

**I. CALL TO ORDER**

The regular meeting of the Matanuska-Susitna Borough Assembly was held on September 21, 2010, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:10 p.m. by Mayor Talis Colberg.

**II. ROLL CALL**

Assembly members present and establishing a quorum were:

Ms. Lynne Woods, Assembly District No. 1 (*Deputy Mayor*)  
Mr. Pete Houston, Assembly District No. 2  
Mr. Ronald Arvin, Assembly District No. 3  
Mr. Mark Ewing, Assembly District No. 4  
Ms. Cindy L. Bettine, Assembly District No. 5  
Mr. Jim Colver, Assembly District No. 6  
Mr. Vern Halter, Assembly District No. 7

Staff in attendance were:

Ms. Lonnie R. McKechnie, Borough Clerk  
Ms. Elizabeth Gray, Acting Borough Manager  
Mr. Nicholas Spiropoulos, Borough Attorney  
Ms. Brenda J. Henry, Executive Assistant to the Borough Clerk  
Ms. Tammy Clayton, Finance Director  
Ms. Shaune O'Neil, Public Works Director  
Mr. Dennis Brodigan, Emergency Services Director  
Ms. Patty Sullivan, Public Affairs Director  
Mr. Dave Hanson, Economic Development Director  
Mr. Emerson Kruger, Planner II  
Ms. Debbie Broneske, Land Management Resource Specialist  
Ms. Fran Segar-Boss, Cultural Resources Specialist  
Ms. Frankie Barker, Environmental Planner II  
Mr. Stefen Hinman, Media Design Specialist  
Ms. Tracy McDaniel, Real Estate Acquisition Officer

**III. APPROVAL OF AGENDA**

Mayor Colberg inquired if there were any changes to the agenda.

Assemblymember Colver requested to move audience participation to prior to the public hearings.

Assemblymember Woods spoke to concerns with moving audience participation.

Discussion ensued regarding moving audience participation prior to public hearings.

VOTE: The agenda was approved as amended with Assemblymembers Houston, Bettine, and Woods opposed.

#### **IV. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Dr. Kenneth Burnley, School District Superintendent.

#### **V. MINUTES OF PRECEDING MEETINGS**

A. Regular Assembly Meeting: 09/07/10

Mayor Colberg inquired if there were any corrections to the regular meeting minutes of September 7, 2010.

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

#### **VI. REPORTS/CORRESPONDENCE**

A. AGENCY REPORTS

1. Reports from cities

*(There were no reports provided.)*

2. Matanuska-Susitna Borough School District

Dr. Kenneth Burnley, School District Superintendent:

- stated that there are an additional 45 students in the District;
- spoke to his enjoyment of the joint Assembly/School Board meeting;
- noted that there is a correction regarding the structural deficit;
- further added that the District had thought it would be \$5,000,000 or higher; however it will actually be \$2,000,000 or higher; and
- spoke to working with Administration regarding the possibility of collaborating on Information Technology with the Borough.

Assemblymember Woods queried the possibility of unified health benefits for the Borough and the School District.

Dr. Burnley noted that anything is possible.

Assemblymember Colver:

- stated that the Borough and the School District used to have unified health insurance;
- further added that the District wanted to break away;

- stated that the District is now part of the National Education Association (NEA) trust;
- advised that if you are not part of the School District that you cannot be a part of that trust; and
- opined that it would benefit the tax payer if there were unified health benefits.

## B. COMMITTEE REPORTS

### 1. Joint Assembly/School Board Committee on School Issues

Assemblymember Colver stated that the next meeting is scheduled for October 4, 2010.

### 2. Assembly Public Relations

Assemblymember Ewing

- spoke to finding a mother cat with kittens;
- stated that he placed a call to Animal Care and Regulation, as it was a hot day;
- related that they responded quickly; and
- noted his pleasure with their response.

## B. MANAGER COMMENTS

### 1. State/Federal Legislation

### 2. Strategic Planning Issues

Ms. Gray:

- spoke to the city of Kenai providing a resolution in support of ferry service;
- spoke to the recent transportation fair that was held;
- advised that the prison has provided approximately 70 new jobs for Borough residents; and
- stated that Ms. Sullivan and Mr. Hinman would provide an update regarding Port MacKenzie.

Ms. Sullivan and Mr. Hinman provided a presentation regarding the barge dock improvements at Port MacKenzie.

Ms. Gray:

- stated that the priorities the Assembly adopted have been provided to the Governor;
- related that the Fairbanks North Star Borough and the Denali Borough are both working on resolutions in support of the rail extension to Port MacKenzie; and
- spoke to Operation Medicine Cabinet, which provides for safe disposal of medicine within the Borough.

## A. ATTORNEY COMMENTS

*(There was no report provided.)*

## B. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule;
- stated that the Alaska Municipal League conference is November 15 through the 19;
- spoke to the Assembly requesting planning sessions three times per year and queried if the Assembly would like to schedule a planning session in November; and
- queried if there were any suggestions on a date.

[Clerk's note: The Assembly decided to conduct the planning session on November 20, 2010, at 10 a.m., with the location to be determined.]

Ms. McKechnie:

- noted that at the last joint meeting with the Municipality of Anchorage the bodies discussed holding another joint meeting in October; and
- queried if the Assembly would like to schedule the joint meeting.

Discussion ensued regarding setting a joint meeting with the Municipality of Anchorage.

**MOTION:** Assemblymember Arvin moved to schedule a joint meeting with the Municipality of Anchorage on November 23, 2010.

**VOTE:** The motion failed with Assemblymembers Halter, Ewing, and Arvin in support.

**MOTION:** Assemblymember Houston moved to schedule a joint meeting with the Municipality of Anchorage on November 10, 2010.

**VOTE:** The motion passed without objection.

Assemblymember Ewing advised that he would be unavailable for the meeting on November 10 and will not be attending.

Ms. McKechnie queried if the Assembly would like to schedule an additional meeting regarding procurement procedures.

The Assembly requested that Ms. McKechnie bring this item back for discussion at a later date.

## C. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Caswell FSA Board of Supervisors: 04/14/10
- b. Greater Butte RSA Board of Supervisors: 05/11/10, 05/13/10
- c. Greater Talkeetna RSA Board of Supervisors: 06/10/10
- d. Parks, Recreation, and Trails Advisory Board: 06/28/10, Resolution Serial Nos. 10-09, 10-10

- e. Planning Commission: 05/03/10, 06/07/10, 06/21/10, 07/19/10, Resolution Serial Nos. 10-10, 10-11, 10-12, 10-20
  - f. Platting Board: 07/15/10
  - g. Transportation Advisory Board: 04/28/10
  - h. Wasilla-Lakes FSA Board of Supervisors: 05/10/10
  - i. West Lakes FSA Board of Supervisors: 04/20/10
- 2. Community Council Correspondence:
    - a. Big Lake Community Council: 05/12/10, 05/19/10, 06/09/10, 07/14/10
    - b. Lazy Mountain Community Council: 10/08/09, 11/12/09, 01/14/10, 03/11/10
    - c. Meadow Lakes Community Council: 05/12/10, 06/09/10
    - d. Susitna Community Council: 01/07/10, 02/04/10, 04/01/10, 05/06/10, 06/03/10

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

#### D. INFORMATIONAL MEMORANDUMS

- 1. IM No. 10-158: MONTHLY REPORTING OF AMENDED CONTRACTS AND NEW AWARDS UNDER \$100,000, ALONG WITH SOLE SOURCE PROCUREMENTS, FOR THE PERIOD OF AUGUST 1, 2010, TO AUGUST 31, 2010.

The informational memorandum was presented and no comments were noted.

### IX. NEW BUSINESS

- A. INTRODUCTIONS (For public hearing – 10/19/10, 7 p.m., Borough Assembly Chambers)
  - 1. Ordinance Serial No. 10-094: AN ORDINANCE ADOPTING AN AMENDMENT TO THE MATANUSKA-SUSITNA BOROUGH RECREATIONAL TRAILS PLAN COMPONENT OF THE BOROUGH'S COMPREHENSIVE PLAN THAT ADDS TRAILS AND TRAIL SYSTEMS.
    - a. IM No. 10-065
  - 2. Ordinance Serial No. 10-095: AN ORDINANCE ACCEPTING AND APPROPRIATING \$230,000 FOR A PORTION OF GRANT FUNDS FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT FOR THE DEPARTMENT OF EMERGENCY SERVICES FISCAL YEAR 2011 DESIGNATED LEGISLATIVE GRANT PROJECTS.
    - a. Resolution Serial No. 10-079: A RESOLUTION APPROVING THE SCOPES OF WORK AND BUDGETS FOR A PORTION OF THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT GRANTS FOR THE DEPARTMENT OF EMERGENCY SERVICES PROJECTS.
      - (1) IM No. 10-149

3. Ordinance Serial No. 10-096: AN ORDINANCE ACCEPTING AND APPROPRIATING A FISCAL YEAR 2011 DESIGNATED LEGISLATIVE GRANT IN THE AMOUNT OF \$35,000,000 FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT FOR THE SOUTH CENTRAL RAIL EXTENSION FROM PORT MACKENZIE TO THE MAINLINE, TO FUND 490, PROJECT NO. 75001.
  - a. Resolution Serial No. 10-080: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET AND AUTHORIZING THE MANAGER TO ENTER INTO THE NECESSARY AGREEMENTS WITH THE STATE OF ALASKA DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT FOR THE SOUTH CENTRAL RAIL EXTENSION FROM PORT MACKENZIE TO THE MAINLINE PROJECT.
    - (1) IM No. 10-154

B. INTRODUCTIONS (For public hearing – 11/16/10, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 10-082: AN ORDINANCE CREATING NORTH EDENFIELD ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 443, 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. 10-150
2. Ordinance Serial No. 10-093: AN ORDINANCE CREATING CENTENNIAL'S END SUBDIVISION ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 444, 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. 10-155

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 19, 2010, and November 16, 2010, respectively.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Colberg requested the following confirmations:

Board of Ethics  
Mary Kvalheim  
Labor Relations  
Kathleen Streight  
Mayor's Blue Ribbon Sportsman's Committee  
Howard Delo  
Platting Board  
David Robinson  
Mae Sprague, Removal

Mayor Colberg made the following recommendations:

South Colony RSA No. 16  
Marvin Yoder

MOTION: Assemblymember Ewing moved to divide the question to take the confirmation of Mary Kvalheim separately.

VOTE: The motion passed without objection.

MOTION: First Segment. Assemblymember Woods moved to approve the Mayor's recommendations and removal for confirmation this evening with the exception of Mary Kvalheim.

VOTE: The motion passed without objection.

MOTION: Second Segment. Assemblymember Ewing moved to approve the Mayor's confirmation of Mary Kvalheim.

VOTE: The motion passed without objection.

*(The recessed at 6:40 p.m. and reconvened at 7 p.m.)*

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

### **C. AUDIENCE PARTICIPATION (Three minutes per person.)**

The following persons spoke in support of the Borough securing the property next to Academy Charter for school use: Ms. Barbara Gerard, Academy Charter School Principal; Ms. Holly Metzler, Academy Charter School Advisory Board Secretary; and Ms. Helen Munoz.

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

*(There were no persons to be heard.)*

B. PUBLIC HEARINGS (Three minutes per person.)

1. Ordinance Serial No. 10-018: AN ORDINANCE REPEALING MSB 17.28, INTERIM MATERIALS DISTRICT; REPEALING MSB 17.30, CONDITIONAL USE PERMIT (CUP) FOR EARTH MATERIALS EXTRACTION ACTIVITIES; ADOPTING MSB 28.10.025, PUBLIC NOTIFICATION; AMENDING MSB 28.100, DEFINITIONS; AND AMENDING MSB 28.30, EARTH MATERIALS EXTRACTION, TO CREATE COMPREHENSIVE EARTH MATERIAL EXTRACTION REGULATIONS INCLUDING PROVISIONS FOR REGULATING EXCAVATION INTO THE SEASONAL HIGH WATER TABLE, RECLAMATION, AND PERFORMANCE SECURITIES.
  - a. Resolution Serial No. 10-010: A RESOLUTION ESTABLISHING FEES AUTHORIZED UNDER MSB 28.10.040, FEES; FOR EARTH MATERIALS EXTRACTION PERMIT APPLICATION PROCESSING AND INSPECTION UNDER MSB 28.30.
    - (1) IM No. 10-030

Mr. Emerson Kruger provided a staff report.

Mayor Colberg opened the public hearing.

The following person spoke in opposition to restricting mining below the water table: Mr. Steve Connelly, Granite Construction Resource Manager.

The following person spoke in support of restricting mining below the water table: Mr. Joe Irwin, Friends of Mat-Su.

The following person spoke to concerns with reclamation of gravel pits and possible negative impacts to small gravel operations: Mr. Tom Healy, Alaska Rock Products Association Executive Director.

The following persons spoke to overall concerns with Ordinance Serial No. 10-018 and Resolution Serial No. 10-010: Mr. Reed Dilley, Flintstone Gravel; Mr. Dan Bourassa, General Manager Shadow Mountain, LLC; Mr. Paul Jenkins, Shadow Mountain, LLC; Mr. Wyn Menefee, Division Operations Manager Alaska State Department of Natural Resources; Mr. Mark Cottini; Mr. Wes Vander Martin Anchorage Sand and Gravel; and Mr. Dick Zobel.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 10-018 and Resolution Serial No. 10-010.

Assemblymember Woods:

- spoke to the large size of her file regarding the legislation;
- stated that the Assembly has heard public comment that the ordinance needs work; and
- noted that she is willing to move forward with amendments this evening.

Assemblymember Ewing:

- opined that it would be premature to move forward with the legislation this evening;
- further added that the Assembly requires additional information in order to make an informed decision;
- spoke to concerns with the financial information requirement;
- stated that he is not in favor of allowing mining below the water table;
- spoke to concerns with moving forward with adopting the legislation this evening affecting home construction;
- related that the Assembly has been working on this since 2008;
- opined that it cannot be amended in one evening into a document that is properly balanced; and
- spoke to the numerous work sessions that have been conducted.

Assemblymember Colver:

- spoke to concerns with the legislation and impacts on the community; and
- stated that he is not comfortable with adopting the legislation this evening.

Assemblymember Arvin opined that the legislation is too complex to be adopted this evening.

MOTION: Assemblymember Arvin moved to postpone Ordinance Serial No. 10-018 and Resolution Serial No. 10-010 to a time certain of December 7, 2010.

Assemblymember Bettine:

- spoke in opposition of postponement so early in the meeting;
- opined that the Assembly should see what could be accomplished before postponement;
- stated that the legislation has been before the Assembly for a long time;
- noted that she is not completely opposed to postponement later in the meeting; and
- opined that the Assembly has had ample time to ask questions of staff.

Assemblymember Houston noted that he is in favor of trying to accomplish some amendments this evening, prior to postponement of the legislation.

Assemblymember Halter:

- opined that the legislation is too large and confusing as currently written; and
- stated that he is in favor of postponement.

Discussion ensued regarding postponement of Ordinance Serial No 10-018 and Resolution Serial No. 10-010.

WITHDRAWAL: Assemblymember Arvin moved to withdraw the motion for postponement.

There was no objection noted.

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 10-018, MSB 28.30.020, by

- in subsection (C), striking the word “commercial” and inserting at the words “greater than 2000 cubic yards” at the end of the sentence to read: “This chapter applies to all earth materials extraction activities greater than 2000 cubic yards;”
- striking all subsection (D) in its entirety that reads: “This chapter does not apply when extracted earth material is not intended for sale or barter”;
- in subsection (D) strike the word “extraction” and insert in its place the words “greater than” and strike the words “or more from any one parcel or from two or more adjacent parcels with the same owner” and insert in its place “off of a site” to read: “Annual transport of greater than 2,000 cubic yards off of a site requires administrative permit or a conditional use permit;” and
- renumbering sections appropriately.

MOTION: Assemblymember Houston moved a secondary amendment to subsection (E) by striking “2,000” and inserting “5,000” to read: “Annual transport of greater than 5,000 cubic yards off of a site requires an administrative permit or a conditional use permit.”

VOTE: The secondary amendment passed with Assemblymembers Bettine and Arvin opposed.

MOTION: Assemblymember Colver moved a secondary amendment to strike the deletion of subsection (D) which reads: “This chapter does not apply when extracted earth material is not intended for sale or barter.”

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

MOTION: Assemblymember Arvin moved a secondary amendment to reinsert the word “commercial” in subsection (C) to read: “This chapter applies to all commercial earth materials extraction activities.”

VOTE: The secondary amendment passed with Assemblymembers Houston, Bettine and Woods opposed.

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

VOTE: The motion passed without objection.

VOTE: The primary amendment passed with Assemblymember Houston opposed.

MOTION: Assemblymember Woods moved a primary amendment to Ordinance Serial No. 10-018 by replacing all of section 28.30.030 Nonconforming Uses as follows:

(A) The State may apply for legal nonconforming status for sites where greater than 5000 cubic yards have been extracted prior to the date of adoption of this chapter, within three years of the date of adoption of this chapter, by submitting the following:

(1) Name, address, and contact number of property owner and the owner's authorized agent(s);

(a) a legal and physical description of the property upon which the use is located;

(b) a site plan with maps drawn to scale, with appropriate seals, clearly indicating:

(i) the location and dimensions of the full extent of the material site;

(ii) all site boundaries;

(iii) location of existing structures with distance from property ownership lines noted;

(iv) means of access;

(v) existing fencing;

(vi) adjacent public easements and rights-of-ways;

(vii) identification of surrounding land ownership;

(viii) Identification of adjacent wetlands and water bodies identified on the National Wetlands Inventory;

(ix) the estimated duration of expected use of the material site;

(x) the extent of excavation within each phase of mining activity to include the vertical and horizontal limits prior to the date of adoption of this chapter as well as the projected extent of excavation of each phase of mining activity upon completion of excavation activity to the extent known;

(xi) any proposed expansions into adjacent properties; and

(xii) any existing proposed extraction activities within four feet of or below the seasonal water table;

(c) the date in which extraction began at the material site; and

(d) a noise mitigation plan in conformance with 28.30.070(A)(6).

(B) Within 30 calendar days of submittal, the director shall issue a determination of incompleteness if the application fails to meet the requirements of this chapter. Determination of incompleteness shall be in writing and shall list the deficient items. Once the requested information and material is submitted, the application shall again be reviewed for completeness.

(C) Pre-existing legal non-conforming status shall be determined by the director based on whether the applicant has demonstrated that the operation has commenced prior to the date of adoption of this chapter.

(D) Operations that have not applied for pre-existing use rights within three years of the date of adoption of this chapter must obtain a permit in accordance with this chapter to continue operating.

MOTION: Assemblymember Bettine moved a secondary amendment:

- in subsection (B), to insert “by the State” before the word “submitted;”
- in subsection (C), strike the word “applicant” and insert in its place “state of Alaska; and
- in subsection (D), to insert the words “state of Alaska” at the beginning of the section.

VOTE: The secondary amendment passed with Assemblymembers Ewing and Arvin opposed.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Arvin moved a primary amendment to strike “2,000 cubic yards” throughout the legislation and insert in its place “5,000 cubic yards.”

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Ewing moved to postpone Ordinance Serial No. 10-018 and Resolution Serial No. 10-010 to a time certain of December 7, 2010.

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

*(The regular meeting recessed at 8:46 p.m. and reconvened at 9 p.m.)*

2. Ordinance Serial No. 10-083: AN ORDINANCE ADOPTING THE ASSET MANAGEMENT PLAN: NATURAL RESOURCE MANAGEMENT UNITS; AND AMENDING MSB 15.24.030, COMPREHENSIVE PLAN AND PURPOSES.

a. Ordinance Serial No. 10-084: AN ORDINANCE ADOPTING CHANGES TO TITLE 23, REAL PROPERTY: MSB 23.05, GENERAL PROVISIONS; AND MSB 23.20, FOREST MANAGEMENT.

(1) IM No. 10-090

(2) IM No. 10-091

Ms. Broeneske provided a staff report.

Mr. Ron Swanson of RWS Consulting provided a supplemental report.

Mayor Colberg opened the public hearing.

The following person spoke in support of Ordinance Serial No. 10-083 and Ordinance Serial No. 10-084: Ms. Rebecca Long.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 10-083 and Ordinance Serial No. 10-084.

Assemblymember Woods:

- spoke to her attendance a few years ago at a workshop on forestry management;
- stated that what struck her the most was the recognition of the importance of types of uses;
- commented that during Assembly meetings, the Assembly hears from all types of land users;
- noted her appreciation of the approach to include all types of uses; and
- requested the full support of the Assembly for the legislation.

Assemblymember Ewing:

- stated that he is glad that there will no longer be a timber moratorium;
- opined that timber is not harvested frequently enough; and
- spoke to concerns with the term “special management zones.”

Assemblymember Halter;

- spoke to his support of the legislation;
- related that there is widespread public support for the legislation; and
- advised that he has amendments.

MOTION: Assemblymember Halter moved a primary amendment to Ordinance Serial No. 10-084 by inserting MSB 23.20.190 to read:

- Borough Preference Policy
  - (A) It is the policy of the borough to give preference to local residents, loggers, workers, businesses, contractors or producers to the extent consistent with law and interest of the public.
  - (B) To the extent consistent with law and the interest of the public, preference shall be given to local residents pursuant to MSB 23.20.170, Personal Use of Timber.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Halter moved a primary amendment to Ordinance Serial No. 10-084, MSB 23.20.060, by inserting a subsection (5) to read: “(5) personal use of forest products for such things as firewood (cordwood), house logs, saw logs, fence posts.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Halter moved a primary amendment to Ordinance Serial No. 10-084, MSB 23.20.090(H), by striking the current language in subsection

(H) and inserting the following: “(H) Pursuant to MSB 23.20.070 the director shall ensure that local resident timber needs for personal use are made available for personal use firewood, before and during any other timber harvest activities.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Halter moved a primary amendment to Ordinance Serial No. 10-084, MSB 23.20.110(D), by striking the current language in subsection (D) and inserting the following: “(D) Pursuant to MSB 23.20.070 the director shall ensure that local resident timber needs for personal use are made available for personal use firewood, before and during any other timber harvest activities.”

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Halter moved a primary amendment to Ordinance Serial No. 10-084, MSB 23.20.170, by inserting a new subsection (E) to read: “(E) The Borough shall inventory and designate multiple areas for personal use annually and shall publish the available areas to local residents.”

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Halter moved a primary amendment to IM No. 10-090 to insert the following specific goal and guidelines: “Susitna Valley High School Wood Fire Boiler Project – Sufficient acreages with operable timber available with the Kashwitna, Sheep Creek, Rabideaux Creek or Parks Highway Natural Resource Management Units be reserved for the Susitna Valley High School Wood Fired Boiler Project, should it be funded and built. Five-year timber harvest schedule may preserve adequate timber basis for this project should the project be funded and built.”

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

3. Ordinance Serial No. 10-085: AN ORDINANCE RECOMMENDING MODIFICATION OF DEED RESTRICTIONS WITHIN QUITCLAIM DEED SERIAL NO. 2004-001877-0, RECORDED JANUARY 23, 2004, WHICH STATES “THE DEVELOPMENT OF HABITABLE OR PERMANENT STRUCTURES IS

PROHIBITED IN THAT PORTION OF THE PARCEL WHICH LIES 750 FEET OR MORE NORTH OF THE SOUTH BOUNDARY” FOR TAX PARCEL 18N01E33C008 (MSB006369).

a. IM No. 10-142

Ms. McDaniel provided a staff report.

Mayor Colberg opened the public hearing.

The following person spoke in opposition to Ordinance Serial No. 10-085: Mr. Robert Neibrugge.

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

VOTE: The motion passed without objection.

The following person spoke in opposition to Ordinance Serial No. 10-085: Ms. Janet Kincaid, Mr. Gary Senesac, Ms. Tempy Larew, and Mr. Rick Mystrom.

The following person spoke in support of Ordinance Serial No. 10-085: Ms. Lily Sessom, Mr. Noah Sessom, Mr. Boa Sessom, Ms. Carolyn Sessom, Mr. John Zilster, Ms. Lisa Simon, Dr. Larry Lawson, and Mr. Marlin Dubetz.

Assemblymember Colver queried if Mr. Gary Foster planned to testify.

Mr. Foster affirmed the query.

Assemblymember Colver cautioned Mr. Foster he could be in violation of the Borough ethics code if he planned to testify this evening.

Mr. Foster inquired if it was possible for him to obtain an opinion as to whether or not he could testify as a private citizen because he is on the Planning Commission.

Mayor Colberg:

- stated that the statement by Assemblymember Colver is unprecedented;
- noted that Assemblymember Colver is providing his opinion only and not the official opinion of the Borough Attorney;
- advised that it is not up to the Mayor to decide if a person may testify; and
- further added that the Borough Attorney can weigh in if the Mayor requests it of him.

Assemblymember Bettine:

- opined that it would be important for the Assembly to have a ruling as to whether or not Mr. Foster can speak as a private citizen; and
- further added that it is incumbent upon the Assembly to take steps to protect a citizen who serves on a Borough board.

Mr. Spiropoulos stated that as code is written it is up to the Ethics Board to issue ethical opinions.

Discussion ensued regarding Mr. Foster's ability to testify before the Assembly.

*(The regular meeting recessed at 10:30 p.m. and reconvened at 10:40 p.m.)*

Mr. Gary Foster advised that he has chosen not to speak in order to avoid any appearance of ethical violations.

The following person spoke in support of Ordinance Serial No. 10-085: Ms. Crystal Nygard.

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

MOTION: Assemblymember Arvin moved to adopt Ordinance Serial No. 10-085.

Assemblymember Arvin:

- stated that he is not in favor of lifting the deed restrictions;
- further added that this was a commercial transaction where the buyer was aware of the deed restrictions;
- spoke to viewing the property in question; and
- requested support of the Assembly to not lift the deed restrictions.

Assemblymember Ewing:

- stated that he is not in support of the legislation; and
- noted that he understands what kind of impact lifting the restrictions could have on the surrounding community.

Assemblymember Colver stated that it is important for the Assembly to adhere to their processes.

Assemblymember Houston:

- opined that the deed restrictions should remain in place;
- further added that lifting the restrictions would set a unnecessary precedence;
- stated that he is not sure if building the condominiums is a scare tactic or not; and
- noted that he is not in support of the legislation.

VOTE: The motion failed unanimously.

MOTION: Assemblymember Woods moved to extend the meeting past 11 p.m. and not to exceed 12 a.m.

VOTE: The motion failed with Assemblymember Bettine, Woods, and Arvin in support.

MOTION: Assemblymember Woods moved to extend the meeting past 11 p.m. and not to exceed 11:30 p.m.

VOTE: The motion passed without objection.

4. Ordinance Serial No. 10-086: AN ORDINANCE ACCEPTING AND APPROPRIATING \$8,905,000 FOR A PORTION OF THE FISCAL YEAR 2011 DESIGNATED LEGISLATIVE GRANT PROJECTS FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT.
  - a. Resolution Serial No. 10-073: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR A PORTION OF THE FISCAL YEAR 2011 DESIGNATED LEGISLATIVE GRANT PROJECTS FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT.
    - (1) IM No. 10-144

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. 10-086 and Resolution Serial No. 10-073

VOTE: The motion passed without objection.

5. Ordinance Serial No. 10-087: AN ORDINANCE ACCEPTING AND APPROPRIATING \$25,000 FROM THE ALASKA STATE DEPARTMENT OF NATURAL RESOURCES, OFFICE OF HISTORY AND ARCHAEOLOGY, TO FUND 440, PROJECT NO. 15002, AND APPROVING THE SCOPE OF WORK AND BUDGET TO HIRE A CONTRACTOR TO REPAIR AND UPGRADE THE KNIK MUSEUM, IN ACCORDANCE WITH THE SECRETARY OF THE INTERIOR'S GUIDELINES FOR HISTORIC BUILDINGS.
  - a. Resolution Serial No. 10-074: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 15002, KNIK MUSEUM REPAIRS TO ALLOW THE BOROUGH TO HIRE A CONTRACTOR TO REPAIR AND UPGRADE THE KNIK MUSEUM IN ACCORDANCE WITH THE SECRETARY OF THE INTERIOR'S GUIDELINES FOR HISTORIC BUILDINGS.
    - (1) IM No. 10-146

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 Ewing spoke to his support of the legislation.

MOTION: Assemblymember Bettine moved to adopt Ordinance Serial No. 10-087 and Resolution Serial No. 10-074.

VOTE: The motion passed without objection.

6. Ordinance Serial No. 10-088: AN ORDINANCE ACCEPTING AND APPROPRIATING \$9,127 FROM THE ALASKA STATE DEPARTMENT OF NATURAL RESOURCES, OFFICE OF HISTORY AND ARCHAEOLOGY TO FUND 480, PROJECT NO. 47022, AND APPROVING THE SCOPE OF WORK AND BUDGET TO RESEARCH AND NOMINATE TO THE NATIONAL REGISTER OF HISTORIC PLACES, THE FORMER UNITED STATES DEPARTMENT OF AGRICULTURE STAFF HOUSING, CONSTRUCTED FOR THE AGRICULTURAL RESEARCH STATION, LOCATED IN PALMER.
  - a. Resolution Serial No. 10-075: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 47022, TO CONDUCT RESEARCH AND TO NOMINATE TO THE NATIONAL REGISTER OF HISTORIC PLACES, THE FORMER UNITED STATES DEPARTMENT OF AGRICULTURE STAFF HOUSING, CONSTRUCTED FOR THE AGRICULTURAL RESEARCH STATION, LOCATED IN PALMER.
    - (1) IM No. 10-147

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 No. 10-088 and Resolution Serial No. 10-075.

VOTE: The motion passed without objection.

7. Ordinance Serial No. 10-089: AN ORDINANCE ADOPTING THE MATANUSKA RIVER MANAGEMENT PLAN 2010 AND AMENDING MSB 15.24.030, COMPREHENSIVE PLAN AND PURPOSES.
  - a. IM No. 10-148

Ms. Barker provided a staff report.

Mayor Colberg opened the public hearing.

The following person spoke in opposition to Ordinance Serial No. 10-089: Ms. Lucille Frey.

The following person spoke in opposition to Ordinance Serial No. 10-089 as it reads without amendments: Ms. Brit Lively.

The following person spoke to concerns with existing dike repair and alternative erosion control: Ms. Bridget Sasalla and Mr. Clint Nelson.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 10-089.

Assemblymember Woods:

- stated that she did read the amendments proposed by Ms. Lively; and
- proposed that the plan be postponed to the next regular meeting in order to address concerns put forth by the public.

MOTION: Assemblymember Woods moved to postpone Ordinance Serial No. 10-089 to a time certain of September 27, 2010.

VOTE: The motion passed without objection.

8. Ordinance Serial No. 10-090: AN ORDINANCE CALLING FOR A SPECIAL ELECTION ON JANUARY 11, 2011, TO FILL THE OFFICE OF THE MAYOR.
  - a. Ordinance Serial No. 10-091: AN ORDINANCE APPROVING A REAPPROPRIATION OF \$10,000 FROM THE MAYOR'S FISCAL YEAR 2011 OPERATION BUDGET (FUND 100) TO THE FISCAL YEAR 2011 ELECTIONS DIVISION OPERATING BUDGET (FUND 100) FOR THE SPECIAL ELECTION.
    - (1) IM No. 10-151
    - (2) AM No. 10-085: APPROVING A TRANSFER OF \$40,000 FROM THE ASSEMBLY RESERVES (100.100.102) TO PROVIDE FUNDING FOR THE SPECIAL ELECTION TO FILL THE OFFICE OF THE MAYOR (100.100.105).

Ms. McKechnie provided a staff report.

Mayor Colberg opened the public hearing.

The following person spoke in support of Ordinance Serial Nos. 10-090, 10-091 and AM No. 10-085:

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 Nos. 10-090, 10-091 and AM No. 10-085.

VOTE: The motion passed without objection.

9. Ordinance Serial No. 10-092: AN ORDINANCE APPROVING AN APPROPRIATION OF \$250,000 FROM BIG LAKE ROAD SERVICE AREA NO. 21 FUND BALANCE, FUND 277, TO FUND 410, PROJECT NO. 30043, FOR BIG LAKE ROAD SERVICE AREA NO. 21 CAPITAL PROJECTS.
  - a. IM No. 10-152

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. 10-092.

Assemblymember Bettine:

- stated that she would like to see improved budgets for the road service areas; and
- requested the support of the Assembly.

VOTE: The motion passed without objection.

D. CONSENT AGENDA (Resolution Serial No. 10-078 and AM No. 10-090 were pulled from the consent agenda and addressed separately. *See pp. 21-22*)

1. RESOLUTIONS

a. Resolution Serial No. 10-076: A RESOLUTION APPROVING A LOAN FROM REVOLVING LOAN FUND, FUND 600, IN THE AMOUNT OF \$30,000 TO THE TALKEETNA SEWER AND WATER SERVICE AREA NO. 36, FUND 293, TO BE USED TO IMPLEMENT THE SUPERVISORY CONTROL DATA ACQUISITION (SCADA) SYSTEM, BY PROVIDING HUMAN-MACHINE INTERFACE (HMI) INTEGRATION FOR THE THREE TALKEETNA LIFT STATIONS.

(1) IM No. 10-157

b. Resolution Serial No. 10-077: A RESOLUTION IN SUPPORT OF THE MAT-SU VALLEY SOUTH GATEWAY VISITOR CENTER PRELIMINARY FEASIBILITY STUDY. (*Sponsored by Assemblymember Woods*)

(1) IM No. 10-159

2. ASSEMBLY MEMORANDUMS

a. AM No. 10-083: VACATION OF A 33 FOOT WIDE PATENT RESERVATION ALONG THE SOUTHERN BOUNDARY OF UNITED STATES GOVERNMENT LOT 38 AND THE SOUTHEAST ¼ NORTHEAST ¼ SOUTHWEST ¼ SOUTHWEST ¼ SECTION 28, TOWNSHIP 19 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA, WITHIN PROPOSED SNOWLINE SUBDIVISION.

b. AM No. 10-086: ACCEPTANCE OF LATE FILED AND RETROACTIVE SENIOR CITIZEN AND DISABLED VETERAN EXEMPTION APPLICATIONS.

c. AM No. 10-088: AWARD OF BID NO. 11-023 TO TRIPLE V CONTRACTING, LLC, IN THE CONTRACT AMOUNT OF \$185,560 FOR PALMER AMBULANCE PUBLIC SAFETY BUILDING NO. 39 FACILITY IMPROVEMENTS.

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.

c. Resolution Serial No. 10-078: A RESOLUTION APPROVING THE STATE LEGISLATIVE PRIORITIES FOR THE MATANUSKA-SUSITNA BOROUGH FOR THE CALENDAR YEAR 2011.

(1) IM No. 10-160

MOTION: Assemblymember Colver moved to adopt Resolution Serial No. 10-078.

MOTION: Assemblymember Colver moved to postpone Resolution Serial No. 10-078 to a time certain of October 19, 2010.

VOTE: The motion passed without objection.

d. AM No. 10-090: AUTHORIZATION OF A CONTRACT AMENDMENT, CONTRACT NO. 08-129, TO SANDERS CONSULTING FORESTER IN THE AMOUNT OF \$262,108 FOR A ONE YEAR EXTENSION TO ASSIST THE BOROUGH WITH FORESTRY PROJECTS.

MOTION: Assemblymember Arvin moved to adopt AM No. 10-090.

Assemblymember Arvin:

- spoke to his concerns with the legislation;
- stated that the grant opportunity was missed due to postponement of previous legislation;
- spoke to concerns with extension of the contract;
- stated that he would like feedback regarding why it was not bid out; and
- stated that he would like to know what the consultants are being paid for.

Ms. Gray:

- stated that the consultants would be working on the wildfire mitigation process; and
- noted that due to the limited staff the Borough uses consultants.

Assemblymember Woods:

- spoke to her involvement in wildfire mitigation; and
- noted her support of the legislation.

Discussion ensued regarding the scope of work for the legislation

MOTION: Assemblymember Ewing moved to postpone AM No. 10-090 to a time certain of October 19, 2010.

Discussion ensued regarding wildfire mitigation.

VOTE: The motion passed without objection.

## **VIII. UNFINISHED BUSINESS**

*(There was no unfinished business.)*

### **C. OTHER NEW BUSINESS**

*(There was no other new business.)*

## **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**

Assemblymember Houston:

- stated that he appreciates the discussion regarding the ethical concern that was raised earlier;
- opined that people do not give up their personal public process when they volunteer on a Borough board; and
- opined that if it does, the Assembly needs to be aware of it when the ethics code revision comes forward.

Assemblymember Halter opined that the Assembly should have postponed the gravel ordinance indefinitely and come back with alternative legislation.

Assemblymember Colver:

- spoke to the upcoming work session regarding procurement procedures;
- opined that the Assembly will need a consultant to assist with rewriting procurement procedures;
- further added that it is too large of a project for the Assembly to do on their own; and
- requested that Mr. Spiropoulos look for someone to provide assistance.

Assemblymember Bettine:

- opined it was a good meeting;
- spoke to enjoying working with Assemblymember Woods; and
- thanked her for her hard work over the last six years.

Assemblymember Woods:

- stated that she would like to thank Usibelli Coal Mine, Dave Cruse Construction, and the other volunteers who assisted in cleaning up the dump site in Sutton;
- related that she is happy it was cleaned up;
- opined that it is a perfect example of how the State was not going to do anything, so the community did;
- stated that she has enjoyed her work, which has been difficult at times;
- commented how important it is to do the public's business by representing public business and interests;
- opined that the Assembly can make it work;
- requested that they keep that in mind; and
- stated that she has been humbled by the privilege to serve the public.

Mayor Colberg:

- stated that this is his last meeting with Assemblymember Woods; and
- opined that she has set the bar for public service very high.

#### XIV. ADJOURNMENT

The regular meeting adjourned at 11:30 p.m.



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RONALD ARVIN, Deputy Borough Mayor

ATTEST:



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LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 11/02/10