

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on July 16, 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:

Ms. Lonnie R. McKechnie, Borough Clerk
Mr. John Moosey, Borough Manager
Mr. George Hays, Assistant Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Brenda J. Henry, Assistant Clerk
Ms. Tammy Clayton, Finance Director
Mr. Eric Phillips, Community Development Director
Ms. Debra Wetherhorn, Administrative Secretary I
Ms. Amy Bohmbach, Administrative Secretary I
Mr. Michael Newman, Document Specialist
Ms. Patty Sullivan, Public Affairs Director
Mr. Marc Van Dongen, Port Director
Ms. Nancy Cameron, Land Management Agent
Ms. Nancy Hereford, Land Disposal and Tax Specialist
Mr. Carl Hereford, Technology Infrastructure Manager
Mr. James Jenson, Acting Public Works Director
Mr. Hugh Leslie, Recreation and Library Services Manager
Mr. Casey Cook, Emergency Manager

III. APPROVAL OF AGENDA

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

Ms. McKechnie:

- advised that the agenda is revised, as there was a change in the location of the August 6 Assembly meeting from Palmer City Hall to the Palmer Community Center Depot; and
- stated that the introductions for public hearing on August 20, 2013, would be held at the School District Administration Building rather than Assembly Chambers.

Mr. Moosey:

- requested that Ordinance Serial No. 13-097 and Resolution Serial No. 13-057 be set for public hearing on August 20 rather than August 6; and
- advised that the staff members who would be able to answer questions of the Assembly are not available on August 6.

Mayor DeVilbiss queried if there was any objection.

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Bert Cottle, Wasilla City Deputy Administrator.

V. MINUTES OF PRECEDING MEETINGS

- A. Special Assembly Meeting: 05/22/13
- B. Special Assembly Meeting: 06/18/13
- C. Regular Assembly Meeting: 06/18/13

Mayor DeVilbiss inquired if there were any corrections to the special meeting minutes of May 22, 2013, or June 18, 2013, or the regular meeting minutes of June 18, 2013.

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Wasilla City

Mr. Bert Cottle, Deputy City Administrator:

- spoke to the City having signed a contract with the Borough for a one-year extension of the animal control contract;
- thanked Ms. Vardeman for her assistance in moving that forward;
- stated that July 5 was to be the 100 years celebration of aviation in Alaska at the Wasilla Airport;

- noted that due to the weather conditions that day, the planes were unable to make it in from Fairbanks, so it has been moved to July 27 at 1 p.m. at the Wasilla Airport;
- spoke to the candidate filings for the City's election;
- stated that he had attended relocation hearings regarding the F16's; and
- opined that the Mayor did good a job representing the Borough at that hearing.

Palmer City

Mr. Doug Griffin, City Manager:

- spoke to election season for the city of Palmer;
- stated that the Governors' picnic will be held on July 19 from 4 p.m. to 7 p.m. at Raven Hall;
- noted that Palmer Pride is scheduled for July 24, at the Palmer Community Center Depot from 4:30 p.m. to 6:30 p.m.;
- related that the Palmer City Public Works Director had recently resigned and is moving back to Minnesota; and
- spoke to the process of trying to hire a new Public Works Director to fill the position prior to the current Director's departure.

2. Matanuska-Susitna Borough School District

Dr. Deena Paramo, Superintendent:

- thanked the Assembly for the myriad of projects that are being completed around the School District;
- noted that there were invitations that have gone out regarding touring the new fields;
- advised that those who would like to take the tour can get on a bus and the School District Project Manager will provide information about each school;
- spoke to the construction of new schools within the Borough;
- stated that the playground projects are scheduled for this week and next if the weather holds;
- advised that this summer the School District has left gates to schools open for residents to use the grounds;
- noted that it is going very well due to the safety and security upgrades that were done; and
- stated that she is hopeful that the body will consider adopting Ordinance Serial No. 13-096, regarding lapse funds that is sponsored by Mayor.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

(There was no report provided.)

2. Assembly Public Relations

Assemblymember Keogh:

- stated that he is concerned about recent news stories that have appeared in the TV news and newspapers about recent statements and actions by the Mayor;

- opined that over time Mayor DeVilbiss has increasingly taken it upon himself to represent the views of the Borough without the direction or authorization of the Assembly;
- stated that the most recent example of this inappropriate behavior regards the State Redistricting Board's activity redrawing boundary lines for state house and senate districts;
- related that the mayor has offered up statements to the press, to the public, and to state agencies without input from the Assembly;
- spoke to the items that were provided to the State Redistricting Board by the Mayor;
- noted that there has been no recent direction by the Assembly for anyone to represent the Borough on redistricting matters or to recommend specific and detailed boundary changes;
- spoke to the Mayor's duties per code and the policies of the Assembly;
- noted that the Clerk, the Manager, the Attorney, and even the Mayor's secretary were unaware of these communications; and
- stated that the people of the Borough have chosen to have a strong assembly, strong manager, and weak mayor form of local government, which the Mayor and Assembly need to keep in mind.

Mayor DeVilbiss requested a copy of Assemblymember Keogh's statement.

Assemblymember Keogh advised that he will send it to the Clerk for distribution.

C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues

(There was no report provided.)

D. ATTORNEY COMMENTS

Mr. Spiropoulos:

- spoke to the litigation report he provided to the Assembly;
- spoke to how cases are tracked within his office;
- advised that he will provide the report every three to four months; and
- stated that should the body have any questions, that an executive session could be scheduled for discussion.

E. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule;
- noted that there are a number of ballot propositions coming forward;
- advised that ballot propositions need to be adopted by August 9; and
- suggested that the Assembly schedule a special meeting for August 8 for discussion of ballot questions should it be needed.

Assemblymember Colver stated that he is not available August 8 and requested August 7.

Mayor DeVilbiss queried if there was any objection.

There was no objection noted.

Ms. McKechnie:

- listed the ballot propositions that are on the current agenda;
- advised that Administration had requested to set a joint meeting with the cities of Palmer and Wasilla regarding consolidated dispatch;
- stated that the purpose of the meeting would be to receive the report on consolidated dispatch from the contractor;
- noted that the meeting was being requested for August, however she would like to have two dates to present to the city Clerk's; and
- queried if August 27 or September 3 would work.

Mayor DeVilbiss queried if there was any objection.

There was no objection noted.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Emergency Medical Services Board: 02/06/13
- b. Enhanced 911 Advisory Board: 02/12/13
- c. Local Emergency Planning Committee: 04/17/13
- d. Parks, Recreation, and Trails Advisory Committee: 03/26/13, 04/22/13, Resolution Serial No. 13-03
- e. Platting Board: 04/18/13, 05/02/13
- f. Port Commission: 04/15/13, Resolution Serial No. 13-003
- g. South Colony RSA Board of Supervisors: 10/17/12
- h. Talkeetna Sewer and Water Advisory Board: 05/22/13
- i. Transportation Advisory Board: 04/24/13
- j. Wastewater and Septage Advisory Board: 03/12/13
- k. Willow FSA Board of Supervisors: 04/11/13

2. Community Council Minutes:

- a. Meadow Lakes Community Council: 02/13/13
- b. Point MacKenzie Community Council: 02/14/13
- c. Talkeetna Community Council: 02/04/13

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

G. INFORMATIONAL MEMORANDUMS

1. IM No. 13-179: An Informational Memorandum (Revisor Of Ordinance) Regarding A Revision To MSB 17.73.250, Definitions, To Make A Change To The Definition Of “Substandard Dwelling.”

The informational memorandum was presented and no comments were noted.

VII. UNFINISHED BUSINESS

- A. AM No. 13-099: Award Of Proposal No. 13-115P To USKH, Inc. In The Contract Amount of \$1,124,183 For The Seldon Road Extension Design.

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

VOTE: The motion passed without objection.

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.)

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

1. Ordinance Serial No. 13-072: An Ordinance Creating Field Of View Park Subdivision Water Local Improvement District No. 476, Approving The Improvement Plan For The District, Authorizing The Manager To Proceed With The Improvement, And Assessing Equally Among The Properties Within The District The Costs Of The Improvement.
 - a. IM No. 13-133

Mayor DeVilbiss opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 13-072: Mr. Peter Scott, Mr. Cory Kotek, Mr. John Campbell, Mr. David Kronik, Ms. Rose Blakely, Mr. Kevin Blake, Mr. Travis Boyd, Mr. Josh Miller, Ms. Mary Sortore, and Mr. Ben Winckler.

The following persons spoke to concerns with the possibility of the project going over budget, to concerns with what the cap for the project is, and the possibility of residents using water bladders and in opposition to Ordinance Serial No. 13-072: Ms. Kym McMullen and Mr. Doug McMullen.

The following persons spoke to concerns with residents being forced into the local improvement plan and the need to find a way to exempt residents from the improvement plan: Mr. Bill Wehrheim and Ms. Dawn Ose.

The following person spoke to the need for clean water: Ms. Helen Munoz

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

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 13-072.

Assemblymember Colver requested a staff report.

Ms. Clayton provided a staff report.

Mayor DeVilbiss queried if there was an increase in the amount assessed, if it would be up to the Borough to bear that news to residents.

Ms. Clayton stated that it would not, as the Borough is not in charge of the project.

Assemblymember Halter queried if there was any guarantee that the water system would be fully functional before payments were made on it.

Ms. Clayton reiterated that the Borough is not in charge of the project.

Discussion ensued regarding:

- that the water local improvement district (LID) is the same as a gas LID;
- the covenants for the subdivision and the amendments that have been made to them;
- that Oasis Water is the entity in charge of the project;
- concerns of residents regarding financing for the project;
- whether there have been other water LID's within the Borough;
- that Oasis Water is certified by the Regulatory Commission of Alaska;
- the rate requirement study for Field of View Subdivision;
- alternatives to the LID, such as water bladders; and
- the possibility of a non-contiguous LID.

VOTE: The motion passed with Assemblymember Keogh opposed.

2. 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

Mayor DeVilbiss opened the public hearing.

The following persons spoke in opposition of foreclosure and requested time to research the issue and get a payment made: Mr. Scott Dennett and Ms. Mary Dennett.

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. 13-080.

MOTION: Assemblymember Arvin moved a primary amendment to Ordinance Serial No. 13-080 to strike the property identified as "TS30-39."

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Arvin moved a primary amendment to strike the property identified as "TS30-40."

VOTE: The primary amendment passed without objection.

Assemblymember Halter requested that the amount of tax that is owed be included on the list for next year.

Mayor DeVilbiss agreed that it is a good idea.

Assemblymember Arvin:

- noted that over the last few years, that the Assembly has been very focused on the rights of property owners;
- further noted that the body has directed staff to work with property owners to find solutions to their issues and staff has been very helpful;
- spoke to concerns that some tax balances have been on the books for a very long time; and
- opined that it is time to shorten the list and not hold tax balances for so many years.

(The meeting recessed at 7:14 p.m. reconvened at 7:20 p.m.)

VOTE: The main motion passed as amended without objection.

3. 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

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. 13-081.

VOTE: The motion passed without objection.

(Assemblymember Arvin re-entered the meeting.)

Mayor DeVilbiss queried if there was any objection to moving Ordinance Serial Nos. 13-082, 13-083, and 13-084 together.

There was no objection noted.

4. 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
5. 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
6. Ordinance Serial No. 13-084: An Ordinance Approving An Appropriation Of \$150,000 From Greater Butte Road Service Area No. 26 Fund Balance, Fund 280, To Fund 410, Project No. 30046, For Greater Butte Road Service Area No. 26 Capital Projects.
 - a. IM No. 13-147

MOTION: Assemblymember Salmon moved to adopt Ordinance Serial Nos. 13-082, 13-083, and 13-084.

VOTE: The motion passed without objection.

7. 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

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. 13-085 and Resolution Serial No. 13-076.

VOTE: The motion passed without objection.

8. 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

CONFLICT OF INTEREST: Assemblymember Arvin declared a conflict of interest as he does work with Bristol Construction Services.

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

(Assemblymember Arvin exited the meeting.)

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. 13-086.

Assemblymember Keogh requested a staff report.

Mr. Van Dongen provided a staff report.

VOTE: The motion passed without objection.

(Assemblymember Arvin re-entered the meeting.)

10. 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

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. 13-088.

Assemblymember Keogh:

- spoke to the make-up of the road service areas to be affected;
- noted that there will be a loss of funds to one area and an increase to the other; and
- stated that it is a simple fix to a larger problem.

VOTE: The motion passed without objection.

9. 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

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. 13-087.

VOTE: The motion passed without objection.

10. Ordinance Serial No. 13-089: An Ordinance Adopting MSB 1.10.180, Authorizing The Matanuska-Susitna Borough To Enact An Areawide 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

Mayor DeVilbiss opened the public hearing.

The following person spoke in support of Ordinance Serial No. 13-089: Ms. Elizabeth Ripley, Executive Director of Mat-Su Health Foundation.

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

MOTION: Assemblymember Colligan moved to adopt Ordinance Serial No. 13-089.

Assemblymember Colligan:

- spoke to his appreciation of the Mat-Su Health Foundation's information;
- spoke to the need to diversify the tax base;
- stated that there are projects such as Youth Court that will need additional funding in the future;
- opined that a consumption tax is the best tax there is, as users pay for what they use; and
- requested support of the Assembly to send the issue before the voters.

Assemblymember Arvin requested that the Attorney speak to the relation of the proposed alcohol tax to the bed tax that is currently in place and why there is a limit.

Mr. Spiropoulos:

- stated that alcohol is heavily regulated industry at the State level;
- further stated that the way municipalities are allowed to tax alcohol is also heavily regulated by the State;
- advised that if alcohol is going to be taxed, it can only be a sales tax or an inventory tax;
- spoke to the State statute requirement that there be at least one other tax, which the Borough does have a bed tax; and
- advised that the Statute says that alcohol cannot be taxed at a higher rate than the other sales tax that the municipality has.

Discussion ensued regarding:

- how alcohol volume is tracked and reported;
- that the alcohol tax is not triggered by possession only;
- that if alcohol is brought into the Borough it is not taxed until it is sold;
- how staff will track the tax;
- that wholesale sales of alcohol would not be taxed; and
- what collections costs are projected to be.

VOTE: The motion passed with Assemblymember Colver opposed.

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

Mayor DeVilbiss opened the public hearing.

The following person spoke in support of Ordinance Serial No. 13-090: Mr. Rick Brenden, Tall Tower Advisory Committee.

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. 13-090.

Assemblymember Keogh:

- thanked Mr. Brenden for providing testimony and the photos of fallen towers;
- noted that towers and setbacks have been a contentious issue as of late;
- spoke to the history of the tall tower legislation;

- opined that there are a variety of issues that have affected land owners next to newly erected towers; and
- stated that it should be up to the people whether or not there is a need for a setback.

Assemblymember Halter:

- opined that it should be up to the Tall Tower Committee to provide suggestions to the Assembly so that the Assembly can make changes if necessary; and
- noted that there may be good reasons to have setbacks, but there may be unintended consequences in doing so; and
- opined that it is inappropriate to put an advisory vote to the people when there is already a process in place.

Assemblymember Salmon noted that he supports Assemblymember Halter's position.

Assemblymember Colver:

- thanked Mr. Brenden for providing the photos of the towers; and
- stated that he had always been told that towers do not fall, but collapse in on themselves.

VOTE: The motion failed with Woods, Keogh, and Colver in support.

12. Ordinance Serial No. 13-095: An Ordinance Appropriating \$65,000 From The Areawide School Site Acquisition Reserve Fund 100, To Fund 400, Project No. 40188 And Approving The Land Acquisition Of Lot 19, Block 1, Palmer West For The Purpose Of Expanding The City Of Palmer Water Line Utility From Helen Drive To Valley Pathways School (DPW 000105).
 - a. IM No. 13-170

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. 13-095.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke to the need to acquire a site for a regional wastewater treatment facility: Ms. Helen Munoz.

The following person spoke to concerns with the way road service area contracts are awarded: Mr. Thomas Kellar.

D. CONSENT AGENDA

1. RESOLUTIONS

- b. Resolution Serial No. 13-081: 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. 13-172
- c. Resolution Serial No. 13-082: A Resolution Approving The Start Up Of An Update To The Lake Louise Comprehensive Plan.
(1) IM No. 13-174
- d. Resolution Serial No. 13-083: A Resolution Endorsing The Nexus To Terrorism Act And Commending Alaska Senators Begich And Murkowski For Co-Sponsoring The Senate Bill. *(Sponsored By Assemblymember Keogh)*
(1) IM No. 13-177

2. ACTION MEMORANDUMS

- d. AM No. 13-105: Approval Of Change Order No. 2 To Hattenburg, Dilley, And Linnell, LLC. In The Amount Of \$100,000 For Geotechnical Services For Fiscal Year 2014.
- e. AM No. 13-106: Award Of Proposal No. 13-132P To Shannon And Wilson, Inc. In The Annual Contract Amount Of \$111,765 Per Year For A Contract Period Of Up To Five Years For The Borough Landfill Monitoring Wells Sampling And Analysis.
- f. AM No. 13-107: Approval Of Contract Amendment To Wolf Architecture In The Amount Of \$29,127 For The Government Peak Chalet Design.
- g. AM No. 13-108: Award Of Bid No. 14-004B To Pruhs Construction Company In The Contract Amount Of \$2,447,700 For 2013 Roads Paving.

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.

MOTION: Assemblymember Colver moved to divide the question to take up Resolution Serial No. 13-081, separately.

VOTE: The motion passed without objection.

MOTION: First Segment. Assemblymember Arvin moved to approve the consent agenda as read into the record by the Clerk with the exception of Resolution Serial No. 13-081.

VOTE: The motion passed without objection.

MOTION: Second Segment. Assemblymember Arvin moved to adopt Resolution Serial No. 13-081.

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 13-081, by reinserting the “10 Visit Punch Card at the original rates for the pools.”

Assemblymember Colver opined that it would be more efficient for users and staff to have the card.

Assemblymember Woods queried why the punch card was being deleted.

Mr. Leslie:

- related that the punch cards represent a 20 percent loss of revenue to the pools; and
- stated that they are open ended and could be used in perpetuity.

Assemblymember Colver opined that the card has value and provides a good public service and should be kept rather than eliminated.

MOTION: Assemblymember Colver moved a secondary amendment to increase the rates for the punch card as follows:

- Youth – by striking “\$35” and inserting “\$50” in its place;
- Adult – by striking “\$45” and inserting “\$60” in its place;
- Senior Citizen – by striking “\$35” and inserting “\$50” in its place; and
- Disabled – by striking “\$30” and inserting “\$50” in its place.

MOTION: Assemblymember Woods moved to postpone Resolution Serial No. 13-081 to a time certain of August 6, 2013.

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

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment passed without objection.

VOTE: The second segment passed as amended without objection.

a. Resolution Serial No. 13-080: A Resolution Approving The Financial Responsibility For The M/V Susitna For July 2013.

(1) IM No. 13-163

MOTION: Assemblymember Arvin moved to adopt Resolution Serial No. 13-080.

Assemblymember Arvin requested a staff report.

Mr. Moosey provided a staff report.

Mayor DeVilbiss queried if the body chose to bring the vessel to the Borough, if there is a timeframe in which that has to occur.

Mr. Moosey:

- stated that even if it is in the Borough, there will still be expenses associated with security and maintenance;
- related that approximately \$300,000 could be mitigated if it were brought here; and
- spoke to the need for a dock for the vessel and the costs associated with the construction of a dock.

Discussion ensued regarding:

- the possibilities that are being considered;
- the desire of the body to mitigate expenses as much as possible;
- that the foreign market has been looked at;
- the options in surplus;
- concerns with the expense for insurance;
- the desire to have an option prior to August; and
- that there are two solid offers for the vessel.

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

Assemblymember Colver asked if AM Nos. 13-102, 13-103, and 13-104 could be moved together, as the amendment he may be making pertains to all three.

Mayor DeVilbiss queried if there was any objection.

There was no objection noted.

- a. AM No. 13-102: Approval Of Change Order No. 3 To Lounsbury And Associates In The Amount Of \$500,000 For Engineering And Survey Services For Fiscal Year 2014.
- b. AM No. 13-103: Approval Of Change Order No. 3 To USKH, Inc. In The Amount Of \$500,000 For Engineering And Survey Services For Fiscal Year 2014.
- c. AM No. 13-104: Approval Of Change Order No. 3 To Hattenburg, Dilley, And Linnell, LLC. In The Amount Of \$500,000 For Engineering And Survey Services For Fiscal Year 2014.

MOTION: Assemblymember Colver moved to adopt AM Nos. 13-102, 13-103, and 13-104.

Assemblymember Colver:

- noted that what is before the body are term contracts for surveying services for roads;
- stated that the dollar amount is bumped up from the last contract;

- advised that the firms are given long term contracts that come back before the body each fiscal year;
- related that he intends to amend them back to \$300,000;
- spoke to the extensive road upgrade process;
- spoke to the Hawk Lane upgrade and the costs associated with it; and
- opined that road upgrades are getting too expensive.

MOTION: Assemblymember Colver moved a primary amendment to AM Nos. 13-102, 13-103, and 13-104, by striking “\$500,000” throughout the legislation and inserting “\$300,000” in its place.

Assemblymember Colver:

- stated that dollar amount will keep the scope of work in motion;
- opined that more funds could be added later if they are needed; and
- related that he intends to streamline the process.

Assemblymember Arvin:

- spoke in opposition to primary amendment;
- agreed that there are a lot of funds spent on engineering and design;
- reminded the body the numerous projects that are occurring at this time that are under construction or out to bid;
- stated that the engineers are doing what the Assembly has asked of them by getting the projects moving; and
- stated that he is not in favor of disrupting the momentum.

Assemblymember Colver stated that these awards are unrelated to the large road projects

Assemblymember Keogh requested a staff report.

Mr. Jenson:

- stated that he would like to leave it capped at \$500,000;
- related that the cap is never reached, but it provides for more competitive bidding;
- noted that when it was at \$300,000 there were two firms that were very near the cap;
- advised that most of the roads that are being upgraded are seriously substandard roads with utilities running through the middle of them that require relocation;
- related that often times, the roads are not in the right-of-way, which creates its own issues; and
- opined that it should remain at \$500,000.

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

VOTE: The main motion passed without objection.

X. NEW BUSINESS

A. INTRODUCTIONS (For public hearing – 08/06/13, ~~Palmer City Hall~~ Palmer Community Center Depot)

1. Ordinance Serial No. 13-096: An Ordinance Amending MSB 3.04.110, Regarding School District Lapse Of Appropriations. (*Sponsored By Mayor DeVilbiss*)
 - a. IM No. 13-162

3. Ordinance Serial No. 13-098: An Ordinance Accepting, Appropriating, And Approving The Scope Of Work And Budget For A \$49,400 United States Department Of Homeland Security Assistance To Firefighters Grant And Requesting A Reappropriation For The Required Matching Funds In The Amount Of \$2,600 From The Caswell Lakes Fire Service Area Fiscal Year 2014 Operating Budget, Fund 248, To Project No. 45252, Fund 405, To Purchase A Breathing Air Compressor And Related Equipment, And High Pressure Hoses.
 - a. Resolution Serial No. 13-084: A Resolution Approving The Scope Of Work And Budget For The United States Department Of Homeland Security Assistance To Firefighters Grant For The Caswell Lakes Fire Service Area, Project No. 45252, Fund 405, To Purchase A Breathing Air Compressor And Related Equipment, And High Pressure Hoses.
 - (1) IM No. 13-165

4. Ordinance Serial No. 13-099: An Ordinance Reappropriating \$151,945 From Fund 480, Project No. 47507, Project Management System, To The Fiscal Year 2014 Administration Operating Budget, Fund 100, For A Capital Projects Director.
 - a. IM No. 13-166

5. Ordinance Serial No. 13-100: An Ordinance Amending MSB 5.25.141 And Placing On The Ballot Of October 1, 2013, Regular Election, The Annexation Of Certain Properties South Of The Palmer Bridge Along The Matanuska-Susitna River, Into The Circle View And Stampede Estates Flood And Water Erosion Control Service Area To Be Renamed As The Lower Matanuska River Flood And Erosion Service Area.
 - a. Resolution Serial No. 13-085: A Resolution Finding The Annexation Of Riverside Properties From The Palmer Bridge To Stampede Estates Into The Circle View And Stampede Estates Flood And Water Erosion Control Service Area Serves The Public Interest Without Circulation Of Petition Among Residents In Said Area, As Allowed By MSB 5.10.015, Initiation By The Assembly.
 - (1) IM No. 13-167

6. Ordinance Serial No. 13-101: An Ordinance Accepting And Appropriating A \$18,268 Alaska State Division Of Forestry Volunteer Fire Assistance Grant And Requesting A Reappropriation Of \$2,030 From The Sutton Fire Service Area Fiscal Year 2014 Operating Budget, Fund 253, To Project No. 20255, Fund 405, For Wildland/Fire Equipment.

- a. Resolution Serial No. 13-086: A Resolution Approving The Scope Of Work And Budget For The Alaska State Division Of Forestry Volunteer Fire Assistance Grant And Matching Funds For Sutton Fire Service Area, Project No. 20255, Fund 405.
(1) IM No. 13-168
7. Ordinance Serial No. 13-102: An Ordinance Amending MSB 17.59.060, Lake Management Plan Implementation To Address Ice Houses. *(Sponsored By Assemblymember Colver)*
a. IM No. 13-169
8. Ordinance Serial No. 13-103: An Ordinance Amending MSB 1.10.122, Delegation Of Parks And Recreational Powers To The City Of Wasilla (MSB006279).
a. IM No. 13-171
9. Ordinance Serial No. 13-104: An Ordinance Adopting MSB 3.15.035(H) And (I), Authorizing The Borough To Enact A Fifty Percent Tax Exemption For Farm Structures Used Exclusively For Farming Activity And Submitting The Question To The Qualified Voters Of The Borough At The October 1, 2013, Regular Borough Election. *(Sponsored By Assemblymember Keogh)*
a. IM No. 13-173
10. Ordinance Serial No. 13-105: An Ordinance Amending MSB 3.24.030(C), Distribution Of Motor Vehicle Registration Tax Revenues, To Prioritize Any Remaining Funds. *(Sponsored By Assemblymember Colver)*
a. IM No. 13-175
11. Ordinance Serial No. 13-106: An Ordinance Authorizing The Borough To Cause To Be Executed And Delivered And To Sell Not To Exceed \$9,250,000 Public Safety Building Lease Certificates Of Participation, 2013; Authorizing The Execution And Delivery Of A Lease, A Lease Purchase Agreement And Trust Indenture, And A Deed Of Trust To Secure The Certificates; Authorizing The Execution Of A Certificate Purchase Agreement; And Providing For Related Matters.
a. IM No. 13-176
12. Ordinance Serial No. 13-107: An Ordinance Relating To The Construction, Additions, Improvements, Betterments, Repair, Reconstruction, Or Acquisition Of Public Roads And Facilities Including Improving School Access Related Thereto In The Matanuska-Susitna Borough, Together With All Necessary Equipment And Transportation Facilities, And The Acquisition Of Lands Or Rights In Lands In Connection Therewith, And A Debt Of The Borough, Authorizing The Issuance Of Areawide General Obligation Bonds Of The Borough In An Amount Not To Exceed The Sum Of Fifteen Million Seven Hundred Thousand Dollars (\$15,700,000) To Finance The Cost, In Whole Or In Part, Of Such Public Roads, Facilities And Lands, And Providing For The Submission To The Voters Of The Borough Of A Proposition Ratifying The Authorization Of Such Bonds At The October 1, 2013, Regular Borough Election. *(Sponsored by Assemblymembers Arvin, Colver, and Halter)*
a. IM No. 13-178

- B. INTRODUCTIONS (For Public Hearing – 08/20/13, School District Administration Building)
1. Ordinance Serial No. 13-091: An Ordinance Creating Circle View Area Natural Gas Local Improvement District No. 497, Approving The Improvement Plan For The District, Authorizing The Manager To Proceed With The Improvement, And Assessing Equally Among The Properties Within The District The Costs Of The Improvement.
 - a. IM No. 13-156
 2. Ordinance Serial No. 13-092: An Ordinance Creating West Klutina Natural Gas Local Improvement District No. 511, Approving The Improvement Plan For The District, Authorizing The Manager To Proceed With The Improvement, And Assessing Equally Among The Properties Within The District The Costs Of The Improvement.
 - a. IM No. 13-157
 3. Ordinance Serial No. 13-093: An Ordinance Creating East Coles Road And East Schwald Road Natural Gas Local Improvement District No. 500, Approving The Improvement Plan For The District, Authorizing The Manager To Proceed With The Improvement, And Assessing Equally Among The Properties Within The District The Costs Of The Improvement.
 - a. IM No. 13-160
 4. Ordinance Serial No. 13-094: An Ordinance Creating Portion Of Greensward Subdivision Natural Gas Local Improvement District No. 514, Approving The Improvement Plan For The District, Authorizing The Manager To Proceed With The Improvement, And Assessing Equally Among The Properties Within The District The Costs Of The Improvement.
 - a. IM No. 13-161
 2. Ordinance Serial No. 13-097: An Ordinance Amending The Subdivision Construction Manual To Establish Standards For The Design And Construction Of Anadromous Waterbody Crossings.
 - 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*)
 - (1) IM No. 13-164
 - (2) IM No. 13-083

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 August 6, 2013, and August 20, 2013, respectively.

VOTE: The motion passed without objection.

C. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor DeVilbiss requested the following confirmations:

Local Emergency Planning Committee
Yukon Tanner
Caswell Lakes RSA No. 15
Rickie Davidson

Mayor DeVilbiss made the following recommendations:

Willow FSA No. 35
James Huston
Talkeetna Sewer and Water Service Area No. 36
James Kellard

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

VOTE: The motion passed without objection.

D. OTHER NEW BUSINESS

(There was no other new business.)

E. 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. Moosey:

- stated that he will bring back the two offers that are firm to the Assembly;
- noted that it will change the course of how the body may proceed, as it will bring the question of how the Assembly would like to mitigate the funds owed to the Federal Transit Authority; and
- opined that it will turn from a market issue to a political issue.

Assemblymember Colligan:

- opined that the body will also need to know the amount of the next insurance premium that will be due; and
- stated that he would prefer the vessel issue be dealt with before the next premium is due.

Mr. Spiropoulos:

- stated that an issue that the body needs to be aware of, is that if the vessel goes to a foreign entity, that it will be subject to International Traffic in Arms Regulations (ITAR), as it is a Navy research vessel; and
- noted that it may take 6 months or more to get a handle on, as the body may have to go through the State Department.

Assemblymember Colligan opined that the foreign market is not an option.

Ms. McKechnie thanked the body for her evaluation earlier.

Assemblymember Colver:

- opined that it was a good meeting;
- spoke to having attended the Big Lake Community Council meeting regarding the ice house issue;
- noted that they unanimously voted to support the legislation; and
- spoke to upcoming events within the Borough, such as the Farm Bureau tour.

Assemblymember Woods:

- spoke to attending the Air Force public hearing regarding the possible move of the F-16's from Fairbanks to Anchorage;
- noted that a comment from one officer in the Washington, D.C. is that they are concerned with the KABATA bridge possibly interfering with the departure and return of the jets to Elemendorf Airforce Base; and
- stated that he was surprised by that, and he asked the Port Director to notify KABATA about the public hearings to provide bridge information.

Assemblymember Arvin:


- related that the credit card program for the landfill will be up and running soon;
- spoke to concerns with the scrap metal program being eliminated;
- advised that the Manager had stated that it will be put back in place; and
- noted the ways that the program benefits the Borough.

XIII. EXECUTIVE SESSION

(There was no executive session held.)


XIV. ADJOURNMENT

The regular meeting adjourned at 8:55 p.m.



LARRY DeVILBISS, Borough Mayor

ATTEST:



LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 08/06/13