

# MATANUSKA-SUSITNA BOROUGH

350 East Dahlia Avenue, Palmer, Alaska 99645 - 907-861-8683

## **BOROUGH MAYOR**

Larry DeVilbiss

## **BOROUGH CLERK**

Lonnie R. McKechnie, CMC

## **BOROUGH MANAGER**

John Moosey

## **BOROUGH ATTORNEY**

Nicholas Spiropoulos



## **BOROUGH ASSEMBLY**

Jim Sykes, District 1  
Matthew Beck, District 2  
Ronald Arvin, District 3  
Steve Colligan, District 4  
Dan Mayfield, District 5  
Vacant, District 6  
Vern Halter, District 7

## **ASSEMBLY AGENDA** **ASSEMBLY CHAMBERS** **350 EAST DAHLIA AVENUE, PALMER**

### **REGULAR MEETING**

**6 P.M.**

**TUESDAY, FEBRUARY 3, 2015**

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF AGENDA

IV. PLEDGE OF ALLEGIANCE

V. MINUTES OF PRECEDING MEETINGS

A. Regular Assembly Meeting: 01/20/15

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS (MSB 2.12.082; Seven minutes per person.)

1. Reports From Cities

2. Matanuska-Susitna Borough School District

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee On School Issues

2. Joint MSB Assembly/MOA Assembly Transportation Subcommittee

3. Assembly Public Relations

C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues
3. Iditarod Elementary 95 Percent Design Presentation - McCool Carlson Green

D. ATTORNEY COMMENTS

E. CLERK COMMENTS

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Bogard RSA No. 25 Board of Supervisors: 03/05/14, 06/04/14
- b. Enhanced 911 Advisory Board: 10/14/14
- c. Fairview RSA No. 14 Board of Supervisors: 08/25/14, Resolution Serial No. 15-01
- d. Greater Butte RSA No. 26 Board of Supervisors: 05/13/14, 07/10/14
- e. Greater Palmer Consolidated FSA Board of Supervisors: 08/12/14
- f. Knik RSA No. 17 Board of Supervisors: 07/16/14, 10/29/14
- g. Library Board: 05/17/14, 09/20/14, 10/18/14, 11/15/14
- h. Local Road Service Area Advisory Board of Supervisors: 10/16/14, 11/20/14
- i. Meadow Lakes RSA No. 27 Board of Supervisors: 08/20/14, Resolution Serial No. 15-01
- j. MSB Fish and Wildlife Commission: 11/20/14
- k. Planning Commission: Resolution Serial No. 14-31(AM)
- l. Port Commission: 10/20/14, 11/17/14
- m. South Colony RSA No. 16 Board of Supervisors: 08/13/14
- n. Transportation Advisory Board: 11/26/14, Resolution Serial Nos. 15-01, 15-03

2. Community Council Minutes:

- a. Trapper Creek Community Council: 10/16/14, 11/20/14

G. INFORMATIONAL MEMORANDUMS

1. **IM No. 15-029:** Reporting Of Conclusion Of Contract For Bid No. 13-106B To Orion Marine Contractors, Inc. For Bridge No. 1956, Sullivan Avenue Over Bodenbug Creek Replacement, For The Final Contract Amount Of \$1,489,042.91.

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pp. 8-79

pp. 80  
Sykes

A D O P T E D	A M E N D E D	P O S T P O N E D	D E F E A T E D

pp. 81-83  
Mayfield

2. **IM No. 15-035:** Reporting Of Conclusion Of Contract No. 14-119B To QAP For Vine Road Upgrade, Project No. 35410, For The Final Contract Amount Of \$6,275,134.13.

VII. SPECIAL ORDERS

A. **PERSONS TO BE HEARD (MSB 2.12.081; Three Minutes Per Person.)**  
*(Requires 11 Days Advance Notice And Must Otherwise Be In Compliance With The Necessary Code Requirements. If No Advance Notice Is Given, Persons Wishing To Speak May Do So Under The Audience Participation Section Of The Agenda.)*

B. **PUBLIC HEARINGS (Three Minutes Per Person.)**

pp. 84-88  
Arvin

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

pp. 89-104  
Arvin

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

pp. 105-142  
Arvin

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

pp. 143-185  
Beck

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.

pp. 186-188

- 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

A D O P T E D	A M E N D E D	P O S T P O N E D	D E F E A T E D

United States Department Of Agriculture And Provide For Repayment Of The Loan.

pp. 189-191

- 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 Beck, and Arvin and former Assemblymember Colver)*
  - (1) IM No. 15-027
  - (2) IM No. 15-025

C. AUDIENCE PARTICIPATION (Three Minutes Per Person.)

D. CONSENT AGENDA

1. RESOLUTIONS

pp. 192-195  
Mayfield

- a. **Resolution Serial No. 15-009:** A Resolution Amending The Facility Use Rate For Borough Libraries To Eliminate Any Charge For Use During Normal Business Hours. *(Sponsored by Assemblymember Mayfield)*
  - (1) IM No. 15-032

2. ACTION MEMORANDUMS

pp. 196-202  
Beck

- a. **AM No. 15-006:** Vacation Of A 5-Foot By 32-Foot Portion Of East Kyrok Circle Right-Of-Way Within Machtetanz Ridge Subdivision, Plat 2009-76, Section 7, Township 17 North, Range 2 East, Seward Meridian.

pp. 203-207  
Halter

- b. **AM No. 15-009:** Award Of Bid No. 15-033B To Peak Oilfield Services, LLC. In The Amount Of \$240,955 For Talkeetna Fire Service Area Station 11-3 Drafting Tank And Water Well Installation.

pp. 208-213  
Beck

- c. **AM No. 15-010:** Vacation Of A 5-Foot By 54-Foot Portion Of North Deshka Ridge Drive Right-Of-Way Within Heather Wood Subdivision, Plat 2004-96, Section 2, Township 17 North, Range 1 East, Seward Meridian.

pp. 214-216  
Arvin

- d. **AM No. 15-011:** Acceptance Of Retroactive And Late Filed Senior Citizen And Disabled Veteran Exemption Applications.

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pp. 217-221  
Arvin

e. **AM No. 15-012:** Acceptance Of Retroactive And Late Filed Senior Citizen And Disabled Veteran Exemption Applications.

pp. 222-225  
Arvin

f. **AM No. 15-014:** Award Of Request For Proposal No. 15-050P To Architects Alaska, Inc. In An Amount Not To Exceed \$250,000 For School Districtwide Energy Upgrades Design.

pp. 226-229  
Arvin

g. **AM No. 15-015:** Award Of Proposal No. 15-051P To PDC, Inc. Engineers In An Amount Not To Exceed \$566,000 For School Districtwide Heating, Ventilation, and Air Conditioning (HVAC) Upgrades Design.

pp. 230-234  
Sykes

h. **AM No. 15-016:** Award Of Bid No. 15-086B To Bristol Prime Contractors, LLC. For The Contract Amount Of \$237,178.75 To Provide Labor, Equipment, And Materials To Reconstruct Approximately 3,483 Linear Feet Of East Mercury Avenue And North Mars Avenue.

VIII. UNFINISHED BUSINESS

IX. VETO

X. NEW BUSINESS

A. INTRODUCTIONS (For public hearing – 02/17/15, Assembly Chambers)

pp. 235-241  
Arvin

1. **Ordinance Serial No. 15-022:** An Ordinance Accepting And Appropriating The Fiscal Year 2015 Community Revenue Sharing Program Funds In The Amount Of \$424,200 To Fund 475, Project No. 47033.

pp. 242-245

a. **Resolution Serial No. 15-010:** A Resolution Approving The Scope Of Work And Budget For The Fiscal Year 2015 Community Revenue Sharing Program, Project No. 47033.  
(1) IM No. 15-034

B. INTRODUCTIONS (For public hearing – 03/17/15, Assembly Chambers)

pp. 246-259  
Halter

1. **Ordinance Serial No. 15-020:** An Ordinance Creating A Portion Of North Suzanna Street Natural Gas Local Improvement District No. 537, 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. 15-030

pp.260-270  
Sykes

2. **Ordinance Serial No. 15-021:** An Ordinance Creating A Portion  
Of Wagner Subdivision Natural Gas Local Improvement District  
No. 556, 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. 15-031

C. MAYORAL NOMINATIONS AND APPOINTMENTS

pp.271-298

1. VACANCY REPORT

D. OTHER NEW BUSINESS

E. REFERRALS (For Referral To The Planning Commission For 90 Days Or  
Other Date Specified By The Assembly)

XI. RECONSIDERATION

XII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

XIII. EXECUTIVE SESSION

XIV. ADJOURNMENT

**Disabled Persons Needing Reasonable Accommodation In Order To Participate At An Assembly Meeting  
Should Contact The Borough ADA Coordinator At 861-8432 At Least One Week In Advance Of The Meeting.**

**THE MINUTES ARE  
LOCATED AT THE  
BACK OF THE  
PACKET.**

RECEIVED  
JUL 17 2014  
CLERKS OFFICE

Meeting was called to order at 6:36 PM.

Supervisors

Gary Hessmer, Primary-Present  
Carol Christiansen, Alt. #1-Present  
Teri Hone, Alt. #2-Present

Staff

Will Barickman-Present  
Jim Jensen-Not Present

Other Attendees

Mayor Larry DeVilbiss

A quorum was present, and due notice had been published. Carol made a motion to approve the Agenda, Teri seconded the motion. Agenda approved. No minutes were approved at this meeting.

STAFF REPORTS:

A. Will Barickman, O&M RSA Superintendent Re: maintenance, etc.: New Project Manager will have 2 people in the office, should be able to start getting more projects going. We had a light year for Optional Maintenance. D & S has made good improvements. Will home owners/land owners be notified by mail that there is an upcoming Road project going on in the area. Driveway permits – It is legal for RSA money to cover driveway permits if the Borough won't waive the permit fee. Williwaw – Nothing major being done right now, surveying needs to be done first, but nothing is where it should be. Gary is going to talk to Jim about Williwaw. Scott Sanderson is new Road Superintendent for areas 14, 17, 27 & 28.

B. Jim Jenson, O&M Division Manager Re: 2014 CIP Projects Update, etc.: Jim Jenson responded by email that he will not be able to attend tonight's meeting.

SUPERVISOR REPORTS

A. LRSAAB – New Chairman is Mike Shields. Chinook was submitted as uncertified road by RSA 25. New maintenance contracts going out to bid around end of March, first of April. Is brush cutting going to be under its own contract? Not sure yet. Mayor DeVilbiss vetoed sheet draining across the road.

B. TAB Sub Committee on Uncertified Roads: George Hays, Assistant Manager, put on hold for a year.

OLD BUSINESS:

A. Resolution regarding paving via LID's – Teri, Resolution 13-03 was turned <sup>in</sup> with the meeting minutes from October 30, 2013.

NEW BUSINESS:

A. Staff Resolutions: Resolution 14-01 move money, \$250,000, to CIP from Fund Balance to cover more projects. Carol made a motion for approve Resolution 14-01, Teri seconded motion. Motion approved.

B. Meeting Frequency: Should we continue to meet quarterly or do we need to meet more frequently? Carol and Teri think quarterly is fine with special meetings called as needed.

C. Contract modifications: Will there be wording changes?

D. Brush cutting and pothole/pavement maintenance: The first year it is tough and expensive to get brush cutting into compliance. Brush 4" and under the contractor takes down. A Private Contractor would take care of the fore slope and back slope. RSA 25 is scheduled for crack sealing in

2015 – a rotating schedule. Filling potholes vs cutting and filling potholes. Potholes aren't lasting when they get filled. They need to be compacted and not just pounded in with a shovel. Will B. - Have Northern Asphalt fix potholes and check sub-grade. Gary will contact Jim to see if this can be done more efficiently and effectively.


PERSONS TO BE HEARD:

A. Mayor DeVilbiss: Bogard extension to Palmer has been approved. Rick Gattis has requested a Paving LID for Shoreline Dr, about ½ mile.

Teri made a motion to adjourn the meeting, Carol seconded motion. Meeting adjourned at 8:51 PM. Next meeting is June 4, 2014 at 6:30 PM at Mat-Su Covenant Church, 5201 Mayflower Lane, Wasilla.

Gary Hessmer, Primary  Date 6/4/14

Carol Christiansen, Alt. #1  Date 6/4/14

Teri Hone, Alt. #2  Date 6-4-2014

Minutes from Bogard RSA 25 Quarterly Meeting June 4, 2014

RECEIVED

JAN 09 2015

CLERKS OFFICE

Meeting was called to order at 6:34 PM.

Supervisors

Gary Hessmer, Primary-Present  
Carol Christiansen, Alt. #1-Present  
Teri Hone, Alt. #2-Present

Staff

Will Barickman Superintendent - Present  
Alex Senta Civil Project Manager -Present

A quorum was present, and due notice had been published. Carol made a motion to approve the Agenda, Teri seconded. Agenda approved. Carol made a motion to approve the minutes from November 20, 2013 meeting, Teri seconded. November 20, 2013, minutes approved. Teri made a motion to approve the minutes from March 5, 2014 meeting, Carol seconded. March 5, 2014, minutes approved.

STAFF REPORTS:

Will Barickman: Mild break up, gravel was brought in for drainage in Williwaw Subdivision. Contractor is doing brush cutting, 50% needs to be done by June 20, 2014. Issue at Aspen Ridge & Engstrom maybe adding stop signs. Carol made a motion to add speed bumps on Engstrom & on Aspen Ridge for safety. Teri 2<sup>nd</sup>. Vote: Carol, yes. Teri, no. Motion failed. Gary will write a letter and forward it to Jim Colver. Speed bump maintenance is between \$2000-4000. Will is going to look at Cottonwood Shores Subdivision for roads to add to next year's CIP List, maybe Blue Sapphire too. Colt Circle drainage issue. Will is checking with a homeowner to see if we can put a drainage ditch in to drain the cul-de-sac.

Alex Senta: CIP List #5 Williwaw Phase III – Upgrade. TOPO of Williwaw Area before beginning design. Alex will check into previous surveying that was done in the Williwaw Subdivision. #7-10 grouped together: Echo Ave, Golf St., Foxtrot Ave., Quebec St., Sierra St. and Shaw's Dr. for Utility Relocate & Upgrade. Design will be done by this Fall. We may have to split up for construction. Upgrades will all be done first, then they will be paved all at once. May be add Kilo to be paved at the same time. Alex would like letters sent out before the project gets on the CIP List. Send out Paving LID information also to all residents in the area. Good idea to get people educated on the LID's. Alex will get an update from the design firm regarding #3 on CIP List

SUPERVISOR REPORTS:

Gary: Terry Dolan gave an update on projects at the LRSAAB Meeting. Be sure to have thoughts and input for 2015 CIP List and a Resolution by the September meeting. Gary is requesting "Group" maps from the contractor to see what all areas have been brush cut. NLCC – Gary encouraged them to start a committee to deal with and be proactive regarding road issues. Loren Crawford heading up committee. Representative Gattis was at the last meeting – she did not get funding for Terrell Dr. & Tambert Dr. Gary was asking for 75,000. Carol: TAB Board Meeting – Sub-standard roads and uncertified roads list is tabled for 1 year. Schlein Loop curve sign is covered by brush again, needing chevron signs and potholes fixed as well.

NEW BUSINESS:

Maintenance Contract extension to July 2015 and issues regarding proposed future contract language: RSA 25 & 9 might consolidate and go to bid together for SMP. Each RSA will pay their

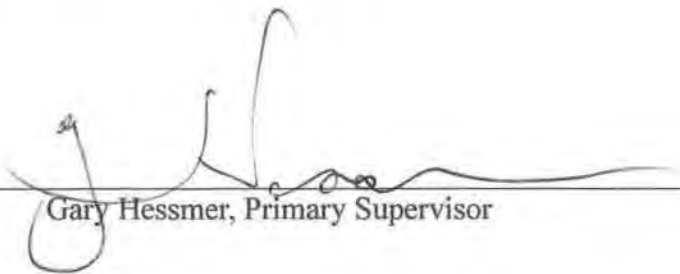
part of the road miles. Lane miles vs Road miles.

Crack seal: RSA 25 is on the list for 2015 for crack sealing and striping. The RSA's are on a 4-year schedule.


Seward/Meridian Pkwy. Issues (crack sealing, future paving, striping & Cottonwood Creek approaches): What costs are we going to incur to maintain SMP before the next Phase gets done.

Finalize 2015 CIP and approve with a resolution no later than early October: Be ready for discussion and input at September meeting. Cottonwood Loop area: Willow Dr. in Cottonwood Shores to Pine St. (does this need to be upgraded or is it ready for pavement?) Alder has a drainage issue.

Teri made a motion to adjourn the meeting, Carol seconded. Meeting adjourned at 8:56 PM. Next Quarterly Meeting November 5, 2014, @ 6:30 PM at Mat-Su Covenant Church.

  
\_\_\_\_\_  
Gary Hessmer, Primary Supervisor

9/10/14  
Date

  
\_\_\_\_\_  
Carol Christiansen, Alt. #1

Sept 10, 2014  
Date

  
\_\_\_\_\_  
Teri Hone, Alt. #2

Sept. 10, 2014  
Date

MATANUSKA-SUSITNA BOROUGH  
*Enhanced 911 ADVISORY BOARD MINUTES*

October 14, 2014

**RECEIVED**  
**NOV 13 2014**  
**CLERKS OFFICE**

The regular meeting of the Enhanced 911 Advisory Board was called to order at 9:00 a.m., at the Cottonwood Public Safety Building by Dennis Brodigan.

Advisory Board members in attendance establishing a quorum were:

Dennis Brodigan, MSB DES;                      Joel Butcher, Wasilla Police;  
Lance Ketterling, Palmer Police; and        Hans Brinke, AST.

Also in attendance were: Matt Gebhardt, Dee Williams, and Sonja Nelson, MTA.

A quorum was present, and due notice had been published.

APPROVAL OF AGENDA

GENERAL CONSENT:        The agenda was approved as presented.

APPROVAL OF MINUTES

GENERAL CONSENT:        There was no objection to the approval of the August 12, 2014 minutes as presented.

PERSONS TO BE HEARD

None were heard.

REPORTS

E-911 Upgrade

Mr. Brodigan stated that: There is no report at this time, but a hardware upgrade is coming soon.

Communications Command Van

Mr. Brodigan stated that: The Van has recently been used.

Reverse 911

Mr. Brodigan stated that: There is no update on this project. Still on hold due to the Regional Dispatch Consolidation.

### Regional Consolidated Dispatch

Mr. Brodigan stated that: There hasn't been another meeting organized so there is no new information to share.

### OLD BUSINESS

#### Adopting National Standards for the Borough's 911 Program

Mr. Brodigan stated that: Nothing new to report.

#### Addressing Campaign

Mr. Brodigan stated that: Nothing new to report.

### NEW BUSINESS

#### FY15 E-911 Spending Priorities Agreement

Mr. Brodigan stated that: We have prepared the spending priorities agreement based on the FY15 approved budget. The agreement needs to be signed by all parties and Ms. Laughlin will scan the document out for signatures.

### INFORMATIONAL ITEMS

#### FY '06 - FY '15 Surcharge Revenue Chart

#### FY '15 Surcharge Receipts

#### FY '15 E-911 Budget Performance Report

#### FY '15 Accounts Payable by G/L Distribution Report

#### FY '15 General Ledger Expense Report

Mr. Brodigan stated that: On the Surcharge Revenue Chart, it looks like we are below our projection of 100,000 subscriber units. It's a bit too early to tell the outcome so we'll keep an eye on it.

He asked if there were any questions on any of the reports. None were heard.

#### 911 Quarterly Dispatch Call Report

A report will be available at the December meeting.

#### Public Records Requests

Ms. Laughlin stated that: Since our last meeting we have had two MVA requests for records, one request for a fire report, and one request for an EMS call.

### COMMENTS

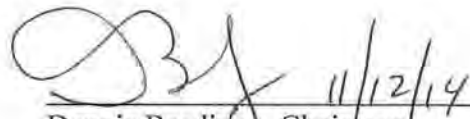
Mr. Butcher asked:

- 1) If we trusted that the surcharge revenues that get reported are accurate. Mr. Brodigan said that if we notice any anomalies our Finance Department would look into it.
- 2) If we did a second round of testing with Verizon to see if they have fixed the problems that initially incurred? Mr. Brodigan stated that he did not know and Mr. Hereford would most likely have the answer to that.

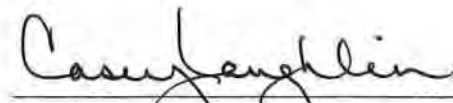
#### NEXT MEETING DATE

Mr. Brodigan announced that the next meeting date would be November 12, 2014 at the Cottonwood Public Safety Building. This meeting will be specific to budgeting for FY16.

#### ADJOURNMENT

  
Dennis Brodigan, Chairman

ATTEST:

  
Casey Laughlin, Secretary

NOV 25 2014

Minutes for RSA Fairview #14 Quarterly  
Meeting on 8/25/14 at Snowshoe Elementary School

Meeting began 6:30 pm

Quorum <sup>was</sup> met with Superintendent Scot Sanderson present  
and Supervisors Daniel Elliott, Kurt Anderson, Richard Bugby

Minutes of Previous Meeting of 5/13/14 approved

Motion passed to approve CIP list - with note to call  
Jennifer to see if Resolution for the list is satisfactory.

Discussion topics:


- 1) Undercutting Laussac Dr by Cottonwood Cr. & whether  
Wasilla Water & Soil Conservation will be able to sufficiently  
address the problem. Superintendent Sanderson has  
a permit until Sept 30 after Sept 15 to shore up the road  
bank with large rock + ~~budget~~ budget of \$15,000.
- 2) Question of whether the Borough & City of Wasilla agreement  
on maintenance in Fern area will be changed since  
access has changed with extension of Fern to Edlund Rd.
- 3) Request for Scot Sanderson to see about including a pullout  
at Beaver <sup>marsh</sup> Park in Canter/Surrey design
- 4) Design of Canter Surrey is at 35% complete
- 5) Trapline culverts
- 6) Uncertified roads

- 7) Status of Trunk Rd Extension to Nelson Rd.
- 8) Fund 271
- 9) Davis Rd extension & possible maintenance.

Next meeting & subsequent 2015 : 11/18/14  
2/17/15; 5/19/15; 8/18/15; 11/17/15

Meeting adjourned 7:45 pm

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Minutes of 8/25/14 approved at 11/18/15 Meeting  
Supervisors Daniel Elliott  


RECEIVED

JAN 27 2015

CLERKS OFFICE

Matanuska-Susitna Borough  
Local Road Service Area #14, Fairview Loop  
Resolution Number 15-01

Resolution to the Assembly of Fairview RSA 14 requesting to raise the mill levy for tax area 014 to be increased from 1.770 to 1.858.

Whereas Fairview RSA 14 has one of the lowest Borough mill rates of 1.770;

Whereas the mill rate has not changed recently to deal with increased costs related to inflation and contract obligations;

Whereas RSA 14 expends most of its money on the maintenance contract;

Whereas RSA 14 has a total of \$2,000,000 of unfunded road projects on the CIP list that have been on the list for years;

Whereas we would like to get ahead of some of these projects, particularly ones that can cause extra maintenance with such problems as overflow in the winter and break-up in the Spring.

Therefore we request an increase in the mill rate to 1.858 to additionally fund these projects.

Approved:



Dan Elliott 1/7/15



Kurt Anderson

RECEIVED

JUL 14 2014

CLERKS OFFICE

GREATER BUTTE ROAD SERVICE AREA #26 BOARD  
MATANUSKA-SUSITNA BOROUGH

DRIVE-AROUND MEETING of May 13, 2014  
Butte Fire Station

**ROLL CALL and QUORUM DETERMINATION:** Roll call at 10:00 am revealed only one RSA Supervisor present. ***Quorum was not met, so no meeting was held.***

Instead, a physical condition inspection was made of the following:

Lombardo	Vera and Bohman cul-de-sacs
Witherspoon subdivision	Old Timber cul-de-sac
Backacres	Mothershead
Triple Crown subdivision	Peaceful Lane
Doc McKinley	Knik View
Cabbage Patch subdivision	Lois subdivision
Bergman, Fritz, Melin	George Plumley
Caudill & Sullivan	Walling
Tempra, Reich, Twin	Birch Hill
Arnold	Ivanhoe & Ben Hur

IN ATTENDANCE: Michael Shields, RSA Supervisor  
Will Barickman, MSB Superintendent  
John Ross, Contractor Representative  
Marty Quaas, resident (MSB O&M)

**Next Meeting: July 10, 2014, 6:00 pm at the O&M Building.**



Michael Shields, Primary Supervisor

**Greater Butte  
Road Service Advisory Board  
RSA #26  
Regular Meeting Minutes**

Approved Michael D. Shields  
Attested R Nuttall  
Date 10/9/14

**July 10, 2014, at the MSB O&M Building**

**RECEIVED  
OCT 13 2014  
CLERKS OFFICE**

- **The Meeting** was called to order at 6:00 PM.

In Attendance:

Mike Shields, Supervisor  
Lucy Klebesadel, Supervisor  
Paula Caywood, Project Mgr, MSB PW  
James Ross, JA Spain

Visitors:

Roy Nuttall  
Lewis Claiborne

- **A Quorum** of two RSA #26 Supervisors present.
- **The Agenda** was approved as presented.
- **The Minutes** for the January 9, 2014, Regular Meeting, and the Notes from the May 13, 2014, "drive around", were approved.
- **Report from Borough Staff:**  
Borough Superintendent's Report on:
  - Monthly Budget Performance Handout.
  - Optional Maintenance projects status, all on track.
  - CaCl and RAP applications completed; RAP performing very well so far.
  - Birch Hill ROW issue still unresolved; will now drop the cul-de-sac out and proceed with the rest of the project.
  - CIP projects status: Tew's done with Tempra, asphalt apron will be done by other contractor with proven experience; Birch Hill ready for award and NTP; Lois subdivision at 95% design, can go this fall; Bergman et.al. and Lazenby/Juanita will be done in 2015.
- **Unfinished Business**
  - Lombardo cul-de-sac – Moved to Capital Projects due to problem magnitude; resident beyond cul-de-sac has raised his drive about half the height needed to get it above the neighbor-created swamp.
  - Butte Trailhead – Parks & Rec attempting to relocate parking to the cul-de-sac and actual trail start.
- **New Business**
  - Review of several Plat requests, comments as appropriate/necessary.
  - Ursa Drive – possible cul-de-sac addition; Mike will get with Will Barickman.
  - Bridge on North Bridge – load rating less than standard; Mike will check on replacement status.
  - Butte Drive – Roy Nuttall spoke about drainage problems, which Mike confirmed; per Matrix priority listing upgrade will not occur before 2016; Mike will get with Will about an Optional Maintenance "band-aid" for the worst spot this summer.
  - Walch substandard roads initiative on hold by TAB until 2015.
  - Discussed need for a third RSA 26 Supervisor; Roy Nuttall may be interested, and Mike will follow up.
- **Adjourned** The meeting was adjourned at 7:18 PM  
The next regular scheduled meeting is on October 9, 2014.

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SEP 12 2014  
CLERKS OFFICE

## MINUTES

- A. CALL TO ORDER. The meeting of the Greater Palmer Consolidated Fire Service Area Board of Supervisors was called to order at 3:00 p.m.
- B. ROLL CALL. Present were board members Charlie Akers, Barry Mothershead and Jess Werner. Also present were Chief John McNutt, Asst. Chief Todd Russell, Deputy Chief Bruce Axtell and Mat-Su Borough Public Safety Director Dennis Brodigan.
- C. MINUTES FOR APPROVAL. The minutes of the regular meeting of May 13, 2014, were approved as presented.
- D. NEW BUSINESS.
1. Apparatus and Command Vehicle Replacements.

Chief McNutt started a discussion about replacing vehicles. Engine 332 failed the pump test and is 30+ years old. It needs to be replaced. Chief asked about starting to put together specs for a new engine. Discussed using funds from 45215 Subproject 6604 with a total of \$600,000 and already slated for engine replacement. The last engine of this type cost approximately \$470,000. Discussion followed about the number of older vehicles we have. Also discussed letting the other engine project 45215 Subproject 6602 with a total of \$450,000 lapse back into the reserve fund.

Motion made by Supervisor Werner; seconded by Supervisor Akers to use 45215 Subproject 6604 Fire Engine & Equipment to replace Engine 332. Motion passed.

Motion made by Supervisor Mothershead; seconded by Supervisor Werner to place back into reserve the \$450,000 from 45215 Subproject 6602 Engine Replacement. Motion passed.

Chief McNutt is waiting on the release of \$60,000 in funds appropriated on 10/15/2013 for Command Vehicle 34 replacement. Chief has been looking at and pricing trucks, pumps, etc.

Motion made by Supervisor Mothershead; seconded by Supervisor Akers to rescind previous motion to place 45215 Subproject 6602 into reserve. Motion passed.

Motion made by Supervisor Akers; seconded by Supervisor Werner to approve up to \$60,000 of 45215 Subproject 6602 for the purchase of a brush truck bed, radios and emergency lights for Station 33. Motion passed.

The pump and related equipment for the brush truck at Station 33 will come from the re-scope of the Lazy Mountain grant. According to Safety Director Brodigan there has been no movement from the State of Alaska.

E. OLD BUSINESS. None.

F. STAFF REPORT/COMMENTS.

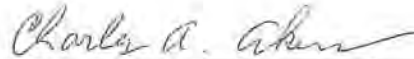
Deputy Chief Axtell reported the plumbing project at Station 35 is finally complete. There are a few odds and ends that will come out of the normal maintenance budget.

Also reported the Station 33 septic and leach field contractor has come back in and done some modifications to the septic mound and access covers, etc. Everything is working good. We will be pumping the septic tank out approximately every two years.

Deputy Chief Axtell reported the tanker autofills projects is complete.

Chief McNutt asked Director Brodigan about the ACS cell tower behind Station 35 and the unauthorized building of a gravel driveway over the station's septic system. ACS has an existing access point along the property line. Director Brodigan stated that Borough maintenance was to contact ACS and block the new driveway with concrete barriers.

G. ADJOURNMENT. There being no further business, the meeting was adjourned.



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Charlie A. Akers, Chairperson  
Greater Palmer Consolidated FSA  
Board of Supervisors

xc: Mat-Su Borough  
Mat-Su Borough Public Safety

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Knik Road Service Area 17  
Board of Supervisors  
Art and Boot Scates Public Safety Building  
Station 6-4

**Minutes**

July 16, 2014

Meeting was called to order at 6:30 p.m. by the board chair, Toby Riddell. Roll call was taken and a quorum was established.

Attendance: Toby Riddell, Board Chair  
Dan Huttenten, Board Member  
Scott Sanderson, O&M Staff  
Mike Hales, RSA 17 resident

Pledge of Allegiance was led by Mr. Riddell.

Agenda was approved as presented.

Correspondence report:

Received: MSB RSA meeting minutes, June 19, 2014  
MSB RSA meeting agenda, July 17, 2014  
Facility Request approval for utilizing Station 6-4 for RSA 17 meetings.  
Sent: None

Staff Reports – Scott Sanderson

Mr. Sanderson advised the board of all the emergency repairs completed prior to the end of the FY. The guard rail on Settlers Bay Drive will be replaced this summer as it no longer complies with regulations. Northern Asphalt will remain the contractor for RSA 17 and contracts will be for five years now with 100% of brushing completed each calendar year. Dust control applications for this summer were discussed as well at CIP projects.

Board discussed how information regarding road concerns from residents would be conveyed from the board to the contractor. All concerns shall be directed to Scott to pass on to the contractor. Question regarding the use of unexpended funds from CIP projects was raised. Any funds remaining from a CIP would pass down to the next CIP.

Mike Hales expressed interest in becoming a board member and has requested an application.

The Board discussed the Local Improvement District (LID) process for road improvements.

The board discussed the role of the Community Councils in prioritizing and identifying road improvement projects. Community Council information would be addressed to a Board member to pass on to the RSA board. The RSA board also needs to utilize information from each community's comprehensive plan pertaining to transportation.

The board requested Scott to obtain a copy of the latest road traffic counts in our RSA.

Meeting was adjourned at 8:05 p.m.

Next scheduled meeting is at 6:30 p.m., October 8, 2014.

Approved by Board:

  
\_\_\_\_\_  
Toby Riddell, Chair

10-29-2014.  
Date

Road Service Area 17 **KNIK**  
Board of Supervisors  
Art and Boot Scates Public Safety Building  
Station 6-4

**Minutes**

October 29, 2014

Meeting was called to order at 6:30 p.m. by the board chair, Toby Riddell. Roll call was taken and a quorum was established.

Attendance: Toby Riddell, Board Chair  
Dan Huttenten, Board Member  
Scott Sanderson, O&M Staff  
(Mike Hales, Board Member, Excused Absence)

Pledge of Allegiance was led by Mr. Riddell.

Agenda was approved as presented and July 16<sup>th</sup> minutes approved as written.

Correspondence report:

Received: MSB RSA meeting minutes, August 21, 2014  
MSB RSA meeting agenda, September 18, 2014  
MSB RSA meeting agenda, October 16, 2014  
MSB Public Hearing Notice; Karl & Sheila Skrifvars; subdivision  
MSB Ordinance #14-108; Vehicle Tax Legislation  
MSB Ordinance #14-141; W. Mollies Circle Paving LID  
Sent: None

Staff Reports – Scott Sanderson

Mr. Sanderson advised the board of all the emergency repairs completed prior to the end of the FY. The guard rail on Settlers Bay Drive will be replaced as it no longer complies with regulations.

Discussed repairs to corner on North Shore Drive.

2015 CIP projects were reviewed and the board requested the planned improvements for Binnacle and Outrigger be postponed until after DOT completes their plans from KGB upgrades so funds are not wasted in the event the intersections are redesigned. The \$67,500 will be utilized on other CIP projects.

Discussion of Berkley Tilton's subdivision off of Foothills Drive and the use of non-certified materials being used in the road bed of Foothills Drive as well as his subdivision roads. If these roads are certified we will have problems maintaining the integrity of the road bed.

Resolutions were passed to transfer approximately \$40,000 from operating fund to the CIP and approving the CIP list for 2015.

The board approved the planned LID for W. Mollies Circle.

Meeting was adjourned at 8:35 p.m.

Next scheduled meeting is at 6:30 p.m., January 13, 2015.

Approved by Board:

  
\_\_\_\_\_  
Toby Riddell, Chair

1-14-15  
Date

 (ALTERNATE)

1/14/15

**MATANUSKA-SUSITNA BOROUGH  
LIBRARY BOARD**

**RECEIVED  
SEP 24 2014  
CLERKS OFFICE**

Chair – Jeanne Troshynski – Big Lake

Ginny Robson – Trapper Creek

VACANT – Sutton

Vice Chair – Bonnie Cavanaugh - At-Large 1

Marci Hawkins - Wasilla

VACANT - Talkeetna

Secretary – Melinda Dale - Willow

Virginia Richey - At Large 2

VACANT – Palmer

**MINUTES**

**TALKEETNA PUBLIC LIBRARY**

**May 17, 2014  
10:00 A.M.**

**I. CALL TO ORDER**

Meeting was called to order by Mrs. Troshynski at 10:06 am

**II. ROLL CALL-DETERMINATION OF QUORUM**

- A. Members present and establishing a quorum were: Bonnie Cavanaugh, Melinda Dale, Marci Hawkins, Virginia Richey, Jeanne Troshynski
- B. Members Absent and Excused: Virginia Robson
- C. Staff Present: Ann Yadon, Talkeetna Librarian
- D. Guests Present: None

**III. APPROVAL OF AGENDA**

MOTION: Ms. Hawkins moved, Ms. Cavanaugh 2nd. None opposed. Agenda approved.

**IV. PLEDGE OF ALLEGIANCE**

All members said the Pledge.

**V. MINUTES OF PRECEDING MEETING**

A. April 19, 2014

MOTION: Ms. Cavanaugh moved, Ms. Hawkins 2nd, to accept minutes as written. Minutes approved.

**VI. BOROUGH STAFF REPORT**

- Members did not receive Borough Library Statistics for March 2014.
- Ms. Yadon reported:
  - At this time the Borough budget includes money for security cameras at the Big Lake Library.
  - The Talkeetna Library hosts a weekly story time followed by crafts.
  - The Talkeetna Library successful winter reading program was called Warm Up with Reading. This summer, there will be programs for children, teens, and adults.
  - Video conferencing equipment is in use.
  - Fundraising continues for the new library.

**VII. PERSONS TO BE HEARD**

None

VIII. UNFINISHED BUSINESS

A. Library Strategic Plan

A motion was made by Ms. Hawkins, Ms. Dale 2nd, to prepare the final draft of the Strategic Plan and the resolution to recommend it by the August meeting. Motion was approved unanimously.

IX. NEW BUSINESS

None

X. CORRESPONDENCE

None

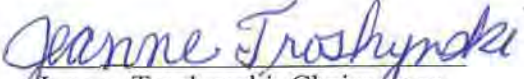
XI. MEMBER COMMENTS

XII. FUTURE MEETING

- August 16, 2014 - Big Lake Public Library

XIII. ADJOURNMENT

Ms. Troshynski adjourned the meeting at 10:51 am

  
Jeanne Troshynski, Chairperson

ATTEST:



Melinda Dale, Board Secretary

**MATANUSKA-SUSITNA BOROUGH  
LIBRARY BOARD**

RECEIVED

JAN 22 2015

CLERKS OFFICE

Chair – Jeanne Troshynski – Big Lake

Ginny Robson – Trapper Creek

VACANT – Sutton

Vice Chair – Bonnie Cavanaugh - At-Large 1

Marci Hawkins - Wasilla

VACANT - Talkeetna

Secretary – Melinda Dale - Willow

Virginia Richey - At Large 2

VACANT – Palmer

**MINUTES**

**SUTTON PUBLIC LIBRARY**

**September 20, 2014  
10:00 A.M.**

- I. CALL TO ORDER  
Meeting was called to order by Mrs. Troshynski at 10:06 am
- II. ROLL CALL-DETERMINATION OF QUORUM
  - A. Members present and establishing a quorum were: Bonnie Cavanaugh, Melinda Dale, Marci Hawkins, Virginia Richey, Virginia Robson, and Jeanne Troshynski
  - B. Members Absent and Excused: None
  - C. Staff Present: Hugh Leslie, Recreation and Library Services Manager  
Nancy Bertels, Sutton Librarian
  - D. Guests Present: None
- III. ELECTION OF OFFICERS
  - A. Ms. Richey moved, Ms. Hawkins 2nd, to re-elect the current slate of officers. Motion passes unanimously.
- IV. APPROVAL OF AGENDA  
MOTION: Ms. Hawkins moved, Ms. Dale 2nd, to add the October OWL meeting to New Business. None opposed. Agenda approved as amended.
- V. PLEDGE OF ALLEGIANCE  
All members said the Pledge led by Ms. Bertels.
- VI. MINUTES OF PRECEDING MEETING
  - A. May 17, 2014  
MOTION: Ms. Richey moved, Ms. Hawkins 2nd, to accept minutes as written. Minutes approved.
- VII. BOROUGH STAFF REPORT
  - Hugh Leslie reported that ground breaking at the new Talkeetna Library took place in August. There have been no change orders to date. A decision needs to be made regarding the old library building once they move to their new site. Mr. Leslie asked the Board to consider possible options as there is no plan yet. The playground will stay on the old site.
  - Mr. Leslie met with Mr. Phillips to discuss a new Willow Library, either an expansion of the existing Library or new building. He talked with the Foraker group, and they are open to working on this. He will submit an application soon for predevelopment. The predevelopment process will help Willow residents decide on the best plan to move forward.

- Ms. Bartels reported that the Sutton Library hosted a Teen Summer Program, which was funded by a \$14,000 grant from the Mat Su Health Foundation. Two new staff were hired to run the program. Teen events took place all summer on Tuesdays and Wednesdays from 11:00-5:00. There were many activities, which included mountain climbing, building a community garden, and selling produce.
- The Valley Quilters' Guild hangs wall quilts and changes them every three months. The Valley Art Guild is offering some classes at the Library. The Library is hoping to create an artists' display wall.
- Elections were held in the Library for the first time, and there was a great turn out. The Sutton Library continues to look for ways to be a community resource center.

VIII. PERSONS TO BE HEARD

None

IX. UNFINISHED BUSINESS

A. Library Strategic Plan

A motion was made by Ms. Richey, Ms. Robson 2nd, to request a Resolution be prepared to adopt the Strategic Plan and Executive Summary at our next meeting. Motion was approved unanimously

X. NEW BUSINESS

A. October OWL meeting

The Library Board's next meeting on October 18 at 10:00 am will be held in Libraries throughout the Borough using the OWL technology. Members of Friends groups are encouraged to attend. Ms. Troshynski will extend an invitation to the mayors of the Borough, Wasilla, and Palmer. We discussed scheduling two meetings per year using OWL.

XI. CORRESPONDENCE

None

XII. MEMBER COMMENTS

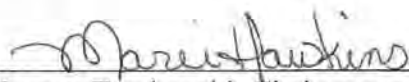
- Ms. Hawkins invited members to the Friends of Wasilla Public Library Used Book Sale.

XIII. FUTURE MEETING

- October 18, 2014 - Borough Libraries using the OWL network

XIV. ADJOURNMENT

Ms. Troshynski adjourned the meeting at 11:11 am

  
~~Jeanne Troshynski, Chairperson~~  
 MARCI HAWKINS

ATTEST:

  
 Melinda Dale, Board Secretary

**MATANUSKA-SUSITNA BOROUGH  
LIBRARY BOARD**

**RECEIVED**

NOV 18 2014

**CLERKS OFFICE**

Chair – Jeanne Troshynski – Big Lake

Ginny Robson – Trapper Creek

VACANT – Sutton

Vice Chair – Bonnie Cavanaugh - At-Large 1

Marci Hawkins - Wasilla

VACANT - Talkeetna

Secretary – Melinda Dale - Willow

Virginia Richey - At Large 2

VACANT – Palmer

**MINUTES**

**OWL NETWORK**

**October 18, 2014**

**10:00 A.M.**

**I. CALL TO ORDER**

Meeting was called to order by Mrs. Troshynski at 10:00 am

**II. ROLL CALL-DETERMINATION OF QUORUM**

- A. Members present and establishing a quorum were: Bonnie Cavanaugh, Melinda Dale, Marci Hawkins, Virginia Richey, Virginia Robson, and Jeanne Troshynski
- B. Members Absent and Excused: None
- C. Staff Present: Hugh Leslie, Recreation and Library Services Manager  
Jo Cassidy, Big Lake Librarian; Ann Yadon, Talkeetna Librarian;  
Jennie Earles, Trapper Creek Librarian
- D. Guests Present: Kay Faerber, Trapper Creek Library Association President  
Carol Goltz, Willow Library Association Member

**III. APPROVAL OF AGENDA**

MOTION: Ms. Hawkins moved, Ms. Robson 2nd. None opposed. Agenda approved.

**IV. PLEDGE OF ALLEGIANCE**

All members said the Pledge led by Ms. Troshynski.

**V. MINUTES OF PRECEDING MEETING**

A. September 20, 2014

MOTION: Ms. Richey moved, Ms. Robson 2nd, to accept minutes as written. Minutes approved.

**VI. BOROUGH STAFF REPORT**

- A. Mr. Leslie reported that the budget process is just now beginning. He submitted an application to Foraker Group for the Pre-Development of the Willow Library. Hopefully in November, there will be a meeting between them and Borough staff.
- B. All librarians present mentioned the upcoming Joint Library Catalog merger, which is set to take place the end of October. Borough public schools are also getting ready to join.
- C. Talkeetna Library is hosting a very popular story time. They are beginning preparations for the move to the new facility in Spring 2015. Ms. Yadon is posting photos on Facebook as the new building progresses.
- D. Sutton Library is presently hosting a fundraising raffle.
- E. Willow Library will host Murder in Margaritaville, a role play/dinner fundraiser, on October 18.

- F. Big Lake Library has recently lost two headsets from the AWE computers. Big Lake Library Advocates recently submitted a grant for security upgrades in the amount of \$60,000. There is a video conference planned on October 31 from the Toledo Zoo. Story time is ongoing with over 20 children participating.

VII. PERSONS TO BE HEARD

None

VIII. UNFINISHED BUSINESS

A. None

IX. NEW BUSINESS

A. Library Board Resolution 14-02 - A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH LIBRARY BOARD RECOMMENDING THE BOROUGH PLANNING COMMISSION ADOPT THE REVISED MATANUSKA-SUSITNA LIBRARY NETWORK STRATEGIC PLAN.

MOTION: Ms. Cavanaugh made a motion, Ms. Hawkins 2nd. Discussion followed. Board recommended two minor changes in wording in the Revised Matanuska-Susitna Library Network Strategic Plan. The motion passed unanimously. Library Board Resolution 14-02 was passed unanimously.

B. 2015 Meeting Schedule

Scheduling of libraries is in progress. Meetings have been set for most months. Ms. Troshynski will contact Librarians to fill in spaces.

X. CORRESPONDENCE

None

XI. MEMBER COMMENTS

A. Groundbreaking for the new Wasilla Library will hopefully occur in Spring 2015.

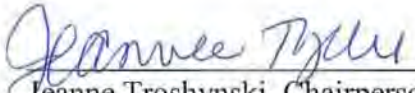
B. Ms. Troshynski's last meeting is in November. The Mat Su Library Board still needs representatives from Talkeetna and Palmer and will need a new representative from Big Lake starting in January. Librarians from these areas continue to advocate for representatives.

XII. FUTURE MEETING

- November 15, 2014 - Big Lake Public Library

XIII. ADJOURNMENT

Ms. Troshynski adjourned the meeting at 10:33 am

  
\_\_\_\_\_  
Jeanne Troshynski, Chairperson

ATTEST:

  
\_\_\_\_\_  
Melinda Dale, Board Secretary

**MATANUSKA-SUSITNA BOROUGH  
LIBRARY BOARD**

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JAN 22 2015

CLERKS OFFICE

Chair – Jeanne Troshynski – Big Lake

Ginny Robson – Trapper Creek

VACANT – Sutton

Vice Chair – Bonnie Cavanaugh - At-Large 1

Marci Hawkins - Wasilla

VACANT - Talkeetna

Secretary – Melinda Dale - Willow

Virginia Richey - At Large 2

VACANT – Palmer

**MINUTES**

**REGULAR MEETING  
Big Lake Public Library**

**November 15, 2014  
10:00 A.M.**

I. CALL TO ORDER

Meeting was called to order by Mrs. Troshynski at 10:01 am

II. ROLL CALL-DETERMINATION OF QUORUM

- A. Members present and establishing a quorum were: Bonnie Cavanaugh, Melinda Dale, Marci Hawkins, Ginny Robson, and Jeanne Troshynski
- B. Members Absent and Excused: Virginia Richey
- C. Staff Present: Hugh Leslie, Recreation and Library Services Manager  
Jo Cassidy, Big Lake Librarian

III. APPROVAL OF AGENDA

MOTION: Ms. Cavanaugh moved, Ms. Dale 2nd, to approve the agenda with the addition of Election of Chair under New Business. Agenda approved as amended.

IV. PLEDGE OF ALLEGIANCE

All members said the Pledge led by Ms. Cavanaugh.

V. MINUTES OF PRECEDING MEETING

A. October 18, 2014

MOTION: Ms. Robson moved, Ms. Hawkins 2nd, to accept minutes as corrected. Corrected minutes approved.

VI. BOROUGH STAFF REPORT

- Mr. Leslie reported that the budget process is about to begin.
  - The Willow Library has been accepted into the Pre-Development Program by Foraker/Rasmussen Groups. The first meeting with their representatives and Borough staff will take place in December. Ms. Dale plans to attend as well.
  - The trusses are going up on the new Talkeetna Library. The building will likely be enclosed by the end of next week.
- Ms. Cassidy reported that her staff is learning the Joint Library Catalog procedures. The courier service is working well. All totes are picked up at the same time and delivered to Borough libraries, Mat Su College, and Anchorage and Eagle River Libraries two times per week. (Trapper Creek pick up is one time weekly.)
  - The Big Lake Library received \$825 through Pick, Click, Give donations. Other possible donation sources are Fred Meyer Rewards and Amazon Smiles.
  - Story hour at Big Lake Library takes place every Wednesday with over 25-30 preschool children. There is a free snack program on Wednesdays during after school story time for K-3 graders.

- This summer Phil Rumble, known as Dr. Book, came to do a training on book mending for library staffs.
- Siding was replaced on the Big Lake Library, and the patron counter had to be replaced. There is a meeting room policy in effect for all Borough libraries.

VII. PERSONS TO BE HEARD

None

VIII. UNFINISHED BUSINESS

A. None

IX. NEW BUSINESS

A. 2015 Meeting Schedule

The 2015 Meeting Schedule has not been finalized

B. Election of Chair

All members voted unanimously to elect Ms. Hawkins as new Chair.

X. CORRESPONDENCE

None

XI. MEMBER COMMENTS

A. Several members plan to attend an Assembly meeting in December to thank them for their support of Borough libraries.

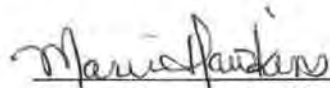
B. We are still looking for Board members from Wasilla, Talkeetna, and Palmer. Ms. Hawkins will draft a flyer to outline Board responsibilities for prospective members.

XII. FUTURE MEETING

- January 17, 2015 - Location TBD

XIII. ADJOURNMENT

Ms. Troshynski adjourned the meeting at 11:32 am



Jeanne Troshynski, Chairperson

MARCI HAWKINS

ATTEST:



Melinda Dale, Board Secretary

LOCAL ROAD SERVICE AREA ADVISORY BOARD, MATANUSKA-SUSITNA BOROUGH

**MEETING**

Held 6:30 pm Thursday October 16, 2014 at West Lakes Fire Station #73

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IN ATTENDANCE:

RSA#	RSA Members Present	
09-Midway	Dan Tucker (P)	
14-Fairview	Dan Elliott (P)	Richard Buzby
15-Caswell Lakes	Larry Cline (P)	Rickie Davidson
16-South Colony	Andy Weiland (P)	Daniel Monarch (tc)
17-Knik		
19-Lazy Mountain		
20-Willow	James Norcross (P)	
21-Big Lake	Jill Parson	
23-North Colony		
25-Bogard	Gary Hessmer (P)	Carol Christiansen
26-Greater Butte	Mike Shields (P)	
27-Meadow Lakes	Stephen Edwards (P)	Michael Fulton
28-Gold Trails	Joy Fearn-Condon (P)	
29-Talkeetna	John Strassenburgh (P)	
30-Trapper Creek		
31-Alpine	George Rauscher (P) tc	

tc = by teleconference P = Primary

RSAs not represented: (17) Knik, (19) Lazy Mountain, (23) North Colony, (30) Trapper Creek and (31) Alpine.

**MSB Staff:** Public Works: Terry Dolan

**Borough Staff** (other than Public Works): Cheyenne Heindel, Finance

**Borough Mayor:** N/A

**Assembly Representatives:** N/A

**Visitors:**

**CALL TO ORDER** at 6:33 PM, with Pledge of Allegiance, Chairman presiding.

**ROLL CALL and QUORUM DETERMINATION:** 10 of 16 RSAs represented. Quorum was met.

**APPROVAL OF AGENDA:** Motion was made by Jim Norcross to approve Agenda with amendment to deal with Unfinished Business ahead of Board Member Reports; second by Dan Elliott, Agenda approved as amended.

**APPROVAL OF MINUTES:** Motion was made by Gary Hessmer to approve minutes as submitted; motion to second was done by Larry Cline. Dan Elliott noted one misspelling, and minutes were approved as corrected.

**TRAINING:** N/A

**STAFF REPORTS:**

- A. **O&M:** Terry Dolan prepared some figures for the group. End of season most projects are winding down. Completed 10 projects this year, total roughly \$4M. Some projects will carry over into next summer for completion. For current CIP, all projects approved are at least in design status.

**LOCAL ROAD SERVICE AREA ADVISORY BOARD, MATANUSKA-SUSITNA BOROUGH**

- B. Finance:** Cheyenne Heindel – long term impact of vehicle tax exemption – Cheyenne reviewed the decline in per person (based on census) RSA funding between 2016 and 2018 in regards to the proposed vehicle tax exemption. A “capital reserve” is to be established to allow for the continuation of dust control matching funding; reserve will be \$466,000 for 2016. In 2017 revenue will decrease by one-third based on State of Alaska projections. Majority of vehicles on the road are eight years or older, so a decline in revenue is imminent. Between 2016 and 2018 there will be a total decrease of two-thirds funded to the RSA. Funds in the reserve will be utilized as early as 2018, the same year the reserve begins to decline; using Mr. Colver’s numbers the reserve could zero out by 2024. The current \$11 per person in RSA will be reduced to \$8. The exact financial impacts are yet to be determined, and projections do not yet extend past FY 2018. The dust control funding ‘reserve pot’ to be utilized in the future is not allocated between the RSAs, rather intended to be utilized on a first-come-first-served basis as is current practice. Discussion followed.

**UNFINISHED BUSINESS:**

- A. Resolution 14-05 – Vehicle Registration Tax –** Discussion as possible long term repercussions of this vehicle tax amendment. It was mentioned that it could be put to ballot of the voters. Analysis of the impact of changing the age of the vehicle was not presented for review. Discussion followed. Steven Edwards made a motion to remove the 4<sup>th</sup> paragraph on the vehicle age. Dan Elliott seconded the amendment, which passed by unanimous vote. Dan Elliott moved to accept the resolution as amended, Gary Hessmer seconded the motion. Resolution passed unanimously as amended.

**BOARD MEMBER REPORTS:**

- A. TAB:** Dan Elliott, next meeting is short before Mat Su transportation fair, Wed. Oct 22<sup>nd</sup> at 4PM. TAB meeting is at 3:30. Everyone is welcome to attend. Passed resolution for a park and ride at old Glenn and new Glenn even though the area proposed is not in the borough. Community based alternative (CBA) on future development of Knik, round about instead of lights was discussed. Dan provided updates on several areas and discussion followed.
- A. Resolutions –** According to Clerk’s Office, the resolutions by the “Big Board” and individual RSA Boards can go directly to the Assembly without approved minutes.

**NEW BUSINESS:**

- A. Member expirations –** Several RSA members seats expire December 31, 2014. Chairman read a list and reminded those affected to submit their paperwork.
- B. Motion made by Dan Tucker for Dan Elliott to continue as our representative on TAB board;** seconded by Jill Parson. Motion passed unanimously.
- C. Motion made by Jim Norcross and seconded by Gary Hessmer to send the Clerk’s Office a thank you for streamlining the process to submit RSA resolutions.** Discussion followed. It was decided to send a more informal email instead of a formal letter.

**PERSONS TO BE HEARD: N/A**

**CORRESPONDENCE AND INFORMATION: N/A**

**OTHER BUSINESS:** Stephen Edwards spoke to the subject of change orders initiated by non-RSA parties with his area contracts; just remember if there is a change order it will impact your available funding.

**LOCAL ROAD SERVICE AREA ADVISORY BOARD, MATANUSKA-SUSITNA BOROUGH**

**ADJOURNMENT:** Gary Hessmer made a motion to adjourn at 7:49, motion was seconded by Dan Elliott, approval was unanimous.

**NEXT MEETING:** Thursday, November 20, 2014 at the West Lakes Fire Station #73, 1250 Spring Drive.

Board Chair *Michael D. Shields*

Board Secretary *Joy Fearn Condon*

**MEETING**

Held 6:30 pm Thursday November 20, 2014 at West Lakes Fire Station #73

**RECEIVED**

**JAN 19 2015**

**CLERKS OFFICE**

**IN ATTENDANCE:**

RSA#	RSA Members Present	
09-Midway		
14-Fairview	Dan Elliott <b>P</b>	
15-Caswell Lakes	Larry Cline <b>P</b>	
16-South Colony	Andy Weiland <b>P</b>	Edward Strabel <b>tc</b>
17-Knik		
19-Lazy Mountain	Raymond Cordes	
20-Willow	James Norcross <b>P</b>	
21-Big Lake	Jill Parson	
23-North Colony		
25-Bogard	Gary Hessmer <b>P</b>	
26-Greater Butte	Mike Shields <b>P</b>	
27-Meadow Lakes	Stephen Edwards <b>P</b>	
28-Gold Trails	Joy Fearn-Condon <b>P</b>	Kenneth Widmer
29-Talkeetna		
30-Trapper Creek	Joan Medberry <b>P tc</b>	
31-Alpine		

**tc** = by teleconference    **P** = Primary

**RSAs not represented:** Midway (09), Knik (17), North Colony (23), Talkeetna (29), and Alpine (31).

**MSB Staff:** Public Works: Terry Dolan

**Borough Staff** (other than Public Works): N/A

**Borough Mayor:** N/A

**Assembly Representatives:** N/A

**Visitors:** N/A

**CALL TO ORDER** at 6:40 PM, with Pledge of Allegiance, Chairman presiding.

**ROLL CALL and QUORUM DETERMINATION:** 11 of 16 RSAs represented. Quorum was met.

**APPROVAL OF AGENDA:** Motion was made by Jill Parson to approve Agenda as amended, second by Gary Hessmer; Agenda approved as amended.

**APPROVAL OF MINUTES:** Motion was made by Gary Hessmer to approve minutes of the October 16 meeting with one correction; motion was seconded by Jill Parson. Minutes approved as corrected.

**TRAINING:** N/A

**STAFF REPORTS:**

**A. O&M: Terry Dolan:** We're in pretty good position going into fall, every project on CIP with one exception is under design, under way or complete. Williwaw is the exception and the Borough will work directly with that RSA to proceed in the near future. Paving contract complete with one exception, current contract will cover until next summer when a new contract will go out for bid. Terry provided vacancy report with one departure (Kelly), one temporary employee and a part time position currently filled. Changes to projects currently in the works can

**LOCAL ROAD SERVICE AREA ADVISORY BOARD, MATANUSKA-SUSITNA BOROUGH**

be worked through Alex at up to 65% of design status. Monitor your projects through the engineering process. CIP Lists are done, ready for Assembly action.

Discussion followed. Questions: On the crack-sealing contract; still in Russ Krafft's shop, Terry will follow up. At 65% design may not include utility work, which utilities design in winter for spring work. From RSA 19, why do some RSA residents not pay RSA taxes, while some outside the RSA boundary do – without knowing particulars cannot answer.

**BOARD MEMBER REPORTS:**

- A. **TAB: Dan Elliott:** Last meeting was short before transportation fair. Pedestrian pathway by Sutton was tabled for the next meeting. Eagle River Bridge is paid for going north, however the south portion is facing funding issues. Another meeting is scheduled for the following week to continue discussions.

**UNFINISHED BUSINESS:**

- A. **Assembly action on vehicle tax:** Mike Shields attended assembly meeting, only one assembly member (Jim Sykes) voted against the vehicle tax. Some of the numbers Mr. Colver quoted at the meeting cannot be found among the numbers that were provided to the RSA Board and the Clerk's Office.
- B. **Status of CIP list:** Provided previously during update from Terry Dolan.

**NEW BUSINESS:**

- A: **Election of Officers** (Joy is leaving us!): Nominations were put forth for Chair, Vice-Chair and Secretary positions for 2015. Voting resulted in Stephen Edwards will commence as Chair, Gary Hessmer as Vice-Chair, and Mike Shields as Secretary. All three votes were unanimous.
- B. **Quorum for local road service boards:** The question was posed: can a board conduct business if there is only one person on it? Borough code requires a quorum, which requires the board to have at least 2 members. There are currently eight (8) boards that do not have the requisite three members. Gary read a letter from the Borough attorney stating the current interpretation is that a quorum must be met for the board to effectively exist and conduct any business. Discussion followed.

**OTHER BUSINESS:**

- A. **December meeting:** No December meeting will be held. Vote to cancel was unanimous; Mike will notify Clerk's Office.
- B. Stephen Edwards asked if the current maintenance contractors had the equipment specified in their contracts available; Terry said yes.

**PERSONS TO BE HEARD:** N/A

**CORRESPONDENCE AND INFORMATION:**

- A. Chairman Shields reminded all board members that all local meeting schedules need to be submitted to the Clerk's Office per the request that was mailed to all members.

**LOCAL ROAD SERVICE AREA ADVISORY BOARD, MATANUSKA-SUSITNA BOROUGH**

- B.** Please confirm that all members up for renewal have submitted their application, or have notified the Clerk that they are not renewing..

**BOARD COMMENTS:**

- A.** Jim Norcross: Thanks everyone for the help over the years and a pleasure working with everyone.

**ADJOURNMENT:** Jill Parsons made a motion to adjourn at 7:23; motion was seconded by Joan Medberry; approval unanimous.

**NEXT MEETING:** Thursday, January 15, 2015 at the West Lakes Fire Station #73, 1250 Spring Drive.

Board Chair Steven Edwards by mds

Board Secretary Michael P. Shields

## Mike and Elaine Shields

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**From:** Edwards, Stephen L (DNR) <stephen.edwards@alaska.gov>  
**Sent:** Friday, January 16, 2015 12:27 PM  
**To:** meshie@mtaonline.net  
**Subject:** Approval of November minutes

Thanks for the reminder about the minutes.

January 16, 2015

I am not available to sign the November meeting minutes as approved by the board on Jan 15, 2015. I am authorizing you to sign them for me and submit them to the clerks office. I am requesting that the Clerk accept this email message as my approval for that document. I can be contacted at 907 632 2192 if further confirmation is needed.

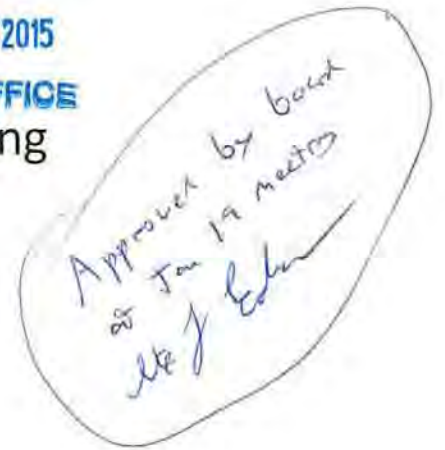
Stephen Edwards Chair  
LRSAAB

RECEIVED

JAN 20 2015

CLERKS OFFICE

## RSA 27 Meadow lakes meeting



Held at fire station 7-3 August 20, 2014 6:00pm

Steve Edwards, Mike Fulton, Scott Sanderson

Agenda approved

Minutes from Oct 2013 approved

Staff report: Scott reported that he had completed several projects with the "reconditioned gravel road" money from the capital list as well as some optional maintenance money.

1. Gentry will be lifted a little in the low spot to last the winter
2. A mudhole was dug out and filled on Colorado
3. Barbie was repaired at the far end
4. Julianna got a major dig out and fill repair to prevent the annual mudhole closing in the future
5. RAP was placed on Stacy, Sunshine and pavement was completed on Blondell.

The board expressed their appreciation to Scott for the good work getting these projects completed. Steve asked that even more similar small projects be completed in the remaining season as there is still some money left and Scott said he would try and do King Arthur topping and some work on Golden. Possible RAP on Joe's.

Scott also provided a list of the previous year's capital projects and their status. Unfortunately, no projects from that previously funded list were completed. Several projects are in early stages of design but only one (from the previous year) was ready for construction. Some of the 2014 projects have not even had scoping for design contract at the time of this RSA meeting. **The board expressed concern with the slow progress on the capital list but no solution was offered.**

The board approved a resolution to transfer \$26K from fund balance to capital.

The board reviewed and discussed some new additions to the Capital list at length. A small calcium purchase was approved, \$150K was approved for "recondition gravel roads" and several new projects were added below the previously identified projects. Ridgecrest, JJ, Capt Hook area, Tweed, Charlene, Day and Paddy were added with various work scopes.

The road crushing machine was discussed and the board requested it be used in our RSA for a test. This is the 3<sup>rd</sup> year this has been requested.

There was no correspondence or persons to be heard.

Meeting adjourned at 8:00pm

**RSA 27 Meadow lakes Board of Supervisors**

**A RESOLUTION BY THE RSA 27 BOARD OF SUPERVISORS SEEKING ASSEMBLY APPROVAL TO MODIFY ONE ITEM ON THE PREVIOUSLY APPROVED 2015 CAPITAL PROJECT LIST**

WHEREAS: A meeting was advertised and publicly held by the RSA 27 Board of Supervisors on January 19, 2015 with a quorum present and,

WHEREAS: The board discussed the capital project list and noted that funding for Forest Park Dr. included paving in the upgrade and,

WHEREAS: After that project was approved it was learned that the access road leading to the subdivision could not be upgraded and paved because of ongoing right of way issues and,

WHEREAS: If the funding for the paving portion of the Forest Park Dr. project was released, the next project on the unfunded list (Elizabeth) could be completed this season so therefore:

BE IT HEREBY RESOLVED: The RSA 27 Board of Supervisors requests that the Assembly approve the reallocation of the paving portion of the Forest Park Dr. project to be applied to the next project on the unfunded list, Elizabeth Drive.

BE IT FURTHER RESOLVED: That the RSA 27 Board of Supervisors requests that MSB public works act to modify the scope of work for Forest Park Drive to include the upgrade as designed but not include any paving and simultaneously act to obtain a construction contract for Elizabeth road upgrade as previously designed.

Signed by the following members  
of the RSA 27 Board of Supervisors:

 *chair*





Date: January 19, 2015

**Matanuska-Susitna Borough**  
**FISH AND WILDLIFE COMMISSION**  
Thursday, November 20, 2014 6:00pm

**RECEIVED**  
**DEC 30 2014**  
**CLERKS OFFICE**

**MINUTES**

**I./II CALL TO ORDER/ROLL CALL**

The meeting was called to order at 6:02pm by Bruce Knowles at MSB in Palmer. Quorum was established with four members present: Bruce Knowles, Larry Engel, Howard Delo and Jehnifer Ehmann. Also present: Mac Minard (phone), Todd Rinaldi and Frankie Barker.

**III. APPROVAL OF AGENDA**

Larry made a motion to approve the agenda. The motion was seconded by Howard and approved.

**IV. MINUTES OF PRECEDING MEETING**

Larry made a motion to approve the minutes with Howard seconding. Jehnifer made a motion to amend the October 23 minutes. Howard seconded the motion and it was approved. The minutes from October 23, 2014 were approved as amended. Larry made a motion to approve the minutes from October 28, 2014. The motion was seconded and approved. It was suggested that there be a sign in sheet for future FWC & ADF&G meetings.

**V. CORRESPONDENCE/ ANNOUNCEMENTS**

Larry indicated that he had been contacted by Governor-elect Walker administration about participating in a transition meeting. Bruce also has been contacted. Howard has talked to Craig Fleener on the Walker transition team about sportfishing interests and ADF&G Commissioner appointment.

**VI. PERSONS TO BE HEARD**

No persons were heard.

**VII. LEGISLATOR TRAINING (November 24, 2014)**

The Commission is scheduled to meet with Legislators and Assembly members on November 24, 2014 at 2:00pm at the Wasilla LIO for a fisheries update. Larry is working with Public Affairs staff to prepare a slide show. It was decided that Bruce would introduce the session with Larry doing the presentation. Frankie distributed a sample information packet that will be provided to legislators. Bruce would like to send the fish presentation to Anchorage legislators.

**VIII. FISH RESEARCH RFP (R2)**

A meeting has been tentatively scheduled for December 17, 2014 with Ray Beamesderfer, Peggy Merritt and the core planning team (Larry, Andy, Howard, Frankie) to prioritize the goals and objectives in the research plan. Jim Hasbrouck with ADF&G has also been invited to join the group. Dates of January 13&14 are being proposed for the stakeholders meeting. Howard suggested including Doug McBride from USFWS in the stakeholder group. Frankie and Kai Steimle from R2 did an announcement of the research planning process at the Salmon Symposium.

## **IX. UCI SALMON TRENDS REPORT**

Mac Minard apologized for missing project dates. He has talked to Ray Beamesderfer and Larry about the content of the report. He indicated that he is organizing the report into five sections: 1. Stocks of concern, issues with mixed stocks; 2. List of actions by BOF; 3. Positive effects; 4. MSB efforts - conservation & habitat; 5. Case to stay the course. Commissioners were in approval of this outline and wanted this to be a positive document that could be used for BOF, Legislators and Assembly members. A tentative date for completion was set for January 15, 2015. Mac is planning to travel to Alaska in January for the research plan stakeholders meeting. He asked if ADF&G sportfish staff were happy with management changes and results in last season's fishery. Howard indicated that they were very happy about the steady flow of coho throughout the season.

## **X. LEGISLATIVE PRIORITIES**

Bruce asked Rep. Neumann to refile HB 89 which would require ADF&G to establish escapement goals for any stocks designated as a stock of concern. The FWC legislative priority list from 2013 was reviewed. Commissioners suggested retaining several items. Larry made a motion to include economic expertise for BOF, fishery allocation review, sportfishing economic study, state culverts, BOF appointments and fish legislation (HB 89, 98 and 18) in the commission's priorities for 2015. Jehnifer seconded the motion and it was approved. Frankie indicated that the Commission will be asked to provide details for the Assembly's capital request of \$2 million for Fisheries and Fish Protection. This information will be due to the legislature after mid-December.

## **XI. BOARD OF GAME**

Todd Rinaldi, ADF&G Wildlife Biologist, discussed Board of Game proposals that affect this area. Howard asked about the community harvest. Todd indicated that there are several proposals regarding the community harvest. ADF&G is not taking positions on the proposals until later after the public has a chance to weigh in. He said that moose populations are growing and that population objectives might need to be revised to reflect habitat changes. Larry asked if the Mat Valley ADF&G Advisory Committee has taken positions on BOG proposals. Jehnifer indicated that they will be working on proposals 58-95 at their December 3 meeting and the rest at their December 17 meeting. Deadline for comments is January 30, 2014.

Bruce asked if limits can be put on large vehicles going off-road. Todd indicated that it would take legislative actions to do that. He mentioned problems with damage from ATV's along Cottonwood Creek in Palmer Hay Flats and the Matanuska Moose Range. Todd will be presenting a list of options to address ATV damage to the MSB Parks and Recreation Advisory Board in January. Larry made a motion that the FWC become better informed about the effects of ATV's in order to make decisions about how to address their impacts. Howard seconded the motion and the motion was approved. Larry suggested that individual commissioners review proposals relating to the BOG Mat-Su proposals.

## **XII. FWC EXPENSES FY2016**

Frankie distributed a draft letter addressed to the Assembly requesting that funds be put into the FY2016 budget for travel expenses for the Fish and Wildlife Commission. Larry made a motion to have Bruce sign the letter and send it to the Assembly. The motion was seconded and approved.

**XIII. COMMISSION APPOINTMENTS**

Jehnifer and Andy have turned in their applications for another term on the commission. Jehnifer's name has been moved forward by Mayor Devilbiss and will be up for Assembly approval at the December 2, 2014 meeting. Ben has not yet turned in his application.

**XIV. MEMBER COMMENTS**

Bruce is pushing for a sportfishing economic survey to be done since BOF decisions are supposed to be based on economics. Howard indicated that he has a very busy week with trainings and classes so may miss the legislator update meeting. It was suggested that businesses might sponsor "Baby Salmon Live Here" signs if asked.

**XV. ADJOURN**

Meeting was adjourned at 8:00pm.

  
BRUCE KNOWLES, Chair

ATTEST:

  
FRANKIE BARKER, Staff

CC

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2014-024922-0

Recording District 311 Palmer

12/10/2014 12:16 PM

Page 1 of 6



**THIS COVER SHEET HAS BEEN ADDED TO THIS DOCUMENT TO PROVIDE SPACE FOR RECORDING DATA. THIS COVER SHEET APPEARS AS THE FIRST PAGE OF THE DOCUMENT IN THE OFFICIAL PUBLIC RECORD.**

**DO NOT DETACH**

RECEIVED

JAN 15 2015

CLERKS OFFICE

By: Susan Lee  
Introduced: October 20, 2014  
Public Hearing: November 3, 2014  
Action: Adopted

**MATANUSKA-SUSITNA BOROUGH  
PLANNING COMMISSION RESOLUTION NO. 14-31(AM)**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A VARIANCE TO THE WATERBODY AND SIDE YARD SETBACKS FOR LOT 7, FLAT LAKE ISLAND SUBDIVISION UNIT NO. 3, PALMER RECORDING DISTRICT.

WHEREAS, an application for a variance from the setback requirements of MSB 17.55.020(A) and 17.55.010(B) has been received to allow an existing residence to remain set back less than 75 feet from Flat Lake and less than 10 feet from the east side yard lot line, on Lot 7, Flat Lake Island Subdivision Unit No. 3, within Township 17 North, Range 4 West, Section 28, Seward Meridian; and

WHEREAS, at its closest point the structure is set back 72.3 feet from Flat Lake and 6.6 feet from the east side yard lot line, as indicated on the site plan in the record; and

WHEREAS, the Planning Commission reviewed this application, associated materials, and the staff report with respect to standards set forth in MSB 17.65.020 and 17.65.030; and

WHEREAS, the Planning Commission conducted a public hearing on November 3, 2014 on this matter; and

Page 2 of 6  
2014-024922-0

WHEREAS, the Matanuska-Susitna Borough Planning Commission hereby finds this application does meet the standards of MSB 17.65; and

WHEREAS, the subject lot is .35 acres (15,045 square feet) in size; and

WHEREAS, Flat Lake Island Subdivision Unit No. 3 was platted in 1971; and

WHEREAS, the applicant did not construct the structure; and

WHEREAS, the original portion of the structure was constructed in 1968, which was prior to the adoption of borough setback requirements in 1973; and

WHEREAS, the additions to the structure were constructed in 1987, 1990, 1991, 1993, and 1997; and

WHEREAS, the additions to the original structure were constructed prior to the adoption of the Mandatory Land Use Permit requirements in 2007; and

WHEREAS, the subject lot is located on an island; and

WHEREAS, the structure is situated on a fairly steep hill; and

WHEREAS, the applicant has stated that removing or reconstructing portions of the structure would require removal of trees and vegetation and will disturb the other property owners on the island; and



WHEREAS, based on the evidence submitted the existing residence would not be harmful to the public, nor would it be injurious to nearby property; and

WHEREAS, granting the variance will not be injurious to nearby property, nor harmful to the public welfare (17.65.020(A)(3)) ; and

WHEREAS, MSB Chapter 17.65 - Variances, was written to grant relief to property owners whose lots are impacted by topographic constraints and/or existing land use regulations; and

WHEREAS, the proposed variance meets the intent of MSB 17.65 and is consistent with the goals of the Big Lake Comprehensive Plan Update (2009) (17.65.020(A)(4)) ; and

WHEREAS, the original portion of the structure built in 1968 would have been eligible for pre-existing legal nonconforming status (grandfather rights) from the setback requirements; and

WHEREAS, the person seeking the variance did not construct the structure; and

WHEREAS, the person seeking the variance did not cause the nonconforming lot size or topography of the lot; and

WHEREAS, the person seeking the variance did not cause the need for the variance; and



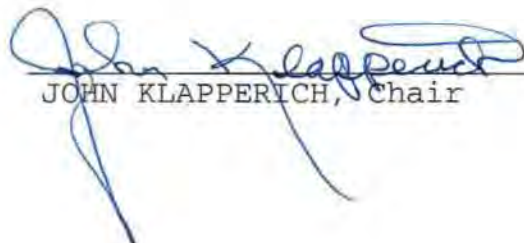
WHEREAS, the variance, if granted, will not permit a land use in a district in which that use is prohibited, as residential structures are permitted on this site (17.65.030(A)(2)) ; and

WHEREAS, the variance is not being sought solely to relieve pecuniary hardship or inconvenience; and


WHEREAS, the request to allow the house to remain in this location is a matter of its topographic, physical, and legal constraints on the lot.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission approves the setback variance for the existing single-family residence on Lot 7, Flat Lake Subdivision Unit No. 3.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 3rd day of November, 2014.

  
JOHN KLAPPERICH, Chair

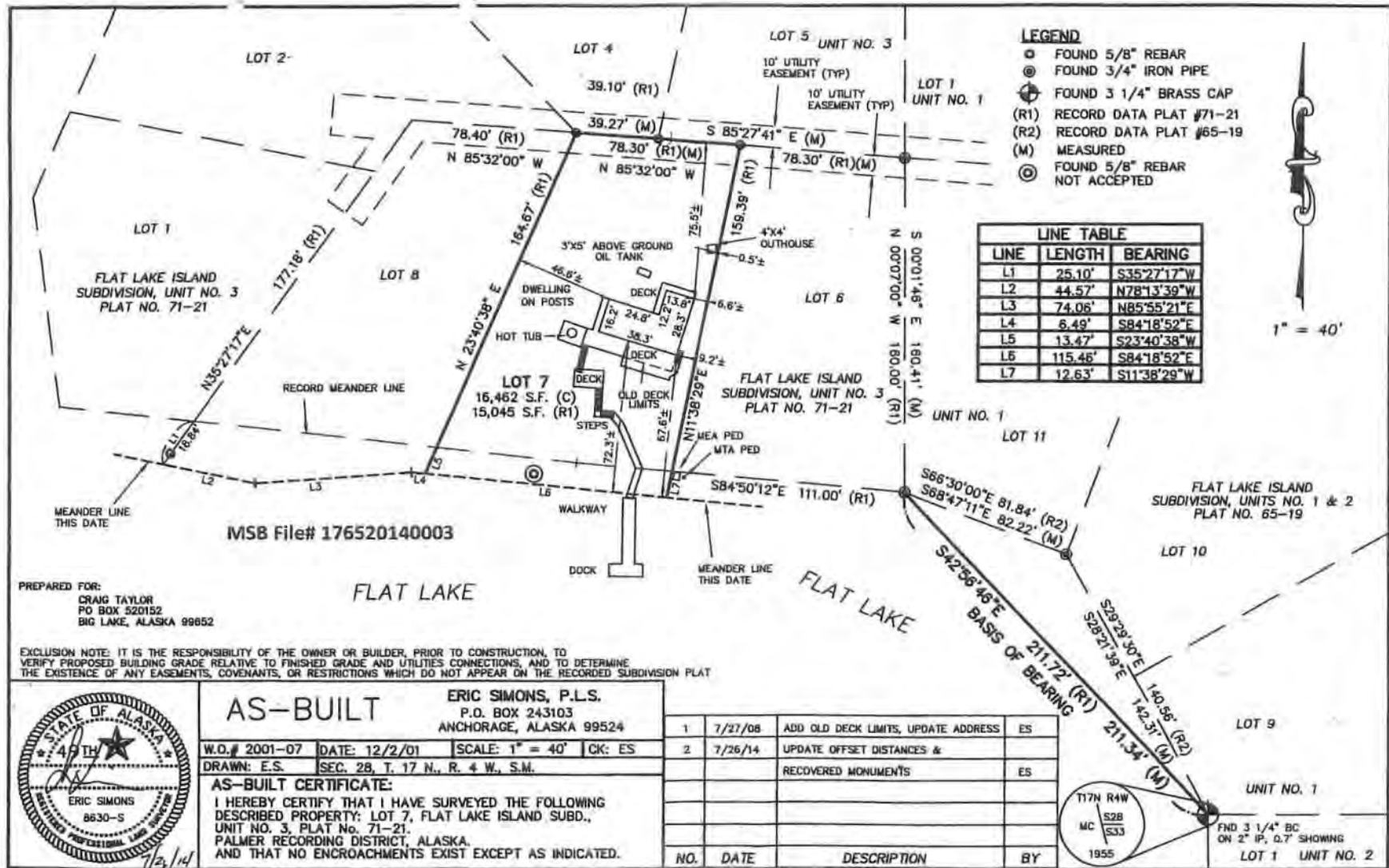
ATTEST

  
MARY BRODIGAN, Planning Clerk

(SEAL)  
YES: Healy, Walden, Kendig, Adams, and Rauchenstein  
NO: Endle and Klapperich

Return TO: Matanuska-Susitna Borough  
Planning Department  
350E. Public Avenue  
Palmer, AK 99645





MATANUSKA-SUSITNA BOROUGH  
PORT COMMISSION

## REGULAR MEETING

October 20, 2014

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**I. CALL TO ORDER**

The regular meeting of the Matanuska-Susitna Borough Port Commission was held October 20, 2014 at the Mat-Su Borough Conference room 203, Wasilla, Alaska. Commissioner Bell called the meeting to order at 3:04 p.m.

**II. ROLL CALL**

Port Commissioners present were:

Mr. Greg Bell  
Mr. Christopher Gates  
Mr. Noel Woods  
Ms. Helga Larson  
Mr. Steven Borell

Port Commissioners absent and excused were:

Mr. Paul DuClos  
Mr. Jordan May

Staff in attendance were:

Mr. John Moosey, Borough Manager  
Mr. Marc Van Dongen, Port Director  
Ms. Pamela Klayum, Port Secretary  
Mr. Mike Weller, Traffic Technician  
Mr. James Wilson, Internal Auditor

**III. PLEDGE OF ALLEGIANCE**

Commissioner Bell led the Pledge of Allegiance.

**IV. APPROVAL OF AGENDA**

MOTION: Commissioner Gates moved to approve the October 20, 2014 agenda.

GENERAL CONSENT: The agenda was accepted as written without objection.

**V. APPROVAL OF MINUTES**

A. August 18, 2014, Regular Meeting.

MOTION: Commissioner Larson moved to approve the August 18, 2014 meeting minutes as written.

VOTE: The minutes were approved as written without objection.

## VI. AGENCY/STAFF REPORTS

### A. Borough Manager

Mr. John Moosey:

- Reported having a special assembly meeting last Tuesday to discuss the Ferry.
- Reported currently having interest in the Ferry with no proposal or contracts at this time.
- Reported, Nick the Borough Attorney is working with the FTA on the Ferry.
- Reported a property lease agreement has been submitted to the Borough from WesPac for a LNG Plant.
- Reported there may be docking north of the port if the LNG plant goes in at Port MacKenzie.
- Reported Usibelli's Wishbone Hill permit has been approved.

Continued Discussion- Mr. Gates reported AIDEA moving forward with North Slope to Fairbanks gas transportation option. Mr. Gates asked the prognoses with the lease negotiations between WesPac and NPI. Mr. Moosey stated the companies options are, to buy out NPI, work with NPI, or work around NPI. Ms. Larson asked what size parcel is WesPac wanting to lease. Mr. Moosey stated 100 acres is what they are wanting. Ms. Larson asked how much would it cost for WesPac to lease the property. Mr. Moosey stated 10% of the market value. However, development at the Port is what the Borough needs with companies leasing Port property. Ms. Larson asked who is NPI. Mr. Moosey stated NPI is North Pacific Industries, a woodchip facility that has been at the Port for 15 years. Mr. Borrell stated he is happy to hear that one facility does not adversely impact the overall Port design. Mr. Gates asked what the Port Commissioners can do to help. Mr. Moosey stated as we get closer to review for any changes that may need to be made. Ms. Larson asked how the gas is going to get to Fairbanks from Port MacKenzie. Mr. Moosey stated it will be railed. Mr. Gates asked if the Ferry was listed under the Federal registry or under Federal surplus it would take away our obligation to FTA. Mr. Moosey stated it is implied only if we transferred the grant to another FTA entity to run the grant services with modifications. After looking, we don't see any entity to easily transfer the grant to. Mr. Gates asked about transferring it to the Naval Under-Water Warfare if modifications were made. Mr. Moosey stated they want us to modify it for their use and pay them \$500,000 every year to offset the costs. Mr. Gates asked if commissioners could attend AIDEA meetings to help get the process moving. Mr. Moosey stated the more interest shown the better.

### B. Borough Attorney

Mr. Nicholas Spiropoulos:

- Reported the railroad spur will be transferred to the Railroad, and that is why the permit stops just shy of the loop.
- Explained the Port Commission does not have the power to lobby.
- Gave a brief report on the NPI settlement.

Continued Discussion- Ms. Larson asked what is considered lobbying. Mr. Spiropoulos stated Borough code does not allow Port Commissioners to stand in front of another board. Mr. Gates stated we can attend as citizens. Mr. Gates asked if NPI has exclusive rights to convey materials. Mr. Van Dongen confirmed NPI will operate and maintain the conveyor system for any company who needs to convey materials. Mr. Gates asked if NPI gets the warfage and dockage for conveyed materials. Mr. Van Dongen stated the Port gets all the warfage and dockage, NPI's revenue is from materials transported on their conveyor.

### C. Port Director

Mr. Marc Van Dongen:

- Welcomed Mr. Borell to the Port Commission.
- Reported since August two companies have participated in Ferry demonstrations and inspection in Ketchikan.
- Reported Borough Manager Mr. Moosey, Borough Attorney Mr. Spiropoulos, and Finance Director Ms. Clayton made a trip to Washington D.C. to discuss options with the FTA (Federal Transit Administration).
- Reported on September 26<sup>th</sup> having an updated marine vessel survey done for insurance purposes.
- Reported we are still in negotiations with REI and WesPac for a potential LNG plant at Port MacKenzie.
- Reported having a test well drilled at the Port.
- Reported having the Philippine Navy in Ketchikan for a demonstration.
- Reported on September 3<sup>rd</sup> & 4<sup>th</sup> attending the final Cool Inlet Regional Advisory Committee conference in Kenai.
- Reported attending and speaking at the Oil & Gas Conference in Anchorage on September 15<sup>th</sup> & 16<sup>th</sup>
- Reported giving a Port tour to the Kenai Borough Economic Director and Assistant.
- Reported submitting changes to the master plan to Millcreek Engineering.
- Reported having a barge at Port Mackenzie for off-loading pipe piles for Bristol Construction. These piles will be used to construct a bridge for Segment Four of the rail line to the Port.
- Reported submitting a permit application to the Corps to make changes to the dock for off-loading a platform for Furie.
- Reported 16 miles of Concrete Coated Pipe will be stored on the dock for winter.
- Gave an up-date on the pile protection project.
- Gave an up-date on the Gantt chart.
- Proposed discussing Lake Lorraine public access at the next Port Commission Meeting.

- Gave an up-date on possibilities for LNG at the Port.

Continued Discussion- Mr. Borell offered to share a power point with the commission at one of the next meetings. Mr. Gates is concerned the Master Plan needs to have a tonnage update included. Mr. Gates asked how we will know if the Cathodic Protection is working without a current pre-condition study. Mr. Van Dongen stated we had one done two years ago. Mr. Gates asked to have Usibelli and Susitna give a presentation at the next Port Commission meeting. Commissioners suggested having Susitna.

## **VII. NEW BUSINESS**

*(There was no new business)*

## **VIII. PORT CONTRACTORS**

*(There were no Port Contractors present)*

## **IX. PERSONS TO BE HEARD**

The following person stated the meeting was not following the Roberts Rules of Order, people were not being addressed by the chair to speak. He didn't think it was a good idea to hold any Port Commission meetings at the Port because it makes it difficult for the public to attend, and still make it back in time to attend other meetings. He pointed out in the last meetings minutes, paragraph four, under persons to be heard was incorrect. He stated the public is being blinded by not having the packets available on line prior to the meeting. He objected a comment made by the attorney at a work session on the Open Meetings Act in regards to the borough following the rules no to listen to individuals telling you different. He was not happy the Borough Manager and Attorney were not at the meeting to hear his comments. He opined that Borough meetings should not be scheduled the same day that other municipalities hold meetings: Mr. Eugene Haberman.

## **X. UNFINISHED BUSINESS**

*(There was no unfinished business)*

## **XI. ADMINISTRATION AND COMMISSIONER COMMENTS**

Mr. Gates:

- Thanked Mr. Haberman for attending the meetings, he keeps us honest with public meetings and public records.
- Would like to revisit a correction to the minutes discussed by Mr. Haberman.
- Stated he doesn't expect to see agendas/packets being published for the Public until the Borough Attorney is directed by a Court of Law to change.
- Is going to submit a list of concerns to the Borough Manager for discussion at one of the next meetings.

Mrs. Larson:


- Stated it is impossible to coordinate meetings so the public can attend all.
- Stated we should only have one presentation per Port Commission meeting so there is time to discuss business.

**XII. ADJOURNMENT**

The regular Port Commission meeting adjourned at 5:20 pm.

  
\_\_\_\_\_  
Greg Bell, Chairman

Submitted:

  
\_\_\_\_\_  
Pamela Klayum, Administrative Secretary

Minutes approved NOV 17, 2014

**ATTENDANCE RECORD**  
**2014**  
 Port Commission Meetings  
 October 20, 2014

<b>Seat</b>	<b>Commissioner</b>	<b>Possible</b>	<b>Present</b>	<b>Absent</b>
1	Greg Bell	7	6	1
2	Noel Woods	6	5	1
3	Jordan May	7	4	3
4	Paul DuClos	7	3	4
5	Christopher Gates	6	6	0
6	Helga Larson	6	6	0
7	Steven Borell	1	1	0

RECEIVED

JAN 20 2015

MATANUSKA-SUSITNA BOROUGH  
PORT COMMISSION

CLERKS OFFICE

REGULAR MEETING

November 17, 2014

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**I. CALL TO ORDER**

The regular meeting of the Matanuska-Susitna Borough Port Commission was held November 17, 2014 at the Central Mat-Su Public Safety Building, Wasilla, Alaska. Commissioner Bell called the meeting to order at 3:00 p.m.

**II. ROLL CALL**

Port Commissioners present were:

Mr. Greg Bell  
Mr. Christopher Gates  
Mr. Noel Woods  
Ms. Helga Larson  
Mr. Steven Borell

Port Commissioners absent and excused were:

Mr. Paul DuClos  
Mr. Jordan May

Staff in attendance were:

Mr. George Hays, Assistant Borough Manager  
Mr. Marc Van Dongen, Port Director  
Ms. Pamela Klayum, Port Secretary  
Mr. Mike Weller, Traffic Technician

**III. DETERMINATION OF QUORUM**

Commissioner Bell determined there was a quorum present.

**IV. PLEDGE OF ALLEGIANCE**

Commissioner Bell led the Pledge of Allegiance.

**V. APPROVAL OF AGENDA**

MOTION: Commissioner Woods moved to approve the November 17, 2014 agenda.

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

**VI. APPROVAL OF MINUTES**

A. October 20, 2014 Regular Meeting.

MOTION: Commissioner Gates moved to approve the October 20, 2014 meeting minutes as written.

VOTE: The minutes were approved as written without objection.

## VII. GUEST SPEAKER

A. Julie Anderson and Project Manager Wayne Dyok, AEA (Alaska Energy Authority).

- Up-dated the Port Commissioners on the Susitna-Watana Hydro project.

## VIII. AGENCY/STAFF REPORTS

A. Assistant Borough Manager

Mr. Hayes:

NOTE: Mr. Hays arrived late. Mr. Van Dongen gave the up-date on the status of the Ferry.

Mr. Van Dongen:

- Reported the Matanuska Susitna Borough has received a formal offer on the vessel. Not sure if the counter offer from the Borough Manager has been accepted.
- Reported the Philippine Navy is still interested in the ferry.
- Stated ferry maintenance continues.

Continued Discussion: Mr. Gates asked if the Port Commissioners can advise the Assembly with regards to the sale/disposal of the ferry. Mr. VanDongen stated the Port Commission is free to make recommendations to the Assembly when they see fit. Mr. Gates asked if any of the repairs are still covered under warranty. Mr. Van Dongen stated time wise the vessel is out of warranty. The original warranties were for one year and they have all expired. Ms. Larson asked if a back up offer can be accepted for the vessel. Mr. Hays stated it would be up to the Assembly.

B. Port Director

Mr. Van Dongen:

- Gave an up-date on the location of a potential LNG project.
- Reported receiving the water and sewer feasibility study from HDL today.
- Reported adding the widening of Lu Young Lane and final paving of Don Young Road to the Gantt chart.

## IX. NEW BUSINESS

- Lake Lorraine Public Access will be discussed at the next Port Commission Meeting.
- Port Commissioners would like to have Judy Dougherty, Executive Director of KABATA come and give an up-date on the Knik Arm Crossing.

**X. PORT CONTRACTORS**

*(There were no Port Contractors present)*

**XI. PERSONS TO BE HEARD**

Mr. Haberman requested to have meeting agendas posted on the website. Stated the meeting could be completed sooner if commissioners got permission from the Chair prior to speaking.

- Mr. Bell requested that Mr. Haberman talk to the Borough Clerk or Borough Attorney in reference to his concerns on how the Port Commission meetings are being held.

**XII. UNFINISHED BUSINESS**

*(There was no unfinished business)*

**XIII. ADMINISTRATION AND COMMISSIONER COMMENTS**

Mr. Gates stated he agrees with Mr. Haberman's concerns. We need to publish the agenda in the newspaper in advance of the meeting.

Ms. Larson stated publishing the agenda in the newspaper is the least expensive way of advertising.

- Mr. Bell suggested talking to the Clerk's office for publishing the agenda in the newspaper.
- Commissioners asked that Mr. Van Dongen or Mr. Hays talk to the Clerk's office to publish the agenda in the newspaper.

Mr. Woods stated the date, time and location of Port Commission Meetings are published in the newspaper.

Ms. Larson suggested publishing the agenda on the Borough web page and when the meetings are published in the newspaper to say where the agendas can be found.

**XIV. ADJOURNMENT**

The regular Port Commission meeting adjourned at 5:15 pm.

  
\_\_\_\_\_  
Greg Bell, Chairman

Submitted:

Pamela Klayum

Pamela Klayum, Administrative Secretary

Minutes approved 01-19, 2015

ATTENDANCE RECORD  
**2014**  
 Port Commission Meetings  
 November 17, 2014

<b>Seat</b>	<b>Commissioner</b>	<b>Possible</b>	<b>Present</b>	<b>Absent</b>
1	Greg Bell	9	8	1
2	Noel Woods	8	7	1
3	Jordan May	9	4	5
4	Paul DuClos	9	3	6
5	Christopher Gates	8	8	0
6	Helga Larson	8	8	0
7	Steven Borell	2	2	0

# MAT-SU BOROUGH

*South Colony*  
RSA 16 QUARTERLY MEETING MINUTES

O&M Building

6PM August 13, 2014

1. Call to order 6:08
2. Present were Will Barickman, Ed Strabel, Dan Monarch, and Andy Weiland
3. Agenda was approved
4. Pledge of Allegiance took place
5. Approval of previous meeting minutes
6. Persons to be heard – none
7. Staff Report - Will explained the changes to the maintenance contracts: Brushing, Sander specifications, Contractor DWR, 5 year term etc. We discussed paint striping and crack seal program.
8. Unfinished Business
  - a) Maintenance Contract Changes – Staff Report
  - b) Uncertified Roads – Will explained project on Jana Dr. under optional maintenance
9. New Business –
  - a) CIP List – Review list and added Maverick Dr. because the Boyd family was NOT interested in the MSB paving the 302 road, and taking over maintenance.  
Optional Maintenance Funds used – Jana Dr. would need \$25k to upgrade to make “maintainable”, an additional \$120k to move utilities and ROW, Northern Asphalt was low bidder.  
Ditching on Badger Rd , West Side Dr. and Equestrian Acres to help with drainage issues.
10. Establish / Confirm Meeting Dates
  - Oct 8, 2014 6PM
  - Feb 11, 2015 6PM
  - May 13, 2015 6PM
  - Aug 12, 2015 6PM
11. Member Comments – Andy asked about the MSB requiring contractors to pave new subdivisions in the first year the roads were built before they would be accepted.
12. Adjournment 7:20
13. Next Meeting Oct 8, 2014 6PM, MSB O&M Building

*Andy Weiland 11-12-14*  
*D*  
*11/12/2014*  
*Ed Strabel Nov 17 '14*  
63

AL

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Transportation Advisory Board was held on Wednesday, November 26, 2014, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 2:01 pm.

II. ROLL CALL AND DETERMINATION OF A QUOROM

Transportation Advisory Board members present and establishing a quorum were:

Mr. LaMarr Anderson  
Mr. Rick Besse  
Mr. Don Carney  
Mr. Dan Elliott  
Ms. Beth Fread – arrived at 2:03  
Mr. Kenneth Walch  
Ms. Sonya Walden  
Mr. Jim Rowland

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Transportation Advisory Board members absent and excused were:

Staff and Agency Representatives in attendance were:

Mr. Brad Sworts, MSB Pre-Design Manager  
Mr. Michael Weller, MSB Traffic Technician  
Ms. Debbie Passmore, Administrative Secretary  
Mr. Terry Dolan, PW Director  
Mr. George Hays, Assistant Borough Manager  
Ms. Eileen Probasco, Planning Director

III. AUDIENCE INTRODUCTION

Gary Stevig, Chickaloon  
Eugene Haberman  
CRW Engineering  
Bill Klebesadel, city of Wasilla/Palmer?  
Assemblyperson Jim Sykes – joined us at 3:00

IV. APPROVAL OF TODAY'S AGENDA

Allen Kemplen will not be here today; de moved; la seconded

MOTION: Mr. Dan Elliott moved to approve today's agenda; Mr. LaMarr Anderson seconded.

VOTE: Motion to approve the agenda as amended passed without objection.

V. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by bill k

VI. APPROVAL OF MINUTES OF PRECEDING MEETING

A. October 22, 2014

MOTION: Ms. Sonya Walden moved to accept the minutes; Mr. Dan Elliott seconded. Discussion. Mr. Dan Elliott asked that his comment be revised to "He reported the local RSA Board passed a resolution against the motor vehicle tax change" instead of what it said about the Assembly.

VOTE: Motion to approve the minutes as amended passed without objection.

VII. AGENCY AND STAFF REPORTS

A. Cities

1. Bill Klebesadel, PW Director for the City of Wasilla

B. State Agencies

C. MSB Staff

1. Eileen Probasco, MSB Planning Director

D. Tribal Organizations

E. Transit Services

VIII. PRESENTATIONS

~~A. Allen Komplen, Parks Highway Alternative Corridor Project~~

B. Eileen Probasco, MSB Planning Director

- a. Status of Update to Subdivision Construction Manual, Design Criteria Manual, Chapter 11.04: Construction, Title 43 10-month review memo.

MOTION: Ms. Beth Fread moved that we hold a pre-Board meeting before the January or February meeting from 1:30-2:00 to discuss the Title 43 changes with Paul Hulbert and Peggy Fowler; Ms. Sonya Walden seconded. Ms. Eileen Probasco suggested January.

VOTE: Voted and passed without objection.

IX. AUDIENCE PARTICIPATION *(limited to three minutes maximum per meeting)*  
Eugene Haberman

X. UNFINISHED BUSINESS

- A. Beth Fread – confirming that we will be discussing the ORV Task Force at our next meeting. Yes, Debbie confirmed that topic on the December agenda.

XI. NEW BUSINESS

- A. Chickaloon Village Traditional Council, Resolutions for discussion (Gary Stevig, George Hays). Requested a resolution or letter in support of #2. These items were nominated to the CIP in 2009.

1. Resolution 140917-02, requesting Alaska Department of Transportation and Public Facilities include a turning lane and a reduced speed zone at Ya Ne Dah Ah School in the Glenn Highway MP 53-56 reconstruction of Moose Creek. Includes a response from ADOT&PF.

2. Resolution 140917-03, requesting the Matanuska-Susitna Borough add a separated pedestrian path along the Glenn Highway between Palmer and Sutton to the Borough's Long Range Transportation Plan.

MOTION: Mr. Dan Elliott moved that we send a resolution or letter to the assembly requesting that all collector and arterial roads have a separated pedestrian pathway. Ms. Sonya Walden seconded. Discussion. Mr. Dan Elliott amended his motion to add this pathway to the new LRTP. Ms. Sonya Walden seconded the amendment.

VOTE ON THE AMENDMENT: no objections to amending Mr. Dan Elliott's motion. Discussion.  
VOTE ON THE MOTION: no objection to creating a resolution in support of this project.

3. Resolution 141015-03, to support upgrades to 58 Mile Road for safety improvements. Discussion. Ms. Beth Fread suggested that the Chickaloon Traditional Council nominate this project to the next CIP in leau of any action from the Board at this time.

MOTION: Mr. LaMarr Anderson moved that we draft a resolution in support of resolution 141015-03; seconded by Ms. Sonya Walden. Discussion. Mr. Dan Elliott requested that we invite ADOT&PF to comment on this project before we pass the resolution at the next meeting.

VOTE: no objections.

4. Resolution 141015-04, requesting Alaska Department of Transportation and Public Facilities convert the current bridge and road over Moose Creek into a paved pathway after the new Moose Creek Canyon Bridge is built.

MOTION: Ms. Beth Fread moved that we support at least keeping the current bridge as opposed to it being destroyed; Ms. Sonya Walden seconded. Discussion. Mr. George Hays asked that we hold any resolution until details may be worked out. Ms. Beth Fread withdrew her motion.

B. TAB Resolution 14-09, Regarding the Formation and Funding for a MSB Regional Transportation Planning Organization.

MOTION: Ms. Beth Fread asked that we discuss and revise this resolution, then bring it back for a vote at our next meeting. Ms. Sonya Walden seconded. Discussion. Ms. Beth Fread revised her motion to remove the words "then bring it back for a vote at our next meeting."  
Discussion.

Mr. Rick Besse asked that we add a ADOT&PF rep to the Core Committee; seconded by Mr. LaMarr Anderson.

Mr. Don Carney mentioned that in the second Whereas, "square" should be "lineal." Brad will research this.

Mr. LaMarr Anderson asked that we add a Public Transit Coalition rep to the Core Committee.

VOTE: no objections to these amendments and they pass.

MOTION: Ms. Sonya Walden moved that we substitute a more general "the Borough has been unable to develop its secondary road network to keep up with the growth over the last few years and it appears that we will be unable to keep up with growth in the future" instead of "403,000"; Mr. Dan Elliott seconded. Discussion.

VOTE: No objections and this motion passes.

KEN CALLED FOR A POINT OF ORDER that we are making amendments to this document now before we review the draft. Ms. Beth Fread explained that we are making amendments now, then we will review the draft at the next meeting before voting on it.

Mr. Don Carney asked that we terminate this discussion at 4:25 in order to discuss the rest of the agenda before the meeting ends today.

AMENDMENT: Mr. LaMarr Anderson suggested that we know the specifics of the \$500,000 request for funding. Mr. LaMarr Anderson moved that staff revise the wording of this resolution as discussed and bring it back in December for more discussion. Seconded by Mr. Rick Besse. Discussion.

VOTE: No objections.

Discussion of whether the resolution should be shortened to two pages or leave it at four pages; perhaps some of the information can be included supporting documents. Requests that staff include the documentation from the Matanuska-Susitna Borough Regional Transportation Planning Week (Jan. 20-24, 2014) and the documentation from the large transportation meeting held last February when we send out the draft of Resolution 14-09 in December, at least a week before the meeting.

MOTION: Ms. Beth Fread moved that we postpone any more discussion to approve Resolution 14-09 until our next meeting on December 17. Seconded by Ms. Sonya Walden. No discussion.

VOTE: No objections.

## XII. UPCOMING MEETING REMINDERS

A. Our next regular TAB meeting will be December 17, 2014 at the Assembly Chambers beginning at 2:00.

B. Draft 2015 TAB Meetings Schedule

## XIII. MISC. INFORMATIONAL HANDOUTS AND COMMUNICATIONS

A. Next Planning Commission Meetings: Memo from Mary Brodigan

B. Next Month's TAB Meeting Deadlines

## XIV. COMMENTS FROM THE BOARD

Ms. Sonya Walden: This was an effective meeting. Applauds Ms. Beth Fread for her initiative, research and hard work on the RTPO resolution. Wants to know the status of the off road motor vehicles committee.

Discussion about our next meeting focusing on the ORV issue or our Resolution 14-09. Decided that the resolution is pretty much done and we can devote the next meeting to the ORV issues.

MOTION: Mr. Ken Walch moved that we extend the meeting for 10 more minutes. Seconded by Ms. Sonya Walden.

VOTE: No objection.

Ms. Sonya Walden: Thinks this was an effective and efficient meeting. Applauds us on the decisions on the tribal council with the go ahead for the CIP and everything. Also applauds the input and the output for all of the amendments and resolutions that were done today. Thinks we work very effectively and efficiently. Really enjoyed this meeting and learned a lot. Kudos again the Beth and to everybody here. Hopes we have a great Thanksgiving.

Mr. Dan Elliott: nothing

Mr. Ken Walch: nothing

Mr. Rick Besse: Was pleasantly surprised when they brought forward the Subdivision Construction Manual and the changes to Title 43. Has been a real advocate for a long time. There's some effort

from us; probably Ken and I more than everybody, I suppose. But it really needs to be looked at and this is a good time of year to do it. So let's not dilly-dally and let that get away from us. There's no reason why that can't be done by April.

Mr. LaMarr Anderson: no comment

Ms. Beth Fread: no comment

Mr. Jim Rowland: no comment

Mr. Don Carney: Thanks everyone for their work on this and for spending a little extra time with him today. Hopes we all have a very happy Thanksgiving.

XV. ADJOURNMENT

MOTION: Ms. Sonya Walden moved to adjourn.

With no further business at hand, the meeting was adjourned at 4:35 p.m.

Mr. Don Carney reminded the Board to no "Reply All" to emails in order to not break any meeting rules.

  
Don Carney, Chair

ATTEST:

  
Debbie Passmore, Transportation Advisory Board Clerk

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MATANUSKA-SUSITNA BOROUGH  
TRANSPORTATION ADVISORY BOARD  
RESOLUTION SERIAL NO. 15-01

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH (MSB) TRANSPORTATION ADVISORY BOARD (TAB) TO THE MSB PLANNING COMMISSION AND ASSEMBLY REGARDING THE FORMATION AND FUNDING FOR AN MSB REGIONAL TRANSPORTATION PLANNING ORGANIZATION (RTPO).

WHEREAS, the MSB has exceeded a population of 100,000 residents (up over 10,000 residents in less than five years); and

WHEREAS, the MSB encompasses 24,700 square miles (about the size of West Virginia) and currently has approximately 1,000 lineal miles of developed road system(s); and

WHEREAS, the MSB Planning Department *Build-Out Study* indicates that the Borough's secondary road network has not kept up with the growth over the last few years; and

WHEREAS, a population density of the *Build Out's* magnitude would increase traffic congestion to higher unacceptable levels; and

WHEREAS, planning and development to support transportation requirements of population increases of this nature will require a concentrated effort for expansion into unpopulated areas, or a compression of transportation and land use practices in the areas currently developed in the MSB, or a combination of these two solutions; and

WHEREAS, current federal law requires either the formation of a Metropolitan (Transportation) Planning Organization (MPO) when a municipal area reaches a population density of 50,000 within an urban core, based upon federal decennial census counts, or face incorporation into an existing MPO; and

WHEREAS, MAP 21 (the 2012-2014 federal transportation funding plan) allows for the formation of Regional

Transportation Planning Organizations (RTPO) in anticipation of reaching population density maximums and preparation for the implementation of an MPO; and

WHEREAS, both the Fairbanks and Anchorage municipal areas currently each have an MPO; and

WHEREAS, federal transportation practices allow for a newly qualified region being incorporated into an existing MPO; and

WHEREAS, the MSB has found incorporation into other regions for funding and support to be a less than satisfactory solution, e.g., Aging and Disability Resource Centers and the Anchorage/MSB Regional Transit Plan; and

WHEREAS, the various MSB regional citizenry representative bodies such as the Borough, cities, ADOT&PF, community and tribal councils, road service areas, transit providers and off-road locales should have formal inclusion in the MSB transportation planning process; and

WHEREAS, other transportation system providers such as the Alaska Rail Road Corporation, the Point MacKenzie Port Commission, the airports and the various transit services should have formal inclusion in the MSB transportation planning process; and

WHEREAS, the formation of an RTPO would allow for each of these regional transportation governing and transportation service provider bodies to formally participate in the MSB transportation planning process; and

WHEREAS, the formation of an RTPO is intended to assist the state in working with the region on local transportation planning and issues, giving the area a greater voice in the decision making process; and

WHEREAS, an RTPO is intended to be a pre-cursor to an MPO, Alaska Statute(s) defining and regulating the formation, duties,

policies, activities, funding, represented area and responsibilities of an Alaskan MPO can be adapted to define and regulate the activities of an MSB RTPO; and

WHEREAS, the existing MSB governmental transportation related bodies, i.e., the Transportation Advisory Board, Aviation Advisory Board, Local Road Service Area Advisory Board, Parks, Recreation and Trails Advisory Board, Port Commission, and Planning Commission are dedicated to considering, advising and/or taking action regarding existing plans; and

WHEREAS, an RTPO's primary purpose would be to participate in the planning process and provide input into both the MSB's Capital Long Range Transportation Plan and the State of Alaska Department of Transportation and Public Facilities Long Range Transportation Plan.

NOW, THEREFORE BE IT RESOLVED that the MSB Transportation Advisory Board recommends the initial funding and formation of a Mat-Su Borough Regional Transportation Planning Organization Core Committee (MSB RTPO CC) to define and work on the formation of the RTPO; and

FURTHERMORE, the RTPO CC shall be comprised of two representatives from each of the above-identified Commissions, Boards, Cities, ADOT&PF, and Councils (or as defined by the MSB Mayor) the purpose of which will be the creation of statute(s) similar to those of an MPO regarding the formation, regulation, duties, policies, activities, represented area and responsibilities of an MSB Regional Transportation Planning Organization; and

FURTHERMORE, THEREFORE BE IT RESOLVED that the initial MSB RTPO CC be charged with meeting a minimum of twice each month for a maximum of six months and utilizing existing State of Alaska and/or Municipality of Anchorage and/or Municipality of

Fairbanks Metropolitan (Transportation) Planning Organization statutes and/or regulations as a guide for the fully identified, organized and formed provisional RTPO's consideration, modification and approval; and

FURTHERMORE, THEREFORE BE IT RESOLVED that the fully formed RTPO be comprised of the members of the Core Committee and as many members as identified by the Core Committee from the ADOT&PF, Cities, Community and Tribal Councils, Chambers of Commerce, Economic Development Councils, the Public Transit Coalition, Corporations and/or Committees and/or representatives from the off-road locales and other organizations/entities as identified by the Core Committee; and

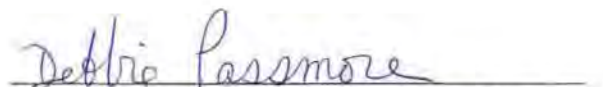
FURTHERMORE, THEREFORE BE IT RESOLVED that a minimum three-day meeting be held of the full RTPO to consider, confirm, prepare and present their formative findings in writing to the MSB Assembly for acceptance and/or forwarding to the Alaska State Legislature for consideration and/or funding; and

FURTHERMORE, THEREFORE BE IT RESOLVED that the funding for the deliberation, writing and delivery of the statute(s) for the Regional Transportation Planning Organization be formed, allocated and appropriated as outlined in Attachments A and B.

Adopted by the MSB Transportation Advisory Board this 21<sup>ST</sup> day of January, 2015.



Don Carney, Chairman



Debbie Passmore, Admin. Support

MATANUSKA-SUSITNA BOROUGH  
TRANSPORTATION ADVISORY BOARD  
RESOLUTION SERIAL NO. 15-01 - ATTACHMENT A

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH (MSB) TRANSPORTATION ADVISORY BOARD (TAB) TO THE MSB PLANNING COMMISSION AND ASSEMBLY REGARDING THE FORMATION AND FUNDING FOR AN MSB REGIONAL TRANSPORTATION PLANNING ORGANIZATION:

ATTACHMENT A

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The approximate costs associated with the Regional Transportation Planning Organization Core Committee (RTPO CC) and the Regional Transportation Planning Organization (RPO) includes the following:

RTPO CC - potential requirement for formation expertise consultant to assist the effort is estimated at \$30,000.

RTPO - potential requirement for 3-day meeting to review, revise and finalize formation plan (including potential housing [per diem] for remote participants) is estimated at \$70,000.

NOTE: The total cost estimate for this effort was based upon the \$76,400 expended on the 2014 National Training Institute Transportation and Land Use Workshop.

MATANUSKA-SUSITNA BOROUGH  
TRANSPORTATION ADVISORY BOARD  
RESOLUTION SERIAL NO. 15-01 ATTACHMENT B

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH (MSB) TRANSPORTATION ADVISORY BOARD (TAB) TO THE MSB PLANNING COMMISSION AND ASSEMBLY REGARDING THE FORMATION AND FUNDING FOR AN MSB REGIONAL TRANSPORTATION PLANNING ORGANIZATION:

ATTACHMENT B - Suggested Membership

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RTPO CORE COMMITTEE REPRESENTATION RECOMMENDATION (19 members):

The purpose and duties of the RTPO Core Committee shall be the creation of statute(s) similar to those of an MPO to be used in the formation, regulation, definition of duties, policies, activities, represented area(s) and responsibilities of a MSB Regional Transportation Planning Organization.

The initial selection for the roles of Chairman and Vice Chairman of this committee shall be determined by the MSB Mayor.

Planning Commission (2 Members): a Core Area representative and a representative from outside the Greater Palmer & Wasilla areas.

Transportation Advisory Board (2 Members): the At-Large member and a Transportation/ Transit representative

Aviation Advisory Board (2 Members): Airport Owner representative and Air Taxi/Guide representative

Port Commission (2 Members): 1 representative who resides in the Core Area and 1 representative who resides outside the Greater Palmer & Wasilla areas.

Road Service Area Board (2 Members): a Core Area representative and a representative from outside the Greater Palmer & Wasilla areas.

Parks, Recreation and Trails Board (2 Members): 1 representative from the Core Area and 1 member from a District outside the Core Area.

Advisory Members (4 members): 1 Alaska DOT&PF Planner, 1 Alaska DOT&PF Engineer, 1 MSB Planner and 1 MSB Design/Engineer.

Support Staff (3 Staff): Administrative Assistant staff support from each of the Advisory Member departments.

**RTPO FULL REPRESENTATION RECOMMENDATION (41 Members):**

Members of the RTPO Core Committee: 21 members

Alaska Department of Transportation and Facilities (2 Members):  
1 Regional Planner and 1 Design/Engineer as full members.

MSB Capital Projects and Operational Divisions (2 Members): 1  
Planner and 1 Design/Engineer as full members.

Incorporated Cities (6 Members): 1 Planning staff or appointed  
representative and 1 Administrative or Elected Official each  
from Palmer, Wasilla and Houston.

Alaska Rail Road Corporation (2 Members): 1 representative from  
the maintenance and operations department/division/section and 1  
representative from passenger services.

Mat-Su Borough Transit Coalition (2 Members): 1 transit service  
provider and 1 consumer organization representative.

Community and/or Tribal Councils (6 Members): 1 off-road system  
representative and 3 representatives from non-Core Area  
Community and 2 Tribal council representatives.

MATANUSKA-SUSITNA BOROUGH  
TRANSPORTATION ADVISORY  
RESOLUTION SERIAL NO. 15-03

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH TRANSPORTATION ADVISORY BOARD IN SUPPORT OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY CREATING A BOROUGH ROAD BOND PACKAGE TO GO BEFORE THE VOTERS.

WHEREAS, the Matanuska-Susitna Borough's (Borough) Long Range Transportation Plan (LRTP) identifies \$1.2 Billion of needed road improvements between 2007 and 2025; and

WHEREAS, during this same time period the Borough's population is expected to more than double to 160,000 residents; and

WHEREAS, the transportation improvements identified in the LRTP must be programmed and funded for construction as early as possible in order to prevent congestion and unsafe conditions; and

WHEREAS, the Mayor's Blue Ribbon Task identified a lack of adequate federal and state funding for upgrading, extending and expanding the road network in the Borough; and

WHEREAS, this lack of funding will likely become more prevalent in 2015 as the Federal Highway Trust Fund was projected to be in deficit by \$1.1 Billion by December of 2014; and

WHEREAS, this pronounced deficit in the Federal Highway Trust Fund will cause on average, states to see a 28 percent drop in federal transportation dollars which projects out to an average \$17 Billion annual deficit from 2015-23; and

WHEREAS, the State of Alaska does not have a State Transportation Improvements Fund, but instead relies on the availability of oil funds to annually support projects chosen by the state legislature; and

WHEREAS, it is anticipated that a majority of state funds available for transportation will be needed to take the place of federal funds on the National Highway System, the State Highway System and roads owned by the state within the Community Transportation Program system; and

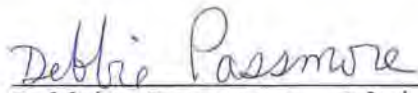
WHEREAS, it is therefore in the best interest of the citizens and property owners in the Borough to supplement the available state funds with the proceeds of Borough road bonds to build key elements of the Borough's transportation system.

NOW, THEREFORE, BE IT RESOLVED that the Matanuska-Susitna Borough Transportation Advisory Board supports the efforts of the Borough Assembly to issue general obligation bonds to finance the construction, additions, improvements, repairs and reconstruction of public roads and facilities to be put before the citizens of the Borough for a vote.

ADOPTED by the Matanuska-Susitna Borough Transportation Advisory Board this 21st day of January, 2015.

  
\_\_\_\_\_  
Don Carney, Chair

ATTEST:

  
\_\_\_\_\_  
Debbie Passmore, Administrative Secretary

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COUNCIL MEETING MINUTES

Community Park Building  
Milepost 115.4 George Parks Highway, turn left on TC Park Circle

Regular Meeting 6:30 PM Thursday, October 16, 2014

- I. Meeting called to order 6:30 pm.
- II. Board Members in Attendance: Miller, Glenka, Kolbeck. Members: Lon McCullough.
- III. Reading and approval of minutes from August & September 2014
- IV. Assembly Report: None
- V. TCCSA CIP Report: <sup>32,485.21</sup>~~\$29,878.22~~ remaining.
- VI. RSA 30 Report: None
- VII. Treasurer's Report: Checking \$427.39 & Savings: \$25.22
- VIII. Revenue Sharing Project Updates:
  - A. FY2012
    - 1. Oral History – \$951.84 Remaining. No expenditures.
    - 2. TCCC Costs – \$192.30 Remaining. No expenditures.
  - B. FY2013
    - 1. TCCSA Operating – \$3,182.96 Remaining
    - 2. TCCSA Conex – \$1,500 Remaining
    - 3. TCCSA Outbuildings - \$2,905.65 Remaining
    - 4. TCCSA Tools - \$1,019.82 Remaining
    - 5. Dumpster Access Ramp – Almost complete
- IX. Current Mail: None
- X. Public Forum: None
- XI. Unfinished Business: None
- XII. New Business:
  - A. Applications being accepted to fill 3 open seats to Board of Directors. Elections to be held in December for seating in January 2015.
- XIII. Date of next meeting scheduled for November 20, 2014 at 6:30 pm.
- XIV. Meeting adjourned at 7:00 pm

(Minutes taken by Council Secretary, Levi Miller)

Approved:

Paula Glenka      11/20/14  
Chairperson                      Date

Levi Miller      11-20-14  
Secretary                      Date

**Trapper Creek Community Council**  
PO Box 13021, Trapper Creek, AK 99683-0321 (907) 733-7370 Teleconference

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CLERKS OFFICE

COUNCIL MEETING MINUTES

Community Park Building

Milepost 115.4 George Parks Highway, turn left on TC Park Circle

Regular Meeting 6:30 PM Thursday, November 20, 2014

- I. Meeting called to order 6:30 pm.
- II. Board Members in Attendance: Grelson, Glenka and Kolbeck. Members Present: Lon McCullough and Ginny Robson.
- III. Reading and approval of minutes from October 2014
- IV. Assembly Report: None
- V. TCCSA CIP Report: \$32,618.30 remaining
- VI. RSA 30 Report: None
- VII. Treasurer's Report: Checking \$427.39 & Savings: \$25.22
- VIII. Revenue Sharing Project Updates:
  - A. FY2012
    1. Oral History – \$951.84 Remaining
    2. TCCC Costs – \$192.30 Remaining
  - B. FY2013
    1. TCCSA Operating – \$2,825.63 Remaining
    2. ~~TCCSA~~ <sup>TCCSA</sup> ICES Conex – \$1,500 Remaining
    3. TCCSA Outbuildings – Project complete
    4. TCCSA Tools - \$887.35 Remaining
    5. Dumpster Access Ramp – Almost complete
- IX. Current Mail: None
- X. Public Forum: None
- XI. Unfinished Business:
  - A. No applications were received for the 3 open seats to the annual election of the Board of Directors, therefore, application deadline extended to December 18, 2014.
- XII. New Business:
  - A. Acceptance of the Amendment to the MOA for Community Revenue Sharing Program extending period of performance for expenditure of funds to December 31, 2015 for FY2012 and FY2013 were signed and returned to the Borough.
- XIII. Date of next meeting scheduled for December 18, 2014 at 6:30 pm.
- XIV. Meeting adjourned at 6:55 pm

(Minutes taken by Council Chairperson, Paula Glenka)

Approved:

Paula Glenka 11/15/15  
Chairperson Date

Levi Muller 11/15/15  
Secretary Date

Trapper Creek Community Council  
PO Box 13021, Trapper Creek, AK 99683-0321 (907) 733-7370 Teleconference

**SUBJECT:** Reporting of conclusion of contract for Bid No. 13-106B to Orion Marine Contractors, Inc. for Bridge 1956 Sullivan Avenue Over Bodenbug Creek Replacement, for the final contract amount of \$1,489,042.91.

**AGENDA OF:** February 3, 2015

**ASSEMBLY ACTION:**

**MANAGER RECOMMENDATION:** For information only.

**APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:** \_\_\_\_\_

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>[Signature]</i>	
	Public Works Director	<i>[Signature]</i>	16 Jan 15
	Purchasing Officer	<i>[Signature]</i>	
	Finance Director	<i>[Signature]</i>	1/20/15
	Borough Attorney	<i>[Signature]</i>	
	Borough Clerk	<i>[Signature]</i>	1/26/15 <i>[Signature]</i>

**ATTACHMENT (S):** Fiscal Note: Yes \_\_\_\_\_ No  X

**SUMMARY STATEMENT:** Pursuant to MSB Code, 3.08-170(F), the following is a summary of Bid Solicitation #13-106B, Bridge 1956 Sullivan Avenue Over Bodenbug Creek Replacement.

The MSB engaged in a contract with Orion Marine Contractors, Inc. on June 7, 2013 for Bid Solicitation #13-106B, Bridge 1956 Sullivan Avenue Over Bodenbug Creek Replacement. The original contract amount of \$1,443,852.00, was approved through Assembly Action on AM No. 13-062 presented on May 21, 2013. The work was completed on August 1, 2014.

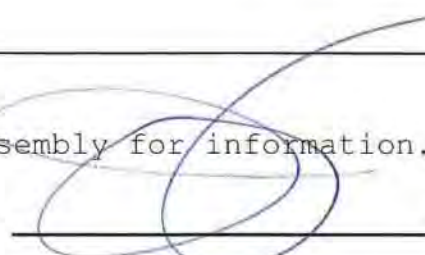
The final project contract amount was \$1,489,042.91.

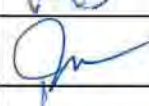


**SUBJECT:** Reporting of conclusion of contract no. 14-119B to QAP for Vine Road Upgrade, project no. 35410, for the final contract amount of \$6,275,134.13.

**AGENDA OF:** February 3, 2015

**ASSEMBLY ACTION:**

**MANAGER RECOMMENDATION:** Present to the assembly for information.

**APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:** 

Route To:	Department/Individual	Initials	Remarks
	Originator	MB	1/26/15
	Capital Projects Director	MB	1/26/15
	Purchasing Officer		1/26/2015
	Finance Director		
	Borough Attorney	NS	
	Borough Clerk		1/26/15 

**ATTACHMENT (S):** Fiscal Note: Yes  No   
 Manager Emergency Procurement Approval (1 pp)

**SUMMARY STATEMENT:** Pursuant to MSB Code, 3.08-170(F), the following is a summary of contract no. 14-119B, Vine Road Upgrade.

On April 15, 2014, the Matanuska-Susitna Borough awarded contract no. 14-119B to QAP in the amount of \$5,694,710 for the Vine Road Upgrade project, to provide labor, equipment, and materials to widen and rehabilitate South Vine Road from its intersection at Parks Highway to Hollywood Road. Improvements included grading, drainage, paving, signing and striping, and other miscellaneous items of work. This project also included construction for a new 13' diameter fish passage culvert to replace an existing culvert at Vine Road and Lucille Creek.

On July 2, 2014, the Assembly approved the authority to amend this contract, AM 14-106, for an amount not to exceed \$100,000 for additional costs associated with the relocation of a natural gas line and the culvert replacement at Vine Road and Lucille Creek. At that time, \$100,000 was staff's estimate for the additional culvert replacement work required by the general contractor. The final schedule for ENSTAR to complete the boring and relocation was still unknown, however staff was attempting to anticipate requirements in order to have the authority needed to amend the contract in order to ensure work was completed in a timely and efficient manner.

On September 19, 2014, the Borough Manager, under MSB 3.08.290 (Emergency Procurements), authorized additional work by QAP that exceeded the existing change order authority allowed by AM 14-106. Additional work was required to relocate the gas main under the existing culvert at Vine Road and Lucille Creek, which in turn allowed QAP to replace the culvert with less risk to the public. The change to allow ENSTAR to complete boring for the new gas main accrued additional cost due to a significant change in QAP's schedule at the owner's request. Vine Road was then closed to public traffic at Lucille Creek for the culvert replacement from September 27, 2014 to October 6, 2014.

On October 16, 2014, contract amendment no. one (1) was approved to extend the contract until November 1, 2014.

On October 16, 2014, contract amendment no. two (2) was approved to increase the contract by \$349,993.99 for additional material. As with most road contracts, the bid was based on the estimated quantities provided by the designer. Actual quantities varied based on actual conditions encountered during the course of construction. Additionally, dig outs of unsuitable material were needed that were not foreseen during the design phase.

On January 23, 2015, contract amendment no. three (3) for \$311,186.58 was approved for the culvert replacement work described above. This change order reflects the final quantities and adjustments from work this past summer.

The Manager's approval of the work for contract amendment no. 3, pursuant to MSB 3.08.290, should have been documented in writing on September 19, 2014 and a report should have been made to the Assembly via an informational memorandum on October 21, 2014.

# Matanuska-Susitna Borough



## MEMORANDUM

DATE: January 26, 2015

TO: Russ Krafft, Purchasing Officer

FROM: John Moosey, Borough Manager

SUBJECT: Change Order - Bid 14-119B for the upgrade and improvement of Vine Road

On March 14, 2014, the Matanuska-Borough Assembly approved the award of Bid 14-119B for the upgrade and improvement of Vine Road.

On July 2, 2014, the Assembly approved the authority to amend this contract, AM 14-106, for an amount not to exceed \$100,000 for additional costs associated with the relocation of a natural gas line and the culvert replacement at Vine Road and Lucille Creek. At that time, \$100,000 was staff's estimate for the additional culvert replacement work required by the general contractor. The final schedule for ENSTAR to complete the boring and relocation was still unknown, however staff was attempting to anticipate requirements in order to have the authority needed to amend the contract in order to ensure work was completed prior in a timely and efficient manner.

On September 19, 2014, the Borough Manager, pursuant to MSB 3.08.290 (Emergency Procurements), authorized additional work by QAP that exceeded the existing change order authority allowed by AM 14-106. Additional work was required to relocate the gas main under the existing culvert at Vine Road and Lucille Creek, which in turn allowed QAP to replace the culvert with less risk to the public. The change to allow ENSTAR to complete boring for the new gas main accrued additional cost due to a significant change in QAP's schedule at the owner's request. Vine Road was then closed to public traffic at Lucille Creek for the culvert replacement from September 27, 2014 to October 6, 2014.

All work has been completed and the final amount due to the contractor has been computed at \$311,186.58. As timely payment is required under Alaska laws, and having previously determined that this project presented a life/health/safety issue to the traveling public, I am authorizing the Purchasing Officer to approve a change order to the contract for the amounts owed. I will report a summary of this action to the Assembly.

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John M. Moosey \* Borough Manager \* 350 E. Dahlia Avenue \* Palmer, AK \* 99645  
(907) 861-8689 \* John.Moosey@matsugov.us

Im 15-035

**SUBJECT:** Accept and appropriate Matanuska Telephone Association's E-rate funds in the amount of \$ 15,220.54 to fund 440, project 20323, for upgrading and enhancing the telecommunications and information services within the Matanuska-Susitna Library Network.

**AGENDA OF:** January 20, 2015

**ASSEMBLY ACTION:**

**MANAGER RECOMMENDATION:** Introduce and set for public hearing.

**APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:** \_\_\_\_\_

Route To:	Department/Individual	Initials	Remarks
	Originator	JM	
	Community Development Director		
2	Finance Director	JEC	1/9/15
3	Borough Attorney	AS	
4	Borough Clerk	JM	1/12/15 (BA)

**ATTACHMENT (S):** Fiscal Note: Yes  No   
 Ordinance Serial No. 15-013 (2 pp)

**SUMMARY STATEMENT:**

On May 7, 1997, the Federal Communications Commission (FCC) adopted a Universal Service Order implementing the Telecommunications Act of 1996. The Order ensures that all eligible schools and libraries have affordable access to modern telecommunications and information services. Up to \$2.25 billion annually is available to provide eligible schools and public libraries with discounts, often referred to as the "E-rate," for authorized services.

These discounts range from 20 to 90 percent, depending on economic need and location (urban or rural). The level of discount is based upon the percentage of students eligible for participation in the federal free and reduced price school lunch program. The borough's public libraries will use the discount percentage of their local school district. The discount percentage for fiscal year 2013 was seventy percent (70%).

The intent of the FCC is for the businesses to use their discounted funds and reimbursements to purchase equipment that would enhance and/or upgrade their telecommunications and information services.

**RECOMMENDATION OF ADMINISTRATION:**

The administration recommends accepting and appropriating Matanuska Telephone Association's E-rate funds in the amount of \$ 15,220.54 to fund 440, project 20323, for upgrading and enhancing the telecommunications and information services within the Matanuska-Susitna Library Network.

MATANUSKA-SUSITNA BOROUGH  
FISCAL NOTE

Agenda Date: January 20, 2015

ORIGINATOR: Community Development

SUBJECT: Accept and appropriate Matanuska Telephone Association's E-rate funds in the amount of \$15,220.00 to fund 440, project 20323, for upgrading and enhancing the telecommunications and information services within the Matanuska-Susitna Library Network.

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT? <input checked="" type="radio"/> YES <input type="radio"/> NO
AMOUNT REQUESTED \$ 15,220.54	FUNDING SOURCE MTA E-Rate Ck
FROM ACCOUNT #	PROJECT # 20323
TO ACCOUNT # 440.000.000.3xx.xxx	PROJECT #
VERIFIED BY: <i>Barbara Saveng</i>	CERTIFIED BY:
DATE: 1/9/15	DATE:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING						
CAPITAL						
REVENUE	15					

FUNDING: (Thousands of Dollars)

General Fund						
Federal Funds						
Other	15					
TOTAL	15					

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: \_\_\_\_\_  
 DEPARTMENT: \_\_\_\_\_  
 APPROVED BY: *[Signature]*

Phone: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Date: 1/9/15

NON-CODE ORDINANCE

By: Borough Manager  
Introduced:  
Public Hearing:  
Action:

**MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 15-013**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ACCEPTING AND APPROPRIATING \$15,220.54 FROM MATANUSKA TELEPHONE ASSOCIATION TO FUND 440, PROJECT 20323 FOR UPGRADING AND ENHANCING THE TELECOMMUNICATIONS AND INFORMATION SERVICES WITHIN THE MATANUSKA-SUSITNA LIBRARY NETWORK.

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WHEREAS, on May 7, 1997, the Federal Communications Commission (FCC) adopted a Universal Service Order implementing the Telecommunications Act of 1996; and

WHEREAS, the Order ensures that all eligible schools and public libraries have affordable access to modern telecommunications and information services; and

WHEREAS, up to \$2.2 billion annually is available to provide eligible schools and public libraries with discounts, often referred to as the "E-rate" for authorized services; and

WHEREAS, discounts can be applied to commercially available telecommunications services, Internet access and internal connections; and

WHEREAS, the borough libraries received from the Matanuska Telephone Association \$15,220.54 as a portion of the E-rate discount for the 2013 fiscal year; and

WHEREAS, these funds are to be used for upgrading and enhancing the telecommunications information services within the

Matanuska-Susitna Library Network by purchasing hardware and or software.

BE IT ENACTED:

Section 1. Classification. This is a non-code ordinance.

Section 2. Acceptance and appropriation source. The Matanuska-Susitna Borough Assembly hereby accepts a portion of the libraries E-rate discount and appropriates the amount of \$ 15,220.54 to fund 440, project 20323, for upgrading and enhancing the telecommunications and information services within the Matanuska-Susitna Library Network.

Section 3. Effective date. This ordinance shall take effect upon adoption by the Matanuska-Susitna Borough Assembly.

ADOPTED by the Matanuska-Susitna Borough this - day of -, 2015.

\_\_\_\_\_  
LARRY DEVILBISS, Borough Mayor

ATTEST:

\_\_\_\_\_  
LONNIE R. MCKECHNIE, Borough Clerk

(SEAL)


**SUBJECT:** AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY 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.

**AGENDA OF:** January 20, 2015

**ASSEMBLY ACTION:**

**MANAGER RECOMMENDATION:** Introduce and set for public hearing.

**APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:** \_\_\_\_\_

Route To:	Department/Individual	Initials	Remarks
	Originator	SNB	
	Planning and Land Use Director	Ⓟ for EP	
	Borough Attorney	SNB	
	Borough Clerk	JM	1/12/15 

**ATTACHMENT (S):** Fiscal Note: NO x YES  
 Ordinance Serial No. 15-014 (12 pp)  
 Planning Commission Resolution No. 14-32 and attached ordinance (14 pp).

**SUMMARY STATEMENT:**

Under the current version of the tall structure ordinance and the proposed amendments contained in a separate ordinance than this one, certain tall structures are required to apply for and undergo a permitting process prior to being constructed.

In 2009 the Federal Communications Commission ("FCC") issued a declaratory ruling that interpreted the provision of the Federal Telecommunications Act of 1996 that required certain applications to be processed within a reasonable amount of time. That ruling is commonly referred to as the "shot clock." Among

other things, the ruling outlined timeframes within which applications for certain tall structures - those facilities providing telecommunications - had to be processed.

At the time of the FCC's 2009 ruling, it was unclear whether any appeal of those applications was also meant to be performed within those timeframes. Out of caution, the Borough created a new expedited appellate process called "Appellate Process for Personal Wireless Service Facilities," which is currently set out in sections MSB 15.39.260-15.39.350. The intent was to shorten timeframes for most of the appeal deadlines for telecommunication facilities.

In 2013 the expedited process was utilized for an appeal. Subsequently, the Assembly tasked the Planning Commission with reviewing the tall structure ordinance. In connection therewith, the appellate process for personal wireless service facilities was likewise reviewed by the Law Department and presented to the Planning Commission with recommended changes to add clarity to a few of the procedures, and to make the process consistent with the other BOAA practices.

One of the changes recommended was to amend MSB 15.39.010(A) defining "Personal Wireless Service Facilities" as limited to the definition in 47 USC 332. That clarification is important as it clarifies that not all appeals of telecommunication tower facilities, as defined in the concurrently proposed tall structure ordinance, are entitled to the expedited BOAA process for appeals.

The Planning Commission passed a resolution recommending the changes.

**RECOMMENDATION OF ADMINISTRATION:** Administration respectfully requests approval.

By: Shannon Bodolay  
Introduced: October 6, 2014  
Public Hearing: October 20, 2014  
Action: Approved

**MATANUSKA-SUSITNA BOROUGH  
PLANNING COMMISSION RESOLUTION NO. 14-32**

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY APPROVE 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.

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WHEREAS, in November 2009 the Federal Communications Commission issued a declaratory ruling that interpreted a portion of the Federal Telecommunications Act of 1996; and

WHEREAS, in response the Borough Assembly amended MSB 15.39 to create a separate appellate process for personal wireless service facilities; and

WHEREAS, the appellate process for personal wireless service facilities was utilized last summer; and

WHEREAS, the appellate process for personal wireless service facilities was reviewed in connection with proposed changes to the tall structure ordinance; and

WHEREAS, the proposed changes to MSB 15.39 contained in the proposed Ordinance are meant to further clarify the appellate process for personal wireless service facilities.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends the Assembly approve the attached ordinance.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 20th day of October, 2014.

  
\_\_\_\_\_  
JOHN KLAPPERICH, Chair

ATTEST

  
\_\_\_\_\_  
MARY BRODIGAN, Planning Clerk

(SEAL)

YES:

NO:

IM15-023  
OR15-014

CODE ORDINANCE

Sponsored by: Borough Manager  
Introduced:  
Public Hearing:  
Action:

**MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 15-014**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY 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.

---

WHEREAS, in November 2009 the Federal Communications Commission issued a declaratory ruling that interpreted a portion of the Federal Telecommunications Act of 1996;

WHEREAS, in response the Borough Assembly amended MSB 15.39 to create a separate appellate process for personal wireless service facilities;

WHEREAS, the appellate process for personal wireless service facilities was utilized last summer;

WHEREAS, the appellate process for personal wireless service facilities was reviewed in connection with proposed changes to the tall structure ordinance;

WHEREAS, the proposed changes to MSB 15.39 contained herein are meant to further clarify the appellate process for personal wireless service facilities;

BE IT ENACTED:

Section 1. Amendment of Section. MSB 15.39.010(A) is amended by inserting the following definition:

**"Personal Wireless Service Facilities" as defined by Federal Telecommunications Act 47 USC 332.**

Section 2. Amendment of Section. MSB 15.39.270(A) is amended as follows:

(A) An interested party, including but not limited to a borough or city official, may file with the BOAA a notice of appeal of a decision on a request to place, construct, or modify a personal wireless service facility. The appeal shall be on a form provided by the BOAA available at the office of the clerk. The notice of appeal shall state with specificity the grounds for the appeal, include the appellant's mailing address or that of the appellant's attorney, and be accompanied by a filing fee of \$500, to help defray the administrative cost of the appeal including but not limited to preparation, advertising, and mailing costs. **The notice of appeal must include proof that the appellant is an "interested party" as defined in MSB 15.39.010(A).**

Section 3. Amendment of section. MSB 15.39.300 is amended as follows:

(A) The decision maker whose order or decision has been appealed shall provide the clerk with all pertinent records, including the written decision or order and a transcript of meetings, if any, as soon as possible but at least within five business days after the notice of appeal has been mailed, personally served, or emailed. If a transcript cannot be prepared in five business days, staff shall advise the clerk when the transcript will be completed. As soon as possible, but at least within five business days after receiving the records, the clerk shall email, mail, or personally serve the record and the transcript to the BOAA, primary parties, and borough staff assigned to the appeal. The transcript pages and the record pages shall be separately numbered.

(B) The appellate record shall include the minutes and a verbatim transcript, if available, of the proceeding being appealed, all documentary materials submitted to the decision maker, the written decision or order, and the notice of appeal.

(C) Documents or other information considered by the BOAA which were not part of the record below shall become a part of the record before the BOAA.

(D) When the clerk delivers the record to the primary parties and BOAA, the clerk shall also give written notice to the same persons of the date written arguments are due and the hearing date.

(E) Publication. Upon receipt of the record by the clerk from borough staff, the clerk shall publish in a newspaper of general circulation within the borough the time and place at which the BOAA shall conduct a hearing to consider the appeal.

Section 4. Amendment of section. MSB 15.39.310 is hereby amended as follows:

(A) Interested parties may submit to the clerk written arguments regarding the appeal. Written arguments shall be submitted within nine business days after the date the appellate record has been emailed, mailed, or personally served. Written arguments submitted by the deadline shall become part of the appellate record, and shall be mailed, personally served, or emailed to the BOAA, and primary parties, by the clerk within three business days after the written arguments are due. Any person not a primary

party may request copies of the records filed with the clerk's office upon payment to defray copy and delivery costs. Interested parties who are not primary parties, but wish to participate in the proceedings and receive service, must submit their name, email address, whether they agree to service by email, their mailing address, and physical address, in writing, to the borough clerk. In cases with multiple interested parties, the BOAA on the authority of the chairperson may request that one person accept service on behalf of other interested parties with similar interests at stake. The interested parties appointed for service shall provide their name, email address, mailing address, and physical address to the borough clerk in writing and shall submit a written list of names of the parties for which the interested party will accept service.

(B) Any evidence not already part of the record that an interested party wants the BOAA to consider must be submitted to the clerk's office before or on the day written arguments are due. Evidence or written arguments shall not be accepted after the deadline and before the hearing date unless the party requests and is granted leave by the BOAA chairperson to make a

late filing. New evidence may be submitted at the time of hearing if the BOAA determines that the evidence was not discovered or could not have been obtained prior to the deadline for evidence submittal, or if the evidence is relevant and it is in the interest of justice that it be considered.

Section 5. Amendment of section. MSB 15.39.320 is hereby amended as follows:

(A) The BOAA shall hold a public hearing on the appeal within 15 business days after written arguments are due. The hearing may be continued by the BOAA chairperson, by stipulation of the primary parties, or by motion pursuant to MSB 15.39.330.

(B) On appeal, only interested parties who have submitted their name to the borough clerk five days prior to the meeting may present oral argument and they must provide their name, physical and mailing address, phone number, and email address in writing by the time of the hearing, pursuant to MSB 15.39.310(A). The clerk shall maintain a list of those persons requesting to be heard, which shall be provided to anyone upon request. At the BOAA's discretion other interested parties may testify. Unless the BOAA, for good cause shown, permits a change, the appellate

hearing shall be subject to the following order and time limitations:

(1) borough staff: 10 minutes to present the decision below and to set forth the evidence and rationale of the decision maker;

(2) appellant: 15 minutes;

(3) entitlement applicant, if not the appellant: 15 minutes;

(4) borough, if not the appellant: 15 minutes;

(5) other interested parties: five minutes each;

(6) appellant, for rebuttal: five minutes.

(C) The chairperson may limit testimony by any person to reduce cumulative or repetitive testimony. Failure to observe the above procedures in a hearing may not affect the validity of the BOAA's decision so long as the primary parties have had a reasonable opportunity to be heard.

(D) The BOAA may adjourn to adjudicatory session to deliberate a case before it.

Section 6. Amendment of Section. MSB 15.39.340 is amended as follows:

[DECISION.] SCOPE OF APPELLATE REVIEW.

(A) [THE BOAA MAY AFFIRM, REVERSE, OR MODIFY, IN WHOLE OR IN PART, THE APPEALED DETERMINATION, DECISION, OR ORDER. IF THE BOAA DOES NOT REVERSE OR MODIFY THE DETERMINATION, DECISION, OR ORDER APPEALED, THE DETERMINATION, DECISION, OR ORDER APPEALED IS FINAL.] The BOAA may exercise its independent judgment on matters that relate to the interpretation or construction of ordinances or other provisions of law.

(B) [THE BOAA'S DECISION SHALL BE IN WRITING AND SHALL STATE THAT IT IS A FINAL DECISION, INCLUDE THE BOAA'S FINDINGS OF FACT AND CONCLUSIONS, AND NOTIFY THE PARTIES OF THEIR RIGHT TO APPEAL. THE FINDINGS SHALL BE REASONABLY SPECIFIC SO AS TO PROVIDE THE COMMUNITY, AND WHERE APPROPRIATE, REVIEWING AUTHORITIES, A CLEAR AND PRECISE UNDERSTANDING OF THE REASON FOR THE DECISION.] The BOAA shall defer to the judgment of the decision maker regarding findings of fact if they are supported in the record by substantial evidence.

(C) [THE DECISION SHALL BE FILED WITH THE CLERK WITHIN FIVE BUSINESS DAYS AFTER THE COMPLETION OF THE HEARING.] Where the BOAA decides that a finding of fact made by the decision maker is not supported by substantial evidence, the BOAA shall make its own finding on the factual issue, based upon the following:

(1) The evidence in the record developed before the decision maker; or

(2) The record developed at a de novo hearing before the BOAA; or

(3) A combination of the record developed in paragraphs (1) and (2).

[(D) THE BOAA DECISION SHALL BE EMAILED, MAILED, OR PERSONALLY DELIVERED, WITHIN TWO BUSINESS DAYS AFTER THE BOAA'S DECISION, TO THE INTERESTED PARTIES WHO FILED A WRITTEN ARGUMENT AND REQUESTED A COPY OF THE DECISION.]

Section 7. Amendment of Section. MSB 15.39.350 is hereby amended as follows:

[JUDICIAL REVIEW] DECISION.

[AN APPEAL FROM A BOAA DECISION MAY BE TAKEN WITHIN THE TIME PRESCRIBED IN THE ALASKA RULES OF APPELLATE PROCEDURE, PART 600, BY A PRIMARY PARTY OR

INTERESTED PARTY WHO FILED A WRITTEN ARGUMENT BEFORE THE BOAA, OR AS PERMITTED BY THE FEDERAL TELECOMMUNICATIONS ACT 47 USC 332. THE CLERK SHALL ESTIMATE THE COST OF PREPARING THE TRANSCRIPT OF THE PUBLIC HEARING AND COMPILING THE RECORD ON APPEAL. THE APPELLANT TO THE COURT SHALL DEPOSIT THE ESTIMATED COSTS WITH THE CLERK IN ADVANCE. UPON COMPLETION OF THE RECORD ON APPEAL, THE CLERK SHALL REFUND ANY EXCESS DEPOSIT OR CHARGE THE APPELLANT FOR COSTS EXCEEDING THE DEPOSIT. THE RECORD MAY NOT BE RELEASED TO THE APPELLANT UNTIL FULL PAYMENT IS MADE.]

(A) The BOAA may affirm, reverse, or modify, in whole or in part, the appealed determination, decision, or order. If the BOAA does not reverse or modify the determination, decision, or order appealed, the determination, decision, or order appealed is final.

(B) The BOAA's decision shall be in writing and shall state that it is a final decision, include the BOAA's findings of fact and conclusions, and notify the parties of their right to appeal. The findings shall be reasonably specific so as to provide the community, and where appropriate, reviewing

authorities, a clear and precise understanding of the reason for the decision.

(C) The decision shall be filed with the clerk within five business days after the completion of the hearing.

(D) The BOAA decision shall be emailed, mailed, or personally delivered, within two business days after the BOAA's decision, to the interested parties who filed a written argument and requested a copy of the decision.

(E) A person aggrieved by a BOAA decision may not submit a substantially similar petition to the lower level decision-maker as that which was appealed to the BOAA unless a change of circum-stances has occurred. The mere passage of time is not a change in circumstances.

Section 8. Adoption of Section. MSB 15.39.360 is adopted as follows:

15.39.360 JUDICIAL REVIEW.

An appeal from a BOAA decision may be taken within the time prescribed in the Alaska Rules of Appellate Procedure, Part 600, by a primary party or interested party who filed a written argument before the BOAA, or as permitted by the Federal

Telecommunications Act 47 USC 332. The clerk shall estimate the cost of preparing the transcript of the public hearing and compiling the record on appeal. The appellant to the court shall deposit the estimated costs with the clerk in advance. Upon completion of the record on appeal, the clerk shall refund any excess deposit or charge the appellant for costs exceeding the deposit. The record may not be released to the appellant until full payment is made

Section 9. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2014.

LARRY DeVILBISS, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

**SUBJECT:** AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY 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.

**AGENDA OF:** January 20, 2015

**ASSEMBLY ACTION:**

**MANAGER RECOMMENDATION:** Introduce and set for public hearing.

**APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:** \_\_\_\_\_

Route To:	Department/Individual	Initials	Remarks
A. Strawn	Originator	<i>[Signature]</i>	
	Planning and Land Use Director	EP	
	Borough Attorney	SNBtrns	
	Borough Clerk	Jem	1/12/15 <i>[Signature]</i>

**ATTACHMENT(S):** Fiscal Note: NO X YES \_\_\_\_\_  
 Ordinance Serial No. 15-016 (33 pp)  
 Planning Commission resolution 14-18 (AM) (2 pp)  
 Planning Commission resolution 14-35 (2 pp)  
 Public Comments(1 page)

**SUMMARY STATEMENT:**

This ordinance includes regulations for the siting of wireless telecommunications facilities, Wind Energy Conversion Systems (WECS), and other tall structures within the Matanuska-Susitna Borough.

Tall structures are currently regulated under MSB 17.60. The following is a summary of major changes resulting from this ordinance.

1. *Height threshold* - The height at which a permit is required has been changed in accordance with the following table:

Permit threshold by height (feet)

	0-85'	86-100'	101-125'	>125'
MSB 17.60 (existing)	No permit	No permit	CUP	CUP
MSB 17.67 (proposed)	No permit	Admin Permit	Admin permit	CUP

2. *Network improvement permit* - This is a new type of permit which allows existing infrastructure to be extended in height by at least 20 feet; if a tower exceeds 200 feet it can be increased up to a total of 10% its height in areas outside of SPUDs. In areas inside the SPUDS, the tower can be increased 10% of the height of the existing facility or by the height of one additional antenna array not to exceed 20 feet, whichever is greater. This permit is intended to have a very quick turnaround time as it does not require notification and has very few standards for approval.
3. *Pre-application public participation process* - Current regulations (MSB 17.60) require written confirmation from the applicable community council that a pre-application public meeting was held with the applicant to discuss issues related to the siting of proposed structures. The new ordinance clarifies rules associated with the pre-application process.
4. *Repair, replacement, and abandonment*- clarifies in which situation a CUP is needed for replacement or repair of a tall structure.
5. *Performance standards* - The performance standards have been given an overhaul to eliminate unnecessary, duplicative, and legally questionable requirements.
6. *Application requirements* - The application requirements were modified in order to only require necessary information to demonstrate that standards of the code have been met.

**BACKGROUND:**

Regulations for tall structures were originally adopted in 1999 by ordinance serial number 99-093 (AM). The ordinance did not regulate telecommunications towers less than 100 feet above average grade. Additionally, the code did not strongly encourage collocation. As a result, the majority of telecommunication towers within the Borough are approximately 100 feet tall and are limited to one or two providers per tower.

In December 2007, staff was directed to revise regulations for

the siting of wireless telecommunications towers and other tall structures in the Borough.

In July 2008, a towers working group comprised of industry representatives, concerned citizens, and other stakeholders was appointed by the Planning Commission to provide input to staff throughout the development of the wireless telecommunications analysis and the tall structures ordinance. The towers working group met 15 times for a total of 45 hours.

In 2009, when the towers working group was still meeting to discuss changes to the ordinance, the Federal Communications Commission ("FCC") issued a declaratory ruling commonly referred to as the "shot clock" that interpreted a provision of the Federal Telecommunications Act of 1996. Among other things, the ruling outlined timeframes within which applications for certain tall structures had to be processed to be considered timely. The ruling essentially places a 90 day timeframe on collocation applications and 150 days on applications for other personal wireless facilitates.

Following a nearly three yearlong effort, the MSB Planning Department made recommendations for regulatory change based on input from the working group and analyses from the contractors. A primary intent of the new ordinance was to minimize the overall number of future towers within the Borough while still allowing for the build-out of wireless telecommunications networks.

Following public hearings in November 2011, the Assembly adopted Ordinance Serial No. 11-074 which not only failed to adopt any new tower regulations, but also eliminated the existing tall structure chapter Title 17.60.180.

In October 2012 the Assembly formed a Tall Tower Advisory Committee (Reso. 12-118) to advise the Assembly on tall tower regulations. The committee was composed of the following members:

- Ken Slauson - Community member at large
- James Ellis - Community member at large
- Rick Brenden - Community member at large
- Aaron Downing - Tall tower industry
- John Lee - Tall tower industry

The Tall Tower Advisory Committee met six times for a total of 12 hours. At their final meeting on January 2014, the group voted unanimously to forward an ordinance (14-025) to the Assembly which was limited to a notification process for new tall structures over 100 feet.

The assembly failed to introduce ordinance 14-025 and directed the Planning Commission to review and suggest any needed revisions to MSB 17.60 (Reso 14-041). The Planning Commission worked on the ordinance over several meetings, held a public hearing, and adopted resolution no. 14-18(AM) recommending approval of this ordinance.

In October 2014 the Federal Communications Commission released a report and order (FCC 14-153) which adopted rules to implement and enforce Section 6409(a) of the Middle Class Tax Relief and Job Creation act of 2012. That FCC order provided guidance on the application of particular terms in the 2012 statute, as well as the application of the shot clock among other things. More specifically, that FCC order provides guidance on the how and when the applicable shot clock timeframes may be tolled.

As a result, the draft tall structures ordinance was again modified by staff in effort to comply with the FCC order. As a result, language in the ordinance (including but not limited to the timeframe for processing applications and the height available for network improvement permits) should be interpreted in a fashion that is consistent with both the Federal Telecommunications Act of 1996 and the Middle Class Tax Relief and Job Creation Act of 2012, and both FCC orders.

After holding a public hearing on January 5, 2015, the Planning Commission adopted resolution no. 14-35 in support of the changes.

#### **COMPREHENSIVE PLAN**

Adoption of a public process for regulation of tall structures is consistent with the Matanuska-Susitna Borough Comprehensive Plan (2005 update) which states in part:

**Goal (LU-2):** *Protect residential neighborhoods and associated property values.*

The ordinance protects residential neighborhoods and associated property values in the following ways:

- Reduces the height threshold at which a permit is required to 85 feet
- Encourages collocation to the greatest extent feasible
- Provides protection to residential airstrips
- Requires community involvement prior to application with the Borough

**Goal (E-3):** Create an attractive environment for business investment.

**Policy E3-2:** Institute appropriate land use guidelines and regulations that reduce land use conflicts and protect residents and businesses.

The ordinance creates an attractive environment for business investment in the following ways:

- Clearly lists what is required of the applicant
- Provides clear standards by which the Planning Commission can base decisions
- Allows existing telecommunications infrastructure to be increased up to 20 feet

**RECOMMENDATION OF ADMINISTRATION:**

Staff respectfully recommends approval of the attached ordinance.

CODE ORDINANCE

By: Borough Manager  
Introduced:  
Public Hearing:  
Action:

**MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 15-016**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY 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.

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WHEREAS, it is the intent of the borough to enable the orderly build-out of wireless telecommunication infrastructure, wind energy conversion systems (WECS), and other tall structures while promoting the health, safety, and general welfare; and

WHEREAS, Assembly resolution 14-041 directed the Planning Commission to review and suggest any needed revisions to MSB 17.60; and

WHEREAS, the Planning Commission reviewed MSB 17.60 and discussed possible changes over multiple meetings; and

WHEREAS, the commission conducted a public hearing and considered this issue; and

WHEREAS, the Planning Commission adopted Resolution no. 14-18 (AM) recommending approval of this ordinance; and

WHEREAS, the rationale and intent of this ordinance are found in IM 14-207 which accompanies this ordinance.

BE IT ENACTED:

Section 1. Classification. Sections 1 and 7 are non-code, Section 2 - 6 of this ordinance is of a general and permanent nature and shall become a part of the borough Code.

Section 2. Adoption of Chapter. MSB 17.67 is hereby adopted to read:

- 17.67.010 Purpose and intent
- 17.67.020 Applicability
- 17.67.030 Exemptions
- 17.67.040 Types of permit available
- 17.67.050 Pre-application requirements for new tall structures
- 17.67.060 General permit process for tall structures
- 17.67.070 General application requirements for new tall structures
- 17.67.080 Standards for approval of new tall structures
- 17.67.090 Operation standards new for tall structures
- 17.67.100 Additional operation standards for wind energy conversion systems
- 17.67.110 Network improvement permit
- 17.67.120 Reconstruction and replacement
- 17.67.130 Abandonment
- 17.67.140 Transfer of a permit
- 17.67.200 Nonconforming uses
- 17.67.300 Violations, enforcements, and penalties
- 17.67.400 Appeal procedure

**17.67.010 PURPOSE AND INTENT**

(A) The purpose of this chapter is to establish regulations for the siting of telecommunication facilities, Wind Energy Conversion Systems (WECS), and other tall structures.

(B) It is the intent of the borough to enable the orderly build-out of wireless telecommunication infrastructure, WECS, and other tall structures while promoting the health, safety, and general welfare of the public by:

(1) facilitating the organized deployment of wireless telecommunication networks;

(2) minimizing the overall number of future towers within the borough by encouraging the collocation of telecommunication equipment on existing and future structures;

(3) encouraging potential applicants for new tall structures to involve citizens early in the process so that concerns can be mitigated prior to application for permits;

(4) requiring consideration of and compatibility with the goals and objectives of the Borough-Wide Comprehensive Plan and other applicable regulations.

(5) minimizing potential hazards associated with tall structures;

(6) encouraging the placement of tall structures in a manner that minimizes the negative effects on the visual and scenic resources of all surrounding properties;

**17.67.020 APPLICABILITY**

(A) This chapter applies to all private and public lands in the borough except within the incorporated city limits of Houston, Palmer, and Wasilla.

(B) The requirements of this chapter shall supersede requirements of special land use districts within the borough as they pertain to telecommunications towers, except that special land use districts may provide additional regulations for:

(1) a reduced height at which a permit is required under this chapter;

(2) vegetative screening and other camouflage techniques;

(3) the color of tall structures;

(4) tower type (monopole, lattice, guyed);

(5) lighting requirements that are not in conflict with requirements of the Federal Aviation Administration; and

(6) increased setbacks.

(C) This chapter shall apply to all tall structures taller than 85 feet including but not limited to:

(1) broadcast facilities;

(2) telecommunication towers;

(3) wind energy conversion systems;

(4) tall structures as defined by MSB 17.125.

(D) Permits are required prior to construction of all new tall structures except as allowed by MSB 17.67.120 Reconstruction and Replacement.

(E) Permits under this chapter shall not be approved unless the applicant has provided evidence demonstrating that the proposal conforms to the applicable provisions of this chapter.

**17.67.030 EXEMPTIONS**

(A) The following items are exempt from the provisions of this chapter:

(1) church spires, religious icons, and flag poles displaying official government or religious flags;

(2) temporary tall structures, including but not limited to drilling derricks and construction cranes which are utilized on active construction projects or are on site less than 180 calendar days total within a consecutive 12-month period and are not intended to routinely reoccur on the same site;

(3) temporary telecommunication facilities, upon the declaration of a state of emergency by federal, state, or local government. Such facilities must comply with all federal and state requirements. Temporary telecommunication facilities may be exempt from the provisions of this chapter up to 12 months after the duration of the state of emergency. An additional extension, no longer than 12 months, may be granted by the director upon written request and determination that the telecommunication facilities continue to be necessary for post-emergency operations;

(4) temporary telecommunication facilities constructed for the purposes of providing coverage of a special event such as news coverage or sporting event, except that such facilities must comply with all federal and state requirements. Said telecommunication facilities are exempt from the

provisions of this chapter up to 15 calendar days prior to the event and an additional 15 calendar days after the duration of the special event;

(5) essential service utilities as defined by MSB 17.05;

(6) tall structures within the boundaries of industrial districts designated by borough code;

(7) lighting support structures less than 185 feet in height that are constructed for the Alaska Department of Transportation, are located within a right of way, and are used exclusively for illuminating major arterials and highways;

(8) licensed amateur (ham) radio towers, except that, modification or use of such towers for commercial use shall require a conditional use permit in accordance with this section;

(9) addition, removal or reorientation of transmission equipment; and

(10) routine maintenance and repair of tall structures and their components.

**17.67.040 TYPES OF PERMITS AVAILABLE**

(A) There are three types of permits available for tall structures:

(1) Administrative Permit - New tall structures that are greater than 85 feet but less than or equal to 125 feet. The applicant may request that the decision on an administrative permit be made by the Planning Commission. The request shall be in writing at the time of application and all requirements for a conditional use permit shall be followed.

(2) Conditional Use Permit - New tall structures greater than 125 feet; or tall structures that exceed the height threshold at which a conditional use permit within a special land use district is required.

(3) Network Improvement Permit - Allows legally constructed telecommunication towers to be increased in height in accordance with 17.67.110.

**17.67.050 PRE-APPLICATION REQUIREMENTS FOR NEW TALL STRUCTURES THAT REQUIRE A CONDITIONAL USE PERMIT**

(A) Prior to applying for a conditional use permit for a new tall structure, the potential applicant shall hold at least one community meeting:

(1) The meeting shall be held at the nearest facility where community council meetings are regularly scheduled. If the facility is not available,

the nearest available public facility that is capable of seating a minimum of 20 people shall be utilized;

(2) the meeting shall be held at least 15 calendar days after mailing of the notification;

(3) the meeting shall not start prior to 5:00 p.m. and no later than 7:00 p.m.;

(4) notification of the meeting shall, at a minimum, include the following:

(a) legal description and map of the general parcel, or parcels, within the coverage area under consideration for the telecommunication facility;

(b) description of the proposed development including height, design, lighting, potential access to the site and proposed service;

(c) date, time, and location of informational meeting;

(d) contact name, telephone number, and address of applicant; and

(e) comment form created by the borough that has a comment submittal deadline and provides options for submitting comments.

(5) At a minimum, the notification area for the meeting shall include the following:

(a) property owners within 1200 feet of the parcels under consideration for the proposed tall structure; and

(b) the nearest community council and any community council whose boundary is within 1200 feet of the parcels under consideration for the tall structure.

(B) A written report summarizing the results of the community meeting shall be prepared that includes the following information:

(1) dates and locations of all meetings where citizens were invited to discuss the potential applicant's proposal;

(2) content, dates mailed, and numbers of mailings, including letters, meeting notices, newsletters and other publications;

(3) sign-in sheet(s) used at the meeting, that includes places for names, addresses, phone numbers and other contact information such as e-mail addresses;

(4) a list of residents, property owners, and interested parties who have requested in writing that they be kept informed of the proposed development through notices, newsletters, or other written materials; and

(5) the number of people who attended meetings.

(6) copies of written comments received at the meeting;

(7) a certificate of mailing identifying all who were notified of the meeting;

(8) a written summary that addresses the following:

(a) the substance of the public's written concerns, issues, and problems;

(b) how the applicant has addressed, or intends to address, concerns, issues and problems expressed during the process; and

(c) concerns, issues, and problems the applicant has not addressed or does not intend to address and why.

**17.67.060 GENERAL PERMIT PROCESS FOR ADMINISTRATIVE AND CONDITIONAL USE PERMITS**

(A) Incomplete applications. For all permits under this chapter, the director may reject any application that fails to meet the requirements of this chapter. The rejection shall be issued, in writing, within 15 calendar days of receipt of an application under this chapter and shall state the deficient items.

(1) Notification. Upon determination of a complete application, the director shall notify surrounding property owners in accordance with MSB 17.03, except that:

(a) the notification area will be 1200 feet;

(b) if applicable, the notification shall include all individuals who were notified of, or submitted comments at the community meeting required by MSB 17.67.050.

(B) Determination. In granting or denying a permit for a new tall structure, written findings of fact and determinations of law shall be issued and shall include conditions as deemed appropriate to protect the public health, safety or general welfare.

(C) Conditions of approval. Conditions set by the commission for a conditional use permit or by the director for administrative permits may include but are not limited to the following:

(1) height limitations;

(2) increased height or structural capacity of a proposed tower to accommodate future collocation;

(3) mitigation of drainage concerns;

(4) tower type (monopole, lattice, guyed);

(5) color;

(6) landscaping;  
(7) parking;  
(8) screening;  
(9) signage;  
(10) lighting to be installed and maintained in accordance with Federal Aviation Administration AC 70/7460-1;

(11) Setbacks greater than that required by MSB 17.55.

(D) Process timeframe. For conditional use permits reviewed by the commission:

(1) a public hearing shall be held by the commission within 60 calendar days of receipt of a complete application;

(2) the commission shall render a decision within 30 calendar days from the close of public hearing.

(E) For administrative permit reviewed by the Director, a decision granting or denying the permit shall be made within 60 calendar days of receipt of a complete application.

**17.67.070 GENERAL APPLICATION REQUIREMENTS FOR ADMINISTRATIVE AND CONDITIONAL USE PERMITS**

(A) An application for a conditional use or administrative permit to construct a new tall

structure may be initiated by a property owner or the owner's authorized agent and shall include:

(1) completed application form provided by the department and signed by the property owner or authorized agent;

(2) design drawings for the proposed tall structure, drawn to scale, and certified by a registered engineer or architect;

(3) fee in the amount designated in MSB 17.99;

(4) citizen participation report in accordance with MSB 17.67.050(B);

(5) a certified site plan;

(6) copy of a determination of no hazard to air navigation from the Federal Aviation Administration; and

(7) if breakpoint technology is intended to be utilized, a written statement specifying the height at which the engineered structural weakness will be located.

**17.67.080 STANDARDS FOR APPROVAL OF NEW TALL STRUCTURES**

(A) A permit for a new tall structure may only be approved if it meets the requirements of this section

in addition to any other applicable standards required by this chapter.

(B) In granting or denying a permit, the commission or director shall make findings on whether the applicant has demonstrated that:

(1) to the extent that is technically feasible and potentially available, the location of the tall structure is such that its negative effects on the visual and scenic resources of all surrounding properties have been minimized;

(2) visibility of the tall structure from public parks, trails recognized within adopted MSB plans, and water bodies has been minimized to the extent that is technically feasible and potentially available;

(3) the tall structure will not interfere with the approaches to any existing airport or airfield that are identified in the MSB Regional Aviation System Plan or by the Alaska State Aviation System Plan; and

(4) that granting the permit will not be harmful to the public health, safety, convenience, and welfare.

**17.67.090 OPERATION STANDARDS FOR NEW TALL STRUCTURES**

(A) The following setback requirements shall apply to all new telecommunications towers regulated under this chapter:

(1) The equipment compound shall meet minimum setback distances from all property lines in accordance with MSB 17.55.

(2) Setbacks shall be determined from the dimensions of the entire lot, even though the tower may be located on lease areas within the lot.

(B) For all tall structures regulated under this chapter, adequate vehicle parking shall be provided on the subject property, outside of public use easements and rights-of-way to enable emergency vehicle access.

(1) no more than two spaces per provider shall be required.

(C) The following requirements apply to all new and existing telecommunication towers and wind energy conversion systems regulated under this chapter:

(1) The following signage shall be visibly posted at the equipment compound:

(a) informational signs for the purpose of identifying the tower such as the antenna structure registration number required by the Federal Communications Commission, as well as the party

responsible for the operation and maintenance of the facility;

(b) if more than 220 volts are necessary for the operation of the facility, warning signs shall be located at the base of the facility and shall display in large, bold, high contrast letters the following: "HIGH VOLTAGE - DANGER"; and

(c) a 24-hour emergency contact number.

(2) A fence or wall not less than six feet in height with a secured gate shall be maintained around the base of the tower.

**17.67.100 ADDITIONAL OPERATION STANDARDS FOR WIND ENERGY CONVERSION SYSTEMS**

(A) In addition to the operation standards for new tall structures required by MSB 17.67.090, the following standards shall apply to Wind Energy Conversion Systems (WECS):

(1) WECS shall be equipped with an automatic overspeed control device designed to protect the system from sustaining structural failure such as splintered or thrown blades and the overturning or breaking of towers due to an uncontrolled condition brought on by high winds; and

(2) WECS shall have a manually operable method that assures the WECS can be brought to a safe condition in high winds. Acceptable methods include mechanical or hydraulic brakes or tailvane deflection systems which turn the rotor out of the wind.

**17.67.110 NETWORK IMPROVEMENT PERMIT**

(A) A Network Improvement Permit allows legally constructed telecommunication towers to be replaced or modified in a manner that increases the overall height of the existing tower in accordance with this section.

(B) A Network Improvement Permit does not require notification to surrounding property owners.

(C) The base of a replacement tower may be located no farther than 50 feet from the base of the original tower. The original tower shall be removed within 90 calendar days upon completion of construction of the replacement tower.

(D) More than one Network Improvement Permit may be obtained. However, the cumulative increase in overall height may not exceed the following:

(1) Up to 20 feet for telecommunications towers that are located outside of Special Land Use Districts. If the existing tower exceeds 200 feet, it

can be increased by up to 10% of the height of the existing tower;

(2) Within a special land use district, height increase under this section is limited to a cumulative increase of 10% of the existing facility unless the applicant demonstrates that the additional height, not to exceed 20 feet, is necessary for installation of one additional antenna array.

(E) Application for a network improvement permit shall include the following:

(1) application form signed by the property owner or authorized agent;

(2) a description of the proposed modifications to the telecommunication tower, including a description of the height, type, and lighting of the new or modified structure and the existing structure;

(3) a certified site plan for purposes of setback verification; and

(4) design drawings for the proposed modified or new structure, drawn to scale, and certified by a registered engineer or architect.

(F) In granting a network improvement permit, the director shall make the following findings:

(1) that the proposed development conforms to setback requirements of MSB 17.55;

(2) that the telecommunication tower being extended was lawfully constructed at the time of application for a Network Improvement Permit; and

(3) that the proposed modification does not violate permit conditions of any valid permits that have been issued to the existing facility, provided that the condition being violated does not limit height of the structure.

(G) A Network Improvement Permit shall be approved within 60 calendar days from the time of application if it meets the requirements of this section.

(H) Telecommunication towers granted a permit under this section shall conform with the operation standards described by MSB 17.67.090(C).

(I) Replacement or modification of a telecommunication tower that is in accordance with this section is not subject to application or pre-application requirements required for a new tower under this chapter.

**17.67.120 RECONSTRUCTION AND REPLACEMENT**

(A) This section only applies to structures that are legally permitted or have obtained pre-existing legal nonconforming status.

(B) The property owner shall be responsible for all aspects of the operation, improvements, development, and maintenance of the site in compliance with the terms and conditions of the permit and all applicable local, state, and federal requirements.

(C) Tall structures may be replaced or reconstructed in order to improve the structural integrity of the tall structure or in the case of accidental damage or collapse.

(1) Reconstruction or replacement shall not:

- (a) increase lighting;
- (b) change the type of lighting;
- (c) change the tower type;
- (d) change the location of the tall

structure; or

(e) increase the height of a tall structure.

(2) In the case of accidental damage or collapse, if reconstruction or replacement has not commenced within one year of the date of the damage, the structure is considered to be abandoned and is subject to MSB 17.67.130 Abandonment.

(3) Reconstruction or replacement shall conform with requirements or conditions of a previously granted permit or pre-existing legal nonconforming determination.

**17.67.130 ABANDONMENT**

(A) Any tower that is not operated for a continuous 12 month period shall be considered abandoned. In such circumstances, the following shall apply:

(1) Tall structures shall be removed within 90 calendar days of abandonment at the owner's expense.

(2) An applicant wishing to extend the time for removal or to initiate reactivation shall submit a letter to the department stating the reason for such extension. The director may extend the time for removal or reactivation up to 90 additional calendar days upon a showing of good cause.

**17.67.140 TRANSFER OF A CONDITIONAL USE PERMIT.**

(A) Except as otherwise specified by code, or conditions placed by the commission or director, the privileges and requirements of a permit issued under this chapter shall run with the land.

**17.67.200 NONCONFORMING USES**

(A) Within the borough there may be tall structures which have commenced construction or are in existence as of the effective date of this chapter. Such structures which were lawful before the effective date of this chapter, but which would otherwise be prohibited, regulated or restricted under this chapter are allowed to continue but shall not be increased in height except as provided in this chapter.

(1) Structures which have commenced construction as of the date of adoption of this chapter are allowed to be constructed. The height of the structures one year after the date of adoption of this chapter shall be considered the final height of the structure. Such structures may only be expanded in accordance with a permit under this chapter.

(2) Existing or proposed structures which have been granted a conditional use permit under MSB 17.60 are considered to have pre-existing legal nonconforming status and are allowed to continue in accordance with the requirements of the permit but shall not be increased in height except as provided in this chapter.

(3) Structures which are existing as of the date of adoption of this chapter are eligible for pre-

existing legal nonconforming status under this chapter.

(4) All telecommunications towers greater than 85 feet shall comply with operations standards required by 17.67.090(C).

(B) Nonconforming tall structures which have commenced construction or are in existence as of the date of this chapter are eligible for pre-existing legal nonconforming status upon submittal of the following:

(1) name, title, and contact numbers of the landowner, applicant, and persons in charge of the operation;

(2) height of structure;

(3) legal description and borough tax account number of the subject parcel;

(4) a certified site plan;

(5) documentation of all signage within the equipment compound;

(6) documentation demonstrating that the structure was in existence or had commenced construction prior to the date of adoption of this chapter; and

(7) a non-refundable fee as prescribed under MSB 17.99.

(C) Within 15 calendar days of submittal, the director shall issue a determination of incompleteness if the application fails to meet the requirements of this chapter. Rejection of the application for pre-existing legal nonconforming status shall be in writing and shall state the deficient items. Once the deficiencies are corrected, the application shall be accepted as complete.

(D) Pre-existing legal non-conforming status will be determined based on the following:

(1) whether the applicant has demonstrated that the development was constructed legally under the applicable code provisions at the time, if any;

(2) whether the development meets standards in MSB 17.67.090(C).

#### **17.67.300 VIOLATIONS, ENFORCEMENT, AND PENALTIES**

(A) Remedies, enforcement actions, and penalties shall be consistent with the terms and provisions of MSB 1.45.

(B) In addition to other applicable penalties, failure to correct the violation of code, after reasonable notice, may result in revocation of the permit.

(C) Complaints received by the borough of violations of state or federal law will be forwarded to the appropriate agency for enforcement.

(D) Authorized representatives of the borough shall be allowed to inspect the site and related records at reasonable times for the purpose of monitoring compliance with all permit conditions.

(E) The permittee shall assist and cooperate with authorized inspections upon reasonable notice from the borough.

#### **17.67.400 APPEAL PROCEDURE**

(A) The provisions of MSB 15.39 govern appeals from a decision of the commission or the director, except for appeals from decisions on a Network Improvement Permit. Decisions on a Network Improvement Permit shall be appealed to a court of competent jurisdiction.

Section 3. Amendment of section. MSB 17.125.010 is hereby amended as follows:

["AM BROADCAST ANTENNA" MEANS A TOWER OR TOWERS USED FOR THE PROCESS OF RADIO BROADCASTING USING AMPLITUDE MODULATION.]

"Ancillary Structure" means any form of development associated with a telecommunication facility, including but not limited to: foundations,

concrete slabs on grade, guy wires, guy anchors, generators, and transmission cable supports; however, specifically excluding equipment cabinets.

["ANTENNA ARRAY" MEANS A GROUP OF ANTENNAS AND ASSOCIATED MOUNTING HARDWARE, TRANSMISSION LINES, OR OTHER APPURTENANCES WHICH SHARE A COMMON ATTACHMENT SUPPORT STRUCTURE FOR THE PURPOSE OF TRANSMITTING OR RECEIVING ELECTROMAGNETIC WAVES.]

"Equipment Compound" means the area occupied by a tower including areas inside or under the following: an antenna-support structure's framework, equipment cabinets, and ancillary structures[ SUCH AS EQUIPMENT NECESSARY TO OPERATE THE ANTENNA ON THE TOWER INCLUDING: CABINETS, SHELTERS, PEDESTALS, AND OTHER SIMILAR STRUCTURES AND ACCESS WAYS].

"EIA/TIA 222" MEANS THE MOST CURRENT STRUCTURAL STANDARDS FOR STEEL ANTENNA TOWERS AND ANTENNA SUPPORT STRUCTURES PUBLISHED BY THE TELECOMMUNICATION INDUSTRY ASSOCIATION AND ACCREDITED BY THE AMERICAN NATIONAL STANDARDS INSTITUTE.

"FALL RADIUS" MEANS THE CIRCULAR AREA MEASURED FROM THE BASE OF THE TOWER OUTWARD IN A CIRCULAR PATTERN (RADIUS) FOR A DISTANCE OF 100 PERCENT OF

THE PROPOSED OR EXISTING TOWER'S HEIGHT INCLUDING APPURTENANCES.]

"Height, Tall Structure" means the vertical distance measured from finished grade to the highest point of the tall structure, not including appurtenances, antennae or equipment affixed thereto. In the case of wind energy conversion systems, the blade is considered part of the overall height of the structure.

["SEARCH RING" MEANS A GEOGRAPHIC AREA IDENTIFIED BY THE COMMUNICATIONS SERVICE PROVIDER AS NECESSARY TO LOCATE A WIRELESS FACILITY IN ORDER TO ENHANCE OR EXPAND THEIR SERVICE.]

"Telecommunication tower" means a tower built for the sole or primary purpose of supporting any FCC licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

[CONTAINED WITHIN A TELECOMMUNICATION FACILITY.]

"TOWER BASE" MEANS THE FOUNDATION, USUALLY CONCRETE, ON WHICH THE TOWER AND OTHER SUPPORT EQUIPMENT ARE SITUATED.

"TOWER SITE" MEANS THE LAND AREA THAT CONTAINS, OR WILL CONTAIN, A PROPOSED TOWER, SUPPORT STRUCTURES, AND OTHER RELATED BUILDINGS AND IMPROVEMENTS. "WIDTH OF A STRUCTURE" MEANS THE HORIZONTAL DISTANCE MEASURED FROM THE OUTERMOST POINTS OF THE STRUCTURE INCLUDING ATTACHMENTS AND STRUCTURAL SUPPORTS BUT EXCLUDING GUY WIRES AND TRANSMISSION LINES STRUNG BETWEEN TOWERS AS IN THE CASE OF ELECTRICAL POWER LINES.]

"Transmission Equipment" means equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular backup power supply.

Section 4. Amendment of Section. The following definitions within MSB 17.60.010 are hereby repealed as follows:

[• "ALTERNATIVE TOWER STRUCTURE" MEANS TALL STRUCTURES SUCH AS: CLOCK TOWERS, SCULPTURES, STEEPLES, LIGHT POLES, BUILDINGS, ARTIFICIAL TREES, AND SIMILAR ALTERNATIVE-DESIGN STRUCTURES AND ARCHITECTURAL

FEATURES THAT SUPPORT, CONCEAL, OR CAMOUFLAGE ANTENNAS OR OTHER USES REQUIRING HEIGHT.

- "ANTENNA" MEANS A ROD, WIRE, OR SET OF WIRES USED IN SENDING AND RECEIVING ELECTROMAGNETIC WAVES.

- "COLLOCATION" MEANS THE LOCATION OF MORE THAN ONE USE OR ATTACHMENT, SUCH AS AN ANTENNA, ON THE SAME STRUCTURE OR SITE; ALSO THE LOCATION OF MORE THAN ONE STRUCTURE ON THE SAME SITE.

- "HEIGHT OF STRUCTURE" MEANS THE VERTICAL DISTANCE MEASURED FROM THE BASE OF THE STRUCTURE AT FINISHED GRADE, TO THE HIGHEST POINT OF THE STRUCTURE INCLUDING APPURTENANCES. THE AVERAGE BETWEEN THE HIGHEST AND LOWEST GRADES WITHIN 20 FEET OF THE STRUCTURE SHALL BE CONSIDERED FINISHED GRADE AND USED IN CALCULATING THE HEIGHT.

- "TALL STRUCTURE" MEANS A STRUCTURE THAT IS HIGH OR TALL, RELATIVE TO ITS SURROUNDINGS. THE TERM INCLUDES, BUT IS NOT LIMITED TO, FLAG POLES, SCULPTURE, BUILDINGS, ELEVATORS, STORAGE OR PROCESSING FACILITIES, WATER TANKS, DERRICKS, CRANES, SIGNS, CHIMNEYS, AREA ILLUMINATION POLES, TOWERS, SUPPORTS FOR COMMUNICATION, AND POWER TRANSMISSION LINES.

- "TOWER" MEANS A TYPE OF TALL STRUCTURE NOT INTENDED FOR OCCUPANCY AND INCLUDES, BUT IS NOT LIMITED TO,

ANTENNA, MONOPOLES, SELF-SUPPORTING LATTICE, GUYED STRUCTURES, AND ALTERNATIVE TYPE STRUCTURES FOR USES INCLUDING, BUT NOT LIMITED TO, TELECOMMUNICATION AS IN RECEIVING OR TRANSMISSION OF TELEVISION, MICROWAVE, CELLULAR TELEPHONE, COMMON CARRIER, PERSONAL COMMUNICATIONS SERVICE (PCS), OR OTHER RADIO WAVE SIGNALS. A TOWER MAY BE FREE STANDING OR ATTACHED TO A STRUCTURE.

- "TOWER FARM" MEANS A LOT OR CONTIGUOUS GROUP OF LOTS USED AS A LOCATION FOR MORE THAN ONE TOWER.

- "TOWER LINE ROUTE" MEANS THE ROUTE TRAVERSED BY TWO OR MORE TOWERS SUPPORTING COMMON SERVICE AS IN ELECTRICAL POWER, COMMUNICATIONS, OR LIGHTING.

- "TOWER SERVICE AREA GRID" MEANS THE SERVICE AREA AND LOCATIONS OF TWO OR MORE TOWERS PROVIDING COMMON SERVICE AS IN A CELLULAR TELEPHONE SERVICE AREA.

- "WIDTH OF A STRUCTURE" MEANS THE HORIZONTAL DISTANCE MEASURED FROM THE OUTERMOST POINTS OF THE STRUCTURE INCLUDING ATTACHMENTS AND STRUCTURAL SUPPORTS BUT EXCLUDING GUY WIRES AND TRANSMISSION LINES STRUNG BETWEEN TOWERS AS IN THE CASE OF ELECTRICAL POWER LINES.]

Section 5. Amendment of Section. MSB 17.60.030 is hereby amended as follows:

17.60.030 PERMIT REQUIRED.

(A) The following land uses are declared to be potentially damaging to the property values and usefulness of adjacent properties, or potentially harmful to the public health, safety, and welfare:

(1) junkyards and refuse areas;

(2) correctional community residential centers;

(3) race tracks used by motorized vehicles carrying people on land;

[(4) TALL STRUCTURES EXCEEDING THE MAXIMUM ALLOWABLE HEIGHT FOR STRUCTURES WITHIN A SPECIAL LAND USE DISTRICT OR EXCEEDING 100 FEET ABOVE AVERAGE GRADE IN LOCATIONS WHERE NO MAXIMUM HEIGHT FOR STRUCTURES IS DESIGNATED BY BOROUGH CODE;

(5) TOWER FARMS CONTAINING TWO OR MORE TALL TOWERS REGULATED UNDER THIS CHAPTER;

(6) TOWER LINE ROUTES AND TOWER SERVICE AREA GRIDS, CONTAINING TWO OR MORE TOWERS REGULATED UNDER THIS CHAPTER; AND

(7) ELECTRICAL LIGHTING TOWERS IN EXCESS OF 185 FEET LOCATED WITHIN THE ROAD RIGHTS-OF-WAY ALONG MAJOR ARTERIAL CORRIDORS.]

Section 6. Repeal of Section. MSB 17.60.145 is hereby repealed in its entirety.

Section 7. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2014.

LARRY DeVILBISS, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

**SUBJECT:** AN ORDINANCE AUTHORIZING AND APPROVING A LOAN FROM THE USDA IN THE AMOUNT NOT TO EXCEED \$6,700,000 FOR THE PURPOSE OF PROVIDING FOR ALL OR A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING FRONTERAS SPANISH IMMERSION CHARTER SCHOOL; AND, 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 USDA AND PROVIDE FOR REPAYMENT OF THE LOAN.

**AGENDA OF:** January 20, 2015

**ASSEMBLY ACTION:**

**MANAGER RECOMMENDATION:** Introduce and set for public hearing.

**APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:**

Route To:	Department/Individual	Initials	Remarks
	Originator		
	Finance Director	JMC	1/13/15
	Borough Attorney	NS	
	Borough Clerk	JRM	1/13/15

**ATTACHMENT(S):** Fiscal Note: NO  YES  X  
 Ordinance Serial No. 15-017 (9 pp)  
 Ordinance Serial No. 15-018 (3 pp)  
 Charter School Lease Agreement (3 pp)  
 USDA Loan Resolution (2 pp)

Ordinance Serial NO. 15-019 (

*JPP and Beck and Arvin*

**SUMMARY STATEMENT:**

This ordinance is sponsored by Assemblymember Colver to obtain a loan in the proposed amount of \$6,633,000 from the USDA for the construction of a school for Fronteras Spanish Immersion Charter School.

This ordinance is based on a draft of a resolution provided by USDA. The loan here is legal because it will be much like a

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certificate of participation bond such as was used to finance the Goose Creek Correctional Center in this sense: the only thing securing the loan is the revenues from the lease of the facility to the Fronteras Charter School.

The draft resolution from the USDA was used as a template for the Ordinance approving the loan. It was modified slightly to reflect the fact that this is a direct loan and not an issuance of a bond. It was also modified because there are no other funds legally available to secure the Borough's commitments to the USDA in the event of a default or indemnification. Finally, Matanuska-Susitna Borough Code requires an ordinance whenever the Borough borrows money which is the reason this is an ordinance and not a resolution.

The companion ordinance with the approval of the loan is an ordinance authorizing the Borough Manager to enter into a lease with Fronteras Charter School to establish the revenue stream needed to fund the USDA loan. The lease will be for a 40 year term with an anticipated rental amount of \$396,000 per year. The lease is in draft form and the Manager is authorized to modify it as necessary to ensure a successful project while still protecting the interests of the Matanuska-Susitna Borough.

**RECOMMENDATION OF ADMINISTRATION:** Introduce and set for public hearing.

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**MATANUSKA-SUSITNA BOROUGH  
FISCAL NOTE**

Agenda Date: January 20, 2015

SUBJECT: AN ORDINANCE AUTHORIZING AND APPROVING A LOAN FROM THE USDA FOR THE PURPOSE OF PROVIDING FOR ALL OR A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING FRONTERAS SPANISH IMMERSION CHARTER SCHOOL AND AUTHORIZING AND APPROVING A LEASE OF BOROUGH PROPERTY TO FRONTERAS SPANISH IMMERSION CHARTER SCHOOL UPON SUCH TERMS, CONDITIONS AND PROVISIONS AS NECESSARY AND ADVISABLE TO SECURE A LOAN FROM USDA AND PROVIDE FOR REPAYMENT OF THE LOAN.

ORIGINATOR:

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT (YES) NO
AMOUNT REQUESTED <u>6,700,000</u>	FUNDING SOURCE <u>USDA Loan</u>
FROM ACCOUNT #	PROJECT #
TO ACCOUNT: <u>400-000-800-4XX</u>	PROJECT #
VERIFIED BY: <u>[Signature]</u>	CERTIFIED BY:
DATE: <u>1/13/15</u>	DATE:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous - <u>Loan Pmt</u>			<u>396.</u>	→		
TOTAL OPERATING						

CAPITAL		<u>6,700</u>				
---------	--	--------------	--	--	--	--

REVENUE <u>Lease</u>			<u>396.</u>	→		
----------------------	--	--	-------------	---	--	--

FUNDING: (Thousands of Dollars)

General Fund						
State/Federal Funds						
Other						
TOTAL						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: [Signature] PHONE: \_\_\_\_\_  
 DEPARTMENT: \_\_\_\_\_ DATE: \_\_\_\_\_  
 APPROVED BY: \_\_\_\_\_ DATE: 1/13/15

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FP DRAFT 9/5/14

**CHARTER SCHOOL LEASE AGREEMENT**

**By and Between**

**MATANUSKA-SUSITNA BOROUGH, as Lessor**

**And**

**FRONTERAS SPANISH IMMERSION CHARTER SCHOOL ACADEMIC POLICY  
COMMITTEE, as Lessee**

**Dated as of [\_\_\_\_\_] 1, 2014**

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## CHARTER SCHOOL LEASE AGREEMENT

This CHARTER SCHOOL LEASE AGREEMENT (this "Agreement") is entered into as of [\_\_\_\_\_] 1, 2014, by and between the MATANUSKA-SUSITNA BOROUGH, a second-class borough of the State of Alaska, as lessor (the "Borough"), and FRONTERAS SPANISH IMMERSION CHARTER SCHOOL ACADEMIC POLICY COMMITTEE, an Alaska nonprofit corporation, as lessee (the "School").

### RECITALS

(a) The Borough has determined that it would be in the best interest of the Borough and in furtherance of the public purposes of the Borough to acquire, construct and equip a school building (as further defined herein, the "Project") within the Borough.

(b) The Borough has title to the real property more particularly described in Exhibit A hereto (the "Land") as the site for the Project.

(c) Under Ordinance Serial No. [\_\_\_\_\_] , adopted by the Assembly of the Borough on [\_\_\_\_\_] , 2014, the Borough is authorized to enter into this Agreement and to obtain a loan (the "Loan") pursuant to a loan agreement (the "Loan Agreement") with the United States of America acting through the Department of Agriculture (the "Lender"). The sole source of payment for the Loan is certain payments ("Lease Payments") to be made by the School under this Agreement.

(d) The School acknowledges that the Borough is entering into the Loan Agreement simultaneously with the execution of this Agreement to finance the acquisition, construction and equipping of the Project.

NOW, THEREFORE, pursuant to law and for and in consideration of the mutual covenants, promises and agreements contained herein, the parties agree as follows:

### ARTICLE I DEFINITIONS

Capitalized terms used in this Agreement shall have the meaning given such terms in Appendix I.

### ARTICLE II PROPERTY

The Borough hereby leases to the School, and the School hereby leases from the Borough, the Property.

### ARTICLE III FACILITY CONSTRUCTION

Using the proceeds of the Loan, the Borough will manage the design and procurement process for the Facility, pursuant to the terms of the Construction Agreement. The Borough will

administer all design and construction contracts for the Facility in accordance with the Construction Agreement. The Borough's costs associated with the design and construction of the Facility are tabulated in a construction budget included in the Construction Agreement.

**ARTICLE IV  
LEASE TERM**

This Agreement is effective upon its execution by the Borough and the School and shall extend for a term ending on [\_\_\_\_]; *provided*, that

(a) so long as the School is in occupancy of the Property under this Agreement, the term of this Agreement shall terminate prior to [\_\_\_\_] upon an election by the School pursuant to Article XII or Article XIII to cause the Trustee to use insurance or condemnation proceeds from the destruction, loss, or condemnation of all or substantially all of the Property to prepay or defease the principal of the Loan then outstanding in accordance with the applicable provisions set forth in the Loan Agreement; and

(b) if the School is no longer in occupancy of the Property as a result of its default and the Borough has not elected to terminate this Agreement, then the term of this Agreement shall expire upon the earliest of (1) the date that all Lease Payments have been paid or provided for in full and (2) [\_\_\_\_].

**ARTICLE V  
LEASE PAYMENTS**

5.1 Lease Payments.

(a) Lease Payment Obligations. Commencing on the [Closing Date]/[Completion Date], the School shall be obligated to make Lease Payments.

(b) Lease Payments. The Lease Payments are set forth in Exhibit B to this Agreement. From and after the [Closing Date]/[Completion Date], on or before five Business Days prior to each date on which each Lease Payment is due, as shown on Exhibit B to this Agreement (each, a "Lease Payment Due Date"), the School shall remit the amount of each Lease Payment to the Trustee in immediately available funds.

(c) Pledge to Budget for Lease Payments. Not less than 60 days prior to the beginning of each fiscal year, the School shall adopt a budget for such fiscal year and include in such budget all Lease Payments and Incidental Payments required by this Agreement to be paid in such fiscal year. Promptly after adoption, the School shall provide a copy of such budget to the Borough.

5.2 Incidental Payments. From and after the [Closing Date]/[Completion Date], the School shall also pay, without notice and without set-off, deduction or abatement, Incidental Payments. In the event of any non-payment of Incidental Payments, the Borough shall have, in addition to all other rights and remedies, all rights and remedies provided for herein or by law for the non-payment of Lease Payments.

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5.3 Quiet Enjoyment. Upon payment by the School of the Lease Payments and Incidental Payments herein provided, and upon the observance and performance of the covenants, terms and conditions on the School's part to be observed and performed, the Borough covenants that the School shall peaceably and quietly hold and enjoy the Property under this Agreement for the term hereby demised without hindrance or interruption by the Borough or any Person lawfully or equitably claiming by, through or under the Borough. In the event there is any breach by the Borough of its covenant of quiet enjoyment as a result of the loss of title to all or any portion of the Property, the provisions of Article XII shall determine the right of the School to terminate this Agreement and the distribution of any payments received from the title insurance companies insuring the rights of the School and the rights of the Borough.

## ARTICLE VI USE

6.1 Use of Premises. The School may use the Facility only as provided in the recitals to this Agreement.

6.2 Compliance with Laws. The School shall comply with all federal, State and local laws, regulations and ordinances applicable to the Property and the use or occupancy thereof.

(a) The School shall manage and operate the Facility subject to the operating and employment procedures adopted by the Borough.

(b) The School shall operate the Facility based on the annual budget adopted pursuant to Section 5.1(c).

(c) The School shall deliver monthly and annual reports to the Borough that include financial and operational statistics.

(d) The School shall permit the Borough to inspect its books and records at reasonable hours upon reasonable notice.

(e) The School shall comply with all requirements related to the federal financial assistance provided to the Borough by the Lender as if the School were the recipient of such assistance.

(f) The School shall obtain and maintain all necessary licenses, certifications, and accreditations as may be necessary to operate, maintain or manage the Facility.

6.3 Environmental Conditions. The School represents and warrants to the Borough that:

(a) The School, to the best of its knowledge, is not in violation or subject to any existing, pending or threatened investigation by any governmental authority under any applicable federal, State or local law, regulation or ordinance pertaining to air or water quality, the handling, transportation, storage, treatment, usage or disposal of Toxic or Hazardous Substances, air emissions, other environmental matters or any zoning or other land use matters relating to the Property.

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(b) Any handling, transportation, storage, treatment or use of Toxic or Hazardous Substances that will occur on the Property in connection with the School's occupancy of the Property will be in compliance with all applicable federal, State, and local laws, regulations and ordinances.

**ARTICLE VII  
TRIPLE NET LEASE**

7.1 Triple Net Lease. This Agreement is a "triple net lease" and except as otherwise expressly provided in this Agreement, the School's obligations to make Lease Payments as provided in Article V and the School's obligations to perform and observe all of its other covenants and agreements contained herein shall be absolute and unconditional, and the failure by the School to make Lease Payments at the time and in the amounts set forth in Exhibit B or Incidental Payments as and when the same become due shall constitute a Lease Default Event. All Lease Payments shall be made without notice or demand and without setoff, counterclaim, abatement, deduction or defense whatsoever. The School assumes the sole responsibility for the condition, use, operation, maintenance and management of the Property, and the School will, at its sole cost and expense, pay all Impositions, pay labor and professional costs and make all other payments with respect to the Property, keep and maintain the Property in good repair and condition and in compliance with all applicable laws, rules, regulations, statutes, and ordinances, and make all structural, non-structural, ordinary and extraordinary changes, repairs and replacements that may be required to be made upon or in connection with the Improvements in order to keep the same in good repair and condition, reasonable wear and tear and ordinary use excepted. The School shall limit expenditures on emergency repairs to those provided for in the budget adopted pursuant to Section 5.1(c). Notwithstanding anything in this Agreement to the contrary, the School shall have no obligation whatsoever to indemnify the Borough for any claims, losses, liabilities or damages arising from the negligent or willful acts or omissions of the Borough.

7.2 Lease Nonterminable. Except as otherwise expressly provided in Articles IV, V, XII and XIII, this Agreement shall not terminate, nor shall the School have any right to terminate this Agreement or to be released or discharged from any obligations or liabilities hereunder for any reason, including damage or destruction of the Property, it being the intention of the parties hereto that all Lease Payments payable by the School hereunder shall continue to be payable in all events in the manner and at the times herein provided unless the obligation to pay the same shall be terminated pursuant to the express provisions of this Agreement.

7.3 Compliance with Laws. From and after the Completion Date, the School shall, at its own cost and expense, perform and comply with all laws, rules, orders, ordinances, regulations and requirements now or hereafter enacted or promulgated (including all zoning, pollution and environmental requirements, the "Environmental Requirements") of every government and municipality having jurisdiction over the Property and of any agency thereof, relating to the Property, or the facilities or equipment thereon or therein, or the streets, sidewalks, curbs and gutters adjoining the Property, or the use or operation of the Property, whether or not such laws, rules, orders, ordinances, regulations or requirements so involved shall necessitate structural changes, improvements, interference with use and enjoyment of the Property, replacements or repairs, and the School shall so perform and comply, whether or not such laws,

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rules, orders, ordinances, regulations or requirements shall now exist or shall hereafter be enacted or promulgated, and whether or not such laws, rules, orders, ordinances, regulations or requirements can be said to be within the present contemplation of the parties hereto.

7.4 School's Right to Contest. The School shall have the right to contest, by appropriate legal proceedings, any tax, charge, levy, assessment, lien or other encumbrance, and/or any law, rule, order, ordinance, regulation or other governmental requirement affecting the Property, and to postpone payment of or compliance with the same during the pendency of such contest, if otherwise allowed by law, provided that: (a) the School shall not postpone the payment of any such tax, charge, levy, assessment, lien or other encumbrance for such length of time as shall permit the Property, or any lien thereon created by such item being contested, to be sold by federal, State or municipal authority for the non-payment thereof; (b) the School shall not postpone compliance with any such law, rule, order, ordinance, regulation or other governmental requirement if the Borough will thereby be subject to criminal prosecution, or if any municipal or other governmental authority shall commence a process according to applicable law to carry out any act to comply with the same or to foreclose or sell any lien affecting all or part of the Property which shall have arisen by reason of such postponement or failure of compliance; (c) the School shall proceed diligently and in good faith to resolve such contest; (d) such contest shall be in compliance with all laws, rules, orders, ordinances, regulations or other governmental requirements; and (e) the School shall not postpone compliance with any such laws, rules, orders, ordinances, regulations or other governmental requirements if the same shall invalidate any insurance required by this Agreement.

**ARTICLE VIII  
ALTERATIONS BY SCHOOL**

The School may, at its own cost and expense, with the consent of the Borough, which consent may be given or withheld at the sole discretion of the Borough, make additions or improvements to or alterations of the Land or the Facility, provided such work when completed does not impair the structural integrity of the Land or the Facility (collectively, the "Improvements"). Notwithstanding the foregoing, the School shall not make any Improvements in violation of the terms of any restriction, easement, condition or covenant or other matter affecting title to the Property. Any such Improvements shall be constructed in a good and workmanlike manner and in compliance with all applicable laws, rules, regulations, ordinances and covenants applicable to the Property.

**ARTICLE IX  
PUBLIC LIABILITY INSURANCE; INDEMNITY**

9.1 Liability Insurance. From and after the Completion Date, the School shall maintain, or cause to be maintained, in full force and effect, comprehensive general liability insurance covering the Property in such amounts as may be established by the Borough from time to time but in any event not less than \$[ ] per occurrence. The School may provide all or a portion of any insurance through the Borough. Such insurance may be carried under a blanket policy with umbrella coverage and shall cover any and all liability of the School and its officials, officers, employees and agents, and the procurement thereof does not constitute a waiver of any defense of governmental immunity. Such insurance (a) shall include coverage for

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any accident resulting in personal injury to or death of any person and consequential damages arising therefrom; (b) shall include comprehensive property damage insurance; (c) shall be issued by a financially responsible insurance company authorized to do business in the State; (d) shall name the Trustee and the Borough as additional insureds thereunder; (e) shall provide that the same may not be cancelled or given notice of non-renewal nor shall the terms of conditions thereof be altered, amended or modified without at least 45 days prior written notice being given by the insurer to the Trustee and the Borough; and (f) shall include contractual liability coverage. The School shall furnish to the Trustee on or before the Completion Date and on or before the effective date of any such policy, certificates of insurance evidencing that the same shall be in full force and effect on such effective date and that the premiums therefor have been paid.

9.2 Indemnity. The School shall indemnify, defend, and hold the Borough harmless from and against all claims, including any action or proceedings brought thereon and all costs, expenses and liabilities (including attorneys' fees) incurred in connection therewith, arising from or as a result of any death, accident, injury, loss, or damage occurring after the Completion Date and arising out of the School's direction, use and operation of the Facility; *provided*, that the Borough shall not be entitled to such indemnification when and to the extent that a court, after a contested determination of the issues or an adjudication of the claim, finds that a loss or claim was caused by the negligence, bad faith or misconduct of the Borough. In such case, the defense, indemnification, and hold harmless provision is reduced by the proportionate amount of the Borough's negligence, bad faith, or misconduct. The provisions of this Section shall survive the expiration or termination of this Agreement.

## ARTICLE X ALL-RISK PROPERTY INSURANCE

Following the Completion Date, the School shall carry or cause to be carried all-risk property insurance coverage covering the Facility in such amounts and covering such risks as the Borough may determine from time to time. Such insurance shall be carried with financially responsible insurance companies authorized to do business in the State. The School shall furnish to the Trustee, on or before the effective date of any such policy, certificates of insurance evidencing that the insurance required by this Article are in force and effect on the specified date and that the premiums therefor have been paid. Such policies shall contain a provision that the same may not be cancelled or given notice of non-renewal nor shall the terms of conditions thereof be altered, amended or modified without at least 45 days' prior written notice being given by the insurer to the Trustee and the Borough.

## ARTICLE XI LIENS

The School shall not create, incur, assume or suffer to exist any mortgage, pledge, lien, charge, encumbrance or claim on or with respect to the Property, other than the rights of the Trustee, the Lender and the Borough as herein provided. The School shall promptly, at its own expense, take such action as may be necessary to duly discharge or remove any such mortgage, pledge, lien, charge, encumbrance or claim if the same shall arise at any time. The School shall

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reimburse the Trustee, the Lender and the Borough for any expense incurred by it in order to discharge or remove any such mortgage, pledge, lien, charge, encumbrance or claim.

**ARTICLE XII**  
**EMINENT DOMAIN OR LOSS OF TITLE TO PROPERTY**

12.1 Eminent Domain Proceedings or Loss of Title. The following provisions shall apply with respect to eminent domain proceedings or loss of title:

(a) Total Taking. If all of the Property is taken by eminent domain or there is a total loss of title to the Property which is insured under a policy or policies of title insurance, this Agreement shall terminate as of the date the Borough and/or the School, as applicable, is required to vacate the Property.

(b) Partial Taking or Loss of Title. If a taking of any part of the Property by eminent domain or loss of title to any part of the Property renders the Property unsuitable, in the judgment of the School, for the use and occupancy of the Facility, for the construction of the Facility, or following construction of the Facility the use and occupancy of same, this Agreement may, at the option of the School, be terminated as of the date when the Borough and/or the School, as applicable, is required to vacate the portion of the Property so taken or lost, by written notice given to the Trustee and the Borough not more than 180 days after the School receives notice of the taking or loss.

(c) Awards. In any proceeding whereby all or part of the Property is taken by eminent domain or there is a loss of title to all or part of the Property, whether or not the School elects to terminate this Agreement, all of the condemnation award or payments received from the title insurance companies which insured title to the Property shall be paid to the Borough, which shall, after deducting all costs and expenses incurred by the School and/or Borough in connection with the negotiation, adjustment and collection of the award or payment, apply the award or payment as follows:

(1) In the event there is a complete failure of title to the Property or all of the Property is taken by eminent domain, or in the event of a partial loss of title or taking wherein the School has elected to terminate this Agreement, the Borough shall pay the Trustee such portion of the condemnation award or awards or title insurance payment or payments as is necessary to prepay or defease the principal of the Loan then outstanding in accordance with the applicable provisions set forth in the Loan Agreement. The balance of the award or awards or title insurance payment or payments, if any shall be retained by the Borough.

(2) In the event of a partial loss of title or taking wherein the School has not elected to terminate this Agreement, the award or awards or title insurance payments or payments shall be retained by the Borough and applied to Lease Payments due under this Agreement.

12.2 Continuance of this Agreement Following Less than Substantial Condemnation or Loss of Title to the Property. If there is a partial taking of the Property by eminent domain or a partial loss of title to the Property and the School elects not to terminate this Agreement, this Agreement shall not terminate as to the remainder of the Property and there shall be no

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abatement of Lease Payments otherwise payable by the School hereunder, and the Borough shall proceed immediately and with due diligence, using such portion of the condemnation award or awards or title insurance payment or payments as may be necessary to repair, rebuild or restore all or any portion of the Property that may have been taken as nearly as practicable in full compliance with all legal requirements and to the same condition, character and at least equal value and utility to that existing prior to such condemnation or loss.

12.3 Insufficiency of Condemnation Award or Title Insurance Payments. If the condemnation award or title insurance payment is insufficient to pay in full the cost of any repair, restoration, modification or improvement of any component of the Property, the School may elect to have the Borough complete the work at the expense of the School and pay any cost in excess of the amount of the condemnation award or title insurance payment. The School shall not be entitled to any reimbursement therefor from the Borough nor shall the School be entitled to any diminution of any Lease Payments otherwise payable hereunder. In no event shall an insufficient award or payment obligate the Borough to incur any expense to complete any work.

12.4 Temporary Taking. If the temporary use of all or any part of the Property or the appurtenances thereto shall be taken, the term of this Agreement shall not be affected in any way, and the School shall continue to pay in full the Lease Payments and other sums or sums of money herein provided to be paid by the School, and the entire award for such taking shall be paid to and retained by the Borough and applied to Lease Payments due under this Agreement.

12.5 Personal Property and Moving Expenses. Any award or part of an award specifically paid as compensation for the taking of personal property, furniture or equipment owned by the School or for the moving expenses of the School shall be payable to the School.

12.6 Cooperation of the Borough. The Borough shall cooperate fully with the School in filing any proof of loss with respect to any insurance policy covering the events described in Articles XII and XIII and in the prosecution or defense of any prospective or pending condemnation proceeding with respect to the Property or any part thereof.

### ARTICLE XIII DESTRUCTION OF PROPERTY

In the event the Property is damaged or destroyed by fire or other casualty, this Agreement shall not terminate and there shall be no abatement of the Lease Payments otherwise payable by the School hereunder. Within 180 days following such damage or destruction, the School shall notify the Trustee and the Borough of its election to either prepay or defease the principal of the Loan then outstanding in accordance with the applicable provisions set forth in the Loan Agreement or to rebuild the Property. In the event the School elects to prepay or defease the principal of the Loan, the Borough shall, after deducting all costs and expenses incurred by the School and/or the Borough in connection with the negotiation, adjustment and collection of the insurance proceeds, pay the Trustee such portion of the insurance proceeds as is necessary to prepay or defease the principal of the Loan then outstanding in accordance with the applicable provisions set forth in the Loan Agreement. The balance of the insurance proceeds shall be retained by the Borough. In the event the School elects to rebuild the Property, there shall be no abatement of Lease Payments otherwise payable by the School hereunder, and the

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Borough shall use such portion of the insurance proceeds as may be necessary to repair, rebuild or restore all or any portion of the Property that may have been damaged or destroyed as nearly as practicable in full compliance with all legal requirements and to the same condition, character and at least equal value and utility to that existing prior to such damage or destruction. If the insurance proceeds are insufficient to pay in full the cost of any repair, restoration, modification, or improvements of any component of the Property, the School may elect to have the Borough complete the work at the expense of the School and pay any costs in excess of the amount of the insurance proceeds. The School shall not be entitled to any reimbursement therefor from the Borough nor shall the School be entitled to any diminution of any Lease Payments otherwise payable hereunder. In no event shall an insufficiency of insurance proceeds obligate the Borough to incur any expense to complete any work.

**ARTICLE XIV  
ACCESS BY THE BOROUGH**

At any time during the term hereof the Borough or the Borough's agents or assignees shall have the right to enter the Property on reasonable notice to examine the same. Nothing contained herein shall be construed to impose upon the Borough any duty to repair the Property.

**ARTICLE XV  
ASSIGNMENT AND SUBLEASING**

15.1 Assignment by Borough. The Borough's right, title and interest in, and obligations and duties under, this Agreement, including the right to receive and enforce payment of the Lease Payments to be made by the School under this Agreement, may be assigned by the Borough only to the Trustee pursuant to the Assignment of Lease, or by the Trustee as permitted under the Loan Agreement. Any other attempted conveyance, transfer or assignment, whether voluntarily or by operation of law or otherwise, to any Person shall be void and of no effect whatsoever.

15.2 Assignment and Subleasing by School. This Agreement may not be assigned and no part of the Land or the Improvements may be subleased by the School without the prior written consent of the Borough. No such assignment or sublease shall release the School from its obligation to make Lease Payments pursuant to and subject to the terms and conditions set forth in this Agreement.

**ARTICLE XVI  
DEFAULT BY SCHOOL**

16.1 Lease Default Events. Each of the following constitutes a "Lease Default Event":

- (a) The School fails to make any Lease Payment or pay any other sum of money when due, including Incidental Payments, that the School obligated to pay under this Agreement; or
- (b) The School defaults in the performance or observance of any of the other terms, covenants, conditions or agreements of this Agreement for 30 days after written notice and demand by the Trustee or the Borough to School thereof, or if such default is of such a

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nature that the same can be cured but cannot practicably be cured within such 30-day period, the School does not within such 30-day period commence with due diligence to cure such default and within 60 days after such 30-day period thereafter cure such default.

16.2 Remedies. If a Lease Default Event occurs, the Borough may elect, in addition to any other rights or remedies it may have:

(a) To continue this Agreement in effect until the Borough elects to terminate the School's right to possession, whereupon the School shall remain liable to perform all of its obligations under this Agreement and the Borough may enforce all of the Borough's rights and remedies, including the right to recover Lease Payments, and any other sum payable hereunder as and when the same become due; or

(b) To terminate the School's possession of the Property, whereupon this Agreement and all of the School's obligations hereunder, including the obligation to make Lease Payments shall terminate.

16.3 Reletting of the Property. If the Borough elects to continue this Agreement in effect upon the occurrence of a Lease Default Event, the Borough shall use all commercially reasonable efforts to relet or occupy the Property upon commercially reasonable terms.

16.4 Waiver. Neither the acceptance of Lease Payments nor any other actions or omissions of the Borough at any time or times after the happening of any event authorizing the termination of this Agreement shall operate as a waiver of any past or future violation, breach or failure by the School to keep or perform any covenant, agreement, term or condition hereof, or deprive the Borough of its right to terminate this Agreement at any time that cause for termination may exist, or be construed so as at any future time to prevent the Borough from promptly exercising any other right or remedy that the Borough may have under any term or provision of this Agreement.

16.5 Force Majeure. If by reason of *force majeure* the School is unable in whole or in part to carry out its obligations under this Agreement with respect to the Property, other than its obligation to pay Lease Payments and Incidental Payments with respect thereto, the School shall not be deemed in default during the continuance of such inability, provided notice thereof is given to the Trustee and the Borough. "*Force majeure*" means any cause or event not reasonably within the control of the School and not resulting from the negligence of the School and includes the following: acts of God; strikes, lockouts or other industrial disturbances; acts of public enemies; orders or restraints of any kind of the government of the United States of America or the State or their respective departments, agencies or officials, or any civil or military authority; insurrections; riots; landslides; volcanoes; earthquakes; fires; storms; droughts; floods; explosions; breakage or accident to machinery, transmission pipes or canals. The School agrees to remedy with all reasonable dispatch the cause or causes preventing the School from carrying out its agreements hereunder; *provided*, that the settlement of strikes, lockouts and other industrial disturbances shall be entirely within the discretion of the School and the School shall not be required to make settlement of strikes, lockouts and other industrial disturbances by acceding to the demands of the opposing party or parties when such course is in the judgment of the School unfavorable to the School.

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16.6 Termination. Upon termination of this Agreement, the School shall vacate the Property, return the same to the Borough and thereupon be released of all of its obligations hereunder, including its obligations to make all further payments thereafter due under this Agreement, so long as the School vacates the Property and the vacated Property is delivered free and clear of all liens or encumbrances created by the School.

**ARTICLE XVII  
MISCELLANEOUS**

17.1 Notices. Any notices required in accordance with any of the provisions herein shall be sent by registered or certified mail or overnight courier addressed to the Borough, the School, the Trustee or the Lender, respectively, as follows:

Address of the Borough:

Matanuska-Susitna Borough  
350 East Dahlia Avenue  
Palmer, Alaska 99645  
Attn.: Borough Manager

With a copy to:

Matanuska-Susitna Borough  
350 East Dahlia Avenue  
Palmer, Alaska 99645  
Attn.: Finance Director

Address of the School:

Attn.:

With a copy to:

Attn.:

Address of Trustee:

U.S. Bank National Association  
1420 Fifth Avenue, 7th Floor  
Seattle, Washington 98101

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Attn.: Corporate Trust Department

Address of Lender:

Attn.:

or at such other place as the parties above direct in writing. All notices shall be deemed effective upon receipt, refusal of delivery or attempted delivery.

17.2 No Joint Venture. It is not intended by this Agreement to, and nothing contained in this Agreement shall, create any partnership, joint venture or other arrangement between the Borough and the School. No term or provision of this Agreement is intended to be, or shall be, for the benefit of any other Person nor shall any other Person have any right or cause of action hereunder.

17.3 Entire Agreement. This Agreement and any exhibits and attachments hereto and forming a part hereof and the Construction Agreement set forth the entire agreement of the Borough and the School concerning the Property, and there are no other such agreements or understandings, oral or written, between the Borough and the School. Any subsequent modification of this Agreement shall be binding upon the Borough and School only if reduced to writing and signed by the party intended to be bound.

17.4 Partial Invalidity. If any term, covenant or condition of this Agreement or the application thereof to any Person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term, covenant or condition to Persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term, covenant or condition of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

17.5 No Merger. In no event shall (a) the leasehold interest of the School or the estate of the Borough or (b) the rights of the Trustee or the Lender under the Loan Agreement or (c) the leasehold interest, estate or rights of the School as lessee under this Agreement merge with any interest of the School or rights of the Borough as the fee owner of the Property, it being understood that such leasehold interests, estates or rights of the Borough as the fee owner or the Trustee and the Lender as owner of the leasehold interest, estate and right of the School as lessee under this Agreement shall be deemed to be separate and distinct from the School's interest, estate and rights as lessee of the Property and the Borough's rights as fee owner, notwithstanding that any such interests, estates or rights shall at any time or times be held by or vested in the same Person.

17.6 Amendments or Modifications of this Agreement. Subject to the limitations and conditions set forth herein and in the Loan Agreement, the Borough and the School may execute such amendments or modifications to this Agreement as they may deem necessary or desirable from time to time and at any time without the consent of the Trustee or the Lender.

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17.7 Governing Law, Time. This Agreement and the rights of the parties hereto shall be governed and construed in accordance with the laws of the State. In the event any action is brought to enforce the provisions of this Agreement, the venue of any such action shall be in the Third Judicial District of the State, and the parties hereto hereby stipulate to the jurisdiction and venue in the Third Judicial District of the State in Palmer, Alaska. Time is of the essence in the performance of the obligations under this Agreement.

[Signature page follows]

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above set forth.

BOROUGH:

MATANUSKA-SUSITNA BOROUGH

By \_\_\_\_\_

John Moosey  
Borough Manager

SCHOOL:

FRONTERAS SPANISH IMMERSION  
CHARTER SCHOOL ACADEMIC POLICY  
COMMITTEE

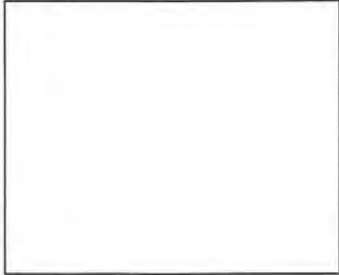
By \_\_\_\_\_

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STATE OF ALASKA                    )  
  ) ss.  
THIRD JUDICIAL DISTRICT        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by John Moosey, Borough Manager of the Matanuska-Susitna Borough, Alaska, on behalf of the Borough.



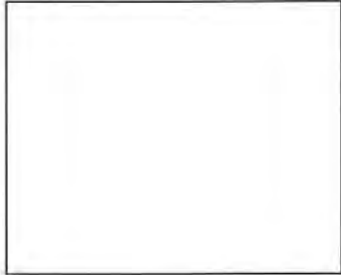
\_\_\_\_\_  
(Signature of Notary)  
Notary public for Alaska  
My commission expires \_\_\_\_\_.

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STATE OF ALASKA                    )  
  ) ss.  
THIRD JUDICIAL DISTRICT        )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2014, by \_\_\_\_\_, \_\_\_\_\_ of Fronteras Spanish Immersion Charter School Academic Policy Committee, on behalf of the Committee.



\_\_\_\_\_  
(Signature of Notary)

Notary public for Alaska  
My commission expires \_\_\_\_\_.

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**EXHIBIT A**  
**LEGAL DESCRIPTION OF PROPERTY**

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**EXHIBIT B**

**SCHEDULE OF LEASE PAYMENTS**

<b>Payment Date</b>	<b>Amount</b>	<b>Payment Date</b>	<b>Amount</b>
---------------------	---------------	---------------------	---------------

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**APPENDIX I**  
**DEFINITIONS**

Capitalized terms that are not otherwise defined in the Agreement shall be defined as set forth below.

**Agreement** means the Charter School Lease Agreement, dated as of [\_\_\_\_\_] 1, 2014, between the Borough and the School.

**Assignment of Lease** means the Assignment of Lease, dated as of [\_\_\_\_\_] 1, 2014, from the Borough to the Trustee.

**Borough** means the Matanuska-Susitna Borough, a second-class borough of the State.

**Business Day** means any day other than a Saturday, a Sunday, a day on which banking institutions in the State of Alaska, the State of New York or any state in which the corporate trust office of the Trustee is located are required or authorized to be closed, or a day on which the New York Stock Exchange is closed.

**Closing Date** means the date on which the proceeds of the Loan are paid to the Borough.

**Construction Agreement** means the agreement of that name between the Borough and the School with respect to the management of the design and construction of the Facility by the Borough.

**Completion Date** means the date of substantial completion of the Facility.

**Facility** means the new Fronteras Spanish Immersion Charter School building being constructed with the proceeds of the Loan.

**Impositions** means all real and personal property taxes and assessments (including assessments for public improvements), license and permit fees, charges for public utilities; excise taxes, levies, use and occupancy taxes, privilege taxes and all other impositions and charges of every kind and nature, general and special, ordinary and extraordinary, foreseen and unforeseen, which are imposed, levied upon or assessed against or with respect to the Property (or any portion thereof), any Lease Payments, or the operation, use or possession of the Property on or after the Closing Date and all charges, fees and assessments for utilities, communications and similar services provided to the Facility which accrue, are assessed or levied on or after the Closing Date.

**Improvements** means the Facility and all additions, including increments and modifications added to the Land pursuant to Article VIII of the Agreement, if any.

**Incidental Payments** mean the fees and expenses of the Trustee.

**Land** means the parcel of real property legally described in Exhibit A to the Agreement.

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**Lease Default Event** has the meaning given such term in Section 16.1 of the Agreement.

**Lease Payments** means the payments to be made by the School under the Agreement and identified in Exhibit B to the Agreement.

**Lender** means the United States of America United States of America acting through the Department of Agriculture.

**Loan** means the loan made by the Lender to the Borough pursuant to the Loan Agreement.

**Loan Agreement** means the Loan Agreement dated as of [\_\_\_\_\_] 1, 2014, by and between the Lender and the Borough in the amount of \$[\_\_\_\_\_] , the proceeds of which the Borough will use to acquire, construct and equip the Facility.

**Person** means an individual, corporation, firm, association, partnership, trust, or other legal entity or group of entities, including a governmental entity or any agency or political subdivision thereof, unless the context clearly indicates otherwise.

**Property** means the Land and the Improvements.

**State** means the State of Alaska.

**Toxic or Hazardous Substances** include any material or substance that is defined or classified under federal, state or local laws as: (a) a "hazardous substance" pursuant to Section 101 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601(14) or Section 311 of the Federal Water Pollution Control Act, 33 U.S.C. § 1321, each as now or hereafter amended; (b) a "hazardous waste" pursuant to Section 1004 or Section 3001 of the Resource Conservation and Recovery Act, 42 U.S.C. § 6903, 42 U.S.C. § 6921, as now or hereafter amended; (c) a toxic pollutant under Section 307(1)(a) of the Federal Water Pollution Control Act, 33 U.S.C. § 1317(1)(a); (d) a "hazardous air pollutant" under Section 112 of the Clean Air Act, 42 U.S.C. § 7412, as now or hereafter amended; (e) a "hazardous material" under the Hazardous Material Transportation Act, 49 U.S.C. § 1802(2), as now or hereafter amended; (f) any substance regulated by Title 46 of the Alaska Statutes, or regulations promulgated thereunder; (g) toxic or hazardous pursuant to regulations promulgated now or hereafter under the aforementioned laws; or (h) presenting a risk to human health or the environment under other applicable federal, state or local laws, ordinances, or regulations, as now or as may be passed or promulgated in the future. **Toxic or Hazardous Substances** also include any substance that after release into the environment and upon exposure, ingestion, inhalation or assimilation, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavior abnormalities, cancer or genetic abnormalities. **Toxic or Hazardous Substances** also include asbestos, polychlorinated biphenyls (PCBs), petroleum and petroleum based derivatives, flammable explosives, radioactive materials and urea formaldehyde.

**Trustee** means U.S. Bank National Association, Seattle, Washington.

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## RULES OF INTERPRETATION

(a) Unless the context otherwise indicates, words expressed in the singular shall include the plural and vice versa and the use of the neuter, masculine, or feminine gender is for convenience only and shall be deemed to mean and include the neuter, masculine or feminine gender, as appropriate.

(b) Headings of articles and sections and the table of contents are solely for convenience of reference, do not constitute a part of and shall not affect the meaning, construction or effect of any document.

(c) All references to "Articles," "Sections" and other subdivisions are to the corresponding Articles, Sections or subdivisions of the document; the words "herein," "hereof," "hereby," "hereunder" and other words of similar import refer to the document as a whole and not to any particular Article, Section or subdivision hereof.

(c) The term "including" means "including without limitation."

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USDA

Form RD 1942-47  
(Rev. 12-97)

LOAN RESOLUTION  
(Public Bodies)

FORM APPROVED  
OMB NO. 0575-0015

A RESOLUTION OF THE \_\_\_\_\_  
OF THE \_\_\_\_\_  
AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING  
A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS  
\_\_\_\_\_  
FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the \_\_\_\_\_  
(Public Body)  
(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of \_\_\_\_\_

pursuant to the provisions of \_\_\_\_\_; and

WHEREAS, the Association intends to obtain assistance from the Rural Housing Service, Rural Business - Cooperative Service, Rural Utilities Service, or their successor Agencies with the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U. S. C. 1983 (c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$ 10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by the Government. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0575-0015. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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IM15-025  
OR15-07 OR15-018  
OR15-019



**CERTIFICATION TO BE EXECUTED AT LOAN CLOSING**

I, the undersigned, as \_\_\_\_\_ of the \_\_\_\_\_  
 hereby certify that the \_\_\_\_\_ of such Association is composed of  
 \_\_\_\_\_ members, of whom \_\_\_\_\_, constituting a quorum, were present at a meeting thereof duly called and  
 held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_; and that the foregoing resolution was adopted at such meeting  
 by the vote shown above. I further certify that as of \_\_\_\_\_, the date of closing of the loan from the Government, said resolution  
 remains in effect and has not been rescinded or amended in any way.

Dated, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
 Title \_\_\_\_\_

IM15-027  
 IM15-025  
 UR15-017  
 UR15-018  
 UR15-019

**SUBJECT:** 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.

**AGENDA OF:** January 20, 2015

**ASSEMBLY ACTION:**

**MANAGER RECOMMENDATION:** Introduce and set for public hearing.

**APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:**

Route To:	Department/Individual	Initials	Remarks
	Originator		
	Finance Director	JEC	1/13/15
	Borough Attorney	NS	
	Borough Clerk	JEM	1/13/15

**ATTACHMENT(S) :** Fiscal Note: NO  YES  X  
 Ordinance Serial No. 15-017 (9 pp)  
 School Site Acquisition Reserve Fund Spreadsheet (1 pp)  
 Im15-027 OR15-018(3pp) OR15-19(3pp)

**SUMMARY STATEMENT:**

This ordinance is proposed for the purpose of constructing access to the site of the proposed Fronteras School located on Borough-owned land to the south of the Career Tech High School. The access route will also improve access to the recently constructed Mat-Su Day School, which has substandard access.

This ordinance is a compliment to the legislation approving a USDA loan secured by a lease with the Fronteras Spanish Immersion Charter School.

**NOTE:** Refer to the attached spreadsheet which reveals the School site selection fund has been used for numerous school improvement projects. Recently the fund was used to loan funds

Im15-027  
 OR15-017  
 OR15-018 OR15-19 173

for utilities and access to the Redington High School site, pending repayment when state grants and borough road bond funds become available. When the loan is repaid the Site Selection Fund will have a balance of \$3,313,157.00.

Traditional public schools receive buildings funded through the state's bond-debt reimbursement program with local taxpayers providing 30-40 percent of the principal and interest. As a matter of equity for public charter schools, it is fair that this proposed support for access and utilities for the new school be provided.

**RECOMMENDATION OF ADMINISTRATION:** Introduce and set for public hearing.

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**MATANUSKA-SUSITNA BOROUGH  
FISCAL NOTE**

Agenda Date: 1/20/15

SUBJECT: Appropriating \$500,000 from the School Site Acquisition Reserve for access improvements to the future Fronteras Spanish Immersion Charter School and the Mat-Su Day School, and for utility for Fronteras.

ORIGINATOR:

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT YES NO
AMOUNT REQUESTED 500,000.	FUNDING SOURCE School Site Reserve
FROM ACCOUNT # 100-202-900	PROJECT #
TO ACCOUNT: #200-Fund 400 & #300	PROJECT #
VERIFIED BY: [Signature]	CERTIFIED BY:
DATE: [Signature]	DATE:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING						

CAPITAL		500,000				
---------	--	---------	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

General Fund						
State/Federal Funds						
Other						
TOTAL						

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary) the balance in the school site acquisition reserve will be \$1,503,157

PREPARED BY: [Signature] PHONE: [Number]

DEPARTMENT: [Signature] DATE: [Date]

APPROVED BY: [Signature] DATE: 2/13/15

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IM15-027  
OR15-017, OR15-018  
SIP-SPR  
ORIS-018

School Site Acquisition Reserve Fund

	Legislation No.	Purpose of Funds	Transaction Report	Debit	Credit	Balance
7/1/2008		Adjust Reserves to CAFR			\$1,563,454	\$1,563,454.00
7/1/2008		Adjust Reserves to CAFR			\$1,874,378	\$3,437,832.00
7/1/2009		Adjust Reserves for MSBSD Lapsed Funds			699,745	\$4,137,577.00
4/30/2010	OR 10-032	Susitna Valley/Junior Senior High School		\$1,093,021		\$3,044,556.00
7/1/2010		Adjust Reserves for MSBSD Lapsed Funds			\$1,132,482	\$4,177,038.00
7/1/2011		Adjust Reserves for MSBSD Lapsed Funds			268,459	\$4,445,497.00
8/31/2011	OR 11-082	Academy Charter School - Building and Parking Expansion, and Access to Existing and Future MSB Facilities and Real Property Acquisition		\$905,000		\$3,540,497.00
4/30/2012	OR 12-062	Funding Supplement for Academy Charter School Classroom Expansion		\$278,812		\$3,261,685.00
6/30/2012	OR 12-074	Iditarod Elementary School Replacement Site		\$389,153		\$2,872,532.00
7/1/2012		Adjust Reserves for MSBSD Lapsed Funds			\$298,946	\$3,171,478.00
4/30/2013	OR 13-039	Appropriation From General Obligation Bond Proceedes			\$389,153	\$3,560,631.00
7/1/2013		Adjust Reserves for MSBSD Lapsed Funds			\$752,526	\$4,313,157.00
7/31/2013	OR 13-095	Extending Utilities to Valley Pathways School		\$65,000		\$4,248,159.00
7/1/2014		Adjust Reserves for MSBSD Lapsed Funds		\$935,000		\$3,313,157.00
7/31/2014	OR 14-084	Temporary Loan to fund Utilities Design and Construction for Road Improvements for the New Knik Area Middle/High School- to be repaid from Road Bond & Legislative appropriation		\$1,250,000		\$2,063,157.00
				4,915,986.00	6,979,143.00	

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 Im15-025  
 OR15-017  
 OR15-018  
 OR15-019

NON-CODE ORDINANCE

Sponsored By: Assemblymembers Colver, Beck, and Arvin  
Introduced:  
Public Hearing:  
Adopted:

**MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 15-017**

AN ORDINANCE AUTHORIZING AND APPROVING A LOAN FROM THE USDA IN AN AMOUNT NOT TO EXCEED \$6,700,000 FOR THE PURPOSE OF PROVIDING FOR ALL OR A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING FRONTERAS SPANISH IMMERSION CHARTER SCHOOL.

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WHEREAS, it is necessary for the Matanuska-Susitna Borough (herein called the Borough) to raise a portion of the cost of such undertaking by borrowing the principal amount of \$6,633,000 pursuant to the provisions of Alaska State Statutes; and

WHEREAS, the Borough intends to obtain assistance from the Rural Housing Service, Rural Business - Cooperative Service, Rural Utilities Service, or their successor Agencies with the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking.

WHEREAS, this loan is not general obligation debt of the Matanuska-Susitna Borough, but rather is to be secured only through the revenues generated by the lease of the facility to Fronteras Charter School.

BE IT ENACTED:

Section 1. Classification. This Ordinance is a non-code ordinance.

Section 2. Agreed Upon Terms of Loan.

The Matanuska-Susitna Borough hereby agrees to the following as terms and conditions of the loan not to exceed \$6,700,000 and makes the following commitments:

1. To empower and authorize the Borough Manger via this ordinance, upon advice from the Finance Director and Borough Attorney, to execute such necessary documents as are required by State statutes and as are agreeable and acceptable to the Government. These documents may be in the form as submitted from USDA or with any such modifications as deemed advisable by the Manager to ensure the Borough is acting legally and appropriately in securing the loan.
2. To refinance the unpaid balance, in whole or in part, of its loan upon the request of the Government if at any time it shall appear to the Government that the Borough is able to refinance its loan by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loan for

similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U. S. C. 1983 (c)).

3. To provide for, execute, and comply with Form RD 400-4, 'Assurance Agreement,' and Form RD 400-1, 'Equal Opportunity Agreement,' including an 'Equal Opportunity Clause,' which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$ 10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Borough. Such indemnification shall be payable from the same source of funds pledged to pay the loan which is limited to the rental income of the facility.
5. That upon default in the payments of any principal and accrued interest on the loan or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Borough (payable from the source of funds pledged to pay

the loan), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Borough, and default under any such instrument may be construed by the Government to constitute default hereunder.

6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.

7. Not to defease the loan, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such

undertaking would involve the source of funds pledged to pay the loan.

8. To place the proceeds of the loan on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by the Government. No free service or use of the facility will be permitted.

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Borough is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established and maintained, disbursements from that account may be used when necessary for payments due on the bond if sufficient funds are not otherwise available. With the prior written approval of the Government, funds may be withdrawn for:

(a) Paying the cost of repairing or replacing any damage to the facility caused by catastrophe.

(b) Repairing or replacing short-lived assets.

(c) Making extensions or improvements to the facility.

Any time funds are disbursed from the reserve account, additional deposits will be required until the reserve account has reached the required funded level.

15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain the Government's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Borough or public body.

16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.

17. To accept a grant in an amount not to exceed \$TBD under the terms offered by the Government; that the Manager of the Borough is hereby authorized and empowered

to take all action necessary and or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Borough as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the loan agreement; to the extent that the provisions contained in such agreement should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Borough and the Government or assignee.

Section 3. Effective Date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this \_\_\_ day of \_\_\_\_\_, 2015.

LARRY DeVILBISS, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

NON-CODE ORDINANCE

Sponsored By: Assemblymembers Colver, Beck, and Arvin

Introduced:

Public Hearing:

Adopted:

**MATANUSKA-SUSITNA BOROUGH  
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 USDA AND PROVIDE FOR REPAYMENT OF THE LOAN.

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WHEREAS, Fronteras Spanish Immersion Charter School is seeking a new facility; and

WHEREAS, the Matanuska-Susitna Borough has been approved for a USDA loan to finance the construction of a facility for Fronteras Spanish Immersion Charter School; and

WHEREAS, the loan from USDA will be secured only through the revenue from the project property and that revenue is the money derived from a lease of the facility to Fronteras Spanish Immersion Charter School; and

WHEREAS, the lease term will be 40 years with an estimated annual payment of \$396,000; and

WHEREAS, a draft lease is attached to the Informational Memorandum accompanying this ordinance, but the Manger is empowered to change it even if those changes are substantial.

BE IT ENACTED:

Section 1. Classification. This Ordinance is a non-code ordinance.

Section 2. Lease Approval.

Notwithstanding any other provisions of Borough code the Matanuska-Susitna Borough Assembly immediately approves a lease of Borough property to Fronteras Spanish Immersion Charter School.

The Borough Manager is authorized and empowered to execute a lease of Borough property to Fronteras Spanish Immersion Charter School with such terms, conditions and provisions as are necessary and advisable in the judgment of the Manager to secure a loan from USDA and ensure a successful project.

Section 3. Effective Date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this \_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
LARRY DeVILBISS, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

NON-CODE ORDINANCE

Sponsored by: Assemblymembers Colver, Beck, and Arvin

**MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 15-019**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY APPROPRIATING \$500,000 FROM THE AREA-WIDE 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.

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WHEREAS, Fronteras Spanish Immersion Charter School has secured a \$6.63 million dollar low interest loan to the Borough from the United States Department of Agriculture (USDA) for construction of a school; and

WHEREAS, the Borough will repay the USDA loan obtained to construct Fronteras Spanish Immersion Charter School through a lease between the Borough and the School; and

WHEREAS, the School receives the majority of their funding through the State of Alaska education funding formula; and

WHEREAS, the Borough pays a minimum of 30 percent of the debt, including principal and interest for construction of traditional public schools; and

WHEREAS, additional funding is needed to construct access to the site of Fronteras Spanish Immersion Charter School south from the existing access to the Mat-Su Career and Technical High

School on Seward Meridian, and to also extend and construct utilities for Fronteras Spanish Immersion Charter School; and

WHEREAS, this funding will also be used to provide access to the Mat-Su Day School which is currently inadequate because the only access to the Day School is from Tait Drive, a substandard road due to budget constraints of the Day School project; and

WHEREAS, utilizing the areawide school site acquisition reserve fund is an equitable way to provide minimal public support for Fronteras Spanish Immersion Charter School, a public school, to provide support for publicly funded educational facilities; and

WHEREAS, securing funding for this purpose from the State Capital Budget is highly unlikely due to the impact of a fall in oil prices and a current state budget deficit of \$3.5 billion; and

WHEREAS, should other grant funding be secured for this purpose from other sources the amount of this grant will be reduced by any such grant amounts if available prior to construction or if a grant is secured after construction has commenced, it will be used to payback that portion of this appropriation; and

WHEREAS, the Assembly finds that this appropriation is a

proper use of the areawide school site acquisition reserve fund, and that the fund has been previously used for or contemplated as use for other than the purchase of land, including replacement of the Susitna Valley High School.

BE IT ENACTED:

Section 1. Classification. This is a non-code ordinance.

Section 2. Appropriation source. There is hereby appropriated by the Matanuska-Susitna Borough Assembly \$500,000 from fund 100, areawide school site acquisition reserve, to fund 400, project no. 40202, Fronteras School.

Section 3. Effective date. This ordinance shall take effect upon adoption by the Matanuska-Susitna Borough Assembly.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2015.

LARRY DEVILBISS, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

**SUBJECT:** A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING THE FACILITY USE RATE FOR BOROUGH LIBRARIES TO ELIMINATE ANY CHARGE FOR USE DURING NORMAL BUSINESS HOURS.

**AGENDA OF:** February 3, 2015

**ASSEMBLY ACTION:**

**MANAGER RECOMMENDATION:** Present to the Assembly for consideration.

**APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:** \_\_\_\_\_

Route To:	Department/Individual	Initials	Remarks
	Originator	NS	for D. Mayfield
	Community Development	EP	unlimited free use creates a myriad of management challenges
	Finance	JEC	1/20/15
	Borough Attorney	BS	
	Borough Clerk	JAM	1/26/15

**ATTACHMENT (S):** Fiscal Note: Yes X ; No \_\_\_\_\_  
 Resolution Serial No. 14-009 (2 pp)

**SUMMARY STATEMENT:** This resolution is coming forward at the request of Assemblymember Mayfield.

Borough libraries are open during normal business hours and staffed accordingly. Libraries are historically and commonly regarded as a public resource generally available to all persons in the community. A facility use fee for library meeting rooms was set by Resolution Serial No. 14-044 at the rate of \$20.00 per hour.

The rationale of this current resolution is that since staff is present, the building is open to the public, and heat and light are being provided anyway, the facility use fee for libraries should be set at \$0 during normal business hours. Often times, a library is the only governmental building in a community which is used by various groups for meetings. This resolution will provide that the fee for using a library meeting room during normal business hours is \$0.

**MATANUSKA-SUSITNA BOROUGH  
FISCAL NOTE**

Agenda Date: February 3, 2015

SUBJECT: A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING THE FACILITY USE FEE FOR LIBRARIES TO ELIMINATE ANY CHARGE FOR USE DURING NORMAL BUSINESS HOURS.

ORIGINATOR: NS for D. Mayfield

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT <b>(YES)</b> NO
AMOUNT REQUESTED <b>&lt;*&gt;</b>	FUNDING SOURCE <b>Loss of Revenues</b>
FROM ACCOUNT # <b>200.000.000, 341.935</b>	PROJECT #
TO ACCOUNT :	PROJECT #
VERIFIED BY: <b>Babaa Sarungat</b>	CERTIFIED BY:
DATE: <b>1-19-15</b>	DATE:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING						

CAPITAL						
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REVENUE						<b>&lt;*&gt;</b>
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FUNDING: (Thousands of Dollars)

General Fund						<b>&lt;*&gt;</b>
State/Federal Funds						
Other						
TOTAL						<b>&lt;*&gt;</b>

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary) **\*This will result in a loss of budgeted revenues in the general fund. The exact amount is unknown as it is dependent on the number of meetings scheduled.**

PREPARED BY: \_\_\_\_\_ PHONE: \_\_\_\_\_  
 DEPARTMENT: \_\_\_\_\_ DATE: \_\_\_\_\_  
 APPROVED BY: **J.F. Cyta** DATE: **1/20/15**

IM No. 15-032  
RS 15-009

Action:

**MATANUSKA-SUSITNA BOROUGH  
RESOLUTION SERIAL NO. 15-009**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING THE FACILITY USE RATE FOR BOROUGH LIBRARIES TO ELIMINATE ANY CHARGE FOR USE DURING NORMAL BUSINESS HOURS.

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WHEREAS, Borough libraries are open during normal business hours and staffed accordingly; and

WHEREAS, libraries are historically and commonly regarded as a public resource generally available to all persons in the community; and

WHEREAS, since staff is present during normal business hours, the building is open to the public and heat and light are being provided regardless of whether meeting rooms are being used or not; and

WHEREAS, often times, a library is the only governmental building in a community which is used by various groups for meetings; and

WHEREAS, Resolution Serial No. 14-044 set facility use rates at libraries at \$20.00 per hour; and

WHEREAS, since staff is present, the building is open to the public, and heat and light are being provided anyway, the facility use fee at libraries should be set at \$0 during normal business hours.

NOW, THEREFORE, BE IT RESOLVED, that the previously adopted fee schedule in Resolution 14-044 is amended to provide that facility use rates at libraries during normal business hours is \$0.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day  
of -, 2015.

LARRY DeVILBISS, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)


**SUBJECT:** VACATE A 5'X 32' PORTION OF E. KYROK CIRCLE RIGHT-OF-WAY WITHIN MACHETANZ RIDGE SUBDIVISION, Plat 2009-76, SECTION 7, TOWNSHIP 17 NORTH, RANGE 2 EAST, SEWARD MERIDIAN, ALASKA.  
**ASSEMBLY DISTRICT 2: MATTHEW BECK**

**AGENDA: FEBRUARY 3, 2015**

**ASSEMBLY ACTION:**

**MANAGER RECOMMENDATION:** Present to the assembly for consideration.

**APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:** 

Route To:	Department/Individual	Initials	Remarks
	Originator	AP	
	Planning Director	SP	
	Borough Attorney	JK	
	Borough Clerk	JRM	1/26/15 

**ATTACHMENT (S) :** Fiscal Note: Yes \_\_\_\_\_ No  X

- Minutes (2 pages)
- Notification of Action (2 pages)
- Vicinity Map (1 page)
- Plat (area being vacated) (1 page)

**REASON FOR REQUEST:** *The request is to vacate a 5'X 32' portion of E. Kyrok Circle's 60' wide right-of-way adjoining Lot 4 Block 1 to resolve a structure's setback violation. The vacated area will be replaced with a road maintenance, slope, snow storage and utility easement.*

**SUMMARY STATEMENT:** On January 2, 2015 (written decision January 6, 2015), the Platting Board approved vacating a 5' X 32' portion of E. Kyrok Cr. contingent on replacing the vacated area with a road maintenance, slope, utility and snow storage easement. E. Kyrok Cr. right -of-way width of 60' will reduced to a 55' width for 32', only one more lot is beyond the area being vacated and MSB Department of Public Works does not object to the vacation

**RECOMMENDATION OF ADMINISTRATION:** Staff recommends the assembly approve the vacation as the Platting Board's decision to vacate is pursuant to AS 29.40.120 through 29.40.160 and MSB 43.15.035.

MOTION:

- Mr. Zimmerman moved to continue Mountain Ranch Estates 5 to February 5, 2015, seconded by Mr. Jay Van Diest.

VOTE:

- The motion passed with all in favor.

**TIME: 8:49 A.M.**

**CD: 00:18:53**

**C. HEATHER WOOD B/1 L/2A**

Sloan Von Gunten (Secretary)

- Stated that 45 public hearing notices were mailed out on December 11, 2014, to this date there has been no returns, no objections, no non-objections, and no concerns.

Paul Hulbert (Platting Officer)

- Gave an overview on the case.

Katie Cruthers (Chairman)

- Opened the public hearing and asked any members of the public wishing to speak to come forward. Seeing no members of the public wishing to speak, closed the public hearing.

Visiliy Sinchuk (Petitioner)

- Gave a brief explanation of the case action being taken on the property.

MOTION:

- Mr. Jay Van Diest moved to approve the preliminary plat and right-of-way vacation of a 5' x 54' portion of N. Deshka Ridge Drive for Heather Wood RSB B/1 L/2A, seconded by Mr. Gillespie.

VOTE:

- The motion passed with all in favor. There are 8 findings.

**TIME: 9:00 A.M.**

**CD: 0:29:42**

**D. MACHETANZ RIDGE B/1 L/4A**

Sloan Von Gunten (Secretary)

- Stated that 92 public hearing notices were mailed out on December 11, 2014, to this date there has been 4 returns, no objections, no non-objections, and no concerns.

Paul Hulbert (Platting Officer)

- Gave an overview on the case.

Katie Cruthers (Chairman)

- Opened the public hearing and asked any members of the public wishing to speak to come forward. Seeing no members of the public wishing to speak, closed the public hearing.

Steven Wirtanen (Petitioner)

- Agrees with all the recommendations.
- Explained why the action is needed for the property.

MOTION:

- Mr. Jay Van Diest moved to approve the preliminary plat and a 5' x 32' vacation of a portion E. Kyrok Circle for Machentanz Ridge, seconded Mr. Gillespie.

VOTE:

- The motion passed with all in favor. There are 7 findings.

**TIME: 9:06 A.M.**

**CD: 0:35:58**

**5. MISCELLANEOUS**

**6. RECONSIDERATIONS/APPEALS**

**7. PERSONS TO BE HEARD**

**8. PLATTING OFFICER COMMENTS**

- There are two board seats open, District seat #4 & #7.
- The next platting Board hearing is February 5, 2015
- The board will vote on Officers on the 1st meeting in February.

**9. BOARD COMMENTS**

- Ms. Sorensen asked about road construction on roadways with difficult topographic areas.
- Update on Ralph Buzard's health.
- Mr. Gillespie will not be at the February 5, 2015 meeting.

**Adjourned 9:14 A.M.**

**CD: 0:43:58**

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Katie Cruthers, Chairman

---

Sloan Von Gunten, Administrative Secretary



# MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Platting Division

350 East Dahlia Avenue • Palmer AK 99645

Phone (907) 861-7874 • Fax (907) 861-8407

January 6, 2015

## NOTIFICATION OF ACTION

Wirtanen, Inc.  
PO Box 4287  
Palmer, AK 99645

**RE: MACHETANZ RIDGE RSB B/1 L/4**

**CASE: 2014-153 & 154**

Action taken by the Platting Board on January 2, 2015 is as follows:

THE PRELIMINARY PLAT AND A 5' X 32' VACATION OF A PORTION E. KYROK CIRCLE FOR MACHENTANZ RIDGE WAS APPROVED, AND WILL EXPIRE ON JANUARY 6, 2021 CONTINGENT UPON THE FOLLOWING CONDITIONS / REASONS (see attached).

ALL DECISIONS AS TO APPROVAL OR DISAPPROVAL BY THE PLATTING BOARD OR OFFICER SHALL BE FINAL UNLESS APPEALED TO THE BOARD OF ADJUSTMENT AND APPEALS, MSB 15.39. A PETITION WHICH IS TABLED BY THE BOARD SHALL BE DEEMED DENIED UNLESS THE APPLICANT BRINGS THE MATTER BACK BEFORE THE BOARD WITH ALL CONDITIONS MET WITHIN THE TIME ALLOWED BY THE BOARD OR BY LAW.

If this is in reference to a plat application, recordation at the appropriate District Recorder's Office of the plat is required before any transfer of title can occur. Should you have any questions or require a copy of the minutes of the meeting, please feel free to contact this office.

Kindest regards,

Ms. Katie Cruthers  
Platting Board Chairman

cc:

Bull Moose Surveying  
200 Hygrade Lane  
Wasilla, AK 99654

**CONDITIONS of APPROVAL:**

The Platting Board approved the Preliminary Plat and a 5' X 32' vacation of a portion E. Kyrok Circle for Machentanz Ridge, contingent upon the following:

1. Pay postage and advertising fees.
2. Obtain the Borough Assembly approval of vacation within 30 days of Platting Board's written Notification of Action. MSB Assembly has 30 days from the date of the Platting Board decision to deny the request.
3. Replace vacated right-of-way with a road maintenance, utility and snow storage easement.
4. Provide updated Certificate to Plat executed within 90 days prior to recording.
5. Provide beneficiary affidavits from holders of legal and equitable interest.
6. Taxes and special assessments must be current prior to recording, pursuant to MSB 43.15.053(F) and AS 40.15.020. Pay taxes and special assessments (LIDs) by certified funds or cash.
7. Submit recording fee payable to State of Alaska, Dept. of Natural Resources.
8. Submit final plat in full compliance with Title 43.

**FINDINGS FOR PRELIMINARY PLAT AND RIGHT-OF-WAY VACATION:**

1. The vacation is pursuant to AS 29.40.120 through AS 29.40.140 and MSB 43.15.035 Vacations.
2. There were no objections to the plat from any borough departments, outside agencies, or utility companies.
3. Petitioner submitted petitions to vacate the right-of-way in accordance with MSB 43.15.035.
4. E. Kyrok Circle is maintained by the Borough. MSB Public Works commented as long as it stays a snow/storage maintenance PW agrees with the vacation.
5. The petitioner has replaced the vacated area with a slope, snow storage and utility easement.
6. Vacation of the 5' X 32' key hole on E. Kyrok Circle will resolve a setback violation on Lot 4, Block 1, Machentanz Ridge Subdivision, plat #2009-76. 55' of right-of-way remains for E. Kyrok Circle.
7. Access to adjoining properties is preserved.

B4

A10

A3

**SUBJECT  
PROPERTY**

**AREA TO BE  
VACATED**

DELLINGER ESTATES

MACHETANZ RIDGE

PIONEER MEADOWS PHASE 4

TRACT B

PIONEER MEADOWS

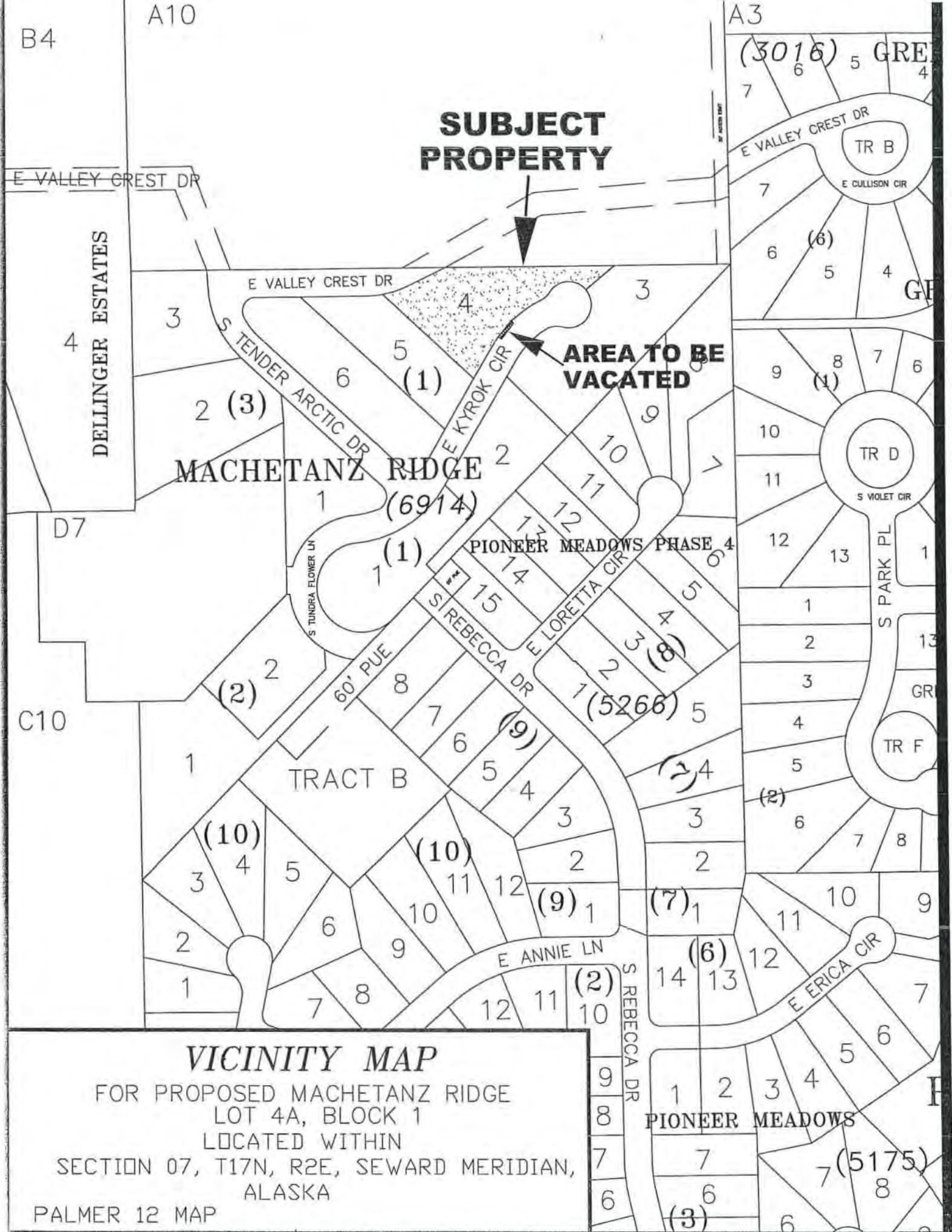
**VICINITY MAP**

FOR PROPOSED MACHETANZ RIDGE  
LOT 4A, BLOCK 1

LOCATED WITHIN

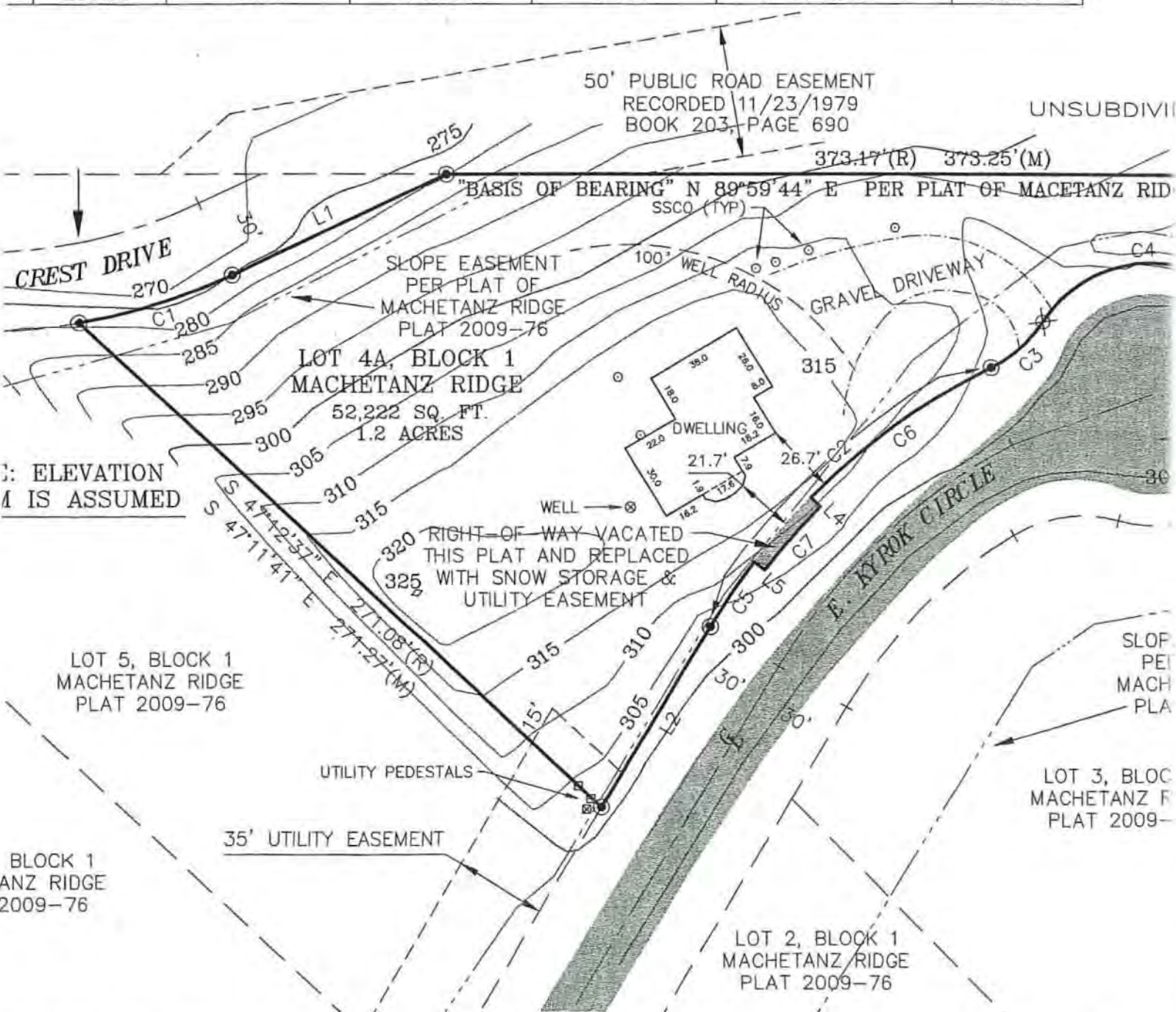
SECTION 07, T17N, R2E, SEWARD MERIDIAN,  
ALASKA

PALMER 12 MAP



TABLE

RADIUS	ARC LENGTH	DELTA ANGLE	CHORD LENGTH	CHORD BEARING	TANGENT
230.00'	61.33'	15°16'40"	61.15'	N 72°34'36" E	30.85'
230.00'	61.30'	15°16'13"	61.12'	N 72°48'18" E	30.83'
255.00'	148.00'	33°15'12"	145.93'	N 47°31'54" E	76.15'
255.00'	148.01'	33°15'25"	145.94'	N 47°30'38" E	76.16'
50.00'	26.87'	30°47'37"	26.55'	N 48°45'41" E	13.77'
50.00'	26.75'	30°39'32"	26.44'	N 48°34'39" E	13.71'
50.00'	93.32'	106°56'03"	80.35'	N 86°49'54" E	67.49'
50.00'	93.68'	107°21'08"	80.57'	N 86°55'28" E	68.01'
255.00'	29.63'	06°39'24"	29.61'	N 34°12'38" E	14.83'
255.00'	85.72'	19°15'35"	85.31'	N 54°30'34" E	43.27'
250.00'	32.03'	07°20'27"	32.01'	N 41°12'33" E	16.04'



MAY BE FEDERAL, STATE AND LOCAL REQUIREMENTS GOVERNING LAND USE. THE INDIVIDUAL PARCEL OWNER SHALL BE RESPONSIBLE FOR DETERMINING IF THESE REQUIREMENTS APPLY TO THE DEVELOPMENT OF PARCELS SHOWN ON THE PLAT TO BE RECORDED.

**SUBJECT:** Award of Bid No 15-033B to Peak Oilfield Services Company, LLC for Talkeetna FSA Station 11-3 Drafting Tank and Water Well Installation for the amount of \$240,955.00.

**AGENDA OF:** February 3, 2015

**ASSEMBLY ACTION:**

**MANAGER RECOMMENDATION:** Present to the assembly for consideration

**APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:** \_\_\_\_\_

Route To:	Department/Individual	Initials	Remarks
	Purchasing	<i>[Signature]</i>	
	Capital Projects Director	M3 1/5/15	
	Finance Director	<i>[Signature]</i>	1/13/15
	Borough Attorney	NS	
	Borough Clerk	<i>[Signature]</i>	1/24/15 <i>[Signature]</i>

**ATTACHMENT(S):** Fiscal Note: Yes  No   
Advertisement (1p)  
Bid Summary (1p)

**SUMMARY STATEMENT:** On August 14, 2014, the Matanuska-Susitna Borough issued solicitation 15-033B requesting bids from qualified contractors to provide and install a 33,000 gallon water storage tank and a 100', 6" cased water well which will provide a water supply for firefighting apparatus on the site of proposed Station 11-3 located on the Talkeetna Spur Road. The scope of work also includes providing electric service to the well.

The Project Management Branch of the Capital Projects Department will be responsible for contract administration.

In response to the advertisement, three (3) bids were received. The award recommendation is being made to the lowest responsive and responsible bidder. Work is scheduled to be completed by June 30, 2015.

RECOMMENDATION OF ADMINISTRATION: Award Bid No. 15-033B, to PEAK OILFIELD SERVICES COMPANY, LLC for the amount of TWO HUNDRED FORTY THOUSAND, NINE HUNDRED FIFTY FIVE AND NO/100 DOLLARS (\$240,955.00) for TALKEETNA FSA STATION 11-3 DRAFTING TANK AND WATER WELL INSTALLATION.

MATANUSKA-SUSITNA BOROUGH  
FISCAL NOTE

AGENDA DATE: January 20, 2015

REQUEST: Award of Bid

SUBJECT: Award of Bid No 15-033B to Peak Oilfield Services Company, LLC for Talkeetna FSA Station 11-3 Drafting Tank and Water Well Installation for the amount of \$240,955.00.

ORIGINATOR: Purchasing

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT <input checked="" type="radio"/> YES <input type="radio"/> NO
AMOUNT REQUESTED \$ 240,955	FUNDING SOURCE SA Budget Approp
FROM ACCOUNT # 405.000 000.4XX.XXX	PROJECT # 45110/45240/10136
TO ACCOUNT :	PROJECT #
VERIFIED BY: <i>Barbara Bunnigute</i>	CERTIFIED BY:
DATE: 1-12-15	DATE:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING						

CAPITAL	240.9					
---------	-------	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

General Fund						
State/Federal Funds						
Other	240.9					
TOTAL	240.9					

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: \_\_\_\_\_ PHONE: \_\_\_\_\_  
 DEPARTMENT: \_\_\_\_\_ DATE: \_\_\_\_\_  
 APPROVED BY: *[Signature]* DATE: 1/13/15

**MATANUSKA-SUSITNA BOROUGH**  
**350 East Dahlia Ave**  
**Palmer, Alaska 99645**

**ADVERTISEMENT**

VENDOR		ACCOUNT #	DATE FOR ADVERTISEMENT
Frontiersman		CONTRACT	August 17, 2014
Alaska Dispatch News		MATA 0070	August 14, 2014
<b>TYPE OF AD:</b>	<input type="checkbox"/> Display	<input checked="" type="checkbox"/> Classified	<input type="checkbox"/> Public Information

The material herein must be printed in its entirety on the dates shown above. Affidavit of publication is required prior to payment.

**MATANUSKA-SUSITNA BOROUGH**  
**Bid #15-033B**  
**Talkeetna FSA Drafting Tank & Water Well Installation – Re Bid**

The Matanuska-Susitna Borough is requesting bids from interested contractors to provide and install a water storage tank and water well to provide a water supply for firefighting apparatus, according to the plans and specifications, and construct two driveways on the Talkeetna Spur Road. The Contractor must be properly insured to work on Borough projects. This Project is subject to Title 36 (Davis Bacon Act).

Bid documents are available beginning **August 14, 2014** from the Purchasing Division, Matanuska-Susitna Borough, 350 E. Dahlia Ave., Palmer AK 99645. For information call (907) 861-8601, Fax (907) 861-8617, or e-mail [purchasing@matsugov.us](mailto:purchasing@matsugov.us). This bid document may be available on the internet at [www.matsugov.us](http://www.matsugov.us). Cost of bid documents picked up \$5.00; if mailed, \$10.00.

Pre-bid: **No formal pre-bid is scheduled. Interested contractors are encouraged to visit the site prior to submitting a bid.**

Bids open: **September 29, 2014 @ 3:00 PM in the Purchasing Division**

Bids must be received in the Purchasing Division prior to the time fixed for opening of the bids to be considered. Time of receipt will be determined by the time stamp in the Purchasing Division.

Persons needing accommodation in order to participate should contact the borough ADA coordinator at (907) 861-8404.

The Matanuska-Susitna Borough reserves the right to accept or reject any or all bids, waive any and all technicalities or informalities it deems appropriate. Award of this project is subject to the availability of funding.

Date: 8/12/14	Requested by: Signature on File	Approved by: Signature on File
---------------	---------------------------------	--------------------------------

DEPARTMENT ACCOUNT NO.: 405.000.000.463.940 ~ ~~45100~~-6600-6605  
 45110

AM15-009

**MATANUSKA-SUSITNA BOROUGH**  
**BID #15-033B**  
**Talkeetna FSA Drafting Tank & Water Well Installation**

POB-PURCH \*14DEC15 PM03:00

**ANALYSIS SHEET**

BIDDER		B.C. EXCAVATING	PEAK OILFIELD SVS	DIETWORKS
Signed Bid Form		OKay	OKay	OKay
Receipt of Addendum (6)		OKay	OKay	
Bid Guarantee		B.B.	B.B.	B.B.
Other items as required in Instructions to Bidders and Specifications/Scope of work		/	/	/
LINE ITEM	DESCRIPTION	BID PRICE	BID PRICE	BID PRICE
Base Bid #1	Provide and install a 33,000 gallon water storage tank with 15 HP, 1000 gpm pump	260,446.00	221,899.00	218,735.00
Base Bid #2	Drill a 100' deep, 6" cased water well with 10' screen and Class C water quality testing, with pump	35,031.00	12,600.00	22,550.00
Total Base Bid		295,477.00	234,499.00	241,285.00
Additive Alt #1	Construct two driveways according to plans and specifications	104,576.00	27,868.00	48,750.00
Additive Alt #2	Provide electric service to site and provide power for pumps.	18,700.00	6,456.00	18,950.00
Unit price per foot of drilling greater than 100 feet		40.00	45.00	41.50

**RECOMMENDATION:** All BIDS TAKEN UNDER ADVISORY

\_\_\_\_\_  
 PURCHASING OFFICER  
 12/15/14  
 DATE

\_\_\_\_\_  
 ASST PURCHASING OFFICER  
 \_\_\_\_\_  
 WITNESS

\_\_\_\_\_  
 BUYER  
 \_\_\_\_\_  
 WITNESS

\_\_\_\_\_  
 CONST PROCUREMENT SPECIALIST  
 \_\_\_\_\_  
 WITNESS

AM 15-009

**SUBJECT:** VACATE A 5' X 54' PORTION OF N. DESHKA RIDGE DRIVE RIGHT-OF-WAY WITHIN HEATHER WOOD SUBDIVISION, PLAT 2004-96, SECTION 2, TOWNSHIP 17 NORTH, RANGE 1 EAST, SEWARD MERIDIAN, ALASKA.  
**ASSEMBLY DISTRICT 2: MATTHEW BECK**

**AGENDA: FEBRUARY 3, 2015**

**ASSEMBLY ACTION:**

**MANAGER RECOMMENDATION:** Present to the assembly for consideration.

**APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:** \_\_\_\_\_

Route To:	Department/Individual	Initials	Remarks
	Originator	AP	
	Planning Director	SP	
	Borough Attorney	NS	
	Borough Clerk	JM	1/26/15

**ATTACHMENT (S) :** Fiscal Note: Yes \_\_\_\_\_ No X  
 Minutes (1 page)  
 Notification of Action (2 pages)  
 Vicinity Map (1 page)  
 Plat (area being vacated) (1 page)

**REASON FOR REQUEST:** *The request is to vacate a 5' X 54' portion of N. Deshka Ridge Drive's 60' wide right-of-way adjoining Lot 2 Block 1 Heather Wood Subdivision to resolve a structure's setback violation. The vacated area will be replaced with a road maintenance, snow storage with a road maintenance, snow storage, slope and utility easement.*

**SUMMARY STATEMENT:** On January 2, 2015 (written decision January 6, 2015), the Platting Board approved vacating a 5' X 54' portion of N. Deshka Ridge Drive contingent on replacing the vacated area with a road maintenance, slope, utility and snow storage easement. Adjoining lots have access via the remaining right-of-way on N. Deshka Ridge Dr. N. Deshka Ridge Dr. right-of-way width of 60' will be reduced to a 55' width for 54'. No borough departments, outside agencies or utilities objected to the vacation.0

**RECOMMENDATION OF ADMINISTRATION:** Staff recommends the assembly approve the vacation as the Platting Board's decision to vacate is pursuant to AS 29.40.120 through 29.40.160 and MSB 43.15.035.

**MOTION:**

- Mr. Zimmerman moved to continue Mountain Ranch Estates 5 to February 5, 2015, seconded by Mr. Jay Van Diest.

**VOTE:**

- The motion passed with all in favor.

**TIME: 8:49 A.M.**

**CD: 00:18:53**

**C. HEATHER WOOD B/1 L/2A**

Sloan Von Gunten (Secretary)

- Stated that 45 public hearing notices were mailed out on December 11, 2014, to this date there has been no returns, no objections, no non-objections, and no concerns.

Paul Hulbert (Platting Officer)

- Gave an overview on the case.

Katie Cruthers (Chairman)

- Opened the public hearing and asked any members of the public wishing to speak to come forward. Seeing no members of the public wishing to speak, closed the public hearing.

Visiliy Sinchuk (Petitioner)

- Gave a brief explanation of the case action being taken on the property.

**MOTION:**

- Mr. Jay Van Diest moved to approve the preliminary plat and right-of-way vacation of a 5' x 54' portion of N. Deshka Ridge Drive for Heather Wood RSB B/1 L/2A, seconded by Mr. Gillespie.

**VOTE:**

- The motion passed with all in favor. There are 8 findings.

**TIME: 9:00 A.M.**

**CD: 0:29:42**

**D. MACHETANZ RIDGE B/1 L/4A**

Sloan Von Gunten (Secretary)

- Stated that 92 public hearing notices were mailed out on December 11, 2014, to this date there has been 4 returns, no objections, no non-objections, and no concerns.

Paul Hulbert (Platting Officer)

- Gave an overview on the case.



# MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Platting Division

350 East Dahlia Avenue • Palmer AK 99645

Phone (907) 861-7874 • Fax (907) 861-8407

January 6, 2015

## NOTIFICATION OF ACTION

Vasiliy Sinchuk  
PO Box 875095  
Wasilla, AK 99687

RE: HEATHER WOOD RSB B/1 L/2

CASE: 2014-150 & 151

Action taken by the Platting Board on January 2, 2015 is as follows:

THE PRELIMINARY PLAT AND RIGHT-OF-WAY VACATION OF A 5' X 54' PORTION OF N. DESHKA RIDGE DRIVE FOR HEATHER WOOD RSB B/1 L/2A WAS APPROVED, AND WILL EXPIRE ON JANUARY 6, 2021 CONTINGENT UPON THE FOLLOWING CONDITIONS / REASONS (see attached).

ALL DECISIONS AS TO APPROVAL OR DISAPPROVAL BY THE PLATTING BOARD OR OFFICER SHALL BE FINAL UNLESS APPEALED TO THE BOARD OF ADJUSTMENT AND APPEALS, MSB 15.39. A PETITION WHICH IS TABLED BY THE BOARD SHALL BE DEEMED DENIED UNLESS THE APPLICANT BRINGS THE MATTER BACK BEFORE THE BOARD WITH ALL CONDITIONS MET WITHIN THE TIME ALLOWED BY THE BOARD OR BY LAW.

If this is in reference to a plat application, recordation at the appropriate District Recorder's Office of the plat is required before any transfer of title can occur. Should you have any questions or require a copy of the minutes of the meeting, please feel free to contact this office.

Kindest regards,

*Katie Cruthers*

Ms. Katie Cruthers  
Platting Board Chairman

cc:

Bull Moose Surveying  
200 Hygrade Lane  
Wasilla, AK 99654

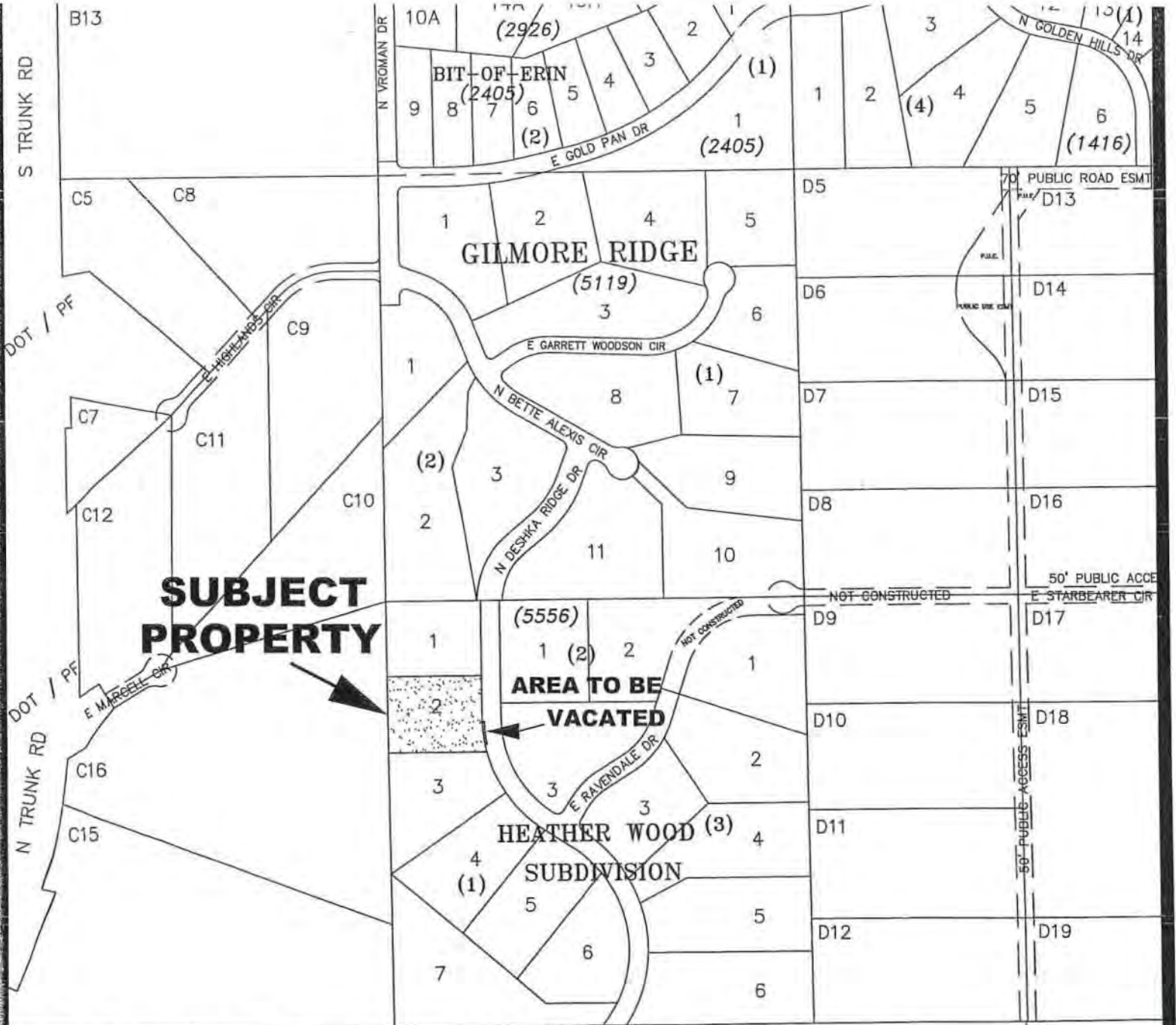
**CONDITIONS of APPROVAL:**

The Platting Board approved the Preliminary Plat and Right-of-Way Vacation of a 5' x 54' portion of N. Deshka Ridge Drive for Heather Wood RSB B/1 L/2A, contingent upon the following:

1. Pay postage and advertising fees.
2. Obtain the Borough Assembly approval of vacation within 30 days of Platting Board's written Notification of Action. MSB Assembly has 30 days from the date of the Platting Board decision to deny the request.
3. Replace vacated right-of-way with a road maintenance, slope, utility and snow storage easement.
4. Provide updated Certificate to Plat executed within 90 days prior to recording.
5. Provide beneficiary affidavits from holders of legal and equitable interest.
6. Taxes and special assessments must be current prior to recording, pursuant to MSB 43.15.053(F) and AS 40.15.020. Pay taxes and special assessments (LIDs) by certified funds or cash.
7. Submit recording fee payable to State of Alaska, Dept. of Natural Resources.
8. Submit final plat in full compliance with Title 43.

**FINDINGS FOR PRELIMINARY PLAT AND RIGHT-OF-WAY VACATION:**

1. The vacation is pursuant to AS 29.40.120 through AS 29.40.140 and MSB 43.15.035 Vacations.
2. There were no objections to the plat from any borough departments, outside agencies, or utility companies.
3. Gateway Community Council did not respond to the noticing.
4. Petitioner submitted petitions to vacate the right-of-way in accordance with MSB 43.15.035.
5. N. Deshka Ridge Drive is maintained by the Borough.
6. The petitioner will replace the vacated area with a road maintenance, slope, snow storage and utility easement.
7. Vacation of the 5' X 54' key hole on N. Deshka Ridge Drive will resolve a setback violation on Lot 2, Block 1 Heather Wood Subdivision, plat # 2004-96.
8. Access to adjoining properties is preserved.



50' SECTION LINE ESMT

MAT-SU COLLEGE EAST SUB  
(7057)

**VICINITY MAP**

FOR PROPOSED HEATHER WOOD  
LOT 2A, BLOCK 1  
LOCATED WITHIN  
SECTION 02, T17N, R1E, SEWARD MERIDIAN,  
ALASKA

WASILLA 09 MAP

A2

OBTAIN A [ ]  
TO THE DE[ ]  
RECORDED.

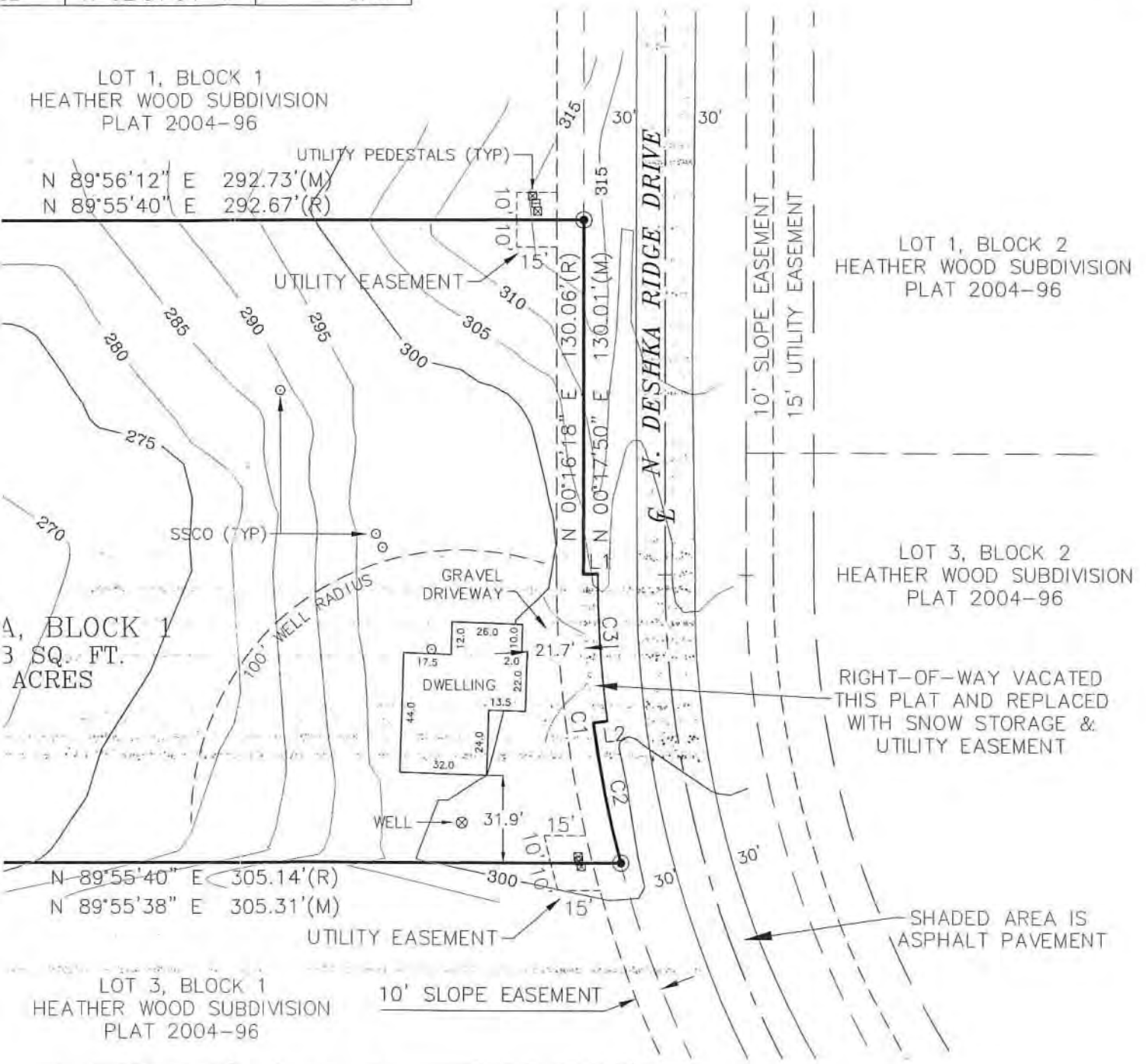
2. NO INDIVIDU[ ]  
SYSTEM SH[ ]  
IS LOCATED  
THE REQUIR[ ]  
STATE OF A

3. BLANKET EA[ ]  
MATANUSKA  
RECORDED

ARC LENGTH	DELTA ANGLE	CHORD LENGTH	CHORD BEARING	TANGENT
107.03'	14°57'26"	106.73'	N 07°12'25" W	53.82'
107.05'	14°57'36"	106.75'	N 07°17'51" W	53.83'
52.20'	07°17'42"	52.17'	N 11°07'47" W	26.14'
54.17'	07°39'48"	54.13'	N 03°39'02" W	27.13'

**LINE TABLE**

LINE	BEARING	DISTANCE
1	N 89°42'10" W	5.00'
2	N 82°31'04" E	5.00'



SURVEY

**SUBJECT:** Acceptance of late filed and retroactive Senior Citizen and Disabled Veteran exemption applications.

**AGENDA OF:** February 3, 2015

**ASSEMBLY ACTION:**

**MANAGER RECOMMENDATION:** Present to the assembly for consideration.

**APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:** \_\_\_\_\_

Route To:	Department/Individual	Initials	Remarks
1	Originator	KTS/Atty	
	Public Works Director		
	Planning and Land Use Director		
	Community Development		
	Emergency Services Director		
2	Finance Director	JCU	1/23/15
3	Borough Attorney	AS	
4	Borough Clerk	JMM	1/24/15

**ATTACHMENT (S):** Fiscal Note: Yes  No

**SUMMARY STATEMENT:**

Attached is a listing of individuals who are requesting exceptions for late filed and retroactive applications for Senior Citizen and Disabled Veteran exemption. In 2002, the state of Alaska enacted legislation whereby Disabled Veterans and Senior Citizens may request retroactive exemption. MSB code was amended accordingly. MSB Code 3.15.030(c) now establishes authority for the assembly with good cause to accept the late filed applications as timely.

Disabled Veteran late filed mandatory and optional exemptions:

Ms. Karrie Healy applied on January 6, 2015, for the mandatory and optional Disabled Veteran exemptions for tax years 2013 and 2014. Ms. Healy has owned and occupied her home since March 1, 2011. She is 60% disabled effective January 1, 2009. Ms. Healy filed late because she was waiting for her percentage of disability letter from the Veteran's office. She would like her retroactive request and late filed application accepted for 2013 and 2014.

2916B12L007 - 2013 - \$170,000

2916B12L007 - 2014 - \$170,000

Mr. Michael J. Helm applied on January 2, 2015, for the mandatory and optional Disabled Veteran exemptions for tax year 2014. Mr. Helm has owned and occupied his home since September 25, 2013. He is 80% disabled effective January 1, 2014. Mr. Helm filed late because he was waiting for his percentage of disability letter from the Veteran's office. He would like his late filed application accepted for 2014.

6974B11L007 - 2014 - \$170,000

Mr. James T. Hume applied on December 30, 2014, for the mandatory and optional Disabled Veteran exemptions for tax year 2014. Mr. Hume has owned and occupied his home since July 2, 2009. He is 90% disabled effective December 1, 2013. Mr. Hume filed late because he was waiting for his percentage of disability letter from the Veteran's office. He would like his late filed application accepted for 2014.

3107B06L011 - 2014 - \$170,000

**RECOMMENDATION OF ADMINISTRATION:** Acceptance of late filed and retroactive requests for tax exemption.

**MATANUSKA-SUSITNA BOROUGH  
FISCAL NOTE**

Agenda Date: February 3, 2015

SUBJECT: Acceptance of retroactive and late filed Senior Citizen and Disabled Veteran exemption applications.

ORIGINATOR: David Dunivan, Borough Assessor

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT (YES) NO
AMOUNT REQUESTED <10,589>	FUNDING SOURCE NAR/FSA/RSA
FROM ACCOUNT # 100.2XX.000.311.100/102	PROJECT #
TO ACCOUNT :	PROJECT #
VERIFIED BY: Barbara Baumgartner	CERTIFIED BY:
DATE: 1-22-15	DATE:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING						

CAPITAL						
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REVENUE						<10.5>
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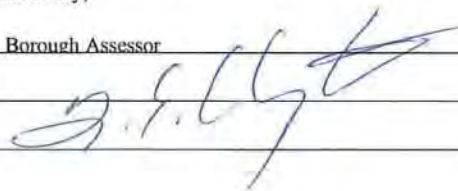
FUNDING: (Thousands of Dollars)

General Fund						<6.6>
State/Federal Funds						
Other NAR/FSA/RSA						<3.9>
TOTAL						<10.5>

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: David Dunivan, Borough Assessor      PHONE: 745-9647  
 DEPARTMENT: \_\_\_\_\_      DATE: \_\_\_\_\_  
 APPROVED BY:       DATE: 1/23/15

**SUBJECT:** Acceptance of retroactive and late filed Senior Citizen and Disabled Veteran exemption applications.

**AGENDA OF:** February 3, 2014

**ASSEMBLY ACTION:**

**MANAGER RECOMMENDATION:** Present to the assembly for consideration.

**APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:** \_\_\_\_\_

Route To:	Department/Individual	Initials	Remarks
1	Originator	<i>HTA</i>	
	Public Works Director		
	Planning and Land Use Director		
	Community Development		
	Emergency Services Director		
2	Finance Director	<i>JEL</i>	1/23/15
3	Borough Attorney	<i>AB</i>	
4	Borough Clerk	<i>JMM</i>	1/24/15

**ATTACHMENT(S):** Fiscal Note: Yes X No \_\_\_\_\_

**SUMMARY STATEMENT:**

Attached is a listing of individuals who are requesting exceptions for late filed and retroactive applications for Senior Citizen and Disabled Veteran exemption. However, in the following cases, the Assessment Division does not recommend approval of the late file applications. The Assessment Division does not believe that the applicants cause of being unaware of the exemption program is a valid reason to late file. In 2002, the state of Alaska enacted legislation whereby Disabled Veterans and Senior Citizens may request retroactive exemption. MSB code was amended accordingly. MSB Code 3.15.030(c) now establishes authority for the assembly with good cause to accept the late filed applications as timely.

Senior Citizen late filed mandatory and optional exemptions:

Mr. Paul J. Williams, Jr. applied on July 21, 2014, for the mandatory and optional Senior Citizen exemptions for tax years 2013 and 2014. Mr. Williams has owned and occupied his home since March 31, 2000. He turned 65 on March 7, 2011. Mr. Williams filed late because he was unaware of the exemption program. He would like his retroactive request and late filed application accepted for 2013 and 2014.

20N04W31B016 - 2013 - \$113,500

20N04W31B016 - 2014 - \$113,500

Ms. Pauline Williford applied on December 9, 2014, for the mandatory and optional Senior Citizen exemptions for tax years 2013 and 2014. Ms. Williford has owned and occupied her home since March 30, 1993. She turned 65 on July 4, 2002. Ms. Williford filed late because she was unaware of the exemption program. She would like her retroactive request and late filed application accepted for 2013 and 2014.

1351000L004 - 2013 - \$170,000

1351000L004 - 2014 - \$170,000

Mr. William K. West applied on January 13, 2015, for the mandatory and optional Senior Citizen exemptions for tax years 2013 and 2014. Mr. West has owned and occupied his home since January 17, 1993. He turned 65 on July 21, 2012. Mr. West filed late because he was unaware of the exemption program. He would like his retroactive request and late filed application accepted for 2013 and 2014.

3273000L001-A - 2013 - \$170,000

3273000L001-A - 2014 - \$170,000

Mr. Rex D. Wakelam applied on December 31, 2014, for the mandatory and optional Senior Citizen exemptions for tax year 2014. Mr. Wakelam has owned and occupied his home since May 29, 2008. He turned 65 on December 18, 2013. Mr. Wakelam filed late because he was unaware of the exemption program. He would like his late filed application accepted for 2014.

154000T00B - 2014 - \$46,500

Ms. Mamie Vandenberg applied on December 30, 2014, for the mandatory and optional Senior Citizen exemptions for tax years 2013 and 2014. Ms. Vandenberg has owned and occupied her home since May 6, 2010. She turned 65 on June 26, 2005. Ms. Vandenberg filed late because she was unaware of the exemption program. She would like her retroactive request and late filed application accepted for 2013 and 2014.

2917B03L036 - 2013 - \$160,000

2917B03L036 - 2014 - \$160,000

Mr. Leo P. Schaeffer applied on December 4, 2014, for the mandatory and optional Senior Citizen exemptions for tax years 2013 and 2014. Mr. Schaeffer has owned and occupied his home since December 7, 2012. He turned 65 on November 16, 2012. Mr. Schaeffer filed late because he was unaware of the exemption program. He would like his retroactive request and late filed application accepted for 2013 and 2014.

2844B02L001B - 2013 - \$170,000

2844B02L001B - 2014 - \$170,000

Mr. Allen Branson applied on December 9, 2014, for the mandatory and optional Senior Citizen exemptions for tax years 2013 and 2014. Mr. Branson has owned and occupied his home since September 20, 1993. He turned 65 on November 3, 2011. Mr. Branson filed late because he was unaware of the exemption program. He would like his retroactive request and late filed application accepted for 2013 and 2014.

1104B07L002 - 2013 - \$170,000

1104B07L002 - 2014 - \$170,000

Mr. Johnny D. Asher applied on December 4, 2014, for the mandatory and optional Senior Citizen exemptions for tax year 2014. Mr. Asher has owned and occupied his home since November 13, 2013. He turned 65 on March 15, 2012. Mr. Asher filed late because he was unaware of the exemption program. He would like his late filed application accepted for 2014.

2917B03L026 - 2014 - \$170,000

Mr. Guru Khalsa applied on December 2, 2014, for the mandatory and optional Senior Citizen exemptions for tax year 2014. Mr. Khalsa has owned and occupied his home since August 24, 1994. He turned 65 on September 4, 2013. Mr. Khalsa filed late because he was unaware of the exemption program. He would like his late filed application accepted for 2014.

6612B14L028 - 2014 - \$132,000

Mr. Robert A. Koski applied on December 26, 2014, for the mandatory and optional Senior Citizen exemptions for tax year 2014. Mr. Koski has owned and occupied his home since April 17, 1993. He turned 65 on September 1, 2013. Mr. Koski filed late because he was unaware of the exemption program. He would like his late filed application accepted for 2014.

5622000L001 - 2014 - \$170,000

Ms. Glory Marden applied on December 26, 2014, for the mandatory and optional Senior Citizen exemptions for tax year 2014. Ms. Marden has owned and occupied her home since December 2, 1996. She turned 65 on August 16, 2013. Ms. Marden filed late because she was unaware of the exemption program. She would like her late filed application accepted for 2014.

6180000T044 - 2014 - \$57,200

Mr. Douglas E. Holden applied on October 28, 2014, for the mandatory and optional Senior Citizen exemptions for tax year 2014. Mr. Holden has owned and occupied his home since December 13, 2000. He turned 65 on October 8, 2013. Mr. Holden filed late because he was unaware of the exemption program. He would like his late filed application accepted for 2014.

1664B11L002 - 2014 - \$170,000

**RECOMMENDATION OF ADMINISTRATION:** The Assessment Division does not believe that the reasons provided by the applicants are justifiable.

**MATANUSKA-SUSITNA BOROUGH  
FISCAL NOTE**

Agenda Date: February 3, 2015

SUBJECT: Acceptance of retroactive and late filed Senior Citizen and Disabled Veteran exemption applications.

ORIGINATOR: David Dunivan, Borough Assessor

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT <u>YES</u> NO
AMOUNT REQUESTED <u>&lt;41,355&gt;</u>	FUNDING SOURCE <u>NAR/FSA/RSA</u>
FROM ACCOUNT # <u>100.2xx.000.311.100/102</u>	PROJECT #
TO ACCOUNT :	PROJECT #
VERIFIED BY: <u>Barbara Baumgardner</u>	CERTIFIED BY:
DATE: <u>1-22-15</u>	DATE:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING						

CAPITAL						
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REVENUE						<u>&lt;41.3&gt;</u>
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FUNDING: (Thousands of Dollars)

General Fund						<u>&lt;25.8&gt;</u>
State/Federal Funds						
Other <u>NAR/RSA/FSA</u>						<u>&lt;15.5&gt;</u>
TOTAL						<u>&lt;41.3&gt;</u>

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: David Dunivan, Borough Assessor PHONE: 745-9647  
 DEPARTMENT: \_\_\_\_\_ DATE: \_\_\_\_\_  
 APPROVED BY: [Signature] DATE: 1/23/15

**SUBJECT:** Award of RFP 15-050P, District-wide Energy Upgrades Design, to Architects Alaska, Inc. in an amount not to exceed \$250,000.00.

**AGENDA OF: February 3, 2015**

**ASSEMBLY ACTION:**

**MANAGER RECOMMENDATION:** Present to the assembly for consideration.

**APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:** \_\_\_\_\_

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>[Signature]</i>	
	Capital Projects Director	MB 1/20/15	
	Finance Director	<i>[Signature]</i>	1/22/15
	Borough Attorney	<i>[Signature]</i>	
	Borough Clerk	<i>[Signature]</i>	1/26/15 <i>[Signature]</i>

**ATTACHMENT (S):** Fiscal Note: Yes  No   
 Advertising: (1 pp)

**SUMMARY STATEMENT:** On September 18, 2014, the Matanuska-Susitna Borough issued Request for Proposal #15-050P requesting proposals from qualified firms for the design of energy upgrades to eighteen Mat-Su Borough School District sites. Those sites are Big Lake Elementary, Burchell High, Cottonwood Creek Elementary, Finger Lake Elementary, Goose Bay Elementary, Houston Middle, Knik Elementary, Larson Elementary, Palmer Junior Middle, Pioneer Peak Elementary, Shaw Elementary, Sherrod Elementary, Snowshoe Elementary, Swanson Elementary, Talkeetna Elementary, Wasilla High, Wasilla Middle, and Willow Elementary. This solicitation resulted in eight proposals being received. The proposals were reviewed by a team of five evaluators made up of Capital Projects and School District employees. Architects Alaska, Inc. received the highest score of the eight proposals.

The work will be accomplished in phases. Architects Alaska, Inc. will begin the Phase One investigative work and generate a list of findings depicting what improvements and changes can be effected at each location to improve comfort and efficiency. Phase Two will take the list of findings and establish the estimate for construction costs to determine if the budget can withstand all work proposed. All work will then be prioritized by the Capital Project Director and the MSB School District to maximize benefits to the School District.

Bidding documentation is expected to allow for issuance of Invitation(s) to Bid issuance in March, 2015.

**RECOMMENDATION OF ADMINISTRATION:** Award of PROPOSAL 15-050P, DISTRICTWIDE ENERGY UPGRADES DESIGN to ARCHITECTS ALASKA, INC. in an amount not to exceed TWO HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$250,000.00).

**MATANUSKA-SUSITNA BOROUGH  
FISCAL NOTE**

Agenda Date: February 3, 2015

SUBJECT: Award of RFP 15-050P, District-wide Energy Upgrades Design, to Architects Alaska, Inc. in an amount not to exceed \$250,000.00.

ORIGINATOR: Purchasing

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT <input checked="" type="radio"/> YES <input type="radio"/> NO
AMOUNT REQUESTED \$250,000	FUNDING SOURCE Bonds
FROM ACCOUNT # 400.000.000.4xx, xxx	PROJECT # 40198
TO ACCOUNT :	PROJECT #
VERIFIED BY: <i>[Signature]</i>	CERTIFIED BY:
DATE: 1-22-15	DATE:

EXPENDITURES REVENUES: (Thousands of Dollars)

OPERATING	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING						

CAPITAL		250				
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REVENUE						
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FUNDING: (Thousands of Dollars)

General Fund						
State Federal Funds						
Other		250				
TOTAL		250				

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: \_\_\_\_\_ PHONE: \_\_\_\_\_  
 DEPARTMENT: \_\_\_\_\_ DATE: \_\_\_\_\_  
 APPROVED BY: *[Signature]* DATE: 1/22/15

AM No. 15-04

**MATANUSKA-SUSITNA BOROUGH  
350 East Dahlia  
Palmer, Alaska 99645**

**ADVERTISEMENT**

VENDOR		ACCOUNT #	DATE FOR ADVERTISEMENT
Anchorage Dispatch News		MATA 0070	SEPTEMBER 18 & 24, 2014
Frontiersman		CONTRACT	SEPTEMBER 19, 2014
<b>TYPE OF AD:</b>	<input type="checkbox"/> Display	<input checked="" type="checkbox"/> Classified	<input type="checkbox"/> Public Information

The material herein must be printed in its entirety on the dates shown above. Affidavit of publication is required prior to payment.

**MATANUSKA-SUSITNA BOROUGH  
#15-050P  
DISTRICTWIDE ENERGY UPGRADES DESIGN**

The Matanuska-Susitna Borough is seeking proposals from Architectural/Engineering (A/E) firms to provide design services for Energy Upgrades at eighteen Mat-Su Borough School District (MSBSD) sites.

Proposal documents are available beginning **SEPTEMBER 18, 2014** in the Purchasing Division, Matanuska-Susitna Borough, 350 E. Dahlia Ave., Palmer, AK 99645. Info: (907) 861-8601, Fax (907) 861-8617, e-mail [purchasing@matsugov.us](mailto:purchasing@matsugov.us). A document fee of \$5.00 will be charged for materials picked-up and \$10.00 for materials mailed. This proposal document may be available on the internet at [www.matsugov.us](http://www.matsugov.us).

Proposal closing: **OCTOBER 21, 2014 @ 4:00 PM in the Purchasing Division**

Proposals must be received in the Purchasing Division prior to the time fixed for closing of the RFP to be considered. Time of receipt will be determined by the time stamp in the Purchasing Division.

Persons needing accommodation in order to participate should contact the borough ADA coordinator at (907) 861-8404.

The Matanuska-Susitna Borough reserves the right to accept or reject any or all proposals, waive any and all technicalities or informalities it deems appropriate. Award of this project is subject to the availability of funding.

Date: August 18, 2014	Requested by: Signature on File	Approved by: Signature on File
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DEPARTMENT ACCOUNT NO.: 400.000.000.463.940 ~ 40198-1000-1002

**SUBJECT:** Award of Proposal 15-051P, District-wide HVAC Upgrades Design, to PDC Inc. Engineers in an amount not to exceed \$566,000.00.

**AGENDA OF:** February 3, 2015

**ASSEMBLY ACTION:**

**MANAGER RECOMMENDATION:** Present to the assembly for consideration.

**APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:** \_\_\_\_\_

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>[Signature]</i>	
	Capital Projects Director	MB	1/20/15
	Finance Director	<i>[Signature]</i>	1/22/15
	Borough Attorney	<i>[Signature]</i>	
	Borough Clerk	JM	1/26/15 <i>[Signature]</i>

**ATTACHMENT (S):** Fiscal Note: Yes  No   
 Advertising: (1 pp)

**SUMMARY STATEMENT:** On September 19, 2014, the Matanuska-Susitna Borough issued solicitation 15-051P seeking proposals from qualified firms to provide design services for HVAC and control upgrades at eleven Mat-Su Borough School District site. These sites are Butte Elementary, Cottonwood Creek Elementary, Finger Lake Elementary, Palmer Junior Middle, Pioneer Peak Elementary, School District Warehouse, Snowshoe Elementary, Tanaina Elementary, Wasilla Middle and Willow Elementary. In response to the solicitation, the Borough received seven proposals which were scored by a team of five Capital Project and School District employees. PDC Inc. Engineers received the highest score.

The work will be separated into phases with Phase One consisting

of investigative work at all sites to generate a list of findings depicting what improvements and changes can be effected at each location to improve comfort, control and efficiencies. The list of findings will then be estimated for construction cost to determine if the budget can withstand all work proposed. The list will be prioritized by the MSB School District and the Capital Projects Director to maximize the benefits.

Plan for the construction portion are expected to be delivered to the Mat-Su Borough in March, 2015.

**RECOMMENDATION OF ADMINISTRATION:** Award of **PROPOSAL 15-051P, DISTRICTWIDE HVAC UPGRADES DESIGN**, to **PDC INC. ENGINEERS** in an amount not to exceed **FIVE HUNDRED SIXTY SIX THOUSAND AND NO/100 DOLLARS (\$566,000.00)**.

**MATANUSKA-SUSITNA BOROUGH  
FISCAL NOTE**

Agenda Date: February 3, 2015

SUBJECT: Award of Proposal 15-051P, District-wide HVAC Upgrades Design, to PDC Inc. Engineers in an amount not to exceed \$566,000.00.

ORIGINATOR: Purchasing

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT <input checked="" type="radio"/> YES <input type="radio"/> NO
AMOUNT REQUESTED \$566,000	FUNDING SOURCE Bonds
FROM ACCOUNT # 400.000.000.4xx.xx	PROJECT # 40199
TO ACCOUNT :	PROJECT #
VERIFIED BY: <i>[Signature]</i>	CERTIFIED BY:
DATE: 1-22-15	DATE:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING						

CAPITAL		566				
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

General Fund						
State/Federal Funds						
Other		566				
TOTAL		566				

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: *[Signature]* PHONE: \_\_\_\_\_  
 DEPARTMENT: \_\_\_\_\_ DATE: 1/22/15  
 APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

**MATANUSKA-SUSITNA BOROUGH**  
**350 East Dahlia**  
**Palmer, Alaska 99645**

**ADVERTISEMENT**

VENDOR		ACCOUNT #	DATE FOR ADVERTISEMENT
Anchorage Dispatch News		MATA 0070	SEPTEMBER 19 & 24, 2014
Frontiersman		CONTRACT	SEPTEMBER 19, 2014
<b>TYPE OF AD:</b>	<input type="checkbox"/> Display	<input checked="" type="checkbox"/> Classified	<input type="checkbox"/> Public Information

The material herein must be printed in its entirety on the dates shown above. Affidavit of publication is required prior to payment.

**MATANUSKA-SUSITNA BOROUGH**  
**#15-051P**  
**DISTRICTWIDE HVAC UPGRADES DESIGN**

The Matanuska-Susitna Borough is seeking proposals from Architectural/Engineering (A/E) firms to provide design services for HVAC and control upgrades at eleven Mat-Su Borough School District (MSBSD) sites.

Proposal documents are available beginning **SEPTEMBER 19, 2014** in the Purchasing Division, Matanuska-Susitna Borough, 350 E. Dahlia Ave., Palmer, AK 99645. Info: (907) 861-8601, Fax (907) 861-8617, e-mail [purchasing@matsugov.us](mailto:purchasing@matsugov.us). A document fee of \$5.00 will be charged for materials picked-up and \$10.00 for materials mailed. This proposal document may be available on the internet at [www.matsugov.us](http://www.matsugov.us).

Proposal closing: **OCTOBER 23, 2014 @ 4:00 PM in the Purchasing Division**

Proposals must be received in the Purchasing Division prior to the time fixed for closing of the RFP to be considered. Time of receipt will be determined by the time stamp in the Purchasing Division.

Persons needing accommodation in order to participate should contact the borough ADA coordinator at (907) 861-8404.

The Matanuska-Susitna Borough reserves the right to accept or reject any or all proposals, waive any and all technicalities or informalities it deems appropriate. Award of this project is subject to the availability of funding.

Date: September 18, 2014	Requested by: Signature on File	Approved by: Signature on File
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DEPARTMENT ACCOUNT NO.: 400.000.000.463.940 ~ 40199-1000-1002

**SUBJECT:** Award of Bid No. 15-086B, N Mars Avenue and E. Mercury Avenue to Bristol Prime Contractors, LLC for the contract amount of \$237,178.75.

**AGENDA OF:** February 3, 2015

**ASSEMBLY ACTION:**

Present to the assembly for consideration.

**APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:** \_\_\_\_\_

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>[Signature]</i>	
	Public Works Director	<i>[Signature]</i>	20 Jan 15
	Finance Director	<i>[Signature]</i>	1/23/15
	Borough Attorney	<i>[Signature]</i>	
	Borough Clerk	<i>[Signature]</i>	1/24/15 <i>(B)</i>

**ATTACHMENT (S):** Fiscal Note: Yes  No   
 Advertisement (1p)  
 Analysis Sheet (1p)

**SUMMARY STATEMENT:** On December 22, 2014, the Matanuska-Susitna Borough issued solicitation 15-086B requesting bids to provide labor, equipment and material to reconstruct approximately 3,483 linear feet of E. Mercury Avenue and N. Mars Avenue off of Clark-Wolverine Road in Palmer, AK. This project will upgrade the existing gravel roadways to MSB residential road standards. This work will involve, but is not limited, to 0.25 acres Clearing and Grubbing, 5,015 CY Unclassified Excavation, 4,951 CY Borrow, Type B, and 968 CY of Aggregate Surface Course, Grading E-1. Additional items include drainage improvements, signage, topsoil and seeding. In response to the advertisement, ten (10) bids were received.

Award recommendation is being made to Bristol Prime Contractors, LLC with their bid being the lowest responsive and responsible for all line items. The Contractor shall complete all the work within 75 days after commencing operations with a completion date of August 31, 2015.

RECOMMENDATION OF ADMINISTRATION: Award of BID NO. 15-0863B, N. MARS AVENUE AND E. MERCURY AVENUE to BRISTOL PRIME CONTRACTORS, LLC for the contract amount of TWO HUNDRED THIRTY SEVEN THOUSAND ONE HUNDRED SEVENTY EIGHT AND 75/100 DOLLARS (\$237,178.75).

**MATANUSKA-SUSITNA BOROUGH  
FISCAL NOTE**

Agenda Date: February 3, 2015

SUBJECT: Award of Bid No. 15-086B, N Mars Avenue and E. Mercury Avenue to Bristol Prime Contractors, LLC for the contract amount of \$237,178.75.

ORIGINATOR: Purchasing

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT <input checked="" type="radio"/> YES <input type="radio"/> NO
AMOUNT REQUESTED \$237,178.75	FUNDING SOURCE RSA Approp / RSA fund bal / state grant
FROM ACCOUNT # 410.000.000.4xx,xxx	PROJECT # 30041
TO ACCOUNT :	PROJECT #
VERIFIED BY: <i>Barbara Baumgardner</i>	CERTIFIED BY:
DATE: 1-22-15	DATE:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING						

CAPITAL		237.1				
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

General Fund						
State/Federal Funds		37.9				
Other		199.2				
TOTAL		237.1				

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: \_\_\_\_\_ PHONE: \_\_\_\_\_  
 DEPARTMENT: \_\_\_\_\_ DATE: \_\_\_\_\_  
 APPROVED BY: *[Signature]* DATE: 1/23/15

**MATANUSKA-SUSITNA BOROUGH**  
**350 East Dahlia**  
**Palmer, Alaska 99645**

**ADVERTISEMENT**

VENDOR		ACCOUNT #	DATE FOR ADVERTISEMENT
Alaska Dispatch News		MATA 0070	December 22, 2014
Frontiersman		CONTRACT	December 23, 2014
<b>TYPE OF AD:</b>	<input type="checkbox"/> Display	<input checked="" type="checkbox"/> Classified	<input type="checkbox"/> Public Information

The material herein must be printed in its entirety on the dates shown above. Affidavit of publication is required prior to payment.

**MATANUSKA-SUSITNA BOROUGH**  
**BID #15-086B**  
*N Mars Avenue and E Mercury Avenue*

The Matanuska-Susitna Borough is soliciting bids from qualified contractors to provide labor, equipment and material to reconstruct approximately 3,483 linear feet of E. Mercury Avenue and N. Mars Avenue off of the Clark-Wolverine Road in Palmer, Alaska. This project will upgrade the existing gravel roadways to MSB residential road standards. This work will involve, but is not limited to .25 Acre clearing and 1.25 Acres grubbing, 5,015 CY Unclassified Excavation, 4,951 CY Borrow, Type B, and 968 CY of aggregate surface course, grading E-1. Additional items include drainage improvements, topsoil and seeding.

Bid documents are available **December 22, 2014** in the Purchasing Division, Matanuska-Susitna Borough, 350 E. Dahlia Ave., Palmer, AK 99645. For Information: (907) 861-8601, Facsimile: (907) 861-8617, e-mail [purchasing@matsugov.us](mailto:purchasing@matsugov.us). This bid document may be available on the internet at [www.matsugov.us](http://www.matsugov.us). A document fee of \$5.00 will be charged for materials picked-up and \$10.00 for materials mailed.

Pre-bid: **January 6, 2015 @ 10AM in Purchasing Division P1 Conference Room**

Bids open: **January 16, 2015 @ 3PM in the Purchasing Division**

Bids must be received in the Purchasing Division prior to the time fixed for opening of the bids to be considered. Time of receipt will be determined by the time stamp in the Purchasing Division.

Persons needing accommodation in order to participate should contact the borough ADA coordinator at (907) 861-8687.

The Matanuska-Susitna Borough reserves the right to accept or reject any or all bids, waive any and all technicalities or informalities it deems appropriate. Award of this project is subject to the availability of funding.

Page 1 of 1	Requested by: <b>Signature on File</b>	Approved by: <b>Signature on File</b>
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DEPARTMENT ACCOUNT NO.: **410.000.000.462.940 ~ 30041/6632/9302/2115**

pg 1 of 1

Am 15-016

Pg 1 of 1

**BID TABULATION**  
**BID #15-086B N Mars Avenue & E Mercury Avenue**  
**January 16, 2015 @ 3PM**

BIDDER				Davis Constructors		Tutka, LLC		Western Construction & Equip		Valley General Construction		Spernak & Son		H Construction	
Pay Item Number	Pay Item Description	Pay Unit	Quantity	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
201(1A)	Clearing	Acre	0.25	\$6,500.00	\$1,625.00	\$40,000.00	\$10,000.00	\$14,000.00	\$3,500.00	\$18,000.00	\$4,500.00	\$25,850.00	\$6,462.50	\$12,000.00	\$3,000.00
201(2A)	Grubbing	Acre	1.25	\$9,500.00	\$11,875.00	\$6,000.00	\$7,500.00	\$2,000.00	\$2,500.00	\$5,400.00	\$6,750.00	\$14,510.70	\$18,138.38	\$3,000.00	\$3,750.00
202(4)	Removal of Culvert Pipe	Linear Foot	324	\$9.75	\$3,159.00	\$10.00	\$3,240.00	\$10.00	\$3,240.00	\$16.00	\$5,184.00	\$8.04	\$2,604.96	\$5.00	\$1,620.00
203(3)	Unclassified Excavation	Cubic Yard	5,015	\$6.75	\$33,851.25	\$14.00	\$70,210.00	\$9.00	\$45,135.00	\$9.60	\$48,144.00	\$12.85	\$64,442.75	\$7.00	\$35,105.00
203(5B)	Borrow, Type B	Cubic Yard	4,951	\$19.75	\$97,782.25	\$18.00	\$89,118.00	\$20.00	\$99,020.00	\$17.00	\$84,167.00	\$16.87	\$83,523.37	\$23.00	\$113,873.00
203(27)	Ditch Linear Grading	Station	5	\$188.00	\$940.00	\$720.00	\$3,600.00	\$3,500.00	\$17,500.00	\$175.00	\$875.00	\$1,155.00	\$5,775.00	\$500.00	\$2,500.00
301(4)	Aggregate Surface Course, Grading E-1	Cubic Yard	968	\$32.00	\$30,976.00	\$40.00	\$38,720.00	\$25.00	\$24,200.00	\$25.00	\$24,200.00	\$31.52	\$30,511.36	\$30.00	\$29,040.00
<b>603(1-12)</b>	<b>12 Inch CSP</b>	<b>Foot</b>	<b>331</b>	<b>\$40.00</b>	<b>\$13,240.00</b>	<b>\$31.00</b>	<b>\$10,261.00</b>	<b>\$35.00</b>	<b>\$11,585.00</b>	<b>\$42.00</b>	<b>\$13,902.00</b>	<b>\$50.50</b>	<b>\$16,715.50</b>	<b>\$23.00</b>	<b>\$7,613.00</b>
<b>603(1-18)</b>	<b>18 Inch CSP</b>	<b>Foot</b>	<b>155</b>	<b>\$48.00</b>	<b>\$7,440.00</b>	<b>\$44.00</b>	<b>\$6,820.00</b>	<b>\$50.00</b>	<b>\$7,750.00</b>	<b>\$53.00</b>	<b>\$8,215.00</b>	<b>\$70.49</b>	<b>\$10,925.95</b>	<b>\$28.00</b>	<b>\$4,340.00</b>
610(3)	Ditch Lining	Station	8	\$850.00	\$6,800.00	\$943.00	\$7,544.00	\$750.00	\$6,000.00	\$900.00	\$7,200.00	\$727.00	\$5,816.00	\$500.00	\$4,000.00
615(2)	Remove and Relocate Existing Sign	Each	1	\$650.00	\$650.00	\$327.00	\$327.00	\$160.00	\$160.00	\$100.00	\$100.00	\$420.00	\$420.00	\$500.00	\$500.00
618(2)	Seeding	Pound	29	\$125.00	\$3,625.00	\$134.00	\$3,886.00	\$115.00	\$3,335.00	\$145.00	\$4,205.00	\$135.00	\$3,915.00	\$200.00	\$5,800.00
620(1)	Topsoil	Square Yard	3,200	\$7.00	\$22,400.00	\$2.90	\$9,280.00	\$3.50	\$11,200.00	\$4.70	\$15,040.00	\$5.00	\$16,000.00	\$7.00	\$22,400.00
<b>630(1)</b>	<b>Geotextile, Separation</b>	<b>Square Yard</b>	<b>10,000</b>	<b>\$0.75</b>	<b>\$7,500.00</b>	<b>\$0.78</b>	<b>\$7,800.00</b>	<b>\$1.25</b>	<b>\$12,500.00</b>	<b>\$1.60</b>	<b>\$16,000.00</b>	<b>\$0.68</b>	<b>\$6,800.00</b>	<b>\$0.55</b>	<b>\$5,500.00</b>
639(1)	Residence Driveway	Each	12	\$925.00	\$11,100.00	\$200.00	\$2,400.00	\$250.00	\$3,000.00	\$370.00	\$4,440.00	\$500.00	\$6,000.00	\$500.00	\$6,000.00
639(2)	Public Approach	Each	3	\$770.00	\$2,310.00	\$645.00	\$1,935.00	\$500.00	\$1,500.00	\$450.00	\$1,350.00	\$400.00	\$1,200.00	\$1,500.00	\$4,500.00
640(1)	Mobilization and Demobilization	Lump Sum	All Required		\$12,750.00		\$23,000.00		\$20,000.00		\$17,500.00		\$7,500.00		\$6,000.00
641(1)	Erosion and Pollution Control Administration	Lump Sum	All Required		\$885.00		\$2,200.00		\$3,500.00		\$2,000.00		\$4,125.00		\$3,000.00
641(3)	Temporary Erosion and Pollution Control	Lump Sum	All Required		\$12,000.00		\$4,000.00		\$3,000.00		\$2,700.00		\$5,275.00		\$2,000.00
642(1)	Construction Surveying	Lump Sum	All Required		\$13,500.00		\$19,000.00		\$34,000.00		\$13,000.00		\$9,561.60		\$8,500.00
642(2)	Two Person Survey Party	Hour	1	\$320.00	\$320.00	\$306.00	\$306.00	\$200.00	\$200.00	\$300.00	\$300.00	\$337.50	\$337.50	\$250.00	\$250.00
643(2)	Traffic Maintenance	Lump Sum	All Required		\$12,000.00		\$1,000.00		\$4,000.00		\$1,200.00		\$1,000.00		\$3,500.00
643(3)	Permanent Construction Signs	Lump Sum	All Required		\$1,850.00		\$2,000.00		\$2,000.00		\$1,400.00		\$7,942.50		\$3,500.00
<b>800(1)</b>	<b>Interim Work Authorization</b>	<b>Contingent Sum</b>	<b>All Required</b>		\$10,000.00		\$10,000.00		\$10,000.00		\$10,000.00		\$10,000.00		\$10,000.00
<b>TOTAL BASE BID</b>					<b>\$318,578.50</b>		<b>\$334,147.00</b>		<b>\$328,825.00</b>		<b>\$292,372.00</b>		<b>\$324,992.37</b>		<b>\$286,291.00</b>

BIDDER				Dirtworks Inc		Bristol Prime Contractors, LLC		Norse Alaska, LLC		Jim Psenak Construction					
Pay Item Number	Pay Item Description	Pay Unit	Quantity	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
201(1A)	Clearing	Acre	0.25	\$11,840.00	\$2,960.00	\$12,500.00	\$3,125.00	\$6,000.00	\$2,000.00	\$10,000.00	\$2,500.00				
201(2A)	Grubbing	Acre	1.25	\$2,920.00	\$3,650.00	\$7,260.00	\$9,075.00	\$6,000.00	\$7,500.00	\$2,814.00	\$3,517.50				
202(4)	Removal of Culvert Pipe	Linear Foot	324	\$7.93	\$2,569.32	\$8.50	\$2,754.00	\$18.00	\$5,832.00	\$5.80	\$1,879.20				
203(3)	Unclassified Excavation	Cubic Yard	5,015	\$11.86	\$59,477.90	\$6.65	\$33,349.75	\$8.25	\$41,373.75	\$8.44	\$42,326.60				
203(5B)	Borrow, Type B	Cubic Yard	4,951	\$10.71	\$53,025.21	\$7.00	\$34,657.00	\$14.25	\$70,551.75	\$11.57	\$57,283.07				
203(27)	Ditch Linear Grading	Station	5	\$676.00	\$3,380.00	\$770.00	\$3,850.00	\$400.00	\$2,000.00	\$300.00	\$1,500.00				
301(4)	Aggregate Surface Course, Grading E-1	Cubic Yard	968	\$18.93	\$18,324.24	\$20.50	\$19,844.00	\$17.89	\$17,317.52	\$19.60	\$18,972.80				
<b>603(1-12)</b>	<b>12 Inch CSP</b>	<b>Foot</b>	<b>331</b>	<b>\$46.30</b>	<b>\$15,325.30</b>	<b>\$44.00</b>	<b>\$14,564.00</b>	<b>\$41.84</b>	<b>\$13,849.04</b>	<b>\$19.60</b>	<b>\$6,487.60</b>				
<b>603(1-18)</b>	<b>18 Inch CSP</b>	<b>Foot</b>	<b>155</b>	<b>\$58.77</b>	<b>\$9,109.35</b>	<b>\$54.00</b>	<b>\$8,370.00</b>	<b>\$45.92</b>	<b>\$7,117.60</b>	<b>\$24.45</b>	<b>\$3,789.75</b>				
610(3)	Ditch Lining	Station	8	\$825.00	\$6,600.00	\$650.00	\$5,200.00	\$965.00	\$7,720.00	\$400.00	\$3,200.00				
615(2)	Remove and Relocate Existing Sign	Each	1	\$390.00	\$390.00	\$500.00	\$500.00	\$280.00	\$280.00	\$200.00	\$200.00				
618(2)	Seeding	Pound	29	\$137.00	\$3,973.00	\$300.00	\$8,700.00	\$276.00	\$8,004.00	\$85.00	\$2,465.00				
620(1)	Topsoil	Square Yard	3,200	\$2.18	\$6,976.00	\$1.00	\$3,200.00	\$6.00	\$19,200.00	\$3.18	\$10,176.00				
<b>630(1)</b>	<b>Geotextile, Separation</b>	<b>Square Yard</b>	<b>10,000</b>	<b>\$0.80</b>	<b>\$8,000.00</b>	<b>\$1.45</b>	<b>\$14,500.00</b>	<b>\$0.93</b>	<b>\$9,300.00</b>	<b>\$1.00</b>	<b>\$10,000.00</b>				
639(1)	Residence Driveway	Each	12	\$350.00	\$4,200.00	\$1,400.00	\$16,800.00	\$300.00	\$3,600.00	\$280.00	\$3,360.00				
639(2)	Public Approach	Each	3	\$565.00	\$1,695.00	\$1,500.00	\$4,500.00	\$1,000.00	\$3,000.00	\$350.00	\$1,050.00				
640(1)	Mobilization and Demobilization	Lump Sum	All Required		\$7,500.00		\$7,300.00		\$2,500.00		\$20,000.00				
641(1)	Erosion and Pollution Control Administration	Lump Sum	All Required		\$1,200.00		\$1,800.00		\$3,800.00		\$6,000.00				
641(3)	Temporary Erosion and Pollution Control	Lump Sum	All Required		\$3,525.00		\$8,300.00		\$5,222.19		\$2,500.00				
642(1)	Construction Surveying	Lump Sum	All Required		\$10,200.00		\$10,300.00		\$15,000.00		\$23,500.00				
642(2)	Two Person Survey Party	Hour	1	\$285.00	\$285.00	\$250.00	\$250.00	\$300.00	\$300.00	\$500.00	\$500.00				
643(2)	Traffic Maintenance	Lump Sum	All Required		\$2,700.00		\$8,920.00		\$17,000.00		\$9,000.00				
643(3)	Permanent Construction Signs	Lump Sum	All Required		\$3,900.00		\$7,320.00		\$5,810.00		\$1,575.00				
<b>800(1)</b>	<b>Interim Work Authorization</b>	<b>Contingent Sum</b>	<b>All Required</b>		\$10,000.00		\$10,000.00		\$10,000.00		\$10,000.00				
<b>TOTAL BASE BID</b>					<b>\$238,965.32</b>		<b>\$237,178.75</b>		<b>\$278,277.85</b>		<b>\$241,782.52</b>		<b>\$0.00</b>		<b>\$0.00</b>

Am 15-014

**SUBJECT:** ACCEPTANCE AND APPROPRIATION OF FISCAL YEAR 2015 COMMUNITY REVENUE SHARING PROGRAM FUNDS IN THE AMOUNT OF \$424,200 TO FUND 475, PROJECT NO. 47033.

**AGENDA OF:** February 3, 2015

**ASSEMBLY ACTION:**

**MANAGER RECOMMENDATION:** Present to the Assembly for consideration.

**APPROVED BY JOHN M. MOOSEY, BOROUGH MANAGER:** \_\_\_\_\_

Route To:	Department/Individual	Initials	Remarks
1	Originator	BB	
2	Finance Director	JEC	1/23/15
3	Borough Attorney	NS	
4	Borough Clerk	JMM	1/26/15

**ATTACHMENT (S):** Fiscal Note: Yes X No  
 Resolution Serial No. 15-010 (4pp)  
 Ordinance Serial No. 15-022 (3pp)

**SUMMARY STATEMENT:**

During the 2008 legislative session a bill was passed that would allow a portion of the Fiscal Year 2009 Community Revenue Sharing Program funds to be passed through to a community council. The program funding was continued for Fiscal Year 2010, Fiscal Year 2011, Fiscal Year 2012, Fiscal Year 2013, Fiscal Year 2014, and has been funded again for Fiscal Year 2015.

To qualify for the program, the communities must have at least 25 residents and pay for three of the following services: fire protection, emergency medical, water and sewer, solid waste management, public road or ice road maintenance, public health, and search and rescue.

The amount of the grant to be passed through in the form of a grant to each community council is \$20,200 and can only be spent for the public benefit of the unincorporated area.

Some examples of the scopes of work that community councils submitted for the program are as follows:



Butte	Butte Community Council
Chase	Chase Community Council
Chickaloon	Chickaloon Community Council
Fishhook	Fishhook Community Council
Gateway	Gateway Community Council
Glacier View	Glacier View Community Council
Knik-Fairview	Knik-Fairview Community Council
Lake Louise	Lake Louise Non-Profit Corporation
Lazy Mountain	Lazy Mountain Community Council
Meadow Lakes	Meadow Lakes Community Council
North Lakes	North Lakes Community Council
Point MacKenzie	Point MacKenzie Community Council
South Knik River	South Knik River Community Council
South Lakes	South Lakes Community Council
Susitna	Susitna Community Council
Sutton	Sutton Community Council
Talkeetna	Talkeetna Community Council
Trapper Creek	Trapper Creek Community Council
Willow Area	Willow Area Community Organization

The above community councils are only eligible for participation in the program once they have provided proof that they are registered as an incorporated nonprofit entity with the State of Alaska and the incorporated nonprofit entity has entered into the applicable agreements with the Borough.

**RECOMMENDATION OF ADMINISTRATION:**

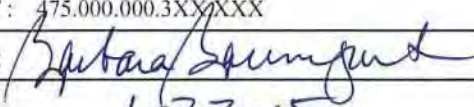
Accept and appropriate Fiscal Year 2015 Community Revenue Sharing Program Funds in the amount of \$424,200, to Fund 475, Project No. 47033.

MATANUSKA-SUSITNA BOROUGH  
FISCAL NOTE

Agenda Date: February 3, 2015

SUBJECT: ACCEPTANCE AND APPROPRIATION OF FISCAL YEAR 2015 COMMUNITY REVENUE SHARING PROGRAM FUNDS IN THE AMOUNT OF \$424,200 TO FUND 475, PROJECT NO. 47033.

ORIGINATOR: Finance

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT <input checked="" type="radio"/> YES <input type="radio"/> NO
AMOUNT REQUESTED *\$424,200	FUNDING SOURCE State Revenue Sharing Funds
FROM ACCOUNT #	PROJECT #
TO ACCOUNT : 475.000.000.3XXX XXX	PROJECT # 47033
VERIFIED BY: 	CERTIFIED BY:
DATE: 1-22-15	DATE:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>						

CAPITAL						424.2
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REVENUE						
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FUNDING: (Thousands of Dollars)

General Fund						
State Funds						424.2
Other						
<b>TOTAL</b>						424.2

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary) \* At this time, this is the estimated amount allocated for the Community Revenue Sharing Program for Fiscal Year 2015.

PREPARED BY: \_\_\_\_\_ PHONE: \_\_\_\_\_  
 DEPARTMENT: \_\_\_\_\_ DATE: \_\_\_\_\_  
 APPROVED BY:  DATE: 1/23/15

Ordinance Serial No. 15-022  
 Resolution Serial No. 15-010  
 IM No. 15-034

NON-CODE ORDINANCE

By: Borough Manager  
Introduced: 02/03/15  
Public Hearing: \_\_\_\_\_  
Adopted: \_\_\_\_\_

**MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 15-022**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY APPROVING THE ACCEPTANCE AND APPROPRIATION OF FISCAL YEAR 2015 COMMUNITY REVENUE SHARING PROGRAM FUNDS IN THE AMOUNT OF \$424,200 TO FUND 475, PROJECT NO. 47033.

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WHEREAS, during the 2008 legislative session a bill was passed that would allow a portion of the fiscal year 2009 Community Revenue Sharing Program funds to be passed through to a community council; and

WHEREAS, the program funding was continued for fiscal year 2010, fiscal year 2011, fiscal year 2012, fiscal year 2013, fiscal year 2014, and has been funded again for fiscal year 2015; and

WHEREAS, the communities must have at least 25 residents and pay for 3 of the following services: fire protection, emergency medical, water and sewer, solid waste management, public road or ice road maintenance, public health, or search and rescue; and

WHEREAS, the amount of the grant to be passed through in the form of a grant to each community council is \$20,200 and can only be spent for the public benefit of the unincorporated area; and

WHEREAS, on January 21, 2014, the Assembly adopted

Resolution Serial No. 14-005 which approved twenty-one community councils for participation in the program; and

WHEREAS, community councils are only eligible for participation in the program once they have provided proof that they are registered as an incorporated nonprofit entity with the state of Alaska and the incorporated nonprofit entity has entered into the applicable agreements with the Borough; and

WHEREAS, no expenditures can be made until the scope of work and budget have been approved by the Assembly.

BE IT ENACTED:

Section 1. Classification. This is a non-code ordinance.

Section 2. Acceptance and appropriation source. The Matanuska-Susitna Borough Assembly hereby approves the acceptance and appropriation of fiscal year 2015 Community Revenue Sharing program funds in the amount of \$424,200, to fund 475, project no. 47033.

Section 3. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2015.

\_\_\_\_\_  
Larry DeVilbiss, Borough Mayor

ATTEST:

LONNIE R. MCKECHNIE, CMC, Borough Clerk

(SEAL)

Action:

**MATANUSKA-SUSITNA BOROUGH  
RESOLUTION SERIAL NO. 15-010**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY APPROVING THE SCOPE OF WORK AND BUDGET FOR THE FISCAL YEAR 2015 COMMUNITY REVENUE SHARING PROGRAM, PROJECT 47033.

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WHEREAS, during the 2008 legislative session a bill was passed that would allow a portion of the fiscal year 2009 community Revenue Sharing Program funds to be passed through to a community council; and

WHEREAS, the program funding was continued for fiscal year 2010, fiscal year 2011, fiscal year 2012, fiscal year 2013, fiscal year 2014, and has been funded again for fiscal year 2015; and

WHEREAS, the communities must have at least 25 residents and pay for three of the following services: fire protection, emergency medical, water and sewer, solid waste management, public road or ice road maintenance, public health, and search and rescue; and

WHEREAS, the amount of the grant to be passed through in the form of a grant to each community council is \$20,200 and can only be spent for the public benefit or the unincorporated area; and

WHEREAS, on February 21, 2014, the Assembly adopted Resolution Serial No. 14-019, which approved 21 community

councils for participation in the program; and,

WHEREAS, community councils are only eligible for participation in the program once they have provided proof that they are registered as an incorporated nonprofit entity with the State of Alaska and the incorporated nonprofit entity has entered into the applicable agreements with the Borough; and,

WHEREAS, no expenditures can be made until the scope of work and budget have been approved by the Assembly.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Assembly hereby approves the scope of work and budget for the fiscal year 2015 Community Revenue sharing Program project no. 47033.

#### SCOPE OF WORK

To provide grant funds in the amount of \$20,200 to each of 21 community councils once they are eligible for participation in the program. They are only eligible once they have provided proof that they are registered as an incorporated nonprofit entity with the State of Alaska and the incorporated nonprofit entity has entered into the applicable agreements with the borough. The funds can only be spent for the public benefit of the unincorporated area. The twenty-one community councils are as follows:

Unincorporated Community Nonprofit Entity

Big Lake	Big Lake Community Council
Buffalo Mine/Soapstone	Buffalo Mine/Soapstone Community Council
Butte	Butte Community Council
Chase	Chase Community Council
Chickaloon	Chickaloon Community Council
Fishhook	Fishhook Community Council
Gateway	Gateway Community Council
Glacier View	Glacier View Community Council
Knik-Fairview	Knik-Fairview Community Council
Lake Louise	Lake Louise Non-Profit Corporation
Lazy Mountain	Lazy Mountain Community Council
Meadow Lakes	Meadow Lakes Community Council
North Lakes	North Lakes Community Council
Point MacKenzie	Point MacKenzie Community Council
South Knik River	South Knik River Community Council
South Lakes	South Lakes Community Council
Susitna	Susitna Community Council
Sutton	Sutton Community Council
Talkeetna	Talkeetna Community Council
Trapper Creek	Trapper Creek Community Council
Willow Area	Willow Area Community Organization

**Budget**

Fiscal year 2015 community Revenue

Sharing Program Funds

\$424,200

ADOPTED by the Matanuska-Susitna Borough Assembly this - day  
of -, 2015.

\_\_\_\_\_  
Larry DeVilbiss, Borough Mayor

ATTEST:

\_\_\_\_\_  
LONNIE R. MCKECHNIE, CMC, Borough Clerk

(SEAL)

**SUBJECT:** Administrative report relating to the creation of and improvements to Portion of North Suzanna St. Natural Gas Local Improvement District No. 537; and consideration of said creation.

**AGENDA OF:** February 3, 2015

**ASSEMBLY ACTION:**

**MANAGER RECOMMENDATION:** Introduce and set for public hearing on March 17, 2015.

**APPROVED BY JOHN M. MOOSEY, BOROUGH MANAGER:**

Route To:	Department/Individual	Initials	Remarks
	Originator/Marcia vonEhr	<i>MLC</i>	1-15-2015
1	Finance Director	<i>JCC</i>	1/20/15
2	Borough Attorney (Also reviewed by Bond Counsel)	<i>AB</i>	
3	Borough Clerk	<i>JMM</i>	1/20/15 <span style="float: right;"><i>(BA)</i></span>

**ATTACHMENT (S):** Ordinance Serial No. 15-020 (5 pp)  
 Exhibit A (4 pp)  
 Map (1 p)  
 Ballot Tally (1 p) -to be presented at Public Hearing  
 Fiscal Note: Yes \_\_\_\_\_ No X

**SUMMARY STATEMENT:**

A petition has been filed by the record owners of 87 percent in value of the property and signatures of 66 percent of property owners within the proposed Portion of North Suzanna St. Natural Gas Local Improvement District. The petition has been certified by the borough clerk. The proposed Portion of North Suzanna St. Natural Gas Local Improvement District is located in Assembly District #7.

As addressed in Section 8 of the manager's administrative report, (listed below) there are 0 properties that do not conform to MSB 3.28.080(B).

**MANAGER'S ADMINISTRATIVE REPORT**

(MSB 3.28.040)

1. Description of properties to be benefited by the improvement:  
SEE ORDINANCE SERIAL NO. 15-020

2. Evaluation of need and benefit of improvement and proposed allocation of special assessments:

The installation of natural gas distribution lines makes available to the property owners within the natural gas improvement district a clean energy source that is substantially lower in cost than any other source available. Properties, including vacant properties, served by natural gas have a tendency to sell more rapidly when placed on the market than similar properties in areas not served by natural gas. It is believed that the benefits will accrue about equally to each property in the improvement district. Therefore, it is proposed that the entire cost of the improvement to be allocated equally to each property within the district, without regard to the front footage, the size of the property, the value of the property or other measures.

3. Estimated total cost of improvement:

The estimated cost of the installation by ENSTAR is \$63,394.00 if done during the 2015 construction season. It is estimated that administrative costs will amount to approximately \$3,397.00 and the delinquency reserve will be \$3,550.00. The estimated total cost of the improvement as of this date is \$70,341.00. It is recommended that the project be financed by a special assessment bond or bank loan, which will be reimbursed from the special assessments on the properties to be benefited. It is anticipated that interest on the loan will be recovered through the interest that will be paid on special assessment installments.

4. Current mill rate: The Fiscal Year 2015 mill rate for the improvement district is 15.442 mills consisting of 9.662 mills (areawide) plus .520 mills (non-areawide) plus 1.78 mills (FSA# 136) plus 3.48 mills (RSA#27).

Taxable Property Values:	Real Property:	<u>\$1,243,000.00</u>
	Personal Property:	<u>0</u>
	Total:	<u>\$1,243,000.00</u>

5. Ownership of distribution lines: Enstar Natural Gas Co. is a division of Semco Energy Inc. It will own and be wholly responsible for the service and maintenance of the natural gas lines.

6. Profile of proposed properties in local improvement district:

	Total Number of Lots:	<u>9</u>
Ownership type of properties:	Private:	<u>9</u>
	Bank:	<u>0</u>
	Public:	<u>0</u>
	MSB:	<u>0</u>
"Tax" status of properties:	Number Current:	<u>7</u>
	Number Delinquent:	<u>2</u>
	Number in Foreclosure:	<u>0</u>
	Number in Bankruptcy:	<u>0</u>
	Population Estimate:	<u>13</u>
	Estimated Area (Acres):	<u>49.11</u>

\* This estimate is based on information collected during the 2010 census and current assessment records.

7. Other special assessments effecting this local improvement district: NONE.

8. Properties not conforming to MSB 3.28.080(B) "...An assessment may not exceed 25 percent of the assessed value for real property taxation of the property assessed": 0

9. Method of collecting assessments: Semi-annual due dates will be established, with billings sent to each property owner 30-45 days before each due date. Delinquent accounts will be acted upon in the same manner as delinquent tax accounts, including annual foreclosure action.

**IMPROVEMENT PLAN (MSB 3.28.050B)**

The improvement is the installation of approximately 2,810 linear feet of natural gas distribution lines by ENSTAR to serve and benefit 9 properties within the Portion of North Suzanna St. Natural Gas Local Improvement District as described in Ordinance Serial No. 15-020. The current ENSTAR tariff sets the cost of gas lines at \$22.56 per foot for a total cost of \$63,394.00.

The improvement funding will be obtained by selling a special assessment bond to a bank. Only the proceeds of the special assessments and interest will be pledged as security for payment. The special assessments may be paid by the property owners in semi-annual installments over a ten-year period.

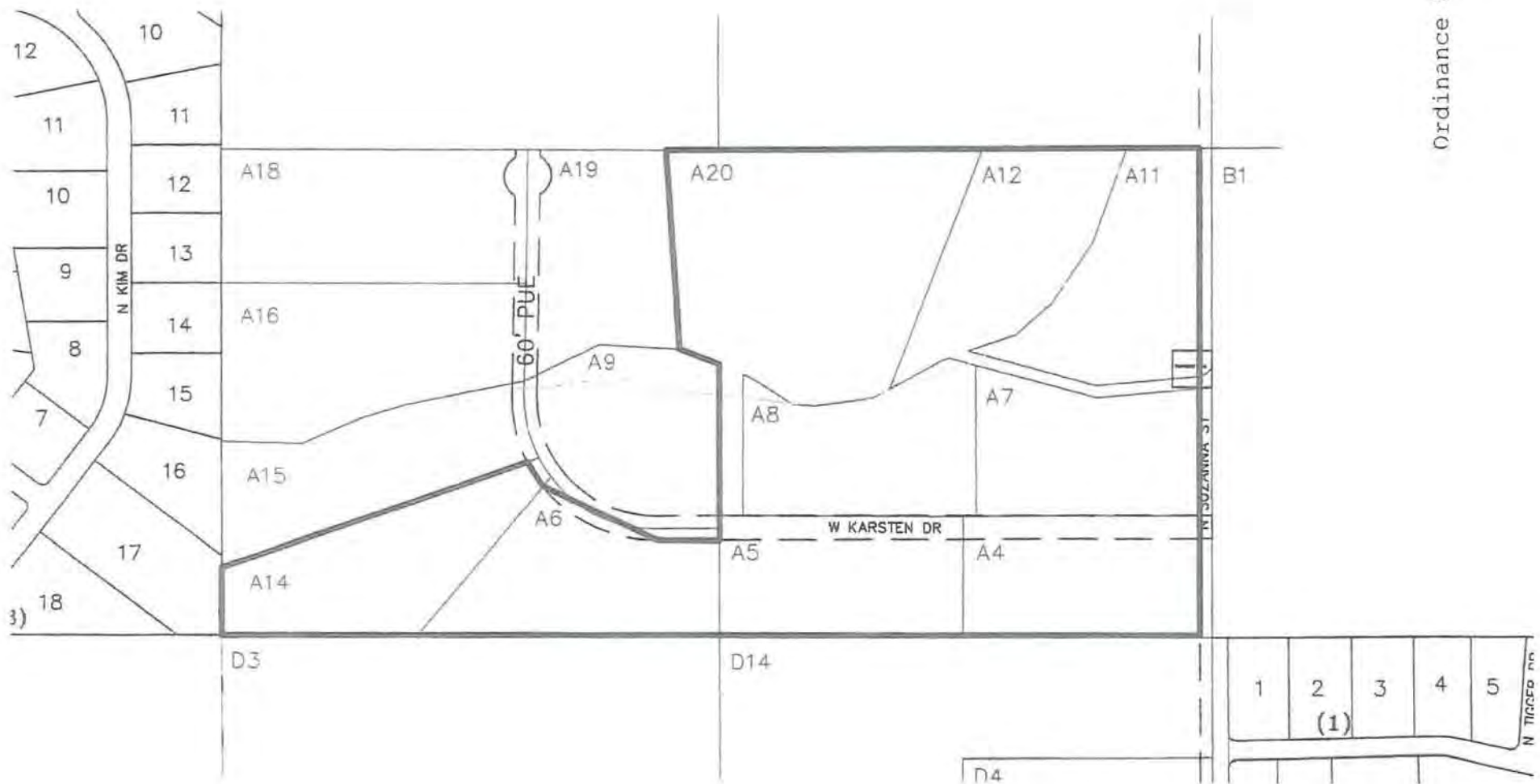
ENSTAR will engineer, own, install, and maintain the line under an agreement with the borough.

The estimated total cost is \$70,341.00. The estimated cost elements are installation costs of \$63,394.00, delinquency reserve of \$3,550.00, and administrative costs of \$3,397.00.

The estimated total cost is to be equally assessed against the properties within the improvement district, including those properties not meeting to MSB 3.28.080(B) criteria.

The estimated special assessment against the 9 lots is \$7,815.67 per lot.

IM No. 15-030  
 Ordinance Serial No. 15-020



Non-Code Ordinance

By: Borough Manager  
Introduced:  
Public Hearing:  
Action:

**MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 15-020**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY CREATING PORTION OF NORTH SUZANNA ST NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 537, 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.

---

WHEREAS, a petition has been filed by the owners of at least one-half in value of the property within Portion of North Suzanna St. Natural Gas Local Improvement District for the installation of natural gas distribution lines; and

WHEREAS, the borough clerk has certified the petition; and

WHEREAS, the manager's administrative report, including the improvement plan is incorporated in IM No. 15-030; and

WHEREAS, notice of the public hearing was published for two consecutive weeks in a newspaper of general circulation distributed within the borough; and

WHEREAS, notice was mailed CERTIFIED RETURN RECEIPT REQUESTED to each record owner of property within the local improvement district; and

WHEREAS, a public hearing on the creation of the local improvement district and the improvement plan has been held; and

WHEREAS, ballots approving or disapproving the local improvement district were permitted to be filed in writing for 30 calendar days after mailing of notice of the public hearing; and

WHEREAS, ballots marked "yes" from owners of property bearing more than one-half of the estimated cost of the improvements were received; and

WHEREAS, the proposed improvement is not a power exercised through a service area and there is not a board of supervisors.

BE IT ENACTED:

Section 1. This is a non-code ordinance.

Section 2. The Portion of North Suzanna St. Natural Gas Local Improvement Plan will increase safety, improve health, increase property values, is necessary, is in the public interest and the improvement should be made.

Section 3. The petition has sufficient and proper petitioners.

Section 4. Ballots approving the local improvement district were filed timely by the record owners of property within the natural gas local improvement district bearing more than one-half of the estimated cost of the improvement and the Assembly can proceed with the improvement.

Section 5. Notwithstanding MSB 3.28.080(B) there are no

properties that do not conform that will be assessed for the improvement.

Section 6. There is hereby created the Portion of North Suzanna St. Natural Gas Local Improvement District No. 537 as described in the attached legal description marked Exhibit A.

Section 7. The manager is hereby authorized to proceed with the improvement, negotiate for sale of a special assessment bond or similar loan for assembly approval, and such other necessary and proper work as appropriate to accomplish the purpose of the improvement plan upon financing approval by the assembly.

Section 8. Upon completion of the work the total cost of the improvement shall be assessed equally against each property within the natural gas local improvement district. The finance director shall prepare a special assessment roll assessing to each property within the natural gas local improvement district an amount equal to the actual total improvement cost divided by the number of properties within the local improvement district. The proposed special assessment roll shall be prepared and presented in accordance with the provisions of the Matanuska-Susitna Borough Code in effect at the time the special assessment roll is prepared.

Section 9. The special assessments against the properties

described in Section 6 above are liens upon the property and are prior and paramount to all liens except municipal tax liens and may be enforced as provided for the enforcement of real property tax liens.

Section 10. Special assessments may be paid in 20 semi-annual installments with due dates established by the assembly upon approval of the natural gas local improvement district special assessment roll, provided, the assembly may authorize payment terms greater than or less than a ten-year period of time. If no time for payment is established, semi-annual installments are due and payable when property taxes are due and payable. Special assessment installments not paid when due shall have a penalty added equal to the penalty for delinquent second-half real property taxes in effect at the time of the special assessment installment delinquency. Upon full payment of the special assessment, the manager shall issue a release of the lien to the record owner of the property.

Section 11. Notwithstanding the approval of the natural gas local improvement district based upon the financing of the cost through the sale of a special assessment bond or loan, if the assembly determines that the sale of a special assessment bond or loan is not feasible or is not available, the assembly may provide

for other means of financing the project cost at its sole discretion.

Section 12. Ordinance Serial Number 15-020 shall take effect upon adoption by the Matanuska-Susitna Borough Assembly.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2015.

LARRY DEVILBISS, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

LEGAL DESCRIPTION FOR  
PORTION OF NORTH SUZANNA ST #537

**17N02W02A004**

This property lies within the S 1/2 NE 1/4, Section 2, T17N, R2W, Seward Meridian, Alaska.

Beginning at the 1/4 corner common to sections 1 and 2, point of beginning; Thence proceed S 89 51'45"W, 660.00' to a point; Thence proceed N 00 09'54"W, 329.75' to a point; Thence proceed N 89 50'27"E, 660.00' to a point on the section line common to sections 1 and 2; Thence proceed S 00 09'54"E, 330.00 along said section line to the point of beginning; and

**17N02W02A005**

This property lies within the S 1/2 NE 1/4, Section 2, T17N, R2W, Seward Meridian, Alaska.

Beginning at the 1/4 corner common to sections 1 and 2, proceed S 89 51'45"W, 660.00' to the point of beginning; Thence proceed S 89 51'45"W, 660.00' to a point; Thence proceed N 00 09'54"W, 329.50' to a point; Thence proceed N 89 50'27"E, 660.00' to a point; Thence proceed S 00 09'54"E, 330.00 to the point of beginning; and

**17N02W02A006**

This property lies within the S 1/2 NE 1/4, Section 2, T17N, R2W, Seward Meridian, Alaska.

Beginning at the 1/4 corner common to sections 1 and 2, proceed S 89 51'45"W, 1320.00' to the point of beginning; Thence proceed S 89 51'45"W, 804.60' to a point; Thence proceed N 39 22'19"E, 562.83' to a point; Thence proceed along a curve to the left of radius 350.00', whose delta angle is 52 04'45" an arc distance of 318.13' to a point of tangency; Thence proceed N 89 50'27"E, 170.23' to a point; Thence proceed S 00 09'54"E, 299.50 to the point of beginning; and

**17N02W02A007**

This property lies within the S 1/2 NE 1/4, Section 2, T17N, R2W, Seward Meridian, Alaska.

Beginning at the 1/4 corner common to sections 1 and 2, proceed N 0°09'54"W, 330.00' to the point of beginning; Thence proceed S 89°50'27"W, 627.10' to a point; Thence proceed N 00°09'54"W, 406.40' to a point; Thence proceed S 75°00'00"E, 335.52' to a point; Thence proceed N 84°21'12"E, 304.66' to a point on the N-S section line of sections 1 and 2; Thence proceed S 00°09'54"E, 347.80' along said section line to the point of beginning; and

**17N02W02A008**

This property lies within the S 1/2 NE 1/4, Section 2, T17N, R2W, Seward Meridian, Alaska.

Beginning at the 1/4 corner common to sections 1 and 2, proceed N 00°09'54"W, 330.00' to a point; Thence proceed S 89°50'27"W, 627.10' to the point of beginning; Thence proceed S 89°50'27"W, 627.90' to a point; Thence proceed N 00°09'54"W, 383.47' to the centerline of an unnamed creek; Thence proceed along said centerline S 66°53'17"E, 27.63' to a point; Thence proceed along said centerline S 57°31'44"E, 130.38' to a point; Thence proceed along said centerline S 87°05'21"E, 59.08' to a point; Thence proceed along said centerline N 82°04'57"E, 152.45' to a point; Thence proceed along said centerline N 62°29'17"E, 216.48' to a point; Thence proceed along said centerline N 70°35'57"E, 20.10' to a point; Thence proceed S 75°00'00"E, 73.97' to a point; Thence proceed S 00°09'54"E, 406.40' to the point of beginning; and

**17N02W02A011**

Commencing at the 1/4 corner common to sections 1 and 2, T17N, R2W, Seward Meridian, Alaska; Proceed N 00°09'54"W, 737.80' to the point of beginning; Thence proceed southwesterly along a curve to the right of radius 30.00 feet, whose delta angle is 84°31'06", an arc distance of 40.35 feet to the point of tangency; Thence proceed S 84°21'12"W, 277.40 feet to a point; Thence proceed N 75°00'00"W, approximately 354.91 feet to the centerline of an unnamed creek; Thence proceed along said centerline N 70°31'20"E, 134.08 feet; Thence proceed along said centerline N 48°10'48"E, 127.48 feet; Thence proceed along said centerline N 33°31'39"E, 195.53 feet; Thence proceed partially along said centerline N 19°13'05"E, 269.87 feet to a point on the E-W 1/16<sup>th</sup> section line of section 2; Thence proceed N 89°52'40"E, 226.00 feet along said 1/16<sup>th</sup> line

to the N 1/16<sup>th</sup> corner; Thence proceed S 00°09'54"E, 582.65 feet along the section line common to sections 1 and 2, to the point of beginning; and

**17N02W02A012**

Commencing at the 1/4 corner common to sections 1 and 2, T17N, R2W, Seward Meridian, Alaska; Proceed N 00°09'54"W, 677.80 feet to the point of beginning; Thence proceed S 84°21'12"W, 304.66 feet to a point; Thence proceed N 75°00'00"W, approximately 409.49 feet to the centerline of an unnamed creek; Thence proceed along said centerline S 70°35'57"W, 20.10 feet; Thence proceed along said centerline S 62°29'17"W, 165.00 feet; Thence proceed N 20°39'55"E, 692.79 feet to a point on the E-W 1/16<sup>th</sup> section line of section 2; Thence proceed N 89°52'40"E, 391.68 feet along said 1/16<sup>th</sup> line to a point; Thence proceed partially along, the centerline of an unnamed creek; S 19°13'05"W, 269.87 feet to a point; Thence proceed along said centerline S 33°31'39"W, 195.53 feet; Thence proceed along said centerline S 48°10'48"W, 127.48 feet; Thence proceed along said centerline S 70°31'20"W, approximately 134.08 feet to a point; Thence proceed S 75°00'00"E, 354.91 feet to a point; Thence proceed N 84°21'12"E, 277.40 feet to a point of curvature of a curve to the left of radius 30.00 feet, whose delta angle is 84°31'06", and arc distance of 40.35 feet to the point of tangency; Thence proceed S 00°09'54"E, 60.00 feet along the section line common to sections 1 and 2, to the point of beginning; and

**17N02W02A014**

Commencing at the 1/4 corner common to sections 1 and 2, T17N, R2W, Seward Meridian, Alaska; Proceed along the E-W center section line of section 2, S 89°51'45"W, 2124.60 feet to the SW corner of parcel #3, 1999-12-PWM, point of beginning; Thence proceed S 89°51'45"W, 519.94 feet along said center section line to the C 1/4 corner; Thence proceed along the N-S center section line N 00°03'31"W, 184.00 feet to a point; Thence proceed N 70°17'07"E, 896.91 feet to a point on the centerline of the W. Karsten Rd. P.U.E; Thence proceed southeasterly along said centerline, along a curve to the left of radius 350.00 feet, whose delta angle is 9°50'03", whose chord bears S 33°09'47"E, an arc distance of 60.07 feet; Thence proceed S 39°22'19"W, 562.83 feet to the point of beginning; and

**17N02W02A020**

Commencing at the 1/4 corner common to sections 1 and 2, T17N, R2W, Seward Meridian, Alaska; Proceed along the E-W center section line of section 2, S 89°51'45"W, 2644.54 feet to the C 1/4 corner; Thence proceed along the N-S center section line N 00°03'31"W, 1321.15 feet to the C-N 1/16<sup>th</sup> corner; Thence proceed along the E-W 1/16<sup>th</sup> section line N 89°52'40"E, 1180.28 feet to the point of beginning; Thence proceed along the E-W 1/16<sup>th</sup> section line N 89°52'40"E, 844.13 feet to a point; Thence proceed S 20°39'55"W, approximately 692.79 feet to a point on the centerline of an unnamed creek; Thence proceed along said creek centerline S 62°29'17"W, 51.48 feet to a point; Thence proceed along said creek centerline S 82°04'57"W, 152.45 feet to a point; Thence proceed along said centerline N 87°05'21"W, 59.08 feet to a point; Thence proceed along said centerline N 57°31'44"W, 130.38 feet to a point; Thence proceed along said centerline N 66°53'17"W, 27.63 feet to a point; Thence proceed S 00°09'54"E, 383.47 feet to a point on the north boundary of the Karsten Rd, P.U.E.; Thence proceed along said P.U.E. S 89°50'27"W, 60.00 feet to a point; Thence proceed N 00°09'54"W, 409.27 feet to the aforementioned centerline of an unnamed creek; Thence proceed along said centerline N 69°14'17"W, 117.11 feet to a point; Thence N 4°07'37"W, 541.60 feet to the point of beginning.

THE ABOVE ARE RECORDED IN THE PALMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.


**SUBJECT:** Administrative report relating to the creation of and improvements to Portion of Wagner Subd Natural Gas Local Improvement District No. 556; and consideration of said creation.

**AGENDA OF:** February 3, 2015

**ASSEMBLY ACTION:**

**MANAGER RECOMMENDATION:** Introduce and set for public hearing on March 17, 2015.

**APPROVED BY JOHN M. MOOSEY, BOROUGH MANAGER:**

Route To:	Department/Individual	Initials	Remarks
	Originator/Marcia vonEhr	ME	1-15-15
1	Finance Director	gal	1/20/15
2	Borough Attorney (Also reviewed by Bond Counsel)	NS	Form Only
3	Borough Clerk	jam	1/26/15 

**ATTACHMENT(S):** Ordinance Serial No. 15-021 (5 pp)  
 Exhibit A (1 p)  
 Map (1 p)  
 Ballot Tally (1 p) -to be presented at Public Hearing  
 Fiscal Note: Yes \_\_\_\_\_ No  X

**SUMMARY STATEMENT:**

A petition has been filed by the record owners of 100 percent in value of the property and signatures of 100 percent of property owners within the proposed Portion of Wagner Subd Natural Gas Local Improvement District. The petition has been certified by the borough clerk. The proposed Portion of Wagner Subd Natural Gas Local Improvement District is located in Assembly District #1.

As addressed in Section 8 of the manager's administrative report, (listed below) there are 0 properties that do not conform to MSB 3.28.080(B).

MANAGER'S ADMINISTRATIVE REPORT

(MSB 3.28.040)

1. Description of properties to be benefited by the improvement:  
SEE ORDINANCE SERIAL NO. 15-021

2. Evaluation of need and benefit of improvement and proposed allocation of special assessments:

The installation of natural gas distribution lines makes available to the property owners within the natural gas improvement district a clean energy source that is substantially lower in cost than any other source available. Properties, including vacant properties, served by natural gas have a tendency to sell more rapidly when placed on the market than similar properties in areas not served by natural gas. It is believed that the benefits will accrue about equally to each property in the improvement district. Therefore, it is proposed that the entire cost of the improvement to be allocated equally to each property within the district, without regard to the front footage, the size of the property, the value of the property or other measures.

3. Estimated total cost of improvement:

The estimated cost of the installation by ENSTAR is \$8,122.00 if done during the 2015 construction season. It is estimated that administrative costs will amount to approximately \$1,195.00 and the delinquency reserve will be \$500.00. The estimated total cost of the improvement as of this date is \$9,817.00. It is recommended that the project be financed by a special assessment bond or bank loan, which will be reimbursed from the special assessments on the properties to be benefited. It is anticipated that interest on the loan will be recovered through the interest that will be paid on special assessment installments.

4. Current mill rate: The Fiscal Year 2015 mill rate for the improvement district is 13.592 mills consisting of 9.662 mills (areawide) plus .520 mills (non-areawide) plus .90 mills (FSA# 132) plus 2.51 mills (RSA#19).

Taxable Property Values:	Real Property:	\$67,600.00
	Personal Property:	<u>0</u>
	Total:	<u>\$67,600.00</u>

5. Ownership of distribution lines: Enstar Natural Gas Co. is a division of Semco Energy Inc. It will own and be wholly responsible for the service and maintenance of the natural gas lines.

6. Profile of proposed properties in local improvement district:

	Total Number of Lots:	<u>1</u>
Ownership type of properties:	Private:	<u>1</u>
	Bank:	<u>0</u>
	Public:	<u>0</u>
	MSB:	<u>0</u>
"Tax" status of properties:	Number Current:	<u>1</u>
	Number Delinquent:	<u>0</u>
	Number in Foreclosure:	<u>0</u>
	Number in Bankruptcy:	<u>0</u>
	Population Estimate:	<u>3</u>
	Estimated Area (Acres):	<u>2.47</u>

\* This estimate is based on information collected during the 2010 census and current assessment records.

7. Other special assessments effecting this local improvement district: NONE.
8. Properties not conforming to MSB 3.28.080(B) "...An assessment may not exceed 25 percent of the assessed value for real property taxation of the property assessed": 0
9. Method of collecting assessments: Semi-annual due dates will be established, with billings sent to each property owner 30-45 days before each due date. Delinquent accounts will be acted upon in the same manner as delinquent tax accounts, including annual foreclosure action.

**IMPROVEMENT PLAN (MSB 3.28.050B)**

The improvement is the installation of approximately 360 linear feet of natural gas distribution lines by ENSTAR to serve and benefits 1 property within the Portion of Wagner Subd Natural Gas Local Improvement District as described in Ordinance Serial No. 15-021. The current ENSTAR tariff sets the cost of gas lines at \$22.56 per foot for a total cost of \$8,122.00.

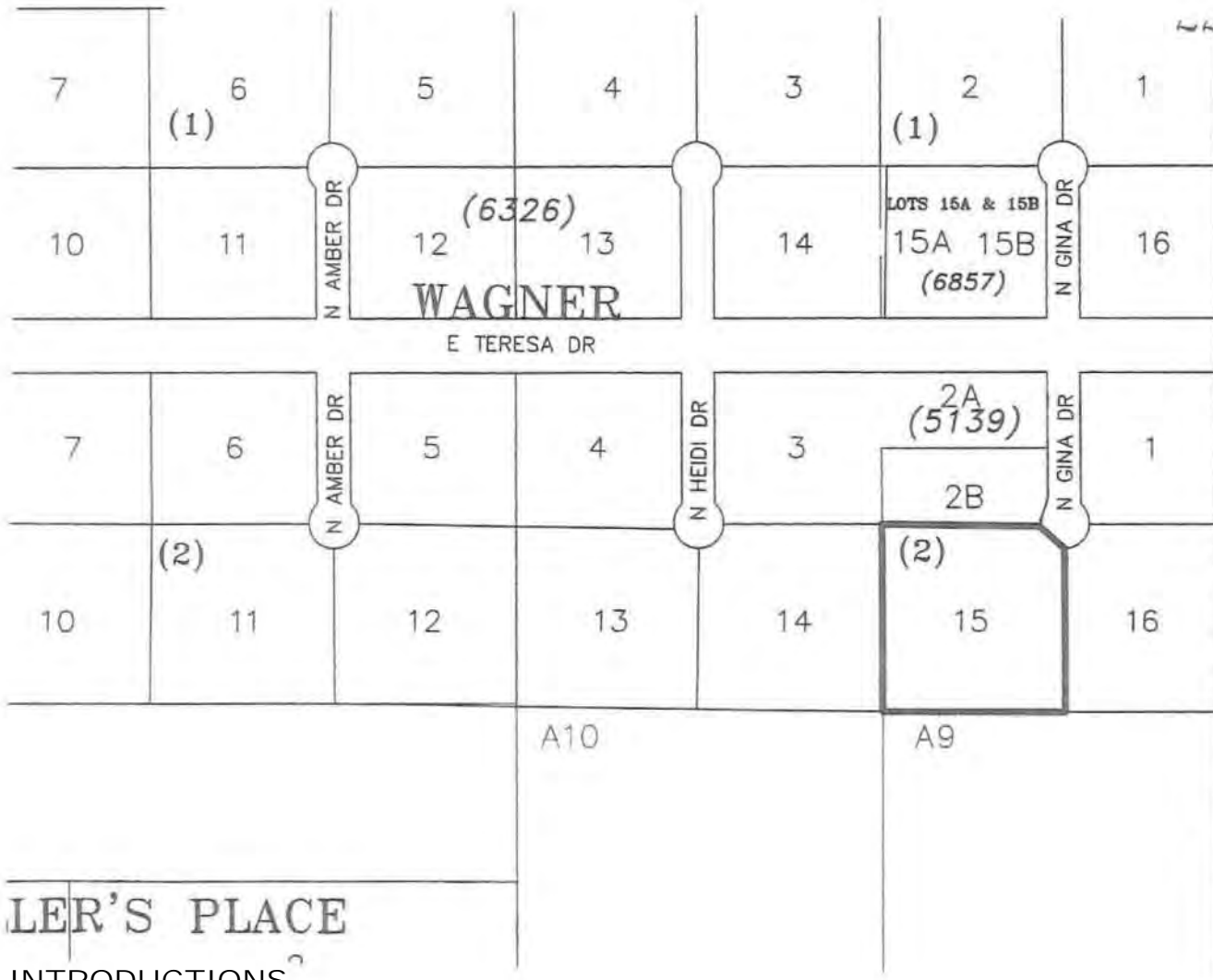
The improvement funding will be obtained by selling a special assessment bond to a bank. Only the proceeds of the special assessments and interest will be pledged as security for payment. The special assessments may be paid by the property owner in semi-annual installments over a ten-year period.

ENSTAR will engineer, own, install, and maintain the line under an agreement with the borough.

The estimated total cost is \$9,817.00. The estimated cost elements are installation costs of \$8,122.00, delinquency reserve of \$500.00, and administrative costs of \$1,195.00.

The estimated total cost is to be equally assessed against the property within the improvement district, including those properties not meeting to MSB 3.28.080(B) criteria.

The estimated special assessment against the 1 lot is \$9,817.00 per lot.



B6  
B7  
B8  
B9  
B5  
B17

IM No. 15-031  
Ordinance Serial No. 15-021

B23

E DEACONS CIR  
50' ROW ESMT

LER'S PLACE

INTRODUCTIONS

Non-Code Ordinance

By: Borough Manager  
Introduced:  
Public Hearing:  
Action:

**MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 15-021**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY CREATING PORTION OF WAGNER SUBD NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 556, 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.

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WHEREAS, a petition has been filed by the owners of at least one-half in value of the property within Portion of Wagner Subd Natural Gas Local Improvement District for the installation of natural gas distribution lines; and

WHEREAS, the borough clerk has certified the petition; and

WHEREAS, the manager's administrative report, including the improvement plan is incorporated in IM No. 15-031; and

WHEREAS, notice of the public hearing was published for two consecutive weeks in a newspaper of general circulation distributed within the borough; and

WHEREAS, notice was mailed CERTIFIED RETURN RECEIPT REQUESTED to each record owner of property within the local improvement district; and

WHEREAS, a public hearing on the creation of the local improvement district and the improvement plan has been held; and

WHEREAS, ballots approving or disapproving the local improvement district were permitted to be filed in writing for 30 calendar days after mailing of notice of the public hearing; and

WHEREAS, ballots marked "yes" from owners of property bearing more than one-half of the estimated cost of the improvements were received; and

WHEREAS, the proposed improvement is not a power exercised through a service area and there is not a board of supervisors.

BE IT ENACTED:

Section 1. This is a non-code ordinance.

Section 2. The Portion of Wagner Subd Natural Gas Local Improvement Plan will increase safety, improve health, increase property values, is necessary, is in the public interest and the improvement should be made.

Section 3. The petition has sufficient and proper petitioners.

Section 4. Ballots approving the local improvement district were filed timely by the record owners of property within the natural gas local improvement district bearing more than one-half of the estimated cost of the improvement and the Assembly can proceed with the improvement.

Section 5. Notwithstanding MSB 3.28.080(B) there are no

properties that do not conform that will be assessed for the improvement.

Section 6. There is hereby created the Portion of Wagner Subd Natural Gas Local Improvement District No. 556 as described in the attached legal description marked Exhibit A.

Section 7. The manager is hereby authorized to proceed with the improvement, negotiate for sale of a special assessment bond or similar loan for assembly approval, and such other necessary and proper work as appropriate to accomplish the purpose of the improvement plan upon financing approval by the assembly.

Section 8. Upon completion of the work the total cost of the improvement shall be assessed equally against each property within the natural gas local improvement district. The finance director shall prepare a special assessment roll assessing to each property within the natural gas local improvement district an amount equal to the actual total improvement cost divided by the number of properties within the local improvement district. The proposed special assessment roll shall be prepared and presented in accordance with the provisions of the Matanuska-Susitna Borough Code in effect at the time the special assessment roll is prepared.

Section 9. The special assessments against the properties

described in Section 6 above are liens upon the property and are prior and paramount to all liens except municipal tax liens and may be enforced as provided for the enforcement of real property tax liens.

Section 10. Special assessments may be paid in 20 semi-annual installments with due dates established by the assembly upon approval of the natural gas local improvement district special assessment roll, provided, the assembly may authorize payment terms greater than or less than a ten-year period of time. If no time for payment is established, semi-annual installments are due and payable when property taxes are due and payable. Special assessment installments not paid when due shall have a penalty added equal to the penalty for delinquent second-half real property taxes in effect at the time of the special assessment installment delinquency. Upon full payment of the special assessment, the manager shall issue a release of the lien to the record owner of the property.

Section 11. Notwithstanding the approval of the natural gas local improvement district based upon the financing of the cost through the sale of a special assessment bond or loan, if the assembly determines that the sale of a special assessment bond or loan is not feasible or is not available, the assembly may provide

for other means of financing the project cost at its sole discretion.

Section 12. Ordinance Serial Number 15-021 shall take effect upon adoption by the Matanuska-Susitna Borough Assembly.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2015.

LARRY DEVILBISS, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

LEGAL DESCRIPTION FOR  
Portion of Wagner Subd LID#556

**56326**

Lot Fifteen (15), Block Two (2), WAGNER, according to Plat  
#71-65.

THE ABOVE IS RECORDED IN THE PALMER RECORDING DISTRICT, THIRD  
JUDICIAL DISTRICT, STATE OF ALASKA.

**BOARD AND COMMISSION VACANCY REPORT      February 3, 2015**

N = New Application    R = Reappointment    \*\*\*Vacant since 12/31/2012    \*\*Vacant since 12/31/2013    \*Vacant since 12/31/2014

Board - Applicant	Applicants Under Consideration by Mayor	Mayor's Appointments for Confirmation by the Assembly
<b>Animal Care &amp; Regulation Board</b> 5 members/1 alt. - 1 vacancy Animal Interest		
<b>Board of Adjustment and Appeals</b> 5 members/3 alt. - 3 vacancies - (3) 3 year terms ***Alternate 1 ***Alternate 2 ***Member 4		
<b>Board of Equalization</b> 15 members - 8 vacancies - (3) 3 year terms **Member 4 *Member 6 **Member 7 *Member 8 Member 9 **Member 13 **Member 14 **Member 15 .....		William Barnes - N
<b>Board of Ethics</b> 5 members - 11 vacancies *Member 2 *Member 5 **Member 7 **Member 8 **Member 9 ***Member 10 **Member 11 *Member 12 ***Member 13 **Member 14 **Member 15		
<b>Borough Area Schools Site Selection Committee</b> 7 or 8 members/3 alt. - 4 vacancies Assembly Alternate Assembly Representative 2 *Community At-Large Planning Commission Rep 2		

Board - Applicant	Applicants Under Consideration by Mayor	Mayor's Appointments for Confirmation by the Assembly
<b>Commission on Salaries and Emoluments</b> <i>5 members – 5 vacancies</i> ***Member 1 (Business Executive) ***Member 2 (General Public) ***Member 3 (Experience in Public Admin) ***Member 4 (Labor Organization) ***Member 5 (Any 1-4 Qualification)		
<b>Emergency Medical Services Board</b> <i>13 members/8 alt. – 8 vacancies</i> *Dive Rescue ***Palmer Ambulance Alternate Sutton Ambulance Alternate ..... **Talkeetna Ambulance Alternate **Trapper Creek Ambulance **Trapper Creek Ambulance Alternate *West Lakes Ambulance *West Lakes Ambulance Alternate *Willow Ambulance	.....	Resignation of Matt Scherrer
<b>Enhanced 911 Advisory Board</b> <i>5 members/5 alt. – 1 vacancy</i> **City of Houston Alternate		
<b>Health and Social Services Board</b> <i>15 members - 5 vacancies</i> Member 4-At-Large 3 Member 5-At-Large 4 Member 8-At-Large 5 ..... *Member 11-Senior Center Board, Dist 1, 5 7 *Member 12-Senior Center Board, Dist 2, 3, 4, 6	.....	Philip Licht - R
<b>Historical Preservation Commission</b> <i>9 members- 4 vacancies</i> Member 1 Member 2 .....Karen Bloxsom - N Member 3 Member 7 .....Mark Murray - N		
<b>Jt. Assembly/School Board Committee on School Issues</b> <i>6 members – 1 vacancy</i> Assembly Member 2		

Board - Applicant	Applicants Under Consideration by Mayor	Mayor's Appointments for Confirmation by the Assembly
<b>Labor Relations Board</b> <i>5 members- 2 vacancies</i> Member 2 Member 4		
<b>Library Board</b> <i>9 members – 3 vacancies</i> ***Palmer ***Talkeenta *Wasilla		
<b>Local Emergency Planning Committee</b> <i>33 members – 12 vacancies</i> **Alaska Railroad **Borough Government Civil Defense City of Houston (non law enforcement) **City of Wasilla (non law enforcement) ***Elected Official Env/Bus/Tech 2 ..... Env/Bus/Tech 9 **Law Enforcement Houston Police *Law Enforcement Palmer Police Public Utility – Gas **School District	Amy Kearns - R	
<b>Marijuana Advisory Committee</b> <i>17 Members – 17 vacancies</i> Member 1 - Interested Marijuana Grower Member 2 – Non-Marijuana Farming Operation Member 3 - Interested Marijuana Retailer Member 4 - Financial Community Member 5 - Local Business Organization Member 6 - Law Enforcement Member 7 - Health Community Member 8 - Education Community Member 9 - Planning/Zoning Type Experience Member 10 - Sales/Marketing Advertising Member 11 - Citizen 1 Outside City Limits Member 12 - Citizen 2 Outside City Limits Member 13 - Citizen 3 Outside City Limits Member 14 - City Government of Houston Member 15 - City Government of Palmer Member 16 - City Government of Wasilla		

Board - Applicant	Applicants Under Consideration by Mayor	Mayor's Appointments for Confirmation by the Assembly
<b>Marijuana Advisory Committee Continued</b> Member 17 - MSB Department Director		
<b>MSB Fish and Wildlife Commission</b> <i>7 members - 1 vacancy</i> Assembly Representative .....Jim Sykes – N Member 5 At-Large .....	..... .....	Steve Colligan – N Terry Niniger - N
<b>Office of Administrative Hearings</b> <i>5 members – 3 vacancies 2 year terms</i> ***Seat A ***Seat C ***Seat E		
<b>Parks, Recreation, and Trails Advisory Board</b> <i>11 members – 2 vacancies</i> *District 4 *District 5		
<b>Platting Board</b> <i>7 members/2 alt. – 2 vacancies</i> District 4 District 7		
<b>Butte FSA # 2</b> <i>3 members – 3 vacancies</i> ***Member 1 ***Member 2 ***Member 3		
<b>Central Mat-Su FSA # 130</b> Member 5 .....	.....	Jimmy Jameson - N
<b>Sutton FSA # 4</b> <i>3 members – 3 vacancies</i> ***Member 1 ***Member 2 ***Member 3		
<b>Talkeetna FSA # 24</b> <i>3 members – 3 vacancies</i> **Member 1 **Member 2 *Member 3		
<b>Bogard RSA # 25</b> <i>3 members – 1 vacancy</i> Member 3		
<b>Gold Trail RSA # 28</b> <i>3 members – 1 vacancy</i> Member 3		
<b>Lazy Mountain RSA # 19</b> <i>3 members – 1 vacancy</i> *Member 1		

Board - Applicant	Applicants Under Consideration by Mayor	Mayor's Appointments for Confirmation by the Assembly
<b>Midway RSA # 9</b> 3 members – 1 vacancy *Member 3		
<b>North Colony RSA # 23</b> 3 members – 2 vacancies ***Member 1 ***Member 2		
<b>Trapper Creek RSA # 30</b> 3 members – 1 vacancy Member 3		
<b>Talkeetna Flood Control Service Area # 7</b> 3 members – 3 vacancies ***Member 1 ***Member 2 ***Member 3		
<b>Talkeetna Sewer &amp; Water Service Area # 36</b> 5 members – 3 vacancies Member 1 Member 2 *Member 4		

DATE RECEIVED:  
**RECEIVED**  
**JAN 05 2015**

**CLERKS OFFICE**

**BOARD, COMMISSION, AND COMMITTEE APPLICATION FORM**

**INSTRUCTIONS**

**Complete and sign the application.** Do not leave any blank fields. Type or print legibly in ink. Specify exactly what board and position you are seeking. Completed applications may be emailed to [debra.wetherhorn@matsugov.us](mailto:debra.wetherhorn@matsugov.us) or delivered or mailed to the Borough Clerk's Office, 350 E. Dahlia Avenue, Palmer, or faxed to 861-7845. If you have questions, please call 861-8683.

**Board and position for which I am applying:** BOARD OF Equalization (1 year Term)  
(For example, Board of Equalization, Member 3)

**Applicant Name:** William A Barnes, Jr

**Residence Address:** 13882 E. Gingham Circle, Palmer, AK 99645

**Mailing Address:** 1150 S. Colony Way, Suite 3A 566, Palmer, AK 99645

**Home phone:** 365-9867 **Work phone:** None **Email:** Wab4551@yahoo.com

**Name and Address of Employer:** William Barnes Valuations, Inc

Can you regularly attend meetings? Yes  No  (Pursuant to MSB 4.05.030, "A vacancy occurs on the board when the member is absent from three (3) consecutive regular board meetings without the board excusing the absence for good cause.")

Do you or any family member have a personal or financial interest with the Borough? Yes  No

If yes, list positions and or interest: \_\_\_\_\_  
(For example: employee, emergency responder, RSA or FSA area supervisor, board member, contractor etc.)

How long have you lived in the Borough? 1984-1987, 5/2014 to present

Briefly explain, why you are you interested in serving on the board in which you are applying? The Borough has vacancies AND I have Time AND skills to offer.

List professional or personal experiences that qualify you for membership on the board? You may **attach a brief resume** to highlight your qualifications: See Attached Resume

List three professional or personal references: Name: Lloyd Smith Phone: 745-9649  
Name: TROY GLOVER, MAJ Phone: 602-909-8908  
Name: DAVID BRENT, MAJ Phone: 425-306-2020

**Applicant Signature:** William A Barnes **Date:** 12/30/14

(N)

**Office Use Only:** Precinct: 11-095 Assembly District: 2 Service Area: NA  
Position on Board: BOE-member 15 Term Ends: 12/31/2015  
Residence Checked:  Yes Map Checked:  Yes Code Checked: 1<sup>st</sup>  2<sup>nd</sup>

Applicant Name: William A BARNES, JR

Do you have any civil judgment against you within the last 10 years, whether monetary, non-monetary, declarative, injunctive, or any other form or manner?  NO  YES

*PRIVATE INFORMATION*

If yes, please provide on a separate page the following: (1) case name, (2) nature of action, (3) year of judgment, and (4) a brief description of the judgment entered and/or sentence imposed.

Do you have any judgments against you in a criminal case within the last 10 years, whether upon finding of guilt, plea of no contest, suspended, or any form of judgment other than dismissal or not guilty?

NO  YES

If yes, please provide on a separate page the following: (1) case name, (2) nature of action, (3) year of judgment, and (4) a brief description of the judgment entered and/or sentence imposed.

**William Barnes, SRA**  
Certified General Real Estate Appraiser  
State of Alaska Certificate #857

**William Barnes Valuations, Inc.**  
1150 S. Colony Way, Suite 3 #566  
Palmer, AK 99645  
Office: 907-365-9567  
Fax: (866) 794-8930  
Email: wab4551@yahoo.com

**SUMMARY:**

Mr. Barnes began his appraisal career in 1978 in Alaska and has over thirty five years of residential and commercial real estate appraisal experience. Mr. Barnes has been awarded the SRA Designation (Senior Residential Appraiser) from the Appraisal Institute. He has performed all types of residential properties. His commercial appraisal experience includes apartment projects up to 483 units, office buildings, hotels and motels; single and multi-tenant retail and industrial centers, manufactured home parks, special use properties, churches, a post office, restaurant/bars, subdivision analysis, highest and best use studies, market studies, condemnation, estates (probate), life estates and vacant land assignments of up to 1,100 acres and \$26M. Typical clientele includes banks, savings and loan associations, credit unions, mortgage insurance companies and attorneys. Mr. Barnes has also performed consultation and pre-trial services for various Federal and State agencies including Special Agents of the FBI, IRS, HUD-FHA and the U.S. Attorney.

**PROFESSIONAL AFFILIATIONS:**

Senior Residential Appraiser Designation (SRA), Appraisal Institute  
Alaska Chapter, Appraisal Institute  
Board of Directors, Alaska Chapter, Appraisal Institute (2015-2017 term)

**STATE OF ALASKA CERTIFICATION:**

Certified General Real Estate Appraiser, State of Alaska, Certificate No. 857, expires 6-30-2015  
Certified General Real Estate Appraiser since 09/1991

**FORMAL EDUCATION:**

\*Colorado State University, Fort Collins, Colorado. Bachelor of Arts Degree in Political Science with honors in major, May 1974  
\*Additional business, economics and real estate courses successfully completed from the Appraisal Institute and the University of Alaska (1977 to present)

**PROFESSIONAL APPRAISAL EDUCATION:**

"Real Estate Appraisal Principles", Appraisal Institute (1978 & 1988)  
"Basic Valuation Procedures", Appraisal Institute (1978 & 1988)  
"Capitalization Theory & Techniques, Parts A & B", Appraisal Institute (1979 & 1989)  
"Residential Valuation", Appraisal Institute (1988)  
"Standards of Professional Practice, Parts A & B", Appraisal Institute (1988)  
"Highest and Best Use", Appraisal Institute (1993)  
"Advanced Residential Form and Narrative Report Writing", Appraisal Institute (1994)  
"Residential Case Study", Appraisal Institute (1997)  
"Market Analysis and Highest & Best Use", Appraisal Institute (2008)  
"Uniform Standards of Professional Appraisal Practice", Appraisal Institute (bi-annual classes taken from 1991 to 2012)

APPRAISAL SEMINARS ATTENDED:

"Uniform Standards of Professional Appraisal Practice (USPAP)", biannual attendance (1991-2012)  
"The Appraiser as an Expert Witness: Preparation and Testimony", Appraisal Institute (2010)  
"Litigation Appraising; Specialized Topics", Appraisal Institute (2010)  
"Appraisal Policy Changes", Appraisal Institute (2009)  
"General Demonstration Appraisal Report Writing", Appraisal Institute (2008)  
"Analyzing Operating Expenses", Appraisal Institute (2005)  
"HP 12C Financial Calculator", Appraisal Institute (2005)  
"Business Practices and Ethics", Appraisal Institute (2005)  
"FHA and the Appraisal Process", Appraisal Institute (2005)  
"Professional's Guide to the New URAR Report Form", Appraisal Institute (2005)  
"Appraisal Institute Summer Conference" (July 2005)  
"Automated Valuations Model for Financial Reporting", Appraisal Institute (2004)  
"Loss Prevention", Appraisal Institute (2004)  
"Apartment Appraisal", Appraisal Institute (2003)  
"Multiple Regression Analysis", Appraisal Institute (1999)  
"FHA Appraisal Seminar for 4051.2", Appraisal Institute (1999)  
"Appraisal Review - Residential Properties", Appraisal Institute (1994)

U.S. GOVERNMENT APPROVALS:

H.U.D. - F.H.A. Approved residential appraiser (1994 to present).

PERSONAL:

\*Eagle Scout Award (1966), Catalina Council, Boy Scouts of America  
\*Assistant Scoutmaster (1992-94), Boy Scouts of America  
\*Life Member, National Eagle Scouts Association (NESA)  
\*FAA Certified Pilot (1977 to present) 1,000+/- hours: Land & Sea (sea plane) and Complex Aircraft Ratings (over 200 h.p., retractable gear & constant speed prop), Federal Aviation Administration  
\*PADI Certified Scuba Diver" (1984 to present): Dive Ratings include: Open Water, Advanced Open Water, Rescue Diver, First Responder, Wreck Diver & Oxygen Use (Nitrox)

MARKET AREAS SERVED:

Municipality of Anchorage  
(including Eagle River & Chugiak)  
Matanuska-Susitna Borough  
Other areas upon request

OFFICE AREAS SERVED:

FHA & Conventional assignments throughout south central  
Alaska

ERRORS & OMISSIONS INSURANCE:

11/01/2013 to 11/01/2014  
\$1,000,000 Coverage

RECEIVED  
JAN 16 2015  
CLERKS OFFICE

**From:** [scherrer@mtaonline.net](mailto:scherrer@mtaonline.net) [scherrer@mtaonline.net]  
**Sent:** Saturday, January 10, 2015 1:32 PM  
**To:** Cheri Day  
**Subject:** Resignation from EMS Advisory committee & SA/SFRU

To whom it my concern:

I am moving out of state. This is to officially resign from the EMS Advisory Committee & from Sutton as the Assistant Chief under Cheri Day.

Thanks for all you do. I have enjoyed my time with this service and hope to continue with the EMS in Montana.

Sincerely,

Matt Scherrer

EMS Sutton Ambulance RTH  
12/31/2016

MATANUSKA-SUSITNA BOROUGH  
350 E. Dahlia Ave., Palmer, AK 99645-6488  
Phone: 745-9681 Fax: 745-9845

DATE REC'D: **RECEIVED**  
**JAN 05 2015**  
**CLERKS OFFICE**

**APPLICATION FOR RE-APPOINTMENT TO BOARDS, COMMITTEES, AND COMMISSIONS**

**DO NOT LEAVE ANY FIELD BLANK**

BOARD NAME: Health & Social Services BOARD POSITION: At-large  
NAME: Philip Licht  
RESIDENCE ADDRESS: 10430 E Sherrod Dr. Palmer, AK 99645  
MAILING ADDRESS: SAME  
CONTACT NOS. HM: 841-0813 WK: 373-4732 FAX: \_\_\_\_\_ EMAIL: philip@setfreealaska.org  
EMPLOYER AND ADDRESS: PO BOX 876741 Wasilla, AK 99687

Have you been found guilty of any crime (not including traffic tickets)? Yes X No \_\_\_\_\_  
If yes, please explain the circumstances 1996 misdemeanor for Theft.

Can you regularly attend meetings? Yes X No \_\_\_\_\_ (MSB 4.05.030(B)(6) states: "A vacancy occurs on the board when the member is absent from three (3) consecutive regular board meetings without the board excusing the absence for good cause.")

Are you or any family member currently affiliated with the Borough in any way? Yes \_\_\_\_\_ No X

Do you or any family member have a personal or financial interest with the Borough? (Example: employee, emergency responder, RSA or FSA service area supervisor, board member, contractor etc.) Yes \_\_\_\_\_ No X  
If yes, please list positions: \_\_\_\_\_

How long have you lived in the Borough? 36 years Reason for interest: Promote health & wellness

Brief background of experience that would qualify you for the position, including experience that would enhance board membership. 6 years in substance abuse treatment field & non-profit sector.

Please list three professional references: Name: Paul Bossart Ph: 373-4732  
Name: Lisa Hilty Ph: 373-4732 Name: Ryan Ray Ph: 841-9582  
12/29/14 \_\_\_\_\_  
DATE SIGNATURE

**FOR OFFICE USE ONLY:**  
Voter Precinct: 12-205 Voter Residence checked: Y N Map residence checked: Y N  
Position on Board: HSSB member 8-AtLarge 5 Term of Office Ends: 12/31/17  
Code Checked: 1<sup>st</sup> Check: ✓ 2<sup>nd</sup> Check: N/A **R** Assembly District: 2

Applicant Name: Philip Licht

Do you have any civil judgment against you within the last 10 years, whether monetary, non-monetary, declarative, injunctive, or any other form or manner?  NO  YES

If yes, please provide on a separate page the following: (1) case name, (2) nature of action, (3) year of judgment, and (4) a brief description of the judgment entered and/or sentence imposed.

N/A

Do you have any judgments against you in a criminal case within the last 10 years, whether upon finding of guilt, plea of no contest, suspended, or any form of judgment other than dismissal or not guilty?

NO  YES

If yes, please provide on a separate page the following: (1) case name, (2) nature of action, (3) year of judgment, and (4) a brief description of the judgment entered and/or sentence imposed.

N/A

MATANUSKA-SUSITNA BOROUGH - CLERK'S OFFICE  
350 E. Dahlia Avenue Palmer, AK 99645  
Phone: 861-8683 Fax: 861-7845

DATE RECEIVED  
**RECEIVED**  
JAN 08 2015  
**CLERKS OFFICE**

**BOARD, COMMISSION, AND COMMITTEE APPLICATION FORM**

**INSTRUCTIONS**

Complete and sign the application. Do not leave any blank fields. Type or print legibly in ink. Specify exactly what board and position you are seeking. Completed applications may be emailed to [debra.wetherhorn@matrugov.us](mailto:debra.wetherhorn@matrugov.us) or delivered or mailed to the Borough Clerk's Office, 350 E. Dahlia Avenue, Palmer, or faxed to 861-7845. If you have questions, please call 861-8683.

Board and position for which I am applying: Mat-Su Borough Historic Preservation Commission -- Historian  
(For example, Board of Equalization, Member 3)

Applicant Name: Karen M. Bloxson

Residence Address: 6701 W. Scatters Way, Wasilla, AK 99623

Mailing Address: (same as above)

Home phone: 864-4484 Work phone: 861-5548 Email: millerxc@yahoo.com

Name and Address of Employer: MSBSD - 501 N. Gulkana St., Palmer, AK

Can you regularly attend meetings? Yes  No  (Pursuant to (MSB 4.05.030, "A vacancy occurs on the board when the member is absent from three (3) consecutive regular board meetings without the board excusing the absence for good cause.")

Do you or any family member have a personal or financial interest with the Borough? Yes  No

If yes, list positions and or interest: \_\_\_\_\_  
(For example: employee, emergency responder, RSA or FSA area supervisor, board member, contractor etc.)

How long have you lived in the Borough? 12 years

Briefly explain, why you are you interested in serving on the board in which you are applying? I am knowledgeable about the Mat-Su Valley passionate about its rich culture & history, and hope to promote my enthusiasm for our wonderful area, while still serving on the commission and learning more from the board and our residents.

List professional or personal experiences that qualify you for membership on the board? You may attach a brief resume to highlight your qualifications: (attached)

List three professional or personal references: Name: Cyd Duffin Phone: 861-5507  
Name: Mike Romney Phone: 861-5503  
Name: Louise Kempker Phone: 786-1933

Applicant Signature: Karen M. Bloxson Date: 01/08/2015

(N)

Office Use Only: Precinct: 08-130 Assembly District: 7 Service Area: NA  
Position on Board: His member 3 Term Ends: 12/31/2017  
Residence Checked:  Yes Map Checked:  Yes Code Checked: 1<sup>st</sup>  2<sup>nd</sup>

Applicant Name: Karen M. Bloxson

Do you have any civil judgment against you within the last 10 years, whether monetary, non-monetary, declarative, injunctive, or any other form or manner?  NO  YES

If yes, please provide on a separate page the following: (1) case name, (2) nature of action, (3) year of judgment, and (4) a brief description of the judgment entered and/or sentence imposed.

Do you have any judgments against you in a criminal case within the last 10 years, whether upon finding of guilt, plea of no contest, suspended, or any form of judgment other than dismissal or not guilty?

NO  YES

If yes, please provide on a separate page the following: (1) case name, (2) nature of action, (3) year of judgment, and (4) a brief description of the judgment entered and/or sentence imposed.

# Karen M. Bloxsom

6701 W. Scatter's Way / Wasilla, Alaska 99623  
 (907) 861-5548 (W) / (907) 315-0420 (C)  
 millerxc@yahoo.com

## Work Experience

**Colony High School, Palmer, Alaska 2003- present**  
 Teacher: AP Government & Politics, Government, Alaska History, Leadership, Civics, World History, US History, Current Events, Alternatives to Conflicts  
 BLT (Behavior Leadership Team) member (2013- present)  
 Social Studies Department Chairman (2012-present)  
 Student Government Advisor (2005-2010)  
 Track and Field Assistant Coach (2009-2011)

**Nome-Beltz High School, Nome, Alaska 1998 – 2003**  
 Teacher: World Studies, Government, AK Studies, US History, Art, ANCSA  
 Nome District History Department Chairman (2000-2003)  
 Quality Schools Mentor Teacher  
 Senior Class Advisor  
 Native Programs Tutor

**LaFayette School District, Onondaga Reservation, New York – 1997-1998**  
 Social Studies Teaching Assistant  
 In-School Suspension Advisor  
 Assistant Girls' Varsity Lacrosse Coach, Middle School Girls' Soccer Coach.

## Education

**University of Alaska, Continuing Education Anchorage, AK, (1999-present)**  
**SUNY Buffalo, Bachelors of Arts-Major: History, Minor: Audiology, Buffalo, NY, 1994**  
**State College of New York at Buffalo, Secondary Social Studies Education, Buffalo, NY**

## Additional Work

**Adjunct Professor- UAA-Anchorage, Alaska History for Educators: 2009-Present**  
**MSBSD Curriculum Writer: AK History, World History, Government, & Civics 2008-present**  
**Alaska Humanities Forum Educational Liaison, 2013**  
**Quality Schools Mentor, 2001**  
**Palmer Visitor Center Summer Curator Assistant, 2004 and 2005**  
**Nome Visitor Center Summer Assistant, 1999**  
**Research & Dissection Assistant, SUNY Buffalo Hearing Research Lab, 1990-1994**

## Achievements

**Commencement Speaker, 2013 Colony High School**  
**Teacher of the Year, 2011 Colony High School**  
**BP Teacher of Excellence Nominee, 2008-2014**  
**Commencement Speaker, 2003 Nome-Beltz High School**  
**Co-author of three scientific publications in *Hearing Research Journal*, 1994-1996**  
**NSF Undergraduate Award for Excellence in Scientific Research, 1992**  
**All-East Champion, Track and Field, 800m Run and 4x400m Relay, 1991**  
**Freshman Award, Track and Field, State University of New York at Buffalo, 1990**

## Hobbies

hunting, trapping, fishing, snow-machining, reading, researching, exercising, and playing with my two German Shepherds: Yukon & Deshka.

## References

Cydney Duffin, Principal, Colony High School (907) 861-5507  
 Michael Looney, Assistant Principal, Colony High School (907) 861-5503  
 Louise Kempker, Professional Programs Assistant, University of Alaska (907) 786-1933

DATE RECEIVED: **RECEIVED**  
**JAN 21 2015**  
**CLERK'S OFFICE**

**BOARD, COMMISSION, AND COMMITTEE APPLICATION FORM**

**INSTRUCTIONS**

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Board and position for which I am applying: Historical Preservation Society  
(For example, Board of Equalization, Member 3)

Applicant Name: MARK MURRAY

Residence Address: 21113 MAT-SAVU Big Lake AK  
*matsnu rd*

Mailing Address: 521533 Big Lake Alaska 99652

Home phone: 8920525 Work phone: \_\_\_\_\_ Email: Big Lake MURRAY @GMAIL

Name and Address of Employer: Retired

Can you regularly attend meetings? Yes  No  (Pursuant to (MSB 4.05.030, "A vacancy occurs on the board when the member is absent from three (3) consecutive regular board meetings without the board excusing the absence for good cause.")

Do you or any family member have a personal or financial interest with the Borough? Yes  No

If yes, list positions and or interest: \_\_\_\_\_  
(For example: employee, emergency responder, RSA or FSA area supervisor, board member, contractor etc.)

How long have you lived in the Borough? 30 yrs

Briefly explain, why you are you interested in serving on the board in which you are applying? \_\_\_\_\_

currently Board member Wasilla Knik Historical Society

List professional or personal experiences that qualify you for membership on the board? You may attach a brief resume to highlight your qualifications: Historical Society Board member

BS Emergency Services Mgmt, MASTER Public Admin

List three professional or personal references: Name: MARILYN McQuinn Phone: 745 9873  
Name: FRAN SAGER-BISS Phone: 561 7873  
Name: Rob Robinson Phone: 315 3851

Applicant Signature: Mark Murray Date: JAN 21 2015

**N**

Office Use Only: Precinct: OB-155 Assembly District: 5 Service Area: NA  
Position on Board: His member 7 Term Ends: 12/31/2016  
Residence Checked:  Yes Map Checked:  Yes Code Checked: 1<sup>st</sup>  2<sup>nd</sup>

MATANUSKA-SUSITNA BOROUGH - CLERK'S OFFICE  
350 E. Dahlia Avenue Palmer, AK 99645  
Phone: 861-8683 Fax: 861-7845



**BOARD, COMMISSION, AND COMMITTEE APPLICATION FORM**

**INSTRUCTIONS**

**Complete and sign the application.** Do not leave any blank fields. Type or print legibly in ink. Specify exactly what board and position you are seeking. Completed applications may be emailed to **debra.wetherhorn@matsugov.us** or delivered or mailed to the Borough Clerk's Office, 350 E. Dahlia Avenue, Palmer, or faxed to 861-7845. If you have questions, please call 861-8683.

**Board and position for which I am applying:** Local Emergency Planning Committee, Environmental Technician  
*(For example, Board of Equalization, Member 3)*

Applicant Name: Amy E Kearns

Residence Address: 7190 South Turner Drive Wasilla, Alaska 99623

Mailing Address: PO Box 879476 Wasilla, AK 99687

Home phone: (907) 357-0597 Work phone: (907) 343-3050 Email: aekearns@gmail.com

Name and Address of Employer: ARCADIS US, 880 H Street, Suite 101 Anchorage, AK 99501

Can you regularly attend meetings? Yes  No  *(Pursuant to (MSB 4.05.030, "A vacancy occurs on the board when the member is absent from three (3) consecutive regular board meetings without the board excusing the absence for good cause.")*

Do you or any family member have a personal or financial interest with the Borough? Yes  No

If yes, list positions and or interest: \_\_\_\_\_  
*(For example: employee, emergency responder, RSA or FSA area supervisor, board member, contractor etc.)*

How long have you lived in the Borough? Since April 2004

Briefly explain, why you are you interested in serving on the board in which you are applying? I would like to continue my service with the LEPC as an Environmental Tech for which I have served for the last 3 years.

List professional or personal experiences that qualify you for membership on the board? You may **attach a brief resume** to highlight your qualifications: I am an environmental scientist with an extensive background in environmental regulations, permitting, and compliance; as well as, spill response and emergency response.

List three **professional or personal** references: Name: Debra Dalcher Phone: (907) 354-4472  
Name: Jane Thomas Phone: (907) 685-1457  
Name: Bea Adler Phone: \_\_\_\_\_

Applicant Signature: *Amy E Kearns* *Digitally signed by Kearns, Amy  
DN: cn=Amy E. Kearns, o=Matsugov, ou=US Office, postalCode=AK, c=US* Date: 01/20/15

(R)

Office Use Only: Precinct: <u>08-15D</u>	Assembly District: <u>5</u>	Service Area: <u>NA</u>
Position on Board: <u>LEPC ENV/BUS/TECH 2</u>	Term Ends: <u>12/31/17</u>	
Residence Checked: <input checked="" type="checkbox"/> Yes <u>dw</u>	Map Checked: <input checked="" type="checkbox"/> Yes <u>dw</u>	Code Checked: 1 <sup>st</sup> <input checked="" type="checkbox"/> 2 <sup>nd</sup> <input type="checkbox"/> <u>NA</u>

Applicant Name: Amy E Kearns

---

Do you have any civil judgment against you within the last 10 years, whether monetary, non-monetary, declarative, injunctive, or any other form or manner?     NO     YES

If yes, please provide on a separate page the following: (1) case name, (2) nature of action, (3) year of judgment, and (4) a brief description of the judgment entered and/or sentence imposed.

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Do you have any judgments against you in a criminal case within the last 10 years, whether upon finding of guilt, plea of no contest, suspended, or any form of judgment other than dismissal or not guilty?

NO     YES

If yes, please provide on a separate page the following: (1) case name, (2) nature of action, (3) year of judgment, and (4) a brief description of the judgment entered and/or sentence imposed.

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**AMY E KEARNS**  
P.O. Box 879476  
Wasilla, Alaska 99687  
907.357.0597/ 907.315.4768  
aekearns@gmail.com

## **EDUCATION**

Associates Degree Fire Science May 2013  
University of Alaska Anchorage  
Anchorage, Alaska

Masters Natural Resources Management May 1999  
University of Manitoba (U.S. Citizen)  
Winnipeg, Manitoba

Bachelors of Science in Forest Non-game Management December 1994  
Stephen F. Austin State University College of Forestry  
Nacogdoches, Texas

## **PROFESSIONAL EXPERIENCE**

**Project Scientist** October 2013 - Present  
ARCADIS-US  
Anchorage, Alaska

- Developed a set of field screening tools and questionnaires for client to assess applicability and potential requirements associated with 40 CFR 60 Subpart OOOO (Crude Oil and Natural Gas Production, Transmission, and Distribution).
- Prepared construction permit application for a proposed phosphorous mine to be located in Paris Hills, Idaho. Gathered information, completed agency permit application forms; as well as, assisting with conducting emission calculations. Conducted regulatory applicability review and analysis.
- Conducted regulatory applicability determinations for stationary and non-road engines as needed. Prepared initial and revised operation and maintenance plans for various engines in operation at a hard rock mine in Colorado. Assisted with the preparation of permit modification request for various emission sources operated at mine.
- Conducted research concerning dismantlement, removal, and reclamation requirements imposed by the various provinces and territories in Canada on mining and oil and gas activities for Alaska Department of Natural Resources. Examined the financial security and bonding requirements imposed by other jurisdictions on to mine operators; as well as, on oil and gas operators.
- Assisted client in California with identifying regulatory basis for permit conditions associated with individual minor permits for which the regulatory did not provide citations.

**Environmental Scientist**  
AECOM Technical Services  
Anchorage, Alaska

March 2007-September 2013

- Prepared multiple land use and environmental permits required for oil and gas exploration on North Slope and Cook Inlet of Alaska.
- Conducted clean air act and environmental compliance monitoring for upstream oil and gas clients operating within the North Slope and Cook Inlet, Alaska. Prepared compliance reports for exploration activities.
- Seconded to Chevron MidContinent Alaska for over two years supporting air quality permitting and compliance staff. Performed regulatory reviews
- Prepared draft minor permit application for proposed Cook Inlet natural gas storage facility.
- Assisted with preparation of a draft minor permit application for a proposed oil field development on the North Slope of Alaska.
- Assisted with preparation of a revised of a gap analysis report in support of the FERC resource reports for the Alaska Pipeline Project. Reviewed impact of two greenhouse gas regulations on the project.
- Prepared or assisted in the preparation of several Environmental Assessments.
- Served as local AECOM Safety, Health and Environment Coordinator for Anchorage, Alaska.

**Environmental Specialist**  
Chugach Support Services  
Galena, Alaska

January 2007-February 2007

- Monitor activities on Galena Forward Operating Location (Galena Airport) to ensure the facility maintains compliance with all applicable environmental regulations
- Administered and routinely inspected the material accumulation and satellite waste accumulation points.
- Prepare or assist in the preparation of internal environmental reports submitted to the U.S. Air Force.

**Environmental Scientist**  
Steigers Corporation  
Anchorage, Alaska

March 2005-December 2006

- Prepared or reviewed owner requested limits, Title I and Title V air quality permit applications for clients.
- Reviewed various environmental documents written to support feasibility studies, environmental impacts statements (EIS), or bid solicitations for multiple clients.
- Completed an analysis of existing and future environmental requirements for Aurora Energy Services, LLC to support preparation of bid application for purchase of multiple Department of Defense utilities
- Authored a comment letter in response to a federal register notice soliciting information from the public regarding the status of the subpopulation of beluga whales in Cook Inlet.

**Environmental Protection Specialist**

October 2001-March 2005

U.S. Army Center for Health Promotion and Preventive Medicine  
Fort Richardson, Alaska

- Evaluated the applicability of several stationary and non-road engine regulations to combustion sources installed on U.S. Army Alaska facilities.
- Authored portions of environmental assessments and environmental impact statement documents, written to support transformation of the U.S. Army in Alaska to a Stryker Brigade Combat Team.
- Analyzed best available control technology trends in Alaska to assess the economic and environmental feasibility of retrofitting two large primary generators at Eareckson Air Station, Alaska with Selective Catalytic Reduction technology.
- Participated on a technical project team of scientists, representatives of U.S. Air Force and local tribal governments, to address remediation of contaminated sites at Galena Airport, Galena, Alaska.

**Post-Graduate Environmental Intern**

October 2000-September 2001

Oak Ridge Institute for Science and Education  
Fort Riley, Kansas

- Performed quality assurance on and summarized data contained in a forest inventory database developed for use by staff in preparing conservation plans and timber sales.
- Assisted wildlife professionals at seasonal deer check stations and conducted Northern bobwhite call counts.
- Participated on a wild land firefighting crew that conducted prescribed burns to meet land management objectives.

**Field Assistant**

April 1995-August 1995

George M Sutton Avian Research Center  
Bartlesville, Oklahoma

- Located, monitored, and recorded the fate of grassland passerine bird nests found at the Tall Grass Prairie Preserve and private ranch lands by observing bird behavior and flushing birds from nests.
- Conducted field surveys to assess bird, insect, and predator abundance at the Tall Grass Prairie Preserve using standard techniques.
- Collected vegetation data at established survey plots to delineate vegetation community types and make distinctions in grassland bird production across habitat gradients.

**Field and Lab Assistant**

September 1991-December 1994

Center for White Tailed Deer Management and Research  
Nacogdoches, Texas

- Maintained a field necropsy lab in support of a research study examining the impact of pine plantations on deer productivity. Processed tissue and live tick samples from white-tailed deer collected during field necropsies and input the data into a database.

## REFERENCES

**Debra Dalcher**

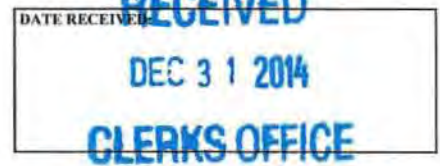
125 Middlegreen Place  
Holly Springs, NC 27540  
(907) 354-4472

**Jane S. Thomas**

Eni Petroleum  
3800 Centerpoint Drive, Suite 300  
Anchorage, AK 99503  
(907) 350-8929

**Thomas Damiana**

AECOM  
1601 Prospect Parkway, Unit 1  
Fort Collins, CO 80525  
(970) 224-2361



BOARD, COMMISSION, AND COMMITTEE APPLICATION FORM

INSTRUCTIONS

Complete and sign the application. Do not leave any blank fields. Type or print legibly in ink. Specify exactly what board and position you are seeking. Completed applications may be emailed to **debra.wetherhorn@matsugov.us** or delivered or mailed to the Borough Clerk's Office, 350 E. Dahlia Avenue, Palmer, or faxed to 861-7845. If you have questions, please call 861-8683.

Board and position for which I am applying: Matsu Borough Fish & Wildlife Commission #5  
(For example, Board of Equalization, Member 3)

Applicant Name: Terry Nininger

Residence Address: 6420 W. Commodore Lane, Wasilla, AK.

Mailing Address: PO Box 877944, Wasilla, AK. 99687

Home phone: 907-357-1606 Work phone: N/A Email: nininger@alaska.net

Name and Address of Employer: Retired N/A

Can you regularly attend meetings? Yes  No  (Pursuant to (MSB 4.05.030, "A vacancy occurs on the board when the member is absent from three (3) consecutive regular board meetings without the board excusing the absence for good cause.")

Do you or any family member have a personal or financial interest with the Borough? Yes  No

If yes, list positions and or interest: —  
(For example: employee, emergency responder, RSA or FSA area supervisor, board member, contractor etc.)

How long have you lived in the Borough? 14 years

Briefly explain, why you are you interested in serving on the board in which you are applying? I have an active interest in Fish & Wildlife issues in the Matsu Borough. I have considerable time to contribute to commission activities.

List professional or personal experiences that qualify you for membership on the board? You may attach a brief resume to highlight your qualifications: I am a current member of the Matsu Valley Fish &

Game Advisory Committee, Alaska Outdoor Council & Planning Committee for Matsu Basin Salmon Symposium

List three professional or personal references: Name: Bruce Knowles Phone: 907-495-4965  
Name: Jeff Boatright Phone: 907-495-7700  
Name: Pastor Ron Herring Phone: 907-982-0888

Applicant Signature: Terry Nininger Date: 12-30-14

Office Use Only: Precinct: <u>08-140</u>	Assembly District: <u>5</u>	Service Area: <u>NA</u>
Position on Board: <u>SPT member 5 AT LARGE</u>	Term Ends: <u>12/31/17</u>	
Residence Checked: <input checked="" type="checkbox"/> Yes	Map Checked: <input checked="" type="checkbox"/> Yes	Code Checked: 1 <sup>st</sup> <input checked="" type="checkbox"/> 2 <sup>nd</sup> <input checked="" type="checkbox"/>

Applicant Name: Terry Nininger

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Do you have any civil judgment against you within the last 10 years, whether monetary, non-monetary, declarative, injunctive, or any other form or manner?  NO  YES

If yes, please provide on a separate page the following: (1) case name, (2) nature of action, (3) year of judgment, and (4) a brief description of the judgment entered and/or sentence imposed.

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Do you have any judgments against you in a criminal case within the last 10 years, whether upon finding of guilt, plea of no contest, suspended, or any form of judgment other than dismissal or not guilty?

NO  YES

If yes, please provide on a separate page the following: (1) case name, (2) nature of action, (3) year of judgment, and (4) a brief description of the judgment entered and/or sentence imposed.

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**The Nininger Family**

PO Box 877944  
Wasilla, Alaska 99687

December 30, 2014

Mr. Larry DeVilbiss  
Members of the Mat Su Borough Assembly  
350 E. Dahlia Ave.  
Palmer, Alaska 99645

Dear Mayor DeVilbiss and Members of the Assembly:

I would like to be considered for appointment to the Mat-Su Borough Fish and Wildlife Commission.

My wife and I have resided in the Mat-Su Borough for the last 14 years. We have lived in Alaska for 35 years living in Tyonek, Adak, Homer, and the Mat-Su Valley. My interests include sport hunting and I'm an avid sports fisherman. I'm 68 years old and my wife and I have been married for 34 years. We have been active in hunting and fishing since we first came to Alaska. I have regularly attended the Mat-Su Borough Fish & Wildlife Commission meetings. I am retired and could devote a considerable time to fish and wildlife issues specifically as they pertain to the Mat Su Borough.

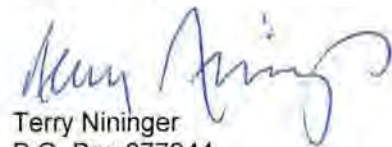
I have taken an active interest in Valley fishery issues, including concern over the declining salmon runs in the Mat Su Valley rivers. This includes submitting proposals, attending and testifying at the State of Alaska Board of Fisheries meetings in Anchorage this past year. I'd like to specifically advocate for Valley sports anglers and like to participate in encouraging more Valley anglers get involved in the issues that are affecting us.

I am a current member of the Mat Valley Fish and Game Advisory Committee, a member of the Alaska Outdoor Council and was on the Planning Committee for the Mat-Su Basin Salmon Symposium this year.

My career has been in resource development, specifically in forest products. In the 1980's & 1990's my wife & I were in a partnership that owned and operated a firm that manufactured and exported wood chips on the Homer spit in Homer, Alaska. We selectively harvested beetle infested white spruce. The chips were sold into the Japanese and Korean markets. I also was on the Board of Directors for the Alaska Forest Association.

In 2000 we moved to the Valley and I went to work for NPI, LLC. The firm constructed and operated the wood chip facility at Port MacKenzie and also built and operated a facility in Valdez. We have resided at 6420 W. Commodore Lane, Wasilla since moving to the Valley in 2000.

Respectfully,



Terry Nininger  
P.O. Box 877944  
Wasilla, AK 99687  
907-357-1606  
nininger@alaska.net



BOARD, COMMISSION, AND COMMITTEE APPLICATION FORM

INSTRUCTIONS

**Complete and sign the application.** Do not leave any blank fields. Type or print legibly in ink. Specify exactly what board and position you are seeking. Completed applications may be emailed to [debra.wetherhorn@matsugov.us](mailto:debra.wetherhorn@matsugov.us) or delivered or mailed to the Borough Clerk's Office, 350 E. Dahlia Avenue, Palmer, or faxed to 861-7845. If you have questions, please call 861-8683.

Board and position for which I am applying: Wasilla/Lakes Board of Supervisor  
(For example, Board of Equalization, Member 3)

Applicant Name: Timmy L Jameson SR

Residence Address: 1301 W Patricia Ave, Wasilla AK 99654

Mailing Address: Same

Home phone: 373-5115 Work phone: 352-3100 Email: jimj521@mtaonline.net

Name and Address of Employer: Lowe's 2561 E San Mountain Ave Wasilla, AK 99654

Have you been convicted of a crime, not including traffic tickets? Yes  No

If yes, what were you convicted of? \_\_\_\_\_

Can you regularly attend meetings? Yes  No  (Pursuant to (MSB 4.05.030), "A vacancy occurs on the board when the member is absent from three (3) consecutive regular board meetings without the board excusing the absence for good cause.")

Do you or any family member have a personal or financial interest with the Borough? Yes  No

If yes, list positions and or interest: \_\_\_\_\_  
(For example: employee, emergency responder, RSA or FSA area supervisor, board member, contractor etc.)

How long have you lived in the Borough? 31 years

Briefly explain, why you are you interested in serving on the board in which you are applying? To give to my community

List professional or personal experiences that qualify you for membership on the board? You may attach a brief resume to highlight your qualifications: see attached

List three professional or personal references: Name: James Steele Phone: 373-8800  
Name: Ken Sluison Phone: 376-8698  
Name: Carol Christensen Phone: 745-3387

Applicant Signature: Timmy L Jameson SR Date: 12/23/14

Office Use Only: Precinct: <u>07-125</u>	Assembly District: <u>4</u>	Service Area: <u>CENTRAL MATSU FSA</u>
Position on Board: <u>FSA 130 member 5</u>	Term Ends: <u>12/31/15</u>	
Residence Checked: <input checked="" type="checkbox"/> Yes	Map Checked: <input checked="" type="checkbox"/> Yes	Code Checked: 1 <sup>st</sup> <input checked="" type="checkbox"/> 2 <sup>nd</sup> <input checked="" type="checkbox"/>

Applicant Name: Jimmy L Jameson SR

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Do you have any civil judgment against you within the last 10 years, whether monetary, non-monetary, declarative, injunctive, or any other form or manner?  NO  YES

If yes, please provide on a separate page the following: (1) case name, (2) nature of action, (3) year of judgment, and (4) a brief description of the judgment entered and/or sentence imposed.

---

Do you have any judgments against you in a criminal case within the last 10 years, whether upon finding of guilt, plea of no contest, suspended, or any form of judgment other than dismissal or not guilty?  
 NO  YES

If yes, please provide on a separate page the following: (1) case name, (2) nature of action, (3) year of judgment, and (4) a brief description of the judgment entered and/or sentence imposed.

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To: Wasilla/Lakes Fire Service Board of Supervisors

I Jimmy L Jameson Sr would like to be considered for a member on the Wasilla/Lakes Board of supervisors. Some of you board members should remember me.

My Past experience:

FSA 22, Lakes Board of Supervisor from approx. 1986 to 1991.

Central Mat Fire Department. Captain from October 1983 to February 2003 Retired.

Approx. 15 Years with Wasilla Ambulance Service as an EMT 1-D.

17 Years with the Mat-Su Dive team as a Rescue Diver.

I feel that I would bring a lot of knowledge to the board from my past experience. During the time I was on the Lakes Board of Supervisors, we voted to merge the Wasilla and Lakes fire services together. I've seen the Fire Service grow a lot in the past years and I feel that I would be a great asset to the board.

Thank you for your time,



Jimmy L Jameson Sr  
1301 W Patricia Ave  
Wasilla, AK 99654  
Hm: (07-373-5115  
Cel: 907-355-3335

**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

Assemblymembers 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 20, 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, 8<sup>th</sup> 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, 13<sup>th</sup> 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, 16<sup>th</sup> 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.