

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on June 18, 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 7:10 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. Jamie Newman, Deputy Borough Clerk
Ms. Tammy Clayton, Finance Director
Ms. Jim Jensen, Acting Public Works Director
Ms. Eileen Probasco, Planning and Land Use Director
Mr. Dennis Brodigan, Emergency Services Director
Ms. Patty Sullivan, Public Affairs Director
Mr. Don Dyer, Economic Development Director
Mr. Eric Phillips, Community Development Director
Mr. Mark Van Dongen, Port Director
Ms. Frankie Barker, Planner II
Ms. Nancy Cameron, Land Management Agent
Ms. Glenda Smith, Real Property Analyst

III. APPROVAL OF AGENDA

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

Mr. Moosey requested that AM No. 13-087 be removed from the agenda.

There was no objection noted.

Mr. Moosey:

- reported that appeals have been filed on the award of contracts in AM Nos. 13-092, 13-093, 13-095, and 13-096;
- asked that the Assembly pull these from the consent agenda for further discussion; and
- encouraged the Assembly to make a decision to either approve the contracts or to fail them and to direct administration to rebid them.

Assemblymember Keogh requested to pull AM Nos. 13-093 and 13-095.

Mayor DeVilbiss noted that AM Nos. 13-092, 13-093, 13-095, and 13-096 will be pulled from the consent agenda as requested by Mr. Moosey.

Ms. McKechnie:

- noted a correction in the dollar amount referenced in the title of Ordinance Serial No. 13-079; and
- added that the dollar amount should read "\$355,000 and not "\$335,000."

Assemblymember Arvin requested to pull AM Nos. 13-094 and 13-097 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 George Hayes, Assistant Borough Manager

V. MINUTES OF PRECEDING MEETINGS

- A. Special Assembly Meeting: 05/14/13
- B. Special Assembly Meeting: 05/16/13
- C. Special Assembly Meeting: 05/21/13
- D. Regular Assembly Meeting: 05/21/13
- E. Regular Assembly Meeting: 06/04/13

Mayor DeVilbiss inquired if there were any corrections to the regular meeting minutes of May 21 or June 4, 2013, or the special meeting minutes of May 14, May 16, or May 21, 2013.

Ms. McKechnie noted that a correction to the June 4 meeting minutes, page 25, under the Mayor's comments, will be made to read as follows: "spoke to his surprise that the Port Director was not recognized."

There was no objection noted.

GENERAL CONSENT: The minutes were approved without objection.

Mayor DeVilbiss noted that due to a prior commitment he must exit the meeting at 9:30 p.m. and relinquish the gavel to Assemblymember Arvin.

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Wasilla City

Mr. Bert Cottle, Deputy Administrator:

- reported that the City will be hosting a Volunteer Appreciation Picnic on June 21, at Iditapark;
- spoke to 4th of July festivities to include a fireworks display and a community parade and picnic; and
- noted a celebration honoring 100-years of aviation in Alaska will take place on July 5, at the Wasilla Airport.

2. Matanuska-Susitna Borough School District

(There was no report provided.)

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

3. U.S. Fish and Wildlife Service - Mr. David Wigglesworth

Mr. Wigglesworth, Coordinator for Habitat Restoration and Conservation Partnerships, presented the Borough with the 2013 United States Fish and Wildlife Excellence award in the category of "Outstanding Partner."

4. Mr. Joe Perkins, Project Manager

Mr. Perkins:

- provided a status briefing on the 2013 Road Construction Projects; and
- spoke to estimated dollars that are needed to complete the following projects: Caswell Lakes Road; South Trunk Road; Seldon/Beverly Lake Road; Seldon and Lucille Road Upgrade; Vine Road; Sullivan and Caudill Road Upgrade; Bogard Road Extension East.

Discussion ensued regarding:

- the history of the road bond package as presented to the voters for approval;
- the estimated funding shortfall for many of the construction projects;
- concerns that there is a shortfall; and
- if a special meeting should be scheduled to discuss the estimated shortfall.

Mayor DeVilbiss encouraged the Assembly to meet individually with staff to gather information on estimated funding shortfalls for specific projects of interest.

D. ATTORNEY COMMENTS

1. State Redistricting and Potential Comments

Mr. Spiropoulos:

- spoke to a notice received by the Borough soliciting comments to the Redistricting Board on the state legislative plan that was rejected by the courts and remanded for redrawing; and
- noted that he has raised the point in the event the Assembly wished to submit comments.

Assemblymember Colligan:

- spoke to the split precincts within the Borough as a result of a prior Assembly taking action before the Restricting Board submitted the final State legislative plan;
- noted that the Borough is unable to make adjustments to correct the split precincts; and
- suggested that as a matter of policy the Assembly should refrain from adopting its Assembly District boundaries until a State legislative plan has been approved.

E. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule; and
- asked if the body wished to schedule a special meeting to discuss the road bond construction package as earlier suggested.

[Clerk note: The Assembly did not request that the Clerk schedule a special meeting.]

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Caswell FSA Board of Supervisors: 02/06/13

- b. Health and Social Services Board: 02/27/12, 04/23/12, 05/02/12, 06/20/12, 08/15/12, 10/17/12
 - c. Planning Commission: 03/04/13, 03/18/13, Resolution Nos. 13-07, 13-08 (SUB)
 - d. Talkeetna Sewer and Water Advisory Board: 05/01/13
 - e. Wasilla-Lakes FSA Board of Supervisors: 01/14/13
 - f. West Lakes FSA Board of Supervisors: 01/21/13
 - g. Wastewater and Septage Advisory Board: 01/08/13
2. Community Council Minutes:

(No minutes were presented.)

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

G. INFORMATIONAL MEMORANDUMS

- 1. IM No. 13-141: SALE OF BOROUGH OWNED LAND TO THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES FOR PURPOSE OF EROSION PROTECTION (STATE PROJECT NO. 55912), IDENTIFIED AS MSB TAX PARCEL 17N02E02C003, LYING BETWEEN THE OLD GLENN HIGHWAY AND THE MATANUSKA RIVER (MSB006820).
- 2. IM No. 13-149: SALE OF BOROUGH OWNED REAL PROPERTY INCLUDING ANY IMPROVEMENTS THEREON, IDENTIFIED AS LOT 7 AND LOT 9, BLOCK 13, A.R.R.C. SUBDIVISION NO. 1 (MSB TAX PARCELS 55001B13L007 AND L009), LOCATED IN DOWNTOWN PALMER (MSB006349).

The informational memorandums were presented and no comments were noted.

VII. UNFINISHED BUSINESS

(There was no unfinished business.)

VIII. VETO

(There were no vetoes presented.)

IX. SPECIAL ORDERS

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

(There were no persons to be heard.)

(The meeting recessed at 6:50 p.m. and reconvened at 7 p.m.)

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

1. Ordinance Serial No. 13-073: AN ORDINANCE EXTENDING THE TIME LIMIT FOR COMPLETION OF BOROUGH CAPITAL PROJECTS.
 - a. IM No. 13-115

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. 13-073.

VOTE: The motion passed without objection.

[Clerk note: Assemblymember Salmon was not present for the vote on Ordinance Serial No. 13-073.]

2. Ordinance Serial No. 13-074: AN ORDINANCE APPROVING THE BEST INTEREST FINDING AND FARM DEVELOPMENT/CONSERVATION PLAN AND AUTHORIZING THE MANAGER TO EXECUTE A LESS THAN FAIR MARKET VALUE LEASE OF BOROUGH-OWNED REAL PROPERTY TO GREAT LAND CHRISTIAN CHURCH, FOR THE PURPOSE OF AN AGRICULTURAL EDUCATIONAL CAMP (MSB006744).
 - a. IM No. 13-127

Mayor DeVilbiss opened the public hearing.

The following person spoke in support of Ordinance Serial No. 13-074: Mr. Ray Naden.

(Assemblymember Salmon re-entered the meeting.)

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

MOTION: Assemblymember Halter moved to adopt Ordinance Serial No. 13-074.

VOTE: The motion passed without objection.

3. Ordinance Serial No. 13-075: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$40,950 FROM THE BUTTE FIRE SERVICE AREA FUND BALANCE, FUND 251, TO THE BUTTE FIRE SERVICE AREA FISCAL YEAR 2013 OPERATING BUDGET, FUND 251, TO PROVIDE ADDITIONAL FUNDING FOR NON-EMPLOYEE COMPENSATION WAGES AND BENEFITS.
 - a. IM No. 13-132

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. 13-075.

VOTE: The motion passed without objection.

4. Ordinance Serial No. 13-076: AN ORDINANCE ADOPTING THE FIVE-YEAR TIMBER HARVEST SCHEDULE (2013-2017) PER MSB 23.20.090.
 - a. IM No. 13-134

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. 13-076.

VOTE: The motion passed without objection.

5. Ordinance Serial No. 13-077: AN ORDINANCE ACCEPTING AND APPROPRIATING \$20,939 FROM THE ALASKA STATE DEPARTMENT OF NATURAL RESOURCES, DIVISION OF PARKS AND OUTDOOR RECREATION, TO FUND 440, PROJECT NO. 15015, FOR THE CONSTRUCTION OF ONE MILE OF NEW TRAILS IN THE CREVASSE MORAINNE SYSTEM.
 - a. Resolution Serial No. 13-075: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE TRAILS IN THE CREVASSE MORAINNE SYSTEM.
 - (1) IM No. 13-135

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. 13-077 and Resolution Serial No. 13-075.

VOTE: The motion passed without objection.

6. Ordinance Serial No. 13-078: AN ORDINANCE APPROVING THE PORT DEPARTMENT TO EXECUTE DEVELOPMENT OF LAKE LORRAINE GRAVEL PIT AT LESS THAN FAIR MARKET ROYALTY FOR PORT TENANTS (MSB006565).
 - a. IM No. 13-138

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. 13-078.

Assemblymember Arvin:

- opined that the legislation is misleading as the gravel extraction is a continuation of existing development at the Port;
- spoke to the initial extraction pit being exhausted; and
- questioned the accuracy of the fiscal note.

(Assemblymember Colver entered the meeting at 7:10 p.m.)

Mr. Moosey presented a staff report.

Assemblymember Keogh spoke to concerns with the legislation conflicting with code.

Discussion ensued regarding:

- the economic benefits of the legislation to Port development;
- the idea that the none of the gravel is leaving the Port; and
- that the Borough owns the land being improved and is leasing it.

MOTION: Assemblymember Arvin moved a primary amendment to include the "Best Interest Finding" as part of the Informational Memorandum (IM No. 13-138).

VOTE: The primary amendment passed without objection.

VOTE: The main motion as amended passed with Assemblymember Keogh opposed.

7. Ordinance Serial No. 13-079: AN ORDINANCE REAPPROPRIATING A TOTAL OF \$355,000 FROM VARIOUS FISCAL YEAR 2013 OPERATING BUDGETS, ALL WITHIN FUND 100, TO FUND 435, PROJECT NO. 10063, FOR AUDIO VISUAL EQUIPMENT AND OTHER FIXTURES IN THE DOROTHY SWANDA JONES ANNEX.
 - a. IM No. 13-140
 - b. AM No. 13-086: AWARD OF PROPOSAL 13-114P TO PYRAMID AUDIO AND VISUAL, LTD. IN THE CONTRACT AMOUNT NOT TO EXCEED \$350,000 FOR THE AUDIO/VISUAL DESIGN, INSTALLATION, AND TRAINING FOR NEW ASSEMBLY CHAMBERS.

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. 13-079 and AM No. 13-086:

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke to concerns with the bid awards in AM Nos. 13-093, 13-094, 13-095, and 13-096: Mr. Thomas Keller, Hammer Services.

The following person spoke to concerns with AM No. 13-092 and requested that the contract be rebid: Mr. John Byrnes, J.A.M Services.

The following person spoke to concerns with AM No. 13-095 and requested that the contract be rebid: Mr. James Spykes, Lawn Ranger Alaska, LLC

The following person spoke to concerns with waste disposal in the Borough and spoke to the need for a septage treatment facility: Mr. Helen Munoz.

The following person thanked the Borough for its support of the Mat-Su Convention and Visitors Bureau: Ms. Bonnie Quill, Mat-Su Convention and Visitors Bureau Executive Director.

The following person spoke to the requirement of having a State contractors license when bidding on road service area annual road maintenance contracts: Mr. Bill Stearns D&S Road Services.

(The meeting recessed at 7:42 p.m. and reconvened at 7:47 p.m.)

D. CONSENT AGENDA (Resolution Serial Nos. 13-057 and 13-077, and AM Nos. 13-088, 13-092, 13-093, 13-094, 13-095, 13-096, 13-097, and 13-099 were pulled from the consent agenda.)

1. RESOLUTIONS

c. Resolution Serial No. 13-078: A RESOLUTION IN SUPPORT OF THE NORTH AMERICAN OUTDOOR INSTITUTE'S STATEWIDE INSTRUCTIONAL TRAINING COURSE FOR SNOWMOBILE SAFETY AND GRANT APPLICATION. *(Sponsored by Assemblymember Colligan)*

(1) IM No. 13-058

2. ACTION MEMORANDUMS

- a. AM No. 13-056: APPROVAL OF A CONTRACT AMENDMENT TO CONTRACT 13-001P WITH USKH, INC. IN THE AMOUNT OF \$218,469.96 FOR DESIGN SERVICES, SITE INVESTIGATION, AND CONSTRUCTION MANAGEMENT FOR THE BIG LAKE ELEMENTARY SCHOOL RENOVATION.
- b. AM No. 13-082: AUTHORIZING THE BOROUGH MANAGER TO AMEND THE EXISTING AGREEMENT WITH THE MAT-SU CONVENTION AND VISITORS BUREAU TO EXTEND TO JUNE 30, 2016, IN AN AMOUNT OF \$715,000 PER YEAR PLUS 65 PERCENT OF THE ACTUAL COLLECTIONS IN EXCESS OF \$1,100,000.
- c. AM No. 13-083: AWARD OF PROPOSAL 13-112P TO McCOOL CARLSON GREEN IN THE CONTRACT AMOUNT OF \$1,033,112 FOR THE MAT-SU CAREER AND TECHNICAL HIGH SCHOOL ADDITION DESIGN.
- d. AM No. 13-084: AWARD OF PROPOSAL 13-096P TO USKH, INC. IN AN AMOUNT NOT TO EXCEED \$200,000 FOR THE HATCHER PASS GOVERNMENT PEAK SOUTHERN SUB-UNIT MASTER DEVELOPMENT PLAN DESIGN TEAM.
- ~~e. AM No. 13-087: AWARD OF PROPOSAL 13-140B TO G & S MANAGEMENT SERVICES, LLC IN THE CONTRACT AMOUNT OF \$197,363 FOR INTERIOR UPGRADES TO THE DOROTHY SWANDA JONES ADMINISTRATION BUILDING FOR THE INFORMATIONAL TECHNOLOGY DEPARTMENT.¹~~
- g. AM No. 13-089: AWARD OF BID NO. 13-132B TO WESTERN CONSTRUCTION AND EQUIPMENT, LLC. IN THE CONTRACT AMOUNT OF \$877,952 FOR WILLOW LAKE DRIVE UPGRADE.
- h. AM No. 13-090: AWARD OF BID NO. 13-121B TO WOLVERINE SUPPLY, INC. IN THE CONTRACT AMOUNT OF \$1,254,500 FOR BIG LAKE ELEMENTARY SCHOOL RENOVATIONS.
- i. AM No. 13-091: APPROVAL OF CHANGE ORDER 7 TO CONTRACT 07-196 WITH PERKINS CONSULTING IN AN AMOUNT NOT TO EXCEED \$110,000 FOR ASSISTANCE WITH THE SOUTH CENTRAL RAIL EXTENSION.
- p. AM No. 13-098: VACATION OF A 60-FOOT WIDE RIGHT-OF-WAY OF N. SIOUX CIRCLE, LOCATED WITHIN INDIAN FOREST SUBDIVISION, BLOCK 3, LOCATED IN SECTION 4, TOWNSHIP 17 NORTH, RANGE 3 WEST, SEWARD MERIDIAN, ALASKA.

¹ AM No. 13-087 was pulled from the agenda.

- r. AM No. 13-100: VACATION OF A 10-FOOT BY 200-FOOT AND 1.5-FOOT BY 30-FOOT PORTION OF E. DEW AVENUE RIGHT-OF-WAY AND REPLACED WITH A 10-FOOT BY 200-FOOT AND 1.5-FOOT BY 30-FOOT SNOW STORAGE AND MAINTENANCE EASEMENT, LOCATED IN SECTION 6, TOWNSHIP 17 NORTH, RANGE 3 EAST, SEWARD MERIDIAN.

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.

- a. Resolution Serial No. 13-057: A RESOLUTION AMENDING THE SUBDIVISION CONSTRUCTION MANUAL TO ESTABLISH STANDARDS FOR THE DESIGN AND CONSTRUCTION OF ANADROMOUS WATERBODY CROSSINGS. *(Sponsored by Assemblymember Keogh)*

(2) IM No. 13-083

MOTION: Assemblymember Colver moved to adopt Resolution Serial No. 13-057.

Assemblymember Colver:

- noted that the Subdivision Construction Manual is adopted by reference in code; and
- suggested that the Subdivision Construction Manual can only be amended via a code ordinance as it is referenced in code.

Assemblymember Keogh:

- noted the Platting Board is the sole entity out of six that did not support the legislation;
- spoke to broad support of the legislation by the Planning Commission, the Local Road Service Advisory Board, the Mat-Su Fish and Wildlife Commission, and the Mat-Su Salmon Partnership; and
- spoke to the Borough's success in enhancing fish passage to restore salmon habitat.

Mr. Spiropoulos:

- spoke to the Subdivision Construction Design Manual being incorporated in code by reference in Title 43.05.015;
- added that the Subdivision Construction Design Manual was amended by resolution in 1991; and
- added that the Alaska Supreme Court ruled in the Lazy Mountain case that documents incorporated by reference in an ordinance take on the force of law.

Discussion ensued regarding the proper procedure for amending the Subdivision Construction Design Manual and other documents incorporated by reference in Borough code.

MOTION: Assemblymember Colligan moved to postpone Resolution Serial No. 13-057 to a time certain of August 6, 2013, and to have it come back with an ordinance with introduction on July 16 and public hearing scheduled for August 6.

VOTE: The motion passed with Assemblymember Keogh opposed.

- b. Resolution Serial No. 13-077: A RESOLUTION ENDORSING THE CHEMICAL SAFETY IMPROVEMENT ACT OF 2013. *(Sponsored by Assemblymember Keogh)*
(1) IM No. 13-151

MOTION: Assemblymember Woods moved to adopt Resolution Serial No. 13-077.

MOTION: Assemblymember Woods moved to postpone Resolution Serial No. 13-077 indefinitely.

Assemblymember Woods:

- noted that the one of the major sponsors of the bill in the United States Senate has passed away; and
- added that the bill is expected to be postponed indefinitely by the United States Senate.

Assemblymember Keogh:

- spoke to broad bipartisan support of the bill; and
- added that the bill is currently on the Senate floor in Committee.

Mayor DeVilbiss asked if there was objection to closing debate.

There was no objection noted.

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

- f. AM No. 13-088: APPROVAL FOR CHANGE ORDER AUTHORITY IN AN AMOUNT NOT TO EXCEED \$484,388 FOR CONTRACT 13-110B TO DAVIS CONSTRUCTORS AND ENGINEERING, INC. FOR THE MSB ATHLETIC COMPLEX UPGRADES CONSTRUCTION PROJECT.

CONFLICT OF INTEREST: Assemblymember Colver declared a conflict of interest 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 on the issue.

(Assemblymember Cover exited the meeting.)

MOTION: Assemblymember Arvin moved to adopt AM No. 13-088.

VOTE: The motion passed without objection.

(Assemblymember Cover re-entered the meeting.)

- j. AM No. 13-092: AWARD OF BID NO. 13-133B TO NORSE ALASKA, LLC IN THE CONTRACT AMOUNT OF \$137,376 FOR ALPINE ROAD SERVICE AREA NO. 31 ANNUAL ROAD MAINTENANCE.

MOTION: Assemblymember Keogh moved to adopt AM No. 13-092.

Assemblymember Keogh:

- noted that he has spent a fair amount of time reviewing the bid awards for several road service area contacts;
- affirmed that in order to lawfully submit a bid, one must hold a contractor license as required under Alaska State Statute and code;
- spoke to the Alpine and Lazy Mountain Road Service Area contracts being two of the smallest contracts in terms of cost and road miles; and
- spoke to his desire to have both the Alpine and Lazy Mountain Road Service Area contracts re-bid.

Mayor DeVilbiss asked Ms. McKechnie that if the Action Memorandum is defeated by the Assembly, would Administration re-bid the contract.

Ms. McKechnie affirmed that should the Assembly defeat the Action Memorandum and give Administration direction to rebid the contract, the contract would indeed be re-bid.

Assemblymember Arvin:

- spoke to scenarios in which a bid could be deemed non-responsive; and
- opined that one of the bids was deemed non-responsive, not because the company did not hold an Alaska State Contractors License, but because the procurement office subjectively deemed the bid non-responsive on the presumption of the bidders financial strength and capability to perform.

Assemblymember Colver:

- acknowledged that the Purchasing Officer made a decision not to award the contract based on the bidders ability to perform the work;
- added that the bid was also deemed non-responsive because the bidder did not hold an Alaska State Contractor License and he has not heard testimony to the contrary;
- further added that if the Borough were to award a contract without proof of a contractors license, then that award would be appealed;
- noted that failing the Action Memorandum will not solve the issue at hand; and
- spoke to the need for an improved procurement process.

Discussion ensued regarding:

- the overall bidding process;

- value judgments made by the Procurement Officer with respect to the award of contracts;
- why the individual that held the contract revoked it and rebid the contract up to \$1000 dollars more per mile; and
- verbal guidance given to bidders by Borough staff on the requirement to hold a contractors license.

Mr. Hayes presented a staff report.

Mayor DeVilbiss asked if there was objection to closing debate.

There was no objection noted.

VOTE: The motion failed with Assemblymembers Woods, Colver, and Halter in favor.

- k. AM No. 13-093: AWARD OF BID NO. 13-134B TO D & S ROAD SERVICES IN THE CONTRACT AMOUNT OF \$532,736.50 FOR BOGARD ROAD SERVICE AREA NO. 25 ANNUAL ROAD MAINTENANCE.

MOTION: Assemblymember Arvin moved to adopt AM No. 13-093.

VOTE: The motion passed with Assemblymembers Arvin, Colligan, and Salmon opposed.

- l. AM No. 13-094: AWARD OF BID NO. 13-135B TO NORSE ALASKA, LLC IN THE CONTRACT AMOUNT F \$100,462.56 FOR NORTH COLONY ROAD SERVICE AREA NO. 13 ANNUAL ROAD MAINTENANCE.

MOTION: Assemblymember Keogh moved to adopt AM No. 13-094.

Assemblymember Keogh spoke to his support of the contract award as only one firm submitted a bid.

Assemblymember Arvin:

- spoke in opposition to the way in which the road service area annual maintenance contracts are being awarded;
- added that the bid process is fundamentally flawed as documented in the bid protests that have been filed; and
- further added that awarding the contracts at this time is not in the best interest of the Borough.

VOTE: The motion passed with Assemblymembers Salmon, Arvin, and Colligan opposed.

- m. AM No. 13-095: AWARD OF BID NO. 13-137B TO NORSE ALASKA, LLC IN THE CONTRACT AMOUNT OF \$98,573.64 FOR LAZY MOUNTAIN ROAD SERVICE AREA NO. 19 ANNUAL ROAD MAINTENANCE.

MOTION: Assemblymember Keogh moved to adopt AM No. 13-095.

Assemblymember Keogh:

- noted his opposition to the contract award as the contract is relatively small; and
- spoke to his support in rebidding the contract.

Assemblymember Arvin spoke to his concerns with the methodology applied by the Assembly in awarding the road service area annual road maintenance contracts this evening.

Assemblymember Hatler opined that because the contracts were on the consent agenda they should have been routinely awarded by the Assembly.

Mr. Spiropoulos:

- noted that every assembly member is entitled to vote for or against a matter;
- added that the citizens elect representatives to vote on their behalf in accordance with the law; and
- further added that he will defend the action of the Assembly.

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

VOTE: The motion passed without objection.

VOTE: The main motion failed with Assemblymembers Woods, Colver, and Halter in favor.

- n. AM No. 13-096: AWARD OF BID NO. 13-138B TO NORSE ALASKA, LLC IN THE CONTRACT AMOUNT OF \$610,337.30 FOR SOUTH COLONY ROAD SERVICE AREA NO. 16 ANNUAL ROAD MAINTENANCE.

MOTION: Assemblymember Woods moved to adopt AM No. 13-096.

Assemblymember Colver spoke to the resources it takes to adequately deliver road maintenance in a large service area.

VOTE: The motion passed with Assemblymembers Arvin, Colligan, and Salmon opposed.

- o. AM No. 13-097: AWARD OF BID NO. 13-139B TO BIG DIPPER CONSTRUCTION, INC. IN THE CONTRACT AMOUNT OF \$256,990.50 FOR FAIRVIEW ROAD SERVICE AREA NO. 14 ANNUAL ROAD MAINTENANCE.

MOTION: Assemblymember Arvin moved to adopt AM No. 13-097.

VOTE: The motion passed with Assemblymembers Arvin, Colligan, and Salmon opposed.

- q. AM No. 13-099: AWARD OF PROPOSAL 13-115P TO USKH, INC. IN THE CONTRACT AMOUNT OF \$1,124,183 FOR THE SELDON ROAD EXTENSION DESIGN.

MOTION: Assemblymember Colver moved to adopt AM No. 13-099.

Assemblymember Colver:

- spoke to concerns with a shortfall in funds for the project as reported by Mr. Perkins; and
- added that he needs to see the scope of services and budget before awarding the contract.

MOTION: Assemblymember Colver moved to postpone AM No. 13-099 to a time certain of July 16, 2013.

VOTE: The motion to postpone passed without objection.

X. NEW BUSINESS

A. INTRODUCTIONS (For public hearing - 07/16/13, School District Administration Building)

1. Ordinance Serial No. 13-080: AN ORDINANCE PROVIDING FOR THE SALE OF CERTAIN BOROUGH-WIDE REAL PROPERTY ACQUIRED THROUGH TAX FORECLOSURE FOR DELINQUENT REAL PROPERTY TAX YEARS 2003 AND PRIOR, 2004 AND PRIOR, 2005 AND PRIOR, 2006 AND PRIOR, AND 2007 AND PRIOR, AND DELINQUENT SPECIAL ASSESSMENT FOR THE YEAR 2008 AND PRIOR AND NOT NEEDED FOR PUBLIC PURPOSE.

a. IM No. 13-139

2. Ordinance Serial No. 13-081: AN ORDINANCE APPROVING AN APPROPRIATION OF \$150,000 FROM MIDWAY ROAD SERVICE AREA NO. 9 FUND BALANCE, FUND 270, TO FUND 410, PROJECT NO. 30036, FOR MIDWAY ROAD SERVICE AREA NO. 9 CAPITAL PROJECTS.

a. IM No. 13-142

3. Ordinance Serial No. 13-082: AN ORDINANCE APPROVING AN APPROPRIATION OF \$150,000 FROM SOUTH COLONY ROAD SERVICE AREA NO. 16 FUND BALANCE, FUND 273, TO FUND 410, PROJECT NO. 30039, FOR SOUTH COLONY ROAD SERVICE AREA NO. 16 CAPITAL PROJECTS.

a. IM No. 13-143

4. Ordinance Serial No. 13-083: AN ORDINANCE APPROVING AN APPROPRIATION OF \$40,000 FROM ALPINE ROAD SERVICE AREA NO. 31 FUND BALANCE, FUND 285, TO FUND 410, PROJECT NO. 30051, FOR ALPINE ROAD SERVICE AREA NO. 31 CAPITAL PROJECTS.
 - a. IM No. 13-146
5. Ordinance Serial No. 13-084: AN ORDINANCE APPROVING AN APPROPRIATION OF \$150,000 FROM BUTTE ROAD SERVICE AREA NO. 26 FUND BALANCE, FUND 280, TO FUND 410, PROJECT NO. 30046, FOR BUTTE ROAD SERVICE AREA NO. 26 CAPITAL PROJECTS.
 - a. IM No. 13-147
6. Ordinance Serial No. 13-085: AN ORDINANCE ACCEPTING AND APPROPRIATING SEPTEMBER 2012 SOUTH-CENTRAL FLOOD DISASTER RELIEF MONIES IN THE AMOUNT OF \$691,691 FROM THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY, TO FUND 445, PROJECT NO. 55017.
 - a. Resolution Serial No. 13-076: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE SEPTEMBER 2012 SOUTH-CENTRAL FLOOD DISASTER RELIEF MONIES, PROJECT NO. 55017.
 - (1) IM No. 13-148
7. Ordinance Serial No. 13-086: AN ORDINANCE AUTHORIZING THE MANAGER TO ENTER INTO A MATERIAL SALE CONTRACT FOR THE POINT MACKENZIE RAIL EXTENSION PROJECT (MSB006317).
 - a. IM No. 13-150
8. Ordinance Serial No. 13-087: AN ORDINANCE AMENDING PROVISIONS UNDER MSB TITLE 2, ADMINISTRATION AND PERSONNEL; AND MSB 3.08.010, PURCHASING PROCEDURES, TO PLACE PURCHASING AND HUMAN RESOURCES UNDER THE DIRECT SUPERVISION OF THE MANAGER'S OFFICE.
 - a. IM No. 13-152
9. Ordinance Serial No. 13-088: AN ORDINANCE ALTERING THE BOUNDARIES OF LAZY MOUNTAIN ROAD SERVICE AREA NO. 19 AND GREATER BUTTE ROAD SERVICE AREA NO. 26 WITHOUT PLACING THE QUESTION ON THE BALLOT AND FINDING THAT THE ALTERATION OF THESE BOUNDARIES SERVES THE PUBLIC INTEREST WITHOUT THE CIRCULATION OF A PETITION. (*Sponsored by Mayor DeVilbiss*)
 - a. IM No. 13-153
10. Ordinance Serial No. 13-089: AN ORDINANCE ADOPTING MSB 1.10.180, AUTHORIZING THE MATANUSKA-SUSITNA BOROUGH TO ENACT AN AREA-WIDE ALCOHOLIC BEVERAGE TAX; ADOPTING MSB 3.35, ALCOHOLIC

BEVERAGE TAX; AND SUBMITTING THE QUESTION TO THE QUALIFIED VOTERS OF THE BOROUGH AT THE OCTOBER 1, 2013, REGULAR BOROUGH ELECTION. *(Sponsored by Assemblymember Colligan)*

a. IM No. 13-154

11. Ordinance Serial No. 13-090: AN ORDINANCE TO SUBMIT AN ADVISORY QUESTION TO THE QUALIFIED NON-AREAWIDE VOTERS OF THE BOROUGH AT THE OCTOBER 1, 2013, REGULAR BOROUGH ELECTION TO DETERMINE WHETHER THE PUBLIC SUPPORTS THE BOROUGH ASSEMBLY AMENDING THE CODE SO THAT TOWERS SHALL BE SETBACK AT LEAST A DISTANCE EQUAL TO THE HEIGHT OF THE TOWER FROM ALL PROPERTY LINES AND ANY PUBLIC RIGHT-OF-WAY. *(Sponsored by Assemblymember Keogh)*

a. IM No. 13-155

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 July 16, 2013.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor DeVilbiss requested the following confirmations:

Local Emergency Planning Committee

Sandra Garley

Patrick Brown

MSB 8.32 Review Commission (Energy Policy)

Berkley Tilton

Bryan Scoresby

Corri Feige

Gary Khun

Mark Masteller

Alpine RSA No. 28

Steve Hudson (resignation)

Mayor DeVilbiss made the following recommendations:

Local Emergency Planning Committee

Yukon Tanner

Willow FSA No. 35
James Houston

Caswell Lakes RSA No. 15
Rickie Davidson

Talkeetna Sewer & Water Service Area No. 36
James Kellard

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

MOTION: Assemblymember Colver moved to divide the question to take the confirmation of Corri Feige to the MSB 8.32 Review Commission (Energy Policy) separately.

VOTE: The motion to divide the question passed without objection.

MOTION: Assemblymember Arvin moved to divide the question to take the confirmation of Mark Masteller to the MSB 8.32 Review Commission (Energy Policy) separately.

VOTE: The motion to divide the question passed without objection.

MOTION: First Segment. Assemblymember Arvin moved to approve the recommendations up for confirmation this evening with the exception of Corri Feige and Mark Masteller.

VOTE: The first segment passed without objection.

MOTION: Second Segment. Assemblymember Arvin moved to confirm Corri Feige to the MSB 8.32 Review Commission (Energy Policy).

Assemblymember Colver:

- spoke concerns with the confirmation of Ms. Feige due to her prior employment with Evergreen Resources;
- noted that Evergreen Resources championed the development of coalbed methane drilling in the Borough several years ago; and
- expressed concern that the controversial issue of coalbed methane may resurface.

Assemblymember Colligan:

- spoke in support of the confirmation of Ms. Feige based on her professional credentials outside of her work with Evergreen Resources; and
- noted that the MSB 8.32 Review Commission was enacted to review the Borough's energy policy holistically.

VOTE: The second segment passed with Assemblymembers Keogh and Colver opposed.

MOTION: Third Segment. Assemblymember Arvin moved to confirm Mark Masteller to the MSB 8.32 Review Commission (Energy Policy).

Assemblymember Arvin:

- expressed concern with the confirmation based on Mr. Masteller's service on the Planning Commission; and
- opined that Mr. Masteller does not have an open mind with respect to development activity in the Borough.

Assemblymember Colligan noted that the mission of the MSB 8.32 Review Commission is to get together to have an engaging discussion about the Borough's energy policy and as such he supports the confirmation of Mr. Masteller.

Assemblymember Colver:

- spoke to Mr. Masteller's credentials as a subject matter expert in the area of alternative energy; and
- added that energy solutions will not always be carbon based.

VOTE: The third segment passed with Assemblymembers Arvin and Salmon opposed.

C. OTHER NEW BUSINESS

(There was no other new business.)

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

(There were no referrals presented.)

XI. RECONSIDERATION

(There was no reconsideration presented.)

XII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Mr. Spiropoulos reported that he will be out of the office next week and available by cell phone

Ms. McKechnie reported that she will be out of the office for the remainder of this week and some of the following week.

Assemblymember Salmon spoke to a Commonwealth North luncheon he attended in which Mr. Dan Fauske, Alaska Housing Finance Corporation CEO and Executive Director spoke to a variety of programs offered by the agency to include affordable multifamily housing.

Assemblymember Keogh:

- thanked the public for attending the Assembly meeting; and

- spoke to current fire, flood, and erosion threats due to the extreme warm weather in the Borough.

Assemblymember Halter spoke to his concern with the manner in which the Assembly awarded the road service area annual maintenance contracts this evening.

Assemblymember Colver:

- spoke to concerns with the condition of Shushana Drive;
- added that the road is nearly washed out;
- spoke to concerns that the Borough is unable to generate "robocalls" to defined geographic areas of the Borough; and
- spoke to low king salmon returns in Cook Inlet and emergency fishery closures in the area.

Assemblymember Colligan:

- spoke to how "reverse 911" technology is used as a public safety tool to communicate with residents in defined geographic areas; and
- noted that the Borough does not currently have accurate data to support the application, however it is in the works.

Assemblymember Woods spoke to ways in which the procurement process could be enhanced.

Assemblymember Arvin:

- opined that the Borough's procurement process is flawed;
- added that he has been asking to no avail for recommended changes to improve upon the procurement process; and
- noted his intent to meet with staff to work through the challenges that prevent new service providers from engaging the Borough in business.

Mayor DeVilbiss:

- expressed encouragement to new businesses that want to perform work for the Borough;
- noted that he has requested a revisor ordinance to MSB 17.73, Multifamily Development Design Standards, to clarify language relating to a Alaska State Department of Environmental Conservation standards for approved water and septic systems;
- spoke to maintenance issues with the public restrooms at the Deshka Landing; and
- spoke to flooding on the Matanuska River.

Mr. Moosey requested clarification on how the Assembly wants Administration to rebid the road service area annual maintenance contracts that were defeated by the Assembly this evening.

Mayor DeVilbiss noted his understanding that the Assembly wanted the contracts rebid and not the way they were initially awarded.

XIII. EXECUTIVE SESSION

(There was no executive session held.)

XIV. ADJOURNMENT

The regular meeting adjourned at 9:32 p.m.



LARRY DeVILBISS, Borough Mayor

ATTEST:



LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 07/16/13