

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on November 6, 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 6:03 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 telephonically at 6:03 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. Nicholas Spiropoulos, Borough Attorney
Ms. Brenda J. Henry, Executive Assistant to the Borough Clerk
Ms. Tammy Clayton, Finance Director
Ms. Shaune O'Neil, Public Works Director
Mr. Dennis Brodigan, Emergency Services Director
Ms. Patty Sullivan, Public Affairs Director
Mr. Don Dyer, Economic Development Director
Mr. Eric Phillips, Community Development Director
Mr. Ray Nix, Resource Specialist

III. APPROVAL OF AGENDA

Mayor DeVilbiss:

- stated that he would like to add a proclamation in recognition of Mr. Charles Gooding Sweatte immediately following the proclamation for Mr. Henry Guinotte; and
- queried if there was any objection to taking up public hearing nos. one through six simultaneously.

There was no objection noted.

Assemblymember Arvin requested to pull Resolution Serial No. 12-124 from the consent agenda for further discussion.

Assemblymember Woods requested to Resolution Serial Nos. 12-123, 12-125 and AM No. 12-140 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 amended without objection.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Walt Ferguson, a member of the audience.

V. MINUTES OF PRECEDING MEETINGS

- A. Special Assembly Meeting: 10/16/12
- B. Regular Assembly Meeting: 10/16/12
- C. Joint Assembly/Planning Commission Meeting: 10/23/12

Mayor DeVilbiss inquired if there were any corrections to the special meeting minutes of October 16, 2012, the regular meeting minutes of October 16, 2012, or the joint meeting minutes of October 23, 2012.

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

VI. SPECIAL ORDERS OF THE DAY

1. Invocation by Mr. David Dahms - Senior Pastor of Lazy Mountain Bible Church.

Pastor David Dahms provided an invocation.

2. Proclamation in Recognition of Mr. Henry Guinotte

Mayor DeVilbiss presented a proclamation to Mr. Henry Guinotte.

3. Proclamation in Recognition of Mr. Charles Gooding Sweatte.

Mayor DeVilbiss presented a proclamation to Mr. Charles Gooding Sweatte.

4. Appointment of Deputy Mayor – Mr. Ron Arvin

Mayor DeVilbiss inquired if there was any objection to appointing Assemblymember Ron Arvin as Deputy Mayor.

Assemblymember Keogh:

- spoke to having looked at code regarding the function of the Deputy Mayor;
- noted that more often than not, Assemblymember Salmon has functioned as Deputy Mayor due to Assemblymember Arvin's absence; and
- queried if Assemblymember Arvin anticipates being present more often than in the past.

Mayor DeVilbiss stated that he did not anticipate that Assemblymember Arvin would be attending telephonically much longer.

VOTE: The motion passed with Assemblymember Keogh opposed.

VII. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Wasilla City

Mr. Bert Cottle, Deputy Administrator:

- spoke to attending the Planning Commission meeting last evening;
- advised that they approved a zoning change for the new Wasilla library;
- stated that on November 8, the Statewide volleyball tournament starts at the Menard Sports Complex; and
- requested funding for a Sexual Assault Response Team (SART) and Mat-Su Youth Court during the next budget cycle.

1. Matanuska-Susitna Borough School District

Dr. Deena Paramo, Superintendent:

- thanked the Assembly for supporting education; and
- spoke to the ways that the School District is committed to ensuring quality education for students.

2. Transportation Advisory Board – Mr. Ken Walch

Mr. Ken Walch provided an update regarding the Transportation Advisory Board.

3. Wastewater and Septage Advisory Board – Mr. Tom Healy

Mayor DeVilbiss notes that Mr. Archie Giddings would be providing the update for Mr. Tom Healy.

Mr. Archie Giddings provided an update regarding the Wastewater and Septage Advisory Board.

4. Aviation Advisory Board – Mr. Archie Giddings

Mr. Archie Giddings provided an update regarding the Aviation Advisory Board.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Colver:

- spoke to the discussion regarding the design failure of the turf at Palmer High School and how it would be repaired;
- spoke to the update on the school bond projects;
- noted that the report on enrollment reflects an increase of 178 students over last year;
- spoke to the decrease of students in Sutton, Glacier View, Susitna Valley, and Talkeetna;
- stated that this type of decrease impacts funding for small schools;
- noted that there was discussion regarding funding for the charter school tax rebate; and
- spoke to the site being selected for the new Knik Junior/Senior High School.

Assemblymember Woods:

- noted that the report on roof repair indicated that they had been completed;
- stated that he had inquired as to the warranty on the roofs and was told that it was 20 years; and
- spoke to the shortage of funds for operation of school buses.

Mayor DeVilbiss stated that he was under the impression that the roofs were not all complete but that the funding was.

Assemblymember Woods agreed.

2. Assembly Public Relations

(There were no reports provided.)

C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues

Mr. Moosey:

- reminded the body of the upcoming Salmon Symposium;
- noted that the Assembly Planning Session is scheduled for November 17, 2012, and that the joint meeting with the State Delegation is December 6, 2012;
- spoke to the proposed road exchange agreement with the state of Alaska;
- noted that he had met with the Local Road Service Advisory Board seeking their comment on the exchange;
- advised that they have concerns regarding maintenance of the newly acquired road;
- spoke regarding the future maintenance of Seward-Meridian;
- noted that timing is an issue and that the project is eight years old; and
- advised that he intends to move forward with road exchange, although it is not a perfect solution.

Assemblymember Halter

- opined that there should be a work session on this issue;
- voiced concerns with the land exchange; and
- noted his objection to the land exchange.

Discussion ensued regarding:

- the possibility of postponing discussion on the road exchange to November 17, 2012;
- that disposition of Borough property requires an ordinance;
- concerns that rural road service areas would be burdened due to the land exchange;
- the desire to maintain a high level of road maintenance;
- that Road Service Area Nos. 25 and 9 are already obligated to clear snow on Seward-Meridian.

[Clerk note: the Assembly scheduled the road exchange/maintenance of Seward Meridian to the November 17, 2012, meeting agenda.]

D. ATTORNEY COMMENTS

Mr. Spiropoulos:

- spoke to the lawsuit that was filed due to a fatality while the wastewater facility was being constructed for the Goose Bay Correction Center;
- advised that he has received a signed stipulation from the plaintiff allowing the Borough to be released from the suit;
- stated that there is a new lawsuit regarding a health insurance claim;
- advised that oral arguments regarding the Point MacKenzie Rail Extension are scheduled for November 8, 2012, in San Francisco;
- spoke to a Supreme Court opinion issued regarding public records and email;
- advised that the Supreme Court ruled that it does not matter where the email lives, what matters is the content; and
- noted that it requires a different analysis as to if the email is a public document or not.

E. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule;
- stated that she will add the road exchange/maintenance of Seward Meridian discussion to the November 17, 2012, agenda; and
- noted that Manager is working to provide project amounts for the amendments the Assembly made to the State legislative priorities legislation.

Mayor DeVilbiss advised that he will not be available for the November 17 meeting.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Aviation Advisory Board: 08/01/12, Resolution Serial Nos. 12-06, 12-07, 12-08, 12-09, 12-10

- b. Greater Butte RSA Board of Supervisors: 04/05/12, 05/03/12
- c. Greater Palmer Consolidated FSA Board of Supervisors: 04/10/12, 06/12/12
- d. Greater Talkeetna RSA Board of Supervisors: 08/09/12
- e. Local Road Service Area Board of Supervisors: 06/21/12, Resolution Serial Nos. 12-06, 12-07
- f. Parks, Recreation, and Trails Advisory Board: Resolution Serial No. 12-04
- g. Planning Commission: 09/17/12
- h. Platting Board: 08/16/12, 09/06/12
- i. Port Commission: 08/20/12, Resolution Serial No. 12-007
- j. Wastewater and Septage Advisory Board: 04/10/12, 05/08/12, Resolution Serial No. 12-02
- 2. Community Council Minutes:
 - a. Chickaloon Community Council: 07/11/12
 - b. Trapper Creek Community Council: 07/19/12

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

(There were no vetoes presented.)

X. SPECIAL ORDERS

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

(There were no persons to be heard.)

(The meeting recessed at 7:10 p.m. and reconvened at 7:15 p.m.)

B. PUBLIC HEARINGS (Three minutes per person.)

- 1. 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
2. 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
3. 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
4. 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
5. 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

6. 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

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. 12-138, 12-139; 12-140 and 12-141; 12-142, 12-143; 12-144, 12-145; 12-146 and 12-147; 12-148, and 12-149.

Assemblymember Arvin:

- stated that he has been opposed to gas local improvement districts for a long time; and
- queried how gas local improvement districts impact the potential for foreclosure.

Assemblymember Salmon objected as the question is not germane to the motion.

Mayor DeVilbiss requested the question be brought up later under comments.

VOTE: The motion passed with Assemblymember Arvin opposed.

7. 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

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. 12-150.

Assemblymember Keogh:

- advised that the legislation is an effort on the part of the Borough to facilitate moving a single family residence to keep it from falling into the Matanuska River;
- stated that the Alaska State Department of Agriculture paid for 75 percent of the moving costs;
- noted that the home was moved before it fell into the river; and
- thanked staff for their assistance in making this happen.

VOTE: The motion passed without objection.

8. 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

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. 12-151 and Resolution Serial No. 12-119.

VOTE: The motion passed without objection.

9. Resolution Serial No. 12-120: A RESOLUTION ADOPTING THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2014 TO FISCAL YEAR 2019.
 - a. IM No. 12-230

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.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

(There was no one present who wished to testify.)

D. CONSENT AGENDA

1. RESOLUTIONS

a. Resolution Serial No. 12-121: A RESOLUTION AUTHORIZING EMINENT DOMAIN AND USE OF DECLARATION OF TAKING PROCEDURES TO ACQUIRE PROPERTY INTERESTS NEEDED FOR THE MACHEN ROAD EXTENSION PROJECT.

(1) IM No. 12-208

b. Resolution Serial No. 12-122: A RESOLUTION APPROVING THE AMENDED SCOPE OF WORK FOR PROJECT NO. 30092, PURCHASE OF NEW BACKHOE, TO INCLUDE THE PURCHASE AND REPLACEMENT OF OVERHEAD LIGHTS IN THE OPERATIONS AND MAINTENANCE SHOP.

(1) IM No. 12-239

f. Resolution Serial No. 12-126: A RESOLUTION APPROVING THE AMENDED BUDGETS FOR PROJECT NO. 25035, TRANSFER SITE AND LANDFILL IMPROVEMENTS, AND PROJECT NO. 25048, SKID STEER LOADER AND LIGHT PLANT, AND APPROVING THE SCOPE OF WORK AND BUDGET FOR PROJECT NO. 25046, TO ALLOW FOR CENTRAL LANDFILL SCALE REPLACEMENT AND IMPROVEMENTS.

(1) IM No. 12-247

2. ACTION MEMORANDUMS

a. AM No. 12-131: AUTHORIZATION TO PURCHASE RURAL EMERGENCY MEDICAL SERVICES COMMUNICATION EQUIPMENT FROM MOTOROLA IN AN AMOUNT NOT TO EXCEED \$298,393.60.

b. AM No. 12-132: APPROVING A VACATION OF A PORTION OF 60-FOOT WIDE RIGHT-OF-WAY OF SOUTH FAIRWEATHER LANE, PLAT NO. 63-17, MCKECHNIE SUBDIVISION NO. 2, LOCATED IN SECTION 26, TOWNSHIP 17 NORTH, RANGE 2 EAST, SEWARD MERIDIAN, ALASKA.

c. AM No. 12-133: APPROVING A VACATION OF HOCK CIRCLE, RAVENCREST COURT AND PORTIONS OF SWEETIE PIE STREET AND PADDOCK DRIVE ALONG WITH UTILITY AND SLOPE MAINTENANCE EASEMENTS WITHIN LOTS 17-20, BLOCK 11 AND LOTS 6-15, BLOCK 12, THE RANCH PHASE 4 AND WITHIN LOTS 30, 31 AND 34 - 40, CREEKSIDE PRESERVE NO. 3, LOCATED WITHIN SECTIONS 17, 20 AND 21, TOWNSHIP 17 NORTH, RANGE 1 EAST, SEWARD MERIDIAN, ALASKA.

- d. AM No. 12-134: AWARD OF BID NO. 13-022B TO DIRTWORKS, INC. FOR A CONTRACT AMOUNT OF \$139,525 FOR CREVASSE MORAINÉ TRAILHEAD PARKING LOT IMPROVEMENTS.
- e. AM No. 12-136: REQUEST TO ELIMINATE A WATER SAFETY INSTRUCTOR II FROM THE AREA-WIDE COMMUNITY POOLS FISCAL YEAR 2013 OPERATING BUDGET AND REPLACE IT WITH A LAND AND RESOURCE MANAGEMENT TECHNICIAN POSITION WITHIN THE COMMUNITY DEVELOPMENT AREA-WIDE ADMINISTRATIVE FISCAL YEAR 2013 OPERATING BUDGET.
- g. AM No. 12-141: DESTRUCTION OF BALLOTS FROM THE OCTOBER 2, 2012, REGULAR BOROUGH ELECTION.

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.

MOTION: Assemblymember Woods moved to divide the question to take up Resolution Serial No. 12-122 and AM 12-134 separately.

VOTE: The motion passed without objection.

MOTION: First segment. Assemblymember Salmon moved to approve the consent agenda as read into the record by the Clerk, with the exception of Resolution Serial No. 12-122 and AM No. 12-134.

VOTE: The first segment passed without objection.

MOTION: Second segment. Assemblymember Salmon moved to adopt Resolution Serial No. 12-122.

Assemblymember Woods :

- stated that the bid sheet was not shown with Resolution Serial No. 12-122; and
- queried if the light replacement would happen by staff.

Ms. O'Neil:

- stated that at this time exact price for repair and replacement is unknown;
- advised that the funds were left over after a backhoe purchase; and
- noted that the legislation gives permission to change the scope of work so that it can be bid out.

VOTE: The second segment passed without objection.

MOTION: Third Segment. Assemblymember Salmon moved to adopt AM No. 12-134.

MOTION: Assemblymember Woods moved a primary amendment to AM No. 12-134 by striking "\$139,525" and inserting "\$132,815."

VOTE: The primary amendment passed without objection.

VOTE: The third segment passed without objection.

c. Resolution Serial No. 12-123: A RESOLUTION AMENDING THE SCOPE OF WORK FOR THE FISCAL YEAR 2013 CAPITAL PROJECT, HATCHER PASS RESTROOM MAINTENANCE, PROJECT NO. 75005.

(1) IM No. 12-242

MOTION: Assemblymember Woods moved to adopt Resolution Serial No. 12-123.

Assemblymember Woods queried the costs for the project.

Mr. Phillips:

- advised that the funds were appropriated specifically for restroom maintenance;
- related that there are other items that are needed;
- stated that due to the way the previous legislation was written, it only allowed for restrooms; and
- noted that this change will allow for the placement of dumpsters and other like items needed to open the ski hill.

VOTE: The motion passed without objection.

d. Resolution Serial No. 12-124: A RESOLUTION ESTABLISHING A POLICY THAT THE EMERGENCY RESPONSE RESERVE FUND BE FUNDED AT \$1,250,000, EFFECTIVE JULY 1, 2013. *(Sponsored by Assemblymember Keogh)*

(1) IM No. 12-244

MOTION: Assemblymember Salmon moved to adopt Resolution Serial No. 12-123.

Assemblymember Arvin:

- opined that the legislation is a result of unnecessary panicking;
- stated that the resolution sets a policy only;
- opined that the issue should be taken up at budget time; and
- noted his opposition.

Assemblymember Colligan noted his agreement with Assemblymember Arvin.

Assemblymember Keogh:

- stated that he takes exception to comments regarding panicking;
- noted that the legislation is not an effort to be sensational;
- spoke to the emergency response fund balance; and
- spoke to concerns with compensation or refunds from the State due to emergency situations.

Discussion ensued regarding:

- how the recent flood impacted the reserve;
- how past disasters have impacted the reserve;
- the length of time it takes to be reimbursed by the State;
- the desire to increase the level of funding for the reserve; and
- the possibility of taking up the issue during the budget cycle.

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

VOTE: The motion passed with Assemblymember Keogh opposed.

VOTE: The main motion failed with Assemblymembers Salmon, Halter, and Keogh in support.

e. Resolution Serial No. 12-125: A RESOLUTION SUPPORTING THE REQUEST OF VALLEY PERFORMING ARTS TO RECEIVE FUNDING FROM THE STATE OF ALASKA IN THE AMOUNT OF \$4,600,000 FOR A NEW FACILITY. (*Sponsored by Mayor DeVilbiss*)

(1) IM No. 12-245

MOTION: Assemblymember Woods moved to adopt Resolution Serial No. 12-125.

Assemblymember Woods queried if this would be more appropriate for the legislative priorities on November 17.

Mayor DeVilbiss requested that Ms. McKechnie speak to whether or not the legislation should be postponed.

Ms. McKechnie:

- stated that past practice has been that when an organization requests Assembly support of their request for funding to the State, that a resolution such as this is provided; and
- note that this resolution would not place the project on the Borough's priorities, but rather shows support for the request of Valley Performing Arts.

Assemblymember Colligan:

- advised that this is not a part of the Borough's legislative requests; and
- opined that it is a good organization and it should be supported.

VOTE: The motion passed without objection.

f. AM No. 12-140: APPROVING THE MATANUSKA-SUSITNA BOROUGH REGULAR ASSEMBLY MEETING SCHEDULE FOR 2013.

MOTION: Assemblymember Woods moved to adopt AM 12-140.

MOTION: Assemblymember Woods moved a primary amendment to AM 12-140, by striking the "July 2, 2013" meeting.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to AM 12-140, by striking the "September 3, 2013" meeting.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed without objection.

XI. NEW BUSINESS

A. INTRODUCTIONS (For public hearing – 11/20/12, 7 p.m., School District Administration Building)

1. Ordinance Serial No. 12-153: AN ORDINANCE APPROVING THE LAND ACQUISITION OF MSB TAX PARCEL 17N01E16C014 CONTAINING APPROXIMATELY FOUR ACRES, AND CLASSIFICATION OF SAID PARCEL AS RESERVED USE LANDS, FOR FUTURE PURPOSE OF CONSTRUCTING STATION 5-1 PUBLIC SAFETY BUILDING IN ORDER TO PROVIDE RECOMMENDED EMERGENCY RESPONSE TO MAT-SU REGIONAL HOSPITAL AND THE SURROUNDING FIRE SERVICE AREA (MSB006726).

a. IM No. 12-235

2. Ordinance Serial No. 12-154: AN ORDINANCE APPROVING THE LAND ACQUISITION OF TRACT A, KNIK HEIGHTS WEST SUBDIVISION, CONTAINING 103.49 ACRES ACCORDING TO PLAT NO. 2005-165, PALMER RECORDING DISTRICT, AND CLASSIFICATION OF SAID PARCEL AS RESERVED USE LANDS FOR THE KNIK-GOOSEBAY AREA COMBINED MIDDLE/HIGH SCHOOL (MSB006740).

a. IM No. 12-237

3. Ordinance Serial No. 12-155: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$1,200 FROM PUBLIC DONATIONS TO THE FISCAL YEAR 2013 ANIMAL CARE AND REGULATION DIVISION OPERATING BUDGET FOR PUBLIC AWARENESS OF THE MOBILE ANIMAL SPAY/NEUTER HOSPITAL.

a. IM No. 12-238

4. Ordinance Serial No. 12-156: AN ORDINANCE APPROVING AN APPROPRIATION OF \$1,000,000 FROM SOUTH COLONY ROAD SERVICE AREA NO. 16 FUND BALANCE, FUND 273, TO FUND 410, PROJECT NO. 30039, FOR SOUTH COLONY ROAD SERVICE AREA NO. 16 CAPITAL PROJECTS.

a. IM No. 12-240

5. Ordinance Serial No. 12-157: AN ORDINANCE AMENDING MSB 17.125, DEFINITIONS; AND ADOPTING MSB 17.66, ALL STRUCTURES, INCLUDING TELECOMMUNICATION FACILITIES, WIND ENERGY CONVERSION SYSTEMS, AND OTHER TALL STRUCTURES. *(Sponsored by Assemblymember Keogh)*
 - a. IM No. 12-241

6. Ordinance Serial No. 12-158: AN ORDINANCE AMENDING MSB 2.12.090, AGENDA; NOTICE OF MEETING; ORDER OF BUSINESS; AND REPEALING MSB 2.12.081, PERSONS TO BE HEARD. *(Sponsored by Mayor DeVilbiss)*
 - a. IM No. 12-243

7. Ordinance Serial No. 12-159: AN ORDINANCE AMENDING MSB 23.20, FOREST MANAGEMENT, TO AMEND MSB 23.20.170, NON-COMMERCIAL PERSONAL USE OF FOREST PRODUCTS TO INCREASE THE ANNUAL LIMIT OF THREE CORDS PER YEAR TO SIX CORDS PER YEAR.
 - a. IM No. 12-248

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 20, 2012.

MOTION: Assemblymember Colligan moved to divide the question to take Ordinance Serial No. 12-157 separately.

VOTE: The motion passed with Assemblymembers Colver, Halter, Keogh, opposed.

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 20, 2012, with the exception of Ordinance Serial No. 12-157.

VOTE: The first segment passed without objection.

MOTION: Second segment. Assemblymember Salmon moved to introduce Ordinance Serial No. 12-157 and set for public hearing for November 20, 2012.

Assemblymember Colligan advised that the legislation should not be introduced due to the newly formed Tall Structure Committee not having reviewed the legislation.

Assemblymember Keogh opined that the committee could still review the legislation even if it is introduced and a public hearing is held.

Discussion ensued regarding:

- the timing of the legislation; and
- whether the legislation should move forward to public hearing.

VOTE: Second Segment. The motion failed with Assemblymembers Halter, Keogh, and Colver in support.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor DeVilbiss requested the following confirmations:

Wasilla-Lakes FSA No. 130
David Eller

Mayor DeVilbiss made the following recommendations:

Emergency Medical Services Board
Jalan Van Nice
Health and Social Services Board
Eddie Ezelle
Elsbeth (Besty) Woodin
Historical Preservation Commission
Sonya Walden
Library Board
Melinda Dale
Local Emergency Planning Committee
Casey Cook
Parks, Recreation, and Trails Advisory
Sonya Walden
Greater Palmer Consolidated FSA No. 132
Charles Akers
Bogard SAS No. 25
Carol Christiansen
Circle View and Stampede Estates Flood and Water Erosion Control No. 131
Richard Jensen

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.)

XII. RECONSIDERATION

(There was no reconsideration presented.)

XIII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Assemblymember Keogh:

- noted that when the Assembly voted on gas local improvement districts that Assemblymember Arvin was the sole dissenting vote;
- advised that he is conducting a meeting regarding local improvement districts on November 8, 2012, in the Lower Level Conference Room at the Borough Building; and
- invited Assemblymember Arvin to attend.

Assemblymember Halter reiterated his concerns regarding the Seward-Meridian land exchange.

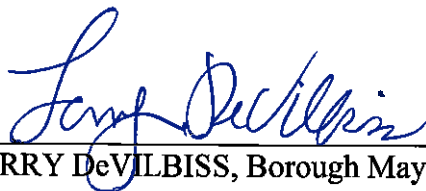
Assemblymember Arvin requested that a conference line number be emailed to him in order for him to attend the meeting Assemblymember Keogh spoke to.

XIV. EXECUTIVE SESSION


(There was no executive session held.)

XV. ADJOURNMENT

The regular meeting adjourned at 8:25 p.m.


LARRY DeVILBISS, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 11/20/12