

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on May 21, 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
Mr. Vern Halter, Assembly District No. 7

Staff in attendance were:

Mr. John Moosey, Borough Manager
Mr. George Hays, Assistant Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Jamie Newman, Deputy Borough Clerk
Ms. Brenda J. Henry, Assistant Clerk
Ms. Tammy Clayton, Finance Director
Ms. Nancy Cameron, Land Management Agent
Mr. Dennis Brodigan, Emergency Services Director
Mr. Brad Sworts, Transportation and Environmental Manager
Mr. Eric Phillips, Community Development Director
Ms. Joell Church, Records Management Officer

III. APPROVAL OF AGENDA

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

Assemblymember Keogh requested to take up unfinished business immediately following audience participation.

Mayor DeVilbiss queried if there was any objection.

There was no objection noted.

Assemblymembers Colver and Arvin declared conflicts regarding AM No. 13-067 and noted that it should be pulled from the consent agenda.

Mayor DeVilbiss stated that conflicts could be declared when the body takes up the consent agenda.

Assemblymember Keogh requested to pull Resolution Serial Nos. 13-067 and 13-073 from the consent agenda for further discussion.

Assemblymember Woods requested to pull Resolution Serial No. 13-068 from the consent agenda for further discussion.

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Kaleb Self, Butte Ambulance EMT II.

V. MINUTES OF PRECEDING MEETINGS

- A. Assembly Special Meeting: 04/25/13
- B. Assembly Special Meeting: 04/30/13
- C. Assembly Special Meeting: 05/02/13
- D. Assembly Special Meeting: 05/06/13
- E. Assembly Special Meeting: 05/07/13
- F. Assembly Regular Meeting: 05/07/13
- G. Assembly Special Meeting: 05/09/13

Mayor DeVilbiss inquired if there were any corrections to the special meeting minutes of April 25, 2013, April 30, 2013, May 2, 2013, May 6, 2013 or May 7, 2013, May 9, 2013, or the regular meeting minutes of May 7, 2013.

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

VI. SPECIAL ORDERS OF THE DAY

- A. Proclamation in Recognition of Emergency Medical Services Week

Mayor DeVilbiss presented the proclamation to Mr. Kaleb Self, Butte Ambulance Emergency Medical Technician II.

- B. Proclamation in Recognition of Foster Parent Appreciation Month

Mayor DeVilbiss presented the proclamation to Ms. Betsy Woodin.

VII. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

(There were no reports provided.)

2. Matanuska-Susitna Borough School District

Mr. Luke Fulp, Chief Business Official:

- thanked the Assembly for their support;
- spoke to the number of graduations occurring within the Borough; and
- reiterated the appreciation of the School District for the Assembly.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

(There was no report provided.)

2. Assembly Public Relations

(There were no reports provided.)

C. MANAGER COMMENTS

- 1. State/Federal Legislation**
- 2. Strategic Planning Issues**

Mr. Hays spoke to changes Administration is making to streamline services at the Borough.

D. ATTORNEY COMMENTS

(There was no report provided.)

E. CLERK COMMENTS

(There was no report provided.)

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Caswell FSA Board of Supervisors: 01/09/13**
- b. Local Emergency Planning Committee: 02/20/13**

- c. Platting Board: 03/07/13, 03/21/13
- d. Wastewater and Septage Advisory Board: 06/12/12, 10/09/12, 12/12/12
- 2. Community Council Minutes:
 - a. Fishhook Community Council: 10/25/12

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

G. INFORMATIONAL MEMORANDUMS

(There were no informational memorandums presented.)

IX. 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.)

X. SPECIAL ORDERS

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

(There were no persons to be heard.)

- B. PUBLIC HEARINGS (Three minutes per person.)

- 1. Ordinance Serial No. 13-052: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE CREEKSHORE STATES 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

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Halter moved to adopt Ordinance Serial Nos. 13-052 and 13-053.

VOTE: The motion passed without objection.

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

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 Nos. 13-054 and 13-055.

VOTE: The motion passed without objection.

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

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. 13-057.

VOTE: The motion passed without objection.

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

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. 13-059 and Resolution Serial No. 13-062.

Assemblymember Keogh queried how charter schools differ from public schools in that they can use leftover funds to improve their structures.

Mr. Luke Fulp:

- related that unused funds exist within the operating fund for Academy Charter School;
- advised that per School Board policy, they are allowed to expend funds as they see fit as long as it meets policy requirements; and
- stated that the construction project fit within their education expense for that location code.

Assemblymember Keogh queried if that is with the approval of the School Board.

Mr. Fulp advised that it meets the policy set by the School Board.

Mayor DeVilbiss queried why it had to be before the Assembly.

Mr. Spiropoulos noted that the legislation is appropriating funds from one fund to another, which is done by the Assembly.

VOTE: The motion passed without objection.

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

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Halter moved to adopt Ordinance Serial No. 13-060.

Assemblymember Halter:

- stated that this is a reclassification of lands to public recreation;
- related that the parcel abuts access to the Susitna River;
- advised that it will enhance fishing opportunities quite a bit;
- stated that the property is being trashed while people try to get to the river to fish; and
- spoke to the work the Susitna Community Council intends to do to improve the parcel.

VOTE: The motion passed without objection.

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

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. 13-061 and Resolution Serial No. 13-063.

Assemblymember Keogh requested a staff report.

Mr. Sworts provided a staff report.

VOTE: The motion passed without objection.

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

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. 13-062.

Assemblymember Arvin:

- noted that typically legislation regarding the extension of time to complete capital projects includes numerous projects; and
- queried why it focused only on Hatcher Pass.

Mr. Hays advised that the project funds were due to expire on June 30, 2013, and Administration did not want to lose the funds or hold up the project.

VOTE: The motion passed without objection.

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

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. 13-063.

VOTE: The motion passed without objection.

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

Mayor DeVilbiss opened the public hearing.

The following person spoke in opposition to Ordinance Serial No. 13-064: Mr. James L. Walker.

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. 13-064.

Assemblymember Keogh:

- spoke to his support of ensuring proper public notice;
- noted that costs can be excessive in way of staff time and postage;
- stated that costs can be more expensive in the core areas rather than rural areas; and
- related that his amendment will keep the existing portions of code and change the requirement from one mile to one quarter mile.

MOTION: Assemblymember Keogh moved a primary amendment to Ordinance Serial No. 13-064, MSB 23.05.025(F)(1), by inserting in the first sentence, before the word "all" the words "A copy of the public notice shall be mailed to" and inserting after the word "one" in the first sentence the word "quarter" and inserting after the word "one" in the second sentence the word "quarter" to read: "A copy of the public notice shall be mailed to all land owners within one quarter mile of the boundaries of the area subject to resource sales, leases, exchanges, or other disposal. If any portion of a recorded subdivision lies within one quarter mile of the area being noticed, all property owners within the subdivision shall be provided notice."

Assemblymember Halter spoke in support of the amendment.

Assemblymember Colligan spoke in opposition of the amendment.

MOTION: Assemblymember Colligan moved to postpone Ordinance Serial No. 13-064 to a time certain of June 4, 2013.

Assemblymember Arvin:

- spoke in opposition to postponement;
- stated that changes can be made at a later date should they be needed; and
- related that he supports moving forward with the legislation.

VOTE: The motion to postpone failed unanimously.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following persons spoke in support of funding for the Health and Social Services Matching Grant Fund: Mr. Larry Dearman and Mr. Herman Thompson.

The following person spoke to concerns with local improvement districts causing conflicts between neighbors: Mr. John Vinduska.

The following persons spoke to overall concerns with local improvement districts: Mr. Finn Rye, Mr. Mike Coons, Ms. Katherine Bacon, Mr. Dan Lemay, Ms. Jennifer Wudarski, and Ms. Cheryl Harkey.

The following person spoke to the need to ensure that the Crevasse Moraine Trailhead is not ruined by the expansion of the Central Landfill: Mr. James L. Walker.

(The meeting recessed at 6:55 p.m. and reconvened at 7:05 p.m.)

VIII. UNFINISHED BUSINESS

A. Ordinance Serial No. 13-034: AN ORDINANCE AMENDING PORTIONS OF MSB 3.28, SPECIAL ASSESSMENTS; AS IT RELATES TO THE CREATION OF NATURAL GAS DISTRIBUTION LINE LOCAL IMPROVEMENT DISTRICTS.
(Sponsored by Assemblymember Keogh)

1. IM No. 13-064

MOTION PENDING: Assemblymember Keogh moved to adopt Ordinance Serial No. 13-034.

MOTION: Assemblymember Keogh moved a primary amendment to Ordinance Serial No. 13-034, MSB 3.28.020(B)(7), by inserting after the word "LID" the words "which need not be contiguous for natural gas distribution line LID's" to read: "(7) a vicinity map indicating the location of the proposed boundary of the LID, which need not be contiguous for natural gas distribution line LID's."

Assemblymember Keogh:

- spoke in favor of local improvement districts being non-contiguous; and
- noted that they often cause a rift between neighbors as noted in the testimony during audience participation.

Assemblymember Colver opined that rather than being non-contiguous, the local improvement districts should be at 75 percent rather than 50 percent.

Assemblymember Arvin spoke to concerns with the constant change in the percentage of votes required for local improvement districts.

VOTE: The primary amendment failed with Assemblymembers Arvin and Keogh in support.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 13-034, by striking "75 percent" and inserting in its place "50 percent" throughout the ordinance.

Assemblymember Colver spoke in support of changing the percentage from 50 percent to 75 percent.

Discussion ensued regarding the possibility of changing the percentage from 50 percent to 75 percent.

VOTE: The primary amendment failed with Assemblymembers Salmon and Colligan in support.

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

D. CONSENT AGENDA

1. RESOLUTIONS

a. Resolution Serial No. 13-064: A RESOLUTION APPROVING THE AMENDED SCOPE OF WORK FOR PROJECT NO. 10141, REPLACEMENT OF CARPET AND VINYL AT THE ROBERT VROMAN BUILDING TO INCLUDE PURCHASE OF FURNISHINGS FOR FACILITY MAINTENANCE OFFICE.

(1) IM No. 13-122

b. Resolution Serial No. 13-065: A RESOLUTION APPROVING THE AMENDED SCOPE OF WORK FOR PROJECT NO. 30092, PURCHASE OF A NEW BACKHOE AS WELL AS THE PURCHASE AND REPLACEMENT OF OVERHEAD LIGHTS IN THE OPERATIONS AND MAINTENANCE SHOP, TO INCLUDE THE PURCHASE OF TRAFFIC CONTROL EQUIPMENT FOR EMERGENCY EVENTS.

(1) IM No. 13-123

c. Resolution Serial No. 13-066: A RESOLUTION AMENDING THE BUDGETS FOR THE AMERICANS WITH DISABILITIES ACT RAMPS, LIGHTING AND ELECTRICAL UPGRADES, AND NEW SEPTIC SYSTEM FOR THE WILLOW AREA COMMUNITY CENTER, PROJECT NO. 10009 AND APPROVING THE AMENDED SCOPE OF WORK TO CONSOLIDATE THE PROJECTS.

(1) IM No. 13-125

2. ACTION MEMORANDUMS

a. AM No. 13-061: ACCEPTANCE OF LATE FILED AND RETROACTIVE SENIOR CITIZEN AND DISABLED VETERAN EXEMPTION APPLICATIONS.

- b. AM No. 13-062: AWARD OF BID NO. 13-106B TO ORION MARINE CONTRACTORS, INC. FOR THE CONTRACT AMOUNT OF \$1,443,852 FOR REPLACEMENT OF BRIDGE NO. 1956, SULLIVAN AVENUE OVER BODENBURG CREEK.
- c. AM No. 13-064: AWARD OF PROPOSAL NO. 13-124P TO E/P ROOFING, INC. IN THE CONTRACT AMOUNT OF \$1,341,000 FOR THE SWANSON ELEMENTARY SCHOOL ROOF REPLACEMENT DESIGN – BUILD.
- d. AM No. 13-065: AWARD OF PROPOSAL NO. 13-125P TO WOLVERINE SUPPLY, INC. IN THE CONTRACT AMOUNT OF \$2,784,220 FOR THE COLONY HIGH SCHOOL ROOF REPLACEMENT DESIGN – BUILD.
- e. AM No. 13-066: AWARD OF PROPOSAL NO. 13-126P TO EARHART ROOFING COMPANY, INC. IN THE CONTRACT AMOUNT OF \$892,000 FOR THE BIG LAKE ELEMENTARY SCHOOL ROOF REPLACEMENT DESIGN – BUILD.

Ms. Newman read the above legislation into the record.

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

VOTE: The motion passed without objection.

- d. Resolution Serial No. 13-067: A RESOLUTION REQUESTING THAT THE ALASKA STATE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES ADDRESS CURRENT AND NEAR TERM TRAFFIC CONGESTION AND ACCESS ISSUES AT THE PALMER-WASILLA HIGHWAY WHERE IT INTERSECTS WITH OLD TRUNK ROAD AND NEW TRUNK ROAD. *(Sponsored by Assemblymember Keogh)*
- (1) IM No. 13-128

MOTION: Assemblymember Keogh moved to adopt Resolution Serial No. 13-067.

MOTION: Assemblymember Keogh moved a primary amendment to Resolution Serial No. 13-067, fifth whereas clause by striking “has completed” and inserting in its place “is designing” to read: “Whereas, a private developer has purchased a very large tract of land on the south side of this intersection and is designing a large shopping mall with a considerable amount of commercial out buildings, which will generate additional traffic; and”

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

- e. Resolution Serial No. 13-068: A RESOLUTION URGING ALASKA'S CONGRESSIONAL DELEGATION TO PROTECT ALASKAN FAMILIES AND SUPPORT THE SAFE CHEMICALS ACT OF 2013. *(Sponsored by Assemblymember Keogh)*
(1) IM No. 13-129

MOTION: Assemblymember Woods moved to adopt Resolution Serial No. 13-068.

MOTION: Assemblymember Woods moved to postpone Resolution Serial No. 13-068 to a time certain of June 4, 2013.

VOTE: The motion to postpone passed with Assemblymembers Keogh and Colligan opposed.

- f. Resolution Serial No. 13-073: A RESOLUTION EXTENDING THE EXPIRATION DATE FOR THE MSB 8.32 REVIEW COMMISSION (ENERGY POLICY). *(Sponsored by Assemblymember Colligan)*
(1) IM No. 13-131

MOTION: Assemblymember Keogh moved to adopt Resolution Serial No. 13-073. Assemblymember Keogh spoke in opposition to the extension of the expiration date.

Mayor DeVilbiss noted there is one more seat to fill before the Board can begin their review.

VOTE: The motion passed with Assemblymember Keogh opposed.

- f. AM No. 13-067: AWARD OF BID NO. 13-085B TO BRISTOL CONSTRUCTION SERVICES, LLC. FOR THE CONTRACT AMOUNT OF \$1,005,674.90 FOR SOUTH CENTRAL REGIONAL EMERGENCY SERVICES TRAINING CENTER.

CONFLICT OF INTEREST: Assemblymember Colver declared a conflict of interest as he was an unsuccessful sub-bidder for the project.

CONFLICT OF INTEREST: Assemblymember Arvin declared a conflict of interest as his client was an unsuccessful bidder on the project.

RULING: Mayor DeVilbiss ruled that Assemblymembers Colver and Arvin each had a conflict and would be recused from voting on the issue.

(Assemblymembers Arvin and Colver exited the meeting.)

MOTION: Assemblymember Salmon moved to adopt AM No. 13-067.

VOTE: The motion passed without objection.

(Assemblymembers Colver and Arvin re-entered the meeting.)

XI. NEW BUSINESS

A. INTRODUCTIONS (For public hearing – 06/04/13, School District Administration Building)

1. Ordinance Serial No. 13-038: AN ORDINANCE AMENDING MSB 15.39, BOARD OF ADJUSTMENT AND APPEALS. *(Sponsored by Assemblymember Colver)*

a. IM No. 13-003

2. Ordinance Serial No. 13-065: AN ORDINANCE ACCEPTING AND APPROPRIATING A FISCAL YEAR 2013 DESIGNATED LEGISLATIVE GRANT FROM GENERAL OBLIGATION BOND FUNDS IN THE AMOUNT OF \$30,000,000 FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT FOR THE SOUTH CENTRAL RAIL EXTENSION FROM PORT MACKENZIE TO THE MAINLINE, TO FUND 490, PROJECT NO. 75001.

a. Resolution Serial No. 13-069: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET AND AUTHORIZING THE MANAGER TO ENTER INTO THE NECESSARY AGREEMENTS WITH THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT FOR THE SOUTH CENTRAL RAIL EXTENSION FROM PORT MACKENZIE TO THE MAINLINE PROJECT.

(1) IM No. 13-051

3. Ordinance Serial No. 13-066: AN ORDINANCE ACCEPTING AND APPROPRIATING \$50,924 FOR THE 2012 EARTHQUAKE HAZARDS REDUCTION PROGRAM FOR THE MATANUSKA-SUSITNA BOROUGH SCHOOL DISTRICT, PROJECT NO. 47510, FUND 400.

a. Resolution Serial No. 13-070: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR A GRANT FROM THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT FOR THE 2012 EARTHQUAKE HAZARDS REDUCTION PROGRAM FOR THE MATANUSKA-SUSITNA BOROUGH SCHOOL DISTRICT, PROJECT NO. 47510, FUND 400.

(1) IM No. 13-117

4. Ordinance Serial No. 13-067: AN ORDINANCE ACCEPTING AND APPROPRIATING \$13,500,000 FOR A PORTION OF THE FISCAL YEAR 2013 DESIGNATED LEGISLATIVE GRANT PROJECTS FROM THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT FOR THE BOGARD ROAD EXTENSION EAST PROJECT, PROJECT NO. 35299, FUND 430.

a. Resolution Serial No. 13-071: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR A PORTION OF THE FISCAL YEAR 2013 DESIGNATED LEGISLATIVE GRANT PROJECTS FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC

DEVELOPMENT FOR THE BOGARD ROAD EXTENSION EAST PROJECT,
PROJECT NO. 35299, FUND 430.

- (1) IM No. 13-118
5. Ordinance Serial No. 13-068: AN ORDINANCE AMENDING MSB 3.38.040(A) AND SETTING THE SURCHARGE RATE FOR THE WIRELINE AND WIRELESS ENHANCED 911 SYSTEMS FOR THE PERIOD OF JULY 1, 2013, THROUGH JUNE 30, 2014. *(Sponsored by Assemblymember Colligan)*
- a. IM No. 13-119
6. Ordinance Serial No. 13-069: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$7,187 OF REVENUES FROM PUBLIC DONATIONS TO THE FISCAL YEAR 2013 ANIMAL CARE AND REGULATION DIVISION OPERATING BUDGET AND REAPPROPRIATING \$7,187 FROM THE FISCAL YEAR 2013 ANIMAL CARE AND REGULATION DIVISION OPERATING BUDGET, FUND 200, TO FUND 480, PROJECT NO. 45168, FOR TRAILERING EQUIPMENT.
- a. IM No. 13-120
7. Ordinance Serial No. 13-070: AN ORDINANCE ACCEPTING AND APPROPRIATING \$31,358.34 FROM THE KNIK ARM BRIDGE AND TOLL AUTHORITY TO FUND 480, PROJECT NO. 47023, FOR IMPLEMENTING MEASURES TO FACILITATE A CONSOLIDATED PERMITTING PROCESS FOR THE MATANUSKA-SUSITNA BOROUGH.
- a. IM No. 13-121
8. Ordinance Serial No. 13-071: AN ORDINANCE REAPPROPRIATING \$166,235 FROM THE PLANNING AND LAND USE DEPARTMENT FISCAL YEAR 2013 OPERATING BUDGET, FUND 100, TO FUND 480, PROJECT NO. 45005, FOR PORT MASTER PLAN IMPLEMENTATION; PROJECT NO. 47035, POINT MACKENZIE TOWN SITE; AND PROJECT NO. 47036, MAT-SU 50TH ANNIVERSARY.
- a. Resolution Serial No. 13-072: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PORT MASTER PLAN IMPLEMENTATION, POINT MACKENZIE TOWN SITE, AND MAT-SU 50TH ANNIVERSARY.
- (1) IM No. 13-126

Ms. Newman 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 June 4, 2013.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor DeVilbiss requested the following confirmations:

Historical Preservation Commission
Ms. Arlene Stephl, removal by Board
Greater Talkeetna RSA No. 29
William Fitzgerald

Mayor DeVilbiss made the following recommendations:

Historical Preservation Commission
Deborah Burlinski
Willow FSA No. 35
James Huston

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

VOTE: The motion passed without objection.

C. OTHER NEW BUSINESS

(There was no other new business.)

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

(There were no referrals presented.)

XII. RECONSIDERATION

(There was no reconsideration presented.)

XIII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Mr. Spiropoulos:

- advised that he will be out of the office next week; and
- stated that if there are any additional meetings scheduled that someone from his office would attend in his place.

Assemblymember Salmon:

- reported that the sod from Veteran's Field is being removed; and
- noted that the astro turf is being installed.

Assemblymember Keogh:

- spoke to his appreciation of the conversation regarding local improvement districts;
- stated that code does not currently prevent non-contiguous boundaries; and
- requested that staff advise residents of that possibility.

Assemblymember Colver objected.

Assemblymember Keogh:

- noted that the amendment that was proposed was not a new law, but rather a way to clarify code;
- stated that there is nothing that he can find in code that prohibits non-contiguous LID's;
- opined that it does not require action of the body to have staff notify residents of the possibility.

Mr. Spiropoulos advised that Assemblymember Keogh is correct, that non-contiguous LID's are currently not prohibited by code.

Assemblymember Halter advised that he would be requesting the Clerk's Office to prepare an amendment for the budget to decrease the School District's budget from the three percent increase to a two percent increase.

Assemblymember Arvin:

- stated that he is looking forward to seeing Assemblymember Halter's amendment; and
- queried what the Mayor's opinion is as to actions already taken on the budget regarding possible Mayoral vetoes.

Mayor DeVilbiss:

- stated that as long as the mill rates remain close to where they currently are, that he does not have any vetoes in mind at this time;
- spoke to the many ways that utilities can be extended to residents' properties;
- opined that there is not a need for Government to force residents to participate; and
- stated that he would be pleased if the Borough was not in the business of LID's.


Assemblymember Salmon advised that he will be unavailable on May 23, 2013.

XIII. EXECUTIVE SESSION

(There was no executive session held.)

XIV. ADJOURNMENT

The regular meeting adjourned at 8:35 p.m.



LARRY DeVLBISS, Borough Mayor

ATTEST:



LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 06/18/13