

**I. CALL TO ORDER**

The regular meeting of the Matanuska-Susitna Borough Assembly was held on November 3, 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 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 (*telephonically*)
- Mr. Vern Halter, Assembly District No. 7

Assembly members absent and excused were:

- Mr. Jim Colver, Assembly District No. 6

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
- Ms. Shaune O'Neil, Public Works Director
- Ms. Christine Nelson, Planning and Land Use Director
- Mr. Dennis Brodigan, Emergency Services Director
- Ms. Linda Brenner, Community Development Director
- Ms. Patty Sullivan, Public Affairs Director
- Mr. Dave Hanson, Economic Development Director
- Ms. Lauren Kruer, Planner II
- Mr. Paul Hulbert, Platting Officer
- Ms. Eileen Probasco, Planning Chief
- Ms. Deborah Wetherhorn, Administrative Secretary I
- Ms. Fran Segar-Boss, Cultural Resources Specialist

**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. Patty Sullivan, Public Affairs Director.

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

- A. Special Assembly Meeting: 10/20/09
- B. Regular Assembly Meeting: 10/20/09

Mayor Colberg inquired if there were any corrections to the special meeting minutes of October 20, 2009, or the regular meeting minutes of October 20, 2009.

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

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

##### **A. AGENCY REPORTS**

- 1. Reports from cities

##### Houston City

Mr. Ralph Buzard, Assistant Chair to Planning and Zoning Commission for the city of Houston;

- spoke in favor of the Borough delegating planning powers to the city of Houston;
- stated that it would allow the city to move forward in a positive manner; and
- requested that the Assembly approve the legislation.

- 2. Matanuska-Susitna Borough School District

##### **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.)*

##### **C. MANAGER COMMENTS**

- 1. State/Federal Legislation

Mr. Duffy:

- spoke to the Mangers Report previously provided by email;
- stated that the Federal Emergency Management Agency (FEMA) will be providing new flood insurance maps for the Borough area;
- stated that these maps are important, as they indicate what properties are in or outside of flood zones, as well as what type of building can occur in the area; and
- related that the Alaska State Department of Environmental Conservation committed funds for the Talkeetna and Garden Terrace water systems upgrades.

Assemblymember Woods:

- noted that there are constituents within her district that disagree with some of the designations within the FEMA maps; and
- queried if it possible to suggest additional changes.

Mr. Duffy:

- advised that the changes have already taken place;
- noted that more detailed and accurate mapping has occurred; and
- advised that the Butte area should have places that will be moved out of the flood plains by FEMA.

Assemblymember Arvin:

- spoke to road issues that some constituents have had;
- stated that Mr. Duffy handled it immediately; and
- related the residents were very pleased and requested that he pass on their thanks.

Assemblymember Ewing stated that the speed humps that have been recently installed work well.

Assemblymember Bettine queried how lakes are affected by the flood maps.

Mr. Duffy:

- related that there is a Memorandum of Agreement that details how lakes in the region are affected by floods; and
- noted that docks and other structures that are commonly found around lakes will not be required to obtain a flood hazard permit.

#### D. ATTORNEY COMMENTS

Mr. Spiropoulos:

- welcomed the new members of the Assembly;
- spoke to a presentation at the Municipal Lawyers Conference, by the municipal attorney from Kirkwood, Missouri;

- related that the presentation spoke to concerns with safety at public meetings; and
- stated that recent presentations he provided regarding the Open Meetings Act and public records were well attended and additional classes have been planned.

#### E. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule;
- stated that Ms. Cheryl Marino, Ms. Brenda Henry and herself, will be out of the office for the Alaska Association of Municipal Clerks conference November 16, 2009, through November 18, 2009;
- stated that Ms. Sharon Huckins will be Acting Clerk during her absence; and
- queried if the Assembly would like to schedule a meeting regarding the Bogard Road Extension update for December 1, 2009.

Assemblymember Ewing queried if that would be a 5 p.m. meeting.

Assemblymember Bettine queried if they were not done by 6 p.m. if they could run into the next meeting.

Ms. McKechnie advised that it would be more appropriate to continue the special meeting after the regular meeting.

*(The Assembly scheduled a special meeting regarding the Bogard Road Extension December 1, 2009, at 5 p.m.)*

Mr. Duffy introduced the new Planning and Land Use Director, Ms. Christine Nelson.

#### F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
  - a. Emergency Medical Services Board: 06/03/09
  - b. Fairview RSA No. 14 Board of Supervisors: 02/24/09, 05/05/09, 08/25/09
  - c. Greater Talkeetna RSA No. 29 Board of Supervisors: 07/09/09
  - d. Library Board: 05/16/09, 06/13/09
  - e. Local Road Service Area Advisory Board: 07/16/09, Resolution Serial No. 09-02
  - f. Mayor's Blue Ribbon Sportsmen Committee: 03/19/09
  - g. Real Property Asset Management Board: 08/12/09
  - h. Transportation Advisory Board: 05/27/09
  - i. Trapper Creek RSA No. 30 Board of Supervisors: 08/12/09
  - j. West Lakes FSA Board of Supervisors: 07/13/09, 08/18/09

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

G. INFORMATIONAL MEMORANDUMS

*(There were no informational memorandums presented.)*

IX. NEW BUSINESS

A. INTRODUCTION (For public hearing – 12/01/09, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 09-152: AN ORDINANCE ACCEPTING AND APPROPRIATING \$6,000 FROM THE ALASKA STATE DEPARTMENT OF EDUCATION TO FUND 480, PROJECT NO. 20378, FOR THE PUBLIC LIBRARY ASSOCIATION'S 2010 CONFERENCE GRANT FOR THE SUTTON, BIG LAKE, WILLOW, AND TALKEETNA PUBLIC LIBRARIES.

a. Resolution Serial No. 09-105: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE PUBLIC LIBRARY ASSOCIATION'S 2010 CONFERENCE GRANT FOR THE SUTTON, BIG LAKE, WILLOW, AND TALKEETNA PUBLIC LIBRARIES.

(1) IM No. 09-221

2. Ordinance Serial No. 09-153: AN ORDINANCE ACCEPTING AND APPROPRIATING \$3,000,000 FROM THE UNITED STATES DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT ADMINISTRATION FOR A BARGE DOCK EXPANSION PROJECT, FUND 450, PROJECT NO. 70008, AND APPROVING A WAIVER OF ROYALTY FEES ON APPROXIMATELY \$1,000,000 OR MORE OF BOROUGH MATERIALS TO BE USED FOR THE \$1,000,000 MATCH FOR THE PROJECT.

a. Resolution Serial No. 09-106: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE PORT MACKENZIE BARGE DOCK EXPANSION PROJECT NO. 70008, FUND 450.

(1) IM No. 09-222

3. Ordinance Serial No. 09-154: AN ORDINANCE ACCEPTING AND APPROPRIATING \$117,788 FROM THE ENVIRONMENTAL PROTECTION AGENCY TO FUND 480, PROJECT NO. 45197, FOR THE MATANUSKA-SUSITNA BOROUGH WETLANDS PROGRAM.

a. Resolution Serial No. 09-107: A RESOLUTION ESTABLISHING THE SCOPE OF WORK AND BUDGET AND AUTHORIZING THE MANAGER TO ENTER INTO THE GRANT AGREEMENT WITH THE ENVIRONMENTAL PROTECTION AGENCY FOR THE MATANUSKA-SUSITNA BOROUGH WETLANDS PROGRAM.

(1) IM No. 09-227

4. Ordinance Serial No. 09-155: AN ORDINANCE ACCEPTING AND APPROPRIATING \$1,661,000 IN AMERICAN RECOVERY AND REINVESTMENT ACT FUNDING FROM THE ALASKA STATE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES TO FUND 475, PROJECT NO.

20379, FOR THE CONSTRUCTION OF A PARK AND RIDE LOT, CONSTRUCTION OF BUS STOPS/SHELTERS, AND THE PURCHASE OF SHARE-A-RIDE VANS.

- a. Resolution Serial No. 09-108: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE CONSTRUCTION OF A PARK AND RIDE LOT, CONSTRUCTION OF BUS STOPS/SHELTERS, AND THE PURCHASE OF SHARE-A-RIDE VANS.

(1) IM No. 09-228

- 5. Ordinance Serial No. 09-156: AN ORDINANCE ACCEPTING AND APPROPRIATING \$10,557 FROM THE ALASKA STATE DEPARTMENT OF NATURAL RESOURCES, DIVISION OF PARKS AND OUTDOOR RECREATION, TO FUND 440, PROJECT NO. 15015, FOR THE MATANUSKA-SUSITNA BOROUGH TRAIL MARKING AND SIGNING II PROJECT.

- a. Resolution Serial No. 09-109: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE MATANUSKA-SUSITNA BOROUGH TRAIL MARKING AND SIGNING II PROJECT FUNDED BY THE ALASKA STATE DEPARTMENT OF NATURAL RESOURCES, DIVISION OF PARKS AND OUTDOOR RECREATION.

(1) IM No. 09-236

- 6. Ordinance Serial No. 09-157: AN ORDINANCE AMENDING MSB 19.08.020, LOCATION OF SCHOOL BUILDINGS; AND MSB 19.08.023, SITE APPROVAL PROCESS FOR LEASE OR CHARTER SCHOOL FACILITIES.  
*(Sponsored by Assemblymember Colver)*

- a. IM No. 09-248

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 December 1, 2009.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Colberg requested the following confirmations:

Aviation Advisory Board  
Barry Stanley  
Mike Frahm  
Archie Giddings  
Jane Dale  
Nicholas Cassara  
Norman Wakeman  
Paula Nance  
Mayor's Blue Ribbon Sportsmen Committee  
Tom Kluberton, Resignation  
Planning Commission  
Vern Halter, Resignation

Mayor Colberg made the following recommendations:

Aviation Advisory Board  
William Bruu  
Board of Adjustment and Appeals  
Andrew Robinson  
William Tull  
Claudia Roberts  
Board of Ethics  
Charissa Cherry  
Citizen's Advisory Committee on the Goose Creek Correctional Facility  
Lynn Gattis  
Commission on Salaries and Emoluments  
John Wood  
Michael Hodsdon  
Emergency Medical Services Board  
John Akers  
Enhanced 911 Advisory Board  
Clint Vardeman  
Rosemary Burnett  
Historical Preservation Commission  
Erik Hirschmann  
Joint Assembly/School Board Committee on School Issues  
Ron Arvin  
Jim Colver  
Library Board  
Melinda Dale

Local Emergency Planning Committee  
Tom Smayda  
Mayor's Blue Ribbon Sportsmen Committee  
Bruce Knowles  
Office of Administrative Hearings  
Ross Kopperud  
Real Property and Asset Management Board  
Bishop Buckle  
Kenneth Marsh  
Transportation Advisory Board  
Daniel Elliott  
Arthur Quaas  
Caswell FSA No. 135  
Cheryl Newsome  
Greater Palmer FSA No. 132  
Charles Akers  
Wasilla-Lakes FSA No. 130  
Fredrick Snodgrass  
Alpine RSA No. 31  
Marilyn Staggs  
Big Lake RSA No. 25  
Carol Christiansen  
Gold Trails RSA No. 28  
Kenny Moss  
South Colony RSA No. 16  
Edward Strabel  
Circle View & Stampede Estates Flood & Water Erosion Control No. 131  
Richard Jensen

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

MOTION: Assemblymember Woods moved a primary amendment to the Vacancy Report to have Mr. Mike Frahm and Mr. Nicholas Cassara's terms begin on the Aviation Advisory Board, January 1, 2010.

Mayor Colberg stated that due to the seats expiration dates needing to be staggered, a beginning term date for these two people of January 1, 2010, would alleviate them from having to reapply for the Board again before the end of the year.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

**XI. VETO** (Motion to override the Mayoral Veto of Resolution Serial No. 09-089, which was adopted 09/15/09)

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. 40719.

(1) IM No. 09-204

MOTION: Assemblymember Woods moved to override the mayoral veto of Resolution Serial No. 09-089.

VOTE: The motion to override the mayoral veto failed with Assemblymembers Houston and Woods in favor.

*(The meeting recessed at 6:19 p.m. and reconvened at 7 p.m.)*

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

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

*(There was no one signed up to testify.)*

B. PUBLIC HEARINGS (Three minutes per person.)

1. 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. Probasco 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. 09-143.

MOTION: Assemblymember Woods moved a primary amendment to Ordinance Serial No. 09-143, MSB 4.58.030(B)(3), to strike the following "at least two of the members shall represent the senior citizen residents of the Borough", and insert in its place:

- “(3) at least one member shall represent the senior citizen residents of Assembly districts 1, 5, or 7 and shall be an active member of a Senior Center Board.
- (4) at least one member shall represent the senior citizen residents of Assembly Districts 2, 3, 4, or 6 and shall be an active member of a Senior Center Board.”

MOTION: Assemblymember Houston moved a secondary amendment to insert the words “as is feasible” at the end of paragraphs (3) and (4).

Assemblymember Ewing queried if this changes the composition of the portion of code that states where each representative must be from.

Assemblymember Bettine:

- advised that due to the combining of the boards, composition was not specific as to include senior citizens; and
- noted that the intent of the amendment is to ensure that seniors are part of the composition of the Board.

VOTE: The secondary amendment failed with Assemblymember Houston in favor.

Discussion ensued regarding including representation of senior citizens on the Health and Social Services Board.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

2. Ordinance Serial No. 09-112: AN ORDINANCE REPEALING MSB 17.41, CITY OF HOUSTON LAND USE REGULATION; AND ADOPTING MSB 17.42, CITY OF HOUSTON SPECIAL LAND USE DISTRICT.
  - a. Resolution Serial No.09-075: A RESOLUTION AUTHORIZING THE BOROUGH MANAGER TO SIGN THE MEMORANDUM OF AGREEMENT WITH THE CITY OF HOUSTON FOR DELEGATION OF PLANNING AND LAND USE REGULATORY AUTHORITY.
    - (1) IM No. 09-168

Ms. Kruer provided a staff report.

Assemblymember Arvin queried what would cause the Borough to revoke the planning powers from the city.

Ms. Kruer stated that it would be for the Assembly to decide as to the reasons to revoke planning powers from the cities.

Mr. Duffy stated that the easiest example of a reason the Borough would take back planning powers from a city, would be if the city decided not to exercise planning powers any longer.

Discussion ensued regarding delegation and revocation of the planning powers to the city of Houston.

Mayor Colberg opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 09-112 and Resolution Serial No. 09-075: Mr. Ralph Buzard, Assistant Chair to Houston Planning and Zoning Commission; Mr. Lance Wilson, Deputy Mayor, city of Houston.

The following persons spoke in opposition to Ordinance Serial No. 09-112 and Resolution Serial No. 09-075: Ms. Julia Normand, Mr. Glenn Tilghman, and Mr. Paul Stout.

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

MOTION: Assemblymember Halter moved to adopt Ordinance Serial No. 09-112 and Resolution Serial No. 09-075.

Assemblymember Woods:

- noted that she is a proponent of the cities having power to govern their land planning; and
- spoke to phone calls and comments she had received in opposition to the legislation.

MOTION: Assemblymember Woods move a primary amendment to IM No. 09-168, Memorandum of Agreement, part 4 of the General Provisions, by inserting the words "all or any part of" after the word revoke to read:  
"Consistent with Alaska Statute 29.40.010, both the City and the Borough acknowledge that by ordinance, the Borough may revoke all or any part of the delegation of planning powers to the City at any time without the City's consent for any reason or for no reason."

Assemblymember Ewing queried the intent of the amendment.

Assemblymember Woods noted that the intent is to be able to revoke all or part of the delegation of planning powers.

Assemblymember Halter advised that he spoke to the city and they do not have an issue with the amendment.

VOTE: The primary amendment passed without objection.

Assemblymember Halter:

- stated that when the cities of Palmer and Wasilla received their land use powers that there were probably people who did not support it; and
- noted that the public in Houston elected the officials who are requesting land use powers.

Discussion ensued regarding:

- the Houston City Council voting in favor of receiving land use powers; and
- the possibility of the Borough revoking land use powers.

VOTE: The main motion passed as amended without objection.

3. Ordinance Serial No. 09-137: AN ORDINANCE ADOPTING MSB 27.15.060, ELIMINATION OF COMMON LOT LINES ON A RECORDED PLAT; AMENDING MSB 27.15.150, FINAL PLAT; PLATS NOTES; AND AMENDING 27.20.030, ACCESS REQUIRED.
  - a. IM No. 09-190

Mr. Hulbert provided a staff report.

Assemblymember Ewing:

- spoke to problems a constituent was having trying to remove a common lot line;
- opined that it should not be so difficult to make changes in the lot lines of your own property; and
- spoke to his support of streamlining the process.

Mr. Hulbert advised that this legislation would streamline the process for property owners.

Assemblymember Halter:

- queried Alaska Statute 27.20.030, access required; and
- further asked if the legislation will retain legal access to adjacent property.

Mr. Hulbert advised the legislation attempts to prevent stub roads that gain access through subdivisions.

Discussion ensued regarding legal access versus physical access.

Mayor Colberg opened the public hearing.

The following person spoke in support of Ordinance Serial No. 09-137: Mr. Gary LoRusso.

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. 09-137.

Assemblymember Woods stated that she is happy that staff is streamlining the process for property owners.

MOTION: Assemblymember Halter moved a primary amendment to Ordinance Serial No. 09-137, MSB 27.20.030(A), to insert the words "legal access" after the words "subdivision and" to read: "(A) There shall be physical access within legal rights-of-way to all subdivisions and to all lots within subdivision and legal access to adjacent properties except as allowed by subsection (B) and (C) of this subsection."

Assemblymember Bettine queried the intent of the amendment.

Assemblymember Halter stated that the intent is to retain legal access to adjacent properties, as physical access is being removed.

Discussion ensued regarding physical access versus legal access.

VOTE: The primary amendment passed with Assemblymember Woods and Houston opposed.

MOTION: Assemblymember Woods moved a primary amendment to Ordinance Serial No. 09-137, MSB 27.20.030(D), by inserting the words "or has never been constructed: at the end of the sentence to read "A subdivision plat which moves lot lines of an existing subdivision but does not increase the number of parcels of land or the projected traffic shall not require the construction of a physical road, if the existing road has been maintained by the Borough, city or state or has never been constructed."

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

4. Ordinance Serial No. 09-145: AN ORDINANCE AMENDING MSB 15.24.030 ADOPTING THE SUTTON COMPREHENSIVE PLAN, 2009 UPDATE.
  - a. IM No. 09-208

Ms. Probasco provided a staff report.

Mayor Colberg opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 09-145: Mr. George Rauscher, Sutton Community Council Chairman; and Ms. Jessica Winestaffer.

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 09-145.

MOTION: Assemblymember Woods moved a primary amendment to IM No. 09-208, Sutton Comprehensive Plan, Public Administration section, by striking the first paragraph in its entirety and inserting the following in its place:

“In the summer of 2009, the Sutton Community Council became incorporated as a non-profit organization. While this incorporation does not officially establish the community as a city, recognized by the local boundary commission, it does provide the possibility for the community to be the recipient of certain funding opportunities. The local governing body is still the Matanuska-Susitna Borough Assembly. The Borough recognizes the Sutton Community Council as an advisory entity.”

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

5. Ordinance Serial No. 09-146: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$38,500 COASTAL MANAGEMENT (306 PROGRAM, REQUIRED TASKS) GRANT TO FUND 480, PROJECT NO. 20158, FOR FISCAL YEAR 2010 REQUIRED TASKS.

a. Resolution Serial No. 09-099: A RESOLUTION ESTABLISHING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA COASTAL MANAGEMENT (306 PROGRAM, REQUIRED TASKS) GRANT FOR FISCAL YEAR 2010.

(1) IM No. 09-219

Ms. Probasco 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. 09-146 and Resolution Serial No. 09-099.

VOTE: The motion passed without objection.

6. Ordinance Serial No. 09-147: AN ORDINANCE ACCEPTING AND APPROPRIATING \$249,300 IN AMERICAN RECOVERY AND REINVESTMENT ACT FUNDING FROM THE UNITED STATES DEPARTMENT OF ENERGY TO FUND 480, PROJECT NO. 47019, FOR THE DOROTHY SWANDA JONES BUILDING ENERGY EFFICIENCY UPGRADES AND REGIONAL TRANSIT AUTHORITY PROJECT.

- a. Resolution Serial No. 09-100: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET AND AUTHORIZING THE MANAGER TO ENTER INTO THE GRANT AGREEMENT WITH THE UNITED STATES DEPARTMENT OF ENERGY FOR THE DOROTHY SWANDA JONES BUILDING ENERGY EFFICIENCY UPGRADES AND REGIONAL TRANSIT AUTHORITY PROJECT.
- (1) IM No. 09-223

Ms. Probasco and Mr. Duffy provided a staff report.

Assemblymember Ewing:

- opined that lights could be turned off when staff is not in their offices in order to conserve energy; and
- queried the amount of funds going toward the Regional Transit Authority project.

Mr. Duffy:

- advised that the Borough is requesting that \$50,000 be set aside for the regional transit authority analysis and implementation; and
- stated that once the offices are cleaned at the end of the night the lights are turned off.

Discussion ensued regarding:

- grant funds and the allocation of those funds;
- energy efficiency of the Dorothy Swanda Jones Building; and
- energy conservation.

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. 09-147 and Resolution Serial No. 09-100.

Assemblymembers Woods and Ewing spoke in favor of the legislation.

Assemblymember Houston:

- opined that this legislation goes hand in hand with the resolution that was vetoed this evening; and
- noted his support of the legislation.

Assemblymember Arvin queried if there were other stimulus funds coming forward to the Borough.

Mr. Duffy advised:

- related that a thorough search had been performed to determine what stimulus funds the Borough would qualify for; and
- stated that additional legislation will be coming forward regarding allocation of stimulus funds.

Discussion ensued regarding conservation of energy.

VOTE:           The motion passed without objection.

7.     Ordinance Serial No. 09-148: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$287,637 FROM THE UNRESTRICTED NET ASSETS IN THE SOLID WASTE ENTERPRISE FUND, FUND 510, TO THE FISCAL YEAR 2010 CENTRAL LANDFILL DIVISION OPERATING BUDGET, FUND 510.
  - a.     IM No. 09-232

Ms. O'Neil 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 No. 09-148.

VOTE:           The motion passed without objection.

8.     Ordinance Serial No. 09-149: AN ORDINANCE ACCEPTING AND APPROPRIATING \$310,910 FROM THE FEDERAL HIGHWAY ADMINISTRATION TO FUND 480, PROJECT NO. 47020 AND APPROVING THE SCOPE OF WORK AND BUDGET TO DEVELOP AND CONDUCT A FIELD VERIFICATION PROJECT IN PREPARATION FOR THE KNIK ARM BRIDGE CROSSING TO BE SPENT OVER A THREE YEAR PERIOD.
  - a.     Resolution Serial No. 09-101: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET TO RESEARCH DEVELOP AND CONDUCT A FIELD VERIFICATION PROJECT IN PREPARATION FOR THE KNIK ARM BRIDGE CROSSING.
    - (1)    IM No. 09-237

Ms. Segar-Boss 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 No. 09-149 and Resolution Serial No. 09-101.

VOTE: The motion passed without objection.

9. Ordinance Serial No. 09-150: AN ORDINANCE APPROPRIATING \$100,740 FROM INTEREST EARNINGS ON THE 2006 SERIES "B" GENERAL OBLIGATION BOND PROCEEDS TO FUND 400, PROJECT NO. 40162, FOR THE SOUTH PALMER ELEMENTARY SCHOOL PROJECT.
  - a. Resolution Serial No. 09-102: A RESOLUTION AMENDING THE BUDGETS FOR PROJECT NOS. 40138, 40139, 40140, AND 40162 TO SUPPLEMENT THE CONSTRUCTION OF SOUTH PALMER ELEMENTARY SCHOOL.
    - (1) IM No. 09-240

Ms. Shaune O'Neil provided a staff report.

Assemblymember Houston queried if future schools built within the Borough would be modeled after the South Palmer Elementary School.

Ms. O'Neil affirmed the query:

Assemblymember Bettine:

- stated that this is the second time the Assembly has had to appropriate funds in order to receive the Leadership in Energy and Environmental Design (LEED) silver certification; and
- opined that it is a huge expense.

Ms. O'Neill stated that in order to receive the silver certification, buildings must have their electrical and mechanical systems be certified by a LEED Certifier.

Discussion ensued regarding achieving energy efficiency standards.

Assemblymember Ewing queried the bond debt of the Borough.

Ms. Clayton reported that the bond debt total is \$170 million, which includes the Port MacKenzie project and the Parks Highway Upgrade Project.

Discussion ensued regarding obtaining LEED certification for South Palmer Elementary School.

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. 09-150 and Resolution Serial No. 09-102.

Assemblymember Houston noted his support of the legislation.

Assemblymember Arvin noted that obtaining LEED certification is expensive, due to many components of the certification.

VOTE: The motion passed without objection.

*(This meeting recessed at 8:51 p.m. and reconvened at 9 p.m.)*

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke to concerns with perceived conflicts within MSB Title 17 regarding requests for variances: Mr. Stephen Stoll.

The following person spoke to concerns regarding the South Trunk and Nelson Road Extensions: Ms. Monica Swan.

The following person spoke regarding energy conservation: Mr. Mike Chmielewski, of Radio Free Palmer.

D. CONSENT AGENDA

1. RESOLUTIONS

a. Resolution Serial No. 09-103: A RESOLUTION SUPPORTING THE STATE OF ALASKA IN THE ESTABLISHMENT OF THE GREATER RAILBELT ENERGY AND TRANSMISSION CORPORATION.

(1) IM No. 09-231

b. Resolution Serial No. 09-104: A RESOLUTION AUTHORIZING THE BOROUGH MANAGER TO SUBMIT A GRANT APPLICATION TO THE STATE OF ALASKA, FOR THE PURPOSE OF NOMINATING TWO HISTORIC DISTRICTS TO THE NATIONAL REGISTER OF HISTORIC PLACES; AND START COMPILING DATA ON HISTORIC FARMS.

(1) IM No. 09-246

2. ASSEMBLY MEMORANDUMS

a. AM No. 09-090: AWARD OF PROPOSAL NO. 10-031 TO LOUNSBURY AND ASSOCIATES, INC., USKH, AND ALASKA RIM ENGINEERING IN A CONTRACT AMOUNT FOR EACH FIRM, IN AN AMOUNT NOT TO EXCEED \$175,000 PER CALENDAR YEAR FOR RIGHT-OF-WAY SURVEY AND ASSOCIATED ENGINEERING SERVICES.

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.

Assemblymember Arvin:

- queried the funds for the contracts awarded through AM 09-090; and
- asked whether the delivery orders will come back before the Assembly.

Mr. Duffy advised that they would not come before the Assembly again.

Assemblymember Arvin:

- spoke to the amount of the award to each firm; and
- noted concern that it would not come before the Assembly again.

Mr. Duffy noted that the Assembly can either approve or disapprove projects that come forward in the capital budgets for road service areas.

Ms. Clayton:

- stated that in February 2010, a resolution will come before the Assembly identifying road service area priorities and the projects to be completed within that area; and
- noted that that it will not specifically state what the funds are allocated for, but will state the specific project.

Assemblymember Bettine:

- spoke to right-of-way acquisition and whether the study will include funds for this purpose; and
- opined that Assemblymember Arvin would like assurance that there is a process in place for the amount allocated to each project.

Mr. Duffy:

- advised that there is a scope of work and identified by line item what each allocation is for;
- stated that more often than not, right-of-way acquisition does include surveying; and
- related that the road service area boards will provide recommendations to the Assembly on their top priorities.

Discussion ensued regarding:

- the amount of funds being approved with AM No. 09-090;
- the contracts with each firm being one year, with the possibility of each firm requesting extensions, with a maximum of three years; and
- how the firms who were awarded the contracts were ranked.

VOTE: The motion passed without objection.

## VIII. UNFINISHED BUSINESS

*(There was no unfinished business.)*

## B. OTHER NEW BUSINESS

*(There was no other new business.)*

## X. RECONSIDERATION

*(There were no reconsiderations presented.)*

## XII. EXECUTIVE SESSION

*(There was no executive session held.)*

## XIII. MAYOR AND ASSEMBLY COMMENTS

Ms. McKechnie:

- stated that group and individual photos needed to be scheduled for the Assembly;
- queried if all Assembly Members would be available to have their photos taken on Tuesday, November 10; and
- stated that the Clerk's report includes an agenda and map to get to the Planning Session scheduled for November 7, 2009.

Assemblymember Woods stated that she enjoyed the meeting with the State Delegation.

Assemblymember Bettine queried when the Assembly's State and Federal priorities would be coming forward.

Mr. Duffy:

- stated that the Assembly will have a draft by November 10, 2009; and
- opined that the Assembly could address these priorities by the second meeting in December.

Assemblymember Bettine queried if there is any effort to get the Rail Extension project into the Governor's budget before the December 15, 2009, meeting.

Mr. Duffy:

- advised that there has been an effort; and
- explained that most of the effort has been towards the road bonds.

Assemblymember Arvin queried if it is possible to add discussion regarding access to South Palmer Elementary to the Planning Session agenda on November 7.

Ms. McKechnie:

- advised that what has been advertised for this meeting is the Assembly's goals and objectives with a focus on the Strategic Plan; and
- stated that she would recommend waiting for that discussion until it can be properly advertised.

Assemblymember Woods queried Administration's plan to address access concerns.

Mr. Duffy:

- noted that the Planning Commission has not made a recommendation as of yet; and
- stated that he would like to have an Assembly Work Session on this issue.

Assemblymember Ewing:

- welcomed the new Planning Director, Ms. Christine Nelson; and
- stated that energy conservation starts at home.

Assemblymember Halter:

- agreed with Assemblymember Ewing that we need to lead by example;
- stated that he appreciated the Mayor's reasoning for vetoing Resolution Serial No. 09-089; and
- stated that he would like administration to bring back a new proposal with a more palatable amount of funding.

#### XIV. ADJOURNMENT

The regular meeting adjourned at 9:32 p.m.

  
\_\_\_\_\_  
TALIS J. COLBERG, Borough Mayor

ATTEST:

  
\_\_\_\_\_  
LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 12/01/09