

I. CALL TO ORDER

The special meeting of the Matanuska-Susitna Borough Assembly was held on September 29, 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 for the purpose of discussing Ordinance Serial No. 11-022 (Ethics Code Revisions).

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*)
- Mr. Mark Ewing, Assembly District No. 4 (*arrived at 6:40 p.m.*)
- 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
- Mr. Nicholas Spiropoulos, Borough Attorney
- Ms. Brenda J. Henry, Executive Assistant to the Borough Clerk
- Ms. Tammy Clayton, Finance Director
- Ms. Shaune O'Neil, Public Works Director
- Ms. Patty Sullivan, Public Affairs Officer

III. APPROVAL OF AGENDA

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

MOTION: Assemblymember Colver moved a primary amendment to take up other items of business prior to unfinished business.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Bettine moved a primary amendment to take up audience participation immediately following the pledge of allegiance.

MOTION: Assemblymember Woods moved a secondary amendment to also take up audience participation immediately following other items of business.

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment passed without objection.

VOTE: The agenda was approved as amended without objection.

IV. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Mr. Gary Wolf, of Wolf Architecture.

VII. AUDIENCE PARTICIPATION

The following person spoke in opposition to Resolution Serial No. 11-126: Mr. Butch Moore.

The following person spoke in support of Resolution Serial No. 11-126: Doug Griffin, Palmer City Manager.

VI. OTHER ITEMS OF BUSINESS

A. Resolution Serial No. 11-126: A RESOLUTION APPROVING THE DOROTHY SWANDA JONES BUILDING ADDITION DESIGN AND PROJECT DEVELOPMENT.

1. IM No. 11-223

MOTION: Assemblymember Colver moved to adopt Resolution Serial No. 11-126.

Mr. Gary Wolf and Mr. Wayne of Wolf Architecture, provided a presentation regarding the Dorothy Swanda Jones Building addition and design project.

Assemblymember Bettine:

- stated that it was a nicely done presentation; and
- queried if it was possible to isolate the proposed Assembly chamber space from the rest of the building, in order to be used by the public along with the gymnasium.

Mr. Jensi affirmed the query.

Mr. Wolf:

- advised that there are also other ways that the facility could be locked down; and
- noted that it would only require a change in the plans.

Assemblymember Colver queried if video access for the public would be included.

Mr. Wolf:

- affirmed the query;
- stated that this was not included in the presentation as that is at a schematic level; and
- noted that they had considered that type of public access in the cost estimate.

Discussion ensued regarding:

- video conferencing for the public;
- different types of public access that has been considered;
- that current chambers does not fill the need for public access;
- the air handling system on the annex being capable to accommodate the existing building at a later date;
- the desire to maintain the historical character of the existing building;
- that the court yard is the best location for the project, as well as the least expensive;
- the desire to retain the gym for use as it currently is;
- the fact that it could be more expensive to remodel the gym area for meeting space;
- that the annex will utilize existing hardware, such as windows, as much as feasible;
- that by building a new annex, there would be no demolition costs;
- that the annex would actually improve interoffice access and circulation;
- the number of private Assembly offices that would be needed;
- where the Clerk would put a copier for quick access during Assembly meetings;
- what departments would move into the new annex;
- the square footage that would be left in the old space to expand other departments into;
- at what stage in the process changes could be made to the layout of the proposed plan;
- the number of conference rooms in the proposed annex;
- the design of the new proposed chambers offering more security;
- that the circulation patterns of the new annex would be safer for the public in the event of an emergency;
- the ability of the new chambers to be partitioned off into three spaces;
- the square footage of the new lobby;
- whether or not the public break room would be constantly accessible to the public;
- the height of the ceiling in the new chambers; and
- the amount of the contingency included in the budget for the project.

MOTION: Assemblymember Bettine moved to postpone Resolution Serial No. 11-126 to a time certain of October 11, 2011.

Assemblymember Bettine stated that she would like to read the paper report provided by Wolf Architecture before voting on the legislation.

Assemblymember Arvin queried the timeframe for the project.

Mr. Moosey:

- stated that if the legislation is approved by the Assembly this evening, that Wolf Architecture would be requested to put together plans and specifications;
- related that the next step would be to put it out for request for proposal (RFP) by February or March of 2012; and
- noted that construction would then begin in 2012 and be completed in 2013.

Discussion ensued regarding:

- how the project would proceed;
- the desire of some of the body to not delay the project;
- the best time to put the contracts out for RFP;
- that the Assembly would have to approve the design contract and the construction contract;
- the need for the annex to increase productivity of the work force and accessibility of the public;
- the most appropriate time to make changes to the design in order to save funds; and
- how furnishing, fixtures and equipment costs could be included for informational purposes.

VOTE: The motion to postpone failed with Assemblymember Bettine in support.

Assemblymember Ewing stated that he is in opposition of the legislation.

Assemblymember Bettine:

- stated that it is a good plan;
- opined that it would be best to construct a meeting place in a middle ground, such as on the other side of Wasilla;
- stated that it is important to think long term; and
- noted that she opposes the legislation.

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

(The special meeting recessed at 7:24 p.m. and reconvened at 7:37 p.m.)

V. UNFINISHED BUSINESS

- A. Ordinance Serial No. 11-072: AN ORDINANCE REPEALING MSB TITLE 27 AND ADOPTING MSB TITLE 16, SUBDIVISIONS. *(Sponsored by Assemblymember Colver)*
1. IM No. 11-122

MOTION PENDING: Assemblymember Colver moved to adopt Ordinance Serial No. 11-072.

Mayor DeVilbiss inquired if there was any objection to taking testimony from the public that have not spoken previously.

Assemblymember Bettine stated that she would not object as long as the body was hearing from people that have not previously provided input.

Assemblymembers Arvin objected.

Assemblymember Keogh stated that he has no objection, as long as time limits are observed.

Assemblymember Colver:

- stated that the body is breaking precedent by opening a public hearing when it has already closed;
- opined that audience participation would be more appropriate;
- noted that there will be plenty of time for public input at a later date; and
- opined that should the body decide that audience participation would go forward, that the time should be limited.

Assemblymember Woods stated that he has no objection if audience participation is limited to 30 minutes.

Discussion ensued regarding:

- the possibility of limiting audience participation to 30 minutes;
- who the body would like to hear from, should they decide to take up audience participation;
- the ability of the body to conduct further work sessions on the legislation; and
- who the body would like to hear from.

Mayor DeVilbiss stated that there was no objection to taking up audience participation if limits are observed.

The following person spoke to concerns with going back to past practices for subdivision development: Mr. Jim Norcross.

The following person spoke to concerns with subdivision development restrictions and to concerns with road development: Mr. John Murphy, Jr., Mr. John Murphy, Sr., and Ms. Beth Freed.

The following person spoke to concerns that audience participation could be misconstrued as a public hearing: Mr. Mark Mastellar.

The following person spoke to concerns with realigning property boundaries being costly and to concerns with subdivision agreements requiring developers to bear the costs of maintaining roads: Mr. Kevin Sorenson.

The following person spoke to concerns with having to pay for road maintenance but developers being required to perform the road maintenance themselves and opined that the Borough should encourage developers to develop gated private subdivisions: Mr. Butch Moore.

The following person provided paper comments regarding Ordinance Serial No. 11-072 for the Assembly to consider: Mr. Marvin Yoder.

The following person in spoke support of the Mat-Su Business Alliance (MSBA) proposed amendments to Ordinance Serial No. 11-072 and the need to update the Subdivision Construction Manual: Mr. Rick Bess.

MOTION: Assemblymember Arvin moved a primary amendment to Ordinance Serial No. 11-072, to incorporate all of the insertions and deletions contained in the MSBA draft.

Assemblymember Arvin:

- noted that there is a lot of work that needs to be done with the subdivision code;
- opined that it would be beneficial to incorporate the MSBA suggestions into the document; and
- stated that changes can always be made by the body, but that in combining the documents it would be easier to work off one document.

Ms. McKechnie spoke to the process she would follow when inserting the suggested changes.

Assemblymember Bettine:

- opined that it would be easier if all of the changes were incorporated into one document; and
- stated that would provide a format that the body is familiar with.

Assemblymember Colver:

- stated that he is ok with the documents being incorporated into one;
- spoke to concerns that it is not clear when and where a developer needs a residential road;
- stated that he has had several conversations with the Department of Natural Resources;
- stated that recreational lots will have to be addressed separately from residential roads;
- opined that if the body does not do that, it would be detrimental to the Borough; and
- noted that road standards is a concern to all of the Assembly.

Discussion ensued regarding:

- the need to have a single document from which to work;
- what would be included in the draft document; and
- the process that will be used for reviewing the draft.

VOTE: The primary amendment passed without objection.

Mayor DeVilbiss noted that there are still technical amendments that need to be moved as was suggested by the Borough Attorney.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 11-072, by incorporating the technical amendments as suggested by the Attorney's Office in the memorandum of July 20, 2011, unless they were previously incorporated in the MSBA proposed amendments.

Assemblymember Ewing opined that the Attorney needs to review the document after all of the amendments are incorporated.

Mr. Spiropoulos:

- noted that the technical amendments are largely grammatical in nature, with others being misspellings; and
- stated that the technical amendments do not change substance.

Mayor DeVilbiss stated that Ms. McKechnie had advised that should the body decide to postpone the legislation, that a singular document could be created for the body to work from.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Ewing moved to postpone Ordinance Serial No. 11-072, to a time certain of October 18, 2011.

Assemblymember Bettine stated that she would like to see all changes incorporated into one document.

Assemblymember Arvin stated that perhaps the body could schedule two meetings, one on October 11 and one on October 18.

Assemblymember Keogh:

- noted that the ethics code revision is up for public hearing on October 11;
- spoke to the difficulties in taking up two items that create a lot of public comment in one meeting; and
- opined that October 18 would be the better choice.

Discussion ensued regarding postponement of the legislation.

VOTE: The motion to postpone to a time certain passed with Assemblymember Bettine opposed.

(Audience Participation continued.)

The following person spoke in support of public participation with Ordinance Serial No. 11-072: Mr. Abe Smith.

The following person opined that the subdivision code should be renumbered to a different title: Mr. Bill Pippel.

The following person spoke to concerns with the ability to distinguish who suggested what amendments that were made this evening to Ordinance Serial No. 11-072: Mr. Butch Moore.

The following person spoke to the need to upgrade existing roads that do not meet Borough standards, especially for safety access purposes: Ms. Janet Murphy.

The following person spoke to the need to bring pioneer roads up to Borough standards: Mr. John Murphy, Jr.

The following person spoke to the need for a regional septage and waste water facility:
Ms. Helen Munoz.

The following person spoke to concerns with relaxing road standards, the need to consider right-of-way width, and to concerns with State funding for road service areas: Mr. Jim Norcross.

VIII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Assemblymember Colver:

- commented that there have been a lot of comments regarding road upgrades;
- noted that some older areas of the Borough were paper platted; and
- reiterated that there are some problems that need to be addressed.

Assemblymember Bettine:

- noted that District 5 has a third of the roads miles within the Borough;
- commented that her district is not making road improvements on State funds;
- related that District 5 is taxing themselves pretty high in order to fund the needed road improvements; and
- stated that she cannot think of a whole lot of State funding that is being used in District 5 for improving roads.

Assemblymember Woods:

- noted that the Assembly is really excited about getting the rail extension;
- opined that it will greatly promote economic development;
- stated that at least a year before the railroad connects to the main line, that the Borough will experience an explosion of people looking at places with investment potential;
- opined that if the Legislature passes the gas line, that the Borough is not prepared for the population explosion that could occur; and
- stated that it is important to keep an eye on the future.

Assemblymember Keogh:

- spoke to concerns with the process of revisions to the subdivision development code;
- stated that he is not sure of the direction of the body; and
- related that he is hopeful that there will be a good end product.

Assemblymember Halter:

- noted that he had requested a report on substandard roads from the Manger at the October 18, 2011, regular Assembly meeting;
- stated that he would like to see the Subdivision Construction Manual brought before the body; and
- stated that he would like to see roads built where the benefit people the most.

Assemblymember Ewing

- thanked the Murphy family for coming out to speak;
- stated that he never imagined that government would be standing in the way of families providing land to their heirs;
- noted that he is hopeful that there is a way to make it work;
- opined that Assemblymember Woods made a good point regarding a potential population explosion; and
- noted that the Assembly needs to be prepared for growth.

Assemblymember Arvin:

- stated that he was not comfortable with the process for audience participation tonight;
- opined that conducting the meeting with many intervals of audience participation could cause a misperception by the public;
- stated that he is hopeful that this will not be done in the future;
- noted that he is happy that the body is moving forward with the annex;
- related that he was able to attend the site visit at the prison today;
- spoke to upcoming tours that would include local legislators;
- opined that one of those would be a good tour to go on;
- related that it is a remarkable facility; and
- stated that it is nice to see how it has evolved.

Ms. McKechnie reminded everyone that the election is October 4, 2011, and to get out and vote.

Mayor DeVilbiss queried when the joint meeting with the Municipality of Anchorage is scheduled for.

Ms. McKechnie advised that it is scheduled for October 27, 2011, 3:30 p.m. to 5 p.m. in Eagle River.

Mr. Spiropoulos:

- noted that the Assembly had authorized the request for proposals for someone to design, build, operate the waste water facility for the Goose Creek Correctional Center;
- related that the State came forward as a result of those negotiations and said that they wanted that contract;
- noted that it was approved by the Assembly, but with some items being retained; and
- noted that an amendment to the design, build, operate contract is moving forward.

Mr. Moosey


- urged the Assembly to go on a tour of the prison if they have not;
- related that the prison was designed to really eliminate the need for a lot of staff;
- noted that over time, designs such as this save a lot of money by reducing the need for staff; and
- stated that it was nice to tour the facility and see the design in person.

Mayor DeVilbiss:

- stated that he has given a lot of consideration to the proposed annex for the Dorothy Swanda Jones Building;
- advised that he is fully supportive of the project;
- noted that it is the best scenario available for the least amount of funds; and
- opined that it will provide better access to the public.

IX. ADJOURNMENT

The special meeting adjourned at 9:30 p.m.


LARRY DeVILBISS, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 11/01/11