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, FEBRUARY 15, 2022

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on Tuesday, February 15, 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 Assemblymember McKee.

V. MINUTES OF PRECEDING MEETINGS

A. Assembly Regular Meeting Minutes: 02/01/22

The minutes were approved as presented.

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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.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee On School Issues

Assemblymembers Nowers and Tew reported on the activities of the most recent board meeting.

2. Assembly Public Relations

There were no reports provided.

C. MANAGER COMMENTS

1. State/Federal Legislation

2. Strategic Planning Issues

Mike Brown, Borough Manager, reported that he is traveling to Juneau to meet with legislators. Recommended that the Assembly vote Resolution Serial No. 21-135 down, as there is Ordinance Serial No. 22-020, which will establish a task force to make road service area recommendations to the Assembly.

D. ATTORNEY COMMENTS

Nicholas Spiropoulos, Borough Attorney, reported on the activities of his office and status of the redistricting law suit.

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E. CLERK COMMENTS

Lonnie McKechnie, Borough Clerk, reported on the upcoming meeting schedule and noted that it included the proposed budget meeting schedule. Queried if the Assembly would like to schedule the meetings.

Mayor DeVries queried if there was any objection.

There was no objection noted.

F. CITIZEN AND OTHER CORRESPONDENCE

- 22-033 1. Knik-Fairview Community Council: 10/20/21, 11/17/21
 - 2. MSB Fish and Wildlife Commission: 12/16/21
 - 3. Midway RSA Board of Supervisors: 09/29/21, Resolution No. 22-01
 - 4. Platting Board: 12/02/21, 12/16/21
 - 5. Port Commission: 07/19/21, 08/30/21
 - 6. Tanaina Community Council: 01/11/22, 01/25/22
 - 7. Willow Area Community Organization: 01/05/22

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

G. INFORMATIONAL MEMORANDUMS

<u>IM 22-007</u>	Reporting The Conclusion Of Contract For Bid No. 19-123P With
	Wolf Architecture Inc. For A Final Contract Amount Of \$383,130.69
	For The Design Of Station 6-1 Improvements And Addition Project.

Informing The Assembly Of The Managers Signature On And Submittal Of A Federal Fiscal Year 2022 Alaska State Homeland Security Program Grant Application To The Alaska State Division Of Homeland Security And Emergency Management; And Requesting A Grant In The Amount Of \$943,000, By The Department Of Emergency Services.

IM 22-043

Informing The Assembly Of The Reorganization Of The Accounting
Division Of The Finance Department.
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.)

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OR 22-008 An Ordinance Approving A Report Setting Forth Terms And Conditions

Of The Borough's Municipal Property Assessed Clean Energy (PACE)

Program And Related Matters.

Sponsors: Nowers

Lonnie McKechnie, Borough Clerk, 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 Nowers moved to adopt Ordinance Serial No. 22-008. 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 22-011

An Ordinance Accepting And Appropriating A Community-Driven COVID-19 Response Grant In The Amount Of \$83,700 From The Mat-Su Health Foundation.

RS 22-007: A Resolution Approving The Scope Of Work And Budget For The Borough's COVID-19 Training And Management Program. Lonnie McKechnie, Borough Clerk read the legislation into the record.

Ken Barkley, Emergency Services Director, provided a staff report.

Mayor DeVries opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 22-011: Terry Gorlick.

The following person spoke to the need to be sure there are no unintended consequences to accepting the grant: Eric McCabe.

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

Assemblymember Sumner moved to adopt Ordinance Serial No. 22-011 and Resolution Serial No. 22-007. The motion passed by the following vote:

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OR 22-014 An Ordinance Amending MSB 17.23 To Exclude Pipeline And Conveyor Structures From Setback Requirements Under MSB 17.55, For The Port District Only.

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

Eric Phillips, Community Development 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. 22-014. 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 22-016 An Ordinance Accepting And Appropriating Additional Funds For The Mat-Su Borough Fish Passage 2025 Grant To Design And Construct Fish Passage Culvert Replacements.

RS 22-011: A Resolution Approving The Scope Of Work And Budget For The Mat-Su Fish Passage 2025 Project To Design And Construct Fish Passage Culvert Replacements.

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. 22-016 and Resolution Serial No. 22-011. The motion passed by the following vote:

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OR 22-017 An Ordinance Accepting And Appropriating An Additional \$210,000 From The Alaska State Department Of Transportation And Public Facilities To Fund 480, Project No. 47038, Regional Transportation Organization For The Performance Of Premetropolitan Planning Organization Planning Efforts.

RS 22-015: A Resolution Approving Amendment No. 2 To Addendum A & B; Approving The Scope Of Work, Budget, And Schedule Of The Memorandum Of Agreement Between the Alaska State Department of Transportation and Public Facilities And The Borough To Continue The Premetropolitan Planning Organization Planning Activities.

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

Kim Sollien, Planning Services Manager, 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. 22-017 and Resolution Serial No. 22-015. The motion passed by the following vote:

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

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C. AUDIENCE PARTICIPATION (Three Minutes Per Person.)

The following person spoke in support of reconsideration of AM No. 22-011: Dan Mayfield.

The following person spoke to concerns that the Assembly ignores the advice of the road service area boards: Mike Shields, Butte Road Service Area Board of Supervisors.

The following person spoke in opposition to Resolution Serial No. 21-135: D.J. McBride, Caswell Lakes Road Service Area Board of Supervisors.

The following person spoke in support of the Assembly voting down Resolution Serial No. 21-135: Terry Gorlick.

The following person spoke in opposition to the road improvement project list that was amended from what was recommended by the Big Lake Road Service Area Board of Supervisors: Irene Crowley

The following persons spoke in opposition to the increase in property tax assessments: Eric McCabe and Patricia Fisher.

The following person noted that the job of an Assembly member is to represent and give voice to the residents in their districts: Andrew Traxler.

The following person spoke in opposition to time and material contracts for road service areas: Scott Knowlton.

The following person spoke in support of the Assembly voting down Resolution Serial No. 21-135 and in opposition to the amended version of the Big Lake Road Service Area project list: Cindy Bettine.

The following persons spoke in support of Ordinance Serial No. 22-015: Deborah Burlinski.

D. CONSENT AGENDA

1. RESOLUTIONS

RS 22-018 A Resolution Amending The Scope Of Work And Budget For Two Timber Related Projects And Extending The Completion Date To June 30, 2023.

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A Resolution Authorizing The Manager To Sign and Submit Grant Applications To The Alaska State Department Of Fish And Game, Division Of Wildlife Conservation For Hunter Access Improvements To The Jim Creek Campground Trailhead And The Moose Range Parking Lot/TrailHead At Wendt Road.

2. ACTION MEMORANDUMS

AWard Of Bid Number 22-032B To CCI Industrial Services In The Contract Amount Of \$147,982 To Repair The Water Storage Tank at Sutton Station 1-1.

AM 22-012 Approval Of Contract Extension For Bid 22-029B With New Horizons Telecom, Inc. For A Final Completion Date Of December 23, 2022, For The Generator Install Project At Station 12-2. 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

RS 22-019

A Resolution Providing A One-Time Waiver Of Landfill Fees For Up To Three Dumps, And Payment For Dumpster Placement, Hauling And Disposal Costs For The Williwaw Subdivision.

Sponsors: Yundt

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

Assemblymember Sumner moved to adopt Resolution Serial No. 22-019.

Assemblymember Yundt moved a primary amendment by inserting "June 30, 2022" at the end of the Now, therefore, be it resolved clause. 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:

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RS 22-020 A Resolution Directing Administration To Explore The Formation

Of A Regional Port Authority And Report To The Assembly.

Sponsors: Sumner

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

Assemblymember Sumner moved to adopt Resolution Serial No. 22-020.

Assemblymember Sumner moved a primary amendment as follows:

In the title, by inserting the following language after the word "authority:" and/or creating an economic development zone at Port MacKenzie, to read: "A resolution of the Matanuska-Susitna Borough Assembly directing Administration to explore the formation of a regional port authority and/or creating an economic development zone at Port MacKenzie and reporting to the Assembly."

by inserting the following whereas clauses:

- WHEREAS, an economic development zone for Port MacKenzie could also be beneficial to taxpayers, consumers, and all of Alaska; and
- WHEREAS, an economic development zone for Port MacKenzie would include state and local tax incentives to encourage private investment; and
- WHEREAS, forming an economic development zone might require changes to State law or Borough code; and
- WHEREAS, the Assembly believes adequate time and resources should be devoted to exploring the viability and any necessary changes to State law or Borough code to create an economic development zone at Port MacKenzie.

And by inserting the following clause after the be it resolved clause:

• BE IT FURTHER RESOLVED, the Assembly directs Administration to direct the appropriate time and resources to exploring the formation of an economic development zone for Port MacKenzie and also pursue any changes to State law or Borough code necessary to form such a zone.

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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
- RS 22-023 A Resolution Allocating An Additional \$1,119,673 In American Rescue Plan Funding For The Purchase Of Heavy Equipment For The Solid Waste Division; And Amending The Scope Of Work.

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

Assemblymember Tew moved to adopt Resolution Serial No. 22-023. The motion passed by the following vote:

- Yes: 6 Assemblymember Hale, Assemblymember Nowers,
 Assemblymember McKee, Assemblymember Yundt,
 Assemblymember Sumner, and Assemblymember Bernier
- **No:** 1 Assemblymember Tew
- AM 22-003 Award Of Bid No. 22-067C To NC Machinery In The Contract Amount Of \$306,725 To Purchase A CAT 323 Excavator.

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

Assemblymember Tew moved to adopt AM No. 22-003.

Assemblymember Bernier moved to postpone AM No. 22-003 to March 1, 2022. The motion failed by the following vote:

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

The main motion passed by the following vote:

Yes: 4 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, and Assemblymember Yundt

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No: 3 - Assemblymember Tew, Assemblymember Sumner, and Assemblymember Bernier

AM 22-004

Award Of Bid No. 22-066C To BSI Equipment, LLC. In The Contract Amount Of \$711,159.50 To Purchase A Waste Shredder For Use At The Central Landfill.

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

Assemblymember Tew moved to adopt AM No. 22-004. The motion passed by the following vote:

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

No: 1 - Assemblymember Tew

VIII. UNFINISHED BUSINESS

Matanuska-Susitna Borough Assembly Regular Meeting February 15, 2022 Page 12 of 18 A Resolution Directing Administration To Establish A Pilot Program And Provide Road Service Area Services Via A Time And Material Contract Structure In Big Lake Road Service Area 21 For The Period Of July 1, 2022, To June 30, 2023.

Sponsors: Tew

The meeting recessed at 8:15 p.m. and reconvened at 8:26 p.m.

Lonnie McKechnie, Borough Clerk, read the legislation into the record. **PENDING AMENDMENT:**

- •By inserting the following language in the title of the resolution "to create a task force to review and make a recommendation to the assembly regarding a time and material contract for RSA's and should a recommendation come back favorable from the task force to:"
- •Insert the following "Now, Therefore, Be It Resolved" clause to read: Now, Therefore, Be It Resolved, the Assembly Directs Administration to create a task force to review and make a recommendation to the Assembly on a time and material contract for RSAs;
- •Change the "Now, Therefore, Be It Resolved Clause to a Be It Further Resolved Clause; strike "July 1, 2022 to June 30, 2023" and inserting in its place "July 1, 2023, to June 30, 2024;" and insert the language "should the task force find a time and material contract favorable."
- •In the Be It Further Resolved Clause the add words "task force" and
- •Insert a Be It Further Clause that reads: Be It Further Resolved, that the Assembly directs Administration to uphold and enforce the specifications of the current contract while the task force meets and a pilot program is created.

The motion failed by the following vote:

- **Yes:** 3 Assemblymember McKee, Assemblymember Sumner, and Assemblymember Bernier
- **No:** 4 Assemblymember Hale, Assemblymember Nowers, Assemblymember Yundt, and Assemblymember Tew

The main motion failed by the following vote:

No: 7 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Yundt, Assemblymember Tew, Assemblymember Sumner, and Assemblymember Bernier

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There were no vetoes.

X. NEW BUSINESS

OR 22-015

A. INTRODUCTIONS (For Public Hearing 03/01/22, Assembly Chambers)

	Commission.
OR 22-018	An Ordinance Approving An Appropriation Of \$31,104 From The Road Service Area Administrative Fund And The Projected Fund Balance For Wages And Benefits For A New Project Management And Engineering Administrative Specialist Position To Cover The Period Of March 1, 2022, To June 30, 2022.

An Ordinance Amending MSB 4.46, Historical Preservation

OR 22-019	An Ordinance Reappropriating \$1,000,000 From The Emergency
	Response Reserve Fund 100, To Fund 445, Project No. 55030, For The
	2022 Windstorm Disaster.
	RS 22-021: A Resolution Approving The Scope Of Work And Budget

RS 22-021: A Resolution Approving The Scope Of Work And Budget For The 2022 Windstorm Disaster, Project No. 55030.

- OR 22-020 An Ordinance Establishing A Task Force To Review And Make Recommendations To The Assembly Regarding Road Service Area Services In Big Lake Road Service Area 21 And Potentially Other Areas.
- OR 22-021 An Ordinance Amending MSB 2.12.070, To Permanently Allow Telephonic Participation By The Public At Assembly Meetings.

Sponsors: Hale

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

Assemblymember Sumner moved to introduce the legislation and to set the public hearings for March 1, 2022.

Assemblymember Sumner moved to divide the question, to take up the introduction of Ordinance Serial No. 22-015, separately.

The motion passed without objection.

FIRST SEGMENT: Assemblymember Sumner moved to introduce the legislation and to set the public hearings for March 1, 2022, excepting Ordinance Serial No. 22-015.

The motion passed by the following vote:

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SECOND SEGMENT: Assemblymember Sumner moved to introduce Ordinance Serial No. 22-015 and set the public hearing for March 15, 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

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22-032 Mayoral Requests for Confirmation

Sponsors: DeVries

Board of Equalization Traci Barickman

David Heier

Joint Assembly/School Board Committee on School Issues

Mokie Tew Library Board Marty Kincaid

Local Emergency Planning Committee

Daniel Hansen, Resignation

Michael Gavarrete

Planning Commission

Curt Scoggin

Platting Board

Barb Doty, resignation

Transportation Advisory Board

Terri Lyons

Central Mat-Su FSA No. 130

David Tyler

Big Lake RSA No. 21

Bill Heairet, resignation

Pat Daniels

Lazy Mountain RSA No. 19

Daniel Keane

Robert Stone

South Colony RSA No. 16

Kelly Gordon

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.

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

There were no referrals.

XI. RECONSIDERATION

AM 22-011 Approval Of The Road Service Area Road Improvement Project List For 2022.

Sponsors: McKee

Lonnie McKechnie, Borough Clerk, read the legislation into the record. Assemblymember Bernier moved to reconsider AM No. 22-011.

The motion passed without objection.

Assemblymember Bernier moved to amend AM No. 22-011, Meadow Lakes Road Service Area project list, by adding "Gunflint Trail - upgrade - amount to be determined - Funding currently unavailable." The motion passed by the following vote:

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

Assemblymember Sumner moved a primary amendment to AM No. 22-011, South Colony Road Service Area, by striking the project, "Hotshowers Drive to Herman Avenue" project. 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

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XII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Nicholas Spiropoulos spoke to appellate court rules having a 30-day appeal period deadline. Advised that the Supreme Court has the authority to shorten that timeframe. Noted that an opinion should be coming soon and as soon as it does he will share the information with the Assembly.

Assemblymember McKee opined that it important to take into consideration the advice provided to the Assembly by advisory boards.

Assemblymember Tew spoke to his understanding of how tipping floors for landfills work. Opined that they would be an asset to the community.

Assemblymember Hale noted that the Borough has a Transportation Advisory Board and the Local Road Service Area Advisory Board that the Assembly can get advisory opinions from regarding road service contracts.

Assemblymember Bernier thanked the Assembly for their support of his reconsideration of AM 22-011. Wished the body safe travels home.

Assemblymember Nowers stated that she is glad that Ordinance Serial No. 22-020 will have a public hearing. Opined that the Assembly should tap the current resources for advice before creating a new task force. Noted that soon there will be a new Alaska State Department of Transportation and Public Facilities in the Borough. Related that she will be attending the Alaska Municipal League Conference in Juneau. Spoke to the business Mat Valley Rebuild, which is a store that takes donations of all manners of used construction/home building items.

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.)

A. Litigation Regarding the 2021 State Redistricting Plan

The executive session was not held.

XIV. ADJOURNMENT

The meeting adjourned at 9:10 p.m.

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