

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on September 15, 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
- Mr. Mark Ewing, Assembly District No. 4
- Ms. Cindy L. Bettine, Assembly District No. 5
- Mr. Robert Wells, Assembly District No. 6 (*entered telephonically at 7:02 p.m.*)
- Mr. Tom Kluberton, Assembly District No. 7

Staff in attendance were:

- Ms. Lonnie R. McKechnie, Borough Clerk
- Mr. John Duffy, Borough Manager
- Ms. Elizabeth Gray, Assistant Borough Manager
- Mr. Nicholas Spiropoulos, Borough Attorney
- Ms. Brenda J. Henry, Executive Assistant to the Borough Clerk
- Ms. Tammy Clayton, Finance 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
- Ms. Tom Smayda, Emergency Manager
- Mr. Chuck Braun, Division Manager of Operations and Maintenance
- Ms. Shannon Shilman, Chief Information Officer
- Ms. Debbie Broneske, Resource Specialist, Land and Resource Management
- Ms. Bea Adler, Emergency Management Programs Coordinator

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 Ms. Helen Munoz, a member of the audience.

V. MINUTES OF PRECEDING MEETINGS

A. Regular Assembly Meeting: 09/01/09

Mayor Colberg inquired if there were any corrections to the regular meeting minutes of September 1, 2009.

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

(There was no report provided.)

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

(There was no report provided.)

2. Assembly Public Relations

(There were no reports provided.)

B. MANAGER COMMENTS

1. State/Federal Legislation

Mr. Duffy:

- noted that he previously provided a copy of the Managers report to the Assembly electronically; and
- requested that Mr. Tom Smayda, Borough Emergency Manager, provide a report regarding the Borough's response to the H1N1 virus.

Mr. Smayda provided a report on the H1N1 virus and the measures the Borough is taking in preventing the spread of the virus.

Assemblymember Church queried when the vaccine will be available.

Mr. Smayda:

- related that the vaccine should be available by mid October;
- advised that the vaccine was just approved today; and
- noted that the shot will be available for free to all Borough employees.

Assemblymember Church queried how to recognize the symptoms of the H1N1 virus.

Mr. Smayda:

- stated that just because a person is sick, does not mean that they have the virus;
- advised that if symptoms are mild it should be treated as a normal flu; and
- further added that if symptoms are extreme with a high fever the person, should see a doctor.

Assemblymember Kluberton queried why the Borough is tracking flu information, rather than the federal agencies.

Mr. Smayda stated that federal agencies wanted to leave it to each region to determine what to do.

Discussion ensued regarding:

- policy regarding prevention of spread of the virus within Borough offices;
- the possibility of ill employees working from home;
- inoculation being voluntary; and
- an emergency pandemic flu plan.

C. ATTORNEY COMMENTS

Mr. Spiropoulos advised that he will not be at the next regular meeting, as he will be attending the National Association of Municipal Attorney's Conference.

D. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule; and
- queried if the Assembly wanted to consider cancelling the second meeting in November due to the large number of staff and Assembly Members attending the Alaska Municipal League Conference.

Discussion ensued regarding rescheduling the November 17, 2009, regular meeting.

(The November 17, 2009, regular meeting was rescheduled to November 10, 2009.)

Ms. McKechnie:

- advised that it is time to schedule an Assembly planning session; and
- queried if November 7, 2009, at 10 a.m. would work for the Mayor and Assembly.

There was no objection noted.

E. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Board of Ethics: 01/28/09, 02/11/09, 03/04/09, 03/18/09, 04/01/09, 05/06/09
 - b. Parks, Recreation, and Trails Advisory Board: 01/26/09, 04/27/09
 - c. Platting Board: 06/04/09, 06/18/09, 07/02/09, 07/16/09
 - d. Real Property Asset Management Board: 05/13/09, Resolution Serial No. 09-03
 - e. South Colony RSA No. 16: 02/11/09, 05/27/09
 - f. Transportation Advisory Board: 03/25/09, 04/22/09
 - g. Wasilla-Lakes FSA Board of Supervisors: 04/13/09
 - h. West Lakes FSA Board of Supervisors: 06/02/09
2. Community Council Correspondence:
 - a. Talkeetna Community Council: 04/06/09
 - b. Trapper Creek Community Council: 07/16/09

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

F. INFORMATIONAL MEMORANDUMS

1. IM No. 09-211: MONTHLY REPORTING OF AMENDED CONTRACTS AND NEW AWARDS UNDER \$100,000, ALONG WITH SOLE SOURCE PROCUREMENTS, FOR THE PERIOD OF AUGUST 1, 2009, TO AUGUST 31, 2009.

The informational memorandum was presented and no comments were noted.

IX. NEW BUSINESS

A. INTRODUCTION (For public hearing – 10/20/09, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 09-120: AN ORDINANCE AMENDING MSB 17.23, POINT MACKENZIE PORT SPECIAL USE DISTRICT; AND MSB 17.28, INTERIM MATERIALS DISTRICT, TO RECTIFY DISCREPANCIES BETWEEN THE PORT DISTRICT BOUNDARIES AND THE PORT SPECIAL LAND USE DISTRICT BOUNDARIES, AND TO CLARIFY THE BOUNDARIES OF THE INTERIM MATERIALS DISTRICTS.
 - a. IM No. 09-189
2. Ordinance Serial No. 09-141: AN ORDINANCE ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF \$47,700 FROM THE UNITED

STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT FOR THE TALKEETNA WATER AND SEWER UTILITY IMPROVEMENTS, FUND 415, PROJECT NO. 25037.

- a. Resolution Serial No. 09-095: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR A GRANT IN THE AMOUNT OF \$47,700 FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT FOR THE TALKEETNA WATER AND SEWER UTILITY IMPROVEMENTS, FUND 415, PROJECT NO. 25037.
 - (1) IM No. 09-198

3. Ordinance Serial No. 09-142: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$23,375, FROM THE WILLOW FIRE SERVICE AREA FUND BALANCE, FUND 258, TO THE WILLOW FIRE SERVICE AREA FISCAL YEAR 2010 OPERATING BUDGET, FUND 258, TO PROVIDE FUNDING FOR A REPLACEMENT STANDBY GENERATOR AT STATION 12-1.
 - a. IM No. 09-203

4. Ordinance Serial No. 09-143: AN ORDINANCE AMENDING MSB 4.58, HEALTH AND SOCIAL SERVICES BOARD; REPEALING MSB 4.56 SENIOR CITIZEN ADVISORY BOARD; AND REPEALING MSB 4.60, HUMAN SERVICES CITIZENS ADVISORY BOARD.
 - a. IM No. 09-209

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 October 20, 2009, at 7 p.m.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Colberg requested the following confirmations:

Parks, Recreation, and Trails Advisory Board
Ryan Ray

Mayor Colberg made the following recommendations:

Emergency Medical Services Board
Christian Hartley

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

VOTE: The motion passed without objection.

(The regular meeting recessed at 6:30 p.m. and reconvened at 7:02 p.m.)

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

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

(There were no persons signed up to be heard.)

B. PUBLIC HEARINGS (Three minutes per person.)

(Assemblymember Wells entered the meeting telephonically at 7 p.m.)

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

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 Bettine moved to adopt Ordinance Serial Nos. 09-122 and 09-123.

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 09-123, by striking "7.819" interest rate and inserting in its place "7.624" interest rate.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

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

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 Houston moved to adopt Ordinance Serial Nos. 09-124 and 09-125.

MOTION: Assemblymember Houston moved a primary amendment to Ordinance Serial No. 09-125, by striking "7.819" interest rate and inserting in its place "7.624" interest rate.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

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

Ms. Clayton provided a staff report.

Assemblymember Church queried should the soldier be unmarried, would the exemption apply to the soldier's parents.

Mr. Spiropoulos advised that it would not as the legislation is presently written nor would it be allowed by law.

Assemblymembers Bettine and Church stated that they would like to be sponsors of this legislation.

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. 09-128.

VOTE: The motion passed without objection.

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

Ms. Broneske 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. 09-129 and Resolution Serial No. 09-086.

VOTE: The motion passed without objection.

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

Ms. Linda Brenner provided a staff report.

Mr. Chris Beck, Agnew Beck, and Mr. Bob Leffler, Jade North, provided a presentation regarding the Fish Creek Management Plan.

Assemblymember Kluberton:

- spoke to problem regarding a platted road within his district;
- stated that in the winter time, loggers use the road with no problem;
- opined that if the Borough attempted to upgrade the road in order for it to handle subdivision traffic, it would cost approximately \$1.5 million;
- spoke to roads built in Fairbanks that were done appropriately and that provided appropriate access for development; and
- opined that the Borough should be mindful of this example when considering constructing roads in the Fish Creek area.

Assemblymember Bettine stated that she did not see how the plan can be implemented without road access.

Mr. Leffler:

- stated that this is a land use plan only;
- further added that it only states what the land use should be; and
- stated that the analysis indicated that the sale of land would contribute to the costs for local roads only, not arterial or collector roads.

Assemblymember Ewing noted his concerns with selling land in order to construct roads.

Assemblymember Kluberton opined that the Borough has erred in the past by allowing land sales prior to adequate roads being built.

Discussion ensued regarding:

- timber sales;
- road access;
- easements and right of ways for roads;
- funds for road access; and
- potential land uses for the area.

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 Bettine moved to adopt Ordinance Serial No. 09-130.

MOTION: Assemblymember Woods moved a primary amendment to the Fish Creek Management Plan by adopting the staff recommendations as follows:

- Chapter 2, page 1, Background and Overview:
 - inserting the following sentence at the end of the second paragraph: "The management plan further addresses the growing concerns regarding sprawl and the need for protection and set asides of land to meet future needs for agriculture, local food sources, recreation and forest products;"

- Chapter 1, page 7, Physical Environment/Soils:
 - deleting the last three sentences in the last paragraph that read: “However, as defined class II and III soils, these areas have certain restrictions on their agricultural potential. In particular, these soils are acidic and would require either the addition of lime and fertilizer to optimize soil conditions or would simply restrict the plant species that could be cultivated (1998 Matanuska-Susitna Sold Survey). Occasional strong winds create a potential for soil erosion;
- Chapter 2, page 1, by adding the following after “areawide goals:”
 - “Reference Green Infrastructure. This plan implements the concept of green infrastructure as a way of conserving natural areas that function as community infrastructure. It does so by requiring an extensive system of buffers along streams to protect water quality, fish habitat, and human use of the streams; and by requiring protection for wetlands; and mandating protection for trails. To further implement the concept, the plan requires that quality public land within settlement areas and on lakes be retained for public use, and requires that settlement be clustered and separated by bands of open space, which will provide benefits for recreation, and habitat/migration benefit to wildlife;”
- Chapter 2, page 9, Forestry Resource and Management Summary:
 - inserting the phrase “protection through the requirement that timber harvest be managed pursuant to” after the word “receive;” and
 - strike the words “under the” before the words “Alaska Forest Resources;”
- Chapter 3, page 13, Management Intent for Lower Fish Creek:
 - inserting the phrase “with interspersed higher-density residential development” after the words “agricultural lots;” and
 - striking the phrase “residential land sales may also be allowed in this unit to accompany the primary agriculture use;”
- Chapter 2, page 15, Settlement and Agriculture, Resource and Management Summary:
 - inserting the words “farm land and” before the words “residential development;”
 - by striking the existing verbiage under the title of “Erosion, Flood Control, and Pollution Prevention” and inserting the following in its place: “All land disposals will comply with the applicable Borough requirements for the mapping and protection of flood hazard areas;”
 - by inserting the following in the fourth sentence after the word subdivisions: “Green infrastructure concepts will be implemented by clustering and limiting the acreage for development; reserving community areas and green spaces nearby; and protecting trails, wetlands, streams, and wildlife corridors” and by striking the following “with community areas and green spaces reserved nearby;”
- Chapter 2, page 18, Stream Corridors and Wetlands, Guideline B, Retention of Publicly Owned Buffers Adjacent to Streams and Adjacent Wetlands:

- striking the words “where chapter 3 indicated intent” and inserting it its place “in the Flathorn Lake Management Unit where the intent” after the word “except;”
- striking the word “streams” and inserting in its place “Flathorn Lake” after the word “along;”
- inserting the following as the last sentence: “However, a publicly owned buffer of at least 50 feet to protect the public’s right to access and travel along the water body, and the building setback outlined with Guideline D in this section still apply;”
- Chapter 2, page 24, Trails and Access, Guideline H, Identification of Trails:
 - strike the word “should” and insert in its place the word “will” after the word “systems;”
- Chapter 2, page 24, Trails and Access, Guideline J, Rerouting Trails:
 - insert the word “only” after the word “trail;”
 - strike the phrase “and where alternatives to resolving the conflict other than rerouting are impractical, or inappropriate, or less effective” and insert in its place “and there is no feasible and prudent alternative;”
- Chapter 3, page 2 and 3, Moraine Ridge Management Unit:
 - strike the words “agricultural sales are not planned” under first paragraph;
 - insert into the chart “Agriculture as a secondary designation” and insert the following note to read “Class II and III soils are intended for uses such as community gardens, gardens as part of settlement areas, or small parcel agriculture disposals within the overall residential settlement design;”
- Chapter 3, pages 10, 11, 15, and 16, Changes to Intent for Upper Fish Creek and Homestead Creek Management Units:
 - insert the following intent to both units along with making the appropriate changes to the Resource Management Summaries of Chapter 2: “This plan intends that at least 35 percent of the productive forest lands in this unit will be permanently retained for long-term forestry;”
 - inserting the words “Forestry as a Primary use” in both designation charts for both management units;
- Appendix A, Glossary:
 - insert the following definition for Green Infrastructure: “Green infrastructure is defined as an interconnected network of natural areas and open spaces that conserves natural ecosystem values and functions, sustains clean air and water, and provides a wide array of benefits to people and wildlife;”
- Chapter 2, page 4, Fish and Wildlife Habitat and Harvest, Guideline B:
 - Riparian Zones: striking the word “should” and insert in its place the word “shall” after the word “streams;”
- Chapter 2, page 5, Fish and Wildlife Habitat and Harvest, Guideline G:
 - Threatened and Endangered Species: striking the word “should” and insert in its place the word “shall” after the word “recommendations;”
- Chapter 1, page 3, Summary Plan Actions/Management Guidelines:
 - striking the sentences that read “From AS 41.10.010: “the farm, forest, and grazing land of the state is a basic asset of the state. It is the policy of

this chapter, in the interest of the health, safety, and general welfare of the people of the State, to provide for the development, use, and conservation of this land in accordance with its capabilities.” When potentially conflicting uses are designated in a management unit, the plan uses guidelines to allow various uses to occur while minimizing conflicts” and insert in its place “The plan also ensures that development, use, and conservation of the area are consistent with the land’s capabilities;”

- Chapter 2, page 20, Proposed Change to Stream Corridors and Wetlands, Guideline G, Authorizations within the Riparian Zones:
 - striking the words “should be tailored to” and inserting in its place the word “shall” after the word “wetlands;”
- Chapter 2, page 26, Protection of Hydrologic Systems:
 - Minimize Construction in Wetland, striking the word “should” and insert in its place “bridges, or other structures shall;”
- Chapter 2, page 27, Transportation Guideline, Road Pullouts:
 - strike the word “should” and insert in its place the word “shall” throughout the paragraph;
- Chapter 2, page 27, Transportation Guideline H, Timber Salvage from Rights-of-Way:
 - Change guideline to read “All timber on rights-of-way to be cleared for construction will be salvaged consistent with AS 41.17.083, and the Matanuska-Susitna Borough Revised Timber Salvage Policy;”
- Chapter 2, page 27, Transportation Guideline K, Railroad Corridor:
 - strike the word “should” and insert in its place “shall;”
- Chapter 3, page 3, Management Intent for Lower Fish Creek:
 - insert the phrase “with interspersed higher-density residential development” at the end of the second sentence;
 - strike the following sentence that reads “Residential land sales may also be allowed in this unit to accompany the primary agriculture use;”
- strike the reference to class 2 soils throughout the plan;
- Chapter 1, page 2, What This Plan Will Do:
 - strike the word “resources” and insert in its place “State or Borough-owned land” in the first paragraph;
 - strike the last sentence in the second paragraph that reads “The plan has no direct effect on the private lands” and insert in its place “Once the DNR Commissioner and the Borough Assembly adopt the plan, it directs how DNR will manage state land and how the Borough will manage Borough-owned land. This plan is a land management document for State and Borough land; it has no direct effect on private lands. In addition, once land is sold from State or Borough ownership, activities on that land are no longer subject to the plan;”
- strike the last sentence under Plan Amendment and insert the following “Borough asset management plan amendments shall be reviewed by the Real Property Asset Management Board and adopted by ordinance of the Assembly; and

- Chapter 2, page 15, Borough Platting Ordinance, Requirement to Build Roads:
 - Insert the following before the last sentence: “In addition, no land within these areas is to be sold for residential subdivision use until such time as the Mat-Su Borough standard collector level road (or better) has been constructed to provide access between and among the subdivisions.”

Assemblymembers Wells noted his opposition to adopting the proposed staff recommendations.

Discussion ensued regarding the staff recommendations.

VOTE: The primary amendment was adopted with Assemblymembers Ewing, Bettine and Wells in opposition.

Assemblymember Ewing opined that no land should be sold until a road has been constructed that meets Borough standards.

Assemblymember Kluberton stated that platting code will address the road access within each subdivision.

Assemblymember Bettine noted that the plan reads that there will be a corridor constructed prior to any land sales.

Discussion ensued regarding road requirements.

MOTION: Assemblymember Bettine moved a primary amendment to the Fish Creek Management Plan, Minor changes, by inserting “and the change shall be noted in the plan as a minor staff change with date of the change” after the word Director” to read: Changes that qualify as minor changes do not require public notice and are made by the Borough's Community Development Director and the change shall be noted in the plan as a minor staff change with date of the change.”

VOTE: The primary amendment passed without objection.

Assemblymember Houston:

- noted that the Assembly passed a resolution in support of transportation infrastructure; and
- opined that this would fit in with long range plans.

Assemblymember Bettine noted her agreement with Assemblymember Houston.

Assemblymember Ewing:

- advised that he is opposed to the legislation.
- stated that he would like to see a cost analysis in order to determine what funds would be spent to access the land; and
- opined that one of the valuable tools the Borough has is the sale of Borough land.

Assemblymember Woods:

- related that she has been asked many times over the years about selling Borough land;
- opined that the area is prime land for varied types of development; and
- stated that the purpose of the land use plan is to control development.

Assemblymember Church noted her support of the land use plan.

Discussion ensued regarding:

- the request of the public that Borough owned land be used;
- not using the sale of land as a potential funding mechanism;
- road access;
- expense of running utilities to the area; and
- concerns regarding road construction.

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

VOTE: The motion passed with Assemblymember Wells and Ewing opposed.

VOTE: The main motion passed as amended with Assemblymembers Wells and Ewing opposed.

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

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. 09-131.

VOTE: The motion passed without objection.

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

Ms. Debbie Broneske 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. 09-132 and Resolution Serial No. 09-087.

VOTE: The motion passed without objection.

Mayor Colberg queried if there was any objection to moving public hearings no. 8 through no. 10 together.

There was no objection noted.

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

Mr. Braun 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 Kluberton moved to adopt Ordinance Serial Nos. 09-133, 09-134, and 09-135.

MOTION: Assemblymember Wells moved to divide the question to take Ordinance Serial No. 09-135 separately.

VOTE: The motion to divide the question passed without objection.

MOTION: First segment. Assemblymember Kluberton moved to adopt Ordinance Serial Nos. 09-133 and 09-134.

VOTE: The motion passed without objection.

MOTION: Second segment. Assemblymember Wells moved to adopt Ordinance Serial No. 09-135

MOTION: Assemblymember Wells moved to postpone Ordinance Serial No. 09-135 to a time certain of December 1, 2009.

Assemblymember Wells noted that he moved to postpone the legislation in order to determine what projects might be forthcoming for the area.

VOTE: The motion to postpone to a time certain passed without objection.

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. Brenner 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 Kluberton moved to adopt Ordinance Serial No. 09-136 and Resolution No. 09-088.

VOTE: The motion passed without objection.

12. Ordinance Serial No. 09-139: AN ORDINANCE APPROPRIATING \$500,000 FROM THE INSURANCE PROCEEDS TO FUND 400, PROJECT NO. 40167, FOR CONTENTS FOR SU VALLEY JUNIOR/SENIOR HIGH SCHOOL.
 - a. IM No. 09-214

Mr. Duffy provided a staff report.

Assemblymember Wells queried when discussions with the insurance company might conclude.

Mr. Duffy advised that discussions could be finalized tomorrow.

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 Kluberton moved to adopt Ordinance Serial No. 09-139.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

(Assemblymember Wells exited the meeting at 9:02 p.m.)

The following person spoke regarding concerns with the My Property portion of the Borough website and with the proposed sales tax: Ms. Donna Webster.

The following person spoke regarding concerns with septage and sewage disposal: Ms. Helen Munoz.

The following person spoke in opposition to AM 09-082, awarding a contract to Granite Construction: Mr. John Leiner.

The following person invited the Assembly to the Emergency Preparedness Fair: Ms. Deborah McGahn of the North America Outdoor Institute.

- D. CONSENT AGENDA (Resolution Serial Nos. 09-089 and 09-091 and AM No. 09-070 and 09-076, and 09-082 were pulled from the consent agenda and addressed separately. *See pp. 16-18*)

1. RESOLUTIONS

- b. Resolution Serial No. 09-090: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR INFRASTRUCTURE PROJECTS USING THE FISCAL

YEAR 2009 TRANSIENT ACCOMMODATION TAX (BED TAX) FUNDS IN AN AMOUNT NOT TO EXCEED \$125,500.

(1) IM No. 09-205

- d. Resolution Serial No. 09-092: A RESOLUTION APPROVING A LOAN FROM THE SERVICE AREA REVOLVING LOAN FUND, FUND 600, IN THE AMOUNT OF \$75,000 TO TALKEETNA SEWER AND WATER SERVICE AREA, FUND 293, TO PROVIDE FUNDS FOR ENVIRONMENTAL AND DESIGN WORK FOR ARSENIC TREATMENT EQUIPMENT, INSTALLATION AND REVAMP OF INTERIOR PIPING IN THE TALKEETNA WELLHOUSE.

(1) IM No. 09-207

- e. Resolution Serial No. 09-093: A RESOLUTION FOR AUTHORIZATION TO SUBMIT A LOAN APPLICATION TO THE ALASKA STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, ALASKA DRINKING WATER FUND, FOR \$391,630 FOR THE CONSTRUCTION OF WATER SYSTEM IMPROVEMENTS IN GARDEN TERRACE ESTATES.

(1) IM No. 09-210

- f. Resolution Serial No. 09-094: A RESOLUTION SUPPORTING AND APPROVING THE RECOMMENDATIONS OF THE HUMAN SERVICES TRANSPORTATION COORDINATION PLAN, PHASE III; TO ALLOW MASCOT TO APPLY FOR FUNDING THROUGH THE ALASKA STATE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES TRANSIT OFFICE.

(1) IM No. 09-213

2. ASSEMBLY MEMORANDUMS

- d. AM No. 09-084: AWARD OF BID NO. 10-027 TO COLLINS CONSTRUCTION COMPANY, INC. IN THE CONTRACT AMOUNT OF \$129,300 FOR THE DOROTHY SWANDA JONES BUILDING STAIRS AND SIDEWALK REPAIRS.

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.

- a. Resolution Serial No. 09-089: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR A COMMUNITY MARKETING CAMPAIGN TO PROMOTE ELECTRICAL DEMAND REDUCTION AND ENERGY EFFICIENCY, PROJECT NO. 47019.

(1) IM No. 09-204

Mr. Kruger, in conjunction with Mr. Chris Rose of the Renewable Energy Alaska Project, provided a report.

MOTION: Assemblymember Houston moved to adopt Resolution Serial No. 09-089.

Assemblymember Church noted her support.

Assemblymembers Ewing and Bettine noted their opposition.

Assemblymember Houston:

- noted that the funds for this project are matching funds, which must be provided in order to receive the grant; and
- noted his support of this legislation.

Discussion ensued regarding:

- concerns with the Borough being the only funding source;
- the benefits to the public; and
- public participation.

VOTE: The motion passed with Assemblymembers Ewing and Bettine opposed.

c. Resolution Serial No. 09-091: A RESOLUTION SUPPORTING THE NORTH AMERICA OUTDOOR INSTITUTE'S SAFETY AND ENVIRONMENTAL EDUCATION PROGRAM.

(1) IM No. 09-206

Ms. Adler provided a staff report.

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

MOTION: Assemblymember Woods moved a primary amendment to Resolution Serial No. 09-091, in the 3rd whereas clause to strike the word "advanced" and to change the capital "T" in the word training to a lower case "t"; and in the 4th whereas clause to strike the words "trained through" and insert in their place "in accordance with" and to change the capital "T" in training lower case "t."

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

a. AM No. 09-070: AWARD OF PROPOSAL 09-155 TO EMC ENGINEERING, LLC., IN AN AMOUNT NOT TO EXCEED \$430,010 FOR SPECIAL INSPECTION AND TESTING FOR GOOSE CREEK CORRECTIONAL CENTER.

Ms. Clayton provided a staff report.

MOTION: Assemblymember Ewing moved to adopt AM 09-070.

Assemblymember Ewing queried what special inspection and testing would be done.

Ms. Clayton advised that it would be over the life of the project, which is anticipated to end in 2011.

Discussion ensued regarding special inspection and testing at Goose Creek Correctional Center.

MOTION: Assemblymember Ewing moved to postpone AM 09-070 to a time certain of October 20, 2009.

Assemblymember Bettine noted her disappointment that what was included in the special inspection was not provided with the legislation

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

VOTE: The motion passed without objection.

VOTE: The motion to postpone to a time certain of October 20, 2009, failed with Assemblymember Ewing in support.

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

VOTE: The motion passed without objection.

(The regular meeting recessed at 9:52 p.m. and reconvened at 10 p.m.)

Assemblymember Ewing:

- spoke to concerns with the welding inspections; and
- stated that the proposal needs to be revisited with more detail.

Mr. Duffy stated that he is confident that the State and RISE Alaska reviewed the request for proposal; however he is unable to address the welding concerns sufficiently.

Assemblymember Woods spoke to her concerns with ongoing delays for construction and noted her support of this legislation.

Discussion ensued regarding:

- the need to ensure the welds are tested adequately;
- the bid protest that related to this legislation previously delaying the project; and
- the possibility of a change order coming forward.

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

VOTE: The motion passed without objection.

VOTE: The main motion was adopted with Assemblymember Ewing opposed.

- b. AM No. 09-076: APPROVAL OF CHANGE ORDER TO UNIT COMPANY IN THE AMOUNT OF \$221,203.70 FOR ADDITIONAL WORK TO THE KNIK GOOSE BAY ELEMENTARY SCHOOL, PROJECT NO. 40161.

MOTION: Assemblymember Ewing moved to adopted AM No. 09-076.

Assemblymember Ewing spoke to the need to ensure that future schools are built properly.

VOTE: The motion passed without objection.

- c. AM No. 09-082: AWARD OF BID NO. 10-024 TO AAA VALLEY GRAVEL FOR THE CONTRACT AMOUNT OF \$159,105 AND TO GRANITE CONSTRUCTION COMPANY FOR THE CONTRACT AMOUNT OF \$111,526 FOR THE PURCHASE OF WINTER SAND AND CHIPS.

MOTION: Assemblymember Houston moved to adopt AM No. 09-082.

MOTION: Assemblymember Houston moved to divide the question to take the award for contracts for AAA Valley Construction and Granite Construction separately.

Assemblymember Bettine queried the intent of dividing the question.

Assemblymember Houston:

- opined that Mr. Leiner had a good point in questioning whether Granite Construction should be awarded this contract;
- noted that Granite Construction purchased Wilder Construction;
- further added that there have been issues with Wilder Construction not complying with earth material extraction guidelines; and
- spoke to his concerns of the Borough doing business with a company that is not in compliance with Borough code.

VOTE: The motion to divide the question passed without objection.

MOTION: First Segment. Assemblymember Houston moved to award bid no. 10-024 for the contract amount of \$159,105 to AAA Valley Construction.

VOTE: The motion passed without objection.

Assemblymember Bettine queried if the Borough has a "bad bidder list."

Mr. Spiropoulos:

- advised that the Borough has no such list; and
- stated that the Borough uses standards that bidders must meet.

Assemblymember Kluberton:

- noted that perhaps Granite Construction did not buy Wilder Construction as a whole;
- stated that it is common practice to purchase a company's assets and not their liabilities; and
- opined that it is not appropriate to hold the purchaser culpable for the mistakes of the previous owner.

MOTION: Second Segment. Assemblymember Houston moved to award bid no. 10-024 for the contract amount of \$111,526 to Granite Construction.

Assemblymember Bettine and Woods noted their support of the legislation.

VOTE: The motion passed with Assemblymembers Houston and Church opposed.

Assemblymember Bettine directed the Manager to come back with the standards for a company to be placed on the no bid list.

VIII. UNFINISHED BUSINESS

(There was no unfinished business.)

B. OTHER NEW BUSINESS

(There was no unfinished business.)

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

(There were no referrals presented.)

X. RECONSIDERATION

(There were no reconsiderations presented.)

XI. VETO

(There were no vetoes presented.)

XII. EXECUTIVE SESSION

(There was no executive session held.)

XIII. MAYOR AND ASSEMBLY COMMENTS

Mr. Spiropoulos stated that he is sorry to see Assemblymember Kluberton's term end.

Mr. Duffy noted that he has appreciated working with Assemblymember Kluberton.

Ms. McKechnie stated that it has been a pleasure working with Assemblymember Kluberton.

Assemblymember Woods encouraged Assemblymembers to contact the purchasing officer with concerns regarding bids.

Assemblymember Church:

- stated that working with Assemblymember Kluberton has been delightful; and
- noted that the ground breaking for Valley Community for Recycling Solutions was well attended.

Assemblymember Ewing stated that he has enjoyed working with Assemblymember Kluberton.

Assemblymember Kluberton:

- stated that he has been asked many times what it has been like being on the Assembly;
- related that it has been an amazing educational experience;
- opined that the best part has been working with the people around the Assembly horseshoe;
- stated that sometimes the hardest thing to do is let staff do their job and you hope there are great people in those jobs;
- noted that he has also enjoyed working with his constituents;
- further added that he has learned he cannot address every concern constituents may have; and
- noted his appreciation for working on the Assembly.

Assemblymember Houston:

- commented that he has enjoyed working with Assemblymember Kluberton;
- related that he has been a positive influence in helping him to understand what was going on during his first year; and
- noted that Assemblymember Kluberton's humor helped him feel comfortable.


XIV. ADJOURNMENT

The regular meeting adjourned at 10:30 p.m.



TALIS J. COEBERG, Borough Mayor

ATTEST:



LONNIE R. McKECHNIE, CMC, Borough Clerk
Minutes approved: 10/20/09