

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 1, 2023

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on Tuesday, August 1, 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: 5 - Assemblymember Stephanie Nowers, Assemblymember Dee McKee, Assemblymember Robert Yundt, Assemblymember Mokie Tew, and Assemblymember Dmitri Fonov

Excused: 1 - Assemblymember Tim Hale

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 former Senator Bill Stoltze.

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.

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

Mr. Brown reported that the 15th Annual Mat-Su Emergency Preparedness Expo will be held at the Menard Memorial Sports Center on Saturday, September 30, 2023 from 10am to 3pm.

1. State/Federal Legislation

2. Strategic Planning Issues

D. ATTORNEY COMMENTS

There was no report provided.

E. CLERK COMMENTS

Ms. McKechnie spoke to the upcoming meeting schedule and pertinent election dates.

F. CITIZEN AND OTHER CORRESPONDENCE

23-093

1. Abbreviated Plat: 07/12/23
2. Big Lake Community Council: 05/23/23, 06/13/23
3. Butte Fire Service Area Board of Directors: 04/13/23
4. Chase Community Council: 04/19/23, 06/14/23
5. Fishhook Community Council: 06/05/23
6. Greater Talkeetna RSA Board of Supervisors: 06/08/23
7. Midway RSA Board of Supervisors: 02/23/23, 07/12/23
8. North Lakes Community Council: 04/27/23, 05/25/23
9. Platting Board: 05/18/23, 06/01/23
10. Port Commission: 04/17/23
11. South Colony RSA Board of Supervisors: 04/12/23
12. Susitna Community Council: 05/04/23

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

G. INFORMATIONAL MEMORANDUMS

- IM 23-166** Reporting Conclusion Of Contract No. 22-141B With Western Construction And Equipment LLC. For The Aurora Hills Drive, Hickory Street Project.
- IM 23-167** Reporting Conclusion Of Contract No. 22-133B with Western Construction And Equipment, LLC. For a Total Contract Amount Of \$685,754.38 For The Viking Road, Arlie Road, Lost Valley Road Improvements Project.
- IM 23-168** Reporting Conclusion Of Contract No. 22-123B With Valley General Construction, LLC. For A Total Contract Amount Of \$809,129.88 For The East Wolverine Avenue, East Porcupine Avenue, And East Beaver Avenue Project.
- IM 23-169** Reporting Conclusion Of Contract No. 22-114B With Tutka LLC. For A Total Contract Amount Of \$645,084.05 For The Point Mackenzie Area Roads Earthquake Repairs Project.
- IM 23-170** Informing The Assembly Of The Right-Of-Way Acquisition Of Borough-Owned Land For A Temporary Construction Easement Valued At \$800 By Alaska State Department Of Transportation And Public Facilities For Seward Meridian Parkway Reconstruction, Phase II.

- IM 23-171** Informing The Assembly Of The Manager Entering Into An All Cash Purchase Agreement With A Lessee To Purchase By Application The Alaska Division Of Lands Lease No. 050688, For The Fee Simple Estate Of Borough-Owned Lands.
- IM 23-172** Informing The Assembly Of A Grant Amendment To Be Presented To The Borough Manager For Signature, For The Houston Middle School Improvement Project.
- IM 23-174** Informing The Assembly Of The Manager Entering Into A Land Lease Agreement For A 5-Year Term And Allow Lessee The Option To Purchase The Fee Simple Estate Of The Land.

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.)

OR 23-061 An Ordinance Reappropriating \$839,075 From The Government Peak Recreation Area Parking Lot Project To The Gateway Visitor Center Project; And The State And Federal Grant Match Account.
RS 23-066: A Resolution Rescoping \$250,000 From The Government Peak Recreation Area Parking Lot Project For Use On The Jay Nolfi Park Project And Approving The Scopes Of Work And Budgets For The Gateway Visitor Center Project; And The State And Federal Grant Match Account.

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. 23-061 and Resolution Serial No. 23-066.

The motion passed by the following vote:

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

OR 23-067 An Ordinance Amending MSB 2.08.040 To Clarify And Update The Mayor's Appointment Powers.

Ms. McKechnie read the legislation into the record.

Mr 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. 23-067.

The motion passed by the following vote:

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

OR 23-070 An Ordinance Accepting And Appropriating \$311,052 From The Alaska State Department Of Health And Social Services For The Provision Of Critically Needed Essential Health And Social Services.
RS 23-077: A Resolution Approving The Scope Of Work And Budget For The Human Services Community Matching Grant Program And Allocating Funding To Non-Profit Sub-Grantees For The Provision Of Critically Needed Essential Health And Social Services.

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. 23-070 and Resolution Serial No. 23-077.

The motion passed by the following vote:

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

OR 23-072 An Ordinance Amending Portions Of Title 25, Elections.

Sponsors: DeVries

Ms. McKechnie read the legislation into the record.

Ms. McKechnie, Borough Clerk, 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. 23-072.

Assemblymember Nowers moved a primary amendment to Ordinance Serial No. 23-072 by inserting a new section 25.30.020 (C), to read "No partisan or nonpartisan political activity, or any other activity which, in the judgment of the Borough Clerk, may directly or indirectly interfere with the orderly conduct of the election, shall be permitted in, on, or within 200 feet of any entrance to the building used as a polling or vote counting place. "political activity" in this section includes without limitation, any activity intended to persuade a person to vote for or against any candidate or measure or to desist from voting."

The primary amendment passed by the following vote:

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

The main motion passed as amended by the following vote:

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

OR 23-073 An Ordinance Accepting And Appropriating 2018 November Cook Inlet Earthquake Disaster Monies From The Federal Emergency Management Agency And The Alaska State Division Of Homeland Security And Emergency Management.
RS 23-079: A Resolution Approving The Scope Of Work And Budget For 2018 November Cook Inlet Earthquake Disaster Relief Monies.

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. 23-073 and Resolution Serial No. 23-079.

The motion passed by the following vote:

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

OR 23-075 An Ordinance Accepting And Appropriating 2022 January Mat-Su Windstorm Disaster Relief Funds In The Amount Of \$14,025 From The Federal Emergency Management Agency And \$4,675 From The Alaska State Division Of Homeland Security And Emergency Management.
RS 23-080: A Resolution Approving The Scope Of Work And Budget For Brett Memorial Ice Area Locker Room Building Roof Repairs Caused By The 2022 January Mat-Su Windstorms Disaster.

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. 23-075 and Resolution Serial No. 23-080.

The motion passed by the following vote:

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

OR 23-076 An Ordinance Accepting And Appropriating \$188,866.80 From A Judgment In The Boroughs Favor For Community Cleanup And Abatement Of Junk And Trash Issues.
RS 23-084: A Resolution Approving The Scope Of Work And Budget For Community Cleanup And Abatement Of Junk And Trash Issues.

Ms. McKechnie read the legislation into the record.

Mr. 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. 23-076 and Resolution Serial No. 23-084.

The motion passed by the following vote:

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

OR 23-077 An Ordinance Relating To The Construction, Additions, Improvements, Betterments, Repair, Reconstruction, Or Acquisition Of Public Roads And Pathways And Facilities Related Thereto In The Matanuska-Susitna Borough, Together With All Necessary Equipment And Transportation Facilities Including Improving School Access, And The Acquisition Of Lands Or Rights In Lands In Connection Therewith; And A Debt Of The Borough, Authorizing The Issuance Of Areawide General Obligation Bonds Of The Borough In An Amount Not To Exceed The Sum Of \$65,085,710 To Finance The Cost, In Whole Or In Part, Of Such Public Roads, Facilities, And Lands, And Submitting The Proposition To The Voters At The November 7, 2023, Regular Borough Election.

Ms. McKechnie read the legislation into the record.

Tom Adams, 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 Yundt moved to adopt Ordinance Serial No. 23-077.

Assemblymember Yundt moved a primary amendment to Ordinance Serial No. 23-077 by correcting names of the following listed projects to be consistent with their respective TIP23 designations and have staff update each project description in the IM to match as follows:

*** Striking "Burma Road Reconstruction Phase 1 - Ayrshire Avenue to Moore Road" and inserting in its place " Burma Road Reconstruction - Ayrshire Avenue to Moore Road"; and**

*** Striking "King Arthur Drive Phase 1: Parks Highway to No Name Hill Drive" and inserting in its place " King Arthur Drive Reconstruction: Parks Highway to No Name Hill Drive"; and**

*** Striking "Yoder Road Reconstruction - MP 0 - 4" and inserting in its place "Yoder Road Reconstruction: Talkeetna Spur to Southfork Road".**

The primary amendment passed by the following vote:

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

Assemblymember Tew moved a primary amendment to Ordinance Serial No. 23-077 by inserting the following project to the project list " Jolly Creek Drainage Improvement in the amount of \$1,953,000" and direct staff to add a project description.

The primary amendment passed by the following vote:

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

Assemblymember Tew moved a primary amendment to Ordinance Serial No. 23-077 by inserting the following project to the project list " West Lakes Boulevard Big Lake Trail No. 1 Separated Crossing in the amount of \$2,750,000" and direct staff to add a project description.

The primary amendment passed by the following vote:

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

Assemblymember Nowers moved a primary amendment to Ordinance Serial No. 23-077 by inserting the following project to the project list " Inner-Outer Springer Loop Pathway in the amount of \$2,385,000" and direct staff to add a project description.

The primary amendment passed by the following vote:

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

Assemblymember Nowers moved a primary amendment to Ordinance Serial No. 23-077 by inserting the following listed projects for pavement rehabilitation and have staff update each project description in the IM to match as follows:

*** Inserting "Tait Drive (Bogard to Seldon) in the amount of \$548,000"; and**

*** Inserting "Earl Drive, Eek Street (Bogard Road to Finger Lake Elementary) in the amount of \$493,000"; and**

*** Inserting "Gershmel Loop (Fireweed Road to Fireweed Road) in the amount of \$647,000".**

The primary amendment passed by the following vote:

Yes: 6 - Assemblymember Nowers, Assemblymember McKee, Assemblymember Yundt, Assemblymember Tew, Assemblymember Fonov, and Assemblymember Bernier
Assemblymember Fonov moved a primary amendment to Ordinance Serial No. 23-077 by inserting the following project "School Site Traffic and Safety Improvements: Finger lake Elementary School in the amount of \$1,484,000" and direct staff to add a project description.

The primary amendment passed by the following vote:

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

(The meeting recessed at 7:22 p.m. and reconvened at 7:36 p.m.)

Assemblymember Yundt moved a primary amendment to Ordinance Serial No. 23-077 as follows:

***Updating the title by striking " Burma Road Reconstruction Ayrshire Avenue to Moore Road" and inserting in its place " Burma Road Upgrades and Improvements."**

***Amending the description to read "improve Burma Road including, drainage, signage, paving, widening structural improvements and realignment"; and**

***Striking the length and the table in the current description.**

The primary amendment passed by the following vote:

Yes: 6 - Assemblymember Nowers, Assemblymember McKee, Assemblymember Yundt, Assemblymember Tew, Assemblymember Fonov, and Assemblymember Bernier
Assemblymember Yundt moved a primary amendment to Ordinance Serial No. 23-077 by:

*** amending in the title of the ballot to read " Fifty Percent Match Borough Transportation Systems Bonds."**

*** amending all costs by reducing the amounts by fifty percent except the issuance cost;**

*** amending the first paragraph " this proposition authorizes the Matanuska-Susitna Borough to build the transportation systems projects listed below and issue bonds in the amount \$ 38,710,000 which is fifty percent (50%) of the cost of the projects." ;and**

*** inserting at the end of the ballot proposition "This is the amount of the Borough's bond contribution for the above projects. Bonds may not be issued to pay costs of a project unless matching funds of fifty percent (50%) for that project are received from sources other than the bonds."**

The primary amendment passed by the following vote:

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

No: 1 - Assemblymember Nowers

Assemblymember Fonov moved a primary amendment to amend Ordinance Serial No. 23-077 by inserting the following project to the project list " Big Lake Boat Launch Access and Parking Lot Reconstruction in the amount of \$ 161,000." and direct staff to add a project description.

The primary amendment passed by the following vote:

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

No: 2 - Assemblymember Nowers, and Assemblymember Yundt

The main motion passed as amended by the following vote:

Yes: 6 - 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 speeders on Wilmington drive and requested speed humps: Larry Macintosh.

The following persons spoke to concerns with pornographic books in Borough libraries and concerns with librarians' authority: Jackie GoForth and Karen Lewis.

The following person spoke to concerns with the animal control shelter policy for volunteers: James Walker.

The following person spoke to water body setbacks and noted her support for an advisory board: Jenn Holt.

D. CONSENT AGENDA

1. RESOLUTIONS

2. ACTION MEMORANDUMS

- AM 23-077** Request To Vacate Approximately 22,680 Square Feet Of East Edgerton Parks Road Right-Of-Way Lying West Of North Russet Road, Located In Section 32, Township 19 North, Range 01 West.
- AM 23-078** Authorization To Purchase From Government Computer Sales In The Amount Of \$154,746, Fiscal Year 2024 Computer Replacements Under The National Association Of State Procurement Officials Agreement.
- AM 23-079** Award Of Bid No. 24-004B To US Ecology Alaska, LLC. For The Contract Amount Of \$136,184 To Provide Household Hazmat Transportation And Disposal Services.
- AM 23-080** Award Of Bid No. 24-014B To McKenna Brothers Paving, Inc. In The Contract Amount Of \$613,064.50 To Pave The Moose Park Subdivision And South Marina Circle; And Construct Speed Humps On Copper Creek.
- AM 23-081** Award Of Proposal No. 23-110P To Tischlerbise, Inc. In The Contract Amount Of \$104,968 For Land Use Fiscal Analysis And Comprehensive Plan Support.
- AM 23-082** Award Of Contract No. 24-011C To MCG Explore Design In The Contract Amount Of \$303,716 To Provide Construction Administration Services For Mat-Su Central School Construction.
- AM 23-084** Award Of Bid No. 23-118B To F-E Contracting, Inc. In The Contract Amount Of \$22,829,128.00 To Construct Mat-Su Central School.
- AM 23-085** Approval To Extend Final Completion Date Of Contract No. 21-142P With Kinney Engineering, LLC. For Design Services for The Felton Street Extension Project.
- AM 23-086** Approval To Extend Final Completion Date Of Contract No. 22-094P With The Boutet Company, Inc. To November 15, 2023, For Construction Management Services For The Felton Street Extension Project.

AM 23-087 Approval To Extend Final Completion Date Of Contract No. 22-134B To October 31, 2023 With Pruhs Construction Company, LLC. For Felton Street Extension Project.

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: 6 - Assemblymember Nowers, Assemblymember McKee, Assemblymember Yundt, Assemblymember Tew, Assemblymember Fonov, and Assemblymember Bernier

AM 23-083 Award Of Bid No. 24-024C To Craig Taylor Equipment Company In The Contract Amount Of \$117,316.91 To Purchase A Compact Track Loader.

Ms. McKechnie read the legislation into the record.

Assemblymember Tew moved to adopt AM No. 23-083.

The motion passed by the following vote:

Yes: 5 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Yundt, and Assemblymember Fonov

No: 2 - Assemblymember Tew and Assemblymember Bernier

VIII. UNFINISHED BUSINESS

There was no unfinished business.

IX. VETO

There were no vetoes presented.

X. NEW BUSINESS

A. INTRODUCTIONS (For Public Hearing August 15, 2023 Assembly Chambers)

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.

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.

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.

Assemblymember Yundt moved to introduce the legislation as read into the record by the Clerk and to set the public hearings for August 15, 2023.

The motion passed by the following vote:

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

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

23-094 Mayoral Requests for Confirmation

MSB Fish and Wildlife Commission
Resignation of Mike Wood

Assemblymember Yundt moved to confirm the resignation requested by the Mayor.

The motion passed by the following vote:

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

C. OTHER NEW BUSINESS

1. Motion to Rescind - Assemblymember McKee

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

Ms. McKechnie read the legislation into the record.

Assemblymember McKee moved to rescind Resolution Serial No. 23-041.

The motion passed by the following vote:

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

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 Nowers spoke to oil price changes and the impact on Borough's funding for Borough capital projects.

Assemblymember Yundt spoke to oil price changes and the impact on funding for Borough capital projects. Spoke to citizens concerns with speeding, suggested solar-powered speed limit signs and requested staff look into the cost. Spoke to citizen concerns with the animal control shelter and the shelters budget. Noted his appreciation of Ms. Holt's comments on the water body advisory board and spoke to the administrative process.

Mr. Brown noted that he is not interested in expanding the existing scope of operations for road maintenance. Spoke to the Borough construction project contract award and the next steps in the award process with the School Board and Assembly. Spoke to the general process for requesting speed-calming measures. Spoke to the Port Mackenzie Rail as a road and discussions with the State and Alaska Department of Transportation. Spoke to the Animal Care Shelter budget. Gave an overview of the upcoming Special Assembly Meeting on August 8 regarding community clean-up discussions.

Assemblymember Mckee spoke to her reasons for the motion to rescind the Long Lake Road Salvage Timer Harvest. Spoke to the importance of speed calming measures. Commented on concerns from Animal Care volunteers.

Assemblymember Bernier thanked everyone for coming and said a prayer.

Mayor DeVries spoke to the Wasilla Chamber presentation by the Directors regarding Borough projects and thanked the directors for attending.

XIII. EXECUTIVE SESSION

There was no executive session.

XIV. ADJOURNMENT

The meeting adjourned at 9:08 p.m.

MATANUSKA-SUSITNA BOROUGH

350 East Dahlia Avenue, Palmer, Alaska 99645 - 907-861-8683

BOROUGH MAYOR

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BOROUGH MANAGER

Michael Brown

BOROUGH ATTORNEY

Nicholas Spiropoulos



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Mokie Tew, District 5
Dmitri Fonov, District 6
Ron Bernier, District 7

MEETING MINUTES

ASSEMBLY CHAMBERS

350 EAST DAHLIA AVENUE, PALMER

ASSEMBLY SPECIAL MEETING

6:00 PM

TUESDAY, AUGUST 8, 2023

A Quorum of Community Councils May be Present

I. CALL TO ORDER

The special meeting of the Matanuska-Susitna Borough Assembly was held on Tuesday, August 8, 2023, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:03 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

The following community councils had representatives present:

- * Butte;
- * Glacier View;
- * Gateway
- * Meadow Lakes;
- * North Lakes;
- * Tanaina; and
- * Fishhook.

There were also representatives present from the following offices:

- * Palmer District Attorney;
- * Alaska State Department of Conservation;
- * Governor Dunleavy's Office;
- * Senator McCabe's Office;
- * Senator Shower's Office; and
- * Alaska State Troopers.

III. APPROVAL OF AGENDA

The agenda was approved as presented without objection.

IV. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Ron Johnson, a member of the audience.

V. AUDIENCE PARTICIPATION

The following person thanked the Assembly for conducting this meeting so that community councils can be heard: Patti Fisher.

VI. ITEMS OF BUSINESS

1. Community Clean Ups Discussion

Discussion ensued regarding:

- * the Borough's junk vehicle program;
- * Code Compliance;
- * the process for Code Compliance; and
- * solutions for how the Borough could deal with properties that are chronically a problem.

VII. MAYOR, ASSEMBLY, AND STAFF COMMENT

Assemblymember Fonov appreciated the participation of meeting attendees.

Assemblymember Nowers spoke in support of the length of the meeting. Opined that maybe the public should be allowed to ask questions before the Assembly.

Assemblymember Yundt thanked everyone for attending the meeting and stated that he appreciates their attendance.

Mr. Spiropoulos wanted to ensure that everyone understands that part of the issue is that there is a process already in place for problem properties. Spoke to the Court process for citations. Advised that Judges are not convinced that nuisance properties are worth putting someone in jail over. Noted that some properties are worth more than liens that are on them. Spoke to a recent judgment against a property owner who had many citations and liens but never cleaned it up. Stated that he appreciates the input and opined that getting more ideas into the process is helpful.

Assemblymember McKee noted that it was an interesting meeting. Stated that she will be looking forward to see how the process plays out.

Assemblymember Tew thanked the participants of the meeting. Stated he appreciates the concerns being expressed.

Assemblymember Bernier spoke in support of residents using the Borough's problem reporter. Noted that there is also an app for the State called AK Tips. Noted that reports are anonymous and spoke to how it works. Opined that the State needs tougher drug laws. Opined that the majority of nuisance properties are due to drug houses. Opined that when the Borough takes property it should be much quicker. Thanked everyone for attending the meeting. Said a prayer.

Mr. Brown noted that administration would prepare for the coming meeting.

Mayor DeVries thanked everyone for their attendance. Noted that the Assembly and the Mayor support the community and want what is best for residents.

Ms. McKechnie queried if the Assembly wanted to schedule an additional meeting with community councils for October 24, at 6 p.m.

There was no objection noted.

VIII. ADJOURNMENT

The meeting adjourned at 8:34 p.m.

MATANUSKA-SUSITNA BOROUGH

350 East Dahlia Avenue, Palmer, Alaska 99645 - 907-861-8683

BOROUGH MAYOR
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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 (entered at 6:03 p.m.), 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.