

**I. CALL TO ORDER**

The regular meeting of the Matanuska-Susitna Borough Assembly was held on September 20, 2016, 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**

Assembly members present and establishing a quorum were:

Mr. Jim Sykes, Assembly District No. 1  
Mr. Matthew Beck, Assembly District No. 2 (*Deputy Mayor*)  
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 (*attended telephonically*)  
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. Brenda J. Henry, Assistant Clerk  
Mr. Jude Bilafer, Capital Projects Director  
Ms. Cheyenne Heindel, Acting Finance Director  
Mr. Terrance Dolan, Public Works Director  
Ms. Eileen Probasco, Planning and Land Use Director  
Mr. Bill Gamble, Emergency Services Director  
Mr. Ken Barkley, Deputy Director - Fire  
Ms. Lisa Behrens, Deputy Director - EMS  
Ms. Patty Sullivan, Public Affairs Director  
Mr. Eric Phillips, Community Development Director  
Mr. Russ Krafft, Purchasing Officer  
Ms. Joell Church, Records Management Officer  
Ms. Nancy Cameron, Land Management Agent

**III. APPROVAL OF AGENDA**

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

There were no changes noted.

Mayor Halter queried if there was any objection to him presenting a proclamation in recognition of Recovery Awareness, following the pledge.

There was no objection noted.

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

#### **IV. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mr. Bill Haller, a member of the audience.

Mayor Halter read the proclamation regarding Recovery Awareness Month into the record and presented it to Mr. Don Bennice, Executive Director of Alaska Resource Center.

#### **V. MINUTES OF PRECEDING MEETINGS**

- A. Special Assembly Meeting: 08/30/16
- B. Regular Assembly Meeting: 09/06/16

Mayor Halter inquired if there were any changes/corrections to the special meeting minutes of August 30, 2016, or the regular meeting minutes of September 6, 2016.

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

#### **VI. REPORTS/CORRESPONDENCE**

##### **A. AGENCY REPORTS**

- 1. Reports from cities

##### Wasilla City

Mayor Bert Cottle reported on the activities of the city.

##### Palmer City

Mr. Nathan Wallace, City Manager, reported on the activities of the city.

- 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. Air Quality Update

Ms. Frankie Barker, Borough Environmental Planner, provided an air quality update.

4. Veteran's Wall of Honor Update – ~~Mr. Doug Clegg~~ Mr. Don Dyer.

Mr. Don Dyer provided an update regarding the Veteran's Wall of Honor.

5. ~~Emergency Preparedness~~ – ~~Ms. Debra McGhan~~

Mr. Moosey reported on the following:

- the annual Transportation Fair;
- a citizen petition turned in regarding speed humps on Beverly Lakes Road; and
- introduction of the E-911 Request for Proposal on October 18.

D. ATTORNEY COMMENTS

Mr. Spiropoulos reported on the law suits regarding the marijuana initiative.

E. CLERK COMMENTS

Ms. McKechnie spoke regarding the upcoming meeting schedule.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Caswell FSA Board of Supervisors: 07/13/16
- b. Caswell Lakes RSA Board of Supervisors: 04/06/16
- c. MSB Fish and Wildlife Commission: 05/19/16
- d. Platting Board: 07/07/16

2. Community Council Minutes:

- a. Glacier View Community Council: 06/23/16
- b. Trapper Creek Community Council: 07/21/16

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

#### G. INFORMATIONAL MEMORANDUMS

1. **IM No. 16-173:** Reporting Of Conclusion Of Contract For Bid No. 14-160B To Bristol Environmental Remediation Services For Mack Drive Extension/Clapp Street Improvements, For The Final Contract Amount Of \$6,648,456.73.

The informational memorandum was presented and no comments were noted.

### 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.)

1. **Ordinance Serial No. 16-110:** An Ordinance Requesting A Reappropriation Of \$56,883 From Project Nos. 45265 And 45267, Fund 425, To Project No. 45257, Fund 425, To Allow For The Purchase Of A Vehicle And Related Equipment For Emergency Services Administration.
  - a. **Resolution Serial No. 16-077:** A Resolution Amending The Budgets For Project Nos. 45265 And 45267, And Approving The Scope Of Work And Budget For Project No. 45257, Fund 425, To Purchase A Replacement Vehicle For Emergency Services Administration.
    - (1) IM No. 16-161

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. 16-110 and Resolution Serial No. 16-077.

**VOTE:** The motion passed with Assemblymember McKee opposed.

2. **Ordinance Serial No. 16-111:** An Ordinance Repealing MSB 4.10, Aviation Advisory Board; Adopting MSB 4.27.005, Purpose; Adopting MSB 4.27.015, Duties; Amending MSB 4.27.020, Membership; Amending MSB 4.27.040, Meetings, Organization; Repealing MSB 19.08.020(D); Amending MSB 19.08.020(E); Repealing MSB 4.43, Transportation Advisory Board; Adopting MSB 4.46.005, Purpose; Amending MSB 4.46.020, Functions; Amending MSB 4.46.030, Composition; Adopting MSB 4.46.035, Meetings; Repealing MSB 4.46.040, Term of Members; Amending

MSB 4.58.030, Composition; Amending MSB 4.58.040, Meeting, Officers; and Adopting MSB 4.85, Transportation Technical Advisory Committee, To Assist In Meeting Budget Reduction Requirements.

a. IM No. 16-164

Mayor Halter opened the public hearing.

The following persons spoke in opposition to Ordinance Serial No. 16-111: Ms. Beth Fread, Ms. Jane Dale, Mr. Timothy Hale, Ms. Cindy Bettine, and Mr. Brian Endle.

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

MOTION: Assemblymember Beck moved to continue the public hearing to October 18, 2016.

MOTION: Assemblymember Colligan moved a primary amendment by striking "October 18" and inserting "December 6" in its place.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Sykes moved a primary amendment to have the boards impacted by the legislation to review it and provide comment back to the Assembly prior to December 6.

VOTE: The primary amendment passed without objection.

VOTE: The motion to continue passed as amended without objection.

3. **Ordinance Serial No. 16-112:** An Ordinance Reappropriating \$350,000 From The Valley Pathways School Capital Project No. 40188, Fund 400, To The Emergency Power Generator And Switch Gear At 9 Schools, Capital Project No. 40194, Fund 400.

a. IM No. 16-165

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. 16-112.

VOTE: The motion passed without objection.

4. **Ordinance Serial No. 16-113:** An Ordinance Amending MSB 17.28.090(A), Adding An Interim Materials District Known As Denali Highway Mile 99, Located Within Township 19 South, Range 2 West, Sections 10 And 15, Fairbanks Meridian.
  - a. IM No. 16-166

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 Sykes moved to adopt Ordinance Serial No. 16-113.

VOTE: The motion passed without objection.

*(The meeting recessed at 7:08 p.m. and reconvened at 7:16 p.m.)*

5. **Ordinance Serial No. 16-114:** An Ordinance Appropriating Up To \$800,000 From The Land Management Permanent Fund, Fund 203, To School Capital Projects, Fund 400; And To Appropriate Proceeds From The Eventual Sale Of The Parcel Described As Tract B, Iditarod Elementary-Wasilla High School Replat 2016, To The Land Management Permanent Fund, Fund 203, And The Areawide School Site Acquisition Reserve, Fund 100 (MSB007140).
  - a. **Resolution Serial No. 16-078:** A Resolution Approving The Scope Of Work And Budget To Demolish The Old Iditarod Elementary School, Project No. 40023.
    - (1) IM No. 16-168

Mayor Halter opened the public hearing.

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

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

MOTION: Assemblymember Colligan moved to adopt Ordinance Serial No. 16-114 and Resolution Serial No. 16-078.

Discussion ensued regarding postponing the legislation.

Mayor Halter queried if there was any objection to postponing Ordinance Serial No. 16-114 and Resolution Serial No. 16-078 to a time certain of October 18, 2016.

There was objection and the Assembly voted on postponement.

VOTE: The motion passed with Assemblymembers Kowalke, Beck, and Doty opposed.

6. **Ordinance Serial No. 16-115:** An Ordinance Adopting MSB 3.08.517 To Establish That Road Maintenance Contracts Solicited After January 1, 2017, Will Not Contain Performance Criteria. *(Sponsored by Assemblymember Kowalke)*
  - a. IM No. 16-171

Mayor Halter opened the public hearing.

The following persons spoke in opposition to Ordinance Serial No. 16-115: Mr. Bill Haller, Mr. Bill Allen, and Mr. Tim Hale.

The following persons spoke to concerns with road service contract performance and administration: Mr. Ken Walch, Mr. Mike Shields, Ms. Charlotte Spain, Mr. James Ross, and Mr. Butch Moore.

The following person opined that road service contracts should be on a call-out basis: Mr. Bill Stearns.

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

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. 16-115.

**VOTE:** The motion failed unanimously.

**C. AUDIENCE PARTICIPATION (Three minutes per person.)**

The following person spoke to the need for a wastewater and septage facility: Ms. Helen Munoz.

The following person spoke to concerns with contractor performance in road service areas: Mr. Butch Moore.

The following person spoke in opposition to the elimination of the Transportation Advisory Board: Ms. Beth Fread.

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

The following persons spoke to frustrations with poor performance by a road service area contractor: Mr. Butch Moore, Mr. James Ross, Mr. Bill Haller, and Mr. Bill Stearns.

*(The meeting recessed at 8:45 p.m. and reconvened at 8:53 p.m.)*

**D. CONSENT AGENDA**

1. RESOLUTIONS

*(There were no resolutions presented.)*

2. ACTION MEMORANDUMS

- a. **AM No. 16-083:** Award Of Bid No. 17-026B To Northern Gravel And Trucking In The Contract Amount Of \$620,102 For The Purchase Of Winter Sand And Chips.
- b. **AM No. 16-084:** Award Of Proposal No. 17-013P To Lounsbury And Associates, Inc. In The Contract Amount Of \$209,556 For Foothills Boulevard And Caswell Creek Fish Passage Design.
- c. **AM No. 16-085:** Authorizing The Borough Manager To Enter Into A Revised Memorandum Of Agreement With The City Of Houston For Mutual And Automatic Aid Fire Protection.

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.

**VIII. UNFINISHED BUSINESS**

- A. **Ordinance Serial No. 16-100:** An Ordinance Amending And Updating Title 23, Real Property.
  1. **Resolution Serial No. 16-068:** A Resolution Amending The Land And Resource Management Division Policy And Procedures Manual.
    - a. IM No. 16-094

MOTION PENDING: Assemblymember Beck moved to adopt Ordinance Serial No. 16-100 and Resolution Serial No. 16-068.

MOTION PENDING: Assemblymember Beck moved a primary amendment to Ordinance Serial No. 16-100, as follows:

- MSB 23.05.020(B), on page 453 of the packet, inserting after the word “precedence” the following language “with the exception of real property, personal property, and natural resources acquired as part of an active construction project or right of way reserved for future road expansion which were funded with state or federal monies under the management of the borough Capital Projects Department” to read: “Where any conflicting Chapters of borough code may occur, provisions of this title shall take precedence with the exception of real

property, personal property, and natural resources acquired as part of an active construction project or right of way reserved for future road expansion which were funded with state or federal monies and under the management of the borough Capital Projects Department;” and

- MSB 23.05.020(C), on page 454 of the packet, inserting after the word “property” the words “personal property,” and after the word “resources” the following language “not part of an active construction project or acquired right of way reserved for future road expansion which are funded with state or federal monies and which are under the management of the borough Capital Projects Department” to read: “In accordance with this title a Land and Resource Management Division Policy and Procedures Manual is adopted providing policies and procedures for borough-owned real property, personal property, and resources not part of an active construction project or acquired right of way reserved for future road expansion which are funded with state or federal monies and which are under the management of the borough Capital Projects Department;” and
- MSB 23.05.100 (A), on page 460 of the packet, inserting after the word “be” the following language “classified in accordance with this title and such classifications shall be” to read: “Boroughowned land shall be classified in accordance with this title and such classifications shall be used as a tool to identify types of land use for those lands included in competitive land sales or retained for public purpose or facilities;” and
- by inserting two new whereas clauses after the 4<sup>th</sup> whereas clause to read: “WHEREAS, this resolution does not apply to real property, personal property, and natural resources acquired for right of way and/or construction projects funded by state or federal funds and managed by the Capital Projects Department as these projects must adhere to either the Code of Federal Regulations or the Alaska Department of Transportation and Public Facilities Right of Way Acquisition Manual; and WHEREAS, the Land and Resource Management Division Policy and Procedures Manual does not apply to real property, personal property, and natural resources acquired for right of way and/or construction projects funded by state or federal funds and managed by the Capital Projects Department as these projects must adhere to either the Code of Federal Regulations or the Alaska Department of Transportation and Public Facilities Right of Way Acquisition Manual;” and
- to the Land Management Division’s Policies and Procedures Manual on page 260 of the packet, as follows:
  - inserting after the “TABLE OF CONTENTS” title the following language: “Capital Projects Department

Exemption: The policies and procedures contained herein do not apply to real property, personal property, and natural resources acquired for right of way and/or construction projects which have been funded by state or federal funds and which are managed by the Capital Projects Department. These acquisitions and projects must adhere to either the Code of Federal Regulations or the Alaska Department of Transportation and Public Facilities Right of Way Acquisition Manual.”

MOTION PENDING: Assemblymember Beck moved a secondary amendment to strike all references to “personal property” throughout the ordinance, the resolution, and the policies and procedures manual.

VOTE: The secondary amendment passed without objection.

MOTION: Assemblymember Beck moved a secondary amendment to incorporate the Attorney’s recommended changes as noted in red, in the handout, as follows:

- MSB 23.05.020(B) by striking “personal property” and the words “under the management of the Borough Capital Projects Department” and inserting “to the extent that the Code of Federal Regulations of the Alaska State Department of Transportation and Public Facilities Right of Way Acquisition Manual Control” to read: “Where any conflicting Chapters of borough code may occur, provisions of this title shall take precedence with the exception of real property and natural resources acquired as part of an active construction project or right of way reserved for future road expansion which were funded with state or federal monies to the extent that the Code of Federal Regulations or the Alaska Department of Transportation and Public Facilities Right of Way Acquisition Manual control;” and
- MSB 25.05.020(C), by striking it in its entirety; and
- MSB 23.05.100(A), by inserting after the word “be” the following language “classified in accordance with this title and such classifications shall be” to read: “Borough-owned land shall be classified in accordance with this title and such classifications shall be used as a tool to identify types of land use for those lands included in competitive land sales or retained for public purpose or facilities;” and
- To Resolution Serial No. 16-068, by inserting two new whereas clauses, after the 4<sup>th</sup> whereas clause, to read: “WHEREAS, this resolution does not apply to real property and natural resources acquired for right of way and/or construction projects funded by state or federal funds and managed by the Capital Projects Department to the extent that these projects must adhere to either the Code of Federal Regulations or the Alaska Department of Transportation and Public Facilities Right of Way Acquisition Manual; and WHEREAS, the Land and Resource Management Division Policy and Procedures Manual does not apply to real property and natural resources acquired for right of way and/or construction projects funded by state or federal funds to the extent that these

projects must adhere to either the Code of Federal Regulations or the Alaska Department of Transportation and Public Facilities Right of Way Acquisition Manual;” and

- To the Land Management Division Policies and Procedures Manual, inserting after the TABLE OF CONTENTS title, to read: “EXEMPTION: The policies and procedures contained herein do not apply to real property and natural resources acquired for right of way and/or construction projects which have been funded by state or federal funds to the extent that these acquisitions and projects must adhere to either the Code of Federal Regulations or the Alaska Department of Transportation and Public Facilities Right of Way Acquisition Manual.”

VOTE: The secondary amendment passed without objection.

*(Ms. McKechnie read the amended primary amendment into the record.)*

Mayor Halter queried if there was any objection to the pending primary amendment.

VOTE: The pending primary amendment passed as amended without objection.

VOTE: The main motion passed as amended without objection.

## **IX. VETO**

*(There were no vetoes presented.)*

## **X. NEW BUSINESS**

A. INTRODUCTIONS (For public hearing – 10/18/16 Assembly Chambers)

*(There were no introductions presented.)*

## **MAYORAL NOMINATIONS AND APPOINTMENTS**

### **1. VACANCY REPORT**

Mayor Halter requested confirmation of the following resignations:

Platting Board  
Tait Zimmerman, resignation  
Amy Hansen, resignation  
Willow FSA No. 35  
Phillip Rhode, resignation

MOTION: Assemblymember Beck moved confirm the resignations requested by the Mayor.

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**

Mr. Moosey:

- noted that in relation to the discussions regarding budget cuts, that the Assembly travel budget would be cut as well;
- stated that it was requested that the travel budget be reinstated;
- spoke to the upcoming trip to Washington, D.C. to see the Federal Delegation; and
- queried what the Assembly would like to do with their travel budget.

Mayor Halter queried if there was any objection to cutting the Assembly travel budget by \$15,625 (50 percent).

There was objection noted so the Assembly voted on the travel budget cuts.

VOTE: The motion passed with Assemblymembers Kowalke and Mayfield opposed.

Mr. Moosey queried which Assemblymembers would like to go to Washington, D.C.

Mayor Halter stated that he was under the impression that Mr. Moosey and Mr. Spiropoulos were the ones who would be travelling to Washington, D.C. and that it should remain that way.

MOTION: Assemblymember Kowalke moved to direct the Manager to terminate the current road service maintenance contract for Road Service Area No. 21 as soon as practical.

MOTION: Assemblymember Doty called for the question (to stop debate).

VOTE: The motion failed with Assemblymember Doty in support.

VOTE: The main motion failed with Assemblymembers McKee and Kowalke in support.

MOTION: Assemblymember Colligan moved to direct the Manager, Administration, Public Works, and the Attorney to review current road service area contracts for deficiencies, to take action as appropriate, and report back to the Assembly.

MOTION: Assemblymember Mayfield moved a primary amendment to include an examination of equity and fairness of the administration of the contract for Road Service Area No. 21 and to study the time cards of Supervisor Lachelt in relation to the discharge of his duties in Road Service Area No. 21 versus other areas he works in.

VOTE: The primary amendment failed with Assemblymember Mayfield in support.

VOTE: The main motion passed without objection.

Assemblymember Beck:

- thanked Eric Phillips and Jude Bilafer for getting the rear parking lot at Palmer High School striped;
- opined that staff has been hired to do a job and they should not be micromanaged;
- spoke to his respect for Borough Directors and their staff; and
- opined that staff is competent and should be listened to when they approach the body with concerns.

Assemblymember Sykes:

- spoke in support of the discussion regarding road service areas;
- spoke in support of the road protection that was done in relation to the Matanuska River; and
- spoke in support of the new user trails and positive changes at Jim Creek.

Assemblymember Colligan:

- spoke in opposition to discussing issues with contracts at Assembly meetings;
- stated that he is looking forward to the next meeting; and
- thanked the body for the meeting.

Assemblymember Doty:

- spoke in support of including boards and commissions in discussion of issues that impact them; and
- stated that she is looking forward to being on the Borough Area School Site Selection Committee.

Assemblymember Mayfield:

- stated that although he appreciated the discussion regarding road service contracts, that he wished the issue had not been raised by an Assembly Member;
- opined that even small things such as a large rock being on the side of the road, can be a violation of a road service contract; and
- noted that there are conflicts with residents and the contractor within Road Service Area No. 21.

Mayor Halter:

- noted that the Assembly is tasked with adopting the Borough budget, setting the mill rate and to set policy;
- spoke in opposition to the body getting too deeply involved with issues that staff has the ability to address;
- stated that he enjoyed himself at the trail opening at Jim Creek; and
- wished everyone a good evening.

### **XIII. EXECUTIVE SESSION**

*(There was no executive session held.)*

### **XIV. ADJOURNMENT**

The regular meeting adjourned at 9:40 p.m.



VERN HALTER, Borough Mayor

ATTEST:



LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 11/17/16