I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on December 15, 2009, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Deputy Mayor Woods.

II. ROLL CALL

Assembly members present and establishing a quorum were:

Ms. Lynne Woods, Assembly District No. 1 *(Deputy Mayor)*
Mr. Pete Houston, Assembly District No. 2
Mr. Ronald Arvin, Assembly District No. 3
Mr. Mark Ewing, Assembly District No. 4
Ms. Cindy L. Bettine, Assembly District No. 5
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
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Brenda J. Henry, Executive Assistant to the Borough Clerk
Ms. Elizabeth Gray, Assistant Borough Manager
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
Mr. Alex Strawn, Planner II
Mr. Dave Dunivan, Assessor

III. APPROVAL OF AGENDA

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

Mr. Duffy:

- advised that the city of Wasilla did not have a quorum at their last meeting and were unable to provide any comments regarding Ordinance Serial No. 09-101 and Resolution Serial No. 09-067; and
- requested that the legislation be postponed until January 19, 2010.

GENERAL CONSENT: The agenda was approved without objection.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Bill Allen, Palmer City Manager.

V. MINUTES OF PRECEDING MEETINGS

A. Special Assembly Meeting: 12/01/09
B. Regular Assembly Meeting: 12/01/09

Deputy Mayor Woods inquired if there were any corrections to the special and regular meeting minutes of December 1, 2009.

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Palmer City

Mr. Bill Allen, Palmer City Manager:

- stated that the committee working on the regional waste water treatment plant project recently requested $550,000 to perform a study to determine the most cost effective and feasible plan for water treatment within the Borough;
- noted that the study will be complete by mid January;
- advised that the Anchorage waste water treatment plant will close to the Borough's waste within the next two to three years;
- stated that the Borough and cities need to speak with one voice to State Legislature regarding transportation;
- advised that the city will promote the Borough's transportation bonds;
- thanked Assemblymember Houston for the positive working relationship he has with the city of Palmer;
- advised that the city is working hard to get the old Matanuska Maid property conveyed to the city for a conference and community center;
- advised that the six other property owners are willing to sell their property for the project;
- requested that the Assembly provide a resolution in support of the property being conveyed to the City;
- spoke regarding the feasibility study that is being performed;
- spoke to the possibility of the Assembly holding their meetings at the facility; and
- noted that he would like the Borough to be involved in the design of the facility.

Assemblymember Houston queried if the City was getting paid in a timely manner now.

Mr. Allen stated that the City is getting paid even more timely than was agreed upon

Assemblymember Ewing:
- noted that the Assembly had had discussions on having meeting space more centrally located and not just in Palmer, that would include office space; and
- queried if the Assembly supports the facility if it would require the Assembly to hold meetings there.

Mr. Allen:
- advised if the Assembly supports the facility it would not require them to hold their meetings at the facility;
- noted that Palmer is the seat of the Borough government;
- stated that should the Assembly want to hold meetings at the facility that the City would ask the Borough to sign a lease; and
- advised that the facility would cost $12 million to 15 million.

Discussion ensued regarding a conference and community center.

2. Matanuska-Susitna Borough School District

(There was no report provided.)

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Arvin noted that the next meeting is scheduled for January 4, 2010.

2. Assembly Public Relations

Assemblymember Bettine:
- spoke to the Natural Gas Development Authority meeting held December 14, 2009;
- noted that the port project was prominently featured; and
- stated that it is good to have the port project portrayed in such a favorable light.

B. MANAGER COMMENTS

1. State/Federal Legislation

Mr. Duffy:
- stated that Administration would like to schedule a work session on January 5, 2010, to provide a Hatcher Pass project update;
- spoke to the upcoming lobbying trips to Washington, D.C. in February;
- noted that the meeting with the State Delegation is coming up in January 2010;

- related that the animal care shelter did not euthanize any animals in the month of November, which is a huge accomplishment;
- stated that Mr. Max Rover, who was the traffic engineer with the Municipality of Anchorage, is now with the State Department of Transportation;
- further added that he is looking forward to working with Mr. Rover; and
- requested that Mr. Brodigan provide an update on the Enhanced 911 project.

Mr. Brodigan:
- noted that all the telephone carriers within the Borough are now on the enhanced 911 system;
- spoke to the locations of callers, from cell phones, being able to be pinpointed using triangulation and global positioning satellites;
- stated that the screen in front of the dispatcher will show the location of callers within 30 feet; and
- noted how helpful it will be in locating people in distress.

C. ATTORNEY COMMENTS

Mr. Spiropoulos:
- spoke to the Borough being successful in all of their recent injunctions;
- noted that Law has shared their pleadings regarding injunctions with the city of Wasilla; and
- stated that he will not be at the planning session scheduled for January 7, 2010.

Assemblymember Colver:
- queried an injunction regarding property in Wasilla; and
- opined that the Borough should not be focusing on fence encroachment.

Mr. Spiropoulos advised that this issue started out as a chronic junk problem rather than a fence issue.

Assemblymember Colver opined that the Borough should not be using resources to find additional reasons for injunctions involving right-of-ways that are minimal, such as fences.

Assemblymember Ewing:
- spoke to the junk problem in Wasilla being blatant;
- noted it involved crushing cars and inappropriate methods of hiding the crushed cars within the subdivision;
- stated that he requested that Code Compliance review the situation; and
- further added that he is glad that it is being addressed.

Assemblymember Bettine:
- noted that it is not practical for the Borough to go out and find all blocked easements;
- commented that the public would like the Borough to look at opening blocked easements; and
- stated that she was not so sure that the Borough should not take care of blocked right-of-ways.

D. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule;
- noted that at the last Assembly meeting, the Assembly requested a joint meeting with the cities;
- noted that she spoke with the Clerk's from the cities and noted that February 10, 2010, was a good date for the joint meeting; and
- queried if the Assembly would like to schedule the meeting.

There was no objection noted.

Ms. McKechnie:

- spoke to the work session regarding the Hatcher Pass update that was requested by Administration for January 5, 2010; and
- queried if that is a meeting the Assembly would like to set.

Discussion ensued regarding:

- the scheduling of work sessions and special meetings; and
- the scheduling of the Hatcher Pass update meeting.

(The Assembly schedule a work session to receive an update regarding the Hatcher Pass Project on January 5, 2009, at 5 p.m.)

(The regular meeting recessed at 6:58 p.m. and reconvened at 7:07 p.m.)

F. INFORMATIONAL MEMORANDUMS

(There were no informational memorandums presented.)

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

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

(There was no one signed up who wished to be heard)

B. PUBLIC HEARINGS (Three minutes per person.)

1. Ordinance Serial No. 09-101: AN ORDINANCE ACCEPTING AND APPROPRIATING $24,562 FROM THE ALASKA STATE DEPARTMENT OF NATURAL RESOURCES, OFFICE OF HISTORY AND ARCHAEOLOGY, TO FUND 480, PROJECT NO. 20376, FOR THE PURPOSE OF RESEARCHING AND CONDUCTING A BASE LINE SURVEY OF HISTORIC BUILDINGS WITHIN THE BOUNDARY OF THE CITY OF WASILLA.

a. Resolution Serial No. 09-067: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET TO RESEARCH AND CONDUCT A BASE LINE SURVEY OF HISTORIC BUILDINGS WITHIN THE BOUNDARIES OF THE CITY OF WASILLA.

(1) IM No. 09-153

Deputy Mayor Woods opened the public hearing.

The following person spoke regarding the city of Wasilla not yet having an opportunity to provide comment on Ordinance Serial No. 09-101 and Resolution Serial No. 09-067: Ms. Diane Woodruff, Wasilla City Council.

MOTION PENDING: Assemblymember Ewing moved to adopted Ordinance Serial No. 09-101 and Resolution Serial No. 09-067.

MOTION: Assemblymember Ewing moved to postpone Ordinance Serial No. 09-101 and Resolution Serial No. 09-067 to a time certain of January 19, 2010.

VOTE: The motion to postpone to a time certain of January 19, 2010, passed without objection.

2. 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

Ms. Christine Nelson and Mr. Alex Strawn provided a staff report.

Deputy Mayor Woods opened the public hearing.

The following persons spoke to concerns with Ordinance Serial No. 09-111 and Resolution Serial No. 09-074: Mr. Pio Cottini and Mr. Stephen Stoll.

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. 09-111 and Resolution Serial No. 09-074.

Assemblymember Colver:

- noted that he is concerned with the narrow definitions in this legislation;
- opined that the ordinance should be addressed separately from the resolution;
- reiterated that the legislation is too narrow and far reaching; and

- stated that Administration should bring back a more defined version of the legislation rather than the Assembly trying to accomplish it on the floor.

Assemblymember Halter:
- noted his agreement with Assemblymember Colver;
- opined that the "home occupation" portion needs to be looked at in depth; and
- stated that the commercial license requirement should be deleted, as it is too vague.

MOTION: Assemblymember Halter moved a primary amendment to Ordinance Serial No. 09-111, MSB 17.125, Definitions, under the definition for commercial use by striking the phrase "or any use which would require a business license from the Borough and the State of Alaska" to read: Commercial use means a land use, business enterprise, or vehicle maintained for the purpose of buying or selling goods or services."

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Halter moved a primary amendment to Ordinance Serial No. 09-111, MSB 17.125, Definitions, under the definition for gross floor area, by striking the phrase "and exterior features such as attached porches and decks" to read: "Gross floor area means the total horizontal livable area of all of the floors of a building, measured from exterior to exterior, including interior balconies, bay windows, mezzanines, stairwells, elevator shafts and ventilation shafts."

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 09-111, 17.125, Definitions, under the definition for commercial use by inserting "with four or more full time employees" at the end of the definition to read: "Commercial use means a land use, business enterprise, or vehicle maintained for the purpose of buying or selling goods or services with four or more full time employees."

(The meeting recessed at 8:20 p.m. and reconvened at 8:28 p.m.)

WITHDRAW: Assemblymember Colver moved to withdraw the primary.

There was no objection noted.

MOTION: Assemblymember Bettine moved to divide the question and take Ordinance Serial No. 09-111 and Resolution Serial No. 09-074 separately.

VOTE: The motion to divide the question passed with Assemblymember Ewing opposed.

MOTION: First Segment. Assemblymember Bettine moved to adopt Ordinance Serial No. 09-111.

MOTION: Assemblymember Arvin moved to postpone Ordinance Serial No. 09-111 indefinitely.

VOTE: The motion passed without objection.

MOTION: Second Segment. Assemblymember Bettine moved to adopted Resolution Serial No. 09-074.

MOTION: Assemblymember Bettine moved a primary amendment to Resolution Serial No. 09-074 as follows:

- striking Table Two in its entirety; and
- striking the after the fact fees in Table One.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

[Clerk's note: Ordinance Serial No. 09-111 was postponed indefinitely and Resolution Serial No. 09-074 was amended and adopted.]

3. 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

Mr. Brodigan provided a staff report.

Deputy Mayor Woods 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. 09-159 and Resolution Serial No. 09-115.

VOTE: The motion passed without objection.

4. 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

Mr. Brodigan provided a staff report.

Deputy Mayor Woods 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. 09-163 and Resolution Serial No. 09-116.

Assemblymember Ewing:
- noted the good job that Ms. Bea Adler and staff do with training; and
- commented that there was a training just held at the Palmer Pioneer Home with 23 graduates.

VOTE: The motion passed without objection.

5. 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

Mr. Brodigan provided a staff report.

Deputy Mayor Woods 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. 09-164 and Resolution Serial No. 09-117.

VOTE: The motion passed without objection.

6. 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

Mr. Dunivan provided a staff report.

Deputy Mayor Woods 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. 09-165.

Assemblymember Colver:

- noted the need to know the fiscal impact the legislation would have; and
- stated that there would be a tax benefit for some, but this would shift the burden over to other tax payers.

Assemblymember Houston noted that he would like to see the fiscal impact; however, staff have clearly conveyed that is an inappropriate tax.

Assemblymember Arvin queried if this would increase revenue for the Borough.

Mr. Dunivan stated that it would not increase revenue.

Discussion ensued regarding the fiscal impact of Ordinance Serial No. 09-165.

MOTION: Assemblymember Bettine moved to postpone Ordinance Serial No. 09-165 to a time certain of January 5, 2009.

Assemblymember Houston noted his objection to postponing the legislation.

VOTE: The motion to postpone to a time certain of January 5, 2010, passed with Assemblymembers Houston, Woods, and Arvin opposed.

(The meeting recessed at 9:15 p.m. and reconvened at 9:19 p.m.)

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke regarding the purpose of Friends of Mat-Su: Ms. Mimi Peabody.

The following persons spoke in support of moving forward with the nordic ski trails at Hatcher Pass: Mr. Dave Musgrave, Mat-Su Junior Nordic Ski program; Mr. Jeff Kase, Wasilla High School Ski Coach; Mr. Darin Markwardt, Palmer High School Ski Coach; Mr. Mark Strabel, Colony High School Cross Country Running Coach; Mr. Ed Strabel; Mr. Gino Del Frate; and Ms. Jill Showman.

The following person spoke to concerns regarding the vacancies on the Planning Commission: Ms. Diane Woodruff.

D. CONSENT AGENDA (Resolution Serial Nos. 09-120, 09-121, and 09-122 and AM No.09-099 were pulled from the consent agenda and addressed separately. *See pp 11-13*)

1. RESOLUTIONS

a. Resolution Serial No. 09-119: A RESOLUTION RATIFYING THE PROPOSED LABOR AGREEMENT WITH THE MATANUSKA-SUSITNA BOROUGH EMPLOYEES ASSOCIATION.

(1) IM No. 09-252

e. Resolution Serial No. 09-123: A RESOLUTION TO THE GOVERNOR AND LEGISLATURE SUPPORTING CHANGES IN STATE LAW TO ALLOW CHARTER SCHOOLS IN ALASKA TO APPLY FOR FEDERAL FACILITY GRANTS. *(Sponsored by Assemblymember Colver)*

(1) IM No. 09-273

2. ASSEMBLY MEMORANDUMS

a. AM No. 09-083: REQUESTING ASSEMBLY APPROVAL TO EXTEND THE CURRENT (PROJECT FUNDED) PROJECT MANAGEMENT ASSISTANT EMPLOYEE FOR THE PUBLIC WORKS DEPARTMENT.

c. AM No. 09-100: AWARD OF BID NO 10-040 TO SCARSELLA BROTHERS, INC. IN A CONTRACT AMOUNT OF $2,573,785 WITH A CONTRACT AMENDMENT AUTHORIZATION OF $200,000 FOR THE PORT MACKENZIE BARGE DOCK EXPANSION PROJECT.

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, with the exception of AM No. 09-099.

VOTE: The motion passed without objection.

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

VOTE: The motion passed without objection.

b. Resolution Serial No. 09-120: A RESOLUTION APPROVING STATE LEGISLATIVE PRIORITIES FOR THE MATANUSKA-SUSITNA BOROUGH FOR THE YEAR 2010.

(1) IM No. 09-258

MOTION: Assemblymember Bettine moved to adopt Resolution Serial No. 09-120.

MOTION: Assemblymember Bettine moved a primary amendment to Resolution Serial No. 09-120, Legislative and Operating Fund Priorities, Property Tax Relief, by striking the word "sustainable" and inserting in its place "increased" to read: Property Tax Relief in the form of Increases Municipal Revenue Sharing/Community Dividends Assistance."

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Bettine moved a primary amendment to Resolution Serial No. 09-120, Capital Project Priorities, South Denali Visitor Center, by striking the words "from State of Alaska Cruise Ship Head Tax Funds to construct the" and insert in its place the words "for" to read: Funding of $13 Million for the South Denali Visitors Center.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Bettine moved a primary amendment to Resolution Serial No. 09-120, Capital Project Priorities, by adding a new capital project to read as follows: "Capital project funding of the eastern, northern, and southern gateway tourism infrastructure project and that the projects be funded through cruise ship head tax funds in the amount of $10 million."

Assemblymember Ewing noted his opposition to the amendment.

VOTE: The primary amendment passed with Assemblymember Ewing opposed.

Assemblymember Colver:

- noted the attendance of the skiers who spoke under audience participation; and
- opined that there are many more people within the Borough who would like to see a nordic ski area developed.

Mr. Duffy noted that there are funds that should cover construction of the road.

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 09-120, Capital Project Priorities, Hatcher Pass Ski Area, as follows:

- striking "$6 Million" and inserting "$4 Million" in its place;

- striking the phrase "e.g., parking lot, day lodge or warming facility for the Nordic area;" and
- inserting a new capital project that reads: "$2 Million for Hatcher Pass Nordic are for trails, road, parking or warming facility."

VOTE: The primary amendment passed without objection.

Assemblymember Houston stated that although the Borough does not see this list as prioritized, the State Legislators see it as a prioritized list.

MOTION: Assemblymember Houston moved a primary amendment to Resolution Serial No. 09-120, Capital Project priorities, by moving the $2 Million for the Nordic Ski area by moving it to be directly below the $35 million for the barge dock expansion.

MOTION: Assemblymember Colver moved a secondary amendment to strike moving the $2 Million for the Nordic ski area, below the $35 million for the Barge Dock Expansion, but to move it directly after the $27 Million for the Bogard Road Extension.

VOTE: The secondary amendment passed with Assemblymember Bettine opposed.

VOTE: The primary amendment passed as amended without objection.

VOTE: The main motion passed as amended without objection.

c. Resolution Serial No. 09-121: A RESOLUTION APPROVING FEDERAL PRIORITIES FOR THE MATANUSKA-SUSITNA BOROUGH FOR THE YEAR 2010.
   (1) IM No. 09-259

MOTION: Assemblymember Bettine moved adopt Resolution Serial No. 09-121.

VOTE: The motion passed without objection.

b. Resolution Serial No. 09-122: A RESOLUTION APPROVING A GRANT TO THE MATANUSKA-SUSITNA VISITORS AND CONVENTION BUREAU IN THE AMOUNT OF $21,000 FOR THE MAT-SU VALLEY SOUTH GATEWAY VISITOR CENTER AND SETTING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 20380. *(Sponsored by Assemblymember Bettine)*
(1) IM No. 09-266

MOTION: Assemblymember Arvin moved to adopt Resolution Serial No. 09-122.

Assemblymember Arvin queried what specifically the funds would be used for and if there is a tie between this legislation and AM No. 09-099.

Assemblymember Bettine:
- stated that a contract has been awarded to identify a site and plans for the center;
- advised that the funds require a twenty percent match; and
- clarified the difference between this legislation and AM No. 09-099.

VOTE: The motion passed without objection.

b. AM No. 09-099: APPROVAL OF TOURISM INFRASTRUCTURE (BED TAX) ALLOCATION AND AUTHORIZATION TO PROCEED WITH THE FISCAL YEAR 2010 TOURISM INFRASTRUCTURE GRANT PROGRAM.

MOTION: Assemblymember Arvin moved to adopt AM No. 09-099.

VOTE: The motion passed without objection.

VIII. UNFINISHED BUSINESS

A. AM No. 09-087: APPROVAL OF A CHANGE ORDER TO DOWL ENGINEERS IN AN AMOUNT NOT TO EXCEED $685,000 FOR THE BOGARD ROAD EXTENSION EAST DESIGN SERVICES, PROJECT NO. 06-134 FOR ADDITIONAL PROFESSIONAL SERVICES.

MOTION PENDING: Assemblymember Colver moved to adopt AM 09-087.

Mr. Sworts provided a staff report.

Assembly Colver opined that numerous public hearings need to be held in order to address concerns regarding this project.

Mr. Sworts spoke to the Corridor Access Management Plan and how it allowed for many public hearings.

Assemblymember Bettine:
- spoke to concerns regarding the use of under passes in this project; and
- opined that it is important to ensure that the road is built and there are adequate funds to open it to public use.

Assemblymember Ewing:
- spoke to concerns of spending funds on under passes; and
- opined that overpasses are accessed more frequently due to safety concerns.

Assemblymember Halter opined that anything that protects pedestrians is worth the effort.

Assemblymember Colver:

- opined that roundabouts should be included in this project;
- requested a spreadsheet that includes the fees for right-of-way acquisition for this project; and
- noted the opportunity to look at combining this project with the Palmer Couplet project.

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

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
a. Emergency Medical Services Board: 08/05/09
b. Enhanced 911 Advisory Board: 09/08/09
c. Local Road Service Area Advisory Board: 09/17/09, Resolution Serial Nos. 09-03, 09-04

2. Community Council Correspondence:
a. Gateway Community Council: 04/23/09
b. Talkeetna Community Council: 05/04/09, 06/01/09, 07/06/09, 08/03/09, 08/27/09, 09/01/09, 09/14/09

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

IX. NEW BUSINESS

A. INTRODUCTION (For public hearing – 01/05/10, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 09-166: AN ORDINANCE AUTHORIZING THE MATANUSKA-SUSITNA BOROUGH TO INCUR INDEBTEDNESS IN THE PRINCIPAL AMOUNT OF $50,000 FROM THE ALASKA STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF WATER, APPROPRIATING THE LOAN PROCEEDS TO THE TALKEETNA WATER AND SEWER SERVICE AREA, FUND 293, REAPPROPRIATING $50,000 FROM THE TALKEETNA WATER AND SEWER SERVICE AREA, FUND 293, TO FUND 415, PROJECT NO. 25037, AND ACCEPTING AND APPROPRIATING FUNDS IN THE AMOUNT OF $450,000 FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009, TO FUND 415, PROJECT NO. 25037, FOR TALKEETNA PUBLIC WATER SYSTEM IMPROVEMENTS.
a. Resolution Serial No. 09-124: A RESOLUTION TO APPROVE THE SCOPE OF WORK AND BUDGET FOR THE TALKEETNA PUBLIC WATER SYSTEM IMPROVEMENTS.
(1) IM No. 09-264

2. Ordinance Serial No. 09-167: AN ORDINANCE ACCEPTING AND APPROPRIATING $344,000 FROM THE ALASKA STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF WATER, AND $391,630

FROM THE ALASKA STATE DRINKING WATER FUND AND AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 TO FUND 415, PROJECT NO. 30082, FOR THE GARDEN TERRACE WATER SYSTEM UPGRADES.

a. Resolution Serial No. 09-125: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE GARDEN TERRACE WATER SYSTEM UPGRADES, PROJECT NO. 30082.

(1) IM No. 09-265

3. Ordinance Serial No. 09-168: AN ORDINANCE AMENDING MSB 3.04.050, SCHOOL SYSTEM BUDGET; CONTENTS; AND ADOPTION OF MSB 3.04.055, LONG RANGE EDUCATION FINANCIAL PLAN. *(Sponsored by Assemblymember Colver)*

a. IM No. 09-274

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 January 5, 2010.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Colberg requested the following confirmations:

Citizen's Advisory Committee
 Greg Bell
Emergency Services Medical Board
 Lynn Moore
Enhanced 911 Advisory Board
 Dennis Brodigan
Health and Social Services Board
 Kelly Marre
Historical Preservation Commission
 Leroi Heaven
Joint Assembly/School Board Committee on School Issues
 Sarah Welton
 Myrl Thompson
Platting Board
 James Spangler
 Helga Larson
Port Commission
 Paul DuClos Jr.
 John Riggs

Transportation Advisory Board
Richard Bess
Christopher Remick
Wasilla-Lakes FSA No. 130
Ken Slauson
Fairview RSA No. 14
Daniel Elliott

Greater Talkeetna RSA No. 29
David Johnston
Lazy Mountain RSA No. 19
Lucy Klebesadel
Midway RSA No. 9
Carol Selkirk
Talkeetna Sewer & Water Service Area No. 36
Paul Richards

Mayor Colberg made the following recommendations:

Animal Care and Regulation Board
John Wood
Board of Adjustments and Appeals
Claudia Roberts
Mayor's Blue Ribbon Sportsmen's Committee
Jim Colver
Planning Commission
Patrick Johnson
James Norcross
Platting Board
Thomas Smith
Ralph Buzard
Real Property Asset Management Board
Thomas Healy
Transportation Advisory Board
Daniel Elliott
Circle View & Stampede Estates Flood & Water Erosion Control No. 131
Patti Huntsman

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

VOTE: The motion passed without objection.

MOTION: Assemblymember Bettine moved suspend the rules to extend the meeting to 11:30 p.m.

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 *(for matters, the immediate public knowledge of which would clearly have an adverse effect upon the finances of the borough and matters which by law, municipal charter, or ordinance are required to be confidential.)*

A. Alaska Construction and Paving Contract Settlement Agreement

MOTION: Assemblymember Bettine moved to enter executive session to discuss matters that immediate public knowledge of which would clearly have an adverse effect upon the finances of the borough and matters which by law, municipal charter, or ordinance are required to be confidential, in particular to discuss the Alaska Construction and Paving Contract Settlement Agreement. Those present during the executive session were the Mayor, members of the Assembly, Mr. John Duffy, Mr. Nick Spiropoulos, Ms. Lonnie McKechnie, Ms. Shannon Bodolay, Ms. Lisa Thomas, Ms. Tammy Clayton, Ms. Shaune O'Neil, and Mr. Greg Goodale.

VOTE: The motion passed without objection and the Assembly entered executive session at 10:51 p.m.

MOTION: Assemblymember Bettine moved to exit executive session.

VOTE: The motion passed and the Assembly exited executive session at 11:28 p.m.

MOTION: Assemblymember Bettine moved to suspend the rules extend the meeting to midnight.

VOTE: The motion passed without objection.

MOTION: Assemblymember Bettine moved for reconsideration of postponement of Ordinance Serial No. 09-165.

VOTE: The motion passed without objection.

Ms. Clayton:

- advised that properties need to be valued by January 1st;
- noted that if the legislation comes back before the Assembly on January 5, 2010, it would be too late for the change to affect the property valuations for 2010; and
- stated that the code change would mean $8 million dollars less in property tax to the Borough.

VOTE: The main motion passed without objection

B. Susitna Valley High School Insurance Claim Proposed Settlement and Potential Litigation Regarding the Fire.

MOTION: Assemblymember Bettine moved to enter executive session to discuss matters that immediate public knowledge of which would clearly have an adverse effect upon the finances of the borough and matters which by law, municipal charter, or ordinance are required to be confidential, in particular to discuss the Susitna Valley High School Insurance Claim Proposed Settlement and Potential Litigation regarding the fire. Those present during the executive session were the Mayor, members of the Assembly, Mr. John Duffy, Mr. Nick Spiropoulos, Ms. Lonnie McKechnie, and Ms. Tammy Clayton.

VOTE: The motion passed without objection and the Assembly entered executive session at 11:31 p.m.

MOTION: Assemblymember Bettine moved to exit executive session.

VOTE: The motion passed and the Assembly exited executive session at 11:40 p.m.

XIII. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Houston spoke to concerns with Assembly meetings lasting until Midnight.

Assemblymember Colver:

- stated that he will be working in Juneau on the staff of Representative Olson;
- advised that he will attend meetings telephonically when he cannot attend in person;
- spoke to statutes that allow State employees to be municipal officials;
- spoke in favor of combining the Bogard Road extension project with the Palmer Couplet Project; and
- spoke to developing a better process for ethics complaints.

Assemblymember Bettine:

- stated that she is considering attending an economic development class; and
- queried the Assembly if the Assembly had any objections to her attending this class.

There was no objection noted.

Assemblymember Arvin:

- spoke to attending Governor Sean Parnell's luncheon;
- noted his disappointment in the education endowment;
- opined it is the Assembly's job to lobby the State Legislature to ensure that the Borough priorities make it before them; and
- opined that the State Legislative Priorities list is too long.

XIV. ADJOURNMENT

The regular meeting adjourned at 11:57 p.m.

TALIS J. COLBERG, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 01/05/10