

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on September 18, 2012, at the Borough School District Administration Building, 501 N. Gulkana Street, Palmer, Alaska. The meeting was called to order at 6:23 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 (*arrived at 6:30 p.m.*)

Assemblymembers absent and excused were:

Mr. Vern Halter, Assembly District No. 7

Staff in attendance were:

Ms. Lonnie R. McKechnie, Borough Clerk
Mr. John Moosey, Borough Manager
Mr. Don Moore, 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. Shannon Post, Chief Information Officer
Ms. Debbie Wetherhorn, Administrative Secretary I
Ms. Susan Lee, Planner II
Mr. Emerson Krueger, Planner II
Mr. Alex Strawn, Permitting Services Manager
Mr. Michael Newman, Document Specialist
Mr. Eric Phillips, Community Development Director

III. APPROVAL OF AGENDA

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

Mr. Moosey requested that the Assembly pull AM No. 12-128 from the consent agenda for further discussion.

There was no objection noted.

Assemblymember Woods requested to pull Resolution Serial Nos. 12-105 and 12-108 from the consent agenda for further discussion.

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

IV. PLEDGE OF ALLEGIANCE

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

V. MINUTES OF PRECEDING MEETINGS

- A. Regular Assembly Meeting: 08/07/12
- B. Special Assembly Meeting: 08/09/12
- C. Regular Assembly Meeting: 08/21/12
- D. Special Assembly Meeting: 08/28/12

Mayor DeVilbiss inquired if there were any corrections to the regular meeting minutes of August 7, 2012, the special meeting minutes of August 9, 2012, the regular meeting minutes of August 21, 2012, or the special meeting minutes of August 28, 2012.

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Wasilla City

Mr. Burt Cottle, Deputy Administrator:

- stated that the Library Needs Committee met with the Foraker Group to discuss the predevelopment work on the new library;
- related that the Friends of Wasilla Library will be conducting their annual fall book sale this weekend; and
- opined that with the Borough building being under construction, that the Assembly may want to consider moving up the timeline for the next Iditarod Elementary School in order to utilize the old space.

Houston City

Mr. Jim Johansen, Deputy Mayor:

- stated that the Zero Lake Project is nearly completed;
- related that the Houston Fire Department will be purchasing two snowmachines for rescue;
- spoke to the new bird sanctuary that has been located in Houston;

- advised that the new fire tanker for the City was damaged by a hurricane in Florida and is now in Oregon being repaired; and
- stated that delivery will unfortunately be delayed a couple of weeks.

2. Matanuska-Susitna Borough School District

(There was no report provide)

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

(There was no report provided.)

2. Assembly Public Relations

Assemblymember Keogh:

- stated that there was a ceremonial signing for the Moose Creek Campground, which is a three way management agreement between the Chickaloon Traditional Council, the Alaska State Department of Natural Resources, and the Borough;
- noted that the project has been in the works for over four years;
- related that the campground has been closed for several years, during which time a lot of vandalism has occurred;
- advised that the campground will be ready to accept campers soon;
- noted that at the courtesy of Representative Stolze, there is an annual farm tour in the valley;
- related that he visited five different farms with the group, which was very enlightening;
- stated that it was a good reminder that agriculture is an important part of the economy; and
- related that it was well attended by many Legislators and very informative.

(Assemblymember Colver entered the meeting at 6:30 p.m.)

C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues

Mr. Moosey:

- stated that the Emergency Operations Center was put into operation this morning due to the concern of flooding overnight;
- related that it has been a large community effort to ensure all property is protected as much as possible;
- noted that there are currently personal use firewood sales occurring in the Borough;
- related that it is first time in several years that the Borough has been able to conduct personal firewood sales;

- noted that there is also a commercial timber sale occurring, as there are several local mills that are in need of timber;
- spoke to the work that is being done to conduct salvage timber sales;
- noted that the sale will give local businesses product to keep working; and
- requested that the Public Works Director provide a report on school bond construction projects.

Ms. O'Neil provided a report concerning the status of school bond construction projects.

Assemblymember Arvin:

- stated that he appreciates the information;
- noted that the public would like to see progress; and
- opined that accurate information needs to be made available to the public in order to meet their expectations.

Assemblymember Colver:

- spoke to the Lucille and Seldon intersection improvements; and
- stated that he is concerned that the pre-winter work may not be completed in time to begin the design during the winter.

Ms. O'Neil:

- stated that the bonds for that project have not yet been sold;
- related that the work that has been done to-date has been as a result of using remaining funds from other projects;
- noted that the legislation for the bonds is up for public hearing this evening; and
- related that as soon as the bonds are sold, they are poised to issue the change order to the consultant to get the fall work completed.

D. ATTORNEY COMMENTS

Mr. Spiropoulos:

- spoke to a platting issue that the Borough has been sued over;
- related that it may be going to trial at the end of October;
- stated that if the Assembly wants an update, that he suggests scheduling an executive session;
- noted that members could also come by his office for individual briefings; and
- advised that he does not need any direction at this time, as clear direction was received during the last executive session.

E. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule;
- noted that the Assembly requested she bring back the scheduling of a planning session in November; and
- suggested November 3, at 10 a.m.

Assemblymember Colver requested a date later in the month.

Assemblymember Salmon noted he is not in favor of the 10 a.m. starting time.

Ms. McKechnie suggested November 17 at 2 p.m.

Assemblymember Colligan stated that the meeting should start earlier.

Assemblymember Keogh suggested that the start time be at noon.

Mayor DeVilbiss queried if there was any objection to November 17, 2012, at noon.

There was no objection noted.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Aviation Advisory Board: 06/14/12
 - b. Enhanced 911 Advisory Board: 04/10/12
 - c. Greater Talkeetna RSA Board of Supervisors: 06/14/12
 - d. Local Emergency Planning Committee: 06/20/12
 - e. Parks, Recreation, and Trails Advisory Board: 06/25/12
 - f. Planning Commission: 07/16/12, Resolution Serial No. 12-16
 - g. Platting Board: 07/05/12, 07/19/12
 - h. Port Commission: 06/18/12
 - i. South Colony RSA Board of Supervisors: 02/08/12
 - j. Talkeetna Sewer and Water Advisory Board: 08/01/12, 08/08/12, 08/15/12, 08/22/12
 - k. Transportation Advisory Board: 06/27/12
 - l. Trapper Creek RSA Board of Supervisors: 02/08/12
 - m. Wasilla-Lakes FSA Board of Supervisors: 04/09/12
 - n. West Lakes FSA Board of Supervisors: 03/19/12, 06/11/12
2. Community Council Minutes:
 - a. Trapper Creek: 04/19/12, 06/21/12
 - b. Willow Area Community Organization: 03/15/12

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

G. INFORMATIONAL MEMORANDUMS

1. IM No. 12-211: NOTIFICATION OF CERTIFICATION OF 2012 REGULAR REAL PROPERTY ASSESSMENT ROLL.

2. IM No. 12-212: MONTHLY REPORTING OF AMENDED CONTRACTS AND NEW AWARDS UNDER \$100,000, ALONG WITH SOLE SOURCE PROCUREMENTS, FOR THE PERIOD OF JULY 25, THROUGH AUGUST 31, 2012.

Assemblymember Arvin queried the \$50,000 for wetlands outreach.

Mr. Moosey stated that he would provide that information to the body as soon as possible.

VII. UNFINISHED BUSINESS

- A. Resolution Serial No. 12-090: A RESOLUTION AUTHORIZING THE MANAGER TO PURSUE A NOTICE OF AVAILABILITY LISTING IN THE CODE OF FEDERAL REGISTER, AS WELL AS LISTING THE M/V SUSITNA WITH S&P SHIPBROKERS.
 1. IM No. 12-169

MOTION PENDING: Assemblymember Salmon moved to adopt Resolution Serial No. 12-090.

MOTION: Assemblymember Salmon moved to postpone Resolution Serial No. 12-090 indefinitely.

VOTE: The motion passed without objection.

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)

(The meeting recessed at 6:58 p.m. and reconvened at 7:06 p.m.)

- B. PUBLIC HEARINGS (Three minutes per person.)

1. Ordinance Serial No. 12-104: AN ORDINANCE CREATING ROSE GLENN ESTATES NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 477, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.
 - a. IM No. 12-175

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. 12-104.

VOTE: The motion passed without objection.

2. Ordinance Serial No. 12-114: AN ORDINANCE ACCEPTING AND APPROPRIATING AMENDMENT NO. 1, IN THE AMOUNT OF \$51,999.90, FOR THE COASTAL IMPACT ASSISTANCE PROGRAM GRANT, TO FUND 480, PROJECT NO. 47504 FOR ORTHO-RECTIFIED IMAGERY AND LIDAR OF THE MATANUSKA-SUSITNA BOROUGH'S COASTAL MANAGEMENT ZONE.
 - a. Resolution Serial No. 12-103: A RESOLUTION AMENDING THE BUDGET FOR PROJECT NO. 47504, FOR AMENDMENT NO. 1 TO THE COASTAL IMPACT ASSISTANCE PROGRAM GRANT FOR ORTHO-RECTIFIED IMAGERY AND LIDAR OF THE MATANUSKA-SUSITNA BOROUGH'S COASTAL MANAGEMENT ZONE.
 - (1) IM No. 12-184

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. 12-114 and Resolution Serial No. 12-103.

VOTE: The motion passed without objection.

3. Ordinance Serial No. 12-115: AN ORDINANCE AMENDING MSB 17.28, DESIGNATING THE KASHWITNA PIT AN INTERIM MATERIALS DISTRICT, LOCATED WITHIN TOWNSHIP 20 NORTH, RANGE 4 WEST, SECTION 31, SEWARD MERIDIAN.
 - a. IM No. 12-185

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. 12-115.

Assemblymember Keogh:

- stated that the informational memorandum says that 95 percent of gravel will leave the site by rail;
- noted that it also says up to 100 trucks per day could be utilized for specific purposes; and
- queried when materials would be moved by truck instead of rail.

Ms. Lee advised that should there be a road project in the area, that the materials would be moved via truck.

VOTE: The motion passed without objection.

4. Ordinance Serial No. 12-116: AN ORDINANCE AUTHORIZING THE BOROUGH TO ISSUE AREAWIDE GENERAL OBLIGATION BONDS, IN ONE OR MORE SERIES, TO FINANCE THE CONSTRUCTION, ADDITIONS, IMPROVEMENTS, BETTERMENTS, REPAIR, RECONSTRUCTION, OR ACQUISITION OF PUBLIC ROADS AND FACILITIES RELATED THERETO IN THE MATANUSKA-SUSITNA BOROUGH, TOGETHER WITH ALL THE NECESSARY EQUIPMENT AND TRANSPORTATION FACILITIES, AND THE ACQUISITION OF LANDS OR RIGHTS IN LANDS IN CONNECTION THEREWITH; FIXING CERTAIN DETAILS OF SUCH BONDS; AND AUTHORIZING THEIR SALE.
 - a. IM No. 12-186

Mayor DeVilbiss opened the public hearing.

The following person opined that the Borough needs to proceed cautiously with road construction projects: Mr. Chris Gates.

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. 12-116.

Assemblymember Arvin requested that the Clerk read the projects that are included in the legislation into the record.

Ms. McKechnie:

- Palmer, Dogwood Avenue/Felton Street Extension - \$20,150,000;
- Collector Road Access Construction to Machetanz Elementary School - \$1,000,000;
- Wasilla, Clapp/Mack Road Extension: Wasilla Sports Center to Knik Goose Bay Road with pathway - \$3,500,000;
- Houston, Hawk Lane Upgrade and Paving; Houston High School to Beaver Lake Road - \$1,000,000;
- Seldon and Lucille Street Intersection Safety Improvements, Lucille Street Upgrade North of Spruce, and Seldon Improvement from Lucille to Wards Road - \$2,500,000;
- Sullivan and Caudill Road Upgrade from Old Glenn Highway to Plumley Road - \$250,000;

- Caswell Lakes Road to Bendapole Road to East Passtheba Avenue to Hidden Hills including South Caswell Lake Loop to Lot 15 Upgrade - \$1,100,000;
- Willow Lake Drive Upgrade, Paving and Extension - \$300,000; and
- Paved Pathway adjacent to Old Glenn Highway in Butte from Plumley Road to Knik River Bridge - \$1,250,000.

MOTION: Assemblymember Keogh moved a primary amendment to Ordinance Serial No. 12-116, Section 7, by:

- striking the words “at a price not exceeding the redemption price which would be payable on the next ensuing optional redemption date for such bonds” starting on the 9th line; and
- by inserting the word “defeasance” after the word redemption in the 16th line.

Ms. Clayton advised that the amendment is intended to clean up language in the legislation.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Keogh moved a primary amendment to Ordinance Serial No. 12-116 as follows:

- third “whereas” clause, by striking the amount of ”\$13,650,000” and inserting “\$14,150,000” in its place;
- Section 2, under (Q), by striking the amount of ”\$13,650,000” and inserting “\$14,150,000” in its place;
- Section 5, second paragraph, by striking the amount of “\$1,100,000” and inserting “\$1,120,000” in its place.

Assemblymember Keogh:

- stated that the ordinance as written did not include the “Paved pathway Adjacent to Wright Way and Chickaloon Way from Sutton Elementary School to Glenn Highway - \$500,000;
- noted that the project is scheduled to be constructed next summer so it needs to be listed in the legislation; and
- stated that will not happen unless it is included in the legislation.

Mayor DeVilbiss queried if the amendment was in order.

Mr. Spiropoulos affirmed the query.

Ms. Clayton stated that the \$500,000 was in the ballot for that specific project.

VOTE: The primary amendment passed without objection.

Discussion ensued regarding:

- the next bond sale schedule;
- that some projects will begin construction in the summer of 2013;
- that issuance costs will be paid out of the premium this year and next fall;

- that funds and contracts will be issued in phases;
- that another round of bonds will be sold next year;
- State contributions in comparison to bond sales;
- that some projects will be two-year rather than one-year projects;
- whether there are sufficient funds to complete the projects;
- concerns with project contracts being issued before the bonds are sold;
- the desire to keep projects on track; and
- the desire to bid projects competitively.

VOTE: The main motion passed as amended without objection.

5. Ordinance Serial No. 12-117: AN ORDINANCE ACCEPTING AND APPROPRIATING \$5,000,000 FOR THE SOUTH BIG LAKE ROAD CONSTRUCTION PROJECT FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT.
 - a. Resolution Serial No. 12-104: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE SOUTH BIG LAKE ROAD CONSTRUCTION PROJECT, PROJECT NO. 30043, FUND 410, WITH GRANT FUNDS FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT.
 - (1) IM No. 12-187

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Salmon moved to adopt Ordinance Serial No. 12-117 and Resolution Serial No. 12-104.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke in support of coal mining within the Borough: Mr. Patrick O'Connor.

The following person spoke against the Borough foreclosing on homesteads: Mr. Neil Snider.

The following persons spoke in support of Resolution Serial No. 12-108: Mr. Andre Ciostek Ms. Sharon Scott, Matanuska-Susitna Borough Health and Social Services Board; Ms. Alice Ciostek; Mr. Jeremiah Millen, Friends of Mat-Su Executive Director; Ms. Aubry Spangler; Mr. Tim Leach; Ms. Lisa Wade, Health and Social Services Executive Director for Chickaloon Village Traditional Council; Ms. Heidi Zimmer; Ms. Samantha Burg; Dr. David Werner;

Ms. Kathleen Harms; Ms. Carolyn Tyler; Mr. Kirby Spangler; Mr. Rob Goodwin; Mr. John Martin; Ms. Kay Masiolek; Ms. Patricia Rosnel; Mr. Pete Praetorius; and Ms. Caroline Brasher.

The following person spoke to concerns with the way public testimony is received and how some members of the audience may feel intimidated by other members of the audience: Ms. Crystal Nygard, Mat-Su Business Alliance Chief Executive Officer.

The following person spoke in opposition to Ordinance Serial No. 12-130: Mr. Anthony Martin.

The following person spoke to concerns with Resolution Serial No. 12-108: Mr. Dan Contini.

(The meeting recessed at 8:48 p.m. and reconvened at 9 p.m.)

D. CONSENT AGENDA

1. RESOLUTIONS

b. Resolution Serial No. 12-106: A RESOLUTION APPROVING THE PENDING FINANCIAL RESPONSIBILITY FOR THE M/V SUSITNA FOR OCTOBER 2012.

(1) IM No. 12-213

c. Resolution Serial No. 12-107: A RESOLUTION APPROVING THE PURCHASE OF TWO 20-FOOT CONNEXES AND AUTHORIZING \$21,000 TO LOAD AND STORE THE CONNEXES ON THE M/V SUSITNA WITH ITS SPARE PARTS AND SUPPLIES.

(1) IM No. 12-214

2. ACTION MEMORANDUMS

a. AM No. 12-122: VACATION OF THE PUBLIC INTEREST IN THAT PORTION OF LAKEVIEW ROAD AND RIGHTS-OF-WAY LOCATED NORTH OF THE SOUTH 50-FEET AND EAST OF THE WEST 33-FEET OF UNITED STATES GOVERNMENT LOT 7, SECTION 30, TOWNSHIP 18 NORTH, RANGE 1 EAST, SEWARD MERIDIAN (EXCLUDING SECTION LINE EASEMENTS).

b. AM No. 12-123: VACATION OF A PORTION OF NORTH WILLOW DRIVE TO ELIMINATE A GARAGE ENCROACHMENT INTO THE RIGHT-OF-WAY LOCATED IN SECTION 17, TOWNSHIP 19 NORTH, RANGE 4 WEST, SEWARD MERIDIAN.

c. AM No. 12-124: AWARD OF PROPOSAL NO. 12-165 TO MCCOOL, CARLSON GREEN ARCHITECTS IN THE CONTRACT AMOUNT OF \$1,051,527 FOR THE VALLEY PATHWAYS SCHOOL DESIGN AND CONSTRUCTION MANAGEMENT.

- d. AM No. 12-125: AWARD OF BID NO. 13-018B, TO PIONEER PEAK INDUSTRIES, LLC. IN THE AMOUNT OF \$164,100 TO PURCHASE ROLL-OFF CONTAINERS FOR SOLID WASTE TRANSFER SITES.
- e. AM No. 12-126: ACCEPTANCE OF LATE FILED AND RETROACTIVE SENIOR CITIZEN AND DISABLED VETERAN EXEMPTION APPLICATIONS.
- f. AM No. 12-127: AWARD OF BID NO. 13-016B, TO NORTHERN GRAVEL IN THE CONTRACT AMOUNT OF \$225,135 FOR THE PURCHASE OF WINTER SAND AND CHIPS.

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. 12-105: A RESOLUTION AMENDING THE SCOPE OF WORK FOR IMPLEMENTING MEASURES TO FACILITATE A CONSOLIDATED PERMITTING PROCESS THROUGH THE MATANUSKA-SUSITNA BOROUGH.
(1) IM No. 12-204

MOTION: Assemblymember Woods moved to adopt Resolution Serial No. 12-105.

MOTION: Assemblymember Woods moved a primary amendment to IM No. 12-204, second to last paragraph, last sentence, by striking the word “can” after the word “and” and inserting in its place “shall,” to read: “Borough Staff is available and shall complete the project by the end of next field season.”

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Arvin moved a primary amendment to Resolution Serial No. 12-105, in the title to insert the words “for KABATA” between the words “process” and “through.”

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

- b. Resolution Serial No. 12-108: A RESOLUTION REQUESTING THAT THE ALASKA STATE DEPARTMENT OF HEALTH AND SOCIAL SERVICES CONDUCT A COMPREHENSIVE HEALTH IMPACT ASSESSMENT FOR MINING THE MATANUSKA VALLEY COAL FIELDS. *(Sponsored by Assemblymember Keogh)*
(1) IM No. 12-215

MOTION: Assemblymember Woods moved to adopt Resolution Serial No. 12-108.

MOTION: Assemblymember Woods moved to postpone Resolution Serial No. 12-108 indefinitely.

Assemblymember Woods opined that the legislation is premature as there will be no coal mining taking place anytime soon.

Assemblymember Keogh:

- stated that he opposes postponement;
- acknowledged the people who provided public testimony regarding the resolution;
- opined that the legislation is not premature when there is a lot of interest in the ongoing issue;
- stated that he does not own 40 acres near the proposed coal mine, but 50 acres that have been purchased over the last 30 years;
- noted that he developed his property long before the Mental Health Trust leased land for coal mining;
- spoke to what a comprehensive health impact assessment is;
- stated that such assessments identify both positive and negative effects of coal mining;
- noted that health assessments are not mandated by any State or Federal law;
- advised that this resolution requests a health assessment of all coal mining projects that are proposed in the Borough;
- opined that the proposed mining area has the potential to increase from 30 miles to 90 miles over the coming decades;
- spoke to the significance of the history of coal mining in the Borough;
- spoke to the long term lease the Borough granted to construct a road in the Wishbone Hill area;
- opined that the comprehensive assessment should be done because it is what the public wants;
- stated that the Assembly has no idea what the impacts may be and should find out;
- opined that the prospect for mining is growing, but that population growth needs to be kept in mind;
- spoke to the massive extractive possibilities for natural resources within the Borough;
- noted the dozens of health professionals who have spoken in support of a comprehensive assessment;
- agreed that the Borough has no jurisdiction as a local government over coal mining; and
- opined that the Assembly needs to show residents that they are supported.

Assemblymember Colligan:

- stated that he appreciates Assemblymember Keogh's efforts and the testimony received this evening;
- related that the current health impact assessment is ongoing and still in review;
- noted that there is no coal mining going on any time soon;
- stated that he is in favor of the current assessment being finished, reviewed, and vetted in the community;

- agreed that the Borough has no jurisdiction over coal mining;
- stated that the assessment is free to the Borough but not free to the public;
- stated that he is interested in continuing the dialogue, but disgusted at the timing of bringing this to the public; and
- spoke in support of postponement.

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

VOTE: The motion passed without objection.

VOTE: The motion to postpone indefinitely passed with Assemblymembers Colver and Keogh opposed.

g. AM No. 12-128: AWARD OF PROPOSAL NO. 13-031P, MOVING AND STORAGE OF THE M/V SUSITNA.

MOTION: Assemblymember Arvin moved to adopt AM No. 12-128.

Mr. Moosey provided a staff report.

Assemblymember Colver queried if the legislation would lock the Borough into a specific timeframe.

Mr. Moosey stated that it would not.

Discussion ensued regarding:

- the possibility of moving the ferry to Seattle and keeping it in the water;
- the lack of interest in taking the vessel out of the Borough;
- the vessel being listed with brokers;
- the desire to keep Administration looking for options;
- concerns with listing it on the register;
- that the information Administration has been providing has been valuable;
- whether or not there has been any opportunity for potential buyers to see the vessel;
- that there have been inquiries and a that a foreign entity has been invited to come next month to look at the vessel for use;
- the desire to look at only viable offers;
- the option that the Borough not be in the shipping business; and
- concerns with ongoing issues with the vessel.

VOTE: The motion failed unanimously.

X. NEW BUSINESS

A. INTRODUCTIONS (For public hearing – 10/16/12, 7 p.m., School District Administration Building)

Mayor DeVilbiss queried if there was any objection to introducing Ordinance Serial No. 12-133 separately.

There was no objection noted.

1. Ordinance Serial No. 12-119: AN ORDINANCE APPROVING AN APPROPRIATION OF \$475,000 FROM BIG LAKE ROAD SERVICE AREA NO. 21 FUND BALANCE, FUND 277, TO FUND 410, PROJECT NO. 30043, FOR BIG LAKE ROAD SERVICE AREA NO. 21 CAPITAL PROJECTS.
 - a. IM No. 12-161
2. Ordinance Serial No. 12-120: AN ORDINANCE ACCEPTING AND APPROPRIATING \$32,200,000 FOR A PORTION OF THE FISCAL YEAR 2013 DESIGNATED LEGISLATIVE GRANT PROJECTS FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT.
 - a. IM No. 12-170
3. Ordinance Serial No. 12-121: AN ORDINANCE ACCEPTING AND APPROPRIATING \$4,704,774.57 FOR THE SOUTH BIG LAKE ROAD REALIGNMENT PROJECT CONSTRUCTION FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT.
 - a. Resolution Serial No. 12-109: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE SOUTH BIG LAKE ROAD REALIGNMENT PROJECT CONSTRUCTION, PROJECT NO. 30043, FUND 410, WITH GRANT FUNDS FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT.
 - (1) IM No. 12-191
4. Ordinance Serial No. 12-122: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$27,840 FROM THE GREATER PALMER CONSOLIDATED FIRE SERVICE AREA FUND BALANCE, FUND 259, TO THE GREATER PALMER CONSOLIDATED FIRE SERVICE AREA FISCAL YEAR 2013 OPERATING BUDGET, FUND 259, TO PROVIDE REIMBURSEMENT FOR EMERGENCY SEPTIC REPAIR AND FUNDING FOR TANKER TIRES.
 - a. IM No. 12-192
5. Ordinance Serial No. 12-123: AN ORDINANCE APPROVING AN APPROPRIATION OF \$50,000 FROM NORTH COLONY ROAD SERVICE AREA NO. 23 FUND BALANCE, FUND 278, TO FUND 410, PROJECT NO. 30044, FOR NORTH COLONY ROAD SERVICE AREA NO. 23 CAPITAL PROJECTS.
 - a. IM No. 12-193

6. Ordinance Serial No. 12-124: AN ORDINANCE APPROVING AN APPROPRIATION OF \$150,000 FROM FAIRVIEW ROAD SERVICE AREA NO. 14 FUND BALANCE, FUND 271, TO FUND 410, PROJECT NO. 30037, FOR FAIRVIEW ROAD SERVICE AREA NO. 14 CAPITAL PROJECTS.
 - a. Ordinance Serial No. 12-125: AN ORDINANCE APPROVING A REAPPROPRIATION OF \$125,000 FROM THE FAIRVIEW ROAD SERVICE AREA NO. 14 FISCAL YEAR 2013 OPERATING BUDGET, FUND 271, TO FUND 410, PROJECT NO. 30037, FOR FAIRVIEW ROAD SERVICE AREA NO. 14 CAPITAL PROJECTS.
 - (1) IM No. 12-194
 - (2) IM No. 12-201
7. Ordinance Serial No. 12-126: AN ORDINANCE APPROVING AN APPROPRIATION OF \$400,000 FROM GOLD TRAIL ROAD SERVICE AREA NO. 28 FUND BALANCE, FUND 282, TO FUND 410, PROJECT NO. 30048, FOR GOLD TRAIL ROAD SERVICE AREA NO. 28 CAPITAL PROJECTS.
 - a. Ordinance Serial No. 12-127: AN ORDINANCE APPROVING A REAPPROPRIATION OF \$100,000 FROM THE GOLD TRAIL ROAD SERVICE AREA NO. 28 FISCAL YEAR 2013 OPERATING BUDGET, FUND 282, TO FUND 410, PROJECT NO. 30048, FOR GOLD TRAIL ROAD SERVICE AREA NO. 28 CAPITAL PROJECTS.
 - (1) IM No. 12-195
 - (2) IM No. 12-198
8. Ordinance Serial No. 12-128: AN ORDINANCE APPROVING AN APPROPRIATION OF \$300,000 FROM KNIK ROAD SERVICE AREA NO. 17 FUND BALANCE, FUND 274, TO FUND 410, PROJECT NO. 30040, FOR KNIK ROAD SERVICE AREA NO. 17 CAPITAL PROJECTS.
 - a. Ordinance Serial No. 12-129: AN ORDINANCE APPROVING A REAPPROPRIATION OF \$325,000 FROM THE KNIK ROAD SERVICE AREA NO. 17 FISCAL YEAR 2013 OPERATING BUDGET, FUND 274, TO FUND 410, PROJECT NO. 30040, FOR KNIK ROAD SERVICE AREA NO. 17 CAPITAL PROJECTS.
 - (1) IM No. 12-196
 - (2) IM No. 12-200
9. Ordinance Serial No. 12-130: AN ORDINANCE AMENDING THE OPERATING RULES, RATES, AND PROCEDURES FOR THE SUPPLY OF PUBLIC SEWER AND WATER SYSTEMS IN TALKEETNA, ALASKA, BY INCREASING THE RATES FOR MONTHLY WATER AND SEWER CHARGES AND INTERRUPTED SERVICE FEES AND CHANGING SECTION 10, METERING, TO ADDRESS THE COST AND RESPONSIBILITY OF THE NEW METERS.
 - a. IM No. 12-197
10. Ordinance Serial No. 12-131: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$10,000 FROM NORTH COLONY ROAD SERVICE AREA

NO. 23 FUND BALANCE, FUND 278, TO NORTH COLONY ROAD SERVICE AREA NO. 23 FISCAL YEAR 2013 OPERATING BUDGET, FUND 278.

- a. IM No. 12-199
11. Ordinance Serial No. 12-132: AN ORDINANCE ADOPTING MSB 17.28.090(a)(6); DESIGNATING THE KOPCZENSKI PIT AN INTERIM MATERIALS DISTRICT, LOCATED WITHIN TOWNSHIP 21 NORTH, RANGE 4 WEST, SECTION 19, SEWARD MERIDIAN.
 - a. IM No. 12-202
13. Ordinance Serial No. 12-134: AN ORDINANCE ACCEPTING AND APPROPRIATING \$75,000 FOR THE SAFE ROUTES TO SCHOOLS PLANNING GRANT FROM THE ALASKA STATE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES FOR THE SAFE ROUTES TO SCHOOLS PROGRAM, PROJECT NO. 47027.
 - a. Resolution Serial No. 12-110: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET, AND AUTHORIZING THE MANAGER TO ENTER INTO THE GRANT AGREEMENT FOR A \$75,000 SAFE ROUTES TO SCHOOLS PLANNING GRANT FROM THE ALASKA STATE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES FOR THE SAFE ROUTES TO SCHOOLS PROGRAM, PROJECT NO. 47027.
 - (1) IM No. 12-205
14. Ordinance Serial No. 12-135: AN ORDINANCE APPROVING A REAPPROPRIATION OF \$50,000 FROM THE MIDWAY ROAD SERVICE AREA NO. 9 FISCAL YEAR 2013 OPERATING BUDGET, FUND 270, TO FUND 410, PROJECT NO. 30036, FOR MIDWAY ROAD SERVICE AREA NO. 9 CAPITAL PROJECTS.
 - a. Ordinance Serial No. 12-136: AN ORDINANCE APPROVING AN APPROPRIATION OF \$1,100,000 FROM MIDWAY ROAD SERVICE AREA NO. 9 FUND BALANCE, FUND 270, TO FUND 410, PROJECT NO. 30036, FOR MIDWAY ROAD SERVICE AREA NO. 9 CAPITAL PROJECTS.
 - (1) IM No. 12-206
 - (2) IM No. 12-207
15. Ordinance Serial No. 12-137: AN ORDINANCE APPROPRIATING \$50,000 FROM THE GREATER PALMER CONSOLIDATED FIRE SERVICE AREA FUND BALANCE, FUND 259, TO FUND 405, PROJECT NO. 45115, FOR SEPTIC AND LEACH FIELD REPAIR AT STATION 3-3.
 - a. Resolution Serial No. 12-111: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 45115 FOR SEPTIC AND LEACH FIELD REPAIR AT STATION 3-3.
 - (1) IM No. 12-209

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 16, 2012.

VOTE: The motion passed without objection.

12. Ordinance Serial No. 12-133: AN ORDINANCE ADOPTING THE HATCHER PASS GOVERNMENT PEAK UNIT ASSET MANAGEMENT AND DEVELOPMENT PLAN, AUGUST 2012; ADOPTING PORTIONS OF THE ALASKA HATCHER PASS MANAGEMENT PLAN, 2010; AND AMENDING MSB 15.24.030, COMPREHENSIVE PLAN AND PURPOSES.
 - a. IM No. 12-203

Ms. McKechnie read the above legislation into the record.

Mayor DeVilbiss stated that Parks, Recreation, and Trails Advisory Board has not had an opportunity to address the legislation and requested that the public hearing be extended.

Assemblymember Keogh:

- advised that he disagreed with postponing the legislation further out;
- noted that the Board has already acted on the legislation two separate times; and
- advised that their most recent resolution failed.

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

VOTE: The motion passed without objection.

Assemblymember Colligan opined that it is reasonable to set the public hearing for later in November.

MOTION: Assemblymember Arvin moved to introduce Ordinance Serial No. 12-133 and set the public hearing for November 20, 2012.

Assemblymember Keogh opined that the Board has had plenty of time and opportunity to weigh in on the legislation and that it should be set for public hearing in October.

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

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor DeVilbiss requested the following confirmations:

Emergency Medical Services Board
Charles Darnell
Library Board
Marci Hawkins
Knik RSA No. 17
Tod Becker, resignation

Mayor DeVilbiss made the following recommendations:

Local Emergency Planning Commission
Ray Hollenbeck

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

VOTE: The motion passed without objection.

C. OTHER NEW BUSINESS

(There was no other new business)

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

(There were no referrals presented.)

XI. RECONSIDERATION

(There was no reconsideration presented.)

XII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Mr. Spiropoulos stated that as to the road bond issue brought up earlier, there would be other defenses and other issues that could be brought forward if there was a legal challenge, but that he will not discuss it in open session.

Mr. Moosey:

- related that he sent the Assembly a copy of the letter that was sent to the State regarding the Seward-Meridian land swap;
- noted that he will be meeting with the Local Road Service Area Advisory Board regarding this issue; and
- stated that he hopes to have a resolution in place soon to assure the State that Borough is not renegeing on its obligation.

Assemblymember Salmon opined that the ferry should be put up for auction to encourage competitive bidding.

Assemblymember Keogh reiterated his desire for the State to conduct comprehensive health impact assessments for all of the current and proposed mining projects in the Borough.

Assemblymember Colver:

- thanked Mr. Moosey for managing the land swap for Seward-Meridian;
- related that the next phase is on hold until that agreement is in place;
- spoke to the infrastructure issues that need to be addressed for the new school site that has been selected for Knik Goose Bay;
- stated that the new trail at Hatcher pass Nordic Ski Area has been vandalized;
- opined that there is an enforcement issue that needs to be brought under control;
- spoke to concerns with pathway designs and cautioned the Manager against change orders; and
- stated that he has concerns with the coal resolution being brought forward during the election cycle.

Assemblymember Colligan wished everyone a safe trip home, as the weather is very bad.

Assemblymember Arvin:

- noted that he appreciates Assemblymember Keogh's efforts concerning coal mining in the Borough;
- reiterated that it is the State who has jurisdiction over coal mining; and
- queried if there would be road access issues for the new Knik Goose Bay school site, such as what was encountered with Machetanz Elementary.

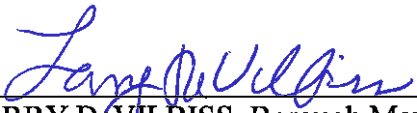
Assemblymember Colver stated that he wanted to ensure that the body was aware that the infrastructure needs would be above and beyond the bond.

XIII. EXECUTIVE SESSION

(There was no executive session held.)


XIV. ADJOURNMENT

The regular meeting adjourned at 10:11 p.m.



LARRY DeVILBISS, Borough Mayor

ATTEST:



LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 10/16/12