

I. CALL TO ORDER

The special meeting of the Matanuska-Susitna Borough Assembly was held on December 14, 2010, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The special meeting was called to order at 1 p.m. by Deputy Mayor Ronald Arvin.

II. ROLL CALL

Assembly members present and establishing a quorum were:

- Mr. Warren Keogh, Assembly District No. 1
- Mr. Noel Woods, Assembly District No. 2
- Mr. Ronald Arvin, Assembly District No. 3
- Mr. Mark Ewing, Assembly District No. 4 (*attended telephonically at 4:35 p.m. and entered the meeting at 4:54 p.m.*)
- Ms. Cindy Bettine, Assembly District No. 5
- Mr. Jim Colver, Assembly District No. 6
- Mr. Vern Halter, Assembly District No. 7

Staff in attendance were:

- Ms. Lonnie R. McKechnie, CMC, Borough Clerk
- Ms. Elizabeth Gray, Acting Borough Manager
- Mr. Nicholas Spiropoulos, Borough Attorney
- Ms. Brenda J. Henry, Executive Assistant to the Borough Clerk
- Ms. Christine Nelson, Planning and Land Use Director
- Ms. Shaune O'Neil, Public Works Director
- Mr. Alex Strawn, Planner II
- Mr. Emerson Krueger, Planner II
- Ms. Pamela Graham, Grants and Projects Coordinator
- Mr. Dave Hanson, Economic Development Director
- Mr. Greg Goodale, Solid Waste Division Manager
- Mr. Brad Sworts, Transportation Division Manager

III. APPROVAL OF AGENDA

Deputy Mayor Arvin inquired if there were any changes to the agenda.

MOTION: Assemblymember Keogh requested that audience participation be heard directly after unfinished business.

Assemblymember Keogh:

- stated that at the last meeting the Assembly immediately entered into executive session, which pushed audience participation to the end of the agenda;
- spoke to the importance of public participation; and
- stated that he would like to hear from the audience at the beginning of the meeting.

Assemblymember Colver:

- stated that he has no objection; and
- noted that the Assembly has only one issue and there may be many who wish to speak to it.

There was no objection noted to moving audience participation.

Deputy Mayor Arvin:

- inquired if there were any other changes to the agenda;
- noted that it was Assemblymember Ewing who had moved for reconsideration of AM No. 10-101; and
- inquired if there were any objections to not hearing the motion for reconsideration until Assemblymember Ewing is available.

There was no objection noted.

VOTE: The agenda was approved as amended without objection.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Dave Hanson, Economic Development Director.

V. UNFINISHED BUSINESS

- A. Resolution Serial No. 10-101: A RESOLUTION APPROVING THE FEDERAL PRIORITIES FOR THE MATANUSKA-SUSITNA BOROUGH FOR THE YEAR 2011.
 1. IM NO. 10-196

MOTION PENDING: Assemblymember Bettine moved to adopt Resolution Serial No. 10-101.

Ms. Gray provided a staff report.

Assemblymember Bettine:

- stated that the federal priorities list looks like the same list as last year;
- spoke to concerns that the Assembly and staff have not dedicated any time to the list;
- stated that the Assembly had previously worked with agencies to get priorities in the agency budgets;
- opined that earmarks may not be around much longer;
- stated that her understanding is that the local delegation cannot bring forward priority lists, as it would appear to be earmarking funds;
- opined that it will be the agencies or federal employees that have to wrap Borough projects into their budgets; and
- spoke to concerns with the limitations of staff due to the lack of a manager.

Assemblymember Colver:

- spoke to the process at the federal government level for municipalities to submit priorities;
- spoke to his attendance at the National Association of Counties conference in Washington, D.C.;
- stated that the Borough lobbyist scheduled him with the local legislators;
- related that the only direction he received from the Assembly was that the Borough needs funding for the ferry project, so that was all that was discussed;
- stated that the Senate thinks there might be some earmarks, as they have not agreed to do away with them as of yet;
- related that the main obstacle to the ferry project is that the Borough has no agreement with the Municipality of Anchorage;
- stated that former Governor Sheffield was in Washington, D.C. lobbying for funds to expand the Anchorage Port;
- opined that the expansion of both ports needs to be a package deal in order to show that the municipalities are working together;
- further added that the Assembly needs to meet with Mayor Sullivan from the Municipality of Anchorage and officially come into agreement; and
- noted that the Assembly needs to find a way to work in harmony with the Municipality of Anchorage or the ferry project would not happen.

Assemblymember Keogh:

- spoke to the Borough lobbyist having offered to meet with the Assembly several times; and
- queried if there had been anything scheduled.

Ms. Gray:

- affirmed the query; and
- stated that she would like to request for the Assembly to meet with the State lobbyist on December 20th at 9 a.m., prior to the meeting with the State Delegation.

Ms. McKechnie stated that the meeting could be scheduled during Clerk comments.

Discussion ensued regarding:

- what projects should be on the federal priorities list;
- the possibility of creating a committee to work on the federal priorities;
- funding that was received for last year's list;
- adequate funding for projects; and
- the possibility of postponing the legislation and scheduling a work session for further discussion with the lobbyist.

MOTION: Assemblymember Bettine moved to postpone Resolution Serial No. 10-101 to a time certain of January 18, 2011, at 6 p.m.

VOTE: The motion passed without objection.

Ms. McKechnie queried if the Assembly would like to schedule a work session on January 18, 2011, at 3 p.m. to discuss the federal priorities with the federal lobbyist.

There was no objection noted.

VIII. AUDIENCE PARTICIPATION

The following person spoke to concerns with the impacts of coal mining in the Borough:
Ms. Alice Ciostek.

The following person spoke to concerns with property purchased from the Borough: Mr. Butch Moore.

VI. ITEMS OF BUSINESS

- A. Resolution Serial No. 10-103: A RESOLUTION TO THE ALASKA DEPARTMENT OF NATURAL RESOURCES MAKING AN OFFICIAL REQUEST FOR RECONSIDERATION OF THE COMMISSIONER'S DECISION, SC-09-003, APPROVING THE HATCHER PASS MANAGEMENT PLAN. *(Sponsored by Assemblymember Colver)*
1. IM No. 10-199

MOTION: Assemblymember Colver moved to adopt Resolution Serial No. 10-103.

Assemblymember Colver:

- provided a brief history of the Hatcher Pass Management Plan (HPMP);
- spoke to resolutions previously adopted by the Assembly regarding the HPMP;
- stated that most of the Borough's recommendations were implemented;
- related that the recommendations made by the Borough were incorporated into a table;
- stated that the table reflects the suggested changes and shows exactly what the implementation is;
- spoke to user conflicts with the road bed in an area of Hatcher Pass;
- stated that it was the intent of the Assembly to provide for a North/South access corridor that would reduce user conflicts;
- noted that this would basically provide for an undefined process to provide for motorized access on Borough land;
- related that it was envisioned that a corridor in this area would provide congestion relief in parking areas;
- spoke to a recent snow machine accident in the area;
- stated that the State's recommendation for corridors has not been vetted for safety issues;
- spoke to concerns with conflict of development of a non-motorized area not being in the best interest of the public; and
- opined it is important to remove potential conflicts of user access for safety reasons.

Assemblymember Woods:

- stated that he is a member of a group that is in favor of motorized access; and
- opined that the group is perfectly willing to not impact non-motorized areas as long as motorized access is provided.

Deputy Mayor Arvin:

- stated that the East/West motorized access has always been there and is still accessible;
- related that the Alaska State Department of Natural Resources (DNR) is proposing a new process, whereby in the future there would be a North/South access corridor;
- spoke to the volumes of public testimony that was received both in support and in opposition to proposed access corridors;
- opined that what Assemblymember Colver is saying is that the Borough made a recommendation and the State did not follow it; and
- stated that he had previously voted against legislation that he was the co-sponsor of due to the large volumes of public testimony.

Discussion ensued regarding:

- Resolution Serial No. 10-036, which provided comments to the DNR on the HPMP;
- safety being a priority for access corridors;
- relieving traffic congestion for users of corridors; and
- the possibility of Borough land being used for access corridors.

(The special meeting recessed at 2:04 p.m. and reconvened at 2:08 p.m.)

Assemblymember Halter opined that the Commissioner's decision hurts the Borough's position regarding access corridors.

Assemblymember Colver opined that it is not the Assembly's intent for the State to designate the types of uses for Borough land.

Discussion ensued regarding:

- State recommendations for use of Borough owned land;
- protecting current access corridors; and
- the possibility of using Borough land to open up additional access corridors.

VOTE: The motion passed with Assemblymember Woods opposed.

- B. Resolution Serial No. 10-104: A RESOLUTION ESTABLISHING THE PROCESS TO REAPPORTION ASSEMBLY DISTRICTS FOR THE 2010 CENSUS. *(Sponsored by Assemblymember Colver)*
1. IM No. 10-200

MOTION: Assemblymember Colver moved to adopt Resolution Serial No. 10-104.

Assemblymember Colver:

- spoke to issues that occurred during the last redistricting; and
- stated that he brought the legislation forward in order to establish a process.

VOTE: The motion passed without objection.

C. INTRODUCTION (For public hearing – 01/18/11, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 11-004: AN ORDINANCE APPROVING THE REFUND OF \$72,000, SAID AMOUNT BEING THE PURCHASE PRICE OF BOROUGH LAND SALE PARCEL NO. 06-010, LEGALLY DESCRIBED AS THE SOUTHWEST ¼ NORTHWEST ¼, LOCATED WITHIN SECTION 34, TOWNSHIP 17 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA, PALMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA, (MSB TAX PARCEL 17N04W34B010), IN EXCHANGE FOR REACQUISITION OF THE PROPERTY (MSB006478).
 - a. IM No. 11-006

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 hearing for January 18, 2011.

VOTE: The motion passed without objection.

D. COMMITTEE OF THE WHOLE

1. LANDFILL RATE ANALYSIS STUDY
2. NELSON ROAD PROJECT
3. TALL STRUCTURES LEGISLATION

MOTION: Assemblymember Bettine moved to enter into the Committee of the Whole.

VOTE: The motion passed without objection and the Assembly moved into the Committee of the Whole at 2:30 p.m.

Mr. Greg Goodale and Ms. Shaune O'Neill provided an update regarding the landfill rate analysis.

(The special meeting recessed at 3:35 p.m. and reconvened at 3:45 p.m.)

Ms. O'Neill and Ms. Nelson provided an update regarding the Nelson Road Project.

(Assemblymember Ewing entered the meeting via teleconference at 4:35 p.m.)

(Assemblymember Colver exited the meeting at 4:40 p.m.)

(Assemblymember Ewing entered the meeting in person at 4:45 p.m.)

[Clerk's note: There was no presentation provided regarding Tall Structures, however, Mr. Alex Strawn did answer questions of the Assembly.]

MOTION: Assemblymember Bettine moved to exit the Committee of the Whole.

VOTE: The motion passed without objection and the Assembly exited the Committee of the Whole at 5:06 p.m.

MOTION: Assemblymember Ewing moved to schedule a meeting regarding tall structures for January 4, 2011, at 6 p.m. to include members of the industry as follows:

- Matanuska Telephone Association;
- AT&T;
- Alaska Communication Systems; and
- Spirit of Alaska Broadcasting.

Assemblymember Bettine:

- stated that she had previously attempted to schedule Assembly meetings for January 4th, but many members would not be present;
- stated that there were many more members of the Committee who were not included in the motion; and
- further added that perhaps everyone on the Committee should be included in the work session.

Assemblymember Ewing stated that he wants to hear from industry not just members on the panel.

MOTION: Assemblymember Ewing moved a primary amendment to strike "January 4, 2011, at 6 p.m." and insert in its place "February 22, 2011, at 6 p.m."

VOTE: The primary amendment passed without objection.

Assemblymember Keogh:

- stated that he is not in favor of excluding the public;
- noted that he would like to hear from anyone in the public who may have comments.

Ms. McKechnie stated that this legislation is not up for public hearing at this time, so there would be an opportunity for the public to comment when the legislation comes forward to public hearing.

Deputy Mayor Arvin:

- noted that he agrees with Assemblymember Keogh; and
- opined that the entire committee should be heard from.

MOTION: Assemblymember Ewing moved a primary amendment to allow industry 15 minutes each to speak to the tall structures legislation.

Assemblymember Bettine:

- stated that the members of industry that Assemblymember Ewing wants to include have provided input previously by being on the Committee; and
- further added that she is not in favor of hearing numerous hours of testimony on information that has been previously provided to the Assembly.

Discussion ensued regarding:

- who should be included in the work session for tall structures; and
- the possible length of time participants would be allowed to speak to the Assembly.

VOTE: The primary amendment failed with Assemblymembers Ewing, Arvin, and Woods in favor and Assemblymembers Keogh, Bettine, and Halter opposed (tie vote).

MOTION: Assemblymember Bettine moved a primary amendment to allow for all members of the committee on tall structures to provide testimony to the Assembly at the work session.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

D. RECONSIDERATION

1. AM No. 10-101: APPROVAL OF THE ROAD MAINTENANCE AND REPAIR CAPITAL PROJECTS FOR THE SUMMER OF 2011. *(Reconsideration filed by Assemblymember Ewing 12/08/10)*

MOTION: Assemblymember Ewing moved for reconsideration of AM No. 10-101.

Assemblymember Bettine:

- opined that road service area board projects should not be stricken by the Assembly;
- related that the project for a Pamela Drive Bridge has been on the list for several years;
- stated that it is not a funded item, but a priority put on the list by a road service area;
- noted that a community member could have come forward and put it on the list; and
- stated that it should remain on the list as it is unfunded.

Assemblymember Ewing:

- stated that the road service area has no funds due to another project in the district;
- opined that the bridge would accommodate a former Borough employee's best interest;
- noted he is not in support of that; and
- opined that it should not be on the list because it supports such a small group of residents.

Assemblymember Keogh opined that it should have been caught earlier by the Assembly Member of the District prior to the legislation being adopted.

VOTE: The motion for reconsideration failed with Assemblymembers Ewing, Arvin, and Woods in support and Assemblymembers Keogh, Halter, and Bettine opposed (tie vote).

~~VII. EXECUTIVE SESSION (for subjects that tend to prejudice the reputation and character of any person provided the person may request a public discussion or matters immediate public knowledge of which would clearly have an adverse impact upon the finances of the Borough.)~~

~~A. HIRING OF THE BOROUGH MANAGER~~

~~B. CONTRACT TERMS FOR THE BOROUGH MANAGER~~

[Clerk's note: There was no executive session conducted.]

IX. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Assemblymember Keogh:

- stated that it is his understanding that the Alaska Command is going to extend their designated aerial training area;
- further added that the community of Sutton was specifically mentioned; and
- requested that Administration gather information on this for the Assembly.

Deputy Mayor Arvin:

- stated that he just received a call from the Colonel on Elmendorf Air Force Base;
- related that the Colonel advised him that there is a letter coming to the Assembly;
- further added that there is an opportunity for public comment on this issue; and
- stated that the Assembly will be able to review the Environmental Impact Study and provide comment on it.

Assemblymember Halter:

- stated that he enjoyed the presentation regarding the landfill rate analysis; and
- thanked Mr. Goodale and Ms. O'Neill for their insightful presentation.

Assemblymember Ewing:

- apologized for being late;
- stated that his employer is under staffed;
- spoke to the minimal time off he has available to him;
- spoke to concerns with day time work sessions; and
- opined that public meetings should be scheduled for the evenings.

Ms. Gray:

- spoke to the Assembly special meeting that was discussed to be scheduled for December 20, 2010, at 9 a.m., for discussion with the State lobbyist;
- stated that if that meeting is scheduled that she would like to include the Capital Improvement Project list for introduction on that date and public hearing for January 18, 2011; and
- queried Ms. McKechnie if there is a need to introduce the Capital Improvement Project list on that date.

Ms. McKechnie advised that if it were able to be advertised that the Capital Improvement Project list could be included for introduction on that date.

Discussion ensued regarding whether or not to schedule a meeting on December 20, 2010.

(The Assembly scheduled a meeting for December 20, 2010, at 9 a.m., at Central Mat-Su Public Safety Building, for discussion of State priorities with the lobbyist, Mr. Ray Gillespie.)

X. ADJOURNMENT

The special meeting adjourned at 5:42 p.m.



RONALD ARVIN, Deputy Borough Mayor

ATTEST:



LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 01/18/11