

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on August 16, 2011, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Larry DeVilbiss.

II. ROLL CALL

Assembly members present and establishing a quorum were:

Mr. Warren Keogh, Assembly District No. 1
Mr. Noel Woods, Assembly District No. 2
Mr. Ronald Arvin, Assembly District No. 3 (*Deputy Mayor*) (*attended telephonically*)
Mr. Mark Ewing, Assembly District No. 4
Ms. Cindy L. Bettine, Assembly District No. 5
Mr. Jim Colver, Assembly District No. 6 (*entered at 6:05 p.m.*)
Mr. Vern Halter, Assembly District No. 7

Staff in attendance were:

Ms. Lonnie R. McKechnie, Borough Clerk
Mr. John Moosey, Borough Manager
Ms. Elizabeth Gray, Assistant Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Brenda J. Henry, Executive Assistant to the Borough Clerk
Ms. Tammy Clayton, Finance Director
Ms. Shaune O'Neil, Public Works Director
Ms. Christine Nelson, Planning and Land Use Director
Mr. Dennis Brodigan, Emergency Services Director
Ms. Patty Sullivan, Public Affairs Director

III. APPROVAL OF AGENDA

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

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

IV. PLEDGE OF ALLEGIANCE

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

V. MINUTES OF PRECEDING MEETINGS

(There were no minutes to approve.)

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Wasilla City

Mr. Burt Cottle, city of Wasilla Deputy Administrator:

- related that the public hearing for the Wasilla Comprehensive Plan was held;
- noted that they are still working on the Lake Lucille lease; and
- requested that the Assembly schedule a meeting at the city of Wasilla in the future.

Houston City

Mr. Jim Johansen, Houston Deputy Mayor:

- related that the city received a new fire truck, which replaced one on loan from the West Lakes Fire Department;
- stated that the City also received \$56,000 for a new grader;
- related that the budget is balanced and the City is doing well;
- noted that there are three seats up for election at the next regular election;
- advised that the recall effort against the current mayor has failed;
- stated that the City has no police department, as one cannot be afforded at this time;
- further added that the City has put in for a grant in order to fund a police department;
- spoke to a recent animal control issue concerning numerous cats; and
- stated that local rescue groups stepped up to the plate and really helped the City in a time of need.

2. Matanuska-Susitna Borough School District

Mr. Gene Stone, School District Assistant Superintendent:

- thanked the Assembly for their hard work on the school bond package;
- thanked the body for putting it before the voters as proposed by the District;
- noted that they are excited for school to start with 17,000 students on August 17;
- stated that this has been the first year for online registration, which has been a large task but with positive feedback;
- spoke to Mr. Ken Forrest being a great asset to the District;
- related that close to half of the students within the District qualify for free or reduced lunches;
- spoke to a nationally known speaker coming to Colony High School and provided training to all of the Nutrition Services staff; and
- noted that they are continually working to ensure that there are education choices for students and parents.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

(There was no report provided.)

2. Assembly Public Relations

Mayor DeVilbiss spoke to attending the Alaska Municipal League summer meeting in Sitka.

B. MANAGER COMMENTS

1. State/Federal Legislation

2. Strategic Planning Issues

Mr. Moosey reminded the Assembly about the work session on August 30, 2011, regarding the the M/V Susitna.

Assemblymember Ewing noted he will attend that meeting telephonically.

A. ATTORNEY COMMENTS

1. State Redistricting

2. Cook Inlet Driftnetters Association Litigation Update

Mr. Spiropoulos:

- stated that documents regarding the redistricting plan are available electronically online at the State redistricting website;
- related that not much has been filed other than the complaint, the answer, the motion to consolidate, and the change of venue to move the hearing to Fairbanks;
- noted that the State Redistricting Board did release the Federal Voting Rights Act Expert Report;
- noted that he will be out of the office the first two weeks of September; and
- requested an executive session on September 20 to discuss the Cook Inlet Driftnetters Association litigation.

Mayor DeVilbiss queried if the Judge had allowed for reconsideration in the driftnetter litigation.

Mr. Spiropoulos:

- affirmed the query;
- stated that preliminary indicators say that a settlement could be reached;
- noted that the Borough is not part of the case; and
- stated that he had requested an executive session on September 20, in order update the Assembly on that litigation.

Assemblymember Colver:

- noted that the Alaska State Board of Fisheries and the Commissioner had a teleconference on August 8;
- related that the Board has a draft regulation regarding proposed changes to the Alaska Administrative Code;
- advised that the Board is evenly split in membership, therefore it is a highly contentious issue; and
- spoke to a Journal of Commerce article that spoke about the impacts of too many fish.

B. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule;
- noted that the election brochure is attached to the Clerk's report; and
- queried if the body had any changes, as it would go to the printer tomorrow.

There were no changes noted.

C. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Caswell FSA Board of Supervisors: 02/09/11
 - b. Local Road Service Area Advisory Board: 05/19/11
 - c. Platting Board: 06/02/11, 06/16/11
2. Community Council Correspondence:
 - a. Chase Community Council: 01/20/11
 - b. Trapper Creek Community Council: 10/24/10, 11/18/10, 12/16/10, 01/20/11, 02/17/11, 04/21/11
 - c. Willow Area Community Organization: 05/02/11

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

D. INFORMATIONAL MEMORANDUMS

1. IM No. 11-180: MONTHLY REPORTING OF AMENDED CONTRACTS AND NEW AWARDS UNDER \$100,000, ALONG WITH SOLE SOURCE PROCUREMENTS, FOR THE PERIOD OF JULY 1, 2011, TO JULY 31, 2011.

The informational memorandum was presented and no comments were noted.

VII. UNFINISHED BUSINESS

(There was no unfinished business.)

VIII. VETO

(There was no veto presented.)

X. NEW BUSINESS

- A. INTRODUCTIONS (For public hearing – 09/06/11, 7 p.m., Borough Assembly Chambers)
1. Ordinance Serial No. 11-107: AN ORDINANCE ACCEPTING AND APPROPRIATING \$13,850 IN ADDITIONAL STATE GRANT FUNDS TO FUND 400, PROJECT NO. 40167, FOR THE SUSITNA VALLEY JUNIOR/SENIOR HIGH SCHOOL.
 - a. Resolution Serial No. 11-106: A RESOLUTION APPROVING THE AMENDED BUDGET FOR PROJECT NO. 40167, SUSITNA VALLEY JUNIOR/SENIOR HIGH SCHOOL.
 - (1) IM No. 11-173
 2. Ordinance Serial No. 11-108: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$150,000 FROM KNIK ROAD SERVICE AREA NO. 17 FUND BALANCE, FUND 274, TO KNIK ROAD SERVICE AREA NO. 17 FISCAL YEAR 2012 OPERATING BUDGET, FUND 274.
 - a. IM No. 11-174
 3. Ordinance Serial No. 11-109: AN ORDINANCE APPROVING AN APPROPRIATION OF \$95,574 FROM THE AREAWIDE FUND BALANCE, FUND 100, TO FUND 410, FOR THE DUST CONTROL PROGRAM.
 - a. IM No. 11-175
 4. Ordinance Serial No. 11-110: AN ORDINANCE AUTHORIZING THE LESS THAN FAIR MARKET VALUE SALE OF BOROUGH-OWNED REAL PROPERTY, INCLUDING ANY IMPROVEMENTS THEREON FOR LOTS 7 AND 9, BLOCK 13, ARRC NO. 1, AND LOTS 10 AND 11, BLOCK 4, FELTON ADDITION TO PALMER TOWNSITE, AND AUTHORIZING THE MANAGER TO NEGOTIATE THE SALE(S) (MSB006349 AND 6350).
 - a. Resolution Serial No. 11-107: A RESOLUTION APPROVING THE BEST INTEREST FINDING FOR THE LESS THAN FAIR MARKET VALUE SALE AND 5-YEAR FINANCE TERM OF BOROUGH-OWNED PROPERTY, INCLUDING ANY IMPROVEMENTS THEREON, OF LOTS 7 AND 9, BLOCK 13, ARRC NO. 1 (OLD ADMINISTRATION BUILDING AND PARKING), AND LOTS 10 AND 11, BLOCK 4, FELTON ADDITION TO PALMER TOWNSITE (MORGUE BUILDING) AND AUTHORIZATION FOR THE MANAGER TO NEGOTIATE THE SALE(S).
 - (1) IM No. 11-176

5. Ordinance Serial No. 11-111: AN ORDINANCE APPROPRIATING \$3,180,000 OF INTEREST EARNINGS FROM THE GOOSE CREEK CORRECTIONAL CENTER SERIES 2008 LEASE REVENUE BONDS TO FUND 495, PROJECT NO. 95002, FOR THE PURPOSE OF DESIGNING, CONSTRUCTING, AND EQUIPPING THE GOOSE CREEK CORRECTIONAL CENTER.
 - a. IM No. 11-182

- B. INTRODUCTIONS (For public hearing – 09/20/11, 7 p.m., Borough Assembly Chambers)
 1. Ordinance Serial No. 11-104: AN ORDINANCE CREATING CREEKSHORE ESTATES AND PORTION OF BROOKRIDGE ESTATES ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 457, 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. 11-172

MOTION: Assemblymember Woods moved to introduce the legislation as read into the record by the clerk and set the public hearings for September 6, 2011, and September 20, 2011, respectively.

VOTE: The motion passed without objection.

C. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor DeVilbiss requested the following confirmations:

- Aviation Advisory Board
 - John Glass
- Health and Social Services Board
 - Katherine Fueller
 - Sondra Kaplan
- Local Emergency Planning Committee
 - William Morrow
- Planning Commission
 - Patrick Johnson, resignation
- Transportation Advisory Board
 - Sonya Walden
- Knik RSA No. 17
 - Joy Fearn-Condon

Mayor DeVilbiss made the following recommendations:

Labor Relations Board
Joy Fearn-Condon
Planning Commission
Marcus Reum
Transportation Advisory Board
Don Carney
Willow FSA No. 35
Michel "Kel" Jacobs

MOTION: Assemblymember Woods 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.)

MOTION: Assemblymember Colver moved to suspend the rules to take up audience participation for 10 minutes regarding items on the consent agenda and then to take up the consent agenda.

VOTE: The motion passed without objection.

Mayor DeVilbiss inquired if there was anyone in the audience who wished to speak to any of the items on the consent agenda.

(There was no one present who wished to testify.)

D. CONSENT AGENDA (AM No. 11-084 was pulled from the consent agenda and addressed separately. *See pp. 8-9*)

1. RESOLUTIONS

a. Resolution Serial No. 11-103: A RESOLUTION AMENDING THE SCOPE OF WORK FOR THE BUTTE AMBULANCE COMMAND VEHICLE, PROJECT NO. 45236.

(1) IM No. 11-177

- b. Resolution Serial No. 11-104: A RESOLUTION SUPPORTING THE PARKS HIGHWAY ALTERNATIVE CORRIDOR PROJECT AND THE USE OF ADVANCED RIGHT-OF-WAY ACQUISITION BY THE ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES TO ADVANCE THE PROJECT USING STATE FUNDS. *(Sponsored by Mayor DeVilbiss and Assemblymember Ewing)*
 - (1) IM No. 11-179

- c. Resolution Serial No. 11-105: A RESOLUTION AMENDING THE SCOPE OF WORK FOR PROJECT NO. 20266, FISCAL YEAR 2012 CAPITAL PROJECTS, TO PURCHASE A FORD 350, FOUR WHEEL DRIVE CREW CAB PICK-UP WITH A V-PLOW.
 - (1) IM No. 11-184

- 2. ACTION MEMORANDUMS
 - a. AM No. 11-073: APPROVAL OF EXTENSION TO CONTRACT NO. 08-043 WITH GILLESPIE AND ASSOCIATES, FOR THE AMOUNT OF \$73,000 FOR STATE LOBBYIST SERVICES.

 - b. AM No. 11-077: APPROVE AMENDMENT NO. 4 TO CONTRACT NO. 10-101 WITH ATS ALASKA IN THE AMOUNT OF \$99,000 FOR PROJECT NO. 40170, SAFETY AND SECURITY UPGRADES – TECHNOLOGY SECURITY PACKAGE FOR THE SCHOOL DISTRICT.

 - c. AM No. 11-080: VACATION OF A PUBLIC USE EASEMENT, AND SLOPE, CLEARING, AND PUBLIC UTILITY EASEMENT, RECORDED SEPTEMBER 4, 1998 IN BOOK 972/PAGES 34-39, TAX PARCEL C7, LOCATED IN SECTION 30, TOWNSHIP 18 NORTH, RANGE 2 WEST, SEWARD MERIDIAN, ALASKA.

 - d. AM No. 11-081: VACATION OF A PUBLIC USE EASEMENT, RECORDED JUNE 11, 1998, IN BOOK 996, PAGES 974 AND 975, TAX PARCEL C7, LOCATED IN SECTION 30, TOWNSHIP 18 NORTH, RANGE 2 WEST, SEWARD MERIDIAN, ALASKA.

 - e. AM No. 11-082: AWARD OF BID NO. 12-011 TO DIRTWORKS, INC. IN THE AMOUNT OF \$240,327.18 TO CONSTRUCT A LEACHATE STORAGE TANK AT THE CENTRAL LANDFILL FACILITY.

 - f. AM No. 11-083: AWARD OF PROPOSAL NO. 11-093, TO GDM, INC. IN THE CONTRACT AMOUNT NOT TO EXCEED \$300,000 FOR THE BUTTE AND SNOWSHOE ELEMENTARY ROOF REPLACEMENT/REPAIR DESIGN.

Ms. McKechnie read the above legislation into the record.

Mayor DeVilbiss inquired if there was any objection to approving the consent agenda as read into the record by the Clerk.

There was no objection noted.

- g. AM No. 11-084: AUTHORIZATION TO INCREASE THE FUNDING TO OUTFIT AND FURNISH THE M/V SUSITNA UNDER OTHER TRANSACTION AGREEMENT N00014-05-9-0001 BETWEEN THE UNITED STATES OF AMERICA, OFFICE OF NAVAL RESEARCH; THE MATANUSKA-SUSITNA BOROUGH; AND ALASKA SHIP AND DRYDOCK IN THE AMOUNT NOT TO EXCEED \$501,881.

MOTION: Assemblymember Arvin moved to adopt AM No. 11-084.

Assemblymember Arvin queried if this amount is in addition to the funds already allocated for outfitting and furnishing.

Mr. Moosey stated that this is for basic equipment and is from a Federal Transportation Agency Grant.

Ms. Clayton:

- stated that these funds would be added to the original amount;
- noted that at the time the original amount was estimated, it was unknown what specialty items might be needed;
- related that because of that, there was no way to budget for them; and
- noted that the funds are for specialized items that need to be installed prior to the ship being completed.

Mayor DeVilbiss queried the funding source.

Ms. Clayton:

- stated that 91 percent is from the Federal Transportation Agency grant, with the remaining 9 percent coming from a capital appropriation; and
- noted that the funds were identified and set aside from the beginning of the project.

Assemblymember Arvin queried if the additional funds were anticipated from the beginning.

Ms. Clayton stated that \$1,900,000 had been set aside for contingencies and that these funds are part of that.

Discussion ensued regarding:

- the contingency fund and what the funds could be used for;
- other anticipated expenditures for the ship;
- required Coast Guard inspections for the ship;
- what specialized items that the ship will need prior to completion;
- that the timeframe for use or storage begins when the Borough takes possession of the ship;
- how long the legislation could be postponed without causing any unintended problems;

- when the Borough may take possession of the ship;
- possible partnerships that could occur;
- potential problems if the ship is not outfitted or furnished;
- the date of expiration of the Federal Transportation Agency grant;
- postponement of the legislation until after the August 30 work session;
- the cleanest and cheapest way to go to be able to accommodate passenger traffic;
- the desire of the body to accommodate passenger traffic as quickly as possible;
- the desire of some members to move forward with the legislation this evening;
- the possibility of leasing the ship; and
- the large amount of funding that has been received for the ship.

MOTION: Assemblymember Halter moved to postpone AM No. 11-084 to a time certain of August 30, 2011.

VOTE: The motion failed with Assemblymembers Colver, Halter and Arvin in support.

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

(The regular meeting recessed at 6:49 p.m. and reconvened at 7 p.m.)

IX. SPECIAL ORDERS (to begin at 7 p.m.)

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

(There were no persons to be heard.)

B. PUBLIC HEARINGS (Three minutes per person.)

1. Ordinance Serial No. 11-022: AN ORDINANCE REPEALING MSB 2.70, CODE OF ETHICS AND ADOPTING MSB 2.71, CODE OF ETHICS.
 - a. Ordinance Serial No. 11-060: AN ORDINANCE AMENDING MSB 2.70; MSB 4.38, AND MSB 2.29, REGARDING THE CODE OF ETHICS.
 - (1) IM No. 11-036
 - (2) IM No. 11-113

Mayor DeVilbiss opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 11-022 as written by the Board of Ethics: Mr. Jim Sykes, Ms. Charissa Cherry, and Mr. Bob Hooyman.

(Assemblymember Ewing exited the meeting at 7:14 p.m. and entered telephonically at 7:16 p.m.)

The following person spoke to the need to keep the ethics complaint process simple and the need to consider the ethics code revisions carefully: Mr. Phil Munger.

The following person spoke to concerns with amendments to the ethics code and spoke in support of retaining the Ethics Board: Ms. Helen Munoz.

The following person spoke to concerns with amendments to the ethics code and the right of the people to petition the government: Mr. William Bruu.

The following person spoke in support of Ordinance Serial No. 11-022 as written by the Board of Ethics and in support of volunteer boards: Ms. Janet Kincaid.

The following person spoke in support of volunteer boards and the proposed amendment increasing the substantial benefit amount to \$5,000: Ms. Michelle Church.

The following person spoke in support of the Ethics Board remaining as it is: Mr. Bob Vroman.

The following person read a statement from Ms. Jay Nolfi a former member of the Assembly into the record, which is in support of Ordinance Serial No. 11-022: Ms. Terry Snyder.

The following person spoke in support of Ordinance Serial No. 11-022: Mr. Mark Mastellar.

The following person spoke in support of parts of Ordinance Serial No. 11-060, and in full support of Ordinance Serial No. 11-022, to concerns with the proposed amount of substantial financial interest, in support of reducing the timeframe in which an ethics complaint can be filed, and to concerns with confidentiality affecting the status of an ethics complaint: Mr. John Strassenburgh.

The following person spoke in support of Ordinance Serial No. 11-022 and in opposition to Ordinance Serial No. 11-060: Ms. Ruth Wood.

The following person spoke in support of Ordinance Serial No. 11-022, to the importance of volunteer boards, and in support of the Ethics Board: Ms. Amanda Browne.

The following person spoke in support of volunteer boards, to the need to retain the Ethics Board in order to keep government transparent, and to concerns with changing the amount of an allowed gift from \$50 to \$5,000: Mr. John Gardner.

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

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

MOTION PENDING: Assemblymember Woods moved to adopt Ordinance Serial No. 11-060.

VOTE: The motion failed unanimously.

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 11-022.

MOTION: Assemblymember Halter moved a primary amendment to Ordinance Serial No. 11-022, by inserting the amendments proposed by staff as follows:

- throughout the ordinance to strike the words “Ethics Board” and replace them with “Ethics Review and Advisory Board;”
- to strike the definition of “Board’s Counsel;”
- to strike the definition of “Hearing Officer” and inserting in its place: “Hearing Officer means an officer of the Matanuska-Susitna Borough Office of Administrative Hearings under MSB 2.29;”
- to strike the definition of “Parties” and insert in its place “Parties means respondent and complainant;”
- to strike the definition of “Special Prosecutor;”
- to insert a new subsection MSB 2.71.020(D)(3) to read: “MSB 2.71.020(D)(3) A financial interest over \$200 is presumed substantial under this chapter. A lesser amount is presumed insubstantial;”
- to strike MSB 2.71.040 and replace it with:
- to strike MSB 2.71.040 Board of Ethics; Created; Membership” and inserting in its place:
 - (A) There is created a Board of Ethics with a total membership of 15 persons designated by seats numbered 1 through 15. All members shall be residents of the Matanuska-Susitna Borough in accordance with MSB 4.05.040. For any matter to be set for pre-hearing conference under MSB 2.71.180 to come before the Board for a full hearing under MSB 2.71.190 or for any matter involving an advisory opinion, a panel consisting of five members next in numerical order shall be called.
 - (B) A paid municipal official may not be a Board member.
 - (C) The Chair of the Board shall be a Hearing Officer from the Matanuska-Susitna Borough Office of Administrative Hearings.
 - (D) The Chair shall rule on all matters and make all determinations through screening and probable cause. If the matter continues, the Chair rules on all procedural matters, presides over the hearing under MSB 2.71.190, makes all rulings thereunder and rules on evidentiary matters. The Chair may attend, assist and participate in discussions regarding the final order after a hearing under MSB 2.71.190 or the final opinion on an advisory matter, but shall not vote on such final orders or opinions.
 - (E) Members of a panel called for a pre-hearing conference under MSB 2.71.180 to come before the Board for a full hearing under MSB 2.71.190 may not participate in probable cause or screening and do not vote on matters of conduct of the hearing, procedure, admissibility of evidence, etc. Members of a panel called for a hearing or advisory opinion vote on the final opinion only.
 - (C) A quorum shall be three voting members of the panel called for a purpose, however no action may be taken without the presence of the Chair.
 - (D) Any member of the Board who has conflicting interests, including being a complainant, in any matter under active investigation may not

participate in the matter as a panel member and the next member shall be called for the panel.

(E) If any Board member misses three consecutive meetings for any reason, the member automatically forfeits his seat and the Clerk shall report the vacancy to the Assembly.

(F) An Ethics Board member may make campaign contributions but may not participate in any candidate's election campaign.

(G) In the event a quorum cannot be met due to disqualification or recusal of members, the case documentation and information shall be considered solely by a Hearing Officer from the office of Administrative Hearings for action according to the procedures as set forth in this chapter;"

- amending MSB 2.71.060(A)(2), regarding powers and duties by inserting the word "and" between the words "penalties" and "make" and to strike the words "and initiate appropriate actions and proceedings;"
- amending MSB 2.71.060(A)(5), regarding powers and duties, to strike the words "or without a request if in the public best interest" to read: (5) upon the written request of any municipal official, to issue its advisory opinion, in writing, as to any questions;"
- to strike MSB 2.71.060(A)(9) in its entirety;
- to strike MSB 2.71.060(B) (1) through (3);
- to insert MSB 2.71.090(D) to read: "(D) A municipal official who leaves Borough service may not, for one year after leaving Borough service, represent, advise or assist the Borough for compensation in any manner unless the Borough Assembly, its sole and absolute discretion, approves the compensation. This section does not apply where the official is rehired, elected or appointed into a position within the Borough;"
- amending MSB 2.71.130(A) regarding confidentiality, to strike the word "Board" and insert in its place "Hearing Officer" and to insert after the word "Respondent" the words "the Hearing Officer" to read: "(A) The filing of a complaint and information regarding an investigation conducted under this code, or obtained by the Hearing Officer during the investigation will take place under a confidential process. Confidentiality shall be maintained by the Complainant, the Respondent, the Hearing Officer, the Board, the Clerk, and all contacted municipal officials:"
- to strike MSB 2.71.140(B) (4) in its entirety;
- amending MSB 2.71.140(C) to strike the word "two years" and inserting in its place "one year;"
- amending MSB 2.71.140(D)(2) by striking the words "notify the Board Chairperson" and inserting in its place "notify the next available hearing officer for appointment as a chairperson" to read: (2)The Clerk shall notify the next available hearing officer for appointment as chairperson, who shall review the complaint and may request public background material associated with the complaint. The request for all information and the response shall be kept confidential;"
- amending MSB 2.71.140 (D) (3) by striking the words "members of the Board" and inserting in its place "the hearing officer and the respondent"

to read: (3)The clerk shall prepare a confidential file available only to the hearing officer and the respondent, which contains a copy of the complaint and associated documentation;”

- amending MSB 2.71.150 (A), by striking the word “Board” and inserting in its place the word “Hearing Officer” and striking the words “meet to” to read: (A) *Standard of Review*. The Hearing Officer shall review each complaint filed to determine whether it is;”
- amending MSB 2.71.150(B), by striking the word “Board” and inserting in its place “Hearing Officer;”
- amending MSB 2.71.150(C) to strike the word “Board” and inserting in its place “Hearing Officer” and to strike the word “motion” and inserting in its place “order;”
- by striking MSB 2.71.150(C)(2) in its entirety;
- amending MSB 2.71.150(D) by striking the word “Board” and inserting in its place “Hearing Officer” and to strike the word “motion” and inserting in its place “order;”
- amending MSB 2.71.160(A) and (B), by striking the word “Board” and inserting in its place “Hearing Officer” throughout the subsections;
- amending MSB 2.71.160(C), by striking the words “in consultation with the Board Chair, shall set a meeting for: and inserting in their place, “shall forward the information to the Hearing Officer who shall proceed in” to read: (C) Reception of Information. Within 20 days of receiving the requested information the Clerk shall forward the information to the Hearing Officer who shall proceed in determining probable cause;”
- amending MSB 2.71.160(D), by striking the words “in consultation with the Board Chair, shall set a meeting for” and inserting in their place the words “ shall forward the information to the Hearing Officer who shall proceed in” to read: “(D) Lack of Response from Respondent. If the 20 day limit for response has expired, and no response has been received from the respondent, the clerk, shall forward the information to the Hearing Officer who shall proceed in determining probable cause;”
- amending MSB 2.71.170(A), by striking the word “Board” and inserting in its place “Hearing Officer” and by striking the words “meet in closed adjudicatory session to”, by striking the word “to”, by striking the word “if” to read: “(A) The Hearing Officer shall consider all information gathered and determine whether or not there is probable cause to believe that a violation of this code has occurred;”
- amending MSB 2.71.170(C), by inserting the words “by the Hearing Officer”, after the word determined;
- by striking MSB 2.71.170(C)(1) and (D) in their entirety and by renumbering MSB 2.71.170(C)(2) to MSB 2.71.170 (C) (1);
- amending MSB 2.71.180(B)(2) by striking it in its entirety;
- amending MSB 2.71.180(B), by renumbering the remaining subsections accordingly after the deletion of (B)(2);

- amending MSB 2.71.180(C) in its entirety and renumbering subsection (D) to (C);
- by inserting a new MSB 2.71.190(A) to read: “(A) The Hearing Officer as the Chair of the Board, shall preside over the hearing and shall make all rulings on issues of procedure, process, continuances, form and conduct of the hearing and admissibility of evidence, etc. The remainder of the Board shall attend the entire hearing, but does not vote on any issue except the final decision” and re-alphabetizing the remaining sections;
- amending MSB 2.71.190 (F)(1), by inserting the word “chair” before the word “determines” to read: “(1) Any evidence not already part of the record that a party wants the Board to consider must be submitted to the Clerk's Office before or on the day written arguments are due. Written arguments and exhibits shall not be accepted after the deadline and before the hearing date unless the party requests and is granted leave by the Board chair to make a late filing. New evidence may be submitted at the time of hearing if the Board chair determines that the evidence was not discovered or could not have been obtained prior to the deadline for evidence submittal, or if the evidence is relevant and it is in the interest of justice that it be considered;”
- amending MSB 2.71.190, by inserting a new subsection (M) to read: “(M) The Chair may attend, assist and participate in all sessions of the Board but may not vote on the final decision;”
- amending MSB 2.71.210, by striking “two” and inserting “one” in its place;
- amending MSB2.71.230, by inserting the words “who shall sign an acknowledgement that they have received the training and understand the code” to read: (A) The Borough shall provide training to all persons covered by this code who shall sign an acknowledgement that they have received the training and understand the code;”
- amending MSB 2.71.120, by inserting a new (B) to read: “(B) The Mayor and Assemblymembers may request an opinion from the Borough Attorney relating to any situation which may give rise to the possibility of conflict of interest or other violation under this code. The Mayor or Assemblymember may also request the opinion be held in confidence” and by re-alphabetizing subsections (C) and (D) accordingly;
- amending MSB 2.71.120, by inserting a new (E) to read: “(E) Notwithstanding all other provisions of the Matanuska-Susitna Borough code, it is not a violation of the code, and the Board has no jurisdiction to hear any complaint alleging an elected official should not have voted or participated in an issue before the Borough Assembly where an elected official discloses a potential conflict of interest and the following procedure (or substantially similar) is followed:
 (1) the Mayor or an Assemblymember may declare a potential conflict and shall declare a substantial financial interest the member has in an official action and may ask to be excused from participating and voting on the matter;

- (2) the Mayor shall rule on a request by an Assemblymember to be excused;
- (3) the Deputy Mayor shall rule on a request by the Mayor to be excused;
- (4) the decision on a request to be excused may be overridden by four affirmative votes of the Assembly, except that the member to whom the ruling applies shall not vote on the question.” and
- amending MSB 2.71.220, by inserting a sentence between first and second sentence that reads: “However, the code shall be narrowly construed where it would limit or hinder an elected official’s right and duty to vote or otherwise participate on any issue before the elected body or in performing their duties as local legislators.”

Assemblymember Keogh:

- stated that he is opposed to adopting the proposed amendments as a whole;
- noted that he has amendments that he would like to make; and
- stated that he is not against postponement in order to come back with a more clear picture of what the body would like to do with the legislation.

Assemblymember Halter:

- stated that he is not against voting down or inserting other amendments;
- noted that he would like to see all of them into one document, as this would be less confusing for the Assembly as well as the public; and
- noted that it does not eliminate the Assembly from making changes to the amendments at a later date.

Assemblymember Ewing stated that he would like to see the amount for substantial financial interest amended.

Mr. Spiropoulos advised that substantial financial interest is not currently defined in code, but rather there is an amendment to define it as \$1,000.

MOTION: Assemblymember Ewing moved a secondary amendment to MSB 2.71.020 (D) (3), by striking “\$1,000” and inserting in its place “\$500.”

Assemblymember Arvin stated that he would like to see that amount reduced rather than increased.

WITHDRAWAL: Assemblymember Ewing moved to withdraw his secondary amendment.

There was no objection noted.

MOTION: Assemblymember Arvin moved a secondary amendment to MSB 2.71.020 (D) (3), by striking “\$200” and inserting in its place “\$25.”

Assemblymember Woods queried if the maker of the motion was confusing a gift amount with substantial financial interest.

Assemblymember Arvin stated that it is his intent to define substantial financial interest as \$25.

Assemblymember Colver:

- opined that the process is getting confusing;
- stated that all of the proposed amendments need to be entered into one document;
- noted that at the time the amendments are all in one document, the body could more easily be able to identify what they would like to do.

Assemblymember Arvin:

- stated that he does not have a problem with moving forward as suggested by Assemblymember Halter;
- opined that the will of the body was to plow into amendments this evening and that he is prepared to do so; and
- noted that the low dollar value in substantial financial interest would not preclude one from being able to participate in a vote, it would only require disclosure.

Discussion ensued regarding:

- whether or not \$25 is too low of a value for substantial financial interest;
- problems that could arise as a result of such a low value;
- what factors of membership in organizations could cause unintended conflicts with such a low value;
- that it may be more appropriate to separate the Assembly requirements from those of a general Borough employee; and
- that the low value proposed does not accurately reflect what is substantial.

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

VOTE: The motion passed without objection.

VOTE: The secondary amendment failed with Assemblymembers Arvin, Ewing, and Keogh in support.

MOTION: Assemblymember Keogh moved a secondary to MSB 2.71.020 (D) (3), by striking "\$1,000" and inserting in its place "\$200."

Assemblymember Colver:

- spoke to the code requirement of filing an Alaska Public Offices Commission Financial Disclosure statements;
- queried if the amendment is passed, that anything of value over \$25 would have to be reported;
- spoke to concerns with how employees would report requirements;
- opined that the amendments need to be compiled into one document; and

- requested an opinion of the Attorney.

Mr. Spiropoulos:

- noted that as code is now, Department heads file financial disclosure statements;
- noted that the code does apply to all Borough employees;
- stated that there would be a conflict if an employee took action and there was some benefit; and
- noted that the question is when does it become a substantial financial benefit.

Assemblymember Woods stated that he would like to see the secondary amendment withdrawn.

Assemblymember Halter reiterated that he would like to have all of the proposed amendments inserted into one document before any additional amendments are made.

Assemblymember Keogh:

- spoke to how long the legislation has been before the body;
- noted the large volumes of public testimony that has been received;
- opined that the body needs to move forward with the legislation.

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

VOTE: The motion to stop debate failed with Assemblymembers Keogh, Ewing, Arvin, and Woods in favor (requires five votes).

Discussion ensued regarding:

- where the language for the secondary amendment came from; and
- the dollar value for the secondary amendment.

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

Assemblymember Colver:

- reiterated that the amendments should all be included in one document in order to eliminate confusion; and
- spoke to how he would like to proceed by voting down amendments.

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

VOTE: The motion failed with Assemblymembers Arvin, Colver, Halter, and Woods in support (requires five votes).

MOTION: Assemblymember Keogh moved a secondary amendment to strike the amended title of "Ethics Review and Advisory Board" and to reinsert the existing name of "Ethics Board."

VOTE: The secondary amendment passed without objection.

MOTION: Assemblymember Keogh moved a secondary amendment to MSB 2.71.070(C)(2) by striking gift amount of “\$200” and inserting in its place “\$50.”

VOTE: The secondary amendment passed without objection.

MOTION: Assemblymember Ewing moved a secondary amendment MSB 2.71.225 by striking the filing fee amount of “\$1,000” and any reference to a filing fee throughout the legislation.

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment passed without objection.

Assemblymember Bettine requested that amendments be inserted into the legislation as bold and underlined the next time it comes before the body.

There was no objection noted.

Assemblymember Keogh stated that he would be proposing an amendment that would create an attorney advice resource panel.

Mayor DeVilbiss queried if new amendments would overlap any of the amendments just made to the legislation.

Mr. Spiropoulos stated that they would not.

MOTION: Assemblymember Keogh moved primary amendment to Ordinance Serial No. 11-022, by inserting a new MSB 2.71.045, “Establishing an Ethics Board Attorney Advice Resource Panel.”

Assemblymember Keogh noted that the intent of his amendment is to create a pool of attorney’s who would assist the Ethics Board on a pro bono basis.

Assemblymember Halter opined that the intent of the amendment is good.

Discussion ensued regarding the role of the resource panel.

Assemblymember Arvin:

- stated that the Borough should not assume that there are attorneys who would like to provide pro bono services regarding ethics complaints;
- further noted that the body has no way of knowing if an attorney would be willing to put their credentials on the line for something so serious as ethics on a pro bono basis; and

- stated that the Assembly needs to have work session with the Ethics Board.

Assemblymember Ewing:

- noted his agreement with Assemblymember Arvin;
- opined that the Assembly should include more involvement from Ethics Board;
- stated that the body requires more time to sort through the process; and
- requested that the members at the table remember to speak into their microphones.

Discussion ensued regarding:

- the workability of creating an attorney resource panel;
- the possibility of conducting a work session with the Ethics Board;
- whether or not respondents and complainants would have access to an attorney; and
- whether or not respondents would have the ability to use the pool of pro bono attorneys for representation.

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

MOTION: Assemblymember Ewing moved to postpone Ordinance Serial No. 11-022 to a time certain of November 1, 2011.

Assemblymember Bettine:

- stated that she would like to see this legislation through;
- noted that at the November 1 Assembly meeting, that there will be two newly elected members; and
- stated that she would like to see a secondary amendment to move to postpone the legislation to October 18.

MOTION: Assemblymember Bettine moved a primary amendment to strike “November 1” and inserting in its place “October 18.”

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

VOTE: The motion to postpone to November 1, 2011, failed with Assemblymembers Arvin, Woods, and Colver in support.

MOTION: Assemblymember Halter moved to postpone Ordinance Serial No. 11-022, to September 28, 2011 with a public hearing and to hold a work session on September 6, 2011, at 4 p.m.

Mr. Spiropoulos advised that he will not be available on September 6, 2011.

Discussion ensued regarding setting a work session and public hearing for Ordinance Serial No. 11-022.

MOTION: Assemblymember Colver moved a primary amendment to strike “September 28, 2011” and insert in its place “October 11, 2011,” for the public hearing.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Arvin moved a primary amendment to strike “September 6, 2011” and inserting in its place “September 29, 2011,” for the work session.

VOTE: The primary amendment passed without objection.

Assemblymember Keogh stated that he would like to include past Ethics Board members in the work session.

Discussion ensued regarding the possibility of including the Ethics Board in the Assembly work session.

MOTION: Assemblymember Keogh moved a primary amendment to include past Assembly members and past and current Ethics Board members in the work session.

Assemblymember Colver:

- noted his objection to the amendment;
- opined that it is up to the Chair to govern Assembly meetings; and
- stated that it could turn into a night of testimony only with no work being accomplished.

Assemblymember Ewing noted his agreement with Assemblymember Colver.

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

MOTION: Assemblymember Bettine moved a primary amendment to include current and past Ethics Board members in the work session and to change the time to 3 p.m.

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

VOTE: The motion to postpone to October 11, 2011, with a public hearing and hold a work session on September 29, 2011, at 4 p.m. passed without objection.

(The regular meeting recessed at 9:02 p.m. and reconvened at 9:09 p.m.)

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

a. IM No. 11-122

Mayor DeVilbiss opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 11-072 and to concerns with halting construction in the Borough: Mr. Tim Swezey, Mr. William Bruu, and Mr. Berkley Tilton.

The following person spoke to the Alaska State Department of Natural Resources review of Ordinance Serial No. 11-072: Mr. Marty Parsons, Department of Natural Resources Division Operations Manager.

The following persons spoke in opposition of Ordinance Serial No. 11-072 and to the importance of including the public in the process: Ms. Anne Winckler; Ms. Julie Starr; Ms. Sherri Rusher; and Ms. Linda Oxley, Willow Area Community Organization Chair.

The following person spoke to concerns with proposed Title 16, to concerns with identifying pioneer roads, to concerns with square footage for on-site septage, and the need to ensure alternatives: Mr. Marvin Yoder.

The following person spoke to concerns with Title 27, the proposed new Title 16, and to new road construction being cost prohibitive: Mr. Ed McCain.

The following person spoke in opposition to Ordinance Serial No. 11-072 and to concerns with recent drainage plans: Mr. David Cheezem.

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

VOTE: The motion passed without objection.

The following person spoke in opposition of Ordinance Serial No. 11-072 and to the possibility of amending Title 27 rather than repealing it: Mr. Marty Van Diest.

The following persons spoke to problematic experiences with subdividing personal property and the high cost associated with development under Title 27: Ms. Marion Sindorf, Mr. John Nystrom, and Ms. Sally Johnson.

The following persons spoke in opposition to Ordinance Serial No. 11-072: Ms. Janet Kincaid, Ms. Michelle Church, Mr. Murph O'Brien, Mr. Mark Mastellar, Mr. John Strassenburgh, Ms. Ruth Wood, and Mr. John Anderson,

The following person spoke in opposition to Title 27 and the need to conduct work sessions on subdivision code: Mr. Butch Moore.

The following person spoke to the possibility of combining Title 27 and the proposed Title 16: Mr. Jim Sykes.

The following person spoke to the need to ensure a separate subdivision development process for rural properties versus properties in the core area and to the fact that roads are built according to the Borough Subdivision Construction Manual: Mr. Pio Cottini.

MOTION: Assemblymember Colver moved to suspend the rules to extend the meeting past 11 p.m. and not to exceed 11:45 p.m.

VOTE: The motion passed without objection.

The following person spoke to the Borough Subdivision Construction Manual being the same now, as it was under Title 16 and to concerns with costs associated with Title 27: Mr. Harry Bates, Owner Bates Engineering.

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

MOTION: Assemblymember Colver moved to postpone Ordinance Serial No. 11-072 to a time certain of September 29, 2011, at 6 p.m.

Assemblymember Colver:

- related that he has been through this process before;
- opined that continuing the legislation would ensure a balanced product; and
- stated that he wants to take into consideration all of the testimony provided by the public.

Assemblymember Bettine:

- stated that she is in support of postponement; and
- queried if the Assembly would consider discussing what they would like to see occur at the next meeting.

Mayor DeVilbiss reminded the body that the motion on the floor is for postponement.

Assemblymember Halter:

- opined that the body requires several work sessions on the subject; and
- further added that a side-by-side comparison would be beneficial.

Assemblymember Bettine:

- stated that she would like to see it be a special meeting rather than a work session;
- noted that the most important thing for the Assembly to decide is what items within the legislation are not working; and
- spoke to the hard work of the Platting Board and the Planning Commission.

Assemblymember Ewing:

- spoke to the large volume of public testimony that has been received;
- opined that additional amendments could be made at a later date;
- spoke to concerns with development being at a standstill; and
- opined that Title 27 and the proposed Title 16 should be combined.

Assemblymember Keogh spoke in opposition to postponement.

Assemblymember Colver:

- opined that postponement would be more productive for the body;
- noted that staff could be present to answer questions;
- stated that the body should go through the legislation page by page; and
- noted that the many versions are confusing to the body as well as the public.

Discussion ensued regarding:

- postponement; and
- that if the legislation is postponed, does the body want a work session or a special meeting.

VOTE: The motion to postpone passed without objection.

3. Ordinance Serial No. 11-073: AN ORDINANCE AMENDING MSB 17.02, MANDATORY LAND USE PERMIT. *(Sponsored by Assemblymember Colver)*
 - a. IM No. 11-123

Mayor DeVilbiss opened the public hearing.

The following persons spoke to concerns with Ordinance Serial No. 11-073 and to the need to make the permitting process available online: Mr. Butch Moore and Mr. Berkeley Tilton.

The following person spoke in support of Ordinance Serial No. 11-073: Ms. Michelle Church.

The following persons spoke in support of Ordinance Serial No. 11-073 and to concerns with small lot exemptions: Ms. Ruth Wood and Mr. John Strassenburgh.

The following person spoke to concerns with making the permitting process available online: Mr. David Cheezem.

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. 11-073.

MOTION: Assemblymember Colver moved to postpone Ordinance Serial No. 11-073 to a time certain of November 3, 2011.

VOTE: The motion passed without objection.

4. Ordinance Serial No. 11-106: AN ORDINANCE AMENDING MSB 17.29.160, GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION. *(Sponsored by Assemblymember Colver)*

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. 11-106.

MOTION: Assemblymember Colver moved to postpone Ordinance Serial No. 11-106 to a time certain of November 3, 2011.

Assemblymember Colver stated that there is some work to be done on this ordinance and it would be beneficial for the body to postpone the legislation.

VOTE: The motion passed without objection.

5. Ordinance Serial No. 11-100: AN ORDINANCE ACCEPTING AND APPROPRIATING \$270,000 FROM THE KNIK ARM BRIDGE AND TOLL AUTHORITY TO FUND 480, PROJECT NO. 47023, FOR IMPLEMENTING MEASURES TO FACILITATE A CONSOLIDATED PERMITTING PROCESS FOR THE MATANUSKA-SUSITNA BOROUGH.
 - a. Resolution Serial No. 11-101: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR IMPLEMENTING MEASURES TO FACILITATE A CONSOLIDATED PERMITTING PROCESS FOR THE MATANUSKA-SUSITNA BOROUGH.
 - (1) IM No. 11-139

Mayor DeVilbiss opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 11-100 and Resolution Serial No. 11-101: Mr. Andrew Niemiec, Executive Director of Knik Arm Bridge and Toll Authority; Ms. Janet Kincaid, Knik Arm and Bridge Toll Authority Board Member; and Ms. Edri Vinson.

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

MOTION: Assemblymember Bettine moved to adopt Ordinance Serial No. 11-100 and Resolution Serial No. 11-101.

Assemblymember Bettine stated that she had numerous questions for staff and would move for postponement in order to have time to get them answered.

MOTION: Assemblymember Bettine moved to postpone Ordinance Serial No. 11-100 and Resolution Serial No. 11-101 to a time certain of August 30, 2011.

Assemblymember Colver:

- spoke to concerns with the Permit Center taking over constructions permits;
- opined that they are better handled by Public Works; and
- stated that he does not oppose postponement.

VOTE: The motion to postpone passed without objection.

MOTION: Assemblymember Colver moved to suspend the rules to extend the meeting past 11:45 p.m. and not to exceed 12 a.m.

VOTE: The motion passed without objection.

6. Ordinance Serial No. 11-101: AN ORDINANCE AMENDING MSB 4.32.010, EMERGENCY MEDICAL SERVICES BOARD, ESTABLISHED; AND MSB 4.32.030, EMERGENCY MEDICAL SERVICES BOARD POWERS AND DUTIES.
 - a. IM No. 11-142

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 Woods moved to adopt Ordinance Serial No. 11-101.

VOTE: The motion passed without objection.

7. Ordinance Serial No. 11-102: AN ORDINANCE ACCEPTING AND APPROPRIATING \$313,509 FROM THE ALASKA STATE DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO FUND 475, PROJECT NO. 20383, FOR THE HUMAN SERVICES COMMUNITY MATCHING GRANT.
 - a. Resolution Serial No. 11-102: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PARTICIPATION IN THE HUMAN SERVICES COMMUNITY MATCHING GRANT PROGRAM.
 - (1) IM No. 11-155

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 Woods moved to adopt Ordinance Serial No. 11-102 and Resolution Serial No. 11-102.

Assemblymember Woods queried the scope of work.

Mr. Moosey:

- stated that this is the matching grant that was received from the State;
- noted that there had been a lot of public testimony regarding the grants; and
- queried if there was a detailed list outlining what organizations would be receiving funds.

Ms. Nelson:

- stated that the recipients have yet to be decided;
- noted that this decision is made by the Assembly later on;
- related that the Health and Social Services Board reviews all the applications and makes recommendations as to who should receive funds; and
- related that it is based on critical services, such as food and shelter.

Discussion ensued regarding:

- the large volume of public testimony received at the budget public hearings regarding the matching grants;
- where any remaining funds would be allocated to; and
- how funds could be carried forward for matching funds.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

(There was no one present who wished to testify.)

XI. RECONSIDERATION

(There were no reconsiderations presented.)

XII. EXECUTIVE SESSION

[Clerk's note: The executive session from the 4 p.m. meeting was not resumed.]

Discussion ensued regarding what date to continue the executive session to.

MOTION: Assemblymember Arvin moved to continue the executive session for the purpose of continuing the Manager's evaluation to a time certain of September 20, 2011, at 4:30 p.m.

Assemblymember Keogh opined that the executive session could be completed within 10 minutes.

Assemblymember Arvin noted that he had many questions and would like to be able to ask them in person, as he will be back in town by September 20.

Assemblymember Bettine noted that she is in support of the date.

VOTE: The motion passed without objection.

XIII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Assemblymember Halter:

- spoke to concerns with the large volume of public hearings on the agenda; and
- opined that they need to be scheduled better.

Mayor DeVilbiss noted that it was the body who scheduled the large public hearing topics this evening.

Assemblymember Bettine:

- thanked Mr. Patrick Johnson for his service on the Planning Commission;
- stated that she is sad to see him go;
- requested that a letter be sent to the Platting Board and the Board of Ethics thanking them for their hard work; and
- opined that would show that the work of the boards is appreciated.

Mayor DeVilbiss stated that he could do a proclamation should the Assembly decide that is something they would like to do.

Mr. Spiropoulos advised that the amendments have been inserted into Ordinance Serial No. 11-022 and would be provided to the body by tomorrow morning.

Assemblymember Arvin:

- stated that he is worried that the body is taking up legislation that is trying to over legislate people;
- spoke to the many pieces of legislation that were on the agenda that were code ordinances;
- opined that some things are civil issues and that the government should not be involved; and
- cautioned the body to be wary of that concern.

Assemblymember Woods opined that work sessions would be in order to receive more comments, as three minutes is insufficient.

Assemblymember Bettine:

- spoke to the prior process in drafting MSB Title 27;
- noted that a lot of comment can be received by members outside Assembly meetings; and
- related that comments have been made by the public that some people are being excluded.

Mayor DeVilbiss stated that he will attend the preliminary meeting with bidders that the Knik Arm and Bridget Toll Authority is sponsoring.

Assemblymember Arvin requested that the Mayor report back to the Assembly regarding that meeting.

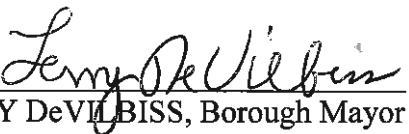
Assemblymember Ewing:

- thanked the body for excusing him from the meeting, as he is not feeling well; and
- stated that he enjoyed the meeting and the lively debate.

Assemblymember Keogh requested an updated meeting schedule by tomorrow.

XIV. ADJOURNMENT

The regular meeting adjourned at 12 a.m.


LARRY DeVILBISS, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 09/20/11