

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
Bill Gamble, 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, APRIL 2, 2024

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on Tuesday, April 2, 2024, 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 Bill Gamble, Assemblymember Dmitri Fonov, and 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 Jessica Viera, Wasilla Chamber of Commerce Executive Director.

V. SPECIAL ORDERS OF THE DAY

A. Proclamation in Recognition of the Borough's Fish and Wildlife Commission

Mayor DeVries read the proclamation into the record and presented a copy to each member of the Borough's Fish and Wildlife Commission.

B. Proclamation in Recognition of Education and Sharing Day

Mayor DeVries read the proclamation into the record and presented it to Rabbi Mendy Greenberg, Director of the Mat-Su Jewish Center in Palmer.

VI. MINUTES OF PRECEDING MEETINGS

- 24-050** A. Regular Meeting Minutes: 03/05/24
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 was no report provided.

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 the status of the Governor's budget.

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

3. Port MacKenzie Update

- 24-062** Port MacKenzie Update Power Point Presentation
Mike Brown, Borough Manager, spoke to different opportunities for funding for the Port that he is exploring.

Dave Griffin, Port Director, provided an update on Port MacKenzie development efforts.

D. ATTORNEY COMMENTS

There was no report provided.

E. CLERK COMMENTS

Ms. McKechnie spoke to the upcoming meeting schedule. Noted that there had been a request to schedule another strategic planning session for this year. Suggested Saturday, August 10, 2024, at 9 a.m. at Station 6-5.

Mayor DeVries queried if there was any objection.

There was no objection noted.

Ms. McKechnie noted that it is the time of year to schedule the annual evaluations of the Clerk, the Attorney, and the Manager. Suggested May 21, 2024, at 4 p.m. for the Manager; June 4, 2024, at 4 p.m. for the Clerk; and June 18, 2024, at 4 p.m. for the Attorney.

Mayor DeVries queried if there was any objection.

There was no objection noted.

F. CITIZEN AND OTHER CORRESPONDENCE

24-053

1. Abbreviated Plat: 03/13/24, 03/20/24
2. Agriculture Advisory Board: 01/17/24
3. Big Lake Community Council: 01/09/24, 01/23/24, 02/13/24, Resolution No. 24-01
4. Big Lake RSA Board of Supervisors: 01/29/24, 02/19/24, Resolution No. 24-01
5. Butte Community Council: 01/10/24, 02/14/24
6. Chickaloon Community Council: 02/14/24
7. Commission on Salaries and Emoluments: 10/14/21, 10/20/21, 10/22/21, Resolution No. 24-001
8. Enhanced 911 Advisory Board: 12/12/23
9. Greater Talkeetna RSA Board of Supervisors: 02/08/24
10. Meadow Lakes Community Council: 11/08/23, 12/13/23, 01/10/24, 01/30/24
11. Meadow Lakes RSA Board of Supervisors: 11/20/23
12. Parks, Recreation, and Trails Advisory Board: 01/23/23, 02/27/23, 03/20/23, 04/24/23, 06/26/23, 08/28/23, 11/27/23
13. Planning Commission: 03/04/24, Resolution Nos. 24-02, 24-05
14. West Lakes FSA Board of Supervisors: 01/08/24

The citizen and other correspondence were presented.

G. INFORMATIONAL MEMORANDUMS

IM 24-074 Reporting The Conclusion Of Contract For Bid No. 22-139B(b) With Dirtworks, Inc. For A Final Contract Amount Of \$621,860.19 For The Butte Elementary School Water System Replacement.

IM 24-075 Informing The Assembly Of The Managers Signature On And Submittal Of A Federal Fiscal Year 2022/2023 State And Local Cyber Security Grant Application.
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 24-036 An Ordinance Extending The Time Limit For Completion Of The On-Line Web Presence And The GIS On-Line Mapping Projects To June 30, 2025.
RS 24-030: A Resolution Amending The Scope Of Work And Budgets For The On-Line Web Presence And GIS Online Mapping Projects.

Ms. McKechnie read the legislation into the record.

Leah Jones, Information Technology 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 Bernier moved to adopt Ordinance Serial No. 24-036 and Resolution Serial No. 24-030.

The motion passed by the following vote:

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

OR 24-038 An Ordinance Repealing MSB 3.36, Business Licenses.

Sponsors: DeVries, McKee and Yundt

Ms. McKechnie read the legislation into the record.

Nicholas Spiropoulos, Borough Attorney and Cheyenne Heindel, Finance Director, provided staff reports.

Mayor DeVries opened the public hearing.

The following persons spoke in support of repealing the business license requirement: Karen Lackey and Ron Johnson.

Assemblymember Bernier moved to adopt Ordinance Serial No. 24-038.

The motion passed by the following vote:

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

OR 24-039 An Ordinance Establishing A Citizens' Advisory Committee To Review And Make Recommendations To The Administration Regarding Challenged Library Materials.

Sponsors: Fonov, McKee and Bernier

Ms. McKechnie read the legislation into the record.

Nicholas Spiropoulos, Borough Attorney, provided a staff report.

Mayor DeVries opened the public hearing.

The following persons spoke in opposition to Ordinance Serial No. 24-039: Cristina Pulkrabek, Kendra McLean, Melinda Dale, Susan Whiton, Jordyn Chabotte, Mary Robinson, Karen Mannix, Kathy Ernst, Nancy Bertels, Doug Smith, Ruth Wood, Cici Schoenberger, Kathy Trump, Marian Charles, John Strassenburgh, Patti Fisher, Jim Sykes, and Melody Rice.

The following persons spoke in support of Ordinance Serial No. 24-039 to concerns with pornographic books in Borough libraries: Jackie Goforth and Karen Harris.

The following persons spoke in support of Ordinance Serial No 24-039: Mike Coons, Ron Johnson, Travis Friesen, Father Randy Hillman, Jason Perry, Mark Spohm, Kim Swanson, Mary Revetta, Hank Hergoz, Lisa

Spohm, Nan Potts, Theresa Homulka, Desiree Terry, Chad Scott, Victor Fonov, Larissa Fonov, Jean Holt, and Curtis N. Howell.

The following person spoke to the way books can assist parents in having tough conversations with their children: Kim Adalia Leff.

(The meeting recessed at 9:17 p.m. and reconvened at 9:31 p.m. prior to the vote being taken.)

Assemblymember Fonov moved to adopt Ordinance Serial No. 24-039.

Assemblymember Bernier moved to suspend the rules and to extend the meeting past 10 p.m. and not to exceed 11:30 p.m.

The motion to extend the meeting passed by the following vote:

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

Assemblymember Fonov called for the question (to stop debate).

The motion failed by the following vote:

Yes: 2 - Assemblymember McKee and Assemblymember Fonov

No: 5 - Assemblymember Hale, Assemblymember Nowers, Assemblymember Yundt, Assemblymember Gamble, and Assemblymember Bernier

Assemblymember Hale moved a primary amendment to Ordinance Serial No. 24-039, Section 4, No. 2, by striking the words "however, there is no opportunity for public testimony at the meeting."

Assemblymember Yundt moved a secondary amendment, Section 4, No. 2 by inserting after the word "public" the following language: "and audience participation will be limited to two minutes per speaker."

The secondary amendment passed by the following vote:

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

No: 2 - Assemblymember Hale and Assemblymember Gamble

The primary amendment passed by the following vote:

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

No: 1 - Assemblymember Fonov

**Assemblymember Fonov moved a primary amendment to
Ordinance Serial No. 24-039, Section 4, No. 2, by striking the
second sentence that reads: "Members of the public may submit
written comments to the committee no less than 2 days before a
meeting."**

The primary amendment passed by the following vote:

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

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 Gamble, 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 Gamble, Assemblymember Fonov, and
Assemblymember Bernier**

OR 24-040 An Ordinance Accepting And Appropriating \$982,703.26 From Revenue Replacement Funding For 8 Of The 16 Road Service Areas.
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 Bernier moved to adopt Ordinance Serial

No. 24-040.

The motion passed by the following vote:

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

No: 2 - Assemblymember Hale and Assemblymember Nowers

C. AUDIENCE PARTICIPATION (Three Minutes Per Person.)

The following person thanked the Lazy Mountain Road Service Area contractors for the excellent work removing snow drifts in his neighborhood, thanked the Permit Center for their outstanding assistance with an issue he had; and spoke to his concerns with Borough Librarians: Mike Coons.

The following persons spoke to concerns with proposed changes to Ordinance Serial No 23-080: John Sinclair, Director of Engineering with Matanuska Electric Association; and Jennifer Castro, Public Relations Manager with Matanuska Electric Association.

The following person spoke in support of AM 24-033: Father Randy Hillman.

The following persons thanked the Assembly for creating the book review committee: Jackie Goforth and Mary Revetta.

The following persons spoke to the need to protect children from pornography: Liz Spohm and Mark Spohm.

The following person summarized a history of the Big Lake Lions Club Recreation Center and spoke in support of the Borough acquiring the building: Bill Haller.

The following person opined that Ordinance Serial No. 23-080 should be postponed indefinitely: Amber McDonough.

The following persons spoke in opposition to AM 24-038: Patti Fisher and Diane Lada.

D. CONSENT AGENDA

1. RESOLUTIONS

RS 24-034 A Resolution Authorizing The Manager To Sell The Kashwitna East

Salvage Timber Harvest.

- RS 24-038** A Resolution Directing The Manager To Research And Report On The Feasibility Of Procuring The Big Lake Lions Recreation Center, Currently Owned By the Big Lake Lions Club, Inc., To Possibly Be Owned And Operated By The Borough.

Sponsors: Gamble

2. ACTION MEMORANDUMS

- AM 24-023** Approval Of A Contract Extension For Contract No. 22-080P With HDR Engineering, Inc. For The Urbanized Area Corridor Study To Extend The Final Completion Date To June 30, 2025.
- AM 24-032** Approval Of Utility Relocation Costs In the Amount Of \$99,076.95 To Matanuska Telecom Association For The Edgerton Parks Road - Mountain Trails Drive Upgrade And Pathway Project; And Extend The Completion Date To December 15, 2024.
- AM 24-033** Award Of Bid No. 24-088B To Granite Construction Company In The Contract Amount Of \$4,557,273.50 To Construct East Hidden Hills - Phase 1 And East Caswell Lakes Road Improvements.
- AM 24-034** Approval Of Change Order No. 4 To Contract No. 21-160P With Kinney Engineering, LLC. In The Amount Of \$412,617 For The Point Mackenzie Road Reconstruction Phase 1 Project To Add Construction Management Services.
- AM 24-035** Award of Bid No. 24-097B To Dirtworks In The Contract Amount Of \$755,596.25 For Road Improvements To Jupiter Avenue and Diana Avenue.
- AM 24-036** Award Of Bid No. 24-105C To World Wide Technology In The Contract Amount Of \$101,066.10 To Acquire Wireless Internet Access Point Devices For Borough-Wide Deployment.
- AM 24-037** Approval Of Change Order No. 1 To Contract No. 23-020P With HDL Engineering Consultants LLC. To Add \$120,000 For The Design Of The Meadow Lakes Loop Project For Additional Design Services.

Ms. McKechnie read the consent agenda into the record.

Assemblymember Bernier 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 Gamble, Assemblymember Fonov, and Assemblymember Bernier

RS 24-042 A Resolution In Support Of House Bill 173 To Increase The Threshold For Prevailing Wage For Public Construction Contracts. Ms. McKechnie read the legislation into the record.
Assemblymember Hale moved to adopt Resolution Serial No. 24-042.

The motion passed by the following vote:

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

No: 2 - Assemblymember Hale and Assemblymember Nowers

AM 24-013 Approval Of Change Order No. 1 To Contract No. 22-143P With The Boutet Company, Inc. To Add \$73,253.13 For The Williwaw Way, Kodiak Drive, And Helen Lane Improvement Projects; And To Extend The Contract To January 30, 2025.

CONFLICT OF INTEREST: Assemblymember Yundt declared a conflict of interest as he has done business with the Boutet Company in the past and will again in the future.

RULING: Mayor DeVries ruled that Assemblymember Yundt had a conflict of interest and would be recused from voting.

Assemblymember Yundt exited the meeting.

Ms. McKechnie read the legislation into the record.

Assemblymember Bernier moved to adopt AM No. 24-013.

The motion passed by the following vote:

Yes: 6 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Gamble, Assemblymember Fonov, and Assemblymember Bernier

Recused: 1 - Assemblymember Yundt
Assemblymember Yundt re-entered the meeting.

AM 24-038 Approving A Waiver Under MSB 2.71.090 For Former

Assemblymember Clayton "Mokie" Tew To Hold Employment With Companies Doing Business With The Borough And Otherwise Be Eligible To Competitively Bid On Borough Contracts Or Do Work For The Borough On A Volunteer Basis.

Sponsors: Bernier

Assemblymember Hale moved to adopt AM No. 24-038.

Assemblymember Nowers moved a primary amendment to AM 24-038, as follows:

*** striking the current title and inserting the following in its place: "Approving a Waiver under MSB 2.71.090, for former Assemblymember Clayton "Mokie" Tew to hold employment with Battleground excavation while it bids and may do business with the Borough;" and**

*** by striking the last two paragraphs in their entirety and inserting the following in their place: "This Action Memorandum approves a waiver under MSB 2.71.090 as it applies to former Assemblymember Clayton "Mokie" Tew to be employed by Battleground Excavation and allow Battleground Excavation to be able to bid for and receive contracts to provide services to the Borough while employing former Assemblymember Tew."**

Assemblymember Bernier moved to suspend the rules and to extend the meeting past 11:30 p.m. and not to exceed Midnight.

The motion passed by the following vote:

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

The primary amendment passed by the following vote:

Yes: 5 - Assemblymember Hale, Assemblymember Nowers, Assemblymember Yundt, Assemblymember Gamble, and Assemblymember Bernier

No: 2 - Assemblymember McKee and Assemblymember Fonov

The main motion passed as amended by the following vote:

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

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

IX. UNFINISHED BUSINESS

OR 23-080 An Ordinance Amending MSB 17.05 Essential Service Utilities By Providing Additional Processes And Standards For Approval.

Sponsors: Hale

MOTION PENDING: Assemblymember Yundt moved to adopt Ordinance Serial No. 23-080.

Assemblymember Hale moved to postpone Ordinance Serial No. 23-080, indefinitely.

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 Gamble, Assemblymember Fonov, and Assemblymember Bernier

The motion to postpone indefinitely failed by the following vote:

Yes: 2 - Assemblymember Nowers and Assemblymember Gamble

No: 5 - Assemblymember Hale, Assemblymember McKee, Assemblymember Yundt, Assemblymember Fonov, and Assemblymember Bernier

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 Gamble, Assemblymember Fonov, and Assemblymember Bernier

The main motion failed by the following vote:

Yes: 1 - Assemblymember Hale

No: 6 - Assemblymember Nowers, Assemblymember McKee, Assemblymember Yundt, Assemblymember Gamble, Assemblymember Fonov, and Assemblymember Bernier

X. VETO

There were no vetoes.

XI. NEW BUSINESS

A. INTRODUCTIONS (For Public Hearing 04/16/24, Assembly Chambers)

- OR 24-037** An Ordinance Approving The Sale Of Certain Borough-Owned Real Property Acquired Through Tax Foreclosure For Delinquent Real Property Tax Years 2017, 2016, And Prior; And Not Needed For Public Purpose.
- OR 24-041** An Ordinance Accepting And Appropriating A Grant In The Amount Of \$97,000 From The Alaska State Department Of Military And Veteran's Affairs, 2022 State And Local Cyber Security Grant Program For Reducing Cyber Risk at the Borough.
RS 24-037: A Resolution Approving The Scope Of Work And Budget For A Grant In The Amount Of \$97,000 From The Alaska State Department Of Military And Veteran's Affairs, 2022 State And Local Cybersecurity Grant Program.
- OR 24-043** An Ordinance Accepting And Appropriating January 2022 Mat-Su Windstorms Disaster Relief Funds In The Amount Of \$30,625.66 From The Federal Emergency Management Agency And \$10,208.55 From The Alaska State Division Of Homeland Security And Emergency Management.
RS 24-040: A Resolution Approving The Scope Of Work And Budget For Emergency Protective Measures As A Result Of The January 2022 Mat-Su Windstorms Disaster.
- OR 24-044** An Ordinance Accepting And Appropriating Additional National Opioid Settlement Funding Totaling \$147,203.08 From The Manufacturers And Traders Trust Company For Opioid Settlement Relief.
RS 24-041: A Resolution Amending The Scope Of Work And Budget For Opioid Settlement Relief.
- OR 24-046** An Ordinance Accepting And Appropriating \$273,039 From The School District For The Mat-Su Central School Construction.
RS 24-043: A Resolution Amending The Scopes Of Work And Budgets For The Houston Middle School Rebuild Project And The Mat-Su Central School Construction.
Ms. McKechnie read the legislation into the record.
Assemblymember Bernier moved to introduce the legislation as read into the record by the Clerk and to set the public hearings for April 16, 2024.

The motion passed by the following vote:

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

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

24-057 Mayoral Requests for Confirmation
Transportation Advisory Board
pat Daniels

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 Bernier said a prayer.

Assemblymember Hale stated that he whole heartedly supports Borough libraries and librarians.

Assemblymember Nowers echoed the comments of Assemblymember Hale.

Assemblymember Yundt related that the Wasilla High School Lady Warriors basketball team and Colony High School Lady Knights basketball team made it to the last two teams at State playoffs. Noted that Wasilla High School won State.

Assemblymember Gamble spoke to the reasons he thought the January Library Board meeting devolved into chaos. Spoke to concerns with former Assemblymember Tew.

Assemblymember Fonov thanked those members of the public that stayed to the end of the meeting.

Mayor DeVries opined it was a good meeting.

XIV. EXECUTIVE SESSION

There was no executive session.

XV. ADJOURNMENT

The meeting adjourned at 11:45 p.m.



Mayoral Signature and Clerk Attestment

For

April 2, 2024, Assembly Regular Meeting Minutes

(15 pages)


EDNA DeVRIES, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 04/16/24