

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on August 3, 2010, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Talis 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
Mr. Ronald Arvin, Assembly District No. 3
Ms. Cindy L. Bettine, Assembly District No. 5 (*arrived at 6:06 p.m.*)
Mr. Jim Colver, Assembly District No. 6
Mr. Vern Halter, Assembly District No. 7

Assembly members absent and excused were:

Mr. Mark Ewing, Assembly District No. 4

Staff in attendance were:

Ms. Lonnie R. McKechnie, Borough Clerk
Ms. Elizabeth Gray, Acting Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Brenda J. Henry, Executive Assistant to the Borough Clerk
Ms. Tammy Clayton, Finance Director
Ms. Shaune O'Neil, Public Works Director
Ms. Christine Nelson, Planning and Land Use Director
Mr. Dennis Brodigan, Emergency Services Director
Ms. Patty Sullivan, Public Affairs Director
Mr. Dave Hanson, Economic Development Director
Mr. Robert Haskell, Chief Animal Care and Regulation Officer
Mr. Brad Sworts, Transportation Division Manager
Ms. Shannon Shilman, Chief Information Officer

III. APPROVAL OF AGENDA

Mayor Colberg inquired if there were any objections to removing Ordinance Serial No. 10-057 from the agenda and scheduling the public hearing for September 7, 2010.

There was no objection noted.

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

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ms. Helen Munoz, a member of the public.

V. MINUTES OF PRECEDING MEETINGS

- A. Special Assembly Meeting: 07/20/10
- B. Regular Assembly Meeting: 07/20/10

Mayor Colberg inquired if there were any corrections to the special meeting minutes of July 20, 2010, or the regular meeting minutes of July 20, 2010.

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

(There was no report provided.)

- 2. Assembly Public Relations

Assemblymember Woods:

- stated that she attended a meeting with Mr. Hanson and Ms. Gray that included potential importers from China for seed potatoes;
- related that there is a local farmer who has a current crop of six acres of seed potatoes;
- opined that it was a good discussion; and
- stated that the project for seed potatoes is moving along.

Assemblymember Bettine:

- stated that on August 2, 2010, she attended a meeting with people from various groups regarding the Holland America ship that docked in Anchorage;

- related that it was mainly for elected officials to showcase the recycling efforts of Holland America Cruises;
- related that there was discussion that Alaska is the leader worldwide in environmental protection;
- opined that it was good to learn more about environmental issues relating to cruising in Alaska;
- stated that it was a good opportunity to mingle with the Port Director from Anchorage and Assembly members from Anchorage;
- noted that from the deck of the ship she could see Port MacKenzie quite well; and
- encouraged the Assembly to get involved in the issue.

Assemblymember Colver:

- spoke to difficulties filling vacancies on the Blue Ribbon Sportsman's Committee;
- related that the Committee met last Thursday;
- stated that the Committee has been working on proposals for the Upper Cook Inlet Management Plan;
- noted that because of Assembly foresight the committee participated in the 2008 re-write of the Plan;
- advised that the Committee now has a consultant to process fish data;
- stated that one of the proposals is to create a corridor through the inlet, such as in July, for fish to get to valley streams;
- related that there are a lot of different sciences applied to whether fish caught in commercial nets are destined for the valley;
- stated that the consultant will prepare a booklet that includes this information for the management plan meeting in March 2011;
- related that there is a community meeting at Central Public Safety Building on August 11, 2010, with the Department of Fish and Game;
- related that typically management plans are aimed at commercial fishing; and
- stated that the committee is doing well.

C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues

Ms. Gray:

- stated that the Finance Department received an award for reporting in excellence; and
- advised that the Strategic Plan Update will be presented at the next meeting.

A. ATTORNEY COMMENTS

(There was no report provided.)

B. CLERK COMMENTS

Mayor Colberg:

- spoke to his resignation from the position of Mayor;
- advised that his resignation will be effective October 20, 2010;
- stated that he is working with the Clerk and the Attorney in order to make the transition as smooth as possible;
- related that there are two basic options available to the Assembly to move forward to fill this position;
- stated that one would be to push it through to be on the October ballot;
- further added that the other option would be to hold a special election after the October regular election; and
- queried if there was any objection to his resignation.

There was no objection noted.

Ms. McKechnie:

- stated that she has looked at the dates to include the office of the Mayor on the October ballot;
- stated that an ordinance would have to be introduced next Tuesday for the latest public hearing date of August 17, 2010;
- stated that the ordinance would have to be a notwithstanding ordinance, as there are deadlines in Borough code that can no longer be met;
- stated the legislation would need to go to the Department of Justice (DOJ) for preclearance;
- related that DOJ has 60 days to preclear the ordinance, which would be after the date of the regular election;
- stated that expedited preclearance could be requested, but that the fastest an expedited request has been processed is 54 days;
- advised that the DOJ could deny the preclearance, which would cause the votes for mayor to not count;
- stated that it would be possible to bring back legislation in for a special election; and
- spoke to timeline issues for the special election, due to the holidays and the use of the State's equipment.

Mr. Spiropoulos explained the preclearance process.

Assemblymember Colver queried if all elections have to have DOJ preclearance.

Ms. Spiropoulos stated that the regular election does not, as the regular election date is in code, which has already been precleared by the DOJ.

Assemblymember Colver:

- queried the history with DOJ regarding timeline changes; and
- further asked if preclearance is usually approved or have there been issues.

Mr. Spiropoulos advised that there is no way to tell if preclearance would be denied.

Discussion ensued regarding:

- the vacancy of mayor;
- timeframes for the regular election;
- timeframes for a special election;
- the importance for candidates for mayor to know whether they would be running for a strong mayor, which would not be known until after the regular election;
- using the State's election equipment;
- the possibility of a run-off; and
- DOJ preclearance issues.

Assemblymember Bettine:

- advised that she would like a special meeting on August 12, 2010, to discuss road bonds; and
- advised that she would also like to discuss the timeline for a special election on this date also.

Ms. McKechnie:

- noted that the road bond ordinance could be postponed to August 12, 2010, after the public hearing takes place; and
- queried whether Assemblymember Bettine would like legislation for the special election at the special meeting.

Assemblymember Bettine:

- stated that she is more interested in the timeframe for a special election;
- related that the more discussion that occurs, creates more questions for her;
- spoke to concerns with a January 2011 run-off; and
- and opined that the Assembly could meet earlier than the traditional meeting time on August 12.

Discussion continued regarding:

- special election timeframe;
- the need for mayoral candidates to know whether they would be running for a strong mayor; and
- scheduling of a special meeting.

Assemblymember Bettine queried if the Assembly was opposed to starting the meeting on August 12, at 10 a.m.

There was no objection noted.

Ms. McKechnie spoke regarding the upcoming meeting schedule.

C. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Greater Butte RSA No. 26: 03/25/10
 - b. Local RSA Advisory Board: 04/15/10

- c. Midway RSA No. 9: 01/13/10
- d. Port Commission: 03/01/10

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

D. INFORMATIONAL MEMORANDUMS

(There were no informational memorandums presented.)

(the regular meeting recessed at 6:46p.m. and reconvened at 7 p.m.)

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

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

(There were no persons to be heard.)

B. PUBLIC HEARINGS (Three minutes per person.)

~~1. Ordinance Serial No. 10-057: AN ORDINANCE CREATING LAWRENCE AIRFIELD PHASE II NATURAL GAS LOCAL IMPROVEMENT 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. 10-117~~

2. Ordinance Serial No. 10-058: AN ORDINANCE ACCEPTING AND APPROPRIATING \$32,477 FROM THE ALASKA STATE DEPARTMENT OF NATURAL RESOURCES, DIVISION OF PARKS AND OUTDOOR RECREATION, TO FUND 440, PROJECT NO. 15015, FOR THE BIG LAKE TRAIL SURVEY PROJECT.

a. Resolution Serial No. 10-056: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE BIG LAKE TRAIL SURVEY PROJECT FUNDED BY THE ALASKA STATE DEPARTMENT OF NATURAL RESOURCES, DIVISION OF PARKS AND OUTDOOR RECREATION.

(1) IM No. 10-084

Ms. Gray provided a staff report.

Mayor Colberg opened the public hearing.

The following person spoke in support of Ordinance Serial No. 10-058 and Resolution Serial No. 10-056: Mr. Dan Kruse.

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. 10-058 and Resolution Serial No. 10-056.

VOTE: The motion passed without objection.

3. Ordinance Serial No. 10-059: AN ORDINANCE ADOPTING THE MATANUSKA-SUSITNA BOROUGH ECONOMIC DEVELOPMENT STRATEGIC PLAN AND AMENDING MSB 15.24.030(B), COMPREHENSIVE PLAN AND PURPOSE.

a. IM No. 10-097

Mr. Hanson provided a staff report.

Mayor Colberg opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 10-059: Ms. Julie Nolen, Regional Director of the Mat-Su Small Business Development Center; Mr. Dennis Clark, Director of Mat-Su College; Ms. Janet Kincaid; Ms. Kim Ford, Charter College Career Services Officer; Mr. Jess Hall, owner Hall Quality Homes; Mr. Gary Wolf, owner Wolf Architecture; Mr. Joe Griffith, Matanuska Electric Association General Manager; Mr. Butch Halford, Chief Financial Officer of Terrasond Unlimited; Ms. Jillyan Webb, Palmer Chamber of Commerce Executive Director; Mr. Stu Graham; Mr. Marvin Yoder, city of Wasilla Interim Deputy Administrator; Ms. Stacie Stigar, Palmer UPS Store owner; Mr. Mike Chmielewski, Palmer City Council Member; and Mr. Murph O'Brien.

The following person spoke to concerns with the lack of continuity of comprehensive plans and the need for the Assembly to implement the plan: Mr. John Klapperich, KMBQ Radio Station owner.

The following person spoke to concerns with the lack of regional sewer systems and in support of the Economic Development Plan: Ms. Helen Munoz.

The following person spoke in opposition to Ordinance Serial No. 10-059: Ms. Niki Taysom.

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. 10-059.

Assemblymember Woods:

- spoke to her attendance with Mr. Hanson at the Economic Development Program in Anchorage;
- related that she was very excited about the plan at that time;
- stated that she strongly supports this plan; and
- noted that she is hopeful that with Mr. Hanson's efforts action items can be completed.

Assemblymember Arvin:

- opined that the plan reads well, but needs to be implemented;
- stated that there are things within the plan that will draw business to the Borough;
- spoke to his support of the plan; and
- opined that just because the plan is in place, that businesses will not start locating to the Valley overnight.

Assemblymember Halter:

- spoke to the importance of implementing the plan;
- stated that he is in support of creating jobs that can sustain Borough families;
- opined it is important to look at the quality of life created by new jobs; and
- noted he is in support of the plan being adopted.

Assemblymember Colver:

- stated that he is impressed with the plan;
- opined that the plan is meaningless unless the Assembly does their part;
- spoke to the importance of Administration bringing back action items before the Assembly as well;
- opined that there are no reasons that large corporations cannot be located within the Borough; and
- stated that it is important to have good schools and business climates, and better roads.

Assemblymember Bettine:

- thanked the dedicated participants who contributed to the writing of the plan;
- stated that she is encouraged that the Assembly supports the plan and the action items; and
- stated that the Assembly may need to look at the budget for Economic Development more closely next year.

VOTE: The motion passed without objection.

Mayor Colberg inquired if there was any objection to taking up public hearings nos. four through eight together.

There was no objection noted.

4. Ordinance Serial No. 10-060: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$8,816.73 ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND REQUESTING A REAPPROPRIATION OF \$979.63 FROM THE SUTTON FIRE SERVICE AREA FISCAL YEAR 2011 OPERATING BUDGET, FUND 253, TO PROJECT NO. 20255, FUND 405, FOR FIRE TRAINING AND EQUIPMENT AND PREVENTION ACTIVITIES RELATED TO WILDLAND FIRE.

- a. Resolution Serial No. 10-057: 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. 10-103

- 5. Ordinance Serial No. 10-061: AN ORDINANCE ACCEPTING, APPROPRIATING, AND APPROVING THE SCOPE OF WORK AND BUDGET FOR A \$6,223.88 ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND REQUESTING A REAPPROPRIATION OF \$691.54 FROM THE TALKEETNA FIRE SERVICE AREA FISCAL YEAR 2011 OPERATING BUDGET, FUND 254, TO PROJECT NO. 20145, FUND 405, FOR FIRE TRAINING AND EQUIPMENT AND PREVENTION ACTIVITIES RELATED TO WILDLAND FIRE.
- a. Resolution Serial No. 10-058: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND MATCHING FUNDS FOR TALKEETNA FIRE SERVICE AREA, PROJECT NO. 20145, FUND 405.
- (1) IM No. 104

- 6. Ordinance Serial No. 10-062: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$10,000 ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND REQUESTING A REAPPROPRIATION OF \$1,111.11 FROM THE BUTTE FIRE SERVICE AREA FISCAL YEAR 2011 OPERATING BUDGET, FUND 251, TO PROJECT NO. 20144, FUND 405, FOR FIRE TRAINING AND EQUIPMENT AND PREVENTION ACTIVITIES RELATED TO WILDLAND FIRE.
- a. Resolution Serial No. 10-059: 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. 10-105

- 7. Ordinance Serial No. 10-063: 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 REAPPROPRIATION OF \$555.55 FROM THE CASWELL LAKES FIRE SERVICE AREA FISCAL YEAR 2011 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. 10-060: 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. 10-106

8. Ordinance Serial No. 10-064: AN ORDINANCE ACCEPTING, APPROPRIATING, AND APPROVING THE SCOPE OF WORK AND BUDGET FOR A \$9,793.53 ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND REQUESTING A REAPPROPRIATION OF \$1,088.17 FROM THE WILLOW FIRE SERVICE AREA FISCAL YEAR 2011 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. 10-061: 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. 10-107

Mr. Brodigan 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. 10-060, Resolution Serial No. 10-057, Ordinance Serial No. 10-061, Resolution Serial No. 10-058, Ordinance Serial No. 10-062, Resolution Serial No. 10-059, Ordinance Serial No. 10-063, Resolution Serial No. 10-060, Ordinance Serial No. 10-064, and Resolution Serial No. 10-061.

VOTE: The motion passed without objection.

9. Ordinance Serial No. 10-065: AN ORDINANCE ACCEPTING AND APPROPRIATING A GRANT IN AN AMOUNT NOT TO EXCEED \$125,000, TO FUND 435, PROJECT NO. 10168, FROM THE MAT-SU HEALTH FOUNDATION FOR THE CONSTRUCTION OF THE SUTTON COMMUNITY RESOURCE CENTER.
 - a. Resolution Serial No. 10-062: A RESOLUTION APPROVING THE SCOPE OF WORK AND AMENDED BUDGET FOR THE SUTTON COMMUNITY RESOURCE CENTER.
 - (1) IM No. 10-113

Ms. Gray 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. 10-065 and Resolution Serial No. 10-062.

VOTE: The motion passed without objection.

10. Ordinance Serial No. 10-066: AN ORDINANCE AMENDING MSB 24.10.040(B), KENNEL AND CATTERY REQUIREMENTS; AND MSB 24.05.010, DEFINITIONS.
(Sponsored by Assemblymember Woods)
 - a. IM No. 10-121

Chief Haskell provided a staff report.

Mayor Colberg opened the public hearing.

The following person spoke in opposition of Ordinance Serial No. 10-066: Ms. Linda Oxley, Willow Area Community Organization member.

The following person spoke to providing the Animal Care and Regulation Board time to make recommendations on this issue: Mr. John Wood, Animal Care and Regulation Chair.

The following persons spoke in support of Ordinance Serial No. 10-066: Mr. Steve Stine, Ms. Laura Stine, Mr. James Woods, Ms. Kamilla Diamond, Ms. Mischa Amberg, and Mr. Ed Coil.

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. 10-066.

Assemblymember Woods:

- stated that she responded to a need by sponsoring this legislation;
- related that she has received many emails regarding this problem;
- advised that her district has the same issues with abandoned animals or animals that are not properly cared for;
- stated that Chief Haskell wrote this legislation in order to address an immediate need; and
- asked for the support of the Assembly.

Assemblymember Halter:

- stated that he is in favor of allowing the Animal Care and Regulation Board to continue with Title 24 revisions;
- opined that it should be referred back to the Board with direction to get it back to the Assembly within a specific timeframe; and
- noted that he is not in favor of kennels being unattended.

Assemblymember Bettine:

- opined that the legislation should go forward as written;
- stated that she respects the work of the Board;
- noted that it is easy to get into debate over this issue;
- noted that if this legislation is passed tonight, that it does not prevent the Board from continuing code revisions;
- opined the legislation needs to be adopted before winter; and
- stated that she is in support of the legislation.

Mr. Spiropoulos noted that when Title 24 revisions are complete, the Law Department will review them.

Assemblymember Colver stated that he supports the amendments suggested by the Animal Care and Regulation Board regarding rebuttable presumption.

Assemblymember Bettine:

- stated that she had concerns about definitions; and
- queried if the definition provided by the Board would have any major impacts.

Mr. Spiropoulos:

- stated that it would not; and
- advised it is basically removing the registration requirement for the dwelling if it was a trailer.

MOTION: Assemblymember Halter moved a primary amendment to Ordinance Serial No. 10-066 to adopt the suggestions of the Animal Care and Regulation Board by:

- striking the word “caretaker” and inserting in its place the word “custodian” in MSB 24.10.040(B)(5);
- inserting the word “rebuttable” before the word “presumption” in MSB 24.10.040(B)(5), to read: “The kennel or cattery shall be operated by the owner or custodian and must include a dwelling in which the owner or custodian resides while the animals are retained on the property. There shall be a rebuttable presumption that the property is unoccupied in violation of Borough code if there is no such dwelling present, or where there is a dwelling, when, after the property is posted as described below, the owner or custodian fails to contact the Borough within twenty-four hours of the property being posted. Posting shall be done in two reasonably conspicuous locations, one of which shall be at the main entrance of the dwelling located on the property. The notice shall include the date and time of the posting, phone number and person to be contacted, and state that contact shall be made within twenty-four (24) hours of the notice having been posted;” and

- to insert the definition of “dwelling” provided by the Board, into MSB 24.05.010, to read: “Dwelling means a building, operational vehicle, trailer, or other structure that is designed for use or is used as a person’s permanent or temporary home or place of lodging.”

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

(The regular meeting recessed at 9:02p.m. and reconvened at 9:15p.m.)

11. Ordinance Serial No. 10-067: AN ORDINANCE RELATING TO THE CONSTRUCTION, ADDITIONS, IMPROVEMENTS, BETTERMENTS, REPAIR, RECONSTRUCTION, OR ACQUISITION OF PUBLIC ROADS AND FACILITIES RELATED THERETO IN THE MATANUSKA-SUSITNA BOROUGH, TOGETHER WITH ALL NECESSARY EQUIPMENT AND TRANSPORTATION FACILITIES, AND THE ACQUISITION OF LANDS OR RIGHTS IN LANDS IN CONNECTION THEREWITH, AND A DEBT OF THE BOROUGH, AUTHORIZING THE ISSUANCE OF AREAWIDE GENERAL OBLIGATION BONDS OF THE BOROUGH IN AN AMOUNT NOT TO EXCEED THE SUM OF FORTY-SEVEN MILLION FIVE HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$47,575,000) TO FINANCE THE COST, IN WHOLE OR IN PART, OF SUCH PUBLIC ROADS AND APPURTENANCES, AND PROVIDING FOR THE SUBMISSION TO THE VOTERS OF THE BOROUGH OF A PROPOSITION RATIFYING THE AUTHORIZATION OF SUCH BONDS AT THE OCTOBER 5, 2010, REGULAR BOROUGH ELECTION.

(Sponsored by Assemblymembers Colver and Arvin)

- a. IM No. 10-127

Ms. Clayton provided a staff report.

Mayor Colberg opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 10-067: Ms. Theresa Armistead, Ms. Monica Swan, Mr. Shane Linse, and Mr. Dave Kruse.

The following persons spoke in general support of Ordinance Serial No. 10-067 and in support of this legislation going forward to the special election to fill the office of Mayor: Mr. Seth Kelly and Ms. Terry Snyder.

The following person spoke in opposition to Ordinance Serial No. 10-067: Ms. Niki Taysom.

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

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 10-067.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 10-067 by inserting throughout the legislation "Proposition No. 2."

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved to postpone Ordinance Serial No. 10-067 to a time certain of August 12, 2010, at 10 a.m.

Assemblymember Halter queried if it is appropriate to make amendments at this time. Mayor Colberg stated that the motion to postpone to a time certain needs to be addressed first.

Assemblymember Colver stated that it might be easier to get with Mr. Sworts in order to compile the information members may need to make amendments at the August 12, 2010, meeting.

Assemblymember Bettine opined that the Assembly needs more time to address this legislation.

Assemblymember Colver moved to withdraw his motion to postpone to a time certain.

There was no objection noted.

Assemblymember Colver:

- stated that the existing bond package is marketable;
- noted that public comment has been to have another bond package for roads; and
- opined that the numbers need to come down a bit in this legislation.

Assemblymember Arvin:

- noted that he and Assemblymember Colver sat down with staff and determined what the priority projects were per district;
- stated that Assembly also held a work session to determine priority projects in their districts;
- opined that there will be no funding from Juneau next year;
- spoke to budget cuts that occurred in the State budget; and
- opined that if the voters pass this bond, that it will show the State that the Borough is serious about road bonds without a State funding match.

Discussion ensued regarding:

- projects for the road bond list;
- the road bonds passed by the voters in 2008;
- concerns with pushing the legislation through;
- the possibility of voter bond fatigue; and
- the need for the cost for each road to be accurate.

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

VOTE: The motion passed without objection.

Discussion continued regarding:

- a letter from Mat-Su Community Transport;
- funding from the State;
- the need to provide good roads, especially near schools; and
- the need to keep the costs for road bonds as low as possible.

MOTION: Assemblymember Halter moved a primary amendment to Ordinance Serial No. 10-067 as follows:

- to strike the following projects:
 - Susitna Landing Road Paving - \$1,000,000;
 - Talkeetna Alternative Access, Beaver Lake Road to Comstat Road - \$1,000,000;
 - Trapper Creek Petersville Road, Separated Pathway, Parks Highway to Elementary School - \$1,000,000;
 - Beverly Lake Road Paving and Upgrade - \$1,000,000;
 - Willow Local Roads Paving and Upgrade - \$1,000,000; and
- to insert the following projects:
 - Caswell RSA No. 15, Local Road Paving and Upgrades - \$1,000,000;
 - Talkeetna "B" Street Paving Project – High Traffic Road/Street Downtown Talkeetna - \$1,000,000;
 - Trapper Creek Local Roads Paving, Upgrades, Chip Sealing, and Improvements - \$1,000,000;
 - Meadow Lake Local Roads Paving, Upgrades, Chip Sealing - \$1,500,000; and
 - Willow Lake Drive Collector Upgrade and Paving - \$1,260,000.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 10-067 as follows:

- to strike the following projects:
 - Little Su Access, Ayreshire Road Paving and Upgrade - \$2,000,000;
 - Knik and Big Lake Local Roads Paving and Upgrade - \$5,000,000; and
- to insert the following project:
 - Big Lake Downtown Bypass at \$7,000,000.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 10-067 by:

- striking the following projects:
 - Colony School Drive Upgrade from New Trunk Road to Colony Middle School with Separated Pathway - \$2,000,000;
 - New Trunk Road to Old Trunk Road Connection for access to Pioneer Peak Elementary School - \$3,000,000; and

- to insert the following project:
 - Dogwood Extension - \$4,000,000.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved to postpone Ordinance Serial No. 10-067 to a time certain of August 12, 2010, at 10 a.m.

VOTE: The motion passed without objection.

12. Ordinance Serial No. 10-068: AN ORDINANCE AUTHORIZING THE MATANUSKA-SUSITNA BOROUGH TO ISSUE AREAWIDE GENERAL OBLIGATION BONDS, IN ONE OR MORE SERIES, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$33,920,000, 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 5, 2010, BOROUGH REGULAR ELECTION.

a. Ordinance Serial No. 10-069: AN ORDINANCE AUTHORIZING THE MATANUSKA-SUSITNA BOROUGH TO ISSUE AREAWIDE GENERAL OBLIGATION BONDS, IN ONE OR MORE SERIES, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$9,025,000, TO FINANCE THE MAJOR RENOVATION AND RENEWAL OF PHYSICAL HEALTH AND SCHOOL SPORTS TRACK AND FIELD 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 OCTOBER 5, 2010, BOROUGH REGULAR ELECTION.

(1) IM No. 10-125

Mayor Colberg opened the public hearing.

The following person spoke in support of Ordinance Serial Nos. 10-068 and 10-069: Mr. Don Carney, Assistant Director of Operations and Maintenance with the Matanuska-Susitna Borough School District.

The following person spoke in opposition to Ordinance Serial Nos. 10-068 and 10-069: Ms. Niki Taysom.

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 Nos. 10-068 and 10-069.

VOTE: The motion passed without objection.

13. Ordinance Serial No. 10-070: AN ORDINANCE DIRECTING THE CLERK TO SUBMIT THE QUESTION OF EXEMPTION FROM THE ALASKA PUBLIC OFFICES COMMISSION FINANCIAL DISCLOSURE LAW (AS 39.50) TO THE QUALIFIED VOTERS OF THE BOROUGH AT THE OCTOBER 5, 2010, REGULAR ELECTION AND PROVIDING FOR LOCAL ADOPTION OF A BOROUGH FINANCIAL DISCLOSURE LAW. *(Sponsored by Assemblymember Bettine)*
- a. IM No. 10-128

Ms. McKechnie 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. 10-070.

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

VOTE: The motion failed with Assemblymembers Colver, Bettine, Woods, and Arvin in favor (required a 2/3 vote).

MOTION: Assemblymember Bettine moved to postpone Ordinance Serial No. 10-070 to a time certain of August 12, 2010.

VOTE: The motion passed without objection.

MOTION: Assemblymember Woods moved suspend the rules to take up the Consent Agenda prior to Audience Participation.

VOTE: The motion passed without objection.

D. CONSENT AGENDA

1. RESOLUTIONS

(There were no resolutions under the Consent Agenda.)

2. ASSEMBLY MEMORANDUMS

- a. AM No. 10-070: APPROVAL OF A CONTRACT AMENDMENT TO DOWL HKM IN AN AMOUNT NOT TO EXCEED \$98,500, TO PROVIDE ADDITIONAL PROFESSIONAL SERVICES FOR THE WASILLA HIGH SCHOOL FIRE HYDRANT INSTALL, PROJECT NO. 40171, WASILLA HIGH SCHOOL SITE CIRCULATION, PARKING/SAFETY IMPROVEMENTS, PROJECT NO.40172, AND COTTONWOOD CREEK ELEMENTARY SITE CIRCULATION, PARKING/SAFETY IMPROVEMENTS, PROJECT NO. 40173.
- b. AM No. 10-072: AUTHORIZATION TO EXTEND THE ANNUAL ROAD SERVICE AREA MAINTENANCE AGREEMENTS BY ONE YEAR FOR CONTRACT NO. 09-126 TO TEW'S INC. IN THE AMOUNT OF \$67,767 FOR LAZY MOUNTAIN RSA NO. 19, CONTRACT NO. 09-131 TO D & S ROAD SERVICES IN THE AMOUNT OF \$90,976 FOR TRAPPER CREEK RSA NO. 30, AND CONTRACT NO. 09-132 TO TEW'S INC. IN THE AMOUNT OF \$87,234 FOR ALPINE RSA NO. 31.
- c. AM No. 10-073: AWARD OF PROPOSAL NO. 10-104 TO HATTENBURG DILLY AND LINNELL, INC., IN THE CONTRACT AMOUNT OF \$162,785 FOR CONSTRUCTION ADMINISTRATION SERVICES FOR THE PARK AND RIDE BUS STOPS/SHELTERS.
- d. AM No. 10-074: AWARD OF PROPOSAL NO. 10-088 TO WOLF ARCHITECTURE, INC., IN THE CONTRACT AMOUNT OF \$299,969, FOR THE AGRICULTURE PROCESSING AND PRODUCT DEVELOPMENT CENTER DESIGN.
- e. AM No. 10-075: APPROVAL OF CHANGE ORDER TO EXTEND CONTRACT NO. 08-145 TO JOLT CONSTRUCTION AND TRAFFIC MAINTENANCE IN THE AMOUNT OF \$100,000 FOR ADDITIONAL HYDROSEEDING SERVICES.

Ms. McKechnie read the above legislation into the record.

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

VOTE: The motion passed without objection.

MOTION: Assemblymember Bettine moved to suspend the rules to take up the Introductions prior to Audience Participation.

VOTE: The motion passed without objection.

IX. NEW BUSINESS

A. INTRODUCTION (For public hearing – 08/17/10, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 10-071: AN ORDINANCE ACCEPTING AND APPROPRIATING \$57,552 FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE, TO FUND 480, PROJECT NO. 45131, FOR THE OLD GLENN HIGHWAY FOREST HEALTH PROTECTION PROJECT.
 - a. Resolution Serial No. 10-063: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE UNITED STATES DEPARTMENT OF AGRICULTURE GRANT, PROJECT NO. 45131, FUND 480, FOR THE OLD GLENN HIGHWAY FOREST HEALTH PROTECTION PROJECT.
 - (1) IM No. 10-118
2. Ordinance Serial No. 10-072: AN ORDINANCE ACCEPTING AND APPROPRIATING \$345,000 FROM THE UNITED STATES GEOLOGICAL SURVEY AND \$50,000 FROM THE UNITED STATES FISH AND WILDLIFE SERVICE, TO FUND 480, PROJECT NO. 47504.
 - a. Resolution Serial No. 10-064: A RESOLUTION APPROVING THE SCOPE OF WORK FOR PROJECT NO. 47504 AND THE AMENDED BUDGETS FOR PROJECT NOS. 20316 AND 47504 FOR THE ACQUISITION OF GEOSPATIAL DATA.
 - (1) IM No. 10-119
3. Ordinance Serial No. 10-073: AN ORDINANCE ACCEPTING AND APPROPRIATING \$300,054 FROM THE ALASKA STATE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, TO FUND 475, PROJECT NO. 20382, AND REAPPROPRIATING \$3,595 FROM THE PLANNING DIVISION'S FISCAL YEAR 2011 OPERATING BUDGET FUND 100, TO FUND 475, PROJECT NO. 20382, FOR THE HUMAN SERVICES COMMUNITY MATCHING GRANT.
 - a. Resolution Serial No. 10-065: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PARTICIPATION IN THE HUMAN SERVICES COMMUNITY MATCHING GRANT PROGRAM.
 - b. Resolution Serial No. 10-066: A RESOLUTION ALLOCATING HUMAN SERVICES COMMUNITY MATCHING GRANT FUNDS TO NON-PROFIT HUMAN SERVICE AGENCIES WITHIN THE COMMUNITY AND AUTHORIZING THE MANAGER TO ENTER INTO GRANT AGREEMENTS WITH THE SUB-GRANTEE AGENCIES.
 - (1) IM No. 10-124
4. Ordinance Serial No. 10-074: AN ORDINANCE CLASSIFYING AS 'PUBLIC RECREATION LAND' LOT 27, SECTION 29, TOWNSHIP 26 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, EXCLUDING THE CHRISTIANSEN LAKE ROAD RIGHT-OF-WAY; AND THE WEST ½ NORTHWEST ¼, SECTION 32, TOWNSHIP 26 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, EXCLUDING XY LAKE, AND CHRISTENSEN LAKE ROAD AND SOUTH COMSAT ROAD RIGHTS-OF-WAY; AND THE NORTHWEST ¼ NORTHEAST ¼ LYING NORTH AND WEST OF

SOUTH COMSAT ROAD RIGHT-OF-WAY, SECTION 32, TOWNSHIP 26 NORTH, RANGE 4 WEST, SEWARD MERIDIAN EXCLUDING CHRISTENSEN LAKE, AND ADDING IT TO THE TALKEETNA LAKES PARK.

a. IM No. 10-129

5. Ordinance Serial No. 10-075: AN ORDINANCE APPROVING THE DISPOSAL OF THE REAL PROPERTY LEGALLY DESCRIBED AS TRACT 3B, POINT MACK SUBDIVISION PHASE 1, FOR THE FUTURE CONSTRUCTION AND OPERATION OF THE WATER PORTION OF THE WATER AND WASTEWATER FACILITY SITE TO SERVICE GOOSE CREEK CORRECTIONAL CENTER.

a. IM No. 10-130

6. Ordinance Serial No. 10-076: AN ORDINANCE APPROVING THE DISPOSAL OF THE REAL PROPERTY LEGALLY DESCRIBED AS TRACT 3A, POINT MACK SUBDIVISION PHASE 1, FOR THE FUTURE CONSTRUCTION AND OPERATION OF THE WASTEWATER PORTION OF THE WATER AND WASTEWATER FACILITY SITE TO SERVICE GOOSE CREEK CORRECTIONAL CENTER.

a. IM No. 10-131

7. Ordinance Serial No. 10-077: AN ORDINANCE ACCEPTING AND APPROPRIATING \$2,620 FROM THE ALASKA STATE LIBRARY, INTERLIBRARY COOPERATION GRANT PROGRAM, TO FUND 440, PROJECT NO. 20375, AND APPROVE A SCOPE OF WORK AND BUDGET TO PROMOTE A LITERACY CAMPAIGN CALLED "JUVENILE BOOK CLUB IN A BAG."

a. Resolution Serial No. 10-067: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET TO PROMOTE A LITERACY CAMPAIGN CALLED "JUVENILE BOOK CLUB IN A BAG."

(1) IM No. 10-132

Ms. McKechnie 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 hearing for August 17, 2010.

VOTE: The motion passed without objection.

MOTION: Assemblymember Woods moved to suspend the rules to take up the Vacancy Report prior to Audience Participation.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Colberg requested the following confirmations:

- Animal Care and Regulation Board
Mary Crowley
- Borough Area School Site Selection Committee
Patrick Johnson
David Cheezum
John Anderson
- Mayor's Blue Ribbon Sportsmen Committee
Nathan Carey, Removal

Mayor Colberg made the following recommendations:

- Animal Care and Regulation Board
Dawn Vogt
- Local Emergency Planning Committee
Linzi Rothermel

MOTION: Assemblymember Bettine moved to approve the Mayor's recommendations and removals for confirmation this evening.

VOTE: The motion passed without objection

C. AUDIENCE PARTICIPATION (Three minutes per person.)

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

VIII. UNFINISHED BUSINESS

(There was no unfinished business.)

C. 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 held.)

XIII. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Houston requested to add road powers to the agenda for the August 12, 2010, special meeting.

There was no objection noted.


Assemblymember Colver congratulated Mayor Colberg on his new position at the Mat-Su College.

XIV. ADJOURNMENT

The regular meeting adjourned at 10: 57p.m.

ATTEST:


TALIS J. COLBERG, Borough Mayor


DONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 08/17/10