

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on September 1, 2009, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Talis J. Colberg.

II. ROLL CALL

Assembly members present and establishing a quorum were:

Ms. Lynne Woods, Assembly District No. 1 (*Deputy Mayor*)
Mr. Pete Houston, Assembly District No. 2
Ms. Michelle R. Church, Assembly District No. 3 (*Arrived at 6:02 p.m.*)
Ms. Cindy L. Bettine, Assembly District No. 5 (*Arrived at 7:10 p.m.*)
Mr. Robert Wells, Assembly District No. 6
Mr. Tom Kluberton, Assembly District No. 7

Assembly members absent and excused:

Mr. Mark Ewing, Assembly District No. 4

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. Brenda J. Henry, Executive Assistant to the Borough Clerk
Ms. Tammy Clayton, Finance Director
Mr. Keith Rountree, Public Works Director
Mr. Dennis Brodigan, Emergency Services Director
Ms. Linda Brenner, Community Development Director
Ms. Eileen Probasco, Acting Planning and Land Use Director
Ms. Patty Sullivan, Public Affairs Director
Mr. Dave Hanson, Economic Development Director
Mr. John Aschenbrenner, Deputy Borough Attorney
Ms. Kelly Bennett, Administrative Secretary

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. Keith Rountree, Public Works Director.

V. MINUTES OF PRECEDING MEETINGS

- A. Regular Assembly Meeting: 08/04/09
- B. Special Assembly Meeting: 08/18/09
- C. Special Assembly Meeting: 08/18/09
- D. Regular Assembly Meeting: 08/18/09

Mayor Talis J. Colberg inquired if there were any corrections to the regular meeting minutes of August 4, 2009, special Assembly meeting minutes of August 18, 2009, special Assembly meeting minutes of August 18, 2009, or regular Assembly meeting minutes of August 18, 2009.

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

VI. SPECIAL ORDERS OF THE DAY

- A. Proclamation in Recognition of the Two Hundred and Twenty-Second Anniversary of the Drafting of the Constitution

Mayor Colberg spoke to the proclamation provided to the Daughters of the American Revolution regarding the Two Hundred and Twenty-Second Anniversary of the Drafting of the Constitution.

VII. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

- 1. Reports from cities

(There were no reports provided.)

- 2. Matanuska-Susitna Borough School District

There was no report provided.)

- 3. United Way of Mat-Su

Ms. Stephanie Allen, Executive Director of United Way Mat-Su:

- spoke to the Mat-Su Substance Abuse Coalition 2008 data project;
- stated that coalition spoke to several community groups regarding the report to receive input;
- advised that the coalition is looking at a professional facilitator for a community wide strategic planning session;
- noted that nationwide, Alaska youth rank number two in illicit drug use and number six in binge drinking;

- related that Alaska is well above the national average for youth substance abuse, including smokeless tobacco;
- noted that the data regarding inhalant use was a surprise, as Alaska youth are below the national average in this area;
- spoke to concerns that the use of methamphetamines is well above the national average;
- stated that the use of heroin is becoming more prevalent;
- noted that there are many behaviors and attitudes associated with substance abuse;
- advised that the data collected indicates that users start between the ages of 11 and 14;
- related that the data indicates that a majority of parents are talking to their kids about drugs;
- noted that it is important to create strategies and set priorities in order to address youth substance abuse issues;
- spoke to the fact that caring and supportive relationships help prevent drug and alcohol use amongst youth; and
- related that there is a strategic planning meeting on September 30, 2009, from 9 a.m. to 3 p.m. at the Central Public Safety building in Wasilla.

4. Alaska Rock Products Association.

Mr. Tom Healy, Alaska Rock Products Association:

- spoke to the earth materials extraction ordinance;
- stated that Alaska Rock Productions Association would like to provide input to this ordinance;
- opined that as the legislation is currently written, it will have negative economic impacts on the industry;
- spoke to some current gravel pit issues with improper mining;
- noted that this type of mining concerns the industry as a whole;
- opined that the legislation coming forward at the same time as the improper mining, is an attempt to sway public opinion against the industry;
- opined that the industry has been somewhat excluded from providing as much input with regards to the legislation as they would like; and
- requested that the industry be able to provide additional input.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Wells:

- related that one of the items on agenda was the Susitna Valley High School update;
- noted that there is legislation regarding Susitna Valley High School due to be introduced at the joint Assembly/School Board meeting set for September 8, 2009;
- related that the legislation pertains to funding for items needed for the school to be operational at opening;
- spoke to the school bonds for renovations for the schools on the ballot;
- noted that there was a report regarding the stimulus funds;

- spoke to charter school leases and advised that there are two more coming before the School Board for approval; and
- advised that the next meeting is set for mid October.

2. Assembly Public Relations

Assemblymember Houston:

- spoke to the joint meeting regarding the Senate and House transportation committees;
- stated that there were discussions regarding road projects within the valley;
- noted that the ferry project was also discussed;
- opined it is important to keep the dialogue open between the Borough and the State Legislature;
- spoke to the forum he participated in with the homebuilders association and other public figures regarding the sales tax; and
- advised that it went well and was well attended by the public.

Mayor Colberg:

- advised that the transportation committee was held at the Menard Sports Complex; and
- stated that there was a tour conducted which highlighted road issues within the Borough.

C. MANAGER COMMENTS

1. State/Federal Legislation

Mr. Duffy:

- stated that the Borough will qualify to apply for the Economic Development Administration grants;
- advised that Mat Su college enrollment is up by 20 percent, and that full time student enrollment is up by 25 percent;
- noted that the Borough is working to upgrade classes at the college; and
- requested that Mr. Dave Hanson provide an overview of the report from the University of Alaska, Institute of Social and Economic Research regarding sport fishing.

Mr. Dave Hanson:

- spoke to the economic impact of sport fishing on the Borough;
- advised that it was difficult to compile the data specific to the Borough due to the way the data is reported;
- stated that 16.5 percent of angler days happen within the Borough;
- noted that Fish and Game data is hard to work with due to many kinds of data being lumped together;
- noted that anglers spent between \$63 million and \$163 million on goods and services for sport fishing;
- reported that this generated between \$6 million and \$15 million in state and local taxes;
- spoke to the reason for the large spread between the figures; and
- related that part of it is due to the purchase of land for sport fishing uses.

D. ATTORNEY COMMENTS

Mr. Spiropoulos:

- spoke to the two recent Office of Administrative Hearings bid protests; and
- advised that both hearing officers provided suggestions on ways to streamline the process for the Office of Administrative Hearings.

E. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule; and
- noted that a copy of the election brochure is attached for Assembly review; and
- queried if there were any changes the Assembly would like to have made to the brochure.

There were no comments or changes noted.

F. CITIZEN AND OTHER CORRESPONDENCE

3. MSB Board/Committee Minutes:

- a. Caswell Lakes FSA Board of Supervisors: 05/14/09, 06/17/09
- b. Greater Talkeetna RSA Board of Supervisors: 06/11/09
- c. Local Emergency Planning Committee: 06/17/09

4. Community Council Correspondence:

- a. Lazy Mountain Community Council: 03/12/09, 05/14/09, 07/11/09
- b. Point MacKenzie Community Council: 04/25/09

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

G. INFORMATIONAL MEMORANDUMS

1. IM No. 09-194: AN INFORMATIONAL MEMORANDUM PROVIDING THE GRANT AGREEMENT WITH THE VALLEY COMMUNITY FOR RECYCLING SOLUTIONS IN THE AMOUNT OF \$70,000.

The informational memorandum was presented and no comments were noted.

X. NEW BUSINESS

A. INTRODUCTION (For public hearing – 09/15/09, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 09-122: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE CHISANA WOODS AREA NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 430 AND ESTABLISHING THE METHOD OF

TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.

- a. Ordinance Serial No. 09-123: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$24,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE CHISANA WOODS AREA NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 430, AND FIXING DETAILS OF SAID BONDS.
 - (1) IM No. 09-195
2. Ordinance Serial No. 09-124: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE BRADLEY LAKE AVENUE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 432 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 09-125: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$27,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE BRADLEY LAKE AVENUE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 432, AND FIXING DETAILS OF SAID BONDS.
 - (1) IM No. 09-196
3. Ordinance Serial No. 09-128: AN ORDINANCE AMENDING MSB 3.15.035, OPTIONAL EXEMPTIONS, TO ALLOW FOR A REAL PROPERTY TAX EXEMPTION FOR PROPERTY OWNED AND OCCUPIED BY THE WIDOW OR WIDOWER OF A MEMBER OF THE ARMED FORCES OF THE UNITED STATES WHO DIES DUE TO INJURY SUSTAINED WHILE ON QUALIFIED ACTIVE DUTY.
 - a. IM No. 09-173
4. Ordinance Serial No. 09-129: AN ORDINANCE ACCEPTING AND APPROPRIATING \$42,698 FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE, TO FUND 480, PROJECT NO. 45131, FOR THE SULLIVAN ROAD FOREST HEALTH PROTECTION PROJECT.
 - a. Resolution Serial No. 09-086: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE UNITED STATES DEPARTMENT OF AGRICULTURE GRANT, PROJECT NO. 45131, FUND 480, FOR THE SULLIVAN ROAD FOREST HEALTH PROTECTION PROJECT.
 - (1) IM No. 09-180
5. Ordinance Serial No. 09-130: AN ORDINANCE ADOPTING THE FISH CREEK MANAGEMENT PLAN FOR BOROUGH-OWNED LAND IN THE FISH CREEK AREA, AND TO CLASSIFY APPROXIMATELY 23,358 ACRES OF BOROUGH-OWNED LAND AS RECOMMENDED IN THE PLAN.
 - a. IM No. 09-192

6. Ordinance Serial No. 09-131: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$37,000 FROM THE BUTTE FIRE SERVICE AREA FUND BALANCE, FUND 251, TO THE BUTTE FIRE SERVICE AREA FISCAL YEAR 2010 OPERATING BUDGET, FUND 251, TO PROVIDE FUNDING FOR PERSONAL PROTECTIVE EQUIPMENT AND TANKER REPAIR.
 - a. IM No. 09-193

7. Ordinance Serial No. 09-132: AN ORDINANCE ACCEPTING AND APPROPRIATING \$1,328,300 FROM THE ALASKA STATE DEPARTMENT OF NATURAL RESOURCES TO FUND 480, PROJECT NO. 45131, FOR THE SPRUCE BARK BEETLE WILDFIRE HAZARD MITIGATION PROGRAM.
 - a. Resolution Serial No. 09-087: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE SPRUCE BARK BEETLE WILDFIRE MITIGATION PROGRAM, PROJECT NO. 45131.
 - (1) IM No. 09-197

8. Ordinance Serial No. 09-133: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$50,000 FROM GREATER WILLOW ROAD SERVICE AREA NO. 20 FUND BALANCE, FUND 276, TO GREATER WILLOW ROAD SERVICE AREA NO. 20 FISCAL YEAR 2010 OPERATING BUDGET.
 - a. IM No. 09-199

9. Ordinance Serial No. 09-134: AN ORDINANCE APPROVING A REAPPROPRIATION OF \$225,000 FROM KNIK ROAD SERVICE AREA NO. 17 FISCAL YEAR 2010 OPERATING BUDGET, FUND 274, TO THE KNIK ROAD SERVICE AREA NO. 17 CAPITAL PROJECTS, FUND 410, PROJECT NO. 30040.
 - a. IM No. 09-200

10. Ordinance Serial No. 09-135: AN ORDINANCE APPROVING A REAPPROPRIATION OF \$70,000 FROM GOLD TRAILS ROAD SERVICE AREA NO. 28 FISCAL YEAR 2010 OPERATING BUDGET, FUND 282, TO THE GOLD TRAILS ROAD SERVICE AREA NO. 28 CAPITAL PROJECTS, FUND 410, PROJECT NO. 30048.
 - a. IM No. 09-201

11. Ordinance Serial No. 09-136: AN ORDINANCE ACCEPTING AND APPROPRIATING \$5,000 FROM THE ALASKA STATE DEPARTMENT OF EDUCATION TO FUND 480, PROJECT NO. 20364, FOR CONTINUING EDUCATION GRANTS AT THE BIG LAKE, SUTTON, TALKEETNA, TRAPPER CREEK, AND WILLOW PUBLIC LIBRARIES.
 - a. Resolution Serial No. 09-088: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR CONTINUING EDUCATION GRANTS FOR THE BIG LAKE, SUTTON, TALKEETNA, TRAPPER CREEK, AND WILLOW PUBLIC LIBRARIES.
 - (1) IM No. 09-202

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 September 15, 2009.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Talis J. Colberg requested the following confirmations:

Animal Care and Regulation Board
Paula English
Commission on Salaries and Emoluments
Jay Nolfi
Emergency Medical Services Board
Christian Hartley, Resignation
Health and Social Services Board
Jane Conard
Local Emergency Planning Committee
Mark Ewing

Mayor Talis J. Colberg made the following recommendations:

Parks, Recreation, and Trails Advisory Board
Ryan Ray

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

VOTE: The motion passed without objection.

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

1. Ordinance Serial No. 09-137: AN ORDINANCE ADOPTING MSB 27.15.060, ELIMINATION OF COMMON LOT LINES ON A RECORDED PLAT; AMENDING MSB 27.15.150 FINAL PLAT; PLAT NOTES; AND AMENDING MSB 27.20.030, ACCESS REQUIRED.

a. IM No. 09-190

MOTION: Assemblymember Woods moved refer Ordinance Serial No. 09-137 to the Planning Commission for 90 days.

VOTE: The motion passed without objection.

(This special meeting recessed at 6:42 p.m. and reconvened at 7:00 p.m.)

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

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

(There was no one signed up who wished to be heard.)

B. PUBLIC HEARINGS (Three minutes per person.)

1. Ordinance Serial No. 09-091: AN ORDINANCE CREATING AURORA LANE AREA NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 433, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT AND 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. 09-155

Ms. Clayton provided a staff report.

Mayor Colberg opened the public hearing.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 09-091.

VOTE: The motion failed unanimously.

2. Ordinance Serial No. 09-092: AN ORDINANCE CREATING VALE AVENUE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 434, APPROVING THE IMPROVEMENT PLAN FOR THE 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. 09-156

Ms. Clayton provided a staff report.

Mayor Colberg opened the public hearing.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 09-092.

VOTE: The motion passed without objection.

3. Ordinance Serial No. 09-038: AN ORDINANCE REPEALING MSB 27.15.070, PUBLIC USE EASEMENT ACCEPTANCE PROCEDURE; AMENDING MSB 27.15.080, WAIVER OF SUBDIVISIONS AND MSB 27.15.090, ABBREVIATED PLATS; AND AMENDING THE LAND MANAGEMENT DIVISION POLICY AND PROCEDURE MANUAL RELATING TO THE DONATION OF PUBLIC USE EASEMENTS.
 - a. Ordinance Serial No. 09-038 (SUB): AN ORDINANCE AMENDING MSB 27.15.080, WAIVER SUBDIVISIONS AND MSB 27.15.090, ABBREVIATED PLATS.
 - b. Ordinance Serial No. 09-126: AN ORDINANCE REPEALING MSB 27.15.070, PUBLIC USE EASEMENT ACCEPTANCE PROCEDURE; AND AMENDING MSB 27.20.020 RIGHTS-OF-WAY AND PUBLIC USE EASEMENTS DEDICATED TO PUBLIC, AND AMENDING THE LAND MANAGEMENT DIVISION POLICY AND PROCEDURE MANUAL RELATING TO THE DONATION OF PUBLIC USE EASEMENTS.
- (1) IM No. 09-070

Ms. Probasco provided a staff report.

Assemblymember Woods:

- stated that she fails to see why an area becomes a road rather than a public use easement; and
- queried the reason that the Borough would upgrade the road.

Mr. Duffy:

- stated that it becomes an issue as the public is using the public use easements;
- noted that the easements are not designed to accommodate the volume of traffic that occurs after the waivers are granted;
- noted that one of the examples provided related to a curve in the road that required more space to be safely used; and
- advised another issue is that the public use easement becomes public and then it is not safe.

Assemblymember Woods queried if there is a difference between public use easements and a Borough road.

Mr. Duffy advised that there is a difference.

Assemblymember Woods queried if the legislation would affect all current public use easements.

Ms. Probasco advised that it would not.

Assemblymember Bettine:

- stated that she fails to understand how the Borough gets into the position of maintenance of public use easements; and
- opined that the issues this legislation is attempting to address relates to serial waivers and not public use easements.

Mr. Aschenbrenner:

- noted that in order to have a waiver approved, it must have legal and physical access to a public road;
- further added that public use easements are provided to the Borough through the Platting Board;
- advised that the Platting Board only sees the public use easement, not the proposed surrounding lots; and
- stated that the lots are then approved through a different process.

Assemblymember Bettine opined that if the Borough were to stop serial waivers it would solve this problem.

Mr. Aschenbrenner:

- stated that with waiver subdivisions being limited to four lots, it will be subject to a full review if they want to expand; and
- related that other Borough's provide for public use easements through their land management division rather than the Platting Board.

Assemblymember Kluberton:

- spoke to a waiver plat in Meadow Lakes that was created in the 1970's;
- noted that had it not gone through the Platting Board it would have been missed that the platted area for the road was too steep to build a road;
- opined that the Borough could get into a situation where they would have to maintain a road that is in the wrong place and would not accommodate local improvement districts;
- noted that people have bought a home unaware that the road was not in the right of way, but in the middle of their property; and
- opined that the Borough could get into an adverse situation due to a waiver plat and then end up being responsible for it.

Discussion ensued regarding:

- review of Public Use Easements;
- Alaska State Recreational Property Program;
- vacation of section line easements;
- expiration of public use easements;
- the Borough's Land Management Policy;
- future public access issues; and
- remote property access;

Mayor Colberg opened the public hearing.

The following persons spoke to concerns with the proposed code changes regarding public use easements: Mr. Pio Cottini, Mr. Gary LoRusso, Mr. Jim Colver, and Mr. Tim Mullikin.

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

Assemblymember Church queried how the Assembly could approve the changes to the waiver subdivisions and abbreviated plats without considering the changes to the public use easements in the substitute legislation.

Ms. McKechnie:

- advised that the Assembly would need to move to amend Ordinance Serial No. 09-038 by substitute Ordinance Serial No. 09-038(SUB); and
- noted that there is not currently a motion on the floor to approve Ordinance Serial No. 09-126; therefore, if a motion is not made for approval, the legislation will die for lack of a motion.

MOTION: Assemblymember Woods moved to amend Ordinance Serial No. 09-038, by substitute Ordinance Serial No. 09-038(SUB).

VOTE: The primary amendment passed without objection.

VOTE: The main motion as amended passed without objection.

(Ordinance Serial No. 09-126 was not moved by the Assembly.)

4. Ordinance Serial No. 09-115: AN ORDINANCE ACCEPTING AND APPROPRIATING \$20,180 FROM THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT FOR THE BOROUGH LOCAL EMERGENCY PLANNING COMMITTEE, FUND 480, PROJECT NO. 20259, FOR FISCAL YEAR 2010 OPERATIONS.
 - a. Resolution Serial No. 09-078: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT GRANT, PROJECT NO. 20259, FUND 480, FOR THE BOROUGH LOCAL EMERGENCY PLANNING COMMITTEE.
 - (1) IM No. 09-176

Mr. Brodigan provided a staff report.

Mayor Colberg opened the public hearing.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 09-115 and Resolution Serial No. 09-078.

VOTE: The motion passed without objection.

5. Ordinance Serial No. 09-116: AN ORDINANCE ACCEPTING AND APPROPRIATING \$120,000 FROM THE UNITED STATES FISH AND WILDLIFE SERVICE FOR THE LITTLE SU TRIBUTARY AT EDGERTON PARKS ROAD FISH PASSAGE IMPROVEMENT PROJECT, PROJECT NO. 30107, FUND 410.
 - a. Resolution Serial No. 09-079: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE LITTLE SU TRIBUTARY AT EDGERTON PARKS ROAD FISH PASSAGE IMPROVEMENT PROJECT, PROJECT NO. 30107.
 - (1) IM No. 09-177

Mr. Rountree 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.

Assemblymember Wells requested a map of the unnamed tributary mentioned within this legislation.

MOTION: Assemblymember Wells moved to adopt Ordinance Serial No. 09-116 and Resolution Serial No. 09-079.

VOTE: The motion passed without objection.

Mayor Colberg queried if there was any objection to moving Ordinance Serial No. 09-117, Resolution Serial No. 09-080, Ordinance Serial No. 09-118, and Resolution Serial No. 09-081 together.

There was no objection noted.

6. Ordinance Serial No. 09-117: AN ORDINANCE ACCEPTING AND APPROPRIATING \$100,000 FROM THE UNITED STATES FISH AND WILDLIFE SERVICE FOR THE COTTONWOOD CREEK AT ENGSTROM ROAD FISH PASSAGE IMPROVEMENT PROJECT, PROJECT NO. 30106, FUND 410.
 - a. Resolution Serial No. 09-080: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE COTTONWOOD CREEK AT ENGSTROM ROAD FISH PASSAGE IMPROVEMENT PROJECT, PROJECT NO. 30106.
 - (1) IM No. 09-178
7. Ordinance Serial No. 09-118: AN ORDINANCE ACCEPTING AND APPROPRIATING \$256,000 FROM THE UNITED STATES FISH AND WILDLIFE

SERVICE FOR THE WASILLA CREEK AT GRANTHAM DRIVE FISH PASSAGE IMPROVEMENT PROJECT, PROJECT NO. 30105, FUND 410.

- a. Resolution Serial No. 09-081: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE WASILLA CREEK AT GRANTHAM DRIVE FISH PASSAGE IMPROVEMENT PROJECT, PROJECT NO. 30105.
- (1) IM No. 09-179

Mr. Rountree 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 Church moved to adopt Ordinance Serial No. 09-117, Resolution Serial No. 09-080, Ordinance Serial No. 09-118, and Resolution Serial No. 09-081.

VOTE: The motion passed without objection.

8. Ordinance Serial No. 09-121: AN ORDINANCE ADOPTING MSB 3.41, EXCESS SALES TAX REVENUE FUND.
- a. IM No. 09-191

Mr. Duffy 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 moved to adopt Ordinance Serial No. 09-121.

Assemblymember Houston queried if the amount would be determined by the revenue cap rather than a fixed figure, as he thought a dollar amount would be not used.

Mr. Duffy advised that it will be determined by a formula.

Assemblymember Wells noted that the formula is consistent with the revenue cap and that Section B of the legislation addresses Assemblymember Houston's concerns.

Discussion ensued regarding:

- the revenue cap;
- sunset clause for sales tax; and
- excess collection of sales tax over \$23 million.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person speaks regarding concerns with Nelson Road Extension: Ms. Monica Swan, Ms. Theresa Armistead, and Mr. Randy Dellar.

The following person spoke regarding concerns with the Old Knik cemetery: Ms. Nancy Sult, President of Friends of Old Knik.

D. CONSENT AGENDA

1. RESOLUTIONS

a. Resolution Serial No. 09-084: A RESOLUTION ADOPTING THE MATANUSKA-SUSITNA BOROUGH IDENTITY THEFT PREVENTION PROGRAM.
(1) IM No. 09-182

b. Resolution Serial No. 09-085: A RESOLUTION ALLOCATING HUMAN SERVICES COMMUNITY MATCHING GRANT FUNDS TO NON-PROFIT HUMAN SERVICE AGENCIES WITHIN THE COMMUNITY AND AUTHORIZING THE MANAGER TO ENTER INTO GRANT AGREEMENTS WITH THE SUB-GRANTEE AGENCIES.
(1) IM No. 09-188

2. ASSEMBLY MEMORANDUMS

a. AM No. 09-075: AUTHORIZATION TO PURCHASE SODIUM CHLORIDE FOR AN AMOUNT NOT TO EXCEED \$260,445 FROM BERING MARINE CORPORATION.

b. AM No. 09-077: AUTHORIZING THE BOROUGH MANAGER TO ENTER INTO A PURCHASE AGREEMENT WITH THE OWNER OF LOT 2, MEADOW CREEK SUBDIVISION, ADDITION NO. 1, FOR THE PURCHASE OF LAND AND BUILDING FOR THE WEST LAKES FIRE/AMBULANCE FACILITY, STATION NO. 7-3, NOT TO EXCEED \$500,000.

c. AM No. 09-078: AWARD OF BID NO. 10-018 TO ORION CONSTRUCTION, INC. IN THE CONTRACT AMOUNT OF \$200,579 FOR THE DOROTHY SWANDA JONES BUILDING WINDOW REPLACEMENT PHASE II.

d. AM No. 09-079: AWARD OF BID NO. 10-011 TO NORTH STAR EXCAVATION & ASPHALT, INC., IN THE CONTRACT AMOUNT OF \$153,586 FOR THE NORTH SHIRLEY TOWNE DRIVE GRADING AND PAVING PROJECT.

e. AM No. 09-080: AUTHORIZATION TO TRANSITION THE PUBLIC WORKS DIRECTOR AND LEGAL ADMINISTRATIVE ASSISTANT POSITIONS.

f. AM No. 09-081: APPROVAL OF ELECTION OFFICIALS FOR THE OCTOBER 6, 2009, REGULAR BOROUGH ELECTION.

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.

(This regular meeting recessed at 9:09 p.m. and reconvened at 9:20 p.m.)

IX. UNFINISHED BUSINESS

A. Resolution Serial No. 09-059: A RESOLUTION ADOPTING THE 2009 STRATEGIC PLAN.

(1) IM No. 09-169

Mr. Duffy provided a staff report.

MOTION PENDING: Assemblymember Woods moved to adopt Resolution Serial No. 09-059.

MOTION: Assemblymember Woods moved a primary amendment to Resolution Serial No. 09-059 by inserting a new objective as No. 12 and to renumber the existing objectives appropriately as follows:

- Objective No. 12 – Develop a Trails Division within the Community Development Department.
- Task No. 1: Develop the structure of a new comprehensive Trails Division by combining the trail related maintenance and management role of Parks and Outdoor Recreation and the trail surveying, acquisition, and trail care crew oversight role of Land Management.

Priority: High

Lead Responsibility: Community Development Director, Recreation and Library Services Division Manager, and the Land and Resource Management Chief.

Participants: Land Management Specialist, Parks and Outdoor Recreation Specialist, Recreation Technician, and the Parks, Recreation and Trails Advisory Board.

Completion date: January 2010

Performance Measurement: Completed comprehensive division organizational structure; include mission, vision and goals.

- Task No. 2: Apply for trail student intern grants

Priority: High

Lead Responsibility: Community Development Director

Participants: Land and Resource Management Specialist(s) and the Parks and Outdoor Recreation Specialist.

Completion date: September 2010

Performance Measurement: Successfully become a host site.

- Task No. 3: Identify current high need trail areas to conduct field assessment work, develop trail improvement plans and management objectives for each, and seek trail improvement funding.

Priority: High

Lead Responsibility: Community Development Director

Participants: Student Intern, Land and Resource Management Specialists, and the Recreational Services Division.

Completion date: September/October (Annually)

Performance Measurement: Tracking of completed improvement projects included in the annual report.

- Task No. 4: Conduct an assessment of future trail development needs, sustainable design, and management objectives and associated cost.

Priority: High

Lead Responsibility: Community Development Director

Participants: Student Intern, Land and Resource Management Specialists, and the Recreational Services Division.

Completion date: January (Annually)

Performance Measurement: Number of community partnerships established, management agreements and grants received.

- Task No. 5: Identify Trails Division funding strategy

Priority: High

Lead Responsibility: Community Development Director

Participants: Student Intern, Land and Resource Management Specialists, and the Recreational Services Division.

Completion date: January (Annually)

Performance Measurement: Assembly and/or voter approved funding.

- Task No. 6: Trails management enforcement ordinance adopted in Borough code

Priority: High

Lead Responsibility: Community Development Director and the Parks, Recreation and Trails Advisory Board

Participants: Recreational Services Division, Land and Resource Management Division, and Law

Completion Date: June 2010 (Assembly approval)

Performance Measurement: Trails enforcement authority.

- Task No. 7: Hire a Trails Division Manager

Priority: High

Lead Responsibility: Community Development Director

Participants: Recreational Services Division, Land and Resource Management Division, Borough Manager, Finance, and the Assembly.

Completion Date: Upon budget approval

Performance Measurement: Improved trail maintenance, management and sustainability of existing and expanded trail systems Borough-wide.

Assemblymember Church queried if there will now be two trail objectives as a result of this amendment.

Mr. Brenner affirmed the query.

Assemblymember Bettine queried if a new employee would need to be added to the budget.

Mr. Duffy:

- noted that trails were identified as an Assembly priority;
- stated that hiring a trail division manager is also a priority; and
- noted that after funding has been identified, then the Assembly would determine if it was necessary to hire a trails division manager.

Assemblymember Kluberton:

- noted that there are more trail miles than road miles within the Borough;
- stated that it is important to have a division to address the concerns of the public; and
- noted his support of the strategic plan.

Assemblymember Houston opined that it should be its own goal rather than an objective.

Mr. Duffy respectfully requested that the Assembly allow administration time to come back with legislation that addresses their concerns.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

XI. RECONSIDERATION

(There were no reconsiderations presented.)

XII. VETO

(There were no vetoes presented.)

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

VOTE: There was no objection noted.

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

A. Labor Contract Negotiations with the Matanuska-Susitna Borough Employees Association

MOTION: Assemblymember Woods moved to enter into executive session for matters, the immediate public knowledge of which would clearly have an adverse effect upon the finances of the borough and matters which by law, municipal charter, or ordinance are required to confidential; direction may be given to the Attorney or labor negotiator regarding labor negotiations. Those present will be the Assembly, the Mayor, the Attorney, the Clerk, the Human Resources Manager, and the Finance Director.

VOTE: There was no objection noted and the Assembly entered into executive session at 9:38 p.m.

MOTION: Assemblymember Woods moved to exit executive session.

VOTE: There was no objection noted and the Assembly exited executive session at 10:58 p.m.

XIV. MAYOR AND ASSEMBLY COMMENTS

(There were no comments provided.)

XV. ADJOURNMENT

The regular meeting adjourned at 10: 58 p.m.


TALIS J. COLBERG, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 09/15/09