

# 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, JANUARY 15, 2019

## I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on Tuesday, January 15, 2019, 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:** 6 - Assemblymember Jim Sykes, Assemblymember Matthew Beck, Assemblymember George McKee, Assemblymember Dan Mayfield, Assemblymember Jesse Sumner, and Assemblymember Tam Boeve

**Excused:** 1 - Assemblymember Ted Leonard

## III. APPROVAL OF AGENDA

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

**Assemblymember Sykes moved to amend the agenda to take up reconsideration prior to the consent agenda. The motion passed by the following vote:**

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

#### **IV. PLEDGE OF ALLEGIANCE**

The pledge of allegiance was led by Dr. Monica Goyette, School District Superintendent.

#### **V. MINUTES OF PRECEDING MEETINGS**

[19-004](#)

1. Regular Meeting Minutes: 10/30/18
2. Work Session Minutes: 11/27/18
3. Regular Meeting Minutes: 11/27/18
4. Regular Meeting Minutes: 12/04/18
5. Joint Assembly/School Board Meeting Minutes: 12/11/18
6. Regular Meeting Minutes: 12/18/19

The minutes were approved as presented.

#### **VI. REPORTS/CORRESPONDENCE**

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

###### **1. Reports From Cities**

Mayor Bert Cottle, city of Wasilla, reported on the activities of the city.

###### **2. Matanuska-Susitna Borough School District**

Dr. Monica Goyette, School District Superintendent, reported on the activities of the School District.

##### **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**

Ms. Cheyenne Heindel, Finance Director, reported on the funds expended related to recovery from the cyber-attack.

### **3. Borough Buildings Status Post Earthquake**

Mr. Jude Bilafer, Capital Projects Director, provided an update regarding the School District Facilities, post-earthquake.

Mr. Moosey reported that Mr. Ben Coleman, Transportation Planner, was awarded Emerging Planner of the Year at the Alaska Planner's Association Conference. Summarized his presentation for the January 19 planning session.

### **D. ATTORNEY COMMENTS**

There were no comments provided.

### **E. CLERK COMMENTS**

Ms. Kilborn spoke to the upcoming meeting schedule.

### **F. CITIZEN AND OTHER CORRESPONDENCE**

#### 19-001

1. Agriculture Advisory Board: 11/14/18
2. Animal Care and Regulation Board: 03/22/18, 03/28/18
3. Aviation Advisory Board: 09/25/18, 10/25/18
4. Butte FSA Board Of Supervisors: 10/17/18
5. Enhanced 911 Advisory Board: 11/13/18
6. Historical Preservation Commission: 10/18/18, Resolution No. 18-04
7. Local Emergency Planning Committee: 10/17/18
8. Local Road Service Area Advisory Board: 11/15/18, Resolution No. 18-05
9. MSB Fish & Wildlife Commission: 11/15/18
10. Planning Commission: 11/05/18, Resolution Nos. 18-31, 18-32, 18-33
11. Platting Board: 11/01/18
12. Transportation Advisory Board: 09/27/18, Resolution Nos. 18-05, 18-06
13. Wastewater & Septage Advisory Board: 05/02/18
14. West Lakes FSA Board of Supervisors: 11/12/18
15. Lazy Mountain Community Council: 04/12/18, 08/09/18
16. North Lakes Community Council: 11/29/18
17. Susitna Community Council: 11/01/18
18. Talkeetna Community Council: 11/05/18
19. Willow Area Community Organization: 11/07/18

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

## G. INFORMATIONAL MEMORANDUMS

[IM 19-008](#) Reporting Of Conclusion Of Contract For Bid No. 17-114B To Jim Psenak Construction For Talkeetna Dike Repair, Project No. 55017. The citizen and other correspondence was 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 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. Ms. Kilborn 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. 19-001. The motion passed by the following vote:**

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

[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). Ms. Kilborn 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. 19-002. The motion passed without objection by the following vote:**

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

**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.

Ms. Kilborn 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. 19-003 and Resolution Serial No. 19-001. The motion passed by the following vote:**

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

[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.

Ms. Kilborn 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. 19-004 and Resolution Serial No. 19-002. The motion passed by the following vote:**

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

[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.

Ms. Kilborn 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. 19-005 and Resolution Serial No. 19-003. The motion passed by the following vote:**

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

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

Ms. Kilborn 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. 19-006.**

**Assemblymember Mayfield moved a primary amendment to accompanying Informational Memorandum No.19-006, to supplement it with a document that reads:**

**"Assemblymember Ted Leonard, one of the sponsors of Ordinance Serial No. 19-006, requests to supplement Informational Memorandum 19-006 regarding the Borough Manager 's authority under the proposed Ordinance Serial No. 19-006. In the event there is a future question or debate about the Manager 's power under this ordinance, this supplement to the Informational Memorandum is intended to clarify the intent of the legislation.**

**Existing Borough Code MSB 8.05.090 provides that only the Matanuska-Susitna Borough Assembly can waive landfill fees. Ordinance Serial No. 19-006 proposes to amend Matanuska-Susitna Borough Code to allow the Borough Manager to waive or reduce charges for the transfer and disposal of solid waste in the event of a declared local disaster. The proposed ordinance is not a requirement that fees be waived, but rather grants the Borough Manager the authority to do so.**

**The Borough Manager's power to waive or reduce fees will only be in effect in the event of a local declared disaster. Under AS 26.23.140, such a declaration is limited in time:**

**"A local disaster emergency may be declared only by the principal executive officer of a political subdivision. It may not be continued or renewed for a period in excess of seven days,**

except by or with the consent of the governing board of the political subdivision . . .

As a practical matter, any need to extend a local disaster declaration beyond a seven day period would need Assembly approval. If there is ever a need to extend a fee waiver authorized by the Borough Manager, it can be done by the Assembly at the same time.

#### **CONCLUSION**

**The result of the analysis above, and the intent of Ordinance Serial No. 19-006 is that the Borough Manager's power to waive or reduce landfill fees is limited to the same duration of time as power to declare a local disaster emergency. It can only be done for a period of seven days and any further extension requires Assembly approval."**

**The primary amendment passed by the following vote:**

**Yes:** 4 - Assemblymember Sykes, Assemblymember Beck, Assemblymember Mayfield, and Assemblymember Boeve

**No:** 2 - Assemblymember McKee, and Assemblymember Sumner

**The main motion passed as amended by the following vote:**

**Yes:** 4 - Assemblymember Sykes, Assemblymember Beck, Assemblymember Mayfield, and Assemblymember Boeve

**No:** 2 - Assemblymember McKee, and Assemblymember Sumner

[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. Kilborn 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. 19-007. The motion passed without objection by the following vote:**

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



### C. AUDIENCE PARTICIPATION (Three Minutes Per Person.)

The following person spoke to the need for a regional wastewater and septage facility, and to concerns that the Wastewater Septage and Advisory Board had been limited in the number of meetings they were allowed to schedule: Mr. Tom Stoelting.

The following persons spoke to the need for a regional wastewater and septage facility: Ms. Helen Munoz and Mr. Tom Munoz.

The following person spoke to concerns with the race track legislation: Ms. Jan Mulder.

The following persons spoke in support of the amendment to the race track legislation: Mr. Dave Ferguson and Mr. Shawn LaCroix.

## XI. RECONSIDERATION

[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. Kilborn read the legislation into the record.

**Assemblymember Sykes moved to reconsider the amendments previously made to Ordinance Serial No. 18-021. The motion passed by the following vote:**

**Yes: 6 - Assemblymember Sykes, Assemblymember Beck, Assemblymember McKee, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve**  
**Assemblymember Sykes moved a primary amendment to Ordinance Serial No. 18-021, MSB 17.63.020(I)(8) as follows:**  
**"Racetrack operations, including practice and training, are permitted seven day a week with weekday hours being any consecutive four hours between 11 a.m. and 9 p.m. and weekend hours being any time between 9 a.m. and 10 p.m., except that weekend hours apply during weekdays for race events. For conditional use permits being approved by the Planning Commission, the Commission may vary the hours and days of operations."**

**The primary amendment passed by the following vote:**

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

#### **D. CONSENT AGENDA**

##### **1. RESOLUTIONS**

[RS 19-010](#) A Resolution Declaring The Portable Restroom Trailer As Surplus Property And Directing The Manager To Transfer The Ownership To The Matanuska-Susitna Borough School District.

[RS 19-012](#) A Resolution Authorizing The Submittal Of A Grant Application For The Development Of A Historic Preservation Plan For The Matanuska-Susitna Borough.

##### **2. ACTION MEMORANDUMS**

Ms. Kilborn read the legislation into the record.

**Assemblymember Beck move 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 McKee, Assemblymember Mayfield,  
Assemblymember Sumner, and Assemblymember Boeve

#### **VIII. UNFINISHED BUSINESS**

[OR 18-093](#) An Ordinance Amending MSB 28.60, To Change The Applicability For Traffic Safety Plan And Timber Transport Permit; And Amending MSB 28.100, Definitions.

**Sponsors:** McKee

Ms. Kilborn read the legislation into the record.

**PENDING AMENDMENT (10/16/18, regular meeting):**

**Assemblymember Mayfield moved a primary amendment to Section 3 by striking "12" and inserting "6" in its place.**

**Assemblymember Mayfield moved to withdraw his pending amendment. The motion passed by the following vote:**

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

**Assemblymember Mayfield moved a primary amendment to Ordinance Serial No. 18-093 as follows:**

- **by striking Section 3 in its entirety; and**
- **by amending Section 4 to read: “Cargo carrying Vehicle” – means a truck, trailer, semitrailer or other vehicle that is Federal Highway Administration gross vehicle weight class 7 or greater carrying harvested timber from the timber area.”**

**The motion passed by the following vote:**

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

**The main motion passed as amended by the following vote:**

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

## **IX. VETO**

There were no vetoes presented.

## **X. NEW BUSINESS**

### **A. INTRODUCTIONS (For Public Hearing 02/05/19, Assembly Chambers)**

[OR 19-008](#) An Ordinance Approving A Loan Offer From The Alaska State Department Of Environmental Conservation, Clean Water Fund Project No. 561131; Authorizing The Manager To Incur Debt In The Amount Of \$1,617,468; And Accept And Appropriate The Loan Proceeds To The Talkeetna Wastewater Treatment Facility Upgrade Project.

RS 19-004: A Resolution Approving The Amended Scope Of Work And Budget For The Talkeetna Wastewater Treatment Facility Upgrade Project.

[OR 19-009](#) An Ordinance Approving The Sale Of The Fee Simple Estate For Two Alaska State Division Of Lands Leases Where The Lessee Wishes To Extinguish The Lease And Purchase At Fair Market Value (MSB999364, Tax ID No. 3390B00L006B; And MSB001533, Tax ID No. 6285000T00D).

[OR 19-010](#) An Ordinance Accepting And Appropriating September 2012 Southcentral Flood Disaster Relief Monies In The Amount Of \$1,450,527 From The Alaska State Division Of Homeland Security And Emergency Management And The Federal Emergency Management Agency To Fund 445, Project No. 55017.  
RS 19-005: A Resolution Amending The Budget For The September 2012 Southcentral Flood Disaster Relief Monies For The Yoder Revetment Project, Project No. 55017.

[OR 19-011](#) An Ordinance Accepting And Appropriating \$646,500 From The United States Fish And Wildlife Service, Passed Through The Alaska State Department Of Fish And Game And Reappropriating \$37,794.15 From The Fiscal Year 2016; \$150,000 From The Fiscal Year 2017; And \$27,705.85 From The Fiscal Year 2018 Areawide Capital Appropriations For Grant Match To Fund 440, Project No. 15019.  
RS 19-008: A Resolution Approving The Scope Of Work And Budget For The Lake Louise Recreation Site Upgrades.

[OR 19-012](#) An Ordinance Accepting And Appropriating Donations In The Amount Of \$10,000 For Park Improvements At The Jay Nolfi Park, To Fund 480, Project No. 15050.  
RS 19-009: A Resolution Approving The Scope Of Work And Budget For Park Improvements At The Jay Nolfi Park, Fund 480, Project No. 15050.

[OR 19-014](#) An Ordinance Accepting And Appropriating \$1,000,000 In Cyber Insurance Proceeds To Partially Reimburse Expenditures Related To The 2018 Cyber Incident.  
Ms. Kilborn read the legislation into the record.

**Assemblymember Beck moved to introduce the legislation and set the public hearings for February 5, 2019. The motion passed by the following vote:**

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

## **B. MAYORAL NOMINATIONS AND APPOINTMENTS**

### **1. VACANCY REPORT**

[19-002](#)

Vacancy Report

**Sponsors:**

Halter

Aviation Advisory Board

Jim Kelley

Borough Area Schools Site Selection Committee

Matthew Beck

Local Emergency Planning Committee

Aaron Kelsey

Port Commission

Michael Janecek

Transportation Advisory Board

Cindy Bettine

Caswell Lakes RSA No. 15

Rick Long

Greater Butte RSA No. 26

Lucy Klebesadel

**Assemblymember Beck moved to confirm the Mayor's appointments. The motion passed by the following vote:**

**Yes:** 6 - Assemblymember Sykes, Assemblymember Beck, Assemblymember McKee, 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.

## **XII. MAYOR, ASSEMBLY, AND STAFF COMMENTS**

Assemblymember Sumner opined that the timber transport permit language is misleading and could be interpreted many ways.

Assemblymember McKee spoke in support of written staff reports. Spoke in opposition to certificates of participation. Spoke to concerns with the lack of comparative financial data for projects. Opined that the Assembly is not doing what they were elected to do.

Assemblymember Sykes thanked everyone for their participation in the meeting. Spoke in support of the race track legislation. Thanked the Sutton Community Council for their input. Noted that the wastewater facility is in progress, albeit slow. Spoke to concerns with the limiting of meetings by the Wastewater and Septage Advisory Board. Related that the Alaska State Department of Environmental Conservation will be at Butte Community Council meeting to answer air quality questions. Spoke to the fish and wildlife presentation at the joint meeting with the State Delegation. Opined that the body should have a meeting regarding wetland mitigation and its impacts on fish populations.

**Assemblymember Sykes moved to schedule a work session for wetland mitigation on February 5, 2019, at 4 p.m. and to have the Manager invite the appropriate persons at the Federal level to attend. The motion passed by the following vote:**

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

Assemblymember Sykes thanked the body for scheduling the meeting. Stated that he is looking forward to it.

Assemblymember Boeve stated that there is no confusion over the intent of the timber transport permit legislation. Related that she has been speaking to the community for months regarding this issue. Stated that she is hopeful that the legislation will not come back. Stated that the last week of January is the 58th annual Willow Winter Carnival.

Assemblymember Beck thanked the body for their participation in the meeting. Thanked staff for their support during the meeting. Requested that if there are any reconsiderations of the timber transport legislation that any proposed amendment is written and provided to the body prior to reconsideration.

Mayor Halter stated that there have been a lot of complaints in the past regarding timer transport. Noted that he is hopeful that the new permitting requirements will take care of that. Stated that he would like to see more marketing of Borough timber.

### **XIII. EXECUTIVE SESSION**

**A. 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.)**

## **1. Discussion Of Lawsuit Regarding Webb vs. Matanuska-Susitna Borough**

**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. Those included in the executive session will be the Mayor, the Assembly, the Attorney, the Manager, and the Clerk.**

**The motion passed without objection and the Assembly entered into executive session at 8:01 p.m.**

**Assemblymember Beck moved to exit executive session.**

**The motion passed without objection and the Assembly exited executive session at 8:12 p.m.**

## **XIV. ADJOURNMENT**

The meeting adjourned at 8:12 p.m.