

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 2, 2023

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on Tuesday, May 2, 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 remove Resolution Serial No. 23-054 from the agenda.

The motion passed by the following vote:

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

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

IV. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by the Veterans in the audience.

V. SPECIAL ORDERS OF THE DAY

Mayor DeVries presented Mayoral Proclamations in recognition of dedication to wrestling to Regan Yundt, Mason Ekle, and Shane Ostermiller.

A. Mayoral Proclamation Recognizing Valley Thunder National Hockey Championship

Mayor DeVries read the proclamation into the record and presented it to the Valley Thunder Hockey Team.

B. Mayoral Proclamation Supporting The Hidden Heroes Resolution

Mayor DeVries read the proclamation into the record and presented it to Penney Chanpney.

C. Mayoral Proclamation in Recognition of National Day of Prayer

Mayor DeVries read the proclamation into the record.

VI. MINUTES OF PRECEDING MEETINGS

[23-060](#)

- A. Regular Assembly Meeting: 03/21/23
- B. Regular Assembly Meeting: 04/04/23
- C. Special Assembly Meeting: 04/11/23

The minutes were approved as presented without objection.

VII. 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 were no reports provided.

3. State of Alaska

Mr. Todd Smoldon, Executive Director of Governor Dunleavy's Mat-Su Office, summarized legislative action being taken in Juneau regarding fentanyl and sex trafficking.

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

There was no report provided.

D. ATTORNEY COMMENTS

There was no report provided.

E. CLERK COMMENTS

Ms. McKechnie spoke to the upcoming meeting schedule. Advised the body that she will be out of the office May 12th through the 27th.

F. CITIZEN AND OTHER CORRESPONDENCE

[23-061](#)

1. Agriculture Advisory Board: 02/15/23, Resolution No. 23-01
 2. Big Lake Community Council: 03/14/23
 3. Big Lake RSA Board of Supervisors: 03/08/23, Resolution No. 23-04
 4. Butte FSA Board of Directors: 01/05/23
 5. Caswell FSA Board of Supervisors: 02/15/23
 6. Caswell Lakes RSA Board of Supervisors: 01/09/23, 01/30/23, 02/22/23, Resolution Nos. 01-23, 02-23, 03-23, 04-23, 05-23
 7. Greater Butte RSA Board of Supervisors: 10/13/22, 01/12/23
 8. Greater Palmer FSA Board of Supervisors: 04/13/23
 9. Greater Talkeetna RSA Board of Supervisors: 03/09/23
 10. Knik-Fairview Community Council: 01/18/23, 02/01/23, 02/15/23, 03/15/23
 11. Knik RSA Board of Supervisors: Resolution No. 23-02-04-04
 12. Meadow Lakes RSA Board of Supervisors: 11/17/22
 13. Port Commission: 01/16/23, Resolution Nos. 23-003, 23-004
 14. Planning Commission: 04/03/23
 15. South Colony RSA Board of Supervisors: 01/11/23
 16. Susitna Community Council: 03/02/23
 17. West Lakes FSA Board of Supervisors: 03/13/23
- The citizen and other correspondence were presented and no comments were noted.

G. INFORMATIONAL MEMORANDUMS

[IM 23-094](#) Informing The Assembly Of The Submittal Of The Healthy And Equitable Communities Program Application To The Alaska State Department Of Health.

The informational memorandum was presented and no comments were noted.

VIII 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 23-034](#) An Ordinance Providing Consent And Approval For An Access Easement And Waiver Of Liability For Agricultural Rights Properties Sold Under Former Title 13, Located Within Lots 1 And 2, Roy/Crawford Subdivision.

Ms. McKechnie read the legislation into the record.

Nicholas Spiropoulos, Borough Attorney, provided 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 Hale moved to adopt Ordinance Serial No. 23-034.

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 23-035](#)

An Ordinance Conveying And Merging The Borough's Development Rights Interest With The Agricultural Rights Title For Fee Simple Title With Agricultural Covenants To James And Amber McDonough.
Ms. McKechnie read the legislation into the record.

Joseph Metzger, Asset Manager, provided staff report.

Mayor DeVries opened the public hearing.

The following person spoke in support of Ordinance Serial No. 23-035:
Amber McDonough.

Assemblymember Hale moved to adopt Ordinance Serial No. 23-035.

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 23-037](#)

An Ordinance Naming Station 6-1 The Benny Cottle Public Safety Building.

Sponsors: Yundt

Ms. McKechnie read the legislation into the record.

Nicholas Spiropoulos, Borough Attorney, provided 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. 23-037.

Assemblymember Yundt moved to postpone Ordinance Serial No. 23-037 until after Ordinance Serial No. 23-038.

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 23-038](#) An Ordinance Amending MSB 1.51, Naming Of Borough Buildings, Other Fixed Facilities And Public Places; To Clarify That The Borough Assembly Retains Final Authority To Name Public Facilities.
Ms. McKechnie read the legislation into the record.

Nicholas Spiropoulos, Borough Attorney, 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. 23-038.

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 23-037](#) An Ordinance Naming Station 6-1 The Benny Cottle Public Safety Building.

Sponsors: Yundt

Ms. McKechnie read the legislation into the record.

MAIN MOTION PENDING: Assemblymember Yundt moved to adopt Ordinance Serial No. 23-037.

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.)

The following persons spoke to concerns with pornographic material in school libraries: Chris Tyree and Jackie Goforth.

The following person spoke to the need for the Assembly to follow Borough code: Craig Odom.

D. CONSENT AGENDA

1. RESOLUTIONS

[RS 23-047](#) A Resolution Approving The Hidden Heroes Designation From The Elizabeth Dole Foundation And Pledging To Support Military And Veteran Caregivers In The Borough.

Sponsors: DeVries

[RS 23-048](#) A Resolution Waiving Borough Landfill Fees For The Alaska State Adopt-A-Highway Program For Fiscal Year 2024.

[RS 23-051](#) A Resolution Approving Unincorporated Communities For Participation In The Fiscal Year 2024 Community Assistance Program.

[RS 23-052](#) A Resolution Approving The Scope Of Work And Budget For Kepler Drive Bridge, Tuxedo Avenue Bridge, And The Wade Drive Bridge Replacement Projects; And Approving The Amended Budgets For Bradley Road Bridge Over Trapper Creek Replacement Project And Kashwitna Trail Grade Crossing Panel Upgrade Project.

[RS 23-054](#) A Resolution Supporting House Bill 133, That Amends The Open Meetings Act Pertaining To Municipal Service Area Boards.

Sponsors: Tew

[Clerk's Note: Resolution Serial No. 23-054 was removed from the agenda at approval of the agenda.]

2. ACTION MEMORANDUMS

[AM 23-029](#) Approval of Change Order No. 2 For Contract No. 22-078P(B) With The Boutet Company, Inc. In the Amount of \$133,610 For Construction Management Services For The Lakes Boulevard Upgrade Project.

[AM 23-030](#) Award Of Bid No. 23-080B To K&H Civil Constructors, LLC. In The Contract Amount Of \$229,956 To Replace The South Big Lake Road Guardrail.

[AM 23-031](#) Award Of Bid No. 23-009B To Meier Excavation LLC. In The Amount Of \$119,800 For The Renovation Of Alcantra Sports Complex Field No. 4.

[AM 23-032](#) Award Of Bid No. 23-073B To Western Construction And Equipment In The Amount Of \$1,339,915 For The Central Landfill Access Road Improvements.

[AM 23-033](#) Award Of Bid No. 23-078B To OT Enterprises In The Amount Of \$492,082.02 For English Bay Drive, Resolution Bay Circle, And South Katmai Court Improvements.

[AM 23-034](#) Approval Of Amendment No. 1 To Contract No. 23-040B With Recon, LLC. In The Amount Of \$89,800 To Modify The Scope Of Work For A Project Under Contract For Services Pursuant To MSB 3.08.170 (B) (2), To Include Geotechnical Evaluation Of Material Sites.

[AM 23-035](#) Approval Of Change Order No. 4 For Contract No. 22-078P(A) With Lounsbury And Associates, Inc. In The Amount Of \$151,301 For The Hidden Hills Road Reconstruction Project.

[AM 23-036](#) Authorization To Enter Into An Agreement With Streamlink Software In The Amount Of \$103,750 For Grants Management Solution For Service Through June 30, 2025.

Ms. McKechnie read the legislation 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 23-053](#) A Resolution Supporting State Legislation Prohibiting Municipal Taxation Of The Transfer Of Real Property.

Sponsors: Yundt

Ms. McKechnie read the legislation into the record.

Assemblymember Nowers moved to adopt Resolution Serial No. 23-053.

The motion passed by the following vote:

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

No: 1 - Assemblymember Nowers

IX. UNFINISHED BUSINESS

There was no unfinished business.

X. VETO

There were no vetoes.

XI. NEW BUSINESS

A. INTRODUCTIONS (For Public Hearing 05/16/23, Assembly Chambers)

[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

[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. 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 May 16, 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

[23-062](#)

Mayoral Requests For Confirmation

Chase Trail Service Area No. 134

Paul A. Bauman

Assemblymember Yundt moved to confirm the appointment 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.

XII. RECONSIDERATION

There were no reconsiderations.

XIII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Assemblymember Fonov thanked the public that testified. Spoke to a meeting he had regarding the proposed timber harvest. Encouraged members to ask questions of staff in advance of Assembly meetings so that they are informed when it comes time to make a decision.

Assemblymember Yundt opined it was a great meeting. Stated that it was nice to celebrate the community through the Mayoral proclamations. Spoke to the importance of being informed and prepared before Assembly meetings.

Mr. Spiropoulos spoke to the procedure when an Assembly Member declares a potential conflict of interest. Advised that Borough code is very clear that if the Assembly makes a disclosure regarding a possible conflict of interest and the Mayor rules on it, that it is not a matter for the Ethics Board to take up.

Assemblymember McKee spoke to concerns with how books are ordered for Borough libraries.

Assemblymember Hale opined that removing Resolution Serial No. 23-054 from the agenda was disservice to the public. Stated that the body should have conducted the public hearing, had the discussion, and voted it up or down.

Assemblymember Bernier thanked those that attended. Said a prayer.

Mayor DeVries spoke to what conflicts of interest are.

XIV. EXECUTIVE SESSION

There was no executive session conducted.

XV. ADJOURNMENT

The meeting adjourned at 7:44 p.m.