

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on July 19, 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 at 6:31 p.m.*)
- Mr. Mark Ewing, Assembly District No. 4
- Ms. Cindy L. Bettine, Assembly District No. 5
- 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, Acting 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
- Mr. Dennis Brodigan, Emergency Services Director
- Ms. Patty Sullivan, Public Affairs Director
- Mr. Emerson Krueger, Planner II
- Mr. William Gambell, District II Chief
- Ms. Joell Church, Records Management Officer

III. APPROVAL OF AGENDA

Mayor DeVilbiss:

- stated that the Clerk had requested a change to the agenda;
- noted that the request was to move Resolution Serial No. 11-087 from the consent agenda and attach it to Ordinance Serial No. 11-083, as the second introduction; and
- queried if there were any objections.

Assemblymember Bettine queried why that would be necessary.

Ms. McKechnie:

- stated that there has been no official action taken by the Assembly on reapportionment;
- noted that state statute requires that municipalities determine via resolution that it is malpartitioned before the reapportionment plan; and
- related that the malpartitioned resolution begins the timeline of when the reapportionment plan needs to be before the voters.

Assemblymember Bettine queried if passing the resolution tonight would not be good enough action by the Assembly.

Ms. McKechnie:

- stated that her suggestion is to move the resolution forward with the reapportionment legislation;
- related that it would be better to have the legislation travel together in case there are any delays;
- stated that the Assembly has six months after the adoption of the resolution to put the reapportionment plan before the voters; and
- noted should the Assembly adopt the resolution this evening and then not adopt the reapportionment question to move forward to the voters in October there would need to be an election in December.

Discussion ensued regarding the timeline for the reapportionment plan to be before the voters.

Mayor DeVilbiss:

- reminded the body that the discussion is about amending the agenda;
- noted that the merits of the legislation could be discussed later; and
- inquired if there was any objection to making the change requested by the Clerk.

There was no objection noted.

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

Assemblymember Colver:

- stated that he would like to take up the executive session regarding the Cook Inlet Drift Netters Association Litigation immediately following the pledge of allegiance;
- noted that staff and an expert are available to speak to the litigation;
- spoke to concerns that the Borough could be negatively impacted as a result of the litigation; and
- opined that the executive session will not take long.

There was no objection noted.

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by School District Superintendent Dr. Deena Paramo.

XII. EXECUTIVE SESSION *(for matters, the immediate public knowledge of which would clearly have an adverse effect on 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)*

B. COOK INLET DRIFT NETTERS ASSOCIATION LITIGATION

Mayor DeVilbiss stated to the public that the Assembly would be moving into the lower level conference room to conduct the executive session.

MOTION: Assemblymember Woods moved to enter into executive session for matters, the immediate public knowledge of which would clearly have an adverse effect on 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 whether to join the Cook Inlet Drift Netters Association Litigation. Those present during the executive session were the Mayor, the members of the Assembly, the Clerk, the Attorney, the Assistant Manager, Ms. Shannon Bodolay, and Mr. Larry Engle.

VOTE: The motion passed without objection and the Assembly entered into executive session at 6:11 p.m.

MOTION: Assemblymember Woods moved to exit executive session.

VOTE: The motion passed without objection and the Assembly exited executive session at 6:25 p.m.

MOTION: Assemblymember Colver moved to direct the Attorney to intervene in Case No. 3AN-11-9043CI, Cook Inlet Drift Netters Association, et al versus the Alaska State Department of Fish and Game-Alaska Board of Fisheries.

VOTE: The motion passed without objection.

V. MINUTES OF PRECEDING MEETINGS

- A. Special Assembly Meeting: 06/04/11
- B. Special Assembly Meeting: 06/07/11
- C. Regular Assembly Meeting: 06/07/11
- D. Joint Assembly/School Board Meeting: 06/14/11
- E. Regular Assembly Meeting: 06/21/11

Mayor DeVilbiss inquired if there were any corrections to the special meeting minutes of June 4, 2011, June 7, 2011, the regular meeting minutes of June 7, 2011, the joint Assembly/School Board meeting minutes of June 14, 2011, or the regular meeting minutes of June 21, 2011.

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Wasilla City

Mr. Burt Cottle, city of Wasilla Deputy Administrator:

- stated that the Lake Lucille Park lease is still on their agenda and close to being resolved; and
- related that comprehensive plan for the city of Wasilla has been approved by the City and is going through the process to come before the Assembly.

2. Matanuska-Susitna Borough School District

Mr. Don Carney, School District Assistant Director of Operations and Maintenance, introduced the new School District Superintendent Dr. Deena Paramo.

Dr. Deena Paramo, School District Superintendent:

- noted that school starts in August;
- stated that they are working with principals regarding staff reductions;
- spoke to boundary changes that were made in order to alleviate overcrowding;
- related that there is now the ability for parents to register students online, which is much more efficient; and
- introduced the new Director of Operations and Maintenance, Mr. David Anderton.

Mr. David Anderton, School District Director of Operations and Maintenance, stated that he looks forward to working with the Assembly.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

(There was no report provided.)

2. Assembly Public Relations

Assemblymember Ewing:

- spoke to attending the launch of the space shuttle Atlantis; and
- stated that it was a privilege and honor to be there.

Mayor DeVilbiss:

- spoke to attending a meeting with Mayor Sullivan, Municipality of Anchorage, and the Knik Arm Bridge Toll Authority;
- stated that there is good will on both sides to resolve the issue;
- noted that engineers all say a bridge can be built;
- related that it may cost a little more, but the cost will not stop the project; and
- related that he was a joint speaker with Mayor Sullivan at the National American Rehabilitation Conference that was held in Anchorage.

C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues
3. M/V Susitna Update

Ms. Gray stated that it was requested to have an update on the M/V Susitna and stated that Mr. Madden would provide the update via teleconference.

Mr. Lew Madden provided an update regarding the M/V Susitna.

Assemblymember Arvin:

- stated that typically a warranty is only good for a period of time that a piece of equipment would be operating;
- noted that the vessel has a strong possibility of not operating very frequently before the warranty runs out; and
- stated that he would like to know what is being negotiated and how it will affect the warranty.

Mr. Madden:

- noted that a key point on that is the engines and the associated running gears;
- stated that a warranty on a ship that is used infrequently is much less expensive than a ship that is used constantly;
- related that a decision has to be made on how to use the ship before a warranty can be negotiated;
- noted that some of the other warranties are based on time; and
- stated that the thruster company does not offer a warranty and neither does the gear box manufacturer.

Assemblymember Arvin:

- noted that Mr. Madden said that he had information regarding potential users or partners that are unable to be discussed now;

- stated that the M/V Susitna is a big issue for all of the Assembly; and
- opined that if Mr. Madden does not want to discuss this in public, that possibly the discussion could be held in executive session.

Mr. Madden:

- stated that the issue of potential partners is not completely clear at this time;
- noted that those that are interested still have questions and will be contacting the Borough to discuss them;
- related that he has contacted potential investors who have shown significant interest; and
- noted that the Manager is discussing how it would work with the Federal Transit Authority.

Discussion ensued regarding:

- the need for an administrative report on the status of potential investors; and
- whether or not potential investors is a proper subject for an executive session.

Ms. Gray stated that Ms. Sullivan would like to present the winner of the Borough project poster contest.

Ms. Sullivan:

- provided a brief history of the poster contest;
- presented the new poster to the Assembly; and
- introduced the winner of the poster contest, Mr. John McComber.

Mr. McComber:

- showed the original artwork to the Assembly; and
- stated that he is proud to have his artwork selected.

Ms. Gray:

- stated that information regarding the Talkeetna Sewer and Water system was added to the red folders regarding sewer rights; and
- apologized that there is not more information available at this time.

A. ATTORNEY COMMENTS

1. Redistricting Litigation

Mr. Spiropoulos:

- spoke to an email that some members had received regarding the regulation of a new drug called bath salts;
- advised that the State has sole discretion on controlled substances and the Borough could not regulate them;
- stated that it is possible for the Assembly to pass a resolution in support of the State regulating the substance and making it illegal to possess;
- related that three law suits have been filed with regard to the State's redistricting plan, which there is one in Juneau and two in Fairbanks;

- stated that Fairbanks has a pretrial status conference July 22 at 8 a.m.;
- noted that the Juneau case may have been transferred to Anchorage due to an unopposed motion for a change of venue; and
- stated that if the location is any place than Anchorage it will be harder for him to attend.

Assemblymember Colver queried when an amicus brief would be filed.

Mr. Spiropoulos stated that he would like to wait and see what is going on with the State Redistricting Board prior to taking any action.

B. CLERK COMMENTS

Ms. McKechnie:

- spoke to the propositions that are coming forward for the October 4 election;
- noted that the Assembly scheduled an additional meeting on August 9 to discuss ballot propositions; and
- queried if the Assembly would like another meeting tentatively scheduled for August 11 in case there is not enough time on August 9.

Assemblymember Halter queried what propositions were scheduled to be discussed.

Ms. McKechnie stated that there are school bonds, road bonds, road powers, districting school board members, and the reapportionment plan.

Discussion ensued regarding scheduling an additional meeting to discuss ballot propositions.

The Assembly decided to schedule a meeting for August 11, 2011, at 6 p.m. to discuss ballot propositions.

(The regular meeting recessed at 6:58 p.m. and reconvened at 7:03 p.m.)

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. 11-075: 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

The Mayor 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. 11-075 and Resolution Serial No. 11-084.

Assemblymember Halter:

- stated that the only way to get to the Chase Community is this trail;
- noted that this legislation is to upgrade the trail for the residents of that area; and
- requested Assembly support.

VOTE: The motion passed without objection.

2. 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

Mayor DeVilbiss opened the public hearing.

The following person questioned whether the funds would stay in the Big Lake Community: Mr. Butch Moore.

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. 11-076.

Assemblymember Bettine:

- opined that revenues exceed the expenses for road service areas;
- stated that there is not as much spent as what is collected and she is unsure why; and
- requested Assembly support for the legislation.

VOTE: The motion passed without objection.

3. 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

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. 11-077 and Resolution Serial No. 11-085.

Assemblymember Halter requested support of the legislation.

Assemblymember Arvin queried what these funds are for.

Ms. Gray:

- noted that this is a grant through the State in order to provide for continuing education for librarians; and
- stated that any library in the state is eligible for these funds.

VOTE: The motion passed without objection.

4. 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

Mayor DeVilbiss opened the public hearing.

The following person spoke in support of postponing Ordinance Serial No. 11-078 for 90 days: Ms. Kathy Stoltz and Ms. Dawn Johns.

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

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

Assemblymember Ewing opined that the rates provided by the city of Wasilla are higher than what is reflected in the handout.

Ms. Gray stated she just received the information from the city of Wasilla this morning and apologized if it was inaccurate.

Discussion ensued regarding:

- the Talkeetna Sewer and Water Loans;
- the estimated revenues and expenditures for fiscal year 2012;
- the reason for the deficit in the operating budget;
- the history of rate increases;
- the effects on the operating expenditures, should the legislation be delayed; and
- the possibility of postponing the legislation for 90 days.

MOTION: Assemblymember Halter moved to postpone Ordinance Serial No. 11-078 to a time certain of November 1, 2011.

VOTE: The motion passed without objection.

5. 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

Ms. Clayton provided a staff report.

Mayor DeVilbiss opened the public hearing.

The following persons spoke in opposition to Ordinance Serial No. 11-079: Ms. Nancy Sult, Ms. Cheryl Lavigne, Mr. Neil Snider, Mr. David Bartels, Mr. Ron Lavigne, and Ms. Delice Calcote.

The following person spoke to concerns with foreclosing on property for non-essential services: Mr. Chris Gates.

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

MOTION: Assemblymember Woods moved to adopt Ordinance Serial No. 11-079.

MOTION: Assemblymember Woods moved a primary amendment to Ordinance Serial No. 11-079, Exhibit A, to strike tax account number 56070000L1402 (TS027-04).

Mayor DeVilbiss noted that the taxes on this parcel had been paid.

VOTE: The primary amendment passed without objection.

Assemblymember Colver:

- opined that the Assembly should not be picking properties to be removed from the tax sale this late in the game;
- noted that the Assembly provided extensions of payment of taxes last year;

- opined that there could be ramifications to picking some properties and not others;
- spoke to concerns with services areas and high assessed values of properties;
- stated that he understands why people are coming in to request more time; and
- noted that the huge growth in the Borough has contributed to the change in tax bills.

Discussion ensued regarding:

- whether it is proper or legal to remove properties from the list;
- the ability of property owners to pay their tax bills prior to the sale, should the legislation be adopted; and
- the possibility of changing the sale date.

MOTION: Assemblymember Halter moved a primary amendment to Ordinance Serial No. 11-079, to strike the sale date of “September 24, 2011,” and insert in its place “November 24, 2011.”

MOTION: Assemblymember Arvin moved secondary amendment to strike “November 24, 2011,” and insert in its place “December 17, 2011,” and to adjust all other corresponding dates as necessary.

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Ewing moved a primary amendment to strike tax sale identification numbers TS027-11, TS027-13, and TS027-32 from the 2011 sale and to provide an extension of one year for payment of taxes due.

Assemblymember Ewing:

- spoke to concerns with properties that have tax due amounts that are higher than what the value of the property or home is; and
- stated that he is not in favor of putting people out of their homes.

Assemblymember Keogh queried if this had been done in the past or if it would be precedent setting.

Ms. Clayton stated that she is not aware of any instance that this has been done before.

Discussion ensued regarding:

- hardships in the community that the Assembly is not always aware of;
- the possibility of property with a small structure being used as a cabin;
- the average tax on \$75,000 home being \$1,000; and
- the last date that tax payments were made on various properties.

MOTION: Assemblymember Arvin moved a secondary amendment to add to the extension of time, the properties with structures (TS027-08, TS027-16, and TS027-25).

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Arvin moved a primary amendment to remove all interest and penalties for all properties listed.

Mr. Spiropoulos advised that may not be legally possible, as it is the budget ordinance that states what the mill rate for property taxes is set at.

Assemblymember Colver requested that Mayor DeVilbiss rule on whether the amendment was in order.

RULING: Mayor DeVilbiss ruled that the primary amendment is out of order.

Assemblymember Keogh:

- queried the number of properties on the list as compared to last year; and
- queried if it is typical that payments do not come in until right up to the moment of sale.

Ms. Clayton:

- stated that she believes that there were 20 properties that started on the list last year; and
- noted that when it came to the sell date, that there were only 14 properties on the list.

Mayor DeVilbiss noted that in the beginning of this period that there were over 2,000 properties on the tax sale list.

VOTE: The main motion passed as amended without objection.

(The regular meeting recessed at 8:30 p.m. and reconvened at 8:42 p.m.)

6. 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

Ms. Gray requested postponement to September 6, 2011.

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 Bettine moved to adopt Ordinance Serial No. 11-080.

Assemblymember Ewing:

- opined that it is great to get fair market value for leases;
- stated that in the lease, it talks about the company wanting to build modules;
- further added that it states that they also want to build a conveyor system; and
- stated that he is unsure of how those two things would be compatible.

Mr. King Hefford, of Pacarctic Logistics:

- advised that Pacarctic does not do manufacturing;
- related that they are a marine logistics and transportation company; and
- stated he is unsure of where that information came from.

MOTION: Assemblymember Ewing moved to postpone Ordinance Serial No. 11-080 to a time certain of September 6, 2011, and to hold another public hearing.

VOTE: The motion passed without objection.

7. 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)*
 - a. IM No. 11-140

Mayor DeVilbiss opened the public hearing.

The following person spoke in support of Ordinance Serial No. 11-081 and to concerns with the permitting center directing patrons to different properties than what they have originally inquired about: Mr. Butch Moore.

The following person spoke to concerns with putting the question of the fall radius to the voters and in opposition to Ordinance Serial No. 11-081: Mr. John Klapperich.

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

MOTION: Assemblymember Keogh moved to adopt Ordinance Serial No. 11-081.

Assemblymember Keogh:

- stated that he appreciates the testimony provided regarding the legislation;
- noted that the Assembly has conducted work sessions regarding towers;
- related that he is aware of the many studies done regarding towers;
- spoke to issues of safety and the collapse of towers;
- noted that there are also concerns with the visual impacts towers could have;

- opined that there is also the potential to decrease property values;
- stated that this is his attempt to move part of the tower issue forward; and
- noted that this is an advisory vote only.

Assemblymember Ewing:

- stated that he does not have a hydrology background;
- noted that he does have quite a bit of tower experience dating back to 1974;
- related that he has built towers out on the Arctic Ocean where guy lines were placed in salt water;
- stated that with the many years experience he has in the tower trade, that he can say that the photos passed around about towers falling on houses are not from Alaska;
- advised that the specifications for towers are three times the required wind load;
- spoke to towers that have survived the earthquake and are still standing;
- opined that the engineering that goes into communication towers is incredible;
- noted that he is not opposed to the public weighing in on the subject, but that they may not have the understanding of towers to do so;
- opined that this will also increase the cost of cell tower communication and that the legislation is without merit;
- stated that he will vote against it; and
- opined that public does not have the experience necessary to make a set-back decision regarding towers.

Discussion ensued regarding:

- whether or not this should be sent to the voters;
- the fact that it has taken experts from around the country to provide input on this subject as it is very complex;
- that setting this issue aside for the voters gives the appearance that the Assembly is unable to do their job;
- the necessity for collocation so that there are fewer towers;
- the need to make the public understand that one tall tower could take the place of several small towers;
- the worry about the public being educated enough to understand the advisory question; and
- the possibility of the industry educating voters on the issue.

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

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke for the need for a regional waste water treatment facility, in favor of Ordinance Serial No. 11-087, and concerns with unclean port-a-potties in the Talkeetna area: Ms. Helen Munoz.

The following person spoke to concerns with the road service area system: Mr. Chris Gates.

The following person spoke in to concerns with proposed Title 16 and the proposed staff amendments to Title 16: Mr. Butch Moore.

The following persons spoke in favor of Ordinance Serial No. 11-085 and to concerns with the Assembly diluting the School District's proposed school bond package: Mr. Dan Kennedy, Mr. Earl Lackey, Mr. Harry Kuhn, and Ms. Terry Snyder.

D. CONSENT AGENDA (Resolution Serial No. 11-089 and AM Nos. 11-067, 11-070, 11-071, and 11-074 were pulled from the consent agenda and addressed separately. *See pp. 15-20*)

1. RESOLUTIONS

b. Resolution Serial No. 11-088: A RESOLUTION RECOGNIZING THE NEED FOR SNOWMOBILE SAFETY EDUCATION FOR THE CITIZENS OF ALASKA AND SUPPORTING THE NORTH AMERICA OUTDOOR INSTITUTE'S (NAOI) VISION OF CONDUCTING WINTER OUTDOOR SAFETY AND AVALANCHE AWARENESS SAFETY. *(Sponsored by Mayor DeVilbiss)*
(1) IM No. 11-145

2. ACTION MEMORANDUMS

b. AM No. 11-069: ACCEPTANCE OF LATE FILED AND RETROACTIVE SENIOR CITIZEN AND DISABLED VETERAN EXEMPTION APPLICATIONS.

e. AM No. 11-072: AWARD OF PROPOSAL NO. 11-086 TO GDM, INC. IN THE CONTRACT AMOUNT NOT TO EXCEED \$200,000, FOR THE FINGER LAKE ELEMENTARY SCHOOL ROOF REPAIR/REPLACEMENT DESIGN.

Ms. McKechnie read the above legislation into the record.

Mayor DeVilbiss queried if there was any objection to approving the consent agenda as read into the record by the Clerk.

GENERAL CONSENT: The consent agenda was approved as read into the record by the Clerk.

c. Resolution Serial No. 11-089: A RESOLUTION REQUESTING THE ALASKA STATE DEPARTMENT OF NATURAL RESOURCES TO AMEND A PORTION OF THE COMMON BOUNDARY BETWEEN THE GOVERNMENT PEAK AND THE BALD MOUNTAIN/HILLSIDE UNITS WITHIN THE AREA COVERED BY THE HATCHER PASS MANAGEMENT PLAN; AND TO CONSIDER AN EXCHANGE OF THE BOROUGH-OWNED LAND INVOLVED IN THIS BOUNDARY ADJUSTMENT FOR OTHER STATE-OWNED LAND WITHIN

THE GOVERNMENT PEAK UNIT WHERE ALPINE SKI FACILITIES AND IMPROVEMENTS WILL BE LOCATED.

(1) IM No. 11-166

MOTION: Assemblymember Keogh moved to adopt Resolution Serial No. 11-089.

Assemblymember Keogh stated that he would like to be assured that this land exchange is fair.

Assemblymember Colver:

- stated that Mr. Ron Swanson has been working on a management plan for the area and has been very involved in the project;
- related that when the Alaska State Department of Natural Resources (DNR) revised the plan, they used natural topographic features, such as streams, to separate the units and use areas;
- further added that they did not do this in the area owned by the Borough just north of Edgerton Parks Road in the Government Peak Unit;
- stated that this was because they did not want to fracture a piece of Borough-owned land;
- advised that Mr. Swanson's recommendation is to change that boundary so that it is along Government Creek with a definitive boundary line;
- noted that this would move 310 acres into a motorized zone;
- stated that if the boundaries are left as they are, that users would not know for certain which use area they are in;
- related that in exchange, DNR will trade for some other property on the west end, for property further up into the pass where the Borough has property; and
- noted that if the exchange happens now, it can easily be included in the maps when they are created.

Assemblymember Keogh stated that he wanted to ensure that the Borough is not losing a 310-acre asset.

VOTE: The motion passed with Assemblymember Ewing opposed.

- a. AM No. 11-067: APPROVAL FOR THE MANAGER TO ENTER INTO A PURCHASE AGREEMENT WITH THE OWNER OF TRACT A, MEADOW CREEK SUBDIVISION ADDITION NO. 1 FOR THE PURCHASE OF LAND FOR THE WEST LAKES FIRE/AMBULANCE FACILITY, STATION 73, IN AN AMOUNT NOT TO EXCEED \$580,000 (MSB006561).

MOTION: Assemblymember Woods moved to adopt AM No. 11-067.

Assemblymember Woods:

- stated that he received a letter from a local surveyor with some valid questions; and
- stated that until the questions are answered that he would like to postpone the legislation.

MOTION: Assemblymember Woods moved to postpone AM No. 11-067 to a time certain of September 6, 2011.

Assemblymember Bettine:

- noted that there are several staff members in attendance that could answer questions;
- spoke to the amount of time she has spent researching this issue; and
- requested that a staff report be provided.

MOTION: Assemblymember Bettine moved to extend the meeting past 10 p.m. and not to exceed 10:30 p.m.

VOTE: The motion passed with Assemblymember Ewing opposed.

Ms. Cameron provided a staff report.

Assemblymember Bettine directed staff to make sure that test holes are added to the purchase agreement in order to provide for due diligence.

Discussion ensued regarding:

- the number of parcels that were considered prior to selection of the property;
- the need to ensure that test holes are a requirement of the purchase agreement;
- the typical length of time that purchase agreements are entered into;
- the Borough making a good faith commitment to the sellers; and
- the fact that the property is in the middle of the identified gap in fire services

MOTION: Assemblymember Arvin called for the question (to stop debate).

VOTE: The motion failed with Assemblymembers Arvin and Bettine in favor.

Discussion ensued regarding:

- possible impacts of postponing the legislation;
- concerns that no appraisals or environmental testing had been done;
- the amount of work that has gone into procuring the property; and
- the fact that the property has the best access from the highway for a fire station.

MOTION: Assemblymember Arvin called for the question (to stop debate).

VOTE: The motion passed without objection.

VOTE: The motion to postpone failed with Assemblymembers Woods and Ewing in support.

VOTE: The main motion passed with Assemblymember Ewing opposed.

- c. AM No. 11-070: AWARD OF BID NO. 11-120 TO FRAWNER CORPORATION, IN THE CONTRACT AMOUNT OF \$950,458.28, FOR BIRCH HILLS ESTATES ROAD UPGRADE.

CONFLICT OF INTEREST: Assemblymember Colver declared a conflict of interest as he may be doing work for the company in the future.

RULING: Mayor DeVilbiss ruled that Assemblymember Colver had a conflict of interest and would be recused from voting on the issue.

(Assemblymember Colver exited the meeting at this time.)

MOTION: Assemblymember Bettine moved to adopt AM No. 11-070.

Assemblymember Arvin:

- queried if there are payment and performance bonds in place; and
- stated that he supports the project but it is in the Borough's best interest to have a bond in place.

Ms. Clayton stated that she was unsure but could find out.

MOTION: Assemblymember Arvin moved to postpone AM No. 11-070 to a time certain of August 2, 2011.

Assemblymember Bettine queried if Assemblymember Arvin would accept putting in place the requirement of performance bonds tonight, through an amendment, rather than to postpone the legislation.

Assemblymember Arvin:

- stated that he does not have a problem with that;
- noted that it would be uncommon, as in his experience, it would have been a portion of the bid package;
- stated that he does not know how the contractor would react;
- related that he is fairly certain that a bond is in place;
- stated that he would consider withdrawing his motion; and
- noted that he would like the Assembly to begin their review of the procurement process.

WITHDRAWAL: Assemblymember Arvin moved to withdraw his motion for postponement.

There was no objection noted.

Mayor DeVilbiss inquired if there was any objection to adding language that the award is contingent upon a payment and performance bond, as suggested by Assemblymember Bettine.

There was no objection noted.

VOTE: The main motion passed as amended without objection.

(Assemblymember Colver re-entered the meeting at this time.)

- d. AM No. 11-071: AWARD OF PROPOSAL NO. 11-105 TO HATTENBURG DILLEY AND LINNELL, LLC. IN THE CONTRACT AMOUNT NOT TO EXCEED \$121,305 FOR THE TALKEETNA PUBLIC WATER SYSTEM METERING DESIGN.

MOTION: Assemblymember Halter moved to adopt AM No. 11-071.

Assemblymember Halter stated that he is in favor of postponing AM No. 11-071 to the same time as Ordinance Serial No. 11-078, regarding the Talkeetna water and sewer fees legislation.

MOTION: Assemblymember Halter moved to postpone AM NO. 11-071 to a time certain of November 1, 2011.

Assemblymember Colver:

- opined that the project has taken on a life of its own;
- noted that a lot of funds have been expended on this project;
- spoke to concerns of the Borough being involved with a meter project;
- opined that it could be postponed till September; and
- further opined that Administration needs to look into the project in depth.

MOTION: Assemblymember Colver moved primary amendment to strike “November 1, 2011,” and insert in its place “September 6, 2011.”

Assemblymember Bettine:

- opined that there needs to be an overview of the project;
- stated that this project has been ongoing for many years;
- noted that she is unsure of what the big picture is;
- stated that she is in favor of postponing; and
- requested a full staff report at the next meeting.

Assemblymember Ewing:

- opined that there are enough funds to meter all of Talkeetna;
- spoke to the process for monitoring water meters;
- stated that it could bring down the costs for minimum users;
- opined that the meters do not need to be engineered; and
- noted he is in favor of postponement.

Assemblymember Halter:

- stated that he is in favor of postponement as he would like to hear from the Talkeetna Water and Sewer Board of Supervisors as to their opinion of the meters;
- noted that he would like to know the impact of future funding; and
- spoke to concerns with a possible additional loan.

VOTE: The primary amendment passed without objection.

VOTE: The motion to postpone passed as amended without objection.

- f. AM No. 11-074: AWARD OF PROPOSAL NO. 11-118 TO USKH, INC.; HATTENBURG DILLEY AND LINNELL LLC.; AND LOUNSBURY AND ASSOCIATES IN THE AMOUNT NOT TO EXCEED \$300,000 PER FIRM, PER FISCAL YEAR, FOR ENGINEERING AND SURVEY SERVICES.

MOTION: Assemblymember Colver moved to adopt AM No. 11-074.

Assemblymember Colver:

- opined that the contracts should come back before the Assembly for approval every year;
- reiterated his concerns about the procurement process;
- stated that some of the smaller local firms are not getting the business;
- opined that the money needs to stay locally; and
- stated that the Assembly needs to figure out a way to do this.

MOTION: Assemblymember Colver moved a primary amendment to AM No. 11-074, by adding language that any extensions come back to the Assembly for approval.

Assemblymember Ewing echoed the concerns of Assemblymember Colver.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

C. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Board of Equalization: 06/27/11 Summary Report to the Assembly
 - b. Emergency Medical Services Board: 03/02/11
 - c. Greater Talkeetna RSA Board of Supervisors: 03/10/11
 - d. Local Emergency Planning Committee: 03/16/11
 - e. Local RSA Advisory Board of Supervisors: 04/21/11, Resolution Serial No. 11-01
 - f. Parks, Recreation, and Trails Advisory Board: 04/25/11, Resolution Serial No. 10-16
 - g. Planning Commission: 01/17/11, 03/21/11, 04/04/11, 05/02/11, 05/16/11, Resolution Serial Nos. 11-007, 11-09 (AM), 11-10, 11-11, 11-13, 11-18
 - h. Platting Board: 04/21/11, 05/05/11, 05/19/11
 - i. Port Commission: 04/18/11, Resolution Serial Nos. 11-003, 11-004, 11-005, 11-006
 - j. Talkeetna FSA Board of Supervisors: 01/28/10, 02/25/10, 03/25/10, 04/22/10, 05/27/10, 06/24/10, 08/26/10, 09/23/10, 10/28/10
 - k. Wasilla-Lakes FSA Board of Supervisors: 01/10/11
2. Community Council Correspondence:
 - a. Chickaloon Community Council: 03/09/11
 - b. Lake Louise Community Council: 02/05/11
 - c. Pt. MacKenzie Community Council: 02/10/11

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

D. INFORMATIONAL MEMORANDUMS

1. IM No. 11-160: MONTHLY REPORTING OF AMENDED CONTRACTS AND NEW AWARDS UNDER \$100,000, ALONG WITH SOLE SOURCE PROCUREMENTS FOR THE PERIOD OF JUNE 1, 2011, TO JUNE 30, 2011.

The informational memorandum was presented and no comments were noted.

VII. UNFINISHED BUSINESS

- A. Ordinance Serial No. 11-052: AN ORDINANCE AMENDING MSB 15.24.030, ADOPTING THE POINT MACKENZIE COMPREHENSIVE PLAN.

1. IM No. 11-091

MOTION PENDING: Assemblymember Bettine moved to adopt Ordinance Serial No. 11-052.

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 11-052 and the comprehensive plan, by:

- inserting the word “Community” into the name of the plan to read the “Point MacKenzie Community Comprehensive Plan” throughout the legislation and the plan; and
- inserting the following at the introduction of the plan (page 3): “The Point MacKenzie Community Comprehensive Plan does not include the Port MacKenzie Industrial District. The Port MacKenzie Industrial District is included in the Port MacKenzie Master Plan and the MSB Coastal Management Plan with the appended Area Meriting Special Attention.”

MOTION: Assemblymember Woods moved to extend the meeting past 10:30 p.m. and not to exceed 11 p.m.

VOTE: The motion passed without objection.

VOTE: The primary amendment passed without objection.

(Recessed at 10:27 p.m. and reconvened at 10:35 p.m.)

MOTION: Assemblymember Bettine moved a primary amendment to the comprehensive plan as follows:

- page 11, first paragraph under “Overview,” by reinserting “Port development projects” in the last sentence;
- page 11, Land Use in Point MacKenzie, by inserting the following at the end of the first paragraph: “Two very distinct areas with very different land use characters exist within the community, one inland and the other at Port MacKenzie. The Point MacKenzie Port District contains its own assortment of industrial and commercial uses. Therefore, the Port District is not in this plan.

The Port is governed by the Port Master Plan and any future planning specific to the Port;

- page 23 of the Plan, Local Economy, by reinserting “and operation of the Port have” and by striking “has” in the third paragraph;
- page 23, reinserting the second bullet that reads: “Expansion of Port facilities and businesses including Alaska Railroad expansion into the Port District;”
- page 24, Transportation, Overview, by reinserting “to the port” in the last sentence;
- page 25, Transportation, Goal 3; by reinserting the deleted language as follows: The Port MacKenzie rail extension project will create a rail link between the Port and the Alaska Railroad, providing Port customers/shippers efficient rail transportation between the Port and Interior Alaska. The rail line will travel north from the port facility and connect to the existing rail system at a point between Meadow Lakes and north of Willow. Specifically, the project will: Provide transportation via rail for the development of minerals and other natural resources. Provide an alternative for transporting materials and equipment for large construction projects. Provide transportation for petrochemical, fuel, cement, and semi-containers. The project size and significance to transportation in the area are expected to have additional positive effects both locally and regionally. Some of these secondary project benefits could include: Increase in employment and support for the tax base for communities benefiting from newly stimulated natural resource development and rail freight activity. An opportunity for future development of rail passenger service to the western Matanuska-Susitna Borough; and
- page 31, by inserting a new last page that includes a map of the community council boundary that clearly depicts the Port District Industrial Area as not covered by the community comprehensive plan.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

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.)

X. NEW BUSINESS

A. INTRODUCTIONS (For public hearing – 08/02/11, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 11-082: AN ORDINANCE APPROPRIATING \$905,000 FROM THE AREAWIDE SCHOOL SITE ACQUISITION RESERVE, FUND 100, TO FUND 400, PROJECT NO. 40159, FOR ACADEMY CHARTER SCHOOL BUILDING AND PARKING EXPANSION, AND ACCESS TO EXISTING AND FUTURE BOROUGH PUBLIC FACILITIES, AND APPROVAL OF THE ACQUISITION OF THE REAL PROPERTY DESCRIBED AS THE EAST ½, SOUTH WEST ¼, NORTH EAST 1/4, LOCATED IN SECTION 33, TOWNSHIP 18 NORTH, RANGE 2 EAST, SEWARD MERIDIAN, ALASKA, PALMER RECORDING DISTRICT (MSB TAX PARCEL 18N02E33A015), CONTAINING 19.25 ACRES (MSB006553).
 - a. Resolution Serial No. 11-090: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ACADEMY CHARTER SCHOOL BUILDING AND PARKING EXPANSION AND ACCESS TO EXISTING AND FUTURE BOROUGH PUBLIC FACILITIES, PROJECT NO. 40159.
 - (1) IM No. 11-135
2. Ordinance Serial No. 11-083: AN ORDINANCE PROVIDING FOR THE COMPOSITION, FORM OF REPRESENTATION, AND APPORTIONMENT OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AND SUBMITTING THE QUESTION TO THE QUALIFIED VOTERS OF THE BOROUGH AT THE OCTOBER 4, 2011, REGULAR ELECTION; AND AMENDING MSB 2.12.010, CONCERNING ASSEMBLY ELECTION DISTRICTS.
 - a. IM No. 11-144
3. Ordinance Serial No. 11-084: AN ORDINANCE RELATING TO THE CONSTRUCTION, ADDITIONS, IMPROVEMENTS, BETTERMENTS, REPAIR, RECONSTRUCTION, OR ACQUISITION OF PUBLIC ROADS AND FACILITIES RELATED THERETO IN THE MATANUSKA-SUSITNA BOROUGH, TOGETHER WITH ALL NECESSARY EQUIPMENT AND TRANSPORTATION FACILITIES, AND THE ACQUISITION OF LANDS OR RIGHTS IN LANDS IN CONNECTION THEREWITH, AND A DEBT OF THE BOROUGH, AUTHORIZING THE ISSUANCE OF AREAWIDE GENERAL OBLIGATION BONDS OF THE BOROUGH IN AN AMOUNT NOT TO EXCEED THE SUM OF THIRTY-TWO MILLION DOLLARS (\$32,000,000) TO FINANCE THE COST, IN WHOLE OR IN PART, OF SUCH PUBLIC ROADS, FACILITIES AND LANDS, AND PROVIDING FOR THE SUBMISSION TO THE VOTERS OF THE BOROUGH OF A PROPOSITION RATIFYING THE AUTHORIZATION OF SUCH BONDS AT THE OCTOBER 4, 2011, REGULAR BOROUGH ELECTION.
 - a. IM No. 11-146
4. Ordinance Serial No. 11-085: AN ORDINANCE AUTHORIZING THE MATANUSKA-SUSITNA BOROUGH TO ISSUE AREAWIDE GENERAL OBLIGATION BONDS, IN ONE OR MORE SERIES, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$214,120,000, TO FINANCE THE ACQUISITION, DESIGN, CONSTRUCTION, MAJOR RENOVATION AND RENEWAL OF EDUCATIONAL CAPITAL IMPROVEMENT PROJECTS AND RELATED CAPITAL IMPROVEMENTS IN THE BOROUGH, AND TO SUBMIT

THE QUESTION OF THE ISSUANCE OF SUCH BONDS TO THE QUALIFIED VOTERS OF THE BOROUGH AT THE OCTOBER 4, 2011, BOROUGH REGULAR ELECTION.

- a. Ordinance Serial No. 11-085 (SUB): AN ORDINANCE AUTHORIZING THE MATANUSKA-SUSITNA BOROUGH TO ISSUE AREAWIDE GENERAL OBLIGATION BONDS, IN ONE OR MORE SERIES, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$75,455,000, TO FINANCE THE ACQUISITION, DESIGN, CONSTRUCTION, MAJOR RENOVATION AND RENEWAL OF EDUCATIONAL CAPITAL IMPROVEMENT PROJECTS AND RELATED CAPITAL IMPROVEMENTS IN THE BOROUGH, AND TO SUBMIT THE QUESTION OF THE ISSUANCE OF SUCH BONDS TO THE QUALIFIED VOTERS OF THE BOROUGH AT THE OCTOBER 4, 2011, BOROUGH REGULAR ELECTION. *(Sponsored by Assemblymember Colver)*
 - (1) IM No. 11-147
 - (2) IM No. 11-165
5. Ordinance Serial No. 11-086: AN ORDINANCE AMENDING MSB 3.04.060, CAPITAL PROGRAM, SUBMISSION AND CONTENTS.
 - a. IM No. 11-148
6. Ordinance Serial No. 11-087: AN ORDINANCE CREATING A WASTEWATER AND SEPTAGE ADVISORY BOARD. *(Sponsored by Assemblymember Keogh)*
 - a. IM No. 11-149
7. Ordinance Serial No. 11-088: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$10,000 ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND REQUESTING A REAPPROPRIATION OF \$1,111 FROM THE BUTTE FIRE SERVICE AREA FISCAL YEAR 2012 OPERATING BUDGET, FUND 251, TO PROJECT NO. 20144, FUND 405, FOR FIRE TRAINING AND EQUIPMENT, AND PREVENTION ACTIVITIES RELATED TO WILDLAND FIRE.
 - a. Resolution Serial No. 11-092: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND MATCHING FUNDS FOR BUTTE FIRE SERVICE AREA, PROJECT NO. 20144, FUND 405.
 - (1) IM No. 11-150
8. Ordinance Serial No. 11-089: AN ORDINANCE ACCEPTING, APPROPRIATING, AND APPROVING THE SCOPE OF WORK AND BUDGET FOR A \$4,428.24 ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND REQUESTING A REAPPROPRIATION OF \$493 FROM THE CASWELL LAKES FIRE SERVICE AREA FISCAL YEAR 2012 OPERATING BUDGET, FUND 248, TO PROJECT NO. 20150, FUND 405, FOR FIRE TRAINING AND EQUIPMENT, AND PREVENTION ACTIVITIES RELATED TO WILDLAND FIRE.

- a. Resolution Serial No. 11-093: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND MATCHING FUNDS FOR CASWELL LAKES FIRE SERVICE AREA, PROJECT NO. 20150, FUND 405.
 - (1) IM No. 11-151

- 9. Ordinance Serial No. 11-090: AN ORDINANCE ACCEPTING AND APPROPRIATING A \$10,000 ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND REQUESTING A REAPPROPRIATION OF \$1,111 FROM THE SUTTON FIRE SERVICE AREA FISCAL YEAR 2012 OPERATING BUDGET, FUND 253, TO PROJECT NO. 20255, FUND 405, FOR FIRE TRAINING AND EQUIPMENT, AND PREVENTION ACTIVITIES RELATED TO WILDLAND FIRE.
 - a. Resolution Serial No. 11-094: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND MATCHING FUNDS FOR SUTTON FIRE SERVICE AREA, PROJECT NO. 20255, FUND 405.
 - (1) IM No. 11-152

- 10. Ordinance Serial No. 11-091: AN ORDINANCE ACCEPTING, APPROPRIATING, AND APPROVING THE SCOPE OF WORK AND BUDGET FOR A \$2,776.83 ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND REQUESTING A REAPPROPRIATION OF \$309 FROM THE TALKEETNA FIRE SERVICE AREA FISCAL YEAR 2012 OPERATING BUDGET, FUND 254, TO PROJECT NO. 20145, FUND 405, FOR FIRE TRAINING AND EQUIPMENT, AND PREVENTION ACTIVITIES RELATED TO WILDLAND FIRE.
 - a. Resolution Serial No. 11-095: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND MATCHING FUNDS FOR TALKEETNA FIRE SERVICE AREA, PROJECT NO. 20145, FUND 405.
 - (1) IM No. 11-153

- 11. Ordinance Serial No. 11-092: AN ORDINANCE ACCEPTING, APPROPRIATING, AND APPROVING THE SCOPE OF WORK AND BUDGET FOR A \$7,575.18 ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND REQUESTING A REAPPROPRIATION OF \$842 FROM THE WILLOW FIRE SERVICE AREA FISCAL YEAR 2012 OPERATING BUDGET, FUND 258, TO PROJECT NO. 20146, FUND 405, FOR FIRE TRAINING AND EQUIPMENT, AND PREVENTION ACTIVITIES RELATED TO WILDLAND FIRE.
 - a. Resolution Serial No. 11-096: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT AND MATCHING FUNDS FOR WILLOW FIRE SERVICE AREA, PROJECT NO. 20146, FUND 405.
 - (1) IM No. 11-154

12. Ordinance Serial No. 11-093: AN ORDINANCE ACCEPTING AND APPROPRIATING \$87,458 FROM THE ALASKA STATE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, TO FUND 475, PROJECT NO. 47016, FOR THE PURCHASE OF VANS FOR USE IN A REGIONAL VANPOOL PROGRAM.
 - a. Resolution Serial No. 11-097: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE PURCHASE OF VANS FOR USE IN A REGIONAL VANPOOL PROGRAM.
 - (1) IM No. 11-156
13. Ordinance Serial No. 11-094: AN ORDINANCE APPROVING THE CLASSIFICATION OF LOT 15, BLOCK 6, HIDDEN HILLS ESTATES (MSB TAX I.D. 6598B06L015), A BOROUGH-OWNED PARCEL LOCATED IN THE CASWELL LAKES AREA, CONTAINING 4.73 ACRES, AS RESERVED USE LANDS FOR A FUTURE EMERGENCY SERVICES FACILITY (MSB006488).
 - a. IM No. 11-157
14. Ordinance Serial No. 11-095: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$40,100 FROM THE GREATER PALMER CONSOLIDATED FIRE SERVICE AREA FUND BALANCE, FUND 259, TO THE GREATER PALMER CONSOLIDATED FIRE SERVICE AREA FISCAL YEAR 2012 OPERATING BUDGET, FUND 259.
 - a. IM No. 11-159
 - b. AM No. 11-050: AUTHORIZING THE MANAGER TO ENTER INTO AN AGREEMENT WITH THE CITY OF PALMER FOR A CONTRACT PERIOD OF JULY 1, 2011, TO JUNE 30, 2012 FOR FIRE PROTECTION SERVICES IN AN AMOUNT OF \$295,578.
15. Ordinance Serial No. 11-096: AN ORDINANCE ACCEPTING AND APPROPRIATING \$19,018 FROM THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT FOR THE BOROUGH LOCAL EMERGENCY PLANNING COMMITTEE, FUND 480, PROJECT NO. 20259, FOR FISCAL YEAR 2012 OPERATIONS.
 - a. Resolution Serial No. 11-098: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT GRANT, PROJECT NO. 20259, FUND 480, FOR THE BOROUGH LOCAL EMERGENCY PLANNING COMMITTEE.
 - (1) IM No. 11-164
16. Ordinance Serial No. 11-097: AN ORDINANCE AMENDING MSB 1.10 TO ADOPT AND EXERCISE THE POWER TO PROVIDE FOR THE CONSTRUCTION, MAINTENANCE, AND REPAIR OF ROADS, STREETS, HIGHWAYS, SIDEWALKS AND RELATED DRAINAGE FACILITIES IN THE AREA OUTSIDE OF THE CITIES AND TO SUBMIT THE QUESTION TO THE QUALIFIED

NON-AREAWIDE VOTERS OF THE BOROUGH AT THE OCTOBER 4, 2011, REGULAR ELECTION. *(Sponsored by Mayor DeVilbiss)*

- a. IM No. 11-167

- 17. Ordinance Serial No. 11-099: AN ORDINANCE PLACING ON THE BALLOT OF THE OCTOBER 2011, REGULAR ELECTION, A PLAN FOR SCHOOL BOARD MEMBERSHIP STRUCTURE, SPECIFICALLY IN REGARD TO DISTRICTING SEATS OF SCHOOL BOARD MEMBERS AND QUALIFICATIONS OF OFFICE BY AMENDING MSB 19.04.020 AND MSB 19.04.040, AND MSB 25.15.010(A), CANDIDATE QUALIFICATIONS. *(Sponsored by Assemblymember Bettine)*
 - a. IM No. 11-068

- B. INTRODUCTIONS (For public hearing – 09/06/11, 7 p.m., Borough Assembly Chambers)
 - 1. Ordinance Serial No. 11-062: AN ORDINANCE CREATING STARLIGHT LANE AREA NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 451, 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. 11-126

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 August 2, 2011, and September 6, 2011, respectively.

VOTE: The motion passed without objection.

C. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

(There were no confirmations on the vacancy report for the Assembly to approve.)

D. 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.)

XII. EXECUTIVE SESSION *(for matters, the immediate public knowledge of which would clearly have an adverse effect on 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 and for subjects that tend to prejudice the reputation and character of any person provided the person may request a public discussion)*

A. STEPPERS CONSTRUCTION LITIGATION UPDATE

C. ANNUAL EVALUATION OF THE BOROUGH CLERK

MOTION: Assemblymember Woods move 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 Steppers Construction Litigation and subjects that tend to prejudice the reputation and character of any person provided the person may request a public discussion, in particular to conduct the annual evaluation of the Clerk. Those present during the executive session will be the Mayor, the Members of the Assembly, the Clerk, the Attorney, the Assistant Manager and Ms. Shannon Bodolay. (The Attorney, Assistant Manager, and Ms. Shannon Bodolay would not be included in the evaluation of the Clerk.)

VOTE: The motion passed without objection and the Assembly entered into executive session at 10:37p.m.

MOTION: Assemblymember Woods moved to exit executive session.

VOTE: The motion passed without objection and the Assembly exited executive session at 10:59 p.m.

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

VOTE: The motion passed with Assemblymember Ewing opposed.

MOTION: Assemblymember Woods moved to enter into executive session to discuss subjects that tend to prejudice the reputation and character of any person provide the person may request a public discussion, in particular to conduct the annual evaluation of the Borough Clerk. Those present during executive session will be the Mayor, the Assembly, and the Clerk.

- VOTE: The motion passed without objection and the Assembly entered into executive session at 11:01 p.m.
- MOTION: Assemblymember Woods moved to exit executive session.
- VOTE: The motion passed without objection and the Assembly exited executive session at 11:11 p.m.
- MOTION: Assemblymember Halter moved to set the Clerk's salary at \$105,000 and provide a \$3,500 bonus.
- MOTION: Assemblymember Ewing moved a primary amendment to strike the salary increase of "\$105,000," and provide a bonus of \$3,600.
- VOTE: The primary amendment passed with Assemblymembers Keogh and Halter opposed.
- MOTION: Assemblymember Halter moved a primary amendment to insert a salary increase of "\$96,000."
- MOTION: Assemblymember Bettine moved to suspend the rules and extend the meeting past 11:15 p.m. and not to exceed 11:30 p.m.
- VOTE: The motion passed without objection.
- VOTE: The primary amendment passed without objection.
- VOTE: The main motion passed as amended without objection.

XIII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Assemblymember Bettine:

- requested that the Attorney provide an ordinance update in order to have preferences for local businesses;
- stated that she would also like an ordinance to establish at what level that payment and performance bonds are required to be at;
- related that she is going to sponsor legislation to limit senior and veteran exemptions retroactive back to two calendar years;
- stated that this is because there is no way to verify who lived in the house that far back;
- requested that the Attorney and Clerk send information to the Assembly regarding hardship exemptions; and
- opined it was a good meeting.

Assemblymember Halter:

- requested that the Manager and the Community Development Director follow up on the trail and road crossing system as it pertains to the railroad corridor;
- related that the railroad is putting in a lot of good crossings, but that the Assembly needs to ensure they are in the right place;
- spoke to issues that the railroad is encountering due to some swamp land; and
- stated that he would like staff to keep track of the issue and attend the meetings.

Assemblymember Keogh:

- stated that he wanted to thank the Clerk and her staff for a high quality work product; and
- noted that he appreciates it very much.

Assemblymember Woods:

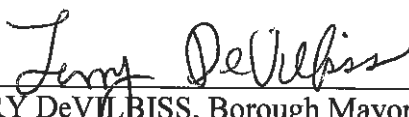
- stated that he has become aware that there are contracts being issued that the terms and conditions are not being reviewed by the Assembly;
- noted that the Assembly is not being given a copy or any kind of an opinion; and
- opined that it is a problem and that the Assembly needs to be more informed.

Assemblymember Colver:

- spoke to the reduced staff in the Public Works Department;
- stated that the Assembly needs to take another look at the priorities;
- spoke to the need of implementing a leave policy in Public Works so that there are staff in the office and not all out on vacation; and
- noted his displeasure with the high tax bills.

XIV. ADJOURNMENT

The regular meeting adjourned at 11:25 p.m.


LARRY DeVILBISS, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 08/02/11