

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, MARCH 7, 2023

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on Tuesday, March 7, 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

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

Assemblymember Yundt moved to postpone the public hearing for Ordinance Serial No. 23-017 to March 21, 2023, and to postpone AM 23-018 to March 21, 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

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

The agenda was approved as amended without objection.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by John Moosey, Palmer City Manager.

V. MINUTES OF PRECEDING MEETINGS

presented

- 23-024**
- A. Assembly Special Meeting Minutes: 01/17/23
 - B. Assembly Regular Meeting Minutes: 01/17/23
 - C. Assembly Special Meeting Minutes: 02/07/23
 - D. Assembly Regular Meeting Minutes: 02/07/23
 - E. Assembly Special Meeting Minutes: 02/09/23

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

Mayor Glenda Ledford, city of Wasilla, reported on the activities of the city.

John Moosey, Palmer City Manager, spoke in support of Resolution Serial No. 23-019.

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 legislation the Governor introduced on teacher recruitment and retention and strengthening parental rights.

4. Rasmuson Foundation - Advance Broadband Statewide Presentation

[Clerk's Note: This presentation was moved to March 21, 2023.]

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 related that the Borough has received the Government Financing Officer's Association (GFOA) Award for Outstanding Achievement in Popular Annual Financial Reporting (PAFR Award) for the fiscal year ending June 30, 2021. Noted that in order to be eligible for the PAFR Award, a government must also submit its annual comprehensive financial report to GFOA's Certificate of Achievement for Excellence in Financial Reporting Program and have the Certificate for the current fiscal year. Congratulated the Finance Department on receiving this award.

D. ATTORNEY COMMENTS

There was no report provided.

E. CLERK COMMENTS

Ms. McKechnie spoke to the upcoming meeting schedule.

F. CITIZEN AND OTHER CORRESPONDENCE

23-025

1. Abbreviated Plat: 02/15/23, 02/22/23
2. Agriculture Advisory Board: 09/21/22
3. Butte Community Council: 02/08/23
4. Chickaloon Community Council: 01/11/23
5. Enhanced 911 Advisory Board: 12/13/22
6. Meadow Lakes Community Council: 01/11/23
7. Talkeetna Community Council: 10/03/22, 11/07/22, 12/05/22
8. Transportation Advisory Board: Resolution Nos. 23-01, 23-02
9. West Lakes FSA Board of Supervisors: 01/09/23

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

G. INFORMATIONAL MEMORANDUMS

IM 23-046 Reporting Conclusion Of Contract No. 21-001B With Northstar Excavation And Asphalt, Inc. In The Final Contract Amount Of \$2,020,715.91 For The Landfill Gas Collection And Control System Construction Project.

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 22-131 An Ordinance Amending MSB 17.30, Conditional Use Permit For Earth Materials Extraction Activities, To Allow For An Exemption Of 10,000 Cubic Yards Annually Without A Permit.

Sponsors: Tew

Ms. McKechnie read the legislation into the record.

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

(The meeting recessed at 6:40 p.m. and reconvened at 6:50 p.m.)

CONFLICT OF INTEREST: Assemblymember Yundt noted that he is a contractor but does not have any gravel interest. Requested the Mayor to rule if he had a conflict of interest or not.

RULING: Mayor DeVries ruled that he had no conflict of interest and would not be recused from voting.

CONFLICT OF INTEREST: Assemblymember Tew stated that he has not been in the gravel business for many years , but does own inactive gravel pits that he does not intend to activate. Requested the Mayor to rule if he had a conflict of interest or not.

RULING: Mayor DeVries ruled that he had no conflict of interest and would not be recused from voting.

CONFLICT OF INTEREST: Assemblymember Fonov advised that he is in the excavation business. Stated that he has family that owns a gravel pit that is grandfathered in but that he has no financial interest in that business. Requested the Mayor to rule if he had a conflict of interest or not.

RULING: Mayor DeVries ruled that he had no conflict of interest and would not be recused from voting.

Mr. Spiropoulos spoke to the ethics code and how it applies to conflicts of interest.

Mayor DeVries opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 22-131: Gary Foster, David Palmer, Andrew Traxler, David Miller, Max Sumner

The following persons spoke in opposition of Ordinance Serial No.

22-131 due to lack of public process, concerns of impacts to roads, and lack of safety oversight: Rhonda Stark, Karen Gilley, Patti Fisher, Father Randy Hillman, Pat Daniels, Suzette Longacre, Diane Lada, Carolyn Kile, Maxine Franklin, Robert Lada, Eric Hestnes, Jason Krese, Frannie Christensen, Marcus Crowley, Bob Lochner, Shawn Reilly, Greg Papineau, Nelly Hanousek, Kathleen Koenaman, Kibe Lucas, Jackie Goforth, Connie Woolard, Joy Bruns, Mark Mastellar, Robin Bumgardner, Lucinda Ziegler, Kristi Short, Patricia O'Neil, Jim Sykes, Cheyenne Gillman, Tracey Barickman, Jim Colver, Ruth Wood, Camden Yehle, Donna Massey, John Strassenburgh, Alicia Everett, Sara Mayfield, Rebecca Cozad, Amy Schachle, Brad Empey, Randale Sparks, Brett Westcott, and Diana Irwin.

The following persons spoke to concerns with the lack of public process without the proposed amendments: Steve Colligan and Stephan Edwards.

The following person opined that Assemblymember Tew is an honorable man and does not have a conflict of interest; spoke to concerns with the lack of public process: Lloyd Thurman.

The following persons spoke to concerns with the lack of safety oversight: Mark Cottini and Dewey Bittner.

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

(The meeting recessed at 9:23 p.m. and reconvened at 9:32 p.m.)

Assemblymember Tew moved to adopt Ordinance Serial No. 22-131.

Assemblymember Bernier moved to postpone Ordinance Serial No. 22-131 to March 21, 2023. 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 Fonov

Assemblymember Yundt moved to postpone Ordinance Serial No. 22-131 to March 21, 2023.

Assemblymember Hale moved a primary amendment to continue the public hearing to March 21, 2023.

**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 Fonov, and Assemblymember Bernier

The primary amendment passed by the following vote:

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

No: 1 - Assemblymember Nowers

**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 Fonov, and Assemblymember Bernier

The primary amendment passed as amended by the following vote:

Yes: 4 - Assemblymember Yundt, Assemblymember Tew, Assemblymember Fonov, and Assemblymember Bernier

No: 3 - Assemblymember Hale, Assemblymember Nowers, and Assemblymember McKee

OR 23-013 An Ordinance Accepting Title To Tract A-1-A, Tidewater Stream, According To Plat No. 2013-105, And The North One-Half Of The Northwest One-Quarter Of Section 2, Township 16 North, Range 2 West, Seward Meridian; Authorizing The Manager To Amend A Conservation Easement With Great Land Trust, Inc. For Purpose Of Conserving The Property In Perpetuity; And Classifying The Property As Public Recreation Lands.

Ms. McKechnie read the legislation into the record.

Joseph Metzger, Asset Manager, provided a staff report.

Mayor DeVries opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 23-013: Patti Fisher, Ellen Casaire, Mark Mastellar, Sara Jansen, and Camden Yehle.

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

Assemblymember Yundt moved to suspend the rules and extend the meeting past 10 p.m. and not to exceed 11 p.m. 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 McKee moved to adopt Ordinance Serial No. 23-013. 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 23-014 An Ordinance Accepting And Appropriating \$80,000 From The Alaska State Department Of Natural Resources, Office Of History And Archaeology, For The Rebarchek Colony Farm Rehabilitation Project.
RS 23-015: A Resolution Approving The Scope Of Work And Budget, And Authorizing The Manager To Enter Into The State Grant Agreement And The Agreement With The Alaska State Fair For The Rebarchek Colony Farm Rehabilitation Project.

Ms. McKechnie 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 Ordinance Serial No. 23-013: Lamar Anderson, Project Director for Rebarchek project.

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

Assemblymember Nowers moved to adopt Ordinance Serial No. 23-014 and Resolution Serial No. 23-015. 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 23-017 An Ordinance Amending MSB 3.08.270, Open Market Procedure.
[Clerk's Note: The public hearing for Ordinance Serial No. 23-017 was moved to March 21, 2023, at approval of the agenda.]

RS 23-019 A Resolution Amending The Scope Of Work For The American Rescue Plan Funding.

Ms. McKechnie read the legislation into the record.

Mike Brown, Borough Manager and Nicholas Spiropoulos, Borough Attorney, provided a staff report.

Mayor DeVries opened the public hearing.

The following persons spoke in support of Resolution Serial No. 23-019: John Moosey, Palmer City Manager; and Crystal Nygard, city of Wasilla Deputy Administrator.

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

Assemblymember Yundt moved to adopt Resolution Serial No. 23-019.

Assemblymember Yundt moved to suspend the rules to extend the meeting to 11:15 p.m. 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 main 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.)

The following person spoke to concerns with some books that are available to children in local libraries: Jackie Goforth

The following person thanked the Assembly for their support of Resolution Serial No. 23-019: Mayor Glenda Ledford, city of Wasilla.

D. CONSENT AGENDA

1. RESOLUTIONS

- RS 23-016** A Resolution Approving The Revised Scope Of Work For The City Of Wasilla's Backup Public Safety Answering Point.
- RS 23-021** A Resolution Authorizing The Manager To Enter Into An Agreement With Bolduc Woodworks And Excavation For The Point Mackenzie Road Timber Salvage Sale.
- RS 23-022** A Resolution To Support Renaming Crusey Street To Warrior Street.
Sponsors: Yundt
- RS 23-024** A Resolution In Support Of Proposed Changes To The Law Regarding Sex Offenders And Sex Crimes.
Sponsors: Bernier

2. ACTION MEMORANDUMS

- AM 23-014** Award Of Bid No. 23-046B To Northstar Excavation And Asphalt, Inc. In The Contract Amount Of \$496,500 To Install Gas-Leachate Wells And Gas Vents At The Central Landfill.
- AM 23-015** Award Of Bid No. 23-056B To Mass Excavation, Inc. In The Contract Amount Of \$1,315,624.08 To Construct A New Parking Lot And Pedestrian Trail At The Government Peak Recreation Area.
- AM 23-016** Award Of Bid No. 23-051B To H Construction, LLC. In The Contract Amount Not To Exceed \$317,420 To Replace The Gym Floor In The Dorothy Swanda Jones Building.
- AM 23-017** Acceptance Of Late Filed And Retroactive Senior Citizen And Disabled Veteran Exemption Applications.
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

AM 23-018 Award Of Bid No. 23-049B To Western Construction And Equipment In The Amount Of \$2,735,250 For Annual Operation And Compaction At Central Landfill.

Clerk's Note: AM No. 23-018 was moved to the March 21, 2023 consent agenda at approval of the agenda.]

VIII. UNFINISHED BUSINESS

There was no unfinished business.

IX. VETO

There were no vetoes presented.

X. NEW BUSINESS

A. INTRODUCTIONS (For Public Hearing 03/21/23, Assembly Chambers)

OR 23-007 An Ordinance Repealing MSB 4.10, Aviation Advisory Board, And Changing The Composition Of The Transportation Advisory Board To Include A Seat For Aviation Interests.

OR 23-015 An Ordinance Accepting And Appropriating Additional Funds Of \$382,762 From The Alaska State Department Of Military And Veterans Affairs, For Emergency Federal Highway Administration Road Repairs Caused By The 2018 November Cook Inlet Earthquake Disaster.
RS 23-020: A Resolution Approving The Amended Scope Of Work And Budget For Emergency Road Repairs Caused By The 2018 November Cook Inlet Earthquake Disaster.

OR 23-016 An Ordinance Amending MSB 5.25.059, To Annex Parcel Nos. 220N05W11D002 And 219N02W08A003 Into The Willow Fire Service Area No. 35.
RS 23-023: A Resolution Finding The Annexation Of Two Properties (220N05W11D002 And 219N02W08A003) Into The Willow Fire Service Area. No. 35 Serves The Public Interest.

Sponsors: Bernier

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 March 21, 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. VACANCY REPORT

23-027 Mayoral Requests for Confirmation
Borough Area Schools Site Selection Committee
Bill Kendig
Library Board
Naomi Sweetman
Port Commission
Fred S. Elvass, Jr.
Trapper Creek RSA No. 30
Jason S. Kresge
David Ritenburgh

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

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.

XII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Assemblymember Fonov thanked the body for the meeting. Opined that contentious legislation that is up for public hearing should be the last public hearing.

Assemblymember Nowers spoke to the need for reclamation for gravel pits. Noted that the Assembly has the right to ask the Planning Commission to reconsider legislation if they feel like there was not enough discussion. Clarified that it is members right to approach other bodies as individual member as long as they are clear that they are not a representative of the Assembly as a whole.

Assemblymember Yundt spoke in support of reclamation for gravel pits. Opined that there will be additional amendments for the gravel pit legislation. Encouraged the body to take the opportunity to review the three proposed amendments. Spoke to the need to act in the best interest of whole Borough. Stated that he will have additional amendments to his current possible amendment based on testimony received during the public hearing. Encouraged the Assembly to bring any additional amendments forward as soon as possible so the public can review them. Apologized for not having his current amendment available sooner.

Mr. Brown stated that the Settler's Bay Coastal Trail is great project. Related that the seasonal and on-call trail crews are doing great job. Stated that the contract being awarded for the Government Peak Recreational Area parking lot is a huge win and that there is sufficient funding to make it happen. Spoke to his intent for the strategic planning session on March 11.

Assemblymember Tew thanked the body for the meeting. Opined that it was a long and stressful meeting. Stated that he may not always convey his legislative intent efficiently. Spoke to his experience in trying to get permitted for a gravel pit. Spoke to the need to provide good jobs for residents. Stated that if he can find a way to make it easier, then that's what he will try to do. Stated that he looks forward to working through the gravel pit issue.

Assemblymember Hale noted the correlation that was made earlier in the meeting between gravel and cannabis industries. Noted that both require regulation due to the possibility to be disruptive to the community. Spoke in support of the public process.

Assemblymember Bernier thanked the body for the meeting. Noted that there is a new coffee shop at the Pittman Road and Parks Highway intersection named Funky Monkey. Stated that it is very nice and

encouraged the body to visit it. Said a prayer.

XIII. EXECUTIVE SESSION

There was no executive session.

XIV. ADJOURNMENT

The meeting adjourned at 11:11 p.m.



Mayoral Signature and Clerk Attestment

For

March 7, 2023, Assembly Regular Meeting Minutes

(15 pages)

EDNA DeVRIES, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 03/21/23