

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 Doty, District 6

Randall Kowalke, District 7

MEETING MINUTES

ASSEMBLY CHAMBERS

350 EAST DAHLIA AVENUE, PALMER

ASSEMBLY REGULAR MEETING

6:00 PM

TUESDAY, AUGUST 21, 2018

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on Tuesday, August 21, 2018, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Deputy Mayor Matthew Beck.

II. ROLL CALL

Present: 7 - Assemblymember Jim Sykes, Assemblymember Matthew Beck, Assemblymember George McKee, Assemblymember Ted Leonard, Assemblymember Dan Mayfield, Assemblymember Barbara J. Doty, and Assemblymember Randall Kowalke

III. APPROVAL OF AGENDA

Deputy Mayor Beck queried if there were any changes to the agenda.

Assemblymember Leonard moved to hold the public hearing for Ordinance Serial No. 18-013, and to continue it to September 18, 2018. The motion failed (tie vote) by the following vote:

Yes: 3 - Assemblymember Beck, Assemblymember Leonard, and Assemblymember Kowalke

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

Assemblymember Leonard moved to postpone Ordinance Serial No. 18-028, to September 18, 2018. The motion failed (tie vote) by the following vote:

Yes: 3 - Assemblymember Beck, Assemblymember Leonard, and Assemblymember Kowalke

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

The agenda was approved as presented without objection.

IV. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Assemblymember Beck.

V. MINUTES OF PRECEDING MEETINGS

There were no minutes of preceding meetings.

VI. REPORTS/CORRESPONDENCE

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

1. Reports From Cities

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

2. Matanuska-Susitna Borough School District

There was no report provided.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee On School Issues

There was no report provided.

2. Assembly Public Relations

There were no reports provided.

C. MANAGER COMMENTS

1. State/Federal Legislation

2. Strategic Planning Issues

Mr. Eric Wyatt, Borough Information Technology Director, reported on the recovery status post cyber-attack.

Assemblymember Leonard requested that the Manager put together a list of what expenses are covered by the Borough's insurance.

D. ATTORNEY COMMENTS

There were no comments provided.

E. CLERK COMMENTS

Ms. McKechnie spoke to the upcoming meeting schedule and pertinent election dates. Advised that there was a request to schedule an Assembly meeting for October 30, 2018, at 6 p.m. Queried if this was a meeting the Assembly would like to schedule.

Deputy Mayor Beck queried if there was any objection to scheduling that meeting.

There was no objection noted.

Ms. McKechnie queried if the Assembly had any changes to the election brochure.

Assemblymember Mayfield noted that he had a change regarding changing the election date.

CONFLICT OF INTEREST: Assemblymember McKee stated that he had a conflict of interest, as he was involved in collecting signatures to change the election date.

RULING: Deputy Mayor Beck ruled that Assemblymember McKee had a conflict of interest and would be recused from voting.

Assemblymember McKee exited the meeting.

Assemblymember Mayfield moved to direct Administration to have Public Affairs put out a notice of impacts of changing the election date. The motion passed by the following vote:

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

Recused: 1 - Assemblymember McKee

Assemblymember McKee re-entered the meeting.

Assemblymember Leonard moved an amendment to the election brochure, page 16, by inserting the following language at the bottom of the page: "This proposition is advisory only and does not grant the Matanuska-Susitna Borough police powers." The amendment passed by the following vote:

Yes: 7 - Assemblymember Sykes, Assemblymember Beck, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Doty, and Assemblymember Kowalke

The election brochure was approved as amended by the following vote:

Yes: 7 - Assemblymember Sykes, Assemblymember Beck, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Doty, and Assemblymember Kowalke

F. CITIZEN AND OTHER CORRESPONDENCE

There was no other citizen and other correspondence.

G. INFORMATIONAL MEMORANDUMS

There were no informational memorandums presented.

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 18-013

An Ordinance Changing The Threshold For MSB 17.73, Multifamily Development Design Standards, Requiring A Domestic Wastewater System Plan Review For New Multifamily Developments; And Updating Definitions Within MSB 17.125, Definitions.

OR 18-013 (SUB): An Ordinance Changing The Threshold For MSB 17.73, Multifamily Development Design Standards, Requiring A Domestic Wastewater System Plan Review For New Multifamily Developments, And Updating Definitions Within MSB 17.125.

Ms. McKechnie read the legislation into the record.

Deputy Mayor Beck reopened the public hearing.

The following person opined that the public hearing should be continued: Mr. Eugene Carl Haberman.

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

MOTION PENDING: Assemblymember Kowalke moved to adopt Ordinance Serial No. 18-013.

Assemblymember Kowalke moved a primary amendment to Ordinance Serial No. 18-013, MSB 17.73.010(A)(1), as follows:

- by striking the words “equal to or”; and
- by striking the word “six” and inserting the word “two” in its place, to read: “Residential development constructed at a density greater than two dwelling units per 40,000 square feet of lot area.”

The primary amendment passed by the following vote:

Yes: 7 - Assemblymember Sykes, Assemblymember Beck, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Doty, and Assemblymember Kowalke

The main motion passed as amended by the following vote:

Yes: 4 - Assemblymember Sykes, Assemblymember Beck, Assemblymember Mayfield, and Assemblymember Doty

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

[OR 18-030](#)

An Ordinance Amending The Applicability Of MSB 17.60, Conditional Uses, To Exempt Conditional Use Permitting Requirements Within The Port Mackenzie Special Use District; And Adding Standards Required By State Law To MSB 17.60 And MSB 17.23, Port Mackenzie Special Land Use District.

Ms. McKechnie read the legislation into the record.

Deputy Mayor Beck opened the public hearing.

The following person opined that the public hearing for Ordinance Serial No. 18-030 should be continued: Mr. Eugene Carl Haberman.

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

Assemblymember Mayfield moved to adopt Ordinance Serial No. 18-030. The motion passed by the following vote:

- Yes:** 5 - Assemblymember Sykes, Assemblymember Beck, Assemblymember Mayfield, Assemblymember Doty, and Assemblymember Kowalke
- No:** 2 - Assemblymember McKee, and Assemblymember Leonard

[OR 18-070](#)

An Ordinance Amending MSB 10.12, Abatement Of Abandoned Vehicles.

Ms. McKechnie read the legislation into the record.

Deputy Mayor Beck opened the public hearing.

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

Assemblymember Sykes moved to adopt Ordinance Serial No. 18-070. The motion passed by the following vote:

- Yes:** 7 - Assemblymember Sykes, Assemblymember Beck, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Doty, and Assemblymember Kowalke

[OR 18-077](#)

An Ordinance Amending MSB 3.32.050, Returns; Payments; Penalties; And MSB 3.32.055, Involuntary Filing Fee, Appeal; To Provide For A Minimum Penalty For Failure To File By An Operator.
Ms. McKechnie read the legislation into the record.

Deputy Mayor Beck opened the public hearing.

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

Assemblymember Sykes moved to adopt Ordinance Serial No. 18-077. The motion passed by the following vote:

Yes: 7 - Assemblymember Sykes, Assemblymember Beck, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Doty, and Assemblymember Kowalke

[OR 18-082](#)

An Ordinance Accepting And Appropriating \$40,000 From The Alaska State Department Of Health And Social Services Grant Program, To Fund 425, Project No. 45284, For Supplies, Equipment, And Personnel Costs To Allow For The Implementation And Management Of Points Of Dispensing And Medical Countermeasures.

RS 18-053: A Resolution Approving The Scope Of Work And Budget For The Alaska State Department Of Health And Social Services Grant, Project No. 45284, Fund 425, For Supplies, Equipment, And Personnel Costs To Allow For The Implementation And Management Of Points Of Dispensing And Medical Countermeasures.

Ms. McKechnie read the legislation into the record.

Deputy Mayor Beck opened the public hearing.

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

Assemblymember Sykes moved to adopt Ordinance Serial No. 18-082 and Resolution Serial No. 18-053. The motion passed by the following vote:

Yes: 7 - Assemblymember Sykes, Assemblymember Beck, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Doty, and Assemblymember Kowalke

[OR 18-083](#)

An Ordinance Approving An Appropriation Of \$80,000 From The Greater Palmer Consolidated Fire Service Area Fund Balance, Fund 259 To Project No. 45215, For The Purchase Of Mobile Vehicle Radios And Related Equipment For The Greater Palmer Consolidated Fire Service Area.

RS 18-054: A Resolution Approving The Scope Of Work And Budget For Project No. 45215, To Allow For The Purchase Of Mobile Vehicle Radios And Related Equipment For The Greater Palmer Consolidated Fire Service Area.

Ms. McKechnie read the legislation into the record.

Deputy Mayor Beck opened the public hearing.

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

Assemblymember Sykes moved to adopt Ordinance Serial No. 18-083 and Resolution Serial No. 18-054. The motion passed by the following vote:

Yes: 7 - Assemblymember Sykes, Assemblymember Beck, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Doty, and Assemblymember Kowalke

[OR 18-085](#)

An Ordinance Establishing The Colleen Street Signals Zone 16-A, As A Differential Tax Zone Within Road Service Area No. 16, South Colony Road Service Area.

Sponsors: Beck

Ms. McKechnie read the legislation into the record.

Deputy Mayor Beck opened the public hearing.

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

Assemblymember Sykes moved to adopt Ordinance Serial No. 18-085. The motion passed by the following vote:

Yes: 7 - Assemblymember Sykes, Assemblymember Beck, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Doty, and Assemblymember Kowalke

[OR 18-086](#) An Ordinance Establishing A Commercial Outdoor Shooting Facility Working Group.

Sponsors: Doty

Ms. McKechnie read the legislation into the record.

Deputy Mayor Beck opened the public hearing.

The following person spoke in support of the legislation, to concerns with the meeting schedule, and queried what the end result: Mr. Wendy Stout.

The following person opined that the Assembly should be making decisions regarding shooting ranges and not putting the question to an advisory board: Ms. Beverly Cutler.

The following person spoke to concerns with the lack of regulations for shooting ranges within established subdivisions: Ms. Kim Paul.

The following persons spoke to concerns with governmental over regulation regarding shooting ranges: Mr. Tim Kelly and Mr. Steve Koslowski.

The following person spoke to concerns with unregulated shooting ranges within the Borough and in support of the working group: Mr. Jeff McKitteridge.

The following persons spoke to concerns with the public process: Mr. Eugene Carl Haberman and Mr. Greg Anderson.

The following person spoke in support of shooting ranges and noted his desire to be on the committee: Mr. Tim Hale.

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

MOTION PENDING: Assemblymember Doty moved to adopt Ordinance Serial No. 18-086.

Assemblymember Mayfield moved to continue the public hearing to September 4, 2018. The motion passed by the following vote:

Yes: 7 - Assemblymember Sykes, Assemblymember Beck, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Doty, and Assemblymember Kowalke

[OR 18-088](#)

An Ordinance Accepting And Appropriating \$289,311 From The Alaska State Department Of Health And Social Services, To Fund 475, Project No. 20393, For The Human Services Community Matching Grant.

RS 18-059: A Resolution Approving The Scope Of Work And Budget For Participation In The Human Services Community Matching Grant Program.

Ms. McKechnie read the legislation into the record.

Deputy Mayor Beck opened the public hearing.

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

Assemblymember Sykes moved to adopt Ordinance Serial No. 18-088. The motion passed by the following vote:

Yes: 7 - Assemblymember Sykes, Assemblymember Beck, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Doty, and Assemblymember Kowalke

C. AUDIENCE PARTICIPATION (Three Minutes Per Person.)

The meeting recessed at 7:29 p.m. and reconvened at 7:35 p.m.

The following persons spoke to concerns with Ordinance Serial No. 18-028: Ms. Janie Vessey, Mr. Brian Endle, Ms. Cherie Kajdan, Mr. Rod Schultz, Mr. Tim Kelly, Mr. Greg Anderson, Mr. Stewart Smith, Mr. Tim Hale, Mr. Dean Rust, Mr. Guy Anslem, and Ms. Darlene Rust.

The following person spoke to concerns with Ordinance Serial No. 18-061: Ms. Liz Thickstun, Ms. Tayva Beckham, and Mr. Ernie Walker

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

The following person spoke to concerns with Ordinance Serial Nos. 18-028 and 18-061: Mr. Anthony Drano.

D. CONSENT AGENDA

1. RESOLUTIONS

[RS 18-062](#) A Resolution Authorizing The Extension Of The Disaster Emergency Declaration Issued By The Borough On July 31, 2018, Through October 16, 2018.

2. ACTION MEMORANDUMS

[AM 18-078](#) Award Of Proposal No. 19-001P To Resource Data, Inc. In The Contract Amount Not To Exceed \$500,000 Per Fiscal Year For Information Technology Consulting Services.

[AM 18-079](#) Vacate The 50-Foot Wide Public Use Easement, Recorded At Book 488, Page 223 And Book 337, Page 45, Created For Legal Access For Parcel Nos. 1, 2, And 3, MSB Waiver 86-36-Pwm, Recorded As 86-142w, Located In Section 12, Township 18 North, Range 1, East, Seward Meridian.

[AM 18-080](#) Approval Of A Contract Amendment To Contract No. 18-108B With Southcentral Construction, Inc. To Add \$169,633 And Up To \$250,000 In Additional Change Order Authority To Complete The Central Landfill Cell 4 Project, Project No. 25055, Fund 420. Ms. McKechnie read the legislation into the record.

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

Yes: 7 - Assemblymember Sykes, Assemblymember Beck, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Doty, and Assemblymember Kowalke

VIII. UNFINISHED BUSINESS

[OR 18-028](#) An Ordinance Adopting MSB 17.09, Amendments And Changes To Land Use Regulations.

MOTION PENDING: Assemblymember Beck moved to adopt Ordinance Serial No. 18-028.

Assemblymember Doty called for the question (to stop debate). The motion passed by the following vote:

Yes: 7 - Assemblymember Sykes, Assemblymember Beck,
Assemblymember McKee, Assemblymember Leonard,
Assemblymember Mayfield, Assemblymember Doty, and
Assemblymember Kowalke

The main motion failed by the following vote:

No: 7 - Assemblymember Sykes, Assemblymember Beck,
Assemblymember McKee, Assemblymember Leonard,
Assemblymember Mayfield, Assemblymember Doty, and
Assemblymember Kowalke

[OR 18-061](#) An Ordinance Adopting MSB 17.10, Overlay Districts.
Ms. McKechnie read the legislation into the record.

CONFLICT OF INTEREST: Assemblymember Doty declared a conflict of
interest as she is a property owner on Wolf Lake.

RULING: Deputy Mayor Beck ruled that Assemblymember Doty had a
conflict of interest and would be recused from voting.

(Assemblymember Doty exited the meeting.)

**MOTION PENDING: Assemblymember Beck moved to adopt
Ordinance Serial No.18-061. The motion passed by the following
vote:**

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

Recused: 1 - Assemblymember Doty
(Assemblymember Doty re-entered the meeting.)

IX. VETO

There were no vetoes presented.

X. NEW BUSINESS

There was no other new business.

A. INTRODUCTIONS (For Public Hearing 09/04/18, Assembly Chambers)

There were no introductions.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

There was no vacancy report.

C. OTHER NEW BUSINESS

There was no 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 presented.

XII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Assemblymember McKee spoke to concerns with public notice regarding shooting ranges. Opined that there will be a lot of objection to any range that attempts to start up.

Assemblymember Sykes thanked Assemblymember McKee for his comments. Noted that people are entitled to their opinions. Noted that there has been quite a bit of public notice about setting up this advisory group. Thanked the public for providing testimony. Spoke to concerns with the ongoing onslaught of misinformation on Facebook regarding many things the Assembly takes up. Opined that it can be difficult to get past preconceived notions and misinformation.

Assemblymember Mayfield noted that sometimes public notices get ignored by the public and that sometimes things take longer than the public would like. Spoke to the possibility of changing the notification times to the public. Stated that he looks forward to the results produced by the advisory group.

Assemblymember Doty stated that she appreciates the comments provided by the public. Complimented the Assembly on agreeing to fund community councils so that they can form neighborhood watch groups. Spoke to the importance of neighbors organizing to protect their neighborhoods from crime and to have their voices heard.

Assemblymember Leonard spoke to concerns with substitute ordinances. Stated that when one comes forward that a new informational memorandum should accompany it. Thanked all the election workers who worked the State's primary election. Spoke to concerns with how dangerous Knik Goose Bay road is. Opined that it needs to be upgraded as soon as possible. Offered his condolences to the families whose lives have been impacted by losing loved ones to accidents on Knik Goose Bay. Spoke to the need for the State to fully fund Alaska State Troopers so that trooper levels in the Borough can be brought back up to where they should be.

Assemblymember Beck stated that he is thankful that he could be present during the meeting. Noted that he missed some meetings due to attending out-of-state family emergencies. Thanked staff for their dedication to serving the public.

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

A. Alaska LNG Potential Litigation Before The Federal Energy Regulatory Commission

Assemblymember Sykes moved to enter into executive session for matters which by law, municipal charter, or ordinance are required to be kept confidential; and matters involving consideration of government records that by law are not subject to public disclosure; and discussion of matters covered by attorney/client privilege. In particular to discuss Alaska LNG potential Litigation Before the Federal Energy Regulatory Commission. Those present during the executive session were the Mayor, the Assembly, the Attorney, the Clerk, and the Borough Auditor. The motion passed without objection and the Assembly entered into executive session at 8:55 p.m.

Assemblymember Sykes moved to exit executive session.

The motion passed without objection and the Assembly exited executive session at 9:23 p.m.

XIV. ADJOURNMENT

The meeting adjourned at 9:25 p.m.