I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on October 18, 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 telephonically at 6:10 p.m.)*
Ms. Cindy L. Bettine, Assembly District No. 5
Mr. Jim Colver, Assembly District No. 6
Mr. Vern Halter, Assembly District No. 7 *(attended telephonically)*

Assemblymembers absent and excused

Mr. Mark Ewing, Assembly District No. 4

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. Debra Wetherhorn, Administrative Secretary
Ms. Cheyenne Heindel, Financial Analyst
Ms. Shaune O'Neil, Public Works Director
Ms. Eileen Probasco, Acting Planning and Land Use Director
Mr. Dennis Brodigan, Emergency Services Director
Ms. Patty Sullivan, Public Affairs Director
Mr. John Aschenbrenner, Deputy Borough Attorney
Mr. Brad Sworts, Transportation and Environmental Manager
Mr. Paul Hulbert, Platting Officer
Mr. James King, Community Development Director

III. APPROVAL OF AGENDA

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

MOTION: Assemblymember Colver moved to take up Resolution Serial No. 11-136 immediately following Clerk's comments.

Assemblymember Bettine spoke to concerns that the legislation would be taken up before the public had an opportunity to speak to it.

Assemblymember Colver:
- noted that the resolution would address the Mayor's concerns regarding the Hatcher Pass project; and
- stated that vetoes would occur prior to audience participation as a matter of how the agenda is laid out.

VOTE: The motion passed without objection.

VOTE: The agenda was approved as amended without objection.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Brad Sworts, Transportation and Environmental Manager.

V. MINUTES OF PRECEDING MEETINGS

A. Special Assembly Meeting: 08/30/11
B. Regular Assembly Meeting: 09/06/11
C. Joint Assembly/School Board Meeting: 09/13/11

Mayor DeVilbiss inquired if there were any corrections to the special meeting minutes of August 30, 2011, the regular meeting minutes of September 6, 2011, or the joint Assembly/School Board meeting minutes of September 13, 2011.

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

V. SPECIAL ORDERS OF THE DAY

A. Proclamation Regarding Stillwater Fishing Day

Mayor DeVilbiss:
- spoke regarding Stillwater Fishing Day;
- read the proclamation into the record; and
- presented the proclamation to Mrs. Andres on behalf of Mr. Robert Andres.

B. Proclamation Regarding Farm-to-School Month

Mayor DeVilbiss:
- spoke regarding Farm-to-School Month:
- read the proclamation into the record; and
- presented the proclamation to Dr. Deena Paramo, School District Superintendent.

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Houston City

Mr. Jim Johanson, Houston Deputy Mayor:
- spoke to the recent special election for the city;
- noted that Ms. Virgie Thompson was re-elected as Mayor; and
- related that they will be receiving a new fire tanker within the next year.

2. Matanuska-Susitna Borough School District

(There was no report provided.)

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Colver:
- stated that the last Committee meeting was good and that Assemblymember Arvin attended it as well;
- noted that attendants were happy that the voters approved the school bonds;
- related that the Committee is meeting with Public Works and the Manager on a plan for the projects that were included in the bonds;
- stated that student enrollment is on track with what was forecast, so funding will be in line with the School District's budget;
- advised that there has been a request for a site selection for Fronteras Charter School;
- related another issue before the Committee has been the Seward-Meridian Road expansion;
- noted that the State has taken quite a bit of frontage for the project and that there is major congestion with traffic in the area;
- advised that the Committee formed a subcommittee to look at solutions and to monitor the project; and
- stated that they will meet again November 14.

2. Assembly Public Relations

Mayor DeVilbiss:
- related that he has been involved in the Energy Watch Program, which is sponsored by the State;
- noted that the program will be asking people to conserve energy during a peak period on October 19; and
- stated that he will also be on a local radio station to promote the program.

D. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues
3. Substandard Roads

Mr. Moosey:

- spoke to Susitna Valley High School receiving an award for excellence in design;
- related that the school is a finalist competing to receive the James D. MacConnell Award;
- advised that it goes to one school across the globe and that Susitna Valley High School was runner up;
- noted that the same design will be used for the Knik Goose Bay High School;
- spoke to a problem with Welch Way Bridge, by which residents were unable to get to their homes;
- stated that they are working on the project, which has been a real team effort;
- noted that residents can now access their homes and receive services while the project is being completed; and
- thanked the Assembly for providing funding and the opportunity to complete the project.

Assemblymember Bettine:

- spoke to the large packet of information received on the Bogard Road Extension East project; and
- queried if the body would be able to take up discussion.

Mayor DeVilbiss stated that he presumed that it would be part of the conversation during the veto discussion.

Assemblymember Arvin thanked Mr. Moosey and Ms. O'Neill for following up on a road issue in his district and noted that he appreciates their hard work.

A. ATTORNEY COMMENTS

Mr. Spiropoulos:

- related that nothing of substance is currently happening regarding the Redistricting litigation, as it is going to trial in January;
- noted that the Federal Department of Justice has approved the State's Redistricting Plan;
- stated that it looks like a settlement is well under way regarding the Cook Inlet Driftnetters Association litigation;
- advised that the Borough's interests are being met without intervening in the suit; and
- stated that if something changes, he will notify the body immediately.

B. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule;
- noted at the last meeting, the body scheduled a special meeting at 6 p.m. on December 13, 2011, regarding procurement procedures;
- related that the body has a joint Assembly/School Board meeting that night at 6 p.m.; and
- queried if the Assembly would like to conduct the work session at 4 p.m.

Mayor DeVilbiss queried if there was any objection.

There was no objection noted.

h. Resolution Serial No. 11-136: A RESOLUTION PROVIDING GENERAL DIRECTION FOR VARIOUS TYPES OF DEVELOPMENT TO BE INCLUDED IN THE DEVELOPMENT AND ASSET MANAGEMENT PLAN FOR THE HATCHER PASS – GOVERNMENT PEAK UNIT.
   (1) IM No. 11-239

MOTION: Assemblymember Colver moved to adopt Resolution Serial No. 11-136.

Assemblymember Colver:

- urged the body to support the legislation;
- stated that the legislation speaks to the development plan that Mr. Swanson is currently drafting for Borough-owned lands in the Government Peak sub-unit; and
- noted that the legislation provides for residential development to be included in the draft management plan.

Mayor DeVilbiss:

- advised that he would be happy to withdraw the veto if this is adopted;
- noted that the resolution speaks to his concerns over development; and
- related that he was never against the road or the areas selected.

Assemblymember Bettine:

- noted that she will be voting to support the resolution;
- opined that the project would never have a successful alpine venue if there is no community around to support the activities;
- stated that she has been a skier her whole life; and
- noted that she is happy to see residential development be included.

Discussion ensued regarding:

- conditions in which the property was acquired from the State;
- that the funds received from the property have to go back into development of projects;
- concerns that the legislation does not speak to motorized access;

- concerns with subjective language in the legislation; and
- that this legislation is not adopting the management plan.

VOTE: The motion passed with Assemblymember Woods opposed.

Mayor DeVilbiss inquired if there was any objection to withdrawing his veto of Resolution Serial No. 11-121.

There was no objection noted.

C. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
a. Animal Care and Regulation Board: 10/11/10, 12/01/10, 12/13/10, 01/10/11, 04/11/11
b. Caswell FSA Board of Supervisors: 06/08/11
c. Emergency Medical Services Board: 06/01/11
d. Library Board: 02/19/11, 03/19/11
e. Parks, Recreation, and Trails Advisory Board: 07/25/11
f. Planning Commission: 08/01/11
g. Platting Board: 07/21/11
h. Port Commission: 07/18/11
i. Talkeetna Sewer and Water Board of Supervisors: 03/02/11, 04/06/11, 06/01/11
j. Transportation Advisory Board: 05/25/11, Resolution Serial No. 11-10
k. Wasilla-Lakes FSA, West Lakes FSA, and Greater Palmer FSA Joint Board of Supervisors: 06/13/11
2. Community Council Correspondence:
a. Trapper Creek: 07/21/11

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

D. INFORMATIONAL MEMORANDUMS

1. IM No. 11-232: MONTHLY REPORTING OF AMENDED CONTRACTS AND NEW AWARDS UNDER $100,000, ALONG WITH SOLE SOURCE PROCUREMENTS, FOR THE PERIOD OF SEPTEMBER 1, 2011, TO SEPTEMBER 30, 2011.

The informational memorandum was presented and no comments were noted.

VII. UNFINISHED BUSINESS

A. Ordinance Serial No. 11-072: AN ORDINANCE REPEALING MSB TITLE 27 AND ADOPTING MSB TITLE 16 SUBDIVISIONS.
1. IM No. 11-122

MOTION PENDING: Assemblymember Colver moved to adopt Ordinance Serial No. 11-072.

Assemblymember Colver:

- related that he was considering postponing the legislation for a special meeting on November 17; and
- stated that if the body would prefer to move forward tonight that he would not be against that.

MOTION: Assemblymember Colver moved to postpone Ordinance Serial No. 11-072 to a time certain of November 17, 2011.

Assemblymember Arvin:

- advised that he would be unavailable on November 17; and
- queried another date that would work.

Ms. McKechnie advised that December 7 and December 14 are both open.

MOTION: Assemblymember Arvin moved primary amendment to strike "November 17" and insert in its place "December 7."

VOTE: The primary amendment passed without objection.

VOTE: The motion to postpone passed as amended without objection.

VIII. VETO

A. 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. *(Veto filed by Mayor DeVilbiss October 7, 2011)*

1. IM No. 11-099

Mayor DeVilbiss:

- stated that it was not his intent to completely rehash the project;
- advised that since he issued the veto, he has been provided information that the route that was selected is the best route for future growth; and
- stated that had he had that information previously, he may not have filed the veto.

MOTION: Assemblymember Bettine moved to override the mayoral veto of Resolution Serial No. 11-062.

Assemblymember Bettine:

- thanked the Public Works Director for providing background information regarding the project;
- noted that choosing the route was one of the hardest decisions she had to vote on during her time on the Assembly;
- spoke to the many things she learned over the life of the project coming to be and why the route was chosen;

- related that she recalled that the Scott Road route required more residential takings, which she was against; and
- noted that as hard as it is to make the decision for eminent domain, she believes it is in the best interests to expand infrastructure.

(The meeting recessed at 6:45 p.m. and reconvened at 6:48 p.m.)

Mayor DeVilbiss stated that if there is no objection that he would withdraw his veto of Resolution Serial No. 11-062.

There was no objection noted.

B. Resolution Serial No. 11-121: A RESOLUTION AMENDING THE SCOPE OF WORK FOR PROJECT NO. 35187, HATCHER PASS SKI DEVELOPMENT ROAD. *(Veto filed by Mayor DeVilbiss October 7, 2011)*

1. IM No. 11-216

(The veto was withdrawn by the Mayor with no objection by the Assembly earlier in the meeting.)

C. Ordinance Serial No. 11-105: AN ORDINANCE AMENDING MSB 8.05 SOLID WASTE TO ADD SECTION (A); MSB 8.05.085, DISTRIBUTION OF COMMERCIAL LITERATURE, AND TO AMEND MSB 8.05.010, DEFINITIONS. *(Sponsored by Assemblymember Bettine) (Veto filed by Mayor DeVilbiss October 7, 2011)*

1. IM No. 11-178

MOTION: Assemblymember Bettine moved to override the mayoral veto of Ordinance Serial No. 11-105.

Assemblymember Bettine:
- stated that there are communities throughout the nation that are banning phone books from being put in people's driveways, as it is considered liter; and
- noted that the phone books have to be disposed of and then they fill the landfill.

Assemblymember Arvin:
- noted that he is against the legislation; and
- opined that government is overreaching enough as it is.

Assemblymember Keogh:
- stated that he is in support of the legislation;
- spoke to concerns with enforceability; and
- noted that it is the first step in trying to eliminate publishers dropping off unwanted literature.

Assemblymember Woods:
- stated that he will vote to sustain the veto; and
- opined that the Borough does not need to be that involved in citizen's lives.

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

VOTE: The motion passed without objection.

VOTE: The motion to override the mayoral veto failed with Assemblymembers Keogh and Bettine in support and Assemblymembers Woods, Arvin, Halter, and Colver opposed (requires five votes).

D. Ordinance Serial No. 11-121: AN ORDINANCE AMENDING MSB 5.20.005, REGARDING ALTERATION OF ROAD SERVICE AREAS. *(Sponsored by Assemblymember Halter) (Veto filed by Mayor DeVilbiss October 7, 2011)*

1. IM No. 11-193

MOTION: Assemblymember Halter moved to override the mayoral veto of Ordinance Serial No. 11-121.

Assemblymember Halter:

- spoke in support of the legislation; and
- requested support for the override.

Assemblymember Colver:

- acknowledged that the Assembly needs to address the issues with road services areas; and
- opined that this is not the way to do it.

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

VOTE: The motion failed with Assemblymembers Bettine and Colver in favor (requires 5 votes).

VOTE: The motion to override the mayoral veto passed with Assemblymembers Woods opposed.

Assemblymember Arvin:

- stated that he supports overriding the veto;
- opined that it should be up to a vote of the residents in the service area to let a parcel in or out; and
- spoke to the many issues regarding road service areas the Assembly is concerned with.

VOTE: The motion to override the mayoral veto of Ordinance Serial No. 11-121, passed with Assemblymember Woods opposed.

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. 11-132: 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

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. 11-132.

Assemblymember Bettine:

- noted that she spoke with the Emergency Services Director regarding the legislation;
- related that she was told that the Board has become much more active;
- stated that she has only one concern regarding appointment of members; and
- opined that if the Assembly is going to allow one Board to review applications and make suggestions, that all Boards would request to do the same.

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 11-132, MSB 4.50.060, to strike (B) in its entirety.

Assemblymember Bettine requested a staff report.

Mr. Brodigan provided a staff report

Assemblymember Keogh

- stated that he is against the amendment;
- stated that the power to appoint to the committee is retained by the Mayor subject to the confirmation of the Assembly; and
- stated that he sees no harm in the Board making recommendations.

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

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 11-132, MSB 4.50.060, to strike (A) in its entirety.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

2. Ordinance Serial No. 11-133: AN ORDINANCE AMENDING MSB 17.23, THE POINT MACKENZIE PORT SPECIAL USE DISTRICT.
a. IM No. 11-188

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 Bettine moved to adopt Ordinance Serial No. 11-133.

Assemblymember Bettine:

- spoke to concerns that the legislation would prevent an owner from having a residence located above a shop; and
- queried why there is a prohibition against transient accommodations.

Ms. Probasco stated that it was included to protect the safety of residential areas from industrial uses, such as tank farms that are potentially highly combustible.

Assemblymember Bettine queried where it says that transient accommodations are allowed.

Ms. Probasco:

- related that the staff member who has the best information for this legislation is out of town;
- spoke regarding the ability to have caretaker residences or other transient accommodations; and
- noted that the intent was to not encourage housing within an industrial area.

Mayor DeVilbiss inquired if there was any objection to postponing the legislation until after the public hearings, so that the staff can gather information.

There was no objection noted.

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

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. 11-134.

Assemblymember Keogh:
- stated that the intent is to help maintain the Borough's solid financial foundation; and
- noted that it raises the reserves limit from the current amount of $750,000 to $1,250,000.

Assemblymember Halter:
- spoke in support of the legislation; and
- opined that the allowable reserves limit should be increased for unforeseen emergencies.

Assemblymember Colver:
- opined that when the Borough has too large of reserves, that it causes citizens to be overtaxed;
- noted that there are plenty of reserves that could be used for emergencies;
- stated that there will be more money put in the reserves at budget time; and
- noted his opposition to the legislation.

Discussion ensued regarding:
- how reserves impact tax payers by way of the mill rate;
- things that the reserves have been used for in the past;
- appropriate ways to increase the reserves; and
- other ways that emergency funds can be found when needed.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 11-134, MSB 3.04.095(C), to strike the words "five affirmative votes" and insert in its place "a majority vote" to read: "Expenditures require a majority vote of the Assembly."

VOTE: The primary amendment failed with Assemblymembers Arvin, Colver and Woods in support and Assemblymembers Keogh, Bettine and Halter opposed (tie vote). The motion failed with Mayor DeVilbiss invoking his voting privilege in the negative.

Discussion ensued regarding:
- that funds would not be used unless an official emergency was declared;
- how the reserves impact tax payers;
- that this legislation establishes a maximum amount, not that the amount is required;
- whether or not the reserves have ever been less than the codified amount at budget time;
- that the Borough has to cover local emergency and cover the cost, unless the State declares an emergency;
- that the funds roll over from year-to-year;
- different types of emergencies the fund has been used for in the past;
- that declarations of emergency are done by the Mayor and the Manager; and
- the desire to protect residents during emergencies.

VOTE: The main motion passed with Assemblymembers Arvin and Colver opposed.

4. Ordinance Serial No. 11-135: AN ORDINANCE ADOPTING THE CITY OF WASILLA 2011 COMPREHENSIVE PLAN UPDATE.
a. IM No. 11-195

Mayor DeVilbiss opened the public hearing.

The following person spoke in support of Ordinance Serial No. 11-135: Ms. Tina Crawford, city of Wasilla Planner; and Mr. Burt Cottle, city of Wasilla Deputy Administrator.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 11-135.

Assemblymember Bettine: noted that she owns property within the city limits of Wasilla and was concerned that she may have a conflict of interest on the legislation.

RULING: Mayor DeVilbiss ruled that Assemblymember Bettine did not have a conflict of interest on Ordinance Serial No. 11-135.

VOTE: The motion passed without objection.

(The meeting recessed at 7:38 p.m. and reconvened at 7:48 p.m.)

Mayor DeVilbiss inquired if there was any objection to taking up public hearings nos. five, seven, and nine together.

There was no objection noted.

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

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

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

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. 11-136, Resolution Serial No. 11-122, Ordinance Serial No. 11-138, Resolution Serial No. 11-123, and Ordinance Serial No. 11-140, and Resolution Serial No. 11-125.

VOTE: The motion passed without objection.

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 SUSITNA COMMUNITY COUNCIL AREA (MSB002230).

a. IM No. 11-210

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 Woods moved to adopt Ordinance Serial No. 11-137.

VOTE: The motion passed without objection.

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

Mayor DeVilbiss opened the public hearing.

The following person spoke in support of Ordinance Serial No. 11-139 and Resolution Serial No. 11-124: Mr. Mark Mastellar.

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. 11-139 and Resolution Serial No. 11-124.

CONFLICT OF INTEREST: Assemblymember Arvin declared as conflict of interest as he is member of the Alaska Energy Authority Board, who administered the grant.

RULING: Mayor DeVilbiss ruled that Assemblymember Arvin had a conflict of interest and would be recused from voting on the issue.

[Clerk’s note: Assemblymember Arvin was attending telephonically and therefore could not exit the meeting.]

Assemblymember Bettine noted that she supports the legislation.

Assemblymember Halter:

- stated that he whole heartedly supports the project;
- noted that he is excited to have it before it the body;

- thanked Ms. Tammy Hamler and Mr. Arthur Mannix who worked on the project; and
- requested support of the legislation.

Assemblymember Colver thanked those who made the project happen.

VOTE: The motion passed without objection.

MOTION: Assemblymember Colver moved to suspend the rules to take up the consent agenda prior to audience participation.

VOTE: The motion failed with Assemblymembers Colver, Woods, and Halter in support (requires five votes).

(Discussion regarding Ordinance Serial No. 11-133 continued.)

Ms. Probasco stated that it was the Port Commission who recommended that residential development not be allowed in the Port area.

Assemblymember Arvin noted that he has concerns with the legislation that he would like addressed.

MOTION: Assemblymember Arvin moved to postpone Ordinance Serial No. 11-133 to time certain of November 15, 2011.

VOTE: The motion to postpone passed without objection.

MOTION: Assemblymember Arvin moved to reconsideration suspending the rules to take up the consent agenda prior to audience participation.

VOTE: The motion for reconsideration failed with Assemblymembers Arvin, Halter, Colver and Woods in favor (requires five votes).

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke in opposition to coal mining in the Borough and to concerns with how public testimony was conducted at the September 6, 2011, meeting: Ms. Jamie Duhamel, Mat-Valley Coalition; Mr. Andre Ciostek; Ms. Alice Ciostek; Mr. Mark Mastellar; Ms. Fred Hirschman; Mr. Pete Praetorius; Mr. Tim Leech; Ms. Tina Robinson; Mr. Nick Moe; Ms. Christiana Wright; Ms. Jennifer Casillo; Mr. Ed Kessler; Ms. Kathleen Harms; Ms. Carol Tyler; Mr. Michael Stanton; Mr. Rick Casillo; Mr. Jed Workman; Ms. Rita Campbell; Mr. Kirby Spangler; Mr. Gene Backus; and Ms. Emilia Baker.

The following person spoke in support of the State and Federal legislative priorities and thanked the body for including the South Denali project: Mr. John Bitney, lobbyist with John W. Bitney, LLC.

The following person thanked Assemblymember Keogh, the Mayor, and the Public Works Director for beginning research into a regional wastewater and septage treatment plant and to the need for such a facility: Ms. Helen Munoz.

The following persons spoke in support Resolution Serial No. 11-132 and in support of a new Talkeetna Library: Ms. Amanda Randalls; Ms. Margaret Voss; Ms. Jeanne Troshynski, Library Board Member; and Ms. Nicole Barker, Library Board Chair.

(Assemblymember Colver exited the meeting at 8:41 p.m. and reentered at 8:47 p.m.)

The following person spoke in opposition to coal mining in the Borough and to concerns with the promotion of projects within the Borough that are perceived as being un-economical: Mr. Henry Raymond.

The following person spoke in opposition of Resolution Serial No. 11-131 and requested an amendment to Resolution Serial No. 11-129 to include traditional villages: Ms. Jennifer Harrison, Executive Director of Chickaloon Village Traditional Council.

(Assemblymember Halter exited the meeting at 9:44 p.m.)

The following person spoke to concerns with Crooked Lake having no public access and requested that the lake management plan for the lake be updated: Ms. Lisa Holliday.

The following person spoke to concerns with land patents: Mr. Neil Snyder.

The following person spoke to not being against mining but that the selection of a mining location is very important: Mr. Jeremiah Millen.

The following person spoke in opposition to Resolution Serial No. 11-128 and AM No. 11-099: Mr. Bert Cottle, city of Wasilla Deputy Administrator.

The following person spoke to concerns with traffic impacts caused by coal mining: Dr. Dave Warner.

The following person spoke in support of Resolution Serial No. 11-132, to concerns with manipulation of the public process, and against coal mining in the Borough: Mr. John Barton.

MOTION: Assemblymember Bettine moved to suspend the rules to extend the meeting past 10 p.m. and not to exceed 11:30 p.m.

VOTE: The motion passed without objection.

MOTION: Assemblymember Bettine moved to appeal from the decision of the Chair to close audience participation without inquiring if there was anyone who wished to speak that was not signed up.

Assemblymember Keogh opined that whether or not individuals are signed up, the courtesy should always be extended to inquire if there is anyone else who would like to speak.

Assemblymember Bettine:

- related that she was unaware that there were two signup sheets at the meeting held at the Palmer Train Depot;
- opined that the body was wrong to move forward that way and that she understands the concerns expressed during audience participation; and
- apologized to the audience that had occurred.

Ms. McKechnie advised that the question is, "Shall the decision of the Chair be sustained?"

VOTE: The motion to sustain the decision of the Chair failed with Assemblymember Arvin in support.

(The meeting recessed at 9:59 p.m. and reconvened 10:06 p.m.)

The following person spoke in opposition to coal mining in the Borough, to concerns with how public testimony was conducted at the September 6, 2011, meeting, and to concerns with coal mining's impacts to health: Ms. Lisa Wade.

The following person spoke in support of coal mining, to the need of economic development, to concerns with agenda driven science, and to the need to observe the rules of public process: Mr. Marvin Yoder.

The following person opined that septage could be used to produce energy, in support of a wastewater and septage facility, and in opposition to exporting coal: Ms. Renee Lemay.

The following person noted that elected officials are elected to represent the people: Ms. Jocelyn Johnson.

The following person spoke in opposition to coal mining: Ms. Judy Olson.

D. CONSENT AGENDA

1. RESOLUTIONS

a. Resolution Serial No. 11-128: A RESOLUTION AMENDING THE BUDGETS FOR PROJECT NO. 10063, DOROTHY SWANDA JONES BUILDING ANNEX EVALUATION, DESIGN, CONSTRUCTION, AND PROJECT NO. 10057, ADMINISTRATION BUILDING REPAIR AND MAINTENANCE FUND TO SUPPLEMENT THE FUNDING FOR THE ADMINISTRATION BUILDING ADDITION.

(1) AM No. 11-099: APPROVAL OF A CONTRACT AMENDMENT TO WOLF ARCHITECTURE IN THE AMOUNT OF $644,283 FOR PERMITTING AND

PROFESSIONAL SERVICES TO DESIGN THE DOROTHY SWANDA JONES ADMINISTRATION BUILDING ADDITION, PROJECT NO. 10063.

b. Resolution Serial No. 11-129: A RESOLUTION IN SUPPORT OF UPDATING THE STATE RAIL PLAN IN COOPERATION WITH LOCAL COMMUNITIES AND THE ALASKA RAILROAD. *(Sponsored by Assemblymember Bettine)*

(1) IM No. 11-224

c. Resolution Serial No. 11-130: A RESOLUTION SUPPORTING THE UPGRADE AND EXPANSION OF THE ALASKA STATE FAIR SEWER SYSTEM. *(Sponsored by Mayor DeVilbiss)*

(1) IM No. 11-225

d. Resolution Serial No. 11-131: A RESOLUTION SUPPORTING DEVELOPMENT OF THE ARCTIC NATIONAL WILDLIFE REFUGE (ANWAR) IN THE COASTAL PLAIN AREA. *(Sponsored by Mayor DeVilbiss)*

(1) IM No. 11-229

e. Resolution Serial No. 11-132: A RESOLUTION AUTHORIZING PARTICIPATION IN THE LIBRARY CONSTRUCTION AND MAJOR EXPANSION MATCHING GRANT PROGRAM FOR THE CONSTRUCTION OF A TALKEETNA PUBLIC LIBRARY AND COMMUNITY RESOURCE CENTER.

(1) IM No. 11-230

f. Resolution Serial No. 11-133: A RESOLUTION APPROVING STATE LEGISLATIVE PRIORITIES FOR THE MATANUSKA-SUSITNA BOROUGH FOR THE CALENDAR YEAR 2012.

(1) IM No. 11-236

g. Resolution Serial No. 11-134: A RESOLUTION APPROVING FEDERAL PRIORITIES FOR THE MATANUSKA-SUSITNA BOROUGH FOR THE CALENDAR YEAR 2012.

(1) IM No. 11-237

2. ACTION MEMORANDUMS

a. AM No. 11-093: APPROVAL OF CHANGE ORDER NO. 3 TO CONTRACT NO. 11-054 TO D & S ROAD SERVICES IN THE AMOUNT OF $57,201.79 FOR THE MOOSE CREEK BRIDGE REDECKING AND OILWELL ROAD GRADING AND AGGREGATE RESURFACING PROJECT.

b. AM No. 11-097: AWARD OF BID NO. 12-033 TO NORIX GROUP, INC. FOR THE CONTRACT AMOUNT NOT TO EXCEED $659,482.21 TO FURNISH AND INSTALL FURNITURE AT THE GOOSE CREEK CORRECTIONAL CENTER.

c. AM No. 11-100: AWARD OF BID NO. 12-036 TO NORTHERN ASPHALT CONSTRUCTION FOR THE CONTRACT AMOUNT OF $319,383.77 FOR MEADOW LAKES RSA NO. 27 ANNUAL ROAD MAINTENANCE.

MOTION: Assemblymember Woods moved to adopt the consent agenda as read into the record by the Clerk.

MOTION: Assemblymember Bettine moved to divide the question to take up Resolution Serial Nos. 11-129, 11-130, 11-131, 11-132, 11-133, and 11-134 separately.

VOTE: The motion passed without objection.

VOTE: First Segment. The consent agenda was approved as read into the record by the Clerk, with the exception of Resolution Serial Nos. 11-129, 11-130, 11-131, 11-132, 11-133, and 11-134.

MOTION: Second Segment. Approval of Resolution Serial No. 11-129.

MOTION: Assemblymember Bettine moved a primary amendment to Resolution Serial No. 11-129, in the now, therefore, be it resolved clause, to insert the words "local tribal governments" after the word "communities" to read: "Now, therefore, be it resolved, that the Matanuska-Susitna Borough Assembly supports the update to the State Rail Plan in cooperation with local communities, local tribal governments, and the Alaska Railroad."

Assemblymember Bettine:

- opined that it would be beneficial to have the input of local tribal governments during the update of the rail plan; and
- stated that the amendment would include them in the discussion and decision making process.

Assemblymember Arvin queried the concerns of Assemblymember Bettine with the rail plan.

Assemblymember Bettine:

- related that at the Transportation Fair, she was asked to sponsor a resolution in support of updating the rail plan;
- opined that if one were to define local communities, that it would be centered around community councils; and
- noted that including local tribal governments in the discussion and decision making process would address her concerns.

VOTE: The primary amendment passed without objection.

VOTE: Second Segment. The motion passed without objection.

MOTION: Third Segment. Approval of Resolution Serial No. 11-130.

Assemblymember Bettine:

- noted that there is nothing in the packet from the State Fair Board that says they are requesting the legislation;
- commented that this resolution would compete with Borough projects; and
- advised that she does not support the legislation.

Assemblymember Colver

- noted that the State Fair is a huge economic benefit to the Borough;
- stated that the sewer system is important to the health of fair goers and employees; and
- opined that it does not hurt the Borough to be supportive of the project.

VOTE: Third Segment. The motion failed with Assemblymembers Arvin, Keogh, and Colver in support and Assemblymembers Bettine and Woods opposed (requires four votes).

MOTION: Fourth Segment. Approval of Resolution Serial No. 11-131.

Assemblymember Keogh:

- stated that he is opposed to this legislation;
- opined that there is something to be said for conservation and preservation;
- noted that this is the only small area that is designated as a wildlife refuge in Alaska Coastal Arctic Plain and that it should stay that way;
- related that he has been to the coastal plain and that it is a very remarkable place; and
- opined that the body is getting to far removed by weighing in on issues that do not directly affect the residents of the Borough.

Discussion ensued regarding:

- how issues throughout Alaska affect local government and residents;
- how importation of oil could be affected if ANWR was opened up to resource development;
- that when ANWR was adopted, that it was guaranteed that oil exploration could occur;
- that ANWAR is one of the most important issues throughout the state of Alaska;
- the opinion that the body should be on record as supporting resource development in ANWR;
- that by passing the resolution and other communities doing the same would send a message to the State Legislature; and
- who provided the content of the resolution.

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

VOTE: The motion passed without objection.

VOTE: Fourth Segment. The motion passed with Assemblymember Keogh opposed.

MOTION: Fifth Segment. Approval of Resolution Serial No. 11-132.

Assemblymember Woods:

- queried the liability to the Borough if the funding is received; and
- queried if there is local support for the project.

Mayor DeVilbiss stated that there is a study proceeding regarding the library with a lot of public involvement.

Mr. Moosey:

- spoke to the memo from the Community Development Director that speaks to the funding required;
- stated that Administration is requesting $2.8 million in funding rather than $2.6 million that is included in the legislation;
- related that the project is estimated at $5.2 million, and the liability to the Borough would be $1.8 million out of the general fund;
- spoke to grant and fund raising opportunities for the project; and
- noted that he is supportive of the library but wants the body to understand the costs going forward.

Assemblymember Bettine:

- noted that she was disturbed by the fact that funds were taken from areawide taxes for libraries during the budget cycle;
- stated that she would like for libraries to be able to go to the State for funding; and
- opined that there should be a budget for a project before applying for funding.

Mayor DeVilbiss queried the status of the library study.

Mr. King provided an update regarding the library study.

Discussion ensued regarding:

- the amount that the Borough would need to contribute for the project;
- other funding options;
- the library funding formula enacted by the State Legislature;
- that this legislation is only approving staff to move forward to apply for the grant;
- possible collocation with a school
- whether or not a new library for Talkeetna is affordable; and
- concerns with general funds being used.

VOTE: Fifth Segment. The motion passed without objection.

MOTION: Sixth Segment. Approval of Resolution Serial No. 11-133.

Assemblymember Bettine:

- spoke to a discussion she had regarding how soon the priorities needed to be provided to the Governor; and
- related that she would like to see a few top items included, with the rest being fleshed out at a later date.

Assemblymember Colver:

- noted that he agrees with Assemblymember Bettine; and
- opined that a special meeting should be set to address the legislation.

Discussion ensued how the body would like to proceed with the legislation.

Assemblymember Bettine queried if Mr. Bitney had spoke to the Manager regarding increasing funds for the South Denali Visitor Center.

Mr. Moosey affirmed the query.

MOTION: Assemblymember Woods moved a primary amendment to Resolution Serial No. 11-133 by:

- striking "Substandard Roads and Bridges - $6 million;"
- striking "Point MacKenzie Ferry Dock, Phase 2 - $4 million;"
- striking "Hatcher Pass Ski Area - $4 million;"
- striking "South Denali Visitor Center - $5 million;"
- striking "Palmer Hay Flats Natural Science Center - $1 million;"
- striking "South Gateway Tourism - $2.5 million;" and
- striking "Statewide Transportation Improvement Plan."

MOTION: Assemblymember Arvin moved a secondary amendment by reinserting "Statewide Transportation Improvement Plan."

VOTE: The secondary amendment passed without objection.

MOTION: Assemblymember Bettine moved a secondary amendment by reinserting the "South Denali Visitor Center at $22 million."

Discussion ensued regarding:

- the memorandum of agreement that the Borough has signed with other agencies;
- that the projects is inside the Borough's boundaries;
- the economic impacts of the project;
- what the project encompasses; and
- what is included in the project at $22 million;

MOTION: Assemblymember Keogh moved to suspend the rules to extend the meeting past 11:30 p.m. and not to exceed 12 a.m.

VOTE: The motion passed without objection.

VOTE: The secondary amendment passed with Assemblymember Woods opposed.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Arvin moved a primary amendment to Resolution Serial No. 11-133, by inserting a new bullet at the top of the list to read: "Reserve Funding for KABATA – The Assembly supports the Knik Arm and Bridge project and encourages the State to fund the bridge reserve account so the project becomes economically viable."

Assemblymember Colver opined that is a State priority rather than a Borough priority and should be lower on the list.

MOTION: Assemblymember Colver moved a secondary amendment to strike the placement of this project as the "first bullet" and make it the "fourth bullet."

VOTE: The secondary amendment passed with Assemblymember Keogh opposed.

VOTE: The primary amendment passed with Assemblymember Keogh opposed.

VOTE: Sixth Segment. The motion passed with Assemblymember Keogh opposed.

MOTION: Seventh Segment. Approval of Resolution Serial No. 11-134.

MOTION: Assemblymember Arvin moved to postpone Resolution Serial No. 11-134 to a time certain of November 1, 2011.

VOTE: The motion to postpone passed without objection.

X. NEW BUSINESS

A. INTRODUCTIONS (For public hearing – 11/1/11 2011, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 11-103: AN ORDINANCE AMENDING MSB 8.52.015, PROHIBITED ACTS AND MSB 8.52.035, DEFINITIONS, UNDER THE NOISE AND AMPLIFIED SOUNDS AND VIBRATION PORTION OF THE CODE. *(Sponsored by Assemblymember Woods)*

a. IM No. 11-171

2. Ordinance Serial No. 11-141: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF $50,000 FROM TALKEETNA ROAD SERVICE AREA NO. 29 FUND BALANCE, FUND 283, TO TALKEETNA ROAD SERVICE AREA NO. 29 FISCAL YEAR 2012 OPERATING BUDGET, FUND 283.

a. IM No. 11-218

3. Ordinance Serial No. 11-142: AN ORDINANCE ACCEPTING AND APPROPRIATING $80,000 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. 11-135: 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. 11-227

4. Ordinance Serial No. 11-143: AN ORDINANCE AMENDING MSB 17.29, FLOOD DAMAGE PREVENTION, TO CLOSELY REFLECT THE MINIMUM THAT IS REQUIRED BY THE UNITED STATES CODE OF REGULATIONS.

a. IM No. 11-228

5. Ordinance Serial No. 11-144: AN ORDINANCE ADOPTING THE FIVE-YEAR TIMBER HARVEST SCHEDULE (2011-2015), PER MSB 23.20.090.

a. IM No. 11-231

6. Ordinance Serial No. 11-145: AN ORDINANCE APPROVING THE ALASKA STATE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES COMPENSATION FOR RELOCATION OF THE COTTONWOOD ELEMENTARY SCHOOL SOCCER FIELDS FOR THE REQUIRED FEDERAL HIGHWAY ADMINISTRATION MITIGATION OF SECTION 4(F) PROPERTY FOR THE SEWARD MERIDIAN RECONSTRUCTION, PHASE I, PROJECT NO. 51184, PARCEL IDENTIFIED AS NO. 24 (MSB006252).

a. IM No. 11-233

7. Ordinance Serial No. 11-146: AN ORDINANCE AMENDING MSB 17.23.150, DEVELOPMENT PERMIT REQUIRED AND MSB 17.23.165, PERMIT STANDARDS.

a. IM No. 11-234

Ms. McKechnie read the above legislation into the record.

MOTION: Assemblymember Woods moved to introduce the legislation as read into the record by the Clerk and set the public hearings for November 1, 2011.

MOTION: Assemblymember Arvin moved to divide the question to take the introduction of Ordinance Serial No. 11-144, separately.

VOTE: The motion passed without objection.

MOTION: First Segment. To introduce the legislation as read into the record by the Clerk and set the public hearings for November 1, 2011, with the exception of Ordinance Serial No. 11-144.

VOTE: The motion passed without objection.

MOTION: Second Segment. Assemblymember Arvin moved to introduce Ordinance Serial No. 11-144 and to set the public hearing for December 7, 2011.

VOTE: The motion passed without objection.

MOTION: Assemblymember Colver moved to reconsider Resolution Serial No. 11-133.

VOTE: The motion to reconsider passed without objection.

MOTION: Assemblymember Colver moved to a primary amendment to Resolution Serial No. 11-133, 2011 Road Bond Package, to insert the words "funding to match $32.2 million in voter approved bonds for" after the word "provide" to read: "Projects included in the road bond package will provide funding to match $32.2 million in voter approved bonds for collector road connections between major arterials in the Borough, reduce congestion and accidents, better access to EMS facilities, and provide for safer facilities for pedestrians and bicyclist."

VOTE: The primary amendment passed without objection.

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

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor DeVilbiss made the following recommendations:

Local Emergency Planning Committee
- Louis Friend

Waste Water and Septage Advisory Board
- Helen Munoz
- Archie Giddings

Willow FSA No. 35
- Derral Godbee

(There were no confirmations to be made on the Vacancy Report.)

C. OTHER NEW BUSINESS

(There was no other new business.)

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

(There were no referrals presented.)

XI. RECONSIDERATION

(There was no reconsideration presented.)

XII. EXECUTIVE SESSION

(There was no executive session held.)

XIII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Mr. Spiropoulos:

- advised that next week there will be a resolution coming forward seeking to grant the Manager the authority to deposit the funds with the court for condemnation for the Bogard Road Extension East project;
- noted that staff was directed to negotiate all summer with property owners and therefore the amounts have changed;
- stated that the new resolution will have new amounts required; and
- thanked Assemblymember Bettine for her support of his office and her service.

Mr. Moosey thanked Assemblymember Bettine for the opportunity to work at the Borough and for her service to the community.

Ms. McKechnie stated that she has enjoyed working with Assemblymember Bettine and thanked her for her service.

Assemblymember Keogh commented that it has been great working with Assemblymember Bettine.

Assemblymember Colver opined that Assemblymember Bettine has done a good job and thanked her for her hard work.

Assemblymember Woods stated that Assemblymember Bettine will be missed and that he has enjoyed working with her.

Assemblymember Bettine:
- stated that she feels good about the work that has been accomplished while she has been on the Assembly; and
- stated that she will miss everyone.

Assemblymember Arvin:
- reiterated that he has enjoyed working with Assemblymember Bettine as he has appreciated her insight and due diligence on issues;
- wished her well in the future; and
- opined that the discussion this evening was productive.

Mayor DeVilbiss:
- stated that he will miss the perspective of Assemblymember Bettine;
- opined that the body needs legislation that limits audience participation;
- advised that he will be requesting legislation that eliminates the portion of code that shuts out property owners from membership and voting in community councils when they do not reside within the community council boundaries.

XIV. ADJOURNMENT

The regular meeting adjourned at 11:59 p.m.

Larry DeVilbiss

LARRY DeVILBISS, Borough Mayor

ATTEST:

Jamie Newman

for LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 11/15/11