

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on March 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. Nicholas Spiropoulos, Borough Attorney
Ms. Brenda J. Henry, Assistant Clerk
Ms. Tammy Clayton, Finance Director
Ms. Shaune O'Neil, Public Works Director
Mr. Eric Phillips, Community Development Director
Ms. Lauren Driscoll, Planning Chief
Mr. Raymond Nix, Resource Specialist
Ms. Glenda Smith, Real Property Analyst

III. APPROVAL OF AGENDA

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

Assemblymember Halter requested to take up unfinished business immediately following audience participation.

Mayor DeVilbiss queried if there was any objection.

There was no objection noted

Assemblymember Colver requested to pull AM No. 13-041 from the consent agenda for further discussion.

Assemblymember Keogh requested to pulled Resolution Serial No. 13-042 from the consent agenda for further discussion.

Mayor DeVilbiss queried if there were any other changes to the agenda.

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. John Owen, Palmer City Public Safety Director.

V. MINUTES OF PRECEDING MEETINGS

A. Regular Assembly Meeting: 03/05/13

Mayor DeVilbiss inquired if there were any corrections to the regular meeting minutes of March 5, 2013.

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Palmer City

Mr. John Owen, Public Safety Director:

- related that the City will be hosting Governor Parnell and his wife for the Choose Respect Rally on March 28, 2013;
- invited the body to attend the rally;
- thanked the Assembly for Resolution Serial No. 13-040; and
- stated that the City's Fire Chief, John McNutt, is being deployed with the National Guard to active duty in the middle east and will be returning in seven months.

2. Matanuska-Susitna Borough School District

Dr. Deena Paramo, Superintendent:

- spoke to the last work session on the School District budget;
- related that a resolution regarding the budget will be coming soon;
- stated that it will include 14 full time equivalent staff reductions;
- spoke to the many bills before the Legislature that will assist the School District with funding;
- advised that the School District will be requesting a three percent increase in their budget request;

- stated that the goal of the School District is to be funded somewhere in between what Fairbanks and Anchorage are;
 - noted that the School District has been working with Administration regarding school bonds;
 - spoke to the approval for new school roofs;
 - noted the many school events coming up, such as prom;
 - advised that there will be approximately 1,100 students graduating in May; and
 - thanked the body for the opportunity to work with them.
3. Update on Wasilla Senior Center, Inc.

Mr. James Vrooman and Ms. Jane Soeten provided an update regarding the Wasilla Senior Center, Inc.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

(There was no report provided.)

2. Assembly Public Relations

Assemblymember Keogh:

- spoke to the ribbon cutting ceremony at Mat-Su College that he and Assemblymember Woods attended;
- related it was regarding the expansion at Snodgrass Hall;
- noted that the expansion supports a new associate degree paramedic program, as well as providing room for 16 rather than 8 nursing students; and
- spoke to the importance of this type of education.

Assemblymember Halter:

- noted that the new draft management agreement for the Susitna Valley wood boiler project has been approved by the School District; and
- stated that he is hopeful that it will be signed quickly.

C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues

Mr. Moosey:

- noted that the Legislature is still working through the oil bill;
- stated that the lobbyist is working diligently on Borough interests; and
- related that there is an Alaska Stand Alone Pipeline public hearing in Trapper Creek on March 26, 2013.

D. ATTORNEY COMMENTS

(There was no report provided.)

E. CLERK COMMENTS

Ms. McKechnie:

- stated that the budget work session scheduled for April 25, 2013, was originally scheduled for 4 p.m.;
- related that the School District board room is occupied until that time;
- stated that the budget public hearing scheduled for April 30, 2013, was scheduled to take place at Central Mat-Su Public Safety building;
- related that Emergency Medical Services is having mandatory training on that day; and
- queried if changing the meeting time to 5 p.m. for April 25, 2013, and to changing the location to the School District Administration building for April 30, 2013, would work for the Assembly.

Assemblymember Salmon stated that he would like one of the budget public hearings to be in Wasilla.

Ms. McKechnie advised that she would look into the availability of Mat-Su Central Fire Department for May 2, 2013.

Mayor DeVilbiss queried if there was any objection.

There was no objection noted.

Ms. McKechnie:

- noted that there is an interim evaluation for the Borough Manager scheduled for April 16;
- advised that the annual evaluation is due in May; and
- queried if the body wanted to conduct the Manager's annual evaluation in April.

The Assembly requested that the April interim evaluation of the Manager still occur and to bring back a date for the May annual evaluation.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Local Road Service Area Board of Supervisors: 10/09/12
- b. Parks, Recreation, and Trails Advisory Board: 11/26/12, Resolution Serial No. 12-06,

2. Community Council Minutes:

- a. Chickaloon Community Council: 08/08/12, 11/14/12, 12/12/12
- b. Knik-Fairview Community Council: 01/18/12, 02/15/12, 03/14/12, 04/18/12, 05/16/12, 06/20/12, 07/18/12, 08/15/12, 10/17/12, Resolution (x2)

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

G. INFORMATIONAL MEMORANDUMS

(There were no informational memorandums presented.)

VIII. VETO

(There were no vetoes presented.)

IX. SPECIAL ORDERS

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. 13-035: AN ORDINANCE AUTHORIZING A PIPELINE EASEMENT ACROSS BOROUGH-OWNED REAL PROPERTY FROM THE SHIP DOCK TO CENTRAL ALASKA ENERGY, LLC, LEASEHOLD FOR TANK FARM AND TRUCK RACK OPERATIONS (MSB006551P).
- a. Ordinance Serial No. 13-036: AN ORDINANCE AUTHORIZING AMENDMENT NO. 1 TO THE FAIR MARKET VALUE LEASE OF BOROUGH-OWNED REAL PROPERTY TO CENTRAL ALASKA ENERGY, LLC, FOR TANK FARM AND TRUCK RACK OPERATIONS (MSB006551).
- (1) IM No. 13-028
- (2) IM No. 13-029

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 Salmon moved to adopt Ordinance Serial Nos. 13-035 and 13-036.

VOTE: The motion passed without objection.

2. Ordinance Serial No. 13-037: AN ORDINANCE APPROVING A SPECIAL MANAGEMENT ZONE BE DESIGNATED WITHIN THE OPERABLE FOREST LAND IN THE PARKS HIGHWAY AND RABIDEUX CREEK NATURAL RESOURCE MANAGEMENT UNITS FOR THE PURPOSE OF A FOREST EDUCATION AND IMPROVEMENT STUDY AREA, AND TO SUPPLY WOOD FOR THE SUSITNA VALLEY HIGH SCHOOL CORD-WOOD FIRED HEAT SYSTEM, AND TO ENSURE HEALTHY FOREST MANAGEMENT PRACTICES

ARE FOLLOWED AS PRESCRIBED IN THE NATURAL RESOURCES
MANAGEMENT UNITS PLAN (MSB006743).

a. IM No. 13-070

Mayor DeVilbiss opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 13-037: Mr. Arthur Mannix; Mr. Chris Love, District Manager for Upper Susitna Soil and Water Conservation District; Mr. Cary Birdsall, Talkeetna Community Council Chair; and Mr. David Krompacky.

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. 13-037.

Assemblymember Halter:

- opined that this is a good project for the community;
- related that the community is very supportive of the project;
- requested support of the legislation; and
- noted his pride in the project.

Assemblymember Colver spoke in support of the project.

Mayor DeVilbiss queried if the project is impacted by any deadlines.

Mr. Moosey stated that it is not, and that he is moving diligently forward to ensure the project is completed correctly.

Assemblymember Halter noted his appreciation of Mr. Mannix's work on the project.

VOTE: The motion passed without objection.

(The meeting recessed at 6:40 p.m. and reconvened at 6:50 p.m.)

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following persons spoke in opposition to Resolution Serial No. 13-042: Mr. Bish Buckle, Mr. Chris Dotur, Mr. William Bruu, Mr. Gregory Nielson, and Ms. Patricia Rosnel.

The following persons spoke to concerns with the proposed density levels for multi-family development and to concerns with the possible relocation of felony flats: Mr. Darwin Fisher and Mr. Hermann Spegel.

The following person spoke in support of affordable housing in the Borough and to concerns with Ordinance Serial No. 12-169: Mr. B.H. Tilton.

The following person spoke in support of Resolution Serial No. 13-042: Mr. Steve Renner.

The following person spoke to the excellent customer service that he received from the Permitting Center, to concerns with Ordinance Serial No. 12-169, and in support of Resolution Serial No. 13-042: Mr. Butch Moore.

The following person spoke to concerns with Resolution Serial No. 13-042: Ms. Krista Maciolek.

The following person spoke to overall concerns with the Borough: Mr. Neil Snider.

VII. UNFINISHED BUSINESS

A. Ordinance Serial No. 12-169: AN ORDINANCE AMENDING MSB 17.73, MULTIFAMILY DEVELOPMENT DESIGN STANDARDS, AND MSB 17.125.010, DEFINITIONS. *(Sponsored by Assemblymembers Halter and Salmon)*

1. IM No. 12-258

MOTION PENDING: Assemblymember Halter moved to adopt Ordinance Serial No. 12-169.

Assemblymember Halter:

- spoke to the amendments that have been made to the legislation;
- opined that the legislation is pro development;
- spoke to concerns with the location known as felony flats;
- stated that he is opposed to any changes to the density levels, as it would nullify the ordinance; and
- requested support of the legislation as it is currently written.

Assemblymember Salmon:

- stated that if the density levels are at 5, it would suggest that you cannot put a 6-plex on a one acre lot;
- spoke to concerns with restricting individual property owner rights;
- noted that he is in support of quality affordable housing; and
- stated that he is pleased with the work that was done by the Planning Commission.

MOTION: Assemblymember Salmon moved a primary amendment to Ordinance Serial No. 12-169, MSB 17.73.040(A) as follows:

- (A) by striking the words “determined using either of the two equations listed below;”
- (A)(1) by striking the number “five” and inserting in its place “twelve;”
- by striking (A)(1)(a) and (A)(1)(a)(i) in their entirety; and
- by striking (A)(2) in its entirety.
- To read: “(A) A density threshold is used by this chapter to determine if the chapter applies. The density threshold is:

- (1) residential development constructed at a density equal to or greater than 12 dwelling units per 40,000 square feet of lot area.”

Assemblymember Salmon:

- stated that the amendment would suggest that there could be two six-plexes on a 40,000 square foot lot or four six-plexes on an 80,000 square foot lot;
- opined that it is a profound misuse of government power to restrict private property owner rights;
- reiterated that this is in regard to quality affordable housing;
- noted that quality housing would include septic and other necessary utilities;
- stated that it does not refer to primitive or substandard housing and if anyone believes that, they are mistaken; and
- requested that Ms. Driscoll speak to the fact that the ordinance does not allow housing such as what is located at felony flats.

Ms. Driscoll:

- noted that 17.73 in its current state, could address a felony flats scenario;
- related that she cannot speak to why the felony flats area had not been addressed yet;
- stated that some people believe it was grandfathered in and others believe that the Borough has just ignored it;
- advised that the Attorney’s office, as well as the Planning Department, believe that enforcement of the ordinance in that type of a situation would not be a problem; and
- stated that the amendments speak to development and have been discussed by the Planning Commission.

Discussion ensued regarding:

- what density levels would trigger the need for a permit;
- that the ordinance exempts vacation cabins, bed and breakfasts’, and seasonally occupied structures;
- that the permitting process has been streamlined; and
- the opinion that the density should be low in order to see how it will work.

MOTION: Assemblymember Halter moved a secondary amendment to strike “12” and inserting in its place “6.”

Assemblymember Salmon:

- noted that six-plexes are what is typically constructed for multifamily development;
- noted that 4-plexes are considered single family development;
- related that no one builds 5-plexes.

Assemblymember Halter:

- opined that a 6-plex could still be built, but that it would trigger the need for a permit;
- stated that he does not believe that the permitting process is that onerous; and
- noted that he could be in favor of a density level of six.

VOTE: The secondary amendment passed without objection.

Assemblymember Colver spoke to concerns with the ordinance not preventing development such as felony flats.

Assemblymember Colligan:

- noted that there is a joint meeting with the Planning Commission on March 26, 2013;
- stated that he would like to postpone the legislation to that date in order to discuss the density issue with the Planning Commission; and
- related that he would like more time to review the legislation.

Discussion ensued regarding whether or not to postpone the legislation.

MOTION: Assemblymember Colligan moved to postpone Ordinance Serial No. 12-169 to a time certain of March 26, 2013.

Assemblymember Salmon spoke in opposition to postponement.

Assemblymember Halter noted that he does not have a problem with postponement.

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

D. CONSENT AGENDA

1. RESOLUTIONS

- a. Resolution Serial No. 13-038: A RESOLUTION APPROVING THE PENDING FINANCIAL RESPONSIBILITY FOR THE M/V SUSITNA FOR APRIL 2013.
(1) IM No. 13-060
- b. Resolution Serial No. 13-039: A RESOLUTION AMENDING THE SCOPE OF WORK FOR THE SCHOOL ROOF REPLACEMENT PROJECT, PROJECT NO. 40177.
(1) IM No. 13-072
- c. Resolution Serial No. 13-040: A RESOLUTION SUPPORTING THE CITY OF PALMER'S EFFORTS TO DEVELOP THE MAT-MAID BLOCK. *(Sponsored by Assemblymember Woods)*
(1) IM No. 13-073
- d. Resolution Serial No. 13-041: A RESOLUTION AMENDING THE SCOPE OF WORK FOR PROJECT NO. 10057, RENOVATE BATHROOMS AND STORAGE AREA, TO ALLOW FOR THE RENOVATION OF THE PUBLIC WORKS AREA.
(1) IM No. 13-077

- f. Resolution Serial No. 13-043: A RESOLUTION SUPPORTING STATE DESIGNATION OF LAND IN THE MATANUSKA RIVER WATERSHED AS A STATE SPECIAL MANAGEMENT AREA AND FOR THE STATE TO PROVIDE FUNDING TO THE ALASKA STATE DEPARTMENT OF NATURAL RESOURCES TO DEVELOP A PLAN TO ADDRESS ACCESS, RECREATION, EROSION, AIR QUALITY, AND FISH HABITAT. *(Sponsored by Mayor DeVilbiss)*
(1) IM No. 13-080
- g. Resolution Serial No. 13-044: A RESOLUTION IN SUPPORT OF HOUSE BILL 152, REPEALING THE REQUIREMENT THAT CERTAIN EMPLOYERS IN THE PUBLIC EMPLOYEES RETIREMENT SYSTEM PAY FOR A TERMINATION COST STUDY AND ALSO REPEAL THE REQUIREMENT TO MAKE CONTRIBUTIONS RELATED TO PAST SERVICE LIABILITY IF TERMINATING PARTICIPATION IN THE DEFINED CONTRIBUTION RETIREMENT PLAN. *(Sponsored by Mayor DeVilbiss)*
(1) IM No. 13-081
2. ACTION MEMORANDUMS
- a. AM No. 13-036: AWARD OF BID NO. 13-086B TO NORTHSTAR ELECTRIC COMPANY IN THE CONTRACT AMOUNT OF \$325,963 FOR FIRE ALARM SYSTEM UPGRADES AT THREE SCHOOLS.
- b. AM No. 13-037: AWARD OF PROPOSAL NO. 13-048P TO PDC, INC. IN AN AMOUNT NOT TO EXCEED \$605,174 FOR PALMER HIGH SCHOOL DESIGN AND CONSTRUCTION MANAGEMENT.
- c. AM No. 13-038: AWARD OF BID NO. 13-072B TO F-E CONTRACTING, INC. IN THE AMOUNT OF \$1,752,000 FOR ACADEMY CHARTER SCHOOL CLASSROOM EXPANSION PHASE III DESIGN BUILD.
- d. AM No. 13-039: AWARD OF PROPOSAL NO. 13-071P TO HATTENBURG DILLEY AND LINNELL IN AN AMOUNT NOT TO EXCEED \$916,905 FOR SULLIVAN AVENUE AND CAUDILL ROAD IMPROVEMENT DESIGN AND PAVED PATHWAY FROM PLUMLEY ROAD TO KNIK RIVER BRIDGE.
- e. AM No. 13-040: AWARD OF PROPOSAL NO. 13-084P TO HATTENBURG DILLEY AND LINNELL IN AN AMOUNT NOT TO EXCEED \$1,932,582 FOR SELDON AND LUCILLE STREET UPGRADES DESIGN.
- g. AM No. 13-043: AWARD OF PROPOSAL NO. 13-073P TO HDR ALASKA, INC. IN THE CONTRACT AMOUNT NOT TO EXCEED \$285,394.20 FOR SOUTH BIG LAKE ROAD REALIGNMENT DESIGN.

- h. AM No. 13-044: APPROVE CONTRACT AMENDMENT TO SHEARER DESIGN, LLC. IN THE AMOUNT OF \$198,498 FOR CONSTRUCTION ADMINISTRATION, INSPECTION, TESTING, SUBMITTAL AND SHOP DRAWING REVIEW, AND DRAWING INTERPRETATION FOR A REPLACEMENT BRIDGE AT SULLIVAN AVENUE OVER BODENBURG CREEK.

Ms. McKechnie read the above legislation into the record.

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

VOTE: The motion passed without objection.

- e. Resolution Serial No. 13-042: A RESOLUTION EXCUSING ASSEMBLYMEMBER RON ARVIN FROM PHYSICAL PRESENCE FOR MORE THAN 90 CONSECUTIVE CALENDAR DAYS. (*Sponsored by Mayor DeVilbiss*)

(1) IM No. 13-079

MOTION: Assemblymember Keogh moved to adopt Resolution Serial No. 13-042.

Assemblymember Keogh:

- spoke to how Borough code addresses assembly member absences;
- opined that the resolution contains a lot of elaborate falderal and has no bearing on the question before the body;
- stated that the resolution suggests that questioning the 90 day absence is not valid because the question is too late in coming;
- noted that the resolution further suggests that absences, no matter how long or for what reason, are ultimately excused;
- spoke to concerns with following the reasoning of the legislation;
- opined that due to Assemblymember Arvin's absence, he has not fulfilled the duties of Deputy Mayor;
- related that his comments are not intended to be personal; and
- opined that the seat should be declared vacant and that code should be followed.

(The meeting recessed at 8 p.m. and reconvened at 8:05 p.m.)

Assemblymember Halter requested that the Attorney summarize the content of the legal opinion that was given regarding this issue.

Mr. Spiropoulos stated that in essence, the legal opinion says that it is up to the Assembly if they want to excuse the absence.

Assemblymember Colver:

- noted that far too often there has been a divisive issue that has disrupted the decorum of the body;
- spoke to the ways that technology has changed over the years;

- opined that the body was not aware of the portion of code addressing absences;
- further opined that now that the body is aware of the need to declare absences, that it would be a problem if they did not;
- spoke to the ways that members have conveyed their absences over the years;
- opined that to terminate the seat at this time is wrong;
- stated that he would prefer to have Assemblymember Arvin present;
- spoke to concerns with the decorum of the body; and
- noted that he understands that people are upset over different issues.

Discussion ensued regarding:

- that code needs to be updated now that there is new technology;
- that the code concerning Assembly absences was from the 1923 Territorial Legislature;
- the opinion that Assemblymember Arvin has worked hard for his constituents;
- the need to focus on the budget and other more important things that impact the Borough; and
- that the legal opinion provides a way to correct the issue.

VOTE: The motion passed with Assemblymember Keogh opposed.

[Clerk's note: Assemblymember Arvin was recused from voting.]

- f. AM No. 13-041: AWARD OF PROPOSAL NO. 13-093P TO THE BOUTET COMPANY IN AN AMOUNT NOT TO EXCEED \$3,290,000 FOR CONSTRUCTION MANAGEMENT SERVICES FOR ROAD BOND PROJECTS.

MOTION: Assemblymember Colver moved to adopt AM No. 13-041.

Assemblymember Colver:

- spoke to his support of awarding this bid;
- noted that he appreciates the hard work of Mr. Perkins; and
- related that he had an amendment.

MOTION: Assemblymember Colver moved a primary amendment to AM No. 13-041, to appropriate the amount of \$1,750,000 and to bring back before the Assembly at a later date, the remaining appropriation for two years, which would include a progress report on the results of the work for quality assurance.

Assemblymember Colver:

- advised that the intent is that the contract award will be for three years, with two appropriations;
- stated that he would like the contract to come back before the Assembly so that quality assurance can be reviewed;
- noted that the Borough has not had one firm to oversee several projects at once;
- related that he wants to ensure that the process will work;

- opined that this would assist in keeping the Assembly up-to-date on the projects; and
- requested support of the amendment.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

X. NEW BUSINESS

A. INTRODUCTIONS (For public hearing – 04/02/13, School District Administration Building)

1. Ordinance Serial No. 13-039: AN ORDINANCE APPROPRIATING \$14,890,847 TO FUND 400, SCHOOL PROJECTS, FOR THE ACQUISITION, CONSTRUCTION, AND INSTALLATION OF SCHOOL AND RELATED CAPITAL IMPROVEMENTS WITHIN THE BOROUGH AND \$227,667 TO FUND 400 FOR RELATED ISSUANCE COSTS AND APPROPRIATING \$389,153 TO THE SCHOOL SITE ACQUISITION RESERVE, FUND 100, FROM THE PROCEEDS OF THE 2013 SERIES “A” GENERAL OBLIGATION BONDS.
 - a. IM No. 13-068

2. Ordinance Serial No. 13-040: AN ORDINANCE ACCEPTING AND APPROPRIATING \$36,450 FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE AND \$12,150 FROM A BOROUGH RESIDENT TO FUND 475, PROJECT NO. 20386, FOR THE EXPENSES ASSOCIATED WITH THE RELOCATION OF A HOME IN IMMINENT DANGER BY STREAMBANK EROSION.
 - a. IM No. 13-074

3. Ordinance Serial No. 13-041: AN ORDINANCE APPROVING AN APPROPRIATION OF \$40,000 FROM THE WEST LAKES FIRE SERVICE AREA FUND BALANCE, FUND 249, TO FUND 405, PROJECT NO. 45102, TO ALLOW FOR THE PURCHASE OF BACKUP AND REPLACEMENT GENERATORS FOR THE WEST LAKES FIRE SERVICE AREA.
 - a. Resolution Serial No. 13-045: A RESOLUTION AMENDING THE BUDGET FOR PROJECT NO. 45102 TO PURCHASE BACKUP AND REPLACEMENT GENERATORS.
 - (1) IM No. 13-075

4. Ordinance Serial No. 13-042: AN ORDINANCE REMOVING THE STATE-OWNED TIDELANDS FROM THE PORT DISTRICT, MSB 18.02.
 - a. Ordinance Serial No. 13-043: AN ORDINANCE CORRECTING MSB 17.23, THE PORT SPECIAL USE DISTRICT ZONE LEGAL DESCRIPTIONS.

- b. Ordinance Serial No. 13-044: AN ORDINANCE AMENDING MSB 5.25.094(A) TO EXPAND SERVICE AREA NO. 69, THE PORT MACKENZIE SERVICE AREA TO INCLUDE ALL LAND IN THE PORT DISTRICT.
 - (1) IM No. 13-076

- 5. Ordinance Serial No. 13-045: AN ORDINANCE AUTHORIZING AMENDMENT OF SECTION THREE OF THE CURRENT LEASE BY AND BETWEEN THE MATANUSKA-SUSITNA BOROUGH AND ALUTIIQ MANUFACTURING CONTRACTORS, LLC. (MSB002946).
 - a. IM No. 13-078

- 6. Ordinance Serial No. 13-046: AN ORDINANCE REAPPROPRIATING \$195,000 FROM FUND 480, PROJECT NO. 47507, PROJECT MANAGEMENT SYSTEMS, TO FUND 435, PROJECT NO. 10063, DOROTHY SWANDA JONES ADMINISTRATION BUILDING ANNEX AND FURNISHINGS, FIXTURES, AND EQUIPMENT.
 - a. Resolution Serial No. 13-046: A RESOLUTION AMENDING THE SCOPES OF WORK AND BUDGETS FOR PROJECTS NOS. 47507 AND 10063, TO SUPPLEMENT THE FUNDING FOR DOROTHY SWANDA JONES ADMINISTRATION BUILDING ANNEX AND FOR FURNISHINGS, FIXTURES, AND EQUIPMENT.
 - (1) IM No. 13-082

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 April 2, 2013.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor DeVilbiss requested the following confirmations:

Health and Social Services Board
William Tull
Historical Preservation Commission
Bethany Buckingham-Follett
Labor Relations Board
Asbury "Butch" Moore
Gregory Pugh
Greater Butte RSA No. 26
Lucy Klebesadel

Mayor DeVilbiss made the following recommendations:

Board of Equalization
Annemarie Weiland
Edna DeVries
Labor Relations Board
Robert Doyle

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

Mayor DeVilbiss:

- related that just this afternoon, he discovered that Mr. Tull, who is up for confirmation this evening, does not live within the Districts as prescribed by Borough Code; and
- queried if code does say "as feasible" when filling the Health and Social Services Board.

Mr. Spiropoulos advised that the portion of code that speaks to the Health and Social Services Board does include the language that says "as feasible," which means that it is up to the Assembly to confirm Mr. Tull or not out of Assembly District.

Assemblymember Keogh spoke in support of Mr. Tull's confirmation.

VOTE: The motion passed without objection.

C. OTHER NEW BUSINESS

(There was no other new business.)

D. 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

Ms. McKechnie:

- advised that she will not be present for the March 26, 2013, joint Assembly/Planning Commission meeting, as she will be at bond closing; and
- stated that Ms. Newman will be in her place.

Mr. Moosey:

- noted that Ordinance Serial No. 13-040, which is up for public hearing on April 2, 2013, is to assist a homeowner whose home is in danger of falling into Willow Creek;
- stated that due to concerns with spring flooding, that he intends to move forward with assisting the homeowner, prior to the public hearing;
- related the ability to proceed is within the powers delegated to him by the Assembly; and
- stated that time is of the essence and that is why he intends to move forward before the public hearing.

Assemblymember Halter:

- spoke to an email he received from the homeowner on Willow Creek;
- related that he was under the impression that the home was not moveable; and
- stated that he would like to be sure one way or the other.

Assemblymember Colligan:

- spoke to the way technology impacts meetings;
- queried if it is necessary to update code regarding the attendance of meetings; and
- requested the Attorney look into that.

Mr. Spiropoulos:

- advised that attending telephonically is already permitted by State law; and
- stated that he is not sure if anything would need to be done, but could if the body chooses to do so.

Assemblymember Keogh:

- spoke to his surprise to read in the Frontiersman of a proclamation from the Borough; and
- requested that the Mayor keep in mind that these are mayoral proclamations and not Borough proclamations.

Assemblymember Colver:

- noted that the Northern Lights have been very active lately;
- spoke to enjoying the spring sunshine;
- related that the Emergency Services (EMS) Department Awards Banquet is March 26, 2013;
- stated that he is disappointed that he will be unable to attend; and
- spoke to concerns with the Seward-Meridian Road project being delayed.

Mr. Moosey:

- advised that the project is not delayed;
- spoke to other issues that required attention, such as the Big Lake Road reconstruction project; and
- stated that he understands how important corridors are.

Assemblymember Colver:

- spoke to the increase of school traffic and to the need for more infrastructure in the Seward-Meridian area;

- noted that transportation funding is being cut by five percent due to the sequester;
- opined that the Highway Trust Fund is unsustainable, as there were no changes to how the revenue is derived when it was reauthorized;
- provided a history of the funding for the Highway Trust Fund;
- spoke to the Panama Canal being enlarged and how it will impact harbors around the world;
- related that the MSB Fish and Wildlife Commission members are at the State Fisheries meeting;
- spoke to the possible funding to rehabilitate fish runs in the Borough; and
- thanked the body for a good meeting.

Assemblymember Salmon:

- stated that he is also disappointed to have to miss the EMS awards banquet;
- related that today is the 16th anniversary of the accident that nearly took his life;
- spoke to his immense appreciation of EMS responders;
- related a story that he heard 20 years ago that spoke to the way that electronics would change human interaction and communication;
- spoke to his desire to protect personal property rights; and
- apologized for arriving late to the meeting during the last break.

Assemblymember Arvin:

- spoke to his dismay with the public testimony regarding Resolution Serial No. 13-042;
- apologized to the body that it was necessary to endure the conflict regarding his absence;
- noted that politics are often contrary;
- spoke to his history of working to assist others with improving their lives;
- related that his contract is up on March 31 and he will be back in Alaska; and
- thanked the body for adopting the resolution.

Mayor DeVilbiss:


- spoke to his history of attending meetings telephonically;
- opined that code needs to be updated in order to eliminate confusion;
- stated that the essence of a meeting requires physical presence;
- noted that many things can be accomplished online without being physically present, such as obtaining a degree;
- spoke to a book he read, “Jack Dalton: The Alaska Path Finder;”
- provided a summary of the book;
- noted that he was very impressed with Mr. Dalton’s accomplishments;
- related that he recently snowmachined on the Jack Dalton Trail;
- stated that there is a certificate of need regarding Providence Hospital coming to the Borough; and
- opined that the free market should establish those needs, rather than politicians.

XIII. EXECUTIVE SESSION

(There was no executive session held.)

XIV. ADJOURNMENT

The regular meeting adjourned at 9:15 p.m.



LARRY DeVILBISS, Borough Mayor

ATTEST:



LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 04/02/13