

**I. CALL TO ORDER**

The regular meeting of the Matanuska-Susitna Borough Assembly was held on May 4, 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 (*via teleconference at 6:08 p.m.*)  
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  
Mr. Vern Halter, Assembly District No. 7

Staff in attendance were:

Ms. Lonnie R. McKechnie, Borough Clerk  
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

**III. APPROVAL OF AGENDA**

Mayor Colberg requested that a Proclamation in recognition of Relay for Life be added to the Special Orders of the Day section of the agenda.

There was no objection noted.

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

**GENERAL CONSENT:** The agenda was approved as amended without objection.

#### **IV. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mr. Dennis Brodigan, Emergency Services Director.

#### **V. SPECIAL ORDERS OF THE DAY**

##### **A. Proclamation in Recognition of National Women's Health Week**

Mayor Colberg read the National Women's Health Week proclamation into the record.

##### **B. Proclamation in Recognition of Older Americans Month**

Mayor Colberg:

- read the Older Americans Month proclamation into the record; and
- presented the proclamation to Mr. Ken Anderson, Board of Directors President for the Palmer Senior Center.

##### **C. Proclamation in Recognition of Relay for Life**

Mayor Colberg:

- read the Relay for Life proclamation into the record; and
- presented the proclamation to Ms. Karen Layton.

#### **VI. MINUTES OF PRECEDING MEETINGS**

##### **A. Special Assembly Meeting: 04/13/10**

Mayor Colberg inquired if there were any corrections to the special meeting minutes of April 13, 2010.

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

#### **VII. REPORTS/CORRESPONDENCE**

##### **A. AGENCY REPORTS**

###### **1. Reports from cities**

*(There were no reports provided.)*

###### **2. Matanuska-Susitna Borough School District**

*(There were no reports provided.)*

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Colver noted that the May 3, 2010, Joint Assembly/School Board Committee meeting was cancelled due to a lack of a quorum.

2. Assembly Public Relations

*(There were no reports provided.)*

B. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues

*(There was no report provided.)*

B. ATTORNEY COMMENTS

*(There were no comments provided.)*

B. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule; and
- queried if the Assembly would like to schedule meetings in regards to filling the position of Manager.

Assemblymember Woods spoke to the need to start advertising the position of Manager.

Ms. McKechnie:

- noted that the Human Resources Division has the Manager's job description on file; and
- queried how long the Assembly would like to advertise the position.

Assemblymember Bettine:

- recommended that the Manager position be advertised for six weeks;
- spoke to the need for a transition plan which Mr. Duffy had volunteered to prepare; and
- spoke to the importance of receiving input from Mr. Duffy regarding the transition plan.

Discussion ensued regarding:

- the advertising timeframe;
- the need to receive input from Mr. Duffy in regards to the transition period;
- the Assistant Manager being able to cover should a new Manager not be hired timely; and
- the need to schedule a meeting to discuss the interview questions.

Assemblymember Bettine spoke to the need of scheduling a meeting to review the Manager's job description.

Discussion ensued regarding:

- the earliest date a meeting could be scheduled to discuss filling the Borough Manager position;
- the importance of looking at the job description prior to the position being advertised;
- the need to discuss the job description as a whole;
- the amount of unemployed people in the nation due to the economy;
- the possibility of advertising the Manager's position without the job description;
- how specific the information needs to be for the Manager's position advertisement; and
- the need to have the salary range in the advertisement.

Assemblymember Ewing requested that a special meeting be scheduled on May 11, 2010, at 6 p.m. regarding filling the Manager's position.

There was no objection noted.

Ms. McKechnie:

- spoke to the meetings listed within the May 4, 2010, Clerk's Report that the Assembly requested to be scheduled once the fiscal year 2011 budget was adopted;
- noted that the Board of Ethics had finalized the ethics code revisions;
- commented that the Clerk's Office is in the process of formatting the ethics code revisions;
- reported that the Law Department will be discussing any ethics code revision recommendations with the Board of Ethics prior to the revisions coming forward to the Assembly; and
- advised that she and Ms. Cheryl Marino will be attending the International Institute of Municipal Clerk's Conference from May 24, 2010, through May 28, 2010.

## B. CITIZEN AND OTHER CORRESPONDENCE

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

## B. INFORMATIONAL MEMORANDUMS

*(There were no informational memorandums presented.)*

### A. INTRODUCTION (For public hearing - 05/18/10, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 10-044: AN ORDINANCE APPROVING AN APPROPRIATION OF \$100,000 FROM GREATER WILLOW ROAD SERVICE AREA NO. 20 FUND BALANCE, FUND 276, TO FUND 410, PROJECT NO. 30042, FOR GREATER WILLOW ROAD SERVICE AREA NO. 20 CAPITAL PROJECTS.

- a. IM No. 10-078

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 May 18, 2010.

VOTE: The motion passed without objection.

## **IX. UNFINISHED BUSINESS**

A. 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.

(1) IM No. 10-047

Ms. Gray requested that Ordinance Serial No. 10-030 be postponed to the May 18, 2010, regular meeting.

Mayor Colberg asked if there was objection to postponing Ordinance Serial No. 10-030 to a time certain of May 18, 2010.

Assemblymember Bettine queried the status of the information received from the State.

Ms. Clayton:

- reported that the State is working on providing an update to the Borough;
- noted that the meeting scheduled for May 4, 2010, was rescheduled to May 5, 2010; and
- stated that all of the parties involved anticipate that the plan will be completed this week and will go forward with legislation at the May 18, 2010, regular Assembly meeting.

There was no objection to postponing Ordinance Serial No. 10-030 to a time certain of May 18, 2010.

## **B. MAYORAL NOMINATIONS AND APPOINTMENTS**

### **1. VACANCY REPORT**

Mayor Colberg requested the following confirmations:

Board of Adjustment and Appeals

Glen Price

Citizens Advisory Committee on the Goose Creek Correctional Facility

Removal of Gordon Attaliades

Mayor Colberg made the following recommendations:

- Board of Equalization  
Daniel "Kevin" Crozier
- Citizens Advisory Committee on the Goose Creek Correctional Facility  
Wilma Gonzales
- Emergency Medical Services Board  
Tami Floyd
- Enhanced 911 Advisory Board  
Carl Hereford
- Parks, Recreation, and Trails Advisory Board  
David Noland  
James Skinner

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

VOTE: The motion passed without objection.

D. REFERRALS (For referral to the Planning Commission for 90 days or other date specified by the Assembly)

1. Ordinance Serial No. 10-043: AN ORDINANCE ADDING MSB 8.35.060 AUTHORIZING FIREWORKS USE DECEMBER 31 THROUGH JANUARY 1.  
(Sponsored by Assemblymember Houston)
- a. IM No. 10-077

MOTION: Assemblymember Woods moved to refer Ordinance Serial No. 10-043 to the Planning Commission for 90 days.

VOTE: The motion passed without objection.

XIII. EXECUTIVE SESSION (*for matters, the immediate public knowledge of which would clearly have an adverse effect upon the finances of the borough and matters which by law, municipal charter, or ordinance are required to be confidential.*)

- A. ~~Krause Litigation~~<sup>1</sup>
- B. NPI Litigation

MOTION: Assemblymember Woods moved to enter into executive session for matters, the immediate public knowledge of which would clearly have an adverse effect upon the finances of the borough and matters which by law, municipal charter, or ordinance are required to be confidential specifically to discuss NPI litigation. Those present during executive session were the Mayor, Assemblymembers

---

<sup>1</sup> The Executive Session regarding the Krause Litigation carried forward to the May 18, 2010, regular meeting agenda.

Woods, Ewing, Bettine, Colver, and Halter, the Attorney, the Assistant Manager, the Clerk, and Ms. Tammy Clayton.

VOTE: The motion passed without objection and the Assembly moved into executive session at 6:30 p.m.

MOTION: Assemblymember Woods moved to exit executive session.

VOTE: The motion passed without objection and the Assembly exited executive session at 7:01 p.m.

*(Assemblymember Houston exited the meeting at 6:30 p.m.)*

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

*(Assemblymember Houston reentered the meeting via teleconference.)*

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

B. PUBLIC HEARINGS (Three minutes per person.)

1. 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 1, PROJECT NO. 51184 (MSB006252).

a. IM No. 10-005

Mr. Heier 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 Ewing moved to adopt Ordinance Serial No. 10-009.

Assemblymember Cover:

- stated his support of the legislation; and
- spoke to previously requesting postponement pending the design of the access to the Cottonwood Creek Elementary School and the bond projects.

MOTION: Assemblymember Colver moved at primary amendment to Ordinance Serial No. 10-009, by inserting section 6 and renumbering accordingly to read as follows: "All of the funds from this conveyance shall be placed in an account designated to acquire land and construct access to Cottle Loop for ingress and

egress to the Cottonwood Elementary School and the Cottonwood Public Safety Building.”

Assemblymember Colver:

- stated that he discussed the access issues to Cottonwood Creek Elementary School with Ms. Shaune O’Neil;
- spoke to the access issues on Seward Meridian;
- noted the need for the Assembly to work out a solution that included another access to East Cottle Loop;
- spoke to the benefits of having access to East Cottle Loop;
- noted that Borough staff had spoke with adjoining land owners regarding possible access through the purchase of land right-of-way;
- commented that the project budget did not have enough funds to upgrade the parking lots, the drop off loop, or acquire land for another alternative access;
- noted that he views this as an opportunity to make the project work better;
- requested that Ms. O’Neil provide a report on the traffic flow issues; and
- noted that the Alaska State Department of Transportation is purchasing the right-of-way for \$800,000 to improve the access.

Ms. O’Neil:

- advised that another access through East Cottle Loop is a good idea;
- reported that the plan prepared by the consultant was the best that could be done with the property;
- stated that there is additional property and construction options that may be considered;
- noted that she will be meeting with the engineers on May 5, 2010, to go over the options and how the additional property may affect the project as designed.

Discussion ensued regarding:

- the plan to try to improve the situation at Cottonwood Creek Elementary School;
- the school safety bond that was approved by the voters to improve parking and access at Wasilla High School and the Cottonwood Creek Elementary School;
- whether the primary amendment is a change in the plans;
- whether the primary amendment will add additional access to Seward Meridian;
- the owners of parcels D20, D12, and D15; and
- whether there have been discussions with the property owners of parcels D20, D12, and D15;
- the funding issues.

**MOTION:** Assemblymember Ewing moved a secondary amendment to strike the words “Cottle Loop” from the primary amendment.

**Assemblymember Ewing:**

- stated that removing the words “Cottle Loop” would give the Assembly the option to use the funds to put a traffic light or have another access to Seward Meridian;
- opined that East Cottle Loop is not built to handle the amount of traffic that would be coming in and out of Cottonwood Creek Elementary School; and
- noted that he would support the legislation if the East Cottle Loop language was removed.

**Discussion ensued regarding:**

- the current plans to control the intersection at Seward Meridian when the road is upgraded;
- the need for a third access point;
- the design providing access from Cottonwood Creek Elementary School to the Palmer-Wasilla Highway;
- the narrow portion of East Cottle Loop;
- concerns with having East Cottle Loop as another access route;
- the impact if the primary amendment failed;
- concerns regarding the design firm currently doing the work and having them look at other options;
- the need for the Assembly to have other options;
- the current access issues with Cottonwood Creek Elementary School;
- whether the funds would go into the Land Management permanent fund that is losing funding; and
- the need for the funding to be used for additional access.

**VOTE:** The secondary amendment passed with Assemblymember Colver opposed.

**MOTION:** Assemblymember Bettine moved a secondary amendment by inserting the following words “to improve access to public schools” after the words “for ingress and egress” and by striking “the Cottonwood Creek Elementary School and the Cottonwood Public Safety Building.” to read: “All of the funds from this conveyance shall be placed in an account designated to acquire land and construct access to for ingress and egress to improve access to public schools.”

**Assemblymember Bettine:**

- spoke to concerns with putting money into a special fund;
- noted her support for improving access to schools; and
- spoke to the need to have the funding be generic.

**Assemblymember Ewing:**

- spoke to the Machetanz Elementary School access issues; and
- spoke to witnessing the public having difficulty accessing Cottonwood Creek Elementary School; and
- spoke to the need for another access point to Cottonwood Creek Elementary School.

Discussion ensued regarding:

- the legislation approving the land sale;
- the need to keep the funding on the property to improve the access;
- the impacts of the Seward Meridian access; and
- the uniqueness of the parcel of land.

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

VOTE: The primary amendment passed as amended without objection

VOTE: The main motion passed as amended without objection.

2. Resolution Serial No. 10-029: A RESOLUTION DIRECTING THE MANAGER TO WORK WITH THE ALASKA STATE DEPARTMENT OF NATURAL RESOURCES AND VARIOUS USER GROUPS INCLUDING NORDIC SKI AND SNOW MACHINE INTERESTS TO LOCATE A WINTER ONLY SNOW MACHINE CORRIDOR THROUGH THE HATCHER PASS MANAGEMENT AREA, PROVIDING ROUTING, DESIGN, MITIGATION, AND PREVENTIVE MEASURES TO ALLEVIATE NON-COMPATIBILITY ISSUES BETWEEN USER GROUPS.

*(Sponsored by Assemblymember Halter)*

- a. IM No. 10-066

Mayor Colberg opened the public hearing.

The following persons spoke in opposition to Ordinance Serial No. 10-029: Mr. Darren Markwardt, Mr. Ed Strabel, Ms. Mimi Peabody, Mr. Will Peabody, Ms. Charlotte Sartor, Ms. Jill Valerius, Mr. Gary Wolf, Ms. Kristin Wolf, Mr. Rhett Buchanan, Mr. John Cox, Mr. Jeff Kase, Mr. Joe Irvine, Fishhook Community Council; Mr. Andrew Weaver, Mr. Norm Stout, Ms. Susan Skvore, Ms. Helen Woodings, Ms. Donna Ford, Mr. Gene Backus, Mr. Kirby Spangler, Mr. Brian Winnestaffer, Ms. Ellen VandeVisse, Mr. Jeremiah Millen, Mr. Henry Raymond, Mr. Andre Ciostek, Ms. Alice Ciostek, Mr. Tim Leach, and Ms. Jill Showman

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

MOTION: Assemblymember Halter moved to adopt Resolution Serial No. 10-029.

Assemblymember Halter:

- spoke in appreciation of the public testimony;
- spoke to the February 9, 2010, memorandum from Mr. Duffy;
- spoke to concerns regarding a previous resolution from February regarding this issue;
- opined that the Borough will see more conflicts as the population grows in the Borough;
- stated that by putting the legislation before the Assembly, it was his desire to have the issue addressed clearly, succinctly, and for the betterment of the Hatcher Pass area;

- spoke to the intent of the legislation;
- opined that he does not think that the issue will go away;
- stated that he assumes that a corridor could cost money;
- noted that the Borough is already financing one user group;
- stated that he does not think there is any reason not to finance the other user group; and
- noted that there is no enforcement in the Hatcher Pass area.

Assemblymember Ewing:

- pointed out that the legislation says “a winter only snow machine corridor”;
- noted that the sledding hill is being relocated;
- stated that the reason the Borough is getting the ski area is due to the fact that the Borough is receiving funding from the Federal Transportation Authority (FTA);
- noted that he has been studying the appropriate uses for the FTA funding;
- spoke to studying three possible road routes;
- noted that a Environmental Impact Study has been performed on the three possible routes;
- commented that there is nothing to stop someone from applying for a section line permit;
- commented that the FTA funding is for mass transit;
- noted that a large amount of funding is being used for the project;
- noted that the public has valid concerns; and
- commented that there will be an increased use of snow machines if something is not done.

Discussion ensued regarding:

- the issue coming back again;
- the support of motorized access thorough the government peak unit;
- the residents that purchased and invested in land near the proposed area knowing that it was a non-motorized use area and having expectations that it would remain that way; and
- the need to be careful of giving motorized access through the government peak area.

VOTE: The motion failed with Assemblymember Halter and Ewing in support.

Mayor Colberg asked if there was objection to moving Ordinance Serial Nos. 10-040 and 10-041 together.

There was no objection noted.

3. 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
4. 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

Mr. Heier 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 Nos. 10-040 and 10-041.

VOTE: The motion passed without objection.

*(The meeting recessed at 8:30 p.m. and reconvened at 8:41 p.m.)*

5. 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

Mr. Heier and Ms. Glenda Smith provided a staff report.

Mr. Steve Denton, Usibelli Coal Mine, Inc., Vice President, and Mr. Rob Brown, Usibelli Coal Mine, Inc, Project Manager provided a report.

Mayor Colberg opened the public hearing.

The following persons spoke in opposition to Ordinance Serial No. 10-042: Ms. Angela Wade, Ms. Lisa Wade, Ms. Alys Culhane, and Ms. Christine Vecchio.

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

VOTE: There was no objection noted.

The following persons spoke in opposition to Ordinance Serial No. 10-042: Mr. Andre Ciostek, Ms. Alice Ciostek, Mr. Pete Praetorius, Ms. Jillian Morrissey, Ms. Aubrey Spangler, Mr. Tim Leach, Mr. Gary Olsen, Ms. Allie Barker, Ms. Mimi Peabody, Mr. Jeremiah Millen, Mr. Rob Wright, Mr. Keith Wieneke, Mr. Kirby Spangler, Ms. Charlotte Sartor, Mr. Paul Wiltse, Mr. Richard Hand, Mr. Warren Keogh, Ms. Karen Hopp, Ms. Michele Prevost, and Mr. Brian Winnestaffer.

The following persons spoke in support of Ordinance Serial No. 10-042: Mr. Stu Graham, Greater Palmer Chamber of Commerce; Mr. Dave Jenkins, Mr. Rick Dilley, and Mr. Dave Cruz.

MOTION: Assemblymember Colver moved to extend the meeting past 11 p.m. and not to exceed 11:30 p.m.

VOTE: The motion passed without objection.

The following person spoke in opposition to Ordinance Serial No. 10-042: Mr. Jeffery Charvet, Ms. Ellen VandeVisse, Mr. Brent Hudson, Ms. Krista Maciolek, Mr. Henry Raymond, Ms. Julia Plotnik, and Mr. Doug McDonald.

The following persons spoke in support of Ordinance Serial No. 10-042: Ms. Jennie Bettine, Mr. Lee Hilty, and Mr. Charlie Depriest.

The following person spoke to concerns with the public process: Ms. Kathy Wells.

MOTION: Assemblymember Colver moved to suspend the rules and extend the meeting past 11:30 p.m. and not to exceed 12 p.m.

VOTE: The motion passed without objection.

MOTION: Assemblymember Bettine moved to suspend the rules to take up Audience Participation after the consent agenda.

VOTE: The motion passed without objection.

The following person spoke in opposition to Ordinance Serial No. 10-042: Mr. Darin Markwardt and Mr. Gene Backus.

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. 10-042.

MOTION: Assemblymember Woods moved to postpone Ordinance Serial No. 10-042 to a time certain of July 20, 2010.

Assemblymember Woods:

- noted that the Real Property Asset Management Board and Planning commission have asked for more time;
- stated that this issue is of huge importance to the residents in Sutton and Buffalo Mine Road;
- spoke to the need to hear opinions and input from both the Planning Commission and the Real Property Asset Management Board in order to make a decision;
- noted that Usibelli Coal Mine Inc., can still build the Pioneer Road as they have five years left on the lease;
- commented that Usibelli Coal Mine Inc., can do their testing and conduct their surveys this summer; and
- stated that the magnitude of the issue is too huge to make a quick decision.

Assemblymember Ewing:

- noted that he grew up in a coal mining town; and
- spoke to the possibility of testing arsenic, uranium, and mercury levels this summer; and
- commented that having the scientific testing would help in making an informative decision.

Discussion ensued regarding:

- the timeframe that would be needed by the Planning Commission and the Real Property Asset Management Board to provide input; and
- the complication of the issue.

MOTION: Assemblymember Bettine moved a secondary amendment by striking July 20, 2010, and inserting June 15, 2010, in its place.

VOTE: The primary amendment passed with Assemblymembers Woods and Halter opposed.

VOTE: The motion as amended passed with Assemblymember Woods opposed.

D. CONSENT AGENDA

1. RESOLUTIONS

a. Resolution Serial No. 10-035: A RESOLUTION APPROVING CERTAIN UNINCORPORATED COMMUNITIES AND THE INCORPORATED NONPROFIT ENTITY FOR PARTICIPATION IN THE FISCAL YEAR 2011 COMMUNITY REVENUE SHARING PROGRAM.

(1) IM No. 10-076

c. Resolution Serial No. 10-036: A RESOLUTION TO THE ALASKA STATE DEPARTMENT OF NATURAL RESOURCES MAKING OFFICIAL COMMENTS AND RECOMMENDATIONS ON THE DRAFT HATCHER PASS MANAGEMENT PLAN UPDATE. *(Sponsored by Assemblymember Colver)*

(1) IM No. 10-080

**2. ASSEMBLY MEMORANDUMS**

- a. AM No. 10-034: AWARD OF BID NO. 10-075, TO EARHART ROOFING COMPANY, INC., IN THE CONTRACT AMOUNT OF \$1,458,450 FOR THE PALMER HIGH SCHOOL ROOF REPLACEMENT PROJECT.

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.

**C. AUDIENCE PARTICIPATION (Three minutes per person.)**

The following person spoke in support of banning smoking in public places: Mr. Christopher Meneghlin.

The following person spoke in support of fully funding schools: Mr. Jamin Burton.

**X. NEW BUSINESS**

**C. OTHER NEW BUSINESS**

**XI. RECONSIDERATION**

*(There were no reconsiderations presented.)*

**XII. VETO**

*(There were no vetoes presented.)*

**XIV. MAYOR AND ASSEMBLY COMMENTS**

Assemblymember Halter noted that he is hopeful that the Assembly can come up with a workable lease permit for Usibelli Coal Mine, Inc., that will provide jobs.


Assemblymember Woods:


- noted that the residents have known about the possibility of mining in the area for some time, however, knowing about the possibility does not mitigate the impacts of coal mining;
- commented that it is her job to be the voice of the residents in the area;
- stated that the coal mine is very close to residences; and
- spoke to the importance of listening and trying to assist the residents in any way the Assembly could.

**XV. ADJOURNMENT**

The regular meeting adjourned at 11:52 p.m.

ATTEST:

  
TALIS J. COLBERG, Borough Mayor

  
LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 06/01/10