

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on December 2, 2008, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:02 p.m. by Mayor Curtis D. Menard.

II. ROLL CALL

Assembly members present and establishing a quorum were:

Mr. Pete Houston, Assembly District No. 2
Ms. Michelle R. Church, Assembly District No. 3
Mr. Mark Ewing, Assembly District No. 4
Ms. Cindy L. Bettine, Assembly District No. 5
Mr. Robert Wells, Assembly District No. 6
Mr. Tom Kluberton, Assembly District No. 7 (*arrived at 6:10 p.m.*)

Assembly members absent and excused were:

Ms. Lynne Woods, Assembly District No. 1

Staff in attendance were:

Ms. Lonnie R. McKechnie, Borough Clerk
Mr. John Duffy, Borough Manager
Ms. Elizabeth Gray, Assistant Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Cheryl D. Marino, Deputy Borough Clerk
Ms. Cheyenne Heindel, Financial Analyst
Mr. Keith Rountree, Public Works Director
Mr. Mark Mayo, Planning and Land Use Director
Ms. Patty Sullivan, Public Affairs Director
Mr. Dave Hanson, Economic Development Director
Ms. Linda Kelly, Real Property Analyst
Mr. Dan Keyes, Recreational Services Division Manager
Ms. Bea Adler, Safety Programs

III. APPROVAL OF AGENDA

Mayor Menard 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 Assemblymember Ewing.

V. MINUTES OF PRECEDING MEETINGS

A. Regular Assembly Meeting: 11/18/08

Mayor Menard inquired if there were any corrections to the regular meeting minutes of November 18, 2008.

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

(There was no report provided.)

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Wells:

- reported that the School District was 250 students over enrollment projections;
- stated that the School District hired eleven new teachers;
- spoke to the resolution that the School Board adopted regarding being included in the Commission on Salaries and Emoluments;
- noted that they have been meeting regarding the boundary changes;
- spoke to the elimination of the four mill consideration in the funding formula;
- spoke to the increase of literacy coaches;
- stated that the Susitna Valley High School negotiations with the insurance company will happen in January;
- noted that Ms. Clayton is hopeful that the school security bonds will sell by spring;
- reported that they talked briefly about where they are with the performance based budget; and
- noted that they will meet again on January 5, 2009.

Assemblymember Bettine queried if they discussed the proposed sidewalk and second entrance for the Susitna Valley High School.

Assemblymember Wells:

- stated that the sidewalk and second entrance were not specifically addressed; and
- noted that they had more of a general discussion regarding insurance issues.

(Assemblymember Kluberton arrived at 6:10 p.m.)

3. Assembly Public Relations

Assemblymember Bettine:

- stated that she met with the Homebuilders Government Affairs Committee regarding suggested changes to Title 17 on setbacks; and
- noted that the Title 17 suggestions will be forwarded to Mr. Spiropoulos.

B. MANAGER COMMENTS

1. State/Federal Legislation

Ms. Grey noted that Mr. Rountree was present to provide an update on Susitna Valley High School.

Mr. Rountree:

- reported that currently there is a \$5 million dollar settlement difference with the insurance company, which is up from the \$10 million dollar settlement difference two months ago;
- noted that the next meeting with the insurance company is in January; and
- spoke to the issues that will be discussed.

Assemblymember Bettine queried if an insurance settlement expert was hired.

Mr. Rountree:

- advised that the Borough does have an advocate, Mr. Mark Walters of Marsh USA Inc.; and
- reported that Mr. Walters has provided assistance with the insurance negotiations.

Ms. Heindel advised that Marsh USA Inc. is the Borough's insurance broker.

Discussion ensued regarding the insurance broker.

Mayor Menard queried the numbers involved in the \$5 million dollar settlement difference.

Mr. Rountree:

- advised that the Borough's cost will be \$17 million; and
- stated that the insurance company's settlement is \$5 million less.

Mayor Menard:

- queried if the insurance coverage only included the cost of the building; and
- asked if an escalation cost was included in the insurance.

Ms. Heindel advised that she would research the answer.

Assemblymember Bettine queried the total amount for the reconstruction.

Mr. Rountree:

- advised that the total reconstruction project cost for the new school is \$14 million;
- stated that the \$27 million dollar number came from the School District's cost estimate model, which included administration fees; and
- stated that the \$17 million is the cost to rebuild the school building, but it does not include the administration fees.

Discussion ensued regarding:

- the cost to rebuild the school building; and
- annual assessments of Borough buildings.

Ms. Gray:

- welcomed the new Animal Care and Regulation Chief, Mr. Bob Haskel;
- advised that the new Human Resources Manager, Mr. Robert McFerron will start Monday;
- stated that the State Legislative priorities will come forward to the Assembly at the December 16, 2008, regular meeting; and
- reported that they are beginning to work on an environmental impact statement for Hatcher Pass.

Assemblymember Church:

- queried the amendments to the land use permit regarding towers;
- noted that the amendments to the land use ordinance were to come forward in December;
- requested an update and clarification on the timelines of the tower and the flex zoning ordinances;
- asked for the expected completion dates and the assigned staff for all of the Planning projects; and
- requested a report on the Nelson Road Project.

Mr. Rountree advised that Mr. Klebesadel will report on the Nelson Road Project on December 9, 2008.

Assemblymember Church requested a formal investigation regarding the site selection for the South Palmer Elementary School.

Assemblymember Kluberton noted that the Assembly could direct the Manager to audit the site selection process including the financial portion of the South Palmer Elementary School site selection.

Assemblymember Church queried if an external audit would be performed.

Assemblymember Kluberton noted that he would like an external audit performed.

Assemblymember Church queried if Lounsbury and Associates Inc. had a design for the South Palmer Elementary School road.

Mr. Rountree:

- stated that there are three different options that they are looking at;
- noted that they have provided a more detailed cost estimates for all three options; and
- spoke to the different alignment proposed for Linlu Lane.

Discussion ensued regarding South Palmer Elementary School issues.

C. ATTORNEY COMMENTS

(There was no report provided.)

D. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule; and
- queried the Assembly regarding scheduling the semi-annual evaluation of the Attorney, Clerk, and Manager.

Assemblymember Bettine suggested the evaluations be scheduled for January 6, 2009.

Mr. Spiropoulos proposed that the evaluations be done jointly.

Assemblymember Ewing queried if evaluations are normally performed separately.

Mr. Spiropoulos:

- advised that evaluations are normally performed separately; and
- noted that the idea to perform semi-annual evaluations arose last year.

Discussion ensued regarding:

- the evaluations; and
- evaluation forms.

Assemblymember Kluberton advised that he will not be present for meetings December 10, 2008, to January 10, 2009.

Ms. McKechnie queried if the Assembly would like to schedule a joint evaluation for the Attorney, Clerk, and Manager on January 6, 2009, at 4:30 p.m.

There was no objection noted.

Ms. McKechnie queried the Assembly regarding removing the Power Plant Ordinance from the tracking report.

There was no objection noted.

Discussion ensued regarding the tracking report.

Assemblymember Ewing stated that he will not be present for Assembly meetings from December 8, 2008, through December 22, 2008.

E. CITIZEN AND OTHER CORRESPONDENCE

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

F. INFORMATIONAL MEMORANDUMS

(There were no informational memorandums presented.)

A. INTRODUCTION (For public hearing – 12/16/08, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 08-161: AN ORDINANCE ADOPTING MSB 17.20, KNIK SLED DOG AND RECREATION SPECIAL LAND USE DISTRICT, AND AMENDING MSB 17.125, DEFINITIONS. *(Approved by the Planning Commission)*
 - a. Ordinance Serial No. 08-161(SUB): AN ORDINANCE ADOPTING MSB 17.20 KNIK SLED DOG AND RECREATION SPECIAL LAND USE DISTRICT, AND AMENDING MSB 17.125, DEFINITIONS. *(Staff Recommended Version)*
 - (1) IM No. 08-196
2. Ordinance Serial No. 08-162: AN ORDINANCE AMENDING MSB 15.24.030, ADOPTING THE GLACIER VIEW COMPREHENSIVE PLAN 2008 UPDATE.
 - (1) IM No. 08-284

Ms. McKechnie read the above legislation into the record.

MOTION: Assemblymember Bettine moved to introduce the legislation as read into the record by the Clerk and set the public hearings for 12/16/08.

MOTION: Assemblymember Bettine moved to divide the question to take Ordinance Serial No. 08-161 and Ordinance Serial No. 08-161(SUB) separately.

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

MOTION: First segment. Assemblymember Bettine moved to introduce the legislation and set the Public Hearing for December 16, 2008.

VOTE: The motion passed without objection.

MOTION: Second segment. Assemblymember Bettine moved to introduce Ordinance Serial No. 08-161 and strike Ordinance Serial No. 08-161(SUB) and set the Public Hearing for December 16, 2008.

VOTE: The motion passed without objection.

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

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

B. PUBLIC HEARINGS (Three minutes per person.)

1. Ordinance Serial No. 08-152: AN ORDINANCE APPROVING VALLEY COMMUNITY FOR RECYCLING SOLUTIONS, INC., FOR A LONG-TERM MANAGEMENT AGREEMENT OF BOROUGH-OWNED REAL PROPERTY DESCRIBED AS LOT 1, TRI-CENTRAL SUBDIVISION, TO BE OPEN TO THE PUBLIC AND USED FOR THE PUBLIC PURPOSE OF A RECYCLING CENTER KNOWN AS THE REGIONAL RESOURCE RECOVERY AND TRAINING PARK, LOCATED IN THE GATEWAY COMMUNITY COUNCIL AREA (MSB003430).

a. IM No. 08-250

Ms. Kelly provided a staff report.

Mayor Menard opened the public hearing.

The following person thanked the Assembly for their support of the recycling center, and spoke in support of Ordinance Serial No. 08-152: Ms. Mollie Boyer.

Assemblymember Church queried when the recycling center would be built.

Ms. Boyer stated that they will begin moving forward with the construction after they receive the final piece of the funding from the United States Department of Commerce Economic Development Administration.

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

MOTION: Assemblymember Houston moved to adopt Ordinance Serial No. 08-152.

VOTE: The motion passed without objection.

2. Ordinance Serial No. 08-153: AN ORDINANCE AMENDING MSB 3.32, TRANSIENT ACCOMMODATIONS TAX TO AMEND SCOPE AND APPLICABILITY.

a. IM No. 08-252

Mr. Hanson provided a staff report.

Assemblymember Bettine queried if room rates and activities were included in the definition of “packages”.

Mr. Hanson:

- spoke to the Princess Tours packages that cover many nights of lodging, food, and several activities; and
- advised that Ordinance Serial No. 08-153 provides clarification for the public in that the tax affects more than hotels and motels.

Mayor Menard opened the public hearing.

The following person spoke in opposition of the changes of 30 to 60 days, and spoke to concerns regarding taxing campsites, recreational vehicle (RV) sites, and wall tents: Ms. Karen Harris, Alaska Garden Gate Bed and Breakfast, Mat-Su Convention and Visitors Bureau President.

The following person spoke regarding concerns with taxing campgrounds: Mr. Dan McDonough, Lifetime Adventures.

The following person spoke regarding concerns with taxing campsites and stated that the State is opposed to taxing in State parks: Mr. Wayne Biessel, Alaska State Park Superintendent.

The following person spoke to concerns regarding public relations and read a resolution from the Alaska Campground Association regarding their opposition to Ordinance Serial No. 08-153: Ms. Bonnie Quill, Mat-Su Convention and Visitors Bureau Executive Director.

Mr. Hanson:

- clarified that Ordinance Serial No. 08-153 includes RV's only and does not include tents; and
- advised that the content covers both private and public campgrounds.

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

(The meeting recessed at 8:04 p.m. and reconvened at 8:17 p.m.)

Mayor Menard advised that there has been a request to hear from Finance.

There was no objection noted.

Ms. Heindel:

- stated that the Borough currently has the right to review records, but not copy records;
- advised that legislation will be coming forward to enable the Borough to take copies and perform audits;
- noted that the Finance Department has one person to manage business licenses and bed tax;
- commented that the Assembly may have to look at hiring a new person to perform bed tax audits;
- stated that a number of outfitters and guides pay regular taxes to the Borough;
- noted that the enforcement is difficult when accommodation information is withheld;
- spoke to the memorandum regarding Finance issues with the tourism studies;

- stated that she believes that the Borough is picking up the bulk of the large accommodation businesses;
- noted the code similarities of the municipalities of Fairbanks and Anchorage; and
- stated that the Denali Borough annually chooses three business to audit.

Assemblymember Bettine queried the communications with the accommodation businesses and the results of the audit.

Ms. Heindel:

- advised that they first looked at the different accommodations within the study;
- stated that they sent out letters to anyone that had different information listed in the study than what the Borough had on file;
- explained that they have three force filers; and
- spoke to their options of requesting accommodations' records.

Assemblymember Wells queried the outcome of when trips are sold in Anchorage and they fly to the Borough for an overnight stay.

Ms. Heindel:

- advised that the Borough vendor would be responsible for reporting the revenue; and
- stated that she does not know if there is 100 percent business license compliance.

MOTION: Assemblymember Bettine moved to adopt Ordinance Serial No. 08-153.

Assemblymember Bettine:

- spoke in support of the definition of “overnight accommodations”;
- spoke to the 30 to 60 day amendment;
- noted that she has mixed feelings about the RV space;
- stated that tent camping is not included in the legislation;
- spoke to the world-wide popularity of wall tents;
- spoke to concerns with the lack of industry notification;
- reported on the history of the bed tax;
- spoke to the need to correct the discrepancies in the McDowell Group study.

Assemblymember Ewing:

- spoke to concerns regarding one entity of the tourism industry paying for the promotion of Borough tourism;
- stated that the enforcement relies on a trust-based system;
- opined that the 30 to 60 day amendment is appropriate;
- spoke in opposition of Ordinance Serial No. 08-153; and
- invited everyone to a presentation regarding an alternate method for raising funds to promote tourism, at the Valley Convention and Visitors Bureau, Friday, December 5, 2008, at 4 p.m.

MOTION: Assemblymember Wells moved a primary amendment to Ordinance Serial No. 08-153, MSB 3.32.010(A) “Overnight Accommodation”, by striking

“recreational vehicle (RV) ” to read as follows: “Overnight accommodation” or simply “accommodation” as used in this chapter means a hotel room or motel room, other similar structures, wall tent, bed and breakfast, or other form of overnight accommodation commercially provided alone or as part of a recreation, hunting, fishing, hiking, wilderness back country, or other form of tour package. These accommodations include overnight accommodations rented or offered for rent, for a term of less than 60 consecutive days for dwelling, lodging, or sleeping purposes, but excludes a structure or part of a structure rented or offered for rent solely in connection with a principal business or institutional purpose other than providing meals, lodging, entertainment, sightseeing, hunting, fishing, tour package, hiking, wilderness back country, or recreation; for example, a hospital or university dormitory.

Assemblymember Wells:

- spoke to the Resource Development Council’s annual meeting;
- stated that they looked at various sectors that are crucial to the Alaska economy;
- advised that the Northern Economics analysis indicated that the upcoming year is going to be particularly difficult for the tourism and mining industry; and
- spoke to the continued decline of border crossings in recent years.

Assemblymember Kluberton:

- spoke to the accounting issues with segregating RV’s from tent space;
- noted the difficulty with differentiating between RV and tent space;
- spoke in support of the primary amendment;
- noted his support for strict policy of retention in the Borough;
- spoke to concerns regarding a small set of overnight providers carrying the weight; and
- spoke in favor of the user fee.

Assemblymember Houston:

- stated his support of everyone paying an equal part; and
- spoke in opposition of the primary amendment.

VOTE: The primary amendment passed with Assemblymembers Houston and Ewing opposed.

VOTE: The main motion passed as amended with Assemblymember Ewing opposed.

3. Ordinance Serial No. 08-154: AN ORDINANCE ACCEPTING AND APPROPRIATING \$5,000 FROM THE ALASKA STATE DEPARTMENT OF EDUCATION TO FUND 480, PROJECT NO. 20364, FOR CONTINUING EDUCATION GRANTS AT THE BIG LAKE, SUTTON, TALKEETNA, TRAPPER CREEK, AND WILLOW PUBLIC LIBRARIES.
 - a. Resolution Serial No. 08-132: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR CONTINUING EDUCATION GRANTS FOR THE BIG

LAKE, SUTTON, TALKEETNA, TRAPPER CREEK, AND WILLOW PUBLIC LIBRARIES.

(1) IM No. 08-262

Mr. Keyes provided a staff report.

Mayor Menard opened the public hearing.

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

MOTION: Assemblymember Kluberton moved to adopt Ordinance Serial No. 08-154 and Resolution Serial No. 08-132.

VOTE: The motion passed without objection.

4. Ordinance Serial No. 08-155: AN ORDINANCE ACCEPTING AND APPROPRIATING \$45,000 FROM THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT GRANT PROGRAM, TO FUND 425, PROJECT NO. 45158, FOR EMERGENCY PLANNING AND EXERCISE EXPENSES.

a. Resolution Serial No. 08-133: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, PROJECT NO. 45158, FUND 425, FOR EMERGENCY PLANNING AND EXERCISE EXPENSES.

(1) IM No. 08-266

Ms. Adler provided a staff report.

Mayor Menard opened the public hearing.

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

MOTION: Assemblymember Bettine moved to adopt Ordinance Serial No. 08-155 and Resolution Serial No. 08-133.

VOTE: The motion passed without objection.

5. Ordinance Serial No. 08-156: AN ORDINANCE ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF \$25,000 FROM THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, TO FUND 480, PROJECT NO. 45126, TO ALLOW FOR THE CONTINUATION OF THE CITIZEN CORPS PROGRAM.

a. Resolution Serial No. 08-134: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF HOMELAND

SECURITY AND EMERGENCY MANAGEMENT, FUND 480, PROJECT NO. 45126,
TO EMPLOY A CITIZEN CORPS COORDINATOR, PURCHASE OF EQUIPMENT
AND SUPPLIES, PLANNING, AND TRAINING AND EXERCISES.

(1) IM No. 08-267

Ms. Adler provided a staff report.

Mayor Menard opened the public hearing.

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

MOTION: Assemblymember Bettine moved to adopt Ordinance Serial No. 08-156 and Resolution Serial No. 08-134.

Assemblymember Ewing:

- commended Ms. Adler on her work; and
- expressed his support for the amount of funds allocated to the program.

VOTE: The motion passed without objection.

6. Ordinance Serial No. 08-157: AN ORDINANCE ACCEPTING AND APPROPRIATING \$12,858.13 FROM THE MATANUSKA TELEPHONE ASSOCIATION TO FUND 440, PROJECT NO. 20323, FOR UPGRADING AND ENHANCING THE TELECOMMUNICATIONS AND INFORMATION SERVICES WITHIN THE MATANUSKA-SUSITNA LIBRARY NETWORK.

a. IM No. 08-270

Mr. Keyes provided a staff report.

Mayor Menard opened the public hearing.

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

MOTION: Assemblymember Ewing moved to adopt Ordinance Serial No. 08-157.

VOTE: The motion passed without objection.

7. Ordinance Serial No. 08-158: AN ORDINANCE ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF \$20,000 FROM THE ALASKA ENERGY AUTHORITY TO FUND 400, PROJECT NO. 40169, FOR THE SU-VALLEY WOOD BOILER ASSESSMENT.

a. Resolution Serial No. 08-135: A RESOLUTION APPROVING THE SCOPE OF

WORK AND BUDGET FOR THE SU-VALLEY WOOD BOILER ASSESSMENT,
FUND 400, PROJECT NO. 40169.

(1) IM No. 08-274

Mr. Rountree provided a staff report.

Assemblymember Kluberton:

- queried the swimming pool; and
- asked what firms were interested in providing the wood.

Mr. Rountree advised that he does not know of any firms that have shown interest in providing the wood.

Discussion ensued regarding:

- the swimming pool;
- firms interested in providing wood; and
- insurance coverage.

Mayor Menard opened the public hearing.

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

MOTION: Assemblymember Kluberton moved to adopt Ordinance Serial No. 08-158 and Resolution Serial No. 08-135.

Assemblymember Kluberton:

- spoke to the second phase of the cost benefit analysis;
- noted that the numbers look good;
- stated that he would like to know which vendors are interested in supplying the wood; and
- spoke in support of striking the reference to the swimming pool.

MOTION: Assemblymember Kluberton moved a primary amendment to Resolution Serial No. 08-135, by striking the following sentence from the scope of work: “The proposed wood fired heating plant would be housed in an “energy building” approximately 24’x 20’, which would be detached from the main school building. Also proposed, is an 8,000 square foot wood storage building to store a two-year wood supply.”

VOTE: The primary amendment passed without objection.

Assemblymember Ewing:

- stated that the wood burning system will save the Borough more than \$1 million dollars over the first ten years;
- spoke to the creation of jobs related to the wood boiler system; and
- spoke to the efficiency of the wood boiler system.

Assemblymember Bettine spoke to concerns regarding the costs associated with providing and storing the wood.

Mr. Rountree:

- advised that the Borough will not have to construct a storage building for the wood, as this is only the pre-design economic analysis; and
- stated that the Alaska Energy Authority has construction grants that would be used first.

VOTE: The main motion as amended passed without objection.

8. Ordinance Serial No. 08-159: AN ORDINANCE ACCEPTING AND APPROPRIATING \$1,000,000 FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT, FOR THE REPAIR AND PAVING OF ENGSTROM ROAD, FUND 430, PROJECT NO. 35015.
 - a. Resolution Serial No. 08-136: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE REPAIR AND PAVING OF ENGSTROM ROAD, FUND 430, PROJECT NO. 35015.
 - (1) IM No. 08-275

Mr. Rountree provided a staff report.

Assemblymember Bettine queried if Engstrom Road was on any of the priority lists.

Mr. Rountree advised that it was not on any of the priority lists.

Assemblymember Church queried if the grant was going to be enough money to cover the repair and paving of Engstrom Road.

Mr. Rountree:

- advised that if there is not enough money to fund the project, the project would cease, or additional funds would be sought; and
- stated that the funds would not come out of the road service area funds.

Discussion ensued regarding:

- funding the project;
- staff time allocated to the project; and
- project cost benefit analysis.

Mayor Menard opened the public hearing.

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

MOTION: Assemblymember Church moved to adopt Ordinance Serial No. 08-159 and Resolution Serial No. 08-136.

Assemblymember Bettine spoke to the importance of repairing roads that are on the road service area list.

VOTE: The motion passed without objection.

9. Ordinance Serial No. 08-160: AN ORDINANCE AMENDING MSB 4.65, COMMISSION ON SALARIES AND EMOLUMENTS, TO ADD THE SCHOOL BOARD. *(Sponsored by: Assemblymember Wells)*

a. IM No. 08-278

Ms. McKechnie provided a staff report.

Mayor Menard opened the public hearing.

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

MOTION: Assemblymember Wells moved to adopt Ordinance Serial No. 08-160.

Assemblymember Bettine spoke to the current vacancies on the Commission on Salaries and Emoluments.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following persons spoke regarding their concern with the words “or man made” contained in the definition of “topographic constraints” within Ordinance Serial No. 08-151: Mr. John Strassenburgh and Ms. Ruth Wood.

MOTION: Assemblymember Bettine moved to extend the meeting past 10 p.m. and not to exceed 10:30 p.m.

VOTE: The motion passed without objection.

(The meeting recessed at 9:45 p.m. and reconvened at 9:54 p.m.)

D. CONSENT AGENDA (Resolution Serial No. 08-138 and AM No. 08-117 were pulled from the consent agenda and addressed separately. *See pp. 16-19*)

1. RESOLUTIONS

a. Resolution Serial No. 08-137: A RESOLUTION APPROVING THE AMENDED BUDGETS FOR THE SU-VALLEY RENOVATION/RENEWAL PROJECT NO. 40160 AND THE SU-VALLEY HIGH SCHOOL NEW CONSTRUCTION PROJECT

NO. 40167, AND APPROVING THE SCOPE OF WORK FOR CONSTRUCTION OF A SIDEWALK PATH AND SECONDARY ACCESS ROAD FOR THE SU-VALLEY HIGH SCHOOL NEW CONSTRUCTION PROJECT.

(1) IM No. 08-283

2. ASSEMBLY MEMORANDUMS

b. AM No. 08-117: AWARD OF BID NO. 09-053 TO YOUNG'S FIREHOUSE IN THE AMOUNT OF \$331,000 FOR THE PURCHASE OF URBAN SEARCH AND RESCUE/EMERGENCY MEDICAL SERVICES CLOTHING.

Ms. McKechnie read the above legislation into the record.

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

VOTE: The motion passed without objection.

b. Resolution Serial No. 08-138: A RESOLUTION AMENDING THE SCOPE OF WORK FOR THE ADMINISTRATION BUILDING GYM STRUCTURAL INVESTIGATION/PRELIMINARY RESTROOM DESIGN, PROJECT NO. 10057, TO ALLOW DESIGN WORK FOR OFFICE SPACE IMPROVEMENTS.

(1) IM No. 08-285

MOTION: Assemblymember Church moved to adopt Resolution Serial No. 08-138.

Assemblymember Church:

- stated her concerns regarding incrementally redesigning the building;
- spoke to the tracking report;
- noted the need for a new building to accommodate staff; and
- spoke to the need to make a decision on what the Assembly will do with the building.

Mr. Rountree:

- noted that these are office space requirements;
- stated that the Information Technology (IT) Department is taking the initiative to renovate their space; and
- spoke to the re-scoping of funds; and
- provided an update regarding the renovation of the bathrooms.

Assemblymember Church queried if the Borough is moving forward with looking at new office space.

Mr. Rountree:

- advised that legislation will be coming forward at the next meeting with six strategies regarding acquiring office space; and
- spoke to the possibility of purchasing the Owens building.

Discussion ensued regarding office space strategies.

MOTION: Assemblymember Bettine moved to postpone Resolution Serial No. 08-138 to a time certain of January 6, 2009.

Mr. Rountree stated that the IT Department does not have a fire suppression system or a fire detection system functioning at this time.

Discussion ensued regarding moving the fire suppression and fire detection system forward.

WITHDRAW: Assemblymember Bettine moved to withdraw her motion to postpone Resolution Serial No. 08-138. There was no objection.

Assemblymember Wells queried how long the IT Department had been without fire suppression and detection.

Mr. Rountree advised that the IT Department had been without the fire suppression and detection for two weeks.

Discussion ensued regarding:

- the fire suppression and detection systems; and
- the condition of the IT Department bathrooms.

MOTION: Assemblymember Bettine moved a primary amendment to Resolution Serial No. 08-138 as follows:

- by adding the phrase “sign and repair” to the title after the word “allow” to read as follows: “A Resolution of the Matanuska-Susitna Borough Assembly to amend the scope of work for the administration building gym structural investigation/preliminary restroom design, project no. 10057, to allow to sign and repair design work for office and computer room space improvements;”
- by amending the fourth whereas clause by striking “and” in between kitchenette and renovations, and by inserting “and needed fire suppression, detection, and repair in computer rooms” after the words “storage room” to read “Whereas, the improvements include converting the existing women's bathroom into individual men's and women's bathrooms, adding a conference room and a kitchenette, renovation of the existing small men's bathroom into a well-needed storage room, and needed fire suppression, detection, and repairs in computer rooms”;
- by amending the scope of work by inserting the words “in computer room” in between the words “space” and “improvements” and by inserting the words “and repairs” after the word “design” to read: “Administration building gym

structural investigation and preliminary restroom and office space in computer rooms improvements design and repairs.”

Assemblymember Bettine:

- spoke to concerns with the broad scope of the locker room and restroom design; and
- stated that the gym is a huge asset to Palmer.

Assemblymember Wells queried the fiscal note allocation.

Mr. Rountree advised that they have a \$75,000 budget and \$15,000 has been spent.

WITHDRAW: Assemblymember Bettine moved to withdraw the primary amendment.

Assemblymember Houston spoke to concerns regarding not having the fire detection and suppression systems in place.

Discussion ensued regarding the fire detection and suppression systems.

VOTE: The motion to withdraw passed with Assemblymembers Houston and Kluberton opposed.

MOTION: Assemblymember Bettine moved to extend the meeting past 10:30 p.m. and not to exceed 11:00 p.m.

VOTE: The motion passed without objection.

MOTION: Assemblymember Wells moved to have the legislation come forward on December 9, 2008, to finance the fire suppression system.

VOTE: The motion passed without objection.

MOTION: Assemblymember Ewing moved to postpone Resolution Serial No. 08-138 to a time certain of January 6, 2009.

VOTE: The motion passed without objection.

Assemblymember Bettine spoke to the need for a special meeting regarding office space.

Assemblymember Ewing stated that he would like to see more available options regarding office space.

Discussion ensued regarding office space.

- a. AM No. 08-116: AWARD OF BID NO. 09-031 TO KENDALL FORD IN THE AMOUNT OF \$230,598 FOR THE PURCHASE OF ONE TRUCK AND THREE

COMPACT SPORT UTILITY VEHICLES FOR THE OPERATIONS AND MAINTENANCE DIVISION AND ONE SERVICE VAN AND ONE CREW CAB TRUCK WITH DUMP BED FOR THE RECREATIONAL SERVICES DIVISION.

MOTION: Assemblymember Wells moved AM No. 08-116.

Mr. Rountree provided a staff report.
Assemblymember Bettine queried what is done with the trucks.

Mr. Rountree advised that the trucks are surplus and sold through the Purchasing Division.

Discussion ensued regarding:

- the cost of the vehicles;
- the management audit; and
- the average vehicle mileage.

VOTE: The motion passed without objection.

MOTION: Assemblymember Kluberton moved to suspend the rules by taking up reconsideration prior to the vacancy report.

VOTE: The motion passed without objection.

X. RECONSIDERATION

- A. Ordinance Serial No. 08-151(AM): AN ORDINANCE AMENDING MSB 27.05, DEFINITION OF TERMS; MSB 27.15, PLAT APPROVAL, ABBREVIATED PLAT SUBDIVISIONS AND VACATIONS; MSB 27.20, SUBDIVISION DEVELOPMENT STANDARDS; AND MSB 27.35, SUBDIVISION AGREEMENTS. (*Reconsideration filed 11/19/08 by Assemblymember Kluberton*)
1. IM No. 08-254

MOTION: Assemblymember Kluberton moved to reconsider Ordinance Serial No. 08-151(AM)

VOTE: The motion passed with Assemblymembers Houston and Bettine opposed.

MOTION: Assemblymember Kluberton moved to amend Ordinance Serial No. 08-151(AM), MSB 27.05.005, by striking “or man made” from the definition of topographical constraint to read “Topographic constraints means natural features over which vehicular access is not possible, or is impractical, or, the crossing of which would be detrimental to public safety.”

Assemblymember Kluberton:

- stated that this issue carries over into the Talkeetna airstrip issue, which gives a developer the chance to create his own topographical constraint and the need for a waiver;
- noted that the Railroad and the Parks Highway may be considered to be man made topographical constraints;
- stated that the amendment deals with the constraints within the property being subdivided;
- spoke to the constraints; and
- stated that the amendment may not fix the Talkeetna airstrip issue, but it may stop or slow down the next similar issue until a new process is in place.

Assemblymember Houston queried the Talkeetna airstrip issue.

Assemblymember Kluberton provided a history of the Talkeetna airstrip issue.

Assemblymember Bettine requested a report from Mr. Hulbert.

Mr. Hulbert:

- advised that flag stops are only allowed by the Alaska Railroad north of Chase;
- stated that there are hundreds of properties that are bisected by the Alaska Railroad from Wasilla to Talkeetna; and
- noted that the Alaska Railroad is a man made feature.

Assemblymember Kluberton stated that developers could subdivide because they do have flag stop access.

Mr. Hulbert advised that the Alaska Railroad will not normally allow individual parcels to have flag stops.

Assemblymember Kluberton stated that Alaska Railroad will flag stop anywhere which gives the basis for allowing the subdivision with the variance.

Discussion ensued regarding flag stops.

Assemblymember Ewing:

- spoke to code requirements regarding block length; and
- noted that the Conditional Use Permit process is for these types of issues.

MOTION: Assemblymember Church moved to extend the meeting past 11 p.m. and not to exceed 11:45 p.m.

Assemblymember Wells spoke in opposition of extending the meeting.

WITHDRAW: Assemblymember Church moved to withdraw her motion to extend the meeting past 11:00 p.m. and not to exceed 11:45 p.m.

VOTE: There was no objection noted.

MOTION: Assemblymember Church moved to extend the meeting past 11 p.m. and not to exceed 11:15 p.m.

VOTE: The motion passed with Assemblymembers Ewing and Wells opposed.

MOTION: Assemblymember Ewing moved to postpone Ordinance Serial No. 08-151(AM) to a time certain of January 20, 2009.

Assemblymember Bettine:

- stated her opposition for postponing the legislation; and
- recommended keeping the existing language, and ask staff to bring language back.

VOTE: The motion failed with Assemblymembers Church, Ewing, and Kluberton in favor and Assemblymembers Houston, Bettine, and Wells opposed. (Tie vote.) The motion failed with Mayor Menard invoking his voting privilege in the negative.

MOTION: Assemblymember Church moved a primary amendment to strike MSB 27.05.055(B), by striking the definition “Topographical Constraints” in its entirety.

Assemblymember Houston queried the impact to the Platting Board’s ability to function between now and January 20, 2009, by striking the definition.

Mr. Hulbert:

- advised that there are no cases that this issue would apply to before the Platting Board;
- spoke to the appeal of the waiver approval; and
- spoke regarding the Talkeetna airstrip appeal.

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

VOTE: The motion to stop debate failed with Assemblymembers Ewing, Bettine, Wells, and Kluberton in favor. (There was less than two-thirds in the affirmative.)

Assemblymember Houston queried the assurance that legislation regarding topographic constraints will be brought forward on January 20, 2009.

Assemblymember Church advised that Assemblymember Houston could bring this legislation forward.

VOTE: The primary amendment passed with Assemblymember Ewing opposed.

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

VOTE: The motion to stop debate passed without objection.

VOTE: The main motion passed as amended without objection.

VIII. UNFINISHED BUSINESS

IX. NEW BUSINESS

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Menard requested the following confirmations:

- Board of Equalization
 - William Gamel
- Emergency Medical Services Board
 - Resignation of James Johnson
- Library Board
 - Resignation of Annie Leach

Mayor Menard made the following recommendations:

- Board of Adjustment and Appeals
 - Alvah Buswell
- Board of Equalization
 - Greg Brooker
 - Charles Foster
- Board of Ethics
 - Jim Sykes
- Borough Area Schools Site Selection Committee
 - R. Ole Larson
- Citizens Advisory on the Goose Creek Correctional Facility
 - Gordon Attaliades
- Emergency Medical Services Board
 - Paul Gavell
- Enhanced 911 Advisory Board
 - Daniel Stearns
 - Angella Long
- Health and Social Services Board
 - Kevin Munson
- Historical Preservation Commission
 - Shawn Arnold
 - Rodney Marsh
- Human Services Citizen Advisory Committee
 - Jerry Troshynski
- Labor Relations Board
 - Helene Antel

Library Board
Pat Madigan
Julie Busch

Local Emergency Planning Committee
Greg Wood
Nancy Hall
Sarah Sanderlin

Mayor's Blue Ribbon Sportsmen's Committee
Nathan Carey
Brain Winnestaffer

Office of Administrative Hearings
Karen Jennings

Parks, Recreation, and Trails Advisory Board
Dorothy Helm

Planning Commission
Patrick Johnson
Ralph Buzard

Real Property Asset Management Board
Terry Snyder

Senior Citizens Advisory Board
Rene Rieth
Janice Moore

Transportation Advisory Board
Chris Kepler

Big Lake FSA No. 33
Wes Hamrick

Meadow Lakes FSA No. 34
Rae Arno

Wasilla-Lakes FSA No. 130
George Boatright

Alpine RSA No. 31
Merle Johnson

Big Lake RSA No. 21
William Snyder

Bogard RSA No. 25
Valen Bair

Greater Butte RSA No. 26
Michael Shields

Greater Talkeetna RSA No. 29
George Wagner

Greater Willow RSA No. 20
Jim Norcross

Lazy Mountain RSA No. 19
Dennis Begen

Trapper Creek RSA No. 30
Joan Medberry

Talkeetna Flood Control Service Area No. 7
Roberta Sheldon

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

VOTE: The motion passed without objection.

C. OTHER NEW BUSINESS

XI. VETO

(There were no vetoes presented.)

XII. EXECUTIVE SESSION

(There was no executive session held.)

XIII. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Wells

- requested staff to research the legal ad regarding the University disposing of 40 acres of land;
- noted that the scoping meeting regarding Hatcher Pass is on December 11, 2008, at Colony Middle School; and
- requested that the Public Works Department keep deflation in mind when looking at bids.

Assemblymember Bettine:

- spoke to the importance of receiving cooperation regarding the ferry with the Municipality of Anchorage;
- spoke to the October 20, 2008, memorandum regarding the McDowell Group report on tourism; and
- requested that staff compile all of the discrepancies within the McDowell Group report on tourism.

Assemblymember Ewing spoke to the importance of allowing adequate time to debate.

Assemblymember Kluberton:

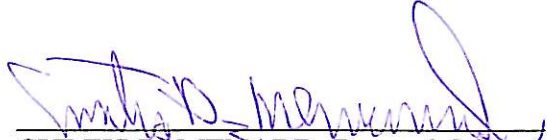
- stated that he will be absent at meetings from December 10, 2008, to January 10, 2009;
- wished everyone Merry Christmas.

Assemblymember Houston:


- requested staff bring legislation forward regarding topographic constraints; and
- asked staff to include an explanation of how someone can build an airstrip without the platting and public process.

XIV. ADJOURNMENT

The regular meeting adjourned at 11:16 p.m.


CURTIS D. MENARD, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 01/06/09