

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, MAY 16, 2023

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on Tuesday, May 16, 2023, 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: 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

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

Assemblymember Yundt moved to postpone the motion to rescind Resolution Serial No. 23-041 under Other New Business, to the June 6, 2023 Regular Meeting.

The motion passed by the following vote:

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

Assemblymember Tew moved to pull Action Memorandum 23-046 from the agenda.

The motion passed by the following vote:

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

The agenda was approved as amended without objection.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by John Aschenbrenner.

V. MINUTES OF PRECEDING MEETINGS

There were no minutes 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

There was no report provided.

4. Tanaina Community Council

23-066

TCC Agency Report

Will Hastings, Tanaina Community Council Director, provided a report.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee On School Issues

2. Assembly Public Relations

C. MANAGER COMMENTS

Mr. Brown provided a report on Resolution Serial No. 23-056 and Resolution Serial No. 23-057.

1. State/Federal Legislation

2. Strategic Planning Issues

D. ATTORNEY COMMENTS

There was no report provided.

E. CLERK COMMENTS

Mrs. Pevan stated the Clerks' report was provided to the Assembly in their meeting folders.

F. CITIZEN AND OTHER CORRESPONDENCE

23-068

1. Abbreviated Plat: 04/19/23, 05/03/23
2. Chase Community Council: 01/26/23
3. Enhanced 911 Advisory Board: 02/14/23
4. Glacier View Community Council: 02/23/23, 03/23/23
5. Local Emergency Planning Committee: 01/18/23
6. Louise/Susitna/Tyone Community Association: 01/21/23
7. Meadow Lakes Community Council: 02/08/23, 03/08/23
8. MSB Fish and Wildlife Commission: 03/16/23, Resolution Serial No. FWC 23-02, Memorandum 04/20/23
9. North Lakes Community Council: 02/23/23
10. Planning Commission: 04/17/23, Resolution Serial No's. 23-09 and 23-19
11. Platting Board: 03/16/23
12. Tanaina Community Council: 03/28/23, 04/25/23
13. Transportation Advisory Board: 11/18/22, 02/17/23

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

G. INFORMATIONAL MEMORANDUMS

IM 23-104 Informing The Assembly Of The Manager Renewing Two Commercial Use Permits With QAP For The Use Of Borough-Owned Land And Improvements Within The Port Mackenzie Special Use District, For A Term Of Not More Than 18 Months.

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.)

B. PUBLIC HEARINGS (Three Minutes Per Person.)

OR 23-033 An Ordinance Amending MSB 17.30, Conditional Use Permit For Earth Material Extraction Activities, By Creating A Registration Process For Earth Material Extraction Of 2,001 To 10,000 Cubic Yards Annually.

Sponsors: Tew

Mrs. Pevan read the legislation into the record.

Alex Strawn, Planning and Land Use Director, provided a staff report.

Mayor DeVries opened the public hearing.

The following persons spoke in opposition of Ordinance Serial No. 23-033: Krister Bowman, Patti Fisher, DJ McBride, Patricia O'Neil, Eric Hestnes, Karen Zaichowski, Merada Ann Gregory, Jackie Goforth, Darrin Marshall, Rod Hanson, Susan Kay, Tim Zalinger, Stephen Edwards, Carolyn Kyle, Clark Smith, Suzette Longacre, Janel Gagnon, Donna Massay, Robert Lada, John Strassenburgh, Ruth Wood, Camden Yehle, Cindy Bittini, Trish Link, Randall Sparks, Melody Wright, Lucinda Ziegler, (Non-given), Steve Colligan, Marc Cottini, Tim Finnigan, Sam Harison, and Theresa Finnigan, and Ellery Gibbs.

The following persons spoke in support of Ordinance Serial No. 23-033: Maxwell Sumner, Bill Hearett, Brian McJunckin, Mike Kish, Bryan Ficklin, James Starac, Jay Bridenbaker, Brad Ficklin Sr., Amanda Salmon, Khang Shakena, Andrew Traxler, and David Miller.

The following person spoke to concerns with Assemblymember Tew having a conflict of interest and spoke to the public process: Dewey Bitler.

The following person stated he is neither opposed or in support of Ordinance Serial No. 23-033 and requested the Assembly to spend their time on other issues: Aaron Huhta.

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

Mayor DeVries queried whether Assemblymembers believe they could have a conflict of interest.

Assemblymember McKee stated no.

Assemblymember Tew stated no.

Assemblymember Hale stated he builds roads but owns no gravel pits.

Assemblymember Bernier stated no.

Assemblymember Fonov disclosed he is a small excavation contractor and that he is not in the gravel business. Stated that the gravel pit that his family owned has been sold.

Assemblymember Nowers requested more information on the conflict of interest from the attorney and stated she is not in the gravel business and she would not benefit from the legislation and has no intention of getting into the gravel business.

Mr. Aschenbrenner recited the borough code on ethics and spoke to how it applies to conflicts of interest and financial interests.

CONFLICT OF INTEREST: Assemblymember Yundt spoke to his contracting business but does not have any gravel interest. Requested the Mayor to rule if he has a conflict of interest.

RULING: Mayor DeVries ruled that Assemblymember Yundt does not have a conflict of interest.

(The meeting recessed at 9:31 p.m. and reconvened at 9:48 p.m.)

Assemblymember Tew moved to adopt Ordinance Serial No. 23-033.

Assemblymember McKee moved a primary amendment to Ordinance Serial No. 23-033, MSB 17.30.039(F)(1) by striking the words “and Saturday, 9 a.m. to 5 p.m. operations shall not occur on Sunday”

The primary amendment failed by the following vote:

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

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

Assemblymember McKee moved a primary amendment to Ordinance Serial No. 23-033, MSB 17.30.039(D) by deleting the words “one-half mile” and replacing with the words “one mile.”

The motion failed by the following vote:

Yes: 2 - Assemblymember Hale, and Assemblymember McKee

No: 5 - Assemblymember Nowers, Assemblymember Yundt, Assemblymember Tew, Assemblymember Fonov, and Assemblymember Bernier

Assemblymember McKee moved a primary amendment by inserting a new subsection (H) to read as follows:

"(H) Upon expiration of the registration, the site is required to be reclaimed in accordance with the reclamation standards of MSB 17.28.067."

Assemblymember Yundt moved a secondary amendment by inserting the following language, "except (G)(1), (G)(2) and (H) are not enforceable on any lot that has a primary residence, or a structure above 480 sq ft. within 5 years of the of the removal of the gravel."

Assemblymember Yundt moved to suspend the rules and extend the meeting to midnight.

The motion passed by the following vote:

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

Assemblymember Yundt called for the question (to stop debate) on the secondary amendment.

The motion failed.

[Clerk's Note: Mrs. Pevan stated that the motion failed, but did not record the vote of each Assemblymember.]

The secondary amendment failed by the following vote:

Yes: 3 - Assemblymember Yundt, Assemblymember Tew, and Assemblymember Fonov

**No: 4 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, and Assemblymember Bernier
Assemblymember Hale called for the question (to stop debate).
The motion passed with the following vote:**

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

The primary amendment failed by the following vote:

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

No: 4 - Assemblymember Nowers, Assemblymember Yundt, Assemblymember Tew, and Assemblymember Fonov

Assemblymember Nowers moved a primary amendment to Ordinance Serial No. 23-033 by inserting new sections (H) and (I) under Section 5, to read as follows:

"(H) Operations for extraction activities registered under this section may not commence until the registration has been acknowledge and approved by the planning director. Before issuing approval or denial or a registration, the planning director will:

(i) issue notification to surrounding property owners in accordance with MSB 17.03 public notification, except the notification will be one half mile; and

(ii) hold a public hearing within 30 days of receiving a signed registration statement to consider the applicant's ability to comply with the standards of operations.

(N) In issuing a decision acknowledging approving a registration, the planning director shall set visual screening, noise mitigation, lighting restrictions and road/access restrictions as appropriate for surrounding development and in accordance with development standards referenced in MSB 17.28.060. A decision by the Planning Director approving or denying registration is appealable as per MSB 15.39."

**Assemblymember Bernier called for the question (to stop debate).
The motion passed.**

[Clerk's Note: Mrs. Pevan stated that the motion passed, but did not record the vote of each Assemblymember.]

The primary amendment failed by the following vote:

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

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

Assemblymember Hale moved to postpone Ordinance Serial No. 23-033 to June 6, 2023, and to continue the public hearing.

The motion failed by the following vote:

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

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

Assemblymember Yundt moved to postpone Ordinance Serial No. 23-033 to June 6, 2023.

The motion failed by the following vote:

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

No: 4 - Assemblymember Hale, Assemblymember Tew, Assemblymember Fonov, and Assemblymember Bernier

Assemblymember Bernier moved to reconsider the motion to postpone.

The reconsideration passed by the following vote:

Yes: 5 - Assemblymember Nowers, Assemblymember McKee, Assemblymember Yundt, Assemblymember Tew, and Assemblymember Bernier

No: 2 - Assemblymember Hale, and Assemblymember Fonov

The motion to postpone to June 6, 2023 passed by the following vote:

Yes: 5 - Assemblymember Nowers, Assemblymember McKee, Assemblymember Yundt, Assemblymember Tew, and Assemblymember Bernier

No: 2 - Assemblymember Hale, and Assemblymember Fonov

- OR 23-036** An Ordinance Extending The Date Of Completion To June 30, 2024, For The Outside Lighting Upgrade Project.
RS 23-045: A Resolution Amending The Scope Of Work For The Remaining Outside Lighting Upgrade Funds, To Be Used For The Dorothy Swanda Jones Borough Building Flooring Repair And Replacement Project.
- OR 23-039** An Ordinance Accepting And Appropriating \$150,000 From The United States Bureau Of Land Management For The Fuels Reduction Program 2022 Saw Crew Project.
RS 23-049: A Resolution Approving The Scope Of Work And Budget And Authorizing The Manager To Enter Into A Grant Agreement For The Fuels Reduction Program 2022 Saw Crew Project.
- OR 23-040** An Ordinance Accepting And Appropriating \$17,999.74 From The Alaska State Division Of Forestry Volunteer Fire Assistance Grant Program And Appropriating \$1,799.97 In Matching Funds For Firefighter And Firefighting Equipment, Communications Equipment, And Clothing.
RS 23-050: A Resolution Approving The Scopes Of Work And Budgets For The Alaska State Division Of Forestry Volunteer Fire Assistance Grants And Matching Funds For The Fire Service Areas Of Butte, Sutton, And Talkeetna.

Ms. Pevan read Ordinance Serial No. 23-036, Ordinance Serial No. 23-039, and Ordinance Serial No. 23-040 into the record.

Assemblymember Nowers moved to reschedule the public hearings on Ordinance Serial No. 23-026, Resolution Serial No. 23-045, Ordinance Serial No. 23-039, Resolution Serial No. 23-049, Ordinance Serial No. 23-040, Resolution Serial No. 23-050 to June 6, 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

C. AUDIENCE PARTICIPATION (Three Minutes Per Person.)

[Clerk's Note: Audience Participation was taken up near the end of the meeting.]

D. CONSENT AGENDA

1. RESOLUTIONS

- RS 23-056** A Resolution Requesting The State Of Alaska Department Of Transportation And Public Facilities Cease The Practice Of Transferring Maintenance Costs To The Matanuska-Susitna Borough As Part Of Federal Projects.
- RS 23-057** A Resolution Establishing A Matanuska-Susitna Borough Landfill Adopt-A-Road Program.
- RS 23-062** A Resolution Authorizing The Borough Mayor To Designate The Borough Manager As The Certifying Officer For The Matanuska-Susitna Borough To Act As The Responsibility Entity For Completion Of A Part 58 Environmental Review And Certification To Allow Set Free Alaska To Received Grant Funding From The United States Department Of Housing And Urban Development For The Construction Of The Set Free Alaska Therapeutic Campus.

2. ACTION MEMORANDUMS

- AM 23-037** To Vacate Approximately 12,500 Square Feet Of The East Parks Highway Right-Of-Way That Abuts Lot 1, Block 1 Chugach View Estates Located in Section 16, Township 17 North, Range 1 East.
- AM 23-038** Authorizing The Borough Manager To Enter Into An Agreement With Tyler Technologies For Their Enterprise Tax And Appraisal Iasworld Software In The Amount Of \$2,534,822 Through June 30, 2026.
- AM 23-039** Approval of Change Order No. One For Contract No. 22-104P(B) With DOWL, LLC. For The MSBSD Pedestrian Projects For A Total Contract Amount Of \$376,424 And Extending The Completion Date To June 30, 2024.
- AM 23-041** Award Of Proposal No. 23-079P To Professional And Technical Services, Inc. For The Contract Amount Of \$202,435 To Provide Construction Management Services For The Road Construction Of The Cheri Lake Drive, Karen Avenue And King Arthur Drive Project.

- AM 23-042** Award Of Bid No. 23-083B To Northern Asphalt Construction, Inc. For The Contract Amount Of \$2,192,944 To Construct Road Improvements To Cheri Lake, Karen And King Arthur.
- AM 23-043** Award Of Bid No. 23-084B To Dirtworks, Inc. For The Amount Of \$1,098,965.50 For Doc McKinley Avenue And Jessie Jo Place Road Improvements.
- AM 23-044** Award Of Bid No. 23-087B To Valley General Construction LLC. For The Amount Of \$481,316 For The West Forest Lake Drive Grading, Drainage, Surfacing.
- AM 23-045** Approval Of Utility Relocate Costs Of \$116,000 To Matanuska Electric Association For Station 3-5, Fishhook Fire Station, Emergency Landing Zone Project.

Mrs. Pevan read the consent agenda into the record.

Assemblymember Yundt moved to approve the consent agenda as read into the record by the Clerk except to postpone Action Memorandum 23-044 to June 6, 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

- RS 23-055** A Resolution Waiving The Fee For A Conditional Use Permit Within Denali State Park Special Land Use District.

Sponsors: Bernier

[Clerk's Note: Resolution Serial No. 23-055 was pulled from the consent agenda at approval of the agenda.]

- AM 23-040** Approval Of Change Order No. One For Contract No. 22-045C With Survbase LLC. In The Amount Of \$596,000 For Ongoing Geomatics In Support Of The Port Mackenzie Rail Extension Project.

[Clerk's Note: Action Memorandum No. 23-040 was pulled from the consent agenda at the approval of the agenda.]

AM 23-046 Approval Of The Big Lake Road Service Area No. 21 Road Improvement Project List 2023.

[Clerk's Note: Action Memorandum No. 23-046 was pulled from the agenda at approval of the agenda.]

VIII. UNFINISHED BUSINESS

There was no unfinished business.

IX. VETO

A. Motion to Override Any Possible Mayoral Veto on Fiscal Year 2024 Budget Items (Ordinance Serial No. 23-023)

There were no vetoes presented.

X. NEW BUSINESS

A. INTRODUCTIONS (For Public Hearing 06/06/23, Assembly Chambers)

OR 23-008 An Ordinance Amending MSB 15.24.031, Initiating And Amending Lake Management Plans.

OR 23-045 An Ordinance Approving A Reappropriation Of \$36,000 From The Fiscal Year 2023 Areawide Fleet Maintenance Operating Budget, To Purchase A Chassis And Cab.

RS 23-059: A Resolution Approving The Scope Of Work And Budget For The Purchase Of A Chassis And Cab For The Fleet Maintenance

OR 23-046 An Ordinance Amending MSB 5.25.145, Annexing Parcels On Susitna Parkway Into The West Lakes Fire Service Area No. 136.

RS 23-060: A Resolution Finding The Annexation Of A Property Located On Susitna Parkway Into The West Lakes Fire Service Area. No. 136 Serves The Public Interest.

Sponsors: Tew

OR 23-047 An Ordinance Accepting And Appropriating \$20,000 From The American Library Association For Accessibility Improvements To The Big Lake Library.

RS 23-061: A Resolution Approving The Scope Of Work And Budget And Authorizing The Manager To Enter Into An Agreement For Accessibility Improvements To The Big Lake Library.

B. INTRODUCTIONS (For Public Hearing 06/20/23, Assembly Chambers)

OR 23-041 An Ordinance Creating South Marina Circle Road Paving Local Improvement District No. 653, 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.

Mrs. Pevan read the legislation into the record.

Assemblymember Yundt moved to introduce the legislations as read onto the record by the Clerk and to set the public hearings for June 6, 2023, and June 20, 2023, respectively.

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. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

23-069 Mayoral Requests for Confirmation

Agriculture Advisory Board
Amanda M. Solmon
Local Emergency Planning Committee
Steven "Rusty" Belanger
Planning Commission
Linn McCabe
Platting Board
Resignation of Linn McCabe
Michelle Traxler
Chase Trail Service Area #134
Tim Cox

Assemblymember Yundt moved to confirm the appointments 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

D. OTHER NEW BUSINESS

1. Motion to Rescind Resolution Serial No. 23-041 - Assemblymember McKee

RS 23-041 A Resolution Authorizing The Borough Manager To Solicit Bids For The Long Lake Road Salvage Timber Harvest.

[Clerk's Note: The motion to rescind Resolution Serial No. 23-041 was pulled under approval of the agenda and postponed to June 6, 2023.]

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

There were no referrals presented.

XI. RECONSIDERATION

There were no reconsiderations presented.

XII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

There were no Mayor, Assembly, or staff comments.

XIII. EXECUTIVE SESSION

There was no executive session conducted.

XIV. ADJOURNMENT

Mayor DeVries adjourned the meeting at midnight (12 a.m.).

Attorney Aschenbrenner recommended the Assembly take public testimony under Audience Participation prior to adjournment as the subject was noticed on the agenda.

No objection was raised to continuing the meeting to take public testimony under Audience Participation.

The following person expressed frustration with the Assembly's waste of time at the meeting and spoke to criminal activity (burglary and theft) that took place at her residence: Kierstin Amrire.

The following person spoke in support of libraries, librarians, and the Borough School District: Drew Drake.

The following person spoke to her book reconsideration hearing: Jackie Goforth.

The following person spoke to concerns with the amount of time the Assembly spent on Ordinance 23-033 and queried if Action Memorandum 23-037 was adopted: Ellery Gibbs.

The meeting adjourned at 12:08 a.m.



Mayoral Signature and Clerk Attestment

For

May 16, 2023, Assembly Regular Meeting Minutes

(16 pages)


EDNA DeVRIES, Borough Mayor

ATTEST:


LONNIE B. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 06/20/23