

**I. CALL TO ORDER**

The regular meeting of the Matanuska-Susitna Borough Assembly was held on June 21, 2011, 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. Warren Keogh, Assembly District No. 1
- Mr. Noel Woods, Assembly District No. 2
- Mr. Ronald Arvin, Assembly District No. 3 (*Deputy Mayor*)(*attended telephonically*)
- Mr. Mark Ewing, Assembly District No. 4
- Ms. Cindy L. Bettine, Assembly District No. 5 (*arrived at 6:05 p.m.*)
- Mr. Jim Colver, Assembly District No. 6
- Mr. Vern Halter, Assembly District No. 7

Staff in attendance were:

- Ms. Lonnie R. McKechnie, Borough Clerk
- Mr. John Moosey, Borough Manager
- Ms. Elizabeth Gray, Assistant Borough Manager
- Mr. Nicholas Spiropoulos, Borough Attorney
- Ms. Brenda J. Henry, Executive Assistant to the Borough Clerk
- Ms. Tammy Clayton, Finance Director
- Ms. Christine Nelson, Planning and Land Use Director
- Ms. Patty Sullivan, Public Affairs Director
- Ms. Shannon Post, Chief Information Officer
- Ms. Deborah Wetherhorn, Administrative Secretary
- Mr. Brad Sworts, Transportation and Environmental Manager
- Ms. Eileen Probasco, Planning Chief

**III. APPROVAL OF AGENDA**

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

Ms. McKechnie:

- advised that AM No. 11-062 under the consent agenda required a title change in order to match the title of the legislation;
- noted that the words “the amount not to exceed” should be stricken; and
- stated that “for an amount that may exceed” should be inserted in its place.

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

There were no comments noted.

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

#### **IV. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mr. Burt Cottle, city of Wasilla Assistant Administrator.

#### **V. MINUTES OF PRECEDING MEETINGS**

*(There were no minutes presented.)*

#### **VI. REPORTS/CORRESPONDENCE**

##### **A. AGENCY REPORTS**

##### **1. Reports from cities**

###### Wasilla City

Mr. Burt Cottle, city of Wasilla Assistant Administrator:

- spoke to the Lake Lucille Park agreement that was recently completed;
- thanked all that participated in that process;
- related that the city of Wasilla had recently updated their comprehensive plan; and
- stated that they will be going through the Borough process with a target date to get the legislation before the Assembly by August.

##### **2. Matanuska-Susitna Borough School District**

Dr. Kenneth Burnley, School District Superintendent:

- noted there was a request to reduce the bond package;
- spoke to the many ways the School District has reduced the bond package;
- related that a large item that was removed from the bond package was Iditarod Elementary;
- stated that Iditarod Elementary is functionally obsolete and that electrical needs exceed capacity; and
- advised that there is a definite need to replace Iditarod, but that the School District has postponed that need for three years.

Discussion ensued regarding:

- the bond package reductions;
- ranking and prioritizing the bond package;
- just-in-time construction modeling;
- concerns with removing Iditarod Elementary from the list;
- mill levy impacts of the bond package;
- the use of modular classrooms;

- constructing high schools/middle schools together; and
- growth of the School District.

## B. COMMITTEE REPORTS

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

*(There was no report provided.)*

### 2. Assembly Public Relations

Assemblymember Ewing:

- stated that he met with Mr. Cottle yesterday for lunch; and
- related that the city of Wasilla is strongly in favor of a new Iditarod Elementary.

Assemblymember Bettine:

- related that the NANA Corporation provided a presentation to the Big Lake Chamber of Commerce;
- noted that they have many buildings at their Big Lake location and can accommodate up to 250 employees, but that currently they have about 40 employees;
- spoke to NANA's success with putting together truckable goods;
- related that the Big Lake Chamber is concerned with how truckables would make their way to Port MacKenzie;
- noted that the community is also concerned with transportation impacts through down town;
- stated that Big Lake is supportive of NANA being there, but would like to have some planning;
- advised that NANA is working with the welding program at Houston High School in order to ensure more local hires; and
- opined that they did a fine job with public relations.

Assemblymember Keogh queried that should NANA's Point Thompson operation succeed, that the facility in Big Lake would be used as a fabrication plant for modules for transport to Point Thompson.

Assemblymember Bettine affirmed the query.

Mayor DeVilbiss opined that Big Lake seems like a strange location for a fabrication plant.

Assemblymember Bettine:

- stated that NANA used to transport many truckables out of the Port of Anchorage; and
- related that with them being in Big Lake it reduces transportation times by two days, which makes them more competitive.

C. MANAGER COMMENTS

3. State/Federal Legislation
4. Strategic Planning Issues
5. State Redistricting

Mayor DeVilbiss inquired if there was any objection to allowing the Port Commission Chair to speak under Manager comments.

There was no objection noted.

Mr. Joe Riggs, Port Commission Chair spoke in support of Assembly Ordinance Serial No. 11-070 and Resolution Serial No. 11-079.

Assemblymember Ewing noted that Mr. Riggs comments would be more appropriate under the public hearing.

Mayor DeVilbiss agreed and advised that Mr. Riggs could speak to this under the public hearing.

D. ATTORNEY COMMENTS

Mr. Spiropoulos:

- spoke to the Steppers Construction law suit regarding the Central Landfill;
- stated that there was an offer to settle in the amount of \$75,000;
- related that Steppers did not accept it therefore the court awarded the Borough \$280,000 in fees and costs;
- advised that Steppers has filed an appeal, with the Borough filling a cross-appeal;
- further added that Supreme Court Rules require the parties to work on a settlement;
- requested an executive session on July 19, 2011, in order to discuss options;
- spoke to a recent Supreme Court Opinion was issued, which is Griswold versus city of Homer, number 5;
- advised that the opinion speaks to who can appeal land use issues; and
- stated that he will send a memo to the Assembly outlining what potential codes changes may become necessary.

E. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule;
- related that the last day the Assembly has to adopt propositions for the regular election in October is August 12, with the last regularly scheduled meeting before that date being August 2;
  
- noted that there may be a need for further discussion of the ballot propositions before the August 12, deadline; and

- queried if the Assembly would like to schedule a meeting for August 9, 2011, at 6 p.m. to discuss ballot propositions if needed.

There was no objection noted.

Ms. McKechnie:

- noted that at the last regular meeting the Assembly postponed action on the ethics code revisions to August 16;
- stated that there was discussion about scheduling a couple of work sessions regarding this topic; and
- queried if the Assembly would like to schedule work sessions on August 2 and August 16, at 4 p.m.

Discussion ensued regarding:

- scheduling work sessions for discussion on the ethics code revisions; and
- the possibility of Ordinance Serial No. 11-060 accompanying Ordinance Serial No. 11-022, as they are both proposed ethics code revision, even though they are conflicting in nature.

The Assembly decided to schedule the work sessions as suggested by the Clerk and to have Ordinance Serial Nos. 11-022 and 11-060 travel together.

#### F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
  - a. Caswell FSA Board of Supervisors: 01/12/11
  - b. Historical Preservation Commission: 01/07/10, 02/04/10, 03/04/10, 04/01/10, 05/06/10, 06/03/10, 08/05/10, 09/02/10, 10/07/10, 11/18/10
2. Community Council Correspondence:
  - a. Chickaloon Community Council: 01/12/11, 02/09/11
  - b. Meadow Lakes Community Council: 01/12/11, 02/09/11, 03/09/11

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

#### G. INFORMATIONAL MEMORANDUMS

1. IM No. 11-131: AN INFORMATIONAL MEMORANDUM PROVIDING FOR THE MONTHLY REPORTING OF AMENDED CONTRACTS AND NEW AWARDS UNDER \$100,000, ALONG WITH SOLE SOURCE PROCUREMENTS, FOR THE PERIOD OF MAY 1, 2011, TO MAY 31, 2011.

The informational memorandum was presented and no comments were noted.

### VII. UNFINISHED BUSINESS

- A. AM No. 11-033: AWARD OF BID NO. 11-083, TO HOWDIE INC., FOR THE DOROTHY SWANDA JONES BUILDING DOOR HARDWARE AND SECURITY UPGRADES IN THE CONTRACT AMOUNT OF \$213,428.

MOTION PENDING: Assemblymember Colver moved to adopt AM No. 11-033.

MOTION: Assemblymember Ewing moved to postpone AM No. 11-033 to a time certain of August 2, 2011.

Mr. Moosey:

- spoke to concerns with duplication of projects should AM No. 11-033 be adopted; and
- stated that he would like to wait until he comes back with a plan for the Dorothy Swanda Jones building and then deal with the AM No. 11-033 at that time.

Assemblymember Bettine queried the next meeting that space issues will be addressed.

Mr. Moosey:

- stated that the Assembly gave him direction to work on space issues, but with no timeframe;
- stated that his plan is to get a proposal on preliminary design and then a second proposal on bid specifications and construction; and
- spoke to his intention of completing this project as soon as he has the consensus of the Assembly on how they would like to proceed.

VOTE: The motion to postpone to a time certain passed without objection.

*(The meeting recessed at 6:57 p.m. and reconvened at 7:05 p.m.)*

## **VIII. VETO**

*(There were no vetoes presented.)*

## **IX. SPECIAL ORDERS (to begin at 7 p.m.)**

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

*(There were no persons to be heard.)*

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

1. Ordinance Serial No. 11-065: AN ORDINANCE EXTENDING THE TIME LIMIT FOR COMPLETION OF BOROUGH CAPITAL PROJECTS.
  - a. IM No. 11-106
  - b. Resolution Serial No. 11-080: A RESOLUTION AMENDING THE BUDGETS FOR THE FISCAL YEAR 2008 CAPITAL PROJECT: LOCKER ROOM LIGHTING FOR WASILLA POOL, FISCAL YEAR 2009 CAPITAL PROJECT: LOCKER ROOM LIGHTING UPGRADE AND OUTDOOR POOL ENTRANCE SIGN LIGHTING FOR

PALMER POOL, MAIN SHOWER REPLACEMENT, OUTDOOR SIGNAGE, AND NEW DIVING BOARD AND BASE FOR WASILLA POOL, FISCAL YEAR 2010 CAPITAL PROJECT: LOCKER ROOM LIGHTING UPGRADE AND NEW DIVING BOARD AND BASE FOR WASILLA POOL AND APPROVE THE SCOPE OF WORK AND BUDGET FOR HOT TUB REPLACEMENT, AMERICAN DISABILITIES ACT (ADA) HANDICAP LIFTS, AND INSTALLATION OF WATER SOFTENER, PROJECT NO. 15007.

(1) IM No. 11-136

c. Resolution Serial No. 11-081: A RESOLUTION AMENDING THE BRETT MEMORIAL ICE ARENA BUDGETS FOR THE FISCAL YEAR 2009 CAPITAL PROJECT, DOOR AND HARDWARE REPLACEMENT, ARENA LIGHTING UPGRADES, PATHWAY REPLACEMENT, AND WATER CONDITIONER, AND THE FISCAL YEAR 2010 CAPITAL PROJECT, WATER CONDITIONER, COMPRESSOR AND CONDENSING COIL ISOLATION VALVE RENOVATION, AND ROOF REPLACEMENT AND APPROVING THE SCOPE OF WORK AND BUDGET FOR AMERICAN DISABILITIES ACT (ADA) DOOR AND HARDWARE REPLACEMENT, ADA COMPLIANT PATHWAY, AND LIGHTING UPGRADES, PROJECT NO. 10157.

(1) IM No. 11-138

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 Woods moved to adopt Ordinance Serial No. 11-065 and Resolution Serial Nos. 11-080 and 11-081.

Assemblymember Ewing noted his support of the legislation.

Assemblymember Bettine queried if the tourism infrastructure grants being moved were from grants that were never fulfilled.

Mr. King:

- stated that he is still working to understand the tourism infrastructure grants; and
- advised that he is working through a list in order to determine how to get the projects

Discussion ensued regarding:

- whether or not there are any outstanding grants;
- the exact balance of remaining funds;
- when the funds were encumbered;
- what the funds in the legislation would be allocated for; and
- the need for projects to be completed in a timely manner.

MOTION: Assemblymember Bettine moved a primary amendment to IM No. 11-065, Capital Projects List by striking the following projects and to move the funds into trails infrastructure:

- 2002, Project No. 20161, Hatcher Pass Water and Electricity, \$29,139.20;
- 2005, Project No. 25030, Skwentna Land Acquisition and Platting, \$20,000;
- 2006, Project No. 15030, Tourism Infrastructure, \$2,223.42;
- 2006, Project No. 15035, Tourism Infrastructure, \$10,934.60; and
- 2007, Project No. 15030, Tourism Infrastructure, \$55,192.49.

MOTION: Assemblymember Colver moved a secondary amendment to strike the Hatcher Pass Water and Electricity, \$29,139.20.

Ms. Clayton:

- stated that the funds for the Hatcher Pass project are a grant match;
- advised that Community Development is ready to move forward on the project and spend the grant funds; and
- noted that if the money is not left in the fund, it would hamper the progress of the project.

VOTE: The secondary amendment passed without objection.

Assemblymember Halter requested an update on the Skwentna landfill acquisition.

Assemblymember Bettine advised that those funds are from the solid waste enterprise fund and that she would be supportive of an amendment to strike them from the primary amendment.

MOTION: Assemblymember Halter moved a secondary amendment strike the Skwentna Land Acquisition and Platting, \$20,000.

VOTE: The secondary amendment passed without objection.

MOTION: Assemblymember Bettine moved a secondary amendment to also strike 2008, Project No. 15035, Tourism Infrastructure, \$17,939.77, and insert the funds into trails infrastructure.

VOTE: The secondary amendment passed with Assemblymembers Ewing, Arvin and Woods opposed.

Discussion ensued regarding:

- where the funds were intended to be spent; and
- the need to not hamper project progress.

VOTE: The primary amendment passed with Assemblymembers Arvin, Ewing, and Woods opposed.

VOTE: The main motion passed as amended without objection.

2. Ordinance Serial No. 11-066: AN ORDINANCE REAPPROPRIATING \$200,840 FROM TRANSPORTATION DIVISION'S FISCAL YEAR 2011 OPERATING BUDGET, FUND 100, TO FUND 480, PROJECT NO. 20280, FOR AN UPDATE OF THE LONG RANGE TRANSPORTATION PLAN AND OFFICIAL STREETS AND HIGHWAY PLAN.
  - a. Resolution Serial No. 11-076: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE UPDATE OF THE LONG RANGE TRANSPORTATION PLAN AND OFFICIAL STREETS AND HIGHWAY PLAN.
    - (1) IM No. 11-112

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 Woods moved to adopt Ordinance Serial No. 11-066 and Resolution Serial No. 11-076.

Assemblymember Bettine queried the cost of the Long Range Transportation Plan (LRTP) that was created in 2006.

Mr. Sworts stated that it was approximately \$200,000, from several different funding sources.

Assemblymember Bettine opined there has not been a lot of change since then.

Mr. Sworts:

- advised that there have been numerous changes;
- provided examples of change, such as, the rail extension, the ferry project, regional transit authority, and three new transit providers within the Borough;
- stated that there was not much emphasis placed on the Port project in the 2006 LRTP;
- noted that the Knik Goose Bay area had very little planning; and
- spoke to the need to look at the Big Lake connection to the Port.

VOTE: The motion passed without objection.

3. Ordinance Serial No. 11-068: AN ORDINANCE ACCEPTING AND APPROPRIATING \$70,000 FROM THE UNITED STATES FISH AND WILDLIFE SERVICE FOR CULVERT REPLACEMENTS IN THE MEADOW LAKES AREA AND SETTLER'S BAY ROAD, PROJECT NO. 30112, FUND 410.
  - a. Resolution Serial No. 11-078: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR CULVERT REPLACEMENTS IN THE MEADOW LAKES AREA AND SETTLER'S BAY ROAD, PROJECT NO. 30112.
    - (1) IM No. 11-115

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Halter moved to adopt Ordinance Serial No. 11-068 and Resolution Serial No. 11-078.

Assemblymember Halter opined it is a good project and requested the Assembly's support.

VOTE: The motion passed without objection.

4. Ordinance Serial No. 11-069: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$2,772 OF REVENUES FROM PUBLIC DONATIONS TO THE FISCAL YEAR 2011 ANIMAL CARE AND REGULATION DIVISION OPERATING BUDGET (200.100.606) AND REAPPROPRIATING \$2,772 FROM THE FISCAL YEAR 2011 ANIMAL CARE AND REGULATION DIVISION OPERATING BUDGET, FUND 200, TO FUND 480, PROJECT NO. 45168, FOR TRAILERING EQUIPMENT.
  - a. IM No. 11-116

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 Woods moved to adopt Ordinance Serial No. 11-069.

VOTE: The motion passed without objection.

5. Ordinance Serial No. 11-070: AN ORDINANCE REAPPROPRIATING \$438,000 FROM PLANNING AND LAND USE DEPARTMENT'S FISCAL YEAR 2011 OPERATING BUDGET, FUND 100, TO FUND 480, PROJECT NO. 45005, FOR PORT MASTER PLAN IMPLEMENTATION, INCLUDING SURVEYING AND PLATTING.
  - a. Resolution Serial No. 11-079: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR PORT MASTER PLAN IMPLEMENTATION, INCLUDING SURVEYING AND PLATTING.
    - (1) IM No. 11-119

Ms. Probasco provided a staff report.

Mayor DeVilbiss opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 11-070 and Resolution Serial No. 11-079: Mr. Pio Cottini and Mr. John Riggs, Port Commission Chair.

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

MOTION: Assemblymember Bettine moved to adopt Ordinance Serial No. 11-070 and Resolution Serial No. 11-079.

Assemblymember Arvin:

- stated that he would like funds to be spent on an environmental impact study and the mitigation of other potential land use conflicts; and
- noted that there are other things within a port area that should be studied, such as noise and wetland delineation.

Assemblymember Halter stated that he hopes the scope of work includes those types of items.

Assemblymember Colver:

- opined that the scope of work is a little loose and that the Assembly will want input;
- stated that the scope of work needs to reflect port master planning, surveying, and platting only; and
- spoke to wanting to see maps with tracks and utility easements when this portion of the project is done.

Ms. Probasco:

- related that the intent is to have a master plat;
- spoke to the requirement to have a core permit for different areas;
- stated that their hope is that when the wetlands determination is complete, that a general permit for the whole area can be secured; and
- spoke to the natural resources that will need to be relocated as a result of any wetland determination.

Discussion ensued regarding:

- the need for wetland delineation;
- the types of permits that will need to be secured;
- the possibility of making the scope of work and budget more specific;
- relying on staff to be efficient and trusting them to meet the objectives of the Assembly;
- how the rail alignment and Port MacKenzie road would impact wetlands delineation;
- the need to prioritize where roads and utilities will be before wetlands are delineated;
- the desire of the Assembly to remain current on the project; and
- how the LIDAR project could positively impact wetlands delineation.

VOTE: The motion passed without objection.

*(The regular meeting recessed at 8:25 p.m. and reconvened at 8:35 p.m.)*

6. Ordinance Serial No. 11-071: AN ORDINANCE AMENDING MSB 3.04.095 (A), TO SPECIFY THE PURPOSE OF THE MINIMUM FUND BALANCE RESERVE AND MSB 3.04.110 (C), TO DEFINE THE CALCULATION OF THE AMOUNT THAT WILL BE LAPSED BACK TO THE BOROUGH BY THE SCHOOL DISTRICT IN ORDER TO ALIGN MSB CODE WITH GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB) STATEMENT NO. 54, FUND BALANCE REPORTING AND GOVERNMENTAL FUND TYPE DEFINITIONS.
  - a. IM No. 11-121

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 Woods moved to adopt Ordinance Serial No. 11-071.

Mayor DeVilbiss queried if the legislation would limit the Borough more than current standards.

Ms. Clayton

- related that it only changed what was previously called reserves;
- stated that if funds are unreserved but designated, that it will change the designation; and
- noted that it will only show in the financials and not be called reserves anymore.

Assemblymember Arvin:

- stated that the legislation says that the fund balance can only be 25 percent of operating budget including the School District;
- noted that the District and the Borough cannot build the fund large than \$5,000,000; and
- opined that 25 percent of the operating budget including the District would be a much larger figure.

Ms. Clayton:

- advised that it actually excludes the School District;
- related that it is not based on their budgeted expenditures;
- stated that with regard to the funds coming back to the Borough, they go into the school site selection reserve that will not be called reserve anymore; and
- noted that when that fund reaches \$5,000,000, that the funds will then go into the fund balance.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke to concerns with property tax distribution: Mr. Gary Foster.

The following person thanked the Manager, the Mayor, the Community Development Director and the Land Management Specialist for their assistance in resolving an issue she had and spoke to the need to clearly define “fee interest” in MSB 17.55: Ms. Lucille Frey.

The following person spoke to her request for information regarding the costs for the Talkeetna Waste Water Treatment Facility and to the need for a regional waste water treatment facility: Ms. Helen Munoz.

The following persons spoke in opposition of Resolution Serial No. 11-082: Ms. Shawna Larson Ms. Lisa Wade, and Ms. Jennifer Harrison.

D. CONSENT AGENDA (Resolution Serial No. 11-082 and AM No. 11-059 were pulled from the consent agenda and addressed separately. *See pp. 14-16*)

1. RESOLUTIONS

b. Resolution Serial No. 11-090: A RESOLUTION MODIFYING FEES FOR MSB 17.29, FLOOD DAMAGE PREVENTION.

(1) IM No. 11-090

2. ACTION MEMORANDUMS

a. AM No. 11-039: AWARD OF BID NO. 11-076 TO REBERLAND EQUIPMENT, INC., IN THE AMOUNT OF \$435,263 FOR A VACUUM PUMPER TANKER FOR THE BUTTE FIRE SERVICE AREA.

b. AM No. 11-057: AWARD OF PROPOSAL NO. 11-085 TO GDM, INC., IN THE CONTRACT AMOUNT NOT TO EXCEED \$200,000 FOR THE HOUSTON MIDDLE SCHOOL ROOF REPAIR/REPLACEMENT.

c. AM No. 11-058: AUTHORIZING THE MANAGER TO ENTER INTO AN AGREEMENT FOR RESCUE SERVICES WITH THE CITY OF PALMER IN THE AMOUNT OF \$36,000 FOR A CONTRACT PERIOD OF JULY 1, 2011, TO JUNE 30, 2012.

e. AM No. 11-060: AWARD OF BID NO. 11-108 TO SWALLING CONSTRUCTION COMPANY IN THE CONTRACT AMOUNT NOT TO EXCEED \$878,475 FOR THE PORT MACKENZIE BARGE DOCK EXPANSION – PHASE II.

f. AM No. 11-061: AWARD OF BID NO. 11-119 TO KOPPERUD TRANSPORTATION INC., IN THE CONTRACT AMOUNT OF \$197,967 FOR THE WINDING BROOK LOOP RECONSTRUCTION.

g. AM No. 11-062: AWARD OF BID NO. 11-095 TO CROWLEY PETROLEUM DISTRIBUTION, INC., FISHER’S FUEL, INC., AND VALLEY FUEL FOR THE AMOUNT NOT TO EXCEED \$100,000 PER VENDOR PER FISCAL YEAR, FOR

THE PURCHASE AND DELIVERY OF HEATING OIL AND FUELS TO BOROUGH FACILITIES.

- h. AM No. 11-063: AWARD OF BID NO. 11-104 TO ALASKA SURE SEAL IN THE CONTRACT AMOUNT OF \$133,200 FOR CRACK SEALING.
- i. AM No. 11-065: APPROVAL OF CHANGE ORDER TO SHAMROCK SEPTIC IN THE AMOUNT OF \$93,000 FOR A ONE-YEAR EXTENSION FOR CENTRAL LANDFILL LEACHATE HAULING AND DISPOSAL.
- j. AM No. 11-066: AUTHORIZATION TO EXERCISE FINAL OPTION YEARS FOR ROAD MAINTENANCE CONTRACTS: 09-131 TO D & S ROAD SERVICES FOR TRAPPER CREEK ROAD SERVICE AREA IN THE AMOUNT OF \$96,730.57; 09-132 TO TEWS INC., FOR ALPINE ROAD SERVICE AREA IN THE AMOUNT OF \$92,599.84; AND 09-126 TO TEWS INC., FOR LAZY MOUNTAIN ROAD SERVICE AREA IN THE AMOUNT OF \$71,111.89

Ms. McKechnie read the above legislation into the record.

Mayor DeVilbiss inquired if there was any objection to the consent agenda.

GENERAL CONSENT: The consent agenda was approved as presented.

- a. Resolution Serial No. 11-082: A RESOLUTION COMMEMORATING THE CORDOVA COAL PARTY OF MAY 4, 1911, FOCUSING ATTENTION ON THE FEDERAL GOVERNMENT'S CURRENT STRANGLEHOLD ON ALASKA, AND CALLING ON THE PRESIDENT OF THE UNITED STATES, UNITED STATES SECRETARY OF THE INTERIOR, UNITED STATES SENATE AND CONGRESS TO DEVELOP COMMON SENSE POLICIES THAT ALLOW ALASKA AND THE REST OF THE NATION TO UTILIZE THE NATION'S ABUNDANT RESOURCES IN A SAFE, ENVIRONMENTALLY SOUND MANNER THAT SERVES THE BEST INTERESTS OF AMERICANS.  
*(Sponsored by Mayor DeVilbiss)*
- (1) IM No. 11-132

MOTION: Assemblymember Bettine moved to adopt Resolution Serial No. 11-082.

Assemblymember Bettine:

- related that before members of the audience spoke in opposition, she wondered what she knew about federal legislation and the affect it may have on Alaska's resources;
- stated that there are many reasons that she cannot support the legislation;
- opined that it does not have a purpose; and
- requested that the Assembly not support the legislation.

Assemblymember Keogh:

- stated that he is unsure of the intent of the legislation;
- appreciated the testimony provided by members of the audience;
- noted that we are requesting funding from the federal government, but then telling them that they are strangling us;
- stated that he does not support the legislation.

Assemblymember Halter:

- noted that the Assembly just passed AM 11-060, which allocates funds from the federal government for port improvements;
- stated that he is unsure of why the Assembly would send a negative message after having just accepted funding;
- opined that it is a mean spirited resolution and too heavy handed;
- spoke to his appreciation of the testimony provided; and
- stated that he does not support the legislation.

Assemblymember Arvin:

- stated that he also appreciated the public testimony;
- opined that the federal government does restrict Alaska from managing its own resources;
- noted that it is not his intent to offend anyone, and that perhaps if there is language that is offensive to indigenous people of Alaska, that it could be removed; and
- opined that it is appropriate to send the message that Alaska wants to manage its own resources.

Assemblymember Ewing:

- opined that the language in the resolution is not offensive;
- spoke to his previous experience working in the Alaska National Wildlife Refuge (ANWR);
- stated that indigenous people would like to see development in ANWR;
- spoke to the large shale oil deposits within the State;
- stated that he is not in favor of being dependent on foreign oil and other imports;
- opined that Alaska is being strangled by the inability to manage its own resources; and
- noted his support of the resolution.

Mayor DeVilbiss:

- advised that the language in this resolution is the same language that was in resolutions passed by other communities in Alaska;
- stated that he was surprised that anyone was offended; and
- stated that he supports Alaska managing its own resources.

Assemblymember Keogh:

- opined that when resolutions are brought forward commemorating history that all of the facts should be understood and considered;
- related that the intent of the action of the President was to stop a monopolistic effort from the 1890's;

- opined that there is more to the story than just what is contained in the resolution; and
- stated that he will vote against it for many reasons.

Assemblymember Halter:

- stated that he will not support the resolution, but not because he does not support Alaska managing its own resources;
- spoke to the need to talk more with the State Senatorial Delegation regarding these types of concerns;
- opined that Alaska has a lot of great resources that it does manage;
- stated that Alaska is making headway and that he does not think this is the way to send a message to the government; and
- stated that for the Assembly to take federal money and bash the source in the same night is inappropriate.

VOTE: The motion passed with Assemblymembers Bettine, Keogh, and Halter opposed.

- d. AM No. 11-059: AUTHORIZING THE MANAGER TO ENTER INTO A COOPERATIVE SERVICES AGREEMENT WITH THE CITY OF PALMER FOR EMERGENCY 911 DISPATCH SERVICES IN THE AMOUNT OF \$787,218 FOR THE PERIOD OF JULY 1, 2011, TO JUNE 30, 2012.

MOTION: Assemblymember Bettine moved to adopt AM No. 11-059.

Assemblymember Bettine queried the amount of the contract last year.

Mr. Moosey stated that this is a two year contract with a two percent increase.

Discussion ensued regarding the increase in the contract from the previous contract.

VOTE: The motion passed without objection.

## **X. NEW BUSINESS**

### **A. INTRODUCTIONS (For public hearing – 07/19/11 at 7 p.m., Borough Assembly Chambers)**

1. Ordinance Serial No. 11-074: AN ORDINANCE AMENDING MSB 17.60.010; REPEALING SECTION 17.60.140, TALL STRUCTURES, INCLUDING BUT NOT LIMITED TO, TOWERS, TOWER FARMS, TOWER ROUTES, AND TOWER SERVICE AREA GRIDS; AMENDING 17.125, DEFINITIONS; AND ADOPTING MSB 17.66, TALL STRUCTURES, INCLUDING TELECOMMUNICATION FACILITIES, WIND ENERGY CONVERSION SYSTEMS, AND OTHER TALL STRUCTURES.

- a. Resolution Serial No. 11-083: A RESOLUTION ESTABLISHING FEES FOR MSB 17.66, TALL STRUCTURES, INCLUDING TELECOMMUNICATION FACILITIES, WIND ENERGY CONVERSION SYSTEMS, AND OTHER TALL STRUCTURES.
  - (1) IM No. 11-074
2. Ordinance Serial No. 11-075: AN ORDINANCE APPROVING AN APPROPRIATION OF \$16,400 FROM CHASE TRAIL SERVICE AREA FUND BALANCE, FUND 296, TO FUND 430, CHASE TRAIL UPGRADE PROJECT, PROJECT NO. 35379.
  - a. Resolution Serial No. 11-084: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE CHASE TRAIL UPGRADE PROJECT, PROJECT NO. 35379.
    - (1) IM No. 11-118
3. Ordinance Serial No. 11-076: AN ORDINANCE APPROVING AN APPROPRIATION OF \$176,000 FROM THE 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. 11-129
4. Ordinance Serial No. 11-077: AN ORDINANCE ACCEPTING AND APPROPRIATING \$4,000 FROM THE ALASKA STATE DEPARTMENT OF EDUCATION TO FUND 480, PROJECT NO. 20364, FOR CONTINUING EDUCATION GRANTS AT THE BIG LAKE, SUTTON, TALKEETNA, AND WILLOW PUBLIC LIBRARIES.
  - a. Resolution Serial No. 11-085: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR CONTINUING EDUCATION GRANTS FOR THE BIG LAKE, SUTTON, TALKEETNA, AND WILLOW PUBLIC LIBRARIES.
    - (1) IM No. 11-130
5. Ordinance Serial No. 11-078: AN ORDINANCE AMENDING THE “OPERATING RULES, RATES, AND PROCEDURES FOR THE SUPPLY OF PUBLIC SEWER AND WATER SYSTEMS IN TALKEETNA, ALASKA,” BY INCREASING THE RATES FOR MONTHLY WATER AND SEWER CHARGES AND INTERRUPTED SERVICE FEES.
  - a. IM No. 11-133
6. Ordinance Serial No. 11-079: AN ORDINANCE PROVIDING FOR THE SALE OF CERTAIN BOROUGHWIDE REAL PROPERTY ACQUIRED THROUGH TAX FORECLOSURE FOR DELINQUENT REAL PROPERTY TAXES YEARS 1989 AND PRIOR, AND 1990 THROUGH 2011 AND NOT NEEDED FOR PUBLIC PURPOSE.
  - a. IM No. 11-134

7. Ordinance Serial No. 11-080: AN ORDINANCE AUTHORIZING A FAIR MARKET VALUE LEASE OF BOROUGH-OWNED REAL PROPERTY TO PACARCTIC LOGISTICS, LLC, FOR MARINE AND SURFACE TRANSPORTATION, LOGISTICS, AND TERMINAL OPERATOR SERVICES (MSB006489).
  - a. IM No. 11-137
  
8. Ordinance Serial No. 11-081: AN ORDINANCE TO SUBMIT AN ADVISORY QUESTION TO THE QUALIFIED NON-AREAWIDE VOTERS OF THE BOROUGH AT THE OCTOBER 4, 2011, REGULAR BOROUGH ELECTION TO DETERMINE WHETHER THE PUBLIC SUPPORTS THE ASSEMBLY AMENDING THE CODE SO THAT TOWERS SHALL BE SETBACK AT LEAST A DISTANCE EQUAL TO THE HEIGHT OF THE TOWER FROM ALL PROPERTY LINES AND ANY PUBLIC RIGHT-OF-WAY. *(Sponsored by Assemblymember Keogh)*
  - (1) IM No. 11-140
  
- B. INTRODUCTIONS (For public hearing – 08/02/11, 7 p.m., Borough Assembly Chambers)
  1. Ordinance Serial No. 11-061: AN ORDINANCE CREATING WAXWING STREET AND HALLIE DRIVE NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 449, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.
    - a. IM No. 11-125
  
  2. Ordinance Serial No. 11-063: AN ORDINANCE CREATING FAIRVIEW ACRES AND LUPINE LANE ACRES ADDITION NO. 1 AREA NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 453, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.
    - a. IM No. 11-127
  
  3. Ordinance Serial No. 11-064: AN ORDINANCE CREATING AURORA LANE AREA NO. 2 NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 454, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.
    - a. IM No. 11-128
  
  4. Resolution Serial No. 11-086: A RESOLUTION NAMING THE POINT MACKENZIE PUBLIC SAFETY BUILDING THE “ART AND BOOTS SCATES PUBLIC SAFETY BUILDING.”
    - a. IM No. 11-141

Ms. McKechnie read the above legislation into the record.

MOTION: Assemblymember Woods moved to introduce the legislation as read into the record by the Clerk and set the public hearings for July 19, 2011 and August 2, 2011, respectively.

MOTION: Assemblymember Colver moved to divide the question to set the public hearing of Ordinance Serial No. 11-074 and Resolution Serial No. 11-083 for November 1, 2011.

VOTE: The motion passed without objection.

VOTE: First segment to introduce the legislation as read into the record by the Clerk and set the public hearings for July 19, 2011 and August 2, 2011, respectively, passed without objection.

Assemblymember Colver opined that the legislation should not be addressed until the ballot proposition contained within Ordinance Serial No. 11-081 is put before the voters.

Assemblymember Ewing:

- opined that the legislation should go forward for public hearing on August 2;
- noted that a significant amount of time has been spent on writing this legislation;
- stated that the Assembly can at any time amend code as needed if the voters approve the ballot proposition;
- spoke to concerns with the Assembly hindering development within the Borough;
- opined that this has gone on long enough and that it should move forward; and
- spoke against setting the public hearing for November.

Assemblymember Colver stated that he would like the legislation to be taken up after the advisement of the voters on the fall radius of towers.

Mayor DeVilbiss queried if postponement could have any impact on current or proposed projects.

Ms. Nelson affirmed the query.

Assemblymember Ewing queried if a member casts a deciding vote and has a conflict of interest if the Borough could be liable.

Mr. Spiropoulos stated that what would be considered by the Supreme Court would be if the conflicted member cast a deciding vote, whether or not a conflict was disclosed, the extent of the participation of the member, and the magnitude of the member's interest.

VOTE: Second segment to set the public hearing for Ordinance Serial No. 11-074 and Resolution Serial No. 11-083 for November 1, 2011, passed with Assemblymembers Ewing and Woods opposed.

C. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

MOTION PENDING: Assemblymember Keogh moved to confirm Mr. Steve Hudson to Alpine RSA No. 31.

Assemblymember Keogh:

- stated that he had an opportunity to speak with Mr. Hudson;
- related that any concerns he had with Mr. Hudson's confirmation have been addressed; and
- noted that he will support the confirmation of Mr. Hudson to Alpine RSA No. 31.

VOTE: The motion passed without objection.

Mayor DeVilbiss requested the following confirmations:

Enhanced 911 Advisory Board  
Hans Brinke  
Alpine RSA No. 31  
Steve Hudson

Mayor DeVilbiss made the following recommendations:

Local Emergency Planning Committee  
Daniel Deedy

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

VOTE: The motion passed without objection.

D. OTHER NEW BUSINESS

*(There was no other new business.)*

E. 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.)*

MOTION: Assemblymember Keogh moved to extend the meeting past 10 p.m. and not to exceed 10:15 p.m.

VOTE: The motion passed with Assemblymembers Arvin and Halter opposed.

**XII. EXECUTIVE SESSION** *(for matters, the immediate public knowledge of which would clearly have an adverse effect upon the finances of the borough and matters which by law, municipal charter, or ordinance are required to be confidential and matters involving consideration of government records that by law are not subject to public disclosure.)*

A. **STATE REDISTRICTING PLAN** *(Possible litigation and discussion of attorney work product)*

Mr. Spiropoulos discussed the parameters of executive session.

*(Assemblymember Ewing exited the meeting at 9:48 p.m.)*

MOTION: Assemblymember Woods moved to enter executive session for matters, the immediate public knowledge of which would clearly have an adverse effect upon the finances of the Borough and matters which by law, municipal charter, or ordinance are required to be confidential and matters involving consideration of government records that by law are not subject to public disclosure, in particular to discuss the State's Redistricting Plan and providing direction to the Attorney. Those present during the executive session will be the Mayor, the Members of the Assembly, the Attorney, the Manager, and the Clerk.

VOTE: The motion passed without objection and the Assembly entered executive session at 9:50 p.m.

MOTION: Assemblymember Bettine moved to exit executive session.

VOTE: The motion passed without objection and the Assembly exited executive session at 10:13 p.m.

MOTION: Assemblymember Bettine moved to extend the meeting past 10:15 p.m. and not to exceed 11 p.m.

VOTE: The motion passed without objection.

MOTION: Assemblymember Woods moved to enter executive session for matters, the immediate public knowledge of which would clearly have an adverse effect upon the finances of the Borough and matters which by law, municipal charter, or ordinance are required to be confidential and matters involving consideration of government records that by law are not subject to public disclosure, in particular to discuss the State's Redistricting Plan and providing direction to the Attorney. Those present during the executive session will be the Mayor, the Members of the Assembly, the Attorney, the Manager, and the Clerk.

VOTE: The motion passed without objection and the Assembly entered executive session at 10:15 p.m.

MOTION: Assemblymember Arvin moved to exit executive session.

VOTE: The motion passed without objection and the Assembly exited executive session at 10:41 p.m.

### **XIII. MAYOR, ASSEMBLY, AND STAFF COMMENTS**

Assemblymember Arvin thanked the Clerk and her staff again for ensuring that he had everything he needed in order to be prepared for the meeting.

Mr. Moosey:

- spoke to Assemblymember Bettine's concern with the lack of staff in the audience;
- related that he is working to be prepared to answer Assembly questions in order to reduce the need for staff to be here all night; and
- stated that he is trying to be effective with staff resources and cut costs.

Mayor DeVilbiss encouraged the Assembly to get as many questions answered before the meeting in order to shorten the length of the meetings.

Assemblymember Halter opined that Ms. Clayton should always be present.

Assemblymember Bettine:

- stated that she is in favor of staff being present;
- appreciates the efforts of the Manager;
- opined it is important for the Assembly to be able to ask questions; and
- noted that sometimes it is not possible to prepare for all questions that may arise.


Assemblymember Colver opined that there are times that specific staff would need to be present due to the type of legislation that may be on the agenda.

Discussion ensued regarding on what occasions it may be necessary for staff to be in attendance at meetings in order to answer questions of the Assembly.

Assemblymember Woods noted that he is in support of shortening the length of meetings if possible.

**XIV. ADJOURNMENT**

The regular meeting adjourned at 10:59 p.m.

  
LARRY DeVILBISS, Borough Mayor

ATTEST:

  
LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 07/19/11