

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on August 6, 2013, at the Palmer Community Center Depot, 610 South Valley Way, 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
Ms. Lauren Driscoll, Planning Chief
Mr. Dennis Brodigan, Emergency Services Director
Ms. Patty Sullivan, Public Affairs Director
Mr. Don Dyer, Economic Development Director
Mr. Eric Phillips, Community Development Director
Ms. Sara Jansen, Planner II
Ms. Sonya Conant, Human Resources Manager
Ms. Amy Bohmbach, Administrative Secretary I
Ms. Hilary Schwaderer, Administrative Secretary I

III. APPROVAL OF AGENDA

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

MOTION: Assemblymember Arvin moved to strike Resolution Serial No. 13-088 completely from the agenda.

Assemblymember Keogh objected and queried if it was procedurally correct without a motion on the floor.

Ms. McKechnie advised that the body would need to be careful to only debate the merits of removing the resolution or keeping it on the agenda.

Assemblymember Keogh:

- spoke in opposition to removing the resolution from the agenda;
- noted that it is the prerogative of each member to bring forward legislation as they see fit; and
- stated that the merits of the resolution should be debated and then it could be voted up or down.

VOTE: The motion passed with Assemblymember Keogh opposed.

Assemblymember Colver noted that AM No. 13-114 would need to be pulled from the consent agenda as he has a conflict.

Assemblymember Keogh noted that Resolution Serial No.13-087 would need to be pulled from the consent agenda as he has a conflict.

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

IV. PLEDGE OF ALLEGIANCE

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

V. MINUTES OF PRECEDING MEETINGS

- A. Special Assembly Meeting: 07/09/13
- B. Special Assembly Meeting: 07/16/13
- C. Regular Assembly Meeting: 07/16/13

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

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Palmer City

Mr. Doug Griffin, City Manager:

- thanked the Assembly for using the Palmer Community Center Depot for the meeting;
- spoke to the success of the Palmer Pride event and those who were honored there;

- noted that the State Fair begins August 22;
- stated that the State Fair parade is scheduled for August 24; and
- spoke to the upcoming work session for the City regarding capital projects.

Wasilla City

Mr. Bert Cottle, Deputy Administrator advised that when the legislative session begins, that the City would be in support of the railroad extension, Knik Arm Bridge and Toll Authority, Port improvements and a new emergency medical services station.

2. Matanuska-Susitna Borough School District

Dr. Deena Paramo, Superintendent:

- spoke to the start of the school year on August 15;
- noted that the Colony High School Band will be marching in the 2014 Rose Bowl Parade;
- stated that the turf and field renovations will be complete by August 14;
- related that for the fourth year in a row, the School District is using online registration;
- spoke to the number of schools that participate in online registration; and
- stated that the School District is ready for school to start.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Keogh:

- spoke to the athletic fields all being ready for inspection on August 14;
- noted that the roof projects at several schools are near completion;
- related that the construction of Valley Pathways and Academy Charter are on schedule;
- commented that the renovations at Big Lake Elementary are behind schedule but would be finished by fall;
- stated that the boiler will be replaced at Palmer High School during Christmas break;
- spoke to the number of alarms systems that have been put into place at various schools;
- advised that playground improvements at 16 schools will be completed by September;
- related that there is a meeting on Thursday in Palmer regarding the Susitna Valley High School boiler project; and
- noted that school enrollment is up this year.

2. Assembly Public Relations

(There were no reports provided.)

C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues

Mr. Moosey noted that tomorrow is the meeting for discussion regarding the M/V Susitna.

MOTION: Assemblymember Colligan moved that the Mayor, the Manager, and the Clerk prepare a letter be sent to the State Redistricting Board regarding the position of the Borough.

Mayor DeVilbiss requested that the draft letter be read into the record.

Assemblymember Colligan read the draft letter into the record.

Assemblymember Colver requested that No. 14, regarding split precincts, be stricken from the letter as it is not germane to the rest of the factual content of the letter.

Mayor DeVilbiss queried if there was any objection.

There was no objection noted.

Assemblymember Keogh:

- spoke to concerns with the proposed letter;
- spoke to an unauthorized letter that was sent by the Mayor to the State Redistricting Board;
- requested that in the future the information be brought forward in the form of a resolution so that the Assembly can review it; and
- stated his opposition.

Assemblymember Colligan:

- noted that he had requested the Clerk to find the audio from the State Redistricting Board meeting;
- advised that the audio clearly reflected that the Mayor had indicated that he was speaking on his own behalf;
- stated that his personal volunteer work regarding redistricting is his own personal time, not that of the Assembly; and
- requested support of the letter.

VOTE: The motion passed with Assemblymember Keogh opposed.

D. ATTORNEY COMMENTS

Mr. Spiropoulos:

- spoke to the history of the preliminary injunction to stop the rail extension construction;
- advised that oral arguments are scheduled for August 14; and
- stated that he would report via email regarding the results.

E. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule;

- noted that the meeting tomorrow is not only for discussion regarding the M/V Susitna, but also for any ballot propositions that may need to be carried forward from today;
- noted that she was unable to confirm a quorum of the cities for the joint meeting on August 27 or September 3 regarding the consolidated dispatch presentation; and
- queried if September 5 would work for the body.

Mayor DeVilbiss queried if there was any objection.

There was no objection noted.

Ms. McKechnie:

- noted that November 19 is scheduled for an Assembly meeting, which is the same week as the Alaska Municipal League conference and other conferences; and
- queried if the body would consider rescheduling that meeting to November 12 or cancel it.

Assemblymember Colver stated that he would prefer to reschedule the meeting.

Mayor DeVilbiss queried if there was any objection to scheduling November 12.

There was no objection noted.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- Greater Butte RSA Board of Supervisors: 01/10/13
- Greater Talkeetna RSA Board of Supervisors: 01/10/13
- Local Emergency Planning Committee: 05/15/13
- Local Road Service Area Advisory Board: 04/18/13, 05/16/13, Resolution Serial Nos. 13-01, 13-02
- Planning Commission: 04/01/13, 04/15/13, Resolution Serial Nos. 13-12, 13-17
- Port Commission: 05/20/13
- Wastewater and Septage Advisory Board: 05/14/13

2. Community Council Minutes:

- Big Lake Community Council: 01/09/13, 02/13/13, 03/13/13, 04/10/13, 05/08/13
- Chickaloon Community Council: 05/08/13
- Lake Louise Community Non-Profit Corporation: 02/09/13
- Meadow Lakes Community Council: 03/13/13, 04/10/13, 05/08/13
- Point MacKenzie Community Council: 04/11/13

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

G. INFORMATIONAL MEMORANDUMS

(There were no informational memorandums presented.)

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.)

B. PUBLIC HEARINGS (Three minutes per person.)

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

Mayor DeVilbiss opened the public hearing.

The following person spoke in support of Ordinance Serial No. 13-096: Dr. Deena Paramo, School District Superintendent.

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

MOTION: Assemblymember Arvin moved to adopt Ordinance Serial No. 13-096.

Assemblymember Arvin:

- noted that a previous superintendent had approached him numerous times about changing the ratio regarding lapsed funds;
- stated that he has come to terms that the lapsed funds should come back in the same percentages as the State; and
- spoke in support of the legislation, even though he had been opposed in the past.

Assemblymember Colver spoke in support of the legislation with a proposed amendment.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 13-096, MSB 3.04.110(C), by striking “80 percent” and inserting in its place “75 percent” and by striking “20 percent” and inserting in its place “25 percent” throughout the legislation.

VOTE: The primary amendment passed as amended without objection.

Mr. Spiropoulos:

- advised that any funds that have already lapsed as of June 30 are already considered lapsed as the audit will come in after that;
- stated that if the body wants the legislation to apply to the previous fiscal year, that the effective date needs to be changed to June 30, 2013; and
- noted that if not, then it will not apply until next fiscal year.

Assemblymember Colligan queried if the ratio proposed in the amendment was anticipated during the budget process.

Mr. Moosey advised that the fund is for future school site acquisition and that there are no pending charges and no projects to be impacted.

MOTION: Assemblymember Colligan moved a primary amendment to Ordinance Serial No. 13-096, Section 3, to change the effective date to June 30, 2013.

Mayor DeVilbiss credited Senator Dunleavy with this action coming from the Legislature.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

2. 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

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Halter moved to adopt Ordinance Serial No. 13-098 and Resolution Serial No. 13-084.

VOTE: The main motion passed without objection.

3. 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

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. 13-099.

VOTE: The motion passed without objection.

4. 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

Assemblymember Keogh requested a staff report prior to the public having to help provide information to the members and the public.

Mr. Moosey provided a staff report.

Assemblymember Halter advised that not all the funds from the State will be directed solely to the Matanuska River.

Assemblymember Colver:

- commented that the Sutton area is also being impacted by river erosion;
- spoke to the need for a work session to discuss river management; and
- queried if it is true that the Army Corp of Engineers is requiring a hydrology study before any permits can be issued to work in the river.

Mr. Moosey:

- affirmed the query;
- spoke to several meetings that have been conducted regarding river erosion;
- stated that Administration is filling out all of the permits and doing everything possible to do what is required;
- spoke to the frustrations that have arisen since the September 2012 flood event; and
- stated that every effort is being made to do things right.

Mayor DeVilbiss opened the public hearing.

The following persons spoke in opposition to Ordinance Serial No. 13-100 and Resolution Serial No. 13-085: Ms. Cathy Hummel, Ms. Shelly McGinn, Mr. Scott Burpee, Mr. Preston Pyrah, Mr. Pat Wake, Mr. Dan Huddleson, Mr. Ronnie Olson, Mr. William Nilsson, and Ms. Pat Huddleson.

The following persons spoke in opposition to including properties that are not prone to erosion and flooding in the proposed expansion area: Mr. Joseph Martorell, Mr. Kelly Blalock, and Mr. Mike Chowanec.

The following persons spoke in opposition to expanding the service area and in support of creating a separate service area: Ms. Hanna Martorell, Ms. Claire Mothershead, and Mr. Mike Easler.

The following persons spoke to overall concerns with Ordinance Serial No. 13-100: Mr. Jim Sykes, Mr. Larry Thorpe, Mr. Keith Buckhim, and Mr. Michael Cowley.

The following persons spoke in support of Ordinance Serial No. 13-100 and Resolution Serial No. 13-085: Mr. Donovan Taylor; and Ms. Linda D. Smith, Circle View and Stampede Estates Flood and Water Erosion Control Chair.

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

(The meeting recessed at 7:45 p.m. and reconvened at 7:55 p.m.)

MOTION: Assemblymember Keogh moved to adopt Ordinance Serial No. 13-100 and Resolution Serial No. 13-085.

Assemblymember Keogh:

- noted that the legislation is to put the question of expansion of the service area before the voters who would be affected;
- spoke to the history of the Matanuska River erosion control;
- noted that much of that erosion control is failing;
- spoke to the value of service areas and what can be accomplished by having them;
- spoke to the number of meetings that have been held regarding the proposed expansion area;
- commented that if there is not a service area, that the Borough is limited in the way it can expend the funds received from the State;
- related that the Borough cannot repair the revetment, because it is outside of the service area; and
- stated that he would make an amendment to remove some properties from the proposed expansion area.

MOTION: Assemblymember Keogh moved a primary amendment to Ordinance Serial No. 13-100, by deleting the following subdivisions from the annexation:

- Butte Meadows;
- Georges;
- Little Falk Lake; and
- Triple Crown Estates.

Assemblymember Keogh:

- advised that the amendment would remove all of Triple Crown Estates Subdivision and Butte Meadows Subdivision; and
- related that the areas that would still be included would be from Mile Post 13 on the Old Glenn all the way north to the Matanuska River Bridge.

Assemblymember Haler queried how many qualified owners and properties would that leave.

Assemblymember Keogh stated that it would not leave very many.

Discussion ensued regarding:

- that there would be less than 20 properties left;
- the opinion that the legislation should be voted down altogether; and
- concerns with putting the question before only 12 to 13 voters.

VOTE: The primary amendment failed with Assemblymember Keogh in support.

Assemblymember Colligan:

- opined that the legislation should be voted down;
- spoke to where the funds for erosion control have come from;
- opined that a service area does not need to be created to address erosion and flooding;
- stated that the first priority should be to move forward working with those who have more knowledge of the river; and
- reiterated that the body should vote the legislation down.

Discussion ensued regarding:

- what type of erosion control if any, can be done with the legislative appropriation in areas that are outside of a service area;
- that the Borough can only work within the parameters of the grant agreement;
- that the Borough cannot repair the revetment unless it is within a service area;
- the planning, design, and analysis that can be done within the scope of the grant;
- the possibility of channeling or dredging the river;
- who would have the authority to amend the grant agreement;
- the possibility of forming a partnership with the State to address erosion;
- the difference between the restrictions on Borough powers and the restrictions of the grant agreement; and
- the history of the construction of the revetment.

VOTE: The main motion failed unanimously.

5. 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

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. 13-101 and Resolution Serial No. 13-086.

VOTE: The motion passed without objection.

6. 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

Mayor DeVilbiss opened the public hearing.

The following person spoke in support of Ordinance Serial No. 13-102: Mr. Mike Szymanski.

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. 13-102.

Assemblymember Colver:

- thanked Mr. Szymanski for his testimony;
- spoke to the genesis of the legislation;
- provided a history of issues that residents are facing with problem ice house owners;
- related that the legislation provides for setback and removal requirements;
- opined that the Planning Commission erred in opposing the legislation;
- noted that the Big Lake Community Council supports the legislation unanimously;
- referred to a photograph that shows trash and feces left behind on the lake; and
- requested support of the legislation.

Assemblymember Woods:

- noted that there is a requirement to remove the ice house; and
- advised that he would like to add language that would provide for the ice supporting equipment to move the ice house.

MOTION: Assemblymember Woods moved a primary amendment to Ordinance Serial No. 13-102, MSB 17.59.060(G)(4), by inserting the words “equipment to move” after the word “support” to read: “Removal of Ice House. The owner of the registered ice house shall remove the ice house, together with its contents and debris, before the ice loses its ability to support equipment to move the ice house out of water.”

Assemblymember Arvin queried how enforcement would occur and the remedies that are available.

Assemblymember Colver:

- noted that the system is complaint driven;
- advised that code compliance officers would not be out actively seeking out ice houses to ensure compliance; and
- stated that it would provide for recourse when an issue is encountered.

Assemblymember Arvin queried how it would be known who the owner of an ice house is.

Assemblymember Colver:

- advised that ice houses have to be registered;
- noted that the permit had no specifications for placement; and
- stated that if there is a problem with human waste being left behind that the Alaska State Department of Environmental Conservation could be contacted.

Discussion ensued regarding:

- that the Planning Commission did not support the legislation;
- that there was confusion that the entire lake management plan needed to be reviewed before the legislation was adopted;

- safety concerns for code compliance officers;
- that the legislation would provide for a measure of protection for lake residents; and
- that the power to change the law lies with the Assembly.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

7. 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

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 Colligan moved to adopt Ordinance Serial No. 13-103.

Assemblymember Colligan requested support of the legislation.

VOTE: The motion passed without objection.

8. 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

Mayor DeVilbiss opened the public hearing.

The following person spoke to concerns with Ordinance Serial No. 13-104 and to the need for a Borough agriculture advisory board: Mr. Don Berberich.

The following person spoke in opposition to Ordinance Serial No. 13-104: Ms. Michelle Church.

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. 13-104.

Assemblymember Keogh:

- spoke to concerns with agricultural land disappearing;
- stated that this is his effort to give farmers a break;

- addressed the fiscal concerns that the exemption would result in a loss of \$20,000 to \$40,000 in revenue, which is very small; and
- stated that it should be up to the voters.

Assemblymember Colligan spoke in opposition to the legislation.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 13-104, as follows:

- to insert a last whereas clause to read: “Whereas, this fifty percent tax exemption will only be applied to structures built or converted for farm activity after July 1, 2013, to further encourage new investment in agriculture and farm products and activities;”
- to MSB 3.15.035(h), to insert the words “built or converted after July 1, 2013, and” after the word “structures” to read: “(h) As permitted by AS 29.45.050, the Borough exempts 50 percent of the assessed value of farm structures built or converted after July 1, 2013, and used exclusively for farming activity, or purposes directly related to farming activity, if the farm structure is owned or leased by a person that is actively engaged in farming and that derives at least 10 percent of the person’s yearly gross income from farming activity, and the structure is used for:;” and
- by changing the ballot language to read: “Shall the Matanuska-Susitna Borough enact an areawide real property tax exemption of 50 percent of the assessed value of farm structures built or converted after July 1, 2013, and used exclusively for farm activity?”

VOTE: The primary amendment passed with Assemblymembers Woods, Colligan, and Salmon opposed.

Assemblymember Halter:

- spoke to concerns with that only ten percent of the income needs to come from farming;
- opined that the annual income from farming should be 50 percent or more in order to qualify for the exemption; and
- opined that if 90 percent of your income comes from somewhere else you are not really farming.

Assemblymember Colligan noted that the figure goes along with other farm exemptions.

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

9. 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

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 13-105.

Assemblymember Colver:

- spoke to how the legislation would work;
- stated that there has typically been an implication that a portion of the funds goes toward dust control and paving projects; and
- related that this would provide for a mechanism in code to ensure it happens.

Mayor DeVilbiss queried the intent of what the funds would do outside of a road service area.

Assemblymember Colver:

- stated that if there were funds leftover that the next priority would be for providing matching dust control funds;
- related that if available in the fiscal year, the funds shall be for a 50 percent match for paving non road service area projects that are funded entirely by the Borough or a city without the use of any state, federal, or bond funding;
- noted that it would be to assist road service areas in getting subdivision roads paved; and
- commented that he did not want the funds to be used up by larger projects.

MOTION: Assemblymember Keogh moved a primary amendment to Ordinance Serial No. 13-105, MSB 3.24.030(C)(2), by striking it in its entirety.

Assemblymember Halter queried if the amendment was passed whether it would be a negligible amount of funds.

Assemblymember Colver affirmed the query.

Assemblymember Colligan spoke in opposition to the amendment.

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

VOTE: The main motion passed without objection.

10. 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

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.

CONFLICT OF INTEREST: Assemblymember Keogh declared a conflict of interest as his son is an emergency medical services trainer.

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

(Assemblymember Keogh exited the meeting.)

MOTION: Assemblymember Arvin moved to adopt Ordinance Serial No. 13-106.

Assemblymember Arvin:

- commented that providing emergency services is an essential act of government;
- noted that generally he is opposed to certificates of participation;
- opined that the new public safety building is needed and now is an appropriate time; and
- stated that he supports the legislation.

Assemblymember Colver requested a staff report.

Ms. Clayton provided a staff report.

Assemblymember Colver queried how the interest rate was calculated and the impacts to the non-area-wide fund.

Ms. Clayton

- noted that interest rates are on the rise;
- stated that when she wrote the legislation she based it on the current rate of approximately 3.5 percent, plus 100 basis points, which works out to 4.5 percent;
- stated that based on that, the payment would be \$850,000 annually;
- advised that 54 percent of that would be paid by the area-wide fund and the remainder would be paid by the Wasilla-Lakes Fire Service Area;
- advised that in the area-wide fund, that would equate a mill rate of .057 and in the service area the mill rate will be approximately .1;
- noted that the payments would be for a 15-year term, with the hope of a lower interest rate; and
- advised that she calculated the interest rate for the worst case scenario.

Discussion ensued regarding:

- how the structure is laid out for rescue, ambulance, and fire;
- that the proximity to the hospital is very good;
- that there is not current space for medical supply restocking;
- that there will be an EMT instructor presence at the building so that there will be continuing education;

- that the Wasilla-Lakes Fire Service Area will not need to request an mill rate increase;
- the cost of certificates of participation;
- other Borough buildings that were financed through certificates of participation;
- that the facility is an asset and an essential service that should be provided by government;
- what areas would be affected by the mill rate increase;
- that the payment was already built into this year's fiscal budget; and
- current certificates of participation that have payments and their schedule.

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

VOTE: The motion passed without objection.

VOTE: The main motion passed without objection.

(Assemblymember Keogh re-entered the meeting.)

11. 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

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. 13-107.

Assemblymember Colver noted that intersection improvements have been an issue in the past and that is why he has an amendment that will remove the Cottonwood Creek Elementary access from the legislation.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 13-107 as follows:

- by striking the “Seward-Meridian Parkway Intersection Improvements for access to Cottonwood Creek Elementary School” project in the amount of “\$1,500,000” in its entirety;
- by striking “\$3,000,000” and inserting in its place “\$3,500,000” for the “Lucille Street and Pathway Upgrade for access to Tanaina Elementary School;
- by striking “\$325,000” and inserting in its place “\$315,000” for the “Costs of Issuance;” and
- by striking the total amount of “\$15,700,000” and inserting in its place “\$14,690,000” throughout the legislation for the total cost.

Assemblymember Arvin noted that there were a number of discussions regarding the legislation and queried why Cottonwood Creek Elementary School intersection did not come out earlier.

Assemblymember Colver

- advised because it was up for introduction and could not be amended at that time; and
- noted that the legislation was brought forward in a expedited manner.

Assemblymember Arvin opined that the Cottonwood Creek access project should remain in.

Assemblymember Colver requested a staff report.

Mr. Jenson provided a staff report.

MOTION: Assemblymember Arvin moved a secondary amendment to strike the deletion of the “Seward-Meridian Parkway Intersection Improvements for access to Cottonwood Creek Elementary School” project in the amount of “\$1,500,000.”

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

Ms. McKechnie advised that the cost of issuance would change and that an amendment would be needed to address that.

Mayor DeVilbiss queried if there was any objection to changing the cost of issuance to \$340,000.

There was no objection noted.

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

VOTE: The main motion passed as amended without objection.

(The meeting recessed at 9:27 p.m. and reconvened at 9:32 p.m.)

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke regarding to concerns with annexing parcels in the Government Peak area into the Greater Palmer Consolidated Fire Service Area: Mr. Charlie Akers, Primary of the Greater Palmer Consolidated Fire Service Area Board of Supervisors.

The following persons spoke in opposition to Ordinance Serial No.13-115: Ms. Karen Shapansky and Ms. Dawn Jones.

The following person stated that the Talkeetna Special Service Area should be run by a private company and not owned by the Borough and spoke to concerns with the award of road maintenance contracts: Mr. Bill Stearns.

MOTION: Assemblymember Arvin move to suspend the rules to extend the meeting past 10 p.m. and not to exceed 10:15 p.m.

VOTE: The motion passed without objection.

D. CONSENT AGENDA

1. RESOLUTIONS

- b. Resolution Serial No. 13-088: A Resolution Retracting And Rescinding The Mayor's Unauthorized Communication To The State Redistricting Board. *(Sponsored by Assemblymember Keogh)*
(1) IM No. 13-195

2. ACTION MEMORANDUMS

- a. AM No. 13-109: Vacation Of The 15-Foot Wide Utility Easement Located Within Tract 4, Springer Subdivision No. 2, Located In Section 17, Township 17 North, Range 2 East, Seward Meridian.
- b. AM No. 13-110: Extension Of Contract No. 04-098 To North Star Group In An Amount Not To Exceed \$75,000 For Federal Lobbyist Services.
- c. AM No. 13-112: Acceptance Of Late Filed And Retroactive Senior Citizen And Disabled Veteran Exemption Applications.
- d. AM No. 13-113: Award Of Bid No. 14-010B To Northern Asphalt Construction, Inc. For The Contract Amount Of \$112,529.50 For 2013 Approach Paving.
- f. AM No. 13-115: Award Of Proposal No. 14-011P To Davis Constructors And Engineering, Inc. In The Amount Not To Exceed \$1,000,000 For The Government Peak

Transit Center Chalet General Contractor/Construction Manager At Risk Preconstruction
And Construction Phase Services.

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. 13-087: A Resolution Amending The Budgets For Project Nos. 45264 And 45265 To Allow Borough Administration To Fund The Emergency Services Management And Performance Study.

CONFLICT OF INTEREST: Assemblymember Keogh declared a conflict of interest as his son is an emergency medical services trainer.

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

(Assemblymember Keogh exited the meeting.)

MOTION: Assemblymember Arvin moved to adopt Resolution Serial No. 13-087.

VOTE: The motion passed without objection.

(Assemblymember Keogh re-entered the meeting.)

- e. AM No. 13-114: Award Of Bid No. 14-005B To ASRC Civil Construction, LLC. For The Contract Amount Of \$1,168,765.35 For Hawk Lane Upgrade.

CONFLICT OF INTEREST: Assemblymember Colver declared a conflict of interest as his company was a bidder for the project.

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

(Assemblymember Colver exited the meeting.)

MOTION: Assemblymember Arvin moved to adopt AM No. 13-114.

VOTE: The motion passed without objection.

(Assemblymember Colver re-entered the meeting.)

X. NEW BUSINESS

A. INTRODUCTIONS (For public hearing – 08/20/13, School District Administration Building)

1. Ordinance Serial No. 13-109: An Ordinance Amending MSB 15.24.030, Adopting The Willow Area Community Comprehensive Plan.
 - a. IM No. 13-159

2. Ordinance Serial No. 13-110: An Ordinance Accepting And Appropriating \$356,300 For A Portion Of The Fiscal Year 2014 Designated Legislative Grant Projects From The Alaska State Department Of Commerce, Community, And Economic Development For School Projects.
 - a. Resolution Serial No. 13-089: A Resolution Approving The Scope Of Work And Budget For A Portion Of The Fiscal Year 2014 Designated Legislative Grant Projects From The Alaska State Department Of Commerce, Community, And Economic Development For School Projects.
 - (1) IM No. 13-180

3. Ordinance Serial No. 13-111: An Ordinance Accepting And Appropriating \$245,000 From The United States Fish And Wildlife Service To Fund 410, Project No. 30114, For The Replacement Of Up To 14 Culverts As Part Of The Fish Passage Improvement Project, Project No. 30114.
 - a. Resolution Serial No. 13-090: A Resolution Approving The Scope Of Work And Budget For The Replacement of Up To 14 Culverts For Fish Passage Improvement.
 - (1) IM No. 13-181

4. Ordinance Serial No. 13-112: An Ordinance Accepting And Appropriating A Fiscal Year 2014 Designated Legislative Grant In The Amount Of \$25,000,000 From The Alaska State Department Of Commerce, Community, And Economic Development For The South Central Rail Extension From Port MacKenzie To The Mainline, To Fund 490, Project No. 75001.
 - a. Resolution Serial No. 13-091: A Resolution Approving The Scope Of Work And Budget, And Authorizing The Manager To Enter Into The Necessary Agreements With The Alaska State Department Of Commerce, Community, And Economic Development For The South Central Rail Extension From Port MacKenzie To The Mainline Project.
 - (1) IM No. 13-185

5. Ordinance Serial No. 13-113: An Ordinance Accepting And Appropriating A Grant In The Amount Of \$225,091 From The Rasmuson Foundation For Improvements At The Borough-Owned Resource And Recovery Center, Project No. 25051.
 - a. Resolution Serial No. 13-092: A Resolution Approving The Scope Of Work And Budget And Authorizing The Manager To Enter Into The Grant Agreement With The Rasmuson Foundation For A Grant In The Amount Of \$225,091 For Improvements At The Borough-Owned Resource And Recovery Center, Project No. 25051.
 - (1) IM No. 13-186

6. Ordinance Serial No. 13-114: An Ordinance Accepting And Appropriating \$337,186 From The Alaska State Department Of Health And Social Services, To Fund 475, Project No. 20387, For The Human Services Community Matching Grant.
 - a. Resolution Serial No. 13-093: A Resolution Approving The Scope Of Work And Budget For Participation In The Human Services Community Matching Grant Program.
 - (1) IM No. 13-187
7. Ordinance Serial No. 13-115: An Ordinance Amending The Operating Rules, Rates, And Procedures For The Supply Of Public Sewer And Water Systems In Talkeetna, By Increasing The Rates For Monthly Water And Sewer Charges And Interrupted Service Fees.
 - a. IM No. 13-188
8. Ordinance Serial No. 13-116: An Ordinance Adopting MSB 2.12.015, Reapportionment Of Assembly Districts. (*Sponsored by Assemblymember Colligan*)
 - a. IM No. 13-191
9. Ordinance Serial No. 13-117: An Ordinance Amending MSB 4.32.010(B), Establishment, To Modify The Membership Of The Emergency Medical Services Board. (*Sponsored by Assemblymember Halter*)
 - a. IM No. 13-196

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 20, 2013.

MOTION: Assemblymember Halter moved to divide the question to take Ordinance Serial No. 13-115, separately.

VOTE: The motion passed without objection.

FIRST SEGMENT: Assemblymember Arvin moved to introduce the legislation as read into the record by the Clerk and set the public hearings for August 20, 2013, with the exception of Ordinance Serial No. 13-115.

VOTE: The motion passed without objection.

SECOND SEGMENT: Assemblymember Arvin moved to introduce Ordinance Serial No. 13-115 and set the public hearing for August 20, 2013.

MOTION: Assemblymember Halter moved to postpone Ordinance Serial No. 13-115 indefinitely.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor DeVilbiss requested the following confirmations:

Emergency Medical Services Board
Brian Anderson, resignation
Willow FSA No. 35
James Huston
Talkeetna Sewer and Water Service Area No. 36
James Kellard

Mayor DeVilbiss made the following recommendations:

Platting Board
Tait Zimmerman
Alpine RSA No. 31
Marvin Baker

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

VOTE: The motion passed without objection.

C. OTHER NEW BUSINESS

(There was no other new business.)

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

(There were no referrals presented.)

XI. RECONSIDERATION

(There was no reconsideration presented.)

XII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Mr. Moosey:

- stated that it was important to take the public testimony regarding the erosion annexation;
- noted that the message was loud and clear that the legislation was not supported by the public; and
- related that Administration will continue to move forward to find solutions to erosion.

Ms. McKechnie reminded the body of the meeting for August 7, 2013, at Palmer City Hall.

Mr. Spiropoulos:

- spoke to the transfer of Lake Lucille Park ownership from the Borough to the city of Wasilla;
- advised that they had already accepted ownership via ordinance, at least two times; and
- noted that he would be working with the City to ensure the transfer goes smoothly.

Assemblymember Colver:

- stated that he would like to add the multi-family legislation to the agenda for the September meeting;
- related that he spoke with staff who had concerns that the density levels were not what the body intended; and
- stated that he wants to ensure that the density levels are at six.

Assemblymember Salmon advised that the density level is definitely at six.

Assemblymember Keogh:

- spoke to concerns with Tait Zimmerman applying to be on numerous boards;
- pointed out that since he is being recommended for the Platting Board, that he should not be appointed to the Board of Adjustment and Appeals, as that is a clear conflict;
- reiterated his concerns that Resolution Serial No. 13-088 was removed from the agenda;
- spoke to the need for the body to uphold Borough code; and
- spoke to the need to stick to the public process.

Assemblymember Halter:

- requested a meeting with Mr. Moosey, Mr. Wes Kellar and himself regarding the Talkeetna Sewer and Water issue;
- noted that residents are concerned that there are many issues with the newly installed meters; and
- spoke to concerns with the people who are operating the system.

Mayor DeVilbiss:

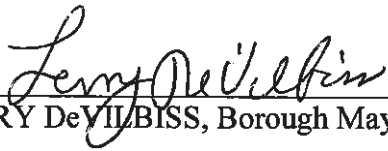
- opined that his letter to the State Redistricting Board was not unauthorized;
- stated that he does not feel that he violated code; and
- spoke to his appreciation of it being pointed out that the letter was not distributed through the proper channels.

XIII. EXECUTIVE SESSION

(There was no executive session held.)

XIV. ADJOURNMENT

The regular meeting adjourned at 10:06 p.m.



LARRY DeVILLBISS, Borough Mayor

ATTEST:



LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 08/20/13