

MATANUSKA-SUSITNA BOROUGH

350 East Dahlia Avenue, Palmer, Alaska 99645 - 907-861-8683

BOROUGH MAYOR

Vern Halter

BOROUGH CLERK

Lonnie R. McKechnie, CMC

BOROUGH MANAGER

John Moosey

BOROUGH ATTORNEY

Nicholas Spiropoulos



BOROUGH ASSEMBLY

Jim Sykes, District 1

Matthew Beck, District 2

George McKee, District 3

Ted Leonard, District 4

Dan Mayfield, District 5

Barbara J. Doty, District 6

Randall Kowalke, District 7

MEETING MINUTES

ASSEMBLY CHAMBERS

350 EAST DAHLIA AVENUE, PALMER

ASSEMBLY REGULAR MEETING

6:00 PM

TUESDAY, FEBRUARY 6, 2018

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on Tuesday, February 6, 2018, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Vern Halter.

II. ROLL CALL

Present: 6 - Assemblymember Jim Sykes, Assemblymember George McKee, Assemblymember Ted Leonard, Assemblymember Dan Mayfield, Assemblymember Barbara J. Doty, and Assemblymember Randall Kowalke

Excused: 1 - Assemblymember Matthew Beck

III. APPROVAL OF AGENDA

Mayor Halter queried if there were any changes to the agenda.

Mr. Moosey requested that the Assembly pull Resolution Serial No. 18-005 from the agenda.

There was no objection noted.

Mayor Halter queried if there were any additional changes.

The agenda was approved as amended by the following vote:

Yes: 6 - Assemblymember Sykes, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Doty, and Assemblymember Kowalke

IV. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Ms. Jamie Newman, city of Wasilla Clerk.

V. MINUTES OF PRECEDING MEETINGS

[18-007](#) A. Special Meeting Minutes: 01/12/18
B. Regular Meeting Minutes: 01/16/18

Sponsors: Borough Manager
Mayor Halter queried if there were any changes to the minutes as presented.

The minutes were approved as presented by the following vote:

Yes: 6 - Assemblymember Sykes, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Doty, and Assemblymember Kowalke

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS (MSB 2.12.082; Seven minutes per person)

1. Reports From Cities

Wasilla City Mayor Bert Cottle reported on the activities of the city.

Palmer City Manager Mr. Nathan Wallace reported on the activities of the city.

2. Matanuska-Susitna Borough School District

There was no report provided.

B. SPECIAL ORDERS OF THE DAY

1. Patty Sullivan and Stefan Hinman Recognition for Contributions to the Borough's Fish and Wildlife Commission

[18-019](#) Memorandum from the MSB Fish and Wildlife Commission

Sponsors: Borough Manager
Mayor Halter presented Ms. Patty Sullivan, Public Affairs Director and Mr. Stefan Hinman, Media Design Specialist, with a framed letter from the MSB Fish and Wildlife Commission thanking them for all their hardwork on behalf of the Commission.

C. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee On School Issues

Assemblymember Sykes reported on the most recent meeting of the Committee.

2. Assembly Public Relations

There were no reports provided.

D. MANAGER COMMENTS

1. State/Federal Legislation

2. Strategic Planning Issues

Mr. Moosey reported that Mat-Su Regional Hospital is hosting a Heart Healthy Go Red event on Friday, February 9, at 5 p.m. Introduced Mr. Simon Stronge and Mr. Mark Procter of TPT Forests, Mr. Eric Oien of Denali Timber, and Mr. Charles Nash, who have been working with him on a timber harvest plan. Spoke to numerous recent large and ongoing public records requests and the fees and staff time that are associated with producing those, which are approximately \$1,200 monthly and does not include the staff time required for the Law Department to review and redact sensitive documents.

3. 2018 - Property Appraisal Annual Report

[18-018](#) 2018 - Property Appraisal Annual Report

Sponsors: Borough Manager

Mr. Brad Pickett, Borough Appraiser, provided the 2018 property appraisal report.

E. ATTORNEY COMMENTS

Mr. Spiropoulos noted that the cost associated with reviewing public records requests by the lawyers in his office is not a charge that is passed on to the public, but is part of the cost of doing business.

F. CLERK COMMENTS

Ms. McKechnie noted that there was a request by the School Board to reschedule the Joint Assembly/School Board meeting scheduled for March 13, 2018, as it falls during spring break. Noted that she would be bringing forward legislation to change the meeting schedule as this has occurred over the last several years. Suggested April 3, 2018, at 4 p.m.

Mayor Halter queried if there was any objection.

There was no objection noted.

Ms. McKechnie spoke to the proposed budget meeting schedule and queried if the Assembly would like to schedule those meetings.

Mayor Halter queried if there was any objection.

There was no objection noted.

G. CITIZEN AND OTHER CORRESPONDENCE

[18-020](#)

1. Agriculture Advisory Board: 11/15/17, Resolution No. 18-01
2. Alpine RSA Board of Supervisors: 04/11/17, 08/08/17, 10/10/17, Letter dated 01/09/18
3. Caswell FSA Board of Supervisors: 11/08/17
4. Caswell Lakes RSA Board of Supervisors: 10/04/17, Resolution No. 17-02
5. Greater Butte RSA Board of Supervisors: 10/12/17
6. Greater Palmer Consolidated FSA Board of Supervisors: 06/20/17
7. Greater Talkeetna RSA Board of Supervisors: 10/12/17
8. Knik RSA Board of Supervisors: 10/11/17
9. Local Road Service Area Advisory Board of Supervisors: 11/16/17
10. MSB Fish and Wildlife Commission: 11/16/17
11. Parks, Recreation, and Trails Advisory Board: 11/27/17
12. Planning Commission: 12/18/17, Resolution No. 18-03
13. Platting Board: 11/16/17, 12/07/17
14. West Lakes FSA Board of Supervisors: 12/11/17
15. Lazy Mountain Community Council: 01/12/17, 04/13/17, 08/10/17
16. Meadow Lakes Community Council: 11/08/17
17. Susitna Community Council: 11/02/17
18. Talkeetna Community Council: 12/04/17
19. Trapper Creek Community Council: 12/07/17
20. Willow Area Community Organization: 09/11/17, 11/01/17

Sponsors: Borough Manager

The Citizen and Other Correspondence was presented and no comments were noted.

H. INFORMATIONAL MEMORANDUMS

[IM 18-015](#) Reporting Of Conclusion Of Contract For Bid No. 17-124B To Neeser Construction, Inc. For The Trunk Road Extension South, Phase II Construction For The Final Contract Amount Of \$2,103,593.53.

Sponsors: Borough Manager

The Informational Memorandum was presented and no comments were noted.

VII. SPECIAL ORDERS

A. PERSONS TO BE HEARD (MSB 2.12.081; Three Minutes Per Person.)

(Requires 11 Days Advance Notice And Must Otherwise Be In Compliance With The Necessary Code Requirements. If No Advance Notice Is Given, Persons Wishing To Speak May Do So Under The Audience Participation Section Of The Agenda.)

There were no persons to be heard.

B. PUBLIC HEARINGS (Three Minutes Per Person.)

[OR 18-005](#) An Ordinance Amending MSB 3.70, To Establish A Sales Tax Exemption Within Service Area No. 36: Talkeetna Sewer And Water Service Area So That Only The First \$1,000 Of A Sale Is Subject To The Service Area Sales Tax.

Sponsors: Kowalke

Ms. McKechnie read the legislation into the record.

Mayor Halter opened the public hearing.

The following person spoke in support of Ordinance Serial No. 18-005:
Mr. Roger Anderson.

Mayor Halter closed the public hearing.

Assemblymember Kowalke moved to adopt Ordinance Serial No. 18-005.

Assemblymember Kowalke moved a primary amendment to Ordinance Serial No. 18-005, MSB 3.70.035, Maximum Tax Per Transaction, by inserting the following language at the end of the paragraph: "provided also, that a single payment for the sale or the rendering of a service where the service is received by more than one individual shall be allocated pro rata to each individual receiving the service of the transaction, and the first \$1,000 of the price allocated to each such individual shall be subject to sales tax." The primary amendment passed by the following vote:

Yes: 6 - Assemblymember Sykes, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Doty, and Assemblymember Kowalke

The main motion passed as amended by the following vote:

Yes: 6 - Assemblymember Sykes, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Doty, and Assemblymember Kowalke

[OR 18-007](#)

An Ordinance Amending And Adopting Various Provisions Of Borough Code To Establish Term Limits For All Borough Boards And Commissions And Provide An Exception For Reappointment In Case Of Necessity.

Sponsors: Doty

Ms. McKechnie read the legislation into the record.

Mayor Halter opened the public hearing.

The following person spoke in support of Ordinance Serial No. 18-007:
Ms. Sam Hanson.

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

Assemblymember Doty moved to adopt Ordinance Serial No. 18-007.

Assemblymember McKee called for the question (to stop debate). The motion failed (required 5 votes) by the following vote:

Yes: 3 - Assemblymember McKee, Assemblymember Mayfield, and Assemblymember Kowalke

No: 3 - Assemblymember Sykes, Assemblymember Leonard, and Assemblymember Doty

Assemblymember Sykes moved a primary amendment to Ordinance Serial No. 18-007, by striking Section 9 in its entirety, to exempt the MSB Fish and Wildlife Commission. The motion failed by the following vote:

Yes: 1 - Assemblymember Sykes

No: 5 - Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Doty, and Assemblymember Kowalke

Assemblymember Sykes moved to postpone OR 18-007 to a time certain of March 6, 2018. The motion failed (tie vote) by the following vote:

Yes: 3 - Assemblymember Sykes, Assemblymember Leonard, and Assemblymember Doty

No: 3 - Assemblymember McKee, Assemblymember Mayfield, and Assemblymember Kowalke

The Mayor invoked his voting privilege in the negative and the motion failed by the following vote:

Yes: 3 - Assemblymember Sykes, Assemblymember Leonard, and Assemblymember Doty

No: 4 - Assemblymember McKee, Assemblymember Mayfield, Assemblymember Kowalke, and Mayor Halter

The main motion failed by the following vote:

Yes: 1 - Assemblymember Doty

No: 5 - Assemblymember Sykes, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, and Assemblymember Kowalke

C. AUDIENCE PARTICIPATION (Three Minutes Per Person.)

The following spoke in support of creating a volunteer fair to recruit volunteers for boards and commissions: Ms. Terry Snyder.

The following person spoke in support of term limits for boards and commissions: Ms. Sam Hanson.

The following person spoke to new technology that is being used in Switzerland to clean chimneys: Mr. Joseph Davis.

D. CONSENT AGENDA

1. RESOLUTIONS

[RS 18-001](#) A Resolution Declaring The Buffalo Mine/Soapstone Community Council Inactive.

Sponsors: Borough Manager

[RS 18-005](#) A Resolution Approving The Amended Budgets And Transfer Of Funds From Old Glenn Highway Paved Pathway In Butte, Project No. 35412, Fund 430, Roads And Bridges Capital Projects Fund, To Collector Road Access To Machetanz Elementary, Also Known As Trunk Road Extension South, Project No. 35402, Fund 430, Roads And Bridges Capital Projects Fund, In The Amount Of \$150,000.

Sponsors: Borough Manager

[Clerk's Note: RS 18-005 was pulled from the agenda at approval of the agenda and no action was taken.]

2. ACTION MEMORANDUMS

[AM 18-010](#) Waiving the Borough Clerk from MSB 2.52.210.

Sponsors: Borough Manager

[AM 18-011](#) Authorizing The Borough Manager To Enter Into A Material Sale Contract With Anchorage Sand And Gravel Company, Inc. For The Central Landfill New Construction And Demolition Cell Material Sale (MSB007049).

Sponsors: Borough Manager

Ms. McKechnie read the consent agenda into the record.

Assemblymember Kowalke moved to approve the consent agenda as read into the record by the Clerk. The motion passed by the following vote:

Yes: 6 - Assemblymember Sykes, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Doty, and Assemblymember Kowalke

VIII. UNFINISHED BUSINESS

There was no unfinished business.

IX. VETO

There were no vetoes presented.

X. NEW BUSINESS

A. INTRODUCTIONS (For Public Hearing 03/06/18 Assembly Chambers)

There were no introductions.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

[18-008](#)

02/06/18 - Vacancy Report

Sponsors:

Halter

Agriculture Advisory Board

Braden Vanderweele

Board of Equalization

Jeremy Millen

Traci Barickman

Borough Area Schools Site Selection Committee

Mary Anderson

Emergency Medical Services Board

Nathan Durbin

Justin Ortolano

Russell Johnston, resignation

Health and Social Services Board

Curtis Harvie

Brian Galloway

Historical Preservation Commission

Fran Seager-Boss

Jake Anders

Local Emergency Planning Committee

Gene Belden

MSB Fish and Wildlife Commission

Bruce Knowles

Platting Board

Jordan Rausa

Port Commission

Claudia Roberts

Transportation Advisory Board

Cindy Bettine

Jennifer Tew

Joshua Cross

West Lakes FSA No. 136

Rae Arno

Alpine RSA No. 31

George Rauscher

Greater Willow RSA No. 20

William Dale

Knik RSA No. 17

Kimberly Byrwa

Assemblymember Kowalke moved to confirm the resignation and appointments requested by the Mayor. The motion passed by the following vote:

Yes: 6 - Assemblymember Sykes, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Doty, and Assemblymember Kowalke

C. OTHER NEW BUSINESS

D. REFERRALS (For Referral To The Planning Commission For 90 Days Or Other Date Specified By The Assembly)

There were no referrals.

XI. RECONSIDERATION

There were no reconsiderations.

XIII. EXECUTIVE SESSION (For Matters Which By Law, Municipal Charter, Or Ordinance Are Required To Be Kept Confidential; And To Discuss Matters Involving Consideration Of Borough records That By Law Are Not Subject To Public Disclosure; And Discussion Of Matters Subject To The Attorney/Client Privilege.)

A. Potential Litigation Before the Federal Energy Regulatory Commission RE: AK-LNG

Assemblymember Kowalke moved to enter into executive session for matters which by law, municipal charter, or ordinance are required to be kept confidential; and to discuss matters involving consideration of Borough records that by law are not subject to public disclosure; and discussion of matters subject to the attorney/client privilege. In particular, to discuss potential litigation before the Federal Energy Regulatory Commission regarding AK-LNG. Those present in executive session will be the Mayor, the Assembly, the Manager, the Attorney, the Clerk, the Internal Auditor, and the Public Affairs Director.

Assemblymember Kowalke moved to strike the Public Affairs Director from the executive session.

Mayor Halter queried if there was any objection to striking the Public Affairs Director from the executive session.

There was no objection noted.

Mayor Halter inquired if there was any objection to entering executive session.

There was no objection noted and the Assembly entered into executive session at 7:30 p.m.

Assemblymember Kowalke moved to exit executive session. The motion passed by the following vote:

Yes: 6 - Assemblymember Sykes, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Doty, and Assemblymember Kowalke

The Assembly exited executive session at 8:52 p.m.

XII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Assemblymember McKee queried the status of the Port MacKenzie repair.

Mr. Moosey advised that staff is working with two different companies in order to get a proper analysis. Stated that it has not been bid out at this time. Noted that the overall concern is that the repairs are done correctly so that the issues are not reoccurring.

Assemblymember McKee queried if staff was working with an engineer.

Mr. Moosey affirmed the query.

Assemblymember Mayfield queried if it was accurate when Mr. Moosey stated that there were 14 large public records requests last month

Mr. Moosey affirmed the query. Noted that some requests were for resumes and personnel information for specific staff. Continued that there was also a request for detailed billing of expenses throughout the Borough.

Assemblymember Mayfield queried if these requests are coming from one person, or a myriad of citizens. Spoke to concerns that it is coming from a single citizen.

Mr. Moosey noted that there are multiple people requesting records, but he is not sure if they are affiliated with each other. Commented that the requests are very similar in nature.

Assemblymember Mayfield stated that he would like to meet with Mr. Moosey and review the requests that have come in over the last few months.

Mr. Moosey noted that the Mayor's Assistant is the one fielding all of the requests and that she would be the more appropriate person to have the meeting with, as she would be able to better answer questions.

XIV. ADJOURNMENT

The meeting adjourned at 8:56 p.m.