

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on February 17, 2015, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Larry DeVilbiss.

II. ROLL CALL

Assembly members present and establishing a quorum were:

Mr. Jim Sykes, Assembly District No. 1
Mr. Matthew Beck, Assembly District No. 2
Mr. Ronald Arvin, Assembly District No. 3 (*Deputy Mayor*)
Mr. Steve Colligan, Assembly District No. 4 (*arrived at 6:04 p.m.*)
Mr. Dan Mayfield, Assembly District No. 5
Ms. Barbara J. Doty, Assembly District No. 6
Mr. Vern Halter, Assembly District No. 7

Staff in attendance were:

Ms. Lonnie R. McKechnie, Borough Clerk
Mr. George Hays, Assistant Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Brenda J. Henry, Assistant Clerk
Mr. Terrance Dolan, Public Works Director
Mr. Dennis Brodigan, Emergency Services Director
Mr. Eric Phillips, Community Development Director
Mr. Michael Brown, Capital Projects Director
Mr. Eric Wyatt, Information Technology Director
Mr. Alex Strawn, Development Services
Ms. Hilary Schwaderer, Administrative Secretary I

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 Assemblymember Doty.

V. MINUTES OF PRECEDING MEETINGS

Mayor DeVilbiss inquired if there were any corrections to the special meeting minutes of January 29, 2015, the regular meeting minutes of February 3, 2015, or the special meeting minutes of February 5, 2015, 5 p.m.

- A. Special Assembly Meeting: 01/29/15
- B. Regular Assembly Meeting: 02/03/15
- C. Special Assembly Meeting: 02/05/15
- D. Special Assembly Meeting: 02/05/15

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

- 1. Reports from cities

(There were no reports provided.)

- 2. Matanuska-Susitna Borough School District

(There was no report provided.)

B. COMMITTEE REPORTS

- 1. Joint Assembly/School Board Committee on School Issues

(There was no report provided.)

- 2. Joint MSB Assembly/MOA Assembly Transportation Subcommittee

(There was no report provided.)

- 3. Assembly Public Relations

(There were no reports provided.)

C. MANAGER COMMENTS

- 1. State/Federal Legislation
- 2. Strategic Planning Issues
- 3. Home Owners Insurance Premium Reduction Due to Positive Change In The ISO Rating – West Lakes Fire Service Area

Mr. Dennis Brodigan, Emergency Services Director, reported on the positive change to the ISO rating for the West Lakes Fire Service Area.

Mr. Eric Wyatt, Office of Information Technology Director, provided an overview of the new Borough website.

D. ATTORNEY COMMENTS

1. Statewide Marijuana Issues Update and Direction

Mr. Spiropoulos:

- provided an update regarding statewide marijuana issues; and
- reported on the status of the Public Employees Retirement System (PERS) litigation.

E. CLERK COMMENTS

Ms. McKechnie spoke regarding the upcoming meeting schedule.

MOTION: Assemblymember Mayfield moved to schedule a special meeting for March 17, 2015, at 4:30 p.m. to discuss the incorporation efforts of the town of Big Lake.

MOTION: Assemblymember Halter moved a primary amendment by striking “4:30” and inserting “5:30” in its place.

VOTE: The primary amendment failed with Assemblymember Halter in support.

VOTE: The main motion passed without objection.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Caswell FSA Board of Supervisors: 08/13/14
- b. Central Mat-Su FSA Board of Supervisors: 06/09/14, 12/15/14
- c. Emergency Medical Services Board: 04/02/14
- d. Planning Commission: Resolution Serial Nos. 15-02, 15-03, 15-06

2. Community Council Minutes:

- a. Big Lake Community Council: 12/09/14
- b. Chase Community Council: 07/17/14
- c. Fishhook Community Council: 02/20/14, 05/01/14, 08/14/14, 10/30/14

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

G. INFORMATIONAL MEMORANDUMS

1. **IM No. 15-009:** Reporting Of Conclusion Of Contract For Bid No. 13-100C To Collins Construction, Inc. For Valley Pathways School Construction, Project No. 40188, For The Final Contract Amount Of \$16,124,150.

The informational memorandum was presented and no comments were noted.

VII. 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. 15-022:** An Ordinance Accepting And Appropriating The Fiscal Year 2015 Community Revenue Sharing Program Funds In The Amount Of \$424,200 To Fund 475, Project No. 47033.
 - a. **Resolution Serial No. 15-010:** A Resolution Approving The Scope Of Work And Budget For The Fiscal Year 2015 Community Revenue Sharing Program, Project No. 47033.
 - (1) IM No. 15-034

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. 15-022 and Resolution Serial No. 15-010.

VOTE: The motion passed without objection.

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

The following person spoke to the need for a wastewater septage treatment facility and welcomed Assemblymember Doty: Ms. Helen Munoz.

The following person spoke to concerns with the public process: Mr. Eugene Haberman.

- D. CONSENT AGENDA

1. RESOLUTIONS

d. **Resolution Serial No. 15-014:** A Resolution Approving The Amended Scope Of Work For Project No. 47517, Purchase Versalift Bed; Project No. 47500, Purchase Vehicle Hoist; And Project No. 30092, Purchase Backhoe, Operations And Maintenance Shop Lights, Traffic Safety Equipment, 6-Inch Diesel Pump, 4-Inch Gas Pump, To Include The Purchase Of A Stellar Shuttle Hitch And Accessories For The Steam Thaw Unit, Project No. 30092.

(1) IM No. 15-043

e. **Resolution Serial No. 15-015:** A Resolution Amending The Scope Of Work For The Fiscal Year 2014 Capital Projects For The Land For Septage Facility, Project No. 25013, To Add Engineering, Design And Financial Feasibility Studies For The Septage And Leachate Facility.

(1) IM No. 15-044

2. ACTION MEMORANDUMS

(There were no action memorandums presented.)

Ms. McKechnie read the above legislation into the record.

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

VOTE: The motion passed without objection.

a. **Resolution Serial No. 15-011:** A Resolution Establishing Fees For Applications Under MSB 17.67, Tall Structures.

(1) IM No. 15-033

MOTION: Assemblymember Sykes moved to adopt Resolution Serial No. 15-011.

VOTE: The motion passed without objection.

b. **Resolution Serial No. 15-012:** A Resolution Establishing Fees For Applications Under MSB 17.06, Electrical Generating And Delivery Facility.

(1) IM No. 15-036

MOTION: Assemblymember Arvin moved to adopt Resolution Serial No. 15-012.

MOTION: Assemblymember Sykes moved a primary amendment to Resolution Serial No. 15-012, by inserting the following language to the fee title: "If the permit processing needs a third party consultant, the applicant may be required to reimburse the Borough for the fees. Prior to hiring a consultant, an estimated cost will be obtained and provided to the applicant who may then agree to repaying the cost or withdrawing the permit with full refund."

MOTION: Assemblymember Sykes moved a secondary amendment as follows:

- by inserting the words “from three potential consultants” after the word “obtained;”
- by inserting the words “select which consultant to use and” after the words “may then;
- by inserting the words “the applicant may” after the words “the cost;”
- by striking the word “withdrawing” and inserting “withdraw” in its place to read: “Conditional Use Permit for Electrical Generating Facility. If the permit processing needs a third party consultant, the applicant may be required to reimburse the Borough for fees. Prior to hiring a consultant an estimated costs will be obtained from three potential consultants and provided to the applicant who may then select which consultant to use and agree to repaying the costs, or the applicant may withdraw the permit with full refund.”

VOTE: The secondary amendment passed with Assemblymember Colligan opposed.

VOTE: The primary amendment passed as amended with Assemblymembers Colligan and Mayfield opposed.

VOTE: The main motion passed as amended with Assemblymember Colligan opposed.

c. **Resolution Serial No. 15-013:** A Resolution Supporting The Reinstatement Of A Full \$60 Million Into The Revenue Sharing Fund On A Yearly Basis With A One-Year Appropriation Of \$8 Million To The Fund With An Effective Date Of July 1, 2015.

(1) IM No. 15-041

MOTION: Assemblymember Arvin moved to adopt Resolution Serial No. 15-013.

VOTE: The motion failed with Assemblymembers Halter and Mayfield in support.

VIII. UNFINISHED BUSINESS

(There was no unfinished business.)

IX. VETO

(There were no vetoes presented.)

X. NEW BUSINESS

A. INTRODUCTIONS (For public hearing – 03/03/15 Assembly Chambers)

1. **Ordinance Serial No. 15-026:** An Ordinance Accepting And Appropriating \$40,000 For A Portion Of Grant Funds From The Alaska State Department Of Commerce, Community, And Economic Development 2015 Designated Legislative Grant Projects For The Butte Fire Service Area.
 - a. **Resolution Serial No. 15-016:** A Resolution Approving The Scope Of Work And Budget For A Portion Of The Alaska State Department Of Commerce, Community, And Economic Development Grants For The Butte Fire Service Area.
 - (1) IM No. 15-037
2. **Ordinance Serial No. 15-027:** An Ordinance Approving A Supplemental Appropriation Of \$11,000 Of Revenues From Public Donations To The Fiscal Year 2015 Animal Care And Regulation Division Operating Budget, For Medical And Disinfectant Supplies.
 - a. IM No. 15-038
3. **Ordinance Serial No. 15-028:** An Ordinance Accepting And Appropriating Additional Funds For Revision No. 2 In The Amount Of \$270,000 For The Replacement Of Up To 17 Culverts As Part Of The Fish Passage Improvements Project, Project No. 30114.
 - a. **Resolution Serial No. 15-017** A Resolution Amending The Budget For Revision No. 2 In The Amount Of \$270,000 For Replacement Of Up To 17 Culverts As Part Of The Fish Passage Improvements Project, Project No. 30114.
 - (1) IM No. 15-042
4. **Ordinance Serial No. 15-029:** An Ordinance Authorizing The Borough To Issue Areawide General Obligation Bonds, In One Or More Series, To Finance The Acquisition, Design, Construction, Major Renovation And Renewal Of Educational Capital Improvement Projects And Related Capital Improvements In The Borough; Fixing Certain Details Of Such Bonds; And Authorizing Their Sale.
 - a. IM No. 15-045
5. **Ordinance Serial No. 15-030:** An Ordinance Authorizing the Borough To Issue Areawide General Obligation Bonds, 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 Borough Together With All Necessary Equipment And Transportation Facilities Including Improving School Access, 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. 15-046

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 March 3, 2015.

VOTE: The motion passed without objection.

MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor DeVilbiss requested confirmation of the following appointments and resignation:

Board of Equalization
Tait Zimmerman, resignation
Local Emergency Planning Committee
Amy Kearns

MOTION: Assemblymember Arvin moved confirm the Mayor's resignation and appointments.

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. Hays stated that staff is looking forward to working with Assemblymember Doty.

Ms. McKechnie welcomed Assemblymember Doty.

Mr. Spiropoulos advised that Mr. Aschenbrenner will be attending the March 3, 2015, Assembly meeting in his place, as he will be in Washington, D.C.

Assemblymember Sykes:

- welcomed Assemblymember Doty;
- stated that he looks forward to working with her over the coming years; and
- spoke to concerns with the State limiting a person's ability to work with more than a single marijuana facility and the State's proposed definition of "assist."

Assemblymember Mayfield:

- noted that he shares the concerns of Assemblymember Sykes; and
- welcomed Assemblymember Doty.

Assemblymember Halter:

- noted that the Meadow Lakes Community Council voted unanimously in support of the Borough's selected route for Phase II for the Seldon Road Extension project;
- opined that the Assembly should not take a position on the incorporation of Big Lake;
- spoke in opposition to the State's proposed definition of "assist;" and
- opined that it is unenforceable.

Assemblymember Beck:

- spoke to travelling to Juneau with athletes from the Borough for the Alaska Age Group Championships, which are swim meets;
- stated that there were over 300 athletes who all had family members in attendance;
- noted the local funds that were generated by the swim meet;
- advised that it could not be held in the Borough as there are not adequate facilities; and
- opined that the Borough needs to consider building such a facility.

Assemblymember Colligan:

- explained why he voted in opposition to the fees amendment for electrical facilities;
- stated that he was recently in Juneau for personal business; and
- spoke to the need for the Assembly to be fiscally responsible for the coming budget season.

Assemblymember Doty:

- thanked the body for the warm welcome;
- stated that she is pleased to represent the constituents of Assembly District 6;
- noted that she appreciated the report regarding the ISO rating;
- spoke in support of the efficiency of the meeting; and
- spoke to the need to be attentive to the need to protect fetuses while addressing legal marijuana use.

Assemblymember Arvin:

- noted that his confusion with the State's definition of "assist;" and
- spoke to concerns with a statement that the State could scale back school funding.

Mr. Spiropoulos:

- advised that it is a legal possibility; and
- stated that the political possibility is something that he cannot speak to.

Assemblymember Arvin:

- stated that he would like a status report on school bonding projects regarding how many bonds have been sold and what State reimbursements have occurred;
- further stated that he would like to have a report regarding any potential liabilities for projects that are not yet completed and how they could be impacted if reimbursements from the State do not occur.

Mayor DeVilbiss stated that it is clear that the Borough would have to pay for all of the unfinished projects should that occur.

Assemblymember Arvin:

- welcomed Assemblymember Doty; and
- related that he has been receiving a lot of messages thanking him for supporting the selection of Assemblymember Doty for Assembly District 6.

Mayor DeVilbiss:

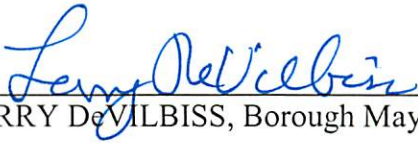
- spoke to the history of gender on the Assembly;
- stated that he is looking forward to working with Assemblymember Doty;
- spoke to his surprise that Resolution Serial No. 15-013 was defeated;
- related that he has been working diligently to fill the vacancies for the Marijuana Advisory Committee;
- spoke in support of the State's definition of "assist;"
- opined that municipalities should be able to regulate marijuana within their areas;
- spoke to concerns with the State taking that right away from municipalities;
- spoke to concerns that villages do not have the right to ban marijuana; and
- stated that he believes that issue is being dealt with through legislation.

XIII. EXECUTIVE SESSION

(There was no executive session held.)

XIV. ADJOURNMENT

The regular meeting adjourned at 7:37 p.m.


LARRY DeVILBISS, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 03/17/15