

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on November 5, 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
- Mr. Darcie K. Salmon, Assembly District No. 5
- Mr. Jim Colver, Assembly District No. 6 (*arrived at 7:18 p.m.*)

Assembly members absent and excused:

- Mr. Vern Halter, Assembly District No. 7

Staff in attendance were:

- Ms. Brenda J. Henry, Assistant Clerk
- Mr. John Moosey, Borough Manager
- Mr. Nicholas Spiropoulos, Borough Attorney
- Mr. George Hays, Assistant Borough Manager
- 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
- Mr. Larry Macknicki, Information Technology Director
- Ms. Frankie Barker, Environmental Planner II

III. APPROVAL OF AGENDA

Mayor DeVilbiss:

- noted that the Clerk had advised that if the body would like to make any changes to the meeting schedule for 2014, that AM No. 13-13-158 would need to be pulled from the consent agenda; and
- inquired if there were any changes to the agenda.

Assemblymember Beck requested to pull Resolution Serial No. 13-126 and AM Nos. 13-146 and 13-147 from the consent agenda for further discussion.

Assemblymember Sykes requested to pull Resolution Serial No. 13-129 and AM Nos. 13-151 and 13-158 from the consent agenda for further discussion.

Mayor DeVilbiss queried if there were any other changes to the agenda.

There were no changes noted.

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ms. Frankie Barker, Environmental Planner II.

V. MINUTES OF PRECEDING MEETINGS

- A. Special Meeting: October 15, 2013
- B. Regular Meeting: October 15, 2013
- C. Joint Assembly/Planning Commission Meeting: October 22, 2013

Mayor DeVilbiss inquired if there were any corrections to the special meeting minutes of October 15, 2013, the regular meeting minutes of October 15, 2013, or the joint Assembly/Planning Commission meeting minutes.

Assemblymember Beck:

- noted there needed to be a change in the October 22, 2013, page 796 of the packet; and
- advised that where it says that Walden spoke, it needs to be changed to Adams.

Ms. Henry advised that change would be made.

Mayor DeVilbiss inquired if there were any additional changes to the minutes.

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

- 1. Reports from cities

Wasilla City

Mr. Bert Cottle, Deputy Administrator:

- advised that on November 13, 2013, at 6 p.m. the Wasilla City Council will be setting the goals and priorities for next year; and
- invited the body to attend the meeting.

2. Matanuska-Susitna Borough School District

Mr. Dave Anderton, Director of Operations and Maintenance:

- thanked the body for the new school buildings that are being constructed; and
- thanked the body for all they do for the School District.

3. Transportation Advisory Board – Mr. Rick Besse, Chair

Mr. Besse provided an update regarding the Transportation Advisory Board's (TAB) goals and priorities.

Assemblymember Arvin stated that he would like to see the TAB take up the discussion regarding low volume substandard roads.

Mr. Besse agreed that substandard roads are a problem and the TAB should be taking up that issue.

Mayor DeVilbiss queried if there was any objection.

There was no objection noted.

Assemblymember Salmon spoke to concerns that staff was attempting to sway TAB from the Knik Arm Bridge and Toll Authority (KABATA) from being a priority.

Mr. Besse:

- advised that staff did not attempt to sway the board that KABATA is not a priority;
- stated that the Board is working to refine their process for establishing procedures for determining priorities;
- noted that they are working on criteria for selecting projects; and
- reiterated that the process needs to be refined.

Mr. Moosey spoke to the process that is being used to evaluate projects for the capital improvement program and Assembly approval.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Beck:

- related that all of the school bond projects are moving forward; and
- stated that Assemblymember Colver raised the question of an ice rink at Susitna Valley High School possibly being on a previous bond.

2. Assembly Public Relations

(There was no report provided.)

C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues
3. Career and Technical High School Addition Design Presentation – McCool Carlson Green

Mr. Moosey:

- stated that on October 23, he and Mayor DeVilbiss met with the Governor Parnell's staff regarding the Assembly's priorities; and
- advised that on December 4, 2013, at 11:30 a.m. there is a joint meeting with the State Delegation with lunch to begin at 11:30 a.m. and the meeting to begin at noon; and
- introduced Mr. John Weir of McCool Carlson Green.

[Clerk's note: The joint meeting with the State Delegation was rescheduled for December 13, 2013.]

4. Career and Technical High School Addition Design Presentation - McCool Carlson Green

Mr. John Weir, McCool Carlson Green, Principal Architect, provided a presentation regarding the Career and Technical High School Addition Design.

D. ATTORNEY COMMENTS

Mr. Spiropoulos:

- provided a brief summary of the ongoing rail litigation;
- advised that there are briefing deadlines that are approaching; and
- stated that oral arguments should be scheduled soon.

E. CLERK COMMENTS

Ms. Henry

- spoke regarding the upcoming meeting schedule; and
- advised that if members have a hard copy of the code book, to please let the Clerk's Office update it.

Assemblymember Sykes queried why the November 12, 2013, Assembly meeting was still on the Clerk's report.

Ms. Henry advised that it was an error on her part and that the meeting has indeed been cancelled.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Aviation Advisory Board: 07/23/13
- b. Caswell FSA Board of Supervisors: 05/08/13
- c. Emergency Medical Services Board: 06/05/13
- d. Greater Butte RSA Board of Supervisors: 04/11/13, 05/02/13
- e. Greater Talkeetna RSA Board of Supervisors: 07/11/13
- f. Historical Preservation Commission: 03/07/13
- g. Local Emergency Planning Committee: 08/21/13
- h. Local Road Service Area Advisory Board: 08/15/13
- i. MSB Fish and Wildlife Commission: 02/28/13, 03/21/13, 04/25/13
- j. MSB 8.32 Review Commission: 08/28/13
- k. Platting Board: 08/15/13, 09/05/13
- l. South Colony RSA Board of Supervisors: 05/08/13, Resolution dated 05/08/13
- m. Transportation Advisory Board: 07/24/13

2. Community Council Minutes:

- a. Chickaloon Community Council: 07/10/13
- b. Point MacKenzie Community Council: 04/25/13, 07/10/13

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

G. INFORMATIONAL MEMORANDUMS

1. **IM No. 13-272:** Update And Clarification Of The Conveyance Of Lake Lucille Park Property From The Matanuska-Susitna Borough To The City Of Wasilla (MSB 006279).

The informational memorandum was presented and no comments were noted.

VII. UNFINISHED BUSINESS

(There was no unfinished business.)

VIII. VETO

(There were no vetoes presented.)

IX. SPECIAL ORDERS

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

(There were no persons to be heard.)

B. PUBLIC HEARINGS (Three minutes per person.)

1. **Ordinance Serial No. 13-119:** An Ordinance Amending MSB 17.25.005(B), 17.25.070(C)(5) And (F)(2), Talkeetna Special Land Use District, To Allow For Community Civic Use Building Footprints To Exceed 6,000 Square Feet Within The Spur Road South District.
 - a. IM No. 13-199

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Arvin moved to adopt Ordinance Serial No. 13-119.

Assemblymember Sykes:

- spoke to concerns that legislation before the body is not the same that went to the Planning Commission and the Talkeetna Community Council; and
- opined that the legislation should be postponed until Assemblymember Halter can be present.

Mayor DeVilbiss requested a staff report.

Ms. Probasco provided a staff report.

MOTION: Assemblymember Colligan moved to postpone Ordinance Serial No. 13-119 to a time certain of December 3, 2013.

VOTE: The motion to postpone passed without objection.

2. **Ordinance Serial No. 13-133:** An Ordinance Accepting And Appropriating A Fiscal Year 2014 Designated Legislative Grant From The Alaska State Department Of Commerce, Community, And Economic Development In The Amount Of \$2,500,000 To Fund 410, Project No. 30114, For Fisheries And Fish Protection.
 - a. **Resolution Serial No. 13-118:** A Resolution Approving The Scope Of Work And Budget For A Fiscal Year 2014 Designated Legislative Grant In The Amount Of \$2,500,000 From The Alaska State Department Of Commerce, Community, And Economic Development For Fisheries And Fish Protection, Project No. 30114.
- (1) IM No. 13-223

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. 13-133 and Resolution Serial No. 13-118.

Assemblymember Arvin requested a staff report.

Mr. Moosey provided a staff report.

Assemblymember Arvin:

- referred to previous conversations regarding stocking creeks with fish;
- stated that he is unsure if the public supports this type of thing;
- opined that the funds would be better spent on fish passage; and
- queried how the funds were allocated for the project.

Mr. Moosey:

- noted that things were different when fish issues first came up a few years ago;
- opined that with these funds, it is a sign that the fish community is paying attention;
- related that a portion of the funds have been slated for fish passage and fish passage improvements;
- stated that the remaining funds are for fish research;
- noted that they are finding that there are gaps in data for Cook Inlet fish; and
- related that the intent is to strengthen fish numbers within the Borough.

Discussion ensued regarding:

- whether the community supports the allocation of funds;
- stocking fish in creeks;
- the scientific research that is necessary;
- that the Matanuska-Susitna Borough Fish and Wildlife Commission (Commission) made the recommendation regarding the allocation of the funds;
- that the Commission is seated with professionals with a lot of information;
- that hatchery fish will not solve the problem of fish escapement;

- that a portion of the funds will be allocated for updating the economic study for fish;
- that a loss of commerce becomes an emergency that grants funds can be applied to;
- that the project description was created over a year ago;
- that the Commission wants to ensure that the study is funded;
- that genetic studies and acoustic studies need to be conducted;
- concerns that the funds should be allocated equally to fish passage and genetics studies; and
- the possibility of adopting the ordinance and failing the resolution.

MOTION: Assemblymember Arvin move to divide the question to take up Ordinance Serial No. 13-133 separate from Resolution Serial No. 13-118.

VOTE: The motion to divide the question passed without objection.

MOTION: First Segment. Assemblymember Arvin moved to adopt Ordinance Serial No. 13-133.

VOTE: First segment. The motion passed without objection.

MOTION: Second segment. Assemblymember Arvin moved to adopt Resolution Serial No. 13-118.

VOTE: Second segment. The motion failed unanimously.

3. **Ordinance Serial No. 13-134:** An Ordinance Accepting A Late Filed And Retroactive Senior Citizen Real Property Tax Exemption Application. *(Sponsored by Assemblymember Keogh)*
 - a. IM No. 13-230

Mayor DeVilbiss opened the public hearing.

The following person spoke in support of Ordinance Serial No. 13-134: Ms. April Lucore on behalf of Ms. Janet Mason.

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

MOTION: Assemblymember Sykes moved to adopt Ordinance Serial No. 13-134.

Assemblymember Sykes:

- noted that he inherited the legislation from former Assemblymember Keogh;
- spoke to his research of the issue and in support of the legislation; and
- requested support of the legislation.

VOTE: The motion passed without objection.

4. **Ordinance Serial No. 13-135:** An Ordinance Appropriating \$12,000 From The Greater Palmer Consolidated Fire Service Area Fund Balance, Fund 259, To Fund 405, Project No. 45215, For The Purchase Of Fire Tanker Auto Fill Equipment.
 - a. **Resolution Serial No. 13-119:** A Resolution Approving The Scope Of Work And Budget For Project No. 45215 For The Purchase Of Fire Tanker Auto Fill Equipment.
 - (1) IM No. 13-232

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 Beck moved to adopt Ordinance Serial No. 13-135 and Resolution Serial No. 13-119.

VOTE: The motion passed without objection.

5. **Ordinance Serial No. 13-136:** An Ordinance Approving A Reappropriation Of \$65,000, From The School District Fiscal Year 2014 Education Operating Fund 204, To Fund 400, Project No. 40159, Academy Charter School, To Complete Construction Finishes Of Two Science Classrooms At The Academy Charter School.
 - a. **Resolution Serial No. 13-120:** A Resolution Approving The Scope Of Work And Budget For Project No. 40159, Academy Charter School, To Allow Completion Of Construction Finishes Of Two Science Classrooms At The Academy Charter School.
 - (1) IM No. 13-233
 - (2) **AM No. 13-154:** Academy Charter School Classrooms Contract Modification To F-E Contracting, Project No. 40159, To Complete Construction Finishes Of Two Science Classrooms, Science Storage Room, And Art Classroom.

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 Beck moved to adopt Ordinance Serial No. 13-136, Resolution Serial No. 13-120, and AM No. 13-154.

Assemblymember Sykes queried if this is a normal process for expenditure of funds.

Mr. Moosey advised that he is unsure of the details but is sure that it is a result of the good working relationship between the School District and charter schools.

VOTE: The motion passed without objection.

6. **Ordinance Serial No. 13-137:** An Ordinance Adopting The Matanuska-Susitna Borough Stormwater Management Plan And Amending MSB 15.24.030, Comprehensive Plan And Purposes.
 - a. IM No. 13-234

Mayor DeVilbiss opened the public hearing.

The following person spoke in support of Ordinance Serial No. 13-137: Ms. Cindy Gilder.

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. 13-137.

Assemblymember Beck complimented and thanked everyone who participated in updating the plan.

VOTE: The motion passed without objection.

7. **Ordinance Serial No. 13-138:** An Ordinance Approving A Supplemental Appropriation Of \$33,000 From The Butte Fire Service Area Fund Balance, Fund 251, To The Butte Fire Service Area Fiscal Year 2014 Operating Budget, Fund 251, To Provide Adequate Funding For Firefighter Clothing And Equipment.
 - a. IM No. 13-235

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 Sykes moved to adopt Ordinance Serial No. 13-138.

VOTE: The motion passed without objection.

8. **Ordinance Serial No. 13-139:** An Ordinance Approving A Supplemental Appropriation Of \$12,500 From Willow Road Service Area No. 20 Fund Balance, Fund 276, To Willow Road Service Area No. 20 Fiscal Year 2014 Operating Budget, Fund 276.
 - a. IM No. 13-236

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. 13-139.

VOTE: The motion passed without objection.

9. **Ordinance Serial No. 13-140:** An Ordinance Approving A Supplemental Appropriation Of \$50,000 From Lazy Mountain Road Service Area No. 19 Fund Balance, Fund 275, To Lazy Mountain Road Service Area No. 19 Fiscal Year 2014 Operating Budget, Fund 275.
 - a. IM No. 13-238

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 Sykes moved to adopt Ordinance Serial No. 13-140.

VOTE: The motion passed without objection.

10. **Ordinance Serial No. 13-141:** An Ordinance Approving An Appropriation Of \$150,000 From Big Lake Road Service Area No. 21 Fund Balance, Fund 277, To Fund 410, Project No. 30043, For Big Lake Road Service Area No. 21 Capital Projects.
 - a. IM No. 13-239

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. 13-141.

VOTE: The motion passed without objection.

11. **Ordinance Serial No. 13-142:** An Ordinance Appropriating \$8,000,000 To Project No. 10181 And \$151,676 To Project No. 65004 For The Purpose Of Designing And Constructing A Public Safety Facility And Related Capital Improvements And Issuance Cost Of The Lease Certificates Of Participation, 2013.
 - a. IM No. 13-241
 - b. **AM No. 13-156:** Award Of Proposal 14-036 P (Phase II) To Howdie, Inc. In A Contract Amount Not To Exceed \$8,000,000, For The Station 5-1 Design - Build.

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. 13-142 and AM No. 13-156.

Assemblymember Arvin:

- noted that typically he is opposed to certificates of participation;
- opined that they are appropriate for infrastructure; and
- requested support of the legislation.

(Assemblymember Colver entered the meeting at 7:18 p.m.)

Assemblymember Beck queried the process for certificates of participation.

Mr. Moosey summarized how the certificate of participation for this project came to fruition.

VOTE: The motion passed without objection.

12. **Ordinance Serial No. 13-143:** An Ordinance Accepting And Appropriating \$100,000 From The Alaska State Department Of Transportation And Public Facilities For The Long Range Transportation Plan And The Official Streets And Highways Plan Update, Fund 480, Project No. 20280.
 - a. **Resolution Serial No. 13-121:** A Resolution Approving The Scope Of Work And Budget For The Long Range Transportation Plan And Official Streets And Highways Plan Updates, And Authorizing The Manager To Enter Into A Memorandum Of Agreement With The Alaska State Department Of Transportation And Public Facilities For This Project.
 - (1) IM No. 13-243

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. 13-143 and Resolution Serial No. 13-121.

VOTE: The motion passed without objection.

13. **Ordinance Serial No. 13-145:** An Ordinance Accepting And Appropriating \$300,000 From The Alaska State Department of Transportation And Public Facilities To Fund 430, Project No. 35426, For The Trunk Road Connector Project.
 - a. **Resolution Serial No. 13-122:** A Resolution Approving The Scope of Work And Budget For The Trunk Road Connector, Project No. 35426.
 - (1) IM No. 13-245

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. 13-145 and Resolution Serial No. 13-122.

VOTE: The motion passed without objection.

14. **Ordinance Serial No. 13-146:** An Ordinance Accepting and Appropriating \$3,395,000 From The City of Palmer to Fund 430, Project No. 35299, For The Bogard Road Extension Water Main Project.
 - a. **Resolution Serial No. 13-123:** A Resolution Approving The Scope of Work And Budget For The Bogard Road Extension Water Main, Project No. 35299.
 - (1) IM No. 13-246
 - (2) **AM No. 13-152:** Approval Of A Contract Amendment (Change Order) In The Amount Of \$1,760,717 To DOWL HKM For The Bogard Road East Design Services, Project No. 06-134, For The Water Line Design, Construction Administrative Services, And Additional Design Services.

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. 13-146, Resolution Serial No. 13-123, and AM No. 13-152.

MOTION: Assemblymember Arvin moved a primary amendment to AM No. 13-152 “to approve contract amendment (change order) to DOWL HKM in the amount of \$671,009 to extend their scope of services to include the design of the city of Palmer water main, construction administration services for the water main, and additional design services during the Bogard Road Extension East, design services project no. 06-134. Remove from the motion \$1,089,708 from the change order for CM and engineering services during construction for the Board Road work, tasks 8 and 9.

MOTION: Assemblymember Colver moved a secondary amendment as follows:

- by striking “\$1,760,717” and inserting “\$671,009” in its place throughout the legislation; and
- by striking the words “road and” before the words “water main” in the recommendation of administration.

Assemblymember Sykes queried if the amendment would delay the project in any way.

Mr. Hays:

- advised that it would not delay the project;
- noted that the work that is already planned by DOWL HKM will continue;
- advised that the construction management portion would come back before the body for approval.

Assemblymember Colver:

- clarified that there is a consultant on a term contract with set values;
- stated that from a public policy stand point it is better to have a different entity in charge of a contract, rather than the firm who designed the project; and
- opined that doing so protects the public interest.

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment passed as amended without objection.

VOTE: The main motion passed as amended without objection.

(The meeting recessed at 7:31 p.m. and reconvened at 7:41 p.m.)

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke to the need for a regional wastewater facility: Ms. Helen Munoz.
The following person spoke in support of the economic development plan, in opposition to the design of the new chambers, and to concerns with the meeting room temperature: Ms. Michelle Church.

D. CONSENT AGENDA

1. RESOLUTIONS

b. **Resolution Serial No. 13-125:** A Resolution Amending The Scope Of Work For The Fiscal Year 2012 Capital Project Hatcher Pass Management Area Snow Machine Trailhead, Project No. 15032.

(1) IM No. 13-252

d. **Resolution Serial No. 13-127:** A Resolution Supporting An Amendment To The Alaska Rules Of Minor Offense Procedure Allowing Service Of Citations By Methods Described In Rule 4 Of The Alaska Rules Of Civil Procedure.

(1) IM No. 13-257

e. **Resolution Serial No. 13-128:** A Resolution Amending The Budget For Project No. 45167 To Allow For The Purchase Of An Areawide Water Rescue Response Vehicle.

(1) IM No. 13-269

g. **Resolution Serial No. 13-130:** A Resolution Supporting The Matanuska Susitna Borough Division Of Parks And Outdoor Recreation's Grant Request To Construct Approximately 1.2 Miles Of Single Track Trails In The Crevasse Moraine Trail System.

(1) IM No. 13-276

2. ACTION MEMORANDUMS

- d. **AM No. 13-153:** Authorization To Renew A Enterprise License Agreement For GIS Software With Environmental Systems Research Institute, Inc. (ESRI) In The Amount Of \$170,959, To Cover January 29, 2014 Through June 30, 2017.
- e. **AM No. 13-155:** Destruction Of The Ballots From The October 1, 2013, Regular Borough Election.
- f. **AM No. 13-157:** Award Of Proposal 14-025P, To Bettisworth North Architects And Planners In The Contract Amount Of \$1,404,060, For The New Knik Elementary School Design.

Ms. Henry 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 13-124:** A Resolution Approving The Amended Scope Of Work For Project No. 30092, Purchase Skid Steer With Attachments, To Replace The Original Proposed Skid Steer With The Purchase Of A Dual-Axle Trailer Mounted 4-Ton Asphalt Processor/Reclaimer, Dual Drum Roller Compactor And Trailer.
 - (1) IM No. 13-247

MOTION: Assemblymember Arvin moved to adopt Resolution Serial No. 13-124.

Assemblymember Arvin opined that perhaps it is time to bid out the work rather than to purchase a new piece of equipment.

Assemblymember Colver:

- noted that it is important to know who is doing the asphalt repair;
- opined that doing it in-house is the most appropriate way to accomplish that;
- further opined that he would rather the Borough own their equipment, rather than having to rent it out all the time;
- spoke to the many road miles within his district that require repair after heavy storms;
- stated that in order for the Borough to be able to maintain the high level of service, that crews should be dispatched immediately; and
- opined that there are times it is appropriate to put asphalt work out to bid, such as crack sealing.

Assemblymember Arvin spoke in opposition to the legislation.

VOTE: The motion failed with Assemblymember Colver, Salmon, and Sykes in favor and Assemblymembers Colligan, Beck, and Arvin opposed (tie vote). The motion fails with Mayor DeVilbiss invoking his voting privilege in the negative.

c. **Resolution Serial No. 13-126:** A Resolution Directing The Manager To Research, Plan, And Prepare For The Creation Of An Economic Development Corporation With Implementation To Begin July 1, 2014.

(1) IM No. 13-253

MOTION: Assemblymember Beck moved to adopt Resolution Serial No. 13-126.

Assemblymember Beck queried if the legislation would eliminate public input in the process.

Mr. Moosey:

- stated that it would not;
- related that the Borough has an Economic Development Department;
- noted that if the legislation is adopted, it would remove it from the Borough and create a private corporation, which is similar to what Anchorage does;
- stated that he would assume that the Borough would partially fund that corporation; and
- reiterated that the legislation would remove Economic Development from the Borough.

Assemblymember Colligan:

- stated that he is the author of the legislation;
- spoke to his appreciation of the work of Mr. Dyer regarding economic development;
- opined that it would be better if it was separate of the Borough for funding and prioritization;
- noted that the funding for economic development basically comes from property owners;
- spoke to the models of other municipalities regarding economic development;
- opined that economic development should not involve politicians; and
- related that the intent of the legislation is to look into the creation of a separate entity not actually creating it at this time.

Discussion ensued regarding:

- concerns with the intent of the legislation;
- the need to have a work session to see how other municipalities have created separate economic development entities;
- the possibility of having a facilitator assist in the decision making;
- funding possibilities;
- the possibility that it would be too much risk to set up a separate entity; and
- how to engage the business community.

MOTION: Assemblymember Arvin moved to postpone Resolution Serial No. 13-126 to a time certain of December 3, 2013.

Assemblymember Colligan stated that he would rather change the language than to postpone the legislation in order to keep moving forward.

Mr. Moosey requested that a work session be conducted in January due to the upcoming holidays.

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

MOTION: Assemblymember Sykes moved a primary amendment to Resolution Serial No. 13-126, by inserting the word “possible” before the words “creation of” in the title of the legislation and in the “now therefore be it resolved clause.”

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

b. **Resolution Serial No. 13-129:** A Resolution Establishing Dates Certain For Payment, Delinquency, Protest, And Appeal Of 2014 Regular Assessment And Tax Rolls, Business Inventory Filing, And For The Commencement Of Hearings Before The Board Of Equalization.

(1) IM No. 13-273

MOTION: Assemblymember Sykes moved to adopt Resolution Serial No. 13-129.

Assemblymember Sykes queried if this legislation is a normal annual occurrence.

Mr. Spiropoulos:

- advised that this is an annual occurrence;
- spoke to code requirements for the mailing of tax bills; and
- related that the legislation sets administrative appeal dates.

VOTE: The motion passed without objection.

a. **AM No. 13-146:** Approval Of Change Order 1 To Contract No. 13-123P, To Shannon And Wilson Inc. In An Amount Not To Exceed \$34,641 for MSB Landfill Monitoring Wells Sampling And Analysis Installation Of Landfill Gas Probes.

MOTION: Assemblymember Beck moved to adopt AM No. 13-146.

Assemblymember Beck queried if it should have been known that monitoring wells would be needed at the beginning of the project and included in the initial bid.

Mr. Moosey:

- affirmed the query;
- spoke to his expenditure authority that was thought would cover this, but did not;
- advised that due to the lack of a landfill manager that things have been missed; and
- noted that Administration could do a better job.

VOTE: The motion passed without objection.

- b. **AM No. 13-147:** Acceptance Of Retroactive And Late Filed Senior Citizen Disabled Veteran Exemption Applications, Which The Assessment Department Does Not Recommend Approval Of These Requests.

MOTION: Assemblymember Beck moved to adopt AM No. 13-147.

Assemblymember Beck:

- stated that he pulled the legislation in order to get clarification;
- spoke to his disappointment that there was no staff present to answer questions; and
- queried if there was a way to increase public awareness in order to reduce the need for this type of legislation.

Mr. Moosey:

- advised that standard notification is used and is what is required; and
- opined that perhaps the legislation could be postponed in order to receive more information from staff.

Assemblymember Colligan requested a report regarding the status of business notification for inventory tax at the next meeting.

MOTION: Assemblymember Beck moved to postpone Resolution Serial No. 13-147 to a time certain of December 3, 2013.

VOTE: The motion to postpone passed without objection.

Mayor DeVilbiss queried if the request of Assemblymember Colligan was noted and if there was no objection.

There was no objection noted.

- c. **AM No. 13-151:** Acceptance Of Late Filed And Retroactive Senior Citizen And Disabled Veteran Exemption Applications, Which The Assessment Department Recommends Approval Of These Requests.

MOTION: Assemblymember Sykes moved to adopt AM No. 13-151.

Assemblymember Sykes:

- noted that his question is similar to the one posed by Assemblymember Beck with the previous action memorandum; and
- stated that he would be interested in having a staff report on the legislation and postponing it as well.

MOTION: Assemblymember Sykes moved to postpone AM No. 13-151 to a time certain of December 3, 2013.

Mr. Spiropoulos spoke to the code limitations for different types of requests to the Assembly regarding past due property tax exemption requests.

VOTE: The motion to postpone passed with Assemblymembers Arvin and Colligan opposed.

g. **AM No. 13-158:** Matanuska-Susitna Borough Assembly Meeting Schedule For 2014.

MOTION: Assemblymember Sykes moved to adopt AM No. 13-158.

MOTION: Assemblymember Sykes moved a primary amendment to AM No. 13-158, by striking the “July 1, 2014” regular meeting.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to AM No. 13-158, by striking the “August 19, 2014 and November 4, 2014” regular meetings.

MOTION: Assemblymember Arvin moved a secondary amendment to insert a meeting date of “August 26, 2014.”

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment passed as amended without objection.

VOTE: The main motion passed as amended without objection.

X. NEW BUSINESS

A. INTRODUCTIONS (For public hearing - 12/03/13, Borough Assembly Chambers)

1. **Ordinance Serial No. 12-169:** An Ordinance Amending MSB 17.73, Multifamily Development Design Standards, And MSB 17.125.010, Definitions. (*Motion Pending, Amending MSB 17.73.040*)

a. IM No. 12-258

2. **Ordinance Serial No. 13-147:** An Ordinance Approving The Acquisition Of Land, Containing Approximately 15 Acres, Lying Adjacent To The New Joe Reddington, Sr. Junior/Senior High School Site Which Is Located Off Knik Goose Bay Road At Milepost 10, And Classification Of Said Parcels As Reserved Use Lands, For Purpose Of School Site And Internal School Access For The New Knik-Goose Bay Area Elementary School (MSB006823).

a. IM No. 13-225

3. **Ordinance Serial No. 13-148:** An Ordinance Authorizing The Matanuska-Susitna Borough To Issue Areawide General Obligation Bonds, In The Principal Amount Not To Exceed \$19,265,000, In One Or More Series, To Finance The Construction, Additions, Improvements, Betterments, Repair, Reconstruction, Or Acquisition Of Public Roads And Facilities Related Thereto In The Matanuska-Susitna Borough, Together With All Necessary Equipment And Transportation Facilities, And The Acquisition Of Lands Or Rights In Lands In Connection Therewith; Fixing Certain Details Of Such Bonds; And Authorizing Their Sale.
 - a. IM No. 13-251
4. **Ordinance Serial No. 13-149:** An Ordinance Approving The Fair Market Value Sale Of Borough-Owned Land To The Knik Arm Bridge And Toll Authority (KABATA) For Purpose Of Public Right-Of-Way Within The Port MacKenzie District As Part Of The Proposed Connection Between The Matanuska-Susitna Borough And The Municipality Of Anchorage In Association With The Proposed Toll Bridge Across Knik Arm (MSB 004964).
 - a. IM No. 13-254
5. **Ordinance Serial No. 13-150:** An Ordinance Accepting And Appropriating A Fiscal Year 2014 Designated Legislative Grant From The State Of Alaska Department Of Commerce, Community And Economic Development In The Amount Of \$150,000 To Fund 410, Project 30047, For Gunflint Trail Upgrade.
 - a. **Resolution Serial No. 13-131:** A Resolution Approving The Scope Of Work And Budget For A Fiscal Year 2014 Designated Legislative Grant In The Amount Of \$150,000 From The State Of Alaska Department Of Commerce, Community And Economic For The Gunflint Trail Upgrade, Project No. 30047.
 - (1) IM No. 13-258
6. **Ordinance Serial No. 13-151:** An Ordinance Approving A Supplemental Appropriation Of \$30,000 From Alpine Road Service Area No. 31 Fund Balance, Fund 285 To Alpine Road Service Area No. 31 Fiscal Year 2014 Operating Budget, Fund 285.
 - a. IM No. 13-259
7. **Ordinance Serial No. 13-152:** An Ordinance Approving A Reappropriation Of \$50,000 From The Knik Road Service Area No. 17 Fiscal Year 2014 Operating Budget, Fund 274, To Fund 410, Project No. 30040, For Knik Road Service Area No. 17 Capital Projects.
 - a. IM No. 13-260
8. **Ordinance Serial No. 13-153:** An Ordinance Approving An Appropriation Of \$50,000 From The 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. 13-261

9. **Ordinance Serial No. 13-154:** An Ordinance Approving An Appropriation Of \$60,000 From The Greater Talkeetna Road Service Area No. 29 Fund Balance, Fund 283, To Fund 410, Project No. 30049, For The Greater Talkeetna Road Service Area No. 29 Capital Projects.
 - a. IM No. 13-262

10. **Ordinance Serial No. 13-155:** An Ordinance Approving A Supplemental Appropriation Of \$20,000 From The Greater Talkeetna Road Service Area No. 29 Fund Balance, Fund 283 To The Greater Talkeetna Road Service Area No. 29 Fiscal Year 2014 Operating Budget, Fund 283.
 - a. IM No. 13-263

11. **Ordinance Serial No. 13-156:** An Ordinance Retaining For Public Purpose Property Acquired Through Tax Foreclosure Described As Lot 1, Block 2, Garden Terrace Estates Subdivision, Identified As Tax Parcel 51114B02L001, Located In The Wasilla Area; Last Record Owners Timothy Patrick And Winfred G. Lucas (MSB006852).
 - a. IM No. 13-265

12. **Ordinance Serial No. 13-157:** An Ordinance Approving Conveyance To The City Of Wasilla, Lot 1, Block 2, Garden Terrace Estates Subdivision, Identified As Borough Tax Parcel 51114N02L001, And The Community Water Distribution System Located On Said Lot For The Public Purpose Of Transferring To The City All Operations And Maintenance Of The Community Water System Which Serves Garden Terrace Estates Residents (MSB006437).
 - a. IM No. 13-266

13. **Ordinance Serial No. 13-158:** An Ordinance Accepting And Appropriating \$87,667 From The Alaska State Division Of Homeland Security And Emergency Management Grant Program, To Fund 425, Project Number 45158, For Emergency And Communications Equipment, Hazmat Training, And Alaska Shield 2014.
 - a. **Resolution Serial No. 13-132:** A Resolution Approving The Scope Of Work And Budget For The Alaska State Division Of Homeland Security And Emergency Management Grant, Project Number 45158, Fund 425, For Emergency And Communications Equipment, Hazmat Training, And Alaska Shield 2014.
 - (1) IM No. 13-268

14. **Ordinance Serial No. 13-159:** An Ordinance Approving An Appropriation Of \$5,000 From The Greater Palmer Consolidated Fire Service Area Fund Balance, Fund 259 To Fund 405, Project No. 10166 For Plumbing Upgrades At Palmer Fire Station 3-5.
 - a. **Resolution Serial No. 13-133:** A Resolution Amending The Budget For Project No. 10166 For Plumbing Upgrades At Palmer Fire Station 3-5.
 - (1) IM No. 13-270

15. **Ordinance Serial No. 13-160:** An Ordinance Approving The Request By Agricultural Rights Owners Of The 1977 Sale Farm Unit, To Divide His 80-Acre Parcel Into Two 40-Acre Parcels, Southeast 1/4, Southwest 1/4 And Southwest 1/4, Southeast 1/4 Of Section

10, Township 24 North, Range 4 West, Seward Meridian, According To Notice Of Forty-Acre Exemption Recorded In The Talkeetna Recording District On November 27, 2007, As Plat 2007-173-EXM; To Provide Platted Driveway Access Through The Original Home Site To Previously Subdivided Parcel; To Sell The Southeast 1/4, Southwest 1/4, 40-Acre Parcel Containing The Original 5-Acre Home Site; To Approve A 2-Acre AG Rights Only Home Site On The 40-Acre Subdivided Parcel Southwest 1/4, Southeast 1/4; And To Sell The Southwest 1/4, Southeast 1/4 Subdivided Parcel (MSB004879).

a. IM No. 13-271

16. **Ordinance Serial No. 13-161:** An Ordinance Approving A Supplemental Appropriation Of \$30,000 From The Caswell Fire Service Area Fund Balance, Fund 248, To The Caswell Fire Service Area Fiscal Year 2014 Operating Budget, Fund 248, To Reimburse For The Caswell Fire Service Area's Warm Storage Building Water System And Restroom Facilities Project.

a. IM No. 13-274

Ms. Henry 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 December 3, 2013.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor DeVilbiss requested the following confirmations:

Emergency Medical Services Board

Christian Hartley

Glori Strickler, resignation

Jo Pendleton, resignation

Enhanced 911 Advisory Board

Arthur (Tom) Dunn

Ruthan Josten

Health and Social Services Board

Jennifer Burkmire

Local Emergency Planning Committee

Patrick Brown, resignation

Rudolph Kula

Micah Weinstein

Parks, Recreation, and Trails Advisory Board

Rick Ellis, resignation

Big Lake RSA No. 21

Houston Snyder, resignation

Lazy Mountain RSA No. 19
Raymond Cordes
Trapper Creek RSA No. 30
Donna Massay

Mayor DeVilbiss made the following recommendations:

Emergency Medical Services Board
Isis Ace
Deborah Spaulding
MSB 8.32 Review Commission (Energy Policy)
Jehnifer Ehman
Platting Board
Sarah Buck
Big Lake RSA No. 21
Jill Parson
Gold Trail RSA No. 28
Joy Fearn-Condon

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

VOTE: The motion passed without objection.

C. OTHER NEW BUSINESS

(There was no other new business.)

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

(There were no referrals presented.)

XI. RECONSIDERATION

(There was no reconsideration presented.)

XII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Mr. Spiropoulos:

- noted that as a second class borough that the Borough lacks the authority to create a corporation; and
- stated that he wanted to ensure that the body was aware of that.

Ms. Henry:

- thanked the Assembly for bearing with her this evening while she recovers from her head cold; and
- stated that it was a pleasure to work with them.

Assemblymember Sykes:

- stated that he feels welcome at the dais;
- thanked the voters who voted in the last election;
- noted that he intends to be present at all meetings other than due to a health or family emergency;
- welcomed constituents to call him with concerns;
- spoke to his reasons for running for office;
- stated that he takes his oath of office seriously;
- spoke to smear attempts during his campaign; and
- thanked the body for a good meeting.

Assemblymember Beck:

- stated that he is honored to serve on the Assembly;
- spoke to his positive experience working with staff in order to get up-to-speed in his position;
- thanked the body for their patience while he learns the process;
- spoke to his excitement regarding the economic prospect for the Borough; and
- spoke to the importance of farming and noted the importance of security and sustainability of agriculture.

Assemblymember Colver welcomed the new members to the Assembly and advised them to ask as many questions as they need.

Assemblymember Salmon:

- welcomed the new members;
- noted that they studied their packets; and
- queried if the Borough could sue for legal expenses in litigation where the Borough prevails.

Mr. Spiropoulos:

- affirmed the query; and
- spoke to the process of how that could occur at the end of litigation.

Assemblymember Colligan:

- thanked Ms. Henry for her work this evening;
- opined that she did a great job and did it without backup, which is impressive;
- welcomed the new members to the Assembly; and
- stated that it was a good meeting.

Assemblymember Arvin:

- spoke to his disappointment that there was not enough time for a question and answer period during the economic development presentation;

- noted that he had a lot of questions;
- related that he had been critical of the Economic Development Department prior to Mr. Dyer's arrival; and
- stated that he learned a lot during the presentation, but that he still has a lot of questions.

Mayor DeVilbiss:

- noted that it would have been better to have a longer timeframe for the economic development presentation;
- reminded the Manager that Resolution Serial No. 13-127 required follow-up;
- spoke to a Youtube video he saw that showed a foam attachment that allowed a snowmachine to drive on thin ice or water to perform rescues;
- opined that it should not be too expensive that perhaps the Borough should have one or two; and
- welcomed the new members.

XIII. EXECUTIVE SESSION

(There was no executive session held.)

XIV. ADJOURNMENT

The regular meeting adjourned at 8:50 p.m.



LARRY DeVILBISS, Borough Mayor

ATTEST:



LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 12/03/13