

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
Dmitri Fonov, District 6
Ron Bernier, District 7

MEETING MINUTES

ASSEMBLY CHAMBERS

350 EAST DAHLIA AVENUE, PALMER

ASSEMBLY REGULAR MEETING

6:00 PM

THURSDAY, DECEMBER 8, 2022

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on Tuesday, December 8, 2022, 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

Telephonic: 2 - Assemblymember Tim Hale, and Assemblymember Ron Bernier

III. APPROVAL OF AGENDA

The agenda was approved as presented without objection.

IV. PLEDGE OF ALLEGIANCE

The following person led the pledge of allegiance: Coach Robby Nash, Colony High School Football Team.

Mayor DeVries presented proclamation in recognition of the Colony High School Football Team winning the State Championship. Related that Coach Nash was selected as Coach of the Year.

V. SPECIAL ORDERS OF THE DAY

1. Appointment of Deputy Mayor - Robert Yundt

Mayor DeVries queried if there was any objection to appointing Robert Yundt as Deputy Mayor.

There was no objection noted.

VI. MINUTES OF PRECEDING MEETINGS

There were no minutes of preceding meetings.

VII. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS (MSB 2.12.082; Seven minutes per person)

1. Reports From Cities

There was no report provided.

2. Matanuska-Susitna Borough School District

There was no report provided.

3. State of Alaska

There was no report provided.

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. Brown stated that he would like to get the next strategic planning session scheduled. Proposed Saturday, March 11, 2023, at 10 a.m. at the Menard Center.

Assemblymember Nowers stated that she would prefer a different venue due to the poor sound quality at the Menard Center.

Mr. Brown advised that he will work with the Clerk to find a suitable location.

Mayor DeVries queried if there was any objection.

There was no objection noted.

Mayor DeVries noted that it was Mr. Brown's second Anniversary with the Borough.

D. ATTORNEY COMMENTS

Mr. Spiropoulos noted that a question about the Borough exploring how it could implement police powers was put before the voters a number of years ago. Advised that Assemblymember Hale had inquired about the formation of service areas for police powers and requested a presentation on the subject. Noted that he has a 20 minute presentation on how to form service areas from a legal perspective that he will provide at the January 17 meeting. Noted that the Greek Orthodox Archdiocese has asked him to provide some pro bono work. Stated that it would all be performed on his personal time and using his personal resources as long as the Assembly has no objection.

Mayor DeVries queried if there was any objection.

There was no objection noted.

E. CLERK COMMENTS

Ms. McKechnie spoke to the upcoming meeting schedule. Reminded the body that the December 13, Joint Assembly/School Board meeting is scheduled to be hosted by the School District at their administration building. Requested that the Assembly let her know what information they would like for the elections discussion.

Mayor DeVries congratulated Ms. McKechnie for receiving the prestigious Clerk of the Year award from AAMC. Congratulated Ms. Henry on her inauguration as President of the AAMC.

F. CITIZEN AND OTHER CORRESPONDENCE

[22-204](#)

1. Abbreviate Plat: 11/09/22
 2. Big Lake RSA Board of Supervisors: 10/12/22
 3. Central Mat-Su FSA Board of Supervisors: 10/10/22
 4. Chickaloon Community Council: 07/13/22
 5. Fairview RSA Board of Supervisors: 08/09/22, Resolution No. 2023-01
 6. Greater Talkeetna RSA Board of Supervisors: 10/13/22
 7. Tanaina Community Council: 10/25/22
 8. Transportation Advisory Board: 05/23/22
- The citizen and other correspondence were presented and no comments were noted.

G. INFORMATIONAL MEMORANDUMS

[IM 22-249](#)

Informing The Assembly That The Borough Entered Into A Letter Of Agreement With The Matanuska-Susitna Borough Employees Association Reducing The Time An Employee Has To Wait Before Utilizing Accrued Personal Leave.

[IM 22-250](#)

Informing The Assembly Of The Managers Signature On And Submittal Of An Alaska State Library Continuing Education Grant Application.

[IM 22-251](#)

Informing The Assembly Of The Managers Signature On And Submittal Of An Alaska Division Of Homeland Security And Emergency Management Application For Reallocation Of Homeland Security Grant Program Funding.

The informational memorandums were presented and no comments were noted.

VIII. SPECIAL ORDERS

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

B. PUBLIC HEARINGS (Three Minutes Per Person.)

[OR 22-078](#) An Ordinance Adopting MSB 15.24.030, Beverly Lake, Lake Management Plan; And Amending MSB 17.59, Lake Management Plan Implementation.

Ms. McKechnie read the legislation into the record.

Kelsey Anderson, Planner III, provided a staff report.

Mayor DeVries opened the public hearing.

The following persons spoke in support of the lake management plan: Tish Link, Brittany Alsocks, Carol Tillett, Les Tillett, Craig Odom, Paul Schanz, Patty Schanz, and Airiel Cannon.

The following persons spoke in opposition to the lake management plan: Olga Loosik, Paul Loosik, Kerry Dickey, Brenda Davis, Diane Berry, Jennifer Smith, Wendy Stevens, and Elaine Phillips.

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

Assemblymember Yundt moved to adopt Ordinance Serial No. 22-078. The motion passed by the following vote:

Yes: 4 - Assemblymember Hale, Assemblymember Nowers, Assemblymember McKee, and Assemblymember Tew

No: 3 - Assemblymember Yundt, Assemblymember Sumner, and Assemblymember Bernier

[OR 22-088](#) An Ordinance Repealing MSB 17.05, Essential Service Utilities, In Its Entirety.

Sponsors: Sumner

The meeting recessed at 8:01 p.m. and reconvened at 8:12 p.m.

Ms. McKechnie read the legislation into the record.

Alex Strawn, Planning and Land Use Director, provided a staff report.

Mayor DeVries opened the public hearing.

The following persons spoke in opposition to repealing MSB 17.05: Will Hastings, Amber McDonough, Ben Radbeske, Pam Young, and Steve Edwards.

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. 22-088.

Assemblymember Yundt moved to postpone Ordinance Serial No. 22-088 indefinitely. The motion passed by the following vote:

- Yes:** 4 - Assemblymember Hale, Assemblymember Nowers, Assemblymember Yundt, and Assemblymember Bernier
- No:** 3 - Assemblymember McKee, Assemblymember Tew, and Assemblymember Sumner

[OR 22-103](#)

An Ordinance Amending Title 43: Subdivisions.

Ms. McKechnie read the legislation into the record.

Fred Wagner, Platting Officer, provided a staff report.

Mayor DeVries opened the public hearing.

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

Assemblymember Yundt moved to adopt Ordinance Serial No. 22-103.

Assemblymember Yundt moved a primary amendment to Ordinance Serial No. 22-103, MSB 43.20.300(E)(4)(b), as follows:

- * by inserting after the words "with a" the words "common access easement as outlined in the current Subdivision Construction Manual, or with a";**
- * by inserting a period after the words "Public use easement" in the first sentence and inserting the following words after the period, "Public Use Easements shall be granted"; and**
- * by inserting the word "Shall" after the words "pole portion;"**

to read: "be overlaid with a common access easement. Public use easements shall be granted over the width of the pole portion and shall extend into the flag portion an adequate distance to provide for a turnaround designed to Subdivision Construction Manual standards."

The primary amendment passed by the following vote:

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

The main motion passed as amended by the following vote:

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

[OR 22-129](#)

An Ordinance Approving An Appropriation Of \$375,000 From The Greater Palmer Fire Service Area Fund Balance To Purchase A New Pumper Tender.

RS 22-110: A Resolution Approving The Scope Of Work And Budget To Purchase A New Pumper Tender For The Greater Palmer Fire Service Area.

Ms. McKechnie read the legislation into the record.

Ken Barkley, Emergency Services 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 discussion moved to the Assembly.

Assemblymember Nowers moved to adopt Ordinance Serial No. 22-129 and Resolution Serial No. 22-110. The motion passed by the following vote:

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

[OR 22-130](#)

An Ordinance Accepting And Appropriating A Grant From The Alaska State Division Of Homeland Security And Emergency Management For Equipment And Training.

RS 22-111: A Resolution Approving The Scope Of Work And Budget For Alaska State Division Of Homeland Security And Emergency Management Grant, For Equipment And Training.

Ms. McKechnie read the legislation into the record.

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 discussion moved to the Assembly.

Assemblymember Yundt moved to adopt Ordinance Serial No. 22-130. The motion passed by the following vote:

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

[OR 22-132](#)

An Ordinance Accepting And Appropriating \$75,069 In Additional Project Income For The Rail Extension Project From Port Mackenzie To The Mainline.

RS 22-113: A Resolution Approving The Scope Of Work And Budget For Additional Project Income For The Rail Extension Project From Port Mackenzie To The Mainline.

Ms. McKechnie read the legislation into the record.

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 discussion moved to the Assembly.

Assemblymember Tew moved to adopt Ordinance Serial No. 22-132 and Resolution Serial No. 22-113. The motion passed by the following vote:

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

No: 1 - Assemblymember McKee

[OR 22-134](#)

An Ordinance Accepting And Appropriating \$10,500,000 From The Matanuska-Susitna Borough School District And Reappropriating \$3,000,000 From The School Debt Service Fund For The Mat-Su Central School Construction Project.

RS 22-114: A Resolution Approving The Scope Of Work And Budget For The Mat-Su Central School Construction Project.

Ms. McKechnie read the legislation into the record.

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 discussion moved to the Assembly.

Assemblymember Yundt moved to adopt Ordinance Serial No. 22-134 and Resolution Serial No. 22-114. The motion passed by the following vote:

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

C. AUDIENCE PARTICIPATION (Three Minutes Per Person.)

The following person spoke in opposition to a mandatory land use permit: Brian Endle.

The following person spoke to concerns with air quality in the Butte: Jim Stocker.

D. CONSENT AGENDA

1. RESOLUTIONS

- [RS 22-112](#) A Resolution Approving The Permanent Location Of Midnight Sun Family Learning Center At Midnight Sun Tract A, The Current Location Of The School.
- [RS 22-115](#) A Resolution Approving The Revised Project Budget For The Emergency Services Facility In Palmer.
- [RS 22-117](#) A Resolution Approving The Addition Of A Regular Full-Time Utilities/Facilities Maintenance Laborer Position And Eliminating The Existing On-Call Position With The Public Works Department, Operations And Maintenance Division - Talkeetna Sewer And Water.

2. ACTION MEMORANDUMS

- [AM 22-140](#) Approval Of Change Order No. 1 To Contract No. 22-078P(B) With The Boutet Company, Inc. For The Lakes Boulevard Project.
- [AM 22-144](#) Approval Of The Assembly Regular and Joint Meeting Schedule for 2023.
- [AM 22-145](#) Award Of Bid No. 23-034B To Happy Trails Inc. In The Contract Amount Of \$125,649.40 To Construct Phase Three Of The Ridge Trail.
Ms. McKechnie read the legislation into the record.
Assemblymember Yundt 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 Bernier

IX. UNFINISHED BUSINESS

[OR 22-104](#) An Ordinance Amending MSB 17.02, Mandatory Land Use Permit.
RS 22-082: A Resolution Amending The Schedule Of Fees For MSB 17.02, Mandatory Land Use Permits.

MAIN MOTION PENDING: Assemblymember Sumner moved to adopt Ordinance Serial No. 22-104.

Assemblymember Yundt moved a primary amendment to Ordinance Serial No. 22-104, Section 2, by striking paragraphs seven and eight of subsection A.

The primary amendment passed by the following vote:

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

The main motion passed as amended by the following vote:

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

X. VETO

There were no vetoes presented.

XI. NEW BUSINESS

A. INTRODUCTIONS (For Public Hearing 12/20/22, Assembly Chambers)

[RS 22-103](#) A Resolution Adopting The 2022 Capital Improvement Program.

[RS 22-116](#) A Resolution Approving The Changes Needed To Update The Fiscal Year 2024 Schedule Of Rates And Fees Effective July 1, 2023.

[OR 22-136](#) An Ordinance Amending MSB 17.60, Conditional Uses, To Add Hours Of Operation For Marijuana Retail Facilities And Adding Additional Standards For Retail Facilities That Allow On-Site Consumption Of Marijuana.

Sponsors: Hale

[OR 22-137](#) An Ordinance Amending MSB 17.60, Conditional Uses, To Change The Applicability And Standards For Marijuana Cultivation Facilities.

Sponsors: Hale

Ms. McKechnie read the legislation into the record.

Assemblymember Yundt moved to introduce the legislation as read into the record by the Clerk and to set the public hearings for December 20, 2022. The motion passed by the following vote:

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

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

[22-205](#)

Mayoral Requests for Confirmation
Animal Care and Regulation Board
Terry Dennison
Library Board
Georgia Knazovich
Parks, Recreation, and Trails Advisory Board
James Jones
Kenni Linden
Platting Board
Eric Koan
Sandra Kreger
Fairview RSA No. 14
Craig Stewart
Greater Willow RSA No. 20
Thomas Phillips
Meadow Lakes RSA No. 27
Stephen Edwards

Assemblymember Yundt 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 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.

XII. RECONSIDERATION

There were no reconsiderations.

XIII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Assemblymember Nowers spoke to having attended the Alaska Municipal League (AML) conference. Related that there were a lot of really informative presentations. Noted that AML put forward a resolution requesting the State to fund a number of unfunded mandates. Requested information on how public notices occur when they are sent out via U.S. Mail and how the addresses those notices are sent to are selected. Noted that for the elections discussion meeting in January that she would like to know the cost of the hand count and the time involved, a State representative to answer questions regarding voter rolls, the cost of a less costly tabulator without all the bells and whistles, and any insight that could be provided regarding procedures on what the hand count at each precinct will look like.

Assemblymember Yundt spoke to concerns with on-site cannabis consumption. Noted that he would support it when it comes forward if there was a way for law enforcement to test intoxication.

Assemblymember Hale opined that the vote for the Beverly Lake Management Plan was a tough one. Stated that having voting processes in place are important. Spoke in opposition of forcing someone into a lake management plan. Opined that a standard for the number of votes needs to be put into place that is similar to local improvement districts.

Assemblymember Tew thanked Kelsey Anderson for her attention to detail in developing the Beverly Lake Management Plan.

Assemblymember Bernier wished Assemblymember Sumner the best with his transition to the State Legislature. Said a prayer.

Assemblymember Yundt moved to suspend the rules and to extend the meeting past 10 p.m. and not to exceed 10:30 p.m. The motion passed by the following vote:

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

XIV. 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 Arbitration with the Matanuska-Susitna Borough Employees Association

Assemblymember Yundt moved to enter into 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. Specifically, to discuss potential arbitration with the Matanuska-Susitna Borough Employees Association. Those present during executive session will be the Mayor, the Assembly, the Manager, the Attorney, and the Clerk.

The motion passed without objection and the Assembly moved into executive session at 9:53 p.m.

Assemblymember Yundt moved to exit executive session.

The motion passed without objection and the Assembly exited executive session at 10:24 p.m.

XV. ADJOURNMENT

The meeting adjourned at 10:24 p.m.