

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on November 23, 2010, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Deputy Mayor Ron Arvin.

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 (*attended telephonically*)
Ms. Cindy L. Bettine, Assembly District No. 5
Mr. Jim Colver, Assembly District No. 6 (*entered at 6:03 p.m.*)
Mr. Vern Halter, Assembly District No. 7

Staff in attendance were:

Ms. Lonnie R. McKechnie, Borough Clerk
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Brenda J. Henry, Executive Assistant to the Borough Clerk
Ms. Tammy Clayton, Finance Director (*acting Borough Manager*)
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
Ms. Sonya Conant, Human Resources Director
Mr. Jim Rowland, Public Works Civil Engineer

III. APPROVAL OF AGENDA

Deputy Mayor Arvin inquired if there were any changes to the agenda.

MOTION: Assemblymember Bettine moved to postpone Resolution Serial No. 10-078, under other new business to a time certain of December 7, 2010.

VOTE: The motion passed without objection.

MOTION: Assemblymember Halter moved to hear the executive session directly after agency reports.

VOTE: The motion passed without objection.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. John Klapperich, a member of the public.

V. MINUTES OF PRECEDING MEETINGS

- A. Special Assembly Meeting: 10/11/10
- B. Special Assembly Meeting: 10/19/10
- C. Regular Assembly Meeting: 10/19/10
- D. Special Assembly Meeting: 10/26/10
- E. Joint Assembly/Planning Commission Meeting: 10/26/10
- F. Regular Assembly Meeting: 11/02/10

Deputy Mayor Arvin inquired if there were any corrections to the special meeting minutes of October 11, 2010, October 19, 2010, October 26, 2010, the joint Assembly/Planning Commission meeting minutes of October 26, 2010, or the regular meeting minutes of October 19, 2010 and November 2, 2010.

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

- 1. Reports from cities

(There were no reports provided.)

- 2. Matanuska-Susitna Borough School District

(There were no reports provided.)

XII. EXECUTIVE SESSION *(for subjects that tend to prejudice the reputation and character of any person provided the person may request a public discussion.)*

A. HIRING OF THE BOROUGH MANAGER

MOTION: Assemblymember Bettine moved to enter into executive session to discuss subjects that tend to prejudice the reputation and character of any person provided the person may request a public discussion. Specifically to discuss the candidates for manager, candidate qualifications, and hiring of the Borough Manager. Those present during the executive session would be the members of the Assembly, the Attorney, and the Human Resources Manager.

MOTION: Assemblymember Woods moved a primary amendment to include Ms. McKechnie and Ms. Clayton in the executive session.

MOTION: Assemblymember Colver moved a secondary amendment to strike Ms. Clayton.

VOTE: The secondary amendment failed with Assemblymembers Bettine, Colver and Ewing in support.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection and the Assembly moved into executive session at 6:11 p.m.

MOTION: Assemblymember Bettine moved to exit executive session.

VOTE: The motion passed without objection and the Assembly exited executive session at 7:02 p.m.

Deputy Mayor Arvin advised that the Assembly did not conclude their business in executive session and would be entering executive session again at the end of the meeting.

B. PUBLIC HEARINGS (Three minutes per person.)

1. Ordinance Serial No. 10-082: AN ORDINANCE CREATING NORTH EDENFIELD ROAD, ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 443, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.

a. IM No. 10-150

Ms. Clayton provided a staff report.

Deputy Mayor Arvin opened the public hearing.

The following person spoke in support of Ordinance Serial No. 10-082: Mr. Chris Walsh, Mr. Richard Newman, Ms. Kristal Walsh, Mr. Brian Sexton, and Mr. John Oser.

The following person spoke to overall concerns with the LID: Mr. Shawn Rudnick.

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. 10-082.

VOTE: The motion passed without objection.

2. Ordinance Serial No. 10-093: AN ORDINANCE CREATING CENTENNIAL'S END SUBDIVISION ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 444,

APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.

- a. IM No. 10-155

Ms. Clayton provided a staff report.

Deputy Mayor Arvin opened the public hearing.

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

MOTION: Assemblymember Bettine moved to adopt Ordinance Serial No. 10-093.

VOTE: The motion passed without objection.

3. Resolution Serial No. 10-081: A RESOLUTION NAMING THE LAKE LOUISE WARM STORAGE FACILITY THE MATTHEWS PUBLIC SAFETY BUILDING.
 - a. IM No. 10-168

Mr. Brodigan provided a staff report.

Deputy Mayor Arvin opened the public hearing.

The following person spoke to concerns with naming public buildings after people in the community: Ms. Niki Taysom.

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

MOTION: Assemblymember Keogh moved to adopt Resolution Serial No. 10-081.

Assemblymember Woods:

- stated that he knows Mr. and Mrs. Matthews very well;
- related that they have gone out of their way in service to their community; and
- opined that naming the building in honor of them is appropriate.

Assemblymember Bettine:

- stated that she is familiar with the community council for the area;
- related that Mr. and Mrs. Matthews are very active in supporting their community;
- stated that the Matthews had been storing equipment and medicine in their own storage; and
- opined that it is appropriate to name the building after them.

Assemblymember Keogh:

- stated that he understands Ms. Taysom's concerns;
- further added that the Matthews had no expectation of the building being named after them; and
- noted that the legislation is a result of a request by former Assemblymember Lynne Woods.

VOTE: The motion passed without objection.

4. Ordinance Serial No. 10-103: AN ORDINANCE AMENDING MSB 18.04.035; PORT COMMISSION MEMBERSHIP, TO ALLOW PORT COMMISSION MEMBERS TO SERVE MORE THAN TWO CONSECUTIVE THREE-YEAR TERMS. *(Sponsored by Assemblymember Arvin)*
 - a. IM No. 10-174

Ms. McKechnie provided a staff report.

Deputy Mayor Arvin opened the public hearing.

The following person spoke in support of Ordinance Serial No. 10-103: Mr. Greg Bell, Port Commission member.

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. 10-103.

Deputy Mayor Arvin:

- spoke to his previous service on the Port Commission;
- stated that there are many members that have historical knowledge that should be retained;
- spoke to the vast development at the Port benefiting from retaining that knowledge; and
- noted that the legislation would allow members to serve additional terms.

Assemblymember Keogh:

- spoke to concerns with other Borough boards and commissions that may have valuable historical and institutional knowledge;
- stated that all boards and commissions should be treated the same; and
- opined that allowing the Port Commission members to serve additional terms would be making an exception that causes him concern.

Assemblymember Woods:

- spoke to his prior service on the Port Commission;
- stated that it takes the first term to begin to grasp the details of the port; and
- opined that retaining members with valuable knowledge and experience is paramount to the success of port projects.

Assemblymember Halter:

- stated that he is not against the legislation;
- spoke to term limits being favored by the public; and
- opined that it may become necessary to remove term limits all together.

Discussion ensued regarding:

- term limits for the Port Commission; and
- the possibility of removing term limits for all Boards and Commissions.

Deputy Mayor Arvin spoke to the possibility of including an amendment to provide for a sunset clause over the next ten years.

(The regular meeting recessed at 7:32 p.m. and reconvened at 7:40 p.m.)

MOTION: Assemblymember Colver moved a primary amendment Ordinance Serial No. 10-103, MSB 18.04035(B) to strike the words “more than two” and to insert in its place the words “up to three” to read: “Irrespective of the limits specified in MSB 4.05.050, a board member may serve up to three consecutive three-year terms.”

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended with Assemblymember Keogh opposed.

5. Ordinance Serial No. 10-104: AN ORDINANCE DIRECTING THE MANAGER TO INVESTIGATE THE POTENTIAL ACQUISITION OF ADJOINING LAND TO ALLOW FOR ACADEMY CHARTER SCHOOL TO EXPAND.
 - a. IM No. 10-176

Mr. Spiropoulos and Ms. Clayton provided a staff report.

Deputy Mayor Arvin opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 10-104: Ms. Barbara Gerard, Academy Charter School Principal; Ms. Dawn Paulson, Academy Charter Advisory Board Member; Ms. Jennifer Schmidt, Academy Charter School Vice-Principal; and Ms. Verona Berg, Academy Charter School teacher.

The following person spoke in opposition to Ordinance Serial No. 10-104: Ms. Niki Taysom.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 10-104.

Assemblymember Bettine:

- noted her support of the legislation; and
- queried when the lapsed funds will be placed into the site selection committee acquisition fund.

Ms. Clayton:

- related that the legislation speaks to funds that lapsed June 30, 2010; and
- stated that technically the funds are already there.

Assemblymember Bettine queried if the amount of the funds is \$1,000,000.

Ms. Clayton stated the amount is very close to \$1,000,000.

Assemblymember Bettine stated that she would like to see an amendment that the Borough work with the city of Palmer, as they are also interested in that land being acquired.

Assemblymember Colver:

- opined that the city of Palmer is part of the problem due to parking regulations;
- stated that if the land is acquired that it will go through the permitting process;
- opined that the City does not need to be involved in the process of determining whether or not the site would work; and
- stated that he is unsure what role the Borough would want the City to play in asking the manager to get an appraisal or negotiating a price.

Deputy Mayor Arvin stated that if the city of Palmer requires some portion of the property for access to the ball fields that it could be addressed when the land is acquired.

Discussion ensued regarding the need or possibility of involving the city of Palmer in the site acquisition.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 10-104, Section Two, second sentence, by striking “March 8, 2011” and insert in its place “February 15, 2011” to read: “The Manager is also authorized to make all inquiries, investigations, appraisals and negotiations deemed necessary or prudent, and shall report the outcome of any such actions to the Planning Commission, School Board and Borough Assembly by February 15, 2011.”

Assemblymember Halter opined that the date should remain March 8, 2011.

Assemblymember Colver opined that due to government moving slowly, it is important to do what can be done to help things move along.

Assemblymember Woods:

- stated that it is not mandatory timeframe; and
- spoke to his support of the amendment.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

6. Ordinance Serial No. 10-105: AN ORDINANCE AMENDING PORTIONS OF MSB 3.28, SPECIAL ASSESSMENTS; AS IT RELATES TO THE CREATION OF NATURAL GAS DISTRIBUTION LINE LOCAL IMPROVEMENT DISTRICTS.
(Sponsored by Assemblymember Ewing)
 - a. IM No. 10-177

Ms. McKechnie provided a staff report.

Deputy Mayor Arvin 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 Ewing moved to adopt Ordinance Serial No. 10-105.

Assemblymember Ewing:

- spoke to the legislation bringing the requirements down to 60 percent from 75 percent for petition approval;
- related that road local improvement districts (LID's) are only at 50 percent for petition approval; and
- spoke to concerns with the LID process and the way ballots are counted.

Assemblymember Keogh queried why there is such a large difference for road and gas LID's.

Ms. Clayton:

- advised that they both used to be at 50 percent; and
- stated that a previous Assembly member felt that gas LID's should be higher, therefore it was amended.

Assemblymember Bettine queried if it was to benefit a large private sector business.

Assemblymember Colver:

- related that it was due to concerns of some residents of the Big Lake area;
- stated that residents thought 50 percent was too small of a threshold; and
- opined that extending infrastructure is a positive move for the Borough.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 10-105, by striking "60 percent" and inserting "50 percent" throughout the legislation.

VOTE: The primary amendment passed with Assemblymembers Bettine, Keogh, and Arvin opposed.

Discussion ensued regarding:

- changing the percentage requirement down to 50 percent;
- ratio in percentages per property; and
- overall concerns with local improvement districts.

VOTE: The main motion passed as amended without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke to concerns with Usibelli mining on Wishbone Hill: Mr. Kirby Spangler.

The following person spoke to concerns regarding property he purchased from the Borough: Mr. Butch Moore.

The following person spoke to overall concerns with the School District: Ms. Niki Taysom.

D. CONSENT AGENDA (Resolution Serial No. 10-092 and AM Nos. 10-099 and 10-105 were pulled from the consent agenda and addressed separately. *See pp.10-12*)

1. RESOLUTIONS

a. Resolution Serial No. 10-090: A RESOLUTION AUTHORIZING PARTICIPATION IN AND SUBMISSION OF AN APPLICATION UNDER THE FEDERAL FISCAL YEAR 2010 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$850,000, FOR ALASKA ADDICTION REHABILITATION SERVICES, DBA NUGEN'S RANCH.

(1) IM No. 10-180

b. Resolution Serial No. 10-091: A RESOLUTION AUTHORIZING THE BOROUGH MANAGER TO SUBMIT A GRANT APPLICATION TO THE STATE OF ALASKA, FOR THE PURPOSE OF CREATING SEVEN SIGNS, INTERPRETING DENA'INA LIFESTYLES AND SUBSISTENCE PRACTICES FOR THE MATANUSKA RIVER PARK, LAKE LUCILLE PARK, AND WASILLA LAKE NEWCOMB PARK, LOCATED WITHIN THE MATANUSKA-SUSITNA BOROUGH AND THE CITY OF WASILLA.

(1) IM No. 10-181

2. ACTION MEMORANDUMS

a. AM No. 10-098: ACCEPTANCE OF LATE FILED AND RETROACTIVE SENIOR CITIZEN AND DISABLED VETERAN EXEMPTION APPLICATIONS.

c. AM No. 10-100: APPROVAL OF A CHANGE ORDER TO HATTENBURG, DILLEY, & LINNELL, IN THE AMOUNT OF \$20,000 FOR THE LUCILLE STREET REHABILITATION ENGINEERING STUDIES, PROJECT NO. 35025.

- d. AM No. 10-102: VACATION OF THE 17 FOOT WIDE PUBLIC USE EASEMENTS ACROSS LOT 1 AND LOT 2, BLOCK 1, MEMORY LAKE ESTATES UNIT II, LOCATED IN TOWNSHIP 18 NORTH, RANGE 01 WEST, SECTION 26, SEWARD MERIDIAN, ALASKA, RECORDED FEBRUARY 12, 1985, AT BOOK 402, PAGE 136 AND BOOK 402, PAGE 137.
- e. AM No. 10-103: VACATION OF PORTIONS OF THE SECTION LINE EASEMENT COMMON TO PROTRACTED SECTIONS 1 AND 2 LYING WITHIN THE PROPOSED ASLS 2006-44, LOCATED IN SECTIONS 1 AND 2, TOWNSHIP 18 NORTH, RANGE 12 WEST, SEWARD MERIDIAN.

Ms. McKechnie read the above legislation into the record.

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

VOTE: The motion passed without objection.

- c. Resolution Serial No. 10-092: A RESOLUTION APPROVING THAT THE MAYOR'S BLUE RIBBON SPORTSMEN'S COMMITTEE SHALL HAVE SEVEN REPRESENTATIVES INCLUDING ONE FROM THE MATANUSKA-SUSITNA BOROUGH, ONE SPORTS FISHING REPRESENTATIVE, ONE HUNTING REPRESENTATIVE AND FOUR AT-LARGE POSITIONS.

(1) IM No. 10-182

MOTION: Assemblymember Colver moved to adopt Resolution Serial No. 10-092.

Assemblymember Colver:

- spoke to the difficulty the committee has had in filling vacancies;
- stated that the purpose of the legislation is to ensure that the vacancies can easily be filled; and
- noted that the legislation will only affect new positions not existing positions.

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 10-092, by:

- the last whereas clause, to insert the word "Assembly" after the words "Matanuska-Susitna Borough"; and
- to insert a further be it resolved: "Further, be it resolved, that existing sportsmen committee members shall retain their seats, so that the change in qualifications applies only to new members beginning new terms."

VOTE: The primary amendment passed without objection.

Assemblymember Keogh:

- spoke in support of the legislation; and
- related that the committee has been influential in several ways.

Assemblymember Colver:

- spoke to the value of the recent fish symposium;
- stated that the symposium was well attended; and
- further added that it was good to have the participation to move Borough fish issues forward.

VOTE: The main motion passed as amended without objection.

- b. AM No. 10-099: APPROVAL OF A CHANGE ORDER TO LOUNSBURY AND ASSOCIATES, INC., IN THE AMOUNT OF \$165,000 FOR THE PARKS HIGHWAY CONNECTIONS, MACHEN ROAD ENGINEERING SERVICES PROJECT.

MOTION: Assemblymember Ewing moved to adopt AM No. 10-099.

Assemblymember Ewing:

- spoke to concerns with the rising costs of engineering services;
- queried the amount of the grant funds received for this project; and
- further inquired if the 66 percent rise in projected costs is due to change orders.

Mr. Jim Rowland:

- stated that the original grant funds were \$6,000,000;
- further added that an additional \$2,000,000 was just received;
- spoke to this actually being two projects; and
- stated that there is a total of \$8,000,000 for both projects.

Assemblymember Ewing spoke to his concerns with change orders.

Assemblymember Bettine queried if there was enough funds to complete the project.

Mr. Rowland:

- stated that right-of-way acquisition is currently the portion of the project that is being addressed; and
- affirmed the query.

Assemblymember Bettine queried if the project would be completed by next winter.

Mr. Rowland stated that if the project goes smoothly that it could be completed by next winter.

Assemblymember Colver thanked Mr. Rowland for his many years of invaluable service to Borough road projects.

VOTE: The motion passed without objection.

- f. AM No. 10-105: AUTHORIZATION TO PURCHASE A ONE-YEAR EXTENDED SOFTWARE MAINTENANCE SILVER SUPPORT AGREEMENT FOR THE E-911 SYSTEM FROM MICRODATA IN AN AMOUNT OF \$120,586.34

MOTION: Assemblymember Colver moved to adopt AM No. 10-105.

Mr. Brodigan provided a staff report.

Assemblymember Colver:

- stated that he noticed that the fiscal note reflects Fiscal Years 2011 and 2012 funds; and
- queried how it is possible to obligate future funds.

Ms. Clayton:

- stated that there are multiple contracts that go over multiple years; and
- related that contracts are written so that they are subject to annual appropriation.

Assemblymember Colver queried how often the services are utilized.

Mr. Brodigan:

- stated that it is 24 hours a day year round, remote service to ensure the reliability of this critical system; and
- stated that support service is available at any time of the day.

VOTE: The motion passed without objection.

(The regular meeting recessed at 9:07 p.m. and reconvened at 9:18 p.m.)

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.)

A. MANAGER COMMENTS

1. State/Federal Legislation

2. Strategic Planning Issues

(There was no report provided.)

Assemblymember Bettine:

- spoke to concerns with Mr. Butch Moore's property issue;
- stated that she would like Administration to do what needs to happen to purchase that land back from Mr. Moore; and
- further added that she would not want to be in the position of purchasing land from the Borough that would have problems going before the Platting Board.

Deputy Mayor Arvin:

- spoke to development of Borough property years ago;
- stated that Cultural Resources had stated that there were no issues, when there were; and
- spoke to developing a working relationship with the Cultural Resource Division that made it possible to resolve the issue.

B. ATTORNEY COMMENTS

Mr. Spiropoulos:

- stated that Mr. Moore did receive a letter that advised him that the Borough's official position is that his development rights were not impacted;
- related that he never met with Mr. Moore, but that Administration did;
- stated that it could happen one of two ways, by ordinance or by rescission of the sale, as the Manager has the authority over items under \$100,000; and
- queried how the Assembly would like to move forward.

Assemblymember Bettine stated that due to a possible discrepancy in the interest that it should come back before the Assembly.

C. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule; and
- reminded the Assembly that there is a joint meeting with the Municipality of Anchorage that will be held in Eagle River on December 14, 2010;
- stated that the School Board will be hosting the joint meeting on December 14, 2010, at Palmer High School;
- spoke to the legislation that will be coming forward at the December 7, 2010, meeting regarding the possible runoff election;
- stated that the Assembly had requested that she bring back the possibility of a planning session; and
- queried if the Assembly would like to schedule that meeting for January 22 or 29.

(The Assembly requested that the planning session be brought back for discussion at a later date in December.)

Ms. McKechnie:

- stated that the Assembly had requested a work session regarding the interim materials district legislation, which will be brought back to them on December 7, 2010;
- stated that the Assembly had also requested a meeting regarding procurement procedures;
- advised that Administration is requesting meetings regarding tall structures, landfill rate analysis, and the Nelson Road project;
- recommended that the items requested by Administration be on one agenda rather than four separate meetings; and
- queried how the Assembly would like to proceed.

Discussion ensued regarding scheduling meetings.

(The Assembly scheduled a meeting on December 14, 2010, at 1 p.m. and placing the items on the agenda in the following order: 1) Landfill Rate Analysis 2) Nelson Road Project, 3) Tall Structures.)

D. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Caswell FSA Board of Supervisors: 08/11/10
 - b. Emergency Medical Services Board: 05/05/10, 08/04/10
 - c. Greater Talkeetna RSA Board of Supervisors: 08/12/10
 - d. Parks, Recreation, and Trails Advisory Board: 08/23/10
 - e. Planning Commission: 05/17/10, 08/02/10, 08/16/10, 09/08/10, 09/20/10, 10/04/10, Resolution Serial Nos. 10-09, 10-16, 10-18, 10-21, 10-23, 10-25, 10-26, 10-28 (AM), 10-29 (AM), 10-30
 - f. Platting Board: 08/19/10, 09/02/10, 09/16/10
 - g. Port Commission: 08/16/10
 - h. West Lakes FSA Board of Supervisors: 05/11/10, 06/28/10
2. Community Council Correspondence:
 - a. North Lakes Community Council: 06/29/10, 07/27/10
 - b. Sutton Community Council: 12/10/09, 01/14/10, 02/11/10, 03/11/10, 04/08/10, 05/13/10, 06/10/10, 07/08/10, 08/12/10
 - c. Willow Area Community Organization: 07/12/10, 08/02/10, 09/13/10

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

X. NEW BUSINESS

- A. INTRODUCTIONS (For public hearing – 12/07/10, 7 p.m., Borough Assembly Chambers)
- B.
 1. Ordinance Serial No. 10-107: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$38,800 COASTAL MANAGEMENT (306 PROGRAM, REQUIRED TASKS) GRANT TO FUND 480, PROJECT NO. 20158, FOR FISCAL YEAR 2011 REQUIRED TASKS.
 - a. Resolution Serial No. 10-094: A RESOLUTION ESTABLISHING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA COASTAL MANAGEMENT (306 PROGRAM, REQUIRED TASKS) GRANT FOR FISCAL YEAR 2011.
 - (1) IM No. 10-133
 2. Ordinance Serial No. 10-108: AN ORDINANCE AMENDING MSB 17.02 TO EXEMPT DEVELOPMENT IN THE PORT DISTRICT FROM THE REQUIREMENTS OF THE MANDATORY LAND USE PERMIT.
 - a. IM No. 10-172

3. Ordinance Serial No. 10-109: AN ORDINANCE ACCEPTING AND APPROPRIATING \$174,440 FROM THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT GRANT PROGRAM, TO FUND 425, PROJECT NO. 45158, FOR EMERGENCY EQUIPMENT AND TRAINING EXPENSES.
 - a. Resolution Serial No. 10-095: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT GRANT, PROJECT NO. 45158, FUND 425, FOR EMERGENCY EQUIPMENT AND TRAINING EXPENSES.
 - (1) IM No. 10-183
4. Ordinance Serial No. 10-110: AN ORDINANCE ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF \$27,188 FROM THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, TO FUND 480, PROJECT NO. 45126, TO ALLOW FOR THE CONTINUATION OF THE CITIZEN CORPS PROGRAM.
 - a. Resolution Serial No. 10-096: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT GRANT, FUND 480, PROJECT NO. 45126, TO ALLOW FOR THE CONTINUATION OF THE CITIZEN CORPS PROGRAM.
 - (1) IM No. 10-184
5. Ordinance Serial No. 10-111: AN ORDINANCE REPEALING MSB 4.45 AND MSB 23.60, REAL PROPERTY ASSET MANAGEMENT BOARD.
(Sponsored by Assemblymember Arvin)
 - a. IM No. 10-187

Ms. McKechnie read the above legislation into the record.

MOTION: Assemblymember Bettine moved to introduce the legislation as read into the record by the Clerk and set the public hearings for December 7, 2010.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Deputy Mayor Arvin requested the following confirmations:

Borough Area Schools Site Selection Committee
Jim Colver
Emergency Medical Services Board
Charlie Moses
Enhanced 911 Advisory Board

Rosemary Burnett, Resignation
Port Commission
Archie Giddings
Bogard RSA No. 25
Gary Hessmer

Deputy Mayor Arvin made the following recommendations:

Enhanced 911 Advisory Board
Dennis Casanovas
Planning Commission
Aaron Downing
Dick Zobel
Alpine RSA No. 31
Jed Workman

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

VOTE: The motion passed without objection.

C. OTHER NEW BUSINESS

1. ~~MOTION TO AMEND SOMETHING PREVIOUSLY ADOPTED~~

a. ~~Resolution Serial No. 10-078: A RESOLUTION APPROVING STATE PRIORITIES FOR THE MATANUSKA-SUSITNA BOROUGH FOR THE CALENDAR YEAR 2011. (Adopted October 19, 2010)~~

(1) ~~IM No. 10-160~~

XI. RECONSIDERATION

(There were no reconsiderations presented.)

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

VOTE: The motion passed without objection.

XII. EXECUTIVE SESSION *(for subjects that tend to prejudice the reputation and character of any person provided the person may request a public discussion.)*

B. HIRING OF THE BOROUGH MANAGER

MOTION: Assemblymember Bettine moved to enter into executive session to discuss subjects that tend to prejudice the reputation and character of any person provided the person may request a public discussion. Specifically to discuss the candidates for manager, candidate qualifications, and hiring of the Borough Manager. Those present during the executive session were the members of the Assembly, the Attorney, the Clerk, the Human Resources Manager, and Ms. Tammy Clayton.

VOTE: The motion passed without objection and the Assembly moved into executive session at 9:40 p.m.

MOTION: Assemblymember Bettine moved to exit executive session.

VOTE: The motion passed without objection and the Assembly exited executive session at 11:15 p.m.

MOTION: Assemblymember Bettine moved to suspend the rules and to extend the meeting past 11 p.m. and not to exceed 11:15 p.m.

VOTE: The motion passed without objection.

MOTION: Assemblymember Colver moved to direct the Attorney to negotiate with the Manager finalist and to report back to the Assembly.

VOTE: The motion passed without objection.

Assemblymember Colver queried how soon a meeting could be advertised regarding the Assembly conducting an executive session for the purposes of hiring the Borough Manager and for discussing contract terms.

Ms. McKechnie:

- advised that due to the Thanksgiving holiday, the timeframes for advertising are shortened; and
- stated that she believes that the soonest it could be advertised for would be December 2, 2010.

Assemblymember Colver noted that the meeting could also be scheduled for November 30, 2010.

Assemblymember Woods queried why December 2, 2010, would not work.

Deputy Mayor Arvin stated that there may not be an issue with scheduling the meeting for December.

Ms. McKechnie stated that she would try to get the meeting advertised in order to schedule the meeting for November 30, 2010, but should that not work the meeting could be scheduled for December 2, 2010.

There was no objection noted.

XIII. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Keogh requested additional information regarding trails grooming and reimbursement for trails that are groomed, as he thought the legislation would be before the Assembly this evening.

Assemblymember Colver:

- stated that he has been following that issue closely;
- related that the legislation will be on the December 7, 2010, agenda;
- opined that they should be reimbursed for retroactive trail grooming; and
- spoke to the limitations that have occurred as a result of no upper level management.

Assemblymember Keogh queried if it is possible to make payment for retroactive trail grooming.

Ms. Clayton queried if the resolution could be amended to state a certain timeframe.

Mr. Spiropoulos affirmed the query.

Ms. Clayton stated that she would work with Ms. McKechnie to ensure that the legislation is taken care of per the request of the Assembly.

Assemblymember Woods:

- stated that he and Assemblymember Keogh have been working with the Planning Department regarding the interim materials legislation; and
- opined that a one-size fits all approach will not work with the interim materials legislation.

Deputy Mayor Arvin:

- stated that he thought that the work session for the interim materials legislation would be addressed on January 18, 2011; and
- spoke to the legislation being on the agenda for the December 7, 2010, meeting.

Discussion ensued regarding work sessions that need to be scheduled regarding the interim materials legislation.

Assemblymember Halter thanked Assemblymember Keogh for bringing up the trail issue in order for it to be addressed.

XIV. ADJOURNMENT

The regular meeting adjourned at 11:15 p.m.



RONALD ARVIN, Deputy Borough Mayor

ATTEST:



LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 12/07/10