

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on June 19, 2007, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Deputy Mayor Lynne Woods.

II. ROLL CALL

Assembly members present and establishing a quorum were:

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

Assembly members absent and excused were:

Mr. Bill Allen, Assembly District No. 2

Staff in attendance were:

Ms. Michelle M. McGehee, CMC, Borough Clerk
Mr. John Duffy, Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Lonnie R. McKechnie, Deputy Borough Clerk
Ms. Tammy Clayton, Finance Director
Ms. Marian Romano, Assistant Borough Manager
Mr. Keith Rountree, Public Works Director
Mr. Dennis Brodigan, Emergency Services Director
Mr. Murph O'Brien, Planning and Land Use Director
Ms. Patty Sullivan, Public Information Manager
Ms. Linda Brenner, Acting Community Development Director
Ms. Patricia Von Ah, Human Resource Manager
Ms. Susan Lee, Planner I
Mr. David Heier, Land and Resource Management Chief

III. APPROVAL OF AGENDA

Deputy Mayor Woods inquired if there were any changes to the agenda.

Mr. Duffy advised that AM Nos. 07-092 and 07-095 would need to be pulled from the agenda, as appeals have been filed to the Office of Administrative Hearings.

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Dave Hanson, Economic Development Director.

V. MINUTES OF PRECEDING MEETINGS

(There were no minutes presented.)

VI. SPECIAL ORDERS OF THE DAY

A. A Proclamation in Recognition of Elmer Feltz

Deputy Mayor Woods:

- read the proclamation into the record; and
- presented the proclamation to Ms. Amber Church and Ms. Chelsea Church.

VII. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Houston City

Mayor Dale Adams:

- advised that that the Police Department has moved into their new facility; and
- provided an update regarding the new city hall.

2. Matanuska-Susitna Borough School District

(There was no report provided.)

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Wells advised that the committee discussed the issues at Susitna Valley High School.

2. Assembly Public Relations

(There were no reports provided.)

C. MANAGER COMMENTS

1. State/Federal Legislation

Mr. Duffy advised that the Alaska State Department of Transportation's policies regarding the Long Range Transportation Plan are being revised and should be completed by the end of the year.

Assemblymember Church queried the access into The Ranch Subdivision.

Mr. O'Brien spoke regarding the State appropriation to look at the intersections of South Trunk Road and Fairview Loop and Nelson Road.

Assemblymember Church queried whether the school would be built prior to the road improvements.

Mr. O'Brien stated that ideally the road improvements would happen at the same time that the school is being built.

Mr. Duffy:

- advised that the Corps of Engineers has requested the Borough enter into an agreement for a watershed study plan;
- noted that the Denali Borough has invited the Assembly to visit Denali National Park on July 21, 2007;
- advised that the United States Department of Defense has requested that the Borough join them in a land use study; and
- provided an update regarding the sales tax legislation.

Assemblymember Bettine:

- advised that she has requested that administration prepare a resolution in support of Matanuska Maid; and
- requested that the Manager prepare a letter to Governor Sarah Palin in support of locally produced products.

Assemblymember Wells:

- advised that he attended an emergency meeting of the Board of Agriculture and Creamery Corporation; and
- noted that the Board voted to extend the closure date by 90 days.

2. Su Valley High School Update

(There were no comments provided.)

D. ATTORNEY COMMENTS

(There were no comments provided.)

E. CLERK COMMENTS

Ms. McGehee:

- spoke regarding the upcoming meeting schedule; and
- queried if the Assembly would like to schedule a sales tax work session on July 17, 2007.

Assemblymember Bettine requested that the sales tax work session take place on June 26, 2007, at 4:30 p.m.

There was no objection noted.

Ms. McGehee:

- advised that it would be noted that there may be a joint meeting with the Denali Borough on July 21, 2007;
- noted that a packet has been provided for the June 26, 2007, special meeting;
- advised that the quasi-judicial and records management reports have been provided; and
- spoke regarding the pertinent dates that are coming up for the election.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Trapper Creek Road Service Area No. 30: 2/08/07
 - b. Caswell Lakes Road Service Area No. 15: 3/09/07
 - c. Board of Equalization Minutes Summary: 2007
2. Community Council Correspondence:
 - a. North Lakes Community Council: 12/14/06

Assemblymember Bettine queried the minutes from North Lakes Community Council in December.

Ms. McGehee:

- advised that North Lakes Community Council is becoming active again;
- stated that she assumes that the December minutes were recently approved; and
- noted that community councils receive regular requests to provide their minutes.

Assemblymember Church confirmed that North Lakes Community Council is just becoming active again.

G. INFORMATIONAL MEMORANDUMS

1. IM No. 07-152: NOTIFICATION OF CERTIFICATION OF 2007 REGULAR REAL PROPERTY ASSESSMENT ROLL.

2. IM No. 07-153: A NOTIFICATION OF CONTRACTS COSTING \$100,000 OR LESS THAT NOTICE OF APPARENT SUCCESSFUL BIDDER NOTICES WERE ISSUED FOR DURING THE PERIOD FROM MAY 1, 2007, TO MAY 31, 2007.
3. IM No. 07-157: A NOTIFICATION OF BOROUGH MANAGER'S INTENT TO DISPOSE OF A PORTION OF BOROUGH-OWNED LAND LOCATED ON THE OLD GLENN HIGHWAY IDENTIFIED AS PARCEL 4 FOR THE MATANUSKA RIVER BRIDGE TO GLENN HIGHWAY CHANNELIZATION PROJECT NO 54434 – ACHHE – 0576(10)-0001(117) TO THE STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES (ADOT&PF) FOR \$17,300 (MSB004878).

The informational memorandums were presented and no comments were noted.

IX. UNFINISHED BUSINESS

(Resolution Serial No. 07-045, previously Resolution Serial No. 06-139,) was inadvertently omitted from the agenda. It will be listed under unfinished business on the July 17, 2007, regular Assembly agenda.)

X. NEW BUSINESS

- A. INTRODUCTION (For public hearing - 07/17/2007, 7 p.m., Borough Assembly Chambers)
 1. Ordinance Serial No. 07-087: AN ORDINANCE ACCEPTING AND APPROPRIATING \$500,000 FROM THE FEDERAL TRANSIT ADMINISTRATION TO FUND 475, PROJECT NO. 20343, FOR THE PURCHASE OF BUSES AND A DRIVING SIMULATOR FOR MASCOT.
 - a. Resolution Serial No. 07-067: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET AND AUTHORIZING THE MANAGER TO ENTER INTO THE NECESSARY AGREEMENTS WITH THE FTA AND MASCOT FOR THE PURCHASE OF NEW BUSES AND A DRIVING SIMULATOR.
 - (1) IM No. 07-059
 2. Ordinance Serial No. 07-088: AN ORDINANCE APPROVING THE STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, APPLICATION TO ACQUIRE BOROUGH-OWNED LAND IDENTIFIED AS PARCEL 43 FOR THE RECONSTRUCTION OF TRUNK ROAD (MSB004876).
 - a. IM No. 07-145
 3. Ordinance Serial No. 07-089: AN ORDINANCE AMENDING MSB 19.08, SCHOOL BUILDING DESIGN AND CONSTRUCTION.
 - a. IM No. 07-146

4. Ordinance Serial No. 07-090: AN ORDINANCE ACCEPTING AND APPROPRIATING \$40,000 FROM THE UNITED STATES FISH AND WILDLIFE SERVICE FOR THE COTTONWOOD CREEK AT ENGSTROM ROAD CULVERT REPLACEMENT PROJECT, PROJECT NO. 30091, FUND 410.
 - a. Resolution Serial No. 07-068: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE COTTONWOOD CREEK AT ENGSTROM ROAD CULVERT REPLACEMENT PROJECT, PROJECT NO. 30091.
 - (1) IM No. 07-149
5. Ordinance Serial No. 07-091: AN ORDINANCE AMENDING MSB 2.12.070(J) MEETINGS, SPECIFICALLY TO MODIFY THE TIME OF ADJOURNMENT FOR MEETINGS. *(Sponsored by Assemblymember Allen)*
 - a. IM No. 07-154
6. Ordinance Serial No. 07-092: AN ORDINANCE AMENDING MSB 2.08.060, MAYORAL COMPENSATION AND REIMBURSEMENT, AND MSB 2.12.060, ASSEMBLY COMPENSATION AND REIMBURSEMENT. *(Sponsored by Assemblymember Bettine)*
 - a. IM No. 07-155
7. Ordinance Serial No. 07-093: AN ORDINANCE PLACING ON THE BALLOT OF THE OCTOBER 2007 REGULAR BOROUGH ELECTION, A PLAN FOR SCHOOL BOARD MEMBERSHIP STRUCTURE, SPECIFICALLY IN REGARD TO DISTRICTING SEATS OF SCHOOL BOARD MEMBERS AND QUALIFICATIONS OF OFFICE BY AMENDING MSB 19.04.020 AND MSB 19.04.040, AND AMENDING MSB 25.15.010(A), CANDIDATE QUALIFICATIONS. *(Sponsored by Assemblymember Bettine)*
 - a. IM No. 07-159
8. Ordinance Serial No. 07-094: AN ORDINANCE ADOPTING MSB 3.15.075, TAX ADJUSTMENTS ON PROPERTY AFFECTED BY FIRE. *(Sponsored by Assemblymember Bettine)*
 - a. IM No. 07-156

Ms. McGehee read the above legislation into the record.

MOTION: Assemblymember Kvalheim moved to introduce the legislation as read into the record by the Clerk and set the public hearings for July 17, 2007.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Menard requested the following confirmations:

Enhanced 911 Advisory Board
David Tracy
Local Emergency Planning Committee
Resignation of Clint Vardeman
Office of Administrative Hearings
Karen Jennings

Mayor Menard made the following recommendations:

Board of Adjustment and Appeals
William Tull
Local Emergency Planning Committee
David Harbour
Alpine RSA No. 31
Marilyn Staggs

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

VOTE: The motion passed without objection.

C. OTHER NEW BUSINESS

MOTION: Assemblymember Kvalheim moved to suspend the rules to take up the consent agenda prior to the special orders section of the agenda.

VOTE: The motion passed without objection.

D. CONSENT AGENDA (Resolution Serial Nos. 07-065 and 07-066 and AM Nos. 07-088, 07-089, and 07-091 were pulled from the consent agenda and addressed separately. *See pp. 8-10*)

1. RESOLUTIONS

2. ASSEMBLY MEMORANDUMS

a. AM No. 07-086: AWARD OF PROPOSAL NO. 07-184, TO MIKUNDA COTTRELL & CO., FOR THE AMOUNT OF \$362,000, FOR THE AUDIT SERVICES FOR THE MATANUSKA-SUSITNA BOROUGH AND MATANUSKA-SUSITNA SCHOOL DISTRICT.

b. AM No. 07-087: APPROVAL OF A CHANGE ORDER TO DOWL ENGINEERS, FOR THE AMOUNT OF \$1,504,215, FOR THE BOGARD ROAD EXTENSION EAST DESIGN SERVICES FOR PHASE TWO SERVICES.

- e. AM No. 07-090: AWARD OF BID NO. 07-122, TO VALLEY GENERAL CONSTRUCTION, FOR THE CONTRACT AMOUNT OF \$133,900, FOR THE GARDEN TERRACE SUBDIVISION WATER SYSTEM UPGRADE CONSTRUCTION.
- ~~g. AM No. 07-092: AWARD OF BID NO. 07-175, TO WM CONTRACTING, INC., FOR THE CONTRACT AMOUNT OF \$261,438.24, FOR RSA #9, MIDWAY ANNUAL ROAD MAINTENANCE.~~
- h. AM No. 07-093: AWARD OF BID NO. 07-176, TO SNOWBALL EXPRESS, INC., FOR THE CONTRACT AMOUNT OF \$158,412.50, FOR THE RSA #14, FAIRVIEW ANNUAL ROAD MAINTENANCE.
- i. AM No. 07-094: AWARD OF BID NO. 07-177, TO KOPPERUD TRANSPORTATION, INC., FOR THE CONTRACT AMOUNT OF \$534,916.30, FOR RSA #25, BOGARD ANNUAL ROAD MAINTENANCE.
- ~~j. AM No. 07-095: AWARD OF BID NO. 07-178, TO L & N VENTURES, FOR THE CONTRACT AMOUNT OF \$527,331.90, FOR RSA #27, MEADOW LAKES ANNUAL ROAD MAINTENANCE.~~
- k. AM No. 07-096: TO AUTHORIZE THE PURCHASE OF COMMUNICATIONS EQUIPMENT FROM MOTOROLA FOR THE AMOUNT NOT TO EXCEED \$250,000 PER FISCAL YEAR.
- l. AM No. 07-097: AWARD OF BID NO. 07-195, TO NORTHWEST LININGS AND GEOTEXTILE PRODUCTS, INC., FOR THE CONTRACT AMOUNT OF \$611,494.88, FOR THE CENTRAL LANDFILL CELL THREE LINER PURCHASE.

Ms. McGehee read the above legislation into the record.

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

VOTE: The motion passed without objection.

- a. Resolution Serial No. 07-065: A RESOLUTION REQUESTING CONGRESS COMBINE THE POINT MACKENZIE ROAD DESIGN, BOGARD/SELDON ROAD EXTENSION WEST, AND THE HATCHER PASS EARMARKS INTO ONE PROJECT FOR THE HATCHER PASS SKI AREA DEVELOPMENT.

(1) IM No. 07-144

MOTION: Assemblymember Bettine moved to adopt Resolution Serial No. 07-065

Mr. Duffy provided a staff report.

Assemblymember Kvalheim queried the recommendations of the Planning Commission regarding the Hatcher Pass Special Land Use District (SPUD).

Assemblymember Church:

- noted that the parking lot would be completed using green infrastructure; and
- queried the Hatcher Pass Special Land Use District.

Mr. O'Brien:

- spoke regarding changes that were made to the Hatcher Pass Special Land Use District at the Planning Commission level; and
- noted that the legislation should be coming forward to the Assembly in August.

VOTE: The motion passed without objection.

b. Resolution Serial No. 07-066: A RESOLUTION AMENDING THE BUDGETS FOR THE NORDIC TRAIL GRANT MATCH AND THE DEVELOPMENT OF NORDIC TRAIL SYSTEM PROJECTS AND APPROVING THE SCOPE OF WORK AND BUDGET FOR THE HATCHER PASS SKI AREA DEVELOPMENT – ENVIRONMENTAL DOCUMENT.

(1) IM No. 07-158

MOTION: Assemblymember Bettine moved to adopt Resolution Serial No. 07-066

Mr. Duffy provided a staff report.

Assemblymember Bettine queried the fiscal note.

Mr. Duffy advised that the funds would be coming from economic development.

VOTE: The motion passed without objection.

CONFLICT OF INTEREST: Assemblymember Bettine declared a conflict of interest on AM Nos. 07-088 and 07-091.

(Assemblymember Bettine exited the meeting at this time.)

c. AM No. 07-088: APPROVAL OF CHANGE ORDERS ON PROPOSAL NOS. 07-004, 07-010, AND 07-011, FOR THE AMOUNT OF \$200,000 AND TIME EXTENSIONS FOR ON-CALL PROFESSIONAL SERVICES CONTRACTS.

f. AM No. 07-091: AWARD OF PROPOSAL NO. 07-129, TO ARCHITECTS ALASKA, INC., FOR THE CONTRACT AMOUNT OF \$196,471, FOR THE WASILLA MIDDLE SCHOOL CAFETERIA ADDITION AND REMODEL DESIGN.

MOTION: Assemblymember Kvalheim moved to approve AM Nos. 07-088 and 07-091.

VOTE: The motion passed without objection.

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

- d. AM No. 07-089: AWARD OF BID NO. 07-120, TO LOGGERS, MINERS, FRAMERS, AND FARMERS, L.P., FOR THE CONTRACT AMOUNT OF \$589,140, FOR THE ANNUAL MAINTENANCE AND OPERATION OF THE CENTRAL LANDFILL.

MOTION: Assemblymember Wells moved to approve AM No. 07-089.

Mr. Rountree provided a staff report.

VOTE: The motion passed without objection.

(The regular meeting recessed at 6:56 p.m. and reconvened at 7:07 p.m.)

VIII. SPECIAL ORDERS (to begin at 7 p.m.)

A. PERSONS TO BE HEARD (Three minutes per person.)

B. PUBLIC HEARINGS (Three minutes per person.)

1. Ordinance Serial No. 07-069: AN ORDINANCE APPROVING THE APPLICATION FROM HARRY AND JUDI DAVIDSON AND RONALD AND ALICE BICKLEIN REQUESTING THE BOROUGH ASSEMBLY RELEASE AND VACATE THE "ONLY FOR AGRICULTURAL PURPOSES" COVENANT FOR PARCEL 1: SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 15, TOWNSHIP 18 NORTH, RANGE 1 EAST, SEWARD MERIDIAN, AND PARCEL 2: SOUTH $\frac{1}{2}$ SOUTHWEST $\frac{1}{4}$ NORTHEAST $\frac{1}{4}$ AND SOUTHEAST $\frac{1}{4}$ NORTHWEST $\frac{1}{4}$, SECTION 15, TOWNSHIP 18 NORTH, RANGE 1 EAST, SEWARD MERIDIAN, ALL BEING WITHIN THE PALMER RECORDING DISTRICT. FISHHOOK COMMUNITY COUNCIL AREA (MSB004513).
- a. IM No. 07-122

Deputy Mayor Woods opened the public hearing.

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

MOTION: Assemblymember Wells moved to adopt Ordinance Serial No. 07-069.

Assemblymember Wells:

- advised that he and his partners purchased an agricultural parcel in 1977;
- stated that he would like to see the Borough being more aggressive in disposing of land for agricultural purposes;
- spoke to the need for a future agricultural work session; and
- spoke to the taxing of agricultural lands.

Deputy Mayor Woods spoke in support of agricultural lands being designated as such.

VOTE: The motion failed unanimously.

2. Ordinance Serial No. 07-073: AN ORDINANCE ADOPTING MSB 2.52.210, RESIDENCY REQUIREMENTS. *(Sponsored by Assemblymember Church)*
 - a. IM No. 07-123

Mr. Duffy provided a staff report.

Deputy Mayor Woods 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 Church moved to adopt Ordinance Serial No. 07-073.

Assemblymember Church stated that the department directors need to live within the Borough, so that they will have a stake in the Borough.

Assemblymember Wells:

- stated that he appreciates the sentiment of the ordinance; however, he is not in favor of the ordinance; and
- spoke regarding the regional geographic locations of professionals.

Discussion ensued regarding:

- how to market the Borough to lure new department directors to live within the Borough;
- the desirability of department directors having first hand knowledge of the Borough;
- the possibility that the legislation will reduce the candidate pool; and
- repealing the legislation if it does not work.

MOTION: Assemblymember Church moved a primary amendment to Ordinance Serial No. 07-073, MSB 2.52.210, to insert the words "Information Technology" after the words "Community Development" to read as follows: (B) Scope and Application. The residency portion of this section applies to the following essential officials: The Borough Manager, Borough Attorney, Borough Clerk, and all Department Directors positions (Planning, Public Works, Finance, Emergency Services, Community Development, and Information Technology) which currently exist or may be created from time to time by the Borough Assembly.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended with Assemblymembers Woods and Wells opposed.

3. Ordinance Serial No. 07-074: AN ORDINANCE AMENDING MSB 2.52.653, EXCLUDED EMPLOYEES; AMENDING MSB 2.52.690, DISCIPLINE AND DISCHARGE OF EXECUTIVE AND EXEMPT EMPLOYEES; AND REPEALING MSB 2.52.692, DISCIPLINE AND DISCHARGE PROCEDURES FOR EXEMPT/EXCLUDED EMPLOYEES. *(Sponsored by: Assemblymembers Church and Kvalheim)*
 - a. IM No. 07-124

Ms. Von Ah provided a staff report.

Assemblymember Bettine queried the number of employees the legislation would affect.

Ms. Von Ah advised that the legislation would affect 18-20 employees.

Mr. Duffy informed that the legislation would also affect confidential secretaries.

Deputy Mayor Woods opened the public hearing.

The following person spoke in opposition to Ordinance Serial No. 07-074: Mr. Ken Hudson.

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

MOTION: Assemblymember Kvalheim moved to adopt Ordinance Serial No. 07-074.

Assemblymember Church queried if there are policies and procedures in handling personnel manners that apply to exempt employees.

Mr. Duffy:

- advised that code requires a progressive discipline approach; and
- spoke to the confusion in code regarding the exempt and excluded employees.

Assemblymember Church:

- stated that these positions need to be highly accountable to the public and to the Assembly;
- opined that the positions are political;
- stated that the division heads need to be accountable; and
- spoke to the need for these employees to be held at a high standard.

Assemblymember Kvalheim advised that she has heard no opposition from the employees.

Discussion ensued regarding:

- the structure of the current discipline and discharge procedures;
- employee behavior that should not have to be tolerated; and
- the need for employees to have a higher level of responsibility.

VOTE: The motion passed without objection.

4. Ordinance Serial No. 07-075: AN ORDINANCE EXTENDING THE TIME LIMIT FOR COMPLETION OF BOROUGH CAPITAL PROJECTS.
 - a. IM No. 07-129

Mr. Rountree provided a staff report.

Deputy Mayor Woods 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 Kvalheim moved to adopt Ordinance Serial No. 07-075.

VOTE: The motion passed without objection.

5. Ordinance Serial No. 07-076: AN ORDINANCE ADOPTING MSB 17.02, ESSENTIAL SERVICE UTILITIES.
 - a. IM No. 07-130

Mr. O'Brien provided a staff report.

Deputy Mayor Woods opened the public hearing.

The following person spoke in favor of Ordinance Serial No. 07-076 and spoke to concerns regarding using the utility's public process: Ms. Kathy Wells, Director of Friends of Mat-Su.

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

MOTION: Assemblymember Kvalheim moved to adopt Ordinance Serial No. 07-076.
[Clerk Note: MSB 17.02 was stricken throughout the legislation and replaced with MSB 17.05, as MSB 17.02 already exists in code.]

VOTE: The motion passed without objection.

6. Ordinance Serial No. 07-077: AN ORDINANCE AMENDING MSB 17.28, DESIGNATING THE ALASKA RAILROAD CURRY QUARRY AN INTERIM MATERIALS DISTRICT, WITHIN TOWNSHIP 29 NORTH, RANGE 4 WEST, SECTIONS 10 AND 15, SEWARD MERIDIAN.
 - a. IM No. 07-131

Ms. Lee provided a staff report.

Deputy Mayor Woods queried the distance the quarry is from the river.

Mr. Duffy advised that the quarry is 1 ½ miles from the river.

Deputy Mayor Woods opened the public hearing.

The following persons spoke in favor of Ordinance Serial No. 07-077: Mr. Tom Brooks, Chief Engineer of the Alaska Railroad; and Ms. Kathy Wells, Directors of Friends of Mat-Su.

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

MOTION: Assemblymember Kluberton moved to adopt Ordinance Serial No. 07-077.

VOTE: The motion passed without objection.

7. Ordinance Serial No. 07-078: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$7,360 OF REVENUES FROM PUBLIC DONATIONS TO THE FISCAL YEAR 2007 ANIMAL CARE AND REGULATION DIVISION OPERATING BUDGET, 200-160-606, AND REAPPROPRIATING \$7,360 FROM THE FISCAL YEAR 2007 ANIMAL CARE AND REGULATION DIVISION OPERATING BUDGET, FUND 200, TO FUND 435, PROJECT NO. 10151, TO PURCHASE SHELTER FACILITY AMENITIES, IMPROVEMENTS AND RELATED EQUIPMENT.
 - a. Resolution Serial No. 07-062: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 10151, FUND 435, TO PURCHASE SHELTER FACILITY AMENITIES, IMPROVEMENTS AND RELATED EQUIPMENT.
 - (1) IM No. 07-137

Mr. Brodigan provided a staff report.

Deputy Mayor Woods 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 Kvalheim moved to adopt Ordinance Serial No. 07-078 and Resolution Serial No. 07-062.

MOTION: Assemblymember Kvalheim moved a primary amendment to Ordinance Serial No. 07-078 and Resolution Serial No. 07-062 by striking the amount of "\$5,592.80" and inserting in its place the amount of "\$7,360" throughout the legislation.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

8. Ordinance Serial No. 07-079: AN ORDINANCE APPROVING AN APPROPRIATION OF \$600,000 FROM THE UNRESTRICTED NET ASSETS IN THE SOLID WASTE ENTERPRISE FUND, FUND 510, TO FUND 420, PROJECT NO. 25050, CENTRAL LANDFILL CELL III DEVELOPMENT, TO ALLOW FOR THE PROCUREMENT OF MATERIALS FOR CELL III AT CENTRAL LANDFILL.
 - a. Resolution Serial No. 07-063: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET TO ALLOW FOR THE PROCUREMENT OF THE MATERIALS FOR PROJECT NO. 25050, A SYSTEM LINER AT CELL III, CENTRAL LANDFILL.
 - (1) IM No. 07-138

Mr. Rountree provided a staff report.

Deputy Mayor Woods 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 Church moved to adopt Ordinance Serial No. 07-079 and Resolution Serial No. 07-063.

VOTE: The motion passed without objection.

9. Ordinance Serial No. 07-080: AN ORDINANCE AMENDING MSB 23.10.270(D), ACQUISITION AND EXCHANGE; APPRAISAL, TO REMOVE THE REQUIREMENT OF THE APPRAISER BEING A MEMBER OF THE APPRAISAL INSTITUTE.
 - a. IM No. 07-139

Mr. Heier provided a staff report.

Deputy Mayor Woods opened the public hearing.

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

MOTION: Assemblymember Kluberton moved to adopt Ordinance Serial No. 07-080.

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 07-080, MSB 23.10.270(D), by inserting the following sentence at the beginning of the subsection: Once a property has been approved in accordance with MSB 3.08, or any time the community development director deems it necessary to appraise a property, the community development department shall contract for a third-party appraisal” and to strike the amount of “\$50,000” and insert in its place “\$500,000” to read as follows: (D) Appraisal. Once a property has been approved in accordance with MSB 3.08, or any time the community

development director deems it necessary to appraise a property, the community development department shall contract for a third-party appraisal. Any appraiser selected by the borough shall be based on the appraiser being able to meet borough qualifications, licensed by the State of Alaska pursuant to AS 08.87.100 and the Uniform Standards of Professional Appraisal Practice. The borough shall submit payment for the appraisal directly and provide appraisal instructions to the appraiser. If the appraised value of the property is expected to exceed \$500,000, the appraisal must be done by a member of the appraisal institute certified appraiser.

MOTION: Assemblymember Church moved a secondary amendment to Ordinance Serial No. 07-080, MSB 23.10.270(D), by striking the amount of “\$500,000” and inserting in its place “\$1,000,000” to read as follows: (D) Appraisal. Once a property has been approved in accordance with MSB 3.08, or any time the community development director deems it necessary to appraise a property, the community development department shall contract for a third-party appraisal. Any appraiser selected by the borough shall be based on the appraiser being able to meet borough qualifications, licensed by the State of Alaska pursuant to AS 08.87.100 and the Uniform Standards of Professional Appraisal Practice. The borough shall submit payment for the appraisal directly and provide appraisal instructions to the appraiser. If the appraised value of the property is expected to exceed \$1,000,000, the appraisal must be done by a member of the appraisal institute certified appraiser.

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment passed as amended without objection.

VOTE: The main motion passed as amended without objection.

(The regular meeting recessed at 8:43 p.m. and reconvened at 8:51 p.m.)

Deputy Mayor Woods inquired if there was any objection to taking Ordinance Serial No. 07-081, Ordinance Serial No. 07-082, Resolution Serial No. 07-064, Ordinance Serial No. 07-083, Ordinance Serial No. 07-084, Ordinance Serial No. 07-085, and Ordinance Serial No. 07-086 together.

There was no objection noted.

10. Ordinance Serial No. 07-081: AN ORDINANCE REAPPROPRIATING \$13,356 FROM THE FISCAL YEAR 2007 LAND MANAGEMENT FUND 203, LAND AND RESOURCE MANAGEMENT DIVISION OPERATING BUDGET TO A NON-LAPSING NON-CAPITAL FUND 480, PROJECT NO. 45223, TO COMPLETE THE DEVELOPMENT OF A MINING PLAN AND INTERIM MATERIALS

DISTRICT PERMIT FOR THE POINT MACKENZIE MORAINÉ GRAVEL AREA WHICH IS LOCATED WITHIN PORT MACKENZIE.

- a. IM No. 07-140

- 11. Ordinance Serial No. 07-082: AN ORDINANCE REAPPROPRIATING \$110,000 FROM THE EMERGENCY RESPONSE RESERVE FUND 100 TO FUND 445, PROJECT NO. 55015, FOR THE SUTTON FUEL SPILL ON TAX ID PARCEL 19N04E18D011.
 - a. Resolution Serial No. 07-064: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE SUTTON FUEL SPILL RESPONSE AND CLEAN-UP ON TAX ID PARCEL 19N04E18D011.
 - (1) IM No. 07-141

- 12. Ordinance Serial No. 07-083: AN ORDINANCE APPROVING A REAPPROPRIATION OF \$75,000 FROM THE HUMAN RESOURCES DIVISION FISCAL YEAR 2007 OPERATING BUDGET, FUND 100, TO FUND 480, PROJECT NO. 45195, FOR THE REVIEW AND REVISION OF THE CLASSIFICATION AND PAY PLAN FOR THE BOROUGH EMPLOYEES.
 - a. IM No. 07-143

- 13. Ordinance Serial No. 07-084: AN ORDINANCE REAPPROPRIATING \$45,000 FROM THE FISCAL YEAR 2007 ECONOMIC DEVELOPMENT DIVISION OPERATING BUDGET, FUND 200, TO A NON-LAPSING, FUND 435, PROJECT NO. 10173, FOR THE TRAPPER CREEK AMBULANCE/LIBRARY PROJECT.
 - a. IM No. 07-147

- 14. Ordinance Serial No. 07-085: AN ORDINANCE REAPPROPRIATING \$283,262 FROM THE EMERGENCY RESPONSE RESERVE FUND 100, TO FUND 445, PROJECT NOS. 55011, 55012, AND 55013 FOR THE BOROUGH'S PORTION OF COSTS ASSOCIATED WITH THE 2003 WIND DISASTER, THE 2006 POINT MACKENZIE AND SUTTON FIRES, AND THE 2006 FLOOD DISASTER.
 - a. IM No. 07-148

- 15. Ordinance Serial No. 07-086: AN ORDINANCE REAPPROPRIATING \$245,000 FROM THE AREAWIDE FUND, FUND 100, RESERVE FOR CAPITAL AND \$240,000 FROM THE AREAWIDE FUND, FUND 100, EMERGENCY SERVICES DEPARTMENT FISCAL YEAR 2007 OPERATING BUDGET TO FUND 425, AND AUTHORIZING THE BOROUGH MANAGER TO ENTER INTO AN AGREEMENT TO PURCHASE LOT 4, BLOCK 3, PALMER COMMERCIAL CENTER (630 EAST STEEL LOOP) INCLUDING ALL IMPROVEMENTS AND APPURTENANCES FOR \$480,000 PLUS CLOSING COSTS FOR AMBULANCE OPERATIONS.
 - a. IM No. 07-150

Deputy Mayor Woods opened the public hearings.

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

MOTION: Assemblymember Kvalheim moved to adopt Ordinance Serial No. 07-081, Ordinance Serial No. 07-082, Resolution Serial No. 07-064, Ordinance Serial No. 07-083, Ordinance Serial No. 07-084, Ordinance Serial No. 07-085, and Ordinance Serial No. 07-086.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

(There was no one present who wished to testify.)

XI. RECONSIDERATION

(There were no reconsiderations presented.)

XII. VETO

(There were no vetoes presented.)

XIII. EXECUTIVE SESSION

(There was no executive session held.)

XIV. MAYOR AND ASSEMBLY COMMENTS

Deputy Mayor Woods thanked Mr. O'Brien for the work he has done during his time at the Borough.

Assemblymember Wells:

- advised that it was a pleasure to host the Board of Directors of the National Alaska Farmers Union to rally to save dairy farms; and
- thanked the staff for their work on the Hatcher Pass resolutions.

Assemblymember Kluberton:

- thanked the Assembly for being in attendance at the special meeting regarding Susitna Valley High School;
- spoke regarding calls he has received from constituents regarding road issues in his area;
- requested that administration provide a report on the progress of projects for the Caswell Lakes Road Service Area; and
- requested that administration provide a financial report on the progress of Oil Well Road.

Assemblymember Bettine:

- spoke regarding concerns with Matanuska Maid and agricultural issues on a whole;
- opined that the Borough could be an example to the rest of the State on being able to provide food for the community;
- urged the assembly members to be prepared to discuss the sales tax legislation;
- requested that Fern Road, Mack Road, and Clapp Road be placed on the tracking report; and
- spoke regarding the issues with salmon running late.

Assemblymember Kvalheim:

- advised that she practiced her speech regarding the private property protection initiative to Toast Masters;
- spoke to the need to get the information regarding the private property protection initiative out to the public; and
- requested that the item “Industrial Recreational Zone at Point MacKenzie” be placed on the tracking report.

Assemblymember Church:

- noted that the Assembly and the School Board are working better together; and
- thanked Mayor Menard for the proclamation in honor of Mr. Elmer Feltz.

Deputy Mayor Woods:

- spoke to concerns regarding the salmon levels; and
- spoke to the Economic Enterprise Program providing assistance to farmers.

XV. ADJOURNMENT

The regular meeting adjourned at 9:15 p.m.

/ S /

LYNNE WOODS, Deputy Borough Mayor

ATTEST:

/ S /

MICHELLE M. MCGEHEE, CMC, Borough Clerk

Minutes approved: 08/07/07