

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on February 15, 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, Borough Clerk
Ms. Elizabeth Gray, Acting Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Cheryl D. Marino, Deputy Borough Clerk
Ms. Tammy Clayton, Finance Director
Ms. Christine Nelson, Planning and Land Use Director
Mr. Dennis Brodigan, Emergency Services Director
Ms. Patty Sullivan, Public Affairs Director
Mr. Dave Hanson, Economic Development Director
Mr. Robert Guertin, Code Compliance Division Chief
Mr. Stefan Hinman, Media Design Specialist
Mr. Chuck Braun, Operations and Maintenance Division Manager

III. APPROVAL OF AGENDA

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

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Colonel Greg Bell.

V. MINUTES OF PRECEDING MEETINGS

- A. Special Assembly Meeting: 01/18/11
- B. Regular Assembly Meeting: 01/18/11
- C. Special Assembly Meeting: 01/25/11

Mayor DeVilbiss inquired if there were any corrections to the special meeting minutes of January 18, 2011, regular meeting minutes of January 18, 2011, or the special meeting minutes of January 25, 2011.

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

- 1. Reports from cities

(There were no reports provided.)

- 2. Matanuska-Susitna Borough School District

(There was no report provided.)

B. COMMITTEE REPORTS

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

Assemblymember Colver:

- noted that the last meeting was on February 7, 2011;
- stated that the School District indicated that they were not seeking a budget increase, but were anticipating an increase in class size;
- noted that they are working on their budget and streamlining;
- commented that the School District has a retirement incentive package that encourages longer term employees to take an early retirement to reduce payroll costs; and
- spoke to the issues and resolutions pertaining to buses.

Assemblymember Arvin:

- noted that he was unable to attend the last meeting;
- spoke to the legislative bills regarding a \$200 per student increase; and
- queried whether there was discussion on this legislation at the last meeting.

Assemblymember Colver noted that the legislation was not discussed at the meeting.

2. Assembly Public Relations

Mayor Devilbiss:

- noted that he and Ms. Gray were recently in Juneau attending the Alaska Municipal League Legislative Conference; and
- spoke to learning a lot of information about the Public Employees Retirement System (PERS) and the Teachers Retirement System (TRS).

Assemblymember Colver requested that the Mayor's Blue Ribbon Sportsmen's Committee be added to the Committee Report section of future regular meeting agendas.

There was no objection noted.

C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues

Ms. Gray:

- spoke to a meeting she had with Senator Linda Menard, Assemblymember Keogh, and the Borough lobbyist;
- reported that Senator Menard requested a letter of support for the Knik Arm Bridge and Toll Authority (KABATA);
- spoke to Resolution Serial No. 10-028; and
- spoke to a letter that she prepared in support of KABATA.

Assemblymember Bettine queried whether the letter of support was in regards to the bridge or if it was in regards to the \$150,000,000 escrow account.

Discussion ensued regarding the letter of support for KABATA.

Ms. Gray requested that Ms. Sullivan and Mr. Hinman provide a report regarding their recent awards.

Ms. Sullivan advised that the following awards had been received from the Public Relations Society of America, Alaska Chapter:

- second place campaign award for disseminating news regarding the christening of the M/V Susitna ferry; and
- third place video award for the Port MacKenzie Rail Project video: The Time is Now 2010.

Ms. Gray:

- noted that the Borough was competing for the awards with companies such as British Petroleum; and
- stated that Ms. Sullivan and Mr. Hinman did a great job.

3. Military Air Space Expansion Environmental Impact Statement: Major Michael Cabral

Colonel Greg Bell spoke to the military air space expansion and environmental impact statement.

Assemblymember Woods:

- queried whether the trainings would be scheduled in two week periods; and
- asked if the trainings would be scheduled so that principle hunting times could be avoided.

Major Cabral:

- stated that there is a good public relations campaign to inform the public of when major flying exercises take place; and
- spoke to existing mitigations from the 1997 Record of Decision.

Assemblymember Ewing queried whether it could be assured that if the expansion was approved by the public that it would not morph into something similar to the Donnelly training area where at some point the government would be conducting live fire or boots on the ground training.

Colonel Bell:

- stated that the military is very tied to existing impact areas; and
- spoke to military operating areas.

Discussion ensued regarding:

- the frequency of the training periods;
- the request proposing a change to one of the military operating areas;
- Assembly District No. 1 making up a large portion of the proposed military operating area;
- the large amount of misinformation on the proposed military operating area;
- the need to involve the residents of Lake Louise in the process;
- the changes between 1997 and the present time that the military would want to decrease the minimum altitude from 5000 to 500 feet;
- the Fox military operating area;
- the flight minimum proposals;
- the noise impacts of the training;
- the public scoping process; and
- the need to have a cooperative solution.

(The meeting recessed at 6:59 p.m. and reconvened at 7:06 p.m.)

VIII. VETO

(There was no veto 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. 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

Ms. Nelsen and Mr. Guertin provided a staff report.

Mayor DeVilbiss opened the public hearing.

The following person spoke regarding building close to the water: Mr. Neil Allen Snyder.

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

MOTION: Assemblymember Arvin moved to adopt Ordinance Serial No. 11-018.

Assemblymember Colver:

- spoke to being disappointed that the legislation was calendared at the last minute;
- spoke to the importance of setting the bar a little higher than zero;
- noted that the Borough has numerous creeks with flood hazards;
- opined that going above and beyond the zero base is a good idea; and
- queried what other regulatory measures were within the legislation.

Assemblymember Ewing:

- stated that he sees the requirements as further federal regulations on freedom;
- opined that the public should have the right to build near water;
- spoke to concerns regarding denying the public a permit to do what they want to do with their land;
- spoke to concerns regarding Federal Emergency Management Agency response times; and
- opined that the last thing residents want is further federal government restrictions.

Assemblymember Arvin:

- spoke to concerns with legislating common sense;
- noted that there are issues with the legislation as some of the public build out of pocket and do not purchase insurance;
- spoke to concerns regarding the public not being able to build without the mandatory land use permit;
- spoke to the need for the base flood elevation (BFE) to be zero; and
- spoke to the need to target the minimum requirements.

MOTION: Assemblymember Arvin moved a primary amendment to Ordinance Serial No. 11-018, by striking the words “two feet” before the words “base flood elevation” and inserting “zero” in its place throughout the legislation.

MOTION: Assemblymember Halter moved a secondary amendment by inserting the words “, but the Borough recommends two feet base flood elevation” throughout the legislation to read: “zero base flood elevation, but the Borough recommends two feet base flood elevation.”

Assemblymember Arvin spoke in support of the permit issuing department encouraging the requirements to lower insurance costs.

Assemblymember Colver:

- spoke to concerns with amending the BFE to zero;
- opined that there would be no room for error with a zero BFE; and
- spoke in support of the two foot BFE.

Discussion ensued regarding the BFE requirement.

VOTE: The secondary amendment passed without objection.

MOTION: Assemblymember Keogh moved a secondary amendment by striking the word “zero” before the words “base flood elevation” and inserting “one” in its place throughout the legislation to read: “ one foot base flood elevation, but the Borough recommends two feet base flood elevation” throughout the ordinance”.

Assemblymember Ewing queried whether the amendment would then deny a permit to the public who did not build one foot above the BFE level.

Mr. Spiropoulos noted that a permit would be denied to those who did not build one foot above the BFE level.

Assemblymember Arvin spoke in opposition to the primary amendment.

VOTE: The secondary amendment failed with Assemblymembers Keogh, Bettine, and Colver in support.

Assemblymember Woods spoke to the need to add language to the legislation that would direct staff to inform the applicants of the benefits of building at two feet BFE.

Assemblymember Ewing spoke in opposition to the primary amendment as amended.

Assemblymember Arvin:

- requested that staff provide a recommendation for language within the legislation that would direct staff to inform applicants of the benefits of building at two feet BFE;
- requested Assembly support for the primary amendment as amended; and

- spoke to the need for staff to communicate the benefits of building at two feet BFE, however that it is not required and they could build at zero BFE.

VOTE: The primary amendment passed as amended with Assemblymembers Ewing and Colver opposed.

Mr. Guertin noted that the additional language could be added to the application rather than be inserted into code.

Assemblymember Woods requested that staff bring the application back to the Assembly for approval.

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

(The meeting recessed at 8:12 p.m. and reconvened at 8:19 p.m.)

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

Ms. Nelson provided a staff report.

Mayor DeVilbiss opened the public hearing.

The following person spoke in support of Ordinance Serial No. 11-019: Mr. Rick Besse, Valley Utilities, LLC.

The following person spoke in opposition to Ordinance Serial No. 11-019: Ms. Jean Holt.

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

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

MOTION: Assemblymember Ewing moved a primary amendment to Ordinance Serial No. 11-019, (F) (2), by striking the words “eight feet” and inserting the words “30 feet in width” in its place to read: “must comply with the current adopted edition of the International Building Code, except that the outside width of the walkway shall not exceed 30 feet in width, exclusive of eaves.”

VOTE: The primary amendment passed without objection.

Assemblymember Colver:

- spoke to awnings and temporary extensions; and
- spoke to the difficulty with amending the legislation without having staff bring something back that makes sense.

Assemblymember Bettine queried whether the city of Houston needs to be listed within MSB 17.55.010 (D).

Mr. Spiropoulos:

- advised that the Borough delegated planning power to the city of Houston; and
- noted that the amendment could be made, however, planning power is clearly delegated to the city of Houston in previously adopted legislation.

MOTION: Assemblymember Colver move to postpone Ordinance Serial No. 11-019 to a time certain of March 15, 2011, to have staff bring back an amendment.

Assemblymember Bettine:

- spoke in support of a future amendment;
- expressed opposition to postponing the legislation;
- spoke to the need to review setbacks including shorelines; and
- opined that some of the legislation content could be a topic for a future work session.

Assemblymember Keogh:

- noted that the legislation change was a result of Mr. Rick Besse's input to the Planning Commission;
- queried whether the legislation was time critical; and
- spoke in opposition to postponing the legislation.

VOTE: The motion to postpone to a time certain of March 15, 2011, failed with Assemblymember Colver in support.

VOTE: The main motion passed as amended without objection.

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

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 No. 11-020 and Resolution Serial No. 11-022.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke regarding federal private security interests, native lands, and due process: Mr. Neil Allen Snyder.

D. CONSENT AGENDA (Resolution Serial Nos. 11-024, 11-025, 11-026, and 11-027 were pulled from the consent agenda and addressed separately. *See pp. 10-15*)

1. RESOLUTIONS

2. ASSEMBLY MEMORANDUMS

a. AM No. 11-010: VACATION OF EAST BASKIN CIRCLE, SOUTH WITHERS LOOP, SOUTH POOL CIRCLE, EAST REINS CIRCLE, AND SOUTH CANTLE CIRCLE, LOCATED IN SECTIONS 17 AND 20, TOWNSHIP 17 NORTH, RANGE 1 EAST, SEWARD MERIDIAN, ALASKA, WITHIN THE PROPOSED "THE RANCH PHASE 6B, TRACTS B1-B4."

b. AM No. 11-011: APPROVING THE DESTRUCTION OF BALLOTS FROM THE JANUARY 11, 2011, BOROUGH SPECIAL ELECTION.

c. AM No. 11-012: AWARD OF BID NO. 11-054 TO D & S ROAD SERVICES IN THE CONTRACT AMOUNT OF \$201,268 FOR THE MOOSE CREEK BRIDGE REDECKING AND OIL WELL ROAD GRADING AND AGGREGATE SURFACING.

d. AM No. 11-014: AWARD OF PROPOSAL NO. 11-041 TO R & M CONSULTANTS, INC., IN THE CONTRACT AMOUNT OF \$188,086, FOR THE HORSESHOE LAKE ROAD UPGRADE DESIGN PHASE ONE.

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.

- a. Resolution Serial No. 11-024: A RESOLUTION AMENDING THE SCOPE OF WORK FOR THE SKWENTNA LAND ACQUISITION/PLATTING, PROJECT NO. 25030, SUBPROJECT NO. 2400.

(1) IM No. 11-037

MOTION: Assemblymember Bettine moved to adopt Resolution Serial No. 11-024.

Assemblymember Bettine queried the cost of hauling refuse from Skwentna.

Mr. Braun:

- advised that he did not have the cost at this time; and
- noted that the information could be compiled.

Assemblymember Bettine queried whether there would no longer be an open trench.

Mr. Braun:

- reported that there will no longer be an open trench;
- spoke to the concern that operating a landfill adjacent to the Skwentna River is a liability; and
- spoke to having public use dumpsters in Skwentna and closing the landfill.

Assemblymember Colver:

- requested the fiscal note information; and
- opined that it may be better to purchase an incinerator.

Mr. Braun reported that a burn box is included in the plan for Skwentna to reduce the amount of landfill material to be hauled.

Discussion ensued regarding:

- the number of people that use the landfill services;
- the need to know the potential cost; and
- the condition of the Skwentna landfill last fall.

MOTION: Assemblymember Halter moved to postpone Resolution Serial No. 11-024 to a time certain of March 15, 2011.

VOTE: The motion to postpone to a time certain of March 15, 2011, passed without objection.

- b. Resolution Serial No. 11-025: A RESOLUTION MAKING RECOMMENDATIONS TO THE ALASKA BOARD OF FISHERIES CONCERNING UPPER COOK INLET PERSONAL USE SALMON FISHERY MANAGEMENT.

(Sponsored by Assemblymember Colver)

(1) IM No. 11-045

- c. Resolution Serial No. 11-026: A RESOLUTION APPROVING RECOMMENDATIONS TO THE BOARD OF FISHERIES THAT: (1) SOCKEYE AND KING SALMON STOCKS OF THE SUSITNA/YENTNA RIVER DRAINAGES BE DESIGNATED “STOCKS OF CONCERN”; (2) A MANAGEMENT PLAN BE PREPARED TO PROTECT NORTHERN DISTRICT SALMON STOCKS TRANSITING THE CENTRAL DISTRICT; AND (3) ESCAPEMENT GOALS FOR ALL SALMON SPECIES OF THE NORTHERN DISTRICT BE ESTABLISHED.
(Sponsored by Assemblymember Colver)
- (1) IM No. 11-046

MOTION: Assemblymember Arvin moved to adopt Resolution Serial Nos. 11-025 and 11-026.

Assemblymember Arvin noted that he pulled Resolution Serial Nos. 11-025 and 11-026 to give Assemblymember Colver an opportunity to speak to the legislation.

Assemblymember Colver:

- spoke to the Committee’s report for the Alaska Board of Fisheries;
- noted that Mayor DeVilbiss attended the meeting to present the resolutions;
- stated that the northern fisheries are in crisis;
- spoke to the fish stocks of concern;
- stated that there has been very little management or departmental activities that correlate with improving the fish runs;
- noted that there has been a failure to meet the minimum escapement goals for king salmon seven out of the last nine years;
- noted that sockeye numbers are declining;
- reported that the Mayor’s Blue Ribbon Sportsmen’s Committee feels that because of the intensive commercial fishing in the Cook Inlet, that the large portion of northern Cook Inlet fish are being caught in commercial fishing;
- spoke to the need to get more fish in the northern district;
- opined that the runs may never be the same again;
- stated that the king salmon fishing has been closed for the last two years; and
- spoke to fishing economics.

Assemblymember Woods queried whether the Borough should be concerned with the Kenai Peninsula Borough fishing.

Assemblymember Colver:

- noted that the Upper Cook Inlet fisheries encompass everything north of Homer;
- stated that the management decisions are made primarily out of Kenai;
- spoke to various management plans;
- spoke to the Borough’s interest;
- stated that there has been only two personal use fisheries in the northern district in the last ten years;
- opined that recreational and personal use fisheries share the same interest as the Borough;

- spoke to requesting the Municipality of Anchorage to adopt similar legislation;
- noted that the majority of participants are commercial fishing representatives; and
- stated that the Mayor’s Blue Ribbon Sportsmen’s Committee has enabled the Borough to help level the playing field so that decisions are made to benefit all users.

Discussion ensued regarding:

- the history of the management plan; and
- the funding for Committee members to attend the Alaska Board of Fisheries meetings.

VOTE: The motion passed without objection.

d. Resolution Serial No. 11-027: A RESOLUTION ADDING TO THE POLICY AND PROCEDURES OF THE ASSEMBLY. *(Sponsored by Mayor DeVilbiss)*

(1) IM No. 11-050

MOTION: Assemblymember Keogh moved to adopt Resolution Serial No. 11-027.

Assemblymember Keogh:

- spoke in appreciation of streamlining the meetings for efficiency; and
- queried the staff report portion of the legislation.

Mayor DeVilbiss stated that there is no benefit of going over material that has already been reviewed by the Assembly.

Assemblymember Keogh spoke in support of allowing a brief pause for Assembly Members to offer a question to staff.

MOTION: Assemblymember Keogh moved a primary amendment to Resolution Serial No. 11-027, Decorum and Debate, paragraph A, by striking the paragraph in its entirety and by inserting in its place: “During Assembly meetings, members of the Assembly shall be addressed as Assemblymember (surname) and the Mayor shall be addressed as Mr. or Madame Mayor. When the Deputy Mayor presides, he/she shall be addressed as Mr. or Madame Deputy Mayor.”

MOTION: Assemblymember Bettine moved a secondary amendment by striking “Madame” and inserting “Ms.” in its place to read: “During Assembly meetings, members of the Assembly shall be addressed as Assemblymember (surname) and the Mayor shall be addressed as Mr. or Ms. Mayor. When the Deputy Mayor presides, he/she shall be addressed as Mr. or Ms. Deputy Mayor.”

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment passed as amended with Assemblymember Halter opposed.

MOTION: Assemblymember Keogh moved a primary amendment to Resolution Serial No. 11-027, Decorum and Debate, paragraph E, by striking the following words: “speeches, waffling on issues, and history lessons should be reserved for assembly member comments at the end of the agenda” to read as follows: “The mayor shall encourage the assembly debate to be courteous, brief, factual, decisive, and directly to the question on the floor before the assembly.”

Assemblymember Ewing:

- spoke in support of increasing meeting efficiency; and
- spoke to concerns with late meeting adjournment times.

Discussion ensued regarding:

- the need to increase meeting efficiency; and
- the intent of the legislation was to keep the Assembly on track.

VOTE: The primary amendment passed with Assemblymembers Arvin and Ewing opposed.

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 11-027, Decorum and Debate, paragraph F, by striking “and/or two minutes per motion” after the word “times” to read: “When time is an issue the mayor may limit debate to each member speaking two times.”

Assemblymember Colver:

- spoke to the importance of the Assembly being able to speak to a motion; and
- commented that the Assembly could be requested to stay on track verbally as opposed to having it listed in procedures.

Mayor DeVilbiss commented that debate would be limited only when there were time constraints.

VOTE: The primary amendment passed without objection.

Assemblymember Halter:

- stated that he generally supports the debate and decorum section of the policies and procedures; and
- spoke to the need for the Assembly to be able to ask questions of the public during testimony.

Mayor DeVilbiss noted that the Assembly could suspend the rules.

MOTION: Assemblymember Bettine moved a primary amendment to Resolution Serial No. 11-027, Public Presentations, Public Hearing Guidelines, subparagraph 8, by striking it in its entirety.

Assemblymember Bettine spoke to concerns with questions being addressed later in the meeting.

Discussion ensued regarding:

- the need for the Assembly to be able to ask questions of the public during public testimony;
 - concerns with meeting efficiency should questions be asked of the public during testimony;
 - the need to see how future meetings are conducted before rules are adopted;
 - the need to modify the amendment to allow the Mayor some latitude with questions and answers during public testimony;
-
- the need to treat everyone equitably; and
 - the public being notified that the testimony time is for testimony and not for questions and answers.

VOTE: The primary amendment passed with Assemblymembers Woods, Arvin, and Ewing opposed.

MOTION: Assemblymember Bettine moved a primary amendment to Resolution Serial No. 11-027, Decorum and Debate, paragraph B, by inserting the words “or his opinion” after the word “information”, inserting the word “the” after the word “during”, and by striking the words “but should generally only offer an opinion after the assembly debate is finished” to read: “The mayor may offer factual information or his opinion during the debate.”

Assemblymember Bettine:

- spoke to concerns with the Assembly not knowing the Mayor’s opinion or intent to veto until after Assembly debate; and
- spoke to the importance of knowing the Mayor’s opinion during debate.

Assemblymember Keogh:

- spoke in appreciation of Deputy Mayor Arvin diligently concentrating on chairing the meeting and limiting comments on issues until the end of the debate; and
- spoke in support of the Mayor concentrating on running the meeting efficiently, orderly, neutrally, and comment at the end of the Assembly debate.

(Assemblymember Ewing exited the meeting at 9:45 p.m. and reentered the meeting at 9:46 p.m.)

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

MOTION: Assemblymember Bettine moved to reconsider the last primary amendment.

VOTE: The motion to reconsider passed with Assemblymember Ewing opposed.

Assemblymember Arvin spoke to concerns with deviating from the historical process of the Mayor providing comments after the Assembly has finished debate.

VOTE: The primary amendment failed with Assemblymember Halter in support.

MOTION: Assemblymember Halter moved a primary amendment to Resolution Serial No. 11-027, Public Presentations, subparagraph 8, by inserting the following words: “The Assembly may ask questions of people testifying on a limited basis but only upon approval of the Mayor.”

Assemblymember Halter spoke to the need to have flexibility to ask critical questions of participants.

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

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

VOTE: The motion to extend the meeting passed with Assemblymembers Ewing and Halter opposed.

MOTION: Assemblymember Colver moved to postpone Resolution Serial No. 11-027 to a time certain of March 15, 2011, to allow the clerk to make the amendments to the legislation so that the Assembly can see how it reads with the amendments.

Assemblymember Ewing:

- noted that the Assembly addressed the issues within the legislation; and
- spoke in opposition to postponing the legislation.

Assemblymember Keogh spoke in support of postponing the legislation.

VOTE: The motion to postpone Resolution Serial No. 11-027 to a time certain of March 15, 2011, passed with Assemblymember Ewing opposed.

D. ATTORNEY COMMENTS

Mr. Spiropoulos:

- spoke to memorandums regarding the status and updates of the coastal zone extension and the cruise ship tax; and
- reported that the Office of Administrative Hearings ordered the forfeiture of the dogs seized in the animal care case that has been in the news.

Mayor DeVilbiss queried whether the legal opinion had been distributed regarding whether he had a conflict of interest with being a board member of the Matanuska Electric Association (MEA).

Mr. Spiropoulos:

- summarized the process that the Law Department sought regarding whether the Mayor had a conflict of interest with being a member of the MEA Board;
- advised that the legal finding states that the Mayor does not have an incompatibility of office;
- explained that there could be specific conflicts that come up; and
- noted that when conflicts arise, the Mayor could ask the Deputy Mayor to make a ruling on recusal.

MOTION: Assemblymember Bettine requested that the Borough do a press release regarding the legal finding that the Mayor does not have an incompatibility of office.

Mayor DeVilbiss:

- noted that MEA had performed a separate legal finding on whether there was a conflict of interest; and
- commented that MEA had the same legal finding that there was no incompatibility of office.

VOTE: The motion passed without objection.

E. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule;
- noted that it had been requested that the Joint Assembly/School Board meeting be rescheduled to March 29, 2011, at 6 p.m.; and
- queried if the Assembly would like to reschedule the meeting.

There was no objection noted.

Ms. McKechnie:

- noted that the Assembly had scheduled Manager interviews on February 26, 2011; and
- commented that the Assembly has also scheduled the planning session on February 26, 2011; and
- queried whether the Assembly would like to reschedule the planning session.

[Clerk Note: The Assembly rescheduled the Planning Session to April 2, 2011.]

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Aviation Advisory Board: 05/20/10
 - b. Emergency Medical Services Board: 10/06/10, 11/03/10
 - c. Enhanced 911 Advisory Board: 10/12/10
 - d. Mayor's Blue Ribbon Sportsmen's Committee: 11/18/10, 12/03/10, 12/16/10, 12/30/10, 01/13/11
 - e. Wasilla-Lakes FSA Board of Supervisors: 11/08/10

2. Community Council Correspondence:
 - a. Big Lake Community Council: 11/10/10
 - b. Chase Community Council: 07/15/10
 - c. North Lakes Community Council: 10/26/10
 - d. Point MacKenzie Community Council: 08/12/10
 - e. South Knik River Community Council: 06/17/10
 - f. Susitna Community Council: 03/04/10, 07/01/10, 08/05/10, 09/02/10
 - g. Sutton Community Council: 09/09/10, 10/03/10, 10/14/10

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

G. INFORMATIONAL MEMORANDUMS

1. IM No. 11-043: MONTHLY REPORTING OF AMENDED CONTRACTS AND NEW AWARDS UNDER \$100,000, ALONG WITH SOLE SOURCE PROCUREMENTS, FOR THE PERIOD OF JANUARY 1, 2011, TO JANUARY 31, 2011.

The informational memorandum was presented and no comments were noted.

VII. UNFINISHED BUSINESS

- A. 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. *(Sponsored by Assemblymember Keogh)*
 - (1) IM No. 11-038

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

- MOTION: Assemblymember Keogh moved a primary amendment to Resolution Serial No. 11-023:
- first whereas clause: by inserting the word “(JPARC) after the word “Complex”
 - by inserting the following words “Whereas, the U.S. Air Force and the U.S. Army are in the initial scoping phase of a draft environmental impact statement; and”
 - by inserting the following two “whereas” clauses after the second “whereas” clause: “Whereas, the Borough is the fastest growing area in the State of Alaska; and Whereas, the Borough population is expected to double in the next 20 – 25 years; and”
 - by inserting the following three “whereas” clauses after the fourth “whereas” clause: “Whereas, expansion of the existing Fox 3 MOA airspace easterly would encompass the community of Lake Louise and the adjacent areas of Lake Susitna, Lake Tyone, and Crosswind Lake; and Whereas, there are

approximately 500 private property parcels and 80 year round residents in the greater Lake Louise area; and Whereas, the Lake Louise Community Non-Profit Corporation (LLCNPC) recently met and expressed its many concerns to the Borough Assembly; and”

- fifth “whereas” clause, by inserting an “a” at the end of the word “are” to read “Whereas, the proposed expansion of the current “Fox 3 MOA” would enlarge the military operating area within Borough boundaries by an estimated 2,000 square miles; and”
- seventh “whereas” clause, by inserting the following words “within the proposed expanded airspace” after the words “airspace”, by inserting the words “and waters” after the words “rich lands”, and inserting the words “and subsistence” after the word “recreational” to read: “Whereas, many Matanuska Susitna Borough residents and visitors depend upon the airspace within the proposed expanded airspace and natural resource rich lands and waters below for accessing private and public lands via aircraft, for commercial enterprise such as air taxi operations, outfitting, hunter/hiker guiding, lodges, mines, etc., and for various non-commercial, recreational and subsistence activities such as hunting, hiking, food gathering, sightseeing, etc.; and;”
- tenth “whereas” clause, by inserting the words “for improved” after the words “repeaters/towers” to read: “ Whereas, proposed horizontal and vertical expansions would require the installation of numerous repeaters/towers for improved air to air communications; and”
- twelfth “whereas” clause, by inserting the word “; and” at the end of the clause;
- by inserting the following two “whereas” clauses after the twelfth “whereas” clause: Whereas, the U.S. Air Force, in its August, 1995, “Final Environment Impact Statement – Alaska Military Operations Areas,” moved the FOX MOA boundary proposed at that time 25 miles westerly to its current location due to undesirable impacts of noise; and Whereas, the U.S. Air Force in the same 1995 EIS raised the proposed minimum flight altitude from 3,000’ AGL to 5,000’ AGL due to noise impacts and in order to “preclude the potential for direct over flight of sensitive resources.”
- Now, therefore, be it resolved, No. 3, by inserting the words “waterfowl, other” after the word “caribou” and by inserting the word “and” before the word “migration” to read: “Noise effects on Dall sheep, moose, caribou, waterfowl, other migratory birds, and other wildlife, particularly noise effects on feeding, birthing, nesting, and migration of wildlife.”
- Now, therefore, be it resolved, No. 5, by inserting the word “altitude” after the word “low” to read: “Potential conflicts with civilian aviation, especially between high speed military fighter aircraft and relatively low altitude, slow flying civilian aircraft.”
- Be it further resolved, by inserting the words “Fishhook, Farm Loop, Soapstone-Buffalo,” after the word “Palmer” and by inserting the word “and” after the word “Chickaloon,” to read: “be it further resolved, that the U.S. Air Force and U.S. Army involve the communities of Talkeetna, Trapper Creek,

Willow, Houston, Wasilla, Palmer, Fishhook, Farm Loop, Soapstone-Buffalo, Sutton, Chickaloon, and Glacier View;; and

- By inserting two “be it further resolved” clauses at the end of the clauses to read: “be it further resolved, that the U.S. Air Force and the U.S. Army particularly involve the Community of Lake Louise and the Matanuska-Susitna Borough in the development of the Draft EIS as it regards changes to the existing FOX MOA; and be it further resolved, that the Matanuska-Susitna Borough Assembly opposes suggested changes to the existing FOX MOA and recommends the No Action Alternative.

Assemblymember Keogh:

- stated that some of the amended language is simply language cleanup;
- noted that he received considerable input from the Lake Louise Non-profit Corporation;
- commented that the Lake Louise Non-Profit Corporation met recently and weighed in with private citizens letters as well as a cover letter and resolution;
- spoke to including language from the 1995 final EIS that specifically referenced past United States Air Force activities regarding airspace and flight minimums;
- spoke to the need for the United States Air Force and Army to involve the Borough and communities in the development of the draft EIS;
- opined that opposing the suggested change to the existing Fox MOA and recommending the no action alternative may be seen as little bit premature;
- commented that the scoping phase of the EIS is more often for purposes of identifying issues versus weighing in this heavily;
- stated that there is no prohibition of taking a strong stand in the beginning; and
- commented on hearing prior support of the legislation from the Assembly.

Assemblymember Ewing:

- complimented Assemblymember Keogh for putting forward a very strong message; and
- spoke to receiving similar public feedback.

Assemblymember Arvin:

- opined that it is too premature to suggest no action;
- applauded Assemblymember Keogh’s work on the legislation; and
- opined that this could represent up to a billion dollars of Department of Defense funding in the State.

Assemblymember Keogh noted that the no action alternative is specific to the Fox MOA.

Discussion ensued regarding the Fox MOA proposed expansion.

MOTION: Assemblymember Colver moved a secondary amendment by inserting the words “and the Paxson MOA” after the words “Borough boundaries” at the end of the resolution title to read: “A resolution of the Matanuska-Susitna Borough Assembly identifying issues of concern and opposing the expansion of existing

military operating areas within the Matanuska-Susitna Borough boundaries, and the Paxson MOA.”

VOTE: The secondary amendment passed without objection.

MOTION: Assemblymember Colver moved a secondary amendment by inserting two whereas clauses before the “be it resolved” clause:

- “Whereas, the proposed expansion of the Fox 3 MOA and the Paxson MOA airspace is entirely within the calving grounds and the range of the Nelchina caribou herd; and
- Whereas, additional flight training will increase sonic booms affecting wildlife and Alaskan residents;”

VOTE: The secondary amendment passed without objection.

MOTION: Assemblymember Colver moved a secondary amendment by inserting a “be it further resolved” to read: “Be it further resolved, that the Matanuska-Susitna Borough Assembly opposes lowering the minimum flight training altitude to 500 feet;”

Assemblymember Ewing:

- spoke to the Federal Aviation Administration (FAA) rules and regulations; and
- opined that the Borough may be overstepping bounds.

Assemblymember Colver:

- noted that decreasing the flight training altitude to 500 feet is one of the major changes within the proposal;
- stated that private pilots have serious concerns with decreasing the flight training altitude to 500 feet; and
- opined that the focus may shift to what can be worked on if there is little support seen for decreasing the flight training altitude.

VOTE: The secondary amendment passed with Assemblymembers Woods and Ewing opposed.

MOTION: Assemblymember Colver moved a secondary amendment by inserting the words “and creation of the Paxson MOA” after the words “Fox MOA” in the last “be it further resolved” clause to read: “Be it further resolved, that the Matanuska-Susitna Borough Assembly opposes suggested changes to the existing FOX MOA and creation of the Paxson MOA and recommends the No Action Alternative.”

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment passed as amended without objection.

MOTION: Assemblymember Arvin moved a primary amendment to Resolution Serial No. 11-023, in the last “be it further resolved” clause, by striking the words “and recommends the no action alternative” and inserting the words , “until such a time that the concerns raised herein are addressed to the satisfaction of the Matanuska-Susitna Borough” in its place to read: Be it further resolved, that the Matanuska-Susitna Borough Assembly opposes suggested changes to the existing FOX MOA and creation of the Paxson MOA, until such a time that the concerns raised herein are addressed to the satisfaction of the Matanuska-Susitna Borough.”

Assemblymember Arvin:

- opined that the “no action alternative” language is too strong; and
- commented that the Borough is asking for many things within the legislation and at the same time requesting a no action alternative.

Discussion ensued regarding the “no action alternative” language.

VOTE: The primary amendment failed with Assemblymember Woods and Arvin in support.

Mayor DeVilbiss:

- spoke to the possibility of vetoing the legislation;
- stated that he will be looking at the adopted language of the legislation; and
- commented that Congressman Young cautioned against closing the door on the airspace expansion.

MOTION: Assemblymember Ewing moved to reconsider the last primary amendment to Resolution Serial No. 11-023.

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

Assemblymember Colver

- expressed being hopeful that the legislation is not vetoed as the Assembly would end up with no statement at all; and
- noted that the Assembly comments are only germane to the expansion of the southerly activity and the proposed lower training altitude.

Discussion ensued regarding concerns regarding the tone of the legislation.

MOTION: Assemblymember Ewing moved a primary amendment to Resolution Serial No. 11-023, by striking the last “be it further resolved” clause in its entirety and inserting the following in its place: “Be it further resolved, that the Matanuska-Susitna Borough Assembly opposes the suggested changes to the existing Fox MOA and recommends the proposed Paxson MOA as the alternative.”

VOTE: The primary amendment failed with Assemblymember Woods and Ewing in support.

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

VOTE: The motion to extend the meeting passed with Assemblymembers Ewing and Halter opposed.

VOTE The main motion passed as amended with Assemblymembers Woods, Arvin, and Ewing opposed.

X. NEW BUSINESS

A. INTRODUCTIONS (For public hearing - 03/15/11, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 11-023: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE AVIATOR SUBDIVISION ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 437 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.

a. Ordinance Serial No. 11-024: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$23,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE AVIATOR SUBDIVISION ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 437, AND FIXING DETAILS OF SAID BONDS.

(1) IM No. 11-039

2. Ordinance Serial No. 11-025: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE ASHWOOD LOOP AREA ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 438 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.

a. Ordinance Serial No. 11-026: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$47,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE ASHWOOD LOOP AREA ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 438, AND FIXING DETAILS OF SAID BONDS.

(1) IM No. 11-040

3. Ordinance Serial No. 11-027: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE ALYESKA AND TAHOE DRIVES ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 440 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.

- a. Ordinance Serial No. 11-028: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$38,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE ALYESKA AND TAHOE DRIVES ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 440, AND FIXING DETAILS OF SAID BONDS.
 - (1) IM No. 11-041

- 4. Ordinance Serial No. 11-030: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$25,000 FROM THE WEST LAKES FIRE SERVICE AREA NO. 136 FUND BALANCE, FUND 249, TO THE WEST LAKES FIRE SERVICE AREA NO. 136 FISCAL YEAR 2011 OPERATING BUDGET, FUND 249, TO REIMBURSE FOR EXPENSES INCURRED IN THE PREPARATION OF AN INSURANCE SERVICES OFFICE, PUBLIC PROTECTION CLASSIFICATION AUDIT.
 - a. IM No. 11-035

- 5. Ordinance Serial No. 11-031: AN ORDINANCE APPROPRIATING FUNDS IN THE AMOUNT OF \$60,000 FROM THE BUTTE FIRE SERVICE AREA NO. 2 FUND BALANCE, FUND 251, TO FUND 405, PROJECT NO. 45113, STATION 21 EXTERIOR REFINISHING, TO ALLOW FOR THE EXTERIOR REFINISHING OF STATION 21 AND ASSOCIATED BUILDINGS.
 - a. Resolution Serial No. 11-028: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR BUTTE FIRE SERVICE AREA PROJECT NO. 45113, STATION 21 EXTERIOR REFINISHING.
 - (1) IM No. 11-042

- 6. Ordinance Serial No. 11-032: AN ORDINANCE REAPPROPRIATING \$55,850 FROM THE TRAILS MANAGEMENT DIVISION FISCAL YEAR 2011 OPERATING BUDGET, FUND 100, AND \$44,150 COMMUNITY DEVELOPMENT ADMINISTRATION DIVISION FISCAL YEAR 2011 OPERATING BUDGET, FUND 100, TO FUND 440, PROJECT NO. 15015, AUTHORIZING THE MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE MAT-SU TRAILS AND PARKS FOUNDATION FOR THE TRAILS MANAGEMENT AND PUBLIC ENGAGEMENT PROJECT.
 - a. Resolution Serial No. 11-029: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE TRAILS MANAGEMENT AND PUBLIC ENGAGEMENT PROJECT.
 - (1) IM No. 11-047

- 7. Ordinance Serial No. 11-033: AN ORDINANCE AMENDING MSB 18.02 TO CLARIFY DUTIES AND PROVIDE FOR A TIMEFRAME AND ASSEMBLY APPROVAL OF ALL LEASES IN THE PORT DISTRICT. *(Sponsored by Assemblymember Halter)*
 - a. IM No. 11-049

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 March 15, 2011.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

MOTION PENDING: Assemblymember Colver moved to approve Mr. William Haller to the Planning Commission.

Assemblymember Bettine:

- noted that the approval of Mr. William Haller to the Planning Commission has been postponed for two meetings; and
- stated that she recommends the Assembly confirm Mr. Haller to the Planning Commission.

VOTE: Then motion passed without objection.

Mayor DeVilbiss requested the following confirmations:

Emergency Medical Services Board
Resignation of John Akers
Planning Commission
John Klapperich
Platting Board
Resignation of Terry Nicodemus

Mayor DeVilbiss made the following recommendations:

Animal Care and Regulation Board
Sabrieta Holland
Board of Adjustment and Appeals
Terry Nicodemus
Borough Area Schools Site Selection Committee
Patrick Johnson
David Cheezem
Health and Social Services Board
Herman Thompson
Sharon Scott
Historical Preservation Commission
Sonya Walden
Quentin Simeon

Library Board
Pam Ockerlander
Local Emergency Planning Commission
Bruce Walden
Mayor's Blue Ribbon Sportsmen's Committee
Ben Allen
Parks, Recreation, and Trails Advisory Board
James Skinner
Sonya Walden
Platting Board
Marty VanDiest
Greater Palmer Consolidated FSA No. 132
Jesse Werner
West Lakes FSA No. 136
Rae Arno
Willow FSA No. 35
Lori Wiertsema
Greater Talkeetna RSA No. 29
John Strassenburgh
South Colony RSA No. 16
Andrew Weiland
Chase Trail Service Area No. 134
Kevin Foster

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

MOTION: Assemblymember Ewing moved to divide the question to address the resignation of Terry Nicodemus from the Platting Board separately.

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

MOTION: First segment. Assemblymember Ewing moved to approve the resignation of Mr. Terry Nicodemus.

Assemblymember Ewing:

- noted that Mr. Nicodemus served on the Platting Board for many years; and
- stated that he is shocked at the submittal of the resignation.

Mayor DeVilbiss:

- noted that he had spoken to Mr. Nicodemus;
- noted that the Board of Adjustment and Appeals does not have a full board;
- stated that the quorum of the Platting Board was affected due to Mr. Nicodemus having to recuse himself; and
- stated that this is the reason Mr. Nicodemus submitted his resignation.

VOTE: First segment. The motion passed without objection.

MOTION: Assemblymember Keogh moved to divide the question to address the approval of Mr. John Klapperich to the Planning Commission and the Resignation of Mr. John Akers from the Emergency Medical Services Board separately.

VOTE: The motion passed without objection.

MOTION: Second segment. Assemblymember Keogh moved to approve the resignation of Mr. John Akers from the Emergency Medical Services Board.

VOTE: Second segment. The motion passed without objection.

MOTION: Third segment. Assemblymember Keogh moved to approve Mr. John Klapperich to the Planning Commission.

Assemblymember Keogh:

- noted that this is the second time in the last three meetings that he has been surprised at having to address a confirmation;
- spoke to concerns regarding a confirmation coming forward with little notice;
- stated that he has not had the time to do his homework on Mr. Klapperich; and
- recommended to postpone the confirmation of John Klapperich.

MOTION: Assemblymember Keogh moved to postpone the approval of Mr. John Klapperich to the Planning Commission to a time certain of March 15, 2011.

Assemblymember Bettine:

- stated that the Planning Commission does not have any females serving on the Board;
- noted that two females applied for the Assembly District No. 3 position on the Planning Commission;
- opined that sometimes there are different point of views brought out by different genders; and
- opined that Ms. Harris would be a good addition to the Planning Commission.

Mayor DeVilbiss:

- stated that he would not change his recommendation of Mr. Klapperich to the Planning Commission seat for Assembly District No. 3;
- advised that the Assembly Member for Assembly District No. 3 is supportive of confirming Mr. Klapperich to the Planning Commission; and
- spoke in opposition of postponing the motion.

VOTE: The motion to postpone to a time certain of March 15, 2011, failed with Assemblymembers Keogh, Colver, and Halter in support.

Assemblymember Arvin:

- spoke to lobbying people residing in Assembly District No. 3 to apply for the Planning Commission seat;
- noted that he does not feel responsible for gender diversity on the Planning Commission;
- requested Assembly support for the appointment of Mr. Klapperich; and
- spoke to the reasons that he supports Mr. Klapperich for the position.

VOTE: Third segment. The motion to confirm Mr. Klapperich to the Planning Commission failed with Assemblymembers Woods, Arvin, and Ewing in support.

MOTION Fourth segment. Assemblymember Arvin moved to approve the Mayor’s recommendations and resignations up for confirmation this evening with the exception of Mr. Terry Nicodemus, Mr. John Klapperich, and Mr. John Akers.

VOTE: Fourth segment. The motion passed without objection.

C. OTHER NEW BUSINESS

1. MOTION TO AMEND SOMETHING PREVIOUSLY ADOPTED *(Requested by Assemblymember Halter)*

a. Resolution Serial No. 11-007: A RESOLUTION ADOPTING THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2012 THROUGH FISCAL YEAR 2017.

(1) IM No. 11-009

MOTION: Assemblymember Halter moved to amend Resolution Serial No. 11-007 as follows:

- Building/Structures, by inserting the following: “Agricultural Processing and Product Development Center – Phase I, the proposed processing center will freeze-process locally grown vegetables, such as broccoli, cauliflower, carrots, zucchini, and potatoes into high quality, fresh frozen, low pesticide residue, consumer friendly products, FY 2012 request: \$8,000,000; State: \$239,550, MSB: \$50,000, and Federal: \$447,075”;
- FY – 2012 Capital Budget, Six-Year Capital Improvement Plan, Matanuska-Susitna Borough School District, by striking it in its entirety and inserting the following in its place:

District Priority	Project Location and Description	Primary Purpose	Year for which funding is being requested						Estimated Cost
			FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	
1	Mat-Su Day School	A	X						\$13,235,348

District Priority	Project Location and Description	Primary Purpose	Year for which funding is being requested						Estimated Cost
			FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	
2	Renovate HVAC Systems – 5 Schools, Butte/Pioneer Peak/Snowshoe/Cottonwood/Big Lake Elementary	D	X						\$23,345,733
3	Big Lake Elementary – Renovate Old Classroom Wing	D	X						\$2,410,001
4	Renovate and upgrade Boiler Systems – 4 Buildings, Palmer Jr. Middle School/Palmer High School/ Administration Building/Willow Elementary School	C	X						\$11,113,556
5	Butte, Cottonwood Creek, Pioneer Peak & Snowshoe Elementary Wash Fountain Replacements	C	X						\$139,711
6	Administration Building – Replace Generator and Related Electrical	D	X						\$742,048
7	District-Wide Energy and Lighting Upgrades	E	X						\$2,738,809
8	Pioneer Peak Playground Equipment Replacement	D	X						\$68,081

District Priority	Project Location and Description	Primary Purpose	Year for which funding is being requested						Estimated Cost
			FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	
9	Iditarod School Renovation – Convert Old Central Kitchen to Classrooms/Gym floor / Bathrooms remodel	D	X						\$8,697,757
10	Palmer Jr. Middle School – Replace Student Lockers	C	X						\$299,355
11	Colony High School - Replace all Chalk Boards	A	X						\$149,601
12	Houston Middle School – Replace Student Lockers	C	X						\$217,714
13	Meadow Lakes Elementary School – Additional Playground Equipment	E	X						\$121,121
14	Talkeetna Elementary School – Additional Playground Equipment	E	X						\$121,121
15	New Knik Area High & Middle School	C		X					\$176,000,000
16	New Vehicle Repair Shop	E		X					\$1,256,867
17	New Valley Pathways High School	A		X					\$18,853,025
18	Elementary School Flooring Replacements/ Rooms	D		X					\$160,000
19	Administration Building – Replace windows	C		X					\$ 35,000
20	Big Lake Elementary School Flooring Replacements/ Rooms	D		X					\$ 120,000

District Priority	Project Location and Description	Primary Purpose	Year for which funding is being requested						Estimated Cost
			FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	
21	Colony High School Flooring Replacements	D		X					\$ 250,000
22	Palmer High School Paving & Sidewalk Improvements	B			X				\$ 57,000
23	New Elementary School	A			X				\$ 30,253,000
24	Tanaina Elementary School Add Entrance Canopies	A			X				\$ 28,000
25	Pioneer Peak Elementary School Toilet Room Renovations	C			X				\$ 45,000
26	Wasilla Middle School – Renovate Dust Collection System	D			X				\$ 50,000
27	Wasilla Middle School – Renovate Boiler Room Pumps and Piping	D			X				\$ 145,000
28	Tanaina Elementary School – Replace Flooring	B			X				\$ 40,000
29	Administration Building – Replace Carpeting/rooms	B			X				\$ 170,000
30	Career & Tech High School Addition	A			X				\$ 19,536,000
31	District-Wide ADA Upgrades	B				X			\$ 266,400
32	Iditarod Elementary School – Replace Windows	B				X			\$ 40,000
33	New Mid-Valley High School	B				X			\$ 16,372,362
34	Palmer High School – Replace Windows and Blinds	C				X			\$ 75,000

District Priority	Project Location and Description	Primary Purpose	Year for which funding is being requested						Estimated Cost
			FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	
35	Houston High School Running Track and Athletic Facility Improvements	D				X			\$ 845,000
36	Palmer Jr. Middle School – Replace Flooring	B				X			\$ 120,000
37	Butte Elementary School Renovation	F				X			\$ 18,563,254
38	Su-Valley High School – Running Track	D				X			\$ 345,000
39	Big Lake Elementary – Replace Moveable Walls	B				X			\$ 40,000
40	Administration Building – Renovate Toilet Rooms	B					X		\$ 48,000
41	Wasilla Middle School – Replace Student Lockers	B					X		\$ 80,000
42	Palmer Jr. Middle School – Pave the Running Track	B					X		\$ 65,000
43	Palmer Jr. Middle School Renovation	F					X		\$32,794,628
44	Reroof Colony Middle School and High School	C					X		\$ 9,663,586
45	Reroof Willow/Pioneer Peak Elementary Schools	C					X		\$ 8,989,653
46	New Academy Charter	A					X		\$ 18,653,025
47	New Middle School	A						X	\$ 66,568,456
48	New Elementary School	A						X	\$ 32,253,487

- Building/Structures Needs List (Un-Prioritized – Alphabetized), by striking the words “Natural Science and Education/Community Center” and inserting in its place “Palmer hay Flats Natural Science Center”;

- Highway Related Separated Trails and Enhancements, Fairview Loop Road (Snowshoe Elementary) Pedestrian/Bike Path, by striking the words “Funding not yet identified” and inserting the words “\$4,300,000 received by Alaska State Department of Transportation and Public Facilities in 2010 for 2.4 miles of separated paved pathway along Fairview Loop Road roughly centered around Snowshoe Elementary.”
- MSB Recommended Emergency Services Projects and Infrastructure FY2012 – FY2017 (\$,000), Facilities, by inserting the following as number one and renumbering accordingly: “Caswell Lakes Fire Station 13-1, New fire station to serve Caswell Fire Service Area. Includes all aspects on constructing a structure on undeveloped land including site survey, geological study, architectural design of the building and landscape, water exploration and drilling, placement of a thirty-three thousand (\$33,000) gallon water reservoir under the fire station, land preparation, and construction of a modern fire station. FY 2012 Request: \$2,200,000; State: \$2,000,000; MSB: \$200,000”;
- MSB Recommended Emergency Services Projects and Infrastructure FY2012 – FY2017 (\$,000), Facilities, by inserting the following as number two and renumbering accordingly: “Willow Fire Station 12-1 Addition to Existing Apparatus Bay, Construction of an addition to our existing fire facility to accommodate the fire, rescue and EMS offices, combined meeting and training room, kitchen, rest rooms with showers, fire sprinkler system, and placement of a 33,000 gallon water reservoir. This project includes all aspects of constructing an addition to an existing building including site survey, geologic studies, architectural design of the building and landscape, land preparation, and the actual construction of the additional facility. FY2012 Request: \$950,000; State: \$800,000; MSB: \$150,000.”;
- MSB Recommended Emergency Services Projects and Infrastructure FY2012 – FY2017 (\$,000), Equipment, by inserting the following as number one and renumbering accordingly: “Fire Engine – Caswell, New fire engine to meet all current Federal and State requirements for design and functionality. Will have compressed air foam system (CAFS) to improve the efficiency in which fires are extinguished. Will be housed in the newly constructed Caswell Fire Station. FY2012 Request: \$550,000; State: \$500,000; MSB: \$50,000”.

MOTION: Assemblymember Ewing moved to postpone Resolution Serial No. 11-007 to a time certain of March 15, 2011.

Assemblymember Bettine queried whether there is a State law that the Assembly must adopt the Capital Improvement Program by a certain date.

Mr. Spiropoulos:

- reported that he has researched whether there is State law requiring Assembly adoption of the CIP by a certain date; and
- advised that he has not found State law noting this requirement.

VOTE: The motion to postpone Resolution Serial No. 11-007 to a time certain of March 15, 2011, passed without objection.

XI. RECONSIDERATION

(There was no reconsideration presented.)

XII. EXECUTIVE SESSION

(There was no executive session held.)

XIII. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Colver requested that state legislation be added as an agenda item on the February 22, 2011, special meeting agenda.

Assemblymember Arvin:

- spoke to the Solid Waste enterprise fund information within the Manager's report;
- requested that staff provide the Assembly with the following reports at the March 15, 2011, regular meeting: what Solid Waste operating costs could be minimized and a comparison analysis of the landfill refuse volumes and tipping fees; and
- reported that he was appointed to the Alaska Industrial Development and Export Authority Board by Governor Parnell.

Assemblymember Bettine noted that her comments during the discussions of the School District allocation from the State and the Skwentna landfill were in the spirit of finding ways to decrease the budget through other revenues.

Assemblymember Halter:

- spoke to receiving many public comments regarding the Skwentna landfill; and
- spoke to the proposed military airspace expansion legislation.

MOTION: Assemblymember Arvin moved to suspend the rules and extend the meeting past 11:15 p.m. and not to exceed 11:25 p.m.

VOTE: The motion passed with Assemblymember Ewing opposed.

Mr. Spiropoulos:

- spoke to the upcoming February 18, 2011, special meeting regarding the Manager interviews;
- spoke to the one-on-one Manager candidate interview proposal; and
- spoke to concerns regarding conducting one-on-one Manager candidate interviews.

Ms. Gray noted that she will be absent from the February 22, 2011, special meeting as she will be in Juneau.

Assemblymember Keogh:


- commented on the original legislation regarding the military airspace expansion;
- spoke to past Assembly comments regarding the statement of opposition in the proposed military airspace expansion legislation;
- noted that he received a lot of input from the public;
- stated that he received support of the proposed military airspace expansion from three retired military aviators; and
- noted that all of the other comments received were opposed to the proposed military airspace expansion.

Mayor DeVilbiss:

- spoke to receiving a large amount of correspondence regarding the military airspace expansion;
- expressed appreciation for Assemblymember Keogh sponsoring the legislation;
- spoke to a spreadsheet regarding boards and commissions; and
- invited the Assembly's input on the boards and commissions spreadsheet.

XIV. ADJOURNMENT

The regular meeting adjourned at 11:22 p.m.


LARRY DeVILBISS, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 04/05/11