

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on September 5, 2006, 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:

Ms. Lynne Woods, Assembly District No. 1
Mr. Bill Allen, Assembly District No. 2
Mr. Talis J. Colberg, Assembly District No. 3
Ms. Mary Kvalheim, Assembly District No. 4
Ms. Cindy L. Bettine, Assembly District No. 5
Mr. Jim Colver, Assembly District No. 6 (*Deputy Mayor*)
Ms. Betty Vehrs, Assembly District No. 7

Staff in attendance were:

Mr. John Duffy, Borough Manager
Ms. Michelle M. McGehee, CMC, Borough Clerk
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Lonnie McKechnie, Executive Assistant to the Borough Clerk
Ms. Marian Romano, Assistant Borough Manager
Ms. Tammy Clayton, Finance Director
Mr. Keith Rountree, Public Works Director
Mr. Dennis Brodigan, Emergency Services Director
Mr. Ron Swanson, Community Development Director
Mr. Murph O'Brien, Planning and Land Use Director
Mr. Dave Hanson, Economic Development Director

III. APPROVAL OF AGENDA

Mayor Anderson 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. David Hanson, Economic Development Director.

V. MINUTES OF PRECEDING MEETINGS

A. Regular Assembly Meeting: 08/01/06

Mayor Anderson inquired if there were any corrections to the regular meeting minutes of August 1, 2006.

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

(There were no reports provided.)

2. Matanuska-Susitna Borough School District

School Board President Welton:

- advised that the School Board will be searching for a Superintendent;
- provided an update regarding Shaw Elementary School;
- advised that the school enrollment numbers are 500 students below projection;
- spoke regarding the Ivan Moore quarterly survey that grades the School District; and
- advised that there was a meeting held at the Knik Goose Bay Elementary for parents to discuss the educational structure of the new school.

Mayor Anderson queried the new Knik Goose Bay Elementary School building design.

School Board President Welton:

- stated at this time the building design cannot be changed; and
- spoke regarding the possibility of the bond funds remodeling the older school.

Assemblymember Bettine queried if the group discussion regarding the Knik Goose Bay Elementary School was advertised.

School Board President Welton advised that the meeting was advertised.

Discussion ensued regarding the new Knik Goose Bay Elementary School.

Mayor Anderson queried how the School District would conduct the Superintendent search.

School Board President Welton spoke regarding the School District's process to search for a new Superintendent.

A. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

(There was no report provided.)

2. Regional Transportation Planning Organization

(There was no report provided.)

3. Assembly Public Relations Committees

- a. Chambers of Commerce *(Assemblymembers Vehrs and Bettine)*

(There was no report provided.)

- b. School Board *(Assemblymembers Allen and Colver)*

(There was no report provided.)

- c. Cities *(Assemblymembers Kvalheim, Allen, and Vehrs)*

(There was no report provided.)

- d. Home Builders and Realtors Associations *(Assemblymembers Colver, Bettine, and Vehrs)*

(There was no report provided.)

- e. Community Councils *(Mayor Anderson and Manager)*

(There was no report provided.)

- f. Civic Clubs *(Mayor Anderson and Assemblymember Kvalheim)*

(There was no report provided.)

- g. Non-Profit Organizations *(Mayor Anderson and Assemblymembers Kvalheim and Vehrs)*

(There was no report provided.)

B. MANAGER COMMENTS

1. State/Federal Legislation

Mr. Duffy:

- provided a report regarding the bond sale;
- advised that Fowler Oil and Gas would be submitting a conditional use permit to develop coal bed methane in the Trunk Road and Bogard Road area; and
- advised that the in-house survey results have been completed and would be distributed shortly.

C. ATTORNEY COMMENTS

Mr. Spiropoulos:

- advised that John Aschenbrenner will be the Acting Borough Attorney when he is out of the office;
- advised that he has provided a litigation status report;
- advised that the Borough Attorney's Office is now fully staffed; and
- introduced Mr. Christopher Beltzer, the new Assistant Borough Attorney.

C. CLERK COMMENTS

Ms. McGehee:

- spoke regarding the upcoming meeting schedule; and
- advised that the Candidate Premiere from the Alaska Municipal League is in the Assembly's mail folders.

D. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Greater Talkeetna RSA No. 29: 06/08/06
 - b. North Colony RSA No. 23: Request for Mill Levy Increase
 - c. Planning Commission: 07/17/06
 - d. Platting Board: 05/04/06, 05/18/06, 06/01/06, 06/15/06
 - e. Real Property Asset Management Advisory Board: Resolution Serial No. 06-08
 - f. Trapper Creek RSA No. 30: 08/08/06
2. Community Council Correspondence:
 - a. Glacier View Community Council: 06/29/06
 - b. Y Community Council: 02/02/06, 02/09/06, 03/02/06, 07/06/06

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

E. INFORMATIONAL MEMORANDUMS

1. IM No. 06-271: AN INFORMATIONAL MEMORANDUM ADVISING OF THE EMERGENCY PROCUREMENT OF MATERIALS AND SERVICES FOR TRAIL RIDGE ROAD.

The informational memorandum was presented and no comments were noted.

Assemblymember Colver queried the funds that are being used for emergency spending on the floods.

Mr. Duffy:

- advised that the emergency reserves are being used; and
- advised that if the emergency reserves are exceeded, then operating accounts would be used.

Assemblymember Colver queried whether the funds would be reimbursable.

Mr. Duffy advised that the Borough would be requesting reimbursement from the State.

Mayor Anderson inquired if there was any objection to proceeding to the introductions, as unfinished business will take more time.

There was no objection noted.

IX. NEW BUSINESS

A. INTRODUCTION (For public hearing - 09/19/06, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 06-183: AN ORDINANCE AMENDING MSB 15.24.030(B)(3), COMPREHENSIVE PLAN AND PURPOSES; CITY OF PALMER.
 - a. IM No. 06-259

2. Ordinance Serial No. 06-184: AN ORDINANCE ACCEPTING AND APPROPRIATING GRANT FUNDS IN THE AMOUNT OF \$250,000 FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT, TO FUND 435, PROJECT NO. 10171, AGRICULTURAL PROCESSING AND PRODUCT DEVELOPMENT CENTER CONSTRUCTION.
 - a. Resolution Serial No. 06-127: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT GRANT, PROJECT NO. 10171, FUND 435, FOR THE PRELIMINARY CONSTRUCTION OF THE AGRICULTURAL PROCESSING AND PRODUCT DEVELOPMENT CENTER.
 - (1) IM No. 06-262

3. Ordinance Serial No. 06-185: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$7,500 ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT, AND REAPPROPRIATING \$7,500 FROM THE BIG LAKE FIRE SERVICE AREA FISCAL YEAR 2007 OPERATING BUDGET, FUND 256, TO PROJECT NO. 20277, FUND 405, TO PURCHASE STRUCTURAL AND WILDLAND FIRE EQUIPMENT AND SUPPLIES.
 - a. Resolution Serial No. 06-128: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND MATCHING FUNDS FOR THE BIG LAKE FIRE SERVICE AREA, PROJECT NO. 20277, FUND 405.
 - (1) IM No. 06-267

4. Ordinance Serial No. 06-186: AN ORDINANCE RATIFYING THE BOROUGH MANAGER'S ENTRY INTO A MEMORANDUM OF UNDERSTANDING REGARDING THE MAT-SU PRISON.
 - a. IM No. 06-270

- B. INTRODUCTION (For public hearing - 10/17/06, 7 p.m., Borough Assembly Chambers)
1. Ordinance Serial No. 06-157: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PINE STREET/COTTONWOOD SHORES ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 401 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 06-158: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$39,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE PINE STREET/COTTONWOOD SHORES ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 401, AND FIXING DETAILS OF SAID BONDS.
 - (1) IM No. 06-253
 2. Ordinance Serial No. 06-159: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE HAMILTON COURT ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 406 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 06-160: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$13,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE HAMILTON COURT ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 406, AND FIXING DETAILS OF SAID BONDS.
 - (1) IM No. 06-254
 3. Ordinance Serial No. 06-161: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE BLUFF VISTA, EAGLE VISTA, AND SUZANNE CIRCLES ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 408 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 06-162: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$91,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE BLUFF VISTA, EAGLE VISTA, AND SUZANNE CIRCLES ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 408, AND FIXING DETAILS OF SAID BONDS.
 - (1) IM No. 06-255
 4. Ordinance Serial No. 06-163: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE SILVER BULLET CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 409 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 06-164: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$16,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE SILVER BULLET CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 409, AND FIXING DETAILS OF SAID BONDS.

- (1) IM No. 06-256

- 5. Ordinance Serial No. 06-165: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE MARCUS BAKER, TATLOW, AND LAKE GEORGE DRIVES ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 411 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 06-166: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$79,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE MARCUS BAKE, TATLOW, AND LAKE GEORGE DRIVES ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 411, AND FIXING DETAILS OF SAID BONDS.
- (1) IM No. 06-257

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 September 19, 2006, and October 17, 2006, respectively.

VOTE: The motion passed without objection.

C. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Anderson requested the following confirmations:

- Library Board
 - Linda Henning
- Planning Commission
 - Vern Halter
- Gold Trails RSA No. 28
 - Resignation of Daniel Knauss
- Trapper Creek RSA No. 30
 - Resignation of Ellen Peltier

Mayor Anderson made the following recommendations:

- Meadow Lakes Public Safety Building Naming Committee
 - Fermin Strickland
- Parks, Recreation, and Trails Advisory Board
 - Dorothy Helm

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

VOTE: The motion passed without objection.

D. OTHER NEW BUSINESS

(The regular meeting recessed at 6:49 p.m. and reconvened at 7:04 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.)

Mayor Anderson inquired if there was any objection to moving the following pieces of legislation together: Ordinance Serial No. 06-167, Resolution Serial No. 06-113, Ordinance Serial No. 06-168, Resolution Serial No. 06-114, Ordinance Serial No. 06-169, Resolution Serial No. 06-115, Ordinance Serial No. 06-171, Resolution Serial No. 06-116, Ordinance Serial No. 06-172, Resolution Serial No. 06-117, Ordinance Serial No. 06-173, Resolution Serial No. 06-118, Ordinance Serial No. 06-174, Resolution Serial No. 06-119, Ordinance Serial No. 06-175, Resolution Serial No. 06-120, Ordinance Serial No. 06-176, Resolution Serial No. 06-121, Ordinance Serial No. 06-177, Ordinance Serial No. 06-178, Resolution Serial No. 06-122, Ordinance Serial No. 06-181, and Resolution Serial No. 06-123.

There was no objection noted.

CONFLICT OF INTEREST: Assemblymember Allen advised that he had a conflict of interest regarding legislation in the listing.

RULING: The Mayor ruled that Assemblymember Allen had a conflict of interest and would be recused from voting.

(Assemblymember Allen exited the meeting at this time.)

1. Ordinance Serial No. 06-167: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$7,500 ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND REQUESTING AN APPROPRIATION OF \$7,500 FROM THE BUTTE FIRE SERVICE AREA FUND BALANCE, FUND 251, TO PROJECT NO. 20144, FUND 405, FOR COMMUNICATION EQUIPMENT AND SUPPLIES.
 - a. Resolution Serial No. 06-113: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND MATCHING FUNDS FOR BUTTE FIRE SERVICE AREA, PROJECT NO. 20144, FUND 405.
 - (1) IM No. 06-234
2. Ordinance Serial No. 06-168: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$7,500 ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT, AND REAPPROPRIATING \$7,500 FROM THE MEADOW LAKES FIRE SERVICE AREA FISCAL YEAR 2007

- OPERATING BUDGET, FUND 257, TO PROJECT NO. 20257, FUND 405, TO PURCHASE COMMUNICATION EQUIPMENT AND SUPPLIES.
- a. Resolution Serial No. 06-114: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT, AND MATCHING FUNDS FOR MEADOW LAKES FIRE SERVICE AREA, PROJECT NO. 20257, FUND 406.
(1) IM No. 06-235
 3. Ordinance Serial No. 06-169: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$5,412 ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND REQUESTING AN APPROPRIATION OF \$5,412 FROM THE SUTTON FIRE SERVICE AREA FUND BALANCE, FUND 253, TO PROJECT NO. 20255, FUND 405, FOR COMMUNICATION, EQUIPMENT AND SUPPLIES.
 - a. Resolution Serial No. 06-115: 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. 06-236
 5. Ordinance Serial No. 06-171: AN ORDINANCE ACCEPTING AND APPROPRIATING \$25,000 OF GRANT FUNDS FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT, TO FUND 405, PROJECT NO. 45050, TO PURCHASE A COMMAND VEHICLE AND RELATED EQUIPMENT FOR THE MEADOW LAKES FIRE SERVICE AREA.
 - a. Resolution Serial No. 06-116: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT GRANT, PROJECT NO. 45050, FUND 405, TO PURCHASE A COMMAND VEHICLE AND RELATED EQUIPMENT FOR THE MEADOW LAKES FIRE SERVICE AREA.
(1) IM No. 06-238
 6. Ordinance Serial No. 06-172: AN ORDINANCE ACCEPTING AND APPROPRIATING \$43,000 OF GRANT FUNDS FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT, TO FUND 405, PROJECT NO. 45101, TO MAKE MODIFICATIONS TO THE CENTRAL MAT-SU TRAINING COMPLEX.
 - a. Resolution Serial No. 06-117: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT GRANT, PROJECT NO. 45101, FUND 405, TO MAKE MODIFICATIONS TO THE CENTRAL MAT-SU TRAINING COMPLEX.
(1) IM No. 06-239

7. Ordinance Serial No. 06-173: AN ORDINANCE ACCEPTING AND APPROPRIATING \$26,000 OF GRANT FUNDS FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT, TO FUND 425, PROJECT NO. 45208, TO PURCHASE A CARDIAC DEFIBRILLATOR FOR THE SUTTON AMBULANCE.
 - a. Resolution Serial No. 06-118: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT GRANT, PROJECT NO. 45208, FUND 425, TO PURCHASE A CARDIAC DEFIBRILLATOR FOR THE SUTTON AMBULANCE.
 - (1) IM No. 06-240
8. Ordinance Serial No. 06-174: AN ORDINANCE ACCEPTING AND APPROPRIATING \$290,000 OF GRANT FUNDS FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT, TO FUND 405, PROJECT NO. 45209, TO PURCHASE FIRE APPARATUS FOR THE BIG LAKE FIRE SERVICE AREA.
 - a. Resolution Serial No. 06-119: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT GRANT, PROJECT NO. 45209, FUND 405, TO PURCHASE FIRE APPARATUS FOR THE BIG LAKE FIRE SERVICE AREA.
 - (1) IM No. 06-241
9. Ordinance Serial No. 06-175: AN ORDINANCE ACCEPTING AND APPROPRIATING \$25,000 OF GRANT FUNDS FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT, TO FUND 405, PROJECT NO. 45210, TO PURCHASE FIRE SERVICE EQUIPMENT FOR THE TALKEETNA (SUNSHINE) FIRE SERVICE AREA.
 - a. Resolution Serial No. 06-120: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT GRANT, PROJECT NO. 45210, FUND 405, TO PURCHASE FIRE SERVICE EQUIPMENT FOR THE TALKEETNA (SUNSHINE) FIRE SERVICE AREA.
 - (1) IM No. 06-242
10. Ordinance Serial No. 06-176: AN ORDINANCE ACCEPTING AND APPROPRIATING \$25,000 OF GRANT FUNDS FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT, TO FUND 405, PROJECT NO. 45211, TO PURCHASE FIRE SERVICE EQUIPMENT FOR THE WILLOW FIRE SERVICE AREA.
 - a. Resolution Serial No. 06-121: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT GRANT, PROJECT NO. 45211, FUND 405, TO PURCHASE FIRE SERVICE EQUIPMENT FOR THE WILLOW FIRE SERVICE AREA.

- (1) IM No. 06-243
- 11. Ordinance Serial No. 06-177: AN ORDINANCE ACCEPTING AND APPROPRIATING \$5,000 FROM KNIK INDUSTRIES TO FISCAL YEAR 2007, AREAWIDE FUND, FUND 100, CULTURAL RESOURCES OPERATING BUDGET FOR THE PURPOSE OF HIRING AN ARCHAEOLOGICAL SITE SUPERVISOR FOR THE KNIK TOWNSITE ARCHAEOLOGICAL EXCAVATION.
 - a. IM No. 06-244
- 12. Ordinance Serial No. 06-178: AN ORDINANCE ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF \$38,500 FROM THE UNITED STATES FISH AND WILDLIFE SERVICE NATIONAL FISH HABITAT INITIATIVE PROGRAM TO FUND 410, PROJECT NO. 30083, TO SUPPORT THE LOWER ROAD CULVERT PROJECT.
 - a. Resolution Serial No. 06-122: A RESOLUTION APPROVING THE AMENDED BUDGET FOR THE LOWER ROAD CULVERT, PROJECT NO. 30083.
- (1) IM No. 06-246
- 15 Ordinance Serial No. 06-181: AN ORDINANCE ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF \$10,000 FROM THE UNITED STATES FISH AND WILDLIFE SERVICE TO FUND 410, PROJECT NO. 30084, TO SUPPORT THE WOLF ROAD AND TAMARACK COVE DRIVE CULVERT REPLACEMENT PROJECT.
 - a. Resolution Serial No. 06-123: A RESOLUTION APPROVING THE AMENDED SCOPE OF WORK AND BUDGET FOR THE WOLF ROAD AND TAMARACK COVE DRIVE CULVERT REPLACEMENT PROJECT, PROJECT NO. 30084.
- (1) IM No. 06-219

Mayor Anderson opened the public hearing.

The following person spoke in support of Ordinance Serial No. 06-174 and Resolution Serial No. 06-119: Ms. Jay Nolfi.

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

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 06-167, Resolution Serial No. 06-113, Ordinance Serial No. 06-168, Resolution Serial No. 06-114, Ordinance Serial No. 06-169, Resolution Serial No. 06-115, Ordinance Serial No. 06-171, Resolution Serial No. 06-116, Ordinance Serial No. 06-172, Resolution Serial No. 06-117, Ordinance Serial No. 06-173, Resolution Serial No. 06-118, Ordinance Serial No. 06-174, Resolution Serial No. 06-119, Ordinance Serial No. 06-175, Resolution Serial No. 06-120, Ordinance Serial No. 06-176, Resolution Serial No. 06-121, Ordinance Serial No. 06-177, Ordinance Serial No. 06-178, Resolution Serial No. 06-122, Ordinance Serial No. 06-181, and Resolution Serial No. 06-123.

VOTE: The motion passed without objection.

(Assemblymember Allen reentered the meeting at this time.)

4. Ordinance Serial No. 06-170: AN ORDINANCE PROHIBITING POLITICAL FUNDRAISING ON OR BY THE USE OF BOROUGH PROPERTY AND THE USE OF BOROUGH PROPERTY FOR POLITICAL CAMPAIGN PURPOSES.
(Sponsored by: Assemblymember Kvalheim)
 - a. IM No. 06-237

Assemblymember Kvalheim advised that she would like to see some restrictions on the use of Borough buildings for campaign purposes.

Assemblymember Woods spoke to the need for the ordinance to define the word “campaigning.”

Assemblymember Vehrs:

- queried whether the ordinance applies to everyone; and
- queried if the ordinance would cover a board member wearing a button at a Meadow Lakes Community Council meeting.

Assemblymember Kvalheim:

- advised that she did not intent for the ordinance to cover situations such as that; and
- spoke regarding her intent.

Assemblymember Colberg queried whether the Borough Attorney reviewed the content of the legislation.

Mr. Spiropoulos:

- advised that he did review the legislation; and
- spoke regarding the definition of “solicitation.”

Assemblymember Colberg queried whether a press conference could be held at the Borough building.

Mr. Spiropoulos:

- spoke regarding court rulings; and
- noted that the ordinance requires Assembly approval to hold a press conference.

Discussion ensued regarding press conferences.

Mayor Anderson opened the public hearing.

The following persons spoke in opposition to Ordinance Serial No. 06-170: Ms. Jay Nolfi and Mr. Penny Nixon.

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. 06-170.

Assemblymember Bettine:

- stated that she does not have a problem with fundraising on Borough-owned property; and
- suggested that the campaigning portions of the ordinance be removed.

Discussion ensued regarding:

- whether it is the Assembly's roll to approve press conferences;
- the need to re-work the prohibition of campaigning and fundraising sections in the ordinance;
- the need for an ethics policy; and
- the use of public buildings.

MOTION: Assemblymember Kvalheim moved to postpone Ordinance Serial No. 06-170 to a time certain of October 17, 2006.

VOTE: The motion to postpone to a time certain of October 17, 2006, passed without objection.

13. Ordinance Serial No. 06-179: AN ORDINANCE AMENDING PORTIONS OF MSB 3.08.260, COMPETITIVE SEALED PROPOSALS; NEGOTIATED. (*Sponsored by: Assemblymember Colberg*)
 - a. IM No. 06-251

Assemblymember Colberg:

- stated that he intends to postpone the ordinance indefinitely;
- spoke regarding public comment he has received regarding the bid process; and
- stated that there is still a question whether the ordinance covers the public's concerns regarding the competitive sealed proposals.

Mayor Anderson opened the public hearing.

The following persons spoke in favor of the low bidder receiving the contract from the Borough: Mr. Penny Nixon and Mr. George McKey.

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

MOTION: Assemblymember Colberg moved to adopt Ordinance Serial No. 06-179.

MOTION: Assemblymember Colberg moved to postpone Ordinance Serial No. 06-179 indefinitely.

VOTE: The motion to postpone Ordinance Serial No. 06-179 indefinitely passed with Assemblymembers Woods and Colver opposed.

14. Ordinance Serial No. 06-180: AN ORDINANCE AMENDING PORTIONS OF MSB 3.36.020, RENEWAL AND DURATION OF BUSINESS LICENSES AND MSB 3.36.040, FEES FOR BUSINESS LICENSES. *(Sponsored by: Assemblymember Vehrs)*
 - a. IM No. 06-252

Assemblymember Vehrs:

- stated that the ordinance will save the Borough money, as the licenses will be mailed out every two years; and
- noted that the State renews businesses licenses every two years.

Ms. Clayton 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 Vehrs moved to adopt Ordinance Serial No. 06-180.

Assemblymember Colberg:

- opined that the ordinance is not friendly to small businesses when they are first starting; and
- noted that two years may be efficient for bureaucracy; however, it will cost people who will not make it past their first year in business.

Assemblymember Vehrs:

- stated that you really consider if you want to go into business when paying for licenses;
- stated that this would save money for the taxpayers and it is a convenience; and
- opined that this would be business friendly.

Discussion ensued regarding business licenses.

VOTE: The motion passed with Assemblymember Colberg opposed.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke regarding Animal Care and Regulation and the confiscation of animals: Ms. Paula Lutz and Mr. George McKey.

The following person spoke regarding the Borough selling a parcel of land to North Star Speedway: Ms. Brit Lively, Butte Area Civic Organization.

The following persons spoke regarding Ordinance Serial No. 06-147: Mr. Charlie Fannon, Ms. Lucille Frey, Mr. Ed McCain, Ms. Jay Nolfi, and Mr. Pio Cottini.

The following person spoke regarding Ordinance Serial No. 06-147 and AM No. 06-174: Mr. Penny Nixon.

- D. CONSENT AGENDA (AM No. 06-167 was pulled from the consent agenda and addressed separately. *See pp. 17 of 32*)

Assemblymember Woods referenced AM No. 06-147 and queried the number of years back a person can file for property tax exemptions.

Ms. Clayton:

- advised that she would have to research the question; and
- spoke regarding the timeframe it takes for veterans to receive their disability letters.

1. RESOLUTIONS

- a. Resolution Serial No. 06-124: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR TOURISM INFRASTRUCTURE (BED TAX) PROJECT NOS. 15006 AND 15030, FUND 480.

(1) IM No. 06-250

- b. Resolution Serial No. 06-125: A RESOLUTION AMENDING THE SCOPE OF WORK FOR PROJECT NO. 40137, TO ALLOW FOR PARKING LOT SURFACING AT THE ACADEMY CHARTER SCHOOL, AMENDING THE BUDGETS FOR PROJECT NOS. 45082, 45105, 45144, 45102, 10155, AND 10143, AND APPROVING THE SCOPES OF WORK AND BUDGETS FOR PROJECT NOS. 45212, 45141, 10168, AND 10170, TO ALLOW FOR THE PURCHASE OF PROTECTIVE EQUIPMENT FOR FLU PANDEMIC, THE PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT FOR THE BIG LAKE FIRE SERVICE AREA, AND SITE ACQUISITION, DESIGN, AND ENGINEERING OF A NEW SUTTON LIBRARY/COMMUNITY CENTER, AND A NEW TALKEETNA LIBRARY/COMMUNITY CENTER.

a. IM No. 06-263

- c. Resolution Serial No. 06-126: A RESOLUTION APPROVING THE AMENDED SCOPE OF WORK FOR THE COASTAL IMPACT ASSISTANCE PROGRAM GRANT, PROJECT NO. 20329, FUND 480.

a. IM No. 06-268

2. ASSEMBLY MEMORANDUMS

- b. AM No. 06-170: AUTHORIZATION TO AMEND THE MEMORANDUM OF AGREEMENT WITH THE CITY OF WASILLA IN THE ADDITIONAL AMOUNT OF \$93,784 FOR THE GARDEN TERRACE WATER UPGRADE/CONVERSION, PROJECT NO. 30082, TO ALLOW COMPLETION OF THE DESIGN AND ENGINEERING SERVICES TO IMPROVE THE DISTRIBUTION SYSTEM.

- c. AM No. 06-171: AWARD OF BID NO. 07-020 TO SEEKINS FORD-LINCOLN-MERCURY INC., IN THE CONTRACT AMOUNT OF \$37,327 TO PURCHASE A TRUCK FOR THE PUBLIC WORKS OPERATIONS AND MAINTENANCE DIVISION.

- d. AM No. 06-172: AWARD OF BID NO. 07-009 TO MECHANICAL SPECIALISTS INC., IN THE CONTRACT AMOUNT OF \$94,850 FOR THE ELECTRICAL, PLUMBING, AND FLOORING UPGRADES FOR THE PALMER AND WASILLA POOLS.
- e. AM No. 06-173: ACCEPTANCE OF LATE FILED SENIOR CITIZEN AND DISABLED VETERAN TAX EXEMPTION APPLICATIONS.
- f. AM No. 06-174: APPROVAL OF CHANGE ORDER TO JANSSEN CONTRACTING IN THE AMOUNT OF \$43,877 FOR ADDITIONAL WORK FOR THE NUTRITION SERVICES CENTER CONSTRUCTION PROJECT, PROJECT NO. 40145.
- g. AM No. 06-175: AUTHORIZATION FOR A BOROUGHWIDE STANDARDIZATION OF FUTURE PURCHASES OF DEPARTMENT OF EMERGENCY SERVICES AMBULANCES TO BRAUN NORTHWEST AMBULANCES FOR A PERIOD OF FIVE YEARS.
- h. AM No. 06-177: AWARD OF BID NO. 07-016 TO NECHESTA GENERAL IN THE CONTRACT AMOUNT OF \$112,939 FOR THE EDGERTON PARKS ROADS PROJECT.
- i. AM No. 06-178: AWARD OF BID NO. 07-023 TO WESTERN CONSTRUCTION AND EQUIPMENT IN THE CONTRACT AMOUNT OF \$97,898.15 FOR THE COTTONWOOD LOOP PROJECT.
- j. AM No. 06-179: AWARD OF PROPOSAL NO. 06-041 TO INTERACT PUBLIC SAFETY SYSTEMS IN THE AMOUNT OF \$330,728 TO IMPLEMENT A MULTI-SERVICE, MULTI-AGENCY, COMPUTER-AIDED DISPATCH SYSTEM.
- k. AM No. 06-180: AUTHORIZATION TO PURCHASE DELL COMPUTER HARDWARE AND SERVERS FOR THE MULTI-SERVICE, MULTI-AGENCY, COMPUTER-AIDED DISPATCH SYSTEM HARDWARE SUITE FROM DELL INCORPORATED IN THE AMOUNT UP TO \$101,718.
- l. AM No. 06-181: AUTHORIZATION TO PURCHASE EIGHT BULLARD T3-MAX THERMAL IMAGING CAMERAS FOR THE DEPARTMENT OF EMERGENCY SERVICES FROM L.N. CURTIS AND SONS IN THE AMOUNT OF \$78,400.
- m. AM No. 06-182: AUTHORIZATION TO PURCHASE COMPUTER HARDWARE FOR THE COASTAL IMPACT ASSISTANCE PROGRAM GRANT FROM DELL INCORPORATED FOR THE AMOUNT UP TO \$51,147.
- n. AM No. 06-184: AUTHORIZATION TO PURCHASE REQUIRED LICENSING FOR THE COASTAL IMPACT ASSISTANT PROGRAM GRANT HARDWARE SUITE FROM ASAP SOFTWARE EXPRESS INC., FOR THE AMOUNT OF \$65,772.60.

- o. AM No. 06-185: AWARD OF BID NO. 07-019 TO E & E CONSTRUCTION IN THE CONTRACT AMOUNT OF \$202,556 TO PURCHASE A COMMERCIAL SCALE FOR THE CENTRAL LANDFILL.
- p. AM No. 06-186: AWARD OF BID NO. 07-012 TO NYE FRONTIER FORD IN THE CONTRACT AMOUNT OF \$78,003 FOR THE PURCHASE OF A HAZARDOUS WASTE BOX TRUCK FOR THE CENTRAL LANDFILL AND AN EXPEDITION FOR THE DEPARTMENT OF EMERGENCY SERVICES.
- q. AM No. 06-188: APPROVAL OF ELECTION OFFICIALS FOR THE OCTOBER 3, 2006, REGULAR BOROUGH ELECTION.

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.

- a. AM No. 06-167: ACCEPTANCE OF LATE FILED AND RETROACTIVE SENIOR CITIZEN EXEMPTION APPLICATIONS.

MOTION: Assemblymember Woods moved to approve AM No. 06-167.

Ms. Clayton advised that people can apply for late filed property tax exemptions back fifteen years.

Mr. Spiropoulos:

- read the State Statute regarding late filed tax exemptions into the record; and
- noted that State Statute clearly contemplates someone filing a late property tax exemption.

Assemblymember Kvalheim queried whether the property has to be their primary residence.

Mr. Spiropoulos advised that the property does have to be their primary residence.

VOTE: The motion passed without objection.

(The regular meeting recess at 8:53 p.m. and reconvened at 9:07 p.m.)

VIII. UNFINISHED BUSINESS

- A. Ordinance Serial No. 06-147: AN ORDINANCE REPEALING TITLE 16, SUBDIVISIONS, IN ITS ENTIRETY, ADOPTING TITLE 27, SUBDIVISIONS, AND AMENDING MSB 15.39.140. *(Motion pending from 08/01/06)*
 - 1. IM No. 06-198

MOTION PENDING: Assemblymember Kvalheim moved to adopt Ordinance Serial No. 06-147.

Mr. O'Brien provided a staff report.

Assemblymember Bettine spoke regarding the way the amendments have come forward regarding Ordinance Serial No. 06-147.

Assemblymember Vehrs:

- stated that she will not be supporting the ordinance if it does not say that it is only confined to the core area;
- noted that the changes to Title 16 affects her communities;
- spoke in support of postponing the ordinance for the public to have time to review the amendments to Title 16; and
- opined that some people are using Title 16 to campaign.

MOTION: Assemblymember Vehrs moved to postpone Ordinance Serial No. 06-147 to a time certain of November 7, 2006.

Assemblymember Allen queried whether the postponement would allow the public to testify on the ordinance again.

Assemblymember Vehrs noted that people would have the opportunity to speak under audience participation.

Assemblymember Woods:

- noted that the amendments are due to public comments and the Assembly's work session; and
- opined that the staff did a thorough job on the changes to Title 16.

Discussion ensued regarding:

- the need for amendments to Title 16;
- the need for the Assembly to act on the ordinance; and
- the need for the public to see the amendments prior to the meeting.

VOTE: The motion to postpone to a time certain of November 7, 2006, failed with Assemblymember Vehrs in favor.

MOTION: Assemblymember Vehrs moved to have Ordinance Serial No. 06-147 only pertain to the core area of the Borough

(The regular meeting recess at 9:26 p.m. and reconvened at 9:30 p.m.)

RULING: Mayor Anderson ruled Assemblymember Vehrs motion out of order.

Mayor Anderson advised that if the motion were to pass it would leave the rest of the Borough, outside the core area, without a subdivision code.

MOTION: Assemblymember Vehrs moved a primary amendment to Ordinance Serial No. 06-147, to add the definition “rural” to read as follows: “Rural” means those portions of the Borough outside the core planning boundaries, which lie west and northwest of the westerly limits of Houston City limits, and west of that portion of the Little Susitna River that lies south of the Parks Highway, and those portions of the Borough lying east and north of King River, and those portions lying east of a line extending due south of the confluence of the King River and the Matanuska River.

Assemblymember Vehrs:

- stated that it is her understanding that the amendment will address everything Houston, north;
- queried the boundary on the Sutton side; and
- spoke regarding concerns for the rural portions of the Borough.

Assemblymember Colver:

- stated that the definition of “rural” has been a difficult task;
- noted that the boundaries may move when the population moves out; and
- spoke regarding the rural areas of the Borough.

Discussion ensued regarding the definition for “rural.”

MOTION: Assemblymember Vehrs moved to lay the definition for “rural” on the table.

VOTE: The motion to lay the primary amendment for the definition for “rural” on the table passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.05.005, Definition of Terms, “Block length,” to strike the phrase “right of way lines” and to insert the word “centerlines” to read as follows: “Block length” means the distance between intersections of through streets or other physical barriers to the continuity of development. Street intersections are measured between centerlines of the intersection streets. Block length is measured along the street from which the majority of lots gain their access.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.05.005, Definition of Terms, “Open space,” to strike the word “supply” and insert the word “quality” to read as follows: “Open space” means any land or area, the preservation of which in its present use would conserve scenic, cultural, or natural resources; protect water bodies or water quality, enhance neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or increase recreation opportunities.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Woods moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.05.005, Definition of Terms, "Useable Building Area," to strike the phrases "public use" and "and outside of minimum useable septic area and easements prohibiting building," and to insert the phrases "outside of minimum useable septic area and easements where building is prohibited, and", "setback from the following," and "for public use, section line easements" to read as follows: "Useable Building Area" means area outside of minimum useable septic area and easements where building is prohibited, and outside of setbacks from the following: rights-of-way, easements for public use, section line easements, water bodies, and lot lines.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Allen moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.05.005, Definition of Terms, "Useable Open Space Area," to strike the phrase "and has slopes of not more than 45 degrees" to read as follows: "Useable Open Space Area" means that area which has a seasonal high groundwater table no closer than two feet below the surface, and is outside of existing of proposed utility, slope, or public use easements and does not include any other existing or proposed easements that would normally disturb the natural vegetation state.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colberg moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.15.020(A), to insert the sentence "The conference shall be scheduled to take place within 21 days of the borough's acceptance of the pre-application fee" after the second sentence to read: Before submitting an application for platting authority approval, a subdivider shall attend a conference with the platting staff. The purpose of the conference is to inform the staff of the subdivider's development plans, and to inform the subdivider of the borough's development policies, public improvements, and platting procedures and requirements. The conference shall be scheduled to take place within 21 days of the borough's acceptance of the pre-application fee. The platting officer may waive a pre-application conference if the platting officer finds that it is not necessary to accomplish these purposes.

MOTION: Assemblymember Colver moved a secondary amendment to Ordinance Serial No. 06-147, to strike "21" and insert "14."

Assemblymember Colver:

- advised that the amendment of "21 days" for a pre-application conference was due to a public comment; and
- noted that the pre-application conference is the beginning of the process.

Assemblymember Kvalheim:

- spoke regarding the staff workload; and
- stated that 21 days is an acceptable timeframe.

Discussion ensued regarding the timeframe for the pre-application conference.

VOTE: The secondary amendment failed with Assemblymember Colver in favor.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Kvalheim moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.15.030(B)(3)(a), to insert the phrase “40 acre aliquot part parcels are not required to be surveyed and monumented” to read as follows: (a) aliquot part; 40 acre aliquot part parcels are not required to be surveyed and monumented.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Vehrs moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.15.010(B)(8), to strike the word “access” and to insert the word “easement” to read: (8) Utility easements shall be provided to all parcels created within the parent parcel.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.15.040(A)(14), to strike the phrase “proposed or recorded” to read as follows: (A)(14) dedicated rights-of-ways including trails and pedestrian walkways, patent reservations, road easements, section line easements, and other easements or reservations, public or private, within the proposed subdivision boundaries, showing location, dimensions and purposes. Within 100 feet of subdivision boundaries showing public use and other platted easements.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.15.040(B)(2), to strike all references to “36 months” and to insert in its place “48 months” to read as follows: (B)(2) Approval of preliminary plat expires 48 months after the date of written notice of platting authority action. The platting board has the authority to grant extensions of no more than 60 months from the original written approval date. The platting board may approve an extension only if it finds that the conditions supporting approval of the preliminary plat have not materially changed. The 48 month period shall begin on the date of the written notice of the platting action. An appeal from the decision of the platting authority regarding preliminary plat approval shall be made within 15 days of the written notice. The 48 month period shall be extended

until the appeal is resolved. A subdivider may proceed upon an expired preliminary plat only with a new application.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Woods moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.15.040(B)(3), to strike all references to “60 months” and insert in its place “72 months” to read as follows: (B)(3) Where a subdivider intends to develop a subdivision in phases, approval of the preliminary plat shall be conditioned upon the subdivider’s compliance with a phased development master plan, which shall include a general timeline for completion of phases, prepared by the subdivider and approved by the platting board. Approval of a maser plan for phased development expires 72 months after the date of the written notice of platting board action unless an extension is approved by the platting board in the same manner extensions of preliminary plats are approved under paragraph (B)(2). The platting board has the authority to grant extensions of no more than 120 months from the original written approval date. Filing an appeal shall extend the 72 month period until the appeal is resolved. A subdivider may proceed with an expired master plan for phase development only with a new application.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Allen moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.15.050(A)(6), to insert the phrase “by code” to read as follows: (A)(6) any additional information required by code by the platting or planning official.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colberg moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.15.050(B)(1), to strike the phrase “following information” and to insert the phrase “locations for any future wells that are part of the proposed community water system” in (B)(1), and to delete subparagraphs (B)(1)(a), (b), (c), (d), (e), (f), and (g) to read as follows: (B)(1) For subdivisions to be served by a community water system that is not connected to a public water system, the system must meet ADEC requirements, and the platting authority shall require the petitioner to provide the locations for any future wells that are part of the proposed community water system as part of the preliminary plat application.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Kvalheim moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.15.050(B)(2), Preliminary Plat Submittal, Water and Wastewater, to strike paragraph (B)(2) in its entirety and be relocated to subsection (E) of MSB 27.15.130, Final Plat.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Vehrs moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.15.050(C)(1), to strike the phrase “for subdivisions adjacent to or containing wetlands, water courses, water bodies, or slopes 40 percent and greater” and to insert the phrase” where subdivision construction activities are proposed within 200 feet of a slope of 70 percent or greater” to read as follows” (C)(1) For applications where subdivision construction activities are proposed within 200 feet of a slope of 70 percent or greater, a geotechnical report, prepared, stamped, signed, and dated by a professional civil engineer licensed in the State of Alaska shall be submitted. The geotechnical report shall include the following elements at a minimum:

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.15.050(C)(1)(a), to strike the phrase “and wetland buffers” to read as follows: (C)(1)(a) an accurate topographic map prepared, stamped, signed, and dated by a professional land surveyor containing, at a minimum, contour lines with five-foot intervals; the tops and toes of all slopes of at least 25 percent; the tops of banks for ravines; the ordinary high-water mark for all water courses and water bodies; all existing improvements; the edge of wetlands; and the property lines of the subject development.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.15.050(F), to insert the phrase “Within 10 business days of submittal” to read as follows: (F) Within 10 business days of submittal, the application shall be accepted, or rejected for failure to meet the requirements of subsections (A), (B), (C), (D), and (E). The rejection shall be in writing and shall state the deficient items. Once the deficiencies are corrected the application shall be accepted.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Woods moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.15.060(A), to strike the phrase “or the platting officer in the case of an abbreviated plat” to read as follows: (A) The director may approve an amendment or modification of the preliminary plat previously approved by the platting board subject to the following conditions:

Assemblymember Woods queried whether there would be public input for minor changes.

Mr. O’Brien spoke regarding the criteria in which the director can approve minor changes with public notice.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Allen moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.15.060(A)(4), to strike the phrase “dedicated or” and the phrase “or dedicated” to read as follows: (A)(4) proposed rights-of-way or proposed utility easements which are internal to a new subdivision may be moved up to 25 feet, if changes made are not detrimental to the public and meet Matanuska-Susitna Borough code.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colberg moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.15.060(A), to insert a new paragraph (5) to read as follows: (5) proposed utility easements which are internal to a new subdivision may be moved from one side of the right-of-way to the other, if changes made are not detrimental to the public and meet Matanuska-Susitna Borough code.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Kvalheim moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.15.080(A)(1)(a), to insert the sentence “If the proposed subdivision is outside of a road service area, the road, at a minimum shall comply with standards for public improvements relating to pioneer access as specified in the Subdivision Construction Manual” at the end of the sentence to read as follows: (a) the road complies with standards for public improvements relating to residential streets as specified in the Subdivision Construction Manual. If the proposed subdivision is outside of a road service area, the road, at a minimum shall comply with standards for public improvements relating to pioneer access as specified in the Subdivision Construction Manual

Assemblymember Allen queried the reason for the amendment.

Mr. O’Brien noted that this amendment is an attempt to address the rural issue.

Assemblymember Woods:

- spoke regarding concerns allowing a pioneer road inside a road service area; and
- noted that there is a large cost to bring these roads up to standards.

Discussion ensued regarding pioneer access roads.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Vehrs moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.15.050(B), to insert the language “Within 10 business days of submittal, the application shall be accepted, or rejected for failure to meet the requirements of subsections (1), (2), (3), and (4). The rejection shall be in writing and shall state the deficient items. Once the deficiencies are corrected, the

application shall be accepted and approved within 90 days of acceptance. A complete application” after the first sentence to read as follows: (B) All waiver subdivision requests shall be submitted to the platting office for approval. Within 10 business days of submittal, the application shall be accepted, or rejected for failure to meet the requirements of subsections (1), (2), (3), and (4). The rejection shall be in writing and shall state the deficient items. Once the deficiencies are corrected, the application shall be accepted and approved within 90 days of acceptance. A complete application shall be accompanied by:

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.15.050, to insert a subsection (C) to read as follows: (C) Public notice of waiver subdivisions shall follow the procedures of 27.10.070 pertaining to actions requiring a public hearing. A public hearing is not required for waiver subdivisions.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.15.090(B), to strike “60 days” and insert in its place “30 days,” and to insert the sentence “Public notice of abbreviated plats shall follow the procedures of 27.10.070 pertaining to actions requiring a public hearing” to read as follows: (B) In acting on an application under this section, the platting officer shall use the standards and process used by the platting board under MSB 27.10.065. The platting officer shall approve or disapprove the plat within 30 days of the acceptance of the application. Public notice of abbreviated plats shall follow the procedures of 27.10.070 pertaining to actions requiring a public hearing.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Woods moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.15.130(B), to strike “60 days” and to insert in its place “30 days,” and to insert the phrase “within 15 business days of submittal” at the end of the paragraph to read as follows: (B) Review of deficiencies. The platting officer shall review and check all final plats for deficiencies. Where deficiencies are found, the plat shall be returned to the subdivider for alteration or correction by the land surveyor responsible for the survey and the plat. The platting officer shall approve or disapprove the final plat within 30 days of submittal of the plat. If disapproved the final plat shall be returned to the subdivider with specification of the deficiencies within 15 business days of submittal.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Allen moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.15.130, to insert a new subsection (E) and to renumber all subsequent subsections accordingly to read as follows:

(E) Water and Wastewater.

(1) For a subdivision to be served by a community water system that is not connected to a public water system, the system must meet ADEC requirements, and the platting authority shall require the petitioner to provide the following information as part of the final plat application:

(a) A statement establishing responsibility for operation and maintenance of the water supply facilities in the proposed subdivision;

(b) Location of representative sampling sites for water sources within or adjoining the proposed subdivision;

(c) Results of all chemical and nitrates/nitrites testing of water sources which are proposed to be used for drinking water, as required by the ADEC;

(d) Evidence that the aquifer for the community water system for the entire subdivision will supply the volume and sustained flow rate necessary to serve the fully developed subdivision as per ADEC requirements;

(e) Results of interference tests required by other governing regulatory agencies shall be submitted.

(2) For subdivisions that are not to be served by a community water system, the petition must submit the following with the final plat:

(a) Location of sampling sites for water sources within or adjoining the proposed subdivision within a 300 foot radius, pursuant to the following table:

Subdivisions of 1-4 lots:	0 sampling sites
Subdivisions of 5-19 lots:	1 sampling sites
Subdivisions of 20-99 lots:	2 sampling sites
Subdivisions of 100-150 lots:	4 sampling sites
One additional sampling site for every 75 lots thereafter (or greater fraction thereof)	

(i) Results of a chemical and nitrates/nitrites test for each sampling site, using ADEC standards for Class A wells. The director shall require interference tests when available documented information shows that the average yield rate of wells within 300 feet of the proposed subdivision is less than five gallons per minute.

(b) If no water is encountered during sampling, there shall be an advisory note to that effect on the final subdivision plat.

MOTION: Assemblymember Colver moved a secondary amendment to Ordinance Serial No. 06-147, MSB 27.15.130(E)(1)(c), to insert the phrase “for the appropriate class of system” between the words “water” and “as” to read as follows:

(E)(1)(c) Results of all chemical and nitrates/nitrites testing of water sources which are proposed to be used for drinking water for the appropriate class of system, as required by the ADEC.

VOTE: The secondary amendment passed without objection.

MOTION: Assemblymember Colver moved a secondary amendment to Ordinance Serial No. 06-147, MSB 27.15.130(E)(2)(a)(i), to insert the phrase “serving more than 25 persons and Class C testing standards for those wells serving less than 25 persons” at the end of the first sentence to read as follows: (E)(2)(a)(i) Results of a chemical and nitrates/nitrites test for each sampling site, using ADEC standards for Class A wells serving more than 25 persons and Class C testing standards for those wells serving less than 25 persons. The director shall require interference tests when available documented information shows that the average yield rate of wells within 300 feet of the proposed subdivision is less than five galls per minute.

VOTE: The secondary amendment passed without objection

Assemblymember Colver:

- spoke regarding the number of sampling sites that are specified in the table; and
- queried the specification of 5 gallons a minute for the hydrology study.

Mr. O’Brien advised that the 5 gallons a minute is a standard from the Alaska Housing Finance Corporation.

Assemblymember Colver spoke regarding the costs of sampling sites.

MOTION: Assemblymember Colver moved a secondary amendment to Ordinance Serial No. 06-147, MSB 27.15.130(E)(2)(a)(i), to strike “five” and insert “three” between the words “than” and “gallons” to read as follows: (E)(2)(a)(i) Results of a chemical and nitrates/nitrites test for each sampling site, using ADEC standards for Class A wells serving more than 25 persons and Class C testing standards for those wells serving less than 25 persons. The director shall require interference tests when available documented information shows that the average yield rate of wells within 300 feet of the proposed subdivision is less than three galls per minute.

Assemblymember Allen;

- stated that the secondary market for home financing is Alaska Housing Finance Corporation; and
- queried the reason that the Borough would lower the standard.

Assemblymember Colver:

- spoke regarding the costs for sampling sites; and
- stated that if you pump three gallons per minute and it is not adequate you can still get water by putting in a storage tank.

Discussion ensued regarding yield rate of wells.

VOTE: The secondary amendment failed with Assemblymember Colver in favor.

MOTION: Assemblymember Colver moved secondary amendment to Ordinance Serial No. 06-147, MSB 27.15.130(E)(2)(a), in the table, to strike “Subdivisions of 1-4 lots” and insert in its place “Subdivisions 1-10 lots,” to strike “Subdivisions of 5-19 lots” and insert in its place “Subdivisions of 11-30 lots,” and to strike “Subdivisions of 20-99 lots” and insert in its place Subdivisions of 30-99 lots” to read as follows:

Subdivisions of 1-10 lots:	0 sampling sites
Subdivisions of 11-30 lots:	1 sampling sites
Subdivisions of 30-99 lots:	2 sampling sites
Subdivisions of 100-150 lots:	4 sampling sites
One additional sampling site for every 75 lots thereafter (or greater fraction thereof)	

Assemblymember Colver:

- spoke regarding the cost of drilling the wells to provide the data; and
- noted that adjoining lot data cannot be used.

Assemblymember Colberg:

- stated that the cost benefit is that you are avoiding developing subdivisions without adequate water; and
- noted that the table is appropriate if you are trying to figure out if there are problems.

Discussion ensued regarding the number of sampling sites in subdivisions.

VOTE: The secondary amendment failed with Assemblymembers Woods and Colver in favor.

MOTION: Assemblymember Colver moved to extend the meeting past 11 p.m., but no later than 12 midnight.

VOTE: The motion passed without objection.

VOTE: The primary amendment passed as amended without objection.

Mayor Anderson advised that he would schedule a special meeting for September 11, 2006, to continue the discussion regarding Ordinance Serial No. 06-147.

(Assemblymember Allen exited the meeting at this time.)

MOTION: Assemblymember Kvalheim moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.15.140(Z), to strike the current subsection (Z) in its entirety and insert in its place the following: (Z) Should any platting board-required septic system leach field separation distance extend onto an adjacent property, a letter of non-objection shall be required from that property owner.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Vehrs moved a primary amendment to Ordinance Serial No. 06-147, Chapter Index, to strike MSB 27.20.015, Reduction of Waiver Road Construction in its entirety.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.20.030(B)(2), to strike sentence (c) in its entirety and to renumber all subsequent sentences accordingly.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.20.030(B)(3), to insert the phrase “or via trail access where it is shown that a legal right-of-way exists in which it is feasible to construct a borough standard road” at the end of the sentence to read as follows: (B)(3) Subdivisions that cannot comply with the legal access requirements of MSB 27.20.035 shall only be allowed where each proposed parcel can be directly accessed by a navigable water body, a public airport, or a railroad access point that provides service to the public, and where each lot, tract, or parcel created abuts that access to the subdivision, or via trail access where it is shown that a legal right-of-way exists in which it is feasible to construct a borough standard road.

MOTION: Assemblymember Colver moved a secondary amendment to Ordinance Serial No. 06-147, MSB 27.20.030(B)(3), to insert the phrase “or is dedicated” in between the words “exists” and “in” to read as follows: (B)(3) Subdivisions that cannot comply with the legal access requirements of MSB 27.20.035 shall only be allowed where each proposed parcel can be directly accessed by a navigable water body, a public airport, or a railroad access point that provides service to the public, and where each lot, tract, or parcel created abuts that access to the subdivision, or via trail access where it is shown that a legal right-of-way exists or is dedicated in which it is feasible to construct a borough standard road.

VOTE: The secondary amendment passed without objection.

MOTION: Assemblymember Bettine moved a secondary amendment to Ordinance Serial No. 06-147, MSB 27.20.030(B)(3), to insert the phrase “float plane access” in between the words “body” and “a” to read as follows: (B)(3) Subdivisions that cannot comply with the legal access requirements of MSB 27.20.035 shall only be allowed where each proposed parcel can be directly accessed by a navigable water body, float plane access, a public airport, or a railroad access point that provides service to the public, and where each lot, tract, or parcel created abuts that access to the subdivision, or via trail access where it is shown that a legal right-of-way exists or is dedicated in which it is feasible to construct a borough standard road.

VOTE: The secondary amendment passed without objection.

MOTION: Assemblymember Colver moved a secondary amendment to Ordinance Serial No. 06-147, MSB 27.20.030(B)(3), to add a subparagraph (A) to read as follows: (a) the platting board may reduce road construction standards above where due to topographical constraints construction of a standard road is not feasible or practical.

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment passed as amended without objection.

MOTION: Assemblymember Woods moved a primary amendment to Ordinance Serial No. 06-147, MSB 27.20.060(A)(1), to strike the reference to paragraph (5), to strike the phrase “total useable area” and insert in its place “the total of useable building area and useable septic area, and to insert the phrase “surrounded by a well exclusion area extending 150 feet from the perimeter” between the words “area” and “delineated” to read as follows: (A)(1) Except as allowed under paragraphs (2), (3), and (4) of this subsection, all lots within this district shall contain at least 40,000 square feet of area with at least 10,000 square feet of useable building area and 10,000 square feet of contiguous useable septic area. Lots having 20,000 square feet or less of the total of useable building area and useable septic area shall have 10,000 square feet of contiguous useable septic area surrounded by a well exclusion area extending 150 feet from the perimeter, delineated and reserved on the plat.

Assemblymember Colver queried the language of “contiguous useable septic” area.

Mr. Hulbert stated that it all has to be in one area.

- Assemblymember Colver spoke regarding contiguous being to restrictive.

Mr. Hulbert spoke regarding useable area criteria.

Discussion ensued regarding contiguous useable septic area.

MOTION: Assemblymember Colver moved a secondary amendment to Ordinance Serial No. 06-147, MSB 27.20.060(A)(1), to strike the phrase “surrounded by a well exclusion are extending 150 feet from the perimeter” and insert in its place “identified and submitted on a separate non-recorded drawing” to read as follows: (A)(1) Except as allowed under paragraphs (2), (3), and (4) of this subsection, all lots within this district shall contain at least 40,000 square feet of area with at least 10,000 square feet of useable building area and 10,000 square feet of contiguous useable septic area. Lots having 20,000 square feet or less of the total of useable building area and useable septic area shall have 10,000 square feet of contiguous useable septic area identified and submitted on a separate non-recorded drawing, delineated and reserved on the plat.

Assemblymember Colver:

- spoke regarding concerns with encroachments on plats; and
- stated that these items do not belong on a recorded plat.

Mr. Hulbert:

- spoke regarding useable area criteria changes; and
- stated that if a lot has less than 20,000 square feet of useable building and septic area, then the useable septic area has to be delineated.

Discussion ensued regarding contiguous useable septic area.

MOTION: Assemblymember Colver moved to postpone Ordinance Serial No. 06-147 to a time certain of September 11, 2006.

VOTE: The motion to postpone Ordinance Serial No. 06-147 to a time certain of September 11, 2006, passed without objection.

X. RECONSIDERATION

(There were no reconsiderations presented.)

XI. VETO

(There were no vetoes presented.)

XII. EXECUTIVE SESSION

(There was no executive session held.)

XIII. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Kvalheim:

- spoke regarding a donation that was made to the Animal Shelter by some children who were selling cookies; and
- requested that the Borough recognize these children.

Assemblymember Bettine:

- noted her appreciation for the work that has been done on Ordinance Serial No. 06-147; and
- suggested that assembly members have individual conversations with staff regarding the “rural” definition.

Assemblymember Vehrs reiterated the need for a rural definition in Title 27.

Assemblymember Colver:

- noted that the changes to the subdivision code has been a difficult process; and
- spoke to the need that the subdivision code be a workable document.

Mayor Anderson:

- spoke regarding the Keel Laying Ceremony; and
- queried the status of the best value contract criteria legislation.

Mr. Duffy advised that he would have to check the status of the legislation with the Purchasing Officer.

XIV. ADJOURNMENT

The regular meeting adjourned at 11:40 p.m.

/ S /

CURTIS D. MENARD, Borough Mayor

ATTEST:

/ S /

MICHELLE M. MCGEHEE, CMC, Borough Clerk

Minutes approved: 10/17/06