

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on August 7, 2012, at the Mat-Su Borough School District Administration Building, 501 N. Gulkana, 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*)(*entered telephonically at 6:03 p.m.*)
Mr. Steve Colligan, Assembly District No. 4
Mr. Darcie K. Salmon, Assembly District No. 5(*entered telephonically at 6:04 p.m.*)
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. John Aschenbrenner, Deputy Borough Attorney
Ms. Brenda J. Henry, Executive Assistant to the Borough Clerk
Ms. Tammy Clayton, Finance Director
Ms. Shaune O'Neil, Public Works Director
Ms. Eileen Probasco, Acting Planning Director
Mr. Dennis Brodigan, Emergency Services Director
Ms. Patty Sullivan, Public Affairs Director
Ms. Holly Dubose, Administrative Secretary I
Ms. Frankie Barker, Environmental Planner II
Mr. Brad Sworts, Transportation and Environmental Manager
Ms. Pamela Graham, Grants and Projects Coordinator
Ms. Patty Sullivan, Public Affairs Director
Mr. Michael Newman, Document Specialist
Mr. Eric Phillips, Community Development Director
Ms. Shannon Post, Chief Information Officer

III. APPROVAL OF AGENDA

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

Mr. Moosey requested to pull Ordinance Serial No. 12-112 and Resolution Serial No. 12-099 from the agenda in order to look into alternative funding.

There was no objection noted.

Assemblymember Colligan stated that he intends to postpone Resolution Serial No. 12-084 indefinitely.

Assemblymember Arvin requested to take up public hearing nos. 1, 2, 3, 4, 5, 7, and 8 together.

Mayor DeVilbiss:

- advised that was how the body intended to proceed; and
- inquired if there were any additional changes to the agenda.

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Ken Forrest, School District Assistant Superintendent.

V. MINUTES OF PRECEDING MEETINGS

A. Regular Assembly Meeting: 06/28/12

Mayor DeVilbiss inquired if there were any corrections to the regular meeting minutes of June 28, 2012.

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:

- spoke to the fire this morning, which completely consumed the historical Mat Maid Building;
- thanked Central Mat-Su for assisting the Palmer Fire Department in containing the fire;
- noted that there were other fire crews and equipment on standby should they have been needed;
- opined that it could have been a much worse fire considering the location; and
- reiterated the city of Palmer's thanks for the assistance received.

Wasilla City

Mr. Burt Cottle:

- noted that Ordinance Serial No. 12-106 is up for introduction regarding the Lake Lucille Park land transfer from the Borough to the city of Wasilla;
- thanked Ms. Glenda Smith for her assistance with the land transfer;
- spoke to the changes and improvements that will to be made at Lake Lucille Park; and
- thanked the Borough for working cooperatively on the project.

2. Matanuska-Susitna Borough School District

Mr. Ken Forrest, Assistant Superintendent:

- introduced Mr. Luke Fult, who will be the incoming Assistant Superintendent;
- thanked the Borough for all of the projects that have been worked on during the summer;
- noted that the School District is looking forward to the start of school; and
- stated that the School District is looking forward to working on legislative grant projects.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Keogh:

- spoke to the asbestos issue at the School District Administration Building, which is 60 percent completed;
- noted that there have been significant discussions concerning the selection of new school sites;
- related that the property for the new Iditarod Elementary is in the closing stages;
- stated that the site for the south Palmer Elementary School has had some issues raised regarding pesticide use;
- noted that school enrollment thus far is at 17,585 students; and
- advised that there could be as many as 300 more students than last year.

2. Assembly Public Relations

Assemblymember Salmon:

- spoke to recent ribbon cutting for the new Valley Native Primary Care Center, which is located at the corner of Knik-Goose Bay Road and the Palmer/Wasilla Highway; and
- opined that it is a beautiful facility and an asset to the community.

C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues
3. Port MacKenzie Presentation

Mr. Moosey introduced the video presentation regarding the port facility.

D. ATTORNEY COMMENTS

(There was no report provided.)

E. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule;
- noted that the Assembly had requested that scheduling of the next planning session be brought back in August, looking at dates in September;
- stated that the Assembly had voiced the desire to have the planning session during the day;
- suggested the date of September 11, 2012, before the Joint Assembly/School Board meeting.
- noted that the planning session is normally three to four hours long;
- stated that the body typically uses a facilitator; and
- queried if that is how the body would like to proceed.

Mayor DeVilbiss stated that he thought that the planning sessions were to become a little less formal.

Assemblymember Colligan:

- opined that a facilitator is not needed for this meeting and that the meeting is overdue; and
- stated that the session should be focused on legislative priorities.

Mayor DeVilbiss queried if 2 pm would work for the body.

There was no objection noted.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Greater Butte RSA Board of Supervisors: 01/12/12
- b. Greater Talkeetna RSA Board of Supervisors: 05/10/12
- c. Local Road Service Area Board of Supervisors: 05/17/12
- d. Parks, Recreation, and Trails Advisory Board: 04/23/12
- e. Planning Commission: 06/04/12, 06/18/12, Resolution Serial No. 12-09
- f. Platting Board: 06/07/12
- g. Port Commission: 05/21/12, Resolution Serial Nos. 12-004, 12-005
- h. Waste Water and Septage Advisory Board: 03/14/12

2. Community Council Minutes:

- a. Big Lake Community Council: 01/11/12, 02/08/12, 03/14/12, 04/11/12, 05/09/12
- b. Chase Community Council: 01/19/12

- c. Chickaloon Community Council: 01/11/12, 05/09/12
- d. Meadow Lakes Community Council: 02/08/12, 04/11/12

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

G. INFORMATIONAL MEMORANDUMS

- 1. IM No. 12-180: MONTHLY REPORTING OF AMENDED CONTRACTS AND NEW AWARDS UNDER \$100,000, ALONG WITH SOLE SOURCE PROCUREMENTS, FOR THE PERIOD OF JUNE 1, 2012, THROUGH JULY 24, 2012.

The informational memorandum was presented and no comments were noted.

VII. UNFINISHED BUSINESS

- A. Resolution Serial No. 12-084: A RESOLUTION TO SUBMIT AN ADVISORY QUESTION TO THE QUALIFIED VOTERS OF THE BOROUGH AT THE OCTOBER 2, 2012, REGULAR BOROUGH ELECTION TO DETERMINE WHETHER THE PUBLIC SUPPORTS CHANGING THE REGULAR ELECTION DATE FROM THE FIRST TUESDAY IN OCTOBER TO THE FIRST TUESDAY IN ~~NOVEMBER~~ APRIL. *(Sponsored by Assemblymember Colligan)*

- 1. IM No. 12-156

MOTION PENDING: Assemblymember Colligan moved to adopt Resolution Serial No. 12-084.

MOTION PENDING: Assemblymember Colligan moved a primary amendment to Resolution Serial No. 12-084 to strike “November” and insert in its place “April.”

Mayor DeVilbiss queried if the legislation could be postponed with the amendment pending.

Ms. McKechnie advised that the primary amendment would need to be failed or be withdrawn prior to postponing indefinitely.

WITHDRAWAL: Assemblymember Colligan moved to withdraw his primary amendment.

VOTE: The motion passed without objection.

MOTION: Assemblymember Colligan moved to postpone Resolution Serial No. 12-084 indefinitely.

VOTE: The motion to postpone indefinitely passed without objection.

VIII. VETO

- A. Resolution Serial No. 12-087: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR MASCOT OPERATING ASSISTANCE AND AUTHORIZING THE MANAGER TO ENTER INTO AN AGREEMENT WITH MASCOT REGARDING THE USE OF THE FUNDS. (*Veto issued July 27, 2012.*)
1. IM No. 12-163

MOTION: Assemblymember Keogh moved to override the mayoral veto of Resolution Serial No. 12-087.

Assemblymember Keogh stated that he was under the impression that if an agreement was not entered into with MASCOT that it could impact future federal public transit funds.

Mr. Moosey:

- advised that if the veto is overridden and the process moves forward, future funds will not be jeopardized; and
- stated if the legislation is vetoed, and the project does not move forward as the Borough has agreed to, future funding will be jeopardized.

Mayor DeVilbiss requested a report as to why it was not competitively bid.

Mr. Moosey:

- related that MASCOT was the only entity with the qualifications to provide the service at the time it was approved in 2010;
- advised that there is no prohibition to bidding it out, and noted that the company is called out specifically in the previous legislation;
- stated that at the time staff was not sure that there were any other companies that would qualify;
- reiterated that the Assembly approved the contract by legislative action in 2010.

Assemblymember Colver requested a staff report.

Mr. Sworts provided a staff report.

Discussion ensued regarding:

- the memorandum of agreement;
- where the stops and route would be;
- what the schedule would be;
- that there is already a road being constructed;
- the possibility of weekend service for kids that would like to snowboard;
- where other providers routes are located;
- bid specifications should the body want to put it out to bid;
- how ridership could impact funding;
- the agreement with the Federal Transportation Agency;

- that it is Borough funding that was appropriated through the budget process;
- that the project is ready to move forward; and
- the reason for the veto.

VOTE: The motion to override the mayoral veto passed with Assemblymember Colligan opposed.

[Clerk's note: Assemblymember Arvin did not participate in the vote to override the mayoral veto due to technical difficulties with the teleconference.]

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. 12-077: AN ORDINANCE CREATING EAGLE'S BLUFF, BELLA HAVEN AND BENCH VIEW NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 465, 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. 12-130
2. Ordinance Serial No. 12-078: AN ORDINANCE CREATING NORTH CAROUSEL WAY NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 472, 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. 12-131
3. Ordinance Serial No. 12-079: AN ORDINANCE CREATING SOUTH STARLIGHT LANE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 475, 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. 12-132
4. Ordinance Serial No. 12-080: AN ORDINANCE CREATING PORTION OF GOLD RUSH ESTATES NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 479, 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. 12-133
5. Ordinance Serial No. 12-081: AN ORDINANCE CREATING SHADOWMERE ESTATES PHASE I NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 481, 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. 12-134
7. Ordinance Serial No. 12-083: AN ORDINANCE CREATING SOUTH ALAN'S DRIVE, WEST DAGG DRIVE AND SOUTH ROLF CIRCLE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 471, 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. 12-136
8. Ordinance Serial No. 12-084: AN ORDINANCE CREATING PAMELA DRIVE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 482, 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. 12-137

Mayor DeVilbiss opened the public hearing.

The following person spoke in opposition to Ordinance Serial No. 12-084 and to concerns with estimated costs and actual costs: Mr. Vinton A. Comeau.

The following person spoke in support of Ordinance Serial No. 12-084 and to concerns with estimated costs and actual costs: Mr. John Meising.

The following person spoke in opposition to gas local improvement districts: Ms. Michelle Church.

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

MOTION: Assemblymember Salmon moved to adopt Ordinance Serial Nos. 12-077, 12-078, 12-079, 12-080, 12-081, 12-083 and 12-084.

Mayor DeVilbiss requested a staff report.

Ms. Clayton provided a staff report.

Assemblymember Colver:

- thanked the members of the public that provided testimony;
- stated that he was under the impression that Enstar works under a regulated tariff;
- queried if the tariff was going up next year.

Ms. Clayton:

- affirmed the query; and
- related that Enstar could not guarantee what the increase would be.

Assemblymember Colver queried the interest rate.

Ms. Clayton:

- advised that after the work is done and the final billing is received, the legislation to issue the bond is drafted; and
- noted that after the legislation is drafted is when it is learned what the interest rate will be.

Discussion ensued regarding:

- the current market interest rate;
- that each lot pays the same assessment regardless of size;
- that there is a reserve fund from which property owners may receive a refund;
- that all of the gas local improvement districts (LID's) have been introduced and passed public hearing meet code requirements;
- whether or not Enstar provides residential service without forming LID's;
- the possibility of bringing forward legislation that requires 75 percent of property owners to agree, rather than the current requirement of 50 percent;
- the opinion that LID's are fundamentally inequitable;
- reasons that property owners cannot exclude themselves from LID's; and
- the code requirements to approve LID's.

VOTE: The motion passed without objection.

6. Ordinance Serial No. 12-082: AN ORDINANCE CREATING NORTH MEADOW LAKES LOOP NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 485, 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. 12-135

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.

Mayor DeVilbiss noted that the legislation did not receive enough votes from the property owners affected to meet code requirements and could not be adopted.

MOTION: Assemblymember Halter moved to adopt Ordinance Serial No. 12-082.

VOTE: The motion failed without objection.

9. Ordinance Serial No. 12-095: AN ORDINANCE ACCEPTING AND APPROPRIATING \$318,299 FROM THE ALASKA STATE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, TO FUND 475, PROJECT NO. 20385 FOR THE HUMAN SERVICES COMMUNITY MATCHING GRANT.
 - a. Resolution Serial No. 12-091: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PARTICIPATION IN THE HUMAN SERVICES COMMUNITY MATCHING GRANT PROGRAM.
 - b. Resolution Serial No. 12-092: A RESOLUTION ALLOCATING HUMAN SERVICES COMMUNITY MATCHING GRANT FUNDS TO NON-PROFIT HUMAN SERVICE AGENCIES WITHIN THE COMMUNITY AND AUTHORIZING THE MANAGER TO ENTER INTO GRANT AGREEMENTS WITH THE SUB-GRANTEE AGENCIES.
- (1) IM No. 12-154

Mayor DeVilbiss opened the public hearing.

Ms. Sharon Scott, a member of the Health and Human Services Board, noted she was present to answer questions of the Assembly.

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

MOTION: Assemblymember Salmon moved to adopt Ordinance Serial No. 12-095, Resolution Serial No. 12-091, and Resolution Serial No. 12-092.

MOTION: Assemblymember Salmon moved a primary amendment to Ordinance Serial No. 12-095, Resolution Serial Nos. 12-091 and 12-092:

- by striking the grant amount of \$318,299 and inserting in its place “\$337,186” throughout the legislation and making the appropriate changes to reflect the increase in the grant; and
- by increasing the total amount allocated to the sub-grantee agencies by approximately \$899.38

Assemblymember Arvin queried how the amounts are calculated and awarded to the sub-grantees.

Ms. Scott:

- related that there are 11 members on the Health and Human Services Board;
- advised that each member independently scores the applications;
- stated that there are categories that the applicants are considered from;
- noted that the top scoring applicant is typically awarded 90 to 95 percent of their request;
- stated that the requests for funding were more than what was available and therefore all requests were reduced; and
- advised applications are score and merit based.

Assemblymember Woods queried if the Borough follows up to determine if the funds are used as awarded.

Ms. Scott:

- affirmed the query;
- advised that the sub-grantees are required to report to the Borough in order to receive the funds; and
- noted that a portion of the funding goes to the sub-grantee until they submit their reports and show compliance, at which time additional funding is drawn down.

Discussion ensued regarding:

- additional funding received from the State;
- that 87.5 percent of the applicants were awarded funding; and
- that three grantees did not meet the minimum threshold and were awarded no funds.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

10. Ordinance Serial No. 12-096: AN ORDINANCE AMENDING THE APPLICABILITY OF MSB 17.28, INTERIM MATERIALS DISTRICT; AND THE APPLICABILITY OF MSB 17.30, CONDITIONAL USE PERMIT FOR EARTH MATERIAL EXTRACTION ACTIVITIES; FOR THE PORT MACKENZIE SPECIAL USE DISTRICT.
 - a. IM No. 12-155

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. 12-096.

Assemblymember Colver requested a staff report.

Ms. Probasco provided a staff report.

Assemblymember Woods queried if the question was put before the Port Commission.

Ms. Probasco affirmed the query.

Discussion ensued regarding:

- Planning Commission reviewing the legislation and approving it unanimously;
- that there are zoning districts that are in place;
- that the only thing currently regulated are items such as traffic impacts, noise, lighting, and setbacks;
- that other issues can be addressed through the port development process;
- the progress for a Port Master Plan;
- that new information is constantly being discovered about the area;
- that staff is constantly looking at the Port Master plan to see what can be done to update it with the new information; and
- that the Port Commission reviews port leases.

VOTE: The motion passed without objection.

(The meeting recessed at 7:24 p.m. and reconvened at 7:35 p.m.)

11. Ordinance Serial No. 12-097: AN ORDINANCE ADOPTING THE MATANUSKA-SUSITNA BOROUGH WETLANDS MANAGEMENT PLAN AND AMENDING MSB 15.24.030, COMPREHENSIVE PLAN AND PURPOSES.
 - a. Resolution Serial No. 12-093: A RESOLUTION APPROVING THE MATANUSKA-SUSITNA BOROUGH WETLANDS MANAGEMENT PLAN.
 - (1) IM No. 12-158

Mayor DeVilbiss opened the public hearing.

The following person spoke in support of Ordinance Serial No. 12-097 and Resolution Serial No. 12-093: Ms. Catherine Inman.

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

MOTION: Assemblymember Salmon moved to adopt Ordinance Serial No. 12-097 and Resolution Serial No. 12-093.

Assemblymember Keogh:

- spoke in support of the legislation;
- advised that it management program was developed through an advisory group;
- stated that there are no new regulations proposed in the plan;
- further added that there is nothing that would restrict private property owners
- similar to having the Matanuska River Management Plan;
- opined that it is a comprehensive place for staff and developers to get information for development; and
- advised that the Planning Commission unanimously approved the plan two months ago.

Assemblymember Colligan queried if the LIDAR information would be used in delineating the wetlands.

Ms. Barker advised that delineation is not part of the management plan, but a separate project.

Discussion ensued regarding:

- that the online wetlands viewer is a landscape level mapping effort;
- that the online viewers provides a place to start looking where wetlands may be located;
- mapping;
- that part of the reason that the program was initiated is due to the need for more accurate information;
- that wetlands delineation is ongoing and funded through the Army Corp of Engineers;
- that wetland scientist have been involved;
- where wetland mapping is happening within the Borough;
- what will be included in the mapping and that mapping will change as more accurate information is gathered;
- that there is a variety of criteria involved in wetland mapping;
- the Army Corp of Engineers come to the Borough so that the public has access to ask questions;
- that the Borough provides needed information and that the Army Corp of Engineers has the permit process;
- that not every wet area is a jurisdictional wetland; and
- the concerns of property owners who have property that has been delineated as wetlands.

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

VOTE: The motion passed without objection.

VOTE: The main motion passed without objection.

12. Ordinance Serial No. 12-098: AN ORDINANCE PLACING ON THE BALLOT OF THE OCTOBER 2, 2012, REGULAR ELECTION, A QUESTION FOR THE QUALIFIED VOTERS OF THE WILLOW FIRE SERVICE AREA NO. 35 TO INCREASE THE MILL LEVY FOR THE WILLOW FIRE SERVICE AREA NO. 35 FROM 1.37 TO 2.50 EFFECTIVE JULY 1, 2013. *(Sponsored by Assemblymember Halter)*
 - a. IM No. 12-159

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. 12-098.

Assemblymember Halter:

- advised that the increase was unanimously approved by the Willow Fire Service Area; and
- requested support of the legislation.

VOTE: The motion passed without objection.

13. Ordinance Serial No. 12-100: AN ORDINANCE APPROVING AN APPROPRIATION OF \$750,000 FROM BOGARD ROAD SERVICE AREA NO. 25 FUND BALANCE, FUND 279, TO FUND 410, PROJECT NO. 30045, FOR BOGARD ROAD SERVICE AREA NO. 25 CAPITAL PROJECTS.
 - a. IM No. 12-162

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. 12-100.

VOTE: The motion passed without objection.

14. Ordinance Serial No. 12-101: AN ORDINANCE APPROVING AN APPROPRIATION OF \$175,000 FROM WILLOW ROAD SERVICE AREA NO. 20 FUND BALANCE, FUND 276, TO FUND 410, PROJECT NO. 30042, FOR WILLOW ROAD SERVICE AREA NO. 20 CAPITAL PROJECTS.
 - a. IM No. 12-164

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. 12-101.

VOTE: The motion passed without objection.

15. Ordinance Serial No. 12-102: AN ORDINANCE ACCEPTING AND APPROPRIATING \$150,000 IN GRANT FUNDS FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT FOR THE WEST LAKES FIRE SERVICE AREA NO. 136, FISCAL YEAR 2013 DESIGNATED LEGISLATIVE GRANT PROJECTS.
 - a. Resolution Serial No. 12-094: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR AN ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT GRANT FOR THE WEST LAKES FIRE SERVICE AREA NO. 136.
 - (1) IM No. 12-166

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 Colver moved to adopt Ordinance Serial No. 12-102 and Resolution Serial No. 12-094.

VOTE: The motion passed without objection.

16. Ordinance Serial No. 12-103: AN ORDINANCE PROVIDING FOR A RESIDENTIAL REAL PROPERTY TAX EXEMPTION OF \$20,000 OF THE ASSESSED VALUE FOR AN OWNER OCCUPIED RESIDENCE AND SUBMITTING THE QUESTION TO THE QUALIFIED VOTERS AT THE OCTOBER 2, 2012, REGULAR BOROUGH ELECTION. *(Sponsored by Mayor DeVilbiss)*

a. IM No. 12-167

Assemblymember Keogh requested a staff report.

Ms. Clayton provided a staff report.

Assemblymember Woods queried if rental properties would be considered commercial properties.

Ms. Clayton affirmed the query.

Assemblymember Halter queried if a homeowner would pay more if the value of their residence was over \$225,000.

Ms. Clayton affirmed the query.

Mayor DeVilbiss opened the public hearing.

The following person spoke to concerns with Ordinance Serial No. 12-103: Ms. Michelle Church.

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

MOTION: Assemblymember Salmon moved to adopt Ordinance Serial No. 12-103.

MOTION: Assemblymember Halter moved a primary amendment to Ordinance Serial No. 12-103, in the tenth whereas clause and in the ballot language by:

- striking the words “for residential property which is;”
- striking the words “by the owner of record as the owners;”

- by inserting the following aft the word value: “that exceeds \$150,000 of real property owned;” and
- inserting the following language after the word abode: “by a resident who is (1) 65 years or older, (2) a disabled veteran, including a person who was disabled in the line of duty while serving in the Alaska Territorial Guard, or (3) at least 60 years old and a widow or widower of a person who qualified for an exemption as noted in (1) or (2) above.”

Assemblymember Colver queried if the amendment only apply to those with senior exemptions and not apply to the rest of the tax base.

Assemblymember Halter affirmed the query.

Discussion ensued regarding:

- that if primary the amendment passes, it would result in \$1,000,000 loss in revenues rather than \$7,000,000;
- concerns of some members that there will be problems with the budget next year due to loss of revenues;
- that the amendment makes the fiscal issues less of a hit on the budget;
- that the body is unsure of how to juggle such a loss to the budget;
- that the legislation is too expensive of a shift to property tax payers if not amended;
- the possibility of postponing the legislation;
- that the body would like to know the exact fiscal impacts; and
- the statutory exemption.

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

VOTE: The motion passed without objection.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved to postpone Ordinance Serial No. 12-103 to a time certain of August 9, 2012.

VOTE: The motion to postpone passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke to the success of his business, Valley Movers and to concerns with awarding legislation to MASCOT without putting it out for request for proposal: Mr. Mokie Tew.

The following person spoke to concerns with the lack of tower regulation in the Borough: Ms. Brenda Lampton, Mr. Bill Slater, and Ms. Michelle Church.

Assemblymember Keogh advised that he would be bringing forward legislation regulating tall towers.

D. CONSENT AGENDA

1. RESOLUTIONS

(There were no resolutions presented.)

2. ACTION MEMORANDUMS

- a. AM 12-112: AWARD OF BID NO. 12-187 TO ATS ALASKA FOR A CONTRACT AMOUNT OF \$667,547 FOR DISTRICT-WIDE SAFETY AND SECURITY UPGRADES, PHASE III.
- b. AM No. 12-113: AWARD OF PROPOSAL NO. 12-189 TO DOWL HKM IN THE AMOUNT NOT TO EXCEED \$150,000 FOR MAT-SU FISH PASSAGE PROJECT DESIGN.
- c. AM No. 12-114: AWARD OF PROPOSAL NO. 12-194 TO USKH, INC. IN THE AMOUNT OF \$796,000 FOR DESIGN OF ATHLETIC COMPLEXES.

Ms. McKechnie read the above legislation into the record.

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

VOTE: The motion passed without objection.

X. NEW BUSINESS

A. INTRODUCTION (for public hearing – 08/09/12, Borough School District Administration Building)

- 1. Ordinance Serial No. 12-105: AN ORDINANCE ACCEPTING \$839,285 FROM THE ALASKA STATE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES AND APPROPRIATING \$392,923 FOR THE INGRESS AND EGRESS ACCESS PROJECT FOR COTTONWOOD CREEK ELEMENTARY SCHOOL, PROJECT NO. 40108, FUND 400, AND \$446,362 FOR THE INGRESS AND EGRESS ACCESS PROJECT FOR COTTONWOOD CREEK PUBLIC SAFETY BUILDING, PROJECT NO. 10027, FUND 405.
 - a. IM No. 12-176

- B. INTRODUCTIONS (For public hearing – 08/21/12 , Borough School District Administration Building)
1. Ordinance Serial No. 12-106: AN ORDINANCE AUTHORIZING CONVEYANCE OF BOROUGH-OWNED REAL PROPERTY, LAKE LUCILLE PARK, TO THE CITY OF WASILLA AFTER CERTAIN CONDITIONS ARE SATISFIED (MSB006279).
 - a. IM No. 12-143
 2. Ordinance Serial No. 12-107: AN ORDINANCE ACCEPTING AND APPROPRIATING \$8,335,000 FOR A PORTION OF THE FISCAL YEAR 2013 DESIGNATED LEGISLATIVE GRANT PROJECTS FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT.
 - a. Resolution Serial No. 12-095: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR A PORTION OF THE FISCAL YEAR 2013 DESIGNATED LEGISLATIVE GRANT PROJECTS FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT.
 - (1) IM No. 12-149
 3. Ordinance Serial No. 12-108: AN ORDINANCE APPROPRIATING \$700,000 FROM THE 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. 12-172
 4. Ordinance Serial No. 12-109: AN ORDINANCE ACCEPTING AND APPROPRIATING \$10,000 FROM THE ALASKA RAILROAD CORPORATION TO FUND 480, PROJECT NO. 47011, ARCHAEOLOGICAL SURVEYS, TO CONDUCT AN ARCHAEOLOGICAL SURVEY, EVALUATION, AND INVENTORY OF HISTORIC AND PREHISTORIC SITES WITHIN THE PROPOSED 200-FOOT RAILROAD RIGHT-OF-WAY BETWEEN THE CITY OF HOUSTON AND PORT MACKENZIE.
 - a. Resolution Serial No. 12-096: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET TO CONDUCT AN ARCHAEOLOGICAL SURVEY, EVALUATION, AND INVENTORY OF HISTORIC AND PREHISTORIC SITES WITHIN THE PROPOSED 200-FOOT RAILROAD RIGHT-OF-WAY BETWEEN THE CITY OF HOUSTON AND PORT MACKENZIE.
 - (1) IM No. 12-173
 5. Ordinance Serial No. 12-110: AN ORDINANCE ACCEPTING AND APPROPRIATING A FISCAL YEAR 2013 DESIGNATED LEGISLATIVE GRANT IN THE AMOUNT OF \$23,500,000 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. 12-097: 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. 12-177

- 6. Ordinance Serial No. 12-111: AN ORDINANCE ACCEPTING AND APPROPRIATING \$5,500 FROM THE ALASKA STATE DEPARTMENT OF EDUCATION TO FUND 480, PROJECT NO. 20364, FOR CONTINUING EDUCATION GRANTS AT THE BIG LAKE, SUTTON, TALKEETNA, TRAPPER CREEK, AND WILLOW LIBRARIES.

- a. Resolution Serial No. 12-098: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR CONTINUING EDUCATION GRANTS FOR THE BIG LAKE, SUTTON, TALKEETNA, TRAPPER CREEK, AND WILLOW PUBLIC LIBRARIES.

- (1) IM No. 12-178

- 7. Ordinance Serial No. 12-112: AN ORDINANCE REAPPROPRIATING \$200,000 FROM FUND 490, PROJECT NO. 75005, TO FUND 480, PROJECT NO. 15035, TOURISM INFRASTRUCTURE AND FUND 440, PROJECT NO. 15040 RABBIT SLOUGH – ACCESS AND PARKING LOT EXPANSION, AND COTTONWOOD CREEK – ACCESS AND PARKING LOT EXPANSION.

- a. Resolution Serial No. 12-099: A RESOLUTION OF MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING THE BUDGET FOR PROJECT NO. 75005 HATCHER PASS REAL ESTATE DEVELOPMENT PLAN, AND APPROVING THE SCOPES OF WORK AND AMENDED BUDGETS FOR PROJECT NO. 15035, TOURISM INFRASTRUCTURE, PROJECT NO. 15040, RABBIT SLOUGH – ACCESS AND PARKING LOT EXPANSION AND PROJECT NO. 15040, COTTONWOOD CREEK – ACCESS AND PARKING LOT EXPANSION.

- (1) IM No. 12-182

- C. INTRODUCTION (For public hearing – 09/18/12, Borough School District Administration Building)

- 1. Ordinance Serial No. 12-104: AN ORDINANCE CREATING ROSE GLENN ESTATES NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 477, 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. 12-175

Ms. McKechnie read the above legislation into the record.

MOTION: Assemblymember Salmon moved to introduce the legislation as read into the record by the Clerk and set the public hearings for August 9, 2012, August 21, 2012, and September 18, 2012, respectively.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor DeVilbiss requested the following confirmations:

Platting Board

Marty Van Diest, resignation and appointment (coinciding with Stan's confirmation)

Stan Gillespie, resignation and appointment (coinciding with Marty's confirmation)

Circle View and Stampede Estates Flood and Water Erosion Control

Linda Smith

William Snegirev

Mayor DeVilbiss made the following recommendations:

Parks, Recreation, and Trails Advisory Board

Kenneth Barber

MOTION: Assemblymember Salmon moved to approve the Mayor's recommendations and resignations 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

Ms. McKechnie advised that she would enter the primary amendment to Ordinance Serial No. 12-103 prior to the August 9 meeting, for the Assembly's review.

Assemblymember Colligan:

- opined that the body should have had the planning session sooner;
- stated that he is looking forward to working on core goals;
- noted that he voted in favor of doing away with the tower ordinance;
- spoke to the services that rely in infrastructure;
- noted that physics and esthetics are not always compatible;
- stated that unfortunately the repeal of the tower legislation took away the public process;
- opined that everyone wants great communication, but not in their back yard;
- opined that there will be no support for bringing back the former ordinance;
- spoke to the way the former tall tower legislation was drafted;
- requested that the Mayor appoint a tall towers advisory committee; and
- spoke to the way he would like the board to be set up.

Mayor DeVilbiss requested the Manager follow up on that request.

Assemblymember Colver:

- opined that development has ground to a halt;
- noted that the road to Hatcher Pass stopped due to the appeal of the permit issued;
- spoke to the appeal process for the Board of Adjustment and Appeals;
- opined that the process needs to be addressed so that a competitor cannot file an appeal to stop the work of another;
- stated that there needs to be a process for a stay of appeal that keeps projects rolling;
- advised that when a month is lost in the middle of construction season there is a serious economic impact;
- spoke to how the Borough is working to solve problems at Cottonwood Creek Elementary;
- opined that the project was delayed because the emergency process is not truly an emergency process;
- noted that the Manager tried to make something happen and that the Public Works Director took funds from her own budget to make it happen;
- opined that when large projects are delayed, that the Borough is not truly open for business;
- spoke to his many concerns over the emergency process;
- stated that the body should set a goal for reforming what is done in order to make things happen more efficiently; and
- requested a report for emergency procurement

Assemblymember Keogh:

- thanked Borough staff that had been involved with the continuing erosion of the Matanuska River;
- noted that most of the problems are in his district and he appreciates the efforts of staff;
- stated that there are many problems that are not easily fixed;

- reiterated that he will be bringing tall tower legislation forward and that he is hopeful that the body will be supportive;
- advised that the issue of ham radio operators was dealt with before the tall tower ordinance was done away with;
- advised that there was a tower committee that functioned very well for over two years;
- spoke to the residents who suddenly find themselves with a huge tower that was raised without notice; and
- hoped that by the first of the year, that there is a public notice process for when towers are sited within residential areas.

Assemblymember Halter:

- spoke to the member composition of the previous tower committee;
- stated that he understands the frustration and concern of a tower going into a residential area; and
- opined that the previous committee was very well informed with a lot of expertise with a good mix of members.

Mayor DeVilbiss:

- related that a week ago Saturday, that 10 churches got together and did volunteer work within the Borough;
- noted that they worked on several elementary schools, as well as for private individuals; and
- stated that it was encouraging to see volunteers stepping up to the plate.

XIII. EXECUTIVE SESSION

(There was no executive session held.)

XIV. ADJOURNMENT

The regular meeting adjourned at 8:43 p.m.


 LARRY DEVILBISS, Borough Mayor

ATTEST:


 LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 09/18/12