

**I. CALL TO ORDER**

The regular meeting of the Matanuska-Susitna Borough Assembly was held on September 17, 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 (*arrived at 6:22 p.m.*)
- Mr. Darcie K. Salmon, Assembly District No. 5 (*arrived at 6:09 p.m.*)
- Mr. Jim Colver, Assembly District No. 6
- Mr. Vern Halter, Assembly District No. 7

Staff in attendance were:

- Ms. Lonnie R. McKechnie, Borough Clerk
- Mr. John Moosey, Borough Manager
- Mr. George Hays, Assistant Borough Manager
- Mr. Nicholas Spiropoulos, Borough Attorney
- Ms. Brenda J. Henry, Assistant Clerk
- Ms. Tammy Clayton, Finance Director
- Mr. Terrance Dolan, Public Works Director
- Mr. James Jenson, Public Works Operations and Maintenance Division Manager
- Mr. Dennis Brodigan, Emergency Services Director
- Ms. Patty Sullivan, Public Affairs Director
- Mr. Eric Phillips, Community Development Director
- Mr. Larry Macknicki, Information Technology Director
- Ms. Elaine Flagg, Records Micrographics/Scanning Technician
- Mr. Brad Sworts, Transportation and Environmental Engineer
- Mr. Jeffrey Walden, Project Manager
- Ms. Lauren Driscoll, Chief of Planning

**III. APPROVAL OF AGENDA**

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

Mr. Moosey requested that AM No. 13-132 be pulled from the consent agenda when the Assembly reaches that portion of the agenda.

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

#### **IV. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Ms. Brenda J. Henry, Assistant Clerk.

#### **V. MINUTES OF PRECEDING MEETINGS**

- A. Special Assembly Meeting: 08/07/13
- B. Regular Assembly Meeting: 08/20/13

Mayor DeVilbiss inquired if there were any corrections to the special meeting minutes of August 7, 2013, or the regular meeting minutes of August 20, 2013.

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

#### **VI. REPORTS/CORRESPONDENCE**

##### **A. AGENCY REPORTS**

##### **1. Reports from cities**

###### Wasilla City

Mr. Bert Cottle, Deputy Administrator:

- spoke to having attended a meeting with the Alaska State Department of Transportation and Public Facilities regarding the proposed Wasilla bypass;
- opined that the new schools being designed and built in the Knik-Goose Bay area should include a shooting range; and
- related that the School District supports that inclusion due to programs that would utilize such a range.

##### **2. Matanuska-Susitna Borough School District**

Mr. Luke Fulp, Chief Business Official:

- related that student enrollment was projected at 17,317;
- noted that student enrollment is important for full-time equivalent funding;
- advised that there are currently 17,445 students district-wide, which exceeds the projected enrollment;
- spoke to staffing adjustments that were made to accommodate the locations of students;
- noted that there will also be budgetary adjustments as well; and
- invited the body to attend the Houston High School sports field dedication and ribbon cutting ceremony scheduled for September 20, at 6:30 p.m.

##### **B. COMMITTEE REPORTS**

1. Joint Assembly/School Board Committee on School Issues

*(There was no report provided.)*

2. Assembly Public Relations

*(There were no reports provided.)*

C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues
3. North America Outdoor Institute

Ms. Debra McGhan, North America Outdoor Institute Executive Director; Mr. Andy Romano, North America Outdoor Institute Vice-President; and Ms. Bea Adler, Borough Emergency Management Programs Director; presented awards to Mr. Emiliano King, Miss Cassandra Wilds, Miss Haley Holland, and Miss Kendall Blackwood, regarding the emergency preparedness poster contest.

4. Road and Rail Construction Updates

Mr. Joe Perkins, Borough Capital Projects Consultant, provided an update regarding road and rail construction projects.

5. M/V Susitna – Ferry Discussion and Direction to Manager

Mr. Moosey:

- introduced new employees, Mr. Larry Macknicki, Information and Technology Director; Mr. Terry Dolan, Public Works Director; and Mr. Mike Brown, Capital Projects Director;
- spoke to the efforts that are continuing regarding the M/V Susitna;
- related that the Port Commission is in support of regular ferry service between the Borough and Anchorage;
- stated that they included a caveat that the Borough does not operate the ferry system;
- noted that there would be a group of people who will be travelling to Ketchikan to look at the ferry;
- related that there is a company who is interested in covering expenses for the ferry through March, 2014 while the details of a sale are worked out;
- opined that staff is making progress due to great effort; and
- noted that staff is looking at ways to reduce short-term costs.

Assemblymember Keogh queried if the group travelling to Ketchikan to view the ferry has made an offer greater than the most recent one.

Mr. Moosey:

- opined that the offer provided thus far is the only legitimate offer; and
- related that the attorney who is representing the group is working with the Borough Attorney and asking questions.

Discussion ensued regarding:

- that the current offer is significantly lower than the asking price;
- that the specifics of the offer should not be discussed in public; and
- the possibility of having an executive session this evening.

MOTION: Assemblymember Keogh moved suspend the rules to move the M/V Susitna –Ferry Discussion and Direction to Manager to the executive session portion of the agenda.

VOTE: The motion passed without objection.

#### D. ATTORNEY COMMENTS

##### 1. Sectional Analysis of Multi-Family Density Standards

Mr. Spiropoulos queried if the body would like him to provide the sectional analysis of the multi-family density standards prior to taking up the motion to amend something previously adopted.

Mayor DeVilbiss queried if there was any objection.

There was no objection noted.

Mr. Spiropoulos:

- noted that there is a law suit captioned Ray DeVilbiss versus the Matanuska-Susitna Borough, which is regarding inclusion of parcels in a road service area;
- advised that Mr. DeVilbiss owns parcels that are accessed by a state maintained road;
- related that last year, Mr. DeVilbiss had requested that the Assembly adopt an ordinance removing him from the road service area, which the Assembly declined to do;
- stated that as a result of that denial, Mr. DeVilbiss filed the law suit arguing that it is illegal to keep him in the road service area;
- advised that a ruling was issued yesterday which stated that it is the Assembly alone who makes the decision on what parcels are included in road service areas;
- related that Mr. DeVilbiss also argued that it was unconstitutional to tax the properties based on ad valorem taxation;
- provided an example of how ad valorem taxation is calculated;
- advised that the Borough moved that ad valorem taxation is constitutional and prevailed;
- stated that he is not sure if Mr. DeVilbiss will seek to amend any claims in the future;
- noted that the case is near the end based on those rulings;
- stated that he would update the Assembly on the status at a later date;

- spoke to the history of the Central Monofill Services landfill that was proposed within the Borough;
- noted that the Planning Commission denied the conditional use permit and staff issued citations, which were appealed in Court;
- advised that the enforcement orders were appealed to the Board of Adjustment and Appeals (BOAA);
- stated that the BOAA determined that the trash left behind was not junk and trash under Borough Code;
- related that his office disagreed with that determination and had planned to appeal it to the Superior Court;
- advised that the trash had been removed before an appeal was filed, which made the need to file a court appeal unnecessary;
- related that Central Monofill Services had now decided to appeal the Court ruling regarding the citations based on the BOAA decision that it was not junk and trash;
- noted that as a result, the case is not concluded;
- advised the Assembly that there needs to be a code clarification regarding shredded garbage being trash, no matter what the use is intended for; and
- noted that if the Court reverses their decision based on the BOAA decision, that the landfill could be reinstated without the need for a conditional use permit.

Assemblymember Colver queried if an ordinance would apply retroactively or in the future.

Mr. Spiropoulos:

- advised that it would apply in the future; and
- stated that it would not apply retroactively, as the material has already been removed.

Assemblymember Colver queried if the code clarification would need to go before the Planning Commission.

Mr. Spiropoulos advised that it would.

#### E. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule;
- stated she is hopeful that the October 15 assembly meeting will be in the new chambers, but is unsure;
- related that the Department of Emergency Services would like to schedule a joint meeting with the cities to conduct an incident command training for elected and senior officials;
- recommended sometime in January for the training; and
- queried if that was something that body would like scheduled.

Assemblymember Arvin commented that incident command is typically run by staff not elected officials.

Mr. Brodigan:

- stated that it would be a two hour overview of the Borough's incident command system; and
- noted that the Mayor and the Manager play a role during disasters.

Assemblymember Arvin queried if it was to show the body how incident command is managed.

Mr. Brodigan:

- affirmed the query; and
- stated that it would teach attendees about the entire national incident management system.

Ms. McKechnie advised the purpose of the joint meeting is to teach the Borough and cities at one time, rather than individually.

Mayor DeVilbiss queried if there was any objection.

There was no objection noted.

Ms. McKechnie:

- advised that the Department of Emergency Services has a management audit team in town that is conducting interviews with personnel;
- stated that there are two appointments available, should a member want to participate; and
- related that absentee voting began Monday, with a good turn out on the first day.

#### F. CITIZEN AND OTHER CORRESPONDENCE

##### 1. MSB Board/Committee Minutes:

- a. Animal Care and Regulation Board: 05/13/13, 06/10/13, 06/19/13, 06/24/13
- b. Local Emergency Planning Committee: 06/19/13
- c. Local Road Service Area Board of Supervisors: 06/20/13
- d. Midway RSA Board of Supervisors: 05/08/13
- e. Midway RSA and Bogard RSA Joint Board of Supervisors Meeting: 03/06/13
- f. Platting Board: 05/16/13, 06/06/13, 07/03/13
- g. Transportation Advisory Board: 02/27/13, 03/27/13
- h. Wasilla-Lakes FSA Board of Supervisors: 04/08/13
- i. Wasilla-Lakes/West Lakes FSA Joint Board of Supervisors: 05/13/13
- j. West Lakes FSA Board of Supervisors: 04/08/13
- k. Willow FSA Board of Supervisors: 06/13/13

##### 2. Community Council Minutes:

- a. Lazy Mountain Community Council: 01/10/13
- b. Point McKenzie Community Council: 06/13/13

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

G. INFORMATIONAL MEMORANDUMS

*(There were no informational memorandums presented.)*

VII. UNFINISHED BUSINESS

- A. **AM No. 13-123:** Award of Bid No. 14-016B to Western Construction and Equipment, LLC. for the contract amount of \$2,180,753.10 for Caswell Lakes Road Upgrade.

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

MOTION: Assemblymember Halter moved a primary amendment to AM No. 13-123 as follows:

- by striking "\$2,180,753.10" and inserting in its place "\$1,663,420.95" throughout the legislation;
- by striking the words "along with additive alternates one and two" in the summary statement; and
- by replacing the fiscal note.

Assemblymember Halter:

- requested support of the amendment;
- read a letter provided by the Caswell Lakes Road Service Area Board of Supervisors in support of the project;
- spoke to the portions of the project that will not be funded at this time;
- stated that he wants to ensure that they can be funded at a later date; and
- related that there may be excess funds from road bond projects, with one of those projects being located within his district.

Mayor DeVilbiss spoke to concerns that if they are removed from the legislation that they cannot be re-added later.

Assemblymember Halter stated that he had those concerns, but that staff assured him that it could be done.

Mr. Jenson:

- advised that the current amount of funds will only cover the base bid;
- stated that the Borough cannot award more than the funds that are available; and
- noted that the alternates could be re-added at a later date.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

*(The meeting recessed at 7 p.m. and reconvened at 7:10 p.m.)*

## VIII. VETO

*(There were no vetoes presented.)*

## IX. SPECIAL ORDERS

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

*(There were no persons to be heard.)*

B. PUBLIC HEARINGS (Three minutes per person.)

1. **Ordinance Serial No. 13-118:** 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

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. 13-118 and Resolution Serial No. 13-097.

VOTE: The motion passed without objection.

2. **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

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. 13-120.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke in opposition to the award of AM Nos. 13-134 and 13-135: Mr. Thomas Kellar.

The following person spoke to concerns with a berm in the Susitna Parkway gravel pit and to the need for the berm requirements to be altered: Mr. Butch Moore.

The following person spoke to concerns with the Valley Community Recycling Services management: Mr. Joseph Mazut.

The following person spoke in opposition to AM No. 13-142: Ms. Joy Cypra, Platting Manager at Alaska Rim Engineering.

D. CONSENT AGENDA

1. RESOLUTIONS

a. **Resolution Serial No. 13-098:** A Resolution Amending The Scope Of Work For Project No. 15040, Fiscal Year 2012 Capital Projects for the Northern Parks Upgrade And Improvements.

(1) IM No. 13-208

c. **Resolution Serial No. 13-100:** A Resolution Directing The Manager To Obtain A New Appraisal Of The M/V Susitna. (*Sponsored By Assemblymember Keogh*)

(1) IM No. 13-219

2. ACTION MEMORANDUMS

a. **AM No. 13-125:** Approval Of Change Order No. 2 To Tew's, Inc. In The Amount Of \$31,358.30 For Unforeseen Unsuitable Conditions For The Tempa, Twin, And Reich Road Improvement Project, Project No. 30046.

b. **AM No. 13-127:** Award Of Proposal No. 13-141P To PND Engineers, Inc. In The Contract Amount Of \$151,426 For The Design Of Bridge No. 2161, Oilwell Road Over Kroto Creek.

c. **AM No. 13-128:** Award Of Proposal No. 14-007P To DOWL HKM, In The Contract Amount Of \$216,278 For Fish Passage Improvements At Oilwell Road Off Of Petersville Road Near Talkeetna.

d. **AM No. 13-129:** Award Of Proposal No. 14-008P To DOWL HKM In The Contract Amount Of \$217,836 For Fish Passage Improvements At Sawyer's Shady Street At Buddy Creek, Crystal Lake Road, Willow Creek Parkway Near Shirley Lake Outlet, And Big Beaver Lake Road At Meadow Creek.

- e. **AM No. 13-130:** Vacation Of The 60-Foot Wide Public Use Easement Recorded December 30, 1999, At Book 1051, Page 120, Located Along The East Side Of Lot 1, Cottrell South Subdivision, Located In Section 16, Township 17 North, Range 1 East, Seward Meridian.
- f. **AM No. 13-131:** Approval Of Change Order No. 2 To WM Contracting In The Amount Of \$18,390 To Allow Additional Work Due To Unforeseen Damage To A Cross Culvert Needing To Be Replaced Due To Spring Flooding In April 2013 For The Chickaloon Road Project, Project No. 30051.
- g. **AM No. 13-132:** Award of Bid No. 14-029B to Valley General Construction, LLC. for the contract amount of \$408,397 for Sutton Pathway – Glenn Highway to Sutton Elementary School Project.
- h. **AM No. 13-133:** Approval Of Amendment To Original Agreement With Matanuska Telephone Association In The Amount Of \$62,471.99 Due To Unforeseen Unsuitable Conditions For The Kime Lane Road Improvement Project, Project No. 30042.
- j. **AM No. 13-135:** Award Of Bid No. 14-038B To J.A. Spain And Sons, Inc. For The Contract Amount Of \$145,046.16 For Alpine Road Service Area No. 31 Annual Road Maintenance.
- l. **AM No. 13-137:** Award Of Proposal No. 14-020P To HDR Alaska, Inc. In An Amount Not To Exceed \$265,435 For The Central Landfill Cell 2A Closure Engineering Design And Construction Management.
- m. **AM No. 13-138:** Award Of Bid No. 14-031B To GMC Contracting, Inc. For The Contract Amount Of \$1,395,454.07 For Knik River Road Upgrades.
- n. **AM No. 13-140:** Award Of Bid No. 14-035B To Quality Sand And Gravel, LLC. In The Contract Amount Of \$153,504.50 To Purchase Winter Sand.
- o. **AM No. 13-141:** Award Of Bid No. 14-035B To Northern Gravel And Trucking For The Contract Amount Of \$162,205 To Purchase Winter Chips.
- p. **AM No. 13-143:** Award Of Bid No. 14-032B To Scarsella Brothers, Inc. In The Contract Amount Of \$5,308,558.05 For South Big Lake Road Realignment.
- q. **AM No. 13-144:** Award Of Bid No. 14-001B To Pinnacle Construction, Inc. In The Contract Amount Not To Exceed \$434,000 For Valley Community For Recycling Solutions Baler Purchase And Install.
- r. **AM No. 13-145:** Award Of Bid No. 14-015B To Collins Construction, Inc. In The Contract Amount Not To Exceed \$270,051.30 For Supply And Install Of Lockers At Houston Middle And Palmer Junior Middle Schools.

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.

b. **Resolution Serial No. 13-099:** A Resolution Approving State Legislative Priorities For 2014.

(1) IM No. 13-214

MOTION: Assemblymember Arvin moved to adopt Resolution Serial No. 13-099.

Assemblymember Arvin:

- spoke in opposition to the reserve funding and support only language regarding the Knik Arm Bridge project;
- noted that the Assembly has weighed in heavily over the last several years for the asset to be constructed; and
- stated that he would like to see strong language, rather than language that diminishes the Borough's position.

MOTION: Assemblymember Arvin moved a primary amendment to Resolution Serial No. 13-099, Knik Arm Bridge Project, by inserting the words "full" and by striking the words "support only" to read: "Full reserve funding for the Knik Arm Bridge Project."

Mr. Moosey noted:

- that it was not the intent of staff to diminish the work of the body;
- stated that they did not have dollar amounts when writing the legislation, so the support only language was used; and
- noted that due to the concerns expressed, that the "support only" language should be stricken from the Statewide Transportation Improvement Program as well.

Assemblymember Keogh queried what "full reserve funding" means.

Assemblymember Arvin:

- stated that he is unsure;
- spoke to the discussion during the last legislative session of moving the Knik Arm Bridge and Toll Authority (KABATA) under Alaska Housing and Finance Corporation;
- noted that there was also discussion on different ways to fund the project;
- stated that as it sits today, KABATA is intact and the request for funding is a stop gap to pay for funds that may run short in the initial opening of the project; and
- opined that the language should be strong and support full reserve funding.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Halter moved a primary amendment to Resolution Serial No. 13-099, by moving “Board Road Extension East - \$9,000” to follow” immediately after the “Rail Extension Project.”

Assemblymember Halter noted that the project has been in the works for many years now and should be moved up higher on the list.

Assemblymember Salmon opined that it is not as important as the four that are currently at the top of the list.

Assemblymembers Keogh and Colver spoke in support of the amendment.

Assemblymember Colligan noted that at the end of the day that all priorities on the list are important and but that they could change when the legislative session begins and funding sources are considered.

VOTE: The primary amendment passed with Assemblymember Salmon opposed.

MOTION: Assemblymember Arvin moved a primary amendment to Resolution Serial No. 13-099, “Statewide Transportation Improvement Program – Support only” by striking “support only.”

VOTE: The primary amendment passed without objection.

Assemblymember Arvin queried what the \$60,000,000 for the rail extension project would cover.

Mr. Sworts:

- advised that it would not fund the entirety of the project; and
- stated that it would fund through phase 2 and a portion of phase 7.

Assemblymember Arvin queried if it would finish the entirety of the embankment and part of the ballast.

Mr. Sworts affirmed the query.

Assemblymember Colligan:

- spoke to the process the Assembly uses to determine priorities; and
- opined that this is a preliminary list at this time.

VOTE: The main motion passed as amended without objection.

- i. **AM No. 13-134:** Award Of Bid No. 14-037B To J.A. Spain And Sons, Inc. For The Contract Amount Of \$103,420.60 For Lazy Mountain Road Service Area No. 19 Annual Road Maintenance.

MOTION: Assemblymember Keogh moved to adopt AM No. 13-134.

Assemblymember Keogh:

- spoke to votes regarding the award of previous road service contracts;
- noted that the bids were put back out to bid and then the new bids came in higher;
- stated that one reason for the increase was due to a newly mandated performance bond, as well as brush cutting being added; and
- stated that he pulled the legislation from the consent agenda in order to advise the public of the reasons for the increase of the contract.

Assemblymember Arvin:

- noted that changes were made to the way contracts are awarded to remove the subjectivity of the way they were evaluated;
- stated that although the performance bond requirement increased the contract, that it removed the subjectivity; and
- spoke in support of awarding the contract.

Mayor DeVilbiss requested that a report on the history of bonding requirements be provided by the Manager at the next meeting.

Discussion ensued regarding:

- that projects are way behind schedule in some road service areas;
- the policies of the Borough regarding performance bonding;
- that the Borough needs qualified and responsible bidders to carry out road service contracts in an acceptable manner;
- that if bidders do not receive a bid they come to the body and complain and try to get the Assembly to override the decisions of staff; and
- concerns that the increases in road service area contracts have been dramatic.

VOTE: The motion passed with Assemblymember Colligan, Woods, and Salmon opposed.

k. **AM No. 13-136:** Award Of Proposal No. 13-122P To AlcanTel In The Contract Amount Not To Exceed \$653,500 For the Mat-Su Borough Telephone System Replacement.

CONFLICT OF INTEREST: Assemblymember Colligan declared a conflict of interest as his company has done work for more than one of the bid proposers.

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

*(Assemblymember Colligan exited the meeting.)*

MOTION: Assemblymember Arvin moved to adopt AM No. 13-136.

Assemblymember Arvin spoke in support of the legislation.

Mayor DeVilbiss opined that the current phone system is antiquated and it is appropriate that it be upgraded.

VOTE: The motion passed without objection.

*(Assemblymember Colligan re-entered the meeting.)*

- p. **AM No. 13-142:** Vacation Of A 70-Foot Wide Right-Of-Way Of North Chickaloon Avenue As Shown On Plat No. 10-308, Located Between Lot 8, Block 3, And Lot 10, Block 2, CC Brix Subdivision, Located In Section 34, Township 18 North, Range 2 East, Seward Meridian.

MOTION: Assemblymember Keogh moved to adopt AM No. 13-142.

Assemblymember Keogh:

- stated that he had wanted to have the legislation postponed to the next regular meeting; and
- requested attorney direction in whether this can be accomplished.

Mr. Spiropoulos:

- stated that under state law, the Assembly has 30 days to act on vacations;
- related that the vacation goes to the Platting Board, who makes the determination as to whether it is appropriate;
- advised that State law gives the body the power to veto that action; and
- noted that if the legislation is not acted on by the body tonight, then it will automatically be approved.

Discussion ensued regarding:

- how vacations differ from other platting actions;
- how the adjacent property owners that oppose the vacation would be impacted;
- whether there should be a more thorough assessment before a vacation is granted;
- the location of the area that is to be vacated; and
- how the Platting Board reviews vacations.

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

## X. NEW BUSINESS

### A. INTRODUCTIONS (For public hearing – 10/15/13, Assembly Chambers)

1. **Ordinance Serial No. 13-121:** An Ordinance Accepting And Appropriating \$6,000 From The Alaska State Department Of Education To Fund 480, Project No. 20364, For Continuing Education Grants At The Big Lake, Sutton, Talkeetna, Trapper Creek, And Willow Public Libraries.
  - a. **Resolution Serial No. 13-101:** A Resolution Approving The Scope Of Work And Budget For Continuing Education Grants For The Big Lake, Sutton, Talkeetna, Trapper Creek, And Willow Public Libraries.
    - (1) IM No. 13-205
2. **Ordinance Serial No. 13-122:** An Ordinance Accepting And Appropriating \$5,780,000 For A Portion Of Grant Funds From The Alaska State Department Of Commerce, Community, And Economic Development For The Department Of Emergency Services Fiscal Year 2014 Designated Legislative Grant Projects.
  - a. **Resolution Serial No. 13-102:** A Resolution Approving The Scopes Of Work And Budgets For A Portion Of The Alaska State Department Of Commerce, Community, And Economic Development Grants For The Department Of Emergency Services Projects.
    - (1) IM No. 13-206
3. **Ordinance Serial No. 13-123:** An Ordinance Accepting And Appropriating \$18,783,000 For A Portion Of The Fiscal Year 2014 Designated Legislative Grant Projects From The Alaska State Department Of Commerce, Community, And Economic Development.
  - a. **Resolution Serial No. 13-103:** 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.
    - (1) IM No. 13-207
4. **Ordinance Serial No. 13-124:** An Ordinance Accepting And Appropriating A Grant In An Amount Not To Exceed \$500,000 To Fund 435, Project No. 10170, From The Rasmuson Foundation For The Construction Of The Talkeetna Library And Community Resource Center.
  - a. **Resolution Serial No. 13-104:** A Resolution Approving The Scope Of Work And Amended Budget For The Talkeetna Library And Community Resource Center.
    - (1) IM No. 13-209
5. **Ordinance Serial No. 13-125:** An Ordinance Accepting and Appropriating \$20,000 From The Alaska State Department Of Natural Resources, Office Of History And Archaeology To Fund 480, Project No. 47011, For The Purpose Of Nominating An Archaeological District To The National Register Of Historic Places For The Cottonwood Creek Sites Located On Tribal And State Lands In Partnership With The Knikatu Incorporated And The Knik Tribal Council.
  - a. **Resolution Serial No. 13-105:** A Resolution Approving The Scope Of Work And Budget For Nominating An Archaeological District To The National Register Of Historic

Places For The Cottonwood Creek Sites, Located On Tribal And State Lands In Partnership With Knikatu Incorporated And The Knik Tribal Council.

- (1) IM No. 13-210
  
6. **Ordinance Serial No. 13-126:** An Ordinance Accepting And Appropriating \$350,000 For A Portion Of Grant Funds From The Alaska State Department Of Commerce, Community, And Economic Development For Willow Fire Service Area Fiscal Year 2014 Designated Legislative Grant Project And Appropriating The Required Matching Funds In The Amount Of \$150,000 From The Willow Fire Service Area Fund Balance, Fund 258, For Project No. 45273, Fund 405.
  - a. **Resolution Serial No. 13-106:** A Resolution Approving The Scope Of Work And Budget For A Portion Of The Alaska State Department Of Commerce, Community, And Economic Development Grants For Willow Fire Service Area Project No. 45273, Fund 405.
- (1) IM No. 13-211
  
7. **Ordinance Serial No. 13-127:** An Ordinance Accepting And Appropriating \$68,171 From The Alaska State Division Of Homeland Security And Emergency Management Grant Program, To Fund 425, Project No. 45158, For Communications Equipment.
  - a. **Resolution Serial No. 13-107:** A Resolution Approving The Amended Budget For The Alaska State Division Of Homeland Security And Emergency Management Grant, Project No. 45158, Fund 425, For Communications Equipment.
- (1) IM No. 13-215
  
8. **Ordinance Serial No. 13-128:** An Ordinance Amending MSB 17.28.090(A), Adding An Interim Materials District, Known As Seven-Mile Ridge, Located At Block 3, Lots 1 Through 4 Of Seven-Mile Ridge Subdivision, Within Township 16 North, Range 4 West, Section 27, Seward Meridian.
  - a. IM No. 13-216
  
9. **Ordinance Serial No. 13-129:** An Ordinance Changing A Condition Contained In The Interim Material District For Development Of The Susitna Parkway Pit Located Within Township 16 North, Range 4 West, Section 6, On Parcel D-1, Seward Meridian.
  - a. IM No. 13-217
10. **Ordinance Serial No. 13-130:** An Ordinance Authorizing Amendment No. 6 Of The Current Lease At Port MacKenzie By And Between The Borough And Alutiiq Manufacturing Contractors, LLC. (MSB002946).
  - a. IM No. 13-218
  
11. **Ordinance Serial No. 13-131:** An Ordinance Annexing Portions Of The Hatcher Pass Government Peak Unit Into The South Colony Road Service Area No. 16 And The Greater Palmer Fire Service Area No. 132, Without The Placement Of The Question On The Ballot And Finding That It Serves The Public Interest.
  - a. **Resolution Serial No. 13-108:** A Resolution Finding The Annexation Of Portions Of The Hatcher Pass Government Peak Unit into the South Colony Road Service Area No. 16 And The Greater Palmer Fire Service Area No. 132 Serves The Public Interest

Without Circulation Of A Petition, As Allowed By MSB 5.10.015, Initiation By The Assembly. *(Sponsored by Assemblymember Colver)*

(1) IM No. 13-182

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 October 15, 2013.

VOTE: The motion passed without objection.

*(The meeting recessed at 8:15 p.m. and reconvened at 8:20 p.m.)*

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor DeVilbiss requested the following confirmations:

Health and Social Services Board  
Joan Tower  
Knik RSA No. 17  
Joy Fearn-Condon, resignation  
Meadow Lakes RSA No. 27  
Patricia Winegar

Mayor DeVilbiss made the following recommendations:

Board of Ethics  
Ryan McClure  
Emergency Medical Services Board  
Brian Anderson

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

VOTE: The motion passed without objection.

C. OTHER NEW BUSINESS

1. MOTION TO AMEND SOMETHING PREVIOUSLY ADOPTED

a. Ordinance Serial No. 12-169: An Ordinance Amending MSB 17.73, Multifamily Development Design Standards, And MSB 17.125.010, Definitions. *(Requested by Assemblymember Colver)*

(1) IM No. 12-258

Mayor DeVilbiss noted the concerns expressed regarding how ordinances can be amended.

Discussion ensued regarding how ordinances that have been previously adopted may be amended.

Assemblymember Colver:

- spoke to the amendments that were made to the multi-family ordinance;
- noted the confusion that occurred regarding density standards;
- advised that the Clerk and the Attorney reviewed the legislation; and
- stated that the Attorney did a sectional analysis in order to determine whether the density standards were set at six, which was the original intent of the body.

Mr. Spiropoulos stated that there was an absolute threshold that was inadvertently removed from code through amendments.

Assemblymember Salmon:

- stated that the amendment would effectively ban site condos, unless a permit is granted;
- opined that substandard housing densities were already addressed; and
- spoke in opposition to the amendment.

Discussion ensued regarding:

- concerns that there should have been more public notice if the body was going to amend the ordinance;
- that the amendment would accomplish what the body originally intended;
- that if the amendment is not adopted, that it could open the door for a felony flats situation;
- that the amendment is geared toward large development; and
- the possibility of referring the amendment to the Planning Commission.

MOTION: Assemblymember Colver moved to amend Ordinance Serial No. 12-169, MSB 17.73.040, which was previously adopted on June 4, 2013, by:

- inserting the word “or” after subsection (A)(1);
- inserting a new section (A)(2) to read as follows: “or (2) any development exceeding six dwelling units, regardless of lot size;” and
- to renumber the other subsections accordingly.

MOTION: Assemblymember Colligan moved to refer the amendment to the Planning Commission for 90 days.

VOTE: The motion to refer passed with Assemblymembers Arvin, Keogh, and Colver opposed.

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**

Assemblymember Colligan:

- spoke to concerns with the berm requirements for the Susitna Parkway gravel pit;
- stated that he would like to see the original agreement fulfilled;
- opined that it is being mired in unnecessary complexity; and
- spoke to concerns with the procurement process for the new phone system.

Assemblymember Woods queried if the Assembly has the authority to ensure that the agreement with Mr. Moore is fulfilled.

Mr. Spiropoulos:

- stated that Mr. Moore wants a road built;
- advised that the Borough can build a road;
- stated that it does not mean that the body needs to make it a part of a zoning ordinance;
- noted that it is not appropriate to put it in a zoning ordinance; and
- commented that Mr. Moore referenced an agreement that is currently being drawn up by the Manager.

Discussion ensued regarding:

- the type of access to the gravel pit;
- the agreement between the Borough and Mr. Moore;
- that spot zoning is illegal;
- whether the road access improvement and upgrade was part of the original contract;
- right-of-way, elevation, and curvature issues that impact the road; and
- the site buffers for the gravel pit.

Mayor DeVilbiss:

- spoke to concerns with bed tax penalties;
- stated that he would like to see an escalating schedule; and
- spoke to a meeting he attended with Anchorage Sand and Gravel regarding gravel extraction from the Matanuska River.

## **XIII. EXECUTIVE SESSION**

**MOTION:** Assemblymember Arvin moved to enter into executive session for matters, which the immediate public knowledge of which would clearly have an adverse effect upon the finances of the Borough, and matters which by law, municipal charter, or ordinance are required to be kept confidential. In particular, to discuss the M/V Susitna. In the past the Borough had an offer on the ferry. When those offers fell through, the Assembly was notified by a broker that he could not get

anyone to offer that amount or anything higher. That had a negative impact on the Borough Assembly and public knowledge of any disposal has a clear negative impact on the Borough's finances. Also, the Assembly needs to fully discuss options and impacts regarding Federal Transportation Administration liabilities. Those present in the executive session will be the Mayor, the members of the Assembly, the Clerk, the Attorney, the Manager, and the Finance Director.

MOTION: Assemblymember Halter moved a primary amendment to include the Assistant Manager.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Keogh moved to suspend the rules to extend the meeting past 10 p.m. and not to exceed 10:30 p.m.

VOTE: The motion failed with Assemblymember Keogh in support.

VOTE: The main motion passed without objection and the Assembly entered into executive session at 8:56 p.m.

MOTION: Assemblymember Arvin moved to exit executive session.


VOTE: The motion passed without objection and the Assembly exited executive session at 9:37 p.m.

#### **XIV. ADJOURNMENT**

The regular meeting adjourned at 9:37 p.m.

  
LARRY DeVILBISS, Borough Mayor

ATTEST:

  
LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 10/15/13