

I. CALL TO ORDER

The special meeting of the Matanuska-Susitna Borough Assembly was held on October 11, 2011, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:07 p.m. by Mayor Larry DeVilbiss for the purpose of discussing AM 11-092, Ordinance Serial No. 11-117, Resolution Serial No. 11-127, and for a public hearing on Ordinance Serial No. 11-022.

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*) (*entered at 6:11 p.m.*)
- Mr. Mark Ewing, Assembly District No. 4 (*attended telephonically*)
- Ms. Cindy L. Bettine, Assembly District No. 5 (*entered at 6:11 p.m.*)
- Mr. Jim Colver, Assembly District No. 6

Assemblymembers absent and excused were:

- 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. Elizabeth Gray, Assistant Borough Manager
- Ms. Patty Sullivan, Public Affairs Director
- Ms. Shaune O'Neill, Public Works Director
- Ms. Kendra Johnson, Code Compliance Officer
- Mr. Alex Strawn, Permitting Services Manager

III. APPROVAL OF AGENDA

Mayor DeVilbiss:

- stated that there was a request to take up Ordinance Serial No. 11-117, as the last item of business before audience participation; and
- queried if there was any objection.

Assemblymember Ewing objected.

MOTION: Assemblymember Colver moved to take up Ordinance Serial No. 11-117 as the last item of business before audience participation.

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

IV. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Mr. Steve Colligan, a member of the audience.

V. UNFINISHED BUSINESS

A. AM No. 11-092: AWARD OF PROPOSAL NO. 12-005 TO USKH, INC. IN THE CONTRACT AMOUNT NOT TO EXCEED \$200,000 FOR THE MATANUSKA-SUSITNA BOROUGH SCHOOL DISTRICT ADMINISTRATION BUILDING ROOF REPLACEMENT.

MOTION PENDING: Assemblymember Colver moved to adopt AM No. 11-092.

Assemblymember Colver:

- stated that he requested to postpone the legislation in order to receive more information;
- opined that it appears to be a large amount of money for a roof replacement design;
- noted that he would have liked to have known what the scope of work and budget is for the project;
- related that he went to the project manager to get more information and was told that all the information was given to Purchasing, but that he could provide it to me;
- stated that the first phase of the project is an assessment to go out and look at the roof and determine what design would work;
- further added that the assessment was calculated at \$25,000;
- related that he asked what the \$200,000 was for, and was told that staff calculates it at 10 percent for construction and then creates a budget;
- noted that the proposal that he was given, stated that after the assessment, the architect would develop a scope of work and budget for the next phase;
- stated that the issue that he has with this process is that basically the Assembly is writing a blank check for the scope of work, which is undefined;
- opined that the Assembly needs to have a work session on the process, as it appears vague;
- stated that the Assembly needs to have a report back regarding the contract and what the design fee will be; and
- opined that action memorandums need to have more information attached in order for the body to make informed decisions.

Assemblymember Arvin:

- noted that the body has had substantive discussion regarding procurement procedures;
- noted that staff are going forward under direction from a former Assembly that design build is a better way to go;
- spoke to concerns that it is not problem that the Assembly can fix, as it is architectural/engineering (A/E) services;
- related that for A/E services the point score is based on the proposal and that the cost is not reviewed during that process;

- stated that because of that process, a municipality will often have procurement departments that have a predisposition to a favored contractor that they have had a good experience with;
- opined that unfortunately the A/E process is dictated by federal and state law on how procurement is done; and
- related that he will be looking at the procurement code and bringing forward legislation for Assembly consideration.

Discussion ensued regarding:

- that the Borough reserves the right to close the contract should terms not be able to be met;
- that the project will come back before the Assembly for approval;
- that design build contracts ensure that the architect and contractor must work as a team;
- that design build contracts are more expensive;
- the possibility of the Assembly receiving training on the design build process;
- possible conflicts that could arise between a contractor and an architect; and
- the possibility of scheduling a work session regarding procurement procedures.

VOTE: The motion passed without objection.

VI. ITEMS OF BUSINESS

- A. Resolution Serial No. 11-127: A RESOLUTION ALLOCATING GRANT FUNDS AND AUTHORIZING THE MANAGER TO ENTER INTO A GRANT AGREEMENT WITH VALLEY MOVER, FOR THE PROVISION OF COMMUTER TRANSIT SERVICES. *(Sponsored by Assemblymember Bettine)*
1. IM No. 11-226

MOTION: Assemblymember Bettine moved to adopt Resolution Serial No. 11-127.

Assemblymember Bettine:

- thanked staff for providing excellent information in the informational memorandum;
- related that when Valley Mover's grant application was reviewed for the Human Services Matching Grant Program, that they scored 90 points;
- stated that scoring so high would have normally guaranteed that they received funding;
- noted that State regulation specifically states that the funds could not be used for commuter services, therefore they were disqualified;
- stated that this is a grant from funds that were set aside by the Assembly at budget time for matching grant purposes;
- opined that the service Valley Mover's provides is important to the local economy; and
- requested support of the legislation.

Assemblymember Keogh

- stated that he will support the legislation;
- noted that Valley Mover's is one of four agencies that applied for funding that did not receive it;
- opined that there are other transit systems who are deserving of support;

- spoke to the representatives from transit agencies that did not apply because they did not perceive they would get grants because they did not qualify;
- stated that now we have Valley Mover's coming back and requesting funding even though they did not originally qualify;
- spoke to other agencies that provide transit services that are not receiving funding;
- opined that the body is not being equitable by making a special provision for funding a single agency; and
- stated that he has an amendment that will divide the funds between three transit agencies, two of who did not apply at all.

MOTION: Assemblymember Keogh moved a primary amendment to Resolution Serial No. 11-127, as follows:

- scope of work and budget, inserting Mat-Su Transit System (MASCOT) and Chickaloon Area Transit System (CATS);
- striking \$5,000 from Valley Movers funds and inserting it into MASCOT; and
- budget by striking \$3,000 from Valley Movers funds and inserting it into CATS.

Assemblymember Bettine:

- stated that she will not support the amendment;
- related that the body has granted funds to MASCOT previously;
- opined that Valley Mover's is a very large service that has come forward with private funding;
- stated that the others have come forward with grant funding;
- opined that the funds being split apart would not benefit any of the agencies in such small amounts; and
- stated that Valley Mover's requested the funding in order to show local support of their transit services.

Discussion ensued regarding:

- that there are many Borough residents who use the service;
- that the intent of the resolution is to show local support for the transit service;
- that the small amount of money cannot support all services;
- that ridership on Valley Movers has increased dramatically over the last year;
- that the Assembly has supported MASCOT in the past;
- that Valley Mover provides commuter transit services, which is not provided by other services;
- the desire to see the commuter service thrive;
- the possibility that Valley Mover's was not started with all private funding;
- that the intent of the amendment is to be fair and equitable;
- that the other agencies did not apply because they did not think that they would qualify; and
- that outlying areas receive more funding for services than some core area services.

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

VOTE: The motion passed without objection.

VOTE: The primary amendment failed with Assemblymember Keogh in support.

Assemblymember Keogh:

- spoke to the many emails he has received from folks who use Valley Movers;
- stated that he has no doubt of the value of the service they provide;
- noted that the intent of his amendment was not to diminish the value of Valley Mover's services; and
- opined that public transportation should be funded as equitably as possible.

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

VOTE: The motion passed without objection.

VOTE: The main motion passed without objection.

B. PUBLIC HEARING

1. Ordinance Serial No. 11-022: AN ORDINANCE REPEALING MSB 2.70, CODE OF ETHICS; AND ADOPTING MSB 2.71, CODE OF ETHICS.
 - a. IM No.11-036

Mayor DeVilbiss opened the public hearing.

The following person requested that the Assembly postpone Ordinance Serial No. 11-022 and in support of amendments that she proposed: Ms. Patricia Rosnel.

The following person spoke to the importance of having an ethics code and in support of amendments that he proposed regarding probable cause: Mr. Jim Sykes.

The following person spoke to concerns with due process not being observed during ethics complaints and requested that the Assembly postpone Ordinance Serial No. 11-022: Mr. William F. Tull.

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

MOTION PENDING: Assemblymember Arvin moved to adopt Ordinance Serial No. 11-022.

Assemblymember Arvin:

- spoke to a meeting he had with the former Chair of the Board of Ethics;
- related that the conversation raised some interesting points;
- stated that through this conversation, he determined that the legislation is not ready to be adopted;
- spoke to concerns that "personal financial interest" is not defined;

- noted that the body spent a lot of time discussing “financial interest” at the last work session and did not arrive at a conclusion;
- spoke to many ways that conflict of interest can be interpreted;
- opined that it would assist in simplifying the process to have the question of probable cause answered by a single person;
- requested that the body send it back to the Board of Ethics to provide a definition of “personal interest;” and
- noted that he would like them to propose language that would allow the Board of Ethics and the Hearing Officer the path to be able to ask a third party a question if it needs to be asked, so that the inquiry could remain confidential.

MOTION: Assemblymember Arvin moved to refer Ordinance Serial No. 11-022, back to the Board of Ethics, for them to:

- provide a definition of “personal interest;” and
- determine a process by which the Board of Ethics and the Hearing Officer to be able to consult with a third party in a confidential manner up to the probable cause process.

Ms. McKechnie stated that it will need a date certain that it is due back to the Assembly.

Assemblymember Bettine:

- related that she would like to discuss some of her concerns before the legislation is referred back to the Board of Ethics; and
- stated that she would like to know how confidentiality could be guaranteed to the point of probable cause.

Mayor DeVilbiss stated that Assemblymember Bettine’s concerns could be amended into the referral motion.

Assemblymember Arvin:

- stated that other members may have items that they would like the Board to consider; and
- opined that the Assembly could list out their concerns and that those concerns could then be forwarded to the Board of Ethics by the Clerk.

Assemblymember Ewing:

- thanked the public for the testimony that they provided;
- opined that the legislation needs additional work;
- stated that referring it back to the Board of Ethics is the best way to address the concerns the Assembly has; and
- noted that he would be in support of referring the legislation back to the Board of Ethics.

Assemblymember Keogh:

- noted that the body has been working on the legislation since February, 2011;
- stated that he does not oppose referring the legislation back to the Board of Ethics; and

- related that he has amendments that he prepared for this evening, but rather than making them, he would like them to be provided to the Ethics Board for consideration.

Assemblymember Arvin:

- opined that it should be in the form of a specific request to the Board rather than just a list, through an amendment;
- stated that the Clerk had provided a date of January 17, 2012, to bring back the legislation for a special meeting;
- stated that February 7, 2012 and February 21, 2012, could be dates that the legislation could be continued to, should the body need additional time;
- noted that he was originally thinking December, but would go with the suggestion of the Clerk.

Mayor DeVilbiss inquired if there was any objection to the dates suggested by the Clerk.

Ms. McKechnie advised that the legislation would be under the unfinished portion of the agenda on that date.

Assemblymember Woods stated that he would like to have notice of when the Board of Ethics will be meeting, so that concerns of the Assembly could be sent to them.

Assemblymember Colver:

- spoke to concerns with probable cause;
- noted that there is a good start to the legislation, but worries that the body will be recreating past problems; and
- stated that he would like to know where the amendments are inserted from the August 16, 2011, work session.

Assemblymember Keogh stated that they were included in the legislation and noted by a text box that notes August 16, 2011.

Assemblymember Arvin noted that there is also the memorandum provided by the Attorney's office, which outlined amendments requested by the body.

Mr. Spiropoulos advised that all of the Assembly amendments that have been made to date have been included in the ordinance.

Assemblymember Arvin queried if the definition for financial interest was included.

Assemblymember Keogh:

- stated that he spent the day reviewing the legislation;
- related that the direction the body gave to the Attorney was to create a definition of personal financial interest that included a dollar amount;
- opined that it was the intent to amend the amount of \$200 to another amount; and
- stated that there was no specific language included.

Mayor DeVilbiss inquired if that would be forwarded to the Board of Ethics for their input.

Mr. Spiropoulos:

- advised that the amendment the Mayor is speaking to was proposed for the meeting tonight; and
- noted that he was given general direction to prepare amendments for discussion by the body.

Assemblymember Bettine requested a break in order to review the work that was done by the body at the last work session.

(The meeting recessed at 7:17 p.m. and reconvened at 7:30 p.m.)

Mayor DeVilbiss provided a summary of where the body was before the recess.

Ms. McKechnie:

- noted that the motion before the body is a motion to refer;
- stated that she knew that some members would like to discuss the legislation further before it is referred;
- noted that if the body would like to conduct further discussion, that the motion to refer could be voted down;
- advised that after the motion to refer is voted down or withdrawn, that the body could make amendments to the legislation; and
- noted that she could provide the amendments to the Board of Ethics for their input.

Assemblymember Arvin:

- queried if he could provide a list of his concerns to the Clerk and she would forward it to the Board of Ethics for comment;
- stated that other members could do the same; and
- opined that might be a better way to go rather than creating a laundry list of concerns through an amendment.

Mayor DeVilbiss inquired why the referral would need to be defeated.

Ms. McKechnie stated that if the body would like to make amendments this evening that the immediate motion before the body is for referral, which would need to be withdrawn or defeated prior to amendments being made.

Assemblymember Woods queried if that if the motion for referral is adopted, that the body could forward their concerns to the Clerk and that the Clerk would forward those concerns to the Board of Ethics for consideration.

Mayor DeVilbiss affirmed the query.

Assemblymember Woods queried if new concerns could be forwarded to the Clerk.

Mayor DeVilbiss stated that only what was in the amendment would be included.

Assemblymember Woods stated that earlier he had intended that concerns of the members would be forwarded to the Board for consideration.

Mayor DeVilbiss stated that is always possible.

Assemblymember Bettine related that a member of the public recollected that the motions that are noted on the document that were just suggestions for the body to review and that the amendments had not actually been made.

Ms. McKechnie advised that all of the amendments from August 16, 2011, had been included in the document and were adopted by the Assembly.

Assemblymember Keogh queried that if members have additional information that they would like the Board of Ethics to consider, that information should be forwarded to the Clerk for distribution to the Board and that it would be shared with the rest of the Assembly.

Mayor DeVilbiss stated that the Clerk advised that could be done, should that be the way the body would like to proceed.

Assemblymember Keogh advised that rather than make his amendments this evening, that he would forward his suggestions to the Clerk, to be forwarded to the Board of Ethics.

Assemblymember Colver:

- opined that is not the process of the Assembly;
- stated that the body is referring the legislation back in order to have specific information addressed by the Board; and
- opined that the motion to refer should be voted down or withdrawn and the body make amendments.

Assemblymember Bettine:

- related that she does not like the idea of members forwarding their concerns to the Clerk and the Clerk sending them on to the Board of Ethics;
- opined that it would be a better process if the Assembly spends the time tonight to make amendments they feel are necessary, before it goes to the Board;
- noted that the Board may come up with things the Assembly does not think of because they are looking at a new document; and
- reiterated that she does not like the idea of the Assembly passing off comments to the Board, as it is very open ended.

Assemblymember Arvin queried why the amendments could not be made without withdrawing the motion to refer.

Ms. McKechnie:

- reiterated that if the body would like to make amendments to the legislation this evening that the immediate motion before the body is for referral, which would need to be withdrawn or defeated prior to amendments being made; and
- stated that should the body want to amend the motion to refer that can be done without withdrawing the motion for referral.

Assemblymember Bettine queried if Assemblymember Keogh could add his list of concerns to the motion to refer.

Ms. McKechnie stated that he could.

Assemblymember Keogh:

- stated that he would like to see a definition of “personal interest” and the ability to make a declaration of personal interest; and
- stated that he would like the Board to consider his definition of conflict of interest; and
- read his definition into the read, which is “Conflict of interest” means a situation in which a public official does not follow the obligation and duty to act for the benefit of the Borough and exploits his or her public position for a personal or financial gain.”

Assemblymember Colver:

- opined that is not the definition of conflict of interest; and
- further opined that the definition suggested by Assemblymember Keogh should not be provided, only a request to provide a definition.

Assemblymember Arvin queried in a general sense, what is it that Assemblymember Keogh is concerned with.

Assemblymember Keogh:

- noted that he reviewed many sources for determining what a conflict of interest is;
- related that he spent a lot of time reviewing the definition with the Borough Attorney; and
- stated that he does not object to providing only the request for a definition.

Assemblymember Ewing opined that the Assembly should let the Board of Ethics do their job, rather than to dictate to them how to go about it.

There was no objection to the Board of Ethics suggesting a definition for conflict of interest.

Assemblymember Bettine queried if there was anything else that Assemblymember Keogh may have that the Assembly has not yet discussed.

Assemblymember Keogh:

- related that he is looking forward to the opportunity to offer suggestions to the Board at meetings; and
- stated that he is fine with just referring the legislation at this point.

Assemblymember Bettine stated that the body needs to make it clear that as individual Assembly Members that we are not just going to send on items as we think of them.

Mayor DeVilbiss:

- affirmed the query; and
- related that when he was on the Assembly that they were advised against making testimony before Boards on items that they would later be acting on.

Mr. Spiropoulos:

- advised that there is not code, but a general prohibition against voting on your own work;
- related that one would not want to influence the process so much that you are seen as taking two bites of the apple; and
- stated that he does not know if the question has been posed to him, but stated that he can see that is where the advice had come from.

Assemblymember Woods queried if the remarks of Patricia Rosnel could be forwarded to the Board of Ethics for comment.

Mayor DeVilbiss inquired if Ms. Rosnel was a member of the Board of Ethics.

Ms. McKechnie advised that she is not.

MOTION: Assemblymember Woods moved a primary amendment to the motion for referral to include the suggestions provided by Ms. Rosnel for review by the Board of Ethics.

Assemblymember Bettine:

- stated that she does not support that;
- noted that the body has not read the suggestions provided on paper by Ms. Rosnel; and
- stated that if Ms. Rosnel's public testimony this evening was the same was what she provided that she might support it.

Assemblymember Keogh:

- advised that in light of the advice by the Attorney that he will not be making comments before the Board of Ethics; and
- stated that if Ms. Rosnel's suggestions are going to be provided to the Ethics Board, that he would move to include the public testimony of the 38 people who have testified regarding the legislation.

Mayor DeVilbiss stated that a motion of that type would be out of order and he would rule as such, should it be made.

Assemblymember Bettine queried that if the Board wanted to hear this meeting's audio that the Clerk could provide it.

Ms. McKechnie affirmed the query.

Assemblymember Colver stated that he has no understanding of the suggestions proposed by Ms. Rosnel, and that they should not be included.

Assemblymember Arvin noted that there will be ample opportunity for the public to provide more comments at a later date.

VOTE: The primary amendment failed with Assemblymembers Keogh and Woods in support.

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

VOTE: The motion passed without objection.

VOTE: The motion to refer passed without objection.

- B. Ordinance Serial No. 11-117: AN ORDINANCE AMENDING MSB 8.50, TRASH AND JUNK. *(Sponsored by Assemblymember Bettine)*
1. IM No. 11-183

MOTION PENDING: Assemblymember Bettine moved to adopt Ordinance Serial No. 11-117.

MOTION: Assemblymember Bettine moved to suspend the rules to allow staff to assist her while she debates the legislation and to provide input to the body if necessary.

Assemblymember Bettine:

- noted that she would like to have their help while the Assembly discusses the legislation; and
- opined that they could speak to questions that the body may have.

Assemblymember Ewing spoke in opposition to suspending the rules.

Assemblymember Arvin:

- spoke in opposition to suspending the rules; and
- opined that the Assembly has hashed it out pretty well and he would like to move forward.

VOTE: The motion to suspend the rules failed with Assemblymembers Colver, Keogh, and Bettine in support and Assemblymembers Ewing, Woods, and Arvin opposed (requires five votes).

MOTION: Assemblymember Bettine moved a primary amendment to Ordinance Serial No. 11-117, by:

- striking all of the language proposed on pages one, two, three and four of the ordinance;

- to reinstate all of the language proposed to be stricken on pages one, two, three, and four; and
- page 5 of 6, of the ordinance, item C, to reinstate “three” and delete the word “one.”

Assemblymember Bettine related that her amendment would take it back to the original ordinance, excepting that junk and trash cannot be viewed from the adjacent lot.

Assemblymember Woods opined that this is a neighbor problem, not something the government should be involved in.

Assemblymember Ewing requested a expense summary regarding a lot in the Williwaw Subdivision that had a junk and trash problem.

Mr. Spiropoulos:

- related that the problem began approximately three years ago;
- noted that it was neighbors and school bus drivers who filed the complaints;
- stated that the owner of the lot in question built a fence to hide his junk, but built the fence into the right-of-way;
- advised that the Borough filed suit;
- noted that the owner had not remedied the situation, so the Borough was granted a preliminary injunction; and
- noted that the preliminary estimates for costs are several hundred attorney hours spread over three years.

Mayor DeVilbiss inquired if Assemblymember Ewing was implying that it would be making the problem more expensive.

Assemblymember Ewing:

- opined that the Borough has difficulty in enforcing current violations;
- noted that he opposes the legislation; and
- stated that he is apprehensive with making code more strict.

Assemblymember Colver queried if the legislation was adopted, if the Mayor would veto it.

Mayor DeVilbiss stated that he would.

Assemblymember Bettine:

- noted that the summary statement that accompanies the legislation speaks to ensuring that the Borough’s land and resources are used to benefit the local economy;
- opined that if someone is blatantly storing junk on their property, that they are devaluing the neighbor’s property;
- noted that the issue of junk and trash is important to many citizens;

- stated that the Borough has had success enforcing the junk and trash violations as currently in code; and
- requested that Mr. Spiropoulos speak to that success.

Mr. Spiropoulos:

- stated that junk and trash issues come forward two ways, one is through citation and the other is through injunction;
- noted that the Borough has been successful in all injunctions;
- related that the only one that has gone to trial, was because the owner did not clean up the lot; and
- further noted that the Borough was successful in that as well.

Assemblymember Bettine:

- spoke to concerns with protecting property owners from the junk and trash and issue;
- noted that many have bought in subdivisions without homeowners associations and covenants to protect them;
- stated that because of junk and trash issues they cannot sell their homes;
- opined that the problem is becoming more prevalent; and
- further opined that ignoring the problem is not going to build the economy that we all envision.

Assemblymember Ewing:

- related that he recently bought a reconstructed Toyota that had been totaled;
- spoke to the time and money that the gentleman took to reconstruct the vehicle;
- opined that if that is not a boost to the economy then I do not know what is;
- noted that he is speaking against the amendment as it is without merit and not well thought out; and
- opined that some people need the junk vehicle for parts for a vehicle that is not running.

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

VOTE: The main motion failed with Assemblymembers Keogh and Bettine in support.

VII. AUDIENCE PARTICIPATION

The following person spoke in support of Ordinance Serial No. 11-117 being defeated and to concerns with the government being too involved in private citizen's lives: Mr. Wade Beem.

VIII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Mr. Moosey stated that in light of concerns regarding procurement he would like to have a work session on that issue on November 29, 2011, at 6 p.m.

Assemblymember Arvin requested December 13, as he is unavailable on November 29.

Assemblymember Colver stated that if we are going to look at new ideas, we need to bring in an outside consultant or expert who has a lot of information regarding the procurement process.

Mayor DeVilbiss inquired if there was any objection to scheduling a work session on December 13, 2011, at 6 p.m.

There was no objection noted.

Assemblymember Colver

- spoke to concerns with the way previous public hearings have been conducted;
- opined that once the body is in debate that additional public hearings should not be conducted;
- noted that the body is always looking at ways to streamline processes;
- spoke to concerns with the way work sessions have been conducted;
- opined that it has been helpful when we have had panels of experts to consult with;
- noted that the Assembly is leaving it up to the Mayor to direct the process of meetings;
- opined that the body needs to be more careful of how the public perceives the way meetings are conducted;
- stated that he has been talking to trail folks regarding the subdivision code;
- related that his idea for subdivision trail access would be to sponsor a one day work shop with a panel and to identify their issues and make recommendations as to how we might improve trail access;
- opined that having a panel for brainstorming as a way to tackle remote trail access is an appropriate way to approach the issue; and
- requested that the Manager assist him in selecting a panel for that discussion.

Assemblymember Bettine:

- related that her email has been filled with people that have to commute for work from her district to Palmer, concerning the Mayoral veto of Bogard extension;
- noted that she would like to request that we have the same information that was before us when the decision that was made for that particular route;
- stated that might mean bringing all of the engineers forward and all the data that was collected;
- noted that she would also like information regarding the amount of funds spent on the route so far;
- spoke to concerns with heavy traffic within the Borough; and
- opined that the body needs to have all of that information before them when they consider overriding the mayoral veto.

Assemblymember Keogh:

- noted that a week ago, he sent a note to the Mayor regarding concerns with meeting procedures, which has been provided to all the members; and
- advised that the Mental Health Trust Land Office is offering 11,000 acres for coal leasing in the Matanuska Valley Moose Range.

Assemblymember Ewing:

- stated that he appreciated the nice short meeting;
- thanked the body for the lively debate over the years;
- opined that the Mayor is doing a good job;
- thanked Mr. Spiropoulos for his creative and insightful interpretation of the code;
- thanked Ms. McKechnie and her staff for their hard work and support;
- stated that he is happy to see that the Borough is now open for business; and
- related that he is sick and tired of government being too intrusive in private citizen's lives.

Mayor DeVilbiss inquired if Assemblymember Ewing would be present on October 18.

Assemblymember Ewing stated that he was unsure.

Assemblymember Arvin:

- related that the Alaska Energy Authority had asked their Executive Director to get in touch with Mr. Moosey to make a presentation to the Assembly;
- noted that there are some things happening that they would like to speak about;
- stated that they are making an effort to communicate effectively with the public;
- advised that similarly, the Chairman of the Knik Arm and Bridge Toll Authority would also be contacting the Manager in order to provide an update to the Assembly;
- spoke to the Joint Assembly/School Board Committee on School Issues creating a sub-committee to look into widening of Seward Meridian;
- noted that as construction is underway, things can change and they would like to continue to be fully informed of changes;
- noted that School Board Member Gattis, Assemblymember Colver, and Mr. Ken Forrest of the School District are on the subcommittee; and
- thanked Assemblymember Ewing for his work on the Assembly.

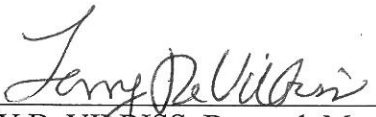
Mayor DeVilbiss:

- stated that he would like to thank Assemblymember Ewing for his input;
- noted that it was sometimes difficult to know which way Assemblymember Ewing was leaning, from the things he would say;
- requested the Clerk submit his personal response to Assemblymembers Keogh's email to the rest of the body;
- noted that he agrees with what was presented by Assemblymember Keogh;
- stated that he is regretful how the last meeting proceeded;
- advised that it is not something that will be common practice;
- noted that the body did have the opportunity to object to how the meeting was going;
- spoke to reasons he filed the veto concerning Hatcher Pass;
- noted his concern is over the apparent exclusion of anything else happening in that area but skiing;
- related that he wants to ensure that the door is open for other development, such as a resort or a village;
- noted that he has legislation coming forward concerning including other development;

- stated that he would be happy to make that veto go away if the body could agree with him; and
- stated that as far as the Bogard Road Extension Project, he wanted to raise an option that he thinks was not considered in the process.

IX. ADJOURNMENT

The special meeting adjourned at 8:45 p.m.



LARRY DeVILBISS, Borough Mayor

ATTEST:



LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 11/15/11