

**I. CALL TO ORDER**

The regular meeting of the Matanuska-Susitna Borough Assembly was held on December 1, 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 J. Colberg.

**II. ROLL CALL**

Assembly members present and establishing a quorum were:

Ms. Lynne Woods, Assembly District No. 1 (*Deputy Mayor*) (*via telephone*)  
Mr. Pete Houston, Assembly District No. 2  
Mr. Ronald Arvin, Assembly District No. 3  
Mr. Mark Ewing, Assembly District No. 4  
Ms. Cindy L. Bettine, Assembly District No. 5  
Mr. Jim Colver, Assembly District No. 6 (*via telephone at 6:04 p.m.*)  
Mr. Vern Halter, Assembly District No. 7

Staff in attendance were:

Ms. Cheryl D. Marino, Deputy Borough Clerk  
Ms. Elizabeth Gray, Assistant Borough Manager  
Mr. Nicholas Spiropoulos, Borough Attorney  
Ms. Sharon Huckins, Administrative Assistant  
Ms. Tammy Clayton, Finance Director  
Ms. Shaune O'Neil, Public Works Director  
Ms. Christine Nelson, Planning and Land Use Director  
Mr. James Steel, Fire Chief  
Ms. Linda Brenner, Community Development Director  
Ms. Patty Sullivan, Public Affairs Director  
Mr. Dave Hanson, Economic Development Director  
Mr. Paul Hulbert, Platting Officer  
Mr. Russ Krafft, Purchasing Officer  
Mr. Jim Rowland, Civil Engineer

**III. APPROVAL OF AGENDA**

Mayor Colberg requested that Ms. Sara Munson, Office of Senator Linda Menard, be added under Agency Reports.

There was no objection noted.

MOTION: Assemblymember Ewing moved to approve the agenda as amended.

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

MOTION: Assemblymember Bettine moved to take up the Vacancy Report directly after Agency Reports.

VOTE: The motion passed with Assemblymember Arvin opposed.

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. Paul Hulbert, Platting Officer.

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

- A. Regular Assembly Meeting: 11/03/09
- B. Special Assembly Meeting: 11/07/09
- C. Regular Assembly Meeting: 11/10/09

Mayor Colberg inquired if there were any corrections to the regular meeting minutes of November 3, 2009, the special meeting minutes of November 7, 2009, and the regular meeting minutes of November 10, 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

Dr. Deena Paramo, Assistant Superintendent:

- provided an update on Borough sports teams;
- reported on award winning Borough students;
- noted that Ms. Jackie Johnson received the 2010 Alaska Teacher of the Year award;
- stated that Ms. Karen Mannix received the 2009 Alaska Physical Education Teacher of the Year award;
- reported that the Alaska Construction Education Foundation is giving the School District \$100,000, to offer a full scale welding program at Houston Middle School; and
- thanked Mayor Colberg and the Assembly for their support.

Assemblymember Colver queried the current student enrollment.

Dr. Paramo:

- advised that 16,557 students are currently enrolled; and
- noted that the enrollment numbers have increased 1.6 percent from last year.

Assemblymember Colver queried the over budget projections.

Dr. Paramo noted that the over budget projections was 150 students.

3. Ms. Sarah Munson, Office of Senator Linda Menard

Ms. Munson:

- noted that she is speaking on behalf of Senator Menard, as Senator Menard is attending a town hall meeting at Vagabond Blues with Representative Gatto;
- reported that Senator Menard is getting ready for the upcoming Legislative Session,
- noted that Senator Menard is attending many constituent meetings;
- spoke to getting Senator Menard's legislative bills ready for the second phase of committee hearings;
- spoke to the legislative bill regarding property tax exemption for seniors and disabled veterans;
- commented that Senator Menard is working hard in Juneau to promote the issues that are important to the Borough;
- spoke to the committees that Senator Menard serves on;
- stated that Senator Menard is extremely committed to providing to the safety and efficiency of Borough roads;
- spoke to being hopeful that the 70/30 percent road bond funding can be used to try and get some better transportation projects for the Borough;
- noted that Senator Menard facilitated the Transportation Summit this past summer;
- spoke to Senator Menard's transportation goals;
- noted that the prison and the port have already benefited the economy by employing local workers;
- stated that Senator Menard is looking forward to the progress that can be made concerning the ferry terminal, the rail spur, and the possibility of the gas line;
- thanked the Mayor and Assembly; and
- invited the Mayor and Assembly to visit the Wasilla Legislative Information Office (LIO).

Assemblymember Bettine:

- thanked Ms. Munson for reporting; and
- queried the subject of the December 17, 2009, meeting at the Wasilla LIO.

Ms. Munson reported that the Alaska State Department of Transportation is meeting with the Senators and Representatives to discuss transportation priorities.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Colberg requested the following confirmations:

- Animal Care and Regulation Board
  - Theresa Morache (term begins: 01/01/2010)
- Borough Area Schools Site Selection Committee
  - Cindy Bettine (term begins: 01/01/2010)
  - Pete Houston
- Emergency Medical Services Board
  - Roger Swingle (term begins: 01/01/2010)
- Enhanced 911 Advisory Board
  - Resignation from George Boatright
- Health and Social Services Board
  - Elsbeth (Betsy) Woodin (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)
- Lazy Mountain RSA No. 19
  - Removal of Dennis Begen

Mayor Colberg made the following recommendations:

- Animal Care and Regulation Board
  - John Wood (term begins: 01/01/2010)
- Board of Adjustment and Appeals
  - Claudia Roberts (term begins: 01/01/2010)
- Citizens Advisory Committee on the Goose Creek Correctional Facility
  - Greg Bell (term begins: 01/01/2010)
- Emergency Medical Services Board
  - Lynn Moore (term begins: 01/01/2010)

Enhanced 911 Advisory Board  
Dennis Brodigan (term begins: 01/01/2010)  
Health and Social Services Board  
Kelly Marre (term begins: 01/01/2010)  
Historical Preservation Commission  
LeRoi Heaven (term begins: 01/01/2010)  
Joint Assembly/School Board Committee on School Issues  
Sarah Welton  
Myrl Thompson  
Mayor's Blue Ribbon Sportsmen's Committee  
Jim Colver  
Platting Board  
James Spangler (term begins: 01/01/2010)  
Helga Larson (term begins: 01/01/2010)  
Port Commission  
Paul DuClos Jr. (term begins: 01/01/2010)  
John Riggs (term begins: 01/01/2010)  
Real Property Asset Management Board  
Thomas Healy  
Transportation Advisory Board  
Richard Besse (term begins: 01/01/2010)  
Christopher Remick (term begins: 01/01/2010)  
Wasilla-Lakes FSA No. 130  
Ken Slauson (term begins: 01/01/2010)  
Fairview RSA No. 14  
Daniel Elliot (term begins: 01/01/2010)  
Greater Talkeetna RSA No. 29  
David Johnston (term begins: 01/01/2010)  
Lazy Mountain RSA No. 19  
Lucy Klebesadel (term begins: 01/01/2010)  
Midway RSA No. 9  
Carol Selkirk (term begins: 01/01/2010)  
Talkeetna Sewer and Water Service Area No. 36  
Paul Richards (term begins: 01/01/2010)

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

MOTION: Assemblymember Bettine moved to divide the question to address the confirmation of Mr. Gary Foster to the Planning Commission separately.

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

MOTION: First Segment. Assemblymember Arvin moved to approve the Mayor's recommendations for confirmation with the exception of Mr. Gary Foster's confirmation to the Planning Commission.

VOTE: The motion passed without objection.

MOTION: Second Segment. Assemblymember Arvin moved to approve Mr. Gary Foster's confirmation to the Planning Commission.

Assemblymember Woods:

- spoke in opposition to confirming Mr. Gary Foster to the Planning Commission;
- noted that Assembly District No. 1 is filled with small communities; and
- commented that all but two areas in Assembly District No. 1 are in the process of creating comprehensive plans and special use districts or have them in place already.

Mayor Colberg:

- referenced a Lazy Mountain Community Council meeting where it was stated that Mr. Foster resides in the Wasilla area; and
- clarified that Mr. Foster resides within Assembly District No. 1.

Discussion ensued regarding:

- the applicants for the Assembly District No. 1 position on the Planning Commission;
- the need for a variety of opinions on the Planning Commission;
- concerns regarding special interest groups;
- the Lazy Mountain Community Council Resolution in support of Mr. Ken Klunder being appointed to the Planning Commission District 1 position;
- the need for the Mayor and Assembly to work together on board appointments;
- concerns regarding serial meetings and the Open Meetings Act;
- the need for new ideas to be represented on boards; and
- the importance of Assembly input on board positions representing their Assembly District.

VOTE: The motion to approve Mr. Foster to the Planning Commission failed with Assemblymembers Arvin and Ewing in support.

## B. COMMITTEE REPORTS

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

*(There was no report provided.)*

### 2. Assembly Public Relations

Assemblymember Bettine:

- reported that the next Borough School Site Selection Committee meeting is scheduled for December 17, 2009;
- spoke to the upcoming comment period on the draft Public Facilities Plan; and
- spoke to taking many of the recommendations from the audit of the last site selection forward to the next Borough School Site Selection Committee meeting.

Assemblymember Ewing noted that he attended the city of Wasilla annexation informational meeting at Tanaina Elementary School on November 12, 2009.

D. MANAGER COMMENTS

Ms. Gray:

- reported on Borough roads that have difficult driving conditions; and
- reported that the Public Works Department received the Alaska Community of Excellence Award for being the best in local government innovation for Machetanz Elementary School.

E. ATTORNEY COMMENTS

Mr. Spiropoulos:

- spoke to Alaska Municipal League (AML) conference presentations; and
- provided an update on the NPI litigation.

F. CLERK COMMENTS

Ms. Marino spoke regarding the upcoming meeting schedule.

G. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Board of Ethics: 01/08/09, 02/04/09, 03/11/09, 04/08/09, 04/15/09, 04/29/09
- b. Citizens Advisory Committee on the Goose Creek Correctional Facility: 06/03/09
- c. Enhanced 911 Advisory Board: 06/09/09
- d. Greater Butte RSA No. 26: 07/02/09
- e. Greater Talkeetna RSA No. 29: 08/13/09
- f. Local Emergency Planning Committee: 08/19/09, 09/16/09
- g. Port Commission: 06/01/09; Resolution Serial Nos.: 09-001 and 09-003

2. Community Council Correspondence:

- a. Fishhook Community Council: 04/16/09
- b. North Lakes Community Council: 08/25/09
- c. Sutton Community Council: 09/08/09

Assemblymember Colver:

- commented on how complex and costly it is to adjudicate an ethics case, and the cost to hire a special prosecutor and hearing officer;
- spoke to the February 4, 2009, Board of Ethics minutes regarding the case calendar that was set;
- spoke to concerns that the process has gotten to be much larger than anticipated when it was drafted and at a great cost to the respondent and the Borough; and

- requested the Clerk provide the Assembly with a cost breakdown for Board of Ethics Case No. 08-03, so that the Assembly could see if the process could be expedited or find other ways to resolve the formal process.

Assemblymember Arvin queried the timeline for when Board of Ethics minutes are forwarded to the Assembly.

Ms. Marino noted that she would research this and provide the information to the Assembly.

Assemblymember Ewing queried why the Joint Assembly/State Legislative Delegation meeting on January 7, 2010, was listed as tentative.

Ms. Marino noted that the attendance of the State Delegation has not yet been confirmed as of yet.

Assemblymember Ewing noted that if the meeting is cancelled due to attendance, the Planning Session should be rescheduled to Saturday, January 9, 2010.

Ms. Marino noted that a report on attendance for the Joint Assembly/State Delegation meeting would be provided to the Assembly once it was received.

#### H. INFORMATIONAL MEMORANDUMS

1. IM No. 09-253: MONTHLY REPORTING OF AMENDED CONTRACTS AND NEW AWARDS UNDER \$100,000, ALONG WITH SOLE SOURCE PROCUREMENTS, FOR THE PERIOD OF OCTOBER 1, 2009, TO OCTOBER 31, 2009.
2. IM No. 09-260: AN INFORMATIONAL MEMORANDUM PROVIDING BACKGROUND ON THE TAHNETA TOWER FACILITY PLATTING ACTION.

Assemblymember Colver requested that sole sourcing and professional service contracts under \$25,000 be included in the monthly report.

Ms. Gray noted that she would provide a report as requested.

Assemblymember Bettine queried the \$50,000 contract to North Star Animal Hospital.

Ms. Gray advised that the Borough goes out for bid on veterinary services each year.

Mr. Spiropoulos:

- noted that Borough code requires that all animals adopted from the Animal Shelter be spayed or neutered within 30 days; and
- stated that people end up paying for the spaying/neutering service through the adoption fees paid to the Borough.

Discussion ensued regarding the reason why the Borough shelter does not spay and neuter all the animals.

*(The meeting recessed at 6:50 p.m. and reconvened at 7:01 p.m.)*

*(Assemblymember Woods exited the meeting.)*

## **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. 09-140: AN ORDINANCE CREATING AVIATOR SUBDIVISION ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 437, 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. 09-216

Ms. Clayton provided a staff report.

Assemblymember Bettine queried when the decision would be made on whether it would be a bond or a loan.

Ms. Clayton:

- reported that the decision would be made at the time that the Borough issues the bond; and
- noted it is based on the amount of bonding that is done within that year.

Assemblymember Bettine:

- queried if people are able to bond for road upgrades and not just paving; and
- asked at what point would the public be notified if the Borough had enough to go out for a bond, if a road service area (RSA) wanted to do an upgrade, an engineering project, or a new road.

Ms. Clayton:

- noted that if a road service area desires to do a road upgrade, it would have to go through a vote of the residents within that road service area;
- stated that the bonds would be issued subsequent to the vote; and
- noted that the bond is usually timed before the construction and design start.

Discussion ensued regarding the bond process for road service areas.

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 Colver moved to adopt Ordinance Serial No. 09-140.

VOTE: The motion passed without objection.

2. Ordinance Serial No. 09-144: AN ORDINANCE CREATING ASHWOOD LOOP AREA ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 438, 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. 09-220

Ms. Clayton 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 Colver moved to adopt Ordinance Serial No. 09-144.

VOTE: The motion passed without objection.

3. Ordinance Serial No. 09-135: AN ORDINANCE APPROVING A REAPPROPRIATION OF \$70,000 FROM GOLD TRAILS ROAD SERVICE AREA NO. 28 FISCAL YEAR 2010 OPERATING BUDGET, FUND 282, TO THE GOLD TRAILS ROAD SERVICE AREA NO. 28 CAPITAL PROJECTS, FUND 410, PROJECT NO. 30048.

a. IM No. 09-201

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 Colver moved to adopt Ordinance Serial No. 09-135.

Assemblymember Colver:

- spoke in support of the legislation; and
- spoke to the need for people to apply for the board positions to be involved in recommendations for projects next summer.

Assemblymember Houston:

- queried the Gold Trails Road Service Area mill rate; and
- asked if it is better to spend the excess funding to do more projects or if it is better to lower their mill rate.

Assemblymember Colver:

- spoke in support of keeping service area rates locked down;
- noted that the rates are locked in for this fiscal year and the Assembly would be looking at evaluating this at the next budget cycle; and
- commented that there are a lot of capital needs and a high number of substandard roads.

Ms. Clayton reported that the mill rate for the Gold Trails Road Service Area is 2.25 mills.

VOTE: The motion passed without objection.

4. 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. 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 Arvin moved to adopt Ordinance Serial No. 09-158.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke regarding the need for the Assembly to address Point MacKenzie Community Council concerns regarding the Goose Creek Correctional Facility, the firewood sale on Alsop Road, and the Point MacKenzie Community Council's Comprehensive Plan: Mr. Garvin Bucaria.

The following person spoke in opposition to AM No. 09-095: Ms. Jean Brown.

The following person spoke to concerns with drilling into the seasonal high water table:  
Mr. John F. Leiner.

The following persons spoke in opposition to AM No. 09-095: Mr. George Brown; Ms. Marlena Smith; and Mr. Noel Kopperud.

D. CONSENT AGENDA (AM Nos. 09-087 and 09-095 were pulled from the consent agenda and addressed separately. *See pp. 12-15*)

1. RESOLUTIONS

a. Resolution Serial No. 09-118: A RESOLUTION RECOMMENDING CAPITAL PROJECTS FOR INCLUSION WITHIN GOVERNOR PARNELL'S 2011 FISCAL YEAR BUDGET.

(1) IM No. 09-261

2. ASSEMBLY MEMORANDUMS

b. AM No. 09-092: AUTHORIZING THE MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE STATE OF ALASKA REGARDING STATE USE OF 2009 HOMELAND SECURITY GRANT FUNDING ON BEHALF OF THE BOROUGH FOR STATE MANAGED PLANNING AND TRAINING PROGRAMS.

c. AM No. 09-094: AUTHORIZATION TO DESTROY THE OFFICIAL BALLOTS FOR THE OCTOBER 6, 2009, BOROUGH REGULAR ELECTION.

Ms. Marino read the above legislation into the record.

Mayor Colberg inquired if there were any objections to the consent agenda as read into the record by the Clerk.

GENERAL CONSENT: The consent agenda was approved without objection.

a. AM No. 09-087: APPROVAL OF A CHANGE ORDER TO DOWL ENGINEERS IN THE AMOUNT OF \$685,000 FOR THE BOGARD ROAD EXTENSION EAST DESIGN SERVICES, PROJECT NO. 06-134 FOR ADDITIONAL PROFESSIONAL SERVICES.

MOTION: Assemblymember Colver moved to adopt AM No. 09-087.

Assemblymember Colver queried if there was \$2 to \$3 million dollars spent to date on right-of-way acquisitions.

Mr. Rowland

- reported that the \$2 to \$3 million dollars is for the purchase of the property; and
- noted that there is \$720,000 for right-of-way acquisition, appraisal, and relocation services within the contract to DOWL, which does not include any purchase of property.

Discussion ensued regarding:

- whether the Assembly approved through legislation the \$2 to \$3 million for right-of-way acquisitions;
- the need to have the Assembly approve expenditures over \$100,000;
- the Access Corridor Study adding more work to the existing contract;
- concerns with process on open ended change orders on large projects;
- concerns with the number of change orders on this project; and
- the need for a spreadsheet detailing the expenditures.

MOTION: Assemblymember Bettine moved to postpone AM No. 09-087 to a time certain of December 15, 2009.

Assemblymember Bettine:

- spoke to the need to have a clearer picture of how much is left and what can be expected at the end of the project, and
- spoke to the need for more information on the phase idea, before funds are expensed on engineering.

Assemblymember Arvin:

- spoke in support of postponing the legislation;
- spoke to the need for more detailed information;
- commented on the uniqueness of the project; and
- noted that he sees this as a scope evolution more than a change order.

VOTE: The motion to postpone to a time certain of December 15, 2009, passed without objection.

- d. AM No. 09-095: APPROVING A TRANSFER OF FUNDS IN THE AMOUNT OF \$8,000 TO THE CITY OF WASILLA FOR THE COMPLETION OF LAKE ACCESS IMPROVEMENTS ON WASILLA LAKE AT THE PECK STREET LOCATION.  
(Sponsored by: Assemblymember Ewing)

MOTION: Assemblymember Bettine moved to adopt AM No. 09-095.

Assemblymember Bettine queried if the land referenced is all within the city of Wasilla boundaries.

Assemblymember Ewing noted that the land is all within the city of Wasilla's boundaries.

Discussion ensued regarding:

- the need for a staff report;
- the need to hear comments from the city of Wasilla;
- the possibility of postponing the legislation until comments have been received from the city of Wasilla;
- the need for handicap accessibility;
- the need for design information from the city of Wasilla;
- the goal of the trail to be low-impact;
- the need to attract fresh water fishing to the Borough;
- the need for the residents and the city of Wasilla to work together;
- the need to have public access to Wasilla Lake;
- the city of Wasilla having control of the project as the Borough is providing funding only;
- the possibility of having a locking gate to close the parking lot at night; and
- the need for the city of Wasilla to sort out the control of the public access.

MOTION: Assemblymember Bettine moved to postpone AM No. 09-095 to a time certain of December 15, 2009.

Assemblymember Bettine:

- requested the Parks, Recreation, and Trails Advisory Board report regarding this project;
- requested the city of Wasilla's park plan; and
- spoke to the need to see documentation prior to voting.

Assemblymember Ewing:

- commented that the Parks, Recreation, and Trails Advisory Board was not consulted as the location is within the limits of the city of Wasilla;
- noted that the Borough sent staff to look at the location to evaluate the city of Wasilla property without contacting Mr. Archie Giddings;
- spoke in opposition to postponing the legislation;
- noted that this is a minimal impact to the area; and
- spoke to the need for the city of Wasilla and its residents to work together on access.

Assemblymember Houston:

- spoke in support of postponing the legislation; and
- stated that the Assembly could hear Mr. Giddings comments if the legislation was postponed.

VOTE: The motion to postpone AM No. 09-095 to a time certain of December 15, 2009, failed with Assemblymembers Houston and Bettine in support.

Assemblymember Halter:

- spoke to the Borough's relationship with the city of Wasilla; and
- noted the need for the Assembly to have more information when making decisions.

Assemblymember Colver noted that supporting the legislation would send a message to the city of Wasilla that the Borough would like to work with them.

Discussion ensued regarding the possibility of the city of Wasilla using the funding for other lake access locations.

MOTION: Assemblymember Ewing moved a primary amendment to AM No. 09-095 by striking "the Peck Street location" from the title of the legislation, at the end of the second paragraph, in the recommendation of Administration, and from the fiscal note.

Assemblymember Houston spoke to the possibility of removing specific references to Wasilla Lake.

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

VOTE: The motion passed without objection.

VOTE: The primary amendment passed without objection.

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

VOTE: The motion passed without objection.

VOTE: The main motion passed as amended without objection.

## **VIII. UNFINISHED BUSINESS**

### **IX. NEW BUSINESS**

#### **A. INTRODUCTION (For public hearing - 12/15/09, 7 p.m., Borough Assembly Chambers)**

1. Ordinance Serial No. 09-111: AN ORDINANCE AMENDING MSB 17.02, MANDATORY LAND USE PERMIT; MSB 17.125, DEFINITIONS; AND THE FEE TABLE ASSOCIATED WITH MSB TITLE 17.

a. Resolution Serial No. 09-074: A RESOLUTION AMENDING THE FEE TABLE ESTABLISHED BY MSB 17.99.

(1) IM No. 09-159

2. Ordinance Serial No. 09-159: AN ORDINANCE ACCEPTING AND APPROPRIATING \$20,000 FROM THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT GRANT PROGRAM, TO FUND 480, PROJECT NO. 45188, FOR ALASKA SHIELD EXERCISE 2010.

a. Resolution Serial No. 09-115: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, PROJECT NO. 45188, FUND 480, FOR ALASKA SHIELD EXERCISE 2010.

(1) IM No. 09-250

3. Ordinance Serial No. 09-163: AN ORDINANCE ACCEPTING, APPROPRIATING, AND APPROVING THE SCOPE OF WORK AND BUDGET FOR A GRANT IN THE AMOUNT OF \$26,250 FROM THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, TO FUND 480, PROJECT NO. 45126, TO SUPPORT THE BOROUGH CITIZEN CORPS PROGRAM.
  - a. Resolution Serial No. 09-116: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, FUND 480, PROJECT NO. 45126, FOR THE PURCHASE OF EQUIPMENT AND SUPPLIES, PLANNING, AND TRAINING AND EXERCISES.
    - (1) IM No. 09-249
  
4. Ordinance Serial No. 09-164: AN ORDINANCE APPROVING AN APPROPRIATION OF \$100,000 FROM THE WASILLA-LAKES FIRE SERVICE AREA FUND BALANCE, FUND 250, TO FUND 405, PROJECT NO. 45066, TO ALLOW FOR THE PURCHASE OF A NEW ENGINE AND RELATED EQUIPMENT.
  - a. Resolution Serial No. 09-117: A RESOLUTION APPROVING THE SCOPE OF WORK AND AMENDED BUDGET FOR PROJECT NO. 45066, TO ALLOW FOR THE PURCHASE OF A NEW ENGINE AND RELATED EQUIPMENT.
    - (1) IM No. 09-251
  
5. Ordinance Serial No. 09-165: AN ORDINANCE AMENDING MSB 3.15.010 DEFINITIONS UNDER CHAPTER 3.15, ASSESSMENT AND TAXATION, RELATED TO "REAL PROPERTY" AND "FIXTURES".
  - a. IM No. 09-255
  
- B. INTRODUCTION (For public hearing - 01/05/10, 7 p.m., Borough Assembly Chambers)
  1. Ordinance Serial No. 09-160: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE VALE AVENUE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 434 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
    - a. Ordinance Serial No. 09-161: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$50,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE VALE AVENUE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 434, AND FIXING DETAILS OF SAID BONDS.
      - (1) IM No. 09-254

Ms. Marino read the above legislation into the record.

MOTION: Assemblymember Arvin moved to introduce the legislation as read into the record by the Clerk and set the public hearings for December 15, 2009, and January 5, 2010, respectively.

Assemblymember Colver:

- spoke to concerns regarding the land use permit fee table; and
- spoke to concerns regarding a letter that was sent out to local family owners requesting property expense statements.

VOTE: The motion passed without objection.

*(The meeting recessed at 8:27 p.m. and reconvened at 8:36 p.m.)*

C. OTHER NEW BUSINESS

X. RECONSIDERATION

- A. 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. *(Reconsideration filed 11/03/09 by Assemblymember Ewing)*
1. IM No. 09-190

MOTION: Assemblymember Ewing moved to reconsider Ordinance Serial No. 09-137.

Assemblymember Ewing:

- spoke to originally wanting to reconsider the legislation to be able to amend the language;
- spoke to the need for the Borough to use flow charts for the public to make the processes more user friendly;
- noted that any steps to simplifying the process is good; and
- spoke in support of the legislation.

VOTE: The motion to reconsider Ordinance Serial No. 09-137 failed with Assemblymembers Ewing and Halter in favor.

- 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. *(Reconsideration filed 11/03/09 by Assemblymember Ewing)*

MOTION: Assemblymember Ewing moved to reconsider AM No. 09-090.

Assemblymember Ewing:

- spoke to the reasons why he would like to reconsider the legislation;
- spoke to concerns regarding small businesses and their chance to compete;
- commented that the same three firms circulate around all of the time;
- spoke to the state of the economy;

- spoke to not receiving the requested three-year breakdown of what the Borough has spent the funds on in the last three years;
- spoke to not receiving the requested proposal of what the Borough is planning on spending the money on this year;
- queried why Davis-Bacon rates were all different;
- noted the need to look at efficiency in government;
- commented that there are a lot of small businesses that would like the work;
- spoke in opposition of the way the legislation was written; and
- stated that he will oppose the legislation until he receives the information that he requested.

Assemblymember Bettine:

- spoke in support of reconsidering the legislation; and
- noted that the Assembly could limit this to a one-year optional extension.

Assemblymember Colver:

- spoke to requesting information from staff in response to constituent concerns regarding numerous trips by a consultant to do survey work and redo survey work;
- stated that he does not have any personal or business interests in any Borough contract or subcontract;
- spoke to concerns regarding the level of spending on the consulting contracts;
- commented that a one-year term on this contract needs to happen;
- spoke to the recession and the need to spread the work around to other companies;
- commented that \$565,000 was spent in the last year under this contract;
- spoke to money coming out of road service area taxes and that every road service area is charged for projects from their area; and
- spoke to the need to revise how things are done to help get smaller businesses through the recession.

Discussion ensued regarding:

- if the three businesses that did not rank to a winning status would be considered small contractors;
- the Borough hiring one of the smallest businesses out of the firms that submitted proposals;
- the mix of smaller and larger firms;
- the opportunity for smaller firms to participate; and
- whether the projects that the Borough has out for proposal in excess of \$75,000 for surveying and engineering work, will go out for a full competitive process.

VOTE: The motion to reconsider failed with Assemblymembers Ewing, Bettine, and Colver in support and Assemblymembers Houston, Arvin, and Halter opposed. (Tie vote.) The motion failed with Mayor Colberg invoking his voting privilege in the negative.

## XI. VETO

*(There were no vetoes presented.)*

## **XII. EXECUTIVE SESSION**

*(There was no executive session held.)*

## **XIII. MAYOR AND ASSEMBLY COMMENTS**

Assemblymember Bettine:

- spoke to attending the Alaska Municipal League Conference; and
- thanked everyone for the meeting.

Assemblymember Colver:

- requested a copy of the site selection audit and asked that the copy be forwarded to the School Board and the School District Superintendent;
- spoke to attending the Alaska Municipal League Conference;
- spoke to attending the Renewable Energy conference; and
- noted the need for the Borough to apply for the available municipal energy grants from the Alaska Energy Authority.

Assemblymember Ewing:

- noted that the Local Emergency Planning Committee is having an awareness seminar on December 14, 2009, at the Curtis D. Menard Memorial Sports Center;
- spoke in support of having new people serve on boards and commissions; and
- spoke to concerns regarding board and commission member meeting attendance.

Assemblymember Halter:

- noted that he enjoyed the Alaska Municipal League Conference
- spoke in support of Mr. Ken Klunder for the Planning Commission;
- noted that he would like the Borough to have better relations with city of Wasilla; and
- spoke to the need to have a joint meeting with the cities.

Assemblymember Houston:

- spoke in support of having a joint meeting with cities; and
- noted the need to streamline ordinances.


Assemblymember Arvin spoke to the benefits of attending the Alaska Municipal League Conference.

**XIV. ADJOURNMENT**

The regular meeting adjourned at 9:10 p.m.

  
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TALIS J. COLBERG, Borough Mayor

ATTEST:

  
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LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 12/15/09