

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on June 7, 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
Mr. John Moosey, Borough Manager
Ms. Elizabeth Gray, Assistant Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Cheryl D. Marino, Deputy Borough Clerk
Ms. Tammy Clayton, Finance Director
Mr. Chuck Braun, Acting Public Works Director
Ms. Christine Nelson, Planning and Land Use Director
Mr. Dennis Brodigan, Emergency Services Director
Ms. Patty Sullivan, Public Affairs Director
Ms. Shannon Post, Chief Information Officer
Mr. James King, Community Development Manager

III. APPROVAL OF AGENDA

Mayor DeVilbiss:

- noted that Administration had requested several changes to the agenda; and
- related that one of them was to pull introduction number three, which is Ordinance Serial No. 11-067 and Resolution Serial No. 11-077;
- requested that the Manager speak to the reasons why; and
- queried if there was any objection.

Mr. Moosey noted that the Alaska State Department of Fish and Game had reallocated the funding to a different project.

There was no objection noted.

Mayor DeVilbiss inquired if there was objection to moving public hearing number five to position number one.

Assemblymember Bettine:

- stated that she objects;
- noted that she has received a lot of comments on that subject; and
- stated that some of the public who wish to speak may not attend the meeting promptly at 7 p.m.

MOTION: Assemblymember Colver moved to amend the agenda by hearing Ordinance Serial No. 11-060 as the second public hearing.

Discussion ensued regarding changes to the public hearing portion of the agenda.

Assemblymember Ewing

- opined that it could be a long meeting; and
- stated his support of the amendment.

Assemblymember Arvin:

- stated that he is the one who requested that this change occur;
- opined that many people would be in attendance to provide testimony on the legislation; and
- noted his support of moving it up on the agenda.

VOTE: The motion passed with Assemblymembers Bettine and Keogh opposed.

Mayor DeVilbiss queried if there was objection to postponing Resolution Serial No. 11-062 to a time certain of August 2, 2011.

There was no objection noted.

Mayor DeVilbiss inquired if there was any objection to adding a short proclamation to the agenda.

There was no objection noted.

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Don Carney, Assistant Director of Operations and Maintenance for the School District.

V. MINUTES OF PRECEDING MEETINGS

- A. Regular Assembly Meeting: 05/03/11
- B. Special Assembly Meeting: 05/04/11
- C. Special Assembly Meeting: 05/05/11
- D. Special Assembly Meeting: 05/10/11 (2)
- E. Special Assembly Meeting: 05/12/11
- F. Special Assembly Meeting: 05/16/11
- G. Regular Assembly Meeting: 05/17/11

Mayor DeVilbiss inquired if there were any corrections to the regular meeting minutes of May 3, 2011; the special meeting minutes of May 4, 2011, May 5, 2011, May 10, 2011 (2), May 12, 2011, and May 16, 2011; or the regular meeting minutes of May 17, 2011.

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

VI. SPECIAL ORDERS OF THE DAY

- A. A Proclamation in Recognition of Ms. Lois Feaster

Mayor DeVilbiss:

- read the proclamation into the record; and
- presented the proclamation to Ms. Feaster.

- B. A Proclamation in Recognition of Local Compost Month

Mayor DeVilbiss:

- read the proclamation into the record; and
- spoke regarding the importance of local composting.

- C. A Proclamation in Recognition of Naming a Calf after the Borough Manager's Daughter.

Mayor DeVilbiss:

- read the proclamation into the record; and
- spoke regarding the naming of a calf after the Manager's daughter.

VII. REPORTS/CORRESPONDENCE

- A. AGENCY REPORTS

- 1. Reports from cities

Wasilla City

Mr. Burt Cottle, city of Wasilla Deputy Administrator:

- thanked the Assembly for providing funding for city libraries; and
- thanked Borough staff for their work on the lease agreement regarding Lake Lucille Park;

Assemblymember Colver welcomed Mr. Cottle back to public service.

Assemblymember Ewing:

- noted that he attended high school with Mr. Cottle;
- stated that it is good to see him back in Wasilla after a 37 year absence; and
- stated that he looks forward to working with him.

2. Matanuska-Susitna Borough School District

Dr. Kenneth Burnley, School District Superintendent and Mr. Kenneth Forest, School District Assistant Superintendent, provided a report regarding the proposed \$278,000,000 school bond package.

Assemblymember Ewing queried if there was a 20-year payback for this bond.

Mr. Forrest affirmed the query.

Assemblymember Bettine queried if it would be an average of approximately \$180 increase to property taxes.

Mr. Forrest affirmed the query.

Assemblymember Bettine queried how many bonds would be retiring within the next five years.

Ms. Clayton advised that there are level payments through 2018.

Assemblymember Woods queried if the bonds could be sold if the State did not come through with matching funds.

Mr. Forrest stated that the School District would not recommend that.

Assemblymember Ewing queried the current amount taxpayers pay on \$100,000 school bonds.

Ms. Clayton advised that it is just under 1 mill, which is .86 mills or \$86 per year.

Discussion ensued regarding:

- construction forecasts for new schools;
- when additions to existing buildings could happen;
- site surveys that may be necessary;
- necessary boundary adjustments to relieve overcrowding;

- the need to properly word the bond proposition;
- the possibility of the School District not coming back with propositions for voters for five years;
- what land is included in existing school sites;
- whether sports fields, books, and equipment are included in the proposed middle/high school bond;
- future maintenance in the bond package;
- the guidelines that need to be adhered to for the School District to remain tax exempt;
- the number of students at Wasilla High School;
- the high number of special needs students within the school district;
- how the School District estimated the cost of the proposed bond package;
- the cost of building to acquire LEED certification;
- needs assessments;
- what school has the most structural need;
- how items are placed on the major maintenance list; and
- the need to schedule a joint Assembly/School Board meeting to discuss the proposed bond package.

Mayor DeVilbiss inquired if there was any objection to scheduling a joint Assembly/School Board meeting on June 14, 2011, at 3 p.m.

There was no objection noted.

(The regular meeting recessed at 6:58 p.m. and reconvened at 7:02 p.m.)

X. 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. Resolution Serial No. 11-064: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR HEALTH, WELFARE, SAFETY, AND PUBLIC MEETING SPACE IMPROVEMENTS FOR THE DOROTHY SWANDA JONES ADMINISTRATION BUILDING ANNEX/RENOVATION, AND AMENDING BUDGETS FOR THE PROJECT.
 - a. IM No. 11-103

Mayor DeVilbiss opened the public hearing.

The following person spoke in opposition to modifications to the Dorothy Swanda Jones building and suggested the Borough move office space into the old Palmer Carr's grocery store: Mr. Bob Vroman, former Borough Manager and Mayor.

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

MOTION PENDING: Assemblymember Colver moved to adopt Resolution Serial No. 11-064.

Assemblymember Colver:

- acknowledged Mr. Vroman's long history of public service;
- noted that there is a deficiency in public meeting space;
- spoke to the inability for constituents to be able to participate telephonically from outlying areas;
- noted that there is an inefficient work space for staff, with high heat temperatures;
- stated that the Clerk's office has eight people that are in a very small work space; and
- spoke to the need to begin the design phase and get the project started.

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 11-064, by striking the second to last "Further be it resolved" clause and inserting in its place: "Further be it resolved, that the scope of the project shall be a building addition in the area of the courtyard in the main entrance to the Dorothy Swanda Jones building with a target construction budget, not including furnishings and equipment, not to exceed \$7,200,000."

Assemblymember Ewing:

- spoke to the Wolf Architecture analysis that was conducted in 2008;
- opined that the Assembly needs to become familiar with this analysis prior to making any decisions on space issues; and
- stated that he will not support the amendment.

Assemblymember Woods queried if the Assembly had decided on building an addition within the courtyard area rather than the gym area.

Mayor DeVilbiss stated that this was the intent of the amendment.

Assemblymember Colver:

- noted that if the gym was demolished, it would be more square footage;
- opined that unless funds were borrowed, that the Borough does not have the capacity for that type of project;
- related that this is targeted to what the needs are now and what can be accomplished with the funds currently available; and
- spoke to the negative impacts of using the gym space.

Assemblymember Bettine:

- noted that she is not comfortable with the legislation stating that the location will be the courtyard or the gym;

- opined that there should be a work session held on the subject;
- noted she has received a lot of information regarding Borough space issues; and
- stated that she opposes the primary amendment.

MOTION: Assemblymember Bettine moved a secondary amendment by striking “in the area of the courtyard in the main entrance to the Dorothy Swanda Jones building with a target construction budget, not including furnishings and equipment not to exceed \$7,200,000,” and inserting in its place “to the Dorothy Swanda Jones Building” to read: Further be it resolved, that the scope of the project shall be a building addition to the Dorothy Swanda Jones Building.”

Assemblymember Bettine spoke to the need to see the big picture before projecting the amount of funds that would be spent on the Dorothy Swanda Jones Building.

Assemblymember Halter queried if this was for an addition only.

Assemblymember Colver affirmed the query.

Assemblymember Arvin:

- spoke to the limitations of the building when it comes to renovations;
- noted that he understands that there is a historical component to the building;
- stated that many employees utilize the gym on their lunch hours;
- spoke to the benefits of moving forward with the design phase for the courtyard; and
- stated that he does not support the secondary amendment.

Assemblymember Keogh requested information regarding the differences with expansion in the courtyard versus the gym.

Assemblymember Colver:

- stated that the gym expansion has been projected at \$20,000,000;
- noted that it is a more comprehensive project that offers more square footage;
- stated that he offered the courtyard for expansion, as it was the most economically feasible; and
- noted that the Borough already owns the land under the Dorothy Swanda Jones Building.

Discussion ensued regarding:

- the square footage that would be added if the courtyard expansion is chosen;
- how an addition could positively impact future expansion;
- the possibility of having a facility across the street from the Dorothy Swanda Jones Building and leaving the current building as it is;
- the possibility of the question to go before the voters;
- the possibility of leasing space in the core area;
- an addition to be constructed versus remodeling; and
- how the secondary amendment may provide the Assembly more latitude in decision making.

VOTE: The secondary amendment passed with Assemblymembers Arvin, Ewing, and Colver opposed.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Bettine moved a primary amendment to Resolution Serial No. 11-064, by striking the 11th whereas clause.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 11-064, by inserting the following words “of up to \$7,200,000” in the last further be it resolved clause after the word “increased.”

Assemblymember Colver spoke to the need for a dollar figure to be included for the project.

Assemblymember Ewing:

- spoke in opposition to the primary amendment; and
- opined that expenditures of this type should be placed before the voters.

Assemblymember Bettine:

- stated that she opposes the primary amendment;
- noted that the Assembly removed the dollar figure in a previous amendment; and
- opined there needs to be an overall scope of work for whatever project the Assembly decides to move forward with.

MOTION: Assemblymember Halter moved a secondary amendment to strike the words “up to” and inserting in its place “not to exceed” before “\$7,200,000.”

VOTE: The secondary amendment passed without objection.

Assemblymember Ewing:

- opined that the Assembly is moving in the wrong direction with this project;
- spoke to concerns of not knowing the total costs for the project; and
- stated that he opposes the primary amendment.

Assemblymember Keogh:

- stated that he supports the primary amendment; and
- spoke to the need to have a target dollar figure.

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

MOTION: Assemblymember Bettine moved a primary amendment to Resolution Serial No. 11-064, to the amended budget, to strike “Visitor Facility Construction (Bathrooms) in the amount of “\$850.”

VOTE: The primary amendment passed without objection.

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

5. Ordinance Serial No. 11-060: AN ORDINANCE AMENDING MSB 2.70; MSB 4.38, AND MSB 2.29, REGARDING THE CODE OF ETHICS.
 - a. IM No. 11-113

Mayor DeVilbiss opened the public hearing.

The following persons spoke in opposition to repealing the Board of Ethics and to the concerns with the legislation: Mr. Bob Vroman, Ms. Patricia A. Rosnel, Ms. Helen Munoz, Mr. Frank Muncy, Ms. Bonnie Zirkle, Ms. Heather McClausland, Mr. David Wilson, Mr. Jeremiah Millen, Mr. David Cheezum, Mr. Dan Kennedy, Mr. Jim Sykes, Ms. Charissa Cherry, Mr. Mark Masteller, Mr. Bob Hooyman, Mr. William Tull, Ms. Diane Woodruff, Ms. Janet Kincaid, Ms. Lucille Frey, and Mr. John Bartman.

(The meeting recessed at 8:30 p.m. and reconvened at 8:40 p.m.)

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. 11-060.

Assemblymember Ewing:

- opined that there is a lack of public trust with regard to government;
- noted that there are good changes suggested within the legislation;
- spoke to the need to eliminate frivolous ethics complaints;
- noted that previous ethics complaints were funded by the taxpayers;
- spoke to the funding that was requested by the Ethics Board in the amount of \$60,000;
- spoke to Anchorage having attorneys as members on their ethics boards so that outside counsel is not necessary;
- opined that the complainant bears no responsibility in ethics cases;
- noted that in a court of law the losing side could be liable for legal expenses;
- stated that he would like to see a filing fee instituted for ethics complaints;
- spoke in support of increasing the membership for the Ethics Board;
- noted that State boards use members of the public and professionals on all of their boards; and
- stated that he would like to see the legislation postponed until after the Assembly reviews the revisions to the ethics code.

MOTION: Assemblymember Halter moved to postpone Ordinance Serial No. 11-060 to a time certain of August 16, 2011, for the purposes of conducting a work session.

Discussion ensued regarding:

- how conflicts of interest are addressed in current code;
- the need to be able to address conflicts more efficiently;
- the need for the ethics complaint process to be revised;
- the need to address issues covered within the legislation until the Assembly can review the revisions to the ethics code; and
- the benefits of having just a hearing officer hear complaints versus the Board of Ethics.

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

MOTION: Assemblymember Keogh moved to postpone Ordinance Serial No. 11-060 indefinitely.

Assemblymember Keogh:

- spoke to the testimony provided in opposition to the legislation;
- noted that there was no testimony in support;
- spoke to concerns with the funding having been eliminated within the budget for the Ethics Board; and
- stated that he would prefer that the Assembly respect the work of the Board in attempting to put forward a rewrite of a new ethics code.

Discussion ensued regarding:

- postponing the legislation to a time certain versus indefinitely;
- the duties of the Office of Administrative Hearings;
- the need to change the composition of the Ethics Board;
- the intent of the legislation being to remove the Ethics Board not the ethics code;
- the possibility of licensed professionals to interpret code and determine probable cause;
- the need for the Assembly to do a comprehensive review of the proposed revisions;
- how a respondent is financially encumbered by the complaint process; and
- the inefficiency of the complaint process.

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

MOTION: Assemblymember Bettine moved to postpone Ordinance Serial No. 11-060 to a time certain of August 16, 2011, to have Ordinance Serial No. 11-022 introduced on August 2, 2011, for public hearing on August 16, 2011, to schedule work sessions to discuss the changes, and to put the two pieces together on the August 16, 2011, agenda.

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

2. Ordinance Serial No. 11-057: AN ORDINANCE APPROPRIATING \$30,000 FROM TALKEETNA FLOOD CONTROL SERVICE AREA NO. 7 FUND BALANCE, FUND 290, TO FUND 490, FOR THE TALKEETNA FLOOD REVETMENT CONTROL PROJECT, PROJECT NO. 75004.
- b. Resolution Serial No. 11-069: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE TALKEETNA FLOOD CONTROL PROJECT, FUND 490, PROJECT NO. 75004.
- (1) IM No. 11-104

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. 11-057 and Resolution Serial No. 11-069.

Assemblymember Halter:

- noted that the legislation is to provide flood control measures along the Talkeetna River;
- stated that the United States Army Corps of Engineers (USACE) requested that the project be done; and
- requested support of the legislation.

Assemblymember Keogh:

- spoke to the budget process for special service areas such as Circle View/Stampede Estates;
- noted that the Assembly made a budget change and added funding for an annual inspection of the dykes;
- stated that the USACE performed inspections at no charge on the Talkeetna River; and
- queried why that could not be done here, rather than taking money out of the service area for inspections.

Mr. Moosey stated that he will provide that information to the Assembly as soon as he obtains it.

VOTE: The motion passed without objection.

6. Ordinance Serial No. 11-058: AN ORDINANCE APPROPRIATING \$300,000 FROM THE INTEREST EARNINGS FROM THE LAND MANAGEMENT PERMANENT FUND, FUND 203, TO FUND 435, IN ORDER TO SUPPLEMENT THE FUNDING FOR THE SUTTON LIBRARY/COMMUNITY CENTER CONSTRUCTION PROJECT NO. 10168.
- a. Resolution Serial No. 11-070: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 10168 FOR THE SUTTON LIBRARY/COMMUNITY CENTER CONSTRUCTION PROJECT.
- (1) IM No. 11-108

- (2) AM No. 11-051: AWARD OF BID NO. 11-102 TO COLLINS CONSTRUCTION COMPANY, INC. IN THE CONTRACT AMOUNT NOT TO EXCEED \$2,361,186, FOR THE SUTTON LIBRARY/COMMUNITY RESOURCE CENTER.

Assemblymember Bettine:

- declared that she may have a conflict of interest, as the architect of design for the project is a tenant of her building; and
- requested that the Mayor provide a ruling.

RULING: Mayor DeVilbiss ruled that Assemblymember Bettine had no conflict of interest.

Assemblymember Bettine:

- stated that it appeared to her that the bid came in under the funds that were available;
- opined that if that was correct, that there should be no need for the extra funds for the project; and
- queried why the Rasmuson Foundation funds are not available until December 31, 2011.

Mr. Moosey:

- advised that there was a budget of \$2,700,000 and that the Engineers estimate was \$2,500,000;
- noted that the bid award came in at \$2,300,000;
- stated that the gap is because of the engineering and architect costs took up approximately \$400,000;
- related that there is a gap of approximately \$250,000; and
- noted that the funding asked for in the legislation will be sufficient to start construction.

Assemblymember Ewing:

- stated that 11 out of 13 bids had an average price for the roof at \$95,000;
- noted that the award winning bid for the roof was \$48,000; and
- queried the large difference in those bids.

Mr. King:

- related that the roof was originally supposed to be metal;
- stated that in an effort to reduce the cost of the project, the metal roof was taken out; and
- advised that the roof would now be asphalt.

Assemblymember Woods queried if there was a 20 percent contingency added to the bid in order to prevent the need for change orders.

Mr. King:

- advised that most construction bids have a 10 percent contingency in the event that there are cost overruns;
- related that there is very little funding for the project; and
- stated that the intent is to get through this process without cost overruns.

Discussion ensued regarding:

- conditions of the contract;
- concerns with possible change orders;
- items that were removed from the project in order to reduce costs;
- the timeframe for the construction;
- fundraising that is occurring;
- the type of roof that will be on the building;
- the funds necessary to complete the interior;
- when the Rasmuson Foundation funds will be available;
- alternative funding sources that may be available;
- the need to keep the project under budget; and
- the possibility of adding funds in order to be able to have a metal roof.

MOTION: Assemblymember Colver moved to extend the meeting past 10 p.m. and not to exceed 11:30 p.m.

VOTE: The motion to extend the meeting failed with Assemblymembers Colver, Keogh, Woods, and Arvin in support (requires five votes to pass).

MOTION: Assemblymember Ewing moved to extend the meeting past 10 p.m. and not to exceed 10:59 p.m.

VOTE: The motion passed without objection.

Mayor DeVilbiss opened the public hearing.

The following person spoke in opposition to using land management permanent fund interest for non-emergency purposes: Ms. Jay Nolfi.

The following persons spoke in support of Ordinance Serial No. 11-058, Resolution Serial No. 11-070, and AM No. 11-051: Mr. William Schmitdkunz, Ms. Mariah MacNamera; Mr. George Rauscher, Mr. Jack Niggemeyer, Ms. Alma Blum, Ms. Sherri Scott, Ms. Jenny Baer, Ms. Gwen Black, Ms. Lynne Woods, Ms. Eowyn Ivey, Ms. Elaine Nash, Ms. Lisa Wade, Ms. Christine VanCleve; Ms. Nancy Dryden, Ms. Laurel Flynn, Mr. Bill Earl, and Ms. Taffina Katkus.

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

MOTION: Assemblymember Keogh moved to adopt Ordinance Serial No. 11-058, Resolution Serial No. 11-070, and AM No. 11-051.

Assemblymember Keogh:

- spoke to his support of libraries;
- noted that he particularly appreciated the public comments regarding partnership building communities;
- reminded the Assembly that there was funding added to the city libraries, which showed Assembly support;
- stated that the majority of the funding for libraries comes from resources other than the Borough;
- noted that everyone that testified, emphasized the importance of the center for a variety of reasons;
- spoke to the different areas that residents come from that use the Sutton Library;
- opined that it is the single most important facility in the area; and
- stated that he would bring forward an amendment to provide funding in order to put a metal roof on the library.

MOTION: Assemblymember Keogh moved a primary amendment to Ordinance Serial No. 11-070, by adding \$48,000 to the Sutton Library/Resource Center, for the purposes of a metal roof for the project.

Assemblymember Arvin:

- stated that he is supportive of providing additional funds;
- opined that they should not be from the land management interest fund; and
- noted that there may be an alternative source of funds.

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

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

7. Ordinance Serial No. 11-059: AN ORDINANCE APPROPRIATING FUNDS IN THE AMOUNT OF \$85,600 FROM THE BUTTE FIRE SERVICE AREA NO. 2 FUND BALANCE, FUND 251, TO FUND 405, PROJECT NO. 45142, FOR A 3000 GALLON VAC TANKER.
 - a. Resolution Serial No. 11-071: A RESOLUTION AMENDING THE BUDGET FOR BUTTE FIRE SERVICE AREA PROJECT NO. 45142, FOR A 3000 GALLON VAC TANKER.
 - i. IM No. 11-110

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Keogh moved to adopt Ordinance Serial No. 11-059 and Resolution Serial No. 11-071.

VOTE: The motion passed without objection.

(Assemblymember Bettine exited the meeting at 10:38 p.m. and re-entered the meeting at 10:39 p.m.)

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke in support of the Board of Ethics being a layperson board, thanked the Assembly for the rock at the Jay Nolfi Fish Creek Park, and noted that she does not oppose libraries: Ms. Jay Nolfi.

The following person spoke regarding the Matanuska River flood plain area and increasing tourism in Palmer: Mr. Bob Hakinson.

The following person spoke to concerns with MSB 17.55: Ms. Lucille Frey.

D. CONSENT AGENDA (AM Nos. 11-043 and 11-049 were pulled from the consent agenda and addressed separately. *See pp. 16-17*)

1. RESOLUTIONS

a. Resolution Serial No. 11-073: A RESOLUTION REVISING THE SCHEDULE OF FEES FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE.

(1) IM No. 11-117

b. Resolution Serial No. 11-074: A RESOLUTION ESTABLISHING FEES AT THE BRETT MEMORIAL ICE ARENA, THE PALMER AND WASILLA POOLS, THE BOROUGH LIBRARIES, BOROUGH GYM, PARK FACILITIES, AND THE COMMUNITY ENRICHMENT PROGRAM.

(1) IM No. 11-120

c. Resolution Serial No. 11-075: A RESOLUTION SETTING THE SURCHARGE RATE FOR THE WIRELINE AND WIRELESS ENHANCED 911 SYSTEMS FOR THE PERIOD OF JULY 1, 2011, THROUGH JUNE 30, 2012.

(1) IM No. 11-124

2. ACTION MEMORANDUMS

a. AM No. 11-038: APPROVAL OF CHANGE ORDER NO. 2 TO CONTRACT NO. 09-101 TO YLVISAKER LAND SERVICES FOR REAL ESTATE ACQUISITION SERVICES IN AN AMOUNT NOT TO EXCEED \$66,000, FOR A ONE-YEAR EXTENSION FOR FISCAL YEAR 2012.

b. AM No. 11-041: VACATION OF SOUTH HORSESHOE LAKE ROAD PUBLIC USE EASEMENT, TAX PARCEL A2, LOCATED IN SECTION 14, TOWNSHIP 17 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA.

- c. AM No. 11-042: AWARD OF BID NO. 11-096 TO WM CONTRACTING, INC., IN THE CONTRACT AMOUNT OF \$202,943.52 FOR FAIRVIEW ROAD SERVICE AREA NO. 14 ANNUAL ROAD MAINTENANCE.
- e. AM No. 11-044: AWARD OF BID NO. 11-098 TO J.A. SPAIN AND SONS, INC., IN THE CONTRACT AMOUNT OF \$292,149.91 FOR WILLOW ROAD SERVICE AREA NO. 20 ANNUAL ROAD MAINTENANCE.
- f. AM No. 11-045: AWARD OF BID NO. 11-099 TO MIDDLE FORK, INC., IN THE CONTRACT AMOUNT OF \$469,803.75 FOR GOLD TRAIL ROAD SERVICE AREA NO. 28 ANNUAL ROAD MAINTENANCE.
- g. AM No. 11-046: AWARD OF BID NO. 11-100 TO D & S ROAD SERVICES IN THE CONTRACT AMOUNT OF \$358,989.80 FOR TALKEETNA ROAD SERVICE AREA NO. 29 ANNUAL ROAD MAINTENANCE.
- h. AM No. 11-047: AWARD OF PROPOSAL NO. 11-066, TO USKH, INC. IN THE CONTRACT AMOUNT NOT TO EXCEED \$249,627.88 FOR THE STORMWATER MANAGEMENT PLAN.
- i. AM No. 11-048: AUTHORIZATION TO EXERCISE OPTION YEAR ONE AND TWO TO ANNUAL ROAD SERVICE AREA MAINTENANCE AGREEMENT NO. 10-099, FOR NORTH COLONY ROAD SERVICE AREA NO. 23.
- k. AM No. 11-053: AWARD OF PROPOSAL NO. 11-084 TO USKH, INC., IN THE CONTRACT AMOUNT NOT TO EXCEED \$350,000 FOR PALMER JUNIOR MIDDLE SCHOOL ROOF REPAIR/REPLACEMENT.
- l. AM No. 11-054: AWARD OF BID NO. 11-101 TO PRUHS CONSTRUCTION COMPANY, LLC, IN THE CONTRACT AMOUNT OF \$1,333,350, FOR 2011 ROADS PAVING.
- m. AM No. 11-055: AWARD OF PROPOSAL NO. 11-088 TO AMC ENGINEERS, INC., IN THE CONTRACT AMOUNT NOT TO EXCEED \$332,500 FOR THE MSB DESIGN UPGRADE OF FIRE ALARMS AT TEN SCHOOL SITES.

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. AM No. 11-043: AWARD OF BID NO. 11-097 TO TEW'S INC., IN THE CONTRACT AMOUNT OF \$475,005.09 FOR SOUTH COLONY ROAD SERVICE AREA NO. 16 ANNUAL ROAD MAINTENANCE.

MOTION: Assemblymember Colver moved to adopt AM No. 11-043.

MOTION: Assemblymember Colver moved a primary amendment to AM No. 11-043, by limiting the contract to one-year with no extensions.

Assemblymember Colver:

- related that there is a new road service board;
- stated that they are not happy with the contractor and will be watching performance closely;
- opined that the Assembly should approve a one-year contract only in order to have options; and
- stated that he would like a thorough evaluation of the contractor's performance at the end of the year.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

j. AM No. 11-049: AUTHORIZING THE MANAGER TO AMEND THE EXISTING MATANUSKA-SUSITNA CONVENTION AND VISITORS BUREAU GRANT AGREEMENT FOR FISCAL YEAR 2012 IN AN AMOUNT OF \$585,000.

MOTION: Assemblymember Bettine moved to adopt AM No. 11-049.

MOTION: Assemblymember Bettie moved a primary amendment to AM No. 11-049, by inserting the words at the end of "recommendation of administration" the following: "plus 65 percent of the transient accommodation tax collected in excess of \$900,000."

Assemblymember Bettine:

- stated that traditionally the Mat-Su Convention and Visitors Bureau receives 65 percent of the tax collected;
- advised that they have been estimating low at the request of the Assembly due to the economy; and
- noted that this ensures they receive their share.

VOTE: The primary amendment passed with Assemblymember Ewing opposed.

VOTE: The main motion passed as amended without objection.

MOTION: Assemblymember Colver moved to extend the meeting past 10:59 p.m. and not to exceed 11:30 p.m.

VOTE: The motion passed with Assemblymember Ewing opposed.

(The meeting recessed at 10:57 p.m. and reconvened at 11:02 p.m.)

MOTION: Assemblymember Colver moved to suspend the rules and take up referrals next.

VOTE: The motion passed without objection.

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

1. Ordinance Serial No. 11-072: AN ORDINANCE REPEALING MSB TITLE 27, SUBDIVISIONS AND ADOPTING MSB TITLE 16, SUBDIVISIONS. *(Sponsored by Assemblymember Colver)*

a. IM No. 11-122

2. Ordinance Serial No. 11-073: AN ORDINANCE AMENDING MSB 17.02, MANDATORY LAND USE PERMIT; AND MSB 17.29.160, GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION. *(Sponsored by Assemblymember Colver)*

a. IM No. 11-123

Ms. McKechnie read the referrals into the record.

MOTION: Assemblymember Colver moved to refer Ordinance Serial Nos. 11-072 and 11-073 to the Planning Commission for 52 days and have the legislation introduced on July 19, 2011, and public hearing on August 2, 2011.

Assemblymember Colver opined that the process needed to begin moving quickly.

Assemblymember Bettine :

- opined that 52 days is an insufficient amount of time;
- stated that she would like the Platting Board and the Planning Commission to provide comments on the legislation; and
- opined that the referral period should be a full 90 days.

MOTION: Assemblymember Bettine moved a primary amendment to strike “52 days” and inserting in its place “90 days,” to strike the date for introduction and public hearing, and to have the legislation go before the Platting Board as well.

Assemblymembers Colver and Arvin noted their opposition to the secondary amendment.

Assemblymember Halter spoke to concerns that even 90 days would not be sufficient.

Assemblymember Keogh:

- stated that he supports the secondary amendment;
- related that he would like time to do a personal review of Title 16;

- noted his concern that 52 days is not enough time; and
- opined that the matter should not be rushed.

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

MOTION: Assemblymember Colver moved a primary amendment to strike “90 days” and insert in its place “66 days,” and to have the legislation introduced on August 2, 2011, with a public hearing on August 16, 2011.

VOTE: The primary amendment passed with Assemblymember Keogh, Halter, and Bettine opposed.

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

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Arvin:

- stated that meeting space was briefly discussed; and
- related that it was a very short meeting.

2. Assembly Public Relations

Mayor DeVilbiss:

- stated that he boarded the Japanese cruise ship that was in Anchorage;
- spoke to lobbying the Anchorage Assembly and their Port Director on behalf of Port MacKenzie projects; and
- invited the captain of the ship to dock on the other side of the inlet next year.

H. MANAGER COMMENTS

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

Mr. Moosey:

- thanked the Assembly for the clear direction he was provided at the Planning Session; and
- spoke to a staff meeting that was held to discuss moving forward on Assembly goals and priorities.

A. ATTORNEY COMMENTS

Mayor DeVilbiss requested an update of redistricting.

Mr. Spiropoulos:

- stated that the final plan is due June 14, which would mean the Borough has 30 days to file a lawsuit;
- opined that the Assembly should schedule a meeting with an executive session in order to discuss their options;
- spoke to extensive damage that occurred on the Crevasse Moraine Trail; and
- advised that the Troopers are investigating the incident as a criminal matter due to the dollar value of the damage that occurred.

Assemblymember Bettine queried if an executive session could be included on the June 14 and June 21 agendas to discuss redistricting.

Ms. McKechnie affirmed the query.

Assemblymember Arvin:

- related that a constituent called him regarding a large party on Finger Lake Island, which is owned by the Borough;
- opined that the island has become a party haven;
- noted that lake residents are not happy that this is occurring; and
- requested that staff look into that issue.

B. CLERK COMMENTS

Ms. McKechnie:

- related that the report from the Planning Session was expedited by the facilitator and attached to the Clerk's Report; and
- advised that she will be out of the office June 14 through June 17.

C. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Animal Care and Regulation Board: 07/26/10, 08/09/10, 09/13/10, 10/11/10, Resolution Serial No. 10-01
- b. Greater Palmer Consolidated FSA Board of Supervisors: 02/15/11, 03/08/11
- c. Local RSA Advisory Board: 02/17/11
- d. Platting Board: 04/07/11
- e. Port Commission: 03/02/11, 03/21/11
- f. Transportation Advisory Board: 03/23/11

2. Community Council Correspondence:

- a. South Knik River Community Council: 01/20/11, 02/17/11, 03/17/11

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

D. INFORMATIONAL MEMORANDUMS

(There were no informational memorandums presented.)

~~VIII. UNFINISHED BUSINESS~~

A. ~~Resolution Serial No. 11-062: A RESOLUTION AUTHORIZING EMINENT DOMAIN AND USE OF DECLARATION OF TAKING PROCEDURES TO ACQUIRE PROPERTY INTERESTS NEEDED FOR THE BOGARD ROAD EXTENSION EAST PROJECT.~~

1. ~~IM No. 11-099~~

[Clerk's note: Resolution Serial No. 11-062 was postponed to August 2, 2011, at the setting of the agenda.]

IX. VETO

(There were no vetoes presented.)

XI. NEW BUSINESS

A. INTRODUCTIONS (For public hearing – 06/21/11, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 11-065: AN ORDINANCE EXTENDING THE TIME LIMIT FOR COMPLETION OF BOROUGH CAPITAL PROJECTS.

a. IM No. 11-106

2. Ordinance Serial No. 11-066: AN ORDINANCE REAPPROPRIATING \$200,840 FROM TRANSPORTATION DIVISION'S FISCAL YEAR 2011 OPERATING BUDGET, FUND 100, TO FUND 480, PROJECT NO. 20280, FOR AN UPDATE OF THE LONG RANGE TRANSPORTATION PLAN AND OFFICIAL STREETS AND HIGHWAY PLAN.

a. Resolution Serial No. 11-076: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE UPDATE OF THE LONG RANGE TRANSPORTATION PLAN AND OFFICIAL STREETS AND HIGHWAY PLAN.

(1) IM No. 11-112

3. ~~Ordinance Serial No. 11-067: AN ORDINANCE ACCEPTING AND APPROPRIATING \$175,000 FROM THE UNITED STATES FISH AND WILDLIFE SERVICE FOR CULVERT REPLACEMENT IN THE CASWELL LAKES AREA, PROJECT NO. 30110, FUND 410.~~

a. ~~Resolution Serial No. 11-077: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR CULVERT REPLACEMENTS IN THE CASWELL LAKES AREA, PROJECT NO. 30110~~

(1) ~~IM No. 11-114~~

4. Ordinance Serial No. 11-068: AN ORDINANCE ACCEPTING AND APPROPRIATING \$70,000 FROM THE UNITED STATES FISH AND WILDLIFE SERVICE FOR CULVERT REPLACEMENTS IN THE MEADOW LAKES AREA AND SETTLER'S BAY ROAD, PROJECT NO. 30112, FUND 410.
 - a. Resolution Serial No. 11-078: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR CULVERT REPLACEMENTS IN THE MEADOW LAKES AREA AND SETTLER'S BAY ROAD, PROJECT NO. 30112.
 - (1) IM No. 11-115
5. Ordinance Serial No. 11-069: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$2,772 OF REVENUES FROM PUBLIC DONATIONS TO THE FISCAL YEAR 2011 ANIMAL CARE AND REGULATION DIVISION OPERATING BUDGET (200.100.606) AND REAPPROPRIATING \$2,772 FROM THE FISCAL YEAR 2011 ANIMAL CARE AND REGULATION DIVISION OPERATING BUDGET, FUND 200, TO FUND 480, PROJECT NO. 45168, FOR TRAILERING EQUIPMENT.
 - a. IM No. 11-116
6. Ordinance Serial No. 11-070: AN ORDINANCE REAPPROPRIATING \$438,000 FROM PLANNING AND LAND USE DEPARTMENT'S FISCAL YEAR 2011 OPERATING BUDGET, FUND 100, TO FUND 480, PROJECT NO. 45005, FOR PORT MASTER PLAN IMPLEMENTATION, INCLUDING SURVEYING AND PLATTING.
 - a. Resolution Serial No. 11-079: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PORT MASTER PLAN IMPLEMENTATION, INCLUDING SURVEYING AND PLATTING.
 - (1) IM No. 11-119
7. Ordinance Serial No. 11-071: AN ORDINANCE AMENDING MSB 3.04.095 (A), TO SPECIFY THE PURPOSE OF THE MINIMUM FUND BALANCE RESERVE AND MSB 3.04.110 (C), TO DEFINE THE CALCULATION OF THE AMOUNT THAT WILL BE LAPSED BACK TO THE BOROUGH BY THE SCHOOL DISTRICT IN ORDER TO ALIGN MSB CODE WITH GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB) STATEMENT NO. 54, FUND BALANCE REPORTING AND GOVERNMENTAL FUND TYPE DEFINITIONS.
 - a. IM No. 11-121

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 June 21, 2011.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor DeVilbiss requested the following confirmations:

Transportation Advisory Board
Henry Cottle, Resignation
Caswell FSA No. 135
Kenneth Eggleston
Alpine RSA No. 31
Steve Hudson
Knik RSA No. 17
Michelle DeLong

Mayor DeVilbiss made the following recommendations:

Enhanced 911 Advisory Board
Hans Brinke

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

MOTION: Assemblymember Keogh moved to divide the question to take up the confirmation of Mr. Steve Hudson separately.

VOTE: The motion passed without objection.

VOTE: First segment to approve the Mayor's recommendations for confirmation this evening passed without objection.

Assemblymember Keogh stated that he would like a chance to speak to Mr. Hudson prior to him being confirmed.

MOTION: Assemblymember Keogh moved to postpone the confirmation of Mr. Steve Hudson to June 21, 2011.

VOTE: The motion passed without objection.

C. OTHER NEW BUSINESS

1. RESCIND

- a. Resolution Serial No. 11-049: A RESOLUTION URGING THE ALASKA STATE FAIR TO APPROVE THE EXTENSION OF THE MAT-SU MINER'S LEASE OF HERMON BROTHERS FIELD. *(Requested by Assemblymember Halter)*
(1) IM No. 11-075

MOTION: Assemblymember Halter moved to rescind Resolution Serial No. 11-049.

VOTE: The motion passed without objection.

XII. RECONSIDERATION

(There was no reconsideration presented.)

XIII. EXECUTIVE SESSION

(There was no executive session held.)

XIV. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Assemblymember Halter queried if the version of the new proposed MSB Title 16 is the same as what was previously codified.

Assemblymember Colver advised that there were some changes.

Assemblymember Halter queried if it was a complete revision.

Assemblymember Colver stated that the new MSB Title 16 was enhanced with some provisions from the current MSB Title 27.

Assemblymember Keogh:

- spoke to the fact that on the Assembly there are many differing opinions that sometimes clash; and
- stated that he appreciates the fact that in the end, they are all able to come together and be congenial with each other.

Assemblymember Ewing stated that he does support the Sutton Library but voted against funding for the metal roof as he felt that the funding source should have been different.

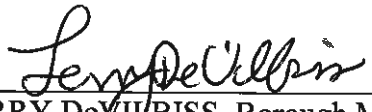
Mayor DeVilbiss related that he would be meeting with the Kenai Borough Mayor to discuss fish management.

Assemblymember Bettine:

- stated that she has some constituents that are receiving repeated property acquisition questionnaires from the Assessment Department;
- opined that only one should be sent rather than two or three;
- requested that the Manager follow up on this; and
- stated that she wanted to ensure that the Manager and the Law Department are involved in a major way with the rail extension, in order to be as up to date as possible.

XV. ADJOURNMENT

The regular meeting adjourned at 11:30 p.m.


LARRY DeVILLBISS, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 07/19/11