henry Schriber.

The following person spoke in support of funding the School District: Ms. Kathryn Wright.

The following person spoke in support of law enforcement for the Borough: Mr. Jason Kinikin.

The following person spoke in opposition to AM No. 07-054: Mr. Kevin Sorenson.

The following person spoke regarding the Borough’s process regarding the investigation of Fire Chief Jack Krill: Mr. Ken Slauson.

The following person spoke in opposition to dues paid to the Alaska Municipal League: Mr. Darrell Hargraves.

The following person requested that the Assembly hire an outside firm to look into the way that the Borough investigated Fire Chief Jack Krill: Mr. Benny Cottle.

(The regular meeting recessed at 8:05 p.m. and reconvened at 8:23 p.m.)

- D. CONSENT AGENDA (Resolution Serial No. 07-040, AM Nos. 07-054 and 07-055 were pulled from the consent agenda and addressed separately. *See pp. 11-15*)
1. RESOLUTIONS
 2. ASSEMBLY MEMORANDUMS
 - a. AM No. 07-037: VACATION OF A PORTION OF WEST PETIT CIRCLE AND ELIMINATE A 10 FOOT BY 30 FOOT POLE/ANCHOR EASEMENT AND 15 FOOT UTILITY EASEMENT ADJACENT TO WEST PETIT CIRCLE, WITHIN MONTCLAIRE PHASE I, BLOCK 1, LOTS 13 AND 14, LOCATED IN SECTION 23, TOWNSHIP 17 NORTH, RANGE 2 WEST, SEWARD MERIDIAN, ALASKA, IN THE KNIK-FAIRVIEW COMMUNITY COUNCIL AREA.
 - b. AM No. 07-038: VACATION OF A 1 FOOT BY 55 FOOT PORTION OF RIGHT-OF-WAY WITHIN SOUTH VERMILLION CIRCLE, ADJACENT TO LOT 6, BLOCK 4, HEAVENLY MEADOWS SUBDIVISION, LOCATED IN SECTION 18, TOWNSHIP 17 NORTH, RANGE 2 EAST, SEWARD MERIDIAN, ALASKA.

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. 07-040: A RESOLUTION AMENDING THE BUDGET FOR PROJECT NO. 35245, POINT MACKENZIE ROAD – BURMA ROAD TO PORT DISTRICT UPGRADES.
 - (1) IM No. 07-079

MOTION: Assemblymember Allen moved to adopt Resolution Serial No. 07-040.

Ms. Clayton provided a staff report.

Assemblymember Allen queried the original administrative fee to the State.

Ms. Clayton advised the administrative fee is 10 percent.

Assemblymember Allen queried how the \$686,000 will be used.

Ms. Clayton advised that the funds will be used to cover the administrative fee, as it will need to be audited for the next three years, for the project manager's wages and construction incentives;

Mr. Duffy advised that the remaining funds will go into construction.

Assemblymember Bettine queried the right-of-way issues.

Mr. Duffy:

- advised that there was never an as-built survey performed when the road was built in 1987; and
- spoke regarding the areas of the road that may have issues when the construction begins.

Assemblymember Bettine queried when the pavement will occur.

Mr. Duffy advised that the pavement may occur in June 2008.

VOTE: The motion passed without objection.

- c. AM No. 07-054: APPROVAL OF CHANGE ORDER TO UNIT COMPANY IN AN AMOUNT NOT TO EXCEED \$3,000,000 FOR ADDITIONAL WORK TO THE KNIK-GOOSE BAY ELEMENTARY SCHOOL DESIGN/BUILD PROJECT, PROJECT NO. 40161.

MOTION: Assemblymember Allen moved to approve AM No. 07-054.

Mr. Rountree provided a staff report.

Assemblymember Woods queried the septic and leach field.

Mr. Rountree:

- advised that the Shaw Elementary School prototype was used for this school;
- stated that the civil work was bid on separately than the construction of the school; and
- advised that the Borough is not paying more for the septic and leach field just because the civil work was not included in the base bid.

Assemblymember Woods:

- spoke to the issues of the public seeing a change order in the amount of \$3,000,000; and
- stated that a lot of the public does not attend the meetings to hear the explanations for the change orders.

Discussion ensued regarding:

- how the funds can be used;
- the issues with Hollywood road;
- concerns with the amount of the change order; and
- safety issues that the staff and the contractor have addressed.

MOTION: Assemblymember Bettine moved a primary amendment to AM No. 07-054 as follows:

1. by reducing the change order amount throughout the legislation from “\$3,000,000” to “\$1,978,195;”
2. to strike and insert the following at the end of paragraph five: strike “The bid opening could get delayed depending upon how many bids were received. Since bids have not been opened yet, and given the need for the school to be opened by August 2007, the Department of Public Works is requested Assembly approval of a change order at this time that will not exceed \$3,000,000. When the low bid is received, this information will be readily divulged to the Assembly” and insert in its place “After the bid process was completed, the contractor received three competitive bids from three qualified bidders and the lowest qualified bidder was Wilder Construction Company with a bid of \$1,978,195 for the on-site work;” and
3. to strike the amount of “\$15,034,377 in the last paragraph and insert in its place “\$14,012,572” to read as follows: Funding for this change order is currently available from the 2006 Serial A General Obligation School Bonds. If approved, this change order will be the forth change order issued for this contract and will increase the total contract amount of \$14,012,572.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

- d. AM No. 07-055: AWARD OF PROPOSAL NO. 07-112 TO G.R. BROWN ENGINEERING SERVICES IN THE AMOUNT OF \$84,500 FOR THE TALKEETNA WATER AND WASTEWATER SYSTEM PHASE II DESIGN.

MOTION: Assemblymember Allen moved to approve AM No. 07-055.

Mr. Rountree provided a staff report.

Assemblymember Allen:

- queried whether the Talkeetna Sewer and Water SSA are repaying the loans to the Borough; and
- queried if the issues with the service area are resolved.

Ms. Romano:

- advised that the Talkeetna Sewer and Water SSA has begin to make payments on both of the loans;
- stated that some of the issues with the service area have been resolved; however, not all of the issues; and
- advised that penalties are being charged, water is being cutoff, and more people are coming online.

Discussion ensued regarding:

- the remaining issues with the Talkeetna Sewer and Water SSA;
- the need for an analysis to be performed to see what the Borough has fixed over the life of the system;
- the need for a dedicated administrator for the system; and
- the need for Talkeetna to have a community water system.

MOTION: Assemblymember Church moved to postpone AM No. 07-055 to a time certain of April 17, 2007.

VOTE: The motion to postpone to a time certain of April 17, 2007, passed without objection.

VIII. UNFINISHED BUSINESS

A. 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. *(Main motion pending from March 20, 2007)*

1. IM No. 07-033
2. IM No. 07-082

MOTION PENDING: Assemblymember Kluberton moved to adopt Ordinance Serial No. 07-024.

Mr. O'Brien provided a staff report.

MOTION: Assemblymember Kluberton moved a primary amendment to Ordinance Serial No. 07-024, Section 8, by striking the reference to MSB 17.59.060(D)(6)(m) and inserting in its place MSB 17.59.060(D)(11)(b).

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

IX. NEW BUSINESS

A. INTRODUCTION (For public hearing – 04/17/07, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 07-034: AN ORDINANCE AMENDING MSB 3.08.161, ASSEMBLY APPROVAL OF CONTRACTS, AND MSB 3.08.270, OPEN MARKET PROCEDURE.
 - a. IM No. 07-004

2. Ordinance Serial No. 07-035: AN ORDINANCE ADOPTING THE PARADISE 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. 07-056

3. Ordinance Serial No. 07-036: AN ORDINANCE APPROPRIATING \$451,777 TO FUND 300, SCHOOL DEBT SERVICE FUND, FOR THE ISSUANCE COSTS FOR THE 2007 SERIES A, GENERAL OBLIGATION SCHOOL REFUNDING BONDS.
 - a. Ordinance Serial No. 07-037: AN ORDINANCE APPROPRIATING \$31,882 TO FUND 320, PARK BOND DEBT SERVICE, FOR THE ISSUANCE COSTS FOR THE 2007 SERIES B, GENERAL OBLIGATION PARK REFUNDING BONDS.
 - (1) IM No. 07-076

4. Ordinance Serial No. 07-038: AN ORDINANCE APPROPRIATING \$30,000 OF INTEREST EARNINGS ON THE 1999 SERIES A GENERAL OBLIGATION SCHOOL BONDS TO FUND 400, SCHOOL CAPITAL PROJECTS, PROJECT NO. 40131, FOR HOUSTON HIGH SCHOOL.
 - (a) IM No. 07-077

5. Ordinance Serial No. 07-039: AN ORDINANCE AMENDING MSB 3.04.110(C), REPORTING AND LAPSE OF APPROPRIATIONS.
 - (a) IM No. 07-078

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 April 17, 2007.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Menard requested the following confirmations:

Animal Care and Regulation Board

Adam Cardwell

Mayor's Blue Ribbon Task Force on Road Service Areas

Cindy Bettine

Tom Kluberton

Jim Norcross

Arthur Quaas

Gary Hessmer

Kurt Devon

Gregory Strong

William Snyder
Clayton Tew
William Stearns
Allan Linn

Platting Board

Thomas Smith
Anne Winckler

Senior Citizen Advisory Board

Anita Daniels

Talkeetna FSA No. 24

Lori Chesney
Mark Wildemuth

Mayor Menard made the following recommendations:

Board of Equalization

Charles Foster

Emergency Medical Services Board

Angella Long

Local Emergency Planning Committee

Mary Kvalheim

Mayor's Blue Ribbon Task Force on Road Service Areas

Gerald Pineau

Parks, Recreation, and Trails Advisory Board

Jack Campbell

Port Commission

Greg Bell

South Colony RSA No. 16

Kathleen Rogge

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

VOTE: The motion passed without objection.

C. OTHER NEW BUSINESS

X. RECONSIDERATION

(There were no reconsiderations presented.)

XI. VETO

(There were no vetoes presented.)

XII. EXECUTIVE SESSION *(for subjects that tend to prejudice the reputation and character of any person provided the person may request a public discussion, and matters, the immediate public knowledge of which would clearly have an adverse effect upon the finances of the Borough, particularly to discuss Borough Manager John Duffy's personnel investigation of Fire Chief Jack Krill Jr., and the process of investigation)*

Mr. Duffy advised that he would like to go into executive session if the Assembly wishes.

MOTION: Assemblymember Kvalheim moved to enter executive session for subjects that tend to prejudice the reputation and character of any person provided the person may request a public discussion, and matters, the immediate public knowledge of which would clearly have an adverse effect upon the finances of the Borough, particularly to discuss Borough Manager John Duffy's personnel investigation of Fire Chief Jack Krill Jr., and the process of investigation Those present during the executive session were the Assembly, Mayor, Manager, Attorney, and Clerk.

MOTION: Assemblymember Bettine moved to reconsider the motion to go into executive session for the purpose of reconsidering the parties for executive session to include the Assembly, Mayor, Manger, and Attorney.

Assemblymember Kvalheim noted that the Clerk is the person who has traditionally kept the Assembly on the track during the executive sessions and that she is the neutral, process person.

VOTE: The motion to reconsider the parties included in the executive session passed with Assemblymembers Kvalheim and Church opposed.

Mr. Spiropoulos:

- noted the reasons for the executive session;
- stated that he is not sure if he is needed in the executive session; and
- stated that his only function in the executive session would be to make sure the Assembly keeps on track and focused.

Assemblymember Allen advised that he would like the Attorney involved in the executive session.

Assemblymember Kvalheim reiterated that the Clerk is the one who usually keeps the Assembly on track during executive sessions.

Assemblymember Church:

- noted that the Clerk is usually included in executive sessions; and
- queried the role of the Clerk in executive sessions.

Ms. McGehee:

- noted that it is up to the Assembly who participates in executive session;
- stated that the role of the Clerk has always been to be in executive session to make sure the process is adhered to, no motions are made, and that the members do not lose their scope; and
- noted that the role of the Clerk in executive session is supported by municipal attorneys and clerks throughout the state of Alaska.

VOTE: The motion passed without objection and the Assembly entered the executive session at 9:38 p.m.

MOTION: Assemblymember Woods moved to exit from executive session.

VOTE: The motion passed and the Assembly exited the executive session at 11:02 p.m.

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

VOTE: The motion passed without objection.

MOTION: Assemblymember Kvalheim moved to enter executive session for subjects that tend to prejudice the reputation and character of any person provided the person may request a public discussion, and matters, the immediate public knowledge of which would clearly have an adverse effect upon the finances of the Borough, particularly to discuss Borough Manager John Duffy's personnel investigation of Fire Chief Jack Krill Jr., and the process of investigation Those present during the executive session were the Assembly, Mayor, Manager, and Attorney.

VOTE: The motion passed with Assemblymember Allen opposed and the Assembly entered the executive session at 11:04 p.m.

MOTION: Assemblymember Woods moved to exit from executive session.

VOTE: The motion passed and the Assembly exited the executive session at 11:24 p.m.

XIII. MAYOR AND ASSEMBLY COMMENTS

Mayor Menard stated that he is thankful to be back. Members of the Assembly concurred.

XIV. ADJOURNMENT

The regular meeting adjourned at 11:25 p.m.

/ S /

CURTIS D. MENARD, Borough Mayor

ATTEST:

/ S /

MICHELLE M. MCGEHEE, CMC, Borough Clerk

Minutes approved: 04/17/07