

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, SEPTEMBER 21, 2021

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on Tuesday, September 21, 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. Ken Barkley, Department of Emergency Services Director.

V. MINUTES OF PRECEDING MEETINGS

[21-183](#)

A. Regular Meeting: 09/07/21

B. Joint Assembly/School Board Meeting: 09/14/21

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

There were no reports provided.

2. Matanuska-Susitna Borough School District

There was no report provided.

3. State of Alaska

Mr. Todd Smoldon, Executive Director of Governor Dunleavy's Mat-Su Office, reported on the status of the Legislature's Special Session and the permanent fund dividend that was approved by the Legislature.

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. Brown spoke to the Charters of Freedom display at the Iditapark in Wasilla. Noted that this display is the 37th across the United States.

Ms. Tracy Loscar, Deputy Director of Emergency Medical Services, provided an update regarding COVID-19 impacts on the Borough's emergency services responses.

D. ATTORNEY COMMENTS

Mr. Spiropoulos spoke to the nationwide opioid litigation. Advised that he will bring forward a resolution for the Assembly to consider on October 5, 2021, approving the Borough to join in on settlement. Requested that if there are any questions to please let him know.

E. CLERK COMMENTS

Ms. McKechnie spoke to the upcoming meeting schedule.

F. CITIZEN AND OTHER CORRESPONDENCE

[21-186](#)

1. Butte FSA Board of Supervisors: 01/12/21, 04/15/21
2. Butte Community Council: 08/11/21
3. Platting Board: 07/01/21, 07/15/21
4. Tanaina Community Council: 08/24/21

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

G. INFORMATIONAL MEMORANDUMS

[IM 21-194](#)

Informing The Assembly Of The Manager Renewing The Commercial Use Permit With Colaska, Inc. For The Use Of Borough-Owned Land And Improvements Within The Port Mackenzie Special Use District, Located Within Section 22, Township 14 North, Range 4 West, Seward Meridian, Alaska, For A Term Of Not More Than 18 Months.

[IM 21-200](#)

Informing The Assembly Of The Managers Signature On Five Grant Applications For Submission To The Alaska State Division Of Libraries, Archives, And Museums Easy American Rescue Plan Act Grants For Libraries Grant Program.

The informational memorandum 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 21-090](#)

An Ordinance Amending The Bid Protest And Appeal Procedure By Adopting Amendments To MSB 3.08.342, Bid Protest And Appeal Procedures.

Ms. McKechnie read the legislation into the record.

Mr. Spiropoulos, Borough Attorney, 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 Nowers moved to adopt Ordinance Serial No. 21-090. 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 21-091](#)

An Ordinance Amending Portions Of MSB 3.28 To Change The Threshold For Contiguous Local Improvement Districts From 70 Percent To 60 Percent.

Sponsors: Sumner

Ms. McKechnie read the legislation into the record.

Mr. Spiropoulos, Borough Attorney, provided a staff report.

Mayor Halter opened the public hearing.

The following person spoke in support of Ordinance Serial No. 21-091:
Ms. Talley Alexander.

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. 21-091.

Assemblymember Yundt moved a primary amendment to Ordinance Serial No. 21-091 by striking "60 percent" and inserting "50 percent" in its place throughout the legislation.

Assemblymember McKee called for 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: 4 - Assemblymember McKee, Assemblymember Yundt, Assemblymember Tew, and Assemblymember Sumner

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

The main motion passed as amended by the following vote:

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

No: 2 - Assemblymember Hale, and Assemblymember Nowers

[OR 21-093](#)

An Ordinance Accepting And Appropriating \$299,991 In Fiscal Year 2022 Community Assistance Program Funding.

RS 21-092: A Resolution Approving The Scope Of Work And Budget For The Community Assistance Program And Authorizing The Manager To Enter Into Agreements With 19 Unincorporated Communities Within The Borough.

Ms. McKechnie read the legislation into the record.

Ms. Cheyenne Heindel, Finance Director, 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 Nowers moved to adopt Ordinance Serial No. 21-093 and Resolution Serial No. 21-092. 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 21-094](#)

An Ordinance Accepting And Appropriating Additional Funds In The Amount Of \$429,076 For The Borough Fish Passage 2025 Grant, Revision No. 1, To Design And Construct Fish Passage Culvert Replacements; And Use Matching Funds Of \$122,980 From The Fiscal Year 2020 Fish Passage Project; And \$117,020 From The Grant Match For Fish Passage Projects, Fiscal Year 2021.

RS 21-094: A Resolution Approving The Scope Of Work And Budget For The Borough Fish Passage 2025 Project To Design And Construct Fish Passage Culvert Replacements.

Ms. McKechnie read the legislation into the record.

Mr. Terry Dolan, Public Works Director, 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 Nowers moved to adopt Ordinance Serial No. 21-094 and Resolution Serial No. 21-094.

The main motion passed by the following vote:

Yes: 6 - Assemblymember Hale, Assemblymember Nowers, Assemblymember Yundt, Assemblymember Tew, Assemblymember Sumner, and Assemblymember Boeve

No: 1 - Assemblymember McKee

[OR 21-098](#)

An Ordinance Approving A One-Year Extension For The Management Agreement Between The Borough And The Chickaloon Village Traditional Council As The Operator On Behalf Of The Borough For The Moose Creek Campground (Mile Post 54.5 North Glenn Hwy) On State-Owned Land.

Ms. McKechnie read the legislation into the record.

Mr. Eric Phillips, Community Development Director, 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 Hale moved to adopt Ordinance Serial No. 21-098. 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. AUDIENCE PARTICIPATION (Three Minutes Per Person.)

The following persons spoke in opposition to the Burma Road Iditarod Trail under pass: Ms. Donna DeFusco, Mr. Ron DeFusco, and Ms. Kelly Dickson.

The following person spoke to concerns with the continued development of Port MacKenzie: Ms. Dee McKee.

The following person spoke in opposition to amendments made to Ordinance Serial No. 21-091 without any input from the public and opined that some assembly members should have recused themselves as the ordinance could benefit them: Mr. F.Jay Krueger.

[Clerk's note: Assemblymember Hale attended the meeting telephonically until 7:28 p.m., at which time he entered the meeting physically.]

D. CONSENT AGENDA

1. RESOLUTIONS

[RS 21-098](#) A Resolution Amending The Scope Of Work For The Anticipated Project Income During Fiscal Year 2022 For The Rail Extension From Port Mackenzie To The Mainline Adding Payment Of Wages And Benefits For An After-Hours Initial Responder To Emergencies Occurring At Port Mackenzie Rail Extension Rental Properties.

[RS 21-099](#) A Resolution Amending The Scope Of Work For Fiscal Year 2018 Road Right-Of-Way Acquisition Project To Include The Purchase, Maintenance, And/Or Repair Of Structures That The Borough Puts Into Place To Secure The Parcels For The Project.

2. ACTION MEMORANDUMS

- [AM 21-087](#) Request To Vacate The Existing 30-Foot Wide Grant Of Easement For Public Roadway, Recorded At Book 17, Page 35, On The Northern Boundary Of Parcel No. 4, MSB Waiver 71-78, In The Southeast 1/4, Northwest 1/4, Section 22, Township 18 North, Range 2 West, To Be Replaced By A 60-Foot Wide Street, Providing Access To The Subdivision And To Subdivisions To The West. An Additional 60-Foot Wide Right-Of-Way Commencing At North Pittman Road East To The Northeast Corner Of The Parcel Will Provide Access To The Parcel To The East, Located Within Section 22, Township 18 North, Range 2 West, Seward Meridian, Alaska, Lying South Of The Little Susitna River And East And West Of North Pittman Road.
- [AM 21-093](#) Request To Eliminate The Existing 15-Foot Wide Platted Power Line Easement Within Tract 5-2, Springer Subdivision No. 2, Plat No. 67-1, Located Within Section 17, Township 17 North, Range 2 East, Seward Meridian, Lying East Of The South Glenn Highway And Directly North Of East Outer Springer Loop.
- [AM 21-094](#) Award Of Bid No. 22-044C To Hughes Fire Equipment In The Contract Amount Of \$684,418 To Purchase A Tactical Tender.
- [AM 21-095](#) Award Of Bid No. 22-035C To Hughes Fire Equipment In The Contract Amount Of \$183,339 To Purchase Replacement Brush 66 Chassis.
- [AM 21-096](#) Award of Bid No. 22-033B To Western Construction & Equipment, LLC. In The Contract Amount of \$159,240 For Landlocked Avenue Road Repairs.
- [AM 21-097](#) Approval Of Contract Amendment To Contract No. 21-045C With PND Engineers, Inc. Extending The Project Completion Date To June 30, 2022, For Port Mackenzie Damage Repair And Construction Management Services Project.
- [AM 21-098](#) Allocating 2024 Arctic Winter Games Project Funding In The Amount Of \$200,000; And Authorizing The Manager To Enter Into An Agreement With The 2024 Arctic Winter Games Host Society.
Ms. McKechnie read.
- Assemblymember Nowers 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

There was no unfinished business.

IX. VETO

There were no vetoes presented.

X. NEW BUSINESS

A. INTRODUCTIONS (For Public Hearing 10/05/21, Assembly Chambers)

[OR 21-085](#) An Ordinance Amending MSB 17.67.030, Exemptions, Under Chapter 17.67 Tall Structures Including Telecommunication Facilities, Wind Energy Conversion Systems, And Other Tall Structures.

Sponsors: Boeve

[OR 21-092](#) An Ordinance Amending MSB 23.20, Forest Management, Affecting Timber Salvage Sales On Borough Land By Adopting Broader Terms To Address Forest Health And Facilitate The Removal Of Damaged Timber; And Repealing MSB 28.60.070, Traffic Safety Plan; And MSB 28.60.080 Timber Transport Permit.

[OR 21-099](#) An Ordinance Accepting And Appropriating \$314,042 From The Alaska State Department Of Military And Veteran's Affairs, Emergency Management Performance Grant Program; And Requesting A Reappropriation Of \$303,542 From The Emergency Management Fiscal Year 2022 Operating Budget; And \$10,500 From The Emergency Services Administration Fiscal Year 2022 Operating Budget For Emergency Management Wages And Benefits.
RS 21-097: A Resolution Approving The Scope Of Work And Budget For A Grant In The Amount Of \$314,042 From The Alaska State Department Of Military And Veteran's Affairs, Emergency Management Performance Grant For Emergency Management Wages And Benefits.

B. INTRODUCTIONS (For Public Hearing 11/16/21, Assembly Chambers)

[OR 21-095](#) An Ordinance Creating East Dilley Avenue Natural Gas Local Improvement District No. 623, Approving The Improvement Plan For The District, Authorizing The Manager To Proceed With The Improvement, And Assessing Equally Among The Properties Within The District The Costs Of The Improvement.

[OR 21-096](#) An Ordinance Creating East Grizzly Bear Drive Road Paving Local Improvement District No. 626, Approving The Improvement Plan For The District, Authorizing The Manager To Proceed With The Improvement, And Assessing Equally Among The Properties Within The District The Costs Of The Improvement.

[OR 21-097](#) An Ordinance Creating Tolson Avenue And Elkins Street Natural Gas Local Improvement District No. 634, Approving The Improvement Plan For The District, Authorizing The Manager To Proceed With The Improvement, And Assessing Equally Among The Properties Within The District The Costs Of The Improvement.

Ms. McKechnie read the legislation into the record.

Assemblymember Nowers moved to introduce the legislation as read into the record by the Clerk and to set the public hearings for October 5, 2021, and November 16, 2021, respectively. 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. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

[21-188](#) Mayoral Requests for Appointment
Commission on Salaries and Emoluments
Terry Boyle
Library Board
Kathleen Shoop
Assemblymember Nowers moved to confirm the appointments 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

D. OTHER NEW BUSINESS

There was no other new business.

E. REFERRALS (For Referral To The Planning Commission For 90 Days Or Other Date Specified By The Assembly)

There were no referrals.

XI. RECONSIDERATION

[OR 21-088](#)

An Ordinance Accepting And Appropriating \$7,590,192 In Disaster Supplement Funds From The United States Economic Development Administration, For The Installation Of Pile Sleeves On The Deep Draft Dock And A Roll On-Roll Off Cargo Ramp At Port Mackenzie.

RS 21-088: A Resolution Approving The Scope Of Work And Budget For The United States Economic Development Administration, Disaster Supplement Funds.

Ms. McKechnie read the legislation into the record.

Assemblymember McKee moved to reconsider Ordinance Serial No. 21-088. The motion failed by the following vote:

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

No: 4 - Assemblymember Hale, Assemblymember Nowers, Assemblymember Yundt, and Assemblymember Boeve

XII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Mr. Spiropoulos advised that the Alaska State Redistricting Board just released a new map at their most recent meeting.

Assemblymember Sumner advised that local improvement districts do not benefit developers therefore most will not do them.

Assemblymember Nowers spoke in support of replacing culverts to increase fish passages. Spoke in opposition to the increase to the percentage threshold for local improvement districts. Spoke to the need to protect the asset that is Port MacKenzie. Requested an economic impact report at the next meeting.

Assemblymember Yundt noted the growth in population that the Borough continues to experience. Stated that he understands the concerns about Port MacKenzie and noted that it is the most valuable piece of property that the Borough owns. Commented that the Borough may need to consider putting out a request for proposal in the future to see if there is any interest in a private company managing and maintaining the port. Related that as a developer, he does not engage in local improvement districts, as they are detrimental to his business. Noted that the possible gravel tax would hurt developers the most as they always need gravel. Stated that he did not run for office to make money, but to support his community.

Assemblymember McKee opined that the Borough needs to ensure that the port is a viable marketing option before any additional funds are spent on it, because it is a waste of money when there are no customers. Stated that he wants to see the State's share of the funding for the Arctic Winter Games before the Borough dedicates any more funds toward it, as he does not trust them to come through with the funding as promised.

Mayor Halter stated that when his term ends, that he would miss Assemblymember McKee's passion. Thanked Ms. Loscar for her comprehensive and professional report. Opined that the Burma Road Iditarod Trail Under Pass will be used by many user groups. Stated that he is very proud to have helped get this crossing in order to ensure the safety of trail users. Thanked Mr. Smoldon for attending meetings and keeping the Assembly up-to-date on the activities of the Legislature and Governor Dunleavy.

XIII. EXECUTIVE SESSION

There was no executive session.

XIV. ADJOURNMENT

The meeting adjourned at 8 p.m.