

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on Tuesday, May 3, 2016, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:04 p.m. by Mayor Vern Halter.

II. ROLL CALL

Assembly members present and establishing a quorum were:

Mr. Jim Sykes, Assembly District No. 1
Mr. Matthew Beck, Assembly District No. 2 (*Deputy Mayor*) *joined telephonically at 6:50 p.m.*
Mr. George McKee, Assembly District No. 3
Mr. Steve Colligan, Assembly District No. 4
Mr. Dan Mayfield, Assembly District No. 5
Ms. Barbara Doty, Assembly District No. 6
Mr. Randall Kowalke, Assembly District No. 7

Staff in attendance were:

Ms. Lonnie R. McKechnie, Borough Clerk
Mr. John Moosey, Borough Manager
Mr. George Hays, Assistant Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Jessica Kilborn, Deputy Borough Clerk
Mr. Jude Bilafer, Capital Projects Director
Ms. Tammy Clayton, Finance Director
Mr. Terrance Dolan, Public Works Director
Ms. Eileen Probasco, Planning and Land Use Director
Mr. Bill Gamble, Emergency Services Director
Ms. Patty Sullivan, Public Affairs Director
Mr. Eric Phillips, Community Development Director
Mr. Ken Barkley, Fire Service Area Deputy Director
Ms. Lisa Behrens, Emergency Medical Services Deputy Director
Mr. Alex Strawn, Development Services Manager
Mr. Marc Whisenhunt, Planner II

III. APPROVAL OF AGENDA

Mayor Halter inquired if there were any changes to the agenda.

Assemblymember Colligan requested to take up Ordinance Serial Nos. 16-049 and 16-046 at the beginning of the public hearings portion of the agenda.

Mayor Halter queried if there was any objection.

There were no objections noted.

GENERAL CONSENT: The agenda was approved as amended without objection.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Halter.

V. MINUTES OF PRECEDING MEETINGS

A. Special Assembly Meeting: 03/22/16

B. Regular Assembly Meeting: 04/05/16

Mayor Halter inquired if there were any changes to the special meeting minutes of March 22, 2016, or the regular meeting minutes of April 5, 2016.

Mayor Halter inquired if there were any changes to the regular meeting minutes of April 5, 2016.

Assemblymember Sykes noted a correction to the April 5, 2016 regular meeting minutes, by inserting the word “targets” to the amendment made to the Port Master Plan, Mission, so that it read, “To develop an analysis that prioritizes resource development targets”.

GENERAL CONSENT: The minutes were approved as amended without objection.

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Wasilla City

Mayor Bert Cottle:

- thanked Mayor Halter and Mr. Moosey for attending the World Flavors Potluck on Saturday, April 30; and
- announced the following events:
 - Wasilla’s Clean-up Days would be May 2 through May 7;
 - a Bike Rodeo would be held at the Menard Center on Saturday May 7, from 10 a.m. to 12 p.m.; and
 - the Valley’s first rodeo would be held during the Memorial Day weekend at the Menard Center and vendors were welcome to sign up.

2. Matanuska-Susitna Borough School District

(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 were no reports provided.)

C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues
3. Manager Evaluation Process
4. Animal Care – GIS Mapping

Mr. Norm McDonald, Alaska State Division of Forestry Fire Management Officer, spoke to burn barrels and state issued burn permits.

Mr. Jude Bilafer, Capital Projects Director, provided an update on the projects for fiscal years 2016 and 2017.

Mr. Terry Dolan, Public Works Director, provided an update on area-wide projects.

Mr. Bill Gamble, Emergency Services Director, updated the Assembly on the Certificates of Participation for Central Mat-Su and West Lakes Fire Service Areas.

Ms. Tammy Clayton, Finance Director, provided an update on the fiscal year 2017 appraised values.

D. ATTORNEY COMMENTS

1. Attorney Evaluation Process

Mr. Spiropoulos spoke to his annual evaluation coming up on the May 17, 2016, special meeting agenda.

Assemblymember Sykes noted grammatical changes had been made to the evaluation questions that were previously provided to Assembly members.

E. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule;
- thanked the staff for assisting with setting up additional chairs for the audience; and
- announced the State Primary Election would be held on Tuesday, August 16, the same night as the scheduled Assembly meeting and queried if the Assembly would change the regular meeting from Tuesday, August 16 to Wednesday, August 17.

Mayor Halter inquired if there was any objection.

There was no objection noted.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- Greater Butte RSA Board of Supervisors: 10/08/15
- Library Board: 09/19/15, 10/17/15, 01/16/16
- Marijuana Advisory Committee: Resolution Serial No. 16-01
- Meadow Lakes RSA Board of Supervisors: 12/01/15
- MSB Fish and Wildlife Commission: 01/21/16
- Parks, Recreation, and Trails Advisory Board: 09/28/15, Resolution No. 16-02
- Planning Commission: 01/18/16, 03/07/16, Resolution Serial Nos. 16-12, 16-14, 16-15, 16-17
- Wastewater and Septage Advisory Board: 11/10/15

2. Community Council Minutes:

- Glacier View Community Council: 02/26/15, 03/26/15, 04/24/15, 05/28/15, 09/24/15, 10/29/15, 11/19/15, 01/07/16
- Point MacKenzie Community Council: 12/10/15
- Sutton Community Council: 12/16/15, 01/27/16

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

G. INFORMATIONAL MEMORANDUMS

(There were no informational memorandums presented.)

VII. SPECIAL ORDERS

A. PERSONS TO BE HEARD (Three minutes per person.)

(There were no persons to be heard.)

- B. PUBLIC HEARINGS (Three minutes per person.)
- 3. **Ordinance Serial No. 16-049:** An Ordinance Approving An Interim Materials District Known As Lakeside Sand And Gravel, Located Within The Northwest 1/4 Of The Northwest 1/4 Of Section 25, Township 17 North, Range 04 West, Seward Meridian.
 - a. **Ordinance Serial No. 16-049 (SUB):** An Ordinance Adopting Reasons For Denial Of A Proposed Interim Materials District Known As Lakeside Sand And Gravel, Located Within The Northwest 1/4 Of The Northwest 1/4 Of Section 25, Township 17 North, Range 4 West, Seward Meridian.
 - (1) IM No. 16-076

CONFLICT OF INTEREST: Assemblymember Mayfield noted a possible financial conflict of interest due to a 10% partnership on an easement purchased from the IMD applicant for road access for himself and five other neighbors and the gravel for the road would come from the current gravel pit managed by the IMD applicant.

RULING: Mayor Halter ruled that there was not a direct financial benefit in the situation; therefore, a conflict of interest did not exist and Assemblymember Mayfield would be able to participate.

Mayor Halter opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 16-049: Mr. Darren Zimmer, Mr. Chris Elder, Mr. Craig Green, Ms. Kelly Green, Mr. Jerry Birch, Mr. Ty Amberg, Mr. Bill Heariet, Ms. Helen Heariet, Mr. Kim Walch, Mr. Kevin Vakalis, Mr. Brian McJunkin, Mr. Danny Drum, Ms. Roberta Rutter, Mr. Bill Kramer, Mr. Leon Hartman, Ms. Sandy Baker, Mr. Lee Renfrew, Mr. Ron Williams, Mr. Bill Haller, and Mr. Verne Monett.

The following persons spoke in opposition to Ordinance Serial No. 16-049: Ms. Carol Kane, Ms. Carrie Currey, Ms. Suzie Longacre, Ms. Diane Lada, Mr. Craig Beifinger, Mr. Rob Lada, Mr. Doug Longacre, Mr. Tim Finnigan, Ms. Teresa Finnigan, Mr. Bill Kane, Mr. Kirk Currey, Ms. Cindy Moore, Ms. Kim Grabbe, Mr. Lester Black, Ms. Kim Black, Mr. Blackey Black, Mr. John Belarde, Mr. James Woodside, Ms. Sylvia Woodside, Mr. Butch Moore, Mr. Tim Gould, Mr. Curt Scoggin, Mr. Todd Rinaldi, Mr. Gerard Farkas, Ms. Kathyne Tryck, and Mr. Keith Tryck.

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

The following person spoke to social issues and tax assessments: Mr. Robert Kazanowsky.

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

MOTION: Assemblymember Mayfield moved to adopt Ordinance Serial No. 16-049.

MOTION: Assemblymember Colligan moved to amend by substitute Ordinance Serial No. 16-049(SUB).

VOTE: The primary amendment passed with Assemblymember Mayfield opposed.

VOTE: The main motion passed as amended with Assemblymember Mayfield opposed.

(The meeting recessed at 9:03 p.m. and reconvened at 9:14 p.m.)

MOTION: Assemblymember Colligan moved to suspend the rules to take up unfinished business, Resolution Serial No. 16-023, as the next item of business.

VOTE: The motion passed without objection.

VIII. UNFINISHED BUSINESS

A. **Resolution Serial No. 16-023:** A Resolution To Adopt The Fiscal Year 2017 Schedule Of Rates And Fees Effective July 1, 2016, In Order To Have A Single Document For All Rates And Fees In The Matanuska-Susitna Borough.

1. IM No. 16-046

PENDING MOTION: Assemblymember Kowalke moved to adopt Resolution Serial No. 16-023.

PENDING MOTION: Assemblymember Mayfield moved a primary amendment to IM No. 16-046, Matanuska-Susitna Borough Fiscal Year 2017 Schedule of Rates and Fees, as follows:

- Effective July 1, 2016:
 - line 565, by striking “\$13” and inserting “\$14” in its place;
 - line 566, by striking “\$26” and inserting “\$28” in its place;
 - line 567, by striking “\$32” and inserting “\$34” in its place;
 - line 568, by striking “\$45” and inserting “\$48” in its place;
 - line 569, by striking “\$60” and inserting “\$64” in its place.
- Effective July 1, 2017:
 - line 565, by striking “\$14” and inserting “\$15” in its place;
 - line 566, by striking “\$28” and inserting “\$30” in its place;
 - line 567, by striking “\$34” and inserting “\$36” in its place;

- line 568, by striking “\$48” and inserting “\$51” in its place; and
- line 569, by striking “\$64” and inserting “\$68” in its place.

MOTION: Assemblymember Colligan moved to postpone Resolution Serial No. 16-023 to a time certain of May 17, 2016.

VOTE: The motion passed without objection.

4. **Ordinance Serial No. 16-046:** An Ordinance Establishing A Temporary Moratorium On Marijuana Establishments To Expire On October 19, 2016. *(Sponsored By Assemblymembers Kowalke and Sykes)*
 - a. IM No. 16-078

Mayor Halter opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 16-046: Mr. Brian Endle, Mr. Steve Alexander, Mr. Joseph Mazut, Mr. Rob Hunner, Mr. Mike Frahm, Mr. Barry Orzalli, and Mr. Mike Shower.

MOTION: Assemblymember Mayfield moved to extend the meeting to 11 p.m.

VOTE: The motion passed without objection.

The following person spoke in opposition to Ordinance Serial No. 16-046: Mr. Timothy Hale, Mr. Nicholas Braman, Mr. Monty Hess, Ms. Linda Reagan, Ms. Amy Tuma, Mr. John Dupier, Ms. Cheryl Bowie, Mr. Miles France, Ms. Janice Bass, Mr. Dave Bartels, Mr. Kevin Johnson, Ms. Pricilla Johnson, Ms. Rachel Lake, Ms. Liz Dubble, Mr. David Straub, Ms. Krystal Dietrich, Mr. Steven Johnson, Mr. Matthew Peterson, Ms. Marissa Miller, Ms. Theresa Collins, Mr. Don Hart, Ms. Rhonda Marcy, Mr. Tel White, Mr. Charles Purse, Mr. Cory Ray, Mr. Eric Bushnell, Mr. Conrad Dailey, and Mr. Cam Blesco.

The following person voiced concerns on the public process: Mr. Eugene Carl Haberman.

(Assemblymember Beck joined the meeting in person at 9:58 p.m.)

MOTION: Assemblymember Sykes moved to suspend the rules to extend the meeting to 11:30 p.m.

VOTE: The motion passed without objection.

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

MOTION: Assemblymember Kowalke moved to adopt Ordinance Serial No. 16-046.

MOTION: Assemblymember Sykes moved a primary amendment to Ordinance Serial No. 16-046, Section 5. Sunset Clause, by inserting “except as provided below” to the end of the sentence and adding a new Section 6 to read “Early sunset for cultivation facilities. As it applies to marijuana cultivation facilities, this moratorium shall expire on August 17, 2016”.

VOTE: The primary amendment passed with McKee, Kowalke, and Colligan opposed.

MOTION: Assemblymember Sykes moved a primary amendment to the seventh Whereas clause, by inserting “dates” after the word “implementation” and striking “is” and inserting in its place “are” so that the clause reads, “WHEREAS, implementation dates of State of Alaska licensing rules are still unknown...”

VOTE: The primary amendment motion passed without objection

MOTION: Assemblymember Sykes moved a primary amendment to the ninth Whereas clause, by:

- striking the language “but the Alaska legislature still needs to pass a bill allowing the State Marijuana Control Board to perform those checks”; and
- inserting in its place “which has not yet been signed into law or taken effect.”

VOTE: The primary amendment passed with no objection.

VOTE: The main motion passed as amended with no objection.

MOTION: Assemblymember McKee moved to reconsider Ordinance Serial No. 16-046.

MOTION: Assemblymember Beck moved to suspend the rules to extend the meeting to 12 a.m.

VOTE: The motion passed without objection.

VOTE: The motion to reconsider failed with McKee and Kowalke in support.

1. **Ordinance Serial No. 16-047:** An Ordinance Reappropriating \$125,516 From The Planning Department Fiscal Year 2016 Operating Budget, Fund 100, To Fund 480; For The Planning Office Modification Project, The Housing Analysis Project; And The Regional Transportation Project.

a. **Resolution Serial No. 16-041:** A Resolution Amending The Budgets For Project Nos. 47035, 47038, 47046, 47047, And 47520 And Extending The Time Of Completion For Project Funding And Approving The Scope Of Work And Budget For The Planning Office Modification Project, The Housing Analysis Project, And The Regional Transportation Project.

(1) IM No. 16-073

Mayor Halter opened the public hearing.

The following person spoke voiced concerns with the public process: Ms. Rhonda Marcy.

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

MOTION: Assemblymember Beck moved to adopt Ordinance Serial No. 16-047 and Resolution Serial No. 16-041.

VOTE: The motion passed without objection.

2. **Ordinance Serial No. 16-048:** An Ordinance Approving An Appropriation Of \$120,000 From Bogard Road Service Area No. 25 Fund Balance, Fund 279, To Fund 410, Project No. 30045, For Bogard Road Service Area No. 25 Capital Projects.
 - a. IM No. 16-074

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.

MOTION: Assemblymember McKee moved to adopt Ordinance Serial No. 16-048.

VOTE: The motion passed without objection.

4. **Ordinance Serial No. 16-050:** An Ordinance Accepting And Appropriating \$13,003.20 From Matanuska Telephone Association To Fund 440, Project No. 20323, For Upgrading And Enhancing The Telecommunications And Information Services Within The Matanuska-Susitna Library Network.
 - a. IM No. 16-077

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.

MOTION: Assemblymember Beck moved to adopt Ordinance Serial No. 16-050.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke in opposition of increased fees for the Brett ice rink: Mr. Eric Bushnell.

The following person voiced concerns regarding the public process: Mr. Eugene Carl Haberman.

D. CONSENT AGENDA

1. RESOLUTIONS

(There were no resolutions presented.)

3. ACTION MEMORANDUMS

- a. **AM No. 16-030:** Approval Of Change Order No. 3 To D&S Road Services In The Amount Of \$4,890 To Add Additional Crack Sealant In Caswell Lakes Road Service Area No. 15, As Part Of The Crack Sealing Services.
- b. **AM No. 16-031:** Award Of Bid No. 16-111B To Western Construction And Equipment, LLC In The Contract Amount Of \$219,105 For The Wasilla Creek At Crabb Circle Flood Conveyance and Fish Passage Improvement Project.
- c. **AM No. 16-032:** Award Of Bid No. 16-112B To Western Construction And Equipment, LLC In The Contract Amount Of \$196,940 For The Cottonwood Creek At Riverdell Drive Flood Conveyance And Fish Passage Improvements Project.

Ms. McKechnie read the above legislation into the record.

MOTION: Assemblymember Beck moved to approve the consent agenda as read into the record by the Clerk.

VOTE: The motion passed without objection.

IX. VETO

(There were no vetoes presented.)

X. NEW BUSINESS

A. INTRODUCTIONS (For public hearing – 05/17/16 Assembly Chambers)

- 1. **Ordinance Serial No. 16-053:** An Ordinance Accepting And Appropriating September 2012 Southcentral Flood Disaster Relief Monies In The Amount Of \$580,609 From The Alaska State Division Of Homeland Security And Emergency Management And The Federal Emergency Management Agency To Fund 445, Project No. 55017.
 - a. **Resolution Serial No. 16-043:** A Resolution Amending The Budget For The September 2012 Southcentral Flood Disaster Relief Monies, Project No. 55017.
- (1) IM No. 16-079
- 2. **Ordinance Serial No. 16-054:** An Ordinance Approving A Supplemental Appropriation Of \$23,690.34 Of Revenues From Public Donations To The Fiscal Year 2016 Animal

- Care And Regulation Division Operating Budget, To Procure Equipment And Supplies For Animal Care.
- a. IM No. 16-080
3. **Ordinance Serial No. 16-055:** An Ordinance Extending The Time Limit For Completion Of Borough Capital Projects.
 - a. IM No. 16-082
 4. **Ordinance Serial No. 16-056:** An Ordinance Reappropriating \$80,000 From The Capital Projects Department Fiscal Year 2016 Operating Budget, Fund 100, To Fund 435, For The Fireweed Building Improvements, Project No. 10178.
 - a. **Resolution Serial No. 16-044:** A Resolution Approving The Scope Of Work And Budget For The Fireweed Building Improvements, Project No. 10178.
 - (1) IM No. 16-083
 5. **Ordinance Serial No. 16-057:** An Ordinance Approving A Supplemental Appropriation Of \$42,000 From The Talkeetna Fire Service Area Fund Balance, Fund 254, To The Fiscal Year 2016 Talkeetna Fire Service Area Operating Budget To Cover Wages And Benefits For The Remainder Of Fiscal Year 2016.
 - a. IM No. 16-086
 6. **Ordinance Serial No. 16-058:** An Ordinance Approving A Supplemental Appropriation Of \$50,000 From The Butte Fire Service Area Fund Balance, Fund 251, To The Fiscal Year 2016 Butte Fire Service Area Operating Budget To Cover Wages And Benefits For The Remainder Of Fiscal Year 2016.
 - a. IM No. 16-087
 7. **Ordinance Serial No. 16-059:** An Ordinance Accepting And Appropriating Additional Funds For Revision No. 1 In The Amount Of \$495,000 From The United States Fish And Wildlife Service To Fund 410, Project No. 30114, For Up To 24 Culvert Replacements As Part Of The Fish Passage Improvements Project, Project No. 30114.
 - a. **Resolution Serial No. 16-045:** A Resolution Amending The Budget For Revision No. 1 In The Amount Of \$495,000 For Replacement Of Up To 24 Culverts For Fish Passage Improvements, Project No. 30114.
 - (1) IM No. 16-089
 8. **Ordinance Serial No. 16-060:** An Ordinance Approving An Appropriation Of \$90,000 From Greater Butte Road Service Area No. 26 Fund Balance, Fund 280, To Fund 410, Project No. 30046, For Greater Butte Road Service Area No. 26 Capital Projects.
 - a. IM No. 16-090
 9. **Ordinance Serial No. 16-061:** An Ordinance Approving An Appropriation Of \$110,000 From Knik Road Service Area No. 17 Fund Balance, Fund 274, To Fund 410, Project No. 30040, For Knik Road Service Area No. 17 Capital Projects.
 - a. IM No. 16-091

10. **Ordinance Serial No. 16-062:** An Ordinance Approving An Appropriation Of \$46,000 From Alpine Road Service Area No. 31 Fund Balance, Fund 285, To Fund 410, Project No. 30051, For Alpine Road Service Area No. 31 Capital Projects.
 - a. IM No. 16-092

11. **Ordinance Serial No. 16-063:** An Ordinance Appropriating Up To \$1,000,000 From The Land Management Permanent Fund, Fund 203, To Parks And Recreation Shop Upgrades, Fund 440, Project No. 15039.
 - a. **Resolution Serial No. 16-046:** A Resolution Approving The Amended Budget For Parks And Recreation Shop Upgrades, Fund 440, Project No. 15039.
 - (1) IM No. 16-093

12. **Ordinance Serial No. 16-064:** An Ordinance Amending MSB Title 25, Elections.
 - a. IM No. 16-095

Ms. McKechnie read the above legislation into the record.

MOTION: Assemblymember Beck moved to introduce the legislation as read into the record by the Clerk and set the public hearings for May 17, 2016.

VOTE: The motion passed without objection.

MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Halter requested the following for confirmation:

Emergency Medical Services Board
Kara Boothby, removal

MOTION: Assemblymember Beck moved to confirm the Mayor's removal.

VOTE: The motion passed without objection.

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 presented.)

XI. RECONSIDERATION

(There was no reconsideration presented.)

XII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Ms. McKechnie:

- noted that the election code changes were introduced during the meeting;
- advised that the informational memorandum explained the changes; and
- welcomed the Assembly to ask any questions they may have.

Assemblymember Beck thanked the Assembly for postponing Resolution Serial No. 16-043 to the next meeting.

Assemblymember Sykes:

- thanked everyone for the process during the meeting; and
- spoke briefly to the Attorney’s annual evaluation process.

Mayor Halter spoke to the public hearing items.

XIII. EXECUTIVE SESSION

(There was no executive session held.)

XIV. ADJOURNMENT

The regular meeting adjourned at 11:42 p.m.



 VERN HALTER, Borough Mayor

ATTEST:



 LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 05/17/16