

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
Jim Colver, District 6
Vern Halter, District 7

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

REGULAR MEETING

6 P.M.

TUESDAY, JANUARY 6, 2015

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF AGENDA

IV. PLEDGE OF ALLEGIANCE

V. MINUTES OF PRECEDING MEETINGS

- A. Special Assembly Meeting: 12/02/14
- B. Regular Assembly Meeting: 12/02/14
- C. Joint Assembly/School Board Meeting: 12/09/14
- D. Special Assembly Meeting: 12/16/14
- E. Regular Assembly Meeting: 12/16/14

VI. REPORTS/CORRESPONDENCE

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

- 1. Reports From Cities
- 2. Matanuska-Susitna Borough School District
- 3. Mat-Su Convention & Visitors Bureau - Bonnie Quill

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 School Site Plan

D. ATTORNEY COMMENTS

E. CLERK COMMENTS

- 1. Discussion On The Appointment Process For Filling The Eventual Vacancy For Assembly District 6

pp. 9-36

F. CITIZEN AND OTHER CORRESPONDENCE

- 1. MSB Board/Committee Minutes:
 - a. Aviation Advisory Board: 06/12/14, 08/21/14, Resolution Serial No. 14-008
 - b. Local Emergency Planning Committee: 08/20/14
 - c. Wastewater & Septage Advisory Board: 07/31/14
 - d. Central Mat-Su FSA No. 130 (Wasilla-Lakes): 05/12/14
 - e. Joint West Lakes FSA & Central Mat-Su FSA (Wasilla-Lakes): 10/13/14
- 2. Community Council Minutes:
 - a. Chickaloon Community Council: 09/10/14

G. INFORMATIONAL MEMORANDUMS

pp. 37
Sykes

- 1. **IM No. 15-016:** Reporting Of Conclusion Of Contract For Bid No. 14-031B To GMC Contracting, Inc. In The Final Contract Amount Of \$1,269,570.43 For Knik River Road Improvements.

pp. 38-55
Arvin

- 2. **IM No. 15-019:** Notice To The Matanuska-Susitna Borough Assembly Of Establishment Of An Ad Hoc Agricultural Advisory Committee To Analyze Information Obtained From The 2014 MSB Agriculture Forum.

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

VII. UNFINISHED BUSINESS

- pp. 56-179
Arvin
- A. **Ordinance Serial No. 14-144:** An Ordinance Repealing MSB 8.32, Electrical Generation Facility Or Power Plant; And Adopting MSB 17.06, Electrical Generating And Delivery Facility.
1. IM No. 14-203

VIII. VETO

IX. 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. 180-406
Beck
1. **Ordinance Serial No. 15-002:** An Ordinance Amending MSB Title 24, Animal Care And Regulation. *(Sponsored By Assemblymembers Beck And Halter)*

- pp. 407-414
- a. **Ordinance Serial No. 15-003:** An Ordinance Adopting MSB 2.29.090, Animal Forfeiture Appeal Procedures; And Amending MSB 2.29.020 And 2.29.080.
- (1) IM No. 15-003
- (2) IM No. 15-004

- pp. 415-419
Arvin
2. **Ordinance Serial No. 15-004:** An Ordinance Accepting And Appropriating \$20,000 From Intercity Rental Car Corporation For An Inspection And Demonstration Sea Trial Of The M/V Susitna, Fund 530.

- pp. 420-421
- a. **Resolution Serial No. 15-001:** A Resolution Approving The Scope Of Work And Budget For An Inspection And Demonstration Sea Trial Of The M/V Susitna, Fund 530.
- (1) IM No. 15-005

- pp. 422-426
Halter
3. **Ordinance Serial No. 15-005:** An Ordinance Accepting And Appropriating A Grant In The Amount Of \$25,000 To Fund 435, Project No. 10060, From The Rasmuson Foundation For The Geothermal Heating System For The Willow Community Center.

- pp. 427-428
- a. **Resolution Serial No. 15-002:** A Resolution Approving The Scope Of Work And Amended Budget For The Geothermal Heating System For The Willow Community Center.
- (1) IM No. 15-007

pp. 429-554
Arvin

4. **Ordinance Serial No. 15-006:** An Ordinance Authorizing The Matanuska-Susitna Borough To Issue Areawide General Obligation Bonds, In One Or More Series, To Refund Certain Outstanding General Obligation Bonds Of The Borough; Fixing Certain Details Of Such Bonds; And Authorizing Their Sale.
 - a. IM No. 15-009

C. AUDIENCE PARTICIPATION (Three Minutes Per Person.)

D. CONSENT AGENDA

1. RESOLUTIONS

pp. 555-559
Arvin

- a. **Resolution Serial No. 15-003:** A Resolution Approving The Amended Scope Of Work For The Nelson Road Gravel And Culvert Project, Fund 410, Project No. 30104 To Include Culvert Replacement And Fish Passage Improvements At Seventeen Locations.
 - (1) IM No. 15-010

pp. 560-570
Beck

- b. **Resolution Serial No. 15-004:** A Resolution Approving The City Of Palmer's Acquisition Of Land Located Near The Matanuska River Park For Recreational Purpose Through Grant Funds As Required Under MSB 1.10.121 Delegation Of Parks And Recreational Powers To The City Of Palmer, Section (C).
 - (1) IM No. 15-017

2. ACTION MEMORANDUMS

pp. 571-578
Sykes

- a. **AM No. 15-001:** Vacation Of Any Public Interest In A 50-Foot Access Easement Recorded As 2002-058754-0, Laux Subdivision, Located Within Section 30, Township 16 North, Range 4 East, Seward Meridian.

pp. 579-581
Sykes

- b. **AM No. 15-002:** Approval Of Contract Amendment No. 4 To Contract No. 13-071P With Hattenburg Dilley & Linnell In The Amount Of \$699,088.50 For Old Glenn Highway Paved Pathway Extension, Project No. 35412.

pp. 582-586
Arvin

- c. **AM No. 15-003:** Authorization To Purchase Self Contained Breathing Apparatus Face Piece Upgrade Kits From Alaska Safety Inc. In The Amount Of \$102,960.

pp. 587-591
Halter

- d. **AM No. 15-004:** Award Of Proposal No. 15-069P To Lounsbury And Associates, Inc. In An Amount Not To Exceed \$600,000 For The Oilwell Road Design.

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. 592-596
Arvin

- e. **AM No. 15-005:** Award Of Proposal 15-058P To Bezek Durst Seiser, Inc. In An Amount Not To Exceed \$500,000 For Roof Replacement Design At Palmer High, Cottonwood Creek Elementary, Palmer Junior Middle, Pioneer Peak, Tanaina Elementary, Wasilla Middle, And Sutton Elementary Schools; And The Mat-Su School District Warehouse.

X. NEW BUSINESS

A. INTRODUCTIONS (For public hearing – 01/20/15, Assembly Chambers)

pp. 597-673
Arvin

- 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

pp. 674-678
Colver

- 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.

pp. 679-680

- 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

pp. 681-689
Sykes

- 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

B. MAYORAL NOMINATIONS AND APPOINTMENTS

pp. 690-721

- 1. VACANCY REPORT

C. OTHER NEW BUSINESS

D. 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
DEC 22 2014
CLERKS OFFICE

Date Received:	<u>12/22/14</u>
Meeting Date Approved:	<u>1/6/15</u>
Clerk Approval:	<u>[Signature]</u>

MATANUSKA-SUSITNA BOROUGH
AGENCY REPORTS

MEETING DATE REQUESTED: January 6, 2015

NAME OF SPEAKER: Bonnie Quill

ORGANIZATION: Mat-Su Convention & Visitors Bureau

PLEASE CHECK ONE OF THE FOLLOWING THAT APPLIES:

Governmental Agency _____ Have Received a Grant from the Borough X Borough Board _____
Borough Recognized Community Council _____ None Apply _____

DAYTIME TELEPHONE: 746-5000 FACSIMILE NO.: _____

SUBJECT: Agency Update Report

REQUESTED ACTION (if applicable): _____

- Documentation is attached for inclusion with assembly packet.
- Twenty-five (25) copies of a prepared statement or other pertinent document will be provided to the Clerk's Office by noon of the assembly meeting date.

THERE IS (7) MINUTES ALLOTTED FOR YOUR PRESENTATION

FOR OFFICIAL USE
Assembly Action/Comments:

**MATANUSKA-SUSITNA BOROUGH
AVIATION ADVISORY BOARD**

**REGULAR MEETING MINUTES
Thursday, June 12, 2014**

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Aviation Advisory Board was held on Thursday, June 12, 2014, in the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 2:30 p.m. by Mr. Archie Giddings

II. ROLL CALL AND DETERMINATION OF QUORUM

Aviation Advisory Board members present and establishing a quorum were:

- Ms. Jane Dale
- Ms. Beth Fread
- Mr. Archie Giddings
- Mr. Chris Kepler – arrived at 2:35
- Mr. Patrick Martin
- Mr. Dave Palmer
- Mr. Steve Pavish
- Mr. Barry Stanley
- Mr. Mark Stigar

Aviation Advisory Board members absent and excused were:

Staff and Agency Representatives in attendance were:

- Mr. Brad Sworts, MSB Transportation Manager – arrived at 3:50
- Mr. Michael Weller, MSB Traffic Data Technician
- Mrs. Debbie Passmore, Administrative Secretary

Also Present:

- Peggy White, Willow Aviation – by telephone
- Roger Maggard – by telephone
- Bart Rudolph, - by telephone
- Jennifer Bailey, Statewide Aviation – by telephone
- Carl Siebe, HDR
- Mark Mayo, HDR
- Emerson Krueger, MSB Planning
- Murph O'Brien, HDR
- Jim Huston, Willow Chamber of Commerce
- Jim Norcross, Willow Road Board
- Eugene _____
- George Hays, MSB Assistant Borough Manager
- Tor Anderzen, DOWL HKM
- Carl Hereford, MSB IT Acting Director
- Eric Phillips, MSB Community Development Director

III. APPROVAL OF AGENDA

GENERAL CONSENT: Ms. Beth Fread moved to approve; Mr. Mark Stigar seconded. Mr. Steve Pavish asked that we end the meeting by 4:00. The agenda was unanimously approved as amended.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Archie Giddings.

V. APPROVAL OF MINUTES OF PRECEDING MEETING

A. April 10, 2014

MOTION: Ms. Beth Fread moved to approve the minutes of the April 10, 2014 AAB meeting; seconded by Mr. Mark Stigar. Discussion of corrections.

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

VI. PERSONS TO BE HEARD (*Three minutes per person*)

Patrick Martin: received a phone call recently from Barb Dody (airport owner) re: taxes went up 1,000% (near Wolf Lake Air Park). She will appeal it but wants this Board to be aware of this problem. Wants to discuss this at a future AAB meeting. Meet with an assessor?

Jim Norcross, Willow: Willow Lake Winter Trail

Jim Huston, Willow Chamber of Commerce: Willow Lake Winter Trail

VII. AGENCY AND STAFF REPORTS

A. Airports

1.

B. MSB

1. Emerson Krueger and Murph O'Brien: LRTP Update – at 5% now, should be done in the fall. Will be holding public meetings this summer. Is open to aviation ideas from this Board. Will be planning for 20 years.

C. State

1. Roger Maggard, ADOT&PF: discussion of revised scoring of public airports in the Matanuska-Susitna Borough.

VIII. PRESENTATIONS (*Approximately ten minutes per presentation*)

A. none

← IX.

UNFINISHED BUSINESS

A. Discuss Updating the Borough Website to Include Aviation Areas with New Frequencies

B. Discuss process for communications among Borough departments for projects that effect aviation facilities.

X. NEW BUSINESS

A. Discuss Willow Lake winter trail traffic solutions

1. Sunday Lane Trail Project Completed

2. How do we mitigate impact to Willow Lake from increased trail traffic? Eric Phillips, Community Development Director, suggested the interested parties get together and discuss solutions they can agree upon, and then ask the Borough to help implement them. There have been some plans decided on in the past but there's a moratorium on addressing this issue until after the lawsuit is settled.

3. Resolution No. 14-003 - RECOMMENDING THE PUBLIC WORKS ROAD MAINTENANCE PROJECT FUNDED THROUGH THE WILLOW ROAD SERVICE AREA ON SUNDAY DRIVE BE PAUSED TO PERMIT LITIGATION TO BE FINALIZED AND WILLOW LAKE USE PLAN ADOPTED – moot reso.; this reso was

tabled.

4. Dave Palmer asked that we ask for a stop light crossing from the airport to Willow Lake. Urged us to add it to the CIP in the future. Archie asked that we ask DOT for highway funding; discuss this more at the next meeting.

B. House Bill 350 and Senate Bill 177 pertaining to Tall Towers – Marking, Lighting & Mapping

1. Review and discuss the bills

2. Identify and map the towers (Carl Hereford, Acting IT Director)

3. Discuss potential for Borough website link to download kmz file for Google Earth. Discuss this again at the next meeting.

4. Resolution No. 14-004 SUPPORTING HOUSE BILL 350 AND SENATE BILL 177. Ms. Beth Fread moved to approve; Mr. Chris Kepler seconded.

Discussion. Ms. Beth Fread moved to postpone the discussion for two meetings; Mr. Dave Palmer seconded. Unanimous.

XI. INFORMATIONAL HANDOUTS AND COMMUNICATIONS

A. Next Meeting's Schedule

XII. COMMENTS FROM THE BOARD

Dave Palmer: would like to see us consider the lease lot category; believes we should be promoting at least one lot at each airport for up and down load for passenger terminals in the future.

Archie: and a fuel station.

Ms. Beth Fread: what happened to the helicopter fuel bladder in Skwentna that the Troopers need?

Barry: Skwentna road house does have av gas now.

Mark: it's already being done now.

XIII. NEXT MEETING

Thursday, August 21, 2014 from 2:30-4:30 in the Assembly chambers of the Borough Building

XIV. ADJOURNMENT

Mr. Patrick Martin moved to adjourn; Mr. Dave Palmer seconded.

The regular meeting adjourned at 4:20 p.m.


Archie Giddings, Chair

ATTEST:


Debbie Passmore, Board Secretary

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Aviation Advisory Board was held on Thursday, August 21, 2014, at Station 61, 101 W. Swanson Avenue, Wasilla, Alaska. The meeting was called to order at 2:40 p.m. by Ms. Jane Dale.

II. ROLL CALL AND DETERMINATION OF QUORUM

Aviation Advisory Board members present and establishing a quorum were:

Ms. Jane Dale - by telephone
Ms. Beth Fread
Mr. Archie Giddings – arrived at 2:45
Mr. Chris Kepler
Mr. Dave Palmer
Mr. Steve Pavish

Aviation Advisory Board members absent and excused were:

Mr. Patrick Martin
Mr. Barry Stanley
Mr. Mark Stigar

Staff and Agency Representatives in attendance were:

Mr. Brad Sworts, MSB Transportation Manager
Mrs. Debbie Passmore, Administrative Secretary

Also Present:

Leah Henderson, DOWL HKM
Joe Hannah, City of Palmer Manager
Jeff Combs, Palmer Airport
Mark Mayo, HDR

III. APPROVAL OF AGENDA

GENERAL CONSENT: Ms. Jane Dale moved to approve this month's agenda; Mr. Dave Palmer seconded. The agenda was unanimously approved

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Archie Giddings.

V. APPROVAL OF MINUTES OF PRECEDING MEETING

A. June 12, 2014

MOTION: Ms. Beth Fread moved to approve the minutes of the June 12, 2014 AAB meeting; seconded by Mr. Dave Palmer.

RECEIVED
AUG 16 2014
CLERKS OFFICE

GENERAL CONSENT: The minutes were approved without objection.

VI. AUDIENCE PARTICIPATION

None

VII. AGENCY AND STAFF REPORTS

A. Airports

1. Archie Giddings: Wasilla Airport
2. Jeff Combs: Palmer Airport

B. State

1. Allen Kemplen - Alaska Department of Transportation, State airports in the Matanuska-Susitna Borough: Summit and Lake Louise (Northern Region); Big Lake (Jane wants to see the project description; Allen said he'd get it to staff; Debbie sent it to AAB on 8/30/2014), Goose Bay, Sheep Mountain, Skwentna, Willow, Talkeetna

VIII. PRESENTATIONS (*Approximately ten minutes per presentation*)

A. none

IX. UNFINISHED BUSINESS

A. Highway Safety – Discussed the need to add aviation crossing warning lights on the Parks Highway at the crossing from the airport to Willow Lake to our CIP. It is in the Willow master plan. Funded by FHWA? Allen thinks it's possible. Need to get a formal request to the State DOT&PF. AAB should pass a resolution asking the Assembly to request funding from the State. To be reviewed and discussed at our next meeting.

B. Continue discussion of Tall Towers legislation, Resolution No. 14-004 RECOMMENDING THE ASSEMBLY FULLY SUPPORT THE REINTRODUCTION OF FORMER HOUSE BILL NO. 350 (INTRODUCED 2/26/2014; TO BE REINTRODUCED IN THE 2014/2015 LEGISLATURE); potential for Borough website link to download kmz file for Google Earth.

MOTION: Ms. Beth Fread moved that Resolution 14-004 be approved; Mr. Dave Palmer seconded.

MOTION: Ms. Beth Fread moved to amend the resolution to remove reference to Senate Bill 177 and include HB350 only; Mr. Dave Palmer seconded.

VOTE: No objections to amendment; no objections to approval of Resolution 14-004. Debbie will revise as directed and send to Chair for signature.

MOTION: Ms. Beth Fread moved that staff ask MSB IT to create a kmz file from FCC for Google Earth that shows a layer of towers. Discussion about towers that are created just under the minimum report to FAA. We'll need to include a caveat for users to use at their own risk since all towers may not be listed. Seconded by Mr. Dave Palmer.

VOTE: No objections; MSB staff will ask MSB IT to create a kmz file as requested.

C. Discuss developing criteria for evaluating proposed towers in the Matanuska-Susitna Borough.

MOTION: Mr. Dave Palmer: Mark built a draft list of criteria but he was not able to attend today's meeting; he moved that we table this discussion to next meeting. Mr. Chris Kepler seconded. Discussion. Debbie will get the list from Mark and distribute it to the AAB for discussion at our next meeting.

VOTE: No objections; this topic is tabled until our next meeting.

D. Northway Airport Fuel Availability (discuss and approve draft letter to the State). We need a legislative solution to get ADOT&PF to provide funding/management to get fuel available there. The AAB should produce a reso to the assembly asking the legislature to get ADOT&PF to provide funding/management to get fuel available there; it's a safety issue. The Native corporation will support it (Northway Natives, General Manager is ... Jane will email it to Debbie). Emphasize the difference between Northway and other entry point airports in the nation. Ask other advisory boards and the State AAB, and the Community Councils of Big Lake, Talkeetna and Willow, and the City Councils of Palmer, Houston and Wasilla, and the Fairbanks North Star Borough to create resolutions in support like ours so we show lots of support.

MSB staff will draft something up and bring it to the AAB for approval at our next meeting.

E. Discuss MSB process and policy for actions that affect aviation facilities

1. Willow Airport - Aircraft operations on Willow Lake in winter are adversely impacted by increased trail use by snow machines and dog sleds
2. Draft Resolution 14-005: RECOMMENDING IMPLEMENTATION OF A BOROUGH-WIDE POLICY REGARDING DISEMINATION OF INFORMATION FROM BOROUGH DEPARTMENTS THROUGH THE AVIATION ADVISORY BOARD SUPPORT STAFF ON NEW PROJECTS THAT WOULD POTENTIALLY AFFECT AVIATION FACILITIES

MOTION: Ms. Beth Fread moved to approve; Mr. Dave Palmer seconded. Discussion. Amendment to change "to" to "through" and add "to the AAB." Add mention of the specific project "Willow Trail and Sunday Lane" recently done as a separate "WHEREAS."

Mr. Dave Palmer is on the Parks & Recreation Board so he can't second the motion or vote on this motion. He asked the Board to consider this issue. Discussion. The board doesn't see any problem with Mr. Dave Palmer voting and has excused him from the conflict; Mr. Dave Palmer withdrew his second to this motion; Mr. Chris Kepler seconded. Discussion of the resolution.

VOTE: No objections and this resolution was approved as amended.

F. Discuss CTAF re: physical features not followed for boundary lines. Need to send out Jane's letter to the AAB, then have the AAB discuss and comment. Jane read it out loud.

MOTION: Ms. Jane Dale moved that Mr. Archie Giddings sign this letter and we send it out. Ms. Beth Fread seconded.

VOTE: No objections; Debbie/Brad will draft a final version and send it to the AAB for review and finalization, then have Archie sign it and get it mailed out.

G. Discussion urging the State of Alaska, DOT&PF to assemble operation costs, revenue and infrastructure needs for the airports in the Matanuska-Susitna Borough

(Big Lake, Willow, Talkeetna, etc.) so we know what it will take to for them to meet the current demand; then ask that those airport improvements be included in the Statewide Aviation System Plan and funded by the FAA.

Jane explained the details of this. Since both the State and the Borough are working on their LRTP's, that would be a good reason for asking for this information from ADOT&PF for a business model from the past three years (revenue and revenue sources, infrastructure needs, costs, punch lists going forward). Send the question to Statewide Aviation (Steve Pavish may have more information on who to contact).

Allen Kemplen: Believes the RASP Phase 2 has an economic analysis already in it.

Brad: We drafted legislation that will go to the Assembly on September 2 to accept and appropriate the FAA grant for the RASP Phase 2.

Steve: So let's wait until the consultant gets this information and analyses/interpret once the Phase 2 bid is awarded.

X. NEW BUSINESS
A.

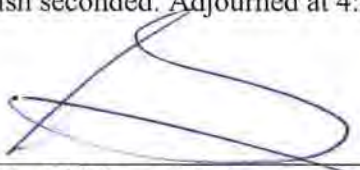
XI. INFORMATIONAL HANDOUTS AND COMMUNICATIONS
A. Next Meeting's Schedule

XII. COMMENTS FROM THE BOARD
None

XIII. NEXT MEETING
Thursday, October 9, 2014 from 2:30-4:30 in the Assembly chambers of the Borough Building or do we want to wait until later in October? After that, our next meeting is scheduled for December 11.


Discussion: next meeting to be a joint meeting at the Transportation Fair on October 22 with the TAB? Beth will ask the TAB at our next meeting.

XIV. ADJOURNMENT
Mr. Chris Kepler moved to adjourn; Mr. Steve Pavish seconded. Adjourned at 4:32.



Archie Giddings, Chair

ATTEST:



Debbie Passmore, Board Secretary

MATANUSKA-SUSITNA BOROUGH
AVIATION ADVISORY BOARD
RESOLUTION SERIAL NO. 14-008

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH AVIATION ADVISORY BOARD IN APPRECIATION OF THE SERVICES OF MS. JANE DALE.

WHEREAS, Ms. Dale served on the Matanuska-Susitna Borough Aviation Advisory Board from November 2009 to December 2014; and

WHEREAS, Ms. Dale was a reliable and committed member of the Board; and

WHEREAS, Ms. Dale's vast knowledge of Aviation issues contributed in many ways to discussions before the Aviation Advisory Board; and

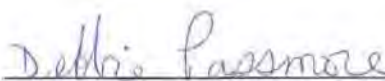
WHEREAS, the Board members enjoyed serving with Ms. Dale as a fellow board member and wish her well.

NOW, THEREFORE, BE IT RESOLVED that the Matanuska-Susitna Borough Aviation Advisory Board expresses its gratitude to Ms. Jane Dale for having served as a member of the Aviation Advisory Board.

ADOPTED by the Matanuska-Susitna Borough Aviation Advisory Board this 11th day of December, 2014.


Archie Giddings, Chair

ATTEST:


Debbie Passmore, Administrative Support

MATANUSKA-SUSITNA BOROUGH
LOCAL EMERGENCY PLANNING COMMITTEE MINUTES

August 20, 2014

RECEIVED
OCT 17 2014
CLERKS OFFICE

The regular meeting of the Local Emergency Planning Committee (LEPC) was called to order by Chairman Munson at 7:00 p.m. in the Central Mat-Su Public Safety Building.

LEPC members in attendance, establishing a quorum:

Bea Adler,	Ray Hollenbeck,
Michelle Torres,	Mike Chmielewski,
Bryen Bartgis,	Micah Weinstein,
Gene Belden,	Kevin Munson,
Rob French,	Casey Cook,
Bill Morrow,	Shari Turner,
Linda Russell, and	Louis Friend.

Also present were Gene Baker, Mat-Su Regional Medical Center; and Mariel Fonteyn, Division of Homeland Security and Emergency Management.

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

APPROVAL OF AGENDA: By general consent, the agenda was approved as presented.

APPROVAL OF MINUTES: By general consent, the minutes of June 18, 2014 were approved as presented.

PERSONS TO BE HEARD

Mr. Chmielewski discussed how to get accurate information if you don't have normal reporting happening during an emergency situation. Discussion surrounded the question of "what happens if the central EOC or the command and control center doesn't have that piece of the puzzle in place to provide accurate information to the radio stations or other media outlets".

He also provided a power point and reviewed the website SAFERStations.org. This website is dedicated to assisting public radio stations in preparing for disasters. SAFER means Station Action For Emergency Readiness.

REPORTS

MSB Emergency Management

Mr. Cook stated that:

- 1) Field Comm. 1 – It is up and operational and has been used this summer for various reasons; search and rescue, State Fair, water rescue training.

- 2) Mobile Communications Tower – A request for proposal has gone out for a 100 foot mobile collapsible tower. The bid has closed and we are now waiting to finalize with the vendor.
- 3) EOC Feasibility Study – The proposal period has closed and this will be officially awarded to a vendor in the near future.
- 4) Hazard Mitigation Buy-Outs – the request for proposal is still out on this to hire a contractor and team of individuals to come in and write up to 3 applications for hazard mitigation grants. The grant would be for a buy-out of property on the Matanuska River to get people out of harm's way from embankment erosion.
- 5) We are losing Bea Adler and Michieal Abe from the DES Administration team. Their grant funding has run out and the borough has opted not to approve these two positions as permanent.
- 6) We interviewed a new Emergency Management Specialist. It is a 1,000 hour position and will most likely be announced tomorrow. They will be working on the EOP's, plans, and pre-disaster assessments with our Orion software.
- 7) 2012 Floods – We will be starting the revetment process when the assembly accepts and appropriates the grant funding.
- 8) Vulnerable Populations Workgroup – this group met and we are moving forward with creating the list of who the vulnerable populations are in the communities.
- 9) HAM Towers – the 3 towers for Willow, Sutton, and Caswell have been purchased and we are now waiting for the pads to be placed.
- 10) EOC Software – next week we will be putting out a request for proposal for EOC software.
- 11) IPAWS Software – the request for proposal for the mass notification software was approved by the assembly.
- 12) Alaska Shield Video – this is up on You Tube. You can find it by Googling it.
- 13) Anonymous – This is a group of computer hackers that are calling for a day of rage, which is tomorrow. This is in response to the shooting in Missouri. No one is sure if this will be a “physical” day of rage, or if it will be limited to cyber rage.

Public Health

No Report.

Sutton Safety Fair

Ms. Adler stated that: Approximately 100 people showed up, including volunteers and interested citizens. Next door was the Antique Car Show and it was all great fun. This is the last fair that Bea will do for the Borough. There isn't a National Preparedness Month event planned.

OLD BUSINESS

NEW BUSINESS

Review of MSRMC Hazard Vulnerability Assessment Tool

Ms. Russell did a re-cap of the Hazard Vulnerability Assessment Tool for board members. Chairman Munson signed the document as received by the LEPC.

Vice Chair Nominations

Chairman Munson stated that: Bea Adler currently holds the position of Vice Chair, which expires in November. This position will be up for election at the October meeting. Mr. Chmielewski nominated Ms. Adler, and she announced her interest in continuing to run for the position. Mr. Munson asked if there was anyone else that was interested in running, none were heard. Mr. Munson stated that if anyone was interested in nominating themselves or someone else, to let Ms. Laughlin know via e-mail or phone call prior to the next meeting.

INFORMATIONAL ITEMS

Ms. Torres stated that: At the Alaska State Fair tomorrow, she and a colleague from the State will be doing a presentation called "A New Twist on Preparedness" at the brown stage.

Ms. Fonteyn stated that: She is the State LEPC Coordinator, so she is our point of contact. If there is anything we would like at the State bi-annual preparedness conference, let her know. The upcoming conference being held October 7-10 will be focused on terrorism and cyber security.

Mr. Friend stated that:

- 1) They are waiting on final announcement from FEMA to get a tribal community pre-disaster mitigation grant.
- 2) They have acquired a single axle semi-trailer and their goal is to set it up as a mobile cache.
- 3) The Troopers are doing a good job keeping a watch on speeders in his area.

Ms. Adler stated that: The Borough's last CERT class is going on now. If anyone is interested in being in the disaster simulation or doing moulage, it will be happening Saturday morning at the Willow Community Center.

Mr. Cook stated that: ICS 300 and 400 classes will be coming up in October. If there is anyone that needs to take it, let him know. There is no charge for the classes.

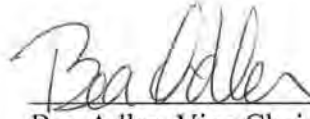
Ms. Laughlin stated that: There will be a going away luncheon for Bea Adler and Michelle Abe on Friday, August 29th at Station 6-5 from 12:00 – 1:30. Please stop by and wish them well.

NEXT MEETING DATE

Chairman Munson announced that the next meeting would be October 15, 2014 and held at the Central Mat-Su Public Safety Building at 7:00 p.m.

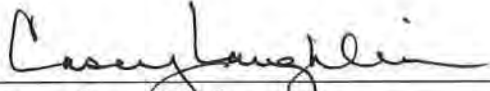
ADJOURNMENT

Chairman Munson adjourned the meeting at 8:00 p.m.



Bea Adler, Vice Chairwoman

ATTEST:



Casey Laughlin, Secretary

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Wastewater and Septage Advisory Board was held on Thursday, July 31, 2014, at the MSB Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 2:00 p.m. Tom Healy chaired the meeting.

II. ROLL CALL AND DETERMINATION OF A QUORUM

Wastewater and Septage Advisory Board members present and establishing a quorum were:

Mike Campfield, P.E.
Archie Giddings, P.E.
Tom Healy
Gina Jorgensen
Helen Munoz
Ronald Phillips
Thomas Stoelting

RECEIVED
OCT 16 2014
CLERKS OFFICE

Wastewater and Septage Advisory Board members absent and excused were:

None

Staff and Agency Representatives in attendance were:

Debbie Passmore, Board Secretary

III. APPROVAL OF AGENDA

Today's agenda was approved without objection.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Tom Healy.

V. AUDIENCE INTRODUCTIONS

Mr. Ryan Moyers, HDR
Mr. Jim Wodrich, HDR
Tracy Swanda, MWH
Clint Adler, State DEC
Orin Wooley
Kelsey Trimmer, A2 Septic
Mathew Beck, Assembly Member
Eugene Haberman
Casey Steinman, Sen. Begich's office
Ron Arvin, Assembly Member

VI. APPROVAL OF MINUTES OF PRECEDING MEETING

A. Minutes for the May 13, 2014 meeting were reviewed by the board.
The minutes were approved without objection.

VII. PRESENTATIONS

A. Helen Munoz's interview on Channel 2 News

- B. Jim Wodrich, PE. Principal Engineer, City of Bend, Project Management of Water and Wastewater Infrastructure Systems.

VIII. PERSONS TO BE HEARD (*Three minutes per person for items not on the agenda*)

IX. AGENCY AND STAFF REPORTS (*Five minutes per person*)

- A. City of Wasilla - Archie Giddings, P.E., Public Works Director
- B. City of Palmer – Tom Healy, Public Works Director
- C. City of Houston – Garland Forschen, Public Works Director
- D. Anchorage Water & Wastewater Utility – Mark Corsentino, P.E., PM Supervisor
- E. Matanuska-Susitna Borough - Mike Campfield, P.E., Environmental Engineer
- F. State of Alaska - DEC- Oran Woolley, P.E., Wastewater Engineer
- G. Environmental Protection Agency - Matthew LaCroix

X. UNFINISHED BUSINESS

- A.

XI. NEW BUSINESS

- A.

XII. INFORMATIONAL HANDOUTS AND COMMUNICATIONS

- A. Next Meeting's Schedule - discussion

XIII. COMMENTS FROM THE BOARD

XIII. NEXT MEETING

Tuesday, October 14, 2014, 2:00 p.m. at MSB Assembly Chambers in the DSJ building.

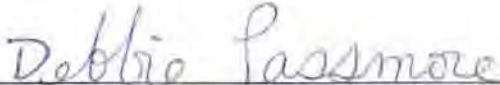
XIV. ADJOURNMENT

With no further business at hand, the meeting was adjourned at 2:48 p.m. by Mr. Tom Healy.



Tom Healy, Chair

ATTEST:



Debbie Passmore, Board Secretary

WASILLA-LAKES FSA BOARD OF SUPERVISORS MEETING

Central Mat-Su Public Safety Building
101 West Swanson Avenue
Wasilla, Alaska 99654

RECEIVED
JUN 25 2014
CLERKS OFFICE

May 12, 2014

MEETING MINUTES

The meeting of the Wasilla-Lakes Fire Service Area Board of Supervisors was called to order at 7:03 p.m. at the Central Mat-Su Public Safety Building (CMSPSB) at 101 West Swanson Avenue, Wasilla, Alaska, by Chair, Ken Slauson on Monday, May 12, 2014.

ROLL CALL, DETERMINATION OF QUORUM

Board members in attendance establishing a quorum were Ken Slauson, Chairman, Dan Tucker, Vice Chairman, Carol Christiansen and David Eller. Also present were James Steele, Chief, Central Mat-Su Fire Department (CMSFD), Tina Kennerson, Secretary, CMSFD, Richard Boothby, Fire Code Official, CMSFD, Fred Snodgrass, former Wasilla-Lakes FSA Board member, Mahlon Green, Assistant Chief, CMSFD, Max Sager, Engineer, CMSFD and Josh Standifird, Captain, CMSFD.

PLEDGE OF ALLEGIANCE

Mr. Slauson led "The Pledge of Allegiance".

APPROVAL OF AGENDA

Mr. Tucker suggested adding Item B – Service Area Name under New Business.

MOTION: Mr. Christiansen moved, Mr. Eller seconded, to approve the May 12, 2014 Meeting Agenda as amended.

VOTE: Voting on the motion, it passed unanimously.

APPROVAL OF PRECEDING MEETING MINUTES

MOTION: Mr. Tucker moved, Mr. Eller seconded to approve the March 10, 2014 Joint FSA Board Meeting Minutes.

VOTE: Voting on the motion, it passed unanimously.

REPORTS/CORRESPONDENCE

Mr. Slauson mentioned that he is still receiving information from the borough regarding flag lots.

WASILLA-LAKES FSA BOARD OF SUPERVISORS MEETING

PERSONS TO BE HEARD

Mr. Boothby mentioned that he received information regarding three flag lots that are legal within the borough. He mentioned that if the board would like to see flag lots changed, then they would need to send in their comments to the Planning Department/Platting Division.

Mr. Slauson suggested sending a Resolution to the Assembly and the Planning Department expressing CMSFD concerns regarding flag lots.

UNFINISHED BUSINESS

A – PERS (Public Employees Retirement System)

Chief Steele said there is no new update regarding PERS, but said that the borough has issued an order to not discuss anything pertaining to the lawsuit that has been filed.

Chief Steele said that he was informed by Dennis Brodigan, Director, Emergency Services (DES) that retirement costs will be increasing for FY15.

Mr. Slauson asked what the percentage is for retirement.

Chief Steele said 22% with FY14 showing to be a little under the 22% and said that it was around 26% - 28% for FY13.

Chief Steele said that he could send the board a 5-year analysis to review.

Mr. Tucker mentioned the 38% for retirement and the 22% required by the state and would like to know what is being done with the 16% difference.

Chief Steele said that he has asked for a meeting to address the question regarding the percentage gap.

Mr. Slauson suggested charging back duty time versus full time hours.

Chief Steele mentioned that Finance separates employee hours and explained further.

Chief Steele said that he has come up with a plan to present to Mr. Brodigan regarding 60/fire – 40/rescue calls and explained further.

Chief Steele said that Finance is in the process of purchasing a new payroll system similar to E-Pro for full-time employees.

Mr. Tucker asked if the PERS questions mentioned at this meeting tied into the Joint FSA Board Meeting in March.

WASILLA-LAKES FSA BOARD OF SUPERVISORS MEETING

Mr. Slauson said "yes".

Mr. Tucker said he will be contacting Bill Browne, Chairman, West Lakes FSA Board of Supervisors to discuss the PERS questions further.

The board continued to discuss the matter further.

B- 29.9 Hours

Chief Steele said that the 29.9 hours is starting to affect many of the responders with several going over the hour limit.

Chief Steele said it is necessary to stay under the 130 hours/monthly. He said there is a list that he is now sending to Mr. Brodigan with the names of those going over the hour limit.

Chief Steele mentioned a potential loss of several homes from a structure fire that happened on Easter Sunday and explained further regarding the negative effects the 29.9 hours has and how it has impacted responders and responses.

Mr. Tucker asked if the 29.9 hours has been manageable regarding having others available to step up to fill the gaps of the positions needed.

Chief Steele said that the full-time personnel are able to respond because the 29.9 hours doesn't affect them, but said it is affecting the responders and overall responses.

Mr. Eller feels that there are a number of fingers being pointed regarding PERS, 29.9 hour limit and the Affordable Care Act (ACA) and explained further.

Mr. Slauson feels that it could potentially force responders out of the system and more duties will be forced upon full-time personnel.

Mr. Tucker said that responders should have the opportunity to be paid for more hours and said it could add to the cost of PERS to do so, but feels that is the cost of serving the public.

Chief Steele feels that PERS is a big incentive in recruiting and keeping responders.

The board discussed the state retirement system regarding defined benefits.

NEW BUSINESS

A – Hiring /Positions

Mr. Slauson asked how to proceed in hiring part-time and full-time positions.

WASILLA-LAKES FSA BOARD OF SUPERVISORS MEETING

Chief Steele said his next preference for full-time hiring positions would be for FSA Instructors and explained that their primary duties would be instructing with the ability to respond to fires.

Chief Steele said that the borough is moving towards the state hiring process and said that some of the DES positions are being re-written.

Mr. Slauson asked about the new captain positions and asked if they are able to be covered in the FY15 budget.

Chief Steele said "yes", but said he has not done a cost analysis on the FSA Instructor positions yet.

Mr. Slauson suggested talking about full-time positions at the next Joint FSA Board Meeting.

Chief Steele said that the contractor will be at Station 61 in June to do physical agility testing for the hiring process of the Firefighter/Engineer positions. He said that 45 responders were chose to fill out the questionnaires for the testing.

Mr. Tucker inquired about the Matrix Report.

Chief Steele mentioned that one of the Assembly members requested information for the Matrix Report and explained further.

B – Service Area Name

Mr. Tucker feels that Central Mat-Su Fire Department (CMSFD) defines the FSA more than Wasilla-Lakes FSA (W-L FSA) and also mentioned the confusion between West-Lakes FSA (W-L FSA) and Wasilla-Lakes FSA (W-L FSA).

Mr. Slauson said a letter may need to be drafted to the Clerk's Office about how the FSA name could be changed.

The board continued to briefly discuss the matter further.

AGENDA TRACKING REPORT

STATION 62 TRAINING TOWER FACILITY

Chief Steele said that heavy equipment has been moved back to the site, but no work is expected to begin until after weight restrictions have been lifted.

PROPOSED NEW STATION 51

Chief Steele said that site work has begun and the foundation is being poured.

WASILLA-LAKES FSA BOARD OF SUPERVISORS MEETING

APPARATUS

Chief Steele said that the new pumper/tanker has been approved for FY14 with expected delivery scheduled in August 2014.

NEW POSITIONS

Chief Steele said that the request to fill the positions has been submitted, but job openings have not been posted yet. He said that the hold-up is over the contractual pay differential for overtime hours.

OTHER BUSINESS

There was no Other Business to discuss.

AUDIENCE PARTICIPATION

Mr. Boothby said they are doing a re-write of the subdivision manual and explained further.

Mr. Snodgrass asked about the completion date for the new Station 51.

Chief Steele said sometime in early December 2014.

BOARD COMMENTS

Mr. Slauson said that the next Joint FSA Board Meeting is T.B.A., but is looking at sometime in August 2014.

ADJOURNMENT

MOTION: Mr. Christiansen moved, Mr. Eller seconded, to adjourn the board meeting.

VOTE: Voting on the motion, it passed unanimously.

The meeting adjourned at approximately 8:40 p.m. The next meeting is scheduled on Monday, June 9, 2014 at 7:00 p.m. at 101 W. Swanson Avenue, Wasilla, Alaska.

WASILLA-LAKES FSA BOARD OF SUPERVISORS MEETING

Ken Slauson
KEN SLAUSON, Chairman, Wasilla-Lakes B.O.S.

ATTEST:

Tina Kennerson
TINA KENNERSON, Secretary, Wasilla-Lakes FSA B.O.S.

Minutes approved on: 6/9/14

Joint **West Lakes** and Wasilla-Lakes Fire Service Area Boards of Supervisors

Meeting Minutes
West Lakes Station 73
1250 Spring Drive, Meadow Lakes, Alaska
October 13, 2014

RECEIVED
NOV 20 2014
CLERKS OFFICE

CALL TO ORDER:

Chair William Browne called to order the regular meeting of the **West Lakes Fire Service Area Board of Supervisors** at 7:05pm on **October 13, 2013** at Station 73 at 1250 Spring Drive in Meadow Lakes

ROLL CALL AND DETERMINATION OF QUORUM:

Board members present and establishing a quorum for West Lakes:

Chair William Browne, Vice Chair Rae Arno, Gerard Billinger, Steve Simpson, and Cathi Kramer by teleconference.

Board members present and establishing a quorum for Wasilla-Lakes:

Chair Ken Slauson, Dan Tucker, Carol Christiansen

Also present:

District 2 Chief Bill Gamble, District I Chief James Steele, West Lakes Secretary LuJean Fetchenhier, West Lakes Captain Larry Fetchenhier, Assemblyman-elect Dan Mayfield

PLEDGE OF ALLIANCE

APPROVAL OF AGENDA

Additions: New Hires for Central Matsu

APPROVAL OF MINUTES – AUGUST 11, 2014

The West Lakes minutes for August 11, 2014 were approved as written.
No minutes were available for Wasilla-Lakes.

CHIEF'S REPORT: Chief Steele – Central Matsu

- Tracking Report – Used to keep Board members up to date on progress of projects.
- Station 62 Training facility at Mile 7 KGB, the summer project is complete. Gates are in at both entrances. Water lines, hydrants, and roads are finished. The next part is an RFP for the next phase of design and development. Within the next few years we are going to need to move ahead with building a larger station there. The current station can only hold about two dozen people in the training room.
- The new Station 51 is close to completion. The communications tower is up. Interior work is in progress. Landscaping is in. Some misinformation in the newspaper article stated the funding for the station was from state funds. There are no state funds, no federal funds, and no Borough funds; the station is fully funded by the citizens of the Fire Service Area. The projection date for completion and for it to be turned over for occupancy is November 15. The date for the Open House is to be determined.

Joint West Lakes and Wasilla-Lakes Fire Service Area Boards of Supervisors

- The new pumper/tanker has arrived and is being readied for service. It will be housed at the new station.
- The Firefighter/Engineer positions have been posted. We have been waiting for the Physical Ability Test (for two years). The latest hold up was to get a letter of agreement between the union and the Borough in using the Physical Ability Test. The final draft has not been signed. The Union only represents the people once they are employed so they are not involved in the hiring process. So the Physical Ability Test will be used as part of the hiring process. If the candidate fails the test, they do not move forward. Another part will be an NFPA medical physical, and a written test. They will be re-tested every year and that is where the Union agreement comes into play. *Chair Browne asked if there was an agreement with some facility to do the NFPA physicals. The response was, not yet.*
- The Captains positions will come before the Assembly on November 19.
- *Chief Gamble asked Chief Steele to talk about Borough-wide deferment.* What we are looking at is the question of a deferment for the Fire & Life Safety plan reviews, inspections, investigations, and that process because it is presently the responsibility of the State Fire Marshal's office. But through statute, the state can defer that authority to a local jurisdiction. In the discussion, instead of the Borough accepting a Borough-wide deferment where all plan reviews would be done by one entity or each area on its own, only the Wasilla-Lakes Fire Service Area was granted that deferment. So our department hired two full-time and one part-time people that actually do those functions. The rest of the Borough is under the jurisdiction of the State Fire Marshall. When the new Deputy Director of Fire comes on board, the managers want him to look into the Borough-wide deferment. We are pulling older records and getting statistics from the Fire Marshal's office to see what their workload in the Borough has been so we can make some projections. *Mr. Christiansen stated that it was his understanding that this office started with a 2 year trial and that the office, with a separate budget, is still being somewhat subsidized by the Fire Service Area. It is close to paying for itself. Mr. Slauson narrated some of the background and reasoning for a borough-wide deferment for the benefit of Mr. Mayfield. We are in the process of writing a complete proposal that will look at the overall work-load projected out. One thing the Borough hasn't done is to adopt an ordinance that gives us the legal backing to move forward with the full deferment. We have it in a resolution and they have a letter of agreement with the State Fire Marshal's office for what Wasilla-Lakes is doing. They want us to be ready for the full deferment. Mr. Mayfield asked why this hadn't been acted upon by the Assembly. Several people gave opinions such as: we don't think they have heard about it, the Assembly the last few years has not spent a lot of time focusing on Public Safety.*

Mr. Mayfield gave a short synopsis of his background and why he wanted to come to the Board meeting to listen to the current topics. He also asked Chief Steele to explain more about the Captain positions that were coming before the Assembly in November.

Chief Steele explained: Something happened somewhere in the budgeting process last year. The Captains positions were in the budget that I presented to the Board of Supervisors, and they approved. That goes up the line and at some juncture before the final, they got left out. We have the money dedicated in our budget, it's still there. We were looking at hiring four Captains. The projected dollar amount that I put in as a place-holder came within \$3000 of the actual cost that we were looking at, but it did not get into that final budget that the Assembly approved. So now it is going to come back to the Assembly for discussion to approve full-time positions in the middle of the budget year.

Joint West Lakes and Wasilla-Lakes Fire Service Area Boards of Supervisors

Chief Gamble – West Lakes

- We had an ISO review on August 15. In 2012, the ISO changed how they rate fire departments on how they protect the community. A lot of it has to do with prevention, code enforcement, following NFPA standards, OSHA requirements, and fire officer training. We did well and we are hoping to at least remain a 5 and hoping to get a 4. One of the things it made us aware of, especially with the 29.9 hour limitation, is that we cannot continue to get the things done that we need to do to keep that ISO rating, or improve upon it, with an on-call staff. Things that we could get done in 30 days before, took all summer for us to accomplish. The work-load is more than what we can do under our limitations. We have this possibility, with Central Matsu's mid-year hiring, that we could hire one full-time Fire Service Area Assistant right now. This person could do multiple things within that job description. One of the weaknesses ISO found in the way we do things is every year all of our commercial buildings and any building that is three stories or more has to be reviewed, inspected, and any changes have to be updated in the files. Our responders are supposed to be briefed on the changes too. The bottom line is I can't do it and our training officer has her hands full. So I am asking the Board for the approval to hire a full-time Fire Service Area Assistant mid-year and would like to bring it up to the Assembly as soon as possible. We have the money in the budget. If you would like to take it to the next meeting for more discussion? *Chair Browne responded that since it is Mr. Simpson's first meeting and since Ms. Kramer is not physically present, also in the interest of time, it would be best to table the issue until the next meeting.*
- About the new Station 73: I met with a number of people, The Borough Project Manager Mike Brown, Dennis Brodigan, Casey Cook, with Public Works and they would like for us to go out and do a 35% design on the new station so we have a good idea on what we want built. Then when we go to the legislature in February to ask for the rest of the money for that building we know pretty close what it is going to cost and what it is going to look like. Mr. Brown thinks that would be a good way for us to go. They would like permission to go ahead with an RFP for a 35% design for the new station 73. It will be similar to the new 51 as far as the footprint of the building. But the interior and how the building is going to be used is different because it will be primarily a fire station where 51 is a joint use with administration. I need approval from the Board to take back to Project Management for the RFP for the 35% design for the new station. *A discussion ensued about how the process works and how much the design/build of Station 51 cost. The differences in funding, etc.* The decision is to ask Mr. Mike Brown to the next West Lakes board meeting to answer questions for the Board members.
- The new Deputy director of Fire has been hired, Ken Barkley, an Assistant Chief with Central. I think he will do a good job. Congratulations to him.
- We looked at the CIP list that the Assembly wants to send to the state and I don't think one Public Safety project made it to the top 10 list again. Around election time we keep hearing about ambulances and fire trucks and public safety and how important it is, but we just don't see any follow through with the Assembly. Maybe with Mr. Mayfield's help we can get that turned around. *Chief Steele agreed: It is disheartening every year when we go to Juneau and look at the documents the Borough has sent and our projects are down in the 30's or 40's on the list of state projects that will be funded. We don't seem to have the support from our Assembly.*

Joint West Lakes and Wasilla-Lakes Fire Service Area Boards of Supervisors

- Another thing ISO noted for us is for us to get full credit for reserve apparatus they have to be in a covered warm facility and fully equipped so they can be taken out and used at a moment's notice. We don't have that ability right now. We will when the new station is built. I have been looking into possibly leasing a hanger in Meadow Lakes to lease until the new station is built. I will bring it to the table again at the next meeting. It depends on how our ISO rating turns out. If we are really close to a 4 and just a couple of tenths will get us there, then we need to go ahead and get the hanger to put the apparatus in there. If we are not close, then we will just put them in dry storage for the winter and keep things the way they are.
- Our new pumper arrived in August. It had some cosmetic flaws. The manufacturer put it into Meadow Creek in Palmer. It is mechanically sound, but just needed some cosmetic things corrected.
- We have a new basic firefighter class starting October 24.
- We have had capital projects completed with money left in the accounts. We ask for them to be closed and the money put back into the fund balance and it does not happen. We got so frustrated with it last year that we took about five projects with money left in them and re-scoped it and put it into one project to spend the money. It worked, but it is not an ideal way to get things done. These inefficiencies force us to get creative. Every year, the borough goes through an internal audit of its finances. I got a call about a project from 2004 from the Big Lake Fire Dept. before the merger with Meadow Lakes. They found that it still had \$16,000 sitting in it. Nobody knows if the money is still there or if it was put back in the fund balance. We can't get them to close the projects and there is no way with the complicated software that we can find out what is going on. We can drill down to certain levels and we get denied access so we can't go further. When we ask what our fund balance is we get stonewalled too. *The Boards' frustrations with getting answers from the Finance department was expressed to Mr. Mayfield. The Boards have a fiscal responsibility to their Fire Service Areas but cannot get explanations for what is seen as discrepancies in budgets, what is paid to PERS, why projects are not closed, how to find out fund balances, etc. Mr. Billinger also noted that the Road Service Boards have the same issues.*

PERSONS TO BE HEARD

Chair Browne wanted to recognize Assemblyman-elect Mr. Dan Mayfield and thank him for coming. Also the newest member of the West Lakes Fire Service Area Board Mr. Steve Simpson and send a congratulations to

Mr. Mayfield thanked the Boards and invited the members to communicate with him.

The next Joint meeting is scheduled for February 9, 2015 at Station 61.

Next meeting is scheduled for November 10, 2014 at 6:00pm at Station 73.

The meeting adjourned at 8:35 PM

West Lakes Fire Service Area Board of Supervisors



WILLIAM BROWNE, Chair, West Lakes FSA B.O.S.

ATTEST:



LUJEAN FETCHENHIER, Secretary, West Lakes FSA F.D.

Minutes approved: 11/10/14 (WL FSA B.O.S.)

Chickaloon Community Council Minutes
Meeting held September 10th, 2014
Chickaloon Community Hall

RECEIVED
NOV 12 2014
CLERKS OFFICE

- Officers Present: Petesy Lust, Mike Roub, Mike Ferrall, and Jill Alford
- Officers Absent: Susan Smith
- General Members present: 16
- Guests Present: 0

The properly noticed meeting was called to order at 7:02 p.m. and began with the Pledge of Allegiance, and there was a quorum. The agenda was reviewed and a motion was made by Charlie Defreest to approve the agenda, it was seconded by Marvin Baker and all were in favor. The minutes of the August 13th meeting were read and the minutes stood approved as read with one correction made pertaining to number of board positions opening up for vote in November being changed from 3 to 2.

Announcements: Jim Sykes via e-mail gave an update stating that Road Supervisor Will Barickman went to Fishlake Road to investigate the complaints involving the bad brushing/projectile issue. Mr. Barickman found the brushing had been done within the compliance of the contract. Jim said he has talked with the new contractor and that the contractor is aware of the peoples concern regarding this issue. Jim said he will continue to look into what it will take to get a better job done and again this usually involves more money he said. Jim said if there was anything else he could help with let him know.

Michelle Johnson via e-mail announced that she will no longer be attending the meetings at this time until an incoming joint potential partner for the Riversdale project here in Chickaloon area becomes a reality. She left off with wanting the community to feel free to contact her with any questions or concerns they may have involving this project.

Dean Lust announced that on Wednesday October 1st that he and Petsey will be sponsoring a meet and greet in behalf of Mike Dunleavy at Pinnacle Mt RV & Cafe.

Vicky Kindseth announced that Life House planning will be having a community health fair on October 16th from 10:00 am to 4:30pm. Flu shots will be offered to the public by Public Health if anyone is interested. There will be other health related issues presented at the fair as well.

Reports/Correspondence:

- Treasurer's Report – The Treasurer report was presented with no objections made.
- Officer contacts/reports – The officers had nothing to present.
- Correspondence - Sharyl Ferrall our webmaster said there was a flyer involving a mobil mammogram machine coming to our area on October 28th 10:00am to 4:00 pm at the Life House Community Center located at mile marker 61.5. You can go to the CCC website for further information on that.

Committee Reports: RSA 31 Roads update- Marvin Baker reported that the only complaint received affected Sutton area and will be addressed by George Rauscher. Nothing new for the Chickaloon area and again the next meeting will be on October 14th at Sutton for anyone interested in attending.

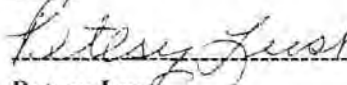
Old Business:

- A. Septic Tank Pumping – It was reported that four different septic pumpers were contacted and the cost is running anywhere from 25 to 28 cents per gallon. The CCC septic tank is a 1200 gallon tank. Mike said this will be done before winter.

New Business:

- A. Revenue Sharing Committee – There was some confusion involving the ballot sent out to community members to vote on the surveying project. There was a motion to allow those who did not mail in their ballots to be allowed to vote at the meeting by Dean Lust it was seconded by Jody Roub and the motion passed. The bugs will be worked out that brought about this confusion voting with ballots being mailed out versus voting in person, again remember this was implemented so all members of the community would have a chance to vote on these matters as there is not a large turnout for CCC meetings in general for whatever reasons. This created some misunderstandings of a very few of the general members. This will be remedied and everyone who was a member of the community who so chose to voted. The votes were tabulated for the surveying project and the vote count was 45 yes votes and 20 no votes. Again, the estimated cost of this project is \$10,000 to \$15,000.
- B. Painting of Connex – The painting of the connex project was opened up for a pro's and con's discussion. The pertinent information involving this project was made available via the CCC's website and at the meeting. Cost estimation was \$1,999.00. Anything over \$2000.00 would have to be voted on by the entire community. Because the estimate was under \$2,000 it was able to be voted on by the members present at this meeting. A vote took place with a yes vote of 9 and a no vote of 7. The painting of the connex project will proceed from here to the bidding process.
- C. Snow Plowing invitation to bid – One bid for snowplowing was received by Chickaloon Essentials/Corey and Jim Ramsey for an amount of \$189.72 per plow with the stipulations stated within the bid. The vote was 13 yes and 0 opposed to accept this bid.
- D. Nominating Committee – The nominating committee of Marvin Baker, Charlie Defreest and Sharyl Ferrall presented one person who committed to serve on the board. The nominating committee met weekly and ended up with a list of 25 potential officers after placing a notice on the CCC's website asking for volunteers to serve on the board. The results of their efforts were as follows Tommy Vancleave, Pat Owens, and Vicky Kindseth expressed an interest. Vicky Kindseth was the only one who put her name forward to go on to be nominated. Vicky said she has to file a disclosure with the South Central Foundation before she can accept the nomination completely and she said she should know the results of that by next meeting. Sharyl Ferrall nominated from the floor Jim Ramsey who agreed to be the second nominee for a board position. Not many people come forward to sit on these board positions as they take a lot of verbal abuse during and after meetings. There is still the write-in option open at the time of voting at the November meeting for anyone else who would seriously want to take on this responsibility.

Meeting was adjourned at 8:20 p.m. Connie Koek Koek made a motion to adjourn it was seconded by Sharyl Ferrall and all were in favor. The next meeting will be held on October 8th, 2014.


Petesy Lust _____
Chair


Susan Smith _____
Secretary

SUBJECT: Reporting of conclusion of contract for Bid No. 14-031B to GMC Contracting, Inc. for Knik River Road Improvements, for the final contract amount of \$1,269,570.43.

AGENDA OF: January 6, 2015

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: For information only.

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

Route To:	Department/Individual	Initials	Remarks
	Originator	cc B.W.	
	Capital Projects Director	UB 12/19/14	
	Purchasing Officer	<i>[Signature]</i>	
	Finance Director	<i>[Signature]</i>	
	Borough Attorney	UB	
	Borough Clerk	JRM	12/23/14 <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 #14-031B, Knik River Road Improvements.

The MSB engaged in a contract with GMC Contracting, Inc. on September 27, 2013 for Bid Solicitation #14-031B, Knik River Road Improvements. The original contract amount of \$1,395,454.07, was approved through Assembly Action on AM No. 13-138 presented on September 17, 2013. The project required two(2) change orders resulting in a total reduction of \$125,883.64 for a revised total final contract amount of \$1,269,570.43.

The change orders included the reconciliation of quantities and a change in completion time.

SUBJECT: NOTICE TO THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY OF ESTABLISHMENT OF AN AD HOC AGRICULTURAL ADVISORY COMMITTEE TO ANALYZE INFORMATION OBTAINED FROM THE 2014 MSB AGRICULTURE FORUM.

AGENDA OF: January 6, 2015

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: For information only.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: _____

Route To:	Department/Individual	Initials	Remarks
	Originator	NBC	
	Real Property Analyst	JS	
	Community Development Director	JS	
	Borough Attorney	JS	
	Borough Manager		
	Borough Clerk	JM	12/23/14 [Signature]

ATTACHMENT (S) : Fiscal Note Yes _____ No X
 Resolution Serial No. 14-019 (2 pp)
 Agriculture Survey Results (14 pp)

SUMMARY STATEMENT:

In accordance with Matanuska-Susitna Assembly Resolution Serial No. 14-091, an Agriculture Forum was held on November 10, 2014 wherein the agriculture community at large and affiliated agencies came together to discuss ways of establishing clear written policy with uniform provisions for use of borough agricultural parcels.

Consensus of forum participants was to form an ad hoc committee to review and analyze the information which came from Forum participants, and to provide feedback to the Mayor and Assembly.

The committee is to include members of the agricultural community and agencies and is to be temporary in nature.

Specifically, an ad hoc Agricultural Advisory Committee would be given clear direction as to their purview and intent, to include:

1. Defining the meaning of agriculture for borough parcels;

2. Analyzing forum comments with regard to need for establishing an Agriculture Advisory Commission that would provide guidance and recommendation to the Assembly on agriculture matters on borough lands;

3. Reviewing responsibilities and membership requirements of the borough's previous Agriculture Board, Agriculture and Forestry Board, and Real Property Asset Management Board; and

4. Providing comment and recommendation to the Mayor and Assembly in regard to these matters by April 2015.

A survey was provided to Forum participants in follow-up of the discussions to affirm questions, concerns and desired direction of the agriculture community. Participants also offered who should be part of the ad hoc committee and, if one is formed, a potential Agriculture Commission. Members of the committee or Commission could include representatives from the Borough Assembly and staff, owners of agriculture parcels approved under MSB Title 13, 15 and 23, Farm Bureau and Farmers Union, Soil & Water Conservation Districts or other conservation groups, Agricultural and Forestry Experimental Station, State of Alaska Division of Agriculture, state agricultural land owner, and Future Farmers of America.

RECOMMENDATION:

In accordance with MSB Resolution Serial No. 14-019 and the Agriculture Forum participant wishes, an ad hoc committee will be invited to meet in January 2015, for a period not to exceed three months.

Sponsored by: Assemblymembers Colver and Beck
Adopted: 09/02/14

**MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 14-091**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY REQUESTING STAFF ORGANIZE A PUBLIC FORUM REGARDING BOROUGH AGRICULTURAL LANDS FOR THE PURPOSE OF MAKING RECOMMENDATIONS TO THE ASSEMBLY ON SETTING A POLICY FOR THE USE OF BOROUGH AGRICULTURAL PARCELS THAT HAVE BEEN SOLD.

WHEREAS, the Matanuska-Susitna Borough has sold parcels with agricultural rights in various locations Borough-wide; and

WHEREAS, the Borough is supportive of a productive agricultural economy; and

WHEREAS, the various agricultural lands sold are subject to differing sale conditions and interpretations on how the parcels can be utilized, subdivided, including what portion, if any can be for a fee simple home site; and

WHEREAS, it is in the public interest to establish a clear written policy with uniform provisions for use of Borough agricultural parcels.

NOW, THEREFORE, BE IT RESOLVED, that the Assembly directs the Manager as follows:


- 1) Sponsor a public forum on November 10, 2014, to make recommendations to the Assembly for revising code and policies for use of Borough agricultural parcels; and

Im 15-019

2) The invitations will be sent to all owners of record of borough agricultural parcels, the Farmland Trust, the Division of Agriculture, Mat-Su farmers, and members of the Mat-Su Farm Bureau; and

3) The Manager will employ a professional meeting facilitator to draw out comments and devise a plan of action for policy recommendations.

ADOPTED by the Matanuska-Susitna Borough Assembly this 2 day of September, 2014.


LARRY DeVILBISS, Borough Mayor

ATTEST:


LONNIE McKECHNIE, CMC, Borough Clerk

(SEAL)

YES: Beck, Arvin, Colligan, Salmon, Colver, and Halter

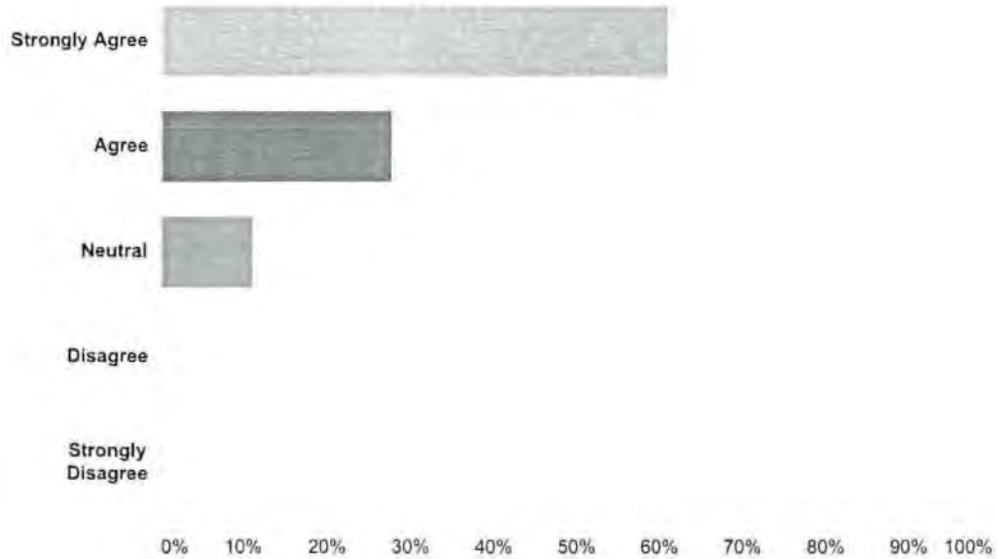
NO: Sykes

Im 15-019

2014 Agriculture Forum Survey

Q1 Borough agriculture lands are of great importance. Conservation of existing and future Ag lands should be encouraged when considering sustainable land use policies.

Answered: 18 Skipped: 0



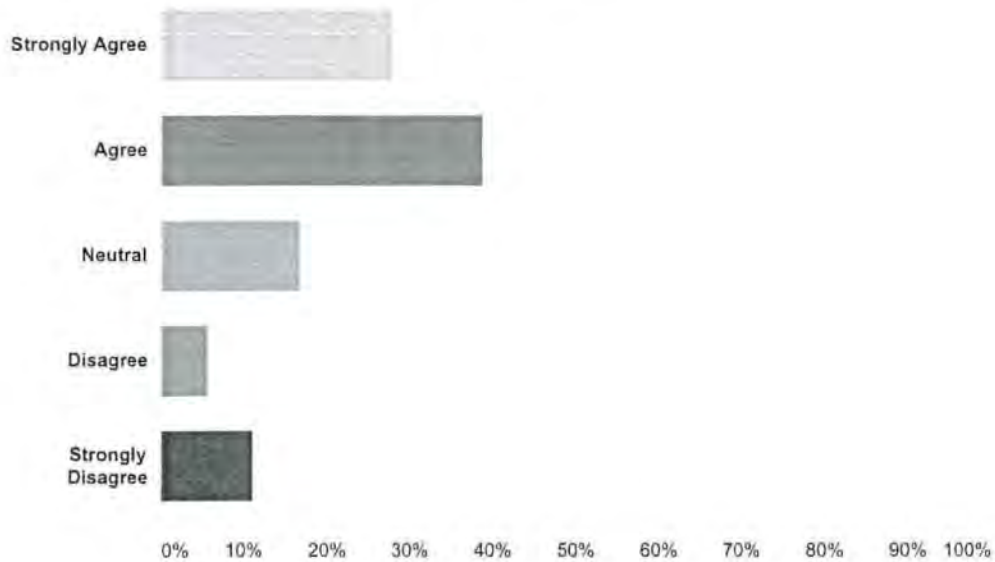
Answer Choices	Responses	
Strongly Agree	61.11%	11
Agree	27.78%	5
Neutral	11.11%	2
Disagree	0.00%	0
Strongly Disagree	0.00%	0
Total Respondents: 18		

#	Comment	Date
1	Encouraged, not regulated!	12/15/2014 11:53 AM
2	Ag land is a very important part of our land use and should be managed as so.	12/9/2014 1:36 PM
3	Some land lends itself to be used as Ag land, some does not. A completely wooded lot that is not flat isn't conducive to farm land. The cost of clearing and developing will never be recovered in a farming venture.	12/5/2014 9:07 AM
4	Conserving ag lands is not enough. Efforts need to be made to encourage actual FARMING	11/26/2014 5:04 PM
5	The Mat-Su Borough should consider the effects of its decisions on a long term basis. Think about what the valley will look like in 200 years from now. Also, fallow land is NOT a bad thing, just because land is not used now does not make it less valuable in the future, it may in fact be more valuable because it was not developed in this century.	11/26/2014 3:14 PM

2014 Agriculture Forum Survey

Q2 All borough agricultural properties require a Farm Conservation Plan approved by the borough in which the agriculture use of the land is declared. Borough involvement and/or oversight is important to ensure use of the land, as defined in the Farm Conservation Plan, is upheld.

Answered: 18 Skipped: 0



Answer Choices	Responses	
Strongly Agree	27.78%	5
Agree	38.89%	7
Neutral	16.67%	3
Disagree	5.56%	1
Strongly Disagree	11.11%	2

Total Respondents: 18

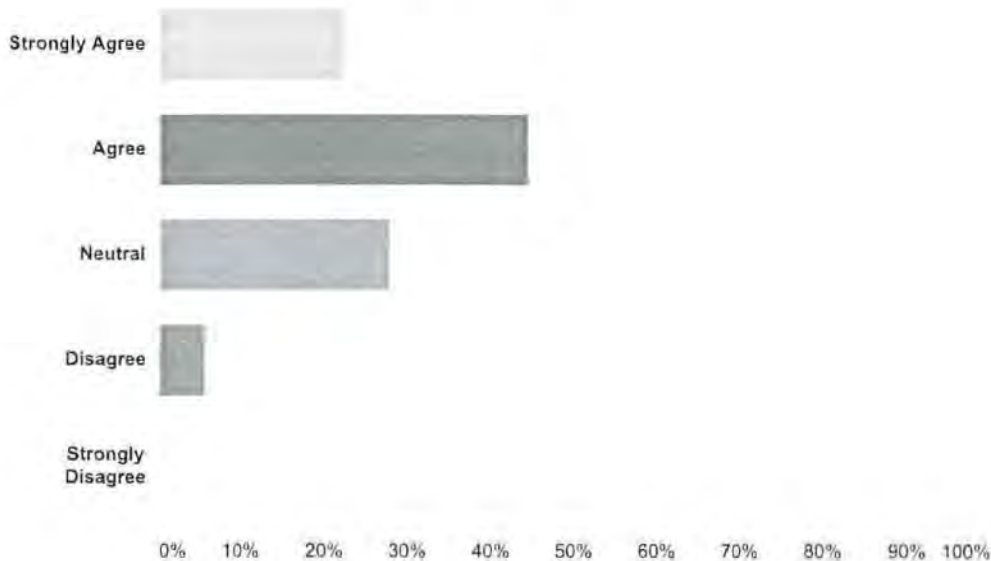
#	Comment	Date
1	Don't agree with Farm Conservation Plan Policy. It seems intrusive.	12/15/2014 11:53 AM
2	If not farmed, they have to pay full value.	12/15/2014 11:45 AM
3	There is no use in having codes and regulations without follow up and enforcement.	12/9/2014 1:36 PM
4	Ag parcels have changed hands many times while the Borough was completely hands off. The current owners of some of these parcels know they can not be subdivided, however have no intent of developing a farm. Some just want to build a home for their family and help keep a green zone in the borough.	12/5/2014 9:07 AM

2014 Agriculture Forum Survey

- 5 As long as the farm land is being put to use as a farm the borough government should not be too involved. Just let the farmer do the farming. Suggestion and guidance could become over reaching. On the other hand the farm land should not be used for dog mushers or other non farm purposes. 11/29/2014 8:16 PM
- 6 It would be appropriate to conduct an on-site inspection of Ag parcels every 20 years, and/or require a FCP update every 20 years too. 11/26/2014 3:14 PM

Q3 Owners of borough agriculture parcels are currently advised on Ag issues by borough staff, the Natural Resource Conservation Service (USDA/NRCS), and local Soil and Water Conservation Districts. It is in the best interest of the borough to create a Mat-Su Borough Agriculture Commission whose purpose would be to collect community concerns, analyze issues, and make recommendation to the borough assembly regarding borough agriculture policy.

Answered: 18 Skipped: 0



Answer Choices	Responses	
Strongly Agree	22.22%	4
Agree	44.44%	8
Neutral	27.78%	5
Disagree	5.56%	1
Strongly Disagree	0.00%	0

Total Respondents: 18

Im 15-019

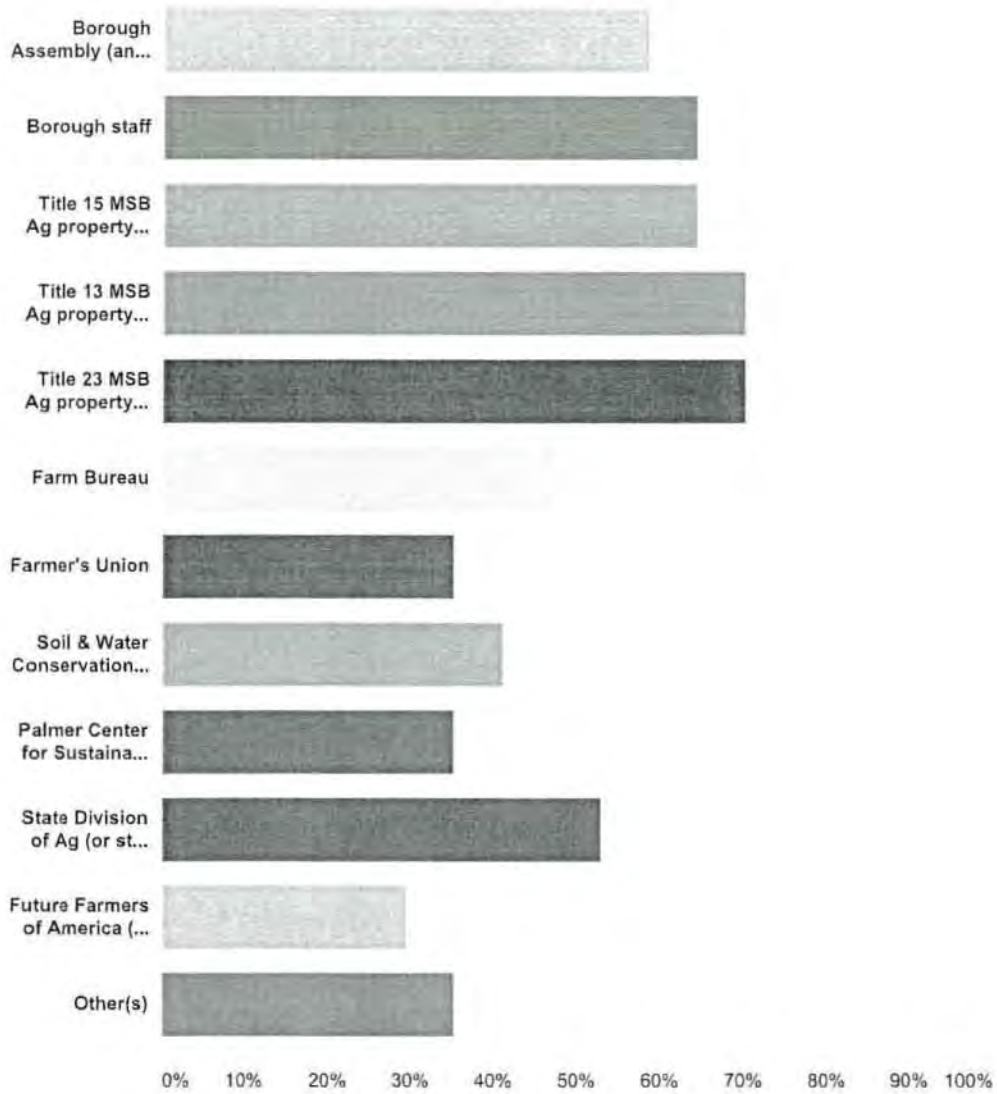
2014 Agriculture Forum Survey

#	Comment	Date
1	To be made up of active farmers, not bureaucrats.	12/15/2014 11:45 AM
2	The recent Ag forum was helpful to start a conversation on the inconsistency of Ag parcels. A commission could move to draft legislation to bring all parcels under the same rulings/ccrs'.	12/5/2014 9:07 AM
3	Only if the borough is willing to dispose of AG land.	11/30/2014 10:04 PM
4	we have had them in the past and they had no impact in the industry	11/27/2014 6:16 PM
5	It depends on how the commission is formed/perpetuated (ie not a stacked deck) and if there are borough employees available to assist	11/26/2014 5:04 PM
6	They should also assist the planning department in the selection, design, and development of future Ag land project areas.	11/26/2014 3:14 PM
7	It really depends on what the MSB mission statement is. Are we looking at promoting agriculture or preserving farmland. Two different missions with two different directions.	11/26/2014 2:58 PM

Q4 Consensus by forum participants was that an ad hoc (temporary) agriculture advisory committee should be formed to analyze forum comments, along with the results from this survey, and make recommendation to the assembly regarding forming an Agriculture Advisory Commission. Members might include: (choose representatives you feel would be appropriate)

Answered: 17 Skipped: 1

2014 Agriculture Forum Survey



Answer Choices

Responses

Answer Choices	Percentage	Count
Borough Assembly (and an alternate)	58.82%	10
Borough staff	64.71%	11
Title 15 MSB Ag property owner	64.71%	11
Title 13 MSB Ag property owner	70.59%	12
Title 23 MSB Ag property owner	70.59%	12
Farm Bureau	47.06%	8
Farmer's Union	35.29%	6
Soil & Water Conservation Districts (or other conservation group)	41.18%	7
Palmer Center for Sustainable Living (UA Ag & Forestry Experimental Farm)	35.29%	6
State Division of Ag (or state Ag land owner)	52.94%	9

Im 15-019

2014 Agriculture Forum Survey

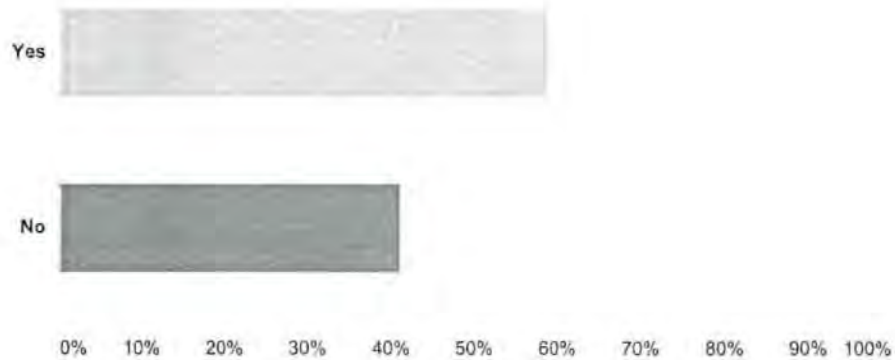
Future Farmers of America (FFA - could include a board member and student participant)	29.41%	5
Other(s)	35.29%	6

Total Respondents: 17

#	Other(s) (please specify)	Date
1	Farmers	12/15/2014 11:53 AM
2	Farmer that farms full time for a living.	12/15/2014 11:48 AM
3	Only active farmers.	12/15/2014 11:45 AM
4	farmers that own private land not specifically borough or state ag parcels.	11/29/2014 8:16 PM
5	All	11/29/2014 6:39 AM
6	Cooperative Extension Service Agents	11/26/2014 3:14 PM
7	Agricultural Producers should be on this list.	11/26/2014 2:58 PM

Q5 I would be willing to serve on a borough ad hoc committee and/or the borough Agriculture Commission.

Answered: 17 Skipped: 1



Answer Choices	Responses	
Yes	58.82%	10
No	41.18%	7

Total Respondents: 17

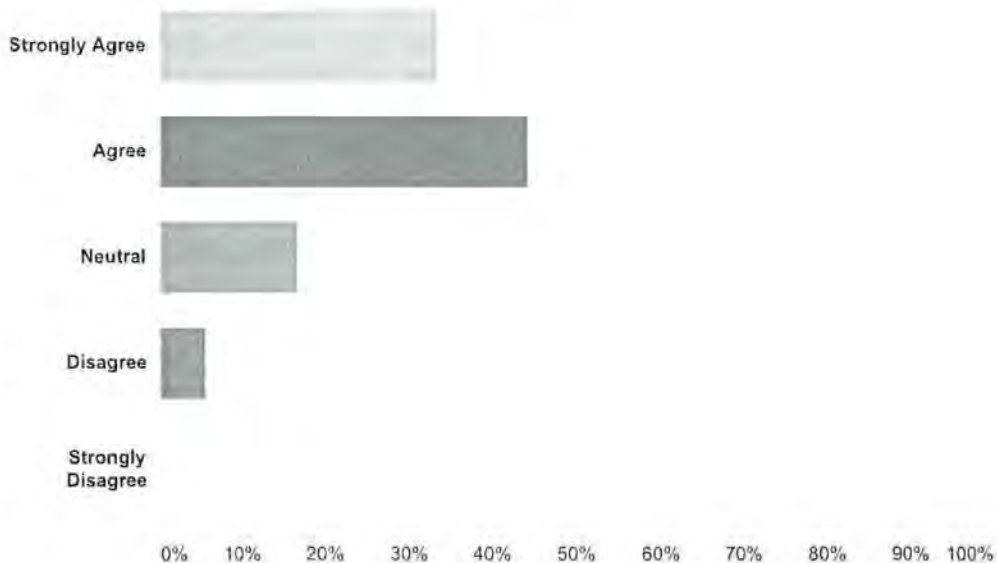
#	If "Yes," please provide your name and contact information AND affiliation as it relates to representative choices under Question 4 of this survey.	Date
1	James Skinner HC 89, Box 1780 Willow, AK 99688	12/15/2014 11:56 AM
2	Harry Davidson h davidson852@gmail.com	12/15/2014 11:53 AM
3	Don Brainard 495-5462 P.O. Box 1183 Willow, AK 99688 Title 23, AK Farmer's Union member	12/15/2014 11:47 AM
4	William Krostek 731 N. Luke St. Wasilla, AK 99654 Title 23, Farm Bureau member, coop in Soil & Water.	12/15/2014 11:45 AM

2014 Agriculture Forum Survey

5	Steven Sawyer 2124 N Tabasco Cat Dr Palmer Alaska 99645 907-982-4433	12/5/2014 9:07 AM
6	If an Assembly person will be responsible for reporting to the Assembly and an in house staff.	11/30/2014 10:04 PM
7	not at this time	11/27/2014 6:16 PM
8	Mark Troutman,746-5496, Owner title 13 tract.	11/26/2014 5:29 PM
9	Erik.Johnson@alaska.gov State of AK - DNR - Division of Agriculture	11/26/2014 3:14 PM
10	Ray Nix Resource Manager MSB	11/26/2014 2:58 PM
11	George Hoden MSB LRM Staff	11/26/2014 2:43 PM

Q6 If the borough assembly adopts new agriculture policy and code, current owners of borough agriculture land may be eligible to apply for provisions under a new policy and code. There may be options available which are less stringent than your current requirements, but there may also be requirements regarding taxes, fair market value costs and other associated issues. Individual borough Ag parcel owners should be allowed to maintain all, or portions of, their current land status, or be allowed to apply for changes under a new code and policy, if applicable.

Answered: 13 Skipped: 0



Answer Choices
Strongly Agree

Responses
33.33%

5

2014 Agriculture Forum Survey

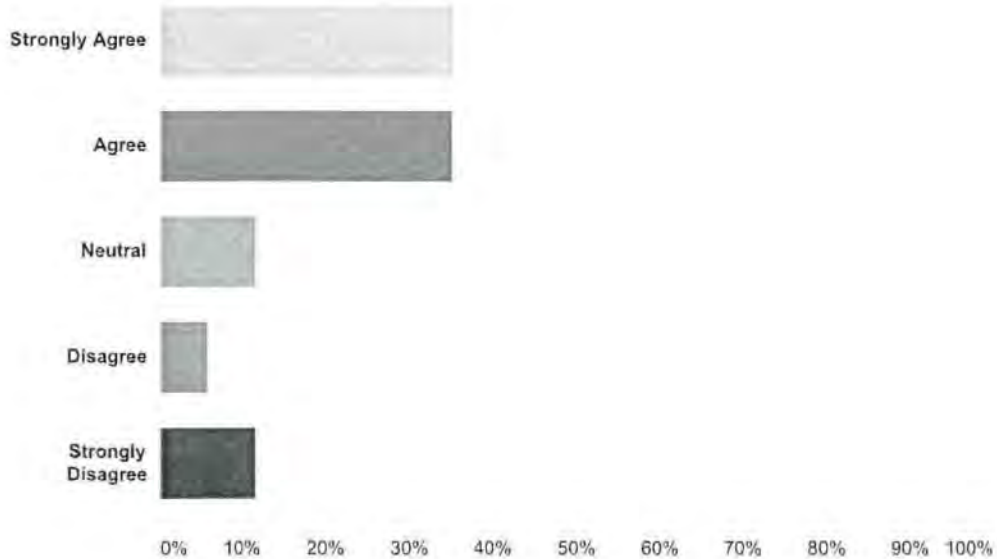
Agree	44.44%	8
Neutral	16.67%	3
Disagree	5.56%	1
Strongly Disagree	0.00%	0

Total Respondents: 18

#	Comment.	Date
1	But they must show farm activity.	12/15/2014 11:45 AM
2	As the Borough and communities evolve, people and their land used should be able to evolve with them.	12/5/2014 9:07 AM
3	Ag owners knew what they were buying when they bought it. Changing the rules now seems unfair, especially if they gain more valuable rights than they originally purchased	11/26/2014 5:04 PM
4	I agree that there should be a clear path for Ag Rights Only owners to obtain Fee Simple with Ag Covenants Title. No ag land owners should be able to remove agricultural covenants. The MSB should retain development rights into perpetuity.	11/26/2014 3:14 PM

Q7 Currently, 40 acres is the minimum allowable size for borough agricultural parcels. Should the borough decrease the minimum allowable acreage to 5 acres supported by type of proposed agriculture use, and not necessarily the types of soil.

Answered: 17 Skipped: 1



Answer Choices	Responses	
Strongly Agree	35.29%	6
Agree	35.29%	6

2014 Agriculture Forum Survey

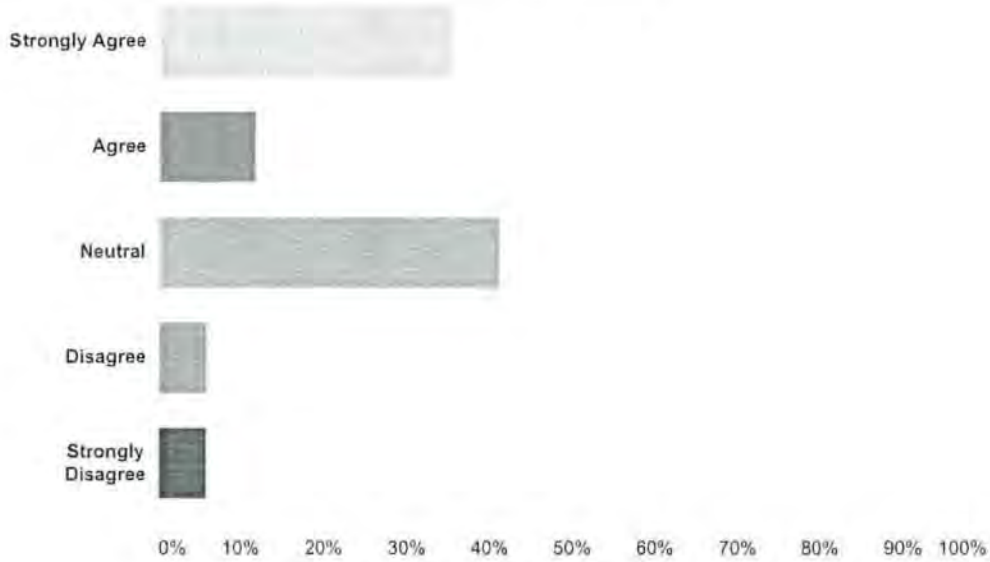
Neutral	11.76%	2
Disagree	5.88%	1
Strongly Disagree	11.76%	2
Total		17

#	Comment.	Date
1	Smaller acreage is the future.	12/15/2014 11:53 AM
2	There are many options for high density farming that could be substained on 5 ac. of land.	12/9/2014 1:36 PM
3	ten acres might be better	11/29/2014 8:16 PM
4	It just makes sense	11/26/2014 5:04 PM
5	The fragmentation of ag parcels is bad. There are many fee simple land parcels available to niche farmers, if you don't need 40 acres, then sell it to someone who does, or let it sit fallow. Every time a parcel is split up additional land/soil is utilized for non-agricultural infastructure.	11/26/2014 3:14 PM
6	Small farms, including greenhouse/hoophouse operations may not need large acreage or cropland soils. Infastructure and location might have more bearing on success.	11/26/2014 2:58 PM

Q8 Currently, under borough Title 13, only one 5-acre, fee simple home site is allowed to be subdivided from the borough "parent" Ag parcel, and this is done by application and assembly approval. Keeping in mind, the current minimum Ag parcel size is 40 acres, if the parent Ag parcel is larger enough that it can be split (subdivided) into several 40-acre parcels, should the borough allow a fee simple home site within each 40-acre parcel created.

Answered: 17 Skipped: 1

2014 Agriculture Forum Survey



Answer Choices	Responses	
Strongly Agree	35.29%	8
Agree	11.76%	2
Neutral	41.18%	7
Disagree	5.88%	1
Strongly Disagree	5.88%	1

Total Respondents: 17

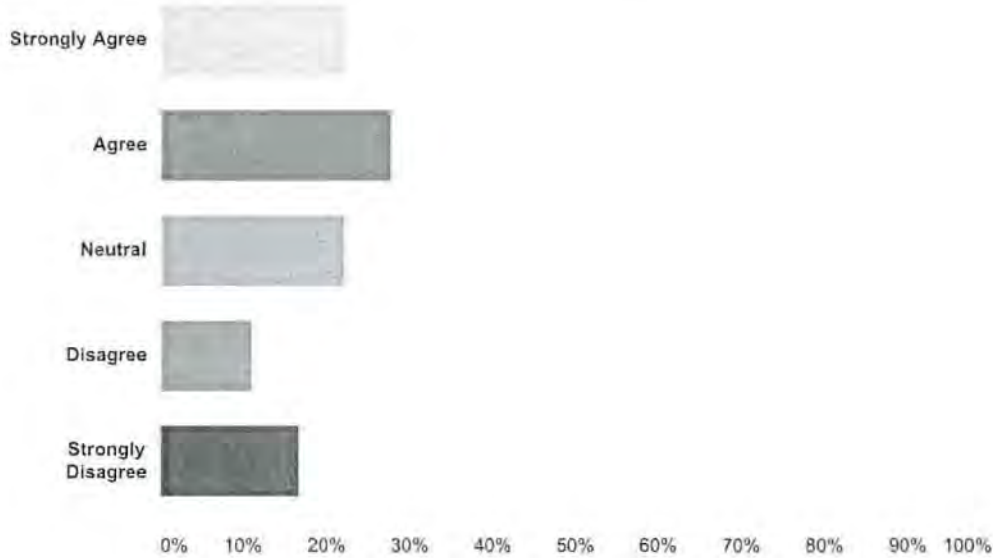
#	Comment.	Date
1	I see no harm, It would in courage development of parcels.	12/9/2014 1:36 PM
2	It is hard to develop and sustain Ag practices if one does not live on the parcel.	12/5/2014 9:07 AM
3	The fee simple home site could be a percentage of the parcel size. The 5-acre to 40-acre is more than 10% of the lot size but instead of a number of acres it could be (blank) percent of the lot size. Ten percent would be a 4-acre home site for 40-acres, 5-acres would only be 1/2 an acre home site...	11/29/2014 8:16 PM
4	We are a title 13 owner with 220 acres. We have met all the requirements in our contract with the MSB. We do not plan on subdividing immediately but may have a Son assume the farming operation at some time in the future, and may wish to have at least five 40's and the homesite on the remaining 20. We challenge the MSB's alleged 5 acre limit for us on a homesite because such limit is nowhere in Title 13 nor in our 1977 purchase contract. We do not believe such limit can or should apply for reasons we would like to advance in a longer statement, which will include our reliance on the MSB approving repeatedly of our required farm development plan.	11/26/2014 5:29 PM
5	again it just makes sense	11/26/2014 5:04 PM
6	This process will eventually create donut holes in every ag parcel.	11/26/2014 3:14 PM

Q9 It has been shared with borough staff that banks and other lending institutions will not approve construction loans on

2014 Agriculture Forum Survey

agriculture parcels which are restricted by Ag Rights, or on agriculture parcels 40-acres or larger. The borough should develop a program to assist owners of borough Ag parcels with low-interest financing to be used only in the event no other possible financing is available.

Answered: 18 Skipped: 0



Answer Choices	Responses	
Strongly Agree	22.22%	4
Agree	27.78%	5
Neutral	22.22%	4
Disagree	11.11%	2
Strongly Disagree	16.67%	3

Total Respondents: 18

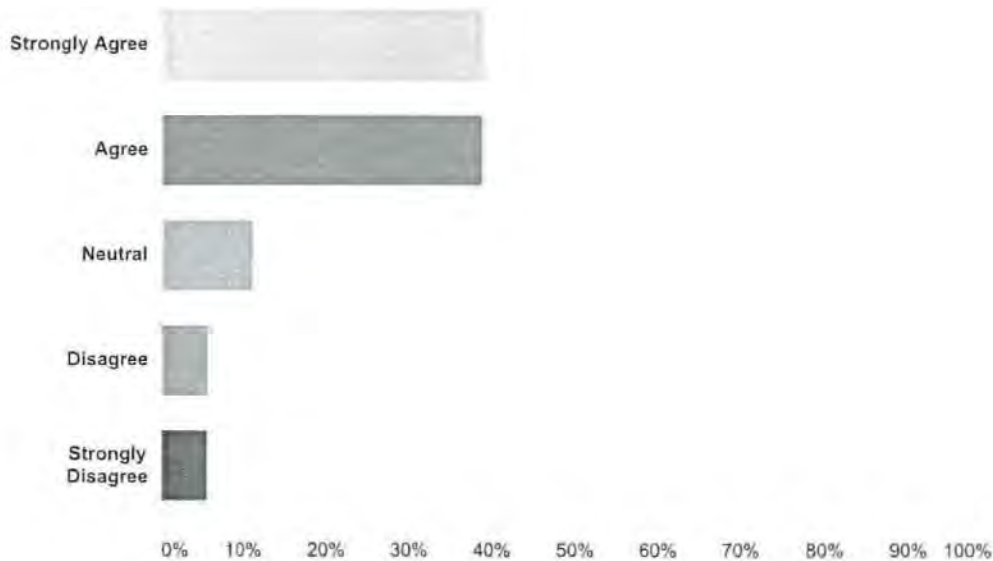
#	Comment.	Date
1	Or change borough policy to reflect the real world of banking and finance.	12/15/2014 11:53 AM
2	Absolutely!!!! If one lives on the property, more attention can be given to the property.	12/5/2014 9:07 AM
3	There are. Other methods	11/30/2014 10:04 PM
4	We have state student loans. Why not, state farming home loans. If the borrower defaults the state or borough gets the land and home back.	11/29/2014 8:16 PM
5	The parcel owner should still be required to have a fair financial investment in the development costs.	11/26/2014 5:29 PM
6	Where do the funds come from? The borough is not in very good financial shape as it is! Do they have staff to do this?	11/26/2014 5:04 PM

2014 Agriculture Forum Survey

- 7 Yes, please fill the hole that the USDA-FSA, ARRC, & ARLF are apparently not... 11/26/2014 3:14 PM
- 8 Low interest contract financing of the real property (not improvements) is a good idea. But not financing any operating, chattel or improvement/construction type of financing. 11/26/2014 2:58 PM

Q10 Currently, borough Ag parcels are taxed under different structures and rules, including state statute. The borough should look into consistent tax policy that would address all borough agriculture lands in the same manner.

Answered: 18 Skipped: 0



Answer Choices	Responses	
Strongly Agree	38.89%	7
Agree	38.89%	7
Neutral	11.11%	2
Disagree	5.56%	1
Strongly Disagree	5.56%	1

Total Respondents: 18

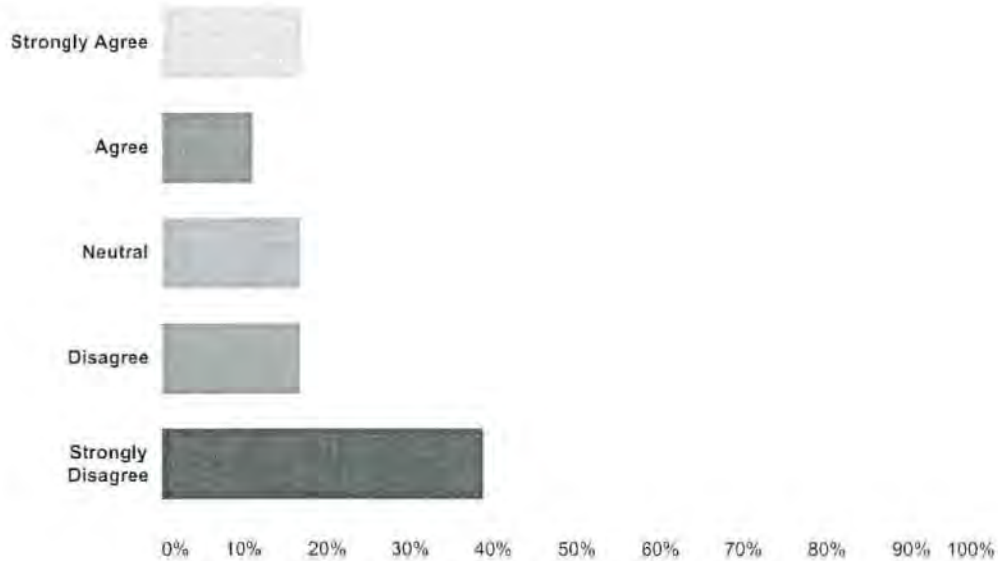
#	Comment.)	Date
1	All land is not created equal.	12/15/2014 11:56 AM
2	Land tax policy is destroying large parcels. That needs to be addressed!	12/15/2014 11:53 AM
3	Any new tax policy or regulations should be made to in courage getting the land under production and rewarding the one that do. The land owners should have had their eyes wide open going in. Relaxing any rules now would equate to amnesty.	12/9/2014 1:36 PM

2014 Agriculture Forum Survey

4	Owners are partnering with the borough to sustain Ag land/green belt, however still paying full mill rate.	12/5/2014 9:07 AM
5	makes sense	11/26/2014 5:04 PM
6	Good discussion topic.	11/26/2014 2:58 PM

Q11 If the borough allowed borough Ag parcel owners to purchase the development rights of their parcels at current fair market value, such allowance would be subject to application and assembly approval and could be further subject to Covenants, Conditions, and Restrictions limiting land use to agriculture purposes only. The borough should allow borough Ag parcel owners to purchase the development rights of these parcels at current fair market value, if applicable.

Answered: 13 Skipped: 0



Answer Choices	Responses	
Strongly Agree	16.67%	1
Agree	11.11%	2
Neutral	16.67%	3
Disagree	16.67%	3
Strongly Disagree	38.89%	7
Total Respondents: 18		

2014 Agriculture Forum Survey

#	Comment.	Date
1	Borough should not be in the business of regulating ag land. They should get out of the way and fix tax codes that are a big problem.	12/15/2014 11:53 AM
2	You bought it - sell it or farm it.	12/15/2014 11:45 AM
3	Lands are already bought and sold at fair market value. Standing in the borough tax assessors office, I was told their is no difference between the value of Ag or other parcels...Owners should be GIVEN developmental rights. We have been paying full mil-rate taxes for years.	12/5/2014 9:07 AM
4	I am not sure I understand this question but I think the land should have to stay as farm land.	11/29/2014 8:16 PM
5	they new what they were purchasing at the time of purchase. That being said if the borough comes in and is going to turn the property into something other than ag they should get the equalilent value	11/27/2014 6:16 PM
6	This question makes no sense. If its Ag Land, its Ag Land.	11/26/2014 5:29 PM
7	This kind of defeats CONSERVING the ag lands	11/26/2014 5:04 PM
8	Ag lands were sold to provide a farming base for the future needs of the valley. Allowing the sale of development rights on these protected lands is contrary to their stated purpose	11/26/2014 3:14 PM
9	Depends on what the MSB mission is and under what terms they bought the property.	11/26/2014 2:58 PM

Q12 Do you have anything you wish to add?

Answered: 7 Skipped: 11

#	Responses	Date
1	Single greatest problem facing future ag land availability is tax policy that puts pressure on large parcel owners to subdivide and develop. That is what is happening to potential ag parcels.	12/15/2014 11:53 AM
2	There is talk that if the borough allows Co-Alaska to purchase it's development rights that the funds should be ear marked to purchase more development rights. I think the funds should be used to encourage development of current Ag parcels.Maybe thru low interest loans or matching dollars program.	12/9/2014 1:36 PM
3	The lack of borough oversight (as parcels changed hands) for many years has caused some of the issues we are currently facing. That should be taken into account as we move forward. The borough should exercise some leniency on mil rate or reclassification of use.	12/5/2014 9:07 AM
4	Please re-look at the policy that excludes kennels as part of farming. Dog have different purposes and some are very important in aiding in farming. If a farmer needs to have more than 5 in the borough he will have to get a kennel license and then he will be considered as doing an activity that is not farm only. I have 120 acres so 5 dogs is not a lot especially when one is in heat or nursing puppies. My 3 Great Pyrenees protect my livestock and children and my Border Collie chases off the ravens. The dogs are as useful as my tractor. Maybe you could write the definition for what is acceptable to include specific types or dogs or dogs with a farming purpose and exclude dog mushing.	11/29/2014 8:16 PM
5	I feel the Ag Forum got so off track that nothing was really accomplished. It was supposed to be about MSB Ag parcels and we ended up with people talking about State Ag issues.	11/28/2014 5:29 PM
6	The MSB should conduct a GIS analysis of all borough owned land to determin the lands Soil Capability Class. Make these maps available to the public. Consider offering an "Agricultural Use" land use permit to new farmers looking to get into agriculture. Consider creating "Community Gardening" plots on school grounds (no use in the summer!), and/or MSB parks (like the garden at Mat-Su River Park, but bigger).	11/26/2014 3:14 PM
7	Just that I think it is very important for the MSB to establish a mission statement to set the stage for productive discussion.	11/26/2014 2:58 PM

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY REPEALING MSB 8.32 ELECTRICAL GENERATION FACILITY OR POWER PLANT AND ADOPTING MSB 17.06 ELECTRICAL GENERATING AND DELIVERY FACILITY.

AGENDA OF: October 21, 2014

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	<i>[Signature]</i>	
	Borough Attorney	<i>NS</i>	
	Borough Clerk	<i>JMM</i>	10/13/14 <i>[Signature]</i>

ATTACHMENT(S): Fiscal Note: NO X YES
 Ordinance Serial No. 14-~~144~~ (13 pp)
 Planning Commission Reso. 14-29(AM) (3 pp)
 MSB 8.32 Review Commission roster (2pp)
 MSB 8.32 Review Commission meeting notes (66pp)
 MSB 8.32 (38pp)

SUMMARY STATEMENT:

Regulations for electrical generation facilities were adopted by the Borough in 2007 (Ord. 07-096) creating MSB 8.32 Electrical Generating Facility or Power Plant. The ordinance created a rigorous permitting process in Title 8 Health and Welfare for electrical generating facilities over 50 megawatts, including facilities located within cities.

In January 2013 the Borough Assembly adopted a resolution (Reso 13-009) establishing a temporary commission to review and recommend MSB energy policy and potential changes or repeal of MSB 8.32. The MSB 8.32 Review Commission consisted of six members and met for a total of nine times.

In February 2014 the MSB 8.32 Review Commission adopted a resolution recommending code language for a borough energy policy. The recommended policy was reviewed by the Planning Commission (PC Reso 14-07) and adopted by the Assembly (Ord. 14-051) in June 2014.

On their final meeting on August 19, 2014 the MSB 8.32 Review Commission voted unanimously to forward the attached ordinance for review and approval by the Planning Commission and Assembly. The proposed ordinance applies to electrical generating facilities producing equal to or greater than 101 megawatts that are outside of incorporated cities with land use powers.

The Matanuska-Susitna Borough Planning Commission reviewed the draft ordinance produced by the MSB 8.32 Review Commission and held a public hearing. The commission unanimously passed resolution 14-29 recommending assembly approval of the ordinance after making several minor changes recommended by staff.

COMPREHENSIVE PLAN

The ordinance is consistent with the following goals of the MSB Comprehensive Plan (2005 update):

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.

RECOMMENDATION OF ADMINISTRATION:

Staff respectfully recommends approval of the attached ordinance

By: Alex Strawn
Introduced: 9/15/14
Public Hearing: 10/6/14
Action: Adopted

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 14-29 (AM)**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING APPROVAL OF AN ORDINANCE REPEALING MSB 8.32 ELECTRICAL GENERATION FACILITY OR POWER PLANT AND ADOPTING MSB 17.06 ELECTRICAL GENERATING AND DELIVERY FACILITY.

WHEREAS, the Borough's economic prosperity is dependent on safe, available, reliable and affordable residential, commercial, and industrial energy to supply the Borough's electric, heating and transportation needs; and

WHEREAS, the worldwide supply and demand for energy will affect the price of energy consumed by all Alaskans; and

WHEREAS, resolution 13-009 established the MSB 8.32 Review Commission to review and recommend to the Assembly on establishing an energy policy and potential changes to MSB 8.32, Electrical Generation Facility or Power Plant; and

WHEREAS, the Energy Commission developed an energy policy which was adopted by MSB 14-051; and

WHEREAS, a goal of the Borough Energy Policy is to coordinate governmental functions by:

- reviewing and streamlining regulatory oversight processes and balancing the economic cost of review, appropriate to the Borough's level of authority,

necessary to protect the public interest

- discouraging or eliminating duplicative Borough oversight, permitting, and functions
- by actively collaborating with local governments and state and federal agencies to achieve the Borough's energy goals
- supporting the orderly and least cost expansion of all utility systems in an effort to minimize the burden of increasing energy costs to Borough residents
- provide for public participation, involvement, and comment for energy infrastructure; and

WHEREAS, after meeting for a total of nine times, the Energy Commission voted unanimously to repeal and replace MSB 8.32 with Chapter 17.06: Electrical Generating And Delivery Facility as written in this ordinance;

WHEREAS, the Planning Commission has reviewed the draft ordinance and held a public hearing on October 6, 2014.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends approval of and ordinance repealing MSB 8.32 Electrical Generation Facility or Power Plant and adopting MSB 17.06 Electrical Generating and Delivery Facility.

BE IT FURTHER RESOLVED, the commission recommends adoption of changes within staff memorandum, as amended, dated September 24, 2014 found within pages 126-128 of the Planning Commission packet.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 6th day of October, 2014.



JOHN KLAPPERICH, Chair

ATTEST



MARY BRODIGAN, Planning Clerk

(SEAL)

PASSED UNANIMOUSLY: Endle, Klapperich, Walden, Adams, and Rauchenstein

Planning Commission Resolution 14-29 (AM)
Adopted: October 6, 2014

Page 3 of 3

IM14-203
DR14-144

MATANUSKA-SUSITNA BOROUGH DIRECTORY OF ORGANIZATIONS

MSB 6.52 Review Commission

Board Expiration

3/1/2015

Tilton Berkley H. **Board Position**

Company Representing **Member Title** **Term** to

Type of Term

Wasilla AK

Home **Work** **Fax** **E-mail**

Scoresby Bryan J. **Board Position**

Company Representing **Member Title** **Term** to

Type of Term

Palmer AK

Home **Work** **Fax** **E-mail**

Feige Corri **Board Position**

Company Representing **Member Title** **Term** to

Type of Term

Chickaloon AK

Home **Work** **Fax** **E-mail**

vacancy **Board Position**

Company Representing **Member Title** **Term** to

Type of Term

Home **Work** **Fax** **E-mail**

Elder Chris **Board Position**

Company Representing **Member Title** **Term** to

Type of Term

Big Lake AK

Home **Work** **Fax** **E-mail**

Im 14-203
OR 14-144

MATANUSKA-SUSITNA BOROUGH DIRECTORY OF ORGANIZATIONS

MSD R.32 Review Commission

Board Expiration

3/1/2015

Kuhn	Gary	<input type="checkbox"/>	Board Position	RVW MEA Representative		
Company Representing			Member Title	Term	6/18/2013	to 12/31/2015
163 Industrial Way			Type of Term			
Palmer			AK		99645	1 Full
Name	(907) 715-8102	Work	(907) 761-9280	Fax	(907) 761-9322	E-mail gary.kuhn@mea.coop

Mesteller	Mark	<input type="checkbox"/>	Board Position	RVW Renewable Energy Background Rep		
Company Representing			Member Title	Term	6/18/2013	to 12/31/2015
641 S Lower Road			Type of Term			
Palmer			AK		99645	1 Full
Name	(907) 376-6275	Work	(907) 745-9784	Fax		E-mail mamasteller@matsu.alaska.edu

Information Contact	Economic Development
Total Board Members	7 Members
Meeting Schedule	
Meeting Location	
Board Notes	4/3/14 expiration date and composition changed RS 14-032 Created by RS 13-009, temporary commission

Im14-2b3
DR14-144

**MSB 8.32 Review Commission
Meeting Notes**

Im14-203
OR14-144

MATANUSKA-SUSITNA BOROUGH
MSB 8.32 REVIEW COMMISSION MINUTES

REGULAR MEETING

August 19, 2014

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough MSB 8.32 Review Commission was held August 19, 2014 at the Borough Building, Palmer, Alaska. Berkeley Tilton called the meeting to order at 3:26 p.m.

II. ROLL CALL AND DETERMINATION OF QUORUM

Commissioners present were:

Mr. Berkeley Tilton
Mrs. Corri Feige
Mr. Gary Kuhn
Mr. Chris Elder
Mr. Mark Masteller
Mr. Bryan Scoresby (*Arrived at 4:38 p.m.*)

Staff in attendance:

Mr. Alex Strawn, Development Services Manager

Members of the public in attendance:

Mr. Eugene Haberman

III. APPROVAL OF AGENDA

The agenda was approved without objection

IV. PLEDGE OF ALLEGIANCE

V. APPROVAL OF MINUTES

A. July 31, 2014

MOTION: Commissioner Feige moved to approve July 31, 2014 minutes. The motion was seconded by Commissioner Masteller.

VOTE: The motion passed without objection

B. August 12, 2014 Minutes

Im 14-203
0814-144

MOTION: Commissioner Feige moved to approve August 12, 2014 minutes. The motion was seconded by Commissioner Masteller.

VOTE: The motion passed without objection

VI. AUDIENCE INTRODUCTION

VII. PERSONS TO BE HEARD

There were no persons to be heard

VIII. AGENCY/STAFF REPORTS

IX. UNFINISHED BUSINESS

The commission continued to review and make changes to MSB 8.32.

MOTION: Commissioner Feige moved to work with the draft code version within MSB 17.06.

VOTE: The motion passed without objection

The commission continued making changes to draft code MSB 17.06.

MOTION: Commissioner Masteller moved to repeal and replace MSB 8.32 with MSB 17.06 as drafted by the Energy Commission on August 19, 2014. Second by Commissioner Feige.

VOTE: The motion passed without objection

X. COMMENTS FROM THE BOARD

XI. UPCOMING MEETING

All meetings were cancelled until further notice

XII. ADJOURNMENT

The meeting was adjourned at 4:58 p.m.

Final meeting minutes - Not adopted by committee

IM 14-203
DR 14-144

**MATANUSKA-SUSITNA BOROUGH
MSB §.32 REVIEW COMMISSION MINUTES**

REGULAR MEETING

August 12, 2014

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough MSB §.32 Review Commission was held August 12, 2014 at the Borough Building, Palmer, Alaska. Berkeley Tilton called the meeting to order at 3:07 p.m.

II. ROLL CALL AND DETERMINATION OF QUORUM

Commissioners present were:

Mr. Berkeley Tilton
Mrs. Corri Felge
Mr. Gary Kuhn
Mr. Chris Elder
Mr. Mark Masteller

Commissioners absent were:

Mr. Bryan Scoresby

Staff in attendance:

Mr. Alex Strawn, Development Services Manager

Members of the public in attendance:

Mr. Eugene Haberman

III. APPROVAL OF AGENDA

The agenda was approved without objection

IV. FLEDGE OF ALLEGIANCE

Led by Commissioner Kuhn

V. APPROVAL OF MINUTES

ACTION: Commissioner Masteller moved to approve the July 31, 2014 minutes. Commissioner Kuhn seconded. There were no objections.

VI. AUDIENCE INTRODUCTION

VII. PERSONS TO BE HEARD

Matanuska-Susitna Borough
Regular MSB §.32 Review Commission Meeting Minutes

Page 1 of 2

IM 14-203
OR 14-144

There were no persons to be heard

VIII. AGENCY/STAFF REPORTS

IX. UNFINISHED BUSINESS

The commission continued to review and make changes to MSB 8.32.

X. COMMENTS FROM THE BOARD

XI. UPCOMING MEETING

August 19, 2014

XII. ADJOURNMENT

The meeting was adjourned at 4:57 p.m.


Berkeley Tilton, Chair

Submitted:


Alex Strawn, Development Services Manager

Minutes approved August 19, 2014.

Im 14-203
OR14-144

**MATANUSKA-SUSITNA BOROUGH
MSB 8.32 REVIEW COMMISSION MINUTES**

REGULAR MEETING

July 31, 2014

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough MSB 8.32 Review Commission was held July 31, 2014 at the Borough Building, Palmer, Alaska. Berkeley Tilton called the meeting to order at 3:10 p.m.

II. ROLL CALL AND DETERMINATION OF QUORUM

Commissioners present were:

Mr. Berkeley Tilton
Mr. Bryan Scoresby
Mr. Gary Kuhn
Mr. Chris Elder
Mr. Mark Masteller

Commissioners absent were:

Mrs. Corri Feige

Staff in attendance:

Mr. Alex Strawn, Development Services Manager

Members of the public in attendance:

Mr. Eugene Haberman

III. APPROVAL OF AGENDA

The agenda was approved without objection.

IV. PLEDGE OF ALLEGIANCE

Led by Commissioner Masteller

V. APPROVAL OF MINUTES

ACTION: Commissioner Scoresby moved to approve the July 15, 2014 minutes. Commissioner Kuhn seconded. There were no objections.

VI. AUDIENCE INTRODUCTION

VII. PERSONS TO BE HEARD

Im 14-203
OR 14-144

There were no persons to be heard

VIII. AGENCY/STAFF REPORTS

Alex Strawn made several recommendations for the commission to consider regarding changes to MSB 8.32.

The suggestion to move the code to Chapter 17 was discussed.

MOTION: Commissioner Kuhn moved to postpone the amendment until August 12. Commissioner Elder seconded the motion. The motion passed without objection.

IX. UNFINISHED BUSINESS

The commission continued to review and make changes to MSB 8.32.

X. COMMENTS FROM THE BOARD

XI. UPCOMING MEETING

August 12, 2014

XII. ADJOURNMENT

The meeting was adjourned at 5:10 p.m.



Berkley Tilton, Chair

Submitted:



Alex Strawn, Development Services Manager

Minutes approved 9/19, 2014.

Im14-203
OR14-144

**MATANUSKA-SUSITNA BOROUGH
MSB 8.32 REVIEW COMMISSION MINUTES**

REGULAR MEETING

July 15, 2014

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough MSB 8.32 Review Commission was held June 17, 2014 at the Borough Building, Palmer, Alaska. Berkeley Tilton called the meeting to order at 3:10 p.m.

II. ROLL CALL

Commissioners present were:

Mr. Berkeley Tilton
Mr. Bryan Scoresby
Mr. Gary Kuhn
Mrs. Corri Feige

Commissioners absent were:

Mr. Chris Elder
Mr. Mark Masteller

Staff in attendance:

Ms. Rachael Richardson, Secretary

III. PLEDGE OF ALLEGIANCE

Led by Commissioner Tilton

IV. AUDIENCE INTRODUCTION

Eugene Haberman

V. PERSONS TO BE HEARD

There were no persons to be heard

VI. AGENCY/STAFF REPORTS

Alex Strawn joined us late.

VII. APPROVAL OF AGENDA

Im14-203
OR14-144

GENERAL CONSENT: Commissioner Scoresby moved to approve. Commissioner Tilton seconded. There were no objections.

IIX. APPROVAL OF MINUTES

June 17, 2014

MOTION: No objections. Minutes approved.

IX. NEW BUSINESS

Continuation of old business to review and refine existing MSB 8.32

Review 8.32 Energy Policy

The Commission discussed the changes to be made to 8.32, keeping other permits like State and Federal requirements in mind, and figured that we would maintain an editable Word document to track changes. Changes are recorded as follows...

Delete = caps and brackets. Add = bold and underlined.

Alex Strawn joined the meeting and was able to offer a Borough perspective on some of the edits, and answer some questions about existing policies and procedures.

One of the clerks came into the meeting to verify our time frames for advertising for the next few meetings.

Commissioner Tilton was contacted by the Planning Commission and we will need to have 2 meetings in between the regularly scheduled meeting on August so they can get an update on how we are doing.

XL. COMMISSION COMMENTS

Completed tasks are to be emailed to Ms. Richardson, who will assemble them and send out to all commissioners, if applicable.

Work on the master copy of the 80 page editable version of 8.32 with changes and have ready prior to the next meeting.

Next meeting is July 31, 2014 at 3:00 in Conference Room #203,

then August 12, 2014 at 3:00 in Conference Room #203,

and then August 19, 2014 at 3:00 in Conference Room #203.

Matamoras-Suaitas Borough
Regular MSB 8.32 Review Commission Meeting Minutes

XII.

Meeting adjourned at 5:06 p.m.


Berkeley Filton, Chair

Submitted:


Rachael Richardson, Secretary

Minutes approved 7-31, 2014.

Im14-203
OR14-144

COPY

**MATANUSKA-SUSITNA BOROUGH
MSB 8.32 REVIEW COMMISSION MINUTES**

REGULAR MEETING

June 17, 2014

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough MSB 8.32 Review Commission was held June 17, 2014 at the Borough Building, Palmer, Alaska. Berkeley Tilton called the meeting to order at 3:04 p.m.

II. ROLL CALL

Commissioners present were:

Mr. Berkeley Tilton
Mr. Bryan Scoresby
Mr. Chris Elder
Mr. Mark Masteller
Mr. Gary Kuhn

Commissioners absent were:

Mrs. Corri Feige

Staff in attendance:

Ms. Rachael Richardson, Secretary

III. PLEDGE OF ALLEGIANCE

Led by Commissioner Tilton

IV. AUDIENCE INTRODUCTION

Eugene Haberman

V. PERSONS TO BE HEARD

There were no persons to be heard

VI. AGENCY/STAFF REPORTS

None

VII. APPROVAL OF AGENDA

Matanuska-Susitna Borough
Regular MSB 8.32 Review Commission Meeting Minutes

Page 1 of

Im14-203
OR14-144

GENERAL CONSENT: Commissioner Masteller moved to approve. Commissioner Tilton seconded. There were no objections.

IX. APPROVAL OF MINUTES

A. May 16, 2014

MOTION: No objections. Minutes approved.

IX. NEW BUSINESS

A. Continuation of review and refinement of existing MSB 8.3

X. NEW BUSINESS

The Commission suggested that Rachael set up an editable version of 8.32, so we can keep track of changes that need to be made. There was a Word document displayed on the large monitor for tracking.

We were able to condense the 70 plus page document to a 21 page editable document.

The Commission then discussed the limits on mega watts. 50 -vs- 100 is a big difference. The community impact is a main focus, but also keeping in mind the power producer. Commissioner Tilton raised the question of setting the limit to 100 mega watts and everyone agreed. After further discussion, it was decided and voted on to have the limit set at 101 or more mega watts.

Review 8.32 Energy Policy

The Commission discussed the changes to be made to 8.32, keeping other permits like State and Federal requirements in mind, and figured that we would maintain an editable Word document to track changes. Changes are recorded as follows...
Delete = caps and brackets. Add = Bold and underlined.

XI. COMMISSION COMMENTS

Completed tasks are to be emailed to Ms. Richardson, who will assemble them and send out to all commissioners, if applicable.

Work on master copy of editable version of 8.32 with changes and have ready at the next meeting.

Next meeting is July 15, 2014 at 3:00 in Conference Room #203.

Im14-203
DR14-144

XII.

Meeting adjourned at 5:00 PM.


Berkley Tilton, Chair

Submitted:


Rachael Richardson, Secretary

Minutes approved 7-15, 2014.

Im 14-203
DR14-144

COPY

**MATANUSKA-SUSITNA BOROUGH
MSB 8.32 REVIEW COMMISSION MINUTES**

REGULAR MEETING

May 16, 2014

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough MSB 8.32 Review Commission was held May 16th, 2014 at the Borough Building, Palmer, Alaska. Rachael Richardson called the meeting to order at 4:05 p.m.

II. ROLL CALL

Commissioners present were:

Mr. Berkeley Tilton
Ms. Corri Feige
Mr. Bryan Scoresby
Mr. Chris Elder
Mr. Mark Masteller

Commissioners absent were:

Mr. Gary Kuhn

Staff in attendance:

Ms. Rachael Richardson, Secretary

III. PLEDGE OF ALLEGIANCE

Led by Commissioner Tilton

IV. AUDIENCE INTRODUCTION

Lauren Driscoll - MSB Chief of Planning
Alex Strawn - MSB Code Compliance & Permitting
Eugene Haberman

V. PERSONS TO BE HEARD

There were no persons to be heard

VI. AGENCY/STAFF REPORTS

None

Im 14-203
OR14-144

VII. APPROVAL OF AGENDA

GENERAL CONSENT: Commissioner Masteller moved to approve. Commissioner Feige seconded. There were no objections.

IIIX. APPROVAL OF MINUTES

A. April 18, 2014

MOTION: No objections. Minutes approved.

IX. UNFINISHED BUSINESS

None

X. NEW BUSINESS

Lauren Driscoll was asked to speak today to discuss the process on implementing code changes in general. She wanted to know what this committee is doing. Commissioner Tilton said to disregard what this commission is doing and they want a general overview of the processes. If a code passes, what is the philosophy?

Lauren stated that we look at that when we are writing the code. The how's.

Alex Strawn said that first they create an application form, so in case someone walks in, we have them fill out an application. Hopefully, there has been a fee set by the Assembly.

Commissioner Masteller wanted to clarify if we wanted Conditional Use Permit (CUP) philosophy or the "bigger picture"?

Commissioner Tilton said they are wanting an overview of the "bigger picture" and anything that needs a permit. There are still a number of things not listed on the CUP list like Towers and Electric Generation plants. I would like the broad stroke and not all of the details.

Alex Strawn said that if new legislation is adopted, we have an educational meeting to make sure our department is up on speed to any new items or changes. So if someone walks in, all the staff is up to date and we know who it applies to. We will also inform the planning commission, so they are not surprised.

Lauren Driscoll stated that they deal with certain types of permits more than others. The public involvement process is much different in each case.

Alex Strawn informed the group that his department has an e-mail list for certain issues that the public can be added to if they so choose. Tower regulations is a popular one, or when water tables changes for gravel pits.

Im14-203
0R14-144

Commissioner Masteller asked if there was anything specific that this group would like to ask the MSB employees while we have them here. Or just a general overview?

Commissioner Tilton asked about the code and regulation process.

Lauren answered that the code is the regulation. Documents and fees required for permits is outlined in our Borough code. Not a just a procedure manual. The timelines and application process is pretty outlined. Code gives us the guidelines on how to handle a permit.

Commissioner Feige asked if there was a timeline for something like 8.32, is developing forms and flowcharts already in place or does it pop up when needed?

Alex said creating forms can be a case-by-case basis.

Commissioner Tilton asked if that is what MEA did with their application after the regulation.

Alex said that MEA did not apply.

Commissioner Tilton disagrees and stated that yes they did, and there was a study with an estimate done on location.

Lauren said that 8.32 was created before we were both in our positions. This is not a common permit, so it was happening as code was written. We typically have a procedure.

Commissioner Tilton thought it was in 2007 that MEA applied for their permit. 2004-2005 was the period that the code was written.

Lauren would like to see the case history for that.

Alex said that we have updated forms since 2006 and new applications are being created to match the existing applications on the web.

Commissioner Masteller said that new electrical generation facilities are new and wanted to know why these were not part of the CUP list with their own section in code and what else in code may have the same setbacks, neighbor protection, that we are working on? So we don't have to rewrite. Looking to simplify. It's too bad Gary is not here.

Alex answered that all CUP's are different. You could "rob" language from existing CUP's. They are all kind of tailored. 1760 has a different section for each CUP. We have one for a waste incinerator facility if you need air quality language. They are all kind of tailored. Water quality, air quality concerns, setbacks? We could put something together that mixes and matches what you need.

Commissioner Masteller said that the bigger picture...the Borough has an amplified noise ordinance, that has the same setbacks, like impacts to neighbors, that is not listed on a specific CUP. What else is in that general realm? What has Land use impacts?

Alex said setbacks.

Lauren said multi-family or core area.

Commissioner Masteller said this is why I think it should be on the CUP list. But Gary wanted to look at this in a Regional perspective.

Lauren said this helps us to get a better understanding on where you sit and suggested looking at the original permits, legislation and figure out the intent. What did that original permit look like?

Commissioner Feige asked 2 questions how often the Borough reviews existing regulations and codes that reference the State when those get changed or modified?

Alex said typically, when code changes and a State or Federal law is referenced, it is researched. Sometimes it is outdated.

Commissioner Feige also asked if an applicant goes onto the website, how do we know it is current on website? And I want to make sure that applicants doing scoping know which permits they will have to apply for.

Lauren pointed out that all of those are codified and the most current.

Commissioner Feige asked when technical expertise is required, what is the process? Is it an RFP process?

Alex said that they go with the most current and pointed out that it depends and we have the most current code and any RFP for consultants over 25(k) requires ordinance and Assembly approval.

Lauren would ask purchasing to go out for Professional Services RFP. That is the bonus, not all about the price, but specific qualifications. Talk to the applicant to make sure all the requirements are met.

Commissioner Feige wants to know if that CUP/RFP has a "case manager"?

Alex said we have 2 perm planners, depending on workload, we will make sure it is covered.

Commissioner Tilton wants to look at the Regional aspects instead of site specific. Do we have anything that relates on a regional aspect? The broad brush -vs- site specific i.e...setbacks, noise, Public Right-Of-Way (ROW) work.

IM 14-203
OR 14-144

Alex said the broad brush would include any work within a public ROW.

Commissioner Masteller said we are still looking at discreet impacts.

Alex mentioned transmission lines.

Commissioner Elder suggested to look at Federal regulations and State regulations to see if they have overlooked noise standards. I don't see them over looking big issues. Maybe the Borough has noise standards that we are missing.

Lauren said that if you are concerned about image, when it is in code, we have control over it.

Comm Masteller said it pays to be redundant sometimes.

Lauren stated that it is their job to bring this group information. We have made changes to code in the past.

Comm Masteller said that the Borough knows of the Federal regulations so we should be able to regulate them.

Alex added that Federal regulations Borough level, EPA regulations, complaints do get investigated.

Commissioner Tilton spoke of federal regs and the Borough's need to keep up.

Lauren said that when regs are in code, then do we need to follow those federal regs. We cannot be expected to enforce federal regs

Commissioner Tilton spoke of pre and post-construction concerns. Seems like 8.32 is written for pre-construction. We are not re-writing the whole regulation, just the one for pre-construction. We can change code or leave as is.

Alex agreed that it is important to include operation standards and holding to permit standards. If there are no operation standards, then permit holders won't be held to standards.

Commissioner Masteller pointed out the local Borough impacts the community and reference regulations that we need to deal with. And only reference federal regs.

Alex said don't put us in a "Catch 22" with permits.

Lauren said they have to look at the pre and post construction. In the app process, you are asking for things referencing both.

Commissioner Tilton points out that the entire 8.32 only has 2 paragraphs for post construction. That was not thought about. Any more questions?

Commissioner Masteller has more questions. Noise and setbacks. What do the other uses draw from? And impacts to neighbors.

Lauren suggested to research it. Pull up the National standards and take a look at the existing. They cannot be lumped together. Hydro and coal will be totally different.

Commissioner Tilton states that 8.32 mentions no fuel plants. Gas, water, and coal are mentioned.

Commissioner Feige talked about different operational criteria.

Alex spoke about the different types of plants.

Lauren explained that the intent in the new code is generalized and we would like it more specific and list the true intent. If it is pre-construction, then that should be clearly laid out. Get copies of the original Informational Memorandum (IM) and the accompanying legislation.

Commissioner Feige asked for the original legislation and a standard criteria list and a copy of the original MEA application.

Rachael Richardson has it and will make copies for everyone. It is a 72 page document.

Commissioner Elder would also like to take a look at the original application.

Commissioner Tilton said that the legislation from 2007 will be good, and was wrong about it being approved in 2006.

Commissioner Masteller mentioned the Planning Commission years ago, took language and copied it into code. Any boiler plate language out there from the APA?

Lauren said there should be a set of National standards and confirmed that John Duffy wrote some of those regs.

Commissioner Tilton wonders if we have a copy of the new application that MEA turned in. What is the process?

Alex said yes, they have held their meetings and it is a public process.

Commissioner Tilton asked what good is the process if there is no regulatory muscle behind it?

Commissioner Tilton would like to thank Lauren and Alex for coming to our meeting and answering some questions.

Lauren wanted to clarify if the group wanted more information she would be happy to send it out.

Paul Hulbert showed up from MSB platting department, and wants to know why he was asked to attend the meeting. He is here to explain the permit/platting process.

Commissioner Tilton confirms that it is the process of permits/process of platting that they are after. Expertise of process and philosophy platting is the best checklist department because you process the most.

Paul explains about time frames, processes, conditions approved or denied, time frames, extensions, title 43, end date/time frames, 5 step appeal process with Board Of Adjustments and Appeals (BOAA) The State plays a part.

Processes depend on what type of actions are required. Pre-App is first, checklist or conference from individual departments and the State to weigh in would be next. We hope our guidelines are followed. The application is submitted, fees are paid, certificates, mortgages, easements, prelim road design requirements are met. Once it is submitted, the staff will review and set for public hearing. State statues make it time oriented so decisions need to be made in a certain amount of time. Staff report will go to the correct Commission. They are usually approved with conditions, but they could be disapproved. The code is flexible, they give 7 years with 5 year extensions available. That is very standard. Decisions can always be appealed through the BOAA.

Commissioner Tilton wants to know if there are any questions for Paul.

Commissioner Masteller asked to review the checklist and it sounds the same.

Commissioner Tilton said since there are no more questions, Paul, I thank you for attending our meeting.

Review 8.32 Energy Policy

Commissioner Tilton started with welcoming Chris Elder, the new Commissioner. Commissioner Tilton stated that Chris Elder needs to full 8.32 packet with legislation. Rachael will get him one. Would like to know when the Energy Policy Declaration goes in front of the Assembly. Rachael to get a confirmation from Lauren on Monday.

The Commission discussed the changes to be made to 8.32, keeping other permits like State and Federal requirements in mind, and figured that we need an editable Word document to track changes. Changes are recorded as follows...

Delete = caps and brackets. Add = Bold and underlined.

Im 14-203
OR 14-144

XI. COMMISSION COMMENTS

Completed tasks are to be emailed to Ms. Richardson, who will assemble them and send out to all commissioners, if applicable.

Meeting Date & Time Changed to the 3rd Tuesday of the month for the summer. The meetings will still be in conference room # 203.

June 17th 3pm-5pm
July 15th 3pm-5pm
August 19th 3pm-5pm

"Transmission lines" legislation emailed to the group.

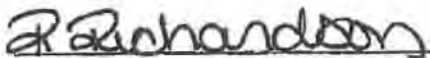
Work on editable version of 8.32 with changes and have ready at the next meeting.

XII.

Meeting adjourned at 5:55 PM.


Berkeley Tilton, Chair

Submitted:


Rachael Richardson, Secretary

Minutes approved June 17, 2014.

Im 14-203
OR 14-144

**MATANUSKA-SUSITNA BOROUGH
MSB 8.32 REVIEW COMMISSION MINUTES**

REGULAR MEETING

April 18, 2014

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough MSB 8.32 Review Commission was held April 18, 2014 at the Borough Building, Palmer, Alaska. Commissioner Tilton called the meeting to order at 4:10 p.m.

II. ROLL CALL AND DETERMINATION OF QUORUM

Commissioners present were:

Mr. Berkeley Tilton
Mr. Mark Masteller
Mr. Gary Kuhn
Ms. Corri Feige
Mr. Bryan Scorsby

Staff in attendance:

Marcia vonEhr, Secretary
Mayor DeVilbiss (until 4:30)

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor DeVilbiss.

IV. APPROVAL OF AGENDA

Commissioner Feige moved that the agenda be approved as written with a second by Commissioner Masteller. There was no opposition. Agenda is approved as written.

V. APPROVAL OF MINUTES OF PRECEDING MEETING

Commissioner Masteller moved to approve the minutes from March 21, 2014 as written. Commissioner Kuhn seconded the motion. There was no opposition. The motion passed unanimously. The minutes of March 21, 2014 were approved as written.

VI. AUDIENCE INTRODUCTION

There was no audience present.

VII. PERSONS TO BE HEARD

There were no persons to be heard.

VIII. AGENCY/STAFF REPORTS

Mayor DeVilbiss clarified the status of Mr. Chris Elder as Commissioner. The Mayor said that Mr. Elder was approved by him and will be confirmed at the May 6 Assembly meeting. Mr. Elder will be invited to the May 16 Energy Commission meeting. Discussion regarding Mr. Elder and his qualifications.

IM 14-203
OR 14-144

IX. OLD BUSINESS

Commissioner Tilton brought up the status of the Energy Policy: it will be presented at the April 21, 2014 Planning Commission meeting at 6:00 in the Assembly Chambers. Please attend if you are available.

Commissioner Tilton commented on the intent and redundancies of the 8.32 code; this commissions tasks (analyze and scrap or edit; consensus was not to scrap it). Mayor said that's why you were created; do what will be the best for public interest. Comments regarding underground combustion program and similar program of Kenai Borough. Commissioner Masteller commented on a coal versus gas plant. Mayor DeVilbiss said they should have specified the type of plant.

Commissioner Tilton brought the discussion back to 8.32.010 the Intent Section. Commissioner Masteller suggestion to shorten things; part of what the public wanted was involvement and notice. Rather than an ordinance just for electrical generation facilities (there is already a list of conditional uses in the borough), put electrical generation on the Conditional Use Permit (CUP) list (examples of towers and junk yards); this would get the facility into the public process. There is too much detail in 8.32. Commissioner Kuhn responded that it is a good idea from a public process standpoint, but CUPs are totally written for very small, specific uses and not a regional facility. The CUP is written from the perspective of the guy next door. I would rather see this written from a regional perspective (impact is broad and affects many parcels). Commissioner Masteller asked about multiple parts of a regional system. Commissioner Kuhn replied that Anchorage has substations on their CUP list; already have a process for a power plant. Commissioner Masteller said we could capture the regional aspect of the larger infrastructure need by addressing the components or consider a different way of doing it. The CUP list might be easier and faster. Commissioner Kuhn said there is already an entity that deals with air permits; much broader than the Mat-Su Borough (MSB). Draw in the things that are already established; if you are next to one of these things, you have to have certain provisions. Commissioner Masteller commented about writing "delete" next to every paragraph; there must be another way to deal with this. Commissioner Kuhn commented about the unfortunate part of "not in my backyard"; it's anywhere you go. Commissioner Tilton has three questions (two for Mr. Masteller and one for Mr. Kuhn). To Mr. Kuhn: you mentioned that Anchorage has a process. Is it a conditional use process? Or Code? Commissioner Kuhn replied that Anchorage has a process where they identified in the zoning whether a substation was applicable to that class of property. Discussion regarding Anchorage zoning and parameters for the conditional use permit. Commissioner Kuhn will email the Anchorage information to all commissioners. They have a section in Anchorage where you have to meet their staff planning criteria; that was applicable to all areas south of Eagle River (now it is a little farther north). There was limited public notice; but under the new conditional use permits they have to include Community Councils. There was misunderstanding in thinking about infrastructure projects and the impact they have; start somewhere and finish the process in that area (can't move it to another area). Commissioner Masteller commented that from the regionality aspect of what you do what did the process not accommodate; not easy to stick a facility over here. Commissioner Kuhn when you start something there is not a lot of population to begin with; then there are upgrades and ties into close proximity to transmissions from source to substation locations. There is not an option to say I don't like it here, let's put it 5 miles over there. It's a big deal to make that type of change.

Commissioner Masteller commented that this makes our early justification in 8.32; electrical generation infrastructure needs its own section. He looked for CUPs on borough website; 15 pages for just junk yards alone and others are longer. There are standards in the CUPs; maybe the substations need that. Commissioner Kuhn said these come in all shapes and sizes and forms. Comment regarding Eagle River hydroelectric plant. We want to encourage activity; but not in a fish habitat area. We want to reference those things so we do not reinvent wheel. Commissioner Tilton said Anchorage has changed regulations; we are already seeing the results of change not being good: protest on substation upgrade. The complaint is from neighbor who doesn't want the upgrade. Commissioner Kuhn commented on that issue. Commissioner Tilton asked Mr. Masteller about the trail line as a CUP. Do we have a number on that? Commissioner Masteller replied 17.60.030 is the list of things that require permits (that is line A6 regarding that tower grids). Commissioner Tilton asked about the size that Mr. Masteller would propose for a generation facility. Commissioner Masteller said if we were going to put electrical generation facility (not all the lines) as a CUP item, he would like to see it at less than 50 megawatts. We want to encourage this distributive generation. It is more energy secure; lots of good reasons to do it. We don't want to see a wind turbine or small solar panel to have to get a CUP. The bigger issue is how to capture the regionality of this system. Commissioner Kuhn clarified that under the CUP process in Anchorage, it went from the administration walking you through the process to totally undefined under the new CUP process and the regulations are not known. This created a whole big problem for Anchorage, and they are going to have to figure it out. Commissioner Masteller said that one of the good things about having a list of CUPs, the rules are well defined and developers know exactly what to do. Commissioner Feige suggested simplifying and streamlining 8.32. If we went to just a CUP and process it would oversimplify, and we would inadvertently come right back here again. Commissioner Feige disseminated the notes that she worked on to end of section 040. Commented regarding 30 pages of stuff is out of there. She tried to enhance the public process, and open doors so that the Borough could coordinate with other agencies. Align with what we are talking about. MSB will go out and coordinate with agencies. Example of the Coastal Management Program questionnaire which made sure that the applicant contacted agencies and completed a list of required activities and permits. Then this compilation would be distributed to all interested agencies; this opens the door for public input and participation. Applicant has to do the work; not the borough. Financiers are going to require that information anyway. Discussion regarding when zoning requirements would come to the Borough.

Commissioner Tilton said starting with page 1; what do we "X" out? Comments regarding private industry versus government inspecting services. Commissioner Feige commented that in the most macro sense she would strike in total 8.32.040 (p 6 of 30) number 7 (beginning Environmental Information) all the way through the end of the section (top of p 23 of 30). Reason being: all of that is captured by state or federal permitting programs that have jurisdiction over the activity. Commissioner Kuhn is not prepared to list sections today. Commissioner Scorsby not right now. Commissioner Masteller had more specific ones like in 040 (p. 3 of 29) B.1.i (Written Economic Analysis), B.3.d (Description of All Owners), 4.c (in its entirety), delete 6.c (keep a, b, d, e).

Commissioner Tilton asked if anyone have anything on 8.3.50? No one got that far.

Commissioner Kuhn requested to go back to 4B; description of transmission lines; 4B is not necessary. Let's keep it focused on generation and not transmission. MSB code already addresses this topic. Commissioner Masteller commented that towers are listed under CUPs. If we talk about regional infrastructure, do you want transmission lines listed? Commissioner Tilton said we can discuss that later; back to section 8.32.05 forward (page 23). Are there any sections in there? Commissioner Masteller commented on his reason for asking the former question. If we can all agree that 8.32 is going to look very different; and we basically craft some justification and intent language, it might be easier to find what we like in here rather than try to figure out how to _____. Commissioner Scorsby concurred; suggested to look at it from that perspective (smaller; more manageable). Things get so big that no one pays attention. Commissioner Masteller said that people want detail in code so they know what rules are. Commissioner Tilton brought the focus to page 24. 8.32.60E delete (all agreed); 8.32.07 delete. Commissioner Feige agreed that this redundant (you don't do anything until you have Planning Commission approval). Commissioner Tilton highlighted 8.32.60 delete A8 (property values), delete B (leaves a variation). 8.32.200 land standards – not sure on the reason for a quarter mile state psychiatric - delete. Delete sound standard maximum of 55dB. Commissioner Kuhn commented on the power plant built on 22 acres out of a total of 70.

On next page under definitions; delete "compatible" and "corridor" (transmission is already covered) and (page 2 of 30) delete definition of power plant. Commissioner Tilton commented that only one county in California had a 125 (most restrictive). Strike or change to meet the national standard of 150 megawatts. Commissioner Feige suggested striking the term "power plant"; referring only to "electrical generating facilities". Commissioner Kuhn said he would go along with 150 megawatts. Commissioner Tilton suggested the deletion of "quiet zone" under definitions; "quiet" is subjective. Commissioner Scorsby suggested the deletion of "power lines" and on page 29; power plant and electrical generation are interchangeable. Commissioner Tilton said not talking about facility; talking about the process. Commissioner Feige suggested striking the term "power plant" and use the term "electrical generation facility" throughout; they are interchangeable, but it is sloppy to have two terms for same item. Commissioner Scorsby commented on the 8.32.8 Penalty (p 24), I would strike the whole thing along with civil action. Discussion regarding the legal aspect and code. Commissioner Kuhn commented that transmission lines are in Chapter 17.05 of Borough Code (Essential Service Utilities). Commissioner Tilton suggested reviewing that code.

Commissioner Tilton suggested looking at Ms. Feige's notes on Intent. Commissioner Masteller is not comfortable in taking the size up to 150. If you are thinking about whether people want to have a voice; a 50 megawatt plant is a really big plant. Commissioner Kuhn said actually not; a 60 megawatt turbine is about the size of this table [approx 12' x 4']. Commissioner Masteller said that neighbors should have a voice about having that unit in their neighborhood. Commissioner Kuhn said the cost is about \$75K for unit itself. Commissioner Tilton said that a 150 megawatt facility is about the size of a 6,000sf house. Design is different outside and is on about 5 acres. Commissioner Masteller said that is not captured in my view. Commissioner Tilton said that small units are 75 to 100 megawatts (referred to a unit down in Point Mac that was downgraded so it doesn't fall under this). Commissioner Masteller suggested to scale back to where public has a voice. Discussion regarding the size of the facility versus the impact on the neighborhood. Commissioner Kuhn said we want to encourage distributive generation. If your

facility hits a certain size it needs to be vetted with the neighborhood. Commissioner Masteller what happens if someone puts in a 60 megawatt facility, what are the impacts to neighbors; are they loud or smelly? Commissioner Kuhn large units have enormous sound impact to neighborhoods, so we want to encourage distributive generation. It depends on what type of technology is used; the normal natural gas or hydro technology is what we want to encourage. Commissioner Masteller said we are not talking about just natural gas; we are talking about whatever comes up in the future. So if you choose a size limit and tell a future company that they need to go through this process, then what's the harm? Commissioner Kuhn said that small guys don't have the capacity to do the kinds of processes needed (air permit and ADEC process). Commissioner Masteller thought we were going to get rid of those processes. Commissioner Kuhn clarified that we are not going to get rid of them, we are not going to duplicate them. Commissioner Masteller said that if a state or federal agency does not require that oversight on that size facility, we don't have to do it. If rules apply, then you have to follow them. Commissioner Tilton suggested that there are two things going here: what does the borough want to regulate. 50 and up or 125 and up? Plus there was one more deletion (on page one) 010B. I do have the response from the attorney and the cities: there is a public process to take back the delegated powers. State statute says that is not how you take it back. Cities could have contested that because it should have gone before their Planning Commission. Commissioner Feige said that it cleans it up to strike it [010B]. Commissioner Masteller said that if the other entities that we are referencing are true to process; encourage clean energy. I still see no harm in keeping the number down low because if neighbors are impacted, then it's captured. If you say it's a 30 megawatt wind turbine farm and doesn't produce any carbon emissions, then it's good. Commissioner Kuhn said that part of what we are trying to accomplish in this section is so the borough that doesn't have to regulate this. The borough doesn't have the technical expertise to deal with this; it would have to be subbed out. Commissioner Masteller said we want to simplify this radically. Hopefully that will help this project out. Commissioner Kuhn said that there is still have another level of bureaucracy to go through. If you make the size so small, you make it an administrative burden. Commissioner Feige said we want maintain public involvement. Keep the megawatts for regional structures larger; make smaller units that we want to encourage under the CUPs. Commissioner Masteller said that I think that all could be under the CUP process. Don't know where the 50 figure came from. Commissioner Kuhn said that was a 200 megawatt project. Commissioner Tilton said that 50 is hobby, 75 is borderline, 100 can make a little money. No economics in something small. Comments regarding the Port facility; built by government and not private industry. If you build without subsidies from the government, it is not economic. Most successful road is the Pennsylvania turnpike (toll road).

Commissioner Kuhn suggests that Commissioner Feige walk us down the work that she did on the first part of the code and table the discussion on size until later.

Commissioner Feige said the substitute language for intent was based on the discussion from the last meeting; cleaned up. Drop the words "and transmission lines". Keep in components necessary to connect the facility. Took B under Jurisdiction out. Align to one term: "electrical generation". In section C conflict analysis to see if there are any other jurisdictions should be asked of a Planning person. Commissioner Tilton suggested inviting a Planning Department staff person to next meeting [Marcia will arrange this]. Commissioner Feige went on to item number 4 in 030A drop the term power plant, changed to 150 megawatts (with the idea of regional); also

the section that starts "as well as other agencies . . ." Strike the work "development" and use the word "activity", because there is a legal difference between those words (activity is a broader category and development is a specific series of steps). In B of that same section, strike "power plant facilities". In the second line of B change to "until" from "unless" regarding the approval. Commissioner Scorsby had a question regarding empowering director to have power or go to Assembly? Commissioner Feige asked what authority is given to Director? What is that process? The Director of the Department takes what the Planning Commission approves and implements it. Commissioner Scorsby commented that you could have this be an Assembly agenda item; regional activity instead of one person. Commissioner Feige understood that person to be the defacto mouthpiece for the commission; authorized representative to communicate. Commissioner Tilton read a section regarding the role of the Planning and Land Use Department Director: shall serve as the representative of the Planning Commission to implement the Planning Commission actions. Commissioner Scorsby concerned about one person having the "yes/no" authority. Commissioner Tilton and Commissioner Masteller clarified that the Department Director doesn't have authority until the Planning Commission gives approval. Commissioner Masteller suggested that the commissions are used to shorten time to get things done; the assembly process is long. Commissioner Feige said that the Director has no autonomy. Commissioner Scorsby said that the growth in the valley dictates that we will need to build another facility. Commissioner Kuhn said that another element of generation will come out in 2025 and be in the existing plant; after that, it will have to go somewhere else. Commissioner Masteller said that it was found to be cheaper in the lower 48. Commissioner Kuhn said that average monthly usage went down over time. Commissioner Tilton said that the director would implement the seven-member Planning Commission's approval. The director can check out the proof that they did X, Y, and Z. Commissioner Scorsby asked is there anywhere that the Assembly says go or not go? Commissioner Tilton and Commissioner Feige no, not the Assembly as it exists today. Commissioner Masteller asked if this should be an Assembly level decision. Commissioner Kuhn said that in Anchorage, the municipal manager has someone that reports to him; sits in on the Planning Commission meetings. This person's department does all of the CUPs.

Commissioner Feige referred to section C strike the power plant definition out of the general procedures (that can be assumed for all the other sections as well). Significant replacement starts on 40; would like to know Anchorage's regulations, plans, and criteria. Skipped over A. Anything beyond purpose and need under the project description that references commercial need or justification should be removed. It's inappropriate and not government's job. Strike geothermal, nuclear, etc. What forms have been developed for this process (ask Planning Commission person when they come). 040B you basically start out with project description. 1 is Project Overview, 2 is Schedule, 3 is Ownership - Commissioner Feige reordered and combined. Under projection description here is my project. Purpose and need statement needs to be done first (used the language of purpose and need specifically because purpose and need is captured under National Environmental Policy Act (NEPA) requires 3 alternatives and analysis; any federal permit triggers NEPA). Commissioner Masteller asked that if project triggers NEPA do we still require this? Commissioner Feige said that if it triggers NEPA then we would get a copy of those documents, and if it doesn't trigger NEPA then purpose and need only amounts to a couple of paragraphs. If you trigger an air permit, wetlands, army corps permit, then you trigger NEPA. Commissioner Masteller we want B (alternatives analysis) to be more descriptive

regarding citing. Commissioner Feige said the purpose is that we are aligning with other permit requirements. The type, size, rating, fuel feed stocks would need to be listed. Who is the owner and who is the operator of the facility? This is all boilerplate stuff, part of the packet. Land status plats for an area and setbacks. What does Anchorage require? Commissioner Kuhn clarified that the set back is 500 feet for substation. There were no requirements for a power generation requirements, but outreach was done anyway.

Commissioner Feige gets into G; this is the meat of it: what permits are required. Commissioner Tilton commented on the general portion of this. Say the staff developed a one page check list; Fish & Game yes/no. Is that what you are intending? Commissioner Feige said yes. The applicant puts together a list of permits, and list of contact information for agencies with jurisdiction; MSB Planning Department staff can use this list to coordinate with agencies so that borough health, safety, and the environment are protected. Purpose is so that everyone knows exactly what permits are required and agencies know what is in the works. This is also where you learn if there are code changes pending. The borough conferee role and coordination role are well defined.

Commissioner Feige gets into H. Put together a list of MSB resources like waste disposal, fire, EMS, road maintenance, et cetera that may be impacted by project. Do any of them need to plan for construction period; go through the life of the project? Allows the borough to coordinate with that and reduces the burden on any one entity. It also needs to go through the life of the project to include DRR (decommissioning, removal, and reclamation). This will also satisfy the Emergency Planning and Community Right to Know Act regarding the transportation of any hazardous materials. That is all standard operating procedure.

Section I is the decommissioning, removal and reclamation discussion. What are we going to do when we are done with the facility? Often that is just a placeholder discussion because you are so many years in the future that they just have to say that a plan will be made in concert with stakeholders at that time.

Project Schedule is a separate deal. Just the milestones at this level. Call this Project Schedule Benchmarks.

Number 3: stakeholder engagement and outreach plan. If you put one of those together for your plan and live by it, for example attend community council meetings, reach out to folks in the area, let them know your project is there and have the conversations with them. It solves a whole host of problems. That is a key part of keeping the community involved.

Commissioner Kuhn commented on finding that it's a good idea to do public outreach; but you do find that some people go to these meetings that don't represent community, they represent specialized interest groups. Commissioner Feige suggested to have the plan but don't necessarily specify the participation.

Commissioner Feige's last couple of notes: encourage a pre-application meeting with borough Planning Department representative. Also on-going meetings to keep everyone in loop. Make sure that the borough gets copy of environmental data to all the jurisdictional agencies involved.

When they are having the next meeting, they can talk about this application. Cultural concerns align very nicely with SHPO (State Historic Preservation Office). There is still local interest in the borough for cultural resources. The borough can sit down with the agency who has jurisdiction and flag an issue that might be culturally sensitive to residents based on feedback from residents about the project.

Commissioner Tilton commented that this looks like nuts and bolts, and asked if we are going to develop a regulation so that someone can apply these nuts and bolts? Are we going to get detailed enough to attach a checklist? Are we making a bullet list? Commissioner Scorsby commented that B "a" through "j" is a check list now. Commissioner Tilton commented that Ms. Feige shortened it up; taking elements from I to eliminate that to get it in condensed condition. Commissioner Feige commented that from the last meeting conversation, using the existing framework of 8.32 and striking, substituting, modifying, she literally took sections 1-6; reordered, condensed and streamlined. We can go higher level than this and just say give us a project description, give us a project schedule and show us your stakeholder/community outreach plan. Discuss that with us. We would like to have a pre-application meeting with you to coordinate with other agencies and get copies of your applications. Commissioner Tilton said that the reason I bring that up, is that what I'm familiar with is Platting where we have 3-page checklist that was developed by staff. If it (a new plat) hasn't had much review and is protested, then something gets changed on the plat. I feel that we would be in that same vein; no checklist, no project schedule. Let's cut this off and continue next meeting. Who would be best to talk to in permitting or platting? There are no established checklists. Eileen or Lauren can give the philosophical and Paul Hulbert can give the administrative information [Marcia will contact them with an invitation to the next meeting]. Then this Commission can understand the current process.

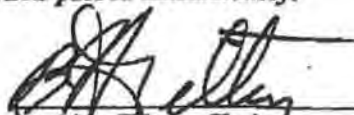
X. NEW BUSINESS

XI. COMMENTS FROM THE BOARD

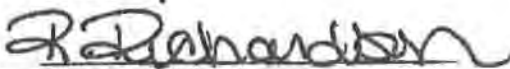
There were no comments from the Board.

XII. ADJOURNMENT

Meeting adjourned at 6:05 pm with a motion by Commissioner Kuhn and a second by Commissioner Feige. There was no opposition; motion passed unanimously.


Berkeley Tilton, Chair

Submitted:


Rachael Richardson, Secretary

Minutes approved Myke, 2014.

March 21, 2014

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough MSB 8.32 Review Commission was held March 21, 2014 at the Borough Building, Palmer, Alaska. Commissioner Tilton called the meeting to order at 4:25 p.m.

II. ROLL CALL AND DETERMINATION OF QUORUM

Commissioners present were:

Mr. Berkeley Tilton
Mr. Bryan Scoresby
Mr. Mark Masteller
Mr. Gary Kuhn
Ms. Corri Feige

Staff in attendance:

Marcia vonEhr, Secretary

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Kuhn.

IV. APPROVAL OF AGENDA

Commissioner Feige moved that the agenda be approved as written with a second by Commissioner Kuhn. There was no opposition. Agenda is approved as written.

V. APPROVAL OF MINUTES OF PRECEDING MEETING

Commissioner Scoresby moved to approve the minutes from February 21, 2014 as written. Commissioner Kuhn seconded the motion. The motion passed unanimously. The minutes of February 21, 2014 were approved as written.

VI. AUDIENCE INTRODUCTION

There was no audience present.

VII. PERSONS TO BE HEARD

There were no persons to be heard.

VIII. AGENCY/STAFF REPORTS

There were no agency/staff reports.

IX. OLD BUSINESS

Continuation of Title 8.32 review to determine applicability of all sections.

Commissioner Tilton gave the background regarding the Areawide versus Non-Areawide ordinance; read the response by Nick Spiropoulos regarding the rights of the Borough. Process to revoke authority; not verified. Commissioner Tilton will clarify with the attorney about the areawide topic. All three cities would have to sign off to make it fully areawide. Commissioner Masteller commented that he believes that would be done at the Planning Commission Process.

The Intent (8.32.01) – Commissioner Tilton asked to begin discussion on the Intent section. Commissioner Kuhn commented that like all things in society there is a balance; the intent is so broad. It would need to define here and be specific. Concern that we don't have the resources to regulate that activity; include in broad scope of intent. State of AK and other agencies already regulate some items, so why duplicate. Commissioner Masteller commented regarding borough regulation; adopt by reference. Some language is meant to be a catch-all. I don't want to get hung up by others doing it; but sometimes other entities don't do it well enough. Commissioner Kuhn spoke about what he does at MEA (analysis); I don't think we need to have a sub-section of the borough dictate when to build; let the market dictate. Commissioner Masteller said that this needs to be defined well. Commissioner Scorsby read a list of protections; what do we know that is already covered by other agencies? Commissioner Masteller commented that some of these items are not covered well enough; we sometimes need to have more local control. Commissioner Feige commented that there is no metric for visual resources; it's very subjective. Commissioner Scorsby said there is no regulation where visual resources is covered. Commissioner Feige said that it is referenced but not codified anywhere. Commissioner Tilton referenced a junk yard and visual impediments; already in code. Commissioner Feige said that for the intent for this document to be a frame-work that puts the borough, the concerned public, and the marketplace into consultation with the state, local, and federal agencies that have jurisdiction and regulatory authority over the activity; we expect all of you to get together to talk about these things (items for consultation to include, but not limited to – the list of items). We need to make it clear in the intent that there are regulations and authorities already in existence that talk specifically about these things; make it a case by case basis depending on the type of facility. Where does existing regulation need to be strengthened? Commissioner Masteller commented on exceptions. Commissioner Feige commented that the variance process gets used either way. Commissioner Masteller said that if you don't include language at the borough level then you can't be more restrictive. Commissioner Scorsby commented regarding public need that may be in conflict with different things, so the variances can be flexible to meet the public need. Commissioner Feige said that is to allow robust but flexible regulations. Commissioner Masteller said that if you don't have a good framework and have to have exceptions all the time, the process to get those is cumbersome. The ideal would be to have general common ground; then if something is exceptional it gets dealt with in the variance process. Commissioner Feige said that is why we have the air quality regulations; those didn't get pulled out of thin air; nationwide emissions profiles and other information have been studied. They are well studied and well accepted; good centerline around which to work. Same thing with DOT transportation studies. These are useful and valuable process to go through. Commissioner Kuhn commented about what is already regulated; working with the City of Wasilla. You need a local Planning Commission; to not only look at individual plots of land but need to also look at regional planning. Need to be very prescriptive. Wasilla doesn't have a visual metric. MSB and city planning and zoning need to have a metric. We don't need to open Pandora's box on what is already regulated. Supposed to be already at the community level; people sitting in those

volunteer positions don't understand that. Commissioner Feige commented that the parks already have visual metric, but to her knowledge there is nothing in the borough that deals with visual except for the tower ordinance. Commissioner Scorsby commented on the conflict with visual metrics (highly subjective). Commissioner Kuhn commented that it is also a community tolerance thing. These bigger issues override the local community; no people are looking at broad based community assets. Commissioner Masteller commented that these are regional decisions but they have local impacts; for example the neighbor of the cell tower owner. We don't need to be like the 1950s. Commissioner Kuhn said that many particular properties are impacted; as a society we have decided what is acceptable. Commissioner Feige said that we could take a lesson from the coastal management program (ACMP); paperwork exercise but did a good job in the questionnaire by requiring the permittee to talk with every agency that could be impacted. It forced consultation and required that you have the conversation; understood what the requirements for your project are; Commissioner Kuhn commented that it got so powerful that nobody could do anything. Commissioner Masteller said that it gave local government a voice; but local government has no voice anymore. Nice check list, but the intent was to get rid of local voice. Commissioner Feige said what it did was grow to the point where there was a disconnect between what was required by the agencies for oversight and code and the whole new set of regulations under Title 19. Commissioner Kuhn said that it got to the point where the people that work for the agency would argue with the experts at Fish & Game and DNR.

Commissioner Tilton said let's focus on the ordinance itself. It has one purpose which is to regulate the construction of the facility for electric generation only. Do we agree that if a plant or a generation facility is proposed (Commissioner Kuhn said there is no difference between an electrical generation facility and an electrical power plant), that the public market requirements necessitate that. If that is the case, then we are back to creating the box that this is supposed to regulate. There are two words in the intent that turn the box into a soap bubble: "if appropriate" and "reasonable" development. Those two words move everything away from the business of electrical generation to be a wildcard of the whims of authority. If nothing else, my suggestion is to get rid of these words. If commission is to strike intent and there is no then we are done. Commissioner Feige said that we do need an intent because that establishes the why and what for that follows. Commissioner Masteller asked does group think that the borough needs an ordinance governing the location and development of power plants? Commissioner Kuhn suggests not; he believes that it is all covered. Commissioner Scorsby commented that much of this is covered elsewhere, so we don't need much. We clearly need to define intent. Commissioner Masteller clarified that even though some items are covered by another agency, they would not enforce it. One example is gravel pits; the borough had to make more regulations for gravel pits because the state did not enforce their own regulations. Commissioner Feige commented on mechanism versus standards. Do we know the specific standards for these areas. Commissioner Masteller commented that it was based on the possibility of coal fired power plant. Commissioner Feige commented that it was though that we don't have appropriate regulations to handle the construction and facility location. Commissioner Kuhn commented that the public didn't want coal fired plant in their back yard; that was 99% of the feedback. Commissioner Tilton asked "yes or no on where we are going". Commissioner Feige commented that the borough doesn't need to regulate the planning, development, construction, and operation of electrical power generating facilities; but does think that if there are land use planning standards that are insufficient then they should then interact with these kinds of facilities.

Commissioner Masteller thinks that this was developed because of a genuine concern about a set of impacts of a proposed development. There was plenty time of to get away from purely emotional. Think it is useful. I think 8.32 is in response to the public intent so needs to be there in some form; if it better dovetails with other land use planning, then great. Commissioner Tilton said that he is hearing a 2-2 on going ahead. He is pragmatic; politically don't think we can get rid of 8.32 because it was a response to public concerns. How much can we chop out that is handled by other agencies? I think that we need to wordsmith an intent and leave in those portions that are insufficiently addressed in the borough. We can't control the State. We can control when they have a statute that they are not enforcing; litigation. Commissioner Masteller commented that what has proven to be more effective is to develop our own regulations so that we can enforce. Commissioner Tilton said that the regulation that comes out of here should be those that are not addressed elsewhere. Commissioner Scorsby asked about the enforcement of MSB. Commissioner Masteller said that it is complaint driven. We have code compliance officers to enforce code, but no one knows about a violation if there is not a complaint. Commissioner Feige commented on a fiscal note; you would have to hire an entire cadre of qualified people to deal with some of those complaints. Example regarding air quality complaint. Need qualified people to vet that complaint. How does borough bear that burden and do the tax payers want to pay for that? Commissioner Kuhn commented that is the underlying problem; this borough would have to get a duplicative staff to handle these types of complaints. Commissioner Masteller commented that one thing this ordinance doesn't do is how to dovetail the ordinance with policy we just developed. Incentivize clean energy facilities. Comments regarding the definition of "clean energy". Commissioner Kuhn commented that wind turbines are considered clean energy, but contain a high degree of rare earth metals. Carbon footprint is huge because of materials that go into them. Commissioner Tilton said perhaps we need to have an abbreviated form. Commissioner Masteller said here is another strategy. Start with main document and then tie back to the intent. Commissioner Kuhn commented that he would do the opposite by starting with the intent; fill gap that other agencies do not already cover. Define our intent first and strike things that don't fit. Commissioner Masteller suggested that we get a senior planner here to see what is already covered by some other part of the borough ordinance. Commissioner Scorsby said that the other sections reference other entities. Commissioner Masteller said that those sections are referenced and it gives MSB a chance to be more restrictive if necessary. Commissioner Scorsby asked if we should go back to checklist and require them to attach the document to prove it is there. Commissioner Feige said that she agrees that there is value in the checklist. Commissioner Scorsby said that [while there is value in the checklist] we don't want the checklist to grow into something it isn't supposed to be. Commissioner Feige said that what (the Coastal Zone regulations) did do was keep the local knowledge; you had to interface with the local entity to know if there was a comprehensive plan or an areawide plan. Commissioner Masteller said that's why they want to get rid of it. Commissioner Feige said that she thinks we can remove what is already covered by other areas; through consultation with other entities or the borough we don't think this is stringent enough. Then it would go to a variance process or something else. Commissioner Tilton asked if anyone has gone over intent to say "X" on any part. Commissioner Feige has a marked up copy. Commissioner Kuhn would like to go over it himself. Commissioner Masteller suggested to sit down with somebody in the borough Planning Department (Eileen Probasco or Lauren Driscoll) to bounce ideas off them; what is already covered. Commissioner Tilton requested that each commissioner come back in a month with their document marked up. Commissioner Feige commented that this process would

Im 14-203
OR 14-144

help with redrafting the intent section; we will probably find that it will be one paragraph or so (the nuts and bolts and not all that elaborate). Commissioner Masteller requested that Commissioner Tilton ask for clarity in section B of the intent. Commissioner Tilton said that MSB in its wisdom delegated authority to cities to make their own decisions. I would personally take Section B out. I know that two cities are concerned that stuff was taken away from them; why didn't they get a chance to sit on this commission. Commissioner Scorsby said that is how authority is delegated. Commissioner Feige commented that the Palmer City Council asked regarding the authority to make it areawide or apply to just borough lands. Commissioner Tilton said that they resolved it by making it areawide. Commissioner Feige said that we want to see that the paperwork is in order to see that it was actually done. Commissioner Tilton commented on what he thought were the more onerous regulations statewide; even California doesn't start regulating until you get to 150 megawatts. Commissioner Kuhn answered a question regarding wattage of large power plants; there are no large power plants in Alaska. He would make maximum of about 200 megawatts due to onerous things that could go on and impact adjacent communities. Discussion regarding large power plants and regulated limits. Commissioner Tilton listed a few different states' limits. Discussion regarding encourage small units and how the current 50 limit was set. Discussion regarding the wattage of small facilities in Alaska (UAF, Usibelli, Aurora, Golden Valley, Wainwright). Commissioner Scorsby asked when we go to mark up the intent, what is covered elsewhere. Commissioner Kuhn said that we need to take a stab at it based on your own knowledge. Discussion over what is already addressed: soils (DNR and DEC), geological hazard and resources (DNR), transmission system safety and nuisance (National Electric Safety Code). Commissioner Tilton read a recently published document by the EPA that limits greenhouse gas emissions from power plants required to be built with carbon capture storage. Discussion regarding Southern Company (second largest producer of power in the USA). Comment regarding the regulations being out of date with the new technology; reburning gasses two or three times. Commissioner Scorsby said that socio economics, visual resources and cultural resources, public convenience, are not covered elsewhere. Commissioner Tilton defined public convenience as being whether or not a power plant is needed; a company can't be required to build one.

X. NEW BUSINESS

XI. COMMENTS FROM THE BOARD

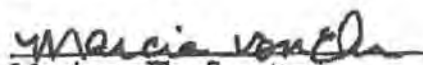
There were no comments from the Board.

XII. ADJOURNMENT

Meeting adjourned at 5:30 pm with a motion by Commissioner MM and a second by Commissioner GK. There was no opposition; motion passed unanimously.


Berkley Tilton, Chair

Submitted:


Marcia vonEhr, Secretary

Mistamisles-Susitna Borough
Regular MSB 8.32 Review Commission Meeting Minutes
Page 5 of 6

Im 14-203
OR 14-144

Minutes approved 4-18, 2014.

Matamoras-Susitna Borough
Regular MSE 8.32 Review Commission Meeting Minutes
Page 6 of 6

Im 14-203
OR 14-144

February 21, 2014

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough MSB 8.32 Review Commission was held February 21, 2014 at the Borough Building, Palmer, Alaska. Commissioner Tilton called the meeting to order at 5:03 p.m.

II. ROLL CALL AND DETERMINATION OF QUORUM

Commissioners present were:

Mr. Berkeley Tilton
Mr. Bryan Scoresby
Mr. Mark Mastellar
Mr. Gary Kuhn

Commissioner absent is:

Ms. Corri Feige

Staff in attendance:

Marcia vonEhr, Secretary

III. APPROVAL OF AGENDA

Commissioner Mastellar moved that the agenda be approved as written with a second by Commissioner Scoresby. There was no opposition. Agenda is approved as written.

IV. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Commissioner Tilton.

V. APPROVAL OF MINUTES OF PRECEDING MEETING

Commissioner Mastellar moved to approve the minutes from January 24, 2014 as written. Commissioner Scoresby seconded the motion. The motion passed unanimously. The minutes of January 24, 2014 were approved as written.

VI. AUDIENCE INTRODUCTION

There was no audience present.

VII. PERSONS TO BE HEARD

There were no persons to be heard.

VIII. AGENCY/STAFF REPORTS

There were no agency/staff reports.

IX. OLD BUSINESS

None.

X. NEW BUSINESS

Need to finalize the resolution to introduce the energy policy to the Assembly. There were resolutions from Commissioner Mastellar and from Marcia vonEhr for Lonnie McKechnie. Discussion: the resolution from Commissioner Mastellar was the desired template with the addition of one WHEREAS statement inserted as paragraph 3; language suggested: "WHEREAS the commission has reviewed many energy policies nationwide and,". Suggestion to change the statement "many energy policies nationwide" to "multiple energy policies". Commissioner Mastellar moved to approve the above language for paragraph 3, with a second by Commissioner Scoresby. There were no objections; motion passed unanimously. Discussion regarding the NOW, THEREFORE, BE IT RESOLVED language. Consensus is that this language is good. Commissioner Kuhn moved to approve the whole resolution with a second by Commissioner Mastellar. The resolution was read in its entirety by Commissioner Scoresby. Discussion regarding punctuation (period or semicolon at the end of the NOW, THEREFORE, statement) with the form of the resolution. Consensus is that a period is correct. Discussion regarding the title of the resolution; consensus is that no version number should be in the final version title. There were no objections; the motion for the MSB 8.32 Review Commission Energy Policy (which was approved on January 24, 2014) Resolution to present to the Assembly was approved unanimously.

XI. COMMENTS FROM THE BOARD

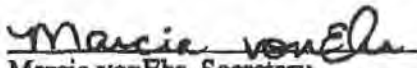
There were no comments from the Board.

XII. ADJOURNMENT

Meeting adjourned at 5:24 PM with a motion by Commissioner Kuhn and a second by Commissioner Mastellar. There was no opposition; motion passed unanimously.


Berkley Tilton, Chair

Submitted:


Marcia vonEhr, Secretary

Minutes approved 3/21, 2014.

January 24, 2014

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough MSB 8.32 Review Commission was held January 24, 2014 at the Borough Building, Palmer, Alaska. Commissioner Tilton called the meeting to order at 4:10 p.m.

II. ROLL CALL AND DETERMINATION OF QUORUM

Commissioners present were:

Mr. Berkeley Tilton
Ms. Corri Feige
Mr. Bryan Scoresby
Mr. Mark Masteller
Mr. Gary Kuhn

Staff in attendance:

Marcia vonEhr, Secretary

III. APPROVAL OF AGENDA

Commissioner Feige moved that the agenda be approved as written. There was no opposition. Agenda is approved as written.

IV. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Commissioner Tilton.

V. APPROVAL OF MINUTES OF PRECEDING MEETING

Commissioner Masteller moved to approve the minutes from November 12, 2013 as written. Commissioner Feige seconded the motion. The motion passed unanimously. The minutes of November 12, 2013 were approved as written.

VI. AUDIENCE INTRODUCTION

There was no audience present.

VII. PERSONS TO BE HEARD

There were no persons to be heard.

VIII. AGENCY/STAFF REPORTS

There were no agency/staff reports.

IX. OLD BUSINESS

Finalize the draft Borough Energy Policy Statement

The Declaration of Borough Energy Policy, as completed so far, was distributed.

Im 14-203
OR 14-144

Commissioner Tilton said that, in theory, all parts of the Energy Policy are approved. Discussion regarding Commissioner Kuhn's submission of Expanding 4(c) (to the Declaration of Borough Energy Policy) via email.

There was discussion regarding the possibility of adding 4(d) to the Declaration of Borough Energy Policy; the email chain of correspondence was distributed and reviewed.

Commissioner Scorsby asked if natural gas should be included.

Commissioner Kuhn commented on the possibility of adding language to include all utility systems and regarding using the term energy infrastructure; current language doesn't apply to water and sewer and telephone.

Commissioner Masteller commented that he agreed with Commissioner Kuhn regarding not duplicating efforts but felt that parts of 4(d) were already incorporated in 4(a), (b), (c). He also commented on the need to streamline 4(a). We don't want to tell local governments what to do, but Gary explained that his intent was not to do that. My suggestion is to expand 4(c) to incorporate Gary's concerns. The document with language expanding 4(c) was distributed.

Commissioner Kuhn said that this was a good bridge to this discussion and only concern is regarding language of energy goals, emissions; want to be specific.

Commissioner Masteller said that this is an energy policy but water and sewer have costs, too. Instead of the term energy infrastructure, use "utilities infrastructure". Do we need a (d) or can this be incorporated into (c)?

Commissioner Feige - going back to the intent of the Energy Policy as we have it, we identify all the key touch points. In 4 we coordinate government functions. We haven't mentioned that Borough energy policy should reduce the burden of energy costs to all residents. We can take Gary's original language, strike out the first part of it, and simply add (d) by supporting the orderly and least cost expansion of all utility systems in an effort to minimize the burden of increasing energy costs to borough residents. Consensus is that this language is acceptable.

Commissioner Masteller mentioned that the other part of that is local governments. We could put in 4(c) by actively collaborating with local governments and state and federal agencies to achieve the Borough's energy goals. We could do that as two different motions.

Commissioner Kuhn asked if permitting aspects are addressed? Consensus is that these are addressed in 4(b).

Im14-203
OR14-144

Commissioner Scorsby moved to approve the revised language of 4(c). Commissioner Masteller seconded the motion. There was no opposition; motion passes.

Commissioner Tilton – now we are on to 4(d) by supporting the least orderly and least cost expansion of all utility systems in an effort to minimize the burden of increasing energy costs to borough residents.

Commissioner Scorsby moved that the revised language of 4(e) be approved. Commissioner Masteller seconded the motion. Commissioner Tilton mentioned using the phrase all utility systems in the borough. This was felt to be unnecessary. There was no opposition to the motion; motion passes.

Commissioner Tilton said that with that said, we now have a complete Energy Policy to present to the Assembly. Commissioner Scorsby moved that this topic be closed and recommended to the Assembly. Commissioner Kuhn seconded the motion. Commissioner Kuhn agreed with getting this moving along, but suggested reading the whole thing comprehensively and distribute by email. Commissioner Scorsby said we were all in agreement at the November meeting. Consensus is to review the finished document via email. Commissioner Tilton indicated that the reason to get this to the Assembly is due to the fact that the commission expires on July 1, 2014. The second part of the charge is the New Business of 8.32. We accomplished the first part of the charge. I am going to recommend to go to March 1, 2015. Question: why don't we just get done by July 1? The document took 2 1/2 years to put together. Suggestion to identify the parts of 8.32 that were objectionable or questionable. Consensus is that it is prudent to extend to March 1, 2015 and potentially finish sooner. Motion is tabled.

X. NEW BUSINESS

Commissioner Tilton suggested to go over items that were so egregious that were already captured in state law and a regulatory process. Would it be a simpler method to start from scratch rather than to wade through this whole thing? Commissioner Feige commented that it is structurally difficult to follow; went to other sources that provided guidance on moving through large permit processes (highlighted a publication called State Generation and Transmission Siting Directory – Agencies, Contacts, and Regulations – pdf format). Extended discussion regarding how best to undertake this document; we don't want to duplicate efforts of what has already been done by others.

Commissioner Tilton reviewed Resolution 13-009; to review the charge: one is revision, the other is repeal. Commissioner Tilton then read the IM to the Resolution. MSB 8.32 came about in 2007 as a response to coal development; was passed in 2009. Commissioner Tilton said have we reviewed this enough to vote to repeal?

Commissioner Masteller said he would not vote to repeal; only covers electrical generation plants.

Commissioner Kuhn said it goes beyond that.

Im 14-203
OR 14-144

Commissioner Masteller said that someone in 2007 had a huge concern and the Assembly at that time spoke the public's voice; I want to honor that concern.

Commissioner Scorsby said the reason that we have this commission is to consider repeal; there are questions from public today to question its validity. The charge we have is from current administration. I suggest that between this and next meeting we review the whole document and then decide to repeal or not.

Commissioner Kuhn said I don't feel if we were to consider repeal that it would be insensitive; part of charter is to identify part or whole thing; start from scratch concerned about length of time to address this. Concerned about all things in here from a monetary and air quality standpoint. I think it would be simpler to repeal this one and start a new one.

Commissioner Feige commended that about 30 days ago the EPA has new regulations for power generating stations which makes an enormous chunk of this thing outdated and obsolete. I do agree that there is political danger for outright repeal, but I would like some direction from the Assembly and Administration. Draft what we feel would be appropriate and suggest replacement. Need clarity on key items of planning authority; process for public input; note that the State has primacy over waste water and air quality program. This document is outdated, atrocious structurally, and duplicative of existing state programs that have jurisdiction; but repeal would be dangerous politically; offer a replacement for this document.

Commissioner Tilton said that I don't want to actually repeal but have no problem removing 8.32.01 through 8.32.240 inserting these 6 pages. That's where my recommendation is.

Commissioner Kuhn said that if we don't repeal it, are we going to end up with 2 documents? Commissioner Tilton said, No we are going to recommend these as changes.

Commissioner Masteller said I would not ask for clarity or guidance right now; we believe these are the major areas to change. Don't use the word "repeal".

Commissioner Feige will email to each member the website location of questionnaires for activities that require permits. This site deals with duplication; points to where the State has primacy; references to EPA (federal). State of Alaska has air quality program which is proctored by the EPA.

Commissioner Masteller asked about the intent of A and B of 8.32 which is about electric generation? Commissioner Scorsby asked if the borough also have other chapters that deal with other utilities? No. This document only addresses generation facilities; transmission lines are incidental.

Commissioner Masteller said I believe it would be wrong to change or expand the intent.

IM14-203
OR 14-144

Commissioner Feige agreed with Commissioner Masteller about the title. Stick with that title. Then, if needed, amend the intent language to bring it back to the title.

Discussion regarding the 50 megawatts that are addressed in 8.32; discussion regarding the program PURPA (selling energy back to the grid).

Commissioner Tilton requested each member to review 8.32 that this language is correct; no punctuation or grammar. Repeat never got a motion or a second; don't repeat, but revise.

Commissioner Masteller asked for opinions on distributed generation as part of 8.32. Distributed generation is basically one big generator or a few and then lots of smaller generators; one out of 30 going down is better than one out of 6 going down. Commissioner Kuhn comment regarding certificated areas of service. Incentives are in place to buy power.

Commissioner Tilton again asked that each member review 8.32 and focus on the intent (A and B). If you have any templates from other sources, bring them to the next meeting.

Commissioner Kuhn moved to adjourn.

XI. COMMENTS FROM THE BOARD

There were no comments from the Board.

XII. UPCOMING MEETING

A. Verify Future 2014 Dates

February 21, March 21, April 18, May 16, June 6 (refrained). Consensus is that these dates with the exception of June 6 are acceptable.


B. The Commission expires on 7/1/14, so if an extension is needed, the legislation will have to be in by 5/20 for the 6/3 meeting.

XIII. ADJOURNMENT

Meeting adjourned at 5:30 PM.


Berkley Tilton, Chair

Submitted:


Marcia von Ehr, Secretary

Minutes approved 2/21, 2014.

IM14-203
OR14-144

**MATANUSKA-SUSITNA BOROUGH
MSB 8.32 REVIEW COMMISSION MINUTES**

REGULAR MEETING

November 12, 2013

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough MSB 8.32 Review Commission was held November 12, 2013 at the Borough Building, Palmer, Alaska. Rachael Richardson called the meeting to order at 4:08 p.m.

II. ROLL CALL

Commissioners present were:

Mr. Berkeley Tilton
Ms. Corri Feige
Mr. Bryan Scoresby
Mr. Gary Kuhn
Mr. Mark Masteller

Commissioners absent were:

none

Staff in attendance:

Ms. Rachael Richardson, Secretary

III. PLEDGE OF ALLEGIANCE

Led by Commissioner Tilton

IV. AUDIENCE INTRODUCTION

Frankie Barker from the MSB Fish & Wildlife Commission was in attendance. Jim Sykes was also introduced as MSB Assembly member, District 1.

V. PERSONS TO BE HEARD

There were no persons to be heard

VI. AGENCY/STAFF REPORTS

Commissioner Masteller introduced a webinar coming up regarding Energy Decision Making

Im 14-203
OR 14-144

VII. APPROVAL OF AGENDA

GENERAL CONSENT: The agenda needs to be amended, with removing item IX.

IX. APPROVAL OF MINUTES

A. October 23, 2013

MOTION: Minutes approved

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

Review Energy Policy

Commissioner Tilton started with changes to the Energy Policy Declaration.

Commissioner Feige noted that the preamble should be the intent of the entire policy.

There were many changes, additions, and deletions to the Declaration. A final copy with tracked changes was passed out to the group for review. We were able to work through all the way to the end of 4 (c).

This group is getting close to a final Declaration and hope to start on MSB 8.32 at the next meeting.

XI. COMMISSION COMMENTS

Completed tasks are to be emailed to Ms. Richardson, who will assemble them and send out to all commissioners, if applicable.

- Commissioner Scoresby is going to rewrite 3 (c) and have ready for next meeting

XII.

Meeting adjourned at 5:45 PM.


Berkeley Tilton, Chair

IM14-203
OR14-144

Submitted:

R. Richardson
Rachael Richardson, Secretary

Minutes approved 1-24, 2014.

COPY

**MATANUSKA-SUSITNA BOROUGH
MSB 8.32 REVIEW COMMISSION MINUTES**

REGULAR MEETING

October 23, 2013

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough MSB 8.32 Review Commission was held October 23, 2013 at the Borough Building, Palmer, Alaska. Rachael Richardson called the meeting to order at 4:12 p.m.

II. ROLL CALL

Commissioners present were:

Mr. Berkeley Tilton
Mr. Bryan Scoresby
Mr. Gary Kuhn
Mr. Mark Masteller

Commissioners absent were:

Ms. Feige

Staff in attendance:

Ms. Rachael Richardson, Secretary

III. PLEDGE OF ALLEGIANCE

There was no pledge of allegiance

IV. AUDIENCE INTRODUCTION

Randy Hobbs was introduced from Alpine Energy. Ron Arvin was also introduced as MSB Assembly member, District 3.

V. PERSONS TO BE HEARD

There were no persons to be heard

VI. AGENCY/STAFF REPORTS

There were no agency or staff reports

VII. APPROVAL OF AGENDA

GENERAL CONSENT: The agenda was accepted as written.

Im14-203
OR 14-144

IX. APPROVAL OF MINUTES

- September 10, 2013

MOTION: Minutes approved

IX. UNFINISHED BUSINESS

Commissioner Tilton received a phone call back from ENSTAR, but they are declining the Commission due to the fact that it is too political. There has been no response from the Fish & Wildlife Commission. They were encouraged to at least show up to one meeting a present any questions.

X. NEW BUSINESS

Review Energy Policy

Commissioner Tilton spoke of the 4 common threads as a key part of the policy.

- Energy Conservation, a source of energy itself.
- Energy Education, teaching not only to college levels but also to high school levels.
- Streamlining the Regulatory Process, the one in place in cumbersome
- Energy Audit Programs, a 250 million energy efficiency revolving grant funds for Government buildings so there may be funding to get started.

Commissioner Masteller agrees with the 4 threads. The terms "saves money" and "energy efficiency" should be considered in terminology. Remember to cautious on broad policies. Reducing energy costs to taxpayers is a big issue in the public sector. Wants to know how much of the policy they should target.

Commissioner Kuhn wants to expand on the definition of "Incentivize". Energy audits will also be helpful in the policy.

Commissioner Tilton discusses how the Assembly could collect taxes from oil companies and property owners. Alternative energy costs more.

Commissioner Masteller suggests to leave the "Incentives" broad to leave room for future options and has supplied a list of potential programs to the Assembly.

More discussion and questions followed.

- Focus on borough operations and how to reduce costs -- comes down to buildings and vehicles, and how we conserve energy. Doesn't apply to private sector. Need incentives for residential and commercial. Look at financial institutions that will back the Borough with incentives.

- Place to start is benchmarking or recording current energy use. State and schools are doing this. Energy policy needs to include this.
- Each board member took the State's policy and will rewrite it to fit the needs of the Borough, but not just the Mat-Su Borough.
- Look at cost of fuels. Renewable energy such as solar and wind. They have no fuel costs.
- Natural gas is expensive, reduce the cost
- Critical we measure resources
- Entities moving toward sustainable and tractable energy
- Need clean energy
- Stable pricing.
- Renewable energy vs Non-renewable energy
- Won't be a quick transition/takes time
- Regulation makes energy costly
- Secure abundant and reliable sources
- Look at subsidies for energy policy
- If you do energy conservation, you do less and pay less
- Have Valley Utilities give a presentation

Commissioner Kuhn says that green power is not constant and still needs to be backed up by fossil fuels. Cannot move to 100% renewable energy. Nuclear energy has maybe a 50 year time frame to be taken out completely so it still needs to be in the policy.

Commissioner Masteller wants to work with local utility companies for the verbiage in the broad energy policy. Also adding language to enhance local "Distributed Generation" making more energy in more areas to encourage economic development.

Randy Hobbs spoke up that the State has regulations for energy efficiency but they are not enforced and if they can get this updated, the Borough would send a message.

Commissioner Tilton would like to raise public awareness about decreasing energy consumption with simple ideas like turning off lights and just using less energy.

XI. COMMISSION COMMENTS

The following tasks were assigned to be completed by November 5 (a week before the November 12th meeting.) Completed tasks are to be emailed to Ms. Richardson, who will assemble them and send out to all commissioners.

- Commissioner Tilton will make sure to forward an updated, working copy of the suggested changes to the Energy Policy to Rachael Richardson.

XII.

Meeting adjourned at 5:29 PM.


Berkley Tinton, Chair

Submitted:


Rachael Richardson, Secretary

Minutes approved Nov. 12, 2013.

COPY

**MATANUSKA-SUSITNA BOROUGH
MSB 8.32 OVERVIEW COMMISSION**

REGULAR MEETING

SEPTEMBER 10, 2013

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough MSB 8.32 Overview Commission was held September 10, 2013 at the Dorothy Swanda Jones Building, Palmer, Alaska. Commissioner Feige called the meeting to order at 4:04 p.m.

II. ROLL CALL AND DETERMINATION OF QUORUM

Port Commissioners present:

Ms. Feige, Vice Chair
Mr. Bryan Scoresby
Mr. Gary Kuhn
Mr. Mark Masteller
Mr. Berkley Tilton joined the meeting at 4:10 pm

Port Commissioners absent:

None

Staff in attendance:

Ms. Kathy Rocci, Secretary

III. PLEDGE OF ALLEGIANCE

Ms. Rocci led the Pledge of Allegiance.

IV. APPROVAL OF AGENDA

GENERAL CONSENT: The agenda was accepted as written.

V. APPROVAL OF MINUTES

A. August 28, 2013 Regular Meeting

MOTION: Commissioner Masteller said the word "distributive" should be "distributed" on page 4. Commissioner Feige said page 2, F., second paragraph, 3rd sentence, should read "policy is driven by economics and power costs." And page 3, last paragraph, 4th sentence should read, "federal, state and local code and work from that". Commissioner Tilton asked for any other amendments. There was no objection. Minutes approved as amended.

Im14-203
OR14-144

VI. AUDIENCE INTRODUCTION

Commissioner Tilton asked the audience to introduce themselves: Warren Keogh, Assembly member for District 1.

VII. PERSONS TO BE HEARD

There were no persons to be heard.

VIII. AGENCY/STAFF REPORTS

There were no agency or staff reports.

IX. UNFINISHED BUSINESS

- A. Commissioner Tilton – Update on contact for Enstar and MSB Fish and Wildlife Commission.
 - Made calls to Dan Deedy and no response. Felt he should go on to someone else in Enstar. Called MSB Fish and Wildlife Commission, including Assembly member Jim Colver, and got no response. Commissioner Masteller talked to Jim Colver. Jim Colver confirmed that he had wanted someone from the MSB Fish and Wildlife Commission on this board. He had asked everyone on the MSB Fish and Wildlife Commission to apply for a position on this board and had no luck. Commissioner Masteller suggested going a different direction and treat the MSB Fish and Wildlife Commission as technical resources and ask them formally if they would like to visit us once or twice at their leisure to give us their concerns. Commissioner Tilton had concerns that is not the assembly direction, is still going to try to get someone from each of those sectors. Commissioner Masteller asked if Commissioner Tilton had a time frame to go to plan B. Commissioner Tilton said we would go to plan B as we need it, but will stick with plan A.
- B. Commissioner Feige – Update on DNR catalog of resources.
 - She sent a web link to Ms. Rocci to send out to all the commissioners. It is Google earth based. There is a link within that to mapped products. Still working out how to generate maps. Can pull up wind, solar, geothermic, hydro, etc. and zoom in on that. There are all sorts of contributing energy resources out there. It is instructive and simple to navigate. Encourages everyone to go and play around on the site.
- C. Commissioner Scoresby – Update on nationwide history on financing energy projects, and its criteria.
 - Strategies for funding falls into several general areas: public funding, philanthropy, earned income, real estate grant/leases, and grants.

IM14-203
OR14-144

Massachusetts.gov had an interesting piece on economic development. AIDEA has similar economic funding. In summary, Journal of American Planning Association underestimated the cost of work projects.

- Commissioner Feigs stated she would be interested, from a project management perspective, to see how many of these transportation infrastructures that were studied were projects at a billion dollars or in excess, and wherein they are classified as megaprojects. They are a different animal and we track this because the energy projects that we are scoping in Alaska are all in that category. Tend to note that a great number of them either go over cost or over schedule; if it's 1.5% it is considered a failure.
- Commissioner Masteller asked what the connection to energy policy was, and were you looking at how it connected to energy projects and energy policy. Commissioner Scoresby stated this was financing of any project, being energy or non-energy, which is common, and carrying that to the policy, you still have to know how to get a balance, and you have to have a method and plan or action.
- Commissioner Tilton asked if he found anything on private financing for smaller energy projects. Commissioner Scoresby stated he did not search that. Commissioner Tilton asked that Commissioner Scoresby do the research on some private funding and what makes a successful project for smaller projects. Our plant is \$300 million.
- Commissioner Masteller suggested we need a scope. What do we want to do, before Commissioner Scoresby does research? Was hoping we were going to have an energy policy, develop a scope that says are we talking about borough operations or incentivizing the private sector, so would like to spend time on, "what is our scope"?
- Commissioner Tilton wanted to look at the private area because he was looking at policies on the state level, nationwide, all 50 states. There are 50 different policies, but there is a consensus that what is producing the best results are a combination of private and public policy incentives. Commissioner Masteller stated that the group should first agree what is the scope or breadth of our work product. If the work product says we just want to deal with borough operations we'll think about that or, if part of that product is incentivizing public private partnerships, that is fine too. Commissioner Tilton stated we can't make that determination unless we have this little bit of information to say, "Here's what happens in the world" so we aren't insular to this area, and saying that we're not to form it from there. Commissioner Masteller said, "I guess I would disagree that we couldn't make the call right now of saying, 'hey, the policy is going to be limited to borough operations. Or we could make it broader which

means now we are connecting to the private sector in some way, shape, or form, it's another facet. The way I look at it is, we need to figure out the scope and mainly what the broad policy would be, and then how does 8.32 fit into all that'. Commissioner Tilton said, "again, I'm right back to how we get to that policy we need in general, not anything real specific about what's available in the public sector which is a start, it helps form it, and something similar, is there anything in the private sector that is going on? With that information we say, let's focus on borough or if we are looking at an energy policy that is supposed to be based on what the assembly said is sustainable, and supports the economic development goals and the diversification of the local economy. They have already given us the scope of work by saying it's beyond the borough. Commissioner Masteller said that our energy policy can be broad. Feels that the importance of the group is to say, "Where do we want to go"? Part of that is what do we think we have control of?

- Commissioner Feige offered that in IM 13-035 the summary statement lays out the scope of what the assembly requested in the way of a policy. It states that, "as a part of the goal to accomplish economic development and any diversification of its economy, the Matanuska-Susitna Borough needs to establish an energy policy that provides an abundant source of reliable inexpensive energy from one or many sources." She stated that, in her mind, that establishes a scope that is not only Mat-Su Borough and governmental operations and operations of borough facilities, but also casts an eye to economic development which is programs that can help with conservation or incentivizing energy development projects in the private sector which then leads to diversification of the borough economy. Commissioner Masteller stated that if the group agrees that that's two of the parts of our broad policy, he is happy. Commissioner Tilton stated that resolution 13-009 is very specific, "the duties are to establish an Energy Policy for the borough that supports the economic development goals and diversification of the local economy", which in the summary paraphrases that same thing. How we accomplish the scope might be a different story, but our scope needs to include more than just the borough. Commissioner Kuhn doesn't think that the commission can surmise that the authority would go beyond the borough, but encompasses and is applicable to more than just borough operations. The state policy broadly addresses a lot of diversity and economics and is an energy policy that may be in the private sector and public sector and we may mimic that kind of approach and really limit it to the Mat-Su Borough.

D. Commissioner Masteller – Update on contacting Alaska Energy Authority.

- Sent a link to everyone and gave the commissioners a handout of a summary he put together that supports energy efficiency and renewable energy. AEA has broad databases that talk about energy projects, such as hydro. When you go to their website, you can find hydro and can find

IM14-203
OR14-144

project specific information when you click on the right project. They also have information on timber, and biomass. Plenty of project specific information on renewable and biomass energy.

- Commissioner Tilton had a pdf of the study completed for the borough by Dr. Paul Metz, "Economic Analysis of Rail Link Port MacKenzie to Willow, Alaska", November 2007. Has everything from coal, minerals, lime, forest, biomass, petroleum and natural gas. One of the best overviews. Commissioner Masteller had a report, "Alaska Energy, A First Step Towards Energy Independence", January 2009. He stated, "The main take-away from this is, if you are talking rail belt electricity, this report isn't really a part, it says you are going to go to the integrated resource plan, which is a different report than this. It is focused on rurals in a lot of ways, but a good resource for the borough in some ways."

E. Commissioner Kuhn – Update on MEA report that describes the challenges of MSB 8.32

- Report talks about, on a concept level, rough magnitude costs (best case, worse case) coming down to natural gas plant or coal power plant. He said the range of natural gas plant and the implications of permitting the Mat-Su Borough were \$9.5 - \$10.9 million and the coal plant was \$10.7 - \$12.3 million. That is what killed the initiative in the borough for a power plant. He doubted a power plant of this magnitude is going to be built anytime in the future in the Mat-Su Borough because there isn't a need for it on a level of that scale. Looking at 8.32 he would be an advocate of starting over. A lot of pragmatic things in the current policy and ordinance, and there is plenty of time to address it. Commissioner Feige wanted to know if we have a sense with the projected growth in the borough of what the next size of power requirement might be. He answered that they go through extensive studies of what the requirements will be. It is an engineering judgment. Said we are growing 1 to 1.5 percent and we are the only place in the State of Alaska that is growing right now from an energy standpoint. Their power plant is designed to accommodate two more generation units which will take us well into 20+ years in the future. High peak load is 148 megawatts; MEA is building 171 megawatt plant and have room for another 35 megawatt plant. Load is growing in the core area. Advised that MEA has a 15 year and 30 year long range plan for transmission improvements, which they update every five years. Last update was in 2010. They plan for low and high scenarios. Said we should pay attention to develop hydro to stay off of natural gas and generation. Opportunities up on Fishhook. You can predict energy output for hydro. Wind generation is off the wall because you have to follow it with engines or gas turbine combustion-type of machines because the wind dies down. Need incentives for those types of things. The bottom line is a lot of the purpose for the original code for this

Im14-203
OR14-144

policy is obsolete now. It was taken from California. Want to take the time to write it specific for Alaska.

- Commissioner Masteller asked when we are talking about 8.32, you mentioned about \$10 million to site that plant in the borough. How much of that money was spent in Eklutna? Commissioner Kuhn responded it wasn't near that magnitude. Commissioner Masteller said he would like the numbers when it comes time to discuss it. Commissioner Kuhn said he would find the information. While reading through the report, from a permitting standpoint, don't want duplication because the state and federal agencies already have this, and there is no expertise in the borough to handle that.
- Commissioner Feige stated probably feeds back into Commissioner Scoresby's comments about financing schemes because she's thinking about it from the standpoint as a borough resident we want to be able to attract the energy base that will support the populace of the borough and help drive the economy. Important to craft a policy to protect the public interest, but is balanced in that it is a workable framework for business and entities like MEA who want to come here. It helps us twofold: a. with more cost effective energy, and b. with jobs and taxes. She liked the state statute that Commissioner Masteller sent out. It is encompassing, talks about what it aims to do, it establishes a framework for incentive programs to be developed, but it doesn't dictate.
- Commissioner Masteller stated that from a policy perspective, it makes many good points. He stated that in the lower 48, utilities found that providing affordable and stable energy is critical to economic development, and is far cheaper to encourage efficiency and conservation than it is to build generation plants. He wants the commission to consider this.
- Commissioner Tilton commented he thinks hydro is best long term power generation, even though there is higher capital up front.

X. NEW BUSINESS

A. Establish an energy policy

- Commissioner Tilton had a copy of, "Empower North Dakota Comprehensive State Energy Policy 2010-2025". (see attached) He looked at all 50 states websites then looked at sustainable energy think tanks. North Dakota was consistently in the top 20%. The executive summary is quite succinct, though some of it doesn't fit us. Heavy on conservation but it is a starting point. Effective on taking what they had

Im 14-203
0R14-144

and creating a few more things. North Dakota is leading with carbon sequestration that has workable plan for coal plants. He would like the commissioners to take a look at the policy.

- Commissioner Masteller feels is a great example, but for him it starts with where do we want to go? We could say, "Do we want to reduce use in our borough buildings by x percent by x years, or all borough buildings? And we could ask, "Do we want to have incentive programs that mirror the state or feds"? It is common for municipalities to max the federal program instead of create incentives.
- Commissioner Tilton wants borough vehicles added to borough buildings.
- Commissioner Masteller stated we could have a statement that says, "It's the goal of the borough to transition to clean energy and energy efficiency, to provide inexpensive or affordable stable priced energy." The goal being to transition to clean energy and energy sources. Want that to be a large goal.
- Commissioner Scoresby would like to start on what are our resources and what can I make with it. Get a catalog of resources and then can think of what works best, what I can do with this, etc. then identify and channel it down.
- Commissioner Tilton asked if he is talking about borough resources itself on borough building and vehicles, or about what is in the borough that generates energy as a resource.
- Commissioner Scoresby responded he would do the same process for both scenarios. We both sources of energy in and outside the borough and which one would our policy encompass. In a general statement we could say, support and pursue the Watana Project for hydro generation.
- Commissioner Masteller concurred that we start with broad statements and how much we want to get into specifics, one of them being benchmarking energy use in all borough buildings. Confirmed that commissioner Scoresby wanted a list of our energy resources. From a broad policy perspective would want to say things like "encourage use of hydro and biomass, not going to get into the needs of homes. The borough has a policy that their new buildings will be built to LEED silver standards. It isn't written in code. We could say that the borough should go to LEED gold. (Within LEED, there is an energy component.) But when we start getting into the private sector it is a whole different world of incentives and what does the borough have to offer.

- Commissioner Scoresby commented that those are all levels of efficiency. What does it cost to build to that level?
- Commissioner Feige agreed that a cost benefit analysis from a public sector standpoint, what is the cost benefit to build to that level?
- Commissioner Masteller stated that is where life cycle costing makes a difference in procurement language makes a difference. Also think about public buildings being 50 years old. Problem is we left them to spend a little bit more up front to save the public a whole bunch of money down the road.
- Commissioner Tilton asked where the money comes from to benchmark the cost in borough buildings. Commissioner Masteller stated that when you want to save energy or money, you want to know what you are spending. If you don't measure it, you can't manage it. Said the school district has all their schools in a database where they know everything the schools uses. Commissioner Tilton asked if he has a LEED person at the school district. The person's name is Don Carney, head of maintenance, and Ricky Jenson. The policy statement would be, "we think the borough needs to have benchmarking of all the buildings.
- Commissioner Kuhn commented there are a number of levels of energy audits. From a policy standpoint, you can measure, fix it, change it, or you can benchmark it. It would be good to establish future construction standards. Gave a presentation to Mr. Carney and his group that some school buildings were perceived to be consuming way to much energy, like Houston High School, which was built a long time ago, had old technology, didn't have variable speed drivers and floaters, which consumed energy all the time. He told them that when they do their maintenance they can replace the old technology with new technology and get the savings automatically. There are electrical engineers and consultants around the state that help identify energy costs. He stated you want to see how you can incentivize that in the policy for borough buildings. When you get to the private sector than you need to think of how people buy houses and usually comes with a mortgage, and if the mortgage holder has a requirement to meet borough code or standards, and the standard says, "thou shalt have a silver or gold level, then you're going to drive the cost of the house up and drive energy consumption down". It's a balance.
- Commissioner Tilton mentioned that the Alaska Housing Finance Corporation went to six star energy rating.
- Commissioner Feige commented she had the state energy policy in front of her (AS 44.99.115 Alaska Energy Policy) and everything we are talking

Im14-203
OR14-144

about we could substitute Mat-Su Borough where it says State of Alaska. Maybe this is a good place for us to start. Commissioner Tilton commented on Mark's handout of legislation HB 306 and SB 220 for 2010. The act is a bit broader than the statute. The two bear a little more looking at.

- Commissioner Masteller was ok with using this as a start and hopefully go further by saying, "in borough facilities we would like to reduce energy use by this percentage by this date." If we want affordable energy, we need to say what we want in the long run is our system to be based on efficiency and renewable energy. This is our direction; our direction is to a clean energy economy which fits in with our economic development plan which says, "Clean technology and rural energy is one of the opportunity sectors". (Page 5 & page 21 of MSB Strategic Economic Development Plan). That should be our framework heading towards clean energy which includes efficiency.
- Commissioner Kuhn agreed, but the target is unrealistic because you have new buildings and old building and you have more opportunity in other buildings. New buildings are being designed with new technology that gives you most of that savings. Has a hard time picking that target for buildings. That said, I want 50% more efficiency and that may be unrealistic to buildings that are new, and you establish a goal that is unachievable, so how do you address that?
- Commissioner Masteller responded you put a target date on it and you benchmark it. There is plenty of data that says if you pick 30% or 50% as a goal, there are ways to get there, but you have to have that goal. Said state has a revolving loan program meant for municipalities that the Alaska Housing Finance Corporation developed. We could say in our policy statement should say we need to check out that loan program.
- Commissioner Kuhn said the major energy in schools is heat and lights. If you go to all LED lighting it costs \$72 dollars a tube, so from a life cycle cost, if doesn't pay. You can force this policy and get there but is it economical thing to do?
- Commissioner Masteller said, "No that is where you put life cycle costing into the equation. You say if it doesn't payoff, you don't do those things.
- Commissioner Kuhn stated, "But you mandated the goal that I have to put 50% or 30%, and commissioner Masteller interrupted him.
- Commissioner Masteller gave Mechetanz School as an example of a brand new building that was built to use 50% of the energy of a normal building itself, and it did its first year. Then the school district reduced energy by

another 50% by managing fans HVACs, etc. Doesn't want to come at this as unrealistic, wants a policy statement that says we want to get somewhere. Part of the policy statement if it's not economical, of course we aren't going to do it.

- Commissioner Kuhn stated you get there with technology and human intervention. Technology is very expensive and it fails, then you need to replace it. You've lost your opportunity.
- Commissioner Masteller asked, "Are you saying we shouldn't go there?"
- Commissioner Kuhn said, "No, we need to write the policy such that it is realistic and flexible."
- Commissioner Tilton stated he was hearing a stress on clean energy and there are 50 statewide definitions of clean energy, so that is something to look at. Being strong in technology is huge. Five years ago full coal carbon sequestration at a coal plant wasn't even thought about.
- Commissioner Masteller took issue to that statement. They have been talking about coal sequestration for 20 years and haven't achieved anything yet.
- Commissioner Tilton stated Alaskan coal is low sulfur, is bituminous coal that burns cleaner than anything else. That is a resource going to clean energy using technology. In this valley we have 250 years worth of resource.
- Commissioner Feige replied to Commissioner Tilton. In the language approach, setting a goal is fine. In the Enrolled HB 306, page 2, the goals were set out in the introductory phase of the act. They established the goals in putting the policy together and from that crafted the greater policy. We can't craft a policy that gets us into an enforcement scenario where we say "thou shalt", over the language where we write it robust, we set some goals. Given what we know right now, today, data available to this group, we think that setting for a borough facility a goal of 25% or 30% energy efficiency by 2025, we can put that out. It can then be referred back to future ordinances that come out of the borough as the borough starts to craft other policies. The guidance is there. Through that logical process, the cost benefit analysis comes in, the cost of technology, finding is it too expensive, will the public support it if there is a huge debt number that is associate to it. That is the other balance that comes into this. Likes the idea of establishing goals and putting out there that we believe these are achievable. You have to have something to work to and by doing it in a similar fashion to the way the state set theirs for is a good

IM14-203
OR14-144

structure. They it with robust and flexible language that leaves it out there to the sway of what is affordable.

- Commissioner Masteller stated that is why he brought the idea of are we going to the private sector because there is no way we are going to develop a building code that says, "Thou shalt". We can say, "The borough should do something".
- Commissioner Tilton referred to the North Dakota study that had samples what they did to incentivize. Everything from sales tax, property tax, personal tax credit, is some of the things the group can talk about. What does the borough sell as incentives? They have property tax. Let's say Wal-Mart was given an incentive to increase their efficiency and they had a reduction in borough property tax of two, three or ten percent. There are two factors: you have the public part of the borough where a policy could be set there, and then you have the other side. If you want affordable energy it will come from the private sector, not a government program.
- Commissioner Masteller agreed, but that isn't the point. Part of his point is if you want to develop an incentive program is he is behind it, but we need to know how to craft those. The first thing we want our policy to do is show people we are trying to save them money, and that's borough operations. The second part might be, if you want to make an attractive place for businesses and homeowner how do we incentivize them to have inexpensive energy? We don't have that much to work with.
- Commissioner Feige stated it in the calculation of crafting of what those incentive programs would look like the borough finance department would have to go through the process of saying, "If we had x number of people participate it doesn't come as a deficit or put the borough financially in a hard state. Hopefully what we save on borough facilities offsets what is being granted back.
- Commissioner Tilton said it should be part of the policy that the assembly enacts the details.
- Commissioner Masteller stated that the borough needs a life cycle costing language in the procurement process.
- Commissioner Tilton added, then you throw in a property reduction incentive for the construction of any type of generation plant, maybe put some sides on it, maybe some setting up a windmill and feeding back to MEA.
- Commissioner Masteller stated he is talking procurement policy that the borough has, not people in the borough. The state passed a law recently

IM14-203
OR14-144

giving a municipality the authority to NOT tax energy as a property tax. No municipality has taken the state up on its offer. He contacted the Borough Assessor, and the borough isn't, and doesn't consider, assessing equipment at a higher property tax rate.

- Commissioner Kuhn suggested taking a look at AS 44.99.115 from the perspective of crafting a borough-wide policy. Let's get it written and share it. There was concurrence. Commissioner Scoresby asked if this would be our homework for next meeting, to rewrite it for the borough. Commissioner Kuhn said, "Yes".
- Commissioner Feige said she would try to get AS 44.99.115 as a word document out of Basis, or run pdf through Adobe.

XI. COMMENTS FROM THE BOARD

- Commissioner Masteller stated if anyone wants to know more about the Six Star Program there will be a presentation at the Mat-Su College on Saturday, September 28th. Alaska Center for Appropriate Technology will be the presenter. There is a cost to register.
- There were no other comments.

XII. UPCOMING MEETING

XIII. ADJOURNMENT

The regular MSB 8.32 Overview Commission meeting adjourned at 5:45 pm.


Berkley Tilton, Chair

Submitted:


Rachael Richardson, Secretary

Minutes approved Oct. 23, 2013

Im 14-203
OR 14-144

COPY

**MATANUSKA-SUSITNA BOROUGH
MSB 8.32 REVIEW COMMISSION**

REGULAR MEETING

AUGUST 28, 2013

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough MSB 8.32 Review Commission was held August 28, 2013 at the Borough Building, Palmer, Alaska. This being the first meeting, Kathy Rocci called the meeting to order at 12:30 p.m.

II. ROLL CALL

Commissioners present were:

Mr. Berkeley Tilton
Ms. Corri Feige
Mr. Bryan Scoresby
Mr. Gary Kuhn
Mr. Mark Masteller

Staff in attendance:

Ms. Kathy Rocci, Secretary

III. PLEDGE OF ALLEGIANCE

Commissioner Scoresby led the Pledge of Allegiance.

IV. AUDIENCE INTRODUCTION

Commissioner Tilton asked the audience to introduce themselves. There was only one person in attendance. She introduced herself as Patricia Rosnel.

V. NEW BUSINESS

A. Elect a Chair

MOTION: Commissioner Tilton moved to nominate Commissioner Feige as Chair for the Commission. Commissioner Feige declined and said she would be willing to serve in another capacity for the commission. Commissioner Masteller moved to nominate Commissioner Tilton as Chair. Commissioner Feige seconded.

VOTE: Everyone agreed.

B. Elect a Vice Chair

Im 14-203
OR 14-144

MOTION: Commissioner Masteller moved to nominate Commissioner Feige as Vice Chair. Commissioner Scoresby seconded.

VOTE: Everyone agreed.

Commissioner Tilton took charge of the meeting from here.

C. Discuss a day and time to meet each month

It was suggested that Tuesday at 4:00 PM is a good time to meet. Everyone agreed to the second Tuesday of the month. Commissioner Feige suggested at least two hour meetings initially. The next meeting will be Tuesday, September 10, 2013.

D. Review MSB Code 4.05 – General Procedures

All commissioners had reviewed the General Procedures. The question came up about what constituted a quorum. Commissioner Tilton referred to MSB Code 4.05.080. "A majority of the number of authorized board seats shall be a quorum for the transaction of business", which is to say, four (4) attending members would establish a quorum.

E. Review MSB Code 2.71 – Code of Ethics

All commissioners had reviewed the Code of Ethics. There was no further discussion.

F. Review Assembly Resolution 13-009

Resolution 13-009 is a resolution of the Matanuska-Susitna Borough Assembly establishing a temporary commission to review and recommend MSB energy policy and potential changes or repeal of MSB 8.32.

The following question was raised "do we need to refer to code 8.32 only or what is government role"? Comments made that MSB pays a lot of money for energy. Energy policy is driven by economics and power costs. The bigger picture is economic growth. Commissioner Feige suggested drafting a simple Energy Policy statement first that sets the framework and intent for MSB 8.32.

Commissioner Tilton asked, "How are we defining energy"? Commissioner Masteller commented that there are three basic types of energy:

- Electricity
- Space heating
- Transportation

Commissioner Tilton asked why no one from the MSB Fish and Wildlife Commission was on the board. Ms. Rocci advised that Frankie Barker, Planner II from the Borough had been asked to contact them to see if anyone would be interested in applying for the vacant seat. Frankie hadn't responded back. Commissioner Tilton said we, as a board,

Im14-203
0R14-144

can invite them to specific meetings to get feedback and input as a technical resource. He directed Ms. Rocci to send him the MSB Fish and Wildlife Commission contact list. He will contact someone on the commission and get their input.

Other questions asked, "Was transportation fuels contemplated in the intent of legislation"? "How do we save money by energy use"? "How do we define energy"? Commissioner Feige would like to see what the Alaska Statute has to say about energy. One of the members stated it was located in AS 44.99 - Declaration of State Energy Policy. Kathy will send the AS 44.99.115 to the board members before the next meeting.

More discussion and questions followed.

- Focus on borough operations and how to reduce costs - comes down to buildings and vehicles, and how we conserve energy. Doesn't apply to private sector. Need incentives for residential and commercial. Look at financial institutions that will back the Borough with incentives.
- Need a large business/corporation as an energy tenant. Don't have enough population/people.
- Place to start is benchmarking or recording current energy use. State and schools are doing this. Energy policy needs to include this.
- Look at cost of fuels. Renewable energy such as solar and wind. They have no fuel costs.
- Natural gas is expensive
- Try to identify energy sources -- "what is it"? and "where is it"?
- Critical we measure resources
- Entities moving toward sustainable and tractable energy
- Need clean energy
- Won't be quick transition
- Regulation makes energy costly
- Secure abundant and reliable sources
- Look at subsidies for energy policy
- Look at funding and incentives
- If you do energy conservation, you do less and pay less
- Have Alaska Housing Finance Corp give presentation
- Have Valley Utilities give a presentation

Commissioner Tilton wants goal to redefine or fix MSB 8.32 and not throw it out.

Commissioner Feige advised need a plan on how to digest MSB 8.32 as we go forward into our next meetings. She reviewed the code and flagged areas of redundancy and duplicity. Code will eventually need updating. We need to take the structural order of federal, state and local code and work from that. We need to develop energy policy first to put framework into place.

Im14-203
0R14-144

Commissioner Tilton asked Commission Kuhn if MEA has a policy. He responded that MEA is more private sector and is a non-profit. They have a generation policy. They are a semi-common carrier. Enstar is a common carrier. They are obligated to carry gas. Commissioner Tilton responded that it refers back to abundant and reliable source of energy.

Commissioner Masteller advised that a portion of the Borough Economic Development Plan deals with energy. He asked Ms. Rocci to bring the plans to the next meeting. He also stated that he wants to look beyond 20 years at distributed generation. He described distributed as "a lot of little rungs distributing to different sectors". He would like to see that in the energy policy the commission establishes.

VI. COMMISSION COMMENTS

The following tasks were assigned to be completed by September 3rd (a week before the September 10th meeting. Completed tasks are to be emailed to Ms. Rocci, who will assemble them and send out to all commissioners.

- Commissioner Feige would contact DNR for a catalog of resources
- Commissioner Tilton said he would contact Dan Deedy, North Division Manager at Enstar and ask him if he would be applying for the Enstar Representative seat of the commission. He also will contact a person at MSB Fish and Wildlife Commission to talk about being on the board, or attend specific meetings.
- Ms. Rocci will send Alaska Statute 44.99.115 to the commissioners before the next meeting. She will obtain Dan Deedy's contact information for Commissioner Tilton. She will send out legislation IM 13-035 and Resolution 13-009 to the commissioners that the Borough Assembly adopted. She will send out the list of commissioners on the MSB Fish and Wildlife Commission.
- Commissioner Scoresby will get nationwide history on financing energy projects, and its criteria.
- Commissioner Masteller will contact Alaska Energy Authority for energy resources available in the borough, and general state policy statements contained in bills HB 306 and SB 220.
- Commissioner Kuhn will get the MEA report that describes the challenges of MSB 8.32.

VII.

Meeting adjourned at 1:50 PM.

Berkley Tilton
Berkley Tilton, Chair

Submitted:

Kathy Rocci
Kathy Rocci, Secretary

Minutes approved Oct. 23, 2013.

IM14-203
OR14-144

CODE SECTION ~~BEING Deleted~~

Print Preview

CHAPTER 8.32: ELECTRICAL GENERATION FACILITY OR POWER PLANT

Section

- 8.32.010 Intent
- 8.32.020 Jurisdiction of chapter provisions
- 8.32.030 General procedures
- 8.32.040 Electrical generation facility or power plant permit application requirements
- 8.32.050 Review and referrals
- 8.32.060 Duration, modifications and preexisting uses
- 8.32.070 Construction, installation, or operation of unapproved electrical generating power plant
- 8.32.080 Penalty
- 8.32.090 Civil action
- 8.32.100 Right to enter
- 8.32.110 Review of applications; Action by planning commission
- 8.32.120 Application; Submittal procedure
- 8.32.130 Determination of completeness
- 8.32.140 Public notice
- 8.32.150 Notice upon request
- 8.32.160 Permit criteria
- 8.32.170 Appeals of planning commission decisions
- 8.32.180 Appeals of enforcement actions
- 8.32.190 Compliance
- 8.32.200 Land use standards
- 8.32.210 Sound standard
- 8.32.220 Light standard
- 8.32.230 Fees
- 8.32.240 Definitions

8.32.010 INTENT.

(A) It is the borough's intent to allow, if appropriate, for the location, construction, and operation of electrical generation facilities or power plants and those transmission lines necessary to connect the power plants to any electrical grid within the borough while protecting the public health, safety, convenience, welfare, and environmental surroundings of borough residents. These protections include, but are not limited to: public health, noise, water resources, air quality, socioeconomics, visual resources, cultural resources, land use, traffic and transportation, hazardous materials handling, waste management, biological resources, soils, geological hazards and resources, and transmission system safety and nuisance. It is also the intent of this chapter to allow for reasonable development of

electrical generating power plants.

(B) Notwithstanding any borough ordinances to the contrary, the Matanuska-Susitna Borough Assembly has decided that the delegation of planning powers or functions to the cities has not, and does not, prohibit the enactment of this chapter on an areawide basis. To the extent necessary, the delegation of any power or function to the cities as it pertains to this chapter is revoked. This is not intended to affect the remainder of any powers or functions delegated to the cities.

(Ord. 07-096(AM), § 2 (part), 2007)

8.32.020 JURISDICTION OF CHAPTER PROVISIONS.

(A) This chapter shall apply to the location, construction, and operation of all electrical generation facilities or power plant producing 50 megawatts or more on all lands within the borough.

(B) Where this chapter is in conflict with the conditions of a special land use district or other borough regulation, the most restrictive conditions apply.

(Ord. 07-096(AM), § 2 (part), 2007)

8.32.030 GENERAL PROCEDURES.

(A) Electrical generation facilities or power plants with a generating capacity of 50 megawatts or larger within the borough shall be subject to the provisions of this chapter and any other applicable regulations of the borough, as well as any state or federal agencies having jurisdiction over such development.

(B) Construction, installation, and operation of electrical generation facilities or power plant facilities shall not commence unless approval has been granted by the planning commission. The Matanuska-Susitna Borough Planning and Land Use Director, hereinafter referred to as "director," shall serve as the authorized representative of the planning commission.

(C) For the purposes of this chapter, "power plant" is defined to mean an electrical generating facility and its associated components.

(Ord. 07-096(AM), § 2 (part), 2007)

8.32.040 ELECTRICAL GENERATION FACILITY OR POWER PLANT PERMIT APPLICATION REQUIREMENTS.

(A) An application for a permit for electrical generation facilities or power plant facilities shall be filed by the company(ies) or person(s) seeking to operate such a facility. Application for a permit shall be made in writing on a form or forms provided by the Matanuska-Susitna

Borough Planning and Land Use Department, and shall include all of the elements listed in this section.

(B) *Information requirements for an application.*

(1) *Project overview.*

- (a) A general description of all project components including the electrical generating facility, the proposed site and related facilities, including the location of the site and substations, switchyards, or other transmission equipment, transmission line routes serving the facility, the type, size and capacity of the generating or transmission facilities, fuel-type substations, switchyards, or other transmission equipment(s) to be used, fuel supply routes and storage facilities, water supply routes and facilities, pollution control systems, and other general characteristics.
- (b) Identification of the location of the proposed power plant site and related facilities by section, township, range, and borough assessor's parcel numbers.
- (c) For each project component located on different parcels provide a description of the vicinity, the specific site, and its immediate surroundings.
- (d) A full-page (8 1/2" x 11" or larger) color photographic reproduction depicting the visual appearance of the site for the project component(s) prior to construction, and a full-page (8 1/2" x 11" or larger) color simulation, computer-enhanced simulation, or artist's rendering of the site and the project component(s) at the site, after construction.
- (e) A description of the type of fuel(s) to be used at the proposed power plant and decision-making process and rationale used for choosing the selected fuel(s).
- (f) A description of the renewable energy sources, if any, that will be used to generate electricity as part of the permit application, and the methods, if any, that will be used to both encourage renewable energy use and conserve energy usage by the operator's and/or utility's ratepayers.
- (g) In an appendix to the application, a list of current borough assessor's parcel numbers and owners' names and addresses for all parcels within 500 feet of the proposed transmission line connecting the power plant to the existing electrical grid serving the power plant, and within 1,000 feet of the proposed power plant and related facilities.
- (h) Provide a written analysis of the forecasted demand for electrical energy for

JM14-203
OR 14-144

the region to be served by the proposed power plant, the planning horizon used, and describe the justification for the proposed plant.

(i) Provide a written economic analysis for the proposed power plant that identifies its proposed cost, revenue generated, and the potential financial impact on ratepayers.

(2) *Project schedule.* For each project component, the proposed dates of initiation and completion of construction, initial start-up, full-scale operation of the proposed facilities, and closure or decommissioning.

(3) *Project ownership.*

(a) A list of all owners and operators of the site(s), the power plant facilities, and, if applicable, the thermal host, the geothermal leasehold, the geothermal resource conveyance lines, and the geothermal re-injection system, and a description of their legal interest in these facilities.

(b) A list of all owners and operators of the proposed electric transmission facilities that will connect or be served by the power plant to the existing electrical grid or electrical intertie system.

(c) A description of the legal or other relationship between the applicant and each of the persons or entities specified in subsections (B)(3)(a) and (b) of this section.

(d) Description of the experience of the owners and operators of the proposed project to construct and operate the proposed power plant or similar electrical generating facilities.

(4) *Project description.*

(a) In a section entitled, "Generation Facility Description, Design, and Operation" provide the following information:

(i) maps at a scale of 1:6,000 (1" = 500'), (or appropriate map scale agreed to by borough staff) along with an identification of the dedicated leaseholds by section, township, range, and borough assessor's parcel number, showing the proposed final locations and layout of the power plant and all related facilities;

(ii) scale plan and elevation drawings depicting the relative size and location of the power plant and all related facilities to establish the accuracy of the

FM 14-203
OR 14-144

photo simulations required in subsection (B)(4)(a)(i) of this section;

(iii) a detailed description of the design, construction, and operation of the facilities, specifically including the power generation, cooling, water supply and treatment, waste handling and control, pollution control, fuel handling, and safety, emergency and auxiliary systems, and fuel types and fuel use scenarios; and

(iv) a description of how the site and related facilities were selected and the consideration given to financial and engineering constraints, site geology, environmental impacts, adjacent and nearby land uses, water, waste and fuel constraints, electric transmission constraints, and any other factors considered by the applicant.

(b) In a section entitled, "Transmission Lines Description, Design, and Operation" provide the following information:

(i) maps at a scale of 1:24,000 (or appropriate map scale agreed to in writing by the borough staff) of each proposed transmission line route serving or being served by the power plant, showing the settled areas, parks, recreational areas, scenic areas, and existing transmission lines within one mile of the proposed route(s);

(ii) a full-page color (8 1/2" x 11" or larger) photographic reproduction depicting a representative aboveground section of the transmission line route prior to construction and a full-page (8 1/2" x 11" or larger) color photographic simulation of that section of the transmission line route after construction;

(iii) a detailed description of the design, construction, and operation of any electric transmission facilities, such as power lines, substations, switchyards, or other transmission equipment, which will be constructed or modified to transmit electrical power from the proposed power plant to the load centers to be served by the facility. Such description shall include the width of rights-of-way and the physical and electrical characteristics of electrical transmission facilities such as towers, conductors, and insulators; and

(iv) a description of how the route and additional transmission facilities were selected, and the consideration given to financial and engineering constraints, environmental impacts, adjacent and nearby land uses, resource conveyance constraints, and electric transmission constraints.

(c) Applications for geothermal facilities shall contain the following additional

Im 14-203
OR 14-144

information:

- (i) maps at a scale of 1:24,000 (or appropriate map scale agreed to by the borough staff) showing the location of the geothermal leaseholds, along with a description by section, township, range, and borough assessor's parcel numbers of the leaseholds;
 - (ii) full-page (8 1/2" x 11" or larger) color photographic reproductions of the geothermal leaseholds;
 - (iii) a description of the process by which the geothermal leasehold was selected and the consideration given to engineering constraints, site geology, environmental impacts, water, steam, waste and fuel constraints, electric transmission constraints, and any other factors considered by the applicant. Include references to any environmental documents which address steam field development;
 - (iv) a detailed description of the type, quality, and characteristics of the geothermal resource, including pressure and temperature flow rates, constituents and concentrations of non-condensable gases, and constituent concentrations of dissolved solids, and descriptions and concentrations of any substances potentially harmful to public health and safety or to the environment;
 - (v) proposed locations of production and re-injection wells for the project. Include the applicant's assessment of geothermal resource adequacy, including the production history of those wells within the leaseholds dedicated to the project, including pressure decline curves as available; and
 - (vi) a discussion of the potential impacts on the temperature, mineral content, and rate of flow of thermal springs affected by the project.
- (d) This section is reserved for hydroelectric facility(ies) applications.
 - (e) This section is reserved for nuclear facility(ies) applications.
 - (f) This section is reserved for wind farm facility(ies) applications.
- (5) *Facility closure/decommissioning.*
- (a) A discussion of how power plant facility closure will be accomplished in the event of premature or unexpected cessation of operations, and a plan describing removal of facilities and reclamation process.

JM 14-203
 OR 14-144

(6) *Alternatives.*

(a) An analysis and discussion of the range of reasonable alternatives to the project itself, and to the location of the project, including a "no project" alternative, which would feasibly attain the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project, and an evaluation of the comparative merits of the alternatives.

(b) A discussion of the applicant's site selection criteria, a discussion of any alternative sites considered for the project, and the reasons why the applicant chose the proposed site.

(c) An evaluation of the comparative engineering, economic, financial, and environmental merits of the alternatives discussed in subsection (B)(6)(a) of this section.

(d) A discussion of the renewable energy alternatives included in the proposed project. The discussion should include, but not be limited to, the type of renewable energy source and the amount of energy generated on an annual basis. If no renewable energy alternatives are included in the proposed project, the applicant shall provide a discussion describing why no renewable energy sources are viable.

(e) A discussion of the energy conservation techniques that the applicant will implement as part of the proposed project, if any. If the applicant intends to implement such methods, a discussion shall be provided describing the amount of fossil fuels eliminated on an annual basis and the performance measures that will be implemented to measure the success of the techniques. If no energy conservation alternatives are included in the proposed project, the applicant shall provide a discussion describing why no energy conservation techniques are viable.

(7) *Environmental information.* For each technical area listed below and for each project component, provide an analysis and discussion of the existing site conditions; the expected potential direct, indirect, and cumulative impacts due to the construction, operation, and maintenance of the project; the measures proposed to mitigate any adverse environmental impacts of the project; the effectiveness of the proposed measures; and monitoring plans proposed to verify the effectiveness of any mitigation. Also include the names and qualifications of the technical specialists who contributed to or were responsible for literature surveys, data collection, or analyses, or preparation of the technical information presented in the report(s). Additional requirements specific to each technical area are listed below.

JM 14-203
COR 11 WFT
OR 14-144

(a) *Cultural resources.*

(i) A summary of the ethnology, prehistory, and history of the region with emphasis on the area within no more than a five-mile radius of the project location.

(ii) The results of a literature search to identify cultural resources within an area not less than a one-mile radius around the project site and not less than one-quarter mile on each side of the linear facilities. Literature searches to identify the above cultural resources must be completed by, or under the direction of, individuals who meet the Secretary of the Interior's Professional Standards for the technical area addressed.

(iii) The results of new surveys or surveys less than five years old shall be provided if survey records of the area potentially affected by the project are more than five years old. Surveys to identify new cultural resources must be completed by (or under the direction of) individuals who meet the Secretary of the Interior's Professional Standards for the technical area addressed.

(aa) The survey procedures and methodology used to identify cultural resources and a discussion of the cultural resources identified by the survey.

(bb) A map at a scale of 1:24,000 U.S. Geological Survey quadrangle depicting the locations of all previously known and newly identified cultural resources.

(iv) Include in the discussion of proposed mitigation measures required by subsection (B)(7)(a) of this section:

(aa) a discussion of measures proposed to mitigate project impacts to known cultural resources;

(bb) a set of contingency measures proposed to mitigate potential impacts to previously unknown cultural resources and any unanticipated impacts to known cultural resources; and

(cc) educational programs to enhance employee awareness during construction and operation to protect cultural resources.

(b) *Land use.*

(i) A discussion of existing land uses and current zoning at the site, land

Im 14-203
OR 14-144

uses and land use patterns within one mile of the proposed site and within one-quarter mile of any project-related linear facilities. Include:

(aa) an identification of residential, commercial, industrial, recreational, scenic, agricultural, natural resource protection, natural resource extraction, educational, religious, cultural, and historic areas, and any other unique land uses; and

(bb) legible maps of the areas identified in subsection (B)(7)(b)(i) of this section potentially affected by the project, on which existing land uses, jurisdictional boundaries, general plan designations, specific plan designations, and zoning have been clearly delineated.

(ii) A discussion of the compatibility of the proposed project with present and expected land uses, and conformity with any long-range land use plans adopted by any federal, state, and borough planning agencies. The discussion shall identify the need, if any, for land use decisions by another public agency or as part of the commission's decision that would be necessary to make the project conform to adopted federal, state, or local coastal zone plans, land use plans, or zoning ordinances. Examples of land use decisions include: general plan amendments, zoning changes, lot line adjustments, parcel mergers, and coastal zone consistency determinations.

(iii) A discussion of the legal status of the parcel(s) on which all project components would be sited. If the proposed site(s) consist of more than one legal parcel, describe the method and timetable for merging or otherwise combining those parcels so that the proposed project, excluding linears and temporary laydown or staging area, will be located on a single legal parcel. The merger need not occur prior to a decision on the application, but must be completed prior to the start of construction.

(c) *Noise.*

(i) A land use map which identifies residences, hospitals, psychiatric and mental health facilities, libraries, schools, places of worship, or other facilities where quiet is an important attribute of the environment within the area potentially affected by the proposed project. The area potentially affected by the proposed project is that area where, during either construction or operation, there is a potential increase of five dB(A) or more, over existing background levels or one mile from the proposed site's property line, whichever is greater.

Im 14-203
OR 14-144

(ii) An analysis and description of the ambient noise levels at those sites identified under subsection (B)(7)(c)(i) of this section which the applicant believes provide a representative characterization of the ambient noise levels in the project vicinity, and a discussion of the general atmospheric conditions, including temperature, humidity, and the presence of wind and rain at the time of the measurements. The existing noise levels shall be determined by taking noise measurements for a minimum of 25 consecutive hours at a minimum of one site, once during the normal work week and once during the weekend. Other sites may be monitored for a lesser duration but not less than 13 consecutive hours beginning at 7 a.m. once during the week day and once during the weekend; preferably during the same 25-hour period. The results of the noise level measurements shall be reported as hourly averages in Leq (equivalent sound or noise level), Ldn (day-night sound or noise level) or in units of dB(A). The L10, L50, and L90 values (noise levels exceeded 10 percent, 50 percent, and 90 percent of the time, respectively) shall also be reported in units of dB(A).

(iii) A description of the major noise sources of the project, including the range of noise levels and the tonal and frequency characteristics of the noise emitted.

(iv) An estimate of the project noise levels, during both construction and operation, at residences, hospitals, psychiatric and mental health facilities, libraries, schools, places of worship, or other facilities where quiet is an important attribute of the environment, within the area impacted by the proposed project.

(v) An estimate of the project noise levels within the project site boundary during both construction and operation and the impact to the workers at the site due to the estimated noise levels.

(vi) The audible noise from existing switchyards and overhead transmission lines that would be affected by the project, and estimates of the future audible noise levels that would result from existing and proposed switchyards and transmission lines. Noise levels shall be calculated at the property boundary for switchyards and at the edge of the rights-of-way for transmission lines.

(d) *Traffic and transportation.*

(i) A regional transportation setting, on topographic maps, at a scale of 1:100,000, identifying the project location and major transportation facilities. Include a reference to the transportation element of any applicable borough

Jm 14-203
OR14-144

or state plan.

(ii) If the proposed project including any linear facility is to be located within five miles of an airport runway that is at least 3,200 feet in actual length, or 5,000 feet of a heliport (or planned or proposed airport runway or an airport runway under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration), discuss the project's compliance with the applicable sections of the current Federal Aviation Regulation Part 77, Objects Affecting Navigable Airspace, specifically any potential to obstruct or impede air navigation generated by the project at operation; such as a thermal plume, a visible water vapor plume, glare, electrical interference, or surface structure height. The discussion should include a map at a scale of 1:24,000 that displays the airport or airstrip runway configuration, the proposed power plant site and related facilities.

(iii) An identification, on topographic maps at a scale of 1:24,000, and a description of existing and planned roads, rail lines (including commuter or light rail), pedestrian or bike trails, airports, bus routes serving the project vicinity, and pipelines in the project area affected by or serving the proposed facility. For each road identified, include the following information, where applicable:

- (aa) road classification and design capacity;
- (bb) current daily average and peak traffic counts;
- (cc) current and projected levels of service before project development, during construction, and during project operation;
- (dd) weight and load limitations;
- (e) estimated percentage of current traffic flows for passenger vehicles and trucks; and
- (ff) an identification of any road features affecting public safety.

(iv) An assessment of the construction and operation impacts of the proposed project on the transportation facilities identified in subsection (B)(7)(d)(iii) of this section. Also include anticipated project-specific traffic, estimated changes to daily average and peak traffic counts, levels of service, commuter and reverse commute traffic patterns, and traffic/truck mix, and the impact of construction of any facilities identified in subsection (B)(7)(d)(iii) of this section.

FM14-203
OR14-144

(v) A discussion of project-related hazardous materials to be transported to or from the project during construction and operation of the project, including the types, estimated quantities, estimated number of trips, anticipated routes, means of transportation, and any transportation hazards associated with such transport.

(vi) A discussion of proposed prevention measures and design features to prevent or reduce any incidents resulting in petroleum discharges or hazardous substances releases.

(vii) Advisement of the proposed emergency response and safety plans to address any incidents resulting in petroleum discharges or hazardous substances releases.

(e) *Visual resources.*

(i) Descriptions of the existing visual setting of the vicinity of the proposed project site and the proposed routes for any project-related linear facilities.

Include:

(aa) topographic maps at a scale of 1:24,000 that depict directions from which the project would be seen, the view areas most sensitive to the potential visual impacts of the project; and

(bb) description of the existing visual properties of the topography, vegetation, and any modifications to the landscape as a result of human activities, including existing water vapor plumes, aboveground electrical transmission lines, and nighttime lighting levels in the project view shed.

(ii) An assessment of the visual quality of those areas that would be potentially affected by the proposed project. For projects proposed to be located within the coastal zone, the assessment should also describe how the proposed project would be sited to protect views to and along the shorelines areas, would minimize the alteration of natural land forms, would be visually compatible with the character of surrounding areas.

(iii) In consultation with state and borough agencies, identify:

(aa) any designated scenic roadways or scenic corridors and any visually sensitive areas that would be potentially affected by the proposed project, including recreational and residential areas; and

(bb) the locations of the key observation points to represent the most

Im 14-203
0214-144

significant viewing locations from which to conduct detailed analyses of the visual impacts of the proposed project. Indicate the approximate number of people using each of these sensitive areas and the estimated number of residences with views of the project. Also identify any major public roadways and trails of local importance that would be potentially visually affected by the project and indicate the types of travelers (e.g., local residents, recreationists, workers, commuters, etc.) and the approximate number of vehicles, bicyclists, and/or hikers per day.

(iv) A table providing the dimensions (height, length, and width, or diameter) and proposed color(s), materials, finishes, patterns, and other proposed design characteristics of each major component visible from off the project site, including any project-related electrical transmission line and/or off-site aboveground pipelines and metering stations.

(v) Provide a full-page color (8 1/2" x 11" or larger) photographic reproductions of the existing site, and full-page color simulations of the proposed project at life-size scale when the picture is held ten inches from the viewer's eyes, including any project-related electrical transmission lines, in the existing setting from each key observation point. If any landscaping is proposed to comply with zoning requirements or to mitigate visual impacts, include the landscaping in simulation(s) representing sensitive area views, depicting the landscaping five years after installation; and estimate the expected time until landscaping maturity is reached.

(vi) An assessment of the potential visual effects of the project, including light, glare, and any modeling of visible plumes. Include a description of the method and identify any computer model used to assess the potential effects. Provide an estimate of the expected frequency and dimensions (height, length, and width) of the visible cooling tower and/or exhaust stack plumes. Provide the supporting assumptions, meteorological data, operating parameters, and calculations used.

(vii) If any landscaping is proposed to reduce the visual impacts of the project, provide a conceptual landscaping plan at a 1:480 scale (1" = 40'). Include information on the types of plant species proposed, their size, quantity, and spacing at planting, expected heights at five years and maturity, and expected growth rates.

(f) *Socioeconomics.*

(i) A description of the socioeconomic characteristics of the region affected

Im 14-203
OREW-144

by construction and operation of the project. Include:

- (aa) the social characteristics, including population and demographic and community trends;
- (bb) existing unemployment rates;
- (cc) availability of skilled workers by craft required for construction and operation of the project;
- (dd) availability of temporary and permanent housing and current vacancy rate; and
- (ee) capacities, existing and expected use levels, and planned expansion of utilities (gas, water, and waste) and public services, including fire protection, law enforcement, emergency response, medical facilities, and other assessment districts, and school districts.

(ii) A discussion of the potential socioeconomic effects resulting from construction and operation of the project (note year of estimate, model, if used, and appropriate sources), including estimates of:

- (aa) numbers of workers to be employed each month by craft during construction, and for operations, including the number of permanent operations workers during each year of the project operations;
- (bb) percentage of non-borough residents who will relocate to the project area from outside the state of Alaska and from outside the borough to work on the project;
- (cc) the potential population increase for both the state of Alaska as a whole and within the borough and caused directly and indirectly by the project during project construction and operation;
- (dd) the potential impact of population increase on housing and education facilities within the borough during the construction and operations phases;
- (ee) the potential impacts, including additional costs, on utilities (gas, water, and waste) and public services, including fire, law enforcement, emergency response, medical facilities, other assessment districts, and school districts. Include response times to hospitals and for police, and emergency services. Provide information on schools to include project-

IM 14-203
OE 14-144

related enrollment changes by grade level groupings and associated facility and staffing impacts by school district during the construction and operating phases;

(ff) an estimate of the total construction payroll and separate estimates of the total operation payroll for permanent and short-term (contract) operations employees;

(gg) an estimate of the expenditures for purchased materials for the construction and operation phases of the project for those items obtained within the borough, within the state of Alaska, and outside the state of Alaska;

(hh) an estimate of the capital cost (plant, equipment, and ancillary facility and components) of the project; and

(ii) the expected direct, indirect, and induced income and employment effects due to construction, operation, and maintenance of the project.

(g) *Air quality.*

(i) The heating value and chemical characteristics of the proposed fuels, the stack height and diameter, the exhaust velocity and temperature, the heat rate and the expected capacity factor of the proposed facility.

(ii) A description of the control technologies proposed to limit the emission of criteria pollutants, greenhouse gases (CO₂, CH₄, N₂O and SF₆), and mercury.

(iii) A description of the cooling system, the estimated cooling tower drift rate, the rate of water flow through the cooling tower, and the maximum concentrations of total dissolved solids.

(iv) The emission rates of criteria pollutants, greenhouse gases (CO₂, CH₄, N₂O, and SF₆), and mercury from the stack, cooling towers, fuels and materials handling processes, delivery and storage systems, and from all on-site secondary emission sources.

(v) A description of typical operational modes, and start-up and shutdown modes for the proposed project, including the estimated frequency of occurrence and duration of each mode, and estimated emission rate for each criteria pollutant during each mode.

Jm 14-203
0214-144

(vi) A description of the project's planned initial commissioning phase, which is the phase between the first firing of emissions sources and the commercial operations date, including the types and durations of equipment tests, criteria pollutant emissions, and monitoring techniques to be used during such tests.

(viii) The ambient concentrations of all criteria pollutants for the previous three years as measured at three certified monitoring stations located closest to the project site, if any, and an analysis of whether this data is representative of conditions at the project site. The applicant may substitute an explanation as to why information from stations is either not available or unnecessary.

(ix) One year of meteorological data collected from either the Federal Aviation Administration Class 1 station nearest to the project or from the project site.

(aa) If the data is collected from the project site, the applicant shall demonstrate compliance with the requirements of the U.S. Environmental Protection Agency document entitled "On-Site Meteorological Program Guidance for Regulatory Modeling Applications" (EPA 450/4-87-013 (August 1995)), which is incorporated by reference in its entirety.

(bb) The data shall include quarterly wind tables and wind roses, ambient temperatures, relative humidity, stability and mixing heights, upper atmospheric air data, and an analysis of whether this data is representative of conditions at the project site.

(x) An evaluation of the project's direct and cumulative air quality impacts, consisting of the following:

(aa) a screening level air quality modeling analysis, or a more detailed modeling analysis if so desired by the applicant, of the direct criteria pollutant impacts of project construction activities on ambient air quality conditions, including fugitive dust (PM₁₀) emissions from grading, excavation and site disturbance, as well as the combustion emissions [nitrogen oxides (NO_x), sulfur dioxide (SO₂), carbon monoxide (CO), particulate matter less than ten microns in diameter (PM₁₀) and particulate matter less than 2.5 microns in diameter (PM_{2.5})] from construction-related equipment;

(bb) a screening level air quality modeling analysis, or a more detailed modeling analysis if so desired by the applicant, of the direct criteria

Im 14-203
OR 14-144

pollutant (NO_x, SO₂, CO, PM10 and PM2.5) impacts on ambient air quality conditions of the project during typical (normal) operation, and during shutdown and startup modes of operation. Identify and include in the modeling of each operating mode the estimated maximum emissions rates and the assumed meteorological conditions; and

(cc) a protocol for a cumulative air quality modeling impacts analysis of the project's typical operating mode in combination with other stationary emissions sources within a six-mile radius which have received borough land use permits but are not yet operational, or are in the permitting process. The cumulative inert pollutant impact analysis should assess whether estimated emissions concentrations will cause or contribute to a violation of any ambient air quality standard.

(dd) an air dispersion modeling analysis of the impacts of the initial commissioning phase emissions on state and federal ambient air quality standards for NO_x, SO₂, CO, mercury, PM10 and PM2.5.

(xi) If an emission offset strategy is proposed to mitigate the project's impacts under subsection (B)(7)(g)(ii), provide the following information:

(aa) the quantity of offsets or emission reductions that are needed to satisfy air permitting requirements of state and federal oversight air agencies. Identify by criteria air pollutant, and if appropriate, greenhouse gas; and

(bb) potential offset sources including location and quantity of emission reductions.

(xii) A detailed description of the mitigation, if any, which an applicant may propose, for all project impacts from criteria pollutants that currently exceed state or federal ambient air quality standards.

(h) *Public health.*

(i) Identification of available health studies related to respiratory problems and illnesses, cancers, fetal development, or related diseases for the potentially affected population(s) within a six-mile radius of the proposed project location.

(ii) An analysis and discussion of the proposed project's potential impact on affected population(s) within a six-mile radius of the project's location and any

Im 14-203
OR 14-144

measures that will be implemented to reduce or eliminate any increase in the potential for respiratory problems and illnesses, cancers, harm to fetal development, and other related diseases.

(iii) For purposes of this section, the following definitions apply:

- a "sensitive receptor" refers to infants and children, the elderly, and the chronically ill, and any other member of the general population who is more susceptible to the effects of the exposure than the population at large.
- an "acute exposure" is one which occurs over a time period of less than or equal to one hour.
- a "chronic exposure" is one which is greater than 12 percent of a lifetime of 70 years.

(i) *Hazardous materials handling.*

(i) A list of all materials used or stored on-site which are hazardous or acutely hazardous and a discussion of the toxicity of each material.

(ii) A map at a scale of 1:24,000 depicting the location of schools, hospitals, day care facilities, emergency response facilities, psychiatric and mental health facilities, and long-term health care facilities, within the area potentially affected by any release of hazardous materials.

(iii) A discussion of the storage and handling system for each hazardous material used or stored at the site.

(iv) The protocol that will be used in modeling potential consequences of accidental releases that could result in off-site impacts. Identify the model(s) to be used, a description of all input assumptions, including meteorological conditions.

(v) A discussion of measures proposed to reduce the risk of any release of hazardous materials.

(vi) A discussion of the fire and explosion risks associated with the project and those measures that will be implemented to reduce such risks.

(vii) A complete description of the fuel handling system and the fire suppression system.

Im14-203
0614-144

(viii) The plan and schedule for obtaining the State Fire Marshal approval for the plant and its fire protection and prevention plan. A copy of the State Fire Marshal's approval for the plant and its fire protection and prevention plan shall be submitted to the director prior to operating the power plant.

(j) *Waste management.*

(i) A Phase I environmental site assessment (ESA) for the proposed power plant site using methods prescribed by the American Society for Testing and Materials (ASTM) document entitled "Standard Practice for Environmental Site Assessments: Phase 1 Environmental Site Assessment Process" (Designation: E 1527-93, May 1993), which is incorporated in this chapter by reference in its entirety.

(ii) A description of each waste stream estimated to be generated during project construction and operation, including origin, hazardous or nonhazardous classification pursuant to chemical composition, estimated annual weight or volume generated, and estimated frequency of generation.

(iii) A description of all waste disposal sites which may feasibly be used for disposal of project wastes. For each site, include the name, location, classification under the daily or annual permitted capacity, daily or annual amounts of waste currently being accepted, the estimated closure date and remaining capacity, and a description of any enforcement action taken by local or state agencies due to waste disposal activities at the site.

(iv) A description of management methods for each waste stream, including methods used to minimize waste generation, length of on- and off-site waste storage, re-use and recycling opportunities, waste treatment methods used, and use of contractors for treatment.

(k) *Biological resources.*

(i) A regional overview and discussion of terrestrial and aquatic biological resources, with particular attention to sensitive biological resources within ten miles of the project. Include a map at a scale of 1:100,000 (or other suitable scale) showing sensitive biological resource location(s) in relation to the project site and related facilities and any boundaries of a wildlife and/or game refuge. Sensitive biological resources include the following:

(aa) species listed under the Federal Endangered Species Act;

(bb) species covered by the Migratory Bird Treaty Act;

IM 14-203
OR 14-144

- (cc) species covered by the Marine Mammal Protection Act;
- (dd) species and their habitats identified by federal or state agencies that warrant, or have special protection; and
- (ee) fish and wildlife species that have commercial, subsistence, or recreational value.

(ii) Include a list and numbers of the species known to occur, actually observed and those with a potential to occur, within one mile of the project site and 1,000 feet from the outer edge of linear facility corridors. Maps or aerial photographs shall include the following:

(aa) detailed maps at a scale of 1:6,000 or color aerial photographs taken at a recommended scale of one inch equals 500 feet (1:6,000) with a 30 percent overlap that show the proposed project site and related facilities, biological resources including, but not limited to, those found during project-related field surveys and in records from the associated areas where biological surveys were conducted. Label the biological resources and survey areas as well as the project facilities;

(bb) a depiction of the extent of the thermal plume at the surface of the water if cooling water is proposed to be discharged to a water source. Provide the location for the intake and discharge structures on an aerial photograph(s) or detailed maps. Water sources include, but are not limited to, waterways, lakes, impoundments, inlets, bays, rivers, and estuaries; and

(cc) an aerial photo or wetlands delineation maps at a scale of 1:2,400 showing any potential jurisdictional and non-jurisdictional wetlands delineated out to 250 feet from the edge of disturbance if wetlands occur within 250 feet of the project site and/or related facilities that would be included with the U.S. Army Corps of Engineers Section 404 Permit application. For projects proposed to be located within the coastal zone, also provide aerial photographs or maps as described above that identify wetlands as defined by the Coastal Act.

(iii) A discussion of the biological resources at the proposed project site and related facilities. Related facilities include, but are not limited to, laydown and parking areas, gas and water supply pipelines, transmission lines, and roads. The discussion shall address the distribution of vegetation community types, denning or nesting sites, population concentrations, migration corridors,

Im 14-203
COR 11 W
OR 14-144

breeding habitats, and other appropriate biological resources including:

(aa) a list and numbers of all the species actually observed and dates and time periods of observations.

(bb) a list of sensitive species and habitats with a potential to occur (as defined in subsection (B)(7)(k)(i) of this section).

(cc) if cooling water is taken directly from or discharged to a surface water feature source, include a description of the intake structure, screens, water volume, intake velocity hydraulic zone field of influence, and the thermal plume dispersion area as depicted in response to subsection (B)(7)(k)(ii)(bb) of this section. Describe the thermal plume size and dispersion under high and low tides, and in response to local currents and seasonal changes. Provide a discussion of the aquatic habitats, biological resources, and critical life stages found in these affected waters. For repower projects that anticipate no change in cooling water flow, this information shall be provided in the form of the most recent Federal Clean Water Act 316(a) and (b) studies of entrainment and impingement impacts that has been completed within the last five years. For new projects or repower projects proposing to use once-through cooling and anticipating an increase in cooling water flow, provide a complete impingement and entrainment analysis per guidance in subsection (B)(7)(k)(iv)(bb) of this section.

(iv) A description and results of all field studies and seasonal surveys used to provide biological baseline information about the project site and associated facilities. Include copies of the U.S. Fish and Wildlife Service records, state of Alaska Department of Fish and Game records, and field survey forms completed by the applicant's biologist(s). Identify the date(s) the surveys were completed, methods used to complete the surveys, and the name(s) and qualifications of the biologists conducting the surveys. Include:

(aa) current biological resources surveys conducted using appropriate field survey protocols during the appropriate season(s). State and federal agencies with jurisdiction shall be consulted for field survey protocol guidance prior to surveys.

(bb) if cooling water is proposed to be taken directly from or discharged to a surface water feature source, seasonal aquatic resource studies and surveys shall be conducted. Aquatic resource survey data shall include, but is not limited to, fish trawls, ichthyoplankton, and benthic sampling,

Im14-203
OR14-144

and related temperature and water quality samples. For new projects or repower projects anticipating a change in cooling water flows, sampling protocols shall be provided to the director of planning and land use for review and concurrence prior to the start of sampling. For repower projects not anticipating a change in cooling water flows, this information shall be provided in the form of the most recent Federal Clean Water Act 316(b) impingement and entrainment impact study completed within five years of the AFC filing date.

(cc) if the project or any related facilities could impact a jurisdictional or non-jurisdictional wetland, provide completed Army Corps of Engineers wetland delineation forms and/or determination of wetland status pursuant to Coastal Act requirements, name(s) and qualifications of biologist(s) completing the delineation, the results of the delineation and a table showing wetland acreage amounts to be impacted.

(v) Potential impacts discussion of the following:

(aa) all potential impacts (direct, indirect, and cumulative) to biological resources from project site preparation, construction activities, plant operation, maintenance, and closure. Discussion shall also address potential impacts to sensitive species' habitat from cooling tower drift and air emissions.

(bb) facilities that propose to take water directly from, and/or discharge water to surface water features, daytime and nighttime impacts from the intake and discharge of water during operation, water velocity at the intake screen, the intake field of influence, impingement, entrainment, and thermal discharge. Provide a discussion of the extent of the thermal plume, effluent chemicals, oxygen saturation, intake pump operations, and the volume and rate of cooling water flow at the intake and discharge location.

(cc) methods to control biofouling and chemical concentrations, and temperatures that are currently being discharged or will be discharged to receiving waters.

(vi) A discussion of all feasible mitigation measures including, but not limited to the following:

(aa) all measures proposed to avoid and/or reduce potential adverse impacts to biological resources;

Im 14-203
DR14-144

(bb) all off-site habitat mitigation and habitat improvement or compensation, and an identification of contacts for compensation habitat and management;

(cc) design features to better disperse or eliminate a thermal discharge;

(dd) all measures proposed to avoid or minimize potential adverse impacts of cooling water intake. This shall include a best technology available (BTA) discussion. If BTA is not being proposed, the rationale for not selecting BTA shall be provided; and

(ee) educational programs to enhance employee awareness during construction and operation to protect biological resources.

(vii) A discussion of compliance and monitoring programs to ensure the effectiveness of impact avoidance and mitigation measures incorporated into the project.

(viii) Submit copies of any preliminary correspondence between the project applicant and state and federal resource agencies regarding whether federal or state permits from other agencies such as the U. S. Fish and Wildlife Service, the National Marine Fisheries Service, the U.S. Army Corps of Engineers, and the Alaska Department of Fish and Game, will be required for the proposed project.

(l) *Water resources.*

(i) All the information required to apply for the following permits, if applicable, including:

(aa) Waste Discharge Requirements; National Pollutant Discharge Elimination System Permit;

(bb) Nationwide Permits and/or Section 404 Permits from the U.S. Army Corps of Engineers;

(cc) Water rights permits from the Alaska Department of Natural Resources; and

(dd) Underground Injection Control Permit(s) from the U.S. Environmental Protection Agency, and Alaska Division of Oil and Gas.

(ii) A detailed description of the hydrologic setting of the project. The information shall include a narrative discussion and on maps at a scale of

IM 14-203
OR 14-144

1:24,000 (or appropriate scale approved by the director), describing the chemical and physical characteristics of the following nearby water bodies that may be affected by the proposed project:

- (aa) ground water bodies and related geologic structures;
- (bb) surface water bodies;
- (cc) water inundation zones, such as the 100-year flood plain;
- (dd) flood control facilities (existing and proposed); and
- (ee) groundwater wells within one-half mile if the project will include pumping.

(iii) A description of the water to be used and discharged by the project. This information shall include:

- (aa) source(s) of the primary and backup water supplies and the rationale for their selection;
- (bb) the expected physical and chemical characteristics of the source and discharge water(s) including identification of both organic and inorganic constituents before and after any project-related treatment. For source waters with seasonal variation, provide seasonal ranges of the expected physical and chemical characteristics. Provide copies of background material used to create this description (e.g., laboratory analysis);
- (cc) average and maximum daily and annual water demand and waste water discharge for both the construction and operation phases of the project;
- (dd) a detailed description of all facilities to be used in water conveyance (from primary source to the power plant site), water treatment, and wastewater discharge. Include a water mass balance diagram.

(iv) Identify all project elements associated with storm water drainage, including a description of the following:

- (aa) monthly and/or seasonal precipitation and storm water runoff and drainage patterns for the proposed site and surrounding area that may be affected by the project's construction and operation;

- (bb) drainage facilities and the design criteria used for the plant site and ancillary facilities, including but not limited to capacity of designed system, design storm, and estimated runoff;
 - (cc) all assumptions and calculations used to calculate runoff and to estimate changes in flow rates between pre- and post construction; and
 - (dd) a copy of applicable federal, state, and local requirements regulating the drainage systems, and a discussion of how the project's drainage design complies with these requirements.
- (v) An impacts analysis of the proposed project on water resources and a discussion of conformance with water-related laws, ordinances, regulations, and standards (LORS) and policy. This discussion shall include:
- (aa) the effects of project demand on the water supply and other users of this source, including, but not limited to, water availability for other uses during construction or after the power plant begins operation, consistency of the water use with applicable resource management plans, and any changes in the physical or chemical conditions of existing water supplies as a result of water use by the power plant;
 - (bb) if the project will pump groundwater, an estimation of aquifer drawdown based on a computer modeling study shall be conducted by a professional geologist and include the estimated drawdown on neighboring wells within one-half mile of the proposed well(s), any effects on the migration of groundwater contaminants, and the likelihood of any changes in existing physical or chemical conditions of groundwater resources shall be provided;
 - (cc) the effects of construction activities and plant operation on water quality and to what extent these effects could be mitigated by best management practices;
 - (dd) if not using a zero liquid discharge project design for cooling and process waters, include the effects of the proposed wastewater disposal method on receiving waters, the feasibility of using pre-treatment techniques to reduce impacts, and beneficial uses of the receiving waters. Include an explanation why the zero liquid discharge process is "environmentally undesirable," or "economically unsound";
 - (ee) if using fresh water, include a discussion of the cumulative

impacts, alternative water supply sources and alternative cooling technologies considered as part of the project design. Include an explanation of why alternative water supplies and alternative cooling are "environmentally undesirable," or "economically unsound";

(ff) the effects of the project on the 100-year flood plain, flooding potential of adjacent lands or water bodies, or other water inundation zones;

(gg) all assumptions, evidence, references, and calculations used in the analysis to assess these effects.

(m) *Soils.*

(i) A map at a scale of 1:24,000 and written description of soil types and all agricultural land uses that will be affected by the proposed project. The description shall include:

(aa) the depth, texture, permeability, drainage, erosion hazard rating, and land capability class of the soil;

(bb) an identification of other physical and chemical characteristics of the soil necessary to allow an evaluation of soil erodibility, permeability, re-vegetation potential, and cycling of pollutants in the soil-vegetation system;

(cc) the location of any proposed fill disposal or fill procurement (borrow) sites; and

(dd) the location of any contaminated soils that could be disturbed by project construction.

(ii) An assessment of the effects of the proposed project on soil resources and agricultural land uses. This discussion shall include:

(aa) the quantification of accelerated soil loss due to wind and water erosion; and

(bb) the effect of power plant emissions on surrounding soil-vegetation systems.

(n) *Geological hazards and resources.*

(i) A summary of the geology, seismicity, and geologic resources of the

project site and related facilities, including linear facilities.

(ii) A map at a scale of 1:24,000 and description of all recognized stratigraphic units, geologic structures, and geomorphic features within two miles of the project site and along proposed facilities. Include an analysis of the likelihood of ground rupture, seismic shaking, mass wasting and slope stability, liquefaction, subsidence, and expansion or collapse of soil structures at the plant site. Describe known geologic hazards along or crossing linear facilities.

(iii) An analysis of the techniques and construction methods that will be used to limit damage caused by ground rupture and seismic shaking.

(iv) A map and description of geologic resources of recreational, commercial, or scientific value which may be affected by the project. Include a discussion of the techniques used to identify and evaluate these resources.

(o) *Transmission system safety and nuisance.*

(i) Identify the locations and a description of the existing switchyards and overhead and underground transmission lines that would be affected by the proposed project.

(ii) An estimate of the existing electric and magnetic fields from the facilities listed in subsection (B)(7)(o)(i) of this section and the future electric and magnetic fields that would be created by the proposed project, calculated at the property boundary of the site and at the edge of the rights-of-way for any transmission line that will be completed as part of this project and/or to connect the power plant to the existing electrical grid. Also provide an estimate of the radio and television interference that could result from the project.

(iii) Specific measures proposed to mitigate identified impacts, including a description of measures proposed to eliminate or reduce radio and television interference, and all measures taken to reduce electric and magnetic field levels.

(p) *Engineering.*

(i) *Facility design.*

(aa) A description of the actual site conditions and investigations or studies conducted to determine the site conditions used as the basis for

developing design criteria. The descriptions shall include, but not be limited to, seismic and other geologic hazards, adverse conditions that could affect the project's foundation, adverse meteorological and climate conditions, and flooding hazards, if applicable.

(bb) A discussion of any measures proposed to improve adverse site conditions.

(ii) *Reliability.*

(aa) A discussion of the sources and availability of the fuel or fuels to be used over the estimated service life of the facilities.

(bb) A discussion of the anticipated service life and degree of reliability expected to be achieved by the proposed facilities based on a consideration of:

(1) expected overall availability factor, and annual and lifetime capacity factors;

(2) the demonstrated or anticipated feasibility of the technologies, systems, components, and measures proposed to be employed in the facilities, including the power generation system, the heat dissipation system, the water supply system, the reinjection system, the atmospheric emission control system, resource conveyance lines, and the waste disposal system;

(3) geologic and flood hazards, meteorologic conditions and climatic extremes, and cooling water availability; and

(4) special design features adopted by the applicant or resource supplier to ensure power plant reliability including equipment redundancy.

(iii) *Efficiency.*

(aa) Annual net electrical energy produced in MWh for each mode of operation, including starts and shutdowns.

(bb) Number of hours the plant will be operated in each design condition in each year.

(cc) Compliance with all applicable laws, ordinances, regulations and standards.

Im14-203
0R14-144

(iv) *Tables which identify:*

(aa) Laws, regulations, ordinances, standards, adopted borough, state, and federal land use plans, leases, and permits applicable to the proposed project, and a discussion of the applicability of, and conformance with each. The table or matrix shall explicitly reference pages in the application wherein conformance with each law or standard during both construction and operation of the facility is discussed.

(bb) Each agency with jurisdiction to issue applicable permits, leases, and approvals or to enforce identified laws, regulations, standards, and adopted borough, state, and federal land use plans, and agencies which would have permit approval or enforcement authority.

(cc) The name, title, phone number, address (required), and e-mail address (if known), of an official who was contacted within each agency, and also provide the name of the official who will serve as a contact person for borough staff.

(dd) A schedule indicating when permits outside the authority of the borough will be obtained and the steps the applicant has taken or plans to take to obtain such permits.

(Ord. 07-096(AM), § 2 (part), 2007)

8.32.050 REVIEW AND REFERRALS.

(A) The director shall refer the power plant applications to the Regulatory Commission of Alaska, Alaska Department of Environmental Conservation, Alaska Department of Natural Resources, Alaska Department of Fish and Game, U.S. Federal Energy Regulatory Commission, U.S. Environmental Protection Agency, U.S. Department of the Interior (DOI), DOI-Office of Environmental Policy and Compliance, DOI-U.S. Geological Survey, DOI-Fish and Wildlife Service, and U.S. Department of Commerce-National Marine Fisheries Service, and other government agencies or entities for review and comment. Any comments received from other agencies shall be forwarded to the planning commission as part of the application(s) packet materials.

(B) Electrical generating or power plant facilities shall also be reviewed for general consistency with the standards and policies set forth in the following documents:

- (1) borough land use regulations;
- (2) the borough comprehensive plan; and

- (3) other applicable borough, state and federal plans, policies and regulations.

(Ord. 07-096(AM), § 2 (part), 2007)

8.32.060 DURATION, MODIFICATIONS AND PREEXISTING USES.

- (A) Approval granted for electrical generating or power plant activities shall expire or be considered revoked if such activities are not initiated within three years of the date of approval.
- (B) Where an electrical generating or power plant permit has been approved and the applicant desires to modify the subject permit due to material changes in the project, an amendment to the original application shall be required if the director determines that the level of impact will be increased as a result of the modification.
- (C) The activity described in the desired modification request shall be granted by the director if it complies with the standards and conditions of this chapter.
- (D) Modifications which the applicant determines in good faith are required in order for the electrical generating or power plant activities to continue operating in a safe manner and which must be done immediately in order to maintain the existing level of production may be done on an emergency basis, without prior notice or approval by the director.
- (E) The applicant shall notify the director in writing within one week of any proposed emergency modifications.
- (F) This chapter shall become effective on the date specified in the ordinance codified in this chapter adopted by the borough assembly. The provisions of this chapter shall apply to all facilities for which construction has not commenced or a permit has not been issued as of the effective date. This chapter shall apply to all facilities for which the Regulatory Commission of Alaska approval has not been obtained as of the effective date of the ordinance codified in this chapter. All uses completed prior to the date of assembly adoption shall be considered nonconforming uses.

(Ord. 07-096(AM), § 2 (part), 2007)

8.32.070 CONSTRUCTION, INSTALLATION, OR OPERATION OF UNAPPROVED ELECTRICAL GENERATING POWER PLANT.

- (A) It is unlawful to construct, install, operate, or cause to be constructed, operated, or installed, any electrical generating or power plant facility within the borough, unless prior approval has been granted by the planning commission.

(Ord. 07-096(AM), § 2 (part), 2007)

8.32.080 PENALTY.

(A) Any person, firm, corporation or legal entity which owns, leases or operates an electrical generating or power plant facility, and which constructs, installs or uses, or which causes to be constructed, installed or used without first receiving approval from the planning commission shall be guilty of an infraction and, upon conviction, shall be fined not more than \$500 per day for each day, per facility operated in noncompliance with this chapter.

(B) All violations of conditions of the approved power plant permit shall be considered infractions.

(Ord. 07-096(AM), § 2 (part), 2007)

8.32.090 CIVIL ACTION.

(A) In case any electrical generating or power plant facility is or is proposed to be erected, constructed, reconstructed, altered or used, or any land is proposed to be used, in violation of any provision of this chapter, the borough, in addition to the other remedies provided by law, ordinance or resolution, may institute an injunction, mandamus, abatement or other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration or use.

(Ord. 07-096(AM), § 2 (part), 2007)

8.32.100 RIGHT TO ENTER.

(A) For the purpose of implementing and enforcing this chapter, borough personnel may enter onto subject property during normal business hours upon reasonable telephonic, facsimile, or other electronic notification of the permittee, lessee or other party holding a legal interest in the property; if such entry is denied, the borough shall have the right to obtain an order from a court of competent jurisdiction to obtain entry.

(Ord. 07-096(AM), § 2 (part), 2007)

8.32.110 REVIEW OF APPLICATIONS; ACTION BY PLANNING COMMISSION.

(A) The director shall review such applications and forward a recommendation for approval, conditional approval, or denial with appropriate findings to the planning commission for final action. Final actions of the planning commission shall contain appropriate findings based upon evidence in the record before the planning commission.

(Ord. 07-096(AM), § 2 (part), 2007)

8.32.120 APPLICATION; SUBMITTAL PROCEDURE.

(A) The application shall consist of all items identified in MSB 8.32.040. Prior to formal submittal of the application, the director shall meet with the applicant to discuss and identify

any additional information required to adequately review the proposed facility.

(Ord. 07-096(AM), § 2 (part), 2007)

8.32.130 DETERMINATION OF COMPLETENESS.

(A) The director will review the application for completeness. If the director determines the application is complete, the planning commission will commence project review as described in MSB 8.32.040, 8.32.050, and 8.32.170. If the application is incomplete, the applicant will be notified of the deficiency and the application shall be withdrawn from the review process until the required information is submitted.

(B) The planning commission shall conduct a noticed public hearing for review of the proposed facility.

(Ord. 07-096(AM), § 2 (part), 2007)

8.32.140 PUBLIC NOTICE.

(A) A legal notice of the public hearing before the planning commission shall be published in a newspaper of general circulation within the borough not less than 45 days prior to the public meeting and written notice shall be given individually to the following:

- (1) the owners, as recorded in the records of the borough, of any land adjacent to or located within 5,280 feet of any portion of the subject site of facility; such notice to be sent by the director at the applicant's expense;
- (2) all federal and state agencies listed in MSB 8.32.050(A);
- (3) all community councils with jurisdiction; and
- (4) all postmasters in the affected area.

(B) The public notice of planning commission review shall take a form prescribed by the director and shall include the following:

- (1) a description of the location (including a legal and practical location description) and proposed activity under review;
- (2) time and place of the commission's public hearing, and the name, phone number and e-mail address of the responsible borough staff; and
- (3) the name and address of the applicant operator or designated agent and a statement that additional information may be obtained from the director.

(Ord. 07-096(AM), § 2 (part), 2007)

8.32.150 NOTICE UPON REQUEST.

(A) Notice shall be sent to any other person, agency or organization that has filed a request with director to receive notice of facilities undergoing public review; such notice to be sent by director.

(Ord. 07-096(AM), § 2 (part), 2007)

8.32.160 PERMIT CRITERIA.

(A) The planning commission decision to approve, approve with conditions or deny an application for an electrical generating or power plant permit shall be made and determined based in consideration of the following criteria:

- (1) the degree of compatibility of the proposed site plan and land uses with adopted comprehensive plans and other adopted local, borough, state and federal plans;
- (2) the compatibility of the project and the site design with surrounding buildings, land uses, ownership and physical characteristics;
- (3) the adequacy of access to and from the project and the effect on pedestrian and vehicular circulation and safety;
- (4) the impact that the proposed project may have on the need and availability of public services within the area;
- (5) the compatibility of the project to the site conditions, cultural resources, and environmental setting;
- (6) the effect of noise, fumes, soot, smog, and dust associated with the project;
- (7) the adequacy of the existing utility infrastructure and the effect of the project on reasonable and economic extension of public utilities and facilities;
- (8) the effect of the proposed project on property values of adjacent lands;
- (9) the effect of the proposed project on air quality;
- (10) the effect of the proposed project on the environment, including human health, and fish and wildlife and other biological resources and their human uses;
- (11) the effect of the proposed project on groundwater and surface water quantity and quality, and surface water temperatures;
- (12) the effect of the proposed project on public health, safety, and welfare;
- (13) the ability of the project proponent to provide funding to construct and operate

the proposed power plant;

(14) the effect of the proposed project on recreational uses, and tourism-related businesses; and

(15) compatibility with state and federal agency recommendations.

(B) All criteria contained in this chapter are minimum criteria. More restrictive conditions may be imposed by the planning commission, where necessary, to ensure compliance with applicable comprehensive plans and other adopted borough, state and federal plans and to protect the public health, safety, and welfare, and the environment, and to minimize or eliminate any negative effects on public health, the environment, air quality, and public health, safety, and welfare.

(C) The planning commission shall, at a minimum, apply the following criteria to the evidence in the record of proceedings as a basis for decision:

(1) demonstrated need for the proposed project and for the type of proposed project (e.g., coal-fired, natural gas-fired, nuclear, geothermal, hydroelectric, wind, etc.) to serve the applicant's existing and projected electrical generating or power plant requirements;

(2) demonstrated need for the proposed project;

(3) suitability of the location of the proposed project given its size, design and operational characteristics. Factors to be considered include noise levels, impacts upon human health, impacts upon air and water quality, vibration levels, fire protection and emergency response access requirements, visual impacts, fish and wildlife impacts, socioeconomic impacts, cultural resources impacts, and public safety. These factors will be evaluated in accordance with applicable state, borough and federal standards and criteria;

(4) existing and proposed road alignment, intersections, condition, structure and site distances; traffic volumes and types of equipment; dust control; and existing road uses;

(5) topography, natural hazards (landslides, earthquakes, flooding, and wildfire), current resource values, open space corridors, prime farmland (as designated by the U.S. Soil Conservation Service) and fish and wildlife habitat;

(6) compatibility with existing and projected future uses based upon present subdivision and land use approvals for properties located within the surrounding affected area. A facility's compatibility with land uses in the surrounding area shall

include the effect of the proposed power plant facilities on community development, established residential areas, recreational uses, environmental quality, groundwater and surface water supplies, temperatures, and quality, fish and wildlife habitat, fish and wildlife habitat migration routes; and

(7) the proposal's effect on public health, particularly the potential for increasing the incidence of cancers, increasing susceptibility to respiratory problems and illnesses, and negatively affecting fetal development. These factors will be evaluated in accordance with applicable state and federal reports, models, standards, and criteria; and

(8) the planning commission shall consider the applicant's estimated or projected ability to mitigate the impacts which it generates, as set forth in the facility's operational plan, and in accordance with applicable borough, state and federal rules, regulations and standards.

(D) The planning commission decision shall be based upon evidence in the record. Within 30 days following the conclusion of the public hearing, a written resolution shall be adopted as its decision on the application. The resolution shall set forth findings based upon evidence in the record of proceedings before the planning commission and any applicable federal, state or borough statutes, rules, regulations or policies. For the purposes of judicial review, the planning commission decision on an application shall be deemed to have been made as of the date upon which the planning commission executes the written resolution.

(E) The borough shall adopt permit fees to offset the cost of permitting and enforcement of permits granted under this chapter.

(Ord. 07-096(AM), § 2 (part), 2007)

8.32.170 APPEALS OF PLANNING COMMISSION DECISIONS.

(A) Appeals from a decision of the planning commission shall be made to the board of adjustments and appeals in accordance with MSB 15.39.

(Ord. 07-096(AM), § 2 (part), 2007)

8.32.180 APPEALS OF ENFORCEMENT ACTIONS.

(A) Appeals from an enforcement action(s) of a borough administrative unit shall be heard by the board of adjustment and appeals in accordance with MSB 15.39.

(Ord. 07-096(AM), § 2 (part), 2007)

8.32.190 COMPLIANCE.

(A) All electrical generating or power plant facilities must comply with the standards and

criteria contained in this title. Failure to comply with this title shall be grounds for denial.

(Ord. 07-096(AM), § 2 (part), 2007)

8.32.200 LAND USE STANDARDS.

(A) In addition to all applicable setbacks prescribed by borough code, a setback of at least 1,320 feet is required between the site perimeter and any state-licensed hospital or psychiatric facility or mental health facility.

(Ord. 07-096(AM), § 2 (part), 2007)

8.32.210 SOUND STANDARD.

(A) The maximum sound level as measured at the property line of electrical generating or power plant facility shall be no higher than 55 dBA.

(Ord. 07-096(AM), § 2 (part), 2007)

8.32.220 LIGHT STANDARD.

(A) All outside lighting of the facility shall be designed and constructed in a manner to ensure that the lighting is directed or shielded downward to eliminate to the extent feasible and practical, reflection from overcast clouds, ice fog, and intrusion into the night sky.

(Ord. 07-096(AM), § 2 (part), 2007)

8.32.230 FEES.

(A) The assembly shall establish a schedule of fees for applications under this chapter by resolution. The schedule of fees shall be posted in the borough offices and may be altered or amended only by the assembly.

(Ord. 07-096(AM), § 2 (part), 2007)

8.32.240 DEFINITIONS.

(A) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- "Abandonment" means the presumption of permanent abandonment of a power plant based on the operator's filing with the Regulatory Commission of Alaska. Presumption of permanent abandonment of a power plant shall be based upon non-use for one year without notification of the intent to resume operations.
- "Adjacent" means properties sharing a common property boundary.
- "Agricultural" means currently in use, or classified by borough or state agencies, for

farm or ranch purposes, including pasture.

- "Applicant" means that person, corporation or other legal entity possessing the legal right to locate or operate a power plant.
- "Compatible" means able to exist or act together harmoniously, considering noise levels, odors, potential fire hazard, visual impacts, effects to surface water and groundwater quality/quantity, adequacy of the road system, air quality, fish and wildlife, character of residential areas and surrounding land uses.
- "Corridor" means the route within which a transmission line is located.
- "Criteria pollutant" means those pollutants classified as such by the U.S. Environmental Protection Agency.
- "Critical use period" means that portion of the year (weeks or months) when disturbance is most likely to increase stress to and negatively impact fish and wildlife.
- "Department" means the borough planning and land use department.
- "Developable" means land for residential purposes if it does not have slopes exceeding 30 percent, and is not located within a geologic hazard area, federally defined floodway, drainage channel or wetland area greater than one acre.
- "Director" means the Matanuska-Susitna Borough Planning and Land Use Director.
- "Easement" means authorization by a property owner for the use of a designated portion of his property by another, for a specified purpose.
- "Electrical generation" is the process of creating and delivering electricity to consumers.
- "Nuisance" means a facility which is not being constructed, operated or installed in substantial compliance with the regulations of a permit issued under this chapter and any applicable conditions of approval and as to which the applicant has failed or refused to abate, correct or discontinue the violation of this chapter after being ordered to do so by the planning director.
- "Pollution" means the contamination or other degradation of the physical, chemical or biological properties of water, air, or soil, including change in temperature, taste, color, turbidity or odor, or such discharge of any liquid, gaseous, solid, radioactive or other substance into water, air, or soil, as will or is likely to create a nuisance or render such water or air harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other beneficial uses,

or to livestock, wild animals, birds, fish or other aquatic life.

- "Power plant" means any electrical generating facility that is capable of generating more than 50 megawatts of electricity.
- "Power plant components" means those ancillary facilities that are necessary to generate and transmit electrical power from the proposed power plant to the existing electrical grid or intertie system; these include but are not limited to: transmission facilities, such as power lines, substations, and switchyards.
- "Quiet zone" means the area within one-half mile of a school, hospital, institution of learning, court, rest home or other designated area where exceptional quiet is necessary, while such places are in use.
- "RCA" means the Regulatory Commission of Alaska.
- "Residential" means having an existing residence, recreational cabin, temporary dwelling or vacation home.
- "Security fencing" means an eight-foot chain-link fence topped by three strands of barbed wire, or the equivalent, with a gate that can be secured.
- "Transmission line" means a system of conductors, such as wires, waveguides, or coaxial cables, suitable for conducting electric power or signals efficiently between two or more terminals.

(Ord. 07-096(AM), § 2 (part), 2007)

CODE ORDINANCE

Sponsored by:
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 14-~~144~~**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY REPEALING
MSB 8.32 ELECTRICAL GENERATION FACILITY OR POWER PLANT AND
ADOPTING MSB 17.06 ELECTRICAL GENERATING AND DELIVERY FACILITY.

WHEREAS, the rationale and intent of this ordinance are found in IM 14-203 which accompanies this ordinance; and

WHEREAS, the Borough's economic prosperity is dependent on safe, available, reliable and affordable residential, commercial, and industrial energy to supply the Borough's electric, heating and transportation needs; and

WHEREAS, the worldwide supply and demand for energy will affect the price of energy consumed by all Alaskans; and

WHEREAS, resolution 13-009 established the MSB 8.32 Review Commission to review and recommend to the Assembly on establishing an energy policy and potential changes to MSB 8.32, Electrical Generation Facility or Power Plant; and

WHEREAS, the Commission developed an energy policy which was adopted by MSB 14-051; and

WHEREAS, a goal of the Borough Energy Policy is to coordinate governmental functions by:

- reviewing and streamlining regulatory oversight processes and balancing the economic cost of review, appropriate

to the Borough's level of authority, necessary to protect the public interest

- discouraging or eliminating duplicative Borough oversight, permitting, and functions
- by actively collaborating with local governments and state and federal agencies to achieve the Borough's energy goals
- supporting the orderly and least cost expansion of all utility systems in an effort to minimize the burden of increasing energy costs to Borough residents
- provide for public participation, involvement, and comment for energy infrastructure; and

WHEREAS, after meeting for a total of nine times, the Energy Commission voted unanimously to repeal and replace MSB 8.32 with Chapter 17.06: Electrical Generating And Delivery Facility as written in this ordinance; and

WHEREAS, other consideration and rationale for this ordinance are found in IM 14-203 which accompanies this ordinance.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Repeal of chapter. MSB 8.32 is hereby repealed in its entirety.

Section 3. Adoption of chapter. MSB 17.06 is hereby adopted as follows:

CHAPTER 17.06: ELECTRICAL GENERATING AND DELIVERY FACILITY

Section

- 17.06.010 Intent
- 17.06.020 Jurisdiction of chapter provisions
- 17.06.030 General procedures
- 17.06.040 Electrical generating facility permit application requirements
- 17.06.060 Modifications and preexisting uses
- 17.06.100 Right to enter
- 17.06.110 Review of applications; Action by planning commission
- 17.06.120 Application; Submittal procedure
- 17.06.130 Determination of completeness
- 17.06.140 Public notice
- 17.06.160 Permit criteria
- 17.06.170 Appeals of planning commission decisions
- 17.06.230 Fees

17.06.010 INTENT

(A) It is the borough's intent to allow for the location, construction, and operation of new

electrical generating facilities and those associated transmission lines necessary to connect the facilities to any electrical grid within the borough while protecting the public health, safety, convenience, welfare, and environmental surroundings of borough residents. These protections include, but are not limited to: public health, noise, water resources, air quality, socioeconomics, visual resources, cultural resources, land use, traffic and transportation, hazardous materials handling, waste management, biological resources, soils, geological hazards and resources, and transmission safety.

17.06.020 JURISDICTION OF CHAPTER PROVISIONS

(A) This chapter shall apply to the location, construction, and operation of all new electrical generating facilities producing 101 megawatts or more on lands within the borough outside of incorporated cities with land use planning power.

(B) Where this chapter is in conflict with the conditions of a special land use district or other borough regulation, the most restrictive conditions apply.

17.06.030 GENERAL PROCEDURES

(A) Electrical generating facilities with a generating capacity equal to 101 or more megawatts within the borough shall be subject to the provisions of this chapter and any other applicable regulations of the borough, as well as any state or federal agencies having jurisdiction over such activity.

(B) Construction, installation, and operation of electrical generating facilities shall not commence until approval has been granted by the planning commission. The Matanuska-Susitna Borough Planning and Land Use Director, hereinafter referred to as "Director," shall serve as the authorized representative of the planning commission to implement the planning commission's approval.

17.06.040 ELECTRICAL GENERATING FACILITY PERMIT APPLICATION REQUIREMENTS

(A) An application for a permit for new electrical generating facilities shall be filed by the company(ies) or person(s) seeking to operate such a facility. Application for a permit shall be made in writing on a form or forms provided by the Matanuska-Susitna Borough Planning and Land Use Department, and

shall include all of the elements listed in this section.

(B) Information requirements for an application.

(1) Project overview.

(a) A general description of all project components including the electrical generating facility, the proposed site and related facilities, including the location of the site and substations, switchyards, or other associated transmission equipment serving the facility; the type, size and capacity of the generating or transmission facilities, fuel-type, fuel supply routes and storage facilities, water supply routes and facilities, pollution control systems, and other general characteristics.

(b) A brief summary description of the type of fuel(s) and generating technology to be used at the proposed facility; and the decision-making process and rationale used for choosing the same.

(c) Provide a brief summary of the forecasted demand for electrical energy.

(2) *Project schedule.* For each major project component, the proposed dates of initiation and completion of construction, initial start-up and full-scale operation of the proposed facilities.

(3) *Project ownership.* A list of all owners and legally responsible entities with more than 9.9% interest in the site(s), and the electrical generating facilities.

(4) *Certified site plan.*

(5) *Facility closure/decommissioning.* A brief discussion of how the electrical generating facility closure will be accomplished in the event of permanent cessation of operations.

(6) *Other applicable permits.* A list of all other permits for which the project must apply and receive approval.

17.06.060 MODIFICATIONS AND PREEXISTING USES

(A) Approval granted for electrical generating facilities shall expire or be considered revoked if commencement of construction has not occurred within five years of the date of approval.

(B) Where an electrical generating facility permit has been approved and the applicant desires to modify the subject permit due to material changes in the project, an amendment to the original application shall be required. Material changes include, but are not limited to:

(1) the footprint of the project expands beyond the permitted development;

(2) a fuel type or generating technology is used which was not specified as part of the approved development; or

(3) the change is in conflict with a condition placed on the permit by the approving body.

(C) If the director determines that there are substantive impacts caused by the modification, the modification shall be reviewed by the planning commission in accordance with this chapter.

(D) The provisions of this chapter shall apply to all facilities for which construction has not commenced or a permit has not been issued as of the effective date.

17.06.100 RIGHT TO ENTER

(A) For the purpose of implementing and enforcing this chapter, the director or designee may enter onto subject property during normal business hours upon reasonable notification.

17.06.110 REVIEW OF APPLICATIONS; ACTION BY PLANNING

COMMISSION

(A) The director shall review such applications and forward a recommendation for approval, conditional approval, or denial with appropriate findings to the planning commission for final action. Final actions of the planning commission shall contain appropriate findings based upon evidence in the record before the planning commission.

17.06.120 APPLICATION; SUBMITTAL PROCEDURE

(A) The application shall consist of all items identified in MSB 17.06.040. Prior to formal submittal of the application, the director shall meet with the applicant to discuss and identify any information required to adequately review the proposed facility.

17.06.130 DETERMINATION OF COMPLETENESS

(A) The director will review the application for completeness. If the application is incomplete, the applicant will be notified of the deficiency in writing within 30 days of submittal. If the director determines the application is complete, a public hearing shall be scheduled in accordance with this chapter.

17.06.140 PUBLIC NOTICE

(A) Notification shall be in accordance with the standards of MSB 17.03, except the notification area will be one-half mile and the notification period will be 45 days.

17.06.160 PERMIT CRITERIA

(A) The planning commission decision to approve or deny an application for an electrical generating facility permit shall be made and determined based on consideration of the following criteria:

- (1) the degree of compatibility of the proposed site plan and land uses with applicable comprehensive plans;

(2) the compatibility of the project and the site design with surrounding buildings, land uses, ownership and physical characteristics;

(3) the adequacy of access to and from the project and the effect on pedestrian and vehicular circulation and safety;

(4) the impact that the proposed project may have on the need and availability of public services within the area; and

(5) the compatibility of the project to the site conditions, cultural resources, and environmental setting.

(B) The planning commission decision shall be based upon evidence in the record. Within 30 days following the conclusion of the public hearing, a written resolution shall be adopted as its decision on the application. The resolution shall set forth findings based upon evidence in the record of proceedings before the planning commission.

17.06.165 REQUIRED COMPLIANCE WITH STATE AND FEDERAL LAWS

(A) All applicants for permits for electrical generating facilities are required to demonstrate compliance with state and federal law. The permit shall be conditioned upon the applicant or agent providing written documentation of compliance with applicable permits, including but not limited to, permits identified in accordance with 17.06.040(B)(6).

17.06.170 APPEALS OF PLANNING COMMISSION DECISIONS

(A) Appeals of a decision by the planning commission shall be made to the board of adjustments and appeals in accordance with MSB 15.39.

17.06.230 FEES

(A) The assembly shall establish a schedule of fees for applications under this chapter by resolution. The schedule of fees shall be posted in the borough offices and may be altered or amended only by the assembly.

Section 4. 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)

PROPOSED AMENDMENTS FOR REVIEW

OR 15-002

Assemblymember Beck

I MOVE to amend Ordinance Serial No. 15-002 as follows:

- incorporating all changes as outlined in the attached memorandum from the Attorney's Office dated September 2, 2014; and
- the following as recommended by Animal Care staff:
 - MSB 24.05.105, Trapping, by deleting in its entirety (page 27);
 - MSB 24.15.050(G), by deleting the level "2" classification from this section to read: (G) An animal classified as Level 3, 4, or 5 may not be adopted from impoundment." (page 64); and
 - MSB 24.20.090, by striking the word "shall" and inserting in its place the word "may" to read: At least semi-annually, the Animal Care Manager may conduct low cost clinics for dogs and cats..."(page 76)
 - MSB 24.50.050, to insert a fee for failure to comply with the conditions of supervised quarantine in the amount of \$200.

RATIONAL as noted in the Animal Care Staff memo date December 9, 2014.

24.05.105 TRAPPING - Recommend deleting this entire section.

Rationale: Trapping of wild animals is the jurisdiction of the Alaska Division of Fish and Game and trespassing violations are the jurisdiction of the Alaska State Troopers. Both of these items are the focus of the referenced paragraph. AC&R staff should not be involved in these state jurisdiction matters. MSB code already exists which covers trapping of domestic animals with live traps **MSB 24.05.110**. Additionally, MSB Staff have met with the Alaska Trappers Association President and local representative and they are agreeable to work together for any problem areas which may arise. Collectively, although there were a few isolated instances, we did not view this as a significant historical or present problem in the Borough.

24.15.050 ADOPTION - (G) Remove the number "2" from this sentence.

Rationale: Including the level 2 animals in the category for "**not**" being able to be adopted conflicts with MSB 24.26.110 ADOPTION OF FORFEITED ANIMAL, (which reads); "If a Level 1 or Level 2 classified animal has been forfeited or released to the Borough, the Chief Animal Care and Regulation Officer may authorize adoption of the animal directly from the shelter. The animal shall be subject to the classification, and the new owner shall be required to comply with the conditions of the classification."

24.20.090 LOW COST RABIES VACCINATION AND SPAY/NEUTER CLINICS FOR DOGS AND CATS (Page 63)

Substitute the word "shall" with "may" so the first sentence of that section reads:

At least semi-annually, The Animal Care Manager may conduct low cost clinics for dogs and cats as set forth in the Matanuska-Susitna Borough's "Animal Care and Regulation Policies and Procedures" manual.

Rationale: Conducting these clinics is subject to availability of funds and manpower. We strive to conduct these clinics but cannot always do so.

OR 15-002 Im15-003
OR 15-003 Im15-080



MATANUSKA-SUSITNA BOROUGH

Borough Attorney's Office

350 East Dahlia Avenue • Palmer, AK 99645
Telephone (907) 861-8677 • Fax (907) 861-8559
<http://www.matsugov.us/>

M E M O R A N D U M

DATE: September 2, 2014
TO: Mayor and Assembly Members
THROUGH: Nicholas Spiropoulos, Borough Attorney
FROM: Lisa Richard, Assistant Borough Attorney
RE: Revisions to MSB Title 24 -
Concise Summary of Recommended Actions

This Memorandum provides a concise summary of the Attorney's Office's recommended actions on the Animal Care and Regulation Board's revisions to Title 24. These recommendations are made in a section-by-section analysis of the proposed revisions.

Please contact the Attorney's Office to prepare amendments to carry out these changes if you would like to sponsor them.

RECOMMENDED ACTIONS

24.05.010 DEFINITIONS (Page 3/125)

Delete the phrase "while taking into consideration the nature of the neighborhood in which the annoyance occurs" from the Board proposed definition for "annoyance." The definition should read as follows:

"Annoyance" means an actual unreasonable interference with the sleep, work, recreation, or reasonable right to peace, safety, or privacy of a person.

24.05.030 ANIMAL ANNOYANCE (Page 15/125)

Retain current MSB 24.05.030(A). The changes recommended by the Board would make this section almost impossible to enforce.

OR 15-002
OR 15-003
Im 15-003
Im 15-004

24.10.020. LICENSING; KENNEL AND CATTERIES (Page 31/125)

Substitute the term "owner" for the term "operator" in proposed 24.10.020(B)(1) so that the last sentence of that section reads:

- (1) . . . Said list [of animals and rabies certificate numbers] shall be maintained by the owner with current information and must be immediately made available upon request by an Animal Care and Regulation Officer.

In addition, correct a typographical error in new subsection (G). Subsection (G)(2) on page 33 is referencing the immediately preceding subsection 24.10.020(G)(1), not "24.10.020(C)(1)."

24.10.100 KENNEL AND CATTERY INSPECTIONS (Page 42/125)

Change 24.10.100(B) to read:

It is within the discretion of the Chief Animal Care and Regulation Officer to order the inspection of any existing kennel or cattery with reasonable notice to the owner.

This is recommended because under current code, existing licensed kennels and catteries can only be inspected by the Borough if a written complaint is lodged regarding conditions at the kennel or cattery. This lapse in code greatly limits the Borough's ability to enforce kennel and cattery requirements.

24.15.010 IMPOUNDMENT PROCEDURES (Page 45/125)

Modify proposed 24.15.010(C) to read:

If an animal is provided to the Borough by a law enforcement officer or other individual or is obtained by the Borough, and if the Borough receives information that the animal's owner is unavailable due to circumstances including fire, arrest, or hospitalization, the animal shall be impounded for a minimum of 15 business days unless reclaimed earlier by the owner.

This will require notice to the Borough to trigger a 15-day hold period.

OR15-002
OR15-003
Im15-003
Im15-004

24.15.040 LIVESTOCK AUCTION (Page 49/125)

Correct the typo (inconsistency of "Borough" and "their").

24.15.080 EUTHANASIA (Page 53/125)

Do not delete "In consultation with a licensed veterinarian." Retain current MSB 24.15.080(A)(2).

24.26.010 CLASSIFICATIONS OF ANIMALS

Section 24.26.010(A)(5)(a): (Page 66/125)

For consistency with other changes, amend the standard of proof from "preponderance of the evidence" to "*clear and convincing*" to read:

- (a) An animal, regardless of whether it is restrained, causes serious physical injury or the death of any human; *or it is shown by clear and convincing evidence that the animal would have caused such injury or death if not for human intervention, which caused the animal to cease the attack; or*

Section 24.26.010(A)(5)(c): (Page 66/125)

If the Board's change is adopted, we recommend adding the following to the Board proposed language (in italics):

If there was no physical injury to a human or serious physical injury to an animal in the subsequent incident, if the animal presents a low risk to the community, the owner's family and other animals, and if the circumstances otherwise justify it, the Chief Animal Care and Regulation officer has the discretion under this section to choose to classify or retain the classification of the animal at a Level 3 or 4 instead of recommending a Level 5 classification. The decision is appealable to the Animal Care and Regulation Board under the abuse of discretion standard. It shall be an abuse of discretion only if the decision was plainly unreasonable.¹

¹ "Abuse of discretion" is the appropriate standard to be applied when a decision was made under the "discretion" of an official. See Lincoln v. Interior Regional Housing Authority, 30 P.3d 582, 589 (Alaska 2001) (citations omitted).

24.26.020 EXCEPTIONS TO CLASSIFICATIONS (Page 69/125)

MSB 24.26.020 should be clarified by adding a new subsection "B" (current B would move down to C) stating:

The CACRO's decision to not apply exceptions under subsection A of this section is reviewable under the abuse of discretion standard. It shall be considered an abuse of discretion only if the decision was plainly unreasonable.

This provides a needed clarification of how the Board is to proceed if an appellant argues the CACRO should have applied an exception to a classification of an animal.

24.26.030 INVESTIGATION AND CLASSIFICATION OF ANIMALS (Page 70/125)

Subsection 24.26.030(B) should be changed so that it reads:

Subject to MSB 24.26.020, if the bite or attack incident is classified as non-accidental the Chief Animal Care and Regulation Officer shall classify the animal as a Level 1, 2, 3, or 4, or shall recommend to the Office of Administrative Hearings a Level 5 classification.

24.26.040 REGULATION OF CLASSIFIED ANIMALS

Subsection 24.26.040(B)(4): (Page 73/125)

The jurisdiction for Level 5 classification matters should be moved to the OAH, as discussed elsewhere in this Memorandum. Substitute the words "Office of Administrative Hearings" in place of "animal care and regulation board" throughout section 24.26.040(B)(4).

Subsection 24.26.040(D): (Page 75/125)

The statement: "The Chief Animal Care and Regulation Officer shall notify the insurance company of the presence of the animal on the subject property" should be deleted, along with other changes. In whole, subsection D should be reworded as follows:

(D) Insurance

OR 15-002
OR 15-003
IM 15-003
IM 15-004

Title 24 Revision: Recommended Actions

The Chief Animal Care and Regulation Officer may require that the owner of an animal classified as a Level 3 or 4 furnish proof of liability insurance in the amount of at least \$100,000 for bodily injury or death of any person or domestic animal. If required, the Chief Animal Care and Regulation Officer shall notify the animal owner that the insurance policy must be provided to the Borough and kept current throughout the ownership of the animal. In addition, the policy must be specific to the animal being classified, and must cover injury or death caused by said animal. The Chief Animal Care and Regulation Officer may require that proof of insurance be provided prior to release of a classified animal to the owner. If the insurance is not provided, or maintained as current, this shall be cause for the animal to be immediately impounded. If proof of insurance is not submitted within seven calendar days after impoundment, the Chief Animal Care and Regulation Officer shall issue a notice of forfeiture to the owner.

Subsection 24.26.040(F): (Page 76/125)

New section F should read:

(F) Spay or neuter. The Chief Animal Care and Regulation Officer shall have discretionary authority, if the conditions, facts, and circumstances warrant it, to require the owner of an animal classified as a level 1 under MSB 24.26.010(A)(1)(c), or as a level 3 or 4 to have the animal spayed or neutered at the owner's expense. The CACRO's determination under this section, if appealed, shall be reviewed under the abuse of discretion standard. It shall be an abuse of discretion only if the decision was plainly unreasonable.

24.26.060 ANIMAL CLASSIFICATION AND WRITTEN RELEASE ORDER REVIEW BY ANIMAL CARE BOARD

Subsection 24.26.060(A): (Page 83/125)

The second sentence should read as follows:

A hearing date shall be set before the Office of Administrative Hearings as set forth in MSB 24.30 unless the owner wishes to surrender the animal to the Borough.

OR 15-002
OR 15-003
IM 15-003
IM 15-004 185

Subsection 24.26.060(C): (Page 84/125)

Do not adopt new section (C).

24.26.070 COMPLIANCE INSPECTIONS

Subsection 24.26.070(A): (Page 85/125)

Make the changes shown in italics and brackets (deletion):

Unless there is an emergency requiring an immediate response, Animal Care and Regulation Officers shall not enter any *vehicle, house-trailer, or building* [located on private property] to perform an inspection under this section without consent from the animal(s) owner, the property owner, or an occupant of the property, or a search warrant.

24.30.020 JURISDICTION. (Page 93/125)

We recommend that subsection B relating to the Animal Care and Regulation Board's jurisdiction over Level 5 matters be deleted.

24.30.025 EX PARTE CONTACTS PROHIBITED.

Subsection 24.30.025(C): (Page 94/125)

We suggest the following rewording for the subsection:

If ex parte communication occurs, the Board member shall disclose the communication on the record as soon as possible. If ex parte contact is disclosed, the Chair shall conduct an inquiry on the record. Each party shall be given the opportunity to state a position on the issue of recusal. The Chair shall decide whether the member shall recuse themselves. The decision and the reasons for the decision shall be stated on the record. If the member with the ex parte contact is the Chair, then the Vice Chairperson shall conduct the inquiry and make the decision.

24.30.030 PROCEEDINGS (Page 96/125)

We suggest that "Board comments" be deleted from the agenda for quasi-judicial matters.

OR15-002
OR15-003
IM15-003
IM15-004 186

24.30.040 HEARINGS

Subsection MSB 24.30.040(B): (Page 101/125)

In subsections (2) and (3), the words "Animal Care and Regulation Board" should be replaced by "Office of Administrative Hearings."

Subsection MSB 24.30.040(C): (Pages 101-102/125)

Retain current code so that the same procedures continue to be used for Level 1, 2, 3, and 4 classifications. Also, adopting the procedural changes recommended by the Board would result in a gap because no alternative procedures have been proposed for Levels 3 and 4. (Adding a definition for substantial evidence as proposed by the Board is fine, however.)

24.30.045 RECONSIDERATION

Subsection 24.30.045(A): (Page 103/125)

Retain current code.

24.50.050 FINES FOR INFRACTIONS (Pages 116-121/125)

Delete the annual inspection classification fee proposed to be listed in the fine schedule under MSB 24.26.050(D). (Page 120/125)

Add the following offenses to the schedule (fine amounts are suggested only):

<u>MSB 24.05.100(J)</u> , Failure to comply with release order	
First offense	\$100
Second offense (same person, within twelve months)	\$300
Third offense (same person, within twelve months)	\$500
<u>MSB 24.05.115(A)</u> , Injured animal - failure to stop	\$200
<u>MSB 24.05.115(B)</u> , Injured animal - failure to notify	\$200
<u>MSB 24.15.010(F)</u> , Removal of impounded animal	\$500

24.26.060 CITATIONS FOR INFRACTIONS

In subsection A, the proposed phrase "including the ordinance number and the essential facts of constituting the

DR 15-002
OR 15-003
Im 15-003
Im 15-004

offense charged," contains a typographical error. The word "of" should be deleted. (Page 122/125)

Under subsection C, in cases with a mandatory court appearance the maximum fine when the defendant pleads guilty or no-contest prior to trial would be \$75. However, if the defendant pleads not guilty and proceeds to trial, the potential fine upon sentencing by the judge would range from \$75-\$500. It was commented during Board discussions that this might penalize the defendant for exercising a constitutional right, and therefore might be "illegal."

The Alaska case, Hanrahan v. City of Anchorage, 377 P.2d 381, 383-84 (Alaska 1962) addressed this issue and determined that such an ordinance would not violate the equal protection clause of the Alaska Constitution. This case should be cited in the Informational Memorandum (currently being prepared by the Clerk) in reference to proposed 24.26.060(C). (Pages 123-124/125)

CONCLUSION

If an assemblymember would like a specific amendment prepared to accomplish any of the recommended changes contained in this Memorandum, please contact the Borough Attorney's Office as soon as possible. In addition, please feel free to contact the Borough Attorney's Office if there are any other questions regarding this Memorandum.


OR15-002
OR15-003
Im15-003
Im15-004


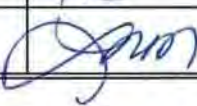

SUBJECT: AN ORDINANCE AMENDING MSB TITLE 24, ANIMAL CARE AND REGULATION.

AGENDA OF: December 16, 2014

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: 

Route To:	Department/Individual	Initials	Remarks
	Originator: BJH		for the Animal Care and Regulation Board
	Borough Attorney	NS	Legal review pending
	Borough Clerk		12/8/14 

ATTACHMENT(S): Ordinance Serial No. 15-002 (138 pp)
 Current Title 24 (50 pp)

Im: 15-004

SUMMARY STATEMENT: OR 15-003

Per MSB 24.30.017(A)(1)(b), the Animal Care and Regulation Board may advise the Manager and Assembly on matters affecting animal care and regulatory services in the Borough regarding proposed legislation and regulations. The Board began their review in June of 2009 and since that time more than 50 public meetings have been conducted. During that time, the Board reviewed animal care and regulation codes from other municipalities such as Anchorage, Juneau, and Fairbanks. The Board has invited input from local veterinarians, the Chair from the Anchorage Animal Control Board, the public, and Animal Care and Regulation Staff and Borough Staff, in order to ensure as much input as possible. Meetings were conducted in such a manner as to invite the widest participation of the public as possible.

The Board reviewed Title 24 as currently written and then each member brought back suggestions for revisions to portions of code that they had concerns about. During public meetings, testimony was noted, taken into consideration, and crafted into the ordinance

when the Board felt the suggestions were reasonable and appropriate. The Board wanted to ensure that the revisions would provide clear direction as to the proper care and regulation of animals within the Borough. The Board also made additional changes after review by the Borough Attorney's Office, which are noted in this informational memorandum.

A change that occurs throughout code is the change of the word "registration" to the word "license." This change was in order to eliminate the confusion as to whether a registration was the same as a license. Other municipal codes throughout the state of Alaska use the term "license" rather than "registration."

Some sections had only grammatical changes made to them to ensure that code flows.

MSB 24.05.010 Definitions

The Board felt that additional definitions were required. The definitions and explanations for their addition are as follows:

"Abandon an animal" had only one change to it. The Board inserted the word "physical" before the word "life."

"Abandon an animal means to leave an animal for an extended period of time without food, water, or shelter or in conditions where the animal's physical life, safety, or health is endangered. A rebuttable presumption of abandonment shall exist where an Animal Care and Regulation Officer receives no response in 24 hours after noticing the property where the animal is located."

"Affirmative Defense" was not previously defined in Title 24. Law suggested, and the Board accepted, the definition below.

"Affirmative defense" means, a defense to an alleged violation of Borough code for which the burden is placed upon the defendant of establishing the defense by a preponderance of evidence."

There were administrative changes made to shelter management, in that the animal care managerial position was split into two separate positions. One became titled the Animal Care Manager, who is primarily in charge of administration needs for the shelter. Code enforcement remains with the Chief Animal Care and Regulation Officer. The new definition for Animal Care Manager as suggested by Law and Shelter Staff is below.

"Animal Care Manager" means the person appointed by the Borough Manager who has the responsibility for planning and directing animal care and regulation activities and through the Chief Animal Care and Regulation Officer, enforcing the

provisions of this title for the control of and care of animals within the Borough."

Corresponding changes that were not substantive were made throughout code in order to accommodate the different administrative and enforcement duties of the Animal Care Manager and the Chief Animal Care and Regulation Officer.

"Annoyance" had language added to the definition. The Board wanted to ensure that if a person moved into a mushing neighborhood that the nature of the neighborhood would be taken into consideration if a complaint is made. The new definition is below.

"Annoyance means an actual unreasonable interference with the sleep, work, recreation, or reasonable right to peace, safety, or privacy of a person, while taking into consideration the nature of the neighborhood in which the annoyance occurs."

"Bite" was not previously defined in code and is spoken to many times throughout Title 24, especially within the classification section. The Board adopted the following definition:

"Bite means seizure of an animal or human with the teeth of an animal so that they puncture, tear, or grip."

"Boarding Facility" was deleted as it is not referenced anywhere within Title 24, except within the definitions. Boarding facilities would fall under the definition of kennel.

"Breeding Facility" was deleted as it is not referenced anywhere within Title 24, except within the definitions. Breeding facilities would fall under the definition of kennel.

"Canid Hybrid" was deleted from the definitions due to the fact that it is the State who retains jurisdiction over canid hybrids.

"Chief Animal Care and Regulation Officer" was previously defined in code. The definition was amended to meet the needs of the position being divided by Borough Management. The definition is below.

"Chief Animal Care and Regulation Officer" means the person who has the responsibility for enforcing the provisions of this title governing the control of and care of animals within the Borough, and who works under the supervision of the Animal Care Manager.

Corresponding changes that were not substantive were made throughout code in order to accommodate the different administrative and enforcement duties of the Animal Care Manager and the Chief Animal Care and Regulation Officer.

"Control" was a long laundry list of ways that an animal would be

under control. The Board retained all of the ways control was defined but broke them into their own definitions.

"Dog" had the reference to canid hybrids removed in order to be consistent with the overall removal of the reference to canid hybrids throughout Title 24.

"Ex parte" was not previously defined in code.

"Ex parte" means a communication between a person and the Animal Care and Regulation Board, or a board member, regarding a matter pending before the Board, when other parties are not present. This does not include communications with the Animal Care and Regulation Board Clerk or the Borough Clerk's Office regarding procedural matters."

"Human victim was deleted and incorporated into the definition for "Victim."

"Identification" had a small amendment. The Board added micro-chip as an accepted form of identification.

"Identification means a collar and tag, brand, tattoo, micro-chip, or other mark or means which makes ownership of the animal ascertainable."

"Intentionally" was not previously defined in code. Law suggested, and the Board accepted, the definition below.

"Intentionally" a person acts intentionally with respect to a result described by a provision of law defining an offense when the person's conscious objective is to cause that result; when intentionally causing a particular result is an element of an offense, that intent need not be the person's only objection."

"Knowingly" was not previously defined in code. Law suggested, and the Board accepted, the definition below.

"Knowingly" a person acts knowingly with respect to conduct or to a circumstance described by a provision of law defining an offense when, the person is aware that the conduct is of that nature or that the circumstance exists; when knowledge of the existence of a particular fact is an element of an offense, that knowledge is established if a person is aware of a substantial probability of its existence, unless the person actually believes it does not exist; a person who is unaware of conduct or a circumstance of which the person would have been aware had that person not been intoxicated acts knowingly with respect to that conduct or circumstance."

"Own" is currently defined in code. The Board struck "10" days and inserted in its place "20" days as they felt that the original time frame was in inadequate.

"Own means to have, keep, possess, harbor, take care of, have custody of, or control over any animal for a period of 20 days."

"Owner" is currently defined in code. The Board struck "10" days and inserted "20 days or longer" to the end of the definition as they felt that the definition of "owner" should be consistent with the definition of the word "own."

"Owner means any person, group of persons, association or corporation owning, keeping, taking care of, having custody of, having control over, or harboring any animal or animals for a period of 20 days or longer."

"Provocation" is currently defined within code. The Board felt that it needed to be expanded upon, by inserting the words "or otherwise cause an annoyance" at the end of the definition.

"Provocation means the teasing, tormenting, abusing, or assaulting of an animal to incite the animal to bite, attack, or otherwise cause an annoyance."

"Recklessly" was not previously defined in code. Law suggested, and the Board accepted, the definition below.

"Recklessly" a person acts recklessly with respect to a result or to a circumstance described by a provision of law defining an offense when the person is aware of, and consciously disregards, a substantial and unjustifiable risk that the result will occur or that the circumstance exists; the risk must be of such a nature and degree that disregard of it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation; a person who is unaware of a risk of which the person would have been aware had that person not been intoxicated acts recklessly with respect to that risk."

"Restraint" is currently defined within code. The Board was of the opinion that the way code was written, that a sled dog would be considered unrestrained and in violation of Borough code. The Board inserted a new section (d) to the definition of restraint that reads: "(d) dogs harnessed and attached to a gangline in a dog team."

"Sanitary" is currently defined within code. It was recommended by a veterinarian that the word "bacteria" be removed from the definition as there is nothing that is bacteria free.

"Sanitary means free from parasites, waste, filth, or other elements in amounts which would endanger the health or welfare of an animal."

"Secure enclosure" was previously defined within code. The only

change the Board made was to strike the word "reasonably" at the suggestion of the Chief Animal Care and Regulation Officer. The definition is below.

"Secure enclosure means any fully enclosed fenced pen, kennel, yard, or structure, which must include a roof, walls, a floor or buried wall footing, and a measure preventing entrance or exit of the enclosure over the wall. Approval for a secure enclosure shall be obtained from the Animal Care Manager. The secure enclosure shall:

- (a) be located so as not to interfere with public access to the owner's or custodian's property; and
- (b) prevent:
 - (i) the accidental release of any animal confined in the enclosure;
 - (ii) the confined animal from leaving the enclosure by its own efforts;
 - (iii) unauthorized persons from gaining entry to the enclosure;
 - (iv) the entry into such enclosure by any animal other than the confined animal; and
 - (v) the confined animal from biting or clawing a person or animal through the enclosure."

"Trap" was not previously defined within code.

"Trap means any device designed or used to capture or hold an animal, and that operates without direct human control. This includes any device for catching and holding wild or domesticated animals including, but not limited to, snares, nets, pitfalls, or clamp-like devices that spring shut suddenly."

"Trapping" was not previously defined within code.

"Trapping means the placing or setting of a trap."

"Victim" was previously defined in code as the person whose animal is physically injured. There was already a definition for victim animal. The Board decided to combine the definition for "human victim" and "victim." The definition is below.

"Victim" means a human who is placed in fear, physically injured, or killed by an animal."

"Victim animal" was previously defined in code. The Board inserted language at the end of the definition to be consistent with the definition for "victim." The definition is below.

"Victim animal" means an animal which is physically injured or killed by an animal."

MSB 24.05.020 Jurisdiction

The only change to this section was that the Board removed the reference to canid hybrids as it is the state of Alaska who retains jurisdiction over canid hybrids.

MSB 24.05.030 Animal Annoyance

Due to code being unclear what constitutes an annoyance, and the definition being broad, the Board inserted language to help clarify what an annoyance is. The Board was also concerned with residents filing unnecessary complaints against kennels that are pre-existing. The Board decided to use a combination of their own suggestion and the suggestion of Law. The definition is below.

"(A) It is unlawful for any animal owner to allow an animal to be an annoy multiple persons living in a cumulative total of three or more households."

"(B) It shall be an affirmative defense that the defendant was already operating an established farm or registered kennel before the complainant(s) moved into the neighborhood, if that farm or registered kennel is the cause of the complaint."

"(C) It shall be an affirmative defense that a person provoked the animal and that the provocation caused the animal to commit the annoyance."

MSB 24.05.070 Restraint of Animals

Law suggested, and the Board accepted, to amend section (E), by striking the first sentence of "No animal may be carried in or upon any truck or vehicle in a cruel, inhumane, or unsafe manner" and inserting in its place "No person shall have an animal within, on or attached to a motor vehicle under conditions that may endanger the health, safety, or welfare of the animal." The new definition is below.

"No person shall have an animal within, on, or attached to a motor vehicle under conditions that may endanger the health, safety, or welfare of the animal. An animal carried in the bed of a truck or in any open vehicle shall be crated or restrained so it cannot fall, jump, or reach out from the vehicle."

MSB 24.05.090 Cruelty to Animals

Where current code speaks to placing poisonous substances where animals could reach it, the Board added language regarding the right of a person to place common rat poison on their own property. The Board also wanted to insert language that would ensure that animals are not used for fighting. The Board also wanted to further define what constitutes humane animal care. The new language is below.

(A) No person shall intentionally or recklessly injure or kill an animal unless:

(1) the act committed is done humanely in conformity with applicable federal, state, or borough law;

(2) the act is necessary to defend a human being or an animal from immediate attack.

(B) No person shall intentionally or recklessly wound, injure, torment, poison, provoke, cause to suffer, abandon, or otherwise abuse or unnecessarily overwork an animal, or procure, or attempt any such acts.

(C) [Repealed by Ord. 08-013(AM), § 3, 2008]

(D) No person shall intentionally, recklessly, or negligently throw or deposit any poisonous substance on any exposed public or private place where an animal could reasonably be expected to ingest the substance; provided, that it shall not be unlawful for a person to place common rat poison on the person's own property.

(E) No person shall:

(1) cause or encourage an animal to fight with another animal or human being for sport, training, entertainment, or for financial gain; or

(2) own, possess, train or keep for the purpose of training, an animal with the intent that it be engaged in an exhibition of fighting with an animal or human being; or

(3) permit their premises to be used for any animal fighting exhibition or be present as a spectator at any animal fighting exhibition; or

(4) attend, or have a pecuniary interest in an exhibition of a fighting animal, or knowingly instigate or promote such an exhibition.

(I) No person shall intentionally, recklessly, or negligently, fail to provide that person's animal with adequate food, water, shelter, or veterinary care to prevent physical suffering, or causing severe dehydration or the animal to be substantially underweight.

(J) It is an affirmative defense to a prosecution under this section if the act committed was done humanely in conformity with applicable federal, state, or Borough law, and the conduct of the person:

(1) was necessarily incident to lawful hunting or trapping activities; or

(2) was in accordance with accepted veterinary practice; or

(3) was in accordance with accepted farming or animal husbandry practices, which for this purpose are those approved and/or practiced by the majority of the members of the local farm bureau; or

(4) was the humane destruction of a person's own animal; or

(5) was the humane destruction of an animal by an animal control officer or state or local peace officer in

accordance with this title; or

(6) was the humane destruction of an animal in extreme pain due to illness or injury; or

(7) was immediately necessary to defend the person, the person's animal, or another person, except that this defense does not apply to a person who injures an animal but does not make a reasonable effort to either track and dispatch the injured animal, seek veterinary care for the injured animal, notify the injured animal's owner, or notify the Borough Animal Control Office.

The Board also moved sections (F) through (H) to a newly added section that addresses trapping within the Borough, which will be MSB 24.05.105, Trapping.

MSB 24.05.100 Protective Custody

A number of years ago, the appeal of the forfeiture of animals was moved to the jurisdiction of the Office of Administrative Hearings, when forfeiture was recommended by the Chief Animal Care and Regulation Officer. The language was never removed from Title 24 that spoke to the appeal of the forfeiture of animals and some of what remained was conflicting. The conflicting information was removed from this section as well as other sections within Title 24 that spoke to the appeal of the forfeiture of animals. The Board also inserted language that made a violation of the terms of a protective custody written release order an infraction.

The Chief Animal Care and Regulation Officer suggested and the Board accepted to strike 24.05.100(A)(3), which spoke to animals being taken into protective custody due to arrest, hospitalization, or other reasons. The reasoning was to remove it from where it could be perceived to have a penalty.

MSB 24.05.105 Trapping

This is a newly added section. Law suggested not adding this section and the Board rejected that suggestion. In previous code, there was not a lot of language that addressed trapping within the Borough. At code revision meetings, there was public testimony regarding pets that had been snared or otherwise trapped within subdivisions. The Board thought that it would allow for better enforcement if trapping was addressed within its own section. The new chapter was inserted immediately preceding MSB 24.05.110 Live Animal Traps. The new chapter reads as follows:

(A) Except as provided in MSB 24.05.110, no person may engage in trapping within the Borough within 100 yards of the right-of-way of any publicly maintained road or within 50 yards of any trail incorporated within the Matanuska-Susitna Borough trails plan.

(B) Trapping of animals is prohibited upon privately owned property without the express permission of the owner of record.

(C) For the protection of the health and safety of the residents, the Alaska State Department of Fish and Game, Alaska State Department of Public Safety, United States Fish and Wildlife Service, or their authorized agents or designee, may, upon notice to the Borough, trap animals within the area in which trapping is expressly prohibited by this chapter.

(D) This section shall not apply to the trapping or capturing of rats, mice, shrews, or similar vermin.

(E) Violation of this section shall be punishable as a misdemeanor.

MSB 24.05.110, Live Animal Traps

The only change the Board made to this section was to section (B) to change the timeframe in which live animal traps must be checked. The change was by striking "24" hours and inserting "12" hours in its place.

MSB 24.05.115 Accidents Involving Injury to Animals

This is a newly added section. The Board felt that it was important to add language to code that would provide a mechanism for notification to animal owners if their animals were involved in an accident and the owner was not present. The new chapter is below.

"(A) It is unlawful for the driver of any motorized vehicle involved in an accident that injures a domestic animal to fail to stop the vehicle and check on the condition of the animal if it is reasonably safe to do so.

(B) The driver involved in such an accident must inform a peace officer or the Animal Care and Regulation Office of the injury, the time and location of the accident, the description of the injured animal, and the apparent nature of the injury.

(C) It shall be an affirmative defense that the driver obtained veterinary care for the animal or that the driver returned the animal to the owner.

(D) Violation of this section is an infraction."

MSB 24.10.010 Licensing (formerly registration); Dogs and Cats

The first change to this section was to change registration to licensing in the title of the section and through the section itself.

Code was not clear when an animal owner would be required to obtain a kennel or cattery license, after a certain number of animals are owned, so language was added that clearly states when that is

necessary. The language below was added to the end of section (A).
"(A) a separate kennel and cattery license is required for each species type of five or more animals over the age of six months."

The Board deleted the information regarding licensing of canid hybrids because the State retains jurisdiction over canid hybrids.

MSB 24.10.020 Licensing; Kennel and Catteries

The first change to this section was to change Registration to licensing in the title of the section and throughout the section itself. Code was not clear whether or not a person must obtain separate kennel and cattery licenses should they own both. Language was added as the end of section (A) as follows:

"(A)...A separate kennel and cattery license is required for each species type of five or more animals over the age of six months. Dual registration shall be made available to persons owning both a kennel and a cattery. Only one license fee will be required if applying for both licenses simultaneously."

Section (B) was reordered and the new order and language are below.

"(B) License Application.

(1) The application for a kennel or cattery license shall state the name and address of the owner, the name and address of the operator, the kennel or cattery name, and the physical location of the kennel or cattery. A complete list of the dogs and cats by rabies certificate numbers shall be provided. Rabies certificates must be current for the application to be considered complete and prior to review. Said list shall be maintained by the operator with current information and must be immediately made available upon request by an Animal Care and Regulation Officer.

(2) A kennel or cattery license application shall not be processed by the Borough within 12 months of the denial of a kennel or cattery license for the same kennel or cattery.'

Sections (C) through (F) were deleted.

Sections (G)(H),(I), and (J) are for issuing a kennel license. The new language is below.

"(G) Issuance. Determinations regarding issuance of kennel or cattery licenses are made by the Chief Animal Care and Regulation Officer.

(1) A kennel or cattery license may be issued only upon the Chief Animal Care and Regulation Officer finding the following:

(a) The owner has provided an emergency evacuation

- plan, which addresses the safe and orderly evacuation of the animals in the event of a natural disaster, such as fire or flood; and
- (b) that the owner has demonstrated that the owner will provide for the animal in a sanitary, safe, and humane manner in compliance with the requirements of Title 24, particularly, MSB 24.10.040; and
 - (c) that the owner has paid all required fees.
- (2) In making the determinations required by MSB 24.10.020(c)(1), the Chief Animal Care and Regulation Officer may consider any relevant factors including, but not limited to the following:
- (a) prior convictions for cruelty to animals or failure to provide humane animal care in any jurisdiction at any time; or
 - (b) prior violations of MSB Title 24 within the past five years; or
 - (c) unpaid animal licensing fees or unpaid fines for violations of MSB Title 24.
- (H) Re-licensing. If there are any changes in ownership or location of the kennel or cattery, the kennel or cattery shall be re-licensed.
- (I) Expiration of kennel and cattery licenses. Licenses shall be valid for a period of three years.
- (J) The Chief Animal Care and Regulation Officer may immediately revoke the license of a kennel or cattery for good cause, including but not limited to:
- (1) a conviction of the owner for cruelty to animals in violation of MSB 24.05.090 or AS 11.61.140; or
 - (2) a conviction of failure to provide humane animal care in violation of MSB 24.05.080; or
 - (3) evidence that the owner is failing to provide for the animals in a sanitary, safe, and humane manner in violation of the requirements of MSB Title 24."

MSB 24.10.040, Kennel and Cattery requirements

The Board wanted to make an emergency evacuation plan part of the requirements for receiving a kennel or cattery license due to concerns with natural disasters, such as fire or flood. A new section (6) was added to read:

"(6) Adequate equipment and resources shall be available to implement the emergency evacuation plans set forth in MSB 24.10.020(G)(1) in a timely and effective manner. The plan shall be kept current, and updated as necessary. The updated plans shall be submitted to the Borough, and shall also be posted at the kennel or cattery in a prominent visible

location."

It is the intent of the Board to have a form created that could be included with the kennel or cattery license application that describes an emergency evacuation plan.

MSB 24.10.050 Identification tags and microchip identification for dogs and cats

The Board received a lot of public testimony stating that microchip implants should be considered lifetime licensing of dogs and cats. The Board also recognized that there may be sporting events, such as dog mushing, at which keeping an identification tag on a dog may not be feasible. The Board added language that addressed both of those issues. The changes to this section are minor such as inserting a sentence into section (C) that reads: "Animals microchipped by the Borough shall have lifetime licensing, as long as rabies vaccinations are maintained as current. If rabies vaccinations lapse, lifetime licensing is forfeited and the animal must be relicensed."

MSB 24.10.070 Fees

The Board wanted to provide incentives for owners to have their animals licensed with the Borough. The Board wanted to provide incentives for animals to be spayed or neutered that could be tied to fees. In order for that to occur the Board recognized that language needed to be added to this section. The Board added the following language to the end of section (A) (1):

"...If the animal is spayed or neutered and microchipped, the lifetime licensing fee shall be \$30. For animals that are microchipped but are not spayed or neutered the lifetime licensing fee shall be \$60."

The Board also added language at the end of section (2) that increased the fee for tagged licensing for the lifetime of an animal adopted from the shelter by striking "\$5" and inserting in its place "\$15."

The Board thought that if there were a singular licensing fee for kennels or catteries that it would provide incentive for operators to properly register within the Borough, which would in turn provide a better mechanism for tracking kennels and catteries within the Borough. The Board also increased the fee from "\$50" to "\$75." Former language stated "The license fee for each animal at that kennel or cattery is \$50 and the license fee for each animal at that kennel or cattery is \$2." The new language is below.

"(A) (3) To license five or more dogs or five or more cats housed in the same location, a kennel or cattery license is

required. The fee for licensing of the kennel or cattery shall be \$75. There is no charge for licensing each animal listed under a kennel or cattery license. The kennel or cattery license shall last for three years."

MSB 24.10.080, Unexpired Licenses

The Board added language at the end of the section that notes that lifetime registrations of animal are not transferrable to new owners and tied to the need for rabies vaccinations. This is to assist in maintaining more accurate records on animals when they are transferred from one owner to another, either by sale or gift. The new Language is below.

"Lifetime licenses shall expire if rabies vaccinations lapse. Licenses are not transferrable to new owners."

MSB 24.10.090 Exemptions

This section relates to exemptions for licensing of dogs and cats within the Borough that reside in kennels or catteries. The Board made only minor changes to this section, such as inserting language that states that separate licensing is not necessary for a dog or cat licensed under a kennel or cattery license.

MSB 24.15.010 Impoundment procedure

The Board added two new sections (C) and (F) that identified the procedures for the removal and/or identification of animals that are impounded.

The Chief Animal Care and Regulation Officer suggested and the Board accepted to insert a new (C) that was formerly in 24.05.100. The new language is below.

"(C) Animals that are provided to the Borough by law enforcement officers or other individuals or obtained by the Borough, and whose owners are unavailable due to circumstances including fire, arrest, or hospitalization, shall be impounded for a minimum of 15 business days unless reclaimed earlier by the owner."

"(E) Removal of animals from the Animal Care and Regulation Shelter. It is a violation of this chapter for any person to remove any impounded animal from the custody and control of the Borough without the consent of the Chief Animal Care and Regulation Officer.

(F) The Animal Care and Regulation Office shall maintain records of impounded animals. The information shall include, but not be limited to:

- (1) a description of the animal;
- (2) the location where the animal was impounded or found, if known;

(3) information found on the animal's collar, identification, or license tag, rabies tag, tattoo or microchip number; and

(4) the disposition of the animal.

MSB 24.15.050 Adoption

The Board is continually concerned with spay and neutering of animals within the Borough. Language was inserted that provided for mandatory spaying or neutering. Language was inserted that ensured that an animal over the age of six months shall not be adopted from the shelter unless the prospective owner agrees to have the animal spayed or neutered.

The Board had many concerns regarding the ability of a person who had been convicted of felonies relating to physical violence against humans or cruelty to animals, being able to adopt animals within the Borough. Law suggested, and the Board accepted, the new language to add to the end of section (A). The new language is below.

"The Animal Care Manager may deny a request to adopt an animal if any person living in the prospective adoptive household has been convicted of failure to provide humane animal care or cruelty to animals in any jurisdiction, including the Borough."

The Board recognized that rescue groups often take animals from the shelter that could have potential behavior problems that could be addressed with socialization or behavior training and therefore language was inserted addressing behavior training. The Board felt that this could assist in eliminating needless euthanization. The Board also wanted to ensure that all information concerning the animal was fully disclosed. The new language is below.

"(D) An animal may not be adopted from impoundment without full disclosure, that shows symptoms of infectious or contagious disease or shows signs of aggression toward humans or other animals. The Animal Care Manager may approve the rescue of an animal or unclaimed animal that would otherwise be euthanized if the rescue group or private individual agrees to necessary medical care or behavior training for the animal."

The Board wanted to ensure that the Borough would not be held liable for adopted animals and so the Board added a new section (K). The new language is below.

"(K) All adoptions are final and the previous owner, if any, may not reclaim the animal once it has been adopted. Any veterinarian bills, liabilities or claims which are incurred after its adoption will be the sole responsibility of the new owner."

MSB 24.15.080 Euthanasia

The Board inserted language into (A)(1) that clarified the that animals that are "the subject" of any appeal under Title 24 would not be euthanized pending resolution of a hearing or court decision. The language is below.

"(A) The Animal Care Manager may authorize euthanasia in the following circumstances:

(1) an animal in Borough custody, that is not the subject of a pending hearing or court decision, which is not adoptable under MSB 24.15.050(D);"

The Board recognized that there may be a time that an animal care officer would come upon a severely injured animal that required immediate euthanasia and that the Borough veterinarian may not always be available to consult with. The Board removed the language in (A) (2) that said "in consultation with a licensed veterinarian" that said an animal care officer would make the decision of euthanasia in consultation with the Borough veterinarian. Because Animal Care Officers are trained to identify the need for immediate euthanasia, are trained euthanasia technicians, and properly trained to humanely do so, the Board felt that it would be appropriate to allow an officer to euthanize an animal in an emergency situation rather than making the animal suffer until the officer could consult with the Borough veterinarian.

After discussion with shelter staff, the Board decided to insert language into paragraph (C) that provided for a trained euthanasia technician to be able to provide support to the veterinarian while under their direction. The language in (C) reads as follows:

"(C) Euthanasia of an animal shall be accomplished humanely by a licensed veterinarian or a trained euthanasia technician."

MSB 24.20.020 Rabies Immunization

Due to the important issue of rabies immunization, the Board wanted to ensure that residents must provide proof of rabies vaccination to the Borough. The Board inserted a sentence at the end of section (A) to read as follows:

(A)...The person is required to provide proof of the rabies certificate to the Borough in the form required by the state of Alaska upon application to license any dog or cat, or upon notification by the Chief Animal Care and Regulation Officer.

After the sentence "Violation of this provision is an infraction," the Board added the following:

"It shall be an affirmative defense that the animal was currently vaccinated for rabies at the time that proof of the rabies certificate was requested by the Chief Animal Care and Regulation Officer."

The Board also deleted section (C) (1) as it related to canid

hybrids as it is the state of Alaska who retains jurisdiction over canid hybrids and the vaccination of them when and if a rabies vaccination is ever approved.

MSB 24.20.030 Reporting

The Board recognizes the importance of health care providers and veterinarians being required to report animal bites. They felt that current code requiring ordinary citizens to report animal bites was too far reaching. They also felt that if a bite was severe enough, that medical attention would have to be sought and the bite would be reported through that channel. Due to this, the Board deleted section (C), which made the lack of reporting a bite by an ordinary citizen an infraction.

MSB 24.20.090 Low Cost rabies vaccination clinics for dogs and cats

The Board changed the title of this section to reflect the other changes made. The title is now "Low cost rabies vaccination and spay/neuter clinics for dogs and cats."

The other changes made to this section include inserting language regarding low cost spay/neuter clinics becoming part of code rather than part of the Animal Care and Regulation Policies and Procedures Manual. The new language is below.

"At least semi-annually, the Chief Animal Care and Regulation Officer shall conduct low cost clinics for dogs and cats where spaying/neutering services are made available at cost, plus ten percent. Such clinics should be held at such times and places as to encourage the widest participation from all areas of the Borough."

MSB 24.26.010 Classifications of Animals

In section (A)(1)(a)(iii) the Board inserted the word "aggressive" before the word "barking" to be consistent with other portions of code regarding level 1 classifications.

In section (A)(3)(a) the words "while under restraint" were moved to (A)(3) so that it was clear that a level 3 classification would be established while an animal was under restraint.

The Board wanted to add language that would provide additional reasons to establish a level 5 recommendation, due to a particularly vicious incident that had occurred. (5)(a) had language inserted at the end of the section. The new language is below.

"(5) Level 5 classification is established if any of the following occur:

(a) an animal, regardless of whether it is restrained, causes serious physical injury or the death of any human or it is shown by a preponderance of evidence that the animal would have caused such injury or death if not for human intervention, which caused the animal to cease the attack;"

At the end of section (5)(c) the Board inserted a sentence at the end of the section that would provide discretionary authority to the Chief Animal Care and Regulation Officer concerning classification of animals as a level 3 or 4 rather than recommending a level 5 classification. The new language is below.

"(c) an animal classified as Level 3 or Level 4, or as a dangerous animal under a prior enactment of this code, for the second time commits any behavior described in MSB 24.26.010(A)(3) or (A)(4), after the owner receives notice of the Level 3 or 4 classification. The Chief Animal Care and Regulation Officer has the discretion under this section to choose to classify the animal as a level 3 or 4 instead of recommending a level 5 classification."

MSB 24.26.020 Exceptions to classifications

The Board was of the opinion that there needed to be additional exceptions to classifications for the reasons that animals should not be classified. Law suggested, and the Board accepted, to add two additional exceptions to classifications. The new exceptions are below.

"(9) the animal was on the property of its owner at the time of the incident when it attacked a domestic animal that had aggressively entered upon that property.

(10) the person who was bitten was separating animals that were fighting."

Also in MSB 24.26.020(B), in the last sentence there was language that did not really make sense. Law suggested, and the Board accepted, that it be deleted. The deleted language is below.

"This provision shall not exempt a domestic animal which is not euthanized, pursuant to MSB 24.26, from the provisions of this chapter if the domestic animal is determined to be rabies free."

MSB 24.26.040 Regulation of Classified Animals

The Board was of the opinion that the requirements for a secure enclosure should be at the discretion of the Chief Animal Care and Regulation Officer. In MSB 24.26.040(B)(3)(a) the Board inserted language at the suggestion of the Chief Animal Care and Regulation Officer. The language inserted is below.

"The Chief Animal Care and Regulation Officer may modify the

requirements for a roof or floor or buried wall footing depending on the circumstances. The adequacy of the secure enclosure shall be determined at the discretion of the Chief Animal Care and Regulation Officer."

In MSB 24.26.040(B)(3)(b), the Board struck the words "sell, exchange" in order to ensure that code matches other changes that had been made.

In MSB 24.26.040(D) that speaks to providing proof of homeowners insurance that covers a classified animal, Law suggested, and the Board accepted, new language at the end of the section that is below.

"...Chief Animal Care and Regulation Officer shall issue a notice of forfeiture to the owner. The Chief Animal Care and Regulation Officer shall notify the insurance company of the presence of the animal on the subject property and shall require the animal owner to provide written proof to the Borough that the insurance covers injury or death from said animal."

The Board amended section (F) that would allow the Animal Care Manager discretionary authority to require an animal owner to have a level 1, 3, or 4 classified animal spayed or neutered. Prior code made it mandatory. The Board recognized that there may be conditions that would not warrant spaying or neutering. Law suggested, and the Board accepted, the new language below.

"The Chief Animal Care and Regulation Officer shall have discretionary authority, if the conditions, facts, and circumstance warrant it, to require the owner of an animal classified as a level 1 under MSB 24.26.040(A)(1)(c), or as a level 3 or 4 to have the animal spayed or neutered at the owner's expense."

MSB 24.26.010(I)(3) was identified by Law as a major section that impacts all conditional release orders, not just change in location issues and suggested making it into its own section. It was suggested by Law, and accepted by the Board, to be renumbered to (J).

The Board recognized that when animals are classified that it often requires that an officer perform compliance inspections. The Board wanted to tie a fee to such inspections. (D), which speaks to fees and expenses previously stood alone and is now broken into two subsections (D)(1) and (D)(2). Law suggested, and the Board accepted, to insert the new language below.

"(D) Fees and expenses.

(1) prior to any release, all fees and expenses reasonably incurred by the Borough from the date of impoundment shall be paid by the owner.

(2) There shall be a \$100 per year annual inspection fee imposed as a condition of release for animals classified as level 3 or 4."

The Board had concerns with an owner trying to hold the Borough liable for actions of an animal after it had been conditionally released back to them. The Board added a new (H) outlined below.

"(H) The owner of any animal released to the owner's care shall hold the Borough harmless and indemnify it against any liability arising from the actions of the animal."

MSB 24.26.060 Animal Classification and Written Release Order Review by Animal Care and Regulation Board

The Board recognized that the bond between animals and their owners can be profound. The Board received public comment that spoke to the need of animal owners to be able to visit their animals, should they be impounded at the shelter. Law suggested that visitation should be at the discretion of the Chief Animal Care and Regulation

Officer and the Borough Veterinarian. Language was added as follows:

"(C) Pending a final decision in any legal or administrative proceeding, the owner shall have the right to reasonable daily visitation for a minimum of ten minutes per day as staffing allows, if the animal is impounded at the shelter. The owner must agree to hold the Borough harmless and indemnify the Borough against any liability arising from the owner's visitation. Visitation shall not be permitted when the animal is in rabies quarantine for any reason, will be subject to the approval of the Borough Veterinarian, and can be revoked at the discretion of the Animal Care Manager for any reason."

MSB 24.26.070 Compliance Inspections

The Board was of the opinion that if a person had a classified animal and were subject to a noticed inspection, that they may suddenly come into compliance before an inspection was conducted and that it would not reflect accurate conditions. The Board struck "with 24 hours written notice" and inserted into its place "without prior notice." A new second sentence was inserted to (A) in order to ensure that private property rights are protected. The new language is below.

"Unless there is an emergency requiring an immediate response, Animal Care and Regulation Officers shall not enter any building located on private property to perform an inspection under this section without consent from the animal(s) owner, the property owner, or an occupant of the property, or a search warrant."

The Board also entered a new last sentence that refusal to allow inspections may be considered a violation of the conditions of release or classification.

The Board felt that animals classified as level 3 or 4 should have inspections to ensure that owner's are in compliance with conditional release orders or orders of the Animal Care and Regulation Board. The Board wanted to tie a fee to said inspections.

"(B) For level 3 or 4 classifications, said property shall be inspected at a minimum of every six months during the life of the classification with the owner being responsible for the costs of said inspection as a condition of release. The level 3 or 4 annual classification inspection fee shall be set at \$100."

MSB 24.26.080 Removal, reduction, or modification of classification.

(B) speaks to the restrictions for level 3 and 4 animals. The Board has the authority under current code to reduce, modify, or remove those restrictions imposed by the Chief Animal Care and Regulation Officer, with the exception of the secure enclosure requirement. The Board has expressed frustration that they could modify some of the conditions, but not all. The Board struck the language "except the requirement for the use of a secure enclosure."

MSB 24.30.010 Composition (Animal Care and Regulation Board)

The Board had a vacancy for an extended period of time in two or more of the positions. The Board recognizes that the composition of the Board is important in providing a varied view of animal care issues. The Board also recognized the value of a full Board and wanted to provide a way to accomplish that. The only change the Board made to this section was to insert the following:

"(F) In the event that a vacancy continues to exist within one of the groups for a period of 60 days following the filing of notice of vacancy by the Borough, that position may then be filled by an individual from the general public at large."

MSB 24.30.013 Meetings

The Board is governed by Roberts Rules for conducting their meetings, per MSB 24.30.013(A). Roberts Rules requires a majority vote for the Board to pass or adopt motions, orders, or resolutions. Although it was already covered by Roberts Rules, Law suggested and the Board accepted to insert the following language into a newly added paragraph to read:

"(C) An affirmative vote by a majority of those members present is required to pass or adopt any motion, order, or resolution brought before the Board."

MSB 24.30.015 Compensation

The Board is currently reimbursed for mileage in connection with appeal hearings and regular board meetings. As some of the members reside quite a distance outside of the core area of the Borough, the Board felt that it was appropriate that a member be reimbursed for mileage in connection with attendance at Assembly meetings, such as at budget time, which would only be attended at the direction of the Board. Language was inserted that accommodated that need.

MSB 24.30.017 Advisory Functions

The Board felt that they advised not only the Assembly and Borough Manager, but the Mayor as well regarding animal care and regulation issues within the Borough. They inserted the word "Mayor" to read:
"Advise the Mayor, the Borough Manager, and Assembly on matters affecting the animal care and regulatory services in the Borough regarding:..."

MSB 24.30.020 Jurisdiction;

The Board heard an appeal regarding the denial of a kennel or cattery license. Although code speaks to the fact that the Board has jurisdiction to hear appeals of written administrative orders, there was no specific language that stated that the Board had jurisdiction over appeals of the denial of kennel or cattery licenses. The Board wanted to ensure that code was clear as to their jurisdiction. Section (A) was amended and reorganized and the new language is below.

- "(A) The Animal Care and Regulation Board has appellate jurisdiction over:
- (1) denial or revocation of a kennel or cattery license;
 - (2) determination of animals classified as level 1, 2, 3, or 4; and
 - (3) written administrative orders, with the exception of forfeitures."

Also within this section, conflicting code regarding forfeiture appeals was removed, as forfeiture appeals are heard before the Office of Administrative Hearings.

MSB 24.30.025, Ex Parte Contacts Prohibited

This is a newly added section. In current Title 24, there is no direction concerning ex parte contacts. The new section is below.

"(A) Animal Care and Regulation Board members act in a quasi-judicial capacity concerning appeals before the Animal Care and Regulation Board. Board members shall be impartial in all administrative decisions, both in fact and in appearance.

(B) No member may receive or otherwise engage in ex parte contact with the appellant, appellee, other parties with an interest in the appeal, or members of the public, concerning the appeal or issues presented in a notice of appeal, either before the appeal hearing or during any period of time the matter is submitted for decision or subject to reconsideration.

(C) If unsolicited ex parte communication occurs, the member shall disclose the communication on record prior to a decision being rendered. The member shall not take information contained in an ex parte communication into consideration and shall recuse themselves if necessary.

(D) This section shall not prevent the Board from receiving information from appellants, appellees, Borough staff, or other parties to an appeal, during an appeal hearing. This section shall not prevent Board members from discussion among themselves during open meetings or during adjudicatory session.

(E) All members of the Animal Care and Regulation Board shall abide by the Borough code of ethics, codified at MSB 2.71."

MSB 24.30.030 Proceedings

This section addresses the format of the agenda for appeal hearings. During appeal hearings, the Board has opted to allow parties as much time as was necessary to provide their testimony, often extending the timeframes within current code. The Board felt that the current timeframes should be extended and also felt that the parties should be offered the opportunity to ask questions of the witnesses of the other, much as the Board has the opportunity to do. Throughout this section the Board made it clear that all the parties will be provided equal opportunity to ask questions and present their cases. The changes that were made to this section clarified who could ask questions and during what portion of the agenda. The order of the agenda would be as follows:

1. call to order, roll call, determination of quorum;
2. approval of agenda;
3. opening presentation by Borough staff: 15 minutes (*The Board, and the owner/appellant shall have the opportunity to question all Borough staff that make a presentation or otherwise offer testimony to the Board*);
4. opening presentation by animal owner: 15 minutes (*The Board and the Borough shall have the opportunity to question the owner(s)/appellant(s) who make a presentation or otherwise offer testimony to the board*);

5. victim or victim owner's statement: 15 minutes (*The Board, the Borough, and the owner/appellant shall have the opportunity to question the victim or victim owner*);
6. witness statements, which may include Borough Staff members: five minutes. (*The Board, the Borough Staff, and the owner/appellant shall have the opportunity to question witnesses*);
7. closing remarks by animal owner: ten minutes;
8. closing remarks by Borough: ten minutes;
9. adjudicatory session;
10. Board comments; and
11. adjournment.

MSB 24.30.040 Hearings

The Board struck language in MSB 24.30.040(A) (5) that stated that decisions of the Animal Care and Regulation Board shall include the amount of fees and costs associated with the care of an animal while an appeal was pending. The Board had never included this in their decisions for the last five or more years. Law suggested, and the Board accepted, to strike the last sentence as outlined below.

"The decision shall include an order stating the amount of fees and costs associated with the care of the animal while the case was pending."

This section also speaks to the way evidence is presented at appeal hearings. The Board has often expressed concerns regarding how evidence is presented by Borough staff. The Board wanted to provide the Chair more discretion in receiving evidence. The Board inserted the following to this section:

"(A) (6) The Board shall not be restricted by the formal rules of evidence; however, the presiding chair may exclude evidence irrelevant to the issues appealed. Hearsay evidence may be considered; provided, that there are adequate guarantees of its trustworthiness and that it is more probative on the point for which it is offered than any other evidence which the proponent can procure by reasonable efforts."

The Board also wanted to raise the evidence standards for level 5 classifications. They inserted a sentence at the end of (B) (1) that raised those standards. The revised section is below.

"(1) the standard of proof to be applied to level 5 adjudications is proof by clear and convincing evidence. Clear and convincing evidence indicates that the thing to be proved is highly probable or reasonably certain."

Conflicting language regarding forfeiture appeals was removed from this section as stated earlier in this informational memorandum.

MSB 24.30.045 Reconsideration

The Board had a previous case in which they had the desire to file reconsideration on their decision. This was due to the fact that information came to light after the appeal hearing, that a witness had provided false testimony. The Board felt that if they had that information ahead of time, that they would have made a different decision regarding classification. Within current code, the only parties who may file for reconsideration are those who filed a written brief. The Board inserted language that would allow them to move for reconsideration.

MSB 24.35.020 Powers and Duties of Animal Care and Regulation Officers

Due to the changes indicated earlier in the informational memorandum this section was revised to include the duties for the Animal Care Manager. Law suggested and the Board accepted the new language below. The remaining sections were renumbered accordingly.

"(A) Animal Care Manager. The Animal Care Manager has all the powers of the Chief Animal Care and Regulation Officer and a Deputy Animal Care and Regulation Officer and the power to administer and enforce the provisions of this title, including, but not limited to, the following: operating animal shelters, conducting low cost rabies vaccination and spay/neuter clinics for dogs and cats, entering into settlement and payment schedule agreements, and developing and implementing animal care and regulation policies and procedures."

The duties for the Chief Animal Care and Regulation Officer were also amended to include "holding animal care and regulation hearings as authorized by this title, issuing written animal care and regulation administrative orders, negotiating and settling nonjudicial disputes and matters under this title, and implementing animal care and regulation policy and procedures."

MSB 24.35.040 Recordkeeping

The only change to this section was to add the following words at the end of the section to read: "according to applicable Borough records retention schedules."

MSB 24.35.050 Policies, Regulations, and Procedures

Law suggested, and the Board accepted, to include that policies and procedures could be posted online as a way for them to be publically accessible.

MSB 24.40.020 Misdemeanors

The Board decided to delete this section as the Borough issues citations for violations of Title 24, which are considered infractions.

MSB 24.40.030, Forfeiture

This section speaks to forfeitures and how and why an animal owner could lose ownership rights of their animal.

Language was amended within this section to change the jurisdiction of forfeiture appeals from the Animal Care and Regulation Board to the Office of Administrative Hearings as mentioned earlier in this informational memorandum.

The Board decided to increase the fine from \$500 to \$1,000, against the recommendation of Law.

The Board added language that allowed the Chief Animal Care and Regulation Officer more discretion in determining when an animal that is "running- at-large" to be impounded. The timeframe of 72 hours was inserted before 120 hours depending on if the animal has identification.

MSB 24.40.050 Fines for Infractions

The Board felt that some fines should be increased. The changes are outlined as follows:

- MSB 24.05.030, Animal Annoyance: Inserted an escalating fine schedule, which included \$150 for a second offense and \$200 for a third offense;
- MSB 24.05.090, Cruelty to Animals: increased the fine from \$500 to \$1,000;
- MSB 24.20.030(C): removed the fine for the failure of citizen's to report bites, as they felt there was no way to enforce this against citizens who do not report a bite incident;
- MSB 24.26.040(B)(4)(c): removed this section as code prohibits the owning of an animal classified as a level 5 and could determine no instance when one would be owned and an owner could be fined;
- MSB 24.26.050(D): inserted an annual classification inspection fee for animals classified as a level 3 or 4;
- MSB 24.26.070(B): newly created fee for compliance inspection; and
- MSB 24.26.050(F): was moved only to ensure that code sections and corresponding fines were referenced in order.

Law suggested and the Board accepted to insert a new (B) to read as follows:

"(C)Violations not listed in the fine schedule shall be cited as mandatory offenses that require a court appearance, and the fine shall be set at not less than \$75 nor greater than \$500."

24.40.060 Citations for Infractions

Due to changes in the way that citations must be issued, Law suggested and the Board accepted to insert language into (A) that would conform to the way the State Court's have determined citations should be issued. In the first paragraph, the Board inserted "including the ordinance number and the essential facts constituting the offense charged" to read:

"A) *Citations; contents.* The citation issued for violation of the provisions of this title shall be in writing, state the nature of the violations, Including the ordinance number and the essential facts constituting the offense charged, name the alleged violator, and contain a notice to answer to the charges against the alleged violator in the Alaska State District Court for the Third Judicial District at Palmer. The citation shall further state that the defendant is entitled to a trial, to engage counsel, to confront and question witnesses, to testify, and to subpoena witnesses in the defendant's behalf. The citation shall also indicate whether a court appearance is mandatory or can be waived, shall state the fine established by borough ordinance, the procedure the defendant must follow in responding to the citation, and the consequences for failure to respond."

Language was also inserted into (C) and renumbered it to (C)(1) which speaks to the disposition of citations and to break the sections into two. A new first sentence was included in (C). The entire new section (C)(1)and (2) are below.

"(C) Disposition.

(1) For offenses that do not require a mandatory court appearance, a person issued a citation pursuant to this title has the option of paying the applicable fine to the district court Clerk upon entering the plea of "no-contest" and waiving appearance in court. The defendant may enter a plea of "not guilty" and request a trial.

(2) For offenses that do require a mandatory court appearance, the fine amount shall be according to the fine limits set forth in MSB 24.40.010. If a person elects to please "no-contest" or "guilty" at any time prior to trial, the fine shall be \$75. The defendant may enter a plea of not guilty and request a trial, and if the defendant decides to please "no contest" or "guilty" after the start of a trial, or is found "guilty" by the court after trial, the defendant shall pay no less than \$75 and no greater than \$1,000."

Law suggested and the Board accepted to strike (D) in order to match the changes previously outlined in this section.

Recommendation of Administration: Present to the Assembly for consideration.

TITLE 24: ANIMAL CARE AND REGULATION

Chapter

24.05	GENERAL PROVISIONS
24.10	REGISTRATION
24.15	IMPOUNDMENT, ADOPTION, AND EUTHANASIA OF ANIMALS
24.20	RABIES CONTROL
24.25	ANIMAL BITE AND ATTACK INCIDENTS [Repealed]
24.26	ANIMAL BITE AND ATTACK INCIDENTS
24.30	ANIMAL CARE AND REGULATION BOARD
24.35	ANIMAL CARE AND REGULATION OFFICER
24.40	PENALTIES

CHAPTER 24.05: GENERAL PROVISIONS

Section

24.05.010	Definitions
24.05.020	Jurisdiction
24.05.030	Animal annoyance
24.05.040	Sanitary enclosures
24.05.050	Diseased animals
24.05.060	Animals in public places
24.05.070	Restraint of animals
24.05.080	Humane animal care
24.05.090	Cruelty to animals
24.05.100	Protective custody
24.05.110	Live animal traps
24.05.120	Severability

24.05.010 DEFINITIONS.

(A) For the purposes of this title, the following definitions of terms used shall apply in all cases, unless otherwise stated:

- "Abandon an animal" means to leave an animal for an extended period of time without food, water or shelter or in conditions where the animal's life, safety or health is endangered. A rebuttable presumption of abandonment shall exist where an animal care and regulation officer receives no response in 24 hours after noticing the property where the animal is located.

- "Accidental bite" means a bite occurring under circumstances in which the animal was not acting aggressively.
- "Aggressive bite" means a bite that is accompanied by an attack.
- "Animal" means vertebrate domestic or domesticated members of the Animalia kingdom unless otherwise provided by this title.
- "Animal care and regulation office" means the agency having authority for enforcement of the animal care and regulation provisions of this title and of all animal shelters maintained at borough expense.
- "Animal care and regulation shelter" means any premises designated for the purpose of impounding and caring for animals impounded pursuant to this title.
- "Annoyance" means an actual interference with the sleep, work or reasonable right to peace, safety, or privacy of a person.
- "Attack" means an animal exhibiting overt aggressive behavior which may include, but is not limited to, snarling, baring teeth, chasing, growling, snapping, pouncing, or lunging.
- "Boarding facility" means a commercial facility or establishment which offers the service of boarding animals.
- "Borough" means the Matanuska-Susitna Borough.
- "Breeding facility" means a commercial facility or establishment which offers the service of selling or breeding animals.
- "Canid hybrid" means an offspring of a wild member of the genus and the family Canidae bred to a member of the genus and species Canis Familiaris. The offspring of a Canid hybrid bred with a wild member of the family Canidae, another canid hybrid, or a member of the genus and species Canis Familiaris is also a canid hybrid. Canid hybrids are illegal to possess except as allowed pursuant to 5 AAC 92.030. Animal care and regulation may provide license, microchip, and vaccination services as allowed by state law to the owner of a canid hybrid meeting the requirements of 5 AAC 92.030.
- "Cat" means a member of the genus and species Felis Catus.
- "Cattery" means any premises used for breeding, buying, selling, keeping, or boarding five or more cats over the age of six months, whether for profit or not.
- "Chief animal care and regulation officer" means the person appointed by the manager who has primary responsibility for administering and enforcing the provisions of this title.

- "Confine" means to keep an animal in a fence, pen, building, or other secure enclosure from which the animal cannot escape, and which keeps the animal from coming into contact with other animals or humans outside the area of confinement.

- "Control" means to simultaneously monitor, direct, and restrict an animal's movements and activities, in a humane manner, so as to prevent violations of this title. Specific types of control are:

(a) "Control by command" includes all of the following:

(i) the person exhibiting the voice control is present with the animal and monitors all of its activities;

(ii) the person exhibiting the voice control is capable of directing all of the animal's movements and activities by vocal commands; and

(iii) the animal under voice control follows all of the vocal commands quickly and accurately;

(b) "Control by confinement" means to control an animal within any fully fenced pen, kennel, yard, or structure, which:

(i) prevents the exit of the confined animal on its own volition;

(ii) prevents the protrusion of the animal's paws and teeth through the outer perimeter of the enclosure so as to stop the animal from physically injuring a person or another animal;

(c) "Control by leash" means that a person, who is physically and mentally capable of monitoring, directing, and restricting the animal, controls the animal by means of a securely attached leash, chain or other item, including an electronic collar;

(d) "Control by attachment" means that the animal is attached directly or indirectly to a person, or to an immovable object, with a harness or similar device and is controlled by means of a chain, leash, or similar item so that:

(i) when the animal is on private property, it cannot travel off the private property including onto any public easement on the property; or

(ii) when the animal is attached to an immovable object on public property, it cannot be left unattended and its movements shall be limited to three feet from the object to which it is attached; and

Im 15-003
Im 15-004
OR 15-002
OR 15-003

(e) "Control by harness" means to control an animal by a harness or other similar device attached directly or indirectly to a person or object.

- "Custodian" means a person entrusted by the owner with the full responsibility for an animal under this title.
- "Days" unless otherwise specified means calendar days.
- "Dog" means a member of the genus and species *Canis Familiaris*, commonly known as domestic dog, but does not include other members of the family *Canidae*, such as a fox, coyote, wolf, or any other game species, the taking of which is regulated by the state. For the purposes of this title, "dog" shall not include canid hybrids.
- "Domesticated" means animals owned which are commonly or historically adapted to man's use or pleasure.
- "Dwelling" means a building, operational vehicle, trailer, or other structure that is designed for use or is used as a person's permanent or temporary home or place of lodging.
- "Human victim" means a human being who is placed in fear, physically injured, or killed as the result of an animal attack or animal aggressive behavior.
- "Identification" means a collar and tag, brand, tattoo, or other mark or means which makes ownership of the animal ascertainable.
- "Kennel" means any premises used for breeding, buying, selling, keeping, or boarding five or more dogs over the age of six months, whether for profit or not.
- "Livestock" includes, but is not limited to, domestic animals such as horses, cattle, sheep, goats, pigs, chickens, ducks, and other such animals normally considered farm animals, whether kept for profit or not.
- "Neutered dog or cat" means any male dog or cat rendered incapable of reproduction by surgical operation.
- "Own" means to have, keep, possess, harbor, take care of, have custody of, or control over any animal for a period of ten days.
- "Owner" means any person, group of persons, association or corporation owning, keeping, taking care of, having custody of, having control over, or harboring any animal or animals for a period of 10 days.
- "Physical injury" means an impairment of physical condition or pain that is accompanied

by scrapes, cuts, punctures, or other evidence of similar injuries.

- "Provocation" means the teasing, tormenting, abusing, or assaulting of an animal to incite the animal to bite or attack.
- "Restraint" shall mean either:
 - (a) actual physical control, such as a leash, chain, fence, or building;
 - (b) competent voice control while actively engaged in an organized activity which requires that an animal not be physically restrained, or in a form of recognized hunting which requires the use of an animal such as a retriever; or
 - (c) the condition of an animal when on the property of its owner, in visual contact with the owner, and obedient to the owner's command.
- "Running-at-large" means an animal is not under restraint.
- "Sanitary" means free from bacteria, parasites, waste, filth, or other elements in amounts which would endanger the health or welfare of an animal.
- "Secure enclosure" means any fully enclosed fenced pen, kennel, yard, or structure, which must include a roof, walls, and floor. Approval for a secure enclosure shall be obtained from the chief animal care and regulation officer. The secure enclosure shall:
 - (a) be located so as not to interfere with public access to the owner's or custodian's property; and
 - (b) reasonably prevent:
 - (i) the accidental release of any animal confined in the enclosure;
 - (ii) the confined animal from leaving the enclosure by its own efforts;
 - (iii) unauthorized persons from gaining entry to the enclosure;
 - (iv) the entry into such enclosure by any animal other than the confined animal; and
 - (v) the confined animal from biting or clawing a person or animal through the enclosure.
- "Serious physical injury" means any physical injury which creates a risk of death, causes serious disfigurement, causes impairment of health, causes impairment of any bodily organ, or causes the loss or impairment of any bodily function.

- "Spayed dog or cat" means any female which has had a surgical ovario-hysterectomy to prevent conception.
- "Victim" means a person whose animal is physically injured or killed.
- "Victim animal" means an animal which is physically injured or killed.
- "Wild" refers to a type of animal which generally lives in its original and natural state and is not domesticated, or animals which are classified as wild under state law.

(Ord. 10-066, § 3, 2010; Ord. 06-097, § 2, 2006; Ord. 04-103, § 2, 2004; Ord. 03-154(AM), § 2, 2003; Ord. 03-065(AM), §§ 2, 3, 4, 2003; Ord. 01-120, § 2, 2001; Ord. 94-120AM, §§ 3—10, 1994; Ord. 92-013(sub1), § 3 (part), 1992)

24.05.020 JURISDICTION.

(A) The borough has jurisdiction over domestic and domesticated animals including canid hybrids. The borough does not have jurisdiction over the following animals:

- (1) wild animals;
- (2) game animals, the taking or possession of which is regulated by the state or federal government.

(Ord. 94-120AM, § 11, 1994; Ord. 92-013(sub1), § 3 (part), 1992)

24.05.030 ANIMAL ANNOYANCE.

It is unlawful for any animal owner to allow an animal to annoy any person. Violation of this provision is an infraction.

(Ord. 94-120AM, § 12, 1994; Ord. 92-013(sub1), § 3 (part), 1992)

24.05.040 SANITARY ENCLOSURES.

It is unlawful for any person to own any animal unless all structures, pens and yards, and areas in which the animal is kept, are maintained in a sanitary condition. Violation of this provision is an infraction.

(Ord. 94-120AM, § 12, 1994; Ord. 92-013(sub1), § 3 (part), 1992)

24.05.050 DISEASED ANIMALS.

It is unlawful to own any animal infected with a contagious or pestilential disease, except when the animal is confined and isolated from other animals or under the care of a licensed veterinarian. Violation of this provision is an infraction.

(IM 95-006, pg. 3, presented 3-7-95; Ord. 92-013(sub1), § 3 (part), 1992)

Im 15-003
Im 15-004
OR 15-002
OR 15-003

24.05.060 ANIMALS IN PUBLIC PLACES.

It is unlawful to tie, stake, or fasten any animal within any highway, street, alley or public place within the borough, or so that the animal has access to any portion of any highway, street, alley or public place therein, provided that the manager may make exceptions in the case of an organized animal activity and similar temporary sporting or festive events. Violation of this provision is an infraction.

(Ord. 94-120AM, § 14, 1994; Ord. 92-013(sub1), § 3 (part), 1992)

24.05.070 RESTRAINT OF ANIMALS.

- (A) All animals shall be continuously under restraint.
- (B) Livestock animals which are generally kept in a herd, flock or other grouping are subject to a single failure-to-restrain violation for the group.
- (C) No person shall release, without permission of the owner, any animal from restraint, except to preserve the animal's life.
- (D) Violation of any provision of this section is an infraction.
- (E) No animal may be carried in or upon any truck or other open vehicle in a cruel, inhumane, or unsafe manner. An animal carried in the bed of a truck or in any open vehicle shall be crated or restrained upon a non-metal mat so it cannot fall or jump from the vehicle or be strangled.

(Ord. 04-103, § 3, 2004; Ord. 94-120AM, § 15, 1994; Ord. 92-013(sub1), § 3 (part), 1992)

24.05.080 HUMANE ANIMAL CARE.

- (A) Humane animal care includes, but is not limited to, providing:
 - (1) sufficient wholesome and nutritious food daily which will keep the animal in healthy physical condition;
 - (2) sufficient daily quantities of fresh water which meet the hydration requirements for the animal;
 - (3) adequate shelter and freedom of movement which provides adequate air, ventilation, and space which prevents the animal from being exposed to inclement or adverse weather conditions, overheating from sunlight, unsanitary conditions, and dirty, wet, and uncomfortable conditions which may endanger the health or welfare of the animal; and
 - (4) veterinary care when needed to treat the animal for sickness, disease, injury, or

Im 15-003
Im 15-004
OR 15-002
OR 15-003

to prevent suffering of the animal.

(B) No owner shall fail to provide humane animal care or place an animal in a situation where the animal's life, safety or health is endangered.

(1) A rebuttable presumption of a violation shall exist where the animal is separated from basic needs such as food, water, shelter, or necessary medical attention or is placed in a situation where the animal's life, safety and health is endangered and the regulation office receives no response in 24 hours after providing notice to the owner of the situation or posting notice at the property where the animal is located.

(C) Failure to provide humane care to animals is an infraction.

(Ord. 08-013(AM), § 2, 2008; Ord. 05-165, § 2, 2005; Ord. 03-065(AM), § 1, 2003; Ord. 92-013(sub1), § 3 (part), 1992)

24.05.090 CRUELTY TO ANIMALS.

(A) No person shall intentionally or recklessly injure or kill an animal unless:

(1) the act committed is done humanely in conformity with applicable federal, state or borough law;

(2) the act is necessary to defend a human being or an animal from attack.

(B) No person shall intentionally or recklessly wound, injure, torment, poison, provoke, cause prolonged suffering of, or otherwise abuse or unnecessarily overwork an animal, or procure, or attempt any of such acts.

(C) *[Repealed by Ord. 08-013(AM), § 3, 2008]*

(D) No person shall throw or deposit any poisonous substance on any exposed public or private place where it may endanger any animal.

(E) No person shall intentionally abandon, harass, torture or kill an animal, or encourage an animal to fight with another animal for sport, training or entertainment.

(F) No person shall intentionally capture a domestic or domesticated animal with any type of trap that physically harms the animal, including but not limited to steel jaw traps, snares and spring traps, except an authorized borough, state or federal employee or agent.

(G) Acts in violation of this section constitute cruelty to animals. Cruelty to animals is an infraction.

(H) Persons convicted of cruelty to animals may at the discretion of the chief animal care and regulation officer forfeit all rights and interests, if any, in the animal(s), pursuant to MSB

24.40.030.

(Ord. 09-010, §§ 2, 3, 2009; Ord. 08-013(AM), § 3, 2008; Ord. 94-120AM, § 16, 1994; Ord. 92-109AM(sub), § 2, 1992; Ord. 92-013(sub1), § 3 (part), 1992)

24.05.100 PROTECTIVE CUSTODY.

(A) The chief animal care and regulation officer may authorize taking an animal into borough protective custody when necessary to preserve the animal's health or safety including but not limited to circumstances where the animal is:

- (1) not humanely cared for by the owner;
- (2) being cruelly treated by any person;
- (3) left unattended due to the arrest, hospitalization, or other incapacity of the owner;
or
- (4) abandoned by the owner.

(B) All animals taken into protective custody shall be examined by a licensed veterinarian to determine the animal's physical condition.

(C) The chief animal care and regulation officer may release an animal taken into protective custody to the owner contingent upon conditions in a written release order.

(1) If an owner refuses to redeem an animal under the conditions of a written release order or violates the conditions of a written release order, the animal is subject to forfeiture to the borough upon a hearing before the chief animal care and regulation officer set forth in the borough's "Animal Care and Regulation Policies and Procedures" manual.

(2) The owner may appeal the forfeiture to the borough animal care and regulation board as set forth in MSB 24.30.

(D) A person whose animal is taken into protective custody shall be responsible for all reasonably incurred fees, costs, and expenses, including, but not limited to, impoundment fees and veterinary costs associated with the borough's custody, care or maintenance of the animal. Violation of this provision is an infraction.

(E) The chief animal care and regulation officer may, for good cause, waive a portion of the fees, expenses, or costs and may enter into a payment schedule agreement with an owner.

(F) Animals taken into protective custody under this section shall remain in protective

custody at the discretion of the chief animal care and regulation officer until:

- (1) forfeited to the borough pursuant to MSB 24.40.030; or
- (2) the animal is returned to its owner upon a written finding that the animal may be safely returned. If the animal is returned to the owner, it shall be subject to a written release order specifying conditions for caring for the animal.

(G) The chief animal care and regulation officer may authorize temporary placement of animals taken into borough protective custody into approved foster homes subject to a written agreement on care and protection of the animal.

(H) Upon recommendation of the chief animal care and regulation officer, an animal in borough protective custody may be forfeited pursuant to MSB 24.40.030.

(Ord. 04-103, § 4, 2004; Ord. 01-120, § 3, 2001; Ord. 94-120AM, §§ 17, 18, 1994; Ord. 92-013 (sub1), § 3 (part), 1992)

24.05.110 LIVE ANIMAL TRAPS.

(A) Intentional capture of domestic and domesticated animals by trap is prohibited, unless a borough-authorized live animal trap is used.

(B) A person who is issued a borough-authorized live animal trap for the purposes of capture and control of unrestrained domestic and domesticated animals shall check the trap at least twice every 24 hours to determine whether an animal has been trapped.

(C) A person shall provide humane animal care for any animal captured.

(D) A person shall release the animal without unreasonable delay to the animal care and regulation office or an animal care and regulation officer or the owner, as set forth in subsection (E) of this section.

(E) No person shall release an animal caught in the live animal trap to anyone other than an animal care and regulation officer or to an owner without first receiving permission from the animal care and regulation office.

(F) Violation of any provision of this section is an infraction.

(Ord. 01-120, § 3, 2001; Ord. 94-120AM, § 19, 1994; Ord. 92-013(sub1), § 3 (part), 1992)

24.05.120 SEVERABILITY.

Should any provision of this title or its application be held invalid, the remainder of its provisions shall not be affected.

(Ord. 92-013(sub1), § 3 (part), 1992)

Im 15-003
Im 15-004
OR 15-002
OR 15-003

CHAPTER 24.10: REGISTRATION

Section

- 24.10.010 Registration; dogs and cats
- 24.10.020 Registration; kennel and catteries
- 24.10.030 Registration; updating information
- 24.10.040 Kennel and cattery requirements
- 24.10.050 Registration tags and microchip identification for dogs and cats
- 24.10.060 Registration certificates for kennels and catteries
- 24.10.070 Fees
- 24.10.080 Unexpired dog and kennel licenses
- 24.10.090 Exemptions
- 24.10.100 Kennel and cattery inspections
- 24.10.110 Written administrative orders
- 24.10.120 Registration, tagging and tattooing implementation
- 24.10.130 Distribution of Title 24: Animal Care and Regulation
- 24.10.140 Reciprocal agreements

24.10.010 REGISTRATION; DOGS AND CATS.

(A) *Registration required.* Within the borough, no person shall own any dog or cat over the age of six months without registering each dog or cat.

(B) *Registration.* Registration of a dog or cat shall include the name and address of the owner and the name, breed, color, age and sex of the dog or cat, whether the dog or cat is spayed or neutered, the expiration date of its rabies vaccination, rabies certificate number, and the location and description of any identification on the dog or cat.

(C) *Immunization.* The borough shall not register a dog or cat unless the dog or cat has been vaccinated with a state of Alaska approved rabies vaccine by a licensed veterinarian, or by a state of Alaska lay rabies vaccinator, and the period of immunization has not expired. Proof of immunization shall be a completed rabies vaccination certificate in the form required by the state of Alaska.

(1) If ownership of an animal is transferred and the animal has a current rabies immunization, proof of transfer of ownership or proof of the animal's identification must be provided when registering the animal.

(D) *Expiration of dog and cat registration.* Dog and cat registrations expire as follows:

(1) For dogs and cats not microchipped in compliance with the chapter, the registration expiration date is three years from the date of registration.

Im 15-003
Im 15-004
OR 15-002
OR 15-003

(2) There is no registration expiration date for dogs and cats tattooed or microchipped in compliance with this chapter.

(E) *Application to canid hybrids.* The rabies vaccination requirement for registration does not apply to canid hybrids unless and until the state approves a rabies vaccine for the particular species of canid hybrids.

(F) *Violation.* Violation of MSB 24.10.010(A) is an infraction.

(Ord. 03-065(AM), § 6, 2003; Ord. 94-120AM, § 20, 1994; Ord. 92-013(sub1), § 3 (part), 1992)

24.10.020 REGISTRATION; KENNEL AND CATTERIES.

(A) *Registration required.* In addition to the registration requirements of MSB 24.10.010, no person shall own or operate a kennel or cattery or own five or more dogs or cats over the age of six months without registering as a kennel or cattery operator for each location of a kennel or cattery.

(B) *Registration.* Registration as a kennel or cattery operator shall state the name and address of the owner, the name and address of the operator, the kennel or cattery name, the physical location of the kennel or cattery, and a complete list of the dogs or cats by borough registration and rabies certificate numbers.

(C) *Re-registration.* If there are any changes in ownership or location of the kennel or cattery, the kennel or cattery shall be re-registered.

(D) *Expiration of kennel and cattery registrations.* Registration shall be valid for a period of three years.

(E) *Violation.* Violation of MSB 24.10.020 (A) or (C) is an infraction.

(F) The chief animal care and regulation officer may immediately revoke the registration of a kennel or cattery for good cause, including but not limited to, a conviction of the owner for the cruelty to animals in violation of MSB 24.05.090 or A.S. 11.61.140.

(Ord. 03-065(AM), § 7, 2003; Ord. 94-120AM, § 21, 1994; Ord. 92-013(sub1), § 3 (part), 1992)

24.10.030 REGISTRATION; UPDATING INFORMATION.

It is the responsibility of every dog or cat owner and kennel or cattery operator to update and provide the borough with current registration information regarding the items set forth in MSB 24.10.010(B) and MSB 24.10.020(B). Violation of this provision is an infraction.

(Ord. 92-013(sub1), § 3 (part), 1992)

24.10.040 KENNEL AND CATTERY REQUIREMENTS.

Im 15-003
Im 15-004
OR 15-002
OR 15-003

- (A) No kennel or cattery shall be maintained or operated in a manner which is an annoyance.
- (B) All kennel or cattery facilities shall meet the following requirements:
- (1) shelter which provides adequate air and ventilation and which shall prevent the dogs or cats from being exposed to inclement or adverse weather conditions, overheating from sunlight, unsanitary conditions or dirty, wet and uncomfortable conditions which may endanger the health or welfare of the dog or cat; and
 - (2) the dogs or cats shall be physically restrained or confined within the premises of the kennel or cattery;
 - (3) the premises shall be free from bacteria, parasites, waste, filth, or other elements in amounts which would endanger the health or welfare of the dogs or cats;
 - (4) sufficient amounts of wholesome and nutritious food and fresh water shall be provided to keep the dogs or cats in healthy physical condition; and
 - (5) the kennel or cattery shall be operated upon property or contiguous parcels currently occupied by the owner or custodian, and must include a dwelling in which the owner or custodian resides while the animals are retained on the property. There shall be a rebuttable presumption that the property is unoccupied in violation of borough code if there is no such dwelling present, or where there is a dwelling, when, after the property is posted as described below, the owner or custodian fails to contact the borough within 24 hours of the property being posted. Posting shall be done in two reasonably conspicuous locations, one of which shall be at the main entrance of the dwelling located on the property. The notice shall include the date and time of the posting, phone number and person to be contacted, and state that contact shall be made within 24 hours of the notice having been posted.
- (C) Violation of MSB 24.10.040(B) is an infraction.

(Ord. 10-066, § 2, 2010; Ord. 94-120AM, § 22, 1994; Ord. 92-013(sub1), § 3 (part), 1992)

24.10.050 REGISTRATION TAGS AND MICROCHIP IDENTIFICATION FOR DOGS AND CATS.

(A) *Registration tags.* Each registered dog and cat shall be issued a registration tag with an identification number and telephone number of the animal care and regulation office.

(B) *Tag replacement.* The registration tag shall be securely fastened to the dog's or cat's choke chain, collar or harness, which shall be worn at all times when the dog or cat is off the owner's property, except when a dog or cat is in competition, training, in use as a police

dog by law enforcement personnel, or while performing recognized sporting activities.

(C) *Registration tattoos or microchip identification.* The dog or cat owner may have the dog or cat tattooed or have a microchip identification approved and inserted by the borough with the borough identification number. Such tattoo will be in the right ear of the dog or cat. The microchip identification shall be inserted in a location specified by the chief animal care and regulation officer.

(D) *Performance of registration tattoos.* A tattoo or microchip implant may be performed in a place other than the borough animal care and regulation shelter by someone other than a borough animal care and regulation officer, at the owner's expense, if the owner notifies the borough of the identification number and the location of the tattoo or microchip.

(E) *[Repealed by Ord. 03-065(AM), § 9, 2003]*

(Ord. 03-065(AM), §§ 8, 9, 2003; Ord. 01-120, § 4, 2001; Ord. 94-120AM, § 23, 1994; Ord. 93-147AM, § 2, 1993; Ord. 92-013(sub1), § 3 (part), 1992)

24.10.060 REGISTRATION CERTIFICATES FOR KENNELS AND CATTERIES.

Each registered kennel or cattery shall be issued a registration certificate with a borough identification number.

(Ord. 92-013(sub1), § 3 (part), 1992)

24.10.070 FEES.

(A) License registration fees:

(1) The license registration fee for a dog or cat shall be \$15 if the animal is spayed or neutered. For animals that are not spayed or neutered the registration fee shall be \$30. The tagged registration fee shall last for three years.

(2) The license registration fee for an animal that is newly adopted from the animal care and regulation shelter shall be \$5. The tagged registration fee shall last for one year.

(3) If you are registering five or more animals, a kennel or cattery license is required. The registration of the kennel or cattery shall be \$50 and the registration for each animal at that kennel or cattery shall be \$2. The kennel or cattery license shall last for three years.

(Ord. 05-072, § 2, 2005; Ord. 04-182(AM), § 2, 2004; Ord. 94-120AM, § 24, 1994; Ord. 93-147AM, §§ 3 and 4, 1993; Ord. 92-013(sub1), § 3 (part), 1992)

24.10.080 UNEXPIRED DOG AND KENNEL LICENSES.

IM15-003
IM15-004
OR 15-002
OR 15-003

Dog and kennel licenses issued under prior borough law shall be valid in lieu of registration until the license has expired at which time registration requirements shall become effective for those dogs and kennels.

(Ord. 94-120AM, § 25, 1994; Ord. 92-013(sub1), § 3 (part), 1992)

24.10.090 EXEMPTIONS.

(A) The registration requirements for dogs and cats under this chapter do not apply to any dog or cat kept within the borough for less than 30 calendar days. All such dogs and cats are subject to all other provisions of this title. This subsection does not allow a 30-day grace period for compliance with registration requirements for dog and cat owners within the borough. This subsection is an exemption only for dogs and cats kept temporarily within the boundaries of the borough.

(B) The Humane Society shelters, Society for the Prevention of Cruelty to Animal shelters, and hospitals and clinics operated by licensed veterinarians for the care and treatment of animals are exempted from the dog, cat, kennel and cattery registration requirements set forth in MSB 24.10.010 and MSB 24.10.020. However, the shelters, hospitals, and clinics are subject to all other requirements of this title.

(Ord. 94-120AM, § 26, 1994; Ord. 93-147AM, § 21, 1993; Ord. 92-013(sub1), § 3 (part), 1992)

24.10.100 KENNEL AND CATTERY INSPECTIONS.

(A) The chief animal care and regulation officer may inspect a kennel or cattery that has applied for a registration certificate under MSB 24.10.020, or may set forth rules in the Matanuska-Susitna Borough Animal Care and Regulation Policies and Procedures manual to ensure compliance with MSB 24.10.040, prior to the issuance of a kennel or cattery license. Any inspection performed under this section shall require the owner be given reasonable notice prior to the inspection time and date.

(B) Upon receiving written complaint that the kennel or cattery does not meet any or all of the requirements of MSB 24.10.040, the chief animal care and regulation officer may, at the officer's discretion, inspect any kennel or cattery.

(Ord. 01-120, § 6, 2001; Ord. 94-120AM, § 27, 1994; Ord. 93-147AM, § 6, 1993; Ord. 92-013(sub1), § 3 (part), 1992)

24.10.110 WRITTEN ADMINISTRATIVE ORDERS.

(A) If, upon the inspection of a kennel or cattery, the kennel or cattery does not meet the requirements of MSB 24.10.040, the chief animal care and regulation officer may issue a written administrative order to the kennel or cattery owner setting forth the conditions the kennel or cattery owner shall meet in order to be in conformance with MSB 24.10.040.

(B) The kennel or cattery owner shall be granted a reasonable length of time of no more than 30 calendar days within which to remedy any deficiencies found.

(C) If, upon a second inspection after the time granted in the written administrative order, the kennel or cattery is still in violation, the chief animal care and regulation officer may revoke any registration certificate.

(D) Each day a kennel or cattery owner operates the kennel or cattery without a registration certificate constitutes a separate violation for operating a kennel or cattery without registration.

(E) Violation of the written administrative order under this provision is an infraction.

(F) Notwithstanding MSB 24.10.110(B) and (C), the chief animal care and regulations officer may immediately order the closing of a kennel or cattery and the impoundment of all animals if conditions of the kennel or cattery pose a imminent risk to the health and safety of the animals or to the public. The owner of the kennel or cattery may appeal the closure to the animal care and regulations board pursuant to MSB 24.30.020.

(Ord. 03-065(AM), § 10, 2003; Ord. 01-120, § 7, 2001; Ord. 94-120AM, § 28, 1994; Ord. 92-013(sub1), § 3 (part), 1992)

24.10.120 REGISTRATION, TAGGING AND TATTOOING IMPLEMENTATION.

The chief animal care and regulation officer, at the officer's discretion, may include in the Matanuska-Susitna Borough's "Animal Care and Regulation Policies and Procedures" manual policies, regulations and procedures to carry out the requirements of this chapter.

(Ord. 01-120, § 8, 2001; Ord. 94-120AM, § 29, 1994; Ord. 92-013(sub1), § 3 (part), 1992)

24.10.130 DISTRIBUTION OF TITLE 24; ANIMAL CARE AND REGULATION.

Every owner registering a dog or a cat, or a kennel or a cattery shall be furnished a copy of Title 24: Animal Care and Regulation, and acknowledge in writing the receipt thereof.

(Ord. 01-120, § 9, 2001; Ord. 92-013(sub1), § 3 (part), 1992)

24.10.140 RECIPROCAL AGREEMENTS.

The manager is authorized to enter reciprocal agreements regarding animal registrations with a municipality within the borough. Under reciprocal registration agreements, a registration issued by either the borough or a city will be treated as valid by the non-issuing jurisdiction as long as the registration would be valid in the issuing jurisdiction.

(Ord. 93-147AM, § 20, 1993)

CHAPTER 24.15: IMPOUNDMENT, ADOPTION, AND EUTHANASIA OF

Im 15-003
Im 15-004
OR 15-002
OR 15-003

ANIMALS

Section

- 24.15.010 Impoundment procedure
- 24.15.020 Redemption of impounded animals
- 24.15.030 Fees
- 24.15.040 Livestock auction
- 24.15.050 Adoption
- 24.15.060 Voluntary release
- 24.15.070 Microchip insertion; impounded dogs and cats
- 24.15.080 Euthanasia

24.15.010 IMPOUNDMENT PROCEDURE.

(A) *Animals running-at-large.* Animals found running-at-large are subject to impoundment by a borough animal care and regulation officer. Animals running-at-large without identification shall be impounded at the animal care and regulation shelter for a period of not less than 72 hours, unless sooner claimed by the owner. Animals with identification which are found running-at-large in the borough shall be impounded for not less than 120 hours, unless sooner claimed by the owner. Animals not claimed by the owner within the mandatory minimum impoundment period may be forfeited pursuant to MSB 24.40.030.

(B) *Pursuit of animals running-at-large.* An animal care and regulation officer shall not pursue an animal running-at-large onto property posted in accordance with A.S. 11.46.350(c) or onto property where the property owner expressly refuses access to the animal care and regulation officer. An animal care and regulation officer may enter the animal owner's property to issue a citation. An animal care and regulation officer may enter onto private property not posted under A.S. 11.46.350(c) if pursuit of an animal is necessary to protect the public or the health or safety of the animal.

(C) *Notification.* The animal care and regulation office shall make reasonable effort to notify the owner of an impoundment and the conditions under which the owner may retain custody of the animal.

(D) *Level 5 classified animals.* All animals classified as Level 5 shall be impounded whenever possible and held at the animal care and regulation shelter. If the owner of a Level 5 classified animal can be located within the holding period set forth in MSB 25.15.010(A), a hearing before the animal care and regulation board may be held at the owner's request pursuant to MSB 24.30 to adjudicate the animal as a Level 5 classification.

(Ord. 04-103, § 5, 2004; Ord. 03-154(AM), § 3, 2003; Ord. 01-120, § 10, 2001; Ord. 94-120AM, § 30, 1994; Ord. 92-013(sub1), § 3 (part), 1992)

IM 15-003
 Im 15-004
 OR 15-002
 OR 15-003

24.15.020 REDEMPTION OF IMPOUNDED ANIMALS.

(A) The owner is entitled to reclaim possession of an impounded animal, unless otherwise provided by this title, upon the owner's compliance with the applicable registration and microchipping requirements, and the payment of fees and expenses set forth in this title.

(B) The chief animal care and regulation officer may, for good cause, enter into a conditional release agreement with an owner of an animal impounded.

(Ord. 03-065(AM), § 11, 2003; Ord. 01-120, § 11, 2001; Ord. 94-120AM, § 31, 1994; Ord. 92-013(sub1), § 3 (part), 1992)

24.15.030 FEES.

(A) The assembly shall by resolution adopt impoundment fees and costs to be charged by the Animal Care and Regulation Division.

(B) Payment of impoundment fees for an animal running-at-large shall not exceed \$500 per animal for each incident of impoundment.

(C) The owner of an impounded animal shall be responsible for expenses and costs in addition to the impoundment and boarding fees reasonably incurred by the borough for care and maintenance of the animal.

(D) The animal may not be returned to the owner unless and until fees are paid. If the fees are not paid within 120 hours of notice of impoundment to the owner, the animal shall be subject to the adoption and euthanasia provisions of this title at the chief animal care and regulation officer's discretion.

(E) The chief animal care and regulation officer may, for good cause, waive a portion of the fees, expenses or costs, and may enter into a payment schedule agreement with an owner.

(Ord. 04-182(AM), § 4, 2004; Ord. 01-120, § 12, 2001; Ord. 95-063, §§ 2, 3 (part), 1995; Ord. 94-120AM, § 32, 1994; Ord. 92-013(sub1), § 3 (part), 1992)

24.15.040 LIVESTOCK AUCTION.

The chief animal care and regulation officer may, at the officer's discretion, auction livestock as set forth in the Matanuska-Susitna Borough's "Animal Care and Regulation Policies and Procedures" manual.

(Ord. 01-120, § 13, 2001; Ord. 92-013(sub1), § 3 (part), 1992)

24.15.050 ADOPTION.

(A) In addition to the registration provisions set forth in MSB 24.10, no dog or cat shall be

Im 15-003
Im 15-004
OR 15-002
OR 15-003

adopted from the shelter unless the prospective owner agrees to have the animal spayed or neutered.

(B) The assembly shall by resolution adopt animal adoption fees and costs to be charged by the Animal Care and Regulation Division.

(C) A dog or cat which is at least six months old and is not spayed or neutered when it is adopted shall be spayed or neutered within 30 calendar days of the date of adoption. Dogs and cats which are under six months of age at the time of adoption shall be spayed or neutered within seven months of the date of birth of the dog or cat. The owner of a dog or cat adopted from the shelter shall provide to the borough written proof of having the dog or cat spayed or neutered by a licensed veterinarian within 30 calendar days of the last date the dog or cat is required by this section to be spayed or neutered.

(D) An animal may not be adopted from impoundment that shows symptoms of infectious or contagious disease or shows signs of aggression toward humans or other animals. Except for those animals, and animals classified as Level 5, the chief animal control officer or designee shall approve the rescue of an animal or unclaimed animal that would otherwise be euthanized if the rescue group or private individual agrees to provide necessary medical care for the animal. Specifically, shall approve without cost the rescue of those cats with upper respiratory infection.

(E) Records of adoptions shall be maintained by the animal care and regulation office.

(F) The chief animal care and regulation officer may, in the officer's discretion, establish an adoption plan and fee schedule for animals other than dogs or cats.

(G) An animal classified as Level 2, 3, 4, or 5 may not be adopted from impoundment.

(H) Adoption of any impounded animal is at the discretion of the borough.

(I) Adoption policies consistent with the provisions of this section may be established by the chief animal care and regulation officer and set forth in the Matanuska-Susitna Borough's "Animal Care and Regulation Policies and Procedures" manual.

(J) Failure to have a dog or cat spayed or neutered as set forth in MSB 24.15.050(C) or to provide written proof of the spay or neuter is an infraction.

(Ord. 14-023, § 2, 2014; Ord. 04-182(AM), § 5, 2004; Ord. 03-154(AM), § 4, 2003; Ord. 01-120, § 14, 2001; Ord. 96-049, §§ 3, 4, 1996; IM 96-004, page 1, presented 1-16-95; Ord. 95-063, § 4 (part), 1995; Ord. 94-120AM, §§ 33 - 35, 1994; Ord. 93-147AM, § 6, 1993; Ord. 92-013(sub1), § 3 (part), 1992)

24.15.060 VOLUNTARY RELEASE.

(A) A person voluntarily releasing ownership of an animal to the borough shall execute a

IM15-003
IM15-004
OR15-002
OR15-003

release of ownership in favor of the borough and may contribute a donation to the shelter.

(Ord. 14-023, § 3, 2014; Ord. 04-182(AM), § 6, 2004; Ord. 01-120, § 15, 2001; Ord. 92-013(sub1), § 3 (part), 1992)

24.15.070 MICROCHIP INSERTION; IMPOUNDED DOGS AND CATS.

(A) All dogs and cats impounded and released from the animal care and regulation shelter, whether by redemption, adoption or otherwise, shall receive a microchip implant approved by the borough. If the animal is being released to the owner and the owner requests to be present, the owner shall be present during the insertion of the microchip. The cost of the microchip shall be paid by the owner. The chief animal care and regulation officer shall list the fee for a microchip implant in a schedule approved by the manager.

(Ord. 03-065(AM), § 13, 2003; Ord. 01-120, § 16, 2001; Ord. 93-147AM, § 7, 1993; Ord. 92-013(sub1), § 3 (part), 1992)

24.15.080 EUTHANASIA.

(A) The chief animal care and regulation officer or designee may authorize euthanasia in the following circumstances:

(1) an animal in borough custody, not pending a hearing or court decision, which is not adoptable under MSB 24.15.050(D);

(2) an animal whose health or physical condition requires euthanasia for humane reasons. The euthanization decision shall be made by a licensed veterinarian or an animal care and regulation officer in consultation with a licensed veterinarian. Prior to euthanizing an animal, the borough shall make reasonable efforts to contact the owner or custodian. Notwithstanding, in an emergency situation, where the condition of the animal requires immediate euthanization, the borough may euthanize the animal for humane reasons prior to notification of the owner or custodian; or

(3) an adoptable animal, remaining unadopted following expiration of the minimum term of availability specified in MSB 24.15.010(A).

(B) An animal which is not eligible for redemption or adoption may be euthanized after the right to appeal expires without being invoked or after all appeals under this title are completed.

(C) Euthanasia of an animal shall be accomplished humanely by a licensed veterinarian.

(D) The borough shelter shall maintain a list available for review by the general public of animals euthanized within the past 30 days, including a photograph or a description of the animal and the reason for euthanasia.

Im 15-003
Im 15-004
OR 15-002
OR 15-003

(Ord. 04-182(AM), § 7, 2004)

CHAPTER 24.20: RABIES CONTROL

Section

- 24.20.010 Definition
- 24.20.020 Rabies immunization
- 24.20.030 Reporting
- 24.20.040 Surrender of animals
- 24.20.050 Supervised quarantine
- 24.20.060 Rabid animals
- 24.20.070 Area quarantine
- 24.20.080 Cooperation with Alaska State Department of Health and Social Services
- 24.20.090 Low cost rabies vaccination clinics for dogs and cats

24.20.010 DEFINITION.

Notwithstanding MSB 24.05.010(A), for purposes of this chapter the word "animal" includes all animals, unless otherwise specified. "Dog" does not include canid hybrids for purposes of this chapter.

(Ord. 92-013(sub1), § 3 (part), 1992)

24.20.020 RABIES IMMUNIZATION.

(A) A person may not keep, own or harbor a dog or cat over six months of age unless the dog or cat has been immunized for rabies in accordance with the laws of the state and borough ordinance. Violation of this provision is an infraction.

(B) It is unlawful for any person owning a dog or cat to knowingly procure, receive, use or attempt to use a purported proof, certificate of, or receipt for rabies immunization not actually given to the animal described in the proof, certificate, or receipt. An act in violation of this provision is an infraction.

(C) The rabies immunization requirements do not apply to canid hybrids unless and until a rabies vaccine is approved by the state.

(1) For rabies issues concerning canid hybrids, the borough shall defer to the state of Alaska.

(Ord. 94-120AM, § 36, 1994; Ord. 92-109AM(sub), § 3, 1992; Ord. 92-013(sub1), § 3 (part), 1992)

24.20.030 REPORTING.

(A) All practitioners of human medicine shall report to the animal care and regulation office within 12 hours of discovery of the names and addresses of persons treated for

Im 15-003
Im 15-004
OR 15-002
OR 15-003
237

animal bites and the owner of the animal, if known. Violation of this provision is an infraction.

(B) All practitioners of veterinary medicine shall report to the animal care and regulation office within 12 hours of observation of any animal having or suspected of having rabies. Violation of this provision is an infraction.

(C) A person who knows of an animal biting a domestic or domesticated animal or human shall report the bite to the animal care and regulation office within 12 hours of witnessing or receiving knowledge of the bite. Violation of this provision is an infraction.

(D) Except for dogs and cats, other domestic or domesticated animals that have bitten a human or another animal shall be reported immediately to the Alaska State Department of Social and Health Services.

(Ord. 01-120, § 17, 2001; Ord. 94-120AM, § 37, 1994; Ord. 92-013(sub1), § 3 (part), 1992)

24.20.040 SURRENDER OF ANIMALS.

An owner of a domestic or domesticated animal, at the request of an animal care and regulation officer, shall not refuse to surrender the domestic or domesticated animal for supervised quarantine, pursuant to MSB 24.20.050, if the domestic or domesticated animal has bitten a human or another animal. Violation of this provision is an infraction.

(Ord. 01-120, § 18, 2001; Ord. 92-013(sub1), § 3 (part), 1992)

24.20.050 SUPERVISED QUARANTINE.

(A) A domestic or domesticated animal subject to a supervised quarantine shall be securely confined for a minimum period of ten calendar days following the bite.

(B) At the discretion of the chief animal care and regulation officer, the quarantine location may be:

- (1) at the designated borough animal shelter;
- (2) at a veterinary hospital or clinic of the owner's choosing, subject to the approval of the chief animal care and regulation officer;
- (3) at a licensed boarding kennel or cattery of the owner's choosing, subject to the approval of the chief animal care and regulation officer;
- (4) confined on the owner's premises subject to the approval of the chief animal care and regulation officer.

- (5) *Exceptions.* If at any time the chief animal care and regulation officer makes a

IM 15-003
IM 15-004
OR 15-002
OR 15-003
238

determination to classify the animal as Level 3 or 4, or recommend as Level 5 to the animal care and regulation board, the animal shall be surrendered to the animal care and regulation shelter pending the outcome of the case.

(C) Fees and costs associated with quarantine, treatment and care reasonably incurred by the borough shall be paid by the owner of the animal.

(D) Violation of any condition of a supervised quarantine order is an infraction.

(Ord. 04-103, § 6, 2004; Ord. 03-154(AM), § 5, 2003; Ord. 01-120, § 19, 2001; Ord. 94-120AM, § 38, 1994; Ord. 92-013(sub1), § 3 (part), 1992)

24.20.060 RABID ANIMALS.

(A) *Notification of chief animal care and regulation officer.* When a domestic or domesticated animal under a supervised quarantine, other than at the borough animal shelter, is diagnosed or tentatively diagnosed as rabid, the chief animal care and regulation officer shall be notified immediately.

(B) *Confirmation of diagnosis.* If a domestic or domesticated animal is rabid or tentatively diagnosed as rabid, the chief animal care and regulation officer may take any action necessary including, but not limited to, immediate euthanasia and the removal of tissue samples from the domestic or domesticated animal to confirm the diagnosis of rabies.

(C) *Destruction of animals.* Destruction of animals shall be as follows:

(1) No person except an authorized agent of the state of Alaska, the chief animal care and regulation officer, or a licensed veterinarian may kill or cause to be killed any domestic or domesticated animal which is rabid or may be rabid.

(2) Any domestic or domesticated animal diagnosed or tentatively diagnosed as rabid by an Alaska licensed veterinarian shall be destroyed immediately.

(D) *Disposition of rabid animal.* Disposition of rabid animals shall be as follows:

(1) A person shall not fail or refuse to surrender a domestic or domesticated animal which is rabid or suspected of having rabies or has been directly exposed to a rabid animal, including the carcass or portion of the carcass.

(2) The chief animal care and regulation officer shall dispose of any dead domestic or domesticated animal, or portions of the animal, which is diagnosed as rabid or is suspected of being rabid.

(E) *Violation.* Violation of MSB 24.20.060(A), 24.20.060(C)(1) and (2), or 24.20.060 (D)(1) is an infraction.

Im15-003
Im15-004
0215-002
0215-003

(Ord. 01-120, § 20, 2001; Ord. 94-120AM, § 39, 1994; Ord. 92-013(sub1), § 3 (part), 1992)

24.20.070 AREA QUARANTINE.

- (A) When one or more positive diagnoses of rabies is made within the borough, the chief animal care and regulation officer may institute an area quarantine for a period of 30 calendar days. The area covered by the quarantine shall be at the discretion of the chief animal care and regulation officer.
- (B) A person within the quarantine area may not:
- (1) take a domestic or domesticated animal off the premises of its owner, except on a leash or in a harness; or
 - (2) take or ship a domestic or domesticated animal from the area of quarantine without written permission of the chief animal care and regulation officer.
- (C) During an area quarantine a domestic or domesticated animal running-at-large may be destroyed forthwith by an authorized animal care and regulation officer.
- (D) In the event subsequent and continued cases of rabies occur during the 30 calendar day quarantine period, the quarantine time may be extended up to an additional six months at the discretion of the chief animal care and regulation officer.
- (E) During the period of quarantine, the boundaries of the quarantine area may be adjusted by the chief animal care and regulation officer as needed.
- (F) Any domestic or domesticated animal with a current rabies vaccination during an area quarantine which is bitten by any animal shall be immediately re-vaccinated and placed under supervised quarantine. The bite shall be reported immediately to the chief animal care and regulation officer.

(Ord. 01-120, § 21, 2001; Ord. 94-120AM, § 40, 1994; Ord. 92-013(sub1), § 3 (part), 1992)

24.20.080 COOPERATION WITH ALASKA STATE DEPARTMENT OF HEALTH AND SOCIAL SERVICES.

- (A) The borough may defer to the judgment of the Alaska State Department of Health and Social Services on rabies issues. The borough may cooperate on issues including, but not limited to:
- (1) surrendering jurisdiction of an animal to the state;
 - (2) cooperation in state-authorized quarantines;
 - (3) cooperation in identification of rabies cases;

IM15-003
 IM15-004
 OR15-002
 OR15-003

(4) control of the spread of rabies, including the euthanasia of animals in order to test brain tissue.

(B) The borough may enter into cooperative agreements with the Alaska State Department of Health and Social Services regarding the protocol for addressing rabies and potential rabies cases for all animals within the borough, whether the animals are categorized as domestic, domesticated, wild or otherwise categorized. The protocol shall be set forth in the Matanuska-Susitna Borough's "Animal Care and Regulation Policies and Procedures" manual.

(C) Where borough law conflicts with state law concerning rabies control, state law shall be controlling.

(Ord. 01-120, § 22, 2001; Ord. 94-120AM, § 41, 1994; Ord. 92-013(sub1), § 3 (part), 1992)

24.20.090 LOW COST RABIES VACCINATION CLINICS FOR DOGS AND CATS.

The chief animal care and regulation officer may, at the officer's discretion, conduct low cost rabies vaccination clinics for dogs and cats as set forth in the Matanuska-Susitna Borough's "Animal Care and Regulation Policies and Procedures" manual.

(Ord. 01-120, § 23, 2001; Ord. 94-120AM, § 42, 1994; Ord. 92-013(sub1), § 3 (part), 1992)

CHAPTER 24.25: ANIMAL BITE AND ATTACK INCIDENTS

[Repealed by Ord. 03-154(AM), § 6, 2003]

CHAPTER 24.26: ANIMAL BITE AND ATTACK INCIDENTS

Section

- 24.26.010 Classifications of animals
- 24.26.020 Exceptions to classifications
- 24.26.030 Investigation and classification of animals
- 24.26.040 Regulation of classified animals
- 24.26.050 Impoundment and written release orders
- 24.26.060 Animal classification and written release order review by animal care and regulation board
- 24.26.070 Compliance inspections
- 24.26.080 Removal, reduction, or modification of classification
- 24.26.090 Transfer of ownership of a classified animal
- 24.26.100 Pre-existing classifications
- 24.26.110 Adoption of forfeited animal

24.26.010 CLASSIFICATIONS OF ANIMALS.

Im 15-003
Im 15-004
OR 15-002
OR 15-003

(A) *Classifications.* Subject to the authority of the chief animal care and regulation officer pursuant to MSB 24.26.020, an animal may be classified based on one of the following levels:

- (1) Level 1 classification is established if an unrestrained animal:
 - (a) has engaged in the following activities:
 - (i) aggressive posturing;
 - (ii) aggressive lunging; or
 - (iii) barking; and
 - (b) has by its behavior caused a person to modify, stop, or alter the person's activity; caused a person to fear for a person's safety from the animal's behavior; or has caused flight of an animal or disruption of a domestic animal flock or group. The burden of proof in this section shall be one of a reasonable belief by the victim or victim animal owner that the victim was in danger of being attacked as defined in MSB 24.05.010(A), but an actual attack did not occur; or
 - (c) is found at large more than two times within a 12-month period.
- (2) Level 2 classification is established if an animal bites or causes physical injury to any domestic animal.
- (3) Level 3 classification is established if an animal:
 - (a) while under restraint, inflicts an aggressive bite or causes any physical injury to any human; or
 - (b) causes any serious physical injury to a domestic animal.
- (4) Level 4 classification is established if any of the following occur:
 - (a) an unrestrained animal inflicts an aggressive bite or causes physical injury to any human; or
 - (b) an unrestrained animal kills a domestic animal; or
 - (c) an animal, regardless of whether it is restrained, for the second time causes physical injury to a domestic animal.
- (5) Level 5 classification is established if any of the following occur:
 - (a) an animal, regardless of whether it is restrained, causes serious physical

injury or the death of any human; or

(b) an animal is used as a weapon in the commission of a crime; or

(c) an animal classified as Level 3 or Level 4, or as a dangerous animal under a prior enactment of this code, for the second time commits any behavior described in MSB 24.26.010(A)(3) or (A)(4), after the owner receives notice of the Level 3 or 4 classification.

(Ord. 09-010, § 4, 2009; Ord. 08-013(AM), § 5, 2008; Ord. 03-154(AM), § 7 (part), 2003)

24.26.020 EXCEPTIONS TO CLASSIFICATIONS.

(A) Notwithstanding MSB 24.26.010, the chief animal care and regulation officer shall have discretionary authority to refrain from classifying an animal even if the animal has engaged in the behaviors specified in MSB 24.26.010, if the chief animal care and regulation officer determines that one of the following is true:

(1) at the time of the injury or damage, the victim was committing trespass or other tort on premises occupied by the owner or custodian of the animal, the victim was teasing, tormenting, abusing, or assaulting the animal, its offspring, or the owner or custodian, or the victim was committing or attempting to commit a crime;

(2) the animal was protecting or defending itself, its offspring, or a human within the immediate vicinity of the animal from an attack or assault while under control or confined;

(3) the injury or damage to a domestic animal occurred while the animal was working or in training as a hunting animal, herding animal, or predator abatement animal on the property of or under the control of its owner, and the damage or injury was to a species or type of domestic animal appropriate to the work of the animal;

(4) the animal is trained to attack person independently or upon oral command while under the restraint and supervision of an authorized government or law enforcement unit and the act is directly associated with the proper execution of the animal's duties;

(5) the animal was responding to pain or injury;

(6) the animal was protecting its offspring from attack by another animal;

(7) the animal is trained or is being trained for the sport of Schutzhund competition or personal protection and the victim was a willing participant and did not file a complaint;

(8) the animal, with a current rabies vaccination, caused injury to the owner, owner's

Im15-003

Im15-004

OR15-002

OR15-003

243

family, trainer, or person caring for the animal, unless:

- (a) the injured party filed a complaint; or
- (b) the victim is a minor who is not involved in training or competing with the animal; or

(9) the decision not to classify reasonably serves and promotes justice, fairness, and the purposes and intent of this title, the protection of public health, safety and welfare, and the humane care and treatment of animals.

(B) If at any time during a supervised quarantine a domestic animal is rabid or is tentatively diagnosed as rabid, the provisions of MSB 24.20.060(B) shall apply. This provision shall not exempt a domestic animal which is not euthanized, pursuant to MSB 24.26, from the provisions of this chapter if the domestic animal is determined to be rabies free.

(Ord. 03-154(AM), § 7 (part), 2003)

24.26.030 INVESTIGATION AND CLASSIFICATION OF ANIMALS.

(A) The deputy animal care and regulation officer shall investigate and report each animal bite or attack incident to the chief animal care and regulation officer. The chief animal care and regulation officer shall classify bite and attack incidents as Level 1, 2, 3, or 4, and shall recommend to the animal care and regulation board Level 5 classifications.

(1) No other conditions of release shall be required if the incident is classified as accidental, except for the supervised quarantine provisions set forth in MSB 24.20.050, registration requirements set forth in MSB 24.10 and fee and expense requirements set forth in MSB 24.15.030.

(B) If the bite or attack incident is classified as non-accidental, the animal involved may be classified by the chief animal care and regulation officer as a Level 1, 2, 3, or 4, and shall recommend to the animal care and regulation board Level 5 classifications.

(C) If the incident is classified as non-accidental, the conditions, facts, and circumstances of the incident, and seriousness of any bite, shall be considered in determining the classification of the animal.

(D) The classification of an animal as Level 1, 2, 3, 4, or a recommendation to the animal care and regulation board as Level 5 classification shall be completed by the chief animal care and regulation officer within 15 borough business days of the receipt of the bite or attack report.

Im 15-003
Im 15-004
OR 15-002
OR 15-003

(E) The animal care and regulation office shall provide written notification to the owner of the classified animal and the human victim or victim owner of any classification or recommended classification. Notice shall be provided in writing and served by personal service or certified mail. Notice by personal service shall be made pursuant to Alaska Rule of Civil Procedure 4(d). Notice by certified mail shall be made pursuant to Alaska Rule of Civil Procedure 4(h).

(F) No person shall make a fraudulent complaint, statement or report to Animal Care and Regulation. Violation of this provision is an infraction.

(Ord. 03-154(AM), § 7 (part), 2003)

24.26.040 REGULATION OF CLASSIFIED ANIMALS.

(A) The chief animal care and regulation officer shall have the discretion to increase or decrease a classified animal's restrictions based upon relevant circumstances.

(B) In addition to other requirements of this chapter, the owner of a classified animal shall comply with the following redemption conditions:

(1) *Level 1 classification.* Whenever an animal classified as Level 1 is on the owner's property outside the owner's home, the animal shall be restrained by a physical restraint so the animal cannot reach any public sidewalk or adjoining property and shall be located so as not to interfere with public access to the owner's property.

(2) *Level 2 classification.* Animals classified as Level 2:

(a) shall be confined in a location which may include a secure enclosure or under control by leash only.

(3) *Level 3 and 4 classifications.* Animals classified as Level 3 or 4:

(a) shall be kept in the owner's home or when outside the home shall be confined in a secure enclosure. When the animal is not on the owner's property, it shall be controlled by leash and muzzled; and

(b) it is a violation of this subsection to breed, sell, exchange, or abandon an animal classified as Level 3 or 4.

(4) *Level 5 classification.* Animals classified as Level 5 shall be euthanized. The animal care and regulation board may issue an order suspending the animal owner's right to adopt an animal from the animal care and regulation shelter and may set conditions for regaining that right.

(a) A hearing shall be held before the animal care and regulation board,

IM15-003
Im 15-004
OR 15-002
OR 15-003

pursuant to MSB 24.30, when an animal is recommended as Level 5 classification by the chief animal care and regulation officer. If the animal is determined to be a Level 5 classification, it shall be humanely destroyed. The animal owner may waive their right to a hearing before the animal care and regulation board and surrender the animal to the chief animal care and regulation officer. Once surrendered the animal shall be humanely euthanized at the convenience of the borough. The owner of the surrendered animal will not be responsible for any fees, costs, or expenses incurred for the impoundment for the animal beyond the date of a signed release waiver.

(b) Animals recommended for Level 5 classification pursuant to this chapter, shall be impounded and held at the animal care and regulation shelter until the hearing before the animal care and regulation board. The animal owner is responsible for all fees and expenses pursuant to MSB 24.26.050(D).

(c) It is unlawful to own an animal classified as Level 5, pursuant to this chapter. Violation of this provision is an infraction.

(C) *Microchip, immunization, and registration requirements.* To ensure correct identification, all classified animals shall be implanted with a permanent microchip to identify the animal and its owner. All animals shall be vaccinated with a state of Alaska approved rabies vaccine and all vaccinations appropriate to species. In addition, all dogs and cats shall be registered in accordance with MSB 24.10.010.

(D) *Insurance.* The chief animal care and regulation officer may require that the owner of an animal classified as Level 4 furnish proof of liability insurance in the amount of at least \$100,000 for bodily injury or death of any person or domestic animal. If required, the policy shall be on file in the animal care and regulation office and shall be required to be kept current throughout the ownership of the animal. Failure to maintain the insurance is cause for the animal to be immediately impounded. If proof of insurance is not submitted within seven calendar days after impoundment, the animal shall be forfeited to the borough.

(E) *Warning sign.* The owner or custodian of a Level 3 or 4 classified animal shall display in a prominent place on the premises where the animal is kept, a sign, easily readable by the public, using the words "Dangerous Animal." The sign and its location must be approved by the chief animal care and regulation officer.

(F) *Spay or neuter.* The owner of an animal classified as a Level 3 or 4 shall have the animal spayed or neutered at the owner's expense.

(G) *Control by leash.* A Level 1, 2, 3, or 4 classified animal shall only be off the property of the owner or custodian if it is restrained by leash, under the direct control of a responsible

adult, and muzzled if classified as a Level 2, 3, or 4. The strength and length of the leash and strength and type of muzzle shall be approved by the chief animal care and regulation officer.

(H) *Notice of disposal or escape.* The owner or custodian of an animal classified as Level 1, 2, 3, 4, or 5 pursuant to this title shall:

(1) Notify the animal care and regulation office immediately if the animal escapes, is unconfined without control of a competent person, attacks another human being or animal, or dies.

(I) *Change in location.* The owner shall notify the chief animal care and regulation officer of any change in the physical location of an animal classified under this section, and the new location shall be subject to the terms and conditions of the conditional release order.

(1) The release conditions shall apply to an animal being boarded at a location other than the approved location.

(2) The notification to the borough set forth in this section shall not apply to temporary moves of the animal for the purposes of providing veterinarian care.

(3) Upon notice to the chief animal care and regulation officer, the subject animal may be impounded until the owner complies with all requirements of the conditional release order, or until such time as the chief animal care and regulation officer schedules a forfeiture hearing pursuant to MSB 24.40.030. In the event the animal is impounded, the owner shall be responsible for all costs and fees associated with the impoundment. Violation of this subsection is an infraction.

(Ord. 04-103, § 7, 2004; Ord. 03-154(AM), § 7 (part), 2003)

24.26.050 IMPOUNDMENT AND WRITTEN RELEASE ORDERS.

(A) *Impoundment.* An animal classified as a Level 1 or 2, at the chief animal care and regulation officer's discretion, may be impounded at the animal care and regulation shelter, licensed kennel, or at the owner's house if the kennel or home has adequate facilities to quarantine the animal. An animal involved in a bite or attack incident classified as a Level 3 or 4, at the chief animal care and regulation officer's discretion, shall be impounded at the animal care and regulation shelter, licensed veterinarian clinic or hospital, licensed kennel approved by the chief animal care and regulation officer, or at the owner's house if the kennel or home has adequate facilities to quarantine the animal. Any quarantine of an animal not at the animal care and regulation shelter shall be posted with a quarantine sign that states the reason for the quarantine, conditions, and dates of the quarantine. If the animal is recommended for classification as Level 5, it shall be impounded at the animal

Im15-003
Im15-004
OR15-002
OR15-007
247
3/150

shelter unless the animal is:

- (1) under a veterinarian's care for sickness, disease or injury requiring the animal to remain at the clinic or hospital; or
- (2) kept under other specially required conditions at the time of the requested release by the borough.

(B) *Written release order.* An owner of an animal classified as a Level 1, 2, 3, or 4 shall be provided a written release order by the chief animal care and regulation officer, setting forth the conditions of release accompanied by written findings of fact and conclusions.

- (1) The conditions of the written release order shall include, but are not limited to, all requirements set forth in MSB 24.26.040 for animals classified as Level 1, 2, 3, and 4. The owner shall have five borough business days from receipt of the conditional release order to comply and implement all of the terms and conditions of the order, unless stated otherwise.
- (2) The chief animal care and regulation officer may, at the officer's discretion, include other requirements or conditions in the written release order.
- (3) The chief animal care and regulation officer or the officer's designee shall inspect the owner's premises to determine if the owner meets the conditions of release requirements pertaining to confinement of the animal prior to release of the animal.
- (4) In determining the release conditions, the chief animal care and regulation officer shall consider factors, including but not limited to the following:
 - (a) the observed or reported past and present actions of the animal owner in controlling and restraining animals;
 - (b) the circumstances of the incident and the extent of the injury to the person or animal attacked;
 - (c) the owner's past history of compliance with past and present borough animal care and regulation ordinances;
 - (d) the owner's past history of compliance with other state or municipal animal care and regulation ordinances and laws.

(C) *Conditions of the written release order to be met.* All conditions of the written release order must be met, or the animal owner must demonstrate the ability to meet the conditions prior to release of the animal. Whether the animal owner has met the conditions or has the ability to meet the conditions shall be determined by the chief animal care and regulation

Im15-003
Im15-004
DR 15-002
OR 15-002
42750

officer.

(D) *Fees and expenses.* Prior to any release, all fees and expenses reasonably incurred by the borough from the date of impoundment shall be paid by the owner.

(E) *Forfeiture of animal.* If an owner refuses to redeem an animal under the conditions of a written release order, refuses to pay fees or expenses, or violates any condition of a written release order, the animal is subject to forfeiture to the borough pursuant to MSB 24.40.030.

(F) *Violation.* Violation of a written release order is an infraction. Each day the owner fails to abide by the written release order issued by the chief animal care and regulation officer constitutes a separate infraction for violating the conditions of the written release order.

(G) *Release agreements.* The chief animal care and regulation officer may, at the officer's discretion, enter into conditional release agreements for animals involved in bite or attack incidents, except for animals recommended for Level 5 classification.

(Ord. 04-103, § 8, 2004; Ord. 03-154(AM), § 7 (part), 2003)

24.26.060 ANIMAL CLASSIFICATION AND WRITTEN RELEASE ORDER REVIEW BY ANIMAL CARE AND REGULATION BOARD.

(A) An owner aggrieved by the classification or the written release order for an animal as Level 1, 2, 3, or 4 may have the decision reviewed by the animal care and regulation board as set forth in MSB 24.30. A hearing date shall be set before the animal care and regulation board when an animal has been recommended as Level 5 classification by the chief animal care and regulation officer as set forth in MSB 24.30 unless the owner wishes to surrender the animal to the borough.

(B) A victim or victim owner aggrieved by the decision of the chief animal care and regulation officer's classification or conditional release order for an animal where classification resulted from an incident involving the victim or victim owner may appeal that decision to the animal care and regulation board by following the procedures set forth in MSB 24.30 and paying the required costs and filing fees. If the victim is under the age of majority, the victim's parent or authorized guardian may appeal the decision.

(Ord. 03-154(AM), § 7 (part), 2003)

24.26.070 COMPLIANCE INSPECTIONS.

(A) The owner or custodian of any animal classified as Level 2, 3, or 4 shall consent to inspection of the property where the animal is kept with 24 hours written notice by the animal care and regulation office. The inspection shall be set at a reasonable time and in a reasonable manner to verify compliance with the requirements of this chapter.

IM 15-003
 IM 15-004
 OR 15-002
 BR 15-003
 249
 43750

(Ord. 03-154(AM), § 7 (part), 2003)

24.26.080 REMOVAL, REDUCTION, OR MODIFICATION OF CLASSIFICATION.

(A) An owner of a classified animal, including an animal classified under a repealed classification scheme, may apply to the chief animal care and regulation officer, in writing, to have the classification reduced, modified, or removed in accordance with this section upon payment of outstanding fees, including a review fee of \$35, and showing that:

(1) a Level 1 or Level 2 animal has been classified for one year without any further incident, including any violation of this title; or

(2) a Level 3 or Level 4 animal has been classified for two years, or 18 months if recommended by the animal care and regulation board after a hearing on the classification, without any further incident, including any violation of this title;

(3) the owner has attended and presents evidence of the owner's and animal's satisfactory completion of an obedience training course;

(4) notwithstanding the two-year time provision of subsection (A)(2) of this section, the chief animal care and regulation officer must review the classification of an animal upon an application presented after 18 months if advised to do so by the animal care and regulation board. The advisement by the board must be in writing made after a hearing on the classification and must specify the facts and circumstances which support the advisement.

(B) Restrictions for Level 3 and Level 4 animals may be reduced, modified, or removed, except the requirement for the use of a secure enclosure.

(C) Requests for termination, modification, or reduction of a classification may be submitted to the chief animal care and regulation officer upon proof of compliance with requirements in MSB 24.26.070(A), but no more than once each year. All requests for reclassification shall be accompanied by a review fee of \$35.

(Ord. 05-165, § 2, 2005; Ord. 03-154(AM), § 7 (part), 2003)

24.26.090 TRANSFER OF OWNERSHIP OF A CLASSIFIED ANIMAL.

(A) Upon transfer of the ownership of an animal classified as a Level 1 or 2 the owner shall transfer to the new owner a copy of the classification notice and conditional release order applicable to the animal.

(B) The new owner shall be bound by the conditional release order issued by the chief animal care and regulation officer or the animal care and regulation board.

Im15-003
Im15-004
OR15-002
OR15-003

(C) The owner shall notify the animal care and regulation office within five days of the transfer of ownership of a classified animal and shall notify the animal care and regulation office of the new location of the animal.

(D) Violation of this section is an infraction.

(Ord. 03-154(AM), § 7 (part), 2003)

24.26.100 PRE-EXISTING CLASSIFICATIONS.

(A) All classifications and conditional release orders or conditional release agreements issued under former law shall remain in full force and effect for the life of the animal classified, unless removed, reduced, or modified under the procedures established in MSB 24.26.080.

(Ord. 03-154(AM), § 7 (part), 2003)

24.26.110 ADOPTION OF FORFEITED ANIMAL.

(A) If a Level 1 or Level 2 classified animal has been forfeited or released to the borough, the chief animal care and regulation officer may authorize adoption of the animal directly from the shelter. The animal shall be subject to the classification, and the new owner shall be required to comply with the conditions of the classification.

(Ord. 04-103, § 9, 2004)

CHAPTER 24.30: ANIMAL CARE AND REGULATION BOARD

Section

Article I. General Provisions

- 24.30.010 Composition
- 24.30.013 Meetings
- 24.30.015 Compensation

Article II. Advisory

- 24.30.017 Advisory functions
- 24.30.018 Meetings; agenda; order of business

Article III. Appellate and Original Jurisdiction

- 24.30.020 Jurisdiction
- 24.30.030 Proceedings
- 24.30.035 Filing fees
- 24.30.040 Hearings

Im 15-003
Fm 15-004
OR 15-003
OR 15-003

- 24.30.045 Reconsideration
- 24.30.050 Appeals to superior court
- 24.30.060 Fees upon appeal

ARTICLE I. GENERAL PROVISIONS

24.30.010 COMPOSITION.

- (A) The animal care and regulation board shall be composed of five members with one alternate. The term of each appointed member of the board shall be three years.
- (B) Members of the animal care and regulation board and the alternate shall be appointed by the mayor, subject to confirmation by the assembly. There shall be one member selected from each of the following groups to the extent practicable:
- (1) licensed veterinarians;
 - (2) organized and recognized animal interest groups;
 - (3) animal trainers, preferably experienced in handling problem animals;
 - (4) animal owners from the general public;
 - (5) an individual from the general public at-large.
- (C) The alternate shall be from one of the groups listed under MSB 24.30.010(B).
- (D) Preference shall be given those applicants in each group who have experience in quasi-judicial or similar matters.
- (E) The board members shall annually appoint a chairperson and vice-chairperson.

(Ord. 01-015, § 3, 2001; Ord. 95-072, § 2, 1995; Ord. 92-013(sub1), § 3 (part), 1992)

24.30.013 MEETINGS.

- (A) The board's meetings shall be governed by the current edition of *Robert's Rules of Order Newly Revised*, except as otherwise provided by this title. All board meetings shall be open to the public and taped, and minutes shall be kept.
- (B) A quorum must be present to conduct business. A majority of the authorized membership of the board constitutes a quorum.

(Ord. 01-015, § 4, 2001)

24.30.015 COMPENSATION.

Board members shall be reimbursed for mileage incurred in connection with meetings of the

Im15-003
Im15-004
OR15-002
OR15-003

board in the same manner as borough employees are compensated for mileage expenses upon presentation of supporting documentation satisfactory to the borough clerk.

(Ord. 00-086, § 2, 2000)

ARTICLE II. ADVISORY

24.30.017 ADVISORY FUNCTIONS.

(A) The animal care and regulation board may:

(1) Advise the manager and assembly on matters affecting animal care and regulatory services in the borough regarding:

- (a) borough related elements of a comprehensive, long range plan;
- (b) proposed legislation and regulations;
- (c) public recommendations;
- (d) program evaluation and implementation;

(2) Conduct a yearly review of the animal care and regulation operations manual and identify areas of revision with input from the chief animal care and regulation officer, animal care and regulation staff, and the public;

(3) Conduct a yearly review of the budget.

(Ord. 01-120, § 33, 2001; Ord. 01-015, § 5, 2001)

24.30.018 MEETINGS; AGENDA; ORDER OF BUSINESS.

(A) The agenda for special and regular animal care and regulation board meetings shall be prepared by the clerk.

(B) At every regular meeting, the order of business shall be as follows:

- (1) call to order, roll call, determination of quorum;
- (2) approval of agenda;
- (3) approval of minutes;
- (4) reports and correspondence;
- (5) audience participation;
- (6) unfinished business;

Im 15-003
Im 15-004
OR 15-002
OR 15-003

- (7) new business;
- (8) board comments; and
- (9) adjournment.

(C) The order of business at special meetings shall be prescribed by the chairperson.

(Ord. 03-154(AM), § 9, 2003)

ARTICLE III. APPELLATE AND ORIGINAL JURISDICTION

24.30.020 JURISDICTION.

(A) The animal care and regulation board has appellate jurisdiction over the determination of animals classified as Level 1, 2, 3, or 4 by the chief animal care and regulation officer, related written administrative orders, and animals forfeited pursuant to MSB 24.05.100(C) (1) and MSB 24.26.050(E).

(B) The animal care and regulation board has original jurisdiction over the determination of animals recommended for classification as Level 5 by the chief animal care and regulation officer.

(Ord. 03-154(AM), § 8, 2003; Ord. 03-065(AM), § 21, 2003; Ord. 01-120, § 34, 2001; Ord. 01-015, § 6, 2001; Ord. 94-120AM, § 68, 1994; Ord. 92-013(sub1), § 3 (part), 1992)

24.30.030 PROCEEDINGS.

(A) *[Repealed by Ord. 01-015, § 7, 2001]*

(B) *Agenda.* The agenda for the animal care and regulation board hearings shall be as follows:

- (1) call to order, roll call, determination of quorum;
- (2) approval of agenda;
- (3) *[Repealed by Ord. 03-154(AM), § 10 (part), 2003]*
- (4) opening presentation by borough staff: 15 minutes;
- (5) opening presentation by animal owner: 15 minutes;
- (6) victim or victim owner's statement: eight minutes;
- (7) witness statements: three minutes (witnesses are subject to examination by the animal care and regulation board);

Im 15-003
Im 15-004
OR 15-002
OR 15-003

- (8) closing remarks by animal owner: ten minutes;
- (9) closing remarks by borough: ten minutes;
- (10) *[Repealed by Ord. 03-154(AM), § 10 (part), 2003]*
- (11) adjudicatory session;
- (12) next case on the agenda following the procedures set forth in MSB 24.30.030(B)(4) through (11);
- (13) *[Repealed by Ord. 03-065(AM), § 23, 2003]*
- (14) *[Repealed by Ord. 03-065(AM), § 23, 2003]*
- (15) *[Repealed by Ord. 03-065(AM), § 23, 2003]*
- (16) board comments; and
- (17) adjournment.

(Ord. 03-154(AM), § 10, 2003; Ord. 03-065(AM), § 22(part), 2003; Ord. 01-120, § 35, 2001; Ord. 01-015, § 8, 2001; Ord. 97-038, § 10, 1997; Ord. 92-013(sub1), § 3 (part), 1992)

24.30.035 FILING FEES.

(A) A \$100 filing fee shall accompany an appeal to the animal care and regulation board from a determination and related administrative order that an animal is a Level 1, 2, 3, or 4, from an animal forfeiture decision, or from an administrative decision of the chief animal care and regulation officer. There shall be no fees collected for a hearing on recommended Level 5 classifications.

(B) *[Repealed by Ord. 03-065(AM), § 23(part), 2003]*

(C) *[Repealed by Ord. 03-065(AM), § 23(part), 2003]*

(D) A person filing an appeal under this section may apply in writing on a form approved by the manager for a payment schedule for the filing fee. A person requesting a payment schedule shall be required to have the full amount of the filing fee paid no later than five borough business days prior to the scheduled date of the appeal hearing.

(E) A person granted a payment schedule who fails to make the full payment at least five borough business days prior to the hearing date of the appeal shall forfeit the appeal and shall forfeit any money paid to date for the appeal. The decision or order of the chief animal care and regulation officer shall remain in effect.

Im15-003
Im15-004
OR15-002
OR15-003

(F) A person who files an appeal under this section may withdraw that appeal by a written request to the clerk prior to the day of the appeal hearing. If an appeal is withdrawn, the filing fee shall be reimbursed to the person who filed the appeal based on the following schedule:

- | | |
|---------------------------------------------------------------------|-------------|
| (1) Filing date through five
borough business days | 100 percent |
| (2) Six through ten
borough business days
after filing date | 50 percent |
| (3) Eleven through 15
borough business days
after filing date | 25 percent |
| (4) More than 16 borough
business days after
filing date | 0 percent |

(Ord. 03-154(AM), § 11, 2003; Ord. 03-065(AM), § 23, 2003; Ord. 01-120, § 36, 2001; Ord. 01-015, § 9, 2001; Ord. 94-120AM, § 69, 1994; Ord. 93-147AM, § 18, 1993; Ord. 92-109(AM)(sub), § 8, 1992)

24.30.040 HEARINGS.

(A) *General procedures.* An animal owner aggrieved by the chief animal care and regulation officer's classification of an animal, related written administrative order, an animal forfeiture decision, or other administrative decisions is entitled to a hearing before the animal care and regulation board, pursuant to the following procedures:

- (1) A request for a hearing shall be in writing and filed with the clerk within five borough business days of the date the animal owner is served with the chief animal care and regulation officer's written administrative order.
- (2) Within five borough business days of receipt of the written request for a hearing by the clerk, a hearing date shall be set no sooner than 20 calendar days, nor later than 30 calendar days after receipt of the request.
- (3) The chief animal care and regulation officer shall file the record with the clerk regarding the case within five borough business days after receipt of notice of appeal.
- (4) Witness lists, written briefs, and other information to be considered by the board shall be filed by the parties no less than five borough business days before the hearing.
- (5) Upon hearing the evidence, the board shall deliberate and issue written findings

IM15-003
IM15-004
ORIS-002
ORIS-003

and conclusions based on the evidence on the record within ten borough business days of the hearing. The decision shall include an order stating the amount of fees and costs associated with the care of the animal while the case was pending.

(B) *Level 5 classification hearings.* Level 5 classification hearings include the following additional procedures:

(1) The standard of proof to be applied to Level 5 adjudications is the preponderance of the evidence standard. The preponderance of the evidence standard of proof is met when evidence as a whole shows the facts sought to be proved are more probable than not.

(2) All animals found to be a Level 5 classification by the animal care and regulation board shall be humanely euthanized.

(3) All animals found not to be a Level 5 classification by the animal care and regulation board shall be remanded back to the chief animal care and regulation officer for reclassification.

(C) *Level 1, 2, 3, and 4 classification hearings.* Level 1, 2, 3, or 4 classification hearings are subject to the following additional procedures:

(1) The animal care and regulation board shall give deference to the written administrative order issued by the chief animal care and regulation officer if the decision of the chief animal care and regulation officer is supported by the substantial evidence in the record.

(2) The animal care and regulation board may affirm, reverse, or modify the classification of an animal as a Level 1, 2, 3, or 4 classification and may modify the written administrative order issued by the chief animal care and regulation officer. However, the mandatory conditions set forth in MSB 24.26.040 if the animal is classified as a Level 1, 2, 3, or 4 shall not be modified by the board.

(D) *Forfeiture hearings.* Forfeiture hearings pursuant to MSB 24.05.100(C)(1) or MSB 24.26.050(E) are subject to the following additional procedures:

(1) The animal care and regulation board shall give deference to the written administrative order issued by the chief animal care and regulation officer, and the determination by the chief animal care and regulation officer of the fees and expenses to be paid by the owner, if the decision of the chief animal care officer is supported by substantial evidence in the record.

(2) The animal care and regulation board may affirm or reverse the chief animal care

Im15-003
Im15-004
OR15-002
OR15-003

and regulation officer's decision in a forfeiture proceeding.

(3) If the animal care and regulation board reverses the decision of the chief animal care and regulation officer in a forfeiture proceeding, it may order conditions of release prior to releasing the animal to its owner.

(E) *Substantial evidence.* For the purpose of forfeiture, Level 1, 2, 3, or 4 hearings, substantial evidence means the relevant evidence a reasonable mind might accept as adequate to support a conclusion.

(Ord. 04-072, § 2, 2004; Ord. 03-154(AM), § 12, 2003; Ord. 03-065(AM), §§ 24 and 25, 2003; Ord. 01-120, § 37, 2001; Ord. 01-015, § 10, 2001; Ord. 96-102, § 2, 1996; Ord. 94-120AM, § 70, 1994; Ord. 93-147AM, § 19, 1993; Ord. 92-013(sub1), § 3 (part), 1992)

24.30.045 RECONSIDERATION.

(A) The animal care and regulation board may reconsider its decision upon petition by any person who filed a written brief. The motion for reconsideration shall be filed with the clerk's office within five borough business days after the animal care and regulation board's decision has been mailed or personally served.

(B) The clerk shall schedule a hearing to review the petition to reconsider and decide whether to reconsider the matter within 15 calendar days after receipt of the request. The decision shall be based on the petition and any written response of the primary parties on the petition to reconsider. Written responses shall be filed no less than five borough business days before the hearing. The animal care and regulation board may also hear oral argument of the interested parties. In determining whether to reconsider the matter, no additional evidence shall be taken. A decision shall be reconsidered only if:

- (1) there was a clerical error in the decision;
- (2) the decision resulted from fraud or mistake; or
- (3) there is newly discovered evidence or a change in circumstances which, by due diligence, could not have been discovered before the original animal care and regulation board hearing.

(C) If the petition for reconsideration is granted, the animal care and regulation board shall decide the matter immediately or set the matter for rehearing within 20 calendar days.

(D) For the purposes of appeal to the appropriate court:

- (1) where the animal care and regulation board denies the petition for reconsideration, the animal care and regulation board's decision on the petition for reconsideration is the final decision; and

Im15-003
Im15-004
OR15-002
OR15-003

(2) where the animal care and regulation board grants the petition for reconsideration, the animal care and regulation board's decision on reconsideration is the final decision.

(Ord. 03-154(AM), § 13, 2003; Ord. 01-120, § 38, 2001; Ord. 01-015, § 11, 2001; Ord. 94-120AM, § 71, 1994)

24.30.050 APPEALS TO SUPERIOR COURT.

(A) Appeals by the animal owner or borough from the written decision of the animal care and regulation board shall be to the superior court and governed by the 600 series of the Alaska Rules of Appellate Procedure. The clerk shall estimate the cost of preparing the transcript of the public hearing and compiling the record on appeal. The appellant shall deposit the estimated costs for preparation of the transcript and record with the clerk in advance. Upon completion of the record on appeal, the clerk shall refund any excess deposit or charge to the appellant for costs exceeding the deposit.

(B) The hearing before the superior court is an administrative appeal heard solely on the record established before the animal care and regulation board.

(Ord. 01-015, § 12, 2001; Ord. 94-120AM, § 72, 1994; Ord. 92-013(sub1), § 3 (part), 1992)

24.30.060 FEES UPON APPEAL.

An animal whose owner is awaiting a decision on appeal may remain in impoundment at the chief animal care and regulation officer's sole discretion. The owner is responsible for all fees and expenses reasonably incurred from the date of impoundment. A request to appeal a decision of the chief animal care and regulation officer to the animal care and regulation board shall be accompanied by advance payment of room and board fees calculated from the date of the decision of the chief animal care and regulation officer to the date set for hearing by the animal care and regulation board.

(Ord. 01-120, § 39, 2001; Ord. 01-015, § 13, 2001; Ord. 92-013(sub1), § 3 (part), 1992)

CHAPTER 24.35: ANIMAL CARE AND REGULATION OFFICER

Section

- 24.35.010 Animal care and regulation officers; appointment
- 24.35.020 Powers and duties of animal care and regulation officers
- 24.35.030 Interference
- 24.35.040 Recordkeeping
- 24.35.050 Policies, regulations and procedures

24.35.010 ANIMAL CARE AND REGULATION OFFICERS; APPOINTMENT.

(A) *Appointment.* The manager shall appoint a chief animal care and regulation officer.

Im 15-003
Im 14-004
OR 14-002
OR 14-007

(B) *[Repealed by Ord. 96-049, § 4, 1996]*

(C) *Contract for services.* The borough may contract, in whole or in part, for any or part of its animal care and regulation services.

(Ord. 01-120, § 40, 2001; Ord. 96-049, § 4, 1996; Ord. 92-013(sub1), § 3 (part), 1992)

24.35.020 POWERS AND DUTIES OF ANIMAL CARE AND REGULATION OFFICERS.

(A) *Chief animal care and regulation officer.* The chief animal care and regulation officer has all the powers of a deputy animal care and regulation officer and the power to administer and enforce the provisions of this title, including, but not limited to, the following: operating animal shelters, holding animal care and regulation hearings as authorized by this title, conducting low cost rabies vaccination clinics for dogs and cats, issuing written animal care and regulation administrative orders, negotiating and settling nonjudicial disputes and matters under this title, entering into settlement and payment schedule agreements, and developing and implementing animal care and regulation policies and procedures.

(B) *Deputy animal care and regulation officer.* A deputy animal care and regulation officer has the duty to enforce the provisions of this title, subject to the chief animal care and regulation officer's authority, including but not limited to, investigating animal care and regulation matters and issuing, filing, and serving citations and written administrative orders, and being certified as a lay vaccinator by the state of Alaska for the purpose of administering rabies vaccines to dogs and cats under the jurisdiction of the borough.

(Ord. 01-120, § 41, 2001; Ord. 92-013(sub1), § 3 (part), 1992)

24.35.030 INTERFERENCE.

(A) It is unlawful for any person to interfere with, hinder, or molest an animal care and regulation officer or officer or agent of the borough in the performance of any of the officer's duties under this title.

(B) It is unlawful for any person to remove or release any animal from the animal shelter, animal care and regulation vehicles, borough live animal traps, or from any other official custody of any animal care and regulation officer or agent of the borough without first obtaining permission to do so from the animal care and regulation office.

(C) It is unlawful for any person to hinder or interfere with any animal care and regulation investigation, reporting or prosecution.

(D) An individual may lawfully detain any animal found in violation of the borough code, provided they immediately notify the animal care and regulation office and surrender the animal to the animal care and regulation officer.

Im 15-003
Im 15-004
DR15-002
DR15-003

(E) Violation of this section is an infraction.

(Ord. 01-120, § 41, 2001; Ord. 94-120AM, § 73, 1994; Ord. 92-013(sub1), § 3 (part), 1992)

24.35.040 RECORDKEEPING.

(A) *Records.* The animal care and regulation office shall keep accurate and detailed records including, but not limited to, records regarding moneys received and expended, registering, impoundment, disposition of animals, and investigations regarding animals coming under the borough's jurisdiction.

(B) *Confidentiality.* Complaints and investigation records shall be kept confidential and not released unless otherwise required by law.

(Ord. 01-120, § 42, 2001; Ord. 92-013(sub1), § 3 (part), 1992)

24.35.050 POLICIES, REGULATIONS AND PROCEDURES.

The chief animal care and regulation officer may, subject to the approval of the manager, establish written policies, regulations and procedures to carry out the provisions of this title. Animal care and regulation policies and procedures adopted and administered by the chief animal care and regulation officer shall be set forth in the manual entitled "Animal Care and Regulation Policies and Procedures," which shall be made available to the public for no more than cost. The chief animal care and regulation officer may modify, amend or rescind, in writing, in whole or in part, subject to the approval of the manager, the "Animal Care and Regulation Policies and Procedures" manual.

(Ord. 01-120, § 43, 2001; Ord. 92-013(sub1), § 3 (part), 1992)

CHAPTER 24.40: PENALTIES

Section

- 24.40.010 Infractions
- 24.40.020 Misdemeanors
- 24.40.030 Forfeiture
- 24.40.040 Civil penalty and statutory injunction
- 24.40.050 Fines for infractions
- 24.40.060 Citations for infractions
- 24.40.070 Summons and complaint for misdemeanors

24.40.010 INFRACTIONS.

(A) An infraction is a minor offense which carries no jail sentence and cannot result in the loss of a valuable license. Except as otherwise provided in this title, any person convicted under this title shall be deemed guilty of an infraction and shall be punished by a fine not less than \$75, nor greater than \$500.

Im 15-003
Im 15-004
OR 15-002
OR 15-003

(B) Unless an offense specifies a mental state as an element of the offense, each and every infraction enacted pursuant to this chapter is a strict liability offense for which the owner of the animal is responsible.

(Ord. 09-010, § 5, 2009; Ord. 05-019, § 2, 2005; Ord. 94-120AM, § 74, 1994; Ord. 92-013(sub1), § 3 (part), 1992)

24.40.020 MISDEMEANORS.

Any person convicted of a misdemeanor is subject to a penalty not to exceed a fine of \$1,000 and imprisonment for 90 days.

(Ord. 92-109AM(sub), § 9, 1992; Ord. 92-013(sub1), § 3 (part), 1992)

24.40.030 FORFEITURE.

(A) Forfeiture occurs when an animal owner loses ownership rights in an animal and the borough assumes the right to adopt or otherwise dispose of the animal in a humane manner.

(B) Any owner shall forfeit all rights of ownership in an animal under the following circumstances:

- (1) the owner is convicted of violating MSB 24.05.090 and forfeiture is recommended by the chief animal care and regulation officer;
- (2) the owner is ordered by the court to forfeit the animal;
- (3) the owner fails to reclaim an animal running-at-large pursuant to MSB 24.15.010(A) within 120 hours of impoundment;
- (4) the owner of an animal subject to supervised quarantine pursuant to MSB 24.20.050 fails to redeem the animal by paying the costs defined in MSB 24.20.050(C);
- (5) the owner of a classified animal fails to redeem the animal under the conditions of a written release order, refuses to pay fees and expenses incurred during impoundment of the animal in violation of MSB 24.26.050(C) or (E), or violates any condition of a written release order and forfeiture is recommended by the chief animal care and regulation officer;
- (6) the owner of a classified animal fails to comply with a conditional release order and the animal is impounded pursuant to MSB 24.26.040(I)(3);
- (7) an owner of an animal released from protective custody violates the conditional release order issued pursuant to MSB 24.05.100(F)(2); or

Im 15-003
Im 15-004
OR 15-002
OR 15-003

(8) an animal taken into borough protective custody is recommended for forfeiture by the chief animal care and regulation officer.

(C) Any forfeited animal shall be subject to the impoundment, adoption, and euthanasia requirements of this title.

(D) *Forfeiture procedures.* An animal forfeited pursuant to subsection (B)(1), (2), (3), or (4) of this section is immediately subject to subsection (C) of this section. The chief animal care and regulation officer shall serve the owner of an animal subject to forfeiture pursuant to subsection (B)(5), (6), (7), or (8) of this section a written notice of intent to forfeit. The notice shall be served on the animal owner by personal service or certified mail. If the owner cannot be served, notice shall be given by publication pursuant to Rule 4 of the Alaska Rules of Civil Procedure. Within five borough business days after service, the animal owner may appeal the forfeiture by filing a notice of appeal with the borough clerk. If the animal owner fails to appeal the forfeiture within five borough business days, the animal is forfeited to the borough.

(E) *Forfeiture appeals.* The borough shall appoint a hearing officer under MSB 2.29.020 to conduct the forfeiture hearing. Hearings shall be informal and technical rules of evidence do not apply. A person who requests a hearing may retain an attorney if the person desires. Proceedings of the hearing shall be recorded. The hearing officer shall state on the record the evidence relied on and the reasons for the officer's determination. The final decision of the hearing officer may be appealed to superior court pursuant to Rule 602 of the Alaska Rules of Appellate Procedure.

(Ord. 09-010, §§ 6, 7, 8, 2009; Ord. 04-103, § 10, 2004; Ord. 03-154(AM), § 14, 2003; Ord. 01-120, § 44, 2001; Ord. 94-120AM, § 75, 1994; Ord. 92-013(sub1), § 3 (part), 1992)

24.40.040 CIVIL PENALTY AND STATUTORY INJUNCTION.

Pursuant to A.S. 29.25.070(b), the borough may institute a civil action against any person who violates any provision of this title. In addition to injunctive and compensatory relief, a civil penalty not to exceed \$1,000 may be imposed for each violation. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of a violation or a threatened violation, the superior court shall grant the injunction. Each day that a violation of this title continues constitutes a separate violation.

(Ord. 92-013(sub1), § 3 (part), 1992)

24.40.050 FINES FOR INFRACTIONS.

(A) The following fine schedule is hereby established for violations of the following provisions of MSB Title 24:

JM 15-003
JM 15-004
OR 15-002
OR 15-003

Code Section	Section Description	Amount of Fine
MSB 24.05.030	Animal annoyance	\$75
MSB 24.05.040	Failure to provide sanitary enclosure First offense Second offense, same person (within 12 months) Third offense, same person (within 12 months)	100 150 200
MSB 24.05.050	Keeping diseased animals First offense Second offense, same person (within 12 months) Third offense, same person (within 12 months)	100 150 200
MSB 24.05.060	Animals in public places First offense Second offense, same person (within 12 months) Third offense, same person (within 12 months)	100 150 200
MSB 24.05.070(A)	Failure to restrain animal First offense Second offense, same person (within 12 months) Third offense, same person (within 12 months)	100 150 200
MSB 24.05.070(C)	Release from restraint by nonowner First offense Second offense, same person (within 12 months) Third offense, same person (within 12 months)	100 150 200
MSB 24.05.080	Failure to provide humane animal care First offense Second offense, same person (within 12 months) Third offense, same person (within 12 months)	100 200 300
MSB 24.05.090	Cruelty to animals	500
MSB 24.05.100(D)	Failure to pay fees, costs and expenses	100
MSB 24.05.110(A)	Trapping domestic or domesticated animals	300
MSB 24.05.110(B)	Failure to check live trap	300
MSB 24.05.110(C)	Failure to provide humane care for trapped animals	300
MSB 24.05.110(D)	Failure to release in a timely manner First offense Second offense, same person (within 12 months) Third offense, same person (within 12 months)	100 150 200
MSB 24.05.110(E)	Unlawful release of a trapped animal First offense Second offense, same person (within 12 months) Third offense, same person (within 12 months)	100 150 200
MSB 24.10.010(A)	Failure to register dog or cat First offense	75

Im15-003
Im15-004
0R15-602
0R15-003

	Second offense, same person (within 12 months)	100
	Third offense, same person (within 12 months)	125
MSB 24.10.020(A)	Failure to register kennel or cattery	150
MSB 24.10.020(C)	Failure to re-register kennel or cattery	100
MSB 24.10.030	Failure to update and provide registration information	75
MSB 24.10.040(B)	Failure to meet kennel or cattery requirements	200
MSB 24.10.110	Failure to comply with written administrative order	100
MSB 24.15.050(J)	Failure to spay or neuter adopted dog or cat	100
MSB 24.20.020(A)	Failure to immunize dog or cat for rabies	100
MSB 24.20.020(B)	Fraudulent rabies certificate	250
MSB 24.20.030(A)	Failure of doctors to report bite	150
MSB 24.20.030(B)	Failure of veterinarians to report rabies	150
MSB 24.20.030(C)	Failure of citizens to report bite	75
MSB 24.20.040	Failure to surrender animal for supervised quarantine	200
MSB 24.20.060(A)	Failure to report rabies of a quarantined animal	150
MSB 24.20.060(C)(1)	Unauthorized destruction of rabid animal	75
MSB 24.20.060(C)(2)	Failure of veterinarian to destroy rabid animal	75
MSB 24.20.060(D)(1)	Failure to surrender rabid animal	200
MSB 24.26.030(F)	Filing fraudulent complaint, statement or report	200
MSB 24.26.050(F)	Failure to comply with written release order	
	First offense	100
	Second offense, same person (within 12 months)	200
	Third offense, same person (within 12 months)	300
MSB 24.26.040(B)(4)(c)	Owning a Level 5 classification animal	300
MSB 24.26.040(H)(1)	Failure to notify of running-at-large classified animal	
	First offense	100
	Second offense, same person (within 12 months)	200
	Third offense, same person (within 12 months)	300
MSB 24.26.090	Failure to notify of change in ownership of a classified animal	250
MSB 24.35.030(A)	Interference with animal care and regulation officer	200
MSB 24.35.030(B)	Unlawful release of animal in custody of borough	150
MSB 24.35.030(C)	Interference with investigation, reporting, or prosecution	150
MSB 24.35.030(D)	Failure of citizen to notify or surrender detained animal	75

(B) The fines set forth in subsection (A) of this section may not be judicially reduced.

(Ord. 09-010, § 9, 2009; Ord. 08-013(AM), § 4, 2008; Ord. 04-001, § 2, 2004; Ord. 03-154(AM), § 15, 2003; Ord. 01-120, § 45, 2001; Ord. 96-049, § 2, 1996; Ord. 93-147AM, § 22, 1993; Ord. 92-109AM(sub), § 10, 1992; Ord. 92-013(sub1), § 3 (part), 1992)

Im 15-003 OR 15-002
Im 15-004 OR 15-003

24.40.060 CITATIONS FOR INFRACTIONS.

(A) *Citations; contents.* The citation issued for violation of the provisions of this title shall be in writing, state the nature of the violations, name the alleged violator, and contain a notice to answer to the charges against the alleged violator in the Alaska State District Court for the Third Judicial District at Palmer. The citation shall further state that the defendant is entitled to a trial, to engage counsel, to confront and question witnesses, to testify, and to subpoena witnesses in the defendant's behalf. The citation shall also indicate whether a court appearance is mandatory or can be waived, shall state the fine established by borough ordinance, the procedure the defendant must follow in responding to the citation, and the consequences for failure to respond.

(B) *Issuance.* Any animal care and regulation officer or other authorized agent of the borough may issue, file and serve citations for violations of the provisions of this title.

(C) *Disposition.* A person issued a citation pursuant to this title has the option of paying the applicable fine to the district court clerk upon entering the plea of "no-contest" and waiving appearance in court. The defendant may enter a plea of "not guilty" and request a trial.

(D) *No-contest and conviction.* Persons who do not contest the citation, who change their original plea of "not guilty" to "no-contest," or persons convicted of the offense charged shall be fined according to the fine schedule for all violations set forth in MSB 24.40.050 and for all other violations according to the fine limits set forth in MSB 24.40.010.

(Ord. 01-120, § 46, 2001; Ord. 92-013(sub1), § 3 (part), 1992)

24.40.070 SUMMONS AND COMPLAINT FOR MISDEMEANORS.

Summons and complaints for misdemeanors shall be prepared and filed by legal counsel representing the borough.

(Ord. 92-013(sub1), § 3 (part), 1992)

Im 2015-003
Im 2015-004
OR 2015-002
OR 2015-003

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPTING MSB 2.29.090, ANIMAL FORFEITURE APPEAL PROCEDURES; AND AMENDING MSB 2.29.020 AND 2.29.080.

AGENDA OF:

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY *for* John Moosey, BOROUGH MANAGER: *[Signature]*

Route To:	Department/Individual	Initials	Remarks
	Originator: BJH	<i>[Signature]</i>	
	Borough Attorney	<i>[Signature]</i>	Legal review pending
	Borough Clerk	<i>[Signature]</i>	12/8/14 <i>[Signature]</i>

ATTACHMENT(S): Ordinance Serial No. 15-002 (8 pp)

OR 15-003 Im 15-003

SUMMARY STATEMENT: Animal forfeiture cases are heard by an Administrative Hearing Officer with the Office of Administrative Hearings pursuant to MSB 2.29.020(A)(2). MSB Chapter 2.29 currently lacks language outlining animal forfeiture appeal procedures, however.

This ordinance will enact hearing procedures for animal forfeiture appeals. These procedures are similar to those for bid protests under MSB 3.08.342. It should be noted that failure to timely file the appeal shall be a jurisdictional defect, which shall require dismissal of the appeal by the Office of Administrative Hearings. The rationale can be found in the attached case, Alias v. City of Oxford, Mississippi, 70 So.3d 1114 (Miss. Ct. App. 2009).

In addition, this ordinance will amend MSB 2.29, Office of Administrative Hearings ("OAH"), to specify that the OAH has jurisdiction over Level 5 animal classification hearings, and to clarify that although jurisdiction is shifted from the Animal Care and Regulation Board, the procedures under MSB 24.26 shall continue to apply to Level 5 hearings.

RECOMMENDATION OF ADMINISTRATION: Recommend adoption.

CODE ORDINANCE

By: Assemblymembers Beck and Halter
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 15-002**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING
MSB TITLE 24, ANIMAL CARE AND REGULATION.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Amendment of Title. MSB Title 24 is hereby amended to read as follows:

24.05.010 DEFINITIONS.

[(A)]For the purposes of this title, the following definitions of terms used shall apply in all cases, unless otherwise stated:

* "Abandon an animal" means to leave an animal for an extended period of time without food, water or shelter or in conditions where the animal's physical life, safety or health is endangered. A rebuttable presumption of abandonment shall exist where an Animal Care and Regulation Officer receives no response in 24 hours after noticing the property where the animal is located.

* "Affirmative defense" means a defense to an alleged violation of Borough Code for which the burden is placed upon the defendant of establishing the defense by a preponderance of evidence.

* "Accidental bite" means a bite occurring under circumstances in which the animal was not acting aggressively.

* "Aggressive bite" means a bite that is accompanied by an attack.

* "Animal" means vertebrate domestic or domesticated members of the Animalia kingdom unless otherwise provided by this title.

* "Animal Care Manager" means the person appointed by the Borough Manager who has the responsibility for planning and directing animal care and regulation activities and through the Chief Animal Care and Regulation Officer, enforcing the provisions of this title for the control of and care of animals within the Borough.

* "Animal care and regulation office" means the agency having authority for enforcement of the animal care and regulation provisions of this

title and of all animal shelters maintained at Borough expense.

* "Animal care and regulation shelter" means any premises designated for the purpose of impounding and caring for animals impounded pursuant to this title.

* "Annoyance" means an actual unreasonable interference with the sleep, work, recreation, or reasonable right to peace, safety, or privacy of a person, while taking into consideration the nature of the neighborhood in which the annoyance occurs.

* "Attack" means an animal exhibiting overt aggressive behavior which may include, but is not limited to, snarling, baring teeth, chasing, growling, snapping, pouncing, or lunging.

* "Bite" means seizure of an animal or human with the teeth of an animal so that they puncture, tear, or grip.

[* "BOARDING FACILITY" MEANS A COMMERCIAL FACILITY OR ESTABLISHMENT WHICH OFFERS THE SERVICE OF BOARDING ANIMALS.]

* "Borough" means the Matanuska-Susitna Borough.

[* "BREEDING FACILITY" MEANS A COMMERCIAL FACILITY OR ESTABLISHMENT WHICH OFFERS THE SERVICE OF SELLING OR BREEDING ANIMALS.]

[* "CANID HYBRID" MEANS AN OFFSPRING OF A WILD MEMBER OF THE GENUS AND THE FAMILY CANIDAE BRED TO A MEMBER OF THE GENUS AND SPECIES CANIS FAMILIARIS, THE OFFSPRING OF A CANID HYBRID BRED WITH A WILD MEMBER OF THE FAMILY CANIDAE, ANOTHER CANID HYBRID, OR A MEMBER OF THE GENUS AND SPECIES CANIS FAMILIARIS IS ALSO A CANID HYBRID. CANID HYBRIDS ARE ILLEGAL TO POSSESS EXCEPT AS ALLOWED PURSUANT TO 5 AAC 92.030. ANIMAL CARE AND REGULATION MAY PROVIDE LICENSE, MICROCHIP, AND VACCINATION SERVICES AS ALLOWED BY STATE LAW TO THE OWNER OF A CANID HYBRID MEETING THE REQUIREMENTS OF 5 AAC 92.030.]

* "Cat" means a member of the genus and species Felis Catus.

* "Cattery" means any premises used for breeding, buying, selling, keeping, or boarding five or more cats over the age of six months, whether for profit or not.

* "Chief Animal Care and Regulation Officer" means the person [APPOINTED BY THE MANAGER WHO HAS PRIMARY RESPONSIBILITY FOR ADMINISTERING AND ENFORCING THE PROVISIONS OF THIS TITLE] who has the responsibility for enforcing the provisions of this title governing the control of and care of animals within the Borough, and who works under the supervision of the Animal Care Manager.

* "Confine" means to keep an animal in a fence, pen, building, or other secure enclosure from which the animal cannot escape, and which keeps the animal from coming into contact with other animals or humans outside the area of confinement.

* "Control" means to simultaneously monitor, direct, and restrict an animal's movements and activities. [, IN A HUMANE MANNER, SO AS TO PREVENT VIOLATIONS OF THIS TITLE. SPECIFIC TYPES OF CONTROL ARE:]

* [A] "Control by command" [INCLUDES ALL OF THE FOLLOWING] means:

(a) [I] the person exhibiting the voice control is present with the animal and monitors all of its activities;

(b) [II] the person exhibiting the voice control is capable of directing all of the animal's movements and activities by vocal commands; and

(c) [III] the animal under voice control follows all of the vocal commands quickly and accurately.

*[B] "Control by confinement" means to control an animal within any fully fenced pen, kennel, yard, or structure, which:

(a) [I] prevents the exit of the confined animal on his own volition; or

(b) [II] prevents the protrusion of the animal's paws and teeth through the outer perimeter of the enclosure so as to stop the animal from physically injuring a person or another animal.

*[C] "Control by leash" means that a person, who is physically and mentally capable of monitoring, directing, and restricting the animal, controls the animal by means of a securely attached leash, chain or other item, including an electronic collar.

*[D] "Control by attachment" means that the animal is attached directly or indirectly to a person,

or to an immovable object, with a harness or similar device and is controlled by means of a chain, leash, or similar item so that:

(a) [I] when the animal is on private property, it cannot travel off the private property including onto any public easement on the property; or

(b) [II] when the animal is attached to an immovable object on public property, it cannot be left unattended and its movements shall be limited to three feet from the object to which it is attached.

*[E] "Control by harness" means to control an animal by a harness or other similar device attached directly or indirectly to a person or object.

* "Custodian" means a person entrusted by the owner with the full responsibility for an animal under this title.

* "Days" unless otherwise specified means calendar days.

* "Dog" means a member of the genus and species *Canis Familiaris*, commonly known as domestic dog, but does not include other members of the family *Canidae*, such as a fox, coyote, wolf, or any other game species, the taking of which is regulated by the

state. [FOR THE PURPOSES OF THIS TITLE, "DOG" SHALL NOT INCLUDE CANID HYBRIDS.]

* "Domesticated" means animals owned which are commonly or historically adapted to man's use or pleasure.

* "Dwelling" means a building, operational vehicle trailer, or other structure that is designed for use or is used as a person's permanent or temporary home or place of lodging.

* "Ex parte" means a communication between a person and the Animal Care and Regulation Board, or a board member, regarding a matter pending before the board, when other parties are not present. This does not include communications with the Animal Care and Regulation Board Clerk or the Borough Clerk's office regarding procedural matters.

* ["HUMAN VICTIM" MEANS A HUMAN BEING WHO IS PLACED IN FEAR, PHYSICALLY INJURED, OR KILLED AS THE RESULT OF AN ANIMAL ATTACK OR ANIMAL AGGRESSIVE BEHAVIOR.]

* "Identification" means a collar and tag, brand, tattoo, micro-chip or other mark or means which makes ownership of the animal ascertainable.

* "Intentionally" a person acts intentionally with respect to a result described by a provision of law defining an offense when the person's conscious objective is to cause that result; when intentionally causing a particular result is an element of an offense, that intent need not be the person's only objection.

* "Kennel" means any premises used for breeding, buying, selling, keeping, or boarding five or more dogs over the age of six months, whether for profit or not.

* "Knowingly" a person acts knowingly with respect to conduct or to a circumstance described by a provision of law defining an offense when, the person is aware that the conduct is of that nature or that the circumstance exists; when knowledge of the existence of a particular fact is an element of an offense, that knowledge is established if a person is aware of a substantial probability of its existence, unless the person actually believes it does not exist; a person who is unaware of conduct or a circumstance of which the person would have been aware had that

person not been intoxicated acts knowingly with respect to that conduct or circumstance.

* "Livestock" includes, but is not limited to, domestic animals such as horses, cattle, sheep, goats, pigs, chickens, ducks, and other such animals normally considered farm animals, whether kept for profit or not, as well as sled dogs housed at a licensed mushing facility, or sled dogs owned by the owner or licensee of a licensed mushing facility, whether kept for profit or not.

* "Mushing facility" means a facility in the Borough where sled dogs are housed and maintained, which has been duly licensed by the Borough as a mushing facility under MSB 24.07.040.

* "Neutered dog or cat" means any male dog or cat rendered incapable of reproduction by surgical operation.

* "Own" means to have, keep, possess, harbor, take care of, have custody of, or control over any animal for a period of [TEN] 20 days.

* "Owner" means any person, group of persons, association or corporation owning, keeping, taking care of, having custody of, having control

over, or harboring any animal or animals for a period of [TEN] 20 days or longer.

* "Physical injury" means an impairment of physical condition or pain that is accompanied by scrapes, cuts, punctures, or other evidence of similar injuries.

* "Provocation" means the teasing, tormenting, abusing, or assaulting of an animal to incite the animal to bite [OR], attack, or cause an annoyance.

* "Recklessly" a person acts recklessly with respect to a result or to a circumstance described by a provision of law defining an offense when the person is aware of, and consciously disregards, a substantial and unjustifiable risk that the result will occur or that the circumstance exists; the risk must be of such a nature and degree that disregard of it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation; a person who is unaware of a risk of which the person would have been aware had that person not been intoxicated acts recklessly with respect to that risk.

* "Restraint" [SHALL MEAN EITHER] means:

(a) actual physical control, such as a leash, harness, chain, tether, fence, or building; or

(b) competent voice control while actively engaged in an organized activity which requires that an animal not be physically restrained, or in a form of recognized hunting which requires the use of an animal such as a retriever, or while actively mushing with or training sled dogs originating from a currently licensed mushing facility; or

(c) the condition of an animal when on the property of its owner, in visual contact with the owner, and obedient to the owner's command; or

(d) dogs harnessed and attached to a gangline in a dog team.

* "Running-at-large" means an animal is not under restraint.

* "Sanitary" means free from [BACTERIA,] parasites, waste, filth, or other elements in amounts which would endanger the health or welfare of an animal.

* "secure enclosure" means any fully enclosed fenced pen, kennel, yard, or structure, which

must include a roof, walls, and a floor, or buried wall footing. Approval for a secure enclosure shall be obtained from the Chief Animal Care and Regulation Officer. The secure enclosure shall:

(a) be located so as not to interfere with public access to the owner's or custodian's property; and

(b) [REASONABLY] prevent:

(i) the accidental release of any animal confined in the enclosure;

(ii) the confined animal from leaving the enclosure by its own efforts;

(iii) unauthorized persons from gaining entry to the enclosure;

(iv) the entry into such enclosure by any animal other than the confined animal; and

(v) the confined animal from biting or clawing a person or animal through the enclosure.

* "Serious physical injury" means any physical injury which creates a risk of death, causes serious disfigurement, causes impairment of health,

causes impairment of any bodily organ, or causes the loss or impairment of any bodily function.

* "Sled dog" means a member of the genus and species *Canis Familiaris* that is domesticated, owned and used to pull a sled or vehicle under the control of a musher, and that is owned and cared for by a licensed mushing facility as per MSB 24.07.

* "Spayed dog or cat" means any female which has had a surgical ovario-hysterectomy to prevent conception.

* "Tether" means to restrain an animal by a chain or cable line which is attached to a fixed object.

* "Trap" means any device designed or used to capture or hold an animal and that operates without direct human control. This includes any device for catching and holding wild or domesticated animals including, but not limited to, snares, nets, pitfalls, or clamp-like devices that spring shut suddenly.

* "Trapping" means the placing or setting of a trap.

* "Victim" means a human who is placed in fear, physically injured, or killed by an animal. [A PERSON WHOSE ANIMAL IS PHYSICALLY INJURED OR KILLED.]

* "Victim animal" means an animal which is physically injured or killed by an animal.

* "Wild" refers to a type of animal which generally lives in its original and natural state and is not domesticated, or animals which are classified as wild under state law.

24.05.020 JURISDICTION.

(A) The Borough has jurisdiction over domestic and domesticated animals [INCLUDING CANID HYBRIDS]. The Borough does not have jurisdiction over the following animals:

(1) wild animals;

(2) game animals, the taking or possession of which is regulated by the state or federal government.

24.05.030 ANIMAL ANNOYANCE.

(A) It is unlawful for any animal owner to allow an animal [TO ANNOY ANY PERSON. VIOLATION OF THIS PROVISION IS AN INFRACTION] to annoy multiple persons

living in a cumulative total of three or more households.

(B) A person who holds a current mushing facility license as per MSB 24.07, as well as persons who are handlers for, employees of, or agents of a specific licensed mushing facility are exempt from sub-section (A) of this section in regard to sled dogs housed at or originating from that mushing facility. Outside of the premises of the mushing facility the exemption only applies when sled dogs are actively engaged in mushing activity.

(C) It shall be an affirmative defense that the defendant was already operating an established farm or registered kennel before the complainant(s) moved into the neighborhood, if that farm or registered kennel is the cause of the complaint.

(D) It shall be an affirmative defense that a person provoked the animal and that the provocation caused the animal to commit the annoyance.

24.05.040 SANITARY ENCLOSURES.

It is unlawful for any person to own any animal unless all structures, pens and yards, and areas in which the animal is kept, are maintained in a sanitary

condition. Violation of this provision is an infraction.

24.05.050 DISEASED ANIMALS.

It is unlawful to own any animal infected with a contagious or pestilential disease, except when the animal is confined and isolated from other animals or under the care of a licensed veterinarian. Violation of this provision is an infraction.

24.05.060 ANIMALS IN PUBLIC PLACES.

(A) It is unlawful to tie, stake, or fasten any animal within any highway, street, alley, or public place within the Borough, or so that the animal has access to any portion of any highway, street, alley, or public place therein, provided that the Manager may make exceptions in the case of an organized animal activity and similar temporary sporting or festive events. Violation of this provision is an infraction.

(B) A person who holds a current mushing facility license as per MSB 24.07, as well as persons who are handlers for, employees of, or agents of a specific licensed mushing facility are exempt from the provisions of this section in regard to sled dogs originating from that mushing facility when actively

engaged in mushing activity.

24.05.070 RESTRAINT OF ANIMALS.

(A) All animals shall be continuously under restraint.

(B) Livestock animals which are generally kept in a herd, flock, or other grouping are subject to a single failure-to-restrain violation for the group.

(C) No person shall release, without permission of the owner, any animal from restraint, except to preserve the animal's life.

(D) Violation of any provision of this section is an infraction.

(E) [NO ANIMAL MAY BE CARRIED IN OR UPON ANY TRUCK OR OTHER OPEN VEHICLE IN A CRUEL, INHUMANE, OR UNSAFE MANNER.] **No person shall have an animal within, on, or attached to a motor vehicle under conditions that may endanger the health, safety, or welfare of the animal.** An animal carried in the bed of a truck or in any open vehicle shall be crated or restrained [UPON A NON-METAL MAT] so it cannot fall [OR] jump or reach out from the vehicle [OR BE STRANGLED].

24.05.080 HUMANE ANIMAL CARE.

(A) Humane animal care includes, but is not limited to, providing:

(1) sufficient wholesome and nutritious food daily which will keep the animal in healthy physical condition;

(2) sufficient daily quantities of fresh water which meet the hydration requirements for the animal;

(3) adequate shelter and freedom of movement which provides adequate air, ventilation, and space which prevents the animal from being exposed to inclement or adverse weather conditions, overheating from sunlight, unsanitary conditions, and dirty, wet, and uncomfortable conditions which may endanger the health or welfare of the animal; and

(4) veterinary care when needed to treat the animal for sickness, disease, injury, or to prevent suffering of the animal.

(B) No owner shall fail to provide humane animal care or place an animal in a situation where the animal's life, safety or health is endangered.

(1) A rebuttable presumption of a violation shall exist where the animal is separated from basic

needs such as food, water, shelter, or necessary medical attention or is placed in a situation where the animal's life, safety and health is endangered and the regulation office receives no response in 24 hours after providing notice to the owner of the situation or posting notice at the property where the animal is located.

(C) failure to provide humane care to animals is an infraction.

24.05.090 CRUELTY TO ANIMALS.

(A) No person shall intentionally or recklessly injure or kill an animal unless:

(1) the act committed is done humanely in conformity with applicable federal, state, or borough law;

(2) the act is necessary to defend a human being or an animal from immediate attack.

(B) No person shall intentionally or recklessly kill, wound, injure, torment, poison, provoke, cause [PROLONGED SUFFERING OF] to suffer, abandon, or otherwise abuse or unnecessarily overwork an animal, or procure, or attempt any [OF] such acts.

(C) [Repealed by Ord. 08-013(AM), § 3, 2008]

(D) No person shall intentionally, recklessly, or negligently throw or deposit any poisonous substance on any exposed public or private place where [IT MAY ENDANGER ANY ANIMAL] an animal could reasonably be expected to ingest the substance; provided, that it shall not be unlawful for a person to place common rat poison on the person's own property.

(E) No person shall: [INTENTIONALLY ABANDON, HARASS, TORTURE OR KILL AN ANIMAL, OR ENCOURAGE AN ANIMAL TO FIGHT WITH ANOTHER ANIMAL FOR SPORT, TRAINING OR ENTERTAINMENT.]

(1) cause or encourage an animal to fight with another animal or human being for sport, training, entertainment, or for financial gain; or

(2) own, possess, train or keep for the purpose of training, an animal with the intent that it be engaged in an exhibition of fighting with an animal or human being; or

(3) permit their premises to be used for any animal fighting exhibition or be present as a spectator at any animal fighting exhibition; or

(4) attend, or have a pecuniary interest in an exhibition of a fighting animal, or knowingly instigate or promote such an exhibition.

[(F) NO PERSON SHALL INTENTIONALLY CAPTURE A DOMESTIC OR DOMESTICATED ANIMAL WITH ANY TYPE OF TRAP THAT PHYSICALLY HARMS THE ANIMAL, INCLUDING BUT NOT LIMITED TO STEEL JAW TRAPS, SNARES AND SPRING TRAPS, EXCEPT AN AUTHORIZED BOROUGH, STATE OR FEDERAL EMPLOYEE OR AGENT.]

[(G) ACTS IN VIOLATION OF THIS SECTION CONSTITUTE CRUELTY TO ANIMALS. CRUELTY TO ANIMALS IS AN INFRACTION.]

[(H) PERSONS CONVICTED OF CRUELTY TO ANIMALS MAY AT THE DISCRETION OF THE CHIEF ANIMAL CARE AND REGULATION OFFICER FORFEIT ALL RIGHTS AND INTERESTS, IF ANY, IN THE ANIMALS PURSUANT TO MSB 24.40.030.]

(I) No person shall intentionally, recklessly, or negligently, fail to provide that person's animal with adequate food, water, shelter, or veterinary care to prevent physical suffering or causing severe dehydration, or the animal to be substantially underweight.

(J) It is an affirmative defense to a prosecution under this section if the act committed was done humanely in conformity with applicable federal, state, or Borough law, and the conduct of the person:

(1) was necessarily incident to lawful hunting or trapping activities; or

(2) was in accordance with accepted veterinary practice; or

(3) was in accordance with accepted farming or animal husbandry practices, which for this purpose are those approved and/or practiced by the majority of the members of the local farm bureau; or

(4) was the humane destruction of a person's own animal; or

(5) was the humane destruction of an animal by an animal control officer or state or local peace officer in accordance with this title; or

(6) was the humane destruction of an animal in extreme pain due to illness or injury; or

(7) was immediately necessary to defend the person, the person's animal, or another person, except that this defense does not apply to a person

who injures an animal but does not make a reasonable effort to either track and dispatch the injured animal, seek veterinary care for the injured animal, notify the injured animal's owner, or notify the Borough Animal Control Office.

24.05.100 PROTECTIVE CUSTODY.

(A) The Chief Animal Care And Regulation Officer may authorize taking an animal into Borough protective custody when necessary to preserve the animal's health or safety including but not limited to circumstances where the animal is:

- (1) not humanely cared for by the owner;
- (2) being cruelly treated by any person;
- [(3) LEFT UNATTENDED DUE TO THE ARREST, HOSPITALIZATION, OR OTHER INCAPACITY OF THE OWNER; OR]
- (4) abandoned by the owner.

(B) All animals taken into protective custody shall be examined by a licensed veterinarian to determine the animal's physical condition.

(C) The Chief Animal Care And Regulation Officer may release an animal taken into protective custody to the owner [CONTINGENT] and if necessary, upon conditions in a written release order.

(1) If an owner refuses to redeem an animal under the conditions of a written release order or violates the conditions of a written release order, the animal is subject to forfeiture to the Borough upon a hearing before [THE CHIEF ANIMAL CARE AND REGULATION OFFICER SET FORTH IN THE BOROUGH'S "ANIMAL CARE AND REGULATION POLICIES AND PROCEDURES" MANUAL] the Office of Administrative Hearings.

(2) The owner may appeal the forfeiture to the [BOROUGH ANIMAL CARE AND REGULATION BOARD] Office of Administrative Hearings as set forth in MSB [24.30] 2.29.090.

(D) A person whose animal is taken into protective custody shall be responsible for all reasonably incurred fees, costs, and expenses, including, but not limited to, impoundment fees and veterinary costs associated with the Borough's custody, care or maintenance of the animal. Violation of this provision is an infraction.

(E) The [CHIEF ANIMAL CARE AND REGULATION OFFICER] Animal Care Manager may, for good cause, waive a portion of the fees, expenses, or costs and

may enter into a payment schedule agreement with an owner.

(F) Animals taken into protective custody under this section shall remain in protective custody at the discretion of the Chief Animal Care and Regulation Officer until:

(1) forfeited to the Borough pursuant to MSB 24.40.030; or

(2) the animal is returned to its owner upon a written finding that the animal may be safely returned. If the animal is returned to the owner, it shall be subject to a written release order specifying conditions for caring for the animal.

(G) The Chief Animal Care and Regulation Officer may authorize temporary placement of animals taken into Borough protective custody into approved foster homes subject to a written agreement on care and protection of the animal.

(H) Upon recommendation of the Chief Animal Care and Regulation Officer, an animal in Borough protective custody may be forfeited pursuant to MSB 24.40.030.

(J) Violation of one or more terms of a protective custody written release order is an infraction.

24.05.105 TRAPPING.

(A) Except as provided in MSB 24.05.110, no person may engage in trapping within the Borough within 100-yards of the right-of-way of any publicly maintained road or within 50-yards of any trail incorporated within the Matanuska-Susitna Borough trails plan.

(B) Trapping of animals is prohibited upon privately owned property without the express permission of the owner of record.

(C) For the protection of the health and safety of the residents, the Alaska State Department of Fish and Game, the Alaska State Department of Public Safety, the United States Fish and Wildlife Service, or their authorized agents may, upon notice to the Borough, trap animals within the area in which trapping is expressly prohibited by this chapter.

(D) This section shall not apply to the trapping or capturing of rats, mice, shrews, or similar vermin.

(E) Violation of this section shall be punishable as set forth in MSB 24.40.

24.05.110 LIVE ANIMAL TRAPS.

(A) Intentional capture of domestic and domesticated animals by trap is prohibited, unless a Borough-authorized live animal trap is used.

(B) A person who is issued a Borough-authorized live animal trap for the purposes of capture and control of unrestrained domestic and domesticated animals shall check the trap at least twice every [24] 12 hours to determine whether an animal has been trapped.

(C) A person shall provide humane animal care for any animal captured.

(D) A person shall release the animal without unreasonable delay to the Animal Care and Regulation Office or an Animal Care and Regulation Officer or the owner, as set forth in subsection (E) of this section.

(E) No person shall release an animal caught in the live animal trap to anyone other than an Animal Care and Regulation Officer or to an owner without first receiving permission from the Animal Care and Regulation Office.

(F) Violation of any provision of this section is an infraction.

24.05.115 ACCIDENTS INVOLVING INJURY TO ANIMALS

(A) It is unlawful for the driver of any motorized vehicle involved in an accident that injures a domestic animal to fail to stop the vehicle and check on the condition of the animal if it is reasonably safe to do so.

(B) The driver involved in such an accident must inform a peace officer or the Animal Care and Regulation Office of the injury, the time and location of the accident, the description of the injured animal, and the apparent nature of the injury.

(C) It shall be an affirmative defense that the driver obtained veterinary care for the animal or that the driver returned the animal to the owner.

(D) Violation of this section is an infraction.

24.05.120 SEVERABILITY.

Should any provision of this title or its application be held invalid, the remainder of its provisions shall not be affected.

24.07.010 Intent and Purpose

It is the intent of the Matanuska-Susitna Borough to promote sled dog racing and historical uses of sled dogs for mushing including freighting and recreation, while setting high standards for the care of sled dogs and for mushing facilities.

24.07.020 Applicability

(A) This chapter applies to all areas of the Borough outside of the cities of Palmer, Wasilla, and Houston.

(B) The requirements of this chapter shall apply to all mushing facilities including those existing prior to the effective date of this ordinance.

24.07.030 Mushing Facility License

(A) A person who qualifies for the issuance of a mushing facility license per subsection (D) of this section may either seek a kennel license under MSB 24.10.020, or a mushing facility license under this chapter.

(B) A person who does not have a current mushing facility license under this chapter is subject to the licensing requirements of MSB 24.10.010 and 24.10.020, regardless of the type of dogs being kept.

(C) A person who owns or operates a mushing facility properly licensed under this chapter is not required to obtain a kennel license and is not subject to the kennel licensing requirements contained in MSB 24.10.010 and 24.10.020, except as otherwise provided in this chapter.

(D) To apply for a mushing facility license a person must show proof to the Chief Animal Care and Regulation Officer that the person:

(1) owned or operated a kennel for a cumulative total of at least three years prior to the time of application under the kennel registration requirements of MSB 24.10.020 or a similar ordinance or statute in another jurisdiction; and

(2) has at least a three-year history of mushing for travel, freighting, or racing, whether recreationally or professionally.

(E) MSB 24.10.070 does not apply to the licensing of mushing facilities.

(F) The mushing facility license fee shall be \$150.

(G) The term of the mushing facility license shall be three years from the date of approval.

(H) The mushing license application filed with the Borough must contain all of the information specified in MSB 24.10.020(B), and shall be updated and made current at least once per year during the license period.

(I) The mushing facility license shall be issued to authorize the following facility sizes:

- (1) 5-29 sled dogs; or
- (2) 30-59 sled dogs; or
- (3) 60-89 sled dogs; or
- (4) greater than 90 sled dogs.

(J) The Chief Animal Care and Regulation Officer may deny or revoke a mushing facility license for good cause, including but not limited to:

- (1) failure to demonstrate compliance with the mushing facility standards of care stated in this chapter for the number of dogs authorized under the mushing facility license or the number of dogs present at the facility whichever is greater; or
- (2) a conviction of the owner or operator for cruelty to animals in violation of MSB 24.05.090 or A.S. 11.61.140 or similar statute; or
- (3) a conviction of the owner or operator

for failure to provide humane care in violation of MSB 24.05.080 or similar statute; or

(4) two or more non-concurrent violations of any provision of MSB Title 24.

(K) Relicensing shall be required if any of the following occur:

(1) the mushing facility's real property owner or the mushing facility licensee changes at any time; or

(2) the mushing facility's location changes; or

(3) a cumulative total of more than 30 sled dogs are added to the mushing facility after issuance of the mushing facility license.

(L) The owner of a mushing facility may appeal the denial or revocation of a mushing facility license or a related administrative order to the Animal Care and Regulation Board pursuant to MSB 24.30.020. Deference shall be granted to the Chief Animal Care and Regulation Officer's decision if the decision is supported by substantial evidence in the record.

24.07.040 Mushing Facilities

(A) The mushing facility shall comply with the inspection requirements set forth in MSB 24.10.100.

(B) Mushing facility standards of care:

(1) The owner and operator of a mushing facility shall ensure that the standards of care stated in subsection (B)(2) below are met.

(2) The mushing facility shall maintain standards of care that meet or exceed those stated in MSB 24.10.040(B), as well as the following standards modeled from Mush with PRIDE's Kennel Certification checklist:

(a) Water: All dogs must be provided with adequate amounts of clean water every day.

(b) Shelter: All dogs must have full access to a shelter adequate for the conditions (protection from wind/rain/snow/direct sun).

(c) Diet: All dogs must be offered a diet which is complete and wholesome and provided in amounts adequate to maintain normal body condition for the environmental conditions and amount of exercise. All dogs should be adequately fed and watered at least once a day, except as dictated by veterinary treatment

or medical necessity under professionally accepted practices.

(d) Restraint: All dogs must be confined in a manner that is safe and free of hazard, e.g., no sharp metal, protruding nails, debris;

(i) If tethered, the tethers or chains are of a sufficient length to allow freedom of movement and adequate exercise.

(ii) If kept in runs, they are constructed of chain-link or wire fencing that is secure and all openings are small enough to prevent entrapment injury to limbs or head.

(e) Feces: Stools are removed daily from the kennel area and are disposed of in a sanitary and legal manner.

(f) Estrus: If intact female dogs are kept on the premises, a confinement method is available which can safely house them under conditions within the guidelines and prevent unplanned breeding.

(g) Routine transportation: Adequate containers are used for the transportation and confinement of dogs during travel. These containers must provide sufficient space for each dog to turn

about freely and make normal postural adjustments. Where appropriate, the dog's movement may be restricted when freedom of movement would constitute a danger to the dog, handlers, or other animals or persons.

(h) Vaccinations: All dogs kept at the mushing facility must have current vaccinations as required under MSB Title 24.

(i) Recordkeeping: Records must be maintained for all dogs kept at the mushing facility including vaccinations, deworming, and medical history.

(j) Whelping: If breeding takes place on site, a suitable whelping pen and house is available.

(k) Emergency evacuation: A means of safe transport and an emergency evacuation plan is in place to move dogs to safety in a timely manner in an emergency.

(l) Food: Food ingredients are stored in such a manner as to prevent contamination. There shall be an adequate amount of food stored on premises to

feed the number of dogs present at any given time for a period of at least one week.

(2) All persons providing care for sled dogs at a licensed facility, including but not limited to, mushing licensees, their employees, and their agents, shall comply with the requirements of MSB 24.05.080 and 24.05.090, as well as all other applicable requirements of Title 24.

(3) The provisions of MSB 24.10.110 shall apply to mushing facilities, and the standards of care that shall be applied are those outlined in this section, MSB 24.07.040(B)(2), as well as those in 24.10.040(B).

(C) Tethering and Restraint.

(1) Tethering as defined in this chapter is an acceptable form of restraint and is authorized for use at mushing facilities.

(2) The following methods of restraint may also be used in mushing facilities: chain link pens, corrals, holding buildings, and fenced open areas.

24.07.060 Training of Sled Dogs

(A) Year-round training of sled dogs is standard

practice and is authorized within the Borough. The use of all terrain vehicles (ATV's), snow machines or other vehicles to be pulled by and to train sled dogs is permitted along with the common sled. Every person riding or driving a sled dog team with a vehicle upon a secondary road, street, or trail designated in the Matanuska-Susitna Borough Trail Plan is subject to all of the duties applicable to the driver of a vehicle set forth in 13 AAC 02.

(B) It shall be lawful to tether or fasten sled dogs to a kennel dog truck or dog transport trailer within any right-of-way, trail, trailhead, or public place within the Borough if done in a reasonably safe manner, even if the sled dog has access to that alley, right-of-way, trail, or public place, notwithstanding any other section of Borough code.

24.07.060 Interference with a Mushing Facility or With Lawful Mushing Activity

(A) A person commits the violation of interference with a mushing facility if the person:

(1) with the intent to stop, delay, disrupt, or otherwise interfere with any activity at a mushing facility licensed under this chapter:

(a) enters or remains on the property of a licensed mushing facility without permission; and

(b) hinders, harasses, or intimidates a person or sled dog lawfully present at the licensed mushing facility.

(B) A person commits the violation of interference with lawful mushing activity if the person:

(1) with the intent to stop, delay, divert, impede, frighten, harm, or otherwise cause sled dogs engaged in lawful mushing activity to change their direction or speed;

(2) obstructs, harasses, or physically interferes with sled dogs engaged in lawful mushing activity.

(C) This section does not apply to actions taken on private property with the consent of the owner, or to actions taken by state or local officials engaged in their authorized duties.

(D) Violation of this section may be cited as an infraction at the discretion of the Chief Animal Care and Regulation Officer, or may be cited as a misdemeanor at the discretion of the Borough Attorney.

(E) If cited as an infraction, the fine for the violation shall be set as specified in MSB 24.40.050.

(F) If charged as a misdemeanor, the violation shall be punishable by a fine up to \$1000 and/or by imprisonment of up to 90 days.

24.07.070 Definitions

The following definitions apply for the purposes of this chapter:

- "Lawful" means in compliance with MSB Title 24 and with applicable state law, and with the permission of the private landowner if the mushing activity occurs on private land;
- "Mushing activity" or "mushing" mean driving a team of sled dogs with a dog sled or other vehicle on a public trail, roadway or right-of-way, or on public or private land or waterways, and includes directly related activities such as mobilizing and demobilizing.
- "Obstruct" means to intentionally place, drop or permit to drop on a public trail, roadway or right-of-way, any object or substance that creates a substantial risk of physical injury to

sled dogs engaged in mushing activity; or to intentionally render a public trail, roadway, or right-of-way impassable by sled dogs engaged in mushing activity or passable only with unreasonable inconvenience or hazard.

CHAPTER 24.10: [REGISTRATION] LICENSING

24.10.010 [REGISTRATION] LICENSING; DOGS AND CATS.

(A) [REGISTRATION]License required. Within the Borough, no person shall own any dog or cat over the age of six months without [REGISTERING] licensing such dog or cat. **A separate kennel or cattery license is required for each species type of five or more animals over the age of six months.**

(B) [REGISTRATION]License. [REGISTRATION] licensing of a dog or cat shall include the name and address of the owner and the name, breed, color, age and sex of the dog or cat, whether the dog or cat is spayed or neutered, the expiration date of its rabies vaccination, rabies certificate number, and the location and description of any identification on the dog or cat.

(C) *Immunization.* The Borough shall not [REGISTER] license a dog or cat unless the dog or cat has been vaccinated with a state of Alaska approved rabies vaccine by a licensed veterinarian, or by a state of Alaska lay rabies vaccinator, and the period of immunization has not expired. Proof of immunization shall be a completed rabies vaccination certificate in the form required by the state of Alaska.

(1) If ownership of an animal is transferred and the animal has a current rabies immunization, proof of transfer of ownership or proof of the animal's identification must be provided when [REGISTERING] licensing the animal.

(D) Expiration of dog and cat [REGISTRATION] license. Dog and cat [REGISTRATIONS] licenses expire as follows:

(1) For dogs and cats not microchipped in compliance with the chapter, the [REGISTRATION] license expiration date is three years from the date of [REGISTRATION] the issuance of the license.

(2) There is no [REGISTRATION] license expiration date for dogs and cats tattooed or

microchipped in compliance with this chapter after payment of appropriate licensing fees.

[(E) APPLICATION TO CANID HYBRIDS. THE RABIES VACCINATION REQUIREMENT FOR REGISTRATION DOES NOT APPLY TO CANID HYBRIDS UNLESS AND UNTIL THE STATE APPROVES A RABIES VACCINE FOR THE PARTICULAR SPECIES OF CANID HYBRIDS.]

(F) Violation. Violation of MSB 24.10.010(A) is an infraction.

24.10.020 [REGISTRATION] LICENSING; KENNEL AND CATTERIES.

(A) (A) [REGISTRATION] License required. In addition to the [REGISTRATION] requirements of MSB 24.10.010, no person shall own or operate a kennel or cattery or own five or more dogs or cats over the age of six months without [REGISTERING AS A] licensing as a kennel or cattery operator for each location of a kennel or cattery. This section does not apply to the registration of sled dogs if there is a current mushing facility license as per MSB 24.07 in place for the facility at issue. A separate kennel or cattery license is required for each species type of five or more animals over the age of six months. Dual

licensing shall be made available to persons owning both a kennel and a cattery. Only one licensing fee will be required if applying for both licenses simultaneously.

(B) [REGISTRATION] License Application.

(1) The application for a kennel or cattery license [A KENNEL OR CATTERY OPERATOR] shall state the name and address of the owner, the name and address of the operator, the kennel or cattery name, and the physical location of the kennel or cattery [,.]. [AND A] A complete list of the dogs or cats by [BOROUGH REGISTRATION AND] rabies certificate numbers shall be provided. Rabies certificates must be current for the application to be considered complete and prior to review. Said list shall be maintained by the operator with current information and must be immediately made available upon request by an Animal Care and Regulation Officer.

(2) A kennel or cattery license application shall not be processed by the Borough within 12 months of the denial of a kennel or cattery license for the same kennel or cattery.

[(C) RE-REGISTRATION. IF THERE ARE ANY CHANGES IN OWNERSHIP OR LOCATION OF THE KENNEL OR CATTERY, THE KENNEL OR CATTERY SHALL BE RE-REGISTERED.]

[(D) EXPIRATION OF KENNEL AND CATTERY REGISTRATIONS. REGISTRATION SHALL BE VALID FOR A PERIOD OF THREE YEARS.]

[(E) VIOLATION. VIOLATION OF MSB 24.10.020 (A) OR (C) IS AN INFRACTION.]

[(F) THE CHIEF ANIMAL CARE AND REGULATION OFFICER MAY IMMEDIATELY REVOKE THE REGISTRATION OF A KENNEL OR CATTERY FOR GOOD CAUSE, INCLUDING BUT NOT LIMITED TO, A CONVICTION OF THE OWNER FOR THE CRUELTY TO ANIMALS IN VIOLATION OF MSB 24.05.090 OR AS 11.61.140.]

(G) Issuance. Determinations regarding issuance of kennel or cattery licenses are made by the Chief Animal Care and Regulation Officer.

(1) A kennel or cattery license may be issued only upon the Chief Animal Care and Regulation Officer finding the following:

(a) the owner has provided an emergency evacuation plan which addresses the safe and orderly evacuation of the animals in the event of a natural

disaster including, but not limited to, fire or flood;
and

(b) that the owner has demonstrated
that the owner will provide for the animal in a
sanitary, safe, and humane manner in compliance with
the requirements of Title 24, particularly,
MSB 24.10.040; and

(c) that the owner has paid all
required fees .

(2) In making the determinations required
by MSB 24.10.020(G)(1), the Chief Animal Care and
Regulation Officer may consider any relevant factors
including, but not limited to the following:

(a) prior convictions for cruelty to
animals or failure to provide humane animal care in
any jurisdiction at anytime; and

(b) prior violations of MSB Title 24
within the past five years; and

(c) unpaid animal licensing fees or
unpaid fines for violations of MSB Title 24.

(H) Re-licensing. If there are any changes in
ownership or location of the kennel or cattery, the
kennel or cattery shall be re-licensed.

(I) Expiration of kennel and cattery licenses.

Licenses shall be valid for a period of three years.

(J) Revocation. The Chief Animal Care and Regulation Officer may immediately revoke the license of a kennel or cattery for good cause including, but not limited to:

(1) a conviction of the owner for cruelty to animals in violation of MSB 24.05.090 or A.S. 11.61.140; or

(2) a conviction of failure to provide humane animal care in violation of MSB 24.05.080; or

(3) evidence that the owner is failing to provide for the animals in a sanitary, safe, and humane manner in violation of the requirements of Title 24;

24.10.030 [REGISTRATION] LICENSING; UPDATING INFORMATION.

It is the responsibility of every dog or cat owner and kennel or cattery operator to update and provide the Borough with current [REGISTRATION] license information regarding the items set forth in MSB 24.10.010(B) and MSB 24.10.020(B). Violation of this provision is an infraction.

24.10.040 KENNEL AND CATTERY REQUIREMENTS.

(A) No kennel or cattery shall be maintained or operated in a manner which is an annoyance.

(B) All kennel or cattery facilities shall meet the following requirements:

(1) shelter which provides adequate air and ventilation and which shall prevent the dogs or cats from being exposed to inclement or adverse weather conditions, overheating from sunlight, unsanitary conditions or [DIRTY,] wet and uncomfortable conditions which may endanger the health or welfare of the dog or cat; and

(2) the dogs or cats shall be physically restrained or confined within the premises of the kennel or cattery; and

(3) the premises shall be free from [BACTERIA,] parasites, waste, filth, or other elements in amounts which would endanger the health or welfare of the dogs or cats; and

(4) Sufficient amounts of wholesome and nutritious food and fresh water shall be provided to keep the dogs or cats in healthy physical condition.

(5) the kennel or cattery shall be operated upon property or contiguous parcels currently occupied by the owner or custodian, and must include a dwelling in which the owner or custodian resides while the animals are retained on the property. There shall be a rebuttable presumption that the property is unoccupied in violation of Borough code if there is no such dwelling present, or where there is a dwelling, when, after the property is posted as described below, the owner or custodian fails to contact the Borough within [twenty-four] **24** hours of the property being posted. Posting shall be done in two reasonably conspicuous locations, one of which shall be at the main entrance of the dwelling located on the property. The notice shall include the date and time of the posting, phone number and person to be contacted, and state that contact shall be made within [TWENTY-FOUR () 24 ()] hours of the notice having been posted.

(6) Adequate equipment and resources shall be available to implement the emergency evacuation plans set forth in MSB 24.10.020(G) (1) in a timely and effective manner. The plan shall be kept current, and updated as necessary. The updated plans shall be

submitted to the Borough, and shall also be posted at the kennel or cattery in a prominent visible location.

(C) Violation of MSB 24.10.040(B) is an infraction.

24.10.050 [REGISTRATION] IDENTIFICATION TAGS AND MICROCHIP IDENTIFICATION FOR DOGS AND CATS.

(A) [REGISTRATION] Identification tags. Each [REGISTERED] licensed dog and cat shall be issued a [REGISTRATION] tag with an identification number and telephone number of the Animal Care and Regulation Office.

(B) Tag [RE] placement. The [REGISTRATION] identification tag shall be securely fastened to the dog's or cat's choke chain, collar or harness, which shall be worn at all times when the dog or cat is off the owner's property, except when a dog or cat is in competition, training, in use as a police dog by law enforcement personnel, or while performing recognized sporting activities, including, but not limited to dog mushing.

(C) [REGISTRATION TATTOOS OR] Microchip identification. The dog or cat owner may have the dog or cat [TATTOOED OR HAVE] inserted with a microchip identification approved and inserted by the Borough

with the Borough identification number. [SUCH TATTOO WILL BE IN THE RIGHT EAR OF THE DOG OR CAT]. The microchip identification shall be inserted in a location specified by the Chief Animal Care and Regulation Officer. Animals microchipped by the Borough shall have lifetime licensing, as long as rabies vaccinations are maintained as current. If rabies vaccinations lapse, lifetime licensing is forfeited and the animal must be relicensed.

(D) Performance of [REGISTRATION] license tattoos. A tattoo or microchip implant may be performed in a place other than the Borough Animal Care and Regulation Shelter by someone other than a Borough Animal Care and Regulation Officer, at the owner's expense, if the owner notifies the Borough of the identification number and the location of the tattoo or microchip.

(E) [Repealed by Ord. 03-065(AM), § 9, 2003]

24.10.060 [REGISTRATION CERTIFICATES] LICENSES FOR KENNELS AND CATTERIES.

Each [REGISTERED] licensed kennel or cattery shall be issued a [REGISTRATION CERTIFICATE] license with a Borough identification number.

24.10.070 FEES.

(A) License [REGISTRATION] fees:

(1) The license [REGISTRATION] fee for a dog or cat shall be \$15 if the animal is spayed or neutered. For animals that are not spayed or neutered the [registration] license fee shall be \$30. The [TAGGED REGISTRATION] license [FEE] tag shall [LAST] remain current for three years. If the animal is spayed or neutered and micro-chipped, the lifetime licensing fee shall be \$30. For animals that are microchipped but are not spayed or neutered the lifetime licensing fee shall be \$60.

(2) The [LICENSE REGISTRATION] licensing fee for an animal that is newly adopted from the Animal Care and Regulation Shelter shall be \$15. The [TAGGED REGISTRATION] license [FEE] tag shall [LAST] be current for [ONE YEAR] the life of the animal since the animal is microchipped before leaving the shelter.

(3) [IF YOU ARE REGISTERING] To license five or more [ANIMALS] dogs or five or more cats housed in the same location, a kennel or cattery license is required. The [REGISTRATION] fee for licensing of the kennel or cattery shall be [\$50 AND

THE REGISTRATION FOR EACH ANIMAL AT THAT KENNEL OR CATTERY SHALL BE \$2] \$75. There is no charge for licensing each animal listed under a kennel or cattery license. The kennel or cattery license shall last for three years.

24.10.080 UNEXPIRED DOG AND KENNEL LICENSES.

Dog and kennel licenses issued under prior Borough law shall be valid [IN LIEU OF REGISTRATION] until the license has expired at which time [REGISTRATION] re-licensing requirements shall become effective for those dogs and kennels. Lifetime licenses shall expire if rabies vaccinations lapse. Licenses are not transferrable to new owners.

24.10.090 EXEMPTIONS.

(A) The [REGISTRATION] licensing requirements for dogs and cats under this chapter do not apply to any dog or cat listed in a licensed cattery or kennel, or a dog or cat kept within the Borough for less than 30 calendar days. All such dogs and cats are subject to all other provisions of this title. This subsection does not allow a 30-day grace period for compliance with [REGISTRATION] licensing requirements for dog and cat owners within the Borough. This subsection is an

exemption only for dogs and cats kept by a licensed kennel or cattery or temporarily within the boundaries of the Borough.

(B) The Humane Society shelters, Society for the Prevention of Cruelty to Animal shelters, and hospitals and clinics operated by licensed veterinarians for the care and treatment of animals are exempted from the dog, cat, kennel and cattery [REGISTRATION] licensing requirements set forth in MSB 24.10.010 and MSB 24.10.020. However, the shelters, hospitals and clinics are subject to all other requirements of this title.

24.10.100 KENNEL AND CATTERY INSPECTIONS.

(A) The Chief Animal Care and Regulation Officer, may inspect a kennel or cattery that has applied for a [REGISTRATION CERTIFICATE] license under MSB 24.10.020, or may set forth rules in the Matanuska-Susitna Borough Animal Care and Regulation Policies and Procedures manual to ensure compliance with MSB 24.10.040, prior to the issuance of a kennel or cattery license. Any inspection performed under this section shall require the owner be given

reasonable notice prior to the inspection time and date.

(B) upon receiving a written complaint that the kennel or cattery does not meet any or all of the requirements of MSB 24.10.040, the Chief Animal Care and Regulation Officer may, at the [OFFICER'S] their discretion, inspect any kennel or cattery.

24.10.110 WRITTEN ADMINISTRATIVE ORDERS.

(A) If, upon the inspection of a kennel or cattery, the kennel or cattery does not meet the requirements of MSB 24.10.040, the Chief Animal Care and Regulation Officer may issue a written administrative order to the kennel or cattery owner setting forth the conditions the kennel or cattery owner shall meet in order to be in conformance with MSB 24.10.040.

(B) The kennel or cattery owner shall be granted a reasonable length of time of no more than 30 calendar days within which to remedy any deficiencies found.

(C) If, upon a second inspection after the time granted in the written administrative order, the kennel or cattery is still in violation, the Chief

Animal Care and Regulation Officer may revoke any [REGISTRATION CERTIFICATE] license.

(D) Each day a kennel or cattery owner operates the kennel or cattery without a [REGISTRATION CERTIFICATE] license constitutes a separate violation for operating a kennel or cattery without [REGISTRATION] license.

(E) Violation of the written administrative order under this provision is an infraction.

(F) Notwithstanding MSB 24.10.110(B) and (C), the Chief Animal Care and Regulation Officer may immediately order the closing of a kennel or cattery and the impoundment of all animals if conditions of the kennel or cattery pose a imminent risk to the health and safety of the animals or to the public. [THE OWNER OF THE KENNEL OR CATTERY MAY APPEAL THE CLOSURE TO THE ANIMAL CARE AND REGULATIONS BOARD PURSUANT TO MSB 24.30.020.]

24.10.120 [REGISTRATION] LICENSING, TAGGING AND TATTOOING IMPLEMENTATION.

The Chief Animal Care and Regulation Officer, at [THE OFFICER'S] their discretion, may include in the Matanuska-Susitna Borough's "Animal Care and Regulation Policies and Procedures" manual policies,

regulations and procedures to carry out the requirements of this chapter.

24.10.130 DISTRIBUTION OF TITLE 24; ANIMAL CARE AND REGULATION.

Every owner [REGISTERING] licensing a dog or a cat, or a kennel or a cattery shall be furnished a copy of Title 24: Animal Care and Regulation, and acknowledge in writing the receipt thereof.

24.10.140 RECIPROCAL AGREEMENTS.

The Borough Manager is authorized to enter into reciprocal agreements regarding animal [REGISTRATIONS] licensing with a municipality within the Borough. Under reciprocal [REGISTRATION] licensing agreements, a [REGISTRATION] license issued by either the Borough or a city will be treated as valid by the non-issuing jurisdiction as long as the [REGISTRATION] license would be valid in the issuing jurisdiction.

CHAPTER 24.15: IMPOUNDMENT, ADOPTION, AND EUTHANASIA OF ANIMALS

24.15.010 IMPOUNDMENT PROCEDURE.

(A) Animals running-at-large. Animals found running-at-large are subject to impoundment by a Borough Animal Care and Regulation Officer. Animals running-at-large without identification shall be

impounded at the animal care and regulation shelter for a period of not less than 72 hours, unless sooner claimed by the owner. Animals with identification which are found running-at-large in the Borough shall be impounded for not less than 120 hours, unless sooner claimed by the owner. Animals not claimed by the owner within the mandatory minimum impoundment period may be forfeited pursuant to MSB 24.40.030.

(B) Pursuit of animals running-at-large. An Animal Care and Regulation Officer shall not pursue an animal running-at-large onto property posted in accordance with A.S. 11.46.350(c) or onto property where the property owner expressly refuses access to the Animal Care and Regulation Officer. An Animal Care and Regulation Officer may enter the animal owner's property to issue a citation. An Animal Care and Regulation Officer may enter onto private property not posted under A.S. 11.46.350(c) if pursuit of an animal is necessary to protect the public or the health or safety of the animal.

(C) Animals that are provided to the Borough by law enforcement officers or other individuals or obtained by the Borough, and whose owners are

unavailable due to circumstances including fire, arrest, or hospitalization, shall be impounded for a minimum of 15 business days unless reclaimed earlier by the owner.

[(C)] (D) Notification. The animal care and regulation office shall make reasonable efforts to notify the owner of an impoundment and the conditions under which the owner may retain custody of the animal.

[(D)] (E) Level 5 classified animals. All animals recommended to be classified as Level 5 shall be impounded whenever possible and held at the Animal Care and Regulation Shelter. If the owner of a Level 5 classified animal [CAN BE] is located within the holding period set forth in MSB 25.15.010(A), and chooses not to surrender the animal, a hearing will be set before the Animal Care and Regulation Board [MAY BE HELD AT THE OWNER'S REQUEST] pursuant to MSB 24.30 to adjudicate the animal as a Level 5 classification.

(F) Removal of animals from the Animal Care and Regulation Shelter. It is a violation of this chapter for any person to remove any impounded animal from the

custody and control of the Borough without the consent of the Animal Care Manager.

(G) The Animal Care and Regulation Office shall maintain records of impounded animals. The information shall include, but not be limited to:

(1) a description of the animal;

(2) the location where the animal was impounded or found, if known;

(3) information found on the animal's collar, identification, or license tag, rabies tag, tattoo, or microchip number; and

(4) the disposition of the animal.

24.15.020 REDEMPTION OF IMPOUNDED ANIMALS.

(A) The owner is entitled to reclaim possession of an impounded animal, unless otherwise provided by this title, upon the owner's compliance with the applicable registration and microchipping requirements, and the payment of fees and expenses set forth in this title.

(B) The [CHIEF ANIMAL CARE AND REGULATION OFFICER] Borough may, for good cause, enter into a conditional release agreement with an owner of an animal impounded.

24.15.030 FEES.

(A) The Assembly shall by resolution adopt impoundment fees and costs to be charged by the Animal Care and Regulation Division.

(B) Payment of impoundment fees for an animal running-at-large shall not exceed \$500 per animal for each incident of impoundment.

(C) The owner of an impounded animal shall be responsible for expenses and costs in addition to the impoundment and boarding fees reasonably incurred by the Borough for care and maintenance of the animal.

(D) The animal may not be returned to the owner unless and until fees are paid. If the fees are not paid within 120 hours of notice of impoundment to the owner, the animal shall be subject to the adoption and euthanasia provisions of this title at the [CHIEF ANIMAL CARE AND REGULATION OFFICER'S] **Animal Care Manager's** discretion.

(E) [CHIEF ANIMAL CARE AND REGULATION OFFICER] **Animal Care Manager** may, for good cause, waive a portion of the fees, expenses or costs, and may enter into a payment schedule agreement with an owner.

24.15.040 LIVESTOCK AUCTION.

The [CHIEF ANIMAL CARE AND REGULATION OFFICER] Borough may, at [THE OFFICER'S] their discretion, auction livestock as set forth in the Matanuska-Susitna Borough's "Animal Care and Regulation Policies and Procedures" manual.

24.15.050 ADOPTION.

(A) In addition to the [REGISTRATION] licensing provisions set forth in MSB 24.10, no dog or cat over the age of six months shall be adopted from the shelter unless the prospective owner agrees to have the animal spayed or neutered. The Animal Care Manager may deny a request to adopt an animal if any person living in the prospective adoptive household has been convicted of failure to provide humane animal care or cruelty to animals in any jurisdiction, including the Borough.

(B) The Assembly shall [BY RESOLUTION] adopt animal adoption fees and costs to be charged by the Animal Care and Regulation Division.

(C) A dog or cat which is at least six months old and is not spayed or neutered when it is adopted shall be spayed or neutered within 30 calendar days of

the date of adoption. Dogs and cats which are under six months of age at the time of adoption shall be spayed or neutered within seven months of the date of birth of the dog or cat. The owner of a dog or cat adopted from the shelter shall provide to the Borough written proof of having the dog or cat spayed or neutered by a licensed veterinarian within 30 calendar days of the last date the dog or cat is required by this section to be spayed or neutered.

(D) An animal may not be adopted from impoundment without full disclosure, that shows symptoms of infectious or contagious disease or shows signs of aggression toward humans or other animals. Except for those animals, and animals classified as level 5, the [CHIEF ANIMAL CONTROL AND REGULATION OFFICER OR DESIGNEE] Animal Care Manager shall approve the rescue of an animal or unclaimed animal that would otherwise be euthanized if the rescue group or private individual agrees to provide necessary medical care or behavior training for the animal. Specifically, shall approve without cost the rescue of those cats with upper respiratory infection.

(E) Records of adoptions shall be maintained by the Animal Care and Regulation Office.

(F) The [CHIEF ANIMAL CARE AND REGULATION OFFICER] Animal Care Manager may, in the [officer's] their discretion, establish an adoption plan and fee schedule for animals other than dogs or cats.

(G) An animal classified as Level 2, 3, 4, or 5 may not be adopted from impoundment.

(H) Adoption of any impounded animal is at the discretion of the Borough.

(I) Adoption policies consistent with the provisions of this section may be established by the [CHIEF ANIMAL CARE AND REGULATION OFFICER] Animal Care Manager and set forth in the Matanuska-Susitna Borough's "Animal Care and Regulation Policies and Procedures" manual.

(J) Failure to have a dog or cat spayed or neutered as set forth in MSB 24.15.050(C) or to provide written proof of the spay or neuter is an infraction.

(K) All adoptions are final and the previous owner if any, may not reclaim the animal once it has been adopted. Any veterinarian bills, liabilities, or

claims which are incurred after its adoption will be the sole responsibility of the new owner.

24.15.060 VOLUNTARY RELEASE.

[(A)] A person voluntarily releasing ownership of an animal to the Borough shall execute a release of ownership in favor of the Borough and [PAY A FEE OF \$5 PER ANIMAL] may contribute a donation to the shelter. [THE CHIEF ANIMAL CARE AND REGULATION OFFICER MAY, FOR GOOD CAUSE, WAIVE THE RELEASE FEE.]

24.15.070 MICROCHIP INSERTION; IMPOUNDED DOGS AND CATS.

[(A)] All dogs and cats impounded and released from the Animal Care and Regulation Shelter, whether by redemption, adoption or otherwise, shall receive a microchip implant approved by the Borough. If the animal is being released to the owner and the owner requests to be present, the owner shall be present during the insertion of the microchip. The cost of the microchip shall be paid by the owner. The [CHIEF ANIMAL CARE AND REGULATION OFFICER] Animal Care Manager shall list the fee for a microchip implant in a schedule approved by the [MANAGER] Assembly.

24.15.080 EUTHANASIA.

(A) The [CHIEF ANIMAL CARE AND REGULATION OFFICER OR DESIGNEE] Animal Care Manager may authorize euthanasia in the following circumstances:

(1) an animal in Borough custody, that is not the subject of a pending [A] hearing or court decision, which is not adoptable under MSB 24.15.050(D);

(2) an animal whose health or physical condition requires euthanasia for humane reasons. The euthanization decision shall be made by a licensed veterinarian or an Animal Care and Regulation Officer [IN CONSULTATION WITH A LICENSED VETERINARIAN]. Prior to euthanizing an animal, the Borough shall make reasonable efforts to contact the owner or custodian. Notwithstanding, in an emergency situation, where the condition of the animal requires immediate euthanization, the Borough may euthanize the animal for humane reasons prior to notification of the owner or custodian; or

(3) an adoptable animal, remaining unadopted following expiration of the minimum term of availability specified in MSB 24.15.010(A).

(B) An animal which is not eligible for redemption or adoption may be euthanized after the right to appeal expires without being invoked or after all appeals under this title are completed.

(C) Euthanasia of an animal shall be accomplished humanely by a licensed veterinarian or trained euthanasia technician.

(D) The Borough shelter shall maintain a list available for review by the general public of animals euthanized within the past 30 days, including a photograph or a description of the animal and the reason for euthanasia.

CHAPTER 24.20: RABIES CONTROL.

24.20.010 DEFINITION

Notwithstanding MSB 24.05.010[(A)] for purposes of this chapter the word "animal" includes all animals, unless otherwise specified. "Dog" does not include canid hybrids for purposes of this chapter.

24.20.020 RABIES IMMUNIZATION.

(A) A person may not keep, own or harbor a dog or cat over six months of age unless the dog or cat has been immunized for rabies in accordance with the laws of the state and Borough ordinance. The person

is required to provide proof of the rabies certificate to the Borough in the form required by the state of Alaska upon application to license any dog or cat, or upon notification by the Chief Animal Care and Regulation Officer. Violation of this provision is an infraction. It shall be an affirmative defense that the animal was currently vaccinated for rabies at the time that proof of the rabies certification was requested by the Chief Animal Care and Regulation Officer.

(B) It is unlawful for any person owning a dog or cat to knowingly procure, receive, use or attempt to use a purported proof, certificate of, or receipt for rabies immunization not actually given to the animal described in the proof, certificate, or receipt. An act in violation of this provision is an infraction.

[(C) THE RABIES IMMUNIZATION REQUIREMENTS DO NOT APPLY TO CANID HYBRIDS UNLESS AND UNTIL A RABIES VACCINE IS APPROVED BY THE STATE.

(1) FOR RABIES ISSUES CONCERNING CANID HYBRIDS, THE BOROUGH SHALL DEFER TO THE STATE OF ALASKA.]

24.20.030 REPORTING.

(A) All practitioners of human medicine shall report to the Animal Care and Regulation Office within 12 hours of discovery of the names and addresses of persons treated for animal bites and the owner of the animal, if known. Violation of this provision is an infraction.

(B) All practitioners of veterinary medicine shall report to the Animal Care and Regulation Office within 12 hours of observation of any animal having or suspected of having rabies. Violation of this provision is an infraction.

[(C) A PERSON WHO KNOWS OF AN ANIMAL BITING A DOMESTIC OR DOMESTICATED ANIMAL OR HUMAN SHALL REPORT THE BITE TO THE ANIMAL CARE AND REGULATION OFFICE WITHIN 12 HOURS OF WITNESSING OR RECEIVING KNOWLEDGE OF THE BITE. VIOLATION OF THIS PROVISION IS AN INFRACTION.]

(D) Except for dogs and cats, other domestic or domesticated animals that have bitten a human or another animal shall be reported immediately to the Alaska State Department of Health and Social Services.

24.20.040 SURRENDER OF ANIMALS.

An owner of a domestic or domesticated animal, at the request of an Animal Care and Regulation Officer, shall not refuse to surrender the domestic or domesticated animal for supervised quarantine, pursuant to MSB 24.20.050, if the domestic or domesticated animal has bitten a human or another animal. Violation of this provision is an infraction.

24.20.050 SUPERVISED QUARANTINE.

(A) A domestic or domesticated animal subject to a supervised quarantine shall be securely confined for a minimum period of ten calendar days following the bite.

(B) At the discretion of the Chief Animal Care and Regulation Officer the quarantine location may be:

(1) at the designated Borough animal shelter;

(2) at a veterinary hospital or clinic of the owner's choosing, subject to the approval of the Chief Animal Care and Regulation Officer;

(3) at a licensed boarding kennel or cattery of the owner's choosing, subject to the

approval of the Chief Animal Care and Regulation Officer;

(4) confined on the owner's premises subject to the approval of the Chief Animal Care and Regulation Officer.

(5) Exceptions. If at any time the Chief Animal Care and Regulation Officer makes a determination to classify the animal as Level 3 or 4, or to recommend the animal as Level 5 to the Animal Care and Regulation Board, the animal shall be surrendered to the Animal Care and Regulation Shelter pending the outcome of the case.

(C) Fees and costs associated with quarantine, treatment and care reasonably incurred by the Borough shall be paid by the owner of the animal.

(D) Violation of any condition of a supervised quarantine order is an infraction.

24.20.060 RABID ANIMALS.

(A) Notification [OF] to the Chief Animal Care and Regulation Officer. When a domestic or domesticated animal under a supervised quarantine, other than at the Borough animal shelter, is diagnosed or tentatively diagnosed as rabid, the Chief Animal

Care and Regulation Officer shall be notified immediately.

(B) Confirmation of diagnosis. If a domestic or domesticated animal is rabid or tentatively diagnosed as rabid, the Chief Animal Care and Regulation Officer may take any action necessary including, but not limited to, immediate euthanasia and the removal of tissue samples from the domestic or domesticated animal to confirm the diagnosis of rabies.

(C) Destruction of animals. Destruction of animals shall be as follows:

(1) No person except an authorized agent of the state of Alaska, the Chief Animal Care and Regulation Officer, or a licensed veterinarian may kill or cause to be killed any domestic or domesticated animal which is rabid or may be rabid.

(2) Any domestic or domesticated animal diagnosed or tentatively diagnosed as rabid by an Alaska licensed veterinarian shall be destroyed immediately.

(D) Disposition of rabid animal. Disposition of rabid animals shall be as follows:

(1) A person shall not fail or refuse to surrender a domestic or domesticated animal which is rabid or suspected of having rabies or has been directly exposed to a rabid animal, including the carcass or portion of the carcass.

(2) The Chief Animal Care and Regulation Officer shall dispose of any dead domestic or domesticated animal, or portions of the animal, which is diagnosed as rabid or is suspected of being rabid.

(E) Violation. Violation of MSB 24.20.060(A), MSB 24.20.060(C) (1) and (2), or MSB 24.20.060 (D) (1) is an infraction.

24.20.070 AREA QUARANTINE.

(A) When one or more positive diagnoses of rabies [IS] are made within the Borough, the Chief Animal Care and Regulation Officer may institute an area quarantine for a period of 30 calendar days. The area covered by the quarantine shall be at the discretion of the Chief Animal Care and Regulation Officer.

(B) A person within the quarantine area may not:

(1) take a domestic or domesticated animal off the premises of its owner, except on a leash or in a harness; or

(2) take or ship a domestic or domesticated animal from the area of quarantine without written permission of the Chief Animal Care and Regulation Officer.

(C) During an area quarantine a domestic or domesticated animal running-at-large may be destroyed [FORTHWITH] immediately by an authorized Animal Care and Regulation Officer.

(D) In the event subsequent and continued cases of rabies occur during the 30 calendar day quarantine period, the quarantine time may be extended up to an additional six months at the discretion of the Chief Animal Care and Regulation Officer.

(E) During the period of quarantine, the boundaries of the quarantine area may be adjusted by the Chief Animal Care and Regulation Officer as needed.

(F) Any domestic or domesticated animal with a current rabies vaccination during an area quarantine which is bitten by any animal shall be immediately

re-vaccinated and placed under supervised quarantine. The bite shall be reported immediately to the Chief Animal Care and Regulation Officer.

24.20.080 COOPERATION WITH ALASKA STATE DEPARTMENT OF HEALTH AND SOCIAL SERVICES.

(A) The Borough may defer to the judgment of the Alaska State Department of Health and Social Services on rabies issues. The Borough may cooperate on issues including, but not limited to:

(1) surrendering jurisdiction of an animal to the state;

(2) cooperation in state-authorized quarantines;

(3) cooperation in identification of rabies cases;

(4) control of the spread of rabies, including the euthanasia of animals in order to test brain tissue.

(B) The Borough may enter into cooperative agreements with the Alaska State Department of Health and Social Services regarding the protocol for addressing rabies and potential rabies cases for all animals within the Borough, whether the animals are categorized as domestic, domesticated, wild or

otherwise categorized. The protocol shall be set forth in the Matanuska-Susitna Borough's "Animal Care and Regulation Policies and Procedures" manual.

(C) Where Borough law conflicts with State law concerning rabies control, State law shall be controlling.

24.20.090 LOW COST RABIES VACCINATION AND SPAY/NEUTER CLINICS FOR DOGS AND CATS.

At least semi-annually, [T]he [CHIEF ANIMAL CARE AND REGULATION OFFICER MAY, AT THE OFFICER'S DISCRETION], **Animal Care Manager shall** conduct low cost [RABIES VACCINATION] clinics for dogs and cats **where spaying/neutering services and rabies vaccinations are made available at cost, plus ten percent. Such clinics should be held at such times and places as to encourage the widest participation from all areas of the Borough.** [AS SET FORTH IN THE MATANUSKA-SUSITNA BOROUGH'S "ANIMAL CARE AND REGULATION POLICIES AND PROCEDURES" MANUAL].

CHAPTER 24.25: ANIMAL BITE AND ATTACK INCIDENTS

[Repealed by Ord. 03-154(AM), § 6, 2003]

CHAPTER 24.26: ANIMAL BITE AND ATTACK INCIDENTS

24.26.010 CLASSIFICATIONS OF ANIMALS.

(A) Classifications. Subject to the authority of the Chief Animal Care and Regulation Officer pursuant to MSB 24.26.020, an animal may be classified based on one of the following levels:

(1) Level 1 classification is established if an unrestrained animal:

(a) has engaged in the following activities:

(i) aggressive posturing;

(ii) aggressive lunging; or

(iii) aggressive barking; and

(b) has by its behavior caused a person to modify, stop, or alter the person's activity; caused a person to fear for a person's safety from the animal's behavior; or has caused flight of an animal or disruption of a domestic animal flock or group. The burden of proof in this section shall be one of a reasonable belief by the victim or victim animal owner that the victim was in danger of being attacked as defined in MSB 24.05.010(A), but an actual attack did not occur; or

(c) Is found at large more than two times within a 12-month period.

(2) Level 2 classification is established if an animal bites or causes physical injury to any domestic animal.

(3) Level 3 classification is established if an animal, while under restraint:

(a) [WHILE UNDER RESTRAINT,] inflicts an aggressive bite or causes any physical injury to any human; or

(b) causes any serious physical injury to a domestic animal.

(4) Level 4 classification is established if any of the following occur:

(a) an unrestrained animal inflicts an aggressive bite or causes physical injury to any human; or

(b) an unrestrained animal [KILLS A] causes any serious physical injury to a domestic animal; or

(c) an animal, regardless of whether it is restrained, for the second time causes physical injury to a domestic animal.

(d) an animal, regardless of whether it is restrained, causes the death of a domestic animal.

(5) Level 5 classification is established if any of the following occur:

(a) an animal, regardless of whether it is restrained, causes serious physical injury or the death of any human; or it is shown by a preponderance of evidence that the animal would have caused such injury or death if not for human intervention, which caused the animal to cease the attack; or

(b) an animal is used as a weapon in the commission of a crime; or

(c) an animal classified as Level 3 or Level 4, or as a dangerous animal under a prior enactment of this code, for the second time commits any behavior described in MSB 24.26.010(A)(3) or (A)(4), after the owner receives notice of the Level 3 or 4 classification. The Chief Animal Care and Regulation Officer has the discretion under this section to choose to classify the animal as a level 3 or 4 instead of recommending a level 5 classification.

24.26.020 EXCEPTIONS TO CLASSIFICATIONS.

(A) Notwithstanding MSB 24.26.010 and MSB 24.26.030, the Chief Animal Care and Regulation Officer shall have discretionary authority to refrain from classifying an animal even if the animal has engaged in the behaviors specified in MSB 24.26.010, if the Chief Animal Care and Regulation Officer determines that one of the following is true:

(1) at the time of the injury or damage, the victim was committing trespass or other tort on premises occupied by the owner or custodian of the animal, the victim was teasing, tormenting, abusing, or assaulting the animal, its offspring, or the owner or custodian, or the victim was committing or attempting to commit a crime;

(2) the animal was protecting or defending itself, its offspring, or a human within the immediate vicinity of the animal from an attack or assault [WHILE UNDER CONTROL OR CONFINED];

(3) the injury or damage to a domestic animal occurred while the animal was working or in training as a hunting animal, herding animal, or predator abatement animal on the property of or under

the control of its owner, and the damage or injury was to a species or type of domestic animal appropriate to the work of the animal;

(4) the animal is trained to attack a person independently or upon oral command while under the restraint and supervision of an authorized government or law enforcement unit and the act is directly associated with the proper execution of the animal's duties;

(5) the animal was responding to pain or injury;

(6) the animal was protecting its offspring from attack by another animal;

(7) the animal is trained or is being trained for the sport of Schutzhund competition or personal protection and the victim was a willing participant and did not file a complaint;

(8) the animal, with a current rabies vaccination, caused injury to the owner, owner's family, trainer, or person caring for the animal, unless:

(a) the injured party filed a complaint; or

(b) the victim is a minor who is not involved in training or competing with the animal; or

(9) the animal was on the property of its owner at the time of the incident when it attacked a domestic animal that had aggressively entered upon that property.

(10) the person who was bitten was separating animals that were fighting.

[(9)] (11) the decision not to classify reasonably serves and promotes justice, fairness, and the purposes and intent of this title, the protection of public health, safety and welfare, and the humane care and treatment of animals.

(B) If at any time during a supervised quarantine a domestic animal is rabid or is tentatively diagnosed as rabid, the provisions of MSB 24.20.060(B) shall apply. [THIS PROVISION SHALL NOT EXEMPT A DOMESTIC ANIMAL WHICH IS NOT EUTHANIZED, PURSUANT TO MSB 24.26, FROM THE PROVISIONS OF THIS CHAPTER IF THE DOMESTIC ANIMAL IS DETERMINED TO BE RABIES FREE.]

24.26.030 INVESTIGATION AND CLASSIFICATION OF ANIMALS.

(A) The Deputy Animal Care and Regulation Officers shall investigate and report each animal bite or attack incident to the Chief Animal Care and Regulation Officer. [THE CHIEF ANIMAL CARE AND REGULATION OFFICER SHALL CLASSIFY BITE AND ATTACK INCIDENTS AS LEVEL 1, 2, 3, OR 4, AND SHALL RECOMMEND TO THE ANIMAL CARE AND REGULATION BOARD LEVEL 5 CLASSIFICATIONS.]

(1) No other conditions of release shall be required if the incident is classified as accidental, except for the supervised quarantine provisions set forth in MSB 24.20.050, [REGISTRATION] licensing requirements set forth in MSB 24.10 and fee and expense requirements set forth in MSB 24.15.030.

(B) Subject to MSB 24.26.020, if the bite or attack incident is classified as non-accidental [, THE ANIMAL INVOLVED MAY BE CLASSIFIED BY] the Chief Animal Care and Regulation Officer shall classify the animal as a Level 1, 2, 3, or 4, [AND] or shall recommend to the Animal Care and Regulation Board a Level 5 classification[S].

(C) If the incident is classified as non-accidental, the conditions, facts, and

circumstances of the incident, and seriousness of any bite, shall be considered in determining the classification of the animal.

(D) The classification of an animal as Level 1, 2, 3, 4, or a recommendation to the Animal Care and Regulation Board as Level 5 classification shall be completed by the Chief Animal Care and Regulation Officer within 15 Borough business days of the receipt of the bite or attack report.

(E) The Animal Care and Regulation Office shall provide written notification to the owner of the classified animal and the human victim or victim owner of any classification or recommended classification. Notice shall be provided in writing and served by personal service or certified mail. Notice by personal service shall be made pursuant to Alaska Rule of Civil Procedure 4(d). Notice by certified mail shall be made pursuant to Alaska Rule of Civil Procedure 4(h).

(F) No person shall make a fraudulent complaint, statement or report to Animal Care and Regulation. Violation of this provision is an infraction.

24.26.040 REGULATION OF CLASSIFIED ANIMALS.

(A) The Chief Animal Care and Regulation Officer shall have the discretion to increase or decrease a classified animal's restrictions based upon relevant circumstances.

(B) In addition to other requirements of this chapter, the owner of a classified animal shall comply with the following redemption conditions:

(1) Level 1 classification. Whenever an animal classified as Level 1 is on the owner's property outside the owner's home, the animal shall be restrained by a physical restraint so the animal cannot reach any public sidewalk or adjoining property and shall be located so as not to interfere with public access to the owner's property.

(2) Level 2 classification. Animals classified as Level 2:

(a) shall be confined in [A LOCATION WHICH MAY INCLUDE] a secure enclosure or **be maintained** under control by [LEASH ONLY] **attachment**.

(3) Level 3 and 4 classifications. Animals classified as Level 3 or 4:

(a) shall be kept in the owner's home or when outside the home shall be confined in a secure

enclosure. The Chief Animal Care and Regulation Officer may modify the requirements for a roof or floor or buried wall footing depending on the circumstances. The adequacy of the secure enclosure shall be determined at the discretion of the Chief Animal Care and Regulation Officer. When the animal is not on the owner's property, it shall be controlled by leash and muzzled; and

(b) it is a violation of this subsection to breed [,SELL, EXCHANGE,] or abandon an animal classified as Level 3 or 4.

(4) Level 5 classification. Animals classified as Level 5 shall be euthanized. The Animal Care and Regulation Board may issue an order suspending the animal owner's right to adopt an animal from the Animal Care and Regulation Shelter and may set conditions for regaining that right.

(a) A hearing shall be held before the Animal Care and Regulation Board, pursuant to MSB 24.30, when an animal is recommended as Level 5 classification by the Chief Animal Care and Regulation Officer. If the animal is determined to be a Level 5 classification, it shall be humanely destroyed. The

animal owner may waive their right to a hearing before the Animal Care and Regulation Board and surrender the animal to the Chief Animal Care and Regulation Officer. Once surrendered the animal shall be humanely euthanized at the convenience of the Borough. The owner of the surrendered animal will not be responsible for any fees, costs, or expenses incurred for the impoundment for the animal beyond the date of a signed release waiver.

(b) Animals recommended for Level 5 classification pursuant to this chapter, shall be impounded and held at the Animal Care and Regulation Shelter until the hearing before the Animal Care and Regulation Board. The animal owner is responsible for all fees and expenses pursuant to MSB 24.26.050(D).

(c) It is unlawful to own an animal classified as Level 5, pursuant to this chapter. Violation of this provision is an infraction.

(C) Microchip, immunization, and [REGISTRATION] licensing requirements. To ensure correct identification, all classified animals shall be implanted with a permanent microchip to identify the

animal and its owner. All animals shall be vaccinated with an [STATE OF] Alaska State approved rabies vaccine and all vaccinations appropriate to species. In addition, all dogs and cats shall be [REGISTERED] licensed in accordance with MSB 24.10.010.

(D) Insurance. The Chief Animal Care and Regulation Officer may require that the owner of an animal classified as Level 3 or 4 furnish proof of liability insurance in the amount of at least \$100,000 for bodily injury or death of any person or domestic animal. If required, the policy shall be on file in the Animal Care and Regulation Office and shall be required to be kept current throughout the ownership of the animal. Failure to maintain the insurance is cause for the animal to be immediately impounded. If proof of insurance is not submitted within seven calendar days after impoundment, the [ANIMAL SHALL BE FORFEITED TO THE BOROUGH] Chief Animal Care and Regulation Officer shall issue a notice of forfeiture to the owner. The Chief Animal Care and Regulation Officer shall notify the insurance company of the presence of the animal on the subject property and shall require the animal owner to provide written

proof to the Borough that the insurance covers injury or death from said animal.

(E) Warning sign. The owner or custodian of a Level 3 or 4 classified animal shall display in a prominent place on the premises where the animal is kept, a sign, easily readable by the public, using the words "Dangerous Animal." The sign and its location must be approved by the Chief Animal Care and Regulation Officer.

(F) Spay or neuter. The Chief Animal Care and Regulation Officer shall have discretionary authority, if the conditions, facts, and circumstance warrant it, to require [T]the owner of an animal classified as a level 1 under MSB 24.26.040(A) (1) (c), or as a level 3 or 4 [shall] to have the animal spayed or neutered at the owner's expense.

(G) Control by leash. A Level 1, 2, 3, or 4 classified animal shall only be off the property of the owner or custodian if it is restrained by leash, under the direct control of a responsible adult, and muzzled if classified as a Level [2,] 3, or 4. The strength and length of the leash and strength and type

of muzzle shall be approved by the Chief Animal Care and Regulation Officer.

(H) Notice of disposal or escape. The owner or custodian of an animal classified as Level 1, 2, 3, 4, or 5 pursuant to this title shall:

(1) Notify the Animal Care and Regulation Office immediately if the animal escapes, is unconfined without control of a competent person, attacks another human being or animal, or dies.

(I) Change in location. The owner shall notify the Chief Animal Care and Regulation Officer of any change in the physical location of an animal classified under this section, and the new location shall be subject to the terms and conditions of the conditional release order.

(1) The release conditions shall apply to an animal being boarded at a location other than the approved location.

(2) The notification to the Borough set forth in this section shall not apply to temporary moves of the animal for the purposes of providing veterinarian care.

[(3)] (J) Upon notice to the Chief Animal Care and Regulation Officer, the subject animal may be impounded until the owner complies with all requirements of the conditional release order, or until such time as the Chief Animal Care and Regulation Officer recommends forfeiture of the animal [SCHEDULES A FORFEITURE HEARING PURSUANT TO MSB 24.40.030]. In the event the animal is impounded, the owner shall be responsible for all costs and fees associated with the impoundment. [VIOLATION OF THIS SUBSECTION IS AN INFRACTION.]

24.26.050 IMPOUNDMENT AND WRITTEN RELEASE ORDERS.

(A) [IMPOUNDMENT. AN ANIMAL CLASSIFIED AS A LEVEL 1 OR 2, AT THE CHIEF ANIMAL CARE AND REGULATION OFFICER'S DISCRETION, MAY BE IMPOUNDED AT THE ANIMAL CARE AND REGULATION SHELTER, LICENSED KENNEL, OR AT THE OWNER'S HOUSE IF THE KENNEL OR HOME HAS ADEQUATE FACILITIES TO QUARANTINE THE ANIMAL.] An animal involved in a bite or attack incident classified as a Level 1, 2, 3 or 4, may at the Chief Animal Care and Regulation Officer's discretion, [SHALL] be impounded at the Animal Care and Regulation Shelter, licensed veterinarian clinic or hospital, licensed kennel

approved by the Chief Animal Care and Regulation Officer, or at the owner's house if the kennel or home has adequate facilities to quarantine the animal. Any quarantine of an animal not at the Animal Care and Regulation Shelter shall be posted with a quarantine sign that states the reason for the quarantine, conditions, and dates of the quarantine. If the animal is recommended for classification as Level 5, it shall be impounded at the animal shelter unless the animal is:

(1) under a veterinarian's care for sickness, disease or injury requiring the animal to remain at the clinic or hospital; or

(2) kept under other specially required conditions at the time of the requested release by the Borough.

(B) Written release order. An owner of an animal classified as a Level 1, 2, 3, or 4 shall be provided a written release order by the Chief Animal Care and Regulation Officer, setting forth the conditions of release accompanied by written findings of fact and conclusions.

(1) The conditions of the written release order shall include, but are not limited to, all requirements set forth in MSB 24.26.040 for animals classified as Level 1, 2, 3, and 4. The owner shall have five Borough business days from receipt of the conditional release order to comply and implement all of the terms and conditions of the order, unless stated otherwise.

(2) The Chief Animal Care and Regulation Officer may, at the [OFFICER'S] their discretion, include other requirements or conditions in the written release order.

(3) The Chief Animal Care and Regulation Officer or the [OFFICER'S] their designee shall inspect the owner's premises to determine if the owner meets the conditions of release requirements pertaining to confinement of the animal prior to release of the animal.

(4) In determining the release conditions, the Chief Animal Care and Regulation Officer shall consider factors, including but not limited to the following:

(a) the observed or reported past and present actions of the animal owner in controlling and restraining animals;

(b) the circumstances of the incident and the extent of the injury to the person or animal attacked;

(c) the owner's past history of compliance with past and present Borough animal care and regulation ordinances;

(d) the owner's past history of compliance with other state or municipal animal care and regulation ordinances and laws.

(C) Conditions of the written release order to be met. All conditions of the written release order must be met, or the animal owner must demonstrate the ability to meet the conditions prior to release of the animal. Whether the animal owner has met the conditions or has the ability to meet the conditions shall be determined by the Chief Animal Care and Regulation Officer.

(D) Fees and expenses. [PRIOR TO ANY RELEASE, ALL FEES AND EXPENSES REASONABLY INCURRED BY THE

BOROUGH FROM THE DATE OF IMPOUNDMENT SHALL BE PAID BY THE OWNER.]

(1) prior to any release, all fees and expenses reasonably incurred by the Borough from the date of impoundment shall be paid by the owner.

(2) There shall be a \$100 per year annual inspection fee imposed as a condition of release for animals classified as level 3 or 4.

(E) Forfeiture of animal. If an owner refuses to redeem an animal under the conditions of a written release order, refuses to pay fees or expenses, or violates any condition of a written release order, the animal is subject to forfeiture to the Borough pursuant to MSB 24.40.030.

(F) Violation. Violation of a written release order is an infraction. Each day the owner fails to abide by the written release order issued by the Chief Animal Care and Regulation Officer constitutes a separate infraction for violating the conditions of the written release order.

(G) Release agreements. The Chief Animal Care and Regulation Officer may, at [THE OFFICER'S] their discretion, enter into conditional release agreements

for animals involved in bite or attack incidents, except for animals recommended for Level 5 classification.

(H) The owner of any animal released to the owner's care shall hold the Borough harmless and indemnify it against any liability arising from the actions of the animal.

24.26.060 ANIMAL CLASSIFICATION AND WRITTEN RELEASE ORDER REVIEW BY ANIMAL CARE AND REGULATION BOARD.

(A) An owner aggrieved by the classification or the written release order for an animal as Level 1, 2, 3, or 4 may have the decision reviewed by the Animal Care and Regulation Board as set forth in MSB 24.30. A hearing date shall be set before the Animal Care and Regulation Board when an animal has been recommended as Level 5 classification by the Chief Animal Care and Regulation Officer as set forth in MSB 24.30 unless the owner wishes to surrender the animal to the Borough.

(B) A victim or victim owner aggrieved by the decision of the Chief Animal Care and Regulation Officer's classification or conditional release order for an animal where classification resulted from an incident involving the victim or victim owner may

appeal that decision to the Animal Care and Regulation Board by following the procedures set forth in MSB 24.30 and paying the required costs and filing fees. If the victim is under the age of majority, the victim's parent or authorized guardian may appeal the decision.

(C) Pending a final decision in any legal or administrative proceeding, the owner shall have the right to reasonable daily visitation for a minimum of ten minutes per day as staffing allows, if the animal is impounded at the shelter. The owner must agree to hold the Borough harmless and indemnify the Borough against any liability arising from the owner's visitation. Visitation shall not be permitted when the animal is in rabies quarantine for any reason, will be subject to the approval of the Borough Veterinarian, and can be revoked at the discretion of the Animal Care Manager for any reason.

24.26.070 COMPLIANCE INSPECTIONS.

(A) The owner or custodian of any animal classified as Level 2, 3, or 4 shall consent to inspection of the property where the animal is kept [with 24 hours written] without prior notice by the

Animal Care and Regulation Office. Unless there is an emergency requiring an immediate response, Animal Care and Regulation Officers shall not enter any building located on private property to perform an inspection under this section without consent from the animal(s) owner, the property owner, or an occupant of the property, or a search warrant. The inspection shall be [SET] at a reasonable time and in a reasonable manner to verify compliance with the requirements of this chapter. Refusal to allow an inspection may be considered a violation of the conditions of release or classification.

(B) For level 3 or 4 classifications, said property shall be inspected at a minimum of every six months during the life of the classification with the owner being responsible for the costs of said inspection as a condition of release. The level 3 or 4 annual classification inspection fee shall be set at \$100.

24.26.080 REMOVAL, REDUCTION, OR MODIFICATION OF CLASSIFICATION.

(A) An owner of a classified animal, including an animal classified under a repealed classification scheme, may apply to the Chief Animal Care and

Regulation Officer, in writing, to have the classification reduced, modified, or removed in accordance with this section upon payment of outstanding fees, including a review fee of \$35, and showing that:

(1) a Level 1 or Level 2 animal has been classified for one year without any further incident, including any violation of this title; or

(2) a Level 3 or Level 4 animal has been classified for two years, or 18 months if recommended by the Animal Care and Regulation Board after a hearing on the classification, without any further incident, including any violation of this title;

(3) the owner has attended and presents evidence of the owner's and animal's satisfactory completion of an obedience training course;

(4) notwithstanding the [TWO-YEAR] time provision of subsection (A)(2) of this section, the Chief Animal Care and Regulation Officer must review the classification of an animal upon an application presented after 18 months if advised to do so by the Animal Care and Regulation Board. The advisement by the board must be in writing made after a hearing on

the classification and must specify the facts and circumstances which support the advisement.

(B) restrictions for level 3 and level 4 animals may be reduced, modified, or removed. [,EXCEPT THE REQUIREMENT FOR THE USE OF A SECURE ENCLOSURE.]

(C) Requests for termination, modification, or reduction of a classification may be submitted to the Chief Animal Care and Regulation Officer upon proof of compliance with requirements in MSB 24.26.070(A), but no more than once each year. All requests for [RECLASSIFICATION] termination, modification, or reduction shall be accompanied by a review fee of \$35.

24.26.090 TRANSFER OF OWNERSHIP OF A CLASSIFIED ANIMAL.

(A) Upon transfer of the ownership of an classified animal [CLASSIFIED AS A LEVEL 1 OR 2] the owner shall transfer to the new owner a copy of the classification notice and conditional release order applicable to the animal.

(B) The new owner shall be bound by the conditional release order issued by the Chief Animal Care and Regulation Officer or the Animal Care and Regulation Board.

(C) The owner shall notify the Animal Care and Regulation Office within five days of the transfer of ownership of a classified animal and shall notify the Animal Care and Regulation Office of the new location of the animal.

(D) Violation of this section is an infraction.

24.26.100 PRE-EXISTING CLASSIFICATIONS.

[(A)] All classifications and conditional release orders or conditional release agreements issued under former law shall remain in full force and effect for the life of the animal classified, unless removed, reduced, or modified under the procedures established in MSB 24.26.080.

24.26.110 ADOPTION OF FORFEITED ANIMAL.

[(A)] If a Level 1 or Level 2 classified animal has been forfeited or released to the Borough, the Chief Animal Care and Regulation Officer may authorize adoption of the animal directly from the shelter. The animal shall be subject to the classification, and the new owner shall be required to comply with the conditions of the classification.

CHAPTER 24.30: ANIMAL CARE AND REGULATION BOARD

24.30.010 COMPOSITION.

(A) The Animal Care and Regulation Board shall be composed of five members with one alternate. The term of each appointed member of the board shall be three years.

(B) Members of the Animal Care and Regulation Board and the alternate shall be appointed by the Mayor, subject to confirmation by the Assembly. There shall be one member selected from each of the following groups to the extent practicable:

- (1) licensed veterinarians;
- (2) organized and recognized animal interest groups;
- (3) animal trainers, preferably experienced in handling problem animals;
- (4) animal owners from the general public;
- (5) an individual from the general public at-large.

(C) The alternate shall be from one of the groups listed under MSB 24.30.010(B).

(D) Preference shall be given those applicants in each group who have experience in quasi-judicial or similar matters.

(E) The board members shall annually appoint a chairperson and vice-chairperson.

(F) In the event that a vacancy continues to exist within one of the groups for a period of 60-days following the filing of notice of vacancy by the Borough, that position may then be filled by an individual from the general public at-large.

24.30.013 MEETINGS.

(A) The Board's meetings shall be governed by the current edition of Robert's Rules of Order Newly Revised, except as otherwise provided by this title. All board meetings shall be open to the public and recorded [TAPED], and minutes shall be kept.

(B) A quorum must be present to conduct business. A majority of the authorized membership of the board constitutes a quorum.

(C) An affirmative vote by a majority of those members present is required to pass or adopt any motion, order, or resolution brought before the Board.

24.30.015 COMPENSATION.

Board members shall be reimbursed for mileage incurred in connection with meetings of the board or meetings attended by direction of the board in the same manner

as Borough employees are compensated for mileage expenses, upon presentation of supporting documentation satisfactory to the Borough Clerk.

ARTICLE II. ADVISORY

24.30.017 ADVISORY FUNCTIONS.

(A) The Animal Care and Regulation Board may:

(1) Advise the Mayor, the Borough manager, and Assembly on matters affecting animal care and regulatory services in the Borough regarding:

(a) Borough related elements of a comprehensive, long range plan;

(b) proposed legislation and regulations;

(c) public recommendations;

(d) program evaluation and implementation;

(2) Conduct a yearly review of the animal care and regulation operations manual and identify areas of revision with input from the [CHIEF ANIMAL CARE AND REGULATION OFFICER] Animal Care Manager, animal care and regulation staff, and the public;

(3) Conduct a yearly review of the budget.

24.30.018 MEETINGS; AGENDA; ORDER OF BUSINESS.

(A) The agenda for special and regular Animal Care and Regulation Board meetings shall be prepared by the Clerk.

(B) At every regular meeting, the order of business shall be as follows:

- (1) call to order, roll call, determination of quorum;
- (2) approval of agenda;
- (3) approval of minutes;
- (4) reports and correspondence;
- (5) audience participation;
- (6) unfinished business;
- (7) new business;
- (8) board comments; and
- (9) adjournment.

(C) The order of business at special meetings shall be prescribed by the chairperson.

ARTICLE III. APPELLATE AND ORIGINAL JURISDICTION

24.30.020 JURISDICTION.

(A) The Animal Care and Regulation Board has appellate jurisdiction over: [THE DETERMINATION OF ANIMALS CLASSIFIED AS LEVEL 1, 2, 3, OR 4 BY THE CHIEF

ANIMAL CARE AND REGULATION OFFICER, RELATED WRITTEN ADMINISTRATIVE ORDERS, AND ANIMALS FORFEITED PURSUANT TO MSB 24.05.100(C)(1) AND MSB 24.26.050(E)]

(1) denial or revocation of kennel or cattery licenses;

(2) determination of animals classified as level 1, 2, 3, or 4; and

(3) written administrative orders, with the exception of forfeitures.

(B) The Animal Care and Regulation Board has original jurisdiction over the determination of animals recommended for classification as Level 5 by the Chief Animal Care and Regulation Officer.

MSB 24.30.025, EX PARTE CONTACTS PROHIBITED

(A) Animal Care and Regulation Board members act in a quasi-judicial capacity concerning appeals before the Animal Care and Regulation Board. Board members shall be impartial in all administrative decisions, both in fact and in appearance.

(B) No member may receive or otherwise engage in ex parte contact with the appellant, appellee, other parties with an interest in the appeal, or members of the public, concerning the appeal or

issues presented in a notice of appeal, either before the appeal hearing or during any period of time the matter is submitted for decision or subject to reconsideration.

(C) If unsolicited ex parte communication occurs, the member shall disclose the communication on the record as soon as possible. If ex parte contact is disclosed, the Chair shall conduct an inquiry and make a ruling as to if the member shall recuse themselves.

(D) This section shall not prevent the Board from receiving information from appellants, appellees, Borough Staff, or other parties to an appeal, during an appeal hearing. This section shall not prevent board members from discussion among themselves in open meetings or during adjudicatory session.

(E) All members of the Animal Care and Regulation Board shall abide by the Borough code of ethics, codified at MSB 2.71.

24.30.030 PROCEEDINGS.

(A) [Repealed by Ord. 01-015, § 7, 2001]

(B) Agenda. The agenda for the Animal Care and Regulation Board hearings shall be as follows:

(1) call to order, roll call, determination of quorum;

(2) approval of agenda;

(3) [Repealed by Ord. 03-154(AM), § 10 (part), 2003]

(4) opening presentation by Borough staff: 15 minutes (The Board, and the owner/appellant shall have the opportunity to question all Borough staff that make a presentation or otherwise offer testimony to the Board);

(5) opening presentation by animal owner: 15 minutes (The Board and the Borough shall have the opportunity to question the owner(s)/appellant(s) who make a presentation or otherwise offer testimony to the board;

(6) victim or victim owner's statement: [EIGHT] 15 minutes (The Board, the Borough, and the owner/appellant shall have the opportunity to question the victim or victim owner);

(7) witness statements, which may include Borough Staff members: [THREE] five minutes.

[(WITNESSES ARE SUBJECT TO EXAMINATION BY THE ANIMAL CARE AND REGULATION BOARD] (The Board, the Borough Staff, and the owner/appellant shall have the opportunity to question witnesses);

(8) closing remarks by animal owner: ten minutes;

(9) closing remarks by Borough: ten minutes;

(10) adjudicatory session;

(11) next case on the agenda following the procedures set forth in MSB 24.30.030(B)(4) through (11);

(12) [Repealed by Ord. 03-065(AM), § 23, 2003]

(13) [Repealed by Ord. 03-065(AM), § 23, 2003]

(14) [Repealed by Ord. 03-065(AM), § 23, 2003]

(15) Board comments; and

(16) adjournment.

24.30.035 FILING FEES.

(A) A \$100 filing fee shall accompany an appeal to the Animal Care and Regulation Board from a

determination and related administrative order that an animal is a Level 1, 2, 3, or 4, [FROM AN ANIMAL FORFEITURE DECISION,] or from an administrative decision of the Chief Animal Care and Regulation Officer. There shall be no fees collected for a hearing on recommended Level 5 classifications.

(B) [Repealed by Ord. 03-065(AM), § 23(part), 2003]

(C) [Repealed by Ord. 03-065(AM), § 23(part), 2003]

(D) A person filing an appeal under this section may apply in writing on a form approved by the [Manager] **Clerk** for a payment schedule for the filing fee. A person requesting a payment schedule shall be required to have the full amount of the filing fee paid no later than five Borough business days prior to the scheduled date of the appeal hearing.

(E) A person granted a payment schedule who fails to make the full payment at least five Borough business days prior to the hearing date of the appeal shall forfeit the appeal and shall forfeit any money paid to date for the appeal. The decision or order of

the Chief Animal Care and Regulation Officer shall remain in effect.

(F) A person who files an appeal under this section may withdraw that appeal by a written request to the Clerk prior to the day of the appeal hearing. If an appeal is withdrawn, the filing fee shall be reimbursed to the person who filed the appeal based on the following schedule:

(1) Filing date through five Borough business days 100 percent

(2) Six through ten Borough business days after filing date 50 percent

(3) Eleven through 15 Borough business days after filing date 25 percent

(4) More than 16 Borough business days after filing date 0 percent.

24.30.040 HEARINGS.

(A) General procedures. [AN] **Except with respect to those cases falling under the jurisdiction of the Office of Administrative Hearings, an** animal owner aggrieved by the Chief Animal Care and Regulation Officer's classification of an animal, related written administrative order, [AN ANIMAL FORFEITURE DECISION,]

or other administrative decisions is entitled to a hearing before the Animal Care and Regulation Board, pursuant to the following procedures:

(1) A request for a hearing shall be in writing and filed with the Clerk within five Borough business days of the date the animal owner is served with the Chief Animal Care and Regulation Officer's written administrative order.

(2) [WITHIN FIVE BOROUGH BUSINESS DAYS OF RECEIPT OF THE WRITTEN REQUEST FOR A HEARING BY THE CLERK A] a hearing date shall be set no sooner than 20 calendar days, nor later than 30 calendar days after [receipt of the request] the date the appeal is filed.

(3) The Chief Animal Care and Regulation Officer shall file the record with the Clerk regarding the case within five Borough business days after receipt of notice of appeal.

(4) Witness lists, written briefs, and other information to be considered by the board shall be filed by the parties no less than five Borough business days before the hearing.

(5) Upon hearing the evidence, the board shall deliberate and issue written findings and

conclusions based on the evidence on the record within ten Borough business days of the hearing. [THE DECISION SHALL INCLUDE AN ORDER STATING THE AMOUNT OF FEES AND COSTS ASSOCIATED WITH THE CARE OF THE ANIMAL WHILE THE CASE WAS PENDING.]

(6) The Board shall not be restricted by the formal rules of evidence; however, the presiding chair may exclude evidence irrelevant to the issues appealed. Hearsay evidence may be considered, provided, that there are adequate guarantees of its trustworthiness and that it is more probative on the point for which it is offered than any other evidence which the proponent can procure by reasonable efforts.

(B) Level 5 classification hearings. Level 5 classification hearings include the following additional procedures:

(1) The standard of proof to be applied to level 5 adjudications is [THE PREPONDERANCE OF THE EVIDENCE STANDARD. THE PREPONDERANCE OF THE EVIDENCE STANDARD OF PROOF IS MET WHEN EVIDENCE AS A WHOLE SHOWS THE FACTS SOUGHT TO BE PROVED ARE MORE PROBABLE THAN NOT] proof by clear and convincing evidence.

Clear and convincing evidence indicates that the thing to be proved is highly probable or reasonably certain.

(2) All animals found to be a level 5 classification by the Animal Care and Regulation Board shall be humanely euthanized.

(3) All animals found not to be a level 5 classification by the Animal Care and Regulation Board shall be remanded back to the Chief Animal Care and Regulation Officer for reclassification.

(C) Level [1, 2, 3, AND 4] 1 and 2 classification hearings. Level [1, 2, 3, AND 4] 1 and 2 classification hearings are subject to the following additional procedures:

(1) The Animal Care and Regulation Board shall give deference to the written administrative order issued by the Chief Animal Care and Regulation Officer if the decision of the Chief Animal Care and Regulation Officer is supported by the substantial evidence in the record. Substantial evidence means the relevant evidence a reasonable mind might accept as adequate to support a conclusion.

(2) The Animal Care and Regulation Board may affirm, reverse, or modify the classification of

an animal as a level [1, 2, 3, OR 4] 1 or 2 classification and may modify the written administrative order issued by the Chief Animal Care and Regulation Officer. However, the mandatory conditions set forth in MSB 24.26.040 if the animal is classified as a level [1, 2, 3, OR 4] 1 or 2 shall not be modified by the board.

(D) Forfeiture hearings. Forfeiture hearings pursuant to MSB 24.05.100(c) (1) or MSB 24.26.050(e) are subject to the procedures outlined in MSB 2.29.090. [TO THE FOLLOWING ADDITIONAL PROCEDURES:

(1) THE ANIMAL CARE AND REGULATION BOARD SHALL GIVE DEFERENCE TO THE WRITTEN ADMINISTRATIVE ORDER ISSUED BY THE CHIEF ANIMAL CARE AND REGULATION OFFICER, AND THE DETERMINATION BY THE CHIEF ANIMAL CARE AND REGULATION OFFICER OF THE FEES AND EXPENSES TO BE PAID BY THE OWNER, IF THE DECISION OF THE CHIEF ANIMAL CARE OFFICER IS SUPPORTED BY SUBSTANTIAL EVIDENCE IN THE RECORD.

(2) THE ANIMAL CARE AND REGULATION BOARD MAY AFFIRM OR REVERSE THE CHIEF ANIMAL CARE AND REGULATION OFFICER'S DECISION IN A FORFEITURE PROCEEDING.

(3) IF THE ANIMAL CARE AND REGULATION BOARD REVERSES THE DECISION OF THE CHIEF ANIMAL CARE AND REGULATION OFFICER IN A FORFEITURE PROCEEDING, IT MAY ORDER CONDITIONS OF RELEASE PRIOR TO RELEASING THE ANIMAL TO ITS OWNER.

[(E) SUBSTANTIAL EVIDENCE. FOR THE PURPOSE OF FORFEITURE, LEVEL 1, 2, 3, OR 4 HEARINGS, SUBSTANTIAL EVIDENCE MEANS THE RELEVANT EVIDENCE A REASONABLE MIND MIGHT ACCEPT AS ADEQUATE TO SUPPORT A CONCLUSION.]

24.30.045 RECONSIDERATION.

(A) The Animal Care and Regulation Board may reconsider its decision upon petition by any person who filed a written brief or by any member of the Animal Care and Regulation Board. The motion for reconsideration shall be filed with the Clerk's office within five Borough business days after the Animal Care and Regulation Board's decision has been mailed or personally served.

(B) The Clerk shall schedule a hearing in order for the Animal Care and Regulation Board to review the petition to reconsider. [AND] The Board shall decide whether to reconsider the matter within 15 calendar days after receipt of the request. The

decision shall be based on the petition and any written response of the primary parties on the petition to reconsider. Written responses shall be filed no less than five Borough business days before the hearing. The Animal Care and Regulation Board may also hear oral argument of the interested parties. In determining whether to reconsider the matter, no additional evidence shall be taken. A decision shall be reconsidered only if:

(1) there was a clerical error in the decision;

(2) the decision resulted from fraud or mistake; or

(3) there is newly discovered evidence or a change in circumstances which, by due diligence, could not have been discovered before the original Animal Care and Regulation Board hearing.

(C) If the petition for reconsideration is granted, the Animal Care and Regulation Board shall decide the matter immediately or set the matter for rehearing within 20 calendar days.

(D) For the purposes of appeal to the appropriate court:

(1) where the Animal Care and Regulation Board denies the petition for reconsideration, the Animal Care and Regulation Board's decision on the petition for reconsideration is the final decision; and

(2) where the Animal Care and Regulation Board grants the petition for reconsideration, the Animal Care and Regulation Board's decision on reconsideration is the final decision.

24.30.050 APPEALS TO SUPERIOR COURT.

(A) Appeals by the animal owner or Borough from the written decision of the Animal Care and Regulation Board shall be to the superior court and governed by the 600 series of the Alaska Rules of Appellate Procedure. The Clerk shall estimate the cost of preparing the transcript of the public hearing and compiling the record on appeal. The appellant shall deposit the estimated costs for preparation of the transcript and record with the Clerk in advance. Upon completion of the record on appeal, the Clerk shall refund any excess deposit or charge to the appellant for costs exceeding the deposit.

(B) The hearing before the superior court is an administrative appeal heard solely on the record established before the Animal Care and Regulation Board.

24.30.060 FEES UPON APPEAL.

An animal whose owner is awaiting a decision on appeal may remain in impoundment at the Chief Animal Care and Regulation Officer's sole discretion. The owner is responsible for all fees and expenses reasonably incurred from the date of impoundment. A request to appeal a decision of the Chief Animal Care and Regulation Officer to the Animal Care and Regulation Board shall be accompanied by advance payment of room and board fees calculated from the date of the decision of the Chief Animal Care and Regulation Officer to the date set for hearing by the Animal Care and Regulation Board.

CHAPTER 24.35: ANIMAL CARE AND REGULATION OFFICER

24.35.010 ANIMAL CARE AND REGULATION OFFICERS; APPOINTMENT.

(A) Appointment. The Borough Manager shall appoint A Chief Animal Care and Regulation Officer.

(B) [Repealed by Ord. 96-049, § 4, 1996]

(C) Contract for services. The Borough may contract, in whole or in part, for any or part of its animal care and regulation services.

24.35.020 POWERS AND DUTIES OF ANIMAL CARE AND REGULATION OFFICERS.

(A) Animal Care Manager. The Animal Care Manager has all the powers of the Chief Animal Care and Regulation Officer and a Deputy Animal Care and Regulation Officer and the power to administer and enforce the provisions of this title, including, but not limited to, the following: operating animal shelters, conducting low cost rabies vaccination and spay/neuter clinics for dogs and cats, entering into settlement and payment schedule agreements, and developing and implementing animal care and regulation policies and procedures.

[(A)]B Chief Animal Care and Regulation Officer. The Chief Animal Care and Regulation Officer has all the powers of a Deputy Animal Care and Regulation Officer and the power to [ADMINISTER AND] enforce the provisions of this title, including, but not limited to, the following: [OPERATING ANIMAL SHELTERS, HOLDING ANIMAL CARE AND REGULATION HEARINGS

AS AUTHORIZED BY THIS TITLE, CONDUCTING LOW COST RABIES VACCINATION CLINICS FOR DOGS AND CATS, ISSUING WRITTEN ANIMAL CARE AND REGULATION ADMINISTRATIVE ORDERS, NEGOTIATING AND SETTLING NON-JUDICIAL DISPUTES AND MATTERS UNDER THIS TITLE, ENTERING INTO SETTLEMENT AND PAYMENT SCHEDULE AGREEMENTS, AND DEVELOPING AND IMPLEMENTING ANIMAL CARE AND REGULATION POLICIES AND PROCEDURES.] holding animal care and regulation hearings as authorized by this title, issuing written animal care and regulation administrative orders, negotiating and settling nonjudicial disputes and matters under this title, and implementing animal care and regulation policy and procedures.

[(B)] (C) Deputy Animal Care and Regulation Officer. A Deputy Animal Care and Regulation Officer has the duty to enforce the provisions of this title, subject to the Chief Animal Care and Regulation Officer's authority, including but not limited to, investigating animal care and regulation matters and issuing, filing, and serving citations and written administrative orders [AND BEING CERTIFIED AS A LAY VACCINATOR BY THE STATE OF ALASKA FOR THE PURPOSE OF

ADMINISTERING RABIES VACCINES TO DOGS AND CATS UNDER
THE JURISDICTION OF THE BOROUGH.]

24.35.030 INTERFERENCE.

(A) It is unlawful for any person to interfere with, hinder, or molest an Animal Care and Regulation Officer [OR OFFICER] or agent of the Borough in the performance of any of the [OFFICER'S] duties under this title.

(B) It is unlawful for any person to remove or release any animal from the animal shelter, Animal Care and Regulation vehicles, Borough live animal traps, or from any other official custody of any Animal Care and Regulation Officer or agent of the Borough without first obtaining permission to do so from the Animal Care and Regulation Office.

(C) It is unlawful for any person to hinder or interfere with any animal care and regulation investigation, reporting, or prosecution.

(D) An individual may lawfully detain any animal found in violation of the Borough code, provided they immediately notify the Animal Care and Regulation

Office and surrender the animal to [THE] an Animal Care and Regulation Officer.

(E) Violation of this section is an infraction.

24.35.040 RECORDKEEPING.

(A) Records. The Animal Care and Regulation Office shall keep accurate and detailed records including, but not limited to, records regarding moneys received and expended, registering, impoundment, disposition of animals, and investigations regarding animals coming under the Borough's jurisdiction, according to applicable Borough records retention schedules.

(B) Confidentiality. Complaints and investigation records shall be kept confidential and not released unless otherwise required by law.

24.35.050 POLICIES, REGULATIONS, AND PROCEDURES.

The [CHIEF ANIMAL CARE AND REGULATION OFFICER] Animal Care Manager may, subject to the approval of the Borough Manager, establish written policies, regulations and procedures to carry out the provisions of this title. Animal Care and Regulation Policies and Procedures adopted and administered by the [CHIEF

ANIMAL CARE AND REGULATION OFFICER] Animal Care Manager shall be set forth in the manual entitled "Animal Care and Regulation Policies and Procedures," which shall be made available to the public for no more than cost , or posted online. The [CHIEF ANIMAL CARE AND REGULATION OFFICER] Animal Care Manager may modify, amend or rescind, in writing, in whole or in part, subject to the approval of the Borough manager, the "Animal Care and Regulation Policies and Procedures" manual.

CHAPTER 24.40: PENALTIES

24.40.010 INFRACTIONS.

(A) An infraction is a minor offense which carries no jail sentence and cannot result in the loss of a valuable license. Except as otherwise provided in this title, any person convicted under this title shall be deemed guilty of an infraction and shall be punished by a fine not less than \$75, nor greater than \$500.

(B) Unless an offense specifies a mental state as an element of the offense, each and every infraction enacted pursuant to this chapter is a

strict liability offense for which the owner of the animal is responsible.

[24.40.020 MISDEMEANORS.]

[ANY PERSON CONVICTED OF A MISDEMEANOR IS SUBJECT TO A PENALTY NOT TO EXCEED A FINE OF \$1,000 AND IMPRISONMENT FOR 90 DAYS.]

24.40.030 FORFEITURE.

(A) Forfeiture occurs when an animal owner loses ownership rights in an animal and the Borough assumes the right to adopt or otherwise dispose of the animal in a humane manner.

(B) Any owner shall forfeit all rights of ownership in an animal under the following circumstances:

(1) the owner is convicted of violating MSB 24.05.090 and forfeiture if recommended by the Chief Animal Care and Regulation Officer;

(2) the owner is ordered by the court to forfeit the animal;

(3) the owner fails to reclaim an animal running-at-large pursuant to MSB 24.15.010(A) within 72 or 120 hours of impoundment depending on whether the animal is with or without identification;

(4) the owner of an animal subject to supervised quarantine pursuant to MSB 24.20.050 fails to redeem the animal by paying the costs defined in MSB 24.20.050(C);

(5) the owner of a classified animal fails to redeem the animal under the conditions of a written release order, refuses to pay fees and expenses incurred during impoundment of the animal in violation of MSB 24.26.050(C) or (E), or violates any condition of a written release order and forfeiture is recommended by the Chief Animal Care And Regulation Officer;

(6) the owner of a classified animal fails to comply with a conditional release order and the animal is impounded pursuant to MSB 24.26.040(I)(3);

(7) an owner of an animal released from protective custody violates the conditional release order issued pursuant to MSB 24.05.100(F)(2); or

(8) an animal taken into Borough protective custody is recommended for forfeiture by the Chief Animal Care and Regulation Officer.

(C) Any forfeited animal shall be subject to the impoundment, adoption, and euthanasia requirements of this title.

(D) Forfeiture procedures. An animal forfeited pursuant to subsection (B)(1), (2), (3), (4), of this section is immediately subject to subsection (C) of this section. Chief Animal Care and Regulation Officer shall serve the owner of an animal subject to forfeiture pursuant to subsection (B) (5) (6), (7), or (8) of this section a written notice of intent to forfeit. The notice shall be served on the animal owner by personal service or certified mail. If the owner cannot be served, notice shall be given by publication pursuant to Rule 4 of the Alaska Rules of Civil Procedure. [WITHIN FIVE BOROUGH BUSINESS DAYS AFTER SERVICE, THE ANIMAL OWNER MAY APPEAL THE FORFEITURE BY FILING A NOTICE OF APPEAL WITH THE BOROUGH CLERK. IF THE ANIMAL OWNER FAILS TO APPEAL THE FORFEITURE WITHIN FIVE BOROUGH BUSINESS DAYS, THE ANIMAL IS FORFEITED TO THE BOROUGH] **Forfeiture appeals**

are subject to the procedures as outlined in MSB 2.29.090.

[(E) FORFEITURE APPEALS. THE BOROUGH SHALL APPOINT A HEARING OFFICER UNDER MSB 2.29.020 TO CONDUCT THE FORFEITURE HEARING. HEARINGS SHALL BE INFORMAL AND TECHNICAL RULES OF EVIDENCE DO NOT APPLY. A PERSON WHO REQUESTS A HEARING MAY RETAIN AN ATTORNEY IF THE PERSON DESIRES. PROCEEDINGS OF THE HEARING SHALL BE RECORDED. THE HEARING OFFICER SHALL STATE ON THE RECORD THE EVIDENCE RELIED ON AND THE REASONS FOR THE OFFICER'S DETERMINATION. THE FINAL DECISION OF THE HEARING OFFICER MAY BE APPEALED TO SUPERIOR COURT PURSUANT TO RULE 602 OF THE ALASKA RULES OF APPELLATE PROCEDURE.]

24.40.040 CIVIL PENALTY AND STATUTORY INJUNCTION.

Pursuant to A.S. 29.25.070(b), the Borough may institute a civil action against any person who violates any provision of this title. In addition to injunctive and compensatory relief, a civil penalty not to exceed \$1,000 may be imposed for each violation. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a

finding of a violation or a threatened violation, the superior court shall grant the injunction. Each day that a violation of this title continues constitutes a separate violation.

24.40.050 FINES FOR INFRACTIONS.

(A) The following fine schedule is hereby established for violations of the following provisions of MSB Title 24:

Code Section	Section Description	Amount of Fine
MSB 24.05.030	Animal annoyance <u>First offense</u> <u>Second offense,</u> <u>Same person</u> <u>(within 12 months)</u> <u>Third offense</u> <u>Same person</u> <u>(within 12 months)</u>	\$75 <u>150</u> <u>200</u>
MSB 24.05.040	Failure to provide sanitary enclosure First offense Second offense, same person (within 12 months) Third offense same person (within 12 months)	100 150 200
MSB 24.05.050	Keeping diseased animals First offense Second offense, same person	100 150

	(within 12 months) Third offense, same person (within 12 months)	200
MSB 24.05.060	Animals in public places First offense Second offense, same person (within 12 months) Third offense, same person (within 12 months)	100 150 200
MSB 24.05.070(A)	Failure to restrain animal First offense Second offense, same person (within 12 months) Third offense, same person (within 12 months)	100 150 200
MSB 24.05.070(C)	Release from restraint by nonowner First offense Second offense, same person (within 12 months) Third offense, same person (within 12 months)	100 150 200
MSB 24.05.080	Failure to provide humane animal care First offense Second offense, same person (within 12 months) Third offense, same person (within 12 months)	100 200 300
MSB 24.05.090	Cruelty to animals	500

MSB 24.05.100(D)	Failure to pay fees, costs and expenses	100
MSB 24.05.110(A)	Trapping domestic or domesticated animals	300
MSB 24.05.110(B)	Failure to check live trap	300
MSB 24.05.110(C)	Failure to provide humane care for trapped animals	300
MSB 24.05.110(D)	Failure to release in a timely manner First offense Second offense, same person (within 12 months) Third offense, same person (within 12 months)	100 150 200
MSB 24.05.110(E)	Unlawful release of a trapped animal First offense Second offense, same person (within 12 months) Third offense, same person (within 12 months)	100 150 200
MSB 24.07.040(B)	Failure to meet mushing facility standard of care	200
MSB 24.07.070(A)	Interference with licensed mushing facility	100
MSB 24.07.070(B)	Interference with lawful mushing activity	500

MSB 24.10.010(A)	Failure to register dog or cat First offense Second offense, same person (within 12 months) Third offense, same person (within 12 months)	75 100 125
MSB 24.10.020(A)	Failure to register kennel or cattery	150
MSB 24.10.020(C)	Failure to re-register kennel or cattery	100
MSB 24.10.030	Failure to update and provide registration information	75
MSB 24.10.040(B)	Failure to meet kennel or cattery requirements	200
MSB 24.10.110	Failure to comply with written administrative order	100
MSB 24.15.050(J)	Failure to spay or neuter adopted dog or cat	100
MSB 24.20.020(A)	Failure to immunize dog or cat for rabies	100
MSB 24.20.020(B)	Fraudulent rabies certificate	250
MSB 24.20.030(A)	Failure of doctors to report bite	150
MSB 24.20.030(B)	Failure of veterinarians to report rabies	150

[MSB 24.20.030 (C)]	[FAILURE OF CITIZENS TO REPORT BITE]	[75]
MSB 24.20.040	Failure to surrender animal for supervised quarantine	200
MSB 24.20.060 (A)	Failure to report rabies of a quarantined animal	150
MSB 4.20.060 (C) (1)	Unauthorized destruction of rabid animal	75
MSB 4.20.060 (C) (2)	Failure of veterinarian to destroy rabid animal	75
MSB 4.20.060 (D) (1)	Failure to surrender rabid animal	200
<u>MSB 24.26.050 (D) (2)</u>	<u>Annual classification inspection fee</u>	<u>100</u>
MSB [24.26.020 (B)] <u>24.26.030 (F)</u>	Filing fraudulent complaint, statement or report	200
[MSB 24.26.050 (F)]	[FAILURE TO COMPLY WITH WRITTEN RELEASE ORDER FIRST OFFENSE SECOND OFFENSE, SAME PERSON (WITHIN 12 MONTHS) THIRD OFFENSE, SAME PERSON (WITHIN 12 MONTHS)]	[100 200 300]

[MSB 24.26.040(B) (4) (C)]	[OWNING A LEVEL 5 CLASSIFICATION ANIMAL]	[300]
MSB 24.26.040(H) (1)	Failure to notify of running-at- large classified animal First offense Second offense, same person (within 12 months) Third offense, same person (within 12 months)	100 200 300
<u>MSB 24.26.050 (F)</u>	<u>Failure to comply with written release order</u> <u>First offense</u> <u>Second offense, same person (within 12 months)</u> <u>Third offense, same person (within 12 months)</u>	<u>100</u> <u>200</u> <u>300</u>
<u>MSB 24.26.070 (B)</u>	<u>Compliance Inspection fee</u>	<u>100</u>
MSB 24.26.090	Failure to notify of change in ownership of a classified animal	250
MSB 24.35.030(A)	Interference with Animal Care and Regulation Officer	200
MSB 24.35.030(B)	Unlawful release of animal in custody of Borough	150
MSB 24.35.030(C)	Interference with investigation, reporting, or prosecution	150

MSB 24.35.030(D)	Failure of citizen to notify or surrender detained animal	75
------------------	-----------------------------------------------------------	----

(B) The fines set forth in subsection (A) of this section may not be judicially reduced.

(C) Violations not listed in the fine schedule shall be cited as mandatory offenses that require a court appearance, and the fine shall be set at no less than \$75 nor greater than \$500.

24.40.060 CITATIONS FOR INFRACTIONS.

(A) Citations; contents. The citation issued for violation of the provisions of this title shall be in writing, state the nature of the violations, including the ordinance number and the essential facts constituting the offense charged, name the alleged violator, and contain a notice to answer to the charges against the alleged violator in the Alaska State District Court for the Third Judicial District at Palmer. The citation shall further state that the defendant is entitled to a trial, to engage counsel, to confront and question witnesses, to testify, and to subpoena witnesses in the defendant's behalf. The citation shall also indicate whether a court

appearance is mandatory or can be waived (is optional), shall state the fine established by Borough ordinance, the procedure the defendant must follow in responding to the citation, and the consequences for failure to respond.

(B) Issuance. Any Animal Care and Regulation Officer or other authorized agent of the Borough may issue, file and serve citations for violations of the provisions of this title.

(C) Disposition.

(1) For offenses that do not require a mandatory court appearance, a [A] person issued a citation pursuant to this title has the option of paying the applicable fine to the district court Clerk upon entering the plea of "no-contest" and waiving appearance in court. The defendant may enter a plea of "not guilty" and request a trial. Persons who do not contest the citation, who change their original plea of "not guilty" to "no-contest," or persons convicted of the offense charged shall be fined according to the fine schedule for all violations set forth in MSB 24.40.050.

(2) For offenses that do require a mandatory court appearance, the fine amount shall be according to the fine limits set forth in MSB 24.40.010. If a person elects to plead "no-contest" or "guilty" at any time prior to trial, the fine shall be \$75. The defendant may enter a plea of not guilty and request a trial, and if the defendant decides to plead "no contest" or "guilty" after the start of a trial, or is found "guilty" by the court after trial, the defendant shall pay no less than \$75 and no greater than \$500.

[(D) NO-CONTEST AND CONVICTION. PERSONS WHO DO NOT CONTEST THE CITATION, WHO CHANGE THEIR ORIGINAL PLEA OF "NOT GUILTY" TO "NO-CONTEST," OR PERSONS CONVICTED OF THE OFFENSE CHARGED SHALL BE FINED ACCORDING TO THE FINE SCHEDULE FOR ALL VIOLATIONS SET FORTH IN MSB 24.40.050. AND FOR ALL OTHER VIOLATIONS ACCORDING TO THE FINE LIMITS SET FORTH IN MSB 24.40.010.]

24.40.070 SUMMONS AND COMPLAINT FOR MISDEMEANORS.

Summons and complaints for misdemeanors shall be prepared and filed by legal counsel representing the Borough.

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 -, 2014.

LARRY DeVILBISS, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

CODE ORDINANCE

Sponsored by:
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 15-003**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPTING MSB 2.29.090, ANIMAL FORFEITURE APPEAL PROCEDURES; AND AMENDING MSB 2.29.020 AND 2.29.080.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Adoption of section. MSB 2.29.090 is hereby adopted as follows:

2.29.090 ANIMAL FORFEITURE APPEAL PROCEDURES.

(A) Policy. The borough establishes animal forfeiture appeal procedures to promote the fair and efficient resolution of animal forfeiture cases. Time is of the essence in any animal forfeiture appeal.

(B) Notice of Appeal. An appellant may appeal the chief animal care and regulation officer's decision regarding animal forfeiture as follows:

(1) Deadlines for filing. An appeal must be filed with the Clerk's office within five business days after the issuance of the chief animal care and regulation officer's forfeiture decision. Failure to

file within five business days shall result in an appeal being denied as untimely by the administrative hearing officer without further process and shall constitute a jurisdictional bar on any further action.

(2) Procedure for filing. An appeal shall be filed on a form provided by the clerk's office. The identical form shall also be available with the animal care and regulation office. The appellant shall submit a \$75 filing fee to the department of finance. Proof of payment of the filing fee shall be required prior to the acceptance of the appeal. The form shall require the appellant to provide the following information:

(a) the name of the animal(s) being forfeited that is the subject of the appeal and the name of the appellant;

(b) information on the appellant that includes the mailing address, phone number, and facsimile number or e-mail address if available; and

(c) if the appellant is represented by an attorney, the name, address, telephone number, email address, and facsimile number of the attorney; and

(d) a brief detailed description of the

alleged errors in the forfeiture decision.

(C) Administrative hearing officer review. An administrative hearing officer appointed pursuant to MSB 2.29.010(A) shall have jurisdiction over all animal forfeiture cases. The clerk's office shall maintain a list of administrative hearing officers and shall rotate appointments. The first administrative hearing officer contacted who is not available for service shall be the first contact for service at the next appeal as feasible.

(D) Clerk's notice. The clerk shall give notice of the appeal to the administrative hearing officer, the law department, the chief animal care and regulation officer, and the appellant.

(E) Record. Within five business days of receiving the notice of appeal of animal forfeiture, the chief animal care and regulation officer shall submit the record on appeal of forfeiture to the clerk. The clerk shall serve the record on the administrative hearing officer, the law department, and the appellant within three business days of receipt.

(F) Hearing date and briefing schedule. The clerk shall set a hearing date at least 15 calendar

days and no later than 20 calendar days from the date the record is served. The notice of hearing and briefing schedule shall be set by the clerk as follows:

(1) Briefs. Briefs filed by an attorney on behalf of the appellant shall be drafted to conform with the Alaska Rules of Civil Procedure and shall be filed no later than five calendar days prior to the hearing. Briefs filed by a pro se appellant shall be accepted in a less formal format and shall be filed no later than five calendar days prior to the hearing.

(2) Exhibits. All exhibits shall be filed with the clerk no later than five calendar days prior to the hearing.

(3) Complex cases. If during the initial review of the record on appeal of forfeiture the administrative hearing officer determines that the case is complex, they may extend the deadlines for up to 20 calendar days. After that time, further extensions will require concurrence of the parties.

(G) Hearings.

(1) Representation. An appellant may appear through counsel or appear pro se. If an appellant is to be represented by counsel, an entry of

appearance shall be filed no later than five days prior to the hearing.

(2) Hearing format. The administrative hearing officer has the discretion to conduct the hearing so that the issues and facts can be presented in a manner which conforms to due process and preserves administrative economy. The administrative hearing officer may conduct the hearing by referring to the Alaska Rules of Civil Procedure, such as Rule 46, Conduct of Trials, or others that might apply, and the Alaska Rules of Evidence. However, the administrative hearing officer may in their discretion waive adherence to the Alaska Rules of Civil Procedure or Evidence.

(a) each party shall be entitled to present witnesses and evidence on their behalf.

(b) each party has the right to cross-examine opposing witnesses and rebut evidence.

(c) all hearings shall be open to the public.

(d) all testimony shall be given under oath.

(e) the hearing shall be recorded.

(3) Standard of review. The administrative

hearing officer shall defer to the chief animal care and regulation officer's forfeiture decision and shall uphold the decision if there is substantial evidence in the record to support the decision. Substantial evidence means the relevant evidence a reasonable mind might accept as adequate to support a conclusion.

(H) Findings and decision. The administrative hearing officer's findings are limited to rejecting or upholding the forfeiture of the animal that is the subject of the appeal. If the administrative hearing officer rejects the chief animal care and regulation officer's decision on the animal forfeiture, the matter shall be remanded to the chief animal care and regulation officer to set conditions of release prior to releasing the animal to its owner. The administrative hearing officer has the discretion to make an oral finding to uphold or reject the chief animal care and regulation officer's decision at the conclusion of the hearing or to take the matter under advisement. If the administrative hearing officer takes the matter under advisement, a written decision shall be issued within ten calendar days of the hearing. If the administrative hearing officer makes an oral finding at the conclusion of the hearing, the

oral finding shall be supplemented with written findings within five calendar days of the hearing. The administrative hearing officer shall support the decision through written findings of fact. The administrative hearing officer shall provide the written decision to the clerk. The clerk shall serve the final written decision on the appellant, the law department and the chief animal care and regulation officer in the most effective efficient manner available within two days after receiving the decision.

(I) Appeal to superior court. The decision of the administrative hearing officer is the final decision which may be appealed to the superior court within 30 days of the date of distribution of the decision pursuant to the Alaska Rules of Appellate Procedure, Part VI, Rules 601-612.

Section 3. Amendment of section. MSB 2.29.020, Duties, is hereby amended to read as follows:

2.29.020 DUTIES

(A) Administrative hearing officers shall have jurisdiction over the following:

- (1) borough contract bid award appeals;
- (2) appellate jurisdiction over forfeiture

of animals pursuant to MSB [24.05.100]24.40.030;

(3) relocation benefits and services appeals; [AND]

(4) duties as hearing officer regarding the ethics code under MSB 2.71[.]; and

(5) original jurisdiction over Level 5 animal classifications under MSB 24.26.

Section 4. Amendment of section. MSB 2.29.080, Appeal Procedures, is hereby amended as by adding a subsection C as follows:

(C) The procedures in MSB 24.26.040(B)(4) shall apply to Level 5 animal classifications and the burden of proof shall be on the Borough by a preponderance of the evidence.

Section 5. 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: Accepting and appropriating \$20,000 from Intercity Rental Car Corporation to the Borough M/V Susitna fund 530 to reimburse the Borough for expenses incurred in an inspection and demonstration sea trial of the M/V Susitna.

AGENDA OF: December 16, 2014

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: *[Signature]*

Route To:	Department/Individual	Initials	Remarks
	Originator/Van Dongen	<i>[Signature]</i>	2 Dec 14
1	Finance Director	<i>[Signature]</i>	12/5/14
2	Borough Attorney	NS	
3	Borough Clerk	<i>[Signature]</i>	12/8/14 <i>(JK)</i>

ATTACHMENT (S): Fiscal Note: NO YES
Ordinance Serial No. 15-004 (2 pp)
Resolution Serial No. 15-001 (2pp)

SUMMARY STATEMENT:

Intercity Rental Car Corporation asked the Matanuska-Susitna Borough for an exclusive inspection and demonstration sea trial of the M/V Susitna so they could determine whether or not to make a formal offer to purchase the vessel. The Borough Manager asked Intercity Rental to wire \$20,000 to the Borough's Wells Fargo account prior to the inspection and sea trial. The funds were deposited on September 9, 2014, and the inspection and sea trial were conducted on September 22, 2014. These funds were required to cover the Borough's expenses to transport the Borough Manager, Captain and crew to Ketchikan, meals and lodging, rental car, parking, mileage, crew hours, fuel, maintenance, and handling fees.

RECOMMENDATION OF ADMINISTRATION:

Administration recommends approval of the attached legislation which accepts and appropriates the payment from Intercity Rental Car Corporation in the amount of \$20,000.

**MATANUSKA-SUSITNA BOROUGH
FISCAL NOTE**

Agenda Date: December 16, 2014

SUBJECT: Accepting and appropriating \$20,000 from Intercity Rental Car Corporation to the Borough M/V Susitna fund 530 to reimburse the Borough for expenses incurred in an inspection and demonstration sea trial of the M/V Susitna.

ORIGINATOR: Marc Van Dongen

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT (YES) NO
AMOUNT REQUESTED \$20,000	FUNDING SOURCE Intercity Rental Car Corp
FROM ACCOUNT #	PROJECT #
TO ACCOUNT: 530.000.000.3XX,XXX	PROJECT #
VERIFIED BY: Barbara Baeremguth	CERTIFIED BY:
DATE: 12/4/14	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						
---------	--	--	--	--	--	--

REVENUE		20				
---------	--	----	--	--	--	--

FUNDING: (Thousands of Dollars)

General Fund						
State/Federal Funds						
Other		20				
TOTAL		20				

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: _____ PHONE: _____
 DEPARTMENT: _____ DATE: 12/5/14
 APPROVED BY: _____ DATE: 12/5/14

Im 15-005
 OR 15-004
 RS 15-001

NON-CODE ORDINANCE

Sponsored By:
Introduced:
Public Hearing:
Adopted:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 15-004**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ACCEPTING AND APPROPRIATING \$20,000 FROM INTERCITY RENTAL CAR CORPORATION FOR AN INSPECTION AND DEMONSTRATION SEA TRIAL OF THE M/V SUSITNA, FUND 530.

WHEREAS, Intercity Car Rental Corporation asked the Matanuska-Susitna Borough to conduct an exclusive inspection and demonstration sea trial of the M/V Susitna in September, 2014; and

WHEREAS, Intercity Car Rental Corporation wired \$20,000 to the Borough's Wells Fargo Account prior to the inspection and demonstration sea trial; and

WHEREAS, these funds were needed to transport the Borough Manager, Captain and crew to Ketchikan and to cover meals, lodging, rental car, parking, mileage, crew hours, fuel, maintenance, and handling expenses; and

WHEREAS, the scope of work and budget are contained in Resolution Serial No. 15-001; and

WHEREAS, the acceptance and appropriation of these funds serves a public interest.

BE IT ENACTED:

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

Section 2. Acceptance. The Assembly hereby accepts the amount of \$20,000 from Intercity Car Rental Corporation.

Section 3. Appropriation source. The Assembly hereby appropriates the amount of \$20,000 for the period of September 1, 2014 through March 31, 2015, to fund 530, M/V Susitna.

Section 4. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this ___ day of _____, 201~~4~~⁵.

LARRY DeVILBISS, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

Action:

**MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 15-001**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY APPROVING THE SCOPE OF WORK AND BUDGET FOR AN INSPECTION AND DEMONSTRATION SEA TRIAL OF THE M/V SUSITNA, FUND 530.

WHEREAS, The Borough received a \$20,000 wire transfer from Intercity Rental Car Corporation for an exclusive inspection and demonstration sea trial of the M/V Susitna; and

WHEREAS, the Assembly is required to approve and adopt a scope of work and budget for each project to approve expenditure of said funds.

NOW, THEREFORE, BE IT RESOLVED, that the Assembly approves the scope of work and budget for the inspection and demonstration sea trial of the M/V Susitna for Intercity Rental Car Corporation in September 2014, fund 530.

SCOPE OF WORK

To cover the expenses of transporting the Borough Manager, Captain and crew to Ketchikan, meals, lodging, rental car, parking, mileage, crew hours, fuel, maintenance, and handling fees.

BUDGET

Intercity Car Rental Corporation \$20,000

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

LARRY DeVILBISS, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

SUBJECT: Accept and appropriate \$25,000 from the Rasmuson Foundation, to fund 435, project 10060 and approve the scope of work and amended budget for the geothermal heating system for the Willow Community Center.

AGENDA OF: December 16, 2014

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:

Route To:	Department/Individual	Initials	Remarks
	Originator		
	Community Development Director	Q	
	Finance Director	366	12/5/14
	Borough Attorney	NS	
	Borough Clerk	JAM	12/18/14 (JR)

ATTACHMENT (S): Fiscal Note: Yes X No
 Ordinance Serial No. 15-005 (2 pp)
 Resolution Serial No. 15-002 (2 pp)

SUMMARY STATEMENT:

The Matanuska-Susitna Borough received a grant in the amount of \$ 25,000 from the Rasmuson Foundation (Grant #8573) for the purchase and installation of a geothermal heating system for the Willow Community Center.

This grant was solicited to drastically reduce heating costs for the Willow Area Community Organization and Willow Library building while reducing dependency on oil heat. One of the two existing inefficient 30 plus year old cast iron boilers will be

replaced with two geothermal heating units and tanks will supply heating and hot water into the existing building heat (hydronic) distribution system. A ground source field on the existing facility grounds will be placed outside the building to collect indirect solar energy from the ground and use heat pump conversion via the geothermal heating units to render 150 degree F water capable of handling the building heat load and hot water needs in all but the most extreme weather conditions. The remaining oil-fired boiler will be staged as backup heating for the maximum load conditions.

Additional funding was provided through the fiscal year 2015 non-areawide capital appropriation in the amount of \$25,000.

This project can reduce heating fuel oil costs in excess of \$32,000 with another \$1,200 savings in annual maintenance.

RECOMMENDATION OF ADMINISTRATION

Accept and appropriate \$25,000 from the Rasmuson Foundation, to fund 435, project 10060 and approve the scope of work and amended budget for the geothermal heating system for the Willow Community Center.

MATANUSKA-SUSITNA BOROUGH
FISCAL NOTE

Agenda Date: December 16, 2014

ORIGINATOR: Community Development

SUBJECT: Accept and appropriate \$25,000 from the Rasmuson Foundation, to fund 435, project 10060 and approve the scope of work and amended budget for the geothermal heating system for the Willow Community Center.

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT? <u>YES</u> NO
AMOUNT REQUESTED \$ <u>25,000</u>	FUNDING SOURCE <u>Rasmuson Foundation</u>
FROM ACCOUNT #	PROJECT #
TO ACCOUNT # <u>435.000.000.4xx.yyy</u>	PROJECT # <u>10060</u>
VERIFIED BY: <u>Barbara Baumgartner</u>	CERTIFIED BY:
DATE: <u>12/4/14</u>	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	<u>25</u>					

FUNDING: (Thousands of Dollars)

General Fund						
Federal Funds						
Other	<u>25</u>					
TOTAL	<u>25</u>					

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: _____
DEPARTMENT: _____
APPROVED BY: [Signature]

Phone: _____
Date: _____
Date: 12/5/14

NON-CODE ORDINANCE

By: Borough Manager
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 15-005**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF \$ 25,000 TO FUND 435, PROJECT 10060, FROM THE RASMUSON FOUNDATION FOR THE GEOTHERMAL HEATING SYSTEM FOR THE WILLOW COMMUNITY CENTER.

WHEREAS The Matanuska-Susitna Borough received a grant in the amount of \$ 25,000 from the Rasmuson Foundation (Grant #8573) for the purchase and installation of a geothermal heating system for the Willow Community Center; and

WHEREAS this grant was solicited to drastically reduce heating costs for the Willow Area Community Organization and Willow Library building while reducing dependency on oil heat; and

WHEREAS, additional funding was provided through the fiscal year 2015 non-areawide capital appropriation in the amount of \$25,000; and

WHEREAS, the Matanuska-Susitna Borough Assembly must pass an ordinance formally accepting and appropriating the grant and no expenditures will be made until a 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 accepts and appropriates a grant in the amount of \$ 25,000 from the Rasmuson Foundation to Fund 435, Project 10060, for the geothermal heating system for the Willow Community Center.

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)

Action:

**MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 15-002**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY APPROVING THE SCOPE OF WORK AND AMENDED BUDGET FOR THE GEOTHERMAL HEATING SYSTEM FOR THE WILLOW COMMUNITY CENTER.

WHEREAS, the Assembly accepted and appropriated grant funds from the Rasmuson Foundation in the amount of \$25,000 for the geothermal heating system for the Willow Community Center; and

WHEREAS, in the fiscal year 2015 capital projects budget, \$25,000 in non-areawide funds were appropriated for the geothermal heating system for the Willow Community Center; and

WHEREAS, the Assembly is required to approve and adopt a scope of work and amended budget for the geothermal project prior to expenditure of said funds.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Assembly approves the following scope of work and amended budget:

SCOPE OF WORK

Labor and material costs for the installation of the geothermal heating system for the Willow Community Center.

AMENDED BUDGET

Project/Account No.	Previously Approved Budget	Amended Budget
Willow Community Center Heat Source System Project No. 10060		
Fiscal Year 2015 Non-Areawide Capital Appropriation	\$ 25,000	\$ 25,000
Rasmuson Foundation	<u>\$ 0</u>	<u>\$ 25,000</u>
Total	<u>\$ 25,000</u>	<u>\$ 50,000</u>

ADOPTED by the Matanuska-Susitna Borough Assembly this -
day of -, 201~~5~~.

LARRY DEVILBISS, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk
(SEAL)

SUBJECT: Issuance of General Obligation School Refunding Bonds, 2015 in one or more series in an amount not to exceed \$40,000,000.

AGENDA OF: December 16, 2014

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY *[Signature]* JOHN MOOSEY, BOROUGH MANAGER: *[Signature]*

Route To:	Department/Individual	Initials	Remarks
1	Originator - Fin. Dir.	<i>JWC</i>	
2	Finance Director	<i>JWC</i>	<i>12/5/14</i>
3	Attorney	<i>NS</i> →	Reviewed by bond counsel
4	Borough Clerk	<i>JMM</i>	<i>12/8/14</i> JM

ATTACHMENT(S): Fiscal Note: Yes X No
 Ordinance Serial No. 15-006 (32pp)
 Draft Escrow Agreement (to be distributed on January 6, 2015) (17pp)
 Draft Continuing Disclosure Agreement (to be distributed on January 6, 2015) (3pp)
 Draft Preliminary Official Statement (to be distributed on January 6, 2015) (53pp)
 Draft Bond Purchase Agreement (to be distributed on January 6, 2015) (18pp)

SUMMARY STATEMENT:

Before you is an ordinance authorizing the issuance of general obligation refunding bonds in the principal amount not to exceed \$40,000,000. This will be utilized for the refunding of bonds that were issued in 2004 to refund prior school construction bonds. It will also refund bonds issued in 2006 for school construction.

Assembly approval is being requested to authorize up to \$40,000,000 for the possible refunding of the 2004 Series D Refunding Bonds and the 2006 Series A and B School Bonds. AS

29.47.300 states that if a municipality has outstanding general obligation bonds and the governing body determines that it would be financially advantageous, the municipality may provide by ordinance or resolution for the issuance of negotiable or nonnegotiable general obligation refunding bonds. In simple terms, the borough would attempt to sell new lower interest bonds which would pay off the older higher interest bonds. After careful analysis and in accordance with the ordinance, the refunding would only occur if a debt service savings of at least 3.0 percent of the principal amount of the refunded bonds, net of all issuance costs, is realized on a present value basis.

The refunding of these bonds is subject to market conditions. If market conditions remain the same throughout December and January, the issuance of the bonds is anticipated to be late January 2015. The Rating Agencies will rate this issue prior to issuance. Our current published rating with Standard & Poor's is AA+ and Fitch Ratings our ratings are AA.

Currently, the projected savings will exceed \$3,282,000 overall or just under \$2,935,000 on a net present value basis. This is net of issuance costs which will be paid from the premium. The issuance costs include amounts estimated to be paid for the preparation of the official statements, paying agent fees, underwriter's discount, bond counsel and financial advisor fees and other miscellaneous costs.

In order to proceed, approval of the Assembly is necessary to authorize the issuance of the General Obligation Refunding Bonds, 2015 in one or more series in an amount not to exceed \$40,000,000. Drafts of the escrow agreement, continuing disclosure agreement, preliminary official statement and the bond purchase agreement will be distributed for the public hearing on January 6, 2015.

RECOMMENDATION OF ADMINISTRATION: Authorize issuance of General Obligation Refunding Bonds in one or more series in an amount not to exceed \$40,000,000.

**MATANUSKA-SUSITNA BOROUGH
FISCAL NOTE**

Agenda Date: December 16, 2014

SUBJECT: Issuance of General Obligation School Refunding Bonds, 2015 in one or more series in an amount not to exceed \$40,000,000.

ORIGINATOR: Tammy Clayton

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT <u>YES</u> NO
AMOUNT REQUESTED <\$3,282,000>	FUNDING SOURCE Reduction of Expenditures
FROM ACCOUNT # 300.000.000.4xx	PROJECT #
TO ACCOUNT :	PROJECT #
VERIFIED BY: <i>[Signature]</i>	CERTIFIED BY:
DATE: 12/15/14	DATE:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous- Debt Service			<3,282>	—————→		
TOTAL OPERATING						

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

General Fund			<1,149>	—————→		
State/Federal Funds			<2,133>	—————→		
Other						
TOTAL			<3,282>	—————→		

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: _____ PHONE: _____

DEPARTMENT: _____ DATE: _____

APPROVED BY: *[Signature]* DATE: 12/15/14

Im 15-009
OR 15-006

REFUNDING TRUST AGREEMENT

THIS REFUNDING TRUST AGREEMENT (the "Agreement") is made and entered into the 29th day of January, 2015, by and between MATANUSKA-SUSITNA BOROUGH, ALASKA (the "Borough"), a municipal corporation, and U.S. BANK NATIONAL ASSOCIATION of Seattle, Washington (the "Refunding Trustee").

WHEREAS, the Borough now has outstanding \$22,500,000 par value of its General Obligation School Refunding Bonds, 2004 Series D, maturing on April 1 of each of the years 2015 through 2020, inclusive, and bearing interest at various rates ranging from 3.75% to 5.00% (the "2004D Bonds"), and the Borough has determined that it is in the best interests of the Borough to refund the 2004D Bonds maturing on April 1 in the years 2016 through 2020, inclusive, outstanding in the aggregate principal amount of \$15,620,000 (the "2004D Refunded Bonds"); and

WHEREAS, the Borough now has outstanding \$14,960,000 par value of its General Obligation School Bonds, 2006 Series A, maturing on February 1 of each of the years 2015 through 2024, inclusive, and 2026, and bearing interest at various rates ranging from 4.00% to 4.75% (the "2006A Bonds"), and the Borough has determined that it is in the best interests of the Borough to refund the 2006A Bonds maturing on February 1 in the years 2018 through 2024, inclusive, and 2026, outstanding in the aggregate principal amount of \$11,915,000 (the "2006A Refunded Bonds"); and

WHEREAS, the Borough now has outstanding \$14,040,000 par value of its General Obligation School Bonds, 2006 Series B, maturing on February 1 of each of the years 2015 through 2024, inclusive, and 2026, and bearing interest at various rates ranging from 4.00% to 4.75% (the "2006B Bonds"), and the Borough has determined that it is in the best interests of the Borough to refund the 2006B Bonds maturing on February 1 in the years 2018 through 2024, inclusive, and 2026, outstanding in the aggregate principal amount of \$11,195,000 (the "2006B Refunded Bonds," and together with the 2004D Refunded Bonds and the 2006A Refunded Bonds, the "Refunded Bonds"); and

WHEREAS, pursuant to Ordinance No. 15-006 of the Borough (the "Bond Ordinance"), the Borough has determined that the Refunded Bonds be refunded out of the proceeds of the sale of its General Obligation School Refunding Bonds, 2015 Series A (the "Bonds"), for the purpose of realizing a debt service savings for the Borough; and

WHEREAS, the refunding of the Refunded Bonds will be accomplished pursuant to this Agreement (including Exhibit A attached hereto) and the Bond Ordinance, which documents provide for and, for the purpose of Sections 103, 148, and 149(d) of the Internal Revenue Code of 1986, as amended (the "Code"), are to be considered as the Refunding Plan, by:

- (a) The delivery by the Borough to the Refunding Trustee of the proceeds of the Bonds and other money of the Borough;

pg 1 of 17

51383665.3

OR 15-006
Im 15-009

(b) The purchase by the Refunding Trustee of the noncallable direct obligations of the United States of America listed on Exhibit A attached hereto and made a part hereof by this reference purchased pursuant to Section 2 of this Agreement (the "Acquired Obligations") at or prior to the date the Bonds are delivered to the original purchaser thereof and the Borough receives full payment therefor (the "Issue Date"), which Acquired Obligations satisfy the requirements of the Verification described in paragraph (c);

(c) The delivery to the Borough and the Refunding Trustee of a verification (the "Verification") by a nationally recognized independent certified public accounting firm verifying the mathematical accuracy of the computations (which computations shall be attached to that report) showing that the Acquired Obligations to be purchased by the Refunding Trustee pursuant to the Bond Ordinance and this Agreement, together with the specified beginning cash balance, if any, and the maturing principal of and interest on such Acquired Obligations, will provide sufficient money (assuming that all principal of and interest on the Acquired Obligations are paid on the due dates thereof and assuming no reinvestment of such maturing principal and interest) to:

(i) call, pay and redeem all of the 2004D Refunded Bonds on April 1, 2015, at a price of par; and

(ii) pay interest on the 2006A Refunded Bonds and the 2006B Refunded Bonds when due up to and including February 1, 2017, and on February 1, 2017, call, pay, and redeem all of the 2006A Refunded Bonds and the 2006B Refunded Bonds at a price of par; and

(d) The receipt by the Refunding Trustee of the maturing installments of principal of and interest on the Acquired Obligations; and

(e) The Refunding Trustee's payment to the paying agent for the Refunded Bonds of money sufficient to make the payments on the Refunded Bonds set forth herein;

and

WHEREAS, upon the issuance of the Bonds to carry out the Refunding Plan, the principal amount of the Refunded Bonds no longer shall be considered outstanding under Ordinance Serial No. 04-180, authorizing the issuance of the 2004D Refunded Bonds (the "2004D Refunded Bond Ordinance") and Ordinance Serial No. 06-128, authorizing the issuance of the 2006A Refunded Bonds and the 2006B Refunded Bonds (the "2006 Refunded Bond Ordinance," and together with the 2004D Refunded Bond Ordinance, the "Refunded Bond Ordinances"); and

Pg 2 of 17

513836653

-2-

OR 15-006
IM 15-009

WHEREAS, the Borough Assembly has found that the refunding of the Refunded Bonds, through the issuance of the Bonds, is beneficial and will realize a debt service savings to the Borough and its taxpayers; and

WHEREAS, the Borough Assembly, pursuant to the Bond Ordinance, has duly and validly authorized the execution and delivery of this Agreement, the delivery of the proceeds of the Bonds to the Refunding Trustee, the purchase by the Refunding Trustee of the Acquired Obligations and the carrying out of the Refunding Plan;

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and for the benefit of the Borough, the parties hereto agree as follows:

Section 1. Delivery of Money to Refunding Trustee. On the Issue Date, the Borough shall cause to be delivered to the Refunding Trustee [all] of the proceeds of the Bonds and \$ _____ of other money of the Borough.

Section 2. Investment and Expenditure of Money.

(a) On the Issue Date, the Refunding Trustee shall apply \$ _____ to pay on behalf of the Borough the purchase and/or subscription prices of the Acquired Obligations from the sources, in the principal amounts, with the dates of maturity and bearing the interest rates or yields set forth in Exhibit A, and \$ _____ to establish a beginning cash balance for the Refunded Bonds. Upon receipt thereof, the Refunding Trustee shall deliver to the Borough copies of the documents evidencing the purchase of and payment for the Acquired Obligations. Investments in mutual funds and unit investment trusts are prohibited.

(b) On the Issue Date, the Refunding Trustee, on behalf of the Borough, shall pay the costs of issuance and sale of the Bonds in the amount of \$ _____, as set forth on the attached Exhibit B from the Bond proceeds deposited with the Refunding Trustee and not needed to refund the Refunded Bonds, and shall transfer the remaining proceeds in the amount of \$ _____ to the Borough for application in accordance with the Bond Ordinance.

Section 3. Sufficiency of Acquired Obligations. Based upon the Verification, the Borough represents that the Acquired Obligations and the maturing principal thereof and the interest thereon, if paid when due, together with the beginning cash balance, shall be sufficient to make when due the payments required by the Refunding Plan. The schedules of the sources, amounts, maturities, and interest rates or yields of the Acquired Obligations and of the Refunded Bonds that will fulfill the foregoing requirements are set forth in the Verification.

Section 4. Collection of Proceeds of Acquired Obligations and Application of Such Proceeds and Money. The Refunding Trustee shall present for payment and shall collect and receive on the due dates thereof the maturing installments of the principal of and the interest on the Acquired Obligations and any Substitute Obligations (defined herein). The Refunding Trustee shall make payments, but only in the amounts received pursuant to this section, in a timely manner to the paying agent for the Refunded Bonds of the amounts to be paid on the Refunded Bonds as shown in the Verification. Those payments shall be made by check, wire

transfer, or such other method of transfer of funds as shall be agreed upon by the Refunding Trustee and the paying agent for the Refunded Bonds.

Section 5. Notices of Defeasance/Notices of Redemption. The Refunding Trustee agrees to give notices of defeasance and notices of redemption of the Refunded Bonds pursuant to the terms of the Refunded Bonds, and in substantially the forms attached hereto as and as described in Exhibits C, D, E, F and G, to the paying agent for the Refunded Bonds for distribution as described therein. The notices of defeasance shall be given within two business days following the execution of this Agreement, and the notices of redemption shall be given in accordance with the Refunded Bond Ordinances. Notices given to the Municipal Securities Rulemaking Board (the "MSRB") shall be in the electronic format prescribed by the MSRB and accompanied by the identifying information prescribed by the MSRB. The cost of giving the notices shall be paid by the Borough.

Section 6. All Obligations and Money and Proceeds Thereof Held in Trust. The Refunding Trustee irrevocably agrees to hold the Acquired Obligations, the Substitute Obligations (defined herein), if any, the principal thereof and interest thereon, and any other money it may receive pursuant to this Agreement and any reinvestments thereof made pursuant to Sections 8 and 9, in trust and separate at all times from all other funds and investments held by the Refunding Trustee, solely for the purpose of making the payments required by the Refunding Plan. The Borough irrevocably conveys, transfers, and assigns to the Refunding Trustee the Acquired Obligations, any Substitute Obligations, the principal thereof and the interest thereon, and any other money and investments deposited with the Refunding Trustee pursuant to this Agreement, for the purpose of making such payments. The Refunding Trustee shall not sell, transfer, assign, or hypothecate any Acquired Obligations, reinvestments, or Substitute Obligations except pursuant to Sections 8, 9, 12 and 14 hereof.

Section 7. Reports. The Refunding Trustee shall submit a report to the Borough, at least semiannually, which report shall set forth the cash, Acquired Obligations, and any Substitute Obligations held hereunder by the Refunding Trustee, the obligations which have matured and amounts received by the Refunding Trustee by reason of such maturity, the interest earned on such obligations, a list of any investments or reinvestments made by the Refunding Trustee in other obligations and the interest and/or principal derived therefrom, the amounts paid to the paying agent for the Refunded Bonds, and any other transaction of the Refunding Trustee pertaining to its duties and obligations as set forth herein.

Section 8. Substitution of Different Obligations or Other Investments. The Borough reserves the right to substitute from time to time for Acquired Obligations initially purchased in accordance with Section 2, or for obligations purchased under this section, other noncallable, nonprepayable direct obligations of the United States of America and/or obligations unconditionally guaranteed by the United States of America as to full and timely payment of principal and interest authorized to be acquired with the proceeds of the Bonds (the "Substitute Obligations"). Prior to effecting any such substitution, the Borough shall have obtained at its expense and delivered to the Refunding Trustee:

(a) A verification by a nationally recognized independent certified public accounting firm acceptable to the Refunding Trustee confirming that the maturing principal of and interest on the Substitute Obligations and any remaining Acquired Obligations to be held by the Refunding Trustee in the refunding escrow, if paid when due and assuming no reinvestment thereof, together with any other cash then held by the Refunding Trustee, will be sufficient to carry out the Refunding Plan and make all remaining payments required by the Refunding Plan; and

(b) An opinion from Foster Pepper PLLC, bond counsel to the Borough, its successor or other nationally recognized bond counsel to the Borough ("Bond Counsel"), that the disposition and substitution or purchase of such securities, under the statutes, rules, and regulations then in force and applicable to the Bonds, will not cause the interest on the Bonds or the Refunded Bonds to be included in gross income for federal income tax purposes and that such disposition and substitution or purchase is in compliance with the statutes and regulations applicable to the Bonds.

If the verification delivered to the Refunding Trustee pursuant to Section 8(a) shows that surplus money not needed to make the payments required by the Refunding Plan will result from the sale, transfer, or other disposition of Acquired Obligations and the substitution of Substitute Obligations therefor, that surplus money at the written request of the Borough shall be released from the refunding escrow and shall be transferred to the Borough to be used for any lawful Borough purpose, subject to any restrictions stated in the opinion of Bond Counsel required by Section 8(b).

Section 9. Reinvestment of Proceeds of Acquired and/or Substitute Obligations. The proceeds (principal and interest) and reinvestment proceeds of any Acquired Obligations and/or Substitute Obligations held by the Refunding Trustee in accordance with this Agreement that are not needed within five business days after the receipt thereof to make the payments required by the Refunding Plan shall be reinvested by the Refunding Trustee, but only upon receipt of written request of the Borough, on such date of receipt or the next business day. The Borough shall direct such reinvestment subject to the following conditions:

(a) Except as provided in subsection (c) below, the proceeds of such Acquired Obligations and/or Substitute Obligations shall be reinvested in Substitute Obligations at a yield that will not cause the composite yield on the refunding escrow to exceed _____% during its term or such higher yield as may be directed by letter of instructions from the Borough to the Refunding Trustee, but if the composite yield on the directed investments made pursuant to this Agreement would exceed _____%, such letter of instructions shall contain a verification of such composite yield and shall be based upon and accompanied by the opinion of Bond Counsel approving reinvestment of such proceeds at such higher yield.

(b) The obligations in which such proceeds are reinvested shall mature in an amount at least equal to their purchase price on the date or dates directed by the Borough, but not later than the date (as shown by the then most recent certified public accountant verification) the principal thereof is needed to make the payments required by the Refunding Plan;

(c) If such proceeds, together with other funds remaining in the refunding escrow, are insufficient to reinvest in the smallest denomination of such obligations or are required to be used to make payments required by the Refunding Plan sooner than the shortest maturity available for such obligations, then those proceeds and funds either shall be converted to United States currency and retained or shall remain uninvested in the refunding escrow and carried on the books of the Refunding Trustee until required to make the payments required by the Refunding Plan, or until sufficient money is accumulated to permit the investment thereof; and

(d) "Yield," as used in paragraph (a) of this section with respect to the Acquired Obligations and Substitute Obligations, means that yield computed in accordance with and permitted by the Code applicable to the Bonds and the refunding escrow under this Agreement so as to preserve the exclusion from gross income for federal income tax purposes of the interest on the Bonds.

The Refunding Trustee may make any and all investments permitted by the provisions of this Section through its own investment department or the investment departments of any of its affiliates.

Section 10. Amendments to Agreement. The Refunding Trustee and the Borough recognize that the owners of the Refunded Bonds and the Bonds from time to time have a beneficial interest in the Acquired Obligations, the Substitute Obligations, and money to be held by the Refunding Trustee as herein provided. Therefore, this Agreement is irrevocable and shall not be subject to amendment except for the purpose of clarifying any ambiguity herein, increasing the protection of the rights of the owners of the Refunded Bonds or the Bonds, or preserving the exclusion of the interest on the Refunded Bonds and the Bonds from gross income for federal income tax purposes, and only if such amendment is accompanied by an opinion of Bond Counsel addressed to the Borough and the Refunding Trustee to the effect that such change is necessary for one of the above reasons and does not materially adversely affect the owners of the outstanding Refunded Bonds and the Bonds or that it strengthens the protection of the owners of the Refunded Bonds and the Bonds and does not materially adversely affect the owners of the Refunded Bonds and the Bonds. If such amendment affects the amount of money and investments in the refunding escrow or the application thereof, prior to the amendment's taking effect there also shall be a verification by a nationally recognized independent certified public accounting firm satisfactory to the Refunding Trustee to the effect that after such amendment the Acquired Obligations, Substitute Obligations, and other money in the refunding escrow will be sufficient to make the payments required by the Refunding Plan. A copy of such verification shall be delivered to the Refunding Trustee.

Section 11. Limitation of Liability of Refunding Trustee. None of the provisions contained in this Agreement shall require the Refunding Trustee to use or advance its own funds in the performance of any of its duties or the exercise of any of its rights or powers hereunder. The Refunding Trustee shall be under no liability for the payment of interest on any funds or other property received by it hereunder except to the extent the Refunding Trustee is required by the express terms of this Agreement to invest such funds.

The Refunding Trustee's liabilities and obligations in connection with this Agreement are confined to those specifically described herein. The Refunding Trustee is authorized and directed to comply with the provisions of this Agreement and is relieved from all liability for so doing notwithstanding any demand or notice to the contrary by any party hereto. The Refunding Trustee shall not be responsible or liable for the sufficiency, correctness, genuineness, or validity of the Acquired Obligations or the Substitute Obligations deposited with it; the performance or compliance by any party other than the Refunding Trustee with the terms or conditions of any such instruments; or any loss which may occur by reason of forgeries, false representations, or the exercise of the Refunding Trustee's discretion in any particular manner unless such exercise is negligent or constitutes willful misconduct.

If any controversy arises between the Borough and any third person, the Refunding Trustee shall not be required to determine the same or to take any action in the premises, but it may institute, in its discretion, an interpleader or other proceedings in connection therewith as it may deem proper, and in following either course, it shall not be liable.

Section 12. Remittance of Funds When Refunded Bonds Paid in Full. At such time as the Refunding Trustee has received the representation of the Borough that all of the payments required by the Refunding Plan have been made and the confirmation of such representation by the paying agent, together with such other evidence of such payments as shall be satisfactory to the Borough and the Refunding Trustee, the Refunding Trustee shall deliver forthwith or remit to the Borough any remaining Acquired Obligations, Substitute Obligations, and money held pursuant to this Agreement.

Section 13. Compensation of Refunding Trustee. The payment arrangement heretofore made between the Refunding Trustee and the Borough on compensation and expenses of the Refunding Trustee for services rendered by it pursuant to the provisions of this Agreement is satisfactory to it and to the Borough, and no further payment to the Refunding Trustee shall be required for such purpose. Such arrangement for compensation and expenses is intended as compensation for the ordinary services as contemplated by this Agreement, and if the Refunding Trustee renders any service hereunder not provided for in this Agreement, or the Refunding Trustee is made a party to or intervenes in any litigation pertaining to this Agreement or institutes interpleader proceedings relative hereto, the Refunding Trustee shall be compensated reasonably by the Borough for such extraordinary services and reimbursed for all fees, costs, liability, and expenses (including reasonable attorneys' fees) occasioned thereby. The Refunding Trustee shall not have a lien against or otherwise be compensated for its services and expenses from the money, Acquired Obligations, and Substitute Obligations held pursuant to this Agreement to make the payments required by the Refunding Plan.

Section 14. Successor Refunding Trustee. The obligations assumed by the Refunding Trustee pursuant to this Agreement may be transferred by the Refunding Trustee to a successor if (a) the Refunding Trustee has presented evidence satisfactory to the Borough and to Bond Counsel; (b) the Borough approves the appointment of the successor refunding trustee; (c) the successor refunding trustee has assumed all of the obligations of the Refunding Trustee under this Agreement and has been compensated; and (d) all of the Acquired Obligations, reinvestments, Substitute Obligations, and money then held by the Refunding Trustee pursuant to this Agreement have been duly transferred to such successor refunding trustee.

Notwithstanding anything to the contrary contained in this Agreement, any company into which the Refunding Trustee may be merged or converted or with which it may be consolidated or any company resulting from any merger, conversion, or consolidation to which the Refunding Trustee is a party, or any company to which the Refunding Trustee may sell or transfer all or substantially all of its corporate trust business shall be the successor to the Refunding Trustee without execution or filing of any paper or further act.

Section 15. Miscellaneous. This Agreement is governed by Alaska law without regard to the conflict of laws provisions thereof and may not be modified except by a writing signed by the parties and subject to the limitations of Section 10. If any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions of this Agreement, but this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

Section 16. Notice to Rating Agencies. The Refunding Trustee shall notify all national rating agencies maintaining (at the request of the Borough) a rating on the Refunded Bonds or the Bonds, in writing upon timely receipt of notice or evidence of either of the following circumstances:

(a) Prior to their taking effect, any amendments to this Agreement under Section 10, enclosing the proposed amendatory documents; and

(b) The holding (referred to in Section 15) that one or more provisions of this Agreement are invalid, illegal, or unenforceable in any respect, enclosing a copy of that holding.

Such notices shall be sent to the applicable rating agencies by first class mail to the addresses advised by those rating agencies.

Section 17. Counterparts. This Agreement may be executed in counterparts.

IN WITNESS WHEREOF, the parties have executed and delivered this Agreement pursuant to due and proper authorization, all as of the date and year first above written.

MATANUSKA-SUSITNA BOROUGH,
ALASKA

U.S. BANK NATIONAL ASSOCIATION,
as Refunding Trustee

By _____
Tammy E. Clayton, Director of Finance

By _____
Title: _____

EXHIBIT A

**MATANUSKA-SUSITNA BOROUGH, ALASKA
GENERAL OBLIGATION SCHOOL REFUNDING BONDS, 2015 SERIES A**

ACQUIRED OBLIGATIONS

<u>TYPE*</u>	<u>MATURITY DATE</u>	<u>PAR AMOUNT</u>	<u>INTEREST RATE</u>
--------------	--------------------------	-----------------------	--------------------------

*CERT - United States Treasury Certificate of Indebtedness--State and Local Government Series
NOTE - United States Treasury Note--State and Local Government Series

Pg 10 of 17

51383665.3

EXHIBIT B

**MATANUSKA-SUSITNA BOROUGH, ALASKA
GENERAL OBLIGATION SCHOOL REFUNDING BONDS, 2015 SERIES A**

COSTS OF ISSUANCE

Foster Pepper PLLC	Bond Counsel	\$
Standard & Poor's	Rating Fee	
Fitch	Rating Fee	
	Pricing Advisory Services	
U.S. Bank National Association	Paying Agent/Registrar	
U.S. Bank National Association	Refunding Trustee	
	Printing of OS	
	Verification Agent	
	Investor Presentation	
Matanuska-Susitna Borough	Travel Costs (est.)	
Katten Muchin Rosenman LLP	Underwriter's Counsel	
Miscellaneous/Contingency		
Total		\$

Pg 11 of 17

51383665.3

EXHIBIT C

Notice of Defeasance*
Matanuska-Susitna Borough, Alaska
General Obligation School Refunding Bonds, 2004 Series D

NOTICE IS HEREBY GIVEN to the owners of the above-captioned bonds with respect to which, pursuant to the Refunding Trust Agreement dated January 29, 2015, by and between Matanuska-Susitna Borough, Alaska (the "Borough"), and U.S. Bank National Association (the "Refunding Trustee"), there has been deposited into a refunding escrow, held by the Refunding Trustee, cash and non-callable direct obligations of the United States of America, the principal of and interest on which, when due, will provide money to pay each year, to and including the redemption date of such bonds so provided for (the "2004D Refunded Bonds"), the principal thereof and interest thereon. Such 2004D Refunded Bonds are therefore deemed to be no longer outstanding pursuant to Section 21 of Ordinance Serial No. 04-180 of the Borough relating to the 2004D Refunded Bonds, but will be paid by application of the assets in such refunding escrow.

The 2004D Refunded Bonds are described as follows:

Matanuska-Susitna Borough, Alaska
General Obligation School Refunding Bonds, 2004 Series D
(Dated November 18, 2004)

Maturity Date (Feb. 1)	Par Amount Defeased	Interest Rate	Call Date (at 100%)	CUSIP No.
2016	\$3,430,000	5.00%	4/01/2015	576544UJ7
2017	3,595,000	5.00	4/01/2015	576544UK4
2018	3,780,000	5.00	4/01/2015	576544UL2
2019	3,970,000	5.00	4/01/2015	576544UM0
2020	845,000	4.00	4/01/2015	576544UN8

U. S. Bank National Association, as Refunding Trustee

Dated: _____

* This notice shall be given within two business days after the date of the Refunding Trust Agreement by first-class mail to each registered owner of the 2004D Refunded Bonds. In addition, notice shall be mailed within the same period, postage prepaid, to Matanuska-Susitna Borough, at its offices in Palmer, Alaska; Moody's Investors Service, Inc., and Standard & Poor's at their offices in New York, New York; RBC Capital Markets at its principal office in San Francisco, California; Ambac Assurance Corporation, or its successor, at its principal office in New York, New York (Policy No. _____); The Depository Trust Company of New York, New York, and the Municipal Securities Rulemaking Board (the "MSRB") in the electronic format and accompanied by the identifying information prescribed by the MSRB.

Pg 12 of 17
51383665.3

EXHIBIT D

Notice of Redemption*

**Matanuska-Susitna Borough, Alaska
General Obligation School Refunding Bonds, 2004 Series D**

NOTICE IS HEREBY GIVEN that Matanuska-Susitna Borough, Alaska, has called for redemption on April 1, 2015, all of its then-outstanding General Obligation School Refunding Bonds, 2004 Series D (the "2004D Bonds").

The 2004D Bonds will be redeemed at a price of one hundred percent (100%) of their principal amount, plus accrued interest to April 1, 2015. The redemption price of the 2004D Bonds is payable on presentation and surrender of the Bonds at the office of:

[By Mail or in Person]	-or-	[In Person Only]
[address]		[address]

Interest on all 2004D Bonds shall cease to accrue on April 1, 2015.

The following 2004D Bonds are being redeemed:

Maturity Date (Feb. 1)	Par Amount Defeased	Interest Rate	CUSIP No.
2016	\$3,430,000	5.00%	576544UJ7
2017	3,595,000	5.00	576544UK4
2018	3,780,000	5.00	576544UL2
2019	3,970,000	5.00	576544UM0
2020	845,000	4.00	576544UN8

By Order of Matanuska-Susitna Borough, Alaska

U.S. Bank National Association, as Paying Agent

Dated: _____

Under Section 3406(a)(1) of the Internal Revenue Code the Registrar may be obligated to withhold a percentage of the principal of a holder who has failed to furnish the Registrar with a valid taxpayer identification number and a certification that the owner is not subject to backup withholding. Owners who wish to avoid the application of these provisions should submit a completed IRS Form W-9 when presenting their certificates for payment.

* This notice shall be given not less than 30 nor more than 45 days prior to April 1, 2015, by first class mail, postage prepaid, to each registered owner of the 2004D Bonds. In addition, notice shall be mailed within the same period, postage prepaid, to Matanuska-Susitna Borough, at its offices in Palmer, Alaska; Moody's Investors Service, Inc., and Standard & Poor's at their offices in New York, New York; RBC Capital Markets at its principal office in San Francisco, California; Ambac Assurance Corporation, or its successor, at its principal office in New York, New York (Policy No. _____); The Depository Trust Company of New York, New York, and the Municipal Securities Rulemaking Board (the "MSRB") in the electronic format and accompanied by the identifying information prescribed by the MSRB.

51383665.3

EXHIBIT E

Notice of Defeasance*
Matanuska-Susitna Borough, Alaska
General Obligation School Bonds, 2006 Series A

NOTICE IS HEREBY GIVEN to the owners of the above-captioned bonds with respect to which, pursuant to the Refunding Trust Agreement dated January 29, 2015, by and between Matanuska-Susitna Borough, Alaska (the "Borough"), and U.S. Bank National Association (the "Refunding Trustee"), there has been deposited into a refunding escrow, held by the Refunding Trustee, cash and non-callable direct obligations of the United States of America, the principal of and interest on which, when due, will provide money to pay each year, to and including the redemption date of such bonds so provided for (the "2006A Refunded Bonds"), the principal thereof and interest thereon. Such 2006A Refunded Bonds are therefore deemed to be no longer outstanding pursuant to Section 19 of Ordinance Serial No. 06-128 of the Borough relating to the 2006A Refunded Bonds, but will be paid by application of the assets in such refunding escrow.

The 2006A Refunded Bonds are described as follows:

Matanuska-Susitna Borough, Alaska
General Obligation School Bonds, 2006 Series A
(Dated September 14, 2006)

Maturity Date (Feb. 1)	Par Amount Defeased	Interest Rate	Call Date (at 100%)	CUSIP No.
2018	\$1,100,000	4.500%	2/01/2017	576544VX5
2019	1,150,000	4.500	2/01/2017	576544VYE
2020	1,200,000	4.500	2/01/2017	576544VZ0
2021	1,255,000	4.625	2/01/2017	576544WA4
2022	1,315,000	4.625	2/01/2017	576544WB2
2023	1,375,000	4.750	2/01/2017	576544WC0
2024	1,440,000	4.750	2/01/2017	576544WD8
2026*	3,080,000	4.375	2/01/2017	576544WF3

*Term Bond

U. S. Bank National Association, as Refunding Trustee

Dated: _____

* This notice shall be given within two business days after the date of the Refunding Trust Agreement by first-class mail to each registered owner of the 2006A Refunded Bonds. In addition, notice shall be mailed within the same period, postage prepaid, to Matanuska-Susitna Borough, at its offices in Palmer, Alaska; Moody's Investors Service, Inc., and Standard & Poor's at their offices in New York, New York; RBC Capital Markets at its principal office in San Francisco, California; MBIA Insurance Corporation, or its successor, at its principal office in New York, New York (Policy No. _____); The Depository Trust Company of New York, New York, and the Municipal Securities Rulemaking Board (the "MSRB") in the electronic format and accompanied by the identifying information prescribed by the MSRB.

EXHIBIT G

Notice of Defeasance* Matanuska-Susitna Borough, Alaska General Obligation School Bonds, 2006 Series B

NOTICE IS HEREBY GIVEN to the owners of the above-captioned bonds with respect to which, pursuant to the Refunding Trust Agreement dated January 29, 2015, by and between Matanuska-Susitna Borough, Alaska (the "Borough"), and U.S. Bank National Association (the "Refunding Trustee"), there has been deposited into a refunding escrow, held by the Refunding Trustee, cash and non-callable direct obligations of the United States of America, the principal of and interest on which, when due, will provide money to pay each year, to and including the redemption date of such bonds so provided for, the principal thereof and interest thereon (the "2006B Refunded Bonds"). Such 2006B Refunded Bonds are therefore deemed to be no longer outstanding pursuant to Section 19 of Ordinance Serial No. 06-128 of the Borough relating to the 2006B Refunded Bonds, but will be paid by application of the assets in such refunding escrow.

The 2006B Refunded Bonds are described as follows:

Matanuska-Susitna Borough, Alaska General Obligation School Bonds, 2006 Series B (Dated September 14, 2006)

Maturity Date (Feb. 1)	Par Amount Defeased	Interest Rate	Call Date (at 100%)	CUSIP Nos.
2018	\$1,035,000	4.500%	2/01/2017	576544WS5
2019	1,080,000	4.500	2/01/2017	576544WT3
2020	1,130,000	4.500	2/01/2017	576544WU0
2021	1,180,000	4.625	2/01/2017	576544WV8
2022	1,235,000	4.625	2/01/2017	576544WW6
2023	1,290,000	4.750	2/01/2017	576544WX4
2024	1,350,000	4.750	2/01/2017	576544WY2
2026*	2,895,000	4.375	2/01/2017	576544XA3

*Term Bond

U. S. Bank National Association, as Refunding Trustee

Dated: _____

* This notice shall be given within two business days by first class mail to each registered owner of the 2006B Refunded Bonds. In addition, notice shall be mailed within the same period, postage prepaid, to Matanuska-Susitna Borough, at its offices in Palmer, Alaska; Moody's Investors Service, Inc., and Standard & Poor's at their offices in New York, New York; RBC Capital Markets at its principal office in San Francisco, California; MBIA Insurance Corporation, or its successor, at its principal office in New York, New York (Policy No. _____); The Depository Trust Company of New York, New York, and the Municipal Securities Rulemaking Board (the "MSRB") in the electronic format and accompanied by the identifying information prescribed by the MSRB.

**CONTINUING DISCLOSURE CERTIFICATE
MATANUSKA-SUSITNA BOROUGH, ALASKA**

§ _____
General Obligation School Refunding Bonds, 2015 Series A

Section 1. Undertaking to Provide Annual Financial Information and Notice of Certain Events. Solely for purposes of complying with paragraph (b)(5)(i) of Rule 15c2-12 promulgated by the United States Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended (17 CFR Part 240 § 240.15c2-12) (“Rule 15c2-12”), for the benefit of the holders of the above-referenced bonds (the “2015A Bonds”), the Matanuska-Susitna Borough (the “Borough”) hereby undertakes to provide or cause to be provided, either directly or through a designated agent, to the Municipal Securities Rulemaking Board (the “MSRB”), in electronic format as prescribed by the MSRB, accompanied by identifying information as prescribed by the MSRB:

(a) Annual financial information and operating data of the type included in the final official statement for the 2015A Bonds and described in Section 2 (the “Annual Financial Information”);

(b) Timely notice of the occurrence of any of the following events with respect to the 2015A Bonds, not in excess of ten business days after the occurrence of the event:

- (i) principal and interest payment delinquencies;
- (ii) non-payment related defaults, if material;
- (iii) unscheduled draws on debt service reserves reflecting financial difficulties;
- (iv) unscheduled draws on credit enhancements reflecting financial difficulties;
- (v) substitution of credit or liquidity providers, or their failure to perform;
- (vi) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the 2015A Bonds, or other material events affecting the tax status of the 2015A Bonds;
- (vii) modifications to rights of holders of the 2015A Bonds, if material;
- (viii) 2015A Bond calls, if material, and tender offers;
- (ix) defeasances;

(x) release, substitution, or sale of property securing repayment of the 2015A Bonds, if material;

(xi) rating changes;

(xii) bankruptcy, insolvency, receivership, or similar event of the Borough;

(xiii) the consummation of a merger, consolidation or acquisition involving the Borough or the sale of all or substantially all of the assets of the Borough, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and

(xiv) appointment of a successor or additional trustee or the change of name of a trustee, if material; and

(c) Timely notice of a failure by the Borough to provide required Annual Financial Information on or before the date specified in Section 2.

Section 2. Description of Annual Financial Information. The Annual Financial Information that the Borough undertakes to provide in Section 1:

(a) Shall consist of:

(i) annual financial statements prepared (except as noted in the financial statements) in accordance with generally accepted accounting principles applicable to Alaska municipalities, as such principles may be changed from time to time, which statements shall not be audited, except, however, that if and when audited financial statements are otherwise prepared and available to the Borough they will be provided; and

(ii) the comprehensive annual financial report of the Borough;

(b) Shall be provided not later than the last day of the seventh month after the end of each fiscal year of the Borough (currently, not later than January 31 for a fiscal year ending June 30), as such fiscal year may be changed as required or permitted by State law, commencing with the Borough's fiscal year ending June 30, 2015; and

(c) May be provided in a single or multiple documents, and may be incorporated by specific reference to documents available to the public on the Internet website of the MSRB or filed with the United States Securities and Exchange Commission.

Section 3. Amendment of Undertaking. This undertaking is subject to amendment after the primary offering of the 2015A Bonds without the consent of any holder of any 2015A Bond, or of any broker, dealer, municipal securities dealer, participating underwriter, rating agency or the MSRB, under the circumstances and in the manner permitted by Rule 15c2-12. The Borough will give notice to the MSRB of the substance (or provide a copy) of any amendment to this undertaking and a brief statement of the reasons for the amendment. If the

amendment changes the type of Annual Financial Information to be provided, the Annual Financial Information containing the amended Annual Financial Information will include a narrative explanation of the effect of that change on the type of information to be provided.

Section 4. Beneficiaries. This undertaking shall inure to the benefit of the Borough, each participating underwriter of the 2015A Bonds and each holder of the 2015A Bonds, and shall not inure to the benefit of or create any rights in any other person.

Section 5. Termination of Undertaking. The Borough's obligations under this undertaking shall terminate upon the legal defeasance of all of the 2015A Bonds. In addition, the Borough's obligations under this undertaking shall terminate if the provisions of Rule 15c2-12 that require the Borough to comply with this undertaking become legally inapplicable in respect of the 2015A Bonds for any reason, as confirmed by an opinion of nationally recognized bond counsel or other counsel familiar with federal securities laws delivered to the Borough, and the Borough provides timely notice of such termination to the MSRB.

Section 6. Remedy for Failure to Comply with Undertaking. As soon as practicable after the Borough learns of any failure to comply with the undertaking, the Borough will proceed with due diligence to cause such noncompliance to be corrected. No failure by the Borough to comply with this undertaking shall constitute a default in respect of the 2015A Bonds. The sole remedy of any holder of a 2015A Bond shall be to take such actions as that holder deems necessary, including seeking an order of specific performance from an appropriate court, to compel the Borough to comply with this undertaking.

Section 7. Definitions. Terms used and not defined in this undertaking shall have the meaning ascribed to such terms in Rule 15c2-12.

Dated: January 29, 2015.

MATANUSKA-SUSITNA BOROUGH, ALASKA

By: _____
John Moosey, Borough Manager

Pg 3 of 3

This Preliminary Official Statement and the information contained herein are subject to completion and amendment. These securities may not be sold nor may offers to buy be accepted prior to the time the Official Statement is delivered in final form. Under no circumstances shall this Preliminary Official Statement constitute an offer to sell or the solicitation of an offer to buy these securities nor shall there be any sale of these securities in any jurisdiction in which such offer, solicitation or sale would be unlawful prior to registration or qualification under the securities laws of any such jurisdiction.

NEW ISSUE

RATINGS:

Fitch:
Standard & Poor's:

In the opinion of Foster Pepper PLLC, Bond Counsel, under existing federal law and assuming compliance with applicable requirements of the Internal Revenue Code of 1986, as amended (the "Code"), that must be satisfied subsequent to the issue date of the 2015A Bonds, interest on the 2015A Bonds is excluded from gross income for federal income tax purposes and is not an item of tax preference for purposes of the alternative minimum tax applicable to individuals. However, while interest on the 2015A Bonds also is not an item of tax preference for purposes of the alternative minimum tax applicable to corporations, interest on the 2015A Bonds received by corporations is taken into account in the computation of adjusted current earnings for purposes of the alternative minimum tax applicable to corporations, interest on the 2015A Bonds received by certain S corporations may be subject to tax, and interest on the 2015A Bonds received by foreign corporations with United States branches may be subject to a foreign branch profits tax. Receipt of interest on the 2015A Bonds may have other federal tax consequences for certain taxpayers. Interest on the 2015A Bonds is free from taxation by the State of Alaska, except for transfer, estate and inheritance taxes. See "TAX EXEMPTION" and "CERTAIN OTHER FEDERAL TAX CONSEQUENCES."



\$35,590,000*

**MATANUSKA-SUSITNA BOROUGH, ALASKA
General Obligation School Refunding Bonds, 2015 Series A**

Dated: Date of Delivery

Due: February 1, as shown on the inside cover

The General Obligation School Refunding Bonds, 2015 Series A, of the Matanuska-Susitna Borough, Alaska (the "Borough") are referred to in this Official Statement as the "2015A Bonds." The 2015A Bonds will be issued as fully registered bonds under a book-entry system, registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York, the securities depository for the 2015A Bonds. Individual purchases of interests in the 2015A Bonds will be made in book-entry form only, in the principal amount of \$5,000 or any integral multiple thereof. Interest on the 2015A Bonds is payable August 1, 2015 and semiannually thereafter on February 1 and August 1 of each year. U.S. Bank National Association, of Seattle, Washington, is the Paying Agent and Bond Registrar. **The 2015A Bonds are subject to redemption as described herein.**

The 2015A Bonds are general obligations of the Borough and the full faith and credit of the Borough are pledged for the payment of the principal of and interest on the 2015A Bonds. The Borough is obligated to levy ad valorem taxes upon all taxable property within the Borough, without limitation of rate or amount, to pay the principal of and interest on the 2015A Bonds as the same become due and payable.

See the Inside Cover for Maturity Schedule

The 2015A Bonds are offered when, as and if issued and received by the Underwriter, subject to the approving legal opinion of Foster Pepper PLLC, of Seattle, Washington, Bond Counsel, and certain other conditions. Certain legal matters will be passed on for the Underwriter by Katten Muchin Rosenman LLP, of Chicago, Illinois. Acacia Financial Group of Anchorage, Alaska, is serving as financial advisor to the Borough. It is expected that the 2015A Bonds will be available for delivery through the facilities of The Depository Trust Company in New York, New York, on or about January __, 2015.

RBC Capital Markets

Dated: January __, 2014

* Preliminary, subject to change.

Pa 1 of 53

OR 15-006
Im15-009

MATURITY SCHEDULE

\$35,590,000* General Obligation School Refunding Bonds, 2015 Series A

<u>Maturity (February 1)</u>	<u>Principal Amount*</u>	<u>Interest Rate</u>	<u>Reoffering Yield</u>	<u>Reoffering Price</u>
	\$	%	%	

* Preliminary, subject to change.

MATANUSKA-SUSITNA BOROUGH

350 East Dahlia Avenue
Palmer, Alaska 99645
(907-745-4801)

MAYOR

Larry DeVilbiss

BOROUGH ASSEMBLY

Ronald Arvin (Deputy Mayor)
Matthew Beck

Jim Sykes
Steve Colligan
Vern Halter

Jim Colver
Dan Mayfield

APPOINTED OFFICIALS

Borough Manager
Director of Finance
Clerk
Assessor
Attorney
Assistant Manager
Director of Public Works
Director of Emergency Services
Director of Information Technology
Director of Community Development
Director of Planning
Director of Capital Projects

John Moosey
Tammy E. Clayton
Lonnie R. McKechnie
David Dunivan
Nicholas Spiropoulos
George Hays
Terry Dolan
Dennis Brodigan
Eric Wyatt
Eric Phillips
Eileen Probasco
Michael Brown

BOND COUNSEL

Foster Pepper PLLC
Seattle, Washington

FINANCIAL ADVISOR

Acacia Financial Group
Anchorage, Alaska

PAYING AGENT AND BOND REGISTRAR

U.S. Bank National Association
Seattle, Washington

No dealer, salesman or any other person has been authorized by the Borough or the Underwriter to give any information or to make any representation with respect to the 2015A Bonds other than as contained in this Official Statement, and if given or made, such other information or representation must not be relied upon as having been authorized by the foregoing. This Official Statement does not constitute an offer to sell or the solicitation of an offer to buy, nor shall there be any sale of the 2015A Bonds by any person, in any jurisdiction in which it is unlawful for such person to make such offer, solicitation or sale. The information set forth herein has been obtained from the Borough and other sources which the Borough believes to be reliable. The Underwriter has reviewed the information in this Official Statement in accordance with and as part of its responsibilities to investors under federal securities laws as applied to the facts and circumstances of this transaction, but the Underwriter does not guarantee the accuracy or completeness of such information. The information and expressions of opinion contained herein are subject to change without notice, and neither the delivery of this Official Statement nor any sale made hereunder shall, under any circumstances, create any implication that there has been no change in the affairs of the Borough since the date hereof.

Neither this Official Statement nor any statement which may have been made orally or in writing (other than the Bond Ordinance referred to herein) is to be construed as a contract with the owners of any of the 2015A Bonds.

IN CONNECTION WITH THIS OFFERING, THE UNDERWRITER MAY OVERALLOT OR EFFECT TRANSACTIONS WHICH STABILIZE OR MAINTAIN THE MARKET PRICE OF THE 2015A BONDS AT A LEVEL ABOVE THAT WHICH MIGHT OTHERWISE PREVAIL IN THE OPEN MARKET. SUCH STABILIZING, IF COMMENCED, MAY BE DISCONTINUED, AND IF DISCONTINUED THEN RECOMMENCED, AT ANY TIME.

THE 2015A BONDS HAVE NOT BEEN REGISTERED UNDER THE SECURITIES ACT OF 1933, AS AMENDED, NOR HAS THE BOND ORDINANCE BEEN QUALIFIED UNDER THE TRUST INDENTURE ACT OF 1939, AS AMENDED, IN RELIANCE UPON EXEMPTIONS CONTAINED IN SUCH ACTS. THE REGISTRATION OR QUALIFICATION OF THE 2015A BONDS IN ACCORDANCE WITH APPLICABLE PROVISIONS OF SECURITIES LAWS OF THE STATES IN WHICH THE 2015A BONDS HAVE BEEN REGISTERED OR QUALIFIED AND THE EXEMPTION FROM REGISTRATION OR QUALIFICATION IN OTHER STATES CANNOT BE REGARDED AS A RECOMMENDATION THEREOF. NEITHER THESE STATES NOR ANY OF THEIR AGENCIES HAVE PASSED UPON THE MERITS OF THE 2015A BONDS OR THE ACCURACY OR COMPLETENESS OF THIS OFFICIAL STATEMENT. ANY REPRESENTATION TO THE CONTRARY MAY BE A CRIMINAL OFFENSE.

This Official Statement is submitted by the Borough in connection with the sale of the 2015A Bonds referred to herein and may not be reproduced or used, in whole or in part, for any other purpose.

TABLE OF CONTENTS

	Page
INTRODUCTION.....	1
Authorization and Purpose	1
Security.....	1
Refunding Plan	1
Sources and Uses of Funds.....	2
DESCRIPTION OF THE 2015A BONDS.....	2
General Description.....	2
Security.....	3
Optional Redemption.....	3
Notice of Redemption.....	3
Defeasance.....	3
BOROUGH INDEBTEDNESS	4
Debt Limitation	4
GENERAL OBLIGATION DEBT STATEMENT.....	5
Direct and Overlapping Debt.....	5
Future Financing.....	6
CAPITAL LEASE OBLIGATIONS.....	7
STATE PRISON LEASE REVENUE BONDS.....	7
OTHER INDEBTEDNESS.....	7
STATE DEBT REIMBURSEMENT PROGRAMS.....	8
School Debt Reimbursement Program	8
Borough School Debt Reimbursement Entitlement	9
Municipal Capital Project Debt Reimbursement Program	10
STATE OPERATING AID FOR EDUCATION.....	10
ASSESSED VALUATION AND PROPERTY TAXATION	10
Property Tax and Tax Limitations.....	11
Assessed Valuation and Tax Collections.....	11
EXCISE TAXES.....	12
BOROUGH FINANCIAL MATTERS	12
General	12
Budgeting	13
Labor Relations	13
Retirement Plans.....	13
Risk Management.....	15
Self-insurance Coverage.....	15
Cash Management and Investment Policy.....	15
Revenues and Expenditures.....	16
Resource Sales and Conveyances.....	19
BOROUGH GOVERNMENT	20
Powers	20
School District.....	20
Borough Administration.....	21
School District Administration.....	21

GENERAL AND ECONOMIC DATA	21
Description of Borough	21
Population.....	22
Employment	23
Military Bases.....	24
New Construction.....	24
Bank Deposits.....	25
Port MacKenzie Development	25
Economic Development	26
CONTINUING DISCLOSURE	28
LITIGATION AND REGULATORY PROCEEDINGS	29
CERTAIN LEGAL MATTERS	29
FINANCIAL ADVISOR.....	30
UNDERWRITING.....	30
FINANCIAL STATEMENTS	30
CERTAIN VERIFICATIONS	30
RATINGS.....	31
TAX EXEMPTION.....	31
CERTAIN OTHER FEDERAL TAX CONSEQUENCES.....	33
MISCELLANEOUS.....	34
APPENDICES	
A	Basic Financial Statements For the Fiscal Year Ended June 30, 2013
B	Proposed Form of Opinion of Bond Counsel
C	Book Entry System
D	Form of Continuing Disclosure Certificate

SUMMARY STATEMENT

This Summary Statement is subject in all respects to more complete information contained in this Official Statement. The offering of the General Obligation School Refunding Bonds, 2015 Series A (the "2015A Bonds") by the Matanuska-Susitna Borough, Alaska (the "Borough"), to potential investors is made only by means of this entire Official Statement, including the Appendices hereto. No person is authorized to detach this Summary Statement from this Official Statement or otherwise use it without this entire Official Statement, including the Appendices hereto.

The Borough

The Borough is a municipal corporation of the State of Alaska located in southcentral Alaska, approximately 40 miles northeast of the business district of Anchorage. The Borough encompasses approximately 25,265 square miles and had an official U.S. Census 2010 population of 88,995 and a 2013 estimated population of 96,074. As of January 1, 2014, the certified assessed valuation of taxable property in the Borough is \$9,004,077,191 (as compared to the assessed valuation of \$8,695,784,227, as of January 1, 2013).

The Borough operates under an Assembly-Manager form of government. Policy-making and legislative authority are vested in a governing assembly consisting of a mayor and seven assembly members. The Assembly is responsible, among other things, for passing ordinances, adopting the budget, appointing committees and hiring the Borough Manager, Attorney and Clerk. The Borough Manager is responsible for carrying out the policies and ordinances of the Borough, for overseeing the day-to-day operations of the Borough and for appointing the heads of the various departments.

The Borough is empowered to levy a property tax on both real and personal property located within its boundaries. State law mandates that the Borough provide certain services on an areawide basis to all taxpayers. The Borough exercises the following areawide powers: general administration, education, property assessment and collection of taxes, planning and zoning, parks and recreation, ports, emergency medical services, transportation and historic preservation. The Borough is financially accountable for a legally separate school district (the "School District").

Purpose of Issue

The 2015A Bonds are being issued to refund (i) \$15,620,000* aggregate principal amount of the Borough's General Obligation School Refunding Bonds, 2004 Series D (the "2004D Bonds"); (ii) \$11,915,000* aggregate principal amount of the Borough's General Obligation School Bonds, 2006 Series A (the "2006A Bonds"); and (iii) \$11,195,000* General Obligation School Bonds, 2006 Series B (the "2006B Bonds" and together with the 2004D Bonds and the 2006A Bonds, the "Prior Bonds").

Security

The 2015A Bonds are general obligations of the Borough and the full faith and credit of the Borough are pledged for the payment of the principal of and interest on the 2015A Bonds. The Borough is obligated to levy ad valorem taxes upon all taxable property within the Borough, without limitation of rate or amount, to pay the principal of and interest on the 2015A Bonds as the same become due and payable.

Under current State law, debt service on the 2015A Bonds is eligible for State reimbursement at a rate of reimbursement of 70%. (See "STATE DEBT REIMBURSEMENT PROGRAMS – School Debt

* Preliminary, subject to change.

Reimbursement Program”). Each such reimbursement payment is subject to annual legislative appropriation. The State’s appropriation for the school debt reimbursement program for the fiscal year ending June 30, 2014 is 100% of the authorized reimbursement.

General Obligation Debt

After the issuance of the 2015A Bonds, the outstanding general obligation debt of the Borough will be \$298,650,000*, which is 3.32%* of the 2014 certified assessed valuation of taxable property in the Borough.

Remaining Bond Authorization

\$97,335,000 principal amount of general obligation bonds of the Borough will remain authorized but unissued from three bond elections. (See “GENERAL OBLIGATION DEBT STATEMENT” – “Future Financing,” herein.)

* Preliminary, subject to change.

OFFICIAL STATEMENT

\$35,590,000*

MATANUSKA-SUSITNA BOROUGH, ALASKA **General Obligation School Refunding Bonds, 2015 Series A**

INTRODUCTION

This Official Statement, which includes the cover page, inside cover page, Summary Statement, and Appendices attached hereto, is furnished by the Matanuska-Susitna Borough, Alaska (the "Borough") to provide information regarding the Borough and \$35,590,000* aggregate principal amount of the Borough's General Obligation School Refunding Bonds, 2015 Series A (the "2015A Bonds").

Authorization and Purpose

The 2015A Bonds are authorized under and pursuant to Alaska Statutes Chapter 29.47. The 2015A Bonds are issued pursuant to Ordinance Serial No. 15-006, adopted by the Borough Assembly on January 6, 2015 (the "Bond Ordinance"). The 2015A Bonds are being issued to refund (i) \$15,620,000* aggregate principal amount of the Borough's General Obligation School Refunding Bonds, 2004 Series D (the "2004D Bonds"); (ii) \$11,915,000* aggregate principal amount of the Borough's General Obligation School Bonds, 2006 Series A (the "2006A Bonds"); and (iii) \$11,195,000* General Obligation School Bonds, 2006 Series B (the "2006B Bonds" and together with the 2004D Bonds and the 2006A Bonds, the "Prior Bonds").

Security

The 2015A Bonds are general obligations of the Borough and the full faith and credit of the Borough are pledged for the payment of the principal of and the interest on the 2015A Bonds. The Borough is obligated to levy ad valorem taxes upon all taxable property within the Borough, without limitation of rate or amount, to pay the principal of and interest on the 2015A Bonds as the same become due and payable.

Refunding Plan

The Prior Bonds consist of certain maturities of two outstanding series of general obligation school bonds of the Borough, which are more particularly described in the following table:

Prior Bonds to be Refunded

Series	Maturities	Principal Amount	Redemption Date	Redemption Price
2004D Bonds	2016 to 2020	\$15,620,000*	April 1, 2015	101%
2006A Bonds	2018 to 2024, 2026	11,915,000*	February 1, 2017	100
2006B Bonds	2018 to 2024, 2026	11,195,000*	February 1, 2017	100

The Borough will redeem the Prior Bonds on the applicable redemption dates. On the date of issuance of the 2015A Bonds, a portion of the proceeds of sale of the 2015A Bonds will be deposited in an irrevocable escrow fund established to refund the Prior Bonds. The escrow fund will be held by U.S.

* Preliminary, subject to change.

Bank National Association, of Seattle, Washington, as Escrow Agent under the Escrow Agreement dated as of January 1, 2015, by and between the Borough and the Escrow Agent. The moneys held in the escrow fund will be invested in direct and general obligations of the United States of America (the "Government Obligations") that will mature at such times and in such amounts, and will bear interest payable at such times and in such amounts so that sufficient moneys will be available, together with an initial cash deposit, to make full and timely payment of the redemption price of the Prior Bonds on the applicable redemption date, and the interest due on the Prior Bonds on each interest payment date to and including the applicable redemption date. The sufficiency of the deposit made to the irrevocable escrow fund will be verified by [_____]. See "Certain Verifications."

Sources and Uses of Funds

The following table shows the estimated sources and uses of funds in connection with the issuance of the 2015A Bonds.

SOURCES OF FUNDS

Principal Amount of 2015A Bonds	
Plus: Net Original Issue Premium	
Total Sources of Funds.....	=====

USES OF FUNDS

Refund Prior Bonds(1).....	
Costs of Issuance (2).....	
Total Uses of Funds.....	=====

- (1) The April 1, 2015 principal and interest payment for the 2004D Bonds will be funded from available moneys of the Borough deposited into the Escrow Fund under the Escrow Agreement concurrently with the issuance of the 2015A Bonds.
- (2) Includes Underwriter's discount, legal, financial advisory, escrow agent, accounting, printing and other expenses associated with the issuance of the 2015A Bonds and the refunding of the Prior Bonds.

This Official Statement includes descriptions of the security for the 2015A Bonds and the Borough. All references herein to agreements and documents are qualified in their entirety by references to the definitive forms thereof, and all references to the 2015A Bonds are further qualified by references to the information with respect thereto contained in the Bond Ordinance. Any statements or information indicated to involve matters of opinion or estimates are represented as opinions or estimates in good faith, but no assurance can be given that the facts will materialize as so opined or estimated.

DESCRIPTION OF THE 2015A BONDS

General Description

The 2015A Bonds will be dated as of their date of delivery, will mature on the maturity dates and in the amounts shown on the inside cover page of this Official Statement and will bear interest payable on August 1, 2015 and semiannually thereafter on February 1 and August 1 in each year, at the rates per annum set forth on the inside cover page of this Official Statement. U.S. Bank National Association, of Seattle, Washington, is the Paying Agent and Bond Registrar for the 2015A Bonds.

The 2015A Bonds will be issued only as fully registered bonds and when issued will be registered in the name of Cede & Co., as registered owner and nominee of The Depository Trust Company ("DTC"), New York, New York. So long as DTC, or its nominee, Cede & Co., is the registered owner of all the

2015A Bonds, all payments on the 2015A Bonds will be made directly to DTC. Individual purchases of interests in the 2015A Bonds will be made in book-entry form only in the principal amount of \$5,000 or any integral multiple thereof. Purchasers will not receive certificates representing their interests in the 2015A Bonds purchased. For additional information concerning the DTC book-entry system, see APPENDIX C, "BOOK ENTRY SYSTEM."

Security

The 2015A Bonds are general obligations of the Borough and the full faith and credit of the Borough are pledged for the payment of the principal of and interest on the 2015A Bonds. The Borough is obligated to levy ad valorem taxes upon all taxable property within the Borough, without limitation of rate or amount, to pay the principal of and interest on the 2015A Bonds as the same become due and payable.

Optional Redemption

The 2015A Bonds maturing on or after February 1, 2025* are subject to redemption prior to maturity at the option of the Borough, in such principal amounts and from such maturities of such 2015A Bonds of the same maturity and interest rate as the Borough shall determine, and by lot with respect to 2015A Bonds of the same maturity and interest rate, on any date on or after August 1, 2024*, at a redemption price of par, plus accrued interest to the redemption date.

Notice of Redemption

For so long as all outstanding 2015A Bonds are in fully immobilized form, the Borough will provide notice to DTC of its intention to redeem 2015A Bonds in the manner specified in the Letter of Representations entered into by the Borough and DTC. DTC is required to give notice of redemption to the Direct Participants (see APPENDIX C, "BOOK ENTRY SYSTEM") of the 2015A Bonds, by mailing such notice not less than 20 days nor more than 45 days prior to the redemption date.

In the event that the 2015A Bonds are no longer registered in fully immobilized form, notice of any such redemption shall be given by the Paying Agent on behalf of the Borough by mailing a copy of a redemption notice by first class mail at least 20 days and not more than 45 days prior to the date fixed for redemption to the registered owner of the 2015A Bond or Bonds to be redeemed at the address shown on the bond register maintained by the Paying Agent or at such other address as is furnished in writing by such registered owner to the Paying Agent.

Notwithstanding the foregoing provisions, in the case of an optional redemption, the notice may state that the Borough retains the right to rescind the redemption notice and the related optional redemption of 2015A Bonds by giving a notice of rescission to the affected registered owners at any time on or prior to the scheduled optional redemption date. Any notice of optional redemption that is so rescinded shall be of no effect, and the 2015A Bonds for which the notice of optional redemption has been rescinded shall remain outstanding.

Defeasance

In the event money and/or non-callable direct obligations of, or obligations the timely payment of principal of and interest on which are unconditionally guaranteed by, the United States of America, in each case maturing at such times and bearing interest to be earned thereon in amounts sufficient to redeem and retire any or all of the 2015A Bonds in accordance with their terms, are set aside in a special

* Preliminary, subject to change.

trust account to effect such redemption or retirement and such moneys and the principal of and interest on such obligations are irrevocably set aside and pledged for such purpose, then no further payments need be made to pay or secure the payment of the principal of and interest on such 2015A Bonds and such 2015A Bonds shall be deemed not to be outstanding.

BOROUGH INDEBTEDNESS

The Borough has various types of outstanding indebtedness including unlimited tax general obligation debt, capital lease obligations, lease revenue bonds and loans payable to the State of Alaska (the "State"). For additional information concerning Borough indebtedness see the information under the headings "General Obligation Debt Statement," "Capital Lease Obligations" and "Other Indebtedness" and in APPENDIX A – BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED JUNE 30, 2013.

Summary of Borough Indebtedness

Type	Principal Amount
Unlimited Tax General Obligation Bonds	\$298,650,000 (1)*
Capital Leases	13,430,000
State Loans	4,280,682
Total Indebtedness	\$316,360,682 (2)*

* Preliminary, subject to change.

(1) Includes the 2015A Bonds and excludes the Prior Bonds.

(2) Excludes \$204,165,000 in Lease Revenue Bonds related to the Goose Creek Correctional Facility payable solely from lease payments made by the State of Alaska Department of Administration. See "State Prison Lease Revenue Bonds."

Debt Limitation

There are no constitutional or statutory debt limitations under State law. The Borough can issue general obligation bonds without limitation, upon approval of a bond authorization proposal by the qualified voters of the Borough. Voter approval is not required for the issuance of revenue debt and general obligation refunding bonds. On December 20, 1983, the Borough Assembly adopted Ordinance No. 83-85, which as a matter of current Borough policy limits the outstanding general obligation debt of the Borough to seven percent of the total assessed valuation of taxable property in the Borough.

GENERAL OBLIGATION DEBT STATEMENT

Direct and Overlapping Debt

The following table sets forth the direct and overlapping general obligation debt applicable to the Borough after the issuance of the 2015A Bonds and the refunding of the Prior Bonds. The table excludes obligations of the Borough that have previously been refunded, capital leases and lease revenue bonds. (See "Capital Lease Obligations" and "State Prison Lease Revenue Bonds").

Direct Debt	Principal Amount Outstanding
2004 Series D Bonds	\$ 6,135,000*
2005 Series A Bonds	1,255,000
2006 Series A Bonds	3,045,000*
2006 Series B Bonds	2,845,000*
2007 Series A Bonds	33,505,000
2007 Series B Bonds	1,970,000
2009 Series A Bonds	15,720,000
2011 Series A Bonds	30,085,000
2012 Series A Bonds	85,215,000
2012 Series B Bonds	8,710,000
2012 Series C Bonds	5,735,000
2012 Series D Bonds	10,735,000
2013 Series A Bonds	12,805,000
2014 Series A Bonds	16,720,000
2014 Series B Bonds	28,580,000
2015 Series A Bonds	35,590,000*
Total Direct Debt (1)	\$298,650,000*
Overlapping Debt:	
City of Palmer	\$1,225,000
City of Wasilla	1,880,000
Total Overlapping Debt	\$3,105,000
Total Direct and Overlapping Debt	\$301,755,000*
Bonded Debt Ratios	
January 1, 2014 Certified Taxable Assessed Value	\$9,004,077,191
2013 Estimated Borough Population	96,074
Ratio of:	
Direct Debt to 2014 Certified Taxable Assessed Value	3.32%*
Direct and Overlapping Debt to 2014 Certified Taxable Assessed Value	3.35%*
Per Capita:	
2014 Certified Taxable Assessed Value	\$93,720*
Direct Debt	\$3,109*
Direct and Overlapping Debt	\$3,141*
Debt Amortization:	
Within 5 years	[33]%*
Within 10 years	[60]%*

(1) Except for the 2004 Series C Bonds, the 2007 Series B Bonds, the 2012 Series C Bonds, the 2012 Series D Bonds and the 2014 Series A Bonds, all of the above issues are school bonds. See "State Debt Reimbursement Programs – School Debt Reimbursement Program." The 2004 Series C Bonds and the 2012 Series C Bonds are eligible for debt service reimbursement. See "State Debt Reimbursement Programs – Municipal Capital Project Debt Reimbursement Program."

Source: Borough records.

* Preliminary, subject to change.

General Obligation Debt Service Schedule

Fiscal Year Ending 6/30	Outstanding Debt Service	The 2015A Bonds			Total Debt Service
		Principal	Interest	Total	
2015	\$ 23,698,953				
2016	27,815,056				
2017	27,809,494				
2018	25,648,188				
2019	21,490,763				
2020	22,462,625				
2021	22,476,513				
2022	21,050,938				
2023	21,040,763				
2024	21,040,250				
2025	18,678,247				
2026	16,621,288				
2027	16,624,888				
2028	16,622,875				
2029	16,625,685				
2030	16,623,935				
2031	15,119,685				
2032	12,512,205				
2033	4,671,250				
2034	3,624,688				
2035	2,244,750				
2036	--				
TOTALS	\$374,503,035				

(1) Excludes the Prior Bonds.

Future Financing

Authorization by the qualified voters of the Borough is required before general obligation bonds (other than refunding bonds) may be issued.

On October 7, 2008, the voters of the Borough approved a bond proposition (the "2008 Transportation Bond Proposition") authorizing the issuance of \$15,000,000 aggregate principal amount of general obligation bonds of the Borough for transportation projects. The bonds authorized by the 2008 Transportation Bond Proposition may be issued only if and when 70% matching funds are received from the State, which to date has not occurred.

On October 4, 2011, the voters of the Borough approved a bond proposition (the "2011 School Bond Proposition") authorizing the issuance of \$214,495,000 aggregate principal amount of general obligation bonds of the Borough for school construction projects. The 2012 Series A Bonds, the 2013 Series A Bonds and the 2014 Series B Bonds were issued pursuant to the 2011 School Bond Proposition. \$66,120,000 principal amount of general obligation bonds remain authorized and unissued under the 2011 School Bond Proposition. Subject to approval by the Borough Assembly, the Borough anticipates that a portion of these remaining bonds will be issued in 2015.

On October 1, 2013, the voters of the Borough approved a bond proposition (the "2013 Transportation Bond Proposition") authorizing the issuance of \$16,215,000 aggregate principal amount of general obligation bonds of the Borough for transportation projects. The bonds authorized by the 2013 Transportation Bond Proposition may be issued only if and when 50% matching funds are received from the State, which to date has not occurred. To date, the State has appropriated \$1,600,000 of matching funds.

CAPITAL LEASE OBLIGATIONS

In August of 2000, the Borough caused the issuance of \$5,235,000 Public Safety Building Lease Certificates of Participation for the purpose of financing the construction of a new public safety building. The \$955,000 outstanding principal amount of these Certificates of Participation are payable in the years 2015 and 2016. In March of 2008, the Borough caused the issuance of \$5,750,000 Animal Care Facility Lease Certificates of Participation, 2008 for the purpose of financing the construction of a new animal care facility. The \$3,910,000 outstanding principal amount of these Certificates of Participation are payable in the years 2015 to 2023. In October of 2013, the Borough caused the issuance of \$8,585,000 Public Safety Building Lease Certificates of Participation, 2013, for the purpose of financing the acquisition and construction of a public safety building. The \$8,585,000 outstanding principal amount of these Certificates of Participation are payable in the years 2014 to 2028.

The payment obligations of the Borough with respect to Certificates of Participation are subject to annual appropriation of the required sums by the Borough Assembly. Neither the full faith and credit nor the general taxing power of the Borough is pledged to pay the principal or interest evidenced by Certificates of Participation.

STATE PRISON LEASE REVENUE BONDS

In January of 2009, the Borough issued \$244,285,000 principal amount of State of Alaska Lease Revenue Bonds, Series 2008 (Goose Creek Correctional Center Project) (the "Lease Revenue Bonds") for the purpose of financing the Goose Creek Correctional Facility (the "Facility") pursuant to a "triple net" Lease Purchase Agreement by and between the Borough, as lessor, and the State of Alaska Department of Administration (the "DOA"), as lessee. The lease payments to be made by the DOA are designed to provide for the punctual payment of the principal of and interest on the Lease Revenue Bonds. The \$204,165,000 outstanding principal amount of Lease Revenue Bonds are payable in the years 2014 to 2032 and are limited obligations of the Borough payable solely from the lease payments to be made by the DOA. Neither the full faith and credit nor the taxing power of the Borough is pledged for the payment of the Lease Revenue Bonds.

OTHER INDEBTEDNESS

In addition to the general obligation bonds, certificates of participation and lease revenue bonds described above, as of January 1, 2015, the Borough had outstanding \$4,280,682 in solid waste revenue indebtedness under the State Clean Water Fund Loan Program. See Note 7 in APPENDIX A, "BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED JUNE 30, 2013."

STATE DEBT REIMBURSEMENT PROGRAMS

School Debt Reimbursement Program

Alaska Statute 14.11.100 provides a system under which the State, subject to annual appropriation by the Legislature, will reimburse debt service on bonds issued by municipalities to pay costs of school construction, additions to schools, and major rehabilitation projects and education-related facilities.

Funds to provide reimbursement under Alaska Statute 14.11.100 must be appropriated annually by the State Legislature. There is no guarantee that the State Legislature will make appropriations to fund at any level the payments authorized.

The percentage of debt service payments that the State will reimburse depends on whether the project has been approved or reviewed by the Commissioner of Education and Early Development ("Commissioner"). The requirement of approval or review, as the case may be, applies to the educational specifications, schematic designs, and final contract documents for the project. Where approval of a school construction project is required, State and school district officials must agree on design, projected enrollment and distribution of space in the school to the various required uses.

The school construction debt service reimbursement program provides generally that the State will reimburse:

- For debt authorized for projects approved by the Commissioner, 70% of debt service payments made during the current fiscal year; and
- For debt authorized for projects reviewed by the Commissioner, 60% of debt service payments made during the current fiscal year.

All costs of financing and acquiring, constructing, enlarging, repairing, remodeling, equipping, or furnishing public elementary and secondary schools are eligible for reimbursement, including the cost of all necessary studies, surveys, plans and specifications, architectural, engineering, or other services; site acquisition, preparation and development; an allocable portion of the administrative and operating expenses of the issuer; insurance; and the cost of financing the project, including bond interest, legal fees, fees and expenses of trustees, depositories, financial advisors, underwriters and paying agents. Costs for most single-purpose sports or recreational facilities and costs that are paid from State or federal funds are excluded.

For the Borough to obtain reimbursement it first must submit to the Department of Education and Early Development a request for an allocation of funds for reimbursement not later than October 15 of the fiscal year before the fiscal year for which the request is made. The State makes a reimbursement payment to the Borough upon receipt of a notice of payment by the Borough from the paying agent for the Borough's bonds. Only cash disbursements from locally-generated funds are eligible for reimbursement.

There is no guarantee that the State Legislature will make appropriations to fund at any level the payments authorized. In the event funds are not available to fully fund the State school debt reimbursement program, the funds that are available will be distributed pro rata among the eligible local governments. The following table shows total Statewide entitlements and actual State aid payments made to the Borough reported by the Alaska Department of Education and Early Development for the State fiscal years ended June 30, 2004 to 2013. Since 1993, the State has fully funded all entitlements under the school debt reimbursement program.

**ALASKA DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT
STATEWIDE DEBT SERVICE REIMBURSEMENT**

<u>Fiscal Year Ended June 30</u>	<u>Statewide Entitlement Payments</u>	<u>Borough Entitlement Payments</u>
2014	\$	\$[19,679,468]
2013	113,539,996	18,932,007
2012	100,907,833	14,105,642
2011	99,594,456	12,280,710
2010	96,507,492	11,237,576
2009	94,017,490	11,239,989
2008	91,764,563	11,216,715
2007	88,474,622	9,218,981
2006	81,117,673	9,124,439
2005	69,439,002	7,886,045

Source: Alaska Department of Education and Early Development

Borough School Debt Reimbursement Entitlement

After the issuance of the 2015A Bonds, the Borough will have 14 series of outstanding school bonds eligible for State reimbursement under the school debt reimbursement program. The following table shows the outstanding balance, final payment date, and reimbursement eligibility for each series.

OUTSTANDING BOROUGH SCHOOL BONDS

<u>Series</u>	<u>Outstanding Balance</u>	<u>Final Maturity</u>	<u>Debt Service Reimbursement Eligibility</u>
2004 Series D	\$ 6,135,000*	4/1/15*	69.1%
2005 Series A	1,255,000	4/1/15	60.0
2006 Series A	3,045,000*	2/1/17*	70.0
2006 Series B	2,845,000*	2/1/17*	60.0
2007 Series A	33,505,000	4/1/25	64.0
2009 Series A	15,720,000	7/1/29	70.0
2011 Series A	30,085,000	4/1/31	70.0
2012 Series A	85,215,000	3/1/32	70.0
2012 Series B	8,710,000	3/1/24	63.3
2013 Series A	12,805,000	3/1/33	70.0
2014 Series B	28,580,000	11/1/34	70.0
2015 Series A	35,590,000*	2/1/26*	[]

If the State appropriates funds for debt service reimbursement at less than the full entitlement, the Borough's local share will increase accordingly. The Borough received \$[19,679,468] in reimbursement in fiscal year 2014 or 100 percent of annual debt service reimbursement entitlement in that fiscal year. Its local share was \$9,288,309.

* Preliminary, subject to change.

Municipal Capital Project Debt Reimbursement Program

Alaska Statute 29.60.700 provides a system under which the State, subject to annual appropriation by the Legislature, will reimburse debt service on bonds issued by municipalities to pay costs of specified capital projects. The statute provides for the State to reimburse 100% of the costs paid by an eligible municipality during the immediately preceding fiscal year for the principal of and interest on outstanding debt for a specified project. The statute includes an authorization to reimburse payments by the Borough to retire up to \$10,000,000 in debt incurred for the Port MacKenzie Project. The Borough's General Obligation Port Bonds, 2004 Series C and General Obligation Port Refunding Bonds, 2012 Series C (collectively, the "Port Improvement Bonds") were issued to finance the Port MacKenzie Project. See "General and Economic Data – Port MacKenzie Development."

This debt reimbursement program is administered by the State Department of Transportation and Public Facilities, which has confirmed that the Port Improvement Bonds are eligible for debt reimbursement under the program.

Full appropriations for reimbursement of debt service on the Port Improvement Bonds were made in the fiscal years ending June 30, 2006 to 2015, both inclusive.

Funds to provide State debt reimbursement under Alaska Statute 29.60.700 must be appropriated annually by the State Legislature. There is no guarantee that the State Legislature will make appropriations to fund at any level the payments authorized.

STATE OPERATING AID FOR EDUCATION

In addition to aid for school construction, the State also provides aid to local school districts for the payment of operating expenses under the public school foundation program. The purpose of the foundation program is to provide a uniform system of public school aid throughout the State. [Due to the relatively higher assessed value of property in the Borough, the school foundation formula, which establishes the amount of state aid to local schools, disadvantages the Borough compared to other school districts in the State.]

State aid to boroughs and cities is subject to annual appropriations. The price of oil and the quantity of oil produced in the State may have an impact on the willingness and/or the ability of the State to continue these aid programs at the same levels.

ASSESSED VALUATION AND PROPERTY TAXATION

The assessed valuation of the taxable property within the Borough, except property described below, is determined as of January 1 each year by the Borough Assessor (the "Assessor"). The Assessor is required to complete the assessment roll of all taxable property as of January 1 of each year, from which he prepares the abstract of assessment. The abstract is reviewed by the State Property Tax Administration. If necessary, the Borough Board of Equalization orders the Assessor to adjust the assessments on appeal, which may be subject to further appeal in the State courts. Under provisions of State law, the Assessor assesses all taxable property in the Borough at its full and true value. Taxes are levied on July 1 and are payable in two installments in August and February.

Property used in exploration, production or pipeline transportation of gas or unrefined oil is assessed by the State Department of Revenue as authorized by the State Legislature in 1973. The State levies a 20 mill tax on such property. Local governments and service areas may levy and collect a

property tax based on the State's assessed valuation of those properties within the local jurisdiction. Payments made to local jurisdictions are allowed as a credit toward payments due the State.

Property Tax and Tax Limitations

State law imposes no limitation on the rate or amount of taxes which may be levied for debt service on general obligation bonds, such as the 2015A Bonds. Ad valorem taxes levied by an Alaska municipality for purposes other than debt service on general obligation bonds are limited by State statute (Alaska Statute 29.45.090) to an amount equal to 3% of the assessed valuation of taxable property in the municipality. All property on which an ad valorem tax is levied must be taxed at the same rate during the year. In addition, a municipality, or combination of municipalities occupying the same geographical area, in whole or in part, may not levy ad valorem taxes for purposes other than debt service on general obligation bonds (a) that will result in tax revenues from all sources exceeding \$1,500 a year for each person residing within the municipality or (b) upon value that, when combined with the value of property otherwise taxable by the municipality, exceeds the product of 225% of the average per capita assessed valuation of all taxable property in the State multiplied by the number of residents in the municipality.

In 2005, the Borough adopted an ordinance limiting substantially all Borough taxes to the previous year's tax levy increased by the consumer price index for the preceding year and average population growth or loss over the last five years. Taxes required to fund additional services mandated by voter approved ballot issues (such as taxes used to pay debt service on the 2015A Bonds) are excluded from the limit.

Assessed Valuation and Tax Collections

The certified assessed valuation of the taxable property in the Borough for the fiscal year ending June 30, 2015 is \$9,004,077,191. This represents an increase of approximately 1.9% over the prior year's assessed valuation.

Historical Assessed Valuation and Tax Collection Record

Fiscal Year Ending June 30	Assessed Valuation (All Property)	Percentage Increase in Assessed Valuation From Previous Year	Areawide Tax Rate (Mills) (1)	Net Tax Levy (2)	Tax Collections on Current Levy		Total Current Year Tax Collections (3)	
					Amount	%	Amount	%
	\$9,004,077,191	3.5%	9.662	\$114,328,576	(4)		(4)	
2014	8,695,784,227	1.9	9.852	112,432,156	(4)		(4)	
2013	8,533,064,317	1.8	9.691	106,069,979	\$102,321,617	96.5	\$106,156,743	100.1
2012	8,384,028,066	2.1	10.051	106,199,996	101,881,857	96.0	104,822,235	98.8
2011	8,209,692,603	1.7	9.956	102,459,539	98,954,998	96.6	103,146,567	100.7
2010	8,071,844,601	1.4	9.980	100,736,350	97,109,667	96.4	101,818,591	101.1
2009	7,957,521,667	3.9	10.326	100,433,204	96,318,045	95.9	99,131,814	98.7
2008	7,657,858,482	10.5	9.644	91,367,040	87,627,539	95.9	90,283,507	98.8
2007	6,928,664,332	22.1	9.644	81,798,328	77,652,943	94.9	80,517,767	98.4
2006	5,674,980,225	24.5	10.880	74,154,906	71,450,048	96.4	74,265,458	100.2
2005	4,558,565,424	15.4	11.800	62,817,152	60,369,329	96.1	61,891,809	98.5

(1) Areawide rate; does not include Service Areas or Non-Areawide rates.

(2) Tax Levy after adjustment for senior citizens and disabled veterans' levy reductions mandated under State law. Includes Non-Areawide and Service Areas levies.

(3) Includes collections on prior year's levies and penalty payments. Interest rate on delinquent taxes is currently 5.25% per annum.

(4) Not available.

Source: 2013 Comprehensive Annual Financial Report of the Borough and Borough records.

Ten Largest Taxpayers

Taxpayer	Nature of Business	2014 Assessed Valuation (1)	Percentage of Borough's 2014 Assessed Valuation
Mat-Su Regional Medical Center	Medical Facilities	\$100,515,900	1.13%
Enstar Natural Gas	Private Utility	42,382,000	.47
Alaska Hotel Properties	Hotel	41,309,200	.45
Fred Meyer Stores, Inc.	Retail Store	39,408,610	.43
Wal-Mart Stores, Inc.	Retail Store	29,114,166	.32
GCI/GCI Cable/Alaska Digitel	Telecommunications	27,961,937	.31
Cook Inlet Region, Inc./CIRI Land Development Co.	Real Estate Rental, Leasing and Management	27,222,894	.30
Global Finance/Gary Lundgren	Real Estate, Rental/Leasing	25,777,900	.28
DBC, LLC/Target	Property Development/Retail	20,918,015	.23
Alaska Pipeline Co.	Gas Transmission Lines	16,695,700	.18
	Total	\$373,306,322	4.15%

(1) Reflects certified data of the Borough as of July 1, 2014. Includes real and personal property.

EXCISE TAXES

There is no Borough sales tax. The Borough levies an excise tax of 0.113 cents per cigarette and 55% of the wholesale price of other tobacco products. The excise tax revenue for fiscal year 2013 was \$4,913,901. The Borough levies a 5.00% tax on rentals for hotel and motel accommodations. The bed tax revenue for fiscal year 2013 was \$1,099,803. The City of Palmer levies a 3.00% sales tax, the City of Wasilla levies a 2.00% sales tax and the City of Houston levies a 2.00% sales tax. There is no State sales tax or personal income tax.

BOROUGH FINANCIAL MATTERS

General

The Borough's accounting records are maintained on a modified accrual basis in conformity with generally accepted accounting principles. Alaska law requires that an annual independent audit be made of the books of account and financial records and transactions of the Borough by a public accountant. The Borough has complied with this requirement, and the auditor's report for the fiscal year ended June 30, 2013 is included herein as APPENDIX A. The Government Finance Officers Association of the United States and Canada has awarded to the Borough its Certificate of Achievement for Excellence in Financial Reporting for the past 29 years.

The State Department of Education and Early Development promulgates the basis of accounting and reporting for schools, including the School District. These procedures must be adhered to for eligibility for State revenues under the public school foundation program. See "State Operating Aid for Education." The Education Operating Fund is utilized to account for all education related revenues and expenditures. The School District maintains detailed departmental accounting records for operating budget and reports to the State.

Budgeting

Budgets for the General Fund and Special Revenue Funds are adopted on a basis consistent with generally accepted accounting principles. All departments and service areas submit budgets to the Borough Manager on or about January 31 of each year. The Borough Manager uses these requests for developing a proposed budget. The Borough Manager submits the proposed budget to the Assembly on the third Tuesday of April. The Assembly is required to hold public hearings on the proposed budget and to adopt the budget by May 31.

The School District is required by Borough Code to submit its annual budget including capital expenditures to the Borough Assembly for approval. All educational capital outlay expenditures are made directly by the School District with budgetary control and detailed accounting records maintained by the Borough Finance Department. The Borough Finance Department is responsible for the issuance of budgetary status and general ledger reporting. The School District does not have the authority to engage in direct treasury activity.

Labor Relations

As of December 1, 2014, the Borough employed 298 people on a full-time basis in general government positions and approximately 1,967 full time equivalent employees in school operations. Borough officials consider employee relations to be satisfactory. General government employees of the Borough are represented by the Matanuska-Susitna Borough Employees Association and have a three year contract with the Borough that extends through December 31, 2015. There have been no strikes by Borough employees in recent years. Most employees of the School District are represented by the Matanuska-Susitna Borough Education Association. The current contract with the School District extends through June 30, 2017.

Retirement Plans

Permanent employees of the Borough participate in the Alaska Public Employees Retirement System ("PERS") and the Supplemental Benefits System ("SBS"), and teachers of the School District participate in the Alaska Teachers Retirement System ("TRS").

In April 2008, the State converted the existing PERS from an agent-multiple employer plan to a cost-sharing plan. Under the cost-sharing arrangement, the State of Alaska Division of Retirement and Benefits no longer tracks individual employer assets and liabilities. Rather, all plan costs and past service liabilities are shared among all participating employers. TRS has been operating as a cost-sharing plan for some time.

The PERS cost-sharing plan requires a uniform employer contribution rate of 22% or less of active member wages, subject to a wage floor. The State is required to contribute in the event that the annually calculated and board adopted rates, which include a provision to pay down the past-service liability, exceeds 22%. Any such additional contributions are currently recognized by each employer as an on-behalf payment from the State.

PERS participants first hired before July 1, 2006, participate in a defined benefit plan. Under that plan, employees contribute 6.75% of their annual covered salaries to PERS (7.5% for peace officers and firefighters).

In June 2013, the employer contribution rates were set for fiscal year 2015 based on assumptions and projections from the actuary designed to achieve full funding over a 25 year period. The consolidated rate for fiscal year 2015 was set at 44.03% for all PERS employers, compared to 35.68% for fiscal year 2014. Since the consolidated rate exceeds the uniform employer contribution rate of 22%, the State is

required to make a 22.03% on-behalf payment for fiscal year 2015, compared to 13.68% for fiscal year 2014.

As of June 30, 2012 (the latest adopted actuarial valuation data), the PERS defined-benefit pension fund showed assets (on an actuarial valuation basis) of \$11.832 billion against total liabilities of \$19.292 billion. Assets as a percent of pension fund obligations are 61.3%, representing system-wide underfunding of \$7.460 billion. If market values for assets were used, assets as a percentage of obligations would be 58.5%. The actuarial valuations for PERS include calculations for the health insurance of retirees which are a contractual obligation of the system.

TRS participants first hired before July 1, 2006, participate in a defined benefit plan. Under that plan, employees contribute 8.65% of their annual covered salaries to TRS, and the uniform employer contribution rate is 12.56%.

In June 2013, the employer contribution rates were set for fiscal year 2015 based on assumptions and projections from the actuary designed to achieve full funding over a 25 year period. The consolidated rate for fiscal year 2015 was set at 70.75% for all TRS employers, compared to 53.62% for fiscal year 2014. Since the consolidated rate exceeds the uniform employer contribution rate of 12.56%, the State is required to make a 58.19% on-behalf payment for fiscal year 2015, compared to 41.06% for fiscal year 2014.

As of June 30, 2012 (the latest adopted actuarial valuation data), the TRS defined-benefit pension fund showed assets (on an actuarial valuation basis) of \$4.869 billion against total liabilities of \$9.346 billion. Assets as a percent of pension fund obligations are 52.1%, representing system-wide underfunding of \$4.477 billion. If market values for assets were used, assets as a percentage of obligations would be 49.6%. The actuarial valuations for TRS include calculations for the health insurance of retirees which are a contractual obligation of the system.

The true costs of a defined benefit retirement plan cannot be determined until its future unfolds. The return on fund assets, member termination rates, future salary levels, medical costs, mortality experience, etc. cannot be precisely predicted. Estimates based on experience with similar groups, along with the judgment of the actuary and the plan sponsor, can provide a reasonable approximation of this true cost. However, as actual experience emerges under any retirement plan, it will be necessary to study the continued appropriateness of the techniques and assumptions employed and to adjust the contribution rate as necessary.

State legislation passed in 2005 affected retirement benefits for new employees under PERS and TRS. The legislation requires all new eligible employees hired on or after July 1, 2006 to be participants in newly created defined contribution retirement plans. For fiscal year 2015, employees will be required to contribute 8% of compensation and employers will be required to contribute 8% of compensation for PERS-covered employees and 10% for TRS-covered employees, plus additional amounts for certain medical insurance (1.66% of compensation for PERS-covered employees and 2.04% for TRS-covered employees) and occupational death and disability benefits (1.06% for police and fire, 0.22% for other PERS-covered employees). Employees hired prior to July 1, 2006 will continue to accrue benefits under the existing defined benefit plans and, with respect to those plans, the employer will pay contribution rates set by the Alaska Retirement Management ("ARM") Board as noted in the preceding paragraphs. Pre-July 1, 2006, non-vested employees may elect to switch from the defined benefit to the appropriate defined contribution plan.

As part of the 2005 legislation, the then existing rate-setting and investment boards were eliminated and replaced with the ARM Board on October 1, 2005. The assets of PERS, TRS, and SBS are managed and invested by the ARM Board. The State of Alaska Department of Administration is the administrator of the plans.

The SBS was designed to provide benefits in lieu of those under Social Security when the State withdrew from that system. Certain political subdivisions, including the Borough, also elected to participate in the SBS. The Borough currently contributes 6.13% of an employee's wages up to the current Social Security wage base.

Risk Management

The Borough and School District are exposed to various risks of loss related to torts; theft of, damage to and destruction of assets; errors and omissions; and illness of and injuries to employees for which the Borough and School District carry commercial insurance. Claims on insurance have not exceeded coverages in any of the last three years. The Borough's insurance, including the School District, is on a claims occurred basis except the school leaders' errors and omissions, which is on a claims made basis. Major coverages, which are in effect until June 30, 2015, are as follows:

Type of Major Coverage	Limit of Coverage	Deductible / Retention
Property*	\$1,064,944,584	\$100,000
Excess liability occurrence and aggregate.....	\$20,000,000	\$250,000

* Limited to \$50 million per occurrence and annual aggregate and \$25 million earthquake and flood per occurrence and annual aggregate.

Self-insurance Coverage

The Borough and the School District jointly participate in self-insurance for unemployment claims and for property and casualty coverage.

Unemployment insurance is paid by the Borough and School District on a reimbursement basis to the State when individual claims are filed.

Property and casualty claims within the retention are paid by the Borough and School District on a reimbursement basis. The Borough and School District accrue an estimate for claims incurred but not reported at year end. The Borough and School District have a \$250,000 per occurrence retention for casualty claims.

The Borough (excluding the School District) provides health insurance on a self-insured basis up to \$130,000 each occurrence or \$1 million in aggregate for all medical claims during the fiscal year. Health insurance claims are paid by the Borough on a reimbursement basis. The Borough uses a third party administrator for this fund. Health insurance for the School District is paid on a premium basis.

For the fiscal year ending June 30, 2015, the Borough and the School District are self-insured in their workers' compensation insurance program. All claims reported under the self-insurance retention of \$500,000 are paid by the Borough for all employees except fire responders. The self-insurance retention for fire responders is \$750,000. All claims reported under the self-insurance retention of \$500,000 are paid by the School District. Anything in excess of the limit is covered by an insurance carrier.

Cash Management and Investment Policy

The Borough's investment policy is to invest public funds in a manner which will provide the highest investment return consistent with the maximum preservation of capital while meeting the daily cash flow demands of the Borough. Investments of the Borough's short-term operating funds (not including bond proceeds) are authorized only in (i) obligations of, or guaranteed by, the United States; (ii) obligations of an agency or instrumentality of the United States; (iii) repurchase agreements and certificates of deposit collateralized with obligations described under (i) and (ii); (iv) money market

mutual funds invested only in obligations described under (i) and (ii); (v) taxable general obligations of a state or municipality rated AA or higher by at least two nationally recognized rating agencies; and (vi) the Alaska Municipal League Investment Pool, whose investments are limited to those permitted under Alaska Statutes Chapter 37.23.

As of June 30, 2013, substantially all of the Borough's cash was invested. The amount of interest income for Governmental Fund Types during fiscal year 2013 was \$573,412. In addition, the amount of interest income for Agency Funds during fiscal year 2013 was \$827. Total interest income for fiscal year 2013 was \$574,239.

Revenues and Expenditures

State contributions and property taxes are the major revenue sources for the Borough; general government and school operations accounted for approximately 88% of total expenditures in fiscal year 2013. The State makes payments to Alaska local governments that operate schools under various programs (for operating, debt service and capital improvement purposes). (See "State Operating Aid For Education" and "State Debt Reimbursement Programs – School Debt Reimbursement Program"). State funds accounted for approximately 73% of the Borough's educational operating revenues in fiscal year 2012.

Revenues for general governmental functions (which include the General, Special Revenue and Debt Service Funds) totaled \$350.7 million in fiscal year 2012 and \$378.1 million in fiscal year 2013. General property taxes, registration fees and special assessments produced \$109.9 million in fiscal year 2012 and \$115.9 million in fiscal year 2013.

Fiscal Years 2012 and 2013 Revenues (Amounts in thousands)

Source	2013		2012	
	Amount (000)	Percent of Total	Amount (000)	Percent of Total
Taxes and Assessments	\$115,956	31%	\$109,872	31%
State and Federal Funds....	251,155	66	231,689	66
Other.....	10,942	3	9,107	3
TOTAL.....	\$378,053	100%	\$350,668	100%

Source: Comprehensive Annual Financial Report of the Borough, June 30, 2013.

Expenditures totaled \$344.9 million during fiscal year 2012 and \$370.1 million during fiscal year 2013 as shown on the following table.

Fiscal Years 2012 and 2013 Expenditures
(Amounts in thousands)

Source	2013		2012	
	Amount (000)	Percent of Total	Amount (000)	Percent of Total
General Government	\$ 21,778	6%	\$ 24,031	7%
Education Operating	274,557	74	257,683	75
Education Debt Service..	28,101	8	21,875	6
Other.....	45,693	12	41,331	12
TOTAL.....	\$370,129	100%	\$344,920	100%

Source: Comprehensive Annual Financial Report of the Borough, June 30, 2013.

General Government Operating Revenues
(Amounts in thousands)

Fiscal Year (June 30)	Property Taxes	% of Total	State Funds	% of Total	Federal Funds	% of Total	Other	% of Total	Total
2013	\$115,956	31%	\$226,921	60%	\$24,234	6%	\$10,942	3%	\$378,053
2012	109,872	31	207,700	60	23,989	6	9,107	3	350,668
2011	113,297	33	187,499	54	35,875	10	10,332	3	347,003
2010	111,422	35	172,653	54	22,821	7	12,028	4	318,924
2009	105,632	35	168,257	55	18,334	6	13,415	4	305,638
2008	96,875	33	165,818	56	16,569	6	15,708	5	294,970
2007	89,773	36	129,145	51	16,365	7	15,744	6	251,027
2006	84,977	37	113,226	50	17,553	7	12,934	6	228,690
2005	67,029	34	100,733	52	16,020	8	10,598	6	194,380
2004	56,923	32	91,509	52	15,685	10	11,403	6	175,520

Source: Comprehensive Annual Financial Report of the Borough, June 30, 2013.

General Government Expenditures
(Amounts in thousands)

Fiscal Year (June 30)	General Government (1)	% of Total	Education		% of Total	Other (3)	% of Total	Total
			Operating (2)	Debt Service				
2013	\$21,778	6%	\$274,557	\$28,101	82%	\$45,693	12%	\$370,129
2012	24,031	7	257,683	21,875	81	41,331	12	344,920
2011	23,273	7	244,834	18,750	82	36,586	11	323,443
2010	25,193	8	223,466	17,397	80	35,253	12	301,309
2009	22,742	8	216,112	16,895	80	35,853	12	291,602
2008	20,690	7	207,342	16,858	80	36,414	13	281,304
2007	18,068	8	165,712	14,212	79	29,857	13	227,849
2006	15,499	7	158,726	13,731	81	26,107	12	214,063
2005	13,913	7	143,111	12,230	80	24,500	13	193,754
2004	12,945	7	128,514	10,011	79	24,659	14	176,129

Source: Compiled from the Comprehensive Annual Financial Report of the Borough, June 30, 2013.

- (1) Includes General Government, Road Service Areas and Land Management Expenditures, net of Recovery of Expenses from Other Funds.
- (2) Education Operating and Education Special Revenue expenditures.
- (3) Includes Public Safety, Fire Service Area Debt Service, Parks and Indoor Recreation, Matanuska-Susitna College, Libraries, Cultural Resources and Solid Waste Disposal.

Combined Statement of Revenues, Expenditures and Transfers for All Governmental Funds
(Fiscal Years Ended June 30)
(Amounts in thousands)

	2013	2012	2011	2010	2009	2008
Combined Beginning Fund Balance, July 1 ..	\$282,777	\$185,318	\$138,126	\$132,091	\$125,207	\$119,269
Revenues:						
Taxes and Assessments	\$115,956	\$109,872	\$113,297	\$111,422	\$105,632	\$ 96,875
Intergovernmental.....	295,213	262,760	256,234	213,138	216,133	198,532
Charges for Services.....	6,869	5,412	5,899	5,661	6,270	5,926
Interest Income & Other.....	4,344	4,044	4,451	11,428	18,324	12,983
Total Revenues.....	\$422,382	\$382,088	\$379,881	\$341,649	\$346,359	\$314,316
Expenditures:						
General Government.....	\$ 21,778	\$ 24,031	\$ 23,273	\$ 25,192	\$ 22,742	\$ 20,690
Public Safety.....	20,124	18,148	16,533	15,475	14,224	15,164
Public Services	294,076	276,309	262,937	241,313	235,120	227,310
Debt Service	29,664	23,303	20,177	18,843	18,609	17,748
Capital Outlays & Other.....	80,600	43,848	44,510	34,434	67,359	32,129
Total Expenditures.....	\$446,242	\$385,639	\$367,430	\$335,257	\$358,054	\$313,041
Excess of Revenues over Expenditures	\$(23,860)	\$(3,551)	\$12,451	\$6,392	\$(11,695)	\$1,275
Other Financing Sources (Uses)						
Bond Proceeds	28,620	101,265	34,855	0	19,889	5,801
Net Transfers & Other	(150)	(255)	(114)	(357)	(1,310)	(1,138)
Excess of Revenues over Expenditures and Other Financing Sources	\$4,610	\$97,459	\$47,192	\$6,035	\$6,884	\$5,938
Combined Ending Fund Balance.....	\$287,387	\$282,777	\$185,318	\$138,126	\$132,091	\$125,207
Ending General Fund Balance.....	\$58,579	\$54,032	\$64,964	\$56,939	\$50,739	\$40,673
Ending General Fund Cash Balance.....	\$43,191	\$42,870	\$54,406	\$51,765	\$50,160	\$37,867

Source: Comprehensive Annual Financial Reports of the Borough.

School District Debt Service Account
Year Ended June 30,

	2013	2012	2011	2010	2009	2008
Beginning Account Balance....	\$1,004,897	\$986,832	\$267,299	\$774,734	\$277,931	\$248,179
Revenues						
State Reimbursement (1).....	\$18,932,007	\$14,105,641	\$12,280,710	\$11,237,576	\$11,239,989	\$11,216,715
General Fund Transfers.....	8,717,993	6,919,146	6,832,804	5,652,424	5,650,011	5,668,285
Other Revenues.....	0	80,906	159	29	501,344	3,194
TOTAL	\$27,650,000	\$21,105,693	\$19,113,673	\$16,890,029	\$17,391,344	\$16,888,194
Expenditures						
Bond Redemption	\$16,675,000	\$12,635,000	\$11,035,000	\$9,960,000	\$9,535,000	\$8,515,000
Bond Interest.....	11,221,855	8,374,184	7,359,140	7,437,464	7,356,368	8,340,519
Bond Issuance Costs	0	78,444	0	0	0	0
Bond Fees	0	0	0	0	3,173	2,923
TOTAL	\$27,896,855	\$21,087,628	\$18,394,140	\$17,397,464	\$16,894,541	\$16,858,442
Ending Account Balance.....	\$758,042	\$1,004,897	\$986,832	\$267,299	\$774,734	\$277,931

Source: *Comprehensive Annual Financial Reports of the Borough. The School Debt Service Account is maintained in the Debt Service Fund.*

(1) See "State Debt Reimbursement Programs – School Debt Reimbursement Program".

Resource Sales and Conveyances

Under Alaska Statute 29.65.010, boroughs in Alaska were given the right to select ten percent of "vacant, unappropriated and unreserved" State lands within their boundaries. The State has the right to select certain quantities of land owned by the United States government. Under the State of Alaska Municipal Entitlement Act, the Borough has been granted a land entitlement of 355,210 acres. The Borough has received patent to over 271,009 acres of this entitlement and has management authority for an additional 79,981 acres which must be surveyed before being patented. The Borough has finalized its land selections under the Municipal Land Act and resolved all differences with the State on what land should be conveyed to the Borough.

As part of the Borough's Municipal Entitlement land from the State, the Borough has received a patent for key tidelands at Port MacKenzie. As well, the Borough is in the process of surveying 4,786 acres at Hatcher Pass. Once the survey is complete there is a Borough Assembly approved land exchange between the Borough and the State of Alaska Department of Natural Resources for an additional 260 acres in the Hatcher Pass Development Area. It is expected that obtaining patent to this parcel will aid in the facilitation of financing by private developers and the Borough obtaining federal and State grants for the ski area resort and residential development planned for this area. See "General and Economic Data – Economic Development."

Land sales (residential, recreational, commercial and agricultural and natural resource (timber and gravel)) during fiscal year 2013 included three transactions primarily through over-the-counter sales and sealed bids. Properties are offered for cash or terms, requiring 20 percent down payment and amortized over five or ten years. Overall revenue generated from these resource sales for fiscal year 2013 was in excess of \$415,200. Proceeds from land sales, leases, timber, gravel and associated fees are deposited in the Land Management Fund.

Land Management Fund money may be spent as appropriated by the Borough Assembly for the following purposes only: capital improvements (including, but not limited to, school debt service, trails, roads, streets, buildings, port infrastructure, harbors, air fields, park acquisition and development, utilities and land acquisition), and for administration of the Borough land selection and management program.

BOROUGH GOVERNMENT

The Borough was incorporated as a second class borough on January 1, 1964. The Borough is governed by a seven-member Borough Assembly, elected from single-member districts, and a Mayor, elected at large. The Borough Assembly appoints the Borough Manager, who serves as chief administrator, and an Attorney and Clerk. There is an appointed Planning Commission, Platting Board, Transportation Advisory Board, and several other advisory committees.

Powers

There are three categories of Borough powers: areawide powers (exercised throughout the Borough), non-areawide powers (not exercised within cities), and powers exercised through a service area (a district in which a tax is levied to finance special services provided within the district). The Borough's areawide powers include: assessment and collection of taxes; education; planning and zoning; parks and recreation; ports, harbors and wharves; ambulance service; transportation; air pollution control; day care facilities; historic preservation; and transient accommodations taxation.

The Borough exercises the following areawide powers: general administration, education, property assessment and collection of taxes, planning and zoning, parks and recreation, ports, emergency medical services, transportation and historic preservation. The Borough also exercises the following non-areawide powers: solid waste, libraries, septage disposal, animal care and regulation and economic development. Additionally, following voter approval, the Borough is responsible for 30 active service areas for water, sewer, flood, water erosion, fire and/or roads. Service area boards of supervisors are appointed by the Borough Assembly to oversee the affairs of each service area.

School District

The School District is a dependent unit of the Borough, governed by an elected school board. The Borough issues bonds and levies taxes on behalf of the School District. The school system consists of seven high schools; five middle schools; two combined junior/senior high schools; four primary/secondary schools (K-12) and 20 elementary schools and six charter schools and is the second largest school district in the State, after Anchorage.

School District Enrollment

Fiscal Year Ending June 30	Average Daily Attendance (K-12)	Average Daily Enrollment	Professional Teaching Staff	Number of Schools
2014	16,940	17,479	1,159	45
2013	16,961	17,247	1,133	45
2012	16,766	17,338	1,117	44
2011	16,351	16,962	1,247	44
2010	16,053	16,653	1,211	44
2009	15,954	16,464	1,186	41
2008	15,778	16,115	1,120	40
2007	15,098	15,847	1,089	37
2006	14,514	15,440	1,051	37
2005	13,782	14,662	1,001	36

Source: School District records.

Borough Administration

The administration of the Borough government is directed by the Borough Manager. The Director of Finance is responsible for financial matters. Biographical information with respect to the Borough Manager and the Director of Finance is set forth below:

John Moosey was appointed the Borough Manager on May 2, 2011. He began his career in local government management within the Borough of Clarion, Pennsylvania in 1985. Including Clarion, Mr. Moosey has served 28 years as Chief Executive/Administrative Officer in the communities of Middlefield, Ohio, Defiance, Ohio, Brewster, Ohio, North Branch, Minnesota and Chisago County, Minnesota. Mr. Moosey holds a Master's Degree of Public Administration from Kent State University. He also holds a membership in the International City County Management Association.

Tammy E. Clayton was appointed as the Director of Finance of the Borough in September 1998. From February 1991 until September 1998, she was the Borough Comptroller. Ms. Clayton is a former member of the Executive Board of the Government Finance Officers Association of the United States and Canada. She has also served as the President of the Alaska Government Finance Officers Association. She is on the Board of Directors of the Alaska Municipal League Investment Pool. Ms. Clayton is a Certified Public Accountant in the State of Alaska and previously worked with Coopers & Lybrand for a period of six years. Prior employment experience included several years with a financial institution as comptroller. Ms. Clayton has a bachelor's degree in business administration from the University of Alaska.

School District Administration

Dr. Deena M. Paramo was appointed Superintendent in July, 2011. Dr. Paramo became an Alaskan educator in 1991 when she began teaching in interior Alaska. She moved to the Borough in 1993 to teach at the School District. She started her career in school administration in 1996 as an Assistant Principal in two of the District's middle schools. In 2003 she became a Principal. Dr. Paramo became the Assistant Superintendent of Instruction in 2007. Dr. Paramo has a Bachelor of Science Degree, with a specialization in bilingual education, from Texas State University and a Master of Education in Administration from the University of Alaska. She earned her Doctor of Education degree at the University of Oregon.

Rebecca Wright was appointed Chief Financial Officer of the School District in March 2012. She has earned a Masters of Business Administration degree and has over 21 years of experience in accounting, payroll, office management, negotiations, contract management, risk management, human resources and customer service. She has held positions in banking, commercial shipping, government and publishing industries, as well as owned and operated a small recruiting business. She is a member of the Government Finance Officers Association, Alaska Government Finance Officers Association, Association of School Business Officials, Alaska Association of School Business Officials, National Institute of Governmental Purchasing and the Society of Human Resources.

GENERAL AND ECONOMIC DATA

Description of Borough

The Borough lies in the heart of southcentral Alaska, encompassing more than 25,000 square miles of rolling low land, mountains, lakes, rivers and streams. The Borough includes portions of the Alaska Range to the northwest; portions of the Chugach Mountains to the southeast; and essentially the entire Talkeetna and Clearwater Ranges in its interior. The Municipality of Anchorage, Upper Cook Inlet, and Knik Arm delineate the Borough's southern boundary.

There are three incorporated cities within the Borough: Palmer, Wasilla, and Houston. Additionally, there are several unincorporated communities and 22 Borough recognized community councils.

The majority of the Borough's population resides in the "core area," surrounding the cities of Palmer and Wasilla and within the cities themselves. The remaining population is spread out among the various unincorporated communities, as well as some remote sites. Two major highways, the Glenn Highway and George Parks Highway, traverse the Borough. Virtually all out-of-state highway traffic travels through the Borough via one of these two highways. The Alaska Railroad's mainline also traverses the Borough connecting southcentral Alaska and Anchorage with interior Alaska.

Population

The estimated population for 2013 for the Borough is 96,074, with an estimated population of 2,039 in the City of Houston, 6,085 in the City of Palmer and 8,365 in the City of Wasilla. The Borough has been Alaska's fastest growing region for the last two decades and is the third most populous municipality in the State, after Anchorage and Fairbanks. The 2013 estimated population represents an increase of 8% over the 2010 U.S. Census population of 88,995.

The population of the Borough, along with its two largest cities, Palmer and Wasilla, are shown below:

	Population				
	2013	2010	2000	1990	1980
Borough	96,074	88,995	59,322	39,683	17,816
Wasilla	8,365	7,831	5,469	4,028	1,559
Palmer	6,085	5,937	4,533	2,866	2,141

Sources: 2013 estimates of Alaska Department of Commerce, Community and Economic Development; 1980, 1990, 2000 and 2010 U.S. Census.

Population Distribution

Age Groups	2013		2003	
	Population	% Total	Population	% Total
Under 25	35,160	36.6%	26,653	39.2%
25-34	12,682	13.2	7,245	10.7
35-44	12,572	13.1	11,716	17.2
45-54	13,918	14.5	12,037	17.7
55-65	12,776	13.3	5,903	8.7
Over 65	8,966	9.3	4,409	6.5
TOTAL	96,074	100.0%	67,963	100.0%

Source: Alaska Department of Labor and Workforce Development.

Originally settled by gold miners in the late 1800's, Palmer is now characterized as the agricultural center of Alaska, due to the Matanuska Valley colony. The federal government took over the local railroad's efforts to attract settlers to Palmer in 1935. A total of approximately 160 families were involved; at the peak there were more than 70 dairy farmers in the Palmer area.

The Matanuska Valley region has been the State's primary agricultural producer since the mid-1930's. Grains and grasses and commercial vegetables are the major crops; total cropland includes approximately 14,000 acres. In recent years, some land previously devoted to agriculture has been converted to residential use.

Residential and recreational land, the subject of development and subdivision since 1970, is one of the most important Borough resources. The southern portion of the Borough provides residential support to Anchorage. The State estimates that 32% of the working population within the Borough commutes on a regular basis to Anchorage and that 12% commutes to areas outside of southcentral Alaska.

Government, transportation, construction, retail trade and other services provide the bulk of employment within the Borough; agriculture also plays an important role in the economy. Tourism and the development of natural resources, primarily coal and forest products, could expand the economic base in the future.

Employment

There has been significant growth in employment in the Borough. From 2000 to 2010, wage and salary employment in the Borough grew more than 60%, compared with 15% growth Statewide. Most of the growth in the Borough was a result of population growth.

The Borough's employment level and major employment categories are detailed in the tables below. The difference in total employment and employment in the Borough reflects the large portion of the labor force that works in the Anchorage area (approximately 32%) or outside of southcentral Alaska (12%). The relatively high unemployment rate in the Borough reflects the fact that a large number of Borough residents are engaged in part time oil related employment on the North Slope or are seasonal workers in the fishing industry.

While unemployment has traditionally been higher in the Borough and income lower when compared to Statewide figures, the long term trends indicate decreasing differentials in unemployment and income between the Borough and the State. The work force has a strong commuter pattern and a strong seasonal pattern and this is reflected in the higher than average unemployment figure. The unemployment rate as of October 31, 2014 was 6.3%.

Borough Labor Force and Unemployment Rate

	2012	2011	2010	2009	2008	2007	2006	2005
Labor Force	43,764	44,256	44,008	42,425	41,677	39,959	39,066	36,704
Unemployment Rate	8.0%	9.0%	9.3%	9.3%	7.3%	7.0%	7.4%	7.6%

Borough Employment by Industry
2007 — 2012

	2012	2011	2010	2009	2008	2007
Goods – Producing	1,964	1,896	1,898	1,954	2,045	2,144
Natural Resources & Mining	174	182	160	128	116	96
Construction	1,594	1,505	1,531	1,577	1,648	1,802
Manufacturing	196	209	207	249	281	246
Service – Providing	14,202	13,960	13,678	13,326	12,820	12,437
Trade, Transportation & Utilities	4,504	4,417	4,511	4,583	4,513	4,350
Wholesale Trade	75	99	84	100	123	133
Retail Trade	3,561	3,528	3,391	3,491	3,429	3,296
Transportation, Warehousing	632	606	846	809	814	781
Utilities	236	184	190	183	146	141
Information	596	642	621	659	646	663
Financial Activities	751	738	740	751	728	744
Professional & Business Services	1,213	1,159	1,094	989	929	856
Educational & Health Services	3,955	3,707	3,574	3,353	3,020	2,900
Leisure & Hospitality Services	2,402	2,516	2,341	2,274	2,333	2,301
Other Services	733	743	730	691	626	601
Unclassified establishments	47	38	67	27	26	22
Government — Total	4,643	4,446	4,267	4,040	3,819	3,657
Federal	210	216	273	235	207	199
State	1,259	1,185	1,166	1,111	1,058	1,002
Local	3,174	3,045	2,828	2,694	2,554	2,456
Total	<u>20,808</u>	<u>20,302</u>	<u>19,843</u>	<u>19,320</u>	<u>18,684</u>	<u>18,238</u>

Source: Alaska Department of Labor.

Wages and income have traditionally been lower in the Borough than the average in the State. In 2012, the average monthly wage and salary job in the Borough earned \$3,194 vs. \$4,175 Statewide. Most of this difference is explained by the employment mix. More jobs in the Borough fall into lower paying industry categories such as retail and services, while fewer are available in the higher-paying industries such as oil.

Military Bases

Joint Base Elmendorf-Richardson, located in Anchorage, is an important part of the economy of the Anchorage area, including the Borough. In addition to the approximately 13,300 military personnel stationed on the joint base, some 3,300 civilian personnel are employed at the facilities. The annual payroll for military personnel is \$837 million and the annual payroll for civilian employees is \$230 million.

New Construction

The number of units and the value of non-residential construction and residential construction in the Borough in the years ended 2003 to 2012 are set forth in the following table.

Value of New Construction
2004 — 2013

Year	Nonresidential construction		Residential construction	
	Number of Units	Value	Number of Units	Value
2013	29	\$ 19,128,900	537	\$ 118,562,500
2012	26	11,836,308	659	93,623,700
2011	31	34,434,786	622	82,499,521
2010	25	20,802,400	328	55,930,941
2009	37	19,010,480	547	86,668,220
2008	36	45,761,861	775	114,754,139
2007	97	31,039,000	1,224	233,957,300
2006	186	115,217,400	1,533	258,054,200
2005	133	117,499,500	1,664	260,999,800
2004	145	35,976,900	1,464	156,984,200

Source: Borough Assessment Department.

Bank Deposits

The value of bank deposits in the Borough for the fiscal years 2004 to 2013 is set forth in the following table.

Bank Deposits
2004 — 2013

Year	Value
2013	\$1,122,687,000
2012	1,090,639,000
2011	1,063,708,000
2010	763,603,000
2009	707,402,000
2008	594,122,000
2007	566,330,000
2006	544,924,000
2005	506,809,000
2004	476,349,000

Source: Sheshunoff Information Services, Inc.

Port MacKenzie Development

A portion of the Borough's southern boundary borders Cook Inlet. Port MacKenzie is located on the Knik Arm of Cook Inlet, about two nautical miles, but over 80 road miles, from Anchorage, where over 50% of Alaska's population resides. Based upon the Port MacKenzie Master Plan and the Port MacKenzie Development Project Prefeasibility Study, the Borough began construction of a port facility in 1999. The Port MacKenzie barge dock and access road were completed in 2000. Port MacKenzie has a 500 foot long barge dock (20 feet mean lower low water) and 8,940 acres (14 square miles) of undeveloped land that are wholly owned by the Borough and will be developed as an operational port and industrial area. The barge dock accommodates barges and small cargo and passenger vessels. Port MacKenzie also includes a 1,200 foot deep-draft dock (60 feet at mean low tide) to accommodate Panamax and Cape size vessels. The Borough also has title to 1,240 acres of the adjacent tidelands which will help ensure compatible off-shore development in the Port MacKenzie area.

A Special Use District Ordinance for Port MacKenzie to control land uses, facilitate leasing, property site and develop infrastructure, and locate industries has been adopted by the Borough Assembly.

The Borough has executed a Dock Lease and Non-Exclusive Priority Use Right Agreement with NPI LLC, an Alaskan company. The company has developed a woodchip storage and loading facility at Port MacKenzie. Although primarily for wood chips, the loading of other bulk commodities such as sand, gravel, peat, coal and grain is allowed. NPI, LLC has also constructed a 24,000 square foot warehouse and silo to import and distribute cement. Other Port tenants include Alutiiq Manufacturing Contractors, which manufactures HUD housing and pre-fabricated buildings; PacArctic which is a trucking and logistics company; and Central Alaska Energy, which will be constructing a 4.8 million gallon fuel tank farm in 2015.

A 32-mile rail link connecting Port MacKenzie to the main line of the Alaska Railroad is under construction. The link will shorten the distance between the Interior and tidewater, enhancing opportunities for the development of new industries with low transportation costs. Completion of the rail spur is projected for September 2017. Since 2009, the Borough has received \$184 million from the State for this rail spur project.

The Borough secured several federal appropriations from the Department of Transportation, Federal Transit Administration totaling \$22.0 million for the design and construction of ferry terminal facilities at Port MacKenzie and Anchorage. A \$3.6 million ferry terminal building at Port MacKenzie was completed in November 2006. To date, the Municipality of Anchorage has not approved any plan for the construction of the Anchorage terminal facility that would be required for any ferry service. A \$70 million icebreaking ferry funded by the United States Navy Office of Naval Research was completed in 2010. Title to the ferry has been transferred to the Borough. **[The ferry requires an estimated \$40 million in additional improvements in order to be operational, and such funds have not been allocated to date. The Borough is currently in discussions with the Federal Transit Administration, which has requested the Borough reimburse the Federal Transit Administration in the amount of \$12 million for non-use of the ferry terminal facilities.]**

Economic Development

During 2010, the Borough completed an Economic Development Strategic Plan designed to provide a blue print for positioning the Borough for sustainable economic growth and prosperity. The plan placed heavy emphasis on business community involvement and included over 140 business representatives and approximately 40 public entity representatives in the planning process. In 2012, an Economic Development Advisory Council was formed as well as workgroups for each of the 24 strategies in the Economic Development Strategic Plan. The top strategies include Port Development and Marketing, Transportation Infrastructure, and Business Attraction, Retention, and Expansion. These bodies were formed from many of the same stakeholders that architected the Economic Development Plan.

During 2013, economic expansion among small- and medium-sized businesses in the Borough has been rapid. Approximately 1,001 new business licenses were issued. This trend is expected to continue as businesses from Fairbanks, Anchorage and outside of Alaska look for locations that offer a business friendly climate and strong potential for growth.

In July 2012 the Goose Creek Correctional Center became fully operational and has resulted in the creation of 345 permanent jobs. This \$260 million facility is a joint project between the Borough and the State, whereby the Borough built the facility and leased it to the State, Department of Corrections under a lease-purchase agreement. Lease payments made by the State are equal to the debt service on the Borough's Lease Revenue Bonds which were issued in January 2009. The State operates the facility,

which is located nine miles from Port MacKenzie. The Borough Assembly recently voted to support the creation of a new town site adjacent to the Correctional Center. See "State Prison Lease Revenue Bonds."

The Mat-Su Regional Medical Center, a new 74 bed hospital in the Borough that opened in 2006, has grown faster than expected. This \$110 million acute care facility has credentialed over 130 medical staff members, 85 of whom hold active medical staff privileges. These 85 physicians represent numerous specialties previously unavailable to Borough residents unless they drove to Anchorage. The Medical Center and the nearby Mat-Su College form the nucleus of a medical care and med-tech cluster on the newly completed Trunk Road corridor.

Another major medical facility, Valley Native Primary Care Center, opened August 2012 in the Borough. This new 84,000 square foot facility expands primary care, behavioral health, dietary, radiology and pharmacy services. In August 2013, Phase II was completed which added dental services and 60 new exam rooms and 28 talking rooms. Phase III will provide other services including optometry, audiology, laboratory and expanded behavioral health care. Once complete the facility will employ 200 staff including healthcare professionals.

The Alaska Department of Transportation and Public Facilities has funded over \$500 million in transportation improvements within the Borough in the last 10 years to respond to the Borough's rapid growth in population and resultant increase in vehicle traffic. These transportation improvements and enhancements have reduced the travel time to Anchorage. The Parks Highway now has four lanes through the core population area of the Borough and accommodates over 30,000 vehicles a day. The Parks Highway serves as the gateway to Alaska and is the State's most important commercial corridor, connecting the year-round Port of Anchorage to the Borough, Fairbanks and the oil fields of Prudhoe Bay on the Arctic Ocean.

The Borough is also currently engaged in additional road paving and upgrade projects throughout the Borough totaling \$64.4 million. The Borough is also carrying out \$116 million in construction projects related to schools throughout the Borough. It is anticipated that the projects will be completed by the fall of 2015. **[The 2015A Bonds will finance an additional \$32.7 million in school construction projects which are also expected to be completed by fall 2015.]** Since 2004, the Borough has issued \$333 million of bonds for school construction projects, which include nine new schools.

Thirty percent of Denali National Park, which includes Mount McKinley, lies within the Borough. The Borough is one of two major gateways to the Park, which is the principal tourist destination within Alaska. Over 450,000 recreational visitors visit Denali National Park each year. The National Park Service, the State, and the Borough are working together to develop the South Denali Visitor Center in the Borough, which is expected to draw an estimated 250,000 to 300,000 annual visitors. Alaska State Parks has received \$10 million to design and construct the transportation hub and a road to the transportation hub. Construction of the road began during the summer of 2013.

The Borough has been working on a Hatcher Pass ski and recreation area development facility for several years totaling approximately \$6 million. This facility is located in the Hatcher Pass area of the Talkeetna Mountains, approximately 55 miles north of Anchorage. Recent investments in the project have included economic feasibility studies, upgrading access roads, extending electricity to the ski area, and constructing camping facilities, rest stops and viewing areas. Additionally, another access road and parking area was constructed during the summer of 2012. A contract has also been awarded to design a facility to be utilized as a visitors center and lodge. During the summer and fall of 2013 the parking areas were also expanded. A 4,000 square foot chalet was opened in January 2014 following completion of construction.

Since 1995, there has been a rapid growth in Borough tourism. The Borough's bed tax revenues have increased over 800% from \$120,607 in 1995 to \$1,099,803 in 2013. A Tourism Infrastructure Needs Study commissioned by the Borough in 2008 identified types of tourism infrastructure, such as refurbished trailheads, road waysides with restroom facilities and additional tourism information that could increase Borough tourism. Each year the Borough Assembly sets aside a portion of the bed tax revenues to address tourism infrastructure needs. This has included the refurbishing of trailheads and the construction of road waysides with restroom facilities and other miscellaneous projects to address tourism needs.

The two owners of three separate coal fields in the Sutton area are planning on developing those fields and reopening the old mines. The production from these two fields could provide up to 1.5 million tons of coal per year. At this time, the owners have reported that they are considering transporting the coal by truck to Port MacKenzie for export. These operations could result in approximately 100 coal related jobs for each company and provide significant economic activity for the Sutton area and Port MacKenzie.

CONTINUING DISCLOSURE

For purposes of complying with paragraph (b)(5)(i) of Rule 15c2-12 promulgated by the United States Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended (17 CFR Part 240 § 240.15c2-12) ("Rule 15c2-12"), the Borough will execute a Continuing Disclosure Certificate (the "Disclosure Certificate") constituting a written undertaking for the benefit of the holders of the 2015A Bonds to provide continuing disclosure. The form of the Disclosure Certificate is attached hereto as APPENDIX D.

The Borough will undertake to provide or cause to be provided to the Municipal Securities Rulemaking Board (the "MSRB"), in electronic format as prescribed by the MSRB, accompanied by identifying information as prescribed by the MSRB, (i) annual financial statements prepared (except as noted in the financial statements) in accordance with generally accepted accounting principles applicable to Alaska municipalities, as such principles may be changed from time to time, which statements shall not be audited, except, however, that if and when audited financial statements are otherwise prepared and available to the Borough they will be provided, and (ii) the comprehensive annual financial report of the Borough. Such information will be provided to the MSRB not later than the last day of the seventh month after the end of each fiscal year of the Borough (currently, not later than January 31 for a fiscal year ending June 30), as such fiscal year may be changed as required or permitted by State law, commencing with the Borough's fiscal year ending June 30, 2014.

The Borough will also undertake to provide or cause to be provided to the MSRB timely notice of the occurrence of certain events with respect to the 2015A Bonds as set forth in the Disclosure Certificate attached hereto as APPENDIX D.

No failure by the Borough to comply with its undertaking shall constitute a default in respect of the 2015A Bonds. The sole remedy of any holder of a 2015A Bond shall be to take such actions as that holder deems necessary, including seeking an order of specific performance from an appropriate court, to compel the Borough to comply with its undertaking. The Borough's undertaking is subject to amendment and termination as set forth in the Disclosure Certificate attached hereto as APPENDIX D.

The Borough has entered into continuing disclosure undertakings with respect to all outstanding series of its general obligation bonds, lease revenue bonds and certificates of participation. During the last five years, the Borough has complied in all material respects with each continuing disclosure undertaking that it has previously entered into pursuant to Rule 15c2-12.

LITIGATION AND REGULATORY PROCEEDINGS

In the ordinary course of business, from time to time the Borough has been and is named as a defendant in lawsuits relating to personnel, commercial and environmental matters and as a plaintiff in inverse condemnation proceedings. Although the ultimate effect, if any, of these matters is not presently determinable, the Borough has determined in consultation with counsel that, collectively, such matters will not have a material adverse impact on the finances or operations of the Borough.

The Borough Department of Emergency Services has long used an on-call responder system to staff the various fire and ambulance needs of the department. Under the Borough's collective bargaining agreement, these on-call responders are expressly excluded from receiving benefits and union representation afforded regular employees. On-call responders are paid hourly rates, and different responders work a wide range of differing hours depending on the number and types of emergencies. On January 17, 2014, several plaintiffs filed suit against the Borough seeking eligibility of on-call responders for retirement benefits under PERS, and thereafter, the case was removed to federal court. The suit seeks class action certification and alleges breach of fiduciary duty, breach of contractual duties and breach of constitutional rights and requests declaratory and injunctive relief in addition to retroactive and prospective inclusion in PERS. The Borough answered the complaint and discovery is pending. As a result, the Borough cannot predict the likelihood of success or value of the claim. The Borough does not expect the claim, if successful, to materially and adversely affect the ability of the Borough to pay the principal of and interest on the 2015A Bonds when due.

The Borough provides certain road maintenance and services through Road Service Areas ("RSAs"). (See "BOROUGH GOVERNMENT – Powers"). The Borough levies an ad valorem property tax on properties within an RSA to finance the services provided. Under State law, the proceeds of property taxes levied in an RSA cannot be used for any other purpose. In 2012, an owner of property in one of the RSAs in the Borough sued the Borough alleging violation of equal protection, due process and statute because the road serving the property owned by the plaintiff is maintained by the State. The plaintiff claims that it is unconstitutional and illegal for the Borough to tax property within an RSA that does not use a road maintained by the RSA. The plaintiff seeks declaratory and injunctive relief mandating that the Borough remove from the RSA all property not using RSA roads. The Borough prevailed at the trial court and the plaintiff appealed to the Alaska Supreme Court. The Borough expects a ruling by summer of 2015. If the State Supreme Court reverses the trial court, the Borough will be forced to re-evaluate and may be required to re-structure its operations with respect to service areas. The Borough does not expect the claim, if successful, to materially and adversely affect the ability of the Borough to pay the principal of and interest on the 2015A Bonds when due.

Upon the delivery of the 2015A Bonds, the Borough will furnish a certificate to the effect that, among other things, other than as disclosed in this section of this Official Statement, there is no litigation pending in any court to restrain or enjoin the issuance or delivery of the 2015A Bonds, or in any way contesting the validity or enforceability of the 2015A Bonds or the Bond Ordinance.

CERTAIN LEGAL MATTERS

Legal matters incident to the authorization, issuance and sale by the Borough of the 2015A Bonds are subject to the legal opinion of Foster Pepper PLLC, of Seattle, Washington, Bond Counsel. Certain legal matters will be passed upon for the Underwriter by its counsel, Katten Muchin Rosenman LLP, of Chicago, Illinois. The proposed form of the opinion of Bond Counsel is included herein as APPENDIX B. The opinion of Bond Counsel is given based on factual representations made to Bond Counsel, and under existing law, as of the date of initial delivery of the 2015A Bonds, and Bond Counsel assumes no obligation to revise or supplement its opinion to reflect any facts or circumstances that may thereafter

come to its attention, or any changes in law that may thereafter occur. Bond Counsel will be compensated only upon the issuance and sale of the 2015A Bonds. From time to time, Bond Counsel serves as counsel to the Underwriter on transactions unrelated to the 2015A Bonds.

The various legal opinions to be delivered concurrently with the delivery of the 2015A Bonds express the professional judgment of the attorneys rendering the opinions as to the legal issues explicitly addressed therein. In rendering a legal opinion the attorney does not guarantee a particular result, or become an insurer or guarantor of that expression of professional judgment, of the transaction opined upon, or of the future performance of the parties to the transaction, nor does the rendering of an opinion guarantee the outcome of any legal dispute that may arise out of the transaction.

FINANCIAL ADVISOR

The Borough has retained the services of Acacia Financial Group, Anchorage, Alaska, as financial advisor to advise it concerning the terms, timing of sales, and other factors relating to the sale of the 2015A Bonds. The financial advisor has not audited, authenticated or otherwise verified the information in this Official Statement, or other information available to the Borough with respect to appropriateness, accuracy and completeness of that information or any other matter related to that information.

UNDERWRITING

RBC Capital Markets, LLC (the "Underwriter") has agreed to purchase the 2015A Bonds subject to certain conditions, and has agreed to pay for the 2015A Bonds, a price of \$ _____ (reflecting an underwriting discount of \$ _____ and a net original issue premium of \$ _____). The Underwriter will be obligated to purchase all the 2015A Bonds, if any 2015A Bonds are purchased.

The prices and other terms respecting the offering and sale of the 2015A Bonds may be changed from time to time by the Underwriter after the 2015A Bonds are released for sale, and the 2015A Bonds may be offered and sold at prices other than the initial offering prices, including sales to dealers who may sell the 2015A Bonds into investment accounts. In connection with the offering of the 2015A Bonds, the Underwriter may over allot or effect transactions which stabilize or maintain the market price of the 2015A Bonds at a level above that which might otherwise prevail in the open market. Such stabilizing, if commenced, may be discontinued at any time.

FINANCIAL STATEMENTS

The financial statements of the Borough as of and for the year ended June 30, 2013, included in this Official Statement as APPENDIX A have been audited by BDO USA, LLP, independent certified public accountants, as stated in their report thereon.

CERTAIN VERIFICATIONS

Upon delivery of the 2015A Bonds, [_____] will deliver a report to the Borough and the Underwriter, stating that the firm, at the request of the Borough and the Underwriter, has examined the arithmetical accuracy of certain computations included in the schedules provided by the Underwriter relating to (i) the sufficiency of principal and interest received on Government Obligations to be applied, together with other available funds, to timely pay the principal, redemption premium and

interest on the Prior Bonds, and (ii) the actuarial yields on the 2015A Bonds and the Government Obligations irrevocably deposited to accomplish the advance refunding and defeasance of the Prior Bonds.

RATINGS

Fitch Ratings has assigned the 2015A Bonds a rating of “___”. Standard & Poor’s Ratings Services has assigned the 2015A Bonds a rating of “___.” The Borough is not obligated to keep such ratings outstanding over the term of the 2015A Bonds. No application was made to any other rating agency for the purpose of obtaining an additional rating on the 2015A Bonds.

The Borough previously requested and obtained ratings from Moody’s Investors Service (“Moody’s”) for certain of the Borough’s outstanding general obligation bond issues. The Borough has elected not to request a rating from Moody’s for the 2015A Bonds.

A rating reflects only the views of the rating agency assigning such rating and an explanation of the significance of such rating may be obtained from such rating agency. The Borough has furnished to the rating agencies certain information and materials relating to the 2015A Bonds and the Borough, including certain information and materials which have not been included in this Official Statement. Generally, rating agencies base their ratings on such information and materials and investigations, studies and assumptions by the respective rating agency. There is no assurance that such ratings will continue for any given period of time or that they will not be revised downward or withdrawn entirely by such rating agencies if, in their judgment, circumstances so warrant. Any such downward revision or withdrawal of such ratings may have an adverse effect on the market price of the 2015A Bonds.

TAX EXEMPTION

Exclusion From Gross Income for Federal Income Tax Purposes. In the opinion of Bond Counsel, under existing federal law and assuming compliance with applicable requirements of the Internal Revenue Code of 1986, as amended (the “Code”), that must be satisfied subsequent to the issue date of the 2015A Bonds, interest on the 2015A Bonds is excluded from gross income for federal income tax purposes and is not an item of tax preference for purposes of the alternative minimum tax applicable to individuals.

Original Issue Discount. Certain maturities of the 2015A Bonds may be sold at prices reflecting original issue discount (“Discount Bonds”). Under existing law, the original issue discount in the selling price of each Discount Bond, to the extent properly allocable to each owner of such Discount Bond, is excluded from gross income for federal income tax purposes with respect to such owner. The original issue discount is the excess of the stated redemption price at maturity of such Discount Bond over the initial offering price to the public, excluding underwriters and other intermediaries, at which price a substantial amount of the Discount Bonds of such maturity were sold.

Under Section 1288 of the Code, original issue discount on tax-exempt bonds accrues on a compound basis. The amount of original issue discount that accrues to an owner of a Discount Bond during any accrual period generally equals (i) the issue price of such Discount Bond plus the amount of original issue discount accrued in all prior accrual periods, multiplied by (ii) the yield to maturity of such Discount Bond (determined on the basis of compounding at the close of each accrual period and properly adjusted for the length of the accrual period), less (iii) any interest payable on such Discount Bond during such accrual period. The amount of original issue discount so accrued in a particular accrual period will be considered to be received ratably on each day of the accrual period, will be excluded from gross

income for federal income tax purposes, and will increase the owner's tax basis in such Discount Bond. Any gain realized by an owner from a sale, exchange, payment or redemption of a Discount Bond will be treated as gain from the sale or exchange of such Discount Bond.

The portion of original issue discount that accrues in each year to an owner of a Discount Bond may result in certain collateral federal income tax consequences. The accrual of such portion of the original issue discount will be included in the calculation of alternative minimum tax liability as described above, and may result in an alternative minimum tax liability even though the owner of such Discount Bond will not receive a corresponding cash payment until a later year.

Owners who purchase Discount Bonds in the initial public offering but at a price different from the first offering price at which a substantial amount of those Discount Bonds were sold to the public, or who do not purchase Discount Bonds in the initial public offering, should consult their own tax advisors with respect to the tax consequences of the ownership of such Discount Bonds. Owners of Discount Bonds who sell or otherwise dispose of such Discount Bonds prior to maturity should consult their own tax advisors with respect to the amount of original issue discount accrued over the period such Discount Bonds have been held and the amount of taxable gain or loss to be recognized upon that sale or other disposition of Discount Bonds. Owners of Discount Bonds also should consult their own tax advisors with respect to state and local tax consequences of owning such Discount Bonds.

Original Issue Premium. Certain maturities of the 2015A Bonds have been sold at prices reflecting original issue premium. An amount equal to the excess of the purchase price of a 2015A Bond over its stated redemption price at maturity constitutes premium on such 2015A Bond. A purchaser of a 2015A Bond must amortize any premium over the term of such 2015A Bond using constant yield principles, based on the purchaser's yield to maturity. The amount of amortizable premium allocable to an interest accrual period for a 2015A Bond will offset a like amount of qualified stated interest on such 2015A Bond allocable to that accrual period, and may affect the calculation of alternative minimum tax liability described herein. As premium is amortized, the purchaser's basis in a 2015A Bond is reduced by a corresponding amount, resulting in an increase in the gain (or decrease in the loss) to be recognized for federal income tax purposes upon a sale or disposition of such 2015A Bond prior to its maturity. Even though the purchaser's basis is reduced, no federal income tax deduction is allowed. Purchasers of 2015A Bonds, whether at the time of initial issuance or subsequent thereto, should consult with their own tax advisors with respect to the determination and treatment of premium for federal income tax purposes and with respect to state and local tax consequences of owning the 2015A Bonds.

Continuing Requirements. The Borough is required to comply with certain requirements of the Code after the date of issuance of the 2015A Bonds in order to maintain the exclusion of the interest on the 2015A Bonds from gross income for federal income tax purposes, including, without limitation, requirements concerning the qualified use of 2015A Bond proceeds and the facilities financed or refinanced with 2015A Bond proceeds, limitations on investing gross proceeds of the 2015A Bonds in higher yielding investments in certain circumstances, and the requirement to comply with the arbitrage rebate requirement to the extent applicable to the 2015A Bonds. The Borough has covenanted in the Bond Ordinance to comply with those requirements, but if the Borough fails to comply with those requirements, interest on the 2015A Bonds could become taxable retroactive to the date of issuance of the 2015A Bonds. Bond Counsel has not undertaken and does not undertake to monitor the Borough's compliance with such requirements.

Corporate Alternative Minimum Tax. While interest on the 2015A Bonds also is not an item of tax preference for purposes of the alternative minimum tax applicable to corporations, under Section 55 of the Code, tax exempt interest, including interest on the 2015A Bonds, received by corporations is taken into account in the computation of adjusted current earnings for purposes of the alternative minimum tax applicable to corporations (as defined for federal income tax purposes). Under the Code, alternative

minimum taxable income of a corporation will be increased by 75% of the excess of the corporation's adjusted current earnings (including any tax exempt interest) over the corporation's alternative minimum taxable income determined without regard to such increase. A corporation's alternative minimum taxable income, so computed, that is in excess of an exemption of \$40,000, which exemption will be reduced (but not below zero) by 25% of the amount by which the corporation's alternative minimum taxable income exceeds \$150,000, is then subject to a 20% minimum tax.

A small business corporation is exempt from the corporate alternative minimum tax for any taxable year beginning after December 31, 1997, if its average annual gross receipts during the three-taxable-year period beginning after December 31, 1993, did not exceed \$5,000,000, and its average annual gross receipts during each successive three-taxable-year period thereafter ending before the relevant taxable year did not exceed \$7,500,000.

Tax on Certain Passive Investment Income of S Corporations. Under Section 1375 of the Code, certain excess net passive investment income, including interest on the 2015A Bonds, received by an S corporation (a corporation treated as a partnership for most federal tax purposes) that has Subchapter C earnings and profits at the close of the taxable year may be subject to federal income taxation at the highest rate applicable to corporations if more than 25% of the gross receipts of such S corporation is passive investment income.

Foreign Branch Profits Tax. Interest on the 2015A Bonds may be subject to the foreign branch profits tax imposed by Section 884 of the Code when the 2015A Bonds are owned by, and effectively connected with a trade or business of, a United States branch of a foreign corporation.

Possible Consequences of Tax Compliance Audit. The Internal Revenue Service (the "IRS") has established a general audit program to determine whether issuers of tax exempt obligations, such as the 2015A Bonds, are in compliance with requirements of the Code that must be satisfied in order for interest on those obligations to be, and continue to be, excluded from gross income for federal income tax purposes. Bond Counsel cannot predict whether the IRS will commence an audit of the 2015A Bonds. Depending on all the facts and circumstances and the type of audit involved, it is possible that commencement of an audit of the 2015A Bonds could adversely affect the market value and liquidity of the 2015A Bonds until the audit is concluded, regardless of its ultimate outcome.

State Tax Exemption. In the opinion of Bond Counsel, interest on the 2015A Bonds is free from taxation by the State of Alaska except for transfer, estate and inheritance taxes.

CERTAIN OTHER FEDERAL TAX CONSEQUENCES

2015A Bonds Not "Qualified Tax Exempt Obligations" for Financial Institutions. Section 265 of the Code provides that 100% of any interest expense incurred by banks and other financial institutions for interest allocable to tax exempt obligations acquired after August 7, 1986, will be disallowed as a tax deduction. However, if the tax exempt obligations are obligations other than private activity bonds, are issued by a governmental unit that, together with all entities subordinate to it, does not reasonably anticipate issuing more than \$10,000,000 of tax exempt obligations (other than private activity bonds and other obligations not required to be included in such calculation) in the current calendar year, and are designated by the governmental unit as "qualified tax exempt obligations," only 20% of any interest expense deduction allocable to those obligations will be disallowed.

The Borough is a governmental unit that, together with all subordinate entities, reasonably anticipates issuing more than \$10,000,000 of tax exempt obligations (other than private activity bonds and other obligations not required to be included in such calculation) during the current calendar year and has not designated the 2015A Bonds as "qualified tax exempt obligations" for purposes of the 80%

financial institution interest expense deduction. Therefore, no interest expense of a financial institution allocable to the 2015A Bonds is deductible for federal income tax purposes.

Reduction of Loss Reserve Deductions for Property and Casualty Insurance Companies. Under Section 832 of the Code, interest on the 2015A Bonds received by property and casualty insurance companies will reduce tax deductions for loss reserves otherwise available to such companies by an amount equal to 15% of tax exempt interest received during the taxable year.

Effect on Certain Social Security and Retirement Benefits. Section 86 of the Code requires recipients of certain Social Security and certain Railroad Retirement benefits to take receipts or accruals of interest on the 2015A Bonds into account in determining gross income.

Other Possible Federal Tax Consequences. Receipt of interest on the 2015A Bonds may have other federal tax consequences as to which prospective purchasers of the 2015A Bonds may wish to consult their own tax advisors.

Potential Future Federal Tax Law Changes. Current and future legislative proposals, if enacted into law, may directly or indirectly cause interest on the 2015A Bonds to be subject in whole or in part to federal income taxation, prevent the beneficial owners of the 2015A Bonds from realizing the full benefits of the current federal tax status of interest on the 2015A Bonds, or affect, perhaps significantly, the market value or marketability of the 2015A Bonds. Prospective purchasers of the 2015A Bonds should consult with their own tax advisors regarding the potential impact of any pending or proposed legislation or regulations.

MISCELLANEOUS

The summaries or descriptions of provisions in the Bond Ordinance and all references to other materials not purporting to be quoted in full are only brief outlines of certain provisions thereof and do not constitute complete statements of such documents or provisions and reference is hereby made to the complete documents relating to such matters for further information, copies of which will be furnished by the Borough on request.

Any statements made in this Official Statement indicated to involve matters of opinion or estimates are represented as opinions or estimates in good faith. No assurance can be given, however, that the facts will materialize as so opined or estimated.

The Borough has authorized the distribution of this Official Statement. This Official Statement has been duly executed and delivered by the Borough's Director of Finance on behalf of the Matanuska-Susitna Borough, Alaska.

MATANUSKA-SUSITNA BOROUGH

/s/

Director of Finance

APPENDIX A

**Basic Financial Statements
For the Fiscal Year Ended June 30, 2013
(with Independent Auditors' Report Thereon)**

APPENDIX B

Proposed Form of Opinion of Bond Counsel

[FORM OF BOND COUNSEL OPINION]
[Closing Date]

Matanuska-Susitna Borough, Alaska

Re: Matanuska-Susitna Borough, Alaska
General Obligation School Refunding Bonds, 2015 Series A

We have served as bond counsel to the Matanuska-Susitna Borough, Alaska (the "Borough"), in connection with the issuance of the above-referenced bonds (the "2015A Bonds"), and in that capacity have examined such law and such certified proceedings and other documents as we have deemed necessary to render this opinion. As to matters of fact material to this opinion, we have relied upon representations contained in the certified proceedings and other certifications of public officials furnished to us, without undertaking to verify the same by independent investigation.

The 2015A Bonds are issued by the Borough pursuant to Ordinance Serial No. 15-006 (the "Bond Ordinance") for the purpose (i) refunding a portion of the Borough's outstanding General Obligation School Refunding Bonds, 2004 Series D, General Obligation School Bonds, 2006 Series A and General Obligation School Bonds, 2006 Series B and (ii) paying the costs of issuance and sale of the 2015A Bonds and carrying out such refundings, all as set forth in the Bond Ordinance.

Reference is made to the 2015A Bonds and the Bond Ordinance for the definitions of capitalized terms used and not otherwise defined herein.

We express no opinion herein concerning the completeness or accuracy of any official statement, offering circular or other sales or disclosure material relating to the issuance of the 2015A Bonds or otherwise used in connection with the 2015A Bonds.

Under the Internal Revenue Code of 1986, as amended (the "Code"), the Borough is required to comply with certain requirements after the date of issuance of the 2015A Bonds in order to maintain the exclusion of the interest on the 2015A Bonds from gross income for federal income tax purposes, including, without limitation, requirements concerning the qualified use of 2015A Bond proceeds and the facilities financed or refinanced with 2015A Bond proceeds, limitations on investing gross proceeds of the 2015A Bonds in higher yielding investments in certain circumstances and the arbitrage rebate requirement to the extent applicable to the 2015A Bonds. The Borough has covenanted in the Bond Ordinance to comply with those requirements, but if the Borough fails to comply with those requirements, interest on the 2015A Bonds could become taxable retroactive to the date of issuance of the 2015A Bonds. We have not undertaken and do not undertake to monitor the Borough's compliance with such requirements.

Based upon the foregoing, as of the date of initial delivery of the 2015A Bonds to the purchaser thereof and full payment therefor, it is our opinion that under existing law:

1. The Borough is a duly organized and legally existing second class borough under the laws of the State of Alaska;

2. The 2015A Bonds have been duly authorized and executed by the Borough and are issued in full compliance with the provisions of the Constitution and laws of the State of Alaska and the ordinances of the Borough relating thereto;

3. The Borough has pledged its full faith and credit to the payment of the principal of and interest on the 2015A Bonds and has irrevocably pledged and covenanted that it will levy ad valorem taxes upon all taxable property within the Borough, without limitation of rate or amount, to pay the principal of and interest on the 2015A Bonds as the same become due and payable;

4. The 2015A Bonds constitute valid and binding general obligations of the Borough enforceable in accordance with their terms, except only to the extent that enforcement of payment may be limited by bankruptcy, insolvency or other laws affecting creditors' rights and by the application of equitable principles and the exercise of judicial discretion in appropriate cases;

5. Assuming compliance by the Borough after the date of issuance of the 2015A Bonds with applicable requirements of the Code, the interest on the 2015A Bonds is excluded from gross income for federal income tax purposes and is not an item of tax preference for purposes of the alternative minimum tax applicable to individuals; however, while interest on the 2015A Bonds also is not an item of tax preference for purposes of the alternative minimum tax applicable to corporations, interest on the 2015A Bonds received by corporations is to be taken into account in the computation of adjusted current earnings for purposes of the alternative minimum tax applicable to corporations, interest on the 2015A Bonds received by certain S corporations may be subject to tax, and interest on the 2015A Bonds received by foreign corporations with United States branches may be subject to a foreign branch profits tax; and

6. Interest on the 2015A Bonds is free from taxation by the State of Alaska except for transfer, estate and inheritance taxes.

We express no opinion regarding any other federal or state tax consequences of receipt of interest on the 2015A Bonds.

This opinion is given as of the date hereof, and we assume no obligation to revise or supplement this opinion to reflect any facts or circumstances that may hereafter come to our attention, or any changes in law that may hereafter occur.

We bring to your attention the fact that the foregoing opinions are expressions of our professional judgment on the matters expressly addressed and do not constitute guarantees of result.

Respectfully submitted,

APPENDIX C

Book Entry System

BOOK ENTRY SYSTEM

The following information has been provided by The Depository Trust Company, New York, New York ("DTC"). The Borough makes no representation regarding the accuracy or completeness thereof. Each actual purchaser of a 2015A Bond (a "Beneficial Owner") should therefore confirm the following with DTC or the Participants (as hereinafter defined).

General

DTC will act as securities depository for the 2015A Bonds. The 2015A Bonds will be issued as fully-registered securities registered in the name of Cede & Co. (DTC's partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered certificate will be issued for each maturity of the 2015A Bonds, in the aggregate principal amount of such maturity and will be deposited with DTC.

DTC, the world's largest securities depository, is a limited-purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934 (the "Exchange Act"). DTC holds and provides asset servicing for over 3.5 million issues of U.S. and non-U.S. equity issues, corporate and municipal debt issues, and money market instruments (from over 100 countries) that DTC's participants ("Direct Participants") deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book-entry transfers and pledges between Direct Participants' accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly-owned subsidiary of The Depository Trust & Clearing Corporation ("DTCC"). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("Indirect Participants" and together with Direct Participants, "Participants"). DTC has a Standard & Poor's rating of AA+. The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission (the "SEC"). More information about DTC can be found at www.dtcc.com.

Purchases of 2015A Bonds under the DTC system must be made by or through Direct Participants, which will receive a credit for the 2015A Bonds on DTC's records. The ownership interest of each actual purchaser of each 2015A Bond ("Beneficial Owner") is in turn to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the 2015A Bonds are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in 2015A Bonds, except in the event that use of the book-entry system for the 2015A Bonds is discontinued.

To facilitate subsequent transfers, all 2015A Bonds deposited by Direct Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co., or such other name as may be

requested by an authorized representative of DTC. The deposit of 2015A Bonds with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not effect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the 2015A Bonds; DTC's records reflect only the identity of the Direct Participants to whose accounts such 2015A Bonds are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time. Beneficial Owners of the 2015A Bonds may wish to take certain steps to augment the transmission to them of notices of significant events with respect to the 2015A Bonds, such as redemptions, tenders, defaults, and proposed amendments to the 2015A Bond documents. For example, Beneficial Owners of the 2015A Bonds may wish to ascertain that the nominee holding the 2015A Bonds for their benefit has agreed to obtain and transmit notices to Beneficial Owners. In the alternative, Beneficial Owners may wish to provide their names and addresses to the Bond Registrar and request that copies of the notices be provided directly to them.

Redemption notices shall be sent to DTC. If less than all of the 2015A Bonds of like maturity are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such maturity to be redeemed.

Neither DTC nor Cede & Co. (nor any other DTC nominee) will consent or vote with respect to 2015A Bonds unless authorized by a Direct Participant in accordance with DTC's Operational Arrangements and the Issuer/Paying Agent General Operating Procedures ("MMI Procedures"). Under its usual procedures, DTC mails an Omnibus Proxy to the Borough as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts 2015A Bonds are credited on the record date (identified in a listing attached to the Omnibus Proxy).

Principal (and redemption proceeds) and interest payments on the 2015A Bonds will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts upon DTC's receipt of funds and corresponding detail information from the Borough or the Paying Agent, on payable date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name", and will be the responsibility of such Participant and not of DTC, the Paying Agent or the Borough, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of principal (and redemption proceeds) and interest payments to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of the Borough or the Paying Agent, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants.

DTC may discontinue providing its services as depository with respect to the 2015A Bonds at any time by giving reasonable notice to the Borough or the Paying Agent. Under such circumstances, in the event that a successor depository is not obtained, 2015A Bond certificates are required to be printed and delivered.

The Borough may decide to discontinue use of the system of the book-entry transfers through DTC (or a successor securities depository). In that event, 2015A Bond certificates will be printed and delivered to DTC.

APPENDIX D

Form of Continuing Disclosure Certificate

CONTINUING DISCLOSURE CERTIFICATE

**MATANUSKA-SUSITNA BOROUGH, ALASKA
General Obligation School Refunding Bonds, 2015 Series A**

Section 1. Undertaking to Provide Annual Financial Information and Notice of Certain Events. Solely for purposes of complying with paragraph (b)(5)(i) of Rule 15c2-12 promulgated by the United States Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended (17 CFR Part 240 § 240.15c2-12) ("Rule 15c2-12"), for the benefit of the holders of the above-referenced bonds (the "2015A Bonds"), the Matanuska-Susitna Borough (the "Borough") hereby undertakes to provide or cause to be provided, either directly or through a designated agent, to the Municipal Securities Rulemaking Board (the "MSRB"), in electronic format as prescribed by the MSRB, accompanied by identifying information as prescribed by the MSRB:

(a) Annual financial information and operating data of the type included in the final official statement for the 2015A Bonds and described in Section 2 (the "Annual Financial Information");

(b) Timely notice of the occurrence of any of the following events with respect to the 2015A Bonds, not in excess of ten business days after the occurrence of the event:

- (i) principal and interest payment delinquencies;
- (ii) non-payment related defaults, if material;
- (iii) unscheduled draws on debt service reserves reflecting financial difficulties;
- (iv) unscheduled draws on credit enhancements reflecting financial difficulties;
- (v) substitution of credit or liquidity providers, or their failure to perform;
- (vi) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the 2015A Bonds, or other material events affecting the tax status of the 2015A Bonds;
- (vii) modifications to rights of holders of the 2015A Bonds, if material;
- (viii) 2015A Bond calls, if material, and tender offers;
- (ix) defeasances;
- (x) release, substitution, or sale of property securing repayment of the 2015A Bonds, if material;
- (xi) rating changes;
- (xii) bankruptcy, insolvency, receivership, or similar event of the Borough;
- (xiii) the consummation of a merger, consolidation or acquisition involving the Borough or the sale of all or substantially all of the assets of the Borough, other than in the ordinary

course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and

(xiv) appointment of a successor or additional trustee or the change of name of a trustee, if material; and

(c) Timely notice of a failure by the Borough to provide required Annual Financial Information on or before the date specified in Section 2.

Section 2. Description of Annual Financial Information. The Annual Financial Information that the Borough undertakes to provide in Section 1:

(a) Shall consist of:

(i) annual financial statements prepared (except as noted in the financial statements) in accordance with generally accepted accounting principles applicable to Alaska municipalities, as such principles may be changed from time to time, which statements shall not be audited, except, however, that if and when audited financial statements are otherwise prepared and available to the Borough they will be provided; and

(ii) the comprehensive annual financial report of the Borough;

(b) Shall be provided not later than the last day of the seventh month after the end of each fiscal year of the Borough (currently, not later than January 31 for a fiscal year ending June 30), as such fiscal year may be changed as required or permitted by State law, commencing with the Borough's fiscal year ending June 30, 2014; and

(c) May be provided in a single or multiple documents, and may be incorporated by specific reference to documents available to the public on the Internet website of the MSRB or filed with the United States Securities and Exchange Commission.

Section 3. Amendment of Undertaking. This undertaking is subject to amendment after the primary offering of the 2015A Bonds without the consent of any holder of any 2015A Bond, or of any broker, dealer, municipal securities dealer, participating underwriter, rating agency or the MSRB, under the circumstances and in the manner permitted by Rule 15c2-12. The Borough will give notice to the MSRB of the substance (or provide a copy) of any amendment to this undertaking and a brief statement of the reasons for the amendment. If the amendment changes the type of Annual Financial Information to be provided, the Annual Financial Information containing the amended Annual Financial Information will include a narrative explanation of the effect of that change on the type of information to be provided.

Section 4. Beneficiaries. This undertaking shall inure to the benefit of the Borough, each participating underwriter of the 2015A Bonds and each holder of the 2015A Bonds, and shall not inure to the benefit of or create any rights in any other person.

Section 5. Termination of Undertaking. The Borough's obligations under this undertaking shall terminate upon the legal defeasance of all of the 2015A Bonds. In addition, the Borough's obligations under this undertaking shall terminate if the provisions of Rule 15c2-12 that require the Borough to comply with this undertaking become legally inapplicable in respect of the 2015A Bonds for any reason, as confirmed by an opinion of nationally recognized bond counsel or other counsel familiar with federal securities laws delivered to the Borough, and the Borough provides timely notice of such termination to the MSRB.

Section 6. Remedy for Failure to Comply with Undertaking. As soon as practicable after the Borough learns of any failure to comply with the undertaking, the Borough will proceed with due diligence to cause such noncompliance to be corrected. No failure by the Borough to comply with this undertaking shall constitute a default in respect of the 2015A Bonds. The sole remedy of any holder of a 2015A Bond shall be to take such actions as that holder deems necessary, including seeking an order of specific performance from an appropriate court, to compel the Borough to comply with this undertaking.

Section 7. Definitions. Terms used and not defined in this undertaking shall have the meaning ascribed to such terms in Rule 15c2-12.

Dated: _____, 2015.

MATANUSKA-SUSITNA BOROUGH, ALASKA

By: _____
John Moosey, Borough Manager

BOND PURCHASE AGREEMENT

MATANUSKA-SUSITNA BOROUGH, ALASKA

\$ _____ General Obligation School Refunding Bonds, 2015 Series A

January __, 2015

Borough Assembly
Matanuska-Susitna Borough
350 East Dahlia Avenue
Palmer, Alaska 99645

DRAFT

Ladies and Gentlemen:

The undersigned, RBC Capital Markets, LLC (the “Underwriter” or “RBC CM”) acting on its own behalf offers to enter into the following agreement (this “Agreement”) with Matanuska-Susitna Borough, Alaska (the “Borough”) which, upon the Borough’s written acceptance of this offer, will be binding upon the Borough and upon the Underwriter. This offer is made subject to the Borough’s written acceptance hereof on or before 5:00 p.m., Eastern Time, on January __, 2015, and, if not so accepted, will be subject to withdrawal by the Underwriter upon notice delivered to the Borough at any time prior to the acceptance hereof by the Borough. The Underwriter has been duly authorized to execute this Agreement and to act hereunder. Terms not otherwise defined in this Agreement shall have the same meanings set forth in the Official Statement (as defined herein).

1. Purchase and Sale of the Bonds. Subject to the terms and conditions and in reliance upon the representations, warranties and agreements set forth herein, the Underwriter hereby agrees to purchase from the Borough, and the Borough hereby agrees to sell and deliver to the Underwriter, all, but not less than all, of the Borough’s \$ _____ aggregate principal amount of General Obligation School Refunding Bonds, 2015 Series A (the “Bonds”).

The dated date, maturities, redemption provisions and interest rates per annum of the Bonds are set forth in Schedule I hereto. The Bonds shall be as described in, and shall be issued and secured under and pursuant to the provisions of Ordinance Serial No. 15-006 adopted by the Borough Assembly of the Borough on _____, 2014 (the “Bond Ordinance”).

The purchase price of the Bonds shall be \$ _____, plus interest accrued on the Bonds from the dated date of the Bonds to the Closing Date (as hereinafter defined). The purchase price is calculated as follows:

Principal Amount	\$
Plus: Net Original Issue Premium	
Less: Underwriting Discount	

Purchase Price	\$
	=====

2. Public Offering. The Underwriter agrees to make a bona fide public offering of all of the Bonds at prices not to exceed the public offering prices (or prices corresponding to the yields) set forth on the inside cover of the Official Statement and may subsequently change such offering prices without any requirement of prior notice. The Underwriter may offer and sell Bonds to certain dealers (including dealers depositing Bonds into investment trusts) and others at prices lower than such offering prices.

3. Liquidated Damages. In the event that the Underwriter fails (other than for a reason permitted hereunder) to accept and pay for the Bonds at the Closing as herein provided, the parties hereto agree that the damages to the Borough shall be fixed at an amount equal to One Percent (1%) of the aggregate principal amount of the Bonds (the "*Liquidated Amount*"). Upon such failure of the Underwriter to accept and pay for the Bonds, the Underwriter shall be obligated to pay to the Borough upon demand in immediately available funds the Liquidated Amount as full liquidated damages, and not as a penalty, for such failure and for any defaults hereunder on the part of the Underwriter, and no party will have any further rights against the other hereunder. The Underwriter and the Borough understand that in such event the Borough's actual damages may be greater or may be less than the Liquidated Amount. Accordingly, the Underwriter hereby waives any right to claim that the Borough's actual damages are less than such Liquidated Amount and the Borough's acceptance of this offer shall constitute a waiver of any right the Borough may have to damages in excess of the Liquidated Amount from the Underwriter.

4. The Official Statement.

(a) The Borough has heretofore distributed the Preliminary Official Statement dated January __, 2015 with respect to the Bonds (the "*Preliminary Official Statement*"). The Preliminary Official Statement, as revised to reflect the terms of sale of the Bonds, is herein called the "Official Statement."

(b) The Preliminary Official Statement has been prepared by the Borough for use by the Underwriter in connection with the public offering, sale and distribution of the Bonds. The Borough hereby represents and warrants that the Preliminary Official Statement is hereby deemed final by the Borough as of its date, except for the omission of such information which is dependent upon the final pricing of the Bonds for completion, all as permitted to be excluded by Section (b)(1) of Rule 15c2-12 under the Securities Exchange Act of 1934 (the "*Rule*").

(c) The Borough represents that the Borough Assembly has reviewed and approved the information in the Official Statement and hereby authorizes the Official Statement to be used by the Underwriter in connection with the public offering and the sale of the Bonds. The Borough shall provide, or cause to be provided, to the

-2-018

Im 15-009
OR 15-006 506

Underwriter as soon as practicable after the date of the Borough's acceptance of this Agreement (but, in any event, not later than within seven business days after the Borough's acceptance of this Agreement and in sufficient time to accompany any confirmation that requests payment from any customer) copies of the Official Statement which is complete as of the date of its delivery to the Underwriter in such quantity as the Underwriter shall request in order for the Underwriter to comply with Section (b)(4) of the Rule and the rules of the Municipal Securities Rulemaking Board (the "MSRB"). The Borough hereby confirms that it does not object to the distribution of the Official Statement in electronic form.

(d) If, after the date of this Agreement to and including the date the Underwriter is no longer required to provide an Official Statement to potential customers who request the same pursuant to the Rule (the earlier of (i) 90 days from the "end of the underwriting period" (as defined in the Rule) and (ii) the time when the Official Statement is available to any person from the MSRB, but in no case less than 25 days after the "end of the underwriting period" for the Bonds), the Borough becomes aware of any fact or event which might or would cause the Official Statement, as then supplemented or amended, to contain any untrue statement of a material fact or to omit to state a material fact required to be stated therein or necessary to make the statements therein not misleading, or if it is necessary to amend or supplement the Official Statement to comply with law, the Borough will notify the Underwriter (and for the purposes of this clause provide the Underwriter with such information as it may from time to time request), and if, in the opinion of the Underwriter, such fact or event requires preparation and publication of a supplement or amendment to the Official Statement, the Borough will forthwith prepare and furnish, at the Borough's own expense (in a form and manner approved by the Underwriter), a reasonable number of copies of either amendments or supplements to the Official Statement so that the statements in the Official Statement as so amended and supplemented will not contain any untrue statement of a material fact or omit to state a material fact required to be stated therein or necessary to make the statements therein not misleading or so that the Official Statement will comply with law. If such notification shall be subsequent to the Closing, the Borough shall furnish such legal opinions, certificates, instruments and other documents as the Underwriter may deem necessary to evidence the truth and accuracy of such supplement or amendment to the Official Statement.

(e) The Underwriter hereby agrees to file the Official Statement with the MSRB. Unless otherwise notified in writing by the Underwriter, the Borough can assume that the "end of the underwriting period" for purposes of the Rule is the date of the Closing.

5. Representations, Warranties, and Covenants of the Borough. The Borough hereby represents and warrants to and covenants with the Underwriter that:

(a) The Borough is a municipal corporation of the State of Alaska (the "State") duly created, organized and existing under the laws of the State, and has full legal right, power and authority under Alaska Statutes Chapter 29.47 (the "Act"), and at the date of the Closing will have full legal right, power and authority under the Act to

adopt the Bond Ordinance and under the Act and the Bond Ordinance (i) to enter into, execute and deliver this Agreement, the Escrow Agreement and the Continuing Disclosure Undertaking (the "*Undertaking*") as defined in Section 7(h)(3) hereof and all documents required hereunder and thereunder to be executed and delivered by the Borough (this Agreement, the Bond Ordinance, the Escrow Agreement, the Undertaking and the other documents referred to in this clause are hereinafter referred to as the "*Borough Documents*"), (ii) to sell, issue and deliver the Bonds to the Underwriter as provided herein, and (iii) to carry out and consummate the transactions contemplated by the Borough Documents and the Official Statement, and the Borough has complied, and will at the Closing be in compliance in all respects, with the terms of the Act and the Borough Documents as they pertain to such transactions;

(b) By all necessary official action of the Borough prior to or concurrently with the acceptance hereof, the Borough has duly authorized all necessary action to be taken by it for (i) the adoption of the Bond Ordinance and the issuance and sale of the Bonds, (ii) the approval, execution and delivery of, and the performance by the Borough of the obligations on its part, contained in the Bonds and the Borough Documents and (iii) the consummation by it of all other transactions contemplated by the Official Statement, and the Borough Documents and any and all such other agreements and documents as may be required to be executed, delivered and/or received by the Borough in order to carry out, give effect to, and consummate the transactions contemplated herein and in the Official Statement;

(c) The Borough Documents constitute legal, valid and binding obligations of the Borough, enforceable in accordance with their respective terms, subject to bankruptcy, insolvency, reorganization, moratorium and other similar laws and principles of equity relating to or affecting the enforcement of creditors' rights; the Bonds, when issued, delivered and paid for, in accordance with the Bond Ordinance and this Agreement, will constitute legal, valid and binding obligations of the Borough entitled to the benefits of the Bond Ordinance and enforceable in accordance with their terms, subject to bankruptcy, insolvency, reorganization, moratorium and other similar laws and principles of equity relating to or affecting the enforcement of creditors' rights; upon the issuance, authentication and delivery of the Bonds as aforesaid, the Bond Ordinance will provide, for the benefit of the holders, from time to time, of the Bonds, the legally valid and binding pledge it purports to create as set forth in the Bond Ordinance;

(d) The Borough is not in breach of or default in any material respect under any applicable constitutional provision, law or administrative regulation of the State or the United States or any applicable judgment or decree or any loan agreement, indenture, bond, note, resolution, agreement or other instrument to which the Borough is a party or to which the Borough is or any of its property or assets are otherwise subject, and no event has occurred and is continuing which constitutes or with the passage of time or the giving of notice, or both, would constitute a default or event of default by the Borough under any of the foregoing; and the execution and delivery of the Bonds, the Borough Documents and the adoption of the Bond Ordinance and compliance with the provisions on the Borough's part contained therein, will not conflict with or constitute a breach of or default under any constitutional provision, administrative regulation, judgment, decree,

loan agreement, indenture, bond, note, resolution, agreement or other instrument to which the Borough is a party or to which the Borough is or to which any of its property or assets are otherwise subject nor will any such execution, delivery, adoption or compliance result in the creation or imposition of any lien, charge or other security interest or encumbrance of any nature whatsoever upon any of the property or assets of the Borough to be pledged to secure the Bonds or under the terms of any such law, regulation or instrument, except as provided by the Bonds and the Bond Ordinance;

(e) All authorizations, approvals, licenses, permits, consents and orders of any governmental authority, legislative body, board, agency or commission having jurisdiction of the matter which are required for the due authorization of, which would constitute a condition precedent to, or the absence of which would materially adversely affect the due performance by the Borough of its obligations under the Borough Documents, and the Bonds have been duly obtained, except for such approvals, consents and orders as may be required under the Blue Sky or securities laws of any jurisdiction in connection with the offering and sale of the Bonds;

(f) The Bonds and the Bond Ordinance conform to the descriptions thereof contained in the Official Statement under the captions "INTRODUCTION – Authorization and Purpose" and "– Security" and "DESCRIPTION OF THE 2015A BONDS;" the proceeds of the sale of the Bonds will be applied generally as described in the Official Statement under the caption "INTRODUCTION – Sources and Uses of Funds" and "– Refunding Plan" and the Undertaking conforms to the description thereof contained in the Official Statement under the caption "CONTINUING DISCLOSURE;"

(g) There is no legislation, action, suit, proceeding, inquiry or investigation, at law or in equity, before or by any court, government agency, public board or body, pending or, to the best knowledge of the Borough after due inquiry, threatened against the Borough, affecting the existence of the Borough or the titles of its officers to their respective offices, or affecting or seeking to prohibit, restrain or enjoin the sale, issuance or delivery of the Bonds or the collection of taxes pledged to the payment of principal of and interest on the Bonds pursuant to the Bond Ordinance or in any way contesting or affecting the validity or enforceability of the Bonds, the Borough Documents, or contesting the exclusion from gross income of interest on the Bonds for federal income tax purposes, or contesting in any way the completeness or accuracy of the Preliminary Official Statement or the Official Statement or any supplement or amendment thereto, or contesting the powers of the Borough or any authority for the issuance of the Bonds, the adoption of the Bond Ordinance or the execution and delivery of the Borough Documents, nor, to the best knowledge of the Borough, is there any basis therefor, wherein an unfavorable decision, ruling or finding would materially adversely affect the validity or enforceability of the Bonds or the Borough Documents;

(h) As of the date thereof, the Preliminary Official Statement did not contain any untrue statement of a material fact or omit to state a material fact required to be stated therein or necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading;

-5- of 18

Im15-009
DR15-006

(i) At the time of the Borough's acceptance hereof and (unless the Official Statement is amended or supplemented pursuant to paragraph (d) of Section 4 of this Agreement) at all times subsequent thereto during the period up to and including the date of Closing, the Official Statement does not and will not contain any untrue statement of a material fact or omit to state any material fact required to be stated therein or necessary to make the statements therein, in light of the circumstances under which they were made, not misleading;

(j) If the Official Statement is supplemented or amended pursuant to paragraph (d) of Section 4 of this Agreement, at the time of each supplement or amendment thereto and (unless subsequently again supplemented or amended pursuant to such paragraph) at all times subsequent thereto during the period up to and including the date of Closing the Official Statement as so supplemented or amended will not contain any untrue statement of a material fact or omit to state any material fact required to be stated therein or necessary to make the statements therein, in light of the circumstances under which made, not misleading;

(k) The Borough will apply, or cause to be applied, the proceeds from the sale of the Bonds as provided in and subject to all of the terms and provisions of the Bond Ordinance and not to take or omit to take any action which action or omission will adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Bonds;

(l) The Borough will furnish such information and execute such instruments and take such action in cooperation with the Underwriter as the Underwriter may reasonably request (A) to (y) qualify the Bonds for offer and sale under the Blue Sky or other securities laws and regulations of such states and other jurisdictions in the United States as the Underwriter may designate and (z) determine the eligibility of the Bonds for investment under the laws of such states and other jurisdictions and (B) to continue such qualifications in effect so long as required for the distribution of the Bonds (provided, however, that the Borough will not be required to qualify as a foreign corporation or to file any general or special consents to service of process under the laws of any jurisdiction) and will advise the Underwriter immediately of receipt by the Borough of any notification with respect to the suspension of the qualification of the Bonds for sale in any jurisdiction or the initiation or threat of any proceeding for that purpose;

(m) The financial statements of, and other financial information regarding the Borough, in the Official Statement fairly present the financial position and results of the Borough as of the dates and for the periods therein set forth. Prior to the Closing, there will be no adverse change of a material nature in such financial position, results of operations or condition, financial or otherwise, of the Borough. The Borough is not a party to any litigation or other proceeding pending or, to its knowledge, threatened which, if decided adversely to the Borough, would have a materially adverse effect on the financial condition of the Borough;

(n) Prior to the Closing the Borough will not offer or issue any bonds, notes or other obligations for borrowed money without the prior approval of the Underwriter; and

(o) Any certificate, signed by any official of the Borough authorized to do so in connection with the transactions contemplated by this Agreement, shall be deemed a representation and warranty by the Borough to the Underwriter as to the statements made therein.

6. Closing.

(a) At 9:00 a.m., Pacific Time, on January __, 2015, or at such other time and date as shall have been mutually agreed upon by the Borough and the Underwriter (the "Closing"), the Borough will, subject to the terms and conditions hereof, deliver the Bonds to the Underwriter duly executed and authenticated, together with the other documents hereinafter mentioned, and the Underwriter will, subject to the terms and conditions hereof, accept such delivery and pay the purchase price of the Bonds as set forth in Section 1 of this Agreement by wire transfer payable in immediately available funds to the order of the Borough. Payment for the Bonds as aforesaid shall be made at the offices of the Underwriter in San Francisco, California, or such other place as shall have been mutually agreed upon by the Borough and the Underwriter.

(b) Delivery of the Bonds shall be made to the Paying Agent as agent of The Depository Trust Company, New York, New York. The Bonds shall be delivered in definitive fully registered form, bearing CUSIP numbers without coupons, with one Bond for each maturity of the Bonds, registered in the name of Cede & Co., all as provided in the Bond Ordinance, and shall be made available to the Underwriter at least one business day before the Closing for purposes of inspection.

7. Closing Conditions. The Underwriter has entered into this Agreement in reliance upon the representations, warranties and agreements of the Borough contained herein, and in reliance upon the representations, warranties and agreements to be contained in the documents and instruments to be delivered at the Closing and upon the performance by the Borough of its obligations hereunder, both as of the date hereof and as of the date of the Closing. Accordingly, the Underwriter's obligations under this Agreement to purchase, to accept delivery of and to pay for the Bonds shall be conditioned upon the performance by the Borough of its obligations to be performed hereunder and under such documents and instruments at or prior to the Closing, and shall also be subject to the following additional conditions, including the delivery by the Borough of such documents as are enumerated herein, in form and substance reasonably satisfactory to the Underwriter:

(a) The representations and warranties of the Borough contained herein shall be true, complete and correct on the date hereof and on and as of the date of the Closing, as if made on the date of the Closing;

(b) The Borough shall have performed and complied with all agreements and conditions required by this Agreement to be performed or complied with by it prior to or at the Closing;

(c) At the time of the Closing, (i) the Borough Documents and the Bonds shall be in full force and effect in the form heretofore approved by the Underwriter and shall

-7- of 18

IM 15-009
OR 15-006

not have been amended, modified or supplemented, and the Official Statement shall not have been supplemented or amended, except in any such case as may have been agreed to by the Underwriter; and (ii) all actions of the Borough required to be taken by the Borough shall be performed in order for Bond Counsel and other counsel to deliver their respective opinions referred to hereafter;

(d) At or prior to the Closing, the Bond Ordinance shall have been duly adopted by the Borough and the Borough shall have duly executed and delivered and the Bond Registrar shall have duly authenticated the Bonds;

(e) At the time of the Closing, there shall not have occurred any change or any development involving a prospective change in the condition, financial or otherwise, or in the revenues or operations of the Borough, from that set forth in the Official Statement that in the judgment of the Underwriter, is material and adverse and that makes it, in the judgment of the Underwriter, impracticable to market the Bonds on the terms and in the manner contemplated in the Official Statement;

(f) The Borough shall not have failed to pay principal or interest when due on any of its outstanding obligations for borrowed money;

(g) All steps to be taken and all instruments and other documents to be executed, and all other legal matters in connection with the transactions contemplated by this Agreement shall be reasonably satisfactory in legal form and effect to the Underwriter;

(h) At or prior to the Closing, the Underwriter shall have received copies of each of the following documents:

(1) The Official Statement, and each supplement or amendment thereto, if any, executed on behalf of the Borough by its Finance Director, or such other official as may have been agreed to by the Underwriter, and the reports and audits referred to or appearing in the Official Statement;

(2) The Bond Ordinance with such supplements or amendments as may have been agreed to by the Underwriter;

(3) The Undertaking of the Borough which satisfies the requirements of section (b)(5)(i) of the Rule;

(4) The approving legal opinion, dated the date of the Closing, of Foster Pepper PLLC, Bond Counsel to the Borough, in substantially the form attached to the Official Statement, and addressed to the Borough and the Underwriter or a manually executed copy of such opinion together with a letter of Bond Counsel dated the date of the Closing and addressed to the Underwriter, to the effect that such opinion may be relied upon by the Underwriter to the same extent as if such opinion were addressed to the Underwriter;

(5) A supplemental opinion of Bond Counsel addressed to the Underwriter, substantially to the effect that:

(i) the Bond Ordinance has been duly adopted by, and the other Borough Documents have been duly executed and delivered by, the Borough, and each of the Borough Documents constitutes a binding agreement in accordance with its terms, except to the extent limited by bankruptcy, insolvency, reorganization, moratorium or other similar laws and equitable principles of general application relating to or affecting the enforcement of creditors' rights;

(ii) the distribution of the Preliminary Official Statement and the Official Statement has been duly authorized by the Borough;

(iii) the Bonds are exempt securities under the Securities Act of 1933, as amended (the "1933 Act"), and the Trust Indenture Act of 1939, as amended (the "Trust Indenture Act") and it is not necessary, in connection with the offering and sale of the Bonds, to register the Bonds under the 1933 Act or to qualify the Bond Ordinance under the Trust Indenture Act;

(iv) the statements and information contained in the Official Statement under the subcaptions "Authorization and Purpose," "Security" and "Refunding Plan" under the caption "INTRODUCTION" and under the captions "DESCRIPTION OF THE 2015A BONDS," "CONTINUING DISCLOSURE," "TAX EXEMPTION," "CERTAIN OTHER FEDERAL TAX CONSEQUENCES" and in Appendix B to the Official Statement are fair and accurate statements or summaries of the matters therein set forth;

(v) based upon their participation in the preparation of the Official Statement as Bond Counsel and (except as expressly set forth in (iv) above), without having undertaken to determine independently the accuracy, completeness or fairness of the statements contained in the Official Statement and except for financial and statistical statements and data and statements relating to DTC or its book-entry system included therein, as to which no view need be expressed, no information came to the attention of the attorneys providing legal services in connection with the issuance of the Bonds that caused such attorneys to believe that the Official Statement contains any untrue statement of a material fact or omits to state a material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading in any material respect; and

(vi) the levy and collection of the taxes pledged to pay the principal of and interest on the Bonds have been duly authorized by the Borough in accordance with the Constitution and laws of the State.

(6) An opinion, dated the date of the Closing and addressed to the Underwriter, of counsel for the Underwriter, to the effect that:

(i) the Bonds are exempt securities under the 1933 Act and the Trust Indenture Act and it is not necessary, in connection with the offering and sale of the Bonds, to register the Bonds under the 1933 Act and the Bond Ordinance need not be qualified under the Trust Indenture Act; and

(ii) based upon their participation in the preparation of the Official Statement as counsel for the Underwriter and their participation at conferences at which the Official Statement was discussed, but without having undertaken to determine independently the accuracy, completeness or fairness of the statements contained in the Official Statement, such counsel has no reason to believe that the Official Statement contains any untrue statement of a material fact or omits to state a material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading (except for any financial, forecast, technical and statistical statements and data included in the Official Statement and the information regarding DTC and its book-entry system, in each case as to which no view need be expressed);

(7) An opinion of the Borough Attorney, addressed to the Underwriter, to the effect that:

(i) there is no litigation or proceeding pending, or to his knowledge after due inquiry threatened, in any way affecting the corporate existence of the Borough, or the titles of its officers to their respective offices, or seeking to restrain or to enjoin the issuance, sale or delivery of the Bonds, or the right, power and authority of the Borough to levy and collect taxes pledged or to be pledged to pay the principal of and interest on the Bonds, or the pledge thereof, or in any way contesting or affecting the validity or enforceability of the Bonds or the Borough Documents, or contesting in any way the completeness or accuracy of the Preliminary Official Statement or the Official Statement, or contesting the powers of the Borough or its authority with respect to the Bonds or the Borough Documents; and

(ii) based on the examination made by such counsel, such counsel has no reason to believe that the material in the Official Statement under the caption "Litigation and Regulatory Proceedings" contains any untrue statement of a material fact or omits to state a material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading in any material respect;

(8) A certificate of the Borough, dated the date of Closing and signed by the Borough Manager or the Borough Finance Director, to the effect that (i) the representations and warranties of the Borough contained in this Agreement

are true and correct in all material respects on and as of the date of the Closing with the same effect as if made on the date of the Closing; (ii) no litigation is pending or, to the signer's knowledge, threatened in any court in any way affecting the existence of the Borough, or the titles of its officers to their respective offices, or seeking to restrain or to enjoin the issuance, sale or delivery of the Bonds, or the right of the Borough to levy and to collect the taxes pledged to pay the principal of and interest on the Bonds, or the pledge thereof, or in any way contesting or affecting the validity or enforceability of the Bonds, the Bond Ordinance or this Agreement, or contesting in any way the completeness or accuracy of the Preliminary Official Statement or the Official Statement, or contesting the power of the Borough or its authority with respect to the Bonds, the Bond Ordinance or this Agreement; (iii) the information contained in the Official Statement (other than information relating to The Depository Trust Company as to which no opinion need be expressed) does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading in any material respect; (iv) since June 30, 2013, there has been no material adverse change in the financial position or results of operations of the Borough whether or not arising from transactions in the ordinary course of business, other than as set forth in the Official Statement; and since such date the Borough has not entered into any transaction or incurred any debt or other liability material as to the Borough, except as set forth in the Official Statement; (v) to the best of the signer's knowledge, no event affecting the Borough has occurred since the date of the Official Statement which should be disclosed in the Official Statement in order to make the statements and information therein not misleading in any material respect; (vi) within the last five years, the Borough has complied with each continuing disclosure undertaking that it has previously entered into pursuant to Rule 15c2-12; and (vii) the Borough has complied with all the agreements and satisfied all the conditions on its part to be performed or satisfied at or prior to the Closing;

(9) A certificate of the Borough signed by the Borough Finance Director and in form and substance satisfactory to Bond Counsel and counsel to the Underwriter (i) setting forth the facts, estimates and circumstances in existence on the date of the Closing, which establish that it is not expected that the proceeds of the Bonds will be used in a manner that would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and any applicable regulations (whether final, temporary or proposed), issued pursuant to the Code, and (ii) certifying that to the best of her knowledge and belief there are no other facts, estimates or circumstances that would materially change the conclusions, representations and expectations contained in such certificate;

(10) Any other certificates and opinions required by the Bond Ordinance for the issuance thereunder of the Bonds;

-11-of 18

Im 15-009
0215-004

(11) A letter from BDO USA, LLP, in which consent is given to the use of their report in the Preliminary Official Statement and Official Statement and to the references made to them in the Preliminary Official Statement and the Official Statement;

(12) A letter from Standard & Poor's Ratings Services confirming that the Bonds are rated "AA+";

(13) A letter from Fitch Ratings confirming that the Bonds are rated "AA;"

(14) A copy of a special report prepared by [_____], independent certified public accountants, addressed to the Borough, Bond Counsel and the Underwriter, verifying (i) the arithmetical computations of the adequacy of the maturing principal and interest on the Government Obligations and uninvested cash on hand under the Escrow Agreement to pay, when due, the principal of and interest on the Prior Bonds, and (ii) the computation of the yield with respect to the Government Obligations and the Bonds; and

(15) Such additional legal opinions, certificates, instruments and other documents as the Underwriter or counsel to the Underwriter may reasonably request to evidence the truth and accuracy, as of the date hereof and as of the date of the Closing, of the Borough's representations and warranties contained herein and of the statements and information contained in the Official Statement and the due performance or satisfaction by the Borough on or prior to the date of the Closing of all the respective agreements then to be performed and conditions then to be satisfied by the Borough.

All of the opinions, letters, certificates, instruments and other documents mentioned above or elsewhere in this Agreement shall be deemed to be in compliance with the provisions hereof if, but only if, they are in form and substance satisfactory to the Underwriter.

If the Borough shall be unable to satisfy the conditions to the obligations of the Underwriter to purchase, to accept delivery of and to pay for the Bonds contained in this Agreement, or if the obligations of the Underwriter to purchase, to accept delivery of and to pay for the Bonds shall be terminated for any reason permitted by this Agreement, this Agreement shall terminate and neither the Underwriter nor the Borough shall be under any further obligation hereunder, except that the respective obligations of the Borough and the Underwriter set forth in Sections 5 and 10(d) hereof shall continue in full force and effect.

8. Role of Underwriter. Inasmuch as this purchase and sale represents a negotiated transaction, the Borough acknowledges and agrees that: (i) the transaction contemplated by this Agreement is an arm's length, commercial transaction between the Borough and the Underwriter in which the Underwriter is acting solely as a principal and is not acting as a municipal advisor, financial advisor or fiduciary to the Borough; (ii) the Underwriter has not assumed any advisory or fiduciary responsibility to the Borough with respect to the transaction contemplated hereby and the discussions, undertakings and procedures leading thereto (irrespective of whether the

Underwriter has provided other services or is currently providing other services to the Borough on other matters); (iii) the Underwriter is acting solely in its capacity as underwriter for its own account, and (iv) the Borough has consulted its own legal, accounting, tax, financial and other advisors, as applicable, to the extent it has deemed appropriate.

9. Termination. The Underwriter shall have the right to cancel its obligation to purchase the Bonds if, between the date of this Agreement and the Closing, the market price or marketability of the Bonds shall be materially adversely affected, in the sole judgment of the Underwriter, by the occurrence of any of the following:

(a) legislation shall be enacted by or introduced in the Congress of the United States or recommended to the Congress for passage by the President of the United States, or the Treasury Department of the United States or the Internal Revenue Service or any member of the Congress or the Alaska Legislature or favorably reported for passage to either House of the Congress by any committee of such House to which such legislation has been referred for consideration, a decision by a court of the United States or of the State or the United States Tax Court shall be rendered, or an order, ruling, regulation (final, temporary or proposed), press release, statement or other form of notice by or on behalf of the Treasury Department of the United States, the Internal Revenue Service or other governmental agency shall be made or proposed, the effect of any or all of which would be to impose, directly or indirectly, federal income taxation or State income taxation upon interest received on obligations of the general character of the Bonds, or other action or events shall have transpired which may have the purpose or effect, directly or indirectly, of changing the federal income tax consequences or State income tax consequences of any of the transactions contemplated herein;

(b) legislation introduced in or enacted (or resolution passed) by the Congress or an order, decree, or injunction issued by any court of competent jurisdiction, or an order, ruling, regulation (final, temporary, or proposed), press release or other form of notice issued or made by or on behalf of the Securities and Exchange Commission, or any other governmental agency having jurisdiction of the subject matter, to the effect that obligations of the general character of the Bonds, including any or all underlying arrangements, are not exempt from registration under the 1933 Act, or that the Bond Ordinance is not exempt from qualification under the Trust Indenture Act, or that the issuance, offering, or sale of obligations of the general character of the Bonds, including any or all underlying arrangements, as contemplated hereby or by the Official Statement or otherwise, is or would be in violation of the federal securities law as amended and then in effect;

(c) any state Blue Sky or securities commission or other governmental agency or body shall have withheld registration, exemption or clearance of the offering of the Bonds as described herein, or issued a stop order or similar ruling relating thereto;

(d) a general suspension of trading in securities on the New York Stock Exchange, the establishment of minimum prices on either such exchange, the establishment of material restrictions (not in force as of the date hereof) upon trading securities generally by any governmental authority or any national securities exchange, a

general banking moratorium declared by federal, State of New York, or State officials authorized to do so;

(e) the New York Stock Exchange or other national securities exchange or any governmental authority, shall impose, as to the Bonds or as to obligations of the general character of the Bonds, any material restrictions not now in force, or increase materially those now in force, with respect to the extension of credit by, or the charge to the net capital requirements of, Underwriter;

(f) any amendment to the federal or State Constitution or action by any federal or State court, legislative body, regulatory body, or other authority materially adversely affecting the validity or enforceability of the levy of taxes to pay principal of and interest on the Bonds;

(g) any event occurring, or information becoming known which, in the judgment of the Underwriter, makes untrue in any material respect any statement or information contained in the Official Statement, or has the effect that the Official Statement contains any untrue statement of material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading;

(h) there shall have occurred any materially adverse change in the affairs or financial condition of the Borough, except for changes which the Official Statement discloses are expected to occur;

(i) the United States shall have become engaged in hostilities which have resulted in a declaration of war or a national emergency or there shall have occurred any other outbreak or escalation of hostilities;

(j) there shall have occurred any national or international calamity or crisis in the financial markets or otherwise of the United States;

(k) any fact or event shall exist or have existed that, in the Underwriter's judgment, requires or has required an amendment of or supplement to the Official Statement;

(l) there shall have occurred or any notice shall have been given of any intended review, downgrading, suspension, withdrawal, or negative change in credit watch status by any national rating service to any of the Borough's obligations; or

(m) the purchase of and payment for the Bonds by the Underwriter, or the resale of the Bonds by the Underwriter, on the terms and conditions herein provided shall be prohibited by any applicable federal or State law, governmental authority, board, agency or commission.

-14- 0f18

Im15-009
BR15-006

10. Expenses.

(a) The Underwriter shall be under no obligation to pay, and the Borough shall pay all expenses incident to the performance of the Borough's obligations hereunder, including, but not limited to (i) the cost of preparation and printing of the Bonds, Preliminary Official Statement, Official Statement and any amendment or supplement thereto, (ii) the fees and disbursements of Bond Counsel, Underwriter's Counsel and Borough Counsel; (iii) the fees and disbursements of the Financial Advisor to the Borough; (iv) the fees and disbursements of any Paying Agent or engineers, accountants, and other experts, consultants or advisers retained by the Borough, if any; and (v) all fees and expenses in connection with obtaining bond ratings. The Borough shall also pay for any expenses (included in the expense component of the Underwriter's discount) incurred by the Underwriter which are incidental to implementing this Agreement and the issuance of the Bonds, including, but not limited to, meals, transportation and lodging, if any, and any other miscellaneous closing costs.

(b) The Borough acknowledges that it has had an opportunity, in consultation with such advisors as it may deem appropriate, if any, to evaluate and consider the fees and expenses being incurred as part of the issuance of the Bonds.

(c) Except as provided for above, the Underwriter shall pay (i) the cost of preparation and printing of this Agreement, the Blue Sky Survey and Legal Investment Memorandum; (ii) all advertising expenses in connection with the public offering of the Bonds; and (iii) all other expenses incurred by them in connection with the public offering of the Bonds.

(d) If this Agreement shall be terminated by the Underwriter because of any failure or refusal on the part of the Borough to comply with the terms or to fulfill any of the conditions of this Agreement, or if for any reason the Borough shall be unable to perform its obligations under this Agreement, the Borough will reimburse the Underwriter for all out-of-pocket expenses (including the fees and disbursements of counsel to the Underwriter) reasonably incurred by the Underwriter in connection with this Agreement or the offering contemplated hereunder.

11. Notices. Any notice or other communication to be given to the Borough under this Agreement must be given by delivering the same in writing to the Borough Manager and any notice or other communication to be given to the Underwriter under this Agreement must be given by delivering the same in writing to: RBC Capital Markets, LLC, Two Embarcadero Center, Suite 1200, San Francisco, California 94111, Attention: Tom Yang, Managing Director.

12. Parties in Interest. This Agreement as heretofore specified shall constitute the entire agreement between us and is made solely for the benefit of the Borough and the Underwriter (including successors or assigns of the Underwriter) and no other person shall acquire or have any right hereunder or by virtue hereof. This Agreement may not be assigned by the Borough. All of the Borough's representations, warranties and agreements contained in this Agreement shall remain operative and in full force and effect, regardless of (i) any investigations

made by or on behalf of the Underwriter; (ii) delivery of and payment for the Bonds pursuant to this Agreement; and (iii) any termination of this Agreement.

13. Effectiveness. This Agreement shall become effective upon the acceptance hereof by the Borough and shall be valid and enforceable at the time of such acceptance.

14. Choice of Law. This Agreement shall be governed by and construed in accordance with the law of the State.

15. Severability. If any provision of this Agreement shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable as applied in any particular case in any jurisdiction or jurisdictions, or in all jurisdictions because it conflicts with any provisions of any Constitution, statute, rule of public policy, or any other reason, such circumstances shall not have the effect of rendering the provision in question invalid, inoperative or unenforceable in any other case or circumstance, or of rendering any other provision or provisions of this Agreement invalid, inoperative or unenforceable to any extent whatever.

16. Business Day. For purposes of this Agreement, "business day" means any day on which the New York Stock Exchange is open for trading.

17. Section Headings. Section headings have been inserted in this Agreement as a matter of convenience of reference only, and it is agreed that such section headings are not a part of this Agreement and will not be used in the interpretation of any provisions of this Agreement.

18. Counterparts. This Agreement may be executed in several counterparts each of which shall be regarded as an original (with the same effect as if the signatures thereto and hereto were upon the same document) and all of which shall constitute one and the same document.

[Signature Page Follows]

If you agree with the foregoing, please sign the enclosed counterpart of this Agreement and return it to the Underwriter. This Agreement shall become a binding agreement between you and the Underwriter when at least the counterpart of this letter shall have been signed by or on behalf of each of the parties hereto.

Very truly yours,

RBC CAPITAL MARKETS, LLC

By _____
Tom Yang
Managing Director

Accepted at _____, Eastern Time, by the
Matanuska-Susitna Borough, Alaska, this
____ day of January, 2015.

MATANUSKA-SUSITNA BOROUGH, ALASKA

By _____
Tammy E. Clayton
Borough Finance Director

Schedule I

General Obligation School Refunding Bonds, 2015 Series A

BOND TERMS

Principal Amount: \$ _____

Dated Date: January ___, 2015

Maturity Schedule:

<u>Maturity (February 1)</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Reoffering Yield</u>	<u>Reoffering Price</u>
	\$	%	%	

*Yield to _____ 1, 20__ call date.

Optional Redemption:

The 2015A Bonds maturing on or after _____ 1, 20__ are subject to redemption prior to maturity at the option of the Borough, in such principal amounts and from such maturities of such 2015A Bonds of the same maturity and interest rate as the Borough shall determine, and by lot with respect to 2015A Bonds of the same maturity and interest rate, on any date on or after _____ 1, 20__, at a redemption price of par, plus accrued interest to the redemption date.

NON-CODE ORDINANCE

Sponsored By: John Moosey
Introduced: _____
Public Hearing: _____
Adopted: _____

MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 15-006

AN ORDINANCE AUTHORIZING THE MATANUSKA-SUSITNA BOROUGH TO ISSUE AREAWIDE GENERAL OBLIGATION BONDS, IN ONE OR MORE SERIES, TO REFUND CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF THE BOROUGH; FIXING CERTAIN DETAILS OF SUCH BONDS; AND AUTHORIZING THEIR SALE.

WHEREAS, there is currently outstanding \$22,500,000 in aggregate principal amount of General Obligation School Refunding Bonds, 2004 Series D of the Borough maturing on April 1 in the years 2015 through 2020, inclusive, issued pursuant to Ordinance Serial No. 04-180 of the Borough (the "2004 Series D Bonds"); and

WHEREAS, there is currently outstanding \$14,960,000 in aggregate principal amount of General Obligation School Bonds, 2006 Series A of the Borough maturing on February 1 in the years 2015 through 2024, inclusive, and 2026, issued pursuant to Ordinance Serial No. 06-128 of the Borough (the "2006 Series A Bonds"); and

WHEREAS, there is currently outstanding \$14,040,000 in aggregate principal amount of General Obligation School Bonds, 2006 Series B of the Borough maturing on February 1 in the years 2015 through 2024, inclusive, and 2026, issued pursuant to

Ordinance Serial No. 06-128 of the Borough (the "2006 Series B Bonds"); and

Whereas, the Assembly adopted Ordinance 14-094 on August 5, 2014 to refund the 2006 Series A and B Bonds, however, since then a portion of the 2004 Series D Bonds can now be refunded requiring new legislation; and

WHEREAS, the Assembly finds that it is in the best interest of the Borough to provide for the refunding, including the payment of principal of and interest on, those maturities of the 2004 Series D Bonds, the 2006 Series A Bonds and the 2006 Series B Bonds that the Borough Manager or Borough Finance Director determines will produce the percentage of debt service savings specified in Section 17, by the issuance of general obligation refunding bonds; and

WHEREAS, to effect such refunding in the most economical manner, part of the sale proceeds of the bonds authorized herein may be invested in obligations to be authorized and approved by the Borough Manager or Borough Finance Director, maturing in such amounts and at such times as are required to pay interest on the 2004 Series D Bonds, the 2006 Series A Bonds and the 2006 Series B Bonds to be refunded prior to the date of their redemption and to redeem such 2004 Series D Bonds, 2006 Series A Bonds and 2006 Series B Bonds on the earliest practicable dates on which such 2004 Series D Bonds, 2006 Series A Bonds and 2006 Series B Bonds may be called for optional redemption; and

WHEREAS, Section 29.47.320 of the Alaska Statutes provides that general obligation refunding bonds may be issued without an

election and that their issuance may be authorized by ordinance, and Section 29.47.410 of the Alaska Statutes provides that the Assembly by ordinance or resolution may provide for the form and manner of sale of bonds and notes; and

WHEREAS, the Assembly finds that, after the issuance of the Bonds (as defined in Section 2), the total outstanding principal amount of general obligation bonds of the Borough will not exceed seven percent of the total assessed valuation of taxable property in the Borough; and

WHEREAS, the Assembly finds that it is necessary and appropriate to delegate to each of the Borough Manager and Borough Finance Director authority to determine the principal amounts per maturity, interest rates and other details of the Bonds, to determine the manner of sale of the Bonds and to determine other matters that are not provided for in this Ordinance;

NOW THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE MATANUSKA-SUSITNA BOROUGH:

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

Section 2. Definitions. The following terms shall have the following meanings in this Ordinance:

(A) "2004 Series D Bonds" means the currently outstanding \$22,500,000 in aggregate principal amount of General Obligation School Refunding Bonds, 2004 Series D of the Borough maturing on April 1 in the years 2015 through 2020, inclusive, issued pursuant to Ordinance Serial No. 04-180 of the Borough.

(B) "2006 Series A Bonds" means the currently outstanding \$14,960,000 in aggregate principal amount of General Obligation School Bonds, 2006 Series A of the Borough maturing on February 1 in the years 2015 through 2024, inclusive, and 2026, issued pursuant to Ordinance Serial No. 06-128 of the Borough.

(C) "2006 Series B Bonds" means the currently outstanding \$14,040,000 in aggregate principal amount of General Obligation School Bonds, 2006 Series B of the Borough maturing on February 1 in the years 2015 through 2024, inclusive, and 2026, issued pursuant to Ordinance Serial No. 06-128 of the Borough.

(D) "Assembly" means the Assembly of the Matanuska-Susitna Borough, as the general legislative authority of the Matanuska-Susitna Borough, as the same shall be duly and regularly constituted from time to time.

(E) "Beneficial Owner" means the person in whose name a Bond is recorded as the beneficial owner of such Bond by the respective systems of The Depository Trust Company and The Depository Trust Company Participants.

(F) "Bond" or "Bonds" means any or all of the General Obligation School Refunding Bonds of the Borough issued to refund the Refunded Bonds, as provided in this Ordinance.

(G) "Bond Insurer" means any insurance company which issues a policy of insurance with respect to payment of the principal of and interest on the Bonds, as approved by the Borough Manager or Borough Finance Director under Section 22.

(H) "Bond Register" means the registration books maintained by the Paying Agent as Bond registrar, which include

the names and addresses of the owners or nominee of the owners of the Bonds.

(I) "Borough" means the Matanuska-Susitna Borough, a municipal corporation of the State of Alaska, organized as a second class borough under Title 29 of the Alaska Statutes.

(J) "Code" means the Internal Revenue Code of 1986, as amended from time to time, together with all regulations applicable thereto.

(K) "Cost" or "Costs" means the administrative costs of refunding the Refunded Bonds, including legal fees, fees and expenses of the Paying Agent and costs of issuance of the Bonds by the Borough, including underwriting discount and fees and expenses of bond counsel, financial advisors and consultants in connection therewith, the cost of any bond insurance premium and bond ratings and the cost of audits.

(L) "DTC" means The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York, and its successors and assigns.

(M) "DTC Participant" means a trust company, bank, broker dealer, clearing corporation, and any other organization that is a participant of DTC.

(N) "Government Obligations" means obligations that are non-callable direct obligations of, or obligations the timely payment of principal of and interest on which are unconditionally guaranteed by, the United States of America.

(O) "Letter of Representations" means the blanket letter of representations from the Borough to DTC, dated as of November 20, 1998.

(P) "Ordinance" means this Ordinance Serial No. 14-____ of the Borough.

(Q) "Paying Agent" means the entity appointed as Paying Agent pursuant to Section 12, and its successors. The Paying Agent shall also act as Bond registrar under Section 12.

(R) "Refunded 2004 Series D Bonds" means the maturities of the 2004 Series D Bonds, if any, selected for redemption under Section 17 at the time of execution of the purchase contract for the Bonds under Section 22.

(S) "Refunded 2006 Series A Bonds" means the maturities and sinking fund installments of the 2006 Series A Bonds, if any, selected for redemption under Section 17 at the time of execution of the purchase contract for the Bonds under Section 22.

(T) "Refunded 2006 Series B Bonds" means the maturities and sinking fund installments of the 2006 Series B Bonds, if any, selected for redemption under Section 17 at the time of execution of the purchase contract for the Bonds under Section 22.

(U) "Refunded Bonds" means, collectively, the Refunded 2004 Series D Bonds, if any, the Refunded 2006 Series A Bonds, if any, and the Refunded 2006 Series B Bonds, if any.

(V) "Refunding Account" means the special account established under Section 16(C) and designated as the "2015

General Obligation School Bond Refunding Account" (or such other name as the Borough Finance Director may hereafter determine), for the purpose of holding money, including Bond proceeds, to be used to pay the interest on and the redemption price of the Refunded Bonds.

(W) "Refunding Trust Agreement" means the Refunding Trust Agreement between the Refunding Trustee and the Borough, under which the Government Obligations will be deposited, together with other money, if necessary, to pay the interest on and the redemption price of the Refunded Bonds.

(X) "Refunding Trustee" means the entity appointed as Refunding Trustee under the Refunding Trust Agreement pursuant to Section 16, and its successors.

(Y) "Registered Owner" means the person named as the registered owner of a Bond in the Bond Register.

(Z) "Underwriter" means RBC Capital Markets, LLC, or the initial purchaser of the Bonds as determined by the Borough Manager or the Borough Finance Director in accordance with the provisions of this Ordinance.

Section 3. Authorization of Bonds and Purpose of Issuance.
For the purpose of providing funds required to pay the Costs of refunding the Refunded Bonds, including the funds to purchase Government Obligations and to provide beginning cash to effect the refunding of the Refunded Bonds in the manner and at the times hereinafter set forth, to provide for original issue premium or discount, if any, and to pay all costs incidental thereto and to the issuance of the Bonds, the Borough hereby

authorizes and determines to issue and sell the Bonds in an aggregate principal amount, not to exceed \$40,000,000, that the Borough Manager or Borough Finance Director determines will produce the percentage of debt service savings specified in this Ordinance.

Section 4. Obligation of Bonds. The Bonds shall be direct and general obligations of the Borough, and the full faith and credit of the Borough are hereby pledged to the payment of the principal of and interest on the Bonds. The Borough hereby irrevocably pledges and covenants that it will levy ad valorem taxes upon all taxable property within the Borough, without limitation of rate or amount, to pay the principal of and interest on the Bonds as the same become due and payable. In the event that any Bond Insurer makes any payment under a bond insurance policy with respect to the Bonds, such payment shall not be deemed a payment of the Borough and such payment amount shall continue to be due and payable by the Borough under this Ordinance.

Section 5. Details of the Bonds. Each of the Bonds shall be in the denomination of \$5,000 or an integral multiple thereof within a single series, maturity and interest rate, shall be numbered separately in the manner and with such additional designation as the Paying Agent deems necessary for purposes of identification, and may have endorsed thereon such legends or text as may be necessary or appropriate to conform to the rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

The Bonds shall bear interest from their date, payable commencing on a February 1 or August 1 (or such other date as shall be determined at the time of execution of the purchase contract for the Bonds under Section 22) that is no later than twelve months after their dated date, and semi-annually thereafter in each year. Interest will be computed on the basis of a 360-day year consisting of twelve 30-day months.

The dated date, the principal and interest payment dates, the principal amount of each maturity, the amount of each sinking fund installment and the interest rates on the Bonds shall be determined at the time of execution of the purchase contract for the Bonds under Section 22.

Section 6. Optional Redemption. The Bonds, if any, subject to optional redemption by the Borough, the time or times when such Bonds are subject to optional redemption, the terms upon which such Bonds may be redeemed, and the redemption price or redemption prices for such Bonds, shall be determined at the time of execution of the purchase contract for the Bonds under Section 22.

Section 7. Mandatory Sinking Fund Redemption. The Bonds, if any, that are subject to mandatory redemption in part from sinking fund installments, and the amounts and due dates of such sinking fund installments, shall be determined at the time of execution of the purchase contract for the Bonds under Section 22. If Bonds subject to mandatory sinking fund redemption are (i) redeemed at the option of the Borough under Section 6, (ii) defeased under Section 21 or (iii) purchased by

the Borough, there shall be credited to one or more future sinking fund installments (including the payment due at final maturity) with respect to such Bonds the amount of principal of the Bonds so redeemed, defeased or purchased that the Borough designates in written instructions delivered to the Paying Agent before the date of the optional redemption, defeasance or purchase; provided that if the Borough does not deliver such written instructions to the Paying Agent, there shall be credited to each such sinking fund installment (including the payment due at final maturity) a pro rata portion of the principal amount of the Bonds so redeemed, defeased or purchased.

Section 8. Selection of Bonds for Redemption; Notice of Redemption.

(A) Selection of Bonds for Redemption. Unless otherwise provided in the purchase contract for the Bonds under Section 22, as long as the Bonds are held in book-entry only form, the selection of Bonds to be redeemed, if any, shall be made as provided in the Letter of Representations, and if the Bonds are no longer held in book-entry form, the selection of Bonds to be redeemed shall be made as provided in this subsection (A). If the Borough redeems at any one time fewer than all of the Bonds of a series having the same maturity date and interest rate, the particular Bonds or portions of Bonds of such maturity and interest rate to be redeemed shall be selected by lot (or in such other manner determined by the Paying Agent) in increments of \$5,000. In the case of a Bond of a

denomination greater than \$5,000, the Borough and Paying Agent shall treat such Bond as representing such number of separate Bonds each of the denomination of \$5,000 as is obtained by dividing the actual principal amount of such Bond by \$5,000. In the event that only a portion of the principal sum of a Bond is redeemed, upon surrender of such Bond at the corporate trust office of the Paying Agent there shall be issued to the Registered Owner, without charge therefor, for the then unredeemed balance of the principal sum thereof, at the option of the Registered Owner, a Bond or Bonds of like series, maturity and interest rate in any of the denominations authorized herein.

(B) Notice of Redemption. Notice of any intended redemption of Bonds shall be given not less than 20 nor more than 45 days prior to the date fixed for redemption by first class mail to Registered Owners of the Bonds to be redeemed at their addresses as they appear on the Bond Register on the day the notice is mailed; provided, however, that for so long as the Bonds are registered in the name of Cede & Co. or its registered assigns, all notices shall be given only as provided in the Letter of Representations. The requirements of this section shall be deemed to be met when notice is mailed as herein provided, whether or not it is actually received by the Registered Owners.

All official notices of redemption shall be dated and shall state:

- (1) the redemption date;

(2) the redemption price;

(3) if fewer than all outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed;

(4) that on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after such date; and

(5) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the corporate trust office of the Paying Agent.

Official notice of redemption having been given as aforesaid, Bonds or portions of Bonds to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the Borough shall fail to deposit the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with such notice, such Bonds shall be paid by the Paying Agent at the redemption price. Each check or other transfer of funds issued to pay the redemption price of Bonds shall bear the CUSIP number identifying, by series, maturity and interest rate, the Bonds being redeemed with the proceeds of such check or other transfer. Installments of interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. Upon surrender of any Bond for partial redemption,

there shall be prepared for the Registered Owner a new Bond or Bonds of the same series, maturity and interest rate in the amount of the unpaid principal. All Bonds which have been redeemed shall be canceled and destroyed by the Paying Agent and shall not be reissued.

In addition to the foregoing notice, further notice shall be given by the Paying Agent as set forth below, but no defect in such further notice nor failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as above prescribed. Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus: (i) the CUSIP numbers of all Bonds being redeemed; (ii) the date of issue of the Bonds as originally issued; (iii) the rate of interest borne by each Bond being redeemed; (iv) the maturity date of each Bond being redeemed; and (v) any other descriptive information needed to identify accurately the Bonds being redeemed. Each further notice of redemption shall be sent electronically at least 20 days before the redemption date to the Municipal Securities Rulemaking Board.

Notwithstanding the foregoing provisions of this subsection (B), in the case of an optional redemption, the notice may state that the Borough retains the right to rescind the redemption notice and the related optional redemption of Bonds by giving a notice of rescission to the affected Registered Owners at any time on or prior to the scheduled

optional redemption date. Any notice of optional redemption that is so rescinded shall be of no effect, and the Bonds for which the notice of optional redemption has been rescinded shall remain outstanding.

Section 9. Form of Bond. Each Bond shall be in substantially the following form, with such variations, omissions, and insertions as may be required or permitted by this Ordinance:

NO. _____ \$ _____

UNITED STATES OF AMERICA

STATE OF ALASKA

MATANUSKA-SUSITNA BOROUGH

GENERAL OBLIGATION SCHOOL REFUNDING BOND, _____ SERIES _____

INTEREST RATE _____ MATURITY DATE _____ CUSIP NO. _____

Registered Owner: CEDE & CO.

Principal Amount _____ DOLLARS

The Matanuska-Susitna Borough (the "Borough"), a municipal corporation of the State of Alaska, hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner set forth above, or registered assigns, on the maturity date set forth above, the principal amount set forth above, and to pay interest on such principal amount from the date hereof until its obligation with respect to the payment of such principal amount shall be discharged, at the interest rate per annum set forth above, payable on the first days of _____ and _____ in each year beginning _____ 20___. Interest will be computed on the basis of a 360-day year consisting of twelve 30-day months. The principal of and the interest on this Bond shall be payable in lawful money of the United States of America which at the time of payment is legal tender for the payment of public and private debts. Principal shall be paid to the Registered Owner or assigns upon presentation and surrender of this Bond at the corporate trust office of _____ (the "Paying Agent"), or its successors.

Payment of interest shall be made by check or draft mailed to the Registered Owner as of the 15th day of the month preceding each interest payment date at the address appearing on the Bond Register of the Borough kept at the corporate trust office of the Paying Agent; provided, that interest to be paid to the Registered Owner of Bonds in the aggregate principal amount of \$1,000,000 or more may be made by wire transfer to any location in the United States of America as provided in the hereinafter defined Ordinance; and provided further, that if this Bond is held in fully immobilized form, payment of interest shall be made by wire transfer.

This Bond is one of the General Obligation School Refunding Bonds, _____ Series _____ of the Matanuska-Susitna Borough, Alaska, of like tenor and effect except as to interest rate, serial number and maturity, aggregating \$ _____ in principal amount, and constituting Bonds authorized for the purpose of refunding prior general obligation bonds that were issued to pay the cost of educational and related capital improvements in the Borough, and is issued under Ordinance Serial No. 14- _____ of the Borough entitled:

AN ORDINANCE AUTHORIZING THE MATANUSKA-SUSITNA BOROUGH TO ISSUE AREAWIDE GENERAL OBLIGATION BONDS, IN ONE OR MORE SERIES, TO REFUND CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF THE BOROUGH; FIXING CERTAIN DETAILS OF SUCH BONDS; AND AUTHORIZING THEIR SALE.

(the "Ordinance").

The Bonds are subject to redemption prior to their stated maturity dates as provided in the Ordinance.

This Bond is transferable as provided in the Ordinance (i) only upon the Bond Register of the Borough kept for that purpose at the corporate trust office of the Paying Agent and (ii) upon surrender of this Bond together with a written instrument of transfer duly executed by the Registered Owner or the duly authorized attorney of the Registered Owner, and thereupon a new fully registered Bond or Bonds in the same aggregate principal amount, series, maturity and interest rate shall be issued to the transferee in exchange therefor as provided in the Ordinance and upon the payment of charges, if any, as therein prescribed. The Borough and the Paying Agent may treat and consider the person in whose name this Bond is of receiving payment of, or on account of, the principal or redemption price, if any, hereof and interest due hereon and for all other purposes whatsoever.

This Bond is a general obligation of the Matanuska-Susitna Borough, and the full faith and credit of the Borough are pledged for the payment of the principal of and interest on this Bond as the same shall become due.

IT IS HEREBY CERTIFIED AND RECITED that all conditions, acts or things required by the constitution or statutes of the State of Alaska to exist or the ordinances of the Borough, to have happened or to have been performed precedent to or in the issuance of this Bond exist, have happened and have been performed, and that the series of Bonds of which this is one, together

with all other indebtedness of the Borough, is within every debt and other limit prescribed by such constitution, statutes or ordinances.

IN WITNESS WHEREOF, THE MATANUSKA-SUSITNA BOROUGH, ALASKA, has caused this Bond to be signed in its name and on its behalf by the manual or facsimile signature of its Mayor and its corporate seal (or a facsimile thereof) to be impressed or otherwise reproduced hereon and attested by the manual or facsimile signature of its Clerk, all as of the _____ day of _____, _____.

_____/specimen/
Borough Mayor

ATTEST:

_____/specimen/
Borough Clerk

(SEAL)

Section 10. Execution and Authentication.

(A) The Bonds shall be executed in the name of the Borough by the manual or facsimile signature of the Mayor, and its corporate seal (or a facsimile thereof) shall be impressed or otherwise reproduced thereon and attested by the manual or facsimile signature of the Borough Clerk. The execution of a Bond on behalf of the Borough by persons who at the time of the execution are duly authorized to hold the proper offices shall be valid and sufficient for all purposes, although any such person shall have ceased to hold office at the time of authentication of the Bond or shall not have held office on the date of the Bond.

(B) The Bonds shall bear a certificate of authentication, executed manually by the Paying Agent, in the following form:

PAYING AGENT'S CERTIFICATE
OF AUTHENTICATION

This Bond is one of the Matanuska-Susitna Borough, Alaska, General Obligation School Refunding Bonds, _____ Series _____, described in and issued pursuant to the within mentioned Ordinance.

as Paying Agent

By: _____
Authorized Officer

Only Bonds bearing such certificate of authentication, duly executed, shall be entitled to any right or benefit under this Ordinance. No Bond shall be valid or obligatory for any purpose until such certificate of authentication thereon shall have been duly executed by the Paying Agent. Such certificate of authentication upon any Bond executed on behalf of the Borough shall be conclusive evidence that the Bond so authenticated has been duly authenticated and delivered under this Ordinance and that the Registered Owner thereof is entitled to the benefit of this Ordinance.

Section 11. Payment of Principal and Interest. The Bonds shall be payable in lawful money of the United States of America which at the time of payment is legal tender for the payment of public and private debts. For so long as all outstanding Bonds are held in book-entry form under Section 13, payment of principal thereof and interest thereon shall be made as provided in the Letter of Representations. In the event that the Bonds are no longer held in book-entry form under Section 13, payment of interest on the Bonds shall be made by check or draft mailed

by first class mail to the Registered Owner of record as of the 15th day of the month preceding each interest payment date at the address appearing on the Bond Register of the Borough kept at the corporate trust office of the Paying Agent, provided that any owner of Bonds in an aggregate principal amount of \$1,000,000 or more may, at its option, receive interest payments by wire transfer at any location within the United States of America upon notice delivered to the Paying Agent not later than the 15th day of the month preceding any interest payment date; and principal of the Bonds will be payable at the corporate trust office of the Paying Agent upon presentation and surrender of the Bonds representing such principal.

Section 12. Registration. Each of the Borough Manager and the Borough Finance Director is hereby authorized to appoint the Paying Agent for the Bonds. The Paying Agent shall be a bank or trust company duly authorized to exercise corporate trust powers and subject to examination by federal or state authority, and shall have such additional qualifications, if any, as the Borough Manager or Borough Finance Director may consider appropriate. The term "Paying Agent" shall include any successor or successors thereto. The Paying Agent as Bond registrar shall maintain at its corporate trust office a Bond Register which shall include the names and addresses of the Registered Owners or nominees of the Registered Owners of the Bonds.

Upon presentation for such purpose at such office, the Paying Agent shall, under such reasonable regulations as it may

prescribe, register or transfer on the Bond Register any Bonds entitled to registration or transfer. The Borough and the Paying Agent may treat the person in whose name any Bond shall be registered as the absolute owner of such Bond for all purposes, whether or not the Bond shall be overdue, and all payments of principal of and interest on a Bond made to the Registered Owner thereof or upon its order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the Borough nor the Paying Agent shall be affected by any notice to the contrary.

Section 13. Securities Depository.

(A) The Bonds shall be registered initially in the name of "Cede & Co.," as nominee of DTC, and shall be issued initially in the form of a single Bond for each maturity and interest rate of each series of the Bonds in the amount of such maturity and interest rate. Registered ownership of the Bonds, or any portions thereof, may not thereafter be transferred except (i) to any successor of DTC or its nominee, provided that any such successor shall be qualified under any applicable laws to provide the service proposed to be provided by it; (ii) to any substitute depository's successor; or (iii) to any person as provided in subsection (D) below.

(B) Upon the resignation of DTC or its successor (or any substitute depository or its successor) from its functions as depository or a determination by the Borough that it is no longer in the best interest of the Borough to continue the

system of book-entry transfers through DTC or its successors (or any substitute depository or its successor), the Borough may appoint a substitute depository. Any such substitute depository shall be qualified under any applicable laws to provide the services proposed to be provided by it.

(C) In the case of any transfer pursuant to clause (i) or (ii) of subsection (A) above, the Paying Agent shall, upon receipt of all outstanding Bonds, together with a written request of the Borough and a supply of new Bonds, authenticate a single new Bond for each maturity and interest rate of each series of the Bonds then outstanding, registered in the name of such successor or such substitute depository, or their nominees, as the case may be, all as specified in such written request.

(D) In the event that DTC or its successor (or substitute depository or its successor) resigns from its functions as depository, and no substitute depository can be obtained, or the Borough determines that it is in the best interest of the Borough or of the Beneficial Owners that Beneficial Owners be able to obtain bond certificates, the ownership of Bonds may then be transferred to any person or entity as provided in this Ordinance and the Bonds shall no longer be held in book-entry form. The Borough shall deliver a written request to the Paying Agent, together with a supply of definitive Bonds, to issue Bonds as provided in this Ordinance in any authorized denomination. Upon receipt of all then outstanding Bonds by the Paying Agent, together with a written request of the Borough to the Paying Agent, new Bonds shall be issued and authenticated in

such denominations and registered in the names of such persons as are requested in such written request.

(E) For so long as the Bonds are held in book-entry form under this section, the Borough and the Paying Agent may treat DTC (or its nominee) as the sole and exclusive Registered Owner of the Bonds registered in its name for the purposes of payment of principal of and interest on the Bonds, giving any notice permitted or required to be given to Registered Owners under this Ordinance, registering the transfer of Bonds, and obtaining any consent or other action to be taken by Registered Owners and for all other purposes whatsoever; and neither the Borough nor the Paying Agent shall be affected by any notice to the contrary. Neither the Borough nor the Paying Agent shall have any responsibility or obligation to any DTC Participant, any person claiming a beneficial ownership interest in the Bonds under or through DTC or any DTC Participant, or any other person not shown on the Bond Register as being a Registered Owner with respect to the accuracy of any records maintained by DTC or any DTC Participant, the payment by DTC or any DTC Participant of any amount in respect of the principal of or interest on the Bonds, any notice which is permitted or required to be given to Registered Owners under this Ordinance, or any consent given or other action taken by DTC as Registered Owner. The Paying Agent shall pay from money available hereunder all principal of and interest on the Bonds only to or upon the order of DTC, and all such payments shall be valid and effective to fully satisfy and discharge the Borough's obligations with respect to the

principal of and interest on the Bonds to the extent of the sum or sums so paid.

Section 14. Transfer and Exchange. Bonds shall be transferred only upon the Bond Register. Upon surrender for transfer or exchange of any Bond, with a written instrument of transfer or authorization for exchange in form and with guaranty of signature satisfactory to the Paying Agent, duly executed by the duly authorized attorney of the Registered Owner, the Borough shall execute and the Paying Agent shall authenticate and deliver an equal aggregate principal amount of Bonds of the same series, maturity and interest rate of any authorized denominations, subject to such reasonable regulations as the Paying Agent may prescribe and upon payment sufficient to reimburse the Borough or the Paying Agent for any tax, fee, or other governmental charge required to be paid in connection with such transfer or exchange. All Bonds surrendered for transfer or exchange shall be cancelled by the Paying Agent.

Section 15. Mutilated, Destroyed, Stolen or Lost Bonds. Upon surrender to the Paying Agent of a mutilated Bond, the Borough shall execute and the Paying Agent shall authenticate and deliver a new Bond of like series, maturity, interest rate and principal amount. Upon filing with the Paying Agent of evidence satisfactory to the Borough and the Paying Agent that a Bond has been destroyed, stolen or lost and of the ownership thereof, and upon furnishing the Borough and the Paying Agent with indemnity satisfactory to them, the Borough shall execute and the Paying Agent shall authenticate and deliver a new Bond

of like series, maturity, interest rate and principal amount. The person requesting the authentication and delivery of a new Bond under this section shall comply with such other reasonable regulations as the Borough and the Paying Agent may prescribe and pay such expenses as the Borough and the Paying Agent may incur in connection therewith.

Section 16. Disposition of the Sale Proceeds of the Bonds.

(A) The sale proceeds of the Bonds representing accrued interest, if any, on the Bonds shall be applied to pay interest due on the Bonds on the first interest payment date for the Bonds. The sale proceeds of the Bonds allocated to pay issuance costs of the Bonds shall be deposited in the appropriate funds or accounts of the Borough for such purposes.

(B) The remaining sale proceeds of the Bonds shall be deposited in the Refunding Account, which is hereby created, and used, together with such other money as may be transferred to the Refunding Account, to deposit cash and to purchase Government Obligations maturing as to principal and interest in such amounts and at such times as necessary to provide for the payment of the interest on and the redemption price of the Refunded Bonds. Such money and Government Obligations shall be deposited in trust with the Refunding Trustee pursuant to the Refunding Trust Agreement, which shall be substantially in the form presented at the meeting in which this Ordinance is approved. Such money and Government Obligations are hereby pledged to be held and applied solely for the purpose set forth herein. When all of the Refunded Bonds shall have been redeemed

and retired, the Borough may cause to be transferred to the Borough from the Refunding Account free of trust all money remaining therein.

(C) Each of the Borough Manager and the Borough Finance Director is hereby authorized to appoint the Refunding Trustee under the Refunding Trust Agreement. The Refunding Trustee shall be a bank or trust company duly authorized to exercise trust powers and subject to examination by federal or state authority, and shall have such additional qualifications, if any, as the Borough Manager or Borough Finance Director may consider appropriate.

Section 17. Designation of Refunded Bonds. The Borough Manager and the Borough Finance Director each is authorized to designate which, if any, maturities and sinking fund installments of the 2004 Series D Bonds, the 2006 Series A Bonds and the 2006 Series B Bonds shall be refunded, provided that (i) the refunding of the 2004 Series D Bonds, 2006 Series A Bonds and 2006 Series B Bonds so designated shall realize a debt service savings, net of all issuance costs including insurance premium, if any, and underwriting discount, on a present value basis of at least 3 percent of the principal amount of such bonds and (ii) the Bonds issued to refund any series of bonds so designated shall have a final maturity date not later than six months after the final maturity date of the bonds so designated.

Section 18. Call of Refunded Bonds for Redemption. The Borough Manager and the Borough Finance Director each is authorized and directed to call the Refunded Bonds for

redemption on the earliest practicable dates on which the Refunded Bonds may be called for optional redemption. The call for redemption of any Refunded Bonds shall be subject to the delivery of the Bonds to the Underwriter, and such call shall become irrevocable upon such delivery. Notice of redemption of the Refunded Bonds shall be given in the manner set forth in the ordinances authorizing the issuance of the Refunded Bonds.

Section 19. Tax Covenants. The Borough covenants to comply with any and all applicable requirements set forth in the Code in effect from time to time to the extent that such compliance shall be necessary to maintain the exclusion of the interest on the Bonds from gross income for federal income tax purposes. The Borough covenants that it will make no use of the proceeds of the Bonds that will cause the Bonds to be "arbitrage bonds" interest on which is subject to federal income taxation by reason of Section 148 of the Code. The Borough covenants that it will not take or permit any action that would cause the Bonds to be "private activity bonds" as defined in Section 141 of the Code.

Section 20. Amendatory and Supplemental Ordinances.

(A) The Assembly from time to time and at any time may adopt an ordinance or ordinances supplemental hereto, which ordinance or ordinances thereafter shall become a part of this Ordinance, for any one or more of the following purposes:

(1) To add to the covenants and agreements of the Borough in this Ordinance other covenants and agreements

thereafter to be observed, or to surrender any right or power herein reserved to or conferred upon the Borough.

(2) To make such provisions for the purpose of curing any ambiguities or of curing, correcting or supplementing any defective provision contained in this Ordinance or in regard to matters or questions arising under this Ordinance as the Assembly may deem necessary or desirable and not inconsistent with this Ordinance and which shall not materially adversely affect the interests of the Registered Owners of the Bonds.

Any such supplemental ordinance may be adopted without the consent of the Registered Owner of any of the Bonds at any time outstanding, notwithstanding any of the provisions of subsection (B) of this section.

(B) With the consent of the Registered Owners of not less than a majority of the aggregate principal amount of the Bonds at the time outstanding, the Assembly may adopt an ordinance or ordinances supplemental hereto for the purpose of adding any provisions to or changing in any manner or eliminating any of the provisions of this Ordinance or of any supplemental ordinance; provided, however, that no such supplemental ordinance shall:

(1) extend the fixed maturity of any of the Bonds, or reduce the rate of interest thereon, or reduce the amount or change the date of any sinking fund installment, or extend the time of payments of interest from their due date, or reduce the amount of the principal thereof, or reduce any premium payable

on the redemption thereof, without the consent of the Registered Owners of each Bond so affected; or

(2) reduce the aforesaid number of Registered Owners of Bonds required to approve any such supplemental ordinance without the consent of the Registered Owners of all of the Bonds then outstanding.

It shall not be necessary for the consent of the Registered Owners of the Bonds under this subsection to approve the particular form of any proposed supplemental ordinance, but it shall be sufficient if such consent approves the substance thereof.

(C) Upon the adoption of any supplemental ordinance under this section, this Ordinance shall be deemed to be modified and amended in accordance therewith, and the respective rights, duties, and obligations under this Ordinance of the Borough and all Registered Owners of outstanding Bonds shall thereafter be subject in all respects to such modification and amendment, and all the terms and conditions of the supplemental ordinance shall be deemed to be part of the terms and conditions of this Ordinance for any and all purposes.

(D) Bonds executed and delivered after the execution of any supplemental ordinance adopted under this section may bear a notation as to any matter provided for in such supplemental ordinance, and if such supplemental ordinance shall so provide, new Bonds modified so as to conform, in the opinion of the Borough, to any modification of this Ordinance contained in any such supplemental ordinance may be prepared by the Borough and

delivered without cost to the Registered Owners of the Bonds then outstanding, upon surrender for cancellation of such Bonds in equal aggregate principal amounts.

Section 21. Defeasance. In the event money and/or Government Obligations maturing at such times and bearing interest to be earned thereon in amounts sufficient to redeem and retire any or all of the Bonds in accordance with their terms are set aside in a special trust account to effect such redemption or retirement and such money and the principal of and interest on such obligations are irrevocably set aside and pledged for such purpose, then no further payments need be made to pay or secure the payment of the principal of and interest on such Bonds and such Bonds shall be deemed not to be outstanding.

Section 22. Sale of Bonds. The Bonds shall be sold at negotiated sale to the Underwriter. The Borough's financial advisor has advised the Assembly that bond market conditions are fluctuating and that the most favorable market conditions for the sale of the Bonds may not occur on the date of a regular Assembly meeting. The Assembly has determined that it would be inconvenient to hold a special meeting on short notice to approve the manner and terms of the sale of the Bonds. Therefore, the Assembly hereby determines that it is in the best interest of the Borough to delegate the authority to approve the terms of the sale of the Bonds as provided herein. Each of the Borough Manager and the Borough Finance Director is hereby authorized to determine the identity of the Underwriter, the principal amount per maturity, sinking fund installments, if

any, interest rates, yields, dated date, principal and interest payment dates, redemption terms, if any, for the Bonds, and other details of the Bonds. In determining the identity of the Underwriter, principal amount per maturity, sinking fund installments, if any, interest rates, yields, and redemption terms, if any, for the Bonds, and other details of the Bonds, the Borough Manager or Borough Finance Director shall, in consultation with the Borough's financial advisor, take into account those factors which, in his or her judgment, will result in the lowest true interest cost on the Bonds, including current financial market conditions and current interest rates for obligations comparable in tenor and quality to the Bonds. The Borough Manager and Borough Finance Director each is further authorized to determine, in consultation with the Borough's financial advisor and the Underwriter, whether there shall be bond insurance for the Bonds, and to enter into one or more agreements for bond insurance; provided, that bond insurance shall be obtained only if the present value of the bond insurance premium will be less than the present value of the expected interest savings on such Bonds as a result of the bond insurance. The agreement for bond insurance may contain such provisions relating to the rights of the Bond Insurer supplementary to and amendatory of the provisions of Sections 20 and 21 as the Borough Manager or Borough Finance Director may approve. Based upon the foregoing determinations, the Borough Manager and the Borough Finance Director each is authorized to execute a purchase contract for the Bonds with the Underwriter,

in substantially the form presented at the meeting at which this Ordinance is adopted. The authority granted to the Borough Manager and Borough Finance Director by this section shall expire 270 days after the effective date of this Ordinance. If the Borough Manager or Borough Finance Director has not executed a purchase contract with the Underwriter within 360 days after the effective date of this Ordinance, no purchase contract for the Bonds may be executed on behalf of the Borough without further authorization from the Assembly.

Section 23. Official Statement. The distribution of the preliminary Official Statement for the Bonds in substantially the form presented at the meeting at which this Ordinance is adopted is approved. The preliminary Official Statement may be modified as the Borough Manager or Borough Finance Director may determine. The Borough Manager and Borough Finance Director each is hereby authorized to deem the preliminary Official Statement final for purposes of paragraph (b)(1) of Securities and Exchange Commission Rule 15c2-12, and to execute and approve for distribution by the Underwriter the final Official Statement for the Bonds.

Section 24. Authority of Officers. The Mayor, the Borough Manager, the Borough Finance Director, the Borough Clerk, the Borough Attorney, and each of them, hereby is authorized and directed to do and perform all things and determine all matters not determined by this Ordinance, to the end that the Borough may carry out its obligations under the Bonds and this Ordinance.

Section 25. Prohibited Sale of Bonds. No person, firm, or corporation, or any agent or employee thereof, acting as financial consultant to the Borough under an agreement for payment in connection with the sale of the Bonds, is eligible to purchase the Bonds as a member of the original underwriting syndicate either at public or private sale.

Section 26. Miscellaneous.

(A) All payments made by the Borough of, or on account of, the principal of or interest on the Bonds shall be made on the several Bonds ratably and in proportion to the amount due thereon, respectively, for principal or interest as the case may be.

(B) No recourse shall be had for the payment of the principal of or the interest on the Bonds or for any claim based thereon or on this Ordinance against any member of the Assembly or officer of the Borough or any person executing the Bonds. The Bonds are not and shall not be in any way a debt or liability of the State of Alaska or of any political subdivision thereof, except the Borough, and do not and shall not create or constitute an indebtedness or obligation, either legal, moral or otherwise, of the State of Alaska or of any political subdivision thereof, except the Borough.

Section 27. Continuing Disclosure. The Borough hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate in substantially the form presented at the meeting at which this Ordinance is adopted.

Notwithstanding any other provision of this Ordinance, failure of the Borough to comply with the Continuing Disclosure Certificate shall not be considered a default of the Borough's obligations under this Ordinance or the Bonds; however, the Registered Owner or Beneficial Owner of any Bond may bring an action for specific performance to cause the Borough to comply with its obligations under this section.

Section 28. Severability. If any one or more of the provisions of this Ordinance shall be declared by any court of competent jurisdiction to be contrary to law, then such provision shall be null and void and shall be deemed separable from the remaining provisions of this Ordinance and shall in no way affect the validity of the other provisions of this Ordinance or of the Bonds.

Section 29. 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 _____, 2014.

Larry DeVilbiss, Borough Mayor

ATTEST:

LONNIE R. MCKECHNIE, CMC, Borough Clerk

(SEAL)

SUBJECT: Approve the amended scope of work and budget for the Nelson Road Gravel and Culvert Project, fund 410, project number 30104 to include the Fish Passage Improvement project, fund 410 project no. 30114.

AGENDA OF: January 6, 2015

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: _____

Route To:	Department/Individual	Initials	Remarks
	Originator	TDL	26 Dec 14
	Public Works Director	TDL	26 Dec 14
	Purchasing Division	ABD	26 Dec 14
	Finance Director	JCL	12/26/14
	Borough Attorney	KS	
	Borough Clerk	JM	12/26/14

ATTACHMENT (S): Fiscal Note: Yes x ; No _____
 Resolution Serial No. 15-003

SUMMARY STATEMENT: On August 8, 2009, the Assembly adopted Ordinance Serial No. 09-109 to re-appropriate \$300,000 from Administrative Space Project for the Nelson Road Gravel and Culvert Project to improve a portion of Nelson Road with gravel surfacing and to replace 5 culverts, project no. 30104.0701.

The original scope of work included a partnership with the developer and Mat-Su Borough improving over 13,000 lineal feet of which the Mat-Su Borough would improve approximately 4,250 lineal feet and the developer would improve approximately 9,500 feet.

The intention was to replace 5 fish passage culverts at 4 locations, surface Nelson Road and install speed humps on Abby Boulevard. This work would have required Enstar to move a 20 inch natural gas line. Due to this conflict work was stopped. Although an assessment with Fish and Game was completed, the culverts could not be replaced. Valley General Construction completed some of the scheduled work however they could not complete the fish passage culvert portion of the project. Overall, \$174,682.36 was expended leaving \$125,317.64 remaining in the Nelson Road Gravel and Culvert project.

The Operations and Maintenance Division would like to use the remaining funds in the amount of \$125,317.64, fund 410, project 30104, to enhance the budget of the Fish Passage Improvement project, fund 410, project no. 30114, in order to complete various fish passage improvements.

RECOMMENDATION OF ADMINISTRATION: Approve the amended scope of work and budget for the Nelson Road Gravel and Culvert Project, fund 410, project number 30104 to include the Fish Passage Improvement project, fund 410 project no. 30114.

**MATANUSKA-SUSITNA BOROUGH
FISCAL NOTE**

Agenda Date: January 6, 2015

SUBJECT: Approve the amended scope of work for the Nelson Road Gravel and Culvert Project, fund 410, project number 30104 to include culvert replacements and fish passage improvements at seventeen locations.

ORIGINATOR: Operations & Maintenance

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT <input checked="" type="radio"/> YES <input type="radio"/> NO
AMOUNT REQUESTED \$125,317.64	FUNDING SOURCE <u>Area-wide Fund</u>
FROM ACCOUNT # <u>410.000.000.4xx,xxx</u>	PROJECT # <u>30104.0700</u>
TO ACCOUNT: <u>410.000.000.4xx,xxx</u>	PROJECT # <u>30114</u>
VERIFIED BY: <u>Barbara Sauvageon</u>	CERTIFIED BY:
DATE: <u>12/9/14</u>	DATE:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY10	FY11	FY12	FY2013	FY2014	FY2015
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants/Claims						
Miscellaneous						
TOTAL OPERATING						

CAPITAL						125
---------	--	--	--	--	--	-----

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

General Fund						
State/Federal Funds						
Other						125
TOTAL						125

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: _____ PHONE: _____
 DEPARTMENT: _____ DATE: _____
 APPROVED BY: [Signature] DATE: 12/26/14

IM No. 15-010
RS15-003

Action:

**MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 15-003**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY APPROVING THE AMENDED SCOPE OF WORK FOR THE NELSON ROAD GRAVEL AND CULVERT PROJECT, FUND 410, PROJECT NO. 30104 TO INCLUDE CULVERT REPLACEMENT AND FISH PASSAGE IMPROVEMENTS AT SEVENTEEN LOCATIONS.

WHEREAS, on August 8, 2009, the Assembly adopted Ordinance Serial No. 09-109 to re-appropriate \$300,000 from Administrative Space Project for the Nelson Road Gravel and Culvert Project, project no. 30104.0701; and

WHEREAS, the original scope of work was to replace five fish passage culverts, resurface Nelson Road and install speed humps along Abby Boulevard; and

WHEREAS, an assessment with Fish and Game was completed but conflict with Enstar Natural Gas prevented the culvert replacement portion of the scope of work; and

WHEREAS, \$174,682.36 was expended leaving \$125,317.64 remaining in the Nelson Road Gravel and Culvert project; and

WHEREAS, Operations and Maintenance Division would like to use the remaining funds of \$125,317.64 to enhance the culvert replacement and fish passage improvements at seventeen locations; and

WHEREAS, no expenditures can be made until the amended scope of work has been approved by the assembly.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Assembly hereby approves the amended scope of work for the Nelson Road Gravel and Culvert Project, fund 410 project no. 30104 to include culvert replacement and various fish passage improvements at seventeen locations.

AMENDED SCOPE OF WORK

Project 30104 - Improvements of Nelson Road including gravel resurfacing, installation of speed humps along Abby Boulevard, culvert replacements and fish passage improvements at up to seventeen locations.

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 APPROVING THE CITY OF PALMER'S ACQUISITION OF LAND LOCATED NEAR THE MATANUSKA RIVER PARK FOR RECREATIONAL PURPOSE THROUGH GRANT FUNDS AS REQUIRED UNDER MATANUSKA-SUSITNA BOROUGH CODE 1.10.121 DELEGATION OF PARKS AND RECREATIONAL POWERS TO THE CITY OF PALMER, SECTION (C).

AGENDA OF: January 6, 2015

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Present to the Assembly for consideration.

APPROVED BY ^{for} JOHN MOOSEY, BOROUGH MANAGER: *[Signature]*

Route To:	Department/Individual	Initials	Remarks
	Originator	MSB	
	Community Development Director	CP	
	Finance Director	CP/MSB	
	Borough Attorney	MS	
	Borough Clerk	JMM	12/23/14 <i>[Signature]</i>

ATTACHMENT (S): Fiscal Note: NO X YES
 IM Serial No. 02-070 (2 pp)
 Ordinance Serial No. 02-098 (AM) (5 pp)
 Resolution Serial No. 15-004 (2 pp)

SUMMARY STATEMENT:

The City of Palmer proposes to apply for funding through the National Park Service Land and Water Conservation Fund (LAWCON) to purchase land for park and recreation use within the city boundaries. In order to complete the transaction, the borough must approve such acquisition in accordance with MSB 1.10.121, Section C and as stipulated in Matanuska-Susitna Borough Ordinance Serial No. 02-098.

In 2002, the borough authorized delegation of Parks and Recreation Powers to the City of Palmer for parks and recreation facilities within city boundaries. MSB 1.10.121, Section C Delegation of Parks and Recreational Powers To The City Of Palmer states: As part of the borough's delegation, the city of Palmer may expand the parks and recreation land and facilities in Palmer and may acquire new parks and recreation land and facilities in Palmer. The city may expand and acquire such land and facilities through purchase, lease, gift, exchange, eminent domain, or any other manner or acquisition; provided however, if such manner of expansion or acquisition of any particular park and recreation land or facilities is through a grant that requires the performance of any on-going duties by the city, its successors or assigns, then the city may not acquire such land or facilities without first obtaining the borough's approval by means of a borough resolution.

When LAWCON funds are granted, certain requirements to maintain the park and recreation integrity of the land is imposed in perpetuity; therefore, the city must obtain borough approval to use LAWCON funds for acquisition.

The city has requested borough approval as required by ordinance to purchase certain parcels identified by the borough tax assessment role as 18N02E34B005 and 18N02E34B006. The proposed acquisition parcels are located adjacent to the Matanuska-River Park, a LAWCON property owned and managed by the borough and if purchased, there is opportunity to expand and provide inter-connectivity of trail systems and recreation activities.

RECOMMENDATION OF ADMINISTRATION: Respectfully requests Matanuska-Susitna Borough Assembly approval by Resolution of the City of Palmer's acquisition of land located near the Matanuska River Park for recreational purpose through grant funds as required under Matanuska-Susitna Borough code 1.10.121 Delegation of Parks and Recreational Powers to the City of Palmer, Section (c).

SUBJECT: Providing for the limited delegation of Parks and Recreation Powers to the city of Palmer for park and recreational facilities within their boundaries, except Matanuska River Park.

AGENDA OF: July 16, 2002

ASSEMBLY ACTION: OR 02-098 amended and adopted without objection 08/06/02 mzn

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY JOHN DUFFY, BOROUGH MANAGER: John Duffy

Route To:	Department/Individual	Initials	Remarks
1	Originator		
2	Community Development	[Signature]	6/19/02
3	Finance Director	[Signature]	7/3/02
4	Borough Attorney	[Signature]	
5	Borough Clerk	[Signature]	7/8/02

ATTACHMENT(S): Fiscal Note: Yes No
 Ordinance Serial No. 02-098 (5pp)

SUMMARY STATEMENT:

Presently there are 7 borough-owned park and recreational facilities located within the boundaries of the city of Palmer (city). The city has expressed an interest in obtaining parks and recreation powers and full management authority. The facilities are:

- Silver Tip Park
- Leo Lucas Kiwanis Park (A-Moose-Ment Park)
- Lions Kidde Park
- Dolphin Park
- Dahlia Avenue Little League Baseball complex and tennis courts
- Sherrod soccer fields
- Sherrod softball complex (to be converted to Little League Baseball fields)

Matanuska-River Park will stay under the ownership and management of the borough.

For the last three or four years the city has maintained the pocket parks through a grant agreement with the borough. The Palmer

Im 15-017
RS 15-004

Little League Association has maintained the Dahlia Avenue Little League Baseball complex and the Mat-Su Softball Association has maintained the Sherrod Softball complex. During these years the borough has expended at least \$10,000 a year on these facilities and the city has expended at least an equal match, and in most cases, even more. The city is presently planning some future park and recreational facilities that will be developed by the city. Having full management authority over these facilities justifies any improvements and their capital outlay.

Similar authority was given the City of Wasilla in March 2000. The only difference is that all but one of ten park and recreation facilities were already owned by the City of Wasilla. Currently all the facilities in Palmer, except the T-ball fields, are owned by the borough. The City of Palmer in its January 29, 2002 request also asked that the borough consider conveying these facilities to the city.

At the present time the administration is not recommending that the facilities be conveyed to the city. Two of the facilities have a National Park Service LAWCON grant on them (Lucas-Kiwanis Park, a.k.a. Palmer A-Moose-Ment Park and the Sherrod Soccer/Softball Complex). These types of grant states these locations must be used for recreational purposes in perpetuity, or replacement locations must be purchased (not provided) with equal or greater value. In checking with the National Park Service, they have no problem with us transferring management authority but did have difficulty with transferring ownership and ultimate responsibility for the terms of the LAWCON grant to the city. In other words the borough will always be ultimately responsible, even if an ownership change is approved.

In addition, the terms of the 2001 bond sale require that projects must occur on borough owned property. Management may transfer, but ownership must remain with the borough. Conversion of the Sherrod Softball complex to a little league complex and installing playground equipment at Dolphin Park is scheduled beginning this summer.

A representative of the borough and city will jointly perform a property inventory to establish what, if any, borough property is being transferred. This is needed so that there is no future disagreement in the rare case that the borough may decide to rescind the Parks & Recreation powers. If the assembly revokes the Parks & Recreation powers, the city will be reimbursed for the value of the city owned property on the date the borough rescinded the authority. However, if the city relinquishes the authority and the borough accepts it back, no reimbursement is to be made.

RECOMMENDATION OF ADMINISTRATION:

Approve the limited delegation of Parks and Recreation Powers to the city of Palmer for park and recreation facilities. All current park and recreational facilities should remain in borough ownership at this time.

Im 15-017
RS 15-004

CODE ORDINANCE

By: J. Duffy
Introduced: 07/16/02
Public Hearing: 08/06/02
Amended: 08/06/02
Adopted: 08/06/02

MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 02-098 (AM)

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY PROVIDING FOR THE DELEGATION OF PARKS AND RECREATIONAL POWERS TO A CITY; DELEGATING SUCH POWERS TO THE CITY OF PALMER FOR CERTAIN PARKS AND RECREATIONAL ACTIVITIES WITHIN ITS BOUNDARIES; ADOPTING MSB 1.10.121, DELEGATION OF A PORTION OF PARKS AND RECREATIONAL POWERS TO THE CITY OF PALMER; AND MSB 1.10.124, RELINQUISHMENT OF PARKS AND RECREATIONAL POWERS BY THE CITY OF PALMER.

WHEREAS, the city of Palmer desires to perform parks and recreational activities within its jurisdiction; and

WHEREAS, the city of Palmer is specifically interested in exercising parks and recreational authority for all parks and recreational facilities within the city of Palmer except for Matanuska River Park; and

WHEREAS, AS 29.35.250 authorizes a city to exercise parks and recreational activities notwithstanding the borough's acquisition of the areawide power since MSB 1.10.120 provides for such a delegation; and

WHEREAS, the parks and recreational facilities within the city of Palmer will be open to all residents of the borough; and

WHEREAS, the borough may, without obtaining the consent of the city, revoke the delegation of parks and recreational powers; and

WHEREAS, the city of Palmer must by ordinance accept the borough's delegation of parks and recreational power within the

IM15-017
RS15-004

city limits; and

WHEREAS, the borough may, by ordinance, delegate to any city inside its boundaries the responsibility for the exercise of parks and recreational powers if consented to by the city.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become part of the borough code.

Section 2. Adoption of section. MSB 1.10.121 is adopted to read as follows.

1.10.121. DELEGATION OF PARKS AND RECREATIONAL POWERS TO THE CITY OF PALMER.

(A) The borough has the authority pursuant to MSB 1.10.120(E), to delegate to each city within the borough the responsibility for parks and recreation powers if consented to by city ordinance.

(B) The borough delegates to the city of Palmer a portion of its areawide parks and recreational authority over certain parks and other park and recreational activities within the city's boundaries, except for Matanuska River Park.

(C) As part of the borough's delegation, the city of Palmer may expand the parks and recreation land and facilities in Palmer and may acquire new parks and recreation land and facilities in Palmer. The city may expand and acquire such land and facilities through

IM 15-017
RS 15-004

purchase, lease, gift, exchange, eminent domain, or any other manner of acquisition; provided however, if such manner of expansion or acquisition of any particular park and recreation land or facilities is through a grant that requires the performance of any on-going duties by the city, its successors or assigns, then the city may not acquire such land or facilities without first obtaining the borough's approval by means of a borough resolution.

(D) The city of Palmer shall indemnify, defend, and hold and save the borough, its elected and appointed officers, agents, and employees, harmless from liability of any nature or kind including costs, expenses, and attorney's fees, for or on account of any and all legal actions or claims of any character resulting from injuries, death, economic loss, or damages sustained by any person or property arising from the city of Palmer, or its officers, agents, employees, and subcontractors, performance, acceptance, or exercise of parks and recreational powers and activities, in any way whatsoever.

(E) In the event that the borough revokes this delegation without the consent of the city, the borough shall pay the city of Palmer the fair market value of all city of Palmer owned property taken by the borough as of the date the borough revokes this delegation. In no

Im 15-017
RS 15-004

event shall the borough pay the city of Palmer for property owned by the borough prior to the effective date of the acceptance of the delegation by the city of Palmer, except for property acquired by the city from the borough for consideration.

(F) In the event that the borough revokes this delegation without the consent of the city, the borough shall assume and duly perform all on-going duties required of the city, its successors or assigns, that the borough approved under subsection (C) above.

Section 3. Adoption of section. MSB 1.10.124 is adopted to read as follows:

1.10.124 RELINQUISHMENT OF PARKS AND RECREATIONAL POWERS BY THE CITY OF PALMER

(A) If the city of Palmer seeks to relinquish the authority delegated pursuant to MSB 1.10.120 and MSB 1.10.121, the city must adhere to the following procedures:

(1) The Palmer City Council must, by ordinance, request that the borough resume all authority and duties delegated by this section.

(2) The relinquishment of authority by the city of Palmer shall not take effect until the borough has rescinded the delegated authority by ordinance.

(3) The city of Palmer shall remain

IM15-017
RS15-004
567

responsible for the appropriation of funds for the continued operation and maintenance for parks and recreational activities for the remainder of the city of Palmer's fiscal year after the assembly's approval of the relinquishment of parks and recreational powers. The city shall remain responsible for the cost and completion of parks and recreational capital projects underway at the time of the relinquishment of its parks and recreational activities.

(4) All park and recreation facilities returned to the borough by the city of Palmer, shall be returned in the same or better condition at the time the city of Palmer obtained parks and recreational powers or obtained the facility, whichever is later.

Section 4. Effective date. This ordinance shall take effect upon adoption by the Matanuska-Susitna Borough Assembly.

ADOPTED by the Matanuska-Susitna Borough this 6 day of August, 2002.


TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:


SANDRA A. DILLON, Borough Clerk

(SEAL)

Action:

**MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 15-004**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY APPROVING THE CITY OF PALMER'S ACQUISITION OF LAND LOCATED NEAR THE MATANUSKA RIVER PARK FOR RECREATIONAL PURPOSE THROUGH GRANT FUNDS AS REQUIRED UNDER MATANUSKA-SUSITNA BOROUGH CODE 1.10.121 DELEGATION OF PARKS AND RECREATIONAL POWERS TO THE CITY OF PALMER, SECTION (C).

WHEREAS, the City of Palmer proposes to apply for funding through the National Park Service Land and Water Conservation Fund (LAWCON) to purchase land for park and recreation use within the city boundaries; and

WHEREAS, LAWCON grant funding requires that land purchased with such funds be maintained and managed in perpetuity as park and recreation land; and

WHEREAS, Matanuska-Susitna Borough Ordinance Serial No. 02-098 approved delegation of parks and recreational powers to the City of Palmer for certain parks and recreational activities within the city boundaries; and

WHEREAS, the Ordinance stipulated through borough code 1.10.121 (C) that if the city chose to acquire park and recreation land through grant funds which required the performance of any on-going duties by the city, such as is the case with LAWCON funds, approval by borough resolution was also required; and

WHEREAS, the city has requested borough approval as required by ordinance to purchase certain parcels identified by the borough tax assessment role as 18N02E34B005 and 18N02E34B006; and

WHEREAS, the proposed acquisition parcels are located adjacent to the Matanuska-River Park, a LAWCON property owned and managed by the borough and if purchased, there is opportunity to expand and provide inter-connectivity of trail systems and recreation activities.

NOW, THEREFORE, BE IT RESOLVED that the Matanuska-Susitna Borough Assembly approves the City of Palmer applying for, and using, grant funds that include performance requirements in perpetuity so the city may acquire the parcels identified herein.

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

Larry DeVilbiss, Borough Mayor

ATTEST:

Lonnie McKechnie, CMC, Borough Clerk

(SEAL)


SUBJECT: VACATION OF ANY PUBLIC INTEREST IN A 50' ACCESS EASEMENT RECORDED AS 2002-058754-0, LOCATED WITHIN SECTION 30, TOWNSHIP 16 NORTH, RANGE 4 EAST, SEWARD MERIDIAN, ALASKA. ASSEMBLY DISTRICT 1: JIM SYKES

AGENDA: JANUARY 6, 2015

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Present to the assembly for consideration.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:

Route To:	Department/Individual	Initials	Remarks
	Originator	JP	
	Planning Director	E. Fisher	
	Borough Attorney	NS	
	Borough Clerk	JMM	12/23/14 

ATTACHMENT (S) : Fiscal Note: Yes No

Minutes (1 page)

Notification of Action (3 pages)

Vicinity Map (1 page)

Easement Legal Description (1 page)

Waiver map (1 page)

REASON FOR REQUEST: The request is to vacate any public interest in a 50-foot wide access easement created with a waiver, recorded as 2002-058754-0, located within Parcel 1 & 2, MSB Waiver 83-101-PWm. This vacation provides greater useable area for the owners of the affected lots and eliminates public interest in a landlocked access easement which is topographically constrained.

SUMMARY STATEMENT: On December 4, 2014 (written decision December 9, 2014) the Platting Board approved the Laux preliminary plat and the vacation of the 50' wide access easement created with a waiver subdivision, recorded at 2002-058754-0. When creating the legal descriptions for the two waiver parcels, the surveyor used the unrecorded State Right-of-Way map for Knik River Road, Project No. X-12740 as a basis for the right-of-way of Knik River Road. This waiver did not show the actual right-of-way obtained during the project. The Laux Subdivision preliminary plat corrects the boundary. The access easement was created with the recordation of the waiver and is landlocked as it does not intersect with the Knik River Road right-of-way. Both lots have adequate frontage on Knik River Road and driveways are constructed to the residences.

RECOMMENDATION OF ADMINISTRATION: Staff recommends the assembly approve the vacation as the Platting Board's decision to vacate is consistent with MSB 43.15.035(B)(1)(a), the vacation is conditioned upon the final approval of a plat affecting the same land which provides equal or better access to all areas affected by the vacation; that access being the existing lot frontage onto Knik River Road. The vacation is also consistent with MSB 43.15.035 (B)(1)(c) as the right-of-way is not being used, a road is impossible or impractical to construct, and alternative access has been provided via Knik River Road. Vacation is pursuant to AS 29.40.120 through 29.40.160 and MSB 43.15.035

4. PUBLIC HEARINGS

A. LAUX

Sloan Von Gunten (Secretary) & Theresa Taranto (Backup clerk)

- Stated that 10 public hearing notices were mailed out on November 13, 2014, to this date there has been 1 return, no objections, no non-objections, and no concerns.

Peggy Fowler (Platting Technician)

- 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.

Jeff Cichosz (Petitioner)

- Agrees with all recommendations.

MOTION:

- Mr. Jay Van Diest moved to approve the preliminary plat and vacation of a 50' access easement recorded as 2002-058754-0 for Laux, seconded by Mr. Zimmerman.

VOTE:

- The motion passed with all in favor. There are 9 findings.

TIME: 8:41 A.M.

CD: 00:11:19

~~B. GOLDEN COVE~~

~~Sloan Von Gunten (Secretary) & Theresa Taranto (Backup clerk)~~

- ~~• Stated that 16 public hearing notices were mailed out on November 13, 2014, to this date there has been no returns, no objections, no non-objections, and no concern.~~

~~Lisa Gray (Platting Technician)~~

- ~~• 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.~~

~~Gary LoRusso (Petitioner's Representative)~~

- ~~• Agrees with all recommendations.~~
- ~~• The right-of-way will be dedicated to the borough.~~



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

December 9, 2014

NOTIFICATION OF ACTION

Jeffrey and Winnie Cichosz
PO Box 242554
Anchorage, AK 99524

Carolyn Laux
27950 E. Knik River Rd.
Palmer, AK 99645

RE: LAUX

CASE: 2014-135

Action taken by the Platting Board on December 4, 2014 is as follows:

THE PRELIMINARY PLAT AND VACATION OF A 50' ACCESS EASEMENT RECORDED AS 2002-058754-0 FOR LAUX WAS APPROVED, AND WILL EXPIRE ON DECEMBER 9, 2020 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:

All Points North
PO Box 4207
Palmer, AK 99645
Attn: Max Schillinger

CONDITIONS of APPROVAL:

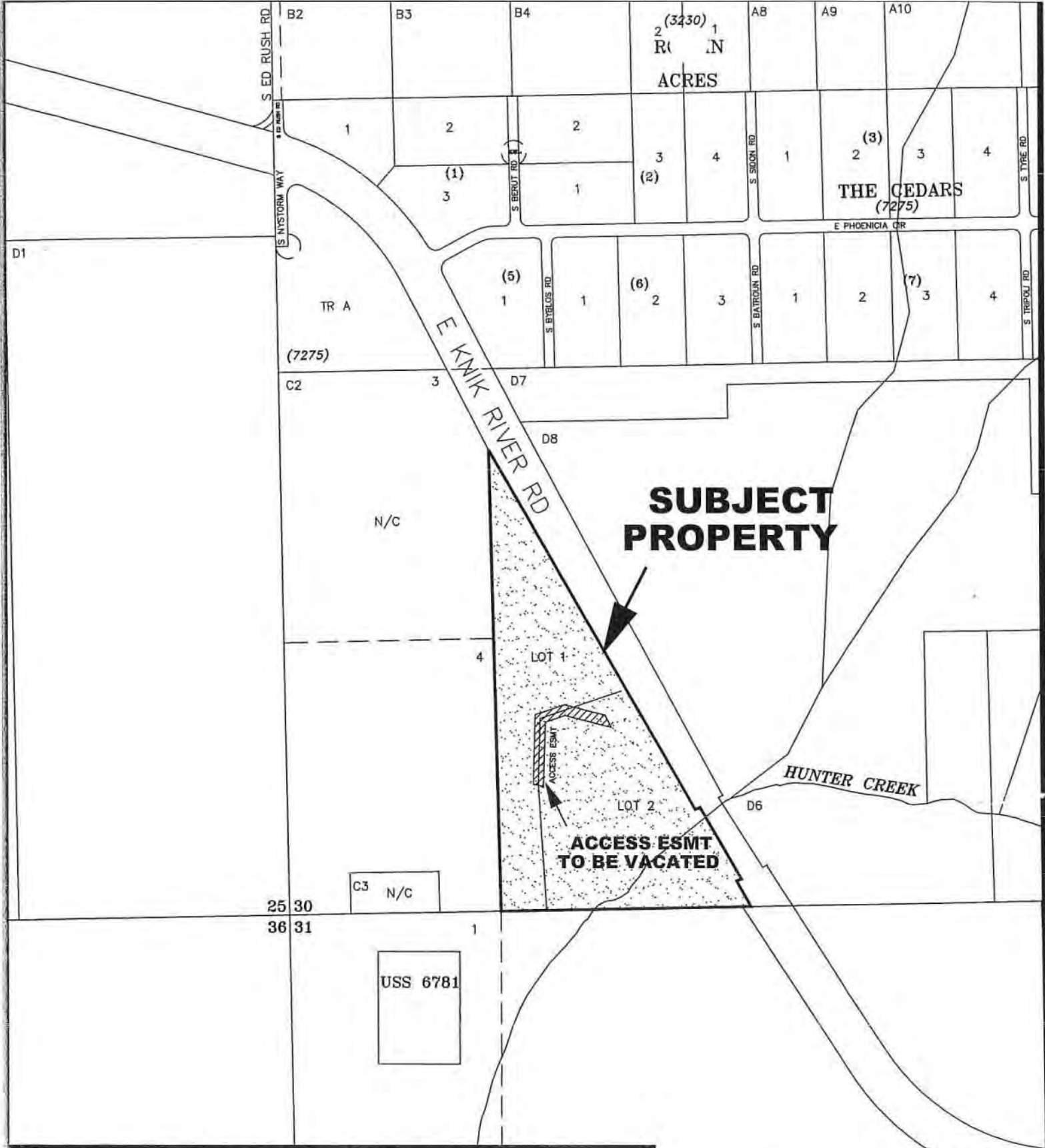
The Platting Board approved the Preliminary Plat and Vacation of a 50' access easement recorded as 2002-058754-0 for Laux, contingent upon the following:

1. Obtain the Borough Assembly approval of the vacation within 30 days of Platting Board's written Notification of Action. MSB Assembly has 30 days from the date of the Platting Board's written decision to deny the request. If approved, Platting Staff will prepare the vacation resolution to be presented to the Assembly.
2. Provide updated Certificate to Plat executed within 90 days, prior to recording per MSB 43.15.053(E). Obtain beneficiary affidavits from holders of legal and beneficial interest to be recorded with the final plat.
3. Provide surveyor's signature on one of the topographic maps.
4. Provide final plat in full compliance with Title 43.
5. Submit recording fee, payable to State of Alaska, DNR.
6. Taxes and special assessments must be current prior to recording, per MSB 43.15.053(F) and AS 40.15.020. Pay taxes and special assessments (LIDs) by certified funds or cash.

FINDINGS:

1. The plat of Laux Subdivision is consistent with AS 29.40.070 Platting Regulations; and MSB 43.15.015 Preliminary Plat.
2. E. Knik River Road is owned by the State of Alaska, DOT&PF.
3. The waiver parcels legal descriptions were created using the unrecorded State Right-of-Way map for Knik River Road, Project No. X-12740, which did not show the actual right-of-way purchased. This plat will correct that error.
4. Each parcel is over 400,000 sq ft, therefore no useable area report is necessary.
5. The access easement was created with a legal description attached to the waiver document in 2002, when the waiver parcels were created. This access easement is not constructed and is not needed to provide access to the parcels or beyond. The access easement was not accepted by the borough as a prerequisite for a platting action and does not meet the Subdivision Construction Manual standards for design or road construction.
6. The petitioner submitted a petition to vacate the right-of-way in accordance with MSB 43.15.035 Vacations.
7. The vacation meets the requirements of MSB 43.15.035(B)(1)(a), the vacation is conditioned upon the final approval of a plat affecting the same land which provides equal or better access to all areas affected by the vacation; and (c) the right-of-way is not being used, a road is impossible or impractical to construct, and alternative access has been provided.

8. Equal or better access is provided by direct access to Knik River Road by both lots.
9. The petitioners intend to record a non-exclusive easement over the existing driveway for Lot 2 because it crosses over a small portion of Lot 1 as shown on the preliminary plat. This would be a private easement, not public; therefore it will not be created with this plat.



VICINITY MAP
 FOR PROPOSED LAUX SUBDIVISION
 LOCATED WITHIN
 SEC 30, T16N, R4E
 SEWARD MERIDIAN, ALASKA
 KNIK GLACIER 7 MAP

WAIVER RESOLUTION SERIAL NO. 2002-052-PWm
MATANUSKA-SUSITNA BOROUGH
Platting Authority

Page 4

LEGAL DESCRIPTIONS:
LAUX PROPERTY:

PARCEL NO. 2

A parcel of land located in the East 1/2 of the Southwest 1/4 of Section 30, Township 16 North, Range 4 East of the Seward Meridian, Alaska lying westerly of the Knik River Road right of way line and more fully described as follows:

Beginning at the intersection of said right of way line and the South Section line of said Section 30 whence the 1/4 corner common to Sections 30 and 31 bears East a distance of 475.96 feet; thence West along said Section line a distance of 843.73 feet to the West 1/16th Corner common to said Sections; thence North 0°08'00" West along the West line of East 1/2 of the Southwest 1/4 of said Section 30 a distance of 2215.49 feet to its intersection with the westerly right of way line of said road; thence following along said right of way line South 26°45'45" East a distance of 747.85 feet; thence South 0°11'51" East a distance of 223.61 feet; thence South 26°45'45" East a distance of 367.46 feet; thence leaving said right of way line South 72°28'15" West a distance of 293.15 feet; thence South 2°54'45" West a distance of 322.17 feet; thence South 59°18'41" East a distance of 513.80 feet to said right of way line; thence South 3°42'00" East along said right of way line a distance of 380.54 feet to the point of beginning. Said parcel contains 17.82 acres more or less, of which 2.13 are unusable.

★ ACCESS EASEMENT

Said easement lies within the East 1/2 of the Southwest 1/4 of Section 30, Township 16 North, Range 4 East of the Seward Meridian, Alaska, and more fully described as follows:

Beginning at a point on the westerly right of way line of the Knik River Road whence the 1/4 corner common to Sections 30 and 31 bears South 40°48'35" East a distance of 1175.46 feet; thence along the centerline of said easement being 50 feet in width and 25 feet on each side of the following described centerline; North 74°39'20" West a distance of 216.61 feet; thence South 72°28'15" West a distance of 130.34 feet; thence South 2°54'45" West a distance of 322.17 feet, the end of said easement.



4 of 4

2002-058784-0

EXHIBIT E-3

1 AM15-001

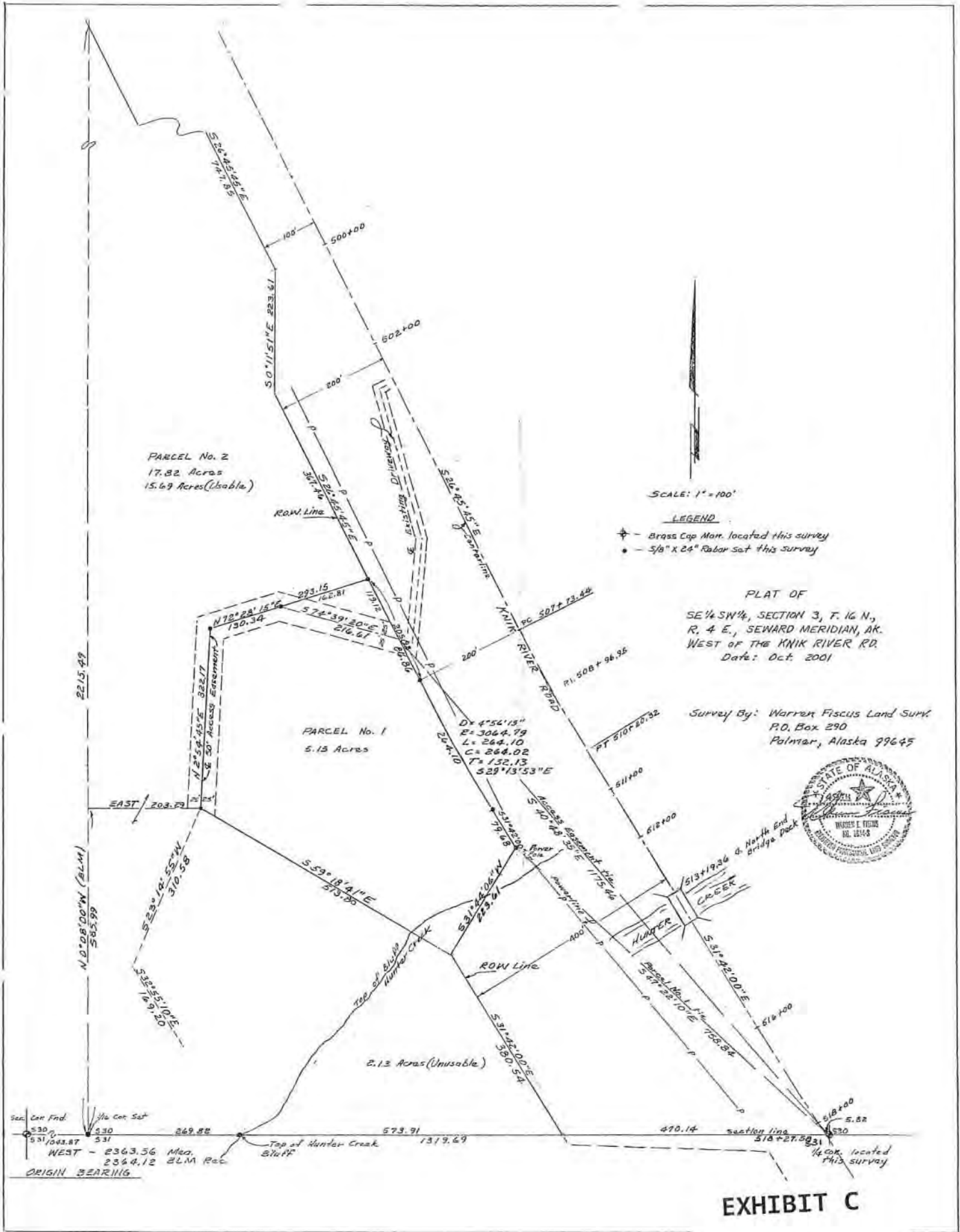


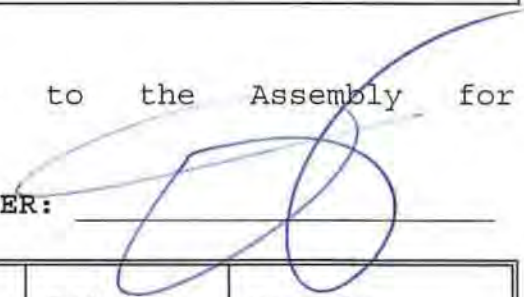
EXHIBIT C


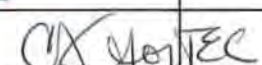
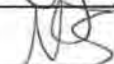

SUBJECT: Approval of contract amendment no. four (4) in the amount of \$699,088.50 to Hattenburg Dilley & Linnell for Old Glenn Highway Paved Pathway Extension, project no. 35412, MSB contract no. 13-071P.

AGENDA OF: 1/6/15

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Present to the Assembly for consideration.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: 

Route To:	Department/Individual	Initials	Remarks
	Originator	RA	
	Capital Projects Director	MB 1/4/14	
	Purchasing Officer		
	Finance Director		
	Borough Attorney		
	Borough Clerk	JAM	12/23/15 

ATTACHMENT (S): Fiscal Note: Yes No

SUMMARY STATEMENT: On December 12, 2012, the Matanuska-Susitna Borough issued a solicitation requesting proposals from qualified firms to provide design services for both the upgrade of Sullivan Avenue & Caudill Road and Old Glenn Highway Paved Pathway Extension, nos. 35407 and 35412 respectively.

In AM 13-039, dated March 19, 2013, the Assembly awarded a contract to Hattenburg Dilley & Linnell in the amount of \$916,905.00 for the design of both projects.

On June 25, 2014 contract amendment no. one (1) added \$41,210 for Right of Way Acquisition Services to the Sullivan Avenue &

Caudill Road Upgrades project, project no. 35407. This increase did not pertain to the Old Glenn Highway Paved Pathway Extension. The contract total changed to \$958,115.00.

On July 2, 2014, contract amendment no. two (2) unencumbered \$111,061.50 from the Sullivan Avenue & Caudill Road Upgrades project (project no. 35407) and re-encumbered that same amount (\$111,061.50) to the Old Glenn Highway Paved Pathway Extension, project 35412. The contract total did not change.

On December 4, 2014, contract amendment no. three (3) extended the contract completion time to December 31, 2015 in order to complete design, right-of-way acquisition and construction.

Proposed contract amendment no. four (4) in the amount of \$699,088.50, if approved, will both increase the contract for the original tasks and provide funding for new tasks which include right-of-way acquisition, environmental activities and public involvement for Old Glenn Paved Pathway Extension design. The new contract total will be \$1,657,203.50. The majority of the funding in this amendment is allotted for right-of-way acquisition services and assumes the acquisition of 27 easements along the highway and includes valuations, appraisals, title reports, agent services, and survey time on a time and materials basis.

During the original scoping of this project, it was anticipated that staff might be able to complete the right of way negotiations in-house. Since design has commenced, the amount of right of way acquisition required has surpassed what staff is capable of in house at this time and it is now desired to have the design consultant perform this work. The original Request for Proposals contained provisions for this work, and included provisions stating:

It is anticipated the Department of Public Works will perform these activities but the Department of Public Works has the right to negotiate and add these services by amendment, however is under no obligation to do so and may obtain these services by any other means including in-house forces.

RECOMMENDATION OF ADMINISTRATION: Recommend approval of contract amendment no. four (4) in the amount of \$699,088.50 to Hattenburg Dilley & Linnell for Old Glenn Highway Paved Pathway Extension, project no. 35412, MSB contract no. 13-071P.

**MATANUSKA-SUSITNA BOROUGH
FISCAL NOTE**

Agenda Date: December 16, 2014

SUBJECT: Approval of contract amendment no. three (3) in the amount of \$699,088.50 to Hattenburg Dilley & Linnell for Old Glenn Highway Paved Pathway Extension, project no. 35412, MSB contract no. 13-071P.

ORIGINATOR:

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT <input checked="" type="radio"/> YES <input type="radio"/> NO
AMOUNT REQUESTED \$699,088.50	FUNDING SOURCE Bonds
FROM ACCOUNT # 430.000.000.4xx.xx	PROJECT # 35412
TO ACCOUNT :	PROJECT #
VERIFIED BY: <i>Barbara Saunz</i>	CERTIFIED BY:
DATE: 12/16/14	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	699					
---------	-----	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING:

(Thousands of Dollars)

General Fund						
State/Federal Funds						
Other	699					
TOTAL	699					

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: *Cheryl Skerrett* PHONE: _____
 DEPARTMENT: *TEC* DATE: *12/18/14*
 APPROVED BY: *Danny E. Clayton* DATE: _____

AM 15-002

SUBJECT: Authorize purchase of Self Contained Breathing Apparatus (SCBA) face piece upgrade kits from Alaska Safety Inc. for the amount of \$102,960.00.

AGENDA OF: January 6, 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>	
	Emergency Services Director	<i>[Signature]</i>	12/17/14
	Finance Director	<i>[Signature]</i>	
	Borough Attorney	<i>[Signature]</i>	
	Borough Clerk	<i>[Signature]</i>	12/23/14 <i>[Signature]</i>

ATTACHMENT (S) : Fiscal Note: Yes X No _____
 Sole Source Correspondence (1pg)
 Vendor Quote (1pg)

SUMMARY STATEMENT:

The Department of Emergency Services has identified a need to upgrade the SCBA face pieces worn by emergency responders. These upgrade kits are needed to comply with the 2013 revision of NFPA 1981 Standard on Open-Circuit Self-Contained Breathing Apparatus for Emergency Services.

This project is funded by a State of Alaska grant which will be utilized to bring all Matanuska Susitna Borough Fire Departments, as well as the City of Houston and the City of Palmer Fire Departments, into compliance with impending Federal OSHA regulations and NFPA Standards. The new regulations and standards will increase the temperature the SCBA face shields must be able to withstand before they fail, thereby improving firefighter safety and the chances of a firefighter surviving a

catastrophic event such as a flash over or back draft fire.

Alaska Safety Inc. has been identified by the manufacturer as the sole distributor for the Mat-Su Borough.

RECOMMENDATION OF ADMINISTRATION: Authorization to purchase from **ALASKA SAFETY, INC** for the amount of **ONE HUNDRED TWO THOUSAND NINE HUNDRED SIXTY AND NO/100 DOLLARS (\$102,960.00)** to **PURCHASE SCBA FACE PIECE UPGRADE KITS.**

MATANUSKA-SUSITNA BOROUGH
FISCAL NOTE

AGENDA DATE: January 6, 2015

REQUEST: Authorization to Purchase

SUBJECT: Authorization to purchase Self Contained Breathing Apparatus (SCBA) face piece upgrade kits for the amount of \$102,960.00.

ORIGINATOR: Purchasing

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT <input checked="" type="radio"/> YES <input type="radio"/> NO
AMOUNT REQUESTED \$ 102,960	FUNDING SOURCE State Legislative Grant
FROM ACCOUNT # 405.000.000.4xx xxx	PROJECT # 45272
TO ACCOUNT :	PROJECT #
VERIFIED BY: <i>Barbara Baumgardner</i>	CERTIFIED BY:
DATE: 12/18/14	DATE:

EXPENDITURES/REVENUES:	(Thousands of Dollars)					
	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020
OPERATING						
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING						

CAPITAL	102					
---------	-----	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING:	(Thousands of Dollars)					
	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020
General Fund						
State/Federal Funds	102					
Other						
TOTAL	102					

POSITIONS:	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020
Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: _____ PHONE: _____
 DEPARTMENT: _____ DATE: _____
 APPROVED BY: *James E. Clayton* DATE: _____



Mine Safety Appliances Company · 1000 Cranberry Woods Drive · Cranberry Township, PA 16066

Telephone: (724) 776-8600

Writer's Direct Dial: 916 837 3271

December 17, 2014

To Whom It May Concern:

The purpose of this letter is to confirm that Alaska Safety located in Anchorage and Wasilla, AK is an authorized distributor for MSA products and services.

Alaska Safety is the sole distributor in Alaska that meets the following criteria:

- Locations in both Anchorage and Wasilla, AK
- Factory certified sales personnel located in Wasilla, AK
- Authorized MSA warranty center located in Wasilla, AK
- A geographic territory in which they have sole responsibility for MSA products and services.

If you have any questions or concerns, please let contact me directly

Kind Regards

Tim Hanna
First Responder Sales Manager
MSA
California, Nevada, Alaska
916 837 3271
Tim.Hanna@msanet.com

cc:
Chief James Williams, Patricia Sierra, Sally Kueh

AM15-003

Alaska Safety - Wasilla

Alaska Safety Inc.
 617 S. Knik Goosebay Rd. Suite E
 Wasilla, AK 99654
 Phone: (907) 373-5661 Fax: (907) 864-0789

Quotation# 001311

Account ID 00001237	Contact Bill Gamble	
Customer PO None	Telephone (907) 376-9790	Facsimile (907) 892-6281

Bill To:

Mat Su Borough
 Accounts Payable
 350 East Dahlia Avenue
 Palmer, AK 99645

Ship To:

West Lake F.D.
 Department of Emergency Services
 P.O. Box 298389
 Wasilla, AK 99629

Special Order Drop Ship

Quote Date 09/23/2014	Comments			Special Instructions		Terms NET 30
Ship Via WC	Date Required 09/23/2014	FOB Anchorage	Prepared By WR	Order#	Salesperson Wilson Reece	
Quantity	Item#	Description			Price	Total
1,100 EACH	MS10153938	2013 NFPA Face Clear Piece Upgrade Kit			\$93.60	\$102,960.00

Comments

This quotation is good for 30 days from the date listed above. Thank you for the opportunity!

Sub Total	\$102,960.00
EXMT 0% Tax	\$0.00
Freight	\$0.00
Grand Total	\$102,960.00
Deposit	\$0.00
Balance	\$102,960.00

Approved By: _____ Date: _____

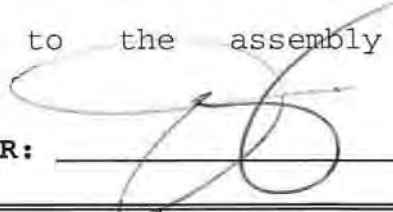
AM15-003

SUBJECT: Award of Proposal 15-069P to Lounsbury & Associates, Inc. in an amount not to exceed \$600,000.00 for the Oilwell Road Design.


AGENDA OF: January 6, 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>JMM</i>	
	Public Works Director	<i>TDL</i>	26 Dec 14
	Finance Director	<i>JGL</i>	12/30/14
	Borough Attorney	<i>NS</i>	
	Borough Clerk	<i>JMM</i>	12/26/14 

ATTACHMENT(S): Fiscal Note: Yes X No _____
Advertising: 1 pp
Scoring Sheet: 1 pp

SUMMARY STATEMENT: On October 30, 2014, the Matanuska-Susitna Borough issued solicitation 15-069P seeking qualified firms to provide proposals to design improvements and upgrades to Oilwell Road from the intersection with Petersville Road, to just past the first bridge across Moose Creek.

In response to the advertising, ten proposals were received and scored by a team of four evaluators made up of Borough employees from the Capital Projects and Public Works departments. Lounsbury & Associates, Inc. received the highest score.

This contract will be monitored and administered by the Department of Public Works, Operations and Maintenance Division. Design work is expected to be completed by September 30, 2015,

with construction in the spring of 2016.

RECOMMENDATION OF ADMINISTRATION: Award of **PROPOSAL 15-069P, OILWELL ROAD DESIGN** to **LOUNSBURY & ASSOCIATES, INC.** in an amount not to exceed **SIX HUNDRED THOUSAND AND NO/100 DOLLARS (\$600,000.00)**.

MATANUSKA-SUSITNA BOROUGH
FISCAL NOTE

Agenda Date: January 6, 2015

SUBJECT: Award of Proposal 15-069P to Lounsbury & Associates, Inc. in an amount not to exceed \$600,000.00 for the Oilwell Road Design.

ORIGINATOR: Purchasing

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT <input checked="" type="radio"/> YES <input type="radio"/> NO
AMOUNT REQUESTED \$600,000	FUNDING SOURCE State Leg Grant; LSA Fund Bal
FROM ACCOUNT # 430.000.000.4XX,XXX	PROJECT # 35437 (\$598,252) 30050 (\$17,748)
TO ACCOUNT :	PROJECT #
VERIFIED BY: <i>Barbara Baumgardt</i>	CERTIFIED BY:
DATE: 12/22/14	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		600				
---------	--	------------	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

General Fund						
State/Federal Funds		598				
Other		2				
TOTAL		600				

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: _____ PHONE: _____
 DEPARTMENT: _____ DATE: _____
 APPROVED BY: *[Signature]* DATE: **12/30/14**

AM No. 15-004

**MATANUSKA-SUSITNA BOROUGH
350 East Dahlia
Palmer, Alaska 99645**

ADVERTISEMENT

VENDOR		ACCOUNT #	DATE FOR ADVERTISEMENT
Frontiersman		CONTRACT	October 31, 2014
Alaska Dispatch News		MATA 0070	October 30, 2014
TYPE OF AD:	<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
#15-069P
OILWELL ROAD DESIGN**

The Matanuska-Susitna Borough is seeking proposals from qualified firms to design improvements and upgrades to Oilwell Road from the intersection with Petersville Road, to just past the first bridge across Cottonwood Creek, an approximate distance of 6.25 miles.

Proposal documents are available **beginning OCTOBER 30, 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. 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.

Proposal closing: **NOVEMBER 21, 2014 @ 2:00 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: October 29, 2014	Requested by: Signature on File	Approved by: Signature on File
---------------------------	------------------------------------	-----------------------------------

DEPARTMENT ACCOUNT NO.: 430.000.000.462.210 ~ 35437-9300-9302

Am15-004

15-069P, Oilwell Road Design

AVERAGE EVALUATION SCORES

Alaska Rim	Bell & Associates	Bristol	CRW	DOWL HKM	HDL	HDR Alaska
47.13	47.88	47.00	54.50	0.00	56.25	53.63

LOUNSBURY	PND	R&M	#REF!	#REF!	#REF!	#REF!
57.50	54.75	55.75	#REF!	#REF!	#REF!	#REF!

AM15-604

SUBJECT: Award of Proposal 15-058P, Roof Replacement Design, 8 Schools to Bezek Durst Seiser, Inc. in an amount not to exceed \$500,000.00

AGENDA OF: January 6, 2015

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Present to the assembly for consideration.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: *[Signature]*

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>[Signature]</i>	
	Capital Projects Director	<i>BJD for Mike Brown</i>	
	Finance Director	<i>[Signature]</i>	
	Borough Attorney	<i>NS</i>	
	Borough Clerk	<i>JAM</i>	<i>12/23/14</i> <i>(BAM)</i>

ATTACHMENT(S): Fiscal Note: Yes No
 Advertising: 1 pp
 Scoring Sheet: 1 pp

SUMMARY STATEMENT: On October 24, 2014, the Matanuska-Susitna Borough issued solicitation 15-058P requesting proposals from A/E firms for the evaluation of existing roofing systems at eight schools and designing corrections for areas that can be economically corrected and designs for others where replacement is required. The school building involved in this work are Palmer High School, Cottonwood Creek Elementary, Palmer Jr. Middle School, Pioneer Peak Elementary, Tanaina Elementary, Wasilla Middle, Sutton Elementary and the Mat Su School District Warehouse.

In answer to the advertising, the Borough received six

proposals. One proposal was declared non-responsive. The team of five evaluators made up of two Department of Capital Projects employees and three school district employees scored the remaining five proposals. The highest rated firm was Bezek Durst Seiser, Inc.

The contract will be monitored and administered by the Department of Capital Projects, Project Management Division. The investigative portion of the work is expected to begin in January with Phase Two beginning in March.

RECOMMENDATION OF ADMINISTRATION: Award of **PROPOSAL 15-058P, ROOF REPLACEMENT DESIGN, 8 SCHOOLS** to **BEZEK DURST SEISER, INC.** in an amount not to exceed **FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$500,000.00)**.

**MATANUSKA-SUSITNA BOROUGH
FISCAL NOTE**

Agenda Date: January 6, 2015
 SUBJECT: Award of Proposal 15-058P, Roof Replacement Design, 8 Schools to Bezek Durst Seiser, Inc. in an amount not to exceed \$500,000.00

ORIGINATOR: Purchasing

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT (YES) NO
AMOUNT REQUESTED \$ 500,000	FUNDING SOURCE Bonds
FROM ACCOUNT # 400,000,000.4XX.XXX	PROJECT # 40177
TO ACCOUNT :	PROJECT #
VERIFIED BY: <i>Barbara Baumgardner</i>	CERTIFIED BY:
DATE: 12/22/14	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				
---------	--	-----	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

General Fund						
State/Federal Funds						
Other		500				
TOTAL		500				

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: _____ PHONE: _____
 DEPARTMENT: _____ DATE: 12/29/14
 APPROVED BY: *[Signature]* DATE: _____

AM No. 15-005

MATANUSKA-SUSITNA BOROUGH
350 East Dahlia
Palmer, Alaska 99645

ADVERTISEMENT

VENDOR		ACCOUNT #	DATE FOR ADVERTISEMENT
Alaska Dispatch News		MATA 0070	OCTOBER 24, 2014
Frontiersman		CONTRACT	OCTOBER 24, 2014
TYPE OF AD:	<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
#15-058P
ROOF REPLACEMENT DESIGNS, 8 SCHOOLS

The Matanuska-Susitna Borough requests proposals for Architectural/Engineering (A/E) services to evaluate existing roofing systems at eight schools within the Mat-Su Borough School District. After evaluation of existing roof conditions, the A/E will be responsible for designing corrections for areas that can be economically corrected and new roofing systems will be designed for areas that require replacement.

Proposal documents are available **beginning OCTOBER 24, 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. 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.

Proposal closing: **NOVEMBER 14, 2014 at 2:00 PM in the Purchasing Section**

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 10/21/14	Requested by: Signature on File	Approved by: Signature on File
------------------	------------------------------------	-----------------------------------

DEPARTMENT ACCOUNT NO.: 400.000.000.463.312 ~ 40177-1000-1002

Am15-005

15-058P, Roof Replacement Designs; 8 Schools

AVERAGE EVALUATION SCORES

Bezek Durst Seiser	GDM Inc	J2 Consultants	Kumin Associates	Larsen Consulting Group	#REF!	#REF!
74.76	73.50	42.46	64.76	57.42	#REF!	#REF!

#REF!	#REF!
#REF!	#REF!

AM 15-005

SUBJECT: Assembly approval of the 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)

AGENDA OF: *January 6, 2015*

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: *[Signature]*

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>ek</i>	
	Community Development Director	<i>Q</i>	
	Finance Director	<i>JCC</i>	<i>12/5/14</i>
	Borough Attorney	<i>NS</i>	<i>Exact form of deal to be determined</i>
	Borough Clerk	<i>JAM</i>	<i>12/8/14</i> <i>(JV)</i>

ATTACHMENT (S) : Fiscal Note X Yes No
 Vicinity Map (1 pp)
 Easements (5 pp)
 SCTP Letter (2 pp)
 MSB School District Letter (1 pp)
 Big Lake Community Council Letter (1 pp)
 Public Comments *56* pp)
 Ordinance Serial No. 15-001 (3 pp)

SUMMARY
 The Matanuska-Susitna Borough Land and Resource Management Division received an application from Alaska Scholastic Clay Target Program (ASCTP), a registered non-profit organization, to purchase borough tax parcels 16N04W04A012 and 16N04W04D008 for the purpose of developing a competitive shotgun course and

small-bore rifle range, primarily for youth shooting teams. The two parcels contain a total of 80 acres and are located south of Susitna Parkway and west of Purinton Parkway, near Big Lake. Following is a Best Interest Finding regarding the proposal.

The applicant request is for Assembly approval of a less than fair market value sale of tax parcels 16N04W04A012 and 16N04W04D008, containing 40 acres each. MSB Code 23.10.060(C) requires the minimum fee to be paid to the borough for a sale at less than fair market value shall be the greater of \$500 or 10 percent of the fair market value of the land. The 2013 borough tax assessed value of the two properties is \$177,200. Pursuant to borough code, a less than fair market value sale would equate to a value of \$17,720.

PROPERTY SITE FACTORS:

A. Location: The subject parcels are bounded on the west, south, and east by undeveloped borough-owned property. Privately-owned parcels are adjacent to the north. There are no houses adjacent to the subject parcels.

B. Legal Descriptions:

Tax parcel A012: SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 04, Township 16 North Range 04 West, recorded as #1974-004678-7, Palmer Recording District, Third Judicial District, State of Alaska, containing 40.00 acres more or less.

Tax parcel D008: NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 04, Township 16 North Range 04 West, recorded as #1974-004678-7, Palmer Recording District, Third Judicial District, State of Alaska, containing 40.00 acres more or less.

C. Land Status: Acquired by Patent 1949, Book 85, Page 638, recorded 7/26/74, Palmer Recording District.

D. Restrictions:

1. Current Land Classification: The southern half of parcel D008 was classified for forest management in 1992. Parcel A012 is shown to contain soils of local importance; however, it was not classified for agricultural use.

2. Land Use Plans: The subject parcels lie within the Big Lake Community Comprehensive Plan area. However, there is no specific language in the community comprehensive plan regarding the two subject parcels or the proposed use as a firing range. The parcels contain land included in the Five-Year Timber Harvest

Schedule as well as in the list of Personal-Use Firewood Harvest Areas.

3. **Title Restrictions:** None

4. **Covenants:** None

5. **Zoning:** None

6. **Easements & Other Reservations:** A 50-foot section line easement runs along the eastern boundary of both parcels. There is also a 200-foot public use easement, which runs along the eastern boundary of both parcels. The public use easement was created under MSB case file 002700 (book 1038 page 128) recorded in the Palmer Recording District, September 29, 1999. Easement maps are enclosed.

E. Current Land Use: There are several unrecorded trails that cross the subject parcels. There are no other current land uses on the parcels.

F. Surrounding Land Use: Other properties in the area are either undeveloped, or being used for residential purposes.

G. Existing Infrastructure: None, however, portions of the Purinton Parkway easement were cleared and leveled in 1996 as part of the firebreak system constructed during the Miller's Reach Fire. Residential power and phone appear to be available along the eastern side of Purinton Parkway directly across from the subject parcels.

H. Soils & Terrain: According to the USDA Natural Resources Conservation Service Soil Survey of the Matanuska-Susitna Valley Area, soils for these parcels include the Kashwitna Silt Loam and the Kichatna Silt Loam which are suitable for building sites. Tax parcel A012 also includes Histosols (wetland soils) which are not suitable for building sites. Some of the occurrences of the Kichatna Silt Loam are on steep slopes susceptible to erosion and are not suitable for building sites.

I. Resources: There is no specific data on resources for these parcels. The southern half of parcel D008 is currently being included in a personal use firewood sale packet.

J. Assessments: The 2013 borough tax assessed land value for A012 is \$2,215/acre (\$88,600) and for D008, is \$2,215/acre (\$88,600).

Public, Board and Commission Comments & Recommendations

In accordance with Title 23 and the Land Management Policy and Procedure Manual, landowners within one quarter mile of the proposed properties have been notified of the proposed land sale. Additionally, notice was sent to the secretary of the Big Lake Community Council, Big Lake Chamber of Commerce, Parks, Recreation and Trails Advisory Board, and local Road Service Area and Fire Service Area boards. Notice was published in the Frontiersman, posted in the postal office and on the Borough website. The 30-day public notice process will be completed on December 5, 2014.

There have been 48 written comments received from the public. All have been generally in support. One supporting comment suggested road / firing point buffers and limiting the hours of operation. The Matanuska-Susitna Borough School District Superintendent submitted a letter of support for the ASCTP.

There have been objections from borough departments and the Big Lake Community Council. Borough departments objected to a less than fair market value sale, to non-agricultural use of land with soils of local importance for farming, and to the sale of two 40-acre parcels when one might work.

The MSB Parks, Recreation and Trails Advisory Board did not submit written comment.

The Big Lake Community Council submitted a letter notifying the borough of the Council's motion to take a position of "Opposed to the Sale." The Council's opposition is based primarily on the following areas of concern:

- Lack of overall information provided by the applicant/MSB;
- Concern with noise of operations in an area with current residential housing;
- Noise abatement plans;
- Hours of operation; and
- Environmental impact of lead shot and long-term remediation plan.

Analysis & Discussion

Neither property was included in the recently implemented five-year land retention and disposal plan. The southern half of tax parcel D008 is classified for forest management, and is scheduled to be offered in a future personal-use firewood sale. The north half of tax parcel D008 and tax parcel A012 are

unclassified. Neither property is included in any short-term or long-term borough plan for a future public facility.

The Land and Resource Management Division finds that the proposed sale meets the requirements of MSB 23.10.230(A)(1)(e) Agreement by Application, wherein the manager may, with the approval of the assembly by ordinance, approve a sale of borough-owned property by application if the use is by a non-profit organization. The Alaska Scholastic Clay Target Program is a registered non-profit organization.

Pursuant to the Land Management Policy and Procedure Manual, Less Than Fair Market Value Disposals, Part 60, Section 7.1, for disposals at less than fair market value the borough shall retain the right to have the title revert to the borough in the event the property is no longer used for the purpose applied for and approved.

The borough reserves the right to control future access to the properties as Purinton Parkway has been designated by the borough to become an arterial roadway with four lanes and controlled access. Reserving this right supports future road improvements and ensures appropriate and safe ingress/egress points.

Visual, noise, and physical buffers are a reasonable requirement of the future use of the property considering the nature of the proposed shooting ranges. A restriction on the hours of operation would address the concern over quiet hours.

Authority

MSB 23.05.030(G) A best interest finding, approved by assembly resolution, shall be completed when disposing of an interest in real property at less than fair market value (notwithstanding Land Management Policy and Procedure Manual, Less Than Fair Market Value Disposals, Part 60, 7.1). The best interest finding is incorporated into this Informational Memorandum.

MSB 23.10.010(A) All real property in which the borough has an interest may be sold, leased, or otherwise disposed of as provided in code when disposal is in the best interest of the borough.

MSB 23.10.070 The assembly may set forth terms and conditions of the sale or disposition of borough-owned real property by ordinance or resolution when assembly approval is required.

RECOMMENDATION:

Administration recommends Assembly approval of the 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.

MATANUSKA-SUSITNA BOROUGH
FISCAL NOTE

Agenda Date: December 16, 2015

ORIGINATOR: Community Development

SUBJECT: ASSEMBLY APPROVAL OF THE 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)

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT? <u>(YES)</u> NO
AMOUNT REQUESTED \$ <u>17,720</u>	FUNDING SOURCE
FROM ACCOUNT #	PROJECT #
TO ACCOUNT # <u>203.000.000.3xy.xxx</u>	PROJECT #
VERIFIED BY: <u>Barbara Saunquist</u>	CERTIFIED BY:
DATE: <u>12/4/14</u>	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	<u>17</u>					

FUNDING: (Thousands of Dollars)

General Fund						
Federal Funds						
Other						
TOTAL	<u>17</u>					

POSITIONS:

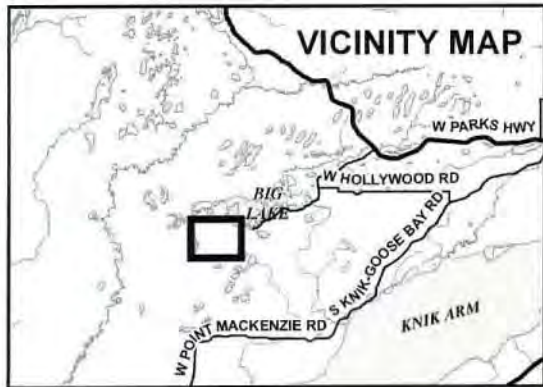
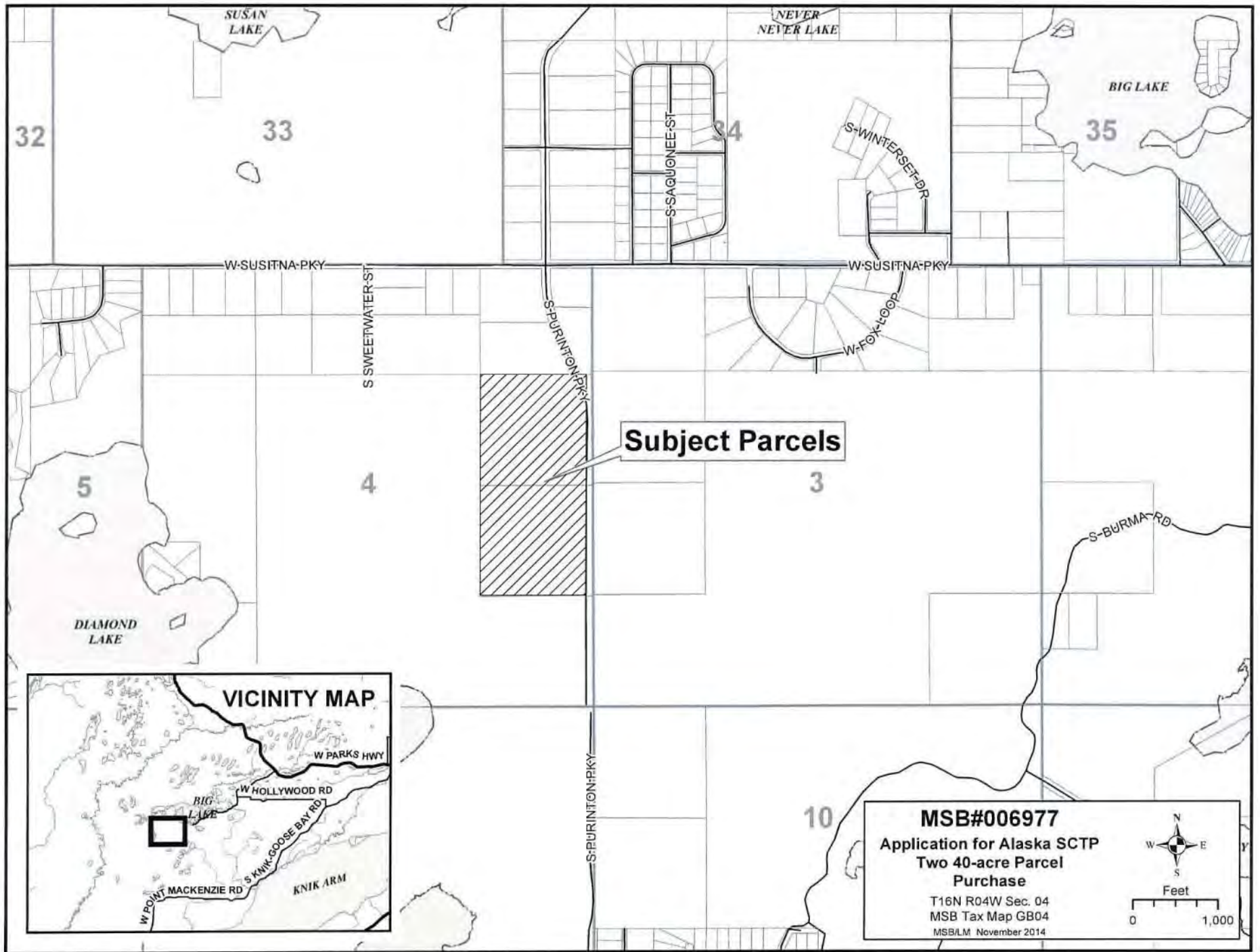
Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: _____
DEPARTMENT: _____
APPROVED BY: [Signature]

Phone: _____
Date: _____
Date: 12/5/14

pg 1 of 1



MSB#006977
Application for Alaska SCTP
Two 40-acre Parcel
Purchase

T16N R04W Sec. 04
 MSB Tax Map GB04
 MSB/LM November 2014

Im 15-001
 OR 15-001

File - Fire breaks
Purinton Parkway

BOOK 1038 PAGE 128

MSB#002700 - 16N04W04

MATANUSKA-SUSITNA BOROUGH
NOTICE OF PUBLIC DEDICATION

NOTICE is hereby given that the Matanuska-Susitna Borough, a municipal corporation organized and existing under the laws of the state of Alaska, whose address is 350 East Dahlia Avenue, Palmer, Alaska 99645, hereby dedicates to the public a public use easement for ingress, egress, roadways, rights-of-way, slopes for cut and fill, and public utilities located within portions of the W1/2 W1/2 W1/2 of Section 3, E1/2 E1/2 of Section 4, E1/2 E1/2 of Section 9, W1/2 W1/2 W1/2 NW1/4 of Section 10, E 1/2 NE1/4 of Section 16, T16N, R4W, S. M., Alaska, Palmer Recording District, Third Judicial District as depicted in the Matanuska-Susitna Borough Purinton Parkway Right-of-Way Public Use Easement drawing attached Exhibit A.

PURSUANT to Matanuska-Susitna Borough Code 23.10.110, the Matanuska-Susitna Borough manager in Decision signed July 2, 1998 reference MSB #002700, approved said easement for dedication.

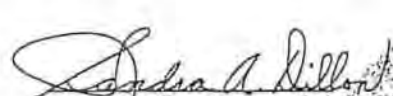
This dedication is an official public document of the Matanuska-Susitna Borough.

Dated this 29th day of September, 1999.

MATANUSKA-SUSITNA BOROUGH

ATTEST:


Michaél J. Scott, Borough Manager


Sandra A Dillon, Borough Clerk

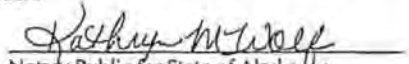
Seal:



STATE OF ALASKA)
Third Judicial District) ss.

On September 29, 1999, Michael J. Scott, Manager of the Matanuska-Susitna Borough, who is personally known to me, appeared and acknowledged before me that he signed the Notice of Dedication on behalf of the municipal corporation.




Notary Public for State of Alaska
My Commission Expires: 8/28/02

RETURN TO:
MATANUSKA - SUSITNA BOROUGH
350 EAST DAHLIA AVENUE
PALMER, ALASKA 99645 +

LMD/PDREGALASB2700

MATANUSKA - SUSITNA



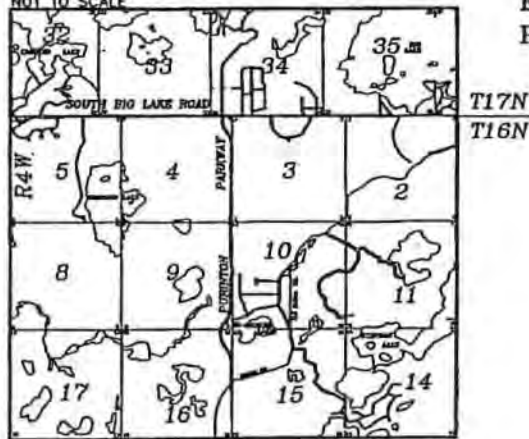
BOROUGH: PURINTON PARKWAY RIGHT-OF-WAY PUBLIC USE EASEMENT

LOCATED WITHIN SECTIONS 3, 4, 9, 10, 15, & 16
T16N, R4W, S.M., ALASKA
PALMER RECORDING DISTRICT.

**FIRE BREAKS AND
EMERGENCY EXIT ROUTES**
PROJECT No. 20303-4402

EXHIBIT A

VICINITY MAP
NOT TO SCALE



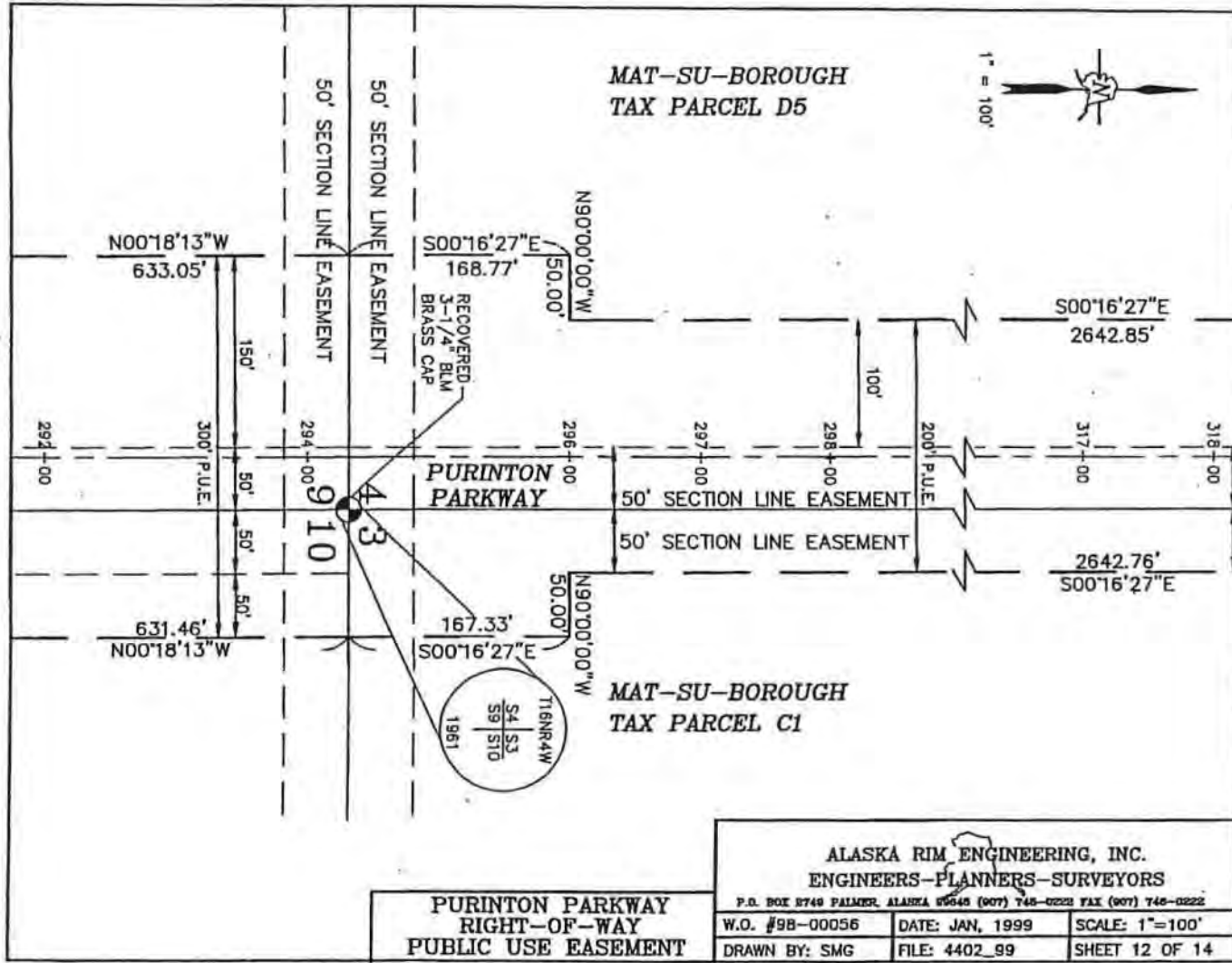
ALASKA RIM ENGINEERING, INC.
ENGINEERS-PLANNERS-SURVEYORS
P.O. BOX 8749 PALMER, ALASKA 99646 (907) 746-0228 FAX (907) 746-0222

SHEET 1 OF 14

BOOK 1038 PAGE 129

Im 15-001
DR 15-001

EXHIBIT A



BOOK 1038 PAGE 140

IM 15-001
OR 15-001

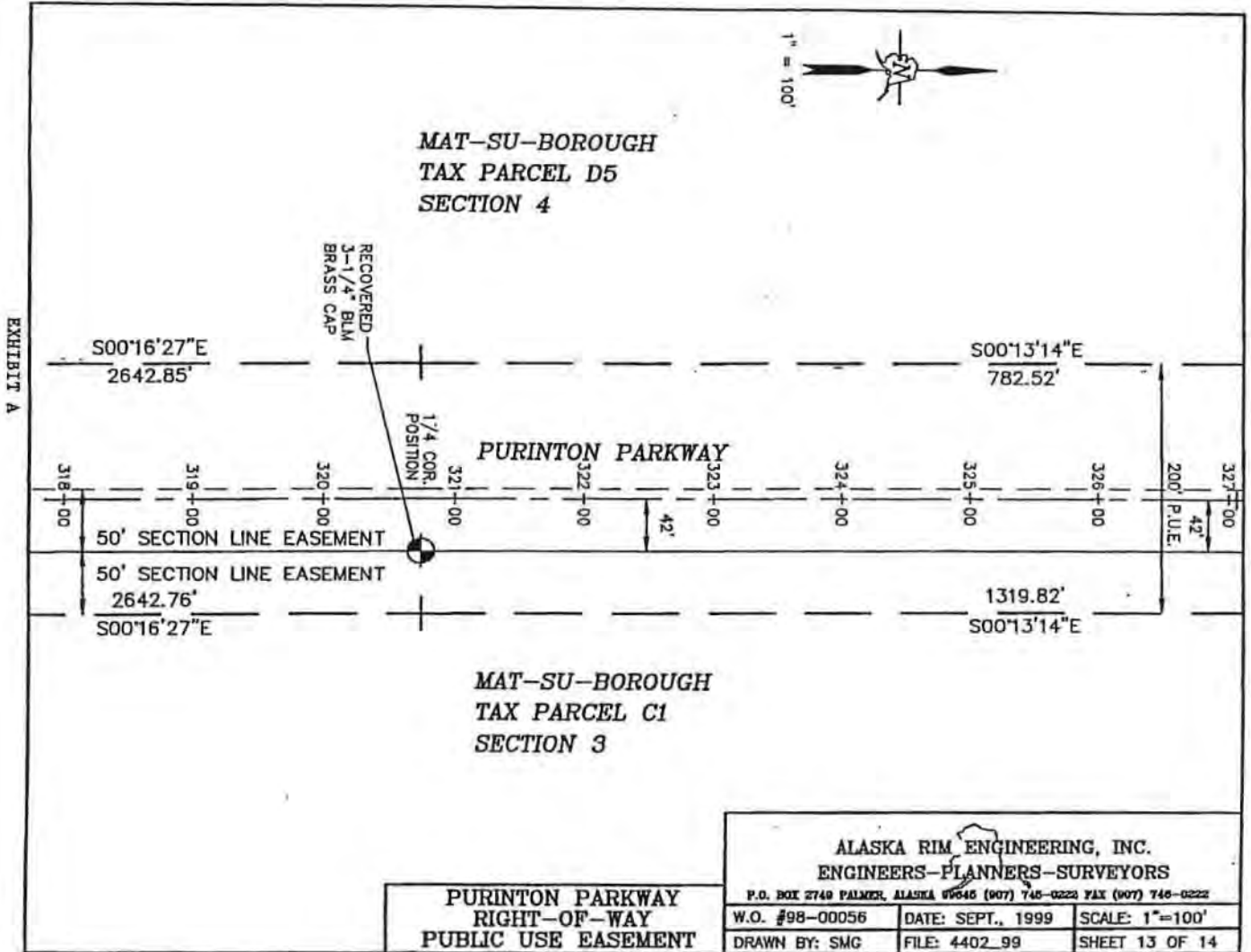


EXHIBIT A

MAT-SU-BOROUGH
TAX PARCEL D5
SECTION 4



RECOVERED
3-1/4" BLM
BRASS CAP

1/4 COR.
POSITION

PURINTON PARKWAY

S00°16'27"E
2642.85'

S00°13'14"E
782.52'

50' SECTION LINE EASEMENT
2642.76'

50' SECTION LINE EASEMENT
2642.76'

318+00 319+00 320+00 321+00 322+00 323+00 324+00 325+00 326+00 327+00
42' 200' P.U.E. 42'

1319.82'
S00°13'14"E

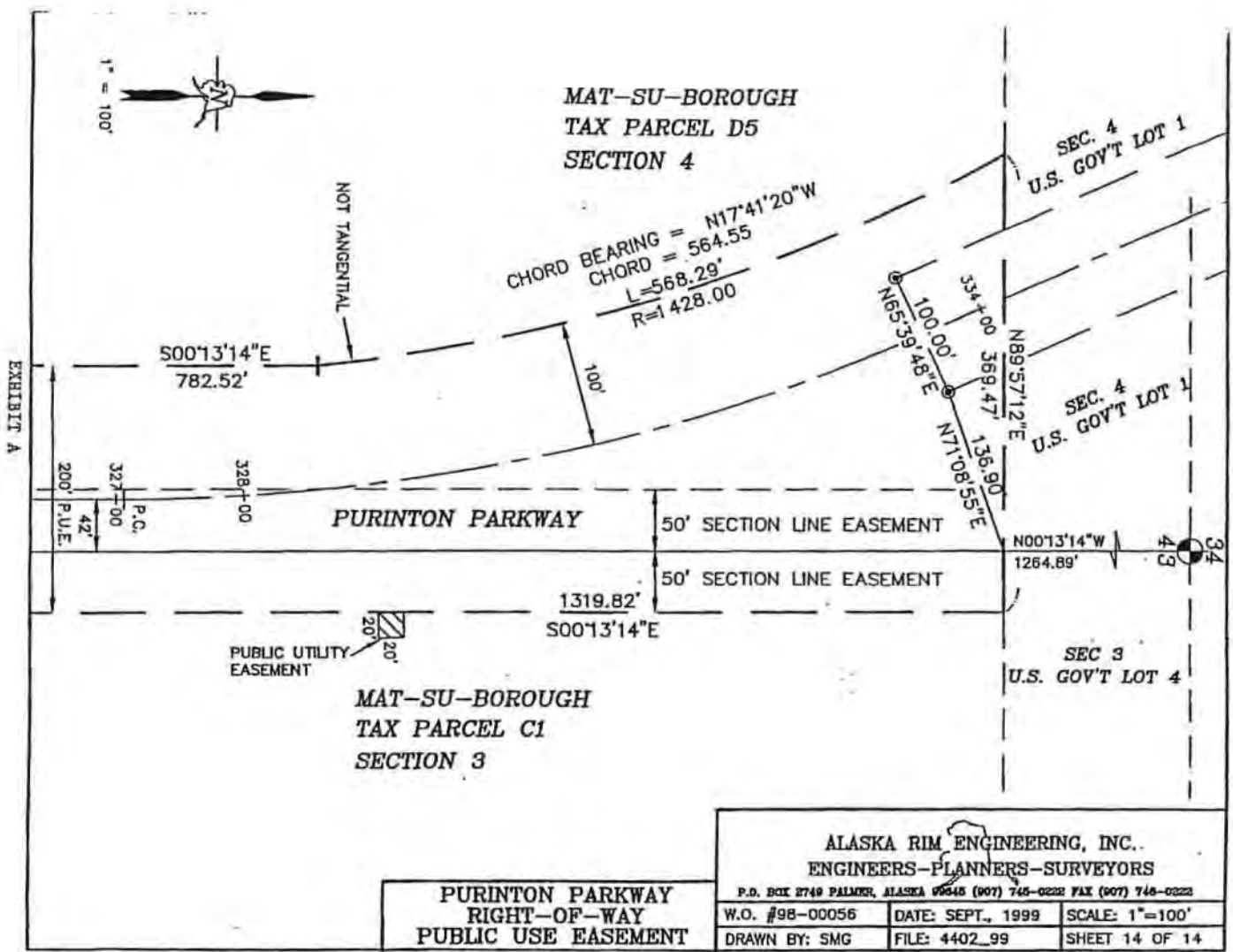
MAT-SU-BOROUGH
TAX PARCEL C1
SECTION 3

PURINTON PARKWAY
RIGHT-OF-WAY
PUBLIC USE EASEMENT

ALASKA RIM ENGINEERING, INC. ENGINEERS-PLANNERS-SURVEYORS P.O. BOX 2749 PALMER, ALASKA 99646 (907) 746-0222 FAX (907) 746-0222		
W.O. #98-00056	DATE: SEPT., 1999	SCALE: 1"=100'
DRAWN BY: SMG	FILE: 4402_99	SHEET 13 OF 14

1038 PAGE 141

Im15-001
OR15-001



BOOK 1038 PAGE 142

ALASKA RIM ENGINEERING, INC.
ENGINEERS-PLANNERS-SURVEYORS
 P.O. BOX 2749 PALMER, ALASKA 99645 (907) 745-0222 FAX (907) 745-0222

W.O. #98-00056	DATE: SEPT., 1999	SCALE: 1"=100'
DRAWN BY: SMG	FILE: 4402_99	SHEET 14 OF 14

Im 15-001
DR 15-001

Alaska Scholastic Clay Target Program

Neil Moss, State Advisor and President
2321 Palmer-Wasilla Hwy., Wasilla, AK 99654
907-373-0961 fax 907-373-0962
501c3 Non-Profit Corporation 90-0635354 www.aksctp.org



October 27, 2014

Matanuska-Susitna Borough
Community Development Department
Matanuska-Susitna Borough Assembly

Ladies and Gentlemen,

We are presenting the attached application to purchase borough land for the purpose of developing a competitive shotgun course and a small-bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. Our plan is to build at least two (2) skeet fields and two (2) trap fields as soon as possible. Our long-range goal is to develop a good portion of the property into a sporting clays walkthrough course, in addition to an Olympic Bunker Trap and International Skeet fields.

Right now we are transporting the majority of the Mat-Su teams to Birchwood in Chugiak for practices and competitions. Colony Knights team is practicing at Grouse Ridge Shooting Grounds, and their members pay at least \$350.00 per athlete for practices and the 3 competitions at Birchwood. The teams practicing at Birchwood pay between \$200.00-\$250.00 per athlete for practices and the 3 competitions scheduled this Fall. There are approximately 50-72 athletes now practicing at Birchwood every week.

With the development of a clay target sports field here in Matanuska-Susitna Borough, our teams will have a facility that is available at the convenience of the teams for essentially the cost of targets. We hope to reduce the cost per athlete to \$3.00/25 targets, or \$6.00/week/athlete as opposed to \$11/week/athlete at Birchwood or \$15+/week/athlete at Grouse Ridge.

We also anticipate that the number of teams in Mat-Su Valley will increase with the availability of affordable targets for these youth shooters to practice. Athletes in the Lower 48 frequently shoot more than 500 targets a week. The fact is there is not a facility for our Mat-Su athletes within reasonable distance at a reasonable per target cost for them to practice this level and intensity of shooting disciplines.

It is our intention to eventually make the field available for competitions between the Mat-Su teams, as well as inviting other teams from all over Southcentral, as well as the Peninsula. By opening this field to competition for visiting teams, the potential for income from travelers is increased in the greater Big Lake/Wasilla area. Please see attached analysis of Alaska SCTP growth of teams and athletes since 2010, and projected growth through 2016.

Our biggest project for this property is to build a Bunker Trap field. Bunker Trap is the International Olympic Trap game, which requires no less than 15 computer-operated trap machines in a cement bunker. This is the future of the shooting sports in America. While at the National State Advisor's Meeting in Columbia, MO earlier this month we learned that every state represented at the meeting was planning on developing a Bunker Trap field if they didn't already have one. There are an estimated 20 Bunker Trap fields across the US today, with the potential of more than doubling that number over the next year! Collegiate shotgun teams as well as the USA Shooting Team are looking for Bunker Trap qualified athletes to compete on their teams. Our Alaskan clay target athletes deserve to have the opportunity to excel at this sport and have the opportunity to apply for scholarships with these college shotgun teams as well as compete in the Junior Olympics. At this time, there is no Bunker Trap field in Alaska.

It was our understanding that the property would be made available for the purchase price of \$5.00 per parcel. The cost of developing the land, building the trap and skeet houses and fields, a parking lot and storage building will be the focus of our grant requests in 2015. The funding to develop a Bunker Trap, which is estimated to cost between \$150,000 and \$200,000, will also need to be raised.

The Alaska SCTP, its teams and member athletes, is growing at a phenomenal rate! Having a field for the Mat-Su teams will mean more practices, more members, better scores, better opportunities. We are hoping to develop collegiate teams here in Alaska as well, including UA Mat-Su campus, which would allow our collegiate athletes to compete with over 200 collegiate teams in the Lower 48 under ACUI. The advantages of having an 80+ acre shooting facility in the Mat-Su Borough are great, even before taking into consideration the impact on borough businesses, such as Sportsman's Warehouse, Chimo Guns, and the sporting goods departments of Wal-Mart, Fred Meyer, and 3 Bears, not to mention restaurants, lodging, and fuel for traveling competing teams.

We also hope to build a clubhouse at the facility, which would be used for classrooms and other group activities. The facility would be ideal for use as a Hunter Education classroom for Basic, Bow, and other Hunter Ed classes through the State Fish & Game Department. Coaches Certification Training and Discipline-specific training for athletes could be conducted in this facility. Worthy of mention is the fact that restrooms would be built within the clubhouse – a necessary addition for the use of this facility! The construction of a clubhouse would elevate this property to an all-purpose, public-use facility for the shooting and hunting sports for Mat-Su residents!

It is our hope that Matanuska-Susitna Borough administration and management teams will help us to acquire land that will be practical and affordable in order to achieve our goals. Please let us know if you have any questions.

Sincerely,



Neil Moss
President, Alaska SCTP



OFFICE OF THE SUPERINTENDENT

Dr. Deena M. Paramo

Mission: Mat-Su Borough School District prepares students for success

November 19, 2014

RE: **Support for AK SCTP's Application to Purchase Borough Owned Land**

To Whom it May Concern,

I am writing in support of the Alaska Scholastic Clay Target Program's application to purchase two parcels of Borough owned land. The Alaska Scholastic Clay Target Program (SCTP) is an organization that promotes clay target shooting sports on a competitive and scholastic level throughout the State of Alaska, and has steadily grown since its inception. Students from throughout the Borough including all four of the Mat-Su Borough School District's core high schools (Colony, Houston, Palmer, and Wasilla) participate. The AK SCTP operates under the umbrella of the SCTP national program, affording participating students an opportunity to apply for college scholarships and compete on a national level. In fact, the SCTP is the official youth shooting program of USA Shooting and feeder program to the Olympic shooting sports.

The District values its partnership with the Alaska SCTP, and I personally have attended its championship events. Using guns in a safe manner for sport or hunting is a normal activity for many Alaskan families. The Alaska SCTP program offers another opportunity for students to learn a physical skill in that clay target sports emphasizes endurance, fine motor skills, and mental focus. Students not only learn firearms safety, but also develop interpersonal skills in the area of respect for others, self-confidence and self-esteem building, self-reliant decision-making, responsibility, teamwork, and sportsmanship. These attributes are goals for SCTP and are goals for which we want all students to strive and excel.

For these reasons, the Mat-Su Borough School District supports the Alaska Scholastic Clay Target Program's application to purchase two parcels of Borough owned land.

Sincerely,

Dr. Deena M. Paramo
Superintendent

Big Lake Community Council
P.O. Box 520931
Big Lake, AK 99652

November 19, 2014

Matanuska-Susitna Borough
Community Development
Land and Management Division
350 E. Dahlia Avenue
Palmer, AK 99645

Re: MSB006977

Subject: Land Sale in to the Alaska Scholastic Clay Target Program

To whom it may concern,

The Big Lake Community Council (BLCC) recently took the time to discuss the above referenced Public Notice. A motion was made by the board of the Big Lake Community Council to formally take a position of "Opposed to the Sale" based on the information provided in the Public Notice.

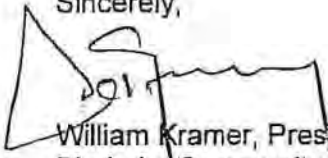
The BLCC opposition is based primarily on the following areas of concern:

- Lack of overall Information provided by applicant/MSB
- Concern with noise of operations in an area with current residential housing
- Noise abatement plans
- Hours of operation
- Environmental impact of lead shot and long term remediation plan

The motion was passed with unanimous consent by the voting members of the council.

I can be reached by phone at 440-5000 or e-mail at billkramer@biglakecommunitycouncil.com.

Sincerely,



William Kramer, President
Big Lake Community Council

Cc: Assemblyman, Dan Mayfield



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

NAME:
 ADDRESS:

12

RECEIVED FIRST CLASS

DEC - 2 2014

PUBLIC NOTICE Community Development

99654\$7E MATANUSKA-SUSITNA BOROUGH PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: Please Ensure This Project goes Thru! youth Competitive Shooting had enabled our kids to both attend college on shooting team scholarships, travel the country to competitions as well as travel to England with Team USA. Shooting has made them responsible well rounded young adults.

Signature: Jana Hughes Phone: 630-448-6376
Sarah Hughes Brian Hughes
Matt Hughes

(if you need more space for comments please attach a separate sheet of paper.)
 For assistance with your property location, tax or assessment matters please call 745-4801.

ANCHORAGE AK 995

29 NOV 2014 PM 1 L



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

Matanuska-Susitna Borough

DEC 02 2014

RECEIVED

*This public notice & request for comments is in compliance with MSB Code 23.05.025
 PLEASE TAPE CLOSED ON BOTTOM AND RIGHT OF STAMP

INTRODUCTIONS

Im 15-001
 OR 15-001 614



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



12

FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: I am in favor of this shooting facility being built. Organized and competitive shooting is a worthwhile activity for the youth of southcentral Alaska. My daughter will be utilizing this facility as soon as she is of shooting age.

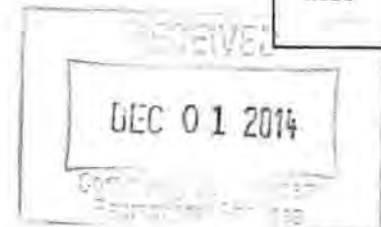
Signature: Ray D. Chapman Phone: 892-3030

(if you need more space for comments please attach a separate sheet of paper.)

For assistance with your property location, tax or assessment matters please call 745-4801.

Place
Stamp
Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



*This public notice & request for comments is in compliance with MSB Code 23.05.025
 PLEASE TAPE CLOSED ON BOTTOM AND RIGHT OF STAMP

Im 15-001
 OR 15-001



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



12

FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: I am in favor of this range. We are in need of more constructive ways for youth to spend their time. My daughter will be encouraged to participate when she is of age.

Signature: Melvin Chapman Phone: 892-3030

(if you need more space for comments please attach a separate sheet of paper.)
 For assistance with your property location, tax or assessment matters please call 745-4801.

Place
Stamp
Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



*This public notice & request for comments is in compliance with MSB Code 23.05.025
 PLEASE TAPE CLOSED ON BOTTOM AND RIGHT OF STAMP

Im 15-001
 OR 15-001 616



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: YES!! Please support the purchase of these land parcels and youth shooting program in the MSB. Our academic and lifestyle, as well as historical perspectives all support the nation's need to teach our youth firearm use and safety on a local front!!

Signature: Bretcher N. Thompson Phone: 907-892-6718 or
VOTER, Shooting parent, and landowning resident mobile: 907-244-6543

(If you need more space for comments please attach a separate sheet of paper.)
 For assistance with your property location, tax or assessment matters please call 745-4801.

Place
Stamp
Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

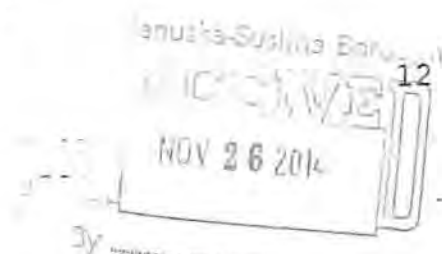


Im 15-001
 DR 15-001



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

US POSTAGE PERMIT NO. 100
 PALMER, ALASKA 99645
 ZIP 99645
 02-119
 000 100-1010



FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH
PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: I FULLY SUPPORT PURCHASE OF LAND AND BUILDING OF A LOCAL SHOOTING RANGE. OUR YOUTH SHOULD NOT HAVE TO TRAVEL TO BIRCHWOOD - IN ANCHORAGE SCHOOL DISTRICT - TO PRACTICE FOR SCHOOL AND CLUB SHOOTING TEAMS. A 200+ YEAR TRADITION NEEDS

Signature: [Handwritten Signature] Phone: 907-440-4539 or 892-0718

(if you need more space for comments please attach a separate sheet of paper.)

For assistance with your property location, tax or assessment matters please call 745-4801.

Place Stamp Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



IM15-001
 OR 15-001

Emerson Krueger

From: Elizabeth Weiant on behalf of Land Management
Sent: Monday, December 01, 2014 8:16 AM
To: Emerson Krueger
Subject: FW: Reference MSB006977

-----Original Message-----

From: Chuck Bickley [<mailto:sassy1@mtaonline.net>]
Sent: Friday, November 28, 2014 9:14 AM
To: Land Management; Self
Subject: Reference MSB006977

I believe that MSB should approve this purchase. We need to do all that we can to offer programs for our youth. I am sure any negative comments by NIMBY's can be handled by restrictions on hours or days of youth. We need to do all that we can to teach youth about the pros and cons of shooting as well as gun safety.

Thank you for the chance to comment on the project.
Sincerely, Chuck Bickley 7951 W Wanda K Circle, Wasilla 99623

Emerson Krueger

From: Elizabeth Weiant on behalf of Land Management
Sent: Monday, November 17, 2014 7:55 AM
To: Emerson Krueger
Subject: FW: re MSB006977

From: J Parson [mailto:jparson@mtaonline.net]
Sent: Saturday, November 15, 2014 10:57 AM
To: Land Management
Subject: re MSB006977

Comments for MSB006977 public notice - November 15, 2014

I support this application for Alaska Scholastic Clay Target Program to purchase two parcels of Borough-owned land if this organization is listed as a charitable organization, 501 (c)(3), on the state's registration list, issued a current business license if required by the state and the Mat-Su Borough, and current on its corporation filing if established as a corporation. I could not find Alaska Scholastic Clay Target Program on any of my searches although I was told they are a non-profit organization.

These suggestions are made to address possible concerns from the neighbors and others:

1. The purchase should restrict hours of use to no earlier than 9am and no later than 10pm, to provide quiet hours for neighboring properties.
2. Facilities should be laid out within the property so that there is a significant buffer along the perimeter of the property to ensure shots/pellets/debris can fall only within the property boundaries.
3. Applicant indicated to me that the facility will be fenced and locked when not in use, including use which recognizes the quiet hours suggested in (1) above.
4. The organization is a bonafide non-profit and so registered, as stated to me when I asked.
5. Buffers and unused property should remain as now vegetated, and berms or other sound and "bullet-proof" barriers created around the shooting areas for safety and sound muffling. Shooting areas should avoid wetlands and any other areas where lead poisoning could migrate outside the property boundaries. Should the facility close, lose its non-profit status, or cease to operate, the property should be cleaned up/remediated to leave no lead residue. I don't know how this can be enforced unless a bond is posted.
6. No targets should be live birds. I understand that shooting live targets is not within the purview of this organization. I do not know if this property falls in a bird migration path but if so, the organization should suspend shooting during the brief period when birds are migrating through this area.

In discussion with a representative of the applicant, these suggestions did not sound to be a problem with their operation.

Jill Parson
892-4404
PO Box 521315, Big Lake 99652

Emerson Krueger

From: Elizabeth Weiant on behalf of Land Management
Sent: Monday, December 01, 2014 8:05 AM
To: Emerson Krueger
Subject: FW: MSB006977

From: cci1@wwdb.org [mailto:cci1@wwdb.org]
Sent: Sunday, November 30, 2014 2:21 PM
To: Land Management
Subject: MSB006977

Dear Sirs,

It has come to my attention that The Alaska Scholastic Clay Target Program has submitted an application to purchase 2 Borough parcels. I would like to recommend that the sale be approved. I am familiar with the organizers of the the program and will attest to the favorable result they have had working with neighborhood youth. I have property close by on Big Lake and do not think this location will pose any problems for this use. Currently all participants have to travel to Birchwood for their range practice and this will certainly help in cutting back on commuting.

If you need further comments please do not hesitate to call the undersigned at 907-376-2697.

Sincerely,
B. H. Tilton
PO Box 870948,
Wasilla, AK 99687



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

ZIP 99645
 02 111
 000100000000000000

12

FIRST CLASS

PUBLIC NOTICE

99654\$72MATANUSKA-SUSITNA BOROUGH

PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N



The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a world class course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: IT WOULD BE BETTER IF IT WAS CLOSER TO PALMER/WASILLA. BUT YES, BY ALL MEANS ALLOW IT. THE MSB SHOULD GIVE/DONATE THE LAND.

Signature: Dwight G. King Phone: 357-0321

(if you need more space for comments please attach a separate sheet of paper.)

For assistance with your property location, tax or assessment matters please call 745-4801.

ANCHORAGE AK 9951

21 NOV 2014 PM 11



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

Matanuska-Susitna Borough

NOV 24 2014
 RECEIVED

*This public notice & request for comments is in compliance with MSB Code 23.05.025
 PLEASE TAPE CLOSED ON BOTTOM AND RIGHT OF STAMP

Im 15-001
 OR 15-001

Emerson Krueger

From: Jill Irsik on behalf of Land Management
Sent: Friday, November 21, 2014 10:59 AM
To: Emerson Krueger
Subject: FW: sweat equity

From: robert horn [<mailto:horn.rf@gmail.com>]
Sent: Friday, November 21, 2014 10:52 AM
To: Land Management
Subject: sweat equity

Att Emerson Krueger

Sirs , I would like to voice my support for the sale of property referred to as Alaska clay target program . my observation has been when young people or older folks invest time in to the effort of construction a community project they seem to take more pride and protection . there many clubs that improved peoples lives where i was raised and most followed that , helping citizenship latter in life . I also hope they are able to expand the addition of Olympic bunkers and international skeet fields . I have supported the Big lake gun show and observed first hand the pride and can do attitude of those young folks and rarely have i seen them getting into mischief when involved with these activities . Please add my support to the sale of land application MSB006977 . thank you robert f horn 6344 east 31 st ave Anchorage Ak 99504 . Phone contact 907 727 2820



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

*Kenny Barber
 17367 E. Melin Rd.
 Palmer, AK 99645*

FIRST CLASS

PUBLIC NOTICE

MATANUSKA-SUSITNA BOROUGH PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS)

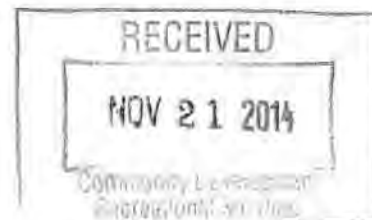
Comments: *I support this action.*

Signature: *Kenneth B. Bahr* Phone: *745-44146*

(If you need more space for comments please attach a separate sheet of paper.)
 For assistance with your property location, tax or assessment matters please call 745-4801.

Place
Stamp
Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



*This public notice & request for comments is in compliance with MSB Code 23.05.025
 PLEASE TAPE CLOSED ON BOTTOM AND RIGHT OF STAMP



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

RECEIVED

NOV 18 2014

Community Development

NAME + ADDRESS: 12

Keith Bayla
 29792 W. Glenn Hwy
 Sutton AK 99674

FIRST CLASS

PUBLIC NOTICE

99654572 MATANUSKA-SUSITNA BOROUGH PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

*Comments: I support this effort. We need more safe places to shoot. As time goes on it will be more difficult to site a shooting range. So think about a buffer zone too.

Signature: Keith Bayla Phone: 907-746-6662

(If you need more space for comments please attach a separate sheet of paper.)
 For assistance with your property location, tax or assessment matters please call 745-4801.

Place
Stamp
Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

*This public notice & request for comments is in compliance with MSB Code 23.05.025
 PLEASE TAPE CLOSED ON BOTTOM AND RIGHT OF STAMP



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

FILED

NOV 25 2014

COMMUNITY DEVELOPMENT

NAME:
 ADDRESS:

12

FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: I think this is a great idea we need more ranges of all kinds in the Valley. SCTP is a wonderful program

Signature: Dennis W. Hermann Phone: 907-373-5938

(if you need more space for comments please attach a separate sheet of paper.)

For assistance with your property location, tax or assessment matters please call 745-4801.

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



Matanuska-Susitna Borough

NOV 26 2014

RECEIVED

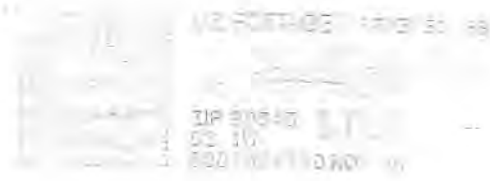
Im15-001
 UR15-001

*This public notice & request for comments is in compliance with MSB Code 23.05.025
 PLEASE TAPE CLOSED ON BOTTOM AND RIGHT OF STAMP





MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



12

Chris Hensel
 P.O. Box 4537
 Palmer AK, 99645

FIRST CLASS

PUBLIC NOTICE

99654\$7201 MATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: *I support this. Having a designated shooting area focusing on youth will be beneficial to the community. Knowledge and training builds self esteem, pride, character and may help reduce vandalism of public property as well as promote gun safety at an early age.*

Signature: *Chris Hensel*

Phone: *907-355-3118*

(if you need more space for comments please attach a separate sheet of paper.)

For assistance with your property location, tax or assessment matters please call 745-4801.

C. Hensel
P.O. Box 4537
Palmer AK 99645

Place
Stamp
Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



*This public notice & request for comments is in compliance with MSB Code 23.05.025
 PLEASE TAPE CLOSED ON BOTTOM AND RIGHT OF STAMP

IM15-001
OR15-001



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

NO POSTAGE
 ZIP CODES
 PERMITTED
 99645-0000

GALEN McIVER 12
 3600 S. ENGLISH BAY
 WASILLA AK 99654

FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: I AM FOR A NEW SHOOTING RANGE. THE VALLEY NEEDS MORE PLACES TO SHOOT IN A SAFE CONTROLLED ENVIRONMENT. THIS MAY ALSO SLOW DOWN THE DISTRIBUTION OF PUBLIC PROPERTY LIKE STREET SIGNS.

Signature: Galen McIver Phone: 907-355-6536

(if you need more space for comments please attach a separate sheet of paper.)
 For assistance with your property location, tax or assessment matters please call 745-4801.

Place Stamp Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

RECEIVED
 NOV 24 2014

*This public notice & request for comments is in compliance with MSB Code 23.05.025
 PLEASE TAPE CLOSED ON BOTTOM AND RIGHT OF STAMP

Im15-001
 OR15-001



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

ALASKA POST OFFICE
 ZIP CODE
 99645
 109 PALMER, AK

Greg Emery 12
 630 Sarahs Way
 Wasilla, AK, 99654

FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: The mat-sus valley has tons of sportsmen that need places to shoot as the valley grows and non public land is dwindling. This would be a great asset to the borough.

Signature: Greg Emery Phone: 907-715-7042

(If you need more space for comments please attach a separate sheet of paper.)

For assistance with your property location, tax or assessment matters please call 745-4801.

Place Stamp Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

RECEIVED
 NOV 24 2014
 Community Development
 Recreational Services

*This public notice & request for comments is in compliance with MSB Code 23.05.025
 PLEASE TAPE CLOSED ON BOTTOM AND RIGHT OF STAMP

IM15-001
 DR15-001

Emerson Krueger

From: Jill Irsik on behalf of Land Management
Sent: Tuesday, November 18, 2014 7:53 AM
To: Emerson Krueger
Subject: FW: MSB006977

-----Original Message-----

From: Rob [<mailto:chiefw5@mtaonline.net>]
Sent: Monday, November 17, 2014 5:18 PM
To: Land Management
Subject: MSB006977

I would like to wholeheartedly support this sale action.

Respectfully submitted,
Robert N Bargewell
7791 W. Leisure Cir. (physical address)
7362 W. Parks Hwy., #504 (mailing address) Wasilla, AK 99623
907-376-1079

Sent from my iPad

Emerson Krueger

From: Elizabeth Weiant on behalf of Land Management
Sent: Monday, November 24, 2014 7:45 AM
To: Emerson Krueger
Subject: FW: Sale MSB 0006977 T16NR4W, SM Section

Importance: High

From: Linda [mailto:linjim@mtaonline.net]
Sent: Sunday, November 23, 2014 7:15 PM
To: Land Management
Subject: Sale MSB 0006977 T16NR4W, SM Section
Importance: High

Greetings,

I hear the Alaska Scholastic Clay Target Program has applied to purchase 2 – 40 acre tracts out in the Big Lake area for a competitive shotgun and small bore rifle range for youth shooting. All I can say, it is about time someone has applied for a shooting area. It has been badly needed for a long, long time. I only wish it would be an area for everyone to shoot and allow large bore rifles and pistols as well. Years ago, I worked to find an area for the public to shoot here in the valley on State land and no one wanted it near their home. The problem is there are so many people that shoot most anywhere they find an area--all times of the day and night for no proper place to shoot. I have much shooting down the subdivision road past where I live and also down below my home. It is quite scary, especially when I had bullets whizzing by my house when I was out in the yard.

I am all for this project.

Thank you,
Linda Page

PS Your legal description is not complete as far as I can tell. You did not list the section itself in T16NR4W,SM – it took me a while of searching in each section to locate the parcels – I believe they are both in Section 4.

Emerson Krueger

From: Elizabeth Weiant on behalf of Land Management
Sent: Wednesday, November 19, 2014 8:13 AM
To: Emerson Krueger
Subject: FW: Public Notice # MSB006977

From: Bear Kelsey [<mailto:twobears@mtaonline.net>]
Sent: Tuesday, November 18, 2014 6:37 PM
To: Land Management
Subject: Public Notice # MSB006977

To Whom it may concern;

I am in full support of this proposed shooting facility. I believe that we have far too few such ranges available for the general public. This one is especially needed for the advancement of youth shooting sports. This is a chance for teaching our youth to properly handle and respect firearms. It is also a chance for all of us to promote and defend our second amendment rights.

Robert W. "Two Bears" Kelsey

4881 N Upland Dr.

Wasilla, Alaska 99623

(907) 982-0746



This email is free from viruses and malware because [avast! Antivirus](#) protection is active.



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

RECEIVED

12

NOV 17 2014

Community Development

FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: GOOD LOCATION, CAUSE FOR SUCH A FACILITY OF THIS NATURE, YOUTH PROGRAMS ARE ALWAYS A GOOD INVESTMENT.

Signature: Phone: 952-0121
 TIM MAHONEY

(If you need more space for comments please attach a separate sheet of paper.)

For assistance with your property location, tax or assessment matters please call 745-4801.

Place Stamp Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

*This public notice & request for comments is in compliance with MSB Code 23.05.025
 PLEASE TAPE CLOSED ON BOTTOM AND RIGHT OF STAMP

Im 15-001
 OR 15-001



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



RECEIVED 12

NOV 17 2014

FIRST CLASS

Community Development

PUBLIC NOTICE

99654#720 MATANUSKA-SUSITNA BOROUGH

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments:

Yes, let them have the land. AK Scholastic CLAYS is a great program teaching shooting skills and gun SAFETY to our youth and helping them win scholarships for college. Great use of resource

Signature:

Keith Stegall

Phone:

376-0703

(if you need more space for comments please attach a separate sheet of paper.)

For assistance with your property location, tax or assessment matters please call 745-4801.

*KEITH STEGALL
 701 OUTLET VIEW
 WASILLA, AK 99654*

RECEIVED

NOV 17 2014

Community Development

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

NOREC 996454099-1N

11/13/14



*IM15-001
 OR15-001*





MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



FIRST CLASS

MAIL ADDRESS: 12
 Jeffrey Binegan
 6344 E. 31st Ave
 Anchorage Ak. 99504

PUBLIC NOTICE

99654\$7 MATANUSKA-SUSITNA BOROUGH PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than December 5, 2014. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

*Comments: *I believe this is a good deal, every chance we do help our youth out is good, it is good to help teach them all about safe handling of guns and it just might keep them out of the local hands. I believe this is a good thing for the growth of our youth.*

Signature: *[Handwritten Signature]* Phone: 907-632-5857

(if you need more space for comments please attach a separate sheet of paper.)
 For assistance with your property location, tax or assessment matters please call 745-4801.

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

Matanuska-Susitna Borough

NOV 19 2014

RECEIVED



Im 15-001
 OR 15-001

*This public notice & request for comments is in compliance with MSB Code 23.05.025
 PLEASE TAPE CLOSED ON BOTTOM AND RIGHT OF STAMP



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

POSTAGE
 ZIP 99645
 99645

12

FIRST CLASS

PUBLIC NOTICE

99654\$72MATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: THIS IS A LOFTY GOAL FOR THE SCHOLASTIC CLAY PROGRAM. LET'S GIVE THEM EVERY OPPORTUNITY POSSIBLE.

Signature: *Carl P. Lacey* Phone: 376-1003

(if you need more space for comments please attach a separate sheet of paper.)
 For assistance with your property location, tax or assessment matters please call 745-4801.



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



Matanuska-Susitna Borough

NOV 19 2014

RECEIVED

Im15-001
 OR15-001

*This public notice & request for comments is in compliance with MSB Code 23.05.025
 PLEASE TAPE CLOSED ON BOTTOM AND RIGHT OF STAMP



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

POSTAGE WILL BE PAID BY ADDRESSEE
 ZIP 99645
 PERMIT NO. 119
 PALMER, AK 99645

Amy Sunn
 P.O. Box 877373
 Wasilla, AK
 99687

12

FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH PUBLIC NOTICE

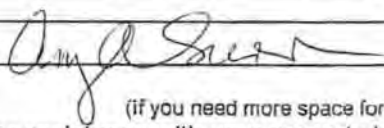
Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: I think this is a wonderful idea

Signature:  Phone: 907-982-6441

(if you need more space for comments please attach a separate sheet of paper.)
 For assistance with your property location, tax or assessment matters please call 745-4801.

Place
Stamp
Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

Im15-001
 OR15-001



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

POSTAGE WILL BE PAID BY ADDRESSEE
 ZIP 99645
 MS 11
 0001254125

Sara-Jo DeGagne
 P.O. Box 877912
 Wasilla, AK 99687

12

FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: I am in favor of this!

Signature: *Sara-Jo DeGagne* Phone: 907-357-3630

(if you need more space for comments please attach a separate sheet of paper.)

For assistance with your property location, tax or assessment matters please call 745-4801.

Place Stamp Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

*This public notice & request for comments is in compliance with MSB Code 23.05.025
 PLEASE TAPE CLOSED ON BOTTOM AND RIGHT OF STAMP

Im 15-001
 OR 15-001



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

POSTAGE
 ZIP CODE
 DE W
 99645

Shawn Osborne 12
 POB 4214
 Palmer, AK 99645

FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments:

This would be a great way for young adults to practice safe shooting practices, marksmanship, and a great recreational program to keep kids off streets

Signature:

Shawn Osborne

Phone:

357-2879

(if you need more space for comments please attach a separate sheet of paper.)

For assistance with your property location, tax or assessment matters please call 745-4801.

Place Stamp Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

*Im15-001
 OR 15-001*



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

U.S. POSTAGE
 ZIP 99645
 00 117
 100 120-100

Gary Perchynski
 P.O. Box 879351 Highlander
 Wasilla AK 99687

12

FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: *This area needs more room for training youth leagues.*

Signature: *Gary Perchynski* Phone: *907-373-0444*

(if you need more space for comments please attach a separate sheet of paper.)
 For assistance with your property location, tax or assessment matters please call 745-4801.

Place Stamp Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

*This public notice & request for comments is in compliance with MSB Code 23.05.025
 PLEASE TAPE CLOSED ON BOTTOM AND RIGHT OF STAMP



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

POSTAGE WILL BE PAID BY ADDRESSEE
 ZIP 99645
 05 11
 30812

ROSEN KENNELS 12
 Tom ROSEN
 1055 WEST FRVW. LP.
 WASILLA, AK 99654

FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: VERY GOOD IDEA. ALL FOR IT.

Signature: *Tom Rosen* Phone: 373-5614

(if you need more space for comments please attach a separate sheet of paper.)
 For assistance with your property location, tax or assessment matters please call 745-4801.

Place
Stamp
Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

*This public notice & request for comments is in compliance with MSB Code 23.05.025
 PLEASE TAPE CLOSED ON BOTTOM AND RIGHT OF STAMP

Im15-001
 OR15-001



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



12

FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: Good use of Public funds to support responsible Youth Activities

Signature: Tina Conner Phone: 907-276-3132

(if you need more space for comments please attach a separate sheet of paper.)
 For assistance with your property location, tax or assessment matters please call 745-4801.

Place
Stamp
Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

*This public notice & request for comments is in compliance with MSB Code 23.05.025
 PLEASE TAPE CLOSED ON BOTTOM AND RIGHT OF STAMP

Im15-001
 DR15-001



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

POSTAGE
 PERMIT NO. 25543
 PALMER, AK
 ZIP 99645

12

FIRST CLASS

Paul Bowen
 1237 S. Frontier Dr
 Palmer AK, 99645

PUBLIC NOTICE

99654\$72M MATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments:

*The kids need a range of their own for
 practice. Not want to shoot around other schools or at
 other ranges, and cheaper for parents.*

Signature:

Paul Bowen

Phone:

746 7948

(if you need more space for comments please attach a separate sheet of paper.)

For assistance with your property location, tax or assessment matters please call 745-4801.

Place
 Stamp
 Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

*Im 15-001
 OR 15-001*



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

US POSTAGE PERMIT NO. 100
 PALMER, ALASKA
 ZIP CODE 99645

12

Physical: Kurt Autor
 750 S. Hoyer Rd.
 Wasilla, AK 99654

Mail: FIRST CLASS
 POB 23-2021
 Anch, AK 99523

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: I fully support the proposed application. The ASCT program will provide a much needed program, primarily for youth in the area and for constructive and well supervised Recreation activities.

Signature: Kurt Autor, Esq. Phone: 907-351-6880

(if you need more space for comments please attach a separate sheet of paper.)

For assistance with your property location, tax or assessment matters please call 745-4801.

Place Stamp Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

LA 502042 11/14/13 108
 117 89343 0 1000
 02 117
 807 11547012 11

12

Gordon Romtelli
 29731 W Glenn Hwy
 Sutton Alaska

FIRST CLASS

745-4481

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: This is a much needed facility for out youth and is way overdue. It is one of the best programs for out youth to teach responsibility fun safety and sportsmanship

Signature: Gordon Romtelli Phone: _____

(if you need more space for comments please attach a separate sheet of paper.)

For assistance with your property location, tax or assessment matters please call 745-4801.

Place
Stamp
Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

Im15-001
 OR15-001



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

POSTAGE PERMITTED
 ZIP 99645
 02 17
 066 12/10/14

12

FIRST CLASS

DANIEL HENKEL
 8340 W. SWAN DR.
 WASILLA AK 99623

PUBLIC NOTICE

99654#72 MATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments:

I believe the sale of this property would be in the best interest for the state of Alaska

Signature:

Daniel Henkel

Phone:

907-357-8842

(if you need more space for comments please attach a separate sheet of paper.)

For assistance with your property location, tax or assessment matters please call 745-4801.

Place
Stamp
Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

*This public notice & request for comments is in compliance with MSB Code 23.05.025
 PLEASE TAPE CLOSED ON BOTTOM AND RIGHT OF STAMP

Im15-001
 OR15-001



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

ZIP 99645
 02 W
 080130-7101

Julie Gabel
 2801 S Ireland St
 12
 Wasilla AK 99654

FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments:

I think this is a great idea for our youth. They need a safe place closer to town.

Signature:

Julie Gabel

Phone:

907-841-2439

(if you need more space for comments please attach a separate sheet of paper.)

For assistance with your property location, tax or assessment matters please call 745-4801.

Place
Stamp
Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

*This public notice & request for comments is in compliance with MSB Code 23.05.025
 PLEASE TAPE CLOSED ON BOTTOM AND RIGHT OF STAMP



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

POSTAGE
 37 0045
 01 11
 036 0000

CATHERINE KATCHUR 12
 P.O. Box 870352
 WASILLA, AK 99687

FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: *Great IDEA! Healthy & Active way for kids to get involved in the community through the school SCTR program. Why hasn't this happened sooner? Lets send some kids to the OLYMPICS!*

Signature: *[Handwritten Signature]* Phone: *907-982-4757*

(if you need more space for comments please attach a separate sheet of paper.)
 For assistance with your property location, tax or assessment matters please call 745-4801.

Place
Stamp
Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

*This public notice & request for comments is in compliance with MSB Code 23.05.025
 PLEASE TAPE CLOSED ON BOTTOM AND RIGHT OF STAMP

*Im 15-001
 DR 15-001*



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

POSTAGE WILL BE PAID BY ADDRESSEE
 PERMIT NO. 1000
 PALMER, ALASKA 99645

*Debra Carver
 PO Box 92
 Sutton, AK 99674*

12

FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: *Good Idea - Let send some kids to the Olympics*

Signature: *[Handwritten Signature]* Phone: *907-745-5989*

(If you need more space for comments please attach a separate sheet of paper.)
 For assistance with your property location, tax or assessment matters please call 745-4801.

Place Stamp Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

*This public notice & request for comments is in compliance with MSB Code 23.05.025
 PLEASE TAPE CLOSED ON BOTTOM AND RIGHT OF STAMP

*Im 15-001
 OR 15-001 649*



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



12

AL HAYNES
 P.O. Box 873881
 WASILLA, AK 99687

FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: THIS IS A GREAT IDEA

Signature: Al Haynes Phone: 907-355-8326

(if you need more space for comments please attach a separate sheet of paper.)
 For assistance with your property location, tax or assessment matters please call 745-4801.

Place
Stamp
Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

*This public notice & request for comments is in compliance with MSB Code 23.05.025
 PLEASE TAPE CLOSED ON BOTTOM AND RIGHT OF STAMP

Im15-001
 0215-001



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

POSTAGE
 PERMIT NO. 177
 PALMER, ALASKA 99645

12

FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: Great Deal!

Signature: Brian Brown Phone: 440-6584

(if you need more space for comments please attach a separate sheet of paper.)

For assistance with your property location, tax or assessment matters please call 745-4801.

Place
Stamp
Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

*This public notice & request for comments is in compliance with MSB Code 23.05.025
 PLEASE TAPE CLOSED ON BOTTOM AND RIGHT OF STAMP

Im 15-001
 OR 15-001 651



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

12

FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments:

This is a great idea and as a shooter: rifles, pistols and shotguns, I and my family will use this facility.

Signature:

Maureen E. Stevenson

Phone:

745-0751

(if you need more space for comments please attach a separate sheet of paper.)

11-9-14

For assistance with your property location, tax or assessment matters please call 745-4801.

Place
Stamp
Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

POSTAGE
 ZIP 99645
 U.S. 10
 99645-1101

12

FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments:

I support this 100%

Signature:

Antonio Gonzalez Antonio Gonzalez Phone: *907-982-7317*

(if you need more space for comments please attach a separate sheet of paper.)

For assistance with your property location, tax or assessment matters please call 745-4801.

Place
Stamp
Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

*This public notice & request for comments is in compliance with MSB Code 23.05.025
 PLEASE TAPE CLOSED ON BOTTOM AND RIGHT OF STAMP

*Im 2015-001
 OR 2015-001*



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



DAN GREGORY
 2321 Palmer-Wasilla Hwy
 WASILLA, AK 99654

FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: The Matanuska-Susitna Borough would greatly benefit from this opportunity. Nothing reinforces responsibility and safety the way shooting sports do. I know because I was once involved with the small bore rifle team previously held at the indoor range in Palmer.

Signature: [Signature] Phone: (907) 315-3829

(If you need more space for comments please attach a separate sheet of paper.)

For assistance with your property location, tax or assessment matters please call 745-4801.

Place
Stamp
Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

POSTAGE
 ZIP 99645
 02 14
 020 100-31010

12

Brigham Perez
 6690 E Beechcraft Rd
 Wasilla, AK 99654

FIRST CLASS

PUBLIC NOTICE

99654\$7EMATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: I SUPPORT

Signature: *Brigham Perez* Phone: 907-354-1623

(if you need more space for comments please attach a separate sheet of paper.)

For assistance with your property location, tax or assessment matters please call 745-4801.

Place
Stamp
Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

*This public notice & request for comments is in compliance with MSB Code 23.05.025
 PLEASE TAPE CLOSED ON BOTTOM AND RIGHT OF STAMP

Im 15-001
 OR 15-001



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

ZIP 99645
 DC 111
 99012

12

*Luke Doran
 500 w Jackfish Road
 Wasilla, AK 99654*

FIRST CLASS

PUBLIC NOTICE

99654\$7EMATANUSKA-SUSITNA BOROUGH PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: GOOD IDEA

Signature: *[Handwritten Signature]* Phone: 907-354-3062

(if you need more space for comments please attach a separate sheet of paper.)
 For assistance with your property location, tax or assessment matters please call 745-4801.

Place
Stamp
Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

*Im 15-001
 OR 15-001*



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



12

FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH PUBLIC NOTICE

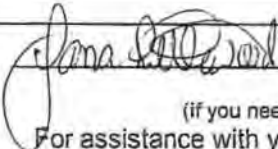
Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: I AM IN FAVOR OF THIS SALE

Signature:  Phone: 352-7474

(if you need more space for comments please attach a separate sheet of paper.)
 For assistance with your property location, tax or assessment matters please call 745-4801.

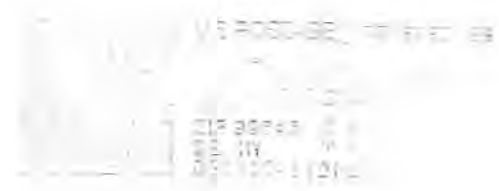
Place
Stamp
Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

IM15-001
 BR15-001



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



12

MURRAY GEE
 951 W SELDON
 WASILLA AK 99654

FIRST CLASS

PUBLIC NOTICE

99654#720 MATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: FOR IT, WE COULD USE A RANGE FOR THE KIDS

Signature: Murray Gee Phone: 907-240-1755

(If you need more space for comments please attach a separate sheet of paper.)

For assistance with your property location, tax or assessment matters please call 745-4801.

Place
Stamp
Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

U.S. POSTAGE PERMITTED
 ZIP CODE 99645
 10/10/14

PO. Box 521866

12

Big Lake AK: 99652

FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: I Lee Wool approve The Alaska Scholastic Clay Target Program for purchess of this land.

Signature: [Signature] Phone: (907) 892-7281

(if you need more space for comments please attach a separate sheet of paper.)
 For assistance with your property location, tax or assessment matters please call 745-4801.

Place Stamp Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



12

Jesse Smith
 1301 W. Parks #2 FIRST CLASS
 Wasilla, AK 99654

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: I believe that is an excellent program for Mat-Sus youth.

Signature: [Handwritten Signature] Phone: 907-775-9029

(if you need more space for comments please attach a separate sheet of paper.)

For assistance with your property location, tax or assessment matters please call 745-4801.

Place
Stamp
Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

Im15-001
 OR15-001



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



12

FIRST CLASS

PUBLIC NOTICE

99645\$72 MATANUSKA-SUSITNA BOROUGH
 99645\$6 PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: What a great idea, God Bless & good luck!

Signature: Steven K. Tucker Phone: 724-0602

(If you need more space for comments please attach a separate sheet of paper.)
 For assistance with your property location, tax or assessment matters please call 745-4801.



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

*This public notice & request for comments is in compliance with MSB Code 23.05.025
PLEASE TAPE CLOSED ON BOTTOM AND RIGHT OF STAMP

Matanuska-Susitna Borough
 Im15-001
 OR15-001



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

POSTAGE
 ZIP 99645
 03 W
 000 74-1012

Cory Tye
 12
 6080 gresh mel loop
 Palmer, AK 99645

FIRST CLASS

PUBLIC NOTICE

99654\$727 MATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: I think it would be a great FOCA
The youth of Alaska need this program.
I think the MSB should sell the land to
Alaska Scholastic Clay Target Program
 Signature: Cory Tye Phone: 806-463-0497

(if you need more space for comments please attach a separate sheet of paper.)

For assistance with your property location, tax or assessment matters please call 745-4801.

Place
Stamp
Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

*This public notice & request for comments is in compliance with MSB Code 23.05.025
 PLEASE TAPE CLOSED ON BOTTOM AND RIGHT OF STAMP

Im 15-001
 UR 15-001662



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



US POSTAGE
 PERMIT NO. 411
 PALMER, ALASKA

12

FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than **December 5, 2014**. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: WE SUPPORT THE DEVELOPMENT OF AN ALASKA SCHOLASTIC CLAY TARGET PROGRAM

Signature: Emerson A. Krueger Jr Phone: 907-745-7481

(if you need more space for comments please attach a separate sheet of paper.)
 For assistance with your property location, tax or assessment matters please call 745-4801.



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



Matanuska-Susitna Borough
 DEC 03 2014
 RECEIVED

*This public notice & request for comments is in compliance with MSB Code 23.05.025
 PLEASE TAPE CLOSED ON BOTTOM AND RIGHT OF STAMP
 99645\$6488 C001

Im 15-001
 OR 15-001

Emerson Krueger

From: Elizabeth Weiant on behalf of Land Management
Sent: Wednesday, December 03, 2014 5:01 PM
To: Emerson Krueger
Subject: FW: MSB006977 Comments

From: Todd Rinaldi [<mailto:tarinaldi@yahoo.com>]
Sent: Wednesday, December 03, 2014 4:39 PM
To: Land Management
Subject: MSB006977 Comments

Good Afternoon:

As a resident of the Big Lake/Susitna Parkway neighborhood I am quite surprised that the Borough is considering the sale of 40 acres on Purinton Road to allow for the construction of a private clay and skeet shooting range. This is a residential area where many of the properties are vacation homes particularly on the other side of Susitna Parkway (Saguonee, Kenaka Bena, Jay Sedor, Nolfi, and Corky), on Diamond lake and the Irish/Scottish subdivision off Burma that abut Purinton rd.. This location is not at the end of a road but surrounded by subdivisions.

I oppose this land sale as I feel this location is inappropriate for a private shooting range. We already experience much shooting along Susitna and Purinton from renegade shooting ranges and a private one only makes things more troublesome as this would sanction NOISE POLLUTION in a residential and vacation home community. I also have concerns about the deposition of lead contaminants in a relatively mesic area.

Todd Rinaldi
19107 West Piper Circle
Big Lake, Alaska
907-892-5920



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

FIRST CLASS

PUBLIC NOTICE

99654572 MATANUSKA-SUSITNA BOROUGH PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD003, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than December 5, 2014. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments: 100% in favor of this!
Also to develop it completely!

Signature: Jan Littlewood Phone: 355-7474
4340 S Avic tree Ct Wasilla Alaska
(if you need more space for comments please attach a separate sheet of paper.)
 For assistance with your property location, tax or assessment matters please call 745-4801.

Place
Stamp
Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

Im15-001
 OR15-001 665



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD003, 16N04WA012

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received an application to purchase two parcels borough-owned land. The Alaska Scholastic Clay Target Program is planning on building a competitive shotgun course and a small bore rifle range, primarily for the youth shooting teams in Southcentral Alaska. The plan is for two skeet fields and two trap fields as soon as possible. The long term plan includes a walk-through course for sporting clays and an Olympic Bunker Trap and International Skeet fields. The two parcels are each about 40 acres.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at 350 E Dahlia Avenue, Palmer, Alaska 99645, no later than December 5, 2014. If you have questions about this request: call Emerson Krueger at 861-7867 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO MSB006977 WHEN SUBMITTING COMMENTS).

Comments:

Excellent plan and 100% in favor.

Signature:

[Signature] CHRIS LITTLEWOOD Phone: 357-7474
4340 S Debra Lane Rd, Wasilla 99654

(if you need more space for comments please attach a separate sheet of paper.)

For assistance with your property location, tax or assessment matters please call 745-4801.

Place
Stamp
Here

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

*Im15-001
 OR 15-001*

Elizabeth Weiant

From: Zafian, Holly K (DFG) [holly.zafian@alaska.gov]
Sent: Friday, December 05, 2014 3:57 PM
To: Land Management
Cc: Weiss, Edward W (DFG); Smith, Ginamaria F (DFG); Burch, Mark E (DFG); Rinaldi, Todd A (DFG); Hill, Doug D (DFG); Fink, Mark J (DFG)
Subject: FW: MSB Land Sale - Alaska Scholastic Clay Target Program
Attachments: SDFGANCDWCB14110711180.pdf

Good afternoon,

The Alaska Department of Fish and Game (ADF&G) has reviewed the proposal for the Matanuska Susitna Borough to sell two borough-owned parcels to the Alaska Scholastic Clay Target Program (SCTP) located in the SE1/4NE1/4 and NE1/4SE1/4, Section 4, T. 16 N., R. 4 W., S.M., Alaska in order to create a competitive shotgun course, a small bore rifle range, and eventually, two skeet fields, two trap fields, a walk-through course for sporting clays, and an Olympic Bunker Trap and International Skeet fields. The parcels appear to be transected by two winter trails that are actively used by the community.

ADF&G's Hunter Information and Training (HIT) Program supports the proposed facility and believes it would provide a safe place to conduct hunter education courses and would decrease indiscriminate shooting in this area. Shooting sports are an avenue for participants to become interested in hunting, one of the goals of the HIT Program. The HIT Program is a part of Alaska SCTP and our participants would use this facility to practice and compete.

ADF&G has no objections to the land sale as proposed. However, we recommend that the active winter trails be rerouted and that the public be notified of proposed changes to the trail routes. Additionally, we recommend that the facility be built in accordance with the National Rifle Association's specifications regarding safety and design. Thank you for the opportunity to review and comment on this platting action. If you have questions or would like to discuss this further, please feel free to call or email me.

Holly Zafian
Habitat Biologist
Access Defense Program
Alaska Department of Fish and Game
333 Raspberry Road
Anchorage, Alaska 99518
Phone 907-267-2292
Fax 907-267-2859
Email holly.zafian@alaska.gov

Elizabeth Weiant

From: Pearson, Isaac [ipearson@bristol-companies.com]
Sent: Friday, December 05, 2014 11:16 AM
To: Land Management
Cc: Pearson, Isaac
Subject: Sale: MSB006977
Attachments: MSB006977 Sale.pdf

To whom it may concern:

Please find attached a letter expressing my concerns about the sale of two parcels to the Alaska Scholastic Clay Target Program in the MSB near Big Lake.

Please acknowledge the receipt of my comments with a reply to this email.

Thanks.

Isaac Pearson, P.E.
Civil Engineer
Mobile : (907) 351-1545

CONFIDENTIAL NOTICE: This document is for the sole purpose of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender and destroy all copies of the original document.

Matanuska-Susitna Borough
Community Development
Land Management Division
350 East Dahila Avenue
Palmer, Alaska 99645

Reference: Sale MSB006977

To Whom it May Concern:

Thank you for requesting comment on the proposed sale of the two parcels near Big Lake to the Alaska Scholastic Clay Target Program.

I am writing this letter because I have concerns about the proposed use of the parcels located within the Big Lake Community. My concerns about the potential use include; community wellbeing, environmental, and public safety. In the following letter I will further clarify my concerns on each of these topics.

Community Well Being. Near the area of the proposed sale the current public land use primarily consist of residential housing. Based on a rough count from exiting aerial imagery on the MSB website it appears that there are over 25 residential houses within one mile of the proposed sale, and a number of subdivision that have the possibility for future construction. This close proximity to the existing neighborhoods would be disruptive with noise pollution from the continuous use of firearms not only for the residence but for existing livestock that some community members care for.

By allowing this proposed use of the land, the surrounding properties and the community would be ever affected by limiting growth in the area that is so close to Big Lake and has suitable ground for construction of family residences. These effects may be in the form of reduced property values, limited residential growth in the area, and the possibility of opening adjacent properties to heavy industry by the precedence of this sale.

Environmental Considerations. In addition to the negative impacts for the residents of the Big Lake community there are also environmental considerations to this proposed sale. The most outstanding issues are those of water pollution and wildlife in the area. Lead shot is commonly used for skeet shooting. By introducing a concentrated amount of lead into one area that has such close proximity to surface waters, Diamond Lake, and Big Lake there is the potential for adverse affects both surface waters and drinking water within the area. The impacts to wildlife could be the disturbance of nesting waterfowl, eagles, and migratory birds that use the area. There should also be consideration for the moose that frequent that area, looking for shelter and foliage in the forested areas during the long winter.

Public Safety. Public Safety should also be a major consideration, if not the most important, when considering the sale of this land. Due to the close proximity to residential properties and the lack of natural back drops to stop projectiles from leaving the property serious consideration should be given to the safety of this decision. Also, due to the property backing areas used by residents for recreational hiking, skiing, and other activities there is to possibility that a person may inadvertently enter the property which would be a very great safety risk to the person in question.

Public access to the site is provided by South Purinton Parkway. Currently the road is little more than a pioneer road and I do not believe it is up to MSB and DOT&PF standards to provide continuous public access to a facility.

In summary, I do not feel that a shooting club would be an appropriate fit for the current land use in the area due to the reasons discussed above.

If the MSB does consider moving forward with this sale I would hope that the community's concerns with the sale are addressed prior to the construction of any facilities. I would recommend that the proposed user be required to perform a full Environmental Assessment of the proposed facilities to address all the concerns expressed above, with a heavy focus on community outreach and comments. Prior to the sale of this property for such a use the MSB should be committed to upgrading South Purinton Parkway to provide safe passage of the public to and from the proposed facility.

I truly appreciate your time for considering these matters. If you have any questions please don't hesitate to contact me.

Sincerely,



Isaac Pearson, PE
16N04W03
Lot A005
West Susitna Parkway
Big Lake, Alaska
(907) 351-1545

NON-CODE ORDINANCE

By: Borough Manager
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 15-001**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY APPROVING A THE 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)

WHEREAS, the Matanuska-Susitna Borough Land and Resource Management Division received an application from Alaska Scholastic Clay Target Program, a registered non-profit organization, to purchase borough tax parcels 16N04W04A012 and 16N04W04D008 for purpose of developing a competitive shotgun course and small-bore rifle range, primarily for youth shooting teams; and

WHEREAS, the request is for Assembly approval of a less than fair market value sale of tax parcels 16N04W04A012 and 16N04W04D008, containing 40 acres each; and

WHEREAS, the parcels are not included in any short- or long-term borough plans for future public facilities and there is nothing in code prohibiting use as a shooting range; and

WHEREAS, in accordance with MSB 23.05.025 public notice was provided; and

WHEREAS, the parcels are located off Purinton Parkway which has been designated by the borough to become an arterial roadway

with four lanes and controlled access, and the borough reserves the right to control said access; and

WHEREAS, MSB Code 23.10.060(C) requires the minimum fee to be paid to the borough for a sale at less than fair market value shall be the greater of \$500 or 10 percent of the fair market value of the land; and

WHEREAS, the 2013 borough tax assessed value of the two properties is \$177,200 and a less than fair market value sale would equate to a value of \$17,720; and

WHEREAS, pursuant to the Land Management Policy and Procedure Manual, Less Than Fair Market Value Disposals, Part 60, Section 7.1, for sales at less than fair market value the borough shall retain the right to have the title revert to the borough in the event the property is no longer used for the purpose for which it was applied; and

WHEREAS, notwithstanding MSB 23.05.030(G), the Best Interest Finding is included in the Information Memorandum; and

WHEREAS, the assembly may set forth terms and conditions of the sale and may authorize such sale when the disposal is in the best interest of the borough.

BE IT ENACTED:

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

Section 2. Disposal of property. The Matanuska-Susitna Borough Assembly hereby approves the less than fair market value sale of borough-owned real property and authorizes the manager to negotiate the sale, said parcels being legally described as:

Tax parcel 16N04W04A012

SE1/4NE1/4, located within Section 4, Township 16 North, Range 4 West, Seward meridian, Alaska, Palmer Recording District, Third Judicial District, State of Alaska; and

Tax parcel 16N04W04D008

NE1/4SE1/4, located within Section 4, Township 16 North, Range 4 West, Seward meridian, Alaska, Palmer Recording District, Third Judicial District, State of Alaska.

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: Accept and appropriate \$200,000.00 from the Rasmuson Foundation, to Fund 490, Project 75005 and approve the scope of work and budget for the Government Peak Recreation Area.

AGENDA OF: January 6, 2015

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: _____

Route To:	Department/Individual	Initials	Remarks
	Originator	SZ	
	Capital Projects Director	MS 12/16/14	
	Finance Director	of WOTEC	
	Borough Attorney	MS	
	Borough Clerk	JMM	12/23/14 

ATTACHMENT (S) : Fiscal Note: Yes x No
 Ordinance Serial No. 15-011 (2pp)
 Resolution Serial No. 15-005 (2pp)

SUMMARY STATEMENT: The Matanuska-Susitna Borough was notified by the Rasmuson Foundation that Grant Funds were approved in the amount of \$200,000.00.

These funds will be appropriated to the following project:

- 1) Purchase and install LED lights on trail and construct catering kitchen at Government Peak Recreation Area. \$200,000.00

The attached ordinance, if approved, will accept and appropriate the Rasmuson Foundation grant funds. The resolution identifies the scope of work and budget for the project listed above.

RECOMMENDATION OF ADMINISTRATION: Recommend accepting and appropriating \$200,000.00 in grant funds from the Rasmuson Foundation for the above referenced project, and approve the scope of work and budget for the above referenced project.

**MATANUSKA-SUSITNA BOROUGH
FISCAL NOTE**

Agenda Date: January 6, 2015

SUBJECT: Accept and appropriate \$200,000.00 from the Rasmuson Foundation, to Fund 490, Project 75005 and approve the scope of work and budget for the Government Peak Recreation Area.

ORIGINATOR: Sandy Zartman, Department Administrative Specialist

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT (YES) NO
AMOUNT REQUESTED \$ 200,000	FUNDING SOURCE Rasmuson Foundation Grant
FROM ACCOUNT # 490.000.000.4XX.XXX	PROJECT # 75005
TO ACCOUNT: 490.000.000.3XX.XXX	PROJECT #
VERIFIED BY: Barbara Baumgardner	CERTIFIED BY:
DATE: 12/18/14	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	200					
---------	-----	--	--	--	--	--

REVENUE	200					
---------	-----	--	--	--	--	--

FUNDING: (Thousands of Dollars)

General Fund						
State/Federal Funds	200					
Other						
TOTAL	200					

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: _____ PHONE: _____

DEPARTMENT: Sandy E. Clayton DATE: _____

IM No. 15-015
Ordinance Serial No. 15-011
Resolution Serial No. 15-005

NON-CODE ORDINANCE

By: Borough Manager
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 15-011**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ACCEPTING AND APPROPRIATING \$200,000.00 FROM THE RASMUSON FOUNDATION, TO FUND 490, PROJECT NUMBER 75005 FOR THE GOVERNMENT PEAK RECREATION AREA.

WHEREAS, the Matanuska-Susitna Borough was notified by the Rasmuson Foundation, that grant funds were approved in the amount of \$200,000.00 for the Government Peak Recreation Area; and

WHEREAS, the Assembly must approve an ordinance to accept and appropriate these grant funds; and

WHEREAS, no expenditures can be made until the scope of work and budget has been approved by the Assembly.

BE IT ENACTED:

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

Section 2. Acceptance and appropriation source. There is hereby accepted and appropriated by the Matanuska-Susitna Borough Assembly \$200,000.00 from the Rasmuson Foundation to the following:

- 1) Purchase and install LED lights on Trail and construct catering kitchen at Government Peak Recreation Area. \$200,000.00

Fund 490/Project 75005

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 -, 2014.

LARRY DEVILBISS, Borough Mayor

ATTEST:

LONNIE MCKECHNIE, Borough Clerk

(SEAL)

Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 15-005**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY APPROVING THE SCOPE OF WORK AND BUDGET FOR THE GOVERNMENT PEAK RECREATION AREA.

WHEREAS, the Rasmuson Foundation, approved grant funds in the amount of \$200,000.00 for the Government Peak Recreation Area; and

WHEREAS, funds must be accepted and appropriated prior to expenditures; and

WHEREAS, no expenditures can be made until a scope of work and budget has been approved by the Assembly.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Assembly hereby approves the following scope of work and budget for the Government Peak Recreation Area from the Rasmuson Foundation:

SCOPE OF WORK

Purchase and install LED lights on trail and construct a catering kitchen in the Chalet at Government Peak Recreation Area. This project will provide for kitchen upgrades, a mandatory fire suppression system and ski trail lighting.

BUDGET

- 1) Government Peak Recreation Area
Kitchen Upgrades, a fire
Suppression System and Ski
Trail Lighting.
Fund 490/Project 75005 \$200,000.00

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

LARRY DEVILBISS, Borough Mayor

ATTEST:

LONNIE MCKECHNIE, Borough Clerk

(SEAL)

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

AGENDA OF: January 6, 2015

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

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

Route To:	Department/Individual	Initials	Remarks
	Originator	LRM	For Assemblymember Sykes
	Borough Attorney	NS	
	Borough Clerk		12-26-14 <i>(BA)</i>

ATTACHMENT (S): Fiscal Note: NO YES
 Ordinance Serial No. 15-012 (6 pp)

SUMMARY STATEMENT:

This legislation is coming forward at the request of Assemblymember Sykes to change where audience participation is placed on the regular meeting agenda along with some requested changes from the Clerk.

MSB 2.12.070 (B) - Meetings

For many years the Assembly has cancelled the meeting around July 4th, this would make it a permanent change.

The MSB has always recorded Assembly meeting, however, from time to time when other municipalities are hosting a joint meeting, the host municipality has not recorded the meeting, such as the last joint meeting with the Denali Borough and the Fairbanks North Star Borough. Normally every attempt will be made to record Assembly meetings.

MSB 2.12.077(B) - Planning Commission Review

This would exempt any changes to the Board of Adjustment and Appeals hearing process from needing to be sent to the Planning Commission. This section requires that anything that amends Title 8, 11, 15, 17, 18, and 43 (land use issues) be sent for review to the Planning Commission prior to coming to the Assembly. The Board of Adjustment and Appeals process is not a land use issue and doesn't by law need to go to the Planning Commission prior to coming to the Assembly.

MSB 2.12.090(D) - Agenda; notice of meeting; order of business

This changes where unfinished business and veto is placed on the regular meeting agenda. In 2010 these two items were moved up on the agenda to occur prior to audience participation. This change will allow the public the opportunity to speak to items under unfinished business and veto.

MSB 2.12.111(C) - Assembly voting

This change is being requested to reflect how the process is used now when announcing the Assembly vote.

MSB 2.12.112(I) - Conduct of debate and discussion

This section adds to code the requirements for a motion to amend something previously adopted. Roberts Rules allows this motion to be used no matter what length of time goes by; however, A.S. 29.25.020, speaks to the ordinance enactment procedure. To not frustrate the intent of A.S. 29.25.020, there should be a time limit in which this motion can be used. (in the hierarchy state statute outweighs Roberts Rules.)

MSB 212.120(B) - Suspension of the rules

This section of code was originally adopted in 1973 under the rules at the time for Title 29 (A.S.). Title 29 has changed since then and this rule no longer applies. This allowed Assembly members to permanently change their own rules just by a motion rather than bringing forward new legislation.

MSB 25.15.030(A) (3) - Declaration of Candidates; Procedure

Candidate filing for a regular election occurs 78 calendar days before a regular election and ends 67 calendar days before. This normally falls in July.

The section being repealed in code is 25.15.030(A)(3), which requires, candidate filing after a change in representation or in apportionment occur 67 calendar days prior to a regular election and ends 53 calendar days before. This would make candidate filing fall in August.

The legislative history was reviewed; however the intent of the code provision is unclear nor is it needed. This repeal will make the candidate filing period for all regular elections the same and will better help the Clerk's Office to meet deadlines for ballot printing, election brochure, etc.

CODE ORDINANCE

Sponsored by: Assemblymember Sykes

Introduced:

Public Hearing:

Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 15-012**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY 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.

WHEREAS, the reasoning for this Ordinance is found in IM No. 15-018;

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Amendment of section. MSB 2.12.070(B) is hereby amended as follows:

(B) Regular meetings of the assembly shall be held on the first and third Tuesday of each month beginning at 6 p.m. in the assembly chambers located at 350 East Dahlia Avenue, Palmer, Alaska unless otherwise designated by the assembly. A regular meeting of the assembly may be canceled by the assembly; however, if no quorum exists or there is an emergency, it may be canceled by the mayor. No regular meeting shall be held on any holiday recognized by the

borough, the first week of October (regular election day), [OR] the week of December 24 through January 1 (Christmas-New Years), or the first week of July. All meetings and work sessions except for executive sessions shall be public meetings and shall be electronically recorded by the clerk, unless the meeting is hosted by another municipality.

Section 3. Amendment of section. MSB 2.12.077(B) is hereby amended as follows:

(B) This section does not apply to ordinances initiated by the planning commission or to MSB 15.39, Board of Adjustment and Appeals.

Section 4. Amendment of section. MSB 2.12.090(D) is hereby amended as follows:

(D) At every regular meeting, the order of business shall be as follows:

- (1) call to order
- (2) roll call
- (3) approval of agenda
- (4) pledge of allegiance
- (5) minutes of preceding meeting or meetings
- (6) reports/correspondence

- (a) agency reports
- (b) committee reports
- (c) manager comments
- (d) attorney comments
- (e) clerk comments
- (f) citizen and other correspondence
- (g) informational memorandums

[(7) UNFINISHED BUSINESS

(8) VETO]

(7) special orders

- (a) persons to be heard
- (b) public hearings
- (c) audience participation
- (d) consent agenda
- (i) resolutions
- (ii) action memorandums

(8) unfinished business

(9) veto

(10) new business

- (a) introductions

(b) vacancy report (mayoral nominations and appointments)

(c) other new business

(d) referrals

(11) reconsideration

(12) mayor and assembly comments

(13) executive session

(14) adjournment.

Section 5. Amendment of section. MSB 2.12.111(C) is hereby amended as follows:

(C) On completion of the roll call, the mayor or the clerk on the mayors behalf [OF THE ASSEMBLY] shall announce [THE NUMBER OF AFFIRMATIVE VOTES, THE NUMBER OF NEGATIVE VOTES AND] whether the proposition has carried or has failed. If the motion carried, the announcement shall include the names of the members who voted "no" and if the motion failed, the announcement shall include the names of the members who voted "yes."

Section 6. Adoption of section. MSB 2.12.112(I) is hereby adopted as follows:

(I) Any member of the Assembly may move to amend something previously adopted as long as the intent to

amend has been filed in a timely manner.

(a) The motion to amend something previously adopted must be filed with the clerk within 30 calendar days following the vote to be amended. An assembly member may file by telephone to the clerks office.

(b) The motion to amend something previously adopted cannot be moved if the motion to reconsider is still in order. Other previously adopted actions that cannot be amended with this motion are defined in the current edition of Robert's Rules of Order Newly Revised.

(d) With or without previous notice, the motion to amend something previously adopted requires 4 votes to carry.

Section 7. Repeal of section. MSB 2.12.120(B) is hereby repealed in its entirety:

[(B) THESE RULES MAY BE AMENDED, WHEN THE AMENDMENT IS NOT IN CONFLICT WITH STATE STATUTES, BY A TWO-THIRDS VOTE OF THE ASSEMBLY AT ANY MEETING, PROVIDED A COPY OF THE PROPOSED AMENDMENT WAS INCLUDED IN THE NOTICE OF THE MEETING, AND THE AMENDMENT COMPLIES WITH THE PROVISIONS OF THIS TITLE FOR THE INTRODUCTION AND ADOPTION OF ORDINANCES.]

Section 8. Repeal of subsection. MSB 25.15.030(A)(3) is hereby repealed in its entirety as follows:

[(3) FOR A REGULAR ELECTION AT WHICH A CHANGE IN THE FORM OF ASSEMBLY REPRESENTATION OR IN ASSEMBLY APPORTIONMENT BECOMES EFFECTIVE, NO EARLIER THAN 8 A.M., 64 CALENDAR DAYS BEFORE THE ELECTION AND NO LATER THAN 5 P.M., 53 CALENDAR DAYS BEFORE THE ELECTION.]

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)

BOARD AND COMMISSION VACANCY REPORT January 6, 2015

N = New Application R = Reappointment ***Vacant since 12/31/2011 **Vacant since 12/31/2012 *Vacant since 12/31/2013

Board - Applicant	Applicants Under Consideration by Mayor	Mayor's Appointments for Confirmation by the Assembly
Board of Adjustment and Appeals <i>5 members/3 alt. - 3 vacancies – (3) 3year terms</i> ***Alternate 1 ***Alternate 2 Member 1..... ***Member 4	Alvah Buswell – R
Board of Equalization <i>15 members - 8 vacancies - (3) 3year terms</i> *Member 4 Member 6 *Member 7 Member 8 Member 9 *Member 13 *Member 14 *Member 15		
Board of Ethics <i>5 members - 11 vacancies</i> Member 2 Member 5 *Member 7 *Member 8 *Member 9 **Member 10 *Member 11 *Member 12 **Member 13 *Member 14 *Member 15		

Board - Applicant	Applicants Under Consideration by Mayor	Mayor's Appointments for Confirmation by the Assembly
Borough Area Schools Site Selection Committee <i>7 or 8 members/3 alt. – 3 vacancies</i> Assembly Alternate Community At-Large Planning Commission Rep 2		
Commission on Salaries and Emoluments <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)		
Emergency Medical Services Board <i>13 members/8 alt. – 8 vacancies</i> Dive Rescue **Palmer Ambulance Alternate *Talkeetna Ambulance Alternate *Trapper Creek Ambulance *Trapper Creek Ambulance Alternate West Lakes Ambulance West Lakes Ambulance Alternate Willow Ambulance		
Enhanced 911 Advisory Board <i>5 members/5 alt. – 1 vacancy</i> **City of Houston Alternate City of of Wasilla City of Wasilla Alternate		Ruthan Josten – R Joel Butcher – R
Health and Social Services Board <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		
Historical Preservation Commission <i>9 members- 4 vacancies</i> Member 1 Member 2		

Board - Applicant	Applicants Under Consideration by Mayor	Mayor's Appointments for Confirmation by the Assembly
Member 3 Historical Preservation Commission continued Member 7 Member 8	Resignation of Kelly Dau Bonnie Allen – N
Labor Relations Board 5 members- 2 vacancies Member 2 Member 4		
Library Board 9 members – 4 vacancies Big Lake ***Palmer ***Talkeenta Wasilla	Jennifer Rinaldi – N
Local Emergency Planning Committee 33 members – 12 vacancies *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 *Law Enforcement Wasilla Police Public Utility – Gas *School District	Gene Belden – R
MSB Fish and Wildlife Commission 7 members - 1 vacancy Assembly Representative ...Jim Sykes – N (when vacated by Jim Colver) Member 5 At-Large		
Office of Administrative Hearings 5 members – 3 vacancies 2 year terms ***Seat A *Seat C **Seat E		
Parks, Recreation, and Trails Advisory Board 11 members – 3 vacancies District 4		

Board - Applicant	Applicants Under Consideration by Mayor	Mayor's Appointments for Confirmation by the Assembly
District 5 Parks, Recreation, and Trails Advisory Board continued District 6		Dave Rector – N
Platting Board 7 members/2 alt. – 2 vacancies District 4 District 7		
Transportation Advisory Board 9 members - 1 vacancy ConstructionDavid Lundin - N		
Butte FSA # 2 3 members – 3 vacancies ***Member 1 ***Member 2 ***Member 3		
Sutton FSA # 4 3 members – 3 vacancies ***Member 1 ***Member 2 ***Member 3		
Talkeetna FSA # 24 3 members – 3 vacancies **Member 1 *Member 2 Member 3		
Alpine RSA # 31 3 members – 1 vacancy Member 1		Jill Alford – N
Bogard RSA # 25 3 members – 1 vacancy Member 3		
Caswell Lakes RSA # 15 3 members – 1 vacancy Member 3		Phillip Johnson - N
Gold Trail RSA # 28 3 members – 2 vacancies *Member 2		Micah Schoming – N
Knik RSA # 17 3 members Member 2	Mike Hales - R	
Lazy Mountain RSA # 19 3 members – 1 vacancy Member 1		
Meadow Lakes RSA # 27 3 members – 1 vacancy *Member 3		Robert Cassell - N
Midway RSA # 9 3 members – 2 vacancies ***Member 2		Roy Rank - N

Board - Applicant	Applicants Under Consideration by Mayor	Mayor's Appointments for Confirmation by the Assembly
North Colony RSA # 23 3 members – 2 vacancies ***Member 1 ***Member 2		
Trapper Creek RSA # 30 3 members – 1 vacancy Member 3		
Circle View & Stampede Estates Flood & Water Erosion # 131 5 members Member 4		William Snegirev – R
Talkeetna Flood Control Service Area # 7 3 members – 3 vacancies ***Member 1 ***Member 2 ***Member 3		
Talkeetna Sewer & Water Service Area # 36 5 members – 3 vacancies Member 1 Member 2 Member 4		

DATE RECEIVED: **RECEIVED**
03 2014
CLERKS OFFICE

BOARD, COMMISSION, AND COMMITTEE APPLICATION FORM
REAPPOINTMENT
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: Board Of Adjustment and Appeals
(For example, Board of Equalization, Member 3)

Applicant Name: Alvah Clark Buswell III

Residence Address: 951 E. Creekside Dr. # 9 Wasilla, AK

Mailing Address: Same

Home phone: 907-373-3030

Work phone: 907-373-3030

Email: markiv@mtaonline.net

Name and Address of Employer: Self Employed Mark IV Enterprises

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? 25 Years

Briefly explain, why you are you interested in serving on the board in which you are applying? I was asked to serve by Andy Robinson when he served on the board.

List professional or personal experiences that qualify you for membership on the board? You may attach a brief resume to highlight your qualifications: Served on the Wasilla Planning Commission and served on the Birchwood community Council during the area wide rezone where I wrote a new zoning classification for the Municipality of Anchorage. Served two terms on the BOAA. Last two years as chair.

List three professional or personal references: Name: Brenda Henry Phone: 861-7845

Name: Bert Cottle Phone: 373-9055

Name: Tina Crawford Phone: 373-9020

Applicant Signature: A. C. Buswell III Date: 12.03.14

Office Use Only: Precinct: 07-120 Assembly District: 4 Service Area: NA
Position on Board: BOAA member 1 Term Ends: 12/31/2017
Residence Checked: Yes Map Checked: Yes **R** Code Checked: 1st 2nd NA

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: E 911 Board Seat
(For example, Board of Equalization, Member 3)

Applicant Name: Ruthan Josten

Residence Address: 5600 E Bideford Blvd., Palmer, AK 99645

Mailing Address: PO Box 872224 Wasilla, AK 99687

Home phone: 631-0425 Work phone: 352-5405 Email: rjosten@ci.wasilla.ak.us

Name and Address of Employer: Wasilla PD, 1800 E. Parks Hwy, Wasilla, AK

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? 32 years

Briefly explain, why you are you interested in serving on the board in which you are applying? _____

List professional or personal experiences that qualify you for membership on the board? You may attach a brief resume to highlight your qualifications: Alaska State Trooper 93-02; Wasilla PD 02-current

Lt / Mat Com Dispatch Supervisor

List three professional or personal references: Name: Chief Gene Belden Phone: 352-5401
Name: Mayor Bert Cottle Phone: 373-9032
Name: Capt. Hans Brinke Phone: 745-2131

Applicant Signature: Ruthan Josten Date: 12/2/14

Office Use Only: Precinct: <u>12-205</u>	Assembly District: <u>3</u>	Service Area: <u>NA</u>
Position on Board: <u>E911 City of Wasilla</u>	Term Ends: <u>12/31/2017</u>	
Residence Checked: <input checked="" type="checkbox"/> Yes	Map Checked: <input checked="" type="checkbox"/> Yes	Code Checked: 1 st <input checked="" type="checkbox"/> 2 nd <input checked="" type="checkbox"/> NA



MATANUSKA-SUSITNA BOROUGH
350 E. Dahlia Ave., Palmer, AK 99645-6488
Phone: 745-9681 Fax: 745-9845

DATE REC'D: **RECEIVED**
NOV 12 2014
CLERKS OFFICE

APPLICATION FOR RE-APPOINTMENT TO BOARDS, COMMITTEES, AND COMMISSIONS

DO NOT LEAVE ANY FIELD BLANK

BOARD NAME: 911 Advisory Board BOARD POSITION: Wasilla Alternate
NAME: JORL Butcher
RESIDENCE ADDRESS: 1125 W Josselin Lane Palmer AK 99645
MAILING ADDRESS: SAM-
CONTACT NOS. HM: 746-1139 WK: 352-5460 FAX: 357-7877 EMAIL: jbutcher@ci.wasilla.ak.us
EMPLOYER AND ADDRESS: Wasilla Police Dept / matcom 1800 E Parks Hwy Wasilla AK
Have you been found guilty of any crime (not including traffic tickets)? Yes No
If yes, please explain the circumstances _____

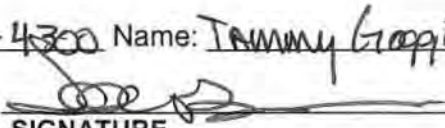
Can you regularly attend meetings? Yes No (MSB 4.05.030(B)(6) states: "A vacancy occurs on the board when the member is absent from three (3) consecutive regular board meetings without the board excusing the absence for good cause.")

Are you or any family member currently affiliated with the Borough in any way? Yes No

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
If yes, please list positions: _____

How long have you lived in the Borough? 12 yrs Reason for interest: Work related - my position is to Adv Command Staff & City officials on related issues.

Brief background of experience that would qualify you for the position, including experience that would enhance board membership. Current Technical Support Admin for Matcom. National Emergency Number Assoc. "Emergency Number Professional" ENP certification Professional background as EMT - Fire Fighter, 911 Dispatcher.

Please list three professional references: Name: Lt Ruth Josten Ph: 352-5405
Name: Dan Stearns Ph: 351-4300 Name: Tammy Groggin Ph: 252-10246
11-5-2014  DATE SIGNATURE

FOR OFFICE USE ONLY:
Voter Precinct: 11-075 Voter Residence checked N Map residence checked N
Position on Board: 911 City Wasilla Alternate Term of Office Ends: 12/31/2017
Code Checked: 1st Check: dw 2nd Check: N/A **R** Assembly District: 2

Debra Wetherhorn

From: Fran Seager-Boss
Sent: Monday, December 15, 2014 6:54 AM
To: Debra Wetherhorn
Subject: FW: Regretfully

From: KELLY DAU [mailto:Kelly.Dau@matsuk12.us]
Sent: Friday, December 12, 2014 8:22 PM
To: Fran Seager-Boss
Subject: Regretfully

Fran, if you could please forward this message on to Commission members and staff; thank you.

Dear Fellow Commission Members,

Last winter, I learned there was an opening on the Mat-Su Historic Preservation Commission. I submitted my application and was pleased to be appointed to the Commission in late May 2014. At that time, I fully intended to satisfy the duties of commissioner for the next three years. However, a career-enriching educational opportunity has recently come my way. In order to take advantage of this grant-funded post-graduate program, I must reluctantly submit my resignation from the Commission.

I enjoyed my brief sojourn into the history of Mat Su and the function of the Historical Preservation Commission; I appreciate the support and kindness shown to me by borough staff and commission members. Thank you.

Regretfully,

*HIS member 7
12/31/16*

Kelly Dau

NOV 07 2014
CLERKS OFFICE

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: Historical Preservation Commission
(For example, Board of Equalization, Member 3)

Applicant Name: Bonnie G. Allen

Residence Address: 406 N Chugach St, Palmer, AK 99645

Mailing Address: same bonnie.allen@alaska.gov

Home phone: 746-7571 Work phone: 269-0825 Email: bga@mtaonline.net

Name and Address of Employer: Alaska DOT&PF Statewide Public Facilities, 2200 E 42nd Ave, Anchorage, AK 99508

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: Not applicable
(For example: employee, emergency responder, RSA or FSA area supervisor, board member, contractor etc.)

How long have you lived in the Borough? about 50 years

Briefly explain, why you are you interested in serving on the board in which you are applying? I have a long standing interest and have developed an expertise in historic preservation. I strive to promote and maintain our cultural heritage

List professional or personal experiences that qualify you for membership on the board? You may **attach a brief resume** to highlight your qualifications: Architect, registered in Alaska, with historic preservation and restoration interest and project experience.

List three professional or personal references: Name: Fran Seager-Boss, MSB Cultural Resources Spec Phone: 861-7859
Name: Victoria McKenzie-Cole Phone: 376-5816
Name: Floyd (Butch) Ehmann Phone: 745-1465

Applicant Signature: Bonnie G Allen Date: 11/7/2014

Office Use Only: Precinct: 11-070 Assembly District: 2 Service Area: NA
Position on Board: His member 8 Term Ends: 12/31/2017
Residence Checked: Yes Map Checked: Yes (N) Code Checked: 1st 2nd

BONNIE G. ALLEN

406 N. Chugach Street, Palmer, AK 99645
(907) 746-7571 • bga@mtaonline.net

Highlight of Qualifications

- Architect (Alaska A-7296) and Certified Construction Specifier (CCS currently inactive).
- Enthusiastic and experienced with restorative remodels of historic buildings and sites, and sensitive and compatible additions to historic buildings.
- Experienced with all aspects of architectural responsibility: marketing and proposals, pre-design and site selection, design and construction documents, agency approvals, bidding and contract negotiation, construction contract administration, post construction evaluations.
- Strong graphics background in a variety of mediums, computer aided (including AutoCAD and Revit) and manual drafting/drawing.
- Successful at developing mutually trusting and respectful relationships with clients, other design professionals, contractors, agencies and vendors.
- Skilled at visualizing resourceful and enterprising solutions to problems.

Design, Construction Document, and Project Administration Skills

- Skilled at listening to clients, extracting and verifying critical design parameters.
- Skilled at creating design, construction, and bidding documents, including specifications.
- Experienced with CADD systems and equipment.
- Highly proficient in optimizing architectural designs.
- Apply team concepts in projects and quality control.

Selected Historic Project Experience

Draft Guidelines for Matanuska Colony Historic District, Palmer, AK

Project Architect, 2006

A 20 page document, produced in collaboration with the Matanuska-Susitna Borough Cultural Resources Division and the City of Palmer, partially funded by a Historic Preservation Fund Grant through the Office of History and Archaeology, Alaska Department of Natural Resources.

Pocket Guide to Developing Property within the Matanuska Colony Historic District, Palmer, AK

Project Architect, 2005

A 32 page booklet produced in collaboration with the Matanuska-Susitna Borough Cultural Resources Division, partially funded by a Historic Preservation Fund Grant through the Office of History and Archaeology, Alaska Department of Natural Resources.

First Presbyterian Church, Saginaw, MI. Renovation, remodel

Project Architect, 1987

This historic facility was over 100 years old at the time of the remodel. The enormous masonry American gothic church had many additions in many styles. The most recent addition and remodel was in a Japanese inspired style. This project renovated the main sanctuary and furnishings to its original historic appearance. A huge hand-made pipe organ was installed in the sanctuary to replace a worn out one. The narthex and entries were remodeled in a more compatible tone. Accessibility issues were addressed with a new elevator and ramping system providing access to all major areas of the building. Offices for the pastor, associate pastor, and supporting staff were relocated. The roof was repaired and partially replaced. The church covers about 40,000 sq ft. About 30,000 sq ft was involved in this phased project. 1987 construction estimate was \$800,000.

Holy Family Catholic Church, Saginaw, MI. Addition, remodel

Project Architect, 1988-89

A new porte cochere was designed on one side of the nave, and a ramp/waiting and office area was added to the other side of this nearly 100 year old facility (at the time of the remodel) in order to allow accessibility. Access by ramps was provided to the basement area, also. The additions faithfully emulated the detailing of the original building. The roof was particularly challenging, as the stained glass windows in the nave needed to be preserved, requiring careful detailing. Site development included a new parking area.

Herman Hiss Jewelry Store, Bay City, MI. Addition, remodel

Project Architect, 1987

The original 7000 square foot building was remodeled to upgrade the interior, and 2500 square feet was added. The existing masonry building was two stories, plus a basement. The upper story was split into two levels. The new addition was adjacent to the existing building in a vacant lot previously used for parking. The original building is partially faced with imported black Italian marble, and has large brass display windows in the front. The addition was faced in matching black Canadian granite, with a large brass display window. A large jewelry vault replaced existing safes, a dumbwaiter was added to aid in storing and retrieving merchandise in the basement, and the building's extensive security system was upgraded.

Japanese Garden Fence, Saginaw, MI. New structure

Project Architect, 1987

This wood and wire fence provides definition more than security. It incorporates an existing massive wood entry gate and serves to separate the garden area from the adjacent street. The detailing of the bounding fence provides a compatible visual connection between the gate and the Japanese-inspired Tea House within the garden, creating a more visually unified facility.

Matanuska Maid Facility conditions study and restoration estimate, Palmer, AK

Project Architect, 1991

Employment History

Project Manager/Architect, Alaska DOT&PF, 2011 - present

Staff Architect, Alaska Green Solutions, 2009 - 2011

Planner, Matanuska-Susitna Borough, 2008-2009

Staff Architect, JAH Architects, 2005-2008

Staff Architect, Wolf Architecture, 2004- 2005

On-Air Talent, Q99.7 KMBQ Corporation, 2000-2004

Project Impact Coordinator, MSB Department of Emergency Services, 2000-2001

Manager, Adventure Stores, 1999-2000

Assistant Network Administrator, Matanuska Susitna College, 1996-1999

Adjunct Faculty, Information Systems, Matanuska-Susitna College, 1992-1999

Owner, Alchemy Tech (providing technology education), 1994-1997

Training Director, Omni Computer, 1993-1994

Architect, Archimage, Architects Bissett/Simasko, Architects Ink, Line & Form, 1986-1993

Volunteer Boards and Committees

- Mat-Su Borough Historic Preservation Commission, 1990-1999, 2006 to 2008.
- Alaska State Fair, Board of Directors, 2000-2005
- Mat-Su School District Vocational Advisory Committee, 1982-1997

References

Floyd (Butch) Ehmann, Owner, F-E Contracting, Inc.
1920 S. Eklutna, Palmer, AK 99645

Bus.: (907) 745-1465
fecon@mtaonline.net

Fran Seager-Boss, Cultural Resources Director, Matanuska-Susitna Borough
350 E. Dahlia, Palmer, AK 99645

Bus: (907) 745-9859
fran.seager-boss@matsugov.us

MATANUSKA-SUSITNA BOROUGH
350 E. Dahlia Ave., Palmer, AK 99645-6488
Phone: 745-9683 Fax: 745-9845

RECEIVED
DATE REC'D: DEC 04 2014
CLERKS OFFICE

APPLICATION FOR APPOINTMENT TO BOARDS, COMMITTEES, AND COMMISSIONS

DO NOT LEAVE ANY FIELD BLANK

BOARD NAME: Mat-Su Borough Library Board BOARD POSITION: Member - Big Lake Area
NAME: Jennifer R. Rinaldi

RESIDENCE ADDRESS: 19107 W. Piper Circle, Big Lake, AK, 99652

MAILING ADDRESS: P.O. Box 521197, Big Lake, AK, 99652

CONTACT NOS: Cell 907. 242.9989 907. 742-3350 FAX: _____ EMAIL: toddifer@gmail.com

EMPLOYER AND ADDRESS: Anchorage School District, 13801 Harry McDonald Rd. Eagle River, AK 99577

Have you been found guilty of any crime (not including traffic tickets)? Yes _____ No
If yes, please explain the circumstances N/A

Can you regularly attend meetings? Yes 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

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
If yes, please list positions: N/A

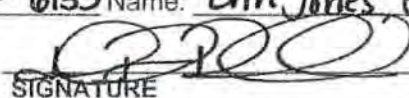
How long have you lived in the Borough? 6 years Reason for interest: I'm currently a member of the Big Lake Library Advocates, and wanting to ensure the area is represented.

Brief background of experience that would qualify you for the position, and attach a resume including experience that would enhance board membership. Please see above. Additionally, I have been a public school educator for many years, and believe in the value public libraries bring to both communities and schools.

Please list three professional references: Name: Kathryne Sherburne, Librarian Ph: 745-8983

Name: Trina George, Educator Ph: 854-6135 Name: Erin Jones, Educator Ph: 602-5063

DATE: 11/30/14

SIGNATURE: 

FOR OFFICE USE ONLY:		
Voter Precinct: <u>08-155</u>	Voter Residence checked: <input type="radio"/> Y <input checked="" type="radio"/> N	Map residence checked: <input type="radio"/> Y <input checked="" type="radio"/> N
Position on Board: <u>LIB BIG LAKE</u>	Term of Office Ends: <u>12/31/2017</u>	
Code Checked: 1 st Check: <u>DW</u> 2 nd Check: _____	Assembly District: <u>5</u>	

(N)

Jennifer Rinaldi

P.O. Box 521197
Big Lake, Alaska 99652

Cell: 907.242.9989

E-mail: toddifer@gmail.com

Message Phone: 907.892.5920

EDUCATION

Post-Graduate Certificate, Principal

University of Alaska, Anchorage, Expected Completion May 2015

M.S. Education

Nova Southeastern University, March 2009

Bachelor of Education

University of Alaska, Anchorage, December 2000

PROFESSIONAL EXPERIENCE

Classroom Teacher, Grades 2-4

August 2002 - Present

Gladys Wood Elementary (2002 – 2011) & Fire Lake Elementary (Presently), ASD

- Responsible for delivering student-centered curriculum in accordance with Alaska State Standards and Grade Level Expectations, while maintaining a safe learning environment focused on social, emotional, and academic growth
- Assist building administrator in handling student discipline issues, communicating with families, and addressing staff needs and concerns as Teacher-in-Charge
- Active participant and leader on several school-wide committees including: Positive Student Climate Committee, Response-to-Instruction Implementation Committee, Social Emotional Learning Committee, and Standards Based Report Card Committee
- Provide support to new-to-building and new-to-district staff members through ASD's Induction Liaison program

RELEVANT EXPERIENCE, CERTIFICATIONS, & AWARDS

- *Teacher-in-Charge*, Fire Lake Elementary School, September 2011 - Present
- *Teacher-in-Charge*, Gladys Wood Elementary School, September 2009 – May 2011
- *Member*, UAA/ASD Educational Leadership Cohort, April 2010 – August 2011
- *Internship Mentor*, UAA/ASD, August 2008 – May 2011
- *Induction Liaison*, Anchorage School District, September 2006 – May 2011
- *Mentor*, Anchorage School District, September 2006 – Present
- *Nominee*, BP Teacher of the Year – 2004, 2006, 2011
- *Coach*, Battle of the Books – September 2003 – May 2011
- State of Alaska Professional Teaching Certificate – Expires 10/2019

MATANUSKA-SUSITNA BOROUGH - CLERK'S OFFICE
350 E. Dahlia Avenue Palmer, AK 99645
Phone: 861-8683 Fax: 861-7845

DATE RECEIVED: **RECEIVED**
DEC 02 2014
CLERKS OFFICE

BOARD, COMMISSION, AND COMMITTEE APPLICATION FORM
REAPPOINTMENT
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
(For example, Board of Equalization, Member 3)

Applicant Name: Gene Belden

Residence Address: 11699 Alberhill Cir. Palmer Ak

Mailing Address: 1800 East Parks Highway Wasilla AK 99654

Home phone: 354-1809 Work phone: 352-5421 gmail: gbelden@ci.wasilla.ak.us

Name and Address of Employer: City of Wasilla, 1800 E Parks Highway Wasilla 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? 61 years

Briefly explain, why you are you interested in serving on the board in which you are applying? _____

Represent the City of Wasilla

List professional or personal experiences that qualify you for membership on the board? You may **attach a brief resume** to highlight your qualifications: Chief of Police

List three professional or personal references: Name: BERT COTLE Phone: 373-9032
Name: DONNA FAEO Phone: 373-9038
Name: TROY TANKERSLEY Phone: 373-9084

Applicant Signature: Gene Belden Date: 12-2-14

Office Use Only: Precinct: 11-060 Assembly District: 2 Service Area: NA
Position on Board: LEPC - Law Enforcement Wasilla Police Term Ends: 12/31/2017

R

MATANUSKA-SUSITNA BOROUGH - CLERK'S OFFICE
350 E. Dahlia Avenue Palmer, AK 99645
Phone: 861-8683 Fax: 861-7845

RECEIVED
DATE RECEIVED
DEC 04 2014
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@matugov.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: PARKS, RECREATION, & TRAILS ADV. BOARD, DIST. 6
(For example, Board of Equalization, Member 3)

Applicant Name: JONATHAN DAVID WAYNE RECTOR "DAVE RECTOR"

Residence Address: 9400 E. WENDT RD. PALMER, AK 99645

Mailing Address: PO BOX 491 PALMER, AK 99645

Home phone: 907-952-6083 Work phone: 907-357-1500 Email: JRECTOR2@GMAIL.COM

Name and Address of Employer: AIRBORNE TECHNOLOGIES INC. 4330 N GUNFLINT TRL
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? 4.5 YEARS

Briefly explain, why you are you interested in serving on the board in which you are applying? I'M INTERESTED

IN HELPING THE PUBLIC BE PROVIDED WITH EQUITABLE RECREATION OPPORTUNITIES ACROSS THE BOROUGH.

List professional or personal experiences that qualify you for membership on the board? You may attach a brief resume to highlight your qualifications: PLEASE SEE RESUME.

MY PERSONAL, PROFESSIONAL, & EDUCATIONAL INTERESTS HAVE GIVEN ME A COMPREHENSIVE UNDERSTANDING OF LAND RESOURCE & RECREATION MANAGEMENT IN THE PUBLIC SECTOR.

List three professional or personal references: Name: MIKE MEEKIN Phone: 907-355-6159
Name: JOHN PEDEN Phone: 917-478-5684
Name: TIM VEENSTRA Phone: 907-357-1500

Applicant Signature: [Signature] Date: _____

Office Use Only: Precinct: 09-628B Assembly District: 6 Service Area: NA
Position on Board: P&R DISTRICT 6 Term Ends: 12/31/2017
Residence Checked: Yes Map Checked: Yes Code Checked: 1st 2nd

Revised 12/13 12/5/14 - emailed voter reg form to update resident.

(N)

Dave Rector

PO Box 981 Palmer, AK 99645 Phone: (907) 952-6083
E-Mail: jrector2@gnail.com

12/4/2014

Debra Weatherhorn
Matanuska - Susitna Borough Clerk's Office
350 E. Dahlia Ave.
Palmer, AK 99611

Dear Mrs. Weatherhorn:

I am writing regarding the future vacancy on the borough's Parks, Recreation, and Trails Advisory Board for District 6. I feel that my academic and professional history has prepared me to meet and exceed the qualifications for this position.

I graduated from Georgia Southern University in 2010 with a B.S. in Recreation with an emphasis in Natural/Cultural Resource Management. A major focus of this degree program is to prepare students to have a comprehensive understanding of natural resource policy, planning, management, and administration in the public sector. Immediately after finishing my coursework I moved to the borough in 2010 and officially became a resident in 2011. My previous employment experience has prepared me to help the borough effectively and equitably meet the recreation needs of its citizens.

Thank you for the opportunity to apply for this board position. Please refer to my resume for more detail regarding my work experience. I appreciate your consideration and I look forward to hearing from you in the future.

Sincerely,



Dave Rector

Dave Rector

PO Box 491
Palmer, AK 99645
Dave_rector@nols.edu
907-952-6083

EDUCATION

Bachelor of Science in Recreation w/emphasis in Natural and Cultural Resource Management, Minor in Psychology, Georgia Southern University, Statesboro, GA

PROFESSIONAL EXPERIENCE

Airborne Technologies Inc.

March 2014 – Present

<http://www.atiak.com>

Operations Manager

- Manage the day to day operations of an aerospace and marine services company.
- Work regularly with land managers at the local, state, and federal level to launch a dedicated response to the impact of marine debris on Alaska's shores.

Eagle River Parks and Recreation, Birchwood, Alaska

November 2013 –

March 2014

<http://www.muni.org/departments/erparcs/pages/default.aspx>

Seasonal Recreation Specialist I at Beach Lake Park and Nordic Chalet

- Sole caretaker of a multi-use public facility.
- Work closely with the local public to ensure the parks department aids in their provision of quality community recreation programs.
- Regular operation duties include: janitorial and maintenance, answering phones/fielding questions about the park, facility and park security, and special event set-up and break-down.
- Record public comments about park function and resolve conflicts that arise within park boundaries.

National Outdoor Leadership School, Palmer, Alaska

June 2010 -

Present

<http://nols.edu>

Field Instructor/Glacier Mountaineering, Backpacking, Sea Kayaking

- Develop and present curriculum progression on multi-week expeditions; teaching Outdoor Skills, Risk Management/Decision Making, Leadership, and Environmental Studies.

Operations and Logistics Staff

- Assistant to the Operations Manager in the 80-acre facility function and maintenance.
- Prepare multi-week expeditions with co-workers and field instructors from various cultural backgrounds.

Northstar Behavioral Health Residential Treatment Center, Palmer, Alaska

December 2010 - May

2012

<http://www.northstarbehavioral.com>

Mental Health Specialist II

- Lead residents in outdoor experiential activities focusing on establishing relationships and socially functional behaviors, pursuing employment opportunities, and integration back into their local Alaskan community.

CRI/Southern Adventures, Georgia Southern University, Statesboro, Georgia
June, 2010

May, 2007 -

http://services.georgiasouthern.edu/crisouthern_adventures/index.html

Program Assistant

- Assistant to the Director in management and oversight of all operations of Southern Adventures program areas: climbing wall, high/low ropes challenge course, outdoor equipment rental center, clinics and special events, and outdoor trips.
- Plan and lead wilderness trips across the southeast United States including yearly Spring and Thanksgiving Break trips, Staff Training trips, Summer Orientation trips, and year-round weekend multi-sport trips.
- Secure yearly permits with state and federal land management agencies for trip program.
- Work closely with on-campus organizations, private businesses, Student Government, Admissions, Department of Recreation and Tourism, Office of Student Leadership, faculty, and volunteers to establish partnerships and secure funding for experiential-based activities serving the university and surrounding communities including a yearly climbing competition and adventure race.

Talisman Programs, Zirconia, North Carolina
Summer 2009

Summer 2008,

<http://www.talismancamps.com>

Program Manager for Teen Programs (2009)

- Developed twelve to nineteen day expeditions for a residential boarding school and summer camp for special needs children, teenagers, and young adults.
- Secured permits with state and federal land management for trips.
- Oversight of training, scheduling, and evaluation of 10 program staff.

Head Rock Climbing Instructor (2008)

- Development of rock site field practices and rock climbing curriculum.
- Facilitated rock climbing skills by staff and camper's skills through multi-day climbing adventures.

MATANUSKA-SUSITNA BOROUGH - CLERK'S OFFICE
350 E. Dahlia Avenue Palmer, AK 99645
Phone: 861-8683 Fax: 861-7845

RECEIVED
DATE RECEIVED
DEC 17 2014
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 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: TAB-Construction
(For example, Board of Equalization, Member 3)

Applicant Name: David Lundin

Residence Address: 7936 E. Edgerton Parks Road, Palmer, AK 99645

Mailing Address: same

Home phone: 907-746-4696 Work phone: 907-746-5230 Email: dlundin@hdlalaska.com

Name and Address of Employer: Hattenburg Dilley & Linnell/202 W. Elmwood Ave, Palmer

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: Engineering consultant
(For example: employee, emergency responder, RSA or FSA area supervisor, board member, contractor etc.)

How long have you lived in the Borough? 15 years

Briefly explain, why you are you interested in serving on the board in which you are applying? _____

Assist MSB in making wise planning decisions regarding transportation infrastructure.

List professional or personal experiences that qualify you for membership on the board? You may **attach a brief resume** to highlight your qualifications: 21 years of civil engineering experience including >14 years in MSB performing design and construction oversight of local/collector roads, airports and water/sewer projects.

List three professional or personal references: Name: Brad Sworts Phone: 861-7765
Name: Mike Brown Phone: 861-7701
Name: Jim Jenson Phone: 861-7752

Applicant Signature:  Date: 12-3-14

Office Use Only: Precinct: 09-628 Assembly District: 6 Service Area: RSA-South Colony
Position on Board: TAB construction Term Ends: 12/31/17
Residence Checked: Yes Map Checked: Yes (N) Code Checked: 1st 2nd JN

Applicant Name: David Lundin

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.

MATANUSKA-SUSITNA BOROUGH - CLERK'S OFFICE
350 E. Dahlia Avenue Palmer, AK 99645
Phone: 861-8683 Fax: 861-7845

RECEIVED
DATE RECEIVED: DEC 05 2014
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 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: RSA ALPINE #31 ALTERNATE #3
(For example, Board of Equalization, Member 3)

Applicant Name: Jill BAKER AHFORD

Residence Address: 26616 N GLENN Hwy SUTTON, AK 99674

Mailing Address: SAME

Home phone: 746-6531 Work phone: 223-1952 Email: _____

Name and Address of Employer: PINNACLE RV PARK

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? 15 yrs

Briefly explain, why you are you interested in serving on the board in which you are applying? To serve out husband term.

List professional or personal experiences that qualify you for membership on the board? You may attach a brief resume to highlight your qualifications: I understand the needs of this Community. Chukaleon Community Council Treasurer

List three professional or personal references: Name: George Rauscher Phone: 745-4058
Name: Larry DeVilbies Phone: 746-6593
Name: DEAN LUST Phone: 746-2291

Applicant Signature: Jill Baker Date: 12/4/14

Office Use Only: Precinct: 09-645 Assembly District: 1 Service Area: RSA-Alpine
Position on Board: RSA Alpine #31 member 1 Term Ends: 12/31/2015
Residence Checked: Yes Map Checked: Yes Code Checked: 1st 2nd

Revised 12/13
12/8/14 spoke
VACANCY REPORT name 'Ahford'

(N)

RECEIVED
DEC 05 2014
CLERK'S 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 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 Supervisor ^{Caswell Lakes} RSA-15
(For example, Board of Equalization, Member 3)

Applicant Name: Phillip S. Johnson

Residence Address: 48642 South Rainbow Ridge Drive, Willow AK 99688

Mailing Address: HC-89 Box 1605, Willow AK 99688

Home phone: (907) 495-8656 ^{mobile} ~~work~~ phone: (907) 242-2752 Email: leviathan-1960@yahoo.com

Name and Address of Employer: IUOE Local 302, 4001 Penali St, Anchorage AK 99503

Have you been convicted of a crime, not including traffic tickets? Yes No

If yes, what were you convicted of? 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: N/A
(For example: employee, emergency responder, RSA or FSA area supervisor, board member, contractor etc.)

How long have you lived in the Borough? + 25 years

Briefly explain, why you are you interested in serving on the board in which you are applying? As a 35 year journeyman heavy equipment operator I believe I have expertise & knowledge regarding snow removal & road maintenance operations.

List professional or personal experiences that qualify you for membership on the board? You may attach a brief resume to highlight your qualifications: I've operated heavy equipment since I was 8 years old (1968) and am a 35 year Journeyman in the IUOE Local 302 Operating engineers.

List three professional or personal references: Name: John Harrington Phone: (907) 382-2044
Name: Larry Cline Phone: (907) 315-1947
Name: Rick Davidson Phone: (907) 495-5646

Applicant Signature: [Signature] Date: 3 December 2014

Office Use Only: Precinct: 10-030 Assembly District: 7 Service Area: RSA-Caswell Lakes
Position on Board: RSA 15 member 3 Term Ends: 12/31/2016
Residence Checked: Yes Map Checked: Yes Code Checked: 1st 2nd

(N)

COVER LETTER

To whom this may concern,

10 October 2014

My career in the Operating Engineers began in the winter of 1979 in Dutch Harbor Alaska. It was my first job as a rig oiler (crane operator apprentice) on a brand new 4100 Manitowoc series W2. In the mid 1980's I had completed my training and was able to upgrade as a crane operator. I've worked throughout the state of Alaska on many different types of projects, big and small. Here are a few examples:

- APL dock-Dutch Harbor Ak.
- Columbia Ward Fisheries docks-Clarks Point & Ekuk Ak.
- Seward Hwy bridges-Bird Creek & Indian Creek Ak.
- Barge Unloading Terminal-Haines Ak.
- Bird Creek/Indian Creek bridges, Seward Hwy.
- North Birchwood overpass, Glen Hwy.
- Chickaloon River Bridges (2)-Chickaloon Ak.
- Oliktok Dock-Oliktok Point, Prudhoe Bay Ak.
- Seal Island platform, Prudhoe Bay AK.
- AOSI/Morrison Knudsen, Astoria OR.
- Placer Creek Bridge-Alaska Railroad.
- Whittier small boat harbor.
- Alaganik Slough Bridge-Cordova Alaska.
- Port of Cordova, port officer.
- Pipeline Terminal, Morrison Knudsen-Valdez Ak.
- Port of Anchorage, Safety compliance/maintenance division.
- Dredge the Port of Anchorage for Manson Co.
- American Seafoods Dock-Dutch Harbor Ak.
- DoD, USACE, Umm Qasr Iraq.
- Port of Anchorage, port expansion project.
- Nikiski oil refinery, Nikiski AK.
- Fire Island wind turbine project, Anchorage AK.
- Eva Creek wind turbine project, Healy AK.
- Alaska Native Hospital, Bethal AK.
- HEA power plant/NAES, Soldotna AK.

If you have any questions please feel free to contact me.....907-495-8656.

Sincerely

Phillip S. Johnson

PHILLIP S. JOHNSON

HC-89 Box 1605 Willow, AK 99688
907-242-2752
leviathan_1960@yahoo.com

OVERVIEW OF QUALIFICATIONS

Accomplished Journeyman Crane Operator with demonstrated expertise in multiple areas of construction and heavy equipment operations. Results oriented with the ability to coordinate multiple projects crews simultaneously, coupled with the skill to effectively manage crews of all skill levels and diverse backgrounds.

- * Crane Operations
- * Critical Lifts
- * Equipment Maintenance
- * Oversea Crew Assignments
- * State & Federal OSHA
- * Pile Driving & Heavy Lift Construction

CAREER HIGHLIGHTS

- * 35 years as a member of IUOE Local 302.
- * Operate and maintain most types of cranes and heavy equipment.
- * Supervise equipment operators and mechanics.
- * OSHA Safety Compliance.
- * Extensive construction, maritime & oil field experience.

EXPERIENCE

- 2005-Present:** Dispatched through the IUOE union hall to various construction projects all over Alaska and the Middle East.
- 1990-2005:** HSE compliance officer and maintenance. Port of Anchorage AK.
- 1987-1989:** Port officer. City of Cordova AK.
- 1980-1987:** Dispatched through the IUOE union hall to various projects throughout Alaska.

EDUCATION & CERTIFICATIONS

Graduated from high school 26 May 1978, Heppner OR.
UAA-Cordova, Computer science 1988, Cordova AK.
NCCCO Certified Crane Operator
TWIC Certified
Alaska Drivers License

CRANE LIST

1979-80: 4100 Manitowoc Series W-2 250 ton (oiler), 15 ton BE (operator), Auston-Western 10 ton (operator)

1980-85: American 90 ton (oiler/operator), Linkbelt 88 & 98 (oiler/operator), Koering 65 ton (oiler/operator), P&H 90, 100, 140, 150 ton (oiler/operator), Lorain 75 ton (oiler/operator), P&H 140 ton (oiler/operator), P&H 150 ton (oiler/operator), 3900T Manitowoc (oiler/operator)

1985-90: Grove Hydraulic 35, 45, 80 ton (operator), P&H Omega 20, 60 ton (operator), 4100 Manitowoc Series W 250 ton (operator), 11320 American 350 ton (operator), Lorain 60, 90, 100 ton (operator), P&H 140 ton (operator)

1990-05: P&H Omega 20 ton (operator), Paseco Container 40 ton (operator), Mitsubishi Container 50 ton (operator),

2005-14: P&H 90 ton (operator), 4000 Manitowoc 100 ton (operator), 4100 Manitowoc Series W 250 ton (operator), 4100 Manitowoc 250 ton (operator), American 80, 125 ton (operator), Hitachi-Sumitomo 275 ton, 2250 Manitowoc, Grove 90 ton, Terex 80 ton.

MATANUSKA-SUSITNA BOROUGH - CLERK'S OFFICE
350 E. Dahlia Avenue Palmer, AK 99645
Phone: 861-8683 Fax: 861-7845

RECEIVED
DATE RECEIVED
OCT 23 2014
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 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: Gold Trail RSA #28 Member 2
(For example, Board of Equalization, Member 3)

Applicant Name: Micah Schoming

Residence Address: 5365 Kimo Circle, Wasilla, AK 99654

Mailing Address: 5365 Kimo Circle, Wasilla, AK 99654

Home phone: 232-3067 Work phone: 707-1352 Email: mschoming@crweng.com

Name and Address of Employer: CRW Engineering Group, 808 South Bailey Street, Palmer, AK

Have you been convicted of a crime, not including traffic tickets? Yes No

If yes, what were you convicted of? 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: n/a
(For example: employee, emergency responder, RSA or FSA area supervisor, board member, contractor etc.)

How long have you lived in the Borough? 20+ years

Briefly explain, why you are you interested in serving on the board in which you are applying? Would like to participate in the process to improve the maintenance and developing better roadways and pedestrian access

List professional or personal experiences that qualify you for membership on the board? You may **attach a brief resume** to highlight your qualifications: Professional civil engineer in the State of Alaska for over 15 years

Understand the need for maintaining and developing better roadway and pedestrian access

List three professional or personal references: Name: Eric Morey Phone: 720-3259
Name: Jon Hermon Phone: 562-3252
Name: Jessica Smith Phone: 646-5610

Applicant Signature: Micah Schoming Date: 10/22/14

Office Use Only: Precinct: 09-62B Assembly District: 6 Service Area: GOLD TRAIL
Position on Board: RSA 28 member 2 Term Ends: 12/31/2015
Residence Checked: Yes Map Checked: Yes (N) Code Checked: 1st 2nd

10/30/14 - emailed v.r. form

DATE RECEIVED:

MATANUSKA-SUSITNA BOROUGH - CLERK'S OFFICE
350 E. Dahlia Avenue Palmer, AK 99645
Phone: 861-8683 Fax: 861-7845

RECEIVED

DEC 09 2014

BOARD, COMMISSION, AND COMMITTEE APPLICATION FORM
REAPPOINTMENT

CLERKS OFFICE

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: RSA 17-KNIK member 2
(For example, Board of Equalization, Member 3)

Applicant Name: James ~~Michael~~ Michael "Mike" Hales

Residence Address: 4630 W Range View Dr Wasilla AK 99623

Mailing Address: 4630 W Range View Dr Wasilla AK 99623

Home phone: 315-1019 Work phone: 373-7246 Email: mikeasun@yahoo.com

Name and Address of Employer: Spine & Sports Injury Center 1001 E. Bogard Rd Wasilla

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? since June 2007

Briefly explain, why you are you interested in serving on the board in which you are applying? I feel with the many miles of roads in our area, more people more people looking out for the interest of the residents is a good thing.

List professional or personal experiences that qualify you for membership on the board? You may attach a brief resume to highlight your qualifications: _____

List three professional or personal references: Name: Kris Larson Phone: 376-2225
Name: Craig Sandofur Phone: _____
Name: _____ Phone: _____

Applicant Signature: [Signature] Date: 12/05/14

Office Use Only: Precinct: 07-130 Assembly District: 4 map checked Service Area: RSA-KNIK
RSA 17 member 2 12/31/2017 code checked - DW

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: RSA 27 Meadow Lakes, Member 3
(For example, Board of Equalization, Member 3)

Applicant Name: Robert Cassell

Residence Address: 4631 N Gunflint Trail Wasilla AK 99623

Mailing Address: 4631 N Gunflint Trail Wasilla AK 99623

Home phone: 373-5117 Work phone: 376-5315 Email: dental@mtaonline.net

Name and Address of Employer: Robert Cassell DDS dba Wasilla Dental Center 351 W Swanson Ave Ste 1 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? Since May 1991

Briefly explain, why you are you interested in serving on the board in which you are applying? To provide input for road expansion in the Meadow Lakes area.

List professional or personal experiences that qualify you for membership on the board? You may **attach a brief resume** to highlight your qualifications: Current president N Cubs Homeowners Assoc, FAA contact for Visnaw Lake seaplane base, past board member and officer in AKC affiliated retriever and EAA clubs.

List three professional or personal references: Name: Dan Huttunen Phone: 376-2975
Name: Linda Menard Phone: 982-5788
Name: Martin Hinshaw Phone: 947-4052

Applicant Signature: Robert Cassell Date: 11/17/14

Office Use Only: Precinct: 08-135 Assembly District: 7 Service Area: RSA meadow lakes
Position on Board: RSA 27 member 3 Term Ends: 12/31/2015
Residence Checked: Yes Map Checked: Yes (N) Code Checked: 1st 2nd

DATE RECEIVED: **RECEIVED**
DEC 04 2014

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 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: RSA#9 Road Commissioner
(For example, Board of Equalization, Member 3)

Applicant Name: Roy Rank

Residence Address: 3650 E Wickersham Way Wasilla AK 99654

Mailing Address: SAME

Home phone: 9073739855 Work phone: 9075226466 Email: royrank@aer-inc.net

Name and Address of Employer: Airport Equipment Rental 10460 Old Seward Hwy Anchorage AK

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? 9 y 6 m

Briefly explain, why you are you interested in serving on the board in which you are applying? To make the MatSu Borough a better place to live and work.

List professional or personal experiences that qualify you for membership on the board? You may attach a brief resume to highlight your qualifications: 40 years in the construction equipment business. I've opened 2 active business in the Borough Yukon Equipment and Alaska Construction EQ/Northern Trucking.

List three professional or personal references: Name: Dave Cruz Phone: 746-3144
Name: KC Hooks Phone: 746-4364
Name: Jim Johnson Phone: 746-1144

Applicant Signature: Roy J Rank Date: 12-4-14

Office Use Only: Precinct: 11-090 Assembly District: 3 Service Area: RSA-midway
Position on Board: RSA#9 member 2 Term Ends: 12/31/16
Residence Checked: Yes Map Checked: Yes Code Checked: 1st 2nd

(N)

Roy J. Rank
12.4.14
R



ROY RANK
SALES MANAGER

(907) 306-2955 CELL
(907) 522-6466 PHONE
1-800-935-6466 TOLL FREE

(907) 522-6467 FAX

ROYRANK@AER-INC.NET

10460 OLD SEWARD HWY
ANCHORAGE, AK 99515

Current Job



ANCHORAGE • FAIRBANKS • WASILLA

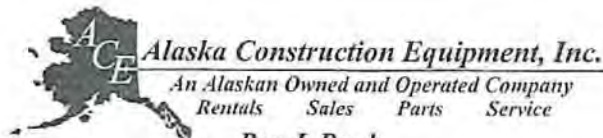
Roy J. Rank
President

2020 E. 3rd Avenue
Anchorage, AK 99501-2994
royr@yukoneq.com
www.yukoneq.com



A Subsidiary of Calata Corporation

Phone (907) 277-1541
Cell (907) 306-2955
Fax (907) 258-0169



Roy J. Rank
General Manager

Rentals • Sales • Parts • Service

1301 South Knik Goose Bay Road
Wasilla, Alaska 99654

Website: www.acealaska.com

Phone: (907) 373-4400

Cellular: (907) 227-7655

Fax: (907) 373-4407

Email: rjr@acealaska.com

Committed to Excellence in Customer Service



VALLEY
A.B.A.T.E.

American Bikers Advocating Training & Education

Roy J. Rank
President

907-306-2955
Wasilla - Palmer - MatSu
www.valleyabate.com

TKS,
R

RECEIVED
DEC 02 2014
CLERKS OFFICE

BOARD, COMMISSION, AND COMMITTEE APPLICATION FORM
REAPPOINTMENT
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: Circle View & Stampede Estates Flood Ender Erosion Control # 131, member # 4
(For example, Board of Equalization, Member 3)

Applicant Name: William Sneider

Residence Address: 14455 E. melanie lane, Palmer, AK 99645

Mailing Address: same

Home phone: 907 745 2709 Work phone: 907 563 1911 Email: williams@akcci.net

Name and Address of Employer: CCI, 4920 Fairbanks street, Anchorage, AK 99513

Have you been convicted of a crime, not including traffic tickets? Yes No

If yes, what were you convicted of? 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: N/A
(For example: employee, emergency responder, RSA or ISA 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? The River is near my home & property.

List professional or personal experiences that qualify you for membership on the board? You may attach a brief resume to highlight your qualifications: I have been on the board.

I have been in construction for over 20 years

List three professional or personal references: Name: Leon Barbauskas Phone: 242-5704
Name: Amir Azimi Phone: 440-8021
Name: Jacob Peterson Phone: 529-2876

Applicant Signature: [Signature] Date: 2 December 2014

Office Use Only: Precinct: <u>12-220</u>	Assembly District: <u>1</u>	Service Area: <u>SSA-Circle View</u>
Position on Board: <u>SSA 131 member 4</u>	Term Ends: <u>12/31/2017</u>	
Residence Checked: Yes <u>dw</u>	Map Checked: <input checked="" type="radio"/> Yes <input type="radio"/> No	Code Checked: <u>1st NA</u>

I. CALL TO ORDER

The special meeting of the Matanuska-Susitna Borough Assembly was held on December 2, 2014, at the Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 4 p.m. by Mayor DeVilbiss for the purpose of conducting a meeting to discuss the process to fill the eventual vacancy of the Assembly District 6 seat.

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
- Mr. Ronald Arvin, Assembly District No. 3 (*Deputy Mayor*)
- Mr. Steve Colligan, Assembly District No. 4 (*entered at 4:03 p.m.*)
- Mr. Dan Mayfield, Assembly District No. 5
- Mr. Vern Halter, Assembly District No. 7 (*entered telephonically at 4:15 p.m.*)

Assembly members absent and excused were:

- Mr. Jim Colver, Assembly District No. 6

Staff in attendance were:

- Ms. Lonnie R. McKechnie, Borough Clerk
- Mr. John Moosey, Assistant Manager
- Mr. George Hays, Assistant Borough Manager
- Mr. Nicholas Spiropoulos, Borough Attorney
- Ms. Brenda J. Henry, Assistant Clerk

III. APPROVAL OF AGENDA

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

MOTION: Assemblymember Sykes moved to take up audience participation prior to items of business.

VOTE: The motion failed with Assemblymembers Mayfield, Sykes, and Beck in support.

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

IV. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Mr. Eugene Haberman, a member of the audience.

A. ITEMS OF BUSINESS

1. Discussion Of The Process To Fill The Eventual Vacancy Of The Assembly District 6 Seat

Mr. Spiropoulos summarized State law requirements and facilitated discussion of the possible process to fill the eventual vacancy of the Assembly District 6 seat.

MOTION: Assemblymember Colligan moved to follow the proposed schedule and process for filling the eventual vacancy of the Assembly District 6 seat and to have the Attorney and the Clerk come back with proposed advertising and schedule for advertising, at the next meeting.

VOTE: The motion passed without objection.

MOTION: Assemblymember Mayfield moved to accept the proposed "Selection of Applicants and Interview Questions, Nos. 5 through 9."

MOTION: Assemblymember Mayfield moved to withdraw his motion.

VOTE: The motion passed without objection.

MOTION: Assemblymember Colligan moved to include a question "Has the applicant read the Alaska Public Offices Commission (APOC) requirements."

MOTION: Assemblymember Colligan moved to withdraw his motion.

VOTE: The motion passed without objection.

MOTION: Assemblymember Colligan moved to schedule half hour candidate interviews with 15 minutes in between each interview.

VOTE: The motion passed without objection.

MOTION: Assemblymember Colligan moved to direct the Attorney and the Clerk to bring back an outline for generating interview questions.

MOTION: Assemblymember Colligan moved a primary amendment by having Assembly Members provide interview questions in advance, to be reviewed by the Borough Attorney.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed without objection.

V. AUDIENCE PARTICIPATION

The following person spoke to concerns with the public process for filling the Assembly District 6 seat: Mr. Eugene Haberman.

VI. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Assemblymember Sykes thanked the Attorney and the Clerk for providing a draft process for filling the eventual vacancy of Assembly District Seat 6.

VII. ADJOURNMENT

The meeting adjourned at 5:26 p.m.

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on December 2, 2014, 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
- Mr. Ronald Arvin, Assembly District No. 3 (*Deputy Mayor*)
- Mr. Steve Colligan, Assembly District No. 4
- Mr. Dan Mayfield, Assembly District No. 5
- Mr. Jim Colver, Assembly District No. 6 (*entered telephonically at 6:50 p.m.*)
- Mr. Vern Halter, Assembly District No. 7 (*entered telephonically at 6:10 p.m.*)

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. Hilary Schwaderer, Administrative Assistant I

III. APPROVAL OF AGENDA

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

MOTION: Assemblymember Sykes moved to take up audience participation immediately preceding unfinished business.

VOTE: The motion passed without objection.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Tim Sweezy, Meadow Lakes Community Council President.

V. MINUTES OF PRECEDING MEETINGS

(There were no minutes presented.)

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports from cities

Wasilla City

Mayor Bert Cottle spoke to the gun show on December 6 and 7 at the Menard Sports Center.

2. Matanuska-Susitna Borough School District

(There was no report provided.)

3. Transportation Advisory Board

Mr. Don Carney reported on the recent activities of the Transportation Advisory Board.

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 spoke to meeting with local legislators regarding the Point MacKenzie rail extension project.

D. ATTORNEY COMMENTS

Mr. Spiropoulos reported on the newly enacted Alaska State Marijuana Initiative.

E. CLERK COMMENTS

Ms. McKechnie:

- spoke regarding the upcoming meeting schedule;
- noted that the agenda for the Joint Assembly/School Board meeting has the incorrect start time; and
- stated that the time will be corrected.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Caswell Lakes RSA Board of Supervisors: 04/14/14
- b. Enhanced 911 Advisory Board: 08/12/14
- c. Greater Talkeetna RSA Board of Supervisors: 08/14/14
- d. Library Board: Resolution Serial No. 14-02
- e. MSB Fish and Wildlife Commission: 08/28/14
- f. Platting Board: 09/04/14
- g. Port Commission: 08/18/14
- h. South Colony RSA Board of Supervisors: 02/12/14, 05/14/14

2. Community Council Minutes:

- a. Chickaloon Community Council: 07/09/14, 08/13/14

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

G. INFORMATIONAL MEMORANDUMS

1. **IM No. 14-255:** Implementation Of A Personal Use Gravel Area Containing 2.5 Acres In Point Mackenzie Area In Accordance With The Natural Resource Management Plan.
2. **IM No. 14-256:** Reporting Of Conclusion Of Contract For Bid No. 13-132B To Western Construction And Equipment, LLC. For Willow Lake Drive Upgrade, For The Final Contract Amount Of \$1,061,422.35.

The informational memorandum was presented and no comments were noted.

(The meeting recessed at 6:55 p.m. and reconvene at 7:05 p.m.)

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke in support of Resolution Serial No. 14-115 and suggested amendments for the legislation: Ms. Sammy Taylor.

The following person requested that the Circle View Estates residents be involved in the land buyout: Ms. R’Nita Rogers.

The following person spoke to concerns with AM No. 14-149 and in support of recycling within the Borough: Mr. Tim Swezey.

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

The following person thanked the Assembly for their support of libraries and spoke to programs that local libraries are implementing: Ms. Jeanne Troshynski.

The following person spoke to concerns with AM No. 14-149 and noted that the community council objected to the easement that is the subject of the legislation: Ms. Cally Leader.

The following person spoke in support of AM No. 14-149: Mr. Gary LoRusso and Mr. Doug Longacre.

The following person spoke to the possibility of industrial hemp being a sustainable agricultural resource for the Borough: Mr. Mike Chmielecki.

The following person spoke to concerns with IM No. 14-255: Ms. Patricia Rosnel.

VII. UNFINISHED BUSINESS

A. **Ordinance Serial No. 14-159:** An Ordinance Amending MSB 15.39.050 And MSB 3.15.215 In Order To Remove Term Limits For The Board Of Adjustment And Appeals And Board Of Equalization. (*Sponsored By Mayor DeVilbiss*)

1. IM No. 14-233

MOTION PENDING: Assemblymember Colligan moved to adopt Ordinance Serial No. 14-159.

MOTION: Assemblymember Sykes moved to postpone Ordinance Serial No. 14-159 to a time certain of January 20, 2014.

VOTE: The motion to postpone failed with Assemblymembers Mayfield, Sykes, and Beck in support.

MOTION: Assemblymember Mayfield moved a primary amendment to Ordinance Serial No. 14-159, by striking the additional language that is bold and underlined in

Sections 2 and 3 and inserting “Board members may serve three consecutive full terms.”

MOTION: Assemblymember Sykes moved a secondary amendment to strike the primary amendment in its entirety and to insert “members expiring in 2014 may have their term extended to December 31, 2015.

VOTE: The secondary amendment failed with Assemblymembers Sykes, Mayfield, and Beck and in support.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

VIII. VETO

A. **Ordinance Serial No. 14-119:** An Ordinance Approving A Supplemental Appropriation Of \$450,000 From The Wasilla-Lakes Fire Service Area Fund Balance, Fund 250, To The Fiscal Year 2015 Wasilla-Lakes Fire Service Area Operating Budget, Fund 250, For Wages And Benefits For Four New Permanent Fire Service Captain Positions. *(Filed by Mayor DeVilbiss 11/25/14)*

1. IM No. 14-175

MOTION: Assemblymember Mayfield moved to override the mayoral veto of Ordinance Serial No. 14-119.

VOTE: The motion to override the mayoral veto passed with Assemblymembers Colver and Colligan opposed.

MOTION: Assemblymember Arvin moved to amend Ordinance Serial No. 14-119, which was previously adopted on November 19, 2014, by reinserting the last whereas clause that was stricken, which reads: “Whereas, the FFII/Captain Positions will be employees who supervise other supervisory employees, these positions will be “exempt” from the MSBEA Bargaining Unit as per Borough Code 2.52.653.”

VOTE: The motion to amend something previously adopted failed with Colligan, Arvin, and Colver in support.

IX. SPECIAL ORDERS

A. PERSONS TO BE HEARD (Three minutes per person.)

The following person spoke regarding

(There were no persons to be heard.)

B. PUBLIC HEARINGS (Three minutes per person.)

1. **Ordinance Serial No. 14-141:** An Ordinance Creating West Mollie's Circle Road Paving Local Improvement District No. 550, 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. 14-235

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 Mayfield moved to adopt Ordinance Serial No. 14-141.

VOTE: The motion passed without objection.

2. **Ordinance Serial No. 14-161:** An Ordinance Approving A Supplemental Appropriation Of \$50,000 From The Greater Willow Road Service Area No. 20 Fund Balance, Fund 276, To The Greater Willow Road Service Area No. 20 Fiscal Year 2015 Operating Budget, Fund 276.
 - a. IM No. 14-240

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. 14-161.

VOTE: The motion passed without objection.

3. **Ordinance Serial No. 14-162:** An Ordinance Approving An Appropriation Of \$83,000 From The Midway Road Service Area No. 9 Fund Balance, Fund 270, To Fund 410, Project No. 30036, For The Midway Road Service Area No. 9 Capital Projects.
 - a. **Ordinance Serial No. 14-163:** An Ordinance Approving A Reappropriation Of \$97,000 From The Midway Road Service Area No. 9 Fiscal Year 2015 Operating Budget, Fund 270, To Fund 410, Project No. 30036, For The Midway Road Service Area No. 9 Capital Projects.
 - (1) IM No. 14-241
 - (2) IM No. 14-242

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 Colligan moved to adopt Ordinance Serial Nos. 14-162 and 14-163.

VOTE: The motion passed without objection.

4. **Ordinance Serial No. 14-164:** An Ordinance Appropriating \$60,000 From The Greater Palmer Consolidated Fire Service Area Fund Balance, Fund 259, To Fund 405, Project No. 45071, For The Purchase Of A Wildland Fire Vehicle And Related Equipment.
 - a. **Resolution Serial No. 14-111:** A Resolution Approving The Scope Of Work And Budget For Project No. 45071 For The Purchase Of A Wildland Fire Vehicle And Related Equipment.
 - (1) IM No. 14-245

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 Beck moved to adopt Ordinance Serial No. 14-164 and Resolution Serial No. 14-111.

VOTE: The motion passed without objection.

5. **Ordinance Serial No. 14-165:** An Ordinance Approving An Appropriation Of \$40,000 From The Knik Road Service Area No. 17 Fund Balance, Fund 274, To Fund 410, Project No. 30040, For The Knik Road Service Area No. 17 Capital Projects.
 - a. IM No. 14-247

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 Mayfield moved to adopt Ordinance Serial No. 14-165.

VOTE: The motion passed without objection.

6. **Ordinance Serial No. 14-166:** An Ordinance Approving A Supplemental Appropriation Of \$10,000 Of Revenues From Public Donations To The Fiscal Year 2015 Animal Care And Regulation Division Operating Budget.
 - a. IM No. 14-248

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 Beck moved to adopt Ordinance Serial No. 14-166.

VOTE: The motion passed without objection.

7. **Ordinance Serial No. 14-167:** An Ordinance Accepting And Appropriating \$600,000 For A Portion Of Grant Funds From The Alaska State Department Of Commerce, Community, And Economic Development For A Willow Fire Service Area Fiscal Year 2015 Designated Legislative Grant Project For Project No. 45282, Fund 405.
 - a. **Resolution Serial No. 14-112:** A Resolution Approving The Scope Of Work And Budget For A Portion Of The Alaska State Department Of Commerce, Community, And Economic Development Grant For Willow Fire Service Area Project No. 45282.
 - (1) IM No. 14-250

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. 14-167 and Resolution Serial No. 14-112.

VOTE: The motion passed without objection.

8. **Ordinance Serial No. 14-168:** An Ordinance Amending MSB 2.71.100, MSB 4.05.040 And MSB 25.15.050(C) To Add A Requirement That Municipal Officials, Candidates For Elective Office And Applicants To Boards And Commissions Disclose Civil And Criminal Judgments Which Are Less Than 10 Years Old. *(Sponsored By Assemblymember Mayfield)*
 - a. IM No. 14-252

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 Mayfield moved to adopt Ordinance Serial No. 14-168.

VOTE: The motion passed without objection.

D. CONSENT AGENDA

1. RESOLUTIONS

a. **Resolution Serial No. 14-113:** A Resolution Establishing Dates Certain For Payment, Delinquency, Protest, And Appeal Of 2015 Regular Assessment And Tax Rolls, Business Inventory Filing, And For The Commencement Of Hearings Before The Board Of Equalization.

(1) IM No. 14-246

b. **Resolution Serial No. 14-114:** A Resolution Authorizing Eminent Domain And Use Of Declaration Of Taking Procedures To Acquire A Property Interest Needed For The South Mack Drive Extension/Clapp Street Improvements Project.

(1) IM No. 14-253

c. **Resolution Serial No. 14-115:** A Resolution Supporting Mid Valley Recycling Grant Application Efforts. *(Sponsored By Assemblymember Halter)*

(1) IM No. 14-258

2. ACTION MEMORANDUMS

b. **AM No. 14-150:** Award Of Request For Proposal 15-042P To Wolf Architecture In The Amount Of \$1,172,075 For The Mat-Su South Gateway Visitor Center Design.

c. **AM No. 14-151:** Award Of Bid No. 15-060B To Triple V Contracting For The Contract Amount Of \$192,100 For The Sutton Ambulance Building Renovation.

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. **AM No. 14-149:** Vacate Any Public Interest In The 33-Foot Wide Road Easement On The East Side Of Lot 1, Dedicated By Plat No. 63-13, Beverly Lake Estates, Excepting The Southerly 36-Foot, Located In Section 26, Township 18 North, Range 2 West, Seward Meridian.

MOTION: Assemblymember Arvin moved to adopt AM No. 14-149.

MOTION: Assemblymember Arvin moved to postpone AM No. 14-149 to a time certain of December 9, 2014.

VOTE: The motion passed without objection.

X. NEW BUSINESS

A. INTRODUCTIONS (For public hearing – 12/16/14, Assembly Chambers)

1. **Resolution Serial No. 14-116:** A Resolution Adopting The Capital Improvement Program For Fiscal Years 2016-2021.
 - a. IM No. 14-197

2. **Ordinance Serial No. 14-169:** An Ordinance Approving An Appropriation Of \$280,000 From South Colony Road Service Area No. 16 Fund Balance, Fund 273, To Fund 410, Project No. 30039, For South Colony Road Service Area No. 16 Capital Projects.
 - a. IM No. 14-254

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 December 16, 2014.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor DeVilbiss requested the following confirmations:

Aviation Advisory Board

Patrick Martin (Term Begins 01/01/15)

Michael Pannone (Term Begins 01/01/15)

Mark Stigar (Term Begins 01/01/15)

Board of Adjustment and Appeals

H. Paul Campbell (Term Begins 01/01/15)

Board of Equalization

David Heier (Term Begins 01/01/15)

Reed Dunn (Term Begins 01/01/15)

Edna DeVries (Term Begins 01/01/15)

Emergency Medical Services Board

Alaina Anderson (Term Begins 01/01/15)

Sandra Hoeft (Remainder of 2014 Term and New Term Begins 01/01/15)

Mia Mangione (Term Begins 01/01/15)

Health and Social Services Board

Judy Gette (Term Begins 01/01/15)

Victoria Knapp (Term Begins 01/01/15)

Jennifer Burkmire (Term Begins 01/01/15)

Library Board

Veronica Cavanaugh (Term Begins 01/01/15)

Local Emergency Planning Committee

William Morrow (Term Begins 01/01/15)

Linda Russell (Term Begins 01/01/15)

MSB Fish and Wildlife Commission

Jehnifer Ehmann (Term Begins 01/01/15)
Office of Administrative Hearings
Karen Jennings (Term Begins 01/01/15)
Parks, Recreation, and Trails Advisory Board
David Palmer (Term Begins 01/01/15)
George Brown (Term Begins 01/01/15)
Sonya Larkey-Walden (Term Begins 01/01/15)
Planning Commission
Vern Rauchenstein (Term Begins 01/01/15)
Platting Board
Marty VanDiest (Term Begins 01/01/15)
Transportation Advisory Board
Beth Fread (Term Begins 01/01/15)
Daniel Elliott (Term Begins 01/01/15)
Wastewater and Septage Advisory Board
Gina Jorgensen (Term Begins 01/01/15)
Michael Campfield (Term Begins 01/01/15)

MOTION: Assemblymember Arvin moved to approve the Mayor's appointments up for confirmation this evening.

VOTE: The motion passed without objection.

C. OTHER NEW BUSINESS

(There was no other new business.)

D. REFERRALS (For referral to the Planning Commission for 90 days or other date specified by the Assembly)

(There were no referrals presented.)

XI. RECONSIDERATION

(There was no reconsideration presented.)

XII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Assemblymember Beck:

- thanked the Planning Commission for their hard work at the December 1 meeting; and
- opined that there should be a board and commission fair to recruit members.

Assemblymember Sykes:

- stated that he will be bringing forward legislation to move audience participation up on the agenda; and

- spoke to the need for the public to be involved in the process and have the opportunity to speak to agenda items before the body takes them up.

MOTION: Assemblymember Sykes moved to amend special meeting agendas so that audience participation is prior to items of business.

VOTE: The motion passed without objection.

Assemblymember Sykes stated that he is looking forward to increasing government transparency and how that can occur, during the January planning session.

Assemblymember Mayfield:

- commended first responders that were out today;
- noted how dangerous the roads are;
- opined that first responders are heroes in his book; and
- noted that the ice on Big Lake is not yet thick enough to be driven on.

Assemblymember Halter stated that he missed being present at the meeting.

Assemblymember Colver encouraged the body that the Ad Hoc Agricultural Committee be set up soon.

Mayor DeVilbiss:

- stated that he is hosting Dr. James Carey, who is the eminent linguist who wrote “Shem Pete’s Alaska;” and
- noted that he will be coming from Fairbanks to do a presentation, Thursday evening at 7 p.m. in the Assembly Chambers.

XIII. EXECUTIVE SESSION

(There was no executive session held.)

XIV. ADJOURNMENT

The regular meeting adjourned at 8:46 p.m.

I. CALL TO ORDER

The special meeting of the Matanuska-Susitna Borough Assembly was held on December 9, 2014, at the Borough Assembly Chamber, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Larry DeVilbiss for the purpose of conducting a joint Assembly/School Board meeting and the consideration of AM No. 14-149.

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
Mr. Ronald Arvin, Assembly District No. 3 (*Deputy Mayor*)
Mr. Steve Colligan, Assembly District No. 4
Mr. Dan Mayfield, Assembly District No. 5
Mr. Vern Halter, Assembly District No. 7

Assembly members absent and excused were:

Mr. Jim Colver, Assembly District No. 6

School Board members present and establishing a quorum were:

Ms. Deborah Retherford, Seat A
Ms. Sarah Welton, Seat B
Ms. Susan Pougher, Seat C
Mr. Ole Larson, Seat D
Ms. Tiffany Scott, Seat E
Dr. Donna Dearman, Seat F

School Board members absent and excused were:

Mr. Ray Michaelson, Seat G

Staff in attendance were:

Ms. Lonnie R. McKechnie, Borough Clerk
Mr. John Moosey, Assistant Manager
Mr. George Hays, Assistant Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Jamie Newman, Borough Deputy Clerk
Mr. Michael Brown, Capital Projects Director
Ms. Cheyenne Heindel, Financial Analyst

III. APPROVAL OF AGENDA

Mayor DeVilbiss:

- inquired if there were any changes to the agenda; and
- related that he received a request to hold a moment of silence honoring the memory of former School Board Member Brian Sullivan before the Pledge of Allegiance.

There was no objection noted.

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

IV. PLEDGE OF ALLEGIANCE

A moment of silence was held in honor of former School Board Member Brian Sullivan.

The Pledge of Allegiance was led by Mr. Nicholas Spiropoulos, Borough Attorney.

V. AUDIENCE PARTICIPATION

The following person spoke to concerns with special meeting packets not being available on the Borough's website and the application of the Alaska Open Meetings Act and the opportunity for the public to be heard at public meetings: Mr. Eugene Haberman.

The following persons spoke to traffic safety concerns with the site plan for the new Iditarod School adjacent to East Carpenter Circle: Mr. Garvan Bucaria; Mr. Alex Ludlum; Ms. Sylvia Stewart; Mr. Alan Hall; and Ms. Pat Gersich.

MOTION: Assemblymember Colligan moved to suspend the rules by amending the agenda to add discussion on the design of the new Iditarod School.

VOTE: The motion passed without objection.

VI. JOINT ITEMS OF BUSINESS

- A. Annual Budget Preliminary Discussion; State Legislative Action Needed
(MSB 2.12.075(A))

Dr. Deena Paramo, Superintendent, spoke regarding the upcoming budget and what would be needed from the State and the Borough.

- B. Ketchikan Gateway Borough Vs. State Of Alaska Regarding Education Funding And The Required Local Contribution

Mr. Spiropoulos, Attorney, provided a report on the Ketchikan Gateway Borough versus the State of Alaska and to the local contribution.

- C. Discussion On The Design Of The New Iditarod School

Mr. Brown spoke to the site plan for the new Iditarod School.

VII. SCHOOL BOARD COMMENTS

School Board Member Welton:

- read a letter aloud commending the Borough's Capital Projects Department for the marked improvement in customer service; and
- related sincere gratitude to the Borough for improving and strengthening the relationship between the Borough and the School District.

School Board Member Welton:

- thanked the Assembly for hosting the joint meeting;
- expressed appreciation for the discussion between the two bodies; and
- expressed happy holidays to all.

School Board Member Larson:

- spoke in appreciation of the candid discussion and cooperation between the Assembly and School Board;
- reiterated comments made by School Board Member Welton commending the Borough's Capital Projects Department for school bond construction activity reports and project tours; and
- wished Merry Christmas and happy New Year to all.

School Board Member Scott:

- thanked Mayor DeVilbiss for appointing her to the Joint Assembly/School Board Committee on School Issues; and
- noted she looks forward to serving on the committee.

School Board Member Retherford:

- thanked the Borough for the transparent communications regarding construction projects funded by school bonds;
- related that because of the improved communication, she is able to respond to questions from the public quickly;
- related that tonight's discussion and public comment emphasizes how important it is to evaluate public outreach efforts as large projects are implemented;
- encouraged attendance at school holiday programs; and
- added that the holiday programs have been compiled into one list for easy access.

School Board Member Dearman:

- related her appreciation in meeting with the Assembly;
- noted she appreciates the discussion that took place about the new Iditarod School;
- thanked the public for coming out to express their concerns with the site plan for the school;
- thanked Mr. Spiropoulos for the information he presented this evening;
- spoke to impending financial challenges in the upcoming budget year; and
- wished a joyous Christmas and wonderful New Year to all.

School Board Member Pougher encouraged attendance at holiday programs in local school.

Mayor DeVilbiss requested to take Assembly comments at this time.

There was no objection noted.

Assemblymember Sykes

- thanked the Assembly and School Board for tonight's meeting;
- opined the meeting was worthwhile;
- spoke to the new Iditarod School site plan issue;
- added that the discussion was constructive; and
- wished everyone a happy holiday and New Year.

Assemblymember Mayfield:

- thanked members of the School Board and Administration for attending tonight's meeting; and
- spoke to the value of public education and good schools.

Assemblymember Halter:

- opined that the Ketchikan case will be stayed;
- noted his hope to fund the School District at last year's level plus three percent; and
- expressed appreciation to Mr. Brown and staff for their work.

Assemblymember Colligan:

- thanked the body for the engaging conversation on site plan issues at the new Iditarod School;
- spoke to fiscal challenges in light of declining oil prices; and
- wished everyone a Merry Christmas.

Assemblymember Beck:

- thanked everyone for attending the meeting;
- stated that he is honored to be part of the discussion as we strive to have the best school system possible in Alaska;
- complimented Palmer High School and the School District for the way the situation was handled today at Palmer High School; and
- spoke favorably about music programs at local schools in Palmer.

Assemblymember Arvin:

- thanked Mr. Spiropoulos for the information on the Ketchikan case;
- opined that Ketchikan did not sue for principal rather they sued for money;
- expressed his appreciation in meeting with the School Board; and
- wished happy holidays, Merry Christmas, and happy New Year to all.

Mayor DeVilbiss:

- requested that the topic of "Common Core" be added to the next joint Assembly/School Board meeting agenda;
- related he has received calls from parents about the subject; and
- wished Merry Christmas to all.

(The School Board exited the meeting at this time.)

(The meeting recessed at 8 p.m. and reconvened at 8:10 p.m.)

VIII. ASSEMBLY ITEMS OF BUSINESS

- A. **AM No. 14-149:** Vacate Any Public Interest In The 33-Foot Wide Road Easement On The East Side Of Lot 1, Dedicated By Plat No. 63-13, Beverly Lake Estates, Excepting The Southerly 36-Foot, Located In Section 26, Township 18 North, Range 2 West, Seward Meridian.

PENDING MOTION: Assemblymember Arvin moved to adopt AM No. 14-149.

VOTE: The motion passed without objection.

IX. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Mr. Spiropoulos spoke to the appeal process in the Ketchikan case.

Mr. Moosey:

- related that he has been working with Mr. Spiropoulos on the potential opportunity with WesPac; and
- reported that he will be traveling to Fairbanks to meet with State Representative Thompson regarding rail extension and liquefied natural gas (LNG) opportunities.

Ms. McKechnie:

- spoke about the voting and video conferencing system she plans to procure for Assembly Chambers; and
- related her plan to visit the Kenai Peninsula Borough as they are implementing the system she is considering for Assembly Chambers.

X. ADJOURNMENT

The meeting adjourned at 8:20 p.m.

I. CALL TO ORDER

The special meeting of the Matanuska-Susitna Borough Assembly was held on December 16, 2014, at the Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor DeVilbiss for the purpose of conducting a meeting to discuss and possibly take action on Ordinance Serial No. 14-144.

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
Mr. Ronald Arvin, Assembly District No. 3 (*Deputy Mayor*)
Mr. Steve Colligan, Assembly District No. 4
Mr. Dan Mayfield, Assembly District No. 5
Mr. Vern Halter, Assembly District No. 7

Assembly members absent and excused were:

Mr. Jim Colver, Assembly District No. 6

Staff in attendance were:

Ms. Lonnie R. McKechnie, Borough Clerk
Mr. John Moosey, Assistant Manager
Mr. George Hays, Assistant Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Jamie Newman, Deputy Clerk
Mr. Dennis Brodigan, Emergency Services Director
Mr. Terrance Dolan, Public Works Director
Mr. Alex Strawn, Development Services Manager

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. Berkley Tilton, MSB 8.32 Commission Chair.

V. AUDIENCE PARTICIPATION

The following person spoke to the 8.32 Commission: Mr. Eugene Haberman.

The following person spoke to the proposed amendment sponsored by Assemblymember Sykes:
Mr. Berkley Tilton.

VI. UNFINISHED BUSINESS

- A. **Ordinance Serial No. 14-144:** An Ordinance Repealing MSB 8.32, Electrical Generation Facility Or Power Plant; And Adopting MSB 17.06, Electrical Generating And Delivery Facility.
1. IM No. 14-203

PENDING MOTION: Assemblymember Colligan moved to adopt Ordinance Serial No. 14-144.

MOTION: Assemblymember Sykes moved to suspend the rules to engage in discussion with Mr. James Walker; Mr. Chris Rose; Mr. Berkley Tilton; and Mr. Alex Strawn.

VOTE: The motion passed without objection.

MOTION: Assemblymember Sykes moved to postpone Ordinance Serial No. 14-144 to a time certain of January 6, 2015.

VOTE: The motion to postpone passed without objection.

VII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Mr. Moosey reported on the tall structures ordinance.

Mr. Spiropoulos:

- advised that the Ketchikan Gateway Borough filed a reconsideration on the monetary portion of the lawsuit it filed against the State of Alaska; and
- noted that the State's response is due Thursday.

VIII. ADJOURNMENT

The special meeting adjourned at 5:38 p.m.

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on December 16, 2014, 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
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 were:

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. Jamie Newman, Deputy Borough Clerk
Mr. Terrance Dolan, Public Works 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. Sara Jansen, Planner II

III. APPROVAL OF AGENDA

Mayor DeVilbiss:

- inquired if there were any changes to the agenda; and
- advised that Mr. Archie Giddings will not be present to speak to the Aviation Advisory Board under agency reports this evening.

MOTION: Assemblymember Mayfield moved to amend the agenda by removing Ordinance Serial No. 15-001.

VOTE: The motion passed with Assemblymembers Colligan and Arvin opposed.

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ms. Helen Munoz, a member of the audience.

V. MINUTES OF PRECEDING MEETINGS

A. Regular Assembly Meeting: 11/19/14

Mayor DeVilbiss inquired if there were any corrections to the regular meeting minutes of November 19, 2014.

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

1. Reports From Cities

Palmer City

Mr. Joe Hannan, City Manager:

- related that incumbents Hansen and Combs were re-elected to the Palmer City Council in October;
- noted that the Council recently adopted the City's 2015 operating budget;
- added that the budget was adopted without a change in property tax rate;
- related that the MTA Events Center recently reopened after renovations;
- reported that the City has received an offer to purchase three parcels at the Old Glenn Highway adjoining River Front Park;
- spoke to Colony Days activities; and
- wished Merry Christmas and happy New Year to all.

Wasilla City

Mayor Bert Cottle:

- related that the Christmas Friendship Dinner will take place in Wasilla at the Menard Sports Center on December 25, from 11 a.m. to 3 p.m.;
- spoke to the New Year's fireworks display at Iditapark in Wasilla; and
- wished Merry Christmas to all.

2. Matanuska-Susitna Borough School District

(There was no report provided.)

3. ~~Aviation Advisory Board~~ Archie Giddings

4. Alaska State Department of Environmental Conservation - Cindy Gilder

Ms. Gilder:

- spoke to the water body recovery plan designed to improve water quality in Cottonwood Creek;
- related Cottonwood Creek is polluted due to excessive and persistent fecal coliform bacteria;
- spoke to sources of the pollution; and
- requested that the Borough help to inform the public about the recovery plan.

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:

- spoke to meetings held with stakeholders in the WesPac liquefied natural gas project;
- noted he will be meeting with staff from the Alaska State Office of Project Management and Permitting;
- related that Borough staff is compiling a grant status report to be shared with Alaska State Legislators; and
- added that he will be meeting with Jim Whitaker, Chief of Staff to Governor Walker.

D. ATTORNEY COMMENTS

Mr. Spiropoulos:

- related that he has been working with Ms. McKechnie on the process for filing the eventual vacancy in Assembly District 6;
- spoke to the Ketchikan Gateway Borough's lawsuit against the State of Alaska over the state's local contribution education funding mandate;
- related that Ketchikan filed a motion for partial reconsideration on the monetary portion of the lawsuit; and
- added that he will keep the Assembly apprised of developments in the case.

E. CLERK COMMENTS

Ms. McKechnie spoke regarding the proposed process for filling the eventual vacancy in Assembly District 6.

MOTION: Assemblymember Colligan moved to direct the Clerk to start pre-advertising based on what is in the packet and to adopt the revisions made to the process as provided in the packet.

VOTE: The motion passed without objection.

MOTION: Assemblymember Halter moved that each Assembly Member be entitled to ask each applicant two questions during the interview process.

VOTE: The motion passed without objection.

MOTION: Assemblymember Mayfield moved that the sample interview questions drafted by the Clerk and Attorney be included in the application packet.

VOTE: The motion failed with Assemblymember Mayfield in favor.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Big Lake RSA Board of Supervisors: 05/29/14
- b. Board of Adjustment and Appeals: 10/01/14
- c. Local Road Service Area Advisory Board: 09/18/14
- d. MSB Fish and Wildlife Commission: 09/25/14
- e. Parks, Recreation, and Trails Advisory Board: 09/22/14
- f. Platting Board: 09/18/14
- g. Transportation Advisory Board: 09/24/14
- h. West Lakes FSA Board of Supervisors: 08/11/14

2. Community Council Minutes:

- a. North Lakes Community Council: 03/27/14, 05/29/14
- b. Point MacKenzie Community Council: 07/17/14
- c. Talkeetna Community Council: 06/02/14, 07/07/14, 08/04/14, 09/02/14, 10/06/14
- d. Trapper Creek Community Council: 08/21/14

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

G. INFORMATIONAL MEMORANDUMS

1. **IM No. 14-259:** Reporting Of Conclusion Of Contract For Bid No. 14-005B To ASRC Civil Construction, LLC In The Final Contract Amount Of \$1,258,647.10 For Hawk Lane Upgrade.
2. **IM No. 14-262:** Reporting Of Conclusion Of Contract For Bid No. 14-029B To Valley General Construction, LLC In The Final Contract Amount Of \$415,066.18 For Sutton Pathway – Glenn Highway To Sutton Elementary School.

The informational memorandums were presented and no comments were noted.

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. **Resolution Serial No. 14-116:** A Resolution Adopting The Capital Improvement Program For Fiscal Years 2016-2021.
 - a. IM No. 14-197

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 Resolution Serial No. 14-116.

MOTION: Assemblymember Sykes moved a primary amendment to IM No. 14-197, National Highway System; Priority Projects, by moving project No. 7 - Knik Arm Crossing, before project No. 9 - Glenn Highway - Moose Creek Canyon Reconstruction - MP 53-56.

Ms. Jansen provided a staff report.

VOTE: The primary amendment failed with Assemblymembers Mayfield, Sykes, and Beck in favor and Assemblymembers Halter, Colligan, and Arvin opposed. (Tie)

vote.) The motion failed with Mayor DeVilbiss invoking his voting privilege in opposition.

MOTION: Assemblymember Halter move a primary amendment to IM No. 14-197, National Highway System; Priority Projects, by moving project No. 7 - Knik-Goose Bay Road Reconstruction, 4 Lane - MP .3-6.8, Centaur to Vine and Parks Highway - Lucus Road to Big Lake Improvements - MP 43.5-52.3 to the No. 1 position and to renumber the remaining projects accordingly.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Arvin moved a primary amendment to IM No. 14-197, General Public Facilities; Project List, by striking the Susitna-Watana Hydro Dam from the project list and inserting Birch Creek Villas - Eight Unit Housing Complex - Phase 2, as project No. 10.

MOTION: Assemblymember Mayfield moved a secondary amendment by striking "Birch Creek Villas - Eight Unit Housing Complex - Phase 2" from the project list.

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment passed as amended without objection.

MOTION: Assemblymember Sykes moved a primary amendment to IM No. 14-197, Residential and Commercial Streets Needs List In Alphabetical Order - Road Service Area Uncertified Road Upgrades - Design Phase, by inserting "Wide discussion on alternate road service area funding be part of the design process." before the last sentence of the paragraph.

VOTE: The primary amendment failed with Assemblymembers Sykes and Beck in favor.

(The meeting recessed at 7:10 p.m. and reconvened at 7:15 p.m.)

MOTION: Assemblymember Beck moved a primary amendment to IM No. 14-197, General Public Facilities Needs List, by striking the "Agriculture Processing and Product Development Center" from the list.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Arvin moved a primary amendment to IM No. 14-197, Community Transportation Program, Priority Projects, by moving the "South Trunk Road Extension" project from No. 6 to No. 1, and to renumber the remaining projects accordingly.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Halter moved a primary amendment to IM No. 14-197, General Public Facilities, Priority Projects, by moving South Gateway Visitors Center as project No. 3 and the South Denali Visitors Center as project No. 9.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

[Clerk Note: During the discussion of the CIP, it was found that the 2015 Legislative Priorities (Resolution Serial No. 14-073) was finalized incorrectly. Corrections have since been made.]

2. **Ordinance Serial No. 14-169:** An Ordinance Approving An Appropriation Of \$280,000 From South Colony Road Service Area No. 16 Fund Balance, Fund 273, To Fund 410, Project No. 30039, For South Colony Road Service Area No. 16 Capital Projects.
 - a. IM No. 14-254

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 Sykes moved to adopt Ordinance Serial No. 14-169.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke regarding the Alaska Open Meetings Act and the laws governing the reasonable opportunity for the public to be heard at public meetings, and the process followed by the Planning Commission related to the permit to Central Monofill Services to operate an inert waste monofill in Palmer: Mr. Eugene Haberman.

The following person wished happy holidays to all, spoke regarding the Borough's 50th Anniversary celebration, and the need for a septage facility: Ms. Helen Munoz.

D. CONSENT AGENDA

1. RESOLUTIONS

- a. **Resolution Serial No. 14-117:** A Resolution Supporting The Development Of A Combined Septage And Leachate Treatment Facility.
 - (1) IM No. 14-261

2. ACTION MEMORANDUMS

- a. **AM No. 14-139:** Authorization Of A Sole Source Purchase From EJ Metals, Inc. In The Amount Of \$688,294 For Two Multi-Purpose Ultra-High Pressure Foam Response Units For Central Mat-Su Fire Department.
- b. **AM No. 14-152:** Approval Of The Road Maintenance and Repair Capital Projects – Summer 2015.
- c. **AM No. 14-153:** Acceptance Of Retroactive And Late Filed Senior Citizen And Disabled Veteran Exemption Applications.
- d. **AM No. 14-154:** Acceptance Of Retroactive And Late Filed Senior Citizen And Disabled Veteran Exemption Applications.

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.

- b. **Resolution Serial No. 14-118:** A Resolution Approving The Financial Responsibility For The M/V Susitna For January, February, And March 2015.
- (1) IM No. 14-263

MOTION: Assemblymember Arvin moved to adopt Resolution Serial No. 14-118.

VOTE: The motion passed with Assemblymembers Colligan and Arvin opposed.

X. NEW BUSINESS

A. INTRODUCTIONS (For public hearing - 01/06/15, Assembly Chambers)

- 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~~
- 2. **Ordinance Serial No. 15-002:** An Ordinance Amending MSB Title 24, Animal Care And Regulation. *(Sponsored By Assemblymembers Beck And Halter)*
 - a. **Ordinance Serial No. 15-003:** An Ordinance Adopting MSB 2.29.090, Animal Forfeiture Appeal Procedures; And Amending MSB 2.29.020 And 2.29.080.
 - (1) IM No. 15-003
 - (2) IM No. 15-004

3. **Ordinance Serial No. 15-004:** An Ordinance Accepting And Appropriating \$20,000 From Intercity Rental Car Corporation For An Inspection And Demonstration Sea Trial Of The M/V Susitna, Fund 530.
 - a. **Resolution Serial No. 15-001:** A Resolution Approving The Scope Of Work And Budget For An Inspection And Demonstration Sea Trial Of The M/V Susitna, Fund 530.
 - (1) IM No. 15-005

4. **Ordinance Serial No. 15-005:** An Ordinance Accepting And Appropriating A Grant In The Amount Of \$25,000 To Fund 435, Project No. 10060, From The Rasmuson Foundation For The Geothermal Heating System For The Willow Community Center.
 - a. **Resolution Serial No. 15-002:** A Resolution Approving The Scope Of Work And Amended Budget For The Geothermal Heating System For The Willow Community Center.
 - (1) IM No. 15-007

5. **Ordinance Serial No. 15-006:** An Ordinance Authorizing The Matanuska-Susitna Borough To Issue Areawide General Obligation Bonds, In One Or More Series, To Refund Certain Outstanding General Obligation Bonds Of The Borough; Fixing Certain Details Of Such Bonds; And Authorizing Their Sale.
 - a. IM No. 15-009

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 January 6, 2015.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor DeVilbiss requested the following confirmations:

Board of Ethics
 Dan Kennedy (term begins 01/01/15)
 Borough Area School Site Selection Committee
 Matthew Beck
 Sarah Welton (term begins 01/01/15)
 Emergency Medical Services Board
 Christian Hartley (term begins 01/01/15)
 Historical Preservation Commission
 Shawna Theodore (resignation)
 Selena Ortega-Chiolero (resignation)
 Labor Relations Board
 Toni Bluel (resignation)
 MSB Fish and Wildlife Commission

Andrew Couch (term begins 01/01/15)
Planning Commission
Thomas Healy (term begins 01/01/15)
Port Commission
Jordan May (term begins 01/01/15)
Caswell FSA No. 135
Larry Cline (term begins 01/01/15)
Central Mat-Su FSA No. 130
David Eller (term begins 01/01/15)
Greater Palmer Consolidated FSA No. 132
Barry Mothershead (term begins 01/01/15)
West Lakes FSA No. 136
William Browne (term begins 01/01/15)
Rae Arno (term begins 01/01/15)
Willow FSA No. 35
Derral Goodbee (term begins 01/01/15)
Alpine RSA No. 31
George Rauscher (term begins 01/01/15)
Big Lake RSA No. 21
Jill Parson (term begins 01/01/15)
Caswell Lakes RSA No. 15
Larry Cline (term begins 01/01/15)
Fairview RSA No. 14
Richard Buzby (term begins 01/01/15)
Greater Butte RSA No. 26
Michael Shields (term begins 01/01/15)
Greater Talkeetna RSA No. 29
William Fitzgerald (term begins 01/01/15)
Greater Willow RSA No. 20
Jim Norcross (term begins 01/01/15)
Lazy Mountain RSA No. 19
Raymond Cordes (term begins 01/01/15)
Meadow Lakes RSA No. 27
Michael Fulton (term begins 01/01/15)
Midway RSA No. 9
Daniel Tucker (term begins 01/01/15)
South Colony RSA No. 16
Daniel Monarch (term begins 01/01/15)
Chase Trail Service Area No. 134
Mike Wood (term begins 01/01/15)

MOTION: Assemblymember Arvin moved to approve the Mayor's appointments and resignations up for confirmation this evening.

VOTE: The motion passed without objection.

C. OTHER NEW BUSINESS

(There was no other new business.)

D. REFERRALS (For referral to the Planning Commission for 90 days or other date specified by the Assembly)

(There were no referrals presented.)

XI. RECONSIDERATION

(There was no reconsideration presented.)

XII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Ms. McKechnie wished Merry Christmas and happy New Year to all.

Mr. Spiropoulos wished Merry Christmas to all.

Mr. Moosey:

- extended a blessed holiday season to all;
- thanked the Assembly for a successful year;
- spoke to infrastructure improvements by the Borough that will impact future generations;
- opined that customer service has improved at the Borough;
- added that the improvements begin and end with the Assembly; and
- expressed excitement about the upcoming year.

Assemblymember Colligan

- extended a Merry Christmas to all;
- spoke to the legacy of Assemblymember Colver on the Assembly;
- extended best wishes to Assemblymember Colver as he begins his tenure as a member of the Alaska House of Representatives; and
- expressed condolences to Assemblymember Colver on the recent passing of his mother Ms. Della Berry.

Assemblymember Beck:

- complimented staff for the work on the Capital Improvement Program (CIP);
- spoke favorably about the amendments made to the CIP by the Assembly;
- thanked members of the Planning Commission for their hard work;
- thanked the public for their involvement in the public process;
- thanked Mayor DeVilbiss for appointing him to the Borough Area School Site Selection Committee;
- extended best wishes to Alaska State Representative-Elect Colver; and
- wished Merry Christmas to all.

Assemblymember Halter:

- wished a Merry Christmas to all, particularly those in Assembly District 7; and
- expressed appreciation to staff for their hard work this past year.

Assemblymember Mayfield:

- spoke to the ribbon cutting he attended for Public Safety Building 5-1;
- added that Station 5-1 is a great facility;
- expressed his appreciation of emergency responders;
- spoke to legislation that he intends to sponsor to amend the fee schedule to reduce the rate charged for meetings held in public libraries;
- spoke to the incorporation process of Big Lake as a second class city;
- related that the Alaska State Local Boundary Commission does intend to recommend incorporation; and
- spoke in support of the Borough transferring existing road service area funds to the city of Big Lake should the annexation be approved by the voters.

Assemblymember Sykes:

- stated that he enjoyed the special Assembly meeting and the discussion that took place on Ordinance Serial No. 14-144;
- noted that he is looking forward to discussing Assembly priorities on January 24; and
- wished everyone a Merry Christmas and a great New Year.

Assemblymember Arvin:

- spoke to Ordinance Serial No. 15-001 and getting it back on a future meeting agenda;
- noted that he looks forward to debating the merits of the legislation; and
- wished everyone a Merry Christmas and a happy New Year.

Mayor DeVilbiss:

- spoke to his experience with items being pulled from the agenda during approval of the agenda; and
- asked Assemblymember Mayfield why he made the motion to remove Ordinance Serial No. 15-001 from the agenda.

Assemblymember Mayfield:

- noted that the Big Lake Community Council came out in opposition to Ordinance Serial No. 15-001;
- opined that the application submitted by Alaska Scholastic Clay Target Program did not provide detailed information about their plan to develop a competitive shotgun course and small-bore rifle range;
- noted that he has concerns about noise abatement, projectile protection, trail protection, and the impact to neighboring residential areas; and
- related that he is not necessarily opposed to the idea, but would like more information included in the application.

Mayor DeVilbiss wished Merry Christmas to all.

XIII. EXECUTIVE SESSION

(There was no executive session held.)

XIV. ADJOURNMENT

The regular meeting adjourned at 7:55 p.m.