

**A. CALL TO ORDER:**

A regular meeting of the Palmer City Council was held on September 21, 2021, in the Council Chambers, Palmer, Alaska. Mayor DeVries called the meeting to order at 7:00 p.m.

**B. ROLL CALL:**

Comprising a quorum of the Council, the following were present:

Edna DeVries, Mayor	Sabrena Combs, Deputy Mayor
Julie Berberich (video conference)	Brian Daniels
Jill Valerius (video conference)	Steve Carrington

Council Member Best was absent and excused.

Also in attendance were the following:

John Moosey, City Manager	Nichole Degner, Interim City Clerk
Michael Gatti, City Attorney (via teleconference)	Pam Whitehead, Recording Secretary (via teleconference)

**C. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was performed.

**D. APPROVAL OF AGENDA**

1. Approval of Consent Agenda
  - a. **Ordinance No. 21-016:** Amending the Zoning Map to Revise the Zoning Designation of Lot 7, Block 6, Snodgrass-Newcomb #2 Subdivision, from R-4, High Density Residential to CG-General Commercial.
  - b. **Resolution No. 21-033:** Authorizing the City Manager to Purchase New Vehicle and Equipment in the Amount not to exceed \$60,000.00.
  - c. **Information Memorandum No. 21-005:** Directed Investigation of Violations of the Open Meetings Act Law – Anticipated Expense.
2. Approval of Minutes of Previous Meetings
  - a. August 10, 2021, Joint CC/BED Meeting
  - b. August 10, 2021, Regular Meeting

**Main Motion: To approve the Consent Agenda and Minutes.**

Moved by:	Berberich
Seconded by:	Valerius
Vote:	Unanimous (Absent: Best)
Action:	Motion Carried

**Primary Amendment #1: To move Consent Agenda D.1.c (IM 21-005) to New Business.**

Moved by:	Berberich
Seconded by:	Daniels
Vote:	--
Action:	Ruled out of order; item D.1.c is for Information Only/no action.

Following inquiry by Council member Valerius, Mayor DeVries noted the matter could be brought up under Council Comments.

## **E. REPORTS**

### **1. City Manager's Report**

City Manager Moosey:

- Reported on City Hall currently being temporarily closed to the public due to employee illness; appreciates the public's understanding; may conduct business by phone, email, or online;
- Reported being named to the MSB Metropolitan Planning Organization Policy Board;
- Today met with Tri-Cities (Wasilla, Houston, Palmer); working on an economic development plan in order to access Federal grant funds;
- Advised tomorrow he and Brad Hanson will be meeting with the Governor's Office regarding issues related to the City Dispatch Contract;
- Reported Chief Shelton will be visited by Homeland Security monitoring a City grant received in 2018;
- Spoke to the 9/20/21 Dedication of Charters of Freedom in Wasilla – City Council has been invited;
- Great news – he now has an Administrative Assistant – Christine Elias.
- Asked for approval to issue an RFP for Legal Services; asked to extend it two weeks; explained why.

### **2. Mayor's Report:**

Mayor DeVries:

- Encouraged everyone to attend Friday's Football Homecoming; Palmer needs a win.
- Reported the Mayor/Manager's Monthly Meeting scheduled for Thursday may have to be postponed due to lack of attendance.

### **3. City Clerk's Report:**

City Manager Moosey:

- Reported receiving four recall petitions; explained the process dictated by city code; Christie Smithers has agreed to act as City Clerk on the matter and the City will be seeking an outside attorney to give advice.
- Spoke to concerns that have been raised in recent meetings regarding City of Palmer elections and introduced Christie Smithers who will give a presentation explaining the City of Palmer's election process to inform the public.
- Christie Smithers, Acting City Clerk for the City of Palmer Election, gave a PowerPoint presentation explaining her experience and extensive background administering elections; fully outlined the election process.
- Addressed the Dominion election equipment – has been used by the State and Municipalities for about 20 years; outlined the testing process of the machines; spoke to security measures.

### **4. City Attorney's Report: City Attorney Gatti had no report.**

## **F. AUDIENCE PARTICIPATION:**

Ms. Lee Henrikson, Palmer resident, who is running for City Council, testified on the responsibility of the presiding officer maintaining order and decorum at Council meetings pursuant to Municipal Code 2.06, Council Rules.

Ms. Chris Tyree submitted legal paperwork (18 USC Sections 241 and 242 and 42 USC Section 1983) and testified regarding the U.S. Constitution and violations of the people's constitutional rights, citing the City Council does not have the right to mandate masks.

Mr. Dave Fuller, Palmer resident, testified regarding alleged violations of the Open Meetings Act by Council members; called for an investigation of all council members and their social media accounts.

Ms. Meghan Aube Trammell, Palmer resident, testified in opposition to an investigation of the alleged Open Meetings Act violations proposed by Council members Best and Carrington, citing a huge waste of money.

Ms. Randi Bernier, Palmer resident, testified regarding the alleged Open Meetings Act violations, citing the language of the OMA lacks the specificity necessary to identify violations on a digital platform. Although she is not entirely opposed to an investigation, raised concern that substantive arguments have not been made for probable cause to justify the expenditure of taxpayer dollars. (Submitted her written testimony to the Clerk for the record).

Mr. Mike Coons, Greater Palmer resident, spoke in appreciation of Council member Best acting on the concerns raised regarding the potential violations of the Open Meetings law; believes in the presumption of innocence until the evidence and legal process determines guilt and following the law as to punishment. He also had questions concerning how the recall filed for four council members would be handled regarding the upcoming election; spoke on the importance of transparency.

Mr. Dickey Hudgins, Palmer resident, testified regarding the alleged Open Meetings Act violations; also spoke against BLM and Antifa classifying them as terrorists; testified against the recent purchase of the Dominion voting machines, noting it has been proven they are easily hackable; testified also against masks and vaccines noting mandates are not the same as laws.

Ms. Jackie Ivey GoForth, Palmer resident, testified regarding the alleged Open Meetings Act violations and read/displayed postings by the four council members for the record.

Ms. Cindy Hudgins, Palmer resident, testified regarding Matsu Moms for Social Justice promoting the Black Lives Matter agenda (violence, rioting, destruction of the nuclear family) of which the four council members, who are in this group, stand for; also named Lee Henrikson, who is running for City Council, is a member of this group; displayed postings by all and alleged that all are violations of the Open Meetings Act.

Ms. Karen Lewis, Palmer resident, testified how much she loves Palmer, a wonderful, peaceful, beautiful town; spoke to the Constitution and our nation of freedoms, and believes those who violated the OMA should be held accountable.

Mr. Carl Gaines, Palmer resident, testified strongly against mask mandates, especially as relates to our children, that a virus will go right through a paper or cloth mask – it does absolutely nothing; deprives our children of oxygen and their identity.

Ms. Betty Doggett, Palmer resident, spoke to this group being reflective of what has been happening in our nation – BLM being the root of all of this upheaval; believes it is a means to push a one-world government controlling with fear and lies, the same as what Hitler did with the Jews. Those who are so unhappy the way our country is run, need to move to a third-world country and leave the U.S. alone; described the scary way of life when she lived in Venezuela at age 9 during the over-throw of Batista in 1958.

Mr. Mike Robinson, Palmer resident, announced that he is forming a new group called Mat-Su Dads Against Mat-Su Moms for Social Justice – will be putting it up on Facebook and see how fast it gets taken down. Provided the definition of a conspiracy – two or more people planning in secret to commit an illegal act; pointed out this is no longer a conspiracy theory but a conspiracy fact.

[Point of Order by Council Member Daniels, noting that the applause is not constructive or professional in this setting. Mayor DeVries responded she has asked them to stop every time.]

Ms. Robyn Bjork, Butte resident, testified on the topic of medical mandates by the Federal government, noting it will be even more important that the City Council help protect what we have in Palmer, emphasizing that Palmer is a great town; testified that masks don't work and allow for the growth of bacteria; further explained why.

Interim City Clerk Degner read written testimony regarding the alleged Open Meetings Act violations and call for an investigation received from the following:

Terry Snyder  
Kaitlyn Lovett  
Shannon Chris  
Carol C. Thompson  
Burke Heppinstal Herman  
Carol C. Thompson  
Carol Ryan Aube  
Benjamin Tosh  
Janelle Gannon  
Warren Koff  
Dave Musgrave  
Andrea Hackbarth  
Carolyn Covington  
Patty Haugom  
Lisa Albert Konecky  
Kathryn Bishop  
Sara Jansen

There being no other testimony, Mayor DeVries closed audience participation at 8:50 p.m.

**G. PUBLIC HEARINGS:** None.

**H. UNFINISHED BUSINESS:**

1. Committee of the Whole for Discussion Regarding Status of City Clerk Recruitment (note: action may be taken following committee of the whole).

**Main Motion: To enter Committee of the Whole.**

Moved by:	Combs
Seconded by:	Carrington
Vote:	Unanimous (Absent: Best)
Action:	Motion Carried by roll call vote.

[The Council entered Committee of the Whole at 8:52 p.m.; exited at 8:55 p.m.]

Kimberly Green, Human Resources, reported Council has been presented with the packets of seven applicants for the 2<sup>nd</sup> City Clerk posting which closed on September 9. The Council was asked to review and advise how to proceed.

Mayor DeVries recommended interviewing the two candidates with City Clerk experience with credentials first and then move on from there if necessary. Deputy Mayor Combs agreed. There was further brief discussion.

The Council adjourned from Committee of the Whole at 8:55 p.m. and reconvened the Regular Meeting.

**Main Motion: To conduct interviews of the two candidates that have City Clerk experience.**

Moved by:	Combs
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Seconded by:	Carrington
Vote:	Unanimous (Absent: Best)
Action:	Motion Carried by roll call vote.

## I. NEW BUSINESS:

1. **Action Memorandum No. 21-052:** Directing the City Manager to Notify the State of Alaska of the City Council's Statement of Non-Objection to the Bottling Works License Number 5978 for the Matanuska Brewing Company, LLC, located at 513 South Valley Way.

### **Main Motion: To approve Action Memorandum No. 21-052.**

Moved by:	Combs
Seconded by:	Daniels
Vote:	Unanimous (Absent: Best)
Action:	Motion Carried by roll call vote.

## J. RECORD OF ITEMS PLACED ON THE TABLE

- 1) City Clerk Application Packets
- 2) Copies of Slide Presentations

## K. AUDIENCE PARTICIPATION

Ms. Lee Henriksen, Palmer resident, spoke to being innocent until proven guilty, that there should be no recall petitions until after that process has been followed and finished.

Ms. Randi Bernier, spoke in relation to the social media postings commenting that if someone thinks the public can be swayed one way or another just by comments within a social media post, the power of individual free will is being discredited, that just because you hear something from an individual doesn't mean you're obliged to agree one way or another; encouraged open discussion of ideas rather than identities in order for the public to hear both sides of the story.

Mr. Mike Coons, corrected his previous testimony to be out of the norm, noting it was his understanding there was already an active recall in progress; provided a "practical definition of communism;" discussed equity and equality under a communist rule. Additionally, he spoke to election integrity, absentee ballots, ballot counting observation, and the Dominion voting machines.

Mr. Dave Fuller commented that Mayor DeVries has failed at her duty to maintain decorum at this meeting.

Ms. Jackie Ivey GoForth, testified alleging Matsu Moms for Social Justice as a covert society attempting to stuff the ballot box in relation to the Matsu School Board Covid Mitigation Survey. She also spoke to and provided written information on the Dominion system; described the specific problems with the machines citing that the Dominion intellectual property is owned by HSBC Bank China; alleged not a secure format.

Ms. Robyn Bjork, a medical professional, testified regarding individual constitutional rights and freedoms of we the people and against government overreach regarding vaccine mandates and lockdowns.

Ms. Cindy Hudgins, testified against Matsu Moms for Social Justice, alleging collusion, corruption, and control; spoke against government mandates requiring masks and against discussing city business in a Facebook group.

Mr. Erik Anderson, testified that he sees the real problem here is discussing city business on social media as opposed to coming to City Hall and speak personally on a topic.

Ms. Kelly Anderson Riggs, Greater Palmer resident, testified about our rights being under attack, that it is an individual's choice to wear or not wear a mask; noted that she has written our representatives imploring them to choose to pass Amendment 4 of SB 3006 that would allow one person or an advocate to be with a loved one while they are passing away, and Amendment 5 regarding the people's right to choose; that we need to respect each other's decision.

Mr. Mike Chmielewski, shared his experiences broadcasting at the Alaska State Fair over the last 14 days and in particular his interview with Lt. Governor Meyer regarding his opinion of Dominion voting equipment which was positive; encouraged those who have doubts to contact the Lt. Governor to discuss it; also his full interview is up on his website.

There being no others coming forward to testify, Mayor Devries closed Audience Participation at 9:27 p.m.

**L. EXECUTIVE SESSION:** There was no Executive Session.

**M. COUNCIL COMMENTS:**

**Council Member Valerius** requested that Interim Clerk Degner play the last 2-1/2 minutes of the Council meeting from August 24, 2021; noted she will have comments following.

[Recording played]

**Council Member Valerius:**

- commented that following adjournment with gavel, there was official business conducted – additional discussion and direction given to the City Manager for what is now Information Memorandum No. 21-005. She learned of this at a later date because she had already dropped off of Zoom. Because business was conducted with a majority/quorum of members present and resulting in an action, this could very likely be an Open Meetings Act violation;
- inquired of City Attorney Gatti regarding the appropriate steps for the Council to potentially cure the an alleged violation by holding another meeting; referred to and quoted in part Alaska Statute 44.62.310(f);
- recommended developing a process for handling a citizen complaint as well as a policy for social media.

**Council Member Berberich:**

- had no comments.

**Council Member Daniels:**

- commented spoke in agreement with Council Member Valerius for development of a policy for social media and define what it means related to the Open Meetings Act.

**Council Member Carrington:**

- commented to clarify the record that it was not City Manager Moosey, but the former City Clerk that ordered the Dominion machines.

**Council Member Combs:**

- requested Council support for Council Member Valerius' request directing that City Attorney Gatti review the apparent violation;
- thanked Christie Smithers and Jeannette Sinn for their work related to our elections; and thank you to Nichole filling in especially tonight;
- reminded the Matsu Preparedness Fair is next Saturday, September 25 at the Menard Center.
- Big thank you to the Alaska State Fair for bringing a lot of people to Palmer;
- Encouraged anyone in the room that has notions regarding her beliefs or things she brings forward, to talk to her, that there were a number of assumptions brought out tonight on where she stands on

things that were news to her; please reach out and ask her how she stands on things, that whether you agree with her or not she would be happy to have a conversation about it, that she would hope that courtesy would be extended to her rather than coming here and making assumptions about who she is as a person. She was born and raised in Palmer, raises her children here, sits on this Council because she wants her town to be a great place for her kids because it was a great place for her to grow up.

**City Manager Moosey:**

- Inquired as to confirm the direction given at the last meeting related to possible violation of the Open Meetings Act.

**City Attorney Gatti:**

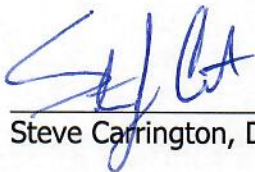
- Confirmed he understood the direction given noting he would not call it an investigation but will look into the legal aspects of it.

Following brief further discussion:

**N. ADJOURNMENT:**

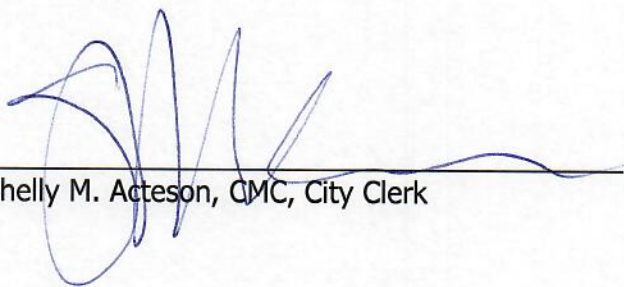
With no further business before the City Council, the meeting adjourned at 9:41 p.m.

**APPROVED this \_\_\_ day of November, 2021.**



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Steve Carrington, Deputy Mayor



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Shelly M. Acteson, CMC, City Clerk