

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on April 3, 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*) (*attended telephonically*)
Mr. Steven Colligan, Assembly District No. 4
Mr. Darcie K. Salmon, Assembly District No. 5
Mr. Jim Colver, Assembly District No. 6 (*attended telephonically*)
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, Assistant Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Brenda J. Henry, Executive Assistant to the Borough Clerk
Ms. Tammy Clayton, Finance Director
Ms. Shaune O'Neil, Public Works Director
Ms. Eileen Probasco, Chief of Planning
Mr. Dennis Brodigan, Emergency Services Director
Ms. Patty Sullivan, Public Affairs Director
Ms. Debra Wetherhorn, Administrative Secretary I
Ms. Jamie Newman, Deputy Borough Clerk
Ms. Shannon Post, Chief Information Officer
Ms. Marian Romano, Community Development Director
Mr. Phil Morgan, Animal Care Manager
Mr. Carl Hereford, Technology Infrastructure Manager

III. APPROVAL OF AGENDA

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

Assemblymember Woods requested to hold audience participation before unfinished business.

Mayor DeVilbiss queried if there was any objection.

There was no objection noted.

Assemblymember Arvin requested to remove Resolution Serial No. 12-045 from the agenda.

Mayor DeVilbiss queried if there was any objection.

There was no objection noted.

Assemblymember Halter requested to pull Resolution Serial No. 12-043 from the consent agenda for further discussion.

Mayor DeVilbiss inquired if there were any additional 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. Kirk Brown, a member of the audience and the father of Mr. Keefer Brown.

V. MINUTES OF PRECEDING MEETINGS

- A. Joint Assembly/School Board Meeting: 03/20/12
- B. Regular Assembly Meeting: 03/20/12

Mayor DeVilbiss inquired if there were any corrections to the Joint Assembly/School Board meeting minutes of March 20, 2012, or the regular meeting minutes of March 20, 2012.

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

VI. SPECIAL ORDERS OF THE DAY

- A. Proclamation in Recognition of Mr. Keefer Brown

Mayor DeVilbiss:

- read the proclamation into the record; and
- presented the proclamation to Mr. Keefer Brown in recognition of his volunteer work.

- B. Proclamation in Recognition of Resource Awareness Month

Mayor DeVilbiss:

- read the proclamation into the record; and
- presented the proclamation in to Ms. Randi Pearlman of Valley Community Recycling Solutions Recycling Center.

VII. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Palmer City

Mr. Doug Griffin, City Manager:

- stated that there will be a groundbreaking ceremony for the southwest water extension project, which will have a million gallon reservoir tank;
- related that they received a five-acre parcel for the project from Mat-Su College and in exchange they are building a road to the college campus;
- noted that they hope to have the project completed by the end of next year;
- noted the spring bird migration will cause portions of the project to shut down temporarily;
- spoke to the expansion of the Matanuska Telephone Association Events Center, which added locker rooms and restrooms;
- stated that there will be an elevator that will be installed during the next phase, as they try to expand the building as funds become available;
- noted that they are hopeful to be able to open the adjacent soccer fields this season, as they have been waiting on the newly planted grass to take hold;
- related that they will be looking at a nonprofit group to assist with management of the fields;
- spoke to the second annual “Who Let the Girls Out” event coming up, which will include a health fair at the senior center;
- noted that the City has passed a resolution requesting the Alaska Railroad to renew service to Palmer; and
- noted that spring clean up usually begins in March but due to the heavy snowfall it will begin later in May.

Wasilla City

Mr. Burt Cottle, Deputy City Administrator:

- related that the City participated telephonically in the Federal Emergency Management Agency (FEMA) testimony regarding the flood plain in Juneau today; and
- noted that Ms. Pam Ness and Mr. Alex Strawn, employees of the Borough, did an excellent job in their representation of the views of the Borough and the City.

2. Matanuska-Susitna Borough School District

(There was no report provided.)

3. Aviation Advisory Board – Mr. Archie Giddings, Chair

Mr. Giddings:

- spoke to a resolution that the Board adopted concerning Seven Mile Lake;
- noted that when the Borough adopted the Regional Aviation System Plan that a topic was the need for a main float plane option, which does not currently exist in the Borough;
- related that Seven Mile Lake was identified as a preferred option, as there is not a lot of development in that area and it is isolated without a lot of infrastructure;
- spoke to the process of how Wolf Lake was built up slowly over the years for float planes;
- opined that the Port Commission will be coming forward asking to expand the Port District boundaries; and
- stated that this would be a good time to adopt Seven Mile Lake into that district.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Keogh:

- related that he is not a member of the Committee but sometimes does attend;
- noted that school bonds were a topic of discussion, as well as the School District's budget;
- spoke to the update on the site selection committee that was presented; and
- noted it was a short meeting.

2. Assembly Public Relations

Assemblymember Arvin stated that he reached out to the Alaska Energy Authority about Ordinance Serial No. 12-054 and noted that they are in full support of forming the task force.

Assemblymember Keogh:

- spoke to attending the "Choose Respect Day" event in Sutton;
- noted that the purpose was to raise awareness regarding abuse of any kind;
- related that it was very informative and he enjoyed the event;
- stated that the Joint Pacific Alaska Range Complex (JPARC) will be conducting public hearings on the Environmental Impact Statement; and
- related the dates and locations as May 14, at the Palmer Depot; May 15, at the Lake Louise Lodge; May 22, at Swiss Alaska Inn in Talkeetna; and May 23, at the Menard Sports Complex.

Mayor DeVilbiss

- spoke to the rally that will be conducted in Anchorage tomorrow night, but is unsure of where; and
- noted that it is directed at legislation to prevent prosecutor misconduct, as with what happened with the late Senator Ted Stevens case.

Assemblymember Colligan advised that it will be tomorrow at the Anchorage Airport Pan Air Hangar at 6 p.m.

C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues

Mr. Moosey:

- stated that Thursday the House Finance Committee will be conducting public hearings on the school bonds;
- noted that staff has put together a comprehensive report that was submitted to the Committee;
- related that he had an opportunity to speak with House Members to make sure they had all the information they need to make decisions regarding the Rail Extension and roads;
- advised that the South Denali Project is progressing nicely;
- stated that he is hopeful that it will be funded as it is an Assembly priority; and
- spoke to House Bill 313, which would mandate how the Assembly provides funding for the School District.

Mayor DeVilbiss

- related that he spoke to Representative Feige and Representative Stoltze who sponsored House Bill 313;
- noted that he had not yet had an opportunity to read the bill by the time he spoke with them;
- read the two amended portions of House Bill 313 that will impact the Borough;
- noted that the Assembly has not taken a position on the legislation;
- related that the School District has not either; and
- spoke to overall concerns with the legislation.

MOTION: Assemblymember Colver moved to direct the Manager to oppose House Bill 313.

VOTE: The motion passed without objection.

D. ATTORNEY COMMENTS

Mr. Spiropoulos provided an update regarding the State Redistricting litigation.

Assemblymember Keogh queried whether the Borough's position had been sent to the Redistricting Board.

Mr. Moosey:

- advised that a letter and maps were sent to them based on direction received from the Assembly; and
- related that the letter reiterated those comments and requested they consider the Borough's input when making their final decision.

Discussion ensued regarding the State Redistricting litigation.

E. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming budget schedule;
- noted that there is only one public hearing scheduled for the budget;
- queried if the body would like to schedule an additional one, as usually there are two; and
- suggested May 3 for the second public hearing date.

Assemblymember Arvin opined that it should be between April 17 and May 1.

Mayor DeVilbiss queried when the budget ordinance will be introduced.

Ms. McKechnie advised that it will be introduced on April 17.

Mr. Moosey noted that he will not be in town the week of April 24.

Mayor DeVilbiss noted that there will be many members unavailable during that timeframe and that he recalls that was the reasoning behind no meetings during that time.

Discussion ensued regarding scheduling a second public hearing for the budget.

Mayor DeVilbiss queried if there was any objection to conducting the second public hearing for the budget on May 3.

There was no objection noted.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Aviation Advisory Board: 10/18/11, Resolution Serial No. 11-10, 11-11
 - b. Local Road Service Area Advisory Board: 01/19/12, Resolution Serial No. 12-01, 12-02
 - c. Platting Board: 01/19/12, 02/02/12
 - d. Port Commission: 01/16/12, Resolution Serial No. 12-001, 12-002
 - e. Wasilla-Lakes FSA No. 130: 01/09/12
 - f. Wastewater and Septage Advisory Board: 01/10/12
 - g. West Lakes FSA No. 136: 12/05/11
2. Community Council Correspondence:
 - a. Big Lake Community Council: 09/14/11, 10/12/11
 - b. South Knik River Community Council: 09/15/11
 - c. Trapper Creek Community Council: 01/19/12

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

G. INFORMATIONAL MEMORANDUMS

1. IM No. 12-088: ADMINISTRATIVE REPORT RELATING TO REQUESTS FOR INFORMATION ABOUT GRAVEL SALES TO THE PUBLIC, GRAVEL PRICING, AND ADMINISTRATIVE FEES RELATED TO THE SUSITNA PARKWAY INTERIM MATERIALS DISTRICT.

Mr. Moosey

- stated that this information was requested by the Assembly; and
- related that the informational memorandum is not solely regarding the sale of gravel to the public, but rather to know how the Assembly would like to proceed.

Mayor DeVilbiss requested that Ms. Romano provide a report.

Ms. Romano provided a report regarding information on gravel sales, gravel pricing, and administrative fees regarding the Susitna Parkway Interim Materials District.

Discussion ensued regarding:

- the possibility of obtaining an appraised value in order to obtain the book value of the resource;
- the desire of the Assembly to have information that includes a figure for private sales and for capital sales;
- that it is not a time sensitive project at this time; and
- the desire of the Assembly to ensure that the best decision is made regarding how to use the resource.

(The meeting recessed at 7:13 p.m. and reconvened at 7:23 p.m.)

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following persons spoke to concerns with Ordinance Serial No. 11-157(SUB): Mr. Tim Swezey, Meadow Lakes Community Council President; and Ms. Helen Munoz.

The following persons spoke in opposition to Ordinance Serial No. 11-157(SUB): Ms. Sherry Rusher; Mr. Jim Sykes; Mr. Bill Kramer, Big Lake Community Council President; Ms. Alice Ciostek; Ms. Janet Reed; Ms. Michelle Church; Mr. Andre Ciostek; Mr. William Bruu; Ms. Patricia Rosnel; Ms. Krista Masiolek; and Ms. Judy Donagen.

The following person spoke to concerns with the sale of gravel within the Borough: Mr. Butch Moore.

The following person spoke to concerns with the health impacts of coal mining within the Borough: Ms. Lisa Wade, Health and Social Services Director for Chickaloon Traditional Tribal Council.

The following persons spoke in support of Ordinance Serial No. 11-157(SUB): Mr. Mark Bertels, Sutton Community Council; Mr. George Rauscher; Mr. Brian Endle, Moose Creek Community Council; and Ms. Taffina Katkus, Wasilla City Council member.

(The meeting recessed at 8:10 p.m. and reconvened at 8:21 p.m.)

VIII. UNFINISHED BUSINESS

- A. Ordinance Serial No. 11-157(SUB): AN ORDINANCE AMENDING MSB 2.76.030, REGARDING THE DEFINITION OF COMMUNITY COUNCILS. *(Sponsored by Mayor DeVilbiss)*
1. IM No. 11-262(SUB)

MOTION PENDING: Assemblymember Arvin moved to adopt Ordinance Serial No. 11-157(SUB).

Assemblymember Keogh:

- noted the testimony provided by the public both in support and in opposition to the legislation;
- spoke to the varied and different needs of each and every community council within the Borough;
- stated that the bulk of the input he has received has been a mixed message;
- related that he is unsure if the legislation has been as big of an issue in other districts as it has in District 1;
- opined that the legislation was well intentioned, but causes more potential problems than good; and
- stated that based on the community wide input he has received, that he will be voting against the legislation.

MOTION: Assemblymember Halter moved a primary amendment to Ordinance Serial No. 11-157(SUB), MSB 2.76.030(A)(1), by inserting at the end of the paragraph the following language: “A person or entity is entitled to one membership or vote by virtue of residency, property ownership, or ownership of multiple parcels.”

Assemblymember Arvin:

- stated that he understands the goal to identify who has voting rights in community councils; and
- opined that the amendment does not solve the adjacent community council issue.

Discussion ensued regarding:

- the opinion that the legislation is problematic;
- the best way to ensure that there is only one vote per person;
- that although some members have owned property in multiple community councils, they never would have expected to vote anywhere but where their residence is located; and
- overall concerns with the legislation.

VOTE: The primary amendment passed with Assemblymembers Arvin and Keogh opposed.

Assemblymember Woods:

- opined that the legislation is too intrusive on community councils; and
- stated that he opposes the legislation.

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

VOTE: The motion failed with Assemblymembers Salmon, Keogh, Halter and Woods in support (requires five votes).

Assemblymember Colver:

- stated that the community councils in his district do not support the legislation; and
- noted the importance of honoring the wishes of constituents when you are an elected official.

Discussion ensued regarding:

- the desire of the Assembly to ensure community councils are able to work together rather than oppose each other;
- the desire of the body to ensure that nonresident property owners, with little or very focused interest in land use issues, or community issues do not take control to the detriment of the resident property owners;
- the desire of the Assembly to not micromanage community councils;
- whether or not the legislation would assist councils that are having a difficult time obtaining quorums;
- that community councils are the grass roots portion of local government;
- the desire of the Assembly to uphold the United States Constitution;
- that people who live in a particular area are what make communities not a piece of property;
- the ability of non-resident owners to express concerns to the Borough and the Assembly; and
- that community councils are advisory to the Assembly.

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

B. 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.

MOTION PENDING: Assemblymember Salmon moved a primary amendment to Ordinance Serial No. 12-010, to incorporate all of the amendments as currently inserted into the legislation.

MOTION: Assemblymember Woods moved to postpone Ordinance Serial No. 12-010 to a time certain of May 1, 2012.

VOTE: The motion passed without objection.

IX. VETO

(There were no vetoes presented.)

X. 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. 12-055: AN ORDINANCE APPROPRIATING \$100,375,000 TO FUND 400, SCHOOL PROJECTS, FOR THE ACQUISITION, CONSTRUCTION, AND INSTALLATION OF SCHOOL AND RELATED CAPITAL IMPROVEMENTS WITHIN THE BOROUGH AND \$890,289 TO FUND 400 AND \$51,105 TO FUND 450, FOR RELATED ISSUANCE COSTS FOR THE 2012 SERIES "A," GENERAL OBLIGATION SCHOOL BONDS; SERIES "B," SCHOOL REFUNDING BONDS; AND SERIES "C," PORT REFUNDING BONDS.
 - a. IM No. 12-084

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Salmon moved to adopt Ordinance Serial No. 12-055.

Assemblymember Keogh queried if there was a spreadsheet with proposed schedules for the projects.

Ms. O'Neil stated that she does have information and will provide it to the Assembly.

VOTE: The motion passed without objection.

2. Ordinance Serial No. 12-048: AN ORDINANCE ACCEPTING AND APPROPRIATING \$25,000 FROM UNITED STATES FISH AND WILDLIFE SERVICE TO FUND 480, PROJECT NO. 20384, FOR THE MAT-SU BOROUGH LOW IMPACT DEVELOPMENT PROGRAM.
 - a. Resolution Serial No. 12-040: A RESOLUTION ESTABLISHING THE SCOPE OF WORK AND BUDGET AND AUTHORIZING THE MANAGER TO ENTER INTO

THE GRANT AGREEMENT WITH THE UNITED STATES FISH AND WILDLIFE SERVICE FOR THE MAT-SU BOROUGH LOW IMPACT DEVELOPMENT PROGRAM.

- (1) IM No. 12-060

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Salmon moved to adopt Ordinance Serial No. 12-048 and Resolution Serial No. 12-040.

VOTE: The motion passed without objection.

3. Ordinance Serial No. 12-049: AN ORDINANCE APPROVING AN APPROPRIATION OF \$170,000 FROM CASWELL ROAD SERVICE AREA NO. 15 FUND BALANCE, FUND 272, TO FUND 410, PROJECT NO. 30038, FOR CASWELL ROAD SERVICE AREA NO. 15 CAPITAL PROJECTS.
a. IM No. 12-066

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. 12-049.

VOTE: The motion passed without objection.

4. Ordinance Serial No. 12-050: AN ORDINANCE APPROVING AN APPROPRIATION OF \$30,000 FROM TRAPPER CREEK ROAD SERVICE AREA NO. 30 FUND BALANCE, FUND 284, TO FUND 410, PROJECT NO. 30050, FOR TRAPPER CREEK ROAD SERVICE AREA NO. 30 CAPITAL PROJECTS.
a. IM No. 12-067

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. 12-050.

VOTE: The motion passed without objection.

5. Ordinance Serial No. 12-051: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$392,600 UNITED STATES DEPARTMENT OF HOMELAND SECURITY ASSISTANCE TO FIREFIGHTERS GRANT AND APPROPRIATING THE REQUIRED MATCHING FUNDS IN THE AMOUNTS OF \$7,250 FROM THE GREATER PALMER CONSOLIDATED FIRE SERVICE AREA FUND BALANCE, FUND 259; \$7,900 FROM THE TALKEETNA FIRE SERVICE AREA FUND BALANCE, FUND 254; \$16,600 FROM THE BUTTE FIRE SERVICE AREA FUND BALANCE, FUND 251; \$5,300 FROM THE SUTTON FIRE SERVICE AREA FUND BALANCE, FUND 253; \$9,650 FROM THE WILLOW FIRE SERVICE AREA FUND BALANCE, FUND 258; \$29,850 FROM THE WEST LAKES FIRE SERVICE AREA FUND BALANCE, FUND 249; AND \$21,600 FROM THE WASILLA-LAKES FIRE SERVICE AREA FUND BALANCE, FUND 250; TO PROJECT NO. 45262, FUND 405, FOR THE PURCHASE OF FIRE SERVICE AREA COMMUNICATIONS EQUIPMENT.
 - a. Resolution Serial No. 12-041: 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, PROJECT NO. 45262, FUND 405, FOR THE PURCHASE OF FIRE SERVICE AREA COMMUNICATIONS EQUIPMENT.
 - (1) IM No. 12-069

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Salmon moved to adopt Ordinance Serial No. 12-051 and Resolution Serial No. 12-041.

Assemblymember Keogh queried the intent of the legislation.

Mr. Moosey:

- advised that the Federal Communications Commission (FCC) has determined that the Borough has to be on narrow band communication by the end of the year;
- stated that time is of the essence as it takes several months to get the equipment operational;
- stated that the majority of funding is through the Homeland Security Assistance to Firefighters Grant; and
- noted that it is absolutely necessary, as the Borough will not have emergency communications without the upgrade.

Mayor DeVilbiss stated that he thought that there was talk about keeping both broadband and narrowband communication.

Mr. Hereford:

- stated that wideband will no longer be allowed;
- advised that if wideband is retained that there will be fines and revocation of licenses; and
- noted that the Borough has had 10-12 years to make this change.

VOTE: The motion passed without objection.

6. Ordinance Serial No. 12-052: AN ORDINANCE ADOPTING MSB 4.75, MATANUSKA-SUSITNA BOROUGH FISH AND WILDLIFE COMMISSION. *(Sponsored by Assemblymember Colver)*
 - a. IM No. 12-072

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Salmon moved to adopt Ordinance Serial No. 12-052.

Assemblymember Colver:

- advised that the reason he is bringing this forward is that there are a number of members that travel quite a distance in order to attend meetings; and
- stated that this will allow them to apply for reimbursement for mileage to attend meetings.

VOTE: The motion passed without objection.

7. Ordinance Serial No. 12-053: AN ORDINANCE AMENDING PORTIONS OF MSB TITLE 25, ELECTIONS. *(Sponsored by Assemblymember Salmon)*
 - a. IM No. 12-075

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Salmon moved to adopt Ordinance Serial No. 12-053.

Assemblymember Colligan stated that he has a significant amendment.

MOTION: Assemblymember Colligan moved a primary amendment to Ordinance Serial No. 12-053, by striking "October" and inserting in its place "November."

Assemblymember Colligan opined that if the Borough election was combined with State and Federal elections that it would increase voter turn-out.

Discussion ensued regarding:

- whether or not it would be beneficial to change the Borough election date;
- possibly bringing forward a separate piece of legislation to change the election date; and
- the research that it would require to determine if it feasible.

MOTION: Assemblymember Colver moved secondary amendment to make the effective date of the legislation 2013.

VOTE; The secondary amendment failed with Assemblymembers Colligan, Colver, and Woods in support.

MOTION: Assemblymember Colligan moved to postpone Ordinance Serial No. 12-053 to a time certain of April 17, 2012.

VOTE: The motion passed without objection.

8. Ordinance Serial No. 12-054: AN ORDINANCE CREATING THE SUSITNA-WATANA HYDROELECTRIC TASK FORCE. *(Sponsored by Assemblymember Colver and Mayor DeVilbiss)*
 - a. IM No. 12-074

Mayor DeVilbiss opened the public hearing.

The following person spoke in support of Ordinance Serial No. 12-054: Mr. Wayne Dyok of the Alaska Energy Authority.

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

MOTION: Assemblymember Salmon moved to adopt Ordinance Serial No. 12-054.

Assemblymember Colver:

- advised that the task force is something that the Alaska State Department of Fish and Game has been asking for;
- noted that Mayor DeVilbiss also supports creating the task force; and
- opined that it is good to have a mechanism to keep the Borough informed on the project.

MOTION: Assemblymember Arvin moved a primary amendment to Ordinance Serial No. 12-054, Section 4, at the end of the last sentence, by inserting:

- “the Manager of Matanuska Electric Association or designee; and”
- strike “one at-large member” and inserting in its place “two at-large members.”

Assemblymember Arvin:

- stated that it would change the overall number of members from seven to nine;
- noted that Matanuska Electric Association (MEA) is the local utility and should have a presence on the task force, as they have subject matter expertise;
- advised that MEA is in favor of this, therefore it will not be burdening them with something that will be a surprise;
- noted that the membership of the task force is clearly outlined; and
- opined that it would be helpful to have two at-large members of the general public to be able to participate.

Mayor DeVilbiss requested an attorney opinion on whether he has a conflict, as he is on the MEA Board.

Mr. Spiropoulos:

- stated that it is not a conflict, but it would be more appropriate for the Deputy Mayor to make a ruling on; and
- advised that if the members of the Assembly are not happy with the ruling, they can vote to override it.

Assemblymember Halter queried if Assemblymember Arvin had a conflict as well, as he is on the Alaska Energy Authority Board, which is overseen by Alaska Industrial Development and Export Authority who is administering the project.

Discussion ensued regarding whether or not Mayor DeVilbiss or Assemblymember Arvin had conflict.

Mayor DeVilbiss requested that the body vote on whether he had a conflict of interest.

VOTE: Mayor DeVilbiss was found to have a conflict of interest with Assemblymembers Colver, Keogh, Halter, and Colligan voting yes, and Assemblymembers Arvin, Salmon, and Woods voting no.

Mayor DeVilbiss requested that the body vote on whether Assemblymember Arvin had a conflict of interest.

VOTE: The vote was a tie with Assemblymembers Colver, Keogh, and Halter voting yes and Assemblymembers Salmon, Woods, and Colligan voting no.

Mayor DeVilbiss queried whether he could break the tie.

Ms. McKechnie advised that he could not, as he had a conflict of interest.

Mayor DeVilbiss:

- noted that due to the tie, the motion failed; and
- queried whether this means that Assemblymember Arvin does not have a conflict.

Ms. McKechnie:

- advised that this was not procedurally correct, as there was no motion on the floor; and
- requested a short recess.

(The meeting recessed at 9:45 p.m. and reconvened at 9:53 p.m.)

(Mayor DeVilbiss exited the meeting and Assemblymember Salmon assumed the duties of the chair.)

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

VOTE: The motion passed without objection.

Assemblymember Arvin stated that in order to avoid an appearance of a conflict, that he would recuse himself.

(Assemblymember Arvin was not able to exit the meeting, as he was attending telephonically, but did not participate.)

Assemblymember Colver noted that he will make the primary amendment now that Assemblymember Arvin is conflicted.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 12-054, Section 4, to add “the Manager of Matanuska Electric Association or designee; and another at-large member” to the task force.

VOTE: The primary amendment passed without objection with Assemblymember Arvin recused.

MOTION: Assemblymember Keogh moved a primary amendment to Ordinance Serial No. 12-054, by striking one of the at-large positions and inserting in its place language defining one of the member seats to be qualified as a hydrologist or water resources manager.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Halter moved a secondary amendment to define one of the at-large members to be a Talkeetna resident with upper Susitna river guiding experience.

VOTE: The secondary amendment passed without objection.

Assemblymember Colligan opined that the legislation should be postponed indefinitely and that the taskforce should be created in a different manner.

MOTION: Assemblymember Colligan moved to postpone Ordinance Serial No. 12-054 indefinitely

VOTE: The motion to postpone Ordinance Serial No. 12-054 indefinitely passed with Assemblymembers Colver and Keogh opposed.

(Mayor DeVilbiss re-entered the meeting and resumed the duties of the chair and Assemblymember Arvin continued to participate in the meeting.)

D. CONSENT AGENDA

1. RESOLUTIONS

b. Resolution Serial No. 12-044: A RESOLUTION APPROVING THE AMENDED BUDGET FOR THE SETTLERS BAY AT CROCKER CREEK FISH PASSAGE PROJECT, PROJECT NO. 30112, TO ALLOW FOR UTILITY RELOCATION FOR MATANUSKA TELEPHONE ASSOCIATION, MATANUSKA ELECTRIC ASSOCIATION, ENSTAR NATURAL GAS, AND GENERAL COMMUNICATIONS, INC.

(1) IM No. 12-086

2. ACTION MEMORANDUMS

a. AM No. 12-030: AWARD OF BID NO. 12-127 TO CASCADIA INTERNATIONAL, LLC. IN THE AMOUNT OF \$229,600 FOR THE PURCHASE OF TWO DUMP TRUCKS FOR GOOSE CREEK CORRECTIONAL CENTER.

b. AM No. 12-032: AUTHORIZATION TO PURCHASE COMPUTER EQUIPMENT FROM GOVERNMENT COMPUTER SALES IN AN AMOUNT NOT TO EXCEED \$208,266 FOR THE GOOSE CREEK CORRECTIONAL CENTER.

c. AM No. 12-033: APPROVAL OF CHANGE ORDER NO. 3 TO ALASKA SURE SEAL IN THE AMOUNT OF \$209,790 FOR CRACK SEALING IN VARIOUS ROAD SERVICE AREAS.

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.

GENERAL CONSENT: There was no objection noted.

a. Resolution Serial No. 12-043: A RESOLUTION AMENDING THE BUDGETS FOR A PORTION OF FISCAL YEAR 2005 THROUGH 2010 TOURISM INFRASTRUCTURE PROJECTS, AND APPROVING THE SCOPES OF WORK AND

BUDGETS FOR REMAINING AMOUNTS OF FISCAL YEAR 2009, 2010, 2011,
AND 2012 TOURISM INFRASTRUCTURE PROJECTS, PROJECT NO. 15035.

(1) IM No. 12-065

MOTION: Assemblymember Halter moved to adopt Resolution Serial No. 12-043.

MOTION: Assemblymember Halter moved a primary amendment to Resolution Serial No. 12-043, scope of work, by inserting after the words "Approximately three miles of new summer and winter trail," the words "To be issued as a grant to the Upper Susitna Soil and Water Conservation District."

Assemblymember Halter stated that staff had requested this amendment in order to eliminate the need to come back to the body with separate legislation granting the funds.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

XI. NEW BUSINESS

A. INTRODUCTIONS (For public hearing – 04/17/12, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 12-057: AN ORDINANCE APPROPRIATING \$4,860 FROM THE DEPOSIT RETAINED FROM THE EXPIRED SUBDIVISION AGREEMENT FOR THE RELIANCE SUBDIVISION ADDITION NO. 1 TO FUND 410, PROJECT NO. 30111, FOR THE PURPOSE OF COMPLETING THE WORK OUTLINED IN THE EXPIRED SUBDIVISION AGREEMENT.

a. IM No. 12-080

2. Ordinance Serial No. 12-058: AN ORDINANCE AMENDING AND REPEALING PORTIONS OF MSB 3.15 RELATING TO THE BUSINESS INVENTORY TAX.
(Sponsored by Mayor DeVilbiss)

a. IM No. 12-081

3. Ordinance Serial No. 12-059: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$30,000 FROM ALPINE ROAD SERVICE AREA NO. 31 FUND BALANCE, FUND 285, TO THE ALPINE ROAD SERVICE AREA NO. 31 FISCAL YEAR 2012 OPERATING BUDGET, FUND 285.

a. IM No. 12-082

4. Ordinance Serial No. 12-060: AN ORDINANCE REPEALING MSB 3.36, BUSINESS LICENSES. *(Sponsored by Mayor DeVilbiss)*

a. IM No. 12-083

5. Ordinance Serial No. 12-061: AN ORDINANCE AMENDING MSB 8.55, SPECIAL EVENTS AND ADDING A TEMPORARY NOISE PERMIT TO MSB 8.52, AMPLIFIED NOISE AND SOUND. *(Sponsored by Mayor DeVilbiss)*
 - a. IM No. 12-087

6. Ordinance Serial No. 12-062: AN ORDINANCE APPROPRIATING \$278,812 FROM AREAWIDE SCHOOL SITE ACQUISITION RESERVE, FUND 100, TO FUND 400, PROJECT NO. 40159, TO SUPPLEMENT THE FUNDING AVAILABLE FOR ACADEMY CHARTER SCHOOL CLASSROOM EXPANSION.
 - a. IM No. 12-089

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 17, 2012.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor DeVilbiss requested the following confirmations:

Parks, Recreation, and Trails Advisory Board
Lyle Downing
Platting Board
Jim Spangler, resignation

Mayor DeVilbiss made the following recommendations:

Board of Equalization
Catherine Fosselman
Borough Area Schools Site Selection Committee
Tom Adams, resignation from alternate seat
John Klapperich
Tom Adams
Library Board
Bonnie Cavanaugh

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

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.)

XII. RECONSIDERATION

(There was no reconsideration presented.)

XIII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

MOTION: Assemblymember Colligan moved to direct the Manager to come up with a proposal for a Susitna-Watana Task Force project, what the work flow would be, who the primary contacts for the Borough would be, and how the information will be distributed.

VOTE: The motion passed without objection.

Assemblymember Halter:

- opined that creating a task force is a huge deal;
- stated that if a project is going to alter a world class river system that it is important to have accurate information;
- stated that there has never been a dam system that did not affect fish one way or the other;
- noted that the dam has the ability to change the entire water system; and
- opined that local people know as much about their area or even more than most experts.

Assemblymember Keogh

- recommended that the Manager include someone from fisheries on the task force;
- noted that any hydroelectric project is about water and about power;
- opined it is necessary to have someone who has a fundamental background on what water is about, whether it is hydrologist or a water manager;
- stated that it is absolutely appropriate to have a representative from MEA on the task force; and
- reiterated that fisheries, power, and water are the essence of the dam project.

Assemblymember Salmon:

- stated that he is sorry that the body could not agree on the community council legislation; and
- opined it was a good but long meeting.

Assemblymember Colver:

- spoke to his disappointed the body got sidetracked from the necessity of the task force and that he is hopeful someone will reconsider;
- stated that it is essential to have a mechanism to receive information on the dam project; and
- opined that the legislation could be redefined and brought forward again at a later date.

Assemblymember Arvin:

- reiterated the concerns of Assemblymembers Keogh and Colver;
- opined that the body should not lose sight of the need for such a task force; and
- stated that he will be researching the issue of the appearance of a conflict of interest as it relates to the dam project in order to avoid future confusion.

Mayor DeVilbiss:

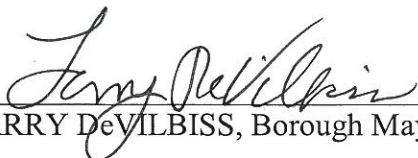
- spoke to an email that is included in the red folders;
- related that he had provided some advice to the MSB Fish and Wildlife Commission
- stated that as it turned out, the sender of the email was requesting the advice of Mr. Larry Engle, rather than his own; and
- thanked the body for a good meeting.

XIV. EXECUTIVE SESSION

(There was no executive session held.)

XV. ADJOURNMENT

The regular meeting adjourned at 10:22 p.m.


LARRY DEVILBISS, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 04/17/12