

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on May 7, 2013, at the Borough School District Administration Building, 501 N. Gulkana Street, 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. Steve Colligan, Assembly District No. 4
Mr. Darcie K. Salmon, Assembly District No. 5
Mr. Jim Colver, Assembly District No. 6 (*arrived at 6:03 p.m.*)
Mr. Vern Halter, Assembly District No. 7

Staff in attendance were:

Ms. Lonnie R. McKechnie, Borough Clerk
Mr. John Moosey, Borough Manager
Mr. George Hays, Assistant Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Brenda J. Henry, Assistant Clerk
Ms. Tammy Clayton, Finance Director
Ms. Shaune O'Neil, Public Works Director
Ms. Eileen Probasco, Planning and Land Use Director
Mr. Dennis Brodigan, Emergency Services Director
Mr. Stefan Hinman, Media Design Specialist
Ms. Lauren Driscoll, Chief of Planning
Mr. Eric Phillips, Community Development Director
Ms. Holly Dubose, Administrative Secretary I
Mr. James Jenson, Public Works Operations and Maintenance Division
Mr. Hugh Leslie, Recreation and Library Services Manager

III. APPROVAL OF AGENDA

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

Assemblymember Keogh requested to pull Resolution Serial Nos. 13-060 and 13-061 from the consent agenda for further discussion.

Assemblymember Halter requested to take up reconsideration of Ordinance Serial No. 12-169 immediately following presentation of the informational memorandum.

Mayor DeVilbiss queried if there was any objection.

There was no objection noted.

Assemblymember Colver:

- stated that he would recuse himself from voting on AM No. 13-060; and
- advised that his company was an unsuccessful bidder for that project.

Assemblymember Woods stated that he would recuse himself from voting on the vacancy report, as Sandra Woods is his daughter-in-law and up for confirmation this evening.

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Hermann Spegel, a member of the audience.

V. MINUTES OF PRECEDING MEETINGS

- A. Joint Assembly/School Board Meeting: 04/09/13
- B. Special Assembly Meeting: 04/16/13
- C. Regular Assembly Meeting: 04/16/13

Mayor DeVilbiss inquired if there were any corrections to the joint meeting minutes of April 9, 2013, the special meeting minutes of April 16, 2013, or the regular meeting minutes of April 16, 2013.

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 concerns with the fiscal impact of and in opposition to Ordinance Serial No. 13-058;
- noted that budget time is difficult for all municipalities; and
- requested the Assembly keep in mind all the things the city of Palmer does for residents.

Wasilla City

Mr. Bert Cottle, Deputy Administrator:

- spoke in opposition to Ordinance Serial No. 13-058, due to the fiscal impact to the City;
- noted that spring clean up day for the City is scheduled to begin on May 13, 2013;
- stated that there will be a picnic to start the cleanup;
- noted the many places where garbage bags will be available for pick up; and
- advised that the City will have dumpster available at Iditarod Park to dispose of the garbage collected.

2. Matanuska-Susitna Borough School District

(There was no report provided.)

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

Mr. Archie Giddings, Aviation and Advisory Board Chair spoke regarding Board Resolution Serial Nos. 13-02, 13-04, 13-05, and 13-06.

4. Transportation Advisory Board – Mr. Ken Walch

Mr. Ken Walch, Transportation Advisory Board Chair spoke regarding Board Resolution Serial Nos. 12-15, 12-16, 12-17, 13-02, and 13-03.

Mayor DeVilbiss queried why one of the Board's resolutions speaks to the multi-family development ordinance.

Mr. Walch advised that there are provisions for safety requirements and road drainage issues that would tie into the multi-family development.

Assemblymember Keogh queried the amount of funding that would be needed to put together a regional transportation planning organization that is spoken to in Board Resolution Serial No. 12-16.

Mr. Walch stated that he does not have a figure in mind and does not believe it is appropriate to guess at what would work.

Discussion ensued regarding:

- the possibility of urging the Alaska State Department of Transportation to address traffic issues along the Palmer-Wasilla Highway;
- traffic concerns with the new Trunk Road alignment;
- traffic concerns with access to Pioneer Peak Elementary; and
- overall concerns with traffic on the Palmer-Wasilla Highway.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Colver:

- spoke to the outstanding issue of a large fire protection system being requested by Wasilla-Lakes Fire Department for the Knik area high school at the cost of \$2,000,000;
- related that there are issues and concerns of road access with Knik Knack Mud Shack Road;
- noted that there are no funds to upgrade roads for the school;
- stated that there is \$4,500,000 that was not used to acquire the land for the school;
- opined that those funds could be utilized for road upgrades to address access concerns;
- noted that the Assembly would need regulatory or legislative authority to use those funds for that purpose;
- stated that there are at least two years in which to attempt to get that accomplished;
- related that the Susitna Valley wood boiler project continues to be a work in progress and is nowhere near being resolved;
- related that there was a lot of budget discussion regarding what the School District requested of the Assembly;
- advised that all teachers are being retained and have been offered contracts;
- spoke to the United States Department of Agriculture loan that Fronteras Charter School is trying to secure for expansion of the school; and
- opined that the Assembly needs to find out what can be done to move that along.

2. Assembly Public Relations

(There were no reports provided.)

C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues

Mr. Moosey:

- stated that he signed a purchase agreement to sell the ferry for \$6,000,000;
- advised that he is still seeking other offers just in case the sale does not go through;
- requested a work session in June to discuss the proposed fire station in Mat-Su Regional Hospital area;
- noted that at the same work session, he would also like to discuss the proposed Point MacKenzie town site development; and
- requested a work session in July to discuss Assembly goals.

D. ATTORNEY COMMENTS

(There was no report provided.)

E. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule;
- noted that she will be gone May 16, through May 23 and that Ms. Jamie Newman will be the acting Clerk during that time; and
- suggested June 4, 2013, for the work session requested by the Manager.

Mr. Spiropoulos noted that June 4 is the same day as the Point MacKenzie rail extension groundbreaking.

Assemblymember Colver suggested June 11, 2013, at 4 p.m.

Mayor DeVilbiss queried if there was any objection.

There was no objection noted.

Ms. McKechnie advised that she could bring dates back for the Assembly goal setting meeting once the budget is adopted.

There was no objection noted.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Aviation Advisory Board: 11/29/12
- b. Board of Adjustment and Appeals: 06/29/12, 08/03/12, 11/05/12
- c. Emergency Medical Services Board: 12/05/12
- d. Enhanced 911 Advisory Board: 12/11/12
- e. Greater Willow RSA Board of Supervisors: 10/11/12
- f. Historical Preservation Commission: 02/02/12, 04/05/12, 06/07/12, 08/02/12, 10/04/12, 12/06/12
- g. Library Board: 01/19/13, 02/16/13, Resolution Serial No. 13-01
- h. Local Road Service Area Advisory Board: 02/21/13
- i. Parks, Recreation, and Trails Advisory Board: 02/25/13, Resolution Serial No. 13-01
- j. Port Commission: 01/21/13, Resolution Serial No. 13-001
- k. Transportation Advisory Board: 12/19/12, Resolution Serial Nos. 12-15, 12-16, 12-17
- l. Wasilla-Lakes FSA Board of Supervisors: 12/03/12
- m. West Lakes FSA Board of Supervisors: 11/12/12
- n. Willow FSA Board of Supervisors: 12/13/12

2. Community Council Minutes:

- a. Chase Community Council: 10/22/12
- b. Glacier View Community Council: 11/29/12, 01/24/13

- c. Lake Louise Community Non-Profit Corporation: 02/25/12, 07/15/12, 09/23/12, 11/10/12
- d. North Lakes Community Council: 03/29/12, 04/26/12, 08/30/12, 09/27/12, 10/25/12
- e. South Knik River Community Council: 03/15/12, 04/12/12, 09/20/12
- f. Willow Area Community Organization: 04/02/12, 06/04/12, 09/10/12

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

G. INFORMATIONAL MEMORANDUMS

- 1. IM No. 13-110: ADMINISTRATION'S SUPPORT OF THE SU-KNIK MITIGATION BANK APPLICATION TO THE UNITED STATES ARMY CORP OF ENGINEERS TO EXPAND THE SU-KNIK SERVICE AREA BOUNDARY TO BE CONSISTENT WITH THE BOUNDARY OF THE MATANUSKA-SUSITNA BOROUGH.

The informational memorandum was presented and no comments were noted.

XI. RECONSIDERATION

- A. Ordinance Serial No. 12-169: AN ORDINANCE AMENDING MSB 17.73, MULTIFAMILY DEVELOPMENT DESIGN STANDARDS, AND MSB 17.125.010, DEFINITIONS. *(Reconsideration filed by Assemblymember Woods)*
 - 1. IM No. 12-258

MOTION: Assemblymember Woods moved for reconsideration of Ordinance Serial No. 12-169.

Assemblymember Woods:

- opined that the height limitations need to be removed from code; and
- spoke to concerns that height limitations would be a problem for future development.

Assemblymember Colver:

- spoke in opposition to reconsideration;
- noted that there are exceptions to height limits that are already in place; and
- opined that the legislation should be left as it is.

Assemblymember Arvin:

- noted that he voted against this legislation initially due to the height limitations;
- opined that it is not for government to dictate what private property owners do with their property;
- spoke in favor of eliminating height requirements; and
- stated that he is opposed to amendments to any other portions of the legislation.

VOTE: The motion for reconsideration passed with Assemblymembers Colver, Halter, and Keogh opposed.

MOTION: Assemblymember Woods moved a primary amendment to Ordinance Serial No. 12-169, MSB 17.73.140, by striking (D)(2) in its entirety.

Assemblymember Woods stated the intent of the amendment is to eliminate the height restrictions with respect to multifamily development.

Assemblymember Colver spoke in opposition to eliminating the height restrictions.

Assemblymember Halter spoke in opposition to the amendment.

Discussion ensued regarding:

- concerns with government being too involved in how private property is developed;
- that it should be up to homeowners associations to limit height within their subdivisions; and
- that the amendment does not accomplish removing height restrictions, but removes the Planning Director's ability to allow someone go beyond the height restrictions in code.

Mayor DeVilbiss queried if there was any objection to taking an at ease.

There was no objection noted.

(The Assembly stood at ease.)

WITHDRAWAL: Assemblymember Woods moved to withdraw his primary amendment.

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

MOTION: Assemblymember Woods moved a primary amendment to Ordinance Serial No.12-169, MSB 17.73, by striking MSB 17.73.140 in its entirety.

Assemblymember Colver requested a staff report as to where height restrictions originated.

Ms. Driscoll advised that they were a result of the ability of fire truck ladders only being able to reach the height of 45 feet sometime in the past.

Assemblymember Salmon noted that when the original legislation was brought back that there were no height restrictions.

Ms. Driscoll advised that was due to the fact that ladder heights were no longer an issue.

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

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

VOTE: The motion failed with Assemblymembers Halter, Keogh, and Colver in support (requires 5 votes).

MOTION: Assemblymember Salmon moved a primary amendment to Ordinance Serial No. 12-169, MSB 17.73.040(A) as follows:

- (A) by striking the words “determined using either of the two equations listed below;”
- (A)(1) by striking the number “five” and inserting in its place “12;”
- by striking (A)(1)(a) and (A)(1)(a)(i) in their entirety; and
- by striking (A)(2) in its entirety.

Assemblymember Salmon:

- noted his appreciation of the Attorney providing clarification on the prior amendment;
- opined that there was confusion as to what was really voted on previously regarding density; and
- spoke in support of amending the density levels from “five” to “12.”

Assemblymember Halter:

- noted that density issues were well debated and voted down by the Planning Commission;
- stated that the Planning Commission had reviewed and rejected the language that is being proposed in the amendment; and
- opined that the amendment should not be coming forward against the advice of the Planning Commission.

MOTION: Assemblymember Arvin moved a secondary amendment by striking “12” and inserting “6” in its place.

Discussion ensued regarding the previous primary and secondary amendment that were withdrawn on March 26, 2013, and how they impacted the density levels.

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

VOTE: The motion passed without objection.

VOTE: The secondary amendment passed without objection.

Assemblymember Colver queried how the primary amendment impacts density.

Mr. Spiropoulos:

- stated that aside from the amendment, there is also a formula in code that provides how density is to be calculated; and
- noted that it takes the math out of the code and is technical in nature with no legal effect on code.

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

VOTE: The motion passed without objection.

VOTE: The primary amendment passed with Assemblymembers Keogh, Colver, and Halter opposed.

Assemblymember Halter advised that he would make an amendment that was requested by the Planning Commission.

MOTION: Assemblymember Halter moved a primary amendment to Ordinance Serial No. 12-169, as follows:

- inserting on the first page of the ordinance the following whereas clauses that read:
 - “WHEREAS, the overall goals of MSB 17.73 are to encourage the development of standards that promote quality residential housing and create an attractive, safe and healthy setting for residents;”
 - WHEREAS the proliferation of commercial developments containing substandard dwellings does not meet or encourage the goals of this ordinance;
 - WHEREAS, the Planning Commission passed Resolution 13-12 supporting amendments to MSB 17.73 – Multifamily Development Design Standards to include a density threshold and a density ceiling for substandard dwellings;
 - WHEREAS, a minor amendment is also needed to exempt the City of Houston which has obtained planning powers since MSB 17.73 was first enacted.”
- MSB 17.73.030 as follows:
 - in subsection (A), inserting the words “including substandard dwellings” after the word “development” to read: “(A) This chapter applies to all multifamily developments, including substandard dwellings, that meet or exceed the density thresholds of this chapter, regardless of the form of ownership.”
 - in subsection (B), inserting the word “Houston” after the word “cities of;”
- MSB 17.73.040 as follows:
 - by changing “threshold” to “thresholds” in order to be plural rather than singular, by striking “is” and inserting in its place “are” and inserting the word “subsections” at the end of the sentence.
 - by inserting a new (A)(2) to read: “(2) this chapter shall apply to substandard dwellings offered for compensation in the form of money, services, or barter that are constructed at a density: (a) equal to or greater than one dwelling per 40,000 square feet of lot area, calculated as .000025 multiplied by the lot area; and (b) exceeding two dwellings regardless of lot size.”
 - inserting a new (B)(2), to read: “Regardless of location substandard dwellings that are being offered for compensation in the form of money, services, or barter are subject to the following density ceilings: (a) one substandard dwelling per 40,000 square feet; or (b) two substandard dwellings, regardless of lot size.”
 - MSB 17.73.250, by inserting a definition for “substandard dwelling” to read: “Substandard Dwelling” means a structure used for human habitation (including a structure mounted on skids or wheels) which lacks

one or more of the following: (a) footings, pilings, or permanent foundations, (b) water plumbed to run within the dwelling, (c) DEC approved waste water and septic systems.”

Assemblymember Halter noted that the amendment would address the concerns of the public by preventing development such as felony flats from occurring.

MOTION: Assemblymember Halter moved to postpone Ordinance Serial No. 12-169 to a time certain of June 4, 2013.

VOTE: The motion passed with Assemblymember Salmon opposed.

VII. UNFINISHED BUSINESS

(There was no unfinished business.)

VIII. VETO

A. MOTION TO OVERRIDE ANY POSSIBLE MAYORAL VETO ON FISCAL YEAR 2014 BUDGET ITEMS (ORDINANCE SERIAL NO. 13-013)

(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. 13-047: AN ORDINANCE EXCLUDING BLOCK 1, LOTS 1, 2, AND 3, CHUGACH VIEW ESTATES, FROM THE CHUGACH VIEW SINGLE-FAMILY RESIDENTIAL LAND USE DISTRICT, IN ACCORDANCE WITH THE REQUIREMENTS OF MSB 17.75.

a. IM No. 13-088

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. 13-047.

VOTE: The motion passed with Assemblymember Keogh opposed.

2. Ordinance Serial No. 13-050: AN ORDINANCE APPROVING AN APPROPRIATION OF \$100,000 FROM WILLOW ROAD SERVICE AREA NO. 20 FUND BALANCE,

FUND 276, TO FUND 410, PROJECT NO. 30042, FOR WILLOW ROAD SERVICE AREA NO. 20 CAPITAL PROJECTS.

a. IM No. 13-092

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

MOTION: Assemblymember Halter moved to adopt Ordinance Serial No. 13-050.

Assemblymember Halter requested support of the legislation.

VOTE: The motion passed without objection.

3. Ordinance Serial No. 13-058: AN ORDINANCE AMENDING MSB 3.24.030(B), ALLOCATION OF MOTOR VEHICLE REGISTRATION TAX REVENUES. *(Sponsored by Assemblymember Colver)*

a. IM No. 13-114

Mayor DeVilbiss opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 13-058: Mr. Jim Norcross, Mr. John Anderson, Mr. Gary Hessman, and Mr. Carol Christiansen.

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

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 13-058.

Assemblymember Colver:

- spoke to a spreadsheet with maintenance contract costs that was included in the red folders;
- referred to past discussion that distribution of the vehicle tax is out of balance;
- stated that the amendment will realign the purpose of the tax and increase allocation toward road maintenance;
- opined that vehicle taxes should be allocated toward road maintenance and improvements;
- spoke to the increasing costs of road maintenance contracts over the last few years;
- noted that the cities objected to the legislation;
- stated that the cities will benefit from the improvements to roads;
- spoke to the various road service area mill rates; and
- noted the need to bring more revenue into the road service areas to reduce maintenance costs.

Assemblymember Colligan:

- spoke in opposition to the legislation;
- stated that fuel costs have increased for the cities as well;
- noted that he agrees that more funds need to be put toward road maintenance; and
- opined that a different approach needs to be taken.

Assemblymember Halter:

- spoke in support of the legislation;
- opined that it is well thought out;
- noted the need to upgrade numerous substandard roads within the Borough;
- spoke to the many residents who pay road service area taxes; and
- stated that even with the increased funds for road service, it will not be sufficient funds to upgrade all the roads that need it.

Assemblymember Arvin:

- spoke in support of the legislation; and
- noted that it is an incremental change that does not amount to a huge amount of difference in funds to the cities.

Assemblymember Keogh:

- noted that he supports the legislation, but that he has concerns;
- opined it is appropriate to use the funds in a greater percentage for road maintenance; and
- spoke to concerns that if the legislation is adopted that areawide revenues will be impacted.

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

VOTE: The motion passed without objection.

VOTE: The main motion passed with Assemblymembers Colver, Woods, and Salmon opposed.

(The meeting recessed at 7:40 p.m. and reconvened at 7:45 p.m.)

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following persons spoke in support of the substandard amendments to Ordinance Serial No. 12-169 recommended by the Planning Commission: Mr. Darwin Fisher, Mr. Hermann Spiegel, and Mr. John Anderson.

The following persons spoke in opposition to Resolution Serial No. 13-061: Ms. Khris Abshire, Friends of Palmer Hay flats; Ms. Jean Long; and Ms. Patricia Rosnel.

The following persons spoke in support of Resolution Serial No. 13-061: Mr. Russell Joyce, Boy Scout Troop Leader; Mr. Mark Mobely, Boy Scout Troop No. 300 Leader.

The following person spoke in opposition to Resolution Serial No. 13-061 and to concerns with multi-family housing: Ms. Cathy Hummel.

D. CONSENT AGENDA

1. RESOLUTIONS

- a. Resolution Serial No. 13-059: A RESOLUTION AMENDING THE SCOPES OF WORK FOR PROJECTS WITHIN PROJECT NOS. 15004, PARKS AND OUTDOOR RECREATION EQUIPMENT; 10154, BIG LAKE LIBRARY IMPROVEMENTS; AND 20317, ALCANTRA RECREATIONAL FACILITY; AMENDING THE BUDGETS FOR SEVERAL PROJECTS WITHIN PROJECT NOS. 15004, PARKS AND OUTDOOR RECREATION EQUIPMENT; 15007, COMMUNITY POOLS REPAIR AND RENOVATION; 10157, BRETT MEMORIAL ICE ARENA IMPROVEMENTS; AND 20266, VEHICLE PURCHASE; AND APPROVING A SCOPE OF WORK AND BUDGET FOR PROJECT NOS. 10157, BRETT MEMORIAL ICE ARENA IMPROVEMENTS; 15004, PARKS AND OUTDOOR RECREATION EQUIPMENT; AND 47032, TRAPPER CREEK COMMUNITY BUILDING.

(1) IM No. 13-108

2. ACTION MEMORANDUMS

- a. AM No. 13-057: AWARD OF BID NO. 13-098B TO MEGAWATT ELECTRIC, LLC. IN THE CONTRACT AMOUNT OF \$126,584 FOR DEPARTMENT OF EMERGENCY SERVICES GENERATOR UPGRADES FOR STATIONS 7-1 AND 8-2.

- b. AM No. 13-059: APPROVAL TO INCREASE CHANGE ORDER AUTHORITY FROM 4 PERCENT TO 5.722 PERCENT OF THE TOTAL CONTRACT AMOUNT FOR BID NO. 12-138 TO PINNACLE CONSTRUCTION FOR THE DOROTHY SWANDA JONES ADMINISTRATION BUILDING ADDITION CONSTRUCTION PROJECT.

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.

- b. Resolution Serial No. 13-060: A RESOLUTION URGING ALASKA'S CONGRESSIONAL DELEGATION TO WORK TO FIND A BIPARTISAN SOLUTION TO REFORM THE TOXIC SUBSTANCE CONTROL ACT. *(Sponsored by Assemblymember Colligan)*

(1) IM No. 13-109

MOTION: Assemblymember Keogh moved to adopt Resolution Serial No. 13-060.

Assemblymember Keogh:

- opined that resolutions of the Assembly should be confined to local issues or issues that impact the Borough;
- spoke to the content of the legislation; and
- noted that the Toxic Substance Control Act is federal legislation.

Assemblymember Colligan:

- advised that he put forward the resolution at the request of community members;
- noted the letters in support attached to the legislation;
- opined that the Toxic Substance Control Act does impact the Borough by way of development;
- stated that it is only a request to establish reasonable regulation, as they have not been updated in over 30 years; and
- stated that should the Assembly not want to adopt the resolution, that he would put forward a letter of support on his own behalf.

VOTE: The motion passed with Assemblymember Keogh opposed.

c. Resolution Serial No. 13-061: A RESOLUTION DECLARING CANOES AND A TRAILER SURPLUS PROPERTY AND DIRECTING THE MANAGER TO SELL THE ITEMS TO THE BOY SCOUTS. *(Sponsored by Assemblymember Arvin)*

(1) IM No. 13-113

MOTION: Assemblymember Keogh moved to adopt Resolution Serial No. 13-060.

Assemblymember Keogh:

- noted that the Assembly is in the midst of budget season;
- spoke to the history of use by members of the community and how the canoes were acquired; and
- stated that he supports the Boy Scouts, but is in favor of disposing of the property according to code.

Assemblymember Colligan requested a history of use of the canoes.

Mr. Leslie:

- spoke to the usage history;
- advised that over the last five years, the canoes have been used mainly for cleanup projects; and
- noted that there has been no revenue generated from renting the canoes, as the fees were waived by a previous recreation and library services manager.

Discussion ensued regarding:

- the maintenance history of the canoes and trailer;
- the usage history of the canoes and trailer;
- whether or not the community is aware of the resource;
- that the trailer is in a terrible state of disrepair;
- the staff time involved in the public using the canoes;
- the opinion that the canoes should be sold to the Boy Scouts;
- that the Borough should not be in the rental business;
- that it was not the Boy Scouts who suggested that the canoes be sold to them; and
- that the canoes and trailer are over 20 years old.

VOTE: The motion passed with Assemblymember Keogh opposed.

- c. AM No. 13-060: AWARD OF BID NO. 13-110B TO DAVIS CONSTRUCTORS AND ENGINEERING, INC. IN THE CONTRACT AMOUNT OF \$9,156,208 FOR THE HOUSTON, COLONY, PALMER, AND WASILLA HIGH SCHOOLS SPORTS COMPLEXES UPGRADES.

CONFLICT OF INTEREST: Assemblymember Colver declared he had a conflict of interest, as noted earlier in the meeting, as his company bid on the project.

RULING: Mayor DeVilbiss ruled that Assemblymember Colver had a conflict of interest and would be recused from voting.

(Assemblymember Colver exited the meeting.)

MOTION: Assemblymember Arvin moved to adopt AM No. 13-060.

VOTE: The motion passed without objection *(Assemblymember Colver was recused)*.

(Assemblymember Colver re-entered the meeting.)

X. NEW BUSINESS

A. INTRODUCTIONS (For public hearing – 05/21/13, School District Administration Building)

1. Ordinance Serial No. 13-052: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE CREEKSHORE ESTATES AND A PORTION OF BROOKRIDGE ESTATES ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 457 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.

a. Ordinance Serial No. 13-053: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$138,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE CREEKSHORE ESTATES AND A PORTION OF BROOKRIDGE ESTATES ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 457, AND FIXING DETAILS OF SAID BONDS.

(1) IM No. 13-102

2. Ordinance Serial No. 13-054: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE WEST METCALF CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 466 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.

a. Ordinance Serial No. 13-055: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$38,000 PRINCIPAL AMOUNT OF SPECIAL

ASSESSMENT BONDS FOR THE WEST METCALF CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 466, AND FIXING THE DETAILS OF SAID BONDS.

- (1) IM No. 13-103

3. Ordinance Serial No. 13-057: AN ORDINANCE AMENDING ORDINANCE SERIAL NOS. 13-006, 13-007, 13-008, 13-009, 13-010, 13-011, 13-012, 13-014, 13-015, AND 13-016, RELATING TO LOCAL IMPROVEMENT DISTRICTS OF THE BOROUGH.
 - a. IM No. 13-107

4. Ordinance Serial No. 13-059: AN ORDINANCE APPROVING A REAPPROPRIATION OF \$200,000 FROM THE SCHOOL DISTRICT FISCAL YEAR 2013 EDUCATION OPERATING FUND 204, TO FUND 400, PROJECT NO. 40159, ACADEMY CHARTER SCHOOL, TO COMPLETE THE DESIGN AND CONSTRUCTION OF FOUR SECOND-FLOOR CLASSROOMS, HALLWAY, FINISH STAIRWAY WALLS AND FLOORING, INSTALL DISPLAY CASES, AND DESIGN FOR THE INSTALL OF A SCIENCE LAB FUME HOOD AT THE ACADEMY CHARTER SCHOOL.
 - a. Resolution Serial No. 13-062: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 40159, ACADEMY CHARTER SCHOOL, TO ALLOW FOR THE COMPLETION OF THE DESIGN AND CONSTRUCTION OF FOUR SECOND- FLOOR CLASSROOMS, HALLWAY, FINISH STAIRWAY WALLS AND FLOORING, INSTALL DISPLAY CASES, INSTALL A SCIENCE LAB FUME HOOD AT THE ACADEMY CHARTER SCHOOL.
 - (1) IM No. 13-096

5. Ordinance Serial No. 13-060: AN ORDINANCE APPROVING THE LAND CLASSIFICATION OF A BOROUGH PARCEL, MSB TAX NO. 24N05W13B002, BEING THE NORTH 1/2 OF THE NORTHWEST 1/4, SECTION 13, TOWNSHIP 24 NORTH, RANGE 5 WEST, SEWARD MERIDIAN, ALASKA, AS PUBLIC RECREATION LANDS, CONTAINING APPROXIMATELY 80 ACRES, TO BE KNOWN AS SUNSHINE CREEK PARK (MSB006718).
 - a. IM No. 13-100

6. Ordinance Serial No. 13-061: AN ORDINANCE APPROVING AN EQUAL VALUE LAND EXCHANGE WITH THE STATE OF ALASKA FOR APPROXIMATELY 566 ACRES OF BOROUGH LAND LYING ADJACENT TO THE NANCY LAKE STATE RECREATION AREA FOR APPROXIMATELY 594 ACRES OF STATE LAND ALONG THE POINT MACKENZIE RAIL EXTENSION PROJECT ROUTE NEEDED FOR THE RAIL EXTENSION RIGHT-OF-WAY; AND AUTHORIZING THE MANAGER TO IMPLEMENT THE LAND EXCHANGE WITH THE STATE OF ALASKA (MSB006782).
 - a. Resolution Serial No. 13-063: A RESOLUTION APPROVING A BEST INTEREST FINDING THAT AN EQUAL VALUE LAND EXCHANGE WITH THE STATE OF ALASKA FOR APPROXIMATELY 566 ACRES OF BOROUGH LAND LYING

ADJACENT TO THE NANCY LAKE STATE RECREATION AREA FOR APPROXIMATELY 594 ACRES OF STATE LAND ALONG THE PORT MACKENZIE RAIL EXTENSION PROJECT ROUTE NEEDED FOR THE RAIL EXTENSION RIGHT-OF-WAY IS IN THE BEST INTEREST OF THE BOROUGH (MSB006782).

(1) IM No. 13-101

7. Ordinance Serial No. 13-062: AN ORDINANCE EXTENDING THE TIME LIMIT FOR COMPLETION OF BOROUGH CAPITAL PROJECTS INCLUDING HATCHER PASS ACCESS ROAD AND TRANSIT FACILITY, PROJECT NO. 35187.

a. IM No. 13-106

8. Ordinance Serial No. 13-063: AN ORDINANCE REPEALING THE REAL PROPERTY DISPOSALS OUT OF THE LAND AND RESOURCE MANAGEMENT DIVISION POLICY AND PROCEDURES MANUAL, REAL PROPERTY DISPOSALS; OVER-THE-COUNTER, PART 60, SECTION 4.1(L)(2) REQUIRING ASSEMBLY REAUTHORIZATION TO OFFER PREVIOUSLY APPROVED BOROUGH PARCELS FOR PUBLIC SALE.

a. IM No. 13-111

9. Ordinance Serial No. 13-064: AN ORDINANCE REPEALING MSB 23.05.025(F)(1), REGARDING PUBLIC NOTICE WITHIN A ONE MILE RADIUS FOR SALES, LEASES, EXCHANGES OF REAL PROPERTY, AND NATURAL RESOURCES.

a. IM No. 13-112

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 21, 2013.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

CONFLICT OF INTEREST: Assemblymember Woods declared a conflict of interest as his daughter-in-law, Ms. Sandar Woods, is up for confirmation.

RULING: Mayor DeVilbiss ruled that Assemblymember Woods had a conflict and would be recused from voting on the vacancy report.

MOTION: Assemblymember Arvin moved to appeal from the decision of the Chair that Assemblymember Woods had a conflict.

VOTE: The motion to sustain the decision of the Chair passed with Assemblymember Arvin opposed.

(Assemblymember Woods exited the meeting.)

Mayor DeVilbiss requested the following confirmations:

Animal Care and Regulation Board
Sharon Sweeny
Local Emergency Planning Committee
Michelle Torres
Sandra Woods
Talkeetna Flood Control Service Area No. 7
Roberta Sheldon, Resignation

Mayor DeVilbiss made the following recommendations:

Greater Talkeetna RSA No. 29
William Fitzgerald

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

VOTE: The motion passed without objection.

(Assemblymember Woods re-entered the meeting.)

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.)

XII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Assemblymember Colligan:

- spoke to the need to set aside property for a wastewater septage facility; and
- requested that the Manager look into defining a location and to see if there is an opportunity for a land swap.

Mr. Moosey stated that he is currently looking into property at this time and will explore the possibility of a land swap.

Assemblymember Halter:

- thanked the Community Development Director for his attentiveness to the needs of the residents in his District; and
- related that the community is very happy with the interaction.

Assemblymember Arvin:

- stated that he is pleased the Boy Scouts will receive the canoes;
- spoke to his surprise that there was so much community objection;
- thanked the Recreation and Library Services Division for their assistance in determining the history of the canoes; and
- thanked the body for their support of the legislation.


Mayor DeVilbiss spoke to his appreciation of the working relationship with the Assembly.

XIII. EXECUTIVE SESSION

(There was no executive session held.)

XIV. ADJOURNMENT

The regular meeting adjourned at 8:47 p.m.



LARRY DeVILBISS, Borough Mayor

ATTEST:



LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 05/21/13