

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on August 17, 2004, 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 (*arrived at 6:05 p.m.*)
Mr. Bill Allen, Assembly District No. 2
Mr. Talis J. Colberg, Assembly District No. 3 (*arrived at 6:05 p.m.*)
Ms. Mary Kvalheim, Assembly District No. 4
Ms. Jody Simpson, Assembly District No. 5
Mr. Jim Colver, Assembly District No. 6
Ms. Betty Vehrs, Assembly District No. 7

Staff in attendance were:

Ms. Michelle M. McGehee, CMC, Borough Clerk
Ms. Lonnie McKechnie, Borough Clerk's Secretary
Mr. John Duffy, Borough Manager
Ms. Tammy Clayton, Finance Director
Ms. Teresa S. Williams, Borough Attorney
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 noted that the scheduled Executive Session had been cancelled and inquired if there were any other changes to the agenda.

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Joe Lawton, Director of the Alaska State Fair.

V. MINUTES OF PRECEDING MEETINGS

A. Special Assembly Meeting: 07/27/04

Mayor Anderson inquired if there were any corrections to the special meeting minutes of July 27, 2004.

There were no corrections noted.

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

B. Regular Assembly Meeting: 08/03/04

Mayor Anderson inquired if there were any corrections to the regular meeting minutes of August 3, 2004.

There were no corrections noted.

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Report from cities

(There were no reports presented.)

2. Matanuska-Susitna Borough School District

Ms. Kim Floyd:

- informed that the schools will be opening for registration the following week;
- spoke to the School District's enrollment projections;
- addressed the ad that ran in the Frontiersman on "Making the Grade;"
- reported on the School District's "Adequate Yearly Progress;" and
- noted transportation issues with "No Child Left Behind;"

Assemblymember Colver inquired about the advertisement the School district has on a request for proposal (RFP) for a management review audit.

Ms. Floyd:

- advised that they are looking at a contractor to review and analyze how they manage administrative resources;
- advised that during the budget process, the School District provides an analysis on how they compare to other large School District's in Alaska; and
- noted that they have the lowest administrative overhead in the state.

Discussion ensued regarding the RFP for a management review audit for the School District.

Mayor Anderson invited Ms. Angela Rosas of the city of Houston to give her report.

Ms. Rosas:

- advised of a grant the city of Houston received to establish a visitors center;
- mentioned the improvements they are working on for their fire department;
- advised that they are trying to start a police force within the city;
- addressed the sales tax they started in January; and
- advised that the city's "Founders Day" celebration will be held the following weekend in Houston.

3. Alaska State Fair- Joe Lawton

Mr. Joe Lawton:

- addressed the railroad and transit center project;
- informed that the city of Palmer and Amerigas have signed the purchase agreement for Amerigas land that is by the fairgrounds;
- advised of the Alaska State Department of Transportation's traffic pattern plan during the fair; and
- invited the Mayor and Assembly to attend the ribbon cutting ceremony for the transit center and the director's reception where they announce the Farm Family of the Year.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Colver advised that the next scheduled meeting will be in September.

2. Regional Transportation Planning Organization

Mayor Anderson advised that the next meeting will be Friday, August 30, 2004.

C. MANAGER COMMENTS.

1. State/Federal Legislation

Mr. Duffy:

- advised of a Coastal Zone Management Grant for the purpose of updating management plans;
- noted that the new road maps are available;
- advised that they are continuing to monitor the Matanuska River;
- informed that the Borough has received two grants for fire services; and
- referenced the federal lobbyist report.

D. ATTORNEY COMMENTS

Ms. Williams:

- advised that the first noise violation court hearing has been postponed;

- spoke to the Coal Bed Methane Conference she will be attending in Wyoming; and
- advised that the plaintiffs have asked for oral arguments on the tax cap initiative law suit.

E. CLERK COMMENTS

Ms. McGehee:

- noted the work session scheduled for September 7, 2004;
- advised that the executive session that was canceled for tonight's meeting is being rescheduled as a special meeting on September 7, 2004 at 3:30 p.m.;
- spoke to alternative absentee voting locations in Wasilla; and
- advised that the ballots have been sent to the programmer and that they should be printed soon.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- Mat-Su Fire Chiefs Association: 05/26/04, 06/23/04, 07/28/04
- Mayor's Blue Ribbon Task Force on Police Powers: 06/16/04
- Planning Commission: 07/12/04, 07/19/04
- Senior Citizen Advisory Board: 07/21/04

2. Community Council Correspondence:

- Trapper Creek Community Council: 07/15/04

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

G. INFORMATIONAL MEMORANDUMS

- IM No. 04-229: AN INFORMATIONAL MEMORANDUM REGARDING THE GRANT AGREEMENT WITH THE VALLEY COMMUNITY FOR RECYCLING SOLUTIONS.

The informational memorandum was presented and no comments were noted.

VIII. UNFINISHED BUSINESS

- Ordinance Serial No. 04-131: AN ORDINANCE APPROVING REGULATIONS FOR THE REAL ESTATE TRANSFER FEE, MSB 3.37.
 - Resolution Serial No. 04-117: A RESOLUTION AMENDING THE SCHEDULE OF FEES FOR REAL ESTATE TRANSFERS UNDER MSB 3.37, REAL ESTATE TRANSFER FEE. (*Sponsors: Assemblymembers Allen, Colver, and Vehrs*) (*Motion pending 07/20/04*)
 - IM No. 04-188
 - IM No. 04-224

MOTION PENDING: Assemblymember Colver moved to adopt Ordinance Serial No. 04-131.

MOTION: Assemblymember Vehrs moved to amend the main motion to adopt Ordinance Serial No. 04-131 to include the adoption of Resolution Serial No. 04-117; A Resolution Amending the Schedule of Fees for Real Estate Transfers Under MSB 3.37, Real Estate Transfer Fee.

Ms. Clayton:

- spoke to the process of making the real estate transfer fee a flat fee; and
- spoke to the duties that are performed and the hours that are involved in the transfer of real property.

VOTE: The primary amendment passed without objection

MOTION: Assemblymember Vehrs moved to amend Ordinance Serial No. 04-131 to:

1. strike paragraphs 3.1, 4.1, 5.1, and 6.1 in their entirety;
2. to amend paragraph 11.1 by striking the items in the declaration form that are no longer needed by the amendment flat transfer fee; and
3. to insert the line "Are there structures on the land? _____" in paragraph 11.1, Declaration Form.

VOTE: The primary amendment passed without objection.

Assemblymember Colver:

- spoke to the testimony given by the public during budget time;
- opined that the flat fee is much simpler to understand than the graduated fee; and
- spoke to the rise in property values and the growth in the Borough.

Assemblymember Vehrs advised that she has heard support from the public on the flat fee.

Discussion continued on the real estate transfer fee.

VOTE: The main motion as amended passed with Assemblymembers Simpson, Colberg, and Bush in opposition.

MOTION: Assemblymember Colver moved to reconsider Ordinance Serial No. 04-131 as amended.

VOTE: The motion to reconsider failed unanimously.

(Continued to pp. 10 of 20)

(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.)

B. PUBLIC HEARINGS (Three minutes per person.)

1. Ordinance Serial No. 04-151: AN ORDINANCE APPROVING AN APPROPRIATION OF \$163,439 FROM THE AREA WIDE FUND BALANCE, FUND 100, TO FUND 410, FOR THE DUST CONTROL PROGRAM.

a. IM No. 04-219

Mr. Duffy provided a staff report.

Assemblymember Vehrs queried the division of the funds between the road service areas.

Mr. Duffy informed that there is a procedure in place under MSB 3.24.030(C).

Discussion ensued regarding the Dust Control Program.

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. 04-151.

VOTE: The motion passed without objection.

2. Ordinance Serial No. 04-152: AN ORDINANCE ADOPTING AN AMENDMENT TO THE MATANUSKA-SUSITNA BOROUGH RECREATIONAL TRAILS PLAN THAT ADDS TRAILS AND TRAIL SYSTEMS.

a. IM No. 04-220

Mr. Duffy provided a staff report.

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. 04-152.

VOTE: The motion passed without objection.

3. Ordinance Serial No. 04-153: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$4,805.98 ALASKA STATE DIVISION OF FORESTRY

VOLUNTEER FIRE ASSISTANCE GRANT AND REQUESTING AN APPROPRIATION OF \$4,805.98 FROM THE SUTTON FIRE SERVICE AREA FUND BALANCE, FUND 253, TO PROJECT NO. 20255, FUND 405, FOR FIRE, COMMUNICATION, AND PERSONAL PROTECTIVE EQUIPMENT AND SUPPLIES.

- a. Resolution Serial No. 04-118: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND MATCHING FUNDS FOR SUTTON FIRE SERVICE AREA, PROJECT NO. 20255, FUND 405.
- (1) IM No. 04-221

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. 04-153 and Resolution Serial No. 04-118.

VOTE: The motion passed without objection.

4. Ordinance Serial No. 04-154: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$5,000 ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT, AND REAPPROPRIATING \$5,000 FROM THE GREATER PALMER FIRE SERVICE AREA FISCAL YEAR 2005 OPERATING BUDGET, FUND 259, TO PROJECT NO. 20177, FUND 405, FOR PERSONAL FIRE PROTECTIVE EQUIPMENT.
- a. Resolution Serial No. 04-119: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT, AND MATCHING FUNDS FOR GREATER PALMER FIRE SERVICE AREA, PROJECT NO. 20177, FUND 405.
- (1) IM No. 04-222

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 Allen moved to adopt Ordinance Serial No. 04-154 and Resolution Serial No. 04-119.

VOTE: The motion passed without objection.

5. Ordinance Serial No. 04-155: AN ORDINANCE ACCEPTING AND APPROPRIATING \$19,902 FROM THE ALASKA STATE DEPARTMENT OF NATURAL RESOURCES, DIVISION OF PARKS AND OUTDOOR RECREATION,

TO FUND 480, PROJECT NO. 15015, FOR THE PLUMLEY-MAUD TRAIL ENHANCEMENT PROJECT.

- a. Resolution Serial No. 04-120: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE PLUMLEY-MAUD TRAIL ENHANCEMENT PROJECT FUNDED BY THE ALASKA STATE DEPARTMENT OF NATURAL RESOURCES, DIVISION OF PARKS AND OUTDOOR RECREATION.
 - (1) IM No. 04-223

Mr. Duffy provided a staff report.

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. 04-155 and Resolution Serial No. 04-120.

VOTE: The motion passed without objection.

6. Ordinance Serial No. 04-156: AN ORDINANCE AUTHORIZING A REAPPROPRIATION OF \$30,000 FROM THE DOROTHY SWANDA JONES REMODEL PROJECT, FUND 435, TO A RESCUE EQUIPMENT PROJECT, FUND 425, TO PURCHASE RESCUE EQUIPMENT. (*Sponsor: Assemblymember Colver*)
 - a. IM No. 04-228

Mr. Duffy:

- spoke to the funds set aside for matching in the Capital Grant Matching Program that Governor Murkowski vetoed;
- advised that the funds were put into the Dorothy Swanda Jones Remodel Project after the veto; and
- advised that the Borough is working with the city of Palmer to modify the agreement so the city will provide rescue services outside the city boundaries.

Mayor Anderson opened the public hearing.

The following persons spoke in support of Ordinance Serial Nos. 04-156: Mr. Dan Contini, Palmer Fire Chief.

The following person spoke in opposition of Ordinance Serial Nos. 04-156: Ms. Jay Nolfi.

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

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 04-156.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 04-156 to insert the following “Whereas” clauses at the beginning of the ordinance to read as follows: “Whereas, each year prior to 2003, the borough applied for funding in the fall for capital projects through the Municipal Capital Project Matching Grant Programs;” and “Whereas, in the fall of 2002, one of the grant projects requested was for the Greater Palmer Fire Service Area for the replacement of their existing high mileage rescue vehicle;” and Whereas, the grant for this project was \$70,000 and required a match of \$30,000, which was included in the fiscal year 2004 Manager’s proposed budget and was subsequently approved by the Assembly in May 2003;” and Whereas, in June 2003, the Governor eliminated the Municipal Capital Project Matching Grant Program from the fiscal year 2004 budget;” and Whereas, on August 19, 2003, the Assembly amended the fiscal year 2004 budget redirecting the matching funds previously approved in the Areawide Fund for the Capital Project Matching Grant Program to a capital project for the remodel of the Dorothy Swanda Jones Building;” and Whereas, this ordinance will restore the funding for its original purpose to fund rescue equipment for a new rescue truck.”

Discussion ensued regarding:

- the existing arrangements between the Borough and the city of Palmer to provide rescue services outside the city of Palmer, which is not part of the existing agreement;
- purchasing rescue equipment for the Palmer Fire Department;
- funding previously budgeted for the purchase of rescue equipment that was reappropriated to the Dorothy Swanda Jones Building Remodel Project due to Governor Murkowski’s veto of the Capital Grant Matching Program; and
- modifying the existing contract between the Borough and the city of Palmer to include rescue outside of the city limits, or executing a memorandum of agreement in this regard.

(The regular meeting recessed at 7:40 p.m. and reconvened at 7:55 p.m.)

VOTE: The primary amendment passed without objection.

Discussion continued regarding the allocation of fire and rescue equipment throughout the Borough.

MOTION: Assemblymember Allen moved a primary amendment to Ordinance Serial No. 04-156, Section 2, to insert the phrase at the end of the sentence to read as follows: “The Matanuska-Susitna Borough Assembly hereby approves a reappropriation of \$30,000 from the Dorothy Swanda Jones Building Remodel Project, Fund 435, to Fund 425, for rescue equipment for a rescue vehicle in Palmer, **subject to the approval of a mutually agreeable contract amendment or a memorandum of agreement between the Borough and the Greater Palmer Fire Service Area District.**”

Discussion continued regarding the memorandum of agreement between the Borough and the city of Palmer.

MOTION: Assemblymember Allen moved a secondary amendment to Ordinance Serial No. 04-156 to insert a 90-day deadline to work out the details of the agreement.

VOTE: The secondary amendment passed with Assemblymembers Vehrs, Colver, and Bush in opposition.

VOTE: The primary amendment passed with Assemblymembers Vehrs, Colver, and Bush in opposition.

VOTE: The main motion as amended passed with Assemblymember Kvalheim in opposition.

C. AUDIENCE PARTICIPATION

Mr. Jesse Watts:

- addressed fees and taxes; and
- spoke regarding municipal entitlements.

The following people spoke regarding the Greater Palmer Fire Service Area: Mr. Bruce Ax Dale, Mr. David Meneses, and Ms. Jay Nolfi.

VIII. UNFINISHED BUSINESS *(Continued from pp. 5 of 10)*

B. Resolution Serial No. 04-103: A RESOLUTION APPROVING THE AMENDED SCOPE OF WORK AND BUDGET FOR A PORTION OF THE 2004 SERIES B GENERAL OBLIGATION SCHOOL BOND PROJECTS FOR DISTRICTWIDE REPAIR AND RENOVATION. *(Motion pending 07/20/04)*

1. IM No. 04-178

MOTION PENDING: Assemblymember Colver moved to adopt Resolution Serial No. 04-103.

Discussion ensued regarding the project priority list.

VOTE: The motion passed without objection.

C. Resolution Serial No. 04-114: A RESOLUTION AMENDING THE SCHEDULE FEES AUTHORIZED UNDER MSB 16.05.035, FEES; FOR PLAT, VARIANCE, WAIVER, AND VACATION APPLICATIONS AND FOR APPEALS UNDER TITLE 16. *(Motion pending 08/03/04)*

1. IM No. 04-184

Mr. Duffy:

- requested that the Assembly consider an amendment to strike the “private easement street naming fee” and the “private easement house numbering fee;” and
- spoke regarding addressing issues.

Discussion ensued regarding addressing issues.

MOTION PENDING: Assemblymember Kvalheim moved to adopt Resolution Serial No. 04-114.

MOTION: Assemblymember Colberg moved a primary amendment to Resolution Serial No. 04-114 to strike the “Private Easement Street Naming Fee” and the “Private Easement House Number Fee.”

Assemblymember Colberg speaks to public streets versus private driveways.

VOTE: The primary amendment passed without objection

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 04-114 to strike and insert the following:

1. strike all “after the fact fees;”
2. strike “\$250” for Preapplication Conference fee and insert “\$25;”
3. strike “\$500” for 40-acre Exemption and insert “\$250;”
4. strike “\$1,000” for Preliminary Plat (fewer than 12 lots) and insert “\$500;”
5. strike “\$400” for Public Use Easement Acceptance Public Hearing and insert “250;”
6. strike “\$500” for Waiver Subdivision and insert “\$250;”
7. strike “\$500” for Abbreviated Plat and insert “\$400;”
8. strike “\$400” for Elimination/Modification of Easement and insert “\$200;”
9. strike “\$1,300” for Vacation of Section Line Easement and insert “\$400;”
10. strike “\$500” for Vacation of Section Line Easement with Preliminary Plat and insert “\$400;”
11. strike “\$1,000” for Plat Checking Fee; and
12. insert a 90 day effective date after passage.

Assemblymember Colver:

- speaks to the 90-day effective date; and
- opined that the fees proposed in the amendment are more appropriate.

Discussion ensued regarding the fiscal impact of decreasing the fees.

MOTION: Assemblymember Colberg moved to divide the question by taking the “Preapplication Conference Fee” separately.

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

FIRST SEGMENT: To strike “\$250” for Preapplication Conference fee and insert “\$25.”

VOTE: The first segment passed without objection.

Discussion continued regarding the fiscal impact of decreasing the fee.

- SECOND SEGMENT: To read as follows:
1. strike all “after the fact fees;”
 2. strike “\$500” for 40-acre Exemption and insert “\$250;”
 3. strike “\$1,000” for Preliminary Plat (fewer than 12 lots) and insert “\$500;”
 4. strike “\$400” for Public Use Easement Acceptance Public Hearing and insert “250;”
 5. strike “\$500” for Waiver Subdivision and insert “\$250;”
 6. strike “\$500” for Abbreviated Plat and insert “\$400;”
 7. strike “\$400” for Elimination/Modification of Easement and insert “\$200;”
 8. strike “\$1,300” for Vacation of Section Line Easement and insert “\$400;”
 9. strike “\$500” for Vacation of Section Line Easement with Preliminary Plat and insert “\$400;”
 10. strike “\$1,000” for Plat Checking Fee; and
 11. insert a 90 day effective date after passage

VOTE: The second segment failed with Assemblymembers Colver, Bush, and Kvalheim in support.

(The regular meeting recessed at 8:47 p.m. and reconvened at 9 p.m.)

MOTION: Assemblymember Allen moved to reconsider Resolution Serial No. 04-114.

VOTE: The motion to reconsider failed with Assemblymembers Colver, Bush, and Kvalheim in support.

MOTION: Assemblymember Colver moved a primary amendment to change the effective date to 30 days after adoption.

Assemblymember Colver spoke to the reasoning on delaying the effective date.

MOTION: Assemblymember Vehrs moved a secondary amendment to strike “30 days” and insert “60 days.”

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment as amended passed without objection.

VOTE: The main motion as amended passed with Assemblymembers Vehrs and Bush in opposition.

D. Resolution Serial No. 04-123: A RESOLUTION ESTABLISHING A CITIZENS BUDGET REVIEW COMMITTEE. *(Sponsor: Assemblymember Allen) (Motion pending 08/03/04)*

1. IM No. 04-218

MOTION PENDING: Assemblymember Simpson moved to adopt Resolution Serial No. 04-123.

Assemblymember Allen:

- advised that the purpose of the resolution is to improve the public's understanding of the Borough's budget;
- spoke to long-range planning;
- addressed the growth in the Borough; and
- opined that the Assembly should begin the budget process earlier in the year.

Assemblymember Simpson:

- advised that she supports the idea of a Citizens Budget Review Committee; and
- spoke to concerns regarding the composition of the committee.

MOTION: Assemblymember Simpson moved a primary amendment to strike the word "Assembly" and insert "general public" in the composition of the committee.

MOTION: Assemblymember Bush moved a secondary amendment to strike "general public."

Discussion continued regarding the composition of the board.

VOTE: The secondary amendment passed with Assemblymembers Simpson, Allen, and Kvalheim in opposition.

VOTE: The primary amendment as amended passed without objection.

Assemblymember Colver:

- spoke to budget process; and
- mentioned having a work session to discuss the budget process.

(The regular meeting recessed 9:30 p.m. and reconvened at 9:40 p.m.)

MOTION: Assemblymember Allen moved to postpone Resolution Serial No. 04-123 to a time certain of September 21, 2004, and to bring back a substitute resolution.

Mayor Anderson spoke regarding his appointment authority as it relates to the composition of the committee.

VOTE: The motion to postpone to a time certain and to bring back a substitute resolution passed with Assemblymembers Colberg, Simpson, and Bush in opposition.

E. Resolution Serial No. 04-125: A RESOLUTION ESTABLISHING A POLICY ADDRESSING EMERGENCIES CAUSED BY FLOOD AND EROSION EVENTS IN

THE MATANUSKA-SUSITNA BOROUGH. (Sponsor: Assemblymember Bush) (Motion pending 08/03/04)

1. IM No. 04-232

MOTION PENDING: Assemblymember Simpson moved to adopt Resolution Serial No. 04-125.

Assemblymember Simpson:

- spoke to concerns about the policy being boroughwide;
- voiced concerns about a fiscal note;
- spoke to agency jurisdictional issues; and
- spoke to extracting gravel and channelizing the Matanuska River.

Mr. Duffy:

- spoke regarding infrastructure improvements;
- advised of other areas in the country who have tried to control rivers; and
- mentioned seeking partnerships with other agencies.

Assemblymember Bush:

- spoke regarding the Corps of Engineers;
- noted that the main concern is to save farmland and residential areas; and
- spoke to channelization of the Matanuska River;

Discussion ensued regarding a flood and erosion policy.

MOTION: Assemblymember Colver moved a primary amendment to strike the phrase “for addressing” and insert “in the event of an” and strike the phrase “erosion events” and insert “directs,” to read as follows: Now, Therefore, Be It Resolved, that the Matanuska-Susitna Borough Assembly establishes a policy in the event of an emergency caused by flood and erosion events and directs the administration to seek infrastructure improvements and similar physical remedies to protect land and development within the Matanuska-Susitna Borough.

Assemblymember Bush advised that an event has to be declared an emergency by the State.

MOTION: Assemblymember Bush moved a secondary amendment to insert the phrase “an imminent threat or” before the word emergency.

VOTE: The secondary amendment passed unanimously.

VOTE: The primary amendment as amended passed unanimously.

VOTE: The main motion as amended passed without objection.

MOTION: Assemblymember Simpson moved to reconsider Resolution Serial No. 04-114.

VOTE: The motion to reconsider failed with Assemblymembers Colver, Bush and Kvalheim in support.

IX. NEW BUSINESS

A. INTRODUCTION (For public hearing - 09/07/04, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 04-158: AN ORDINANCE REAPPROPRIATING \$24,322 FROM THE FY04 PLANNING DEPARTMENT'S OPERATING BUDGET (100-130-133-411-200) TO FUND 480, PROJECT NO. 45124, TO CONTINUE PHASE II OF THE ASSESSMENT AND AUDIT OF THE BOROUGHWIDE RECORDS MANAGEMENT PRACTICES IN THE PLANNING DEPARTMENT.
 - a. Resolution Serial No. 04-127: A RESOLUTION APPROVING THE REVISED SCOPE OF WORK AND BUDGET FOR THE INVENTORY AND PURGE OF RECORDS THAT HAVE MET THE REQUIREMENTS OF THE RETENTION SCHEDULE.
 - (1) IM No. 04-125
2. Ordinance Serial No. 04-159: AN ORDINANCE RECLASSIFYING BOROUGH-OWNED LAND DESCRIBED AS GOVERNMENT LOT 1, SECTION 8, TOWNSHIP 18 NORTH, RANGE 3 EAST, SEWARD MERIDIAN, ALASKA, LOCATED AT THE NORTHEAST END OF WOLVERINE LAKE, AS PUBLIC RECREATION LANDS.
 - a. IM No. 04-225
3. Ordinance Serial No. 04-160: AN ORDINANCE AMENDING MSB 23, TO CREATE THE ABILITY TO CONVEY LAND TO OTHER GOVERNMENT ENTITIES TO BE USED FOR PUBLIC PURPOSES AND TO CORRECT A TYPOGRAPHICAL ERROR.
 - a. IM No. 04-234
4. Ordinance Serial No. 04-161: AN ORDINANCE AMENDING REFERENCES TO "DAYS" WITHIN MSB 15.39, BOARD OF ADJUSTMENT AND APPEALS.
 - a. IM No. 04-236
5. Ordinance Serial No. 04-162: AN ORDINANCE CLASSIFYING AS INDUSTRIAL LANDS/WATERSHED LANDS AND APPROVING FOR SALE TO MATANUSKA ELECTRIC ASSOCIATION THROUGH THE APPLICATION PROCESS APPROXIMATELY 120 ACRES NEAR HOLLYWOOD ROAD TO EXPAND THE CURRENT GENERATION SITE.
 - a. IM No. 04-238
6. Ordinance Serial No. 04-163: AN ORDINANCE CLASSIFYING SIX PARCELS OF BOROUGH-OWNED LAND IN THE TRAPPER LAKE, WILLOW, GOOSE CREEK, AND PALMER AREAS.
 - a. IM No. 04-239

7. Ordinance Serial No. 04-164: AN ORDINANCE APPROVING AN APPROPRIATION OF \$15,000 FROM THE CIRCLE VIEW DEBT SERVICE FUND BALANCE, FUND 310, TO THE OPERATING BUDGET FOR CIRCLE VIEW AND STAMPEDE ESTATES FLOOD AND WATER EROSION CONTROL SERVICE AREA, FUND 295, AND CONTRACTUAL SERVICES.
 - a. IM No. 04-240

8. Ordinance Serial No. 04-165: AN ORDINANCE ACCEPTING AND APPROPRIATING \$20,000 FROM THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT TO FUND 480, PROJECT NO. 20330, MATANUSKA SUSITNA BOROUGH GEOGRAPHICAL INFORMATION SYSTEMS (GIS) PROPERTY WEBSITE PROJECT.
 - a. Resolution Serial No. 04-128: A RESOLUTION APPROVING THE REVISED SCOPE OF WORK AND BUDGET FOR THE MATANUSKA-SUSITNA BOROUGH GEOGRAPHICAL INFORMATION SYSTEMS (GIS) PROPERTY WEBSITE PROJECT, PROJECT NO. 20330 AND AUTHORIZING THE MANAGER TO MODIFY AN ASSISTANCE AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT FOR MANAGEMENT OF THE GRANT.
 - (1) IM No. 04-241

- B. INTRODUCTION (For public hearing - 09/21/04, 7 p.m., Borough Assembly Chambers)
 1. Ordinance Serial No. 04-157: AN ORDINANCE CREATING FAIRVIEW ACRES AND LUPINE LANE ACRES AREA NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 391, 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. 04-233

Ms. McGehee 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 the September 7, 2004, and September 21, 2004, respectively.

VOTE: The motion passed without objection.

- C. CONSENT AGENDA (Resolution Serial No. 04-129 and AM Nos. 04-159 and 04-160 were pulled from the consent agenda and addressed separately. *(See pp. 18 of 20)*)
 1. RESOLUTIONS
 - b. Resolution Serial No. 04-130: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 25038, CENTRAL LANDFILL EXPANSION, TO

ALLOW PAVING THE ACCESS ROAD TO THE NEW LINED CELL AND LITTER FENCING.

(1) IM No. 04-235

c. Resolution Serial No. 04-131: A RESOLUTION PROVIDING FOR THE CONTINUANCE OF THE ANIMAL CARE AND REGULATION BOARD.

(1) IM No. 04-237

d. Resolution Serial No. 04-126: A RESOLUTION SUPPORTING THE ALASKA ATTACHMENT AND BONDING ASSOCIATES' COMMUNITY RESPITE PROJECT AND THE PROJECT'S EFFORTS TO SECURE AN AMERICORPS VISTA VOLUNTEER. (*Sponsor: Assemblymember Kvalheim*)

(1) IM No. 04-242

2. ACTION MEMORANDUMS

a. AM No. 04-150: TO VACATE ANY PUBLIC INTEREST IN THE "POSSIBLE" 33-FOOT WIDE SECTION LINE EASEMENT ALONG THE SOUTH BOUNDARY OF LOT 8, BLOCK 4, COLONIAL PARK, LOCATED WITHIN SECTION 5, TOWNSHIP 17 NORTH, RANGE 1 EAST, SEWARD MERIDIAN, ALASKA, IN THE SOUTH LAKES COMMUNITY COUNCIL AREA.

b. AM No. 04-151: TO ELIMINATE THE SLOPE EASEMENT ON PROPOSED LOTS 4D TO 4H, BLOCK 12, MIDTOWN ESTATES PHASE I, LOCATED WITHIN SECTION 35, TOWNSHIP 18 NORTH, RANGE 1 EAST, SEWARD MERIDIAN, ALASKA, LOCATED IN THE GATEWAY COMMUNITY COUNCIL AREA.

c. AM No. 04-158: APPROVAL OF \$53,790 TO FUND STREET LIGHT INSTALLATIONS IN THE FOLLOWING ROAD SERVICE AREAS: MIDWAY ROAD SERVICE AREA NO. 9, SOUTH COLONY ROAD SERVICE AREA NO. 16, KNIK ROAD SERVICE AREA NO. 17, LAZY MOUNTAIN ROAD SERVICE AREA NO. 19, BOGARD ROAD SERVICE AREA NO. 25, AND BUTTE ROAD SERVICE AREA NO. 26.

f. AM No. 04-162: AWARD OF BID NO. 05-028 TO NORTHSTAR SAND AND GRAVEL IN THE AMOUNT OF \$21,780 AND TO KNIK SAND AND GRAVEL IN THE AMOUNT OF \$91,670 FOR WINTER SAND AND CHIPS.

g. AM No. 04-163: AWARD OF BID NO. 05-025 TO DOUBLE A CONSTRUCTION FOR THE AMOUNT OF \$16,785 FOR THE INSTALLATION OF A GUARDRAIL ON BIG LAKE ROAD FOR ROAD SAFETY.

Ms. McGehee 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.

1. Resolution Serial No. 04-129: A RESOLUTION AMENDING THE SCHEDULE OF FEES FOR THE PROCESSING AND ISSUANCE OF PERMIT APPLICATIONS WITHIN THE PUBLIC WORKS DEPARTMENT.

(1) IM No. 04-180

MOTION: Assemblymember Colver moved to adopt Resolution Serial No. 04-129.

MOTION: Assemblymember Colver moved to have Resolution Serial No. 04-129 set for public hearing on September 7, 2004.

VOTE: The motion passed without objection.

a. AM No. 04-159: APPROVAL OF A CHANGE ORDER TO QUALITY ASPHALT PAVING IN THE AMOUNT OF \$160,000 FOR THE 2004 ROADS PAVING PROJECT TO ALLOW PAVING IN WILLOW AND THE ACCESS ROAD TO THE NEW LINED CELL AT THE CENTRAL LANDFILL.

CONFLICT OF INTEREST: Assemblymember Colver declared a conflict of interest regarding AM Nos. 04-159 and 04-160, as he works with the company referenced in the action memorandums.

RULING: Mayor Anderson declared that Assemblymember Colver had a conflict of interest and would be recused from voting on the issue.

(Assemblymember Colver exited the meeting at this time.)

MOTION: Assemblymember Allen moved to approve AM No. 04-159

VOTE: The motion passed without objection.

b. AM No. 04-160: APPROVAL OF A CHANGE ORDER TO QUALITY ASPHALT PAVING IN THE AMOUNT OF \$242,000 FOR THE 2004 ROADS PAVING PROJECT TO ALLOW PAVING OF SHOREWOOD DRIVE AND MISTY LANE, KINGS RIDGE SUBDIVISION, AND SUN RIDGE CIRCLE LOCAL IMPROVEMENT DISTRICTS.

MOTION: Assemblymember Allen moved to approved AM No. 04-160.

VOTE: The motion passed without objection.

(Assemblymember Colver returned to the meeting at this time.)

D. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Anderson made the following recommendations:

Human Services Citizen Advisory Committee

Nancy Bertels
Roy Michaelson
Marjorie Campbell
Jerry Troshynski
Joan Welch
Vern Rauchenstein

(There were no confirmations to present.)

E. OTHER NEW BUSINESS

(There was no other new business.)

X. RECONSIDERATION

(There were no reconsiderations presented.)

XI. VETO

(There were no vetoes presented.)

XII. EXECUTIVE SESSION *(matters which by law, municipal charter, or ordinance are required to be confidential; in particular, to discuss security issues for Borough facilities and computers.)*

(The executive session was cancelled, see pp. 1 of 20.)

XIII. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Bush:

- thanked the Assembly for adopting Resolution Serial No. 04-125; and
- spoke regarding the Greater Palmer Fire Service Area.

Assemblymember Vehrs:

- thanked the Public Works Department for helping her with her constituents;
- requested that the meeting scheduled for October 19, 2004, be held in Talkeetna; and
- requested administration provide a report on the rescue responses of all fire service areas.

[There was no objection heard regarding holding the October 19, 2004, meeting in Talkeetna.]

Assemblymember Kvalheim:

- spoke to the “Light the Night” ceremony; and

- queried the Manager on the education of the public regarding the sales tax issue.

Mr. Duffy spoke to the plans administration has for educating the public on the sales tax issue.

Assemblymember Simpson:

- spoke to the response of the state and federal governments on the erosion of the Matanuska River; and
- spoke to the work assignments that the Assembly gives to the Borough staff.

Assemblymember Colver:

- spoke to “No Child Left Behind” and how it is affecting the School District;
- suggested having a work session regarding the Borough budget process; and
- spoke to the Greater Palmer Consolidated Fire Service Area issues.

Mayor Anderson:

- spoke to the “Light the Night ceremony;”
- advised of a forum he participated in at the Wasilla Chamber on the “Future of Our Schools;” and
- addressed the Regional Transportation Planning Organization meeting to be held on August 30, 2004.

XIV. ADJOURNMENT

The regular meeting adjourned at 10:41 p.m.

/s/

TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:

/s/

MICHELLE M. MCGEHEE, CMC, Borough Clerk

Minutes approved: September 7, 2004