I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on December 20, 2011, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:03 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)(attended telephonically)*
Mr. Steven Colligan, Assembly District No. 4
Mr. Darcie K. Salmon, Assembly District No. 5
Mr. Jim Colver, Assembly District No. 6
Mr. Vern Halter, Assembly District No. 7

Staff in attendance were:

Ms. Jamie Newman, Deputy Borough Clerk
Mr. John Moosey, Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Brenda J. Henry, Executive Assistant to the Borough Clerk
Ms. Tammy Clayton, Finance Director
Mr. Alex Strawn, Permitting Services Manager
Mr. Dennis Brodigan, Emergency Services Director
Ms. Patty Sullivan, Public Affairs Director

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 Ms. Dianne Woodruff, Wasilla City Council Member.

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:
- related that the city of Palmer has adopted their budget;
- spoke to how they reduced the general fund and balanced the budget;
- noted that the Palmer Parks, Trails, and Recreation Fields Master Plan for the City is in draft form and it is on their website;
- spoke to the large volume of public input that has made it clear that residents of Palmer are in favor of connecting City and Borough trails;
- related that they have been in the process of rolling out a "robo-call" system that could be used to notify residents about city emergencies or last minute changes in trash pick-up;
- noted that last year was the first year the City allowed personal fireworks from 9 p.m. to midnight;
- noted that the City is looking at allowing fireworks again this year; and
- spoke to the ways the City is preparing for the upcoming legislative session.

Wasilla City

Mr. Burt Cottle, Deputy Administrator:
- related that the City will have a resolution in support of the rail extension before them at their next meeting in January;
- related that they just submitted their request to the Alaska State Department of Natural Resources as part of the transfer of Lake Lucille Park to the City from the Borough; and
- wished the Assembly Happy Holidays.

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:
- spoke to a recent Borough Area Schools Site Selection Committee meeting;
- noted that the direction of the Committee is to focus on the schools that need sites obtained for them immediately;
- reported that a site that has been previously looked at, located at the corner of Inner and Outer Springer Loops is still available and there are funds available to secure that lot;

- opined that it would be a good move to acquire that site, as the schools in Palmer are at capacity;
- related that Fronteras Elementary representatives were present and are looking into collocation sites that may be available;
- noted that the sites that are being looked at are driven by science that analyzes where students are living and where the bus routes are;
- provided information on how the School District will budget cash flow regarding the school bonds recently approved by the voters;
- spoke to how sites will be selected and designed for different schools;
- related that an issue of the bonds is that the Borough is not eligible for off-site improvement reimbursements; and
- noted that the issue mainly relates to road access, but that the Committee is looking into how that could be improved.

2. Assembly Public Relations

Assemblymember Keogh:
- noted that he attended a celebration at the Valley Community Recycling Center;
- related that the celebration was a result of the building being awarded Gold LEED (Leadership in Energy and Environmental Design) Certification; and
- stated that they are the first recycling center in the Nation to receive the award.

B. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues

Mr. Moosey reminded the Assembly of the Planning Session on December 29, 2011, at 10 a.m.

C. ATTORNEY COMMENTS

Mr. Spiropoulos:
- noted that FEMA (Federal Emergency Management Agency) has reported back regarding the Borough's flood hazard development standards ordinance;
- stated that the direction from the Assembly was to ensure that the minimum requirements of FEMA are met;
- related that was done and that FEMA approved the legislation, which will take effect 90-days after adoption by the Assembly; and
- advised that the Borough is in compliance and that the legislation will take effect on February 1, 2012.

D. CLERK COMMENTS

Ms. Newman noted that a list of upcoming meetings was included in the Clerk's Report.

E. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
a. Aviation Advisory Board: 05/12/11, 06/09/11, 07/14/11, 08/11/11, Resolution Serial Nos. 11-02, 11-03, 11-04, 11-05, 11-06, 11-07, 11-08, 11-09
b. Emergency Medical Services Board: 10/05/11
c. Enhanced 911 Advisory Board: 08/09/11
d. Greater Talkeetna RSA Board of Supervisors: 09/08/11, 10/13/11
e. Midway RSA Board of Supervisors: 04/27/11, 06/01/11
f. Parks, Recreation, and Trails Advisory Board: 09/26/11, Resolution Serial No. 11-02
g. Planning Commission: 10/17/11, 11/07/11
h. Platting Board: 10/20/11
i. Port Commission: 09/19/11
j. Transportation Advisory Board: 07/27/11, Resolution Serial Nos. 11-11, 11-13
k. West Lakes FSA Board of Supervisors: 08/08/11

2. Community Council Correspondence:
a. Trapper Creek Community Council: 09/15/11

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

F. INFORMATIONAL MEMORANDUMS

1. IM No. 11-260: MONTHLY REPORTING OF AMENDED CONTRACTS AND NEW AWARDS UNDER $100,000, ALONG WITH SOLE SOURCE PROCUREMENTS, FOR THE PERIOD OF OCTOBER 1, 2011, TO NOVEMBER 30, 2011.

2. IM No. 11-264: GRANT AGREEMENT WITH THE VALLEY COMMUNITY FOR RECYCLING SOLUTIONS IN THE AMOUNT OF $75,000.

3. IM No. 11-284: CONTRACT MODIFICATION NO. 4 TO SWALLING CONSTRUCTION COMPANY INC. FOR THE EMERGENCY REPLACEMENT OF WELCH WAY BRIDGE.

Assemblymember Arvin queried if the contracts were competitively procured.

Mr. Moosey stated that he would find that information and report back after the next item of business.

The informational memorandums were presented without objection.

VII. UNFINISHED BUSINESS

A. Ordinance Serial No. 11-078: AN ORDINANCE AMENDING THE OPERATING RULES, RATES, AND PROCEDURES FOR THE SUPPLY OF PUBLIC SEWER AND WATER SYSTEMS IN TALKEETNA, ALASKA, BY INCREASING THE

RATES FOR MONTHLY WATER AND SEWER CHARGES AND INTERRUPTED SERVICE FEES.

1. IM No. 11-133

MOTION PENDING: Assemblymember Halter moved to adopt Ordinance Serial No. 11-078.

Assemblymember Halter:

- stated that he will request that this be voted down and that staff come back with alternatives, as this is such a huge rate increase; and
- spoke to the many ways that using bed tax funds could impact the monthly rates in a positive manner.

Assemblymember Arvin noted his agreement with Assemblymember Halter.

Assemblymember Keogh queried how soon alternative legislation could come back before the body.

Mr. Moosey noted that it would be relatively quick.

VOTE: The motion failed unanimously.

Mr. Moosey stated in response to Assemblymember Arvin's question regarding IM 11-260, that all of the items were competitively bid.

B. AM No. 11-103: AUTHORIZATION TO PURCHASE COMMUNICATION EQUIPMENT THROUGH DECEMBER 31, 2012, FROM MOTOROLA IN AN AMOUNT NOT TO EXCEED $500,000.

MOTION PENDING: Assemblymember Colligan moved to adopt AM No. 11-103.

Mr. Moosey requested that the action memorandum be defeated, as Administration intends to proceed with in a different direction.

VOTE: The motion failed unanimously.

VIII. VETO

(There were no vetoes presented.)

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. 11-158: AN ORDINANCE ACCEPTING AND APPROPRIATING $238,150 FROM THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT GRANT PROGRAM, TO FUND 425, PROJECT NO. 45158, FOR EMERGENCY AND COMMUNICATIONS EQUIPMENT, AND PROGRAM COORDINATOR WAGES.

a. Resolution Serial No. 11-159: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT GRANT, PROJECT NO. 45158, FUND 425, FOR EMERGENCY AND COMMUNICATIONS EQUIPMENT AND PROGRAM COORDINATOR WAGES.

(1) IM No. 11-265

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. 11-158 and Resolution Serial No. 11-159.

Assemblymember Arvin queried if this was for a new or an existing position.

Mr. Brodigan stated that it was for an existing position.

Assemblymember Arvin queried if this is for full or partial funding for the position.

Mr. Brodigan stated that it would provide partial funding.

VOTE: The motion passed without objection.

2. Ordinance Serial No. 11-159: AN ORDINANCE AMENDING MSB 17.55.010, TO CREATE SPECIFIC SETBACK REQUIREMENTS FOR ALASKA RAILROAD RIGHTS-OF-WAY; AND AMENDING MSB 17.125, DEFINITIONS.

a. IM No. 11-266

Mayor DeVilbiss opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 11-159: Ms. Eileen Haines, Mr. Charles Overby, and Ms. Sharon Aubry.

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

MOTION: Assemblymember Salmon moved to adopt Ordinance Serial No. 11-159.

Assemblymember Keogh:

- stated that the legislation is a remedy to parcels that are subject to this legislation; and
- requested Assembly support of the legislation

Assemblymember Colver:

- spoke to the ongoing debate and legal argument whether the Railroad has a private easement;
- noted that in the lower 48 that railroads may be able to claim private right-of-ways
- further noted that the railroad in Alaska is owned by the State;
- stated that he understands the problems of buildings with setback issues;
- related that the railroad asserts that it is private right-of-way not a public one;
- stated that he would like to know the answer definitively;
- spoke to structures in the right-of-way of the railroad in Anchorage;
- opined that there is not a one-size-fits-all fix to the problem; and
- stated that he would propose that the legislation be postponed to February 7, 2012.

Assemblymember Arvin:

- stated that rail dependent structures would include private enterprise that have railroad dependent structures;
- opined that the bigger issue is what is going to happen with real estate for the rail extension;
- noted that if that is seen as private, then the Railroad will have the final say forever more on what could be developed in that 200-foot wide easement; and
- stated that the body will need to know how the Borough will control its interest in that property.

Mayor DeVilbiss stated that the Borough has spoke to the Alaska Railroad regarding that concern.

Mr. Moosey:

- noted that the Borough has a lot of large projects that are dependent upon the rail extension; and
- queried that if the setback is approved whether the Borough will inadvertently say that this is a private easement and thereby reducing our rights.

Mr. Spiropoulos stated that adoption of the ordinance would not reduce the Borough's interest in that tract of land.

Discussion ensued regarding:

- the desire of the body to be sure they do not lose interest in the land set aside for the rail extension;
- possible different set-backs distances;
- how rail dependent enterprises are allowed to be within the set-back;
- that the ordinance before the body does not diminish the fact that the 200-foot right of way is considered public right-of-way by the Borough; and
- that the Borough would not be forfeiting control over the land for the rail extension by adoption of the ordinance.

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

VOTE: The motion passed without objection.

VOTE: The motion passed without objection.

3. Ordinance Serial No. 11-160: AN ORDINANCE APPROVING THE CLASSIFICATION OF A PORTION OF BOROUGH-OWNED PARCEL 16N04W06D001 IN THE SOUTH BIG LAKE AREA AS MATERIAL LANDS.
a. IM No. 11-267

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.

Assemblymember Colligan queried if this was to set aside gravel for the rail extension.

Mr. Moosey noted that it was to enhance opportunities for residents in the area and has not been officially designated for use by the rail extension exclusively.

MOTION: Assemblymember Salmon moved to adopt Ordinance Serial No. 11-160.

VOTE: The motion passed without objection.

4. Ordinance Serial No. 11-161: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF $40,500 FROM THE WEST LAKES FIRE SERVICE AREA NO. 136 FUND BALANCE, FUND 249, TO THE WEST LAKES FIRE SERVICE AREA NO. 136 FISCAL YEAR 2012 OPERATING BUDGET, FUND 249, TO REIMBURSE FOR UNEXPECTED EXPENSES INCURRED AS A RESULT OF NECESSARY REPAIRS AND UPGRADES.
a. IM No. 11-268

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Halter moved to adopt Ordinance Serial No. 11-161.

VOTE: The motion passed without objection.

5. Ordinance Serial No. 11-162: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF $30,000 FROM THE BUTTE FIRE SERVICE AREA NO. 2 FUND BALANCE, FUND 251, TO THE BUTTE FIRE SERVICE AREA NO. 2

FISCAL YEAR 2012 OPERATING BUDGET, FUND 251, FOR THE PURCHASE OF NECESSARY EQUIPMENT.

a. IM No. 11-269

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. 11-162.

VOTE: The motion passed without objection.

6. Ordinance Serial No. 11-163: AN ORDINANCE ACCEPTING AND APPROPRIATING $6,275 FROM THE ALASKA STATE DEPARTMENT OF NATURAL RESOURCES, DIVISION OF PARKS AND OUTDOOR RECREATION, TO FUND 440, PROJECT NO. 15015, FOR THE MAT-SU SNOWMOBILE TRAIL MARKING PROJECT.

a. Resolution Serial No. 11-160: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE MAT-SU SNOWMOBILE TRAIL MARKING PROJECT, FUND 440, PROJECT NO. 15015.

(1) IM No. 11-270

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. 11-163 and Resolution Serial No. 11-160.

VOTE: The motion passed without objection.

7. Ordinance Serial No. 11-164: AN ORDINANCE ACCEPTING AND APPROPRIATING $22,243 FROM THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT GRANT PROGRAM, TO FUND 480, PROJECT NO. 45126, FOR COMMUNITY EMERGENCY RESPONSE TRAINING AND NEIGHBORHOOD WATCH TRAINING.

a. Resolution Serial No. 11-161: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT GRANT, PROJECT NO. 45126, FUND 480, FOR COMMUNITY EMERGENCY RESPONSE TEAM AND NEIGHBORHOOD WATCH TRAINING.

(1) IM No. 11-272

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. 11-164 and Resolution Serial No. 11-161.

VOTE: The motion passed without objection.

8. Ordinance Serial No. 11-165: AN ORDINANCE ACCEPTING AND APPROPRIATING $13,306.31 FROM MATANUSKA TELEPHONE ASSOCIATION TO FUND 440, PROJECT NO. 20323 FOR UPGRADING AND ENHANCING THE TELECOMMUNICATIONS AND INFORMATION SERVICES WITHIN THE MATANUSKA-SUSITNA LIBRARY NETWORK.

a. IM No. 11-273

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. 11-165.

VOTE: The motion passed without objection.

9. Ordinance Serial No. 11-166: AN ORDINANCE ACCEPTING AND APPROPRIATING $8,000 FROM THE ALASKA STATE DEPARTMENT OF EDUCATION TO FUND 480, PROJECT NO. 20364, FOR CONTINUING EDUCATION GRANTS AT THE BIG LAKE, SUTTON, TALKEETNA, TRAPPER CREEK, AND WILLOW PUBLIC LIBRARIES.

a. Resolution Serial No. 11-162: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR CONTINUING EDUCATION GRANTS FOR THE BIG LAKE, SUTTON, TALKEETNA, TRAPPER CREEK, AND WILLOW PUBLIC LIBRARIES.

(1) IM No. 11-274

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Halter moved to adopt Ordinance Serial No. 11-166 and Resolution Serial No. 11-162.

VOTE: The motion passed without objection.

(The meeting recessed at 7:16 p.m. and reconvened at 7:25 p.m.)

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke in opposition of coal mining in the Borough: Ms. Jamey Duhamel, Outreach Coordinator for the Mat-Valley Coalition.

The following persons spoke to concerns with road service area maintenance, to concerns with contractors with poor performance, and to the need to ensure public safety: Mr. James Ross, employee of J.A. Spain and Sons; Ms. Teri Hone; Ms. Charlotte Spain, owner of J.A. Spain and Sons; Mr. Andy Weiland, member of RSA No. 16 Board of Supervisors; and Mr. Jim Norcross.

The following person spoke in support of AM No. 11-106: Mr. Rick Abell.

The following person spoke to the need to protect the rights of the individual: Mr. Steve Renner.

The following person spoke in support of redefining the definition of community councils: Mr. Brian Endle.

The following person spoke in support of Resolution Serial No. 11-164: Mr. Don Zimmerman.

D. CONSENT AGENDA

1. RESOLUTIONS

2. ACTION MEMORANDUMS

a. AM No. 11-106: ACCEPTANCE OF LATE FILED AND RETROACTIVE SENIOR CITIZEN AND DISABLED VETERANS EXEMPTION APPLICATIONS.

c. AM No. 11-110: APPROVAL OF CHANGE ORDER NO. 1 TO TEW'S INC. IN THE AMOUNT OF $20,557.36 TO ALLOW ADDITIONAL WORK DUE TO FIELD DIRECTIVES AND DRIVEWAY BORROW QUANTITIES FOR THE SUNRISE DRIVE RECONSTRUCTION PROJECT, PROJECT NO. 30043.

Ms. Newman read the above legislation into the record.

Mayor DeVilbiss inquired if there was any objection to approving the consent agenda as read into the record by the Clerk.

GENERAL CONSENT: There was no objection noted.

a. Resolution Serial No. 11-164: A RESOLUTION SUPPORTING HOUSE BILL 88, REGARDING AN INDIVIDUAL'S RIGHTS UNDER THE CONSTITUTION OF THE STATE OF ALASKA AND THE UNITED STATES CONSTITUTION. *(Sponsored by Assemblymember Colligan)*

(1) IM No. 11-281

MOTION: Assemblymember Keogh moved to adopt Resolution Serial No. 11-164.

Assemblymember Keogh:

- stated that he would request postponement as he has not yet had an opportunity to read House Bill 88; and
- requested that when this type of legislation comes forward that the State legislation is attached.

Assemblymember Colligan related that he thought that House Bill 88 would be attached to his resolution.

MOTION: Assemblymember Keogh moved to postpone Resolution Serial No. 11-164 to a time certain of January 17, 2012.

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

Assemblymember Colligan

- read House Bill 88 into the record;
- spoke to the research he did after being sworn in as a member of the Assembly;
- opined that there is a move happening that foreign laws should be applied to residents of the United States;
- stated that the laws of the United States Constitution need to be followed and applied to those living in the United States; and
- opined that Sharia Courts being set up in Europe are causing problems.

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

VOTE: The motion passed with Assemblymember Keogh opposed.

VOTE: The main motion passed with Assemblymember Keogh opposed.

b. Resolution Serial No. 11-165: A RESOLUTION RECOGNIZING THE SOCIAL AND ECONOMIC IMPORTANT OF THE PALMER BRANCH OF THE ALASKA RAILROAD AND ENCOURAGING THE RECONSTRUCTION OF THE PALMER BRANCH TO ENHANCE ITS SERVICE TO THE PALMER AREA. *(Sponsored by Mayor DeVilbiss)*

(1) IM No. 11-286

MOTION: Assemblymember Keogh moved to adopt Resolution Serial No. 11-164.

Assemblymember Keogh declared that he might have a conflict of interest, as his son is an engineer with the Alaska Railroad and requested an opinion of the attorney.

(Assemblymember Keogh and Mr. Spiropoulos exited the meeting at 8:10 p.m. and reentered at 8:11 p.m.)

Assemblymember Keogh stated that upon advice from the Attorney that he is requesting that the Mayor make a ruling as to the declared conflict of interest.

RULING: Mayor DeVilbiss ruled that Assemblymember Keogh had no conflict of interest.

VOTE: The motion passed without objection.

b. AM No. 11-107: APPROVAL OF CHANGE ORDER NO. 1 TO R&M CONSULTANTS IN THE AMOUNT OF $175,081 FOR THE HORSESHOE LAKE ROAD UPGRADE DESIGN PROJECT.

Mr. Moosey requested that the legislation be postponed in order to allow Administration the opportunity provide more information.

Mayor DeVilbiss queried if there was any objection to postponing AM No. 11-107 to a time certain of January 17, 2012.

There was no objection noted.

X. NEW BUSINESS

A. INTRODUCTIONS (For public hearing – 01/17/12, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 12-001: AN ORDINANCE REAPPROPRIATING $30,000 FROM FUND 435, PROJECT NO. 10145, MAT-SU CONVENTION AND VISITORS BUREAU BUILDING REPAIRS TO FUND 440, PROJECT NO. 10157, ZAMBONI ICE RESURFACER.

a. Resolution Serial No. 12-001: A RESOLUTION AMENDING THE BUDGETS FOR PROJECT NO. 10145, MAT-SU CONVENTION AND VISITORS BUREAU BUILDING REPAIRS – DRYWALL, REPAIR AND INTERIOR PAINT AND PROJECT NO. 10157 ZAMBONI ICE RESURFACER.

(1) IM No. 12-002

2. Ordinance Serial No. 12-002: AN ORDINANCE AMENDING MSB 2.12.090 TO ESTABLISH A MAXIMUM TIME LIMIT OF ONE HOUR FOR THE AUDIENCE PARTICIPATION SECTION OF THE ASSEMBLY AGENDA AND TO PROVIDE

THE OPTION OF ALLOWING PUBLIC HEARINGS TO CONTINUE TO TIME CERTAIN WHERE MORE THAN ONE HOUR OF PUBLIC COMMENT IS HEARD PER ORDINANCE.

a. IM No. 12-003

3. Ordinance Serial No. 12-003: AN ORDINANCE ACCEPTING AND APPROPRIATING DONATIONS IN THE AMOUNT OF $60,000 TO FUND 435, PROJECT NO. 10168, FOR THE SUTTON LIBRARY COMMUNITY CENTER.

a. Resolution Serial No. 12-002: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR DONATIONS IN THE AMOUNT OF $60,000 FOR THE SUTTON LIBRARY COMMUNITY CENTER, PROJECT NO. 10168. *(Sponsored by Assemblymember Keogh)*

(1) IM No. 12-004

B. INTRODUCTIONS (For public hearing – 02/07/12, Borough Assembly Chambers)

1. Ordinance Serial No. 11-167: AN ORDINANCE CREATING WEST METCALF CIRCLE ROAD PAVING LOCAL IMPROVEMENT DISTRICT NO. 466, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.

a. IM No. 11-280

Ms. Newman 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 January 17, 2012, and February 7, 2012, respectively.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor DeVilbiss requested the following confirmations:

Aviation Advisory Board
- Patrick Martin

Borough Area Schools Site Selection Committee
- Darcie Salmon
- Tom Adams

Emergency Medical Services Board
- Mia Mangione

Enhanced 911 Advisory Board
Joel Butcher
Health and Social Services Board
Jane Conard, resignation
Local Emergency Planning Committee
Lance Wilson
Greater Talkeetna RSA No. 29
George Wagner

Mayor DeVilbiss made the following recommendations:

Local Emergency Planning Committee
Amy Kearns
Parks, Recreation, and Trails Advisory Board
Jim Turner
Rick Ellis
Edward Strabel
Platting Board
David Robinson
Port Commission
Jay Nolfi
Transportation Advisory Board
Arthur Quaas
Wastewater and Septage Advisory Board
Gina Jorgensen
Bogard RSA No. 25
Teri Hone
Meadow Lakes RSA No. 27
Michael Fulton

MOTION: Assemblymember Salmon moved to approve the Mayor's recommendations and resignations 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.)

(The meeting recessed at 8:16 p.m. and reconvened at 8:21 p.m.)

XI. RECONSIDERATION

A. Ordinance Serial No. 11-153: AN ORDINANCE AMENDING MSB 17.28, INTERIM MATERIALS DISTRICT; MSB 17.30 CONDITIONAL USE PERMIT FOR EARTH MATERIALS EXTRACTION ACTIVITIES; AND MSB 17.125, DEFINITIONS, TO INCLUDE PROVISIONS FOR MATERIAL EXTRACTION BELOW THE SEASONAL HIGH WATER TABLE AND RECLAMATION. *(Reconsideration filed by Assemblymember Woods December 7, 2011)*

1. IM No. 11-246

MOTION: Assemblymember Woods moved for reconsideration of Ordinance Serial No. 11-153.

Assemblymembers Salmon and Colver spoke against reconsideration.

Assemblymember Arvin:

- thanked Assemblymember Woods for requesting reconsideration; and
- opined that there were some things that were not addressed.

VOTE: The motion passed with Assemblymember Colver opposed.

Mayor DeVilbiss stated that he had a conflict of interest as he had recused himself the last time the legislation was before the body.

(Mayor DeVilbiss exited the meeting and the duties of the chair passed to Assemblymember Salmon.)

MOTION: Assemblymember Arvin moved a primary amendment to Ordinance Serial No. 11-153, MSB 17.30.020(G), to insert a sentence at the end of the paragraph that reads: "Where a site is exempt under this subsection the exemption is revoked if operations proceed within four feet of the seasonal highwater table."

MOTION: Assemblymember Halter moved a secondary amendment to MSB 17.30.020 (G) in the first sentence, to strike "2,000" and inserting in its place "1,000."

Assemblymember Colver spoke against the secondary amendment.

Assemblymember Woods;

- stated that extraction of 2,000 cubic feet allows anything up to that and maybe some beyond; and
- opined that if it is too restrictive it is extremely difficult for a small pit operator to track what is coming and going daily.

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

Assemblymember Colver spoke to concerns that maybe language needs to be inserted allowing for unintentional mining into the highwater table.

Mr. Spiropoulos advised that it would be problematic to enforce code with that type of language.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Woods primary amendment to Ordinance Serial No. 11-153, MSB 17.28.067(D), to insert after the word "slope" the words "or the natural stabilized angle of repose of the existing earth material" to read: "Slopes shall be graded to attain a maximum 50 percent slope or the natural stabilized angle of repose of the existing earth material;"

Assemblymember Colver spoke to concerns that sometimes a natural stabilized angle may be dangerous.

Assemblymember Arvin noted that it would have organic growth on it because this section pertains to reclamation.

Assemblymember Colver requested Mr. Strawn's opinion of the amendment.

Mr. Strawn opined that it is a good amendment.

VOTE: The primary amendment passed with Assemblymember Keogh opposed.

MOTION: Assemblymember Halter moved a primary amendment to Ordinance Serial No. 11-153, MSB 17.28.067(H)(2), by striking the word "second" and inserting in its place the word "fourth" to read: "60 percent live plant cover of the entire restored area shall be achieved by the end of the fourth growing season after the phase is completed.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colligan moved a primary amendment to Ordinance Serial No. 11-153, MSB 17.28.067(I), to insert after the word "lots" the words "and areas where future utility easements and septic systems will exist" to read: "Areas covered by buildings, paved driveways, paved roads, and paved parking lots and areas where future utility easements and septic systems will exist are exempt from the reclamation standards outlined in subsections (F) through (H) of this section."

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

(Mayor DeVilbiss re-entered the meeting and resumed the duties of the Chair.)

XII. EXECUTIVE SESSION

(There was no executive session held.)

XIII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Mr. Moosey
- noted that Administration takes public comments regarding road service area concerns seriously; and
- advised that they are still working on the concerns expressed.

Mr. Spiropoulos:
- spoke to the ongoing State Redistricting law suit;
- related that although Petersburg was withdrawn from the suit, that they recently won a preliminary motion;
- advised that he has not yet seen a copy of that opinion, but will be following up and reporting back to the body soon; and
- noted that the trial is still calendared for next month in Fairbanks.

Assemblymember Colver:
- wished everyone Merry Christmas;
- stated that he is looking forward to the break between now and December 29; and
- thanked the Manger for always addressing his concerns promptly.

Assemblymember Colligan:
- stated that he is looking forward to the Planning Session;
- noted that he is pleased that the Governor's budget includes a lot of the Borough's major projects; and
- wished the body a Merry Christmas.

Assemblymember Woods:
- stated that he was very pleased with the meeting the Assembly had with the State Delegation;
- noted that they are supportive of major Borough projects; and
- wished everyone a Merry Christmas.

Assemblymember Salmon:
- stated that it is good to see a plan come together;
- stated that he is happy to see that the interim materials district legislation has been adopted;
- opined that it will be good to get the subdivision code adopted;
- noted that the body is not here to dismantle code, but to make it better; and
- wished everyone a Merry Christmas.

Assemblymember Keogh:

- stated for the record that it was not his intent to vote in favor of Ordinance Serial No. 11-153;
- noted that he had areas that he still wanted to amend; and
- advised that he will be pursuing a way to accomplish that.

Assemblymember Halter wished everyone a Merry Christmas.

Assemblymember Arvin wished the body a Merry Christmas.

Mayor DeVilbiss:

- thanked Assemblymember Colligan for bringing forward the resolution in support of House Bill 88;
- spoke to the experiences of his wife while living in Europe concerning Sharia Law;
- thanked the body for their support; and
- related that he will be working with Law to set up an account for the State's "Pick, Click and Give" program.

XIV. ADJOURNMENT

The regular meeting adjourned at 9:12 p.m.

Larry DeVilbiss

LARRY DeVILBISS, Borough Mayor

ATTEST:

Lonnie McKechnie

LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 01/17/12