

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on October 15, 2013, 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.

Mayor DeVilbiss queried as to why newly elected Assembly Members take office a week after election certification.

Mr. Spiropoulos spoke to Alaska State law and Borough code as to when elected officials assume office.

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
Mr. Vern Halter, Assembly District No. 7

Staff in attendance were:

Ms. Lonnie R. McKechnie, Borough Clerk
Mr. John Moosey, Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Mr. George Hays, Assistant Borough Manager
Ms. Jamie Newman, Deputy Borough Clerk
Ms. Tammy Clayton, Finance Director
Ms. Patty Sullivan, Public Affairs Director
Mr. Don Dyer, Economic Development Director
Mr. Eric Phillips, Community Development Director
Mr. Brad Sworts, Capitol Projects Pre-Design Manager

III. APPROVAL OF AGENDA

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

Mayor DeVilbiss:

- reported that Mr. Moosey requested to pull Resolution Serial No. 13-114 completely from the agenda; and

- noted that if there are any persons wishing to speak to the item, they may do so under Audience Comments.

There was no objection noted.

Assemblymember Halter requested to remove the executive session completely from the agenda.

There was no objection noted.

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

IV. PLEDGE OF ALLEGIANCE

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

V. MINUTES OF PRECEDING MEETINGS

- A. Special Assembly Meeting: 09/05/13
- B. Joint Assembly/School Board Meeting: 09/10/13
- C. Regular Assembly Meeting: 09/17/13

Mayor DeVilbiss inquired if there were any corrections to the special meeting minutes of September 5, 2013, the joint Assembly/School Board meeting minutes of September 10, 2013, or the regular minutes of September 17, 2013.

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

VI. SPECIAL ORDERS OF THE DAY

- A. Invocation by Father Andrew Lee, Parochial Vicar of the Sacred Heart Catholic Church.

Father Lee gave the invocation.

(Clerk note: Father Scott Joseph Garrett was originally scheduled to give the invocation, however he was unable to attend due to an emergency.)

VII. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

- 1. Reports from cities

Wasilla City

Mr. Bert Cottle, Deputy Administrator:

- invited interested persons to attend an upcoming meeting at the Menard Center on October 24, at 10 a.m., regarding the Moose Creek Correctional facility; and
- reported that the enactment of a sales tax for the construction of a new Wasilla library, passed by the voters on October 1, 2013, will take effect on January 1, 2014.

2. Matanuska-Susitna Borough School District

Dr. Deena Paramo, Superintendent:

- reported that Mat-Su schools just completed the first quarter of the school year;
- noted that the school year is going well;
- spoke to student enrollment numbers; and
- spoke to the success of four sports field upgrades paid for by voter approved bonds and the benefits of the improvements to the community.

3. Wastewater Septage Advisory Board – Mr. Tom Healy

Mr. Healy provided an update regarding the Wastewater Septage Advisory Board.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Woods provided an update regarding the last meeting.

2. Assembly Public Relations

Assemblymember Keogh:

- reported that in the last couple of weeks he attended two conferences;
- added that the first conference focused on oil, gas, and mining and the second on water;
- noted House Bill 77 was a topic of discussion at both conferences;
- added that one conference advocated for the passage of the bill and the other advocated for the defeat of the bill; and
- further added that Resolution Serial No. 13-117 was pulled from the consent agenda to addresses House Bill 77.

Assemblymember Halter thanked Mr. Moosey and Ms. Sullivan for setting up a tour of the railroad connection mainline near Houston.

C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues

Mr. Moosey:

- spoke to a meeting held with Alaska State Emergency Management officials to discuss opportunities for a joint Emergency Operations Center;

- noted staff that will be traveling to Fairbanks to pursue port and rail economic development opportunities; and
- added that staff is working with the city of Palmer to acquire property for landfill expansion.

3. Unpaved Low Volume Roads – Ken Walch

Mr. Walch provided a report regarding unpaved low volume roads.

Discuss ensued regarding:

- the methodology and approach of the unpaved low volume roads project;
- how the roads identified in the report may be addressed under current road service area maintenance contracts; and
- the engineering techniques recommended to fix the roads in relation to the Borough's Subdivision Construction Manual.

4. M/V Susitna – Ferry Discussion and Direction To Manager

Mr. Moosey stated his intent to report on the ferry when Resolution Serial No. 13-112 is addressed by the Assembly later in the meeting.

D. ATTORNEY COMMENTS

(There was no report provided.)

E. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule; and
- noted a request has been received to cancel the November 12, 2013, regular Assembly meeting.

Mr. Moosey:

- spoke in support of cancelling the November 12, regular Assembly meeting; and
- requested that the Assembly consider calling a special Assembly meeting at 4 p.m. on November 5, to discuss economic development in lieu of the requested cancellation.

Mayor DeVilbiss asked if there was objection to cancelling the November 12, regular Assembly meeting and to schedule a special meeting on November 5, 2013, at 4 p.m. to discuss economic development.

There was no objection noted.

Mayor DeVilbiss presented outgoing Assemblymembers Keogh and Woods with commemorative plaques in appreciation of their service on the Assembly.

Assemblymember Woods:

- reflected on his tenure as an Assembly Member; and
- expressed well wishes to newly elected Assemblymembers Sykes and Beck.

Assemblymember Keogh spoke to his honor in serving the residents of Assembly District 1.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- Aviation Advisory Board: 01/10/13, 02/14/13, 04/11/13, Resolution Serial Nos. 13-2, 13-3, 13-4, 13-5, 13-6
- Caswell FSA Board of Supervisors: 04/10/13
- Enhanced 911 Advisory Board: 04/09/13
- Greater Palmer Consolidated FSA Board of Supervisors: 07/16/13
- Library Board: 03/09/13, 04/20/13
- Local Emergency Planning Committee: 07/17/13
- Local Road Service Area Advisory Board: 07/18/13
- Parks, Recreation, and Trails Advisory Board: 06/24/13
- Planning Commission: 06/03/13, 06/17/13, 07/01/13, 07/15/13, Resolution Serial Nos. 13-25(AM), 13-27, 13-30(AM), 13-31(AM), 13-32(AM)
- Platting Board: 08/01/13
- Port Commission: 06/17/13, Resolution Serial No. 13-004
- Transportation Advisory Board: 06/26/13
- Wastewater and Septage Advisory Board: 06/11/13

2. Community Council Minutes:

- Chickaloon Community Council: 02/13/13, 03/13/13, 04/10/13, 06/12/13
- Lake Louise Community Non-Profit Corporation: 04/27/13

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

G. INFORMATIONAL MEMORANDUMS

(There were no informational memorandums presented.)

VIII. UNFINISHED BUSINESS

(There was no unfinished business.)

IX. VETO

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

MOTION: Assemblymember Keogh moved to override the mayoral veto of AM No. 13-134.

Assemblymember Keogh:

- spoke to the award of the contract being a longstanding and contentions issue;
- noted the extraordinary amount of time he has devoted to the issue;
- added that he has discussed the matter with many people in an attempt to better understand the issue; and
- spoke to the history of the contract award.

Assemblymember Colver:

- spoke in support of the veto;
- added that winter is fast approaching and the roads will need to be maintained; and
- further added that the contractor fulfilled the bid requirements and therefore should be awarded the contract.

Discussion ensued regarding:

- the need to award the contract as the process has been delayed long enough;
- how road maintenance would be provided should the contract not be awarded; and
- performance based contracting.

VOTE: The motion passed with Assemblymembers Colligan and Salmon opposed.

B. **AM No. 13-135:** Award Of Bid No. 14-038B To J.A. Spain And Sons, Inc. For The Contract Amount Of \$145,046.16 For Alpine Road Service Area No. 31 Annual Road Maintenance.

MOTION: Assemblymember Keogh moved to override the mayoral veto of AM No. 13-135.

Assemblymember Keogh reported that he approached the Alpine Road Service Area Board to solicit input and guidance on the contract award and all three members had a different opinion on the matter.

VOTE: The motion to override the mayoral veto passed with Assemblymembers Colligan and Salmon opposed.

(The meeting recessed at 7:01 p.m. and reconvened at 7:07 p.m.)

X. SPECIAL ORDERS

(There were no special orders.)

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

(There were no persons to be heard.)

B. PUBLIC HEARINGS (Three minutes per person.)

1. **Ordinance Serial No. 13-121:** An Ordinance Accepting And Appropriating \$6,000 From The Alaska State Department Of Education To Fund 480, Project No. 20364, For Continuing Education Grants At The Big Lake, Sutton, Talkeetna, Trapper Creek, And Willow Public Libraries.
 - a. **Resolution Serial No. 13-101:** A Resolution Approving The Scope Of Work And Budget For Continuing Education Grants For The Big Lake, Sutton, Talkeetna, Trapper Creek, And Willow Public Libraries.
 - (1) IM No. 13-205

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. 13-121 and Resolution Serial No. 13-101.

VOTE: The motion passed without objection.

2. **Ordinance Serial No. 13-122:** An Ordinance Accepting And Appropriating \$5,780,000 For A Portion Of Grant Funds From The Alaska State Department Of Commerce, Community, And Economic Development For The Department Of Emergency Services Fiscal Year 2014 Designated Legislative Grant Projects.
 - a. **Resolution Serial No. 13-102:** A Resolution Approving The Scopes Of Work And Budgets For A Portion Of The Alaska State Department Of Commerce, Community, And Economic Development Grants For The Department Of Emergency Services Projects.
 - (1) IM No. 13-206

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Arvin moved to adopt Ordinance Serial No. 13-122 and Resolution Serial No. 13-102.

VOTE: The motion passed without objection.

3. **Ordinance Serial No. 13-123:** An Ordinance Accepting And Appropriating \$18,783,000 For A Portion Of The Fiscal Year 2014 Designated Legislative Grant Projects From The Alaska State Department Of Commerce, Community, And Economic Development.

- a. **Resolution Serial No. 13-103:** A Resolution Approving The Scope Of Work And Budget For A Portion Of The Fiscal Year 2014 Designated Legislative Grant Projects From The Alaska State Department Of Commerce, Community, And Economic Development.
 - (1) IM No. 13-207

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Arvin moved to adopt Ordinance Serial No. 13-123 and Resolution Serial No. 13-103.

VOTE: The motion passed without objection.

4. **Ordinance Serial No. 13-124:** An Ordinance Accepting And Appropriating A Grant In An Amount Not To Exceed \$500,000 To Fund 435, Project No. 10170, From The Rasmuson Foundation For The Construction Of The Talkeetna Library And Community Resource Center.
 - a. **Resolution Serial No. 13-104:** A Resolution Approving The Scope Of Work And Amended Budget For The Talkeetna Library And Community Resource Center.
 - (1) IM No. 13-209

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. 13-124 and Resolution Serial No. 13-104.

VOTE: The motion passed without objection.

5. **Ordinance Serial No. 13-125:** An Ordinance Accepting and Appropriating \$20,000 From The Alaska State Department Of Natural Resources, Office Of History And Archaeology To Fund 480, Project No. 47011, For The Purpose Of Nominating An Archaeological District To The National Register Of Historic Places For The Cottonwood Creek Sites Located On Tribal And State Lands In Partnership With The Knikatu Incorporated And The Knik Tribal Council.
 - a. **Resolution Serial No. 13-105:** A Resolution Approving The Scope Of Work And Budget For Nominating An Archaeological District To The National Register Of Historic Places For The Cottonwood Creek Sites, Located On Tribal And State Lands In Partnership With Knikatu Incorporated And The Knik Tribal Council.
 - (1) IM No. 13-210

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Salmon moved to adopt Ordinance Serial No. 13-125 and Resolution Serial No. 13-105.

VOTE: The motion passed without objection.

6. **Ordinance Serial No. 13-126:** An Ordinance Accepting And Appropriating \$350,000 For A Portion Of Grant Funds From The Alaska State Department Of Commerce, Community, And Economic Development For Willow Fire Service Area Fiscal Year 2014 Designated Legislative Grant Project And Appropriating The Required Matching Funds In The Amount Of \$150,000 From The Willow Fire Service Area Fund Balance, Fund 258, For Project No. 45273, Fund 405.
 - a. **Resolution Serial No. 13-106:** A Resolution Approving The Scope Of Work And Budget For A Portion Of The Alaska State Department Of Commerce, Community, And Economic Development Grants For Willow Fire Service Area Project No. 45273, Fund 405.
 - (1) IM No. 13-211

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. 13-126 and Resolution Serial No. 13-106.

Assemblymember Halter thanked Senator Dunleavy for his support of the project.

VOTE: The motion passed without objection.

7. **Ordinance Serial No. 13-127:** An Ordinance Accepting And Appropriating \$68,171 From The Alaska State Division Of Homeland Security And Emergency Management Grant Program, To Fund 425, Project No. 45158, For Communications Equipment.
 - a. **Resolution Serial No. 13-107:** A Resolution Approving The Amended Budget For The Alaska State Division Of Homeland Security And Emergency Management Grant, Project No. 45158, Fund 425, For Communications Equipment.
 - (1) IM No. 13-215

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Arvin moved to adopt Ordinance Serial No. 13-127 and Resolution Serial No. 13-107.

VOTE: The motion passed without objection.

8. **Ordinance Serial No. 13-128:** An Ordinance Amending MSB 17.28.090(A), Adding An Interim Materials District, Known As Seven-Mile Ridge, Located At Block 3, Lots 1 Through 4 Of Seven-Mile Ridge Subdivision, Within Township 16 North, Range 4 West, Section 27, Seward Meridian.
 - a. IM No. 13-216

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Salmon moved to adopt Ordinance Serial No. 13-128.

VOTE: The motion passed without objection.

9. **Ordinance Serial No. 13-129:** An Ordinance Changing A Condition Contained In The Interim Material District For Development Of The Susitna Parkway Pit Located Within Township 16 North, Range 4 West, Section 6, On Parcel D-1, Seward Meridian.
 - a. IM No. 13-217

Mayor DeVilbiss opened the public hearing.

The following person spoke in support of Ordinance Serial No. 13-129: Mr. Butch Moore.

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

MOTION: Assemblymember Salmon moved to adopt Ordinance Serial No. 13-129.

MOTION: Assemblymember Keogh moved a primary amendment to on page 2 of the legislation, Condition No. 12, by striking the following language: "as agreed upon by the adjacent land owner and the borough project manager approximately."

Mr. Spiropoulos spoke to the need for the amendment.

VOTE: The primary amendment passed without objection.

VOTE: The main motion as amended passed as amended without objection.

10. **Ordinance Serial No. 13-130:** An Ordinance Authorizing Amendment No. 6 Of The Current Lease At Port MacKenzie By And Between The Borough And Alutiig Manufacturing Contractors, LLC. (MSB002946).
 - a. IM No. 13-218

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Salmon moved to adopt Ordinance Serial No. 13-130.

Mr. Moosey provided a staff report.

VOTE: The motion passed without objection.

11. **Ordinance Serial No. 13-131:** An Ordinance Annexing Portions Of The Hatcher Pass Government Peak Unit Into The South Colony Road Service Area No. 16 And The Greater Palmer Fire Service Area No. 132, Without The Placement Of The Question On The Ballot And Finding That It Serves The Public Interest.
 - a. **Resolution Serial No. 13-108:** A Resolution Finding The Annexation Of Portions Of The Hatcher Pass Government Peak Unit into the South Colony Road Service Area No. 16 And The Greater Palmer Fire Service Area No. 132 Serves The Public Interest Without Circulation Of A Petition, As Allowed By MSB 5.10.015, Initiation By The Assembly. (*Sponsored by Assemblymember Colver*)
 - (1) IM No. 13-182

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Colver moved to adopt Ordinance Serial No. 13-131 and Resolution Serial No. 13-108.

Assemblymember Colver spoke to support of the legislation by both the Colony Road Service Area Board of Supervisors and the Greater Palmer Consolidated Fire Service Area Board of Supervisors.

Ms. McKechnie reported that Mr. Charlie Akers of the Greater Palmer Consolidated Fire Service Area conveyed to her prior to the meeting that the Board supports the legislation in light of redrawn boundary lines.

Mayor DeVilbiss reported that he has heard opposition to the legislation from tax payers that are going to be burdened with the cost of the road maintenance.

Assemblymember Colver spoke to the need for road maintenance in the Hatcher Pass area due to recent and future development.

Discussed ensued regarding:

- the fact that no one came forward to speak in opposition to the legislation under public hearing;
- how much money the maintenance will cost those currently living in the service areas; and
- the idea that future funds could be budgeted to offset the cost to those living in the service area.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke regarding the need for a septage treatment plant and the need to have roads brought to Borough standards before they are annexed into a road service area: Ms. Helen Munoz.

The following person spoke regarding the tax foreclosure process: Ms. Nancy Sault.

The following person spoke regarding the tax foreclosure on his property and requested that the Assembly not sell his property, as he has come up with a payment plan: Mr. Blaine Ahlman.

The following person spoke in support of emergency service responders: Mr. Mel Vostry.

The following persons spoke to the Human Services Matching Grant and requested that the Assembly re-examine the scoring process and award funds to Access Alaska: Mr. Brian Galloway and Ms. Camile Putnam of Access Alaska.

The following persons spoke in support of Resolution Serial No. 13-111: Ms. Elizabeth Ripley, Executive Director of the Mat-Su Health Foundation and Ms. Rachel Greenberg, Deputy Director of Mat-Su Senior Services.

The following persons spoke in support of Resolution Serial No. 13-117: Mr. Jennifer Harrison, Executive Director of the Chickaloon Village Traditional Council.

The following person spoke to concerns regarding the cost of maintaining low volume roads: Mr. Jim Norcross, Greater Willow Road Service Area Board Member.

D. CONSENT AGENDA

1. RESOLUTIONS

- a. **Resolution Serial No. 13-109:** A Resolution Amending The Budgets For Project No. 75005, Hatcher Pass Natural Gas Line, Little Susitna Crossing, And Hatcher Pass

- Real Estate Development Plan, To Supplement The Funding For The Natural Gas Line, Little Susitna Crossing.
- (1) IM No. 13-224
- c. **Resolution Serial No. 13-111:** A Resolution In Support Of State Funding For The State Designated Aging And Disability Resource Center Serving The Matanuska-Susitna Borough. *(Sponsored by Mayor DeVilbiss)*
- (1) IM No. 13-228
- e. **Resolution Serial No. 13-113:** 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 Subgrantee Agencies.
- (1) IM No. 13-231
- ~~f. **Resolution Serial No. 13-114:** A Resolution Amending The Public Employees' Retirement System Participation Agreement.~~
- ~~(1) IM No. 13-240~~
- g. **Resolution Serial No. 13-115:** A Resolution Approving The Scope Of Work For A Federal Aviation Administration Grant Application Pertaining To A Regional Aviation System Plan, Phase II And Floatplane Facility Location Study Phase II.
- (1) IM No. 13-244

2. ACTION MEMORANDUMS

- a. **AM No. 13-148:** Request To Eliminate The Road Maintenance Superintendent II Position From Fiscal Year 2014 Budgets And Replace It With Another Road Maintenance Superintendent I Position Within The Fiscal Year 2014 Budgets.
- b. **AM No. 13-150:** Vacation Of The 30-Foot Wide Walkway And Vehicle Access Easement Located Within Proposed Lots B And C, Block 2, Finger Cover 2013, Located In Section 33, Township 18 North, Range 1 East, Seward Meridian.

Ms. McKechnie read the above legislation into the record.

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

VOTE: The motion passed without objection.

- b. **Resolution Serial No. 13-110:** A Resolution Approving The Scope Of Work For Project No. 47031, Fund 480, Five-Year Land Disposal And Retention Plan.
- (1) IM No. 13-226

MOTION: Assemblymember Colver moved to adopt Resolution Serial No. 13-110.

Assemblymember Colver requested information on how staff plans to approach to the project.

Mr. Phillips provided a staff report.

Assemblymember Colver:

- questioned the approach to the project and the resources it will take to integrate land management records into Govern and GIS; and
- spoke in favor of getting the land to market as soon as possible.

Assemblymember Colligan spoke to the need for data system integration within the Borough.

Discussion ensued regarding the value of system integration.

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

VOTE: The motion passed without objection.

VOTE: The main motion passed without objection.

d. **Resolution Serial No. 13-112:** A Resolution Approving The Financial Responsibility For The M/V Susitna For October, November, And December 2013.

(1) IM No. 13-229

MOTION: Assemblymember Keogh moved to adopt Resolution Serial No. 13-112.

Assemblymember Keogh queried as to the status of the appraisal of the vessel and the anticipated insurance cost for winterization and wet lay-up.

Mr. Moosey provided a staff report on the appraisal and sales issues.

Ms. Clayton provided a staff report on the insurance costs.

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

VOTE: The motion passed without objection.

VOTE: The main motion passed with Assemblymember Arvin opposed.

(The meeting recessed at 8:38 p.m. and reconvened at 8:46 p.m.)

h. **Resolution Serial No. 13-116:** A Resolution Supporting Funding For The Seward Meridian Parkway Phase II, Four-Lane Project From The Palmer-Wasilla Highway To Seldon Road Acknowledging That The Borough Will Continue To Own And Maintain The Upgraded Highway Upon Completion Of Construction.

(1) IM No. 13-248

MOTION: Assemblymember Arvin moved to adopt Resolution Serial No. 13-116.

Assemblymember Arvin requested historical information on the nomination made to the State Legislature for project funding.

Mr. Sworts provided a staff report.

VOTE: The motion passed without objection.

- i. **Resolution Serial No. 13-117:** A Resolution Opposing House Bill 77 Which Eliminates The Ability Of A "Person" To Obtain Water Reservations To Protect Salmon Fisheries. *(Sponsored by Assemblymember Keogh)*
- (1) IM No. 13-250

MOTION: Assemblymember Woods moved to adopt Resolution Serial No. 13-117.

Assemblymember Woods noted that the bill is pending in the State Legislature and therefore passing legislation opposing the bill is premature.

Assemblymember Keogh

- spoke to the current law that allow for any person to apply for an instream flow reservation to ensure an adequate flow of water to protect fish habitat and migration;
- spoke to House Bill 77, which eliminates the ability of a person to protect fisheries; and
- noted that the Assembly has taken many measures to protect fish habitat, therefore opposing the bill makes sense.

Discussion ensued regarding:

- the approach taken by other groups in opposing portions of the bill; and
- portions of Alaska Water Use Act that are in need of reform.

Assemblymember Keogh:

- spoke to a primary amendment that he would offer which would amend Resolution Serial No. 13-177, to state that the Borough opposes the portion of House Bill 77, that strikes the words "or a person;" and
- requested a short at-ease while Mr. Spiropoulos crafts an amendment.

MOTION: Assemblymember Arvin moved to postpone Resolution Serial No. 13-177 to a time certain of after the Vacancy Report at tonight's meeting.

VOTE: The motion passed without objection.

XI. NEW BUSINESS

A. INTRODUCTIONS (For public hearing – 11/05/13, Assembly Chambers)

1. **Ordinance Serial No. 13-133:** An Ordinance Accepting And Appropriating A Fiscal Year 2014 Designated Legislative Grant From The Alaska State Department Of Commerce, Community, And Economic Development In The Amount Of \$2,500,000 To Fund 410, Project No. 30114, For Fisheries And Fish Protection.
 - a. **Resolution Serial No. 13-118:** A Resolution Approving The Scope Of Work And Budget For A Fiscal Year 2014 Designated Legislative Grant In The Amount Of \$2,500,000 From The Alaska State Department Of Commerce, Community, And Economic Development For Fisheries And Fish Protection, Project No. 30114.
 - (1) IM No. 13-223
2. **Ordinance Serial No. 13-134:** An Ordinance Accepting A Late Filed And Retroactive Senior Citizen Real Property Tax Exemption Application. *(Sponsored by Assemblymember Keogh)*
 - a. IM No. 13-230
3. **Ordinance Serial No. 13-135:** An Ordinance Appropriating \$12,000 From The Greater Palmer Consolidated Fire Service Area Fund Balance, Fund 259, To Fund 405, Project No. 45215, For The Purchase Of Fire Tanker Auto Fill Equipment.
 - a. **Resolution Serial No. 13-119:** A Resolution Approving The Scope Of Work And Budget For Project No. 45215 For The Purchase Of Fire Tanker Auto Fill Equipment.
 - (1) IM No. 13-232
4. **Ordinance Serial No. 13-136:** An Ordinance Approving A Reappropriation Of \$65,000, From The School District Fiscal Year 2014 Education Operating Fund 204, To Fund 400, Project No. 40159, Academy Charter School, To Complete Construction Finishes Of Two Science Classrooms At The Academy Charter School.
 - a. **Resolution Serial No. 13-120:** A Resolution Approving The Scope Of Work And Budget For Project No. 40159, Academy Charter School, To Allow Completion Of Construction Finishes Of Two Science Classrooms At The Academy Charter School.
 - (1) IM No. 13-233
5. **Ordinance Serial No. 13-137:** An Ordinance Adopting The Matanuska-Susitna Borough Stormwater Management Plan And Amending MSB 15.24.030, Comprehensive Plan And Purposes.
 - a. IM No. 13-234
6. **Ordinance Serial No. 13-138:** An Ordinance Approving A Supplemental Appropriation Of \$33,000 From The Butte Fire Service Area Fund Balance, Fund 251, To The Butte Fire Service Area Fiscal Year 2014 Operating Budget, Fund 251, To Provide Adequate Funding For Firefighter Clothing And Equipment.
 - a. IM No. 13-235
7. **Ordinance Serial No. 13-139:** An Ordinance Approving A Supplemental Appropriation Of \$12,500 From Willow Road Service Area No. 20 Fund Balance, Fund 276, To Willow Road Service Area No. 20 Fiscal Year 2014 Operating Budget, Fund 276.
 - a. IM No. 13-236

8. **Ordinance Serial No. 13-140:** An Ordinance Approving A Supplemental Appropriation Of \$50,000 From Lazy Mountain Road Service Area No. 19 Fund Balance, Fund 275, To Lazy Mountain Road Service Area No. 19 Fiscal Year 2014 Operating Budget, Fund 275.
 - a. IM No. 13-238
 9. **Ordinance Serial No. 13-141:** An Ordinance Approving An Appropriation Of \$150,000 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. 13-239
 10. **Ordinance Serial No. 13-142:** An Ordinance Appropriating \$8,000,000 To Project No. 10181 And \$151,676 To Project No. 65004 For The Purpose Of Designing And Constructing A Public Safety Facility And Related Capital Improvements And Issuance Cost Of The Lease Certificates Of Participation, 2013.
 - a. IM No. 13-241
 11. **Ordinance Serial No. 13-143:** An Ordinance Accepting And Appropriating \$100,000 From The Alaska State Department Of Transportation And Public Facilities For The Long Range Transportation Plan And The Official Streets And Highways Plan Update, Fund 480, Project No. 20280.
 - a. **Resolution Serial No. 13-121:** A Resolution Approving The Scope Of Work And Budget For The Long Range Transportation Plan And Official Streets And Highways Plan Updates, And Authorizing The Manager To Enter Into A Memorandum Of Agreement With The Alaska State Department Of Transportation And Public Facilities For This Project.
 - (1) IM No. 13-243
- B. INTRODUCTIONS (For public hearing – 12/03/13, New Assembly Chambers)
1. **Ordinance Serial No. 13-132:** An Ordinance Creating East Pace Drive Road Paving Local Improvement District No. 522, Approving The Improvement Plan For The District, Authorizing The Manager To Proceed With The Improvement, And Assessing Equally Among The Properties Within The District The Costs Of The Improvement.
 - a. IM No. 13-227

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 November 5, 2013, and December 3, 2013, respectively.

VOTE: The motion passed without objection.

C. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor DeVilbiss requested the following confirmations:

Animal Care and Regulation
Dawn Vogt, resignation
Board of Ethics
Ryan McClure
Emergency Medical Services Board
Brian Anderson
Enhanced 911 Advisory Board
Gene Belden, resignation
Health and Social Services Board
Dodd Shay, resignation
Meadow Lakes RSA No. 27
Patti Winegar, resignation

Mayor DeVilbiss made the following recommendations:

Emergency Medical Services Board
Christian Hartley
Enhanced 911 Advisory Board
Arthur (Tom) Dunn
Ruthan Josten
Local Emergency Planning Committee
Rudolph Kula
Micah Weinstein
Lazy Mountain RSA No. 19
Raymond Cortes
Trapper Creek RSA No. 30
Donna Massay

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

VOTE: The motion passed without objection.

D. OTHER NEW BUSINESS

(There was no other new business.)

(Discussion on Resolution Serial No. 13-117, continued here.)

- a. **Resolution Serial No. 13-117:** A Resolution Opposing House Bill 77 Which Eliminates The Ability Of A "Person" To Obtain Water Reservations To Protect Salmon Fisheries.
(Sponsored by Assemblymember Keogh)
- (1) IM No. 13-250

MOTION: Assemblymember Keogh moved a primary amendment to strike the words "opposes House Bill 77" from the Now Therefore Be It Resolved clause and insert in its place the words "opposes that portion of House Bill 77, which removes the words "or a person" found on page 22 of the bill" to read: "Now Therefore Be It Resolved, that the Matanuska-Borough Assembly opposes that portion of House Bill 77, which removes the words "or a person" found on page 22 of the bill."

Assemblymember Colver opined that the title of the Resolution should be amended to clarify that the Borough is not opposing the bill in its entirety.

MOTION: Assemblymember Keogh moved a secondary amendment to the title to insert "and encourages the legislature to amend the bill to retain the words "or a person" to the end of the title to read: "A Resolution Of The Matanuska-Susitna Borough Assembly Opposing House Bill 77 Which Eliminates The Ability Of A "Person" To Obtain Water Reservations To Protect Salmon Fisheries And Encourages The Legislature To Amend The Bill To Retain The Words "Or A Person."

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

MOTION: Assemblymember Cover moved a secondary amendment to the title to strike "opposing" and insert in its place "amending" to read: "A Resolution Of The Matanuska-Susitna Borough Assembly Amending House Bill 77, Which Eliminates The Ability Of A "Person" To Obtain Water Reservations To Protect Salmon Fisheries And Encourages The Legislature To Amend The Bill To Retain The Words "Or A Person."

VOTE: The secondary amendment passed with Assemblymembers Woods, Colligan, and Salmon opposed.

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

VOTE: The motion passed without objection.

VOTE: The primary amendment failed with Assemblymembers Keogh, Colver, and Halter in favor.

VOTE: The main motion failed with Assemblymembers Keogh and Halter in favor.

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

1. **Ordinance Serial No. 13-144:** An Ordinance Amending MSB 17.63, Race Track Regulations. *(Sponsored by Assemblymember Salmon)*

a. IM No. 13-242

(Clerk note: the Assembly took action on Ordinance Serial No. 13-144 during Mayor, Assembly, and Staff Comments)

XII. RECONSIDERATION

(There was no reconsideration presented.)

XIII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Mr. Moosey:

- thanked Assemblymembers Keogh and Woods for their service;
- spoke to the contributions made by Assemblymembers Keogh and Woods; and
- thanked Assemblymembers Keogh and Woods for the professionalism and courtesy in which they dealt with Boroughs staff.

Ms. McKechnie spoke to her pleasure in working with Assemblymembers Keogh and Woods.

Mr. Spiropoulos:

- spoke to his pleasure in working with Assemblymembers Keogh and Woods; and
- added that he appreciated their attitude and humor around the Assembly table.

Assemblymember Keogh provided a commentary on serving with the Mayor and the other Assembly Members.

Assemblymembers Woods:

- expressed appreciation for the knowledge he has gained during his tenure on the Assembly; and
- spoke in appreciation of Administration and staff.

Assemblymember Colver expressed appreciation to Assemblymembers Keogh and Woods for their service to the Borough.

Assemblymember Salmon expressed appreciation to Assemblymembers Keogh and Woods for their service to the Borough.

Assemblymember Halter expressed appreciation to Assemblymembers Keogh and Woods for their service to the Borough.

Assemblymember Arvin:

- spoke to the unpaved low volume roads program;
- opined that the intent of the program is not to diminish the standards set for new roads;
- spoke his intent to work with Administration to improve the public process for tax foreclosures; and

- expressed appreciation to Assemblymembers Keogh and Woods for their service to the Borough.

Ms. McKechnie reminded Mayor DeVilbiss that the Assembly had not taken action on Ordinance Serial No. 13-144.

MOTION: Assemblymember Salmon moved to refer Ordinance Serial No. 13-144 to the Planning Commission for 90 days.

VOTE: The motion passed without objection.

Mayor DeVilbiss:

- thanked Assemblymembers Keogh and Woods for their service;
- spoke in support of the new Assembly Chambers; and
- spoke in support of the concept of setting standards for low volume roads.

XIV. 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. ~~M/V Susitna Disposal Options and Federal Transportation Administration Liability.~~

XV. ADJOURNMENT

The regular meeting adjourned at 9:35 p.m.


LARRY DeVILBISS, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 11/05/13