

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on September 15, 2015, 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. Jim Sykes, Assembly District No. 1
Mr. Matthew Beck, Assembly District No. 2
Mr. Ronald Arvin, Assembly District No. 3 (*Deputy Mayor*)(*entered telephonically at 6:20 p.m.*)
Mr. Steve Colligan, Assembly District No. 4 (*entered telephonically at 6:20 p.m.*)
Mr. Dan Mayfield, Assembly District No. 5
Ms. Barbara Doty, 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. George Hays, Assistant Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Brenda J. Henry, Assistant Clerk
Mr. Brad Sworts, Acting Capital Projects Director
Ms. Tammy Clayton, Finance Director
Mr. Terrance Dolan, Public Works Director
Ms. Eileen Probasco, Planning and Land Use Director
Mr. Bill Gamble, Emergency Services Director
Ms. Patty Sullivan, Public Affairs Director
Mr. Eric Phillips, Community Development Director
Mr. Eric Wyatt, Information Technology Director
Ms. Debra Wetherhorn, Administrative Assistant II

III. APPROVAL OF AGENDA

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

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Ken Barber, a member of the audience.

Mayor DeVilbiss queried if there was any objection to him presenting a proclamation this evening.

There was no objection noted.

Mayor DeVilbiss presented a proclamation to Mr. David Lay in recognition of his educational service.

V. MINUTES OF PRECEDING MEETINGS

(There were no minutes presented.)

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Wasilla City

Mayor Bert Cottle:

- congratulated Dr. Deena Paramo, School District Superintendent for being appointed to the University of Alaska Board of Regents; and
- spoke to the medication take back event scheduled for September 26, at 2 p.m. at the Wasilla Fred Meyer.

2. Matanuska-Susitna Borough School District

Mr. Joe Schmidt, Emergency Preparedness Coordinator:

- reported on recent ground breaking and ribbon cutting ceremonies for new schools;
- reported that student enrollment is at 18,424, which has exceeded their initial projection;
- spoke to new teacher positions that were added in order to accommodate increased enrollment; and
- reported on what his duties entail as the Emergency Preparedness Coordinator for the School District.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

Assemblymember Beck:

- reported that student enrollment is expected to continue to increase through October 24;
- spoke to the Americans with Disabilities Act upgrades that are being done Districtwide;
- spoke to the number of construction projects that are occurring that are impacting school access;

- congratulated Dr. Deena Paramo, School District Superintendent for being appointed to the University of Alaska Board of Regents;
- queried if there was supposed to be an additional member of the Assembly on the School Site Selection Committee; and
- queried who the Chair of the School Site Selection Committee is.

Mayor DeVilbiss stated that he would provide that information to Assemblymember Beck toward the end of the meeting.

2. Joint MSB Assembly/MOA Assembly Transportation Subcommittee

(There was no report provided.)

3. Assembly Public Relations

(There were no reports provided.)

C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues

Mr. Moosey:

- spoke to the annual Transportation Fair scheduled for October 22, at the Alaska State Fairgrounds in Raven Hall;
- noted that the International Economic Development Conference is scheduled for October 5 through 8, in Anchorage;
- advised that the Borough will have a booth that he and Mr. Von Dongen will staff and invited interested parties to join him;
- spoke to a meeting with Governor Walker's Office regarding the possibility of using tax credits to fund remaining phases of the rail extension and the Knik Arm Bridge projects;
- noted that Puerto Rico has numerous tax credits that they would like to sell;
- advised that the Borough would receive a 66 percent discount should they decide to purchase them;
- noted that at a recent meeting that the body has requested that he provide suggestions to rename the new road that runs from in front of Colony High School to Palmer High School and reported on some of his ideas;
- stated that the Borough owns a portion of the road on both ends, however, the middle portion can only be named through legislation at the State level; and
- introduced Mr. Peter House, who has been working with the Borough on creating the strategic opportunities portfolio.

Mr. Peter House, Owner of Deep Dream, Inc. summarized how the strategic opportunities portfolio was drafted.

D. ATTORNEY COMMENTS

Mr. Spiropoulos requested an executive session for October 20, 2015, regular meeting in order to discuss the Public Employees Retirement System (PERS) litigation.

E. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule;
- noted that the Clerk's Office is busy gearing up for the election; and
- stated that the marijuana initiative petition sponsors should be turning in their petitions on September 23, at which time staff will begin validating signatures.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Board of Ethics: 11/07/14, Advisory Opinion 14-01
- b. Caswell FSA Board of Supervisors: 02/11/15
- c. Fairview RSA Board of Supervisors: 01/07/15
- d. MSB Fish and Wildlife Commission: 04/16/15
- e. Platting Board: 07/02/15, Resolution Serial Nos. 15-099 and 15-100

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

G. INFORMATIONAL MEMORANDUMS

1. **IM No. 15-186:** Easement Acquisition Of Borough-Owned Land By The Alaska State Department Of Transportation And Public Facilities, State Project No. 58117, For The Purpose Of Improving And Extending An Existing Pedestrian Pathway Under The Parks Highway From Talkeetna Spur Road To Susitna Valley Junior/Senior High School (MSB007055).

The informational memorandum was presented and no comments were noted.

VII. SPECIAL ORDERS

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. 15-096:** An Ordinance Creating West Rangeview Drive Road Paving Local Improvement District No. 566, Approving The Improvement Plan For The

District, Authorizing The Manager To Proceed With The Improvement, And Assessing Equally Among The Properties Within The District The Costs Of The Improvement.

- a. IM No. 15-153

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Halter moved to adopt Ordinance Serial No. 15-096.

VOTE: The motion passed without objection.

2. **Ordinance Serial No. 15-097:** An Ordinance Creating East Doc McKinley Avenue Noncontiguous Natural Gas Local Improvement District No. 569, Approving The Improvement Plan For The District, Authorizing The Manager To Proceed With The Improvement, And Assessing Equally Among The Properties Within The District The Costs Of The Improvement.

- a. IM No. 15-164

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 Sykes moved to adopt Ordinance Serial No. 15-097.

VOTE: The motion failed unanimously.

3. **Ordinance Serial No. 15-115:** An Ordinance Reappropriating \$15,000 From The Fiscal Year 2015 Capital Project, Puritan Creek Trail Matching Grant For Upgrade Crossing, Fund 440, Project No. 15040, To Fund 480, Project No. 15035, Recreation Facility Highway Signage.

- a. **Resolution Serial No. 15-090:** A Resolution Amending The Budgets For The Fiscal Year 2015 Capital Projects, Project Nos. 15035 and 15040, Fund 480.

- (1) IM No. 15-176

Mayor DeVilbiss opened the public hearing.

The following person spoke in support of Ordinance Serial No. 15-115 and Resolution Serial No. 15-090: Mr. Kenny Barber.

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

MOTION: Assemblymember Halter moved to adopt Ordinance Serial No. 15-115 and Resolution Serial No. 15-090.

VOTE: The motion passed without objection.

4. **Ordinance Serial No. 15-116:** An Ordinance Accepting And Appropriating \$99,729 From The Alaska State Department Of Natural Resources, Division Of Parks And Outdoor Recreation, To Fund 440, Project No. 15015, For The Construction Of Three Miles Of New Motorized Trails In The Jim Creek Recreation Area.
 - a. **Resolution Serial No. 15-091:** A Resolution Approving The Scope Of Work And Budget For The Trails In The Jim Creek Recreation Area.
 - (1) IM No. 15-180

Mayor DeVilbiss opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 15-116 and Resolution Serial No. 15-091: Mr. Kenny Barber, Mr. Brandon Knox, and Ms. Patty Barber.

The following persons spoke in opposition to Ordinance Serial No. 15-116 and Resolution Serial No. 15-091: Ms. Cathy Hummel, Mr. Gregory Nilsson, Ms. Mitzi Van Adslan, and Ms. Margaret Runser.

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

MOTION: Assemblymember Sykes moved to adopt Ordinance Serial No. 15-116 and Resolution Serial No. 15-091.

MOTION: Assemblymember Beck moved to postpone Ordinance Serial No. 15-116 and Resolution serial No. 15-091 to a time certain of October 20, 2015.

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

VOTE: The motion passed without objection.

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

VOTE: The main motion passed without objection.

5. **Ordinance Serial No. 15-117:** An Ordinance Accepting And Appropriating \$390,000 From The Mat-Su Health Foundation, To Fund 490, Project No. 75005, For Trail Lighting At Government Peak Recreation Area.
 - a. **Resolution Serial No. 15-092:** A Resolution Approving The Scope Of Work And Budget For The Government Peak Recreation Area Trail Lighting.
 - (1) IM No. 15-183

Mayor DeVilbiss opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 15-117 and Resolution Serial No. 15-092: Mr. Edward Soto and Mr. David Knopp.

The following person spoke to concerns with the process for the public hearing: Mr. Eugene Carl Haberman.

The following person spoke in opposition to Ordinance Serial No. 15-117 and Resolution Serial No. 15-092: Ms. Cathy Hummel.

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

MOTION: Assemblymember Doty moved to adopt Ordinance Serial No. 15-117 and Resolution Serial No. 15-092.

VOTE: The motion passed without objection.

6. **Ordinance Serial No. 15-118:** An Ordinance Amending MSB 19.08.023, Site Approval Process For The Lease Of Charter School Facilities. *(Sponsored By Assemblymember Halter)*
 - a. IM No. 15-187

Mayor DeVilbiss opened the public hearing.

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

MOTION: Assemblymember Halter moved to adopt Ordinance Serial No. 15-118.

VOTE: The motion passed without objection.

(The meeting recessed at 7:15 p.m. and reconvened at 7:25 p.m.)

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke in support of Ordinance Serial No. 15-110: Mr. Kenny Barber.

The following persons spoke to concerns with trail development: Ms. Cathy Hummel, Ms. Mitzi Van Adslan, and Mr. Gregory Nilsson.

The following person spoke to concerns with the public process: Mr. Eugene Carl Haberman.

The following persons spoke in opposition to possible amendments and in support of the mayoral veto of Ordinance Serial No. 15-098: Ms. Ashley Peltier and Ms. Terry Snyder.

The following person spoke to concerns with not having advance access to the proposed amendment and the effective date for Ordinance Serial No. 15-098: Mr. Matt McMIndes.

The following persons spoke in support of the proposal to amend Ordinance Serial No. 15-098: Ms. Acey Priest, Mr. Mark Sowers, Ms. Marcy Sowers, Mr. Mark Turner, and Mr. Jason Jones.

D. CONSENT AGENDA

1. RESOLUTIONS

a. **Resolution Serial No. 15-093:** A Resolution Approving The Financial Responsibility For The M/V Susitna For October, November, And December 2015.

(1) IM No. 15-192

b. **Resolution Serial No. 15-094:** A Resolution Supporting The Nomination Of The Matanuska Colony Community Center As A National Historic Landmark.

(1) IM No. 15-200

c. **Resolution Serial No. 15-095:** A Resolution Approving The Amended Budgets And Transfer Of Funds From Seldon Road And Lucille Street, Project No. 35406, To Sullivan And Caudill Road Upgrade, Project No. 35407, In The Amount Of \$250,000.

(1) IM No. 15-201

2. ACTION MEMORANDUMS

a. **AM No. 15-138:** Vacate Any Public Interest In The 10-Foot Wide Utility Easement On The South Side Of Lot 1, Block 2, BAR-BAR-A Subdivision, Plat No. 79-302; Located In Section 19, Township 18 North, Range 1 West, Seward Meridian.

b. **AM No. 15-140:** Approval Of Contract Amendment To Contract No. 14-143B With Alaska Excavating LLC. In The Amount of \$146,173 For The Sullivan And Caudill Road Upgrade Project.

Ms. McKechnie read the above legislation into the record.

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

VOTE: The motion passed without objection.

VIII. UNFINISHED BUSINESS

A. **Ordinance Serial No. 15-110:** An Ordinance Approving A Less Than Fair Market Value Sale And Subdivision Of Boroughowned Property Containing 240 Acres, More Or Less, Identified As The South Half Of The Northwest Quarter, The Southwest Quarter Of The Northeast Quarter, And Government Lots 1, 2, And 3, Section 1, Township 16

North, Range 3 West, Seward Meridian; And Authorization For The Manager To Negotiate The Sale (MSB006977).

1. IM No. 15-173

MOTION PENDING: Assemblymember Mayfield moved a primary amendment to Ordinance Serial No. 15-110, as follows:

- by inserting a new Section 3, to read: “Section 3. Purchase Price. Consideration for the purchase will be the amount of \$65,990 with an interest rate of 1.5 percent for a term not greater than 20 years;”
- by inserting a Section 4, to read: “Section 4. Additional Consideration. Additional consideration will be provided via a requirement that the purchaser does not apply for a tax exemption and the land remain taxable. In the event the land becomes tax exempt without application; the purchaser will make a payment in lieu of taxes in an amount equal to the assessed value of the property multiplied by the mill rates which would otherwise be applicable. This consideration payment provision shall be in effect until June 30, 2035, at which time purchaser may apply for a tax exemption if qualified, or cease making payment in lieu of taxes if the land has become tax exempt without application;”
- by inserting a Section 5, to read: “Section 5. The approval to dispose of the property is subject to the Declaration of Covenants, Conditions, and Restrictions attached;” and
- by renumbering the remaining sections accordingly.

MOTION: Assemblymember Mayfield moved a secondary amendment by striking in its entirety the declaration of covenants, conditions and restrictions as attached to the primary amendment and inserting in its place the declaration of covenants, conditions, and restrictions as attached to the secondary amendment.

MOTION: Assemblymember Sykes moved to postpone Ordinance Serial No. 15-110 to a time certain of October 20, 2015.

VOTE: The motion to postpone passed with Assemblymembers Colligan and Arvin opposed.

IX. VETO

(There were no vetoes presented.)

X. NEW BUSINESS

A. INTRODUCTIONS (For public hearing – 10/20/15 Assembly Chambers)

1. **Ordinance Serial No. 15-119:** An Ordinance Creating McCombs Road And Melanie Lane Noncontiguous Natural Gas Local Improvement District No. 572, Approving The Improvement Plan For The District, Authorizing The Manager To Proceed With The

- Improvement, And Assessing Equally Among The Properties Within The District The Costs Of The Improvement.
- a. IM No. 15-195
 2. **Ordinance Serial No. 15-120:** An Ordinance Accepting And Appropriating \$695,000 From The Alaska State Department Of Transportation And Public Facilities, To Fund 480, Project No. 20280, For Transportation Planning Activities.
 - a. **Resolution Serial No. 15-096:** A Resolution Approving The Scope Of Work And Budget For Transportation Planning Activities.
 - (1) IM No. 15-175
 3. **Ordinance Serial No. 15-121:** An Ordinance Accepting Late Filed Applications For Reduction Of Assessments And Abatement Of Taxes Resulting From Property Damaged By The Sockeye Fire. *(Sponsored By Mayor DeVilbiss)*
 - a. IM No. 15-193
 4. **Ordinance Serial No. 15-122:** An Ordinance Amending MSB 4.75, To Clarify The Functions And Duties Of The Borough's Fish And Wildlife Commission. *(Sponsored By Assemblymember Colligan)*
 - a. IM No. 15-196

Ms. McKechnie read the above legislation into the record.

MOTION: Assemblymember Halter moved to introduce the legislation as read into the record by the Clerk and set the public hearings for October 20, 2015.

VOTE: The motion passed without objection.

MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor DeVilbiss requested the following appointments for confirmation:

Agriculture Advisory Board
Dick Zobel
Talkeetna FSA No. 24
Lawrence Dearman
Caswell Lakes RSA No. 15
Gordon Boeve

MOTION: Assemblymember Halter moved confirm the Mayor's appointments.

VOTE: The motion passed without objection.

C. OTHER NEW BUSINESS

1. MOTION TO RESCIND REFERRAL TO THE PLANNING COMMISSION

- a. **Ordinance Serial No. 15-082:** An Ordinance Amending MSB 17.61, Core Area Conditional Use Permit Requirements, To Prohibit Private Landfills Within The Core Area. *(Sponsored By Assemblymember Beck)*

(1) IM No. 15-107

MOTION: Assemblymember Beck moved to rescind the referral of Ordinance Serial No. 15-082 to the Planning Commission.

VOTE: The motion to rescind passed without objection.

2. MOTION TO AMEND SOMETHING PREVIOUSLY ADOPTED

- a. **Ordinance Serial No. 15-098:** An Ordinance Amending The Excise Tax On Tobacco Products Code. *(Filed By Assemblymember Sykes)*

(1) IM No. 15-141

(The motion to amend something previously adopted was not moved.)

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

- A. **Ordinance Serial No. 15-112:** An Ordinance Amending MSB 17.28.090(A), Adding An Interim Materials District Known As Dirtworks, Located At 15715 E. Barwood Avenue; MSB Tax No. 17N02E26C002; Within Township 17 North, Range 2 East, Section 26, Seward Meridian. *(Reconsideration Filed By Assemblymember Sykes On 09/02/15)*

1. IM No. 15-178

MOTION: Assemblymember Sykes moved for reconsideration of Ordinance Serial No. 15-112.

VOTE: The motion for reconsideration passed with Assemblymember Mayfield opposed.

MOTION: Assemblymember Sykes moved a primary amendment to Ordinance Serial No. 15-112, Section 10, by striking "8 a.m. to 6 p.m." and inserting "7 a.m. to 7 p.m." in its place to read: "All extraction activities, including all activity that causes noise, dust, or traffic, shall be limited to Monday through Saturday from 7 a.m. to 6 p.m."

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

VOTE: The motion passed with Assemblymember Mayfield opposed.

VOTE: The primary amendment passed with Assemblymember Mayfield opposed.

VOTE: The main motion passed as amended without objection.

XII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Mr. Moosey queried if the body would like to add state and federal legislative priorities to the agenda for the September 29, 2015, Assembly meeting.

Ms. McKechnie queried if there would be legislation for the Assembly to consider.

Mr. Moosey affirmed the query.

Mayor DeVilbiss queried if there was any objection.

There was no objection noted.

Assemblymember Sykes:

- reported on the research he did regarding e-cigarettes;
- summarized the reasons that he did not move the proposed amendment;
- spoke to his concerns with the overall e-cigarette legislation;
- spoke to his appreciation that the vaping community was willing to work with him; and
- thanked the public for their participation.

Assemblymember Mayfield:

- spoke in support of his amendments to Ordinance Serial No. 15-112;
- reported on the time that he has spent with staff researching the issue to get the answers he needed;
- encouraged the body to be engaged in finding answers to their questions about the property for the proposed shooting range;
- spoke in support of trail expansion within the Borough; and
- thanked the audience for their participation.

Assemblymember Halter:

- spoke to his frustration with the inability to determine a location that is satisfactory for the proposed shooting range; and
- spoke to concerns that the motion to amend something previously adopted was included on the agenda, but was not moved.

Assemblymember Beck:

- thanked the public for their participation;
- spoke to the Trap Club in Montana;
- noted the growth of surrounding neighborhoods that were very close to the club; and
- spoke to his concerns with the possible loss of revenue by selling land at a less than fair market value.

Assemblymember Doty:

- thanked the public for their participation;
- spoke to her appreciation of the Office of Informational Technology presentation that occurred at the 4 p.m. meeting;
- noted her agreement with Assemblymember Beck regarding the proposed shooting range;
- commented that she is very excited about the possibility of lighted trails at the Government Peak Recreation Area; and
- thanked staff for their participation in the meeting.

Assemblymember Arvin:

- noted that he would be providing a report regarding the liquid natural gas symposium that he is attending in Japan;
- related that the Borough's Port MacKenzie is being looked at closely by the market in Japan; and
- expressed his excitement at the economic possibilities.

Mayor DeVilbiss:

- noted that there have been many requests for tax relief related to the Sockeye fire; and
- spoke to the legislation that he is bringing forward that will address that.

XIII. EXECUTIVE SESSION

(There was no executive session held.)

XIV. ADJOURNMENT

The regular meeting adjourned at 8:48 p.m.



VERN HALTER, Borough Mayor

ATTEST:



LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 12/01/15