

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on October 19, 2010, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Talis Colberg.

II. ROLL CALL

Assembly members present and establishing a quorum were:

Mr. Warren Keogh, Assembly District No. 1
Mr. Noel Woods, Assembly District No. 2
Mr. Ronald Arvin, Assembly District No. 3 (*Deputy Mayor*)
Mr. Mark Ewing, Assembly District No. 4
Ms. Cindy L. Bettine, Assembly District No. 5
Mr. Jim Colver, Assembly District No. 6

Assemblymembers absent and excused:

Mr. Vern Halter, Assembly District No. 7

Staff in attendance were:

Ms. Lonnie R. McKechnie, Borough Clerk
Ms. Elizabeth Gray, Acting Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Cheryl D. Marino, Deputy Borough Clerk
Ms. Tammy Clayton, Finance Director
Ms. Shaune O'Neil, Public Works Director
Ms. Christine Nelson, Planning and Land Use Director
Mr. Dennis Brodigan, Emergency Services Director
Ms. Patty Sullivan, Public Affairs Director
Mr. Dave Hanson, Economic Development Director
Mr. Bruce Paulson, Land Management Specialist

III. APPROVAL OF AGENDA

Mayor Colberg queried if there was any objection to adding a proclamation in recognition of Mr. Charles Von Gunten to the Special Orders of the Day portion of the agenda.

There was no objection noted.

MOTION: Assemblymember Colver moved to take up the unfinished business portion of the agenda before 7 p.m., if time allowed and then to continue the unfinished business portion of the agenda at its normal place on the agenda should additional time be needed.

VOTE: The motion passed without objection.

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ms. Niki Taysom, a member of the audience.

V. SPECIAL ORDERS OF THE DAY

A. Appointment of Ron Arvin as Deputy Mayor

Mayor Colberg asked if there was any objection to appointing Assemblymember Arvin to Deputy Mayor.

There was no objection noted.

B. Proclamation in Recognition of Chief Charles Von Gunten Day

Mayor Colberg:

- read the proclamation honoring Chief Charles Von Gunten into the record; and
- presented the proclamation to Chief Charles Von Gunten.

Mr. Brodigan presented Mr. Von Gunten with a ceremonial fire axe in appreciation of his many years of service.

VI. MINUTES OF PRECEDING MEETINGS

A. Special Assembly Meeting: 09/14/10

B. Joint Assembly/School Board Meeting: 09/14/10

Mayor Colberg inquired if there were any corrections to the special meeting minutes of September 14, 2010, and the joint Assembly/School Board meeting minutes of September 14, 2010.

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

VII. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

(There were no report provided.)

2. Matanuska-Susitna Borough School District

Dr. Kenneth Burnley, Superintendent:

- reported on the student count numbers;
- noted that the rate of growth is slowing down; and
- invited the Assembly to attend the Consensus Building Workshop sessions on October 21, 2010, through October 23, 2010, in the School District's Administration building.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Arvin:

- noted that the Joint Assembly/School Board Committee on School Issues had met recently;
- reported that the main discussion topic was the Consensus Building Workshop; and
- invited the Assembly to visit the Consensus Building Workshop.

2. Assembly Public Relations

(There were no reports provided.)

C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues

Ms. Gray queried if the Assembly would like to have a meeting on the tall structure ordinances.

Assemblymember Bettine queried whether the Planning Commission had consensus on the tall structures legislation.

Ms. Nelson:

- reported that the Planning Commission unanimously recommended adoption on October 18, 2010;
- stated that the legislation is ready to come forward to the Assembly; and
- spoke to the reasons for the requested Assembly meeting regarding tall structures legislation.

Assemblymember Bettine requested to add the tall structures legislation as an agenda item on the November 20, 2010, meeting agenda.

There was no objection noted.

Ms. Gray queried if the Assembly would like to schedule a joint meeting with the State Legislative Delegation to discuss priorities.

Assemblymember Bettine spoke in support of scheduling a joint meeting with the State Legislative Delegation meeting in early December so that it would occur after the next Assembly Planning Session.

Assemblymember Ewing spoke in support of scheduling the meeting in early December.

MOTION: Assemblymember Bettine moved to have the following dates forwarded to the State Legislative Delegation for possible meeting dates: December 1st, 2nd, 3rd or 4th.

Assemblymember Ewing stated that he would like to see the work session be scheduled on Saturday, December 11, 2010.

Assemblymember Woods:

- noted that the State Legislative Delegation have full schedules in November and December; and
- spoke to the need to check with the State Legislative Delegation in the next couple of days.

Discussion ensued regarding proposed meeting dates for the Joint Assembly/State Legislative Delegation meeting.

VOTE: The motion passed with Assemblymember Ewing opposed.

Ms. Gray requested that Mr. Rick Mystrom provide a presentation on the Port Mackenzie Rail Extension Project.

Mr. Mystrom provided a presentation on the Port Mackenzie Rail Extension Project.

Assemblymember Bettine queried the reasons why the cement production plant would be in Fairbanks and not Port Mackenzie.

Mr. Mystrom:

- reported that ideally the cement plant should be somewhere between Livengood and Fairbanks, as ultimately there will be a rail line from Livengood to Fairbanks; and
- noted that the issue with having the cement plant at Port Mackenzie is that the limestone ends up in resulting in approximately 50 percent of the quantity of cement.

Assemblymember Colver:

- noted that he recently drove the Alcan highway;
- spoke to the multiple mining and gas line operations and the large number of natural resource development jobs in Canada;
- opined that the strong presence that the Federal Government has in Alaska has caused an obstacle;
- spoke to the need to reinvest;
- opined that the Assembly is not getting it done;

- spoke to concerns that the Borough will not have the jobs unless the natural resources are used;
- stated that the Borough needs to have the rail extension and it is in the best interest of the State;
- stated that the Borough will have a difficult time unless there is heavy lifting done to get the rail extension in the budget;
- noted that he is hopeful that the investment in jobs will be now; and
- stated that if the permit is granted to the Borough, the Borough will only need to get the funding.

Discussion ensued regarding:

- comparatively shorter timeframes for resource development processes in other countries; and
- the good job Mr. Mystrom is doing with the Port Mackenzie Rail Extension Project.

D. ATTORNEY COMMENTS

(There was no report provided.)

E. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule; and
- noted that at the last regular meeting, the Assembly requested to schedule a joint meeting with the Municipality of Anchorage Assembly; and
- reported that the MOA proposed to schedule the joint meeting on December 6, 2010, or December 9, 2010, from 3 to 5 p.m. in Eagle River.

MOTION: Assemblymember Keogh moved to schedule the meeting on December 9, 2010, at 3 p.m. in Eagle River.

VOTE: The motion passed without objection.

Ms. McKechnie:

- spoke to the Assembly policy established in 2002 regarding attending the Alaska Municipal League (AML) conferences;
- spoke to the previously adopted policy statement which noted that the Assembly would review the policy statement and resolutions from the AML;
- noted that the Assembly has not reviewed these since 2005; and
- queried if the Assembly would like this discussion to appear on the November 2, 2010, agenda.

There was no objection noted.

Assemblymember Bettine:

- spoke in support of the Assembly speaking with one voice;
- stated that Lynne Woods previously served as the Borough's AML representative;
- spoke to the importance that the AML Board has a representative from the Assembly; and
- noted that the AML Board seat for the Matanuska-Susitna Borough is an elected seat.

Assemblymember Ewing:

- stated that Deputy Mayor Woods served well on the AML board; and
- opined that Mr. Arvin would be a good AML board member.

Ms. McKechnie queried if the Assembly would like to reschedule the November 16, 2010, regular Assembly meeting due to the number of staff and Assembly attending conferences in Juneau at that time.

Assemblymember Colver requested that Ms. McKechnie bring the question back to the Assembly at the November 2, 2010, Assembly meeting.

Assemblymember Bettine queried the last date for the Assembly to adopt propositions for the January 11, 2010, special election.

Ms. McKechnie reported that the last date for the Assembly to adopt propositions for the January 11, 2010, special election ballot is November 12, 2010.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Borough Area Schools Site Selection Committee: Resolution Serial No. 10-01
 - b. Caswell FSA Board of Supervisors: 05/12/10
 - c. Fairview RSA Board of Supervisors: 02/23/10
 - d. Library Board: 06/09/10
 - e. Local Emergency Planning Committee: 07/21/10
 - f. Local RSA Advisory Board: 06/17/10
 - g. Mayor's Blue Ribbon Sportsmen's Committee: 03/12/10
 - h. Parks, Recreation, and Trails Advisory Board: 07/26/10, Resolution Serial No. 10-11
 - i. Platting Board: 08/05/10
 - j. Port Commission: 07/19/10, 08/31/10
 - k. Real Property Asset Management Board: 05/10/10, Resolution Serial Nos. 10-07, 10-08
2. Community Council Correspondence:
 - a. Big Lake Community Council: 01/13/10, 02/10/10, 03/10/10, 04/14/10

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

(The meeting recessed at 6:59 p.m. and reconvened at 7:04 p.m.)

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

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

(There were no persons to be heard.)

B. PUBLIC HEARINGS (Three minutes per person.)

1. Ordinance Serial No. 10-094: 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

Mr. Paulson provided a staff report.

Mayor Colberg opened the public hearing.

The following person spoke in support of Ordinance Serial No. 10-094: Mr. Dan Kruse, Big Lake Trails Vice President.

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. 10-094.

VOTE: The motion passed without objection.

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

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 Arvin moved to adopt Ordinance Serial No. 10-095 and Resolution Serial No. 10-079.

VOTE: The motion passed without objection.

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

Mr. Hanson provided a staff report.

Mayor Colberg opened the public hearing.

The following persons spoke in opposition to Ordinance Serial No. 10-096 and Resolution Serial No. 10-080: Mr. John Leiner and Ms. Niki Taysom.

The following persons spoke in support of Ordinance Serial No. 10-096 and Resolution Serial No. 10-080: Mr. Shane Lindsey and Ms. Jay Nolfi.

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

MOTION: Assemblymember Bettine moved to adopt Ordinance Serial No. 10-096 and Resolution Serial No. 10-080.

Assemblymember Colver:

- requested that Administration provide informational memorandums for the reimbursements, so that the Assembly could track where the funding is going; and
- queried whether the contracts over \$100,000 would come back to the Assembly.

Ms. Gray:

- noted that Administration will provide the Assembly with informational memorandums as requested; and
- reported that any contracts over \$100,000 will come back to the Assembly for approval.

Mr. Woods:

- spoke to public testimony regarding whether the coal would be shipped by rail or truck; and
- spoke to a conversation that he had with Usibelli Coal Mine Inc., regarding it being undecided, at this time, whether they would ship the coal by rail or truck.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke regarding the oath taken by Assembly members, the United States Constitution, the opposition of residents in regards to the Usibelli Coal Mine Inc., and spoke to concerns regarding what children are being taught in school: Ms. Niki Taysom.

The following persons spoke in support of Resolution Serial No. 10-085: Ms. Barbara Gerard, Academy Charter School Principal; Ms. Savannah Nardi; Mr. Dane Nardi; Mr. Vinnie Nardi; Ms. Loretta Nardi; Ms. Jackie Schmidt; Ms. Jennifer Schmidt; Mr. Rick Burns; Ms. Holly Metzler; Mr. Sean Reilly; Mr. Roger Gossett; Ms. Verona Berg; Mr. Don Paulson; Mr. Garrett Streitt; Mr. Jeff Streitt; Ms. Jill Shoman; Mr. Brent Taylor; and Ms. Donna Button.

The following person spoke to concerns regarding the materials extraction legislation: Mr. John Leiner.

The following person spoke in support of clean energy legislation at a federal level: Mr. Mark Masteller.

The following person spoke regarding lawful notice to the Assembly, and land in the Caswell Lakes area, and due process of law: Mr. Neil Snyder.

D. CONSENT AGENDA (Resolution Serial Nos. 10-082, 10-083, and 10-085 were pulled from the consent agenda and addressed separately. *See pp. 10-14*)

1. RESOLUTIONS

c. Resolution Serial No. 10-084: A RESOLUTION APPROVING THE AMENDED SCOPE OF WORK FOR THE ANIMAL CARE FACILITY, PROJECT NO. 10176.

(1) IM No. 10-165

2. ASSEMBLY MEMORANDUMS

a. AM No. 10-092: AWARD OF BID NO. 11-026 TO BURLINGTON ENVIRONMENTAL, LLC IN A CONTRACT AMOUNT NOT TO EXCEED \$60,000 FOR HOUSEHOLD HAZARDOUS WASTE COLLECTION AT THE CENTRAL LANDFILL FOR THE INITIAL CONTRACT TERM AND \$80,000 FOR EACH OF THE TWO ADDITIONAL ONE-YEAR CONTRACT EXTENSIONS.

Ms. McKechnie read the above legislation into the record.

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

VOTE: The motion passed without objection.

a. Resolution Serial No. 10-082: A RESOLUTION APPROVING THE GATEWAY COMMUNITY COUNCIL BOUNDARY AMENDMENT TO INCLUDE THE SUBDIVISION OF EAGLE ESTATES.

(1) IM No. 10-135

MOTION: Assemblymember Woods moved to adopt Resolution Serial No. 10-082.

Assemblymember Woods:

- noted that Eagle Estates is part of Assembly District No. 2;
- spoke to attending community council meetings through the years;
- stated that it appears that community councils have more prestige before the Assembly than the average group of people coming to speak to the Assembly; and
- spoke to the need to schedule a meeting to discuss the topic further.

MOTION: Assemblymember Woods moved to postpone Resolution Serial No. 10-082 to a time certain of November 2, 2010.

Assemblymember Bettine;

- noted that the Gateway Community Council and Eagle Estates are in support of Resolution Serial No. 10-082; and
- queried if there would be additional information coming forward.

Assemblymember Woods noted that he would have additional information that would be brought forward at the November 2, 2010, Assembly meeting.

VOTE: The motion to postpone Resolution Serial No. 10-082 to a time certain of November 2, 2010, passed without objection.

b. Resolution Serial No. 10-083: A RESOLUTION SUPPORTING THE SELECTION OF ALTERNATIVE B (MODIFIED) FOR THE PALMER/WASILLA HIGHWAY EASTERN TERMINUS PROJECT.

(1) IM No. 10-162

MOTION: Assemblymember Colver moved to adopt Resolution Serial No. 10-083.

Assemblymember Colver queried whether the Citizen's Advisory Committee had reached a consensus on the route.

Mr. Jim Amundsen, Alaska State Department of Transportation (DOT) Design Project Engineer, noted that the Committee had reached a consensus on the route.

Assemblymember Colver queried the issue of the Evergreen Avenue median.

Jim Amundsen, DOT Design Project Engineer:

- reported that the Evergreen Avenue median has been an ongoing discussion within the Citizens Advisory Committee;
- noted that the Citizens Advisory Committee is currently waiting until the DOT has a preliminary design to know whether there is anything to be contested;
- stated that the design is not developed enough along to determine if there is a need for a median; and
- noted that the DOT's commitment is that a median would be put in should there be safety requirements.

Assemblymember Bettine:

- noted that she owns property on Evergreen Avenue; and
- queried whether she had a conflict of interest with Resolution Serial No. 10-083.

(The meeting recessed at 8:19 p.m. and reconvened at 8:26 p.m.)

CONFLICT OF INTEREST: Assemblymember Bettine declared a conflict of interest on Resolution Serial No. 10-083 because she owns property on Evergreen Avenue.

(Assemblymember Bettine exited the meeting.)

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 10-083 by inserting a "further be it resolved" clause to read: "Further be it resolved that the Matanuska-Susitna Borough Assembly request that a center median on Evergreen Avenue not be placed if at all possible."

VOTE: The motion passed without objection.

Assemblymember Colver:

- noted that there appears to be consensus on the route; and
- stated that hopefully the Borough could move forward.

VOTE: The main motion passed as amended without objection.

(Assemblymember Bettine reentered the meeting.)

- d. Resolution Serial No. 10-085: A RESOLUTION ESTABLISHING THE ACADEMY CHARTER EXPANSION SCHOOL SITE SELECTION PROCESS SCOPE OF WORK AND TIMETABLE. *(Sponsored by Assemblymember Colver)*
- (1) IM No. 10-171

MOTION: Assemblymember Ewing moved to adopt Resolution Serial No. 10-085.

Assemblymember Ewing:

- noted that the same issue was approached years ago;
- commented that no fiscal note was attached to the legislation;
- spoke to the \$3,000,000 shortfall that was due to the one time grant going away;
- stated that he is not opposed to expansion;
- opined that there is a reason that people choose charter schools over public schools;
- noted that he attended Wasilla High School in portables;
- spoke to the condition of charter schools;
- spoke to the higher quality of education from charter schools;
- spoke to concerns regarding the Assembly superseding the Borough Schools Site Selection Committee, the School Board, and the School District;
- spoke to concerns with the timelines;
- noted that the Point Mackenzie and the Knik areas could use a charter school;
- commended the Academy Charter School (ACS) for doing wonderful things;
- spoke to the need to have information regarding the funding amounts and the size of the land; and
- stated that he could not support the legislation due to the mandates and the lack of a fiscal note.

Assemblymember Colver:

- noted that the legislation was brought forward because ACS has been trying to get out of the portables;
- stated that ACS is unable to expand because of city of Palmer parking regulations;
- spoke to the need for additional land;
- stated that he envisioned it as creating a process that would go through the Borough Area Schools Site Selection Committee;
- spoke to setting the timetable;
- commented that the ACS has been waiting for seven years to expand;
- opined that it would be an arduous process if the legislation was to go through the entire Planning process;
- stated that the legislation is a road map to get things going; and
- advised that additional legislation with the funding would come back to the Assembly.

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 10-085 as follows:

- by striking the last complete whereas paragraph on page one which reads: “Whereas, MSB code 19.08.020(F)(2)(b), directs that a Charter School seeking permanent facilities shall recommend to the Mayor two representatives to participate on the borough school site selection committee; and”;
- by striking page two except for the following words: “expansion; and”;
- by striking paragraph nos. 3 and 4 on page three and inserting in its place “Now, Therefore be it Resolved, that the Matanuska-Susitna Borough Assembly supports the acquisition of land for the Academy Charter School.”; and

- by striking the following words from page 3 in the “further be it resolved” which read: “will be utilized” and inserting in its place “can be used” to read: “Further be it Resolved, that the Matanuska-Susitna Borough Assembly resolves that borough school site acquisition fund can be used to fund the purchase.”

Assemblymember Colver:

- noted that the legislation is not an appropriation of funding, but simply a policy statement that the Assembly supports the ACS’s efforts;
- commented that ACS is in the former maintenance building;
- opined that ACS has an advantage over other charter schools, as they are located on public property;
- stated that the more the Assembly can do to keep ACS on public property, the better long term viability the schools have and their cost of operation is lower;
- noted that other legislation will come forward at the next meeting; and
- commented that the site selection process is not working for acquiring adjacent land.

Assemblymember Ewing spoke in support of the amendments.

Assemblymember Bettine:

- spoke in support of the amendments;
- noted that she is the Borough Area Schools Site Selection Committee Chair;
- spoke to the composition of the Borough Area Schools Site Selection Committee;
- commented that the School District forwarded the following priorities to the Borough Area Schools Site Selection Committee: a site for day school, a site for Iditarod Elementary, and a site for a high school on the Knik-Goose Bay Road;
- stated that the Committee had already forwarded a request to the Purchasing Division to develop the fees for the day school and for Iditarod Elementary School; and
- noted that the Committee did not request the same for the Knik Goose Bay High School because of the new Planning Commission tool for the build out analysis, as this tool would facilitate finding the right location for the school.

MOTION: Assemblymember Bettine moved a secondary amendment to Resolution Serial No. 10-085 by inserting the following: “Be it Further Resolved” that the Borough Schools Site Selection Committee will rank ACS with the other schools site selections utilizing the fund for purchase.”

Assemblymember Bettine:

- noted that the School District has ranked three projects;
- stated that there are other kids in portables as well; and
- commented that she is aware of the appraised value and if the Assembly could purchase the property for the appraised value, it would be a good buy.

Assemblymember Ewing:

- queried the appraised value of the property;
- queried whether Assembly action would affect the property value; and
- queried the size of the land.

Assemblymember Colver:

- stated that the site and cost information would come back to the Assembly in separate legislation;
- noted that the School District would be commenting on the next legislation that is coming forward;
- spoke to the reasons that Resolution Serial No. 10-085 was brought forward;
- stated that it is important to get this process going; and
- spoke in opposition to the secondary amendment.

Discussion ensued regarding concerns with the request for proposal ranking.

WITHDRAW: Assemblymember Bettine moved to withdraw the secondary amendment.

There was no objection noted.

VOTE: The primary amendment passed without objection.

Assemblymember Bettine requested a report listing all of the School District's portables.

MOTION: Assemblymember Keogh moved a primary amendment to Resolution Serial No. 10-085, to strike the title in its entirety and insert the following in its place: A resolution of the Matanuska-Susitna Borough Assembly supporting the Academy Charter Expansion.

Assemblymember Woods spoke in support of the legislation.

VOTE: The main motion passed as amended without objection.

G. INFORMATIONAL MEMORANDUMS

1. IM No. 10-166: MONTHLY REPORTING OF AMENDED CONTRACTS AND NEW AWARDS UNDER \$100,000, ALONG WITH SOLE SOURCE PROCUREMENTS, FOR THE PERIOD OF SEPTEMBER 1, 2010, TO SEPTEMBER 30, 2010.
2. IM No. 10-185: 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.

Assemblymember Arvin:

- spoke to concerns regarding two contracts within IM No. 10-185, that are slightly under the \$100,000 limit without being reviewed by the Assembly; and
- spoke to the need to revisit the dollar limit on the spending authority.

(The meeting recessed at 9:06 p.m. and reconvened at 9:20 p.m.)

IX. UNFINISHED BUSINESS

A. 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 enter into the Committee of the Whole.

VOTE: The motion passed without objection and the Assembly moved into the Committee of the Whole at 9:22 p.m.

MOTION: Assemblymember Colver moved to exit the Committee of the Whole.

VOTE: The motion passed without objection and the Assembly exited the Committee of the Whole at 9:55 p.m.

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

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

MOTION: Assemblymember Colver moved to enter into the Committee of the Whole.

VOTE: The motion passed without objection and the Assembly moved into the Committee of the Whole at 9:55 p.m.

MOTION: Assemblymember Ewing moved to exit the Committee of the Whole.

VOTE: The motion passed without objection and the Assembly exited the Committee of the Whole at 10:21 p.m.

MOTION: Assemblymember Colver moved to amend Resolution Serial No. 10-078 to strike the wording in the resolution in its entirety and to insert and direct staff to edit the project list in the following order:

- Rail Extension, \$55,000,000
- Bogard Road Extension, \$29,000,000
- Substandard Roads and Bridges, \$6,000,000

- Hatcher Pass, \$4,000,000
- South Denali, \$5,000,000
- Lucille/Seldon Road, \$1,500,000
- Hay Flats, \$1,000,000
- South Gateway Tourism, \$2,500,000
- 2010 STIP Projects (amounts to be determined by staff)
 - Trunk
 - Seward Meridian
 - and other 2010 projects

MOTION: Assemblymember Bettine moved a secondary amendment to add a community impact assessment in the amount of \$250,000 for the community of Big Lake.

Assemblymember Bettine:

- stated that the road system is going to be impacted by transportation to and from Port MacKenzie; and
- commented that the study would assist the Big Lake community's concerns in regards to the impact.

Assemblymember Ewing:

- noted that the Houston and Willow areas would need the study as well; and
- spoke in opposition to the secondary amendment.

Discussion ensued regarding whether the Big Lake community is the only community that needs an impact assessment.

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

VOTE: The motion to stop debate passed with Assemblymember Bettine opposed.

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

MOTION: Assemblymember Colver moved a secondary amendment to Resolution Serial No. 10-085, to add Sutton Library in the amount of \$500,000.

VOTE: The secondary amendment failed with Assemblymembers Keogh and Colver in support.

MOTION: Assemblymember Arvin moved a secondary amendment to strike the South Gateway Tourism in the amount of \$2,500,000 from the list.

Assemblymember Arvin:

- noted that four of the list items were wants and not needs; and
- spoke to the importance of forwarding a list of needs only.

Assemblymember Bettine:

- noted that tourism is another industry in the Borough;
- opined that not everything revolves around industry and Port Mackenzie;
- spoke to concerns with not asking for funding for tourism;
- commented that the Tourism Infrastructure Study notes that \$2,500,000 is what it will take to increase tourism in the Borough; and
- commented that when there is an increase in tourism there is an increase in accommodations, which increases property taxes.

Discussion ensued regarding the projects that need to remain on the list.

VOTE: The secondary amendment failed with Assemblymembers Woods, Arvin, and Ewing in support and Assemblymembers Keogh, Bettine, and Colver opposed. (Tie vote.) The motion failed with Mayor Colberg invoking his voting privilege in the negative.

MOTION: Assemblymember Colver moved a secondary amendment to direct staff to edit the project list to include bullets for the legislative priorities for the 2011 legislative session, dollar amounts, and a one-sentence explanation, to be included with a booklet of project descriptions.

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment passed as amended without objection.

VOTE: The main motion passed as amended without objection.

MOTION: Assemblymember Ewing moved to postpone the items listed under executive session to a time certain of November 2, 2010.

Ms. McKechnie:

- noted that the Assembly scheduled the Borough Manager interviews on October 26, 2010; and
- advised that one of the reasons for the executive session was to prepare the interview questions.

Assemblymember Ewing spoke to the need for the newly elected members to have time to review material for the Borough Manager interviews.

Assemblymember Keogh noted that he was prepared for the executive session.

Assemblymember Woods noted that he too was prepared for the executive session.

Mr. Spiropoulos reported that the reason for needing to meet in executive session regarding the Schumacher litigation is that there is a mediation for the case scheduled for Monday, October, 25, 2010.

MOTION: Assemblymember Ewing moved a primary amendment to strike the Schumacher litigation from the main motion.

VOTE: The primary amendment passed without objection.

VOTE: The main motion failed as amended with Assemblymember Ewing in support.

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

VOTE: The motion passed with Assemblymember Ewing opposed.

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

MOTION: Assemblymember Arvin moved to postpone AM No. 10-090 to a time certain of November 2, 2010.

(Assemblymember Ewing exited the meeting at 10:55 p.m.)

(Assemblymember Ewing entered the meeting at 10:56 p.m.)

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

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

VOTE: The motion passed without objection.

VOTE: The main motion failed with Assemblymembers Keogh and Bettine in support.

IX. NEW BUSINESS

A. INTRODUCTION (For public hearing – 11/02/10, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 10-098: AN ORDINANCE ACCEPTING AND APPROPRIATING \$605,000 FOR A PORTION OF THE FISCAL YEAR 2011

DESIGNATED LEGISLATIVE GRANT PROJECTS FROM THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT.

- a. Resolution Serial No. 10-086: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR A PORTION OF THE FISCAL YEAR 2011 DESIGNATED LEGISLATIVE GRANT PROJECTS FROM THE DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT.
 - (1) IM No. 10-161
2. Ordinance Serial No. 10-099: AN ORDINANCE ACCEPTING AND APPROPRIATING \$338,407.49 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. 10-087: 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. 10-163
3. Ordinance Serial No. 10-100: AN ORDINANCE APPROPRIATING \$545 OF INTEREST EARNINGS FROM THE ANIMAL CARE FACILITY LEASE CERTIFICATES OF PARTICIPATION TO FUND 435, PROJECT NO. 10176, FOR INSTALLATION OF FLOORING AND ADDITIONAL FENCING AT THE NEW ANIMAL CARE FACILITY.
 - a. IM No. 10-164
4. Ordinance Serial No. 10-101: AN ORDINANCE APPROPRIATING \$228,407 FROM THE GREATER PALMER CONSOLIDATED FIRE SERVICE AREA FUND BALANCE, FUND 259, TO FUND 405, PROJECT NO. 45215, FOR THE PURCHASE OF A NEW FIRE ENGINE AND RELATED EQUIPMENT.
 - a. IM No. 10-167
5. Ordinance Serial No. 10-102: AN ORDINANCE AMENDING MSB 2.12.090, AGENDA; NOTICE OF MEETING; ORDER OF BUSINESS. (*Sponsored by Assemblymember Bettine*)
 - a. IM No. 10-170

Ms. McKechnie read the above legislation into the record.

MOTION: Assemblymember Arvin moved to introduce the legislation as read into the record by the Clerk and set the public hearings for November 2, 2010.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Colberg requested the following confirmations:

Board of Adjustment and Appeals
Glen Price, resignation
Board of Ethics
Jim Sykes, resignation
South Colony RSA No. 16
Marvin Yoder

Mayor Colberg made the following recommendations:

Emergency Medical Services Board
Charlie Moses
Bogard RSA No. 25
Gary Hessmer

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

VOTE: The motion passed without objection.

C. OTHER NEW BUSINESS

X. RECONSIDERATION

(There were no reconsiderations presented.)

XI. VETO

(There were no vetoes presented.)

XII. EXECUTIVE SESSION

- A. FILLING THE VACANCY OF THE BOROUGH MANAGER: REVIEW OF CANDIDATES, CANDIDATES QUALIFICATIONS, AND INTERVIEW QUESTIONS** *(for subjects that tend to prejudice the reputation and character of any person provided the person may request a public discussion.)*
- B. SCHUMACHER LITIGATION** *(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 be confidential.)*

- MOTION: Assemblymember Arvin moved to enter executive session:
- to discuss matters for subjects that tend to prejudice the reputation and character of any person provided the person may request a public discussion, in particular to review candidates, candidates qualifications, and interview questions to fill the vacancy of the Borough Manager; and
 - to discuss 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 be confidential, in particular to discuss the Schumacher litigation.

Those present during the executive session were: Mayor Colberg, Members of the Assembly, the Assistant Manager, the Attorney, and the Clerk.

VOTE: The motion passed without objection and the Assembly entered executive session at 10:58 p.m.

MOTION: Assemblymember Arvin moved to exit executive session.

VOTE: The motion passed and the Assembly exited executive session at 11:57 p.m.

MOTION: Assemblymember Arvin moved to interview via video conference Mr. Don Baird, Mr. Desi Mayo, Mr. Robert Reardon, and Mr. Greg Young on October 26, 2010.

VOTE: The motion passed without objection.

XIII. MAYOR AND ASSEMBLY COMMENTS

(There were no Assembly comments.)

XIV. ADJOURNMENT

The regular meeting adjourned at 11:59 p.m.



RONALD ARVIN, Deputy Borough Mayor

ATTEST:



LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 11/02/10