

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on October 16, 2012, at the Borough School District Administration Building, 501 N. Gulkana Street, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Larry DeVilbiss.

II. ROLL CALL

Assembly members present and establishing a quorum were:

Mr. Warren Keogh, Assembly District No. 1
Mr. Noel Woods, Assembly District No. 2
Mr. Ronald Arvin, Assembly District No. 3 (*Deputy Mayor*)(*entered telephonically at 8:15 p.m.*)
Mr. Steve Colligan, Assembly District No. 4
Mr. Darcie K. Salmon, Assembly District No. 5
Mr. Jim Colver, Assembly District No. 6 (*entered at 6:04 p.m.*)
Mr. Vern Halter, Assembly District No. 7

Staff in attendance were:

Ms. Lonnie R. McKechnie, Borough Clerk
Mr. John Moosey, Borough Manager
Mr. George Hays, Assistant Borough Manager
Mr. John Aschenbrenner, Deputy Borough Attorney
Ms. Brenda J. Henry, Executive Assistant to the Borough Clerk
Ms. Tammy Clayton, Finance Director
Ms. Shaune O'Neil, Public Works Director
Ms. Eileen Probasco, Planning and Land Use Director
Mr. Dennis Brodigan, Emergency Services Director
Mr. Eric Phillips Community Development Director
Mr. Don Dyer, Economic Development Director
Ms. Patty Sullivan, Public Affairs Director
Ms. Sonya Conant, Human Resources Director

III. APPROVAL OF AGENDA

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

Assemblymember Keogh requested to pull Resolution Serial Nos. 12-113, 12-115, and 12-118 from the consent agenda for further discussion.

There was no objection noted.

Assemblymember Halter requested to pull Resolution Serial No. 12-114 from the consent agenda for further discussion.

Mayor DeVilbiss queried if there were any other 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 former State Representative John Harris.

V. MINUTES OF PRECEDING MEETINGS

- A. Assembly Planning Session: 09/11/12
- B. Joint Assembly/School Board Meeting: 09/11/12
- C. Regular Assembly Meeting: 09/18/12
- D. Emergency Assembly Meeting: 09/24/12

Mayor DeVilbiss inquired if there were any corrections to the planning session minutes of September 11, 2012, the joint Assembly/School Board meeting minutes of September 11, 2012, the regular meeting minutes of September 18, 2012, or the emergency meeting minutes of September 24, 2012.

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Wasilla City

Mr. Bert Cottle, Deputy City Administrator:

- requested funding for Mat-Su Youth Court and a Sexual Assault Response Team (SART) during the next budget cycle;
- spoke to the upcoming Mat-Su Homeless Count that will be held at the Menard Sports Complex;
- related that during last year's event, approximately 150 clients were provided service; and
- advised that if anyone would like more information concerning the event to contact the city of Wasilla.

2. Matanuska-Susitna Borough School District

Mr. Ken Forrest, Chief Business Officer:

- requested that the road access to Pioneer Peak Elementary be made a top priority when the Assembly considers legislative priorities;
- advised that the Alaska State Department of Transportation is going to remove the existing Trunk Road within the next 18 months;

- spoke to concerns with significant transportation issues if a new access is not constructed; and
- requested support of the School District's choice of Alternative Route 2A.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Mayor DeVilbiss:

- noted that it was a routine meeting;
- stated that he brought up the Susitna Valley High School wood boiler for discussion;
- advised that there was an update on the school projects;
- spoke to concerns that roofs that were started this summer are not yet complete; and
- advised that the School District is happy with the flow of communication.

Assemblymember Woods:

- noted that it was commented that there are drainage problems on some football fields;
- stated that the School District requested that the drainage issues be addressed;
- noted that on one field there were over a million gallons of water pumped out and it was still wet;
- advised that the School District hopes to have the issue addressed before the installation of new turf; and
- noted that student enrollment is currently below what was projected.

2. Assembly Public Relations

(There were no reports provided.)

C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues

Mr. Moosey:

- stated that he had a meeting with the Local Road Service Area Advisory Board concerning the Seward Meridian land swap;
- advised that a recommendation from the board will be addressed at the next regular Assembly meeting, which will have a cost break down on the land swap;
- introduced the new state lobbyists, Mr. John Harris and Mr. Eddie Grasser; and
- requested Ms. O'Neil provide an overview of school bond construction projects.

Ms. O'Neil provided an update regarding school bond construction projects.

D. ATTORNEY COMMENTS

Mr. Spiropoulos:

- noted that the trial in the Krause matter was continued;
- advised that he will be out of the office next week attending the Municipal Attorney's Conference; and
- stated that Mr. Aschenbrenner will be in attendance for the Joint Assembly/Planning Commission meeting.

E. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule; and
- noted that the planning session will begin at noon at Settler's Bay.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Aviation Advisory Board: 07/12/12
 - b. Caswell FSA Board of Supervisors: 05/09/12
 - c. Greater Palmer Consolidated FSA Board of Supervisors: 02/16/12
 - d. Greater Talkeetna RSA Board of Supervisors: 07/12/12
 - e. MSB Fish and Wildlife Commission: 04/19/12, 05/12/12
 - f. Platting Board: 08/02/12
 - g. Port Commission: 07/16/12, Resolution Serial No. 12-006(AM)
2. Community Council Minutes:
 - a. Chickaloon Community Council: 06/13/12
 - b. Lake Louise Community Non-Profit Corporation: 06/23/12
 - c. Meadow Lakes Community Council: 05/09/12, 06/13/12

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

G. INFORMATIONAL MEMORANDUMS

1. IM No. 12-229: MONTHLY REPORTING OF AMENDED CONTRACTS AND NEW AWARDS UNDER \$100,000, ALONG WITH SOLE SOURCE PROCUREMENTS, FOR THE PERIOD OF SEPTEMBER 1, 2012, THROUGH SEPTEMBER 30, 2012.

The informational memorandum was presented and no comments were noted.

VII. UNFINISHED BUSINESS

(There was no unfinished business.)

VIII. VETO

(There were no vetoes presented.)

IX. SPECIAL ORDERS

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

(There were no persons to be heard.)

B. PUBLIC HEARINGS (Three minutes per person.)

1. Ordinance Serial No. 12-113: AN ORDINANCE CREATING WEST CAROLINE'S CIRCLE NATURAL GAS IMPROVEMENT DISTRICT NO. 494, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.

a. IM No. 12-188

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Salmon moved to adopt Ordinance Serial No. 12-113.

VOTE: The motion passed without objection.

2. Ordinance Serial No. 12-119: AN ORDINANCE APPROVING AN APPROPRIATION OF \$475,000 FROM BIG LAKE ROAD SERVICE AREA NO. 21 FUND BALANCE, FUND 277, TO FUND 410, PROJECT NO. 30043, FOR BIG LAKE ROAD SERVICE AREA NO. 21 CAPITAL PROJECTS.

a. IM No. 12-161

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Salmon moved to adopt Ordinance Serial No. 12-119.

VOTE: The motion passed without objection.

3. Ordinance Serial No. 12-120: AN ORDINANCE ACCEPTING AND APPROPRIATING \$32,200,000 FOR A PORTION OF THE FISCAL YEAR 2013 DESIGNATED LEGISLATIVE GRANT PROJECTS FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT.
 - a. IM No. 12-170

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Salmon moved to adopt Ordinance Serial No. 12-120.

VOTE: The motion passed without objection.

4. Ordinance Serial No. 12-121: AN ORDINANCE ACCEPTING AND APPROPRIATING \$4,704,774.57 FOR THE SOUTH BIG LAKE ROAD REALIGNMENT PROJECT CONSTRUCTION FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT.
 - a. Resolution Serial No. 12-109: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE SOUTH BIG LAKE ROAD REALIGNMENT PROJECT CONSTRUCTION, PROJECT NO. 30043, FUND 410, WITH GRANT FUNDS FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT.
 - (1) IM No. 12-191

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Salmon moved to adopt Ordinance Serial No. 12-121 and Resolution Serial No. 12-109.

VOTE: The motion passed without objection.

5. Ordinance Serial No. 12-122: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$27,840 FROM THE GREATER PALMER CONSOLIDATED FIRE SERVICE AREA FUND BALANCE, FUND 259, TO THE GREATER PALMER CONSOLIDATED FIRE SERVICE AREA FISCAL YEAR 2013 OPERATING BUDGET, FUND 259, TO PROVIDE REIMBURSEMENT FOR EMERGENCY SEPTIC REPAIR AND FUNDING FOR TANKER TIRES.
 - a. IM No. 12-192

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 12-122.

VOTE: The motion passed without objection.

6. Ordinance Serial No. 12-123: AN ORDINANCE APPROVING AN APPROPRIATION OF \$50,000 FROM NORTH COLONY ROAD SERVICE AREA NO. 23 FUND BALANCE, FUND 278, TO FUND 410, PROJECT NO. 30044, FOR NORTH COLONY ROAD SERVICE AREA NO. 23 CAPITAL PROJECTS.
 - a. IM No. 12-193

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. 12-123.

VOTE: The motion passed without objection.

7. Ordinance Serial No. 12-124: AN ORDINANCE APPROVING AN APPROPRIATION OF \$150,000 FROM FAIRVIEW ROAD SERVICE AREA NO. 14 FUND BALANCE, FUND 271, TO FUND 410, PROJECT NO. 30037, FOR FAIRVIEW ROAD SERVICE AREA NO. 14 CAPITAL PROJECTS.
 - a. Ordinance Serial No. 12-125: AN ORDINANCE APPROVING A REAPPROPRIATION OF \$125,000 FROM THE FAIRVIEW ROAD SERVICE AREA NO. 14 FISCAL YEAR 2013 OPERATING BUDGET, FUND 271, TO FUND 410, PROJECT NO. 30037, FOR FAIRVIEW ROAD SERVICE AREA NO. 14 CAPITAL PROJECTS.
 - (1) IM No. 12-194
 - (2) IM No. 12-201

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 Nos. 12-124 and 12-125.

VOTE: The motion passed without objection.

8. Ordinance Serial No. 12-126: AN ORDINANCE APPROVING AN APPROPRIATION OF \$400,000 FROM GOLD TRAIL ROAD SERVICE AREA NO. 28 FUND BALANCE, FUND 282, TO FUND 410, PROJECT NO. 30048, FOR GOLD TRAIL ROAD SERVICE AREA NO. 28 CAPITAL PROJECTS.
 - a. Ordinance Serial No. 12-127: AN ORDINANCE APPROVING A REAPPROPRIATION OF \$100,000 FROM THE GOLD TRAIL ROAD SERVICE AREA NO. 28 FISCAL YEAR 2013 OPERATING BUDGET, FUND 282, TO FUND 410, PROJECT NO. 30048, FOR GOLD TRAIL ROAD SERVICE AREA NO. 28 CAPITAL PROJECTS.
 - (1) IM No. 12-195
 - (2) IM No. 12-198

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 Nos. 12-126 and 12-127:

VOTE: The motion passed without objection.

9. Ordinance Serial No. 12-128: AN ORDINANCE APPROVING AN APPROPRIATION OF \$300,000 FROM KNIK ROAD SERVICE AREA NO. 17 FUND BALANCE, FUND 274, TO FUND 410, PROJECT NO. 30040, FOR KNIK ROAD SERVICE AREA NO. 17 CAPITAL PROJECTS.
 - a. Ordinance Serial No. 12-129: AN ORDINANCE APPROVING A REAPPROPRIATION OF \$325,000 FROM THE KNIK ROAD SERVICE AREA NO. 17 FISCAL YEAR 2013 OPERATING BUDGET, FUND 274, TO FUND 410, PROJECT NO. 30040, FOR KNIK ROAD SERVICE AREA NO. 17 CAPITAL PROJECTS.
 - (1) IM No. 12-196
 - (2) IM No. 12-200

Mayor DeVilbiss opened the public hearing.

The following person spoke to the need for road maintenance within the Knik Road Service Area: Mr. Neil Snider.

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 Nos. 12-128 and 12-129.

VOTE: The motion passed without objection.

10. Ordinance Serial No. 12-130: AN ORDINANCE AMENDING THE OPERATING RULES, RATES, AND PROCEDURES FOR THE SUPPLY OF PUBLIC SEWER AND WATER SYSTEMS IN TALKEETNA, ALASKA, BY INCREASING THE RATES FOR MONTHLY WATER AND SEWER CHARGES AND INTERRUPTED SERVICE FEES AND CHANGING SECTION 10, METERING, TO ADDRESS THE COST AND RESPONSIBILITY OF THE NEW METERS.
 - a. IM No. 12-197

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. 12-130.

Assemblymember Halter:

- requested support of the legislation;
- noted that the fee increase was worked on by the Talkeetna Sewer and Water Board;
- advised that it is not a finished project and will more than likely have ongoing adjustments; and
- related that the water system was not compromised during the September flood event.

VOTE: The motion passed without objection.

11. Ordinance Serial No. 12-131: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$10,000 FROM NORTH COLONY ROAD SERVICE AREA NO. 23 FUND BALANCE, FUND 278, TO NORTH COLONY ROAD SERVICE AREA NO. 23 FISCAL YEAR 2013 OPERATING BUDGET, FUND 278.
 - a. IM No. 12-199

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. 12-131.

VOTE: The motion passed without objection.

12. Ordinance Serial No. 12-132: AN ORDINANCE ADOPTING MSB 17.28.090(a)(6); DESIGNATING THE KOPCZENSKI PIT AN INTERIM MATERIALS DISTRICT, LOCATED WITHIN TOWNSHIP 21 NORTH, RANGE 4 WEST, SECTION 19, SEWARD MERIDIAN.
 - a. IM No. 12-202

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. 12-132.

Assemblymember Halter requested support of the project.

MOTION: Assemblymember Halter moved a primary amendment to Ordinance Serial No. 12-132, as follows:

- strike condition no. 9 in its entirety; and
- insert a new condition no. 1 to read: “A notice of intent, multi-sector general permit, and updated Storm Water Pollution Prevention Plan (SWPPP) shall be provided to the Borough prior to renewed extraction activities.”

VOTE: The primary amendment passed without objection.

Assemblymember Colver queried if the land designation could be appealed to the Board of Adjustment and Appeals.

Mr. Spiropoulos:

- advised that this is a zoning issue, which is not under the purview of the Board of Adjustment and Appeals; and
- noted that a person could claim that it was quasi-judicial, which is an undecided issue as to whether or not it is.

VOTE: The main motion passed as amended without objection.

13. Ordinance Serial No. 12-134: AN ORDINANCE ACCEPTING AND APPROPRIATING \$75,000 FOR THE SAFE ROUTES TO SCHOOLS PLANNING GRANT FROM THE ALASKA STATE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES FOR THE SAFE ROUTES TO SCHOOLS PROGRAM, PROJECT NO. 47027.

a. Resolution Serial No. 12-110: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET, AND AUTHORIZING THE MANAGER TO ENTER INTO THE GRANT AGREEMENT FOR A \$75,000 SAFE ROUTES TO SCHOOLS PLANNING GRANT FROM THE ALASKA STATE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES FOR THE SAFE ROUTES TO SCHOOLS PROGRAM, PROJECT NO. 47027.

(1) IM No. 12-205

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Salmon moved to adopt Ordinance Serial No. 12-134 and Resolution Serial No. 12-110.

VOTE: The motion passed without objection.

14. Ordinance Serial No. 12-135: AN ORDINANCE APPROVING A REAPPROPRIATION OF \$50,000 FROM THE MIDWAY ROAD SERVICE AREA NO. 9 FISCAL YEAR 2013 OPERATING BUDGET, FUND 270, TO FUND 410, PROJECT NO. 30036, FOR MIDWAY ROAD SERVICE AREA NO. 9 CAPITAL PROJECTS.
 - a. Ordinance Serial No. 12-136: AN ORDINANCE APPROVING AN APPROPRIATION OF \$1,100,000 FROM MIDWAY ROAD SERVICE AREA NO. 9 FUND BALANCE, FUND 270, TO FUND 410, PROJECT NO. 30036, FOR MIDWAY ROAD SERVICE AREA NO. 9 CAPITAL PROJECTS.
 - (1) IM No. 12-206
 - (2) IM No. 12-207

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial Nos. 12-135 and 12-136.

VOTE: The motion passed without objection.

15. Ordinance Serial No. 12-137: AN ORDINANCE APPROPRIATING \$50,000 FROM THE GREATER PALMER CONSOLIDATED FIRE SERVICE AREA FUND BALANCE, FUND 259, TO FUND 405, PROJECT NO. 45115, FOR SEPTIC AND LEACH FIELD REPAIR AT STATION 3-3.
 - a. Resolution Serial No. 12-111: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 45115 FOR SEPTIC AND LEACH FIELD REPAIR AT STATION 3-3.
 - (1) IM No. 12-209

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 12-137 and Resolution Serial No. 12-111.

VOTE: The motion passed without objection.

(The meeting recessed at 6:45 p.m. and reconvened at 6:55 p.m.)

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person reported on the recent Waste Water and Septage Advisory Board meeting and the need to involve the community in planning the location for a regional waste water and septage facility: Ms. Helen Munoz.

The following person spoke to the meaning of diversified citizenship: Mr. Neil Snider.

The following persons spoke to concerns with the relocation of cabins currently located along the Parks Highway at Mile 49: Mr. Hermann Spegel and Ms. Vivian Munson.

The following persons provided a history of Valley Performing Arts, spoke to the need for a larger facility, and requested a resolution supporting their expansion efforts: Mr. Gary Forrester, Executive Director of Valley Performing Arts; and Ms. Janet Kennedy, President of Valley Performing Arts Board of Directors.

The following person spoke in support of Resolution Serial No. 12-116: Ms. Roxanne Dayton, Aurora Dog Mushing Club.

The following person spoke regarding the importance of the Assembly following their oath of office and the need for governance: Ms. Patricia Rosnel.

D. CONSENT AGENDA

1. RESOLUTIONS

d. Resolution Serial No. 12-116: A RESOLUTION AMENDING THE BUDGETS FOR FISCAL YEAR 2012 POOL PROJECTS AND THE 2012/2013 WINTER TRAIL GROOMING AND MAINTENANCE.

(1) IM No. 12-231

e. Resolution Serial No. 12-117: A RESOLUTION APPROVING THE PENDING FINANCIAL RESPONSIBILITY FOR THE M/V SUSITNA FOR NOVEMBER 2012.

(1) IM No. 12-232

2. ACTION MEMORANDUMS

a. AM No. 12-129: AWARD OF BID NO. 13-030B TO WOLVERINE SUPPLY, INC. FOR A CONTRACT AMOUNT OF \$627,000 FOR PORT MACKENZIE HIGH MAST LIGHTING AND GUARD SHACK RELOCATION.

b. AM No. 12-130: AUTHORIZATION TO PURCHASE PRECAST CONCRETE RESTROOM BUILDINGS FROM CTX, INC. FOR THE AMOUNT OF \$107,431.26.

Ms. McKechnie read the above legislation into the record.

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

VOTE: The motion passed without objection.

a. Resolution Serial No. 12-113: A RESOLUTION APPROVING FEDERAL LEGISLATIVE PRIORITIES FOR CALENDAR YEAR 2013.

(1) IM No. 12-222

MOTION: Assemblymember Keogh moved to adopt Resolution Serial No. 12-113.

Assemblymember Keogh:

- stated that he pulled Resolution Serial No. 12-113 because the body has not yet discussed it fully; and
- opined that the legislation should be postponed until after the planning session on November 17, 2012.

MOTION: Assemblymember Keogh moved to postpone Resolution Serial No. 12-113 to a time certain of December 4, 2012.

Assemblymember Colver stated that he will support postponement.

Assemblymember Colligan:

- spoke in support of postponement;
- stated that he would like more information on the list; and
- noted that he agrees that further discussion is required.

VOTE: The motion to postpone passed without objection.

b. Resolution Serial No. 12-114: A RESOLUTION TEMPORARILY SUSPENDING THE FLOODPLAIN DEVELOPMENT PERMIT FEE FROM OCTOBER 17, 2012, UNTIL NOVEMBER 21, 2012.

(1) IM No. 12-227

MOTION: Assemblymember Halter moved to adopt Resolution Serial No. 12-114.

MOTION: Assemblymember Halter moved a primary amendment to Resolution Serial No. 12-114, by striking the effective date of "October 17, 2012" and inserting in its place "September 15, 2012" throughout the legislation.

Assemblymember Keogh spoke in support of the amendment.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

c. Resolution Serial No. 12-115: A RESOLUTION APPROVING STATE LEGISLATIVE PRIORITIES FOR CALENDAR YEAR 2013.

(1) IM No. 12-228

MOTION: Assemblymember Keogh moved to adopt Resolution Serial No. 12-115.

Assemblymember Keogh stated that he would like to postpone the legislation until after the planning session, but would not make that motion until the body has an opportunity to discuss it.

Assemblymember Colver

- opined that the work should be done on the legislation this evening;
- noted that new lobbyist are on board and they need to know what is expected;
- opined that the new junior/senior high school at Knik needs to be included, as utilities cannot be funded through the bonds; and
- stated that work has already been done on the priorities and he is comfortable with them.

Assemblymember Colligan:

- noted that several Boards have come forward for items to be added to the legislation;
- stated that he would like to add the items requested in Aviation Advisory Board (AAB) Resolution Serial No. 12-09; and
- related that those projects are too small and fall outside of Federal Aviation Administration funding.

Assemblymember Halter

- spoke in support of adding the items from the AAB resolution;
- stated that he would like to highlight the Parks Highway Expansion, Mile 43.5 to 48.8;
- opined that the Parks Highway expansion is an important upgrade that needs to happen; and
- spoke to the number of serious accidents that occur on that portion of the highway.

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 12-115, by inserting “Knik Junior/Senior High School Improvements - \$3,000,000.”

VOTE: The primary amendment passed with Assemblymember Keogh opposed.

MOTION: Assemblymember Halter moved primary amendment to Resolution Serial No. 12-115, by inserting after Bogard Road Extension East, “Parks Highway Expansion, Mile 43.5 to 48.8.”

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Woods moved a primary amendment to Resolution Serial No. 12-115, by inserting the following as listed in Port Commission Resolution Serial No. 12-006:

- Lake Lorraine Loop Road;
- Port MacKenzie Deep Draft Dock Expansion;
- Lu Young Lane Upgrade;
- Port Frontage Roads;
- Illumination of Port MacKenzie Road System; and

- Port MacKenzie South Access Road.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Keogh moved to postpone Resolution Serial No. 12-115 to a time certain of December 4, 2012.

Assemblymember Colligan spoke in opposition of postponement.

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

MOTION: Assemblymember Colligan moved a primary amendment to Resolution Serial No. 12-115, by inserting the “MSB Aviation Improvements - \$3,000,000 as listed in AAB Resolution Serial No. 12-09.”

VOTE: The primary amendment passed without objection.

Assemblymember Colver requested that staff insert the project descriptions and funds needed for all the projects being added.

There was no objection noted.

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 12-115, by inserting at the end of the list, “Pioneer Peak Elementary Access Road Route 2A, with the amount to be determined by staff.”

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Keogh moved primary amendment to Resolution Serial No. 12-115, Matanuska River Management, by striking “\$2,500,000” and inserting in its place “\$5,000,000.”

VOTE: The primary amendment passed with Assemblymember Halter opposed.

MOTION: Assemblymember Colver moved to postpone Resolution Serial No. 12-115 to a time certain of November 17, 2012.

VOTE: The motion to postpone passed without objection.

a. Resolution Serial No. 12-118: A RESOLUTION ESTABLISHING A TALL TOWER ADVISORY COMMITTEE. *(Sponsored by Mayor DeVilbiss)*

(1) IM No. 12-234

MOTION: Assemblymember Keogh moved to adopt Resolution Serial No. 12-118.

Assemblymember Keogh:

- provided a history of the former tall tower legislation that was repealed;
- noted that as a result of the repealed legislation, there have been an undetermined number of towers erected throughout the Borough;
- stated that there has been significant public outcry;
- noted that the body has no idea what is coming forward because there is no permit required;
- advised that the only requirement is a 10-foot setback;
- stated that this legislation will establish a new tall tower committee;
- noted his opposition, as there was a former committee that met 18 times over a 2-year period;
- opined that the committee is redundant and unnecessary as the public wants regulation; and
- advised that he will be bringing forward legislation for introduction on November 6 regarding tall towers.

VOTE: The motion failed with Assemblymembers Salmon, Colligan and Woods in support and Assemblymembers Halter, Keogh, and Colver in opposed (tie vote). The motion passed with Mayor DeVilbiss invoking his voting privilege in the affirmative.

(The meeting recessed at 8 p.m. and reconvened at 8:06 p.m.)

X. NEW BUSINESS

A. INTRODUCTIONS (For public hearing – 11/06/12, 7 p.m., School District Administration Building)

1. Ordinance Serial No. 12-091: AN ORDINANCE REPEALING MSB 17.73; MULTIFAMILY DEVELOPMENT DESIGN STANDARDS. *(Sponsored by Assemblymember Salmon)*
 - a. IM No. 12-128
2. Ordinance Serial No. 12-138: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE EAGLE’S BLUFF, BELLA HAVEN, AND BENCH VIEW NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 465 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 12-139: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$74,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE EAGLE’S BLUFF, BELLA HAVEN, AND BENCH VIEW NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 465, AND FIXING DETAILS OF SAID BONDS.
 - (1) IM No. 12-216
3. Ordinance Serial No. 12-140: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE SOUTH LAURIE LANE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 468 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.

- a. Ordinance Serial No. 12-141: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$33,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE SOUTH LAURIE LANE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 468, AND FIXING DETAILS OF SAID BONDS.
(1) IM No. 12-217
- 4. Ordinance Serial No. 12-142: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE SOUTH ALAN'S DRIVE, WEST DAGG DRIVE, AND SOUTH ROLF CIRCLE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 471 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 12-143: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$161,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE SOUTH ALAN'S DRIVE, WEST DAGG DRIVE, AND SOUTH ROLF CIRCLE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 471, AND FIXING DETAILS OF SAID BONDS.
(1) IM No. 12-218
- 5. Ordinance Serial No. 12-144: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE NORTH CAROUSEL WAY NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 472 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 12-145: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$27,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE NORTH CAROUSEL WAY NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 472, AND FIXING DETAILS OF SAID BONDS.
(1) IM No. 12-219
- 6. Ordinance Serial No. 12-146: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PORTION OF GOLD RUSH ESTATES NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 479 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.
 - a. Ordinance Serial No. 12-147: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$29,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE PORTION OF GOLD RUSH ESTATES NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 479, AND FIXING DETAILS OF SAID BONDS.
(1) IM No. 12-220
- 7. Ordinance Serial No. 12-148: AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAMELA DRIVE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 482 AND ESTABLISHING THE METHOD OF TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS.

- a. Ordinance Serial No. 12-149: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$53,000 PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT BONDS FOR THE PAMELA DRIVE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 482, AND FIXING DETAILS OF SAID BONDS.
(1) IM No. 12-221

- 8. Ordinance Serial No. 12-150: AN ORDINANCE ACCEPTING AND APPROPRIATING \$6,712.50 FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICES, AND \$2,237.50 FROM A BOROUGH RESIDENT TO FUND 475, PROJECT NO. 20386 FOR THE EXPENSES ASSOCIATED WITH THE RELOCATION OF A HOME IN IMMINENT DANGER BY STREAMBANK EROSION.
a. IM No. 12-225

- 9. Ordinance Serial No. 12-151: AN ORDINANCE ACCEPTING AND APPROPRIATING \$19,018 FROM THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT FOR THE BOROUGH LOCAL EMERGENCY PLANNING COMMITTEE, FUND 480, PROJECT NO. 20259, FOR FISCAL YEAR 2013 OPERATIONS.
a. Resolution Serial No. 12-119: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT GRANT, PROJECT NO. 20259, FUND 480, FOR THE BOROUGH LOCAL EMERGENCY PLANNING COMMITTEE.
(1) IM No. 12-226

- 10. Resolution Serial No. 12-120: A RESOLUTION ADOPTING THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2014 TO FISCAL YEAR 2019.
(1) IM No. 12-230

Ms. McKechnie read the above legislation into the record.

MOTION: Assemblymember Salmon moved to introduce the legislation as read into the record by the Clerk and set the public hearings for November 6, 2012,

MOTION: Assemblymember Colver moved to divide the question and set the public hearing for Ordinance Serial No. 12-091 separately.

VOTE: The motion passed without objection.

MOTION: First Segment. Assemblymember Salmon moved to introduce the legislation as read into the record by the Clerk and set the public hearings for November 6, 2012, with the exception of Ordinance Serial No. 12-091.

VOTE: The first segment passed without objection.

MOTION: Second Segment. Assemblymember Colver moved to introduce Ordinance Serial No. 12-091 and set the public hearing for December 4, 2012.

VOTE: The second segment passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor DeVilbiss requested the following confirmations:

Local Emergency Planning Committee
Ray Hollenbeck

Mayor DeVilbiss made the following recommendations:

Wasilla-Lakes FSA No. 130
David Eller

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

VOTE: The motion passed without objection.

C. OTHER NEW BUSINESS

(There was no other new business.)

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

(There were no referrals presented.)

XI. RECONSIDERATION

(There were no reconsiderations presented.)

XII. EXECUTIVE SESSION *(for matters 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; direction may be given to the Attorney or labor negotiator regarding labor negotiations.)*

A. LABOR CONTRACT NEGOTIATIONS WITH THE MATANUSKA-SUSITNA BOROUGH EMPLOYEES ASSOCIATION.

MOTION: Assemblymember Salmon moved to enter into 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; direction may be given to the Attorney or labor negotiator regarding labor negotiations, in particular to discuss labor contract negotiations with the Matanuska-Susitna Borough Employees Association. Those present during the executive session were the Mayor, the members of the Assembly, the Clerk, the Attorney, the Finance Director, the Human Resources Director, and Mr. Tom Daniels.

VOTE: There was no objection noted and the Assembly entered into executive session at 8:09 p.m.

(Assemblymember Arvin entered the meeting at approximately 8:15 p.m.)

MOTION: Assemblymember Colver moved to exit executive session.

VOTE: There was no objection noted and the Assembly exited executive session at 9:14 p.m.

(Assemblymember Arvin exited the meeting at this time.)

XIII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Assemblymember Colver:

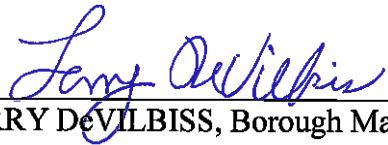
- opined that the gravel regulations need to be revised;
- spoke to concerns with the pool salination; and
- requested data regarding those issues.

Mayor DeVilbiss:

- noted that he is pleased that the Pioneer Peak Elementary Access Road is on the State legislative priorities list;
- spoke to having attended a Bio-Mass Fuel Conference in Ketchikan;
- noted that it is standard to build new construction with alternate ports for that type of fuel source; and
- opined that this should be an option for all newly constructed Borough buildings.

XIV. ADJOURNMENT

The regular meeting adjourned at 9:16 p.m.


LARRY DEVILBISS, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 11/06/12