

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
Jesse Sumner, District 6
Ron Bernier, District 7

MEETING MINUTES

ASSEMBLY CHAMBERS

350 EAST DAHLIA AVENUE, PALMER

ASSEMBLY REGULAR MEETING

6:00 PM

TUESDAY, SEPTEMBER 6, 2022

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on Tuesday, September 6, 2022, 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: 6 - Assemblymember Tim Hale (arrived at 6:07 p.m., Assemblymember Stephanie Nowers, Assemblymember Dee McKee, Assemblymember Robert Yundt (arrived at 6:01 p.m.), Assemblymember Mokie Tew, and Assemblymember Jesse Sumner (arrived at 6:01 p.m.)

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 Assemblymember Dee McKee.

V. MINUTES OF PRECEDING MEETINGS

22-140

- A. Assembly Special Meeting Minutes: 06/21/22
- B. Assembly Regular Meeting Minutes: 06/21/22
- C. Assembly Regular Meeting Minutes: 07/19/22
- D. Assembly Special Election Certification Minutes: 07/26/22
- E. Assembly Special Meeting Minutes: 08/02/22

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

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

3. Port MacKenzie Update

Mr. Brown reported on the following regarding Port MacKenzie:

- * objectives, partnership, and business opportunities;
- * business development, improving infrastructure, and incentivizing private investment; and
- * possible opportunities to support the growth of the Port.

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

- 22-131**
1. Abbreviated Plat: 06/22/22, 06/29/22, 07/06/22, 07/13/22, 07/27/22, 08/03/22, 08/10/22, 08/17/22, 08/24/22
 2. Aviation Advisory Board: 03/10/22
 3. Big Lake Community Council: 05/10/22, 05/24/22, 06/14/22, 07/12/22
 4. Butte FSA Board of Supervisors: 04/14/22
 5. Chase Community Council: 04/13/22
 6. Enhanced 911 Advisory Board: 04/12/22
 7. Historical Preservation Commission: 06/08/22, Resolution No. 22-02
 8. Knik Fairview Community Council: 06/15/22
 9. Local Emergency Planning Committee: 04/20/22
 10. Local Road Service Area Advisory Board: 06/16/22, 07/21/22
 11. Parks, Recreation, and Trails Advisory Board: 02/28/22, 04/25/22
 12. Planning Commission: 07/18/22, 08/01/22, Resolution Nos. 22-19, 22-22, 22-24, 22-27
 13. Platting Board: 06/02/22, 06/16/22, 07/07/22
 14. Port Commission: Resolution No. 22-03
 15. Sutton Community Council: 03/30/22
 16. Talkeetna Community Council: 03/07/22, 04/04/22, 05/02/22, 06/06/22, 07/05/22
 17. Tanaina Community Council: 06/28/22

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

G. INFORMATIONAL MEMORANDUMS

- IM 22-173** Informing The Assembly Of The Manager Signature On Close Out Amendment No. 7 For Grant No. 13-RR-016 For South Big Lake Road Realignment Construction.
- IM 22-174** 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. 41923 For The Fee Simple Estate Of Borough-Owned Lands.

- IM 22-177** Informing The Assembly Of A Grant Amendment For The Borough's COVID Training And Management Program Grant To Be Presented To The Borough Manager For Signature.
- IM 22-178** Informing The Assembly Of The Managers Signature On Task Order 1 Under Contract 22-082P(F) Authorizing CRW Engineering Group, LLC. To Prepare And Submit A Grant Application Under The Safe Streets And Roads For All Grant Program.
- IM 22-190** Notification Of Certification Of 2022 Regular Real Property, Personal Property, Oil And Gas Properties, Exempted Properties, And Board Of Equalization Actions.

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 22-091** An Ordinance Approving A New Right-Of-Way Acquisition Officer Position For The Predesign And Engineering Division Of The Public Works Department.

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 Sumner moved to adopt Ordinance Serial No. 22-091. The motion passed by the following vote:

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

OR 22-092 An Ordinance Accepting And Appropriating \$11,762,000 To Fund 430, Roads And Bridges Capital Projects For The Acquisition, Construction, And Installation Of Capital Improvements Within The Borough; And \$238,000 To Fund 430 For Related Issuance Costs From The Proceeds Of The 2022 Series A Taxable General Obligation Transportation System 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 Sumner moved to adopt Ordinance Serial No. 22-092. The motion passed by the following vote:

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

RS 22-072 A Resolution Directing The Clerk To Verify Election Results By Performing A Hand Count Of The November 8, 2022, Regular Election.

Sponsors: McKee

Ms. McKechnie read the legislation into the record and provided a staff report.

Mayor DeVries opened the public hearing.

The following persons spoke in opposition to voting machines: Father Randy Hillman, Karen Lewis, John Miller, Brian Endle, Kathy Harris, Richard Stoffel, Michael Garhart, Lloyd Thurman, Ron Shultz, Julie Haller, Joel Sigman, Mike Alexander, John Nelson, Jackie Goforth, Dustin Darden, Bruce Walden, Carol Carmen, Mark Spohn, Unidentified Speaker that immediately followed Spohn, Sarah Sandolochin, Will Barron, Cynthia Hudgens, Linn McCabe, Kurt Alfree, Amy Henry, Denny Boyd, Tom Grond, Robin Bjork, Denise Last Name unknown, Candy Miller, Brendan Carpenter, Richard Heller, Jacob Playpack, Karl Speight, John Lao, Bea Rupright, Mary Brown, Jim Stocker, Earl Lackey, Doug McKinnis,

The following persons spoke in support of Resolution Serial No. 22-072: Ron Johnson and Cheryl Kaidon.

The following persons spoke in opposition to Resolution Serial No. 22-072: Amy Henry, Mark Mastellar, and Murph O'Brien.

The following person spoke to concerns with voting machines and in support of doing hand counts: Jim Sykes.

(The meeting recess at 8:42 p.m. and reconvened at 8:55 p.m.)

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

Assemblymember McKee moved to adopt Resolution Serial No. 22-072.

Assemblymember Hale moved a primary amendment by inserting a new clause at the end to read: "Be it further resolved, that the Clerk shall utilize \$10,000 from the Assembly reserve (100.100.102.429.900) to fund the costs associated with the count.

The primary amendment passed by the following vote:

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

Assemblymember Bernier moved a primary amendment by inserting the words "at the precinct" after the word "hand count" in the title and throughout the legislation as necessary. The motion failed by the following vote:

Yes: 3 - Assemblymember Yundt, Assemblymember Sumner, and Assemblymember Bernier

No: 4 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, and Assemblymember Tew

Assemblymember McKee moved a primary amendment to the title by striking the words "November 8, 2022, Regular" and inserting an S at the end of election to make it plural, to read: "A resolution of the Matanuska-Susitna Borough Assembly directing the Clerk to verify election results by performing a hand count of the Elections."

The primary amendment passed by the following vote:

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

Assemblymember Sumner moved to suspend the rules and to extend the meeting to 11 p.m. The motion passed by the following vote:

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

C. AUDIENCE PARTICIPATION (Three Minutes Per Person.)

The following person spoke to his pleasure with Emergency Management in the Borough and spoke in support of the upcoming Emergency Preparedness Expo: Father Randy Hillman.

The following persons spoke in support of hand counting ballots: John Miller, Brian Endle, Richard Stoffel, Richard Heller, Jackie Goforth, Dustin Darden, Robin Bjork, Ron Johnson, Cindy Hudgens, Kathy Harrison, and Lloyd Thurman.

The following person spoke in opposition to the Burma Road Iditarod Trail Underpass: Donna DeFusco.

The following person spoke to concerns with public testimony that made suggestions on how to perform a hand count of ballots: Amy Henry.

D. CONSENT AGENDA

1. RESOLUTIONS

RS 22-083 A Resolution Amending The Provisions Of A One-Time Waiver Of Landfill Fees For Up To Four Dumpsters For The Big Lake Area And Removal Of Up To 30 Junk Vehicles For Fiscal Year 2023.

Sponsors: Tew

2. ACTION MEMORANDUMS

AM 22-107 Award of Bid No. 23-001B to Orion Construction, Inc. In the amount of \$1,509,557.63 To Design Build An Emergency Services Fill Site - Warm Storage Building.

AM 22-108 Approval Of Contract Extension For Contract No. 22-139B With Dirtworks, Inc. For A Final Completion Date Of July 31, 2023, For The Butte Elementary School Water System Replacement.

AM 22-110 Authorizing The School District To Award RFP No. 22-08 To Wolf Architecture, Inc. For Design Services For American Charter Academy School.

AM 22-111 Approval Of Election Officials For The November 8, 2022, Regular Borough Election.

AM 22-112 Approval Of Change Order No. 1 For Contract No. 22-078P(A) With Lounsbury And Associates, Inc. For Hidden Hills Road Project.

AM 22-113 Award Of Proposal No. 23-002P(A) To Kinney Engineering, LLC. In The Contract Amount Of \$399,492 To Design Upgrades To Fern Street And A New Pedestrian Pathway.

AM 22-114 Award Of Proposal No. 23-002P(B) To Professional & Technical Services, Inc. In The Contract Amount Of \$231,320 To Design Upgrades To East Smith Road Extension And A New Pedestrian Pathway.

AM 22-115 Award Of Proposal No. 23-002P(C) To DOWL, LLC. In The Contract Amount Of \$653,204 To Design Upgrades To Edgerton Parks Road And A New Pedestrian Pathway.

Ms. McKechnie read the legislation into the record.

Assemblymember Sumner 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 Sumner, and Assemblymember Bernier

RS 22-074 A Resolution Amending The Scope Of Work For The American Rescue Plan Funding.

Ms. McKechnie read the legislation into the record.

Assemblymember McKee moved to adopt Resolution Serial No. 22-074. The motion passed by the following vote:

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

Assemblymember Sumner moved to suspend the rules and to extend the meeting to 11:15 p.m. The motion passed by the following vote:

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

RS 22-075 A Resolution Authorizing The Use Of Port Mackenzie Business Development And Marketing Funding In The Amount Of \$41,419 For The Preparation And Submittal Of A Port Infrastructure Development Program Grant Application.

Ms. McKechnie read the legislation into the record.

Assemblymember McKee moved to adopt Resolution Serial No. 22-075. The motion passed by the following vote:

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

RS 22-078 A Resolution In Support Of The Designation Of Mat-Su Valley Planning For Transportation As The Metropolitan Planning Organization For The Borough; And Allocating \$1 Million In State Funding For The Formation, Organization, and Operation Of Mat-Su Valley Planning For Transportation.

Ms. McKechnie read the legislation into the record.

Assemblymember McKee moved to adopt Resolution Serial No. 22-078. The motion passed by the following:

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

RS 22-079 A Resolution Providing A One-Time Waiver Of Landfill Fees For The Removal Of Dilapidated Docks In Various Lakes In The Big Lake Area During Fiscal Year 2023.

Sponsors: Tew

Ms. McKechnie read the legislation into the record.

Assemblymember McKee moved to adopt Resolution Serial No. 22-079. The motion passed by the following vote:

Yes: 7 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Yundt, Assemblymember Tew, Assemblymember Sumner, 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 09/27/22, Assembly Chambers)

- OR 22-094** An Ordinance Accepting And Appropriating The First Two Years Of The National Opioid Settlement Funding Totaling \$95,089.10 From The Manufacturers And Traders Trust Company.
RS 22-073: A Resolution Approving The Scope Of Work And Budget For Opioid Settlement Relief.
- OR 22-095** An Ordinance Accepting And Appropriating \$315,780 In Fiscal Year 2023 Community Assistance Program Funding.
RS 22-076: A Resolution Approving The Scope Of Work And Budget For The Community Assistance Program; And Authorizing The Manager To Enter Into Agreements With 20 Unincorporated Communities Within The Borough.
- OR 22-096** An Ordinance Accepting And Appropriating \$304,249 From The Alaska State Department Of Health And Social Services For The Provision Of Critically Needed Essential Health And Social Services.
RS 22-077: A Resolution Approving The Scope Of Work And Budget For The Human Services Community Matching Grant Program; And Allocating Funding To Nonprofit Subgrantees For The Provision Of Critically Needed Essential Health And Social Services.
- OR 22-097** An Ordinance Confirming The Assessment Roll For The Tolson Avenue And Elkins Street Natural Gas Local Improvement District No. 634; And Establishing The Method Of Terminating Assessments And Making Refunds To Property Owners.
OR 22-098: An Ordinance Providing For The Financing Not To Exceed \$77,000 Principal Amount Of Special Assessment Internal Service Funds For The Tolson Avenue And Elkins Street Natural Gas Local Improvement District No. 634; And Fixing Details Of Said Financing.

OR 22-099 An Ordinance Repealing MSB 4.70, Wastewater And Septage Advisory Board.

OR 22-100 An Ordinance Establishing The Borough's Property Assessed Clean Energy Program.

Sponsors: Nowers

OR 22-101 An Ordinance Accepting \$25,723,438 And Appropriating \$12,523,438 From The Alaska State Debt Services Reimbursement.
RS 22-080: A Resolution Approving The Scope Of Work And Budget For Community Transportation Nonfederal Match; Mat-Su Central School Construction; Brett Memorial Roof Replacement; Wildfire Mitigation; And Emergency Medical Services Station 12-9.

OR 22-102 An Ordinance Accepting And Appropriating 2018 November Cook Inlet Earthquake Disaster Relief Funds In The Amount Of \$75,694 From The Federal Emergency Management Agency And The Alaska State Division Of Homeland Security And Emergency Management.
RS 22-081: A Resolution Approving The Amended Budget For 2018 Cook Inlet Earthquake Disaster Relief Funds.

Ms. McKechnie read the legislation into the record.

Assemblymember Sumner moved to introduce the legislation as read into the record by the Clerk and to set the public hearings for September 27, 2022. The motion passed by the following vote:

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

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

22-134

Mayoral Requests for Confirmation

Caswell FSA No. 135

Kenneth Eggleston, resignation

Talkeetna FSA No. 24

Daniel Adamson

South Colony RSA No. 16

Philip Cobb, resignation

Assemblymember Sumner moved to confirm the appointments and 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 Sumner, and Assemblymember Bernier

C. OTHER NEW BUSINESS

There was no other new business.

D. REFERRALS (For Referral To The Planning Commission For 90 Days Or Other Date Specified By The Assembly)

There were no referrals.

XI. RECONSIDERATION

There were no reconsiderations presented.

XII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Mr. Spiropoulos spoke to a training he will be doing for the Willow Area Community Organization regarding the Open Meetings Act.

Assemblymember McKee spoke to her pleasure that Resolution Serial No. 22-072 has been adopted.

Assemblymember Hale noted that while he has been out campaigning, the most common complaint he hears from constituents is their distrust in voting machines. Noted that he has voted on them his entire life. Spoke to the need for checks and balances by doing the machine and hand count together. Stated that doing so will ensure that the machines are accurate and that the Borough's election is fair.

Ms. McKechnie responded to public testimony about election officials covering the "Dominion" sign on the side of voting machines during the August election and to comments about ballots having serial numbers. Advised that the election in August was the State's election. Further advised that ballots do not have serial numbers, but the ballot stubs do for ballot accountability. Stated that if they did, it would take away the anonymity of voting.

Assemblymember Yundt spoke to the possibility of having split shifts if ballots are ever counted at precincts. Stated that he would like to see a hand count done before the machine count. Stated that if the annual contract with Dominion had not already been paid, that he would have voted to eliminate the use of voting machines for the 2022 election. Opined that machines will have errors no matter what. Spoke in support of going to hand count only for future elections to make voters feel more secure.

Assemblymember Nowers thanked Ms. McKechnie for clarifying the question on serial numbers on ballots. Stated that she is concerned with the hand count issue because the Canvass Board has expressed that they will no longer work if elections go to hand count at the precincts. Noted the need to have a larger discussion at a more appropriate time. Spoke to having attended the groundbreaking ceremony for the 7th Summit Shooting Range, which is the educational range near Redington High School. Spoke to having participated in the recent fire and rescue training that was put on by the Borough's Emergency Services Department at Station 6-2. Noted that she has a greater appreciation of what fire first responders do physically and mentally. Commented that the legislation for the C-PACE program will be before the Assembly at the next meeting.

Assemblymember Sumner stated that he is sorry he missed the fire and

rescue training as he would have enjoyed it. Agreed with Assemblymember Nowers that if elections are going to be redesigned that it needs to be a larger discussion at a more appropriate time, not six weeks before an election. Spoke to the need to be conscience of how the Assembly approaches making election changes.

Assemblymember Bernier asked everyone to pray for the Borough. Requested that Mayor DeVries do a proclamation in recognition of a prayer day in the Borough.

Mayor DeVries spoke to attending the groundbreaking ceremony for the improvements to Knik Goose Bay Road. Noted that on September 26th at noon, the Borough will be hosting the Arctic Winter Games International Committee. Requested that some Assembly Members plan to attend and to let her know if they are interested.

XIII. EXECUTIVE SESSION

There was no executive session conducted.

XIV. ADJOURNMENT

The meeting adjourned at 11:15 p.m.



Mayoral Signature and Clerk Attestment

For

September 6, 2022, Regular Meeting Minutes

(15 pages)

EDNA DeVRIES, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 09/27/22