

MATANUSKA-SUSITNA BOROUGH

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

BOROUGH MAYOR

Edna DeVries

BOROUGH CLERK

Lonnie R. McKechnie, CMC

BOROUGH MANAGER

Michael Brown

BOROUGH ATTORNEY

Nicholas Spiropoulos



BOROUGH ASSEMBLY

Tim Hale, District 1
Stephanie Nowers, District 2
Dee McKee, District 3
Robert Yundt, District 4
Mokie Tew, District 5
Jesse Sumner, District 6
Ron Bernier, District 7

MEETING MINUTES

ASSEMBLY CHAMBERS

350 EAST DAHLIA AVENUE, PALMER

ASSEMBLY REGULAR MEETING

6:00 PM

TUESDAY, DECEMBER 21, 2021

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on Tuesday, December 21, 2021, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:01 p.m. by Mayor Edna DeVries.

II. ROLL CALL

Present: 5 - Assemblymember Stephanie Nowers, Assemblymember Dee McKee, Assemblymember Robert Yundt, Assemblymember Mokie Tew, and Assemblymember Jesse Sumner

Excused: 1 - Assemblymember Ron Bernier

Telephonic: 1 - Assemblymember Tim Hale

III. APPROVAL OF AGENDA

Assemblymember Tew moved to remove Resolution Serial No. 21-135 from the agenda.

There was no objection noted.

The agenda was approved as amended without objection.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Edna DeVries.

V. MINUTES OF PRECEDING MEETINGS

[21-224](#)

A. Special Assembly Meeting: 12/07/21

B. Regular Assembly Meeting: 12/07/21

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, reported on the activities of the State.

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

Mayor DeVries and Mr. Brown presented GFOA Triple Crown Award to Cheyenne Heindel, Finance Director.

Mr. Brown informed the Assembly of the public hearing for Ordinance Serial No. 22-007 will be on the January 4, 2022, meeting and spoke to appropriation and what it does.

1. State/Federal Legislation

2. Strategic Planning Issues

D. ATTORNEY COMMENTS

Mr. Spiropoulos gave update on redistricting litigation.

E. CLERK COMMENTS

Ms. McKechnie reported on the upcoming meeting schedule. Inquired about scheduling a planning session on January 22, 2022, at 10:00 a.m.

There was no objection noted.

F. CITIZEN AND OTHER CORRESPONDENCE

21-226

1. Bogard RSA Board of Supervisors: Resolution No. 21-01
2. Glacier View Community Council: 05/27/21, 09/30/21, 10/28/21, 11/18/21
3. Greater Butte RSA Board of Supervisors: Resolution No. 21-01
4. Greater Palmer FSA Board of Supervisors: 03/23/21
5. Library Board: 02/20/21, 03/20/21, 04/17/21, 05/15/21, 08/21/21, 09/18/21
6. North Lake Community Council: 10/28/21
7. Planning Commission: 11/15/21, Resolution No. 21-30, 21-31
8. Platting Board: 08/19/21, 09/02/21
9. Tanaina Community Council: 11/23/21
10. Willow Area Community Organization: 08/04/21, 10/06/21, 11/03/21

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

G. INFORMATIONAL MEMORANDUMS

IM 21-246

Informing The Assembly Of Right-Of-Way Acquisition Of Borough-Owned Land For A Utility Easement Valued At \$1,000 By The State Of Alaska Department Of Transportation And Public Facilities, For Seward-Meridian Parkway Reconstruction Phase II.

IM 21-257

Reporting The Conclusion Of Contract For Bid 21-017B With Granite Construction Co., For A Final Contract Amount Of \$405,944.98 For The Phillips-Dean-Melton Improvements Project.

IM 21-258

Reporting The Conclusion Of Contract For Bid 21-013B With Valley General Construction, LLC., For A Final Contract Amount Of \$550,814 For The West Silver Drive-North Sasbo Bluff Loop Upgrades Project.

[IM 21-259](#) Reporting The Conclusion Of Contract For Bid 22-005B With Northern Asphalt Construction, Inc., For A Final Contract Amount Of \$482,531.58 For The 2021 Road Paving Project.

[IM 21-260](#) Reporting The Conclusion Of Contract For Bid 21-137B With Valley General Construction, LLC., For A Final Contract Amount Of \$207,174.96 For The Holland Avenue Improvements Project.
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 person's to be heard.

B. PUBLIC HEARINGS (Three Minutes Per Person.)

[OR 21-115](#) An Ordinance Approving A Less Than Fair Market Value Sale Of Borough Land Identified As Parcel 1, Being The Southeast 1/4 Southwest 1/4 Of Section 2, Township 17 North, Range 2 West, Seward Meridian, Alaska, In The Amount Of Zero Dollars To The Meadow Lakes Community Council, Inc. For Purpose Of Public Recreation.
Ms. McKechnie read the legislation into the record.

Mr. Emerson Kruger, Natural Resource Manager, provided a staff report.

Mayor DeVries opened the public hearing

The following persons spoke in support of the legislation: Patty Fisher, Steve Charles, Camden Yehle, Lisa Jaeger, Lori Benner, and Dan Mayfield.

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. 21-115. The motion passed by the following vote:

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

Excused: 1 - Assemblymember Bernier

[OR 21-116](#)

An Ordinance Accepting And Appropriating Additional Disaster Relief Funds For The Port Mackenzie Facilities From Damages Sustained During The 2018 Cook Inlet Earthquake.

RS 21-129: A Resolution Amending The Budget For Additional Disaster Relief Funds For Port Mackenzie Facilities From Damages Sustained In The 2018 Cook Inlet Earthquake.

Ms. McKechnie read the legislation into the record.

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

Mayor DeVries opened the public hearing.

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

Assemblymember Tew moved to adopt Ordinance Serial No. 21-116 and Resolution Serial No. 21-129.

The motion passed by the following vote:

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

Excused: 1 - Assemblymember Bernier

[OR 21-117](#)

An Ordinance Amending MSB 3.15.240 To Lower The Penalty For The First 30 Days Of Delinquent Real Property Taxes From Five Percent To One Percent.

Sponsors: Hale, Nowers and Sumner

Ms. McKechnie read the legislation into the record.

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

Mayor DeVries opened the public hearing.

The following person spoke in support of the legislation: Dave Norton.

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. 21-117.

The motion passed by the following vote:

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

Excused: 1 - Assemblymember Bernier

[OR 21-118](#) An Ordinance Adopting The Jonesville Public Use Area Management Plan; And Amending MSB 15.24.030, Comprehensive Plan And Purposes.

Ms. McKechnie read the legislation into the record.

Mr. Joe Metzger, Land Management Specialist, provided a staff report.

Mayor DeVries opened the public hearing.

The following persons spoke in support of the legislation: Nancy Bertels, James Jones, Scott Lapiene, Brian Largend, Ellen VandeVisse, Jim Sykes, Kendra Zazow, and Cynthia Gilbert.

The following person spoke to concerns with tightening up wording but in support of the legislation: Andy Anderson.

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

Assemblymember Hale moved to adopt Ordinance Serial No. 21-118.

Assemblymember Sumner moved a primary amendment to strike all of page 2-11 and strike the words "Timing restrictions should be considered in these authorizations" from page 2-19 and page 2-28 from IM 21-250.

Assemblymember Sumner called the question to end debate.

The motion passed by the following vote:

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

Excused: 1 - Assemblymember Bernier

The primary motion passed as follows:

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

No: 1 - Assemblymember Nowers

Excused: 1 - Assemblymember Bernier

The main motion passed as amended by the following vote:

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

Excused: 1 - Assemblymember Bernier

[OR 21-119](#) An Ordinance Authorizing The Manager To Enter Into The Project Agreement For The Houston Middle School Replacement And Accepting And Appropriating \$9,000,000 From The Alaska State Department Of Education And Early Development For The Houston Middle School Rebuild Project.
RS 21-132: A Resolution Approving The Scope Of Work And Budget For The Construction Of The Houston Middle School Replacement.
Ms. McKechnie read the legislation into the record.

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

Mayor DeVries opened the public hearing.

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

Assemblymember Tew moved to adopt Ordinance Serial No. 21-119 and Resolution Serial No. 21-132.

The motion passed by the following vote:

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

Excused: 1 - Assemblymember Bernier

[RS 21-130](#)

A Resolution Approving The Changes Needed To Update The Fiscal Year 2023 Schedule Of Rates And Fees Effective July 1, 2022.

Ms. McKechnie read the legislation into the record.

Mr. Mike Brown, Borough Manager, provided a staff report.

Mayor DeVries opened the public hearing.

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

Assemblymember Sumner moved to adopt Resolution Serial No. 21-130.

Assemblymember Tew moved a primary amendment to strike all increases in fees at the Landfill in IM 21-249.

Assemblymember Nowers moved a secondary amendment to keep the increases for Construction and Demolition, lines 463 and 464 under Central Landfill in IM 21-249.

The secondary amendment passed by the following vote:

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

Excused: 1 - Assemblymember Bernier

The primary amendment passed by the following vote:

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

Excused: 1 - Assemblymember Bernier

Assemblymember Tew moved a primary amendment to change the bag limit from 2 bags/cans to 5 bags/cans on lines 453 and 535 of IM 1-249.

Assemblymember Tew called the question to stop debate.

The motion failed by the following vote:

Yes: 2 - Assemblymember Tew, and Assemblymember Sumner

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

Excused: 1 - Assemblymember Bernier

The primary amendment failed (tie vote) with Assemblymembers Hale, Tew, and Yundt in support and Assemblymembers Sumner, McKee, and Nowers opposed. The Mayor invoked her voting privilege in the positive and the primary motion passed.

The main motion passed by the following vote:

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

Excused: 1 - Assemblymember Bernier

The meeting recessed at 8:31 p.m. and reconvened at 8:42 p.m.

C. AUDIENCE PARTICIPATION (Three Minutes Per Person.)

The following persons spoke in support of Resolution Serial No.

21-134: Loralie Simon, Deanthia Skibinshi, Doug Glenn, Chris Soloy, Marleanna Hall, Bryce Steen, and Kari Nore.

The following persons spoke in opposition of Resolution Serial No.

21-134: Wayne Bowman, David Newlon, Mark Miller, Steve H. Perrins III, Melissa Hoyer, Jacob Mannix, Carl Dixon, Lynn Fuller, Kirston Dixson, Hunter Honslo, Alicia Amber, Erik Gutton, Joe Sivic, Carol Tyler, Cindy Colgotte, Vicky Faeo, Cory Wise, Jeff Hanson, Cacy Long, Trans Smith, Margret Stern, Tanner Honslo, William Amstram, John Vanduska, Gabe Kitter, Nate McKnight, Jesse Schaffer, Hui Zhang, Jamie Sadler, Ben Seeley, and Derrik Musto.

The following person spoke in support of Resolution Serial No. 21-134 and congratulated Assemblymembers McKee and Sumner, and Mayor DeVries: Mike Kelly.

The following person congratulated Assemblymember Yundt and the Colony High School wrestling team: John Harris.

The following persons spoke in opposition to Resolution Serial No.

21-135: Dan Mayfield and Bill Haller.

The following person spoke in opposition to Resolution Serial No.

21-134 and Resolution Serial No. 21-135: John Strassenburg.

The following person spoke to the need to amend Resolution Serial No.

21-134 and take the advise of the MSB Fish and Wildlife Commission: Becky Long.

The following person spoke to the need for a public process on the

West Susitna Access project and that Resolution Serial No. 21-135

needs to go to the Local Road Service Area Advisory Board: Jim Sykes.

Assemblymember Sumner moved to extend the meeting to 11:00 p.m.

The motion passed by the following vote:

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

Excused: 1 - Assemblymember Bernier

D. CONSENT AGENDA

1. RESOLUTIONS

[RS 21-131](#) A Resolution Of The Assembly Authorizing The Borough Manager To Enter Into An Agreement With Webster Wood Service LLC., For The Church Road Timber Salvage Sale.

2. ACTION MEMORANDUMS

[AM 21-124](#) Destruction OF Ballots From The November 2, 2021, Regular Borough Election.

[AM 21-125](#) Approval Of Contract Amendment To Contract No. 21-160P With Kinney Engineering, LLC., To Extend The Contract Completion Date To December 21, 2022, And Add An Additional \$1,082,872.44 To The Contract Amount And Transitioning The Project Funding From Road Service Area 17 To Voter Approved 2021 Transportation Projects.

Ms. McKechnie read the consent agenda into the record.

Assemblymember Sumner moved to approve the consent agenda as read into the record by the Clerk.

The motion passed by the following vote:

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

Excused: 1 - Assemblymember Bernier

[RS 21-135](#) A Resolution Directing Administration To Establish A Pilot Program And Provide Road Service Area Services Via A Time And Material Contract Structure In Big Lake Road Service Area 21 For The Period Of July 1, 2022, To June 30, 2023.

Sponsors: Tew

Clerk note: Resolution Serial No. 21-135 was removed from the agenda at the approval of the agenda.

VIII. UNFINISHED BUSINESS

[OR 21-040](#) An Ordinance Amending MSB 2.08.060(A), Compensation For The Mayor.

Sponsors: McKee

Ms. McKechnie read the legislation into the record.

Assemblymember Hale moved to postpone Ordinance Serial No. 21-040 to the January 4, 2022, Regular Assembly meeting.

The motion passed by the following vote:

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

Excused: 1 - Assemblymember Bernier

[RS 21-134](#) A Resolution In Support Of The Alaska Industrial Development And Export Authority's Effort To Advance Phase 3 Of The West Susitna Access Project Feasibility Study Towards An Application To The Governing Regulatory Agency.

Ms. McKechnie read the legislation into the record.

Mike Brown, Borough Manager, provided a staff report.

Assemblymember Sumner moved to extend the meeting to 11:30 p.m.

The motion passed by the following vote:

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

Excused: 1 - Assemblymember Bernier

Assemblymember Hale moved to postpone Resolution Serial No. 21-134 indefinitely.

Assemblymember Sumner called the question to stop debate.

The motion failed by the following vote:

Yes: 2 - Assemblymember Hale, and Assemblymember Sumner

No: 4 - Assemblymember Nowers, Assemblymember McKee, Assemblymember Yundt, and Assemblymember Tew

Excused: 1 - Assemblymember Bernier

The primary motion to postpone indefinitely failed by the following vote:

Yes: 1 - Assemblymember Hale

No: 5 - Assemblymember Nowers, Assemblymember McKee, Assemblymember Yundt, Assemblymember Tew, and Assemblymember Sumner

Excused: 1 - Assemblymember Bernier

Assemblymember Yundt moved to direct the manager with Option No. 2: In addition to the resolution, the Assembly directed additional stakeholder engagement prior to the permit application under Section 404 of the Clean Water Act. The Stakeholder engagement will be conducted by MSB staff in conjunction with MSB-contracted support utilizing the \$50,000 appropriated by the Assembly earlier this year. The scope of the engagement generally will include: establishing an online project sign-up form allowing the public to join a project email list and provide for electronic notifications for project related announcements and developments; conducting two virtual public meetings to share project information with the public and solicit feedback; and establishing an online open house that will remain open for the public to provide comments on the project through March 2022. A summary of collected information will be provided to the MSB Assembly in the April timeframe.

The motion passed by the following vote:

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

Excused: 1 - Assemblymember Bernier

The main motion passed by the following vote:

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

No: 1 - Assemblymember Hale

Excused: 1 - Assemblymember Bernier

Assemblymember Sumner moved to extend the meeting to 12:00 p.m.

The motion passed by the following:

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

Excused: 1 - Assemblymember Bernier

Assemblymember Nowers requested to be excused from the meeting.

Mayor DeVries excused Assemblymember Nowers and she exited the meeting at 11:21 p.m.

IX. VETO

There were no vetoes presented.

X. NEW BUSINESS

A. INTRODUCTIONS (For Public Hearing 01/04/22 Assembly Chambers)

[OR 22-004](#) An Ordinance Approving The Timeline Extension For Long-Range Transportation Planning Project Account.

[OR 22-005](#) An Ordinance Approving Land Classifications Of Six Borough-Owned Parcels For Purpose Of Identifying And Guiding Future Use And Development Of Said Parcels.

[OR 22-006](#) An Ordinance Accepting And Appropriating \$68.72 In Interest Income To The Federal Cares Relief Act (COVID 19) Project Fund.
RS 22-001: A Resolution Amending The Scope Of Work And Budget To Account For Interest Income Generated From The Federal Cares Relief Act (COVID 19) Project Fund.

[OR 22-007](#)

An Ordinance Appropriating \$8,000,000 From Areawide Fund Balance To The Roads And Bridges Capital Projects Fund To Begin Work On Projects Approved By Borough Voters On November 2, 2021.

RS 22-002: A Resolution Approving The Scope Of Work And Budget For Transportation Projects As Directed By The Assembly And Ratified By The Voters On November 2, 2021.

Ms. McKechnie read the legislation into the record.

Assemblymember Sumner moved to introduce the legislation as read into the record by the Clerk and to set the public hearing for January 4, 2022.

The motion passed by the following vote:

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

Excused: 1 - Assemblymember Bernier

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

[21-225](#)

Mayoral Requests for Confirmation
Borough Area Schools Site Selection Committee
Kristina Adamczak
Health & Social Services Board
Eddie Ezelle
Library Board
Mary Sanford
Local Emergency Planning Committee
Dwayne Shelton
Frank Adams
Regg Simon
Steven Paine
Planning Commission
Sassan Mossanen, Resignation
Transportation Advisory Board
Jennifer Busch
Wastewater & Septage Advisory Board
Robert Walden
Butte FSA #2
Robert Hicks
Alpine RSA #31
Julie Morgan
Caswell Lakes RSA #15
Tamara Boeve
Randall Kowalke, Resignation

Assemblymember Sumner moved to confirm the appointments requested by the Mayor.

The motion passed by the following vote:

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

Excused: 1 - Assemblymember Bernier

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 McKee spoke to appreciating everyone's time.

Assemblymember Yundt spoke to the need for the public being to speak and be heard.

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.)

A. Potential Litigation Regarding The 2021 State Redistricting Plan

XIV. ADJOURNMENT

The meeting adjourned at 11:25 p.m.