

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, FEBRUARY 16, 2021

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on Tuesday, February 16, 2021, 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 Stephanie Nowers, Assemblymember George McKee, Assemblymember Robert Yundt, Assemblymember Mokie Tew, Assemblymember Jesse Sumner, and Assemblymember Tam Boeve

Telephonic: 1 - Assemblymember Tim Hale

III. APPROVAL OF AGENDA

The agenda was approved as presented without objection.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Mike Brown, Borough Manager.

V. MINUTES OF PRECEDING MEETINGS

[21-030](#)

A. Regular Assembly Meeting: 01/19/21

B. Special Assembly Meeting: 02/02/21

C. Regular Assembly Meeting: 02/02/21

The 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 Glenda Ledford, 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, spoke to the school bond debt.

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

Mr. Mike Brown, Borough Manager expressed condolences for the passing of Allen "Buckwheat" Swett, a 35-year long member of the Department of Emergency Services.

1. State/Federal Legislation

2. Strategic Planning Issues

3. Mat-Su Health Foundation - Community Health Needs Assessment - Elizabeth Ripley

No report was provided.

4. BDO - Comprehensive Annual Financial Report

No report was provided.

D. ATTORNEY COMMENTS

Mr. Spiropoulos reported on what state statute says regarding reapportionment.

E. CLERK COMMENTS

Ms. McKechnie reported on the upcoming meeting schedule.

F. CITIZEN AND OTHER CORRESPONDENCE

21-032

1. Big Lake Community Council: 01/08/21
 2. Caswell Lakes Road Service Area Board of Supervisors: 10/07/20
 3. Chase Community Council: 10/14/20
 4. Gateway Community Council: 08/05/20, 08/26/20, 12/22/20
 5. Local Road Service Area Advisory Board: 11/19/20
 6. Planning Commission: 01/18/21, Resolution no. 21-02
- The citizen and other correspondence were presented and no comments were noted.

G. INFORMATIONAL MEMORANDUMS

IM 21-032

Informing The Assembly Of The Process To Reapportion Assembly Districts Based On 2020 Census Data.

IM 21-035

Informing The Assembly Of An Agreement And Amendments For The Community Assistance Program That Are To Be Presented To The Borough Manager For Signature.

IM 21-036

Informing The Assembly That The Manager Has Signed An Amendment Of The Coronavirus Relief Fund Grant.

IM 21-038

Informing The Assembly Of A Needed Change To The December 15, 2020, Assembly Meeting Minutes.
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.)

There were no persons to be heard.

B. PUBLIC HEARINGS (Three Minutes Per Person.)

[OR 21-012](#) An Ordinance Annexing Parcels That Are In The Process Of Being Subdivided From The Greater Palmer Consolidated Fire Service Area Into The Central Mat-Su Fire Service Area, To Adhere To The Provisions Found In MSB 43.15.049(E), Final Plat; General Provisions; And Making The Boundary Changes To MSB 5.25.142(A) And 5.25.140(A).

Sponsors: Sumner

Ms. McKechnie read the legislation into the record.

Ms. McKechnie, Borough Clerk, provided a staff report.

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 Sumner moved to adopt Ordinance Serial No. 21-012. The motion passed by the following vote:

Yes: 7 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Yundt, Assemblymember Tew, Assemblymember Sumner, and Assemblymember Boeve

[OR 21-015](#) An Ordinance Adopting The Five-Year Timber Harvest Schedule (MSB007621 2021-2025) Per MSB 23.20.090.

Ms. McKechnie read the legislation into the record.

Mr. Emerson Krueger, Land Management Specialist, provided a staff report.

Mayor Halter opened the public hearing.

The following person spoke to concerns with Ordinance Serial No. 21-015: Mr. Eugene Carl Haberman.

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

Assemblymember Boeve moved to adopt Ordinance Serial No. 21-015. The motion passed by the following vote:

Yes: 7 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Yundt, Assemblymember Tew, Assemblymember Sumner, and Assemblymember Boeve

OR 21-016

An Ordinance To Accept And Appropriate COVID-19 Disaster Relief Funds Of \$118,483.05 From The Federal Emergency Management Agency; And \$39,494.34 From The Alaska State Division Of Homeland Security And Emergency Management, To Fund 445, Project No. 55029.

RS 21-011: A Resolution Approving The Scope Of Work And Budget For COVID-19 Disaster Relief Funds, Project No. 55029.

Ms. McKechnie read the legislation into the record.

Ms. Cheyenne Heindel, Finance Director, provided a staff report.

Mayor Halter opened the public hearing.

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

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

Assemblymember Boeve moved to adopt Ordinance Serial No. 21-016 and Resolution Serial No. 21-011. The motion passed by the following vote:

Yes: 7 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Yundt, Assemblymember Tew, Assemblymember Sumner, and Assemblymember Boeve

[OR 21-017](#) An Ordinance Amending MSB 17.60, Conditional Uses, To Change The Applicability And Standards For Cultivation Facilities And Address On-Site Consumption Of Marijuana.

Sponsors: Sumner

Ms. McKechnie read the legislation into the record.

Mr. Alex Strawn, Planning Director, provided a staff report.

Mayor Halter opened the public hearing.

The following persons are opposed to the cultivation facilities part of Ordinance Serial No. 21-017 with concerns to the set backs distance: Mr. Nick Miller and Mr. Ander Campbell

The following persons are opposed to onsite consumption: Ms. Noel Crawley Bell and Ms. Becky Stopa

The following persons spoke in opposition to Ordinance Serial No. 21-017; to concerns with Assemblymember Sumner voting; believes the ordinance should be splint into two separate ordinances, one being set retail store hours and the other about limited cultivation: Mr. Kirby Coman and Joe McAniny

The following person spoke in favor of Ordinance Serial No. 21-017: Ms. Sam Hanson

The following person spoke in opposition of set backs and to concerns regulating all limited cultivation site because of one or two facilities with complaints against them: Mr. Marin Brown

The following person spoke to concerns with setbacks and believes the ordinance should be two separate ordinances, and to concerns with the smell factor and the regulations attached: Mr. Anthony Delorme

The following person believes Ordinance Serial No. 21-07 should be two separate ordinances, spoke to over 100 complaints made by the same people with no merit and feels the industry is being harassed: Mr. Caleb Saunders

The following person spoke concerns with this going through the Planning Commission, believes the Mat-Su Borough is not ready for onsite consumption, and that the ordinance should be split into two ordinances: Mr. Eugene Carl Haberman

The following person spoke concerns with set backs, believes ordinance should be separated into two ordinances, and that more discussion is necessary before voted on: Ms. Sarah Lorimer

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

CONFLICT OF INTEREST: Assemblymember Sumner spoke to allegation he should be removed from voting and noted he no longer owns the property that is adjacent to the particular cultivation location. RULING: Mayor Halter ruled that there was no conflict of interest.

Assemblymember Sumner moved to adopt Ordinance Serial No. 21-017.

Assemblymember Hale moved to postpone indefinitely and have come back as two separate Ordinances.

Assemblymember McKee called the question to stop debate. The motion passed by the following vote:

Yes: 7 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Yundt, Assemblymember Tew, Assemblymember Sumner, and Assemblymember Boeve

Assemblymember Hale moved to postpone Ordinance Serial No. 21-017 indefinitely and have it come back as two separate ordinances.

The motion to postpone indefinitely passed by the following vote:

Yes: 4 - Assemblymember Hale, Assemblymember Nowers, Assemblymember Yundt, and Assemblymember Boeve

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

C. AUDIENCE PARTICIPATION (Three Minutes Per Person.)

The following persons spoke in favor of Resolution Serial No. 21-017: Ms. Jessica Viera, Greater Wasilla Chamber of Commerce; Mr. Kirby Comen; Mr. Caleb Saunders; and Mr. Bert Cottle.

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

D. CONSENT AGENDA

1. RESOLUTIONS

[RS 21-017](#) A Resolution In Support Of Changes To State Law To Allow For More Local Control Over Alcohol Beverage Licensing.

Sponsors: Sumner and Yundt

2. ACTION MEMORANDUMS

[AM 21-011](#) Authorizing The Borough Manager To Enter Into A Lease Agreement For A Communication Tower Site, Known As Montana Mountain, With The Alaska State Department Of Natural Resources, Division Of Mining Land And Water, For A 10-Year Term With An Option To Renew For An Additional 10-Year Term.

[AM 21-012](#) Award Of Bid No. 21-132B To Granite Construction Company In The Contract Amount Of \$152,715 For Grandview Road Improvements.

[AM 21-013](#) Vacate The 50-Foot Wide Section Line Easement Along The North Boundary Of Proposed Lot 2, Bug Lake, Property Located Just East Of Mile 111, West Glenn Highway, Within Section 25, Township 20 North, Range 10 East, Seward Meridian.

[AM 21-014](#) Vacate A Portion Of A 50-Foot Wide Public Access Easement Upland From And Along The Ordinary High Water Mark Of Horseshoe Lake On Lot 2, US Survey 3519, Reserved By A 2003 Borough Quitclaim Deed; Located In Section 12, Township 17 North, Range 4 West, Seward Meridian.

[AM 21-015](#) Authorization To Enter Into A Utility Reimbursable Services Agreement With The Alaska Railroad For The Abby Boulevard Railroad Crossing Major Repair And Upgrade In The Amount Of \$342,263.

[AM 21-016](#) Eliminate The 15-Foot Wide Utility Easement Along The South Boundary Of Kellard Family Subdivision And Relocate The Easement Adjoining New Public Right-Of-Ways To Be Dedicated On The Kellard Family Subdivision Plat. Located In Section 6, Township 25 North, Range 4 West, Seward Meridian.

Ms. McKechnie read the consent agenda into the record.

Assemblymember Boeve 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 Yundt, Assemblymember Tew, Assemblymember Sumner, and Assemblymember Boeve

VIII. UNFINISHED BUSINESS

[AM 20-124](#)

Approval Of The Road Service Area Road Improvement Project List - Summer 2021. (Big Lake RSA No. 21 Is The Only Project List Left For Approval)

Ms. McKechnie read the unfinished business into the record.

Assemblymember Tew moved to amend AM 20-124 for the Big Lake RSA projects by decreasing line 3 "Calcium and /or cheaper dust control methods" by \$100,000, and increasing line 1 "Road Reconditioning" by \$100,000 to decrease calcium to \$35,000 and increase reconditioning to \$155,000.

Assemblymember McKee called the question to stop debate. The motion passed by the following vote:

Yes: 7 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Yundt, Assemblymember Tew, Assemblymember Sumner, and Assemblymember Boeve

The primary amendment passed by the following vote:

Yes: 5 - Assemblymember Hale, Assemblymember McKee, Assemblymember Yundt, Assemblymember Tew, and Assemblymember Sumner

No: 2 - Assemblymember Nowers, and Assemblymember Boeve

Second segment: Big Lake RSA No. 21 projects passed with the following vote:

Yes: 7 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Yundt, Assemblymember Tew, Assemblymember Sumner, and Assemblymember Boeve

IX. VETO

There were no vetoes presented.

X. NEW BUSINESS

A. INTRODUCTIONS (For Public Hearing 03/02/21 Assembly Chambers)

[RS 21-015](#) A Resolution Adopting The Fiscal Year 2021-2022 Capital Improvement Program.

[OR 21-018](#) An Ordinance Accepting And Appropriating \$231,191 From The Federal Transit Administration To Fund 480, Project No. 20396, Community Transit, For The Matanuska-Susitna Borough Centralized Mobility Management Software Project.

RS 21-014: A Resolution Approving The Scope Of Work And Budget And Authorizing The Borough Manager To Enter Into A Grant Agreement With The Federal Transit Administration For The Matanuska-Susitna Borough Centralized Mobility Management Software Project.

Ms. McKenchine read the legislation into the record.

Assemblymember Boeve moved to introduce the legislation as read into the record by the Clerk and to set the public hearings for March 2, 2021. The motion passed by the following vote:

Yes: 7 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Yundt, Assemblymember Tew, Assemblymember Sumner, and Assemblymember Boeve

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

[21-031](#)

Mayoral Requests for Confirmation
Agriculture Advisory Board
Benjamin Swimm
Borough Area Schools Site Selection Committee
Stephanie Nowers, Resignation
Robert Yundt
Parks, Recreation, and Trails Advisory Board
Nicklette LaFleur, District 4 Resignation
John Harris, District 3 reappointment
Nicklette LaFleur, District 6
Fairview RSA #14
John Harris

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

Yes: 7 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, Assemblymember Yundt, Assemblymember Tew, 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

There were no staff comments.

XIII. EXECUTIVE SESSION (For Matters, Which The Immediate Public Knowledge Of Would Clearly Have An Adverse Effect Upon The Finances Of The Borough; And 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 Attorney/Client Privilege.

Assemblymember Boeve moved to enter into executive session for matters, which the immediate public knowledge of which would clearly have an adverse effect upon the finances of the Borough; and matters which by law, municipal charter, or ordinance are required to be kept confidential; and matters involving consideration of government records that by law are not subject to public disclosure; and discussion of matters covered by attorney/client privilege. In particular to discuss NPI potential litigation or resolution. Those present during the executive session were the Mayor, members of the Assembly, the Attorney, the Manager, the Clerk, the Finance Director, the Internal Auditor, and the Port Operations Manager.

There was no objection noted and the Assembly entered into executive session at 8:14 p.m.

Assemblymember Boeve moved to exit executive session.

There was no objection noted and the Assembly exited executive session at 9:16 p.m.

XIV. ADJOURNMENT

The meeting adjourned at 9:16 p.m.