Matanuska-Susitna Borough Assembly Regular Meeting

BOROUGH MAYOR Vern Halter

BOROUGH CLERK Lonnie R. McKechnie, CMC

BOROUGH MANAGER John Moosey

BOROUGH ATTORNEY Nicholas Spiropoulos

# **MEETING MINUTES**

ASSEMBLY CHAMBERS 350 EAST DAHLIA AVENUE, PALMER

6:00 PM

ASSEMBLY REGULAR MEETING

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on Tuesday, March 19, 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 changes to the agenda.

Assemblymember Sykes moved to take up Ordinane Serial No. 19-021 immediately preceding the 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



BOROUGH ASSEMBLY

George McKee, District 3

Ted Leonard, District 4 Dan Mayfield, District 5

Jesse Sumner, District 6

Tam Boeve, District 7

Jim Sykes, District 1 Matthew Beck, District 2



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

# **IV. PLEDGE OF ALLEGIANCE**

The pledge of allegiance was led by Mr. Bill Kendig, a member of the audience.

# **V. MINUTES OF PRECEDING MEETINGS**

19-025A. Regular Meeting Minutes: 02/19/19B. Special Meeting Minutes: 02/26/19The 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

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

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

There was no report provided.

#### 3. Transportation Advisory Board

Ms. Cindy Bettine, Transportation Advisory Board Chair reported on the activities of the Board.

### **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

Mr. Moosey reported that there have been posts on social media inquiring if the Borough is doing a survey, as that is what the caller is telling the recipients. Advised that the Borough is not doing a survey regarding the Governor's budget. Reported on the meetings he attended while in Juneau. Commented that there have been some discussions on consolidating the road service areas. Stated that he will work with staff to get due date for the subdivision construction manual update to be completed. Noted that he, members of the Assembly and Ms. McKechnie will be heading to Washington, D.C.

### **D. ATTORNEY COMMENTS**

Mr. Spiropoulos reported on the budget adoption timeframes on the statutory deadlines associated with mailing of the tax bills.

#### E. CLERK COMMENTS

Ms. Kilborn reported on the upcoming meeting schedule.

### F. CITIZEN AND OTHER CORRESPONDENCE

- <u>19-026</u> 1. Local Road Service Area Advisory Board: 12/20/18, Resolution Nos. 19-01, 19-02, 19-03
  - 2. Parks, Recreation, and Trails Advisory Board: 09/24/18, 01/28/19
  - 3. Platting Board: 12/20/18, 01/03/19

4. Transportation Advisory Board: 12/13/18, Resolution Nos. 19-01, 19-02

- 5. North Lakes Community Council: 03/29/18, 09/27/18, 10/25/18
- 6. Sutton Community Council: 10/24/18, 11/28/18, 12/26/18,
- 01/30/19

7. Trapper Creek Community Council: 01/17/19

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

## G. INFORMATIONAL MEMORANDUMS

There were no informational memomrandums presented.

#### VII. SPECIAL ORDERS

### A. PERSONS TO BE HEARD (MSB 2.12.081; Three Minutes Per Person.)

OR 19-021An Ordinance Approving The Conversion Of The Paid On-Call<br/>Emergency Medical Services System To A More Predictable Model Of<br/>Full Time Medical Providers.MOTION PENDING: Assemblymember Beck moved to adopt<br/>Ordinance Serial No. 19-021 as amended. The motion passed

by the following vote:

- Yes: 6 Assemblymember Sykes, Assemblymember Beck, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve
- No: 1 Assemblymember McKee

# B. PUBLIC HEARINGS (Three Minutes Per Person.)

OR 19-020An Ordinance Creating Jones, Weeping Birch, Moose Park Road Paving<br/>Local Improvement District No. 610, Approving The Improvement Plan<br/>For The District, Authorizing The Manager To Proceed With The<br/>Improvement, And Assessing Equally Among The Properties Within The<br/>District The Costs Of The Improvement.<br/>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. 19-020. The motion failed by the following vote:

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.
 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. 19-035 and Resolution Serial No. 19-023. The motion passed by the following vote:

- Yes: 7 Assemblymember Sykes, Assemblymember Beck, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve
- 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. 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. 19-038 and Resolution Serial No. 19-024. The motion passed by the following vote:

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

The following person spoke to the need to add an emergency fill valve at the Palmer and Wasilla Pools: Mr. Tom Roberson.

The following person spoke in support of commercial hemp: Ms. Sara Williams.

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

The following persons spoke in support of Resolution Serial No. 19-030: Mr. Forrest Powell, Ms. Jennifer Bush, Mr. Bryan Gearry, Ms. Margaret Billinger, Ms. Kim Schlauser, and Ms. Ali Cole.

The following person spoke in support of Ordinance Serial No. 19-021 and Resolution Serial No. 19-030: Mayor Bert Cottle, city of Wasilla.

The following person noted that Governor Dunleavy's budget is spurring conversations all over the state: Mr. Todd Smolden, Director of the Mat-Su Valley Office of Governor Dunleavy.

The following person spoke to concerns with the boundaries of community councils being extended: Ms. Amy Henry.

# **D. CONSENT AGENDA**

# **1. RESOLUTIONS**

# 2. ACTION MEMORANDUMS

<u>AM 19-011</u>	Award Of Bid No. 19-066B To Western Construction & Equipment, LLC. In The Contract Amount Of \$287,534 To Upgrade The Roadway And Improve Drainage East Pintail Drive.
<u>AM 19-012</u>	Award Of Bid No. 19-065B To Western Construction & Equipment, LLC. In The Contract Amount Of \$117,143 To Upgrade The Roadway And Improve The Cul De Sac For North Jason Court.
<u>AM 19-014</u>	Award Of Proposal No. 19-061P To Quantum Spatial, Inc. In The Contract Amount Of \$295,665 For Matanuska-Susitna Borough Aerial Imagery Acquisition. Ms. Kilborn 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: 7 - Assemblymember Sykes, Assemblymember Beck, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve

RS 19-029A Resolution Approving Certain Unincorporated Communities And<br/>Their Incorporated Nonprofit Entity For Participation In The Fiscal<br/>Year 2020 Community Assistance Program.<br/>Ms. Kilborn read the legislation into the record.

# Assemblymember Sykes moved to adopt Resolution Serial No. 19-029. The motion passed by the following vote:

- Yes: 7 Assemblymember Sykes, Assemblymember Beck, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve
- RS 19-030A Resolution Approving The Scope Of Work And Budget To Provide<br/>A Grant For \$341,334 To Valley Transit For The Required 9.03<br/>Percent Local Match For A Federal Transit Grant To Replace Valley<br/>Transit Commuter Buses.<br/>CONFLICT OF INTEREST: Assemblymember Sumner declared a<br/>conflict of interest due to having done business with the grant<br/>recipient.

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

Assemblymember Sumner exited the meeting.

Ms. Kilborn read the legislation into the record. Assemblymember Leonard moved to adopt Resolution Serial No. 19-030. The motion passed by the following vote:

- Yes: 6 Assemblymember Sykes, Assemblymember Beck, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, and Assemblymember Boeve
- Recused: 1 Assemblymember Sumner Assemblymember Sumner re-entered the meeting.

AM 19-013 Approval Of A One-Year Contract Extension For Contract No. 18-128B With Clear Excavating, LLC. In The Amount Of \$121,482.33 For Trail And Access Improvements On The Haessler-Norris Trail System Project, Project No. 15403. CONFLICT OF INTEREST: Assemblymember Sumner declared a conflict of interest as he has done substantial business with the successful bidder.

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

Assemblymember Sumner exited the meeting.

Ms. Kilborn read the legislation into the record. Assemblymember Beck moved to adopt AM No. 19-013. The motion passed by the following vote:

- Yes: 6 Assemblymember Sykes, Assemblymember Beck, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, and Assemblymember Boeve
- Recused: 1 Assemblymember Sumner Assemblymember Sumner re-entered the meeting.
- AM 19-015 Award Of Bid No. 19-064B To Axys, LLC. In The Contract Amount Of \$6,046,350 For Palmer Pool Improvements.
  Ms. Kilborn read the legislation into the record.
  Assemblymember Sumner moved to adopt AM 19-015.

Assemblymember Sumner moved a primary amendment by striking 10 percent change order authority and inserting the following in its place: Change order authority is limited to \$300,000. The motion passed by the following vote:

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

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

# **VIII. UNFINISHED BUSINESS**

**RS 19-011**A Resolution Approving The Changes Needed To Update The Fiscal Year2020 Schedule Of Rates And Fees Effective July 1, 2019.Ms. Kilborn read the legislation into the record.

PENDING PRIMARY AMENDMENT: Assemblymember Sumner moved a primary amendment to the Schedule of Rates and Fees by increasing the proposed fess at Palmer Pool, Wasilla Pool, and Brett Memorial Ice Arena by 5 percent.

PENDING SECONDARY AMENDMENT: Assemblymember Sumner moved a secondary amendment by inserting at the end of the primary amendment the words "and round up to the next dollar." Assemblymember Sumner moved to withdraw both of his pending amendments. The motion passed by the following vote:

Assemblymember Sumner moved a primary amendment to IM No. 19-01 as follows:

• Line 42: Public Skating General, by striking \$5 and inserting \$6 in its place;

• Line 43: Public Skating Kids and Seniors, by striking \$4 and inserting \$5 in its place;

•Line 44: Family Skate, up to 4, by striking \$15 and inserting \$18 in its place;

• Line 50: Skate rental, by striking \$3 and inserting \$4 in its place;

• Line 51: Annual locker rental, by striking \$25 and inserting \$30 in its place;

• Line 56: Skate repair/blade change/rivet replacement, by striking \$5 and inserting \$6 in its place;

• Line 59: Skate pass 10 – 6 to Adult, by striking \$40 and inserting \$45 in its place;

• Line 60: Skate pass 10 – senior, by striking \$32 and inserting \$35 in its place;

• Line 61: Skate rental, by striking \$27 and inserting \$30 in its place;

• Line 99: Learn to skate combo (ice dance, power, and freestyle)

1 day, 3 lessons, by striking \$30 and inserting \$35 in its place;

• Line 100: Package (instruction, skate rental, and free time), by striking \$50 and inserting \$55 in its place;

• Line 101: Public hockey 1 session, by striking \$10 and inserting \$12 in its place;

• Line 102: Public hockey 5 sessions, by striking \$45 and inserting \$50 in its place;

• Line 103: Public hockey 10 sessions, by striking \$90 and inserting \$100 in its place;

• Line 104: Adult learn to play hockey class 1 hour, by striking \$10 and inserting \$12 in its place;

• Line 107: Youth learn to play hockey program, by striking \$110 and inserting \$115 in its place;

• Line 111: Ice camp, 6 lessons, by striking \$160 and inserting \$165 in its place;

• Line 112: Ice camp, 12 lessons, by striking \$325 and inserting \$330 in its place;

• Line 113: Ice camp, 18 lessons, by striking \$485 and inserting \$495 in its place;

• Line 114: Summer fun hockey Mites/Bantams package, by striking \$120 and inserting \$125 in its place;

• Line 115: Summer fun hockey U16-U18 package, by striking \$120 and inserting \$125 in its place;

• Line 216: Open swim, preschool, by striking \$0 and inserting \$2 in its place;

• Line 217: Open swim, youth 4-17, by striking \$5 and inserting \$6 in its place;

• Line 218: Open swim, adult 18-54, by striking \$6 and inserting \$7 in its place;

• Line 219: Open swim, Senior 55+, by striking \$5 and inserting \$6 in its place;

• Line 220: Open swim, disabled, by striking \$5 and inserting \$6 in its place;

• Line 227: 30 day pass, youth, by striking \$50 and inserting \$55 in its place;

• Line 228: 30 day pass, adult, by striking \$70 and inserting \$75 in its place;

• Line 229: 30 day pass, senior, by striking \$50 and inserting \$55 in its place;

• Line 230: 30 day pass, disabled, by striking \$50 and inserting \$55 in its place;

• Line 231: 30 day pass, family, by striking \$95 and inserting \$100 in its place;

• Line 232: One year pass, youth, by striking \$379 and inserting \$400 in its place;

• Line 233: One year pass, adult, by striking \$483 and inserting \$500 in its place;

• Line 234:One year pass, senior, by striking \$379 and inserting \$400 in its place;

• Line 235: One year pass, disabled, by striking \$379 and inserting \$400 in its place;

• Line 236: On year pass, family, by striking \$990 and inserting \$1,000 in its place;

• Line 245: Swim club daily admission/one time, by striking \$2.50 and inserting \$3 in its place; and

• Line 246: Parent/child swim punch card 5 each, by striking \$40 and inserting \$45 in its place.

# The motion passed by the following vote:

Assemblymember Sykes moved a primary amendment to IM No. 19-017, line item 400 of the Fiscal Year 2020 Schedule of Rates and Fees, by inserting the words "or denial" after the word "acceptance." The motion passed by the following vote:

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

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

- Yes: 7 Assemblymember Sykes, Assemblymember Beck, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve
- <u>RS 19-020</u> A Resolution Temporarily Waiving Fees For Encroachment Permits For Driveways Installed In The Right-Of-Way Prior To September 10, 2012.

PENDING AMENDMENT: Assemblymember Sykes moved to insert a whereas clause to read: "Whereas, during the period of not requiring a driveway permit fee, the Borough shall conduct outreach so that driveway permit status can be disclosed to potential buyers." The motion passed by the following vote:

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

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

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

Ms. Kilborn read the legislation into the record.

**MOTION PENDING:** Assemblymember McKee moved to adopt Ordinance Serial No. 19-028. The motion passed by the following vote:

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

# IX. VETO

# X. NEW BUSINESS

# A. INTRODUCTIONS (For Public Hearing 04/02/19 Assembly Chambers)

- OR 19-041 An Ordinance Approving An Appropriation Of \$64,200 From The Enhanced 911 Fund Balance, Fund 202, To Project No. 45283, Fund 480, To Allow The City Of Wasilla To Obtain Reimbursement From Enhanced 911 Surcharge Funding For E-911 Equipment, Software, And Professional Services For Smart911.
  RS 19-028: A Resolution Approving The Scope Of Work And Budget For Project No. 45283, Fund 480, To Allow The City Of Wasilla To Obtain Reimbursement From The Enhanced 911 Surcharge Funding For E-911 Equipment, Software, And Professional Services For Smart911.
- OR 19-043An Ordinance Accepting And Appropriating A Donation In The Amount<br/>Of \$2,500 From The Equestrian Homeowners Association To Fund 430,<br/>Project No. 35299, For The Folsom Drive To Bogard Road Connecting<br/>Pathway Project.<br/>RS 19-033: A Resolution Approving The Scope Of Work And Budget<br/>For The Folsom Drive To Bogard Road Connecting Pathway, Project<br/>No. 35299, Fund 430.
- OR 19-044An Ordinance Approving An Acceptance And Appropriation Of \$9,601Of Revenues From Public Donations To The Fiscal Year 2019 Animal<br/>Care And Regulation Division Operating Budget, 200.100.606 To<br/>Purchase Equipment And Supplies For Animal Care.

OR 19-045 An Ordinance Amending MSB 2.12.070(B), To Reflect A November Election Date; And Amendments To Title 25, Elections, To Change The Provisions Of When The Assembly Adopts Ballot Propositions For A More Timely Mailing Of The Election Brochure And To Delete The Provisions For Mayoral Runoff Elections.

# Sponsors: Sumner

Ms. Kilborn read the legislation into the record.

Assemblymember Beck moved to introduce the legislation as read into the record by the Clerk and to set the public hearings for April 2, 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**

<u>19-027</u>	Vacancy Report
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# Sponsors: Halter

Board of Equalization James "Bradley" Young Emergency Medical Services Board Dane Wallace, resignation Platting Board Pio Cottini Police Powers Task Force Patricia Fisher Wastewater & Septage Advisory Board Daniel Tucker Talkeetna Sewer & Water Service Area No. 36 Paul Button, resignation Assemblymember Beck moved to confirm the appointments and resignations requested by the Mayor. The motion passed by the following vote:

# C. OTHER NEW BUSINESS

# 1. Motion to Amend Something Previously Adopted

OR 19-030An Ordinance Establishing A Borough Task Force To Investigate And<br/>Consider Steps To Develop A Proposal To Voters That Adds<br/>Specific Police Powers To Its Responsibilities.

# Sponsors: Sykes

Assemblymember Sykes moved to amend Ordinance Serial No. 19-030, previously adopted on March 5, 2019, in section 3, by making Tony April, B Attachment Commander of the Alaska State Troopers, a nonvoting ex officio member. The motion passed by the following vote:

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

# **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.

XIII. 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

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 the Behrens versus the Matanuska-Susitna Borough law suit. Those present in the executive session will be the Mayor, the members of the Assembly, the Manager, the Attorney, the Deputy Clerk, and Ms. Danielle Ryman. The motion passed without objection and the Assembly entered into executive session at 8:23 p.m.

Assemblymember Beck moved to exit executive session.

# The motion passed without objection and the Assembly exited executive session at 9:06 p.m.

# XII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Assemblymember Sykes thanked everyone for meeting.

Assemblmember Mayfield spoke in support of the Borough's emergency responders. Thanked the body for supporting Ordinance Serial No. 19-021.

Assemblymember Beck related that he was assured by the Palmer Fire Chief that water could be pumped more quickly from the pools in an emergency without any special attachments.

Assemblymember Sumner thanked the body for the meeting.

Mayor Halter queried if there was any objection to Assemblymember Boeve being a member of the Spruce Beetle Commission.

There was no objection noted.

Mayor Halter spoke in support of the Borough's emergency responders.

### XIV. ADJOURNMENT

The meeting adjourned at 9:09 p.m.