

**I. CALL TO ORDER**

The regular meeting of the Matanuska-Susitna Borough Assembly was held on April 20, 2004, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was also teleconferenced to the Talkeetna Elementary School Library, 13798 E. Veterans Way, Talkeetna, Alaska. The meeting was called to order at 6 p.m. by Mayor Timothy L. Anderson.

**II. ROLL CALL**

Assembly members present and establishing a quorum were:

Mr. J. Bruce Bush, Assembly District No. 1  
Mr. Bill Allen, Assembly District No. 2 (*Entered the meeting by teleconference at 9 p.m.*)  
Mr. Talis J. Colberg, Assembly District No. 3  
Ms. Mary Kvalheim, Assembly District No. 4  
Ms. Jody Simpson, Assembly District No. 5  
Mr. Jim Colver, Assembly District No. 6 (*Deputy Mayor*)  
Ms. Betty Vehrs, Assembly District No. 7

Staff in attendance were:

Ms. Sandra A. Dillon, CMC, Borough Clerk  
Ms. Michelle M. McGehee, Borough Clerk

Mr. John Duffy, Borough Manager  
Ms. Teresa S. Williams, Borough Attorney  
Ms. Tammy Clayton, Finance Director  
Mr. Don Shiesl, Public Works Director  
Mr. Dennis Brodigan, Emergency Services Director  
Mr. Ron Swanson, Community Development Director  
Ms. Susan Dickinson, Planning and Land Use Director

**III. APPROVAL OF AGENDA**

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

Mayor Anderson noted that Resolution Serial No. 04-063 would be pulled from the agenda at the request of administration, as a bid protest had been filed related to the legislation.

Assemblymember Vehrs voiced frustration that no one from administration spoke with her regarding the status of Resolution Serial No. 04-063 pertaining to the filing of the bid protest, as she is the Chair of the committee that addressed the site selection of the Midnight Sun Family Learning Center.

Discussion ensued regarding the procedural deficiencies of the bid.

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

The Pledge of Allegiance was led by Mary Anderson, Mayor Anderson's spouse.

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

##### **A. Special Assembly Meeting: March 30, 2004**

Mayor Anderson inquired if there were any corrections to the special meeting minutes of March 30, 2004.

No corrections were noted.

##### **B. Regular Assembly Meeting: 04/06/04**

Mayor Anderson inquired if there were any corrections to the regular meeting minutes of April 6, 2004.

No corrections were noted.

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

##### **A. AGENCY REPORTS**

##### **1. Reports from cities**

###### Houston City

Houston City Mayor Dale Adams:

- reported that the city's sales tax is doing well;
- stated that the city will be assuming the responsibility of platting and zoning citations; and
- advised that the city is discussing the addition of a Houston City police force.

###### Wasilla City

Councilmember Cox:

- spoke regarding the city's successful participation in a home show at the Palmer fairgrounds;
- advised that city budget will be addressed during the month of May; and
- reported that the first week in May is the spring clean up.

##### **2. Matanuska-Susitna Borough School District**

Public Information Specialist Kim Floyd:

- reported that the School Board will meet on April 21, 2004, at 6 p.m. to discuss the possible adoption of a districtwide elementary school math curriculum;
- spoke regarding discussions of a change to the fiscal year 2005 school calendar, specifically regarding Spring Break, as a result of scheduled statewide testing dates;
- stated that the School Board agenda item on April 21 regarding the Midnight Sun Charter School site selection will most likely be removed;
- commented that she hoped the Midnight Sun Charter School would soon be in a new location, as the school can obtain enough students to be considered fully self-supportive;
- reported that the month of May is the 50<sup>th</sup> anniversary of Brown vs. the Board of Education;
- spoke regarding the local 25<sup>th</sup> anniversary of Snowshoe Elementary School; and
- reminded that the School District budget will be presented to the Assembly next week and asked that members of the Assembly contact her with any specific questions in advance of the presentation.

Assemblymember Simpson inquired regarding the provision of any fiscal information on the proposed districtwide math program.

Ms. Floyd:

- stated that she could provide information in this regard; and
- noted that funds for the program would be coming from the current fiscal year budget.

Assemblymember Kvalheim inquired if the School District had any snow days during the course of the last academic year and subsequent make up days.

Ms. Floyd acknowledged that the district would have make up days as a result of the three snow days that occurred over the winter months.

## B. COMMITTEE REPORTS

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

Mayor Anderson noted that the committee has not held a meeting since the last report was given.

### 2. Regional Transportation Planning Organization

Mayor Anderson noted that the next Regional Transportation Planning Organization meeting would be held in Anchorage on Monday, April 26, 2004.

## C. MANAGER COMMENTS

### 1. State/Federal Legislation

Mr. Duffy:

- reported regarding the FY05 budget status;
- stated that any capital budget would be small, as approximately 80 percent of the budget was designated for the School District;
- commented regarding Senator Steven's transition from the Chair of the Appropriations Committee to the Chair of the Congress Committee;
- spoke regarding prioritizing the Borough's requests for funding;
- discussed the 50/50 probability of the passage of the Tea-Lu legislation;
- advised that the Borough would be trying to include some road projects into the appropriations bill in case the Tea-Lu legislation did not pass;
- reported that the Borough has been asked to participate in a state road bond package;
- noted that the Spring Clean Up would be held on May 1, 2004;
- stated that the Borough would be participating with the Valley Center for Recycling Solutions in regard to an electronics recycling day beginning May 8;
- advised that the minutes from the last Mayor's Blue Ribbon Task Force on Police Powers and the Regional Transportation Planning Organization's agenda for April 26 were attached to his report; and
- spoke regarding an update to the Borough's Comprehensive Plan.

#### D. ATTORNEY COMMENTS

Ms. Williams reported that the first draft of the nuisance ordinance would be sent for staff review with an intended introduction date to the Assembly of May 4, 2004.

Assemblymember Simpson inquired if the draft ordinance would be sent to the community councils for comments.

Ms. Williams:

- reported that the nuisance ordinance is found in MSB Title 8 and does not require the same review process; and
- stated that there has not been a request to send the draft out for community council comments until now.

Assemblymember Simpson inquired why no one in the Attorney's office had reviewed the draft coal bed methane ordinance before it was released.

Discussion ensued regarding a request for outside council to review the draft ordinance.

#### E. CLERK COMMENTS

Ms. Dillon:

- presented the Assembly's meeting calendar and noted the only addition to be the Borough Clerk's exit interview, which has been scheduled for a special meeting at 4 p.m. on May 18;

- advised that public hearings on the FY05 budget would be held on May 6 and May 11 at 7 p.m.;
- noted that copies of the budget work session agendas were attached to her report for review;
- provided the Assembly with some preliminary election information; and
- asked that she be contacted with corrections or additions to the tracking report.

Assemblymember Simpson inquired regarding the time frame for service areas to propose boundary changes to the voters.

Ms. Dillon stated that she would contact Assemblymember Simpson with this information.

#### F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
  - a. Borough Area Schools Site Selection Committee: 03/04/04
  - b. Mayor's Blue Ribbon Task Force on Police Powers: 02/25/04, 03/24/04
  - c. Parks, Recreation, and Trails Advisory Board: 02/23/04, 03/22/04
  - d. Planning Commission: 03/01/04, 03/15/04
  - e. Platting Board: 03/04/04, 03/18/04, 04/01/04
  - f. Port Commission: 01/19/04, 02/04/04, 02/23/04
  - g. Transportation Advisory Board: 01/07/04, 02/25/04
  - f. Wasilla-Lakes Fire Service Area Board of Supervisors: 01/12/04
2. Community Council Correspondence:
  - a. Glacier View Community Council: 03/18/04
  - b. Trapper Creek Community Council: 03/18/04

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

#### G. INFORMATIONAL MEMORANDUMS

1. IM No. 04-118: AN INFORMATIONAL MEMORANDUM REGARDING THE PROPOSED BUDGET LIST FOR LOCAL ROAD IMPROVEMENTS USING FEDERAL FUNDING.

Assemblymember Simpson stated that she was pleased to see plans laid out and would like to see the funding for substandard roads be put to use as soon as possible.

The informational memorandum was presented and no comments other than noted were given.

### VIII. UNFINISHED BUSINESS

- A. Ordinance Serial No. 04-048: AN ORDINANCE AMENDING MSB 3.04.095 TO ESTABLISH A RESERVE WITHIN THE GENERAL FUND FOR MAJOR REPAIR AND RENOVATION.

1. AM No. 04-042: ESTABLISHING A RESERVE FOR MAJOR REPAIRS AND RENOVATION AND ESTABLISHING THE CRITERIA FOR QUALIFICATION OF SUCH PROJECTS. (*Sponsors: Assemblymembers Allen and Colver*) (*Postponed from 03/16/04, Motion pending*)

MOTION: Assemblymember Colver moved to postpone Ordinance Serial No. 04-048 and AM No. 04-042 to a time certain of May 4, 2004.

VOTE: The motion passed without objection.

- B. Ordinance Serial No. 04-034: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE WILLOW, CROWBERRY, AND BIRCH DRIVE AREA ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 377 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.

1. Ordinance Serial No. 04-035: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$170,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE WILLOW, CROWBERRY, AND BIRCH DRIVE AREA ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 377, AND FIXING DETAILS OF SAID BONDS. (*Postponed from 04/06/04, Motion pending*)

- a. IM No. 04-050

MOTION: Assemblymember Colberg moved to adopt Ordinance Serial No. 04-034 and Ordinance Serial No. 04-035. (*Motion pending from April 6, 2004*)

Mr. Duffy:

- provided a status report regarding the condition of the roads in the Willow, Crowberry, and Birch Drive Area; and
- stated that the roads are satisfactory and are under warranty should any additional work be needed.

VOTE: The motion passed without objection.

## **IX. NEW BUSINESS**

- A. INTRODUCTION (For public hearing - 05/04/04, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 04-079: AN ORDINANCE APPROVING AN APPROPRIATION OF \$67,000 FROM THE LAND MANAGEMENT FUND BALANCE, FUND 203, TO THE NON-LAPSING, NON-CAPITAL PROJECT NO. 45160, FUND 480, FOR DEMOLITION OF THE COLLAPSING BOROUGH-OWNED STORAGE BUILDING AND ABATEMENT AND DISPOSAL OF HAZARDOUS MATERIALS AT TRACT 1, ALPINE HISTORICAL SITE, TAX PARCEL NO. 2810000T001, SUTTON COMMUNITY COUNCIL AREA.

- a. Resolution Serial No. 04-058: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR DEMOLITION OF THE COLLAPSING BOROUGH-OWNED

STORAGE BUILDING AND ABATEMENT AND DISPOSAL OF HAZARDOUS MATERIALS AT TRACT 1, ALPINE HISTORICAL SITE, TAX PARCEL NO. 2810000T001, SUTTON COMMUNITY COUNCIL AREA.

- (1) IM No. 04-100
2. Ordinance Serial No. 04-080: AN OMNIBUS ORDINANCE AMENDING MSB TITLE 4, BOARDS AND COMMISSIONS; REPEALING MSB 3.38.050-.060, THE ENHANCED 911 ADVISORY BOARD, AND RE-ENACTING IT AS MSB 4.28.
  - a. IM No. 04-106
3. Ordinance Serial No. 04-081: AN OMNIBUS ORDINANCE AMENDING MSB TITLE 1, GENERAL PROVISIONS.
  - (1) IM No. 04-107
4. Ordinance Serial No. 04-082: AN ORDINANCE ACCEPTING AND APPROPRIATING \$37,000 FROM THE CITY OF HOUSTON FOR ADDITIONAL PAVING OF KING ARTHUR DRIVE AND PAVING MILLER'S REACH ROAD TO FUND 410, ROAD SERVICE AREA CAPITAL PROJECT NO. 35283, CITY OF HOUSTON PAVING.
  1. Resolution Serial No. 04-059: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PAVING KING ARTHUR DRIVE AND MILLER'S REACH ROAD IN THE CITY OF HOUSTON, PROJECT NO. 35283.
    - a. IM No. 04-108
5. Ordinance Serial No. 04-083: AN ORDINANCE ACCEPTING AND APPROPRIATING \$3,144.32 FROM THE STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES, OFFICE OF HISTORY AND ARCHAEOLOGY, TO THE NON-LAPSING/NON-CAPITAL FUND 480, PROJECT 20324, FOR REIMBURSEMENT FOR TRAVEL TO THE CERTIFIED LOCAL GOVERNMENT WORKSHOP BY THE HISTORIC PRESERVATION COMMISSION MEMBERS.
  1. Resolution Serial No. 04-060: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PROJECT 20324, FOR REIMBURSEMENT FOR TRAVEL TO THE CERTIFIED LOCAL GOVERNMENT WORKSHOP BY THE HISTORIC PRESERVATION COMMISSION MEMBERS.
    - a. IM No. 04-109
6. Ordinance Serial No. 04-084: AN ORDINANCE RECLASSIFYING A BOROUGH-OWNED PARCEL LOCATED ALONG THE PETERSVILLE ROAD IN THE TRAPPER CREEK AREA FROM FOREST MANAGEMENT LANDS TO RESOURCE MANAGEMENT LANDS AND APPROVING THE DEVELOPMENT OF A GRAVEL SOURCE AND A RECREATIONAL VEHICLE PARKING LOT.
  - a. IM No. 04-114
- B. INTRODUCTION (For public hearing - 05/06/04 and 05/11/04, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 04-004: AN ORDINANCE APPROPRIATING MONIES FROM THE CENTRAL TREASURY AND ESTABLISHING THE RATE OF LEVY FOR ALL BOROUGH FUNCTIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, AND ENDING JUNE 30, 2005.

Ms. Dillon read the above legislation into the record.

MOTION: Assemblymember Colver moved to introduce the legislation as read into the record by the Clerk and set for public hearing on May 4, May 6, and May 11 respectively.

VOTE: The motion passed without objection.

### C. CONSENT AGENDA

(Resolution Serial No.04-065 and AM Nos. 04-059 and 04-076 were pulled from the agenda and addressed separately. *(See pp. 16-18 of 22).* [Note: Resolution Serial No. 04-063 was pulled from the agenda at the approval of the agenda.]

#### 1. RESOLUTIONS

- a. Resolution Serial No. 04-061: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR INFRASTRUCTURE PROJECTS USING THE FISCAL YEAR 2004 TRANSIENT ACCOMMODATION TAX (BED TAX) FUNDS IN AN AMOUNT NOT TO EXCEED \$237,000.

(1) IM No. 04-085

- b. Resolution Serial No. 04-062: A RESOLUTION APPROVING THE NUTRITIONAL SERVICES FACILITY SITE SELECTION, LOCATED AT 690 EAST COPE INDUSTRIAL WAY (PARCEL ID. NO. 17N02E04D013).

(1) IM No. 04-096

- d. Resolution Serial No. 04-064: A RESOLUTION EXTENDING THE TERM OF THE MAYOR'S BLUE RIBBON TASK FORCE ON POLICE POWERS TO DECEMBER 31, 2004.

(1) IM No. 04-110

- f. Resolution Serial No. 04-066: A RESOLUTION ESTABLISHING THE MINIMUM LEVEL OF FUNDING FOR THE MATANUSKA-SUSITNA BOROUGH SCHOOL DISTRICT FOR THE FISCAL YEAR ENDING JUNE 30, 2005.

(1) IM No. 04-116

- g. Resolution Serial No. 04-067: A RESOLUTION SUPPORTING HOUSE OF REPRESENTATIVES BILL 303, RETIRED PAY RESTORATION ACT OF 2003, AND REQUESTING THAT IT BE PASSED FROM COMMITTEE TO BE ACTED UPON BY THE UNITED STATES HOUSE OF REPRESENTATIVES AND FORWARDED TO THE UNITED STATES SENATE FOR CONSIDERATION.

(1) IM No. 04-117

2. ACTION MEMORANDUMS

- b. AM No. 04-062: THE VACATION OF A PORTION OF SOUTH HAYFIELD ROAD IN THE PROPOSED TIDEWATER BLUFFS SUBDIVISION, LOCATED IN SECTION 2, TOWNSHIP 16 NORTH, RANGE 2 WEST, SEWARD MERIDIAN, ALASKA, LOCATED IN THE KNIK-FAIRVIEW COMMUNITY COUNCIL AREA.
- c. AM No. 04-063: RETROACTIVE APPROVAL OF SENIOR CITIZEN TAX EXEMPTION FOR SIDNEY G. SHELL, SR. ON TAX ACCOUNT NOS. 6001B03L010 AND 6001B03L011 FOR TAX YEARS 2002 AND 2003.
- d. AM No. 04-072: AWARD OF PROPOSAL NO. 04-119 TO ASSOCIATED POOL BUILDERS, INC. FOR A CONTRACT AMOUNT NOT TO EXCEED \$197,500 FOR THE PALMER POOL UPGRADE DESIGN AND BUILD.
- e. AM No. 04-073: AWARD OF PROPOSAL NO. 04-104 TO ALL-WRIGHT CONSTRUCTION, INC. FOR A CONTRACT AMOUNT NOT TO EXCEED \$80,000 FOR THE BIG LAKE TRANSFER SITE IMPROVEMENT DESIGN AND BUILD.
- f. AM No. 04-074: AUTHORIZING THE PURCHASE OF 1,190,400 LBS OF CALCIUM CHLORIDE FROM UNIVAR USA IN THE AMOUNT OF \$238,440 FOR SEASONAL OPERATIONS AND CAPITAL PROJECTS.
- g. AM No. 04-075: AUTHORIZING THE MANAGER TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE ALASKA STATE DEPARTMENT OF NATURAL RESOURCES, FORESTRY DIVISION, IN AN AMOUNT NOT TO EXCEED \$150,000 THROUGH JUNE 30, 2005, FOR WILDFIRE MITIGATION.
- i. AM No. 04-077: APPROVING THE TRANSFER OF \$4,500 FROM ASSEMBLY RESERVES (100-100-102) TO PROVIDE FUNDS FOR DUAL-STAFFING OF THE BOROUGH CLERK'S POSITION (100-100-103-411-100).

Ms. Dillon read the consent agenda into the record.

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

VOTE: The motion passed without objection.

*(The regular meeting recessed at 6:46 p.m. and reconvened at 7 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. 04-069: AN ORDINANCE ACCEPTING AND APPROPRIATING \$1,679,000 FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE, TO FUND 480, PROJECT NO. 45131, FOR THE CONTINUATION OF THE SPRUCE BARK BEETLE WILDFIRE HAZARD MITIGATION PROJECT.
  - a. Resolution Serial No. 04-053: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE UNITED STATES DEPARTMENT OF AGRICULTURE, PROJECT NO. 45131, FUND 480, FOR SPRUCE BARK BEETLE WILDFIRE HAZARD MITIGATION PROJECT.
    - (1) IM No. 04-065

Mr. Duffy stated that the Borough has received funds to provide for mitigation and prevention of fire.

Assemblymember Simpson:

- spoke regarding work done through the Borough's Asset Management Plan on forests in the Big Lake and Willow areas; and
- queried if any satellite imagery would be taken of the areas evaluated.

Mr. Duffy:

- stated that all information on the evaluation would be provided to the Assembly; and
- noted that the scope of the legislation emphasizes private lands and identifies potential ways to help homeowners in regard to defensible space.

Mayor Anderson 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 Colver moved to adopt Ordinance Serial No. 04-069 and Resolution Serial No. 04-053.

VOTE: The motion passed without objection.

2. Ordinance Serial No. 04-070: AN ORDINANCE REAPPROPRIATING \$68,500 FROM FUND 277, BIG LAKE ROAD SERVICE AREA, TO FUND 410, PROJECT NO. 35273, ROAD SERVICE AREA NO. 21 PAVING THE SUSITNA PARKWAY AND BEAVER LAKE ROAD.
  - a. IM No. 04-092

Mayor Anderson 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 Simpson moved to adopt Ordinance Serial No. 04-070.

Assemblymember Simpson:

- stated that the legislation had been requested by the road service area; and
- supported adoption of the legislation.

VOTE: The motion passed without objection.

3. Ordinance Serial No. 04-071: AN ORDINANCE ADOPTING THE JORDAN LAKE PARCEL MANAGEMENT PLAN WHICH IS LOCATED IN THE BIG LAKE AREA.
  - a. IM No. 04-093

Mr. Swanson provided a staff report regarding Ordinance Serial No. 04-071.

Mayor Anderson 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 Simpson moved to adopt Ordinance Serial No. 04-071.

Assemblymember Simpson:

- commented that the plan did undergo community debate; and
- advised that the plan will be useful to the community and help to make the area attractive to visitors.

VOTE: The motion passed without objection.

4. Ordinance Serial No. 04-072: AN ORDINANCE AMENDING MSB 24.30.040, ANIMAL CARE AND REGULATION BOARD HEARINGS. (*Sponsor: Assemblymember Vehrs*)
  - a. IM No. 04-094

Mr. Duffy provided a staff report regarding Ordinance Serial No. 04-072.

Mayor Anderson 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 Vehrs moved to adopt Ordinance Serial No. 04-072.

VOTE: The motion passed without objection.

5. Ordinance Serial No. 04-073: AN ORDINANCE ACCEPTING AND APPROPRIATING \$25,000 FROM THE UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, AND \$13,000 FROM THE ALASKA STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF WATER, TO FUND 410, PROJECT NO. 30086, CULVERT INVENTORY AND ASSESSMENT PROJECT.
  - a. Resolution Serial No. 04-054: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE CULVERT INVENTORY AND ASSESSMENT PROJECT, PROJECT NO. 30086.
    - (1) IM No. 04-095

Mr. Duffy stated that the funding will allow the Borough to complete a number of culvert and assessment projects.

Mayor Anderson 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 Colver moved to adopt Ordinance Serial No. 04-073 and Resolution Serial No. 04-054.

VOTE: The motion passed without objection.

6. Ordinance Serial No. 04-074: AN ORDINANCE ACCEPTING AND APPROPRIATING \$96,945 FROM THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, TO FUND 410, PROJECT NO. 30087, FISH PASSAGE CONSTRUCTION PHASE II PROJECT.
  - a. Resolution Serial No. 04-055: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE FISH PASSAGE CONSTRUCTION PHASE II PROJECT, PROJECT NO. 30087.
    - (1) IM No. 04-098

Mr. Duffy provided a staff report regarding Ordinance Serial No. 04-074 and Resolution Serial No. 04-055.

Mayor Anderson 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 Colberg moved to adopt Ordinance Serial No. 04-074 and Resolution Serial No. 04-055.

VOTE: The motion passed without objection.

7. Ordinance Serial No. 04-075: AN ORDINANCE AMENDING MSB TITLE 25: ELECTIONS.
- a. IM No. 04-099

Ms. McGehee provided a staff report regarding Ordinance Serial No. 04-075.

Mayor Anderson 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 Colver moved to adopt Ordinance Serial No. 04-075.

VOTE: The motion passed without objection.

8. Ordinance Serial No. 04-076: AN ORDINANCE REAPPROPRIATING \$35,000 FROM FUND 203, LAND MANAGEMENT FUND, ASSET MANAGEMENT DIVISION TO FUND 480, PROJECT NO. 45159 FOR THE STUDENT CONSERVATION ASSOCIATION AND AMERICORPS SUMMER 2004 WORK PROJECTS.
- a. Resolution Serial No. 04-056: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE STUDENT CONSERVATION ASSOCIATION AND AMERICORPS CREWS FOR THE SUMMER 2004 WORK SEASON.
  - (1) IM No. 04-101
  - (2) AM No. 04-069: AUTHORIZING THE MANAGER TO ENTER INTO A CONTRACT IN THE AMOUNT OF \$20,485 WITH THE STUDENT CONSERVATION ASSOCIATION FOR WORK ON THE PIONEER RIDGE KNIK RIVER TRAIL AND OTHER TRAIL PROJECTS WITHIN THE BOROUGH AND INCLUDED IN THE BOROUGH'S RECREATIONAL TRAILS PLAN.

Mayor Anderson 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 Colver moved to adopt Ordinance Serial No. 04-076, Resolution Serial No. 04-056 and AM No. 04-069.

VOTE: The motion passed without objection.

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

The following person spoke in support of full funding of the School District's budget: Mr. Michael Carson.

The following persons spoke in support of full funding of the School District's budget and against the reduction of School District custodians: Mr. Ron Rucker (President of the Classified Employees Association), Ms. Barbara Reale, Mr. Michael Torberg, and Mr. Mike Gorup.

The following persons spoke in support of the nuisance ordinance in order to address the noise levels of Fishhead's Bar and Grill: Ms. Michelle Weber, Ms. Tara Gibbs, Ms. Betty Herbert, Ms. Laurie Weber, Mr. Clyde Pomer, Mr. Oran Bailey, and Ms. Virginia King-Taylor.

Discussion ensued regarding:

- the status of the nuisance ordinance; and
- the process for introduction and public hearing dates of the proposed legislation.

The following person spoke in opposition to the appointment of Mr. Mark Masteller to the Planning Commission and regarding the decorum of Mayor Anderson and Assemblymember Colver during her husband's last public testimony to the Assembly on funding of the Palmer Ice Arena: Ms. Annette Harpster.

The following person requested financial support from the Assembly regarding the remodel of the Butte Community Council Building and in favor of the proposed nuisance ordinance: Mr. Gregory Nilsson.

The following persons spoke in support of moving forward with the Midnight Sun Charter School bid proposal to build a new school site: Ms. R'nita Rogers, Ms. Jean Lauer, Ms. Mary Shreves, Mr. Scott Johannes, Mr. John Cannon, Ms. Megan Kramer, Mr. Tyler Larimer, Ms. Jeanne Troshynski, Mr. Carl Larmer, and Mr. Steve Wells.

The following person spoke in support of continuing the bid process for the Midnight Sun Charter School and in opposition to the appointment of Mr. Mark Masteller to the Planning Commission: Mr. Penny Nixon, President of the North Lakes Community Council.

The following person spoke in support of having a balanced mix of members on the Planning Commission: Ms. Lucille Frye.

There being no other who wished to speak, Mayor Anderson closed the audience participation portion of the meeting.

*(The regular meeting recessed at 8:32 p.m. and reconvened at 9 p.m.)*

*(Assemblymember Allen entered the meeting at this time via teleconference.)*

**MOTION:** Assemblymember Colver moved to suspend the rules to allow the Attorney to speak regarding the Midnight Sun Charter School bid protest.

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

Ms. William:

- explained the appeal process as it pertains to the filing of a bid protest; and
- recommended re-bidding the Midnight Sun Charter School project.

Discussion ensued about the time frame associated with re-bidding the Midnight Sun Charter School project versus the timeframe for the appeal process, and the costs associated with re-bidding the project.

*(The regular meeting recessed at 9:10 p.m. and reconvened at 9:20 p.m.)*

Assemblymember Vehrs:

- conferred with the members of the public interested in the Midnight Sun Charter School project; and
- stated that the interested parties felt in the interest of time that they should adhere to the recommendations given by the Borough regarding the Midnight Sun Charter School project.

Assemblymember Simpson advised the Borough to hold to a time certain re-bid of June 15, 2004, in order for the children of the Midnight Sun Charter School to have a new facility as soon as possible.

MOTION: Assemblymember Colver moved to reconsider (consent agenda item) Resolution Serial No. 04-068.

VOTE: The motion to reconsider passed without objection.

- h. Resolution Serial No. 04-068: A RESOLUTION ESTABLISHING A POLICY REGARDING SCHEDULING AND USER ALLOCATION OF BOROUGH-OWNED OR OPERATED RECREATION FACILITIES. *(Sponsor: Assemblymember Colver)*
- (1) IM No. 04-119

MOTION: Assemblymember Colver moved to amend Resolution Serial No. 04-068 to read as follows:

- to insert a fourth WHEREAS clause to read: “**WHEREAS, the Borough and the cities of Palmer and Wasilla own and operate some similar recreational facilities such as ballfields;**
- to revise the NOW, THEREFORE, BE IT RESOLVED, clause to strike the words “[COMPRISED OF]” and to insert in its place the words “**based in the**” and to strike the word “[RESIDENTS]”
- and to insert at the end of the same paragraph the phrase “**providing there is no prohibition in establishing a preference in an executed grant agreement or deed**”

- to strike the phrase “[TEAMS WITH SMALL CHILDREN]” from the first BE IT FURTHER RESOLVED clause and to insert the phrase **“organizations that are mainly comprised of children and youth; and”**
- to insert a second BE IT FURTHER RESOLVED clause to read **“BE IT FURTHER RESOLVED that the Borough shall coordinate with the cities of Palmer and Wasilla when possible and feasible, and not a financial detriment to the operation of borough facilities, the scheduled use of Borough-based organizations of similar types of recreational facilities;”**

Assemblymember Colver:

- stated that the proposed amendment will make the resolution legally acceptable to the Borough;
- noted testimony at the last Assembly meeting regarding the residents’ use of Borough recreational facilities; and
- commented that the resolution would help taxpayers have guaranteed access to recreational facilities.

Assemblymember Simpson queried if the amended language is recommended by the Attorney and if Mr. Swanson has reviewed the resolution.

Ms. William stated that she did recommend the proposed language.

Mr. Swanson acknowledged that he had reviewed the legislation.

Assemblymember Colver distributed an article from the Frontiersman Newspaper regarding use preference of borough ice arena facilities.

Assemblymember Simpson stated that she would support the resolution and noted concerns against future micromanagement of the Community Development Department staff.

VOTE: The primary amendment passed without objection.

VOTE: The motion as amended passed without objection.

- e. Resolution Serial No. 04-065: A RESOLUTION SUPPORTING SENATE BILL 382, RELATED TO THE METHOD USED TO PERFORM PROPERTY LINE CHANGES ASSOCIATED WITH RIGHTS-OF-WAY FOR NEW TRANSPORTATION PROJECTS.  
(1) IM No. 04-115

MOTION: Assemblymember Colver moved to adopt Resolution Serial No. 04-065.

Assemblymember Colver:

- spoke regarding eminent domain and the taking of private property;

- stated that the issue is not clear enough at this time to say whether or not he will be supporting it; and
- asked that more information be provided regarding Senate Bill 382.

MOTION: Assemblymember Colver moved to postpone Resolution Serial No. 04-065 to a time certain of May 4, 2004, in order to obtain more information.

Assemblymember Simpson requested a copy of the letter from Commissioner Barton that contains the recommendations of the Department of Transportation regarding the issue.

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

- a. AM No. 04-059: APPROVING A REQUEST BY AGRICULTURAL RIGHTS FARM UNIT OWNERS TO OBTAIN APPROVAL TO DESIGNATE A TWO-ACRE HOME SITE WITHIN GOVERNMENT LAND OFFICE LOT 3, SECTION 7, TOWNSHIP 18 NORTH, RANGE 3 EAST, SEWARD MERIDIAN, ALASKA, AND OBTAIN APPROVAL TO DIVIDE GOVERNMENT LAND OFFICE LOT 3 FROM THE ORIGINAL FARM UNIT (MSB001957) AND CONVEY THE AGRICULTURAL RIGHTS THEREIN TO A NEW OWNER.

MOTION: Assemblymember Vehrs moved to approve AM No. 04-059.

Assemblymember Vehrs:

- queried if the lots can be divided into smaller parcels, or if subdivision was limited to four parcels; and
- asked if the land classification can be changed in the future.

Mr. Duffy:

- responded that the parent parcel cannot be divided any further than four parcels; and
- noted that the land classification cannot be changed unless a petitioner comes to the Borough and requests to purchase the rights to change the land classification.

VOTE: The motion passed without objection.

- h. AM No. 04-076: AUTHORIZING THE MANAGER TO ENTER INTO A COST SHARING AGREEMENT WITH JL PROPERTIES, INC. TO COMPLETE A PROJECT DEVELOPMENT DESIGN AND IDENTIFY COST ESTIMATE AND INFRASTRUCTURE NEEDS FOR THE HATCHER PASS SKI RESORT PROJECT.

MOTION: Assemblymember Colberg moved to approve AM No. 04-076.

Assemblymember Colberg:

- stated that he would be opposing the action memorandum;
- commented that the process has been ongoing incrementally over the last four years at the Borough's expense; and

- opined that continued requests have been for more funds to continue studies with possible developers.

Assemblymember Simpson:

- stated that she has similar concerns;
- spoke regarding the integrated trail systems around all residential areas;
- noted her concerns regarding one plan being compounded on top of another plan; and
- commented that she is willing to support the action memorandum, but wants to make sure that the Borough tracks the planning process and expenses associated with development in Hatcher Pass.

Assemblymember Colver stated that the product is deliverable and that he will be supporting the action memorandum.

Discussion continued regarding a draft Special Land Use District ordinance for Hatcher Pass.

Assemblymember Simpson queried if the Community Development Department would be the interface point of contact for the project.

Mr. Duffy acknowledged that the department would be responsible for project interface.

VOTE: The motion to approve AM No. 04-076 passed with Assemblymembers Bush and Colberg in opposition.

#### D. MAYORAL NOMINATIONS AND APPOINTMENTS

##### 1. VACANCY REPORT

Mayor Anderson made the following recommendations:

Library Board  
 Elaine Nash  
 Office of Administrative Hearings  
 Karen Jennings  
 Greater Talkeetna Road Service Area No. 29  
 James Kellard

Mayor Anderson requested the following confirmation of resignations:

Board of Adjustment and Appeals  
 Patty Hurt  
 Andrew Robinson  
 Board of Equalization  
 Jerry Moses  
 Board of Ethics

Amanda Browne  
Emergency Medical Services Board  
John Akers  
Office of Administrative Hearings  
Tara Logsdon  
Parks, Recreation, and Trails Advisory Board  
Dewey Taylor  
Planning Commission  
Mark Masteller  
Senior Citizens Advisory Board  
Robert Stasco  
Patty Hendrickson

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

MOTION: Assemblymember Colberg moved to divide the question to address the appointment of Mark Masteller to the Planning Commission separately.

VOTE: The motion to divide the question passed with Assemblymembers Vehrs, Colver, and Kvalheim opposed.

VOTE: The first segment: to confirm the Mayor's appointments and resignations up for confirmation this evening passed without objection.

MOTION: Second segment: To confirm the appointment of Mr. Mark Masteller to the Planning Commission.

Assemblymember Colberg:

- stated that Mr. Masteller is more than qualified to be considered for the vacant position on the Planning Commission;
- noted that he would be opposing the confirmation of Mr. Masteller, as he had previously asked Ms. Preston to apply for the Planning Commission;
- spoke regarding Mayor Anderson's previous statements that he would consult with members of the Assembly in their respective districts prior to bringing a name forward for confirmation; and
- stated that Mayor Anderson had not conferred with him prior to bringing the previous names forward for Assembly confirmation.

Mayor Anderson:

- commented that perhaps he and Assemblymember Colberg could discuss future nominations; and
- stated that the name would remain in the confirmation column if the Assembly choose not to confirm the nomination this evening.

Discussion ensued regarding:

- the merits of Mr. Masteller's credentials as opposed to any politically affiliated groups with which he may be involved; and
- the need to fill the vacancy on the Planning Commission.

Mayor Anderson stated he only nominates qualified persons to boards and commissions and that his nominations are not politically affiliated.

MOTION: Assemblymember Bush called the previous question.

VOTE: The motion to stop debate passed without objection.

VOTE: The second segment: To confirm the Mayor's appointment of Mr. Masteller to the Planning Commission failed with Assemblymembers Kvalheim, Colver, and Vehrs in support.

#### E. OTHER NEW BUSINESS

*(There was no other new business presented.)*

#### 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 Colberg presented Mr. Duffy with some questions related to the budget and performance measures from Assemblymember Allen.

Mr. Duffy noted that the questions are being addressed by department.

Assemblymember Simpson queried regarding a Borough strategic plan and asked if the document would be brought back to the Assembly.

Mr. Duffy stated that the strategic plan would be brought to the Assembly during the June retreat.

Assemblymember Simpson:

- thanked Mr. Kaucic for developing a culvert replacement plan; and

- spoke regarding a letter addressed the Mayor Anderson from Mr. John Lettow requesting that a survey be sent out in the year 2000; and
- asked if she could forward the request to the Public Works Department.

Mr. Duffy noted that this has been forwarded to the Public Works Department.

Assemblymember Bush:

- spoke regarding the noise issue at Fishhead's Bar and Grill;
- noted his concern regarding the Borough seeking outside legal counsel relating to the draft coal bed methane ordinance;
- stated that he does think it is a good idea to consult experts in the field to find out what is really happening in the coal bed methane industry; and
- noted his disappointment regarding the process on the draft coal bed methane ordinance.

Assemblymember Vehrs commented regarding the Midnight Sun Charter School project and stated that the Borough's credibility is at issue when members of the public are disappointed and extra costs are incurred by the Borough.

Assemblymember Kvalheim:

- commented in regard to advising members of the public on Borough processes when they come forward with questions;
- thanked Mr. Swanson for providing Greatland Trust information to her;
- noted that LeRoi Heaven will be the first exchange of farm property to the Greatland Trust;
- asked for a presentation from Greatland Trust regarding the program;
- asked for a resolution to be brought forward in support of state funding for the Public Employees Retirement System and the Teachers Employees Retirement System;
- advised that an open house will be held at the recycling center this weekend; and
- stated that the Light of Hope Celebration will be held on Saturday at Wonderland Park.

Assemblymember Colver:

- spoke regarding his disappointment relating to the Midnight Sun Charter School project;
- stated that staff invested a number of resources into the project and he thought the issue had been fully addressed;
- advised that he would be giving a statement to press tomorrow in the Assembly chambers in regard to the FY05 budget;
- noted that he would copy the clerk with his press release for her further distribution to the members of the Assembly; and
- commented that he hoped that performance measures would be addressed during the budget cycle in order to look at the level of service being provided to the public.

Mayor Anderson:

- joined the Assembly in expressing disappointment regarding the Midnight Sun Charter School bid proposal;
- commented that he believes the Borough recommended the right course of action to address the bid deficiency; and

- stated that he has been asked by the Governor's office to ask the Assembly to support Percent of Market Value (POMV) in relation to the Permanent Fund Dividend by contacting the local state delegation.

#### **XIV. ADJOURNMENT**

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

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TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:

*/s/*

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SANDRA A. DILLON, CMC, Borough Clerk

Minutes approved: May 4, 2004