

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on January 15, 2013, at the Borough School District Administration Building, 501 N. Gulkana Street, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Larry DeVilbiss.

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*) (*attended telephonically*)
Mr. Steve Colligan, Assembly District No. 4
Mr. Darcie K. Salmon, 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 Moosey, Borough Manager
Mr. George Hays, Assistant Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Jamie Newman, Deputy Borough Clerk
Ms. Tammy Clayton, Finance Director
Ms. Shaune O'Neil, Public Works Director
Ms. Eileen Probasco, Planning and Land Use Director
Ms. Patty Sullivan, Public Affairs Director
Mr. Don Dyer, Economic Development Director
Mr. Alex Strawn, Permitting Services Manager
Mr. John Aschenbrenner, Deputy Borough Attorney
Mr. Brad Sworts, Public Works Pre-Design Manager
Ms. Frankie Barker, Planner II

III. APPROVAL OF AGENDA

Mayor DeVilbiss inquired if there were any changes to the agenda.

Assemblymember Keogh requested to pull Resolution Serial Nos. 13-008 and 13-009 from the consent agenda for further discussion.

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Frankie Barker, Borough Planner II.

V. MINUTES OF PRECEDING MEETINGS

- A. Regular Assembly Meeting: 11/20/12
- B. Regular Assembly Meeting: 12/04/12
- C. Joint Assembly/School Board Meeting: 12/11/12

Mayor DeVilbiss inquired if there were any corrections to the regular meeting minutes of November 20, 2012, the regular meeting minutes of December 4, 2012, or the Joint Assembly/School Board meeting minutes of December 11, 2012.

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Palmer City

Mr. Doug Griffin, City Manager:

- thanked Mr. Moosey for attending the City's first meeting of the year;
- noted Mr. Moosey's attendance at the meeting is important to a good working relationship;
- reported that the City adopted a modest operating budget for calendar year 2013; and
- stated that funds were approved in the 2013 budget to increase the City's animal control contract with the Borough.

Wasilla City

Mr. Bert Cottle, Deputy Administrator:

- spoke to the City's request for \$125,000 from the Alaska Legislature for start up funds for a Sexual Assault Response Team (SART);
- added that all four Mayors representing the incorporated Cities within the Borough have signed a letter of support for the SART funding; and
- remarked that annual funding for SART will be requested from the Borough.

2. Matanuska-Susitna Borough School District

(There was no report provided.)

3. U.S. Fish and Wildlife Service – Bill Rice

Mr. Rice:

- spoke to the Mat-Su Fish Passage Program;
- noted that 100 different entities are involved in the program;
- added that the program's initiative is to maintain salmon habitat to ensure sustainable salmon population;
- spoke to grant funding opportunities for the program; and
- requested support of the Fish Passage Program from the Borough.

4. Mat-Su Convention and Visitors Bureau – Bonnie Quill

Ms. Quill:

- spoke to the activities of the Mat-Su Convention and Visitors Bureau (MSCVB);
- reported on the success of a recent MSCVB Board Planning Retreat held to develop the fiscal year 2014 budget;
- added that the Assembly will be provided a copy of the budget no later than March 1, 2013; and
- spoke to the many programs and projects administered by the MSCVB.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

(There was no report provided.)

2. Assembly Public Relations

Mayor DeVilbiss:

- spoke to a task force meeting of local agencies he attended in which demographics were discussed; and
- added that a large senior citizen population is expected to locate to the Borough.

C. MANAGER COMMENTS

1. State/Federal Legislation

2. Strategic Planning Issues

Mr. Moosey:

- reported that he will be in Juneau from January 27 through January 29, to support the Borough's legislative priorities;
- spoke to a meeting he attended in Seattle with officials from the Federal Transit Authority to discuss the M/V Susitna;
- noted his intention to offer the M/V Susitna through a sealed bid process in late February or March;

- reported that details of the offering will be brought to the Assembly at the February 5 regular meeting;
- spoke to an invitation received from the Municipality of Anchorage, the Kenai Peninsula Borough, and the Ketchikan Gateway Borough to discuss education funding and a request to the Legislature to provide full funding;
- noted that a sample resolution was provided to the Assembly calling on Governor Parnell and the Legislature to fully fund basic education in all school districts;
- invited any assembly member interested in sponsoring the resolution to contact him;
- reported that the relationship between the Borough and the Loving Companions Animal Shelter in Fairbanks has been terminated; and
- remarked that Administration is looking at policy changes with respect to the sheltering of animals with private entities.

3. Moose Federation

Mr. Gary Olson, Alaska Moose Federation Executive Director:

- spoke to the mission of the Alaska Moose Federation to build a broad range of services between Alaska communities and state agencies in order to build moose population in rural areas and keep them off highway corridors;
- noted the continued increase in moose/vehicle collisions;
- reported on proactive efforts by private and public sector entities to reduce moose/vehicle collisions;
- spoke to efforts related to right-of-way improvement and habitat enhancement by the Alaska Department of Transportation and Public Facilities; and
- encouraged the Borough to implement programs outlined in the Alaska Department of Transportation and Public Facilities Strategic Safety Plan.

4. Update on Road Bonds

Mr. Joe Perkins, Borough Contractor:

- stated that he has been hired by the Borough to review the status of the 2013 road construction bond projects, as well as other road construction projects;
- stated he works closely with staff in Public Works; and
- spoke to road construction projects slated for work during the upcoming construction season.

Assemblymember Cover:

- thanked staff for the report on the construction projects; and
- requested that staff prepare an advertising and bid opening schedule for tracking purposes and industry notification.

Assemblymember Keogh requested that Mr. Perkins contact him for a briefing on projects in Assembly District 1.

Assemblymember Colligan:

- spoke to telephone calls he received from local animal rescue groups concerned about the Borough's Animal Control Shelter distributing animals to private rescue shelters outside the Borough; and
- asked if the Borough has a local preference policy in place with respect to the placement of animals.

Mr. Hayes:

- reported that generally local rescue groups are contacted before animals are given to groups outside the Borough; and
- noted policy changes have been instituted with respect to the fees charged for animals sent outside of the Borough.

MOTION: Assemblymember Colligan moved to schedule a special meeting on February 19, 2013, at 4 p.m. to hold an interim evaluation of the Borough Manager.

Assemblymember Colligan spoke in support of holding an interim evaluation to discuss items of interest in advance of the fiscal year 2014 budget preparation.

Assemblymember Keogh questioned if the Manager's contract provides for an interim evaluation.

Mr. Moosey noted his contract does not set out an evaluation schedule.

VOTE: The motion passed with Assemblymembers Keogh and Salmon opposed.

D. ATTORNEY COMMENTS

(There was no report provided.)

E. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule; and
- requested that the Assembly provide all agenda items for the joint meeting with the Cities no later than January 18, 2013.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Animal Care and Regulation Board: 07/30/12, 08/06/12
- b. Aviation Advisory Board: 09/13/12, Resolution Serial No. 12-11
- c. Caswell Lakes FSA Board of Supervisors: 06/13/12
- d. Emergency Medical Services Board: 08/01/12
- e. Enhanced 911 Advisory Board: 08/14/12, 10/09/12
- f. Greater Palmer Consolidated FSA Board of Supervisors: 08/14/12

- g. Greater Willow RSA Board of Supervisors: Resolution adopted 10/11/12
 - h. Meadow Lakes RSA Board of Supervisors: Resolution adopted 05/16/12
 - i. Local Emergency Planning Committee: 08/15/12
 - j. Parks, Recreation, and Trails Advisory Board: 07/23/12, 08/27/12, 09/24/12, Resolution Serial No. 12-02
 - k. Planning Commission: 08/20/12, 10/01/12, 10/15/12, 11/05/12, 11/19/12, Resolution Serial Nos. 12-18, 12-20, 12-22, 12-23, 12-24(AM),12-25, 12-26, 12-27(AM), 12-28
 - l. Platting Board: 10/04/12
 - m. Talkeetna Sewer and Water SSA Board of Supervisors: 08/29/12, 09/26/12, 10/24/12
 - n. Wasilla-Lakes FSA Board of Supervisors: 08/13/12
 - o. West Lakes FSA Board of Supervisors: 08/13/12, 10/08/12
- 2. Community Council Minutes:
 - a. Point MacKenzie Community Council: 06/14/12
 - b. Sutton Community Council: 12/28/11, 01/25/12, 02/29/12
 - c. Trapper Creek Community Council: 09/20/12, 10/18/12

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

G. INFORMATIONAL MEMORANDUMS

- 1. IM No. 13-021: MONTHLY REPORTING OF AMENDED CONTRACTS AND NEW AWARDS UNDER \$100,000, ALONG WITH SOLE SOURCE PROCUREMENTS, FOR THE PERIOD OF NOVEMBER 1, 2012, THROUGH NOVEMBER 30, 2012.
- 2. IM No. 13-033: MONTHLY REPORTING OF AMENDED CONTRACTS AND NEW AWARDS UNDER \$100,000, ALONG WITH SOLE SOURCE PROCUREMENTS, FOR THE PERIOD OF DECEMBER 1, 2012, THROUGH DECEMBER 31, 2012.

The informational memorandums were presented and no comments were noted.

(The meeting recessed at 7 p.m. and reconvened at 7:11 p.m.)

VII. UNFINISHED BUSINESS

- A. Ordinance Serial No. 12-056: AN ORDINANCE AMENDING MSB 15.24.030, COMPREHENSIVE PLAN AND PURPOSES, BY ADOPTING THE 2011 WILLOW AREA COMMUNITY HISTORIC PRESERVATION PLAN INTO THE OVERALL BOROUGH-WIDE COMPREHENSIVE PLAN. *(Previously Ordinance Serial No. 11-148)*
 - 1. IM No. 12-090

MOTION PENDING: Assemblymember Halter moved to adopt Ordinance Serial No. 12-056.

MOTION PENDING: Assemblymember Woods moved a primary amendment to IM No. 12-090, Willow Area Community Historic Preservation Plan, by striking Section 4, Vision Statement, Goals, Objectives and Recommendations in its entirety.

Assemblymember Keogh:

- reiterated language from a memorandum prepared by the Levesque Law Group that states: “adoption and incorporation of the plan will likely have little effect on the initiation of private economic or public development projects within the Willow area. Although the plan does provide goals and recommendations for implementation that directly addresses the community’s desire to protect some specific sites and structures, it creates no outright prohibition on development in the area when read individually, or in conjunction with the Borough Comprehensive Plan.”; and
- noted his opposition to the amendment based on the memorandum from the law group.

VOTE: The primary amendment passed with Assemblymembers Keogh, Colver, and Halter opposed.

Assemblymember Woods asked whether the reference to MSB 27.15.050, Preliminary Plat Submittal, on page 128 of the Willow Area Community Historic Preservation Plan, would be in effect under MSB Title 43.

Mayor DeVilbiss asked if there was objection to the Assembly resuming deliberation on Ordinance Serial No. 12-056, after Audience Participation, to give Mr. Spiropoulos time to review the question asked by Assemblymember Woods.

There was no objection noted.

(Discussion continued on page 11)

VIII. VETO

(There were no vetoes presented.)

IX. SPECIAL ORDERS

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

(There were no persons to be heard)

B. PUBLIC HEARINGS (Three minutes per person.)

1. Ordinance Serial No. 12-162: AN ORDINANCE CREATING GREENSWARD DRIVE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 502, 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. 12-261

Mayor DeVilbiss opened the public hearing.

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

Mayor DeVilbiss noted that more than fifty percent of the property owners within the Greensward Drive Natural Gas Local Improvement District voted in opposition to approving the improvement plan.

Mr. Spiropoulos reported it would take a super majority vote of the Assembly to approve the legislation.

MOTION: Assemblymember Halter moved to adopt Ordinance Serial No. 12-162.

VOTE: The motion failed unanimously.

2. Ordinance Serial No. 12-171: AN ORDINANCE APPROVING AN APPROPRIATION OF \$275,000 FROM LAZY MOUNTAIN ROAD SERVICE AREA NO. 19 FUND BALANCE, FUND 275, TO FUND 410, PROJECT NO. 30041, FOR LAZY MOUNTAIN ROAD SERVICE AREA NO. 19 CAPITAL PROJECTS.

a. IM No. 12-263

Mayor DeVilbiss opened the public hearing.

The following person spoke to there being no specific capital projects identified with respect to the transfer of funds within the legislation: Ms. Lynn Fuller.

Ms. O'Neil presented a staff report.

MOTION: Assemblymember Keogh moved to adopt Ordinance Serial No. 12-171.

Assemblymember Keogh:

- noted that a resolution of the Lazy Mountain Road Service Area Board of Supervisors, requesting the transfer of funds was included in the packet with the legislation; and
- remarked that he does not oppose postponing the legislation until the capital project list is made available.

MOTION: Assemblymember Keogh moved to postpone Ordinance Serial No. 12-171 to a time certain of February 5, 2013.

VOTE: The motion to postpone failed with Assemblymember Keogh in favor.

VOTE: The main motion passed without objection.

3. Ordinance Serial No. 12-172: AN ORDINANCE ADOPTING MSB 4.75.007, TERM OF MEMBERS, FOR THE MATANUSKA-SUSITNA BOROUGH FISH AND WILDLIFE COMMISSION. *(Sponsored by Mayor DeVilbiss and Assemblymember Colver)*
 - a. IM No. 12-269

Mayor DeVilbiss 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. 12-172.

Assemblymember Colver stated that there are several long term experts in the area of fish biology and wildlife issues that are ineligible for reappointment to the Mat-Su Borough Fish and Wildlife Commission because of the two-term policy that applies to all Borough boards.

Assemblymember Keogh expressed recognition of the expertise of those serving on the Mat-Su Borough Fish and Wildlife Commission.

MOTION: Assemblymember Keogh moved a primary amendment to MSB 4.75.007(A) to strike the words “more than two” and insert in its place the word “three” to read: “Irrespective of the limits specified in MSB 4.05.050, a board member may serve three consecutive terms.”

Discussion ensued regarding:

- the value and expertise of those serving on the Mat-Su Borough Fish and Wildlife Commission;
- the need to retain educated and committed board members; and
- the appointment process for the Board.

VOTE: The primary amendment failed with Assemblymembers Keogh and Halter in favor.

VOTE: The main motion passed without objection.

4. Ordinance Serial No. 12-173: AN ORDINANCE ADOPTING MSB 4.50.055, TERM OF MEMBERS, FOR THE LOCAL EMERGENCY PLANNING COMMITTEE. *(Sponsored by Mayor DeVilbiss)*
 - a. IM No. 12-271

Mayor DeVilbiss opened the public hearing.

The following person spoke in opposition to Ordinance Serial No. 12-173: Ms. Terry Snyder.

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

MOTION: Assemblymember Salmon moved to adopt Ordinance Serial No. 12-173.

Mayor DeVilbiss remarked that many of the positions on the Local Emergency Planning Committee can only be filed by a limited pool of candidates.

VOTE: The motion passed without objection.

5. Ordinance Serial No. 13-001: AN ORDINANCE APPROPRIATING \$12,900,000 TO FUND 430, TRANSPORTATION SYSTEM CAPITAL PROJECTS, FOR THE CONSTRUCTION, ADDITIONS, IMPROVEMENTS, BETTERMENTS, REPAIR, RECONSTRUCTION, OR ACQUISITION OF PUBLIC ROADS AND FACILITIES RELATED THERETO IN THE MATANUSKA-SUSITNA BOROUGH, TOGETHER WITH ALL NECESSARY EQUIPMENT AND TRANSPORTATION FACILITIES, AND THE ACQUISITION OF LANDS OR RIGHTS IN LANDS IN CONNECTION THEREWITH WHICH WOULD ADDRESS URGENT SAFETY ISSUES AND TRANSPORTATION NEEDS AND THE APPROPRIATION OF \$212,380 FOR RELATED ISSUANCE COSTS.
 - a. Resolution Serial No. 13-002: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE 2012 SERIES D TRANSPORTATION SYSTEM BOND PROCEEDS AND THE FISCAL YEAR 2013 DESIGNATED LEGISLATIVE MATCHING GRANT FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT, FUND 430.
 - (1) IM No. 13-005
 - (2) AM No. 13-018: AUTHORIZE THE AWARD OF PROPOSAL 13-056P TO LOUNSBURY & ASSOCIATES, INC. IN THE AMOUNT OF \$205,615 FOR CASWELL LAKES ROAD AND WILLOW LAKE DRIVE UPGRADES.
 - (3) AM No. 13-021: APPROVAL OF A CHANGE ORDER TO DOWL HKM IN THE AMOUNT OF \$460,316 TO EXTEND THEIR SCOPE OF SERVICES TO INCLUDE THE FELTON STREET EXTENSION ROAD BOND PROJECT AS PART OF THE BOGARD ROAD EXTENSION EAST DESIGN SERVICES, PROJECT NO. 06-134.
 - (4) AM No. 13-022: AWARD OF PROPOSAL 13-057P TO DOWL HKM IN THE AMOUNT OF \$289,796 FOR DESIGN AND CONSTRUCTION MANAGEMENT SERVICES FOR HAWK LANE UPGRADES.

Mayor DeVilbiss 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 Salmon moved to adopt Ordinance Serial No. 13-001, Resolution Serial No. 13-002, and AM Nos. 13-018, 13-021, and 13-022.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following persons spoke to concerns with the Borough's Animal Care and Regulation Shelter adopting cats to a rescue organization in Fairbanks, noting that the Fairbanks shelter was not vetted and the animals should have gone to local rescue groups and expressed concern with the overall administration of the Borough Animal Care and Regulation Shelter: Ms. Rhonda Weinrick, Borough Animal Care and Regulation Board Member; Ms. Trish Ryder, Alaska Cat Adoption Team; and Ms. Victoria Nagley.

The following person spoke to his respect for Joe Perkins and expressed concern with Ordinance Serial No. 12-157 coming back before the Assembly without sufficient public process: Mr. Murph O'Brien.

The following person spoke in opposition to Resolution Serial No. 13-008 and expressed concern that Mayor DeVilbiss and Assemblymember Arvin have a financial stake in the outcome of the recommendations of the energy policy review commission should it be created: Ms. Jamey Duhamel, Castle Mountain Coalition Program Director.

The following person spoke in support of Resolution Serial No. 13-005: Ms. Mollie Boyer, Valley Community for Recycling Solutions Executive Director.

The following person spoke in favor of Resolution Serial No. 13-005 and the reasonable regulation of towers and spoke in opposition to Resolution Serial No. 13-008: Ms. Lynn Fuller.

(Unfinished Business continued from page 7)

Ordinance Serial No. 12-056: AN ORDINANCE AMENDING MSB 15.24.030, COMPREHENSIVE PLAN AND PURPOSES, BY ADOPTING THE 2011 WILLOW AREA COMMUNITY HISTORIC PRESERVATION PLAN INTO THE OVERALL BOROUGH-WIDE COMPREHENSIVE PLAN. *(Previously Ordinance Serial No. 11-148)*

1. IM No. 12-090

Mr. Spiropoulos:

- advised that MSB 43.15.045, Plat Approval, does not require review by the Cultural Resources Division on a preliminary plat submittal; and
- added that the reference to a review by the Cultural Resources Division under MSB 27.15.050, Preliminary Plat Submittal, has no bearing on the adoption of the Willow Area Community Historic Preservation Plan, as MSB Title 27, Subdivisions has been repealed.

Assemblymember Keogh stated that as a result of the amendment to the plan, the Assembly is presumably moving forward the Willow Area Community Historic Preservation Plan, which now lacks a vision statement, goals, objectives, and recommendations.

Assemblymember Halter stated that while he did not support the amendment to the plan, the Borough does have a well written historical document for Willow.

VOTE: The main motion passed without objection.

D. CONSENT AGENDA

1. RESOLUTIONS

a. Resolution Serial No. 13-003: A RESOLUTION RATIFYING THE PROPOSED LABOR AGREEMENT WITH THE MATANUSKA-SUSITNA BOROUGH EMPLOYEE ASSOCIATION.

(1) IM No. 13-012

e. Resolution Serial No. 13-007: A RESOLUTION SUPPORTING THE LAYOUT AND PLANNING OF A TOWN SITE IN THE COMMUNITY OF POINT MACKENZIE AND A TOWN SITE IN THE FISH CREEK MANAGEMENT AREA. *(Sponsored by Mayor DeVilbiss)*

(1) IM No. 13-031

2. ACTION MEMORANDUMS

a. AM No. 13-001: APPROVAL OF A CHANGE ORDER TO LOUNSBURY & ASSOCIATES, INC. IN THE AMOUNT OF \$1,263,128 FOR THE TRUNK ROAD EXTENSION SOUTH DESIGN SERVICES, PROJECT NO. 35007.

b. AM No. 13-002: APPROVAL OF UTILITY RELOCATION COSTS TO MATANUSKA TELEPHONE ASSOCIATION IN THE AMOUNT OF \$125,613.38 FOR TAMAR ROAD PROJECT.

c. AM No. 13-004: APPROVAL OF A REGULAR FULL-TIME EMERGENCY SERVICES DEPUTY DIRECTOR – FIRE SERVICES POSITION AND THE PLACEMENT OF THIS POSITION OUTSIDE THE COLLECTIVE BARGAINING UNIT.

d. AM No. 13-005: APPROVAL OF A CHANGE ORDER TO WM CONTRACTING IN THE AMOUNT OF \$2,640 TO ALLOW ADDITIONAL WORK DUE TO UNFORESEEN DAMAGE TO A CROSS CULVERT THAT NEEDS TO BE REPLACED FOR CHICKALOON ROAD PROJECT.

e. AM No. 13-006: AWARD OF BID NO. 13-055B TO LION APPAREL IN A TOTAL YEARLY PURCHASE AMOUNT THAT MAY EXCEED \$100,000 TO PURCHASE TURNOUT GEAR AND URBAN SEARCH AND RESCUE GARMENTS.

f. AM No. 13-007: AUTHORIZING THE BOROUGH MANAGER TO ENTER INTO A LEASE AGREEMENT FOR A ONE YEAR CONTRACT PERIOD IN THE AMOUNT OF \$38,400 FOR WILLOW EMERGENCY MEDICAL SERVICES AND RESCUE

SPACE, LOCATED AT 24927 WEST WILLOW CREEK PARKWAY, WILLOW, ALASKA.

- g. AM No. 13-009: AWARD OF BID NO. 13-058B TO VALLEY GENERAL CONSTRUCTION, LLC. IN THE CONTRACT AMOUNT OF \$124,002 FOR MERRILL CIRCLE IMPROVEMENTS.
- h. AM No. 13-010: AWARD OF PROPOSAL 13-023P TO ARCHITECTS ALASKA IN THE AMOUNT OF \$383,497 FOR DESIGN AND CONSTRUCTION ADMINISTRATION OF THE TALKEETNA LIBRARY/COMMUNITY RESOURCE CENTER.
- i. AM No. 13-011: APPROVING THE ELIMINATION OF A PUBLIC WORKS CIVIL ENGINEER, IN THE PROJECT MANAGEMENT AND ENGINEERING DIVISION, AND REPLACING IT WITH THE POSITION OF PUBLIC WORKS DEPUTY DIRECTOR, OUTSIDE THE COLLECTIVE BARGAINING UNIT.
- j. AM No. 13-015: APPROVAL OF A CONTRACT AMENDMENT WITH SHAMROCK SEPTIC IN THE AMOUNT OF \$40,000 FOR LEACHATE HAULING AND DISPOSAL DUE TO EXCEPTIONALLY HIGH PRECIPITATION LEVELS.
- k. AM No. 13-019: AWARD OF PROPOSAL 13-049P TO HATTENBURG DILLEY & LINNELL IN AN AMOUNT NOT TO EXCEED \$282,412 FOR KNIK RIVER ROAD IMPROVEMENTS DESIGN.
- l. AM No. 13-020: ACCEPTANCE OF LATE FILED AND RETROACTIVE SENIOR CITIZEN AND DISABLED VETERAN EXEMPTION APPLICATIONS.

Ms. McKechnie read the above legislation into the record.

MOTION: Assemblymember Salmon moved to adopt the consent agenda as read into the record by the Clerk.

MOTION: Assemblymember Woods moved to divide the question to take AM No. 13-010 separately.

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

MOTION: First Segment. Assemblymember Salmon moved to adopt the consent agenda as read into the record by the Clerk with the exception of AM No. 13-010.

VOTE: First Segment. The motion passed without objection.

MOTION: Second Segment. Assemblymember Salmon moved to adopt AM No. 13-010.

Assemblymember Woods:

- expressed that he has confirmed with the Manager that if the legislation is approved, the architects would design a facility that would cost over \$2 million dollars to construct;
- stated that there is not enough funds set aside to construct a \$2 million dollar facility; and
- added that the architects should design a facility based on the actual amount of funds that are set aside for the construction.

Assemblymember Halter:

- expressed that additional funds are expected from other sources; and
- noted his constituents wholeheartedly support the construction of a library/community center in Talkeetna.

VOTE: Second Segment. The motion passed with Assemblymember Woods opposed.

b. Resolution Serial No. 13-004: A RESOLUTION APPROVING THE FINANCIAL RESPONSIBILITY FOR THE M/V SUSITNA FOR DECEMBER 2012 AND JANUARY AND FEBRUARY 2013.

(1) IM No. 13-020

MOTION: Assemblymember Salmon moved to adopt Resolution Serial No. 13-004.

Assemblymember Arvin:

- stated that he is finished with spending money on the M/V Susitna; and
- added that the Manager needs to find a solution.

VOTE: The motion passed with Assemblymembers Arvin, Colligan, and Colver opposed.

c. Resolution Serial No. 13-005: A RESOLUTION TO APPROPRIATE \$450,000 IN THE FISCAL YEAR 2014 BUDGET TO MATCH THE UNITED STATES DEPARTMENT OF COMMERCE ECONOMIC DEVELOPMENT ADMINISTRATION (EDA) AWARD NO. 07-01-06318 REMAINING AVAILABLE FUNDS TO IMPROVE SAFETY AND SIGNIFICANTLY INCREASE THE CAPACITY OF THE BOROUGH-OWNED RESOURCE AND RECOVERY CENTER. *(Sponsored by Assemblymember Salmon)*

(1) IM No. 13-022

MOTION: Assemblymember Salmon moved to adopt Resolution Serial No. 13-005.

Assemblymember Woods asked where the Borough is going to come up with the funds to match the grant.

Mr. Moosey noted that if approved, the recommendation of Administration to the Assembly will be to raise taxes to cover the cost.

Assemblymember Salmon:

- noted that the relationship between the United States Department of Commerce Economic Development Administration (EDA) and the Borough has been in existence for a long time;

- remarked that the legislation merely puts in place the mechanism to ensure that the Borough is following through on a prior commitment; and
- added that the EDA will continue to look favorably upon the Borough through the adoption of the legislation.

MOTION: Assemblymember Colver moved a primary amendment to the “Now, Therefore Be It Resolved” clause to insert the words “ from land fill enterprise fund” after the words “fiscal year 2014 budget” to read as follows: “Now, Therefore Be It Resolved, the Matanuska-Susitna Borough Assembly directs the Manager to put \$450,000 in the fiscal year 2014 budget from the landfill enterprise fund to match the United States Department of Commerce Economic Development Administration (EDA) award #07-01-06318 remaining available funds to purchase and install a two stroke horizontal auto tie baler and provide weatherization of the drive-through drop off area at the VCRS managed recycling center in order to improve safety and significantly increase the capacity of the Borough-owned resource and recovery center.”

Assemblymember Colver noted that it is appropriate for the matching funds to come from the landfill enterprise fund, as the intent of the resource and recovery facility is to capture resources from the waste stream before they get to the Borough Central Landfill.

Assemblymember Keogh asked if there are adequate funds in the landfill enterprise fund to fund the project.

Mr. Moosey noted that the landfill is currently operating at a deficit; however, the landfill is climbing closer to breaking even.

Discussion ensued regarding:

- improving the functionality and profitability of the recycling center;
- encouraging the broader citizenry to participate in the recycling program; and
- the establishment of a program to generate revenue and encourage recycling.

VOTE: The primary amendment passed with Assemblymembers Keogh and Salmon opposed.

VOTE: The main motion passed as amended without objection.

d. Resolution Serial No. 13-006: A RESOLUTION ESTABLISHING FEES FOR MSB 17.66, TALL STRUCTURES; INCLUDING TELECOMMUNICATION FACILITIES, WIND ENERGY CONVERSION SYSTEMS, AND OTHER TALL STRUCTURES.

(1) IM No. 13-030

MOTION: Assemblymember Colligan moved to adopt Resolution Serial No. 13-006.

Assemblymember Colligan noted that the legislation is incompatible with the substitute amendment he is bringing forward to Ordinance Serial No. 12-157, under the Motion to Amend Something Previously Adopted, which is further down the agenda.

Mr. Strawn presented a staff report.

VOTE: The motion passed with Assemblymembers Woods, Colligan, and Salmon opposed.

Assemblymember Salmon queried if Assemblymember Colver should have recused himself as having a conflict of interest, as he has done so in the past with other issues related to the regulation of tall towers.

Mr. Spiropoulos:

- noted that conflicts of interest are something that under Borough code an individual declares;
- added that the only remedy is to file a lawsuit to invalidate the action; and
- further added that there is no mechanism either in common law or statutory law for one person to declare that another person has a conflict and get a binding ruling on the matter.

Assemblymember Colver stated that he did not declare a conflict as fees are adopted in the normal course of business.

- f. Resolution Serial No. 13-008: A RESOLUTION SUPPORTING THE PROPOSED CANYON CREEK COAL LEASE. (*Sponsored by Mayor DeVilbiss*)
(1) IM No. 13-034

MOTION: Assemblymember Keogh moved to adopt Resolution Serial No. 13-008.

Assemblymember Keogh:

- expressed that the legislation is premature;
- stated that no best interest finding has been made and no finding will be made for several weeks according to the Alaska Department of Natural Resources;
- added that the decision to hold a competitive coal lease sale rests solely with the Alaska Department of Natural Resources and the Borough has no jurisdiction in the matter; and
- further added that the “whereas” clauses are speculative with no documentation supporting the statements.

MOTION: Assemblymember Keogh moved a primary amendment to Resolution Serial No. 13-008, as follows:

- by inserting in the 3rd “whereas” clause the words “which provides sufficient time for responsible consideration of the costs and benefits of a mine through a thorough impact assessment performed by a qualified agency” after the word “future” to read: “Whereas, if any mine develops in the area it will likely be some years in the future, which provides sufficient time for responsible consideration of the costs and benefits of a mine through a thorough impact assessment performed by a qualified agency.”

- by striking the 4th "whereas" clause in its entirety and inserting in its place the following language to read: "Whereas, to ensure that a mine will benefit all Borough schools, and other services, the Borough will consider the imposition of an extraction fee of 1 percent per ton of its contract sale value."

MOTION: Assemblymember Arvin moved a secondary amendment by striking the words "which provides sufficient time for responsible consideration of the costs and benefits of a mine through a thorough impact assessment performed by a qualified agency" from the 3rd "whereas" clause.

Assemblymember Keogh spoke to his opposition to the secondary amendment.

VOTE: The secondary amendment passed with Assemblymembers Keogh, Salmon, and Halter opposed.

Assemblymember Woods spoke in favor of the Borough considering the assessment of fees associated with resource extraction.

Assemblymember Arvin noted that over the past few years industry appears to be receptive to the discussion of royalty fees.

VOTE: The primary amendment passed with Assemblymember Salmon opposed.

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

g. Resolution Serial No. 13-009: A RESOLUTION ESTABLISHING A TEMPORARY COMMISSION TO REVIEW AND RECOMMEND MSB ENERGY POLICY AND POTENTIAL CHANGES OR REPEAL OF MSB 8.32. *(Sponsored by Assemblymember Colligan)*

(1) IM No. 13-035

Mayor DeVilbiss:

- noted that he received a legal opinion from outside counsel on whether he or Assemblymember Arvin have a potential conflict of interest with respect to Resolution Serial No. 13-009; and
- added that the opinion finds that no conflict of interest exists.

MOTION: Assemblymember Keogh moved to adopt Resolution Serial No. 13-009.

Assemblymember Keogh:

- requested that irrespective of the legal opinion, Mayor DeVilbiss and Assemblymember Arvin recuse themselves, as the Mayor is on the Board of Directors for Matanuska Electric Association and Assemblymember Arvin is on the Board of Directors for the Alaska Industrial Development and Export Authority, which is the overseeing agency for the Alaska Energy Authority; and

- added that the Borough Ethics code is designed to provide for the consideration of potential ethical problems before they arise.

Assemblymember Arvin:

- remarked that Mr. Spiropoulos has advised that it is the responsibility of an individual to declare his or her conflict of interest;
- added that a legal opinion on the matter has been received from outside counsel;
- noted his service to the Alaska Industrial Development and Export Authority is voluntary with no compensation received;
- further added that the Alaska Industrial Development and Export Authority does not influence the action of the Borough; and
- questioned why Assemblymember Keogh believes there is a conflict.

Mr. Spiropoulos:

- noted that the opinion of outside counsel is that the Mayor, in the case of a tie, and Assemblymember Arvin may vote on the legislation;
- added that the opinion states the Mayor may appoint members to the commission;
- further added that the opinion also states that Assemblymember Arvin may vote to confirm the mayoral appointments to the commission; and
- stated the opinion satisfies the Borough's Ethics code.

Assemblymember Woods:

- opined that MSB 8.32 has cost the Borough an electrical generation facility; and
- noted a review of existing code needs to take place.

Assemblymember Colligan:

- spoke to his belief that MSB 8.32 was adopted out of fear of coal fire generation;
- spoke to the overreaching components of existing code that affect energy expansion in the Borough; and
- remarked that affordable energy is needed to grow the economy.

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 13-009 by changing the composition of the Commission as follows in the "Now, Therefore Be It Resolved" clause:

- one representative from Matanuska Electric Association;
- one representative from ENSTAR;
- one person with an engineering or technical background;
- one at-large member; and
- one member of the Mat-Su Borough Fish and Wildlife Commission.

Assemblymember Colver spoke to the value of a member from the Mat-Su Borough Fish and Wildlife Commission serving on the commission as fish habitat and wildlife will be impacted by the development of a hydroelectric project.

Assemblymember Salmon spoke to the ability of the Mayor to appoint a broad range of candidates to the commission through the appointment process without amending the membership criteria.

Assemblymember Keogh:

- spoke to the narrow scope of the proposed membership composition;
- added that one of the proposed members is a power generator and distributor, while another supplies energy to the distributor; and
- added that currently there is not a member that represents the conservation, alternative, or renewable energy sector.

Discussion ensued regarding:

- the need to develop a policy irrespective of the project;
- the composition of the Commission with respect to balanced representation; and
- the requirement to refer changes to MSB 8.32 to the Planning Commission.

MOTION: Assemblymember Colver moved a secondary amendment to increase the total membership to seven members by adding “one person with a renewable energy background” and increasing the at-large member from “one” to “two.”

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

(The meeting recessed at 9:08 p.m. and reconvened at 9:16 p.m.)

X. NEW BUSINESS

A. INTRODUCTIONS (For public hearing – 02/05/13, School District Administration Building)

1. Ordinance Serial No. 12-169: AN ORDINANCE AMENDING MSB 17.73, MULTIFAMILY DEVELOPMENT DESIGN STANDARDS; AND MSB 17.125.010, DEFINITIONS. *(Sponsored by Assemblymembers Halter and Salmon)*

a. IM No. 12-258

2. Ordinance Serial No. 13-017: AN ORDINANCE APPROVING A LAND EXCHANGE OF 42.67 ACRES OF BOROUGH-OWNED LAND FOR APPROXIMATELY 174 ACRES OF UNIVERSITY OF ALASKA-OWNED LAND LOCATED IN THE BIG LAKE-WEST SUSITNA PARKWAY AREA FOR THE PURPOSE OF THE PORT MACKENZIE RAIL EXTENSION; AND AUTHORIZING THE MANAGER TO IMPLEMENT THE LAND EXCHANGE.

a. Resolution Serial No. 13-011: A RESOLUTION APPROVING A BEST INTEREST FINDING IN SUPPORT OF THE EXCHANGE OF LAND BETWEEN THE

MATANUSKA-SUSITNA BOROUGH AND THE UNIVERSITY OF ALASKA
LOCATED WITHIN THE BIG LAKE-WEST SUSITNA PARKWAY AREA FOR THE
PORT MACKENZIE RAIL EXTENSION (MSB006739).

- (1) IM 13-001
3. Ordinance Serial No. 13-018: AN ORDINANCE ACCEPTING AND APPROPRIATING \$3,544.90 FROM MATANUSKA TELEPHONE ASSOCIATION TO FUND 440, PROJECT NO. 20323, FOR UPGRADING AND ENHANCING THE TELECOMMUNICATIONS AND INFORMATION SERVICES WITHIN THE MATANUSKA-SUSITNA LIBRARY NETWORK.
 - a. IM 13-002
4. Ordinance Serial No. 13-019: AN ORDINANCE AMENDING MSB 23.20.040, ANNUAL ALLOWABLE CUT, UNDER FOREST MANAGEMENT.
 - a. IM No. 13-006
5. Ordinance Serial No. 13-006: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE HOMESTEAD ESTATES AND ON THE IDITAROD NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 460 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 13-007: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$67,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE HOMESTEAD ESTATES AND ON THE IDITAROD NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 460, AND FIXING DETAILS OF SAID BONDS.
 - (1) IM No. 13-013
6. Ordinance Serial No. 13-008: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE RAVEN'S HILL AND NORMAN LANGES HOLIDAY NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 470 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 13-009: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$482,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE RAVEN'S HILL AND NORMAN LANGES HOLIDAY NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 470, AND FIXING DETAILS OF SAID BONDS.
 - (1) IM No. 13-014
7. Ordinance Serial No. 13-010: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE SOUTH STARLIGHT LANE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 475 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.

- a. Ordinance Serial No. 13-011: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$78,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE SOUTH STARLIGHT LANE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 475, AND FIXING DETAILS OF SAID BONDS.
 - (1) IM No. 13-015

- 8. Ordinance Serial No. 13-012: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE SHADOWMERE ESTATES PHASE I NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 481 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 13-014: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$25,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE SHADOWMERE ESTATES PHASE I NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 481, AND FIXING DETAILS OF SAID BONDS.
 - (1) IM No. 13-016

- 9. Ordinance Serial No. 13-015: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE EAST DOC MCKINLEY AND SOUTH JESSIE JO PLACE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 486 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 13-016: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$55,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE EAST DOC MCKINLEY AND SOUTH JESSIE JO PLACE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 486, AND FIXING DETAILS OF SAID BONDS.
 - (1) IM No. 13-017

- 10. Ordinance Serial No. 13-020: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$7,000 OF REVENUES FROM PUBLIC DONATIONS TO THE FISCAL YEAR 2013 ANIMAL CARE AND REGULATION DIVISION OPERATING BUDGET (200.100.606) FOR SURGICAL EQUIPMENT.
 - a. IM No. 13-019

- 11. Ordinance Serial No. 13-021: AN ORDINANCE DIRECTING THE BOROUGH MANAGER TO INVESTIGATE THE POTENTIAL ACQUISITION OF PROPERTY DESCRIBED AS PARCEL 2 OF MSB WAIVER RESOLUTION SERIAL NO. 2008-120-PWM RECORDED AT 2008-0268885-0 PALMER RECORDING DISTRICT STATE OF ALASKA. *(Sponsored by Assemblymember Woods)*
 - a. IM No. 13-023

- 12. Ordinance Serial No. 13-022: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$40,000 FROM THE GREATER PALMER CONSOLIDATED

FIRE SERVICE AREA FUND BALANCE, FUND 259, TO THE GREATER PALMER CONSOLIDATED FIRE SERVICE AREA FISCAL YEAR 2013 OPERATING BUDGET, FUND 259, TO PROVIDE REIMBURSEMENT FOR FIREFIGHTER WAGES AND FUNDING FOR TANKER AUTO-FILL EQUIPMENT.

- a. IM No. 13-024
 - b. AM No. 13-012: AUTHORIZING A CONTRACT AMENDMENT FOR THE FISCAL YEAR 2013 GREATER PALMER CONSOLIDATED FIRE SERVICE AREA AGREEMENT IN AN AMOUNT NOT TO EXCEED \$25,650 FOR FIRE PROTECTION SERVICES WITH THE CITY OF PALMER FOR THE CONTACT PERIOD OF JANUARY 1, 2013, TO JUNE 30, 2013.
13. Ordinance Serial No. 13-023: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$15,410 FROM THE NON-AREAWIDE FUND BALANCE, FUND 200, TO THE SUTTON LIBRARY FISCAL YEAR 2013 OPERATING BUDGET, FUND 200, TO PROVIDE ADDITIONAL FUNDS FOR PROPERTY INSURANCE AND HEATING FUEL OIL.
- a. IM No. 13-025
14. Ordinance Serial No. 13-024: AN ORDINANCE TO CONVEY 40 ACRES, MORE OR LESS, WITH CERTAIN COVENANTS, CONDITIONS, AND RESTRICTIONS, TO THE WILLOW AREA COMMUNITY ORGANIZATION FOR THE DEVELOPMENT OF A COMMUNITY PARK (MSB004529).
- a. IM No. 13-026
15. Ordinance Serial No. 13-025: AN ORDINANCE AMENDING MSB 17.02.020, LAND USE PERMIT, UNDER MANDATORY LAND USE PERMIT.
- a. IM No. 13-032
- B. INTRODUCTIONS (For public hearing – 02/19/13, Borough School District Administration Building)
- 1. Ordinance Serial No. 13-002: AN ORDINANCE CREATING LAZY LAKE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 493, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENTS, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.
 - a. IM No. 13-008
 - 2. Ordinance Serial No. 13-003: AN ORDINANCE CREATING SOUTH VIEWPORT WAY AND WEST OVERVIEW CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 498, 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. 13-009

3. Ordinance Serial No. 13-004: AN ORDINANCE CREATING WEST DEMARRE CIRCLE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 501, 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. 13-010

4. Ordinance Serial No. 13-005: AN ORDINANCE CREATING KAYE ESTATES PHASE I AND II NATURAL GAS LOCAL IMPROVEMENT DISTRICT 506, 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. 13-011

Ms. McKechnie read the above legislation into the record.

MOTION: Assemblymember Salmon moved to introduce the legislation as read into the record by the Clerk and set the public hearings for February 5, 2013, and February 19, 2013, respectively.

VOTE: The motion passed without objection.

C. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor DeVilbiss requested the following confirmations:

Animal Care and Regulation Board
 John Wood
 Terry Morache
 Board of Adjustment and Appeals
 Tina Crawford
 Borough Area School Site Selection Committee
 Warren Keogh
 Darcie Salmon
 Enhanced 911 Advisory Board
 Carl Hereford
 Health and Social Services Board
 Herman Thompson
 Local Emergency Planning Committee
 Glenn Stevens (resignation)
 Michael Chmielewski

Borough Fish and Wildlife Commission
Jim Colver
Parks, Recreation, and Trails Advisory Board
Daniel Harrell
Planning Commission
Bruce Walden
Port Commission
John Riggs
Transportation Advisory Board
LaMarr Anderson
Wastewater and Septage Advisory Board
Thomas Healy
Caswell FSA No. 135
Cheryl Newsome
Big Lake RSA No. 21
Leo Von Scheben
Midway RSA No. 9
Carol Selkirk
North Colony RSA No. 23
Barbara Gerard
South Colony RSA No. 16
Edward Strabel

Mayor DeVilbiss made the following recommendations:

Animal Care and Regulation Board
Kimberly Gallardo
Aviation Advisory Board
Beth Fread
Board of Ethics
David Wilson
Emergency Medical Services Board
Roger Swingle
Enhanced 911 Advisory Board
Thomas Hood
Historical Preservation Commission
Karin Pitts
Selena Ortega-Chiolero
Joint Assembly/School Board Committee on School Issues
Jim Colver
Local Emergency Planning Committee
Robert French
Borough Fish and Wildlife Commission
Howard Delo
Parks, Recreation, and Trails Advisory Board
Dane Crowley
Platting Board

Jay Van Diest
Port Commission
Paul DuClos
Tall Tower Advisory Committee
Ken Slauson
James Ellis
Rick Brenden
Aaron Downing
John Lee
Fairview RSA No. 14
Daniel Elliott
Greater Talkeetna RSA No. 29
David Johnston
Greater Willow RSA No. 20
John Grohol
Knik RSA No. 17
Joy Fearn-Condon
Lazy Mountain RSA No. 19
Matthew Dorksens
Trapper Creek RSA No. 30
Joan Medbery

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

MOTION: Assemblymember Halter moved to divide the question to take the confirmation of the appointee to the Big Lake RSA No. 21, separately.

VOTE: The motion to divide the question failed with Assemblymembers Keogh, Colver, and Halter in support.

Assemblymember Keogh acknowledged Jim Clemenson for his past service on the Big Lake Road Service Area Board of Supervisors.

Assemblymember Halter spoke to his respect for Jim Clemenson.

VOTE: The motion passed without objection.

D. OTHER NEW BUSINESS

1. MOTION TO AMEND SOMETHING PREVIOUSLY ADOPTED *(Requested by Assemblymember Colligan)*
 - a. Ordinance Serial No. 12-157: AN ORDINANCE AMENDING MSB 17.125 DEFINITIONS; AND ADOPTING MSB 17.66 TALL STRUCTURES, INCLUDING

TELECOMMUNICATIONS FACILITIES, WIND ENERGY CONVERSION SYSTEMS, AND OTHER TALL STRUCTURES. *(Adopted December 4, 2012)*

(1) IM No. 12-241

MOTION: Assemblymember Colligan moved to amend Ordinance Serial No. 12-157, which was previously adopted on December 4, 2012, by Substitute Ordinance 12-157, which includes a handout in the red folder.

CONFLICT OF INTEREST: Assemblymember Colver declared he had a conflict as he has a client that is very involved in the tower industry.

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

(Assemblymember Colver exited the meeting.)

Assemblymember Colligan:

- spoke to the recent creation of a Tall Tower Advisory Committee; and
- opined that the amendment made to MSB 17.66 on December 4, 2012, should wait until the committee has an opportunity to review the code and make a recommendation to the Assembly.

Assemblymember Keogh:

- spoke in opposition to the Assembly making significant changes to a piece of legislation under the motion to amend something previously adopted;
- spoke to a substitute tall tower ordinance he tried to bring forward at the December 4, 2012, regular meeting; and
- provided a history of the tall tower issue.

MOTION: Assemblymember Halter moved to refer Ordinance Serial No. 12-157 and the substitute ordinance to the Planning Commission for 90 days.

Mr. Spiropoulos:

- noted that Ordinance Serial No. 12-157, adopted on December 4, 2012, is currently in effect; and
- added that the decision to refer the substitute ordinance to the Planning Commission rests with the Assembly.

Assemblymember Arvin requested clarification as to whether the substitute ordinance must be referred to the Planning Commission.

Mr. Spiropoulos:

- opined that the Assembly is free to amend legislation after review by the Planning Commission; and

- added that the substitute ordinance does not have to necessarily go back to the Planning Commission, as the language in the substitute was in code prior to the adoption of Ordinance Serial No. 12-157, on December 4, 2012, however, there is a risk in not sending it back.

VOTE: The motion to refer Ordinance Serial No. 12-157 and the substitute ordinance to the Planning Commission for 90 days failed with Assemblymembers Keogh and Halter in favor.

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

(Assemblymember Colver reentered the meeting.)

E. REFERRALS (For referral to the Planning Commission for 90 days or other date specified by the Assembly)

(There were no referrals presented.)

XI. RECONSIDERATION

(There was no reconsideration presented.)

XII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Mr. Moosey reported that an open house for the design of Project Phases I and II: Lucas Road to Pittman Road, will take place January 30, 2013, at Houston High School.

Assemblymember Colver:

- spoke to his attendance at an in-state gas caucus meeting;
- spoke to complaints received from constituents regarding the encroachment of ice houses to private property on Big Lake; and
- added he may bring forward legislation to address the encroachment issues raised.

Assemblymember Colligan:

- spoke to a complaint he received from a constituent regarding the lack of adequate signage in the Willow area since the 2012 fall food event; and
- requested that the signs be reinstalled.

Assemblymember Woods spoke to concerns regarding the impact of anti-development sentiments on the finances of the Borough.

Assemblymember Salmon spoke optimistically about the future of the Borough.

Assemblymember Halter spoke to his recent participation in the Copper Basin Sled Dog Race and the treacherous weather conditions endured.

Mayor DeVilbiss:

- spoke to telephone calls he received regarding the lack of refuse service due to road conditions; and
- thanked the Assembly for their work on the towers ordinance.

XIII. EXECUTIVE SESSION

(There was no executive session held.)

XIV. ADJOURNMENT

The regular meeting adjourned at 9:50 p.m.


LARRY DEVILBISS, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 02/19/13