

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

Michael Brown

BOROUGH ATTORNEY

Nicholas Spiropoulos



BOROUGH ASSEMBLY

Tim Hale, District 1
Stephanie Nowers, District 2
George McKee, District 3
Robert Yundt, District 4
Mokie Tew, 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, MAY 5, 2020

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on Tuesday, May 5, 2020, 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 Tim Hale, Assemblymember Stephanie Nowers, 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 Mayfield moved to pull Ordinance Serial No. 20-046, from introduction. The motion failed (tie vote) and the Mayor invoked his voting privileges in the negative. The motion failed by the following vote:

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

No: 4 - Assemblymember Hale, Assemblymember McKee, Assemblymember Sumner, and Mayor Halter

Ms. McKechnie advised that Planning Staff had requested that Ordinance Serial No. 20-039 be pulled from introduction and brought back at a later date.

Mayor Halter queried if there was any objection.

There was no objection noted.

IV. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Mr. John Harris, State Lobbyist for the Borough.

V. MINUTES OF PRECEDING MEETINGS

There were no minutes of preceding meetings.

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. State of Alaska

Mr. Todd Smoldon, Director of Governor Dunleavy's Mat-Su Office, reported on the activities of the State Legislature.

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 requested to extend the date that Ordinance Serial No. 20-045 is due back to the Assembly from May 18, 2020, to September 15, 2020.

Mayor Halter queried if there was any objection.

There was no objection noted.

Mr. John Harris, State Lobbyist, reported on the activities of the State Legislature.

Mr. Eric Wyatt, Information and Technology Director, reported on the status of the project to put the Borough's checkbook online.

D. ATTORNEY COMMENTS

Mr. Spiropoulos reported on the status of his research on how the CARES Act Funds may be spent.

Mr. Moosey spoke to contract performance concerns with the Caswell Lakes Road Service Area maintenance contract.

E. CLERK COMMENTS

Ms. McKechnie noted that the call-in line was tested prior to the meeting and had worked fine at that time. Stated that every effort is being made to accommodate telephonic testimony by the public. Spoke to the feasibility of a by-mail election for the State. Spoke to a mailer that she would like to send out to every registered voter and queried if that was something the Assembly would like to occur.

Mayor Halter queried if there was any objection.

There was no objection noted.

F. CITIZEN AND OTHER CORRESPONDENCE

There was no citizen and other correspondence.

G. INFORMATIONAL MEMORANDUMS

- [IM 20-079](#) Informing The Assembly Of A One-Time Payment Of \$25,000 To The Trapper Creek Community Service Association, Inc. For Their Community Water Project As Adopted And Approved Under The Land And Resource Management Operating Budget For Fiscal Year 2020 And The Borough Manager Executing Said Payment.
- [IM 20-085](#) Informing The Assembly Of An Agreement Between The Borough And The Alaska State Department Of Natural Resources Committing Grant Funds And Local Matching Funds To The Settlers Bay Coastal Park Interpretive Plan And Panels Project In The Amount Of \$32,000.
- [IM 20-086](#) Informing The Assembly Of Amendments To The Willow Trails Committee Winter Grooming Grants For The Haessler-Norris Trail System And The Emil Stancec Trail System.
- [IM 20-087](#) Informing The Assembly Of Amendments For The 2018 And 2019 State Homeland Security Program And 2019 Emergency Management Program Grant To Be Presented To The Borough Manager For Signature.
- [IM 20-089](#) Informing The Assembly Of An Agreement And Amendment Document For The Community Assistance Program For The South Knik River Community Council To Be Presented To The Borough Manager For Signature.
- 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. ALL PUBLIC HEARING TESTIMONY AND AUDIENCE PARTICIPATION (Three Minutes Per Person.)

The meeting recessed at 6:51 p.m. and reconvened at 7:01 p.m.

Mayor Halter opened telephonic public hearings and audience participation.

The following person spoke in support of Ordinance Serial No. 20-033: Mayor Bert Cottle, city of Wasilla.

The following person spoke to concerns with the public process for Ordinance Serial Nos. 20-037, 20-033, 20-034, and 20-046: Mr. Eugene Carl Haberman.

The following person spoke in support of Ordinance Serial No. 20-046 and in support of the Borough's checkbook being online: Mr. Jim Sykes, former member of the Assembly.

There being no others who wished to testify, the public hearing closed.

C. LEGISLATION SUBJECT TO TESTIMONY UNDER ITEM B.

[OR 20-033](#)

An Ordinance Approving The Fair Market Value Sale Of Borough-Owned Land To The City Of Wasilla Where The Knik-Fairview Territorial School Is Located For Purpose Of Relocation Of The School And Benefit Of The City's Sewage Treatment Facility Expansion. Ms. McKechnie read the legislation into the record.

Assemblymember Leonard moved to adopt Ordinance Serial No. 20-033. The motion passed by the following vote:

Yes: 7 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve

[OR 20-034](#)

An Ordinance Accepting And Appropriating 2018 Cook Inlet Earthquake Disaster Relief Monies In The Amount Of \$233,138.10 From The Federal Emergency Management Agency; And \$77,712.69 From The Alaska State Division Of Homeland Security And Emergency Management, To Fund 445, Project No. 55026.

RS 20-032: A Resolution Approving The Scope Of Work And Budget For A Portion Of The 2018 Cook Inlet Earthquake Disaster Relief Monies, Project No. 55026.

Ms. McKechnie read the legislation into the record.

Assemblymember Mayfield moved to adopt Ordinance Serial No. 20-034 and Resolution Serial No. 20-032. The motion passed by the following vote:

Yes: 7 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve

[OR 20-036](#)

An Ordinance Approving An Appropriation Of \$35,000 From The Sale Of The Lake Louise Patient Transport Vehicle, To Project No. 45225, Fund 425, Ambulance Replacement/Remount And Refurbish.

RS 20-035: A Resolution Approving The Amended Budget On Project No. 45225, Fund 425, Ambulance Replacement/Remount And Refurbish.

Ms. McKechnie read the legislation into the record.

Assemblymember Hale moved to adopt Ordinance Serial No. 20-036 and Resolution Serial No. 20-035. The motion passed by the following vote:

Yes: 7 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve

[OR 20-037](#)

An Ordinance Approving A Supplemental Appropriation Of \$2,500,000 From The Unrestricted Net Assets In The Solid Waste Enterprise Fund, Fund 510, With \$2,414,500 To Fund 420 Solid Waste Project No. 25056 To Design And Build A Landfill Gas Collection And Flare System And Associated Electrical, Piping, Plumbing And Any Other Equipment And Buildings Required For The Proper Function Of The System And \$85,500 To Budget Line Fund 510.150.401.426.900.

RS 20-036: A Resolution Establishing The Project, Scope Of Work And Budget For A Supplemental Appropriation Of \$2,500,000 From The Unrestricted Net Assets In The Solid Waste Enterprise Fund, Fund 510, With \$2,414,500 To Fund 420 Solid Waste Project 25056 To Design And Build A Landfill Gas Collection And Flare System And Associated Electrical, Piping, Plumbing And Any Other Equipment And Buildings Required For The Proper Function Of The System And \$85,500 To Budget Line Fund 510.150.401.426.900.

Ms. McKechnie read the legislation into the record.

Assemblymember Mayfield moved to adopt Ordinance Serial No. 20-037 and Resolution Serial No. 20-036. The motion passed by the following vote:

Yes: 7 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve

D. CONSENT AGENDA

1. RESOLUTIONS

2. ACTION MEMORANDUMS

[AM 20-026](#)

Authorization To Renew A 3-Year License With Software Cartegraph Systems LLC. In The Amount Of \$112,249.79 For Operations Management Software.

[AM 20-027](#)

Authorization Of Amendment No. 6 To Contract No. 18-116P With Shannon And Wilson, Inc. To Add \$85,000 For Landfill Water Quality Monitoring Program Management For The Remainder Of Fiscal Year 2020 Only.

Ms. McKechnie read the legislation into the record.

Assemblymember Mayfield moved to approve the consent agenda as read into the record by the Clerk. The motion passed by the following vote:

Yes: 7 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve

[RS 20-038](#)

A Resolution Directing Administration To Develop A Long-Term Management Agreement With The State Of Alaska For The Purpose Of Developing And Maintaining Recreation Amenities At The Jonesville Public Use Area.

Ms. McKechnie read the legislation into the record.

Assemblymember McKee moved to adopt Resolution Serial No. 20-038.

Assemblymember McKee moved to postpone Resolution Serial No. 20-038 to a time certain of July 21, 2020. The motion failed by the following vote:

Yes: 2 - Assemblymember McKee, and Assemblymember Leonard

No: 5 - Assemblymember Hale, Assemblymember Nowers, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve

The main motion passed by the following vote:

Yes: 6 - Assemblymember Hale, Assemblymember Nowers, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve

No: 1 - Assemblymember McKee

[RS 20-041](#)

A Resolution Directing The Manager To Waive Personal Use Firewood Fees Until May 31, 2020.

Ms. McKechnie read the legislation into the record.

Assemblymember Boeve moved to adopt Resolution Serial No. 20-041.

Assemblymember Boeve moved a primary amendment to Resolution Serial No. 20-041, by striking "May 31, 2020" and inserting "July 31, 2020" in its place. The primary amendment passed by the following vote:

Yes: 7 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve

The main motion passed as amended by the following vote:

Yes: 7 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve

[AM 20-028](#)

Approving A Waiver Under MSB 2.71.090 For Assemblymember Tim Hale, District 1, To Allow Employment Through Operating Engineers Local 302, In The Event That A Contractor Obtaining Workers Through Engineers Local 302 Is Performing Work On Behalf Of The Borough.

CONFLICT OF INTEREST: Assemblymember Hale declared a conflict of interest as it is he who is the subject of the legislation.

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

Assemblymember Hale exited the meeting.

Ms. McKechnie read the legislation into the record.

Assemblymember Mayfield moved to adopt AM No. 20-028.

The motion passed by the following vote:

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

Recused: 1 - Assemblymember Hale

Assemblymember Hale re-entered the meeting.

VIII. UNFINISHED BUSINESS

There was no unfinished business.

IX. VETO

There were no vetoes presented.

X. NEW BUSINESS

A. INTRODUCTIONS (For Public Hearing 05/19/20 Assembly Chambers)

[OR 20-038](#) An Ordinance Accepting And Appropriating \$34,847.84 From The Mat-Su Trails And Parks Foundation, To Fund 480, Project No. 15050, Fish Creek / Jay Nolfi Park Improvements
RS 20-037: A Resolution Approving The Scope Of Work And Budget For Fish Creek / Jay Nolfi Park Improvements, Fund 480, Project No. 15050.

[OR 20-039](#) An Ordinance Extending The Time Limit For Completion Of Borough Capital Projects.

[OR 20-040](#) An Ordinance Appropriating Up To \$130,000 From The Community Transportation Program Grant Match Budget To Provide The Required Local Match For Federal Transit Grant For Sunshine Transit To Purchase And Modify A Transit Facility.
RS 20-039: A Resolution Approving The Scope Of Work And Budget To Provide The Required Local Match For Federal Transit Grant For Sunshine Transit To Purchase And Modify A Transit Facility.

[OR 20-041](#) An Ordinance Accepting And Appropriating \$28,800 In Federal Funds From The Federal Highway Administration, Passed Through The Alaska State Department Of Natural Resources, For The Settlers Bay Coastal Project, Project No. 15040, Fund 440 To Develop And Produce Interpretive Signage At The Park; Reappropriate \$3,200 From Areawide Funds, Project No. 99999 Grant Match, Fund 480 To Fund 440 To Satisfy The Required Match.
RS 20-040: A Resolution Approving The Scope Of Work And Budget For The Settlers Bay Coastal Park Interpretive Plan And Panels, Project No.15040, Fund 440.

[OR 20-042](#) An Ordinance Accepting And Appropriating A Grant In The Amount Of \$50,000 From The Alaska State Division Of Forestry, To Project No. 45131, Fund 480, To Operate Collection Sites And Dispose Of Dead Slash From Beetle Killed Trees For Mat-Su Residents.

RS 20-042: A Resolution Approving The Scope Of Work And Budget For The Alaska State Division Of Forestry Grant, Project Number 45131, Fund 480, To Operate Collection Sites And Dispose Of Dead Slash From Beetle Killed Trees For Mat-Su Residents.

[OR 20-043](#) An Ordinance Accepting And Appropriating 2018 Cook Inlet Earthquake Disaster Relief Monies In The Amount Of \$376,864.35 From The Federal Emergency Management Agency And \$125,621.44 From The Alaska State Division Of Homeland Security And Emergency Management, To Fund 445, Project Nos. 55026 And 55027.

RS 20-043: A Resolution Approving The Scope Of Work And Budget For A Portion Of The 2018 Cook Inlet Earthquake Disaster Relief Monies, Project Nos. 55026 And 55027.

[OR 20-044](#) An Ordinance Appropriating \$100,000 From The Reserve For Major Repairs And Renovations Fund, 100 262.920 To Complete Restoration Of The Willow Cabin, Fund 435, Project No. 10182.

RS 20-044: A Resolution Amending The Scope Of Work And Budget For The Willow Cabin.

Sponsors: Boeve

[OR 20-046](#) An Ordinance Repealing The Manager Plan Of Government And Submitting The Proposal To The Qualified Voters At The November 3, 2020, Regular Borough Election.

Sponsors: Sumner and Leonard

Ms. McKechnie read the legislation into the record.

Assemblymember Mayfield moved to introduce the legislation as read into the record by the Clerk and to set the public hearings for May 19, 2020.

Assemblymember Mayfield moved to divide the question to take up introduction of Ordinance Serial No. 20-046, separately. The motion passed by the following vote:

Yes: 5 - Assemblymember Hale, Assemblymember Nowers, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve

No: 2 - Assemblymember McKee, and Assemblymember Leonard
First Segment. Assemblymember Mayfield moved to introduce the legislation and to set the public hearings for May 19, 2020, excepting Ordinance Serial No. 20-046. The motion passed by the following vote:

Yes: 7 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve

Second Segment. Assemblymember Mayfield moved to introduce Ordinance Serial No. 20-046, as read into the record by the Clerk and to set the public hearing for September 15, 2020.

Assemblymember McKee moved a primary amendment by striking "September 15, 2020" and inserting "August 18, 2020" in its place. The primary amendment failed by the following vote:

Yes: 2 - Assemblymember Hale, and Assemblymember McKee

No: 5 - Assemblymember Nowers, Assemblymember Leonard, Assemblymember Mayfield, Assemblymember Sumner, and Assemblymember Boeve

Assemblymember Leonard moved a primary amendment by striking "August 18, 2020" and inserting "June 16, 2020; July 21, 2020; and August 18, 2020" in its place. The primary amendment passed by the following vote:

Yes: 6 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Leonard, Assemblymember Sumner, and Assemblymember Boeve

No: 1 - Assemblymember Mayfield

The second segment passed as amended by the following vote:

Yes: 5 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Leonard, and Assemblymember Sumner

No: 2 - Assemblymember Mayfield, and Assemblymember Boeve

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

There was no vacancy report.

C. OTHER NEW BUSINESS

1. RECRUITMENT OF A BOROUGH MANAGER

Mayor Halter queried if there was any objection to moving forward with hiring a professional search firm to find a new Borough manager.

There was no objection noted.

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 presented.

XII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Assemblymember McKee spoke to a meeting that he attended with Mr. Moosey and Mr. Spiropoulos regarding experience requirements for bidding on requests for proposal. Spoke to concerns with residents harvesting and burning green birch, which creates particulates that are much worse than normal when burnt. Spoke to concerns that the areas open for residents to cut wood is in an area with green birch. Opined that there are other areas that would be more suitable.

Assemblymember Hale thanked staff for their hard work on the online checkbook issue. Stated that he is looking forward to it being up and running. Spoke to concerns with a strong mayor form of government. Stated that he sees the value in waiting until after health mandates are lifted so as to increase public input on a strong mayor form of government.

Assemblymember Nowers spoke in support of receiving staff reports on legislation. Spoke to the economic survey she has been working on being completed and ready to be sent out to the public. Noted that the intent is to get data on where the CARES Act funding can be best spent.

Assemblymember Sumner stated that he would like move to direct the manager to remove extraneous experience requirements from road service area contracts. L

Opined that it limits who can apply for those contracts. Spoke to history of the Caswell Lakes Road Service Area contract that was awarded to one company, appealed to the Office of Administrative Hearings, and then awarded to a different company due to Assembly intervention. Spoke to concerns that the Borough is paying for road maintenance work that is not being done due to performance issues.

Assemblymember Sumner moved to direct the Manager to remove the requirement of three years municipal experience from road service area maintenance contracts. The motion passed by the following vote:

Yes: 4 - Assemblymember Hale, Assemblymember McKee, Assemblymember Leonard, and Assemblymember Sumner

No: 3 - Assemblymember Nowers, Assemblymember Mayfield, and Assemblymember Boeve

MAYOR, ASSEMBLY, AND STAFF COMMENTS

Assemblymember Boeve spoke to concerns with the lack of Covid testing in more rural areas of the state.

Assemblymember Leonard thanked Assemblymember Nowers for working on the economic development survey. Opined that on any piece of legislation it is better to have the debate and if you are opposed then to vote it down. Spoke to the need for the Legislature to move forward on their decision regarding the CARES Act funding so that the Borough can determine the best way to provide assistance to residents.

Assemblymember Mayfield spoke to concerns with Assembly involvement in road service area contracts. Summarized his history of working with road service contracts. Spoke in support of the public process for providing testimony on legislation. Stated that the enemy of public process is the government acting in the dark.

Mayor Halter opined that it is untimely to bring motion to change experience requirements in the middle of bids and contracts being put out to the public. Advised that he is going to veto Assemblymember Sumner's motion. Spoke to the Borough's possible use of CARES Act funds. Noted the shortfall for school bond debt reimbursement having a huge impact on the Borough's budget. Spoke to his ideas for a portion of the CARES Act funds to be set aside. Spoke to concerns with a strong mayor form of government. Opined it is better to have a professional manager making decisions for the Borough instead of a politician or inexperienced person. Stated that he is in support of the Borough becoming a first class borough.

XIII. EXECUTIVE SESSION

There was no executive session.

XIV. ADJOURNMENT

The meeting adjourned at 8:52 p.m.