

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
Dmitri Fonov, District 6
Ron Bernier, District 7

MEETING MINUTES

ASSEMBLY CHAMBERS

350 EAST DAHLIA AVENUE, PALMER

ASSEMBLY REGULAR MEETING

6:00 PM

TUESDAY, AUGUST 15, 2023

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on Tuesday, August 15, 2023, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:02 p.m. by Mayor Edna DeVries.

II. ROLL CALL

Present: 7 - Assemblymember Tim Hale, Assemblymember Stephanie Nowers, Assemblymember Dee McKee, Assemblymember Robert Yundt, Assemblymember Mokie Tew, Assemblymember Dmitri Fonov, and Assemblymember Ron Bernier

III. APPROVAL OF AGENDA

The agenda was approved as presented without objection.

IV. PLEDGE OF ALLEGIANCE

Katherine Gardner, Mat-Su School District Deputy Superintendent, led the pledge of allegiance.

V. MINUTES OF PRECEDING MEETINGS

[23-097](#)

A. Assembly Regular Meeting Minutes: 07/18/23

The minutes were approved as presented without objection.

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

Katherine Gardner, School District Deputy Superintendent, reported on student enrollment on the first day of school and status of student transportation.

3. State of Alaska

Mr. Todd Smoldon, Executive Director of Governor Dunleavy's Mat-Su Office, read an executive proclamation by Governor Dunleavy into the record regarding the Borough's Opioid Task Force and presented it to George Hays, Deputy Borough Manager.

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. Brown requested that a special meeting be scheduled to discuss the Point MacKenzie Rail Extension. Suggested September 5, at 4 p.m.

Assemblymember Nowers stated that she is not available that day. Requested September 12, at 4 p.m.

Mayor DeVries queried if there was any objection.

There was no objection noted.

D. ATTORNEY COMMENTS

There was no report provided.

E. CLERK COMMENTS

Ms. McKechnie reported on the upcoming meeting schedule. Noted that the meeting on October 24, 2023, regarding community council cleanups will need to be rescheduled as Assembly Chambers is full that day with Election Official training. Suggested November 14, at 6 p.m. as an alternative.

Mayor DeVries queried if there was any objection.

There was no objection noted.

Ms. McKechnie noted that the December 5, 2023, regular Assembly meeting is scheduled during the Alaska Municipal League Conference. Requested if the Assembly would like to cancel this meeting.

Mayor DeVries queried if there was any objection.

There was no objection noted.

F. CITIZEN AND OTHER CORRESPONDENCE

[23-098](#)

1. Abbreviated Plat: 07/26/23 (x2), 08/02/23
2. Big Lake Community Council: 06/27/23
3. Chickaloon Community Council: 05/10/23, 06/14/23
4. Local Emergency Planning Committee: 04/19/23
5. Meadow Lakes Community Council: 04/12/23, 05/10/23, 06/14/23
6. Sutton Community Council: 02/22/23, 03/29/23, 05/31/23

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

G. INFORMATIONAL MEMORANDUMS

[IM 23-179](#)

Informing The Assembly Of The Addition Of Tyler Payments To The Borough's Current Suite Of Tyler Software In Order To Better Serve The Public For Online Payments And Streamline Internal Processes.

[IM 23-182](#)

Reporting Of Conclusion Of Bid No. 18-104P To BDO USA, LLP. For Certified Public Accountant Auditing Services.

[IM 23-183](#)

Informing The Assembly Of The Manager Entering Into A Terms Purchase Agreement With A Lessee To Purchase By Application The Alaska Division Of Lands Lease No. 65469 For The Fee Simple Estate Of Borough-Owned Lands.

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.)

There were no persons to be heard.

B. PUBLIC HEARINGS (Three Minutes Per Person.)

[OR 23-065](#)

An Ordinance Amending The Beverly Lake, Lake Management Plan To Allow For Electric Motors And 15 Horsepower Or Less Motors On Non-Motorized Days.

Sponsors: Yundt

Ms. McKechnie read the legislation into the record.

Kelsey Anderson, Planner III, 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 Yundt moved to adopt Ordinance Serial No. 23-065.

The motion passed by the following vote:

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

[OR 23-071](#)

An Ordinance Accepting And Appropriating \$33,300 In Anticipated Project Income During Fiscal Year 2024 For The Rail Extension Project From Port MacKenzie To The Mainline.

RS 23-078: A Resolution Establishing The Scope Of Work And Budget For Anticipated Project Income During Fiscal Year 2024 For The Rail Extension Project From Port MacKenzie To The Mainline.

Ms. McKechnie read the legislation into the record.

Cheyenne Heindel, Finance 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 Tew moved to adopt Ordinance Serial No. 23-071 and Resolution Serial No. 23-078.

The motion passed by the following vote:

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

[OR 23-078](#)

An Ordinance Accepting And Appropriating A Grant In The Amount Of \$44,000 From The Alaska State Department Of Health And Social Services, For The Continued Management Of Points Of Dispensing And Medical Countermeasures.

RS: 23-087: A Resolution Approving The Scope Of Work And Budget For A Grant In The Amount Of \$44,000 From The Alaska State Department Of Health And Social Services, For The Continued Management Of Points Of Dispensing And Medical Countermeasures.

Ms. McKechnie read the legislation into the record.

Cheyenne Heindel, Finance 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 Yundt moved to adopt Ordinance Serial No. 23-078 and Resolution Serial No. 23-087.

The motion passed by the following vote:

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

[OR 23-079](#)

An Ordinance Establishing An Advisory Board To Review And Make Recommendations To The Assembly Regarding Water Body Setbacks.

Sponsors: DeVries and Borough Manager

Ms. McKechnie read the legislation into the record.

Mr. Spiropoulos, Borough Attorney, provided a staff report.

Mayor DeVries opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 23-079: David Palmer and Dan Mayfield.

The following persons spoke to concerns with the time frames in Ordinance Serial No. 23-079: Jean Holt and Linda Page.

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. 23-079.

Assemblymember Hale moved a primary amendment, page 3 of 3, by striking "March 19" and "March 20" and inserting in their respective places, "September 17" and "September 18."

The primary amendment passed by the following vote:

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

Assemblymember Hale moved a primary amendment to Section 3. Membership, by striking the words "from the home builder, lending, or real estate community" and inserting in its place "with experience in designing and constructing stormwater abatement best management practices" to read: "1 member with experience in designing and constructing stormwater abatement best management practices."

The primary amendment passed by the following vote:

Yes: 6 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Yundt, Assemblymember Tew, and Assemblymember Bernier

No: 1 - Assemblymember Fonov

Assemblymember Nowers moved a primary amendment to Section 3. Membership, as follows:

*** by striking "3 members at large" and inserting "2 members at large" in its place; and**

*** by inserting the following language "1 member from the home builder lending, or real estate community."**

Assemblymember Hale moved a secondary amendment to Section 3. Membership, by striking "2 at large members" and inserting "4 at large members."

The secondary amendment passed by the following vote:

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

The primary amendment passed by the following vote:

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

Assemblymember McKee moved a primary amendment to Section 3. Membership, as follows:

*** by striking "4 members at large" and inserting "3 members at large" in its place; and**

*** by inserting the following language, "1 member from the Borough Fish and Wildlife Commission."**

Assemblymember Nowers moved a secondary amendment by striking "Borough Fish and Wildlife Commission" and inserting the following in its place "Alaska State Department of Environment Conservation, " to read: "1 member from the Alaska State Department of Environmental Conservation.

The secondary amendment passed by the following vote:

Yes: 6 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Yundt, Assemblymember Tew, and Assemblymember Bernier

No: 1 - Assemblymember Fonov

The primary amendment passed by the following vote:

Yes: 6 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Yundt, Assemblymember Tew, and Assemblymember Bernier

No: 1 - Assemblymember Fonov

Assemblymember Nowers moved a primary amendment to Section 5. Scope of duties, by inserting the following language at the end of the paragraph, "To the extent possible, the Advisory Board shall identify possible solutions, identify ways to enforce and implement those solutions, and identify resources needed to implement and enforce those solutions."

The primary amendment passed by the following vote:

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

C. AUDIENCE PARTICIPATION (Three Minutes Per Person.)

(The meeting recessed at 7:25 p.m. and reconvene at 7:40 p.m.)

The following persons spoke in support of AM 23-091, providing a grant to AK Safe Riders: Tyler Aklestad, Vice President of Alaska Safe Riders; and Debra McGahn.

The following persons spoke to concerns with lack of enforcement of snow from private property being pushed into rights-of-ways that impacts contractors and snow removal: Johnathan Tyler, Brian Ficklin, and David Spain.

The following person spoke to concerns about pornographic books in Borough libraries and the ability of Librarians to select books without any oversight: Jackie Goforth.

D. CONSENT AGENDA

1. RESOLUTIONS

2. ACTION MEMORANDUMS

[Clerk's note: Resolution Serial No. 23-088 was pulled from the consent agenda due to an Assembly Member conflict of interest.]

[AM 23-088](#) Award Of Bid No. 24-026C To Swickard Alaska II, LLC. In The Contract Amount Of \$332,075 To Purchase 7 Light Duty Trucks.

[AM 23-089](#) Approval Of Contract Extension For Contract No. 22-080p With HDR Engineering, Inc. To Extend The Final Completion Date To June 30, 2024, For The Urbanized Area Corridor Study.

[AM 23-090](#) Approval Of A Contract Amendment With Tyler Technologies In The Amount Of \$92,746 To Move From The Current Cloud Based Software Novatime, To Tyler Technologies Cloud Based Software, Time And Attendance With Advanced Scheduling For Borough Timekeeping And Scheduling Needs.

[AM 23-091](#) Authorizing A Grant To Alaska Safe Riders In The Amount Of \$5,000 For Creating Advertising Regarding Safe Riding.

Sponsors: Fonov

[AM 23-092](#) Approval Of Contract Amendment No. 5 To Contract No. 22-139B With Dirtworks, Inc. To Extend Contract Completion Date For The Butte Elementary School Water System Replacement Project To September 30, 2023.

[AM 23-093](#) Award Of Bid No. 24-012B To H Construction, LLC. In The Contract Amount Of \$135,000 To Construct Repairs To The Ice Rink Roofs In Willow And Talkeetna.

[AM 23-094](#) Award Of Bid No. 24-025C To Swickard Alaska II, LLC. In The Contract Amount Of \$141,005 To Purchase 3 Light Duty Trucks.

[AM 23-095](#) Approval Of Contract Amendment No. 10 To Contract No. 20-001P With Bezek Durst Seiser Architects To Extend The Contract Completion Date For Construction Administration And Commissioning Of Houston Middle School To January 30, 2024. Ms. McKechnie read the consent agenda into the record.

Assemblymember Yundt 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 Fonov, and Assemblymember Bernier

[RS 23-088](#) A Resolution Authorizing The Manager To Pursue A Direct Recipient Designation From The State Of Alaska To Receive Federal Transit Administration Funding And Authorizing The Submission Of A Grant Application For Urbanized Area Formula Funding Under 49 U.S.C 5307.

Ms. McKechnie read the legislation into the record.

CONFLICT OF INTEREST: Assemblymember Tew declared a conflict of interest as his daughter owns a transit business.

RULING: Mayor DeVries ruled that Assemblymember Tew had a conflict of interest and would be recused from voting.

(Assemblymember Tew exited the meeting.)

Assemblymember Yundt moved to adopt Resolution Serial No. 23-088.

The motion passed by the following vote:

Yes: 6 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Yundt, Assemblymember Fonov, and Assemblymember Bernier

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

VIII. UNFINISHED BUSINESS

There was no unfinished business.

IX. VETO

There were no vetoes.

X. NEW BUSINESS

A. INTRODUCTIONS (For Public Hearing 09/05/23, Assembly Chambers)

[OR 23-081](#) An Ordinance Amending MSB 2.52.280(A), Administrative Leave, To Change Military Leave Time To Working Hours Instead Of Working Days.

[OR 23-082](#) An Ordinance Approving The Sale Of Real Property Acquired Through Tax Foreclosure For Delinquent Real Property Tax Year 2017 And Prior, And Not Needed For Public Purpose.

[OR 23-083](#) An Ordinance Reappropriating \$158,000 From The Brett Memorial Ice Arena Roof Replacement Project, To the Brett Memorial Ice Arena Lighting and Ceiling Barrier Replacement Project.
RS 23-089: A Resolution Approving The Scope Of Work And Budget For The Brett Memorial Ice Arena Lighting And Ceiling Barrier Replacement Project.

[OR 23-084](#) An Ordinance Amending MSB 5.25.032, Service Area No. 17: Knik Road Service Area, To Provide For A Five-Member Board Of Supervisors.

Sponsors: Tew

Ms. McKechnie read the legislation into the record.

Assemblymember Yundt moved to introduce the legislation as read into the record by the Clerk and to set the public hearings for September 5, 2023.

The motion passed by the following vote:

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

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. [23-099](#) Mayoral Requests For Confirmation
Parks, Recreation, and Trails Advisory Board
Nicklette LaFluer, resignation
Mike Rubeo, resignation
Assemblymember Yundt moved to confirm the 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 Fonov, 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

There was no reconsideration.

XII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Assemblymember Nowers spoke to the increase in the cost of per-barrel oil from July to present. Spoke to a Brazilian exchange student that her family hosted and where they toured before they went to their permanent home. Noted that the Alaska State Fair begins on Thursday.

Assemblymember Yundt advised that the Pioneer Grappling Academy will be hosting a wrestling tournament at the fair. Opined that the Borough has the best snow removal compared to other locations and that is because of the contractors. Spoke to his desire to address contractor concerns about snow put in rights-of-way by residents.

Ms. McKechnie advised that candidate filing begins on Monday, August 21 and closes on Friday, September 1. Noted that candidate packets will be available for pick up starting tomorrow.

Mr. Brown noted that he agrees with Assemblymember Yundt regarding snow removal. Opined that the road service area contractors did a remarkable job last winter. Summarized the exponential increase of right-of-way claims. Advised that he is looking at the issue and noted that it is a brand-new issue. Stated that he does not think that it is appropriate to suddenly go out and begin ticketing residents who are in violation. Noted that education of residents would be a more appropriate way to proceed.

Assemblymember Tew opined that a lot of good amendments were made to the Waterbody Setback Advisory Board. Thanked the body for the meeting.

Assemblymember Hale noted that Mr. Buck with Alaska Safe Riders is his former teacher. Bid him hello even though he was not present in the meeting.

Assemblymember Bernier said a prayer.

XIII. EXECUTIVE SESSION

There was no executive session.

XIV. ADJOURNMENT

The meeting adjourned at 8:12 p.m.