I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on July 20, 2010, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:03 p.m. by Deputy Mayor Lynne Woods.

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 *(via teleconference)*
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, Acting Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Cheryl D. Marino, Deputy Borough Clerk
Ms. Tammy Clayton, Finance Director
Mr. Clint Vardeman, Emergency Services Deputy Director
Mr. Dave Hanson, Economic Development Director
Mr. Robert Haskell, Chief Animal Care and Regulation Officer
Mr. Chuck Braun, Operations and Maintenance Division Manager

III. APPROVAL OF AGENDA

Deputy Mayor Woods inquired if there were any changes to the agenda.

MOTION: Assemblymember Colver moved to take up the veto directly after the agency reports.

Assemblymember Houston:
- spoke in opposition to the proposed agenda change; and
- noted that the public should have an opportunity to comment.

Assemblymember Bettine spoke in support of moving unfinished business and the veto portions of the agenda prior to the public hearing portion of the agenda at every meeting.

Ms. McKechnie advised that it would require a code change to permanently move unfinished business and the veto to another portion of the agenda.

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

MOTION: Assemblymember Halter moved to remove Ordinance No. 10-066 from the introduction portion of the agenda.

Assemblymember Halter:

- noted that there is an ongoing rewrite and review of Title 24 by the Animal Care and Regulation Board;
- requested that the legislation be removed from the agenda so that the Animal Care and Regulation Board would be able to review the language; and
- spoke to the possibility of setting a deadline for the Title 24 rewrite legislation to come back to the Assembly.

Assemblymember Bettine:

- spoke in opposition of removing the legislation from the agenda;
- opined that the legislation should go forward on the agenda as there may be public comment; and
- stated that it is important to move forward with the legislation before there is another issue with people not feeding their animals.

Discussion ensued regarding:

- allowing Assembly sponsored legislation to go forward on agendas; and
- being able to have public and Assembly comments on legislation rather than removing the legislation from the agenda.

WITHDRAW: Assemblymember Halter moved to withdraw the motion to remove Ordinance No. 10-066 from the introduction portion of the agenda.

There was no objection noted.

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ms. Terry Snyder, a member of the audience.

V. MINUTES OF PRECEDING MEETINGS

A. Regular Assembly Meeting: 06/01/10
B. Joint Assembly/School Board Meeting: 06/08/10
C. Special Assembly Meeting: 06/15/10
D. Special Assembly Meeting: 06/15/10
E. Regular Assembly Meeting: 06/15/10

F. Special Assembly Meeting: 06/22/10
G. Joint Assembly/Planning Commission Meeting: 06/22/10

Deputy Mayor Woods inquired if there were any corrections to the regular meeting minutes of June 1, 2010.

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

Deputy Mayor Woods inquired if there were any corrections to the Joint Assembly/School Board meeting minutes of June 8, 2010.

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

Deputy Mayor Woods inquired if there were any corrections to the the two Assembly special meeting minutes of June 15, 2010.

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

Deputy Mayor Woods inquired if there were any corrections to the regular meeting minutes of June 15, 2010.

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

Deputy Mayor Woods inquired if there were any corrections to the special meeting minutes of June 22, 2010.

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

Deputy Mayor Woods inquired if there were any corrections to the joint Assembly/Planning Commission meeting minutes of June 22, 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

Dr. Kenneth Burnley, Superintendent:

- spoke to conducting interviews with over 100 people in the school community to find out what is important in the Borough;
- noted that he and the School Board had attended a retreat on June 25 and June 26, 2010;
- commented that the School Board revised their strategic plan and set objectives;
- reported that he will be evaluated on the objectives in a transparent manner;
- noted that one of the initiatives that the School District will be working on is to ensure that students are able to pass algebra by grade 8;
- spoke to the School District program regarding recapturing students that have dropped out of school or are short credits;
- spoke to expanding the Early College Alliance to have more options available in the Borough;
- noted that the School District will be upgrading their technology system;
- commented that the School District is looking forward to working more closely with the Borough;
- noted that the School District will be working with the Borough on the Workforce Readiness Program; and
- introduced Mr. Ken Forrest, Assistant Superintendent of Business and Operations.

Mr. Forrest, Assistant Superintendent of Business and Operations:

- noted that he is looking forward to the challenges of his position; and
- stated that he looks forward to working with the Borough and responding in a more timely manner.

Dr. Burnley:

- reported that the School District will soon be working with Mr. Bob Chadwick, owner of Consensus Associates;
- noted that Mr. Chadwick's expertise is to help resolve conflicts and build relationships;
- advised that Mr. Chadwick is in the Borough from August 13 to August 16, 2010, to gain knowledge through interviews;
- spoke to the technique that Mr. Chadwick uses and what the School District hopes to gain from his services; and
- noted that he will be forwarding a letter to the Assembly with additional information.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Colver noted that the next Joint Assembly/School Board Committee on School Issues meeting will be held in September.

2. Assembly Public Relations

Assemblymember Bettine:
- spoke to a Ketchikan newspaper article which had the photo of the M/V Susitna;
- advised that the Ketchikan Borough had business sponsorship of their newspaper ads; and
- spoke to the possibility of businesses sponsoring Borough ads.

XI. VETO *(Motion to Override the Mayoral Veto of Ordinance Serial No. 10-052, which was adopted by the Assembly June 15, 2010.)*

A. Ordinance Serial No. 10-052: A RESOLUTION ADOPTING MSB 2.70.1470(E), PLACING RESTRICTIONS UPON CERTAIN EMPLOYEES WHO TERMINATE EMPLOYMENT WITH THE BOROUGH FROM PROVIDING FUTURE SERVICE TO THE BOROUGH. *(Sponsored by Assemblymember Colver)*

(1) IM No. 10-099

MOTION: Assemblymember Colver moved to override the mayoral veto of Ordinance Serial No. 10-052.

Assemblymember Colver:
- opined that the legislation is a long needed ethics reform;
- spoke to the previous Assembly debate regarding waiting until after the Ethics Board had finished their rewrite;
- stated that the legislation is a small move to create a buffer between government service and the private sector;
- spoke to the public concerns regarding the Borough hiring former employees under contract who have recently retired; and
- requested Assembly support to override the veto.

Assemblymember Ewing:
- noted that the Ethics Board had ample time to look at the issue;
- commented that it is time for the Assembly to take action on the legislation;
- spoke to concerns regarding employees coming back as contractors; and
- stated that it is not fair to the residents to have former Borough employees with privileged information involved in the bidding process or any contracts that follow in the future.

Discussion ensued regarding:
- when the Law Department would be finished reviewing the Board of Ethics code revisions;
- the need for the Assembly to let the current process work;
- the Assembly being able to add language to the legislation;
- whether the legislation was time sensitive;
- the legislation being a focused issue related to employment after leaving borough employment;
- concerns regarding the Assembly making changes to code when a board has been previously tasked with looking at it;

- the Assembly having control over hiring former employees without the legislation;
- that the best people to hire in communities with small populations may be former employees; and
- the right of the Assembly to change code prior to rewrites from boards.

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

VOTE: The motion passed without objection.

VOTE: The motion failed with Assemblymembers Ewing and Colver in support.

H. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues

Ms. Gray:

- congratulated Public Affairs and Public Works Department staff for the zoning code update commercial that won a National Association of Counties (NACO) award for innovation;
- noted that Borough had applied for a $500,000 grant through the United States Department of Agriculture (USDA) Rural Development Council using the American Recovery and Reinvestment Act (ARRA) funds;
- reported that the grant has moved forward through the USDA in Palmer and is now in the book for USDA submission;
- stated that she is hopeful that the Borough will receive the grant; and
- introduced Mr. John Lee, Mat-Su Regional Medical Center Chief Executive Officer.

3. Mr. John Lee – Mat-Su Regional Medical Center

Mr. Lee:

- stated that the Mat-Su Regional Medical Center (MSRMC) employs 657 people, which makes it the largest private employer in the Borough;
- reported that they employ 91 active medical staff members;
- noted that they contributed over $87,000,000 to the community in 2009;
- reported that the MSRMC is the highest Borough tax payer;
- spoke to the annual average wage of employees;
- spoke to the local purchases of goods and services;
- provided a report on the number of emergency room visits, surgical procedures, and baby deliveries;
- spoke to the governance of the medical center;
- reported on the increases in the medical staff;
- noted that MSRMC has the highest ratio of certified registered nurses in the state of Alaska in the intensive care unit, family birthing, and in Med/Surg;
- commented that the turnover rate is very low at MSRMC;

- reported that the MSRMC ranked the highest in the HCAP survey data for the first quarter of 2010; and
- noted that the medical center is proud to be part of the community.

A. ATTORNEY COMMENTS

Mr. Spiropoulos:
- reported that an injunction case has gone to trial;
- commented that this is the first time a Borough injunction case has gone to trial;
- advised that the NPI case had been settled;
- reported that the novation agreement for the water and wastewater facility had been signed by the State; and
- stated that legislation will be coming forward to the Assembly regarding the potential to put part of the property into the Goose Creek Correctional Facility project and the potential sale of the property that is remaining.

Assemblymember Colver queried if the encroaching fence on the injunction list was extraordinary circumstances.

Mr. Spiropoulos:
- spoke to the history of the injunction;
- noted that the resident built a fence 15 feet into the right-of-way; and
- spoke to the issues the fence location has created.

B. CLERK COMMENTS

Ms. McKechnie:
- spoke regarding the upcoming meeting schedule; and
- asked if the Assembly would like to schedule a work session to discuss the interim materials district legislation with the Alaska State Department of Natural Resources (DNR) and the Alaska State Department of Transportation (DOT).

Assemblymember Ewing suggested the meeting take place in late August.

Ms. McKechnie suggested that the work session could be scheduled on August 17, 2010, at 4:00 p.m.

Assemblymember Colver:
- noted that the new legislation would require DNR and DOT to obtain permits; and
- spoke to the need to hear the impacts of the legislation on current local projects and whether the Assembly would consider exemptions prior to taking action on the legislation.

Deputy Mayor Woods asked if there was objection to scheduling a work session to discuss the interim materials district legislation with the DNR and DOT on August 17, 2010, at 4 p.m.

There was no objection noted.

Ms. McKechnie asked if the Assembly would like to schedule a work session regarding road bonds on July 27, 2010, at 6 p.m., as requested by Assemblymember Colver.

Assemblymember Colver:
- noted that the meeting was requested to have the Assembly's input and to work toward a list of roads that meets all of the needs of Assembly Districts;
- commented that the intent was to have the Public Works Department staff and Mr. Brad Sworts available to answer questions;
- spoke to the bond package being within a range not exceeding $7,000,000; and
- requested that the Assembly contact Mr. Sworts should there be any questions or additional information needed.

Assemblymember Bettine:
- noted that she is looking forward to the meeting;
- requested that the meeting agenda be broad enough to enable the Assembly to have discussions on all road projects and sidewalks/trails beside the roads;
- spoke to the need to have DOT attend the meeting to provide an update regarding what Borough and State roads are being constructed and what Borough and State roads are funded; and
- spoke to the need to stick to the Long Range Transportation Plan.

Discussion ensued regarding:
- the need for the meeting discussion to be specific to Borough roads so that each member can address specific road issues within their district and create their own district road list;
- concerns regarding the meeting getting convoluted should other roads and topics be discussed;
- the need for the Assembly to have a comprehensive discussion to understand how the Borough roads fit into the State road system;
- the number of propositions on the October 5, 2010, regular election ballot;
- concerns regarding the Borough voters having bond fatigue; and
- the need for the road bond package that was ratified by the voters on October 7, 2008, to be included in the proposed meeting discussion.

Deputy Mayor Woods asked if there was objection to scheduling a work session regarding roads on July 27, 2010, at 6 p.m.

There was no objection noted.

(The Clerk's Report continued on page 19.)

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. 10-054: AN ORDINANCE AMENDING MSB 3.08, PURCHASING PROCEDURES; TO REQUIRE ASSEMBLY APPROVAL OF ALL CONTRACTS OVER $25,000. *(Sponsored by Assemblymember Arvin)*

a. IM No. 10-102

Deputy Mayor Woods opened the public hearing.

The following persons spoke in opposition to Ordinance Serial No. 10-054: Mr. Norman Gutcher; Mr. Bill Stearns; Ms. Dawn Jones; Mr. Ross Kopperud, Kopperud Transportation.

The following persons spoke in support of Ordinance Serial No. 10-054: Mr. John Stefanski; Ms. Niki Taysom; and Mr. Neil Snyder.

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

MOTION: Assemblymember Arvin moved to adopt Ordinance Serial No. 10-054.

Assemblymember Arvin:

- spoke to receiving queries from the public after the legislation was published;
- noted that 50 percent of the public were in support and 50 percent of the public were in opposition to the legislation;
- spoke to the purpose and goal of the legislation;
- spoke to the need for the Assembly to have more oversight with $100,000 contracts;
- commented on the concerns brought to his attention from the public;
- spoke to his intent to bring new legislation forward;
- stated that he does not think it is prudent for the purchasing officer to have signing authority for $100,000 contracts;
- noted the importance of having public testimony and having Assembly discussion;
- spoke in support of postponing the legislation indefinitely; and
- commented that he would like to meet with the Purchasing Division and the Law Department regarding the new legislation so that it is comprehensive and it does not disrupt the procurement process.

Assemblymember Woods:

- spoke to receiving a high number of complaints regarding the lengthy procurement process when she ran for office;
- spoke to the need for efficiency;

- stated that time is money for everyone; and
- spoke in opposition to this change in the procurement code.

Discussion ensued regarding:
- items that need to be exempt from the legislation;
- the previous procurement legislation which increased the amount from $25,000 to $100,000;
- the need to schedule a work session regarding procurement and reviewing the Management Review Audit;
- concerns that the legislation would delay the current process as there are a high number of Borough projects;
- letting staff do the jobs they were hired to do; and
- concerns with micromanagement with the procurement process.

MOTION: Assemblymember Arvin moved to postpone Ordinance Serial No. 10-054 indefinitely.

VOTE: The motion passed without objection.

2. Ordinance Serial No. 10-055: AN ORDINANCE PROVIDING FOR THE SALE OF CERTAIN BOROUGHWIDE REAL PROPERTY ACQUIRED THROUGH TAX FORECLOSURE FOR DELINQUENT REAL PROPERTY TAXES, YEARS 2003 AND 2004 AND PRIOR, AND NOT NEEDED FOR PUBLIC PURPOSE.

a. IM No. 10-109

Ms. Clayton provided a staff report.

Deputy Mayor Woods opened the public hearing.

The following persons spoke in opposition to Ordinance Serial No. 10-055: Ms. Niki Taysom, Mr. Neil Snyder, Ms. Nancy Sult, and Mr. John Stefanski.

(Assemblymember Ewing exited the meeting at 7:46 p.m.)

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

MOTION: Assemblymember Bettine moved to adopt Ordinance Serial No. 10-055.

MOTION: Assemblymember Halter moved a primary amendment to Ordinance Serial No. 10-055 to replace Exhibit A with the new information provided by Administration.

VOTE: The primary amendment passed without objection.

Assemblymember Arvin:

- spoke in support of postponing the legislation;
- commented that the list started with hundreds of people and is now narrowed down to a few;
- noted that owners sometimes consciously let their property go, as the value of resale is less than the taxes owed; and
- spoke in support of postponing the legislation to next year.

Mr. Spiropoulos:

- spoke to State law which requires the Borough to file foreclosures each year;
- noted that the current legislation is delinquent properties from 2008 and prior;
- noted that people can repurchase their property up to the day the Borough sells it;
- spoke to the rate that is set for delinquent property tax when the Assembly passes the budget; and
- spoke to issues with the Borough waiting to sell the foreclosed property.

Discussion ensued regarding:

- how long it takes to be listed on the foreclosure listing;
- the Borough process for providing notice to the tax payers on the list; and
- the people on the list being six years behind on their taxes.

MOTION: Assemblymember Colver moved to postpone Ordinance Serial No. 10-055 to a time certain of October 19, 2010.

Assemblymember Colver noted that the people on the list will have received their permanent dividend fund (PFD) by October 19, 2010, which could help them pay their taxes.

Assemblymember Bettine:

- recommended postponing the legislation until November 16, 2010, as everyone does not submit online PFD applications; and
- spoke to concerns with the new assembly members having to tackle this issue at their first Assembly meeting in October.

Assemblymember Colver spoke to Mr. Spiropoulos's recommendation of changing the property sale date.

WITHDRAW: Assemblymember Colver withdrew the motion to postpone Ordinance Serial No. 10-055 to a time certain of October 19, 2010.

There was no objection noted.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 10-055 and IM No. 10-109 to reflect that the sale will be held on November 13, 2010, and that all subsequent dates reflect this change within the legislation.

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

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended with Assemblymember Arvin opposed.

(The meeting recessed at 8:10 p.m. and reconvened at 8:21 p.m.)

3. Ordinance Serial No. 10-056: AN ORDINANCE ACCEPTING, APPROPRIATING, AND APPROVING THE SCOPE OF WORK AND BUDGET FOR A $40,630 UNITED STATES DEPARTMENT OF HOMELAND SECURITY ASSISTANCE TO FIREFIGHTERS GRANT AND REQUESTING A REAPPROPRIATION FOR THE REQUIRED MATCHING FUNDS IN THE AMOUNT OF $2,138 FROM THE CASWELL LAKES FIRE SERVICE AREA FISCAL YEAR 2011 OPERATING BUDGET, FUND 248, TO PROJECT NO. 45252, FUND 405, TO PURCHASE PERSONAL PROTECTIVE EQUIPMENT AND SELF CONTAINED BREATHING APPARATUS.

a. Resolution Serial No. 10-048: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY ASSISTANCE TO FIREFIGHTERS GRANT FOR THE CASWELL LAKES FIRE SERVICE AREA, PROJECT NO. 45252, FUND 405, TO PURCHASE PERSONAL PROTECTIVE EQUIPMENT AND SELF CONTAINED BREATHING APPARATUS.

(1) IM No. 10-110

Deputy Mayor Woods opened the public hearing.

The following person spoke in opposition to Ordinance Serial No. 10-056 and Resolution Serial No. 10-048: Ms. Niki Taysom.

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 Ordinance Serial No. 10-056 and Resolution Serial No. 10-048.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke regarding the need to decide on what to promote for a healthy community: Ms. Niki Taysom.

The following person spoke regarding Borough bonds: Mr. Neil Snyder.

The following persons spoke to concerns regarding unattended dog kennels and in support of Ordinance Serial No. 10-066: Ms. Laura Stein and Ms. Nisha Amberg.

The following person spoke regarding a new company for public transportation called Valley Movers: Mr. Mokie Tews.

The following person spoke to the State and Federal constitutions: Mr. John Stefanski.

D. CONSENT AGENDA (Resolution Serial Nos. 10-051, 10-052, and 10-053, and AM Nos. 10-058, 10-064, 10-065, and 10-068 were pulled from the consent agenda and addressed separately. *See pp. 14-19*)

1. RESOLUTIONS

d. Resolution Serial No. 10-054: A RESOLUTION AMENDING THE BUDGETS FOR WASILLA POOL DECK, DRAINS AND GUTTERS, INSTALL EPOXY FLOORS, NEW PLUMBING FIXTURES AND WALL REPLACEMENT, AND PAINT AND CAULK POOL, PROJECT NO. 15007, AND APPROVE THE SCOPE OF WORK AND BUDGET FOR WASILLA POOL MAJOR MAINTENANCE.

(1) IM No. 10-122

e. Resolution Serial No. 10-055: A RESOLUTION AMENDING THE BUDGETS FOR DISTRICT WIDE SAFETY AND SECURITY UPGRADE, PROJECT NO. 40170, WASILLA HIGH SCHOOL FIRE HYDRANT INSTALLATION, PROJECT NO. 40171, AND WASILLA HIGH SCHOOL SITE CIRCULATION AND PARKING SAFETY IMPROVEMENTS, PROJECT NO. 40172.

(1) AM No. 10-063: AWARD OF BID NO. 10-096 TO GRANITE CONSTRUCTION COMPANY IN THE CONTRACT AMOUNT OF $2,264,000 FOR THE WASILLA HIGH SCHOOL SITE CIRCULATION AND SECURITY IMPROVEMENTS.

a. IM No. 10-126

2. ASSEMBLY MEMORANDUMS

b. AM No. 10-061: AUTHORIZING THE BOROUGH MANAGER TO ENTER INTO AN AGREEMENT FOR RESCUE SERVICES WITH THE CITY OF PALMER FOR THE CONTRACT PERIOD OF JULY 1, 2010, TO JUNE 30, 2011, IN THE AMOUNT OF $36,000.

c. AM No. 10-062: AUTHORIZING THE BOROUGH MANAGER TO ENTER INTO AN AGREEMENT FOR FIRE PROTECTION SERVICES WITH THE CITY OF PALMER FOR THE CONTRACT PERIOD OF JULY 1, 2010, TO JUNE 30, 2011, IN THE AMOUNT OF $287,757.

f. AM No. 10-066: AUTHORIZATION FOR PURCHASE AND INSTALLATION OF THREE VHF REPEATERS AND RELATED EQUIPMENT FROM

MOTOROLA/PROCOMM ALASKA THROUGH THE WESTERN STATES CONTRACTING ALLIANCE IN THE AMOUNT OF $191,600.

g. AM No. 10-067: AWARD OF BID NO. 10-086 TO KENNERSON EXCAVATING, INC. IN THE CONTRACT AMOUNT OF $627,814, FOR CENTRAL LANDFILL CELL THREE, PHASE II CONSTRUCTION.

i. AM No. 10-069: APPROVAL OF CONTRACT AMENDMENT TO MARSHALL'S ELECTRIC, INC. IN THE AMOUNT OF $32,311.05 FOR THE DOROTHY SWANDA JONES BUILDING LIGHTING UPGRADE, PROJECT NO. 47019.

Ms. McKechnie read the above legislation into the record.

MOTION: Assemblymember Bettine moved to approve the consent agenda as read into the record by the Clerk.

VOTE: The motion passed without objection.

a. Resolution Serial No. 10-051: A RESOLUTION AUTHORIZING THE BOROUGH MANAGER TO ENTER INTO AN AGREEMENT WITH THE CITY OF HOUSTON FOR ANIMAL SHELTERING SERVICES.

(1) IM No. 10-043

MOTION: Assemblymember Bettine moved to adopt Resolution Serial No. 10-051.

Assemblymember Bettine queried if the Borough was only housing the animals and not picking the animals up.

Mr. Haskell:
- noted that the city of Houston does have the option of emergency call out services; and
- stated that the Borough basically just shelters the animals.

Assemblymember Bettine queried if the police department was delivering the animals to the animal shelter.

Mr. Haskell noted that fire department delivers the animals to the animal shelter facility.

Assemblymember Bettine:
- spoke to a Borough policy regarding euthanizing animals; and
- queried if the Borough is following the policy for the cities.

Mr. Haskell:
- stated that the Borough has not been euthanizing adoptable animals;
- noted that the Borough does euthanize when requested or when determined necessary for medical reasons; and
- noted that the cities would be charged for the costs of euthanizing the animals.

Assemblymember Bettine requested that the Assembly receive a report at the end of the contract to ensure that the Borough is breaking even with the service provided to all of the cities.

MOTION: Assemblymember Halter moved a primary amendment to Resolution Serial No. 10-051 and the Animal Care and Regulation Services Agreement, Section one, Term, to delete the sentence which reads: "The period of this agreement may be extended by mutual written agreement of both parties" and to the third whereas clause of the resolution by striking the following words: "with one year options for extensions not to exceed five years".

Assemblymember Houston:
- spoke to the contract with the city of Palmer; and
- opined that the Assembly hires good people and should let them do their job.

Discussion ensued regarding:
- concerns regarding the city paying for services when the Borough residents are not getting compensated;
- the need to receive an accounting report at the end of the contract for all of the cities; and
- the need to change all of the city contracts to be a one-year contract.

VOTE: The primary amendment passed with Assemblymember Houston opposed.

VOTE: The main motion passed as amended without objection.

b. Resolution Serial No. 10-052: A RESOLUTION AMENDING THE SCOPE OF WORK FOR NELSON ROAD GRAVEL AND CULVERTS, PROJECT NO. 30104.

MOTION: Assemblymember Arvin moved to adopt Resolution Serial No. 10-052.

Assemblymember Arvin queried the primary bus route to Machetanz Elementary School.

Mr. Braun noted that the primary bus route is Nelson Road.

Asssemblymember Arvin queried how a 20 inch gas main was overlooked when it was put out to bid.

Mr. Braun:
- noted that overlooking the 20 inch gas main was a mistake; and
- apologized for overlooking the gas main.

Discussion ensued regarding:
- the gas main issues;
- the cost fluctuation of the Nelson Road Project;
- where the Nelson Road Project funding originally came from;
- the previous legislation regarding not opening Machetanz Elementary School until the Borough had better road access;
- the public stating that they would use Nelson Road for access to Machetanz Elementary School;
- the need for these funds to be returned to the administrative space fund where they originated;
- the need for the road service area board of supervisors to inform the subdivision on how they could upgrade their roads;
- the Garden Terrace water system;
- the Public Works Department feeling some responsibility to complete the entire project as the grant funding would not fund all of the upgrades with the drainage issue and completing the pavement;
- the city of Wasilla's participation in the water project.
- the paving needing to be paid for by other means than the general fund;
- concerns with paving the road as it would increase traffic in the area;
- the residents in the area being opposed to a traffic increase; and
- what would occur to the funds should the Assembly not pass the legislation.

VOTE: The motion failed unanimously.

c. Resolution Serial No. 10-053: A RESOLUTION REVISING THE EMERGENCY SERVICES FEE SCHEDULE FOR AMBULANCE SERVICES EFFECTIVE AUGUST 1, 2010.

(1) IM No. 10-120

MOTION: Assemblymember Colver moved to adopt Resolution Serial No. 10-053.

Assemblymember Colver:
- spoke to concerns regarding increasing fees three percent every year; and
- queried how it would affect the budget if the fees were rolled back 3 percent.

Ms. Clayton advised that the three percent increase was included in the budget.

Assemblymember Bettine:
- noted that the Borough rates are lower than what normal customary insurance costs would be;
- commented that most of the people that get the service have insurance;
- stated that the hospital wanted a contract with the Borough because of the lower rates; and
- spoke to the need to look into contracting ambulances with the private sector at some point.

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

a. AM No. 10-058: AWARD OF PROPOSAL NO. 10-080 TO ARCHITECTS ALASKA IN THE CONTRACT AMOUNT OF $320,405, FOR THE DESIGN OF THE SUTTON COMMUNITY RESOURCE CENTER.

CONFLICT OF INTEREST: Assemblymember Bettine declared a conflict of interest with AM No. 10-058.

(Assemblymember Bettine exited the meeting.)

MOTION: Assemblymember Colver moved to approve AM No. 10-058.

VOTE: The motion passed without objection.

(Assemblymember Bettine reentered the meeting.)

d. AM No. 10-064: APPROVE EXTENSION TO CONTRACT NO. 08-151, TO SHANNON AND WILSON, INC. IN THE YEARLY AMOUNT NOT TO EXCEED $93,670 FOR MSB LANDFILL MONITORING WELLS SAMPLING AND ANALYSIS, THROUGH JUNE 30, 2011,

MOTION: Assemblymember Arvin moved to adopt AM No. 10-064.

Assemblymember Arvin queried the history of why the Borough is extending contracts and not sending the contract out for bid again.

Mr. Braun:
- advised that the contract was awarded as a one-year contract with the option of four extension years;
- noted that the legislation is a renewal of the existing contract; and
- reported that Shannon and Wilson, Inc. did a very good job.

Assemblymember Arvin queried if the extension was within the five-year time period.

Mr. Braun noted that the extension was within the five-year time period.

VOTE: The motion passed without objection.

e. AM No. 10-065: AWARD OF PROPOSAL NO. 10-085 TO CH2M HILL IN THE CONTRACT AMOUNT OF $301,500, FOR CENTRAL LANDFILL LEACHATE COLLECTION SYSTEM IMPROVEMENTS DESIGN.

MOTION: Assemblymember Colver moved to adopt AM No. 10-065.

Assemblymember Colver:
- spoke in opposition to the legislation as only one bid was received;
- spoke to concerns regarding the Borough receiving only one proposal;

- opined that there should be more competition;
- stated that the Borough should put out another bid; and
- commented that he would like to find out why the Borough did not receive more than one proposal.

Assemblymember Woods queried if other design firms had worked at the landfill.

Mr. Braun:
- noted that he was not aware that there was only a single proposer;
- commented that proposals are advertised;
- stated that the Borough has no control over how many proposals are received on any given project;
- noted that he is unsure if the Borough would have seen a reduction in cost; and
- commented that the Borough had already spent resources on the proposal.

Assemblymember Arvin:
- spoke in support of awarding the contract as it had gone through the process;
- stated that the bigger issue is revisiting the process inside the procurement office;
- spoke to the need to schedule a work session to look at the procurement process; and
- commented that he is surprised that there was only one proposer.

VOTE: The motion passed with Assemblymember Colver opposed.

h. AM No. 10-068: APPROVAL OF CONTRACT AMENDMENT TO FRAWNER CORPORATION IN THE AMOUNT OF $84,502 FOR THE TALKEETNA PUBLIC WATER SYSTEM IMPROVEMENTS, PROJECT NO. 25037.

MOTION: Assemblymember Colver moved to adopt AM No 10-068.

Assemblymember Colver queried whether the Frawner Corporation is a supplier or an installer contractor.

Mr. Braun:
- noted that Frawner Corporation is the supplier and the builder of the arsenic treatment module;
- commented that the Frawner Corporation is also the contractor for the installation of the module;
- noted that the Assembly initially approved the first contract for the construction of the module;
- reported that the Assembly approved the contract for the installation of the module when more funding became available;
- commented that the Alaska State Department of Environmental Conservation (DEC) had indicated that one of the permit requirements was for a sewer line to be installed;

- reported that the sewer line would be installed strictly for the function of the backwash of the module; and
- noted that the new sewer line must be installed at the same time that the module was installed for the DEC to approve the permit.

Assemblymember Colver:
- noted that the Assembly is starting to see more and more multinational corporation suppliers with large buying power;
- opined that it does not matter who submits a proposal with the way the Borough procurement code is working;
- spoke to the need for the Assembly to look at the procurement process as more larger corporations are getting to contract, install, and supply the service; and
- stated that he would like to know how this is affecting local businesses.

VOTE: The motion passed without objection.

(The Clerk's Report continued.)

Ms. McKechnie:
- noted that the candidate filing period began on July 19, 2010;
- spoke to the number of candidate filing packets issued;
- reported that the Assembly would receive the final candidate list on July 30, 2010; and
- asked if the Assembly would like to have food supplied on days when the meetings start earlier in the day and go into the evening.

There was no objection noted.

Assemblymember Bettine requested that a work session regarding the procurement process be scheduled for September 14, 2010, at 4 p.m.

There was no objection noted.

B. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

a. Board of Equalization: 06/22/10
b. Citizens Advisory Committee on the Goose Creek Correctional Center: 02/03/10
c. Enhanced 911 Advisory Board: 01/12/10
d. Greater Talkeetna RSA: 02/11/10
e. Greater Willow RSA: 01/21/10
f. Library Board: 04/17/10
g. Local Emergency Planning Committee: 04/21/10
h. Local RSA Advisory Board: 03/18/10
i. Parks, Recreation, and Trails Advisory Board: 02/22/10, Resolution Serial No. 10-06
j. Platting Board: 05/06/10

k. Real Property Asset Management Board: 04/12/10, 04/28/10
l. Wasilla-Lakes FSA: 04/12/10

2. Community Council Correspondence:
a. Chickaloon Community Council: 03/10/10
b. Point MacKenzie Community Council: 02/11/10
c. South Knik River Community Council: 04/15/10
d. Trapper Creek Community Council: 02/25/10, 03/18/10

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

C. INFORMATIONAL MEMORANDUMS

1. IM No. 10-123: MONTHLY REPORTING OF AMENDED CONTRACTS AND NEW AWARDS UNDER $100,000, ALONG WITH SOLE SOURCE PROCUREMENTS, FOR THE PERIOD OF JUNE 1, 2010, TO JUNE 30, 2010.

The informational memorandum was presented and no comments were noted.

VIII. UNFINISHED BUSINESS

IX. NEW BUSINESS

A. INTRODUCTIONS (For public hearing – 08/03/10, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 10-057: AN ORDINANCE CREATING LAWRENCE AIRFIELD PHASE II NATURAL GAS LOCAL IMPROVEMENT DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.
a. IM No. 10-117

2. Ordinance Serial No. 10-058: AN ORDINANCE ACCEPTING AND APPROPRIATING $32,477 FROM THE ALASKA STATE DEPARTMENT OF NATURAL RESOURCES, DIVISION OF PARKS AND OUTDOOR RECREATION, TO FUND 440, PROJECT NO. 15015, FOR THE BIG LAKE TRAIL SURVEY PROJECT.
a. Resolution Serial No. 10-056: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE BIG LAKE TRAIL SURVEY PROJECT FUNDED BY THE ALASKA STATE DEPARTMENT OF NATURAL RESOURCES, DIVISION OF PARKS AND OUTDOOR RECREATION.
(1) IM No. 10-084

3. Ordinance Serial No. 10-059: AN ORDINANCE ADOPTING THE MATANUSKA-SUSITNA BOROUGH ECONOMIC DEVELOPMENT

STRATEGIC PLAN AND AMENDING MSB 15.24.030(B), COMPREHENSIVE PLAN AND PURPOSE.

a. IM No. 10-097

4. Ordinance Serial No. 10-060: AN ORDINANCE ACCEPTING AND APPROPRIATING A $8,816.73 ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND REQUESTING A REAPPROPRIATION OF $979.63 FROM THE SUTTON FIRE SERVICE AREA FISCAL YEAR 2011 OPERATING BUDGET, FUND 253, TO PROJECT NO. 20255, FUND 405, FOR FIRE TRAINING AND EQUIPMENT AND PREVENTION ACTIVITIES RELATED TO WILDLAND FIRE.

a. Resolution Serial No. 10-057: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND MATCHING FUNDS FOR SUTTON FIRE SERVICE AREA, PROJECT NO. 20255, FUND 405.

(1) IM No. 10-103

5. Ordinance Serial No. 10-061: AN ORDINANCE ACCEPTING, APPROPRIATING, AND APPROVING THE SCOPE OF WORK AND BUDGET FOR A $6,223.88 ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND REQUESTING A REAPPROPRIATION OF $691.54 FROM THE TALKEETNA FIRE SERVICE AREA FISCAL YEAR 2011 OPERATING BUDGET, FUND 254, TO PROJECT NO. 20145, FUND 405, FOR FIRE TRAINING AND EQUIPMENT AND PREVENTION ACTIVITIES RELATED TO WILDLAND FIRE.

a. Resolution Serial No. 10-058: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND MATCHING FUNDS FOR TALKEETNA FIRE SERVICE AREA, PROJECT NO. 20145, FUND 405.

(1) IM No. 104

6. Ordinance Serial No. 10-062: AN ORDINANCE ACCEPTING AND APPROPRIATING A $10,000 ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND REQUESTING A REAPPROPRIATION OF $1,111.11 FROM THE BUTTE FIRE SERVICE AREA FISCAL YEAR 2011 OPERATING BUDGET, FUND 251, TO PROJECT NO. 20144, FUND 405, FOR FIRE TRAINING AND EQUIPMENT AND PREVENTION ACTIVITIES RELATED TO WILDLAND FIRE.

a. Resolution Serial No. 10-059: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND MATCHING FUNDS FOR BUTTE FIRE SERVICE AREA, PROJECT NO. 20144, FUND 405.

(1) IM No. 10-105

7. Ordinance Serial No. 10-063: AN ORDINANCE ACCEPTING, APPROPRIATING, AND APPROVING THE SCOPE OF WORK AND BUDGET FOR A $5,000 ALASKA

STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND REQUESTING A REAPPROPRIATION OF $555.55 FROM THE CASWELL LAKES FIRE SERVICE AREA FISCAL YEAR 2011 OPERATING BUDGET, FUND 248, TO PROJECT NO. 20150, FUND 405, FOR FIRE TRAINING AND EQUIPMENT AND PREVENTION ACTIVITIES RELATED TO WILDLAND FIRE.

a. Resolution Serial No. 10-060: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND MATCHING FUNDS FOR CASWELL LAKES FIRE SERVICE AREA, PROJECT NO. 20150, FUND 405.

(1) IM No. 10-106

8. Ordinance Serial No. 10-064: AN ORDINANCE ACCEPTING, APPROPRIATING, AND APPROVING THE SCOPE OF WORK AND BUDGET FOR A $9,793.53 ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND REQUESTING A REAPPROPRIATION OF $1,088.17 FROM THE WILLOW FIRE SERVICE AREA FISCAL YEAR 2011 OPERATING BUDGET, FUND 258, TO PROJECT NO. 20146, FUND 405, FOR FIRE TRAINING AND EQUIPMENT AND PREVENTION ACTIVITIES RELATED TO WILDLAND FIRE.

a. Resolution Serial No. 10-061: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND MATCHING FUNDS FOR WILLOW FIRE SERVICE AREA, PROJECT NO. 20146, FUND 405

(1) IM No. 10-107

9. Ordinance Serial No. 10-065: AN ORDINANCE ACCEPTING AND APPROPRIATING A GRANT IN AN AMOUNT NOT TO EXCEED $125,000, TO FUND 435, PROJECT NO. 10168, FROM THE MAT-SU HEALTH FOUNDATION FOR THE CONSTRUCTION OF THE SUTTON COMMUNITY RESOURCE CENTER.

a. Resolution Serial No. 10-062: A RESOLUTION APPROVING THE SCOPE OF WORK AND AMENDED BUDGET FOR THE SUTTON COMMUNITY RESOURCE CENTER.

(1) IM No. 10-113

10. Ordinance Serial No. 10-066: AN ORDINANCE AMENDING MSB 24.10.040(B), KENNEL AND CATTERY REQUIREMENTS; AND MSB 24.05.010, DEFINITIONS. *(Sponsored by Assemblymember Woods)*

a. IM No. 10-121

11. Ordinance Serial No. 10-067: AN ORDINANCE RELATING TO THE CONSTRUCTION, ADDITIONS, IMPROVEMENTS, BETTERMENTS, REPAIR, RECONSTRUCTION, OR ACQUISITION OF PUBLIC ROADS AND FACILITIES RELATED THERETO IN THE MATANUSKA-SUSITNA BOROUGH, TOGETHER WITH ALL NECESSARY EQUIPMENT AND TRANSPORTATION FACILITIES, AND THE ACQUISITION OF LANDS OR RIGHTS IN LANDS IN CONNECTION

THEREWITH, AND A DEBT OF THE BOROUGH, AUTHORIZING THE ISSUANCE OF AREAWIDE GENERAL OBLIGATION BONDS OF THE BOROUGH IN AN AMOUNT NOT TO EXCEED THE SUM OF FORTY-SEVEN MILLION FIVE HUNDRED SEVENTY FIVE THOUSAND DOLLARS ($47,575,000) TO FINANCE THE COST, IN WHOLE OR IN PART, OF SUCH PUBLIC ROADS AND APPURTENANCES, AND PROVIDING FOR THE SUBMISSION TO THE VOTERS OF THE BOROUGH OF A PROPOSITION RATIFYING THE AUTHORIZATION OF SUCH BONDS AT THE OCTOBER 5, 2010, REGULAR BOROUGH ELECTION. *(Sponsored by Assemblymembers Colver and Arvin)*

a. IM No. 10-127

12. Ordinance Serial No. 10-068: AN ORDINANCE AUTHORIZING THE MATANUSKA-SUSITNA BOROUGH TO ISSUE AREAWIDE GENERAL OBLIGATION BONDS, IN ONE OR MORE SERIES, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED $33,920,000, TO FINANCE THE MAJOR RENOVATION AND RENEWAL OF EDUCATIONAL CAPITAL IMPROVEMENT PROJECTS AND RELATED CAPITAL IMPROVEMENTS IN THE BOROUGH, AND TO SUBMIT THE QUESTION OF THE ISSUANCE OF SUCH BONDS TO THE QUALIFIED VOTERS OF THE BOROUGH AT THE OCTOBER 5, 2010, BOROUGH REGULAR ELECTION.

a. Ordinance Serial No. 10-069: AN ORDINANCE AUTHORIZING THE MATANUSKA-SUSITNA BOROUGH TO ISSUE AREAWIDE GENERAL OBLIGATION BONDS, IN ONE OR MORE SERIES, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED $9,025,000, TO FINANCE THE MAJOR RENOVATION AND RENEWAL OF PHYSICAL HEALTH AND SCHOOL SPORTS TRACK AND FIELD CAPITAL IMPROVEMENT PROJECTS AND RELATED CAPITAL IMPROVEMENTS IN THE BOROUGH, AND TO SUBMIT THE QUESTION OF THE ISSUANCE OF SUCH BONDS TO THE QUALIFIED VOTERS OF THE OCTOBER 5, 2010, BOROUGH REGULAR ELECTION.

(1) IM No. 10-125

13. Ordinance Serial No. 10-070: AN ORDINANCE DIRECTING THE CLERK TO SUBMIT THE QUESTION OF EXEMPTION FROM THE ALASKA PUBLIC OFFICES COMMISSION FINANCIAL DISCLOSURE LAW (AS 39.50) TO THE QUALIFIED VOTERS OF THE BOROUGH AT THE OCTOBER 5, 2010, REGULAR ELECTION AND PROVIDING FOR LOCAL ADOPTION OF A BOROUGH FINANCIAL DISCLOSURE LAW. *(Sponsored by Assemblymember Bettine)*

a. IM No. 10-128

Ms. McKechnie read the above legislation into the record.

MOTION: Assemblymember Bettine moved to introduce the legislation as read into the record by the Clerk and set the public hearings for August 3, 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
- Resignation of James Chesbro

Borough Area Schools Site Selection Committee
- Resignation of Mark Masteller
- Resignation of Patrick Johnson

Emergency Medical Services Board
- Rebecca Frey

Health and Social Services Board
- Resignation of Lori Houston

Local Emergency Planning Committee
- Resignation of Nancy Hall

Talkeetna Sewer and Water Service Area No. 36
- Terrence Mangione

Mayor Colberg made the following recommendations:

Animal Care and Regulation Board
- Dawn Vogt
- Mary Crowley

Borough Area Schools Site Selection Committee
- Patrick Johnson
- David Johnson
- John Anderson

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

VOTE: The motion passed without objection.

C. OTHER NEW BUSINESS

X. RECONSIDERATION

(There were no reconsiderations presented.)

XII. EXECUTIVE SESSION

(There was no executive session held.)

XIII. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Woods provided a report on the Borough's Washington D.C. visit.
Assemblymember Colver:

- spoke to the need to look at the Borough's procurement process;
- spoke to having someone from outside that knows the Borough's process to speak to issues they see;
- noted it may be beneficial to see other procurement processes; and
- stated that he is looking forward to a productive work session.

Assemblymember Houston:

- spoke to the possibility of having a series of procurement process work sessions; and
- spoke to concerns regarding staff being put in the middle.

Assemblymember Bettine requested a written report regarding the meetings with the Surface Transportation Board so that she could forward it to her constituents;

Assemblymember Arvin:

- noted that he would not be present at the work session scheduled on July 27, 2010; and
- queried if the meeting could be rescheduled.

Deputy Mayor Woods asked if there was objection to rescheduling the work session to July 29, 2010, at 3 p.m.

There was no objection noted.

XIV. ADJOURNMENT

The regular meeting adjourned at 9:42 p.m.

TALIS J. COLBERG, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 08/03/10