

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on February 1, 2011, 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*)
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, CMC, Borough Clerk
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Brenda J. Henry, Executive Assistant to the Borough Clerk
Ms. Tammy Clayton, Finance Director
Ms. Christine Nelson, Planning and Land Use Director
Mr. Chuck Braun, Acting Public Works Director
Mr. Dennis Brodigan, Emergency Services Director
Ms. Patty Sullivan, Public Affairs Director
Mr. Dave Hanson, Economic Development Director
Mr. Jeff Dillon, Acting Community Development Director
Ms. Shannon Post, Chief Information Officer
Ms. Sharon Huckins, Administrative Secretary I
Mr. Marc Van Dongen, Port Director
Ms. Susan Lee, Planner II

III. APPROVAL OF AGENDA

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

Mayor DeVilbiss inquired if there was any objection to conducting an invocation prior to the pledge of allegiance.

There was no objection noted.

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

Pastor Ethan Hanson of Faith Bible Church provided an invocation.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Assemblymember Ron Arvin.

V. MINUTES OF PRECEDING MEETINGS

(There were no minutes of preceding meetings presented.)

VI. SPECIAL ORDERS OF THE DAY

A. Appointment of Deputy Mayor

Mayor DeVilbiss inquired if there was any objection to appointing Assemblymember Ron Arvin as Deputy Mayor.

There was no objection noted.

VII. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

(There were no reports provided.)

2. Matanuska-Susitna Borough School District

(There was no report provided.)

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 attending a meeting regarding federal funding possibilities for Borough projects with Congressman Don Young; and
- stated that Congressman Young was enthusiastic.

Assemblymember Arvin:

- stated that he too was in attendance at the meeting with Congressman Young;
- related that the purpose of the meeting was to discuss federal funding for Port MacKenzie;
- stated that he shared with Congressman Young that there are costs incurring daily with the ferry being docked in Ketchikan;
- noted that it was also relayed to Congressman Young that an appropriation of \$11,000,000 would be sufficient to complete the project;
- related that Congressman Young spoke of the possibility of funding through the Tiger Grant process; and
- stated that Congressman Young noted his support of resolving funding issues in a timely manner.

Assemblymember Ewing:

- spoke to the “Mayor’s Minute” by Wasilla City Mayor Verne Rupright;
- stated that it spoke in support of the Port MacKenzie project; and
- noted that the city of Wasilla is in support of the project.

Assemblymember Bettine:

- spoke to a recent radio advertisement that she had heard that was in support of the Port MacKenzie project;
- noted that it was sponsored by the Borough; and
- spoke to her desire for the Assembly to hear the advertisement this evening.

Ms. Sullivan played two 20-second radio clips regarding the Port MacKenzie project.

Assemblymember Arvin queried if there had been discussion regarding airing the advertisements to a wider listenership than just the Borough.

Ms. Sullivan affirmed the query.

Assemblymember Bettine spoke to her desire to air the advertisements more frequently than three times per week.

Assemblymember Colver:

- noted that there are many Borough boards, commissions, and committee’s that are not always on the Assembly’s agenda;
- stated that he keeps the Assembly updated on the Mayor’s Blue Ribbon Sportsmen’s Committee;
- stated that the committee has been busy preparing for the Upper Cook Inlet Board of Fisheries meeting;
- opined that the Sportsmen’s Committee has produced the most professional presentation document, which includes a lot of factual research;
- related that it shows historically how the escapement levels in the Northern Susitna and Yenta drainage are at a crisis level;

- advised that the Assembly will have a copy of the document at the next meeting; and
- opined that there are a lot of top notch officials involved in the process.

B. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues
3. Mr. John Lee – CEO Mat-Su Regional Hospital

Mr. Lee, CEO of Mat-Su Regional Hospital provided a report regarding the growth and health opportunities available at Mat-Su Regional Hospital.

A. ATTORNEY COMMENTS

(There was no report provided.)

B. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule; and
- noted her upcoming vacation schedule.

Assemblymember Bettine queried how the Assembly had decided to proceed regarding a letter to the Alaska Delegation regarding road bonds.

Ms. McKechnie advised that the Assembly had decided to conduct a work session on February 22, 2011 regarding the road bonds prior to sending a letter.

Assemblymember Ewing queried if a location had been decided upon for the Assembly Planning session.

Ms. McKechnie advised that a location had not yet been determined, but a location in Assembly District No. 6 was being looked at.

C. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Caswell Lakes FSA Board of Supervisors: 09/08/10
 - b. Greater Butte RSA Board of Supervisors: 09/09/10, 09/30/10
 - c. Local RSA Board of Supervisors: 09/16/10
 - d. Port Commission: 11/15/10, 12/01/10, Resolution Serial No. 10-005
 - e. Wasilla-Lakes FSA Board of Supervisors: 08/09/10
2. Community Council Correspondence:
 - a. Big Lake Community Council: 09/08/10, 10/13/10
 - b. Chickaloon Community Council: 01/13/10, 02/10/10, 04/14/10, 11/10/10

- c. Point MacKenzie Community Council: 04/08/10
- d. Willow Area Community Organization: 06/07/10

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

D. INFORMATIONAL MEMORANDUMS

(There were no informational memorandums presented.)

VIII. UNFINISHED BUSINESS

- A. AM No. 11-004: AWARD OF BID NO. 11-033 TO WOLVERINE SUPPLY, INC. FOR THE CONTRACT AMOUNT OF \$879,845.15 FOR PARK AND RIDE FACILITY AND BUS STOPS AND SHELTERS.

MOTION PENDING: Assemblymember Colver moved to adopt AM No. 11-004.

Ms. Clayton:

- advised that funds for this project are Economic Recovery and Reinvestment Act (ERRA) funds;
- related that some of these funds have already been spent on design;
- noted that these funds are for actual construction, which should be completed by September 2011; and
- stated that if construction is not complete that the funds will be lost.

Assemblymember Woods:

- stated that he had requested more information on this legislation; and
- spoke to concerns with surpassing the contract amount without Assembly approval.

Ms. Clayton:

- stated that what Assemblymember Woods is speaking to is the maximum change order amount that could occur without coming back to the Assembly;
- noted that amount is \$170,000; and
- related that does not mean that a change order will occur.

MOTION: Assemblymember Ewing moved a primary amendment to AM No.11-004, to have all change orders for this project to come before the Assembly.

Assemblymember Ewing spoke to concerns of the lack of change orders coming before the Assembly for approval.

Discussion ensued regarding the desire for all change orders to come back to the Assembly for approval.

Assemblymember Bettine requested a staff report from Mr. Braun.

Mr. Braun spoke to the project and impacts that could occur if the project is delayed.

Assemblymember Arvin:

- spoke to previous legislation that he sponsored in order to restrict the Manager from the ability to negotiate contracts under \$100,000;
- stated that he pulled the legislation as he understood the risk of an owner delayed project; and
- opined that the Assembly should have input regarding change orders, but not to the degree that it hinders projects and costs the Borough more in the long run.

Assemblymember Keogh:

- spoke to concerns with the magnitude and frequency of change orders;
- opined the amendment is redundant as it is already in Borough code; and
- stated that he appreciated the staff report that spoke to the impact of time delays.

Discussion ensued regarding:

- frequency of changes orders; and
- potential of impeding construction projects.

VOTE: The primary amendment failed with Assemblymembers Keogh, Ewing, and Colver in support.

VOTE: The main motion passed with Assemblymember Ewing opposed.

IX. VETO

(There were no vetoes presented.)

(The regular meeting recessed at 6:55 p.m. and reconvened at 7:03 p.m.)

X. 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. 11-006: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$3,536 FROM TRAPPER CREEK ROAD SERVICE AREA NO. 30 FUND BALANCE, FUND 284, TO TRAPPER CREEK ROAD SERVICE AREA NO. 30 FISCAL YEAR 2011 OPERATING BUDGET, FUND 284.
 - a. IM No. 11-003

Mr. Braun provided a staff report.

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 Halter moved to adopt Ordinance Serial No. 11-006.

Assemblymember Halter requested support of the legislation.

VOTE: The motion passed without objection.

2. Ordinance Serial No. 11-007: AN ORDINANCE AMENDING MSB 15.24.030, ADOPTING THE PORT MASTER PLAN, 2011 UPDATE.
 - a. IM No. 11-007

Ms. Nelson and Mr. Van Dongen provided a staff report.

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 Bettine moved to adopt Ordinance Serial No. 11-007.

- MOTION: Assemblymember Bettine moved a primary amendment to the Port Master Plan, page 14, item 2.5, The Cook Inlet Ferry System:
- by inserting “and other Passenger Ships” in the title after “The Cook Inlet Ferry System” to read: “The Cook Inlet Ferry System and Other Passenger Ships:” and
 - by inserting a last sentence that reads: “ The Borough’s tourism industry could benefit from small and large cruise ships docking at Port MacKenzie.”

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

3. Ordinance Serial No. 11-008: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$976,176 COASTAL IMPACT ASSISTANCE PROGRAM (CIAP) GRANT TO FUND 480, PROJECT NO. 47504, FOR “ORTHO-RECTIFIED IMAGERY AND LIDAR OF THE MATANUSKA-SUSITNA BOROUGH’S COASTAL MANAGEMENT ZONE.”
 - a. Resolution Serial No. 11-010: A RESOLUTION ESTABLISHING THE SCOPE OF WORK AND BUDGET FOR THE COASTAL IMPACT ASSISTANCE PROGRAM (CIAP) GRANT FOR “ORTHO-RECTIFIED IMAGERY AND LIDAR OF THE MATANUSKA-SUSITNA BOROUGH’S COASTAL MANAGEMENT ZONE.”
 - (1) IM No. 11-008

Ms. Nelson, Ms. Post, and Ms. Lee provided a staff report.

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 Arvin moved to adopt Ordinance Serial No. 11-008 and Resolution Serial No. 11-010.

VOTE: The motion passed without objection.

MOTION: Assemblymember Arvin moved for reconsideration of Ordinance Serial No. 11-008 and Resolution Serial No. 11-010.

VOTE: The motion for reconsideration passed with Assemblymembers Halter and Ewing opposed.

Assemblymember Arvin:

- spoke to concerns that this mapping is duplicative to the mapping being performed by the state of Alaska;
- queried the timeframe of the project; and
- further inquired if there is a required Borough fund match.

Ms. Clayton stated that there is no Borough match required.

Ms. Post:

- stated that it is more critical that the mapping be performed within the “leaf-off” time, which is now until May; and
- spoke to the risk of losing funds if the project is not performed during the “leaf-off” time frame.

Ms. Nelson:

- advised that there are state and federal partners working with the Borough on this project;
- further added that the Federal Emergency Management Agency (FEMA) is waiting on the Borough to provide this information in order for them to establish flood plain elevations in the Butte; and
- stated that without the LIDAR imaging, FEMA cannot move forward with flood plain evaluations.

Assemblymember Colver opined that with the Matanuska River continually flooding, that this will provide valuable information for Borough residents.

Assemblymember Ewing stated that this project will assist residents with the high cost of flood insurance rates.

Assemblymember Arvin noted his opposition to this legislation.

Discussion ensued regarding funding sources for this project.

MOTION: Assemblymember Arvin moved to postpone Ordinance Serial No. 11-008 and Resolution Serial No. 11-010 to a time certain of February 15, 2011.

VOTE: The motion to postpone failed with Assemblymember Arvin in support.

VOTE: The main motion passed with Assemblymember Arvin opposed.

4. Ordinance Serial No. 11-009: AN ORDINANCE APPROVING THE ACCEPTANCE AND APPROPRIATION OF FISCAL YEAR 2011 COMMUNITY REVENUE SHARING PROGRAM FUNDS IN THE AMOUNT OF \$444,400, TO FUND 475, PROJECT NO. 47014.
 - a. Resolution Serial No. 11-011: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE FISCAL YEAR 2011 COMMUNITY REVENUE SHARING PROGRAM, PROJECT NO. 47014.
 - (1) IM No. 11-010

Ms. Clayton provided a staff report.

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 Arvin moved to adopt Ordinance Serial No. 11-009 and Resolution Serial No. 11-011.

Assemblymember Halter:

- stated that the Borough administers the funds, but community councils are provided the opportunity to decide how to use the funds in their communities; and
- opined that it is a great program for Borough communities.

Assemblymember Colver noted his support of the legislation.

Assemblymember Keogh:

- noted that he is a past chair of the Chickaloon Community Council;
- stated that the community hall is the only public building in Chickaloon;
- related that as a result of this program, the community hall was recently completed and can be used by anyone in the community;
- stated that funds are being expended on other worthy community projects; and
- opined that the program works well for communities within the Borough.

Mayor DeVilbiss stated that he had attended community council meetings where it was difficult for the members to decide how to spend the funds.

VOTE: The motion passed without objection.

5. Ordinance Serial No. 11-010: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$19,000 FROM TALKEETNA ROAD SERVICE AREA NO. 29 FUND BALANCE, FUND 283, TO TALKEETNA ROAD SERVICE AREA NO. 29 FISCAL YEAR 2011 OPERATING BUDGET, FUND 283.
- a. IM No. 11-012

Mr. Braun provided a staff report.

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 Halter moved to adopt Ordinance Serial No. 11-010.

Assemblymember Halter:

- requested support of the legislation; and
- noted that it is supported by the Talkeetna Road Service Area Board of Supervisors.

Assemblymember Arvin:

- queried if the fund balance for Talkeetna Road Service Area No. 29 is basically a savings account; and
- further asked if the funds must then be moved to fund 283 in order to be spent.

Ms. Clayton affirmed the query.

Assemblymember Halter stated that Representative Newman had inquired where the funds go if the State provides the funds.

Ms. Clayton:

- stated that when capital appropriations are received from the State, that an ordinance is completed;
- stated that if the funds are for a specific capital project, that the funds would remain there until spent or the grant expired; and
- related that the current legislation covers 20 different capital projects, with each to be listed out.

Discussion ensued regarding road service area capital projects.

VOTE: The motion passed without objection.

6. Ordinance Serial No. 11-012: AN ORDINANCE APPROVING THE MATANUSKA-SUSITNA BOROUGH ACQUIRE A PORTION OF BOROUGH-OWNED LAND IDENTIFIED AS PARCEL 35, PALMER HIGH SCHOOL, FOR THE BOGARD ROAD EXTENSION EAST, STATE PROJECT NO. 59231 (MSB006048 & MSB006245).
- a. Ordinance Serial No. 11-013: AN ORDINANCE APPROVING THE MATANUSKA-SUSITNA BOROUGH ACQUIRE A PORTION OF BOROUGH-OWNED LAND IDENTIFIED AS PARCEL 34, COLONY MIDDLE AND HIGH SCHOOLS, FOR THE BOGARD ROAD EXTENSION EAST, STATE PROJECT NO. 59231 (MSB006048 & MSB006244).
- (1) IM No. 11-014
- (2) IM No. 11-017

Mr. Dillon provided a staff report, with assistance from Mr. Mike Canfield, Engineer with DOWL HKM.

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 Woods moved to adopt Ordinance Serial Nos. 11-012 and 11-013.

VOTE: The motion passed without objection.

7. Ordinance Serial No. 11-014: AN ORDINANCE ACCEPTING AND APPROPRIATING A GRANT IN AN AMOUNT NOT TO EXCEED \$191,920, TO FUND 435, PROJECT NO. 10168, FROM THE RASMUSON FOUNDATION FOR THE CONSTRUCTION OF THE SUTTON COMMUNITY RESOURCE CENTER.
- a. Resolution Serial No. 11-012: A RESOLUTION APPROVING THE SCOPE OF WORK AND AMENDED BUDGET FOR THE SUTTON COMMUNITY RESOURCE CENTER.
- (1) IM No. 11-015

Mr. Dillon provided a staff report.

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. 11-014 and Resolution Serial No. 11-012.

Assemblymember Keogh:

- stated that local Sutton residents are very happy with the generous grant;
- noted that the Sutton library is an important community center hub for residents, from as far away as Glacier View; and
- requested support of the legislation.

VOTE: The motion passed without objection.

8. Ordinance Serial No. 11-015: AN ORDINANCE ACCEPTING AND APPROPRIATING \$13,350.60 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 No. 11-016

Mr. Dillon provided a staff report.

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 Arvin moved to adopt Ordinance Serial No. 11-015.

VOTE: The motion passed without objection.

9. Ordinance Serial No. 11-016: AN ORDINANCE AMENDING MSB 4.27.020, REGARDING THE COMPOSITION OF THE BOROUGH AREA SCHOOLS SITE SELECTION COMMITTEE. *(Sponsored by Assemblymember Arvin)*
 - a. IM No. 11-018

Mr. Spiropoulos provided a staff report.

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 Arvin moved to adopt Ordinance Serial No. 11-016.

Assemblymember Arvin:

- noted that Mayor Rupright had stated that he would like to be more included when a site selection is occurring within the Wasilla City limits;
- stated that Mayor Rupright also opined that all city mayors should be included in the committee;

- related that by adding the city mayors it would create an even number of members; and
- noted that is why the legislation proposes to add one additional at-large member.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 11-016:

- by striking all of the whereas clauses;
- by striking all of the proposed new language;
- by reinstating the deleted language; and
- by striking the term limit of two years and inserting in its place term limits of three years in subsection (c).

Assemblymember Arvin:

- stated that the intent of the legislation is to expand the membership to include city mayors or their designees on the committee; and
- noted that he is opposed to the amendment.

Assemblymember Halter:

- stated that he does not like the idea of expanding the membership of the committee; and
- noted his support of the amendment.

MOTION: Assemblymember Bettine moved to divide the question to take the term limits of members separately.

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

MOTION: First segment. Assemblymember Colver moved a primary amendment to Ordinance Serial No. 11-016, by striking term limits of “two years” and inserting in its place “three years” in subsection (c)

Assemblymember Bettine:

- stated that this is the only Borough committee she is aware of that has two year term limits; and
- spoke to the difficulties encountered in the quick rotation of members due to term limits.

VOTE: The first segment passed without objection.

MOTION: Second segment. Assemblymember Colver moved a primary amendment to Ordinance Serial No. 11-016, by striking all of the whereas clauses, striking all of the new proposed language, and to reinstate the deleted language.

Assemblymember Bettine stated that she is anxious for this committee to move forward.

Assemblymember Colver noted that ex-officio membership is extended to cities when they are affected by a site selection.

Assemblymember Arvin:

- stated that cities are aware that they can come and participate; and
- noted that the cities want to be substantially included in the site selection process as voting members.

Assemblymember Ewing:

- noted that the overall membership is seven members, which four are required to make a quorum;
- stated that he is not in favor of inflating boards;
- opined that the mayors should be involved when site selection is within a city;
- stated that a large percentage of schools are located within city boundaries; and
- opined that the committee membership should be expanded.

Assemblymember Bettine opined that it might be easier to create a policy to notify the cities when discussion occurs regarding a site selection in their areas.

Assemblymember Arvin:

- opined that the committee is a limited group; and
- further opined that adding members will allow for better diversification.

Assemblymember Woods related his disappointment with previous site selections.

Mayor DeVilbiss noted that he likes the idea of city mayors being included.

VOTE: The second segment passed with Assemblymembers Ewing, Woods, and Arvin opposed.

(The regular meeting recessed at 9:02 p.m. and reconvened at 9:13 p.m.)

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 11-016, MSB 4.27.020, by reinstating all of the whereas clauses except for the last four and to insert the following language:

- “(A)(5) When a school site is being considered within the limits of a city, the mayor from that city will be appointed until the school site has been selected by the committee. The mayor is a voting member of the committee when discussing and voting on matters that pertain to the site selection within the city limits.
(a) In the event that the borough mayor does not appoint a city mayor, or in the event a city mayor is unwilling or unable to serve, or in the event that a city mayor is not confirmed by the Assembly, the borough mayor may appoint any other elected or appointed official to represent that city.”

Assemblymember Bettine stated that she was hopeful that her amendment would address the majority of the concerns of the Assembly.

Assemblymember Keogh:

- stated that he appreciates the intent of the amendment, but wondered how unwieldy the board could become; and
- opined that it could be cumbersome and problematic.

Assemblymember Halter opined that a city mayor should automatically be seated, rather than to have to go through the vacancy process.

Mr. Spiropoulos stated that there are Supreme Court cases against that type of action.

Assemblymember Halter stated that he is in favor of mayors being ex-officio members.

Assemblymember Arvin spoke to concerns with a committee that has an even number of members.

Assemblymember Bettine opined that the committee could work around an even number of members.

MOTION: Assemblymember Colver moved a secondary amendment to insert the word “city” after the word “appointed” in (A)(5)(a), to read: “In the event that the Borough Mayor does not appoint a city mayor, or in the event that a city mayor is unwilling or unable to serve, or in the event a city mayor is not confirmed by the Assembly the Borough Mayor may appoint any other elected or appointed city official.”

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment passed without objection.

Assemblymember Arvin thanked Assemblymember Bettine for her amendment.

VOTE: The main motion passed as amended without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following persons spoke in support of Resolution Serial No. 11-021: Ms. Elizabeth Ripley, Executive Director of the Mat-Su Health Foundation; and Ms. Stephanie Allen, United Way of Mat-Su and the Borough Health and Social Services Board.

D. CONSENT AGENDA (Resolution Serial Nos. 11-016, 11-019, and 11-023 were pulled from the consent agenda and addressed separately. *See pp. 17-18*)

1. RESOLUTIONS

- a. Resolution Serial No. 11-014: A RESOLUTION THANKING GOVERNOR PARNELL FOR HIS SUPPORT OF THE PORT MACKENZIE RAIL EXTENSION. *(Sponsored by Assemblymember Arvin)*
- b. Resolution Serial No. 11-015: A RESOLUTION APPROVING THE AMENDED SCOPE OF WORK FOR THE WASILLA CREEK AT GRANTHAM DRIVE FISH PASSAGE IMPROVEMENT PROJECT, PROJECT NO. 30101, TO INCLUDE SUNRISE ROAD CULVERT REPLACEMENT.
(1) IM No. 11-021
- d. Resolution Serial No. 11-017: A RESOLUTION APPROVING THE AMENDED SCOPE OF WORK FOR THE FISCAL YEAR 2007 DESIGNATED LEGISLATIVE GRANT FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT, FOR THE BOROUGH-WIDE ROAD UPGRADE PROJECTS TO INCLUDE ADDITIONAL ROADS, SURVEYING AND ENGINEERING, WITHIN ROAD SERVICE AREA NOS. 9, 19, AND 21.
(1) IM No. 11-023
- e. Resolution Serial No. 11-018: A RESOLUTION APPROVING THE AMENDED SCOPE OF WORK FOR THE TALKEETNA LIBRARY TO REMOVE SKYLIGHTS AND REPAIR THE ROOF, PROJECT NO. 10143.
(1) IM No. 11-026
- g. Resolution Serial No. 11-020: A RESOLUTION SUPPORTING AND APPROVING THE RECOMMENDATIONS OF THE HUMAN SERVICES TRANSPORTATION COORDINATION PLAN, PHASE III, 2011-2016; TO ALLOW MASCOT TO APPLY FOR FUNDING THROUGH THE STATE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES TRANSIT OFFICE.
(1) IM No. 11-033
- h. Resolution Serial No. 11-021: A RESOLUTION SUPPORTING THE CREATION OF A HEALTHY COMMUNITY BY PARTICIPATING AS A STAKEHOLDER IN THE 2011 MAT-SU COMMUNITY HEALTH NEEDS ASSESSMENT AND CONTRIBUTING \$15,000 IN FISCAL YEAR 2011 BUDGET.
(1) IM No. 11-034
- 2. ASSEMBLY MEMORANDUMS
- a. AM No. 11-009: AWARD OF BID NO. 11-051 TO UNIVAR USA, INC., IN THE AMOUNT OF \$302,781.90, FOR THE PURCHASE OF CALCIUM CHLORIDE FOR ROAD MAINTENANCE.

Ms. McKechnie read the above legislation into the record.

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

VOTE: The motion passed without objection.

- c. Resolution Serial No. 11-016: A RESOLUTION APPROVING THE AMENDED SCOPE OF WORK FOR THE HORSESHOE LAKE CULVERTS REPLACEMENT PROJECT, PROJECT NO. 30109, TO INCLUDE THE MEADOW LAKES AREA CULVERT REPLACEMENTS.

(1) IM No. 11-022

MOTION: Assemblymember Bettine moved to adopt Resolution Serial No. 11-016.

Assemblymember Bettine queried where the matching funds were coming from.

Ms. Clayton stated that they are coming from the general fund.

Mr. Braun:

- stated that these are funds that were left over from a project that was completed last year; and
- related that the funds were being moved to complete additional fish passage projects.

Assemblymember Bettine spoke to concerns with using general funds rather than federal matching funds.

VOTE: The motion passed without objection.

- f. Resolution Serial No. 11-019: A RESOLUTION IN SUPPORT OF A JONES ACT WAIVER FOR ESCOPETA OIL TO TRANSPORT A JACK-UP RIG TO COOK INLET IN 2011 ABOARD A FOREIGN FLAGGED VESSEL. *(Sponsored by Assemblymember Arvin)*

(1) IM No. 11-028

MOTION: Assemblymember Arvin moved to adopt Resolution Serial No. 11-019.

Assemblymember Arvin:

- stated that he brought the legislation forward at the request of Escopeta Oil;
- related that a foreign flagged vessel cannot move cargo within the United States without securing a waiver;
- spoke to issues the company had previously regarding a waiver for a different vessel; and
- noted that they are coming into Cook Inlet in search of oil.

Mayor DeVilbiss noted his support of the legislation.

VOTE: The motion passed without objection.

- i. Resolution Serial No. 11-023: A RESOLUTION COMMENTING ON THE SCOPING PORTION OF THE DEVELOPMENT OF AN ENVIRONMENTAL IMPACT STATEMENT CONCERNING THE PROPOSED MODERNIZATION AND

ENHANCEMENT OF RANGES, AIRSPACE, AND TRAINING AREAS IN THE
JOINT PACIFIC ALASKA RANGE COMPLEX IN ALASKA.

(1) IM No. 11-038

MOTION: Assemblymember Keogh moved to adopt Resolution Serial No. 11-023.

Assemblymember Keogh:

- stated that the comment period for the expansion has been extended, which would allow the Assembly additional time to provide comments on the scoping portion;
- advised that the citizen's of Lake Louise learned about this project recently along with the community council; and
- noted that some Borough boards could also weigh in on this project.

Assemblymember Bettine stated that her first impression of the legislation was that the language should be stronger.

Assemblymember Colver opined that there are many issues that need to be addressed.

Assemblymember Arvin:

- noted that he had attended a scoping meeting, at which there were many people in attendance;
- opined that he would not like to see the military operations area be expanded;
- spoke to concerns with potential conflicts between military and civilian aircraft; and
- stated that there are parts of the proposed expansion that are good, such as where the Department of Defense would have to construct roads.

Assemblymember Ewing:

- opined that the expansion of airspace is only the beginning of a federal takeover of Borough property; and
- spoke to a recent low flyover of military aircraft at the Wasilla Airport.

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

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

Assemblymember Bettine requested that a staff member be assigned to track the expansion issue.

There was no objection noted.

MOTION: Assemblymember Keogh moved to postpone Resolution Serial No. 11-023 to a time certain of February 15, 2011.

VOTE: The motion to postpone passed without objection.

XI. NEW BUSINESS

- A. INTRODUCTIONS (For public hearing – 02/15/10, 7 p.m., Borough Assembly Chambers)
1. Ordinance Serial No. 11-018: AN ORDINANCE ADOPTING THE NEW FLOOD INSURANCE STUDY DATED SEPTEMBER 9, 2009; ADOPTING THE NEW DIGITAL FLOOD INSURANCE RATE MAPS AND THE AMENDMENTS TO MSB 17.29, FLOOD DAMAGE PREVENTION.
 - a. IM No. 11-013
 2. Ordinance Serial No. 11-019: AN ORDINANCE AMENDING MSB 17.55.010, SETBACKS; AND MSB 17.125 DEFINITIONS, TO ALLOW PEDESTRIAN WALKWAYS ON CERTAIN COMMERCIAL OR INDUSTRIAL BUILDINGS TO ENCROACH INTO SETBACKS.
 - a. IM No. 11-027
 3. Ordinance Serial No. 11-020: AN ORDINANCE APPROPRIATING \$71,000 FROM THE GREATER PALMER CONSOLIDATED FIRE SERVICE AREA FUND BALANCE, FUND 259, TO FUND 405, PROJECT NO. 45215, FOR REPLACEMENT OF SUPPORT VEHICLE 35 AND PURCHASE OF RELATED EQUIPMENT.
 - a. Resolution Serial No. 11-022: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 45215 FOR REPLACEMENT OF SUPPORT VEHICLE 35 AND PURCHASE OF RELATED EQUIPMENT.
 - (1) IM No. 11-029
 4. Ordinance Serial No. 11-022: AN ORDINANCE REPEALING MSB 2.70, CODE OF ETHICS AND ADOPTING MSB 2.71, CODE OF ETHICS.
 - a. IM No. 11-036

Ms. McKechnie read the above legislation into the record.

MOTION: Assemblymember Arvin moved to introduce the legislation as read into the record by the Clerk and set the public hearings for February 15, 2011.

MOTION: Assemblymember Colver moved to divide the question to take up the introduction of Ordinance Serial No. 11-022 separately.

VOTE: There was no objection noted.

MOTION: First segment. Assemblymember Arvin moved to introduce the legislation and set the public hearings for February 15, 2011, with the exception of Resolution Serial No. 11-022.

VOTE: The first segment passed without objection.

MOTION: Second segment. Assemblymember Colver moved to introduce Ordinance Serial No. 11-022 and set the public hearing for August 1, 2011.

MOTION: Assemblymember Bettine moved a primary amendment to the second segment to strike August 1, 2011, and insert in its place June 7, 2011.

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

Assemblymember Colver:

- noted that the legislation is a complete re-write of the Borough ethics code; and
- opined that the Assembly should conduct work sessions on the legislation prior to introduction of the ordinance.

Assemblymember Arvin:

- stated that he has read the legislation;
- spoke to concerns that arose during his review; and
- opined that the Assembly needs additional time to review the legislation.

Discussion ensued regarding:

- the possibility of holding meetings with the Board of Ethics; and
- the possibility of not introducing the legislation at this time.

VOTE: The second segment failed with Assemblymembers Colver, Halter, and Bettine in support.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

MOTION PENDING: Assemblymember Arvin moved to approve Mr. William Holler to the Planning Commission.

MOTION: Assemblymember Bettine moved to postpone approving Mr. William Holler to the Planning Commission to a time certain of February 15, 2011.

VOTE: The motion to postpone passed without objection.

C. OTHER NEW BUSINESS

(There was no other new business.)

XII. RECONSIDERATION

(There was no reconsideration presented.)

XIII. EXECUTIVE SESSION *(for subjects that tend to prejudice the reputation and character of any person provided the person may request a public discussion or matters immediate public knowledge of which would clearly have an adverse impact upon the finances of the Borough.)*

A. HIRING OF THE BOROUGH MANAGER, CONTRACT NEGOTIATIONS, AND INTERVIEW QUESTIONS

MOTION: Assemblymember Arvin moved to enter into executive session for subjects that tend to prejudice the reputation and character of any person provided the person may request a public discussion and matters immediate public knowledge of which would clearly have an adverse impact upon the finances of the Borough. Specifically to discuss the hiring of the manager, interview questions, and contract negotiations. Those present during executive session will be the Mayor, the members of the Assembly, the Attorney, the Clerk, the Human Resources Manager, and Mr. Colin Baenziger of Colin Baenziger & Associates.

VOTE: The motion passed without objection and the Assembly entered into executive session at 10:21 p.m.

MOTION: Assemblymember Arvin moved to exit executive session.

VOTE: The motion passed without objection and the Assembly exited executive session at 10:45 p.m.

MOTION: Assemblymember Bettine moved to interview the following candidates via video conferencing on February 18, 2011, at 10 a.m.:

- Mr. John Cramer;
- Mr. John Moosey;
- Mr. David Fraser;
- Mr. Leroy Blodgett;
- Mr. Alan Cohen;
- Mr. Charles Cleaver; and
- Mr. Mark Combs.

MOTION: Assemblymember Halter moved a primary amendment to strike Charles Cleaver and Mark Combs.

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

VOTE: The main motion passed without objection.

MOTION: Assemblymember Ewing moved to bring the final three candidates up on February 25, 2011, for a reception and to conduct candidate interviews on February 26, 2011.

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

VOTE: The motion to suspend the rules passed without objection.

VOTE: The main motion passed without objection.

Ms. McKechnie:

- noted that the Assembly's Planning session is scheduled for February 26, 2011; and
- advised that this meeting could be scheduled to another date.

XIV. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Colver:

- welcomed Mayor DeVilbiss;
- spoke to concerns with the Port Master plan and the difference between leases and subdivisions;
- stated that he read Mayor DeVilbiss's letter requesting the resignation of all the Borough boards and commission members;
- stated that he would like a letter to go out on behalf of the Assembly that states that the Assembly does appreciate the volunteer efforts of board and commission members and that they do not have to resign; and
- noted that he is unsure if the entire Assembly is in support of doing so.

Assemblymember Bettine:

- stated that she also read Mayor DeVilbiss's letter; and
- queried if the Mayor wanted specific comments to his letter.

Mayor DeVilbiss stated that he would like to consider Assembly comments.

Assemblymember Bettine:

- opined that the Borough is not the same as the State, as the people who were asked to resign were paid employees and the Governor was filling his cabinet;
- stated that she feels it is a negative move to request the resignation of Borough board and commission members;
- noted that she would also like a letter sent on behalf of the Assembly noting that not everyone agrees with the Mayor's decision; and
- related that that she does appreciate the efforts of those on boards and commissions.

MOTION: Assemblymember Bettine moved to direct staff to construct a letter for board and commission members that states that they do not have to resign and that the Assembly appreciates their service.

Assemblymember Halter:

- stated that he does not think the Mayor's letter should go out;
- opined that there will be many who will have hurt feelings as a result;
- noted that it is difficult to find good volunteers to begin with, let alone after they have been offended;
- further added that they are volunteers, not paid persons;
- stated that the Assembly does need to review Borough boards and commissions; and
- noted he is in favor of sending out a letter on behalf of the Assembly.

Assemblymember Keogh:

- stated that he is in favor of reviewing boards and commissions;
- noted that he is not in favor of the Mayor's letter;
- opined that there is a significant difference between the Governor's request and the Mayor's proposed letter;
- further added that it would be detrimental to the Borough for the letter to be sent; and
- stated that he is in favor of sending a letter on behalf of the Assembly.

Assemblymember Arvin:

- thanked the Mayor for the opportunity to provide comment on his letter;
- stated that the letter is not being well received by the community;
- opined that there is a better path to accomplishing the intent of the letter;
- opined that the Assembly should not send a letter in opposition of the Mayor's letter, as it sends a bad message to the community;
- stated that there might be benefit to the Mayor not sending the letter and to perform a review of boards and commissions; and
- requested that the Mayor not send his letter.

MOTION: Assemblymember Colver moved to suspend the rules and to extend the meeting past 11:15 p.m. and not to exceed 11:30 p.m.

VOTE: The motion passed with Assemblymember Ewing opposed.

MOTION: Assemblymember Colver moved a primary amendment to send a letter on behalf of the Assembly, by sending a letter on behalf of the Assembly only if the Mayor sends his letter.

Assemblymember Colver:

- opined that the Assembly does not wish to start off clashing with a new mayor; and
- noted that they would like to work together as there have been no issues in the past in doing so.

Assemblymember Ewing:

- stated that he does not support the letter as written; and
- noted that the letter does have some good language that could be considered.

Assemblymember Woods:

- stated that the Assembly wants to work in harmony with the Mayor;
- shared that when he was campaigning for Assembly, that someone had once advised him that things would not be changed overnight; and
- recommended that the Mayor not send the letter.

Mayor DeVilbiss:

- stated that he has no intention of accepting resignations at this time;
- noted that his intent was to accelerate and focus on the need to evaluate all the boards and commissions;
- related that he will accept the advice of the Assembly, as he prefers this to be a joint effort;
- noted that he does not have the power to force resignations or to dissolve boards and commissions; and
- stated that it is his commitment to work cohesively with the Assembly.

Assemblymember Arvin:

- opined that there may come a time that it would be appropriate to request resignations, but that time is not now;
- further added that perhaps after a review of boards and commission has been completed it would be a more appropriate time; and
- noted that such a request may be better received by volunteers at that time.

Assemblymember Ewing opined that the motions of Assemblymember Colver and Bettine could be withdrawn, as it appears that the issue has been resolved.

Assemblymember Colver inquired what the Mayor's intention is if the motions are withdrawn.

Mayor DeVilbiss:

- stated that he does not intend to include road service area's;
- noted that he is still unsure of who would receive the letter; and
- advised that should the Assembly withdraw the motions that he would bring back an alternative letter for their consideration.

Discussion ensued regarding whether or not the Mayor would send the letter as written.

WITHDRAWN: Assemblymember Colver moved to withdraw his primary amendment.

There was no objection noted.

WITHDRAWN: Assemblymember Bettine moved to withdraw her motion.

There was no objection noted.

MOTION: Assemblymember Arvin moved to suspend the rules to extend the meeting past 11:30 p.m. and not to exceed 11:45 p.m.

VOTE: The motion passed with Assemblymember Ewing opposed.

Assemblymember Woods:

- congratulated the Mayor on being elected; and
- opined that the Mayor and the Assembly will work well together.

Assemblymember Keogh:

- spoke to the Mayor's letter requesting resignations; and
- opined that it is ill advised.

Assemblymember Halter:

- welcomed the Mayor;
- opined that the most important issue before the body is the hiring of a Manager;
- stated that promoting road bonds in Juneau is also an important issue; and
- opined that there are many things more important that require immediate attention rather than boards and commissions.

Assemblymember Ewing:

- stated that he supports the efforts of the Mayor to streamline government, but opined now is not the time; and
- welcomed the Mayor.

Assemblymember Arvin:

- stated that he is confident that the Assembly and the Mayor will work well together;
- spoke to the need for the body to continue to compromise in order to act in the best interests of the Borough;
- spoke to a house bill sponsored by Senator Linda Menard to create an NRA license plate, with the proceeds going to supporting youth shooting programs within the State; and
- encouraged the Assembly to provide written comment, as it is a great program.

Mayor DeVilbiss:

- stated that he would not have run for the office of Mayor if he did not feel he could work with the Assembly;
- thanked the Assembly for providing their input on his letter;
- advised that no action would occur without the Assembly's input;
- stated that he intends to bring forth legislation for streamlining Assembly meetings by way of policies and procedures;
- noted that he has big ambitions regarding public input at Assembly meetings;
- advised that if a budget is not presented that cuts the tax burden by 10 percent, that he will use his veto powers;

- spoke to an upcoming trip to Juneau to address legislative issues;
- stated that he will be conducting monthly meetings with city mayors;
- noted that he will be providing a podcast regarding the meeting tonight; and
- advised that it is his intent to be as open and transparent to the public as possible.

Assemblymember Halter queried if the Mayor had a figure in mind regarding the budget.

Mayor DeVilbiss:

- stated that he is unsure;
- opined that the Borough should only be employing people fulltime that are essential to the daily operations of the Borough;
- opined that the employee count of the Borough is too high;
- stated that he would like to see the Borough with an economy that will stand on its own; and
- opined that the body will work well together.

XV. ADJOURNMENT

The regular meeting adjourned at 11:44 p.m.


LARRY DeVILBISS, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 03/15/11