I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on April 19, 2011, 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. 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. Brenda J. Henry, Executive Assistant to the Borough Clerk
Ms. Tammy Clayton, Finance Director
Ms. Shaune O'Neil, Public Works Director
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. Richard Stockdale, Animal Care Manager
Ms. Nancy Cameron, Land Management Agent
Ms. Shannon Post, Chief Information Officer
Mr. Dave Dunivan, Assessor
Mr. Robert Guertin, Code Compliance Chief
Ms. Pamela Graham, Grants and Projects Coordinator

III. APPROVAL OF AGENDA

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

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Robert Guertin, Code Compliance Chief.

V. MINUTES OF PRECEDING MEETINGS

A. Special Assembly Meeting: 03/22/11
B. Joint Assembly/Planning Commission Meeting: 03/22/11
C. Special Assembly Meeting: 03/29/11 (2)
D. Joint Assembly/School Board Meeting: 03/29/11

Mayor DeVilbiss inquired if there were any corrections to the special meeting minutes of March 22, 2011, the joint meeting minutes of March 22, 2011, the special meeting minutes of March 29, 2011 (2), or the joint meeting minutes of March 29, 2011.

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

(There were no reports provided.)

2. Matanuska-Susitna Borough School District

(There was no report provided.)

3. Mat-Su Convention and Visitors Bureau – Ms. Dee Dee Kay, Board President

Ms. Kay:

- spoke to her many years of involvement with the Mat-Su Convention and Visitors Bureau (MSCVB);
- reported that it has been predicted that tourism will be up this year;
- related that one of the focuses of the MSCVB this season has been to increase the web presence and internet traffic;
- stated that over 60 percent of visitor business in the Borough comes directly from State tourism;
- spoke to the "Yahoo Mat-Su" advertising that occurs mainly in the spring;
- stated that a strategic goal of the MSCVB is to bring a travel writer to the valley;
- related that having a travel writer to promote an area, is one of the single most effective forms of promoting tourism;
- stated that they are working to promote the 75th anniversary of the Alaska State Fair as a topic that could be covered;

- spoke to Korean Airlines having seven charter flights coming directly to Alaska, with passenger projections of 200;
- stated that next month they are going to Pow Wow, where they will be meeting with over 40 international operators;
- invited the Assembly to the Gateway Mat-Su Visitors Center gathering on May 11;
- stated that they will be looking at the top two proposed sites for a gateway visitors center to engage visitors before they travel North;
- requested Assembly input to the proposed sites; and
- thanked the Assembly for their continued support.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

(There was no report provided.)

C. MANAGER COMMENTS

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

Ms. Gray:
- spoke to a letter regarding permitting that was sent out from the Planning Department; and
- stated that Ms. Nelson would be providing an report regarding the letter.

Ms. Nelson:
- related that in 1985, the Borough agreed to participate in the National Flood Insurance Program (NFIP);
- stated that the legislation was adopted with minimum criteria and that the Borough agreed to enforce ordinance provisions to reduce future flood damage;
- stated that in return, flood insurance and other forms of federal assistance were made available to residents;
- related that as a function of the NFIP, the Federal Emergency Management Agency (FEMA) and/or the state of Alaska Coordinating Office, conduct periodic Community Assistance Visits (CAV's);
- noted that the CAV's are done approximately every five years, with the most important function being identifying and solving potential problems before they lead to noncompliant development;
- stated that the letter was sent out to 3,045 people, which were properties identified as being partially or completely in the flood plain;
- noted that the letter was sent out in order to determine what type of development had occurred, if any since the last CAV;
- noted that as a requirement for participation, the Borough must show to the maximum extent possible that the Borough is making every effort to bring properties into compliance;

- noted that there is no building permit requirement and that until 2008, there was no multi-land use permit requirement for construction within a flood plain;
- stated that because of that, there was no trigger to identify properties that may have been constructed in flood plains;
- stated that the intent is to ensure that the Borough stays in compliance with the program in order to receive insurance costs savings;
- noted that there have been minor inventories done over the years, but that no major survey had been completed;
- stated that the intent is to conduct a full survey in order to help citizens be in compliance so that the Borough does not run afoul of the NFIP program;
- related that the letter was to notify people that the Borough would be coming around their property so that they would know what was being surveyed; and
- related that staff will be suggesting legislation to the Assembly to either lower or eliminate the fee.

Assemblymember Ewing:
- spoke to concerns with the letter that was sent;
- stated that the letter did not identify that property would be surveyed;
- noted that the letter was not signed so the residents who received the letter, had no idea who to contact with questions; and
- stated that the letter did not advise residents that the Borough would be coming on to their property to conduct inspections or what lot they would be inspecting.

Ms. Nelson:
- spoke to the impact that LIDAR imagining will have on this project;
- agreed that the letter was insufficient and spoke to ways that it could be improved;
- spoke to development in a flood plain requiring a permit; and
- related that Planning did consult with Law to determine if staff could legally go onto residents' property to conduct the survey.

Assemblymember Woods:
- queried how accurate the information regarding flood plains is; and
- spoke to changes in flood plain areas over the last 40 years.

Ms. Nelson:
- related that the Borough adopted flood plain maps that are as accurate as the information currently available;
- noted that there is not a lot of information about the Butte area;
- reiterated the positive impacts that the LIDAR project will provide regarding flood plains;
- stated that the CAV has been scheduled for late summer and she would like to have the survey completed by that time; and
- related that staff has surveyed a fifth of the properties, and have found that 20 to 25 percent are out of compliance.

Discussion ensued regarding:

- reducing or eliminating flood plain development fees;
- advertising efforts to increase public awareness of the need for permits;
- the possibility of amnesty for properties within preexisting development in the flood plain;
- the number of properties currently out of compliance;
- the need for a permit for any type of development in a flood plain;
- making necessary efforts for the Borough to be in compliance;
- the number of people who carry flood insurance within the Borough;
- what it means for a resident to be out of compliance;
- what it takes for a resident to come into compliance;
- what constitutes a substantial improvement;
- the impacts of the Borough not being in compliance with NFIP requirements;
- the CAV visit and the prior legislation not being interconnected;
- the preparation necessary prior to the CAV visit; and
- different types of CAV visits that could be conducted.

Ms. Gray:

- stated that in the past, the Manager has provided comments to the state Redistricting Board and requested direction as to how the Assembly would like her to proceed;
- related that the Redistricing Board has indicated that they are in favor of option number one, which would result in the Borough having three full representatives, three shared representatives, two full senators, and one shared senator;
- spoke to option number two providing the Borough four full representatives, two shared representatives, two senators, and one shared senator;
- stated that staff does not feel that either option is a good one for the Borough, due to sizeable population numbers;
- stated that Administration recommends that the Borough pursue a redistricting plan that will result in the maximum representation for the Borough; and
- requested direction from the Assembly on how they would like to proceed.

Mayor DeVilbiss inquired if there was any objection to coming back to this issue after the Assembly had a chance to review the map proposed by staff.

There was no objection noted.

Assemblymember Keogh queried if there was a response to the letter the Assembly sent regarding the Borough's position on redistricting.

Ms. Graham stated that as of today she had not received a response.

2. Assembly Public Relations

Assemblymember Bettine:

- spoke to a recent gathering she had attended with local farmers;
- stated that she shared information that she had received regarding seed potatoes with Senator Begich; and
- opined that it was worth while gathering.

Mayor DeVilbiss:

- related that he was in Juneau last week when the capital budget first came out of the Senate;
- stated that on his return flight he was seated next to Mayor Sullivan, which resulted in a lot of discussion; and
- queried if the Assembly would like any information regarding his meeting with boards, commissions, and committees at each Assembly meeting.

Assemblymember Ewing requested the information via email.

Assemblymember Colver opined that if there was pertinent issues, that he would like to hear about the discussion.

Mayor DeVilbiss spoke to information he had requested concerning potential upgrades of monitors within Assembly chambers being provided to the Assembly in the red folders.

Assemblymember Keogh:

- spoke to attending a ground breaking ceremony for a facility that will be a primary care center; and
- stated that it should be open by next summer.

3. Mayor's Blue Ribbon Sportsmen's Committee

(There was no report provided.)

(The regular meeting recessed at 6:57 p.m. and reconvened at 7 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. 11-034: AN ORDINANCE CREATING TRIMOTOR STREET AND PORTION OF ALIX DRIVE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 450, APPROVING THE IMPROVEMENT PLAN FOR THE

DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.

a. IM No. 11-057

Ms. Clayton provided a staff report.

Mayor DeVilbiss opened the public hearing.

The following person spoke in support of Ordinance Serial No. 11-034: Mr. David Payne.

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

MOTION: Assemblymember Bettine moved to adopt Ordinance Serial No. 11-034.

VOTE: The motion passed without objection.

2. Ordinance Serial No. 11-035: AN ORDINANCE CREATING APRYL LANE AND SOUTH FRANCE COURT ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 452, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.

a. IM No. 11-058

Ms. Clayton provided a staff report.

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. 11-035.

VOTE: The motion passed without objection.

3. 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

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 Woods moved to adopt Ordinance Serial No. 11-042 and Resolution Serial No. 11-052.

Assemblymember Arvin:

- noted the tremendous outreach from the public in January; and
- thanked the many volunteers who donated their time and funds.

Assemblymember Halter:

- noted that Mr. Stockdale had only been on the job a few days when the issue came up; and
- thanked Mr. Stockdale for his efforts.

Assemblymember Keogh noted his appreciation of Mr. Stockdale, Borough staff, and the many volunteers who rose to the occasion during a difficult situation.

Ms. Gray noted that April is Volunteer Appreciation month.

VOTE: The motion passed without objection.

4. 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

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 Ewing moved to adopt Ordinance Serial No. 11-043 and Resolution Serial No. 11-053.

VOTE: The motion passed without objection.

5. 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

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 Colver moved to adopt Ordinance Serial No. 11-044.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 11-044 by:

- inserting a final whereas clause to read: "Whereas, it is the intent of the Matanuska-Susitna Borough that only a portion of the property shall be used for the Mat-Su Day School site;" and
- by striking the words "expansion of the school district maintenance facility" and inserting in its place "other Borough facilities" to read: "Whereas, classification as reserved use lands offers multi-use potential where in future design phase of the Mat-Su Day School could include ball fields and multi-use trails, relocation of the Borough Parks and Recreation shop and other Borough facilities."

Assemblymember Colver stated that it is important to note that the property is not intended strictly for a school site.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

6. 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

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. 11-045.

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 11-045, MSB 3.15.200(D), as follows:

- by striking the words "seven working" and inserting in its place "five business" to read "(D) The Assessor shall prepare for use by the Board of Equalization a summary of assessment data relating to each assessment that is appealed. This summary shall be provided to the Board and to the appellant at least five business days before the hearing; and
- to strike MSB 3.15.200 (D)(1) in its entirety.

Assemblymember Bettine stated that she would like to delete (D) (1) as she feels it is redundant.

Assemblymember Woods requested that the Attorney provide comment as to whether or not (D) (1) is redundant.

Mr. Spiropoulos:

- noted that Assessors do not always have the information that may be requested;
- stated that (D)(1) is somewhat redundant, as the records are public records anyway;
- related that if the records were requested that the information would have to be provided; and
- stated that the Assessors may not always have the information as they use the mass appraisal software.

Assemblymember Halter stated that he thought the real issue was that assessments were behind.

Mayor DeVilbiss:

- stated that being behind in assessments is a broader issue; and
- noted that this amendment is addressing appeals before the Board of Equalization.

Assemblymember Arvin opined that the legislation was best prior to the proposed amendments.

Ms. Clayton stated that she proposed five business days to Assemblymember Bettine due to concerns of the Assessor in meeting the deadlines.

Mr. Spiropoulos stated that if the amendment is included in code, that it would guarantee a continuance for an appellant, as it would be a quasi-judicial matter.

Assemblymember Arvin:

- noted that the Borough requires the general population to follow strict timeframes for appeals; and
- spoke against the primary amendment.

MOTION: Assemblymember Colver moved a secondary amendment to reinsert the language for (D) (1) that reads: "The Assessor shall provide available comparable property information for property assessments that have increased by more than 10 percent unless improvements to the property have been made such as natural gas, road access, or additions. This information shall be provided to the Board of Equalization and to the appellant at least seven working days before the hearing."

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment passed with Assemblymembers Halter, Ewing, and Arvin opposed.

Assemblymember Arvin queried the timeframe for appeals before the Board of Equalization.

Mr. Spiropoulos:

- stated that the deadlines are short in order to coincide with budget season; and
- related that the timeframes are set by Alaska State Statute.

Assemblymember Arvin queried if additional time could be provided to appellants.

Mr. Spiropoulos stated that it could not.

Assemblymember Bettine queried what would be an acceptable excuse for missing deadlines for appeals.

Mr. Spiropoulos:

- stated that the right of appeal ceases unless the Board finds that the tax payer was unable to comply;
- related that the issue of what is acceptable or not would be a quasi-judicial determination that could be appealable to the Superior Court; and
- noted that natural disasters could be a good reason that the Board could consider.

Assemblymember Bettine queried if it must be given to the Board for determination.

Mr. Spiropoulos affirmed the query.

MOTION: Assemblymember Keogh moved a primary amendment to Ordinance Serial No. 11-045, MSB 3.15.200 (D)(1), by striking "seven working" and inserting in its place "five business."

Assemblymember Keogh noted that the language in (D)(1) should be the same as what the Assembly just adopted in (D).

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 11-045, to insert “and email when it is provided” throughout the ordinance when speaking to providing service copies to an appellant.

VOTE: The primary amendment passed without objection.

Assemblymember Colver stated that he would like a statement included that states that all records are public and can be requested.

Mr. Spiropoulos spoke to concerns with amending code regarding public records request without it being its own legislation.

Ms. Gray:

- stated that producing comparables is something that she thought is already done; and
- queried if this was fact.

Mr. Dunivan:

- related that Assessments began putting comparable sales information on discs a couple of years ago; and
- stated that if someone requests that information, that it is typically provided immediately.

Assemblymember Ewing queried the timeframe for public records requests.

Mr. Spiropoulos advised that it is 10 days.

Mayor DeVilbiss noted that staff has indicated that the 10-day timeframe is not what will be used for these types of requests.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 11-045, to insert the following language at the end of (D) to read: “Any available information is a public record available to any person requesting it.”

Assemblymember Bettine queried the content of the disc that contains the comparables.

Mr. Dunivan related that the sales data currently available in the system is what is provided, which includes a table to explain the information on the disc.

Assemblymember Bettine stated that she would like to continue this discussion in depth at a later date.

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

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

VOTE: The primary amendment passed with Assemblymember Arvin opposed.

Assemblymember Arvin spoke to concerns with information being promptly provided to those who request it.

MOTION: Assemblymember Ewing called for the question (to stop debate).
VOTE: The motion passed without objection.

VOTE: The main motion passed as amended without objection.

7. 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. Clayton provided a staff report.

Assemblymember Bettine queried if it was possible to bring these funds into the fiscal year 2012 budget in order to reduce property taxes.

Ms. Clayton:
- affirmed the query;
- related that she has drafted an amendment for Assemblymember Colver that would address that issue; and
- advised that it would show on the face of the general fund page.

Discussion ensued regarding how the funds could be applied to the fiscal year 2012 budget.

Mayor DeVilbiss opened the public hearing.

The following person spoke in opposition to Ordinance Serial No. 11-046: Mr. Neil Snider.

MOTION: Assemblymember Arvin moved to adopt Ordinance Serial No. 11-046.

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

VOTE: The motion failed with Assemblymembers Ewing, Woods, and Arvin in support.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 11-046, by inserting a new section 3 and to renumber the remaining sections accordingly, to read: “These funds shall be reflected as additional unexpected revenues in the fiscal year 2012 budget.”

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

VOTE: The motion failed with Assemblymembers Ewing, Woods, and Halter in support.

MOTION: Assemblymember Bettine moved a secondary amendment to change the language to read as follows: "The funds shall reflect an additional unexpected revenues in the fiscal year 2012 budget to reduce the mill rate by the amount of the federal stimulus."

Assemblymember Arvin noted that he liked the amendment, but encouraged the body to look at other ways to reduce the budget.

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

VOTE: The motion passed without objection.

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

(The regular meeting recessed at 8:21 pm and reconvened at 8:31 p.m.)

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke to concerns with Ordinance Serial No. 11-036 and MSB Title 27: Mr. Butch Moore.

The following person spoke to concerns with the timeliness of processing applications on the Vacancy Report: Ms. Lori Wiertsema.

The following person spoke to the need for a wastewater treatment facility within the Borough: Ms. Helen Munoz.

The following person spoke to concerns regarding debt resolution: Mr. Neil Snider.

The following person thanked the Assembly for their dedication in accomplishing the public's business: Mr. John Klapperich.

The following persons spoke in support of Ordinance Serial No. 11-053 and removing properties from Road Service Area No. 19: Mr. Ray DeVilbiss and Mr. Chris Gates.

D. CONSENT AGENDA (Resolution Serial Nos. 11-056, 11-057 and AM No. 11-033 were pulled from the consent agenda and addressed separately. *See pp. 15-17*)

1. RESOLUTIONS

a. Resolution Serial No. 11-054: A RESOLUTION AMENDING THE BUDGETS FOR PROJECT NOS. 10172, 10175, AND 45254 TO ALLOW FOR THE WEST LAKES

FIRE SERVICE AREA LAND PURCHASE FOR A NEW FIRE/AMBULANCE STATION NO. 73.

(1) IM No. 11-085

b. Resolution Serial No. 11-055: A RESOLUTION TO REVISE THE SCHEDULE OF FEES FOR THE ABANDONED VEHICLE PROGRAM.

(1) IM No. 11-087

2. ACTION MEMORANDUMS

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. 11-056: A RESOLUTION ESTABLISHING THE MINIMUM LEVEL OF FUNDING FOR THE MATANUSKA-SUSITNA BOROUGH SCHOOL DISTRICT FOR THE FISCAL YEAR ENDING JUNE 30, 2012.

(1) IM No. 11-088

MOTION: Assemblymember Woods moved to adopt Resolution Serial No. 11-056.

Assemblymember Woods queried the reason for the legislation at this time.

Ms. Clayton stated that the legislation is a result of state requirements.

Mr. Spiropoulos advised that if the minimum funding amount is not set, that per statute the School District automatically receives the amount they requested in their budget.

VOTE: The motion passed without objection.

d. Resolution Serial No. 11-057: A RESOLUTION RECOGNIZING THE NAME CHANGE OF THE BUFFALO/SOAPSTONE COMMUNITY COUNCIL TO THE MOOSE CREEK SOAPSTONE COMMUNITY COUNCIL.

(1) IM No. 11-094

MOTION: Assemblymember Woods moved to adopt Resolution Serial No. 11-057.

Assemblymember Woods queried the boundaries of this community council.

Assemblymember Keogh stated that the boundaries are generally to the East up to Moose Creek, then extending all the way to the Matanuska River, then westerly to include the entire Soapstone area and a bit beyond, to the inactive Farm Loop community council boundaries.

Assemblymember Woods queried if the legislation was to increase the size of the community council.

Assemblymember Keogh stated that it is only a name change that has been requested by the council.
VOTE: The motion passed without objection.

a. AM No. 11-033: AWARD OF BID NO. 11-083 TO HOWDIE, INC. IN THE CONTRACT AMOUNT OF $213,428 FOR DOROTHY SWANDA JONES BUILDING DOOR HARDWARE AND SECURITY UPGRADES.

MOTION: Assemblymember Colver moved to adopt AM No. 11-033.

MOTION: Assemblymember Colver moved to postpone AM No. 11-033 to a time certain of May 17, 2011.

Assemblymember Colver spoke to concerns with spending funds on improvements to the building when the future of how the building may or may not be expanded is uncertain.

Ms. Gray queried if there will be any contracts affected if the legislation is postponed.

Mr. Braun stated that there were not.

Assemblymember Bettine:

- spoke to concerns with postponing the legislation after companies have bid; and
- queried what would happen with the bids if the legislation is postponed.

Mr. Braun stated that the contractor would be on hold until the body approves the legislation.

Assemblymember Bettine queried if the were any penalties that could be incurred.

Mr. Braun stated that there were not as of now, as the contract is not signed until it is approved by the Assembly.

Assemblymember Bettine stated that she is going to vote against the postponement as the body approved the upgrades last year.

Assemblymember Arvin queried if the locks are currently working.

Mr. Braun:

- affirmed the query;
- related that the bigger concern is that no one is sure who may have keys to the building over the last 30 years;
- stated that when keys are lost, the Borough takes the chance of not re-keying the building; and

- related that the project is to convert the building over to electronic key cards, which would be more easily tracked.

VOTE: The motion to postpone to a time certain passed with Assemblymembers Bettine and Ewing opposed.

Mayor DeVilbiss inquired if there was any objection to taking up introductions next.

There was no objection noted.

X. NEW BUSINESS

A. INTRODUCTIONS (For public hearing – 05/03/11 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 11-047: AN ORDINANCE ACCEPTING AND APPROPRIATING $19,720 FROM THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT GRANT PROGRAM, TO FUND 425, PROJECT NO. 45158, FOR REIMBURSEMENT OF EMERGENCY PLANNING AND EXERCISE EXPENSES.

a. Resolution Serial No. 11-058: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, PROJECT NO. 45158, FUND 425, FOR REIMBURSEMENT OF EMERGENCY PLANNING AND EXERCISE EXPENSES.

(1) IM No. 11-078.

2. Ordinance Serial No. 11-048: AN ORDINANCE APPROPRIATING $50,000 FROM THE GREATER PALMER CONSOLIDATED FIRE SERVICE AREA FUND BALANCE, FUND 259, TO FUND 405, PROJECT NO. 45215, FOR THE PURCHASE OF FIRE ENGINE EQUIPMENT.

a. IM No. 11-083

3. Ordinance Serial No. 11-049: AN ORDINANCE APPROVING AN APPROPRIATION OF $200,000 FROM THE WEST LAKES FIRE SERVICE AREA FUND BALANCE, FUND 249, TO FUND 405, PROJECT NO. 45260, TO ALLOW FOR FACILITY MODIFICATIONS TO INTERIM STATION NO. 73 ON SPRING ROAD.

a. Resolution Serial No. 11-059: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 45260, TO ALLOW FOR FACILITY MODIFICATIONS TO INTERIM STATION NO. 73 ON SPRING ROAD.

(1) IM No. 11-084

4. Ordinance Serial No. 11-050: AN ORDINANCE ACCEPTING AND APPROPRIATING A $95,000 UNITED STATES DEPARTMENT OF HOMELAND SECURITY ASSISTANCE TO FIREFIGHTERS GRANT AND REQUESTING A REAPPROPRIATION FOR THE REQUIRED MATCHING FUNDS IN THE

AMOUNT OF $5,000 FROM THE WEST LAKES FIRE SERVICE AREA FISCAL YEAR 2011 OPERATING BUDGET, FUND 249, TO PROJECT NO. 45260, FUND 405, FOR FACILITY SAFETY MODIFICATIONS AT INTERIM STATION NO. 73 ON SPRING ROAD.

a. Resolution Serial No. 11-060: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY ASSISTANCE TO FIREFIGHTERS GRANT FOR THE WEST LAKES FIRE SERVICE AREA, PROJECT NO. 45260, FUND 405, FOR FACILITY SAFETY MODIFICATIONS AT INTERIM STATION NO. 73 ON SPRING ROAD.

(1) IM No. 11-086

5. Ordinance Serial No. 11-051: AN ORDINANCE ACCEPTING AND APPROPRIATING AN AMENDMENT TO THE COOPERATIVE AGREEMENT BETWEEN THE ALASKA ENERGY AUTHORITY AND THE MATANUSKA-SUSITNA BOROUGH FOR AN ADDITIONAL $100,000 FROM THE ALASKA ENERGY AUTHORITY (AEA) TO FUND 480, PROJECT NO. 47504, FOR LIDAR TOPOGRAPHIC DATA AND ORTHORECTIFIED AERIAL IMAGERY ACQUISITION FOR THE MAT-SU VALLEY.

a. Resolution Serial No. 11-061: A RESOLUTION ESTABLISHING THE SCOPE OF WORK AND BUDGET FOR THE AMENDMENT TO 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. 11-089

6. Ordinance Serial No. 11-052: AN ORDINANCE AMENDING MSB 15.24.030, ADOPTING THE POINT MACKENZIE COMPREHENSIVE PLAN.

a. IM No. 11-091

7. Ordinance Serial No. 11-053: AN ORDINANCE REMOVING PROPERTIES FROM THE LAZY MOUNTAIN ROAD SERVICE AREA AND AMENDING MSB 5.25.028. *(Sponsored by Assemblymember Keogh)*

a. IM No. 11-095

8. Ordinance Serial No. 11-054 AN ORDINANCE AMENDING MSB 2.12.075, JOINT MEETINGS ESTABLISHED, TO MAKE A CHANGE TO THE NUMBER OF JOINT MEETINGS THAT THE ASSEMBLY HOLDS WITH THE SCHOOL BOARD AND PLANNING COMMISSION. *(Sponsored by Assemblymember Bettine)*

a. IM No. 11-096

B. INTRODUCTION (For public hearing – 05/04/11 and 05/05/11, 6 p.m., Central Mat-Su Public Safety Building)

1. Ordinance Serial No. 11-011: AN ORDINANCE APPROPRIATING MONIES FROM THE CENTRAL TREASURY FOR THE BOROUGH OPERATING FUNDS, ENTERPRISE FUNDS, EDUCATION OPERATING FUND, AND CAPITAL FUNDS AND ESTABLISHING THE RATE OF LEVY FOR ALL BOROUGH FUNCTIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, AND ENDING JUNE 30, 2012.

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 3, 2011, May 4, 2011, and May 5, 2011, respectively.

VOTE: The motion passed without objection.

Assemblymember Colver requested that the Assembly address the executive session next.

There was no objection noted.

XII. EXECUTIVE SESSION *(for matters, the immediate public knowledge of which would clearly have an adverse effect upon the finances of the borough and matters which by law, municipal charter, or ordinance are required to be confidential.)*

A. LITIGATION STRATEGY AND POTENTIAL SETTLEMENT
1. SCHUMACHER
2. KRAUSE
3. NASH

MOTION: Assemblymember Arvin moved to enter into executive session for matters, the immediate public knowledge of which would clearly have an adverse effect upon the finances of the Borough and matters, which by law, municipal charter, or ordinance are required to be confidential. Specifically to discuss the Schumacher, Krause and Nash litigation. Those present during the executive session were the Mayor, the members of the Assembly, the Acting Manager, the Attorney, the Clerk, and the Finance Director.

VOTE: There was no objection noted and the Assembly moved into executive session at 9:14 p.m.

MOTION: Assemblymember Arvin moved to exit executive session.

VOTE: The motion passed without objection and the Assembly exited executive session at 9:50 p.m.

A. ATTORNEY COMMENTS

Mr. Spiropoulos:

- advised that staff will be requesting that the organizers of the Talkeetna Bluegrass Festival obtain a permit for the festival, as they have never applied for one before; and
- related that his office will be pursuing the issue in order to ensure that they do so this year.

Mayor DeVilbiss inquired if there was any objection to taking up discussion regarding redistricting.

There was no objection noted.

Ms. Gray:

- stated that she understands that past practice has been to have the Manager provide comments to the Redistricting Board;
- stated that the Borough population supports the need for five full representatives, one shared representative and the same number of senators;
- noted that it is a good option for the Borough; and
- recommended the Assembly pursue that route.

Assemblymember Colver spoke to concerns with the option one.

Assemblymember Halter stated that he favors the Redistricting Board's option two rather than one, if the Assembly was forced to choose between the two plans.

Ms. Gray:

- stated that staff agrees that option one is not acceptable;
- noted that option two is slightly more favorable; and
- related that Borough staff will be providing an alternative option to propose to the Redistricting Board.

Assemblymember Bettine stated that she is in favor of staff creating an alternative.

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

VOTE: The motion passed without objection.

Discussion ensued regarding:

- whether or not staff should prepare a proposed option that includes the entire state;
- that the Borough has enough population for five representatives; and
- the possible economic impacts of the rail spur should that district have to share representation.

Mayor DeVilbiss inquired if there was any objection to directing staff to prepare an option that includes the entire state.

There was no objection noted.

B. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule;
- stated that for the last few years, the Assembly has requested to be on their own for meals between Assembly meetings during the summer time; and
- inquired if that was something the Assembly would like to continue doing.

(The Assembly decided that they do not want to leave the building in between Assembly meetings.)

C. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
a. Borough Area Schools Site Selection Committee: 07/28/10
b. Greater Talkeetna RSA Board of Supervisors: 11/11/10, 12/09/10
c. Mayor's Blue Ribbon Sportsmen's Committee: 02/03/11, 02/10/11
d. Midway RSA Board of Supervisors: 04/14/10, 07/14/10, 10/13/10
e. Platting Board: 02/03/11

2. Community Council Correspondence:
a. Chickaloon Community Council: 12/08/10
b. North Lakes Community Council: 01/25/11
c. Willow Area Community Organization: 12/06/10

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

D. INFORMATIONAL MEMORANDUMS

1. IM No. 11-092: MONTHLY REPORTING OF AMENDED CONTRACTS AND NEW AWARDS UNDER $100,000, ALONG WITH SOLE SOURCE PROCUREMENTS, FOR THE PERIOD OF MARCH 1, 2011, TO MARCH 31, 2011.

The informational memorandum was presented and no comments were noted.

VII. UNFINISHED BUSINESS

A. 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.
1. IM No. 11-032

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

Ms. Probasco provided a staff report.

Assemblymember Arvin:
- spoke to areas within the Borough that he believes are industrial;
- queried if this legislation is representative of Palmer and Wasilla areas; and
- further asked if there were other areas that are not mentioned in the legislation.

Ms. Probasco:
- stated that this is representative of the parcels that are zoned for industrial use;
- noted that there may be other parcels that are used industrially, which are not classified as such;
- reiterated that she is speaking to industrial zoned parcels within the cities of Palmer and Wasilla;
- stated that there is a light industrial zone within the city of Houston, as well as a mixed use and commercial zone; and
- advised that there is no industrial zone within the city of Houston.

Assemblymember Bettine queried if there was a reason that a parcel cannot be leased for more than 10 years, with the condition that a road must be built within 10 years.

Ms. Probasco:
- noted that there are provisions in Title 27 regarding the subdivision process and how roads could be constructed; and
- advised that there are two provisions within Title 18 that a lease cannot be issued until a plat is recorded.

Assemblymember Bettine queried if that was the only thing that needs to be changed in order for the legislation to move forward.

Ms. Probasco:
- noted that there had been concerns expressed about the impact the legislation could have Boroughwide;
- stated that there are some subdivisions that have been created by recording a document, rather than going through the platting process; and
- related that as a result, there are a some non-conforming subdivisions within the Borough.

Discussion ensued regarding:
- industrial areas within the Borough;
- other areas that could be impacted by the legislation;
- other ways that subdivisions are created;
- whether or not it is possible to include road construction as part of a lease;
- existing conflicts within code that this legislation will address;
- comments and suggestions of the Port Commission;
- concerns with fast tracking development at the Port;
- funding sources for road development within the area;

- how seasons affect development within the area;
- the need to have appropriate zoning throughout the area;
- the possibility of inserting renewal clauses in leases;
- the economic benefits to the Borough of development in the Port District;
- the possibility of re-writing code for the Port District; and
- possible revenue to be generated by leases.

MOTION: Assemblymember Ewing moved to postpone to such a time that Ms. Gray can bring forward information regarding revenue that leases could generate.

VOTE: The motion to postpone failed with Assemblymember Ewing in support.

Discussion ensued regarding:

- whether or not the Assembly wants to make a special exception regarding development within the Port District;
- the period of time of which the legislation would be in effect;
- how the LIDAR project will positively impact development;
- the lack of comparables in the Port District to use for appraisals regarding leases;
- lack of zoning within the Borough overall;
- the desire to provide long-term leases;
- the need to determine and control the location of leased parcels; and
- the requirement that all leases having to come before the Assembly.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 11-036, MSB 27.05.010, at the end of section 2 of the ordinance, by inserting the following to read: "(E) The requirements of this title, requiring the platting of lease lots of ten years or longer shall not apply to leases of commercial property."

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

MOTION: Assemblymember Ewing moved to reconsider the primary amendment.

VOTE: The motion to reconsider passed with Assemblymembers Keogh, Bettine, and Woods opposed.

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

VOTE: The main motion failed as amended with Assemblymembers Halter, Woods, and Arvin in support.

MOTION: Assemblymember Colver moved to reconsider Ordinance Serial No. 11-036.

VOTE: The motion to reconsider passed with Assemblymembers Keogh, Ewing, and Bettine opposed.

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

VIII. VETO

(There was no veto presented.)

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor DeVilbiss requested the following confirmations:

Enhanced 911 Advisory Board
Dennis Casanovas, Resignation
Alpine RSA No. 31
Marilyn Staggs, Resignation
Meadow Lakes RSA No. 27
David Long

MOTION: Assemblymember Arvin moved to approve the Mayor's confirmations this evening.

VOTE: The motion passed without objection.

C. OTHER NEW BUSINESS

(There was no other new business.)

XI. RECONSIDERATION

(There was no reconsideration presented.)

XIII. MAYOR AND ASSEMBLY COMMENTS

Assemblymember Ewing stated that he hopes we are not giving away the farm.

Assemblymember Keogh:
- related that the invitations to bid for the Sutton Resource Center/Library went out today;
- stated that the bids are due back in a month;
- noted that they anticipate being $300,000 short; and
- stated that he is glad to see this project moving forward.

Assemblymember Colver:

- stated that he had been to Juneau the week prior to the Mayor; and
- complimented the Mayor on the way he is promoting the Assembly and the Mayor being a cohesive unit.

Assemblymember Bettine requested that the Manager move forward with the platting plan for the Port District.

Assemblymember Arvin:

- stated that he will be attending the budget public hearings telephonically;
- noted that he intends to be involved heavily; and
- opined that there is a general urgency in government to dispose of remaining funds at the end of fiscal years.

Assemblymember Halter requested recalculations for the budget that include the ARRA funds that were legislated this evening.

Mayor DeVilbiss:

- spoke to concerns with the ability of the Assembly and the Mayor to be able to change their tickets when travelling; and
- inquired as to the possibility of purchasing bundled tickets.

Ms. Gray stated that she would research that and bring it back to the body.

XIV. ADJOURNMENT

The regular meeting adjourned at 11:14 p.m.

Larry DeVilbiss

LARRY DeVILBISS, Borough Mayor

ATTEST:

Lonnie R. McKechnie

LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 05/03/11