

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on January 20, 2015, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Larry DeVilbiss.

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 (*entered telephonically officially at 7:53 p.m.*)
- Mr. Ronald Arvin, Assembly District No. 3 (*Deputy Mayor*)
- Mr. Steve Colligan, Assembly District No. 4
- Mr. Dan Mayfield, Assembly District No. 5
- Mr. Vern Halter, Assembly District No. 7

Assembly members absent and excused where:

- Mr. Jim Colver, Assembly District No. 6

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
- Ms. Tammy Clayton, Finance Director
- Mr. Terrance Dolan, Public Works Director
- Ms. Eileen Probasco, Planning and Land Use Director
- Mr. Dennis Brodigan, Emergency Services Director
- Ms. Patty Sullivan, Public Affairs Director
- Mr. Eric Phillips, Community Development Director
- Mr. Michael Brown, Capital Projects Director
- Mr. Eric Wyatt, Information Technology Director
- Ms. Debra Wetherhorn, Division Administrative Specialist

III. APPROVAL OF AGENDA

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

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. John Koenanam, a member of the audience.

V. MINUTES OF PRECEDING MEETINGS

A. Regular Assembly Meeting: 01/06/15

Mayor DeVilbiss inquired if there were any corrections to the regular meeting minutes of January 6, 2015.

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:

- reminded the body that the Governor's Ball is February 6 at the Menard Sports Complex;
- spoke in support of Ordinance Serial No. 15-001; and
- opined that there should be a place on the Marijuana Advisory Committee for representatives from each city.

Palmer City

Mr. Gary Foster:

- stated that he is looking forward to having a shooting range for students;
- noted the positive effects of students participating in extracurricular activities; and
- spoke in support of Ordinance Serial No. 15-001.

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. Joint MSB Assembly/MOA Assembly Transportation Subcommittee

(There was no report provided.)

3. Assembly Public Relations

(There were no reports provided.)

C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues

Mr. Moosey:

- stated that he will be in Juneau on January 27 to provide a presentation to the Legislature regarding the rail extension;
- stated that the Port Commission has requested a joint meeting with the Assembly; and
- spoke to the possibility of having the acting commissioner for the Alaska State Department of Transportation speak to the Assembly.

D. ATTORNEY COMMENTS

Mr. Spiropoulos advised that he has submitted a request for reduction letter to the Federal Transit Authority regarding the M/V Susitna.

E. CLERK COMMENTS

Ms. McKechnie:

- noted the possibility of having a newly appointed member of the Assembly by February 6;
- stated that Mayor DeVilbiss suggested to rescheduling the January 31 planning session until after the new member starts; and
- suggested February 21, 2015.

Mayor DeVilbiss queried if there was any objection.

There was no objection noted.

Ms. McKechnie queried if the body would like to schedule the Alaska State Department of Transportation Commissioner to speak to them at the planning session or to have him speak at a regular meeting under the Manager's Report.

Assemblymember Sykes suggested a special meeting for February 17, 2015, at 4 p.m.

Mayor DeVilbiss queried if there was any objection.

There was no objection noted.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Aviation Advisory Board: Resolution Serial Nos. 14-006, 14-007
 - b. Greater Talkeetna RSA Board of Supervisors: 10/09/14
 - c. MSB Fish and Wildlife Commission: 10/23/14, 10/28/14
 - d. Planning Commission: Resolution Serial Nos. 14-35, 15-01(AM)
 - e. Platting Board: 10/02/14
 - f. Transportation Advisory Board: 09/17/14, 10/22/14, Resolution Serial Nos. 14-10, 14-11
2. Community Council Minutes:
- a. Big Lake Community Council: 08/12/14, 10/14/14, 11/11/14
 - b. Point MacKenzie Community Council: 08/14/14

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

G. INFORMATIONAL MEMORANDUMS

(There were no informational memorandums presented.)

VII. UNFINISHED BUSINESS

(There was no unfinished business.)

VIII. VETO

(There were no vetoes presented.)

IX. 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. 15-001:** An Ordinance Approving A Less Than Fair Market Value Sale Of Borough-Owned Property Containing 80 Acres, More Or Less, Identified As Tax Parcels A012 And D008, Section 4, Township 16 North, Range 4 West, And Authorization For The Manager To Negotiate The Sale (MSB006977).
 - a. IM No. 15-001

Mayor DeVilbiss opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 15-001: Mr. Ron Johnson, Ms. Bobette Stubblefield, Mr. Patrick Martin, Mr. Pat Martin, Ms. Lindy Moss, Mr. Neil Moss, Mr. Nick Steen, Mr. Jordan Baker, Mr. Mike Graves, Ms. Jennifer Ehmman, Mr. Mark Couch,

Mr. Mike Hemmer, Ms. Linda Page, Mr. Brian Fisher, Mr. Howard Delo, Ms. Jana Littlewood, and Ms. Mary Sims.

The following persons spoke in support of a shooting range and to concerns with this particular location: Mr. Ken Walch, Mr. Kibe Lucas, Mr. Keith Lipse, Mr. Marc Dobkowsky, Mr. John Yancy, Mr. Jim Faiks, and Ms. Denise Hall.

The following person spoke to concerns with the public process regarding Ordinance Serial No. 15-001: Mr. Eugene Haberman.

The following persons spoke in opposition to Ordinance Serial No. 15-001: Ms. Wendy Moreiko and Mr. Jeffrey Moreiko

(The meeting recessed at 7:20 p.m. and reconvened at 7:30 p.m.)

The following person spoke in support of Ordinance Serial No. 15-001 and to concerns with public notification for the project: Ms. Lori Hackenberger.

The following person spoke in support of Ordinance Serial No. 15-001 and to concerns with the location of the project: Ms. Starla Brewer.

The following persons spoke in support of Ordinance Serial No. 15-001: Mr. Hunter Smith, Mr. Joshua Hughes, Mr. Ken Barber, Ms. Tiana Thomas, Mr. William Matzie, Mr. Kyle Oakes, Mackenze Origer, and Mr. Joe McAnally.

The following persons spoke in opposition to Ordinance Serial No. 15-001: Mr. Ray Debenham Ms. Savon Duchein, and Ms. Nickole Stalnaker.

(Assemblymember Beck entered the meeting telephonically officially at this time and noted for the record that he had been listening to the meeting on Radio Free Palmer since it started.)

MOTION: Assemblymember Mayfield moved to attach the 62 signatures that are in opposition to the project, to the informational memorandum.

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 Arvin moved to adopt Ordinance Serial No. 15-001.

MOTION: Assemblymember Mayfield moved to postpone Ordinance Serial No. 15-001 to a time certain of June 16, 2015 and to direct staff to locate an alternate site.

MOTION: Assemblymember Arvin moved a secondary amendment by striking "June 16" and inserting "March 17" in its place.

VOTE: The motion failed with Assemblymembers Colligan and Arvin in support.

MOTION: Assemblymember Arvin moved a secondary amendment by striking “June 16” and inserting “April 21” in its place.

VOTE: The motion failed with Assemblymembers Colligan and Arvin in support.

VOTE: The motion to postpone to June 16, 2015, passed with Assemblymember Colligan opposed.

2. **Ordinance Serial No. 15-011:** An Ordinance Accepting And Appropriating \$200,000 From The Rasmuson Foundation, To Fund 490, Project No. 75005 For The Government Peak Recreation Area.
 - a. **Resolution Serial No. 15-005:** A Resolution Approving The Scope Of Work And Budget For The Government Peak Recreation Area.
 - (1) IM No. 15-015

(The meeting recessed at 8:20 p.m. and reconvened at 8:25 p.m.)

Mayor DeVilbiss 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 Arvin moved to adopt Ordinance Serial No. 15-011 and Resolution Serial No. 15-005.

VOTE: The motion passed without objection.

3. **Ordinance Serial No. 15-012:** An Ordinance Amending MSB 2.12, Assembly; Membership, Organization And Meetings; And Repealing MSB 25.15.030(A)(3), Concerning The Candidate Filing Period In Which A Form Of Assembly Representation Or Apportionment Become Effective. *(Sponsored by Assemblymember Sykes)*
 - a. IM No. 15-018

Mayor DeVilbiss opened the public hearing.

The following person spoke to concerns in opposition to the ordinance: Mr. Eugene Haberman.

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

MOTION: Assemblymember Sykes moved to adopt Ordinance Serial No. 15-012.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

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

The following person spoke to concerns with the content of Resolution Serial No. 15-006 and to concerns with the seat composition outlined in Resolution Serial No. 15-007: Mr. Don Hart.

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

The following persons spoke in support of the use of marijuana by adults: Mr. Mike Hemmer and Mr. Darryl Dreher.

The following person spoke to concerns with the seat composition outlined in Resolution Serial No. 15-007: Ms. Savon Duchein.

The following person suggested a proposed amendment to Resolution Serial No.15-006 and in support of the use of marijuana by adults: Ms. Jeanine Erickson.

The following persons expressed interest in being appointed to the Marijuana Advisory Committee: Ms. Holly Lee and Ms. Edith Malay.

D. CONSENT AGENDA

1. RESOLUTIONS

[Clerk's note: All resolutions were pulled from the consent agenda for further discussion.]

2. ACTION MEMORANDUMS

- a. **AM No. 15-008:** Award Of Bid No. 15-073B To Valley General Construction, LLC. In The Contract Amount Of \$154,185 For Labor, Equipment And Materials To Construct 1,150 Linear Feet Of Lighthouse Drive Near Big Lake.

Ms. McKechnie read the above legislation into the record.

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

VOTE: The motion passed without objection.

- a. **Resolution Serial No. 15-006:** A Resolution To Request Clarification From The State Of Alaska On Ballot Measure 2, The Legalization Of Marijuana. (*Sponsored By Mayor DeVilbiss*)

(1) IM No. 15-020

- MOTION: Assemblymember Arvin moved to adopt Resolution Serial No. 15-006.
- MOTION: Assemblymember Sykes moved a primary amendment to Resolution Serial No. 15-006, 8th whereas clause, by inserting after the word “whereas” the words “large numbers of people were concerned about access to medicinal cannabis” and by striking the word “marijuana” after the word “medicinal” and inserting “cannabis” in its place, to read: “Whereas, large numbers of people were concerned about access to medicinal cannabis, there is currently no differentiation between recreational marijuana high in Tetrahydrocannabinol (THC), medicinal cannabis high in Cannabinoids (CBD), and Industrial hemp or the State should consider differentiation by both definition and distinct regulations;”
- VOTE: The primary amendment passed without objection.
- MOTION: Assemblymember Sykes moved a primary amendment to Resolution Serial No. 15-006, 13th whereas clause, by inserting the words “their regulation” after the words “problematic and” to read: “Whereas, other states have found infused edible products to be problematic and their regulation should be addressed very clearly in Alaska;”
- VOTE: The primary amendment passed without objection.
- MOTION: Assemblymember Sykes moved a primary amendment to Resolution Serial No. 15-006, 16th whereas clause, by inserting the words “(which needs to be defined) after the word “small” to read: “Whereas, licensing for commercial production, processing, and sales should not disallow or limit the number of small (which needs to be defined) local, vertically integrated operations that are suitable for many other of Alaska's agricultural products;”
- VOTE: The primary amendment passed without objection.
- MOTION: Assemblymember Sykes moved a primary amendment to Resolution Serial No. 15-006, by inserting a new whereas clause to read: “Whereas, the state should consider regulations of business hours;”
- VOTE: The primary amendment passed without objection.
- MOTION: Assemblymember Sykes moved a primary amendment to Resolution Serial No. 15-006, by inserting a new whereas clause to read: “Whereas, the State should consider allowing permits for cultivation facilities three to four months before retail sales and consider how people would obtain seeds and original cuttings.”
- VOTE: The primary amendment passed with halter opposed.

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

- b. **Resolution Serial No. 15-007:** A Resolution Establishing A Marijuana Advisory Committee. *(Sponsored by Assemblymember Sykes)*
(1) IM No. 15-028

MOTION: Assemblymember Sykes moved to adopt Resolution Serial No. 15-007.

MOTION: Assemblymember Sykes moved a primary amendment to Resolution Serial No. 15-007, by inserting the following additional committee seats:

- one member representing the city government of Houston;
- one member representing the city government of Palmer;
- one member representing the city government of Wasilla; and
- one member representing the Borough at the department director level or equivalent.

MOTION: Assemblymember Halter moved secondary amendment by inserting after the words “Three citizens of the Matanuska-Susitna Borough” the words “who do not live in city limits” to read: “Three citizens of the Matanuska-Susitna Borough who do not live in city limits.”

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment passed as amended without objection.

VOTE: The main motion passed as amended without objection.

X. NEW BUSINESS

A. INTRODUCTIONS (For public hearing - 02/03/15, Assembly Chambers)

1. **Ordinance Serial No. 15-013:** An Ordinance Accepting And Appropriating \$15,220.54 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. 15-021
2. **Ordinance Serial No. 15-014:** An Ordinance Amending MSB 15.39.010, Definitions; Amending MSB 15.39.270, Notice Of Appeals; Form; MSB 15.39.300, Preparation Of The Record; Notice Of Hearing Date; MSB 15.39.310, Written Argument And Evidence On Appeal; MSB 15.39.320, Appeal Hearing; MSB 15.39.340, Decision; MSB 15.39.350, Judicial Review; And Adopting MSB 15.39.360 Judicial Review.
 - a. IM No. 15-023

3. **Ordinance Serial No. 15-016:** An Ordinance Amending MSB 17.125, Definitions; And MSB 17.60 Conditional Uses; And Adopting MSB 17.67, Tall Structures, Including Telecommunication Facilities, Wind Energy Conversion Systems, And Other Tall Structures.
 - a. IM No. 15-024

4. **Ordinance Serial No. 15-017:** An Ordinance Authorizing and Approving A Loan From the United States Department of Agriculture In An Amount Not To Exceed \$6,700,000 For The Purpose Of Providing For All Or A Portion Of the Cost Of Acquiring, Construction, Enlarging, Improving, And/Or Extending Fronteras Spanish Immersion Charter School.
 - a. **Ordinance Serial No. 15-018:** An Ordinance Authorizing And Approving A Lease Of Borough Property To Fronteras Spanish Immersion Charter School For A Term Of 40 Years With An Estimated Annual Payment Of \$396,000 With The Exact Terms, Conditions, And Provisions As Necessary And Advisable To Secure A Loan From The United States Department Of Agriculture And Provide For Repayment Of The Loan.
 - b. **Ordinance Serial No. 15-019:** An Ordinance Appropriating \$500,000 From The Areawide School Site Acquisition Reserve, Fund 100, To Fund 400, Project No. 40202, For Access Improvements To The Future Fronteras Spanish Immersion Charter School And To The Mat-Su Day School, And For Utilities For Fronteras Spanish Immersion Charter School. *(Sponsored By Assemblymembers Colver, Beck, and Arvin)*
 - (1) IM No. 15-027
 - (2) IM No. 15-025

- B. INTRODUCTIONS (For public hearing - 03/03/15, Assembly Chambers)
 1. **Ordinance Serial No. 15-007:** An Ordinance Creating North Sorrelwood Natural Gas Local Improvement District No. 509, 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.
 - a. IM No. 15-011

 2. **Ordinance Serial No. 15-008:** An Ordinance Creating A Portion Of Waxwing Street Natural Gas Local Improvement District No. 535, 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.
 - a. IM No. 15-012

 3. **Ordinance Serial No. 15-009:** An Ordinance Creating West Coghlan Circle Natural Gas Local Improvement District No. 557, 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.
 - a. IM No. 15-013

4. **Ordinance Serial No. 15-010:** An Ordinance Creating A Portion Of Dawn Lake Drive Natural Gas Local Improvement District No. 559, 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.
 - a. IM No. 15-014

Ms. McKechnie read the above legislation into the record.

MOTION: Assemblymember Arvin moved to introduce the legislation as read into the record by the Clerk and set the public hearings for February 3, 2015, and March 3, 2015, respectively.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor DeVilbiss requested the following resignations and appointments for confirmation:

Animal Care and Regulation Board
John Wood, resignation
Transportation Advisory Board
David Lundin
Central Mat-Su FSA No. 130
Benjamin Cottle, resignation
Knik RSA No. 17
Mike Hales

MOTION: Assemblymember Arvin moved to confirm the Mayor's resignations and appointments.

VOTE: The motion passed without objection.

C. OTHER NEW BUSINESS

1. **Resolution Serial No. 15-008:** A Resolution Accepting The Resignation Of Assemblymember Colver And Declaring The District 6 Assembly Seat Vacant.
 - a. IM No. 15-026

MOTION: Assemblymember Arvin moved to adopt Resolution Serial No. 15-008.

VOTE: The motion passed with Assemblymember Halter opposed.

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:

- spoke to the meeting scheduled for February 17, at 4 p.m.;
- noted that a number of people will be in Juneau that day; and
- proposed February 3 as an alternate date.

Mayor DeVilbiss stated that he would not be available that day.

Ms. McKechnie stated that the Manager could determine a date and bring it back to the Assembly.

Mayor DeVilbiss queried if there was any objection.

[Clerk's note: This cancelled the meeting scheduled for February 17 at 4 p.m.]

There was no objection noted.

Ms. McKechnie:

- spoke to the request from the Port Commission to have a joint meeting;
- stated that she would work with Staff for the Port Commission to determine a date and bring it back before the Assembly.

Mayor DeVilbiss queried if there was any objection.

There was no objection noted.

Mr. Spiropoulos wished former Assemblymember Colver good luck in Juneau.

Assemblymember Sykes thanked the body for supporting the Marijuana Advisory Committee.

Assemblymember Mayfield:

- thanked the public for commenting on Ordinance Serial No. 15-001;
- stated that he is looking forward to finding a good place for the shooting range;
- opined that it is not best located in Big Lake; and
- thanked the body for the meeting and their hard work.

Assemblymember Colligan:

- opined that the discussion with the School Board was interesting;
- stated that he appreciates the discussion over the legalization of marijuana;
- opined that it is up to the Assembly to provide the framework necessary to move forward in a positive manner; and
- spoke to the desire to better understand the hemp market.

Assemblymember Halter:

- opined that the Borough is moving too quickly regarding marijuana;
- further opined that the Borough should wait to see what the State will do;
- stated his support of the Marijuana Advisory Committee;
- spoke to concerns that 17 seats is too large;
- stated that he enjoyed the discussion with the School Board;
- spoke to his support of local education; and
- opined that it might be tough to find an alternate property for the shooting range.

Assemblymember Beck:

- spoke to his pleasure that Radio Free Palmer had broadcast the Mayor's public forum on marijuana;
- stated that he was pleased he was able to listen in while out of town; and
- spoke to looking forward to working through the issues.

Assemblymember Arvin:

- stated that he was aware of how the debate would go on Ordinance Serial No. 15-001;
- spoke to how the project has been developed;
- noted that he appreciates the testimony from the public;
- stated that he is looking forward to working through the process to find a place for the shooting range;
- noted that there is value in legislation being brought to the table even when members may be in opposition; and
- noted the testimony of students who participate in the program.


Mayor DeVilbiss noted it has been a busy day.

XIII. EXECUTIVE SESSION

(There was no executive session held.)

XIV. ADJOURNMENT

The regular meeting adjourned at 9:50 p.m.


LARRY DeVILBISS, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 02/03/15