

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on February 19, 2013, at the Borough School District Administration Building, 501 N. Gulkana Street, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Larry DeVilbiss.

II. ROLL CALL

Assembly members present and establishing a quorum were:

Mr. Warren Keogh, Assembly District No. 1
Mr. Noel Woods, Assembly District No. 2
Mr. Ronald Arvin, Assembly District No. 3 (*Deputy Mayor*) (*attended telephonically*)
Mr. Steve Colligan, Assembly District No. 4
Mr. Darcie K. Salmon, Assembly District No. 5
Mr. Jim Colver, Assembly District No. 6
Mr. Vern Halter, Assembly District No. 7

Staff in attendance were:

Ms. Lonnie R. McKechnie, Borough Clerk
Mr. John Moosey, Borough Manager
Mr. George Hays, Assistant Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Jamie Newman, Deputy Borough Clerk
Ms. Tammy Clayton, Finance Director
Ms. Shaune O'Neil, Public Works Director
Mr. Dennis Brodigan, Emergency Services Director
Ms. Patty Sullivan, Public Affairs Director

III. APPROVAL OF AGENDA

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

Assemblymember Woods requested to pull Resolution Serial Nos. 13-023, 13-029, 13-31, and 13-35 from the consent agenda for further discussion.

Assemblymember Colver requested to pull Resolution Serial No. 13-030 from the consent agenda for further discussion.

Assemblymember Keogh requested to pull Resolution Serial No. 13-025 from the consent agenda for further discussion.

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Mike Coons, a member of the audience.

V. MINUTES OF PRECEDING MEETINGS

- A. Special Assembly Meeting: 01/15/13
- B. Regular Assembly Meeting: 01/15/13

Mayor DeVilbiss inquired if there were any corrections to the special meeting minutes of January 15, 2013, or the regular meeting minutes of January 15, 2013.

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

- 1. Reports from cities

Houston City

Mayor Virgie Thompson:

- reported that the City is moving forward in a positive direction with many projects underway;
- noted that the City is garnering more public involvement;
- spoke in favor of Resolution Serial No. 13-029 and the work of the Alaska Moose Federation; and
- spoke to concerns with the impact of the proposed Susitna State Forest on future development within Houston city limits, particularly property identified as the Houston block.

Palmer City

Mr. Doug Griffin, City Manager:

- thanked Assemblymember Woods for sponsoring Resolution Serial No. 13-032, Palmer's Capital Improvement Program;
- noted that the City is hosting a 2013 Capital Project Fair on April 25, 2013, at the MTA Events Center; and
- added that he will report on the project fair at a future Assembly meeting.

Mayor DeLena Johnson:

- spoke to her recent trip to Juneau; and
- encouraged collaboration between the City and Borough on the Bogard Road extension.

Wasilla City

Mr. Bert Cottle:

- spoke to his recent trip to Juneau;
- noted that there is less money available to municipalities at the State level;
- added that because there is less money the Borough and Cities (Houston, Palmer, and Wasilla) should work together on projects of interest; and
- spoke to current inmate and staffing levels at the Goose Creek Correctional Center.

2. Matanuska-Susitna Borough School District

Mr. Gene Stone, Assistant Superintendent:

- spoke to four public presentations that have been held on the district's proposed fiscal year 2014 budget;
- reported that January was School Board recognition month;
- reported that the District will be hosting a community school safety meeting on February 27, from noon to 2 p.m.;
- invited members of the Assembly and other interested persons to attend the School Safety Meeting;
- noted that School Superintendent Denna Paramo will be traveling to Washington D.C. to meet with Alaska's congressional delegation; and
- added that Dr. Paramo will be accompanied by an executive from the National Math Science Initiative (NMSI) to promote a plan featuring the school district as a hub to provide professional development for the NMSI program.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

(There was no report provided.)

2. Assembly Public Relations

(There were no reports provided.)

C. MANAGER COMMENTS

1. State/Federal Legislation

2. Strategic Planning Issues

Mr. Moosey invited Mr. Joe Perkins to present an update on transportation infrastructure projects and the rail extension.

Mr. Perkins spoke to the Borough's bond construction projects and the rail extension project.

Mr. Moosey:

- reported on his recent trip to Washington D.C. with Assemblymembers Keogh and Colligan and Mr. Spiropoulos;
- added that the group met with Federal officials to discuss fisheries, Port MacKenzie, transportation funding, and the Federal Emergency Management Agency;
- further added that there are not many funding opportunities at the Federal level;
- noted he will be traveling to Juneau on February 21, to make a presentation on fisheries within the Borough; and
- added that he is also scheduled to meet with representatives from Governor Parnell's Office to discuss fisheries.

D. ATTORNEY COMMENTS

Mr. Spiropoulos:

- spoke to the litigation effort to block construction on the Port McKenzie Rail Extension; and
- noted he will continue to keep the Assembly apprised of developments in the case.

E. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule;
- spoke to a request from the School Board to reschedule the March 12, joint meeting due to spring break; and
- inquired if Tuesday, April 9, at 6 p.m. would work for the Assembly.

There was no objection noted.

Mr. Moosey requested that the Assembly schedule a special meeting on April 16, at 4 p.m. to hold a second interim evaluation of the Borough Manager.

There was no objection noted.

F. CITIZEN AND OTHER CORRESPONDENCE

(There were no citizen and other correspondence items presented.)

G. INFORMATIONAL MEMORANDUMS

The informational memorandum was presented and no comments were noted.

(There were no informational memorandums presented.)

VII. UNFINISHED BUSINESS

(There was no unfinished business.)

VIII. VETO

Mayor DeVilbiss advised that he has issued a veto on Resolution Serial No. 13-015, which will appear on the March 5, regular Assembly meeting agenda.

Assemblymember Colver asked if the Mayor vetoed the entire piece of legislation or only the amendment made regarding the discharge of firearms.

Mayor DeVilbiss noted that as a matter of protocol he had to veto the entire piece of legislation.

Mr. Spiropoulos affirmed the Mayor's position as a practical matter.

IX. SPECIAL ORDERS

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

(There were no comments made.)

B. PUBLIC HEARINGS (Three minutes per person.)

1. Resolution Serial No. 13-017: A RESOLUTION IN SUPPORT OF HOUSE BILL NO. 40 EXEMPTING CERTAIN FARM FOOD STORAGE AND PRODUCTION BUILDINGS FROM TAXATION.
 - a. IM No. 13-047

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 Resolution Serial No. 13-017.

Assemblymember Colver:

- stated that he has not been contacted by any stakeholders supporting the legislation;
- added that he does not feel the exemption is warranted;
- further added that if an exemption were to be instituted, it would shift the tax burden to other tax payers;
- spoke to his support of the agricultural industry; and
- noted that he knows of many thriving agriculture businesses in the Borough.

Assemblymember Woods expressed that the Borough should not take action on the legislation until the Alaska State Legislature has taken an official position on the matter.

Discussion ensued regarding the income threshold for business that would qualify for the exemption under House Bill 40.

Assemblymember Keogh:

- spoke to his belief that it is generally inappropriate for the Assembly to take a position on matters before the Alaska State Legislature; and
- added that the Assembly should focus its efforts on local issues.

VOTE: The motion failed with Assemblymember Keogh in favor.

2. Ordinance Serial No. 13-002: AN ORDINANCE CREATING LAZY LAKE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 493, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENTS, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.
 - a. IM No. 13-008

Mayor DeVilbiss opened the public hearing.

Mayor DeVilbiss noted that fifty percent of affected property owners did not vote in support of creating the local improvement district.

The following person spoke in support of Ordinance Serial No. 13-002: Mr. Jay Cross.

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

MOTION: Assemblymember Salmon moved to adopt Ordinance Serial No. 13-002.

VOTE: The motion failed unanimously.

3. Ordinance Serial No. 13-003: AN ORDINANCE CREATING SOUTH VIEWPORT WAY AND WEST OVERVIEW CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 498, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.
 - a. IM No. 13-009
4. Ordinance Serial No. 13-004: AN ORDINANCE CREATING WEST DEMARRE CIRCLE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 501, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.
 - a. IM No. 13-010

5. Ordinance Serial No. 13-005: AN ORDINANCE CREATING KAYE ESTATES PHASE I AND II NATURAL GAS LOCAL IMPROVEMENT DISTRICT 506, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.
 - a. IM No. 13-011

Mayor DeVilbiss opened the public hearing.

The following persons spoke in support of Ordinance Serial Nos. 13-005: Ms. Rachel Janneck, Mr. Bill Lund, Ms. Barbara Kaye, and Ms. Becky Newlon.

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

MOTION: Assemblymember Salmon moved to adopt Ordinance Serial Nos. 13-003, 13-004, and 13-005.

Assemblymember Colver spoke in favor of creating gas local improvement districts due the high cost of propane and fuel oil.

Assemblymember Keogh:

- stated that he is introducing legislation (Ordinance Serial No. 13-064) to change the percentage required for gas local improvement districts from fifty percent to seventy-five percent;
- added that there will always be property owners that do not want or need natural gas yet they will be assessed for the improvement; and
- added that it is an unfair encumbrance on those that do not support the improvement.

VOTE: The motion passed without objection.

6. Ordinance Serial No. 13-026: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$283,404 OF REVENUES FROM THE SU-KNIK WETLAND MITIGATION BANK TO THE LAND AND RESOURCE MANAGEMENT DIVISION FISCAL YEAR 2013 OPERATING BUDGET, AND REAPPROPRIATING \$50,000 TO FUND 480, PROJECT NO. 15031, OPERABLE FOREST LAND PLAN; \$15,000 TO FUND 440, PROJECT NO. 15040, RABBIT SLOUGH/ACCESS/ PARKING PROJECT; \$23,000 TO FUND 440, PROJECT NO. 15040, COTTONWOOD CREEK ACCESS AND PARKING PROJECT; \$95,404 TO FUND 430, PROJECT NO. 35187, HATCHER PASS TRANSIT FACILITY AND BUS ACCOMMODATIONS; AND \$100,000 TO FUND 440, PROJECT NO. 15036, FOR THE MATANUSKA RIVER PARK MASTER PLAN IMPROVEMENTS, FROM THE LAND AND RESOURCE MANAGEMENT DIVISION FISCAL YEAR 2013 OPERATING BUDGET, FUND 203.

- a. Resolution Serial No. 13-018: A RESOLUTION APPROVING THE SCOPES OF WORK AND BUDGETS FOR PROJECT NO. 15031, OPERABLE FOREST LAND PLAN; PROJECT NO. 15036, MATANUSKA RIVER PARK MASTER PLAN IMPROVEMENTS; AND AMENDING THE BUDGETS FOR PROJECT NO. 15040, RABBIT SLOUGH ACCESS/PARKING PROJECT; PROJECT NO. 15040, COTTONWOOD CREEK ACCESS AND PARKING PROJECT; AND PROJECT NO. 35187, HATCHER PASS TRANSIT FACILITY AND BUS ACCOMMODATIONS.
 - (1) IM No. 13-004

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Salmon moved to adopt Ordinance Serial No. 13-026 and Resolution Serial No. 13-018.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 13-026 and Resolution Serial No. 13-018, to strike "Matanuska River Park Master Plan Improvement Project" in its entirety and move the \$100,000, slated for the project into the Hatcher Pass Transit Facility and Bus Accommodations Project.

Assemblymember Colver noted that the primary amendment was requested by the Community Development Department because discussion is underway to transfer the Matanuska River Park to the City of Palmer.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended passed without objection.

7. Ordinance Serial No. 13-027: AN ORDINANCE APPROVING THE ACCEPTANCE AND APPROPRIATION OF FISCAL YEAR 2013 COMMUNITY REVENUE SHARING PROGRAM FUNDS IN THE AMOUNT OF \$629,200 TO FUND 475, PROJECT NO. 47033.
 - a. Resolution Serial No. 13-019: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE FISCAL YEAR 2013 COMMUNITY REVENUE SHARING PROGRAM, PROJECT NO. 47033.
 - (1) IM No. 13-038

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Salmon moved to adopt Ordinance Serial No. 13-027 and Resolution Serial No. 13-019.

VOTE: The motion passed without objection.

8. Ordinance Serial No. 13-028: AN ORDINANCE EXTENDING THE TIME LIMIT FOR COMPLETION OF BOROUGH CAPITAL PROJECTS INCLUDING UNITED STATES FISH AND WILDLIFE SERVICE PROJECT MANAGEMENT, PROJECT NO. 30093; MEADOW LAKES AREA AND SETTLER'S BAY ROAD CULVERT REPLACEMENT PROJECT NO. 30112; AND FISH PASSAGE IMPROVEMENTS, PROJECT NO. 30114.
 - a. IM No. 13-039

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Salmon moved to adopt Ordinance Serial No. 13-028.

VOTE: The motion passed without objection.

9. Ordinance Serial No. 13-029: AN ORDINANCE AUTHORIZING THE BOROUGH TO ISSUE AREAWIDE GENERAL OBLIGATION BONDS, IN ONE OR MORE SERIES, TO FINANCE THE ACQUISITION, DESIGN, CONSTRUCTION, MAJOR RENOVATION, AND RENEWAL OF EDUCATIONAL CAPITAL IMPROVEMENT PROJECTS AND RELATED CAPITAL IMPROVEMENTS IN THE BOROUGH; FIXING CERTAIN DETAILS OF SAID BONDS; AND AUTHORIZING THEIR SALE.
 - a. IM No. 13-041

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Salmon moved to adopt Ordinance Serial No. 13-029.

VOTE: The motion passed without objection.

10. Ordinance Serial No. 13-030: AN ORDINANCE ACCEPTING AND APPROPRIATING \$3,000 FROM THE HUMANE SOCIETY OF THE UNITED STATES FOR A WORLD SPAY DAY 2013 SPAY/NEUTER EVENT FOR LOW-INCOME RESIDENTS, PROJECT NO. 47034.

- a. Resolution Serial No. 13-020: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 47034, TO ALLOW A SPAY/NEUTER EVENT FOR LOW-INCOME RESIDENTS THROUGH A GRANT FROM THE HUMANE SOCIETY OF THE UNITED STATES.
- (1) IM No. 13-042

Mayor DeVilbiss opened the public hearing.

The following person spoke in opposition to Ordinance Serial No. 13-030 and Resolution Serial No. 13-020: Ms. Cathy Hummel.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 13-030 and Resolution Serial No. 13-020.

Assemblymember Arvin:

- asked what the income threshold is for an individual to qualify as low-income; and
- questioned if the event was to provide spay and neutering or microchipping, altering, and rabies vaccination.

Mr. Moosey:

- advised that the definition of low-income is tied to federal low income standards; and
- noted that the event has proved to be successful in the past.

VOTE: The motion passed with Assemblymember Arvin opposed.

11. Ordinance Serial No. 13-031: AN ORDINANCE AMENDING MSB 5.25.142, TO ANNEX PROPERTY LOCATED IN THE SMITH STREET/HERMANN AVENUE AREA INTO THE GREATER PALMER CONSOLIDATED FIRE SERVICE AREA NO. 132.
 - a. Resolution Serial No. 13-021: A RESOLUTION FINDING THE ANNEXATION OF PROPERTIES LOCATED IN THE SMITH STREET/HERMANN AVENUE AREA INTO THE GREATER PALMER CONSOLIDATED FIRE SERVICE AREA NO. 132 SERVES THE PUBLIC INTEREST WITHOUT THE PLACEMENT OF THE QUESTION ON THE BALLOT. *(Sponsored by Assemblymember Keogh)*
 - (1) IM No. 13-045

Mayor DeVilbiss opened the public hearing.

The following person spoke in support of Ordinance Serial No. 13-031 and Resolution Serial No. 13-021: Mr. Brian Endle and Mr. Larry Chapman.

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

MOTION: Assemblymember Keogh moved to adopt Ordinance Serial No. 13-031 and Resolution Serial No. 13-021.

Assemblymember Keogh:

- spoke to his overall support of annexations to fire service areas;
- noted he has discussed the proposed annexation with the Director of Emergency Services and the Chairperson of the Greater Palmer Consolidated FSA Board of Supervisors;
- noted staff has expressed concern with Smith Road not meeting Borough road standards;
- expressed concern with fire apparatuses making it up Smith Road when responding to an emergency; and
- spoke to support of postponing the legislation to allow property owners time to improve the road or to come back with another petition to just annex the Endle and Chapman properties

MOTION: Assemblymember Keogh moved to postpone Ordinance Serial No. 13-031 and Resolution Serial No. 13-021 to a time certain of July 16, 2013.

Assemblymember Colver opined the legislation should be adopted without postponement in the interest of public safety.

Mr. Brodigan presented a staff report.

Discussion ensued regarding how to amend the legislation to remove all properties except the Engle and Chapman properties without postponing the legislation.

Mr. Spiropoulos spoke to the issue of amending the legislation as the legal description would need to be amended.

WITHDRAWAL: Assemblymember Keogh moved to withdraw his primary amendment.

There was no objection noted.

Discussion ensued regarding:

- the procedure for annexing properties into service areas;
- the need to provide fire protection to residents; and
- taxes paid by Borough residents in road service areas.

Ms. McKechnie advised that the Assembly may pass a motion to omit all properties, except the properties on Herman Avenue, from the legislation, and she would obtain a proper legal description from the Platting Officer when finalizing the legislation.

MOTION: Assemblymember Keogh moved a primary amendment to MSB 5.25.142, by annexing the two properties located on Hermann Avenue into the Greater Palmer

Consolidated Fire Service Area No. 132, and to strike the three properties located on Smith Street.

MOTION: Assemblymember Salmon called the question (stop debate).

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

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

Assemblymember Arvin spoke in favor of the Borough doing everything possible to provide services to its residents.

MOTION: Assemblymember Arvin moved to reconsider of the primary amendment.

VOTE: The motion to reconsider failed with Assemblymembers Arvin, Colver, and Halter in support.

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

(The meeting recessed at 7:37 p.m. and reconvened at 7:46 p.m.)

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person thanked Mayor DeVilbiss for bringing his name forward for the Planning Commission: Mr. Brian Endle.

The following persons spoke in support of the appointment of Mr. Brian Endle to the Planning Commission: Ms. Janet McCullough and Mr. Steve Renner.

The following persons spoke to concerns with the appointment of Mr. Brian Endle to the Planning Commission: Ms. Alice Coisetk, Ms. Jennifer Charvet, Ms. Krista Maciolek, Ms. Helen Woodings, Ms. Judy Donegan, and Ms. Julia Plotnick.

The following persons spoke to concerns with the local improvement district process and the effect of the assessment on those property owners living on a fixed income: Mr. Mike Coons and Mrs. Sandra Coons.

The following person spoke to concerns with the Jim Creek Motorized Mater Plan and requested that the Assembly amend the plan to mirror the State's plan and spoke to fire service provided in the Borough: Mr. Tom Bergey.

The following person spoke to the need to provide fire protection to Borough residents through the use of smaller trucks and spoke to concerns that Mr. Brian Endle is not the most qualified applicant for the Planning Commission: Mr. Jim Sykes.

The following person spoke favorably about the Nordic Ski Trails at Hatcher Pass and requested that the Assembly reconsider the vote on Ordinance Serial No. 13-026 and Resolution Serial No. 13-018 to fund the Matanuska River Park Improvement Project: Ms. DeLena Johnson.

The following persons spoke to concerns with the Jim Creek Motorized Master Plan with respect to the discharge of firearms by hunters and recommend that the Assembly amend the plan: Mr. Ken Barber and Mr. Earl Lacky.

The following person spoke to the history of the Jim Creek area and the terms motorized use and motorized access within the plan: Ms. Cathy Hummel.

Assemblymember Colligan:

- noted for the record that Mr. Endle worked for him over ten years ago;
- spoke to his professional relationship with Mr. Endle;
- added he and Mr. Endle are not close;
- affirmed the abilities and skills of Mr. Endle; and
- added that he did not know Mr. Endle was up for confirmation to the Planning Commission until he read the Assembly meeting packet.

(The meeting recessed at 8:31 p.m. and reconvened at 8:45 p.m.)

D. CONSENT AGENDA

1. RESOLUTIONS

- a. Resolution Serial No. 13-013: A RESOLUTION AMENDING THE BUDGETS FOR PROJECT NOS. 45102, 45104, 45250, AND 45088 AND APPROVING THE SCOPE OF WORK FOR PROJECT NO. 45102 TO ALLOW THE WEST LAKES FIRE SERVICE AREA TO PURCHASE BACKUP AND REPLACEMENT GENERATORS.
(1) IM No. 13-037
- b. Resolution Serial No. 13-022: A RESOLUTION APPROVING THE AMENDED BUDGET FOR ADDITIONAL STREAM BANK RESTORATION TO ENSURE STREAM BANK STABILITY AS RECOMMENDED BY THE ALASKA DEPARTMENT OF FISH AND GAME AND THE UNITED STATES FISH AND WILDLIFE, IN THE HIDDEN HILLS FISH PASSAGE PROJECT, PROJECT NO. 30113.
(1) IM No. 13-049
- d. Resolution Serial No. 13-024: A RESOLUTION IN OPPOSITION TO HOUSE BILL 27, THE UNRESERVED SCHOOL OPERATING FUND BALANCES. *(Sponsored by Mayor DeVilbiss)*
(1) IM No. 13-053

- f. Resolution Serial No. 13-026: A RESOLUTION SUPPORTING HOUSE BILL 98 RELATING TO ESCAPEMENT THRESHOLDS AND ESCAPEMENT GOALS FOR CERTAIN SALMON STOCKS. *(Sponsored by Mayor DeVilbiss)*
(1) IM No. 13-057
- g. Resolution Serial No. 13-027: A RESOLUTION SUPPORTING HOUSE CONCURRENT RESOLUTION NO. 1, THE ESTABLISHMENT AND OPERATION OF A STATE FOOD RESOURCE DEVELOPMENT WORKING GROUP. *(Sponsored by Mayor DeVilbiss)*
(1) IM No. 13-058
- h. Resolution Serial No. 13-028: A RESOLUTION SUPPORTING HOUSE BILL 18 TO PROVIDE PRIORITY TO PERSONAL USE FISHERIES. *(Sponsored by Mayor DeVilbiss)*
(1) IM No. 13-059
- i. Resolution Serial No. 13-032: A RESOLUTION SUPPORTING THE CITY OF PALMER'S 2014 CAPITAL IMPROVEMENT PROGRAM. *(Sponsored by Assemblymember Woods)*
(1) IM No. 13-065
2. ACTION MEMORANDUMS
- a. AM No. 13-026: AWARD OF BID NO. 13-062B TO PIERCE MANUFACTURING, INC. IN THE AMOUNT OF \$766,255 FOR THE PURCHASE OF A TRIPLE COMBINATION PUMPER TANKER FOR THE WASILLA-LAKES FIRE SERVICE AREA.
- b. AM No. 13-027: AWARD OF BID NO. 13-063B TO PIERCE MANUFACTURING INC. IN THE AMOUNT OF \$680,110 FOR A MULTI-PURPOSE RESPONSE ENGINE FOR THE WASILLA-LAKES FIRE SERVICE AREA.
- c. AM No. 13-028: AWARD OF BID NO. 13-083B TO VALLEY GENERAL CONSTRUCTION, LLC IN THE CONTRACT AMOUNT OF \$169,928 FOR LANARK DRIVE - BROCTON AVENUE UPGRADES.
- d. AM No. 13-029: AWARD OF THE FINAL PORTION OF REQUEST FOR PROPOSAL 13-056P TO LOUNSBURY AND ASSOCIATES, INC. IN THE AMOUNT OF \$537,360 FOR CASWELL LAKES ROAD AND WILLOW LAKE DRIVE UPGRADES.

Ms. McKechnie read the above legislation into the record.

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

VOTER: The motion passed without objection.

- c. Resolution Serial No. 13-023: A RESOLUTION SUPPORTING HOUSE BILL 79 AND SENATE BILL 28, ESTABLISHING THE SUSITNA STATE FOREST. (*Sponsored by Mayor DeVilbiss*)
- (1) IM No. 13-052

MOTION: Assemblymember Woods moved to adopt Resolution Serial No. 13-023.

Assemblymember Woods:

- spoke to the Constitution of the State of Alaska with respect to the development of natural resources for public use; and
- opined that creating a forest appears to prevent the development of lands within the forest.

MOTION: Assemblymember Woods moved a primary amendment to remove all property east of the Big Susitna River from the proposed Susitna State Forest.

Assemblymember Halter:

- spoke in support of removing some land in the Houston area from the proposed Susitna State Forest;
- added that removing all land east of the Big Susitna River is not prudent and too broad.

VOTE: The primary amendment failed with Assemblymembers Woods, Colligan, and Colver in support.

MOTION: Assemblymember Halter moved a primary amendment to remove a portion of the Houston block within city limits of Houston from the Susitna State Forest.

Assemblymember Colligan:

- opined that State has not done an adequate job communicating the proposed Susitna State Forest with local governmental entities and residence affected by establishment of the Susitna State Forest; and
- noted that he will be not endorse the proposed Susitna State Forest to the Alaska State Legislature at this time.

VOTE: The primary amendment passed without objection.

Assemblymember Arvin:

- spoke to the advantages of establishing the Susitna State Forest;
- noted that the lands are currently managed under the Susitna Guidelines; spoke to the extensive public process that will take place through the forest designation process; and
- spoke to the advantages in allowing the State to implement protocols to define land use through the establishment of the Susitna State Forest.

Discussion ensued regarding:

- the impact of the forest designation to private property development;
- whether the forest plan has been adequately vetted; and
- misconceptions about establishing the Susitna State Forest.

VOTE: The main motion failed as amended with Assemblymembers Keogh, Arvin, and Halter in support.

- e. Resolution Serial No. 13-025: A RESOLUTION SUPPORTING HOUSE BILL 23 AND THE KNIK ARM BRIDGE AND TOLL AUTHORITY. *(Sponsored by Mayor DeVilbiss)*
(1) IM No. 13-054

MOTION: Assemblymember Keogh moved to adopt Resolution Serial No. 13-025.

Assemblymember Keogh:

- read excerpts from a document that was provided to the Assembly titled *The Real Cost of the Knik Arm Bridge*, authored by Mr. Jamie Kenworthy and Mr. Bob French;
- added that adopting Resolution Serial No. 13-025 is redundant as the Assembly has endorsed the Knik Arm Bridge Project through the adoption of its 2013 State Legislative Priorities in Resolution Serial No. 12-115; and
- spoke to the growing trepidation of the Knik Arm Bridge Project due to cost.

Assemblymember Salmon:

- noted Mr. Kenworthy and Mr. French were on the record opposing the project before cost was discussed;
- opined that Mr. Kenworthy and Mr. French appear to be opposed to large scale infrastructure projects in southcentral Alaska;
- spoke to the support of the Knik Arm Bridge Project by Governor Parnell and other dignitaries across Alaska; and
- reiterated the economic benefits of the Knik Arm Bridge Project to Alaska.

Assemblymember Colligan:

- noted that he personally knows Mr. Kenworthy and commended him on his talents; and
- spoke to other indicators that support the Knik Arm Bridge Project.

Assemblymember Arvin:

- spoke to the benefits of constructing the Knik Arm Bridge;
- noted that if the bridge is not constructed, the Parks Highway will have to be widened given current projections of growth;
- added that the Parks Highway widening is estimated to cost approximately one billion dollars; and
- further added constructing the Knik Arm Bridge makes financial sense as we plan for future growth.

VOTE: The motion passed with Assemblymember Keogh opposed.

i. Resolution Serial No. 13-029: A RESOLUTION TO SUPPORT THE ALASKA MOOSE FEDERATION'S REQUEST FOR STATE FUNDING.

(1) IM No. 13-061

CONFLICT OF INTEREST: Assemblymember Colligan declared a conflict of interest as he holds a financial note against the Alaska Moose Federation and the organization is beginning to pay on the note.

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

(Assemblymember Colligan exited the meeting.)

MOTION: Assemblymember Woods moved to adopt Resolution Serial No. 13-029.

Assemblymember Woods

- noted that the Alaska Moose Federation was recently awarded over one million dollars; and
- added that the organization should be financially stable considering its recent award of funds.

Assemblymember Keogh:

- spoke in appreciation of the mission of the Alaska Moose Federation;
- noted he is not sure how much the organization is requesting from the Alaska State Legislature; and
- added that the organization has been a recent recipient of generous funding.

VOTE: The motion failed with Assemblymembers Arvin, Salmon, and Halter in favor and Assemblymembers Keogh, Woods, and Colver opposed. (Tie vote.) The motion passed with Mayor DeVilbiss invoking his voting privilege in the affirmative.

(Assemblymember Colligan reentered the meeting.)

j. Resolution Serial No. 13-030: A RESOLUTION SUPPORTING HOUSE BILL 4, EMPOWERING THE ALASKA GASLINE DEVELOPMENT CORPORATION (AGDC) TO CONNECT ALASKANS WITH ALASKA GAS VIA AN IN-STATE GASLINE PROJECT AND A LARGER DIAMETER GASLINE PROJECT FOR EXPORT.

(1) IM No. 13-062

MOTION: Assemblymember Colver moved to adopt Resolution Serial No. 13-030.

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 13-030, by striking the title of the resolution in its entirety and inserting in its place the following title to read: "A Resolution Of The Matanuska-Susitna

Borough Assembly Supporting A Gasline Project From The North Slope That Provides For A Large Diameter Pipeline To Fairbanks With Export Capacity And Is Designed For Smaller Feeder Gaslines To Serve Alaskan Communities Developed By The Alaska Gasline Development Corporation.”

Assemblymember Colver noted that the proposed title more accurately reflects the body of the resolution.

VOTE: The primary amendment passed without objection.

Assemblymember Colver:

- spoke in support of a large capacity gas line to serve both in-state and export markets; and
- spoke in support of the retention of gas liquids and the economic benefits for manufacturing industry at Port MacKenzie.

Discussion ensued regarding the different gas line proposals and routes.

VOTE: The main motion passed as amended without objection.

k. Resolution Serial No. 13-031: A RESOLUTION DIRECTING THE BOROUGH MANAGER TO SOLICIT PROPOSALS FROM FINANCIAL ADVISORS TO SERVE AS BUDGET ANALYST FOR THE ASSEMBLY. *(Sponsored by Assemblymember Colver)*

(1) IM No. 13-063

MOTION: Assemblymember Woods moved to adopt Resolution Serial No. 13-031.

MOTION: Assemblymember Keogh moved a primary amendment to Resolution Serial No. 13-031, in the "Now Therefore, Be It Resolved" clause, by striking item two in its entirety and inserting in its place the following language to read: "Assembly members will be provided an opportunity to review the budget analyst services proposals and make a recommendation to the Manager and Assembly for award."

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Arvin moved a primary amendment to Resolution Serial No. 13-031, to add an additional "Whereas" clause to read as follows: "Whereas, the budget analyst will have unrestricted access to the finance director and the finance department staff, and all other department heads and staff, and access to all historical budgets and all proposed department budgets."

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 13-031, in the "Now Therefore Be It Resolved" clause, to add an item six to read: "the budget analyst will be provided with any and all financial information requested."

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

- m. Resolution Serial No. 13-035: A RESOLUTION IN SUPPORT OF HOUSE BILL 19, TO OFFER A PERMANENT VEHICLE REGISTRATION AND TAX RELIEF ON VEHICLES AT LEAST 8 YEARS OLD. (*Sponsored by Mayor DeVilbiss*)
- (1) IM No. 13-067

MOTION: Assemblymember Woods moved to adopt Resolution Serial No. 13-035.

Assemblymember Woods expressed concern with the estimated \$2 million dollar loss of revenue to the Borough under House Bill 19.

Assemblymember Colver:

- noted that generally older vehicles are seldom used by their owners; and
- opined that older vehicles should not be taxed at the same rate as new vehicles.

Discussion ensued regarding the financial impact of House Bill 19 to the Borough.

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

X. NEW BUSINESS

A. INTRODUCTIONS (For public hearing – 03/05/13, Borough School District Administration Building)

1. Resolution Serial No. 13-033: A RESOLUTION REMOVING A BOARD MEMBER FROM THE ANIMAL CARE AND REGULATION BOARD.
- a. IM No. 13-048

2. Ordinance Serial No. 13-033: AN ORDINANCE APPROVING AN APPROPRIATION OF \$200,000 FROM THE WEST LAKES FIRE SERVICE AREA FUND BALANCE, FUND 249 TO FUND 405, PROJECT NO. 45244, TO ALLOW FOR THE PURCHASE OF A FIRE TRUCK FOR THE WEST LAKES FIRE SERVICE AREA.

- a. Resolution Serial No. 13-034: A RESOLUTION APPROVING THE AMENDED BUDGET FOR PROJECT NO. 45244, TO ALLOW FOR THE PURCHASE OF A FIRE TRUCK FOR THE WEST LAKES FIRE SERVICE AREA.

(1) IM No. 13-050

3. Ordinance Serial No. 13-034: AN ORDINANCE AMENDING PORTIONS OF MSB 3.28, SPECIAL ASSESSMENTS; AS IT RELATES TO THE CREATION OF NATURAL GAS DISTRIBUTION LINE LOCAL IMPROVEMENT DISTRICTS. (*Sponsored by Assemblymember Keogh*)

- a. IM No. 13-064

B. INTRODUCTION (For public hearing - 04/02/13, Borough School District Administration Building)

1. Ordinance Serial No. 13-032: AN ORDINANCE CREATING EAST JENSEN AVENUE AND NORTH TERRY ANNE CIRCLE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 492, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.
 - a. IM No. 13-066

Ms. McKechnie read the above legislation into the record.

MOTION: Assemblymember Salmon moved to introduce the legislation as read into the record by the Clerk and set the public hearings for on March 5, 2013 and April 2, 2013, respectively.

VOTE: The motion passed without objection.

C. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor DeVilbiss requested the following confirmations:

Aviation Advisory Board
Chris Kepler
Enhanced 911 Advisory Board
Dennis Brodigan
Local Emergency Planning Committee
Donald Warble
Ken Slauson
Mat-Su Borough Fish and Wildlife Commission
Bruce Knowles
Larry Engel
Planning Commission
Brian Endle
Platting Board
Kurt MacKenzie (resignation)
Diana Sorensen
Port Commission
Greg Bell
Wastewater and Septage Advisory Board
Archie Giddings

Circle View & Stampede Estates Flood & Water Erosion Control No. 131
Patti Huntsman

Mayor DeVilbiss made the following recommendations:

Borough Area Schools Site Selection Committee

Matthew Beck

Sarah Welton

Debby Retherford

David Cheezem

Emergency Medical Services Board

Lynn Moore

Joint Assembly/School Board Committee on School Issues

Sarah Welton

Debby Retherford

Local Emergency Planning Committee

Bryen Bartgis

Louis Friend

Wasilla-Lakes FSA No. 130

Benjamin Cottle

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

MOTION: Assemblymember Keogh moved a primary amendment to strike Mr. Brian Endle from confirmation to the Planning Commission.

Assemblymember Keogh:

- spoke to public testimony received opposing the appointment of Mr. Endle to the Planning Commission;
- noted that the public comments received advocated the appointment of another applicant; and
- opined that Mr. Endle was the least qualified of the four applicants for the position.

Mayor DeVilbiss:

- spoke to the appointment process;
- stated that he was deliberate in his selection of Mr. Endle;
- noted that he personally knows each applicant and the dynamics involved with the appointment;
- affirmed that other applicants may be better qualified;
- stated that mayoral appointments are not just about qualifications, they are about values;
- added that the values held by Mr. Endle more align with his own;
- spoke to the community divide within the Buffalo Mine/Soapstone Community Council with respect to resource development;
- spoke to the leadership of Mr. Endle on the Buffalo Mine/Soapstone Community Council; and
- respectfully requested support of the appointment of Mr. Endle to the Planning Commission.

Assemblymember Colligan:

- spoke to personal attacks on Mr. Endle from members of the public;
- noted he employed Mr. Endle many years ago;
- added Mr. Endle is employed by Matanuska Telephone Association; and
- spoke to Mr. Endle's technical and analytical skills and abilities.

Assemblymember Halter spoke in favor of increasing diversity on Borough boards.

Discussion ensued regarding:

- the mayoral appointment process;
- the need for diversity on Borough boards and commission; and
- the focus of those that testified against the appointment of Mr. Endle.

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

VOTE: The main motion passed without objection.

D. OTHER NEW BUSINESS

(There was no other new business.)

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

(There were no referrals presented.)

XI. RECONSIDERATION

(There was no reconsideration presented.)

XII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Mr. Moosey:

- spoke to the roofing of Big Lake Elementary School; and
- spoke to senior citizen and disabled veterans tax exemption accounts that have been set up to date.

Assemblymember Salmon:

- congratulated Ms. McKechnie on the recent birth of her first grandchild; and
- spoke to his pride in becoming a grandfather to a baby boy born on Valentine's Day.

Assemblymember Keogh:

- noted his intention to direct the Attorney to seek an independent legal opinion regarding the application of MSB 2.12.040, Vacancy on the Assembly, with respect to an assembly member that is physically absent for 90 consecutive days; and

- expressed that Assemblymember Arvin has not physically attended an Assembly meeting since September 24, 2012.

MOTION: Assemblymember Salmon moved to suspend the rules to extend the meeting past 10 p.m. and not to exceed to 10:15 p.m.

GENERAL CONSENT: The motion passed without objection.

Assemblymember Colligan:

- noted his intention to ask the Attorney if an assembly member needs to reside in the assembly district for which they are elected, both when filing for office and serving in office;
- opined that Assemblymember Keogh lived in Anchorage when running for his assembly seat and now lives outside his assembly district in Palmer;
- reported on his recent trip to Washington D.C.;
- noted that funds are tight at the Federal level; and
- requested that the Mayor, as the Presiding Officer, review ways to encourage civility at public meetings.

Assemblymember Halter:

- spoke in favor of the public process; and
- congratulated Mr. Endle on his appointment to the Planning Commission.

Assemblymember Woods noted his pleasure with the promotion of development by the Assembly.

Assemblymember Arvin:

- spoke positively about the proposed Susitna State Forest;
- encouraged the Assembly to understand that the reason there has not been positive active management of the lands is because there is not a forest management plan in place;
- added that the lands are currently managed under guidelines; and
- spoke to the advantages of designating the Susitna State Forest.

Mayor DeVilbiss:


- spoke to his prediction that before the Alaska State Legislative Session is over, there will be more public support of the Susitna State Forest; and
- noted his intention to speak with the Attorney to discuss way to improve decorum at public meetings.

XIII. EXECUTIVE SESSION

(There was no executive session held.)

XIV. ADJOURNMENT

The regular meeting adjourned at 10:05 p.m.



LARRY DeVILBISS, Borough Mayor

ATTEST:



LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 03/05/13