

MATANUSKA-SUSITNA BOROUGH

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

BOROUGH MAYOR

Vern Halter

BOROUGH CLERK

Lonnie R. McKechnie, CMC

BOROUGH MANAGER

John Moosey

BOROUGH ATTORNEY

Nicholas Spiropoulos



BOROUGH ASSEMBLY

Jim Sykes, District 1

Matthew Beck, District 2

George McKee, District 3

Ted Leonard, District 4

Dan Mayfield, District 5

Jesse Sumner, District 6

Tam Boeve, District 7

MEETING MINUTES

ASSEMBLY CHAMBERS

350 EAST DAHLIA AVENUE, PALMER

ASSEMBLY REGULAR MEETING

6:00 PM

TUESDAY, DECEMBER 18, 2018

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on Tuesday, December 18, 2018, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:02 p.m. by Mayor Vern Halter.

II. ROLL CALL

Present: 6 - Assemblymember Jim Sykes, Assemblymember Matthew Beck, Assemblymember Ted Leonard, Assemblymember Dan Mayfield, Assemblymember Jesse Sumner, and Assemblymember Tam Boeve

Excused: 1 - Assemblymember George McKee

III. APPROVAL OF AGENDA

Mayor Halter queried if there were any changes to the agenda.

Seeing none, the agenda was approved as presented.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Stu Graham, Council Member for the city of Wasilla.

V. MINUTES OF PRECEDING MEETINGS

There were no minutes presented for approval.

VI. SPECIAL ORDERS OF THE DAY

A. Appointment of Deputy Mayor - Matthew Beck

Mayor Halter queried if there was any objection to the appointment of Assemblymember Beck as Deputy Mayor.

There was no objection noted.

VII. REPORTS/CORRESPONDENCE

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

1. Reports From Cities

Mayor Bert Cottle, Wasilla City Mayor, reported on the activities of the city. He spoke to his letter to the Borough regarding a reconsideration on the vehicle taxes.

Mr. Nate Wallace, Palmer City Manager, reported on the activities of the city. He spoke in support of a on the vehicle taxes. He reported on the City's approved budget. He wished everyone Happy Holidays.

2. Matanuska-Susitna Borough School District

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 was no report provided.

C. MANAGER COMMENTS

1. State/Federal Legislation

2. Strategic Planning Issues

Mr. Moosey announced the attendance of Mr. John Harris, Borough Lobbyist. He spoke to the Borough establishing a good working relationship with Governor Dunleavy's administration. He reported on the repairs completed by the Borough and Alaska State Department of Transportation, due to the earthquake disaster on November 30.

3. Mat-Su Borough and FEMA

Mr. Moosey reported on the Federal Emergency Management Agency (FEMA) reimbursement that had been received and the remainder that was due from September 2012 flooding event. He spoke to the insurance deductible and the reimbursement from FEMA for eligible expenditures related to the earthquake disaster on November 30.

Ms. Barbara Baumgartner, Comptroller, provided information on the cyber incident expenditures and what was covered by the insurance. She spoke to the funds expended due to the earthquake disaster on November 30.

Mr. Casey Cook, Emergency Manager, spoke to the 2012 Flood Event, the FEMA reimbursement process, the FEMA reimbursement for the earthquake disaster, and spoke to the State's individual assistance program for community members. He reported on the preliminary damage assessment conducted with the state related to the earthquake disaster on November 30.

4. Emergency Communications Review

Mr. Moosey spoke to the process of the emergency communication during the Earthquake Disaster. He spoke to the public information regarding the event. He noted that he would ensure the process was better and involvement was immediate during future events.

Mr. Terry Dolan, Public Works Director, gave an update on the costs associated with the landfill fee waiver. He spoke to the building inspections conducted after the Earthquake Disaster.

D. ATTORNEY COMMENTS

Mr. Spiropoulos spoke to the Law Department's involvement in assisting on the insurance process due to Earthquake Disaster.

E. CLERK COMMENTS

Ms. McKechnie spoke to the upcoming meeting schedule. She noted that she would be out of the office January 15-25 and Ms. Kilborn would serve as acting clerk during her absence.

F. CITIZEN AND OTHER CORRESPONDENCE

18-134

1. Agriculture Advisory Board: 10/17/18
2. Big Lake RSA Board of Supervisors: 03/07/18; 06/06/18; 07/10/18
3. Enhanced 911 Advisory Board: 10/09/18
4. Fairview RSA Board of Supervisors: 08/15/18
5. Local Emergency Planning Committee: 06/20/18
6. Local Road Service Area Advisory Board: 10/18/18; Resolution No. 18-04
7. MSB Fish and Wildlife Commission: 10/18/18
8. Platting Board: 10/18/18
9. West Lakes FSA Board of Supervisors: 10/08/18
10. Glacier View Community Council: 10/25/18
11. Sutton Community Council: 08/29/18; 09/26/18
12. Talkeetna Community Council: 10/01/18
13. Trapper Creek Community Council: 10/18/18

Sponsors: Borough Manager

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

G. INFORMATIONAL MEMORANDUMS

IM 18-176

Reporting The Conclusion Of Contract For Bid No. 18-118B To Triple V Contracting, LLC, For the Fireweed Restroom Remodel.

IM 18-180

Reporting The Conclusion Of Contract For Bid No. 15-142B To Wirtanen Commercial LLC, For Heating, Ventilation, and Air Conditioning Upgrades For Eight Schools, Project No. 40199.

The informational memorandums were 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 18-105](#)

An Ordinance Amending MSB 5.25.145, To Annex Property Located On Carney Road, Le Ellen Street, And Sleepy Hollow Circle Into The West Lakes Fire Service Area No. 136.

RS 18-073: A Resolution Finding The Annexation Of Properties On Carney Road, Le Ellen Street, And Sleepy Hollow Circle Into The West Lakes Fire Service Area No. 136 Serves The Public Interest Without The Placement Of The Question On The Ballot.

Sponsors: Sumner

Ms. McKechnie read the legislation into the record.

Mayor Halter 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 18-105 and Resolution Serial No. 18-073. The motion passed by the following vote:

Yes: 6 - Assemblymember Sykes, Assemblymember Beck, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve

[OR 18-106](#)

An Ordinance Accepting And Appropriating \$100,000 From The Mat-Su Trail And Park Foundation To Fund 440, Project No. 15040, To Develop The Settlers Bay Coastal Park (MSB007387).

RS 18-074: A Resolution Approving The Scope Of Work And Budget For The Settlers Bay Coastal Park, Fund 440, Project No.15040, For Park Development.

Ms. McKechnie read the legislation into the record.

Mayor Halter opened the public hearing.

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

Assemblymember Mayfield moved to adopt Ordinance Serial No. 18-106 and Resolution Serial No. 18-074.

Assemblymember Mayfield moved a primary amendment to Resolution Serial No. 18-074 by:

Striking the 5th Whereas clause and inserting in its place, "WHEREAS, the grant requires the Borough to provide a match of \$100,000. This match will be provided by both the Great Land Trust and the Borough; and".

Inserting a 6th Whereas clause to read, "WHEREAS, the Great Land Trust will provide a cash match of \$50,000 through direct purchase of goods and services for the project; and".

Inserting a 7th Whereas clause to read, "WHEREAS, the Borough will provide \$50,000 of in-kind match by the Land and Resources Management Division and the Borough Recreation Services Division 2019 operating budget for staff time working on the project, and use of existing recreation services equipment such as the bobcat, ATVs, and mini-excavator; and".

Inserting an 8th Whereas clause to read, "WHEREAS, the Assembly must approve a scope of work and budget prior to funds being expended."

Amending the budget by inserting the following:

Great Land Trust (cash match)

\$50,000

Fiscal Year 2019 Land and Resources Management Division and Recreation Services Division operating budgets (in-kind match)

\$50,000

Areawide Salaries and Benefits

TOTAL

\$200,000

Replacing the original fiscal note with a corrected version and attaching it to the informational memorandum.

The primary amendment passed by the following vote:

Yes: 6 - Assemblymember Sykes, Assemblymember Beck, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve

The main motion as amended passed by the following vote:

Yes: 6 - Assemblymember Sykes, Assemblymember Beck, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve

[OR 18-107](#)

An Ordinance Accepting And Appropriating Fiscal Year 2019 Community Assistance Program Funds In The Amount Of \$284,202 To Fund 475, Project No. 47033.

RS 18-075: A Resolution Approving The Scope Of Work And Budget For The Fiscal Year 2019 Community Assistance Program, Project No. 47033.

Ms. McKechnie read the legislation into the record.

Mayor Halter opened the public hearing.

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

Assemblymember Beck moved to adopt Ordinance Serial No. 18-107 and Resolution Serial No. 18-075. The motion passed without objection by the following vote:

Yes: 6 - Assemblymember Sykes, Assemblymember Beck, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve

[OR 18-109](#)

An Ordinance Adopting The City Of Houston Local Hazard Mitigation Plan And Amending MSB 15.24.030(B)(34), Comprehensive Plan.

Ms. McKechnie read the legislation into the record.

Mayor Halter opened the public hearing.

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

Assemblymember Boeve moved to adopt Ordinance Serial No. 18-109. The motion passed by the following vote:

Yes: 5 - Assemblymember Sykes, Assemblymember Beck, Assemblymember Leonard, Assemblymember Mayfield, and Assemblymember Boeve

Absent: 1 - Assemblymember Sumner

Clerk's Note: Assemblymember Sumner exited the meeting at 6:54 p.m. and was absent when the vote was taken. He rejoined the meeting at 6:56 p.m.

The meeting recessed at 6:55 p.m. and reconvened at 7:05 p.m.

C. AUDIENCE PARTICIPATION (Three Minutes Per Person.)

The following person spoke to concerns with Ordinance Serial 18-108:
Mr. Mike Shields, Road Service Area Supervisor.

The following persons spoke in support of the proposed amendments to Ordinance Serial No. 18-021: Mr. Andy Anderson, Mr. Dane Ferguson, and Mr. Brody Smith.

The following person spoke to the air quality issues in the Borough and the Memorandum of Understanding with the Alaska State Department of Environmental Conservation: Mr. Brian Endle.

D. CONSENT AGENDA

1. RESOLUTIONS

There were no resolutions presented.

2. ACTION MEMORANDUMS

[AM 18-101](#) Award Of Bid No. 19-032B, Bogard Road Extension East Phase III, To Northstar Excavation And Asphalt Inc., For The Contract Amount Of \$450,890.92.

[AM 18-102](#) To Vacate The 30-Foot Wide Right-Of-Way Of West Eros Road Adjacent To The Southern Boundary Of Lot 4, Block 1, Big Lake Estates, Plat No. 70-36 Less The West 30-Feet And Vacate The 10-Foot Utility Easements Within Lot 4, Block 1, Big Lake Estates, Plat No. 70-36. Located In Section 32, Township 17 North, Range 3 West, Seward Meridian.

[AM 18-103](#) Destruction Of Ballots From The October 2, 2018, Regular Borough Election.

Ms. McKechnie read the legislation into the record.

Assemblymember Beck moved to approve the Consent Agenda as read into the record by the Clerk. The motion passed by the following vote:

Yes: 6 - Assemblymember Sykes, Assemblymember Beck,
Assemblymember Leonard, Assemblymember Mayfield,
Assemblymember Sumner, and Assemblymember Boeve

[AM 18-100](#) Approval Of The Road Service Area Maintenance And Improvements List -
Summer 2019.

Ms. McKechnie read the legislation into the record.

**Assemblymember Sykes moved to approve AM No. 18-100.
The motion passed by the following vote:**

[AM 18-104](#) Authorization To Purchase Motorola APX 4000 Series Hand Held Radios And
Related Accessories From Motorola Solutions Through ProComm Alaska For
\$251,493.21 For Central Mat-Su Fire Service Area and Willow Fire Service
Area.

Ms. McKechnie read the legislation into the record.

**Assemblymember Sykes moved to approve AM No. 18-104.
The motion passed by the following vote:**

Yes: 6 - Assemblymember Sykes, Assemblymember Beck,
Assemblymember Leonard, Assemblymember Mayfield,
Assemblymember Sumner, and Assemblymember Boeve

IX. UNFINISHED BUSINESS

[OR 18-021](#) An Ordinance Amending MSB 17.63, Race Track Regulations By Amending The Applicability And Making The Standards More Consistent With Other Permits Within Borough Code.

Sponsors: Sykes

Ms. McKechnie read the legislation into the record.

secondary amendment sykes - passed no objection

primary amendment section 7 - passed no objection

PENDING AMENDMENT (8/7/18, regular meeting):

Assemblymember Doty moved to amend Ordinance Serial No.

18-021, MSB 17.60.010, that was previously adopted as follows:

• **(D)(2), by inserting the words “and shall renew such registration every three years” after the word “operating” and by inserting the words “or renewal” after the word “registration” to read:**

“small-scale race tracks shall register with the Borough prior to operating and shall renew such registration every three years.

Upon registration or renewal the following shall be submitted to the Borough’;

• **by inserting a new (3) to read as follows: “If the owner, operator, agent, or land upon which a small-scale operation exists is convicted of more than three citations involving a violation of MSB 17.63, the small-scale designation is revoked and a conditional permit under this chapter is required”; and**

• **MSB 17.63.010(E), by inserting the words “or lose their small-scale designation” after the word “year” to read:**

“Commercial race tracks which host more than 10 events per year, or lose their small-scale designation, are considered large-scale and require a conditional use permit in accordance with this chapter.”

Yes: 6 - Assemblymember Sykes, Assemblymember Beck, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve

Assemblymember Sykes moved a secondary amendment to Ordinance Serial No. 18-021 as follows:

Amending Section 4(D)(2) to read, "Small-scale race tracks shall register with the Borough 30 days prior to operating and shall renew such registration every year."

Amending Section 4(D)(3) to read, "If the owner, operator, agent, or land upon which a small-scale operation exists is convicted of three citations involving a violation of 17.63, the small-scale designation is revoked and a conditional use permit under this chapter is required."

The secondary amendment passed by the following vote:

Yes: 6 - Assemblymember Sykes, Assemblymember Beck, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve

The primary amendment as amended passed by the following vote:

Yes: 6 - Assemblymember Sykes, Assemblymember Beck, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve

Assemblymember Sykes moved a primary amendment to Ordinance Serial No. 18-021 by:

Amending Section 7 to read, "Racetrack operations are permitted seven days a week with weekday hours being 11 a.m. to 9 p.m., and 9 a.m. to 10 p.m. on weekends, except for conditional use permits being approved by the Planning Commission, the Commission may vary the hours and days of operation."

The primary amendment passed by the following vote:

Yes: 6 - Assemblymember Sykes, Assemblymember Beck, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve

[OR 18-094](#) An Ordinance Reappropriating \$500,000 From The Major Repair And Renovation Reserve Fund 100, And \$500,000 From The Capital Expenditures Reserve Fund 100, To The Emergency Response Reserve Fund 100, For The Borough's Portion Of Costs Associated With The 2018 Cyber Incident.

PENDING MOTION (10/30/18, regular meeting):

Assemblymember Beck moved to adopt Ordinance Serial No. 18-094. The motion passed without objection by the following vote:

Yes: 6 - Assemblymember Sykes, Assemblymember Beck,
Assemblymember Leonard, Assemblymember Mayfield,
Assemblymember Sumner, and Assemblymember Boeve

[OR 18-104](#) An Ordinance Approving An Appropriation Of \$6,095,473 From The Reserve For Match For Paving And Calcium Chloride To Project No. 35467, Fund 430, For Paving Projects And Dust Control.

PENDING AMENDMENT (11/27/18, regular meeting):
Assemblymember Sykes moved a primary amendment to Ordinance Serial No. 18-104 by striking the amount of \$6,095,473 and inserting in its place the amount of \$3,095,473.
Assemblymember Leonard moved to postpone the pending amendment and Ordinance Serial No. 18-104 indefinitely. The motion to postpone indefinitely passed by the following vote:

Yes: 4 - Assemblymember Sykes, Assemblymember Beck,
Assemblymember Leonard, and Assemblymember Sumner

No: 2 - Assemblymember Mayfield, and Assemblymember Boeve

X. VETO

[18-137](#) Scheduling of January 15 Work Session re Wetland Mitigation.

Sponsors: Halter

Assemblymember Sykes moved to override the Mayor's veto. The motion failed (required 5 votes) by the following vote:

Yes: 3 - Assemblymember Sykes, Assemblymember Sumner, and
Assemblymember Boeve

No: 3 - Assemblymember Beck, Assemblymember Leonard, and
Assemblymember Mayfield

[18-138](#) Scheduling of January 22 Work Session re Air Quality.

Sponsors: Halter

Assemblymember Sumner moved to override the Mayor's veto. The motion failed (required 5 votes) by the following vote:

Yes: 4 - Assemblymember Sykes, Assemblymember Leonard,
Assemblymember Sumner, and Assemblymember Boeve

No: 2 - Assemblymember Beck, and Assemblymember Mayfield

XI. NEW BUSINESS

A. INTRODUCTIONS (For Public Hearing 01/15/19, Assembly Chambers)

- [OR 19-001](#) An Ordinance Providing For The Sale Of Real Property Acquired Through Tax Foreclosure For Delinquent Real Property Tax Year 2012 And Prior, And Not Needed For Public Purpose.
- [OR 19-002](#) An Ordinance Authorizing The Manager To Amend The Communication Site Lease Between The Matanuska-Susitna Borough And Insite Towers Development, LLC, To Align The Rents With Current Borough Lease Rates And Standard Lease Practices (MSB007261).
- [OR 19-003](#) An Ordinance Accepting And Appropriating \$30,000 From The United States Fish And Wildlife Service And Reappropriating \$90,000 From The Fiscal Year 2016 Areawide Grant Match Appropriation To Fund 440, Project No. 15051, For The Wasilla Creek Headwaters Streambank Restoration.
RS 19-001: A Resolution Approving The Scope Of Work And Budget And Authorizing The Manager To Enter Into A Grant Agreement With The United States Fish And Wildlife Service For The Wasilla Creek Headwaters Streambank Restoration.
- [OR 19-004](#) An Ordinance Accepting And Appropriating \$615,000 In Anticipated Project Income During Fiscal Year 2019 For The Rail Extension Project From Port MacKenzie To The Mainline, Project No. 75001.
RS 19-002: A Resolution Approving The Scope Of Work And Budget For Anticipated Project Income During Fiscal Year 2019 For The Rail Extension Project From Port MacKenzie To The Mainline.
- [OR 19-005](#) An Ordinance Accepting And Appropriating September 2012 Southcentral Flood Disaster Relief Monies In The Amount Of \$51,920 From The Alaska State Division Of Homeland Security And Emergency Management And The Federal Emergency Management Agency To Fund 445, Project No. 55017.
RS 19-003: A Resolution Amending The Budget For The September 2012 Southcentral Flood Disaster Relief Monies, Project No. 55017.
- [OR 19-006](#) An Ordinance Amending MSB 8.05.090, Fees And Charges Relating To The Transfer And Disposal Of Solid Waste Within The Borough.
- Sponsors:** Leonard and Mayfield

[OR 19-007](#)

An Ordinance Continuing The Appropriations Made In Emergency Ordinance Serial No. 18-112 Until Recovery And Reconstruction Projects Are Complete Or Until June 30, 2022, Whichever Is Earlier. Ms. McKechnie read the above legislation into the record.

Assemblymember Beck moved to introduce the legislation as read into the record by the Clerk and set the public hearings for January 15, 2019. The motion passed by the following vote:

Yes: 6 - Assemblymember Sykes, Assemblymember Beck, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Board of Adjustment and Appeals

Resignation of Marty Van Diest

Joint Assembly/School Board Committee on School Issues

Tam Boeve

Library Board

Susan Pougher

Talkeetna Sewer and Water Service Area

Andrew Haag

With Terms Beginning on January 1, 2019:

Enhanced 911 Advisory Board

Casey Cook

Library Board

Carol Goltz

Local Emergency Planning Committee

Casey Cook

Ken Hudson

Michael Chmielewski

Platting Board

LeMarr Anderson

Port Commission

Randall Kowalke

Big Lake RSA No. 21

Bill Kramer

Knik RSA No. 17

Daniel Huttunen

Assemblymember Beck moved to confirm the Mayor's recommendations as presented. The motion passed by the following vote:

Yes: 6 - Assemblymember Sykes, Assemblymember Beck, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve

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 presented.

XII. RECONSIDERATION

There were no reconsiderations presented.

XIII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Mr. Spiropoulos spoke to supplemental information that would be presented to the Assembly at a later date regarding the waiving of landfill fees. He wished everyone a Merry Christmas and Happy New Year.

Ms. McKechnie wished everyone a Merry Christmas.

Assemblymember Sumner wished everyone Happy Holidays.

Assemblymember Leonard wished everyone a Merry Christmas.

Assemblymember Sykes wished everyone Merry Holidays. He spoke to the Mayoral veto of the meetings scheduled in January. He spoke to the adoption of Ordinance Serial No. 18-021.

Assemblymember Boeve thanked those who were in support of Ordinance Serial No. 18-021 (race track) and commended those individuals for working closely with the Assembly on the ordinance.

Assemblymember Mayfield wished everyone a Merry Christmas.

Assemblymember Beck spoke to the vetoed work sessions and voiced confidence that the topics would be presented to the Assembly at a later date. He wished everyone a Merry Christmas.

Mayor Halter noted that the topics of the proposed January work sessions would be presented to the Assembly at a later date. He thanked Mr. Shields and Mr. Harris for their attendance at the meeting. He opined that he had high hopes regarding the Governor's new administration. He wished everyone a Merry Christmas and Happy New Year.

XIV. EXECUTIVE SESSION

There was no executive session.

XV. ADJOURNMENT

The meeting adjourned at 7:46 p.m.

Disabled Persons Needing Reasonable Accommodation In Order To Participate At An Assembly Meeting Should Contact The Borough ADA Coordinator At 861-8432 At Least One Week In Advance Of The Meeting.