

**I. CALL TO ORDER**

The regular meeting of the Matanuska-Susitna Borough Assembly was held on February 21, 2012, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Larry DeVilbiss.

**II. ROLL CALL**

Assembly members present and establishing a quorum were:

Mr. Warren Keogh, Assembly District No. 1  
Mr. Noel Woods, Assembly District No. 2  
Mr. Ronald Arvin, Assembly District No. 3 (*Deputy Mayor*)  
Mr. Steven 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. Don Moore, Acting Assistant Borough Manager  
Mr. Nicholas Spiropoulos, Borough Attorney  
Ms. Jamie Newman, Deputy Borough Clerk  
Ms. Tammy Clayton, Finance Director  
Ms. Shaune O'Neil, Public Works Director  
Ms. Patty Sullivan, Public Affairs Director  
Ms. Sara Jansen, Planner II  
Ms. Elaine Flagg, Records Technician

**III. APPROVAL OF AGENDA**

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

Assemblymember Colligan requested to move audience participation before unfinished business.

There was no objection noted.

Mayor DeVilbiss inquired if there were any items that members wished to pull from the consent agenda.

Assemblymember Arvin requested to pull Resolution Serial No. 12-022, Resolution Serial No. 12-024, and AM No. 12-019.

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

#### **IV. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Ms. Taffina Katkus, a member of the Wasilla City Council.

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

A. Regular Assembly Meeting: 02/07/12

Mayor DeVilbiss inquired if there were any corrections to the regular meeting minutes of February 7, 2012.

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

#### **VI. SPECIAL ORDERS OF THE DAY**

- A. Proclamation in Recognition of Ms. Jay Nolfi
- B. Proclamation in Recognition of Mr. Erling Peter Nelson
- C. Proclamation in Recognition of Mr. Theodore (Ted) Smith

Mayor DeVilbiss:

- noted that the proclamations for Ms. Nolfi and Mr. Smith would be mailed; and
- presented the proclamation in recognition of Mr. Erling Nelson to Ms. Elaine Dinkle and Ms. Naomi Nelson.

#### **VII. REPORTS/CORRESPONDENCE**

A. AGENCY REPORTS

1. Reports from cities

##### Wasilla City

Mr. Bert Cottle:

- thanked the Mayor for the proclamation recognizing Mr. Nelson;
- encouraged the Assembly to contribute funding to the Mat-Su Youth Court Program in the upcoming budget; and
- noted that the program services all youth from Sutton to Talkeetna.

2. Matanuska-Susitna Borough School District

*(There was no report provided.)*

3. Alaska State Division of Forestry

Ms. Dean Brown, Deputy State Forester and Mr. Ken Bullman, Mat Su Area Forester, with the Alaska State Division of Forestry provided a report regarding the proposed establishment of the Susitna State Forest.

## B. COMMITTEE REPORTS

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

Assemblymember Colver noted that the Committee had not convened since his last report to the Assembly.

### 2. Assembly Public Relations

Assemblymember Arvin:

- spoke to his attendance at a recent meeting with the Borough's consultant and user groups in regards to the Hatcher Pass Plan; and
- opined that the discussion between the multiple-user groups was positive.

Mayor DeVilbiss:

- noted that the Deputy Mayor from the City of Houston just arrived; and
- asked if there was objection to allowing him to give a report.

There was no objection noted.

Mr. Jim Johansen, Deputy Mayor with the City of Houston:

- spoke in opposition to Ordinance Serial No. 11-147; and
- reported that the Houston City Council unanimously passed Resolution 12-004 in opposition to the proposed Houston Historic Preservation Plan.

## C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues

Mr. Moosey:

- spoke about his recent trip to Juneau;
- noted that Assemblymember Colligan accompanied him on a few of his appointments;
- invited the Information Technology Director to come forward to give a brief update on the LiDAR project; and
- asked the Assembly to consider scheduling a work session on the LiDAR project, should they require additional information.

Ms. Shannon Post, Information Technology Director, presented a staff report.

Assemblymember Colligan thanked the Manager and Ms. Post for moving the project forward.

Assemblymember Colligan:

- reported that the State Legislative Delegation was pleased that the Assembly pared down its legislative priority list;
- spoke about the importance of the Knik Arm Bridge project in terms of economic development; and
- requested that the Assembly direct the Manager to write a letter to the Governor and the State Legislature elevating the Knik Arm Bridge project to allow the project to continue forward in a timely fashion in response to two bills that are pending in the Legislature.

Assemblymember Keogh expressed concern that he has not been provided an opportunity to read the legislation referenced by Assemblymember Colligan.

Mayor DeVilbiss:

- suggested that discussion on the matter resume under New Business; and
- asked the Manager to have Mr. Andrew Niemiec, Executive Director of the Knik Arm Bridge and Toll Authority, present a report later in the meeting.

There was no objection noted.

#### D. ATTORNEY COMMENTS

*(There was no report provided.)*

#### E. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule; and
- reported that Administration has requested a work session on April 17, 2012, at 4 p.m. on the subject of road powers and driveway permits.

There was no objection noted.

Mr. Moosey queried if the Assembly wished to add the LiDAR Project to the work session agenda.

*(The Assembly chose to discuss the LiDAR project during the budget process.)*

#### F. CITIZEN AND OTHER CORRESPONDENCE

##### 1. MSB Board/Committee Minutes:

- a. Caswell Lakes RSA Board of Supervisors: 02/21/11, 05/24/11
- b. Greater Talkeetna RSA Board of Supervisors: 12/08/11
- c. Planning Commission: 12/19/11, Resolution Serial No. 11-33 (sub)
- d. Platting Board: 12/01/11, 12/15/11
- e. West Lakes FSA Board of Supervisors: 11/14/11

2. Community Council Correspondence:
  - a. Chase Community Council: 11/09/11
  - b. Chickaloon Community Council: 11/09/11
  - c. Meadow Lakes Community Council: 07/13/11, 10/12/11
  - d. North Lakes Community Council: 02/22/11, 03/29/11, 04/26/11, 05/31/11, 07/26/11, 08/30/11, 09/27/11
  - e. Trapper Creek Community Council: 11/17/11

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

#### G. INFORMATIONAL MEMORANDUMS

1. IM No. 12-048: MONTHLY REPORTING OF AMENDED CONTRACTS AND NEW AWARDS UNDER \$100,000, ALONG WITH SOLE SOURCE PROCUREMENTS, FOR THE PERIOD OF DECEMBER 1, 2011, TO JANUARY 31, 2012.
2. IM No. 12-049: ISSUANCE OF INTERIM AGREEMENT TO BIG DIPPER CONSTRUCTION INC. IN AN AMOUNT OF \$247,517.10, FOR GOLD TRAIL ROAD SERVICE AREA MAINTENANCE FOR THE PERIOD OF FEBRUARY 1, 2012, THROUGH JUNE 30, 2012.

*(The informational memorandums were presented without comment.)*

#### AUDIENCE PARTICIPATION

The following person spoke to concerns about how public comments from constituents are brought forward to the Planning Commission and the Assembly: Mr. Butch Moore.

The following person requested assistance with alleged drug related activities in her neighborhood: Ms. Loi Ricker.

The following person spoke about tax assessors operating without bonds: Mr. Neil Snider.

The following person spoke in support of the development of liquid natural gas in Alaska: Mr. Doug Gioffi.

*(The meeting recessed at 7:20 p.m. and reconvened at 7:30 p.m.)*

#### VIII. UNFINISHED BUSINESS

- A. Ordinance Serial No. 12-010: AN ORDINANCE AMENDING MSB 17.28, DESIGNATING THE SUSITNA PARKWAY PIT AN INTERIM MATERIALS DISTRICT, LOCATED WITHIN TOWNSHIP 16 NORTH, RANGE 4 WEST, SECTION 6, ON PARCEL D-1, SEWARD MERIDIAN.
  1. IM No. 12-012

MOTION PENDING: Assemblymember Salmon moved to adopt Ordinance Serial No. 12-010.

Assemblymember Salmon:

- spoke to concerns regarding public comment not being provided in the record to the Assembly;
- noted a letter provided to him by Mr. Asbury “Butch” Moore, that requested changes to the ordinance; and
- requested that these changes be incorporated into the legislation for the Assembly to review.

Assemblymember Keogh requested that the Planning Commissions two recommendations, stated in a memorandum dated February 8, 2012, also be incorporated into the legislation for the Assembly to review.

Discussion ensued regarding:

- the items to be incorporated into the legislation;
- providing the Manager latitude in how to incorporate the changes;
- incorporating a 60 day timeframe for Cultural Resources to document any cultural remains; and
- the fact that these changes are for Assembly review and have not been acted on as of yet.

MOTION: Assemblymember Salmon moved to postpone Ordinance Serial No. 12-010, to a time certain of March 6, 2012.

Assemblymember Colligan inquired as to how the lakefront site was selected for gravel extraction.

Ms. Jansen noted that the site was selected by the Alaska Railroad due to its proximity to the rail line and the quality of gravel.

Assemblymember Arvin requested that staff provide information on how the royalty is established and written documentation that the University of Alaska Fairbanks is in support of the project.

VOTE: The motion to postpone passed without objection.

B. Resolution Serial No. 12-015: A RESOLUTION SUPPORTING SENATE BILL 159, ESTABLISHING THE SUSITNA STATE FOREST. *(Sponsored by Assemblymembers Halter and Arvin)*

1. IM No. 12-038

MOTION PENDING: Assemblymember Salmon moved to adopt Resolution Serial No. 12-015.

Assemblymember Halter:

- spoke in support of the plan;

- noted that 9.5 million acres of Borough forest land currently exists;
- further added that 2.1 million acres can be harvested; and
- affirmed that the establishment of the Susitna State Forest will preserve the land and ensure a renewable resource into the future.

Assemblymember Colligan:

- noted that he received both positive and negative comments from constituents ; and
- expressed hesitation in adopting the legislation without the opportunity to garner additional public comment.

Discussion ensued regarding:

- the unintended consequences of designating forest land in terms of future development; and
- the value of designating forest land for timber harvesting.

**MOTION:** Assemblymember Colligan moved to postpone Resolution Serial No. 12-015, to a time certain of March 20, 2012.

**VOTE:** The motion to postpone passed with Assemblymembers Salmon and Halter opposed.

## **IX. VETO**

*(There were no vetoes presented.)*

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

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

*(There were no persons to be heard)*

**B. PUBLIC HEARINGS (Three minutes per person.)**

1. Ordinance Serial No. 11-147: AN ORDINANCE AMENDING MSB 15.24.030, COMPREHENSIVE PLAN AND PURPOSES, BY ADOPTING THE 2011 CITY OF HOUSTON HISTORIC PRESERVATION PLAN INTO THE OVERALL BOROUGHWIDE COMPREHENSIVE PLAN.

a. IM No. 11-220

Mayor DeVilbiss opened the public hearing.

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

**MOTION:** Assemblymember Halter moved to adopt Ordinance Serial No. 11-147.

Assemblymember Halter expressed opposition to the legislation as affirmed by the City of Houston in earlier testimony.

VOTE: The motion failed with Assemblymember Colver in favor.

2. Ordinance Serial No. 11-148: AN ORDINANCE AMENDING MSB 15.24.030, COMPREHENSIVE PLAN AND PURPOSES, BY ADOPTING THE 2011 WILLOW AREA COMMUNITY HISTORIC PRESERVATION PLAN INTO THE OVERALL BOROUGHWISE COMPREHENSIVE PLAN.
  - a. IM No. 11-222

Mayor DeVilbiss opened the public hearing.

The following person spoke in opposition to Ordinance Serial No. 11-148: Mr. Doyle Holmes.

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

MOTION: Assemblymember Halter moved to adopt Ordinance Serial No. 11-148.

Assemblymember Halter:

- reported that he attended a Willow Area Community Organization (WACO) meeting in which the organization adopted a motion in support of the plan; and
- noted that Mr. Jim Houston, former president of the Wasilla Chamber of Commerce, spoke in support of the plan at the WACO meeting.

Assemblymember Colligan suggested that the legislation be postponed so further comments may be taken from the residents of Willow.

MOTION: Assemblymember Colligan moved to postpone to a time certain of March 20, 2012.

VOTE: The motion to postpone passed without objection.

Assemblymember Colver:

- commented on the time it must have taken to compile the information contained in the Houston and Willow historical preservation plans; and
- spoke to the value of historical preservation.

Assemblymember Salmon stated that he supports preservation plans until they take away from private property value.

Mayor DeVilbiss queried if there was objection to taking public hearings 3 through 9 together.

There was no objection noted.

3. Ordinance Serial No. 12-017: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE TRIMOTOR AND FAIRCHILD STREETS AND A PORTION OF ALIX DRIVE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 450 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
  - a. Ordinance Serial No. 12-018: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$166,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE TRIMOTOR AND FAIRCHILD STREETS AND A PORTION OF ALIX DRIVE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 450, AND FIXING DETAILS OF SAID BONDS.
    - (1) IM No. 12-026
4. Ordinance Serial No. 12-019: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE FAIRVIEW ACRES AND LUPINE LANE ACRES ADDITION NO. 1 AREA NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 453 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
  - a. Ordinance Serial No. 12-020: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$107,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE FAIRVIEW ACRES AND LUPINE LANE ACRES ADDITION NO. 1 AREA NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 453, AND FIXING DETAILS OF SAID BONDS.
    - (1) IM No. 12-027
5. Ordinance Serial No. 12-021: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE AURORA LANE AREA NO. 2 NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 454 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
  - a. Ordinance Serial No. 12-022: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$101,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE AURORA LANE AREA NO. 2 NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 454, AND FIXING DETAILS OF SAID BONDS.
    - (1) IM No. 12-028
6. Ordinance Serial No. 12-023: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE NORTH EDENFIELD ROAD, ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 443 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
  - a. Ordinance Serial No. 12-024: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$60,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE NORTH EDENFIELD ROAD, ROAD PAVING

LOCAL IMPROVEMENT DISTRICT NO. 443, AND FIXING DETAILS OF SAID BONDS.

- (1) IM No. 12-029
  
7. Ordinance Serial No. 12-025: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE CENTENNIAL'S END SUBDIVISION ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 444 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
  - a. Ordinance Serial No. 12-026: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$8,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE CENTENNIAL'S END SUBDIVISION ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 444, AND FIXING DETAILS OF SAID BONDS.
    - (1) IM No. 12-030
  
8. Ordinance Serial No. 12-027: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE LEOTA STREET ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 445 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
  - a. Ordinance Serial No. 12-028: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$55,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE LEOTA STREET ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 445, AND FIXING DETAILS OF SAID BONDS.
    - (1) IM No. 12-031
  
9. Ordinance Serial No. 12-029: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE APRYL LANE AND SOUTH FRANCE COURT ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 452 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
  - a. Ordinance Serial No. 12-030: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$43,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE APRYL LANE AND SOUTH FRANCE COURT ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 452, AND FIXING DETAILS OF SAID BONDS.
    - (1) IM No. 12-032

Mayor DeVilbiss opened the public hearing.

The following person spoke in opposition to Ordinance Serial Nos. 12-019 and 12-020: Mr. Brian Strunk.

The following person spoke in opposition to Ordinance Serial Nos. 12-021 and 12-022, stating that the gas line was installed on his property rather than on the easement line: Mr. Douglas Giossi.

Ms. Clayton noted that the gas line was installed by Enstar; therefore the issues raised by Mr. Giossi are between him and the utility company.

CONFLICT OF INTEREST: Mayor DeVilbiss declared a conflict of interest because he has a business relationship with Mr. Giossi.

RULING: Deputy Mayor Arvin ruled that Mayor DeVilbiss had a conflict of interest.

*(Mayor DeVilbiss exited the meeting and Deputy Mayor Arvin assumed the duties of the Chair)*

Mr. Spiropoulos:

- noted that the gas line has already been installed;
- affirmed that the Assembly is confirming the assessment roll for taxation on completed work; and
- stated that the matter of where the gas line was installed is between the property owner and the utility company.

The Assembly directed the Manager and staff to work to assist Mr. Giossi.

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 the following legislation: Ordinance Serial No. 12-017, Ordinance Serial No. 12-018, Ordinance Serial No. 12-019, Ordinance Serial No. 12-020, Ordinance Serial No. 12-021, Ordinance Serial No. 12-022, Ordinance Serial No. 12-023, Ordinance Serial No. 12-024, Ordinance Serial No. 12-025, Ordinance Serial No. 12-026, Ordinance Serial No. 12-027, Ordinance Serial No. 12-028, Ordinance Serial No. 12-029, and Ordinance Serial No. 12-30.

VOTE: The motion passed without objection.

*(Mayor DeVilbiss reentered the meeting and resumed the duties of the Chair)*

10. Ordinance Serial No. 12-031: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$7,000 OF REVENUES FROM PUBLIC DONATIONS TO THE FISCAL YEAR 2012 ANIMAL CARE AND REGULATION DIVISION'S OPERATING BUDGET FOR REVENUE ENHANCING OPPORTUNITIES.
  - a. IM No. 12-013

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. 12-031

VOTE: The motion passed without objection.

11. Ordinance Serial No. 12-032: AN ORDINANCE ACCEPTING AND APPROPRIATING \$997.10 FROM THE ALASKA STATE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES TO FUND 480, PROJECT NO. 47006, FOR TRANSIT PLANNING.
  - a. Resolution Serial No. 12-017: A RESOLUTION APPROVING THE SCOPE OF WORK AND AMENDED BUDGET FOR THE SHORT RANGE TRANSIT PLAN UPDATE.
    - (1) IM No. 12-033

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Arvin moved to adopt Ordinance Serial No. 12-032 and Resolution Serial No. 12-017.

VOTE: The motion passed without objection.

12. Ordinance Serial No. 12-033: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$25,056 UNITED STATES DEPARTMENT OF HOMELAND SECURITY ASSISTANCE TO FIREFIGHTERS GRANT AND REQUESTING A REAPPROPRIATION FOR THE REQUIRED MATCHING FUNDS IN THE AMOUNT OF \$6,264 FROM THE DEPARTMENT OF EMERGENCY SERVICES ADMINISTRATION FISCAL YEAR 2012 OPERATING BUDGET, FUND 100, TO PROJECT NO. 45261, FUND 425, FOR REGIONAL EMERGENCY MEDICAL SERVICES TRAINING.
  - a. Resolution Serial No. 12-018: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY ASSISTANCE TO FIREFIGHTERS GRANT FOR THE DEPARTMENT OF EMERGENCY SERVICES ADMINISTRATION, PROJECT NO. 45261, FUND 425, FOR REGIONAL EMERGENCY MEDICAL SERVICES TRAINING.
    - (1) IM No. 12-035

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Arvin moved to adopt Ordinance Serial No. 12-033 and Resolution Serial No. 12-018.

VOTE: The motion passed without objection.

13. Ordinance Serial No. 12-034: AN ORDINANCE ACCEPTING AND APPROPRIATING AN ADDITIONAL \$170,000 IN AMERICAN RECOVERY AND REINVESTMENT ACT FUNDING FROM THE ALASKA STATE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES TO FUND 475, PROJECT NO. 20379, TO ALLOW FOR THE PURCHASE OF ADDITIONAL SHARE-A-RIDE VANS.
  - a. Resolution Serial No. 12-019: A RESOLUTION AMENDING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 20379, TRANSIT STOPS/ SHELTERS/VANS, TO ALLOW FOR THE PURCHASE OF ADDITIONAL SHARE-A-RIDE VANS.
    - (1) IM No. 12-036

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Arvin moved to adopt Ordinance Serial No. 12-034 and Resolution Serial No. 12-019.

VOTE: The motion passed without objection.

14. Ordinance Serial No. 12-035: AN ORDINANCE APPROVING THE ACCEPTANCE AND APPROPRIATION OF FISCAL YEAR 2012 COMMUNITY REVENUE SHARING PROGRAM FUNDS IN THE AMOUNT OF \$591,800 TO FUND 475, PROJECT NO. 47014.
  - a. Resolution Serial No. 12-020: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE FISCAL YEAR 2012 COMMUNITY REVENUE SHARING PROGRAM, PROJECT NO. 47014.
    - (1) IM No. 12-042

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Arvin moved to adopt Ordinance Serial No. 12-035 and Resolution Serial No. 12-020.

Assemblymember Arvin asked for clarification on how the funding allocation per community council was calculated.

Ms. Clayton noted that that dollar amount was established by the State Legislature.

Assemblymember Colver asked about the process for fund distribution.

Ms. Clayton:

- noted that the Borough exercises fiduciary oversight over the funds; and
- further added that grant agreements are in place to ensure that the funds go toward a community purpose.

Assemblymember Keogh:

- spoke in support of the legislation; and
- further added that many of the community councils depend heavily on the funding and use the funds for the good of the community.

Discussion ensued regarding what is an appropriate use of the funds.

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

**VOTE:** The motion passed without objection.

**VOTE:** The main motion passed without objection.

15. Ordinance Serial No. 12-036: AN ORDINANCE APPROPRIATING \$218,465 FROM THE INTEREST EARNINGS FROM THE LAND MANAGEMENT PERMANENT FUND, FUND 203, TO FUND 430, IN ORDER TO SUPPLEMENT THE FUNDING FOR THE HATCHER PASS ACCESS ROAD AND TRANSIT FACILITY, PROJECT NO. 35187.
  - a. IM No. 12-044
  - b. AM No. 12-017: AWARD OF BID NO. 12-032 TO ANGAYUK CONSTRUCTION ENTERPRISES IN THE CONTRACT AMOUNT OF \$3,427,415.40 FOR THE HATCHER PASS ACCESS ROAD AND TRANSIT FACILITY.

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.

**CONFLICT OF INTEREST:** Assemblymember Arvin declared a conflict of interest because of a potential business relationship with the company.

**RULING:** Mayor DeVilbiss ruled that Assemblymember Arvin had a conflict of interest and would be recused from voting.

*(Assemblymember Arvin exited the meeting.)*

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 12-036 and AM No 12-017.

Assemblymember Colver:

- spoke in support of the legislation;
- noted that the majority of funds were received from the federal government;
- asserted that the road must be constructed to Federal Transit specifications; and
- stated that appropriating funds from the Land Management Permanent Fund Interest Earnings is an appropriate use.

Assemblymember Colligan read a letter from Ms. Jay Nolfi in opposition to the legislation into the record.

Mr. Moore:

- noted that using interest from the Land Management Fund is an appropriate use of the funds, as the project is a Borough project;
- advised that the funds will be used to complete a Borough road;
- stated that the Borough owns the road before and after project completion; and
- noted any residual funds will revert back to the Land Management Fund.

Assemblymember Keogh asked how the amount of the contingency is determined.

Mr. Moore:

- reported that the calculation is prepared by the Finance Department; and
- reiterated that the funds are from the interest earnings only.

Discussion ensued regarding the use of contingency funds allocated for project completion.

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

VOTE: The motion passed without objection.

VOTE: The main motion passed without objection.

*(Assemblymember Arvin reentered the meeting.)*

D. CONSENT AGENDA

1. RESOLUTIONS

- b. Resolution Serial No. 12-023: A RESOLUTION AUTHORIZING THE MANAGER TO ESTABLISH A WATER RIGHTS PUBLIC AWARENESS CAMPAIGN. *(Sponsored by Assemblymember Keogh)*

(1) IM No. 12-052

d. Resolution Serial No. 12-025: A RESOLUTION SUPPORTING PHASING AND CONSTRUCTION OF THE SOUTH BIG LAKE ROAD REALIGNMENT PROJECT USING EXISTING FUNDS APPROPRIATED BY THE STATE LEGISLATURE AND THAT THOSE FUNDS BE REAPPROPRIATED FROM THE ALASKA DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES TO THE MATANUSKA-SUSITNA BOROUGH TO CARRY OUT THE COMPLETION OF PHASE 2. *(Sponsored by Assemblymember Salmon)*

(1) IM No. 12-054

2. ACTION MEMORANDUMS

b. AM No. 12-020: AWARD OF BID NO. 12-081 TO VALLEY GENERAL CONSTRUCTION IN THE CONTRACT AMOUNT OF \$209,584.45 FOR SOUTH CHEECHAKO DRIVE, EAST BREEZY COURT, AND EAST HEARTHSTONE DRIVE IMPROVEMENTS.

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. 12-022: A RESOLUTION APPROVING THE AMENDED SCOPE OF WORK FOR PROJECT NO. 47501, RESPONDER FINANCIAL SOFTWARE, TO ALLOW FOR THE PROCUREMENT OF PROFESSIONAL SERVICES AND TECHNOLOGY ENHANCEMENTS TO IMPROVE THE FINANCIAL SYSTEMS AND EXTEND ONLINE PAYMENT OPTIONS.

(1) IM No. 12-039

MOTION: Assemblymember Arvin moved Resolution Serial No. 12-022.

Mr. Moosey reported that the project will expand online payment options for residents as directed by the Assembly.

Assemblymember Colligan thanked the Manager and staff for moving the project forward.

Assemblymember Arvin:

- requested that staff post a large notice in the Finance Department informing the public that online payments are accepted; and
- requested that Public Affairs post a notice on the Borough's website informing the public of online payment transactions.

There was no objection noted.

Assemblymember Colligan noted that the legislation will fund infrastructure, which will enhance online payment options.

VOTE: The main motion passed without objection.

- c. Resolution Serial No. 12-024: A RESOLUTION SUPPORTING ADOPTION OF HOUSE BILL NO. 244 REGARDING PUBIC ELECTIONS. *(Sponsored by Assemblymember Keogh)*  
(1) IM No. 12-053

Assemblymember Arvin moved to adopt Resolution Serial No. 12-024.

Assemblymember Arvin noted his opposition to the legislation, as the United States Supreme Court has ruled on the issue as a constitutional right of free speech.

Assemblymember Colligan:

- stated that the Assembly was not provided a copy of House Bill 244;
- further added that until the United States Supreme Court rules differently, the ruling is the law of the land; and
- opined that the legislation limits the public process versus expanding upon it.

Assemblymember Keogh:

- reported that a copy of House Bill 244 was included in the Assembly meeting packet; and
- opined that the point of the legislation is to limit the influence of the outcome of public office by corporations, not individuals.

Discussion ensued regarding:

- free speech rights of corporations; and
- the impact of unlimited political contributions by corporations.

VOTE The motion failed with Assemblymembers Keogh, Colver, and Halter in favor.

- a. AM No. 12-019: AWARD OF BID NO. 12-077 TO QUALITY ELECTRIC INC AN AMOUNT NOT TO EXCEED \$945,000 FOR FIRE ALARM REPLACEMENT AT SEVEN SCHOOL SITES.

MOTION: Assemblymember Arvin moved to adopt AM No. 12-019.

Assemblymember Arvin requested clarification on how the project relates to the school-wide security and safety upgrades contract.

Ms. O'Neil presented a staff report.

VOTE: The motion passed without objection.

## **X. NEW BUSINESS**

A. INTRODUCTIONS (For public hearing – 02/28/12, Borough Assembly Chambers)

1. Ordinance Serial No. 12-038: AN ORDINANCE AUTHORIZING THE MATANUSKA-SUSITNA 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; AND REFUND CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF THE BOROUGH; FIXING CERTAIN DETAILS OF SUCH BONDS; AND AUTHORIZING THEIR SALE.
  - a. IM No. 12-051

B. INTRODUCTIONS (For public hearing – 03/06/12, Borough Assembly Chambers)

1. Ordinance Serial No. 12-039: AN ORDINANCE AMENDING THE OPERATING RULES, RATES, AND PROCEDURES FOR THE SUPPLY OF PUBLIC SEWER AND WATER SYSTEMS IN TALKEETNA, ALASKA, BY INCREASING THE RATES FOR MONTHLY WATER AND SEWER CHARGES AND INTERRUPTED SERVICE FEES.
  - a. IM No. 12-022
2. Ordinance Serial No. 12-040: AN ORDINANCE REPEALING MSB 3.33, REGISTRATION AND TAXATION OF AIRCRAFT. *(Sponsored by Assemblymember Salmon)*
  - a. IM No. 12-046
3. Ordinance Serial No. 12-041: AN ORDINANCE AMENDING MSB 5.25.140, TO ANNEX A PROPERTY LOCATED ON LEWIS LOOP (16N03W28A002) INTO THE WASILLA-LAKES FIRE SERVICE AREA NO. 130.
  - a. Resolution Serial No. 12-026: A RESOLUTION FINDING THAT IT SERVES THE PUBLIC INTEREST TO ANNEX PARCEL NO. 16N03W28A002, LOCATED ON LEWIS LOOP, INTO THE WASILLA-LAKES FIRE SERVICE AREA NO. 130. *(Sponsored by Assemblymember Salmon)*
    - (1) IM No. 12-047
4. Ordinance Serial No. 12-042: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$100,000 FROM GOLD TRAIL ROAD SERVICE AREA NO. 28 FUND BALANCE, FUND 282, TO GOLD TRAIL ROAD SERVICE AREA NO. 28 FISCAL YEAR 2012 OPERATING BUDGET, FUND 282.
  - a. IM No. 12-050

Ms. McKechnie read the above legislation into the record.

Assemblymember Halter:

- expressed objection to introducing Ordinance Serial No. 12-039;
- requested that the legislation be removed from the agenda, as the identical piece of legislation was recently defeated by the Assembly; and
- further added that staff was directed to come back with a new plan to address lesser rates, which has not been forthcoming.

There was no objection noted.

**MOTION:** Assemblymember Arvin moved to introduce the legislation as read into the record by the Clerk and set the public hearings for February 28, 2012, and March 6, 2012, respectively, with the exception of Ordinance Serial No. 12-039.

**VOTE:** The motion passed without objection.

*(Discussion continued here on providing the Manager direction to send a letter to Governor Parnell and the State Legislature supporting the Knik Arm Bridge and Toll Authority.)*

**MOTION:** Assemblymember Colligan moved to direct the Manager to write a letter in support of the KABATA project pending legislative action by the Assembly at the next Assembly meeting.

Assemblymember Arvin opined that the letter is appropriate as the project was adopted by the Assembly for inclusion on the State Legislative Priority list, calendar year 2012.

Assemblymember Halter expressed that while he does not oppose the motion, he does not wish to diminish the importance of the road bonds.

Mr. Andrew Niemiec, Executive Director of the Knik Bridge and Toll Authority, provided an update.

Discussion ensued regarding:

- the importance of the KABATA project in terms of economic development;
- the need to send a strong message of support for the project;
- whether the project is economically viable; and
- the need to keep all projects on the State Legislative Priority list moving forward.

**VOTE:** The motion passed with Assemblymember Keogh opposed.

**MOTION:** Assemblymember Arvin moved to extend the meeting past 10 p.m. and not to exceed 10:30 p.m.

**VOTE:** The motion passed without objection.

## C. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor DeVilbiss requested the following confirmations:

Board of Equalization  
Read Dunn  
Historical Preservation Committee  
Ronald Bissett  
Rosetta Alcantra  
Local Emergency Planning Committee  
Kurt Soeder, Resignation  
West Lakes FSA No. 136  
William Browne  
Chase Trail Service Area No. 134  
Mike Wood

Mayor DeVilbiss made the following recommendations:

Board of Ethics  
Barbara Miller  
Historical Preservation Commission  
Angela Wade  
Transportation Advisory Board  
Elizabeth Fread

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

VOTE: The motion passed without objection.

D. OTHER NEW BUSINESS

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

**XII. RECONSIDERATION**

*(There was no reconsideration presented.)*

**XIII. EXECUTIVE SESSION**

*(There was no executive session held.)*

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

Mr. Spiropoulos:

- reported he is working on a memorandum pending information from the School District, as requested by Assemblymember Arvin at the last Assembly meeting;
- reported that the Clerk's Office was recently served with a lawsuit (Ray DeVilbiss vs. the Borough);
- further added that no executive session is needed at this time on the lawsuit; and
- reported Law will move forward with defending the Borough in the case.

Assemblymember Salmon:

- spoke to a previous comment made regarding the Assembly does not listen to constituents; and
- further added that he takes all comments into consideration even though he may not agree.

Assemblymember Colver:

- thanked the Mayor for keeping the meeting moving forward;
- commented on the value of debate around the Assembly table;
- talked about public information requests that will come once the LiDAR technology is available to the public;
- further added that a fee schedule will need to be established for the LiDAR data; and
- spoke about a letter he sent to the Manager on behalf of constituents in the Serendipity Subdivision regarding safety concerns related to the use of all-terrain vehicles.

Assemblymember Colligan:

- spoke about how other communities charge for LiDAR data; and
- commented on a Wasilla Chamber meeting in which Superintendent Promo spoke.

Assemblymember Halter:

- spoke in support of the Borough utilizing the road service area boards;
- further added that staff needs to pay more attention to the road service area boards; and
- thanked Mr. Holmes for coming from Willow to attend the meeting.

Assemblymember Woods encouraged attendance at the Mat-Su Business Alliance meetings.


Assemblymember Arvin thanked members of the public for attending the meeting considering the unfavorable road conditions.

Mayor DeVilbiss:

- reported that he requested that the Board of Supervisors from each road service area submit reports on roads in their area that are not being maintained; and
- commented on taxation in road service areas.

**XV. ADJOURNMENT**

The regular meeting adjourned at 10:19 p.m.

  
\_\_\_\_\_  
LARRY DeVILBISS, Borough Mayor

ATTEST:

  
\_\_\_\_\_  
LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 03/06/12