

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on April 20, 2010, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:02 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
Mr. Mark Ewing, Assembly District No. 4
Ms. Cindy L. Bettine, Assembly District No. 5
Mr. Jim Colver, Assembly District No. 6 (*via teleconference*)
Mr. Vern Halter, Assembly District No. 7

Staff in attendance were:

Mr. John Duffy, Borough Manager
Ms. Elizabeth Gray, Assistant Borough Manager
Mr. John Aschenbrenner, Deputy Borough Attorney
Ms. Cheryl D. Marino, Deputy Borough Clerk
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
Ms. Nancy Cameron, Land Management Agent
Mr. Robert Haskell, Chief Animal Care and Regulation Officer
Mr. Emerson Kruger, Planner II
Mr. Joe Welliver, Planner II

III. APPROVAL OF AGENDA

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

Ms. Marino:

- noted that Resolution Serial No. 10-032 was sponsored by Assemblymember Bettine; and
- reported that this information was added to the agenda.

Mr. Duffy requested that Ordinance Serial No. 10-030 be postponed, as Administration has not heard back from the state of Alaska.

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ms. Bonnie Quill, Mat-Su Convention and Visitors Bureau

V. MINUTES OF PRECEDING MEETINGS

- A. Joint Assembly/Planning Commission Meeting: 03/23/10
- B. Regular Assembly Meeting: 04/06/10

Mayor Colberg inquired if there were any corrections to the Joint Assembly/Planning Commission meeting minutes of March 23, 2010, and the regular Assembly meeting minutes of April 6, 2010.

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

- 1. Reports from cities

(There were no reports provided.)

- 2. Matanuska-Susitna Borough School District

Ms. Terrie Irwin, School District Chief Financial Officer, requested that the Assembly contact her should there be any questions regarding the School District's budget.

- 3. Mat-Su Convention and Visitors Bureau – Ms. Karen Harris

Ms. Harris:

- noted that the Mat-Su Convention and Visitors Bureau (MSCVB) was happy to participate in the 2010 Tourism Summit;
- reported that the draft Mat-Su Valley South Gateway Visitors Center Plan will be available for review on the MSCVB website;
- invited the Assembly to attend an upcoming meeting where they will be looking into partnerships, the next steps to take in terms of what form will be taken, and a possible walk around some of the sites;
- requested the same grant agreement for fiscal year 2011 as was received in fiscal year 2010;
- requested an appropriation of \$511,875 in two equal payments;
- spoke to the amount of bed tax collected;

- spoke to the legislative action that added \$7,000,000 for a television awareness campaign through Alaska Travel Industry Association for fiscal year 2011; and
- reported that the annual MSCVB fundraiser event will be held at Evangelo's on Friday, April 23, 2010.

Assemblymember Bettine queried the amount of the requested appropriation.

Ms. Harris:

- noted that the requested appropriation would be 65 percent of the bed tax;
- stated that if the bed tax was the same as last year, the amount would be \$511,875; and
- commented that MSCVB would request additional funds should the bed tax exceed the previous years amount.

Assemblymember Ewing:

- noted that he enjoyed the presentations that were provided at the 2010 Tourism Summit; and
- spoke to proposed locations of the Mat-Su Valley South Gateway Visitors Center.

Ms. Harris:

- spoke to the Knik River highway access location;
- noted that the only land that is above the flood stage is less than one acre in size; and
- stated that the engineers noted that it would not be an easy task to convince the different government agencies that the location would be a great place to build on marsh and wetlands.

Discussion ensued regarding:

- the Mat-Su Valley South Gateway Visitors Center;
- the highway access to proposed locations for the Mat-Su Valley South Gateway Visitors Center;
- the visibility of signage at the Knik River location;
- whether all of the proposed locations are still on the table; and
- what the consultants had rated.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

(There was no report provided.)

2. Assembly Public Relations

(There were no reports provided.)

C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues

Mr. Duffy:

- spoke to Mr. Ray Gillespie's email regarding the end of session report;
- stated that the capital budget funding from the State for the Borough looks good; and
- spoke to his response to the April 17, 2010, Anchorage Daily News article regarding the Goose Creek Correctional Center.

Assemblymember Woods:

- spoke to a newspaper article that noted that Governor Parnell thought the capital budget was too large; and
- queried whether Mr. Duffy and Mr. Gillespie were monitoring this.

Mr. Duffy advised that he and Mr. Gillespie were monitoring it.

Assemblymember Arvin queried whether Governor Parnell had seen the video prepared by Ms. Sullivan regarding the Port MacKenzie Rail Extension Project.

Mr. Duffy advised that the video had been delivered to the Governor's office, however, he did not know if the Governor had watched the video.

Assemblymember Bettine:

- noted that Governor Parnell is going to speak with the Borough's Legislative Delegation regarding their highest priorities; and
- commented that she read that Governor Parnell is going to cut the budget;
- spoke to the need for the Assembly to prioritize and work with the Legislative Delegation on the priorities in the budget;
- opined that any of the public safety items and any of the projects that would create immediate jobs may be a way to look at each item;
- stated that the Assembly has to be more involved than hoping that the Governor has seen the rail extension video;
- spoke to being interested in the public safety project of the pathway on Fairview Loop; and
- noted that the pathway on the Fairview Loop has been a priority of the Knik-Fairview Community Council for a long time.

Discussion ensued regarding:

- pathways and walkways;
- whether the Borough has the funds to air the Port MacKenzie Rail Extension Project video via Anchorage and Juneau media;
- the possibility of providing video to other areas in the State;
- the Senate and House of Representatives projects in the budget;
- whether Governor Parnell supports the Port MacKenzie Rail Extension Project; and
- the size of the State's budget.

A. ATTORNEY COMMENTS

(There was no report provided.)

B. CLERK COMMENTS

Ms. Marino:

- spoke regarding the upcoming meeting schedule;
- noted that there is no location as of yet for the 12 p.m. special meeting regarding the comments to the Alaska State Department of Natural Resources Hatcher Pass Management Plan;
- spoke to the reasons that the 12 p.m. meeting could not be held at the Central Public Safety Building; and
- queried if the Assembly would like to reschedule the meeting to a different date.

Assemblymember Ewing queried if the meeting could be held at Cottonwood Public Safety Building No. 6-5.

Mr. Brodigan noted that he would need to check the availability of the meeting rooms at Cottonwood Public Safety Building No. 6-5.

Assemblymember Colver requested that the meeting date not change.

Assemblymember Houston suggested that the meeting take place in the Assembly Chambers.

Discussion ensued regarding the meeting location for the April 27, 2010, 12 p.m. special meeting.

Mr. Duffy suggested that all of the April 27, 2010, meetings be held in Assembly Chambers.

There was no objection noted.

Ms. Marino queried if the Assembly would like to schedule a work session regarding the interim materials legislation.

Assemblymember Colver requested that the work session be scheduled after the budget meetings.

There was no objection noted.

Ms. Marino queried if the Assembly would like to schedule the next Assembly Planning Session.

The Mayor requested that the Assembly Planning Session be scheduled after the budget meetings.

There was no objection noted.

C. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Animal Care and Regulation Board: 12/14/09, 01/11/10 (2), 02/08/10
 - b. Board of Ethics: 03/08/10
 - c. Greater Butte RSA No. 26: 11/12/09
 - d. Library Board: 09/19/09, 10/17/09
2. Community Council Correspondence:
 - a. Susitna Community Council: 10/01/09, 11/05/09, 11/19/09

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

Assemblymember Bettine requested that the Planning Department's budget presentation continue from the earlier work session.

Mr. Aschenbrenner:

- noted that the earlier work session had adjourned; and
- spoke to concerns regarding the Assembly taking up the Planning Department's budget presentation as it was not listed on the regular meeting agenda.

Discussion ensued regarding continuing the budget presentations.

D. INFORMATIONAL MEMORANDUMS

1. IM No. 10-073: AN INFORMATIONAL MEMORANDUM PROVIDING THE MONTHLY REPORTING OF AMENDED CONTRACTS AND NEW AWARDS UNDER \$100,000, ALONG WITH SOLE SOURCE PROCUREMENTS, FOR THE PERIOD OF MARCH 1, 2010, TO MARCH 31, 2010.

The informational memorandum was presented and no comments were noted.

IX. NEW BUSINESS

A. INTRODUCTION (For public hearing - 05/04/10, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 10-040: AN ORDINANCE APPROVING A 99-YEAR LEASE FOR BOTH LOT 4 AND LOT 5 HOMESTEADERS COMMUNITY CENTER SUBDIVISION ADDITION NO. 1 BETWEEN HOMESTEADER'S COMMUNITY CENTER, INC., AND MID-VALLEY SENIORS, INC., FOR THE PUBLIC PURPOSE OF DEVELOPMENT OF THE LEASEHOLD ESTATES FOR SENIOR HOUSING.
 - a. IM No. 10-071
2. Ordinance Serial No. 10-041: AN ORDINANCE APPROVING THE AUTHORIZATION OF THE BOROUGH MANAGER TO COMPLETE ALL DOCUMENTS AND AGREEMENTS IN ORDER TO SUBORDINATE THE

MATANUSKA-SUSITNA BOROUGH'S INTEREST IN THE REAL PROPERTY MORE FULLY DESCRIBED AS LOT 5 HOMESTEADERS COMMUNITY CENTER SUBDIVISION ADDITION NO. 1, TO ALASKA HOUSING FINANCE CORPORATION (AHFC) INTEREST AS REQUIRED BY AHFC IN ORDER TO PROVIDE FINANCING TO THE DEVELOPER FOR THE PUBLIC PURPOSE OF SENIOR HOUSING TO BE LOCATED ON THE REAL PROPERTY, WHILE STILL REQUIRING THE USE OF THE PROPERTY FOR A PUBLIC PURPOSE AND PRESERVING THE BOROUGH'S ABILITY TO ENSURE THE SAME.

- a. IM No. 10-072
- 3. Ordinance Serial No. 10-042: AN ORDINANCE AUTHORIZING A FAIR MARKET VALUE LEASE OF BOROUGH-OWNED REAL PROPERTY TO PROVIDE LEGAL ACCESS TO USIBELLI COAL MINE, INC., FOR CONSTRUCTION OF AN ACCESS/COAL HAUL ROAD AND RELATED SAFETY STRUCTURES FOR FUTURE COAL EXTRACTION FROM THE WISHBONE HILL COAL MINE.
 - a. IM No. 10-075
- B. INTRODUCTION (For public hearing - 04/27/10 and 05/06/10, 6 p.m., Central Mat-Su Public Safety Building)
 - 1. Ordinance Serial No. 10-010: AN ORDINANCE APPROPRIATING MONIES FROM THE CENTRAL TREASURY FOR THE BOROUGH OPERATING FUNDS, ENTERPRISE FUNDS, AND CAPITAL FUNDS, AND ESTABLISHING THE RATE OF LEVY FOR ALL BOROUGH FUNCTIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, AND ENDING JUNE 30, 2011.
- C. INTRODUCTION (For public hearing - 07/20/10, 6 p.m., Borough Assembly Chambers)
 - 1. Ordinance Serial No. 10-018: AN ORDINANCE REPEALING MSB 17.28, INTERIM MATERIALS DISTRICT; REPEALING MSB 17.30, CONDITIONAL USE PERMIT FOR EARTH MATERIALS EXTRACTION ACTIVITIES; ADOPTING MSB 28.10.025, PUBLIC NOTIFICATION; AMENDING MSB 28.100, DEFINITIONS; AMENDING MSB 28.30, EARTH MATERIAL EXTRACTION, TO CREATE COMPREHENSIVE EARTH MATERIAL EXTRACTION REGULATIONS, INCLUDING PROVISIONS FOR REGULATING EXCAVATION INTO THE SEASONAL HIGH WATER TABLE, RECLAMATION, AND PERFORMANCE SECURITIES.
 - a. Resolution Serial No. 10-010: A RESOLUTION ESTABLISHING FEES AUTHORIZED UNDER MSB 28.10.040, FEES; FOR EARTH MATERIAL EXTRACTION PERMIT APPLICATION PROCESSING AND INSPECTION UNDER MSB 28.30.
 - (1) IM No. 10-030

Ms. Marino 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 May 4, 2010, April 27, 2010, May 6, 2010, and July 20, 2010, respectively.

MOTION: Assemblymember Arvin moved to divide the question to set the public hearing for Ordinance Serial No. 10-018 and Resolution Serial No. 10-010 separately.

VOTE: The motion passed without objection.

MOTION: First Segment. Assemblymember Arvin moved to introduce the legislation as read into the record by the Clerk, with the exception of Ordinance Serial No. 10-018 and Resolution Serial No. 10-010.

VOTE: The first segment passed without objection.

Assemblymember Arvin spoke to the need to schedule the public hearing for Ordinance Serial No. 10-018 and Resolution Serial No. 10-010 at a time later in the season when the gravel industry is not at its height of activity.

MOTION: Second Segment. Assemblymember Arvin moved to introduce Ordinance Serial No. 10-018 and Resolution Serial No. 10-010 and set the public hearing for September 7, 2010.

Assemblymember Bettine:

- opined that the month of September would be just as busy as July;
- stated that she has been receiving a lot of criticism that the Assembly has been holding up the legislation for too long;
- spoke to the need to move forward with the legislation;
- stated that she respects the concern for the gravel industry to be able to attend the meeting; and
- spoke in opposition to introducing the legislation on September 7, 2010.

MOTION: Assemblymember Colver moved a primary amendment by striking “September 7, 2010” and inserting in its place “September 21, 2010.”

Assemblymember Woods:

- opined that the public hearing should be scheduled in May if the concern is regarding participation;
- commented that the Assembly has held previous meetings regarding the legislation; and
- spoke to concerns with holding the public hearing in September 2010.

Discussion ensued regarding:

- the public hearing date for the legislation;
- the summer season being a busy time of the year;
- the need to have the current Assembly address the legislation;

- concerns with having the public hearing in September as Assemblymember Woods would be termed out in October 2010;
- concerns regarding the legislation being delayed further by holding the public hearing in September 2010; and
- the valid points made as to allowing more public opinion and getting more information from the state of Alaska.

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

VOTE: The motion to stop debate passed without objection.

VOTE: The primary amendment passed with Assemblymembers Houston, Bettine and Woods opposed.

Assemblymember Bettine opined that holding the public hearing on September 21, 2010, would further delay the gravel legislation discussion to after the election cycle.

Assemblymember Houston suggested that the legislation be introduced after additional interim material extraction legislation meetings were scheduled.

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

VOTE: The motion to stop debate passed without objection.

VOTE: The main motion as amended passed with Assemblymembers Houston, Bettine and Woods opposed.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Colberg requested the following confirmations:

Parks, Recreation, and Trails Advisory Board
Edward Strabel

Mayor Colberg made the following recommendations:

Board of Adjustment and Appeals
Glen Price

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

VOTE: The motion passed without objection.

MOTION: Assemblymember Bettine moved to continue the Managers report to address the April 20, 2010, memorandum responding to the April 17, 2010, Anchorage Daily News article (ADN) regarding the Water and Waste Water Treatment Plant at the Goose Creek Correctional Facility.

VOTE: The motion passed without objection.

Mr. Duffy:

- stated that the memorandum was in response to a number of claims that were made in the April 17, 2010, ADN article;
- advised that the entire procurement process upheld Borough code and was conducted in an ethical manner; and
- spoke to the claims in ADN article and the responses in the memorandum.

Assemblymember Bettine:

- noted that the memorandum states that J.L. Properties was informed of the proposal scoring; and
- queried the claim in the article stating that J.L. Properties was not notified.

Mr. Duffy:

- noted that the proposal cannot be released until the contract is signed per Borough code; and
- stated that Mr. David Germer, J.L. Properties, and Mr. Krafft have been in regular telephone communication.

Discussion ensued regarding:

- the procurement process;
- issues with Borough code in regards to design build proposals;
- the claims within the ADN article and responses to the claims provided in the memorandum from Mr. Duffy;
- the possibility of people being misquoted in the ADN article;
- whether the trees have been cut down due to the migratory bird window;
- the bond financing; and
- the ownership of the water and wastewater facility in 30 years.

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

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

(There were no persons to be heard)

B. PUBLIC HEARINGS (Three minutes per person.)

1. Ordinance Serial No. 10-030: AN ORDINANCE APPROVING THE LEASE DISPOSAL AT LESS THAN FAIR MARKET VALUE OF THE REAL PROPERTY LEGALLY DESCRIBED AS TRACT 3, POINT MACK SUBDIVISION PHASE 1,

FOR THE FUTURE CONSTRUCTION AND OPERATION OF A WATER AND
WASTEWATER FACILITY SITE TO SERVICE GOOSE CREEK CORRECTIONAL
CENTER AND TO RECLASSIFY TRACT 3 AS RESERVED USE LANDS.

a. IM No. 10-047

Mr. Duffy provided a staff report.

Mayor Colberg opened the public hearing.

The following person spoke to confusion in regards to the \$500 amount within Ordinance Serial No. 10-030 and noted that land not being used for a public purpose should be sold at fair market value: Mr. Stephen Stoll.

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

MOTION: Assemblymember Bettine moved to postpone Ordinance Serial No. 10-030 to a time certain of May 4, 2010.

VOTE: The motion passed without objection.

2. Ordinance Serial No. 10-033: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE GOLDEN CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 435 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.

a. Ordinance Serial No. 10-034: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$14,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE GOLDEN CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 435, AND FIXING DETAILS OF SAID BONDS.

(1) IM No. 10-062

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 Colver moved to adopt Ordinance Serial Nos. 10-033 and 10-034.

MOTION: Assemblymember Woods moved a primary amendment to Ordinance Serial No. 10-034, section seven, second paragraph, by striking "5.619 percent" and inserting "5.849 percent" in its place.

VOTE: The primary amendment passed without objection.

VOTE: The main motion as amended passed without objection.

Assemblymember Woods requested that Ordinance Serial Nos. 10-035 and 10-036 be moved together.

There was no objection noted.

3. Ordinance Serial No. 10-035: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$1,254 OF REVENUES FROM PUBLIC DONATIONS TO THE FISCAL YEAR 2010 ANIMAL CARE AND REGULATION OPERATING BUDGET, 200-100-606, TO MODIFY EXISTING CAT CAGES TO MEET OR EXCEED THE HUMANE SOCIETY OF THE UNITED STATES STANDARDS FOR HOUSING CATS.

- a. IM No. 10-045

4. Ordinance Serial No. 10-036: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$6,891 OF REVENUES FROM PUBLIC DONATIONS TO THE FISCAL YEAR 2010 ANIMAL CARE AND REGULATION OPERATING BUDGET, 200-100-606, TO CONSTRUCT CAT CAGES, MODIFY THE EXOTICS ROOM TO SUPPORT THESE NEWLY CONSTRUCTED CAT CAGES, AND TO PURCHASE ROLL AWAY CAT CAGES FOR PUBLIC DISPLAY AND HOUSING.

- a. IM No. 10-046

Mr. Haskell 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. 10-035 and 10-036.

Assemblymember Woods commented that it is great that the Borough receives donations from the public to help out.

VOTE: The motion passed without objection.

5. Ordinance Serial No. 10-037: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$18,958,755 TO THE MATANUSKA-SUSITNA BOROUGH SCHOOL DISTRICT'S FISCAL YEAR 2010 OPERATING BUDGET.

- a. IM No. 10-053

Ms. Terrie Irwin, School District Chief Financial Officer, provided a report.

Mayor Colberg opened the public hearing.

The following person noted that it is interesting that the budget topped \$251,000,000, which works out to over \$15,000 per student: Mr. Stephan Stohl.

The following person spoke in support of funding the School District: Mr. Thomas Wisthoff, School District Operations and Maintenance Division.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 10-037.

VOTE: The motion passed without objection.

6. Ordinance Serial No. 10-038: AN ORDINANCE ADOPTING THE JOINT LAND USE STUDY, AND AMENDING MSB 15.24.030, COMPREHENSIVE PLAN AND PURPOSES.
 - a. IM No. 10-057

Mr. Kruger 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. 10-038.

Assemblymember Woods:

- complimented Mr. Kruger on his work; and
- stated that it was good community involvement by all.

VOTE: The motion passed without objection.

7. Ordinance Serial No. 10-039: AN ORDINANCE ADOPTING THE LAKE OF THE WOODS, LAKE MANAGEMENT PLAN, AND AMENDING MSB 15.24.030, COMPREHENSIVE PLAN AND PURPOSES, AND MSB 17.59, LAKE MANAGEMENT PLAN IMPLEMENTATION.
 - a. IM No. 10-058

Mr. Welliver 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. 10-039.

VOTE: The motion passed with Assemblymember Arvin in opposition.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke in support of the Assembly recommending the Willow alternative route for the Port MacKenzie Rail Extension: Mr. Patrick Sharrock.

The following persons spoke in support of full funding of the School District budget: Mr. Rick Byrnes, Classified Employee Association President; Ms. Pamela Vansoest, School District Special Education Assistant; Mr. Ron Rucker; and Ms. Cecilia Wisthoff.

D. CONSENT AGENDA (Resolution Serial No. 10-032 was pulled from the consent agenda and addressed separately. *See pp. 15-16*)

1. RESOLUTIONS

- a. Resolution Serial No. 10-031: A RESOLUTION AUTHORIZING PARTICIPATION IN AND SUBMISSION OF AN APPLICATION UNDER THE FEDERAL FISCAL YEAR 2009 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$500,000 TO CONTINUE WITH THE HOME OWNER-OCCUPIED REHABILITATION PROGRAM.

(1) IM No. 10-052

- c. Resolution Serial No. 10-033: A RESOLUTION FOR TOURISM INFRASTRUCTURE IMPROVEMENTS AND DESTINATION TRAILHEAD REFURBISHMENTS.
(*Sponsored by Assemblymember Woods*)

(1) IM No. 10-068

- d. Resolution Serial No. 10-034: A RESOLUTION ESTABLISHING THE MINIMUM LEVEL OF FUNDING FOR THE MATANUSKA-SUSITNA BOROUGH SCHOOL DISTRICT FOR THE FISCAL YEAR ENDING JUNE 30, 2011.

(1) IM No. 10-074

2. ASSEMBLY MEMORANDUMS

- a. AM No. 10-030: AWARD OF BID NO. 10-059 TO MEGA WATT ELECTRIC IN THE AMOUNT OF \$173,964 FOR STANDBY GENERATORS AND AUTOMATIC TRANSFER SWITCHES FOR WEST LAKES PUBLIC SAFETY BUILDING NOS. 81 AND 72, AND PALMER AMBULANCE PUBLIC SAFETY BUILDING NO. 39.

- b. AM No. 10-032: AWARD OF PROPOSAL NO. 10-071 TO COLLINS CONSTRUCTION, INC., FOR A CONTRACT AMOUNT OF \$925,000 FOR THE LAKE LOUISE EMERGENCY RESPONSE BUILDING DESIGN-BUILD.

Ms. Marino 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. Resolution Serial No. 10-032: A RESOLUTION RENAMING THE FISH CREEK PARK TO THE JAY NOLFI – FISH CREEK PARK. *(Sponsored by Mayor Colberg and Assemblymember Bettine)*
(1) IM No. 10-067

MOTION: Assemblymember Ewing moved to adopt Resolution Serial No. 10-032.

Assemblymember Ewing thanked Mayor Colberg and Assemblymember Bettine for sponsoring the legislation.

Mayor Colberg noted that renaming the park to the Jay Nolfi-Fish Creek Park was the idea of Assemblymember Bettine.

Assemblymember Ewing:

- stated that Ms. Nolfi is a true asset to the community;
- noted that Ms. Nolfi has put in countless hours to the community; and
- congratulated Ms. Nolfi.

Assemblymember Bettine:

- spoke to Ms. Nolfi's participation with the park;
- commented that Ms. Nolfi recently served on the Commission on Salaries and Emoluments; and
- urged the Assembly to support the legislation.

Mayor Colberg:

- stated that Ms. Nolfi is very attentive to all Assembly matters; and
- noted that Ms. Nolfi personally walked with him through the park and let him know what should be happening.

Assemblymember Arvin:

- stated that Ms. Nolfi is a vibrant, interactive, well-informed individual;
- noted that Ms. Nolfi is currently sitting on the Port Commission;
- extended thanks to Ms. Nolfi for her service; and
- thanked Assemblymember Bettine for bringing the legislation forward.

VOTE: The motion passed without objection.

VIII. UNFINISHED BUSINESS

(There was no unfinished business)

C. OTHER NEW BUSINESS

X. RECONSIDERATION

(There were no reconsiderations presented.)

XI. VETO

(There were no vetoes presented.)

XII. EXECUTIVE SESSION

(There was no executive session held.)

XIII. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Houston spoke to the need to have the School District budget presentation include discussion regarding what full funding is, what funding to the cap is, how it is calculated, what it means for the budget, and the various legalities and illegalities so that the Assembly can move forward with making a good decision.

Assemblymember Halter:

- concurred with Assemblymember Houston's comment; and
- stated that he would like to see the gravel extraction legislation come to fruition;
- noted that he hopes the Assembly gets a chance to hear from the State on their issues with the gravel extraction legislation; and
- spoke to his contentment with the April 6, 2010, meeting with the gravel operators.

Assemblymember Ewing:

- thanked the public for attending the meeting;
- opined that the funding for the School District will be adequate to appease the public for their needs and wants;
- spoke in support of the gravel legislation being postponed to September 21, 2010;
- queried if the small gravel operators had been notified; and
- stated that he hopes that the Borough makes an effort to contact the small operators to give everyone time to weigh in on the legislation.

Assemblymember Arvin:

- spoke to the reason why he opposed Ordinance Serial No. 10-039; and
- noted that five people in the area did not support the Lake of the Woods, Lake Management Plan.

Assemblymember Colver:

- spoke to concerns with the lack of process involved with Resolution Serial Nos. 15-015 and 10-016, and AM No. 10-026;
- spoke to the legislation being rushed;
- noted that there is no decision a month after the legislation was adopted;
- queried what the Borough's role is with Resolution Serial Nos. 10-015 and 10-016, and AM No. 10-026;
- spoke to concerns with the Assembly being rushed to make decisions;
- noted that the Assembly still does not have funding for road access to Machetanz Elementary School;
- opined that there are credibility issues;
- spoke to the need to have an independent look into the procurement process;
- noted that there could be a conflict of interest and possible ethical issues, and
- stated that he is not comfortable with walking into a 30-year deal that is coming apart at the seams.

MOTION: Assemblymember Colver moved to schedule a special meeting on April 27, 2010, at 11 a.m., for the purpose of taking up rescinding action on Resolution Serial Nos. 10-015 and 10-016, and AM No. 10-026, and authorizing an immediate audit for the water and sewer procurement process for the Goose Creek Correctional Center, and the auditor will be selected and supervised by the Assembly.

Assemblymember Bettine:

- queried the definition of Assembly supervision; and
- asked if it was Assemblymember Colver's intent to hire an auditor.

Assemblymember Colver:

- stated that there would be two full processes;
- spoke to the need to have time to look at the facts;
- noted he would like to hire a third party that is not under contract with Borough management or the Department of Corrections ;
- commented that the auditor would work for the Assembly and the Assembly would select a firm to report to the Assembly so that the Assembly is able to make a good decision;
- spoke to the need to have independent information; and
- commented that he does not want the Assembly to be in another scenario where the Assembly does not have all of the information and are locked into a contract that does not turn out well.

Discussion ensued regarding:

- concerns with rushing the process;
- the need to hire an independent auditor to clarify whether conflicts of interest took place;
- the need to express to the public that the Assembly will be frugal with spending;
- the need to spend funds to audit the process;
- the April 17, 2010, ADN article;

- whether the scheduling of the meeting would preclude moving forward with the clearing of the trees;
- the Manager's response to the ADN article;
- concerns with the staff having to spend a lot of time to address the claims in the ADN article;
- the previous Assembly discussions regarding wanting to look at the procurement process as a whole;
- the contract not being executed as of yet;
- the need to represent the public;
- whether the legislation could be amended at the proposed special meeting; and
- whether new legislation would have to be brought forward should the legislation be rescinded.

(The regular meeting recessed at 8:01 p.m. and reconvened at 8:15 p.m.)

Ms. Marino:

- reported that new legislation would need to be brought forward should the motion to rescind the legislation passes; and
- spoke to the motion to amend something previously adopted.

MOTION: Assemblymember Bettine moved a primary amendment to add the words "or amend" after the word "rescind" to read: "to schedule a special meeting on April 27, 2010, at 11 a.m., to rescind or amend Resolution Serial Nos. 10-015 and 10-016, and AM 10-026, and authorizing an immediate audit for the water and sewer procurement process for the Goose Creek prison, the auditor will be selected and supervised by the Assembly.

VOTE: The primary amendment passed without objection.

Mr. Aschenbrenner stated that because the contract has not been executed, he does not see a legal issue with regard to the Assembly taking the matter up again.

VOTE: The main motion as amended passed without objection.

Assemblymember Colver congratulated Mr. Ray Gillespie for getting the \$57,000,000 for the rail extension.

Assemblymember Bettine queried if the Assembly could combine the April 27, 2010, 11 a.m. meeting and the meeting scheduled at noon on April 27, 2010, should the Assembly need the additional meeting time.

Ms. Marino advised that the April 27, 2010, 12 p.m. meeting would need to start at 12 p.m. as it was advertised; however, if the two meetings were combined that they could start at 11 a.m.

MOTION: Assemblymember Bettine moved to combine the agenda items of the April 27, 2010, 11 a.m. and 12 p.m. meetings and have one meeting to begin at 11 a.m.

VOTE: The motion passed without objection.

Assemblymember Bettine:

- requested the Assembly take notice of the letter from Mr. John Riggs, Port Commission Chair, regarding access to the coal haul road for the Wishbone Coal Mine Project;
- stated that the coal mine was actively supported by the state of Alaska, the city of Palmer, and the local area Chamber of Commerce;
- spoke to the lease for the road taking a long time to renew;
- encouraged the Manager to move as quickly on this project;
- noted that legislation for the lease renewal will have a public hearing at the May 4, 2010, regular meeting;
- commented that a lot of State funds were expended for coal truck travel to accommodate the mine on the Glenn Highway; and
- stated that the entire State Delegation worked very hard to get the upgrade for the highway.

Assemblymember Woods:

- thanked the Assembly for their support of Resolution Serial No. 10-033;
- noted that if a future Assembly decides to not spend funds on trail maintenance improvements that the trailheads will not be closed;
- spoke to State history regarding residents having cause for alarm when parks and highway facilities were closed down;
- spoke to concerns from some community members regarding paying fees for construction and improvements of the facilities as they feel that their property taxes should cover the costs;
- noted that she explained that the Borough uses separate money for the construction and improvements of the facilities to keep property taxes down;
- noted that some community members prefer that the facility users pay fees to help maintain them;
- spoke to the need for the Assembly to keep watch on this;
- spoke to the possibility of a yearly pass at a reduced rate;
- noted that the April 19, 2010, Real Property Asset Management Board meeting was heavily attended by residents concerned with an open pit coal mine in their area;
- stated that there has been an increase of residents in the area since 1980; and
- spoke to the importance of addressing the public's concerns regarding Ordinance Serial No. 10-042.

XIV. ADJOURNMENT

The regular meeting adjourned at 8:26 p.m.

ATTEST:


TALIS J. COLBERG, Borough Mayor


LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 05/18/10