I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on April 5, 2011, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:02 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) (via teleconference)*
Mr. Mark Ewing, Assembly District No. 4
Ms. Cindy L. Bettine, 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
Ms. Elizabeth Gray, Acting Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Cheryl D. Marino, Deputy Borough Clerk
Ms. Tammy Clayton, Finance Director
Mr. Chuck Braun, Operations and Maintenance Division Manager
Ms. Christine Nelson, Planning and Land Use Director
Mr. Dennis Brodigan, Emergency Services Director
Ms. Patty Sullivan, Public Affairs Director
Mr. Dave Hanson, Economic Development Director
Mr. Alex Strawn, Planner II

III. APPROVAL OF AGENDA

Mayor DeVilbiss asked if there was any objection to him making a statement under the veto portion of the agenda.

There was no objection noted.

Mayor DeVilbiss asked if there was any objection to adding a proclamation in recognition of Resource Awareness Month to the special orders of the day portion of the agenda.

There was no objection noted.

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ms. Mollie Boyer, Valley Community for Recycling Solutions.

V. SPECIAL ORDERS OF THE DAY

A. Proclamation in Recognition of Resource Awareness Month

Mayor DeVilbiss:
- read the proclamation into the record; and
- presented the proclamation to Ms. Mollie Boyer.

VI. MINUTES OF PRECEDING MEETINGS

A. Regular Assembly Meeting: 02/15/11
B. Special Assembly Meeting: 02/22/11
C. Special Assembly Meeting: 02/26/11
D. Regular Assembly Meeting: 03/15/11

Mayor DeVilbiss inquired if there were any corrections to the regular meeting minutes of February 15, 2011; special meeting minutes of February 22, 2011, and February 26, 2011; and regular meeting minutes of March 15, 2011.

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

VII. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

(There were no reports provided.)

2. Matanuska-Susitna Borough School District

(There were no reports provided.)

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

(There was no report provided.)

2. Assembly Public Relations

(There were no reports provided.)

3. Mayor's Blue Ribbon Sportsmen's Committee

Assemblymember Colver noted that he did not attend the last held meeting.

Mayor DeVilbiss spoke in appreciation of receiving notice of the Committee's successful efforts.

C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues
3. State Redistricting

Ms. Gray spoke to an April 5, 2011, email from Mr. Ray Gillespie regarding the State Senate removing the prison operating budget from their budget and the House of Representatives placing the prison operating budget within their budget.

D. ATTORNEY COMMENTS

Mr. Spiropoulos:
- reported that the Law Department has pending lawsuits with Nash, Krause, and Schumacher;
- advised that they have received settlement proposals for all three of the pending cases; and
- requested an executive session to be added to the April 19, 2011, regular meeting agenda.

There was no objection noted.

Mayor DeVilbiss requested a summary of all of the pending lawsuits.

Assemblymember Bettine:
- requested a highlighted view of the junk and trash legislation as far as the number of citations; and
- opined that calls from the public will start to be received on these issues as it is springtime.

Mr. Spiropoulos:
- reported that there is not a set rule on how many citations are received before they are transferred to the Law Department;
- spoke to a previous situation a couple of years ago when the Code Compliance Division would write three or four citations and then transfer them to the Law Department;
- noted that the Law Department is able to handle four to five cases at a time;
- commented that approximately 80 cases had been transferred to the Law Department;

- opined that there is enough work with the transferred cases to keep the lawyers involved for the next 10 to 20 years; and
- noted that he could provide a report to the Assembly next week on all pending cases and the old cases that have been closed.

Assemblymember Arvin requested Mr. Spiropoulos give the Assembly a synopsis of the letter he had sent him today.

Mr. Spiropoulos:

- advised that Assemblymember Arvin had requested that he perform a written legal opinion regarding whether he had a conflict of interest with the Susitna Hydroelectric legislation, due to his appointment to the Alaska Industrial Development and Export Authority Board (AIDEA), which makes him a member of the Alaska Energy Authority (AEA);
- reported that Boyd, Chandler, and Falconer, LLP, was hired to conduct an independent review of the AIDEA and AEA regulations and the Borough code regarding conflict of interests;
- advised that Boyd, Chandler, and Falconer, LLP, concluded that Assemblymember Arvin does not have a conflict of interest; and
- elaborated on the legal opinion from Boyd, Chandler, and Falconer, LLP.

Discussion ensued regarding conflicts of interest.

E. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule; and
- noted that she would be scheduling the Assembly group photo.

Assemblymember Bettine queried the date of the next reapportionment meeting.

Ms. McKechnie noted that the next reapportionment meeting was April 19, 2011, at 4 p.m.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
a. Aviation Advisory Board: 06/10/10
b. Borough Area Schools Site Selection Committee: 06/24/10
c. Caswell Lakes FSA Board of Supervisors: 10/13/10
d. Greater Palmer Consolidated FSA Board of Supervisors: 01/05/10, 03/09/10, 05/11/10, 06/09/10, 09/14/10, 12/21/10, 01/11/11
e. Library Board: 11/20/10
f. Local Emergency Planning Committee: 10/20/10
g. Mayor’s Blue Ribbon Sportsmen’s Committee: 01/27/11
h. Platting Board: 01/20/11
i. Port Commission: 01/17/11, Resolution Serial No. 11-001

j. Transportation Advisory Board: 05/05/10, 01/26/11, Resolution Serial No. 11-01
k. West Lakes FSA Board of Supervisors: 12/06/10

2. Community Council Correspondence:
a. Knik-Fairview Community Council: 03/17/10, 04/21/10, 05/19/10, 06/16/10, 07/21/10, 08/18/10, 09/15/10, 11/17/10
b. Talkeetna Community Council: 03/01/10, 04/05/10, 05/03/10, 06/07/10, 07/05/10, 08/02/10, 09/07/10

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

G. INFORMATIONAL MEMORANDUMS

(There were no informational memorandums presented.)

VIII. UNFINISHED BUSINESS

A. Resolution Serial No. 11-027: A RESOLUTION ADDING TO THE POLICY AND PROCEDURES OF THE ASSEMBLY *(Sponsored by Mayor DeVilbiss)*
1. IM No. 11-050

MOTION PENDING: Assemblymember Keogh moved to adopt Resolution Serial No. 11-027.

MOTION: Assemblymember Bettine moved a primary amendment to Resolution Serial No. 11-027, by inserting the word "mayor" at the end of the title to read "A resolution of the Matanuska-Susitna Borough assembly adding to the policy and procedures of the assembly and mayor."

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Bettine moved a primary amendment to Resolution Serial No. 11-027 as follows:

- Section I, Attendance at Alaska Municipal League Conferences, by inserting the words "and mayor" after the word "assembly" in paragraphs A, C, and D; and
- Section II, Communications, paragraph A, by inserting the words "and mayor" after the first "assembly."

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Bettine moved a primary amendment to Resolution Serial No. 11-027, Section II, Communications, paragraph B, by striking it in its entirety and inserting the following: "All official communications by the assembly and the mayor will be routed to the clerk, who will route a copy to the mayor and assembly and keep a copy on file in the clerk's records."

Assemblymember Bettine:

- noted that there have been many times when she would have liked to have written communications as an Assembly Member;
- opined that her Assembly correspondence was not as official as it could have been; and
- opined that the Assembly could be more effective if allowed to use official stationary.

Assemblymember Colver:

- noted that the Mayor has clerical support for correspondence;
- spoke to when a previous Assembly Member wrote a large amount of letters and another Assembly Member objected, which was the reason for the current policy; and
- spoke to the need to have the Clerk assist the Assembly with correspondence when time permits.

MOTION: Assemblymember Colver moved a secondary amendment by inserting the following sentences at the end of the paragraph to read: "The clerk, when time is available, may provide clerical support to assembly members for the assembly members individual communications. The letterhead shall clearly indicate the correspondence is from an individual assembly member and is not a position of the borough or borough assembly."

Assemblymember Bettine:

- spoke to the importance of the Assembly keeping the use of official correspondence to a minimum;
- noted that she spoke with previous members regarding the reasons why procedures changed to not allow individual members to use official communications;
- opined that the Assembly could police themselves with the use of official correspondence; and
- stated support for the secondary amendment.

Discussion ensued regarding:

- concerns regarding Assembly use of correspondence; and
- the need for the Clerk to bring any issues with requests for correspondence to the attention of the requesting member and then to the Assembly if needed.

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment passed as amended without objection.

MOTION: Assemblymember Bettine moved the following primary amendment to Resolution Serial No. 11-027 as follows:

- Section III, Directives to Borough Administration, paragraph A, by adding the words "and Mayor" after the words "assembly members" in the first sentence and after the word "assembly" in the last sentence; and
- Section IV, Travel, paragraph A, by adding the words "or mayor" after the words "assembly member".

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Bettine moved a primary amendment to Resolution Serial No. 11-027, Section V, Expenses, paragraph A, by striking "$10" and inserting "$20" in its place.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Bettine moved a primary amendment to Resolution Serial No. 11-027, Section VI, Public Presentations, paragraph A, Public Hearing Guidelines, subsection 1, by inserting the word "or Assembly, after the word "mayor."

Assemblymember Bettine:

- spoke to the importance of Assembly members being able to ask questions of staff before voting; and
- noted that the way it reads currently, only the Mayor has the option of asking questions of staff.

MOTION: Assemblymember Colver moved a secondary amendment by inserting the words "through the Mayor," after the words "or Assembly" to read: "If an item is unusual, complicated, or controversial, the mayor or assembly, through the mayor, may ask staff to give a short overview prior to opening public testimony."

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment passed as amended without objection.

MOTION: Assemblymember Bettine moved a primary amendment to Resolution Serial No. 11-027, Section VIII, Decorum and Debate, paragraph F, by striking the word "may" and insert the words "can call for a vote of the Assembly to" to read: When time is an issue the mayor can call for a vote of the Assembly to limit debate to each member speaking two times.

Assemblymember Bettine:

- noted that she has served on the Assembly under four Mayors; and
- spoke to the need for the Assembly to have the ability to request that debate be limited to each member speaking two times under some circumstances.

Discussion ensued regarding the need for only the Mayor to decide when to limit debate.

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

(Unfinished business is continued on page 24 of 29.)

(The meeting recessed at 6:59 p.m. and reconvened at 7:06 p.m.)

IX. SPECIAL ORDERS (to begin at 7 p.m.)

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

(There were no persons to be heard.)

B. PUBLIC HEARINGS (Three minutes per person.)

1. Ordinance Serial No. 11-036: AN ORDINANCE AMENDING TITLE 27, SUBDIVISIONS; AND MSB 18.10, POINT MACKENZIE PORT DEVELOPMENT STANDARD DISTRICT, CONCERNING SUBDIVISION REQUIREMENTS WITHIN THE PORT DISTRICT AND OTHER AREAS.
   a. IM No. 11-032

Mayor DeVilbiss opened the public hearing.

The following persons spoke in support of the previous Title 16 code: Mr. Pio Cottini and Mr. Richard Gattis.

The following person spoke in support of Ordinance Serial No. 11-036: Mr. Marvin Yoder.

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

Ms. Probasco provided a staff report.

MOTION: Assemblymember Bettine moved to adopt Ordinance Serial No. 11-036.

CONFLICT OF INTEREST: Assemblymember Arvin disclosed that he has one client that has a short-term lease at the port.

Mayor DeVilbiss queried whether the lease holder had weighed in on Ordinance Serial No. 11-036.

Assemblymember Arvin noted that the lease holder had not weighed in on the legislation.

RULING: Mayor DeVilbiss ruled that Assemblymember Arvin does not have a conflict of interest with Ordinance Serial No. 11-036.

MOTION: Assemblymember Keogh moved to appeal from the decision of the chair.

Assemblymember Arvin:

- noted that he has the same circumstances as many members have;
- spoke to Assemblymember Bettine's travel business and Assemblymember Halter's use of trails;
- queried whether Assemblymember Bettine would need to recuse herself from every question that relates to tourism and whether Assemblymember Halter would need to recuse himself from every question related to trails;
- opined that it is appropriate to raise conflicts of interest questions;
- noted that it is appropriate for the member to disclose any possible issues; and
- stated that the approach to tossing people out of the room has to stop.

Assemblymember Colver queried whether Assemblymember Arvin had any financial interest with the lease hold and interest in changing the lease policies as it would affect his client.

Assemblymember Arvin:

- noted that he does not have a financial interest or an interest in changing the lease policies; and
- spoke to his involvement with assisting with the lease.

VOTE: The motion to uphold the Mayor's ruling passed with Assemblymember Keogh in opposition.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 11-036 as follows:

- by striking the fifth "whereas" clause in its entirety and replacing it with the following: "Whereas, in the interest of fair and equitable government, deleting the requirements to subdivide leases over 10 years should apply to all landowners; and";
- by amending the tenth "whereas" clause by striking the words "the port" to read: "Whereas, the assembly desires leasing processes to proceed efficiently and timely; and"
- by striking the eleventh "whereas" clause in its entirety;
- by striking the final "whereas" clause in its entirety and inserting the following in its place: "Whereas, it is also appropriate that removing subdivision requirements on lease parcels of more than ten years for all parcels should be available to all land within the borough."; and
- by striking MSB 27.05.010, C and D in their entirety and inserting the following: "Section 2. <u>Amendment of section</u>: MSB 27.05.005, Definition of Terms, "Subdivision" means the division of a tract or parcel of land into two or more lots, sites or other divisions, or the combining of two or more lots, tracts or parcels into one lot, tract or parcel for the purpose, whether immediate or future, of sale, [OR LEASE OF MORE THAN 10 YEARS] including any resubdivision."

MOTION: Assemblymember Woods moved to postpone Ordinance Serial No. 11-036 to a time certain of after the remaining public hearings this evening.

VOTE: The motion to postpone failed with Assemblymembers Woods and Ewing in support.

Assemblymember Halter spoke to the need to refer the legislation and issues raised within Ms. Probasco's April 5, 2011, memorandum to the Port Commission to provide the Assembly with a comprehensive plan on how to phase in leases and how to do it efficiently and quickly.

Discussion ensued regarding:

- concerns regarding the Assembly receiving information at the last minute;
- the legislation not being time critical;
- the flexibility that leasing provides;
- the Borough having clients that are interested in property;
- the need for the Borough to be open for business;
- concerns regarding leasing property for ten years without a plat;
- the need for the Port Commission to be involved with the legislation;
- the need for the Assembly to have a work session to gain more information on how the primary amendment would affect code; and
- the need to streamline Title 27 so that it is equitable to all land owners.

VOTE: The primary amendment failed with Assemblymembers Colver and Ewing in support.

MOTION: Assemblymember Halter moved to refer Ordinance Serial No. 11-036 along with the issues raised in Ms. Probasco's April 5, 2011, memorandum titled Port Leasing Committee Update and Port Leasing Streamline Process to the Port Commission to present a comprehensive plan for leasing and port development to be back to the Assembly within 90 days.

MOTION: Assemblymember Bettine moved a primary amendment by inserting the following words: "requiring information on budget item for general platting budget, to plat the larger parcels in the eastern area of the port in accordance with the master plan."

Mayor DeVilbiss queried whether the information could be compiled within 90 days.

Assemblymember Bettine noted that the Assembly needs a master plat for the larger parcels in the eastern area of the port in accordance with the master plan.

Ms. Gray:

- noted that she was unsure if the information could be compiled within 90 days; and
- queried if the Assembly would like the information distributed at a work session.

Assemblymember Halter spoke to the need to hear the Port Commission's comments.

Assemblymember Colver:

- spoke in opposition to the primary amendment;
- opined that the amendment is not germane to the issue;
- spoke to the reasons that the Borough is leasing property at the port;
- noted that once the Borough receives a number of leases at the port, the Borough could decide to plat the right-of-way adjoining them and staff could work with the lessees to determine where future accesses will be;
- stated that the Borough cannot decide ahead of time what a business is going to want; and
- spoke to concerns that the topic is straying from the intent of the Port District.

Discussion ensued regarding:

- the need to see the three potential lease areas;
- concerns with who would be paying for the roads;
- the need to know the cost and the locations;
- the need to look at this as a private developer would look at it;
- the tax payers wanting a return on investment;
- concerns regarding leasing large areas without platting;
- concerns regarding spending tax payers money to identify platting costs when those costs are borne by the lessee; and
- the staff recommendations within the April 5, 2011, memorandum from Ms. Probasco.

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

VOTE: The motion passed without objection.

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

Assemblymember Colver:

- opined that the Assembly could resolve this issue now;
- opined that the Borough has a bad reputation regarding not being able to get anything done through its own process;
- commented that now more time is being added to what the Assembly was trying to do with some reform; and
- stated that the Assembly needs to get something done that the business community can use.

(The meeting recessed at 8:35 p.m. and reconvened at 8:41 p.m.)

Assemblymember Arvin:

- opined that the Assembly could anticipate what the Port Commission's comments are going to be;
- noted that the Port Commission applauded when the Assembly exempted the Port District from the mandatory land use permit process;
- opined that the Port Commission is going to applaud being excused from the requirements of Title 27 regarding platting;

- stated that the question is what is broken in Title 27 that not only affects the Port District, but every other land owner;
- noted that he would be interested in hearing the Port Commission's comments regarding the legislation; and
- requested that the Assembly deal with the issues with Title 27 on a broader boroughwide basis.

Assemblymember Colver queried when the next Port Commission meeting was scheduled.

Ms. McKechnie noted that the next Port Commission meeting will be held on April 18, 2011.

MOTION: Assemblymember Colver moved a primary amendment by striking "within 90 days" and inserting the following in its place "to have it on the April 18, 2011, Port Commission agenda to have comments back to Assembly by April 19, 2011.

VOTE: The primary amendment passed with Assemblymembers Ewing and Bettine in opposition.

VOTE: The motion to refer as amended passed with Assemblymember Ewing and Bettine in opposition.

2. Ordinance Serial No. 11-037: AN ORDINANCE ACCEPTING AND APPROPRIATING $235,000, FROM THE UNITED STATES FISH AND WILDLIFE SERVICE FOR CULVERT REPLACEMENT IN LITTLE SUSITNA/BIG LAKE WATERSHEDS AND HYDROSEEDING OF PAST PROJECTS, PROJECT NO. 30107, FUND 410.

a. Resolution Serial No. 11-044: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR CULVERT REPLACEMENT, IN THE LITTLE SUSITNA/BIG LAKE WATERSHEDS AND HYDROSEEDING, PROJECT NO. 30107.

(1) IM No. 11-044

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 Bettine moved to adopt Ordinance Serial No. 11-037 and Resolution Serial No. 11-044.

VOTE: The motion passed without objection.

3. Ordinance Serial No. 11-038: AN ORDINANCE AMENDING MSB 17.28; DESIGNATING AN AREA NEAR MILEPOST 78.3 OF THE PARKS HIGHWAY AN

INTERIM MATERIALS DISTRICT, WITHIN TOWNSHIP 20 NORTH, RANGE 4 WEST, SECTION 6, SEWARD MERIDIAN.

a. IM No. 11-056

Mr. Strawn provided a staff report.

Assemblymember Ewing:

- noted that an Assembly member may have a conflict of interest with Ordinance Serial No. 11-038;
- opined that Assemblymember Keogh had a conflict of interest as he is anti-mining and a member of a corporation that advocates anti-mining; and
- opined that Assemblymember Keogh had conflicts of interest when it comes to mining.

RULING: Mayor DeVilbiss ruled that Assemblymember Keogh does not have a conflict of interest with Ordinance Serial No. 11-038.

Assemblymember Keogh:

- commented that he appreciates anyone raising conflicts of interest issues;
- stated that he is not a director of any non-profit corporation, though he had been in the past;
- spoke to inaccurate suggestions that he is the chairman of the Castle Mountain Coalition and the chairman of the Chickaloon Community Council; and
- stated that he is neither the chairman of the Castle Mountain Coalition nor the chairman of the Chickaloon Community Council.

Mayor DeVilbiss opened the public hearing.

The following person spoke in support of the Assembly helping foster a good neighbor relationship between the Willow residents and Quality Asphalt Paving and Sealcoating, Inc. (QAP), the need to have a strong and enforced reclamation plan, concerns with clearing land by burning, the need to have dust management, and the rail spur: Ms. Linda Oxley, Willow Area Community Organization Chair.

The following person spoke in opposition to Ordinance Serial No. 11-038: Ms. Elsa Billingham.

The following person spoke regarding concerns with the water table, dust, hours of operation, and the impacts on wildlife: Ms. Louise Ireton.

The following person spoke regarding operation monitoring, Borough revenue, whether the operation would be subject to the Surface Mining Recovery Act, and a letter he wrote to the Borough Attorney: Mr. Steve Labot.

The following person spoke regarding the reclamation plan, land clearing, transportation of materials, water monitoring, hours of operation, and site access: Mr. Ron Carlson, QAP.

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

MOTION: Assemblymember Halter moved to adopt Ordinance Serial No. 11-038.

Assemblymember Halter:

- spoke to the reclamation plan;
- commented that he would like this operation to be viewed by the public as the way mining should be;
- stated that it was good to hear that QAP will be wood chipping rather than burning;
- spoke to the need for dust suppression if there are trucks going down the Parks Highway;
- opined that the operation is fairly isolated;
- spoke to the need to enlarge buffers to protect private property owners;
- spoke to the rail spur;
- spoke to the hours of operation;
- noted that the land had not been farmed in the last 25 years; and
- opined that it would be better to allow QAP to include this information in their interim materials district, give all of the wetlands to the Borough, and buffer against the private property owners.

MOTION: Assemblymember Halter moved a primary amendment to Ordinance Serial No. 11-038 as follows:

- MSB 17.28.090(A) (3), Section 6, by striking the following words: "W3/4 of the SW1/4 of the SW1/4 of the SE1/4" and inserting in its place "W1/2 of the SW1/4 of the SW1/4 of the SE1/4 and theW1/2 of the E1/2 of the SW1/4 of the SW1/4 of the SE1/4.
- Special Condition No. 11, by inserting the following language at the end of the paragraph: "Prior to any extraction of material, the applicant shall submit a wetlands delineation prepared by a qualified wetlands scientist;
- Special Condition No. 13, by inserting the following language at the end of the paragraph: "Ground water monitoring shall be conducted on a bi-annual basis to review water table levels and quality and shall be submitted to the Matanuska-Susitna Borough upon request";
- Special Condition No. 14, by inserting the following language at the end of the paragraph: "A 50-foot vegetated buffer, non inclusive of any section line easement, shall be provided along the western boundary of Killion Subdivision; and
- by inserting, Special Condition No. 15 to read: "Prior to extraction of any material, the applicant shall submit a detailed reclamation plan that outlines intermediate stages of development of each phase (I-3). Each intermediate stage shall not exceed three years. Within two growing seasons of completion of each intermediate stage, a minimum 60 percent live cover shall be established and maintained in conformance with the current Alaska State Department of Natural Resources, Division of Agriculture, Revegetation Manual for Alaska."

Assemblymember Keogh spoke in support of the primary amendment.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Halter moved a primary amendment to Ordinance Serial No. 11-038, Special Condition No. 4, by striking in its entirety and inserting in its place "Dust suppression shall be applied to minimize negative effects on surrounding properties and the Parks Highway."

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

4. Ordinance Serial No. 11-039: AN ORDINANCE ACCEPTING AND APPROPRIATING THE COOPERATIVE AGREEMENT BETWEEN THE ALASKA ENERGY AUTHORITY AND THE MATANUSKA-SUSITNA BOROUGH FOR $325,000 FROM THE ALASKA ENERGY AUTHORITY TO FUND 480, PROJECT NO. 47504, FOR LIDAR TOPOGRAPHIC DATA AND ORTHORECTIFIED AERIAL IMAGERY ACQUISITION FOR THE MAT-SU VALLEY.

a. Resolution Serial No. 11-045: A RESOLUTION ESTABLISHING THE SCOPE OF WORK AND BUDGET FOR THE COOPERATIVE AGREEMENT BETWEEN THE ALASKA ENERGY AUTHORITY AND THE MATANUSKA-SUSITNA BOROUGH FOR LIDAR TOPOGRAPHIC DATA AND ORTHORECTIFIED AERIAL IMAGERY ACQUISITION FOR THE MAT-SU VALLEY.

(1) IM No. 11-065

CONFLICT OF INTEREST: Assemblymember Arvin declared a conflict of interest on Ordinance Serial No. 11-039 and Resolution Serial No. 11-045.

Assemblymember Arvin:

- spoke to the earlier discussion of the legal finding regarding his potential conflicts of interest due to serving on AIDEA;
- noted that he would be recusing himself from legislation that had specific funding granted or loaned to the Borough from AIDEA or AEA; and
- recused himself from Ordinance Serial No. 11-039 and Resolution Serial No. 11-045.

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

(Assemblymember Arvin exited the meeting at this time.)

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 Bettine moved to adopt Ordinance Serial No. 11-039 and Resolution Serial No. 11-045.

Assemblymember Ewing:

- thanked staff for explaining the legislation to him; and
- noted that he attended classes in Washington D.C. regarding the imagery and how it could be used in the future; and
- opined that it was a good investment.

VOTE: The motion passed without objection.

(Assemblymember Arvin reentered the meeting at this time.)

5. Ordinance Serial No. 11-040: AN ORDINANCE ACCEPTING AND APPROPRIATING UP TO $44,444 FROM THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION THROUGH THE NATURE CONSERVANCY TO FUND 480, PROJECT NO. 47504, FOR THE ACQUISITION OF HIGH RESOLUTION LIDAR AND AERIAL PHOTOGRAPHY DATA FOR A PORTION OF THE MATANUSKA-SUSITNA BOROUGH.

a. Resolution Serial No. 11-046: A RESOLUTION ESTABLISHING THE SCOPE OF WORK AND BUDGET FOR THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SUBAWARD THROUGH THE NATURE CONSERVANCY FOR THE ACQUISITION OF HIGH RESOLUTION LIDAR AND AERIAL PHOTOGRAPHY DATA FOR A PORTION OF THE MATANUSKA-SUSITNA BOROUGH.

(1) IM No. 11-066

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 Bettine moved to adopt Ordinance Serial No. 11-040 and Resolution Serial No. 11-046.

VOTE: The motion passed without objection.

6. Ordinance Serial No. 11-041: AN ORDINANCE APPROPRIATING $34,854,678 TO FUND 400, SCHOOL PROJECTS, FOR THE ACQUISITION, CONSTRUCTION, AND INSTALLATION OF SCHOOL AND RELATED CAPITAL IMPROVEMENTS WITHIN THE BOROUGH AND FOR RELATED ISSUANCE COSTS FOR THE 2011 SERIES “A” GENERAL OBLIGATION SCHOOL BONDS.

a. IM No. 11-070

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 Bettine moved to adopt Ordinance Serial No. 11-041.

Assemblymember Colver queried the bond council fee.

Ms. Clayton:
- advised that she could report on what the majority of the fee is, however the Borough had not received the fee for the actual expenses as of yet; and
- noted that the fee for the legal work was $25,000.

Assemblymember Colver queried whether the total fee would be less than $30,000.

Ms. Clayton opined that the total fee would not exceed $30,000.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person thanked the Assembly for their work, spoke in support of Resolution Serial No. 11-050, and spoke to filing a letter of intent to run for the Wasilla City Mayor: Ms. Taffina Katkus.

The following person spoke to concerns regarding a letter that she received regarding residing within a special flood hazard area and the need to apply for a permit: Ms. Nancy Taylor.

The following person spoke in support of Resolution Serial No. 11-050 and the need to have a study performed before funding is spent: Mr. Marvin Yoder.

MOTION: Assemblymember Ewing moved to extend the meeting past 10 p.m. and not to exceed 10:15 p.m.

VOTE: The motion passed without objection.

D. CONSENT AGENDA (Resolution Serial Nos. 11-048 and 11-050 were pulled from the consent agenda and addressed separately. *See pp. 19-22*)

1. RESOLUTIONS

b. Resolution Serial No. 11-049: A RESOLUTION URGING THE ALASKA STATE FAIR TO APPROVE THE EXTENSION OF THE MAT-SU MINER'S LEASE OF HERMON BROTHERS FIELD. *(Sponsored by Mayor DeVilbiss)*

(1) IM No. 11-075

d. Resolution Serial No. 11-051: A RESOLUTION AMENDING THE BUDGET FOR THE FISCAL YEAR 2009 CAPITAL PROJECT, DOOR AND HARDWARE REPLACEMENT, PROJECT NO. 10157 AND REVISING THE SCOPE OF WORK AND BUDGET FOR THE FISCAL YEAR 2010 CAPITAL PROJECT, WATER CONDITIONER, PROJECT NO. 10157 FOR THE BRETT MEMORIAL ICE ARENA.

(1) IM No. 11-079

2. ASSEMBLY MEMORANDUMS

a. AM No. 11-017: APPROVAL OF CONTRACT AMENDMENT TO GRANITE CONSTRUCTION IN THE AMOUNT OF $60,098.93 FOR WASILLA HIGH SCHOOL SITE CIRCULATION AND SECURITY UPGRADES, PROJECT NO. 40172.

b. AM No. 11-022: APPROVAL OF UTILITY RELOCATION COSTS TO MATANUSKA TELEPHONE ASSOCIATION IN THE AMOUNT OF $135,775.95 FOR KAREN STREET PROJECT, PROJECT NO. 30047.

c. AM No. 11-023: AWARD OF BID NO. 11-068 TO VALLEY GENERAL CONSTRUCTION, LLC, IN THE CONTRACT AMOUNT OF $119,556 FOR DOUGLAS DRIVE GRADING, DRAINAGE, AND AGGREGATE SURFACE.

d. AM No. 11-025: ACCEPTANCE OF LATE FILED AND RETROACTIVE SENIOR CITIZEN AND DISABLED VETERAN EXEMPTION APPLICATIONS.

e. AM No. 11-028: AWARD OF BID NO. 11-069 TO WOLVERINE SUPPLY, INC., IN THE CONTRACT AMOUNT OF $481,468.50 FOR SUNRISE ROAD CULVERT REPLACEMENT.

f. AM No. 11-029: AWARD OF BID NO. 11-079 TO VALLEY GENERAL CONSTRUCTION, LLC, IN THE CONTRACT AMOUNT OF $138,966 FOR KAREN STREET PHASE IV.

g. AM No. 11-030: AWARD OF BID NO. 11-073 TO WESTERN CONSTRUCTION AND EQUIPMENT IN THE CONTRACT AMOUNT OF $231,677.77 FOR NORTH NANCY LAKE ROAD REHAB PHASE I.

h. AM No. 11-031: AWARD OF PROPOSAL NO. 11-070 TO AEROMETRIC IN THE CONTRACT AMOUNT OF $1,909,905 FOR LIDAR AND IMAGERY ACQUISITION PROJECT.

i. AM No. 11-032: EXTENSION OF CONTRACT NO. 04-098 TO NORTH STAR GROUP IN AN AMOUNT NOT TO EXCEED $75,000 FOR FEDERAL LOBBYIST SERVICES.

Ms. McKechnie read the above legislation into the record.

Mayor DeVilbiss queried whether there was any objection to adopting the consent agenda as read into the record by the Clerk.

There were no objections noted.

a. Resolution Serial No. 11-048: A RESOLUTION AMENDING THE BUDGETS FOR PROJECT NOS. 10023, BUILDING ENERGY AUDITS PHASE II, AND 10057, ADMINISTRATION BUILDING REPAIR AND MAINTENANCE FUND TO SUPPLEMENT THE FUNDING FOR BUILDING MAINTENANCE.

(1) IM No. 11-051

MOTION: Assemblymember Ewing moved to adopt Resolution Serial No. 11-048.

Assemblymember Ewing spoke to the cost of the project.

Mr. Braun:
- clarified that the Building Energy Audits Phase II Project had been completed; and
- spoke to the remaining project fund balance being transferred to the Dorothy Swanda Jones Administration Building maintenance fund.

VOTE: The motion passed without objection.

c. Resolution Serial No. 11-050: A RESOLUTION SUPPORTING THE SUSITNA HYDROELECTRIC PROJECT. *(Sponsored by Assemblymember Woods)*

(1) IM No. 11-077

CONFLICT OF INTEREST: Mayor DeVilbiss declared that he had a conflict of interest on Resolution Serial No. 11-050.

(Mayor DeVilbiss exited the meeting at this time.)

(Assemblymember Bettine assumed the duties of the chair.)

MOTION: Assemblymember Keogh moved to adopt Resolution Serial No. 11-050.

Assemblymember Keogh queried the reason that Resolution Serial No. 11-050 was brought forward as almost identical legislation had been postponed indefinitely previously.

Assemblymember Woods:
- noted that he requested that the legislation come back before the Assembly; and
- opined that a message should be sent to the Legislature before the end of the Legislative Session.

MOTION: Assemblymember Halter moved a primary amendment to Resolution Serial No. 11-050 as follows:

- fourth whereas clause, by striking the words “but it will also be a large contributor with the long-term economic stability of the Matanuska-Susitna Borough”;
- fifth whereas clause, by striking the words “this project will be necessary” and inserting in its place “this proposed project is one avenue” to read: “Whereas, this proposed project is one avenue to achieve the State’s goal of deriving 50 percent of electricity from renewable and alternative sources by the year 2025”;
- sixth whereas clause, by inserting the words “if constructed” after the word “project”; and
- by striking the last “be it further resolved clause” in its entirety.

VOTE: The primary amendment passed without objection.

Assemblymember Halter:

- spoke to concerns he has heard from the public;
- opined that the legislation is premature;
- spoke to the cost of the project;
- spoke to the natural gas pipeline;
- opined that natural gas is the better alternative;
- noted that he may support the project once questions had been answered; and
- commented that he did not know how the project would affect the cost of electricity and what percentage of electricity the project would supply.

Discussion ensued regarding:

- the information that was discussed at the public information meeting;
- the need for the Assembly to support the next step;
- that Governor Parnell’s allocation of $60 million was to fund an elaborate public process to conduct significant science and to answer engineering questions;
- the answer to whether the electrical rates would go up, down, or stay the same would be known once the next step was taken;
- the pebble mine project;
- the concerns of the public being valid;
- that the concerns will not be able to be addressed until the pre-feasibility study had been performed;
- the cost estimate of the project growing by leaps and bounds; and
- less expensive energy alternatives.

MOTION: Assemblymember Keogh moved to extend the meeting past 10:15 p.m. and not to exceed 10:30 p.m.

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

MOTION: Assemblymember Arvin moved to extend the meeting past 10:15 p.m. and not to exceed 10:35 p.m.

MOTION: Assemblymember Colver moved a primary amendment by striking “10:35 p.m.” and inserting “10:30 p.m.” in its place.

VOTE The primary amendment passed without objection.

VOTE: The motion passed as amended with Assemblymember Ewing opposed.

MOTION: Assemblymember Colver moved to refer Resolution Serial No. 11-050 to the Mayor’s Blue Ribbon Sportsmen’s Committee to provide a recommendation to the Assembly on the legislation and to come back to the Assembly as soon as it could, subsequent to the Committee’s April 21, 2011, meeting.

Assemblymember Colver:

- noted that the Mayor’s Blue Ribbon Sportsmen’s Committee spent the last year working on the Susitna fisheries; and
- commented that there are a number of experts in the field serving on the Committee; and
- opined that the Assembly needs the Committee’s advice.

Assemblymember Ewing stated that he was opposed to referring the legislation as Assemblymember Colver is a member of the Committee.

Assemblymember Colver noted that he would recuse himself from the Committee’s comments.

Discussion ensued regarding:

- the feasibility study to collect information; and
- the Legislative Session being over before the Assembly would receive comments back from the Committee; and
- whether the legislation would pass the Legislative Session.

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

Assemblymember Colver:

- spoke to striking the references to Senate Bill No. 42 and House Bill No. 103 and only supporting the capital appropriations; and
- spoke to the content of Senate Bill No. 42 and House Bill No. 103.

MOTION: Assemblymember Arvin moved a primary amendment to Resolution Serial No. 11-050, “now, therefore, be it resolved” clause by striking the words “Senate Bill No. 42 and House Bill No. 103 to conduct” to read: “Now, therefore, be it resolved, that the Matanuska-Susitna Borough Assembly supports planning, design, and permitting for the Susitna Hydroelectric Project;”

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended with Assemblymembers Keogh and Halter opposed.

(Mayor DeVilbiss re-entered the meeting at this time and resumed the duties as chair.)

IX. NEW BUSINESS

A. INTRODUCTIONS (For public hearing – 04/19/11, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 11-042: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF $121,318 OF REVENUES FROM PUBLIC DONATIONS TO THE FISCAL YEAR 2011 ANIMAL CARE AND REGULATION DIVISION OPERATING BUDGET, 200.100.606, AND REAPPROPRIATING $101,318 FROM THE FISCAL YEAR 2011 ANIMAL CARE AND REGULATION DIVISION OPERATING BUDGET, FUND 200, TO FUND 435, PROJECT NO. 10151, ANIMAL CONTROL BUILDING.

a. Resolution Serial No. 11-052: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR A PORTION OF REVENUES FROM PUBLIC DONATIONS, PROJECT NO. 10151, ANIMAL CONTROL BUILDING.

(1) IM No. 11-068

2. Ordinance Serial No. 11-043: AN ORDINANCE ACCEPTING AND APPROPRIATING A $36,000 UNITED STATES DEPARTMENT OF HOMELAND SECURITY ASSISTANCE TO FIREFIGHTERS GRANT AND REQUESTING A REAPPROPRIATION FOR THE REQUIRED MATCHING FUNDS IN THE AMOUNT OF $4,000 FROM THE WASILLA LAKES FIRE SERVICE AREA FISCAL YEAR 2011 OPERATING BUDGET, FUND 250, TO PROJECT NO. 45157, FUND 405, TO PURCHASE A COMPRESSOR.

a. Resolution Serial No. 11-053: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY ASSISTANCE TO FIREFIGHTERS GRANT FOR THE WASILLA LAKES FIRE SERVICE AREA, PROJECT NO. 45157, FUND 405, TO PURCHASE A COMPRESSOR.

(1) IM No. 11-076

3. Ordinance Serial No. 11-044: AN ORDINANCE RECLASSIFYING PARCEL NO. 2 OF WAIVER SUBDIVISION SERIAL NO. 2004-020PWM, PALMER RECORDING DISTRICT, AND THE NORTH ONE HALF OF GOVERNMENT LOT 3, LOCATED WITHIN SECTION 31, TOWNSHIP 18 NORTH, RANGE 1 EAST, SEWARD MERIDIAN, ALASKA, CONTAINING AN APPROXIMATE COMBINED 33 ACRES, FROM PUBLIC RECREATION LANDS TO RESERVED USE LANDS. (MSB006557).

a. IM No. 11-080

4. Ordinance Serial No. 11-045: AN ORDINANCE AMENDING MSB 3.15.200, BOARD OF EQUALIZATION, APPEAL. *(Sponsored by Assemblymember Bettine)*

a. IM No. 11-081

5. Ordinance Serial No. 11-046: AN ORDINANCE APPROVING THE ACCEPTANCE AND APPROPRIATION OF COMMUNITY ECONOMIC STIMULUS GRANT (ARRA) FUNDS IN THE AMOUNT OF $2,044,281, TO FUND 100.

a. IM No. 11-082

Ms. McKechnie read the above legislation into the record.

MOTION: Assemblymember Bettine moved to introduce the legislation as read into the record by the Clerk and set the public hearings for April 19, 2011.

VOTE: The motion passed without objection.

Assemblymember Bettine requested to take up the vacancy report next.

There was no objection noted.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor DeVilbiss requested the following confirmations:

Board of Ethics
  David Wilson
  Dan Kennedy
Historical Preservation Commission
  Arlene Stephl
Talkeetna Sewer and Water Service Area No. 36
  Jane Steere

Mayor DeVilbiss made the following recommendations:

Willow Fire Service Area No. 35
  Derral Godbee
Meadow Lakes Road Service Area No. 27
  David Long

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

Assemblymember Colver queried whether Mayor DeVilbiss was going to make movements to the Parks, Recreation, and Trails Advisory Board.

Mayor DeVilbiss:

- noted that he met with the Parks, Recreation, and Advisory Board on April 4, 2011;
- opined that the Board has some issues;
- opined that the Board currently represents non-motorized trail use;
- stated that there is no representation of native lands;
- noted that he is going to move ahead, however, there is a need to have broad representation on the Board; and
- spoke to the reasons that he met with the Board.

Discussion ensued regarding the Parks, Recreation, and Trails Advisory Board.

VOTE: The motion passed without objection.

(Unfinished business continued)

MOTION: Assemblymember Bettine moved a primary amendment to Resolution Serial No. 11-027, Section X, Staff Reports, paragraph A, by striking the current language and replacing it with following language: Staff reports before the Assembly will be an overview of the ordinance or resolution as well as new information or information requested to be shared with the Assembly or the Mayor prior to the meeting, but after the summary statement was prepared.

Assemblymember Bettine spoke to the need for Assembly members to have staff reports when needed.

Discussion ensued regarding:

- the current language putting assembly members in the position of having to ask for a staff report;
- the need for the Assembly to have an overview of legislation when needed;
- the lack of time for reviewing every piece of legislation before a meeting; and
- the staff reporting time lengthening the overall assembly meeting time.

VOTE: The primary amendment passed with Assemblymembers Ewing and Woods opposed.

MOTION: Assemblymember Bettine moved to extend the meeting past 10:30 p.m. and not to exceed 10:35 p.m.

VOTE: The motion passed with Assemblymembers Woods, Ewing, and Colver.

MOTION: Assemblymember Arvin moved a primary amendment to Resolution Serial No. 11-027, Section V, Expenses, paragraph B, by striking “$300” and inserting “$1000” in its place to read: “Teleconference costs exceeding $1000 for each assembly member in a fiscal year shall be borne by the assembly member requesting the teleconference.

VOTE: The motion passed without objection.

MOTION; Assemblymember Colver moved a primary amendment to Resolution Serial No. 11-027, Section IX, Conflicts of Interest, paragraph A, by inserting the words “for quasi judicial matters” after the words “ex parte contact” to read: The mayor and assembly shall disclose conflicts of interest and ex parte contact for quasi judicial matters.”

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

MOTION: Assemblymember Ewing moved to extend the meeting past 10:35 p.m. and not to exceed 10:40 p.m.

MOTION: The motion passed without objection.

B. Ordinance Serial No. 11-033: AN ORDINANCE AMENDING MSB 18.02 TO CLARIFY DUTIES AND PROVIDE FOR A TIMEFRAME AND ASSEMBLY APPROVAL OF ALL LEASES IN THE PORT DISTRICT. *(Sponsored by Assemblymember Halter)*

1. IM No. 11-049

MOTION PENDING: Assemblymember Halter moved to adopt Ordinance Serial No. 11-033.

Assemblymember Halter:
- noted that the need for this legislation came about several months ago;
- commented that he was trying to make sure that it was clear that the Manager, with the consideration of the Port Commission, was managing the Port;
- noted that the main thing he was trying to do was to have all leases for the port be approved by the Assembly;
- spoke to the timeline;
- noted the importance of the Manager and Port Commission Chair to report to the Assembly twice a year; and
- queried whether Assemblymember Arvin was interested in temporary leases of up to 18 months.

Assemblymember Arvin:
- opined that there would be users that would want to use the port on a short-term basis; and
- spoke to the length of the process.

MOTION: Assemblymember Arvin moved a primary amendment to Ordinance Serial No. 11-033, MSB 18.02.010(B), by inserting the words “over 18 months” after the word “leases” and before the word “in” to read: “Notwithstanding other titles of the borough code, the form and substance of all leases over 18 months in the Port District shall be approved by the Borough Assembly by ordinance.

Mr. Hanson:

- noted that a land use permit would be used most of the time with a time period of less than 18 months;
- commented that land use permits are not covered within Ordinance Serial No. 11-033, which was the reason that "all leases" was used in the language; and
- opined that it could be done either way.

MOTION: Assemblymember Keogh moved to extend the meeting past 10:40 p.m. and not to exceed 11 p.m.

VOTE: The motion passed with Assemblymembers Ewing and Colver opposed.

(Assemblymember Ewing exited the meeting at 10:39 p.m. and reentered the meeting at 10:40 p.m.)

Discussion ensued regarding:

- examples of leases; and
- whether there is a time limit for land use permits.

WITHDRAW: Assemblymember Arvin moved to withdraw his primary amendment.

There was no objection noted.

MOTION: Assemblymember Halter moved a primary amendment to Ordinance Serial No. 11-033, MSB 18.02.010 (B), by inserting the following words at the end of the paragraph: "Land use permits for a period of time under 18 months are allowed in addition to leases with Manager approval."

MOTION: Assemblymember Colver moved a secondary amendment to insert the words "without Assembly approval" after the word "permit" to read: "Land use permits without Assembly approval for a period of time under 18 months are allowed in addition to leases with Manager approval."

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment passed as amended without objection.

VOTE: The main motion passed as amended without objection.

C. Resolution Serial No. 11-038: A RESOLUTION RECOGNIZING THE SIGNIFICANCE OF COASTAL PLANNING AND SUPPORTING LEGISLATION THAT WILL CONTINUE THE ALASKA COASTAL MANAGEMENT PROGRAM. *(Sponsored by Mayor DeVilbiss)*

1. IM No. 11-063

MOTION PENDING: Assemblymember Arvin moved to adopt Resolution Serial No. 11-038.

Mayor DeVilbiss requested that the legislation be postponed indefinitely.

MOTION: Assemblymember Bettine moved to postpone Resolution Serial No. 11-038 indefinitely.

Assemblymember Colver noted that the bill was pulled off of the Finance Committee floor today and an agreement was being worked out.

VOTE : The motion passed without objection.

X. VETO

Mayor DeVilbiss:

- spoke to concerns regarding the $380,000 allocated from Ordinance Serial No. 11-032, Resolution Serial No. 11-029, and Resolution Serial No. 11-033 ;
- opined that the amount was a lot of money, which was mostly tax money;
- stated that he supports trails;
- noted that he has used trails and maintained trails;
- commented that trail maintenance, for the most part, had been done by volunteer efforts;
- opined that the funding may smother the volunteer effort;
- noted that he spoke to the Parks, Recreation, and Trails Advisory Board on April 4, 2011;
- spoke to concerns that a lot of the funding could be pulled out of the budget;
- stated that he wanted to make this statement because he did not want to set expectations that the new foundation was going to be something coming forward with funding that had to be matched;
- noted that he let the Board know that he would not be doing this with tax money;
- commented that the feeling he got was that everyone wanted to move ahead with the volunteers;
- spoke to concerns regarding the majority of the funding going to one user group on the trails systems; and
- spoke to the importance of balancing the table moving forward.

Assemblymember Halter:

- noted that he appreciated the Mayor’s comments;
- requested that staff bring a resolution forward requesting the Mat-Su Trails and Parks Foundation Board of Directors be broadened to include two assembly members and/or one

board member from each assembly district prior to the Borough transferring funding to the Foundation;
- spoke to his personal use of multi-use trails;
- opined that the Board mainly consists of core area members;
- spoke to being satisfied with the list of projects;
- spoke to the need for the projects to be identified and defined more closely;
- requested project budget information and how the projects were going to be prioritized; and
- spoke to the need to be fair to all assembly districts.

Mayor DeVilbiss noted that the legislation had been adopted and that the Foundation had been created.

Ms. Gray noted that she would need to check on whether the funds had been transferred.

Assemblymember Halter requested that Administration put a hold on the funding.

Discussion ensued regarding:
- Borough funding being conditional on the matching funds;
- the trails listed within the legislation being balanced;
- the need for management to give the Assembly an economic report regarding what the trails and recreation industry bring to the Borough; and
- the trails being an economic engine.

C. OTHER NEW BUSINESS

1. MOTION TO AMEND SOMETHING PREVIOUSLY ADOPTED
(Requested by Assemblymember Halter)

a. Resolution Serial No. 11-041: A RESOLUTION SEEKING STATE LEGISLATIVE SUPPORT FOR A 2011 MATANUSKA-SUSITNA BOROUGH TRANSPORTATION BOND FOR CONSTRUCTION OF NEW ROADS, ROAD UPGRADES AND IMPROVEMENTS.

(1) IM No. 11-071

MOTION: Assemblymember Halter moved a primary amendment to Resolution Serial No. 11-041, by striking "Talkeetna - F Street and Beaver Road Upgrade and Paving/Chip Sealing, Collector, $362,000 State, and $362,000 Borough."

Mayor DeVilbiss noted that he brought Resolution Serial No. 11-041 with him to Juneau.

Assemblymember Halter noted that Talkeetna "F" Street and Beaver Road did not meet the legal requirements.

Mayor DeVilbiss stated that Senator Huggins's office suggested that when the transportation bond goes forward, it would look a lot better if it lined up with the Municipality of Anchorage's similar request of $45,000,000.

Discussion ensued regarding:

- the Municipality of Anchorage's roads list;
- whether there was any supportive response for the Borough's transportation bond list from the Legislature;
- that many of the road projects were city projects as well as Borough projects; and
- whether the Borough was working with the cities to have them promote the projects.

VOTE: The motion passed without objection.

XI. RECONSIDERATION

A. ~~Reconsideration of the failed motion to introduce the tall structures legislation on April 19, 2011~~ ~~*(requested by Assemblymember Ewing)*~~

(The motion to reconsider was not moved.)

XII. EXECUTIVE SESSION

(There was no executive session held.)

XIII. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Arvin:

- commented that the side table discussions taking place during the meetings was very noticeable on the teleconference line; and
- opined that the side table discussions distract from the professionalism of the Assembly.

Assemblymember Bettine spoke in appreciation of the road service area projects update within the Manager's Report.

Ms. Gray thanked the Public Works Department for a job well done.

XIV. ADJOURNMENT

The regular meeting adjourned at 10:58 p.m.

Larry DeVilbiss

LARRY DeVILBISS, Borough Mayor

ATTEST:

Lonnie R McKechnie

LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 05/03/11