

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on December 2, 2003, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Deputy Mayor Jim Colver.

II. ROLL CALL

Assembly members present and establishing a quorum were:

Mr. J. Bruce Bush, Assembly District No. 1 (*via teleconference at 7 p.m.*)
Mr. Bill Allen, Assembly District No. 2 (*via teleconference at 7 p.m.*)
Mr. Talis J. Colberg, Assembly District No. 3
Ms. Mary Kvalheim, Assembly District No. 4
Ms. Jody Simpson, Assembly District No. 5
Mr. Jim Colver, Assembly District No. 6 (Deputy Mayor)
Ms. Betty Vehrs, Assembly District No. 7

Staff in attendance were:

Ms. Michelle M. McGehee, Acting Borough Clerk
Ms. Tammy Clayton, Acting Borough Manager
Ms. Teresa S. Williams, Borough Attorney
Ms. Janice Case, Borough Clerk's Secretary
Mr. Don Shiesl, Public Works Director
Mr. Dennis Brodigan, Acting Emergency Services Director
Mr. Ron Swanson, Community Development Director

III. APPROVAL OF AGENDA

Assemblymember Colver inquired if there were any changes to the agenda.

GENERAL CONSENT: The agenda was approved without objection.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Dan Cottini, Palmer City Fire Chief.

V. MINUTES OF PRECEDING MEETINGS

Deputy Mayor Colver referenced the minutes of the October 31, 2003, special Assembly meeting and asked if there were any corrections thereto.

Ms. McGehee noted a correction to page 1 of the minutes, roll call, "Kelly Ladere" should read "Betty Vehrs".

GENERAL CONSENT: The minutes of the October 31, 2003, special Assembly meeting were approved as amended without objection.

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Wasilla City

Deputy Mayor Howard O'Neil:

- stated that construction of the sports complex is going well and that it should open in March 2004;
- reported that the library renovations have been completed and the library is scheduled to open on December 3, 2003; and
- invited the Assembly to attend the Community Christmas Celebration at the Dorothy Page Museum and Historic Town Site on Saturday, December 6, 2003, from 3 p.m. to 5 p.m.

2. Matanuska-Susitna Borough School District

School Board President Chmielewski:

- invited the Assembly to attend the School Board meeting on December 3, 2003;
- informed that the town meeting at the Goose Bay Elementary School would be on December 8, 2003, at 4 p.m.;
- noted that a new School District website is expected to be launched by the third week of December;
- discussed the benefits of the new website;
- stated that the final negotiations with classified employees were being held tonight;
- noted that the arbitrator would have a report for the principals and teachers by January 18, 2003; and
- reported that the School Board will begin the FY05 budget process next week.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Deputy Mayor Colver stated that there have been no meetings.

2. Regional Transportation Planning Organization

Assemblymember Simpson reported that the next meeting will be on January 26, 2003, at 1 p.m. in the MTA building.

C. MANAGER COMMENTS

Ms. Clayton:

- stated that the Borough has received a supplemental request from the School District for an additional \$376,396 in funds due to the increase in school enrollment;
- noted that administration will forward the supplemental request to the Assembly for their consideration after the Borough receives confirmation from the state of Alaska on the School District's enrollment numbers;
- referenced the financial reports for the month of October included in the Manager's report;
- informed that the Borough recently opened bids on the competitive land sale and nine of 24 parcels offered were sold for a total of \$561,032;
- referred to the latest schedule of the legislative teleconferences included in the report; and
- noted that the requested map of the historical sites to be surveyed and evaluation has been included in the Manager's report.

D. ATTORNEY COMMENTS

(There were no comments presented.)

E. CLERK COMMENTS

Ms. McGehee:

- reviewed the upcoming Assembly meeting schedule; and
- asked the Assembly if they were interested in scheduling a work session with the State Legislative Delegation on December 18, 2003, at 3 p.m., at the Legislative Information Office.

MOTION: Assemblymember Kvalheim moved to schedule a joint work session with the State Legislative Delegation on December 18, 2003.

VOTE: The motion passed without objection.

Ms. McGehee:

- stated that she has received a request that the coal bed methane work session on December 16, 2003, be a joint meeting with the Planning Commission;
- noted a correction to vacancy report; and
- commented that the agendas for the December 9 and 10, 2003, Assembly meetings were attached to the Clerk's report.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Animal Care and Regulation Board: 10/13/03, 10/27/03
 - b. Local Road Service Area Advisory Board: 10/16/03
 - c. Senior Citizens Advisory Board: 10/20/03
 - d. Wasilla-Lakes FSA Board of Supervisors: 10/13/03

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

G. INFORMATIONAL MEMORANDUMS

VIII. UNFINISHED BUSINESS

(There was no unfinished business.)

IX. NEW BUSINESS

A. INTRODUCTION (For public hearing - 12/16/03, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 03-178: AN ORDINANCE APPROVING A REAPPROPRIATION OF \$9,172 FROM PROJECT NO. 45013, ANIMAL CARE AND REGULATION VEHICLE, FUND 480, TO THE FISCAL YEAR 2004 ANIMAL CARE AND REGULATION OPERATING BUDGET, FUND 200, FOR STAFF TRAINING AND EQUIPMENT PURCHASES.
 - a. IM No. 03-273
2. Ordinance Serial No. 03-179: AN ORDINANCE ACCEPTING AND APPROPRIATING \$10,000 FROM THE ALASKA STATE DIVISION OF EMERGENCY SERVICES PRE-DISASTER MITIGATION GRANT PROGRAM, TO FUND 480, PROJECT NO. 20341, TO ASSIST IN COMPLETING AN ALL-HAZARD MITIGATION PLAN.
 - a. Resolution Serial No. 03-118: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF EMERGENCY SERVICES (ADES) PRE-DISASTER MITIGATION GRANT, FUND 480, PROJECT NO. 20341.
 - (1) IM No. 03-276
3. Ordinance Serial No. 03-180: AN ORDINANCE ACCEPTING AND APPROPRIATING \$399,840 FROM THE FEDERAL TRANSIT ADMINISTRATION (FTA) TO FUND 475, PROJECT NO. 20343 FOR THE PURPOSE OF PURCHASING A BUS AND TO FUND PREVENTATIVE BUS MAINTENANCE FOR MAT-SU COMMUNITY TRANSIT (MASCOT).
 - a. Resolution Serial No. 03-119: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET AND AUTHORIZING THE MANAGER TO ENTER INTO A MEMORANDUM OF AGREEMENT BY AND BETWEEN THE MATANUSKA-

SUSITNA BOROUGH AND MAT-SU COMMUNITY TRANSIT, FOR THE PURPOSE OF PURCHASING A BUS AND TO FUND PREVENTATIVE BUS MAINTENANCE.

(1) IM No. 03-277

4. Ordinance Serial No. 03-181: AN ORDINANCE ADOPTING MSB 17.52.250(A)(14), TO CREATE A RESIDENTIAL LAND USE DISTRICT IN DOWNWIND LANDING SUBDIVISION AND NINE ADJACENT TAX PARCELS.

a. IM No. 03-278

Ms. McGehee read the above legislation into the record.

MOTION: Assemblymember Kvalheim moved to introduce the legislation as read into the record by the Clerk and set the public hearings for December 16, 2003.

VOTE: The motion passed without objection.

B. CONSENT AGENDA

(Resolution Serial No. 03-123 was pulled from the consent agenda and addressed separately. *See pp. 6 of 17*)

1. RESOLUTIONS

a. Resolution Serial No. 03-120: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET AS ADOPTED IN FISCAL YEAR 2003 BUDGET, CAPITAL PROJECTS, FUND 480, PROJECT NO. 45107, TO PURCHASE ANIMAL CARE CLINIC EQUIPMENT AND SUPPLIES.

(1) Resolution Serial No. 03-121: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET AS ADOPTED IN FISCAL YEAR 2003 AND 2004 BUDGET, CAPITAL PROJECTS, FUND 480, PROJECT NO. 10151, FOR AN ANIMAL CARE CLINIC ROOM REMODEL AND PURCHASE OF CLINIC EQUIPMENT AND SUPPLIES.

(a) IM No. 03-274

b. Resolution Serial No. 03-122: A RESOLUTION AMENDING THE SCOPE OF WORK FOR THE PALMER AND WASILLA COMMUNITY POOLS HOT WATER REPLACEMENT PROJECT, PROJECT NO. 15007.

(1) IM No. 03-280

2. ACTION MEMORANDUMS

a. AM No. 03-223: APPROVING THE MATANUSKA-SUSITNA BOROUGH REGULAR ASSEMBLY MEETING SCHEDULE FOR 2004.

b. AM No. 03-235: RETROACTIVE APPROVAL OF DISABLED VETERAN PROPERTY TAX EXEMPTION FOR GORDON ADAMS ON TAX ACCOUNT NO. 2014B02L002 FOR TAX YEAR 2003.

- c. AM No. 03-236: RETROACTIVE APPROVAL OF DISABLED VETERAN PROPERTY TAX EXEMPTION FOR KEVIN WHITE ON TAX ACCOUNT NO. 2689B04L002 FOR TAX YEAR 2003.

Ms. McGehee read the consent agenda into the record.

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

VOTE: The motion passed without objection.

- c. Resolution Serial No. 03-123: A RESOLUTION AUTHORIZING PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM WITH KIDS ARE PEOPLE, INCORPORATED, A 501C3 NON-PROFIT CHARITY PROVIDING RESIDENTIAL YOUTH SERVICES.

(1) IM No. 03-285

MOTION: Assemblymember Colberg moved to adopt Resolution Serial No. 03-123.

Assemblymember Colberg inquired what the obligations of the Borough would be as a result of this legislation.

Ms. Clayton:

- replied that the Borough would not have any obligations;
- stated that the legislation simply allows the grant process to move forward;
- commented that if the money was awarded, the Borough would ensure that it was being used as specified by the grant; and
- noted that an ordinance and resolution would be brought forward to the Assembly accepting and appropriating the money and defining a scope of work and budget if the grant was awarded.

VOTE: The motion passed without objection.

C. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Anderson made the following recommendations:

Animal Care and Regulation Board
Joan Westall

Board of Adjustment and Appeals
Steve Rowland

Emergency Medical Services Board
Lynn Moore

Local Emergency Planning Committee
Dennis Brodigan
Sandra Gaither
Chas St. George
Ken Slauson
Mayor's Blue Ribbon Fisheries Committee
Steve Totten
Platting Board
William Bruu
Port Commission
Art Scates
Michael Janecek
Senior Citizens Advisory Board
Mae Tischer
Willow Fire Service Area No. 35
Claire Fitzgaird
Wasilla Lakes Fire Service Area No. 130
Ken Slauson
Greater Palmer Fire Service Area No. 132
Charles Akers
Lazy Mountain Road Service Area No. 19
Ken Klunder

Mayor Anderson requested the following confirmations:

Animal Care and Regulation Board
Patricia (Kate) Dixon
Mayor's Blue Ribbon Task Force on Police Powers
Michael Sears
Beryozava School site Selection Committee
Betty Vehrs
Mid-Valley Pathways Alternative School Site Selection Committee
Betty Vehrs
Vocational Education Center Site Selection Committee
Bill Allen
Greater Willow Road Service Area No. 20
Donald L'Hullier

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

VOTE: The motion passed without objection.

(The regular meeting recessed at 6:30 p.m. and reconvened at 7 p.m.)

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

(Assemblymembers Allen and Bush entered the meeting via teleconference at this time.)

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. 03-158: AN ORDINANCE CREATING UNALASKA AND ST. PAUL DRIVES ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 388, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.
 - a. IM No. 03-243

Deputy Mayor Colver asked Assemblymember Simpson to take the Chair, as he had a conflict of interest on Ordinance Serial No. 03-158.

(Deputy Mayor Colver relinquished the Chair to Assemblymember Simpson at this time.)

CONFLICT OF INTEREST: Deputy Mayor Colver declared a conflict of interest on Ordinance Serial No. 03-158 and asked to be recused from voting.

RULING: Presiding Officer Simpson ruled that Deputy Mayor Colver had a conflict of interest and would be recused from voting on the issue.

(Assemblymember Colver exited chambers at this time.)

Ms. Clayton recommended adoption of Ordinance Serial No. 03-158.

Presiding Officer Simpson opened the public hearing

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

MOTION: Assemblymember Kvalheim moved to adopt Ordinance Serial No. 03-158.

MOTION: Assemblymember Kvalheim moved a primary amendment to Ordinance Serial No. 03-158 to strike the map and legal description and to insert the new map and legal description provided by the finance department.

VOTE: The primary amendment passed without objection.

VOTE: The main motion as amended passed without objection.

(Deputy Mayor Colver returned to chambers at this time and resumed his duties as Chair.)

2. Ordinance Serial No. 03-159: AN ORDINANCE CREATING SHEENA MAY ESTATES AREA ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 387, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.
 - a. IM No. 03-244

Ms. Clayton recommended denial of Ordinance Serial No. 03-159, as it did not meet the requirements of code.

Deputy Mayor Colver opened the public hearing

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

MOTION: Assemblymember Kvalheim moved to adopt Ordinance Serial No. 03-159.

VOTE: The motion failed unanimously.

3. Ordinance Serial No. 03-160: AN ORDINANCE CREATING WAGON ROAD AND RAWHIDE LANE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 389, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.
 - a. IM No. 03-245

Ms. Clayton recommended postponing Ordinance Serial No. 03-160 to the December 16, 2003, regular Assembly meeting and reopening the public hearing.

Deputy Mayor Colver opened the public hearing

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

MOTION: Assemblymember Colberg moved to adopt Ordinance Serial No. 03-160.

MOTION: Assemblymember Colberg moved a primary amendment to Ordinance Serial No. 03-160 to strike the map and legal description and to insert the new map and legal description provided by the finance department.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colberg moved to postpone Ordinance Serial No. 03-160 as amended to the December 16, 2003, regular meeting.

VOTE: The motion to postpone passed without objection.

4. Ordinance Serial No. 03-161: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE BAR-BAR-A NO. 2 NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 378 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 03-162: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$31,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE BAR-BAR-A NO. 2 NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 378, AND FIXING DETAILS OF SAID BONDS.
 - (1) IM No. 03-247

Ms. Clayton reported that this improvement has been completed.

Deputy Mayor Colver opened the public hearing.

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

MOTION: Assemblymember Kvalheim moved to adopt Ordinance Serial Nos. 03-161 and 03-162.

MOTION: Assemblymember Kvalheim moved a primary amendment to Ordinance Serial No. 03-162 to strike 7.285 on page four of the legislation and to insert 7.205.

VOTE: The primary amendment passed without objection.

VOTE: The main motion as amended passed without objection.

5. Resolution Serial No. 03-113: A RESOLUTION PROVIDING FOR THE CONTINUANCE OF THE JOINT ASSEMBLY/SCHOOL BOARD COMMITTEE ON SCHOOL ISSUES.
 - a. IM No. 03-230

Deputy Mayor Colver opened the public hearing.

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

MOTION: Assemblymember Kvalheim moved to adopt Resolution Serial No. 03-113.

VOTE: The motion passed without objection.

6. Ordinance Serial No. 03-172: AN ORDINANCE RECLASSIFYING APPROXIMATELY 87 ACRES NEAR TRAPPER CREEK FROM “FOREST MANAGEMENT LANDS” TO “PUBLIC RECREATION LANDS.”
 - a. IM No. 03-259

Mr. Swanson:

- reported that the land is swampy and is not suited for commercial forestry; and
- recommended reclassifying the land as public recreation lands.

Deputy Mayor Colver opened the public hearing.

The following person spoke in support of Ordinance Serial No. 03-172: Mr. Ricardo Ernst.

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

MOTION: Assemblymember Vehrs moved to adopt Ordinance Serial No. 03-172.

Assemblymember Vehrs spoke in support of Ordinance Serial No. 03-172.

VOTE: The motion passed without objection.

7. Ordinance Serial No. 03-173: AN ORDINANCE ACCEPTING AND APPROPRIATING \$278.10 FROM GCI COMMUNICATIONS TO A NON-LAPSING CAPITAL FUND 480, PROJECT 20312, FOR UPGRADING AND ENHANCING THE TELECOMMUNICATIONS AND INFORMATION SERVICES IN THE BOROUGH LIBRARIES.
 - a. IM No. 03-261

Deputy Mayor Colver opened the public hearing

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

MOTION: Assemblymember Kvalheim moved to adopt Ordinance Serial No. 03-173.

VOTE: The motion passed without objection.

8. Ordinance Serial No. 03-174: AN ORDINANCE AUTHORIZING THE MATANUSKA-SUSITNA BOROUGH TO ISSUE GENERAL OBLIGATION SCHOOL BONDS, 2004 SERIES A, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$15,895,000, TO PROVIDE FUNDS FOR SCHOOL AND RELATED CAPITAL IMPROVEMENTS IN THE BOROUGH AND TO PAY COSTS OF ISSUING THE BONDS, FIXING CERTAIN DETAILS OF SUCH BONDS, AND AUTHORIZING THEIR SALE.
 - a. IM No. 03-262

Ms. Clayton:

- reported that these bonds were approved by the voters in the October 7, 2003, regular Borough election; and
- discussed the projects funded by the bond.

Deputy Mayor Colver opened the public hearing.

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

MOTION: Assemblymember Kvalheim moved to adopt Ordinance Serial No. 03-174.

VOTE: The motion passed without objection.

9. Ordinance Serial No. 03-175: AN ORDINANCE AUTHORIZING THE MATANUSKA-SUSITNA BOROUGH TO ISSUE GENERAL OBLIGATION SCHOOL BONDS, 2004 SERIES B, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$6,305,000, TO PROVIDE FUNDS FOR SCHOOL AND RELATED CAPITAL IMPROVEMENTS IN THE BOROUGH AND TO PAY COSTS OF ISSUING THE BONDS, FIXING CERTAIN DETAILS OF SUCH BONDS, AND AUTHORIZING THEIR SALE.
 - a. IM No. 03-263

Ms. Clayton:

- reported that these bonds were approved by the voters in the October 7, 2003, regular Borough election; and
- discussed the renovation projects funded by the bond.

Deputy Mayor Colver opened the public hearing.

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

MOTION: Assemblymember Kvalheim moved to adopt Ordinance Serial No. 03-175.

VOTE: The motion passed without objection.

10. Ordinance Serial No. 03-176: AN ORDINANCE AUTHORIZING THE MATANUSKA-SUSITNA BOROUGH TO ISSUE GENERAL OBLIGATION PORT BONDS, 2004 SERIES C, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$10,000,000 TO PROVIDE FUNDS FOR PORT MACKENZIE DOCK AND ROAD CAPITAL IMPROVEMENTS IN THE BOROUGH AND TO PAY COSTS OF ISSUING THE BONDS, FIXING CERTAIN DETAILS OF SUCH BONDS, AND AUTHORIZING THEIR SALE.
 - a. IM No. 03-264

Ms. Clayton:

- reported that these bonds were approved by the voters in the October 7, 2003, regular Borough election; and
- discussed the projects funded by the bond.

Deputy Mayor Colver opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 03-176: Ms. Jean Woods and Ms. Jay Nolfi.

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

MOTION: Assemblymember Simpson moved to adopt Ordinance Serial No. 03-176.

VOTE: The motion passed without objection.

11. Ordinance Serial No. 03-177: AN ORDINANCE ACCEPTING AND APPROPRIATING \$21,000 FROM SWALLING CONSTRUCTION COMPANY INCORPORATED TO THE PORT MACKENZIE PROJECT FROM THE SALE OF SHEET PILES.
 - a. IM No. 03-269

Deputy Mayor Colver opened the public hearing.

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

MOTION: Assemblymember Simpson moved to adopt Ordinance Serial No. 03-177.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke in support Resolution Serial No. 03-123: Mr. John Stein, Executive Director of Kids are People, Inc., Ms. Anne Drago, Mr. Rich McGill, and Ms. Marie Brown.

The following person spoke in support of public input at Assembly work sessions: Mr. Chris Whittington-Evans, Friends of Mat-Su.

D. OTHER NEW BUSINESS

X. RECONSIDERATION

(There were no reconsiderations.)

XI. VETO

- A. Resolution Serial No. 03-111: A RESOLUTION ESTABLISHING A CITIZEN'S ADVISORY COMMITTEE FOR THE TITLE 16 (SUBDIVISIONS) REWRITE. (*Veto issued by Mayor Anderson on 11/18/03*)
1. IM No. 03-258

MOTION: Assemblymember Colberg moved to override the mayoral veto of Resolution Serial No. 03-111.

Assemblymember Colberg spoke in support of Resolution Serial No. 03-111.

Assemblymember Vehrs:

- opined that Title 16 is very important; and
- stated that she strongly supports public participation in this matter.

Assemblymember Simpson:

- discussed the votes made when the legislation was previously brought before the Assembly;
- stated that the veto does not rise to the level where she can vote to sustain it;
- discussed the number of vetoes issued by previous mayors;
- voiced concern regarding the number of vetoes that have been issued by Mayor Anderson; and
- spoke in support of overriding the veto in the interest in the will of the body.

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

MOTION: Assemblymember Vehrs moved to reconsider the motion to override the mayoral veto of Resolution Serial No. 03-111.

VOTE: The motion to reconsider failed unanimously.

- B. Veto of Motion on Work Session Format: MOTION APPROVED ON NOVEMBER 18, 2003, TO CONTAIN DISCUSSION AT WORK SESSIONS TO THE ASSEMBLY, STAFF, AND ANY PRESENTERS INVITED. (*Veto issued by Mayor Anderson on 11/24/03*)

MOTION: Assemblymember Kvalheim moved to override the mayoral veto of the motion approved on November 18, 2003, to contain discussion at work sessions to the Assembly, staff, and any presenters invited.

Assemblymember Kvalheim commented that the Assembly should still hold work sessions, but that they need to give the public an opportunity to ask questions after the work session.

Assemblymember Simpson:

- spoke to the importance of preserving the work session format; and
- stated that other options need to be researched to allow for public participation.

Assemblymember Vehrs:

- discussed the importance of public participation; and
- noted that a solution needs to be found.

Assemblymember Colver spoke in support of the veto, as he does not want to shut the door on public participation.

Assemblymember Colberg:

- stated that the Assembly is unable to sit as a group and talk informally with the exception of a work session forum;
- noted that the public is able to contact the members of the Assembly at any time; and
- commented that the purpose of work session traditionally, is to give the Assembly a chance to talk to each other as a group.

Assemblymember Simpson:

- agreed with Assemblymember Colberg; and
- stated that when the Assembly schedules a work session, they have the ability to schedule a special meeting in conjunction with that meeting.

MOTION: Assemblymember Simpson moved the previous question (stop debate).

VOTE: The motion to stop debate passed with Assemblymembers Kvalheim and Colver in opposition.

VOTE: The motion to override passed with Assemblymembers Kvalheim and Colver in opposition.

MOTION: Assemblymember Simpson moved to reconsider the motion to override the mayoral veto of the motion approved on November 18, 2003, to contain discussion at work sessions to the Assembly, staff, and any presenters invited.

VOTE: The motion to reconsider failed with Assemblymembers Kvalheim and Colver in support.

XII. EXECUTIVE SESSION

(There was no executive session.)

XIII. MAYOR AND ASSEMBLY COMMENTS

(Assemblymember Allen exited the meeting at this time.)

Assemblymember Bush inquired if there would still be a special meeting on December 10, 2003.

Assemblymember Colver stated that the December 10, 2003, special Assembly meeting would be cancelled.

(Assemblymember Bush exited the meeting at this time.)

Assemblymember Kvalheim discussed neighborhood watch committees within the Borough.

Assemblymember Simpson:

- discussed the rigors of being an Assembly member; and
- voiced appreciation for the Assembly's support.

MOTION: Assemblymember Vehrs moved to schedule a special meeting on December 16, 2003, from 4 to 5 p.m., for the purpose of allowing a question/answer format for members of the public to ask question of the presenters who provided information on geology and coal bed methane at the December 16, 2003, 3 p.m. work session; question and answer time to be limited to five minutes per person.

Assemblymember Simpson:

- noted that this is a temporary solution to the public participation issue; and
- suggested rescheduling the work session to an earlier time if the presenters needed more time.

VOTE: The motion passed without objection.

Assemblymember Vehrs stated that it is her intent to bring forward a resolution to create a citizen's advisory committee on coal bed methane.

Assemblymember Colver:

- stated that it is good to be back home; and
- spoke to the need of the Assembly and the Mayor to work together on divisive issues.

XIV. ADJOURNMENT

The regular meeting adjourned at 8:20 p.m.

JIM COLVER, Deputy Borough Mayor

ATTEST:

SANDRA A. DILLON, CMC, Borough Clerk

Minutes Approved: December 16, 2003