

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on September 7, 2004, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Timothy L. Anderson.

II. ROLL CALL

Assembly members present and establishing a quorum were:

Mr. J. Bruce Bush, Assembly District No. 1
Mr. Bill Allen, Assembly District No. 2
Mr. Talis J. Colberg, Assembly District No. 3
Ms. Mary Kvalheim, Assembly District No. 4
Ms. Jody Simpson, Assembly District No. 5
Mr. Jim Colver, Assembly District No. 6
Ms. Betty Vehrs, Assembly District No. 7

Staff in attendance were:

Ms. Michelle M. McGehee, CMC, Borough Clerk
Ms. Janice A. Case, Deputy Borough Clerk
Ms. Tammy Clayton, Acting Borough Manager
Ms. Teresa S. Williams, Borough Attorney
Mr. Don Shiesl, Public Works Director
Mr. Dennis Brodigan, Emergency Services Director
Mr. Ron Swanson, Community Development Director
Mr. Murph O'Brian, Acting Planning and Land Use Director

III. APPROVAL OF AGENDA

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

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by School Board President Mike Chmielewski.

V. MINUTES OF PRECEDING MEETINGS

A. Special Assembly Meeting: 08/10/04

Mayor Anderson inquired if there were any corrections to the special meeting minutes of August 10, 2004.

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

B. Regular Assembly Meeting: 08/17/04

Mayor Anderson inquired if there were any corrections to the regular meeting minutes of August 17, 2004.

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Report from cities
2. Matanuska-Susitna Borough School District

School Board President Chmielewski:

- noted that today was the first day of school;
- stated that 14,393 student are projected to enroll in the Matanuska-Susitna Borough School District this year;
- commented that the School District expects to exceed the number projected;
- stated that Rita Davis was awarded the Matanuska-Susitna Borough Teacher of the Year Award;
- noted that Ms. Davis is one of five finalists for the Alaska Teacher of the Year Award;
- advised that the next School Board meeting is scheduled for September 8, 2004, at 6 p.m.;
- noted that the School Board recently held a work session to perform their annual self-evaluation;
- stated that the results of the self-evaluation will be discussed on September 22, 2004;
- advised that the School District has issued a request for proposals for a comprehensive management audit;
- noted that the School Board will discuss the audit with the Assembly at the next joint Assembly/School Board Meeting on September 14, 2004;
- reviewed three of the School Board's goals for the 2004-2005 year, (1) prioritize the district resources to increase the progress of all students for achieving state standards, (2) support highly qualified work force and comprehensive staff development plan, and (3) provide facilities that are safe and provide use for education in the community;
- discussed the No Child Left Behind Act; and
- noted that an executive summary of the survey that was taken on public attitude towards public schools is located on www.pdkintl.org.

Assemblymember Simpson inquired if the self-assessment was of the School Board or the School District.

School Board President Chmielewski replied that it was a self-assessment of the School Board and explained the self-assessment.

Mayor Anderson inquired regarding the number of projected students.

School Board President Chmielewski stated that the School District will be able to give a better estimate next week at the joint Assembly/School Board meeting.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Colver advised that the next scheduled meeting will be on September 13, 2004.

2. Regional Transportation Planning Organization

Mayor Anderson:

- reported that the next meeting will be held on September 27, 2004, here in the Valley;
- stated that they discussed the commuter rail;
- noted that a workshop has been scheduled to continue discussion on the commuter rail; and
- commented that they received an updated from the Knik Arm Bridge and Toll Authority.

C. MANAGER COMMENTS.

1. State/Federal Legislation

Ms. Clayton:

- reported that the Borough float prepared in recognition of the Borough's 40th Anniversary won three first place ribbons;
- noted that Senator Stevens has provided the Borough with funding to determine the feasibility of developing an agricultural processing plant and food product development center;
- stated that the proposals for the engineering and design of the proposed natural gas pipeline to connect the existing Enstar line to Port MacKenzie is now out to bid;
- provided a status report on the construction of the deep draft dock at Port MacKenzie;
- noted that the Borough has obtained an agreement from the Alaska Railroad, the Port of Anchorage, and the Municipality of Anchorage to locate the ferry landing near the Anchorage small boat launch site;
- stated that the Borough has received notice from the National Park Service of a request for public comments for the fire management plan for Denali National Park and Preserve; and
- noted that the new address for the federal lobbyist has been included in the Manager's report.

Ms. Melanie Trost gave a presentation on the agricultural processing center.

D. ATTORNEY COMMENTS

Ms. Williams:

- referred to the summary on the latest junk and trash cases; and
- provided an update on the Valley Board of Realtors case regarding the real estate transfer fee.

Assemblymember Colver inquired as to who makes the decision to appeal the Board of Adjustment and Appeals cases to the Superior Court, specifically in regard to the Kalmbach Lake South Master Plan.

Ms. Williams stated that the Attorney's Office, the Manager, and staff from the Planning Department made the decision to appeal the Kalmbach case to the Superior Court.

Discussion ensued regarding the Board of Adjustment and Appeals cases filed with the Superior Court.

(The regular meeting recessed at 6:55 p.m. and reconvened at 7:15 p.m.)

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

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

1. Jessie Watts Re: Land Titles

(Mr. Watts was not present.)

B. PUBLIC HEARINGS (Three minutes per person.)

1. Ordinance Serial No. 04-133: AN ORDINANCE CREATING HORSESHOE/BOTTLE LAKE AREA NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 366, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.
 - a. IM No. 04-192

CONFLICT OF INTEREST: Assemblymember Allen declared a conflict of interest.

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

(Assemblymember Allen exited the meeting at this time.)

Ms. Clayton recommended approval of Ordinance Serial No. 04-133, as it meets the requirements of code.

Mayor Anderson opened the public hearing.

The following person discussed legal access to his property located within the Horseshoe/Bottle Lake area: Mr. Chuck Felzien.

The following person spoke in support of Ordinance Serial No. 04-133: Mr. Bob Pate.

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

MOTION: Assemblymember Simpson moved to adopt Ordinance Serial No. 04-133.

Assemblymember Vehrs directed staff to look into the legal access of Mr. Felzien's property.

Assemblymember Simpson spoke in opposition to the natural gas local improvement district process.

VOTE: The motion passed with Assemblymember Simpson in opposition.

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

2. Ordinance Serial No. 04-134: AN ORDINANCE CREATING PINE STREET/COTTONWOOD SHORES ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 401, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.
 - a. IM No. 04-198

Ms. Clayton recommended approval of Ordinance Serial No. 04-134, as it meets the requirements of code.

Mayor Anderson opened the public hearing.

The following person spoke in support of Ordinance Serial No. 04-134: Mr. Richard Becker and Mr. Jeff Dobson.

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

MOTION: Assemblymember Colberg moved to adopt Ordinance Serial No. 04-134.

VOTE: The motion passed without objection.

3. Ordinance Serial No. 04-135: AN ORDINANCE CREATING LOVER'S LANE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 402, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.
 - a. IM No. 04-199

Ms. Clayton recommended denial of Ordinance Serial No. 04-135, as it did not meet the requirements of code.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 04-135.

VOTE: The motion failed unanimously.

4. Ordinance Serial No. 04-137: AN ORDINANCE CREATING BRUNS AND JOE'S DRIVES AND TIM AVENUE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 394, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.
 - a. IM No. 04-202

Ms. Clayton recommended denial of Ordinance Serial No. 04-137, as it did not meet the requirements of code.

Mayor Anderson opened the public hearing.

The following person spoke in opposition of Ordinance Serial No. 04-137, as proposed, and asked that seven additional lots be included: Ms. Phyllis Linnean.

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

MOTION: Assemblymember Vehrs moved to adopt Ordinance Serial No. 04-137.

Assemblymember Colver stated that some modifications are needed for the local improvement district process.

Assemblymember Vehrs agreed that some revisions need to be made to the local improvement district process.

VOTE: The motion failed unanimously.

5. Ordinance Serial No. 04-138: AN ORDINANCE CREATING BLONDELL DRIVE AND TREVETT AVENUE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 399, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.
 - a. IM No. 04-207

Ms. Clayton recommended denial of Ordinance Serial No. 04-138, as it did not meet the requirements of code.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Vehrs moved to adopt Ordinance Serial No. 04-138.

VOTE: The motion failed unanimously.

6. Ordinance Serial No. 04-158: AN ORDINANCE REAPPROPRIATING \$24,322 FROM THE FY05 PLANNING DEPARTMENT'S OPERATING BUDGET (100-130-133-411-200) TO FUND 480, PROJECT NO. 45124, TO CONTINUE PHASE II OF THE ASSESSMENT AND AUDIT OF THE BOROUGHWIDE RECORDS MANAGEMENT PRACTICES IN THE PLANNING DEPARTMENT.
 - a. Resolution Serial No. 04-127: A RESOLUTION APPROVING THE REVISED SCOPE OF WORK AND BUDGET FOR THE INVENTORY AND PURGE OF RECORDS THAT HAVE MET THE REQUIREMENTS OF THE RETENTION SCHEDULE.
 - (1) IM No. 04-125

Ms. McGehee reported that this legislation will continue the work in the Planning Department for the purging and inventory of records.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 04-158 and Resolution Serial No. 04-127.

VOTE: The motion passed without objection.

7. Ordinance Serial No. 04-159: AN ORDINANCE RECLASSIFYING BOROUGH-OWNED LAND DESCRIBED AS GOVERNMENT LOT 1, SECTION 8, TOWNSHIP 18 NORTH, RANGE 3 EAST, SEWARD MERIDIAN, ALASKA, LOCATED AT THE NORTHEAST END OF WOLVERINE LAKE, AS PUBLIC RECREATION LANDS.
 - a. IM No. 04-225

Mr. Swanson provided a staff report.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Bush moved to adopt Ordinance Serial No. 04-159.

VOTE: The motion passed without objection.

8. Ordinance Serial No. 04-160: AN ORDINANCE AMENDING MSB 23, TO CREATE THE ABILITY TO CONVEY LAND TO OTHER GOVERNMENT ENTITIES TO BE USED FOR PUBLIC PURPOSES AND TO CORRECT A TYPOGRAPHICAL ERROR.
 - a. IM No. 04-234

Mr. Swanson provided a staff report.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 04-160.

VOTE: The motion passed without objection.

9. Ordinance Serial No. 04-161: AN ORDINANCE AMENDING REFERENCES TO "DAYS" WITHIN MSB 15.39, BOARD OF ADJUSTMENT AND APPEALS.
 - a. IM No. 04-236

Ms. McGehee provided a staff report.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 04-161.

VOTE: The motion passed without objection.

10. Ordinance Serial No. 04-162: AN ORDINANCE CLASSIFYING AS INDUSTRIAL LANDS/WATERSHED LANDS AND APPROVING FOR SALE TO MATANUSKA ELECTRIC ASSOCIATION THROUGH THE APPLICATION PROCESS APPROXIMATELY 120 ACRES NEAR HOLLYWOOD ROAD TO EXPAND THE CURRENT GENERATION SITE.
 - a. IM No. 04-238

Mr. Swanson provided a staff report.

Mayor Anderson opened the public hearing.

The following person spoke in support of Ordinance Serial No. 04-162 and defined a generation station: Mr. James Walker, Matanuska Electric Association (MEA) Regulatory Affairs Manager.

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

MOTION: Assemblymember Simpson moved to adopt Ordinance Serial No. 04-162.

Assemblymember Colver stated that he would like to see a wetlands plan and a plan of operation for the generation site before the legislation is adopted.

MOTION: Assemblymember Colver moved to postpone Ordinance Serial No. 04-162 to the December 7, 2004, regular Assembly meeting.

Assemblymember Simpson:

- noted that this item has been out for public comment for several months; and
- inquired as to how postponing the legislation would affect MEA's timeline.

Mr. Walker:

- stated that the timeframe is based on MEA's own interest;
- noted that Chugach Electric is estimating that they will need to add the generation site between 2008 and 2014; and
- commented that they will be discussing the plans with Chugach Electric.

Assemblymember Simpson noted that there were no objections to the land sale when it went out for review and public comment.

Assemblymember Colberg spoke in opposition of postponing the legislation.

Discussion ensued regarding postponing the legislation.

VOTE: The motion to postpone failed with Assemblymembers Kvalheim, Colver, and Vehrs in support.

Assemblymember Simpson inquired if the watershed plan would be brought back before the Assembly.

Mr. Swanson affirmed that the watershed plan would be brought back before the Assembly.

Discussion ensued regarding the watershed plan.

VOTE: The main motion passed without objection.

11. Ordinance Serial No. 04-163: AN ORDINANCE CLASSIFYING SIX PARCELS OF BOROUGH-OWNED LAND IN THE TRAPPER LAKE, WILLOW, GOOSE CREEK, AND PALMER AREAS.
 - a. IM No. 04-239

Mr. Swanson provided a staff report.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Vehrs moved to adopt Ordinance Serial No. 04-163.

VOTE: The motion passed without objection.

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

Ms. Clayton provided a staff report.

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Bush moved to adopt Ordinance Serial No. 04-164.

VOTE: The motion passed without objection.

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

Mayor Anderson opened the public hearing.

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

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 04-165 and Resolution Serial No. 04-128.

VOTE: The motion passed without objection.

14. Resolution Serial No. 04-129: A RESOLUTION AMENDING THE SCHEDULE OF FEES FOR THE PROCESSING AND ISSUANCE OF PERMIT APPLICATIONS WITHIN THE PUBLIC WORKS DEPARTMENT.
 - a. IM No. 04-180

Mr. Shiesl provided a staff report.

Mayor Anderson opened the public hearing.

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

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

MOTION: Assemblymember Colberg moved a primary amendment to strike "\$50" for the "prior to construction fee" for driveway permits and to insert "\$25" and to strike "\$250" for the "after construction fee" for driveway permits and to insert "\$50".

Assemblymember Colberg spoke to the amendment.

VOTE: The primary amendment passed with Assemblymember Vehrs in opposition.

VOTE: The main motion as amended passed without objection.

MOTION: Assemblymember Simpson moved to reconsider Ordinance Serial No. 04-162.

VOTE: The motion to reconsider failed with Assemblymember Kvalheim in support.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke regarding property acquired for the Willow Fire Service Area, which was designated as general purpose, and recommended reclassifying the land as public safety: Ms. Pat Madigan, Willow FSA Board of Supervisors and Ms. Lori Wiertsema, Willow Fire Chief.

There being no others who wished to testify, Mayor Anderson closed audience participation.

(The regular meeting recessed at 8:50 and reconvened at 9:15 p.m.)

E. CLERK COMMENTS

Ms. McGehee:

- reviewed the Assembly meeting schedule for September and October;
- noted the upcoming election schedule;
- reported that the new election brochure will be mailed out next week;
- provided an update on the records management program;
- reviewed the current Board of Adjustment and Appeals cases; and
- referred to the attached Alaska Municipal League November conference information.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Board of Equalization: 07/21/04
- b. Greater Talkeetna Road Service Area No. 29 Board of Supervisors: 07/08/04, 08/12/04
- c. Local Road Service Area Advisory Board: 05/20/04
- d. Planning Commission: 08/02/04
- e. Port Commission: 05/17/04, 06/21/04
- f. Wasilla-Lakes Fire Service Area No. 130 Board of Supervisors: 06/14/04

2. Community Council Correspondence:

- a. Point MacKenzie Community Council: 07/26/04
- b. Willow Area Community Organization: 07/12/04

G. INFORMATIONAL MEMORANDUMS

1. IM No. 04-244: AN INFORMATIONAL MEMORANDUM REGARDING THE IMPLEMENTATION OF A MATANUSKA-SUSITNA BOROUGH "TRAIL CARE PROGRAM."

The informational memorandum was presented and no comments were noted.

VIII. UNFINISHED BUSINESS

(There was no unfinished business.)

IX. NEW BUSINESS

- A. INTRODUCTION (For public hearing - 09/21/04, 7 p.m., Borough Assembly Chambers)
 1. Ordinance Serial No. 04-166: AN ORDINANCE REPEALING THE LAND MANAGEMENT DIVISION POLICY AND PROCEDURE MANUAL, FEE SCHEDULE.
 - a. Resolution Serial No. 04-132: A RESOLUTION ESTABLISHING FEES FOR THE LAND AND RESOURCE MANAGEMENT DIVISION.
 - (1) IM No. 04-226
 2. Ordinance Serial No. 04-167: AN ORDINANCE APPROVING THE REQUEST OF THE MEADOW LAKES COMMUNITY COUNCIL AND BOROUGH DEPARTMENT OF PUBLIC WORKS CLASSIFYING THE NORTHEAST 1/4 SOUTHWEST 1/4, SECTION 2, TOWNSHIP 17 NORTH, RANGE 2 WEST, SEWARD MERIDIAN, ALASKA, AS RESERVED USE LAND, AND THE SOUTH 1/2, SOUTHWEST 1/4, NORTHWEST 1/4, SECTION 2, TOWNSHIP 17 NORTH, RANGE 2 WEST, SEWARD MERIDIAN, ALASKA, AS MATERIAL LAND AND RESERVED USE LAND, AND APPROVING THE SALE AT LESS THAN FAIR MARKET VALUE OF 40 ACRES TO THE MEADOW LAKES COMMUNITY COUNCIL, INC. LOCATED IN THE MEADOW LAKES AREA (MSB4050).
 - a. IM No. 04-243
 3. Ordinance Serial No. 04-168: AN ORDINANCE TO ACCEPTING AND APPROPRIATING \$100,000 FROM THE STATE OF ALASKA, SENATE BILL 283, FOR THE PALMER ACADEMY CHARTER SCHOOL SEWER PROJECT NO. 40159.
 - a. Resolution Serial No. 04-133: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 40159, PALMER ACADEMY CHARTER SCHOOL SEWER PROJECT AND AUTHORIZING THE MANAGER TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE CITY OF PALMER.
 - (1) IM No. 04-246
 4. Ordinance Serial No. 04-169: AN ORDINANCE ACCEPTING AND APPROPRIATING \$100,000 FROM THE DENALI COMMISSION TO FUND 480, PROJECT NO. 20333, FOR PHASE II OF THE NEEDS ASSESSMENT OF RURAL

HEALTHCARE SERVICES AND FACILITIES IN THE MATANUSKA-SUSITNA BOROUGH.

- a. Resolution Serial No. 04-134: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET AND AUTHORIZING THE EXTENSION OF THE MEMORANDUM OF AGREEMENT FOR PHASE II OF THE CONCEPTUAL PLANNING AND HEALTH CARE NEEDS ASSESSMENT PROJECT FOR THE RURAL MAT-SU HEALTHCARE PROVIDERS NETWORK.
 - (1) IM No. 04-247

5. Resolution Serial No. 04-135: A RESOLUTION APPROVING THE BOROUGH HAZARD MITIGATION PLAN.
 - a. IM No. 04-248

6. Ordinance Serial No. 04-170: AN ORDINANCE ACCEPTING AND APPROPRIATING \$18,000 FROM THE ALASKA STATE DIVISION OF EMERGENCY SERVICES FOR THE MATANUSKA-SUSITNA BOROUGH'S LOCAL EMERGENCY PLANNING COMMITTEE, FUND 480, PROJECT NO. 20259, FOR FISCAL YEAR 2005 OPERATIONS.
 - a. IM No. 04-249

7. Ordinance Serial No. 04-171: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$29,598 FEDERAL EMERGENCY MANAGEMENT AGENCY ASSISTANCE TO FIREFIGHTERS GRANT AND REQUESTING AN APPROPRIATION OF \$3,288 FROM THE BIG LAKE FIRE SERVICE AREA FUND BALANCE, FUND 256, TO PROJECT NO. 45141, FUND 405, FOR PERSONAL PROTECTIVE EQUIPMENT AND SUPPLIES.
 - a. Resolution Serial No. 04-136: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE FEDERAL EMERGENCY MANAGEMENT AGENCY ASSISTANCE TO FIREFIGHTERS GRANT FOR THE BIG LAKE FIRE SERVICE AREA, PROJECT NO. 45141, FUND 405, TO PURCHASE PERSONAL PROTECTIVE EQUIPMENT AND SUPPLIES.
 - (1) IM No. 04-250

8. Ordinance Serial No. 04-172: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$92,408 FEDERAL EMERGENCY MANAGEMENT AGENCY ASSISTANCE TO FIREFIGHTERS GRANT AND REQUESTING AN APPROPRIATION OF \$10,267 FROM THE SUTTON FIRE SERVICE AREA FUND BALANCE, FUND 253, TO PROJECT NO. 45093, FUND 405, FOR FIREFIGHTING AND PERSONAL PROTECTIVE EQUIPMENT AND SUPPLIES.
 - a. Resolution Serial No. 04-137: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE FEDERAL EMERGENCY MANAGEMENT AGENCY ASSISTANCE TO FIREFIGHTERS GRANT FOR THE SUTTON FIRE SERVICE AREA, PROJECT NO. 45093, FUND 405, TO PURCHASE FIREFIGHTING AND PERSONAL PROTECTIVE EQUIPMENT AND SUPPLIES.
 - (1) IM No. 04-251

9. Ordinance Serial No. 04-173: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$4,509.85 ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND REQUESTING AN APPROPRIATION OF \$4,509.85 FROM THE WILLOW FIRE SERVICE AREA FUND BALANCE, FUND 258, TO PROJECT NO. 20146, FUND 405, FOR FIRE, COMMUNICATION, AND PERSONAL PROTECTIVE EQUIPMENT AND SUPPLIES.
 - a. Resolution Serial No. 04-138: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND MATCHING FUNDS FOR WILLOW FIRE SERVICE AREA, PROJECT NO. 20146, FUND 405.
 - (1) IM No. 04-254

10. Ordinance Serial No. 04-174: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$4,937.50 ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND REQUESTING AN APPROPRIATION OF \$4,937.50 FROM THE BUTTE FIRE SERVICE AREA FUND BALANCE, FUND 251, TO PROJECT NO. 20144, FUND 405, FOR FIRE AND COMMUNICATION EQUIPMENT AND SUPPLIES.
 - a. Resolution Serial No. 04-139: 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. 04-255

11. Ordinance Serial No. 04-176: AN ORDINANCE AMENDING THE MATANUSKA-SUSITNA BOROUGH RECREATIONAL TRAILS PLAN, SPECIFICALLY TO RENAME THE "PIONEER RIDGE TRAIL" THE "AUSTIN HELMERS PIONEER RIDGE TRAIL."
 - a. IM No. 04-258

- B. INTRODUCTION (For public hearing - 09/21/04 at 7 p.m. and 09/23/04 at 6 p.m., Borough Assembly Chambers)
 1. Ordinance Serial No. 04-175: AN ORDINANCE CREATING MSB 17.62. ESTABLISHING AN AREAWIDE CONDITIONAL USE PERMIT FOR COAL BED METHANE EXPLORATION AND DEVELOPMENT.
 - a. IM No. 04-256

Ms. McGehee read the above legislation into the record.

MOTION: Assemblymember Colver moved to introduce the legislation as read into the record by the Clerk and set the public hearings for the September 21, 2004, and September 23, 2004, respectively.

MOTION: Assemblymember Bush moved to divide the question to address the introduction of Ordinance Serial No. 04-175 separately.

Assemblymember Colver spoke in opposition to dividing the question.

Assemblymember Colberg referred to the letter from the state of Alaska to the Borough to postpone the legislation.

VOTE: The motion to divide the question passed with Assemblymember Vehrs, Colver, and Kvalheim in opposition.

FIRST SEGMENT: To introduce the legislation as read into the record by the Clerk, with the exception of Ordinance Serial No. 04-175, and set the public hearing for September 21, 2004.

VOTE: The first segment, to introduce the legislation as read into the record by the Clerk, with the exception of Ordinance Serial No. 04-175, and set the public hearing for September 21, 2004, passed without objection.

SECOND SEGMENT: To introduce Ordinance Serial No. 04-175 as read into the record by the Clerk and set the public hearings for September 21, 2004, and September 23, 2004, respectively.

MOTION: Assemblymember Colberg moved to postpone the introduction of Ordinance Serial No. 04-175 to October 19, 2004, and set the public hearing for November 18, 2004.

Assemblymember Simpson spoke in support of postponing the legislation.

Assemblymember Kvalheim spoke in opposition to postponing the legislation.

Assemblymember Colver stated that the Assembly needed to move forward with adopting the legislation to protect the property owners.

Assemblymember Bush spoke in support of postponing the legislation.

Assemblymember Vehrs:

- stated that the Borough has been waiting for the State to take some action regarding coal bed methane; and
- noted that the citizen's of the Borough want the Assembly to take action now.

Mayor Anderson stated that he requested the additional public hearing in order to give the public ample opportunity to be heard.

Discussion ensued regarding postponing the legislation.

MOTION: Assemblymember Bush moved the previous question (two-thirds vote).

VOTE: The motion to stop debate failed with Assemblymembers Bush, Colberg, Simpson, and Vehrs in support.

VOTE: The motion to postpone failed with Assemblymembers Simpson, Colberg, and Bush in favor.

VOTE: The motion passed with Assemblymembers Colberg and Bush in opposition.

C. CONSENT AGENDA

1. RESOLUTIONS

2. ACTION MEMORANDUMS

- a. AM No. 04-165: TO VACATE IN ITS ENTIRETY SOUTH ROSALIE COURT FOR MARJORIE'S MANOR SUBDIVISION LOCATED IN SECTION 21, TOWNSHIP 17 NORTH, RANGE 3 WEST, LOCATED IN THE BIG LAKE COMMUNITY COUNCIL AREA.
- b. AM No. 04-169: APPROVAL OF A CHANGE ORDER TO COMMERCIAL CONTRACTORS, INC., IN THE AMOUNT OF \$28,355, FOR THE MATANUSKA-SUSITNA BOROUGH SCHOOL DISTRICT FLOOR REPLACEMENT, PROJECT NO. 40153.
- c. AM No. 04-170: APPROVAL OF ELECTION OFFICIALS FOR THE OCTOBER 5, 2004, REGULAR BOROUGH ELECTION.
- d. AM No. 04-171: AWARD OF BID NO. 05-030 TO SERVICE OIL AND GAS, IN THE AMOUNT OF \$18,747.36, FOR THE PURCHASE OF CORRUGATED CULVERTS FOR CARDIFF AND LUPINE LANE AREAS.
- e. AM No. 04-172: AWARD OF PROPOSAL NO. 05-015 TO AGNEW::BECK, IN THE AMOUNT OF \$85,070, FOR THE DEVELOPMENT OF THE TRAPPER CREEK COMPREHENSIVE PLAN.
- f. AM No. 04-173: AWARD OF PROPOSAL NO. 05-029 TO EDWARD J. PALMER AND ASSOCIATES, IN THE AMOUNT OF \$30,000, FOR SURVEY SERVICES ON CHICKALOON TRAIL ROAD.
- g. AM No. 04-175: AWARD OF BID NO. 05-035 TO NYE FRONTIER FORD, INC., IN THE AMOUNT OF \$55,804, FOR THE PURCHASE OF TWO EMERGENCY SERVICE VEHICLES FOR THE CENTRAL PUBLIC SAFETY BUILDING.

- h. AM No. 04-176: AWARD OF BID NO. 05-032 TO ZUMAR INDUSTRIES INC., IN THE AMOUNT OF \$104,688.60, FOR THE PURCHASE OF BOROUGHWIDE ROAD SIGN SUPPLIES.

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.

MOTION: Assemblymember Colver moved to reconsider the introduction of Ordinance Serial No. 04-175.

VOTE: The motion to reconsider failed with Assemblymembers Bush and Colberg in support.

D. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Anderson made the following recommendations:

Emergency Medical Services Board

Benjamin Simonds

Human Services Citizen Advisory Board

Katie Hurley

Pauline Richard

Caswell Lake RSA No. 15

Nancy Crowden

Mayor Anderson requested the following confirmations:

Human Services Citizen Advisory Committee

Nancy Bertels

Roy Michaelson

Marjorie Campbell

Jerry Troshynski

Joan Welch

Vern Rauchenstein

Caswell Lakes RSA No. 15

Resignation of Ron Wilson

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

VOTE: The motion passed without objection.

E. OTHER NEW BUSINESS

(There was no other new business.)

X. RECONSIDERATION

(There were no reconsiderations presented.)

XI. VETO

(There were no vetoes presented.)

XII. EXECUTIVE SESSION

(There was no executive session.)

XIII. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Bush:

- commented that he was disappointed that the coal bed methane legislation was not postponed; and
- stated that the state fair went well this year.

Assemblymember Simpson complimented the Land Management Department for bringing forward the trail maintenance program.

Assemblymember Allen:

- referred to the draft resolution for the economic policy council that he had distributed to the members of the Assembly;
- noted that he would be introducing the resolution at the next regular Assembly meeting; and
- complimented the staff on the Borough's parade float.

Assemblymember Colver asked the Clerk to add him as a sponsor on the Ordinance Serial No. 04-175.

Mayor Anderson:

- noted that the Ms. McGehee will be e-mailing the commuter rail workshop information to the Assembly;
- stated that he has scheduled several presentations throughout the Borough for the sales tax proposition; and
- stated that he attended the Y Community Council meeting last week and received a lot of good input from the community.

XIV. ADJOURNMENT

The regular meeting adjourned at 10:05 p.m.

/s/

TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:

/s/

MICHELLE M. MCGEHEE, CMC, Borough Clerk

Minutes approved: September 21, 2004