

**I. CALL TO ORDER**

The regular meeting of the Matanuska-Susitna Borough Assembly was held on November 15, 2011, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Larry DeVilbiss.

**II. ROLL CALL**

Assembly members present and establishing a quorum were:

Mr. Warren Keogh, Assembly District No. 1  
Mr. Noel Woods, Assembly District No. 2  
Mr. Ronald Arvin, Assembly District No. 3 (*Deputy Mayor*) (*attended telephonically*)  
Mr. Steve Colligan, Assembly District No. 4  
Mr. Darcie K. Salmon, 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, Assistant Borough Manager  
Mr. Nicholas Spiropoulos, Borough Attorney  
Ms. Jamie Newman, Deputy Borough Clerk  
Ms. Tammy Clayton, Finance Director  
Ms. Shaune O'Neil, Public Works Director  
Mr. Dennis Brodigan, Emergency Services Director  
Ms. Eileen Probasco, Acting Planning and Land Use Director  
Ms. Patty Sullivan, Public Affairs Director  
Mr. Alex Strawn, Permitting Services Manager  
Mr. Emerson Krueger, Planner II  
Ms. Fran Seager-Boss, Cultural Resources Specialist II  
Ms. Heather Ralston, Cultural Resources Specialist I

**III. APPROVAL OF AGENDA**

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

Mr. Moosey requested that Resolution Serial No. 11-152 be removed from the agenda.

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 Mayor Verne Rupright, city of Wasilla.

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

- A. Special Assembly Meeting: 10/11/11
- B. Special Assembly Meeting: 10/18/11
- C. Regular Assembly Meeting: 10/18/11

Mayor DeVilbiss inquired if there were any corrections to the special meeting minutes of October 11, 2011, and October 18, 2011, or the regular meeting minutes of October 18, 2011.

Assemblymember Keogh:

- stated that he has a change to the October 18, 2011, regular meeting minutes; and
- related that it is on page 21 in his comments mid-page, third bullet, he would like to strike “Alaska” and insert in its place “Alaska’s Arctic Coastal Plain.”

Ms. McKechnie advised that the changes would be made as requested.

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

There were no comments noted.

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

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

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

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

##### Wasilla City

Mayor Verne Rupright:

- thanked Assemblymember Colligan for appearing before the Wasilla City Council;
- spoke to connections made at the Alaska Municipal League Conference;
- spoke favorably about jurisdictions within the Borough working together;
- thanked the Assembly in advance for supporting the resolution regarding a new library complex;
- thanked the Assembly for the transfer of Lake Lucille Park;
- stated that he is looking forward to working with Mayor DeVilbiss and the newly elected members; and
- recognized Mr. Burt Cottle, city of Wasilla Deputy Administrator, for his work in securing the train for the trip to Fairbanks.

Mayor DeVilbiss thanked the city of Wasilla for setting up the train trip to Fairbanks.

### Houston City

Mr. Jim Johansen, city of Houston Deputy Mayor:

- spoke to concerns that the Houston City Council has not had an opportunity to review the proposed historic preservation plan within Ordinance Serial No. 11-147;
- requested that the body not take action on the legislation in order to allow Houston an opportunity to provide comments on it; and
- welcomed newly elected members of the Assembly.

Mr. Moosey noted that it is the intent of administration to have the public hearings for Ordinance Serial Nos. 11-147 and 11-148 and then request postponement to February 21, 2012, in order to allow Houston and Willow time to review the respective historical preservation plans and provide comments back to the Assembly.

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

*(There was no report provided.)*

### B. COMMITTEE REPORTS

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

Assemblymember Colver:

- stated that the Committee met on Monday and discussed the school bonds approved by the voters in October;
- noted that the School Board presented a list of priorities for the next year;
- spoke to how the bonds will affect the mill rate and how much of the bonds will be sold;
- opined that there may need to be a work session before the budget cycle;
- spoke to student enrollment; and
- noted how different locations will be impacted by funding due to enrollment.

Assemblymember Salmon expressed interest in serving on the Joint Assembly/School Board Committee on School Issues, should there be a vacancy.

#### 2. Assembly Public Relations

Assemblymember Keogh:

- reported on his attendance at the Alaska Municipal League Conference;
- spoke to sessions that were of particular interest to him;
- spoke to having attended the Annual Salmon Science Symposium;
- acknowledged Ms. Frankie Barker for her work on the symposium;
- noted that the Mayor's Blue Ribbon Sportsmen's Committee also participated;

- related that he had attended ceremonial signing of the Knik Islands Conservation Easement; and
- noted that there are approximately 5,000 square acres of lands set aside for wildlife habitat with the signing of that easement.

Assemblymember Colligan:

- spoke to his attendance at the Alaska Municipal League Conference; and
- queried if there was any discussion held at the symposium regarding the proposed Susitna Dam.

Assemblymember Keogh related that there was, but that he did not have an opportunity to attend that presentation.

Assemblymember Salmon stated that he will be attending the Annual Alaska Natural Resource Development Convention in Anchorage and encouraged those who could attend to do so.

#### C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues

Mr. Moosey:

- referred to a draft letter provided to the Assembly this evening regarding Senate Bill 1813 is regarding the Federal Aid Highway Program;
- spoke to concerns within the program that he would like input from the Assembly on;
- also noted the Storm Water Management Draft and requested Assembly comments on that draft as well;
- spoke to a recent request for proposal (RFP) for the Academy Charter addition; and
- noted that the RFP has been pulled and will not go out to bid until after the master plan has been developed.

#### D. ATTORNEY COMMENTS

Mr. Spiropoulos:

- spoke to his attendance at Alaska Municipal League Conference; and
- noted that it was good to network with other municipal attorneys who share a lot of common issues.

#### E. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule;
- related that the School District has requested to host the December 13, 2011, Joint Assembly/School Board meeting, as they did last year; and
- suggested Saturday January 7, 2012, for the Assembly planning session meeting at 10 a.m.

Assemblymember Halter stated that he may not be available on that date.

Discussion ensued regarding scheduling the planning session and the importance of everyone being able to attend.

*(The Assembly requested that Ms. McKechnie bring back an alternative date in January for the planning session.)*

#### F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
  - a. Greater Talkeetna RSA Board of Supervisors: 08/11/11
  - b. Parks, Recreation, and Trails Advisory Board: 08/22/11, Resolution Serial No. 11-01
  - c. Planning Commission: 08/15/11, Resolution Serial No. 11-15
  - d. South Colony RSA Board of Supervisors: 05/11/11
2. Community Council Correspondence:
  - a. Trapper Creek: 08/18/11

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

#### G. INFORMATIONAL MEMORANDUMS

1. IM No. 11-256: REVIEW AND UPDATE OF THE COOK INLET FERRY DEMAND ANALYSIS AND A BENEFIT COST ANALYSIS OF THE COOK INLET FERRY SYSTEM

Assemblymember Colver requested information on the selection of the consulting firm that published the analysis.

Mr. Kruger provided a staff report.

The informational memorandum was presented without objection.

### **VII. UNFINISHED BUSINESS**

- A. Ordinance Serial No. 11-133: AN ORDINANCE AMENDING MSB 17.23, THE POINT MACKENZIE PORT SPECIAL USE DISTRICT.
  1. IM No. 11-188

MOTION PENDING: Assemblymember Bettine moved to adopt Ordinance Serial No. 11-133.

Assemblymember Colver:

- noted that when the legislation was before the body last time, that there were questions as to whether hotels or staff lodging were included in the plan; and
- queried if there was a resolution to that issue.

Ms. Probasco stated that because of safety issues, the conclusion that was reached is that there is land just outside the Port District that would be more suitable and much safer for any type of residential development.

Discussion ensued regarding:

- safety issues for housing development;
- the possibility of providing for commercial housing development, such as worker construction camps;
- that proximity to tank farms and natural gas development are the primary safety concerns; and
- that temporary worker construction camps could occur just outside of the Port District boundaries.

MOTION: Assemblymember Arvin moved a primary amendment to Ordinance Serial No. 11-133, MSB 17.23.105(C)(2), by inserting the words “medium, and heavy” after the word “light” to read: “Light, medium, and heavy assembly and manufacturing;”

Assemblymember Arvin noted that there may be businesses that would fit into the medium and heavy assembly manufacturing in the future and that the body may not want to limit the possibility of those types of business.

Mr. Krueger stated that through the planning process, that heavy industrial zoning was pushed south of Point MacKenzie road and that light industrial was pushed south of the road.

Assemblymember Halter queried if there was any special reason for the separation or if staff had any concerns with the amendment.

Mr. Krueger:

- noted that the Lake Lorraine area is very scenic and that future high class office space might be constructed in that area; and
- stated that he does not see any significant impacts that the amendment could cause.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Arvin moved a primary amendment to Ordinance Serial No. 11-133, MSB 17.23.105(C)(10), by inserting the word “processing” after the word “extraction” to read: “Natural resource extraction processing;”

Assemblymember Arvin stated he wants to ensure that natural resource processing would not be restricted.

Discussion ensued regarding:

- that most medium to heavy resource extraction development would naturally include processing;

- that a mining and mechanical engineer assisted with developing the Port District Plan; and
- whether or not resource processing would include refining.

MOTION: Assemblymember Colligan moved a secondary amendment, by inserting the word “refining” after the word “processing” to read: “Natural resource extraction, processing, and refining;”

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment passed as amended without objection.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 11-133, MSB 17.23.060(A) by inserting a paragraph (1) to read: “temporary construction camps are allowed for the term of a project.”

MOTION: Assemblymember Woods moved a secondary amendment to insert after the word “project” the words “not to exceed one year” to read: temporary construction camps are allowed for the term of the project not to exceed one year.

Assemblymember Arvin:

- noted that some projects could be ongoing for multiple years before completion; and
- stated that a one-year limitation for providing worker housing would not be conducive to encouraging large scale construction projects at the District.

Discussion ensued regarding possible limitations on how long construction camps should be allowed.

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

MOTION: Assemblymember Arvin moved a secondary to strike the word “temporary” to read: “construction camps are allowed for the term of a project.”

VOTE: The secondary amendment passed with Assemblymembers Keogh and Woods opposed.

Assemblymember Keogh spoke to concerns with the potential for long-term residential housing in the Port District.

MOTION: Assemblymember Arvin moved a secondary amendment by striking the word “construction” and inserting in its place “worker” to read: worker camps are allowed for the term of a project.”

VOTE The secondary amendment passed with Assemblymember Woods opposed.

- VOTE: The primary amendment passed with Assemblymembers Keogh and Woods opposed.
- VOTE: The main motion passed as amended without objection.

*(The meeting recessed at 7:16 p.m. and reconvened at 7:28 p.m.)*

## **VIII. VETO**

- A. Ordinance Serial No. 11-134: AN ORDINANCE AMENDING MSB 3.04.095 (B) AND (C), GENERAL FUND BALANCE POLICY AND RESERVATIONS. *(Sponsored by Assemblymember Halter) (Mayoral Veto Filed October 27, 2011)*
1. IM No. 11-192

Mayor DeVilbiss:

- advised that it was requested he withdraw his veto;
- noted his conversation on this issue with the Finance Director and the Manager;
- spoke about the risk of losing double “A” bond rating; and
- noted it is a policy call that is up to the Assembly.

Ms. Clayton stated that the Borough’s bond rating is the highest in Alaska excepting only the state of Alaska itself.

Assemblymember Colligan spoke in support of the override however, noted that he would like to know the total financial picture of the Borough through an independent audit.

Assemblymember Keogh spoke in support of the override, noting that the Borough has healthy fiscal policies and overall low debt.

Mr. Moosey noted that excellent bond ratings, such as what the Borough has, are difficult to obtain.

MOTION: Assemblymember Keogh moved to override the mayoral veto of Ordinance Serial No. 11-134.

Discussion ensued regarding:

- what the reserves have recently been used for;
- concerns that the Borough will be overtaxing residents and not working within the budget;
- how reserves impact bond ratings;
- the consequences of bond rating downgrades;
- concern of risking reducing the Borough’s bond rating;
- how bond issuances are impacted by the market; and
- potential impacts if additional funds are put into the reserves during the budget cycle.

VOTE: The motion to override the mayoral veto passed with Assemblymember Salmon opposed.

**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. 11-147: AN ORDINANCE AMENDING MSB 15.24.030, COMPREHENSIVE PLAN AND PURPOSES, BY ADOPTING THE 2011 CITY OF HOUSTON HISTORIC PRESERVATION PLAN INTO THE OVERALL BOROUGH WIDE COMPREHENSIVE PLAN.
  - a. IM No. 11-220

Mayor DeVilbiss opened the public hearing.

MOTION: Assemblymember Halter moved to continue the public hearing for Ordinance Serial No. 11-147 to a time certain of February 21, 2012.

Assemblymember Halter stated that he is requesting to postpone the public hearing in order to allow time for the city of Houston to review and provide comment on the proposed historical preservation plan.

VOTE: The motion to postpone the public hearing to February 21, 2012, passed without objection.

2. Ordinance Serial No. 11-148: AN ORDINANCE AMENDING MSB 15.24.030, COMPREHENSIVE PLAN AND PURPOSES, BY ADOPTING THE 2011 WILLOW AREA COMMUNITY HISTORIC PRESERVATION PLAN INTO THE OVERALL BOROUGH WIDE COMPREHENSIVE PLAN.
  - a. IM No. 11-222

Mayor DeVilbiss opened the public hearing.

MOTION: Assemblymember Halter moved to continue the public hearing for Ordinance Serial No. 11-148 to a time certain of February 21, 2012.

Assemblymember Halter stated that he is requesting to postpone the public hearing in order to allow time for the Willow Area Community to review and provide comment on the proposed historical preservation plan.

VOTE: The motion to postpone the public hearing to February 12, 2012, passed without objection.

3. Ordinance Serial No. 11-149: AN ORDINANCE REAPPROPRIATING \$28,959 FROM FUND 450, PROJECT NO. 20161, HATCHER PASS WATER AND ELECTRIC TO FUND 430, PROJECT NO. 35187, FOR HATCHER PASS SKI DEVELOPMENT ROAD.
  - a. Resolution Serial No. 11-142: A RESOLUTION TO APPROVE THE SCOPE OF WORK AND BUDGET FOR FUNDS THAT WERE REAPPROPRIATED TO FUND 430, PROJECT NO. 35187, FOR THE HATCHER PASS SKI DEVELOPMENT ROAD.
    - (1) IM No. 11-238

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 Colver moved to adopt Ordinance Serial No. 11-149 and Resolution Serial No. 11-142.

VOTE: The motion passed without objection.

4. Ordinance Serial No. 11-150: AN ORDINANCE ACCEPTING AND APPROPRIATING \$367 FROM THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT GRANT PROGRAM, TO FUND 425, PROJECT NO. 45158, FOR PARTICIPATION IN ALASKA SHIELD 2012.
  - a. Resolution Serial No. 11-143: A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR THE ALASKA STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT GRANT, PROJECT NO. 45158, FUND 425, FOR PARTICIPATION IN ALASKA SHIELD 2012.
    - (1) IM No. 11-240

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 Salmon moved to adopt Ordinance Serial No. 11-150 and Resolution Serial No. 11-143.

VOTE: The motion passed without objection.

#### C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke in support of access to Alaska's backcountry for recreational opportunities for both motorized and non-motorized uses and encouraged balanced representation on the Parks, Recreational, and Trail Committee: Mr. Jim Turner.

The following person spoke to concerns with the lack of legislation regulating towers and spoke in support of Ordinance Serial No. 11-153: Mr. William Bruu.

The following person spoke regarding Resolution Serial No. 11-051 and in support of Resolution Serial No. 11-183: Ms. Dianne Woodruff.

The following person spoke in support of Resolution Serial No. 11-051: Ms. Jeanne Troshynski, Library Board Member.

The following person spoke in support of Mayoral appointments to the Borough Area School Site Selection Committee: Mr. Chris Wittington, Fronteras Elementary Parent Volunteer.

The following person thanked Mayor for his appointments to the Borough Area School Site Selection Committee: Ms. Michelle Niland, Fronteras Academic Policy Committee Member.

*(The meeting recessed at 8:22 pm. and reconvened at 8:32 p.m.)*

D. CONSENT AGENDA

1. RESOLUTIONS

a. Resolution Serial No. 11-145: A RESOLUTION AMENDING RESOLUTION SERIAL NO. 11-062, AUTHORIZING EMINENT DOMAIN AND USE OF DECLARATION OF TAKING PROCEDURES TO ACQUIRE PROPERTY INTERESTS NEEDED FOR THE BOGARD ROAD EXTENSION EAST PROJECT TO AUTHORIZE JUST COMPENSATION DEPOSITS EQUAL TO THE MOST RECENT OFFERS MADE TO LANDOWNERS.

(1) IM No. 11-244

b. Resolution Serial No. 11-146: A RESOLUTION AUTHORIZING THE BOROUGH MANAGER TO SUBMIT TO THE STATE OF ALASKA, A GRANT APPLICATION FOR THE PURPOSE OF CONDUCTING AN ARCHAEOLOGICAL SURVEY AND INVENTORY OF HISTORIC AND PREHISTORIC SITES ON BOROUGH LANDS IN THE MIDDLE SUSITNA RIVER VALLEY IN PARTNERSHIP WITH THE UNIVERSITY ADELPHI AND KNIK TRIBAL COUNCIL.

(1) IM No. 11-247

c. Resolution Serial No. 11-147: A RESOLUTION APPROVING THE AMENDED SCOPE OF WORK FOR THE BALD EAGLE DRIVE, HART LAKE LOOP, RUTAN AVENUE, AND PAMELA DRIVE PROJECT TO ALLOW FUNDING FOR ADDITIONAL ROAD UPGRADES WITHIN THE GOLD TRAIL ROAD SERVICE AREA NO. 28.

(1) IM No. 11-250

d. Resolution Serial No. 11-148: A RESOLUTION APPROVING THE AMENDED SCOPE OF WORK FOR THE FISH LAKES ROAD PAVING PROJECT TO ALLOW

FUNDING FOR ADDITIONAL ROAD UPGRADES WITHIN THE ALPINE ROAD SERVICE AREA NO. 31.

- (1) IM No. 11-251
- e. Resolution Serial No. 11-149: A RESOLUTION RENAMING THE MAYOR'S BLUE RIBBON SPORTSMEN'S COMMITTEE AS THE MATANUSKA-SUSITNA BOROUGH FISH AND WILDLIFE COMMISSION. *(Sponsored by Assemblymember Colver)*
- (1) IM No. 11-257
- ~~h. Resolution Serial No. 11-152: A RESOLUTION AUTHORIZING PARTICIPATION IN AND SUBMISSION OF AN APPLICATION UNDER THE FEDERAL FISCAL YEAR 2011 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$850,000 FOR A PORT MACKENZIE WATER/WASTEWATER TREATMENT PLAN FEASIBILITY STUDY.~~
- ~~(1) IM No. 11-261~~
- i. Resolution Serial No. 11-153: A RESOLUTION ADDING TO THE POLICY AND PROCEDURES OF THE ASSEMBLY AND MAYOR. *(Sponsored by Assemblymember Keogh)*
- a. IM No. 11-263
- 2. ACTION MEMORANDUMS
- a. AM No. 11-101: AWARD OF BID NO. 12-042 TO CRAIG TAYLOR EQUIPMENT IN THE AMOUNT OF \$134,816 FOR THE PURCHASE OF TWO UTILITY WORK MACHINES FOR THE GOOSE CREEK CORRECTIONAL CENTER.
- b. AM No. 11-102: AWARD OF BID NO. 12-043 TO CONSTRUCTION MACHINERY INDUSTRIAL, LLC. IN THE AMOUNT OF 181,654 FOR THE PURCHASE OF A WHEEL LOADER FOR THE GOOSE CREEK CORRECTIONAL CENTER.

Ms. McKechnie read the above legislation into the record.

MOTION: Assemblymember Salmon moved to approve the consent agenda as read into the record by the Clerk.

Mayor DeVilbiss inquired if there was any objection to approving the consent agenda as read into the record by the Clerk, with the exception of Resolution Serial Nos. 11-150, 11-151, 11-153 and AM Nos. 11-103 and 11-104, which were pulled from the consent agenda by the Assembly.

GENERAL CONSENT: The consent agenda was approved without objection, except for the legislation pulled by the Assembly.

- f. Resolution Serial No. 11-150: A RESOLUTION AUTHORIZING PARTICIPATION IN AND SUBMISSION OF AN APPLICATION UNDER THE FEDERAL FISCAL

YEAR 2011 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$500,000 TO CONTINUE WITH THE HOME OWNER-OCCUPIED REHABILITATION PROGRAM.

(1) IM No. 11-258

MOTION: Assemblymember Woods moved to adopt Resolution Serial No. 11-150.

MOTION Assembly Member Woods moved a primary amendment to Resolution Serial No. 11-150, by striking “\$500,000” and inserting in its place “\$850,000” throughout the legislation.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

g. Resolution Serial No. 11-151: A RESOLUTION DIRECTING THE MANAGER TO BEGIN THE PROCESS SO THAT THE ASSEMBLY CAN CONSIDER DEEDING LAND LOCATED AT SWANSON AVENUE AND CRUSEY STREET, IN WASILLA, FOR THE CONSTRUCTION OF A NEW WASILLA LIBRARY. *(Sponsored by Assemblymember Colligan)*

(1) IM No. 11-259

MOTION: Assemblymember Colver moved to adopt Resolution Serial No. 11-151.

Assemblymember Colver:

- stated that he supports the proposed location as there is easy access for the public;
- spoke to concerns with providing annual funding to the library;
- opined that it might be possible to lease rather than deed the land to the City; and
- stated that there needs to be an appraisal, as it is prime real estate.

MOTION: Assemblymember Colver moved a primary amendment to Resolution Serial No. 11-151, as follows:

- by striking the words “deed” and “deeding” and insert in their place the words “lease” and “leasing;” and
- by inserting the following “whereas” clauses to the top of the second page; and
- by inserting the following “be it further resolved” clauses at the end of the resolution:
  - Whereas, the Borough Assembly is supportive of a new Wasilla Library, and;
  - Whereas, the Wasilla Library is a community Library that serves Borough residents outside of the City limits as well as City residents, and;
  - Whereas, the Borough has provided funding to the City of Wasilla for operation of the City’s Library to serve greater the community in the amount of \$2,866,142 from fiscal year 2002 through 2012; and;

- Whereas, the established process for a government to government conveyance of Borough property is by a lease, and;
- Whereas, a long term automatically renewable lease for the Library is in the best interest of the public, and;
- Whereas, establishing fair market value of the property will help support an adequate compensation schedule in lieu of an annual appropriation to the City for library operational costs as an offset for a less than fair market value lease to the City, and;
- Whereas, the outdoor rink at Wasilla Middle School operated and maintained by the MSB Brett Arena is a popular facility and land adjacent to shall be reserved for an additional rink along the driveway to Crusey Street, and;
- Whereas, the existing parking lot for the Wasilla Middle School and the Brett Ice Arena are already at or near capacity and the proposed Library shall provide for its parking needs, and;
- Whereas, a library is a compatible use with the School and the Ice Arena and Wasilla High School and an entrance to the building from the School/ Arena parking lot would facilitate joint use, and;
- Be it Further Resolved, that the Matanuska-Susitna Borough Assembly requests that the Administration:
  - Obtain an appraisal for the Library property
- Be it Further Resolved, that the Matanuska-Susitna Borough Assembly requests that the Administration prepare an automatically renewable lease of approximately 30 years incorporating the following conditions:
  - Use of the property will be primarily for a library and other uses compatible with school age children,
  - Prepare a schedule of credits for a less than fair market value lease as an offset for payment in lieu of Library operational costs for the life of the lease,
  - The City shall agree to not charge Borough residents a fee to use the library,
  - A satellite Borough Customer Service office shall be provided for in the building unless the Borough declines because alternate space is provided in Wasilla,
  - If feasible provide for an entrance from the School and Arena parking lot for student and public access,
  - Plan for expansion of an additional outdoor ice rink adjacent to the driveway to Crusey Street, and;
  - The Library shall be designed to provide onsite parking for its patrons, tenants and operations.

Assemblymember Salmon:

- opined that the parcel is worth approximately \$870,000; and
- spoke in opposition to the primary amendment.

Assemblymember Keogh noted the parcel is a Borough asset and there are financial considerations that should be taken into account.

Discussion ensued regarding:

- the possibility of funding for all libraries within the Borough;
- the city of Wasilla's contributions toward the new library;
- the number of residents outside the city limits who also use the library; and
- the reason for the amendment since the legislation is to have the Manager start the process to subdivide.

MOTION: Assemblymember Arvin moved to suspend the rules to allow Mr. Bert Cottle, city of Wasilla Deputy Administrator to speak to the amendment.

VOTE: The motion passed without objection.

Mr. Cottle noted he is unable to speak on behalf of the Mayor and City Council as to how they would feel about the proposed primary amendment.

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

MOTION: Assemblymember Halter moved a primary amendment to Resolution Serial No. 11-151, by replacing the words "deed" and "deeding" with the words "lease" and "leasing."

Assemblymembers Colligan and Salmon spoke in opposition to the amendment.

Assemblymember Arvin opined that the possibility of deeding the property to the City needs to be thoroughly researched before a decision is made.

VOTE: The primary amendment passed with Assemblymembers Salmon, Colligan, and Woods opposed.

VOTE: The main motion passed as amended with Assemblymember Colligan opposed.

i. Resolution Serial No. 11-153: A RESOLUTION ADDING TO THE POLICY AND PROCEDURES OF THE ASSEMBLY AND MAYOR. *(Sponsored by Assemblymember Keogh)*

(1) IM No. 11-263

MOTION: Assemblymember Colligan moved to adopt Resolution Serial No. 11-153.

Assemblymembers Colligan:

- noted that he understands the intent and concern raised with the legislation;
- stated that this could be better addressed as an Assembly through the ethics policy;
- advised that he is not in favor of the legislation;

- advised that he carries his cell phone and uses it when scheduling meetings and communicating with his family;
- stated that there is common sense usage; and
- commented his concern on banning cell phone usage over one incident, but shares the concern that the people's work be done in public.

Assemblymember Salmon stated that he does not have to be ordered to not use his cell phone, that asking him would be sufficient.

Assemblymember Arvin queried if there was a single issue that brought on the need to ban electronic devices during Assembly meetings.

Assemblymember Colligan:

- spoke to Assemblymember Arvin appearing at a meeting telephonically, at which he had inquired over the conference line if another member had received a text during one of the breaks during at the meeting; and
- stated that he understands that it could be perceived to be a problem.

Assemblymember Arvin defended his right to send text messages at his discretion.

Assemblymember Keogh:

- stated there was not one single issue that was the genesis of bringing this measure forward;
- spoke to examples of inappropriate use of electronic devices during Assembly meetings, including phones ringing while members are at the horseshoe;
- noted that his own cell phone has interrupted previous meetings;
- noted that the legislation does not restrict the use of cell phones for communicating with family during breaks; and
- opined that there could be a potential of abuse in members exchanging texts during deliberation.

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

VOTE The motion passed without objection.

VOTE: The main motion failed with Assemblymember Keogh in support.

c. AM No. 11-103: AUTHORIZATION TO PURCHASE COMMUNICATION EQUIPMENT THROUGH DECEMBER 31, 2012, FROM MOTOROLA IN AN AMOUNT NOT TO EXCEED \$500,000.

MOTION: Assemblymember Colligan moved to adopt AM No. 11-103.

Assemblymember Colligan:

- related that he is very familiar with Alaska Mobile Land Radio (AMLR);
- noted that the legislation does not specify what equipment is being purchased;

- spoke to concerns with how the equipment would affect Emergency Services; and
- requested a staff report.

Mr. Brodigan:

- advised that he would be happy to provide a packet of information for the body in order to allow them to make an informed decision; and
- related that the equipment has to be purchased by December 31, 2012, as the funds have already been received from the Department of Homeland Security and the change is Federally mandated.

Assemblymember Colligan stated that he would like to have a discussion with the cities and the Alaska State Troopers concerning the possibility of combining emergency dispatch services.

MOTION: Assemblymember Colligan moved to postpone AM No. 11-103 to a time certain of December 20, 2011.

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

d. AM No. 11-104: MATANUSKA-SUSITNA BOROUGH REGULAR ASSEMBLY MEETING SCHEDULE DATES FOR 2012.

MOTION: Assemblymember Colver moved to adopt AM No. 11-104.

MOTION: Assemblymember Cover moved a primary amendment to AM No. 11-104, by striking the “July 3, 2012” meeting and inserting in its place “June 28, 2012.”

Assemblymember Colver:

- noted that cancelling the July 3 meeting is always good as many people travel during that time; and
- opined that by moving the meeting, it would prevent an overlarge agenda and a long meeting.

VOTE: The primary amendment passed without objection.

Assemblymember Woods opined that the September 4 meeting is usually a hunting weekend with many members gone and that perhaps it could be moved to October.

MOTION: Assemblymember Halter moved a primary amendment to strike the “September 4, 2012,” meeting.

Assemblymember Keogh spoke to concerns with the proposed meeting schedule being light from September to October.

MOTION: Assemblymember Woods moved a secondary amendment to insert “August 28, 2012,” in place of September 4, 2012, meeting.

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

VOTE: The primary amendment passed with Assemblymember Keogh opposed.

VOTE: The main motion as passed as amended without objection.

## **X. NEW BUSINESS**

Mayor DeVilbiss inquired if there was any objection to pulling Ordinance Serial No. 11-152 for the same reasons as Ordinance Serial Nos. 11-147 and 11-148, and to postpone the introduction to February 2, 2012 and setting the public hearing for February 21, 2012.

GENERAL CONSENT: Ordinance Serial No. 11-152 was pulled from the agenda without objection.

A. INTRODUCTIONS (For public hearing – 12/06/11, 7 p.m., Borough Assembly Chambers)

~~1. Ordinance Serial No. 11-152: AN ORDINANCE AMENDING MSB 15.24.030, COMPREHENSIVE PLAN AND PURPOSES, ADOPTING THE 2011 SUSITNA COMMUNITY COUNCIL HISTORIC PRESERVATION PLAN INTO THE OVERALL BOROUGHWIDE COMPREHENSIVE PLAN.~~

~~a. IM No. 11-221~~

2. Ordinance Serial No. 11-153: AN ORDINANCE AMENDING MSB 17.28, INTERIM MATERIALS DISTRICT; MSB 17.30 CONDITIONAL USE PERMIT FOR EARTH MATERIALS EXTRACTION ACTIVITIES; AND MSB 17.125, DEFINITIONS, TO INCLUDE PROVISIONS FOR MATERIAL EXTRACTION BELOW THE SEASONAL HIGH WATER TABLE AND RECLAMATION.

a. IM No. 11-246

3. Resolution Serial No. 11-155: A RESOLUTION ADOPTING THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2013 THROUGH FISCAL YEAR 2018.

a. IM No. 11-253

4. Ordinance Serial No. 11-156: AN ORDINANCE APPROVING AN APPROPRIATION OF \$75,000 FROM THE WEST LAKES FIRE SERVICE AREA FUND BALANCE, FUND 249, TO FUND 405, PROJECT NO. 45260, TO ALLOW FOR FACILITY MODIFICATIONS TO INTERIM STATION 7-3 ON SPRING ROAD.

a. Resolution Serial No. 11-154: A RESOLUTION APPROVING THE AMENDED BUDGET FOR PROJECT NO. 45260, TO ALLOW FOR FACILITY MODIFICATIONS TO INTERIM STATION NO. 7-3 ON SPRING ROAD.

(1) IM No. 11-255

5. Ordinance Serial No. 11-157: AN ORDINANCE AMENDING MSB 2.76.030, REGARDING THE DEFINITION OF COMMUNITY COUNCILS. (*Sponsored by Mayor DeVilbiss*)
  - a. IM No. 11-262

Ms. McKechnie read the above legislation into the record.

MOTION: Assemblymember Salmon moved to introduce the legislation as read into the record by the Clerk and set the public hearings for December 6, 2011.

VOTE: The motion passed without objection.

MOTION: Assemblymember Keogh moved to suspend the rules to extend the meeting past 10 p.m. and not to exceed 11 p.m.

MOTION: Assemblymember Halter moved a primary amendment to strike “11 p.m.” and insert in its place “10:30 p.m.”

VOTE: The primary amendment passed without objection.

VOTE: The motion passed as amended without objection.

## B. MAYORAL NOMINATIONS AND APPOINTMENTS

### 1. VACANCY REPORT

Mayor DeVilbiss requested the following confirmations:

Board of Adjustment and Appeals  
Alvah Clark Buswell, III  
Enhanced 911 Advisory Board  
Gene Belden  
Local Emergency Planning Committee  
Gene Belden  
Casey Cook  
Planning Commission  
John Klapperich  
Wastewater and Septage Advisory Board  
Ronald Phillips  
Michael Campfield  
Thomas Stoelting  
West Lakes RSA No. 136  
Rae Arno  
Willow FSA No. 35  
Derral Godbee

Greater Butte RSA No. 26  
Michael Shields  
Talkeetna Sewer and Water Board  
Paul Richards, resignation

Mayor DeVilbiss made the following recommendations:

Aviation Advisory Board  
John Glass  
David Palmer  
Borough Area Schools Site Selection Committee  
Ernest Hetrick  
Jennifer Schmidt  
Emergency Medical Services Board  
Paul Gavell  
Health and Social Services Board  
Kevin Munson  
Mayor's Blue Ribbon Sportsmen's Committee  
Ben Allen  
Office of Administrative Hearings  
Ross Kopperud  
Dana Lyn Dalrymple  
Parks, Recreation, and Trails Advisory Board  
Edward Strabel  
Transportation Advisory Board  
James Rowland  
Caswell FSA No. 135  
Larry Cline  
Big Lake RSA No. 21  
Houston Snyder  
Caswell Lakes RSA No. 15  
Larry Cline  
Greater Willow RSA No. 20  
Jim Norcross  
Lazy Mountain RSA No. 19  
Matthew Speckels  
Talkeetna Flood Control Service Area No. 7  
Roberta Sheldon

**MOTION:** Assemblymember Salmon moved to approve the Mayor's recommendations and resignation up for confirmation this evening.

**VOTE:** The motion passed without objection.

C. OTHER NEW BUSINESS

*(There was no other new business presented.)*

D. 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**

*(There was no executive session held.)*

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

Assemblymember Salmon:

- congratulated the city of Wasilla on an article that was written that said they had the best tasting water; and
- thanked the body for a good meeting.

Assemblymember Keogh noted he is happy to have concluded the meeting prior to midnight.

Assemblymember Halter:

- stated that he enjoyed the Alaska Municipal League Conference (AML); and
- requested that the Clerk notify the community councils of Ordinance Serial No. 11-157, regarding the definition of community councils, once the substitute ordinance was finalized.

Assemblymember Colver;

- noted that he enjoyed the gas pipeline discussion at AML;
- noted it is the responsibility of the Chair to ensure meeting decorum and that the body should not worry about the use of cell phones;
- spoke to the way the State Legislature handles the situation when a cell phone rings during a session;
- spoke to the meeting regarding the subdivision code on December 7;
- related that there is a work session with the Platting Department, the Alaska State Department of Natural Resources, and the public to discuss access to remote parcels;
- advised that the session will take place on November 29, from 9 a.m. to 5 p.m. in the lower level conference room;
- related that Assemblymember Halter and himself will be on the panel; and
- requested that if any other members would like to attend that they advise the Clerk in order to meet advertising requirements should there be more than three Assembly members present.

Assemblymember Colligan:

- thanked the Assembly for the engaging conversation;
- spoke to concerns regarding perceived impending financial impacts to taxpayers;
- stated that he appreciated the discussion on the ALMR legislation; and
- stated that he learned a lot and enjoyed the AML Conference.

Assemblymember Woods thanked the body for postponing the historical preservation plans.

Assemblymember Arvin noted that it is important for the body to remember that it is impossible to legislate common sense.

Mayor DeVilbiss:

- stated that he respected the Assembly's decision on the veto;
- related that he will be presenting a technology package for Assembly consideration;
- spoke to the potential of using social media as a form of feedback from the public;
- noted that an idea as part of the technology package would be a business link page that promotes Borough-wide businesses; and
- queried if there was any information regarding recent Resource Conservation and Development conference to report.

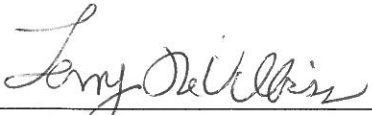
Assemblymember Salmon:

- spoke to the many ways he is involved in Resource Conservation and Development Boards, both local and nationally;
- opined that there needs to be a better relationship with the Borough; and
- stated that he will be working to improve that relationship.

#### XIV. ADJOURNMENT

The regular meeting adjourned at 10:19 p.m.

The regular meeting adjourned at 11 p.m.

  
LARRY DEVILBISS, Borough Mayor

ATTEST:

  
LONNIE R. MCKECHNIE, CMC, Borough Clerk

Minutes approved: 12/06/11