

I. CALL TO ORDER

The special meeting of the Matanuska-Susitna Borough Assembly was held on January 25, 2011, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The special meeting was called to order at 6:10 p.m. by Deputy Mayor Ron Arvin for the purpose of certifying the January 11, 2011, Borough special election, Resolution Serial Nos. 10-101 and 11-013, and the Vacancy Report.

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. Ron Arvin, Assembly District No. 3
Mr. Mark Ewing, Assembly District No. 4
Ms. Cindy Bettine, Assembly District No. 5 (*arrived at 6:12 p.m.*)
Mr. Jim Colver, Assembly District No. 6
Mr. Vern Halter, Assembly District No. 7

Staff in attendance were:

Ms. Lonnie R. McKechnie, CMC, Borough Clerk
Ms. Elizabeth Gray, Acting Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Cheryl D. Marino, Deputy Borough Clerk
Ms. Patty Sullivan, Public Affairs Director
Ms. Brenda J. Henry, Executive Assistant to the Borough Clerk
Ms. Sharon Huckins, Administrative Secretary
Ms. Debra Wetherhorn, Administrative Secretary
Ms. Joell Church, Records Management Officer
Ms. Kathy Tyson, Records Microfilm Scanning Technician
Ms. Holly Dubose, Administrative Secretary

III. APPROVAL OF AGENDA

Deputy Mayor Arvin inquired if there were any changes to the agenda.

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Mark Masteller, a member of the audience.

V. ITEMS OF BUSINESS

A. Canvass Board Report

Ms. McKechnie:

- acknowledged the staff of the Clerk's Office for their exceptional efforts during the election;
- thanked the members of the Canvass Board for their hard work and dedication;
- noted that the Canvass Board members have dedicated their time in four elections in the last five months; and
- requested Ms. Geraldine Keeling, Canvass Board Chairperson, to provide the Canvass Board's report of the election.

Ms. Keeling:

- reported on the ease of the election due to there being only one areawide question on the ballot;
- noted that two precincts had incorrectly recorded 10 more questioned ballots than what was issued;
- spoke to the Canvass Board's process for accounting for questioned ballots;
- explained how the Canvass Board validates the ballot accountability report;
- provided an overview of the Canvass Board's process;
- reported on the number of questioned and absentee ballots voted and counted;
- explained the reasons why ballots were not counted;
- spoke to the hand count ballot from precinct no. 12-030;
- reported that a voter had voted two questioned ballots;
- discussed the voter turnout for the January 11, 2011, special election; and
- thanked the Clerk's Office for their assistance.

Assemblymember Colver queried whether ballots voted out of precinct were challenged.

Ms. Keeling reported that ballots were not counted due to either not being properly registered or not completing their questioned oath and affidavit envelope.

Assemblymember Colver:

- spoke to special needs by personal representative ballots being included with the absentee in-person and absentee by-mail ballots due to the few that are received to maintain voter privacy;
- spoke to the need to differentiate between the absentee in-person ballots and the absentee by-mail ballots; and
- queried the number of early voters.

Ms. Keeling:

- reported that there were approximately 30 ballots that were received after election day, four special needs ballots turned in at polling locations, and eight special needs ballots received at absentee voting locations; and
- stated that the Special Needs by Personal Representative ballots were processed separately.

Assemblymember Colver queried the total number of voters who voted absentee in-person and how many voters voted absentee by-mail.

Ms. McKechnie noted that the number of absentee in-person voters and absentee by-mail voters could be compiled from the database, but that these numbers are not reported separately.

Assemblymember Colver:

- requested the number of absentee in-person voters and absentee by-mail voters; and
- spoke to the need to look at counting the absentee by-mail ballots and the absentee in-person ballots separately in the future.

Ms. Keeling spoke to the detailed work of the Canvass Board while canvassing ballots.

Assemblymember Colver spoke to the immaculate work of the Canvass Board.

B. Certification of January 11, 2011, Borough Special Election

MOTION: Assemblymember Bettine moved to certify the election results for the January 11, 2011, Borough special election, as presented by the Canvass Board. *(See attached Election Certification.)*

VOTE: The motion passed without objection.

VI. UNFINISHED BUSINESS (Three minutes per person.)

- A. Resolution Serial No. 10-101: A RESOLUTION APPROVING THE FEDERAL PRIORITIES FOR 2011.
1. IM No. 10-196

MOTION PENDING: Assemblymember Bettine moved to adopt Resolution Serial No. 10-101.

Ms. Gray noted that the Assembly requested changes to the legislation were provided for the Assembly to make amendments.

Assemblymember Colver spoke to the need to list all of the projects on the front page and then attach the backup so that all of the information is displayed on one page.

Discussion ensued regarding:

- the formatting of Resolution Serial No. 10-101;
- listing the cost of the priorities;
- listing all of the projects on one page in the resolution; and
- listing the capital projects in bullet format.

MOTION: Assemblymember Colver moved to amend Resolution Serial No. 10-101 by striking the first whereas clause, replacing the numbers beside the priorities with bullets, adding the project amounts to the line items, and to move the legislative priorities after the capital priorities.

MOTION: Assemblymember Woods moved a secondary amendment to Resolution Serial No. 10-101 by inserting “(Priorities are not in a priority order)” after the words “Capital Priorities” to read: “Capital Priorities (Priorities are not in a priority order)”.

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment passed as amended without objection.

Assemblymember Halter queried whether the Assembly was requesting federal funding for Borough roads.

Mr. Sworts:

- noted that the request for funding for the roads has been listed this way for many years;
- reported that the legislation notes that the Borough would receive the funding for the State roads; and
- stated that any construction performed on these State roads would need to be completed by the Alaska State Department of Transportation.

Discussion ensued regarding:

- the possibility of listing both the State and Borough road projects funding requests separately; and
- the need for Borough roads to be funded to take traffic off the three most dangerous roads in Alaska.

MOTION: Assemblymember Colver moved a primary amendment to IM No. 10-196 by striking the language in its entirety and inserting the following language:

“SUMMARY STATEMENT: Each year the Assembly of the Matanuska-Susitna Borough considers and approves a list of legislative and capital priority projects and requests for the federal legislative delegation. The following proposed list of projects and requests for calendar year 2011 is presented to the Assembly for its consideration.

Legislative Priorities

- *Reauthorization of the Highway Trust Fund.* The Highway Trust Fund is the major source of funding for road, highway, bridge, and transit projects for the state and local governments. Funding for road, highway, bridge, and transit projects are necessary for a vibrant economy as well as improving traffic safety and reducing congestion and harmful pollution. The Highway Trust Fund should be reauthorized and adequately funded.

Capital Priorities

- *Roads and Bridges.* The Borough’s surface transportation system requires substantial investments in order to improve safety, reduce congestion, and enhance commerce. Three of Alaska’s most dangerous roads; the Parks

Highway from Wasilla to Big Lake, the Palmer-Wasilla Highway, and the Knik-Goose Bay Road are located in the Borough. These roads need immediate attention in order to save lives and reduce injuries. In addition many bridges within the Borough have been rated as unsafe by the state of Alaska, Department of Transportation and Public Facilities. This funding request is for \$25 million.

- *Ferry Landings.* Full funding in the amount of \$11 Million is requested for construction of a dock, link span and road improvements for the Borough's new ferry, the M/V Susitna. The ferry will provide daily transportation for both Anchorage and Borough residents commuting to work as the newly constructed Goose Creek Correctional Center. The ferry will provide much needed transport to and from the village of Tyonek and Kenai and will be available for emergency service transportation needs in the upper Cook Inlet area. This funding request is for \$11 million.
- *Port Mackenzie Rail Extension.* This project will connect the Alaska Railroad Mainline to Port MacKenzie and will provide statewide significance and benefits promoting and serving many types of economic development across the State of Alaska. This rail extension will have a positive impact on mineral development, mining operations and timber exports. Limestone resources will be available for use in gold mining operations and for the construction of the Susitna Dam. Less expensive low sulfur fuel will be available to the Interior, North Slope resulting in a decreased cost of living. Fuel oil will be supplied to the Interior and Southwest Alaskan villages. This rail extension will stimulate industrial growth at Port MacKenzie that will serve all of South-central Alaska. The new rail line will save more than \$100 million in transportation costs over existing ports for the State's proposed natural gas pipeline. According to an ISER report, the Port MacKenzie Rail Extension project will create up to 3,400 new jobs over a three year period in construction, 35 jobs in annual operations and another 640 direct and indirect jobs. This funding request is for \$35 million.
- *Hatcher Pass Ski Area.* The Matanuska-Susitna Borough is developing the 11,000 acre Hatcher Pass Ski Area into a regional destination recreation area. An Environmental Impact Statement was approved in January 2011 for improvements to take place in the northern alpine ski area as well as the southern Nordic ski area. Six million dollars in Federal funding through the Federal Transit Administration will construct a mile long access road, parking area, and transit facility during the summer of 2011. Local funding from the Borough will construct 10 kilometers of beginner and mid level Nordic ski/mountain bike/hiking trails in spring/summer 2011. Funding is being sought for the second phase of the project which includes construction of an access road extension, additional parking areas, a stadium for skiing, running and bike competition as well as an additional 10 kilometers of Olympic competition Nordic ski trails. This funding request is for \$6 million.
- *Agricultural Food Processing and Product Development Center.* The proposed processing center will freeze-process locally grown vegetables, such as, broccoli, cauliflower, carrots, zucchini and potatoes into high quality, fresh frozen, low pesticide residue, consumer friendly products. Year round jobs

will be provided as stored vegetables are processed throughout the year and additional seasonal jobs will be available in farm production and vegetable processing at harvest time. Seed potatoes currently being grown and tested for export to China will require rotational crops, these rotational crops will provide a further demand for the processing plant. The funding request is for \$8 million for Phase I.

- *South Denali Visitor Center.* The South Denali Visitor Center has been a goal of the Matanuska-Susitna Borough, National Park Service, and state of Alaska for many years. The proposed visitor center and ancillary improvements will offer visitors and Alaska residents a new venue to visit America's premier national park. The South Denali Visitor Center will provide an additional point of access to Denali National Park, offer new camping, hiking, and viewing opportunities and thereby help diversify Alaska's tourism industry. The South Denali Visitor Center, as currently envisioned will also anchor the northern segment of the Borough's regional trail system where it will serve as an information center where trail maps and local information may be distributed. This facility will therefore enhance winter recreation and provide snowmachiners with a support facility. The state of Alaska has set aside \$8.9 million in local match funding for the project. This request is for \$25 million to complete engineering, design, and construction.
- *Fish Passage Improvements.* There are over 1,000 miles of local roads within the Borough. Many of these roads cross rivers, streams, and creeks that are important fish habitat and serve as tributaries for salmon spawning and rearing. It is critical that adequate and appropriate structures are in place to provide for fish passage where local roads cross fish tributaries. This project will provide funds for the installation of fish passage improvements throughout the Borough. This funding request is for \$500,000.
- *Palmer Hay Flats Natural Science Center.* The Natural Science Center will build upon existing efforts to showcase one of Alaska's most accessible natural and wildlife refuges, while also enhancing tourism and providing important natural science educational opportunities. The refuge provides nesting areas for several federally protected bird species. This project will enhance protection of the refuge and educational opportunities about important fish and wildlife habitat and species. The Borough has provided local match funds for a facility feasibility analysis and local residents have contributed funds to complete the Center's concept development plan. This funding request is for \$6 million.

RECOMMENDATION OF ADMINISTRATION: Consideration and approval of a set of federal priorities for the Matanuska-Susitna Borough.”

Assemblymember Bettine queried whether the intention of the roads and bridges language was to request funding of \$25,000,000 for the three most dangerous roads or is the funding for Borough roads.

Mr. Sworts reported that the intent of the language is to request funding for Borough roads and to provide for Borough infrastructure to draw traffic off of the dangerous roads.

Discussion ensued regarding:

- the roads and bridges language in the legislation;
- the highway trust fund;
- whether the roads should be listed in two different categories;
- the need to upgrade the Borough roads in order to alleviate the impact on the State roads;
- that all of the priorities are related to the State priorities except the Highway Trust Fund;
- that Congress will not earmark funds for federal highways specifically for the Borough;
- the need for the legislation to be worded to let the State Legislature know the Borough's issues;
- that there is a possibility of getting congressionally directed spending;
- the need to specifically list the top three road projects; and
- the need for the legislation to note that the Assembly would support federal funding to the State to complete State priorities in addition to projects for the Borough;

MOTION: Assemblymember Ewing moved a primary amendment to IM No. 10-196 as follows:

- Capital Projects, Roads and Bridges, by moving the first two sentences to the "Reauthorization of the Highway Trust Fund" paragraph before the last sentence of the paragraph to read: "The Highway Trust Fund is the major source of funding for road, highway, bridge, and transit projects for the state and local governments. Funding for road, highway, bridge, and transit projects are necessary for a vibrant economy as well as improving traffic safety and reducing congestion and harmful pollution. The Borough's surface transportation system requires substantial investments in order to improve safety, reduce congestion, and enhance commerce. Three of Alaska's most dangerous roads; the Parks Highway from Wasilla to Big Lake, the Palmer-Wasilla Highway, and the Knik-Goose Bay Road are located in the Borough. The Highway Trust Fund should be reauthorized and adequately funded; and
- Capital Projects, Roads and Bridges, by inserting the following words: "As a result of the three most dangerous roads in Alaska, many commuters overload the local connector roads. These roads need improvement." to read: "As a result of the three most dangerous roads in Alaska, many commuters overload the local connector roads. These roads need improvement. In addition many bridges within the Borough have been rated as unsafe by the state of Alaska, Department of Transportation and Public Facilities. This funding request is for \$25 million.

VOTE: The primary amendment passed without objection.

Assemblymember Halter queried whether the top five roads projects should be listed.

Mr. Sworts:

- noted that several years ago, the Borough received \$6,000,000 in funding from the Federal government;
- reported that the Borough experienced difficulties as the Federal Highway Administration (FHWA) required the Borough to have certified right-of-way along with a number of other requirements on the roads the Borough wanted to perform upgrades to;
- noted that the Borough had a difficult time finding roads that met the FHWA requirements;
- stated that Bogard Road may be a good project because it is ready to go; and
- advised he does not know at this time what other roads meet all of the FWHA requirements in order to perform construction upgrades.

Discussion ensued regarding:

- the difficulty with immediately naming the projects that meet all of the requirements;
- the need to list the road projects that may meet the FWHA requirements;
- the history of funding received from the FWHA; and
- the need to keep the legislation generic as it would allow the Assembly to decide where to spend the funding;

VOTE: The primary amendment passed as amended without objection.

Assemblymember Halter queried which road projects would be funded should the Assembly receive the \$25,000,000.

Assemblymember Colver noted that the Bogard Road and Seldon Road project would be funded.

Discussion ensued regarding:

- the need to stick with roads that are ready to go;
- including language regarding the projects that are ready to go forward, but are awaiting a funding source;
- leaving the road names out of the legislation;
- the lobbyist noting that the Borough would be lucky to get \$11 million for the ferry landing; and
- the need for the staff to have maps prepared of the roads showing how they will alleviate traffic.

MOTION: Assemblymember Colver moved a primary amendment to IM No. 10-196, Capital Priorities, Roads and Bridges, by inserting the following words at the end of the paragraph: “The Borough has shovel-ready projects to move forward that are awaiting a funding source.” to read: “In addition many bridges within the Borough have been rated as unsafe by the state of Alaska Department of Transportation and Public Facilities. This funding request is for \$25 million. The Borough has shovel-read projects to move forward that are awaiting a funding source.”

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to IM No. 10-196, Capital Priorities, Hatcher Pass Ski Area, second to last sentence, as follows:

- inserting the words “20 additional kilometers of Nordic ski trails, utility extensions” after the words “construction of”;
- striking the words “, as well as an additional 10 kilometers of Olympic competition Nordic ski trails”;
- to read: “Funding is being sought for the second phase of the project which includes construction of 20 additional kilometers of Nordic ski trails, utility extensions, access road extension, additional parking areas, a stadium for skiing, running and bike competitions.”

Assemblymember Colver:

- we need to build more trails in the next phase;
- stated that with all of the parking and infrastructure, there is a need to have more than ten kilometers of trails;
- spoke to the different variety of trails needed;
- stated that it is probable there will be 30 to 40 kilometers or more of trails at some point; and
- spoke in support of having more trails built right away with the next funding that is received.

VOTE: The primary amendment passed without objection.

Assemblymember Bettine:

- spoke to concern with language in the legislation regarding the six million dollars in Federal funding; and
- stated that the language should be removed from the legislation.

Assemblymember Colver:

- noted that the intent was to show the progress of the project and what is being built with the funding;
- noted that the Environmental Impact Statement for the project is complete;
- stated that the project is shovel-ready; and
- noted the extensive design that has been completed.

Assemblymember Arvin noted that \$6,000,000 has already been received.

Discussion ensued regarding the need for the Hatcher Pass Ski Area language to speak to the construction going forward in 2011 without noting the funding.

MOTION: Assemblymember Bettine moved a primary amendment to IM No. 10-196, Capital Priorities, Hatcher Pass Ski Area, third sentence, by striking the words “six million dollars in Federal funding through the Federal Transit Administration will construct a mile long” and insert in its place “Our current federal and local funding will allow, during the summer of 2011, construction of an” and by striking the words “during the summer of 2011” after the words “and transit

facility” to read: “Our current federal and local funding will allow, during the summer of 2011, construction of an access road, parking area, and transit facility.”

VOTE: The primary amendment passed without objection.

Assemblymember Colver:

- spoke to the excellent cross country ski competitors; and
- spoke to Eurosport activities.

VOTE: The main motion as amended passed without objection.

VII. OTHER ITEMS OF BUSINESS

A. Resolution Serial No. 11-013: A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH TO SUPPORT COMPREHENSIVE FEDERAL CLEAN ENERGY LEGISLATION IN THE YEAR 2011.

1. IM No. 11-030

MOTION: Assemblymember Keogh moved to adopt Resolution Serial No. 11-013.

Assemblymember Keogh:

- spoke to initially submitting the legislation and anticipating it being on the January 18, 2011, agenda;
- stated that the legislation is requesting comprehensive energy legislation that creates new incentives for natural gas, renewable energy, and energy efficient technologies;
- opined that the state of Alaska and the nation has had a piecemeal approach to clean energy;
- spoke to a grant that was awarded to Pulse Tidal LLC, who is looking at hydrokinetic tidal power in the Cook Inlet;
- noted that there are a variety of fresh water hydrokinetic projects that are being discussed;
- spoke to Governor Parnell funding the Susitna Hydro project;
- noted that there are approximately 25 wind powered projects that exist in Alaska;
- stated that there are five or six more wind projects that will be constructed this coming year;
- noted that the legislation came to his attention from Mr. Mark Masteller from the Planning Commission; and
- spoke to the similarities between this legislation and legislation that was adopted by the Municipality of Anchorage.

MOTION: Assemblymember Woods moved to postpone Resolution Serial No. 11-013 to a time certain of February 1, 2011.

Assemblymember Bettine spoke in opposition to postponing the legislation.

Assemblymember Colver:

- spoke to the intent for the legislation to have appeared on a previous agenda; and
- queried whether the Assembly had any specific issues with the legislation.

VOTE: The motion to postpone Resolution Serial No. 11-013 to February 1, 2011, failed unanimously.

Assemblymember Ewing:

- noted a document that spoke to different locations in the State that renewable power generation would be a viable product without disrupting salmon streams; and
- spoke to the need to add language regarding further development of existing resources such as natural gas, petroleum, and coal.

Discussion ensued regarding:

- the addition of language regarding further oil exploration disrupting the intent of the legislation;
- the State pursuing natural gas and hydro;
- the need to bring legislation forward at a later date to encourage the federal government to allow expansion of other resources;
- the need to work with Congress to pass comprehensive energy legislation;
- non-renewable energy versus renewable energy;
- that clean energy production is an alternative to conventional energy;
- that natural gas is not considered renewable, but rather a cleaner energy than coal or oil;
- concerns regarding adopting the legislation without an accompanying memorandum encouraging Alaskan development of oil;
- the need to let the federal government know that oil is essential to the State;
- the need for the legislation to be about clean energy only;
- whether the legislation implies that the Assembly does not approve of oil development in the State of Alaska; and
- the clean energy projects already occurring in the State.

VOTE: The motion passed without objection.

(The meeting recessed at 7:39 p.m. and reconvened at 7:52 p.m.)

B. VACANCY REPORT

Deputy Mayor Arvin requested the following confirmations:

Borough Area Schools Site Selection Committee

Lynn Gattis

Citizens Advisory Committee on the Goose Creek Correctional Facility

Toby Riddell

Planning Commission

William Haller

West Lakes FSA No. 136

Tari Jacobson

Willow FSA No. 35

Doyle Holmes

Greater Butte RSA No. 26
Arthur Quaas
Greater Willow RSA No. 20
Ralph Oakley
Lazy Mountain RSA No. 19
Pat Larrabee
Circle View and Stampede Estates Flood and Water Erosion Control No. 131
Vern Stockwell

Deputy Mayor Arvin made the following recommendations:

Planning Commission
John Klapperich
Willow FSA No. 35
Lori Wiertsema

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

MOTION: Assemblymember Colver moved to divide the question to address the confirmation of Mr. William Haller to the Planning Commission separately.

VOTE: The motion passed with Assemblymembers Woods, Arvin, and Ewing in opposition.

Assemblymember Halter spoke in appreciation of Deputy Mayor Arvin's movement of Mr. Doyle Holmes to the Willow FSA No. 35.

MOTION: First Segment. Assemblymember Colver moved to confirm the Mayor's recommendations up for confirmation with the exception of Mr. William Haller's confirmation to the Planning Commission.

VOTE: The motion passed without objection.

MOTION: Second Segment. Assemblymember Colver moved to approve Mr. Haller's confirmation to the Planning Commission.

Assemblymember Colver:

- spoke to the need for Mayor Elect DeVilbiss to make recommendations of Planning Commission members' appointments;
- spoke to prior issues with former Mayor Colberg's appointments to the Planning Commissions;
- noted the need to have an open dialog of boards and commission appointments with Mayor Elect DeVilbiss; and
- stated that he is looking forward to working with Mayor Elect DeVilbiss in a cooperative fashion.

Assemblymember Ewing:

- noted that Mr. Haller was instrumental in getting the ice skating rink built in Big Lake;
- spoke to the reasons that Mr. Haller was not in attendance at the present meeting;
- stated that Mr. Haller is well known in the Big Lake community; and
- spoke to reasons for supporting Mr. Haller's appointment to the Planning Commission.

Assemblymember Bettine:

- spoke in support of Assemblymember Ewing's statements regarding Mr. Haller;
- noted a brief conversation she had with Mr. Haller;
- advised that she would like to discuss the Planning Commission with Mayor Elect DeVilbiss;
- stated that Mr. William Bruu is very experienced;
- spoke to concerns with losing a large amount of institutional knowledge on the Planning Commission; and
- stated that she is not in opposition to the appointment of Mr. Haller.

Discussion ensued regarding:

- the previous animosity regarding filling the Planning Commission vacancies;
- the reasons for opposing and supporting Mr. Haller's appointment to the Planning Commission;
- the reasons for opposing and supporting the appointment of Mr. William Bruu to the Planning Commission;
- whether Mr. Haller would still be eligible to be moved forward on a future vacancy report should he not be appointed to the Planning Commission at the present meeting;
- the need to speak to Mayor Elect DeVilbiss regarding appointments to the Planning Commission; and
- the possibility of postponing the appointment of Mr. Haller to the Planning Commission.

MOTION: Assemblymember Bettine moved to postpone the motion to confirm Mr. Haller to the Planning Commission to a time certain of February 1, 2011.

VOTE: The motion passed with Assemblymembers Woods and Ewing opposed.

Assemblymember Bettine:

- thanked the Assembly for supporting postponing the motion; and
- spoke regarding her intent to speak to Mr. Haller about postponing the motion; and
- noted that Mr. Haller is an excellent member of the Big Lake community.

Assemblymember Halter:

- noted that he enjoyed working with Mr. Bruu on the Planning Commission; and
- spoke to the need to learn more about Mr. Haller.

Assemblymember Bettine:

- spoke to receiving several calls from Planning Commissioners noting the Mr. Bruu is a very good planner and his willingness to compromise;
- noted that all Planning Commission applicants are good community members and citizens; and
- stated that the Assembly has a tough job with the confirmations.

VIII. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke in opposition to Resolution Serial No. 11-013: Ms. Niki Taysom.

The following person thanked the Assembly for addressing Resolution Serial No. 11-013, the need to look at transit options when looking at improving Borough roads, and the need to have gender diversity on the Planning Commission: Mr. Mark Masteller.

RECONSIDERATION: Assemblymember Ewing moved to reconsider Resolution Serial No. 11-013.

VOTE: The motion passed without objection.

VOTE: The main motion passed with Assemblymembers Woods and Ewing opposed.

IX. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Mr. Spiropoulos:

- informed the Assembly of an upcoming Animal Care and Regulation meeting;
- noted that the Animal Care and Regulation Board has requested to be briefed on prior and current cases where animals were taken from their owners; and
- reported that the Law Department advised the Board that they can discuss closed cases, however, discussion of pending cases is prohibited.

Assemblymember Colver:

- spoke to the Law Department's huge effort with Animal Care and Regulation citations; and
- queried what power changes need to happen to have citations issued that would not involve the Law Department.

Mr. Spiropoulos:

- noted that there would be no need for power changes with simple citations;
- advised that the Animal Care and Regulation Department could learn how to present the cases;
- spoke to previous presentations given to the Animal Care and Regulation staff and Code Compliance staff to enable them to go to court, which would allow the Law Department to focus their efforts; and
- spoke to the current Animal Care and Regulation case.

Assemblymember Colver:

- spoke in support of receiving recommendations to streamline the process;
- noted that if there was a way to shift some regulatory enforcement to other divisions, it would be money well spent; and
- stated that it is very costly for the Law Department to chase down small infractions.

Ms. McKechnie:

- spoke to a recent appeal regarding forfeiture of animals that was filed with the Office of Administrative Hearings; and
- reported that the hearing date would probably be in mid-February.

Ms. Gray spoke to being out of the office frequently with Borough business over the next couple of months.

Assemblymember Keogh:

- spoke to an informal conference presented by the Alaska State Department of Natural Resources regarding a surface coal mining permit renewal at the Jonesville Mine;
- noted that the conference was a well attended event;
- commented that the presentation was made by the Black Range Minerals representatives from Australia;
- spoke to the amount of opposition to the permit renewal;
- noted an article in the Frontiersman regarding the United States Environmental Protection Agency fining Usibelli Coal Mine Inc. for violations of the Clean Water Act;
- spoke to House Bill 90 regarding property tax exemptions;
- spoke in support of property tax exemptions for seniors and veterans; however expressed concerns that the State does not give compensation for the tax exemptions to municipalities;
- spoke to Senate Bill No. 57 introduced by Senator Menard that requires the State to compensate municipalities for the exemptions that are made;
- noted his appreciation for the Borough lobbyist, Mr. Ray Gillespie, letting the Assembly know of the pending bills;
- commented that Mr. Gillespie spoke to the statute that mandates compensation to municipalities for such exemptions however it is not enforced; and
- noted that there is a public meeting on January 26, 2011, at 7 p.m. at the Curtis D. Menard Memorial Sports Center regarding the expansion of the air space military training.

Assemblymember Ewing:

- spoke to being saddened to hear of Mr. John Leiner's passing;
- commented that while he did not always agree with Mr. Leiner, that he was articulate, brilliant, and a honest person, and would be sadly missed; and
- spoke to reviewing the January 11, 2011, special election results.

Assemblymember Halter:

- thanked Deputy Mayor Arvin for doing a great job chairing the meetings; and
- spoke in support of tax exemptions for seniors.

Assemblymember Woods:

- advised that clean energy is not something that is going to happen very soon; and
- noted that coal powered plants produce approximately 55 percent of our energy sources.

Assemblymember Colver:

- congratulated Mayor Elect DeVilbiss;
- requested to add a discussion of road bonds on the February 22, 2011, agenda as a committee of the whole item; and
- requested to change the February 22, 2011, work session to a special meeting.

There was no objection noted.

Assemblymember Bettine spoke to the need to discuss the boards and commissions with Mayor Elect DeVilbiss.

MOTION: Assemblymember Bettine moved to schedule a special meeting with Mayor Elect DeVilbiss regarding boards and commissions on February 15, 2011, at 4 p.m.

Deputy Mayor Arvin:

- noted that he attended most of the candidate debate forums;
- commented that Mayor Elect DeVilbiss had noted at a candidate debate forum that he would like to see the combining of some boards, that there were some redundancies with boards that could be eliminated, and that he was going to ask for resignations of all board and commission members; and
- opined that it may take Mayor Elect DeVilbiss time to communicate to the Assembly what his intentions are with the boards and commissions.

Assemblymember Colver:

- spoke to the need to discuss the reasons why Mayor Elect DeVilbiss wants all boards and commissions members to resign their positions; and
- spoke in support of scheduling the meeting.

Discussion ensued regarding:

- Mayor Elect DeVilbiss noting at candidate forums that he would like to see combining of some boards and commissions and some resignations;
- which boards and commissions Mayor Elect DeVilbiss would like to consolidate;
- the need for the Assembly to send correspondence to boards and commissions members noting that they do not have to resign their positions;
- the difficulty of getting people to volunteer for boards and commissions;
- whether discussion regarding boards and commissions members should be held in executive session; and
- the Law Department currently researching what happens when someone refuses to resign from a board or commission.

WITHDRAWN: Assemblymember Bettine moved to withdraw her motion.

There was no objection noted.

Assemblymember Bettine queried whether the Borough has any issues with accepting donations for the 157 dogs that were rescued.

Ms. Gray:

- reported that there were no issues with receiving the donations;
- noted that Alaska Dog News set up a donations account through Wells Fargo; and
- noted the Borough can accept and appropriate the funds.

Assemblymember Bettine:

- requested that Administration look at the current property exemptions for seniors and veterans and to give monetary figure if the amount was \$250,000 instead of \$150,000;
- queried how much the younger people are going to have to pay should the bill pass;
- queried whether the Assembly would be taking up the air space issue;
- queried whether the military are wanting to fly large jets over hunting and fishing locations;
- spoke to the need for the Borough to discuss the air space issue; and
- opined that the air force could fly in locations where the population is not recreating.

Discussion ensued regarding:

- the public hearing to be held at the Curtis D. Menard Memorial Sports Center; and
- the deadline for submitting comments regarding the air space;
- the possibility that the Aviation Advisory Board and Transportation Advisory Board may want to address this issue and make recommendations to the Assembly;
- the hope that more board members will be attending these public meetings; and
- issues with a military training air space expansion.

(Assemblymember Ewing exited the meeting at 9:04 p.m.)

Assemblymember Bettine spoke to the need for legislation regarding the air space expansion issues.

Discussion ensued regarding:

- whether there was time to complete the legislation regarding the air space expansion for the February 1, 2011, meeting; and
- the content of the legislation.

Assemblymember Bettine:

- noted that it was a good meeting; and
- opined that Deputy Mayor Arvin has done a fabulous job chairing the meetings.

Deputy Mayor Arvin:

- spoke in appreciation of being able to preside at Assembly meetings;
- commented on the challenges of trying to track the agenda and run the meeting at the same time;

- noted that he will be attending a lunch with Congressman Young on Tuesday, February 1, 2011; and
- stated that he is happy that a Mayor has been elected.

X. ADJOURNMENT

The special meeting adjourned at 9:18 p.m.


LARRY DEVILBISS, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 02/15/11