

I. CALL TO ORDER

The special meeting of the Matanuska-Susitna Borough Assembly was held on August 12, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 10:05 a.m. by Deputy Mayor Woods for the purpose of discussing Ordinance Serial Nos. 10-067 and 10-070, special election timeline to fill the office of mayor, and road powers.

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 10:08 a.m.*)
Ms. Cindy L. Bettine, Assembly District No. 5 (*arrived at 10:07 a.m.*)
Mr. Jim Colver, Assembly District No. 6
Mr. Vern Halter, Assembly District No. 7

Assembly members absent and excused were:

Mr. Mark Ewing, Assembly District No. 4

Staff in attendance were:

Ms. Lonnie R. McKechnie, Borough Clerk
Ms. Elizabeth Gray, Acting Borough Manager
Ms. Brenda J. Henry, Executive Assistant to the Borough Clerk
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Tammy Clayton, Finance Director
Mr. Brad Sworts, Transportation Division Manager
Ms. Eileen Probasco, Chief of Planning

III. APPROVAL OF AGENDA

Deputy Mayor Woods 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. Randy Dellar, a member of the public.

V. ITEMS OF BUSINESS

- A. 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)

(1) IM No. 10-127

MOTION PENDING: Assemblymember Colver moved to adopt Ordinance Serial No. 10-067.

Mr. Mark Greenough, of Foster Pepper, PLLC, Bond Attorney for the Borough (*appeared telephonically*):

- spoke to his role as bond attorney for the Borough;
- stated that the bond proposed by Ordinance Serial No. 10-067 is an unqualified bond;
- noted that there is a different opinion standard for an unqualified bond than is usually delivered;
- advised that he has to be very certain due to the size of the bond that all legal challenges would be unreasonable if considered by a court when reviewing this transaction;
- related that as a consequence, that opinions tend to be very conservative;
- noted that the subject of unqualified bonds has created a lot of legal discussion;
- advised that he has come to the conclusion that the Borough has the authority to provide for roads that are arterial or collector under its areawide transportation system powers;
- related that state law provides for different means of bonding for areawide and nonareawide projects;
- noted that the ballot ordinance before the body is an areawide bond; and
- stated that proper expenditure of the bond proceeds can only be used on arterials and collectors if adopted by the voters.

Assemblymember Arvin queried if roads that are no currently collectors or arterials, but could be upgraded to such, if they could be included in the bond.

Mr. Greenough:

- stated that the long range plan is what designates arterial and collector roads within the Borough, which is the most liberal interpretation;
- further added that the more conservative interpretation would be that the Borough could only spend funds on roads that are currently arterial or collectors;

- stated that he has arrived at a middle position that if the roads are upgraded to arterial or collector status, then it would be a proper use of bond proceeds;
- advised that the acquisition of rights-of-way that will be arterials or collectors may be a grey area, which would require review on a case-by-case basis; and
- stated that just paving roads that are not considered an arterial or collector would not be a proper subject for this bonding.

Assemblymember Houston queried the operational definitions that are being used for the opinion or is it designated by someone else.

Mr. Greenough stated that he relies upon the designation by the Borough.

Assemblymember Arvin queried if “B” Street in Talkeetna would qualify.

Mr. Spiropoulos stated that the Borough relies on the designation made by the Transportation Division as to the status of roads.

Mr. Sworts stated that within the Long Range Transportation Plan (LRTP) “B” Street is not designated as a collector or arterial road.

Assemblymember Colver queried if “B” Street would qualify if it were built to collector standards.

Mr. Sworts affirmed the query.

Assemblymember Colver opined that it is a narrow road with a lot of traffic during the summer tourist season.

Mr. Greenough opined that the Borough does not have areawide powers to upgrade local roads.

Mr. Sworts stated that “B” Street would need to be constructed with 12 foot lanes in order to be designated as collector status.

Assemblymember Bettine:

- stated that “B” Street in Talkeetna has been on her mind;
- opined that is a big asset for Talkeetna because of the large volume of tourists that go to Talkeetna;
- stated that she was under the impression that the Borough tore it up in order to repair water mains;
- stated that she would like to go on record as being in support of ensuring the road is restored to the condition it was in prior to repairs; and
- further added that she is not in favor of jeopardizing the entire bond package to do so.

Assemblymember Colver:

- stated that he would be in support of a special appropriation to restore the road; and
- requested that legislation be brought forward.

Ms. Gray:

- stated that she spoke with the Public Works Director regarding "B" Street; and
- related that the Borough is looking at rolling "B" Street in with a series of other projects in order to keep the cost of paving low.

Assemblymember Halter stated that he would like a date that the work would be performed.

Ms. Gray advised that she will meet with the Public Works Director and report back to the Assembly.

Assemblymember Houston:

- stated that he is in favor of the idea to address the road with other projects;
- queried if there was a specific reason that "B" Street has not been designated to be a collector.

Mr. Sworts:

- stated that when the LRTP was created, the consultant looked at roads Borough-wide that they thought would fit the criteria for collector roads or future collector roads through an upgrade or extension; and
- related that is what is on the list today.

Assemblymember Bettine queried if there was an estimate to bring that road up to collector status.

Mr. Sworts stated that he was unsure at this time.

Assemblymember Bettine queried if it would have to be restored rather than upgraded.

Discussion ensued regarding:

- "B" Street in Talkeetna;
- the possibility of using dust control funds to fix "B" Street; and
- road powers.

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 10-067 to replace section three as follows:

- "Purpose. The Assembly of the Borough (the "Assembly") hereby determines that the transportation systems of the Borough, in particular the arterial and collector roads, are in need of construction, additions, improvements, betterments, repair, reconstruction, or acquisition and deems the Projects to be public facilities of the Borough's transportation systems under Matanuska-Susitna Borough Code 1.10.135. The Assembly hereby determines that the best interest of the residents and property owners within the Borough require the Borough to undertake the Projects at the time and in the order and manner deemed most necessary and advisable by the Borough. The estimated cost of the Projects, including incidental costs and costs related to issuing and selling the Bonds as provided in this

ordinance, is estimated to be \$28,244,000.

The Borough shall petition the state for a transportation grant to pay at least 50 percent of the cost of each transportation capital improvement and/or seek other means of funding 50 percent of each transportation capital improvement. In the event the State provides such amount or a portion of such amount, or in the event other means of funding such amount or portion of such amount is secured, the Borough shall issue its unlimited tax levy general obligation bonds in the principal sum not to exceed \$28,244,000 for the purposes of making capital improvements for transportation systems public facilities, including but not limited to the following:

- o Dogwood Extension - \$2,127,000;
- o Seward-Meridian Parkway Extension South - \$4,253,000;
- o Vine Road upgrade - \$3,728,000;
- o Seldon Road upgrade, Schrock Road to Wards Road - \$4,778,000;
- o Seldon Road extension, Church Road to Beverly Lake Road - \$3,203,000;
- o Non-motorized pathways - \$4,200,000;
- o Mack Road - \$3,500,000;
- o Greater Big Lake intersection - \$1,000,000;
- o Hawk Lane - \$1,000,000;
- o Cost of Issuance - \$455,000;
- o Total Cost of Projects - \$28,244,000;

The cost of all necessary planning, acquisition of property for, site preparation, construction, installing, and equipping of the projects, architectural, engineering, design, and other consulting services, inspection and testing, administrative expenses, costs of issuance of the bonds and other costs incurred in connection with the projects shall be deemed to be costs of the approved projects. The Borough is hereby authorized to undertake the projects at the time and in the order and manner deemed most necessary and advisable by the Borough. The approved projects may be completed with all necessary equipment and appurtenances and shall include non-motorized pathways when practicable.

The Borough shall determine the application of available money as between the various projects so as to accomplish, as nearly as may be, all of the projects described or provided for in this section.

If the Borough shall determine that it has become impractical to accomplish any portion of the approved projects by reason of changed conditions or needs, incompatible development or costs substantially in excess of those estimated, the Borough shall not be required to accomplish such portions and shall apply bond proceeds as set forth in this section.

If the approved projects have been completed in whole or in part, or their completion duly provided for or their completion found to be impractical, the Borough shall apply such remaining proceeds solely to payment of principal or interest on the bonds. In the event that the proceeds of sale of the bonds, plus any

other money of the Borough legally available, are insufficient to accomplish the approved projects, the Borough shall use the available funds for paying the cost of those portions of the approved projects deemed by the Borough most necessary and in the best interest of the Borough. No bond proceeds shall be used for any purpose other than capital improvement;”

- replace section five as follows:
 - Election and Proposition. “A proposition ratifying the authorization of the bonds shall be submitted to the qualified voters of the Borough at an election to be held in the Borough on October 5, 2010. The proposition to be submitted shall be in substantially the following form:

PROPOSITION NO. 2

TRANSPORTATION SYSTEMS BONDS

Shall the Matanuska-Susitna Borough engage in the construction, additions, improvements, betterments, repair, reconstruction, and acquisition of public roads and facilities related thereto in the Matanuska-Susitna Borough of the following projects, together with all necessary equipment and transportation facilities, and the acquisition of lands or rights in lands in connection therewith and issue its areawide general obligation bonds, in an amount not to exceed the sum of Thirty-Two Million Four Hundred Seventy Five Thousand Dollars (\$32,475,000) for the purpose of financing the cost, in whole or in part, of the following projects, in accordance with and ratifying and approving the provisions of Ordinance Serial No. 10-067 of the Matanuska-Susitna Borough adopted by the Borough Assembly on August 12, 2010.

- Dogwood Extension - \$2,127,000;
- Seward-Meridian Parkway Extension South - \$4,253,000;
- Vine Road upgrade - \$3,728,000;
- Seldon Road upgrade, Schrock Road to Wards Road - \$4,778,000;
- Seldon Road extension, Church Road to Beverly Lake Road - \$3,203,000;
- Non-motorized pathways - \$4,200,000;
- Mack Road - \$3,500,000;
- Greater Big Lake intersection - \$1,000,000;
- Hawk Lane - \$1,000,000;
- Cost of Issuance - \$455,000;
- Total Cost of Projects - \$28,244,000;

Assemblymember Bettine:

- stated that the purpose of the amendment is to ensure that 50 percent of each capital transportation improvement can come from any other funding source than tax payers;
- noted that it also changes the amount of the bond to \$28,244,000;
- related that she has spent a lot of time talking to constituents about the bonds;
- further added that none of them were willing to pay 100 percent of the bond;

- stated if Mack Road were improved it would alleviate traffic within the city of Wasilla; and
- opined that if Hawk Lane is added that it would bring in voters from Houston.

Mr. Sworts pointed out that the Mack/Clapp connection is listed as Clapp on the list, as it is within the Borough, and Mack is within the city of Wasilla.

Assemblymember Houston queried why Jensen/Soapstone road has been removed as he is in favor of it being included.

Assemblymember Bettine:

- stated that the voters did not vote to include it within the road service area; and
- spoke to concerns with who would maintain it if it were built.

Discussion ensued regarding:

- preference to work with the original list of roads in the legislation;
- the projects on both lists;
- road powers;
- non-motorized pathways;
- 50 percent match; and
- the Borough's capital request being large.

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

VOTE: The motion failed with Assemblymembers Colver, Halter, Woods and Arvin in favor.

Assemblymember Bettine:

- stated that maybe the Assembly needs to delete some projects from her amendment and see where the total is;
- opined that Seldon Extension is a good project, as it takes traffic off the Parks Highway, which is dangerous; and
- stated that she is in favor of adding Beverly Lakes Road as it was proposed in the 2008 bond.

MOTION: Assemblymember Bettine moved secondary amendment to add the following projects:

- Beverly lakes Road paving and upgrades - \$500,000;
- South Trunk Road to Nelson Road design and extension - \$3,000,000; and
- Seldon Road Schrock Road to Wards Road upgrade - \$200,000.

Assemblymember Arvin:

- opined that the road bonds should be at 100 percent, as it shows leadership by the Assembly;
- further added that whether or not the bond passes, it will show Juneau that the Borough is serious by putting the issues before the voters;
- opined that if the voters pass this bond, that the 2008 road bonds will be funded;
- spoke to declining oil and profits to fund projects within the State;

- opined that the Borough needs to handle their own needs as much as possible; and
- stated that he is opposed to the amendment.

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

VOTE: The motion passed without objection.

VOTE: The secondary amendment failed with Assemblymembers Houston, Halter, and Bettine in favor and Assemblymembers Woods, Colver, and Arvin opposed (tie vote).

MOTION: Assemblymember Halter moved a secondary amendment by:

- striking Seward-Meridian - \$4,253,000;
- striking Non-motorize pathways - \$4,200,000;
- inserting Caswell Lakes collector roads paving and upgrades - \$5,000;
- inserting Talkeetna collector roads paving and upgrades - \$500,000;
- inserting Trapper Creek collector roads paving and upgrades - \$500,000;
- inserting Willow collector roads paving and upgrades - \$500,000; and
- inserting Meadow Lakes collector roads paving and upgrades - \$500,000.

Assemblymember Bettine queried the impacts of roads not being specifically named.

Mr. Greenough stated that the Borough needs to make the presentation that the funds will only be used for arterial or collector status.

Assemblymember Halter stated he thought that if roads were to be upgraded to collector status that it would be acceptable.

Mr. Greenough advised that it would be acceptable if roads were being upgraded to collector status.

Discussion ensued regarding that by not specifying road names within the ballot, that it may not be clear to voters.

MOTION: Assemblymember Houston moved to divide the question to take up the deletions and insertions separately.

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

MOTION: First segment: Assemblymember Halter moved to strike the following:

- Seward-Meridian - \$4,253,000; and
- Non-motorize pathways - \$4,200,000.

VOTE: The motion failed with Assemblymembers Houston, Halter and Bettine in favor, and Assemblymember Colver, Woods, and Arvin opposed (tie vote).

MOTION: Second segment. Assemblymember Halter moved to insert the following:

- Caswell Lakes collector roads paving and upgrades - \$500,000;
- Talkeetna collector roads paving and upgrades - \$500,000;
- Trapper Creek collector roads paving and upgrades - \$500,000;
- Willow collector roads paving and upgrades - \$500,000; and
- Meadow Lakes collector roads paving and upgrades - \$500,000.

VOTE: The motion failed with Assemblymembers Colver, Halter and Bettine in favor and Assemblymembers Woods, Arvin, and Houston opposed (tie vote).

MOTION: Assemblymember Bettine moved a secondary amendment by:

- striking Seward-Meridian Parkway extension south; and
- striking \$4,200,000 for non-motorized pathways and inserting in its place \$4,000,000.

VOTE: The secondary amendment failed with Assemblymembers Houston, Halter, and Bettine in favor and Assemblymembers Woods, Colver and Arvin opposed (tie vote).

VOTE: The primary amendment failed Assemblymembers Houston and Bettine in favor.

(The special meeting recessed at 11:50 a.m. and reconvened at 11:58 a.m.)

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 10-067 by:

- striking the Big Lake Downtown bypass - \$7,000,000;
- inserting Greater Big Lake intersection improvements - \$2,000,000; and
- inserting Hawk Lane improvements - \$2,000,000.

Assemblymember Houston queried if the roads are in the Long Range Transportation Plan.

Assemblymember Bettine affirmed the query.

VOTE: The secondary amendment passed without objection.

MOTION: Assemblymember Woods moved a primary amendment to Ordinance Serial No. 10-067 by:

- inserting 17 mile Lake upgrade and paving - \$1,000,000; and
- striking District One, local roads paving and upgrade - \$5,000,000.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Halter moved a primary amendment to Ordinance Serial No. 10-067 by:

- striking Caswell Lakes local roads paving and upgrade - \$500,000; and
- striking Talkeetna local roads paving and upgrade - \$500,000.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Halter moved a primary amendment to Ordinance Serial No. 10-067 by:

- inserting Meadow Lakes local road upgrades to collector status and extension \$500,000; and
- inserting Beverly Lake road – existing road paving and upgrade - \$1,000,000.

MOTION: Assemblymember Bettine moved to divide the question to take up inserting Meadow Lakes local road upgrades to collector status and extension \$500,000 and inserting Beverly Lake road – existing road paving and upgrade - \$1,000,000, separately.

VOTE: The motion to divide the question failed with Assemblymembers Houston, Bettine, and Woods in favor and Colver, Halter, and Arvin opposed (tie vote).

Assemblymember Houston stated that he is in favor of designating roads by name.

VOTE: The primary amendment passed with Assemblymember Houston opposed.

MOTION: Assemblymember Halter moved a primary amendment to Ordinance Serial No. 10-067 by:

- striking \$1,260,000 for Willow local roads paving and upgrade and
- inserting \$750,000 for Willow Lake Drive collector upgrade, paving, and extension.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Halter moved a primary amendment to Ordinance Serial No. 10-067 by:

- striking \$1,200,000 for Caswell Lakes local roads paving and upgrade; and
- inserting \$750,000 for Caswell Lakes Road paving and upgrade.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Halter moved a primary amendment to Ordinance Serial No. 10-067 by inserting Trapper Creek local road paving and upgrades to collector status - \$1,000,000.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Halter moved a primary amendment to Ordinance Serial No. 10-067 Trapper Creek local roads as follows:

- striking “chip sealing and improvements;” and
- inserting “to collector status” after the word upgrade.

VOTE: The motion passed without objection.

MOTION: Assemblymember Halter moved a primary amendment to Ordinance Serial No. 10-067 by:

- striking Talkeetna “B” Street - \$1,000,000; and
- inserting Talkeetna local roads paving and upgrades to collector status - \$1,000,000.

Assemblymember Bettine:

- stated that she does not support the primary amendment; and
- opined that it is more appropriate to address the needs of “B” Street through other mechanisms.

Assemblymember Colver noted that he does support the amendment as there have been large reductions for District Seven.

Assemblymember Houston queried if it is it possible to find alternative funding sources to address the needs of “B” Street.

Ms. Gray advised that she would look into that.

MOTION: Assemblymember Woods moved a secondary amendment by:

- striking \$1,000,000; and
- inserting \$500,000.

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment passed as amended without objection.

MOTION: Assemblymember Houston moved a primary amendment to Ordinance Serial No. 10-067 by:

- inserting Outer Springer Loop upgrades and paving - \$2,000,000; and
- striking Felton Street extension - \$2,000,000.

Assemblymember Colver provided direction to staff to determine the mile markers the upgrades and paving would be done between.

There was no objection noted.

Assemblymember Colver queried if there was a correlation in the need to complete Felton and Dogwood as one project.

Mr. Sworts stated that completing one without the other would leave either project dead-ended. Discussion ensued regarding combining the Dogwood and Felton road upgrades.

VOTE: The primary amendment passed with Assemblymember Colver opposed.

(The special meeting recessed at 12:45 p.m. and reconvened at 12:57 p.m.)

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 10-067 by inserting "Felton" after "Dogwood" to read "Dogwood/Felton Extension."

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

MOTION: Assemblymember Arvin moved a primary amendment to Ordinance Serial No. 10-067 by striking District three local roads paving and upgrade - \$1,000,000.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Arvin moved a primary amendment to Ordinance Serial No. 10-067 by striking \$6,000,000 for South Trunk Extension to Nelson Road design and construction and inserting in its place \$4,500,000.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Woods moved a primary amendment to Ordinance Serial No. 10-067, Mack Road by inserting "Clapp" before Mack and inserting "Phase 1" after the word "extension" to read: "Clapp/Mack Road Extension, Phase 1, Wasilla Sports Complex to Knik Goose Bay - \$7,000,000.

Discussion ensued regarding Clapp/Mack Road extension.

MOTION: Assemblymember Bettine moved a secondary amendment to insert "non-motorized separated pathways" at the end.

Discussion ensued regarding the language on the subject of pathways.

VOTE: The secondary amendment passed without objection.

MOTION: Assemblymember Arvin moved a secondary amendment by striking the words "non-motorized separated pathways" and inserting "pathways."

VOTE: The secondary amendment passed with Assemblymember Bettine opposed.

VOTE: The primary amendment passed as amended without objection.

MOTION: Assemblymember Houston moved a primary amendment to strike Outer Springer Loop paving and upgrades - \$2,000,000.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Bettine moved to postpone Ordinance Serial No. 10-067 to a time certain of 2:15 p.m.

Assemblymember Bettine noted that this would provide Ms. Clayton the time to provide a total for the bonds.

VOTE: The motion passed without objection.

(Assemblymember Colver exited the meeting at 1:50 p.m.)

B. 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)*

(1) IM No. 10-128

MOTION PENDING: Assemblymember Bettine moved to adopt Ordinance Serial No. 10-070.

Assemblymember Bettine spoke to the reasons that she sponsored this legislation.

Assemblymember Arvin spoke to discussion he has heard that there are many people who would be good assembly members but they do not want to disclose all their financial information to competitors.

Assemblymember Bettine:

- spoke to an amendment she drafted that reverses the language to put the Borough financial disclosure before opting out of the State requirements; and
- related that the Borough Attorney advised her that it should not be made.

Assemblymember Arvin stated that he likes the proposed amendment better, but would like to know why law discouraged this amendment.

MOTION: Assemblymember Arvin moved a primary amendment to Ordinance Serial No. 10-070 by striking the current ballot proposition language and inserting the following: Shall the Matanuska-Susitna Borough municipal officers and candidates for municipal office be required to file a Borough Financial Disclosure Statement, according to Borough Municipal Code 2.70, that will be subject to public disclosure, as well as be subject to local laws regarding conflicts of

interest; and exempt municipal officers and candidates for municipal office from the state of Alaska requirements under Alaska Statute 39.50, regarding reporting financial disclosure requirements, business, and conflict of interest provisions.

Mr. Spiropoulos:

- stated that the ballot language needs to be specific and understandable by the voters in order to remain unchallenged; and
- further added that as the amendment is written it appears as though the ballot is adopting language when it is not.

(Assemblymember Colver re-entered the meeting at 2:02 p.m.)

Assemblymember Bettine stated that she is in the middle ground regarding the amendment.

Assemblymember Woods:

- spoke to concerns with the ballot language after listening to the attorney; and
- stated that she is in favor of leaving the language as it is originally in the legislation.

Discussion ensued regarding language for the ballot proposition.

VOTE: The primary amendment failed with Assemblymember Bettine in favor.

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

C. SPECIAL ELECTION TIMELINE TO FILL THE OFFICE OF THE MAYOR

Ms. McKechnie:

- noted the special election timeframe table that was provided; and
- spoke to the process she used to arrive at proposed dates for the special election.

(Discussion regarding Ordinance Serial No. 10-067 resumed.)

MOTION: Assemblymember Halter moved a primary amendment to Ordinance Serial No. 10-067 to strike Meadow Lakes paving and upgrades - \$1,000,000.

VOTE: The primary amendment passed without objection.

Ms. Clayton:

- stated there will need to be a motion to change the issuance cost to \$475,000; and
- related that after that, the total of the road bond package will be \$32,475,000.

Assemblymember Bettine requested that the projects and totals be read into the record.

Ms. McKechnie read the projects and totals into the record.

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 10-067 to strike the wording "Greater Big Lake intersection improvement" and insert in its place "Big Lake and South Big Lake Road intersection improvement."

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 10-067, to strike Assembly District designations throughout the project list.

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

MOTION: Assemblymember Colver a primary amendment to Ordinance Serial No. 10-067 by inserting Borough-wide before Project and to make Project plural.

MOTION: Assemblymember Arvin moved a secondary amendment to insert "including Districts 1 through 7" after the words "Boroughwide projects" at the header of the project listing.

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 10-067 to insert before the words "city of Houston" before the words "Hawk Lane."

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 10-067 by inserting the word "Palmer" before the words "Dogwood/Felton extension - \$4,000,000."

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Woods moved a primary amendment to Ordinance Serial No. 10-067 by:

- striking the issuance cost of \$575,000; and
- inserting an issuance cost of \$475,000.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Arvin moved an amendment to IM No. 10-127 to make the project list in the IM mirror the amended project list in the ordinance.

VOTE: The amendment passed without objection.

(The special meeting recessed at 2:56 p.m. and reconvened at 3 p.m.)

Ms. Clayton stated that after the grand total, the language would read: The estimated annual levy on property taxes per \$100,000 of assessed value is \$36.76.

Assemblymember Bettine requested to include the corresponding mil rate for each bond be put in the election brochure.

There was no objection noted.

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

D. ROAD POWERS

Assemblymember Houston queried what would be the timeframe in order to put road powers before the voters at the special election, with the special election on January 11, 2011.

Ms. McKechnie stated that the last day to adopt anything for the special election would be November 12.

Assemblymember Houston queried the last regular Assembly meeting before the deadline.

Ms. McKechnie advised it would be October 19 and have to be introduced by September 21.

Assemblymember Arvin queried in what ways does the Borough get road powers.

Mr. Spiropoulos advised that the Borough gets road powers either from the voters or from the State.

VI. AUDIENCE PARTICIPATION

(There was no one present who wished to speak.)

VII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Assemblymember Arvin requested work sessions regarding earth materials extraction to discuss the proposed changes by Planning commission for September 7, 2010, and September 21, 2010, at 4 p.m. prior to the regularly scheduled meetings.

Assemblymember Bettine proposed having only one meeting starting at 2:30 p.m. on September 7, 2010.

Discussion ensued setting work session to discuss earth materials extraction.

(The Assembly scheduled work sessions regarding earth materials extraction for September 7, 2010, at 2:30 p.m. and at September 21, 2010, at 4 p.m.)

Assemblymember Bettine:

- opined that the Assembly, as individuals, need to take a stand on ballot measure 1;
- further added that there will be big problems if they are not allowed to lobby for projects within their districts; and
- requested that all members assist the public in understanding this ballot measure.

Assemblymember Woods opined that the implications of ballot measure 1 are far reaching.

VIII. ADJOURNMENT

The special meeting adjourned at 3:34 p.m.



TALIS J. COLBERG, Borough Mayor

ATTEST:



LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 09/07/10