

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, SEPTEMBER 26, 2023

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on Tuesday, September 26, 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 Tim Hale, Assemblymember Dee McKee, Assemblymember Robert Yundt, Assemblymember Mokie Tew, and Assemblymember Ron Bernier

Telephonic: 1 - Assemblymember Stephanie Nowers

III. APPROVAL OF AGENDA

The agenda was approved as presented without objection.

IV. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Mayor DeVries.

V. MINUTES OF PRECEDING MEETINGS

There were no minutes of preceding minutes.

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS (MSB 2.12.082; Seven minutes per person)

1. Reports From Cities

Mayor Carter Cole, city of Houston, reported on the activities of the city.

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

1. State/Federal Legislation

2. Strategic Planning Issues

Mike Brown, Borough Manager, reported on the following:

- * the Finance Department receiving the Distinguished Budget Presentation Award from the Government Finance Officer's Association;
- * the status of the junk vehicle program;
- * a grant application for a cargo crane for Port MacKenzie;
- * status of the Talkeetna revetment;
- * status of the Moose Range and Jonesville Public Use Management Area, public comment period;
- * the Government Peak Recreational Area ribbon cutting on September 29, at 1 p.m.;
- * the Borough's Emergency Preparedness Expo on September 30, from 10 a.m. to 3 p.m.;
- * the ground breaking ceremony for Mat-Su Central School on October 3, at 11 a.m.; and
- * the building dedication of Station 6-1 in honor of Benny Cottle on October 4, at 6 p.m.

D. ATTORNEY COMMENTS

There were no comments provided.

E. CLERK COMMENTS

Ms. McKechnie spoke to the upcoming meeting schedule. Noted that she had provided this year's election brochure to the Assembly earlier this week. Queried if there were any changes.

Mayor DeVries queried if there were any changes to the election brochure.

There were no changes noted.

F. CITIZEN AND OTHER CORRESPONDENCE

23-109

1. Abbreviated Plat: 08/30/23, 09/06/23, 09/13/23
2. Chickaloon Community Council: 07/12/23
3. Enhanced 911 Advisory Board: 06/13/23
4. Meadow Lakes Community Council: 08/09/23
5. Midway RSA Board of Supervisors: 07/12/23
6. North Lakes Community Council: 06/22/23
7. Platting Board: 08/03/23
8. Transportation Advisory Board: 05/19/23, 06/23/23, Resolution Nos. 23-05, 23-06
9. West Lakes FSA Board of Supervisors: 06/12/23, 08/14/23

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

G. INFORMATIONAL MEMORANDUMS

IM 23-197

Reporting Conclusion Of Contract No. 22-096B With Drennon Construction And Consulting Inc. For A Total Contract Amount Of \$365,917 For The Hidden Hills Fish Passage Project.

IM 23-198

Informing The Assembly Of Grant Amendment No. 8 For PW206 Of The 2018 November Cook Inlet Earthquake Disaster For The Project Titled Port Mackenzie Facilities, To Be Presented To The Borough Manager For Signature.

IM 23-200

Informing The Assembly Of Grant Amendment No. 1 For A Time Extension For The 2021 State Homeland Security Program Grant No. 21SHSP-GY21 To Be Presented To The Manager For Signature.

[IM 23-202](#) Reporting Conclusion Of Contract No. 23-080B with K & H Civil Constructors, LLC. For a Total Contract Amount Of \$210,875 For The South Big Lake Guardrail Replacement Project.

[IM 23-203](#) Reporting Conclusion Of Contract No. 22-150B With Dirtworks Inc. For A Total Contract Amount Of \$708,874.51 For The O'Brien Creek Fish Passage Improvements Project.
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 23-068](#) An Ordinance Adopting MSB 15.24.030(B)(12)(A), Matanuska-Susitna Borough Bicycle And Pedestrian Plan.
Ms. McKechnie read the legislation into the record.

Kelsey Anderson, Planner III, provided a staff report.

Mayor DeVries opened the public hearing.

The following person spoke in support of bike paths: Amber McDonnough.

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. 23-068.

The motion passed by the following vote:

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

[OR 23-074](#)

An Ordinance Amending MSB 15.24.030(B)(44); 2023 Coordinated Human Services Transportation Plan.

Ms. McKechnie read the legislation into the record.

Maija DiSalvo, Planner II, 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. 23-074.

The motion passed by the following vote:

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

[OR 23-080](#)

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

Sponsors: Hale

Ms. McKechnie read the legislation into the record.

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

Mayor DeVries opened the public hearing.

The following persons spoke to concerns with the proposed amendment to MSB17.05.048(B)(1): John Sinclair, Matanuska Electric Association Director of Engineering; Julie Estey, Senior Director of External Affairs and Strategic Initiatives; and Bill Kendig.

The following persons spoke in support of Ordinance Serial No. 23-080: Dan Scott and Patricia Fisher.

Assemblymember Fonov exited the meeting at 6:45 pm and re-entered at 6:47 pm).

Assemblymember Yundt moved to adopt Ordinance Serial No. 23-068.

Assemblymember Hale moved a primary amendment to Ordinance Serial No. 23-080 as follows:

*** by amending MSB17.05.042(A){3}(a) to read as follows: “(a) map or description of the route or routes;”**

*** by inserting MSB 17.05.042(A){3}(f) to read as follows: “(f) how the public can review more information on the proposed project and provide feedback such as a webpage and email address;”**

*** by amending MSB 17.05.042(A){5} to read as follows: “(5) The meeting notification shall be made at least 15 calendar days prior to the pre-application meeting;”**

*** by amending MSB 17.05.042(8){3} to read as follows: “(3) sign-in sheet(s) used at each meeting, that includes places for names of those in attendance with option to provide addresses, phone numbers, and other contact information such as email address;”**

***by inserting MSB 17.05.045(D) to read as follows: “(D) Limitations of Planning Commission. The commission may not impose conditions that require the essential service utility to be installed underground;” and**

***by amending MSB 17.05.048(8)(1) by striking the words “and without substantially increasing installation or maintenance**

costs” to read: “(1) To the extent that is technically and reasonably feasible, the location of the Type II essential service utility is such that its impacts on the visual and scenic resources of surrounding properties have been minimized.”

The primary amendment passed by the following vote:

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

No: 3 - Assemblymember Yundt, Assemblymember Tew, and Fonov
Assemblymember Hale moved to postpone Ordinance Serial No. 23-080 to January 2, 2024.

The motion passed by the following vote:

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

C. AUDIENCE PARTICIPATION (Three Minutes Per Person.)

The meeting recessed at 7:11 p.m. and reconvened at 7:25 p.m.

The following persons spoke to concerns with pornographic books in Borough libraries and to concerns with the way books are selected with no oversight: Karen Lewis and Mary Rebeta.

The following persons spoke in support of overriding the mayoral veto of Resolution Serial No. 23-093: Sherry Hinshaw, Chief Executive Officer for Aurora Integrated Oncology Foundation; Dr. John Halligan, Manager and Senior Physician for Aurora Integrate Oncology Foundation; Jennifer Castro; Glenda Patrick; Jake Libby; and Cecelia Anastasia.

The following persons spoke to the need for the Borough to address the homeowners who put snow in subdivision rights-of-way and to concerns that the Borough's offer to settle was inadequate: Brian Ficklin, Todd Minnick, Michael Phillips, Matt Jacob, and Tyler Bergenske.

The following persons spoke to concerns with the potential confirmation of a member to the Waterbody Setback Advisory Board: Linda Page, Terry Cosgrove, Jean Holt, and Victoria Paulson.

D. CONSENT AGENDA

1. RESOLUTIONS

[RS 23-096](#) A Resolution Establishing The Rates And Fees For The Mat-Su Commercial Property Assessed Clean Energy And Resilience Program.

2. ACTION MEMORANDUMS

[AM 23-108](#) Approval Of Change Order No. 1 For Contract No. 24-008B With Talon Construction LLC. In the Amount Of \$58,238.16 For Station 6-4 Repairs.

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, Fonov, and Assemblymember Bernier

VIII. UNFINISHED BUSINESS

There was no unfinished business.

IX. VETO

A. Motion to Override Mayoral Veto of RS 23-093 (Issued on 09/05/23)

[RS 23-093](#) A Resolution Approving A Portion Of The Issuance Of The Public Finance Authority Revenue Bonds, Series 2023 (Aurora Integrated Oncology Foundation) In A Maximum Aggregate Par Amount Not To Exceed \$250,000,000.

Sponsors: Yundt, Fonov and Bernier

Ms. McKechnie read the legislation into the record.

Assemblymember Fonov moved to override the Mayoral veto of Resolution Serial No. 23-093.

The motion passed by the following vote:

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

No: 1 - Assemblymember Nowers

X. NEW BUSINESS

A. INTRODUCTIONS (For Public Hearing 10/3/23, Assembly Chambers)

[OR 23-090](#) An Ordinance Accepting And Appropriating \$479,600 From The United States Department Of Transportation, Federal Highway Administration, For Safe Streets For All Action Plan Project.

RS 23-094: A Resolution Approving The Scope Of Work And Budget For The Safe Streets For All Action Plan Project; Amending The Budget For The Community Transportation Grant Match Project; And Authorizing The Manager To Enter Into An Agreement With The United States Department Of Transportation, Federal Highway Administration.

[OR 23-091](#) An Ordinance Amending MSB 11.10, Unauthorized Encroachments In Order To Reduce Mailing Costs.

[OR 23-092](#) An Ordinance Accepting And Appropriating Additional National Opioid Settlement Funding Totaling \$52,118.87 From The Manufacturers And Traders Trust Company For Opioid Settlement Relief.

RS 23-097: A Resolution Amending The Scope Of Work And Budget For Opioid Settlement Relief.

[OR 23-093](#) An Ordinance Accepting And Appropriating \$1,000,000 In Additional Grant Funding, Reappropriating \$250,000 From Areawide Funds To Satisfy The Required Grant Match, And Authorizing The Manager To Enter Into Amendment No. 1 Of The Agreement From The United States Department Of Commerce, Economic Development Administration, For The Port Mackenzie Pile Sleeves And The Roll-On/Roll-Off Cargo Ramp Project.

RS 23-098: A Resolution Approving The Amended Scope Of Work And Budget For The Port Mackenzie Pile Sleeves And The Roll-On/Roll-Off Cargo Ramp Project.

[OR 23-095](#) An Ordinance Accepting And Appropriating \$4,775,813.21 For 2023 Funding Under The American Rescue Plan, Local Assistance And Tribal Consistency Fund, From The United States Treasury Department.

RS 23-100: A Resolution Approving The Scope Of Work And Budget For The Port Mackenzie Barge Ramp.

B. INTRODUCTIONS (For Public Hearing 11/21/23, Assembly Chambers)

[OR 23-087](#) An Ordinance Creating North Curt Circle Natural Gas Local Improvement District No. 650, Approving The Improvement Plan For The District, Authorizing The Manager To Proceed With The Improvement, And Assessing Equally Among The Properties Within The District The Costs Of The Improvement.

[OR 23-088](#) An Ordinance Creating Easy Street And Cozy Circle Natural Gas Local Improvement District No. 658, Approving The Improvement Plan For The District, Authorizing The Manager To Proceed With The Improvement, And Assessing Equally Among The Properties Within The District The Costs Of The Improvement.

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 October 2, 2023, and November 21, 2023, respectively.

The motion passed by the following vote:

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

C. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

[23-110](#)

Mayoral Requests for Confirmation
MSB Fish and Wildlife Commission
Gabriel Kitter
Waterbody Setback Advisory Board
CJ Koan
Kendra Zamzow
Matthew LaCroix
Tim Alley
William Klebesadel
Misty Massie
Carl Brent
Bill Kendig
Jeanette Perdue

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

Assemblymember Nowers moved to divide the question, to take up Misty Massie separately and Bill Kendig separately.

The motion to divide the question passed by the following vote:

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

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

FIRST SEGMENT: Assemblymember Yundt moved to confirm the appointments requested by the Mayor, excepting Misty Massie and Bill Kendig.

The first segment passed by the following vote:

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

No: 1 - Assemblymember McKee

SECOND SEGMENT: Assemblymember Yundt moved to confirm the Mayor's appointment of Misty Massie.

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

The motion to stop debate failed (required five votes) by the following vote:

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

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

The second segment passed by the following vote:

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

No: 2 - Assemblymember Nowers, and Assemblymember Yundt

THIRD SEGMENT: Assemblymember Yundt moved to confirm the Mayor's appointment of Bill Kendig.

The third segment passed by the following vote:

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

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

D. OTHER NEW BUSINESS

There was no other new business.

E. 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 apologized for not be present at the meeting. Noted that she is with her family in France, which has been amazing.

Assemblymember Bernier thanked the public that attended to testify. Said a prayer.

Assemblymember McKee spoke to having attended a recent Library Board meeting. Spoke to the process and some criteria by which librarians select books.

Assemblymember Hale noted that he would be returning to his winter work schedule and have to attend more meetings telephonically. Thanked the body for their patience.

Assemblymember Yundt noted that although there are some books that he does not want his kids to see, that he is opposed to banning books. Stated that the Borough can only regulate books in the Borough's public libraries. Related that there is a rating system in place for books to show which age group is a suitable audience. Spoke to the history of him bringing the waterbody setback legislation forward. Noted that although he is pleased that the group can begin their work, that he hopes that they do not rush the issue.

Assemblymember Fonov thanked the public for their testimony. Stated that he looks forward to the recommendation of the Waterbody Setback Advisory Board.

Mayor DeVries spoke to the reasons for her veto. Stated that her concerns have nothing to do with Aurora Integrated Oncology Foundation's business, but about what is the right thing for the Borough to do. Stated that she wishes them all the best.

XIII. EXECUTIVE SESSION (For Matters, Which The Immediate Public Knowledge Of Would Clearly Have An Adverse Effect Upon The Finances Of The Borough; And Matters Which By Law, Municipal Charter, Or Ordinance Are Required To Be Kept Confidential; And To Discuss Matters Involving Consideration Of Borough Records That By Law Are Not Subject To Public Disclosure; And Discussion Of Matters Subject To Attorney/Client Privilege.)

A. Snow Removal Claims Submitted by Road Service Area Contractors

Assemblymember Yundt moved to suspend the rules and to extend the meeting past 10 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 Tew, Fonov, and Assemblymember Bernier

Assemblymember Yundt moved to enter into executive session for matters, which the immediate public knowledge of would clearly have an adverse effect upon the finances of the borough; and matters which by law, municipal charter, or ordinance are required to be kept confidential; and to discuss matters involving consideration of borough records that by law are not subject to public disclosure; and discussion of matters subject to attorney/client privilege, in particular to discuss snow removal claims submitted by road service area contractors. Those present during the executive session were the Mayor, the Assembly, the Manager, the Attorney, the Clerk, the Deputy Manager, the Purchasing Officer, the Finance Director, and the Public Works Director.

There was no objection noted and the Assembly entered into executive session at 9:30 p.m.

Assemblymember Nowers moved to exit executive session.

There was no objection noted and the Assembly exited executive session at 10:34 p.m.

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

XIV. ADJOURNMENT

The meeting adjourned at 10:35 p.m.