

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on August 20, 2013, at the Borough School District Administration Building, 501 N. Gulkana Street, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Larry DeVilbiss.

II. ROLL CALL

Assembly members present and establishing a quorum were:

Mr. Warren Keogh, Assembly District No. 1
Mr. Noel Woods, Assembly District No. 2
Mr. Ronald Arvin, Assembly District No. 3 (*Deputy Mayor*)
Mr. Steve Colligan, Assembly District No. 4
Mr. Darcie K. Salmon, Assembly District No. 5
Mr. Jim Colver, Assembly District No. 6 (*entered telephonically at 6:22 p.m.*)
Mr. Vern Halter, Assembly District No. 7

Staff in attendance were:

Ms. Lonnie R. McKechnie, Borough Clerk
Mr. John Moosey, Borough Manager
Mr. George Hays, Assistant Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Brenda J. Henry, Assistant Clerk
Ms. Tammy Clayton, Finance Director (*attended telephonically*)
Ms. Elizabeth Hartley, Comptroller
Mr. James Jenson, Public Works Operations and Maintenance Division Manager
Ms. Eileen Probasco, Planning and Land Use Director
Mr. Dennis Brodigan, Emergency Services Director
Ms. Patty Sullivan, Public Affairs Director
Mr. Eric Phillips, Community Development Director
Ms. Hilary Schwaderer, Administrative Secretary I
Ms. Joell Church, Records Management Officer
Ms. Frankie Barker, Environmental Planner II
Ms. Nancy Cameron, Land Management Agent
Mr. Emerson Krueger, Planner II
Mr. Marc VanDongen, Port Director

III. APPROVAL OF AGENDA

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

Mr. Moosey

- requested to strike Resolution Serial No. 13-096 and AM No. 13-123, completely from the agenda; and
- related that the two pieces are travelling together.

Assemblymember Arvin objected to striking AM No. 13-123.

Ms. McKechnie:

- advised that per the Finance Director, if Resolution Serial No. 13-096 does not pass, then AM No. 13-123 cannot either, as the two pieces relate to the same project; and
- stated that it may be possible to strike funds from AM No. 13-123, but that she would defer to the Manager on that.

Mr. Moosey:

- related that he determined that the funds could be not removed from the project due to the way it was bid; and
- advised that it would need to be re-bid.

Assemblymember Keogh:

- requested to strike Resolution Serial No. 13-057 completely from the agenda, as it is redundant and unnecessary; and
- advised that legislation is now coming forward in the form of an ordinance, which is Ordinance Serial No. 13-097.

Mayor DeVilbiss queried if there was any objection.

There was no objection noted.

Assemblymember Halter objected to striking AM No. 13-123 completely from the agenda.

Mayor DeVilbiss requested a vote be taken regarding striking AM No. 13-123.

VOTE: The request to strike AM No. 13-123 failed without objection and the legislation remained on the agenda.

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chief James Steele, District 1 Chief.

V. MINUTES OF PRECEDING MEETINGS

- A. Special Assembly Meeting: 08/01/13
- B. Special Assembly Meeting: 08/06/13
- C. Regular Assembly Meeting: 08/06/13

Mayor DeVilbiss inquired if there were any corrections to the special meeting minutes of August 1, 2013, or August 6, 2013, or the regular meeting minutes of August 6, 2013.

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

(There were no reports provided.)

2. Matanuska-Susitna Borough School District

(There was no report provided.)

3. Mat-Su Trails and Parks Foundation

Ms. Lynne Woods and Ms. Shelly Wade, Mat-Su Trails and Parks Foundation, provided a presentation on the trails and parks master plan.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

(There was no report provided.)

2. Assembly Public Relations

Assemblymember Arvin:

- spoke to the ground breaking ceremony for the South Denali Visitor Center;
- noted the Legislators and others who were in attendance;
- related that it was discussed how Denali National Park and Denali State Park would work together for the remainder of the project; and
- stated that it was a very significant event that he enjoyed very much.

Mayor DeVilbiss noted that the Sea Lion Corporation donated quite a bit of land for the road access.

Assemblymember Arvin stated that is probably the most important component of the development of the project.

C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues

Mr. Moosey:

- stated that tomorrow he would be going to Joint Base Elemendorf Richardson to meet with State Emergency Management;
- advised that the Borough has received a \$30,000 planning grant for an Emergency Operations Center (EOC); and
- noted that the meeting will be the beginning of the discussion regarding the EOC.

3. Wolf Architecture – Update on Knik Middle and High School Design

Mr. Gary Wolf of Wolf Architecture provided an update regarding the Knik Middle and High Schools Design.

Mayor DeVilbiss queried who issues the fire permits.

Mr. Wolf advised that it is Mr. Rich Boothby, who is the Fire Code Official.

Assemblymember Halter queried if the access road would be adequate.

Mr. Wolf advised that Dagg Road is the current access road and that it would be sufficient.

Discussion ensued regarding:

- that utilities for the site are a challenge;
- concerns that the current road would not be adequate for long term access;
- how the topography impacts development of the site;
- the desire to ensure a safe access route for school buses;
- that future phases for the high school will include an additional access route; and
- what is included in the cost for the dirt work.

4. M/V Susitna – Ferry

Mr. Moosey:

- spoke to the options laid out in the handout provided to the Assembly;
- summarized the options that are currently available;
- spoke to the costs associated with dry docking the ferry;
- spoke to three offers that have been presented, but that they are much lower than \$6,000,000;
- spoke to concerns with the liability to the Federal Transportation Administration; and
- noted the number of meetings that have been conducted in order to find a solution acceptable to the Assembly.

Assemblymember Colligan:

- noted that he has been a proponent of finding a solution as soon as possible;
- stated that he has no interest in the Borough retaining ownership of the ferry;
- opined that no one is interested in the Borough operating a ferry; and
- queried the plan for dry docking the ferry.

Mr. Moosey stated that if the body decides to dry dock the ferry that it needs to happen soon.

Discussion ensue regarding:

- how fast dry docking the ferry could occur;
- that the decision to dry dock needs to occur before mid September;
- the two highest tides that would assist in dry docking the ferry;
- the costs associated with bringing the ferry to Port MacKenzie;
- what would be included in the costs of dry docking the ferry;
- costs that could be associated with recommissioning the ferry for use post dry docking;
- the possibility of different options for the dry docking cradle;
- whether or not there are current legitimate offers;
- the possibility of partnering with someone in the future for ferry operation;
- concerns whether or not the offers are genuine and if the entities have done their due diligence;
- that two of the entities that provided offers have physically examined the ferry;
- concerns that the offers could be withdrawn at any moment; and
- the desire to make a decision regarding the ferry soon.

MOTION: Assemblymember Colligan moved to direct the Manager to seek a buyer who will provide a \$500,000 non-refundable deposit within 1 week, and if no offer is made, to move forward with dry docking the ferry.

Assemblymember Keogh:

- opined that there are options that are not viable;
- spoke to concerns with the costs associated with dry docking the ferry; and
- queried the likelihood of damage to the ferry by dry docking it and if there is insurance to cover any damage that may occur during dry docking.

Mr. Moosey:

- noted that there is some risk but that he is confident that the information provided regarding dry docking is reliable; and
- stated that he assumes that insurance would cover any damage but that he is not sure.

Ms. Clayton:

- advised that the discussion a couple of years ago was regarding beaching the ferry;
- related that there was no insurance if the ferry was to be beached, as that option had many unknown risks; and
- stated that if the ferry is properly dry docked, such as in a cradle, that it would be covered.

Mayor DeVilbiss queried if the insurance company had been advised about the current dry docking plans.

Ms. Clayton stated that they had not, as that has not been decided upon as an option.

Mr. Salmon:

- stated that he cannot conceive of anyone who would provide a non-refundable \$500,000 deposit;
- opined that there is no such thing as non-refundable; and
- noted that he would be very suspicious if someone offered that large of a sum of money in such a short time.

Discussion ensued regarding:

- that there may be an advantage to bringing the ferry to the Borough to sell it, as it would be more visible; and
- concerns with the extremely low offers in conjunction with the cost of the vessel.

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

VOTE: The motion passed without objection.

VOTE: The main motion failed unanimously.

MOTION: Assemblymember Arvin moved to direct the Manager to continue negotiations with Cruz Construction to dry dock the vessel.

VOTE: The motion passed with Assemblymembers Woods and Keogh opposed.

(The meeting recessed at 7:20 p.m. and reconvened at 7:30 p.m.)

(Assemblymember Colver was not on the teleconference when the meeting reconvened.)

D. ATTORNEY COMMENTS

Mr. Spiropoulos:

- advised that oral arguments regarding the rail extension law suit were last week;
- stated that there is no timeframe in which the opinion will be issued; and
- noted that he would advise the Assembly regarding the opinion as soon as it is available.

E. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule;
- stated that if there is anything the body would like to have added to the Joint Assembly/Tri Cities meeting agenda to please have it to her by August 23; and
- queried if the body would like discussion regarding the ferry added to the September 5 agenda.

Mr. Moosey stated that he would like to have it included.

There was no objection noted.

Ms. McKechnie:

- noted that the election brochure is attached to the Clerk's report; and
- queried if there were any comments or suggestions.

There were no comments noted.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Emergency Medical Services Board: 04/03/13
 - b. Greater Palmer Consolidated FSA Board of Supervisors: 01/15/13
 - c. Greater Talkeetna RSA Board of Supervisors: 03/14/13
 - d. Parks, Recreation, and Trails Advisory Board: 05/20/13
 - e. Planning Commission: 05/06/13, 05/20/13, Resolution Serial Nos. 13-16, 13-20, 13-23, 13-26, 13-28
 - f. Talkeetna Sewer and Water Advisory Board: 06/05/13, 06/19/13
 - g. Transportation Advisory Board: 05/22/13
2. Community Council Minutes:
- a. Chase Community Council: 01/17/13

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

G. INFORMATIONAL MEMORANDUMS

1. **IM No. 13-197:** Grant Agreement With The Valley Community For Recycling Solutions In The Amount Of \$75,000 For Fiscal Year 2014.
2. **IM No. 13-201:** Notification Of Certification Of 2013 Regular Real Property, Personal Property, Oil And Gas Properties, Exempted Properties, And Board Of Equalization Actions.

3. **IM No. 13-203:** An Informational Memorandum (Revisor Of Ordinance) Regarding A Revision To The Total Amount Being Bonded As Approved In Ordinance Serial No. 13-107, Fifty Percent State Match Borough Transportation System Bonds.

The informational memorandums were presented and no comments were noted.

VII. UNFINISHED BUSINESS

(There was no unfinished business.)

VIII. VETO

- A. **Ordinance Serial No. 13-106:** An Ordinance Authorizing The Borough To Cause To Be Executed And Delivered And To Sell Not To Exceed \$9,250,000 Public Safety Building Lease Certificates Of Participation, 2013; Authorizing The Execution And Delivery Of A Lease, A Lease Purchase Agreement And Trust Indenture, And A Deed Of Trust To Secure The Certificates; Authorizing The Execution Of A Certificate Purchase Agreement; And Providing For Related Matters. *(Veto filed by Mayor DeVilbiss August 9, 2013)*
 1. IM No. 13-176

CONFLICT OF INTEREST: Assemblymember Keogh declared a conflict of interest as his son is an Emergency Medical Services trainer.

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

(Assemblymember Keogh exited the meeting.)

MOTION: Assemblymember Arvin moved to override the mayoral veto of Ordinance Serial No. 13-106.

Assemblymember Arvin:

- noted that there were work sessions conducted regarding the need for a public safety building near the hospital;
- stated that it is an essential service that the population expects their government to provide;
- opined that it is a complicated issue due to the areawide and non-areawide split for the funding for the geo-bond;
- stated that he does not support certificates of purchase for anything other than essential services;
- stated that he supports emergency services infrastructure; and
- requested Assembly support of the motion to override the mayoral veto.

Assembly Colligan:

- stated that the primary need is to have a large ladder truck near the hospital for Insurance Services Offices, Inc. rating;

- noted that he understands the Mayor’s concerns, but that it is the responsibility of the government to fund essential services; and
- requested Assembly support to override the veto.

Assemblymember Halter stated that he understands the reasons behind the veto, but he will be voting to override it.

VOTE: The motion to override the mayoral veto passed without objection.

(Assemblymember Keogh re-entered the meeting.)

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.)

Mayor DeVilbiss queried if there was any objection to taking up Ordinance Serial Nos. 13-091, 13-093, and 13-094 together.

There was no objection noted.

1. **Ordinance Serial No. 13-091:** An Ordinance Creating Circle View Area Natural Gas Local Improvement District No. 497, Approving The Improvement Plan For The District, Authorizing The Manager To Proceed With The Improvement, And Assessing Equally Among The Properties Within The District The Costs Of The Improvement.
 - a. IM No. 13-156
3. **Ordinance Serial No. 13-093:** An Ordinance Creating East Coles Road And East Schwald Road Natural Gas Local Improvement District No. 500, Approving The Improvement Plan For The District, Authorizing The Manager To Proceed With The Improvement, And Assessing Equally Among The Properties Within The District The Costs Of The Improvement.
 - a. IM No. 13-160
4. **Ordinance Serial No. 13-094:** An Ordinance Creating Portion Of Greensward Subdivision Natural Gas Local Improvement District No. 514, Approving The Improvement Plan For The District, Authorizing The Manager To Proceed With The Improvement, And Assessing Equally Among The Properties Within The District The Costs Of The Improvement.
 - a. IM No. 13-161

Ms. Hartley provided a staff report.

Mayor DeVilbiss opened the public hearing.

The following person spoke in opposition to Ordinance Serial No. 13-093: Mr. Larry Todd.

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

MOTION: Assemblymember Arvin moved to adopt Ordinance Serial Nos. 13-091, 13-093, and 13-094.

VOTE: The motion failed without objection.

(Assemblymember Colver re-entered the meeting telephonically at this time.)

2. **Ordinance Serial No. 13-092:** An Ordinance Creating West Klutina Natural Gas Local Improvement District No. 511, Approving The Improvement Plan For The District, Authorizing The Manager To Proceed With The Improvement, And Assessing Equally Among The Properties With The District The Costs Of The Improvement.
 - a. IM No. 13-157

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Salmon moved to adopt Ordinance Serial No. 13-092.

VOTE: The motion passed without objection.

5. **Ordinance Serial No. 13-097:** An Ordinance Amending The Subdivision Construction Manual To Establish Standards For The Design And Construction Of Anadromous Waterbody Crossings.
 - a. ~~**Resolution Serial No. 13-057:** A Resolution Amending The Subdivision Construction Manual To Establish Standards For The Design And Construction Of Anadromous Waterbody Crossings. *(Sponsored by Assemblymember Keogh)*~~
 - (1) ~~IM No. 13-083~~
 - (2) IM No. 13-164

(Resolution Serial No. 13-057 and IM No. 13-083 were pulled from the agenda at approval of the agenda and no action was taken.)

Assemblymember Keogh requested a staff report.

Ms. Barker provided a staff report.

Mayor DeVilbiss queried the reason that the Platting Board was opposed.

Ms. Barker:

- stated that she thought that it was due to misinformation and the lack of time to provide the updated information;
- noted that the Platting Board was under the impression that this was a duplicative effort in permitting, due to the differences in the State and Borough permitting processes; and
- advised that this would be a parallel but complimentary process.

Assemblymember Keogh

- spoke to the number of Borough boards that did support the legislation; and
- queried if there was a common denominator of those that were in support.

Ms. Barker stated that the common denominator was in support of taking a proactive effort to improve fish passage.

Discussion ensued regarding:

- the need to understand the cost of implementing the process;
- the need to continue to improve fish passage;
- the number of culverts that currently need to be replaced;
- training that will be provided by the United States Fish and Wildlife Commission; and
- that new or upgraded roads will be impacted by the legislation.

Mayor DeVilbiss opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 13-097: Mr. Larry Engle, Matanuska-Susitna Borough Fish and Wildlife Commission member; and Mr. Bill Rice, United States Fish and Wildlife Fish Passage Engineer.

The following person spoke to concerns with the timeframe of the Subdivision Construction Manual being updated: Mr. Garvin Bucaria.

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

MOTION: Assemblymember Keogh moved to adopt Ordinance Serial No. 13-097.

Assemblymember Keogh spoke in support of the legislation.

VOTE: The motion passed without objection.

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

Mayor DeVilbiss opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 13-109: Ms. Mary Shreves; Mr. Ed McCain; and Mr. John Anderson, Willow Planning Team Vice-Chair.

The following person spoke to overall concerns with comprehensive plans and the Point MacKenzie Townsite: Mr. Garvan Bucaria.

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

MOTION: Assemblymember Halter moved to adopt Ordinance Serial No. 13-109.

Assemblymember Halter:

- thanked those who provided testimony this evening;
- noted that the Planning Commission voted unanimously in favor of the legislation;
- spoke in support of comprehensive plans; and
- requested support of the legislation.

VOTE: The motion passed without objection.

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

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Arvin moved to adopt Ordinance Serial No. 13-110 and Resolution Serial No. 13-089.

VOTE: The motion passed without objection.

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

Mayor DeVilbiss opened the public hearing.

The following person spoke to concerns with Cottonwood Creek at the Parks Highway crossing:
Mr. Garvan Bucaria.

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

MOTION: Assemblymember Arvin moved to adopt Ordinance Serial No. 13-111 and Resolution Serial No. 13-090.

Assemblymember Keogh:

- spoke in support of the legislation;
- thanked the United States Fish and Wildlife Service for assisting the Borough with improving fish passage;
- spoke to concerns that due to federal budget matters, that funds may not be available in the future; and
- requested support of the legislation.

VOTE: The motion passed without objection.

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

Mayor DeVilbiss opened the public hearing.

The following person spoke to concerns with the area to be developed for the proposed Point MacKenzie Townsite and to concerns with the rail extension being developed in agricultural areas: Mr. Garvan Bucaria.

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. 13-112 and Resolution Serial No. 13-091.

VOTE: The motion passed without objection.

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

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 13-113 and Resolution Serial No. 13-092.

Assemblymember Arvin queried what the diversion rate to-date is.

Mr. Moosey stated that he would report back as he does not have that information before him.

MOTION: Assemblymember Arvin moved to postpone Ordinance Serial No. 13-113 and Resolution Serial No. 13-092, to a time certain of September 17, 2013.

Assemblymember Salmon spoke in opposition to postponing the legislation as this is accepting grant funds.

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

VOTE: The main motion passed without objection.

11. **Ordinance Serial No. 13-114:** An Ordinance Accepting And Appropriating \$337,186 From The Alaska State Department Of Health And Social Services, To Fund 475, Project No. 20387, For The Human Services Community Matching Grant.
 - a. **Resolution Serial No. 13-093:** A Resolution Approving The Scope Of Work And Budget For Participation In The Human Services Community Matching Grant Program.
 - (1) IM No. 13-187

Mayor DeVilbiss opened the public hearing.

The following person spoke in support of Ordinance Serial No. 13-114: Ms. Robin Minard, Mat-Su Health Foundation Director of Public Affairs.

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

MOTION: Assemblymember Arvin moved to adopt Ordinance Serial No. 13-114 and Resolution Serial No. 13-093.

VOTE: The motion passed without objection.

12. **Ordinance Serial No. 13-116:** An Ordinance Adopting MSB 2.12.015, Reapportionment Of Assembly Districts. (*Sponsored by Assemblymember Colligan*)
- a. IM No. 13-191

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Colligan moved to adopt Ordinance Serial No. 13-116.

Assemblymember Colligan:

- noted that by the Borough not waiting until the State Redistricting Board is done, that numerous voting precincts are split;
- opined that the color coded ballot process is problematic;
- stated that the legislation would make it easier for the next Assembly to move forward in the process;
- noted that there are split boundaries that are currently being looked at; and
- requested support of the legislation.

Assemblymember Keogh queried if the intent is to move forward after the State Redistricting Board has adopted the first plan or the final plan.

Ms. McKechnie:

- stated that the Assembly has two months after the first plan is adopted to declare whether or not assembly districts are malapportioned; and
- noted that the word final could be stricken if that is something the body chooses to do.

Assemblymember Keogh queried if the legislation is adopted, if it would make it easier for the Clerk's Office during election season.

Ms. McKechnie:

- affirmed the query; and
- noted that it would also make it more simple for election officials as well as the public.

MOTION: Assemblymember Keogh moved a primary amendment to Ordinance Serial No. 13-116, MSB 2.12.015(A) by striking the word "final" after the words "adoption of the" to read: "(A) Not later than two months after adoption of the State redistricting plan, under Article VI, Section 10 of the Constitution of the state of Alaska, the Assembly shall determine and declare by resolution whether or not it is malapportioned."

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

13. **Ordinance Serial No. 13-117:** An Ordinance Amending MSB 4.32.010(B), Establishment, To Modify The Membership Of The Emergency Medical Services Board.
(Sponsored by Assemblymember Halter)
- a. IM No. 13-196

Mayor DeVilbiss opened the public hearing.

The following person spoke in opposition to Ordinance Serial No. 13-117: Ms. Mia Mangione, Emergency Medical Services Board Chair.

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

MOTION: Assemblymember Halter moved to adopt Ordinance Serial No. 13-117.

Assemblymember Halter:

- stated that he is the one who brought the legislation forward;
- opined that the change in the membership is to ensure a full board and that it is not problematic to include the city of Houston; and
- requested support of the legislation.

VOTE: The motion passed without objection.

(The meeting recessed at 8:46 p.m. and reconvened at 8:56 p.m.)

C. AUDIENCE PARTICIPATION (Three minutes per person.)

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

The following person spoke to concerns with the current Central Landfill Maintenance Contract: Mr. Mokie Tew.

The following person spoke to concerns with how Borough contracts are awarded: Mr. Thomas Kellar.

The following person spoke to concerns with the proposed Point MacKenzie Town Site and in opposition to Resolution Serial No. 13-094: Mr. Garvan Bucaria.

The following person spoke to concerns with the construction that occurred on Windy Bottom Road, Little Rain Road, and West Little Rain Road: Ms. Darla Evans.

D. CONSENT AGENDA

Mayor DeVilbiss queried if there were any changes to the consent agenda.

Assemblymember Keogh requested to pull Resolution Serial No. 13-094 and AM No. 13-117 for further discussion.

1. RESOLUTIONS

b. **Resolution Serial No. 13-095:** A Resolution Approving The Financial Responsibility For The M/V Susitna For August And September 2013.

(1) IM No. 13-192

~~e. **Resolution Serial No. 13-096:** A Resolution Approving The Amended Budgets For Funds In The Amount Of \$750,000 To Be Transferred From The Big Lake And South Big Lake Road Intersection Project, Project No. 35404, To The Caswell Lakes Road Upgrades Project, Project No. 35408.~~

~~(1) IM No. 13-204~~

2. ACTION MEMORANDUMS

a. **AM No. 13-116:** Authorization To Purchase From Bering Marine Corporation Up To \$259,650 Worth Of Calcium Chloride.

c. **AM No. 13-118:** Vacation Of The 15-Foot Wide Existing Road And The 10-Foot Wide Pedestrian Easement As Shown On Plat No. 73-14, Located Within Lots 5 And 6, Block 1, Sunset Hills Estates Subdivision, Located In Section 14, Township 18 North, Range 2 West, Seward Meridian.

d. **AM No. 13-119:** Acceptance Of Late Filed And Retroactive Senior Citizen And Disabled Veteran Exemption Applications.

e. **AM No. 13-120:** Vacation Of Any Public Rights-Of-Way That May Lie Within The Northeast 1/4 Southwest 1/4, Section 9, Township 17 North, Range 2 East, Seward Meridian.

f. **AM No. 13-121:** Approving The Mayor's Signature On The Mat-Su Senior Services Task Force Resolution In Support Of State Funding For The State Designated Aging And Disability Resource Center Serving The Matanuska-Susitna Borough.

g. **AM No. 13-122:** Authorization To Amend The Award Of Solicitation No. 13-062B To Pierce Manufacturing, Inc. In The Amount Of \$759,564 To Purchase An Additional Triple Combination Pumper Tanker.

- i. **AM No. 13-124:** Award Of Proposal No. 13-128P To Lounsbury And Associates, Inc. In The Contract Amount Of \$607,512 For Vine Road Upgrade And Pathway Construction Design.
- j. **AM No. 13-126:** Approval Of Election Officials For The October 1, 2013, Regular Election.

Ms. McKechnie read the above legislation into the record.

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

VOTE: The motion passed without objection.

- a. **Resolution Serial No. 13-094:** A Resolution Approving The Scope Of Work And Budget For The Knik Arm Bridge and Toll Authority Demographics Study And The Point MacKenzie Town Site.

(1) IM No. 13-184

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

Assemblymember Keogh queried how closely the soil and water issues have been studied in the area of the proposed town site.

Mr. Moosey

- noted that this is to set the beginning phases into motion;
- related that soil and water studies would eventually be done to determine the best place that a town site should be situated;
- stated that the study is regarding demographics and how the site would work if at all; and
- reiterated that this is only the beginning of the process.

Assemblymember Keogh spoke to concerns that the public may think that a site has already been selected.

VOTE: The motion passed without objection.

- b. **AM No. 13-117:** Award Of Bid No. 14-018B To Alaska Construction And Paving, Inc. In The Contract Amount Not To Exceed \$1,276,221 Per Year For The Annual Maintenance And Operation Of The Central Landfill.

MOTION: Assemblymember Keogh moved to adopt AM No. 13-117.

Assemblymember Keogh queried why the equipment production dates were changed for the new contract.

Mr. Moosey advised that there has been an appeal filed regarding the award of the contract.

Mr. Jenson stated that the change in production dates was to ensure the best compaction and use of the cell, as well as due to the harsh environment that the equipment works in.

Assemblymember Colligan queried whether or not all bidders are evaluated on the same criteria.

Mr. Jenson affirmed the query.

VOTE: The motion passed without objection.

h. **AM No. 13-123:** Award Of Bid No. 14-016B To Western Construction And Equipment, LLC. In The Contract Amount Of \$2,180,753.10 For Caswell Lakes Road Upgrade.

MOTION: Assemblymember Halter moved to adopt AM No. 13-123.

Assemblymember Halter:

- noted that the Manager had requested to pull the legislation due to the discrepancy in the amount of funds needed for the project and those that are currently available; and
- spoke to concerns with a project that is not meeting expectations.

Mayor DeVilbiss queried if the legislation could be amended to change the amount.

Mr. Moosey:

- stated that it is his understanding that there is a base bid and two alternatives; and
- noted that the proper funding is not available, so that it was decided that it could not be put out to bid.

Mr. Jenson:

- advised that it was put out as a base bid with three added alternatives;
- stated that due to the lack of sufficient funds, that staff decided to not go with added alternative no. 3, which was paving the road; and
- noted that due to not having sufficient funding to cover the base bid, that it should not be awarded.

Discussion ensued regarding:

- what the original project included;
- that there are only enough funds to award the base bid;
- that the base bid is approximately short \$4,000, not including a contingency fund;
- that there is a need for contingency funds in order to not hold up the project;
- what could be included with the current funds;
- the need to find the funds to move the project forward;
- the desire to ensure that paving is part of the contract, as that is what was voted on with the bonds;
- the possibility of calculating how much of the project could be included in paving;
- that the project could be held up until next year if the funds are not available;

- the possibility of finding funds from other bonded projects, rather than the Big Lake Road project;
- that staff wanted to take funds from the Big Lake Road project due to the State not allowing the Borough to do any work in their right-of-way;
- the possibility of requesting the contractor who won the bid to reduce his bid; and
- the possibility of postponing the legislation.

MOTION: Assemblymember Woods moved to postpone AM No. 13-123 to a time certain of September 5, 2013.

VOTE: The motion to postpone passed without objection.

X. NEW BUSINESS

A. INTRODUCTIONS (For public hearing – 09/17/13, Assembly Chambers)

1. **Ordinance Serial No. 13-118:** An Ordinance Accepting And Appropriating \$19,018 From The Alaska State Division Of Homeland Security And Emergency Management For The Borough Local Emergency Planning Committee, Fund 480, Project No. 20259, For Fiscal Year 2014 Operations.
 - a. **Resolution Serial No. 13-097:** A Resolution Approving The Scope Of Work And Budget For The Alaska State Division Of Homeland Security And Emergency Management Grant, Project No. 20259, Fund 480, For The Borough Local Emergency Planning Committee.
 - (1) IM No. 13-198
2. **Ordinance Serial No. 13-119:** An Ordinance Amending MSB 17.25.005(B), 17.25.070(C) And (F)(2), Talkeetna Special Land Use District, To Allow For Community Civic Use Building Footprints To Exceed 6,000 Square Feet Within The Spur Road South District.
 - a. IM No. 13-199
3. **Ordinance Serial No. 13-120:** An Ordinance Amending MSB 15.24.030(B), Adopting The All Hazards Mitigation Plan, Natural Hazards, 2013 Update.
 - a. IM No. 13-200

Ms. McKechnie read the above legislation into the record.

MOTION: Assemblymember Arvin moved to introduce the legislation as read into the record by the Clerk and set the public hearings for September 17, 2013.

MOTION: Assemblymember Halter moved to divide the question to take up Ordinance Serial No. 13-119, separately.

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

MOTION: First Segment. Assemblymember Arvin moved to introduce the legislation as read into the record by the Clerk and set the public hearing for September 17, 2013, with the exception of Ordinance Serial No. 13-119.

VOTE: The first segment passed without objection.

MOTION: Second Segment. Assemblymember Arvin moved to introduce Ordinance Serial No. 13-119 and set the public hearing for September 17, 2013.

MOTION: Assemblymember Halter moved to strike "September 17, 2013" and insert "November 5, 2013" in its place.

VOTE: The motion passed without objection.

VOTE: The second segment passed as amended without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor DeVilbiss requested the following confirmations:

Emergency Medical Services Board
Jennifer Hales, Board request for removal
Lynn Moore, resignation
Deborah Bloom, Board request for removal
Health and Social Services Board
Katherine Fueller, resignation
Platting Board
Tait Zimmerman
Alpine RSA No. 31
Marvin Baker

Mayor DeVilbiss made the following recommendations:

Board of Ethics
Ryan McClure
Health and Social Services Board
Joan Tower
Meadow Lakes RSA No. 27
Patricia Winegar

MOTION: Assemblymember Arvin moved to approve the Mayor's recommendations, removals, 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

Mr. Spiropoulos:

- noted that he was requested to do a sectional analysis on the multifamily ordinance; and
- stated that he will report on that at the next Assembly meeting.

Assemblymember Halter:

- stated that he asked staff to look into the possibility of moving the Susitna Valley High School wood fired boiler to the Talkeetna Community Center and Library;
- spoke to a meeting in which concerns were expressed that the high temperature would not work with the design of the school;
- noted that it was discussed that the system would work well for the community center;
- advised that the community is a bit disappointed in the change;
- stated that staff will look into it and that there would be input from the community and a public hearing held if a change were to be made;
- spoke to the challenges that would be faced if the change is not made; and
- noted that it would not be beneficial to force a system into a design that would not work.

Assemblymember Arvin:

- stated that he is glad that the veto was overridden, as the facility is needed;
- opined that the rail extension project is moving along appropriately;
- spoke to his relief that the ferry issue is being somewhat resolved;
- opined that if the ferry is local, that it will provoke more ideas as how to move to the next step; and
- reiterated that the South Denali Visitor Center ground breaking ceremony was very nice.

Mayor DeVilbiss:

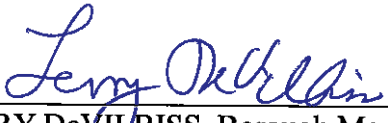
- noted that he was supposed to be at the Alaska Municipal League conference;
- spoke to concerns with the lack of visible work being done on local road projects; and
- requested a status report at the next meeting as to what is occurring on road projects.

XIII. EXECUTIVE SESSION

(There was no executive session held.)

XIV. ADJOURNMENT

The regular meeting adjourned at 9:49 p.m.



LARRY DeVILBISS, Borough Mayor

ATTEST:



DONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 09/17/13