

# Meeting Minutes July 8, 2020

## Meadow Lakes Community Council Inc.

◆ 3 Officers required for quorum: TOTAL = YES ◆ Y Pres:

Patricia Fisher Y Vice Pres: Linda Conover

Y Treasurer: Cindy Michaelson Y Sec: Camden Yehle

Y Council Coordinator: Tim Swezey

◆ 13 Members of the Meadow Lakes Community required for quorum: TOTAL = YES ◆

**Meeting Quorum = YES**

### **VIRTUAL MEETING CONDUCTED ON ZOOM.**

**Call to Order:** The meeting was called to order at 7:05 pm by President Patti Fisher. It was determined that a quorum was present.

**Pledge of Allegiance:** Recited.

**Approval of consent agenda:** Approved

- Agenda
- Previous MLCC Meeting Minutes 6/10/20

### **Board Reports:**

- **Treasurer:** Cindy Michaelson presented the treasurer's report and discussed the highlights of recent financial activity.
- **Gaming:** Ariel Cannon – Most of the Meadow Lakes Bingo events have been cancelled. The Great Alaska Cannabis Bowl has not been cancelled. We will have a split the pot.
- **Trails:** No report
- **Safety:** Chad Scott has been talking with Neighborhood watch groups, and signing up new neighborhood groups. Be safe during fire season.
- **Education:** no report
- **Bylaws:** Terry Boyle - Bylaw change being presented later during the meeting.
- **Membership:** Holly Gerlach-Grant - There is a quorum at the start of this meeting.
- **Parks & Recreation:** no report
- **Council Coordinator:** Tim Swezey has been working on irrigation system (big job). There has been good usage of the park, many church groups. Security cameras have been expanded, and we are providing power to kiosk for security. A local league is playing games on the sports field (60 cars, banners on the field, fun event)
- **President:** Patti thanked Tim Swezey, an ultra volunteer! Patti estimates Tim spend more than 20 hours per week on council business. He manages the reservation system for the sports field. He works on keeping our equipment operational, mows, fertilizes, weeds and waters the sports field. Tim is also making repairs to our irrigation system.

Patti thanked Linda Conover for the redesign of the website. She encourages everyone to check it out at <http://www.mlccak.org/>.

Camden Yehle showed many beautiful signs made from wood by her dad, Bob Gobielle for the sports field. Thank you Camden and Bob!

Patti talked about what a great organization MLCC was. She gave a highlight of some of the council's accomplishments. The Council is 37 years old. During that time The Council has built a sports field, which is free to the public, participated in the building of Meadow Lake Senior housing, the paving of Pittman Rd, the establishment of Meadow Lakes Elementary, conducted community Clean-Ups for the past twenty-six years, distributed Christmas food baskets for families in

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need, offered education classes for youth and adults for CPR, Babysitting, Gun Safety, Survival Safety, and Cold Water Safety. And these are just the highlights of the Council's Outreach.

With such an outstanding history it was sad for her to report on a legal suit the council has been served. She feels the council acted in good faith and with the Covid pandemic the Board wanted to continue our communication with members via remote meetings. One of our members felt we were in violation of the Open Meetings Act and has brought this suit against us. He claims we failed to have a timely notification of our April 8<sup>th</sup> Zoom meeting, which is inaccurate. All our meetings are advertised on the Borough website and in the Frontiersman well in advance of a meeting. For the April 8<sup>th</sup> meeting the Borough posted our notice 7 days before the meeting. Our bylaws state that:

*"All general membership meetings and special meetings shall require notice published in a newspaper of general circulation at least seven (7) days prior to the date of the scheduled meeting. Notices shall be posted at other public places as necessary by a designee of the president."*

The plaintiff claims that we did not have authority to call a telephonic meeting. As Senator Wilson pointed out at the meeting on April 8<sup>th</sup>, we did have authority to call the telephonic meeting based on Senate Bill 241, which was passed to deal with the pandemic. The Open Meetings Act itself specifically states that *"all meetings of a governmental body of a public entity of the state are open to the public except as otherwise provided by this section or another provision of law. Attendance and participation at meetings by members of the public or by members of a governmental body may be by teleconferencing"*.

To be accurate we did not require a roll call vote on the slate of officers at the April 8<sup>th</sup> meeting. That is required by the Open Meetings Act. That fault was corrected by a re-vote on the slate at the June 10<sup>th</sup> meeting.

There are other claims by the Plaintiff, one in particular concerning the slate of officers. Patti will discuss that when we get to the item on the agenda dealing with the Election. She added that the plaintiff has made a number of false comments about the council. Here are direct quotes from his motions made to the Court. The Council has "Discrimination against the public", exhibited "bad faith attitude", and "non-stop bad attitude". He claims that Patti personally has exhibited "a pattern of misbehaviors, negligence or malfeasance". A further claim is that she was dishonest with the US Mail, a potentially serious claim. These claims are detrimental to the Council and that effect has been compounded by the fact that the plaintiff set up a website and posted many of these claims on it.

Patti was really sorry she had to take the time to tell you all of this. It has been very stressful to Patti, and to the Board to deal with this. We are in touch with an attorney and we will fight these wrongful claims. Any positive support from membership is appreciated.

### **Old Business:**

**Election of Officers:** Camden put up the slate of candidates. Patti read the names. Patti reported that an email was sent to all MLCC members asking for nominations. She received only one reply. The plaintiff in the law suit complained that we did not properly notify the members of the election. The email notice was displayed and read. The nominating committee was able to find volunteers to fill all the open seats. June 10<sup>th</sup> the nominating committee presented the slate of officers and the membership was asked for nominations from the floor. Hearing none, the slate was voted upon. Patti asked all members who were unable to vote using Election Buddy or by absentee ballot to vote by contacting the election chair through Zoom chat to vote. Those on the phone were asked to speak up and vote. After all votes were cast, the election was closed. Later in the meeting the results will be announced.

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## **New Business:**

**Bylaws Change:** Patti read the particular language in our Bylaws concerning amendment of the bylaws.

*Any proposed changes to these bylaws shall be reviewed by the bylaws committee. Proposed changes shall be introduced, read, and discussed at a regular general membership meeting and shall be voted on at the following regular general membership meeting. Bylaws changes must receive a two-third (2/3) supermajority vote of the eligible voting general members present and voting to pass.*

Since amending the Bylaws requires a process over two months, the Council met in a special meeting on April 28, and developed and approved a list of PROCEDURES (not bylaw amendments, but procedures) for conducting meetings to be used until the Bylaws could be amended. The Bylaw Committee then met on May 4<sup>th</sup>, reviewed those procedures, and recommended two bylaw amendments. The other items from the procedures on the 28<sup>th</sup> were considered just that, procedures and should not be added to the Bylaws. For examples, *Documents pertaining to the meeting agenda should be provided in advance.* That requirement is common to all actions of the Council, and is not necessary as an amendment to the bylaws. It is a procedure.

These bylaw Amendments were introduced and discussed at the June 10<sup>th</sup> meeting. They were emailed to the membership on June 17 and will be voted on tonight. This will be a Roll Call Vote.

To clarify the procedure, Patti asked Linda Conover to read the May 4<sup>th</sup> Bylaw Committee minutes into the record. Linda read the minutes. Start of Bylaw minutes:

*Meadow Lakes Community Council*

*Bylaw Committee Meeting*

*May 4, 2020 6:30pm*

*Remote meeting conducted on Zoom*

*Meeting called to order by Linda Conover at 6:30pm.*

*Present: Patti Fisher, Camden Yehle, Linda Conover*

## **New Business**

*The committee discussed the Remote Meeting Procedures voted on at the special membership meeting April 28, 2020 to decide which were procedural and which needed a bylaw change. The procedures discussed include:*

- 1. Remote meetings will be allowed. Participants may participate by phone or internet.*
- 2. It is recommended the host record the video and audio together with the chat log. In case of conflict between what is said in the video and what is found in the chat log, the video prevails.*
- 3. Documents pertaining to the meeting agenda should be provided in advance.*
- 4. To obtain the floor, the person may show their hand on the camera or may say so verbally.*
- 5. Voting will be by roll call during a remote meeting.*

*The committee decided to recommend the following changes to the bylaws (in red and underlined) to be clear that remote meetings are allowed, #1 above.*

- Article 1 Meeting and Work Sessions, Section A  
All meetings of the MLCC are subject to the State of Alaska Open Meetings Act (AS 44.62.310), which requires that such meetings be open to the public and that reasonable notice of the meetings be provided. Action taken contrary to the Open meetings Act (OMA) is voidable. Meetings may be held in person or electronically in a virtual meeting format.*

*The committee decided to recommend the following changes to the bylaws (in red and underlined) to include voting by roll call, #5 above.*

- Article 9 Voting Section B, Subsection 1*

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Voting shall be conducted in person, by absentee or electronic ballot, or online during a virtual meeting. There shall be no proxy voting.

- Article 9 Voting Section B, Subsection 8

Voting on other matters considered by the MLCC may be by a show of voting cards if such vote will permit accurate counting of votes or by roll call during a virtual meeting if required.

The Remote Meeting Procedures #2, #3, and #4, voted on at the April 28<sup>th</sup> meeting were considered procedural and need not be included in the bylaw changes.

- Recording the video and audio of remote meetings is a procedural event.
- Documents should be provided in advance for remote meetings, as is done for in-person meetings.
- Showing your hand during an in-person meeting or verbally asking for the floor during a remote meeting is procedural.

The committee will be introducing these bylaw changes at the next membership meeting, May 8, 2020 for discussion.

The meeting was adjourned at 7:35pm. End of May 4<sup>th</sup>, 2020 Bylaw Minutes

It was moved and seconded to accept the 3 Bylaw changes:

- Article 1 Meeting and Work Sessions, Section A  
All meetings of the MLCC are subject to the State of Alaska Open Meetings Act (AS 44.62.310), which requires that such meetings be open to the public and that reasonable notice of the meetings be provided. Action taken contrary to the Open meetings Act (OMA) is voidable. Meetings may be held in person or electronically in a virtual meeting format.
- Article 9 Voting Section B, Subsection 1  
Voting shall be conducted in person, by absentee or electronic ballot, or online during a virtual meeting. There shall be no proxy voting.
- Article 9 Voting Section B, Subsection 8  
Voting on other matters considered by the MLCC may be by a show of voting cards if such vote will permit accurate counting of votes or by roll call during a virtual meeting if required.

Motion passed with a super majority roll call vote.

### July 8, 2020 Bylaw Vote

Member	Vote
Chad Scott	Yes
Camden Yehle	Yes
Cindy Michaelson	Yes
Sherri Rusher	Yes
Aryne Randall	Yes
Alan Leonard	Yes
Kendra McClean	Yes
Rich Nevitt	Abstain
Thomas Katkus	Yes
Dewey Bitle	Yes

Member	Vote
Ray Roistacher	Yes
Areil Cannon	Yes
Terry Boyle	Yes
Steve Edwards	Yes
Linda Conover	Yes
Tim Swezey	Yes
Lori Hanson-Benner	Yes
Holly G Grant	Yes
Patti Fisher	Yes

**Results**                      **Yes-18**  
**Abstain-1**

**Presentation: Willy Fahey, Susitna Rotary** spoke on the Little Su Rotary Park.

Susitna Rotary sweeps Little Su River upriver from the parks crossing each year, cutting snags for safety and cleaning up trash. Susitna Rotary was concerned about the current public safety at the public boat landing at the Parks Hwy, and decided to improve the landing for better safety for those who float the Little

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Su with kayaks, rafts, canoes, etc. The landing area is in the process of being upgraded and plans are underway to build a pavilion, picnic tables and improve the picnic area. The 3 year project consists of 3 phases:

**Phase 1 FY 2019-2020:** Permitting, Tree Removal, Build Pavilion

**Phase 2 FY 2020-2021:** Establish new grade & landscaping

**Phase 3 FY 2021-2022:** Install interactive media and other aesthetic items

Houston City Council has been involved and the Houston Fire Department has helped with wood chipping during the tree removal. Trees have been cut up for people to take as firewood. Interpretive signage at the pavilion and around the part area is planned. The local schools will be solicited for possible art project for the pavilion.



**Election Results:** The results of the election was recorded as follows:

Linda Conover – Vice President; Andrea Scott – Treasurer; Tim Swezey - Council Coordinator; Lori Benner-Hanson – Chair, Parks and Recreation; Terry Boyle – Chair, Bylaws; Holly Grant – Chair, Membership

## MLCC 2020 Board Election Results

	Electronic Voting		Vote by Chat	Vote by Phone	Results	
Vice-President <b>Linda Conover</b>	Yes	43	2		45	Vice-President <b>Linda Conover</b>
	No	1			1	
	Abstain	1			1	
	45		2		47	
Treasurer <b>Andrea Scott</b>	Yes	38	2		40	Treasurer <b>Andrea Scott</b>
	No	1			1	
	Abstain	6			6	

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	45	2		47	
Council Coordinator <b>Tim Swezey</b>	Yes 43	2		45	Council Coordinator <b>Tim Swezey</b>
	No 0			0	
	Abstain 2			2	
	45	2		47	
Bylaws <b>Terry Boyle</b>	Yes 42	2		44	Bylaws <b>Terry Boyle</b>
	No 1			1	
	Abstain 2			2	
	45	2		47	
Membership <b>Holly Gerlach-Grant</b>	Yes 42	2		44	Membership <b>Holly Gerlach-Grant</b>
	No 0			0	
	Abstain 3			5	
	45	2		47	
Parks and Recreation <b>Lori Benner-Hanson</b>	Yes 41	2		43	Parks and Recreation <b>Lori Benner-Hanson</b>
	No 0			0	
	Abstain 4			4	
	45	2		47	

**Thank you to Cindy Michaelson:** Patti thanked Cindy for the wonderful job as treasurer. Cindy improved the financial reporting and helped with the gaming procedures.

**Introduction of Andrea Scott:** Andrea, newly elected treasurer was introduced.

**Motion changing bank signers:** Cindy Michaelson moved and Terry Boyle seconded a motion to remove Cindy Michaelson as Treasurer and add Andrea Scott, treasurer, as signer on our banking account. Motion passed with 12 voted yes and 1 abstained.

**Correspondence:** The correspondence links were presented as listed in the Agenda.

**Agency Reports:**

**David Wilson:** Squatter have been reported along the Parks Hwy by Rainbow. PFD problems – since the Legislative Offices are closed, you can email Senator Wilson office.

**Mark Neuman:** Funds still available for Covid relief, so re-apply. Continue to check the state and governor’s websites. Park Highway – easement disputes are continuing with business owners. KGB was resurfaced. Hollywood and Vine is a dangerous intersection and a roundabout is in the planning but needs to be speeded up.

**Borough representative absent:** The strong mayor/strong assembly debate will possibly be on the ballot in November. Also being discussed is the merits of a 1<sup>st</sup> class or 2<sup>nd</sup> class borough. The Lake

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management plan was not well received as the issues were not clear. It was removed from the July 20 meeting agenda and more discussion slated for Jan. 2021

**Roy Roistacher, West Lakes Fire Department:** working 24/7 though the building is closed to the public due to Covid. Busy May, but slowed down in June. Five new engineers have completed training. West Lakes Fire Department has applied for a Ready Set Go Grant, a wildfire protection plan, for staffing and technical knowhow. West Lakes Fire Department would like MLCC participation.

**Persons to Be Heard:** limited to 3 minutes per person

**David Wilson:** Up for re-election, \$800 million dollar deficit in the starting budget for next year.

**Kevin McCabe, House Candidate:** Alaskan resident for 40 years, retired airline pilot, Christian, conservative, Republican, ready to help with the huge deficit next session.

**Rich Nevitt:** Spoke about liberty and justice for all. Rich was unhappy that the March 31<sup>st</sup> board meeting minutes were not on the council website with the membership meeting minutes. The bylaw amendments did not reflect the list of procedures established at the April 28<sup>th</sup> meeting. And Rich would be putting up his response to Patti's comments on his website in a few days.

**Mark Neuman, State Representative:** There has been lots of discussion on the budget but no solutions. We need more resource development that turn into jobs. He suggested hydroelectric projects, AK Railroad projects, processing plant facility which could be worked by prisoners as possible projects.

**Next Meeting:** Location to be determined, August 12, 2020, 7pm

**Adjournment:** The meeting was adjourned at 8:50 pm by President Fisher.

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Patricia Fisher, President      Date

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Minutes taken by Linda Conover      Date  
For Camden Yehle, Secretary