

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on June 17, 2003, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, 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
Ms. Kelly Ladere, Assembly District No. 7

Assembly members absent and excused were:

Mr. Jim Colver, Assembly District No. 6 (Deputy Mayor)

Staff in attendance were:

Ms. Sandra A. Dillon, CMC, Borough Clerk
Mr. John Duffy, Borough Manager
Ms. Teresa S. Williams, Borough Attorney
Mr. David Germer, Assistant Borough Manager
Ms. Janice Case, Borough Clerk's Secretary
Mr. Jim Swing, Public Works Director
Mr. Daniel Graham, Engineering Division Manager/Public Works Director
Ms. Tammy Clayton, Finance Director
Mr. Jack Krill, Emergency Services Director
Mr. Ron Swanson, Community Development Director
Ms. Susan Dickinson, Interim Planning Director

III. APPROVAL OF AGENDA

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

MOTION: Assemblymember Ladere moved to pull Ordinance Serial No. 03-116 from the introductions, and stated that she would bring it forward at a later date.

VOTE: The motion passed without objection.

GENERAL CONSENT: The agenda was approved as amended.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ms. Betty Vehrs, a member of the audience.

V. MINUTES OF PRECEDING MEETINGS

Mayor Anderson referenced the minutes of the May 22, 2003, special meeting; May 27, 2003, regular meeting; June 3, 2003, special meeting; and June 3, 2003, regular meeting, and asked if there were any corrections thereto.

No corrections were noted.

GENERAL CONSENT: The minutes of the May 22, 2003, special meeting; May 27, 2003, regular meeting; June 3, 2003, special meeting; and June 3, 2003, regular meeting were approved without objection.

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORT

1. Reports from cities

(There were no reports from the cities presented.)

2. Matanuska-Susitna Borough School District

Ms. Kim Floyd, Public Information Specialist:

- distributed letter from Robert Doyle, Chief School Administrator, regarding this year's successes;
- noted that the letter will be published in the Frontiersman;
- stated that Senate Bill (SB) 202 was signed by Governor Murkowski;
- discussed the impacts that SB 202 will have on the school budget;
- thanked the Assembly for full funding; and
- reported that the school district office will be moving into the old Sherrod Elementary School, which will improve their ability to serve the community.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Mayor Anderson reported that no committee meetings have been held.

2. Regional Transportation Planning Organization

Mayor Anderson noted that the RTPO meeting is currently being rescheduled.

C. MANAGER COMMENTS

Mr. Duffy:

- referred to the federal lobbyist's report from Mr. Silver;
- stated that on June 22, 2003, the Borough will be providing Mr. Lynn Scarlet, Assistant Secretary of the Interior, with a familiarization trip of the Deshka River Project;
- noted a school construction project status report is included in his report;
- reported that the Borough will be mounting signs along some of the major highways reminding people that fireworks are illegal in the Borough;
- stated that he has included an informational memorandum in his report that discusses proposed amendments to the newly adopted budget to address the Governor's vetoes of \$138 million;
- noted that an ordinance will be introduced at the July 15, 2003, regular Assembly meeting to formally amend the FY04 budget; and
- discussed the report from Mr. Germer relating to information he obtained from his recent visit to Lockheed Martin's dual-use vessel testing facility in San Diego.

Ms. Clayton discussed the changes to the budget.

Mr. Duffy introduced the new public works director, Mr. Daniel Graham.

D. ATTORNEY COMMENTS

Ms. Williams:

- discussed the semi-annual litigation report;
- reported that to date, a total of \$462,842.07 has been collected in FY03 from delinquent real and personal property taxes owed by bankrupt debtors; and
- commended John Aschenbrenner for his work on the collection of the bankruptcy cases.

E. CLERK COMMENTS

Ms. Dillon:

- reviewed the upcoming Assembly meetings;
- informed that the agenda packet for the June 24, 2003, special meeting is attached to the clerk's report;
- noted that Peter J. Smith and Associates, contractors for the core area comprehensive plan, will be giving a presentation at the 6 p.m. meeting on June 24; and
- reported on the status of the recodification project.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Parks, Recreation, and Trails Advisory Board: 05/27/03
 - b. Planning Commission: 05/19/03, 06/02/03
 - c. Platting Board: 05/15/03
 - d. Transportation Advisory Board: 03/26/03

2. Community Council Correspondence:
 - a. Willow Area Community Organization: 06/02/03

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

G. INFORMATIONAL MEMORANDUMS

(There were no informational memorandums presented.)

VIII. UNFINISHED BUSINESS

- A. Ordinance Serial No. 03-071: AN ORDINANCE AMENDING THE LAND USE DISTRICT MAP OF THE CITY OF HOUSTON FOR TOWNSHIP 18 NORTH, RANGE 3 WEST, SECTION 35, TAX PARCEL D6, SEWARD MERIDIAN, (MSB TAX ACCOUNT NO. 18N03W35D006), AT MILE 54 OF THE PARKS HIGHWAY. *(Postponed from 05/06/03, Motion pending)*
 1. IM No. 03-092

Mr. Duffy recommended postponing Ordinance Serial Nos. 03-071 and 03-072 indefinitely.

MOTION: Assemblymember Ladere moved to postpone Ordinance Serial No. 03-071 indefinitely.

VOTE: The motion passed without objection.

- B. Ordinance Serial No. 03-072: AN ORDINANCE AMENDING THE LAND USE DISTRICT MAP OF THE CITY OF HOUSTON FOR DENLOW BUSINESS PARK SUBDIVISION, WITHIN TOWNSHIP 18 NORTH, RANGE 3 WEST, SECTION 35, SEWARD MERIDIAN, ALASKA. *(Postponed from 05/06/03, Motion pending)*
 1. IM No. 03-093

MOTION: Assemblymember Ladere moved to postpone Ordinance Serial No. 03-072 indefinitely.

VOTE: The motion passed without objection.

- C. Resolution Serial No. 03-061: A RESOLUTION ESTABLISHING FEES FOR PARK AND RECREATIONAL FACILITIES FROM SEPTEMBER 1, 2003, THROUGH AUGUST 31, 2004. *(Postponed from 05/27/03, Motion pending)*
 1. IM No. 03-132

Mr. Duffy stated that the park and recreation fees were compared to those in the Municipality of Anchorage.

MOTION: Assemblymember Allen moved a primary amendment to Resolution Serial No. 03-061 by striking the proposed fees for the ice arena to read:

Public skating (general)	\$4.50	4.00
5 yrs & under (adults 55 & older)	\$3.50	3.00
Families (up to 4 members)	\$12.00	11.00
Additional members	\$2.00	1.50
Skate rental	\$2.50	2.00
Figure skating	\$8.00/hr	\$7.50/hr
September 1 – March 31		
Prime time	\$180/hr	\$165/hr
Non-prime time	\$130/hr	\$120/hr
April 1 – August 31	\$130/hr	\$120/hr
Wasilla outdoor ring (per hour)	\$40/hr	no change
Learn-to-skate lessons	\$68.00	\$60.00

AND to correct a typo on page 178 of the packet, under “campsites with electric hookups” (*should show \$10 as the current price and the proposed at \$15.00*).

Assemblymember Allen expressed concern for raising the fees as the ice skating rink experiences a lot of use.

VOTE: The primary amendment passed with Assemblymembers Colberg and Simpson opposed.

MOTION: The main motion to adopt Resolution Serial No. 03-061 passed as amended without objection.

IX. NEW BUSINESS

A. INTRODUCTION (For public hearing - 07/15/03, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 03-108: AN ORDINANCE ADOPTING AMENDMENTS TO THE CITY OF HOUSTON COMPREHENSIVE PLAN, AND AMENDING MSB 15.24.
 - a. Ordinance Serial No. 03-109: AN ORDINANCE ADOPTING MSB 17.41.532 PARKS HIGHWAY (PH) DISTRICT.
 - b. Ordinance Serial No. 03-110: AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HOUSTON, REZONING CERTAIN PARCELS TO THE PARKS HIGHWAY (PH) DISTRICT.
 - (1) IM No. 03-151
2. Ordinance Serial No. 03-111: AN ORDINANCE AUTHORIZING THE MATANUSKA-SUSITNA BOROUGH TO ISSUE GENERAL OBLIGATION BONDS IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$44,250,000 TO FINANCE THE CONSTRUCTION, MAJOR RENOVATION AND RENEWAL OF SCHOOL AND

RELATED CAPITAL IMPROVEMENTS, AND TO SUBMIT THE QUESTION OF THE ISSUANCE OF SUCH BONDS TO THE QUALIFIED VOTERS OF THE BOROUGH AT THE OCTOBER 7, 2003, BOROUGH ELECTION.

- a. Ordinance Serial No. 03-112: AN ORDINANCE AUTHORIZING THE MATANUSKA-SUSITNA BOROUGH TO ISSUE GENERAL OBLIGATION BONDS IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$16,285,000 TO FINANCE THE CONSTRUCTION, MAJOR RENOVATION AND RENEWAL OF SCHOOL AND RELATED CAPITAL IMPROVEMENTS, AND TO SUBMIT THE QUESTION OF THE ISSUANCE OF SUCH BONDS TO THE QUALIFIED VOTERS OF THE BOROUGH AT THE OCTOBER 7, 2003, BOROUGH ELECTION.
 - b. Ordinance Serial No. 03-113: AN ORDINANCE AUTHORIZING THE MATANUSKA-SUSITNA BOROUGH TO ISSUE GENERAL OBLIGATION BONDS IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$6,495,000 TO FINANCE THE CONSTRUCTION, MAJOR RENOVATION AND RENEWAL OF SCHOOL AND RELATED CAPITAL IMPROVEMENTS, AND TO SUBMIT THE QUESTION OF THE ISSUANCE OF SUCH BONDS TO THE QUALIFIED VOTERS OF THE BOROUGH AT THE OCTOBER 7, 2003, BOROUGH ELECTION.
 - c. Ordinance Serial No. 03-114: AN ORDINANCE AUTHORIZING THE MATANUSKA-SUSITNA BOROUGH TO ISSUE GENERAL OBLIGATION BONDS IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$3,650,000 TO FINANCE THE CONSTRUCTION, MAJOR RENOVATION AND RENEWAL OF SCHOOL AND RELATED CAPITAL IMPROVEMENTS, AND TO SUBMIT THE QUESTION OF THE ISSUANCE OF SUCH BONDS TO THE QUALIFIED VOTERS OF THE BOROUGH AT THE OCTOBER 7, 2003, BOROUGH ELECTION.
- (1) IM No. 03-153
3. Ordinance Serial No. 03-115: AN ORDINANCE AMENDING MSB 2.12.060(D), COMPENSATION AND REIMBURSEMENT, RELATING TO OUT-OF-BOROUGH TRAVEL. (*Sponsored by: Assemblymember Colberg*)
 - a. IM No. 03-155
 5. Ordinance Serial No. 03-117: AN ORDINANCE APPROVING AN APPROPRIATION OF \$317,902 FROM THE AREAWIDE FUND BALANCE, FUND 100, TO FUND 410, FOR THE DUST CONTROL MATCHING GRANT PROGRAM.
 - a. IM No. 03-165
- B. INTRODUCTION (For public hearing - 08/05/03, 7 p.m., Borough Assembly Chambers)
1. Ordinance Serial No. 03-105: AN ORDINANCE CREATING ALDER CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 383, 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. 03-154

2. Ordinance Serial No. 03-107: AN ORDINANCE CREATING LANI DRIVE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 384, 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. 03-164

Ms. Dillon read the introductions into the record.

MOTION: Assemblymember Simpson moved to introduce the legislation as read into the record by the clerk and set the public hearings for July 15, 2003, and August 5, 2003, respectively.

VOTE: The motion passed without objection.

C. CONSENT AGENDA

(AM No. 03-121 was pulled from the consent agenda and addressed separately. *See p. 8 of 19*)

1. RESOLUTIONS

(There were no resolutions.)

2. ACTION MEMORANDUMS

- a. AM No. 03-107: THE VACATION OF 100-FOOT BY 100-FOOT PUBLIC USE EASEMENT TURNAROUND AND VACATION OF ANY PUBLIC INTEREST IN NORTH HAMANN ROAD (ALSO KNOWN AS RUE ROAD) LOCATED WITHIN SECTION 9, TOWNSHIP 18 NORTH, RANGE 2 EAST, SEWARD MERIDIAN, ALASKA, LOCATED IN THE BUFFALO SOAPSTONE COMMUNITY COUNCIL AREA.
- b. AM No. 03-108: THE VACATION OF NORTH KATHRYN STREET ON WAIVER NO. 77-48, PARCEL NO. 2 (TAX PARCEL A9) LOCATED IN SECTION 11, TOWNSHIP 17 NORTH, RANGE 2 EAST, SEWARD MERIDIAN, ALASKA, LOCATED IN THE BUTTE COMMUNITY COUNCIL AREA.
- c. AM No. 03-109: THE VACATION OF A PORTION OF EMERALD WAY RIGHT-OF-WAY LOCATED IN PROPOSED LOT 18A, BLOCK 2, JADE LAKE SUBDIVISION, SECTION 32, TOWNSHIP 17 NORTH, RANGE 3 WEST, SEWARD MERIDIAN, ALASKA, LOCATED IN THE BIG LAKE COMMUNITY COUNCIL AREA.
- d. AM No. 03-110: THE VACATION OF A 30-FOOT PARKING EASEMENT ON LOTS 8 AND 9, BLOCK 1, SAVANNA SUBDIVISION, LOCATED IN SECTION 9, TOWNSHIP 17 NORTH, RANGE 2 WEST, SEWARD MERIDIAN, ALASKA, LOCATED IN THE MEADOW LAKES COMMUNITY COUNCIL AREA.

- e. AM No. 03-119: AWARD PROPOSAL 03-184 TO J&M SPECIALTIES IN AN AMOUNT NOT TO EXCEED \$45,000 FOR A CONSTRUCTION OWNERS PROJECT REPRESENTATIVE TO OVERSEE THE CONSTRUCTION OF THE NEW LINED CELL EXPANSION AT THE CENTRAL LANDFILL FACILITY.
- f. AM No. 03-120: AWARD OF BID NO. 03-182 TO ALASKA ROADBUILDERS INC., IN THE AMOUNT OF \$1,036,165 FOR THE 2003 PHASE II ROADS PAVING CONTRACT.

Ms. Dillon read the legislation into the record.

MOTION: Assemblymember Simpson moved to approve the consent agenda as read into the record by the clerk.

VOTE: The motion passed without objection.

- g. AM No. 03-121: AWARD OF BID NO. 03-172 TO NECHESTA GENERAL IN THE AMOUNT OF \$152,000 FOR CASWELL LAKES ANNUAL ROAD SERVICE AGREEMENT.

CONFLICT OF INTEREST: Assemblymember Ladere declared a conflict of interest because her daughter is currently working for Nechesta General.

RULING: Mayor Anderson ruled that Assemblymember Ladere did not have a conflict of interest, but may recuse herself if she felt it was necessary.

(Assemblymember Ladere exited chambers at this time.)

MOTION: Assemblymember Simpson moved for approval of AM No. 03-121.

VOTE: The motion passed without objection.

(Assemblymember Ladere returned to chambers at this time.)

D. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Anderson made the following recommendations:

Board of Adjustment and Appeals

Sammye Pokryfki

Site Selection Committee – Beryozava School

Dan Kelly

Site Selection Committee – Mid-Valley Pathways Alternative School

Sheri Schultz
Site Selection Committee – Nutrition Services Facility
Kelly Marre
Marian Romano
Site Selection Committee – Valley Pathways Alternative School
Audrey Ayay
Jacquiline Briggs
Big Lake Road Service Area No. 21
Paul D. McRoberts

Mayor Anderson requested the following confirmations:

Local Emergency Planning Committee
Lee Ann Wetzel
Timothy J. Straub
Transportation Advisory Board
Dick Stoffel
Lazy Mountain Road Service Area No. 19
Lucy Klebesadel

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

VOTE: The motion passed without objection.

E. OTHER NEW BUSINESS

(The regular meeting recessed at 6:45 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.)

1. Ordinance Serial No. 03-094: AN ORDINANCE APPROVING A REAPPROPRIATION OF \$2,000 FROM THE AREAWIDE FUND, FUND 100, EMERGENCY SERVICES SUTTON EMERGENCY MEDICAL SERVICES DIVISION, TO PROJECT NO. 45132, FUND 480, TO PURCHASE RESPONDER RECOGNITION JACKETS.

a. Resolution Serial No. 03-066: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 45132, FUND 480, FOR THE AMOUNT OF \$2,000, TO PURCHASE SUTTON EMERGENCY MEDICAL SERVICES RESPONDER RECOGNITION JACKETS.

(1) IM No. 03-137

Mr. Duffy:

- reported that these jackets are to recognize the responders; and
- stated that the purchase will not be completed within this fiscal year.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Bush moved to adopt Ordinance Serial No. 03-094 and Resolution Serial No. 03-066.

Assemblymember Ladere expressed her hope that other divisions will consider recognizing their employees similarly.

VOTE: The motion passed without objection.

2. Ordinance Serial No. 03-095: AN ORDINANCE REAPPROPRIATING \$14,900 FROM THE AREAWIDE FUND, FUND 100, FISCAL YEAR 2003 RECORDS MANAGEMENT OPERATING BUDGET (100-100-106), TO FUND 480, PROJECT NO. 45124, IN THE AMOUNT OF \$9,900 AND TO FUND 435, PROJECT NO. 10117, IN THE AMOUNT OF \$5,000, FOR PROVIDING ADDITIONAL FUNDING TO COMPLETE THE RECORDS MANAGEMENT AUDIT AND PROVIDE FOR TRAINING ON THE SQL SERVER/SOFTWARE.
 - a. IM No. 03-138

Ms. Dillon:

- reported that the borough is currently in the process of the audit, which will not be complete by the end of the fiscal year; and
- noted that the server has not yet arrived.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Allen moved to adopt Ordinance Serial No. 03-095.

VOTE: The motion passed without objection.

3. Ordinance Serial No. 03-096: AN ORDINANCE APPROVING THE REAPPROPRIATION OF \$35,000 FROM THE PORT AREAWIDE FISCAL YEAR 2003 OPERATING BUDGET, FUND 100 TO FUND 480, PROJECT 70005, FOR THE FUNDING OF A MORE COMPREHENSIVE SAMPLING, LABORATORY ANALYSIS,

AND RESERVE ANALYSIS TO DEFINE THE QUALITY AND QUANTITY OF SAND, GRAVEL, AND OTHER MATERIAL IN THE PORT DISTRICT.

- a. IM No. 03-152

Mr. Duffy reported that this effort will complete a more comprehensive analysis of the gravel at the port.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Simpson moved to adopt Ordinance Serial No. 03-096.

Assemblymember Simpson noted that the Port Commission has passed a resolution supporting this issue.

VOTE: The motion passed without objection.

- 4. Ordinance Serial No. 03-097 : AN ORDINANCE ACCEPTING AND APPROPRIATING \$5,000 FROM U.S. FISH AND WILDLIFE SERVICE'S ALASKA COASTAL PROGRAM TO FUND 480, PROJECT 20337, FOR DESIGN OF THE KNIK RIVER WATERSHED MAP/POSTER.
 - a. Resolution Serial No. 03-067: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE KNIK RIVER WATERSHED MAP/POSTER.
 - (1) IM No. 03-142

Mr. Duffy reported that these funds will be used to inform the community of the importance of watershed protection.

Mayor Anderson opened the public hearing.

The following person spoke in favor of Ordinance Serial No. 03-097 and Resolution Serial No. 03-067: Ms. Brit Lively.

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

MOTION: Assemblymember Bush moved to adopt Ordinance Serial No. 03-097 and Resolution Serial No. 03-067.

VOTE: The motion passed without objection.

- 5. Ordinance Serial No. 03-098: AN ORDINANCE EXTENDING THE TIME LIMIT FOR COMPLETION OF BOROUGH CAPITAL PROJECTS.
 - a. IM No. 03-143

Mr. Duffy reported that this would extend the completion time for the capital projects to June 30, 2004.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Kvalheim moved to adopt Ordinance Serial No. 03-098.

VOTE: The motion passed without objection.

6. Ordinance Serial No. 03-099: AN ORDINANCE REAPPROPRIATING \$15,000 TO FUND 480, PROJECT 45135, FROM THE FY03 PLANNING DIVISION'S OPERATING BUDGET (100-130-133-429-900) FOR THE PURPOSE OF PROFESSIONAL SERVICES TO ASSIST IN THE DEVELOPMENT OF THE MEADOW LAKES COMPREHENSIVE PLAN.
 - a. IM No. 03-144

Mr. Duffy:

- reported that they have had wonderful success with public involvement with other communities; and
- stated that the Meadow Lakes community has requested the same service that was offered to the community of Talkeetna to establish a comprehensive plan.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Ladere moved to adopt Ordinance Serial No. 03-099.

Assemblymember Ladere:

- stated that there is an increasing amount of enthusiasm from communities to gather and define the goals and future plans of their community; and
- spoke to the sense of unity established when a community works together through their community council and other committees.

VOTE: The motion passed without objection.

7. Ordinance Serial No. 03-100: AN ORDINANCE REAPPROPRIATING \$13,434 FROM FUND 203, LAND MANAGEMENT FUND, LAND MANAGEMENT DIVISION TO FUND 480, PROJECT 45136, FOR THE WETLANDS ASSESSMENT PROJECT.
 - a. IM No. 03-145

Mr. Duffy reported that this ordinance will place these funds in a non-lapsing account.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Ladere moved to adopt Ordinance Serial No. 03-100.

Assemblymember Ladere:

- stated that one of the goals of the Assembly was a watershed study; and
- noted that Ordinance Serial No. 03-100 will bring us closer to that goal.

VOTE: The motion passed without objection.

8. Ordinance Serial No. 03-101: AN ORDINANCE REAPPROPRIATING \$30,000 FROM THE FY03 CLERK'S OPERATING BUDGET (100-100-103), TO FUND 480, PROJECT 45007, FOR RECODIFYING THE BOROUGH'S CODE OF ORDINANCES.
 - a. IM No. 03-147

Ms. Dillon reported that the Borough will be republishing the code and will not be able to use these funds until the revision of the each title has been completed.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Colberg moved to adopt Ordinance Serial No. 03-101.

VOTE: The motion passed without objection.

9. Ordinance Serial No. 03-102: AN ORDINANCE APPROVING THE REAPPROPRIATION OF \$10,000 FROM THE PORT AREA WIDE FISCAL YEAR 2003 OPERATING BUDGET, FUND 100 TO FUND 480, PROJECT 45133, FOR THE BOROUGH'S PARTICIPATION IN, AND A CONTRIBUTION TO, THE NORTHERN ZONE COOK INLET GEOGRAPHIC RESPONSE STRATEGIES WORKGROUP.
 - a. IM No. 03-148

Mr. Duffy:

- advised that a workgroup has formed consisting of members of the public sectors, specifically, the Alaska State Department of Environmental Conservation, the Municipality of Anchorage, the Kenai Peninsula Borough, and the private sector to develop site specific oil spill response plans; and
- explained that this is a cost-effective solution for the Borough to identify an oil spill response plan for the port; and

- noted that this has been recently reviewed by the Port Commission.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Simpson moved to adopt Ordinance Serial No. 03-102.

Assemblymember Allen asked if \$10,000 is the Borough's contribution.

Mr. Duffy replied that \$10,000 is the Borough's portion of the contract.

VOTE: The motion passed without objection.

10. Ordinance Serial No. 03-103: AN ORDINANCE APPROVING THE REAPPROPRIATION OF \$85,000 FROM THE PORT AREA WIDE FISCAL YEAR 2003 OPERATING BUDGET, FUND 100, TO FUND 430, PROJECT 35008, FOR THE PROCUREMENT OF RIGHT-OF-WAY ALONG BURMA ROAD.

a. IM No. 03-149

Mr. Duffy:

- opined that Burma Road will become one of the main transportation links in the future between the Parks Highway and the port;
- informed that there is a portion of Burma Road where a right-of-way does not exist to build a road; and
- noted that Ordinance Serial No. 03-103 will obtain that right-of-way so the Borough can develop the road in future years.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Simpson moved to adopt Ordinance Serial No. 03-103.

Assemblymember Simpson stated that this is included in the long range transportation plan and it is included as an emergency access route.

Assemblymember Ladere inquired if the procurement would complete the right-of-way needed for Burma Road.

Assemblymember Simpson affirmed that the procurement would complete the right-of-way.

VOTE: The motion passed without objection.

11. Ordinance Serial No. 03-104: AN ORDINANCE REAPPROPRIATING \$50,000 FROM THE AREAWIDE FUND, FUND 100, TO FUND 480, FOR COMMUNITY SAFETY PURPOSES.

a. IM No. 03-150

Mr. Duffy:

- reported that over the years, the Jim Creek and Swan Lake area has been a trouble area for the Borough;
- stated that the problems have been increasing throughout the years; and
- explained how the ordinance would be implemented.

Assemblymember Ladere queried if the Borough has police powers.

Ms. Williams explained that the ordinance falls under the general powers of the Borough.

Discussion ensued regarding:

- setting a precedence; and
- other areas within the Borough experiencing similar problems.

Mayor Anderson opened the public hearing.

The following persons spoke in favor of Ordinance Serial No. 03-104: Mr. Thomas Bergey, Mr. Ted Cox, Ms. Lucille Frey, Ms. Kathy Von Guten, Ms. Brit Lively, and Mr. Gregory Nielson.

The following person asked that the Assembly give the Big Lake area the same considerations, as they experience similar problems: Ms. Jay Nolfi.

The following person asked that the Assembly give the Meadow Lakes area the same considerations, as they experience similar problems: Ms. Betty Vehrs.

The following person voiced concerns regarding Ordinance Serial No. 03-104, as the Borough does not have police powers: Ms. Jean Woods.

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

MOTION: Assemblymember Bush moved to adopt Ordinance Serial No. 03-104.

Assemblymember Bush:

- stated that he believes this a good precedence to set;
- opined that it is unfortunate that the troopers are falling down on police protection;
- informed that community safety is a big issue in the Butte community and hopes Ordinance Serial No. 03-104 will help; and
- affirmed that the mayhem needs to stop and that the law must be enforced.

Assemblymember Ladere:

- opined that these actions have been occurring for decades;
- stated that Willow has just as many problems as the Butte community and noted that more cars are hauled out of Willow than the Butte;
- discussed the neighborhood watches in communities up and down the Parks Highway;
- stated that she fully supports what the Butte does as a community;
- addressed the problems that occur when the state of Alaska slides their responsibilities over to the local municipalities; and
- noted that this sets a precedence and the twelve communities she serves would like equal support.

Assemblymember Colberg:

- stated that it is not just the outlying communities who experience these tribulations, the core area also has its problems;
- noted that enforcing the rules there would be a tremendous help, but advised that unless it is endangering someone, it is legal to discharge firearms, which is a large problem;
- stated that it is not the right approach to pick one community, because others will ask why their community wasn't chosen; and
- opined that the state will see this as a way to avoid the problem.

Assemblymember Allen:

- agreed that this is a boroughwide problem;
- stated that the Borough needs to address the issue and put together a plan to present it to the state legislature; and
- advised that the situation requires a more extensive solution.

Discussion ensued regarding:

- the need for the Borough to take on police powers;
- setting this problem as a legislative priority to take to the state;
- other communities throughout the Borough that are experiencing the same problems; and
- the hard work of the Butte community.

VOTE: The motion failed with Assemblymember Bush in support.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following persons spoke in favor of Ordinance Serial No. 03-104, regarding the need for aid in the Butte Community: Ms. Brit Livley, Mr. Ted Cox, Mr. Gregory Nielson, and Mr. Thomas Bergey.

The following person spoke regarding rotating the funds offered in Ordinance Serial No. 03-104 to a different community each year: Ms. Lucille Frey.

The following person discussed the cost of a sheriff's department: Ms. Jean Woods.

The following person spoke to putting the question of police powers on the ballot: Ms. Jean Krause.

The following person stated that at one time there was a joint federation of community councils to help one another support issues such as this, and had other communities been aware of these efforts more people might have been present tonight: Ms. Betty Vehrs.

The following person spoke regarding the Big Lake community and removing fireworks on an areawide basis: Ms. Jay Nolfi.

(The regular meeting recessed at 8:45 p.m. and reconvened at 9 p.m.)

MOTION: Assemblymember Ladere moved for reconsideration of Ordinance Serial No. 03-104.

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

Mayor Anderson asked for a rising vote due to uncertainty of the previous vote.

VOTE: The motion to reconsider passed with Assemblymembers Simpson and Colberg in opposition.

Discussion ensued regarding:

- meeting with the Borough's legislative delegation to address the issue of public safety;
- hiring a professional to study the public safety issue of the Borough; and
- the importance of public safety.

VOTE: The main motion to adopt Ordinance Serial No. 03-104 failed with Assemblymember Bush in support.

X. RECONSIDERATION

(There were no reconsiderations.)

XI. VETO

(There were no vetoes.)

XII. EXECUTIVE SESSION *(matters, the immediate public knowledge of which would clearly have an adverse effect upon the finances of the borough; in particular, to discuss the employee's labor contract negotiations.)*

MOTION: Assemblymember Simpson moved to enter into executive session to discuss the employee's labor contract negotiations.

VOTE: The motion passed without objection and the Assembly entered the executive session at 9:20 p.m. Those present during the executive session were: Mayor Anderson,

members of the Assembly, Mr. Duffy, Ms. Williams, Ms. Dillon, and the Negotiating Team.

MOTION: Assemblymember Simpson moved to exit from executive session.

VOTE: The motion passed and the Assembly exited the executive session at 10:14 p.m.

XIII. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Ladere:

- recognized the soldiers returning from the Middle East; and
- discussed the possibility of the state giving the Borough state-owned land to compensate for state expenses being paid for by the Borough.

Assemblymember Colberg:

- expressed his concern regarding the time Mr. Duffy and Mayor Anderson put into the Butte issue without the consent of the Assembly;
- expressed concern regarding Mr. Duffy inviting assembly members selectively to attend events; and
- voiced his support for investigating police protection areawide.

Assemblymember Kvalheim:

- spoke to concerns regarding the Borough obtaining police powers; and
- inquired as to the status of the response to Representative Kohring's shallow well gas legislation.

Assemblymember Bush:

- expressed disappointment regarding the defeat of Ordinance Serial No. 03-104;
- encouraged state troopers to assist with the problems in the Butte;
- expressed concern that borough police powers may be too expensive;
- concerned that people may feel that they have to protect themselves and potentially cause harm to themselves or others; and
- voiced support for a study of boroughwide police powers.

Assemblymember Allen discussed presenting a plan to the state delegation regarding public safety.

Assemblymember Simpson:

- stated that she would like to see more information regarding public safety; and
- expressed condolences to Assemblymember Ladere on the loss of her mother, former assembly member, Rose Palmquist.

Mayor Anderson:

- spoke to boroughwide police protection and encouraged a resolution of the problem in the Butte area;
- inquired as to the status of the Wasilla parks projects status;

- discussed the Sutton Community Council meeting, which he attended; and
- noted that he also attended the Boys and Girls State Conference.

XIV. ADJOURNMENT

The regular meeting adjourned at 10:45 p.m.

JIM COLVER, Deputy Borough Mayor

ATTEST:

MICHELLE M. MCGEHEE, Acting Borough Clerk

Minutes Approved: July 15, 2003