I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on June 1, 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 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 6:01 p.m.)*
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
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. Patty Sullivan, Public Affairs Director
Mr. Dave Hanson, Economic Development Director
Mr. Jeff Walden, Construction Project 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 Mr. Michael Carlson, a member of the audience.

V. MINUTES OF PRECEDING MEETINGS

A. Special Assembly Meeting: 04/27/10
B. Special Assembly Meeting: 04/27/10
C. Special Assembly Meeting: 05/04/10
D. Regular Assembly Meeting: 05/04/10

Mayor Colberg inquired if there were any corrections to the special meeting minutes of April 27, 2010, and the regular and special meeting minutes of May 4, 2010.

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Wasilla City

Mayor Rupright:

- noted that he reported the city of Wasilla's accomplishments to the Wasilla Chamber of Commerce last week;
- stated that funds are short right now;
- commented that the economy may be turning around, especially when people purchase locally;
- spoke to the city of Wasilla's current projects;
- commented that the city of Wasilla has made some staffing changes;
- noted that they are looking to fill their Planner position;
- reported that the city is reorganizing their Police Department;
- stated that there is a considerable amount of economic development that is coming to the city of Wasilla this year;
- noted that petitions to build additional retail and warehouse space have been received; and
- spoke to an upcoming radio promotion for the city of Wasilla.

Assemblymember Ewing queried the cost of acquiring the old building for the library.

Mayor Rupright noted that the cost of the building was $15,000.

Assemblymember Ewing queried whether the city of Wasilla had an Economic Development Department or if the City Planner position was responsible for economic development.

Mayor Rupright:
- stated that the Economic Development Planner position was eliminated and the duties were assigned to the Deputy Administrator position;
- noted that the Mayor position manages the city; and
- commented that the Deputy Administrator administrates the city at the direction of the Mayor.

2. Matanuska-Susitna Borough School District

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Arvin commented that the Bond Maintenance Recreation Subcommittee will be meeting on Thursday, June 3, 2010, at 10 a.m. regarding whether to put a proposition on the October ballot.

Assemblymember Colver noted that the next meeting for the Joint Assembly/School Board Committee on School Issues is scheduled for June 7, 2010.

2. Assembly Public Relations

(There were no reports provided.)

E. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues

Mr. Duffy:
- spoke to letters between the Borough and the Municipality of Anchorage (MOA);
- commented that he spoke to Mayor Sullivan regarding a discussion between Mr. William Sheffield, Port Director for the MOA and the Usibelli Coal Mine, Inc.;
- spoke to the importance of having a joint meeting between the two bodies to work out the issues;
- recommended that the public hearing on the rail extension legislation be scheduled after the June 15, 2010, regular meeting;
- noted that a report will be coming forward with various alternates and a recommendation for a preferred alternative;
- commented that he spoke with the Borough's legal representative to the Surface Transportation Board in Washington D.C.;
- stated that things are moving right along; and
- noted that there is additional work to be done.

Assemblymember Bettine:
- spoke to the letter from Mayor Sullivan which stated that he would not be able to support the rail expansion until the shoal was studied by the Corps of Engineers; and
- queried what could be done to have the study proceed.

Mr. Duffy:
- spoke to the need to discuss the issue with the MOA;
- noted that the Corps of Engineers drops the dredge material from the Port of Anchorage; and
- stated that he does not necessarily believe that this is our project and that the funds should be taken out of the rail extension project.

Assemblymember Woods:
- stated that Mr. Sheffield is constant with his position;
- spoke to the need to have the issue addressed;
- noted that the barges are having some trouble; and
- commented that the Borough does not want shipping traffic getting stopped in the Cook Inlet.

Mr. Duffy:
- spoke to the importance of meeting with Mayor Sullivan and getting the issues sorted out with the Corps of Engineers;
- stated that they are doing things at the Port of Anchorage that will require additional dredging;
- noted that no one knows how the additional dredging will be paid for; and
- stated that one could suspect that it is going to be paid for with an increase in the price of food that all of us will end up paying.

Discussion ensued regarding:
- the possibility of scheduling an emergency meeting with the Corps of Engineers;
- whether the current spoiled disposal area is at the encroaching shoal;
- the reasons that the shoal may be growing;
- the need for the Borough to protect their interests;
- the Port of Anchorage seeing Port MacKenzie as a competitor; and
- the Port of Anchorage trying unsuccessfully to move coal in the past.

A. ATTORNEY COMMENTS

Mr. Spiropoulos spoke to a memo that was distributed regarding the legalities of regulating coal.

B. CLERK COMMENTS

Ms. McKechnie:
- spoke regarding the upcoming meeting schedule; and
- asked if the Assembly would like to schedule a meeting regarding the rail extension on June 17, 2010, or June 22, 2010.

Assemblymember Woods spoke to the need to take action on the rail extension legislation and postpone the Usibelli Coal Mine, Inc. lease legislation to July.

MOTION: Assemblymember Ewing moved to schedule a special meeting regarding the rail extension on June 22, 2010.

Assemblymember Woods queried if the proposed special meeting would be to take up the Assembly comments regarding the rail spur to be submitted to the Surface Transportation Board (STB).

Ms. McKechnie:
- noted that a resolution recommending a route would be coming forward at the proposed meeting; and
- advised that she had not received the legislation as of yet.

Assemblymember Bettine:
- spoke to previously deciding to have a meeting to provide the Assembly's final input to the STB and that the STB was to select the route and not the Assembly; and
- noted that by the Assembly picking a preferred route that it is a different direction than previously outlined.

Mr. Duffy:
- advised that the STB makes the final decision on the route; and
- noted that Administration would be forwarding the information for the Assembly to pick the preferred route.

Assemblymember Houston:
- spoke to also recalling the Assembly previously deciding to have a meeting to provide the final input to the STB and that the STB was to select the route and not the Assembly; and
- queried the reason for the Assembly recommending a route at this time.

Mr. Duffy:
- reported that the Environmental Impact Statement (EIS) looked at all of the various routes;
- stated that the only comments for the Borough to make now is which route;
- commented that the STB could take the comments under advisement; and
- noted that the STB would not automatically choose the route that the Borough chooses.

Discussion ensued regarding:
- the STB having the final say on the route;
- the possibility of holding a meeting on the rail extension without the Assembly choosing a route;
- the matrix not including the socio-economic information;
- the content that the legislation should include;
- the EIS meetings being one-sided and not informative to the public;
- to wait for the STB's recommended route prior to scheduling a meeting;

- the public wanting a meeting to give testimony to the Assembly;
- the previous opportunities that the public had to provide testimony; and
- the Borough communities that want to comment.

MOTION: Assemblymember Ewing moved a primary amendment to hold a public hearing on the rail extension at the Wasilla Sports Complex on June 22, 2010.

VOTE: The primary amendment passed without objection.

VOTE: The main motion failed with Assemblymembers Houston and Bettine in support.

Ms. McKechnie asked if the Assembly would like to schedule a meeting to fill the Manager's position.

Mayor Colberg requested that the meeting be scheduled at the end of the agenda.

There was no objection noted.

Ms. McKechnie:
- noted that Municipality of Anchorage Clerk requested that the joint meeting be scheduled in July;
- noted that she would work with the MOA to set a date for the meeting; and
- commented that the MOA have noted that they would meet at Port MacKenzie if water transportation was provided; and
- queried if the Assembly would like to schedule the following meetings:
  - o a work session regarding the interim materials district legislation to speak to the Alaska State Department of Natural Resources and the Alaska State Department of Transportation regarding the impacts to jobs and roads; and
  - o the Planning Session.

[Clerk Note: The Assembly requested that these meetings be scheduled at a later time.]

Ms. McKechnie asked if the Assembly would like to schedule the annual evaluation of the Borough Attorney and Borough Clerk.

MOTION: Assemblymember Bettine moved to schedule the annual evaluation of the Borough Attorney on June 22, 2010, at 5 p.m.

VOTE: The motion passed without objection.

Mayor Colberg requested that the annual evaluation of the Borough Clerk be scheduled on July 20, 2010, at 5 p.m.

There was no objection noted.

C. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
a. Caswell FSA: 02/10/10
b. Emergency Medical Services Board: 02/10/10
c. Greater Talkeetna FSA: 01/14/10
d. Local Emergency Planning Committee: 03/17/10
e. Real Property Asset Management Board: 03/08/10
f. Transportation Advisory Board: 10/21/09, 11/18/09, 02/24/10, Resolution Serial Nos. 09-09, 10-05
g. West Lakes, Wasilla-Lakes & Greater Palmer FSA Joint Board Meeting: 02/08/10

2. Community Council Correspondence:
a. North Lakes Community Council: 01/26/10
b. Susitna Community Council: 12/03/09
c. Talkeetna Community Council: 12/07/09, 01/04/10, 02/01/10

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

D. INFORMATIONAL MEMORANDUMS

(There were no informational memorandums presented.)

(The meeting recessed at 6:55 p.m. and reconvened at 7:02 p.m.)

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. 10-045: AN ORDINANCE ACCEPTING AND APPROPRIATING $714,500 AND $48,000 GRANT FUNDS FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT (USDA) TO FUND 415, FOR THE TALKEETNA PUBLIC WATER SYSTEM IMPROVEMENTS, PROJECT NO. 25037.
a. Resolution Serial No. 10-040: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE TALKEETNA PUBLIC WATER SYSTEM IMPROVEMENTS, PROJECT NO. 25037.
(1) IM No. 10-079

Mr. Walden 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. 10-045 and Resolution Serial No. 10-040.

VOTE: The motion passed without objection.

2. Resolution Serial No. 10-039: A RESOLUTION PLACING BEFORE THE VOTERS AT THE REGULAR ELECTION OF OCTOBER 5, 2010, THE QUESTION OF SHOULD THE MANAGER FORM OF GOVERNMENT FOR THE MATANUSKA-SUSITNA BOROUGH BE REPEALED. *(Sponsored by Assemblymember Ewing)*

a. IM No. 10-086

Ms. McKechnie provided a staff report.

Mayor Colberg opened the public hearing.

The following persons spoke in support of Resolution Serial No. 10-039: Ms. Jennie Bettine, President of Conservative Patriot's Group; Mr. Dave Jenkins; Mr. John Wood; Ms. Bernadette Rupright; Ms. Lynne Gattis; Ms. Niki Tayson; and Mr. Randy Dellar.

The following person spoke to the adjustment period when changing the form of government: Mr. Mike Chmielewski.

The following person spoke to concerns regarding changing to a Mayor form of government: Ms. Jennifer Harrison.

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 Resolution Serial No. 10-039.

Assemblymember Ewing:
- spoke to receiving comments on how elections are bought and sold;
- commended Mr. Duffy for doing a good job as Manager;
- noted that this legislation is an opportunity for the public to decide the outcome; and
- opined that it is perfect timing for this change to occur.

Assemblymember Woods:
- stated that she is not opposed to the legislation;
- spoke to concerns regarding the timing of the legislation and possible turnover;

- opined that she was not sure if the public voted to have the current Mayor manage the Borough; and
- spoke to concerns with the continued management and work that is required of local government.

Assemblymember Colver:

- spoke to concerns regarding how State statute mandates the transition process from strong manager to a strong mayor form of government;
- spoke to the large amount of public angst with government;
- spoke to concerns with the transition timing;
- commented that there is no transition at this point;
- opined that the only fair way to do this would be to have the question on the same ballot as the Mayoral race which would be October 2012;
- spoke to reasons why the question should go before the voters in October 2012; and
- stated that he is concerned with turmoil and upheaval at this time.

Assemblymember Ewing:

- noted that Mayor Colberg would have the option of being the strong mayor or the position could go on a special election ballot;
- commented that if the mayoral race was on the same ballot as the strong mayor form of government question, the candidates would not know if they were running for a strong mayor or strong manager form of government;
- spoke to Ms. Elizabeth Gray's abilities to cover the managerial duties; and
- spoke to the petition process going forward should the legislation fail.

Assemblymember Arvin:

- stated that there is never an easy time to do this;
- noted that having the change in government may even be harder when the new manager is hired; and
- queried if the International City/County Management Association (ICMA) has a prohibition for members to not apply or serve in a manager's position should the municipality have a strong Mayoral form of government.

Mr. Duffy reported that the ICMA does not have a prohibition.

Assemblymember Houston:

- stated that he is a strong advocate for public participation;
- spoke to the sales tax question that went before the voters and what he had learned from the experience; and
- spoke to the need for the public to make a strong statement through the petition process to place the question on the ballot.

Discussion ensued regarding:

- the political nature of a mayoral form of government;
- concerns with having the public go through a petition process;

- concerns regarding the short-term negative effects of having a strong mayoral form of government;
- the need to have a manager in a strong mayoral form of government;
- whether the Assembly should move forward recruiting a Borough Manager;
- whether Mayor Colberg would keep his office should the voters ratify a strong mayor form of government; and
- the possibility of having a special election with a mayoral race.

VOTE: The motion passed with Assemblymembers Houston and Colver in opposition.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following persons spoke in opposition to Ordinance Serial No. 10-042: Mr. Paul Wiltse, Ms. Angela Wade, Mr. Trac S. Copher, Mr. Kaylan D. Wade, Ms. Wanda Phillips, Mr. Dale Zirkle, Ms. Bonnie Zirkle, Mr. Brandon Kavalok, Mr. Greg Dellinger, Ms. Alice Ciostek, Mr. Kirby Spangler, Ms. Jennifer Harrison, Ms. Shawna Larson, Mr. Gabe Carmen, Ms. Sewe Carmen, Mr. Tawe Carmen, Ms. Carol Thompson, Ms. Kari Shaginoff, Ms. Andrea Carmen, Mr. Bill Schmidtlwnz, Ms. Jessica Dryden-Winnestaffer, Ms. Alma Blum, Ms. Alys Culhane, Mr. Pete Praetorius, Mr. Tim Leach, and Ms. Lisa Wade.

The following person spoke in support of the Assembly using prayer before meetings, spoke in opposition to Ordinance Serial No. 10-042 and to the Borough and School District providing benefits to public employees and the state of public schools: Ms. Niki Tayson.

The following person thanked the Assembly for their support of the School District's budget and in support of a homeless shelter: Mr. Michael P. Carson.

The following person spoke in opposition to stymieing the economy and the importance of having a clean coal process: Mr. Marcus Reum.

The following person spoke in appreciation of the Assembly's debate and thanked Mr. Duffy for his professionalism: Mr. John Wood.

(The meeting recessed at 9:26 p.m. and reconvened at 9:39 p.m.)

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

VOTE: The motion passed without objection.

The following persons spoke in opposition to Ordinance Serial No. 10-042: Mr. Warren Keogh and Ms. Dorothy McDaniels.

D. CONSENT AGENDA

1. RESOLUTIONS

2. ASSEMBLY MEMORANDUMS

a. AM No. 10-041: AWARD OF BID NO. 10-093, TO QUALITY ASPHALT PAVING FOR 2010 ROADS PAVING IN THE CONTRACT AMOUNT OF $1,795,875.

b. AM No. 10-044: AUTHORIZATION TO ENTER INTO A SOLE SOURCE PROCUREMENT AGREEMENT UNDER MSB 3.08.280 WITH MERIDIAN SYSTEMS TO PROVIDE AUTOMATED LOGIC COMPUTERIZED THERMOSTATS FOR THE DOROTHY SWANDA JONES BUILDING IN AN AMOUNT NOT TO EXCEED $135,879.

c. AM No. 10-045: EXTENSION OF CONTRACT NO. 04-098 TO NORTH STAR GROUP IN A CONTRACT AMOUNT NOT TO EXCEED $75,000.

d. AM No. 10-046: AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH GILLESPIE AND ASSOCIATES, FOR STATE LOBBYIST SERVICES, IN THE CONTRACT AMOUNT OF $69,000, PLUS UP TO $4,000 IN ALLOWABLE AND APPROVED EXPENSES.

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.

VIII. UNFINISHED BUSINESS

(There was no unfinished business.)

IX. NEW BUSINESS

A. INTRODUCTION (For public hearing - 06/15/2010, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 10-046: AN ORDINANCE APPROVING THE REAPPROPRIATION OF $185,000 FROM THE PLANNING AND LAND USE DEPARTMENT, FUND 100, TO FUND 480, PROJECT NO. 47009, FOR A BUILD-OUT AND LAND SUSTAINABILITY ANALYSIS PROJECT EMPLOYEE. *(Sponsored by Assemblymember Bettine)*
   a. IM No. 10-026

2. Ordinance Serial No. 10-047: AN ORDINANCE EXTENDING THE TIME LIMIT FOR COMPLETION OF BOROUGH CAPITAL PROJECTS.
   a. IM No. 10-087

3. Ordinance Serial No. 10-048: AN ORDINANCE ACCEPTING, APPROPRIATING AN ADDITIONAL $108,500 FROM THE UNITED STATES FISH AND WILDLIFE SERVICE FOR THE BRYANT ROAD AT ANNA LAKE PROJECT FISH PASSAGE IMPROVEMENT PROJECT, PROJECT NO. 30100, FUND 410.

a. Resolution Serial No. 10-041: A RESOLUTION APPROVING AN ADDITIONAL $108,500 FROM THE UNITED STATES FISH AND WILDLIFE SERVICE AND THE AMENDED BUDGET FOR THE BRYANT ROAD AT ANNA LAKE FISH PASSAGE IMPROVEMENT PROJECT, PROJECT NO. 30100.

(1) IM No. 10-088

(2) AM No. 10-042: AWARD OF BID NO. 10-083, TO AMAQ, CORPORATION FOR THE ANNA LAKE AT BRYANT ROAD CULVERT REPLACEMENT PROJECT IN THE CONTRACT AMOUNT OF $169,500.

4. Ordinance Serial No. 10-049: AN ORDINANCE REAPPROPRIATING $66,521 FROM PLANNING DIVISION'S FISCAL YEAR 2010 OPERATING BUDGET, FUND 100, TO FUND 480, PROJECT NO. 20381, FOR WATER QUALITY PROTECTION; $4,650 FROM PLANNING ADMINISTRATION DIVISION'S FISCAL YEAR 2010 OPERATING BUDGET, FUND 100, TO FUND 480, PROJECT NO. 47021, FOR THE BOARD OF FISHERIES PROPOSALS; $15,000 FROM CULTURAL RESOURCE DIVISION'S FISCAL YEAR 2010 OPERATING BUDGET, FUND 100, TO FUND 480, PROJECT NO. 23076, FOR THE HISTORIC SURVEY CITY OF WASILLA SITES; AND $17,000 FROM THE PUBLIC WORKS ADMINISTRATION DIVISION FISCAL YEAR 2010 OPERATING BUDGET, FUND 100, TO FUND 480, PROJECT NO. 20381, FOR WATER QUALITY PROTECTION.

a. Resolution Serial No. 10-042: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE MAT-SU COMMUNITY SURVEY, THE WATER QUALITY PROTECTION, THE BOARD OF FISHERIES PROPOSALS, AND THE HISTORIC SURVEY CITY OF WASILLA SITES.

(1) IM No. 10-094

5. Ordinance Serial No. 10-050: AN ORDINANCE AMENDING MSB 5.25.059, TO ANNEX PROPERTY IN THE WILLOW-FISHHOOK ROAD AREA INTO THE WILLOW FIRE SERVICE AREA NO. 35, WITHOUT THE PLACEMENT OF THE QUESTION ON THE BALLOT, PER MSB 5.20.005(G).

a. Resolution Serial No. 10-043: A RESOLUTION FINDING THE ANNEXATION OF A PROPERTY IN THE WILLOW-FISHHOOK ROAD AREA INTO THE WILLOW FIRE SERVICE AREA NO. 35 SERVES THE PUBLIC INTEREST WITHOUT THE PLACEMENT OF THE QUESTION ON THE BALLOT, PER MSB 5.20.005(G). *(Sponsored by Assemblymember Halter)*

(1) IM No. 10-095

6. Ordinance Serial No. 10-051: AN ORDINANCE AMENDING MSB 5.25.142, TO ANNEX PROPERTIES IN AND AROUND THE AURORA LANE AREA INTO THE GREATER PALMER FIRE SERVICE AREA NO. 132, WITHOUT THE PLACEMENT OF THE QUESTION ON THE BALLOT, PER MSB 5.20.005(G).

a. Resolution Serial No. 10-044: A RESOLUTION FINDING THE ANNEXATION OF PROPERTIES LOCATED IN THE AURORA LANE AREA INTO THE GREATER PALMER FIRE SERVICE AREA NO. 132 SERVES THE PUBLIC INTEREST WITHOUT THE PLACEMENT OF THE QUESTION ON THE BALLOT. *(Sponsored by Assemblymember Woods)*

(1) IM No. 10-096

7. Ordinance Serial No. 10-052: AN ORDINANCE ADOPTING MSB 2.70.140(E), PLACING RESTRICTIONS UPON CERTAIN EMPLOYEES WHO TERMINATE EMPLOYMENT WITH THE BOROUGH FROM PROVIDING FUTURE SERVICE TO THE BOROUGH. *(Sponsored by Assemblymember Colver)*

a. IM No. 10-099

8. Ordinance Serial No. 10-053: AN ORDINANCE AMENDING MSB 5.25.059, TO ANNEX PROPERTY IN THE WILLOW CREST SUBDIVISION AREA (6336000L007, 6336000L008, 636000L009) INTO THE WILLOW FIRE SERVICE AREA NO. 35 WITHOUT PLACING THE QUESTION ON THE BALLOT AND FINDING THAT THE ANNEXATION SERVES THE PUBLIC INTEREST WITHOUT THE CIRCULATION OF A PETITION. *(Sponsored by Assemblymember Halter)*

a. IM No. 10-100

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 June 15, 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
Sabrieta Holland
Emergency Medical Services Board
Jeanne Lewis
Enhanced 911 Advisory Board
Resignation of Daniel Stearns
Mayor's Blue Ribbon Sportsmen's Committee
Resignation of Gene Sandone
Parks, Recreation, and Trails Advisory Board
Darrell Harrell

Mayor Colberg made the following recommendations:

Emergency Medical Services Board
Paul Gavell
Parks, Recreation, and Trails Advisory Board
James Skinner

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

VOTE: The motion passed without objection.

Mayor Colberg inquired if there was any objection to discussing the recruitment of the Borough Manager and scheduling the next Assembly meeting on the issue.

There was no objection noted.

Mayor Colberg queried whether the Assembly would like to hire the Manager after the October 5, 2010, regular election, or select a Manager in August 2010.

Assemblymember Bettine:
- opined that there is a need for a manager even if there is a strong mayor form of government for consistency;
- stated that the Borough cannot be compared to some of the Borough's cities as far as the number of people that are managed; and
- spoke in support of moving forward with hiring the manager.

Mayor Colberg:
- noted that the Assembly could postpone the topic to June 15, 2010; and
- stated that the mayor would be making the decision of staff selection should a strong mayor form of government occur.

Assemblymember Ewing queried how long someone has to be a Borough resident to run for the office of the Mayor.

Ms. McKechnie advised that a person has to reside in the Borough for one year immediately prior to the election to qualify to run for the office of the mayor.

Assemblymember Colver spoke in support of proceeding with the hiring of a manager.

Discussion ensued regarding whether to proceed with scheduling a meeting to fill the manager position.

Mayor Colberg asked if the Assembly would like to schedule a special meeting regarding the exit interview of the Borough Manager on June 15, 2010, at 4:30 p.m.

There was no objection noted.

Ms. McKechnie asked the Assembly if they wished to forego having food provided in between meetings during the summer months, as has previously been done over the last couple of years.

There was no objection noted.

C. OTHER NEW BUSINESS

X. RECONSIDERATION

(There were no reconsiderations presented.)

XI. VETO

(There were no vetoes presented.)

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

A. Krause Litigation

MOTION: Assemblymember Woods moved to enter into executive session for matters, immediately 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 the Krause litigation. Those present during the executive session were: the members of the Assembly, the Manager, the Assistant Manager, the Attorney, the Clerk, and the Finance Director.

VOTE: The motion passed without objection and the Assembly entered executive session at 10 p.m.

MOTION: Assemblymember Woods moved to exit executive session.

VOTE: The motion passed without objection and the Assembly exited executive session at 10:26 p.m.

XIII. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Woods:
- spoke to the number of emergency services calls received over the Memorial Day weekend;
- noted that there is major cleanup to do from recreational users; and
- stated that there is a lot to consider when inviting recreation users to the Borough.

Assemblymember Halter:
- spoke to the similarities of four-wheeler issues in District 7;
- noted the emails received regarding concerns with four-wheeler use in the Knik area; and
- spoke to an incident where he was almost plowed into by a four-wheeler in the Knik area.

Mayor Colberg asked if there was any objection to suspending the rules to extend the meeting past 10:30 p.m. to complete the comments portion of the agenda.

There was no objection noted.

Assemblymember Bettine:
- spoke to emails received regarding concerns with four-wheelers in the Knik area; and
- queried what could be done.

Mr. Duffy:
- advised that the Assembly could adopt an ordinance, like the Municipality's of Anchorage and Fairbanks have, that talks about how it is not appropriate to use four-wheelers in a road right-of-way and sets age limits on operation;
- noted that there are major problems with four-wheelers on Seldon Road; and
- stated that the issue is getting out of hand and the problem is not going away.

Assemblymember Bettine:
- spoke to almost hitting a car on the Knik-Goose Bay Road due to the dust of a four-wheeler in the right-of-way;
- requested that should the Assembly need more information regarding a reappropriation for the build out and the land suitability analyst project employee legislation coming forward on June 15, 2010, to let the Planning Department know ahead of time; and
- noted that the legislation is important to the Borough Area Schools Site Selection Committee and will make Assembly decisions easier on a lot of issues.

Assemblymember Arvin queried how the Assembly would enforce an ordinance regarding four-wheeler use.

Mayor Colberg noted that the troopers send the issues to the Borough at this point.

Mr. Duffy:
- stated that the Borough is in a no win situation; and
- noted that there are ways of enforcing this issue, however, it would need a longer conversation.

Assemblymember Ewing:

- stated that the city of Wasilla has the same problem;
- spoke to the issues that the Police have encountered with trying to stop someone on a four-wheeler; and
- thanked the Assembly for putting the strong mayoral form of government question to the voters.

Assemblymember Houston:

- thanked the Assembly for bearing with him during the teleconferences in May; and
- noted that 3000 tons of herring were caught while he was fishing.

XIV. ADJOURNMENT

The regular meeting adjourned at 10:37 p.m.

TALIS J. COLBERG, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 07/20/10