

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on January 19, 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 J. Colberg.

II. ROLL CALL

Assembly members present and establishing a quorum were:

Ms. Lynne Woods, Assembly District No. 1 (*Deputy Mayor*)
Mr. Pete Houston, Assembly District No. 2
Mr. Ronald Arvin, Assembly District No. 3 (*arrived at 6:08 p.m.*)
Mr. Mark Ewing, Assembly District No. 4
Ms. Cindy L. Bettine, Assembly District No. 5
Mr. Jim Colver, Assembly District No. 6 (*attended telephonically*)
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. Cheryl D. Marino, Deputy 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
Ms. Glenda Smith, Real Property Analyst
Ms. Frankie Barker, Planner II
Mr. Brad Sworts, Transportation Division Manager

III. APPROVAL OF AGENDA

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

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Assemblymember Bettine.

V. SPECIAL ORDERS OF THE DAY

- A. A Certificate of Appreciation Presented to Ms. Elinros Laber in Recognition of her Service on the Board of Adjustment and Appeals.

Mayor Colberg presented Ms. Laber with the Certificate of Appreciation for her service on the Board of Adjustment and Appeals.

VI. MINUTES OF PRECEDING MEETINGS

- A. Regular Assembly Meeting: 01/05/10

Mayor Colberg inquired if there were any corrections to the regular minutes of January 5, 2010.

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

VII. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Houston City

Ms. Natasha Schachle, Council Member:

- reported that the city of Houston is currently working on winter tourism;
- commented that they have been advertising for the Little Susitna Campground, which is open year-round;
- noted that they have had a great camping turnout this past year, so they are keeping the campground open all year;
- reported that they are working on winter trails for snow machining, skiing, and other outdoor recreation activities;
- noted that they have been working with the State to try to get new signs to inform people of the year-round public rest area that is maintained daily on the Parks Highway;
- commented that the Planning Commission had updated their land use regulations and will be forwarding the legislation to the Council at the next regular meeting; and
- thanked Assemblymember Halter for providing updates at their council meetings.

2. Matanuska-Susitna Borough School District

President Vague:

- reported that the School Board has completed the first stage of the budgetary process;
- noted her appreciation for Assemblymembers' service;
- invited the Assembly to upcoming School Board meetings;
- explained performance based budgeting and the reasons behind using it;

- thanked the Mayor and Assembly for postponing Ordinance Serial No. 09-168, until the School Board could forward comments on the legislation;
- spoke to concerns with some language in the ordinance;
- reported that the smaller schools can currently operate because the bigger schools have a larger student teacher ratio, and funds are drawn from the larger schools to help support the smaller schools;
- noted that the School District is federally mandated to educate everyone in the district;
- spoke to the importance of taking a look at the issues before changing the budget process;
- noted that the School Board has not yet voted on the legislation; and
- noted that Mr. George Troxel will be forwarding an alternative to the ordinance that may make the impact less profound.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Arvin noted that the Joint Assembly/School Board Committee has not met since the last report.

3. Assembly Public Relations

Assemblymember Ewing:

- noted that the next Local Emergency Planning Committee meeting is January 20, 2010, at 7 p.m.; and
- spoke to attending the Transportation Research Board's annual meeting.

Assemblymember Woods noted her interest in the classes that were offered.

Assemblymember Bettine queried the sponsor.

Assemblymember Ewing:

- noted that the meeting was sponsored by the National Academy, which started in 1862 by Abraham Lincoln; and
- reported that the National Academy was previously called the National Transportation Board, which was then named the Transportation Research Board and encompasses all transportation within the United States.

Assemblymember Colver:

- spoke to attending the Mayor's Blue Ribbon Sportsmen's Committee meeting held on January 14, 2010;
- stated that Resolution Serial No. 10-004 regarding authorization for funding to provide proposals to the Board of Fisheries is up for public hearing tonight;
- reported on a beluga whale presentation provided by the National Marine Fisheries Service;

- noted that the presentation reported on research findings that most of the beluga whales spend their entire summer in the Upper Cook inlet and most of them stay in the inlet year round;
- commented that the critical habitat issue affects the mouths of the Chickaloon, Susitna, and Little Susitna rivers;
- commented that the Port of Anchorage had requested an exemption from the critical habitat designation, as they are a military support sea port;
- stated that the presentation made the beluga whale issue not so onerous; and
- recommended the Assembly have a work session with the National Marine Fisheries Service and invite the Planning Commission before the regular meeting on February 2, 2010, at 5 p.m.

Mr. Duffy noted that the National Marine Fisheries Service is available to come to a work session on this date.

B. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues

Mr. Duffy:

- reported that former Mayor Mystrom, Municipality of Anchorage, is to give a presentation to the Anchorage Chamber of Commerce on the rail extension project on January 25, 2010;
- noted that the National Marine Fisheries Service will be holding a public hearing and accepting testimony on February 11, 2010, at the Best Western Lake Lucille Inn in Wasilla;
- spoke to the possible round table discussion regarding the material extraction legislation;
- reported that a memorandum has been provided to the Assembly regarding the different ways the Assembly can conduct their meetings on the material extraction legislation;
- spoke to the possibility of delaying the effective date of the legislation; and
- introduced Mr. John McClellan of Tyonek Native Corporation.

Mr. McClellan provided a presentation regarding the West Cook Inlet.

Mayor Colberg requested to take up the Informational Memorandum section of the agenda before the Attorney and Clerk comments.

There was no objection noted.

C. INFORMATIONAL MEMORANDUMS

1. IM No. 10-019: AN INFORMATIONAL MEMORANDUM REGARDING THE PURCHASE OF LOT 2, MEADOW CREEK SUBDIVISION, ADDITION NO. 1, FOR THE WEST LAKES FIRE/AMBULANCE FACILITY, STATION 7-3.

MOTION: Assemblymember Bettine moved to amend IM No. 10-019 by replacing the fiscal note to show the impact of \$450,000 to the fire service area budget.

VOTE: The motion passed without objection.

(The meeting recessed at 7:00 p.m. and reconvened at 7:02 p.m.)

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

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

1. Winter Motorized Access to Hatcher Pass – Jim Turner, Alaska Outdoor Access Alliance

Mr. Turner:

- spoke to the recent media coverage regarding the cross country skiing in the Fishhook area and its potential as a world class competitive course;
- commented that there has been some talk of a down hill ski area at Hatcher Pass;
- noted that there is potential for a world class snow machine event at Hatcher Pass;
- spoke to motorized access in Hatcher Pass;
- reported that they are in the process of applying for a permit from the Alaska State Department of Natural Resources for snow machine access;
- noted that access can be provided without interfering with nordic and alpine skiing;
- commented that the current access for snow machines at Hatcher Pass is limited to two parking areas that quickly fill up on weekends;
- noted that when the parking lots are full, people are turned away by the State Park Rangers;
- stated that a trail from the Fishhook area would be the best way to increase access and relieve congestion at Hatcher Pass;
- stated that the Borough should incorporate snow machine access into Borough plans; and
- spoke in favor of a multi-use plan.

Assemblymember Bettine queried if Mr. Turner was proposing that the corridor follow the road.

Mr. Turner:

- spoke to the amount of people in the audience present at the meeting that support this issue;
- reported on the research and scouting findings performed within the last year;
- spoke to the Carl Wagon Trail and ski access area;
- commented that an aerial view would show that the canyon is filled with old trails and roads; and
- reported that the Castle Mountain Fault runs through the canyon.

Discussion ensued regarding:

- the best route for snow machines;
- the difficulty of incorporating a snow machine trail with the design of the down hill ski area;
- the location of the proposed trail;
- the number of snow machines compared to the number of nordic skiers; and
- the co-existing of snow machines and skiers.

B. PUBLIC HEARINGS (Three minutes per person.)

1. 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

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 Woods moved to adopt Ordinance Serial No. 10-003 and Resolution Serial No. 10-001.

VOTE: The motion passed without objection.

2. 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

Ms. Nelson and Mr. Sworts 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 Resolution Serial No. 10-002.

Assemblymember Woods:

- noted that the Capital Improvement Program (CIP) does go through a lot of comments, but all of the information may not have been provided;
- spoke to the 300 acres at Point MacKenzie used for recreational area;
- spoke to the importance of prioritizing the CIP;
- noted that the legislation for the Sutton Library Resource Project is in Juneau for the first tier of funding;
- commented that the Borough is close to getting the financing for this project to move forward;

- spoke to concerns regarding the Sutton Community Resource Center/Library being a lower priority than a park that has no funding or planning; and
- noted her support for the science and education center, however, it has not got to the stage where the project has received funding or planning.

Assemblymember Houston:

- noted that he agrees that a discussion of the CIP priorities is important;
- commented that the best input the Assembly could give is with the Strategic Plan and then the Strategic Plan should guide staff when developing the CIP;
- opined that there seems to be a mismatch with the current priority list and the priorities of the Strategic Plan;
- spoke in support of the Sutton Library project;
- commented on the great amount of angst regarding Library funding with the cities; and
- spoke to the need to have a discussion about how the Assembly is going to address issues with libraries as a whole.

Discussion ensued regarding:

- the need to set priorities earlier in the year for the State;
- the Assembly's top three priorities: road bonds, the railroad spur, and a natural gas pipeline;
- the Sutton Library project needing to be higher on the priorities;
- the need to keep the CIP simple as the larger the size of the CIP, the more confusing it can get;
- that only a few projects are getting funded this year; and
- the need to send the CIP to Juneau.

MOTION. Assemblymember Woods moved a primary amendment to the Capital Improvement Program, fiscal year 2011 Borough Capital Projects, Community Capital Projects Infrastructure fiscal year 2011 – fiscal year 2016, by moving Sutton Community Resource Center/Library from No. 12 to No. 4 and renumber the other projects accordingly.

VOTE: The primary amendment passed without objection.

VOTE: The main motion as amended passed without objection.

3. 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

Ms. Smith provided a staff report.

Mayor Colberg opened the public hearing.

The following person spoke in support of Ordinance Serial No. 10-004: Ms. Virginia Crawford.

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. 10-004.

VOTE: The motion passed without objection.

4. 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

Ms. Brenner provided a staff report.

Mayor Colberg opened the public hearing.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 10-005.

VOTE: The motion passed without objection.

5. 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

Ms. McKechnie provided a staff report.

Mayor Colberg opened the public hearing.

The following person spoke to the importance of making sure that the public is aware that legislation is not final until it is signed: Ms. Diane Woodruff.

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

MOTION: Assemblymember Ewing moved to adopt Ordinance Serial No. 10-006.

Assemblymember Ewing:

- advised that he had never seen a reconsideration be used at the same meeting the original motion was adopted except at Assembly meetings;
- noted that this legislation gives two opportunities to reconsider a vote;
- spoke to the importance of having an opportunity to take a different ground;
- spoke to the need to have enough time to think about votes and reconsider them; and
- stated his support for the legislation.

Assemblymember Houston:

- noted his discomfort with being able to reconsider an item twice; and
- commented that he agrees with Assemblymember Ewing on the way reconsideration has been used.

Assemblymember Colver:

- spoke in support of allowing for the additional day before giving the approval on contracts;
- spoke to concerns regarding the process as outlined in the legislation;
- commented that the Assembly will not have finality on issues;
- noted that the Assembly could end up redoing a lot of things; and
- spoke to concerns that the Assembly may see an increase of reconsiderations with passing this legislation.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 10-006, MSB 2.12.112 (F)(3), by striking the new text except for the wording regarding contracts and reinserting the deleted text.

Assemblymember Ewing spoke in opposition to the primary amendment.

Assemblymember Bettine:

- spoke in support of the primary amendment; and
- spoke to the need to come to meetings prepared to vote.

Discussion ensued regarding:

- the importance of listening to public comments on legislation before voting;
- concerns with the motion to reconsider being used as a gaming tool and disrupting the process of passing legislation; and
- the possibility of not allowing reconsideration to be used at the same meeting the original motion was voted on.

VOTE: The primary amendment failed with Assemblymembers Woods, Bettine, and Colver in support.

Assemblymember Colver:

- noted that the Assembly could see how this legislation works for a while; and
- commented that there are times when an immediate reconsideration is in the best interest of the public.

Assemblymember Houston noted the need to exercise constraint with the new rules.

VOTE: The main motion passed with Assemblymembers Woods, Bettine, and Colver opposed.

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

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. 10-007.

Assemblymember Bettine noted that she sponsored this legislation at the request of the Clerk.

Assemblymember Ewing noted the need to have a time limit for agency reports.

MOTION: Assemblymember Ewing moved a primary amendment to Ordinance Serial No. 10-007, MSB 2.12.082(A), by inserting the words “limit their presentation to seven minutes” to the end of the section to read: “A person wishing to speak before the assembly under the agenda item “agency reports” shall file an appearance request with the clerk specifying the topic on which the person intends to speak and shall limit their presentation to seven minutes.”

Assemblymember Arvin:

- noted that there may be some agency reports that need more than seven minutes;
- opined that there is not going to be a rush of governmental agencies coming to the meetings and having back to back presentations;
- spoke to concerns regarding the seven minute timeline; and
- stated that the qualifier in the legislation is “governmental agencies” which would carry with it a likely substantive dialog between that body and the Assembly.

Assemblymember Ewing:

- commented that the legislation does not only include governmental agencies, but also agencies that the Borough have provided grants to; and
- noted that the audience participation is limited to three minutes.

MOTION: Assemblymember Houston moved a secondary amendment to strike “seven” and insert “fifteen” in its place.

Assemblymember Houston:

- spoke to the need to increase the time limit for agency reports; and
- noted that if the reports need more than fifteen minutes, the Assembly may want to schedule a special meeting or a work session.

Discussion ensued regarding:

- limiting time for agency reports;
- the possibility with agency reports overlapping into the public hearing time if they had 15 minutes;
- the need to have some latitude to extend agency reports time limit; and
- the agency report section being the only opportunity to provide reports to the Assembly.

MOTION: Assemblymember Bettine called for the question (to stop debate).

VOTE: The motion to stop debate passed without objection.

VOTE: The secondary amendment failed with Assemblymember Houston in support.

VOTE: The primary amendment passed with Assemblymembers Houston and Bettine in opposition.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 10-007, MSB 2.12.082 (A), by inserting: (2) The governmental entity such as the school district or the city do not have to file an appearance request.

VOTE: The primary amendment passed without objection.

VOTE: The main motion as amended passed without objection.

(The meeting recessed at 8:40 p.m. and reconvened at 8:55 p.m.)

7. 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
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 Houston moved to adopt Ordinance Serial No. 10-011 and AM No. 10-007.

VOTE: The motion passed without objection.

8. 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

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 Halter moved to adopt Ordinance Serial No. 10-012 and Resolution Serial No. 10-003.

Assemblymember Halter:

- requested Assembly support for the legislation; and
- noted that the one and a half percent interest will be paid back by the Talkeetna Water and Sewer Service Area.

VOTE: The motion passed without objection.

9. 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. (*Sponsored by Mayor Colberg*)
- a. IM No. 10-015

Mayor Colberg and Ms. Barker provided a report.

Mayor Colberg opened the public hearing.

The following persons spoke in support of Resolution Serial No. 10-004: Mr. Larry Engel and Mr. Bill Folsom.

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 Resolution Serial No. 10-004.

Assemblymember Woods:

- noted that when she was president of the Mat-Su Convention and Visitors Bureau, they were in the beginnings of a problem with the fisheries and at that time it was an important part of tourism and the Borough economy;
- stated that she is sorry to hear the bad news regarding the fisheries;
- noted that there is a way for the Borough to have more fish in streams;
- commented that she is thankful there is a group working on this; and
- noted her support for the legislation.

Assemblymember Ewing:

- spoke in appreciation of the effort put forth by the Mayor's Blue Ribbon Sportsmen's Committee members;
- opined that the funding amount should be higher;
- spoke to the need for more funding from the bed tax to promote lakes, streams, and campsites to have affordable tourism, and
- stated that funds are tight right now.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke in support of proper sewage disposal and the importance of a regional sewer system: Ms. Helen Munoz.

The following person spoke to concerns with the city of Palmer purchasing property as stated in Resolution Serial No. 10-007: Ms. Geraldine Keeling.

The following persons spoke to concerns with the public bid opening that the School District held: Ms. Patricia Sykes and Mr. John Stefanski, Skookum Construction.

The following person spoke in support of Ordinance Serial No. 09-101 and Resolution Serial No. 09-067: Ms. Diane Woodruff.

The following person spoke regarding the South Trunk Extension Fairview Loop Connector Transportation Corridor Planning Commission Resolution, the need for the Assembly to give a high level of consideration to the decision making process of the Borough's Boards and Commissions, and that every Board and Commission that considered South Trunk Extension routes have agreed that the Linn Lou Lane is not the best route and not in the best interest of the community as a whole: Mr. Randy Dellar.

The following person spoke regarding historical funding that the Borough provided to the School District from fiscal year 1995 to fiscal year 2010: Mr. Rick Burns.

The following person spoke to the need for Assembly members to speak into the microphones so that the public can hear their discussion and in support of Resolution Serial No. 10-007: Mr. Mike Chmielewski.

The following person requested the Assembly reconsider Ordinance Serial No. 10-007 and spoke to the need to explain to the Assembly how the School Board budget of \$250,000,000 is disbursed: Ms. Colleen Vague, School Board President.

D. CONSENT AGENDA (Resolution Serial Nos. 10-005 and 10-007 and AM No. 10-006 were pulled from the consent agenda and addressed separately. *See pp. 15-17*)

1. RESOLUTIONS

b. Resolution Serial No. 10-006: A RESOLUTION REQUESTING AN EXTENSION OF TIME FROM FEDERAL AGENCIES TO RESPOND TO THE PROPOSED DESIGNATION OF CRITICAL HABITAT FOR COOK INLET BELUGA WHALES.
(Sponsored by Mayor Colberg)

(1) IM No. 10-022

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.

Mayor Colberg:

- noted that the legislation is a request to extend the time period for people to comment on the proposed designation of beluga whales;
- commented that there has already been an extension of one month and that it may or may not make that much difference to extend the response period by 30 more days;

- spoke to attending a presentation on beluga whales given by Jean-Michel Cousteau on January 17, 2010;
- spoke to the history of beluga whales;
- commented that the beluga whales may be a unique population that do not migrate to the Bering Sea;
- spoke to issues that start to occur when mammals are designated as charismatic megafauna;
- noted that this designation can become a tool for something other than just protecting the species;
- spoke to the critical habitats;
- stated that there are specific areas that are historically and scientifically linked to beluga whales to include the estuaries of the salmon streams and the Susitna River Drainage;
- commented that if anything is seen as impacting those areas, it is going to have to be more closely regulated;
- spoke to the long term impacts;
- stated that most people agree that there are only a few hundred beluga whales left and it is not clear why that is;
- spoke to the impact the Borough would see if beluga whales are designated as protected; and
- commented that the legislation is simply saying that people are opposed to the designation and requesting that the comment period be extended.

VOTE: The motion passed without objection.

- a. Resolution Serial No. 10-005: A RESOLUTION APPROVING THE AMENDED BUDGETS FOR THE BRYANT ROAD AT ANNA LAKE FISH PASSAGE IMPROVEMENT PROJECT, PROJECT NO. 30100; SULLIVAN AVENUE AT BODENBURG CREEK BIOENGINEERING PROJECT, PROJECT NO. 30102; AND WASILLA CREEK AT GRANTHAM DRIVE FISH PASSAGE IMPROVEMENT PROJECT, PROJECT NO. 30101.

(1) IM No. 10-021

MOTION: Assemblymember Bettine moved to adopt Resolution Serial No. 10-005.

MOTION: Assemblymember Bettine moved a primary amendment to Resolution Serial No. 10-005, Amended Budgets with this Resolution as follows:

- Bryant Road at Anna Lake Fish Passage Improvement Project – Project No. 30100, by striking “\$100,000” under fiscal year 2010 areawide capital appropriations, and inserting “\$60,000” in its place, and inserting “Borough in-kind contribution of \$40,000”;
- Sullivan Avenue at Bodenbug Creek Bioengineering Project, Project No. 30102, by striking “fiscal year 2010 areawide capital appropriations” and inserting “Borough in-kind contribution” in its place; and
- Wasilla Creek at Grantham Drive Fish Passage Improvement Project – Project No. 30101, by striking “\$100,000” under fiscal year 2010 areawide capital appropriations, and inserting “\$94,000” in its place, and inserting “Borough in-kind contribution of \$6,000”.

VOTE: The primary amendment passed without objection.

VOTE: The main motion as amended passed without objection.

MOTION: Assemblymember Bettine moved to extend the meeting past 10 p.m. and not to exceed 10:30 p.m.

VOTE: The motion passed with Assemblymembers Houston and Halter opposed.

c. Resolution Serial No. 10-007: A RESOLUTION SUPPORTING THE CITY OF PALMER'S ACQUISITION OF LAND AT 513 SOUTH VALLEY WAY FOR THE PURPOSE OF DEVELOPING A COMMUNITY AND CONFERENCE CENTER OR OTHER PUBLIC FACILITY.

(1) IM No. 10-025

MOTION: Assemblymember Bettine moved to adopt Resolution Serial No. 10-007.

MOTION: Assemblymember Bettine moved a primary amendment to Resolution Serial No. 10-007 and IM No. 10-025, Summary Statement, third paragraph, by striking the words "Removal or" from the third sentence to read "This property is as evidenced by the poor conditions of the buildings, an overgrowth of weeds and other unsightly junk, trash and debris. Rehabilitation of the existing dilapidated structures would provide a safer and more aesthetically pleasing environment for those living in and traveling through the City of Palmer." and to Resolution Serial No. 10-007 by striking from the fifth Whereas clause, the words "removal or" to read "Whereas, rehabilitation of the existing structures would provide a safer and more aesthetically pleasing environment for those living in and traveling through the city of Palmer; and

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 10-007, Now, Therefore, Be it Resolved, by striking the words "public use" and inserting the words "mixed public and private use" in its place to read: Now, therefore, be it resolved, the Matanuska-Susitna Borough Assembly supports the City of Palmer's acquisition of property located at 513 S. Valley Way for the purpose of constructing a community and conference center or any structure for mixed public and private use."

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Halter moved a primary amendment to Resolution Serial No. 10-007, last whereas clause, by inserting the words "and water tower" after the words "old warehouse building" to read "Whereas, it should be noted this property is listed on the National Register of Historic Places and is under a

historic preservation covenant for the historic rehabilitation of the Old warehouse building and water tower which would be incorporated in the architectural design of the community and conference center campus.

VOTE: The primary amendment passed without objection.

VOTE: The main motion as amended passed without objection.

2. ASSEMBLY MEMORANDUMS

a. AM No. 10-006: APPROVAL OF THE ROAD MAINTENANCE AND REPAIR CAPITAL PROJECTS – SUMMER 2010 LIST.

MOTION: Assemblymember Bettine moved to adopt AM No. 10-006.

MOTION: Assemblymember Bettine moved a primary amendment to AM No. 10-006 as follows:

- Road Service Area No. 9, Midway, Priority No. 7, Grantham Culvert, by striking "\$94,000" under RSA header, and inserting "\$100,000" under MSB header.
- Road Service Area No. 21 Big Lake, Priority No. 7, Bryant Road, by striking "\$60,000" under RSA header, and inserting "\$100,000" under MSB header; and
- Road Service Area No. 26 header, Butte, Priority No. 7, Sullivan Avenue Bridge, by striking "\$20,000" under Total Estimated Cost header, and inserting "\$40,000" in its place, and by inserting "\$20,000" under MSB header.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Woods moved a primary amendment to AM No. 10-006 to replace the page regarding Road Service Area No. 28, Gold Trails, as requested by Administration.

VOTE: The primary amendment passed without objection.

VOTE: The motion passed as amended without objection.

IX. UNFINISHED BUSINESS

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

1. Resolution Serial No. 09-067: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET TO RESEARCH AND CONDUCT A BASE LINE SURVEY OF HISTORIC BUILDINGS WITHIN THE BOUNDARIES OF THE CITY OF WASILLA.
 - a. IM No. 09-153

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

Assemblymember Ewing noted that he is glad to see this move forward and fully supports the legislation.

VOTE: The motion passed without objection.

X. NEW BUSINESS

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

1. Ordinance Serial No. 10-013: AN ORDINANCE ACCEPTING AND APPROPRIATING \$564,041 FROM THE ENVIRONMENTAL PROTECTION AGENCY TO FUND 480, PROJECT NO. 20381, FOR THE MATANUSKA-SUSITNA BOROUGH WATER QUALITY PROTECTION PROGRAM.
 - a. Resolution Serial No. 10-008: A RESOLUTION ESTABLISHING THE SCOPE OF WORK AND BUDGET AND AUTHORIZING THE MANAGER TO ENTER INTO THE GRANT AGREEMENT WITH THE ENVIRONMENTAL PROTECTION AGENCY; AND PARTNERSHIP AGREEMENTS WITH LOCAL NON-PROFITS FOR THE MATANUSKA-SUSITNA BOROUGH WATER QUALITY PROTECTION PROGRAM.
 - (1) IM No. 10-002
2. Ordinance Serial No. 10-014: AN ORDINANCE APPROVING A REAPPROPRIATION OF \$237,000 FROM THE BIG LAKE ROAD SERVICE AREA NO. 21 FISCAL YEAR 2010 OPERATING BUDGET, FUND 277, TO FUND 410, PROJECT NO. 30043, FOR BIG LAKE ROAD SERVICE AREA NO. 21 CAPITAL PROJECTS.
 - a. IM No. 10-020

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 February 2, 2010.

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

John Wood

Aviation Advisory Board

Chris Kepler

Borough Area Schools Site Selection Committee

Ole Larson

Colleen Vague

Sarah Welton

Citizens 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

Real Property Asset Management Board

Norman Harris

Caswell Lakes RSA No. 15

Larry Cline

Greater Butte RSA No. 26

Lucy Klebesadel

North Colony RSA No. 23

Barbara Gerard

Mayor Colberg made the following recommendations:

Board of Adjustment and Appeals

Claudia Roberts

Enhanced 911 Advisory Board

Rosemary Burnett

Historical Preservation Commission

Robert Meinhardt

Mayor's Blue Ribbon Sportsmen's Committee

Jim Colver

Planning Commission
Ken Klunder
Ted Berry
Port Commission
Greg Bell

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

VOTE: The motion passed without objection.

D. ATTORNEY COMMENTS

Mr. Spiropoulos:

- spoke to the updated monthly injunction tracking list; and
- reported that case no. 3PA-09-846CI was closed on January 11, 2010, which was faster than expected; and
- provided an update of case no. 3PA-09-828.

E. CLERK COMMENTS

Ms. McKechnie:

- noted that the first meeting of the Commission on Salaries and Emoluments is scheduled for January 20, 2010, at 1 p.m. in Assembly Chambers; and
- asked if the Assembly would like to schedule the work session regarding beluga whales on February 2, 2010.

Assemblymember Woods requested that the work session be postponed to a later date.

There was no objection to postponing the work session to a later date.

Ms. McKechnie noted that this presentation could be provided at the Joint Assembly/Planning Commission meeting on March 23, 2010.

There was no objection noted.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Animal Care and Regulation Board: 04/08/09, Resolution Serial No. 09-01
 - b. Emergency Medical Services Board: 10/07/09
 - c. Greater Talkeetna RSA No. 29: 10/08/09
 - d. Greater Willow RSA No. 20: 07/09/09

- e. Platting Board: 10/01/09, 11/19/09
- 2. Community Council Correspondence:
- a. Meadow Lakes Community Council: 07/08/09, 09/09/09

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

C. OTHER NEW BUSINESS

XI. RECONSIDERATION

(There were no reconsiderations presented.)

XII. VETO

(There were no vetoes presented.)

XIII. EXECUTIVE SESSION

(There was no executive session held.)

XIV. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Woods noted that she will be absent from the February 2, 2010, regular Assembly meeting as she will be attending the Alaska Municipal League winter meeting in Juneau.

Assemblymember Arvin:

- noted that he was approached by a non-responsive bidder for the School District bid;
- noted the comments received under audience participation regarding the School District bid;
- commented that he looked at the School District proposal and concluded that the company was clearly qualified;
- commented that there is an issue with how the proposals are ranked;
- opined that procurement is an issue at the Borough and the School District; and
- asked that the Assembly have a procurement discussion and that the School District procedures be included.

Assemblymember Ewing:

- noted that he too was contacted by the School District bidders;
- stated that he does not understand why the procurement system is so flawed;
- noted that other bidders were qualified for the School District bid; and
- thanked everyone for speaking tonight.

Assemblymember Halter:

- noted that he enjoyed the performance based budget report and the Tyonek Native Corporation presentation; and
- commented that it was a good meeting.

Assemblymember Houston:

- noted that he enjoyed both of the presentations; and
- spoke to the need to continue to work on developing partnerships and working positively with other entities.

Assemblymember Colver:

- spoke to House and Senate Bills that were introduced in Juneau that affect municipalities;
- clarified the misunderstanding regarding the School District budget transparency legislation by explaining that the intent of the legislation works;
- stated that the legislation does not direct the spending of the School District budget and it does not require the funding to follow the students, it simply requires disclosing the details of school spending plans and budget to the public;
- explained that no schools will be closed; and
- commented that the School District can continue to bundle its budget how they choose to;
- noted that the School Board has had time to comment as the legislation was given to the School District on December 14, 2009.

XV. ADJOURNMENT

The regular meeting adjourned at 10:23 p.m.

ATTEST:



TALIS J. COLBERG, Borough Mayor



LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 02/02/10