

**I. CALL TO ORDER**

The regular meeting of the Matanuska-Susitna Borough Assembly was held on January 17, 2012, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, 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. Steven Colligan, Assembly District No. 4  
Mr. Darcie K. Salmon, Assembly District No. 5  
Mr. Jim Colver, Assembly District No. 6 (*attended telephonically*)  
Mr. Vern Halter, Assembly District No. 7

Staff in attendance were:

Ms. Lonnie R. McKechnie, Borough Clerk  
Mr. John Moosey, Borough Manager  
Mr. Nicholas Spiropoulos, Borough Attorney  
Ms. Brenda J. Henry, Executive Assistant to the Borough Clerk  
Ms. Elizabeth Hartley, Comptroller  
Ms. Shaune O'Neil, Public Works Director  
Mr. Brad Sworts, Transportation and Environmental Manager  
Ms. Patty Sullivan, Public Affairs Director

**III. APPROVAL OF AGENDA**

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

Mr. Moosey requested to pull from the agenda Ordinance Serial No. 12-015 and AM No. 12-005 from the Consent Agenda.

Mayor DeVilbiss inquired if there was any objection to pulling the legislation from the agenda.

There was no objection noted.

Assemblymember Keogh:

- requested to pull from the agenda Ordinance Serial No. 11-153; and
- noted that he does not intend to move to amend the previously adopted ordinance.

Mayor DeVilbiss inquired if there was any objection to pulling Ordinance Serial No. 11-153 from the agenda.

There was no objection noted.

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

Assemblymember Arvin requested to postpone Ordinance Serial No. 11-022 to a time certain of February 16, 2012.

Mayor DeVilbiss inquired if there was any objection to postponing Ordinance Serial No. 11-022 to a time certain of February 16, 2012.

There was no objection noted.

Mayor DeVilbiss 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. Dan Kennedy, a member of the Board of Ethics.

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

- A. Regular Assembly Meeting: 12/06/11
- B. Special Assembly Meeting: 12/07/11
- C. Special Assembly Meeting: 12/20/11
- D. Regular Assembly Meeting: 12/20/11

Mayor DeVilbiss inquired if there were any corrections to the regular meeting minutes of December 6, 2011, the special meeting minutes of December 7, 2011, and December 20, 2011, or the regular meeting minutes of December 20, 2011.

Assemblymember Keogh:

- requested a correction to page 12 of 19 of the December 20, 2011, regular meeting minutes;
- advised that in the second set of comments made by Assemblymember Colligan that it should reflect that he read a portion of House Bill 88 into the record, as the entire bill was not read; and
- requested that it be changed to reflect that.

Ms. McKechnie advised that the Clerk's office did double check what was read and that only a portion of the bill was read into the record.

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

## **VI. REPORTS/CORRESPONDENCE**

### **A. AGENCY REPORTS**

#### **1. Reports from cities**

##### Wasilla City

Mr. Burt Cottle, Deputy Administrator:

- provided an update regarding the transfer of Lake Lucille Park from the Borough to the City;
- noted that the City is still working toward the land transfer for the new library; and
- provided a resolution from the City in support of Assembly Resolution Serial No. 12-003.

##### Houston City

Mr. Jim Johansen, Deputy Mayor:

- spoke to Ordinance Serial No. 11-147 concerning the historical preservation plan for the city of Houston;
- related that the City Council is reviewing the ordinance and preparing to provide comments back to the Assembly; and
- noted that the City is also working on their capital improvement projects.

#### **2. Matanuska-Susitna Borough School District**

Mr. Gene Stone, Assistant Superintendent of Instruction:

- spoke to a recent trip to Juneau to meet with the Alaska State Department of Education Director, Mr. Ed Hanley;
- reported that Mr. Eddie James is working as a lobbyist on behalf of the District;
- stated that Dr. Deena Paramo, Superintendent, will go to Juneau in February to promote priority projects for the School District; and
- noted that the District has entered into a partnership with the Science, Technology, Engineering, and Mathematics (STEM) Program.

#### **3. Mat-Su Convention and Visitor's Bureau – Ms. Bonnie Quill, Executive Director**

Ms. Bonnie Quill:

- spoke to handouts that were provided in the Assembly packet;
- noted that the new Mat-Su Valley Visitor's Guide is now available;
- spoke to the many programs that the Mat-Su Convention and Visitor's Bureau (MSCVB) sponsors to promote tourism;
- stated that 50,000 of the 2012 Mat-Su Visitors Guides were direct mailed to high potential visitors, who had responded to the Alaska Travel Association Industry marketing efforts;
- related that the MSCVB has signed up to participate in the Mat-Su Valley Outdoorsman Show, the Great Alaska Sportsmen's Show, and the Fairbanks Outdoors Show;
- reported on the success of many of the ways the MSCVB promotes tourism in the Borough;

- noted that they have a Facebook page, as well as a Twitter page;
- spoke to ways that the MSCVB is working to promote meeting facilities in the Valley;
- stated that the MSCVB will be attending a Tourism Pow Wow in Los Angeles;
- spoke to the economic benefits of travel promotion;
- provided an update on the South Gateway Visitor's Center; and
- spoke in support of Assembly Resolution Serial No. 12-006.

## B. COMMITTEE REPORTS

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

Assemblymember Colver:

- spoke to the meeting held on January 9;
- noted that the school bonds continue to be a topic of discussion;
- related that they are still working on agreements as to which projects will be managed by the Borough and which will be managed by the School District;
- noted that there is a budget work session scheduled for January 18;
- reported that the Cottonwood Creek traffic improvement project is still moving along;
- spoke to the Borough Area School Site Selection Committee having met on January 12;
- noted that there was a lot of discussion regarding Iditarod Elementary;
- further added that the property has been offered, but there have been no solid negotiations;
- related that the asking price for the parcel is higher than the appraisal;
- reported that the Borough Area School Site Selection Committee was stunned to hear nothing has been done to secure the highest ranked site for the future Knik High School;
- opined that the project needs to get going as soon as possible;
- noted that there has been a lot of discussion regarding a site for Fronteras Elementary;
- spoke to members having concerns that a public site was being considered over a private site; and
- stated that Mr. Ken Forrest will be leaving the School District and that his experience will be missed.

### 2. Assembly Public Relations

*(There were no reports provided.)*

## E. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues
3. Seward-Meridian Expansion Project
4. Alaska Natural Gas Transportation Projects – Mr. Larry Persily

Mr. Moosey:

- announced that Mr. Donald Moore is serving as Assistant Borough Manager on an interim basis;

- spoke to other key positions that interviews will be conducted for;
- noted that he will be in Juneau in February promoting Assembly projects to the Legislature;
- related that he would like for Mr. Larry Persily, the Federal Coordinator for the Alaska Natural Gas Transportation Projects, to provide a report to the body at a future meeting; and
- opined that it would be helpful to the body to hear from Mr. Persily.

Mayor DeVilbiss stated that he would like to hear from Mr. Persily.

Assemblymember Keogh:

- opined that it would be beneficial to the body to hear from Mr. Persily; and
- stated that he would also like to hear from Mr. Neil Fried, who could speak to the demographics and economy of the Borough.

#### A. ATTORNEY COMMENTS

Mr. Spiropoulos:

- advised that the State Redistricting trial has concluded;
- noted that there is nothing significant to report at this time;
- stated that he is unsure as to when the opinion will be issued;
- related Alaska newspapers are reporting that an opinion should be out in February, but he is not sure if that is accurate; and
- advised that as soon as one is issued, that he will forward a copy to the Assembly.

Mr. Moosey requested that Mr. Joe Perkins provide a report regarding the Port MacKenzie Rail Extension Project.

Mr. Joe Perkins of Perkins Consulting provided a status report regarding the Port MacKenzie Rail Line Extension Project.

#### B. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule;
- noted there is a records management report attached;
- stated that the records management report was formerly provided at every meeting, but now is provided yearly to the body;
- spoke to an upcoming meeting regarding audio for the new Assembly chambers;
- reported that she would be inquiring about wired in microphones, which would be push-to-talk; and
- stated that she wanted to ensure that those types of microphones would not be an issue for the body.

#### C. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
  - a. Citizen's Advisory Committee on the Goose Creek Correctional Center: 06/13/11
  - b. Enhanced 911 Advisory Board: 10/11/11
  - c. Fairview RSA Board of Supervisors: 05/17/11
  - d. Greater Palmer Consolidated FSA Board of Supervisors: 05/03/11
  - e. Greater Willow RSA Board of Supervisors: 06/23/11
  - f. Joint West Lakes and Wasilla-Lakes FSA Board of Supervisors: 10/03/11
  - g. Local Emergency Planning Committee: 06/15/11
  - h. Planning Commission: 11/21/11
  - i. Platting Board: 11/03/11, 11/17/11
  - j. Transportation Advisory Board: 08/24/11, Resolution Serial No. 12-12
  - k. West Lakes FSA Board of Supervisors: 09/26/11
  
2. Community Council Correspondence:
  - a. Chickaloon Community Council: 08/10/11
  - b. Knik-Fairview Community Council: 02/16/11, 03/16/11, 05/18/11, 07/20/11, 09/21/11
  - c. Meadow Lakes Community Council: 04/13/11, 05/11/11, 05/31/11, 06/06/11, 08/10/11, 09/14/11
  - d. Trapper Creek Community Council: 10/20/11

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

#### D. INFORMATIONAL MEMORANDUMS

*(There were no informational memorandums presented.)*

### VII. UNFINISHED BUSINESS

- A. Ordinance Serial No. 11-022: AN ORDINANCE REPEALING MSB 2.70, CODE OF ETHICS, AND ADOPTING MSB 2.71, CODE OF ETHICS.
  1. IM No. 12-036

[Clerk's note: Ordinance Serial No. 11-022 was postponed to February 12, 2012, at the approval of the agenda.]

2. AM No. 12-107: APPROVAL OF CHANGE ORDER NO. 1 TO R & M CONSULTANTS IN THE AMOUNT OF \$175,081 FOR THE HORSESHOE LAKE ROAD UPGRADE DESIGN PROJECT.

MOTION PENDING: Assemblymember Salmon moved to adopt AM No. 12-107.

CONFLICT OF INTEREST: Assemblymember Colligan declared a conflict of interest as he does work for R & M Consultants.

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

*(Assemblymember Colligan exited the meeting.)*

Assemblymember Colver

- stated that he appreciated the information concerning the scope of work and budget that came back concerning this project;
- opined that the Assembly will always need that type of information before decisions can be made; and
- spoke in support of the legislation.

VOTE: The motion passed without objection.

*(Assemblymember Colligan re-entered the meeting.)*

### **VIII. VETO**

*(There were no vetoes presented.)*

### **IX. SPECIAL ORDERS (to begin at 7 p.m.)**

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. 12-001: AN ORDINANCE REAPPROPRIATING \$30,000 FROM FUND 435, PROJECT NO. 10145, MAT-SU CONVENTION AND VISITORS BUREAU BUILDING REPAIRS TO FUND 440, PROJECT NO. 10157, ZAMBONI ICE RESURFACER.
  - a. Resolution Serial No. 12-001: A RESOLUTION AMENDING THE BUDGETS FOR PROJECT NO. 10145, MAT-SU CONVENTION AND VISITORS BUREAU BUILDING REPAIRS – DRYWALL, REPAIR AND INTERIOR PAINT AND PROJECT NO. 10157 ZAMBONI ICE RESURFACER.
    - (1) IM No. 12-002

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 Colligan moved to adopt Ordinance Serial No. 12-001 and Resolution Serial No. 12-001.

Assemblymember Colver:

- stated that purchasing an electric Zamboni would reduce emissions inside the ice rink; and
- spoke in support of the legislation.

VOTE: The motion passed without objection.

2. Ordinance Serial No. 12-002: AN ORDINANCE AMENDING MSB 2.12.090 TO ESTABLISH A MAXIMUM TIME LIMIT OF ONE HOUR FOR THE AUDIENCE PARTICIPATION SECTION OF THE ASSEMBLY AGENDA AND TO PROVIDE THE OPTION OF ALLOWING PUBLIC HEARINGS TO CONTINUE TO TIME CERTAIN WHERE MORE THAN ONE HOUR OF PUBLIC COMMENT IS HEARD PER ORDINANCE.
  - a. IM No. 12-003

Mayor DeVilbiss opened the public hearing.

The following persons spoke in opposition to Ordinance Serial No. 12-002: Mr. William Bruu; Mr. Jeremiah Millen, Executive Director of Friends of Mat-Su; Mr. Joe Irvine, President of Friends of Mat-Su; Ms. Krista Masiolak; Ms. Jamey Duhamel, Outreach Coordinator for the Mat-Valley Coalition; Ms. Charissa Cherry; and Ms. Sarah Welton.

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

Mayor DeVilbiss requested that Mr. Spiropoulos speak to the constitutionality of the legislation.

Mr. Spiropoulos:

- related that the constitution says that there shall be no law made abridging free speech;
- stated that just because it is called speech, does not mean it is unlimited;
- noted that the three-minute rule is within Borough Code currently; and
- advised that the question becomes is it reasonable.

Assemblymember Halter queried what it means where the legislation states “The Assembly will not consider the ordinance without first hearing all interested persons wishing to be heard.”

Mr. Spiropoulos advised that the body cannot vote on an ordinance until all interested persons wishing to testify are afforded the opportunity to do so.

Discussion ensued regarding:

- public requirements under State Law for public testimony;
- that it is State Law that the body must hear all testimony from interested persons before voting on an issue;
- whether or not a group with like minded ideas could be limited to a spokesperson who would provide testimony;
- the difference between audience participation and testimony being providing under public hearings;
- how the School District receives public testimony;
- that the Assembly has the ability to suspend the rules in order to receive as much public testimony as is necessary;
- the desire of the body to ensure a fair public process;

- that the body already has the ability to limit in a fair manner, the length of public testimony received at each meeting; and
- concerns that there could be a concerted effort by groups to limit the ability of the body to conduct the business of the public, by providing hours and hours of testimony.

MOTION: Assemblymember Salmon moved to adopt Ordinance Serial No. 12-002.

Assemblymember Keogh:

- spoke to his appreciation of the public testimony provided this evening;
- opined that it is very unusual that the Manager is sponsoring this type of legislation, as it is a policy directed specifically to the Assembly;
- spoke to the coal resolution that brought over 60 residents forward that wanted to speak;
- noted that at a later meeting, the body heard from many of those residents that were not allowed to provide testimony due to the limiting of public testimony;
- opined that the body are all elected officials, and as such there is the duty to hear what residents are saying; and
- opined that the Assembly should encourage more participation in local government and not less.

MOTION: Assemblymember Keogh moved primary amendment to Ordinance Serial No. 12-002, MSB 2.12.090 (D)(9)(c), to strike the words “one hour maximum.”

Assemblymember Woods spoke in opposition to the primary amendment.

Assemblymember Salmon

- noted that the body already has the ability to limit audience participation; and
- stated that he is opposed to the primary amendment as well as the ordinance, as it is senseless.

Assemblymember Colver:

- opined that the body needs a tool to be able to control meetings based on the activity of a particular group at an October meeting;
- opined that perhaps audience participation might rotate from one meeting to the next, with one meeting receiving unlimited testimony and the other having a limit; and
- noted that there is often a lot of business of the public that the body needs to dispense with.

Discussion ensued regarding:

- concerns of some members limiting public testimony;
- the desire of the body to be able to complete the business of the public in a timely fashion;
- the possibility of alternating the time limits of public testimony from meeting to meeting; and
- that there is already sufficient flexibility for the body to address public testimony.

MOTION: Assemblymember Colver moved a secondary amendment to insert the following: “audience participation shall be unlimited for the first regularly scheduled meeting of the month and shall be limited to one hour on the second regularly scheduled meeting of the month.”

Assemblymember Arvin:

- stated that the body is already provided mechanisms to manage meetings due to State Law and Borough Code;
- opined that the more steps that get added, the more convoluted and problematic meetings could become;
- further opined that it would delay the Assembly’s ability to conduct the business of the public;
- stated that as a member of the public he was opposed to the three-minute rule;
- opined that it is healthy when the body has allowed members of the public more time in order to complete their testimony; and
- advised that he is opposed to the secondary amendment.

VOTE: The secondary amendment failed unanimously.

VOTE: The primary amendment failed with Assemblymembers Keogh, Halter, and Woods in support.

VOTE: The main motion failed unanimously.

*(The meeting recessed at 8:05 p.m. and reconvened at 8:16 p.m.)*

3. Ordinance Serial No. 12-003: AN ORDINANCE ACCEPTING AND APPROPRIATING DONATIONS IN THE AMOUNT OF \$60,000 TO FUND 435, PROJECT NO. 10168, FOR THE SUTTON LIBRARY COMMUNITY CENTER.
  - a. Resolution Serial No. 12-002: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR DONATIONS IN THE AMOUNT OF \$60,000 FOR THE SUTTON LIBRARY COMMUNITY CENTER, PROJECT NO. 10168. *(Sponsored by Assemblymember Keogh)*
- (1) IM No. 12-004

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 Keogh moved to adopt Ordinance Serial No. 12-003.

Assemblymember Keogh:

- spoke to the donations and the agency’s that provided them;
- related that there are additional donations expected, with Conoco Phillips having pledged to donate \$10,000;

- requested unanimous support of the legislation;
- stated that he had taken a tour of the facility and that it is very impressive; and
- noted that the facility will be extraordinarily important to the community.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke to overall concerns with Resolution Serial No. 11-127 and the possibility of an ethics violation: Ms. Patty Rosnel.

D. CONSENT AGENDA

1. RESOLUTIONS

- a. Resolution Serial No. 12-003: A RESOLUTION ENCOURAGING THE GOVERNOR AND LEGISLATURE OF THE STATE OF ALASKA TOWARD PROACTIVE NATURAL GAS DEVELOPMENT FOR THE BENEFIT OF ALL ALASKANS.  
*(Sponsored by Mayor DeVilbiss)*
- (1) IM No. 12-024

2. ACTION MEMORANDUMS

- a. AM No. 12-002: AWARD OF BID NO. 12-055 TO PIERCE MANUFACTURING, INC. IN THE AMOUNT OF \$915,487 TO PURCHASE A 75-FOOT AERIAL LADDER TRUCK FOR THE WASILLA-LAKES FIRE SERVICE AREA.
- b. AM No. 12-004: AUTHORIZATION TO PURCHASE MEDICAL EQUIPMENT AND SUPPLIES FROM CARDINAL DISTRIBUTION IN AN AMOUNT NOT TO EXCEED \$280,000 FOR THE GOOSE CREEK CORRECTIONAL CENTER.
- e. ~~AM No. 12-005: AWARD OF BID NO. 12-045 TO ALASKA ELECTRIC AND CONTROL FOR THE CONTRACT AMOUNT NOT TO EXCEED \$214,586.30 FOR PURCHASE AND INSTALLATION OF A CONVEYOR FOR VALLEY COMMUNITY FOR RECYCLING SOLUTIONS.~~

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, with the exception of Resolution Serial Nos. 12-004, 12-005, and 12-006.

VOTE: There was no objection noted.

- b. Resolution Serial No. 12-004: A RESOLUTION AUTHORIZING THE MANAGER TO ESTABLISH A WATER RIGHTS PUBLIC AWARENESS CAMPAIGN. *(Sponsored by Assemblymember Keogh)*
- (1) IM No. 12-015

MOTION: Assemblymember Salmon moved to adopt Resolution Serial No. 12-004.

Assemblymember Arvin queried the cost of the proposed project.

Assemblymember Keogh:

- opined that it would require minimal staff time to establish such a campaign;
- further opined that the campaign could be as simple as an information page on the Borough's website;
- stated that perhaps a public information announcement on the radio would suffice;
- noted that there are many people who depend on drilled wells for their water supply;
- spoke to the fact that industrial or resource extractive industries could be a potential threat to domestic water supplies;
- opined that most Borough residents are not aware that they have to file for water rights;
- spoke to the steps a resident would have to go through to secure their water rights; and
- opined that this is a simple way to notify residents how to file to protect their water rights.

Assemblymember Colligan:

- opined that radio time is quite expensive;
- stated that he would like to see a budget in place;
- spoke to alternative ways that the public could possibly be educated on their water rights; and
- opined that the legislation may need to be postponed to the next meeting to get the information needed to make an informed decision.

MOTION: Assemblymember Colligan moved to postpone Resolution Serial No. 12-004 to a time certain of February 7, 2012.

Assemblymember Arvin stated that he supports postponement.

Assemblymember Keogh:

- stated that he has no objection to postponement;
- related that public service announcements require no funds; and
- opined that the only cost would be whatever staff time would be needed to put something on the web and to generate the public service announcement.

VOTE: The motion to postpone passed unanimously

- c. Resolution Serial No. 12-005: A RESOLUTION AMENDING THE BUDGETS FOR FISCAL YEAR 2010 CAPITAL IMPROVEMENT PROJECTS FOR LANDSCAPING AND AMERICANS WITH DISABILITIES ACT ACCESS AND SIGNAGE RELOCATE AND AMENDING THE BUDGET AND SCOPE OF WORK FOR THE FISCAL YEAR 2011 CAPITAL IMPROVEMENT PROJECT FOR PARKING LOT

LIGHTS INSTALLATION; AND FISCAL YEAR 2012 CAPITAL IMPROVEMENT PROJECT PARKING LOT CHIP SEAL FOR THE TRAPPER CREEK LIBRARY, PROJECT NO. 10173.

(1) IM No. 12-020

MOTION: Assemblymember Salmon moved to adopt Resolution Serial No. 12-005.

Assemblymember Arvin:

- applauded staff for their efforts in reducing costs for the project; and
- noted the importance of reading all of the information that is provided with legislation, especially the informational memorandums.

Assemblymember Woods queried where the funds came from.

Mr. Moosey advised that it was left over from previous projects that have already been completed.

VOTE: The motion passed without objection.

d. Resolution Serial No. 12-006: A RESOLUTION SUPPORTING AND DIRECTING THAT THE FUNDS RECEIVED FROM ANY FUTURE SALE OF THE CURRENT VISITOR CENTER PARCEL BE DEDICATED TO THE DEVELOPMENT OF THE NEW SOUTH GATEWAY FACILITY. *(Sponsored by Assemblymember Halter)*

(1) IM No. 12-023

MOTION: Assemblymember Salmon moved to adopt Resolution Serial No. 12-006.

Assemblymember Arvin:

- spoke in support of the legislation;
- noted how the land was acquired; and
- requested the support of the Assembly.

VOTE: The motion passed without objection.

Mayor DeVilbiss inquired if they are binding a future Assembly as to how they use the potential funds by adopting Resolution Serial No. 12-006.

Mr. Spiropoulos advised that by adopting the legislation the Assembly is providing administrative direction for the current Manager.

e. Resolution Serial No. 12-011: A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY SUPPORTING A FIVE YEAR EXTENSION TO THE KITCHEN LIGHTS UNIT AGREEMENT IN COOK INLET. *(Sponsored by Mayor DeVilbiss)*

(1) IM No. 12-025

MOTION: Assemblymember Keogh moved to adopt Resolution Serial No. 12-011.

Assemblymember Keogh:

- opined that the legislation is an example of the body providing input on issues that are outside of the purview of the Borough;
- noted that this is an administrative matter for the Alaska State Department of Natural Resources;
- spoke to the public comment period that is currently being received by the State concerning the Kitchen Lights Unit;
- opined that Assembly meetings could be shorter if the body stuck to local business; and
- stated that he will be voting against the legislation.

Assemblymember Woods:

- opined that by the Assembly putting forward a resolution it is similar to providing public comment;
- noted that it presents a position of the body; and
- stated that he supports the resolution.

Assemblymember Colver spoke in support of the resolution.

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

VOTE: The motion passed without objection.

VOTE: The main motion passed with Assemblymember Keogh opposed.

## **X. NEW BUSINESS**

### **A. INTRODUCTIONS (For public hearing – 02/07/12, 7 p.m., Borough Assembly Chambers)**

1. Ordinance Serial No. 12-005: AN ORDINANCE ACCEPTING AND APPROPRIATING \$119,100 FROM THE ALASKA STATE DEPARTMENT OF FISH AND GAME TO FUND 410, PROJECT NO. 30113, FOR CULVERT REPLACEMENT IN THE HIDDEN HILLS FISH PASSAGE PROJECT.
  - a. Resolution Serial No. 12-007: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR CULVERT REPLACEMENT IN THE HIDDEN HILLS FISH PASSAGE PROJECT, PROJECT NO. 30113.
    - (1) IM No. 12-001
2. Ordinance Serial No. 12-006: AN ORDINANCE AMENDING MSB 4.10.030, AVIATION ADVISORY BOARD COMPOSITION. *(Sponsored by Mayor DeVilbiss)*
  - a. IM No. 12-004
3. Ordinance Serial No. 12-007: AN ORDINANCE REAPPROPRIATING \$100,000 FROM LAND AND RESOURCES MANAGEMENT DIVISION'S FISCAL YEAR

2012 OPERATING BUDGET FUND 203, TO FUND 450, PROJECT NO. 70011, FOR THE PORT OPERATIONS TECHNICAL ADVISOR CONTRACT.

- a. Resolution Serial No. 12-008: A RESOLUTION APPROVING THE SCOPE WORK AND BUDGET FOR PROJECT NO. 70011, PORT OPERATIONS TECHNICAL ADVISOR.
  - (1) IM No. 12-005
  
4. Ordinance Serial No. 12-008: AN ORDINANCE APPROVING AN APPROPRIATION OF \$115,000 FROM WILLOW ROAD SERVICE AREA NO. 20 FUND BALANCE FUND 276, TO FUND 410, PROJECT NO. 30042, FOR WILLOW ROAD SERVICE AREA NO. 20 CAPITAL PROJECTS.
  - a. IM No. 12-006
  
5. Ordinance Serial No. 12-009: AN ORDINANCE ACCEPTING AND APPROPRIATING GRANT FUNDS IN THE AMOUNT OF \$528,000 FROM THE ALASKA STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND APPROPRIATING THE REQUIRED MATCH FUNDS IN THE AMOUNT OF \$352,000 FROM THE UNRESTRICTED NET ASSETS IN THE SOLID WASTE ENTERPRISE FUND, FUND 510, TO FUND 420, PROJECT NO. 25052, CENTRAL LANDFILL CELL 2A CLOSURE.
  - a. Resolution Serial No. 12-009: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 25052, CENTRAL LANDFILL CELL 2A CLOSURE.
    - (1) IM No. 12-008
  
6. Ordinance Serial No. 12-010: AN ORDINANCE AMENDING MSB 17.28, DESIGNATING THE SUSITNA PARKWAY PIT AN INTERIM MATERIALS DISTRICT, LOCATED WITHIN TOWNSHIP 16 NORTH, RANGE 4 WEST, SECTION 6, ON PARCEL D-1, SEWARD MERIDIAN.
  - a. IM No. 12-012
  
7. Ordinance Serial No. 12-011: AN ORDINANCE AMENDING MSB 2.12.075, TO SPECIFY HOW JOINT MEETINGS MAY BE CHANGED OR CANCELLED.  
*(Sponsored by Assemblymember Keogh)*
  - a. IM No. 12-014
  
8. Ordinance Serial No. 12-013: AN ORDINANCE ADOPTING AN AMENDMENT TO THE DEFINITION OF RESERVE USE LANDS TO INCLUDE "FOR DEVELOPMENT OF PORT MACKENZIE," MSB 23.05.100 AND RECLASSIFYING ALL BOROUGH-OWNED LAND WITHIN THE PORT MACKENZIE SPECIAL USE DISTRICT AS RESERVED USE LANDS.
  - a. IM No. 12-017
  
9. Ordinance Serial No. 12-014: AN ORDINANCE REAPPROPRIATING \$50,000 FROM THE FISCAL YEAR 2012 CAPITAL PROJECT, NORTHERN PARKS UPGRADE

AND IMPROVEMENTS, FUND 440, PROJECT NO. 15040, TO FUND 480, PROJECT NO. 47026, MEADOW LAKES PARK PLAYGROUND.

- a. Resolution Serial No. 12-010: A RESOLUTION AMENDING THE SCOPE OF WORK FOR PROJECT NO. 15040, THE FISCAL YEAR 2012 CAPITAL PROJECTS FOR THE NORTHERN PARKS UPGRADE AND IMPROVEMENTS AND APPROVING THE SCOPE OF WORK AND BUDGET FOR THE MEADOW LAKES PARK PLAYGROUND, PROJECT NO. 47026.

- (1) IM No. 12-018

~~Ordinance Serial No. 12-015: AN ORDINANCE AMENDING THE OPERATING RULES, RATES, AND PROCEDURES FOR THE SUPPLY OF PUBLIC SEWER AND WATER SYSTEMS IN TALKEETNA, ALASKA, BY INCREASING THE RATES FOR MONTHLY WATER AND SEWER CHARGES AND INTERRUPTED SERVICE FEES.~~

- a. ~~IM No. 12-022~~

- 10. Ordinance Serial No. 12-016: AN ORDINANCE AUTHORIZING A MEMORANDUM OF AGREEMENT BETWEEN THE BOROUGH AND MUNICIPALITY OF ANCHORAGE FOR CONSTRUCTION AND MAINTENANCE OF A COMMUNICATION TOWER (MSB006514).

- a. IM No. 12-021

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 7, 2012

VOTE: The motion passed without objection.

## B. MAYORAL NOMINATIONS AND APPOINTMENTS

### 1. VACANCY REPORT

Mayor DeVilbiss requested the following confirmations:

Animal Care and Regulation Board

Rhonda Weinrick

Aviation Advisory Board

Jane Dale

Board of Ethics

Dan Kennedy

Borough Area Schools Site Selection Committee

Delena Johnson

Local Emergency Planning Committee

Amy Kearns

Parks, Recreation, and Trails Advisory Board

Jim Turner

Rick Ellis  
Edward Strabel  
Platting Board  
David Robinson  
Transportation Advisory Board  
Arthur Quaas  
Wastewater and Septage Advisory Board  
Gina Jorgensen  
Bogard RSA No. 25  
Teri Hone  
Meadow Lakes RSA No. 27  
Michael Fulton

Mayor DeVilbiss made the following recommendations:

Aviation Advisory Board  
David Palmer  
Mark Stigar  
Health and Social Services Board  
Judy Gette  
Dodd Shay  
Becky Stoppa  
Natasha Pineda  
Eddie Ezelle  
Philip Licht  
Library Board  
Jeanne Troshynski  
Local Emergency Planning Committee  
Jimmie Rogers  
William Morrow  
Sandra Porter  
MSB Fish and Wildlife Commission  
Jehnifer Ehmann  
Planning Commission  
Thomas Healy  
Vern Rauchenstein  
Platting Board  
Stanley Gillespie  
Ralph Buzard  
Port Commission  
Jay Nolfi  
Wastewater and Septage Advisory Board  
Thomas Healy  
  
Fairview RSA No. 14  
Stanley Gillespie

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

VOTE: The motion passed without objection.

**C. OTHER NEW BUSINESS**

~~1. MOTION TO AMEND SOMETHING PREVIOUSLY ADOPTED (Requested by Assemblymember Keogh)~~

~~a. Ordinance Serial No. 11-153: AN ORDINANCE AMENDING MSB 17.28 INTERIM MATERIALS DISTRICT, MSB 17.30 CONDITIONAL USE PERMIT (CUP) FOR EARTH MATERIALS EXTRACTION ACTIVITIES, AND MSB 17.125 DEFINITIONS TO INCLUDE PROVISIONS FOR MATERIAL EXTRACTION BELOW THE SEASONAL HIGH WATER TABLE AND RECLAMATION.~~

~~(1) IM No. 11-246~~

**D. 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 reconsiderations presented.)*

**XII. EXECUTIVE SESSION**

*(There was no executive session held.)*

**XIII. MAYOR, ASSEMBLY, AND STAFF COMMENTS**

Mr. Spiropoulos:

- noted that the question of who would determine what is reasonable was raised earlier in the meeting;
- advised that reasonableness is determined by a judge who is taking into account all of the circumstances in a particular situation;
- spoke to the concerns proposed by Ms. Rosnel during audience participation; and
- related that the issue raised by Ms. Rosnel was looked at internally prior to adoption of the resolution that provided funds to the agency in question.

Assemblymember Colligan:

- stated that he is glad to be back after the holidays;

- noted that the State Legislative Session began today; and
- spoke in support of the Manager going to Juneau to lobby on behalf of Borough projects

Assemblymember Woods:

- stated that all members had been hearing about snow removal problems due to the recent heavy snow fall;
- spoke to concerns expressed by the public concerning road service area issues; and
- requested that if the public has an issue to please feel free to let the body know.

Assemblymember Salmon:

- spoke to his attendance at his first Borough Area School Site Selection Committee meeting;
- opined that the Committee got a lot accomplished;
- stated that he is looking forward to working through that process;
- noted the State Economic Update being held at the Sheraton tomorrow at noon;
- spoke to the recent passing of Mr. Ted Smith, who was a former member of the Assembly; and
- noted that there is a memorial service at the Willow Community Center.

Assemblymember Halter related that he crossed Paxson Lake when it was 47 below for the Copper Basin 300 just in time to be notified that the race was cancelled due to inclement weather and the lack of a trail.

Assemblymember Colver:

- related that Mr. Roy Goodman had passed away;
- spoke to Mr. Goodman's service on several committees for the Borough;
- extended condolences to Mr. Goodman's family; and
- noted that it is nice to wrap up the meeting early.

Assemblymember Arvin:

- spoke to meetings that are ongoing regarding the Alaska Energy Authority;
- stated that he is glad that Ordinance Serial No. 11-022 was postponed;
- noted that he presumed there were a lot of people who wanted to speak to the legislation; and
- stated that he postponed it at the beginning of the meeting so the public was aware of what was happening with the legislation.


Mayor DeVilbiss:

- stated that beginning with the next Assembly meeting, he would like to follow up on a request from city Mayors concerning the consent agenda;
- noted that they had requested the Borough to follow their style of handling the consent agenda by pulling items at the approval of the agenda;
- advised that he will be asking at the beginning of meetings if any members will be pulling something from the consent agenda;
- noted that would allow city representatives to know if they needed to stay late in the meeting or not to address items on the Consent Agenda;

- requested a spreadsheet to reflect amounts collected on taxes that the cities have received a share;
- spoke to criticism on inventory tax that he has heard; and
- stated that he is sorry to hear of Mr. Ted Smith's passing, as Mr. Smith had educated him on forest cycles and their importance.

#### XIV. ADJOURNMENT

The regular meeting adjourned at 9 p.m.

  
LARRY DeVILBISS, Borough Mayor

ATTEST:

  
LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 02/07/12