

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on January 21, 2014, 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. 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
Mr. Vern Halter, Assembly District No. 7

Assembly members absent and excused were:

Mr. Matthew Beck, Assembly District No. 2

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
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

III. APPROVAL OF AGENDA

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

MOTION: Assemblymember Colver moved to take up unfinished business prior to the executive session portion of the agenda.

Assemblymember Sykes spoke in opposition to the motion.

VOTE: The motion passed with Assemblymember Sykes opposed.

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

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. John Steele, Architect with Bettisworth North.

V. MINUTES OF PRECEDING MEETINGS

- A. Special Assembly Meeting: 01/07/14
- B. Regular Assembly Meeting: 01/07/14

Mayor DeVilbiss inquired if there were any corrections to the special meeting minutes of January 7, 2014, or the regular meeting minutes of January 7, 2014.

Assemblymember Sykes:

- stated that he had a change to the special meeting minutes, page 2, second and third bullets of his comments;
- noted that he had questioned the MSB Fish and Wildlife Commission and that they responded in the affirmative; and
- requested that his comments be changed to reflect that.

[Clerk's Note: The requested changes were made to the January 7, 2014, special meeting minutes.]

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

VI. SPECIAL ORDERS OF THE DAY

- A. Appointment of Deputy Mayor – Mr. Ron Arvin

Mayor DeVilbiss queried if there was any objection to appointing Mr. Ron Arvin as Deputy Mayor.

There was no objection noted.

VII. REPORTS/CORRESPONDENCE

- A. AGENCY REPORTS

1. Reports from cities

Wasilla City

Mr. Bert Cottle, Deputy Administrator, stated that January 29, 2014, from 10 a.m. to 3 p.m. there will be the homeless count at the Menard Sports Complex.

2. Matanuska-Susitna Borough School District

Mr. Gene Stone, Assistant Superintendent:

- provided a copy of "MSBSD Inside," which is a publication on the activities of the School District;
- recognized Colony Middle School Assistant Principal Casey Hull, who received an award for Principal of the Year; and
- spoke to the School District's legislative priorities that were previously provided to the Assembly.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

(There was no report provided.)

2. Assembly Public Relations

(There were no reports provided.)

C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues
3. Mat-Su College Presentation – Dr. Talis Colberg, Director
4. Dena'ina Elementary School Update
5. M/V Susitna – Ferry
6. Road Bond Update

Mr. Moosey:

- stated that the State Legislative session opens today and will close on April 20; and
- spoke to the transportation planning meeting that will be conducted at Central Mat-Su Fire Station this week.

Dr. Talis Colberg, Director of Mat-Su College, provided a presentation regarding the recent activities of Mat-Su College.

Mr. John Steele, of Bettisworth North, provided an update regarding Dena'ina Elementary School.

Mr. Mike Brown, Capital Projects Director, provided an update regarding road bond projects.

(The meeting recessed at 7:06 p.m. and reconvened at 7:12 p.m.)

D. ATTORNEY COMMENTS

Mr. Spiropoulos:

- spoke to the lawsuit that has been filed by on-call emergency responders;
- requested an executive session at the next meeting in order to discuss strategies; and
- stated that it is his intention to hire outside council to handle the case, as it is likely to be heavily litigated with a lot of intensive work.

E. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule;
- noted that the joint Assembly/Municipality of Anchorage agenda is attached to the Clerk's report;
- stated that Administration had requested a meeting on February 18, at 2:30 to discuss the possibilities of an economic development corporation; and
- queried if that was a meeting the body would like to schedule.

Mayor DeVilbiss inquired if there was any objection.

There was no objection noted.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Aviation Advisory Board: 09/12/13
- b. Greater Palmer Consolidated FSA Board of Supervisors: 09/10/13
- c. Greater Talkeetna RSA Board of Supervisors: 10/10/13
- d. MSB Fish and Wildlife Commission: 10/17/13
- e. Talkeetna Sewer and Water Advisory Board: 10/15/13
- f. Wasilla-Lakes FSA Board of Supervisors: 08/12/13
- g. West Lakes FSA Board of Supervisors: 08/12/13

2. Community Council Minutes:

- a. Lazy Mountain Community Council: 04/11/13, 08/08/13
- b. Meadow Lakes Community Council: 08/14/13
- c. Point MacKenzie Community Council: 08/08/13

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

G. INFORMATIONAL MEMORANDUMS

1. **IM No. 14-029:** Updated Form Of The Vacancy Report And Process Of Appointment To Boards And Commissions By The Mayor. *(Sponsored by Mayor DeVilbiss)*

The informational memorandum was presented.

Assemblymember Sykes spoke to his desire to see the new form of the vacancy report.

Ms. McKechnie advised that the form would remain the same, but that the columns would be renamed and that a copy could be provided to the Assembly.

IX. VETO

(There were no vetoes presented.)

X. SPECIAL ORDERS

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

(There were no persons to be heard.)

- B. PUBLIC HEARINGS (Three minutes per person.)

1. **Ordinance Serial No. 14-019:** An Ordinance Approving The Acceptance And Appropriation Of Fiscal Year 2014 Community Revenue Sharing Program Funds In The Amount Of \$424,200 To Fund 475, Project No. 47033.
a. **Resolution Serial No. 14-005:** A Resolution Approving The Scope Of Work And Budget For The Fiscal Year 2014 Community Revenue Sharing Program, Project No. 47033.
(1) IM No. 14-022

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. 14-019 and Resolution Serial No. 14-005.

VOTE: The motion passed without objection.

- C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following persons spoke to concerns with the cap of work hours per week for on-call emergency responders: Mr. Daniel Carter, EMS (Emergency Medical Services) Responder; Ms. Susan Price; Ms. Sally Beach, EMS Responder; Ms. Amy McNulty, EMS Responder;

Ms. Andrea Richey, EMS Responder; Ms. Stephanie Russell, EMS Responder; and Ms. Sandy Hoeft, EMS Responder.

The following person spoke to concerns with Ordinance Serial No. 13-144: Ms. Cathy Hummel.

The following person spoke to the need for a regional wastewater facility: Ms. Helen Munoz.

(The meeting recessed at 7:52 p.m. and reconvened at 7:59 p.m.)

D. CONSENT AGENDA

1. RESOLUTIONS

a. **Resolution Serial No. 14-009:** A Resolution Approving The Amended Scope Of Work For Project No. 20266, Purchase Of Three New Ford Escapes, To Include The Purchase Of New Snow Plow And Snow Plow Assembly For New One-Ton Four-Wheel Drive.

(1) IM No. 14-020

b. **Resolution Serial No. 14-010:** A Resolution To The Board Of Fisheries Requesting The Board Take Action To Address Conservation Measures For Northern District Salmon Stocks By Implementing Regulations Restricting The Upper Cook Inlet Drift Gillnet Fishery To The Expanded Kenai And Expanded Kasilof Sections.

(1) IM No. 14-032

c. **Resolution Serial No. 14-011:** A Resolution To The Alaska Board Of Fisheries Opposing Any Regulations That Reduce Time, Opportunity, Or Harvest In The Upper Cook Inlet Personal Use Salmon Fishery.

(1) IM No. 14-033

2. ACTION MEMORANDUMS

a. **AM No. 14-002:** Acceptance Of Late Filed And Retroactive Senior Citizen And Disabled Veteran Exemption Applications.

b. **AM No. 14-008:** Award Of Proposal No. 14-052P To AMC Engineers, Inc. In The Amount Of \$182,725 For Emergency Power Generator And Switch Gears Design Services At Nine School District Locations.

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.

d. **Resolution Serial No. 14-012:** A Resolution To The Board Of Fisheries Requesting The Board Take Action To Address Conservation Measures For Northern District Salmon Stocks By Establishing Sustainable Escapement Goals For All Salmon Species In The Northern District Of Cook Inlet.

(1) IM No. 14-034

MOTION: Assemblymember Colver moved to adopt Resolution Serial No. 14-012.

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 14-012, as follows:

- in the third whereas clause: by striking the words “for any species of salmon or for any system in the Northern District of Cook Inlet” and inserting in its place “on the Susitna River for coho, chum, and pink salmon, even though this drainage is the largest producer of these species in the Upper Cook Inlet;”
- in the fourth whereas clause: by striking the words “unmonitored, and to sustain salmon stocks at historical abundance and yield levels” and inserting in its place the word “unmanaged;” and
- in the now, therefore be it resolved clause: by striking the words “Northern District of Cook Inlet” and inserting in its place the words “Susitna River drainage.”

Assemblymember Colver

- related that there are very few escapement goals; and
- stated that the intent is to establish minimum sustainable returns of fish in the Susitna drainage.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

c. **AM No. 14-009:** Award Of Proposal No. 14-067P To Collins Construction, Inc. In An Amount Not To Exceed \$13,293,200 For Construction Manager/General Contractor For Joe Redington, Sr. Junior/Senior High School For Preconstruction Services, Site Development, And Other Advance Construction Services.

MOTION: Assemblymember Colver moved to adopt AM No. 14-009.

Assemblymember Colver:

- spoke to concerns with awarding the proposal in light of the recent bid protest that has been filed; and
- opined that possibly the legislation should be postponed.

Assemblymember Arvin:

- spoke in support of the project; and
- opined that postponing the legislation until the bid protest is complete is appropriate.

MOTION: Assemblymember Arvin moved to postpone AM No. 14-009 to a time certain of February 4, 2014.

VOTE: The motion to postpone passed without objection.

- d. **AM No. 14-011:** Award Of Proposal No. 14-055P To Alaska Rim Engineering In The Contract Amount Of \$295,561 For The Circle View Dikes Repair Design And Construction Management And The Revetment Of Ye Old River Road.

MOTION: Assemblymember Sykes moved to adopt AM No. 14-011.

Assemblymember Sykes:

- stated that he would like to postpone the legislation, as there may be a legal issue with the ability to spend the funds as proposed; and
- spoke to conversations with staff that support postponement.

MOTION: Assemblymember Sykes moved to postpone AM No. 14-011 to a time certain of February 4, 2014.

VOTE: The motion to postpone passed without objection.

XI. NEW BUSINESS

A. INTRODUCTIONS (For public hearing – 02/04/14 Assembly Chambers)

1. **Ordinance Serial No. 13-144:** An Ordinance Amending MSB 17.63, Race Track Regulations. *(Sponsored By Assemblymember Salmon)*

a. IM No. 13-242

2. **Ordinance Serial No. 14-021:** An Ordinance Accepting And Appropriating \$1,111.83 From The Alaska State Library, Early Literacy Space Mini-Grant Program To Fund 440, Project No. 20373, To Purchase A Play Panel Box For The Sutton Public Library Community Resource Center.

a. **Resolution Serial No. 14-013:** A Resolution Approving The Scope Of Work And Budget To Purchase A Play Panel Box For The Sutton Public Library Community Resource Center.

(1) IM No. 14-027

3. **Ordinance Serial No. 14-022:** An Ordinance Appropriating \$19,265,000 To Fund 430, Transportation System Capital Projects, For The Construction, Additions, Improvements, Betterments, Repair, Reconstruction, Or Acquisition Of Public Roads And Facilities Related Thereto In The Borough, Together With All Necessary Equipment And Transportation Facilities, And The Acquisition Of Lands Or Rights In Lands In Connection Therewith Which Would Address Urgent Safety Issues And Transportation Needs And The Appropriation Of \$232,378 For Related Issuance Costs.

a. IM No. 14-028

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 February 4, 2014.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor DeVilbiss requested the following confirmations:

Health and Social Services Board
Jennifer Hanford
Labor Relations Board
Toni Bluel
Joy Fearn-Condon
Library Board
Virginia Richie
Parks, Recreation, and Trails Advisory Board
James "Gus" Gustafson
Port Commission
Noel Woods
Bogard RSA No. 25
Gary Hessmer
South Colony RSA No. 16
Andrew Weiland

Mayor DeVilbiss made the following recommendations:

Aviation Advisory Board
Archie Giddings
Emergency Medical Services Board
Brian Wallace
Health and Social Services Board
Stephanie Allen

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

VOTE: The motion passed without objection.

C. OTHER NEW BUSINESS

1. MOTION TO AMEND SOMETHING PREVIOUSLY ADOPTED

- a. **Ordinance Serial No. 13-163:** An Ordinance Amending MSB 8.35, Fireworks Control.
(*Assemblymember Arvin*)
(1) IM No. 13-275

MOTION: Assemblymember Arvin moved to amend Ordinance Serial No. 13-163, which was previously adopted on December 17, 2013, by striking MSB 8.35.050(A)(1) in its entirety and inserting the following in its place: "A permit application for public display of fireworks shall be filed with the Manager on a form provided by the Manager at least 72 hours prior to the display. It shall be accompanied by an appropriate filing fee as established by the Assembly and made payable to the Matanuska-Susitna Borough."

VOTE: The motion passed without objection.

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

(There were no referrals presented.)

XII. RECONSIDERATION

(There was no reconsideration presented.)

XIII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Mr. Spiropoulos advised that he would be prepared to discuss the new lawsuit during the executive session at the next regular meeting.

Mr. Moosey:

- spoke to the work that is currently being done regarding erosion by the Matanuska River; and
- spoke to the challenges in ensuring the work done is effective.

Assemblymember Arvin queried if a proposal had been awarded for gravel extraction from the Matanuska River.

Mr. Moosey stated that there has not, due to numerous uncertainties and limited funds.

Assemblymember Colver queried the status on the erosion work in the Sutton area that needs to be done.

Mr. Brown:

- related that two of the request for proposals were totally unreasonable and that the third did not cover even half of the project;
- stated that Borough powers and authority have to be reviewed before revetment can occur; and
- spoke to the channelization test project that is being considered.

Discussion ensued regarding the various erosion control projects that are either underway or would be moving forward.

MOTION: Assemblymember Colver moved to create a policy that should a piece of legislation be pulled from the consent agenda by someone other than the sponsor, that the sponsor will be the maker of the motion.

VOTE: The motion passed without objection.

Assemblymember Colver thanked emergency responders for their dedication and hard work.

Assemblymember Sykes:

- spoke to his hope that the emergency responder issue can be resolved before there is a crisis; and
- spoke to the transportation planning meetings that he has been attending.

Assemblymember Salmon stated that the Mat-Su Business Alliance is having a special meeting at Evangelo's, January 23, at noon, with the primary emphasis being on fish.

Assemblymember Colligan:

- noted his participation in the transportation planning meetings; and
- opined that there has been a lot of good participation.

Assemblymember Halter:

- stated that he supports on-call responders being compensated and paid as full-time employees;
- thanked those who provided testimony this evening;
- opined that it should take four members to pull legislation from the consent agenda; and
- requested that legislation be drafted to address that.

Assemblymember Arvin:

- reassured the on-call responders that the hours cap is being taken seriously by the Assembly; and
- noted his agreement that it should take four members to pull an item off the consent agenda.

Mayor DeVilbiss:

- spoke to a meeting that he will be having with the Emergency Services Director and the Manager to address concerns brought up during audience participation;
- advised that he will be bringing legislation before the body regarding forward funding for the School District; and
- stated that he will also be bringing forward legislation regarding the transfer of farm covented lands to a private non-profit.

VIII. UNFINISHED BUSINESS

- A. **Motion Pending** Regarding the Manager Preparing a Letter, on behalf of the Assembly to Governor Parnell Regarding House Bill 77 / Senate Bill 26.

Assemblymember Sykes:

- spoke to conversations with the Clerk and the Attorney regarding the content of the proposed letter;
- stated that in the future he would prefer to have items for discussion come in the form of legislation, as the Assembly is a deliberative body; and
- related that he plans to move to postpone the motion indefinitely, which was Assemblymember Colligan's suggestion.

MOTION: Assemblymember Sykes moved to postpone the motion indefinitely.

Assemblymember Colligan:

- spoke in support of the motion to postpone;
- stated that last year the same issue was addressed by the body numerous times;
- noted that the resolutions that were brought before the body previously were voted down;
- spoke to the media coverage that has confused the original issue; and
- stated that he is disappointed in the way it has come forward.

Assemblymember Sykes:

- stated that the intent of his letter was not to be anti House Bill 77;
- noted that his only intent was to put the Assembly on record as supporting fish, rather than opposing House Bill 77; and
- stated that the letter did not replicate the iterations of the previous legislation.


VOTE: The motion to postpone indefinitely passed without objection.

XIV. EXECUTIVE SESSION

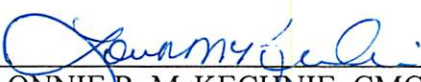
(There was no executive session held.)

XV. ADJOURNMENT

The regular meeting adjourned at 8:45 p.m.


LARRY DeVILBISS, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 02/04/14