

**I. CALL TO ORDER**

The regular meeting of the Matanuska-Susitna Borough Assembly was held on August 4, 2009, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:02 p.m. by Mayor Talis J. Colberg.

**II. ROLL CALL**

Assembly members present and establishing a quorum were:

Ms. Lynne Woods, Assembly District No. 1 (*Deputy Mayor*)  
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 6:05 p.m.*)

Staff in attendance were:

Ms Cheryl D. Marino, Deputy Borough Clerk  
Mr. John Duffy, Borough Manager  
Ms. Elizabeth Gray, Assistant Borough Manager  
Mr. Nicholas Spiropoulos, Borough Attorney  
Ms. Brenda J. Henry, Executive Assistant to the Borough Clerk  
Ms. Tammy Clayton, Finance Director  
Mr. Keith Rountree, Public Works Director  
Mr. Dennis Brodigan, Emergency Services Director  
Ms. Linda Brenner, Community Development Director  
Mr. Mark Mayo, Planning and Land Use Director  
Ms. Patty Sullivan, Public Affairs Director  
Mr. Dave Hanson, Economic Development Director  
Ms. Pamela Ness, Code Compliance Officer  
Mr. Emerson Kruger, Planner II  
Mr. John Aschenbrenner, Deputy Borough Attorney  
Mr. Robert Haskell, Chief Animal Care and Regulation Officer  
Mr. Bill Gamble, District Chief, West Lakes Emergency Services  
Mr. Clint Vardeman, Deputy Director of Emergency Services  
Ms. Elizabeth Hartley, Comptroller  
Ms. Cheyenne Henidel, Financial Analyst

**III. APPROVAL OF AGENDA**

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

MOTION: Assemblymember Church moved to amend the agenda to discuss the mayoral veto prior to agency reports.

Assemblymember Ewing opined that it would be more appropriate to hear the motion to override after audience participation.

Assemblymember Bettine spoke of being in favor of hearing the veto at the beginning of the meeting.

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

MOTION: Assemblymember Wells moved to hear audience participation prior to discussing the mayoral veto, with an additional audience participation after the public hearings.

VOTE: The motion passed with Assemblymember Woods opposed.

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

#### **IV. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mr. Jim Sykes, a member of the audience.

#### **V. MINUTES OF PRECEDING MEETINGS**

- A. Special Assembly Meeting: 07/21/09
- B. Regular Assembly Meeting: 07/21/09

Mayor Colberg inquired if there were any corrections to the minutes of July 21, 2009, special meeting; and July 21, 2009, regular meeting.

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

#### **C. AUDIENCE PARTICIPATION**

*(There was no one present who wished to testify.)*

#### **X. VETO**

- A. Motion to override the Mayoral veto of Ordinance Serial Nos. 09-055(SUB) and 09-056 regarding the uniform sales tax, which was adopted by the Assembly on July 28, 2009.

MOTION: Assemblymember Bettine moved to override the mayoral veto of Ordinance Serial Nos. 09-055(SUB) and 09-056.

Assemblymember Ewing stated that he would like to see the Assembly support the Mayor regarding the veto.

Assemblymember Houston:

- spoke to the public input he has received; and
- advised that the comments have been in favor of putting the question on the ballot.

Assemblymember Wells:

- stated that he is glad the Assembly has had additional time in which to think about the sales tax ordinance;
- spoke to the Mayor's veto message reminding him of the national economic crisis;
- stated that Alaska has avoided serious consequences of the recession that is troubling many other areas in the country;
- noted that he will vote to override the veto; and
- concluded that the voters should decide whether or not they want a sales tax.

Assemblymember Bettine:

- spoke to appreciating the extra week for debate;
- spoke to additional benefits to property tax payers through the amendments that the Assembly had made to the legislation; and
- advised that she feels secure in voting to override the veto.

Assemblymember Ewing:

- noted he has received different calls regarding the Borough website being down and the public not being able to see changes that were made to the legislation;
- stated that the majority of the public he has received comments from, have been against the sales tax; and
- opined that the public who attend meetings and comment holds more merit than those who send email.

Assemblymember Church:

- stated that the public comments she received have been in favor of the sales tax;
- opined that when people oppose an item they are more inclined to attend the meetings; and
- spoke in favor of the voters deciding the sales tax issue.

VOTE: The motion to override the veto passed with Assemblymember Ewing opposed.

## **VI. REPORTS/CORRESPONDENCE**

### **A. AGENCY REPORTS**

#### **1. Reports from cities**

## Houston City

Mr. Roger Purcell, city of Houston Mayor:

- spoke to the letter in opposition to the new fire station the Borough is proposing to build;
- stated that the city of Houston is building a fire station that will provide for better coverage than the facility the Borough is proposing; and
- stated that the city of Houston is looking at long term growth in relation to emergency services.

### 2. Matanuska-Susitna Borough School District

*(There was no report provided.)*

### 3. Mat-Su Convention and Visitors Bureau

Ms. Bonnie Quill, Executive Director, Mat-Su Convention and Visitors Bureau:

- noted that the quarterly bed tax report states that bed tax revenues are down nine percent;
- stated that she is extremely pleased with the figures for this year, as compared to last year's;
- related the numbers for tourism for Hatcher Pass in June, 2009, are 27 percent above what they were last year;
- spoke to Valley Values Website and the positive reaction it has received;
- advised that there is a South Central Tourism Summit scheduled for August 20, 2009, at 12:30 p.m.;
- stated that the focus will be on ways to increase tourism industry;
- spoke to the publication Alaska Airlines Magazine;
- stated that they purchased a full page ad, through a government relations auction which they do not typically do;
- related that in the July issue, there was a whole page in the back regarding the Mat-Su Valley;
- stated that she is pleased to announce that Chris Beck and Consultants, partnering with Wolfe Architecture and Recon Engineering will be working on the Denali Visitors Center; and
- advised the format was changed for the Mat-Su Borough visitors guide and that a cover had been selected.

## B. COMMITTEE REPORTS

### 1. Joint Assembly/School Board Committee on School Issues

Assemblymember Wells advised that the next meeting is scheduled for Monday, August 10, 2009, at 12:00 p.m.

### 2. Assembly Public Relations

*(There were no reports provided.)*

## C. MANAGER COMMENTS

1. State/Federal Legislation

Mr. Duffy:

- spoke to receiving the bids on the bi-modal facility, also known as the railroad;
- advised that the engineer's estimate of the cost of the facility was \$11 million;
- further added that the bids came in at \$4.9 million;
- advised that the remaining funds will be allocated to moving the project forward even farther;
- advised that Senator Murkowski will be holding a public meeting on health care issues at Central Mat-Su Public Safety building on August 18;
- related that he had an opportunity to visit the shipyard in Ketchikan and the project is moving along well;
- stated that the August 2009 issue of Alaska Airlines Magazine has a great picture on the back that reads: "Get your photo taken in the Mat-Su Valley;
- related that the photo has black and brown bears, cooling off in a pond; and
- requested that Mr. Kruger and Ms. Ness provide a report on Ordinance Serial No. 09-110, regarding earth materials extraction.

Mr. Kruger and Ms. Ness provided an overview of Ordinance Serial No. 09-110, regarding earth materials extraction.

D. ATTORNEY COMMENTS

*(There were no comments provided.)*

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

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

A. PUBLIC HEARINGS (Three minutes per person.)

1. Ordinance Serial No. 09-038: AN ORDINANCE REPEALING MSB 27.15.070, PUBLIC USE EASEMENT ACCEPTANCE PROCEDURE; AMENDING MSB 27.15.080, WAIVER OF SUBDIVISIONS AND MSB 27.15.090, ABBREVIATED PLATS; AND AMENDING THE LAND MANAGEMENT DIVISION POLICY AND PROCEDURE MANUAL RELATING TO THE DONATION OF PUBLIC USE EASEMENTS.

a. IM No. 09-070

Ms. Probasco and Mr. Aschenbrenner provided a staff report.

Mayor Colberg opened the public hearing.

The following persons spoke to concerns and recommended changes to Ordinance Serial No. 09-038: Mr. Gary LoRusso; Ms. Kathy Wells, Director of Friends of Mat-Su; Mr. John Strassenburgh; and Ms. Terry Snyder.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 09-038.

MOTION: Assemblymember Houston moved a primary amendment to Ordinance Serial No. 09-038, MSB 27.15.080 (G), by inserting the word "cumulative" after the word "total", to read: "The total cumulative number of lots which may be created through the abbreviated plat process is four."

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Houston moved to a primary amendment to Ordinance Serial No. 09-038, MSB 27.15.080 (D), by inserting the word "cumulative" after the word "total", to read: "The total cumulative number of lots which may be created through the abbreviated plat process is four."

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Kluberton moved to amend Ordinance Serial No. 09-038, by striking all language relating to public use easements.

WITHDRAW: Assemblymember Kluberton moved to withdraw his motion.

There was no objection noted.

Assemblymember Kluberton spoke to the need for staff to bring a substitute ordinance forward.

Assemblymember Wells opined that another public hearing should be held.

MOTION: Assemblymember Bettine moved to postpone Ordinance Serial No. 09-038 to a time certain of September 1, 2009, and to hold an additional public hearing.

VOTE: The motion to postpone Ordinance Serial No. 09-038 to a time certain of September 1, 2009, and to hold an additional public hearing passed without objection.

2. Ordinance Serial No. 09-060: AN ORDINANCE ADOPTING MSB 15.24.030 ADOPTING THE BIG LAKE COMPREHENSIVE PLAN, 2009 UPDATE.
  - a. IM No. 09-086

Ms. Probasco provided a staff report.

Mayor Colberg opened the public hearing.

The following person spoke in support of Ordinance Serial No. 09-060: Mr. Greg Strong, Mr. Ken Walch, Mr. Ken Barrett, Ms. Margaret Barringer, and Ms. Terry Snyder.

The following person spoke in opposition to Ordinance Serial No. 09-060: Ms. Norene Austermuhl, and Ms. Kim Woodbury.

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

MOTION: Assemblymember Bettine moved to adopt Ordinance Serial No. 09-060

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 09-060 by striking the title "Big Lake Comprehensive Plan Update" and inserting in its place "Big Lake Community Council Area, Comprehensive Plan.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Bettine moved a primary amendment to the comprehensive plan by inserting the following at the end of Development Guidelines for Strategy 4:

Establish Community Wide Guidelines:

Highway Oriented Commercial and Light industrial uses

- a. Highway commercial/light industrial uses are encouraged in two areas: the area around the existing airport and the area southwest of Big Lake that ultimately will be the junction of two major regional roads; the future upgraded Burma Road (at the current fire break) and Susitna Parkway.
- b. Industrial uses in predominantly residential areas is discouraged. To maintain the quality of residential areas, industrial uses should:
  1. Not be harmful to public health, safety, and general welfare;
  2. Minimize negative impacts on surrounding land uses from excessive traffic, noise, odors, or lighting;
  3. Provide visual screening, vegetation buffers or wider setbacks to reduce visual impacts of industrial operations on surrounding uses;
  4. Protect the natural environment and the integrity of the surrounding area.
  5. Obtain all necessary local, state, and federal permits.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Bettine moved a primary amendment to the Big Lake comprehensive plan, Chapter 3-18, Strategy 4, Development Guidelines, last bullet of the Airport Industrial section as follows:

- inserting the words "and enhance" before the word "options;"
- inserting the word "float" before the word "planes;"
- inserting the words "fish creek/" before the words "Big Lake;" and
- inserting the words "Big Lake" before the word "airport."

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Bettine moved a primary amendment to the Big Lake comprehensive plan, Chapter 5-3, Strategy 3, by striking the title "Big Lake Road" and inserting in its place "Big Lake Downtown bypass."

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Bettine move a primary amendment to the Big Lake comprehensive plan by adding language at the end of the bullet, which begins on Chapter 3-17, strategy 4 of the plan to read: "However, all requests for variances, must be considered in accordance with Alaska Statute 29.40.040(B).

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

*(This regular meeting recessed at 8:35 p.m. and reconvened at 8:45 p.m.)*

3. Ordinance Serial No. 09-061: AN ORDINANCE AMENDING MSB 27.15.040 TO IMPOSE AN ABSOLUTE DURATIONAL LIMIT OF THIRTY-SIX MONTHS FOR PRELIMINARY PLATS AND FORTY-EIGHT MONTHS FOR PHASED DEVELOPMENT MASTER PLANS UNDER FORMER TITLE 16: SUBDIVISIONS, BY LIMITING TOTAL EXTENSIONS TO NO MORE THAN TWELVE MONTHS.
  - a. IM No. 09-087

Ms. Probasco provided a staff report.

Mayor Colberg opened the public hearing.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 09-061

VOTE: The motion passed without objection.

4. Ordinance Serial No. 09-090: AN ORDINANCE PROVIDING FOR THE SALE OF CERTAIN BOROUGH-WIDE REAL PROPERTY ACQUIRED THROUGH TAX FORECLOSURE FOR DELINQUENT REAL PROPERTY TAXES YEARS 2003 AND PRIOR AND FOR DELINQUENT SPECIAL ASSESSMENTS YEAR 2004 AND PRIOR AND NOT NEEDED FOR PUBLIC PURPOSE.
  - a. IM No. 09-154

Ms. Brenner provided a staff report.

Mayor Colberg opened the public hearing.

The following person spoke in opposition to Ordinance Serial No. 09-090: Ms. Nancy Sult.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 09-090.

MOTION: Assemblymember Woods moved a primary amendment to Ordinance Serial No. 09-090 by removing tax parcel ID No. 6075B03L16.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

5. Ordinance Serial No. 09-093: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$4,700,000 TO THE MATANUSKA-SUSITNA BOROUGH SCHOOL DISTRICT'S FISCAL YEAR 2009 OPERATING BUDGET.
  - c. IM No. 09-109

Ms. Heindel provided a staff report.

Mayor Colberg opened the public hearing.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 09-093.

Assemblymember Bettine:

- stated that she would like to discuss this legislation with the School District; and
- queried if there were any representatives in the audience that could speak to this.

There was no one noted in the audience from the School District that could speak to this legislation.

Assemblymember Houston opined that it would be better to have more information in order to make an informed decision.

Assemblymember Wells:

- spoke to the funds not coming directly to the Borough; and
- stated that this is the standard procedure for processing stimulus funds.

MOTION: Assemblymember Church moved to postpone Ordinance Serial No. 09-093 to a time certain of August 18, 2009.

VOTE: The motion to postpone to a time certain of August 18, 2009 passed with Assemblymembers Wells and Woods opposed.

6. Ordinance Serial No. 09-094: AN ORDINANCE APPROPRIATING FUNDS IN THE AMOUNT OF \$500,000 FROM THE WEST LAKES FIRE SERVICE AREA NO. 136 FUND BALANCE, FUND 249, TO FUND 405, PROJECT NO. 10175, WEST LAKES FIRE/AMBULANCE FACILITY LAND PURCHASE PROJECT, TO ALLOW FOR THE PURCHASE OF A WEST LAKES FIRE/AMBULANCE BUILDING.
  - a. Resolution Serial No. 09-061: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR THE WEST LAKES FIRE/AMBULANCE FACILITY PROJECT, PROJECT NO. 10175.
    - (1) IM No. 09-128

Chief Gamble and Mr. Vardeman provided a staff report.

Mayor Colberg opened the public hearing.

The following person spoke in opposition to Ordinance Serial No. 09-094: Mr. Roger Purcell, city of Houston Mayor and Mr. William Browne.

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

MOTION: Assemblymember Bettine moved to adopt Ordinance Serial No. 09-094 and Resolution Serial No. 09-061.

VOTE: The motion passed without objection.

Mayor Colberg asked if there was any objection to hearing public hearing no. 7 through no. 11 together.

There was no objection noted.

7. Ordinance Serial No. 09-095: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$1,375.28 ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND REQUESTING A

RE-APPROPRIATION OF \$1,375.28 FROM THE SUTTON FIRE SERVICE AREA FISCAL YEAR 2010 OPERATING BUDGET, FUND 253, TO PROJECT NO. 20255, FUND 405, FOR FIRE TRAINING AND EQUIPMENT, AND PREVENTION ACTIVITIES RELATED TO WILDLAND FIRES.

- a. Resolution Serial No. 09-062: 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. 09-142
  
8. Ordinance Serial No. 09-096: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$10,000 ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND REQUESTING A RE-APPROPRIATION OF \$10,000 FROM THE BUTTE FIRE SERVICE AREA FISCAL YEAR 2010 OPERATING BUDGET, FUND 251, TO PROJECT NO. 20144, FUND 405, FOR FIRE TRAINING, EQUIPMENT, AND PREVENTION ACTIVITIES RELATED TO WILDLAND FIRE.
  - a. Resolution Serial No. 09-063: 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. 09-143
  
9. Ordinance Serial No. 09-097: AN ORDINANCE ACCEPTING, APPROPRIATING A \$10,000 ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND REQUESTING A RE-APPROPRIATION OF \$10,000 FROM THE WEST LAKES FIRE SERVICE AREA FISCAL YEAR 2010 OPERATING BUDGET, FUND 249, TO PROJECT NO. 20151, FUND 405, FOR FIRE TRAINING AND EQUIPMENT, AND PREVENTION ACTIVITIES RELATED TO WILDLAND FIRE.
  - a. Resolution Serial No. 09-064: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND MATCHING FUNDS FOR WEST LAKES FIRE SERVICE AREA, PROJECT NO. 20151, FUND 405.
    - (1) IM No. 09-144
  
10. Ordinance Serial No. 09-098: AN ORDINANCE ACCEPTING, APPROPRIATING, AND APPROVING THE SCOPE OF WORK AND BUDGET FOR A \$5,000 ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND REQUESTING A RE-APPROPRIATION OF \$5,000 FROM THE CASWELL LAKES FIRE SERVICE AREA FISCAL YEAR 2010 OPERATING BUDGET, FUND 248, TO PROJECT NO. 20150, FUND 405, FOR FIRE TRAINING AND EQUIPMENT, AND PREVENTION ACTIVITIES RELATED TO WILDLAND FIRE.
  - a. Resolution Serial No. 09-065: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF FORESTRY

VOLUNTEER FIRE ASSISTANCE GRANT AND MATCHING FUNDS FOR CASWELL LAKES FIRE SERVICE AREA, PROJECT NO. 20150, FUND 405.

(1) IM No. 09-145

11. Ordinance Serial No. 09-099: AN ORDINANCE ACCEPTING, APPROPRIATING, AND APPROVING THE SCOPE OF WORK AND BUDGET FOR A \$4,542.62 ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT, AND REQUESTING A RE-APPROPRIATION OF \$4,542.62 FROM THE WILLOW FIRE SERVICE AREA FISCAL YEAR 2010 OPERATING BUDGET, FUND 258, TO PROJECT NO. 20146, FUND 405, FOR FIRE TRAINING AND EQUIPMENT, AND PREVENTION ACTIVITIES RELATED TO WILDLAND FIRE.

a. Resolution Serial No. 09-066: 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. 09-146

Ms. Marino read Public Hearing No. 7 through Public Hearing No. 11 into the record.

Mr. Vardeman provided a staff report.

Mayor Colberg opened the public hearing.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial Nos. 09-095, 09-096, 09-097, 09-098, 09-099 and Resolution Serial Nos. 09-062, 09-063, 09-064, 09-065, and 09-066.

VOTE: The motion passed without objection.

12. Ordinance Serial No. 09-100: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$17,500 FROM CHASE TRAIL SERVICE AREA FUND BALANCE, FUND 296, TO THE CHASE TRAIL FISCAL YEAR 2010 OPERATING BUDGET, FUND 296.

a. IM No. 09-148

Mr. Rountree provided a staff report.

Mayor Colberg 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. 09-100.

VOTE: The motion passed without objection.

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

VOTE: The motion passed with Assemblymember Houston opposed.

MOTION: Assemblymember Houston moved to hear audience participation at 10:00 p.m.

VOTE: The motion failed with Assemblymember Wells, Houston and Kluberton in favor.

13. Ordinance Serial No. 09-101: AN ORDINANCE ACCEPTING AND APPROPRIATING \$24,562 FROM THE ALASKA STATE DEPARTMENT OF NATURAL RESOURCES, OFFICE OF HISTORY AND ARCHAEOLOGY, TO FUND 480, PROJECT NO. 20376, FOR THE PURPOSE OF RESEARCHING AND CONDUCTING A BASE LINE SURVEY OF HISTORIC BUILDINGS WITHIN THE BOUNDARY OF THE CITY OF WASILLA.

a. Resolution Serial No. 09-067: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET TO RESEARCH AND CONDUCT A BASE LINE SURVEY OF HISTORIC BUILDINGS WITHIN THE BOUNDARIES OF THE CITY OF WASILLA.

(1) IM No. 09-153

Ms. Probasco provided a staff report.

Mayor Colberg opened the public hearing.

The following person spoke in opposition to Ordinance Serial No. 09-101 and Resolution Serial No. 09-067: Mr. Vern Rupright, city of Wasilla Mayor.

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

MOTION: Assemblymember Ewing moved to adopt Ordinance Serial No. 09-101 and Resolution Serial No. 09-067.

Assemblymember Ewing:

- spoke to the process of indentifying historical buildings as outlined within the legislation;
- stated that one of the markers is buildings that were built in 1970 or earlier;
- opined that a building that was built in the 1970's is not historical;
- noted that if a building is determined to be historical, that it requires permission to perform any upgrades, even if one owns the home;
- noted that the city of Wasilla has not provided any input with regards to this legislation; and
- opined that this legislation should be postponed until the city of Wasilla has an opportunity to review this legislation.

Assemblymember Bettine opined that it is important for the city of Wasilla to provide comments regarding legislation that affects them.

MOTION: Assemblymember Ewing moved to postpone Ordinance Serial No. 09-101 to a time certain of October 20, 2009.

Assemblymember Kluberton stated that he is in favor of postponement until the city of Wasilla has had an opportunity to comment on this legislation.

Assemblymember Houston noted his agreement that the city of Wasilla should weigh in on this ordinance.

MOTION: Assemblymember Houston moved a primary amendment to strike "October 20" and insert in its place "December 15, 2009."

VOTE: The primary amendment passed without objection.

VOTE: The motion to postpone to a time certain of December 15, 2009, passed as amended without objection.

14. Ordinance Serial No. 09-102: AN ORDINANCE ACCEPTING AND APPROPRIATING \$1,500 FROM THE ALASKA STATE LIBRARY, INTERLIBRARY COOPERATION GRANT PROGRAM TO FUND 440, PROJECT NO. 20355, TO PROMOTE THE DEVELOPMENT OF A TEEN/SENIOR PLAY STATION PORTABLE PROJECT AT THE WILLOW PUBLIC LIBRARY.
  - a. Resolution Serial No. 09-068: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET TO PROMOTE THE DEVELOPMENT OF A TEEN/SENIOR PLAY STATION PORTABLE PROJECT AT THE WILLOW PUBLIC LIBRARY.
    - (1) IM No. 09-160

Ms. Brenner provided a staff report.

Mayor Colberg 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. 09-102 and Resolution Serial No. 09-068.

VOTE: The motion passed without objection.

15. Ordinance Serial No. 09-103: AN ORDINANCE APPROVING AN APPROPRIATION OF \$665,000 FROM THE WASILLA LAKES FIRE SERVICE AREA FUND BALANCE, FUND 250, TO FUND 405, PROJECT NO. 10169, TO FULLY FUND

THE PROJECTED COSTS OF BUILDING CONSTRUCTION AND PURCHASE OF EQUIPMENT AND FURNITURE FOR FAIRVIEW LOOP FIRE STATION 6-6.

- a. Resolution Serial No. 09-069: A RESOLUTION APPROVING THE AMENDED BUDGET FOR PROJECT NO. 10169, TO FULLY FUND THE PROJECTED COSTS OF BUILDING CONSTRUCTION AND PURCHASE OF EQUIPMENT AND FURNITURE FOR FAIRVIEW LOOP FIRE STATION 6-6.

(1) IM No. 09-161

Mr. Vardeman provided a staff report.

Mayor Colberg 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. 09-103 and Resolution Serial No. 09-069.

VOTE: The motion passed without objection.

16. Ordinance Serial No. 09-104: AN ORDINANCE AMENDING MSB 5.25.144 TO ADOPT A NAME CHANGE FROM CASWELL LAKES FIRE SERVICE AREA TO CASWELL FIRE SERVICE AREA AND ADOPTING A NAME CHANGE FROM CASWELL LAKES FIRE SERVICE AREA BOARD OF SUPERVISORS TO CASWELL FIRE SERVICE AREA BOARD OF SUPERVISORS.

a. IM No. 09-162

Mr. Vardeman provided a staff report.

Mayor Colberg 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. 09-104.

VOTE: The motion passed without objection.

17. Ordinance Serial No. 09-105: AN ORDINANCE ACCEPTING AND APPROPRIATING GRANT FUNDS IN THE AMOUNT OF \$1,103,500 FROM THE ALASKA STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, TO FUND 420, PROJECT NO. 25050, CENTRAL LANDFILL CELL III DEVELOPMENT, FOR THE CONTINUED EXPANSION AT THE MAT-SU CENTRAL LANDFILL.

- a. Resolution Serial No. 09-070: A RESOLUTION APPROVING THE AMENDED SCOPE OF WORK AND BUDGET FOR PROJECT NO. 25050, CENTRAL LANDFILL CELL III DEVELOPMENT.
- (1) IM No. 09-163

Mr. Rountree provided a staff report.

Mayor Colberg 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 Houston moved to adopt Ordinance Serial No. 09-105 and Resolution Serial No. 09-070.

VOTE: The motion passed without objection.

- 18. Ordinance Serial No. 09-106: AN ORDINANCE ACCEPTING AND APPROPRIATING \$262,898 FROM THE ALASKA STATE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, TO FUND 475, PROJECT NO. 20377 HUMAN SERVICES COMMUNITY MATCHING GRANT.
- a. Resolution Serial No. 09-071: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PARTICIPATION IN THE HUMAN SERVICES COMMUNITY MATCHING GRANT PROGRAM.
- (1) IM No. 09-164

Ms. Probasco provided a staff report.

Mayor Colberg opened the public hearing.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 09-106 and Resolution Serial No. 09-071.

VOTE: The motion passed without objection.

- 19. Ordinance Serial No. 09-107: AN ORDINANCE AMENDING MSB 5.25.140, TO ANNEX PROPERTY LOCATED IN TOWNSHIP 16 NORTH, RANGE 3 WEST, SECTION 21, TAX PARCEL D2 (16N03W21D002) INTO THE WASILLA LAKES FIRE SERVICE AREA NO. 130 WITHOUT THE PLACEMENT OF THE QUESTION ON THE BALLOT, PER MSB 5.20.005(G). *(Sponsored by Assemblymember Bettine.)*
- a. Resolution Serial No. 09-072: A RESOLUTION FINDING THE ANNEXATION OF PROPERTIES LOCATED IN TOWNSHIP 16 NORTH, RANGE 3 WEST,

SECTION 21, TAX PARCEL D2 (16N03W21D002) INTO THE WASILLA-LAKES FIRE SERVICE AREA NO. 130 SERVES THE PUBLIC INTEREST WITHOUT THE PLACEMENT OF THE QUESTION ON THE BALLOT.

(1) IM No. 09-166

Ms. Marino provided a staff report.  
Mayor Colberg 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. 09-107 and Resolution Serial No. 09-072.

Assemblymember Bettine:

- opined that it is important to have input from the Wasilla Lakes FSA Board of Supervisors; and
- noted that she will move to postpone until after the August 8, 2009, Wasilla Lakes FSA Board of Supervisors meeting.

MOTION: Assemblymember Bettine moved to postpone Ordinance Serial No. 09-107 and Resolution Serial No. 09-072 to August 18, 2009.

VOTE: There was no objection noted and Ordinance Serial No. 09-107 and Resolution Serial No. 09-072 were postponed to August 18, 2009.

20. Ordinance Serial No. 09-108: AN ORDINANCE AUTHORIZING THE ISSUANCE OF AREAWIDE GENERAL OBLIGATION BONDS, IN ONE OR MORE SERIES, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$33,675,000 TO FINANCE THE MAJOR RENOVATION AND RENEWAL OF EDUCATIONAL CAPITAL IMPROVEMENT PROJECTS AND RELATED CAPITAL IMPROVEMENTS IN THE BOROUGH, AND TO SUBMIT THE QUESTION OF THE ISSUANCE OF SUCH BONDS TO THE QUALIFIED VOTERS OF THE BOROUGH AT THE OCTOBER 6, 2009, BOROUGH ELECTION.

a. IM No. 09-167

Ms. Hartley provided a staff report.

Mr. Henry Cottle and Mr. Don Carney from School District provided a report.

Mayor Colberg opened the public hearing.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 09-108.

Assemblymember Bettine:

- noted that this needed to be discussed at a joint meeting with the School Board; and
- stated that there needs to be discussion on this, as the School District received a lot of funding this year.

Assemblymember Woods spoke to concerns with not doing maintenance on buildings owned by the Borough.

MOTION: Assemblymember Woods moved a primary amendment to Ordinance Serial No. 09-108, by striking Colony High Running Track, Wasilla High Running Track and Palmer High Running Track, from the project list.

VOTE: The primary amendment passed without objection.

Assemblymember Wells:

- spoke to the need to maintain Borough buildings; and
- recommended approval of this legislation.

VOTE: The main motion failed with Assemblymembers Woods, Houston, and Wells in support.

MOTION: Assemblymember Woods moved to extend the meeting past 11 p.m. not to exceed 11:30 p.m.

VOTE: The motion passed without objection.

MOTION: Assemblymember Ewing moved to reconsider Ordinance Serial No. 09-108.

Assemblymember Ewing opined that it really needs to be put before the voters.

Assemblymember Church spoke against reconsideration.

Assemblymember Woods spoke in favor of reconsideration.

VOTE: The motion for reconsideration passed with Assemblymembers Kluberton, Bettine, and Church opposed.

VOTE: The main motion passed with Assemblymembers Kluberton, Bettine, and Church opposed.

21. Ordinance Serial No. 09-109: AN ORDINANCE RE-APPROPRIATING \$290,000 FROM THE RESERVE FOR ADMINISTRATIVE SPACE, FUND 100, TO THE NELSON ROAD GRAVEL AND CULVERT PROJECT, FUND 410, PROJECT NO. 30104, TO IMPROVE A PORTION OF NELSON ROAD WITH GRAVEL SURFACING AND TO REPLACE FIVE CULVERTS.

a. IM No. 09-171

Mr. Klebesadel provided a staff report.

Mayor Colberg 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. 09-109.

MOTION: Assemblymember Church moved to a primary amendment to Ordinance Serial No. 09-109 by adding "speed humps on Abby Boulevard."

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

22. Ordinance Serial No. 09-113: AN ORDINANCE AMENDING MSB 2.12.090, AGENDAS; NOTICE OF MEETING; ORDER OF BUSINESS; TO PROVIDE A PLACE FOR BOROUGH BOARDS AND COMMISSIONS TO REPORT TO THE ASSEMBLY. *(Sponsored by Assemblymember Houston.)*
- a. IM No. 09-172

Ms. Marino provided a staff report.

Mayor Colberg 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 Houston moved to adopt Ordinance Serial No. 09-113.

Assemblymember Houston spoke in support of providing boards and commissions an opportunity to speak to the Assembly at meetings.

Assemblymember Woods noted concerns with the length of business at the meetings.

Discussion ensued regarding:

- boards and commissions reporting to the Assembly; and
- concerns with lengthening the meetings.

VOTE: The motion failed with Assemblymember Houston in favor.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke regarding mining in the water table: Mr. John F. Leiner.

The following person spoke in opposition of Ordinance Serial No. 09-069: Mr. Marvin Yoder.

MOTION: Assemblymember Woods moved to suspend the rules and extend the meeting to midnight.

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

MOTION: Assemblymember Wells moved to suspend the rules to hear the introductions prior to the consent agenda.

VOTE: There was no objection noted.

## IX. NEW BUSINESS

A. INTRODUCTION (For public hearing – 08/18/09, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 09-069: AN ORDINANCE ESTABLISHING A WASILLA DEVELOPMENT STANDARDS DISTRICT, AND AMENDING MSB 27.10.065, MSB 27.15.020, AND MSB 27.15.130 TO APPLY THE DESIGN AND CONSTRUCTION STANDARDS ADOPTED IN THE DEVELOPMENT STANDARDS DISTRICT TO PRELIMINARY AND FINAL PLATS OF PROPERTY LOCATED IN THE DEVELOPMENT STANDARDS DISTRICT.

a. IM No. 09-102

2. Ordinance Serial No. 09-114: AN ORDINANCE ADOPTING A PAYMENT PROCESS FOR PAYMENTS TO MUNICIPALITIES WITHIN THE MATANUSKA-SUSITNA BOROUGH. (*Sponsored by Assemblymembers Houston and Woods.*)

a. IM No. 09-184

Ms. Marino read the above legislation into the record.

MOTION: Assemblymember Woods moved to introduce the legislation as read into the record by the clerk and set the public hearings for August 18, 2009.

MOTION: Assemblymember Ewing moved to divide the question to take the introduction of Ordinance Serial No. 09-069.

VOTE: The motion passed without objection.

MOTION: First segment, Assemblymember Woods moved to introduce Ordinance Serial No. 09-114 and set the public hearing for August 18, 2009.

VOTE: The motion passed without objection.

MOTION: Second segment, Assemblymember Ewing moved to postpone the introduction of Ordinance Serial No. 09-069 to a time certain of October 20, 2009.

VOTE: The motion passed without objection.

- D. CONSENT AGENDA (AM No. 09-046 was pulled from the consent agenda and addressed separately.)  
1. RESOLUTIONS

*(There were no resolutions presented.)*

2. ASSEMBLY MEMORANDUMS

- a. AM No. 09-046: APPROVAL OF CHANGE ORDER NO. 3 TO CONTRACT NO. 07-196, SOUTH CENTRAL RAIL EXTENSION, WITH PERKINS CONSULTING FOR CONTINUATION OF PHASE I, SUB-PHASE II ACTIVITIES, AND PHASE II ACTIVITIES IN AN AMOUNT NOT TO EXCEED \$110,000 PER YEAR.

Ms. Marino read the above legislation into the record.

MOTION: Assemblymember Bettine moved to adopt AM No. 09-046.

Assemblymember Bettine queried if the Borough pays the expenses for Perkins Consulting.

Mr. Duffy affirmed the query.

VOTE: The motion passed without objection.

**VIII. UNFINISHED BUSINESS**

- A. Ordinance Serial No. 09-086: AN ORDINANCE ADOPTING MSB 4.10, AVIATION ADVISORY BOARD.  
(1) IM No. 09-139

MOTION PENDING: Assemblymember Church moved to adopt Ordinance Serial No. 09-086.

MOTION PENDING: Assemblymember Church moved a primary amendment to Ordinance Serial No. 09-086 by deleting the word "and" after the word "lifestyle; and inserting the phrase, "and compatibility of airport activity to surrounding land use" after the word "safety."

MOTION: Assemblymember Church moved to postpone Ordinance Serial No. 09-086 to a time certain of August 18, 2009.

VOTE: The motion passed without objection.

**E. CLERK COMMENTS**

Ms. Marino spoke regarding the upcoming meeting schedule.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Colberg requested the following confirmations:

Citizens Advisory Committee  
Art Scates, Resignation  
Parks, Recreation, and Trails Advisory Board  
Lorene Lynn, Resignation

Mayor Colberg made the following recommendations:

Emergency Medical Services Board  
Tami Floyd  
Human Services Citizens Advisory Committee  
Ryan Ray  
Labor Relations Board  
Toni Bluel  
Alpine RSA No. 31  
Steve Hudson

MOTION: Assemblymember Woods moved to approve the Mayor's resignations and recommendations up for confirmation this evening.

VOTE: The motion passed without objection.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
  - a. Board of Equalization: 06/24/09 Certification
  - b. Citizens Advisory Committee on the Goose Creek Correctional Center: 04/01/09
  - c. Emergency Medical Services Board: 02/09/09
  - d. Enhanced 911 Advisory Board: 04/14/09
  - e. Greater Butte RSA No. 26 Advisory Board: 03/12/09
  - f. Greater Talkeetna RSA Board of Supervisors: 02/12/09, 03/11/09, 04/09/09
  - g. Library Board: 03/21/09, 04/18/09, Resolution Serial No. 09-01
  - h. Local Emergency Planning Committee: 04/15/09, 05/20/09
  - i. Local Road Service Area Advisory Board: 02/19/09, 05/21/09
  - j. Platting Board: 04/16/09, 05/07/09, 05/21/09
  - k. Port Commission: 03/16/09, 04/20/09
  - l. Real Property Asset Management Board: 04/08/09
  - m. Transportation Advisory Board: 02/25/09
  - n. West Lakes FSA Board of Supervisors: 04/14/09, 05/05/09

2. Community Council Correspondence:
  - a. Chase Community Council: 11/13/08, 12/10/08, 01/15/09, 01/23/09
  - b. North Lakes Community Council: 03/31/09, 04/28/09
  - c. South Knik River Community Council: 03/05/09

G. INFORMATIONAL MEMORANDUMS

1. IM No. 09-165: MONTHLY REPORTING OF AMENDED CONTRACTS AND NEW AWARDS UNDER \$100,000, ALONG WITH SOLE SOURCE PROCUREMENTS, FOR THE PERIOD OF JUNE 1, 2009, TO JUNE 30, 2009.
2. IM No. 09-174: EXTENSION OF CONTRACT NO. 08-043, STATE LOBBYIST SERVICES, TO GILLESPIE AND ASSOCIATES IN AN AMOUNT NOT TO EXCEED \$73,000.
3. IM No. 09-183: REVISION TO ORDINANCE SERIAL NO. 09-085, ADOPTED BY THE ASSEMBLY ON JULY 21, 2009, TO SUBORDINATE THE BOROUGH'S INTEREST IN LOT 1, WILLOW SENIOR CENTER, PLAT NO. 2009-40.

The informational memorandums were presented and no comments were noted.

C. OTHER NEW BUSINESS

D. REFERRALS

1. Ordinance Serial No. 09-110: AN ORDINANCE REPEALING MSB 17.28, INTERIM MATERIALS DISTRICT; REPEALING MSB 17.30, CONDITIONAL USE PERMIT FOR EARTH MATERIALS EXTRACTION ACTIVITIES; ADOPTING MSB 28.10.025 PUBLIC NOTIFICATION; AMENDING MSB 28.100, DEFINITIONS; AND AMENDING MSB 28.30, EARTH MATERIAL EXTRACTION, TO CREATE COMPREHENSIVE EARTH MATERIALS EXTRACTION REGULATIONS, INCLUDING PROVISIONS FOR REGULATING EXCAVATION INTO THE SEASONAL HIGH WATER TABLE, RECLAMATION, AND PERFORMANCE SECURITIES. *(Sponsored by Assemblymember Church.)*
  - a. Resolution Serial No. 09-073: A RESOLUTION ESTABLISHING FEES AUTHORIZED UNDER MSB 28.10.040, FEES; FOR EARTH MATERIAL EXTRACTION PERMIT APPLICATION PROCESSING AND INSPECTION UNDER MSB 28.30.
    - (1) IM No. 09-158
2. Ordinance Serial No. 09-111: AN ORDINANCE AMENDING MSB 17.02, MANDATORY LAND USE PERMIT, MSB 17.125, DEFINITIONS, AND THE FEE TABLE ASSOCIATED WITH MSB TITLE 17.
  - a. Resolution Serial No. 09-074: A RESOLUTION AMENDING THE FEE TABLE ESTABLISHED BY MSB 17.99.
    - (1) IM No. 09-159

3. Ordinance Serial No. 09-112: AN ORDINANCE REPEALING MSB 17.41, CITY OF HOUSTON LAND USE REGULATIONS; AND ADOPTING MSB 17.42 CITY OF HOUSTON SPECIAL LAND USE DISTRICT.
  - a. Resolution Serial No. 09-075: A RESOLUTION AUTHORIZING THE MANAGER TO SIGN THE MEMORANDUM OF AGREEMENT WITH THE CITY OF HOUSTON FOR DELEGATION OF PLANNING AND LAND USE REGULATORY AUTHORITY.
    - (1) IM No. 09-168

MOTION: Assemblymember Woods moved to referral the legislation as read into the record to the Planning Commission for 90 days.

VOTE: There was no objection noted.

## X. RECONSIDERATION

*(There were no reconsiderations presented.)*

## XII. EXECUTIVE SESSION *(for matters, the immediate public knowledge of which would clearly have an adverse effect upon the finances of the borough and matters which by law, municipal charter, or ordinance are required to confidential; direction may be given to the Attorney or labor negotiator regarding labor negotiations)*

- A. Labor Contract Negotiations with the Matanuska-Susitna Borough Employees Association

*(The executive session was rescheduled to August 18, 2009, at 3 p.m.)*

## XIII. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Houston requested that discussions regarding other funding options for major maintenance projects be added to the agenda for the next joint Assembly/School Board meeting.

Assemblymember Church queried if the Planning Commission has 90 days to review referrals.

Mr. Duffy affirmed the query.

Assemblymember Wells:

- spoke to the passing of Mr. Howell Powder; and
- requested that the Clerk's office ensure that his volunteerism within District 6 be recognized.

Mayor Colberg:

- spoke to the passing of another volunteer, Mr. Winston Laughlin;
- noted that Mr. Laughlin provided endless volunteer hours to the Borough;
- spoke to the need for a volunteer for the Local Emergency Planning Commission; and
- inquired if Assemblymember Ewing was interested.

Assemblymember Ewing affirmed the query.

#### **XIV. ADJOURNMENT**

The regular meeting adjourned at 11: 50 p.m.

  
\_\_\_\_\_  
TALIS J. COLBERG, Borough Mayor

ATTEST:

  
\_\_\_\_\_  
LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 09/01/09