I. CALL TO ORDER

The special meeting of the Matanuska-Susitna Borough Assembly was held on March 29, 2011, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The special meeting was called to order at 5:05 p.m. by Mayor Larry DeVilbiss for the purpose of discussing AM Nos. 11-013 and 11-016.

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 *(via teleconference at 5:07 p.m.)*
Mr. Mark Ewing, Assembly District No. 4 *(arrived at 5:15 p.m.)*
Ms. Cindy Bettine, Assembly District No. 5
Mr. Jim Colver, Assembly District No. 6

Assemblymembers absent and excused:

Mr. Vern Halter, Assembly District No. 7

Staff in attendance were:

Ms. Lonnie McKechnie, CMC, Borough Clerk
Ms. Cheryl Marino, Deputy Borough Clerk
Ms. Christine Nelson, Planning and Land Use Director
Mr. John Aschenbrenner, Borough Deputy Attorney
Ms. Patty Sullivan, Public Affairs Director
Mr. Dennis Brodigan, Emergency Services Director
Ms. Tammy Clayton, Finance Director

III. APPROVAL OF AGENDA

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

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ms. Patty Rosnel, a member of the public.

V. UNFINISHED BUSINESS

A. AM No. 11-013: REQUESTING ASSEMBLY APPROVAL TO CHANGE STAFF DESIGNATION OF MEDIA DESIGN SPECIALIST IN ADMINISTRATION FROM TEMPORARY TO PART-TIME PERMANENT.

MOTION PENDING: Assemblymember Bettine moved to adopt AM No. 11-013.

Assemblymember Bettine:

- noted that part-time permanent positions are 32 hours per week;
- spoke to concerns regarding the Assembly adding a position before the adoption of the budget;
- commented that once a temporary position reaches 1000 hours, the position comes before the Assembly to determine whether the position should be permanent per the union contract;
- noted that the Assembly may see a lot of these in the future;
- stated that she does not like addressing new positions outside of the budget unless it is an emergency;
- spoke to the outstanding work of the Public Affairs office;
- noted that the Media Design Specialist position could be contracted again should the legislation not be approved;
- commented that positions are discussed during budget time;
- spoke to the need to know where the salary is budgeted from; and
- spoke to a January 27, 2011, letter to Ms. Gray from Mr. Joe Perkins.

Ms. Gray:

- noted that she and Ms. Clayton were looking into whether the grant funds could be utilized for the Media Design Specialist position;
- spoke to the need to find out how the legislation was accepted to determine whether the Borough could legally pay for the position out of the grant funds;
- commented that the state grant understood that the Borough was planning to fund the position from the grant; and
- advised that the Borough would fund the Media Design Specialist's work performed on the rail project from the grant if it was allowed, however, she did not currently know whether it was allowable to fund from the grant.

Discussion ensued regarding:

- whether any staff time had been paid from grant funds;
- what is allowed to be expensed to grant funds;
- whether the Assembly would be setting a new precedent should the Assembly vote to adopt the legislation;
- the need to amend previous legislation so that actual expenses can be taken from the grant;
- the reason the Borough is charging tax payers to support grants when funding should be taken out from the grant;
- the need to look at funding the position at budget time;
- the need to fund the Media Design Specialist as a temporary position for another 1000 hours should the legislation not pass the Assembly;
- the quality of work from the Public Affairs office being well worth funding the position;
- whether the Assembly could amend Resolution Serial No. 08-096 to address indirect and direct costs;
- the needed assistance from the Public Affairs office for future Borough projects;
- the Assembly being able to cut a position at any time;

- how the rail grant agreement was written; and
- the need for the Assembly to know where the Borough is at with the rail grant.

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

VOTE: The motion failed with Assemblymember Woods in support.

Assemblymember Arvin:
- spoke in appreciation of the work of the Public Affairs office;
- commented that he does not understand why the union would not take up the cause; and
- noted that he is looking forward to discussing this topic at budget time.

VOTE: The motion failed with Assemblymembers Keogh and Colver in support.

(Assemblymember Colver exited the meeting at 5:50 p.m. and reentered at 5:52 p.m.)

B. AM No. 11-016: AUTHORIZING THE PURCHASE OF TWO AMBULANCES FROM BRAUN NORTHWEST, INC., IN THE AMOUNT OF $304,390 FOR THE CENTRAL AMBULANCE SERVICE.

MOTION PENDING: Assemblymember Bettine moved to adopt AM No. 11-016.

CONFLICT OF INTEREST: Assemblymember Keogh declared a conflict of interest, as his son is a 1000 hour Borough employee at the Central Public Safety Building.

RULING: Mayor DeVilbiss ruled that Assemblymember Keogh had a conflict of interest and would be recused from voting on AM No. 11-016.

(Assemblymember Keogh exited the meeting.)

MOTION: Assemblymember Bettine moved a primary amendment to AM No. 11-016, by inserting the following words at the end of the title and the end of the recommendation of Administration paragraph: "with one ambulance to be stationed at station no. 6-3" to read: "Authorize purchase of two (2) ambulances, to Braun Northwest, Inc., for the total amount of $304,390 with one ambulance to be stationed at station no. 6-3."

Mayor DeVilbiss queried whether Assemblymember Bettine was concerned with the placement of one of the new ambulances.

Assemblymember Bettine:
- spoke in support of placing a new ambulance at station no. 6-3, as it services one of the most dangerous roads in the state of Alaska;
- noted that there had been no ambulance stationed at station no. 6-3 until recently; and
- spoke in support of a new ambulance being placed at station no. 6-3 versus an old ambulance.

Mr. Brodigan reported that one new ambulance would be placed at station no. 6-1 and the other new ambulance would be placed at station no. 6-3.

Discussion ensued regarding:

- the placement of the new ambulances;
- concerns regarding the Assembly getting involved with the day-to-day management of emergency services over the Emergency Services Director; and
- whether there is staff located at station no. 6-3.

Mayor DeVilbiss asked if there was any objection to continuing the special meeting to after the 6 p.m. Joint Assembly/School Board meeting.

There was no objection noted.

(The special meeting recessed at 5:56 p.m. and reconvened at 9:39 p.m.)

(Assemblymember Arvin was not present via teleconference for this portion of the meeting.)

The Mayor noted that Assemblymember Keogh recused himself from AM No. 11-016.

Assemblymember Ewing opined that Assemblymember Keogh did not have a conflict of interest with AM No. 11-016.

Mayor DeVilbiss noted that the Assembly would need to vote to override his ruling.

Assemblymember Keogh:

- stated that he appreciates Assemblymember Ewing's position;
- noted that he willingly recused himself from AM No. 11-016;
- spoke to the reasons why he recused himself from AM No. 11-016; and
- stated that shortly after being elected, he received a legal opinion regarding any potential conflict of interests he may have and had decided to recuse himself from anything specific to station no. 6-1 or emergency services at station no. 6-1.

MOTION: Assemblymember Colver moved to appeal the decision of the chair.

Assemblymember Colver:

- spoke to the reasons why Assemblymember Keogh does not have a conflict of interest with the legislation; and
- stated that a conflict of interest ruling needs to be ruled on by the Board of Ethics.

Discussion ensued regarding:

- whether Assembly members can voluntarily recuse themselves from voting on legislation;
- whether Assemblymember Keogh had a conflict of interest with AM No. 11-016; and
- the legal opinion that was received regarding Assemblymember Keogh's potential conflict of interest with station no. 6-1 and emergency services at station no. 6-1.

VOTE: The motion failed with Assemblymembers Woods and Ewing in support of upholding the Mayor's ruling and Assemblymembers Bettine and Colver in opposition to upholding the Mayor's ruling. (Tie vote) The motion failed as a tie vote upholds the Mayor's ruling.

(Assemblymember Keogh exited the meeting.)

Ms. Gray requested that Mr. Brodigan report to the Assembly regarding the placement of one new ambulance at station no. 6-3 and the staffing status at station no. 6-3.

Mr. Brodigan:

- noted that station no. 6-3 was built to fulfill the International Standards Organization rating;
- commented that there was an opportunity to build the new station with sleeping quarters, sprinklers, and to house an ambulance for the anticipated future growth in the area;
- reported that it was always intended to place one new ambulance at station no. 6-3 and one at station no. 6-1;
- spoke to the ambulance replacement schedule;
- noted that station no. 6-1 is the busiest of the public safety buildings; and
- noted that one of the new ambulances would replace an older ambulance at station no. 6-3.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

(Assemblymember Keogh reentered the meeting.)

VI. AUDIENCE PARTICIPATION

(There were no persons who wished to speak.)

VII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Ms. Gray queried when the Assembly would like the tall structures legislation to come forward.

Ms. McKechnie spoke to the upcoming meeting packet deadlines.

MOTION: Assemblymember Woods moved to introduce the tall structures legislation on April 19, 2011, with a public hearing to be held May 3, 2011.

Assemblymember Bettine spoke in support of introducing the tall structures legislation in August 2011, due to the busy Assembly meeting schedule with budget and reapportionment meetings.

Discussion ensued regarding when to schedule the tall structures legislation.

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

VOTE: The motion passed with Assemblymember Ewing in opposition.

MOTION: Assemblymember Colver moved a primary amendment by striking "April 19, 2011," and inserting "August 2, 2011," in its place.

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

VOTE: The main motion failed with Assemblymembers Woods in support.

Assemblymember Bettine requested that the tall structures legislation be scheduled after the budget meetings.

Assemblymember Colver:

- queried the upcoming schedule for Juneau; and
- noted that Mr. Ray Gillespie had requested that he be in Juneau for a couple of days to speak to the Finance Committee members regarding the rail.

Ms. Gray noted that Mr. Ray Gillespie requested that she be present the last two days of the legislative session.

Discussion ensued regarding the Assembly's upcoming Juneau meeting schedule.

Assemblymember Bettine:

- spoke to the $1,700,000 anticipated transportation shortfall;
- requested that the Assembly speak to the transportation shortfall and the student allocations with the legislators;
- asked that the Assembly attend a University of Alaska, Board of Regents reception and luncheon on April 7 and April 8, 2011; and
- stated that it is really important for the Assembly to attend the function and show support.

Mayor DeVilbiss:

- noted that he would be addressing the University of Alaska, Board of Regents on March 30, 2011;
- spoke to his upcoming trip to Juneau;
- stated that placing a phone call to legislators can work just as well as going down to Juneau and meeting with legislators;
- opined that sometimes lobbying can be overdone and backfire;
- noted that Ms. Sabrieta Holland performs veterinary services for his animals;
- spoke to having a possible conflict of interest regarding the appointment of Ms. Holland to the Licensed Veterinarian seat on the Animal Care and Regulation Board; and
- commented that he is looking forward to when everyone can participate in Assembly meetings and meeting items are displayed digitally.

Dr. Burnley:

- stated that the hiring of the Wasilla High School principal was not a political decision; and
- advised that the hiring was a structural decision and that all policies were followed.

Mayor DeVilbiss:

- stated that he was encouraged and excited about working with the School Board and School District;
- spoke to serving on both the Assembly and the School Board;
- opined that sometimes it feels like you are elected to the Assembly to stop spending and elected to the School Board to spend as much as possible;
- opined that both bodies balance each other out;
- commented that he is looking forward to taking advantage of the School District's fiber optic improvements;
- spoke to the need for the public to be able to see, hear, and participate at Assembly meetings from home;
- commented that the Borough is moving ahead with a program to enable the public to participate from home and would be presenting it to the Assembly; and
- noted that a lot of important material was covered during the meeting.

IX. ADJOURNMENT

The meeting adjourned at 9:28 p.m.

Larry DeVilbiss

LARRY DeVILBISS, Borough Mayor

ATTEST:

Lonnie McKechnie

LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 04/19/11