

MATANUSKA-SUSITNA BOROUGH

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

BOROUGH MAYOR
Edna DeVries

BOROUGH CLERK
Lonnie R. McKechnie, CMC

BOROUGH MANAGER
Michael Brown

BOROUGH ATTORNEY
Nicholas Spiropoulos



BOROUGH ASSEMBLY
Tim Hale, District 1
Stephanie Nowers, District 2
Dee McKee, District 3
Robert Yundt, District 4
Mokie Tew, District 5
Jesse Sumner, District 6
Ron Bernier, District 7

MEETING MINUTES

ASSEMBLY CHAMBERS

350 EAST DAHLIA AVENUE, PALMER

ASSEMBLY REGULAR MEETING

6:00 PM

TUESDAY, APRIL 5, 2022

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on Tuesday, April 5, 2022, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Edna DeVries.

II. ROLL CALL

Present: 6 - Assemblymember Tim Hale, Assemblymember Stephanie Nowers, Assemblymember Dee McKee, Assemblymember Robert Yundt, Assemblymember Mokie Tew, and Assemblymember Jesse Sumner

Telephonic: 1 - Assemblymember Ron Bernier

III. APPROVAL OF AGENDA

The agenda was approved as presented without objection.

IV. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Deputy Mayor Sumner.

V. MINUTES OF PRECEDING MEETINGS

22-063 A. Joint Assembly/Planning Commission Meeting: 03/08/22
The minutes were approved as presented

VI. REPORTS/CORRESPONDENCE

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

1. Reports From Cities

There were no reports provided.

2. Matanuska-Susitna Borough School District

There was no report provided.

3. State of Alaska

Mr. Todd Smoldon, Executive Director of Governor Dunleavy's Mat-Su Office, reported on the status of the Governor's budget.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee On School Issues

Assemblymember Nowers reported on the activities of the most recent meeting.

2. Assembly Public Relations

Assemblymember Hale requested a moment of silence for Paul Huppert, a former member of the Assembly who recently passed away.

The Assembly observed a moment of silence.

C. MANAGER COMMENTS

1. State/Federal Legislation

2. Strategic Planning Issues

Mike Brown, Borough Manager, advised that the Borough would be partnering with ORPC, Inc. to test their RivGen Power System at Port MacKenzie. Stated that this system harnesses clean, sustainable energy from free-flowing tidal and river currents and will be trialed to power cathodic protection systems, which safeguard the Port's underwater assets.

D. ATTORNEY COMMENTS

Nicholas Spiropoulos, Borough Attorney, reported on status of the redistricting case at the Supreme Court. Noted that the plan has been remanded back to the board to fix what is being referred to as the "Cantwell cut-out." Advised that he is monitoring the case and that if anyone has any questions to please let him know. Advised that there is no need to conduct the executive session this evening.

E. CLERK COMMENTS

Lonnie McKechine, Borough Clerk, spoke to the upcoming meeting schedule. Passed out a copy of her budget to the Assembly. Stated that if there were any questions regarding her budget, to please let her know. Noted that the maps that are attached to the reapportionment legislation are 8.5 x 11 in size and that if anyone would like to view a larger map, that she will have them available in her office. Reminded the body of the meeting on Thursday, April 7, 2022, at 10 a.m. for the departmental budget presentations.

F. CITIZEN AND OTHER CORRESPONDENCE

22-067

1. Aviation Advisory Board: 12/09/21
2. Big Lake Community Council: 01/22, 02/08/22,
3. Big Lake RSA Board of Supervisors: 01/12/22
4. Board of Adjustment and Appeals: 12/22/22, 01/10/22, BOAA 22-01 Final Decision
5. Butte Community Council: 02/09/22
6. Greater Talkeetna RSA Board of Supervisors: 01/13/22
7. Knik-Fairview Community Council: 11/03/22, 01/19/22, 02/16/22
8. Library Board: 01/15/22
9. Local Road Service Area Board of Supervisors: 02/17/22
10. MSB Fish and Wildlife Commission: 12/13/21, 02/17/22, Resolution No. 22-01
11. North Lakes Community Council: 01/27/22
12. Planning Commission: 02/07/22, 02/28/22, Resolution Nos. 22-12, 22-14
13. Platting Board: 01/20/22
14. Susitna Community Council: 02/03/22
15. Talkeetna Community Council: 01/03/22, 02/07/22
16. Tanaina Community Council: 01/11/22, 01/25/22, 02/22/22, 03/08/22
17. Transportation Advisory Board: 08/20/21, 09/24/21, 12/17/21
18. West Lakes FSA Board of Supervisors: 02/07/22
19. Willow Area Community Organization: 02/02/22

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

G. INFORMATIONAL MEMORANDUMS

IM 22-067 Reporting Conclusion Of Contract For Bid No. 19-081B With D & S Road Services For Crack Sealing Services Project.

IM 22-071 Informing The Assembly Of A Grant Amendment For The Wasilla Creek Headwaters Streambank Restoration Grant; Signature By The Manager Not Required By The Granting Agency.

The informational memorandums were presented and no comments were noted.

VII. SPECIAL ORDERS

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

There were no persons to be heard.

B. PUBLIC HEARINGS (Three Minutes Per Person.)

OR 22-028 An Ordinance Appropriating \$2,400,000 From The Solid Waste Enterprise Fund Balance To The Landfill Sand And Chip Production Project.

RS 22-029: A Resolution Establishing The Project, Scope Of Work, And Budget For The Appropriation Of \$2,400,000 From The Solid Waste Enterprise Fund, Fund 510 To The Landfill Sand And Chip Production Project, Fund 420.

Lonnie McKechnie, Borough Clerk, read the legislation into the record.

Terry Dolan, Public Works Director, provided a staff report.

Mayor DeVries opened the public hearing.

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

Assemblymember Sumner moved to adopt Ordinance Serial No. 22-028 and Resolution Serial No. 22-029. The motion passed by the following vote:

Yes: 7 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Yundt, Assemblymember Tew, Assemblymember Sumner, and Assemblymember Bernier

OR 22-029 An Ordinance Amending MSB 3.15.037 To Provide For An Additional Residential Real Property Tax Exemption Of \$114,000 Of The Assessed Value Of Real Property Owned And Occupied As A Permanent Abode By A Resident Who Is 65 Years Of Age Or Older, A Disabled Veteran, Or A Person At Least 60 Years Old Who Is A Widow Or Widower Of A Person Who Was Qualified For The Exemption; Providing For An Annual Adjustment, And Submitting The Question To The Qualified Voters At The Next Regular Or Special Borough Election.

Sponsors: Yundt and Tew

Assemblymember McKee queried if she may have a conflict of interest due to the possibility of her being eligible for this exemption.

Mayor DeVries advised that it is not a conflict because it is a commonly held interest that would benefit more than just her household.

Lonnie McKechnie, Borough Clerk, read the legislation into the record.

Cheyenne Heindel, Finance Director, provided a staff report.

Mayor DeVries opened the public hearing.

The following person spoke in support of the legislation: Brian Endle.

The following persons spoke to concerns that this tax could become a regressive tax that impacts those with lower incomes: Todd Smoldon and Jeremiah Hamrick.

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

Assemblymember Yundt moved to adopt Ordinance Serial No. 22-029.

Assemblymember Sumner moved a primary amendment by inserting the words "less the percentage of the increase of social security payments" after the words "to the current year" to read: Such adjustment is the percent change from the prior to the current year, less the percentage of the increase of social security payments."

Assemblymember Nowers moved to postpone Ordinance Serial No. 22-029 to April 19, 2022.

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

Yes: 7 - Assemblymember Hale, Assemblymember Nowers,
Assemblymember McKee, Assemblymember Yundt,
Assemblymember Tew, Assemblymember Sumner, and
Assemblymember Bernier

The motion to postpone failed by the following vote:

Yes: 2 - Assemblymember Hale and Assemblymember Nowers
No: 5 - Assemblymember McKee, Assemblymember Yundt,
Assemblymember Tew, Assemblymember Sumner, and
Assemblymember Bernier

**Assemblymember Yundt moved to postpone Ordinance Serial No.
22-029 to April 19, 2022.**

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

Yes: 7 - Assemblymember Hale, Assemblymember Nowers,
Assemblymember McKee, Assemblymember Yundt,
Assemblymember Tew, Assemblymember Sumner, and
Assemblymember Bernier

The motion to postpone passed by the following vote:

Yes: 6 - Assemblymember Hale, Assemblymember Nowers,
Assemblymember McKee, Assemblymember Yundt,
Assemblymember Tew, and Assemblymember Bernier
No: 1 - Assemblymember Sumner

C. AUDIENCE PARTICIPATION (Three Minutes Per Person.)

The following person spoke to the importance of ethics and to the city of Palmer recall election: Jackie Goforth.

The following person spoke to concerns with the update to bussing contract for the School District and the location of the new bus yard, which is a couple hundred feet from his driveway and to concerns that the road is not constructed to handle the volume of bus traffic that will occur: Austin Burrill.

D. CONSENT AGENDA

1. RESOLUTIONS

RS 22-033 A Resolution Amending The Scope Of Work Of The Point Mackenzie Area Roads Earthquake Repairs.

2. ACTION MEMORANDUMS

AM 22-020 Authorization Of Amendment No. 14 To Contract No. 18-116P With Shannon & Wilson, Inc. To Add \$42,567 For Borough Landfill Water Quality Monitoring Program Management Services.

AM 22-021 Acceptance Of Late Filed And Retroactive Senior Citizen And Disabled Veteran Exemption Applications.

AM 22-022 Award Of Bid No. 22-096B To Drennon Construction & Consulting, Inc. In The Contract Amount Of \$377,754.75 To Construct Hidden Hills Fish Passage.

AM 22-023 Award Of Bid No. 22-077B To Pinnacle Construction, Inc. In The Contract Amount Of \$482,890 To Construct A Water Storage Tank For Station 12-5.

Lonnie McKechnie, Borough Clerk, read the legislation into the record.

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

Yes: 7 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Yundt, Assemblymember Tew, Assemblymember Sumner, and Assemblymember Bernier

AM 22-019 Award Of Bid No. 22-026B To Ficklin Construction, LLC. In The Contract Amount Of \$248,660 To Improve The Wasilla Creek Headwaters Trail.

Lonnie McKechnie, Borough Clerk, read the legislation into the record.

Terry Dolan, Public Works Director, provided a staff report.

Assemblymember McKee moved to adopt AM 22-019. The motion passed by the following vote:

Yes: 7 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Yundt, Assemblymember Tew, Assemblymember Sumner, and Assemblymember Bernier

AM 22-025 Award Of Bid No. 22-103B To Western Construction & Equipment In The Contract Amount Of \$228,520 For Right-Of-Way Surveying And Clearing Services; With A Not To Exceed Total Of \$600,000 For The Initial Period Of Performance.

Assemblymember Hale stated that he may have a conflict as the company he works for may have bid on the job.

Mayor DeVries advised that there is no conflict because the company that Assemblymember Hale works for did not win the contract.

Lonnie McKechnie, Borough Clerk, read the legislation into the record.

Terry Dolan, Public Works Director, provided a staff report.

Assemblymember Yundt moved to adopt AM 22-025. The motion passed by the following vote:

Yes: 5 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Yundt, and Assemblymember Sumner

No: 2 - Assemblymember Tew, and Assemblymember Bernier

AM 22-027 Award Of Proposal No. 22-080P To HDR Engineering, Inc. In The Contract Amount Of \$427,801.83 To Perform The Urbanized Area Corridor Study.

Lonnie McKechnie, Borough Clerk, read the legislation into the record.

Assemblymember Yundt moved to adopt AM No. 22-027. The motion passed by the following vote:

Yes: 7 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Yundt, Assemblymember Tew, Assemblymember Sumner, and Assemblymember Bernier

VIII. UNFINISHED BUSINESS

There was no unfinished business.

IX. VETO

There were no vetoes presented.

X. NEW BUSINESS

A. INTRODUCTIONS (For Public Hearing 04/19/22, Assembly Chambers)

- OR 22-023** An Ordinance Authorizing The Manager To Enter Into A Long-Term Management Agreement For A Period Of 25-Years With The Alaska Sailing Club, Inc. For Purpose Of Management And Use Of Borough Land.
- OR 22-036** An Ordinance Approving The Less Than Fair Market Value Sale Of Borough-Owned Real Property Identified As The Peggy Lake Residential Camp To The Anchorage Community Y.M.C.A.
- OR 22-037** An Ordinance Reappropriating \$200,000 From The Fiscal Year 2022 Port Operating Budget To The Port Business Development And Marketing Project; And Extending The Project Completion Date To June 30, 2025.
- OR 22-039** An Ordinance Approving The Consolidation Of Multiple Animal Care And Regulation Capital Improvement Projects; And The Reappropriation Of Funds For Those Projects Into A Single Capital Improvement Project; And Extending The Project Deadline To June 30, 2025.
RS 22-034: A Resolution Setting The Scope Of Work And Amended Budgets For Outdoor Animal Care Facility Improvements To Ensure Best Care Practices For Shelter Animals.
- OR 22-040** An Ordinance Approving A Reappropriation Of \$50,000 From The Fiscal Year 2022 Recreation Services Division Operating Budget To The Borough Saw Crew Project, To Reduce Wildfire Hazard At Borough Facilities.
RS 22-035: A Resolution Approving The Scope Of Work And Budget For The Borough Saw Crew Project.
- OR 22-042** An Ordinance Adopting The Port MacKenzie Terminal Tariff No. 3.
- OR 22-043** An Ordinance Approving A Supplemental Appropriation Of \$50,000 From Caswell Lakes Road Service Area Fund Balance, Fund 272, To The Caswell Lakes Road Service Area Fiscal Year 2022 Operating Budget, Fund 272.
- OR 22-044** An Ordinance Approving A Supplemental Appropriation Of \$50,000 From Trapper Creek Road Service Area Fund Balance, Fund 284, To The Trapper Creek Road Service Area Fiscal Year 2022 Operating Budget, Fund 284.

- OR 22-045** An Ordinance Amending MSB 2.12.030 To Clarify The Durational Residency Requirement For Assembly Districts.
- OR 22-046** An Ordinance Reappropriating \$25,000 From The Fiscal Year 2022 Finance Department Operating Budget Fund 100, To Fund 450, Project No. 70012, To Port Mackenzie Dock Improvements And Repairs Project. RS 22-037: A Resolution Approving The Scope Of Work And Budget For Port MacKenzie Dock Improvements.
- OR 22-047** An Ordinance Providing For The Composition, Form Of Representation, And Apportionment Of The Matanuska-Susitna Borough Assembly; And Submitting The Question To The Qualified Voters Of The Borough At A Special Election Of July 12, 2022; And Amending MSB 2.12.010, Concerning Assembly Election Districts.
- OR 22-048** An Ordinance Accepting And Appropriating A \$50,000 Donation From The Mat Su Trails And Parks Foundation For Lazy Mountain Trailhead Parking Lot Improvements.
RS 22-038: A Resolution Approving The Scope Of Work And Budget For Lonnie McKechnie, Borough Clerk, read the legislation into the record.
Assemblymember Sumner moved to introduce the legislation as read into the record by the Clerk and to set the public hearings for April 19, 2022. The motion passed by the following vote:

Yes: 7 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Yundt, Assemblymember Tew, Assemblymember Sumner, and Assemblymember Bernier

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

22-072 Mayoral Requests for Confirmation
Animal Care and Regulation Board
Terry Dennison
Julie Stafford
Board of Ethics
Tayva Taylor, resignation
Health and Social Services Board
Linda Hendrickson
Historical Preservation Commission
Angela Wade
Local Emergency Planning Committee
Kevin Gunnip
Planning Commission
Chris Elder, resignation
Bill Kendig
Road Service Area Task Force 2022
Pat Daniels
Gary Foster
Jashua Leatham
Ken Walch
Darren Zimmer
Gerard Billinger
Mark Fish

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

Yes: 7 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Yundt, Assemblymember Tew, Assemblymember Sumner, and Assemblymember Bernier

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

OR 22-025 An Ordinance Enacting A Lifetime Limit Of Two-Terms For The Office Of Borough Assembly, Allowing Any Current Assembly Members In Their First Term The Opportunity To Seek One Additional Term, And Submitting The Question To The Qualified Voters At The Next Regular Or Special Election.

Sponsors: Yundt

Lonnie McKechnie, Borough Clerk, read the legislation into the record.

Assemblymember Hale moved to reconsider Ordinance Serial No. 22-025.

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

Yes: 5 - Assemblymember Hale, Assemblymember Yundt, Assemblymember Tew, Assemblymember Sumner, and Assemblymember Bernier

No: 2 - Assemblymember Nowers and Assemblymember McKee

The motion to reconsider failed by the following vote:

Yes: 3 - Assemblymember Hale, Assemblymember Nowers, and Assemblymember McKee

No: 4 - Assemblymember Yundt, Assemblymember Tew, Assemblymember Sumner, and Assemblymember Bernier

OR 22-026 An Ordinance Enacting A Lifetime Limit Of Two-Terms For The Office Of Borough Mayor, Allowing The Current Mayor The Opportunity To Seek One Additional Term, And Submitting The Question To The Qualified Voters At The Next Regular Or Special Election.

[Clerk's note: the motion for reconsideration was not moved.]

Assemblymember Nowers moved to reconsider Ordinance Serial No. 22-026. The motion passed by the following vote:

Yes: 5 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Yundt, and Assemblymember Sumner

No: 2 - Assemblymember Tew and Assemblymember Bernier

Assemblymember Nowers moved a primary amendment to the ballot language, by inserting the following sentence as the first sentence in the ballot language paragraph "Borough code currently limits a person serving as mayor to no more than two consecutive full terms, but does not restrict the total number of terms a person can serve in their lifetime."

The motion passed by the following vote:

Yes: 7 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Yundt, Assemblymember Tew, Assemblymember Sumner, and Assemblymember Bernier

The main motion passed as amended by the following vote:

Yes: 7 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Yundt, Assemblymember Tew, Assemblymember Sumner, and Assemblymember Bernier

OR 22-030 An Ordinance Amending MSB 5.25.032, Service Area No. 21: Big Lake Road Service Area, To Provide For A Five-Member Board Of Supervisors.

Sponsors: Tew

[Clerk's note: The motion for reconsideration was not moved.]

XII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Assemblymember Hale commented that it was nice to be present at a meeting. Advised that he will be home all summer and able to be more present.

Assemblymember Yundt queried if it was possible to move unfinished business up on the agenda for the April 19 meeting.

Lonnie McKechnie, Borough Clerk, advised that is possible by a vote of the body at approval of the agenda.

Assemblymember Bernier thanked the body for the meeting. Stated that he will not be able to attend the meeting on April 7 as he will be on a flight.

Assemblymember Nowers stated that she appreciates the discussion and extra time to look at the possible unintended consequences of the senior exemption. Stated that she would like to see any amendment to the ballot language for the Mayor term limit legislation, as was done for the Assembly term limit legislation. Noted that the new road task force is loaded with many members of the Big Lake community. Stated that she is hopeful that they will reach out to other areas that could be impacted.

Assemblymember Sumner stated that he is looking forward to seeing the budget presentations on April 7.

XIII. EXECUTIVE SESSION (For Matters, Which The Immediate Public Knowledge Of Would Clearly Have An Adverse Effect Upon The Finances Of The Borough; And 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 Attorney/Client Privilege.)

[Clerk's note: the executive session was not conducted.]

A. Litigation Regarding the 2021 State Redistricting Plan

XIV. ADJOURNMENT

The meeting adjourned at 8:03 p.m.



Mayoral Signature and Clerk Attestment

For

April 5, 2022, Regular Assembly Meeting Minutes

(15 pages)


EDNA DEVRIES, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 04/19/22