

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on Tuesday, December 6, 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
Ms. Barbara Doty, Assembly District No. 6

Assemblymembers absent and excused were:

Mr. Dan Mayfield, Assembly District No. 5
Mr. Randall Kowalke, Assembly District No. 7

Staff in attendance were:

Ms. Jessica Kilborn, Deputy Borough Clerk
Mr. George Hays, Assistant Borough Manager
Mr. John Aschenbrenner, Deputy Borough Attorney
Ms. Brenda Henry, Assistant Borough 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
Ms. Lisa Behrens, Emergency Medical Services Deputy Director
Mr. Ken Barkley, Fire Service Area Deputy Director
Ms. Patty Sullivan, Public Affairs Director
Mr. Eric Phillips, Community Development Director
Mr. Eric Wyatt, Information Technology Director
Mr. Russ Krafft, Purchasing Officer

III. APPROVAL OF AGENDA

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

MOTION: Assemblymember Beck moved to take up public hearing nos. 3, 4, and 5 together.

VOTE: The motion passed without objection.

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ms. Patricia Fisher, a member of the audience.

V. MINUTES OF PRECEDING MEETINGS

- A. Special Meeting Minutes: 11/17/16
- B. Regular Meeting Minutes: 11/17/16

Mayor Halter inquired if there were any changes/corrections to the special or regular meeting minutes of November 17, 2016.

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

VI. SPECIAL ORDERS OF THE DAY

- A. Proclamation Regarding Matanuska-Susitna Borough Recycles Day

Deputy Mayor Beck read the proclamation into the record.

Mayor Halter and Deputy Mayor Beck presented the proclamation to Ms. Mollie Boyer, Director of Valley Community Recycling Center.

VII. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

- 1. Reports from cities

Wasilla City

Mayor Bert Cottle 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

Mr. Hayes:

- spoke to the personal use Christmas tree cutting area provided by the Borough;
- summarized the status of the E-911 dispatch contract; and
- summarized the topics of discussion for the joint Assembly/State Delegation work session on December 13.

D. ATTORNEY COMMENTS

Mr. Aschenbrenner summarized the Federal Railroad lawsuit.

E. CLERK COMMENTS

Ms. Kilborn:

- spoke regarding the upcoming meeting schedule;
- noted the dates and times of the special meetings that the Manager had requested for 2017; and
- queried if the Assembly would like to schedule those meetings.

The Assembly scheduled the special meetings as outlined in the Clerk's report.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Caswell FSA Board of Supervisors: 08/10/16
- b. Enhanced 911 Advisory Board: 10/11/16
- c. Fairview RSA Board of Supervisors: 08/23/16
- d. Greater Willow RSA Board of Supervisors: 09/14/16
- e. Library Board: 08/20/16
- f. Planning Commission: 08/15/16, Resolution Nos. 16-37 and 16-40
- g. Platting Board: 10/06/16, 10/20/16
- h. West Lakes and Central Mat-Su FSA Board of Supervisors: 10/10/16

2. Community Council Minutes:

- a. Knik-Fairview Community Council: 02/04/15, 05/06/15, 08/05/15, 02/03/16, 02/17/16, 03/16/16, 04/20/16, 05/04/16, 05/18/16, 06/15/16, 07/20/16, 08/03/16, 08/17/16, 09/21/16, 10/19/16, 11/02/16
- b. Louise-Susitna-Tyone Community Association: 07/16/16
- c. Meadow Lakes Community Council: 09/14/16
- d. Sutton Community Council: 07/27/16, 08/31/16, 09/28/16
- e. Talkeetna Community Council: 10/03/16
- f. Willow Area Community Organization: 07/11/16, 08/01/16

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

G. INFORMATIONAL MEMORANDUMS

- 1. **IM No. 16-201:** Reporting Of Conclusion Of Contract For Bid No. 16-043B To Northern Industrial Training, LLC, To Construct The Nancy Lake Warm Storage Building For The Final Contract Amount Of \$604,422.70.
- 2. **IM No. 16-203:** Reporting Of Conclusion Of Contract For Bid No. 16-067B To EP Roofing, Inc. For The Sutton And Tanaina Elementary Schools Roof Replacement/Modifications For The Final Contract Amount of \$862,159.18.

The informational memorandums were presented and no comments were noted.

VIII. 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. 16-102:** An Ordinance Amending MSB 17.28 And MSB 17.30 In Order To Eliminate The Interim Materials District Process.
 - a. IM No. 16-149

CONFLICT OF INTEREST: Assemblymember Colligan declared a conflict of interest as he worked closely with the industry.

RULING: Mayor Halter ruled Assemblymember Colligan had a conflict of interest and would be recused from voting.

(Assemblymember Colligan exited the meeting at 6:27 p.m.)

Mayor Halter opened the public hearing.

The following person spoke to concerns with the public 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 Beck moved to adopt Ordinance Serial No. 16-102.

VOTE: The main motion passed without objection.

(Assemblymember Colligan entered the meeting at 6:35 p.m.)

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: Mr. David Palmer, Ms. Beth Fread, Mr. Brian Endle, and Mr. David Lundin.

The following person spoke to concerns with the public 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 Beck moved to adopt Ordinance Serial No. 16-111.

MOTION: Assemblymember Beck moved to postpone Ordinance Serial No. 16-111 indefinitely.

VOTE: The motion to postpone indefinitely passed with Assemblymember McKee opposed.

(The meeting recessed at 7:08 p.m. and reconvened at 7:22 p.m.)

3. **Ordinance Serial No. 16-116:** An Ordinance Creating West Ryan Circle Road Paving Local Improvement District No. 582, 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. 16-178

4. **Ordinance Serial No. 16-117:** An Ordinance Creating East Barra Loop Road Paving Local Improvement District No. 585, 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. 16-179

5. **Ordinance Serial No. 16-118:** An Ordinance Creating East McAdoo Way Road Paving Improvement District No. 586, 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. 16-180

Mayor Halter opened the public hearing.

The following person spoke to concerns with the LID process: Mr. Larry Vogltanz.

The following person spoke to concerns with the public LID 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 Beck moved to adopt Ordinance Serial Nos. 16-116, 16-117, and 16-118.

VOTE: The motion failed unanimously.

6. **Ordinance Serial No. 16-131:** An Ordinance Approving The Land Acquisition Of Tract A, Midnight Sun 2013, Plat No. 2014-89, For The Purpose Of Additional School Parking And Outdoor Science Studies, With Acquisition Funding To Come From Midnight Sun Family Learning Center's Operating Budget (MSB007174).
 - a. IM No. 16-194

Mayor Halter opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 16-131: Ms. Patricia Fisher and Ms. Jeanne Troshynski.

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 Beck moved to adopt Ordinance Serial No. 16-131.

VOTE: The motion passed without objection.

7. **Ordinance Serial No. 16-132:** An Ordinance Accepting And Appropriating \$14,273.87 From Matanuska Telephone Association To Fund 440, Project No. 20323 For Upgrading And Enhancing The Telecommunications And Information Services Within The Borough Library Network.
 - a. IM No. 16-197

Mayor Halter opened the public hearing.

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 Beck moved to adopt Ordinance Serial No. 16-132.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following persons spoke in support of commercial marijuana in Alaska: Ms. Sara Williams, Chief Executive Officer of Phoenix Rising, Inc.

The following person spoke to concerns with the marijuana conditional use permit process for the Talkeetna Special Use District: Ms. Geri McCann, Ms. Beth Valentine, and Ms. Alice Johannewes.

The following person spoke to concerns with the pending budget crisis: Ms. Beth Fread.

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

The following person spoke to the Friends of Wasilla Library fundraiser: Ms. Jeanne Troshynski.

D. CONSENT AGENDA

1. RESOLUTIONS

- b. **Resolution Serial No. 16-087:** A Resolution Amending The Scope Of Work For Project No. 45253 To Fund The Design And Construction Of The New Caswell Fire Service Area Station 13-1 And Purchase Firefighter And Firefighting Equipment And Supplies.

(1) IM No. 16-204

- c. **Resolution Serial No. 16-088:** A Resolution Establishing Dates Certain For Payment, Delinquency, Protest, And Appeal Of 2017 Regular Assessment And Tax Rolls, Business Inventory Filing, And For The Commencement Of Hearings Before The Board Of Equalization.

(1) IM No. 16-205

2. ACTION MEMORANDUMS

- a. **AM No. 16-102:** Approval Of Road Service Area Road Improvements, Road Maintenance, and Repair Capital Projects For Summer 2017.
- b. **AM No. 16-104:** Authorization To Enter Into A Purchase Agreement With Cartegraph Systems, Inc. In The Amount Of \$155,991 Over Four Years For Upgrades To The Cartegraph Operations Management Systems Platform By Domain.
- c. **AM No. 16-105:** Award of Bid No. 17-052B To McKenna Brothers Paving In The Annual Contract Amount Of \$465,953.40 For Big Lake Road Service Area No. 21 Annual Road Maintenance.
- d. **AM No. 16-139:** Vacate The 50-Foot Wide Public Use Easement Within Parcels 1-A And 1-B, MSB Waiver 78-78, Located In Section 7, Township 17 North, Range 2 West, Seward Meridian.

Ms. Kilborn 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.

- a. **Resolution Serial No. 16-086:** A Resolution To Approve Edits To The Fiscal Year 2017 Schedule Of Rates And Fees.
- (1) IM No. 16-187

MOTION: Assemblymember Sykes moved to adopt Resolution Serial No. 16-086.

VOTE: The motion passed without objection.

X. UNFINISHED BUSINESS

(There was no unfinished business.)

IX. VETO

(There were no vetoes presented.)

X. NEW BUSINESS

A. INTRODUCTIONS (For public hearing – 12/20/16 Assembly Chambers)

- 1. **Ordinance Serial No. 16-133:** An Ordinance Accepting And Appropriating \$12,365 In Project Income For The Rail Extension From Port MacKenzie To The Mainline, Project No. 75001.

- a. **Resolution Serial No. 16-089:** A Resolution Approving The Scope Of Work And Budget For Project Income On The Rail Extension From Port MacKenzie To The Mainline Project.
(1) IM No. 16-200
- 2. **Ordinance Serial No. 16-134:** An Ordinance Approving An Appropriation Of \$150,000 From South Colony Road Service Area No. 16 Fund Balance, Fund 273, To Fund 410, Project No. 30039, For South Colony Road Service Area No. 16 Capital Projects.
a. IM No. 16-202
- 3. **Ordinance Serial No. 16-135:** An Ordinance To Relinquish Any Rights For Pre-Existing Legal Nonconforming Use Status To Maintain Earth Materials Extraction Sites On Borough Owned Land Within The Christiansen Lake Subdistrict Of The Talkeetna Special Land Use District (Parcels 26N04W29B012 And 26N04W30A003). (*Sponsored by Assemblymember Kowalke*)
a. IM No. 16-206

Ms. Kilborn 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 December 20, 2016.

VOTE: The motion passed without objection.

MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Halter requested the following resignation and appointments for confirmation:

- Agriculture Advisory Board
 - Dick Zobel
 - Donald Brianard
 - Erik Johnson
- Animal Care and Regulation Board
 - David Allen
 - Jamie West
- Aviation Advisory Board
 - Bernie Willis
- Board of Adjustment and Appeals
 - Larry Schmidt
 - Terry Nicodemus
- Board of Equalization
 - DeKay Bayliffe
- Emergency Medical Services Board
 - Scott Williamson
 - Pam Cook
 - Cheri Day

Dustin Sprenger
Ashley Cunnington
Enhanced 911 Advisory Board
Hans Brinke
Arthur Dunn
Lance Ketterling
Historical Preservation Commission
Deborah Burlinski
Joint Assembly/School Board Committee on School Issues
Sarah Welton
Kelsey Trimmer, resignation
Library Board
Diane Holl-Rambo
Deena Carlos
Local Emergency Planning Committee
Beatrice Adler
Ray Hollenbeck
Joe Schmidt
Office of Administrative Hearings
Karen Jennings
Parks, Recreation, and Trails Advisory Board
Kenneth Barber
Cindy Bettine
Platting Board
Gregory Pugh
Stan Gillespie
Patrick Johnson
Roger Purcell
Port Commission
Helga Larson
Wastewater and Septage Advisory Board
Helen Munoz
Ronald Phillips
Thomas Stoelting
Butte FSA No. 2
Charles Von Gunten
Caswell FSA No. 135
Kenneth Eggleston
Central Mat-Su FSA No. 130
Daniel Tucker
Greater Palmer Consolidated FSA No. 132
Jesse Werner
Talkeetna FSA No. 24
Herman Thompson
West Lakes FSA No. 136
Steven Simpson

Bogard RSA No. 25
Gary Hessmer
Caswell Lakes RSA No. 15
Phillip Johnson
Fairview RSA No. 14
Kurt Anderson
Greater Butte RSA No. 26
Roy Nuttal
Greater Talkeetna RSA No. 29
John Strassenburgh
Greater Willow RSA No. 20
Thomas Phillips
Knik RSA No. 17
Roger Riddell
Talkeetna Sewer and Water Service Area No. 36
Jane Steer

MOTION: Assemblymember Beck moved confirm the Mayor's appointments and resignation.

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)

1. **Ordinance Serial No. 16-136:** An Ordinance Amending MSB 17.60.020(A), Applicability; and MSB 17.60.150, General Standards For Marijuana Related Facilities.
 - a. IM No. 16-192

Ms. Kilborn read the above legislation into the record.

MOTION: Assemblymember Beck moved to refer Ordinance Serial No. 16-136 to the Planning Commission and the Marijuana Advisory Committee for 30 days.

VOTE: The motion passed without objection.

XI. RECONSIDERATION

(There was no reconsideration presented.)

XII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Assemblymember McKee requested updates on the following issues:

- Borough lien process;
- insurance claims;
- hiring of a temporary project manager for the 911 dispatch contract; and
- hiring for the risk manager position.

Assemblymember Sykes:

- commended the Sutton fire department for their recent successes;
- directed the Borough boards to communicate with the Assembly regarding the need to continue their services;
- spoke to the joint State Delegation/Assembly work session scheduled on December 13, 2016;
- cautioned the Assembly and Borough staff to take a practical approach when it came to upcoming budget matters;
- noted his attendance at the candlelight vigil for David Grinwold;
- spoke to a possible change to the staff reports for meeting items;
- encouraged the Assembly to hold more work sessions throughout the year;
- spoke to the Talkeetna special land use district (SPUD) regarding marijuana establishments; and
- requested updates on the Borough's insurance claims.

Assemblymember Doty:

- spoke to the benefits of a Boroughwide health authority;
- recognized the hard work of the recycle center staff;
- requested an update from the Manager regarding the current status of the EMS billing system;
- noted appreciation for the air quality public service announcements for the Butte area;
- commended the community members for their testimony during the meeting; and
- wished everyone happy holidays.

Assemblymember Colligan:

- noted he would be out of the country for the meetings scheduled on December 13, 2016;
- advised the Assembly to stay focused on the Borough priorities during the budget discussions; and
- encouraged the Talkeetna community to pursue an emergency moratorium regarding marijuana establishments, while the SPUD matter was being addressed.

MOTION: Assemblymember Beck moved to direct the offices of the Manager, Clerk, and Planning Department to conduct a comprehensive review of all Borough boards and commissions and bring forward draft ordinances that would make changes to the tasks, duties, makeup, and meeting frequency of the boards and commissions, as deemed appropriate, to clarify responsibilities and expectations to make the boards function more efficiently and to further the goals of the Assembly, beginning with the following five boards: Transportation Advisory Board, Aviation Advisory Board, Historical Preservation Committee, School Site Selection Committee, and Health and Social Services Board, and to have a significant amount of work completed for those five boards before April 4, 2017.

MOTION: Assemblymember Sykes moved a primary amendment to insert at the end, “with full consultation of the boards and commissions.”

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

Mayor Halter:

- agreed with the motion to work on ordinances regarding the five boards and commissions;
- requested the Law Department review the code section that addressed the LID and lien processes and provide a report at the next meeting;
- encouraged the Talkeetna community to work with Assemblymember Kowalke to possibly draft an emergency moratorium regarding marijuana establishments;
- spoke briefly on the upcoming joint State Delegation/Assembly work session; and
- noted the staff report process followed in the past for meeting items.

XIII. EXECUTIVE SESSION

(There was no executive session held.)

XIV. ADJOURNMENT

The regular meeting adjourned at 8:50 p.m.



VERN HALTER, Borough Mayor

ATTEST:



LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 01/10/17