

# MATANUSKA-SUSITNA BOROUGH

350 East Dahlia Avenue, Palmer, Alaska 99645-6488 - 907-745-9683

## **BOROUGH MAYOR**

Larry DeVilbiss

## **BOROUGH CLERK**

Lonnie R. McKechnie, CMC

## **BOROUGH MANAGER**

John Moosey

## **BOROUGH ATTORNEY**

Nicholas Spiropoulos



## **BOROUGH ASSEMBLY**

Warren Keogh, District 1  
Noel Woods, District 2  
Ronald Arvin, District 3  
Mark Ewing, District 4  
Cindy L. Bettine, District 5  
Jim Colver, District 6  
Vern Halter, District 7

## **ASSEMBLY AGENDA** **PALMER RAILROAD DEPOT** **610 S. VALLEY WAY, PALMER**

### **REGULAR MEETING**

**6 P.M.**

**TUESDAY, SEPTEMBER 6, 2011**

#### **I. CALL TO ORDER**

#### **II. ROLL CALL**

#### **III. APPROVAL OF AGENDA**

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

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

- A. Regular Assembly Meeting: 08/02/11
- B. Special Assembly Meeting: 08/09/11
- C. Special Assembly Meeting: 08/11/11

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

- A. AGENCY REPORTS (MSB 2.12.082; Seven minutes per person.)
  - 1. Reports from cities
  - 2. Matanuska-Susitna Borough School District
- B. COMMITTEE REPORTS
  - 1. Joint Assembly/School Board Committee on School Issues
  - 2. Assembly Public Relations

C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues

D. ATTORNEY COMMENTS

1. State Redistricting
2. Cook Inlet Driftnetters Association Litigation

E. CLERK COMMENTS

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
  - a. Aviation Advisory Board: 03/10/11, Resolution Serial No. 11-01
  - b. Caswell FSA Board of Supervisors: 04/13/11
  - c. Emergency Medical Services Board: 04/06/11
  - d. Enhanced 911 Advisory Board: 02/08/11
  - e. Greater Talkeetna RSA Board of Supervisors: 06/09/11
  - f. Local Emergency Planning Committee: 04/20/11
  - g. Planning Commission: 06/06/11
  - h. Planning Commission/Platting Board Joint Meeting: 06/27/11, 07/25/11
  - i. Platting Board: 07/07/11
  - j. Port Commission: 06/06/11, 06/20/11, Resolution Serial Nos. 11-007, 11-008
  - k. South Colony RSA Board of Supervisors No. 16: 02/16/11
  - l. Transportation Advisory Board: 04/27/11, Resolution Serial No. 11-09
2. Community Council Correspondence:
  - a. Point MacKenzie: 04/14/11

G. INFORMATIONAL MEMORANDUMS

1. IM No. 11-189: NOTIFICATION OF CERTIFICATION OF 2011 REGULAR REAL PROPERTY ASSESSMENT ROLL.

VII. UNFINISHED BUSINESS

- A. 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.

VIII. VETO

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

A. PERSONS TO BE HEARD (MSB 2.12.081; Three minutes per person.)  
*(Requires 11 days advance notice and must otherwise be in compliance with the necessary code requirements. If no advance notice is given, persons wishing to speak may do so under the Audience Participation section of the agenda.)*

B. PUBLIC HEARINGS (Three minutes per person.)

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

2. Ordinance Serial No. 11-080: AN ORDINANCE AUTHORIZING THE 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

3. Ordinance Serial No. 11-107: AN ORDINANCE ACCEPTING AND APPROPRIATING \$13,850 IN ADDITIONAL STATE GRANT FUNDS TO FUND 400, PROJECT NO. 40167, FOR THE SUSITNA VALLEY JUNIOR/SENIOR HIGH SCHOOL.

a. Resolution Serial No. 11-106: A RESOLUTION APPROVING THE AMENDED BUDGET FOR PROJECT NO. 40167, SUSITNA VALLEY JUNIOR/SENIOR HIGH SCHOOL.

(1) IM No. 11-173

4. Ordinance Serial No. 11-108: AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION OF \$150,000 FROM KNIK ROAD SERVICE AREA NO. 17 FUND BALANCE, FUND 274, TO KNIK ROAD SERVICE AREA NO. 17 FISCAL YEAR 2012 OPERATING BUDGET, FUND 274.

a. IM No. 11-174

5. Ordinance Serial No. 11-109: AN ORDINANCE APPROVING AN APPROPRIATION OF \$95,574 FROM THE AREAWIDE FUND BALANCE, FUND 100, TO FUND 410, FOR THE DUST CONTROL PROGRAM.
  - a. IM No. 11-175
  
6. Ordinance Serial No. 11-110: AN ORDINANCE AUTHORIZING THE LESS THAN FAIR MARKET VALUE SALE OF BOROUGH-OWNED REAL PROPERTY, INCLUDING ANY IMPROVEMENTS THEREON FOR LOTS 7 AND 9, BLOCK 13, ARRC NO. 1, AND LOTS 10 AND 11, BLOCK 4, FELTON ADDITION TO PALMER TOWNSITE, AND AUTHORIZING THE MANAGER TO NEGOTIATE THE SALE(S) (MSB006349 AND 6350).
  - a. Resolution Serial No. 11-107: A RESOLUTION APPROVING THE BEST INTEREST FINDING FOR THE LESS THAN FAIR MARKET VALUE SALE AND 5-YEAR FINANCE TERM OF BOROUGH-OWNED PROPERTY, INCLUDING ANY IMPROVEMENTS THEREON, OF LOTS 7 AND 9, BLOCK 13, ARRC NO. 1 (OLD ADMINISTRATION BUILDING AND PARKING), AND LOTS 10 AND 11, BLOCK 4, FELTON ADDITION TO PALMER TOWNSITE (MORGUE BUILDING) AND AUTHORIZATION FOR THE MANAGER TO NEGOTIATE THE SALE(S).
    - (1) IM No. 11-176
  
7. Ordinance Serial No. 11-111: AN ORDINANCE APPROPRIATING \$3,180,000 OF INTEREST EARNINGS FROM THE GOOSE CREEK CORRECTIONAL CENTER SERIES 2008 LEASE REVENUE BONDS TO FUND 495, PROJECT NO. 95002, FOR THE PURPOSE OF DESIGNING, CONSTRUCTING, AND EQUIPPING THE GOOSE CREEK CORRECTIONAL CENTER.
  - a. IM No. 11-182
  - b. AM No. 11-090: AWARD OF PROPOSAL NO. 12-010 TO BUSINESS INTERIORS NORTHWEST OF ALASKA, IN THE CONTRACT AMOUNT NOT TO EXCEED \$760,819.20 TO FURNISH AND INSTALL GOOSE CREEK CORRECTIONAL CENTER FURNITURE AND EQUIPMENT.
  
8. Ordinance Serial No. 11-112: AN ORDINANCE AMENDING MSB 25.05.090, REGARDING USE OF PUBLIC MONEYS TO PROMOTE PASSAGE OF BALLOT PROPOSITIONS.

- a. Ordinance Serial No. 11-113: AN ORDINANCE REAPPROPRIATING \$9,000 FROM ADMINISTRATION'S FISCAL YEAR 2012 OPERATING BUDGET, FUND 100, TO FUND 480, TO PROMOTE PASSAGE OF THE QUESTIONS OF THE ROAD BONDS AND SCHOOL BONDS AT THE OCTOBER 4, 2011, BOROUGH REGULAR ELECTION. *(Sponsored by Assemblymember Halter)*  
(1) IM No. 11-191
  
- 9. Ordinance Serial No. 11-114: AN ORDINANCE AMENDING MSB 23.10.270, RELATING TO THE ACQUISITION OF REAL PROPERTY.
  - a. IM No. 11-190
  
- C. AUDIENCE PARTICIPATION (Three minutes per person.)
  
- D. CONSENT AGENDA
  - 1. RESOLUTIONS
    - a. Resolution Serial No. 11-108: A RESOLUTION APPROVING THE AMENDED SCOPE OF WORK AND BUDGET FOR PROJECT NO. 25035, ELECTRICAL UPGRADES, PHASE II (TRANSFER SITES) TO ALLOW FOR THE PURCHASE OF EQUIPMENT AT THE NEW REGIONAL RESOURCE RECOVERY AND TRAINING FACILITY.  
(1) IM No. 11-199
  
    - b. Resolution Serial No. 11-109: A RESOLUTION AMENDING THE SCOPE OF WORK FOR PROJECT NO. 15040, FISCAL YEAR 2012 CAPITAL PROJECTS FOR THE NORTHERN PARKS UPGRADE AND IMPROVEMENTS.  
(1) IM No. 11-200
  
    - c. Resolution Serial No. 11-110: A RESOLUTION IN SUPPORT OF A NEW SERVICE AND OPERATION CENTER FOR MAT-SU SERVICES FOR CHILDREN AND ADULTS, INC. *(Sponsored by Mayor DeVilbiss)*  
(1) IM No. 11-206

- d. Resolution Serial No. 11-111: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET IN THE AMOUNT OF \$60,000 FOR THE 2012 TOURISM INFRASTRUCTURE (BED TAX) GROOMING POOL, PROJECT NO. 15035, FUND 480.  
(1) IM No. 11-208
- e. Resolution Serial No. 11-112: A RESOLUTION SUPPORTING USIBELLI COAL MINE INC. RENEWAL PERMITS FOR THE WISHBONE HILL PROJECT.  
*(Sponsored by Mayor DeVilbiss)*  
(1) IM No. 11-212

## 2. ACTION MEMORANDUMS

- a. AM No. 11-085: APPROVAL OF A CHANGE ORDER TO CONTRACT NO. 09-055 TO TAYLOR FIRE PROTECTION, LLC., IN THE AMOUNT OF \$36,293, FOR A TOTAL CONTRACT AMOUNT OF \$103,079, FOR FIRE ALARM AND SECURITY SYSTEM MAINTENANCE.
- b. AM No. 11-087: VACATION OF A PORTION OF THE PUBLIC USE EASEMENT "B" RECORDED IN BOOK 1149, AT PAGE 280, JULY 18, 2001, AND RE-RECORDED IN BOOK 1154, AT PAGE 240, AUGUST 6, 2001, WITHIN PROPOSED LOT 1, BLOCK 1, ROLLING ACRES ADDITION NO. 2 SUBDIVISION, LOCATED IN SECTION 30, TOWNSHIP 18 NORTH, RANGE 2 WEST, SEWARD MERIDIAN, ALASKA.
- c. AM No. 11-088: AWARD OF BID NO. 12-026 TO VALLEY GENERAL CONSTRUCTION IN THE CONTRACT AMOUNT OF \$176,525.50 FOR JOJOBA ROAD AND KNIGHTS DRIVE UPGRADES AND DRAINAGE PROJECT.
- d. AM No. 11-089: AWARD OF BID NO. 12-027 TO VALLEY GENERAL CONSTRUCTION IN THE CONTRACT AMOUNT OF \$278,375 FOR BEVERLY LAKES ROAD PHASE II UTILITY RELOCATES AND UPGRADES.

## X. NEW BUSINESS

A. INTRODUCTIONS (For public hearing – 09/20/11, 7 p.m., Borough Assembly Chambers)

1. Ordinance Serial No. 11-105: AN ORDINANCE AMENDING MSB 8.05, SOLID WASTE, TO ADD A SECTION MSB 8.05.085, DISTRIBUTION OF COMMERCIAL LITERATURE, AND TO AMEND MSB 8.05.10, DEFINITIONS. *(Sponsored by Assemblymember Bettine)*
  - a. IM No. 11-178
2. Ordinance Serial No. 11-115: AN ORDINANCE AUTHORIZING A FAIR MARKET VALUE LEASE OF BOROUGH-OWNED REAL PROPERTY TO CENTRAL ALASKA ENERGY, LLC., FOR TANK FARM AND TRUCK RACK OPERATIONS (MSB00651).
  - a. IM No. 11-209
3. Ordinance Serial No. 11-116: AN ORDINANCE AMENDING MSB 15.39, BOARD OF ADJUSTMENT AND APPEALS, BY ADDING AN APPELLATE PROCESS FOR PERSONAL WIRELESS SERVICES FACILITIES.
  - a. IM No. 11-163
4. Ordinance Serial No. 11-117: AN ORDINANCE AMENDING MSB 8.50, TRASH AND JUNK. *(Sponsored by Assemblymember Bettine)*
  - a. IM No. 11-183
5. Ordinance Serial No. 11-118: AN ORDINANCE ACCEPTING AND APPROPRIATING \$326,250 FOR A PORTION OF THE FISCAL YEAR 2012 DESIGNATED LEGISLATIVE GRANT PROJECTS FROM THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT.
  - a. Resolution Serial No. 11-113: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR A PORTION OF THE FISCAL YEAR 2012 DESIGNATED LEGISLATIVE GRANT PROJECTS FROM THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT.
    - (1) IM No. 11-185
6. Ordinance Serial No. 11-119: AN ORDINANCE AMENDING MSB 17.28, DESIGNATING THE ALSOP PIT AN INTERIM MATERIALS DISTRICT, LOCATED WITHIN TOWNSHIP 15 NORTH, RANGE 4 WEST, SECTIONS 28 AND 33.
  - a. IM No. 11-186

7. Ordinance Serial No. 11-120: AN ORDINANCE TO APPROVE THE REQUEST BY AGRICULTURAL RIGHTS OWNERS OF THE 1987 SALE FARM UNIT, CURRENTLY DESCRIBED AS SOUTHWEST 1/4 NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 18 NORTH, RANGE 3 EAST, SEWARD MERIDIAN, ALASKA, CONTAINING 40.00 ACRES, MORE OR LESS, NORTH 1/4 SOUTHEAST 1/4 NORTHEAST 1/4 AND THE SOUTHWEST 1/4 SOUTHEAST 1/4 NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 18 NORTH, RANGE 3 EAST, SEWARD MERIDIAN, ALASKA, CONTAINING 25.86 ACRES, MORE OR LESS, AS DELINEATED ON THE SOUTHERN BOUNDARY BY NORTH WOLVERINE ROAD, TO VACATE THE LOT LINE BETWEEN THE TWO PARCELS, SUBDIVIDE THE FIVE ACRE HOME/HEADQUARTERS SITE, AND SELL THE REMAINING 60.86 ACRES TO AN ADJACENT AGRICULTURAL RIGHTS PROPERTY OWNER. SAID PROPERTY IS LOCATED WITHIN THE PALMER RECORDING DISTRICT AND THE LAZY MOUNTAIN COMMUNITY COUNCIL AREA (MSB001230).
  - a. IM No. 11-187
8. Ordinance Serial No. 11-121: AN ORDINANCE AMENDING MSB 5.20.005, REGARDING ALTERATION OF ROAD SERVICE AREAS. *(Sponsored by Assemblymember Halter)*
  - a. IM No. 11-193
9. Ordinance Serial No. 11-122: AN ORDINANCE AMENDING MSB 3.15.030, REQUIRED EXEMPTIONS CONCERNING UNTIMELY APPLICATIONS FOR TAX EXEMPTIONS FOR SENIOR CITIZENS AND DISABLED VETERANS. *(Sponsored by Assemblymember Bettine)*
  - a. IM No. 11-194
10. Ordinance Serial No. 11-123: AN ORDINANCE ACCEPTING AND APPROPRIATING A FISCAL YEAR 2012 DESIGNATED LEGISLATIVE GRANT IN THE AMOUNT OF \$1,568,478 FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT, FOR THE PORT MACKENZIE PORT DEVELOPMENT AND ASSOCIATED RAIL LINE IMPROVEMENTS, TO FUND 450, PROJECT NO. 70001.
  - a. Resolution Serial No. 11-114: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET AND AUTHORIZING THE MANGER TO ENTER INTO THE NECESSARY AGREEMENTS WITH THE STATE OF ALASKA DEPARTMENT OF COMMERCE,

COMMUNITY, AND ECONOMIC DEVELOPMENT FOR  
THE PORT MACKENZIE PORT DEVELOPMENT AND  
ASSOCIATED RAIL LINE IMPROVEMENTS.

(1) IM No. 11-197

11. Ordinance Serial No. 11-124: AN ORDINANCE AMENDING MSB 2.12.112, TO REQUIRE THAT WHEN A RECONSIDERATION IS DONE IN WRITING THAT A REASON FOR THE RECONSIDERATION BE PROVIDED.  
*(Sponsored by Assemblymember Halter)*
  - a. IM No. 11-198
  
12. Ordinance Serial No. 11-125: AN ORDINANCE ACCEPTING AND APPROPRIATING A FISCAL YEAR 2012 DESIGNATED LEGISLATIVE GRANT IN THE AMOUNT OF \$30,000,000 FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT FOR THE SOUTH CENTRAL RAIL EXTENSION FROM PORT MACKENZIE TO THE MAINLINE, TO FUND 490, PROJECT NO. 75001.
  - a. Resolution Serial NO. 11-115: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET AND AUTHORIZING THE MANAGER TO ENTER INTO THE NECESSARY AGREEMENTS WITH THE STATE OF ALASKA DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT FOR THE SOUTH CENTRAL RAIL EXTENSION FROM PORT MACKENZIE TO THE MAINLINE PROJECT.  
(1) IM No. 11-201
  
13. Ordinance Serial No. 11-126: AN ORDINANCE ACCEPTING AND APPROPRIATING \$20,000 FROM THE STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES, TO FUND 480, PROJECT NO. 20325 FOR INTERPRETIVE SIGNS.
  - a. Resolution Serial No. 11-116: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR INTERPRETIVE SIGNS.  
(1) IM No. 11-202
  
14. Ordinance Serial No. 11-127: AN ORDINANCE ACCEPTING AND APPROPRIATING \$28,000 FROM THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, TO FUND 480, PROJECT NO. 47006, FOR TRANSIT PLANNING.

- a. Resolution Serial No. 11-117: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE SHORT RANGE TRANSIT PLAN.
  - (1) IM No. 11-203
  
- 15. Ordinance Serial No. 11-128: AN ORDINANCE ACCEPTING AND APPROPRIATING \$70,000 FOR A PORTION OF GRANT FUNDS FROM THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT FOR THE DEPARTMENT OF EMERGENCY SERVICES FISCAL YEAR 2012 DESIGNATED LEGISLATIVE GRANT PROJECTS.
  - a. Resolution Serial No. 11-118: A RESOLUTION APPROVING THE SCOPES OF WORK AND BUDGETS FOR A PORTION OF THE ALASKA STATE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT GRANTS FOR THE DEPARTMENT OF EMERGENCY SERVICES PROJECTS.
    - (1) IM No. 11-204
  
- 16. Ordinance Serial No. 11-129: AN ORDINANCE ACCEPTING AND APPROPRIATING \$13,565,000 FOR A PORTION OF THE FISCAL YEAR 2012 DESIGNATED LEGISLATIVE GRANT PROJECTS FROM THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT.
  - a. Resolution Serial No. 11-119: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR A PORTION OF THE FISCAL YEAR 2012 DESIGNATED LEGISLATIVE GRANT PROJECTS FROM THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT.
    - (1) IM No. 11-205
  
- 17. Ordinance Serial No. 11-130: AN ORDINANCE ACCEPTING AND APPROPRIATING A 2011 HAZARDOUS FUELS WOODY BIOMASS UTILIZATION GRANT IN THE AMOUNT OF \$80,000 FROM THE UNITED STATES FOREST SERVICE FOR THE SUSITNA VALLEY HIGH SCHOOL WOOD BOILER SYSTEM, TO FUND 400, PROJECT NO. 40169.
  - a. IM No. 11-207

18. Ordinance Serial No. 11-131: AN ORDINANCE AMENDING MSB 2.12.090(D), AGENDA; NOTICE OF MEETING: ORDER OF BUSINESS. *(Sponsored by Mayor DeVilbiss)*
  - a. IM No. 11-211

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

C. OTHER NEW BUSINESS

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

XI. RECONSIDERATION

XII. EXECUTIVE SESSION

XIII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

XIV. ADJOURNMENT

**Disabled persons needing reasonable accommodation in order to participate at an Assembly meeting should contact the Borough ADA Coordinator at 746-7432 at least one week in advance of the meeting.**