

**I. CALL TO ORDER**

The regular meeting of the Matanuska-Susitna Borough Assembly was held on May 4, 2004, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was also teleconferenced to the Su Valley High School, Mile 98.6 Parks Highway, 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
- 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, Incoming 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. 04-072 would be added to the agenda;
- stated that Ordinance Serial No. 04-092 would be introduced as the yellow revised copy in the Assembly's red folders; and
- advised that the agenda would be amended to add a "Special Orders of the Day" section to include a proclamation presentation.

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

**IV. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Ms. Doreen Toller, President of the Mat-Su Convention and Visitors Bureau.

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

### **A. Regular Assembly Meeting: 04/20/04**

Mayor Anderson inquired if there were any corrections to the regular meeting minutes of April 20, 2004.

No corrections were noted.

GENERAL CONSENT: The minutes were approved as presented with no objections.

## **VI. SPECIAL ORDERS OF THE DAY**

### **A. Proclamation in Recognition of Matanuska-Susitna Borough Tourism Week**

Mayor Anderson:

- presented a proclamation in recognition of Matanuska-Susitna Borough Tourism Week to Doreen Toller, President of the Mat-Su Convention and Visitors' Bureau; and
- spoke to the benefits that tourism brings to the Borough.

Ms. Toller thanked the Borough for its support of tourism and the Mat-Su Convention and Visitors' Bureau.

## **VI. REPORTS/CORRESPONDENCE**

### **A. AGENCY REPORTS**

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

##### Wasilla City

Councilmember Sande:

- updated regarding city planning projects;
- reported that the city is beginning its budget process; and
- stated that it is otherwise business as usual at the city.

##### Palmer City

Palmer Mayor Cooper:

- announced that this week is the 35<sup>th</sup> annual Municipal Clerk's Week;
- acknowledged the important role of the Municipal Clerk;

- reported that Friday Fling begins on May 21;
- stated that Colony Days will be held on June 11 and 12;
- announced that this is the 21<sup>st</sup> anniversary of Palmer City's sister city program and that delegates from their sister city in Japan will be in Palmer on May 16 to May 23;
- commented that the delegates will be participating in Palmer Pride;
- noted that the city of Palmer is paving Eagle Street and that the project will be complete prior to August 15;
- spoke regarding the Alaska Municipal League's position on Senate Bill 395 and House Bill 560 relating to the exemption of the Alaska Railroad from local planning authority;
- discussed possible compromises available to municipalities regarding the railroad exemption; and
- reported regarding a possible state sales tax and the Percentage of Market Value (POMV) of the Permanent Dividend Fund.

## 2. Matanuska-Susitna Borough School District

Ms. Kim Floyd, Public Information Specialist:

- reported that it is Teacher Appreciation Week;
- stated that Peter Tomco, second grade teacher at Swanson Elementary School, was presented the Regional Walmart Teacher of the Year Award;
- noted that this award was accompanied by a \$1000 donation by Walmart for Swanson Elementary School and that the children have decided to add to the school library with the donation;
- spoke to a volunteer effort to revamp Palmer High School's agricultural program greenhouse;
- reported that the National Equipment Engine Training Council certified the School District's power equipment training facility at Colony High School;
- advised that the National Center for Construction Education Research recently certified the School District's Construction Trades Program;
- noted that construction trades graduate students would be placed on a national registry for those skilled in construction trades, which would make them highly eligible for employment and postsecondary education opportunities;
- reported that the National Center for International Collision Auto Repair (ICAR), which is the professional certification for collision repair welding, has selected the School District's welding facility at Colony High School as the state's only training center for auto body repair technicians;
- noted that the School Board adopted the connected math program curriculum for youths in the middle schools districtwide;
- spoke regarding changes to the fiscal year 2005 calendar; and
- advised that the School Board is establishing an ad hoc committee to recommend names for upcoming capital projects.

Assemblymember Simpson queried regarding the naming process for the School District.

Assemblymember Bush queried regarding the results of the exit exams.

Ms. Floyd stated that a report of the final test scores should be in by the end of the week.

Mayor Anderson:

- advised that the Borough has received a request from Commissioner Blatchford of the Department of Community and Economic Development (DCED) to speak to the Assembly; and
- noted that Commissioner Blatchford could not be in attendance and that he has sent Mark Edwards as a representative of DCED.

Mr. Edwards:

- presented an overview to the Mayor and members of the Assembly regarding the Percent of Market Value (POMV) legislation relating to the Permanent Fund Dividend and closing the fiscal gap;
- spoke in support of the benefits of POMV to individuals and to municipalities; and
- urged the Assembly to contact the Legislature regarding their support of POMV.

## B. COMMITTEE REPORTS

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

Assemblymember Colver:

- stated that the committee met yesterday and went over some budget concerns of the School District's budget;
- conveyed that the Assembly wanted to hear feedback in person from the School Board regarding the Assembly's budget concerns of the School District's budget;
- noted that a work session has been scheduled with the School District at 6 p.m. on May 11, 2004, for this purpose;
- spoke regarding audience participation during work sessions and noted that a panel of the School District would be available on May 11 to address the Assembly;
- advised that the committee also discussed closing out school bonds;
- stated that a majority of the One Percent for Art projects would be closed out by the fall;
- commented regarding retention of teachers, as the retention time relates to passage of the budget;
- spoke regarding the consolidation of services between the Borough Administration and School District Administration;
- noted that there was general agreement among the committee to perhaps create a task force over the next year to come back with findings and recommendations on the consolidation of services;
- spoke regarding the format of the School District budget to include a source and allocation of funds and an executive summary of the budget;
- stated that education funding is contingent on the resolution of some fiscal matters, such as POMV; and

- remarked that some of the committee members felt it important to ask the Mayor to write a letter, if there was no objection from the Assembly, to support resolving the matter of POMV, as it will have an impact on the Borough regarding education funding.

Assemblymember Allen also noted discussion of the committee to ask the Mayor and the President of the School Board to write a letter explaining the local consequences of the Legislature not approving the State's contribution to education in a timely manner.

Assemblymember Simpson spoke to drafting a letter regarding a position on POMV for the Assembly's review before any correspondence is sent to the Legislature on the issues raised.

Assemblymember Allen requested that a letter be drafted on behalf of the Mayor and the President of the School Board regarding the consequences to the local municipality if the Legislature does not approve the State's contribution toward education in a timely manner.

Assemblymember Colberg stated that he would be more likely to agree with a letter drafted directly from the Mayor on the Assembly's behalf regarding the consequence of passing the State's contribution to education funding.

Mr. Allen stated that he had no objection to Assemblymember Colberg's request.

Mayor Anderson noted that these letters would be drafted for review.

## 2. Regional Transportation Planning Organization

Mayor Anderson:

- noted that the April 26, 2004, meeting was canceled; and
- stated that another meeting has not yet been scheduled.

*(The regular meeting recessed at 6:50 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.)

*(There were no persons to be heard.)*

### B. PUBLIC HEARINGS (Three minutes per person.)

Mayor Anderson noted that the first five pieces of legislation relating to local improvement districts would be taken in one public hearing if there was no objection from the Assembly.

No objections were noted.

## 1. Ordinance Serial No. 04-059: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE MCCORMICK LANE AND MCADOO WAY ROAD PAVING LOCAL

- IMPROVEMENT DISTRICT NO. 372 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
- a. Ordinance Serial No. 04-064: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$34,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE MCCORMICK LANE AND MCADOO WAY ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 372, AND FIXING DETAILS OF SAID BONDS.
    - (1) IM No. 04-087
  2. Ordinance Serial No. 04-060: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE DOWNWIND AND UPDRAFT CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 379 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
    - a. Ordinance Serial No. 04-065: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$42,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE DOWNWIND AND UPDRAFT CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 379, AND FIXING DETAILS OF SAID BONDS.
      - (1) IM No. 04-088
  3. Ordinance Serial No. 04-061: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE ALDER DRIVE/COTTONWOOD SHORES ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 381 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
    - a. Ordinance Serial No. 04-066: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$45,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE ALDER DRIVE/COTTONWOOD SHORES ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 381, AND FIXING DETAILS OF SAID BONDS.
      - (1) IM No. 04-089
  4. Ordinance Serial No. 04-062: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE LUTHER AVENUE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 382 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
    - a. Ordinance Serial No. 04-067: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$28,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE LUTHER AVENUE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 382, AND FIXING DETAILS OF SAID BONDS.
      - (1) IM No. 04-090
  5. Ordinance Serial No. 04-063: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE LANI DRIVE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 384 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.

- a. Ordinance Serial No. 04-068: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$23,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE LANI DRIVE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 384, AND FIXING DETAILS OF SAID BONDS.
  - (1) IM No. 04-091

Ms. Dillon read Ordinance Serial Nos. 04-059, 04-064, 04-060, 04-065, 04-061, 04-066, 04-062, 04-067, 04-063, and 04-068 into the record.

Ms. Clayton provided a staff report regarding the legislation.

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 Nos. 04-060 and 04-065, Ordinance Serial Nos. 04-061 and 04-066, and Ordinance Serial Nos. 04-063 and 04-068.

**MOTION:** Assemblymember Colver moved a primary amendment to Ordinance Serial Nos. 04-065, 04-066, and 04-068, to strike the interest rate of 5.199 percent and to insert 5.879 percent.

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

**VOTE:** The main motion as amended passed without objection.

- 1. Ordinance Serial No. 04-059: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE MCCORMICK LANE AND MCADOO WAY ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 372 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
  - a. Ordinance Serial No. 04-064: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$34,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE MCCORMICK LANE AND MCADOO WAY ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 372, AND FIXING DETAILS OF SAID BONDS.
    - (1) IM No. 04-087

**MOTION:** Assemblymember Colver moved to adopt Ordinance Serial No. 04-059 and Ordinance Serial No. 04-064.

Assemblymember Colver noted objection from residents on Falkirk Circle who have submitted correspondence speaking against being assessed for paving of the main subdivision road when they access their property via Falkirk Circle, which is not being paved.

Ms. Clayton clarified that all properties that derive a benefit of the paving are assessed for paving, as property access can change.

Discussion ensued regarding the paving of Falkirk Circle and local improvement district boundaries.

**MOTION:** Assemblymember Colver moved a primary amendment to Ordinance Serial No. 04-064 to strike 5.199 percent and to insert 5.879 percent.

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

**VOTE:** The motion as amended passed with Assemblymembers Colver and Vehrs in opposition.

4. Ordinance Serial No. 04-062: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE LUTHER AVENUE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 382 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
  - a. Ordinance Serial No. 04-067: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$28,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE LUTHER AVENUE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 382, AND FIXING DETAILS OF SAID BONDS.
    - (1) IM No. 04-090

**MOTION:** Assemblymember Colver moved to adopt Ordinance Serial No. 04-062 and Ordinance Serial No. 04-067.

**MOTION:** Assemblymember Colver moved a primary amendment to Ordinance Serial No. 04-067 to strike 5.199 percent and to insert 5.879 percent.

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

**MOTION:** Assemblymember Colver moved to postpone Ordinance Serial Nos. 04-062 and 04-067 to a time certain of May 18, 2004.

Assemblymember Colver spoke to the need to finalize the road upgrades related to this local improvement district.

**VOTE:** The motion to postpone to a time certain failed with Assemblymembers Colver and Vehrs in favor.

Discussion ensued regarding the status of culvert blockages and unfinished drainage issues related to the local improvement district.

Assemblymember Simpson requested a status report at the end of the season regarding any local improvement district issues that may exist.

VOTE: The main motion as amended passed without objection.

6. 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

Mr. Swanson provided a staff report regarding Ordinance Serial No. 04-079 and Resolution Serial No. 04-058.

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 Bush moved to adopt Ordinance Serial No. 04-079 and Resolution Serial No. 04-058.

VOTE: The motion passed without objection.

7. 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

Ms. Dillon provided a staff report regarding Ordinance Serial No. 04-080.

Mayor Anderson opened the public hearing.

The following person spoke in opposition to the proposed language in Ordinance Serial No. 04-080 that changes a seat on the Local Emergency Planning Committee from an “elected official” position to an “elected borough official” position, regarding extending term limits, and allowing members of the board to be out-of-borough residents: Mr. Ken Slauson.

The following person spoke regarding the duties of the Chair as defined by Robert’s Rules of Order: Mr. Penny Nixon.

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

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 04-080.

MOTION: Assemblymember Colver moved to amend Ordinance Serial No. 04-080 (page 192 of the packet), to strike the language of paragraph (5) [ONE MEMBER FROM THE ENVIRONMENTAL CONSERVATION COMMUNITY], and to insert language in paragraph (5) to read “**two Assembly members**”.

This amendment would subsequently change the composition of the board stated in subsection (A) from eight members to nine members.

Assemblymember Colver:

- stated that it has been difficult to fill the seat on the board as currently defined; and
- opined that it would be beneficial to add a member of the Assembly to the composition of the board in order to increase the flow of information to the Assembly.

Discussion ensued regarding:

- members of the Assembly participating as active committee members;
- the potential of steering policy and projects;
- whether or not there is a legal incompatibility for members of the Assembly to also act in the capacity of committee members;
- the ability of members of the Assembly to attend committee meetings as audience members for informational purposes; and
- the length of terms of committee members.

VOTE: The primary amendment passed with Assemblymembers Bush, Colberg, and Simpson in opposition.

VOTE: The motion as amended passed without objection.

8. Ordinance Serial No. 04-081: AN OMNIBUS ORDINANCE AMENDING MSB TITLE 1, GENERAL PROVISIONS.
  - a. IM No. 04-107

Ms. Dillon provided a staff report regarding Ordinance Serial No. 04-081.

Mayor Anderson opened the public hearing.

The following person spoke regarding property liens and the non-disclosure of certain informational items as these topics relate to Ordinance Serial No. 04-081: Mr. Penny Nixon.

The following person spoke regarding the costs associated with receiving code supplements: Ms. Lucille Frye.

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

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 04-081.

Discussion ensued regarding:

- property liens for abatement and collections actions;
- items that are not subject to public disclosure; and
- attorney-client privileged.

VOTE: The motion passed without objection.

9. 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.
  - a. 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.
    - (1) IM No. 04-108

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. 04-082 and Resolution Serial No. 04-059.

VOTE: The motion passed without objection.

10. 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.
  - a. 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.
    - (1) IM No. 04-109

Mr. Swanson provided a staff report regarding Ordinance Serial No. 04-083 and Resolution Serial No. 04-060.

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. 04-083 and Resolution Serial No. 04-060.

VOTE: The motion passed without objection.

11. 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

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. 04-084.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke regarding Ordinance Serial No. 04-048 in relation to public input on which buildings should be renovated or repaired, and also spoke in regard to the inclusion of North Lakes Community Council resolutions in the Assembly packets: Mr. Penny Nixon, President of the North Lakes Community Council.

The following person spoke in opposition to Resolution Serial No. 04-072: Mr. Bruce Carr, Director of Strategic Planning for the Alaska Railroad.

The following person spoke in favor of Resolution Serial No. 04-072: Ms. Kathy Wells, President of the Friends of Mat-Su.

The following person spoke in support of hiring research assistants for members of the Assembly and in support of pre-availability of the draft asset management plan for the Butte area: Ms. Lucille Frye.

The following person spoke in opposition to placing members of the Assembly on advisory boards or committees: Ms. Jay Nolfi.

There being no others who wished to speak, Mayor Anderson closed audience participation.

C. MANAGER COMMENTS

1. State/Federal Legislation

Mr. Duffy:

- provided a status update of the transportation bill;
- stated that House Bill 561, which provides general obligation bonds for transportation projects is moving through the House of Representatives;
- stated that two Borough road projects have been included in the bill, the Bogard Road East extension and the Trunk Road hospital access;
- informed that Mat-Su Community Transit (MASCOT) was awarded funds for transportation operation assistance;
- referred to the trails update attached to his written report; and
- advised that the state lobbyist has sent copies of amendments that were made to House Bill 531 regarding coal bed methane regulation.

D. ATTORNEY COMMENTS

Ms. Williams had no comments to present.

E. CLERK COMMENTS

Ms. Dillon:

- presented the Assembly with their meeting schedule through the month of June;
- advised that the May 11 meeting will begin at 6 p.m. rather than 7 p.m., as a request has been received to schedule a work session with the School Board; and
- referred to agendas for the upcoming Assembly meetings that were attached to her written report.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Borough Schools Site Selection Committee: 03/22/04
- b. Citizens' Advisory Committee for Title 16 Rewrite: 03/31/04
- c. Mayor's Blue Ribbon Task Force on Police Powers: 04/07/04
- d. Planning Commission: 04/05/04
- e. Wasilla-Lakes Fire Service Area Board of Supervisors: 01/26/04

2. Community Council Correspondence:

- a. Butte Community Council Resolution
- b. Glacier View Community Council: 04/01/04

- c. Trapper Creek Community Council: 04/14/04
- d. Willow Area Community Organization: 04/05/04

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

**G. INFORMATIONAL MEMORANDUMS**

*(There were no informational memorandums presented.)*

**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 04/20/04, Motion pending)*

MOTION: Assemblymember Allen moved to postpone Ordinance Serial No. 04-048 and AM No. 04-042 to a time certain of May 18, 2004, in order receive clarification of projected revenues.

VOTE: The motion to postpone to a time certain of May 18, 2004, passed without objection.

B. 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. *(Postponed from 04/20/04, Motion pending)*

- 1. IM No. 04-115

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

Mr. Duffy provided a status update regarding Resolution Serial No. 04-065.

Discussion ensued regarding local control.

VOTE: The motion failed with Assemblymembers Bush and Colberg in favor.

**IX. NEW BUSINESS**

A. INTRODUCTION (For public hearing - 05/18/04, 7 p.m., Borough Assembly Chambers)

- 1. Ordinance Serial No. 04-085: AN ORDINANCE REAPPROPRIATING \$23,612 TO FUND 480, PROJECT NO. 20280; \$25,000 TO FUND 480, PROJECT NO. 45161; AND \$31,064 TO FUND 480, PROJECT NO. 45162, FROM THE FY04 PLANNING DIVISION'S

OPERATING BUDGET (100-130-130-429-300) FOR THE PURPOSE OF PLANNING STUDY SERVICES TO ASSIST IN THE UPDATE OF THE LONG RANGE TRANSPORTATION PLAN, TO ASSIST IN THE DEVELOPMENT OF THE TRAPPER CREEK COMMUNITY COMPREHENSIVE PLAN AND THE BIG LAKE ACCESS EASEMENT STUDY.

- a. IM No. 04-112
- 2. Ordinance Serial No. 04-086: AN ORDINANCE AMENDING MSB CHAPTER 8.50, TRASH AND JUNK.
  - a. IM No. 04-113
- 3. Ordinance Serial No. 04-087: AN ORDINANCE REAPPROPRIATING \$39,240 FROM FISCAL YEAR 2004 AREAWIDE FUND 100, RECREATIONAL SERVICES OPERATING BUDGET TO A NON-LAPSING, NON-CAPITAL, FUND 440, PROJECT NO. 20345 FOR THE COMMUNITY SCHOOLS PROGRAM.
  - a. IM No. 04-122
- 4. Ordinance Serial No. 04-088: AN ORDINANCE ADOPTING MSB 23.10.270, ACQUISITION AND EXCHANGE, AND REPEALING THAT SECTION OF THE LAND MANAGEMENT DIVISION POLICY AND PROCEDURE MANUAL ON ACQUISITION AND EXCHANGE.
  - a. IM No. 04-123
- 5. Ordinance Serial No. 04-089: AN ORDINANCE ACCEPTING AND APPROPRIATING \$6,000 FROM THE CITY OF HOUSTON FOR ADDITIONAL PAVING OF WEST MEADOWOOD DRIVE AND KING ARTHUR DRIVE TO FUND 410, ROAD SERVICE AREA CAPITAL PROJECT NO. 35247, 2003 CITY OF HOUSTON PAVING.
  - a. Resolution Serial No. 04-069: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR ADDITIONAL PAVING IN THE CITY OF HOUSTON 2003 PAVING, PROJECT NO. 35247.
    - (1) IM No. 04-124
- 6. Ordinance Serial No. 04-090: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$2,368.30 OF REVENUES FROM PUBLIC DONATIONS TO THE FISCAL YEAR 2004 ANIMAL CARE AND REGULATION DIVISION OPERATING BUDGET, 200-160-606, FOR PURCHASING ANIMAL FENCING, TOYS, AND EQUIPMENT.
  - a. IM No. 04-126
- 7. Ordinance Serial No. 04-091: AN ORDINANCE ACCEPTING AND APPROPRIATING \$10,000 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY ALL HAZARDS EMERGENCY OPERATIONS PLANNING GRANT, TO FUND 480, PROJECT NO. 45125, FOR THE PURPOSE OF UPDATING AND PUBLISHING THE BOROUGH EMERGENCY OPERATIONS PLAN AND TRAINING.
  - a. Resolution Serial No. 04-070: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR THE FEDERAL EMERGENCY MANAGEMENT AGENCY ALL

HAZARDS EMERGENCY OPERATIONS PLANNING GRANT, PROJECT NO. 45125,  
FUND 480, FOR THE PURPOSE OF UPDATING AND PUBLISHING THE BOROUGH  
EMERGENCY OPERATIONS PLAN AND TRAINING.

(1) IM No. 04-127

8. Ordinance Serial No. 04-092: AN ORDINANCE ADOPTING  
MSB 8.52, NOISE AND VIBRATION.

a. IM No. 04-131

B. INTRODUCTION (For public hearing - 06/15/04, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 04-078: AN ORDINANCE CREATING NORTH WILLOW DRIVE  
ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 393, 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.

a. IM No. 04-121

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 the public hearings for May 18 and June 15, 2004, respectively.

MOTION: Assemblymember Simpson moved to divide the question to address the introduction  
of Ordinance Serial No. 04-092 separately.

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

VOTE: First segment of the motion: To introduce the legislation as read into the record by  
the Clerk and set the public hearings for May 18 and June 15, 2004, respectively,  
with the exception of Ordinance Serial No. 04-092, passed without objection.

VOTE: Second segment of the motion: To introduce Ordinance Serial No. 04-092 and set  
for public hearing for May 18, 2004, passed without objection.

Assemblymember Simpson:

- stated that she has been contacted by several members of the public who are unclear  
regarding the intent of the ordinance;
- spoke to her intent to receive clarification on the format of the ordinance prior to  
introduction of the legislation; and
- expressed her desire to potentially reconsider the introduction of Ordinance Serial  
No. 04-092.

Discussion ensued regarding the time frame associated with taking action on the proposed  
legislation.

MOTION: Assemblymember Colver moved to reconsider the introduction of Ordinance Serial No. 04-092.

VOTE: The motion to reconsider failed with Assemblymembers Bush, Vehrs, and Simpson in support.

MOTION: Assemblymember Vehrs moved to reconsider Ordinance Serial No. 04-080, as amended.

Discussion ensued regarding:

- the appointment of Assembly members to advisory boards;
- a potential perception of Assembly influence on decisions of these boards; and
- members of the Assembly keeping informed by attending the meetings in an audience participation capacity.

VOTE: The motion to reconsider Ordinance Serial No. 04-080 (*as amended*) passed with Assemblymembers Kvalheim, Colver, and Allen in opposition.

VOTE: The primary amendment (*see pp. 10 of 21*) failed with Assemblymember Colver in support.

MOTION: Assemblymember Colver moved a primary amendment to insert the phrase “ex officio” between the words two and Assembly to read: “. . . two **ex officio** Assembly members.”

VOTE: The primary amendment failed with Assemblymembers Kvalheim, Colver, and Allen in support.

VOTE: The main motion, in its original form (*prior to any amendment*) passed without objection.

## C. CONSENT AGENDA

### 1. RESOLUTIONS

a. Resolution Serial No. 04-071: A RESOLUTION RECOGNIZING MAY 8 THROUGH MAY 16, 2004, AS NATIONAL TOURISM WEEK AND DESIGNATING THIS SAME WEEK AS MATANUSKA-SUSITNA BOROUGH TOURISM WEEK.

(1) IM No. 04-129

b. Resolution Serial No. 04-072: A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY RECOMMENDING THAT THE ALASKA STATE LEGISLATURE AMEND PROPOSED LEGISLATION TO ALLOW AFFECTED RAILBELT MUNICIPALITIES AND THE ALASKA RAILROAD THE ABILITY TO DEVELOP MUTUALLY AGREEABLE LEGISLATION REGARDING LOCAL PLANNING AUTHORITY.

## 2. ACTION MEMORANDUMS

- a. AM No. 04-078: RETROACTIVE APPROVAL OF SENIOR CITIZEN PROPERTY TAX EXEMPTION FOR ELLEN R. LOCKHART ON TAX ACCOUNT NUMBER 6262000L015 FOR TAX YEARS 2002 AND 2003.
- b. AM No. 04-079: RETROACTIVE APPROVAL OF SENIOR CITIZEN PROPERTY TAX EXEMPTION FOR ERNEST C. LAMB ON TAX ACCOUNT NUMBER 1714B01L001 FOR TAX YEAR 2003.
- c. AM No. 04-080: RETROACTIVE APPROVAL OF DISABLED VETERAN PROPERTY TAX EXEMPTION FOR DUANE R. EVERTSON ON TAX ACCOUNT NUMBERS 6523B03L007 AND 6523B03L008 FOR TAX YEAR 2003.
- d. AM No. 04-081: APPROVAL OF CHANGE ORDER TO PSENAK CONSTRUCTION IN THE AMOUNT OF \$45,000 FOR MATANUSKA RIVER EROSION CONTROL PROJECT, PROJECT NO. 25043.
- e. AM No. 04-082: AWARD OF PROPOSAL NO. 04-131 TO HDR ALASKA, INC., IN AN AMOUNT NOT TO EXCEED \$60,000 FOR AN UPDATE OF THE MATANUSKA-SUSITNA BOROUGH LONG-RANGE TRANSPORTATION PLAN AND OFFICIAL STREETS AND HIGHWAYS PLAN.
- f. AM No. 04-083: CHANGE ORDER APPROVAL TO STEPPERS CONSTRUCTION, INC., IN THE AMOUNT OF \$158,598.55 (FEDERAL AND STATE GRANT FUNDS) FOR CONSTRUCTION OF CENTRAL LANDFILL CELL 2B CONSTRUCTION, PROJECT NO. 25038.

Ms. Dillon read the above legislation 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.

Mayor Anderson noted that Mr. Duffy had drafted correspondence to the Legislature and the Governor at the request of the Assembly earlier in the meeting and that this correspondence was ready for review at this time.

Members of the Assembly presented suggested revisions to Mr. Duffy and instructed Mr. Duffy to forward the correspondence to the Legislature and the Governor.

## D. MAYORAL NOMINATIONS AND APPOINTMENTS

### 1. VACANCY REPORT

Mayor Anderson made the following recommendations:  
Meadow Lakes Road Service Area No. 27  
Byron Keith Akers

Mayor Anderson requested the following confirmations:  
Library Board  
Elaine Nash  
Local Emergency Planning Committee  
Shelia Lamar  
Office of Administrative Hearings  
Karen Jennings  
Planning Commission  
Mark Masteller  
Greater Talkeetna Road Service Area No. 29  
James Kellard

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

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

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

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

Discussion ensued regarding the appointment of Mr. Masteller to the Planning Commission.

VOTE: Second segment: To confirm the appointment of Mr. Mark Masteller to the Planning Commission passed with Assemblymembers Bush, Colberg, and Simpson in opposition.

**E. OTHER NEW BUSINESS**

*(There was no other new business to present.)*

**X. RECONSIDERATION**

*(There were no reconsiderations presented.)*

**XI. VETO**

*(There was no veto presented.)*

## **XII. EXECUTIVE SESSION**

*(There was no executive session held.)*

## **XIII. MAYOR AND ASSEMBLY COMMENTS**

Assemblymember Simpson:

- reminded members of the Assembly that she and Assemblymember Colver will be in Juneau over the weekend;
- thanked Ms. Dickinson for asking the Alaska State Department of Environmental Conservation to hold a public hearing on a proposal to reissue an operating permit for waste incineration; and
- reminded Administration regarding her suggestion that the Public Works Department provide the Assembly with a closure list of LID projects at the end of the construction season in an effort to ensure that every effort has been made to complete projects.

Assemblymember Bush:

- reported regarding his trip to Juneau last week;
- commented regarding the status of the coal bed methane legislation;
- advised that the prison bill passed; and
- stated that Commissioner Blatchford of the Department of Community and Economic Development asked him to speak with members of the Assembly regarding economic development in the Borough.

Assemblymember Allen:

- informed that he would be late for the May 13, 2004, Assembly meeting; and
- spoke regarding Governor Murkowski's veto time associated with the end of the Legislative session.

Assemblymember Kvalheim:

- stated that she had received a call from a resident of the Goddard Subdivision who expressed gratitude that Mr. Ken Hudson, Chief of Code Compliance, had offered to attend a meeting with the residents of the subdivision in order to advise them on the proper procedure for filing complaints; and
- reminded members of the Assembly regarding the Wasilla Museum reception on May 7, 2004, at 7 p.m.

Assemblymember Vehrs:

- thanked the Public Works Department for addressing her questions; and
- directed the Manager to come back with a report detailing ideas for existing revenue sources and ideas for new revenue sources.

**MOTION:** Assemblymember Colver moved to reconsider the appointment of Mr. Mark Masteller to the Planning Commission.

VOTE: The motion failed with Assemblymembers Bush and Colberg in support.

Mayor Anderson:

- reported regarding his lobbying effort in Juneau last week;
- spoke to the importance of having Borough representatives present in Juneau at the end of the Legislative session;
- stated that he had attended a Willow Area Community Organization (WACO) meeting in Willow and met the new WACO Chair;
- commented that he received an update on the land use plan and other issues in the Willow area; and
- reminded members of the Assembly to have all budget amendments to the Clerk by May 11, 2004.

**XIV. ADJOURNMENT**

The regular meeting adjourned at 9:47 p.m.

*/s/*

---

TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:

*/s/*

---

SANDRA A. DILLON, CMC, Borough Clerk

Minutes approved: May 18, 2004