

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, MARCH 5, 2019

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on Tuesday, March 5, 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: 7 - Assemblymember Jim Sykes, Assemblymember Matthew Beck, Assemblymember George McKee, Assemblymember Ted Leonard, Assemblymember Dan Mayfield, Assemblymember Jesse Sumner, and Assemblymember Tam Boeve

III. APPROVAL OF AGENDA

Mayor Halter queried if there were any objections to rescheduling the Executive Session to the March 19, 2019, regular Assembly meeting.

There was no objection noted.

Assemblymember Leonard moved to postpone the public hearings on Ordinance Serial Nos. 19-022 and 19-034 to a time certain of June 4, 2019. The motion to postpone passed by the following vote:

Yes: 7 - Assemblymember Sykes, Assemblymember Beck, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve

Assemblymember Mayfield moved to take up Ordinance Serial No. 19-032 at the beginning of Public Hearings. The motion passed by the following vote:

Yes: 7 - Assemblymember Sykes, Assemblymember Beck, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Bert Cottle, City of Wasilla.

V. MINUTES OF PRECEDING MEETINGS

There were no minutes to approve.

VI. REPORTS/CORRESPONDENCE

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

1. Reports From Cities

Mayor Bert Cottle, city of Wasilla, spoke to the upcoming events and activities of the city.

Manager Nate Wallace, city of Palmer, spoke to upcoming activities of the city.

2. Matanuska-Susitna Borough School District

Ms. Amy Spargo, School District Assistant Superintendent spoke to the impact of the Governor's proposed budget on the school district. She spoke in support of Resolution Serial No. 19-026.

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

Mayor Halter presented Ms. Cheyenne Heindel, Finance Director, the Distinguished Budget Presentation Award by the Government Officers Finance Association for the 2019 budget.

Mr. Moosey spoke to the Governor's proposed budget and how it related to the Borough's budget process. He noted that Mr. John Harris, Borough Lobbyist, was in Juneau observing the Legislature's process. He spoke to travel to Juneau to meet with the Governor and State Legislators, accompanied by Assemblymember Sumner.

3. Emergency Medical Services System Presentation

[19-028](#)

Emergency Medical Services Reorganization Presentation

Mr. Ken Barkley, Interim Director of Department of Emergency Services, and Ms. Tracy Loscar, Emergency Medical Services Deputy Director, provided a presentation regarding the need to increase the number of full-time medical providers and the number of ambulances to fulfill the needs of the community Boroughwide.

D. ATTORNEY COMMENTS

There were no comments provided.

E. CLERK COMMENTS

Ms. McKechnie spoke to the upcoming meeting schedule.

Assemblymember Sykes moved to reschedule the Joint Assembly/Planning Commission meeting from March 26 to April 16 at 4 p.m. The motion passed by the following vote:

Yes: 7 - Assemblymember Sykes, Assemblymember Beck, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve

F. CITIZEN AND OTHER CORRESPONDENCE

[19-018](#)

1. Agriculture Advisory Board: Resolution No. 19-01
2. Central Mat-Su FSA Board of Supervisors: 01/14/19
3. Enhanced 911 Advisory Board: 01/08/19
4. Fairview RSA Board of Supervisors: 11/13/18
5. Greater Palmer Consolidated FSA Board of Supervisors: 05/08/18
6. MSB Fish and Wildlife Commission: Resolution No. 19-01
7. West Lakes FSA Board of Supervisors: 01/14/19
8. Point MacKenzie Community Council: 10/11/18, 12/13/18
9. Susitna Community Council: 01/03/19
10. Talkeetna Community Council: 01/07/19

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

G. INFORMATIONAL MEMORANDUMS

[IM 19-043](#)

Reporting The Conclusion Of Contract For Bid No. 18-134B To JGH Plumbing And Heating, Inc. For Districtwide Heating, Ventilation, and Air Conditioner Upgrades And Heat Exchanger For Colony Middle School.

[IM 19-048](#)

An Informational Memorandum Advising The Assembly That The Clerk's Office Will Be Implementing Early Voting For The November 2019 Regular Election.

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.)

(Requires 11 Days Advance Notice And Must Otherwise Be In Compliance With The Necessary Code Requirements. If No Advance Notice Is Given, Persons Wishing To Speak May Do So Under The Audience Participation Section Of The Agenda.)

B. PUBLIC HEARINGS (Three Minutes Per Person.)

[OR 19-032](#)

An Ordinance Repealing MSB 8.30, Environmental Protection; Repealing MSB 8.33, Air Quality Alerts And Emergencies; Adopting MSB 8.75, Air Quality; Amending MSB 1.45.100, Schedule Of Fines For Infractions; And Amending MSB 15.24.030, Adopting The Matanuska-Susitna Borough Air Quality Management Plan.

RS 19-022: A Resolution Authorizing The Manager To Enter Into An Updated Memorandum Of Understanding With The Alaska Department Of Environmental Conservation For Air Quality Coordination.

Ms. McKechnie read the legislation into the record.

Mayor Halter opened the public hearing.

The following persons spoke in support of Ordinance Serial No.

19-032: Ms. Patty Hurt, Ms. Patricia Chesboro, Ms. Cindy Gilder, Mr. Andre Ciostek, Ms. Alice Ciostek, Ms. Ellen Vandevisse, Mr. Tim Hale, Mr. Gregory Nilsson, Ms. Susie Hayes, Ms. Jan Mulder, Mr. Daniel Sentz, Ms. Mitzi VanAsdlan, and Ms. Valerie Bimelsted

The following persons spoke in opposition of Ordinance Serial No.

19-032: Mr. Brian Endle, Mr. Dave Maxwell, Mr. Michael Bowles, Mr. Ron Johnson, Ms. Carol Carmen, Mr. Mark Johnson, Mr. Joe Schlanger, Mr. Tom Bergey, Ms. Beth Fread, Mr. Brad Empey, Ms. Janet Johnson, Mr. Darrell Drear, Ms. Petsey Lust, Ms. Carol Porter, Mr. Jim Stalker, Ms. Julie Endle, Mr. Ward Wells, Mr. Bob Bickle, Mr. Les Ritchie, and Ms. Emily Florian

The following person spoke in opposition of Ordinance Serial No.

19-032 and in support of education on the matter: Mr. Joseph Hawkins

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

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

The meeting recessed at 7:59 p.m. and reconvened at 8:07 p.m.

Assemblymember Beck moved to adopt Ordinance Serial No. 19-032.

Assemblymember Sykes moved a primary amendment to Ordinance Serial No. 19-032, MSB 8.25.020 by inserting a paragraph (C) to read, "(C) The intent of this chapter is to protect the right of residents to heat their homes with wood. This chapter does not regulate wood stoves or any indoor heating sources." The primary amendment passed by the following vote:

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

No: 3 - Assemblymember McKee, Assemblymember Leonard, and Assemblymember Sumner

Assemblymember Sykes moved a primary amendment to Ordinance Serial No. 19-032, MSB 1.45.100(C) (pgs. 5 and 6), to amend the proposed fines as follows:

MSB 8.75.050 Open burning - general restrictions

Fine Amount

1st Offense

\$30

2nd Offense

\$70

3rd Offense

\$150

MSB 8.75.060(C) Open burning during air quality advisory

Fine Amount

1st Offense

\$30

2nd Offense

\$70

3rd Offense

\$150

The primary amendment failed by the following vote:

Yes: 2 - Assemblymember Sykes, and Assemblymember Boeve

No: 5 - Assemblymember Beck, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, and Assemblymember Sumner

Assemblymember Sumner moved a primary amendment to Ordinance Serial No. 19-032, MSB 1.45.100(C) (pgs. 5 and 6), to amend the proposed fines as follows:

MSB 8.75.050 Open burning - general restrictions

Fine Amount

1st Offense

\$1,500

2nd Offense

\$3,000

3rd Offense

\$5,000

MSB 8.75.060(C) Open burning during air quality advisory

Fine Amount

1st Offense

\$1,500

2nd Offense

\$3,000

3rd Offense

\$5,000

The primary amendment failed by the following vote:

Yes: 2 - Assemblymember McKee, and Assemblymember Sumner

No: 5 - Assemblymember Sykes, Assemblymember Beck,
Assemblymember Leonard, Assemblymember Mayfield, and
Assemblymember Boeve

Assemblymember Sykes moved to postpone OR 19-032 to a time certain of June 18, 2019. The motion failed by the following vote:

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

No: 4 - Assemblymember Beck, Assemblymember Leonard,
Assemblymember Mayfield, and Assemblymember Boeve

The main motion as amended passed by the following vote:

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

No: 3 - Assemblymember McKee, Assemblymember Leonard, and
Assemblymember Sumner

OR 19-021

An Ordinance Approving The Conversion Of The Paid On-Call Emergency Medical Services System To A More Predictable Model Of Full Time Medical Providers.

Ms. McKechnie read the legislation into the record.

Mayor Halter opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 19-021: Ms. Patty Hurt, Ms. Ginny Jackson, Ms. Sally Beach, Ms. Jessica Dean, Mr. Owen Loscar, and Mayor Bert Cottle, city of Wasilla

The following person spoke to OR 19-021 and spoke to building up paid on-call positions and increase in ambulances: Mr. Mel Ostrey

The following person spoke in support of public input on the legislation through the community councils: Mr. Tim Hale

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

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

Assemblymember Beck moved to adopt Ordinance Serial No. 19-021.

Assemblymember Beck moved to suspend the rules and extend the meeting past 10 p.m. but no later than 10:45 p.m. The motion passed by the following vote:

Yes: 7 - Assemblymember Sykes, Assemblymember Beck, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve

Assemblymember Boeve moved a primary amendment to Ordinance Serial No. 19-021 as follows:
by inserting the words "most of" in the title after the words "conversion of", to read, "...Approving The Conversion Of Most Of The Paid On Call Emergency Medical Services System To A More Predictable Model Of Full Time Medical Providers"; and
by inserting the words "most of" in the 4th "Whereas" clause after the word "converting", to read, "WHEREAS, significant efficiencies can be gained by converting most of the paid on-call Emergency Medical Services system to a more predictable model of full time medical providers"; and
by inserting the words "mostly" in the 5th "Whereas" clause before the word "full", to read, "WHEREAS, it is anticipated that a mostly full time model would result in a 50% increase in coverage with a nominal increase in personnel costs..."; and
by inserting the words "majority of the" in the 6th "Whereas" clause before the word "already", to read, "WHEREAS, this model can be established in fiscal year 2019 by reallocating the majority of the already budgeted wages and benefits in the fiscal year 2019 Ambulance Services Operating Budget..."; and
by inserting the words "most of" in the 7th "Whereas" clause after the words "conversion of", to read, "WHEREAS, the Acting Director of Emergency Services, and Deputy Director of Emergency Medical Services requests the Borough Assembly's approval of the conversion of most of the paid on-call Emergency Medical Services system to a more predictable model of full-time medical providers..."; and
by inserting the words "most of" in Section 2 after the words "conversion of", to read, "Section 2. Approval. The Matanuska-Susitna Borough Assembly hereby approves the conversion of most of the paid on-call Emergency Medical Services system to a model of full-time medical providers."

The primary amendment passed by the following vote:

- Yes:** 4 - Assemblymember Sykes, Assemblymember Beck, Assemblymember Mayfield, and Assemblymember Boeve
- No:** 3 - Assemblymember McKee, Assemblymember Leonard, and Assemblymember Sumner

Assemblymember Leonard moved to postpone Ordinance Serial No. 19-021 to a time certain of March 19, 2019. The motion passed by the following vote:

- Yes:** 4 - Assemblymember Sykes, Assemblymember McKee, Assemblymember Leonard, and Assemblymember Sumner
- No:** 3 - Assemblymember Beck, Assemblymember Mayfield, and Assemblymember Boeve

[OR 19-022](#) An Ordinance Approving An Appropriation Of \$2,702,500 From The Reserve For Match For Paving And Calcium Chloride To Fund 430, Project No. 35467, For Public Works Road Improvement Projects And City Allocation.

Clerk's Note: The public hearing on Ordinance Serial No. 19-022 was postponed to a time certain of June 4, 2019, under Approval of the Agenda.

[OR 19-030](#) An Ordinance Establishing A Borough Task Force To Investigate And Consider Steps To Develop A Proposal To Voters That Adds Specific Police Powers To Its Responsibilities.

Sponsors: Sykes

Ms. McKechnie read the legislation into the record.

Mayor Halter opened the public hearing.

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

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

Assemblymember Beck moved to adopt Ordinance Serial No. 19-030.

Assemblymember Sykes moved a primary amendment to Ordinance Serial No. 19-030, Section 3. Formation of a Police Powers Task Force, amending the Police Powers Task Force Members by moving the 10th seat to the 11th place and adding a new 10th seat, At-Large Member, designated for "a public member who has been involved with Trooper training, community safety, or has been involved in gathering public input on the issue." The motion passed by the following vote:

- Yes:** 7 - Assemblymember Sykes, Assemblymember Beck, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve

Clerk's Note: 3/26/19 - typographical error discovered on the numbering (bulleting) of the task members, #8 was overlooked. The numbering, only, was corrected on the final version of the legislation (see 2019-OR-030). Verbiage contained within the ordinance was correct, Section 3: "10 voting members, 3 ex officio non-voting members".

The main motion as amended passed by the following vote:

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

No: 2 - Assemblymember McKee, and Assemblymember Sumner

[OR 19-031](#) An Ordinance To Repeal MSB 8.30, Environmental Protection.

Sponsors: Sumner

Ms. McKechnie read the legislation into the record.

Mayor Halter opened the public hearing.

The following person spoke in support of Ordinance Serial No. 19-031:
Mr. Brian Endle

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

Assemblymember Sumner moved to adopt Ordinance Serial No. 19-031.

Assemblymember Mayfield moved to postpone Ordinance Serial No. 19-031 indefinitely. The motion failed by the following vote:

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

No: 4 - Assemblymember Beck, Assemblymember McKee, Assemblymember Leonard, and Assemblymember Sumner

The main motion passed by the following vote:

Yes: 5 - Assemblymember Beck, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, and Assemblymember Sumner

No: 2 - Assemblymember Sykes, and Assemblymember Boeve

[OR 19-034](#) An Ordinance Amending MSB 3.24, Distribution Of Motor Vehicle Registration Tax Revenues.

Sponsors: Leonard

Clerk's Note: The public hearing on Ordinance Serial No. 19-034 was postponed to a time certain of June 4, 2019, under Approval of the Agenda.

C. AUDIENCE PARTICIPATION (Three Minutes Per Person.)

The following person spoke to information regarding the potential contract between Port MacKenzie and Alberta to Alaska: Mr. Brad Empey

The following person thanked Assemblymembers Sumner, Leonard, and McKee for their votes on Ordinance Serial No. 19-032: Mr. Brian Endle

The following person spoke to concerns with Resolution Serial No. 19-011 (Fines and Fees Schedule): Mr. Eugene Haberman

Mayor Halter queried if there was any objection to moving Unfinished Business items, Ordinance Serial No. 19-028 and Resolution Serial No. 19-020, to a time certain of March 19, 2019.

There were no objections noted.

D. CONSENT AGENDA

1. RESOLUTIONS

[RS 19-025](#) A Resolution Supporting The Restoration Of Funding To The Alaska State Snowmobile Trails Advisory Council (Snowtrac) For Fiscal Year 2020 Via The Supplemental Budget Process Or Other Legislative Means.

Sponsors: Mayfield

[RS 19-026](#) A Resolution Supporting Continued Appropriations To Cover School Debt Service Reimbursement And To Provide A 50 Percent Match For Earthquake Damaged Schools.

Sponsors: Mayfield

2. ACTION MEMORANDUMS

[AM 19-009](#) Approve The Utility Relocate Cost Of \$112,230.07 To Enstar For Shaw's Tri Lake - Echo Avenue, Golf Street, Sierra Street, Shaw's Drive, And Delta Court, Project No. 30045.

[AM 19-010](#) Acceptance Of Late Filed And Retroactive Senior Citizen And Disabled Veteran Exemption Applications.

Ms. McKechnie read the above 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:

VIII. UNFINISHED BUSINESS

[OR 19-028](#) An Ordinance Amending MSB 4.70.040(A), To Change The Wastewater And Septage Advisory Board Meetings To Occur Monthly.

Sponsors: McKee

Clerk's Note: By unanimous consent Ordinance Serial No. 19-028 was postponed to the March 19, 2019, regular Assembly meeting.

[RS 19-020](#) A Resolution Temporarily Waiving Fees For Encroachment Permits For Driveways Installed In The Right-Of-Way Prior To September 10, 2012.
Clerk's Note: By unanimous consent Resolution Serial No. 19-020 was postponed to the March 19, 2019, regular Assembly meeting.

IX. VETO

There were no vetos.

X. NEW BUSINESS

A. INTRODUCTIONS (For Public Hearing 03/19/19, Assembly Chambers)

[OR 19-035](#) An Ordinance Accepting And Appropriating \$50,000 From The Great Land Trust To Fund 440, Project No. 15040, To Develop The Settlers Bay Coastal Park (MSB007387).

RS 19-023: A Resolution Amending The Scope Of Work For The Settlers Bay Coastal Park, Fund 440, Project No. 15040, For Park Development.

[OR 19-038](#)

An Ordinance Accepting And Appropriating \$6,250 From The Alaska State Department Of Education To Fund 480, Project No. 20364, For Continuing Education Grants At The Big Lake, Sutton, Talkeetna, And Willow Public Libraries.

RS 19-024: A Resolution Approving The Scope Of Work And Budget For Continuing Education Grants For The Big Lake, Sutton, Talkeetna, And Willow Public Libraries.

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 March 19, 2019. The motion passed by the following vote:

Yes: 7 - Assemblymember Sykes, Assemblymember Beck, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

[19-019](#)

03/05/19 - Vacancy Report

Board of Equalization

Robert Tracy

Historical Preservation Commission

Mario Pagni

Planning Commission

Eileen Patterson, resignation

Wastewater and Septage Advisory Board

Gina Falk Jorgensen

Assemblymember Beck moved to confirm the appointments and resignations as requested by the Mayor. The motion passed by the following vote:

Yes: 7 - Assemblymember Sykes, Assemblymember Beck, Assemblymember McKee, 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.

XI. RECONSIDERATION

There were no reconsiderations.

XII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Assemblymember Sykes advised that assembly members be aware of misinformation being disseminated through social media and opined that decisions of the Assembly should not be based on mistruths.

Assemblymember Sumner spoke to his objections to the amendments on Ordinance Serial No. 19-032.

Mayor Halter commended the Assembly on the action taken during the meeting despite the length of the meeting. He recommended scheduling a meeting between Borough Administration, Assembly, and the new commissioner of the Alaska State Department of Environmental Conservation.

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 Behrens vs. Matanuska-Susitna Borough

Clerk's Note: By unanimous consent, the Executive Session was pulled from the agenda under Approval of the Agenda.

XIV. ADJOURNMENT

The meeting adjourned at 10:34 p.m.