I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on September 20, 2011, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Larry DeVilbiss.

II. ROLL CALL

Assembly members present and establishing a quorum were:

Mr. Warren Keogh, Assembly District No. 1
Mr. Noel Woods, Assembly District No. 2
Mr. Ronald Arvin, Assembly District No. 3 *(Deputy Mayor)(entered at 6:10 p.m.)*
Mr. Mark Ewing, Assembly District No. 4
Ms. Cindy L. Bettine, Assembly District No. 5
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
Ms. Elizabeth Gray, Assistant Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Brenda J. Henry, Executive Assistant to the Borough Clerk
Ms. Tammy Clayton, Finance Director
Ms. Shaune O'Neil, Public Works Director
Mr. Alex Strawn, Permitting Services Manager
Ms. Patty Sullivan, Public Affairs Director
Ms. Susan Lee, Planner II
Ms. Pamela Graham, Grants and Projects Coordinator
Ms. Glenda Smith, Real Property Analyst
Ms. Kendra Johnson, Code Compliance Officer
Ms. Joell Church, Records Management Officer
Ms. Debby Broeneske, Resource Management Specialist

III. APPROVAL OF AGENDA

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

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Red Secoy, a member of the audience.

V. MINUTES OF PRECEDING MEETINGS

A. Special Assembly Meeting: 08/16/11
B. Regular Assembly Meeting: 08/16/11

Mayor DeVilbiss inquired if there were any corrections to the special or regular meeting minutes of August 16, 2011.

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:
- related that there are still seats available on the train going from Wasilla to Fairbanks on November 6, for the Alaska Municipal League Conference;
- thanked Borough Staff for setting up a recent tour of the Goose Creek Correctional Facility and Port MacKenzie;
- opined that the tour was well worth the effort, and that he enjoyed it;
- stated that the city of Wasilla will be coming forward in the next few weeks with a resolution supporting a new city library; and
- noted that they are still working on the transfer of ownership of Lake Lucille Park.

2. Matanuska-Susitna Borough School District

Mr. Dave Anderton, Director of Operations and Maintenance:
- advised that the student count is at 17,369;
- stated that they are working on installing fire panels for boilers throughout the District; and
- noted that the School District is doing well.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

(There was no report provided.)

2. Assembly Public Relations

Assemblymember Halter:
- related that Mr. John Baker, 2011 Iditarod Champion, will be at the Willow Dog Mushers' Symposium this coming weekend;
- noted that local band "Pamyua" will be performing at the event on Saturday;
- stated that there will be a dinner in honor of Mr. Baker on Friday night; and
- invited the body to attend.

Mayor DeVilbiss:
- spoke to recently participating in the Energy Watch media campaign;
- stated that starting October 19, the campaign will begin asking residents to cut back on their electric and gas use for two hours in the evening; and
- noted that would provide a measure by which to gauge how much energy could be saved, should that need arise in the middle of winter.

C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues
3. Space Issues

Mr. Moosey:
- advised that he would like the Assembly to begin considering priorities for inclusion in the Governor's Budget for fiscal year 2013;
- noted that there is a lot of work that needs to be done; and
- stated that without Assembly input no progress can be made.

A. ATTORNEY COMMENTS

Mr. Spiropoulos:
- spoke to the executive session that is on the agenda for this evening; and
- advised that it is not needed, as there is nothing new to update the body on at this time.

MOTION: Assemblymember Colver moved to suspend the rules to strike the Cook Inlet Driftnetters Association executive session from the agenda.

VOTE: The motion passed without objection.

Mr. Spiropoulos:
- commented that the State Redistricting law suit is still scheduled for trial on January 9, 2012;
- noted that the Ketchikan Gateway Borough moved to intervene in the law suit;
- advised that the Court denied the intervention, but granted the ability to file an amicus brief;
- related that the State Redistricting Board has moved to dismiss the city of Petersburg and the Fairbanks Northstar Borough from being named parties in the litigation;
- noted that should they be removed from parties to the suit, that it would not impact the case;

- noted that he was at a National Attorney's conference last week, at which he provided a presentation regarding code compliance;
- related that other areas are very interested in how the Borough trains code compliance officers;
- stated that the Borough had filed for trademark to be "The Stillwater Fishing Capital of Alaska;" and
- advised that trademark was granted.

B. CLERK COMMENTS

Ms. McKechnie:
- spoke regarding the upcoming meeting schedule;
- noted that she would not be at the beginning of the 4 p.m. meeting September 29, as she would be conducting the election official training;
- stated that the special meeting scheduled for September 29 could be conducted as a work session, should that be something the body decides to do; and
- queried if the body wanted to schedule any additional meeting dates for Ordinance Serial No. 11-072.

Assemblymember Colver:
- opined that he is not prepared to schedule any additional meetings at this time;
- spoke to the informational process the Assembly had been going through by hearing from industry professionals; and
- queried how the body would like to proceed.

Discussion ensued regarding:
- that the body does not have to take action should they not be prepared to do so;
- the possibility of having industry professionals available to answer questions
- the possibility of additional work sessions; and
- the possibility of scheduling special meetings as needed in order to take action.

Assemblymember Ewing:
- thanked Mr. Spiropoulos for bringing the trademark information before the body;
- noted that it was Mr. Bob Andre who started the whole idea of the Borough being named as "The Stillwater Fishing Capital of Alaska;" and
- requested that the Mayor commend Mr. Andre for his efforts.

C. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
a. Fairview RSA Board of Supervisors: 02/22/11
b. Greater Talkeetna RSA Board of Supervisors: 07/14/11
c. Mayor's Blue Ribbon Sportsmen's Committee: 02/17/11, 03/17/11, 04/21/11
d. Parks, Recreation, and Trails Advisory Board: 05/23/11, 06/27/11
e. Planning Commission: 06/20/11, 07/11/11, 07/18/11, Resolution Serial No. 11-14

f. Wasilla Lakes FSA Board of Supervisors: 01/24/11, 03/07/11
g. West Lakes FSA Board of Supervisors: 04/04/11

2. Community Council Correspondence:
a. Chickaloon Community Council: 05/11/11
b. Sutton Community Council: 01/13/11
c. Trapper Creek Community Council: 03/17/11, 05/19/11

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

D. INFORMATIONAL MEMORANDUMS

1. IM No. 11-219: MONTHLY REPORTING OF AMENDED CONTRACTS AND NEW AWARDS UNDER $100,000, ALONG WITH SOLE SOURCE PROCUREMENTS, FOR THE PERIOD OF AUGUST 1, 2011, TO AUGUST 31, 2011.

The informational memorandum was presented without objection.

Assemblymember Colver noted that he is still interested in conducting work sessions regarding the procurement process.

VII. UNFINISHED BUSINESS

A. AM No. 11-033: AWARD OF BID NO. 11-083 TO HOWDIE, INC. FOR THE CONTRACT AMOUNT OF $213,428, FOR THE DOROTHY SWANDA JONES BUILDING DOOR HARDWARE AND SECURITY UPGRADES.

MOTION PENDING: Assemblymember Colver moved to adopt AM No. 11-033.

Mr. Moosey;
- noted that the legislation has been postponed numerous times;
- stated that Administration does not intend to move forward with the project; and
- requested that it be postponed indefinitely.

MOTION: Assemblymember Woods moved to postpone AM No. 11-033 indefinitely.

VOTE: The motion passed without objection.

B. Resolution Serial No. 11-062: A RESOLUTION AUTHORIZING EMINENT DOMAIN AND USE OF DECLARATION OF TAKING PROCEDURES TO ACQUIRE PROPERTY INTERESTS NEEDED FOR THE BOGARD ROAD EXTENSION EAST PROJECT.
1. IM No. 11-099

MOTION PENDING: Assemblymember Ewing moved to adopt Resolution Serial No. 11-062.

Assemblymember Arvin:

- spoke to resolutions that may have occurred as a result of eminent domain;
- noted that he would like to know the outcome of that negotiation; and
- stated that he thought that there would be an update on that subject.

Mayor DeVilbiss advised that information has been provided to the Assembly in the form of a handout this evening.

Mr. Moosey;

- stated that staff is working to try to resolve this without going through the eminent domain process;
- noted that there are owners who are asking three to four times the value of the property;
- related that does not mean that a resolution is impossible and that an agreement will not be reached;
- advised that the legislation is asking permission to move forward so that the project can be started; and
- noted that the eminent domain process is quite lengthy.

Assemblymember Arvin:

- opined that the Borough is lacking a substantial amount of money to construct the project; and
- stated that he does not agree that the Borough should be claiming eminent domain without funds in place to begin construction.

Assemblymember Halter:

- spoke to his attendance at the recent transportation fair;
- related that he was speaking to staff from the State who informed him that it was a two to three year process before eminent domain procedures are complete;
- opined that if the Assembly does not allow staff to get moving that the project would never be accomplished; and
- noted that even the State has been having difficulties with the process.

Assemblymember Colver:

- spoke to his disappointment that it has come down to eminent domain;
- opined that the body has given staff a lot of time to secure the properties;
- noted that he is not happy with the process of taking personal property;
- opined that more could have been accomplished; and
- stated that he discovered that the Alaska State Department of Transportation has $10 million for upgrading Burma Road that nothing has been done with.

Assemblymember Arvin queried the timeframe of the eminent domain process.

Mr. Spiropoulos:

- stated that the Borough goes to court and files a complaint for condemnation, a declaration of taking;

- advised that the Borough must also file the decision document, which is what the body would be approving, as well as a deposit of money as to what the Borough thinks the property is worth;
- noted that unless an owner objects to the taking, he is confident that the Borough would win;
- opined that the fight would really be about what the property is worth;
- noted that could take as much time as a regular court case;
- stated that while that is pending, the Borough would have the deed in hand; and
- noted that the project would not be held up in court as the Borough would then follow quick take procedures.

Discussion ensued regarding:
- the condemnation process;
- how much has been spent on acquiring right-of-way;
- which route the Planning Commission had chosen for the Bogard Extension project;
- the remaining properties that need to be acquired for the project;
- the process that occurred in choosing the route;
- that one of the alternative routes would have taken more houses than the one chosen; and
- the fact that many properties have already been purchased for the project.

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

VOTE: The motion passed without objection.

VOTE: The main motion passed with Assemblymember Arvin opposed.

X. NEW BUSINESS

A. INTRODUCTIONS (For public hearing – 10/18/11, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 11-132: AN ORDINANCE AMENDING MSB 4.50.030(A), LOCAL EMERGENCY PLANNING COMPOSITION; MSB 4.50.040(A), LOCAL EMERGENCY PLANNING ORGANIZATION; AND MSB 4.50.060, LOCAL EMERGENCY PLANNING TERM OF MEMBERS.

a. IM No. 11-098

2. Ordinance Serial No. 11-133: AN ORDINANCE AMENDING MSB 17.23, THE POINT MACKENZIE PORT SPECIAL USE DISTRICT.

a. IM No. 11-188

3. Ordinance Serial No. 11-134: AN ORDINANCE AMENDING MSB 3.04.095 (B) AND (C), GENERAL FUND BALANCE POLICY AND RESERVATIONS. *(Sponsored by Assemblymembers Halter and Keogh)*

a. IM No. 11-192

4. Ordinance Serial No. 11-135: AN ORDINANCE ADOPTING THE CITY OF WASILLA 2011 COMPREHENSIVE PLAN UPDATE.

a. IM No. 11-195

5. Ordinance Serial No. 11-136: AN ORDINANCE ACCEPTING AND APPROPRIATING A FISCAL YEAR 2012 DESIGNATED LEGISLATIVE GRANT IN THE AMOUNT OF $500,000 FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT FOR THE POINT MACKENZIE SHOAL STUDY COST SHARE, FUND 450, PROJECT NO. 70009.

a. Resolution Serial No. 11-122: 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 POINT MACKENZIE SHOAL STUDY COST SHARE.

(1) IM No. 11-196

6. Ordinance Serial No. 11-137: AN ORDINANCE APPROVING THE REQUEST BY THE AGRICULTURAL RIGHTS OWNER OF THE 1982 SALE FARM UNIT, CURRENTLY DESCRIBED AS SOUTH 1/2 SOUTH 1/2 OF SECTION 26, TOWNSHIP 24 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA, CONTAINING 160 ACRES, MORE OR LESS, TO SUBDIVIDE INTO FOUR 40-ACRE AGRICULTURAL RIGHTS PARCELS, SAID PROPERTY IS LOCATED WITHIN THE TALKEETNA RECORDING DISTRICT AND THE SUTTON COMMUNITY COUNCIL AREA (MSB002230).

a. IM No. 11-210

7. Ordinance Serial No. 11-138: AN ORDINANCE ACCEPTING AND APPROPRIATING $2,000,000 FOR A PORTION OF THE FISCAL YEAR 2012 DESIGNATED LEGISLATIVE GRANT PROJECTS FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT TO FUND 430, PROJECT NO. 35007, FOR THE PARKS HIGHWAY FRONTAGE ROAD AND INTERSECTION IMPROVEMENTS AT TRUNK ROAD PROJECT.

a. Resolution Serial No. 11-123: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR A PORTION OF THE FISCAL YEAR 2012 DESIGNATED LEGISLATIVE GRANT PROJECTS FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT FOR THE PARKS HIGHWAY FRONTAGE ROAD AND INTERSECTION IMPROVEMENTS AT TRUNK ROAD, PROJECT NO. 35007, FUND 430.

(1) IM No. 11-213

8. Ordinance Serial No. 11-139: AN ORDINANCE ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF $750,000 FROM THE ALASKA STATE ENERGY AUTHORITY FOR THE SUSITNA VALLEY HIGH SCHOOL WOOD BOILER SYSTEM, TO FUND 400, PROJECT NO. 40169.

a. Resolution Serial No. 11-124: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE SUSITNA VALLEY HIGH SCHOOL WOOD BOILER SYSTEM.

(1) IM No. 11-214

9. Ordinance Serial No. 11-140: AN ORDINANCE ACCEPTING AND APPROPRIATING A FISCAL YEAR 2012 DESIGNATED LEGISLATIVE GRANT IN THE AMOUNT OF $56,523.50 FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT FOR THE CONSTRUCTION OF THE HATCHER PASS SKI AREA, TO FUND 490, PROJECT NO. 75002.

a. Resolution Serial No. 11-125: 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 CONSTRUCTION OF THE HATCHER PASS SKI AREA, FUND 490, PROJECT NO. 75002.

(1) IM No. 11-217

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 18, 2011.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor DeVilbiss requested the following confirmations:

Historical Preservation Commission
    Patrick Durand
Planning Commission
    Bruce Walden
Transportation Advisory Board
    Don Carney

Mayor DeVilbiss made the following recommendations:

Willow FSA No. 35
    Michel “Kel” Jacobs

MOTION: Assemblymember Arvin moved to approve the Mayor’s recommendations for confirmation this evening.

MOTION: Assemblymember Keogh moved to divide the question to take up the confirmation of Bruce Walden to the Planning Commission separately.

VOTE: The motion to divide the question failed with Assemblymembers Keogh, Halter and Bettine in support.

VOTE: The main motion passed with Assemblymembers Keogh and Bettine opposed.

Assemblymember Bettine:

- opined that it will be a sad day when the boards for the Borough are all men;
- spoke to concerns that no women have been moved forward recently; and
- opined that the Mayor would find if he was in an audience and he came before a board of all women that he would have to present his opinions in a different way than if it was a mixed gender group.

C. OTHER NEW BUSINESS

(There was no other new business presented.)

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

(There were no referrals presented.)

VIII. VETO

(There was no veto presented.)

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

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

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

(There were no persons to be heard.)

B. PUBLIC HEARINGS (Three minutes per person.)

1. Ordinance Serial No. 11-104: AN ORDINANCE CREATING CREEKSHORE ESTATES AND PORTION OF BROOKRIDGE ESTATES ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 457, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.

a. IM No. 11-172

Mayor DeVilbiss opened the public hearing.

The following person spoke to concerns with where the pavement would end and requested an amendment to the taxable amount based on the length of pavement: Ms. Lauren McElroy.

The following persons spoke in support of Ordinance Serial No. 11-104: Ms. Darla Varden, Mr. Charles Worthy, and Ms. Sherry Worthy,

The following person spoke in support of Ordinance Serial No. 11-104 and to concerns with the values assessed per property: Ms. Barbara Worley.

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. 11-104.
Assemblymember Halter requested a staff report regarding exactly what would be paved.

Ms. O'Neill advised that the project has not yet been designed by the engineer, but that it would pave the frontage of all of the lots in the local improvement district (LID).

Discussion ensued regarding:

- where the paving for the LID would occur;
- lots that border the LID; and
- the possibility of postponing the legislation.

VOTE: The motion passed without objection.

2. Ordinance Serial No. 11-105: AN ORDINANCE AMENDING MSB 8.05, SOLID WASTE, TO ADD A SECTION MSB 8.05.085, DISTRIBUTION OF COMMERCIAL LITERATURE, AND TO AMEND MSB 8.05.010, DEFINITIONS. *(Sponsored by Assemblymember Bettine)*

a. IM No. 11-178

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 Bettine moved to adopt Ordinance Serial No. 11-105.

Assemblymember Bettine:

- related that a few years back, she was at a wedding and was asked to help remove phone books that were dropped in a driveway for all in the neighborhood to pick up from;
- opined that no one should be able to dump unwanted items on property that does not belong to you;
- stated that if you do not want the yellow pages, it becomes trash that has to be disposed of;

- noted that she saw it again this summer while heading to work, that there was trash at the end of everyone's driveways;
- related that at her place of business there were six books that needed to be disposed of; and
- requested support of the legislation.

Assemblymember Arvin:
- opined that this is a problem with commercial advertising; and
- noted that that phone books are exempt.

Assemblymember Bettine advised that only the white pages are exempt.

Discussion ensued regarding:
- how prolific the problem is;
- that it is not the local phone company dumping the phone books in driveways;
- that it is a recurring problem year-after-year;
- how the legislation would be enforceable, if at all;
- that phone books left at the end of a driveway could give the appearance that there is no one home and encourage theft or vandalism;
- what the penalty would be if it were to be enforced;
- the possibility of notifying the publishers who regularly drop off phone books in driveways of the change in legislation, should it be adopted;
- that dropping off phone books at the end of driveways is unwanted solicitation; and
- that there is already code in place that addresses littering.

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

3. Ordinance Serial No. 11-115: AN ORDINANCE AUTHORIZING A FAIR MARKET VALUE LEASE OF BOROUGH-OWNED REAL PROPERTY TO CENTRAL ALASKA ENERGY, LLC., FOR TANK FARM AND TRUCK RACK OPERATIONS (MSB006551).

a. IM No. 11-209

Mayor DeVilbiss opened the public hearing.

The following person spoke in support of Ordinance Serial No. 11-115: Mr. Justin Sharon, Chief Executive Officer of Central Alaska Energy, LLC.

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

MOTION: Assemblymember Bettine moved to adopt Ordinance Serial No. 11-115.

Assemblymember Bettine:

- opined that the Borough staff did a fantastic job with the lease;
- stated that she is pleased to see that Borough land has such great potential for revenue and creating jobs;
- noted that she spent time with the Borough Attorney concerning snow removal and road construction; and
- requested support the legislation.

Assemblymember Colver complimented staff on a well drawn up lease, which covers things that the Assembly has expressed concern about.

Assemblymember Keogh queried if there was anything significantly different than other leases of the Borough.

Mr. Spiropoulos:

- advised that there is a master template document for port leases that staff expects to use to negotiate with people;
- stated that the major provisions from a legal perspective are the same;
- advised that the insurance provisions are significantly different due to the nature of the business;
- noted that there are also State and Federal overlays to the insurance requirement; and
- advised that the Borough is covered.

Assemblymember Arvin:

- welcomed Mr. Sharon and Central Alaska Energy to the Borough;
- thanked staff for the hard work on the terms of the lease; and
- noted that it is clear to him that staff understands that there is a benefit in the early years of a lease to reduce the cost outlay for capital to a leasee.

VOTE: The motion passed without objection.

4. Ordinance Serial No. 11-116: AN ORDINANCE AMENDING MSB 15.39, BOARD OF ADJUSTMENT AND APPEALS, BY ADDING AN APPELLATE PROCESS FOR PERSONAL WIRELESS SERVICES FACILITIES.

a. IM No. 11-163

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. 11-116.

VOTE: The motion passed without objection.

5. Ordinance Serial No. 11-117: AN ORDINANCE AMENDING MSB 8.50, TRASH AND JUNK. *(Sponsored by Assemblymember Bettine)*

a. IM No. 11-183

Ms. Johnson provided a staff report.

Mayor DeVilbiss opened the public hearing.

MOTION: Assemblymember Bettine moved to adopt Ordinance Serial No. 11-117.

Assemblymember Bettine:
- stated that her concern regarding trash and junk was regarding views from adjacent lots;
- related that this is one of the complaints that she receives the most in her district;
- opined that people put up a fence so that trash and junk cannot be seen from the right-of-way, but that they do not have to put up a fence to hide the view from an adjacent lot; and
- spoke to wanting to ensure that lots are not cleared and the trash placed somewhere else, as what happened in a recent trash and junk case.

Mr. Spiropoulos:
- spoke to a lot in the Williwaw subdivision that has been the subject of a lawsuit;
- stated that his staff will be doing a cost and time analysis of what it took to address this issue, as they are interested in knowing what could be done to improve the process;
- spoke to a junk and trash issue in Anchorage where an owner had a large amount of horse manure on their property and were told to dispose of it;
- related that the owner brought the manure to the valley and dumped it across the street from Three Bears;
- stated that after the owner did that, he was then made to move it, at which time he took it to Delta; and
- noted that there is Borough code designed to address that type of a situation.

Discussion ensued regarding:
- other areas that have had trash and junk issues;
- that if an owner has a conditional use permit for a piece of land, that it would not be considered junk and trash;
- that the Code Compliance Officers are not out actively looking for violations, that violations are mostly reported by neighbors; and
- that the legislation would not allow enforcement officers to trespass on private property.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 11-117, MSB 8.50.020 (D), by striking “100 feet” and inserting in its place “75 feet.”

Assemblymember Colver stated that current set back requirements are 75 feet and that it should be consistent.

VOTE: The primary amendment passed without objection.

Assemblymember Ewing:

- stated that he drives all over the Borough and sees that many people collect cars;
- opined that if the Assembly wants to turn those collectors into criminals, a vote yes would ensure that;
- noted that there are some people who view old cars as projects;
- opined that there is already an ordinance that is in place to address this type of issue; and
- stated that he is not in favor of the legislation.

Assemblymember Arvin:

- spoke to a contract he had removing trash from a lot in Anchorage;
- related that is was terrible job and took great effort to complete the project;
- stated that it was so difficult that the crew had to have daily police escorts;
- related that he exercised year one of that contract and refused to exercise year two, as it was too emotional;
- noted the old adage that “one man’s junk is another man’s treasure;”
- stated that he cannot support the legislation; and
- opined that ultimately it becomes a cost to the tax payers for a property owner who is adjacent to a cluttered lot to be happy.

Discussion ensued regarding:

- farmers who leave their farm equipment in view all winter long;
- that useable equipment would not be in violation;
- if the legislation could inadvertently impact economic growth;
- that current code is sufficient to address this type of an issue;
- that legally permitted businesses would not be affected; and
- the possibility that a family who is struggling may be keeping an old vehicle for spare parts.

MOTION: Assemblymember Colver moved to postpone Ordinance Serial No. 11-117 to a time certain of October 11, 2011.

Assemblymember Arvin:

- objected to postponement;
- stated that he understands the intent; and
- opined that the topic really is a civil issue between neighbors not for the government to get involved in.

Assemblymember Bettine spoke in favor of postponement.

VOTE: The motion to postpone passed with Assemblymembers Arvin and Ewing opposed.

6. Ordinance Serial No. 11-118: AN ORDINANCE ACCEPTING AND APPROPRIATING $326,250 FOR A PORTION OF THE FISCAL YEAR 2012 DESIGNATED LEGISLATIVE GRANT PROJECTS FROM THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT.

a. Resolution Serial No. 11-113: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR A PORTION OF THE FISCAL YEAR 2012 DESIGNATED LEGISLATIVE GRANT PROJECTS FROM THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT.

(1) IM No. 11-185

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. 11-118 and Resolution Serial No. 11-113.

VOTE: The motion passed without objection.

7. Ordinance Serial No. 11-119: AN ORDINANCE AMENDING MSB 17.28, DESIGNATING THE ALSOP PIT AN INTERIM MATERIALS DISTRICT, LOCATED WITHIN TOWNSHIP 15 NORTH, RANGE 4 WEST, SECTIONS 28 AND 33 SEWARD MERIDIAN.

a. IM No. 11-186

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 Bettine moved to adopt Ordinance Serial No. 11-119.

Assemblymember Woods:

- stated that he is opposed to including noise guidelines to the legislation;
- noted that the operation would be conducted in an industrial area;
- related that he sees no reason that the operation would not be managed in the best possible manner; and
- recommended that the language regarding noise be removed.

MOTION: Assemblymember Woods moved a primary amendment to Ordinance Serial No. 11-119, by striking special condition no. 13 in its entirety.

Assemblymember Bettine

- stated that there is a lake and a subdivision in the area; and
- opined that it would be important to take input from the community council.

Discussion ensued regarding:

- whether or not to include noise guidelines in the legislation;
- that the project will support the rail spur extension and Port MacKenzie;
- that there are no full time residences within one mile of the proposed site;
- that the crushing and screening of gravel is a normal function of a gravel pit; and
- that the intent of the Alaska Railroad is only extraction at this time.

VOTE: The primary amendment passed with Assemblymembers Keogh and Bettine opposed.

Ms. Broneske:

- advised that the Alaska Railroad expects to use all of the material at the site;
- noted that they then expect to back haul unsuitable materials and back filling the pit; and
- stated that reclamation could be as much as bringing it almost back to the original elevation.

Mr. Moosey queried that if the Alaska Railroad changes their mind and wants to crush and screen on site, there is nothing to stop them from doing so.

Ms. Broneske affirmed the query.

MOTION: Assemblymember Woods moved a primary amendment to Ordinance Serial No. 11-119, by inserting a new no. 13 to read: "The provisions of MSB 17.28.060(A)(5)(a) do not apply to the gravel extraction."

VOTE: The primary amendment passed with Assemblymembers Keogh and Bettine opposed.

VOTE: The main motion passed as amended with Assemblymember Keogh opposed.

(The regular meeting recessed at 8:26 p.m. and reconvened at 8:34 p.m.)

Mayor DeVilbiss queried if there was any objection to taking up public hearing no. 18 next.

There was no objection noted.

18. Ordinance Serial No. 11-130: AN ORDINANCE ACCEPTING AND APPROPRIATING A 2011 HAZARDOUS FUELS WOODY BIOMASS UTILIZATION GRANT IN THE AMOUNT OF $80,000 FROM THE UNITED STATES FOREST SERVICE FOR THE SUSITNA VALLEY HIGH SCHOOL WOOD BOILER SYSTEM, TO FUND 400, PROJECT NO. 40169.

a. IM No. 11-207

Mayor DeVilbiss opened the public hearing.

The following person spoke in support of Ordinance Serial No. 11-130 and to the need to dedicate a land base to provide the necessary materials: Mr. Arthur Mannix.

The following persons spoke in support of Ordinance Serial No. 11-130: Ms. Laura Allen, District Manager for the Upper Susitna Soil and Water Conservation District; and Mr. Dave Anderton, School District Director of Operations and Maintenance.

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

CONFLICT OF INTEREST: Assemblymember Arvin declared that he may have a conflict of interest as he is a Board Member of the Alaska Energy Authority (AEA) and the Alaska Industrial Development and Export Authority (AIDEA).

Mayor DeVilbiss noted that it is Alaska Energy Authority who administers the grant.

Assemblymember Ewing opined that there is not a conflict.

(Mr. Spiropoulos and Assemblymember Arvin exited the meeting at 8:44 p.m. and re-entered at 8:45 p.m.)

Assemblymember Arvin:
- stated that he has never taken action on this subject as an AEA member, as it was prior to his being a member;
- noted that this action does not benefit AEA or AIDEA in anyway; and
- added that it does not benefit him personally either.

RULING: Mayor DeVilbiss ruled that Assemblymember Arvin had no conflict.

MOTION: Assemblymember Halter moved to adopt Ordinance Serial No. 11-130.

Assemblymember Halter:
- spoke to other schools in Alaska that have the same system;
- advised that the community supports the project;
- related that it will be a very sophisticated system to offset the costs of heating fuel;
- stated that there is the land mass necessary to support the project and that it has been written in land use areas; and
- requested support of the legislation.

Assemblymember Arvin:
- stated that he supports the legislation; and
- queried if the amount of land that has been dedicated is sufficient as a wood supply.

Ms. Graham stated that she believes that it is, but that the land has not been officially dedicated, but will be as soon as the grants are awarded.

VOTE: The motion passed without objection.

8. Ordinance Serial No. 11-120: AN ORDINANCE TO APPROVE THE REQUEST BY AGRICULTURAL RIGHTS OWNERS OF THE 1987 SALE FARM UNIT, CURRENTLY DESCRIBED AS SOUTHWEST 1/4 NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 18 NORTH, RANGE 3 EAST, SEWARD MERIDIAN, ALASKA, CONTAINING 40.00 ACRES, MORE OR LESS, NORTH 1/2 SOUTHEAST 1/4 NORTHEAST 1/4 AND THE SOUTHWEST 1/4 SOUTHEAST 1/4 NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 18 NORTH, RANGE 3 EAST, SEWARD MERIDIAN, ALASKA, CONTAINING 25.86 ACRES, MORE OR LESS, AS DELINEATED ON THE SOUTHERN BOUNDARY BY NORTH WOLVERINE ROAD, TO VACATE THE LOT LINE BETWEEN THE TWO PARCELS, SUBDIVIDE THE FIVE ACRE HOME/HEADQUARTERS SITE, AND SELL THE REMAINING 60.86 ACRES TO AN ADJACENT AGRICULTURAL RIGHTS PROPERTY OWNER. SAID PROPERTY IS LOCATED WITHIN THE PALMER RECORDING DISTRICT AND THE LAZY MOUNTAIN COMMUNITY COUNCIL AREA (MSB001230).

a. IM No. 11-187

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 Keogh moved to adopt Ordinance Serial No. 11-120.

Assemblymember Keogh opined that it is in the best interests of the Borough to adopt the legislation, as the land will remain dedicated to agricultural use.

Mayor DeVilbiss inquired if this would create a parcel that cannot have a residence on it.

Ms. Smith stated that it would not.

VOTE: The motion passed without objection.

9. Ordinance Serial No. 11-121: AN ORDINANCE AMENDING MSB 5.20.005, REGARDING ALTERATION OF ROAD SERVICE AREAS. *(Sponsored by Assemblymember Halter)*

a. IM No. 11-193

Mayor DeVilbiss opened the public hearing.

The following person spoke in opposition to Ordinance Serial No. 11-121: Mr. Chris Gates.

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. 11-121.

Assemblymember Halter:

- related the Local Road Service Area Board of Supervisors met and reviewed the legislation, which they unanimously approved;
- noted that road service areas are well liked by the public;
- stated that he understands the issue of paying taxes and not getting a lot of service; and
- requested that attorney speak to the legal changes in the legislation.

Mr. Spiropoulos:

- stated that he drafted the ordinance at the request of Assemblymember Halter;
- advised that the default State law is that road service areas cannot be amended or be removed except by a vote;
- noted that there is Borough code that does allow the Assembly to do that without going to a vote of the people, when the people live on State roads; and
- stated that under this ordinance it would have to go to the vote of the road service area.

Assemblymember Colver:

- opined that it is always a problem to move boundaries;
- spoke to the current requirements for lots under the Platting Code;
- stated that in the past, the Assembly could make an adjustment up to 10 percent of the service area;
- noted that the body cannot really move boundary lines without major issues; and
- stated that for the new proposed Title 16, he had addressed that issue.

Discussion ensued regarding the best way to go about changing boundaries of road service areas.

MOTION: Assemblymember Halter moved a primary amendment to Ordinance Serial No. 11-121, MSB 5.20.005 (G), Alteration, by striking subsection (3) in its entirety.

Assemblymember Bettine queried that if this is stricken then it would no longer need a vote of the road service area to add or remove lots.

Mr. Spiropoulos advised that to be taken out of or to be included into a road service area, it would have to go to a vote of the residents in the road service area.

Discussion ensued regarding how parcels would be included or excluded from road service areas.

VOTE: The primary amendment passed without objection.

Assemblymember Keogh:

- spoke to receiving comments from many people concerning road service areas;
- opined that the method of taxing for road service areas is not equitable to tax payers;
- stated that on a daily basis everyone uses a Borough maintained road;
- stated residents have rejected the idea of a Borough wide road service area;

- noted that the Assembly also rejected the idea of allowing them to opt out; and
- opined that there is no easy solution.

Discussion ensued regarding:
- that legislation would have to come before the Assembly to get on a ballot; and
- if it is possible to create an appeal mechanism for those who may be unhappy with a vote.

VOTE: The main motion passed as amended with Assemblymembers Ewing and Keogh opposed.

10. Ordinance Serial No. 11-122: AN ORDINANCE AMENDING MSB 3.15.030, REQUIRED EXEMPTIONS CONCERNING UNTIMELY APPLICATIONS FOR TAX EXEMPTIONS FOR SENIOR CITIZENS AND DISABLED VETERANS. *(Sponsored by Assemblymember Bettine)*

a. IM No. 11-194

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 Bettine moved to adopt Ordinance Serial No. 11-122.

Assemblymember Bettine:
- stated that she requested this to come forward as there have been previous cases where exemptions have gone back many years; and
- opined that when exemptions go back more than two years it is impossible to determine who may have lived in a residence.

Assemblymember Ewing opined that if information was sent with the tax bill letting residents know about the tax exemption that there would not be this problem.

Assemblymember Bettine:
- agreed with Assemblymember Ewing;
- opined that the Borough could do a better job informing residents about the tax exemption; and
- stated that she would like it to be more user friendly to tax payers.

Assemblymember Ewing:
- opined that the information regarding tax exemptions needs to be included on the tax statements that are mailed out; and
- stated that if this amendment is made, then he would support the legislation.

MOTION: Assemblymember Ewing moved a primary amendment to Ordinance Serial No. 11-122, MSB 3.15.030, to insert (F), to read: “Tax bills shall be mailed with a copy of this code provision.”

Discussion ensued regarding:

- the best way to disseminate the tax exemption information to residents; and
- the possibility of including it directly on the tax bills rather than separately.

VOTED: The primary amendment passed with Assemblymembers Keogh and Bettine opposed.

VOTE: The main motion passed as amended without objection.

11. Ordinance Serial No. 11-123: AN ORDINANCE ACCEPTING AND APPROPRIATING A FISCAL YEAR 2012 DESIGNATED LEGISLATIVE GRANT IN THE AMOUNT OF $1,568,478 FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT FOR THE PORT MACKENZIE PORT DEVELOPMENT AND ASSOCIATED RAIL LINE IMPROVEMENTS, TO FUND 450, PROJECT NO. 70001.

a. Resolution Serial No. 11-114: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET AND AUTHORIZING THE MANAGER TO ENTER INTO THE NECESSARY AGREEMENTS WITH THE STATE OF ALASKA DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT FOR THE PORT MACKENZIE PORT DEVELOPMENT AND ASSOCIATED RAIL LINE IMPROVEMENTS.

(1) IM No. 11-197

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 Bettine moved to adopt Ordinance Serial No. 11-123 and Resolution Serial No. 11-114.

VOTE: The motion passed without objection.

12. Ordinance Serial No. 11-124: AN ORDINANCE AMENDING MSB 2.12.112, TO REQUIRE THAT WHEN A RECONSIDERATION IS DONE IN WRITING THAT A REASON FOR THE RECONSIDERATION BE PROVIDED. *(Sponsored by Assemblymember Halter)*

a. IM No. 11-198

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 Halter moved to adopt Ordinance Serial No. 11-124.

Assemblymember Halter stated that he wants to ensure that there is a reason stated for reconsideration just as vetoes are noticed with a reason.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 11-124, MSB 2.12.112(F), by striking the word "and/" before the "or" in the second sentence to read: "A motion to reconsider a vote may be made only by a member who voted with the prevailing side. The motion shall be made during the meeting at which the action is taken or upon written notice to the clerk by 5 p.m. the next business day;"

Assemblymember Ewing:
- opined that a reason does not need to be provided; and
- stated that he objects to the amendment.

Assemblymember Bettine
- stated that she is in favor of the old way of reconsidering legislation;
- opined that there are times that people have voted a certain way just so that they could reconsider; and
- stated that she likes that we can close the door on something.

Discussion ensued regarding:
- that when reconsideration is moved during a meeting, that a reason is given;
- that the intent of the legislation is that if reconsideration is moved the next day, that a reason is given; and
- the possibility of providing for only one way to move for reconsideration.

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

VOTE: The motion failed with Assemblymembers Keogh, Bettine, and Ewing in support (required five votes).

Assemblymember Arvin opined that the amendment is only a grammatical change.
Mr. Spiropoulos advised that if the word "and" is stricken, that reconsideration cannot be moved the next day, as it would provide for only one way for reconsideration to be moved.

VOTE: The primary amendment failed with Assemblymembers Colver, Bettine and Arvin in support.

VOTE: The main motion passed with Assemblymember Arvin opposed.

13. Ordinance Serial No. 11-125: AN ORDINANCE ACCEPTING AND APPROPRIATING A FISCAL YEAR 2012 DESIGNATED LEGISLATIVE GRANT IN THE AMOUNT OF $30,000,000 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. 11-115: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET AND AUTHORIZING THE MANAGER TO ENTER INTO THE NECESSARY AGREEMENTS WITH THE STATE OF ALASKA DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT FOR THE SOUTH CENTRAL RAIL EXTENSION FROM PORT MACKENZIE TO THE MAINLINE PROJECT.

(1) IM No. 11-201

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 Bettine moved to adopt Ordinance Serial No. 11-125 and Resolution Serial No. 11-115.

Assemblymember Bettine queried if there is a record of decision from the Surface Transportation Board.

Mr. Moosey:

- stated that there is not one yet, however, it is expected any day;
- related no additional information was requested, which is good news; and
- noted that the Borough is ready to go with the project once the record of decision is in and funding is in place.

VOTE: The motion passed without objection.

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

VOTE: The motion passed without objection.

14. Ordinance Serial No. 11-126: AN ORDINANCE ACCEPTING AND APPROPRIATING $20,000 FROM THE STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES, TO FUND 480, PROJECT NO. 20325 FOR INTERPRETIVE SIGNS.

a. Resolution Serial No. 11-116: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR INTERPRETIVE SIGNS.

(1) IM No. 11-202

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. 11-126 and Resolution Serial No. 11-116.

Assemblymember Ewing
- opined that it is important for people to understand the history of how Wasilla came to be; and
- stated that inexpensive education such as this is valuable to the community.

VOTE: The motion passed without objection.

15. Ordinance Serial No. 11-127: AN ORDINANCE ACCEPTING AND APPROPRIATING $28,000 FROM THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, TO FUND 480, PROJECT NO. 47006, FOR TRANSIT PLANNING.
a. Resolution Serial No. 11-117: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE SHORT RANGE TRANSIT PLAN.
(1) IM No. 11-203

Mayor DeVilbiss opened the public hearing.

The following person spoke in support of Ordinance Serial No. 11-127 and Resolution Serial No. 11-117: Ms. Jennifer Harrison, Executive Director of Chickaloon Traditional Village Council.

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. 11-127 and Resolution Serial No. 11-117.

VOTE: The motion passed without objection.

16. Ordinance Serial No. 11-128: AN ORDINANCE ACCEPTING AND APPROPRIATING $70,000 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 2012 DESIGNATED LEGISLATIVE GRANT PROJECTS.
a. Resolution Serial No. 11-118: 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. 11-204

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. 11-128 and Resolution Serial No. 11-118.

VOTE: The motion passed without objection.

17. Ordinance Serial No. 11-129: AN ORDINANCE ACCEPTING AND APPROPRIATING $13,565,000 FOR A PORTION OF THE FISCAL YEAR 2012 DESIGNATED LEGISLATIVE GRANT PROJECTS FROM THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT.

a. Resolution Serial No. 11-119: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR A PORTION OF THE FISCAL YEAR 2012 DESIGNATED LEGISLATIVE GRANT PROJECTS FROM THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT.

(1) IM No. 11-205

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. 11-129 and Resolution Serial No. 11-119.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 11-129 and Resolution Serial No. 11-119, by inserting a whereas clause, to read: "The Borough Administrative and audit fee for the Academy Charter School classroom expansion shall be two and a half percent. In addition, before construction takes place for the Academy Charter School classroom expansion, a master plan for the newly acquired parcel shall be approved by the Assembly."

Assemblymember Colver:
- advised that the percentage rate was what they had before when the School first expanded;
- related that Academy Charter School had requested it be the same;
- noted that they have a pretty tight budget;
- opined that a master plan needs to be in place;
- requested that that Manager find the funds for a master plan; and
- spoke to the many considerations that need to be addressed.

Assemblymember Bettine queried what percentage rate is usually charged.

Mr. Moosey stated that it is usually five percent and that it goes to the Borough for overhead costs.

Assemblymember Bettine:

- stated that she opposes amendment;
- opined that all projects should have the same fee;
- noted that she is against giving a reduction in fees; and
- related that although she is against the percentage amendment, that she is not against having a master plan.

Discussion ensued regarding:

- the five percent administrative fee is budgeted for each year and recorded as revenue;
- that if it were to be used as an expenditure item that something else would have to be un-appropriated;
- the intent of the amendment is ensure a better, more well thought out project; and
- that one project should not be given a break when others would be charged a higher administrative fee.

VOTE: The primary amendment failed with Assemblymembers Colver and Arvin in support.

Assemblymember Halter requested at the next regular meeting, that the Manager provide a report on funding for substandard roads.

MOTION: Assemblymember Colver moved primary amendment to Ordinance Serial No. 11-129, by inserting a new Section 3, and to Resolution Serial No. 11-119, by inserting a new "be it further resolved" clause, which both would read: "Before construction takes place for the Academy Charter School classroom expansion, a master plan for the newly acquired parcel shall be approved by the Assembly."

Assemblymember Keogh queried where the funds would come from for the master plan and an estimate of what it would cost.

Mr. Moosey:

- stated that he would have to work with Ms. Clayton in order to determine where the funds would come from; and
- estimated that it would be approximately $50,000.

Assemblymember Colver:

- stated that in the capital budget that there are large line item budgets for planning studies; and
- opined that there are unspent funds in many budgets that could be used for the master plan.

Assemblymember Keogh stated that he will oppose the amendment as he would like to identify the source of funds and the exact amount required.

Assemblymember Bettine

- reiterated that she would support having a master plan;
- advised that she would like to see a separate resolution that contained an estimate of what the actual costs are and what it would include;
- opined that it would not only be a master plan for the School; and
- stated that she would not want to attach it to the legislation when the body is only accepting the funds from the State.

Ms. Clayton advised that there is $133,550 un-encumbered or spent in that budget.

VOTE: The primary amendment passed with Assemblymembers Keogh, Halter, and Bettine opposed.

VOTE: The main motion passed as amended without objection.

19. Ordinance Serial No. 11-131: AN ORDINANCE AMENDING MSB 2.12.090(D), AGENDA; NOTICE OF MEETING: ORDER OF BUSINESS. *(Sponsored by Mayor DeVilbiss)*
    a. IM No. 11-211

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. 11-131.

VOTE: The motion passed without objection.

Assemblymember Bettine requested that a public notice go out informing the public of the change to public hearings on the agenda.

(The meeting recessed at 10:20 p.m. and reconvened at 10:30 p.m.)

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke to the need for a regional waste water and septage system: Ms. Helen Munoz.

The following persons spoke to concerns that Valley Mover was not included in the Health and Social Services Grant Program: Ms. Robbie Witchick and Ms. Roberta Tew.

The following person thanked staff for their work at the Transportation Fair, opined that the Borough needs to request to take back road powers, and against Resolution Serial No. 11-120: Mr. Chris Gates.

The following person spoke in support of Resolution Serial No. 11-120: Ms. Marna Lister, Grants Administrator for Wasilla Senior Center.

D. CONSENT AGENDA

1. RESOLUTIONS

a. Resolution Serial No. 11-120: A RESOLUTION ALLOCATING HUMAN SERVICES COMMUNITY MATCHING GRANT FUNDS TO NON-PROFIT HUMAN SERVICE AGENCIES WITHIN THE COMMUNITY AND AUTHORIZING THE MANAGER TO ENTER INTO GRANT AGREEMENTS WITH THE SUB-GRANTEE AGENCIES.

(1) IM No. 11-215

b. Resolution Serial No. 11-121: A RESOLUTION AMENDING THE SCOPE OF WORK FOR PROJECT NO. 35187, HATCHER PASS SKI DEVELOPMENT ROAD.

(1) IM No. 216

2. ACTION MEMORANDUMS

a. AM No. 11-092: AWARD OF PROPOSAL NO. 12-005 TO USKH, INC. IN THE CONTRACT AMOUNT NOT TO EXCEED $200,000 FOR THE MATANUSKA-SUSITNA BOROUGH SCHOOL DISTRICT ADMINISTRATION BUILDING ROOF REPLACEMENT.

Ms. McKechnie read the above legislation into the record.

Mayor DeVilbiss:

- stated that he would like to change the process by which the Assembly takes up the consent agenda;
- advised that he would like the Clerk to read all of the legislation that is on the consent agenda into the record;
- stated that the body would then move to divide the question; and
- opined that this would be less confusing to the public.

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

Assemblymember Colver:

- stated that he is not sure of the process proposed by the Mayor;
- noted that he will not oppose the process at this time; and
- stated that he hopes it will not become a problem, as it would require a majority of the members to remove an item from the consent agenda.

MOTION: Assemblymember Arvin moved to divide the question to take up of Resolution Serial No. 11-120, separately.

VOTE: The motion passed without objection.

MOTION: Assemblymember Colver moved to divide the question to take up AM No. 11-092 separately.

VOTE: The motion passed without objection.

MOTION: First Segment. Assemblymember Arvin moved to approve the consent agenda as read into the record by the Clerk, with the exception of Resolution Serial No. 11-121 and AM No. 11-092.

VOTE: There was no objection noted.

MOTION: Second Segment. Assemblymember Arvin moved to adopt Resolution Serial No. 11-120.

Assemblymember Arvin queried how amount of funds that Valley Mover is seeking.

Ms. Graham advised that they requested $35,000 through the Human Services Grant funds.

Assemblymember Arvin queried how the amount of funds that they could receive if they had matching funds.

Ms. Witchick advised that it would depend on the grant.

Assemblymember Arvin:
- stated that he is unsure that this is the mechanism for Valley Movers to receive grant dollars;
- opined that the Assembly should look at other ways to help with funding;
- stated that it is the roll of governments to provide essential services; and
- related that he would meet with the Manager to see what can be done for valley movers.

Mayor DeVilbiss:
- advised that he is in the process of promoting benevolent contributions;
- noted that he has set up a fund for that; and
- stated that he hopes grants will all come from the benevolent fund rather than the budget.

Discussion ensued regarding:
- that transit is a much needed service;
- that there were a large number of applicants for a limited amount of funds;
- noted that the funds for the Human Services grants were approved through the budget;
- that it is the Health and Human Services Board who decides how the funds are apportioned;
- that the process of the Board was fair and open and employed a simple methodology;
- that Valley Mover was not within the parameters to receive the funds through the grant process; and
- whether or not the Assembly can amend how the funds were apportioned.

MOTION: Assemblymember Ewing moved a primary amendment to Resolution Serial No. 11-120, by:

- striking “$10,000” from American Red Cross of Alaska, Mat-Su Services District, for the Meeting Immediate Needs in Times of Emergency Program and inserting it into Mid-Valley Seniors, Square Miles for Meals II;
- striking “$18,190” from American Red Cross of Alaska, Mat-Su Services District, for the Meeting Immediate Needs in Times of Emergency Program and inserting it into Valley Mover, Valley Mover Sustainable Transportation Services; and
- striking “$10,000” from Big Brothers Big Sisters of Alaska, Mat-Su Mentoring Program; and
- inserting $38,190 into Valley Mover, Valley Mover Sustainable Transportation Services.

Assemblymember Ewing opined that funds need to be put into the program in order to keep transportation options available to Borough residents.

Assemblymember Arvin:

- opined that it is not appropriate to amend the legislation as there is a Board who has put a lot of effort into deciding how the funds would be disbursed;
- further opined that if an agency did not meet the grant requirements to begin with, that the body should not arbitrarily decide that they should receive funds anyway;
- stated that he does believe that the body should find an alternative funding source for Valley Mover; and
- spoke against the amendment.

Discussion ensued regarding:

- matching funds for grant purposes;
- that some agencies did not qualify under the grant agreement;
- that some agencies missed the deadline when they applied;
- that the Assembly should not be making the decision, as that is a function of the Board; and
- the reasons that Valley Mover did not meet the grant requirements.

MOTION: Assemblymember Arvin called for the question (to stop debate).
VOTE: The motion passed with Assemblymembers Halter and Ewing opposed.

VOTE: The primary amendment failed with Assemblymembers Ewing and Halter in support.

Assemblymember Bettine requested that staff write legislation so that Valley Mover could receive funds through a grant.

VOTE: Second Segment. The motion passed with Assemblymember Ewing opposed.

MOTION: Third Segment. Assemblymember Arvin moved to adopt AM No. 11-092.

(Assemblymember Bettine exited the meeting at 11:18 p.m. and re-entered at 11:19 p.m.)

MOTION: Assemblymember Colver moved to postpone AM No. 11-092 to a time certain of October 11, 2011.

Assemblymember Colver:
- stated that he is requesting further information on this legislation, as there is insufficient information for him to make a decision;
- noted that he was unaware that the bid was put out; and
- related that he would like to know what is being purchased.

Mayor DeVilbiss inquired if the project was time sensitive.

Ms. O'Neill stated that it is not, as the project will not move forward until next summer.

VOTE: The motion to postpone passed without objection.

XI. RECONSIDERATION

(There was no reconsideration presented.)

~~XII. EXECUTIVE SESSION~~ ~~*(for matters, 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 confidential.)*~~

~~A. COOK INLET DRIFTNETTERS ASSOCIATION LITIGATION~~

[Clerk's note: The executive session was not conducted.]

XIII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Assemblymember Halter:
- queried if the Assembly should we put out a resolution in support of the State project from Wasilla to Big Lake; and
- stated that he would like more information regarding the State funds set aside for Burma Road; and
- opined that if that project is not going to move forward, that perhaps the funds could be used for another project.

Assemblymember Colver:
- spoke to concerns with length of meetings;
- noted that the body constantly has a difficult time trying to schedule meetings; and
- opined that there needs to be a better process.

Mayor DeVilbiss opined that the body tends to get into debate that is not always essential.

Assemblymember Arvin stated that he is happy to have attended the meeting in person.

Assemblymember Ewing:
- advised that he has filed a complaint with the Federal Transportation Administration (FTA) for misappropriation of funding;
- opined that funds spent on the environmental impact study at Hatcher Pass would have been better spent to address the mass transportation problem in the Borough; and
- stated that he will follow through with the complaint.

Assemblymember Halter stated that he would like a copy of the complaint filed by Assemblymember Ewing as he knows nothing about it.

Assemblymember Ewing stated that he would be happy to provide the complaint number filed with the FTA to the Clerk in order to be shared with the Assembly.

XIV. ADJOURNMENT

The regular meeting adjourned at 11:30 p.m.

LARRY DeVILBISS, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 11/01/11