

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on January 5, 2010, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:03 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
- Mr. Mark Ewing, Assembly District No. 4 (*attended telephonically*)
- Ms. Cindy L. Bettine, Assembly District No. 5 (*attended telephonically*)
- Mr. Jim Colver, Assembly District No. 6
- Mr. Vern Halter, Assembly District No. 7

Staff in attendance were:

- Ms. Lonnie R. McKechnie, Borough Clerk
- Mr. John Duffy, Borough Manager
- Ms. Elizabeth Gray, Assistant Borough Manager
- Mr. Nicholas Spiropoulos, Borough Attorney
- Ms. 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. Linda Brenner, Community Development Director
- Ms. Patty Sullivan, Public Affairs Director
- Mr. Dave Hanson, Economic Development Director
- Mr. Thomas Herschbach, Geographic Information Officer

III. APPROVAL OF AGENDA

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

Mr. Duffy:

- requested that Ordinance Serial No. 09-151 be pulled from the agenda;
- stated that issues have been identified that Administration would like to address; and
- noted that new legislation will be coming forward.

MOTION: Assemblymember Halter moved to take up the Vacancy Report directly after approval of minutes.

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

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: 12/08/09
- B. Joint Assembly/School Board Meeting: 12/08/09
- C. Regular Assembly Meeting: 12/15/09

Mayor Colberg inquired if there were any corrections to the special meeting minutes of December 8, 2009, the joint Assembly/School Board meeting minutes of December 8, 2009 or the regular Assembly meeting minutes of December 15, 2009.

Assemblymember Woods stated that the December 15, 2009, regular meeting minutes need to be corrected to reflect that it was a junk problem in Wasilla and not in Sutton.

VOTE: The minutes were approved as corrected without objection.

[CLERK'S NOTE: The December 15, 2009, minutes were revised.]

C. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Colberg made the following recommendations:

Animal Care and Regulation Board

John Wood

Aviation Advisory Board

Chris Kepler

Board of Adjustment and Appeals

Claudia Roberts

Borough Area Schools Site Selection Committee

Ole Larson

Colleen Vague

Sarah Welton

Citizen's Advisory Committee on the Goose Creek Correctional Facility

Jeffery Wendt

Enhanced 911 Advisory Board

Jeffery Laughlin

Diana Campbell

Historical Preservation Commission
Vivian Munson
Angela Wade
Local Emergency Planning Committee
Jonathan Owen
Patrick Malone
Leonard Betts
Donald Warble
Ken Slauson
Patrick L. Davis
Mayor's Blue Ribbon Sportsmen's Committee
Jim Colver
Port Commission
Cameron Sharick
Real Property Asset Management Board
Norman Harris
Caswell Lakes RSA No. 15
Larry Cline
Greater Butte RSA No. 16
Lucy Klebesadel
North Colony RSA No. 23
Barbara Gerard

Mayor Colberg requested the following confirmations:

Enhanced 911 Advisory Board
Nils, Monsen, resignation
Local Emergency Planning Committee
Nils Monsen, resignation
Planning Commission
Patrick Johnson
James Norcross
Platting Board
Thomas Smith
Ralph Buzard
Real Property Management Asset Board
Thomas Healy
Circle View & Stampede Estates Flood & Water Erosion Control No. 131
Patti Huntsman

MOTION: Assemblymember Halter moved to divide the question to address the confirmation of Mr. James Norcross to the Planning Commission separately.

VOTE: The motion passed without objection.

MOTION: First Segment. Assemblymember Woods moved to approve the Mayor's recommendations for confirmation with the exception of Mr. James Norcross confirmation to the Planning Commission.

VOTE: The motion passed without objection.

MOTION: Second Segment. Assemblymember Halter moved to approve Mr. James Norcross confirmation to the Planning Commission.

Assemblymember Halter:

- spoke in opposition to Mr. Norcross being on the Planning Commission;
- opined that the Planning Commission would benefit from having a representative from an area within District seven other than Willow; and
- noted his support of other applicants that would fit that description.

Mayor Colberg:

- spoke to his role in appointing members to boards and commissions;
- stated that when he was campaigning he heard many comments that the Planning Commission is hostile to business;
- commented that there should not be an absence of perspective on the Commission; and
- advised that he moved Mr. Norcross forward with Mr. Johnson in order to compromise.

Assemblymember Halter:

- related that his constituents have requested that Mr. Norcross not be confirmed; and
- opined that the request from the community should be honored.

Assemblymember Colver:

- spoke to room for compromise;
- noted that Assemblymember Halter's concerns are valid as he is making the request on behalf of his constituents;
- stated that there needs to be a streamlined process for appointments to boards and commissions;
- opined that the appointment of Mr. Norcross should be looked at further; and
- stated that he hopes to avoid having difficulties with the appointment or lack thereof.

Discussion ensued regarding:

- apportionment for the Planning Commission;
- under representation of the Planning Commission from the Meadow Lakes area; and
- the need to compromise on appointments to the Planning Commission.

VOTE: The motion to confirm Mr. Jim Norcross to the Planning Commission failed with Assemblymembers Woods, Arvin, and Ewing in favor.

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

(There were no reports provided.)

2. Matanuska-Susitna Borough School District

Mr. George Troxel, Superintendent, noted that kids are in school and things are going well.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Colver related that at the next School Board meeting they will be voting on whether or not to hold a special election for school bonds.

Assemblymember Arvin:

- noted that the signs are up for Machentanz Elementary which has helped the public; and
- spoke to a presentation by Dr. Deena Paramo regarding student testing.

2. Assembly Public Relations

Assemblymember Houston:

- stated that he was contacted by a Boy Scout who is working on a merit badge;
- noted that the issue that the Scout chose was animal control and euthanasia rates;
- related that he was grateful that he had the Manager's Report to refer to, in order to provide information to the scout; and
- encouraged everyone to work with youth when they have the opportunity.

Mayor Colberg:

- spoke to attending a meeting with Anchorage Mayor Dan Sullivan and the Kenai Peninsula Borough Mayor Dave Carey regarding Beluga whales;
- related that the Mayor's all want to extend the public comment period;
- noted that Anchorage and Kenai are both seeking funds to further scientific review of the whales, as there are many unanswered questions;
- stated that it would be up to the Assembly if they would like to participate in seeking funds; and
- stated that he is glad to have been included in the discussion.

Assemblymember Woods queried if the subject of the Borough Assembly and the Anchorage Assembly conducting a joint meeting was raised.

Mr. Duffy advised that he is hopeful that the joint meeting can move forward now, as Anchorage's budget cycle is completed.

D. MANAGER COMMENTS

1. State/Federal Legislation

Mr. Duffy:

- spoke to email outages that have been occurring;
- related that the Borough is currently testing software that will allow the acceptance of credit card payments;
- noted that the software should be rolled out by the end of the month to the landfills and the pools;
- stated that the Susitna Valley High School dedication is scheduled for January 11, 2010;
- noted that on February 20, 2010, the MV Susitna will be christened in Ketchikan;
- spoke to the upcoming visit to Washington D.C. to present federal priorities on February 22, 2010;
- spoke to the State Delegation meeting scheduled for January 7, 2010; and
- invited former Anchorage Mayor Rick Mystrom to speak to the Assembly regarding the presentations he has been scheduling regarding the rail extension.

Mr. Rick Mystrom:

- spoke to a presentation that has been worked on regarding the rail extension;
- noted that there have been many talks about uncertainty of the economy in Alaska;
- noted the importance of the rail extension; and
- provided a list of upcoming presentations regarding the rail extension.

E. ATTORNEY COMMENTS

Mr. Spiropoulos:

- advised that there are ten motions for summary judgment on the NPI litigation that are due next week; and
- requested an Executive Session on January 19, 2010, at 5 p.m. to update the Assembly on the status of the case.

Mayor Colberg queried if there were any objections to that meeting date.

There was no objection noted.

Mr. Spiropoulos:

- advised that the trial for the Steppers Construction lawsuit, regarding cell three at the Central Landfill, is set to go to trial in February;
- related that there will be no jury, as it will be a bench trial before the Judge; and
- noted that he and the Clerk will be meeting with Hearing Officers from the Office of Administrative Hearings in order to rework that Board's hearing process.

F. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule; and
- noted Administration requested a meeting on February 16, 2010, at 5 pm for the South Trunk Road Fairview Loop Corridor; and
- queried if the Assembly would like to schedule this meeting.

Mr. Duffy:

- stated that it is an overview of what is going on; and
- opined that an hour is not long enough.

Ms. McKechnie:

- spoke to the past joint evaluations of the Manager, the Attorney, and the Clerk; and
- queried if the Assembly would like to conduct a joint evaluation again.

Assemblymember Bettine:

- stated that the joint evaluation was not as productive as she thought it might be; and
- spoke in support of individual evaluations.

Discussion ensued regarding conducting joint evaluations of the Manager, the Attorney, and the Clerk.

Mayor Colberg requested to suspend this discussion until after public hearings.

There was no objection noted.

G. INFORMATIONAL MEMORANDUMS

(There were no informational memorandums presented.)

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. 09-160: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE VALE AVENUE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 434 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.

- a. Ordinance Serial No. 09-161: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$50,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE VALE AVENUE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 434, AND FIXING DETAILS OF SAID BONDS.
- (1) IM No. 09-254

Ms. Clayton 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 Nos. 09-160 and 09-161.

MOTION: Assemblymember Houston moved a primary amendment to Ordinance Serial No. 09-161, Section seven, to strike the interest rate of 7.799 percent and insert in its place 7.699 percent.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

- 2. Ordinance Serial No. 09-166: AN ORDINANCE AUTHORIZING THE MATANUSKA-SUSITNA BOROUGH TO INCUR INDEBTEDNESS IN THE PRINCIPAL AMOUNT OF \$50,000 FROM THE ALASKA STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF WATER, APPROPRIATING THE LOAN PROCEEDS TO THE TALKEETNA WATER AND SEWER SERVICE AREA, FUND 293, REAPPROPRIATING \$50,000 FROM THE TALKEETNA WATER AND SEWER SERVICE AREA, FUND 293, TO FUND 415, PROJECT NO. 25037, AND ACCEPTING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$450,000 FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009, TO FUND 415, PROJECT NO. 25037, FOR TALKEETNA PUBLIC WATER SYSTEM IMPROVEMENTS.
 - a. Resolution Serial No. 09-124: A RESOLUTION TO APPROVE THE SCOPE OF WORK AND BUDGET FOR THE TALKEETNA PUBLIC WATER SYSTEM IMPROVEMENTS.
 - b. AM No. 10-011: AWARD OF BID NO. 10-050 TO FRAWNER CORPORATION IN THE CONTRACT AMOUNT OF \$414,540 FOR THE TALKEETNA PUBLIC WATER SYSTEM IMPROVEMENTS.
- (1) IM No. 09-264

Ms. Shaune O'Neil 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 Halter moved to adopt Ordinance Serial No. 09-166, Resolution Serial No. 09-124, and AM No. 10-011.

VOTE: The motion passed without objection.

3. Ordinance Serial No. 09-167: AN ORDINANCE ACCEPTING AND APPROPRIATING \$344,000 FROM THE ALASKA STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF WATER, AND \$391,630 FROM THE ALASKA STATE DRINKING WATER FUND AND AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 TO FUND 415, PROJECT NO. 30082, FOR THE GARDEN TERRACE WATER SYSTEM UPGRADES.
 - a. Resolution Serial No. 09-125: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE GARDEN TERRACE WATER SYSTEM UPGRADES, PROJECT NO. 30082.
 - b. AM No. 10-012: AWARD OF BID NO. 10-046 TO WOLVERINE SUPPLY, INC. FOR THE CONTRACT AMOUNT OF \$652,760 FOR THE GARDEN TERRACE ESTATES WATER SERVICE REPLACEMENTS PHASE IV AND V.
- (1) IM No. 09-265

Ms. O'Neil 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 Arvin moved to adopt Ordinance Serial No. 09-167, Resolution Serial No. 09-125, and AM No. 10-012.

VOTE: The motion passed without objection.

4. Ordinance Serial No. 09-168: AN ORDINANCE AMENDING MSB 3.04.050, SCHOOL SYSTEM BUDGET; CONTENTS; AND ADOPTION OF MSB 3.04.055, LONG RANGE EDUCATION FINANCIAL PLAN. *(Sponsored by Assemblymember Colver)*
 - a. IM No. 09-274

Mayor Colberg opened the public hearing.

The following person spoke to concerns with the language within Ordinance Serial No. 09-168: Mr. George Troxel, Matanuska-Susitna Borough School Superintendent.

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

Assemblymember Colver:

- spoke to cost comparisons for education on a per student basis for different schools;
- related that there have been many questions regarding the School District's format for budget reporting;
- opined that this legislation will address those issues;
- further added that providing additional information will benefit the School District; and
- noted that the Assembly needs to know what specific shortfalls the School District has.

Assemblymember Houston:

- noted that he is in favor of the idea, but he is not sure that he is ready to vote on the legislation at this time;
- spoke to concerns that were expressed by Mr. Troxel, that it would require five additional staff to implement, with no funding to support the changes; and
- opined that a work session would be appropriate in order to determine changes that will meet the objectives of the legislation.

Assemblymember Woods:

- related that each year she obtains costs from the schools in her district that outline the previous year per student costs for education;
- further added that she does this so that when she is asked what it costs per student for education, she can provide an informed answer;
- noted that the type of accounting this legislation is proposing already occurs; and
- queried why it would require additional staff to implement the legislation.

Assemblymember Arvin:

- stated that it appears that what is being proposed in this legislation is already being done;
- opined it would be a great tool for the School Board;
- related that he has heard many concerns that there is a lack of visibility of how the School District determines their figures;
- opined it is important to educate and inform the public; and
- noted his support of the legislation.

Discussion ensued regarding:

- the need for the Assembly to be given answers on the School District budget;
- the need for the School Board to view the legislation;
- how the performance based budget works;
- whether the School District believes it is possible to accomplish this prior to the upcoming budget process; and
- the information the School District would need to gather in order to accomplish the objectives of the legislation.

(Assemblymember Bettine lost connection and was off the line from approximately 7:27 p.m. to 7:35 p.m.)

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 09-168.

MOTION: Assemblymember Woods moved a primary amendment to Ordinance Serial No. 09-168, MSB 3.04.050, by inserting "total" before the word "cost" and inserting "programs across the district" after the word "of" to read: "For the current fiscal year budget provide a report on the total cost of programs across the district providing educational services to comply with state and federal mandates above the level of funding provided by the State of Alaska and the U.S. Government for these services."

VOTE: The primary amendment passed with Assemblymember Ewing opposed.

Mayor Colberg:

- spoke to concerns that the legislation has not been reviewed by the School Board; and
- opined that it is inappropriate that the School Board has not had an opportunity to provide comments regarding this legislation.

MOTION: Assemblymember Houston moved a primary amendment to Ordinance Serial No. 09-161, MSB 3.04.050, to insert "intensive needs" before the word "programs" to read: "For the current fiscal year budget provide a report on the total cost of intensive needs programs across the district providing educational services to comply with state and federal mandates above the level of funding provided by the State of Alaska and the U.S. Government for these services."

MOTION: Assemblymember Colver moved to postpone Ordinance Serial No. 09-168 to a time certain of February 2, 2010.

Discussion continued regarding:

- the School Board having not yet provided any comments on the legislation; and
- benefits to the School District in accomplishing the objectives of the legislation.

MOTION: Assemblymember Arvin called for the question

VOTE: The motion passed without objection.

VOTE: The motion to postpone to a time certain of February 2, 2010, passed with Assemblymember Houston opposed.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

(The meeting recessed at 8:27 p.m. and reconvened at 8:44 p.m.)

The following persons spoke in support of the Assembly pulling AM No. 10-010 from the consent agenda to discuss and spoke to concerns with the bid process: Mr. Spencer Murphy, Great Northern Engineering; Mr. Kevin Brown, Palmer City Council.

The following person spoke to the need for waste water treatment management: Ms. Helen Munoz.

D. CONSENT AGENDA (AM Nos. 10-005, 10-008, and 10-010 were pulled from the consent agenda and addressed separately. *See pp. 12-14*)

1. RESOLUTIONS

(There were no resolutions presented under the consent agenda.)

2. ASSEMBLY MEMORANDUMS

a. AM No. 10-003: AWARD OF BID NO. 10-025 TO PIERCE MANUFACTURING, INC. IN THE AMOUNT OF \$578,484 FOR THE PURCHASE OF A MULTI-PURPOSE RESPONSE VEHICLE FOR THE WASILLA-LAKES FIRE SERVICE AREA.

d. AM No. 10-009: AWARD OF PROPOSAL NO. 10-038 TO DOWL HKM FOR A CONTRACT AMOUNT OF \$186,565 FOR THE WASILLA HIGH SCHOOL AND COTTONWOOD CREEK ELEMENTARY SCHOOL SITE CIRCULATION AND PARKING IMPROVEMENTS.

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.

b. AM No. 10-005: AUTHORIZATION TO ENTER INTO A CONTRACT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. IN THE AMOUNT OF \$175,000 FOR THE PURCHASE OF AN ENTERPRISE LICENSE AGREEMENT.

MOTION: Assemblymember Arvin moved to approve AM No. 10-005.

Mr. Herschbach provided a staff report.

VOTE: The motion passed without objection.

- c. AM No. 10-008: AWARD OF PROPOSAL NO. 10-008 TO HOWDIE, INC. FOR A CONTRACT AMOUNT OF \$4,000,000 WITH A CONTRACT AMENDMENT AUTHORIZATION SET AT \$350,000 FOR THE MATANUSKA-SUSITNA BOROUGH EMERGENCY SERVICES STATION NOS. 63 (HORIZON DRIVE) AND 66 (MILE 8 FAIRVIEW LOOP) DESIGN BUILD.

MOTION: Assemblymember Arvin moved to approve AM No. 10-008.

Assemblymember Houston queried if the contract amendment of \$350,000 was standard.

Mr. Krafft affirmed the query.

Assemblymember Ewing noted his continued opposition to contracts with change orders.

MOTION: Assemblymember Colver moved to a primary amendment to AM No. 10-008, by striking the contract amendment amount of "\$350,000" and inserting in its place "\$50,000" throughout the legislation.

Assemblymember Woods:

- noted that code already sets a contract amendment for \$100,000; and
- opined that the Assembly should adhere to the amounts listed within code.

MOTION: Assemblymember Houston moved a secondary amendment by striking "\$50,000" and inserting "\$100,000" throughout the legislation.

VOTE: The secondary amendment failed with Assemblymembers Houston and Woods in support.

Assemblymember Arvin:

- spoke regarding concerns with design build contracts; and
- queried why the fire stations are being built in this manner.

Mr. Krafft:

- stated that this is the most pure form of "best buy" construction; and
- noted that staff was directed by the Assembly to pursue contracts in this manner when appropriate.

Assemblymember Ewing queried if test wells have been drilled on both sites.

Mr. Krafft affirmed the query

Assemblymember Ewing queried what amenities would be included.

Mr. Krafft advised that items such as hose drying racks or other things built to specifically accommodate the building are included.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

- e. AM No. 10-010: AWARD OF PROPOSAL NO. 10-041 TO SAFIRROSETTI IN THE CONTRACT AMOUNT OF \$844,000 FOR THE MATANUSKA-SUSITNA BOROUGH SCHOOL DISTRICT'S DISTRICT-WIDE SAFETY AND SECURITY IMPROVEMENTS DESIGN.

MOTION: Assemblymember Arvin moved to approve AM No. 10-010.

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

VOTE: The motion to extend the meeting passed with Assemblymembers Houston and Halter opposed.

Assemblymember Arvin:

- spoke to reviewing the legislation;
- noted his concerns with the award of the contract due to the lack of information;
- opined there are contractors within Alaska that are qualified to perform this work; and
- stated that it should go back for additional bidding.

Assemblymember Ewing:

- noted his agreement with Assemblymember Arvin;
- stated that the Assembly does not see all the scoring information on bid awards;
- opined that the local firm under bid; and
- requested justification why the outside contractor was awarded the contract.

Assemblymember Woods spoke to concerns with not awarding the bid to a company that is outside Alaska.

Mr. Krafft:

- stated that it is undisputed that the outside contractor is qualified; and
- noted that because there are bond funds involved, it is necessary to follow State procurement standards.

Discussion ensued regarding:

- bidding and scoring criteria;
- the Assembly's role regarding legislative versus non-legislative; and
- purchasing's proposal process.

VOTE: The motion passed with Assemblymembers Woods, Houston, and Halter in favor and Assemblymembers Colver, Arvin, and Ewing opposed. (Tie vote.) The motion passes with Mayor Colberg invoking his voting privilege in the affirmative.

VIII. UNFINISHED BUSINESS

(There was no unfinished business.)

IX. NEW BUSINESS

A. INTRODUCTION (For public hearing – 01/19/10, 7 p.m., Borough Assembly Chambers)

1. ~~Ordinance Serial No. 09-151: AN ORDINANCE AMENDING MSB 11.20; STREET NAMES AND ADDRESS NUMBERS, FOR CLARIFICATION PURPOSES AND TO ALLOW FOR THE SITUS ADDRESSING OF PROPERTIES ALONG UNDOCUMENTED ACCESS.~~
 - a. ~~IM No. 09-233~~
2. Ordinance Serial No. 10-003: AN ORDINANCE APPROVING THE ACCEPTANCE AND APPROPRIATION OF FISCAL YEAR 2010 COMMUNITY REVENUE SHARING PROGRAM FUNDS IN THE AMOUNT OF \$444,400, TO FUND 475, PROJECT NO. 47014.
 - a. Resolution Serial No. 10-001: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE FISCAL YEAR 2010 COMMUNITY REVENUE SHARING PROGRAM, PROJECT NO. 47014.
 - (1) IM No. 10-001
3. Resolution Serial No. 10-002: A RESOLUTION ADOPTING THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2011 THROUGH FISCAL YEAR 2016.
 - a. IM No. 10-006
4. Ordinance Serial No. 10-004: AN ORDINANCE APPROVING THE REQUEST BY AGRICULTURAL RIGHTS OWNERS OF THE 1977 SALE FARM UNIT, DESCRIBED AS SOUTHEAST ¼ NORTHWEST ¼ OF SECTION 7, TOWNSHIP 18 NORTH, RANGE 3 EAST, SEWARD MERIDIAN, ALASKA, CONTAINING 40 ACRES MORE OR LESS, SUBJECT TO THE NORTH 65 FEET AND THE WEST 65 FEET FOR UTILITY EASEMENT AND ROAD RIGHT-OF-WAY, TO RECLASSIFY THE FIVE-ACRE HOME/HEADQUARTERS SITE AND DIVIDE IT FROM THE FARM UNIT, AND PURCHASE THE DEVELOPMENT RIGHTS FROM THE BOROUGH OF THE 5-ACRE SITE. SAID PROPERTY IS LOCATED WITHIN THE PALMER RECORDING DISTRICT AND THE LAZY MOUNTAIN COMMUNITY COUNCIL AREA (MSB000502).
 - a. IM No. 10-011

5. Ordinance Serial No. 10-005: AN ORDINANCE ACCEPTING AND APPROPRIATING \$13,400.34 FROM THE MATANUSKA TELEPHONE ASSOCIATION TO FUND 440, PROJECT NO. 20323, FOR UPGRADING AND ENHANCING THE TELECOMMUNICATIONS AND INFORMATION SERVICES WITHIN THE MATANUSKA-SUSITNA LIBRARY NETWORK.
 - a. IM No. 10-013

6. Ordinance Serial No. 10-006: AN ORDINANCE AMENDING MSB 2.12.112(F), CONDUCT OF DEBATE AND DISCUSSION; TO MODIFY THE ASSEMBLY RULES REGARDING RECONSIDERATION. *(Sponsored by Assemblymember Ewing)*
 - a. IM No. 10-016

7. Ordinance Serial No. 10-007: AN ORDINANCE ADOPTING MSB 2.12.082, AGENCY REPORTS. *(Sponsored by Assemblymember Bettine)*
 - a. IM No. 10-017

8. Ordinance Serial No. 10-009: AN ORDINANCE APPROVING THE ALASKA STATE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES ACQUISITION OF BOROUGH-OWNED LAND IDENTIFIED AS PARCEL 24 FOR THE SEWARD MERIDIAN RECONSTRUCTION PHASE I, PROJECT NO. 51184 (MSB006252).
 - a. IM No. 10-005

9. Ordinance Serial No. 10-011: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$360,000 FROM THE UNRESTRICTED NET ASSETS IN THE SOLID WASTE ENTERPRISE FUND, FUND 510, TO THE FISCAL YEAR 2010 CENTRAL LANDFILL DIVISION OPERATING BUDGET, FUND 510.
 - a. AM No. 10-007: APPROVAL OF CHANGES TO THE CENTRAL LANDFILL MAINTENANCE AND OPERATIONS CONTRACT.
 - (1) IM No. 10-012

10. Ordinance Serial No. 10-012: AN ORDINANCE AUTHORIZING THE MATANUSKA-SUSITNA BOROUGH TO INCUR INDEBTEDNESS IN THE PRINCIPAL AMOUNT OF \$55,000 FROM THE ALASKA STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF WATER, APPROPRIATING THE LOAN PROCEEDS TO THE TALKEETNA WATER AND SEWER SERVICE AREA, FUND 293, REAPPROPRIATING \$55,000 FROM THE TALKEETNA WATER AND SEWER SERVICE AREA, FUND 293, TO FUND 415, PROJECT NO. 25037, AND ACCEPTING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$495,000 FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009, TO FUND 415, PROJECT NO. 25037, FOR TALKEETNA PUBLIC WATER SYSTEM IMPROVEMENTS.

- a. Resolution Serial No. 10-003: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE TALKEETNA PUBLIC WATER SYSTEM IMPROVEMENTS.
- (1) IM No. 10-014

- 11. Resolution Serial No. 10-004: A RESOLUTION APPROVING THE REQUEST BY THE MAYOR'S BLUE RIBBON SPORTSMEN'S COMMITTEE FOR PROFESSIONAL SERVICES TO PREPARE PROPOSALS TO THE BOARD OF FISHERIES.
- a. IM No. 10-015

- B. INTRODUCTION (For public hearing - 02/16/10, 7 p.m., Borough Assembly Chambers)

- 1. Ordinance Serial No. 10-001: AN ORDINANCE CREATING WESTFORK DRIVE AREA ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 439, 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. 10-007

- 2. Ordinance Serial No. 10-002: AN ORDINANCE CREATING ALYESKA AND TAHOE DRIVES ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 440, 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. 10-008

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 hearings for January 19, 2010, and February 16, 2010, respectively.

MOTION: Assemblymember Colver moved to divide the question to take the introduction of Ordinance Serial No. 10-009 separately.

VOTE: The motion passed without objection.

MOTION: First Segment. Assemblymember Woods moved to introduce the legislation as read into the record by the Clerk and set the public hearings for January 19, 2010, and February 16, 2010, respectively, with the exception of Ordinance Serial No. 10-009.

VOTE: The motion passed without objection.

MOTION: Second Segment. Assemblymember Colver moved to introduce Ordinance Serial No. 10-009 and set the public hearing for May 4, 2010.

VOTE: The motion passed without objection.

(Discussion continued regarding the Clerk's report and the joint evaluations of the Manager, the Clerk and the Attorney.)

[CLERK'S NOTE: The Assembly decided to dispense with the joint evaluations.]

Ms. McKechnie queried if the Assembly would like to schedule a meeting on February 16, 2010, for an update regarding Trunk Road Extension South.

Mr. Duffy requested that Administration be allowed to determine a different date for this meeting.

There was no objection noted.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - b. Borough Area School Site Selection Committee: 05/28/09
 - c. Enhanced 911 Advisory Board: 10/13/09
 - d. Mayor's Blue Ribbons Sportsmen's Committee: 04/23/09
 - e. Planning Commission: 05/04/09, 05/18/09, 09/21/09, 10/05/09, 10/19/09, Resolution Serial Nos. 09-24 and 09-26
 - f. Platting Board: 08/20/09, 09/03/09
 - g. Port Commission: 07/20/09, 08/05/09, 08/17/09, Resolution Serial No. 09-004
 - h. Real Property Asset Management Board: 09/09/09, Resolution Serial No. 09-05

2. Community Council Correspondence:
 - a. Point MacKenzie Community Council: 06/11/09, 08/13/09
 - b. Susitna Community Council: 04/02/09, 05/07/09, 06/04/09, 08/06/09, 09/03/09
 - c. Sutton Community Council: 10/13/09

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

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 Colver queried if a meeting had been scheduled regarding the gravel ordinance

Mr. Duffy:

- stated that he hopes to discuss the scheduling of this meeting at the Assembly Planning Session; and
- queried if the Assembly had any objections to setting the meeting at that time.

There was no objection noted.

Assemblymember Colver:

- opined that the Assembly requires additional procurement information when awarding bids; and
- stated that he wants what is the best for the public.

Assemblymember Woods wished everyone a Happy New Year.

Mr. Spiropoulos:

- advised that he will prepare a memorandum for the Assembly regarding legislative versus non-legislative actions; and
- spoke to processes in place in which bid protests may be filed.

Assemblymember Ewing:

- noted that he would like email regarding Borough business sent to his Borough email rather than his personal email; and
- queried if Mr. Spiropoulos was the Borough Attorney when the timber moratorium occurred.

Mr. Spiropoulos advised that he was not the Attorney at that time.

Assemblymember Arvin:

- requested guidance regarding the procurement process;
- noted his confusion on the Assembly's role; and
- opined hard dollar bids are more appropriate for Borough contracts.

Assemblymember Halter:

- noted his disagreement with hard dollar bids;
- opined that design build construction projects are appropriate; and
- stated that staff needs the ability to perform their jobs without the Assembly micromanaging every step.

Assemblymember Houston:

- spoke to concerns with Assembly meetings going late; and
- opined that the Assembly should remain focused on the job at hand.

XIV. ADJOURNMENT

The regular meeting adjourned at 10:28 p.m.



TALIS J. COLBERG, Borough Mayor

ATTEST:



LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 01/19/10