

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on August 21, 2007, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Menard.

II. ROLL CALL

Assembly members present and establishing a quorum were:

Ms. Lynne Woods, Assembly District No. 1 (*Deputy Mayor*)
Mr. Bill Allen, Assembly District No. 2 (*arrived at 7:45 p.m.*)
Ms. Michelle R. Church, Assembly District No. 3 (*via teleconference*)
Ms. Cindy L. Bettine, Assembly District No. 5 (*via teleconference*)
Mr. Tom Kluberton, Assembly District No. 7

Assembly members absent and excused were:

Ms. Mary Kvalheim, Assembly District No. 4
Mr. Robert Wells, Assembly District No. 6

Staff in attendance were:

Ms. Michelle M. McGehee, CMC, Borough Clerk
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Amanda E. Charles, Executive Assistant to the 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
Ms. Patty Sullivan, Public Information Manager
Ms. Linda Brenner, Acting Community Development Director

III. APPROVAL OF AGENDA

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

GENERAL CONSENT: The agenda was approved without objection.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by former Assemblymember Jay Nolfi.

V. MINUTES OF PRECEDING MEETINGS

A. Regular Assembly Meeting: 07/17/07

Mayor Menard inquired if there were any corrections to the regular meeting minutes of July 17, 2007.

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

B. Regular Assembly Meeting: 08/07/07

Mayor Menard inquired if there were any corrections to the regular meeting minutes of August 7, 2007.

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

(There was no report provided.)

2. Matanuska-Susitna Borough School District

(There was no report provided.)

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Church reported that the committee met and spoke about Su Valley High School.

Assemblymember Bettine queried an update on the portables.

Assemblymember Woods reported that a final amount of expended funds on Su Valley High School would need to be tallied before a figure could be gathered to detail monies available for new portables.

Assemblymember Kluberton requested an update from the School District regarding the needs for additional portables.

Assemblymember Woods:

- stated that the portables listed in the ADN classifieds were not up to par; and
- noted the upcoming joint Assembly/School Board meeting on September 11, 2007, to discuss this item.

Mayor Menard noted his concern for receiving information regarding the need for portables in the School District.

2. Assembly Public Relations

Assemblymember Woods:

- spoke regarding the Alaska Municipal League meeting and the Alaska Conference of Mayors meeting in Denali;
- stated that the Alaska Conference of Mayors will be writing a resolution in support of Medicare reimbursements and another resolution in favor of transportation funding; and
- noted that the main topics of discussion were revenue sharing, PERS/TERS, education funding, and transportation funding.

C. MANAGER COMMENTS

1. State/Federal Legislation

(There was no report provided.)

2. Su Valley High School Update

Ms. Romano:

- stated that the Su Valley High School student body is in attendance at the Senior Center;
- noted that left and right turn lanes have been installed; and
- spoke regarding a possible change in a recommended speed limit of 45 mph to a mandatory 45 mph speed limit in the immediate vicinity of the Senior Center for safety purposes.

Mr. Rountree reported that the Commissioner of the Department of Transportation will be driving the road to evaluate the necessity for a mandatory speed limit of 45 mph.

Assemblymember Kluberton noted concerns from the community regarding immediate traffic light necessities at the intersection.

Mr. Rountree:

- recognized the concerns; and
- spoke regarding the quick work on the right-hand turn lane.

Mayor Menard extended his appreciation to Mr. Rountree and his staff for their attention to detail and hard work getting Su Valley High School students a place to attend school.

Assemblymember Kluberton:

- extended his thanks to Mr. Rountree and his staff for the expedited work; and
- queried the ability to allow the kids to mural the portables.

Ms. Romano stated that there would be an update from McCool Carlson and Green on the South Palmer Elementary School project.

Mr. Rountree:

- stated McCool Carlson and Green has a presentation for the Assembly, as required; and
- noted that the presentation had previously been handed out in the Assembly members' mail.

Mr. Michael Carlson:

- provided a project summary for South Palmer Elementary School;
- stated that the school should reach project completion in 2009;
- spoke regarding the overall goals and objectives;
- commented on future directions of learning;
- spoke regarding the school location;
- noted the enhanced driveway, which accommodates heavy traffic; and
- pointed out the added security measures.

Assemblymember Bettine queried the security of the multi-purpose room, for use by community groups.

Mr. Carlson stated that the room could be locked.

Assemblymember Bettine requested clarification on the appearance of a second floor.

Mr. Carlson:

- stated that the second floor overlooks the multi-purpose room to create harmony throughout the school rooms; and
- noted that the prototype will contain art work from the student body.

Ms. Romano requested that Dr. Evans speak regarding the latest household survey, the new methodology used and the high points of the results.

Dr. Shelly Evans, researcher at the UAA Justice Center:

- spoke regarding a new methodology with this study, called a stratified random sample;
- stated that there were four calls placed to the households addressing multiple areas for follow-up during the survey process;
- spoke regarding increases in the overall response rates;
- reported on the results gathered regarding the perception of the communities on the services they receive from the Borough; and
- spoke to the results regarding raising funds for the Borough via taxation.

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. 07-040: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE RAVEN DRIVE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 412 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 07-041: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$38,000.00 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE RAVEN DRIVE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 412, AND FIXING DETAILS OF SAID BONDS.
 - (1) IM No. 07-088
 - 2. Ordinance Serial No. 07-042: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE NORTH FLYING CIRCUS CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 413 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 07-043: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$16,000.00 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE NORTH FLYING CIRCUS CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 413, AND FIXING DETAILS OF SAID BONDS.
 - (1) IM No. 07-089
 - 3. Ordinance Serial No. 07-044: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE ASPEN STREET ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 414 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 07-045: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$36,000.00 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE ASPEN STREET ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 414, AND FIXING DETAILS OF SAID BONDS.
 - (1) IM No. 07-090
 - 4. Ordinance Serial No. 07-046: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE OLD SQUAW LOOP AND COURT ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 415 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 07-047: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$68,000.00 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE OLD SQUAW LOOP AND COURT ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 415, AND FIXING DETAILS OF SAID BONDS.
 - (1) IM No. 07-091

5. Ordinance Serial No. 07-048: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE LINCOLN, SCHULZ AND ROSEHILL DRIVES ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 416 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 07-049: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$112,000.00 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE LINCOLN, SCHULZ AND ROSEHILL DRIVES ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 416, AND FIXING DETAILS OF SAID BONDS.
 - (1) IM No. 07-092
6. Ordinance Serial No. 07-050: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE GERONDALE CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 417 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 07-051: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$44,000.00 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE GERONDALE CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 417, AND FIXING DETAILS OF SAID BONDS.
 - (1) IM No. 07-093
7. Ordinance Serial No. 07-052: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE ROSEMARY PLACE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 418 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 07-053: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$26,000.00 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE ROSEMARY PLACE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 418, AND FIXING DETAILS OF SAID BONDS.
 - (1) IM No. 07-094

Ms. McGehee read the above legislation into the record.

Mayor Menard opened the public hearings.

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

MOTION: Assemblymember Woods moved to adopt the legislation as read into the record by the clerk.

MOTION: Assemblymember Woods moved to amend Ordinance Serial Nos. 07-041, 07-043, 07-045, 07-047, 07-049, 07-051, and 07-053 to strike the interest rate of “5.959” percent and to insert in its place “6.119” percent.

Assemblymember Woods noted that her amendment was technical in nature, as the interest rate increased.

VOTE: The primary amendment passed without objection.

Assemblymember Bettine queried the funding for these projects.

Ms. Clayton:

- reported that some are matched with the dust control monies;
- added that some are matched by the individual road service area that they are in; and
- stated that some are being met with the bonds remaining.

VOTE: The main motion was adopted as amended without objection.

8. Ordinance Serial No. 07-115: AN ORDINANCE AMENDING MSB 17.28, INTERIM MATERIALS DISTRICT, TO INCLUDE PROVISIONS FOR REGULATING EXCAVATION INTO THE SEASONAL HIGH WATER TABLE.
 - a. IM No. 07-100

Ms. Probasco:

- provided a staff report;
- noted previous concerns with groundwater quality control;
- reported that this ordinance requires that there be no excavation within four feet of the water table; and
- noted a possible amendment to Ordinance Serial No. 07-115.

Mayor Menard opened the public hearing.

The following persons spoke regarding their lack of support for Ordinance Serial No. 07-115: Mr. Wes VanderMartin, employee of Anchorage Sand and Gravel and Mr. Dale Morman, President of Anchorage Sand and Gravel.

Assemblymember Bettine:

- noted that she would like more information from the industry; and
- queried how this ordinance would impact current projects.

Mr. Morman:

- reported that they have been going within 1 to 1.5 feet of the water table;
- stated that there have been no major accidents;
- added that the mining is benign;
- reported that there is an increase in property value in a mined area; and
- proposed a work session to discuss data on water tables.

The following person spoke regarding their lack of support for Ordinance Serial No. 07-115: Mr. Trevor Edmonson, General Manager of Central Paving Products, Division of Wilder Construction.

Assemblymember Bettine queried if there are bonds posted when work is occurring within the water table.

Mr. Edmonson stated that there are bonds posted only for reclamations.

Assemblymember Kluberton noted concern from the public regarding embankment problems with mining below the water levels of Meadow Lakes.

Mr. Edmonson stated that his company did not work on the Meadow Lakes project.

The following person spoke regarding his lack of support of Ordinance Serial No. 07-115: Mr. Penny Nixon.

The following person spoke regarding her support of Ordinance Serial No. 07-115: Ms. Kathy Wells.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 07-115.

MOTION: Assemblymember Bettine moved to postpone to a time certain of November 20, 2007, with a work session preceding on November 6, 2007, at 1 p.m.

VOTE: The motion passed without objection.

(The regular meeting recessed 7:41 p.m. and reconvened at 7:57 p.m.)

[CLERK NOTE: Assemblymember Allen arrived at 7:45 p.m.]

Assemblymember Allen:

- announced the resignation of his seat, effective immediately;
- reported that he had accepted a position with the city of Palmer;
- stated for the record that he had arrived during the break and did not vote on any matter; and
- requested to be brought back before the Assembly to speak at a later date.

Mayor Menard extended his thanks to Assemblymember Allen for his years of service to the Matanuska-Susitna Borough.

[CLERK NOTE: Assemblymember Allen exited the meeting at 8 p.m.]

9. Ordinance Serial No. 07-116: AN ORDINANCE AUTHORIZING THE MATANUSKA-SUSITNA BOROUGH TO ISSUE AND SELL NOT TO EXCEED \$5,750,000 ANIMAL CARE FACILITY LEASE CERTIFICATES OF PARTICIPATION, 2007; THE EXECUTION AND DELIVERY OF A LEASE AND A LEASE PURCHASE AGREEMENT AND TRUST INDENTURE TO SECURE THE CERTIFICATES; THE EXECUTION OF A CERTIFICATE PURCHASE AGREEMENT; AND PROVIDING FOR RELATED MATTERS.
 - a. Ordinance Serial No. 07-117: AN ORDINANCE AUTHORIZING THE MATANUSKA-SUSITNA BOROUGH TO ISSUE AND SELL NOT TO EXCEED \$3,750,000 PUBLIC SAFETY BUILDING LEASE CERTIFICATES OF PARTICIPATION, 2007; TO DEFEASE AND REFUND THE EXISTING CERTIFICATES OF PARTICIPATION FOR THE PUBLIC SAFETY BUILDING; THE EXECUTION AND DELIVERY OF A LEASE AND A LEASE PURCHASE AGREEMENT AND TRUST INDENTURE TO SECURE THE CERTIFICATES; THE EXECUTION OF A CERTIFICATE PURCHASE AGREEMENT; AND PROVIDING FOR RELATED MATTERS.
 - (1) IM No. 07-111

Ms. Clayton:

- provided a staff report;
- noted that the funding was included in the FY08 budget;
- added that the certificates are now being brought forward;
- spoke regarding the five-page handout specifying deficiencies in the current animal shelter;
- clarified that it is not economically feasible to refund the Public Safety Building certificates because the issuance cost would eat up the funds;
- explained why the staff is requesting simultaneous issuance of these ordinances; and
- spoke regarding trying to refinance at a lower interest rate.

Discussion ensued regarding funding of the payments and bonds as they relate to the non-areawide funds.

Assemblymember Bettine requested that Ms. Clayton research the ability to pay off the bonds early.

Mayor Menard opened the public hearing.

The following persons spoke regarding their support of Ordinance Serial No. 07-116 and Ordinance Serial No. 07-117: Ms. Patricia Park-Fisher; Ms. MaryAnn Cockel; Ms. Linda Barcome representing Willow Dog Musers; Mr. Adam Cardwell of the Animal Care and Regulation Board; Ms. Sally Clampet representing Alaska Equine Rescue and Alaska S.P.C.A.; Ms. Jamie West of the Animal Care and Regulation Board, Willow Dog Musers Association, and Mush with Pride; Ms. Jody Lawrence; and Mr. Henry Schreiber.

The following persons spoke regarding their lack of support of Ordinance Serial No. 07-116 and Ordinance Serial No. 07-117: Mr. Penny Nixon, Ms. Jay Nolfi, and Mr. Pio Cottini.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 07-116 and Ordinance Serial No. 07-117.

Ms. Clayton:

- spoke regarding the payment on the existing bond on the public safety building;
- stated that the bond is paid to a trustee and then the trustee pays the debt; and
- clarified the similarity between the current structure of payment and the new lease certificate of participation.

Discussion ensued regarding the ownership of the building.

Assemblymember Bettine:

- stated that she does support the animal shelter; and
- clarified that she does not support the way the animal shelter is being funded.

Assemblymember Bettine requested a work session for January 8, 2007, at 6 p.m.

There was no objection noted.

VOTE: The main motion passed without objection.

10. Ordinance Serial No. 07-118: AN ORDINANCE ACCEPTING AND APPROPRIATING \$16,500 FROM THE ALASKA STATE OFFICE OF HISTORY AND ARCHAEOLOGY, TO FUND 480, PROJECT NO. 20358, TO CONTINUE RESEARCHING THE FEASIBILITY OF A NATIONAL HERITAGE AREA DESIGNATION FOR THE MATANUSKA, KNIK AND SUSITNA RIVER VALLEYS LOCATED WITHIN THE MATANUSKA-SUSITNA BOROUGH.
 - a. Resolution Serial No. 07-087: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET TO CONTINUE RESEARCHING THE FEASIBILITY OF A NATIONAL HERITAGE AREA DESIGNATION FOR THE MATANUSKA, KNIK AND SUSITNA RIVER VALLEYS LOCATED WITHIN THE MATANUSKA-SUSITNA BOROUGH.
 - (1) IM No. 07-190

Assemblymember Woods queried the origination of this research.

Ms. Probasco stated she would follow up with Ms. Fran Seager-Boss, the originator.

Mayor Menard opened the public hearing.

The following person spoke regarding their lack of support for Ordinance Serial No. 07-118 and accompanying Resolution Serial No. 07-087: Ms. Lucille Fry and Mr. Bruce Walden.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 07-118 and Resolution Serial No. 07-087.

MOTION: Assemblymember Woods moved to postpone Ordinance Serial No. 07-118 and Resolution Serial No. 07-087 to a time certain of September 18, 2007.

VOTE: The motion to postpone to a time certain of September 18, 2007 passed without objection.

11. Ordinance Serial No. 07-119: AN ORDINANCE REAPPROPRIATING \$25,000 FROM THE DUST CONTROL PROGRAM, PROJECT NO. 35000, FUND 410, TO FUND 415, FOR THE TALKEETNA SEWER AND WATER REPAIRS, UPGRADE, AND EXPANSION PROJECT, PROJECT NO. 25037, TO ALLOW FOR THE REPAVING OF B STREET.
 - a. Resolution Serial No. 07-088: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR THE TALKEETNA SEWER AND WATER REPAIRS, UPGRADE, AND EXPANSION, PROJECT NO. 25037.
 - (1) IM No. 07-193

Mr. Rountree:

- provided a staff report; and
- stated that the Borough had acquired matching funding from the Department of Environmental Conservation.

Assemblymember Woods asked if any dust control projects were being shorted.

Mr. Rountree responded that he was not aware of any dust control shortages.

Assemblymember Bettine queried if the project would be done before the freeze-up.

Mr. Rountree stated that the work would not be completed.

Mayor Menard opened the public hearing.

The following person spoke regarding their lack of support for Ordinance Serial No. 07-119 and Resolution Serial No. 07-088: Ms. Jay Nolfi.

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

MOTION: Assemblymember Kluberton moved to adopt Ordinance Serial No. 07-119 and Resolution Serial No. 07-088.

Assemblymember Kluberton spoke regarding clean water grants from the Environmental Protection Agency and the Department of Environmental Conservation.

VOTE: The motion failed with Assemblymembers Kluberton and Woods in support.

12. Ordinance Serial No. 07-120: AN ORDINANCE ACCEPTING AND APPROPRIATING \$22,081 FROM THE U.S. FISH AND WILDLIFE SERVICE TO FUND 480, PROJECT NO. 20368 FOR THE STRATEGIC CONSERVATION PLANNING THROUGH GREEN INFRASTRUCTURE PROGRAM.
 - a. Resolution Serial No. 07-089: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET AND AUTHORIZING THE MANAGER TO ENTER INTO THE NECESSARY AGREEMENTS FOR THE STRATEGIC CONSERVATION PLANNING THROUGH GREEN INFRASTRUCTURE PROGRAM.
 - (1) IM No. 07-195

Ms. Probasco:

- provided a staff report;
- spoke regarding previous discussions with the Planning Commission;
- clarified that the grant funds are being brought forth by the Federal Fish and Wildlife Service;
- added that these are matching grant funds; and
- requested the approval of Ordinance Serial No. 07-120 and accompanying Resolution Serial No. 07-089.

Mayor Menard opened the public hearing.

The following person spoke regarding her support of Ordinance Serial No. 07-120 and accompanying Resolution Serial No. 07-089: Ms. Kathy Wells.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 07-120 and Resolution Serial No. 07-089.

Assemblymember Bettine:

- requested clarification on which area of the general fund the monies were coming from; and
- queried if there was ever a presentation given on the green infrastructure program.

Ms. Probasco:

- reported that there is a line item in the Planning Department's budget for items such as this;
- stated that she was unaware of any previous presentations regarding this item, and
- added that the originator would be willing to provide a presentation to the Assembly.

Assemblymember Bettine queried how projects are prioritized in the planning department.

Ms. Probasco noted that the communities provide input as to their priorities.

MOTION: Assemblymember Bettine moved to postpone Ordinance Serial No. 07-120 and Resolution Serial No. 07-089 to a time certain of September 18, 2007, with a work session preceding at 3 p.m.

13. Ordinance Serial No. 07-121: AN ORDINANCE AMENDING MSB 17.02.010, INTENT AND APPLICABILITY, TO EXCLUDE THE CITY OF HOUSTON FROM THE REQUIREMENTS OF MSB 17.02, MANDATORY LANDUSE PERMIT.
 - a. IM No. 07-196

Mayor Menard 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. 07-121.

VOTE: The motion passed without objection.

14. Ordinance Serial No. 07-122: AN ORDINANCE REAPPROPRIATING \$119,991 FROM THE FISCAL YEAR 2008 AREAWIDE DUST CONTROL PROGRAM, PROJECT NO. 35000, FUND 410, TO FUND 830, FOR A FISCAL YEAR 2006 ROAD LOCAL IMPROVEMENT DISTRICT PROGRAM SHORTFALL.
 - a. IM No. 07-197

Ms. Clayton spoke regarding the approval process for the creation of local improvement districts.

Mayor Menard 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 Woods moved to adopt Ordinance Serial No. 07-122.

VOTE: The motion passed without objection.

15. Ordinance Serial No. 07-123: AN ORDINANCE ACCEPTING AND APPROPRIATING \$17,800 FROM THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT FOR THE BOROUGH LOCAL EMERGENCY PLANNING COMMITTEE, FUND 480, PROJECT NO. 20259, FOR FISCAL YEAR 2008 OPERATIONS.
 - a. Resolution Serial No. 07-090: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF HOMELAND SECURITY

AND EMERGENCY MANAGEMENT GRANT, PROJECT NO. 20259, FUND 480, FOR THE BOROUGH LOCAL EMERGENCY PLANNING COMMITTEE.

(1) IM No. 07-199

Mr. Brodigan:

- noted that this is an annual fund from Homeland Security;
- added that the monies were for emergency planning and preparation; and
- requested that the Assembly adopt Ordinance Serial No. 07-123 and Resolution Serial No. 07-090.

Mayor Menard 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 Woods moved to adopt Ordinance Serial No. 07-123 and accompanying Resolution Serial No. 07-090.

VOTE: The motion passed without objection.

16. Ordinance Serial No. 07-124: AN ORDINANCE ACCEPTING AND APPROPRIATING AN ADDITIONAL \$5,287 FROM THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, TO FUND 480, PROJECT NO. 45126, TO ALLOW FOR THE CONTINUATION OF THE CITIZEN CORPS PROGRAM.
- a. Resolution Serial No. 07-091: A RESOLUTION AMENDING THE BUDGET FOR THE CITIZEN CORPS PROGRAM, PROJECT NO. 45126, FUND 480, TO ALLOW FOR THE CONTINUATION OF THE CITIZEN CORPS PROGRAM.

(1) IM No. 07-202

Mr. Brodigan:

- provided a staff report;
- stated that these monies are in addition to other funding; and
- clarified that this money is being received because the Borough is the first in the nation to provide CERT training for handicapped individuals.

Mayor Menard 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 Woods moved to adopt Ordinance Serial No. 07-124 and accompanying Resolution Serial No. 07-091.

VOTE: The motion passed without objection.

MOTION: Assemblymember Woods moved to extend the regular meeting past 10 p.m. but no later than 11 p.m.

VOTE: The motion passed without objection.

(The regular recessed at 9:31 p.m. and reconvened at 9:39 p.m.)

[CLERK NOTE: Mayor Menard left the meeting at 9:31 p.m. and Deputy Mayor Woods assumed the duties of the chair.]

17. Ordinance Serial No. 07-125: AN ORDINANCE AMENDING MSB 25.05.090, PROHIBITION ON USE OF PUBLIC MONEYS, TO PROMOTE PASSAGE OF BALLOT PROPOSITIONS. *(Sponsored by: Assemblymember Church)*
 - a. IM No. 07-205

Mr. Spiropolous:

- spoke regarding previous discussions related to the code; and
- noted that the State does allow public monies to be spent on ballot propositions.

Deputy Mayor Woods opened the public hearing.

The following persons spoke regarding his lack of support for Ordinance Serial No. 07-125: Mr. Penny Nixon.

Assemblymember Church called a point of order regarding defaming comments made by Mr. Nixon.

Deputy Mayor Woods requested that Mr. Nixon adhere to the rules of protocol and refrain from personal attacks.

The following persons spoke regarding their lack of support for Ordinance Serial No. 07-125: Mr. Bruce Walden, Ms. Lucille Frey, Ms. Jay Nolfi, Mr. Pio Cottini, and Mr. Steve Colligan.

The following persons spoke regarding their support of Ordinance Serial No. 07-125: Ms. Colleen Hamblen and Mr. Bob Elyard.

MOTION: Assemblymember Kluberton moved to adopt Ordinance Serial No. 07-125.

Assemblymember Kluberton:

- spoke regarding misinterpretations of Ordinance Serial No. 07-125;
- added that he has had citizen input regarding support of the ordinance; and
- spoke to being a representative of the people and for the people.

Assemblymember Bettine spoke regarding a need for amendment of the language within the ordinance to add clarification.

MOTION: Assemblymember Church moved to postpone Ordinance Serial No. 07-125 to a time certain of September 4, 2007.

Deputy Mayor Woods:

- spoke regarding opposition to postponement; and
- opined that information can be provided adequately to the public under the current code.

VOTE: The motion to postpone of Ordinance Serial No. 07-125 to a time certain of September 4, 2007, failed with Assemblymembers Church and Bettine in support.

MOTION: Assemblymember Church called the question (to stop debate).

VOTE: The motion passed without objection.

VOTE: The main motion failed unanimously.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke regarding subdividing, waterbody setbacks, flood hazard zones, and needed changes to MSB 17.29.160: Ms. Jody Lawrence.

Assemblymember Woods requested that Ms. Lawrence call Deputy Borough Manager Marian Romano to address her matter further.

The following person spoke regarding her support of the Assembly's decision to defeat Ordinance Serial No. 07-125: Ms. Jay Nolfi.

D. CONSENT AGENDA

1. RESOLUTIONS

a. Resolution Serial No. 07-092: A RESOLUTION AMENDING THE BUDGETS OF PROJECT NO. 25029, CENTRAL LANDFILL MONITORING WELLS, PROJECT NO. 25030, SKWENTNA SOLID WASTE FACILITY DEVELOPMENT, PROJECT NO. 25034, HAZARDOUS WASTE FACILITY IMPROVEMENTS, PROJECT NO. 25041, ASPHALT PADS, AND PROJECT NO. 25046, LANDFILL (CENTRAL) IMPROVEMENTS TO THE SCALEHOUSE, AND AMEND THE SCOPE OF WORK AND BUDGET OF PROJECT NO. 25048, LANDFILL (CENTRAL AND TRANSFER SITES) EQUIPMENT, TO ALLOW THE PURCHASE OF LANDFILL EQUIPMENT.

(1) IM No. 07-201

b. Resolution Serial No. 07-093: A RESOLUTION ALLOCATING HUMAN SERVICES COMMUNITY MATCHING GRANT FUNDS TO NON-PROFIT HUMAN SERVICE AGENCIES WITHIN THE COMMUNITY AND AUTHORIZING THE MANAGER TO ENTER INTO GRANT AGREEMENTS WITH THE SUB-GRANTEE AGENCIES.

(1) IM No. 07-206

c. Resolution Serial No. 07-094: A RESOLUTION AMENDING THE SCOPE OF WORK FOR THE FISCAL YEAR 2007 DESIGNATED LEGISLATIVE GRANT FROM THE DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT KNIK ROAD SERVICE AREA NO. 17, FOR ROBERTS ROAD, CARMEL ROAD, PROJECT NO. 30040.

(1) IM No. 07-213

d. Resolution Serial No. 07-095: A RESOLUTION AMENDING THE SCOPE OF WORK FOR THE FISCAL YEAR 2007 DESIGNATED LEGISLATIVE GRANT FROM THE DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT FOR GREATER WILLOW ROAD SERVICE AREA NO. 21, STORMYBROOK DRIVE, LAKESHORE DRIVE, PROJECT NO. 30042.

(1) IM No. 07-214

2. ASSEMBLY MEMORANDUMS

a. AM No. 07-110: AN ACTION MEMORANDUM APPROVING A VACATION OF A 15' X 164.60' EASEMENT SHOWN ORIGINALLY ON SETTLERS BAY UNIT NO. 1, PLAT NO. 75-61 AND ON THE RECENT RECORDED SETTLERS BAY SUBDIVISION UNIT NO. 6, PLAT NO. 2007-71 LOCATED WITHIN A RIGHT-OF-WAY, LOCATED IN SECTION 3, TOWNSHIP 16 NORTH, RANGE 2 WEST, SEWARD MERIDIAN, ALASKA. LOCATED IN THE KNIK-FAIRVIEW COMMUNITY COUNCIL AREA.

b. AM No. 07-111: AN ACTION MEMORANDUM APPROVING A CHANGE ORDER TO VALLEY GENERAL CONSTRUCTION IN THE AMOUNT OF \$27,700 FOR ADDITIONAL WORK FOR THE SURREY ROAD CULVERT REPLACEMENT PROJECTS, PROJECT NO. 30037.

c. AM No. 07-112: AN ACTION MEMORANDUM AUTHORIZING THE PURCHASE OF SODIUM CHLORIDE FROM BERING MARINE CORPORATION FOR THE AMOUNT OF \$110,075 FOR WINTER ROAD MAINTENANCE.

Ms. McGehee read the above legislation into the record.

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

VOTE: The motion passed without objection.

VIII. UNFINISHED BUSINESS

A. Ordinance Serial No. 07-089: AN ORDINANCE AMENDING MSB 19.08, SCHOOL BUILDING DESIGN AND CONSTRUCTION.

1. IM No. 07-146

Ms. Romano noted that this item was postponed in order to receive feedback from the School Board and thus far, no feedback had been received.

Deputy Mayor Woods queried Mr. Rountree on receiving any response from the School Board.

Mr. Rountree stated he had not heard any response from the School Board.

Assemblymember Bettine requested clarification on whether this proposal had been before the School Board.

Mr. Rountree spoke regarding IM No. 07-146.

Discussion ensued regarding communications between the School Board and the Assembly.

MOTION: Assemblymember Bettine moved to postpone Ordinance Serial No. 07-089 to a time certain of September 4, 2007.

VOTE: The motion passed without objection.

B. Ordinance Serial. No. 07-110: AN ORDINANCE APPROVING AN APPROPRIATION OF \$440,000 FROM THE E-911 FUND BALANCE, FUND 202, TO FUND 480, PROJECT NO. 45184, TO PURCHASE AND INSTALL NECESSARY HARDWARE, SOFTWARE AND RELATED EXPENSES TO IMPLEMENT THE PHASE II WIRELESS CAPABILITIES IN THE E-911 SYSTEM.

1. Resolution Serial No. 07-080: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE PHASE II WIRELESS CAPABILITIES IN THE E-911 SYSTEM PROJECT.

a. IM No. 07-182

C. Ordinance Serial. No. 07-111: AN ORDINANCE APPROVING AN APPROPRIATION OF \$220,000 FROM THE E-911 FUND BALANCE, FUND 202, TO FUND PROJECT NO. 45184, FUND 480, TO PURCHASE AND INSTALL THE NECESSARY HARDWARE, SOFTWARE AND RELATED EXPENSES TO IMPLEMENT THE DISPATCH BACK-UP AND OVERFLOW CAPABILITY IN THE E-911 SYSTEM.

1. Resolution Serial No. 07-081: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE DISPATCH BACK-UP AND OVERFLOW PROJECT.

a. IM No. 07-183

Deputy Mayor Woods:

- stated that items VIII (B) and (C) would be addressed simultaneously; and
- clarified that the Assembly members had received communications on this matter from the Manager.

Mr. Brodigan:

- provided a report; and
- noted the recent improvements in communication.

Assemblymember Bettine queried if a code change was necessary.

Mr. Brodigan:

- stated that a change to code was not necessary; and
- added that the E-911 Advisory Board would like an independent audit in addition to the Borough audit.

MOTION: Deputy Mayor Woods moved to adopt Ordinance Serial No. 07-110 and Resolution Serial No. 07-080 and Ordinance Serial No. 07-111 and Resolution Serial No. 07-081.

VOTE: The motion passed without objection.

IX. NEW BUSINESS

A. INTRODUCTION (For public hearing - 09/04/2007, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 07-126: AN ORDINANCE ACCEPTING AND APPROPRIATING \$63,188 FROM THE UNITED STATES FISH AND WILDLIFE SERVICE FOR THE FISH PASSAGE CONSTRUCTION PROJECT ON GOVERNMENT CREEK AT EDGERTON PARK ROAD, PROJECT NO. 30084, FUND 410.

a. Resolution Serial No. 07-096: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE FISH PASSAGE CONSTRUCTION PROJECT ON GOVERNMENT CREEK AT EDGERTON PARK ROAD, PROJECT NO. 30084.

(1) IM No. 07-209

2. Ordinance Serial No. 07-127: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$70,000 FROM THE WASILLA-LAKES FIRE SERVICE AREA FUND BALANCE, FUND 250, TO THE FISCAL YEAR 2008 WASILLA-LAKES FIRE SERVICE AREA OPERATING BUDGET, FUND 250.

a. IM No. 07-210

3. Ordinance Serial No. 07-128: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$35,000 FROM THE BIG LAKE FIRE SERVICE AREA FUND

BALANCE, FUND 256, TO THE FISCAL YEAR 2008 BIG LAKE FIRE SERVICE AREA OPERATING BUDGET, FUND 256.

a. IM No. 07-211

4. Ordinance Serial No. 07-129: AN ORDINANCE AMENDING MSB 4.60, HUMAN SERVICES CITIZENS ADVISORY COMMITTEE.
 - a. IM No. 07-212
5. Ordinance Serial No. 07-130: AN ORDINANCE AMENDING MSB 17.30, CONDITIONAL USE PERMIT FOR EARTH MATERIAL EXTRACTION ACTIVITIES, FOR CLARIFICATION OF APPLICABILITY.
 - a. IM No. 07-215
6. Ordinance Serial No. 07-131: AN ORDINANCE AMENDING MSB TITLE 15 – PLANNING, TO ADOPT THE 2007 CORE AREA COMPREHENSIVE PLAN UPDATE.
 - a. IM No. 07-217

Ms. McGehee read the introductions into the record.

MOTION: Assemblymember Kluberton moved to introduce the legislation as read into the record by the Clerk and set the public hearings for September 4, 2007.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Menard requested the following confirmations:

Mayor's Blue Ribbon Task Force on Forming a Health and Social Services Board
Kristin Hull

Mayor Menard made the following recommendations:

Board of Adjustment and Appeals
Glen Price
Mayor's Blue Ribbon Task Force on Forming a Health and Social Services Board
Ray Michaelson

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

VOTE: The motion passed without objection.

C. OTHER NEW BUSINESS

D. ATTORNEY COMMENTS

Mr. Spiropolous:

- spoke regarding Assemblymember Allen's resignation;
- recommended a resolution be drafted to formally accept the resignation; and
- stated that he would do research in regards to the seat being vacant for more than 30 days prior to the next regular election.

E. CLERK COMMENTS

Ms. McGehee:

- spoke to the clerk report;
- spoke regarding the meeting schedule and tentative meeting dates;
- addressed the resignation of Assemblymember Allen;
- noted that she would be discussing the matter with Mr. Spiropolous; and
- spoke to the election report.

X. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Kluberton:

- spoke regarding problems with processing in planning;
- commented on the upcoming staffing in planning; and
- noted there would be delays in land use permits.

[CLERK'S NOTE: Please see page 22 of 22 for continued comments.]

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Caswell Lakes Road Service Area No. 15: 04/05/07
- b. Historical Preservation Commission Resolution Serial No. 07-02
- c. Real Property Asset Management Board: 05/09/07, 06/13/07; Resolution Serial No. 07-12
- d. Wasilla-Lakes Fire Service Area Board of Supervisors: 05/14/07

G. INFORMATIONAL MEMORANDUMS

1. IM No. 07-216: AN INFORMATIONAL MEMORANDUM LISTING CONTRACT AWARDS AND AMENDMENTS IN THE AMOUNT OF \$100,000 OR LESS AND EMERGENCY PROCUREMENTS, FOR THE PERIOD OF JULY 1, 2007, TO JULY 31, 2007.

The informational memorandum was presented and no comments were noted.

X. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Church stated that the Alaska Municipal League conference was beneficial.

Assemblymember Bettine:

- requested the Clerk forward her the clerk report;
- spoke regarding problems with processing the land use permits;
- expressed concern regarding staffing deficiencies in the planning department and associated affects;
- requested that Ms. Romano contact Mr. Duffy regarding the Borough's role in new liquor transfers; and
- requested clarification on expenditures for Su Valley High School.

Assemblymember Woods spoke regarding the National Association of Counties' (NACo) work, membership benefits and related fees.

XI. RECONSIDERATION

(There were no reconsiderations presented.)

XII. VETO

(There were no vetoes presented.)

XIII. EXECUTIVE SESSION

(There was no executive session held.)

XIV. ADJOURNMENT

The regular meeting adjourned at 11 p.m.