

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on April 17, 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*)
Mr. Steven Colligan, Assembly District No. 4
Mr. Darcie K. Salmon, Assembly District No. 5
Mr. Jim Colver, Assembly District No. 6
Mr. Vern Halter, Assembly District No. 7

Staff in attendance were:

Ms. Lonnie R. McKechnie, Borough Clerk
Mr. John Moosey, Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Jamie Newman, Deputy Borough Clerk
Ms. Tammy Clayton, Finance Director
Ms. Shaune O'Neil, Public Works Director
Ms. Eileen Probasco, Planning Chief
Mr. Dennis Brodigan, Emergency Services Director
Ms. Patty Sullivan, Public Affairs Director
Mr. Dave Dyer, Economic Development Director
Mr. Dave Dunivan, Assessor
Mr. Alex Strawn, Permitting Services Manager

III. APPROVAL OF AGENDA

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

Mr. Moosey requested that the Assembly pull AM No. 12-043 from the consent agenda as he has information to share.

Mayor DeVilbiss noted that AM No. 12-043 is pulled from the consent agenda.

Assemblymember Arvin requested to pull AM No. 12-037 from the consent agenda for further discussion.

Assemblymember Colver requested to pull Resolution Serial No. 12-048 from the consent agenda for further discussion.

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Jim Norcross, a member of the Greater Willow Road Service Area Board of Supervisors.

V. MINUTES OF PRECEDING MEETINGS

- A. Joint Assembly/Planning Commission: 03/27/12
- B. Regular Assembly Meeting: 04/03/12

Mayor DeVilbiss inquired if there were any corrections to the joint Assembly/Planning Commission meeting minutes of March 27, 2012, or the regular meeting minutes of April 3, 2012.

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

- 1. Reports from cities

Palmer City

Mr. Doug Griffin, City Manager:

- spoke to the Project Fair on May 17, at the MTA Events Center;
- noted that the Project Fair is an opportunity for the public to look at and receive nominated projects for consideration by the city of Palmer;
- spoke to capital project funding received from the State Legislature this year; and
- reported that “Spring Clean Up Week” is slated to take place May 7 through 12.

Houston City

Deputy Mayor Jim Johansen:

- spoke to concerns about the Parks Highway expansion project by Alaska Department of Transportation and Public Facilities with respect to the impact on businesses and the general use of the highway;
- reported that the Council will likely support the construction of a bird sanctuary on property in Houston; and
- reported that the Council will likely support the trailhead to Hatcher Pass near Zero Lake.

Wasilla City

Mr. Burt Cottle, Deputy City Administrator:

- reported that the new Wasilla Library survey is underway and should be completed by June 2012;
- spoke to funding received from the State Legislature for the new Wasilla Library project and for upgrades to Lake Lucille Park;
- reported that spring clean up is scheduled for May 1 through 12; and
- thanked the Borough for supporting the event by providing trash bags and dumpsters.

2. Matanuska-Susitna Borough School District

Dr. Deena Paramo, Superintendent:

- thanked the Borough for the proposed three percent increase in school funding;
- spoke to school funding authorized by the State Legislature for student transportation; and
- reported that based on anticipated revenue, it appears that the district is in line to retain the same amount of teachers as last year.

Mr. Ken Forrest, Chief Business Official, spoke to House Bill 313.

Mayor DeVilbiss asked if there was objection to cancelling the April 30, work session regarding the presentation of the School District's budget, as the School District presented their budget at the joint meeting.

Dr. Paramo concurred that the April 30, work session could be canceled.

There was no objection noted.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

(There was no report provided.)

2. Assembly Public Relations

Assemblymember Keogh:

- reported that he attended a meeting on April 12, regarding the expansion of the Fox Military Operations Area, located in the area of Lake Louise and Susitna Lake;
- added that the meeting was held to update the public on the Environmental Impact Statement; and
- noted that public hearings on the project are scheduled to take place in Palmer, Wasilla, Lake Louise, Glennallen, and Talkeetna.

C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues

Mr. Moosey:

- spoke to the successes of the Borough this legislative session; and
- reported that he will be traveling to Washington D.C. with the Attorney to meet with officials from the Federal Transit Administration.

D. ATTORNEY COMMENTS

Mr. Spiropoulos:

- advised that the Redistricting Board has adopted a revised plan; and
- added that the revised plan did not significantly change the legislative districts in the Borough.

E. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule;
- noted that the April 30, work session has been canceled; and
- advised that she has provided a memorandum that discusses the budget amendment process.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Emergency Medical Services Board: 11/02/11
 - b. Greater Butte RSA Board of Supervisors: 07/14/11, 11/03/11
 - c. Greater Willow RSA Board of Supervisors: 10/13/11, 12/15/11
 - d. Local Emergency Planning Committee: 12/21/11
 - e. Planning Commission: 02/06/12, 03/05/12, Resolution Serial No. 12-04, 12-05
 - f. Transportation Advisory Board: 01/25/12, Resolution Serial No. 11-14, 12-01
2. Community Council Minutes:
 - a. Chase Community Council: 07/21/11
 - b. Point MacKenzie Community Council: 06/09/11

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

G. INFORMATIONAL MEMORANDUMS

(There were no informational memorandums presented.)

VII. UNFINISHED BUSINESS

(There was no unfinished business.)

VIII. VETO

(There were no vetoes presented.)

IX. SPECIAL ORDERS

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

(There were no persons to be heard.)

B. PUBLIC HEARINGS (Three minutes per person.)

1. Ordinance Serial No. 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.

The following persons spoke to challenges with respect to changing the date of the Borough's regular election to the date of the State's general election: Ms. Janette Bower, Palmer City Clerk; and Ms. Kristie Smithers, Wasilla City Clerk.

The following person suggested that the date of the Borough's regular election be amended to a spring election in an effort to increase voter turnout: Ms. Michelle Church.

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

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

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

MOTION: Assemblymember Colligan moved a secondary amendment to add "beginning in 2014" at the end of November.

Assemblymember Colligan:

- spoke in favor of changing the date of the election in an effort to increase voter turnout;
- added that he has discussed the logistical issues with the Clerk and the Deputy Clerk, as well as Lieutenant Governor Mead Treadwell;

- affirmed the logistical issues that are involved in combining Borough and State elections; and
- stated that as a matter of policy the body must encourage public participation and voter turnout.

VOTE: The secondary amendment passed without objection.

Assemblymember Salmon:

- spoke in opposition to changing the Borough's election date;
- noted his opposition to blending state and national issues with local issues;
- opined that the body should not impose its will to increase voter turnout;
- stated that if the voters are interested in the issues on the ballot then they would show up and vote; and
- added that issues bring people to the polls not the date in which an election is held.

Discussion ensued regarding:

- that State Statute would need to be changed should the Assembly want the State to run the Borough's election;
- the Assembly having to change their term limits should the State run the Borough's election every two years;
- that State Statute would also need to be changed with regard to the School Board, as law limits school boards terms to three years;
- the logistics of holding the Borough's regular election on the same day as the State's general election;
- issues with the State requiring that the Borough and the State have separate election boards to run each election;
- the possibility of the Borough purchasing its own election equipment;
- that the State has a larger voter turnout than the Borough; and
- whether changing the date of the election would result in a cost savings.

Assemblymember Colligan:

- noted that he would withdraw his primary amendment; and
- noted his intent to bring the issue back for Assembly consideration or as a ballot question.

WITHDRAW: Assemblymember Colligan withdrew the primary amendment.

There was no objection noted.

VOTE: The main motion passed without objection.

2. 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

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. 12-057.

VOTE: The motion passed without objection.

3. 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

Mayor DeVilbiss opened the public hearing.

The following person spoke to the impact the legislation will have on the fire service area budget: Mr. Ken Slauson, Wasilla-Lakes Fire Service Area Board of Supervisors.

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

MOTION: Assemblymember Arvin moved to adopt Ordinance Serial No. 12-058.

Assemblymember Colver:

- expressed concern about the impact to property taxes should the legislation pass; and
- queried as to the fiscal impact should the exemption be amended to \$500,000.

Ms. Clayton provided a report on the impacts by setting the exemption rate at \$500,000.

Assemblymember Arvin noted that the proposed fiscal year 2013 operating budget does not include revenue from inventory tax.

Assemblymember Colligan:

- expressed concern with taking revenue from commercial interests and transferring it to property owners; and
- queried as to how the Borough monitors the process to ensure compliance.

Mr. Dunivan:

- advised that the Borough sends out forms annually; and
- noted that businesses are self reporting.

Assemblymember Colligan:

- expressed the need to fully understand the impact the legislation will have on the mill rate;
- added that it is also important to understand the impact of the legislation on the overall economic development perspective; and

- spoke to the importance of a strategic economic development plan.

Mr. Dyer provided a report on economic development opportunities that may be realized through the adoption of the legislation.

Discussion ensued regarding:

- the development of a tax incentive plan;
- the need to take serious measures to entice business to the Borough;
- issues the legislation will have on cash flow; and
- the possibility of waiving inventory tax over a period of time.

MOTION: Assemblymember Colligan moved to postpone Ordinance Serial No. 12-058 to a time certain of May 15, 2012.

VOTE: The motion passed without objection.

(The meeting recessed at 7:27 p.m. and reconvened at 7:37 p.m.)

4. 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

(Assemblymember Halter exited the meeting)

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 Keogh moved to adopt Ordinance Serial No. 12-059.

VOTE: The motion passed without objection.

(Assemblymember Halter reentered to the meeting)

5. Ordinance Serial No. 12-060: AN ORDINANCE REPEALING MSB 3.36, BUSINESS LICENSES. *(Sponsored by Mayor DeVilbiss)*
 - a. IM No. 12-083

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 Arvin moved to adopt Ordinance Serial No. 12-060.

Assemblymember Colligan:

- spoke to business license data as an asset to the Borough;
- noted that the Borough currently treats the business license data as a tax;
- spoke to the value of the data in terms of economic development efforts;
- added that he would like to see the creation of an electronic business license application process; and
- noted the need to clean up the existing business license database.

Assemblymember Keogh:

- noted his agreement with the comments made by Assemblymember Colligan;
- spoke in support of cleaning up the existing database and evaluating the fees; and
- noted it would be beneficial to bring the discussion into the budget process.

MOTION: Assemblymember Woods moved to postpone Ordinance Serial No. 12-060 to a time certain of May 15, 2012.

VOTE: The motion passed with Assemblymember Keogh opposed.

6. 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

Mayor DeVilbiss opened the public hearing.

The following person spoke in support of Ordinance Serial No. 12-061 and suggested that the definition of “attendant” in the legislation may have an adverse effect on other events: Mr. Justin Boot Rousseau, Promoter of the Trapper Creek Bluegrass festival.

The following person spoke to concerns that the legislation is confusing as to intent: Ms. Michelle Church.

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

MOTION: Assemblymember Arvin moved to adopt Ordinance Serial No. 12-061.

Mayor DeVilbiss requested that Mr. Spiropoulos provide a report.

Mr. Spiropoulos:

- noted that the legislation originated in his office in response to citizen complaints about objectionable activities at the Trapper Creek Bluegrass festival;
- reported that the Borough filed suit and obtained a preliminary injunction;

- added that the legislation was drafted to address a claimed ambiguity in code; and
- related that the Planning Commission further amended the legislation beyond the version drafted by his office.

Mr. Strawn presented a staff report on the genesis of the legislation, the subsequent action of the Planning Commission, and the special event permitting process.

Assemblymember Halter:

- spoke to the threshold in which the regulations apply to various types of events; and
- questioned the theory behind when a permit is required.

Assemblymember Keogh stated that the legislation, as currently written, is difficult for him to grasp.

Mr. Spiropoulos suggested that the legislation may be difficult to read because the code is not presented in its entirety.

MOTION: Assemblymember Halter moved to remand the legislation back to Planning Commission for 60 days.

Mr. Strawn requested that the Assembly define what changes they wish the Planning Commission to incorporate.

Assemblymember Colligan queried as to the impact on current events should the body defeat the legislation.

Mr. Spiropoulos:

- noted that the briefing schedule has been delayed in the Supreme Court;
- stated the delay ran out last week;
- added that a legislative fix may moot the appeal; and
- requested that the definition of “attendant” be addressed at this time.

WITHDRAW: Assemblymember Halter withdrew the referral.

There was no objection raised.

MOTION: Assemblymember Colligan moved a primary amendment to Ordinance Serial No. 12-061, by striking Sections 3, 4, 5, 6, 7, and 8; and by deleting all of Section 2, except the definition of “attendant.” *(This amendment deleted all of the code changes with the exception to the definition of attendant.)*

VOTE: The primary amendment passed without objection.

VOTE: The main motion as amended passed without objection.

7. 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

Mayor DeVilbiss opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 12-062: Ms. Holly Metzler, Academy Charter School Advisory Board President; Ms. Barbara Gerard, Academy Charter School Principal; Mr. Sean Reilly, Academy Charter School Advisory Board Member and teacher; and Ms. Jennifer Schmidt.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 12-062.

Assemblymember Keogh:

- noted he was impressed with the fact that Academy Charter was willing to borrow and pay back funds to cover the shortfall;
- stated that the school site acquisition fund is healthy;
- expressed concern that the School Board has not weighed in on the legislation;
- expressed concern that the school site acquisition fund was established for the purpose of land acquisition for school sites and related costs; and
- added that the legislation has caused him personal conflict.

Mr. Spiropoulos noted that code allows for the use of the funds for purposes other than land acquisition for school sites and related costs by two-thirds vote of the Assembly.

Assemblymember Colligan:

- noted that the legislation is of high value to the community; and
- spoke favorably about the management and student family participation of Academy Charter School.

Discussion ensued regarding:

- the importance of sound education;
- funding for charter schools in relation to traditional public schools; and
- the value of constructing the extra classrooms in relation to the cost of construction.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following persons spoke in support of Resolution Serial No. 12-047: Ms. Jennifer Schmidt, Fronteras Spanish Immersion Principal; Ms. Nerissa Torres, Fronteras Spanish Immersion Teacher; Ms. Jennifer Renee; Mr. Ernie Hetrick; Ms. Gretchen Thompson; Mr. Chris Whittington-Evans; Ms. Nicole Whittington-Evans; Mr. Marcus Ring; Ms. Michelle Nyland; Ms. Mary Blackman-Green; Ms. Jill Shawman; and Mr. Ed Stratten.

The following persons spoke to concerns regarding the re-bid of Borough road maintenance contracts: Mr. Jim Norcross, Greater Willow Road Service Area Board of Supervisors; Mr. John Strassenburgh, Talkeetna Road Service Area Board of Supervisors; and Mr. James Ross, J A Spain & Sons Inc.

The following person spoke regarding road maintenance contractors not performing work required under Borough contract: Mr. Bill Sterns.

The following person spoke to concerns regarding the lack of consistency and uniformity in road maintenance service provided by contractors throughout the Borough and requested that the Borough review the performance of the contractors before the contracts are re-bid: Mr. Karl Kopperud, Kopperud Transportation Inc.

(The meeting recessed at 9:37 p.m. and reconvened at 9:43 p.m.)

D. CONSENT AGENDA

1. RESOLUTIONS

a. Resolution Serial No. 12-046: A RESOLUTION AMENDING THE BUDGET FOR FISCAL YEAR 2011 CAPITAL IMPROVEMENT PROJECT CHIP SEAL PARKING LOT, FUND 435, PROJECT NO. 10143 AND APPROVING THE SCOPE OF WORK AND BUDGET FOR SUTTON LIBRARY COMMUNITY RESOURCE CENTER RELOCATION, FUND 435, PROJECT NO. 10155.

(1) IM No. 12-093

b. Resolution Serial No. 12-047: A RESOLUTION APPROVING THE LOCATION FOR A PERMANENT FACILITY FOR FRONTERAS SPANISH IMMERSION CHARTER SCHOOL TO BE LOCATED ON BOROUGH-OWNED PROPERTIES 18N01E31C001 AND 18N01E31C012.

(1) IM No. 12-094

2. ACTION MEMORANDUMS

a. AM No. 12-034: APPROVAL OF CHANGE ORDER NO. ONE TO HATTENBURG, DILLEY, AND LINNELL, LLC. IN THE AMOUNT OF \$100,000 FOR GEOTECHNICAL SERVICES FOR FISCAL YEAR 2013.

- b. AM No. 12-035: APPROVAL OF CHANGE ORDER NO. ONE TO LOUNSBURY AND ASSOCIATES IN THE AMOUNT OF \$300,000 FOR ENGINEERING AND SURVEY SERVICES FOR FISCAL YEAR 2013.
- d. AM No. 12-038: APPROVAL OF CHANGE ORDER NO. ONE TO USKH IN THE AMOUNT OF \$300,000 FOR ENGINEERING AND SURVEY SERVICES FOR FISCAL YEAR 2013.
- e. AM No. 12-039: APPROVAL OF CHANGE ORDER NO. ONE TO HATTENBURG, DILLEY, AND LINNELL, LLC., IN THE AMOUNT OF \$300,000 FOR ENGINEERING AND SURVEY SERVICES FOR FISCAL YEAR 2013.
- f. AM No. 12-040: AWARD OF BID NO. 12-122 TO DOUBLE “A” CONSTRUCTION FOR THE CONTRACT AMOUNT OF \$212,212 FOR BRENTWOOD ESTATES DRAINAGE IMPROVEMENTS.
- g. AM No. 12-041: AWARD OF BID NO. 12-123 TO CONSOLIDATED ENTERPRISES, INC. FOR THE CONTRACT AMOUNT OF \$4,645,170 FOR WASILLA MIDDLE AND HIGH SCHOOL ROOF REPAIR – REPLACEMENT.
- h. AM No. 12-042: AWARD OF BID NO. 12-124 TO EARHART ROOFING COMPANY, INC. FOR THE CONTRACT AMOUNT OF \$1,349,000, FOR THE SCHOOL DISTRICT ADMINISTRATION BUILDING ROOF REPAIR – REPLACEMENT.

Ms. McKechnie read the above legislation into the record.

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

VOTE: The motion passed without objection.

- c. Resolution Serial No. 12-048: A RESOLUTION ESTABLISHING THE MINIMUM LEVEL OF FUNDING FOR THE MATANUSKA-SUSITNA BOROUGH SCHOOL DISTRICT FOR THE FISCAL YEAR ENDING JUNE 30, 2013.

(1) IM No. 12-096

MOTION: Assemblymember Colver moved to adopt Resolution Serial No.12-048.

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 12-048, to insert a second “Be it Further Resolved Clause” to read as follows: Be it further resolved, that the Matanuska-Susitna Borough Assembly hereby sets an additional amount of \$139,679.60 to be added to the above minimum with the specific intent and request of the School Board that this additional amount be allocated to charter schools in the amounts equal (or proportional) to the amounts which charter schools have paid in property taxes under their lease obligations.

Assemblymember Colver:

- noted that traditional public schools are constructed on publically owned land and therefore not assessed property taxes;
- added that many charter schools are housed in leased facilities that are located on private property and therefore pay property taxes; and
- spoke in support of allocating funds to charter schools as a way to cover the cost of property taxes.

Assemblymember Arvin:

- spoke in support of the amendment; and
- encouraged unanimous consent of the body.

Mr. Spiropoulos noted that the amendment is not binding, as the Assembly cannot legally direct how the School Board allocates funds; however, it sends a strong message as to the intent of the use of the funds.

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

VOTE: The motion passed without objection.

Discussion ensued regarding:

- challenges faced by charter schools that lease space on private property; and
- the School District allocating the funds toward the intended purpose.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

c. AM No. 12-037: AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE M/V SUSITNA'S OWNER'S REPRESENTATIVE IN A MONTHLY AMOUNT NOT TO EXCEED \$5,000 TO PROMOTE THE USE AND LONG TERM CHARTER OF THE M/V SUSITNA BY THE UNITED STATES NAVY OR OTHER INTERESTED PARTIES.

MOTION: Assemblymember Arvin moved to adopt AM No. 12-037.

Assemblymember Arvin:

- stated that this legislation is for \$5,000 a month for 20 hours of work, which would equal \$250 an hour; and
- spoke to concerns regarding extending the contract for work that is defined in the deliverables in the current contract, which the owner's representative should already be performing.

Mr. Moosey spoke to the need to extend the contract for three months as the Borough lacks the contacts the contractor has with Navy representatives and other interested persons.

Assemblymember Colligan:

- noted that the Manager could technically enter into the contract without the consent of the Assembly, as it falls within his purchasing authority; and
- noted appreciation for the Manager bringing the matter forward to the Assembly in an effort to keep them informed.

Assemblymember Keogh spoke to the value in keeping the contractor in place for the purposes affirmed by Mr. Moosey.

Assemblymember Arvin expressed trepidation with the cost of the vessel to Borough tax payers.

VOTE: The motion passed with Assemblymembers Arvin, Colver, and Halter opposed.

- i. AM No. 12-043: AWARD OF BID NO. 12-126 TO COMMERCIAL CONTRACTORS, INC., FOR THE CONTRACT AMOUNT OF \$967,150 FOR DISTRICT FLOORING REPLACEMENT AT EIGHT SCHOOLS.

MOTION: Assemblymember Arvin moved to adopt AM No. 12-043.

Mr. Moosey:

- advised that a bid protest that has been received on this bid;
- advised that Administration believes the protest is unwarranted; and
- noted that the contract will not be executed until the bid protest has been answered.

VOTE: The motion passed without objection.

X. NEW BUSINESS

A. INTRODUCTION (For public hearing – 05/02/12 and 05/03/12 6 p.m., Central Mat-Su Public Safety Building)

1. Ordinance Serial No. 12-012: AN ORDINANCE APPROPRIATING MONIES FROM THE CENTRAL TREASURY FOR THE BOROUGH OPERATING FUNDS, ENTERPRISE FUNDS, EDUCATION OPERATING FUND AND CAPITAL FUNDS AND ESTABLISHING A RATE OF LEVY FOR ALL BOROUGH FUNCTIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, AND ENDING JUNE 30, 2013.

Ms. McKechnie read the above legislation into the record.

MOTION: Assemblymember Arvin moved to introduce the legislation as read into the record by the Clerk and set the public hearings for May 2, 2012 and May 3, 2012.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor DeVilbiss requested the following confirmations:

Board of Equalization
Catherine Fosselman
Borough Area School Site Selection Committee
John Klapperich
Tom Adams, confirmation to Representative 1 position
Tom Adams, resignation from alternate position
Library Board
Bonnie Cavanaugh

Mayor DeVilbiss made the following recommendations:

Emergency Medical Services Board
Alaina Anderson

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

VOTE: The motion passed without objection.

MOTION: Assemblymember Cover moved for reconsideration of Ordinance Serial No. 12-062.

Assemblymember Colver stated that the reconsideration is necessary because the award of the change order must be approved by the Assembly as the cost is above the Manager's purchasing authority.

VOTE: The motion passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 12-062, to insert the following sentence at the end of Section 2: "and approve an award/change order to proceed with bid alternatives 2, 4, and 5."

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

C. OTHER NEW BUSINESS

(There was no other new business.)

- D. REFERRALS (For referral to the Planning Commission for 90 days or other date specified by the Assembly)

(There were no referrals presented.)

XI. RECONSIDERATION

(There were no reconsiderations presented.)

XII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Assemblymember Colver:

- spoke favorably about the support the Borough received from Governor Sean Parnell and the State Legislature;
- complemented the Assembly for the work done for charter schools;
- complemented the Assembly for the work done on the subdivision code; and
- spoke to the need for oversight in regard to the concerns raised regarding the road service maintenance contracts.

Assemblymember Colligan:

- noted his appreciation that the Borough, School District, and the cities of Houston, Palmer, and Wasilla worked together in Juneau this legislative session;
- noted his sadness over the recent passing of Representative Carl Gatto; and
- spoke to the dedication of Representative Gatto to his constituents in his district.

Assemblymember Woods spoke to the need to address the concerns raised regarding the road service maintenance contracts.

Assemblymember Halter:

- spoke to the concerns raised regarding the road service maintenance contracts; and
- noted he does not support re-bidding the road service area contracts.

Assemblymember Arvin:

- noted that he does not support re-bidding all of the road service area contracts;
- added that only those contractors not performing should have to re-bid on contracts; and
- shared a heartwarming story about Representative Gatto.

Mayor DeVilbiss:

- spoke to the accomplishments of Representative Gatto;
- spoke to accusations that he favors businesses over property owners;
- added that his intent is to deal with issues that harass businesses without return such as business inventory tax and the business license; and
- spoke to his goal to build jobs in the local economy.

XIII. EXECUTIVE SESSION

(There was no executive session held.)

XIV. ADJOURNMENT

The regular meeting adjourned at 10:30 p.m.



LARRY DeVILBISS, Borough Mayor

ATTEST:



LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 05/01/12