I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on November 10, 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 *(arrived at 6:29 p.m.)*
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
Mr. John Duffy, Borough Manager
Ms. Elizabeth Gray, Assistant 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. Linda Brenner, Community Development Director
Ms. Patty Sullivan, Public Affairs Director
Mr. Dave Hanson, Economic Development Director

III. APPROVAL OF AGENDA

Mayor Colberg:

- requested that a proclamation in recognition of Mr. Rodney Norwood Marsh be added under Special Orders of the Day; and
- requested that Mr. Lou Friend, MASCOT, be added to Agency Reports.

There was no objection noted.

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

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. David Cheezum.

V. MINUTES OF PRECEDING MEETINGS

Joint Assembly/Planning Commission Meeting: 10/27/09

Mayor Colberg inquired if there were any corrections to the Joint Assembly/Planning Commission minutes of October 27, 2009.

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

(There were no reports provided.)

2. Matanuska-Susitna Borough School District

(There was no report provided.)

3. Mat-Su Community Transit (MASCOT) – Mr. Lou Friend

Mr. Friend:
- provided an overview of MASCOT services;
- spoke to the people who use MASCOT services;
- spoke to other agencies that coordinate with MASCOT; and
- noted that they are looking forward to serving the community in the future.

Assemblymember Bettine:
- queried the cooperative work; and
- asked how the finances work when bringing Job Corps students to the Borough.

Mr. Friend noted that Job Corps purchases bus passes from MASCOT for the students.

Discussion ensued regarding:
- the Mat-Su Accessible Cab Program eligibility and set-up;
- MASCOT Anchorage routes; and
- the availability of seats.

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.)

VI. SPECIAL ORDERS OF THE DAY

A. Proclamation in Recognition of Mr. Rodney Norwood Marsh

Mayor Colberg read the proclamation into the record and presented it to his son, Mr. Rodney Marsh Jr.

MANAGER COMMENTS

1. State/Federal Legislation

Mr. Duffy:
- spoke to the Manager's Report that was previously provided;
- reported that he has started the revisions to the strategic plan; and
- requested that Mr. Dennis Clark from the Mat-Su College provide a report on the Paramedic Degree Program.

Mr. Clark:
- thanked the Borough for supporting the Paramedic Degree Program;
- noted that they are working diligently to grow to a four-year program;
- advised that there was a lot of input from the Emergency Services Department to hire a full time employee for the program;
- introduced Ms. Cathy Griffin who was hired to help get the program started; and
- requested that Ms. Griffin provide an update on the Paramedic Degree Program.

Ms. Griffin provided a report on the Paramedic Degree Program at the Mat-Su College.

(Assemblymember Houston arrived at 6:29 p.m.)

ATTORNEY COMMENTS

(There was no report provided.)

CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule; and
- queried if the Assembly would like to schedule the next Planning Session and joint Assembly/State Legislative Delegation meeting.

Assemblymember Bettine:

- requested that the Assembly Planning Session be held on January 7, 2010, at 9 a.m. at a location in Wasilla;
- requested that the joint Assembly/State Legislative Delegation be held the same day; and
- spoke to the need to have the Planning Session in the morning, break to meet with the State Legislative Delegation, and then resume Planning Session.

There was no objection noted.

(The Assembly scheduled the Planning Session for January 7, 2010, at 9 a.m. and a joint meeting with the State Legislative Delegation at 11:30 a.m. on the same day, with the intent to reconvene the Planning Session after the meeting with the State Legislative Delegation has concluded.)

Assemblymember Houston requested that the December 8, 2009, Assembly special meeting regarding the Fire Training Complex and the joint Assembly/School Board meeting be held at the Susitna Valley High School.

There was no objection noted.

Ms. McKechnie noted that she would check with the School District to see if Susitna Valley High School would be available for this meeting.

CITIZEN AND OTHER CORRESPONDENCE

MSB Board/Committee Minutes:

a. Caswell FSA No. 135: 08/12/09
b. Wasilla-Lakes, West Lakes, and Greater Palmer FSA Joint Board of Supervisors: 07/13/09
c. Planning Commission: 02/23/09, 03/02/09, 03/16/09, 04/20/09, 06/15/09, 07/20/09, 08/03/09, 08/17/09, 08/20/09, 08/24/09; Resolution Serial Nos.: 09-05, 09-13(AM), 09-14(AM), 09-15, 09-18(AM), 09-29, 09-30, 09-31, and 09-35

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

INFORMATIONAL MEMORANDUMS

(There were no informational memorandums presented.)

IX. NEW BUSINESS

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

1. Ordinance Serial No. 09-110: AN ORDINANCE REPEALING MSB 17.28, INTERIM MATERIALS DISTRICT; REPEALING MSB 17.30, CONDITIONAL USE PERMIT FOR EARTH MATERIALS EXTRACTION ACTIVITIES; ADOPTING MSB 28.10.025 PUBLIC NOTIFICATION; AMENDING MSB 28.100, DEFINITIONS; AND AMENDING MSB 28.30, EARTH MATERIAL EXTRACTION, TO CREATE COMPREHENSIVE EARTH MATERIALS EXTRACTION REGULATIONS, INCLUDING PROVISIONS FOR REGULATING EXCAVATION INTO THE SEASONAL HIGH WATER TABLE, RECLAMATION, AND PERFORMANCE SECURITIES.

a. Resolution Serial No. 09-073: A RESOLUTION ESTABLISHING FEES AUTHORIZED UNDER MSB 28.10.040, FEES; FOR EARTH MATERIAL EXTRACTION PERMIT APPLICATION PROCESSING AND INSPECTION UNDER MSB 28.30.

(1) IM No. 09-158

2. Ordinance Serial No. 09-158: AN ORDINANCE APPROVING AN APPROPRIATION OF $25,000 FROM ALPINE ROAD SERVICE AREA NO. 31 FUND BALANCE, FUND 285, TO FUND 410, PROJECT NO. 30051, FOR ALPINE ROAD SERVICE AREA NO. 31 CAPITAL PROJECTS.

a. IM No. 09-245

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.

MOTION: Assemblymember Woods moved to divide the question to take Ordinance Serial No. 09-110 and Resolution Serial No. 09-073 separately.

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

MOTION: First Segment. Assemblymember Woods moved to introduce Ordinance Serial No. 09-158 as read into the record by the Clerk and set the public hearing for December 1, 2009.

VOTE: The motion passed without objection.

MOTION: Second Segment. Assemblymember Woods moved to refer Ordinance Serial No. 09-110 and Resolution Serial No. 09-073 to the Planning Commission until February 16, 2010.

MOTION: Assemblymember Arvin moved a primary amendment to strike "February 16" and insert "March 31" in its place.

VOTE: The primary amendment passed without objection.

VOTE: The motion to refer Ordinance Serial No. 09-110 and Resolution Serial No. 09-073 to the Planning Commission passed as amended without objection.

(The meeting recessed at 6:44 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.)

B. PUBLIC HEARINGS (Three minutes per person.)

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

Ms. Brenner provided a staff report.

Mayor Colberg opened the public hearing.

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

MOTION: Assemblymember Halter moved to adopt Ordinance Serial No. 09-152 and Resolution Serial No. 09-105.

MOTION: Assemblymember Woods moved a primary amendment to IM No. 09-221 by inserting the words "Sutton and Talkeetna", before the words "Willow, and Talkeetna" in the first paragraph of the summary statement to read: The State of Alaska, Department of Education provided the Sutton, Big Lake, Willow, and Talkeetna Public Libraries with a $6,000 grant for the Public Library Association's 2010 Conference.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

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

Mr. Hanson and 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 Bettine moved to adopt Ordinance Serial No. 09-153 and Resolution Serial No. 09-106.

Assemblymember Arvin:
- noted that his employer has leased property at Port Mackenzie; and
- requested that Mayor Colberg rule whether he has a conflict of interest on this issue.

Mr. Spiropoulos:
- advised that state law states that when an Assemblymember has a financial interest in the action that the Assembly is taking, the Assemblymember must disclose the information to the Mayor and request a ruling as to whether or not they are recused from voting;
- noted that the Mayor then rules on whether the Assemblymember has a financial interest or not;
- stated that the Mayor's ruling can be overridden by the majority of the Assembly; and
- noted that the critical issue is what would the financial interest be to the Assemblymember who is disclosing the conflict.

Mayor Colberg queried Assemblymember Arvin's current job title.

Assemblymember Arvin noted that he is the Chief Operating Officer.

Mayor Colberg queried if Assemblymember Arvin's employer is currently using the dock.

Assemblymember Arvin:
- noted that his employer imports cement and other products at the deep water dock; and
- stated that this particular contract will not change his employer's efficiency at all.

Mayor Colberg queried if Assemblymember Arvin's employer was going to be a possible bidder on this project.

Assemblymember Arvin noted that his employer is not bidding on this project.

RULING: Mayor Colberg ruled that Assemblymember Arvin did not have a conflict of interest regarding Ordinance Serial No. 09-153 and Resolution Serial No. 09-106.

Assemblymember Bettine:
- noted that she attended the November 9, 2009, Port Commission meeting;
- spoke to a presentation that the Port Commission received regarding two different designs on the ferry terminal;
- noted that she was pleased that $1,000,000 of gravel is being used as a match instead of using tax payers property taxes; and
- urged the Assembly to support the legislation.

VOTE: The motion passed without objection.

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

Ms. Nelson 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. 09-154 and Resolution Serial No. 09-107.

Assemblymember Arvin:

- noted that the 30 percent match is listed as $50,481, but it does not equal 30 percent of the match request; and
- queried how the match works on the fiscal note.

Ms. Nelson stated that the grant application originally cited the 30 percent match as $50,345 and Ordinance Serial No. 09-154 lists the match as $50,481.

Assemblymember Arvin:

- spoke to the footnote on the fiscal note that states the amount cannot be determined; and
- queried how the fiscal notes are put together.

Ms. Clayton:

- noted that different granting agencies calculate the matches differently; and
- described how this grant was calculated.

Assemblymember Ewing queried how much of the $50,481 is to pay Borough employees and how much of it is to pay for private contractors.

Ms. Nelson noted that Borough employees paid from the $50,481 are the Project Manager, Environmental Planner, Water Quality Coordinator, and GIS Technician.

Mr. Duffy:

- noted that employees time would be used for the match; and
- advised that the majority of the work would be completed by contractors.

Assemblymember Ewing queried if the Borough will go out for a request for proposal (RFP) for this project.

Mr. Duffy noted that the Borough will go out for a RFP.

Discussion ensued regarding:

- mapping of wetlands; and
- the duties of the contractor.

VOTE: The motion passed without objection.

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

Mr. Brad Sworts provided a staff report.

Assemblymember Colver queried if there were deadlines to go out for request for proposal and to accept the funding.

Mr. Sworts:

- advised that the funding is coming through the Federal Transit Administration (FTA); and
- noted that the FTA has not notified the Borough as to the date that the project needs to begin;
- spoke to the information that the Borough is in the process of sending to the FTA; and
- noted that the deadline will be probably be 120 days from when the stimulus package is received.

Assemblymember Houston queried who is responsible for the preventative maintenance on the vans.

Mr. Sworts:

- noted that the Borough currently has an agreement with the sub-contractor, Vanpool Commuter Services Inc. (VPSI); and
- advised that VPSI is a private business that manages and oversees the share-a-ride vans for the Municipality of Anchorage.

Discussion ensued regarding:

- the possibility of the lot being located near a rail spur;
- the land sites that are possible for the bus stops;
- the Share-a-Ride Program; and
- the costs associated with the program.

Mayor Colberg opened the public hearing.

The following person spoke in support of Ordinance Serial No. 09-155 and Resolution Serial No. 09-108: Mr. Lou Friend, MASCOT Executive Director; and Ms. Stephanie Allen, Executive Director of the United Way of Mat-Su.

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. 09-155 and Resolution Serial No. 09-108.

VOTE: The motion passed without objection.

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

Ms. Brenner provided a staff report.

Mayor Colberg opened the public hearing.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 09-156 and Resolution Serial No. 09-109.

VOTE: The motion passed without objection.

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 OF CHARTER SCHOOL FACILITIES. *(Sponsored by Assemblymember Colver)*

a. IM No. 09-248

Mayor Colberg opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 09-157: Ms. Anna Wilbur Roys; Mr. Casey Bowen; Mr. Brent Taylor; Ms. Barbara Gerard; Mr. Roger Gossett; Ms. Jeanne Troshynski; Ms. Lori Kowtsky; Mr. Barrie Blackmen-Green; Ms. Dawn Paulson; Ms. Donna Button; Mr. Robert Collier; Ms. Jennifer Wedge; Ms. Loretta Nardi; Mr. Sean Riley; Mr. Greg Miller; Mr. Michael Backus; Mr. David Merrill; Mr. Doug Glenn; Mr. John Weetman, Assistant Superintendant of Matanuska-Susitna Borough School District; Mr. Chris Whittington-Evans; Ms. Lori Barrigan; Ms. Misty Adams; Ms. Jill Ferris; Ms. Colleen Vague, School Board President; Ms. Contessa Gossett; Mr. Tim Kelly; and Ms. Verona Berg.

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

(The meeting recessed at 8:40 p.m. and reconvened at 8:55 p.m.)

Assemblymember Colver requested Mr. Weetman, from the School District, to report on how the lease provision originated.

Mr. Weetman:
- spoke to the Joint Assembly/School Board Committee on School Issues meetings;
- provided an overview of the lease challenge regarding the Fronteras Charter School; and
- spoke to the School District's staff experience with facility leases.

Assemblymember Colver requested Mr. Weetman to report on the School Board and Charter School Work Sessions.

Mr. Weetman:
- spoke to the three School Board and Charter School Work Sessions regarding board policy;
- noted that there were discussions regarding facility challenges;
- noted the importance of looking at facilities at the beginning of the charter school process;
- reported on how the charter school process timelines affect grant opportunities;
- spoke to the federal grants that are available to charter schools; and
- spoke in favor of the modified ordinance language.

Assemblymember Bettine queried why the School Board did not forward a resolution supporting the legislation.

Mr. Weetman noted that he did not know if the School Board had received the legislation.

Mayor Colberg queried if Mr. Weetman was authorized to represent the School District.

Mr. Weetman noted that he was per the Superintendant, Mr. Troxel.

Discussion ensued regarding:
- adding grants to the State's priorities list;
- how many schools pay and the reason why these schools would pay property taxes;
- the amounts paid for leasing space; and
- whether the School District has sufficient staff to coordinate the new process.

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 09-157.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 09-157, MSB 19.08.023(B), by striking the word "August" and inserting in its place the word "July" to read: "Any person wishing to establish a charter school shall notify the Matanuska-Susitna Borough Superintendent of Schools of their intention no later than July 1 of the year preceding the year that the charter school is to begin operation."

Assemblymember Colver:

- thanked all of the public who spoke during the public hearing;
- noted that this legislation enables permanent facilities by various options; and
- spoke to the legislation language regarding leases.

VOTE: The primary amendment passed without objection.

Assemblymember Houston:

- stated his support of the concept, but has concerns regarding the process;
- spoke to the absence of a resolution from the School Board supporting the legislation;
- spoke to the public facilities plan that is out for public review that deals with the same issues; and
- noted the importance of receiving input from the School District and the Borough Area Schools Site Selection Committee.

MOTION: Assemblymember Houston moved to postpone Ordinance Serial No. 09-157 to a time certain of December 15, 2009.

Assemblymember Bettine:

- spoke to the funded document which provided recommendations on how to improve the school site selection process;
- noted that the document did not cover the content that is included in the legislation;
- spoke in appreciation of Assemblymember Colver bringing the legislation forward;
- spoke in favor of postponing the legislation; and
- queried if there was a need to adopt the legislation before December 1, 2009.

Assemblymember Colver:

- stated that there was no public testimony that opposed the legislation; and
- spoke to the need for Charter Schools to move forward.

Discussion ensued regarding:

- whether there was a need to postpone to look at things such as language of the grant process, and to provide the School Board time to respond;
- the achievements of Charter School students;
- the funding of Charter Schools; and
- the grant language.

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

VOTE: The motion passed without objection.

VOTE: The motion to postpone to a time certain of December 15, 2009, failed with Assemblymembers Woods, Houston, and Bettine in support.

MOTION: Assemblymember Bettine moved to extend the meeting to 10:30 p.m.

VOTE: The motion passed without objection.

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 09-157 to strike MSB 19.08.023(B)(1) which reads "A waiver for good cause may be granted by the School Board for applications received after August 1st" in its entirety.

VOTE: The primary amendment failed with Assemblymember Bettine in support.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 09-157, MSB 19.08.023(B)(1), by striking the word "August" and inserting in its place the word "July" to read: "A waiver for good cause may be granted by the School Board for applications received after July 1st."

VOTE: The primary amendment passed without objection.

Discussion ensued regarding:
- whether Charter Schools can legally purchase space; and
- the concerns with taking the Planning Department out of the process.

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

VOTE: The motion passed with Assemblymembers Houston and Bettine in opposition.

VOTE: The main motion as amended passed without objection.

MOTION: Assemblymember Colver moved to reconsider Ordinance Serial No. 09-157.

Assemblymember Arvin spoke to concerns with the use of immediate reconsideration of legislation.

VOTE: The motion to reconsider Ordinance Serial No. 09-157 failed with Assemblymember Bettine in support.

MOTION: Assemblymember Ewing moved to extend the meeting to 11 p.m.

VOTE: The motion passed without objection.

7. Resolution Serial No. 09-111: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR MASCOT OPERATING ASSISTANCE AND AUTHORIZING THE MANAGER TO ENTER INTO AN AGREEMENT WITH MASCOT REGARDING THE USE OF THE FUNDS.

a. IM No. 09-230

Mr. Sworts provided a staff report.

Mayor Colberg opened the public hearing.

The following persons spoke in support of Resolution Serial No. 09-111: Mr. Archie Giddings, MASCOT Treasurer; Mr. John Cannon, MASCOT Board Member and Executive Director of Mat-Su Services for Children.

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 Resolution Serial No. 09-111.

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 09-111 by:

- inserting a "Whereas" clause before the "Now, Therefore Be it Resolved" to read "Whereas, in light of the recent MASCOT budget shortfall and reduction in service, accountability, for use of public funds is prudent." and
- inserting the following "Be It Further Resolved" at the end of the Resolution to read:

"BE IT FURTHER RESOLVED that:

1. The grant shall be released in two allocations of $100,000 each;
2. Of the first $100,000, $20,000 shall be expended for a financial and management audit;
3. Prior to release of the remaining $100,000, MASCOT shall present the audit results to the Assembly no later than six months from adoption of this resolution;"

Assemblymember Colver:

- spoke to concerns with releasing all of the funds at once; and
- spoke to the need to stay within the budget.

Assemblymember Houston queried if $20,000 will pay for a management audit.

Mr. Duffy noted that $20,000 would fund a management audit.

Assemblymember Arvin suggested that an internal management audit coupled with an external financial audit would be sufficient for this budget and would save $20,000.

MOTION: Assemblymember Arvin moved a secondary amendment to strike language from no. 2 of the "be it further resolved" clause and to insert the following language in its place "2. MASCOT will provide the Assembly with an external financial audit and internal management audit; and"

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

(The meeting recessed at 10:45 p.m. and reconvened at 10:49 p.m.)

VOTE: The primary amendment passed as amended without objection.

VOTE: The main motion passed as amended without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke regarding birth certificates, deeds, homestead documents, and possession of private lease holds: Mr. Neil Snyder.

MOTION: Assemblymember Colver moved to suspend the rules to extend the meeting to 11:20 p.m.

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

The following person spoke in opposition of referring Ordinance Serial No. 09-110 back to the Planning Commission and the need for the Assembly to act on the legislation: Mr. John Leiner.

The following person spoke regarding the city of Palmer participating in discussions for funding MASCOT, expressed appreciation for the Assembly taking action on the MASCOT legislation, and encouraged the Assembly to ride a MASCOT bus: Mr. Mike Chmielewski.

The following person spoke to concerns regarding having to cancel Library Board meetings due to lack of a quorum and the need for the Borough to look at improving the process: Ms. Jeanne Troshynski.

D. CONSENT AGENDA (Resolution Serial No. 09-112 and AM No. 09-091 were pulled from the consent agenda and addressed separately. *See pp. 17*)

1. RESOLUTIONS

b. Resolution Serial No. 09-113: A RESOLUTION AMENDING THE BUDGETS FOR WASILLA-LAKES FIRE STATION 6-3, PROJECT NO. 10164, AND WASILLA-LAKES FIRE STATION 6-6, PROJECT NO. 10169, AND APPROVING THE SCOPE OF WORK AND BUDGET FOR WASILLA-LAKES FIRE STATIONS 6-3 AND 6-6 CONSTRUCTION PROJECT NO. 10169.

(1) IM No. 09-243

c. Resolution Serial No. 09-114: A RESOLUTION ESTABLISHING DATES CERTAIN FOR PAYMENT, DELINQUENCY, PROTEST, AND APPEAL OF 2010 REGULAR ASSESSMENT AND TAX ROLLS, BUSINESS INVENTORY FILING, AND FOR THE COMMENCEMENT OF HEARINGS BEFORE THE BOARD OF EQUALIZATION.

(1) IM No. 09-244

Ms. McKechnie read the above legislation into the record.

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

VOTE: The motion passed without objection.

a. Resolution Serial No. 09-112: A RESOLUTION AUTHORIZING THE MANAGER TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE ALASKA STATE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES TO INITIATE, PROVIDE FUNDING, AND CONSTRUCT THE PORT MACKENZIE ACCESS ROAD (UPGRADE) PROJECT.
(1) IM No. 09-238

CONFLICT OF INTEREST: Assemblymember Arvin declared a conflict of interest on Resolution Serial No. 09-112.

RULING: Mayor Colberg ruled that Assemblymember Arvin had a conflict of interest and would be recused from voting on the issue.

(Assemblymember Arvin exited the meeting.)

Mayor Colberg inquired if there was any objection to Resolution Serial No. 09-112.

GENERAL CONSENT: The resolution passed without objection.

a. AM No. 09-091: APPROVING THE 2010 ASSEMBLY MEETING SCHEDULE.

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

MOTION: Assemblymember Woods moved a primary amendment to AM No. 09-091 to strike the July 6, 2010, Assembly meeting date from the 2010 Assembly regular meeting schedule.

VOTE: The primary amendment passed without objection

VOTE: The main motion passed as amended without objection.

VIII. UNFINISHED BUSINESS

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Colberg requested the following confirmations:

Board of Adjustment and Appeals
- Andrew Robinson (term begins: 01/01/2010)
- William Tull (term begins: 01/01/2010)

Board of Ethics
- Charissa Cherry (term begins: 01/01/2010)

Citizens Advisory Committee on the Goose Creek Correctional Facility
- Lynn Gattis (term begins: 01/01/2010)

Commission on Salaries and Emoluments
- John Wood (term begins: 01/01/2010)
- Michael Hodsdon (term begins: 01/01/2010)

Emergency Medical Services Board
- John Akers (term begins: 01/01/2010)

Enhanced 911 Advisory Board
- Rosemary Burnett
- Clint Vardeman (term begins: 01/01/2010)

Historical Preservation Commission
- Erik Hirschmann (term begins: 01/01/2010)

Jt. Assembly/School Board Committee on School Issues
- Ron Arvin
- Jim Colver

Library Board
- Melinda Dale (term begins: 01/01/2010)

Local Emergency Planning Committee
- Tom Smayda (term begins: 01/01/2010)

Mayor's Blue Ribbon Sportsmen's Committee
- Bruce Knowles (term begins: 01/01/2010)

Office of Administrative Hearings
- Ross Kopperud (term begins: 01/01/2010)

Real Property Asset Management Board
- Bishop Buckle (term begins: 01/01/2010)
- Kenneth Marsh (term begins: 01/01/2010)

Transportation Advisory Board
- Daniel Elliott
- Arthur Quaas (term begins: 01/01/2010)

Caswell Fire Service Area No. 15
- Cheryl Newsome (term begins: 01/01/2010)

Greater Palmer Fire Service Area No. 132
- Charles Akers (term begins: 01/01/2010)

Wasilla Lakes FSA No. 130
- Frederick Snodgrass (term begins: 01/01/2010)

Alpine Road Service Area No. 31
Marilyn Staggs (term begins: 01/01/2010)
Big Lake Road Service Area No. 21
James Clemensen (term begins: 01/01/2010)
Bogard Road Service Area No. 25
Carol Christiansen (term begins: 01/01/2010)
Gold Trails Road Service Area No. 28
Kenny Moss (term begins: 01/01/2010)
South Colony Road Service Area No. 16
Edward Strabel (term begins: 01/01/2010)
Circle View & Stampede Estates Flood & Water Erosion Control # 131
Richard Jensen (term begins: 01/01/2010)

Mayor Colberg made the following recommendations:
Animal Care and Regulation Board
Theresa Morache (term begins: 01/01/2010)
Board of Adjustment and Appeals
Claudia Roberts
Borough Area Schools Site Selection Committee
Cindy Bettine
Pete Houston
Emergency Medical Services Board
Roger Swingle (term begins: 01/01/2010)
Health and Social Services Board
Elsbeth (Betsy) Woodin (term begins: 01/01/2010)
Human Services Citizens Advisory Committee
Kelly Marre (term begins: 01/01/2010)
Library Board
Sharon Scott (term begins: 01/01/2010)
Local Emergency Planning Committee
William Costello (term begins: 01/01/2010)
Mayor's Blue Ribbon Sportsmen's Committee
Larry Engel (term begins: 01/01/2010)
Parks, Recreation, and Trails Advisory Board
Sharon McEntee (term begins: 01/01/2010)
Planning Commission
Gary Foster (term begins: 01/01/2010)
Platting Board
Anne Winckler (term begins: 01/01/2010)
Talkeetna Fire Service Area No. 24
Lori Chesney (term begins: 01/01/2010)
Mark Wildermuth (term begins: 01/01/2010)
Greater Willow Road Service Area No. 20
John Grohol (term begins: 01/01/2010)

MOTION: Assemblymember Woods moved to approve the Mayor's recommendations for confirmation this evening with the exception of Clint Vardeman to the Enhanced 911 Advisory Board.

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

(There was no executive session held.)

XIII. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Houston:
- reiterated that reconsideration exists for a reason; and
- spoke to the importance of using it to the purpose that it is designed for.

Assemblymember Halter:
- agrees with only using reconsideration for the purpose that it is designed for; and
- spoke to possible amendments to code regarding reconsideration.

Assemblymember Ewing:
- spoke to the restriction of rules regarding reconsideration in relation to contracts;
- spoke to the need to redesign the process;
- thanked Mr. Duffy and Paul Hulbert for their work; and
- spoke to the need to streamline wording for lot lines as it needs to be easier for the public.

Assemblymember Colver:
- thanked everyone for the debate and reform of the charter school process;
- noted that he will not be present at the Joint Assembly/School Board meeting on December 8, 2009.
- spoke to needing a financial plan to fund new schools; and
- spoke to the need to interact with the School District when working on a plan for a new school.

Assemblymember Woods:

- noted that next week will be busy with the Alaska Municipal League (AML) Conference and Board of Directors; and
- commented that she will be out of the state after the AML Conference.

XIV. ADJOURNMENT

The regular meeting adjourned at 11:17 p.m.

TALIS J. COLBERG, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 12/01/09