

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

Barbara J. Doty, District 6

Randall Kowalke, District 7

MEETING MINUTES

ASSEMBLY CHAMBERS

350 EAST DAHLIA AVENUE, PALMER

ASSEMBLY SPECIAL MEETING

6:00 PM

TUESDAY, FEBRUARY 27, 2018

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on Tuesday, February 27, 2018, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Vern Halter.

II. ROLL CALL

Present 7 - Assemblymember Jim Sykes, Assemblymember Matthew Beck, Assemblymember George McKee, Assemblymember Ted Leonard, Assemblymember Dan Mayfield, Assemblymember Barbara J. Doty, and Assemblymember Randall Kowalke

III. APPROVAL OF AGENDA

Mayor Halter queried if there was any objection to Superintendent Goyette providing a presentation regarding the "Effect of Local Education Funding by Mill Rate" under Item B. on the agenda.

There was no objection noted.

The agenda was approved as presented by the following vote:

Yes: 7 - Assemblymember Sykes, Assemblymember Beck, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Doty, and Assemblymember Kowalke

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Dr. Monica Goyette, School District Superintendent.

V. AUDIENCE PARTICIPATION

The following person spoke to the need to cut spending at the Borough instead of increasing the tax cap and in opposition to the Borough regulating air quality: Mr. Brian Endel.

The following persons spoke in support of fully funding education: Ms. Jenny Bachelder; Ms. Diane K. Shibe; Mr. Michael Backus; Ms. Susan Dunham; Ms. Tracey Martin; Mr. Tim Walters, Mat Su Education Association President; Ms. Heather Rains; Ms. Hannah May Rogers, student; Mr. Timmy Ramirez, Colony High School Freshman; Mr. Shawn Riley; and Mr. (first name indiscernible) Ramirez, student.

The following person spoke to concerns with the public process: Mr. Eugene Carl Haberman.

VI. ITEMS OF BUSINESS

A. UNFINISHED BUSINESS

[AM 18-009](#) Award Of Bid No. 18-060B To F-E Contracting Inc. In The Contract Amount Of \$3,069,000 For Brett Memorial Ice Arena Improvements.

Sponsors: Borough Manager

CONFLICT OF INTEREST: Assemblymember Doty declared a conflict of interest, as she is a primary owner of Steppers Construction, who was one of the unsuccessful bidders.

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

Assemblymember Doty exited the meeting.

Assemblymember Leonard moved to adopt AM 18-009. The motion passed by the following vote:

Yes: 6 - Assemblymember Sykes, Assemblymember Beck,
Assemblymember McKee, Assemblymember Leonard,
Assemblymember Mayfield, and Assemblymember Kowalke

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

B. Tax Cap And School District Funding Formula

Mr. Moosey summarized the work done to develop the proposed tax cap legislation.

Dr. Monica Goyette, School District Superintendent, provided a presentation regarding the "Effect of Local Education Funding by Mill Rate."

[18-026](#) A Draft Ordinance Repealing MSB 3.04.075 And Enacting MSB 3.04.076, To Establish A New Tax Cap.

Sponsors: Borough Manager

Assemblymember Kowalke moved to set the dates for introduction and public hearing of the proposed legislation for March 20, 2018, and April 3, 2018, respectively. The motion passed by the following vote:

Yes: 6 - Assemblymember Sykes, Assemblymember Beck,
Assemblymember Leonard, Assemblymember Mayfield,
Assemblymember Doty, and Assemblymember Kowalke

No: 1 - Assemblymember McKee

VII. MAYOR, ASSEMBLY, AND STAFF COMMENT

Mr. Spiropoulos stated that he will either be late or not in attendance at the March 27, 2018, departmental budget presentations as he will be in oral arguments on the lawsuit regarding the marijuana moratorium. Advised that a new lawsuit has been filed regarding a contract with the Borough.

Assemblymember McKee spoke to concerns with debt incurred for Port MacKenzie dock repairs. Spoke to his opinion that the School District is willfully not working with the Borough to consolidate services.

Assemblymember Sykes responded to air quality concerns that were expressed during audience participation. Stated that the Borough is working on a program to help residents find and burn dry wood. Noted that in the winter, air quality is an issue in the Borough. Stated that as a second class borough, the only way the Borough can regulate air quality is if there is a memorandum of understanding in place with the State. Spoke to concerns with the misinformation that is being passed around on social media regarding the Borough's intent to regulate air quality. Stated that the Borough is working with state and federal agencies to ensure that the Borough does not get into non-attainment status. Commented that there is no current legislation coming forward regarding air quality regulation, but if there were, that it would be known to the public and it would be available for public review. Related that the Borough does not have the authority to force the School District to do anything. Thanked the public for their testimony and the body for the meeting.

Assemblymember Kowalke spoke in support of the repairs for the Port MacKenzie dock. Noted that the Borough is working diligently to turn Port MacKenzie into a revenue producing facility. Related that Mayor Halter, himself, and two other Assembly Members ended up in an informal meeting with the State Delegation while in Juneau. Reported that the items that were discussed were: school funding, the State passing the budget in a timely fashion, and the possibility of reappropriations for the Talkeetna Library to augment funds provided by the Mat-Su Health Foundation. Stated that it was not until later in the evening that he realized that there had been a quorum of the Assembly Members and the Mayor present as they had been meeting with members of the State Delegation individually. Requested that any of the other members in attendance that evening to add to the items he listed if he had missed anything discussed.

Assemblymember Mayfield stated that he was not present at the meeting referred to. Thanked Assemblymembers Kowalke and Leonard for their hard work on the proposed tax cap revenue legislation. Spoke in support of

the legislation and how the public could hold the Assembly accountable. Stated that education is important to the Assembly. Spoke in support of predictability in funding education. Thanked the body for the meeting.

Assemblymember Doty noted that she concurs with many of the previous comments. Spoke in support of having a long term funding approach. Noted that she appreciated the testimony from the students this evening. Stated that education funding is a complicated issue. Spoke to the complexity of the Borough budget. Commented on her attendance at the intradepartmental planning meeting. Spoke to the need for the intersection at Engstrom Road and Bogard Road to be redesigned as it is unsafe. Stated that she is looking at ways to possibly use highway safety funds to fix that intersection. Spoke to the possibility of looking at putting a road bond before the voters. Stated the she is working on ways to get community councils more engaged. Noted that importance of ensuring that all communities have an active community council to represent them. Thanked everyone for their testimony.

Assemblymember Leonard thanked everyone for their testimony. Thanked staff for their support while the Assembly looks at what funding will help schools grow and protect citizens. Spoke in support of the tax cap legislation coming forward as a package.

Assemblymember Beck thanked staff for drafting the tax cap legislation. Thanked everyone for being a part of the discussion. Noted that audience participation and public hearings on legislation are specifically designed so that the Assembly can receive input from constituents. Noted that the Assembly has a lot of work to do and continued citizen input is critical. Spoke to his degree in education and opined that teachers are some of the most dedicated people he has met. Related a story of a teacher in the School District who has continually supported his children during their public school education. Stated that he likes to see kids succeeding and achieving their dreams.

Assemblymember Sykes stated that during the meeting in Juneau that was mentioned by Assemblymember Kowalke, that he had brought up the issue of fish and fisheries.

Mayor Halter thanked the public for their testimony. Stated that the Borough has the best schools in Alaska. Summarized the Alaska Municipal League (AML) Conference in Juneau. Related that Governor Walker had an evening where AML members are invited to go to the Governor's Mansion for a meet-and-greet. Related that although there were three Assembly members and himself present at that meeting, that they did not see each other much. Spoke to attending the meet-and-greet with the State

Legislative Delegation. Stated that he had emailed the Clerk stating that he was not going, but then he changed his mind and attended the meeting. Advised that although it is being referred to as a meeting, that is was more of an informal setting, where people introduced themselves. Related that he spoke about crime concerns, the need for funding more troopers, the District Attorney's Office, and the court system. Noted that although it was a social setting that it could have been perceived as a violation of the Open Meeting Act (OMA). Advised that the OMA does not apply to the State Delegation

VIII. EXECUTIVE SESSION (For 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 The Attorney/Client Privilege)

A. Potential Litigation Before The Federal Energy Regulatory Commission RE: AK-LNG

B. M/V Susitna Discussion On Potential Resolution

Assemblymember Beck requested a five minute break, prior to the Assembly entering into executive session.

Mayor Halter queried if there was any objection.

There was no objection noted.

Assemblymember Beck moved to enter into executive session for 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 the attorney/client privilege. In particular, to discuss potential litigation before the Federal Energy Regulatory Commission regarding AK-LNG and M/V Susitna discussion on potential resolution. Those present during executive session will be the Mayor, the members of the Assembly, the Manager, the Attorney, the Clerk, and the Internal Auditor.

Mayor Halter queried if there was any objection.

The motion passed by the following vote:

Yes: 7 - Assemblymember Sykes, Assemblymember Beck, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Doty, and Assemblymember Kowalke

The Assembly entered executive session at 7:57 p.m.

**Assemblymember Kowalke moved to exit executive session.
The motion passed by the following vote:**

Yes: 7 - Assemblymember Sykes, Assemblymember Beck, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Doty, and Assemblymember Kowalke

The Assembly exited executive session at 9:02 p.m.

IX. ADJOURNMENT

The meeting adjourned at 9:02 p.m.