

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on December 17, 2013, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Larry DeVilbiss.

II. ROLL CALL

Assembly members present and establishing a quorum were:

- Mr. Jim Sykes, Assembly District No. 1
- Mr. Matthew Beck, Assembly District No. 2
- Mr. Ronald Arvin, Assembly District No. 3 (*Deputy Mayor*)
- Mr. Steve Colligan, Assembly District No. 4 (*arrived at 6:21p.m.*)
- Mr. Darcie K. Salmon, Assembly District No. 5
- Mr. Jim Colver, Assembly District No. 6
- Mr. Vern Halter, Assembly District No. 7

Staff in attendance were:

- Ms. Lonnie R. McKechnie, Borough Clerk
- Mr. John Moosey, Borough Manager
- Mr. George Hays, Assistant Borough Manager
- Mr. Nicholas Spiropoulos, Borough Attorney
- Ms. Brenda J. Henry, Assistant Clerk
- Ms. Tammy Clayton, Finance Director
- Mr. Terrance Dolan, Public Works Director
- Ms. Eileen Probasco, Planning and Land Use 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. Michael Brown, Capital Projects Director
- Ms. James Wilson, Internal Auditor
- Mr. Larry MacKnicki, Information Technology Director
- Mr. Dave Dunivan, Borough Assessor
- Mr. Alex Strawn, Development Services Manager

III. APPROVAL OF AGENDA

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

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Justin Saunders, a member of the audience.

V. MINUTES OF PRECEDING MEETINGS

(There were no minutes of preceding meetings.)

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Palmer City

Mr. Doug Griffin, City Manager:

- stated that the budget for the City was recently approved;
- spoke to the changes that were made to the City's capital projects; and
- reported on a hangar fire that occurred last night in the Butte area.

Wasilla City

Mr. Bert Cottle, Deputy Administrator:

- stated that the New Years fireworks celebration will be at Iditapark in Wasilla at 8 p.m. on December 31; and
- advised that the one percent tax increase to construct the new library for the City goes into effect January 1.

2. Matanuska-Susitna Borough School District

(There was no report provided.)

3. Mat-Su Convention and Visitors Bureau – Ms. Bonnie Quill

Ms. Bonnie Quill, Executive Director, provided an update on the Mat-Su Convention and Visitors Bureau efforts to promote tourism within the Borough.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

(There was no report provided.)

2. Assembly Public Relations

Assemblymember Sykes:

- reported on recent flooding of the Matanuska River in the Butte area;
- thanked the Butte Fire Department and local volunteers for their assistance with the flood event;
- related that the water has started to recede at this time; and
- opined that there has been excellent media coverage of the flooding.

Assemblymember Beck:

- spoke to working with the city of Palmer regarding the Alaska Demolition monofill site; and
- stated that it was a pleasure to work with them to address constituent concerns.

C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues
3. Economic Development Corporation Plan
4. Business Inventory Tax
5. Business License
6. Personnel Management Software System
7. Knik Goose Bay School Road Infrastructure

Mr. Moosey:

- stated that in Governor Parnell's budget there were funds included for the Bogard Road Extension project, which will take the project through to Phase II;
- advised that there were funds included for the Point MacKenzie rail extension as well;
- opined that the joint State Delegation/Assembly meeting was a productive meeting;
- spoke to meetings in Washington D.C. with the Federal Transit Authority regarding the M/V Susitna; and
- summarized the various reports that would be provided to the Assembly this evening.

Ms. Eden Lovejoy, Director of the Alaska Forward Initiative, reported on the plan for the possible economic development corporation.

Mr. David Dunivan, Borough Assessor, reported on the current process for the Borough's business inventory tax.

Mr. Larry MacKnicki, Information Technology Director, reported on the status of integrating the business license application information into the Borough's systems.

Mr. Joe Quickle of Five Star Group, reported on the status of the scope of work of the personnel management software system.

Mr. Larry MacKnicki, Information and Technology Director, reported on the status of implementing the acceptance of credit cards at all Borough facilities.

Mr. Mike Brown, Capital Projects Director, provided an update regarding future road access to Redington Junior/Senior High School and Dena'ina Elementary School.

D. ATTORNEY COMMENTS

Mr. Spiropoulos:

- spoke to the updated litigation report provided to the Assembly; and
- stated that if there are any questions regarding the report to please let him know.

E. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule; and
- advised that she would be out of the office next week but can be reached via phone or email.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Animal Care and Regulation Board: 08/26/13
- b. Emergency Medical Services Board: 08/07/13
- c. Local Emergency Planning Committee: 09/18/13
- d. Local Road Service Area Advisory Board: 09/19/13, Resolution Serial No. 13-03
- e. MSB Fish and Wildlife Commission: 09/19/13
- f. Planning Commission: 10/07/13, Resolution Serial Nos. 13-47, 13-48, 13-49
- g. Platting Board: 09/19/13, 10/03/13, 10/17/13
- h. Transportation Advisory Board: 10/08/13, Resolution Serial No. 13-04

2. Community Council Minutes:

- a. Talkeetna Community Council: 07/01/13

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

G. INFORMATIONAL MEMORANDUMS

(There were no informational memorandums presented.)

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.)

(The meeting recessed at 7:22 p.m. and reconvened at 7:32 p.m.)

B. PUBLIC HEARINGS (Three minutes per person.)

1. Resolution Serial No. 13-134: A Resolution Adopting The Capital Improvement Program For Fiscal Year 2015 To Fiscal Year 2020.

a. IM No. 13-256

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Arvin moved to adopt Resolution Serial No. 13-134.

Assemblymember Sykes:

- noted the differences that are contained in the resolution and what was discussed in the joint meeting with the State Delegation; and
- queried if the capital costs are included in the funding outlined for the individual capital projects.

Mr. Moosey stated that they are not.

Discussion ensued regarding:

- why the ferry would still be included in the program now that there is the Knik Arm Bridge and Toll Authority (KABATA);
- the agreement with the Federal Transportation Authority (FTA) regarding the ferry;
- the price tag for a gas liquefaction plant and the reasons it is included in the program; and
- the reasons that the Alsop Road improvement project is not contained in a road service area capital project.

MOTION: Assemblymember Colver moved a primary amendment to the Capital Improvement Program, Community Transportation Program to insert “No. 10 – Wasilla Fishhook Road, Seldon to Palmer Fishhook – The project will straighten and widen Wasilla Fishhook in phases to continue the upgrade of the northerly portion of Wasilla Fishhook road, which was recently rebuilt from Wasilla to Seldon. The road will be straightened, widened, and provide paved shoulders to improve safety. Many neighborhoods, businesses, and Shaw Elementary are accessed from Wasilla Fishhook. The road was established as a

wagon trail from the Wasilla rail depot to the mines at Hatcher Pass and does not meet highway safety standards.”

Assemblymember Colver requested support of the primary amendment.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to the Capital Improvement Program, to insert a new No. 3 “Highway Separated Trails Projects, Palmer Fishhook Separated pathway. Many bicyclist use the narrow shoulder of Palmer Fishhook Road to ride to Hatcher Pass. A separated pathway will increase motor vehicle safety and safety of pedestrians and bicyclists. A separated pathway will connect with newly constructed pathway along Trunk Road – Funding to be determined.”

VOTE: The primary amendment passed without objection.

Assemblymember Beck queried if the capital improvement program is an ongoing and evolving document.

Mayor DeVilbiss advised that it is taken up every year and a type of wish list.

MOTION: Assemblymember Halter moved a primary amendment to the Capital Improvement Program, Bridges, by striking “Bridge No. 1185 – Sylvia Anne Marie Circle at Gate Creek” in its entirety.

Assemblymember Halter noted that the other bridges are in more need of being replaced.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Halter moved a primary amendment to the Capital Improvement Program, Aviation, Willow Airport – Public Float Plane Dock and Island Removal, by striking all references to “island removal from the title and text.

Assemblymember Colligan queried if the Aviation Advisory Board supported the amendment.

Assemblymember Halter stated that he doubts that approval to remove the island could ever be received and that he did not want the project to be held up as a result.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

2. **Ordinance Serial No. 13-162:** An Ordinance Adopting MSB 2.45, Capital Projects Department And Amending Other Related Provisions Of Code Assigning Duties And Functions.
 - a. IM No. 13-222

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Arvin moved to adopt Ordinance Serial No. 13-162.

Assemblymember Sykes spoke to concerns that road service area projects would be moved to capital projects.

Mr. Moosey:

- stated that road service areas would remain under the Public Works Department;
- related that the Capital Projects would focus on construction and that Public Works would focus on service; and
- noted that the changes are currently working well.

Discussion ensued regarding:

- the former Deputy Public Works Director position was changed to the Capital Projects Director position;
- what the legislation will mean in the long term;
- the reasons that there is no fiscal note;
- the long term need for appropriate management of capital projects within the Borough;
- the functions of Capital Projects versus Public Works;
- the future growth and infrastructure needs of the Borough; and
- that road service areas will remain advisory to the Public Works Director.

MOTION: Assemblymember Arvin moved to postpone Ordinance Serial No. 13-162 to a time certain of January 7, 2014.

VOTE: The motion to postpone passed without objection.

3. **Ordinance Serial No. 13-163:** An Ordinance Amending MSB 8.35, Fireworks Control.
 - a. IM No. 13-275

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Arvin moved to adopt Ordinance Serial No. 13-163.

MOTION: Assemblymember Arvin moved a primary amendment to Ordinance Serial No. 13-163, MSB 8.35.060(A)(1) to strike the words “or retailer” to read: “any wholesaler, from selling in accordance with Alaska Statute 18.72;”

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

4. **Ordinance Serial No. 13-164:** An Ordinance Amending The Definition Of Structure Within MSB 17.55, Setbacks And Screening Easements, To Not Include Utility Boxes And Other Incidental Structures Related To Utility Services.

a. IM No. 13-278

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Arvin moved to adopt Ordinance Serial No. 13-164.

Assemblymember Colligan queried if it would impact mailboxes.

Mr. Strawn stated that mailboxes would not be impacted.

VOTE: The motion passed without objection.

5. **Ordinance Serial No. 13-165:** An Ordinance Authorizing A New Fair Market Value Lease Of Borough-Owned Real Property To Alutiiq, For Construction Of Residential, Commercial, And Industrial Facilities And The Operation Of Worker Construction Camps For Employees Of Alutiiq And Its Affiliates (MSB002946).

a. IM No. 13-296

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Salmon moved to adopt Ordinance Serial No. 13-165.

MOTION: Assemblymember Salmon moved a primary amendment to Ordinance Serial No. 13-165, Section 2, Authorization of New Long Term Fair Market Value Lease between Matanuska-Susitna Borough and Alutiiq Manufacturing Contractors, LLC., by striking “MSB 23.10” and inserting “Title 23” in its place, to read: Notwithstanding Title 23, the Matanuska-Susitna Borough Assembly provides the Manager the authority and discretion to negotiate, finalize and

execute an amended lease of borough-owned real property at the port with Alutiq Manufacturing Contractors, LLC.”

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

6. **Ordinance Serial No. 13-166:** An Ordinance Amending Portions Of MSB 3.32 Relating To Penalties Concerning The Transient Accommodations Tax. *(Sponsored By Mayor DeVilbiss)*
 - a. IM No. 13-300

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Arvin moved to adopt Ordinance Serial No. 13-166.

Assemblymember Arvin queried if the intent of the legislation is to lessen the penalty for late paid taxes.

Ms. Clayton affirmed the query.

Mayor DeVilbiss noted that he was contacted by a bed and breakfast owner who had paid one day late and was taxed a penalty of \$800.

- MOTION: Assemblymember Halter moved a primary amendment to Ordinance Serial No. 13-166,
- MSB 3.32.050(B)(1), by striking the word “week and inserting in its place the word “month” to read: “up to and including 1 month late, the penalty is 5 percent of the tax due;” and
 - MSB 3.32.050(B)(2), by striking the word “week” and inserting in its place the word “month” and by striking “5 percent” and inserting in its place “3 percent” to read: “(2) over one month late, the penalty is an additional 3 percent of the tax due.”

Assemblymember Sykes spoke in opposition to the primary amendment.

Assemblymember Halter opined that if the intent of the legislation is to lessen the penalty, that the amendment is appropriate.

Assemblymember Arvin spoke in support of the amendment and queried if late notices are sent out.

Ms. Clayton stated that code does not provide for late return notices but does provide for forced filing on them.

Assemblymember Arvin queried if that happens within 30 days.

Ms. Clayton stated that she is unsure but that it could occur without an issue.

VOTE: The primary amendment passed with Assemblymembers Sykes and Beck opposed.

Assemblymember Beck queried if the tax could be paid online.

Mr. Moosey affirmed that it could, but that staff needs to know what the Assembly priority is as there are expenses associated with that type of technology.

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

VOTE: The motion passed without objection.

VOTE: The main motion passed as amended without objection.

7. **Ordinance Serial No. 13-167:** An Ordinance Approving The Increase Of Water Safety Instructor (Position Control No. (PCN) 238) From .625 Full Time Employee To .75 Full Time Employee, Water Safety Instructor (PCN No. 223) From .625 Full Time Employee To .75 Full Time Employee, Librarian Assistant (PCN No. 202) From .625 Full Time Employee To .875 Full Time Employee, Reappropriating \$13,300 From The Fiscal Year 2014 Animal Care And Regulation Operating Budget, Fund 200, To The Fiscal Year 2014 Talkeetna Library Operating Budget, Fund 200, And Reappropriating \$14,100 From The Fiscal Year 2014 Administration Operating Budget, Fund 100, To The Fiscal Year 2014 Community Pools Operating Budget, Fund 100, For The Cost Of The Increase In Full Time Employees.

- a. IM No. 13-286

Mayor DeVilbiss opened the public hearing.

The following person spoke in opposition to due to concerns that an employee will be losing their job as a result of the legislation: Ms. Rhonda Weinrick.

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

MOTION: Assemblymember Arvin moved to adopt Ordinance Serial No. 13-167.

Mr. Moosey advised that no one is losing their position over the transfer of funds contained in the legislation.

VOTE: The motion passed without objection.

(The meeting recessed at 8:25 p.m. and reconvened at 8:30 p.m.)

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke to overall concerns with the operation of the Animal Care Shelter:
Ms. Carolyn Johnson.

The following person spoke to overall concerns with the operation of the Animal Care Shelter
and to concerns with being excluded from a bulk email: Ms. Rhonda Weinrick.

D. CONSENT AGENDA

1. RESOLUTIONS

2. ACTION MEMORANDUMS

- a. **AM No. 13-161:** Request To Eliminate The Shelter Assistant Position From Fiscal Year 2014 Budgets And Replace It With One Full-Time Customer Service Representative Position Within The Fiscal Year 2014 Budgets.
- b. **AM No. 13-162:** Approval Of Contract Amendment To PND Engineers, Inc. In The Amount Of \$18,201 To Provide Construction Inspection And Administrative Services For The Bridge Replacement Projects, Project No. 09-079.
- c. **AM No. 13-163:** Award Of Bid No. 14-050B To Reberland Equipment, Inc. In The Amount Of \$461,802 For The Purchase Of A Vacuum Pumper Tanker Fire Apparatus.
- e. **AM No. 13-165:** Authorization To Purchase From Braun Northwest, Inc. In The Amount Of \$162,032 An Ambulance For Central Mat-Su Fire Station.

Ms. McKechnie read the above legislation into the record.

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

VOTE: The motion passed without objection.

- a. **Resolution Serial No. 13-139:** A Resolution Directing The Manager And The Purchasing Division To Notify All Participants In The Borough's Emergency Services Dispatch That The Borough Will Be Soliciting Request For Proposals For Actual Reimbursable Costs For Fire And Ambulance Services For The Next Annual Budget Cycle. *(Sponsored by Assemblymember Colligan)*
- (1) IM No. 13-249

MOTION: Assemblymember Sykes moved to adopt Resolution Serial No. 13-139.

Assemblymember Sykes stated that he would like to understand the benefits of offsetting costs.

Mayor DeVilbiss advised that it is advance notice that the Borough intends to recover all costs associated with emergency services, which could increase the expense to the end user.

Mr. Brodigan provided a staff report.

Discussion ensued regarding:

- how the bid was originally negotiated with the city of Palmer;
- that without the legislation there would still be a process for negotiating these types of contracts;
- the desire to understand the benefits of recovering the costs mentioned in the audit;
- that the Emergency Medical Services audit noted many costs that are not being recovered and other costs that are being paid at too high of a rate;
- that more data is needed before the contract is put out to bid;
- the possibility of adding direction in the scope of the resolution to acquire the data that is missing; and
- the need for the auditors to address the flaws in the emergency services audit.

(The meeting recessed at 8:55 p.m. and reconvened at 9 p.m.)

MOTION: Assemblymember Colligan moved a primary amendment to Resolution Serial No. 13-139, as follows:

- by inserting a whereas clause that reads: “Whereas, the Assembly directs staff to resolve the allocation of E911 cost with the existing EMS/Dispatch Contractor before to going out to bid;”
- to insert the same sentence at the end of the Now, therefore, be it resolved clause; and
- to insert at the end of the Now, Therefore, Be it Resolved clause the words “and further directs staff to resolve the allocation of E911 costs with the existing EMS/Dispatch contractor before going out to bid.”

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

b. Resolution Serial No. 13-140: A Resolution Revising The Schedule Of Fees For The Collection And Disposal Of Solid Waste.

(1) IM No. 13-284

MOTION: Assemblymember Arvin moved to adopt Resolution Serial No. 13-140.

VOTE: The motion passed without objection.

c. Resolution Serial No. 13-141: A Resolution Amending The Public Employees’ Retirement System (PERS) Participation.

(1) IM No. 13-302

MOTION: Assemblymember Colver moved to adopt Resolution Serial No. 13-140.

VOTE: The motion passed without objection.

- d. **AM No. 13-164:** Approval Of Contract Amendment To DOWL HKM In The Amount Of \$992,614 For The Bogard Road Extension East, Project No. 06-134 For Construction Administrative Services And Additional Design Services.

MOTION: Assemblymember Colver moved to adopt AM No. 13-164.

Assemblymember Colver requested a staff report.

Mr. Brown provided a staff report.

Assemblymember Colver spoke to concerns with the number of change orders associated with the legislation

Discussion ensued regarding:

- concerns regarding time and costs for services;
- the differences in the bids compared to the needs for the project;
- the need to have a high level of service and oversight for such a complex project;
- how the levels of service required and rates for services were vetted and calculated for the legislation; and
- concerns that if the contract is not awarded that it could cause unwanted delays in the project.

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

VOTE: The motion passed without objection.

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

- f. **AM No. 13-166:** Approval Of Change Order No. 2 To Contract No. 11-043 Health Benefits Consultant With Parker, Smith, And Feek For A Two Year Extension, Subject To Annual Appropriation And For An Amount Of \$154,250.

MOTION: Assemblymember Sykes moved to adopt AM No. 13-166.

Assemblymember Sykes:

- noted that the legislation speaks to savings associated with the contract;
- queried if the amount saved was equal to the amount of the contract; and
- queried if the legislation was still necessary in light of the Affordable Health Care Act.

Ms. Clayton:

- stated that the consultant is needed; and
- related that savings will not be known as it is dependent upon what services that are sought by users throughout the year.

Ms. Conant stated that the brokers have been able to negotiate better deals with preferred providers, which reduces costs to Borough and employees.

VOTE: The motion passed without objection.

X. NEW BUSINESS

A. INTRODUCTIONS (For public hearing – 01/07/14, Assembly Chambers)

1. **Ordinance Serial No. 14-001:** An Ordinance Amending MSB 23.20, Forest Management, To Amend 23.20.170, Noncommercial Personal Use Of Forest Products To Increase The Annual Limit Of Six Cords Per Year To Ten Cords Per Year.
 - a. IM No. 14-001

2. **Ordinance Serial No. 14-002:** An Ordinance Accepting And Appropriating \$500,000 For A Portion Of The Fiscal Year 2014 Designated Legislative Grant Projects From The Alaska State Department Of Commerce, Community, And Economic Development, For A School District Preschool Program.
 - a. **Resolution Serial No. 14-001:** A Resolution Approving The Scope Of Work And Budget For A Portion Of The Fiscal Year 2014 Designated Legislative Grant Projects From The Alaska State Department Of Commerce, Community, And Economic Development, For A School District Preschool Program.
 - (1) IM No. 14-002

3. **Ordinance Serial No. 14-003:** An Ordinance Accepting And Appropriating A Grant In An Amount Not To Exceed \$135,000 From The Mat-Su Health Foundation, And An Amount Not To Exceed \$30,000 From The Friends Of The Talkeetna Library, Inc. To Fund 435, Project No. 10170, For The Construction Of The Talkeetna Library And Community Resource Center.
 - a. **Resolution Serial No. 14-002:** A Resolution Approving The Scope Of Work And Amended Budget For The Talkeetna Library And Community Resource Center.
 - (1) IM No. 14-003

4. **Ordinance Serial No. 14-004:** An Ordinance Approving An Appropriation Of \$50,000 From The 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.
 - a. IM No. 14-004

5. **Ordinance Serial No. 14-005:** An Ordinance Approving A Reappropriation Of \$150,000 From The Bogard Road Service Area No. 25 Fiscal Year 2014 Operating Budget, Fund 279, To Fund 410, Project No. 30045, For Bogard Road Service Area No. 25 Capital Projects.

- a. **Ordinance Serial No. 14-006:** An Ordinance Approving An Appropriation Of \$370,000 From The Bogard Road Service Area No. 25 Fund Balance, Fund 270, To Fund 410, Project No. 30045, For Bogard Road Service Area No. 25 Capital Projects.
 - (1) IM No. 14-005
 - (2) IM No. 14-006

- 6. **Ordinance Serial No. 14-007:** An Ordinance Approving An Appropriation Of \$175,000 From The Meadow Lakes Road Service Area No. 27 Fund Balance, Fund 281, To Fund 410, Project No. 30047, For Meadow Lakes Road Service Area No. 27 Capital Projects.
 - a. IM No. 14-007

- 7. **Ordinance Serial No. 14-008:** An Ordinance Approving A Reappropriation Of \$70,000 From The Gold Trail Road Service Area No. 28 Fiscal Year 2014 Operating Budget, Fund 282, To Fund 410, Project No. 30048, For Gold Trail Road Service Area No. 28 Capital Projects.
 - a. **Ordinance Serial No. 14-009:** An Ordinance Approving An Appropriation Of \$300,000 From The 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.
 - (1) IM No. 14-008
 - (2) IM No. 14-009

- 8. **Ordinance Serial No. 14-010:** An Ordinance Approving An Appropriation Of \$30,000 From The Lazy Mountain Road Service Area No. 19 Fund Balance, Fund 275, To Fund 410, Project No. 30041, For Lazy Mountain Road Service Area No. 19 Capital Projects.
 - a. IM No. 14-010

- 9. **Ordinance Serial No. 14-011:** An Ordinance Approving A Supplemental Appropriation Of \$10,000 From The North Colony Road Service Area No. 23 Fund Balance, Fund 278, To North Colony Road Service Area No. 23 Fiscal Year 2014 Operating Budget, Fund 278.
 - a. **Ordinance Serial No. 14-012:** An Ordinance Approving An Appropriation Of \$30,000 From The 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
 - (1) IM No. 14-011
 - (2) IM No. 14-012

- 10. **Ordinance Serial No. 14-013:** An Ordinance Approving An Appropriation Of \$100,000 From The Caswell Road Service Area No. 15 Fund Balance, Fund 272, To Fund 410, Project No. 30038, For Caswell Road Service Area No. 15 Capital Projects.
 - a. IM No. 14-013

11. **Ordinance Serial No. 14-015:** An Ordinance Approving An Appropriation Of \$100,000 From The 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. 14-016:** An Ordinance Approving A Supplemental Appropriation Of \$50,000 From Fairview Road Service Area No. 14 Fund Balance, Fund 271 To Fairview Road Service Area No. 14 Fiscal Year 2014 Operating Budget, Fund 271.
 - (1) IM No. 14-014
 - (2) IM No. 14-015
12. **Ordinance Serial No. 14-017:** An Ordinance Approving The Acquisition Of Land In The Amount Of \$1,000,000 For The Purpose Of Location Of The Future Mat-Su Valley South Gateway Visitor Center, Said Land Being Identified As Lot 1, And Tract A, Homestead RV Park Subdivision, Containing 48.83 Acres More Or Less (MSB006841).
 - a. **Resolution Serial No. 14-003:** A Resolution Amending The Scope Of Work And Budget Of Fiscal Year 2014 Records Storage Building Roof Replacement Project, Project No. 10117, For The Purpose Of Acquiring Land For The Location Of The Future Mat-Su Valley South Gateway Visitor Center, Project No. 10022.
 - (1) IM No. 14-016
13. **Ordinance Serial No. 14-018:** An Ordinance Approving A Supplemental Appropriation Of \$12,148 Of Revenues From The Willow Area Community Council To The Willow Fire Service Area Fiscal Year 2014 Operating Budget, Fund 258, To Provide For Firefighter Clothing And Equipment.
 - a. IM No. 14-019

Ms. McKechnie read the above legislation into the record.

MOTION: Assemblymember Arvin moved to introduce the legislation as read into the record by the Clerk and set the public hearings for January 7, 2014.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor DeVilbiss requested the following confirmations:

- Animal Care and Regulation Board
 - Dr. Sabrieta Holland (Term Begins 01/01/14)
- Aviation Advisory Board
 - Barry Stanley (Term Begins 01/01/14)
- Board of Adjustment and Appeals
 - Terry Nicodemus (Term Begins 01/01/14)
- Board of Equalization
 - Tait Zimmerman

Borough Area Schools Site Selection Committee
Ray Michaelson

Emergency Medical Services Board
Brooke Dager (Term Begins 01/01/14)
Patricia Stewart (Term Begins 01/01/14)

Enhanced 911 Advisory Board
Hans Brinke (Term Begins 01/01/14)
Lance Ketterling (Term Begins 01/01/14)
Alaina Anderson (Term Begins 01/01/14)

Health and Social Services Board
Joan Tower (Term Begins 01/01/14)

Library Board
Virginia Robson (Term Begins 01/01/14)
Marci Hawkins (Term Begins 01/01/14)

Local Emergency Planning Committee
Shari Turner (Term Begins 01/01/14)
Beatrice Adler (Term Begins 01/01/14)
Ray Hollenbeck (Term Begins 01/01/14)
Yukon Tanner (Term Begins 01/01/14)

MSB 8.32 Review Commission (Energy Policy)
Berkley Tilton (Term Begins 01/01/14)

Office Of Administrative Hearings
Ross Kopperud (Term Begins 01/01/14)

Parks, Recreation, and Trails Advisory Board
Kenneth Barber (Term Begins 01/01/14)
Lyle Downing (Term Begins 01/01/14)

Planning Commission
John Klapperich (Term Begins 01/01/14)

Platting Board
Stanley Gillespie (Term Begins 01/01/14)

Tall Tower Advisory Committee
James Ellis (Term Begins 01/01/14)

Wastewater and Septage Advisory Board
Helen Munoz (Term Begins 01/01/14)
Ronald Phillips (Term Begins 01/01/14)
Thomas Stoelting (Term Begins 01/01/14)

Caswell FSA No. 135
Kenneth Eggleston (Term Begins 01/01/14)

Greater Palmer Consolidated FSA No. 132
Jesse Werner (Term Begins 01/01/14)

Wasilla-Lakes FSA No. 130
Daniel Tucker (Term Begins 01/01/14)

West Lakes FSA No. 136
Gerard Billinger (Term Begins 01/01/14)

Greater Talkeetna RSA No. 29
John Stasenburgh (Term Begins 01/01/14)

Meadow Lakes RSA No. 27
Stephen Edwards (Term Begins 01/01/14)
Talkeetna Sewer and Water Services Area No. 36
Jane Steere (Term Begins 01/01/14)

Mayor DeVilbiss made the following recommendations:

Borough Area Schools Site Selection Committee
Matthew Beck
Jim Colver (Term Begins 01/01/14)
Emergency Medical Services Board
Cliff Silvers (Term Begins 01/01/14)
Cheri Day (Term Begins 01/01/14)
Matthew Scherrer (Term Begins 01/01/14)
Kara Boothby (Term Begins 01/01/14)
Local Emergency Planning Committee
Robert French (Term Begins 01/01/14)
Planning Commission
William "Bill" Kendig (Term Begins 01/01/14)
Tom Adams (Term Begins 01/01/14)
Platting Board
Katie Cruthers (Term Begins 01/01/14)
Transportation Advisory Board
Don Carney (Term Begins 01/01/14)
Wasilla-Lakes FSA No. 130
Carol Christiansen (Term Begins 01/01/14)
Chase Trail Services Area No. 134
Kevin Foster (Term Begins 01/01/14)
Donnie Billington

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

Assemblymember Salmon queried why Bill Kendig had not been moved from the recommendation column when he was there on the last vacancy report.

Mayor DeVilbiss explained that it was probably due to an oversight on his part, but that he intends to move him to the confirmation column.

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

A. **Ordinance Serial No. 12-169:** An Ordinance Amending MSB 17.73, Multifamily Development Design Standards, And MSB 17.125.010, Definitions. *(Reconsideration Filed By Assemblymember Halter 12/04/13)*

1. IM No. 12-258

Ms. McKechnie advised that Assembly on the process they would follow should they vote in support of reconsideration.

MOTION: Assemblymember Halter moved to reconsider the motion to amend something previously adopted that failed at the December 3, 2013, meeting that read: “(C) For the purposes of this section contiguous lots in common ownership shall be treated as one lot.”

VOTE: The motion to reconsider passed with Assemblymembers Salmon, Colligan, and Arvin opposed.

Assemblymember Halter:

- summarized the history of the vote on the proposed subsection (C);
- related that Assemblymember Colver had requested reconsideration; and
- stated that he moved for reconsideration as a courtesy.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 12-169, MSB 17.73.040(C), by striking the current subsection (C) in its entirety and inserting in its place a new subsection (C) to read: “(C) A multifamily permit is required for the construction of more than six dwelling units by the same developer(s) on any group of contiguous adjoining lots totaling five acres or less. Dwelling units constructed prior to the enactment of this ordinance are not counted for the purpose of this subsection.”

Assemblymember Colver:

- noted previous concerns with contiguous lots with the same ownership;
- opined that the size of a lot is a pertinent issue;
- stated that he wanted to ensure a point where a permit would be required; and
- opined that the public should have input, but that there should be orderly development.

Assemblymember Sykes spoke in support of the amendment.

Discussion ensued regarding:

- concerns that the public has not provided input on the amendment;

- the possibility of referring the amendment back to the Planning Commission;
- that the amendment resolves concerns that the public would not be involved;
- concerns whether the amendment would stop development;
- that there are no multifamily lots currently available, except way out of town;
- concerns with too many government restrictions on personal property rights;
- concerns with trying to circumvent a problem that does not exist;
- that the legislation has been through a lengthy public process; and
- the opinion that the amendment is reasonable.

VOTE: The primary amendment passed with Assemblymembers Salmon, Colligan, and Arvin opposed.

VOTE: The main motion passed as amended with Assemblymembers Salmon, Colligan, and Arvin opposed.

XII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

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

VOTE: The motion passed with Assemblymember Halter opposed.

Mr. Spiropoulos:

- stated that he will be out of the office for the January 7 meeting; and
- directed Assembly Sykes to MSB 5.15, which speaks to service areas advising the Assembly and Manager on projects and needs within service areas.

Mr. Moosey advised that he will be out of the office next week.

Assemblymember Sykes:

- requested that Marty Metiva, of the Resource Development Council (RCD); Mr. Dyer, Economic Development Director; and anyone else that should be present to attend the special meeting regarding the economic development plan;
- stated that he would like them present in order to have his questions answered; and
- wished everyone happy holidays.

Assemblymember Colver opined that there needs to be an internal project management regime.

Assemblymember Salmon:

- stated that the executive director of KABATA, Mr. Andrew Niemiec was in a horrific motorcycle accident in California last week;
- related that as a result of the accident that Mr. Niemiec has stepped down as the executive director and a replacement has not yet been named;
- supported Assemblymember Sykes request to have the RCD involved in the economic development plan;

- spoke to his personal history with RCD; and
- wished everyone a merry Christmas.

Assemblymember Colligan:

- stated that he is looking forward to the economic development meeting;
- noted that one of the Borough's highest priority projects is sport fishing; and
- opined that there is data missing that is required before the legislative session begins.

MOTION: Assemblymember Colligan moved to direct the Manager to commission a poll of Mat-Su residents about their sport and personal use fishing participation in the Upper Cook Inlet. The poll will gather data and economic impacts of sport and personal use fisheries to present to state policy setters and the Alaska State Board of Fisheries for their January 31, 2014, meeting.

Assemblymember Colver:

- noted that there needs to be a balance in the data; and
- spoke in support of the motion.

VOTE: The motion passed without objection.

Assemblymember Colligan wished everyone a merry Christmas.

Assemblymember Halter:

- related that he enjoys the lights that the city of Palmer puts up every year; and
- wished everyone a merry Christmas.

Assemblymember Beck:

- extended good wishes to the first responders who were injured in the recent airplane hangar fire;
- thanked everyone for their hard work and time away from families for the trip to Washington D.C.;
- thanked Assemblymember Sykes for his efforts regarding the flooding in the Butte;
- congratulated Assemblymember Colver on his decision to run for State House;
- spoke in support of moving Marty Quaas forward on the vacancy report; and
- wished every happy holidays.

Assemblymember Arvin:

- spoke to the School District shooting finals that recently occurred;
- opined that it is a good program;
- noted that students travel the State as ambassadors speaking in support of the program;
- spoke to the fundraisers that are conducted to support the program; and
- wished everyone merry Christmas.

Mayor DeVilbiss wished everyone merry Christmas.

XIII. EXECUTIVE SESSION

CONFLICT OF INTEREST: Mayor DeVilbiss declared a conflict of interest as Ray DeVilbiss is his brother.

RULING: Deputy Mayor Arvin ruled that Mayor DeVilbiss had a conflict of interest and would be recused from executive session.

(Mayor DeVilbiss exited the meeting.)

A. RAY DeVILBISS VS. MATANUSKA-SUSITNA BOROUGH *(For Matters, The Immediate Public Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Borough, Specifically To Discuss the Supreme Court Appeal Of Ray DeVilbiss Vs. Matanuska-Susitna Borough.)*

MOTION: Assemblymember Arvin 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. Specifically to discuss strategies for the Supreme Court appeal of Ray DeVilbiss versus the Matanuska-Susitna Borough. Those included in the executive session where the members of the Assembly, the Manager, the Attorney, and the Clerk.

VOTE: The motion passed without objection and the Assembly entered into executive session at 10:07 p.m.

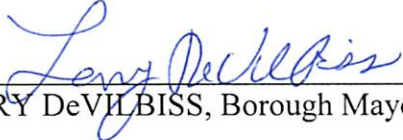
MOTION: Assemblymember Arvin moved to exit executive session.

VOTE: The motion passed without objection and the Assembly exited executive session at 10:22 p.m.

(Mayor DeVilbiss re-entered the meeting.)

XIV. ADJOURNMENT

The regular meeting adjourned at 10:22 p.m.


LARRY DeVILBISS, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 01/07/14