

I. CALL TO ORDER

The special meeting of the Matanuska-Susitna Borough Assembly was held on February 22, 2011, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The special meeting was called to order at 6 p.m. by Mayor Larry DeVilbiss for the purpose of discussing tall structures, road bonds, State legislation, and the veto of Resolution Serial No. 11-023.

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. Ron Arvin, Assembly District No. 3
- Mr. Mark Ewing, Assembly District No. 4
- Ms. Cindy Bettine, Assembly District No. 5 (*via teleconference*)
- Mr. Jim Colver, Assembly District No. 6 (*via teleconference at 6:05p.m.*) (*arrived in-person at 6:19 p.m.*)
- Mr. Vern Halter, Assembly District No. 7

Staff in attendance were:

- Ms. Cheryl Marino, Borough Deputy Clerk
- Ms. Christine Nelson, Acting Borough Manager
- Mr. Nicholas Spiropoulos, Borough Attorney
- Ms. Joell Church, Records Management Officer
- Mr. Alex Strawn, Planner II

III. APPROVAL OF AGENDA

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

Assemblymember Ewing:

- spoke to the Committee of the Whole portion of the agenda noting that the meeting was originally scheduled as a work session;
- noted that the meeting was to include testimony by the Towers Working Group; and
- requested that the Towers Working Group be allowed to provide testimony.

Ms. Marino:

- spoke to the Committee of the Whole portion of the agenda; and
- noted that it had been previously decided by the Assembly that the Towers Working Group be able to provide testimony during the meeting.

Discussion ensued regarding:

- the format of the meeting;
- whether the Knik Arm Bridge and Toll Authority (KABATA) would be discussed; and
- the need for the Assembly to postpone taking any action on KABATA until March 15, 2011, to allow KABATA to provide a presentation to the Assembly.

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. John Klapperich, a member of the audience.

V. ITEMS OF BUSINESS

A. COMMITTEE OF THE WHOLE

1. TALL STRUCTURES LEGISLATION UPDATE
2. ROAD BONDS
3. STATE LEGISLATION

MOTION: Assemblymember Arvin moved to enter into the Committee of the Whole.

VOTE: The motion passed without objection and the Assembly entered into the Committee of the Whole at 6:09 p.m.

During the Committee of the Whole the Assembly discussed:

- the tall structures legislation, which included members of the committee;
- road bonds legislation; and
- State legislation.

(The meeting recessed at 7:55 p.m. and reconvened at 8:03 p.m.)

(The following discussion regarding conflict of interest took place during the Committee of the Whole.)

Mayor DeVilbiss:

- spoke to tall structures potential conflicts of interest;
- noted that anyone having a tower on their land and/or is employed by a company that places towers on land may have a conflict of interest; and
- commented that Assemblymember Ewing and Mr. Rod Ewing are employed by the Matanuska Telephone Association (MTA).

Assemblymember Ewing:

- stated that MTA is a company that has subsidiaries;
- noted that he is employed by MTA Coop;

- opined that his job would be secure even if MTA wireless was to go out of business tomorrow;
- stated that he has nothing to gain or lose;
- commented that he resides within the city of Wasilla boundaries;
- stated that he has a tower on his land that is leased to Dobson Communications Corporation;
- noted that the tower on his land is regulated by the city of Wasilla; and
- opined that he does not have a conflict of interest.

Mayor DeVilbiss:

- noted that there is a tower on his land as well; and
- commented that he has a 100 foot tall building on his land.

RULING: Mayor DeVilbiss ruled that Assemblymember Ewing did not have a conflict of interest regarding the tall structures legislation.

RULING: Assemblymember Arvin ruled that Mayor DeVilbiss did not have a conflict of interest regarding the tall structures legislation.

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

VOTE: The motion passed without objection.

MOTION: Assemblymember Arvin moved to suspend the rules and extend the meeting past 10:15 p.m. and not to exceed 10:25 p.m.

VOTE: The motion passed without objection.

MOTION: Assemblymember Keogh moved to exit the Committee of the Whole.

VOTE: The motion passed without objection and the Assembly exited the Committee of the Whole at 10:18 p.m.

VI. OTHER ITEMS OF BUSINESS

A. VETO (*Motion to override the Mayoral veto of Resolution Serial No. 11-023, which was adopted by the Assembly on February 15, 2011.*)

1. Resolution Serial No. 11-023: A RESOLUTION IDENTIFYING ISSUES OF CONCERN AND OPPOSING THE EXPANSION OF EXISTING MILITARY OPERATING AREAS WITHIN THE MATANUSKA-SUSITNA BOROUGH BOUNDARIES, AND THE PAXSON MOA. (*Sponsored by Assemblymember Keogh*)

a. IM No. 11-038

MOTION: Assemblymember Keogh moved to override the mayoral veto of Resolution Serial No. 11-023.

Assemblymember Keogh:

- spoke to the history of the legislation;
- noted that the Assembly's choices were to either override the veto sending a strong statement that identified the issues and took an opposing position to all aspects of the Fox military operating area or to send a muted statement of concern identifying the issues that the military is going to address in the Environmental Impact Statement (EIS) process;
- stated that the military has extended the deadline for the comment period to March 4, 2011;
- spoke to the outcome of the proposed military operating area expansion in the mid 1990's where the military contracted the proposed airspace expansion by approximately 2000 miles and raised the minimum flight level from the proposed 3000 feet minimum to 5000 feet;
- opined that he felt he did not receive clear answers from the military on the questions he had;
- spoke to concerns regarding the United States Army and Air Force again proposing to expand the airspace area and lower the flight level after the same proposal did not happen in the mid 1990's;
- commented that there is nothing prohibiting the Assembly from having a strong statement in the EIS process;
- spoke to concerns with the new legislation having muted statements that do not speak in opposition to the proposed expansion; and
- spoke to the previous input he had received from the Assembly.

MOTION: Assemblymember Keogh moved to suspend the rules to extend the meeting past 10:25 p.m. and not to exceed 10:35 p.m.

VOTE: The motion passed without objection.

Assemblymember Halter:

- noted that there were differing Assembly comments regarding the legislation at the present meeting versus the previous meeting;
- spoke to the tone of Resolution Serial No. 11-023;
- spoke in opposition to overriding the Mayoral veto.

Discussion ensued regarding:

- the no action alternative language being too strong;
- the federal government's footprint in the State being too large;
- the public scoping process;
- the need to have Assembly concerns addressed within the EIS;
- the path the Assembly needs to take if their concerns are not addressed within the EIS;
- the need for the legislation to express the public's concerns; and
- the comment period being fast tracked.

MOTION: Assemblymember Ewing moved to suspend the rules and extend the meeting past 10:35 p.m. and not to exceed 10:45 p.m.

VOTE: The motion to extend the meeting passed without objection.

Assemblymember Ewing:

- opined that he believes the Assembly can find a middle ground and send a strong message in the legislation without saying go away;
- commented that throughout the years there have been threats of military base closures throughout the State;
- spoke in opposition to lowering the flight minimum to 500 feet;
- stated that he is not in favor of ruining the hunting grounds; and
- spoke in opposition to overriding the Mayoral veto of Resolution Serial No. 11-023.

VOTE: The motion to override the Mayoral veto of Resolution Serial No. 11-023 failed with Assemblymembers Keogh, Bettine, and Colver in support.

VII. AUDIENCE PARTICIPATION

The following person spoke in appreciation of the Assembly's volunteerism in the community: Ms. Karel Lawalter.

VIII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Assemblymember Ewing:

- thanked Ms. Karel Lawalter for attending the meeting; and
- noted that he had the pleasure of working with Ms. Lawalter's father in 1969.

Mr. Spiropoulos reminded the Assembly to forward any questions they have regarding the upcoming Manager interviews to the Clerk.

Assemblymember Arvin:

- noted that he may not be present at the February 26, 2011, special meeting;
- commented that he will attending the February 25, 2011, social reception with the candidates for Manager and the Assembly; and
- requested that he be added to the February 26, 2011, one-on-one interview schedule, as there is a possibility that he could attend.

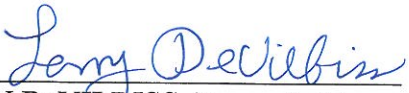
Mayor DeVilbiss:

- noted that he would be forming a new naming committee for the Point MacKenzie fire hall;
- commented that he would like Assemblymember Bettine to serve on the committee; and
- noted that he will be appointing five members to the naming committee.

Ms. Marino spoke to the upcoming meeting schedule.

IX. ADJOURNMENT

The meeting adjourned at 10:40 p.m.



LARRY DeVILBISS, Borough Mayor

ATTEST:



LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 04/05/11