

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 20, 2015

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF AGENDA

IV. PLEDGE OF ALLEGIANCE

V. MINUTES OF PRECEDING MEETINGS

A. Regular Assembly Meeting: 01/06/15

VI. REPORTS/CORRESPONDENCE

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

1. Reports From Cities
2. Matanuska-Susitna Borough School District

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee On School Issues
2. Joint MSB Assembly/MOA Assembly Transportation Subcommittee
3. Assembly Public Relations

C. MANAGER COMMENTS

- 1. State/Federal Legislation
- 2. Strategic Planning Issues

D. ATTORNEY COMMENTS

E. CLERK COMMENTS

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:

- a. Aviation Advisory Board: Resolution Serial Nos. 14-006, 14-007
- b. Greater Talkeetna RSA Board of Supervisors: 10/09/14
- c. MSB Fish and Wildlife Commission: 10/23/14, 10/28/14
- d. Planning Commission: Resolution Serial Nos. 14-35, 15-01(AM)
- e. Platting Board: 10/02/14
- f. Transportation Advisory Board: 09/17/14, 10/22/14, Resolution Serial Nos. 14-10, 14-11

2. Community Council Minutes:

- a. Big Lake Community Council: 08/12/14, 10/14/14, 11/11/14
- b. Point MacKenzie Community Council: 08/14/14

G. INFORMATIONAL MEMORANDUMS

VII. UNFINISHED BUSINESS

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.)

- 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,

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. 8-65

pp. 66-142
Arvin

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

And Authorization For The Manager To Negotiate The Sale (MSB006977).

a. IM No. 15-001

pp. 143-147
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.

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. 148-149

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

pp. 150-158
Sykes

C. AUDIENCE PARTICIPATION (Three Minutes Per Person.)

D. CONSENT AGENDA

1. RESOLUTIONS

a. **Resolution Serial No. 15-006:** A Resolution To Request Clarification From The State Of Alaska On Ballot Measure 2, The Legalization Of Marijuana. *(Sponsored By Mayor DeVilbiss)*
(1) IM No. 15-020

pp. 159
Arvin
Will be provided
after the 1/15/15
Public Forum

b. **Resolution Serial No. 15-007:** A Resolution Establishing A Marijuana Advisory Committee. *(Sponsored by Assemblymember Sykes)*
(1) IM No. 15-028

pp. 160-165
Sykes

2. ACTION MEMORANDUMS

a. **AM No. 15-008:** Award Of Bid No. 15-073B To Valley General Construction, LLC. In The Contract Amount Of \$154,185 For Labor, Equipment And Materials To Construct 1,150 Linear Feet Of Lighthouse Drive Near Big Lake.

pp. 166-170
Mayfield

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

X. NEW BUSINESS

A. INTRODUCTIONS (For public hearing - 02/03/15, Assembly Chambers)

pp. 171-175
Arvin

1. **Ordinance Serial No. 15-013:** An Ordinance Accepting And Appropriating \$15,220.54 From Matanuska Telephone Association To Fund 440, Project No. 20323, For Upgrading And Enhancing The Telecommunications And Information Services Within The Matanuska-Susitna Library Network.
 - a. IM No. 15-021

pp. 176-191
Arvin

2. **Ordinance Serial No. 15-014:** An Ordinance Amending MSB 15.39.010, Definitions; Amending MSB 15.39.270, Notice Of Appeals; Form; MSB 15.39.300, Preparation Of The Record; Notice Of Hearing Date; MSB 15.39.310, Written Argument And Evidence On Appeal; MSB 15.39.320, Appeal Hearing; MSB 15.39.340, Decision; MSB 15.39.350, Judicial Review; And Adopting MSB 15.39.360 Judicial Review.
 - a. IM No. 15-023

pp. 192-229
Arvin

3. **Ordinance Serial No. 15-016:** An Ordinance Amending MSB 17.125, Definitions; And MSB 17.60 Conditional Uses; And Adopting MSB 17.67, Tall Structures, Including Telecommunication Facilities, Wind Energy Conversion Systems, And Other Tall Structures.
 - a. IM No. 15-024

pp. 230-272
Colver

4. **Ordinance Serial No. 15-017:** An Ordinance Authorizing and Approving A Loan From the United States Department of Agriculture In An Amount Not To Exceed \$6,700,000 For The Purpose Of Providing For All Or A Portion Of the Cost Of Acquiring, Construction, Enlarging, Improving, And/Or Extending Fronteras Spanish Immersion Charter School.
 - a. **Ordinance Serial No. 15-018:** An Ordinance Authorizing And Approving A Lease Of Borough Property To Fronteras Spanish Immersion Charter School For A Term Of 40 Years With An Estimated Annual Payment Of \$396,000 With The Exact Terms, Conditions, And Provisions As Necessary And Advisable To Secure A Loan From The United States Department Of Agriculture And Provide For Repayment Of The Loan.

pp.273-275

- b. **Ordinance Serial No. 15-019:** An Ordinance Appropriating \$500,000 From The Areawide School Site Acquisition Reserve, Fund 100, To Fund 400, Project No. 40202, For Access Improvements To The Future Fronteras Spanish Immersion Charter School And To The

pp. 276-278

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

Mat-Su Day School, And For Utilities For Fronteras Spanish Immersion Charter School. *(Sponsored By Assemblymembers Colver, Beck, and Arvin)*

- (1) IM No. 15-027
- (2) IM No. 15-025

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

pp. 279-292
Colver

- 1. **Ordinance Serial No. 15-007:** An Ordinance Creating North Sorrelwood Natural Gas Local Improvement District No. 509, Approving The Improvement Plan For The District, Authorizing The Manager To Proceed With The Improvement, And Assessing Equally Among The Properties Within The District The Costs Of The Improvement.
 - a. IM No. 15-011

pp. 293-303
Mayfield

- 2. **Ordinance Serial No. 15-008:** An Ordinance Creating A Portion Of Waxwing Street Natural Gas Local Improvement District No. 535, Approving The Improvement Plan For The District, Authorizing The Manager To Proceed With The Improvement, And Assessing Equally Among The Properties Within The District The Costs Of The Improvement.
 - a. IM No. 15-012

pp. 304-314
Colligan

- 3. **Ordinance Serial No. 15-009:** An Ordinance Creating West Coghlan Circle Natural Gas Local Improvement District No. 557, Approving The Improvement Plan For The District, Authorizing The Manager To Proceed With The Improvement, And Assessing Equally Among The Properties Within The District The Costs Of The Improvement.
 - a. IM No. 15-013

pp. 315-325
Mayfield

- 4. **Ordinance Serial No. 15-010:** An Ordinance Creating A Portion Of Dawn Lake Drive Natural Gas Local Improvement District No. 559, Approving The Improvement Plan For The District, Authorizing The Manager To Proceed With The Improvement, And Assessing Equally Among The Properties Within The District The Costs Of The Improvement.
 - a. IM No. 15-014

C. MAYORAL NOMINATIONS AND APPOINTMENTS

pp. 326-350

- 1. VACANCY REPORT

D. OTHER NEW BUSINESS

A D D I T I O N	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. 351-354

Arvin

1. **Resolution Serial No. 15-008:** A Resolution Accepting The Resignation Of Assemblymember Colver And Declaring The District 6 Assembly Seat Vacant.
 - a. IM No. 15-026

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

XI. RECONSIDERATION

XII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

XIII. EXECUTIVE SESSION

XIV. ADJOURNMENT

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

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

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CLERKS OFFICE

MATANUSKA-SUSITNA BOROUGH
AVIATION ADVISORY BOARD
RESOLUTION SERIAL NO. 14-006

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH AVIATION ADVISORY BOARD ENCOURAGING THE BOROUGH ASSEMBLY TO REQUEST THE GOVERNOR'S OFFICE AND ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES TO PROVIDE INCENTIVES, OPPORTUNITIES AND FUNDING AT THE NORTHWAY AIRPORT THAT WILL ATTRACT BUSINESSES THAT PROVIDE AVIATION SUPPORT & FUEL FOR AIRCRAFT FLYING TO AND FROM ALASKA.

WHEREAS, Northway Airport is a critical fuel stop link for personal and business aircraft travelling from the Lower 48 through Canada to Alaska; and

WHEREAS, there is currently no fuel available to aircraft at Northway Airport; and

WHEREAS, the lack of fuel reduces the amount of economic activity/business occurring in Alaska due to aviation travel; and

WHEREAS, there are no facilities at this time. We request the ADOT&PF install an airport fueling station at the airport that could either be owned, managed and operated by the ADOT&PF or an adequately prepared contractor; and

WHEREAS, environmental damage has been done over decades and requiring contractors to clean up is cost prohibitive to providing contractors the opportunity to participate at that location. We request the ADOT&PF remove the requirement in the lease for contractors to clean up any existing fuel, oil and other environmental problems at the Northway Airport; and

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Aviation Advisory Board respectfully encourages the Borough Assembly to request the Governor's Office and Alaska Department of Transportation and Public Facilities to provide incentives at the Northway Airport that will attract businesses

that provide aviation support and fuel for aircraft flying to and from Alaska.

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



Archie Giddings, CHAIRMAN

ATTEST:

Debbie Passmore
Debbie Passmore, Secretary

MATANUSKA-SUSITNA BOROUGH
AVIATION ADVISORY BOARD
RESOLUTION SERIAL NO. 14-007

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH AVIATION ADVISORY BOARD ENCOURAGING THE BOROUGH ASSEMBLY TO REQUEST FUNDING FROM THE FEDERAL HIGHWAY ADMINISTRATION FOR AVIATION CROSSING WARNING LIGHTS ON THE PARKS HIGHWAY AT THE WILLOW AIRPORT TO IMPROVE SAFETY.

WHEREAS, Willow Airport, a state-owned facility is split by the Parks Highway, part of the National Highway System; and

WHEREAS, aircraft on floats land on Willow Lake and are towed across the Parks Highway year round for maintenance and for float removal and attachment; and

WHEREAS, there are no warning lights on the highway to warn travelling vehicles that aircraft and slow moving tow vehicles with aircraft are crossing the highway; and

WHEREAS, the Federal Highway Administration has a highway safety program that could fund this safety improvement.

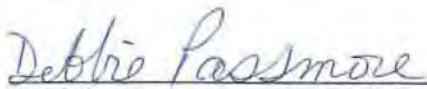
NOW, THEREFORE, BE IT RESOLVED that the Matanuska-Susitna Borough Aviation Advisory Board respectfully encourages the Borough Assembly to request funding from the Federal Highway Administration for aviation crossing warning lights on the Parks Highway at the Willow Airport to improve safety.

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



Archie Giddings, CHAIRMAN

ATTEST:



Debbie Passmore, Admin. Support

**Greater Talkeetna Road Service Board of Supervisors
Minutes of Regular Meeting
October 9, 2014**

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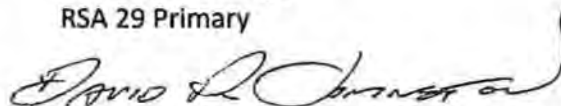
A regular meeting of the Greater Talkeetna Road Service Area Board of Supervisors (RSA 29) was held at the Talkeetna Fire Hall on October 9, 2014. Board members John Strassenburgh and Billy FitzGerald were present. Mike Lachelt, Borough Road Superintendent, also attended.

- I. There was a quorum, and the meeting was called to order at 7:02 pm.
- II. Minutes of the August 14, 2014 meeting were discussed, but the physical printed copy could not be located. It has since been located and approved. It was noted that our September 11, 2014 meeting was cancelled due to lack of a quorum.
- III. The first item of business was the pending amendments to MSB Assembly Ordinance 14-108, which would waive registration fees on vehicles that are 8 years or older and non-commercial trailers. In order to assess the financial impact of the proposed action, the Board reviewed and discussed the Ordinance and the attached financial spreadsheets. The Board noted that the proposed amendments restored much of the monies that had been removed from the RSA allocation in the original version of 14-108. However, the pending amendments would cause dust control money to be reduced by one third from current levels, and by more than half from previous levels. This lesser amount would stay stable for a number of years and then go to zero. The Board was also concerned about the implications of reducing to zero the Area-wide revenue allocation. The Board voted to write a letter to the Assembly to express these concerns and urge the Assembly to NOT ADOPT Ordinance 14-108. However, if 14-108 is adopted, it should only be after the pending amendments have first been adopted.
- IV. The Board then discussed next year's CIP. RSA 29 has no additional funds from the budget process, but does have monies left over from the 2014 CIP, together with the \$30,000 state grant, which provide in excess of \$60,000 for projects. After much discussion of RSA 29 finances, the Board voted unanimously to fund calcium chloride purchase and application on 2 miles of high traffic gravel roads. Our CIP also recommends that the remaining funds be spent to recondition gravel roads, primarily, but not exclusively, using the rock crushing operation.
- V. The meeting was adjourned at 8:20 pm.

Respectfully submitted,



John Strassenburgh
RSA 29 Primary



Matanuska-Susitna Borough
FISH AND WILDLIFE COMMISSION
Thursday, October 23, 2014 6:00pm

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MINUTES

I./II CALL TO ORDER/ROLL CALL

The meeting was called to order at 6:02pm by Larry Engel at MSB in Palmer. Quorum was established with five members present: Larry Engel, Howard Delo, Ben Allen, Andy Couch and Jehnifer Ehmann. Bruce Knowles arrived at 6:15. Also present: Ray Beamesderfer (phone), Peggy Merritt (phone) and Frankie Barker.

III. APPROVAL OF AGENDA

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

IV. MINUTES OF PRECEDING MEETING

Jehnifer made a motion to approve the minutes with Howard seconding. The minutes from September 25, 2014 were approved.

V. CORRESPONDENCE/ ANNOUNCEMENTS

Frankie reminded everyone about the upcoming Salmon Symposium on November 18 and 19. Registration closes on October 28. Commissioners suggested that invitations be sent to the Assembly, the Governor's Fisheries Advisor Ben Mohr, and the Board of Fish. Jehnifer indicated that the Mat Valley AC meeting will be held on November 19 at 6:00pm at the Wasilla HS theater.

VI. PERSONS TO BE HEARD

Howard talked to Todd Rinaldi at the ADF&G office in Palmer about the southcentral Board of Game meeting to be held in Wasilla next spring. Community harvest and sheep hunting are both hot button issues for the BOG. Todd would like to know FWC's position on these issues. Howard made a motion that Todd be asked to come to the November FWC meeting. Jehnifer seconded and the motion was approved.

VII. BOF MEETING REPORT (October 15 & 16)

Larry, Jehnifer and Howard attended the two day workshop meeting of the Board of Fisheries in Juneau, October 15 & 16. Bruce reported that he has gotten positive feedback about their attendance and that the money to send them was well spent. The Board of Fisheries did not accept ACR 20 which would have reconsidered decisions from the February UCI meeting. They also decided to hold the 2017 UCI BOF meeting in Anchorage despite a considerable effort by Kenai groups to have it located on the Kenai Peninsula.

Two of the BOF members, Sue Jeffrey and Orville Huntington indicated that they would like to come to the Mat-Su this summer to see the area. Bruce suggested setting up trips for them with lodging and fishing trips.

Larry and Jehnifer met with Borough Manager John Moosey on October 18 to discuss their Juneau trip. They asked that there be funds set aside for the FWC travel in the budget. John said he would cover travel expenses for this year and would support funding in next year's budget. Frankie will draft a letter to the Assembly asking for travel funds for FWC in the FY2016 budget.

VIII. FISH RESEARCH RFP (R2)

Ray and Peggy with R2 Resource Consultants gave an overview of the latest draft of the *Research, Monitoring and Evaluation Plan* (October 21) developed to outline the project objectives, strategies and process. Commissioners discussed the title of the plan and decided to call it the *Mat-Su Salmon Research, Monitoring and Evaluation Plan for Upper Cook Inlet*. Ray indicated that the commissioners will be asked to prioritize the goals and objectives in the report. It was suggested that a subcommittee be held to do that after the Data Gap report comes out in early December. Peggy suggested a meeting date of December 16th for the subcommittee and January 13 & 14 for the stakeholders meeting. Andy and Bruce will be out of state after mid- December. Invites to stakeholders will need to go out soon. Frankie distributed a fact sheet about the project. It was suggested that she do an announcement at the Salmon Symposium about the project.

IX. SEASON UPDATE WITH ADF&G (October 28, 2014)

The meeting is scheduled for Tuesday, October 28 at the Wasilla LIO at 6:00pm. Commissioners suggested putting together questions for ADF&G to send prior to the meeting. Andy repeated questions that he had previously sent around by email for comments. Larry suggested a question about managing small stocks and one about reliability of Kenai sonar count. Howard proposed a question about how ADF&G is going to reverse declines for Susitna/Yentna sockeye. Bruce suggested a question about a coho escapement goal for the Susitna. Questions will need to be sent to Frankie on Friday the 24th in order to be submitted to ADF&G before the meeting.

X. FEDERAL DISASTER FUNDS

Frankie reported that the checks for 454 commercial fisherman have been issued out of the 481 who were eligible. The grant application to provide compensation for sportfishing businesses and research is still under review. Bruce indicated that he wanted to contact Senator Murkowski about the sportfishing compensation. Andy made a motion to approve Bruce contacting the Senator. Howard seconded the motion. The motion was approved.

XI. LEGISLATOR TRAINING

Frankie indicated that the commission will have 1-2 hours on November 24 from 1:00-3:00 at the Wasilla LIO after the Legislator and Assembly meeting. Bruce suggested contacting legislators in Anchorage and Eagle River about the meeting. Howard made a motion to approve Bruce contacting Anchorage area legislators. The motion was seconded by Larry and approved. Larry offered to work with Patty Sullivan to prepare a slide show. No decision was made on who would present.

XII. UCI SALMON TRENDS REPORT

There was no report from Northwestern Resource Consultants (Mac Minard) on the project.

XIII. TALKEETNA BOAT LAUNCH

Bruce has been talking to Representative Wes Keller about getting funding to improve the boat launch in Talkeetna. ADF&G is proposing a project to fix the situation but still needs to get floodplain permits from MSB.

XIV. COMMISSION APPOINTMENTS

Ben, Andy and Jehnifer's terms are up at the end of December. The Clerk's office is encouraging everyone to send in their applications as soon as possible. Jehnifer has already turned in her application.

XV. 2015 MEETING SCHEDULE

Frankie distributed a 2015 calendar and showing meetings on the third Thursday of each month except for June, July and August. The central area Board of Game meeting in Wasilla will be held February 13-21. The southcentral area BOG meeting will be held on March 13-17.

XVI. MEMBER COMMENTS

Larry asked about the open meetings requirements requiring public notice of meetings of three or more commissioners. Frankie asked the Clerk's office about subcommittees and they indicated that subcommittees are able to meet without public notice since their decisions come back to the full group. Howard made a motion that a group of three or fewer commissioners are designated as subcommittees. Larry seconded. The motion was approved.

Jehnifer asked about the Jim Creek coho numbers. She saw more fish but they were harder to catch. Andy indicated that he was concerned about Little Susitna fishing below the weir. He said that he may be teleconferencing the next two months while out-of-state. Bruce indicated that he may not be able to get to meetings in person due to medical issues since he has difficulty driving at night. Jehnifer offered to give him rides. Larry suggested to invite two new people, Matt Miller and Tim McKinley to a FWC meeting.

XVII. ADJOURN

Meeting was adjourned at 9:00pm.


BRUCE KNOWLES, Chair

ATTEST:


FRANKIE BARKER, Staff

Matanuska-Susitna Borough
FISH AND WILDLIFE COMMISSION
Thursday, October 28, 2014 6:00pm

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MINUTES

I. INTRODUCTIONS

The meeting was called to order at 6:02pm by Larry Engel at the Wasilla Legislative Information Office. Quorum was established with six members present: Larry Engel, Howard Delo, Ben Allen, Bruce Knowles, Andy Couch and Jehnifer Ehmann. Jim Colver arrived at 6:25pm.

Also present: Sen. Charlie Huggins, Rep. Mark Neumann, Rep. Bill Stoltz, Rep. Cathy Tilton, Rep. Lynn Gattis (7:00pm), John Wood, Rex Shattuck, Jody Simpson, Frankie Barker, Terry and Joan Nininger, Roland Maw and ADF&G staff - Sam Ivey, Tom Vania, Tim McKinley, Matt Miller, Tim Baker, Pat Shields, Ben Mulligan, Andy Barclay, Chris Habicht, Nick DeCovich; and members of the public.

II. APPROVAL OF AGENDA

The agenda was approved.

III. 2014 SEASON SUMMARY

Pat Shields, ADF&G Area Management Biologist with Division of Commercial Fisheries, presented harvest numbers for 2014. He noted that based on the 2014 BOF decision, they fished drifters in the expanded corridor. Their objectives were to reduce harvest of kings and follow the management plan for sockeye. There were many restrictions on Kenai king sportfishing due to low numbers. He indicated that there is no official forecast for 2015 but they expect 5M sockeye (Kenai & Kasilof) and low numbers for kings. They don't do forecasts for cohos. Pat distributed copies of the *2014 Upper Cook Inlet Commercial Salmon Fishery Season Summary*, *Drift Gillnet Commercial Salmon Harvest chart*, and a letter addressed to Jack Erickson from Mark Willette (September 29, 2013) regarding sockeye salmon passage.

Sam Ivey, ADF&G Mat-Su Area Management Biologist with Sportfishing Division, spoke about the sportfishing results in the Mat-Su. ADF&G started out conservative with a goal to provide opportunity throughout full season. Fish Creek sockeye dip net fishery was opened for the first time in five years. Overall, 8 of 17 goals were achieved for kings. They were able to reduce restrictions on coho due to strong returns. He noted that there are no coho goals for the Susitna drainage.

The Fish and Wildlife Commission submitted questions to ADF&G prior to the meeting. Andy read the questions aloud and ADF&G staff responded. Questions included coho goals for Deshka and Susitna, Kenai sonar counts, king salmon management, Susitna-Yentna sockeye SOC, future SOC's, 2015 sportfish changes and 2015 commercial changes.

IV. MAT-SU RESEARCH PROJECTS

ADF&G Genetics staff reported on the second year of collections. They were able to get more samples due to extra help. Larry Engel indicated that FWC is willing to assist with funding if they know what's needed. He asked for a progress report on the genetics research.

V. 2015 LEGISLATIVE PRIORITIES

Jim Colver indicated that the Assembly has asked for \$2M for fisheries in their 2015 legislative priorities. He suggested showing legislators what's been done with funds already received. Commissioners will discuss 2015 priorities more in depth at their next regular meeting.

VI. MEMBER COMMENTS

Bruce stated that this summer was the start of a new type of management with terminal fisheries. Andy asked about the Little Su weir and coho goals. Larry commented on the expanded corridors and aerial counts of boats. Howard suggested that ADF&G needed to improve communications about management decisions. Bruce suggested that letters of appreciation be sent to BOF members who are up for reappointment.

VII. PUBLIC COMMENTS

Members of the public asked about pike suppression programs and other fisheries problems.

XVII. ADJOURN

Meeting was adjourned at 9:35pm.


BRUCE KNOWLES, Chair

ATTEST:


FRANKIE BARKER, Staff

By:	Alex Strawn
Introduced:	December 1, 2014
Public Hearing:	January 5, 2015
Action:	Adopted

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 14-35**

A RESOLUTION RECOMMENDING MODIFICATIONS TO THE PROPOSED TALL STRUCTURES ORDINANCE TO BE CONSISTENT WITH RECENT CHANGES IN FEDERAL REGULATION.


WHEREAS, The Planning Commission recently adopted Reso. 14-18(AM), recommending revisions to MSB tall tower regulations; and

WHEREAS, since adoption of Reso. 14-18(AM) (October 21, 2014), the Federal Communications Commission issued a report and order (FCC 14-153) adopting rules to implement and enforce Section 6409(a) of the Middle Class Tax Relief and Job Creation act of 2012; and

WHEREAS, the commission conducted a public hearing and considered this issue on January 5, 2015.


NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends adoption of the tall structures ordinance to include changes that ensure conformance with federal law.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 5th day of January, 2015.



JOHN KLAPPERICH, Chair

ATTEST



MARY BRODIGAN, Planning Clerk
(SEAL)

PASSED UNANIMOUSLY: Healy, Klapperich, Walden, Kendig, Adams, and Rauchenstein.

By:
Action:

Alex Strawn
Adopted

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 15-01(AM)**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION ADOPTING FINDINGS OF FACT AND CONCLUSIONS OF LAW TO SUPPORT THEIR FAILURE TO APPROVE PLANNING COMMISSION RESOLUTION 14-33.

WHEREAS, Planning Commission Resolution 14-33 recommended approval of a conditional use permit, subject to conditions, for the operation of an inert material monofill on parcels 17N02E18C010 and 17N02E19B006, within Township 17 North, Range 2 East, Sections 18 and 19, Seward Meridian; and

WHEREAS, on December 1st and 15th, 2014, the Planning Commission held a public hearing on Resolution 14-33; and

WHEREAS, the Planning Commission's vote on the motion failed to garner a majority vote on December 15, 2014 which constitutes denial of the conditional use permit; and

WHEREAS, comments received regarding the proposed monofill raised the following concerns:

- Material has been dumped without MSB or ADEC permits
- Hazardous waste could end up in the landfill
- Trash was dumped in the water
- Water pollution
- Health problems
- Pollution of surrounding lakes
- Protection of watershed and aquifer
- Windblown unhealthy dust and particulates from the monofill, including asbestos
- Contamination of water wells

- Windblown materials/debris onto surrounding properties
- Previous problems with gravel extraction on this property and rising water table
- Breach of berm between two of the manmade lakes and impact on surrounding water levels
- Lack of oversight and planning
- Applicant's disregard for regulations
- Lack of CMS's ability to manage and provide oversight of the facility
- Failure to reclaim the property
- Contamination of soil
- Lowering of property values
- Visual impacts to the Glenn Highway, a Scenic Byway
- Threat to migratory and breeding birds
- How the redesign of the Glenn Highway will affect this site
- Rising water levels of nearby lakes
- Improper handling and disposal of asbestos
- Depositing of lead based paint, mercury and heavy metals in the monofill
- Close proximity to residential area
- Contamination of fish in Canoe, Kepler-Bradley Lake system
- Inconsistent with comprehensive plans
- Highway safety and access issues; and

WHEREAS, Goal LU-1 of the Borough-Wide Comprehensive Plan (2005 Update) is to *Protect and enhance the public safety, health, and welfare of Borough residents;* and

WHEREAS, Policy LU1-1 Borough-Wide Comprehensive Plan (2005 Update) is to *Provide for consistent, compatible, effective, and efficient development within the Borough;* and

WHEREAS, Goal LU-2 of the Borough-Wide Comprehensive Plan (2005 Update) is to *Protect residential neighborhoods and associated property values;* and

WHEREAS, Policy LU2-1 of the Borough-Wide Comprehensive Plan (2005 Update) is to *Develop and implement regulations that protect residential development by separating incompatible uses, while encouraging uses that support such residential uses including office, commercial and other mixed-use developments that are shown to have positive cumulative impacts to the neighborhood; and*

WHEREAS, Goal LU-3 of the Borough-Wide Comprehensive Plan (2005 Update) is to *Encourage commercial and industrial development that is compatible with residential development and local community desires; and*

WHEREAS, Policy LU3-1 of the Borough-Wide Comprehensive Plan (2005 Update) is to *Develop and implement regulations that provide for non-residential development; and*

WHEREAS, Goal LU-4 of the Borough-Wide Comprehensive Plan (2005 Update) is to *Protect and enhance the Borough's natural resources including watersheds, groundwater supplies and air quality; and*

WHEREAS, Policy LU4-1 of the Borough-Wide Comprehensive Plan (2005 Update) is to *Identify, monitor, protect, and enhance the quantity and quality of the Borough's watersheds, groundwater aquifers, and clean air resources; and*

WHEREAS, Goal CQ-1 of the Borough-Wide Comprehensive Plan (2005 Update) is to *Protect natural systems and features from*

the potentially negative impacts of human activities, but not limited to, land development; and

WHEREAS, Policy CQ1-2 of the Borough-Wide Comprehensive Plan (2005 Update) is to *Manage activities affecting air, vegetation, water, and the land to maintain or improve environmental quality, to preserve fish and wildlife habitat, to prevent degradation or loss of natural features and functions, and to minimize risks to life and property; and*

WHEREAS, this site is located within the boundary of the Core Area Comprehensive Plan (2007 Update) boundary; and

WHEREAS, Policy 1-B of the Land Use Goal within the Core Area Comprehensive Plan (2007 Update) is to *Promote an orderly land use pattern suited to the demand for attractive settings in which to live, work, shop, learn, play, and carry on other daily activities; and*

WHEREAS, Policy Discussion related to policy 1-B within the Core Area Comprehensive Plan (2007 Update) states *As the Core Area's population grows - it is forecast to double by 2025 and absorb most of the remaining vacant land in the Core Area - the limited vacant land supply must provide a balanced supply of well-located sites for homes, businesses, private and public institutions, industry, parks and recreation, public improvements, and other purposes. The plan needs to provide a place for every permitted land use, but not all land uses go*

well side-by-side. Some uses such as residences and open space or retail trade and service business are usually compatible and enhance each other. Others, like heavy industrial activities and residential subdivisions, make poor neighbors and are best separated by distance or buffers; and

WHEREAS, Goal 7 of the Core Area Comprehensive Plan (2007 Update) is to *Protect and conserve the natural resources that support the well-being of residents and the region's tourism and recreation economy; and*

WHEREAS, Policy 7-A of the Core Area Comprehensive Plan (2007 Update) is to *Protect groundwater supplies and quality; and*

WHEREAS, Policy Discussion related to policy 7-A of the Core Area Comprehensive Plan (2007 Update) states *Many existing and future residences and businesses will depend on on-site groundwater resources for their water supply. Protection of the supply and quality of groundwater is vital to sustain this arrangement; and*

WHEREAS, Policy 7-B of the Core Area Comprehensive Plan (2007 Update) is to *Protect surface water quality; and*

WHEREAS, Policy Discussion related to policy 7-B of the Core Area Comprehensive Plan (2007 Update) states *The Core Area's many lakes are valuable natural and economic assets. They provide an attractive setting for residential development,*

enhance property values, support a variety of public and private recreational activities, and provide natural habitat, absorb runoff. These lakes are linked to streams and wetlands with similar positive values. The borough's existing program of lake management plans already provides some protection for surface water quality; and

WHEREAS, the Alaska Department of Environmental Conservation has not approved a permit for this development, as proposed; and

WHEREAS, the previous use of this site was for earth materials extraction. There are pre-existing legal nonconforming use rights for earth materials extraction for this property, which means that the industrial use was not approved under the current regulatory structure or evaluated for compatibility with surrounding land uses; and

WHEREAS, The proposed monofill is an industrial use and is an incompatible use with the surrounding residential areas as there is the possibility of contamination of drinking water wells and surrounding lakes within the area; and

WHEREAS, the underlying water table level is subject to significant fluctuations resulting from adjacent land use activities including the spill way located on the property and the dredging operation immediately to the north; and

WHEREAS, the Middle Pond on the site is unable to reach its predevelopment equilibrium when surface water is diverted out of the Middle Pond, as is currently occurring through the spillway; as testified by Charlie Cobb, State Dam Safety Engineer for the Water Resources Section of the Department of Natural Resources; and

WHEREAS, water levels in the three gravel pit ponds on site tend to sit at three different elevations and are acutely related to surface connections, but also related to groundwater levels in the vicinity or vice versa; as testified by Charlie Cobb, Dam Safety Engineer; and

WHEREAS, the embankments between the three surface ponds of the gravel pits, and possibly the surrounding shoreline, may not be dynamically stable due to the liquefaction potential of silt and sand soils in the vicinity; as testified by Charlie Cobb, Dam Safety Engineer; and

WHEREAS, as conveyed by the Department of Natural Resources Water Resources Section, the continued diversion of surface water and the integrity of the dam at the site are unresolved; and

WHEREAS, the applicant has not addressed how they will monitor or manage the seasonal high water table fluctuations to ensure that the bottom of the monofill is not annually saturated by groundwater; and

WHEREAS, a hydrologic report submitted to the Borough early in 2014 predicts a potential 2-foot water table rise resulting from dredging operations adjacent to the proposed monofill site to the north; and

WHEREAS, contaminants from the monofill will likely travel to surrounding drinking water wells and lakes; and

WHEREAS, a hydrology report within the record conveys that there is a high risk of water table contamination due to leachate; and

WHEREAS, the CMS hydrologists (Maddox & Associates) used annual precipitation and evaporation rates, which ignores the fact that precipitation at the site is not evenly spread throughout the year; and

WHEREAS, JA Munter Consulting Inc. cited a recent USGS study which characterizes the site as transitional between maritime and continental climates and the USGS estimates that 1.4 inches of water per year will recharge groundwater at this site, which equates to more than one million gallons of water, which is a significant volume of water to percolate through the waste material and enter the groundwater system; and

WHEREAS, as proposed, the monofill will be unlined with no system to capture, treat, or monitor polluting leachate which is likely to leave the site; and

WHEREAS, soils in the area of the monofill site are very

porous loose gravels and glacial loess, and offer little or no filtering capacity for fluids being emitted or drained from the fill. Without a liner, a ten foot separation is not sufficient to prevent leachate from reaching the water table, thus increasing the risk of contamination of the water resources in the area; and

WHEREAS, the monofill is designed to have water flow through the construction debris with an average hydro conductivity of approximately 2.0×10^{-2} cm/second, as determined by an engineering report submitted by the applicant; and

WHEREAS, contaminants typically found in groundwater surrounding construction and demolition landfills include cadmium, lead, iron, manganese, several chlorinated volatile organic compounds, sulfate, hydrogen sulfide, and TDS (Total Dissolved Solids). In addition, chromium and arsenic are found if chrominated copper arsenate-treated wood is disposed in the landfill; and

WHEREAS, there is the potential for the construction and demolition monofill to undergo spontaneous combustion or to catch fire by other outside sources. In the event that the material catches fire, a common method for fire suppression is application of copious amounts of water and foam, which could

leach into the water table and cause dramatic and sudden increase of polluting leachate; and

WHEREAS, the applicant did not propose a water quality monitoring program as part of the application; and

WHEREAS, the applicant has not provided a plan for remediation should the water table be polluted beyond safe drinking water levels; and

WHEREAS, as proposed, it is not possible to set conditions to adequately protect the groundwater and aquifer from anticipated negative effects of the monofill; and

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby adopts the aforementioned findings of fact and makes the following conclusions of law supporting denial of Planning Commission Resolution 14-33:

1) the commission cannot find that this conditional use permit will preserve or not detract from the value, character, and integrity of the surrounding area as required by 17.60.100(B)(1); and

2) the commission concludes that it cannot find that this conditional use permit will not be harmful to the public health, safety, convenience, and welfare as required by 17.60.100(B)(2); and

3) the proposed monofill is inconsistent with the goals and policies of the Borough-Wide Comprehensive Plan (2005 Update) and the Core Area Comprehensive Plan (2007 Update) because the monofill is an industrial use that is incompatible with the neighboring residential areas.

BE IT FURTHER RESOLVED that this is a final determination which may be appealed in accordance with MSB 15.39.140 by filing a written notice of appeal with the Borough Clerk within 21 days from the date this determination was issued. If an appeal is not filed as described in the preceding sentence, the right to appeal is forfeited.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 5th day of January, 2015.



JOHN KLAPPERICH, Chair

ATTEST:



MARY BRODIGAN, Planning Clerk

(SEAL)

YES: Endle, Healy, Walden, and Adams.

NO: Klapperich and Rauchenstein.

The regular meeting of the Matanuska-Susitna Borough Platting Board was held on October 2, 2014, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 8:30 A.M. by the Vice Chairman, Mr. Ralph Buzard.

1. CALL TO ORDER

A. ROLL CALL AND DETERMINATION OF QUORUM (by Secretary)

Platting Board members present and establishing a quorum:

- Mr. Jay Van Diest, District #1
- Ms. Diana Sorensen, District #2
- Mr. Stan Gillespie, District #3 (Excused Absence)
- Mr. David Robinson, District #4
- Mr. Tait Zimmerman, District #5
- Ms. Katie Cruthers, District #6 (Chairman) (Excused Absence)
- Mr. Ralph Buzard, District #7 (Vice Chairman)
- Mr. Marty Van Diest, Alternate 1
- Dr. Sarah Buck, Alternate 2, not needed

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Staff in attendance:

- Mr. Paul Hulbert, Platting Officer
- Ms. Sloan Von Gunten, Administrative Secretary
- Ms. Peggy Fowler, Platting Technician

B. THE PLEDGE OF ALLEGIANCE

- The pledge of allegiance was led by Mr. David Robinson.

C. APPROVAL OF THE AGENDA

The Vice Chairman, Ralph Buzard inquired if there were any changes to the agenda

MOTION:

- Mr. Robinson moved to approve the agenda, seconded by Mr. Zimmerman.

GENERAL CONSENT: The agenda was approved without objection.

2. APPROVAL OF MINUTES

MOTION:

- Mr. Zimmerman moved to approve the minutes for September 18, 2014, seconded by Mr. Jay Van Diest.

GENERAL CONSENT: The minutes were approved without objection.

3. UNFINISHED BUSINESS

4. PUBLIC HEARINGS

A. LAKEVIEW TERRACE

Sloan Von Gunten (Secretary)

- Stated that 63 public hearing notices were mailed out on September 11, 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.
- Would like change the wording to Recommendation #8 and #9.

Ralph Buzard (Vice 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.

Cliff Baker (Petitioner's Representative)

- Gave a brief explanation on the action being taken.
- Agrees with all recommendations.

MOTION:

- Mr. Robinson moved to approve the master plan with a variance to MSB 43.20.140, physical access, A05.5 engineering criteria (c) curves less than 350' and (d) tangent less than 100' for Lakeview Terrace, with modifications to recommendations #8 & #9, seconded by Ms. Sorensen.

RECOMMENDATIONS:

- Modify #8: Provide as-built of slopes after road construction and show on final plat a slope easement for those cut & fill slopes outside the 60' wide rights-of-way.
- Modify #9: Dedicate a 60' wide Public Use Easement over the existing Old Burma Road/W Marion Dr. at the southeast corner of Tract A.

VOTE:

- The motion passed with all in favor. There are 11 findings.

TIME: 8:59 A.M.

CD: 00:28:05

5. MISCELLANEOUS

A. **Presentation by Planning on the Multi-Family Ordinance.**

- Lauren Driscoll gave a presentation on Borough Zoning and SpUDs.

6. RECONSIDERATIONS/APPEALS

7. **PERSONS TO BE HEARD**

8. **PLATTING OFFICER COMMENTS**

- The platting board hearing for October 16 has been canceled.
- The next platting board hearing is on November 6, 2014.
- Lauren Driscoll from the planning department will continue her presentation next month on the multi-family ordinance to the platting board.
- The Secretary will e-mail more information on the upcoming APA meeting to the platting board.

9. **BOARD COMMENTS**

- No Comments.

Adjourned 9:33 A.M.

CD: 01:01:41



Katie Cruthers, Chairman

Ralph Buzard, Vice Chairman



Sloan Von Gunten, Administrative Secretary

I. CALL TO ORDER

The Off Road Vehicle Work Session of the Matanuska-Susitna Borough Transportation Advisory Board was held on Wednesday, September 17, 2014, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 3:00 pm.

II. ROLL CALL AND DETERMINATION OF A QUORUM

Transportation Advisory Board members present and establishing a quorum were:

- Mr. LaMarr Anderson
- Mr. Rick Besse
- Mr. Don Carney
- Mr. Dan Elliott
- Ms. Beth Fread
- Mr. John Moosey
- Mr. Kenneth Walch
- Ms. Sonya Walden – joined at 3:12

Transportation Advisory Board members absent and excused were:

- Mr. Jim Rowland

Staff and Agency Representatives in attendance were:

- Mr. Brad Sworts, MSB Pre-Design Manager
- Mr. Michael Weller, MSB Traffic Technician
- Ms. Debbie Passmore, Administrative Secretary

III. AUDIENCE INTRODUCTION

- Gregory Nielson
- Katherine Hummel
- Eugene Haberman

IV. APPROVAL OF AGENDA

MOTION: Ms. Beth Fread moved to approve today's agenda; Mr. Dan Elliott seconded. Discussion. Mr. Ken Walch wants to add an item that will address the work products that will come out of this session. Ms. Beth Fread wants to insert those above the New Business.

VOTE: The agenda was unanimously approved as amended without objection.

V. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Don Carney

VI. APPROVAL OF MINUTES OF PRECEDING MEETING

- A. None

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VII. AGENCY AND STAFF REPORTS

A. Nick Spiropoulos, MSB Attorney

- Thinks we should invite someone here from DMV to address the “Alaska’s ATV Law” handout in today’s information packet. ATV’s should be registered @ AS 28.10.011; definition of highway @ 28.90.990(13); roadway @ 28.90.990(23). 28.01.010: all provisions are applicable in all municipalities.
- Brings the question to us: how are we to enforce laws that we may pass. Code Compliance Officers only enforce Planning Department issues.
- Dan asked how snowmachines rate on this issue. Snowmachines must be registered @ AS 28.39.010.
- Sonya responded with an answer. DMV.com says snowmachines are to be registered unless they are operated only on private property.
- Ken, is it correct to think that the vehicle must be registered but the drivers do not have to be licensed? Yes, that’s what the statutes say.
- Ken also asked what do the ... do they fall under the description of a highway? Nick said not necessarily. Public use trails are not maintained; section line easements are governed by different rules; public use easements, that would depend on the scope of the easement and who the grantor is.
- Subdivision roads are under the Matanuska-Susitna Borough rules.
- Ownership of easements and rights-of-way will be the issue as to who can make the rules. But the Alaska Statutes will still rule.
- Nick again stressed that DMV should be here to share their knowledge and authority to explain the rules and why they are the way they are.
- Rick asked that we include the City of Houston and the City of Wasilla, too. The City of Wasilla would have the power to outlaw ATV’s in their City but the Borough can’t.
- LaMarr: does the Borough have any rules concerning ATV’s? No, only the rules of encroachment because the ATV’s are ruining the property. But that is difficult to identify and enforce.
- Beth: discussed the resolutions that the TAB has passed in the past. Also, as the State has recognized the villages that only offer ATV & snowmachine travel. It is a complicated issue and has been brought up and dropped many times in the past.
- Nick: as it pertains to trails – if we say it is no longer a trail ...
- Don: who enforces the rule breakers?
- Nick: many times, social media. Then we sue them for the damage.
- Don: we don’t see Troopers pulling ATV’s or snowmachines over and many times the Troopers just go by them. Agrees that we need to check with DMV to see what their policy is for violators.
- Nick: many times rules are open to interpretation so it would be a good idea to have DMV or the Dept. of Public Safety can explain it differently, he’s not going to second guess that.
- Don: what I’m understanding is that we have no enforcement agency except through the Troopers and we have no ordinance addressing ATV’s or off road vehicles. It appears that the State doesn’t enforce the Statute as it’s written. So what is there that the TAB can do to help correct some of the issues that are very prevalent?
- Nick: we have to find out what the problems are, then get the right people from the right agencies to come and explain how issues are handled. We can recommend ideas but they are only recommendations.

- Beth: I think as we get further into these issues we'll see that we've pretty much discussed all of this in the past.

B. Allen Kemplen, ADOT&PF

- The State has designed boardwalks for ATV's to transport sewage.
- On the road system for folks in the Borough, we are guided by 13 AAC 02.455 (it is in our info packet). They are legal within that framework.
- The deputy commissioner states that the dept. will not prepare and maintain a dedicated snowmachine or off highway pathway.
- We place signs when we can to protect our existing assets.
- Don: who enforces those policies?
- Allen: moving vehicles are controlled by DMV, then traffic is controlled by the State Troopers and the local police, depending on the location.
- Beth: how does the dept define "highway"?
- Allen: an improvement within the row to move vehicles.
- Beth: does your definition match what Nick said?
- Allen: we have all different definitions depending on location, etc.
- Brad: many of our subdivision roads intersect with state roads. The use of ORV's within the state corridors and cause deteriorations of the pavement. Is the Borough to make improvements to the side slopes to the approaches?
- Allen: it's unofficial.
- Brad: do we need to send an official request to the commissioners' office to protect our approaches within the dot row to solve those problems?
- Allen: that would be one approach. It would be sent to the Public design folks to look at.
- Rick: would the same hold true for a driveway permit? Subdivisions typically go in without a driveway permit. The asphalt gets damaged so we would want to include that in there also.
- Allen: indeed (passed out and discussed 5 photos of damage caused by ATV's.) We are aware of these issues. How do we address them? It's a challenge. The Forest Service has guidelines that they have established. Many others states have these problems, also. Brought forward a booklet from Wisconsin. There has been a lot of work at the Federal level for Alaska rural infrastructure.
- Allen: one of the things that appears to be a regular pattern of how others have dealt with ATV use questions the laws, the uses, etc. We try to look at our framework to see what do we want to establish regarding atv use? What type of design standards and where? Then how do we address that? Engineering, education and enforcement need to be considered. The Borough is so big, there is no one solution. Do we focus on the core area and allow different on the outside?
- Rick: what's the enforcement on the traffic areas on the KGB?
- Allen: the KGB has double traffic fines, enforced by the Troopers. But their priorities are the vehicles. There is a highway safety safety plan that we have to follow. In there, we have had participation from ATV user groups, the health community, etc.
- Rick: if we did something like that, the dust is such a safety issue. Is there some way that we can put an enforcement sign up that there are no ATV's allowed in the Safety Zone? If so, what would we need to do to do that?
- Allen: Yes, I think that is possible. The challenge is that the Troopers are in a vehicle and an ATV is off road; how does he chase him down? When the ATV

takes off, he leaves the Trooper behind. The solution would be that the Troopers need to buy, equip, maintain and ride ATV's.

- Sonya: what about the Troopers on motorcycles?
- Allen: most are on big Harleys but maybe they could be on dirt bikes.
- Rick: the dust is just as dangerous as driving down a dirt roadway.
- Allen: the key is education. Troopers could be on the trails all decked out and it wouldn't take long before people are educated and control their behavior. It comes back again where do we want to establish this?
- Ken: would like to hear what Mr. Moosey has to say.

C. John Moosey, MSB Manager

- John: we got a map showing the accidents.
- Listen to the tape
- What are the purposes for the ATV? It could be much better for residents if the user groups would police themselves.
- The enforcement issues will be a huge challenge. We are the size of West Virginia and we have three enforcement officers. Doesn't see extra time for the Troopers to get involved with ORV's.
- We can't ban them.
- We need to get involved with the ORV community but getting them together is hard.
- Don: The TAB has presented resolutions in the past to support funding for a study for a solution to the ORV use issues. Nothing has ever come from those resolutions. As an advisory group, that's what we're limited to. Other than that, no one seems able to do anything.
- John: How about the TAB pick the resolutions apart and establish our priorities.? He will come up with the funding for the study.
- Beth: wants to discuss this more before we make any decisions.

VIII. PRESENTATIONS *(Ten minutes per presentation)*

A.

IX. AUDIENCE PARTICIPATION

A. Gregory Nielson, from the Butte. My driveway is two of the pictures that Allen brought us. Roadway damage, dust, speed,

B. Kathy Hummel. Appreciates the TAB taking on this issue but believes this is a State issue.

C. Eugene Haberman. Is concerned about the time that this meeting is being held; thinks it is too early and that's why there's no one from the public is here. Is also concerned that we got information during the presentation that the public did not receive. Is also concerned that the City of Palmer and the City of Wasilla and the Assembly all held meetings at the same time; that makes it impossible for someone to attend each meeting.

X. UNFINISHED BUSINESS

Ken: this is a huge problem that we've tried to tackle before. Thinks that the TAB needs to be realistic with what its expectations are. Is concerned that we're going to be

mired down. Thinks we have two options: we can attempt to solve the issues or we can try to get the information together and put together a summary of what needs to be addressed to solve the problems. Before we get too far down either path, we should have a discussion about what the TAB wants to do.

Beth: Her first meeting with the TAB was an off road vehicle work shop. We spent six-eight months with spreadsheets and lots of people from both sides but this board was not able to address any of the issues. Recommends that we advise the Mayor, Manager and the Assembly to form a Blue Ribbon Task Force to give them some guidance. Especially when we are slated to grow to 450,000 people in the next 30 years.

MOTION: Ms. Beth Fread moved that we ask staff to draft a resolution to send to the Planning Commission that the Mayor, Manager and the Assembly to form a Blue Ribbon Task Force. Seconded by Mr. Dan Elliott. Discussion. Ken would like to see if there are some things that we can accomplish to be part of the solution before we abandon the issue. There are three things: conduct public hearings to gather information; once we have that, we can do a summary of regulations and policy; then we can take a position.

Rick: we should also get the user groups here. Let's see if they agree that there's a problem and discuss how they are going to control and police themselves.

Dan: thinks that the three things Ken is suggesting are the same things Beth wants the Blue Ribbon Task Force to address. We really aren't capable of handling all of the different laws, etc. and would favor Beth's approach.

LaMarr: Dan echoed what he's thinking. Perhaps the funding that John mentioned would support the Blue Ribbon Task Force.

Beth: the idea of a resolution does not need to be limited to one line. The Mayor's task force can be comprised in any way we want it to be comprised and formed by the Mayor. They can determine their own meeting dates and times. Does not believe that the TAB can accomplish any more than we did last time.

Ken: Beth makes some good arguments. Thinks it's important for the Borough administration and the Assembly to know that we're concerned about this. If that can be put together, it sounds like it would be more powerful than the TAB. This is one of the major Borough concerns. I will support Beth's motion but if it falls on deaf ears, hopes it will come back to us.

Beth: The Assembly has been extremely supportive. At this time the administration has expressed an interest in having something like this happen. If we have someone from the TAB speak to the different groups about the resolution, the Assembly will most likely support it.

VOTE: no objections and the motion passes. Mr. Don Carney asked that we get staff's help to write the Resolution, and that it includes that we want two members of the TAB to be on the Task Force and wants a list of volunteers from the TAB

who want to be on the Task Force. Believes this is the best, most effective way to go. Asks that we work with Beth.

John: when it comes to the Assembly, it would be good for some support from the TAB.

Rick: is it possible to have the resolution by our next meeting?

Beth: no, the agenda is already set.

John: the next Assembly meeting is in mid-October.

Beth: not urgent that we have it at the next Assembly meeting.

Discussion about when our next ORV meeting will be held solely to discuss the resolution to create the blue ribbon task force.

MOTION: move that we extend the meeting for 10 minutes.

VOTE: 5 yeases; Ms. Sonya Walden had to leave. The motion to extend the meeting passes.

MOTION: LaMarr moved that we review the ORV resolution at the regular TAB meeting on October 22 before our visit to the Transportation Fair tables; Mr. Dan Elliott seconded.

VOTE: Dan, yes
Rick: yes
LaMarr: yes
Ken: yes
Beth: no, doesn't believe 20 minutes will be enough time. Discussion.
Brad: will draft the resolution and send it to the Board. Don't respond to each other but respond back to me.

MOTION: Ms. Beth Fread moved that we reconsider the motion; Mr. Ken Walch seconded.

VOTE: No objections. The motion that the ORV resolution be considered at the next TAB meeting on October 22 passes.

XI. NEW BUSINESS

A. None

XII. UPCOMING MEETING REMINDERS

A. None scheduled

XIII. MISC. INFORMATIONAL HANDOUTS AND COMMUNICATIONS

A. TAB Resolution 12-12, Supporting Funding for a Study of Off Road Vehicle Use in the Matanuska-Susitna Borough Right of Way

B. Proposed Off Road Vehicles Request for Proposals – Scope of Work for Research (Summer 2012)

C. TAB Resolution 12-03, recommending Assembly provide program funds for evaluation of ATV use and impacts within highway corridors

D. TAB Resolution 09-02, recommending Assembly program funding for evaluation of ATV use in highway corridors and requesting ADOT&PF matching planning study funds

E. TAB Resolution 06-10, urging the Borough to adopt a policy that reserves and dedicates existing trails within rights-of-way and section line easements that are used for multiple purposes

F. Statute for Snow Machine and Other Off Highway Vehicles

G. Pictures of damage caused by ATV's

H. Guidelines for Engineering Analysis of Motorized Mixed Use on National Forest System Roads

I. ATV Route Guideline and Suggestions (A Community Official's Handbook)

J. RTCA Rural Infrastructure (10/22/2007)

K. Mat-Su Off-Road Vehicle Crashes 1998-2011

XIV. COMMENTS FROM THE BOARD

None.

XV. ADJOURNMENT

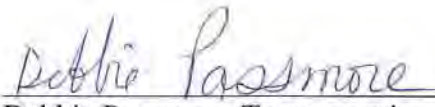
MOTION: Mr. Ken Walch moved, Mr. Rick Besse seconded to adjourn.

With no further business at hand, the meeting was adjourned at 5:09 pm.



Don Carney, Chair

ATTEST:



Debbie Passmore, Transportation Advisory Board Clerk

MATANUSKA-SUSITNA BOROUGH
TRANSPORTATION ADVISORY BOARDREGULAR MEETING MINUTES
Wednesday, October 22, 2014

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Transportation Advisory Board was held on Wednesday, October 22, 2014, at Raven Hall on the State Fair Grounds, 2075 Glenn Highway, Palmer, Alaska. The meeting was called to order at 3:36 pm.

II. ROLL CALL AND DETERMINATION OF A QUORUM

Transportation Advisory Board members present and establishing a quorum were:

Mr. Don Carney
Mr. Dan Elliott
Ms. Beth Fread
Mr. Jim Rowland
Mr. Kenneth Walch
Ms. Sonya Walden

Transportation Advisory Board members absent and excused were:

Mr. LaMarr Anderson
Mr. Rick Besse

Staff and Agency Representatives in attendance were:

Mr. Brad Sworts, MSB Pre-Design & Engineering Manager
Mr. Michael Weller, MSB Traffic Technician
Ms. Debbie Passmore, Administrative Assistant

III. AUDIENCE INTRODUCTION

George Hays, MSB Assistant Manager
Brian Winnestaffer, Chickaloon
Gary Stevig, Chickaloon
Jim Amundsen, ADOT&PF
Eugene Haberman
Jon Hermon, P.E., CRW Engineering Group

IV. APPROVAL OF TODAY'S AGENDA

MOTION: Ms. Beth Fread moved to approve today's agenda; Ms. Sonya Walden seconded.
Discussion.

VOTE: Motion to approve the agenda passed without objection.

V. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Don Carney

VI. APPROVAL OF MINUTES OF PRECEDING MEETING

A. September 24, 2014

MOTION: Mr. Dan Elliott moved to accept the minutes; Ms. Sonya Walden seconded.
Discussion. Mr. Dan Elliott noted a correction on page 2, #IV, #1.

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

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

A. Cities

1. none

B. Tribal Organizations

1. Gary Stevig discussed the resolutions that are included in today's packet. Ms. Beth Fread asked that we put this on next month's agenda so TAB can consider creating a resolution of support. Mr. Ken Walch asked that Gary attend next month's meeting to explain with a presentation. Shall we invite Tom Healy from Palmer to be included in this conversation?

C. MSB Staff

1. none

D. State Agencies

1. none

E. Transit Services

1. none

VIII. PRESENTATIONS *(Ten minutes per presentation)*

A. none

IX. AUDIENCE PARTICIPATION

Eugene Haberman

X. UNFINISHED BUSINESS

Nothing but Mr. Don Carney asked that I remind him to put his and Beth's conversation with Mr. George Hays on next month's agenda.

XI. NEW BUSINESS

A. Staff would like to remind those with expiring TAB positions: Beth Fread, Jim Rowland, Dan Elliott. All are serving their first term and are able to reapply if they wish.

XII. UPCOMING MEETING REMINDERS

A. Our next regular TAB meeting will be November 26, 2014 at the Assembly Chambers beginning at 2:00. Discuss moving the meeting up one week. Debbie will check on the assembly chambers' availability and canvas the board for a quorum. (Note: not enough Board members were able to meet during a time that the Assembly chambers were available a week earlier so the meeting was kept as scheduled.)

XIII. MISC. INFORMATIONAL HANDOUTS AND COMMUNICATIONS

- A. Resolution 140917-03 from Chickaloon Village Traditional Council requesting the Matanuska-Susitna Borough to add a separated pedestrian path along the Glenn Highway between Palmer and Sutton to the Borough's Long Range Transportation Plan.
- B. Items Tentatively Scheduled for Future Planning Commission Meetings, or Administration Actions, and Updates on Planning Commission Items Sent to the Assembly
- C. Next Month's TAB Meeting Deadlines

XIV. COMMENTS FROM THE BOARD

Mr. Ken Walch: discussed criticism regarding our regulations' inability to advance plan issues such as roadways and driveways. Is there any merit to putting together a task force to update some of our planning regulations? He would like to be on that task force.

Mr. Don Carney asked Ken to send him an email with that request. He will check with Eileen Probasco to see if there is anything like that already or if we can create a task force.

Jim – nothing.

Mr. Dan Elliott: seems like we hear that it's not Planning's rules, it's Permitting/Platting's issue. Thinks that needs to be changed. He reported the local RSA Board passed a resolution against the motor vehicle tax change.

Mr. George Hays: discussed the resolution details.

Ms. Sonya Walden: nothing

Ms. Beth Fread: Eileen informed us that they are working on a rewrite to the Subdivision code. Perhaps she could give us an update to that at our next meeting.

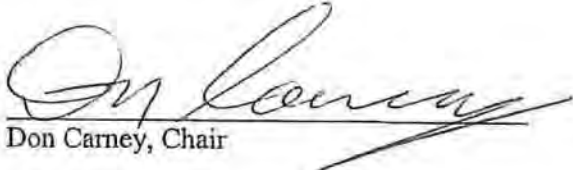
Mr. Don Carney will reach out to her and invite her to the next meeting.

Mr. Don Carney: it's been a very interesting month due to the Matanuska-Susitna Borough resolutions that were recently passed – both the vehicle resolution and the home owner's discount. We are rapidly growing and many good things are happening. Keeping a very positive attitude about our growth but feels we don't want to be like Anchorage.

XV. ADJOURNMENT

MOTION: Ms. Sonya Walden moved to adjourn; Mr. Ken Walch seconded.

With no further business at hand, the meeting was adjourned at 4:06 p.m.


Don Carney, Chair

ATTEST:


Debbie Passmore, Transportation Advisory Board Clerk

MATANUSKA-SUSITNA BOROUGH
TRANSPORTATION ADVISORY BOARD
RESOLUTION SERIAL NO. 14-10

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH TRANSPORTATION ADVISORY BOARD IN SUPPORT OF SELECTION OF THE "FISHBACK" ALIGNMENT AS THE PREFERRED ALIGNMENT FOR PHASE II OF THE SELDON ROAD EXTENSION

WHEREAS, the purpose of the Seldon Road Extension project is to provide improved access to the local community and enhance east-west mobility through the Meadow Lakes area; and

WHEREAS, currently access to Meadow Lakes and mobility through the area is provided by major state roads such as the Parks Highway and Pittman Road; and

WHEREAS, the Meadow Lakes Comprehensive Plan lists the Seldon Road Extension as a top priority for traffic circulation; and

WHEREAS, Phase I of the Seldon Road Extension project is currently under construction and expected to open to public traffic in 2015; and

WHEREAS, the alignment alternatives for Seldon Road Extension Phase II have been evaluated by the Borough's engineering consultants as part of preliminary engineering and environmental analyses and is documented in the "Preliminary Engineering Report, Seldon Road Extension - Phase II"; and

WHEREAS, the "Fishback" alignment, as depicted in the "Preliminary Engineering Report, Seldon Road Extension - Phase II", minimizes the number of impacted private properties as well as the number of access points to private properties, thereby minimizing turning conflicts and associated safety concerns; and

WHEREAS, the "Fishback" alignment is expected to have relatively minor environmental effects, limited to private

property impacts and reasonable wetland impacts,

WHEREAS, the "Fishback" alignment minimizes utility conflicts and relocation requirements; and

WHEREAS, the estimated cost to construct the "Fishback" alignment is comparable to or less than the other alignments considered; and

WHEREAS, the design engineers recommend selection of the "Fishback" alignment as the preferred alignment, and Borough staff concurs; and

WHEREAS, the Preliminary Engineering Report was made available to the public on-line and a public meeting was held in Meadow Lakes on November 13, 2014; and

WHEREAS, the majority of the comments from private property owners who will be affected by the acquisition of right-of-way for the project favor the "Fishback" alignment.

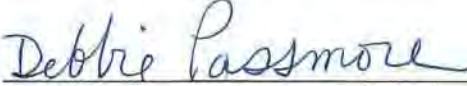
NOW, THEREFORE, BE IT RESOLVED that the Transportation Advisory Board recommends that the "Fishback" alignment be selected as the preferred alignment for Phase II of the Seldon Road Extension.

ADOPTED by the Matanuska-Susitna Borough Transportation Advisory Board this 17th day of December, 2014.



Don Carney, Chair

ATTEST:



Debbie Passmore, Administrative Support

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MATANUSKA-SUSITNA BOROUGH
TRANSPORTATION ADVISORY BOARD
RESOLUTION SERIAL NO. 14-11

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH TRANSPORTATION ADVISORY BOARD IN APPRECIATION OF THE SERVICES OF MR. JIM ROWLAND.

WHEREAS, Mr. Rowland served on the Matanuska-Susitna Borough Transportation Advisory Board from January 1, 2012 to December 31, 2014; and


WHEREAS, Mr. Rowland was a reliable and committed member of the Board; and

WHEREAS, Mr. Rowland's vast knowledge of transportation issues contributed in many ways to discussions before the Transportation Advisory Board; and


WHEREAS, the Board members enjoyed serving with Mr. Rowland as a fellow board member and wish him well.

NOW, THEREFORE, BE IT RESOLVED that the Matanuska-Susitna Borough Transportation Advisory Board expresses its gratitude to Mr. Jim Rowland for having served as a member of the Transportation Advisory Board.

ADOPTED by the Matanuska-Susitna Borough Transportation Advisory Board this 17th day of December, 2014.


Don Carney, Chair

ATTEST:


Debbie Passmore, Administrative Support

Big Lake Community Council
PO Box 520931
Big Lake AK, 99652-0931
www.biglakecommunitycouncil.com
Big Lake Lions Community Rec Center
2939 Lions Court
Big Lake, AK 99652

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General Membership Meeting Minutes

8/12/14

7:00 P.M.

1. Call to Order

President Bill Kramer called the meeting to order at 7:05 P.M. A quorum was established with board members present: Margaret Billinger, Jim Faiks, Carol Kane, Bill Kramer, Dan Mayfield, absent Ina Mueller.

2. Pledge of Allegiance

3. Approved Agenda

A motion by Margaret Billinger and seconded by Jim Hutton passed by unanimous consent to accept the agenda as presented after removing Smoke Free Alaska from the agenda and adding Item 9. Road Service Report – Support a Resolution of the Local Road Service Area Advisory Board RSA 21.

4. Approved Minutes

A motion was passed by unanimous consent to accept the 7/8/14 Minutes as amended to edit RSA Board Member's name - Chris Lofgren and asking the Big Lake Community Council to approve the RSA 21 Resolution.

5. Program: None Scheduled

Shelly Wade provided an overview from the handout "Alaska Clean Water Action Grant Awarded for Big Lake Management Plan Amendment Process." Individuals living within 600 ft. of the shoreline will be receiving a mail out ballot to re-open the Action Plan. Shelly stated this might be an implementation of the 1998 issues. A need might exist for a small group of interested individuals to see if there is a need to identify any revisions or priorities. She continued saying for additional information talk with her after the meeting. Her contact information is Agnew: Beck Project Manager, Shelly Wade, 907 242-5326. shelly@agnewbeck.com, www.agnewbeck.com Additional information will be provided at the next Big Lake Community Council meeting 10/14/14.

Bill Kramer said an item for consideration might be icehouse issues on the lake. He continued saying there is no need to re-invent the wheel by looking at ideas already proposed for community consideration.

Shelly responded saying the process could be cumbersome and would need input for issues to be inserted in the petition.

Bill Kramer noted he has accepted Ina Mueller's request to resign from the Big Lake Community Council effective immediately. According to the Big Lake Community Council By-Laws, the President can appoint a replacement to fill a remaining term. He introduced Yvonne Ruth who previously served on the Board as Treasurer. Upon her formal acceptance, Yvonne was seated on the Board followed by applause from the audience.

6. Persons to be heard: 3 min max.

a. Jill Parson announced on 9/21/14 an Alaska Wild Bird Center Take Flight fundraiser would be held at the Lake Lucille Best Western. There will be live music, special features, wine tasting, and appetizers. She also announced donations are being requested. Tickets are \$55 or 8 Tickets for \$385.

b. Linda Lockhart announced her new retail business has moved into the old Spenard Building on Big Lake Road. She provided an overview of upcoming events to include a movie night with free admission, popcorn and water provided. If lots of children attend the movie will be a children's movie. Another event will be an art show fundraiser for the Senior Center. Artists have been invited to have a "quick draw" then the paintings will be donated as part of the fundraiser. Other scheduled events include West Lakes Fire Department hosting a Haunted House and in December will be an AJ Sims Dinner Show.

c. Bre Reintsma, Principal Big Lake Elementary School provided an update on recent events at the school:

- Go Math is the new math program being implemented
- Hired 2 new staff members who have been former teachers at Big Lake Elementary
- The construction in the K wing has been completed
- Landscaping is getting done
- New carpet will be installed next year
- The ice cream social had lots of attendees
- Current enrollment is only 2 students under projection
- The new reader board outside the building was funded through the bond upgrades

Answering a question posed by Cathi Kramer regarding how can volunteers help with reading, Bre stated once a background check has been complete and approved, volunteers are welcome to assist with reading to the students. Bre said "helping hands" are always welcome.

d. Chuck Kausic, Wasilla Soil and Conservation District Executive Director shared information regarding the waterfront restoration project ATV Salmon Assessment program. The outcome of the project is to assess and quantify ATV degradation. The goal will be to conserve resources by providing one main ATV crossing. Volunteers are invited to assist with the needed work yet

to be completed. He stated this is one more opportunity to acquire additional funding. The Mat Su Borough does get money every year without going through an application process. In his closing remarks Chuck stated he would get information out to all Community Councils through the Trails Committees. Dan Mayfield asked to post the information on the Big Lake Trails Web site. Chuck stated he would send the information to Dan.

7. Reports: 3 minutes max. None

8. Borough Assembly Report None

9. Road Service Area Report Jill Parson

The Mat Su Borough has adopted a five year- multi road contract. This contract will cost more money, the contractor has changed, which requires bonding, and requires equipment for every 25 miles resulting in now having to have five pieces of equipment at an additional cost of \$22,000 /year. Jill stated at the last RSA 21 meeting attended by Committee Members Leo von Scheben, Jill Parson, and Chris Lofgren – Leo said it would be beneficial when roads have legitimate right of ways. An inquiry needs to be made to determine if the Borough has funding for an RFP to determine the right away, which currently is not being followed. An expedited request would need to be submitted indicating the right away is a primary need. A meeting will be held at the Big Lake Library Thursday, 8/21 at 6:00 P.M. where this might be discussed. To accomplish the right of way issues, funding is needed to fund a ½ position to a full time position so the work can move forward in a timely manner.

Following general discussion, a request was made to ask the Big Lake Community Council to support the concept. President Kramer stated information for consideration needs to include but not limited to a set of drawings, overview of right away issues, and a tool to assist the RSA Board regarding the pending projects. Additionally the proposal needs to be formally adopted by the RSA#21 Board.

A motion by Margaret Billinger and seconded by Jim Faiks passed by unanimous consent to have Bill Kramer write a letter of support of Ken Walsh's concept to determine right of ways. CC to write a letter of support of the pending RSA#21 pending resolution.

11. Fire Service Area Report Cathi Kramer

Bill Gamble has indicated there are many Alaskan volunteer firemen who have served on the Funny River Fire. Cathi stated there was a Fire Service meeting last night at which time it was announced the brand new fire truck, after waiting 8 months, has finally arrived and designated to be housed at the West Lakes Fire Station. Additionally Cathi reported, was the acceptance of a platform truck generously donated by ConocoPhillips.

The ISO (Insurance Service Office) report may be re-commissioned (started over). Cathi said currently there are many fire fighters also working on the slope. Cathi announced this Friday there would be another ISO of the West Lakes Fire Service area. The ISO Insurance Service Office conducts a review of an individual fire department then provides a score ranking based on if the home is within 5 miles of the Fire Station. Prior to any new station being built, the Borough requires a bid and design. Nothing will happen until next year pending Legislative increased funding allocations. The next scheduled fire station is to be Spring Street on the Parks Highway. Currently land is dedicated for a new station at Puritan and Susitna. Cathi said an ISO report is expected in 6 – 8 weeks. A lower ISO score can save homeowners thousands of dollars for fire insurance.

12. Treasurer's Report, Chairperson, Chair Ina Mueller

Bill Kramer reported the revenue stream is normally minimal because of revenue sharing. As reported at the last Community Council meeting a request was made to have the Financial Statements available for review. Carol Kane completed a Big Lake Community Council Financial Status report as of 7/31/14. Additionally provided in the report is a summary for the Revenue Sharing Grants for 2011, 2012, and 2013. Bill expressed his appreciation to the Big Lake Mat Valley Credit Union Staff for their assistance.

As announced, Yvonne Ruth will be assuming the Treasurer's duties effective 8/12/14. In the future, the expectation would be to provide a financial report at every Big Lake Community Council meeting. Current Balances as of 8/12/14: Checking \$7656.60 and Savings \$315.00

13. Membership Report, Chairperson Margaret Billinger

60 current members

14. Chamber Commerce Report Margaret Billinger for Nanci Linley

The Triathlon was cancelled due to low registrations. The next events will be the Chamber Luncheon on 8/18, and the fishing derby on September 27/28. The Chamber is looking for fishing derby sponsors. Jim Faiks suggested a program idea would be to have "Meet the Candidates" for which Bill Kramer echoed his support as well.

15. Parks and Trails, Chairperson, Jim Faiks

Jim said thing are going well as summarized:

Northshore Park - sand is in and the safety fence is to be installed this week to separate launch/swim area. Additionally there is a need for a new dock

Rocky Lake - RFP for daytime use design in the park

Re-do boat launch with crushed rock and widen entry road

South Big Lake - all the driveway was completed.

No funding for the swimming platform.

Jay Nolfi Park - rented out by the Chamber and hopeful other will do the same

Jordan Lake Park - Open pavilions booked through the borough
South Big Lake Boat Launch – parking did not occur. Only complaint is about 4-wheelers.
Jordan Lake Park 200 people coming to help from 3 church wards

Sponsoring the Eagle Scout Kiosk
Fire wise walk – plants will need trimming and cleaning around the area
Some concern with individuals sleeping in the park
Widening all the trails by 5 ft. to spruce up the park
\$37, 500 back from the borough for the park
Requested bids for paving contract.

Jim said it is hopeful to complete the work in Jordan Lake Park this fall. Cathi Kramer is seeking help to serve food for the people assisting with the work in the park. Announced was that Chuck Kausic has weed books available. Unfortunately bird fetch invasion is displacing everything. Cathi Kramer has developed 10 activities to guide the work to be completed i.e. pull evasive weeds. The day is planned to start at 9:00 A.M. and end at 2:00 P.M. for Eagle Scout presentation. Be there for 6 hrs. 9 A.M. start time. The Frontiersman is scheduled to come out at 3 PM for a feature story.

Trails – Dan Mayfield

Dan said he needs volunteers because the trail system is being re-routed. The Borough will begin the process in the fall. Scheduled is a Trails Committee State Board meeting on 8/28.

16. School Report, Chairperson, Jim Hutton No Report

17. Transportation, Jim Hutton and Dan Mayfield Co-Chairs

BL Project Funded through legislative appropriation fy2015 Capital budget, Allen Kemplen DOT, 269-0513, allenkemplen@alaska.gov has requested meeting with Transportation Committee in order to further discuss the following projects.

- Big Lake Pedestrian Improvements Study
- Big Lake Airport Planning Study

Email with information was made available for the attendees. Which included the following:

Looking at the corridor,

Lower speed limit,

Connectivity to the school.

Noted - can't put cross walk in a 45 mph zone, other item to keep safer.

Other funded is a grant for Big Lake Planning Study.

Need a pre-scoping planning meeting to be advertised in the community

DOT will come out and explain, time involved, non-compliant issues.

Most airports have been aggressive in the compliant issues.

Funding will be compromised if compliant issues are not addressed.

Comments included the following:

- Dan Mayfield said there is a need to review environmental impact statement.
- The City of Houston has concern about CIA request to fund the routes.
- Houston wants benefit for City of Houston
- Mat Su Borough Planner, Lauren Driscoll indicated the comp plan is a legal document. A resolution doesn't have the impact at the highest level.
- Important process is to push BLCC's route preference.
- The proposed traffic will come through in 2016 from about mile 11.5 Knik Road will intersect mile 12 & 13.
- Concern regarding the Knikatnu graves/historical society.
- Casey Stineu – environmental impact from submitted proposals would be studied
- Margaret Billinger believes there is a need to look at the modifications of the comp plan.
- Bill Kramer will ask Lauren Driscoll to attend the next meeting and explain the timelines.
- Jim Faiks referenced the 3A route map proposal, which by passes Big Lake. He continued to note the long-range plan for 2035 is being done at the Borough right now. For more information go to the Mat Su Borough web site LRTP 2035
- Dan Mayfield stated the comp plan is very specific.
- Bill Haller reaffirmed the comp plan already indicates the preference is 3A.
- Ken Walch affirmed he thinks the current plan is the best option. The plan may need to updated and be more specific. This would solidify current position.

18. Incorporation, Chairperson, Carol G Kane

Jim Faiks as the Big Lake 2nd Class City Petitioner, is soliciting comments from the public regarding the petition. He said it is important for individuals to submit comments to the Local Boundary Commission or to him. He said he fully supports the petition as written. Additionally he reiterated the petition process is not a function of the Big Lake Community Council but rather a separate process. If the 2nd Class City Petition is passed then the Big Lake Community Council functions will go through the Big Lake City Council.

Margaret Billinger questioned if there is a group helping with public relations. A suggestion to help with public relations was to contact Josh at Make a Scene Alaska that provide free coverage for what is happening in the area. (www.makeasceneak.com). Bill Kramer said early in the process, Senator Huggins stated there is a need to be in front of future planning and to make sure it is done right from the beginning. Linda Lockhart questioned why the public hearing on

the petition is being held at Houston Jr./Sr. High School. Jim Faiks said the Local Boundary Commission indicated the high school was determined to be in a more neutral location. The purpose of the meeting would be to provide an overview of the process and not a public hearing.

Bill Kramer said the Big Lake and Houston petitions are on the Local Boundary Commission web site. Concerns being expressed center on Houston wanting to annex land in the area contiguous to Horseshoe Lake and the Knikatnu land – reference Houston Map in Houston’s petition - pg 22. Also noted was Houston has a zero tax rate. Additionally there is speculation a future housing development might be located in the proposed annexation area.

Closing comments:

- Ken Walch said there is a need to make sure email notices are being sent to the membership.
- The tax issue is the big elephant in the room.
- Linda Lockhart proposed Jim Faiks contact Knikatnu regarding the status of the Big Lake 2nd Class City Petition and the related issues to the Houston Annexation.
- Further review is needed regarding how the Comp Plan interfaces with the Big Lake 2nd Class City Petition.
- Clarify who owns the 40 acre - land above and below ground level – CIRI and Knikatnu and the potential site for gravel extraction

19. Correspondence

President Kramer announced receipt of an application notice for 40 acres from the Cook Inlet Region/Bristol Environmental Remediation Services to extract 100,000 cubic yards of gravel from a 10 acres pit. Requirements include stacking the overburden to one side, then reclaiming the pit by seeding the site.

Concern expressed regarded the impact on the existing roads West Lake Blvd and Horseshoe Lake roads, dust, noise and increased traffic. Access to the 40 acres is via Horseshoe Lake Road taking a left on the second 90-degree turn. Trucks currently go to an existing pit, and then the road would extend to the new pit. The railroad does need the gravel for the current work being done on the railroad bed under construction. President Kramer said this would not have any negative impact and the remediation being proposed is typical of such a request.

Following general discussion as noted, a motion by Jim Faiks and seconded by Margaret Billinger to take no formal objection to the application, passed by unanimous consent.

20. Community Grants, Chairperson, TBA

Bill Kramer will appoint a new Community Grants Chairperson. Additionally he will contact the Borough requesting new grant proposal information.

21. Land Use/Platting

Presented as received.

22. Unfinished Business/Action Items

Bill Kramer will:

Draft a resolution indicating BLCC's desire to incorporate Resolution No. 2014 – 102 in support of Route #A as formally presented in the Big Lake Comprehensive Plan.

Request Smoke Free Alaska present a Resolution for BLCC to sign a resolution in support of a law in Alaska to make all workplaces 100% smoke free to protect the health and safety of all workers and visitors from the dangers of secondhand smoke.

23. Announcements

Carol Kane announced she had attended a Great Alaska Schools informational meeting where information shared was to positively engage parents and community members in local schools. Bill Haller announced the 9/2/14 Mat Su Borough meeting will be held at the Big Lake Rec Center beginning at 6:00 P.M.

24. Board Member Comments

Jim Faiks encouraged other people to become involved in the Big Lake 2nd Class City Petition process.

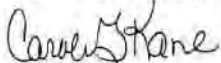
Dan Mayfield expressed concern about Houston's annexation request to the Local Boundary Commission.

Margaret Bilinger expressed her appreciation for all those who attended the meeting.

25. Adjournment 9:13 P.M.

Respectfully submitted,

Carol G Kane, Secretary



Adopted 10/14/14

Big Lake Community Council Purpose:
To provide a direct and continuing means of citizen participation in government and local affairs; to provide a method by which they can work together for expression and discussion of their opinions, needs and desires in a manner that will have an impact on our community's development and service; to provide to governmental agencies a method for receiving opinions, needs, desires and recommendations of residents and groups, and to give local governing bodies an improved basis for decision-making and assignment of priorities for all capital improvements and governmental programs affecting community development and individual well-being.

Big Lake Community Council
PO Box 520931
Big Lake, AK 99652-0931
www.biglakecommunitycouncil.com
Big Lake Lions Community Rec Center
2939 Lions Court
Big Lake, AK 99652

General Membership Meeting Minutes
10/14/14 7:00 p.m.

Dan Mayfield called meeting to order at 7:07 p.m. A quorum was established with board members Dan Mayfield, Jim Hutton, Margaret Billinger and Yvonne Ruth present.

Motion by Jim Hutton, second by Margaret Billinger to accept the agenda, approved.

Motion by Margaret Billinger, second by Yvonne Ruth to accept the minutes, approved.

Program:

Shelly Wade (Agnew Beck) BL Management Plan Alaska Clean Water Action Grant was secured for the amendment of the BL Management Plan – requirement to make amendment is having at least 50 residents within 600ft of the lake of 50% in the same space having to agree to add the policy. Kick off meeting was held 9/22, information given is that there has been no change in the water status since last check/test. It was agreed that this wasn't good timing to make amendments. These are the things discussed - no one wants any more restrictions on the lake, would like more education available, there is no one to enforce any regulations.

Persons to be heard:

Jo Walch said that Butch with Waste Management would provide a program for BLCC if desired. 40-yard container can be provided and hauled for a fee.

Linda Lockhart said the West Lakes Fire Department is hosting a haunted house at Top Drawer the last 2 weeks of October for donations to go to Mid-Valley Senior Center and Pirates in the picture for next year. November they will start hosting Dinner Theater, art classes and several other community events in the months to come.

Reports:

Borough Report – Dan Mayfield will be sworn in on 10/21 and start 10/27

RSA – Jill Parson stated the meeting will be 11/13 at the BL Library at 6, going over which roads are part of the Capitol improvements list, continuing to get RFP to identify roads with right-away for Improvements.

FSA – Bill Gamble stated department just finished a 5 year evaluation to see if there is a reduction in our Rating, he believes we will see a reduced rate – reduction in rate means homeowners insurance rates could be reduced. Making contact with elementary schools and the public for fire safety education, i.e. how to use fire extinguishers, importance of cleaning your chimney...

Treasurer's Report - \$7387.64 checking \$280.41 savings – most is allotted for past grants.

Page 2

Big Lake Community Council Minutes

10/14/14

Membership - 63 members

Chamber – Good turn out for fishing derby, need new heavy-duty lights for Christmas tree and help decorating, possibility of moving tree into park – would need electricity.

Parks & Trails –

BL Trails is hosting work party on Saturday and the borough task force is working on off road trails, BL should get involved with Parks and Rec.

School – None

Transportation – None

Incorporation – None

Grants – Need chair and co-chair as well as volunteers

Correspondence:

SOA DNR 2014 Remote Cabin Site Application

My House is asking all CC in the Valley for \$5000.00 donation. They help teach at risk youths to be members of society by giving them jobs around the community. Suggestion was made to post letter on BLCC website, it was brought up that website is not current.

Land Use:

Lease for a plot of land from MSB in the middle of Crooked Lake – only lake access. Decided No letter to be written

Announcements:

Cathy Mayfield asked about Big Lake Elementary doing earthquake education – the MSBSD is doing that tomorrow as part of a statewide drill and schools are to be updating their emergency plans.

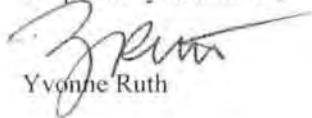
Mat-Su Transportation Fair is 10/22 at the Raven Hall 4-8 p.m.

Open house meeting at BL Faith Fellowship - 10/28 6-8 p.m. to go over BL road improvement and project updates.

Dan Mayfield turned in his letter of resignation from the BLCC board, as he is now our Assembly Person

Adjourned 8:23 p.m.

Respectfully submitted,



Yvonne Ruth

Adopted 11/11/14

12/8/14 Big Lake Community Council
PO Box 520931
Big Lake AK, 99652-0931
www.biglakecommunitycouncil.com
Big Lake Lions Rec Center

General Membership Meeting Minutes

11/11/14

7:00 P.M.

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1. Call to Order

President Bill Kramer called the meeting to order at 7:09 P.M. A quorum was established with Board members present: Margaret Billinger, Jim Faiks, Carol G. Kane, Bill Kramer, Yvonne Ruth and Jim Hutton excused. Dan Mayfield will be replaced by Floyd Shilanski – see Item 5.

2. Pledge of Allegiance Led by veteran Bill Gambel

3. Approval of the Agenda

A motion by Margaret Billinger and seconded by Jim Faiks passed by unanimous consent to accept the agenda as presented.

4. Approval of the Minutes

A motion by Carol G Kane and seconded by Margaret Billinger passed by unanimous consent to accept the minutes as presented.

5. President Kramer announced he accepted Dan Mayfield's letter of resignation as presented when Dan was elected for District 5 Borough Assembly. Additionally as stated the Big Lake Community Council By-laws Article 7 - C Qualification of Board Members, the President, with the concurrence of the remaining Board Members, can fill the vacancy position for the remainder of the term, which will expire January 2016. Additionally noted was BLCC Bylaws Article 9 D. Board members may only serve for two (2) consecutive terms.

6. Program: 10 Minute PP Presentation, Chuck Kaucic, District Manager Wasilla Soil & Water Conservation District

Chuck Kaucic presented an update on the shore restoration project. He stated work had been done on 3 private parcel, which included time spent at Fish Lake as well as three other areas of Big Lake.

Work projects focused, but not limited to habitats and erosion caused by wave action. Currently there is an effort to re-claim these areas. Chuck distributed samples of restoration photographs. This year restoration efforts impacted 240 ft. of public and private land.

Emphasis is to restore the environments with natural material as opposed to utilizing man – made materials.

Provided in the overview, the following were cited:

- Clear-cut down to the water.
- Have the program extend to the following season.
- Work on 3 contiguous areas for the lake front environment, make improvements in spite of wave action.
- Three different techniques were utilized.
- Would like Assessment of the entire area of Big Lake 2 years ago.
- Use the foliage for fabric to replicate the previous shorefront.
- 49 different varieties of willow, most successful if used through a private contractor.
- Replicate as much as possible what mother nature has already restored.
- Use spruce trees to provide undercut for the environment, which is essential to restore the bank - heavy abatement for wave action.
- Cost minimal to property owner to maintain for a ten - year period.
- Ducks can cause deteriorations.
- Willow is a low growing specie that will not take over. The root mass is biodegradable and will take hold.
- The Borough code provides a setback. The intent is to work with landowners to preserve the buffer. Make sure not to clear cut right to the edge.
- Fertilizer and lawn cuttings will cause leeching into the lake, which impacts the atmosphere conducive to warm water and drives game fish out.
- For further information call 745-4891 for Alex Strawn to refer to the proper code classification. He can explain what the set back code in the borough would be. Additionally can provide good information regarding restoration buffer for pecculation.

7. Persons to be heard: 3 min. maximum.

Bill Haller announced the Lions Club would once again have the Christmas “giving tree” with gift tags, displayed in the mall. An expectation similar to last year, 230 families will be served. The gifts will be wrapped with gifts to be given disbursed by the Lions Club. It will be most appreciated if gifts are brought in at the earliest convenience. Unfortunately funds are not available to supplement additional gifts needed. Raffle tickets are being sold for \$5 each or \$20 for 5 tickets. The winning ticket valued at \$1100 includes a 7 cubic foot chest freezer to include a variety of meats, shrimp, chicken, pork, crab etc. at the Big Lake IGA store.

8. Reports: 5 min. maximum

9. Borough Assembly Report, Dan Mayfield

Dan provided an overview of his first Borough Assembly meeting, which was held on 10/28/14. The agenda was a special meeting about setting legislative priorities. Included in the discussion were:

- Safety issues as presented by the chiefs to amend the legislation.
- Priority list to reflect \$3.5 million for the Spring Street Facility and \$3 million for a training station.
- Only the top 5 priorities are recommended to the Governor.
- Items below the top 5 are not prioritized. The Community Council and Fire Service Committee need to contact the Legislative Delegation regarding what is needed on the CIP list.

- Mark Newman is the co-chair of Finance Committee.
- An ordinance, which will go through a public hearing is being drafted to deal with board member(s) or committee member(s) who are involved in criminal activity.
- Being proposed is an ambulance each for the Spring Street Station and Station 63 manned 24/7. This is to address delayed response times when needed.
- Currently there is no sprinkler system at the Big Lake station. If there is no sprinkler system then a requirement is to have a "night watch" staffed.
- Ambulance service is EMS, which is short staffed. Currently the Fire Department is first responder when actually it should be EMS.
- Being proposed in a remodel design phase would provide 24 hour staffing for Big Lake and Pittman Road.

Dan said he is learning quickly, EMS is in bad spot. He will continue his efforts to make this a high priority. Additionally, he said the Spring Street Station is great, but there are limited funds to address critical issues such as response time in the Big Lake area.

Chief Gamble is working with Dan to advance these issues over the next few years making Big Lake a better place. Appreciation was extended to all those who have been working to address these critical areas. Dan said he might come back to CC for a resolution of support.

Assemblyman Halter proposed animal control legislation. The "first read" of the ordinance now has push back because it appears it gives mushers "rights" needing further review. At the 11/19 meeting Co-Alaska requested ag land to be designated development land. A concern is to retain ag land. 11/10/14 an AG Forum was held to discuss AG issues.

10. Road Service Area Report –

It was announced the next Road Service Meeting would be held at the Library on 11/16/14.

Additionally funding for RSA might be able to be split up and redistributed by the mile. Also noted was capital improvement funds might be available. Mayor DeVilbiss said the funds must go back to RSA, which would have a tremendous impact.

11. Fire Service Area Report – Bill Gamble

Chief Gamble announced the ISO audit was completed indicating improvement ISO 5 from an ISO 4. As a result of this improved rating it is possible fire insurance premiums should go down effective 2/1/15. He would like to have people report back to him if insurance companies have indicated this has in fact happened. The ISO 5 rating is in the top 17% in the U.S. The Chief said this is amazing to have achieved this, which can be attributed to an incredible group that put together the information in a 2-month period.

Additionally, he said "Thank You" to Assemblyman Mayfield for getting Station 73 on the Priority list. A letter of support requesting \$3.5 million is needed to get Station 73 done in 2 years.

Chief Gamble shared this has been a very busy time citing trainings which include a class for Fire Officer II instruction, 10 house fires in the last 15 days with many of which were caused by electrical and cooking issues, and EMS staff are running non-stop. On-going issues are the PERS requirements restrictions. In the last fifteen days 2 crack houses burned.

In response to a question by Margaret Billinger regarding if there a web site where individuals could sign up for classes, Chief Gamble said Mat Su Borough Emergency Services is the point of contact.

Dan Mayfield extended congratulations for getting the ISO ratings improved through the leadership of Chief Gamble's efforts. Adding, the Big Lake Community Council has been in full support over the last several years.

A motion by Margaret Bilinger and seconded by Jim Faiks passed by unanimous consent to write a letter of support requesting the \$3.5 million needed to get Station 73 done in 2 years. President Kramer said he would get prior letters to support; adding this effort is in a good position with the delegations.

12. Treasurer's Report, Yvonne Ruth

Treasurer Yvonne Ruth provided the following summary:

\$7387.96 Checking \$280.41 Savings.

\$6800 encumbered for grants previously approved.

2011 Jordan lake – invoices to expend the funds \$332.84

2012 funding has been allocated community projects as well as \$3000 for the Big Lake 2nd Class City Petition expenses i.e.

Big Lake survey to poll community on Incorporation.

3 separate newspaper ads/Public Notice of Filing indicating intention to incorporate at a total cost of \$1040.

Big Lake Elementary – remaining balance \$378.59.

Clothing Closet – remaining Balance \$315 because Storage Bin costs came in less than expected.

Encumbered grant account balances will be zeroed out 2015 fiscal year. It was decided to follow-up with the remaining grant recipients to expend the remaining fund balances.

Following a brief discussion regarding any remaining grant balances, President Kramer and Treasurer Yvonne Ruth will provide an update to close out the remaining balances.

Following general discussion regarding how to back up financial records as well as other Big Lake Community Council regular communication, a motion passed by unanimous to purchase a 1 yr – 1000 GB Drop Box subscription.

13. Membership Report, Chairperson

President Kramer noted a need to have an active and accurate BLCC membership posted on the website by December 9, 2015. Currently there are 61 paid members.

President Kramer stated to update the current BLCC web site, Michael Miller, Out of a Jam Solutions has agreed to set up a user - friendly web site for a \$200 initial set-up fee - expected 2 hours. If there is an interest, Michael can provide instruction and training on web site use. An option for consideration would be to process membership application fees through PayPal.

14. Chamber Commerce Report

Announced was the annual Christmas Tree Lighting ceremony which will be in front of the Big Lake Fire Station at 6:00 P.M. Saturday, 12/6/14. Gage Tree Service has donated the lights for the tree.

Thanks also to Alaska Line Builders who donated power for lighting the big spruce tree. There is also a need to have power for the Jordan Lake Park on a separate meter. Cathi Kramer said she would work with the Borough Park/Rec. Department to get that completed. The intention would be to have both trees lighted.

It was noted this event has high value of goodwill in our community. Future planning by the Big Lake Community Council might include financial support for this event. Additional consideration would be a decorative project along the main core of Big Lake.

Floyd Shilanski suggested a joint venture for the power access might include the Friends of the Library.

- 15. Parks and Trails, Chairperson, Jim Faiks No report
- 16. School Report, Chairperson, Jim Hutton Absent
- 17. Transportation Report - Chairperson, Jim Hutton

Future Action: Consider a motion to formally amend the Big Lake Comprehensive Plan to include the Council's Resolution in support of Route 3A as described in the Big Lake Community Impact Assessment.

Bill Kramer had discussed with Loren Driscoll - Mat Su Borough Chief Planner if amending the BLCC Resolution in Support of Route 3A in the Big Lake Comprehensive Plan would carry more weight. This would require some legal assistance through Borough legal staff. This should only require language being inserted into the document. Attention for follow-up needs to be continued. Bill Kramer said he would ask Jim Hutton to review the process and bring it back to the next meeting. South Big Lake road has some issues.

- 18. Incorporation, Chairperson, Carol G Kane

Jim Faiks, Petitioner for the Incorporation of Big Lake Second Class City stated the Local Boundary Commission would send a final decision on or before 12/18/14 indicating if the Petition has been accepted as presented. As required, as Petitioner, Jim has sent a Petitioner's Brief for the Incorporation of Big Lake Second Class City to the Local Boundary Commission in response to 20 individuals who submitted Public Comments and Briefs to the Local Boundary Commission regarding the Petition.

All the comments have been cited on the local boundary Commission web site – <http://commerce.state.ak.us/dnn/dcra/LocalBoundaryCommission/CurrentPetitions.aspx> (A handout with this link was distributed to the audience.)

Carol Kane also indicated Petition to the Local Boundary Commission for Incorporation of Big Lake Second as a Second Class City Notebooks, which contain all LBC required documents/processes are located for public review at the Big Lake Library, Houston City Hall, Wasilla Library and Willow Library.

19. Nomination Committee, Chairperson Floyd Shilanski

President Kramer has appointed Floyd Shilanski as Nomination Committee Chairperson. He provided an overview of the process and the positions to be filled as well as the requirements to be nominated to serve on the Big Lake Community Council:

- (Filled Vacancy term up 2015) Jim Faiks
- (Filled Vacancy term up 2015) Carol Kane
- Term Completed 2015 – Not eligible for re-election Margaret Billinger
- A 3 - Person Committee will bring formal nominations to BLCC at December 9, 2014 General Meeting
- In order to be eligible to vote a person must have been a member in good standing for a minimum of 30 days prior to the vote.
- Annual elections in January

He encouraged the membership to nominate individuals who would be interested in serving on the BLCC Board. It is intended a questionnaire would be sent out to individuals nominated to serve. Additionally flyers would be posted at the Big Lake Library, the Big Lake IGA Store, and the Big Lake Post Office.

20. Community Grants, Chairperson, Yvonne Ruth

Committee members consist of individuals from BLCC membership and/or community members. The process includes making contact with the Borough regarding available grant sources.

At the December 9, 2014 BLCC meeting available will be Grant Committee members and an overview of the application forms. Expected grant funding would be \$20,200.

21. Correspondence

President Kramer presented information on the following:

- Meadow Lake is putting together SPUD. Noted was more property owners need to pay attention because development practices are changing.
- Public Comment 12/5 Susitna Parkway application submitted by AK Clay Target program. Request is to build a competitive shotgun course - 2 skeet, 2 trap and walk through sporting trails on 40-acre parcels.

General comments regarding the matter included:

- Borough will give land away to non-profit entities
- Environmental impact – land remediation concerns
- Assemblyman Dan Mayfield wants some feedback regarding 1) noise and 2) who is responsible for the potential costs?
- Property owners need to be aware of potential issues.
- At this time there is a lack of information re: environmental issues, safety issues, and proper design issues, done correctly.
- Land sale on 11/25.
- MyHouse request of \$5000, which needs to be part of the grant cycle.

22. Land Use/Platting None

23. Unfinished Business/Action Items None

24. New Business

In an effort to effectively maximize BLCC communication via social media, and following general discussion, a motion by Jim Faiks and seconded by Yvonne Ruth passed by unanimous consent to support \$500 from the operating expenses for website and Facebook.

25. Announcements

- Road Service meeting will be held 11/13/14.
- Representative Mark Newman will give legislative update at the January, 2015 meeting.
- HHS is having the annual fund raiser 12/18/14 from 6:00 P.M. 8:00 P.M. Additionally there will be a live auctioneer, tickets will be sold at the door. \$10/person and Hula Hands will be performing.
- Lions Kid Tournament 11/14/14 on Saturday at 10.A.M. Future events will be planned for December

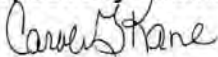
26. Board Member Comments

Thanks to all who continue to provide service on behalf of the Big Lake Community. Happy Thanksgiving to all.

27. Adjournment

The meeting was adjourned at 9:13 P.M.

Respectfully submitted,



Carol G Kane, Secretary

Adopted 12/9/14

Big Lake Community Council Purpose:

To provide a direct and continuing means of citizen participation in government and local affairs; to provide a method by which they can work together for expression and discussion of their opinions, needs and desires in a manner that will have an impact on our community's development and service; to provide to governmental agencies a method for receiving opinions, needs, desires and recommendations of residents and groups, and to give local governing bodies an improved basis for decision-making and assignment of priorities for all capital improvements and governmental programs affecting community development and individual well-being.

Pt. MacKenzie Community Council
18297 W Pt. MacKenzie Rd.
Wasilla, Alaska 99623
Minutes
August 14, 2014

The meeting was called to order at 7 PM. The Pledge of Allegiance was led by President Donald Thomson.

Quorum was established with eight General Members, one Limited Member and nine guests.

Approval of the July 17, 2014 was motioned by Wilma Gonzales and seconded by Jim Swanson. A show of hands passed the motion. No objections. The minutes for the General Meeting held on July 17, 2014 were approved and passed with no objections.

Garvan Bucaria made it known that the date of our June meeting was erroneous and questioned the decision to readopt the 2009 draft Comprehensive Plan.

Wayne Brost asked about whether notice must be given to members before major changes are voted on. Tammy Hoerauf read the requirements from the bylaws, the only requirement is when bylaw changes being considered and voted on.

Correspondence received and sent included emails between Josh Allen, MSB planner and the Pt. Mac Comm Council regarding the development code for the townsite as well as a notice from Planning about the Open House for the public review regarding the Townsite Development Code. We received an email from Luanne Urfer at Sustainable Design Group regarding the Mailbox Beautification Project. Macey Shapiro sent an email regarding the options for the dumpster in our community.

Wilma Gonzales informed the members that we have \$463.89 in our regular account and \$29,489.78 in the project account.

There were no reports from either Goose Creek Correctional Facility or the Borough Assembly.

Donald Thomson reported that the only happening lately at our fire station is that our fire engine is at Fire Station 62 while their engine is out for repairs.

The Community Revenue Sharing monies are being used for our Mailbox Beautification Project. The next step will be applying for the encroachment permit, and then a survey for the area and final design.

Announcements began with Nugen's Ranch asking our Community Council to request brush clearing along Pt. MacKenzie Road. Contact numbers for road maintenance is 861-7755 or 861-7757.

Wilma Gonzales asked for permission purchase three cases of garbage bags for the bear proof garbage cans, that Tammy Hoerauf requested. Wayne Brost motioned to purchase the three cases. Tammy Hoerauf seconded. A show of hands passed the motion, unanimously.

Persons to be Heard. Dan Mayfield, from Big Lake, introduced himself as a candidate for the Borough Assembly.

Unfinished Business. Comprehensive Plan Resolution Serial No 14-001 and Bike Path Resolution Serial No 14-002 were passed and submitted to the Assembly in our last meeting. The Mailbox Beautification has been discussed previously in the meeting.

New Business. Joshua Allen and Lauren Driscoll , Planners from the Mat-Su Borough, had an update and presentation about the Townsite Development Code and opened the floor to questions from members. Joshua Allen acknowledged that he has researched the history of the area, the history of the Community Council's concerns with the wildlife corridors and areas that are deemed Elmendorf Moraine and other concerns. Garvan Bucaria spoke about issues of the placement of the townsite footprint, posing problems with the drainages within the refuge and surrounding areas. Another public presentation is scheduled for August 27 at Fire Station 61 at 6 PM.

Meeting adjourned at 8:56 PM.

The next scheduled meeting is October 9, 2014.

Pt. MacKenzie Community Council

18297 W. Pt. MacKenzie Road

Wasilla, Alaska 99623

[Type text]

Approval of Minutes for Meeting held on August 14, 2014

Attested by President Donald Thomson

Donald Thomson

Dated Oct 9, 2014

Attested by Secretary Tammy Hoerauf

Tammy Hoerauf

Dated Oct 9, 2014

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 *for* JOHN MOOSEY, BOROUGH MANAGER: *Henry C. Moosey*

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>ER</i>	
	Community Development Director	<i>Q</i>	
	Finance Director	<i>sec</i>	<i>12/5/14</i>
	Borough Attorney	<i>NS</i>	<i>Exact form of deed to be determined</i>
	Borough Clerk	<i>JAM</i>	<i>12/8/14</i> <i>(JV)</i>

ATTACHMENT (S) : Fiscal Note 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:

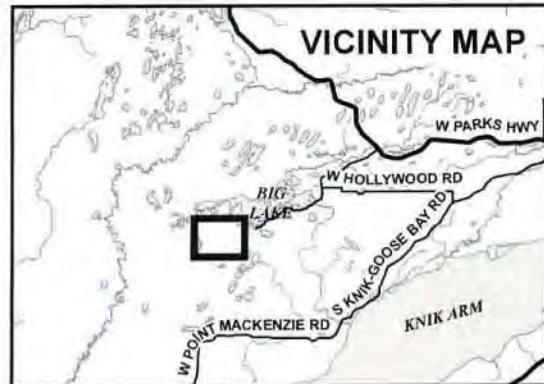
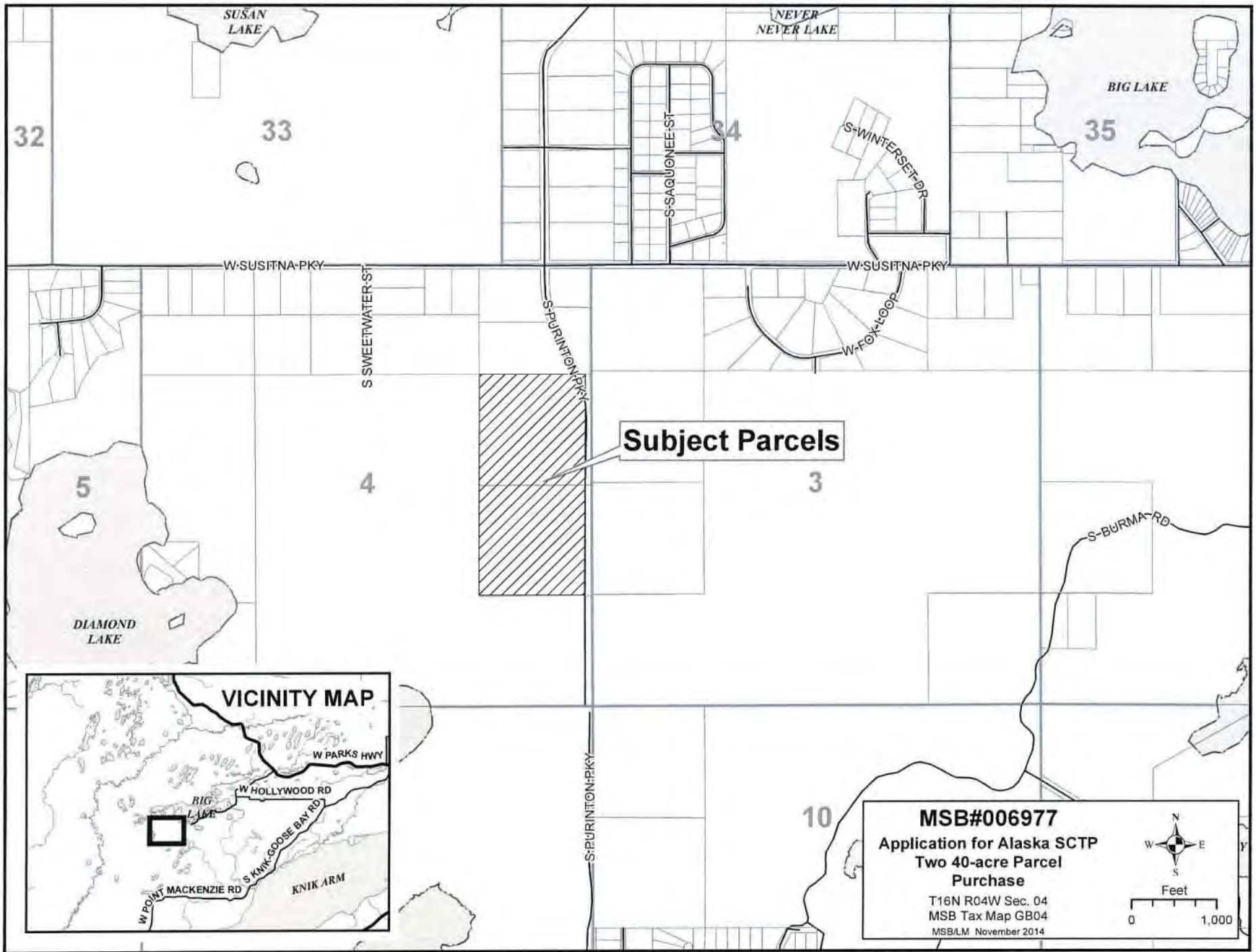
Full-Time						
Part-Time						
Temporary						

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

The block contains a north arrow pointing up and a scale bar labeled "Feet" with markings at 0 and 1,000.

Im-15-001
 OR 15-001

File - Fire breaks
Purinton Parkway

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.

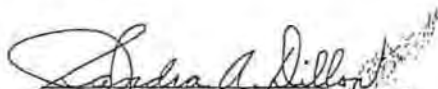
This dedication is an official public document of the Matanuska-Susitna Borough.

Dated this 29th day of September, 1999.

MATANUSKA-SUSITNA BOROUGH

ATTEST:


Michael J. Scott, Borough Manager


Sandra A. Dillon, Borough Clerk

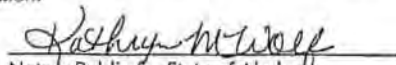
Seal:



STATE OF ALASKA)
) ss.
Third Judicial District)

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/PD/LEGAL/MSB2700

MATANUSKA - SUSITNA



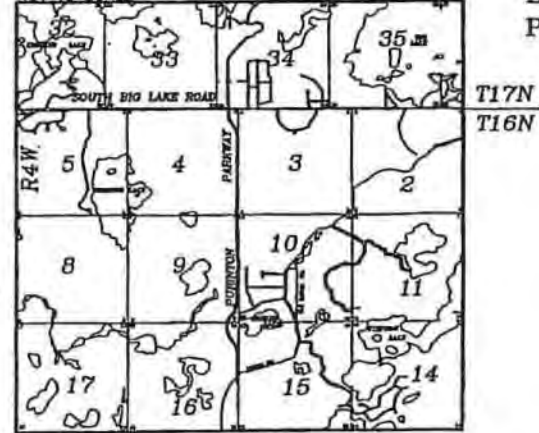
BOROUGH: PURINTON PARKWAY RIGHT-OF-WAY PUBLIC USE EASEMENT

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



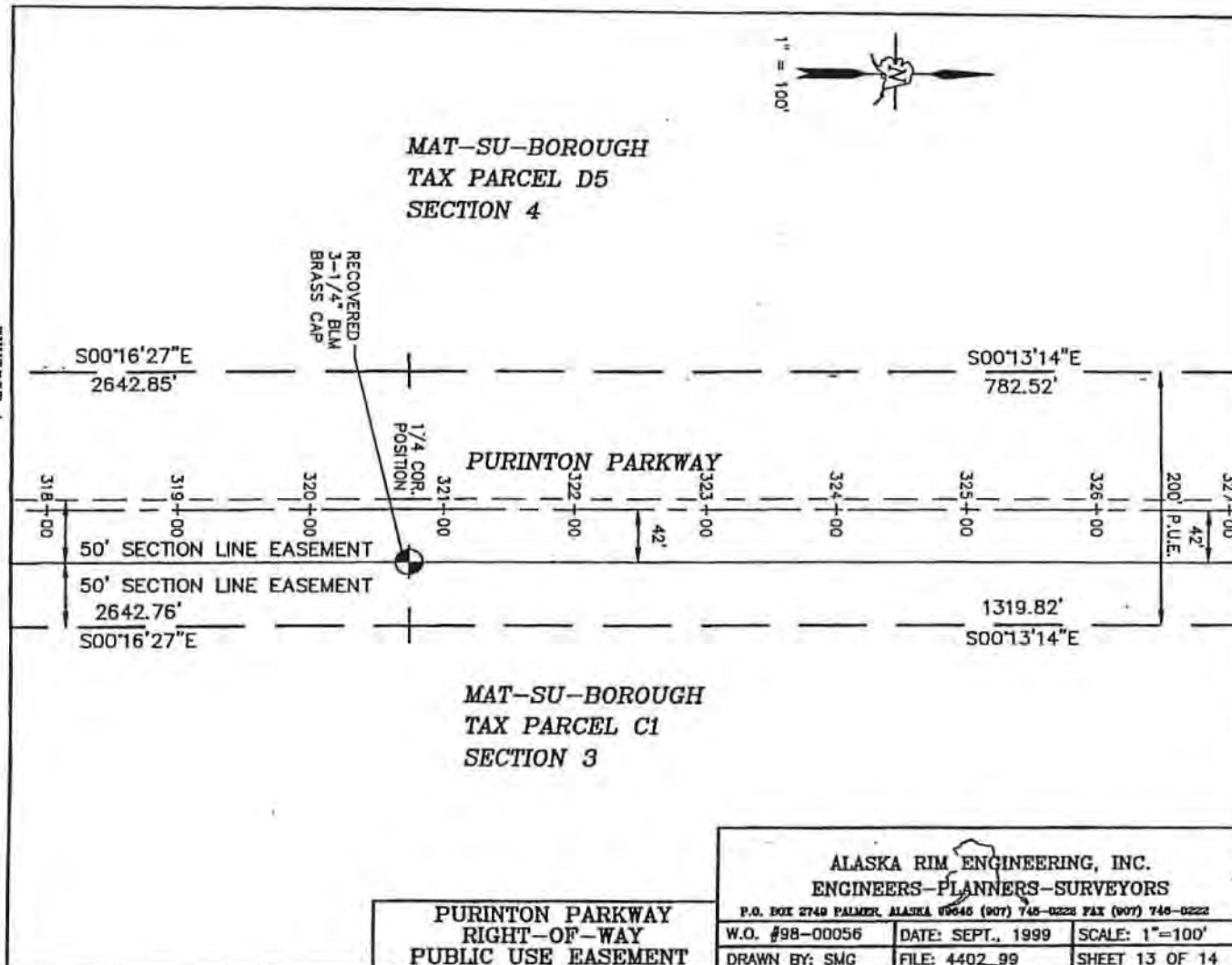
ALASKA RIM ENGINEERING, INC.
ENGINEERS-PLANNERS-SURVEYORS
P.O. BOX 8749 PALMER, ALASKA 99645 (907) 745-0223 FAX (907) 746-0222

SHEET 1 OF 14

BOOK 1038 PAGE 129

Im 15-001
DR 15-001

EXHIBIT A



1038 PAGE 141

ALASKA RIM ENGINEERING, INC. ENGINEERS-PLANNERS-SURVEYORS		
<small>P.O. BOX 2749 PALMER, ALASKA 99646 (907) 745-0222 FAX (907) 745-0222</small>		
W.O. #98-00056	DATE: SEPT., 1999	SCALE: 1"=100'
DRAWN BY: SMG	FILE: 4402_99	SHEET 13 OF 14

Im15-001
DR15-001

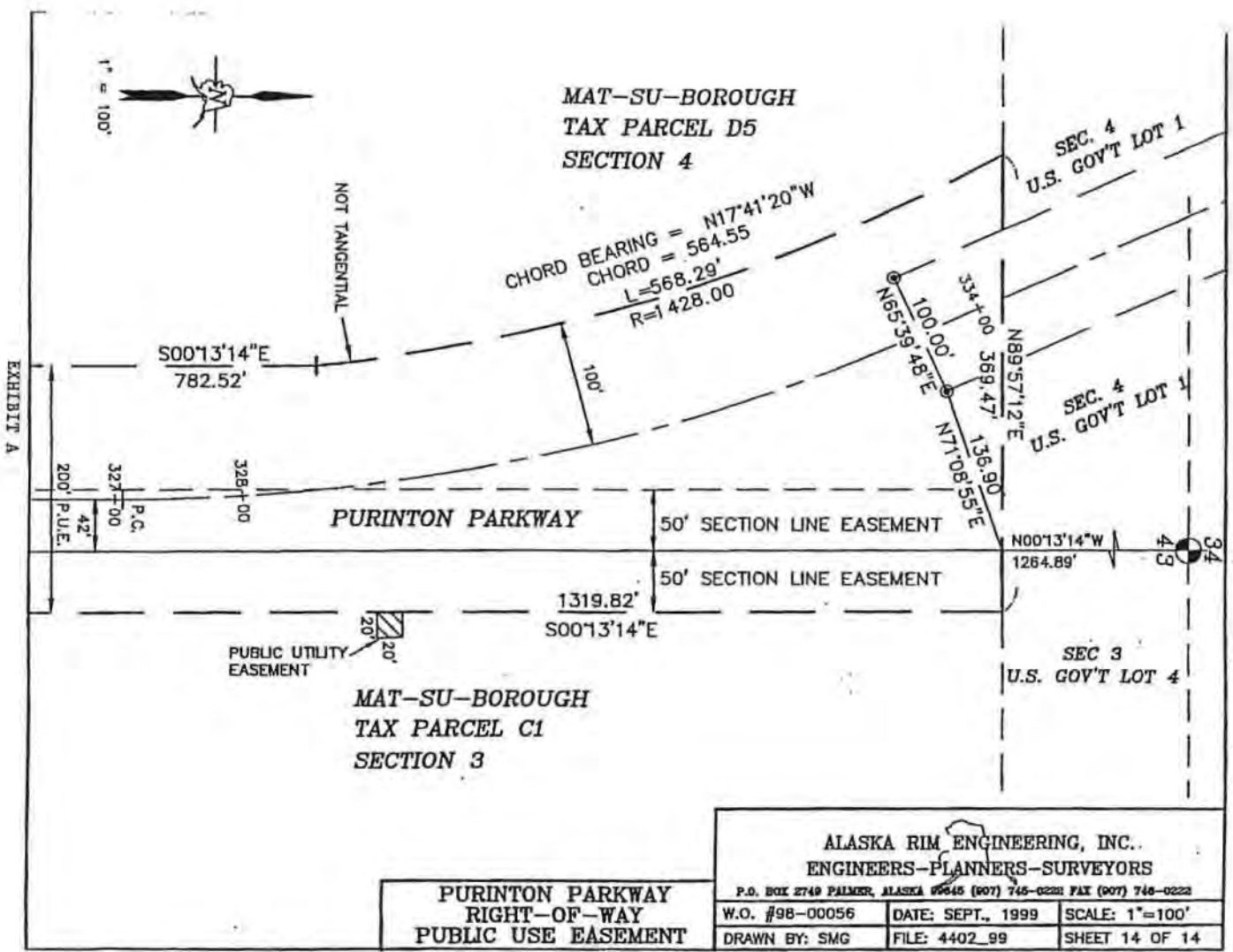


EXHIBIT A

BOOK 1038 PAGE 142

ALASKA RIM ENGINEERING, INC. ENGINEERS-PLANNERS-SURVEYORS <small>P.O. BOX 2749 PALMER, ALASKA 99645 (907) 745-0221 FAX (907) 745-0223</small>		
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,

A handwritten signature in black ink, appearing to read "Deena", written over a horizontal line.

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.

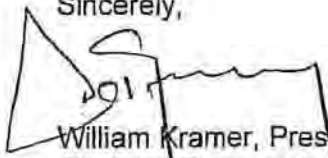
The BLCC opposition is based primarily on the following areas of concern:

- 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\$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: 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

25 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



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

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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.

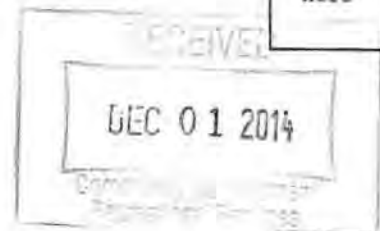
Signature: Ray D. Chapman Phone: 892-3030

(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
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 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)

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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: *Malina 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
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Here

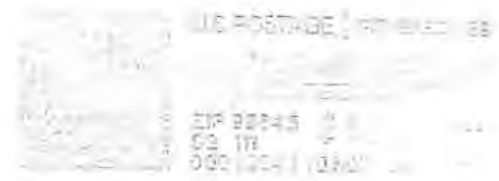
MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



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 PLEASE TAPE CLOSED ON BOTTOM AND RIGHT OF STAMP



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

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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

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



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MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

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Matanuska-Susitna Borough
 NOV 26 2014

FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

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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: [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

RECEIVED
 DEC 01 2014
 Community Development
 Recreation Services

IM15-001
 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

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

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12

FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N



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Comments: IT WOULD BE BETTER IF IT WAS CLOSER TO PALMER/WASILLA. BUT YES, BY ALL MEANS ALLOW IT. ~~THE~~ THE MSB SHOULD GIVE/DONATE THE LAND.

Signature: Dwight A. 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 99501
 21 NOV 2014 PM 4 1



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

Matanuska-Susitna Borough
 NOV 24 2014
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*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.

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Comments:

I support this action.

Signature:

Kenneth B. Bohn

Phone:

745-4446

(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
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MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

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NOV 18 2014

Community Development

NAME + ADDRESS: 12

Keith Bayla
 29792 W. Glenn Hwy
 Sutton AK 99674

FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

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*Comments: I support this effort. We need more safe places to shoot. As time goes on it will be more difficult to set 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.)
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 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



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 350 East Dahlia Avenue
 Palmer, Alaska 99645

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COMMUNITY DEVELOPMENT

NAME:

12

ADDRESS:

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PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

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Tax ID: 16N04WD008, 16N04WA012

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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. Azmann

Phone:

907-373-5938

(if you need more space for comments please attach a separate sheet of paper.)

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MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



Matanuska-Susitna Borough

NOV 26 2014

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 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

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 ZIP CODE 99645
 000 15-0000 000

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Chris Hensel
 P.O. Box 4537
 Palmer AK, 99645

FIRST CLASS

PUBLIC NOTICE

99654\$7200 MATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

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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: *CH 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

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 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



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MATANUSKA-SUSITNA BOROUGH
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 Land Management Division
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 Palmer, Alaska 99645

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 ZIP 99645
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GALLEN McIVER 12
 3600 S. ENGLISH BAY
 WASILLA AK 99654

FIRST CLASS

PUBLIC NOTICE

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 PUBLIC NOTICE

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Tax ID: 16N04WD008, 16N04WA012

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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: Gallen McIver Phone: 907-355-6536

(if you need more space for comments please attach a separate sheet of paper.)
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NOV 24 2014
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 99645
 99607

Greg Emery 12
 630 Sarahs Way
 Wasilla, AK, 99654

FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH PUBLIC NOTICE

Type: Sale (MSB006977)

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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.)

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MATANUSKA-SUSITNA BOROUGH
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 Recreational Services

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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;

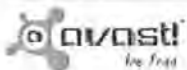
I am in full support of this proposed shooting facility. I believe that we have far too few such ranges available for the general public. This one is especially needed for the advancement of youth shooting sports. This is a chance for teaching our youth to properly handle and respect firearms. It is 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



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MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
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 Palmer, Alaska 99645

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Community Development

FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

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Comments: GOOD LOCATION, CAUSE FOR SUCH A FACILITY OF THIS NATURE, YOUTH PROGRAMS ARE ALWAYS A GOOD INVESTMENT.

Signature: *Tom Mahoney*
 TOM MAHONEY

Phone: 952-0121

(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.

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MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
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 OR 15-001



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99654#72 MATANUSKA-SUSITNA BOROUGH

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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*

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Community Development

MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
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11/13/14



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 OR15-001*



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



FIRST CLASS

NAME & ADDRESS: 12
 Jeffery Binegan
 6344 E. 31ST AVE
 Anchorage AK. 99504

PUBLIC NOTICE

99654\$7EMATANUSKA-SUSITNA BOROUGH PUBLIC NOTICE

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Comments: *I believe this is a good deal, every chance we do to 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.)

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MATANUSKA-SUSITNA BOROUGH
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Matanuska-Susitna Borough

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Comments: THIS IS A LOFTY GOAL FOR THE SCHOLASTIC CLAY PROGRAM. LET'S GIVE THEM EVERY OPPORTUNITY POSSIBLE.

Signature: *Earl P. Lachey* Phone: 376-1003

(if you need more space for comments please attach a separate sheet of paper.)

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MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
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Matanuska-Susitna Borough

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Sara-Jo DeGagne
 P.O. Box 877912
 Wasilla, AK 99687

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FIRST CLASS

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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.)

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 Palmer, Alaska 99645

ZIP 99645
 PS. 111
 99645-1111

Shawn Osborne 12
 POB 4214
 Palmer, AK 99645

FIRST CLASS

PUBLIC NOTICE

99645\$72MATANUSKA-SUSITNA BOROUGH PUBLIC NOTICE

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Comments:

This would be a great way for young adults to practice safe shooting practices, a partnership 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

*This public notice & request for comments is in compliance with MSB Code 23.05.025
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*IM15-001
 OR15-001*



MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

ZIP 99745
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 000 000-1100

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.

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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.)

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 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

SEP 2014
 US 116
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ROSEN KENNELS 12
 Tom ROSEN
 1055 WEST FRVW. LP.
 WASILLA, AK 99654

FIRST CLASS

PUBLIC NOTICE

99654\$7EMATANUSKA-SUSITNA BOROUGH
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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.)
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MATANUSKA-SUSITNA BOROUGH
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FIRST CLASS

PUBLIC NOTICE

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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.)
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MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
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 Palmer, Alaska 99645

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FIRST CLASS

Real Business
 1237 G. Frazier DR
 Palmer AK, 99645

PUBLIC NOTICE

99654\$7EMATANUSKA-SUSITNAIBOROUGH
 PUBLIC NOTICE

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Comments:

The kids need a range of their own for practice, not having to shoot around other schools or at other ranges, and cheaper for parents.

Signature:

Real Business

Phone:

746 7948

(if you need more space for comments please attach a separate sheet of paper.)

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MATANUSKA-SUSITNA BOROUGH
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 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

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OR 15-001*



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 350 East Dahlia Avenue
 Palmer, Alaska 99645

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 99645
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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

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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.)

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Gordon Romtveit
 29731 N Glenn Hwy
 Sutton Alaska

FIRST CLASS

745-4481

PUBLIC NOTICE

99654\$7EMATANUSKA-SUSITNA BOROUGH PUBLIC NOTICE

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Comments: This is a much needed facility set out for youth and is way overdue. It is one of the best programs set out for youth to teach responsibility, gun safety and sportsmanship.

Signature: Gordon Romtveit Phone: _____

(if you need more space for comments please attach a separate sheet of paper.)
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FIRST CLASS

DANIEL HENKEL
 8340 W. SWAN DR.
 WASILLA AK 99625

PUBLIC NOTICE

99654\$7EMATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

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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.)
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 02 17
 996128-11010

Julie Gabel
 2801 S Ireland St
 12
 Wasilla AK 99654

FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

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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.)

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MATANUSKA-SUSITNA BOROUGH
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 Land Management Division
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 Palmer, Alaska 99645

99654\$72 MATANUSKA-SUSITNA BOROUGH
 03 10 2014

CATHERINE KATCAUR¹²
 P.O. Box - 870352
 WASILLA, AK 99687

FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

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Comments: *Great IDEA! Healthy & Active way for kids to get involved in the community through the school SCRP 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.)
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 DR 15-001*



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99654\$7E MATANUSKA-SUSITNA BOROUGH
 ZIP 99645
 000 701

*Debra Carver
 PO Box 92
 Sutton, AK 99674*

12

FIRST CLASS

PUBLIC NOTICE

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Comments: *Good Idea - Let send some kids to the Olympics*

Signature: *[Signature]* Phone: *907-745-5989*

(if you need more space for comments please attach a separate sheet of paper.)
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AL HAYNES
 P.O. Box 873881
 WASILLA, AK 99687

FIRST CLASS

PUBLIC NOTICE

99654\$72M MATANUSKA-SUSITNA BOROUGH
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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.)

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MATANUSKA-SUSITNA BOROUGH
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Comments:

Good Deal!

Signature:

Brian Brown

Phone:

440-6584

(if you need more space for comments please attach a separate sheet of paper.)

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PUBLIC HEARINGS

*Im 15-001
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Comments:

This is a great idea and as a shooter, rifles, pistols and shotguns, I and my family will use this facility.

Signature:

Lauren 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.

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FIRST CLASS

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Comments:

I support this 100%

Signature:

Antonia Benavilla Phone: *907-982-7317*

(if you need more space for comments please attach a separate sheet of paper.)

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 OR 2015-001*



MATANUSKA-SUSITNA BOROUGH
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 Land Management Division
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 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.

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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.

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MATANUSKA-SUSITNA BOROUGH
 Community Development
 Land Management Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



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 Palmer, Alaska 99645

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Brigham Perez
 6690 E Beechcraft Rd
 Wasilla, AK 99654

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Comments: I SUPPORT

Signature:

Brigham Perez

Phone:

907-354-1623

(if you need more space for comments please attach a separate sheet of paper.)

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*Luke Doran
 500 w Jackfish Road
 Wasilla, AK 99654*

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Comments: *GOOD IDEA*

Signature: *[Signature]* Phone: *907-354-3062*

(if you need more space for comments please attach a separate sheet of paper.)
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 OR 15-001*



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PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH
 PUBLIC NOTICE

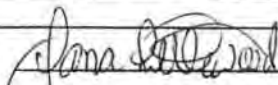
Type: Sale (MSB006977)

Tax ID: 16N04WD008, 16N04WA012

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Comments: I AM IN FAVOR OF THIS SALE

Signature:  Phone: 861-7474

(if you need more space for comments please attach a separate sheet of paper.)
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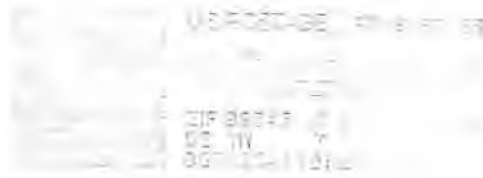
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IM15-001
 BR15-001



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12

MURRAY GEE
 951 W SELDON
 WASILLA AK 99654

FIRST CLASS

PUBLIC NOTICE

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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.)
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PO. Box 521866

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Big Lake AK: 99652

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 PUBLIC NOTICE

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Tax ID: 16N04WD008, 16N04WA012

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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.)
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Jesse Smith
 1301 W. Parks #2 FIRST CLASS
 Wasilla, AK 99654

PUBLIC NOTICE

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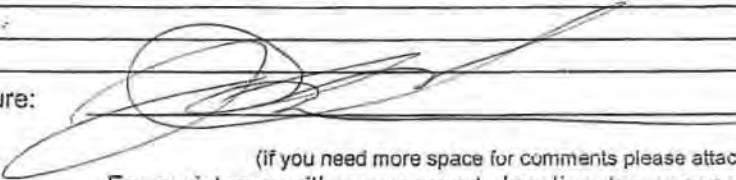
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Comments: I believe that is an excellent program for Mat-Sus youth.

Signature:  Phone: 907-775-9029

(if you need more space for comments please attach a separate sheet of paper.)
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FIRST CLASS

PUBLIC NOTICE

99654\$72 MATANUSKA-SUSITNA BOROUGH
 99645\$6 PUBLIC NOTICE

Type: Sale (MSB006977)

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Comments:

What a great idea, God Bless & Good Luck!

Signature:

Stewart K. Tucker

Phone:

724-0602

(If you need more space for comments please attach a separate sheet of paper.)

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ZIP 99645
 82 11
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Cory Tye
 12
 6080 grass meadow loop
 - Palmer, AK 99645

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PUBLIC NOTICE

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Comments: I think it would be a great idea.
 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: 906-463-0497

(if you need more space for comments please attach a separate sheet of paper.)
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Comments:

WE SUPPORT THE DEVELOPMENT OF AN ALASKA SCHOLASTIC CLAY TARGET PROGRAM

Signature:

Emerson P. Krueger Jr.

Phone:

907-745-7481

(if you need more space for comments please attach a separate sheet of paper.)

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Matanuska-Susitna Borough
 DEC 03 2014
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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 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 (Saquonee, 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



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Comments:

100% in favor of this!

Also to develop it completely!

Signature:

Jan Littlewood

Jan Littlewood

Phone:

355-7474

4340 S Devine Ave Ct Wasilla Alaska

(if you need more space for comments please attach a separate sheet of paper.)

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99654572 MATANUSKA-SUSITNA BOROUGH PUBLIC NOTICE

Type: Sale (MSB006977)

Tax ID: 16N04WD003, 16N04WA012

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Comments: Excellent plan and 100% in favor.

Signature: *Christie Littlewood* Phone: 357-7474
4340 S Doubletree Rd, Wasilla, 99654
(if you need more space for comments please attach a separate sheet of paper.)

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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

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Matanuska-Susitna Borough
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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	MB 12/16/14	
	Finance Director	of VOTEC	
	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.

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: *[Signature]*

Route To:	Department/Individual	Initials	Remarks
	Originator	LRM	For Assemblymember Sykes
	Borough Attorney	NS	
	Borough Clerk		12-26-14 <i>[Signature]</i>

ATTACHMENT(S): Fiscal Note: NO YES X
 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 2.12.120(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)

Resolution Serial

No. 15-006

Will be provided after

the Mayor's

public forum

On 01/15/15

SUBJECT: A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY CREATING THE MARIJUANA ADVISORY COMMITTEE.

AGENDA OF: *January 20, 2015*

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Present to the Assembly for consideration.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: _____

Route To:	Department/Individual	Initials	Remarks
	Originator	JS/NS	By J. Sykes
	Borough Attorney	NS	
	Borough Clerk	<i>JMM</i>	1-13-15 <i>(Signature)</i>

ATTACHMENT (S): Fiscal Note: Yes ; No Resolution Serial No. 14-007 (5 pp)

SUMMARY STATEMENT: This resolution is coming forward at the request of Assemblymember Sykes to create a marijuana advisory committee. This board will exist until June 30, 2018 and will consider input from the public, do volunteer research on aspects of marijuana legalization faced by other municipalities, become aware of legislative developments at the state level, and those of other municipalities, (including those in Alaska and other states where marijuana has been legalized) and offer advice and recommendations to the Assembly and administration on any issue related to or impacted by the legalization of marijuana.

The board is not empowered or authorized to take a position on behalf of the Matanuska-Susitna Borough and offer any comments to other agencies or entities. The board may only comment and offer advice to the Borough Assembly and Administration.

The board will consist of 13 members and convene as often as necessary and practicable until June 30, 2018 at which time the board will dissolve.

By: Assemblymember Sykes
Action:

**MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 15-007**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY
ESTABLISHING A MARIJUANA ADVISORY COMMITTEE.

WHEREAS, on November 4, 2014, Ballot Measure 2 was approved statewide by the voters; and

WHEREAS, Ballot Measure 2 generally legalizes marijuana and adopts a new chapter in the Alaska Statutes found at AS 17.38; and

WHEREAS, Ballot Measure 2 provides the framework for legalization of marijuana but there are many laws and regulations that remain to be addressed by the State of Alaska; and

WHEREAS, Ballot Measure 2 also allows for the Borough to prohibit and/or implement regulations governing the number, time, place and manner of marijuana cultivation facilities, manufacturing facilities, retail stores and testing facilities; and

WHEREAS, there is uncertainty about what regulations or laws the State of Alaska may pass; and

WHEREAS, the Borough needs to consider possible comments to the State Legislature as well as the control committee regarding laws and regulations governing marijuana; and

WHEREAS, there are many issues and factors to be considered by the Borough in deciding all the local issues associated with the legalization of marijuana; and

WHEREAS, the Assembly is creating an advisory committee, known as the Marijuana Advisory Committee, to advise the Assembly and Administration on any and all aspects, impacts and concerns related to the legalization of marijuana; and

WHEREAS, it is the intent of this resolution that the scope of review by the advisory board include, but not be limited to, considering input from the public, research on aspects of marijuana legalization faced by other municipalities, such as land use, regulatory compliance, law enforcement, taxes and revenue, health, education, cultivation, transportation, testing, and retail sales, become aware of legislative developments and those of other Alaska municipalities and states where marijuana is legal, and offer advice and recommendations to the Assembly and administration on both the upsides and downsides of any issue related to or impacted by the legalization of marijuana deems necessary to consider; and

WHEREAS, the board has no authority to act on behalf of the Borough or communicate on the Borough's behalf other than to make recommendations to the Assembly and Administration.

NOW, THEREFORE, BE IT RESOLVED, the Assembly hereby establishes the Marijuana Advisory Committee to be provided

secretarial and staff support principally from the Clerk's department.

BE IT FURTHER RESOLVED, the Marijuana Advisory Committee will advise the Assembly and Administration on any and all impacts of the legalization of marijuana and any issues to consider including, but not limited to, impacts on commerce, law, health, safety, education, planning, land use, and implementation of AS 17.38.

BE IT FURTHER RESOLVED, that the Marijuana Advisory Committee shall include, but not be limited to, research on aspects of marijuana legalization faced by other municipalities, such as land use, regulatory compliance, law enforcement, taxes and revenue, health, education, cultivation, transportation, testing, and retail sales, become aware of Alaska legislative developments and those of other Alaska municipalities and states where marijuana is legal, and offer advice and recommendations to the Assembly and administration on both the upsides and downsides of any issue related to or impacted by the legalization of marijuana the board deems necessary to consider; and

BE IT FURTHER RESOLVED, the Marijuana Advisory Committee will advise and recommend how the Borough Assembly and/or Administration should comment to the state of Alaska regarding

the implementation of Alaska Statute 17.38, and report at least quarterly to the Assembly.

BE IT FURTHER RESOLVED, the Marijuana Advisory Committee will advise and recommend how the Assembly and/or Administration should implement Alaska Statute 17.38 at the local level.

BE IT FURTHER RESOLVED, the Marijuana Advisory Committee may advise and recommend how the Assembly and/or Administration should act with regards to any issue or matter affected or impacted or related to marijuana and the implementation of Alaska Statute 17.38,

BE IT FURTHER RESOLVED, in order to gather input and consider all sides of all issues, the Marijuana Advisory Committee will be comprised of 13 members who, as feasible, shall be drawn from the following broad categories:

- One from a potentially interested marijuana grower
- One from non marijuana farming operation
- One from a potentially interested marijuana retailer
- One from financial community
- One from a local business organization, (i.e. Chamber of Commerce)
- One from law enforcement
- One from health community
- One from education community

- One from planning and zoning type experience
- One from sales/marketing advertising
- Three citizens of the Matanuska-Susitna Borough

BE IT FURTHER RESOLVED, the Marijuana Advisory Committee will exist until June 30th 2018.

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

LARRY DeVILBISS, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk


(SEAL)


SUBJECT: Award of Bid No. 15-073B, Lighthouse Drive to Valley General Construction, LLC for the contract amount of \$154,185.00.

AGENDA OF: January 20, 2015

ASSEMBLY ACTION:

Present to the assembly for consideration.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: 

Route To:	Department/Individual	Initials	Remarks
	Originator	JCM	
	Public Works Director	TDK	12 JAN 15
	Finance Director	DEC	1/13/15
	Borough Attorney	RS	
	Borough Clerk	JAM	1/12/15 

ATTACHMENT(S): Fiscal Note: Yes No
 Advertisement (1p)
 Analysis Sheet (1p)

SUMMARY STATEMENT: On December 3, 2014, the Matanuska-Susitna Borough issued solicitation 15-073B requesting bids to provide labor, equipment and material to reconstruct approximately 1150 linear feet of Lighthouse Drive near Big Lake Road, Big Lake Alaska. This project will upgrade the existing gravel roadways to MSB residential road standards. This work will involve, but is not limited, to 0.3 acres Clearing and Grubbing, 3505 CY Unclassified Excavation, 2663 CY Borrow, Type B, and 397 CY Aggregate Surface Course, Grading E-1. Additional items include drainage improvements, signage, topsoil and seeding. In response to the advertisement, five (5) bids were received.

Award recommendation is being made to Valley General Construction, LLC with their bid being the lowest responsive and responsible for all line items. The Contractor shall complete all the work within 45 days after commencing operations with a completion date of July 30, 2015.

RECOMMENDATION OF ADMINISTRATION: Award of BID NO. 15-073B, LIGHTHOUSE DRIVE to VALLEY GENERAL CONSTRUCTION, LLC for the contract amount of ONE HUNDRED FIFTY FOUR THOUSAND ONE HUNDRED EIGHTY FIVE AND NO/100 DOLLARS (\$154,185.00).

MATANUSKA-SUSITNA BOROUGH
FISCAL NOTE

AGENDA DATE: January 20, 2015
 SUBJECT: Award of Bid No. 15-073B, Lighthouse Drive,
 to Valley General Construction, LLC for the contract amount of \$154,185.00.
 ORIGINATOR: Purchasing

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT <input checked="" type="radio"/> YES <input type="radio"/> NO
AMOUNT REQUESTED \$154,185.00	FUNDING SOURCE SA Budget Approp
FROM ACCOUNT # 410.000.000.4xx.xx	PROJECT #
TO ACCOUNT :	PROJECT #
VERIFIED BY: <i>[Signature]</i>	CERTIFIED BY:
DATE: 1/12/15	DATE:

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL	154					
---------	-----	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

General Fund						
State/Federal Funds						
Other	154					
TOTAL	154					

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: *[Signature]* PHONE: _____
 DEPARTMENT: _____ DATE: _____
 APPROVED BY: _____ DATE: 1/13/15

**MATANUSKA-SUSITNA BOROUGH
350 East Dahlia
Palmer, Alaska 99645**

ADVERTISEMENT

VENDOR		ACCOUNT #	DATE FOR ADVERTISEMENT
Alaska Dispatch News		MATA 0070	December 3, 2014
Frontiersman		CONTRACT	December 5, 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
BID #15-073B
Lighthouse Drive**

The Matanuska-Susitna Borough is soliciting bids from qualified contractors to provide labor, equipment and material to reconstruct approximately 1150 linear feet of Lighthouse Drive near Big Lake Road, Big Lake Alaska. This project will upgrade the existing gravel roadways to MSB residential road standards. This work will involve, but is not limited to 0.3 acres Clearing and Grubbing, 3505 CY Unclassified Excavation, 2663 CY Borrow, Type B, and 397 CY Aggregate Surface Course, Grading E-1, Additional items include drainage improvements, signage, topsoil and seeding.

Bid documents are available **December 3, 2014** in the Purchasing Division, Matanuska-Susitna Borough, 350 E. Dahlia Ave., Palmer, AK 99645. For Information: (907) 861-8601, Facsimile: (907) 861-8617, e-mail purchasing@matsugov.us. This bid document may be available on the internet at www.matsugov.us. A document fee of \$5.00 will be charged for materials picked-up and \$10.00 for materials mailed.

Pre-bid: **December 11, 2014 @ 10AM in Purchasing Division P2 Conference Room**

Bids open: **December 22, 2014 @ 3PM in the Purchasing Division**

Bids must be received in the Purchasing Division prior to the time fixed for opening of the bids to be considered. Time of receipt will be determined by the time stamp in the Purchasing Division.

Persons needing accommodation in order to participate should contact the borough ADA coordinator at (907) 861-8687.

The Matanuska-Susitna Borough reserves the right to accept or reject any or all bids, waive any and all technicalities or informalities it deems appropriate. Award of this project is subject to the availability of funding.

Page 1 of 1	Requested by: Signature on File	Approved by: Signature on File
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DEPARTMENT ACCOUNT NO.: **410.000.000.462.940 ~ 30043/6600/6676**

Am 15-008

BID TABULATION
BID #15-073B
Lighthouse Drive
December 22, 2014 @ 3PM

BIDDER				Valley General Construction		Dirtworks Inc.		Western Construction & Equip.		Jolt Const. & Traffic Maint.		Spernak and Son			
Pay Item Number	Pay Item Description	Pay Unit	Quantity	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
201(3A)	Clearing and Grubbing	Acre	0.3	\$13,000.00	\$3,900.00	\$10,000.00	\$3,000.00	\$12,000.00	\$3,600.00	\$30,000.00	\$9,000.00	\$67,025.00	\$20,107.50		\$0.00
203(3)	Unclassified Excavation	Cubic Yard	3,505	\$9.00	\$31,545.00	\$9.63	\$33,753.15	\$9.00	\$31,545.00	\$20.00	\$70,100.00	\$11.86	\$41,569.30		\$0.00
203(5B)	Borrow, Type B	Cubic Yard	2,663	\$16.00	\$42,608.00	\$16.29	\$43,380.27	\$20.00	\$53,260.00	\$20.00	\$53,260.00	\$17.68	\$47,081.84		\$0.00
203(27)	Ditch Linear Grading	Station	1	\$2,729.00	\$2,729.00	\$4,350.00	\$4,350.00	\$3,500.00	\$3,500.00	\$4,500.00	\$4,500.00	\$1,207.00	\$1,207.00		\$0.00
301(3)	Aggregate Surface Course, Grading E-1	Cubic Yard	397	\$29.00	\$11,513.00	\$35.00	\$13,895.00	\$40.00	\$15,880.00	\$60.00	\$23,820.00	\$58.87	\$23,371.39		\$0.00
401(4)	Asphalt Concrete, Type 1, Class B	Square Yard	9	\$295.00	\$2,655.00	\$260.00	\$2,340.00	\$100.00	\$900.00	\$125.00	\$1,125.00	\$203.82	\$1,834.38		\$0.00
603(1-12)	12 Inch CSP	Linear Foot	152	\$55.00	\$8,360.00	\$39.00	\$5,928.00	\$40.00	\$6,080.00	\$75.00	\$11,400.00	\$96.04	\$14,598.08		\$0.00
615(2)	Remove And Relocate Existing Sign	Each	3	\$100.00	\$300.00	\$525.00	\$1,575.00	\$150.00	\$450.00	\$600.00	\$1,800.00	\$733.00	\$2,199.00		\$0.00
618(2)	Seeding	Pound	16	\$137.50	\$2,200.00	\$131.25	\$2,100.00	\$140.00	\$2,240.00	\$150.00	\$2,400.00	\$125.00	\$2,000.00		\$0.00
620(1)	Topsoil	Square Yard	1,823	\$5.00	\$9,115.00	\$3.15	\$5,742.45	\$4.00	\$7,292.00	\$5.00	\$9,115.00	\$5.63	\$10,263.49		\$0.00
639(1)	Residence Driveway	Each	6	\$300.00	\$1,800.00	\$500.00	\$3,000.00	\$225.00	\$1,350.00	\$400.00	\$2,400.00	\$817.71	\$4,906.26		\$0.00
639(3)	Public Approach	Each	3	\$480.00	\$1,440.00	\$720.00	\$2,160.00	\$500.00	\$1,500.00	\$400.00	\$1,200.00	\$1,635.42	\$4,906.26		\$0.00
640(1)	Mobilization and Demobilization	Lump Sum	All Required		\$7,300.00		\$11,700.00		\$12,000.00		\$15,000.00		\$8,905.00		#VALUE!
641(1)	Administration	Lump Sum	All Required		\$750.00		\$1,800.00		\$2,500.00		\$3,000.00		\$8,062.50		#VALUE!
641(3)	Temporary Erosion and Pollution Control	Lump Sum	All Required		\$2,400.00		\$4,200.00		\$3,000.00		\$7,000.00		\$6,562.50		#VALUE!
642(1)	Construction Surveying	Lump Sum	All Required		\$8,000.00		\$10,780.00		\$15,000.00		\$10,000.00		\$10,436.25		#VALUE!
642(2)	Two Person Survey Party	Hour	16	\$270.00	\$4,320.00	\$270.00	\$4,640.00	\$250.00	\$4,000.00	\$200.00	\$3,200.00	\$310.50	\$4,968.00		\$0.00
643(1)	Traffic Maintenance	Lump Sum	All Required		\$500.00		\$6,500.00		\$3,500.00		\$5,000.00		\$4,474.52		#VALUE!
643(2)	Permanent Construction Signs	Lump Sum	All Required		\$750.00		\$2,000.00		\$2,500.00		\$2,500.00		\$8,164.00		#VALUE!
800(1)	Interim Work Authorization	Contingent Sum	All Required		\$12,000.00		\$12,000.00		\$12,000.00		\$12,000.00		\$12,000.00		#VALUE!
TOTAL BASE BID					\$154,185.00		\$175,443.87		\$182,097.00		\$247,820.00		\$237,617.27		#VALUE!

AM 15-008

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

AGENDA OF: January 20, 2015

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: _____

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

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

SUMMARY STATEMENT:

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

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

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

RECOMMENDATION OF ADMINISTRATION:

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

MATANUSKA-SUSITNA BOROUGH
FISCAL NOTE

Agenda Date: January 20, 2015

ORIGINATOR: Community Development

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

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT? <input checked="" type="radio"/> YES <input type="radio"/> NO
AMOUNT REQUESTED \$ 15,220.54	FUNDING SOURCE MTA ERate Coz
FROM ACCOUNT #	PROJECT # 20323
TO ACCOUNT # 440.000 000.3xx.xxx	PROJECT #
VERIFIED BY: <i>Barbara Sawmeyer</i>	CERTIFIED BY:
DATE: 1/9/15	DATE:

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

General Fund						
Federal Funds						
Other	15					
TOTAL	15					

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: _____
 DEPARTMENT: _____
 APPROVED BY: *[Signature]*

Phone: _____
 Date: _____
 Date: 1/9/15

NON-CODE ORDINANCE

By: Borough Manager
Introduced:
Public Hearing:
Action:

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

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

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

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

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

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

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

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

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

BE IT ENACTED:

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

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

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

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

LARRY DEVILBISS, Borough Mayor

ATTEST:

LONNIE R. MCKECHNIE, Borough Clerk

(SEAL)

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 15.39.010, DEFINITIONS; AMENDING MSB 15.39.270, NOTICE OF APPEALS; FORM; MSB 15.39.300, PREPARATION OF THE RECORD; NOTICE OF HEARING DATE; MSB 15.39.310, WRITTEN ARGUMENT AND EVIDENCE ON APPEAL; MSB 15.39.320, APPEAL HEARING; MSB 15.39.340, DECISION; MSB 15.39.350, JUDICIAL REVIEW; AND ADOPTING MSB 15.39.360 JUDICIAL REVIEW.

AGENDA OF: January 20, 2015

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: _____

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

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

SUMMARY STATEMENT:

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

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

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

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

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

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

The Planning Commission passed a resolution recommending the changes.

RECOMMENDATION OF ADMINISTRATION: Administration respectfully requests approval.

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

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

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY APPROVE AN ORDINANCE AMENDING MSB 15.39.010, DEFINITIONS; AMENDING MSB 15.39.270, NOTICE OF APPEALS; FORM; MSB 15.39.300, PREPARATION OF THE RECORD; NOTICE OF HEARING DATE; MSB 15.39.310, WRITTEN ARGUMENT AND EVIDENCE ON APPEAL; MSB 15.39.320, APPEAL HEARING; MSB 15.39.340, DECISION; MSB 15.39.350, JUDICIAL REVIEW; AND ADOPTING MSB 15.39.360 JUDICIAL REVIEW.

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

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

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

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

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


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

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



JOHN KLAPPERICH, Chair

ATTEST



MARY BRODIGAN, Planning Clerk

(SEAL)

YES:

NO:

IM15-023
OR15-014

CODE ORDINANCE

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

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

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 15.39.010, DEFINITIONS; AMENDING MSB 15.39.270, NOTICE OF APPEALS; FORM; MSB 15.39.300, PREPARATION OF THE RECORD; NOTICE OF HEARING DATE; MSB 15.39.310, WRITTEN ARGUMENT AND EVIDENCE ON APPEAL; MSB 15.39.320, APPEAL HEARING; MSB 15.39.340, DECISION; MSB 15.39.350, JUDICIAL REVIEW; AND ADOPTING MSB 15.39.360 JUDICIAL REVIEW.

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

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

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

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

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

BE IT ENACTED:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) appellant: 15 minutes;

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

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

(5) other interested parties: five minutes each;

(6) appellant, for rebuttal: five minutes.

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

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

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

[DECISION.] SCOPE OF APPELLATE REVIEW.

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

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

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

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

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

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

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

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

[JUDICIAL REVIEW] DECISION.

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

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

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

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

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

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

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

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

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

15.39.360 JUDICIAL REVIEW.

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

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

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

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

LARRY DeVILBISS, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.125 DEFINITIONS AND MSB 17.60 CONDITIONAL USES; AND ADOPTING MSB 17.67 TALL STRUCTURES, INCLUDING TELECOMMUNICATION FACILITIES, WIND ENERGY CONVERSION SYSTEMS, AND OTHER TALL STRUCTURES.

AGENDA OF: January 20, 2015

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:

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

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

SUMMARY STATEMENT:

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

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

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

Permit threshold by height (feet)

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

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

BACKGROUND:

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

In December 2007, staff was directed to revise regulations for

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

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

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

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

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

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

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

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

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

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

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

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

COMPREHENSIVE PLAN

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

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

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

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

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

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

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

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

RECOMMENDATION OF ADMINISTRATION:

Staff respectfully recommends approval of the attached ordinance.

CODE ORDINANCE

By: Borough Manager
Introduced:
Public Hearing:
Action:

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

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.125, DEFINITIONS, AND MSB 17.60 CONDITIONAL USES; AND ADOPTING MSB 17.67 TALL STRUCTURES, INCLUDING TELECOMMUNICATION FACILITIES, WIND ENERGY CONVERSION SYSTEMS, AND OTHER TALL STRUCTURES.

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

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

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

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

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

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

BE IT ENACTED:

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

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

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

17.67.010 PURPOSE AND INTENT

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

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

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

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

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

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

(5) minimizing potential hazards associated with tall structures;

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

17.67.020 APPLICABILITY

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

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

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

(2) vegetative screening and other camouflage techniques;

(3) the color of tall structures;

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

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

(6) increased setbacks.

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

(1) broadcast facilities;

(2) telecommunication towers;

(3) wind energy conversion systems;

(4) tall structures as defined by MSB 17.125.

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

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

17.67.030 EXEMPTIONS

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

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

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

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

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

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

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

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

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

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

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

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

17.67.040 TYPES OF PERMITS AVAILABLE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) the number of people who attended meetings.

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

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

(8) a written summary that addresses the following:

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

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

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

17.67.060 GENERAL PERMIT PROCESS FOR ADMINISTRATIVE AND CONDITIONAL USE PERMITS

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

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

(a) the notification area will be 1200 feet;

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

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

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

(1) height limitations;

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

(3) mitigation of drainage concerns;

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

(5) color;

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

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

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

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

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

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

17.67.070 GENERAL APPLICATION REQUIREMENTS FOR ADMINISTRATIVE AND CONDITIONAL USE PERMITS

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

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

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

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

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

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

(5) a certified site plan;

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

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

17.67.080 STANDARDS FOR APPROVAL OF NEW TALL STRUCTURES

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

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

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

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

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

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

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

17.67.090 OPERATION STANDARDS FOR NEW TALL STRUCTURES

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

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

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

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

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

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

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

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

responsible for the operation and maintenance of the facility;

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

(c) a 24-hour emergency contact number.

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

17.67.100 ADDITIONAL OPERATION STANDARDS FOR WIND ENERGY CONVERSION SYSTEMS

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

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

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

17.67.110 NETWORK IMPROVEMENT PERMIT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17.67.120 RECONSTRUCTION AND REPLACEMENT

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

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

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

(1) Reconstruction or replacement shall not:

(a) increase lighting;

(b) change the type of lighting;

(c) change the tower type;

(d) change the location of the tall structure; or

(e) increase the height of a tall structure.

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

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

17.67.130 ABANDONMENT

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

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

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

17.67.140 TRANSFER OF A CONDITIONAL USE PERMIT.

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

17.67.200 NONCONFORMING USES

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

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

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

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

existing legal nonconforming status under this chapter.

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

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

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

(2) height of structure;

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

(4) a certified site plan;

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

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

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

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

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

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

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

17.67.300 VIOLATIONS, ENFORCEMENT, AND PENALTIES

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

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

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

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

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

17.67.400 APPEAL PROCEDURE

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

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

["AM BROADCAST ANTENNA" MEANS A TOWER OR TOWERS USED FOR THE PROCESS OF RADIO BROADCASTING USING AMPLITUDE MODULATION.]

"Ancillary Structure" means any form of development associated with a telecommunication facility, including but not limited to: foundations,

concrete slabs on grade, guy wires, guy anchors, generators, and transmission cable supports; however, specifically excluding equipment cabinets.

["ANTENNA ARRAY" MEANS A GROUP OF ANTENNAS AND ASSOCIATED MOUNTING HARDWARE, TRANSMISSION LINES, OR OTHER APPURTENANCES WHICH SHARE A COMMON ATTACHMENT SUPPORT STRUCTURE FOR THE PURPOSE OF TRANSMITTING OR RECEIVING ELECTROMAGNETIC WAVES.]

"Equipment Compound" means the area occupied by a tower including areas inside or under the following: an antenna-support structure's framework, equipment cabinets, and ancillary structures[SUCH AS EQUIPMENT NECESSARY TO OPERATE THE ANTENNA ON THE TOWER INCLUDING: CABINETS, SHELTERS, PEDESTALS, AND OTHER SIMILAR STRUCTURES AND ACCESS WAYS].

"EIA/TIA 222" MEANS THE MOST CURRENT STRUCTURAL STANDARDS FOR STEEL ANTENNA TOWERS AND ANTENNA SUPPORT STRUCTURES PUBLISHED BY THE TELECOMMUNICATION INDUSTRY ASSOCIATION AND ACCREDITED BY THE AMERICAN NATIONAL STANDARDS INSTITUTE.

"FALL RADIUS" MEANS THE CIRCULAR AREA MEASURED FROM THE BASE OF THE TOWER OUTWARD IN A CIRCULAR PATTERN (RADIUS) FOR A DISTANCE OF 100 PERCENT OF

THE PROPOSED OR EXISTING TOWER'S HEIGHT INCLUDING APPURTENANCES.]

"Height, Tall Structure" means the vertical distance measured from finished grade to the highest point of the tall structure, not including appurtenances, antennae or equipment affixed thereto. In the case of wind energy conversion systems, the blade is considered part of the overall height of the structure.

["SEARCH RING" MEANS A GEOGRAPHIC AREA IDENTIFIED BY THE COMMUNICATIONS SERVICE PROVIDER AS NECESSARY TO LOCATE A WIRELESS FACILITY IN ORDER TO ENHANCE OR EXPAND THEIR SERVICE.]

"Telecommunication tower" means a tower built for the sole or primary purpose of supporting any FCC licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

[CONTAINED WITHIN A TELECOMMUNICATION FACILITY.]

"TOWER BASE" MEANS THE FOUNDATION, USUALLY CONCRETE, ON WHICH THE TOWER AND OTHER SUPPORT EQUIPMENT ARE SITUATED.

"TOWER SITE" MEANS THE LAND AREA THAT CONTAINS, OR WILL CONTAIN, A PROPOSED TOWER, SUPPORT STRUCTURES, AND OTHER RELATED BUILDINGS AND IMPROVEMENTS. "WIDTH OF A STRUCTURE" MEANS THE HORIZONTAL DISTANCE MEASURED FROM THE OUTERMOST POINTS OF THE STRUCTURE INCLUDING ATTACHMENTS AND STRUCTURAL SUPPORTS BUT EXCLUDING GUY WIRES AND TRANSMISSION LINES STRUNG BETWEEN TOWERS AS IN THE CASE OF ELECTRICAL POWER LINES.]

"Transmission Equipment" means equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular backup power supply.

Section 4. Amendment of Section. The following definitions within MSB 17.60.010 are hereby repealed as follows:

[• "ALTERNATIVE TOWER STRUCTURE" MEANS TALL STRUCTURES SUCH AS: CLOCK TOWERS, SCULPTURES, STEEPLES, LIGHT POLES, BUILDINGS, ARTIFICIAL TREES, AND SIMILAR ALTERNATIVE-DESIGN STRUCTURES AND ARCHITECTURAL

FEATURES THAT SUPPORT, CONCEAL, OR CAMOUFLAGE ANTENNAS OR OTHER USES REQUIRING HEIGHT.

- "ANTENNA" MEANS A ROD, WIRE, OR SET OF WIRES USED IN SENDING AND RECEIVING ELECTROMAGNETIC WAVES.

- "COLLOCATION" MEANS THE LOCATION OF MORE THAN ONE USE OR ATTACHMENT, SUCH AS AN ANTENNA, ON THE SAME STRUCTURE OR SITE; ALSO THE LOCATION OF MORE THAN ONE STRUCTURE ON THE SAME SITE.

- "HEIGHT OF STRUCTURE" MEANS THE VERTICAL DISTANCE MEASURED FROM THE BASE OF THE STRUCTURE AT FINISHED GRADE, TO THE HIGHEST POINT OF THE STRUCTURE INCLUDING APPURTENANCES. THE AVERAGE BETWEEN THE HIGHEST AND LOWEST GRADES WITHIN 20 FEET OF THE STRUCTURE SHALL BE CONSIDERED FINISHED GRADE AND USED IN CALCULATING THE HEIGHT.

- "TALL STRUCTURE" MEANS A STRUCTURE THAT IS HIGH OR TALL, RELATIVE TO ITS SURROUNDINGS. THE TERM INCLUDES, BUT IS NOT LIMITED TO, FLAG POLES, SCULPTURE, BUILDINGS, ELEVATORS, STORAGE OR PROCESSING FACILITIES, WATER TANKS, DERRICKS, CRANES, SIGNS, CHIMNEYS, AREA ILLUMINATION POLES, TOWERS, SUPPORTS FOR COMMUNICATION, AND POWER TRANSMISSION LINES.

- "TOWER" MEANS A TYPE OF TALL STRUCTURE NOT INTENDED FOR OCCUPANCY AND INCLUDES, BUT IS NOT LIMITED TO,

ANTENNA, MONOPOLES, SELF-SUPPORTING LATTICE, GUYED STRUCTURES, AND ALTERNATIVE TYPE STRUCTURES FOR USES INCLUDING, BUT NOT LIMITED TO, TELECOMMUNICATION AS IN RECEIVING OR TRANSMISSION OF TELEVISION, MICROWAVE, CELLULAR TELEPHONE, COMMON CARRIER, PERSONAL COMMUNICATIONS SERVICE (PCS), OR OTHER RADIO WAVE SIGNALS. A TOWER MAY BE FREE STANDING OR ATTACHED TO A STRUCTURE.

- "TOWER FARM" MEANS A LOT OR CONTIGUOUS GROUP OF LOTS USED AS A LOCATION FOR MORE THAN ONE TOWER.

- "TOWER LINE ROUTE" MEANS THE ROUTE TRAVERSED BY TWO OR MORE TOWERS SUPPORTING COMMON SERVICE AS IN ELECTRICAL POWER, COMMUNICATIONS, OR LIGHTING.

- "TOWER SERVICE AREA GRID" MEANS THE SERVICE AREA AND LOCATIONS OF TWO OR MORE TOWERS PROVIDING COMMON SERVICE AS IN A CELLULAR TELEPHONE SERVICE AREA.

- "WIDTH OF A STRUCTURE" MEANS THE HORIZONTAL DISTANCE MEASURED FROM THE OUTERMOST POINTS OF THE STRUCTURE INCLUDING ATTACHMENTS AND STRUCTURAL SUPPORTS BUT EXCLUDING GUY WIRES AND TRANSMISSION LINES STRUNG BETWEEN TOWERS AS IN THE CASE OF ELECTRICAL POWER LINES.]

Section 5. Amendment of Section. MSB 17.60.030 is hereby amended as follows:

17.60.030 PERMIT REQUIRED.

(A) The following land uses are declared to be potentially damaging to the property values and usefulness of adjacent properties, or potentially harmful to the public health, safety, and welfare:

(1) junkyards and refuse areas;

(2) correctional community residential centers;

(3) race tracks used by motorized vehicles carrying people on land;

[(4) TALL STRUCTURES EXCEEDING THE MAXIMUM ALLOWABLE HEIGHT FOR STRUCTURES WITHIN A SPECIAL LAND USE DISTRICT OR EXCEEDING 100 FEET ABOVE AVERAGE GRADE IN LOCATIONS WHERE NO MAXIMUM HEIGHT FOR STRUCTURES IS DESIGNATED BY BOROUGH CODE;

(5) TOWER FARMS CONTAINING TWO OR MORE TALL TOWERS REGULATED UNDER THIS CHAPTER;

(6) TOWER LINE ROUTES AND TOWER SERVICE AREA GRIDS, CONTAINING TWO OR MORE TOWERS REGULATED UNDER THIS CHAPTER; AND

(7) ELECTRICAL LIGHTING TOWERS IN EXCESS OF 185 FEET LOCATED WITHIN THE ROAD RIGHTS-OF-WAY ALONG MAJOR ARTERIAL CORRIDORS.]

Section 6. Repeal of Section. MSB 17.60.145 is hereby repealed in its entirety.

Section 7. Effective date. This ordinance shall take effect upon adoption.

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

LARRY DeVILBISS, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

SUBJECT: AN ORDINANCE AUTHORIZING AND APPROVING A LOAN FROM THE USDA IN THE AMOUNT NOT TO EXCEED \$6,700,000 FOR THE PURPOSE OF PROVIDING FOR ALL OR A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING FRONTERAS SPANISH IMMERSION CHARTER SCHOOL; AND, AN ORDINANCE AUTHORIZING AND APPROVING A LEASE OF BOROUGH PROPERTY TO FRONTERAS SPANISH IMMERSION CHARTER SCHOOL FOR A TERM OF 40 YEARS WITH AN ESTIMATED ANNUAL PAYMENT OF \$396,000 WITH THE EXACT TERMS, CONDITIONS AND PROVISIONS AS NECESSARY AND ADVISABLE TO SECURE A LOAN FROM USDA AND PROVIDE FOR REPAYMENT OF THE LOAN.

AGENDA OF: January 20, 2015

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:

Route To:	Department/Individual	Initials	Remarks
	Originator		
	Finance Director	JMC	1/13/15
	Borough Attorney	NS	
	Borough Clerk	JMM	1/13/15

ATTACHMENT(S): Fiscal Note: NO YES
 Ordinance Serial No. 15-017 (9 pp)
 Ordinance Serial No. 15-018 (3 pp)
 Charter School Lease Agreement (3 pp)
 USDA Loan Resolution (2 pp)

Ordinance Serial NO. 15-019 (

JPP and Beck and Arvin

SUMMARY STATEMENT:

This ordinance is sponsored by Assemblymember Colver to obtain a loan in the proposed amount of \$6,633,000 from the USDA for the construction of a school for Fronteras Spanish Immersion Charter School.

This ordinance is based on a draft of a resolution provided by USDA. The loan here is legal because it will be much like a

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certificate of participation bond such as was used to finance the Goose Creek Correctional Center in this sense: the only thing securing the loan is the revenues from the lease of the facility to the Fronteras Charter School.

The draft resolution from the USDA was used as a template for the Ordinance approving the loan. It was modified slightly to reflect the fact that this is a direct loan and not an issuance of a bond. It was also modified because there are no other funds legally available to secure the Borough's commitments to the USDA in the event of a default or indemnification. Finally, Matanuska-Susitna Borough Code requires an ordinance whenever the Borough borrows money which is the reason this is an ordinance and not a resolution.

The companion ordinance with the approval of the loan is an ordinance authorizing the Borough Manager to enter into a lease with Fronteras Charter School to establish the revenue stream needed to fund the USDA loan. The lease will be for a 40 year term with an anticipated rental amount of \$396,000 per year. The lease is in draft form and the Manager is authorized to modify it as necessary to ensure a successful project while still protecting the interests of the Matanuska-Susitna Borough.

RECOMMENDATION OF ADMINISTRATION: Introduce and set for public hearing.

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**MATANUSKA-SUSITNA BOROUGH
FISCAL NOTE**

Agenda Date: January 20, 2015

SUBJECT: AN ORDINANCE AUTHORIZING AND APPROVING A LOAN FROM THE USDA FOR THE PURPOSE OF PROVIDING FOR ALL OR A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING FRONTERAS SPANISH IMMERSION CHARTER SCHOOL AND AUTHORIZING AND APPROVING A LEASE OF BOROUGH PROPERTY TO FRONTERAS SPANISH IMMERSION CHARTER SCHOOL UPON SUCH TERMS, CONDITIONS AND PROVISIONS AS NECESSARY AND ADVISABLE TO SECURE A LOAN FROM USDA AND PROVIDE FOR REPAYMENT OF THE LOAN.

ORIGINATOR:

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT (YES) NO
AMOUNT REQUESTED <u>6,700,000</u>	FUNDING SOURCE <u>USDA Loan</u>
FROM ACCOUNT #	PROJECT #
TO ACCOUNT: <u>400-000-800-4XX</u>	PROJECT #
VERIFIED BY: <u>[Signature]</u>	CERTIFIED BY:
DATE: <u>1/13/15</u>	DATE:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous - <u>Loan Pmt</u>			<u>396.</u>	→		
TOTAL OPERATING						

CAPITAL		<u>6,700</u>				
---------	--	--------------	--	--	--	--

REVENUE <u>Lease</u>			<u>396.</u>	→		
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FUNDING: (Thousands of Dollars)

General Fund	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019
State/Federal Funds						
Other						
TOTAL						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: _____ PHONE: _____
 DEPARTMENT: _____ DATE: _____
 APPROVED BY: [Signature] DATE: 1/13/15

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FP DRAFT 9/5/14

CHARTER SCHOOL LEASE AGREEMENT

By and Between

MATANUSKA-SUSITNA BOROUGH, as Lessor

And

**FRONTERAS SPANISH IMMERSION CHARTER SCHOOL ACADEMIC POLICY
COMMITTEE, as Lessee**

Dated as of [] 1, 2014

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CHARTER SCHOOL LEASE AGREEMENT

This CHARTER SCHOOL LEASE AGREEMENT (this "Agreement") is entered into as of [] 1, 2014, by and between the MATANUSKA-SUSITNA BOROUGH, a second-class borough of the State of Alaska, as lessor (the "Borough"), and FRONTERAS SPANISH IMMERSION CHARTER SCHOOL ACADEMIC POLICY COMMITTEE, an Alaska nonprofit corporation, as lessee (the "School").

RECITALS

(a) The Borough has determined that it would be in the best interest of the Borough and in furtherance of the public purposes of the Borough to acquire, construct and equip a school building (as further defined herein, the "Project") within the Borough.

(b) The Borough has title to the real property more particularly described in Exhibit A hereto (the "Land") as the site for the Project.

(c) Under Ordinance Serial No. [], adopted by the Assembly of the Borough on [], 2014, the Borough is authorized to enter into this Agreement and to obtain a loan (the "Loan") pursuant to a loan agreement (the "Loan Agreement") with the United States of America acting through the Department of Agriculture (the "Lender"). The sole source of payment for the Loan is certain payments ("Lease Payments") to be made by the School under this Agreement.

(d) The School acknowledges that the Borough is entering into the Loan Agreement simultaneously with the execution of this Agreement to finance the acquisition, construction and equipping of the Project.

NOW, THEREFORE, pursuant to law and for and in consideration of the mutual covenants, promises and agreements contained herein, the parties agree as follows:

ARTICLE I DEFINITIONS

Capitalized terms used in this Agreement shall have the meaning given such terms in Appendix I.

ARTICLE II PROPERTY

The Borough hereby leases to the School, and the School hereby leases from the Borough, the Property.

ARTICLE III FACILITY CONSTRUCTION

Using the proceeds of the Loan, the Borough will manage the design and procurement process for the Facility, pursuant to the terms of the Construction Agreement. The Borough will

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administer all design and construction contracts for the Facility in accordance with the Construction Agreement. The Borough's costs associated with the design and construction of the Facility are tabulated in a construction budget included in the Construction Agreement.

**ARTICLE IV
LEASE TERM**

This Agreement is effective upon its execution by the Borough and the School and shall extend for a term ending on [____]; *provided*, that

(a) so long as the School is in occupancy of the Property under this Agreement, the term of this Agreement shall terminate prior to [____] upon an election by the School pursuant to Article XII or Article XIII to cause the Trustee to use insurance or condemnation proceeds from the destruction, loss, or condemnation of all or substantially all of the Property to prepay or defease the principal of the Loan then outstanding in accordance with the applicable provisions set forth in the Loan Agreement; and

(b) if the School is no longer in occupancy of the Property as a result of its default and the Borough has not elected to terminate this Agreement, then the term of this Agreement shall expire upon the earliest of (1) the date that all Lease Payments have been paid or provided for in full and (2) [____].

**ARTICLE V
LEASE PAYMENTS**

5.1 Lease Payments.

(a) Lease Payment Obligations. Commencing on the [Closing Date]/[Completion Date], the School shall be obligated to make Lease Payments.

(b) Lease Payments. The Lease Payments are set forth in Exhibit B to this Agreement. From and after the [Closing Date]/[Completion Date], on or before five Business Days prior to each date on which each Lease Payment is due, as shown on Exhibit B to this Agreement (each, a "Lease Payment Due Date"), the School shall remit the amount of each Lease Payment to the Trustee in immediately available funds.

(c) Pledge to Budget for Lease Payments. Not less than 60 days prior to the beginning of each fiscal year, the School shall adopt a budget for such fiscal year and include in such budget all Lease Payments and Incidental Payments required by this Agreement to be paid in such fiscal year. Promptly after adoption, the School shall provide a copy of such budget to the Borough.

5.2 Incidental Payments. From and after the [Closing Date]/[Completion Date], the School shall also pay, without notice and without set-off, deduction or abatement, Incidental Payments. In the event of any non-payment of Incidental Payments, the Borough shall have, in addition to all other rights and remedies, all rights and remedies provided for herein or by law for the non-payment of Lease Payments.

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5.3 Quiet Enjoyment. Upon payment by the School of the Lease Payments and Incidental Payments herein provided, and upon the observance and performance of the covenants, terms and conditions on the School's part to be observed and performed, the Borough covenants that the School shall peaceably and quietly hold and enjoy the Property under this Agreement for the term hereby demised without hindrance or interruption by the Borough or any Person lawfully or equitably claiming by, through or under the Borough. In the event there is any breach by the Borough of its covenant of quiet enjoyment as a result of the loss of title to all or any portion of the Property, the provisions of Article XII shall determine the right of the School to terminate this Agreement and the distribution of any payments received from the title insurance companies insuring the rights of the School and the rights of the Borough.

ARTICLE VI USE

6.1 Use of Premises. The School may use the Facility only as provided in the recitals to this Agreement.

6.2 Compliance with Laws. The School shall comply with all federal, State and local laws, regulations and ordinances applicable to the Property and the use or occupancy thereof.

(a) The School shall manage and operate the Facility subject to the operating and employment procedures adopted by the Borough.

(b) The School shall operate the Facility based on the annual budget adopted pursuant to Section 5.1(c).

(c) The School shall deliver monthly and annual reports to the Borough that include financial and operational statistics.

(d) The School shall permit the Borough to inspect its books and records at reasonable hours upon reasonable notice.

(e) The School shall comply with all requirements related to the federal financial assistance provided to the Borough by the Lender as if the School were the recipient of such assistance.

(f) The School shall obtain and maintain all necessary licenses, certifications, and accreditations as may be necessary to operate, maintain or manage the Facility.

6.3 Environmental Conditions. The School represents and warrants to the Borough that:

(a) The School, to the best of its knowledge, is not in violation or subject to any existing, pending or threatened investigation by any governmental authority under any applicable federal, State or local law, regulation or ordinance pertaining to air or water quality, the handling, transportation, storage, treatment, usage or disposal of Toxic or Hazardous Substances, air emissions, other environmental matters or any zoning or other land use matters relating to the Property.

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(b) Any handling, transportation, storage, treatment or use of Toxic or Hazardous Substances that will occur on the Property in connection with the School's occupancy of the Property will be in compliance with all applicable federal, State, and local laws, regulations and ordinances.

**ARTICLE VII
TRIPLE NET LEASE**

7.1 Triple Net Lease. This Agreement is a "triple net lease" and except as otherwise expressly provided in this Agreement, the School's obligations to make Lease Payments as provided in Article V and the School's obligations to perform and observe all of its other covenants and agreements contained herein shall be absolute and unconditional, and the failure by the School to make Lease Payments at the time and in the amounts set forth in Exhibit B or Incidental Payments as and when the same become due shall constitute a Lease Default Event. All Lease Payments shall be made without notice or demand and without setoff, counterclaim, abatement, deduction or defense whatsoever. The School assumes the sole responsibility for the condition, use, operation, maintenance and management of the Property, and the School will, at its sole cost and expense, pay all Impositions, pay labor and professional costs and make all other payments with respect to the Property, keep and maintain the Property in good repair and condition and in compliance with all applicable laws, rules, regulations, statutes, and ordinances, and make all structural, non-structural, ordinary and extraordinary changes, repairs and replacements that may be required to be made upon or in connection with the Improvements in order to keep the same in good repair and condition, reasonable wear and tear and ordinary use excepted. The School shall limit expenditures on emergency repairs to those provided for in the budget adopted pursuant to Section 5.1(c). Notwithstanding anything in this Agreement to the contrary, the School shall have no obligation whatsoever to indemnify the Borough for any claims, losses, liabilities or damages arising from the negligent or willful acts or omissions of the Borough.

7.2 Lease Nonterminable. Except as otherwise expressly provided in Articles IV, V, XII and XIII, this Agreement shall not terminate, nor shall the School have any right to terminate this Agreement or to be released or discharged from any obligations or liabilities hereunder for any reason, including damage or destruction of the Property, it being the intention of the parties hereto that all Lease Payments payable by the School hereunder shall continue to be payable in all events in the manner and at the times herein provided unless the obligation to pay the same shall be terminated pursuant to the express provisions of this Agreement.

7.3 Compliance with Laws. From and after the Completion Date, the School shall, at its own cost and expense, perform and comply with all laws, rules, orders, ordinances, regulations and requirements now or hereafter enacted or promulgated (including all zoning, pollution and environmental requirements, the "Environmental Requirements") of every government and municipality having jurisdiction over the Property and of any agency thereof, relating to the Property, or the facilities or equipment thereon or therein, or the streets, sidewalks, curbs and gutters adjoining the Property, or the use or operation of the Property, whether or not such laws, rules, orders, ordinances, regulations or requirements so involved shall necessitate structural changes, improvements, interference with use and enjoyment of the Property, replacements or repairs, and the School shall so perform and comply, whether or not such laws,

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rules, orders, ordinances, regulations or requirements shall now exist or shall hereafter be enacted or promulgated, and whether or not such laws, rules, orders, ordinances, regulations or requirements can be said to be within the present contemplation of the parties hereto.

7.4 School's Right to Contest. The School shall have the right to contest, by appropriate legal proceedings, any tax, charge, levy, assessment, lien or other encumbrance, and/or any law, rule, order, ordinance, regulation or other governmental requirement affecting the Property, and to postpone payment of or compliance with the same during the pendency of such contest, if otherwise allowed by law, provided that: (a) the School shall not postpone the payment of any such tax, charge, levy, assessment, lien or other encumbrance for such length of time as shall permit the Property, or any lien thereon created by such item being contested, to be sold by federal, State or municipal authority for the non-payment thereof; (b) the School shall not postpone compliance with any such law, rule, order, ordinance, regulation or other governmental requirement if the Borough will thereby be subject to criminal prosecution, or if any municipal or other governmental authority shall commence a process according to applicable law to carry out any act to comply with the same or to foreclose or sell any lien affecting all or part of the Property which shall have arisen by reason of such postponement or failure of compliance; (c) the School shall proceed diligently and in good faith to resolve such contest; (d) such contest shall be in compliance with all laws, rules, orders, ordinances, regulations or other governmental requirements; and (e) the School shall not postpone compliance with any such laws, rules, orders, ordinances, regulations or other governmental requirements if the same shall invalidate any insurance required by this Agreement.

ARTICLE VIII ALTERATIONS BY SCHOOL

The School may, at its own cost and expense, with the consent of the Borough, which consent may be given or withheld at the sole discretion of the Borough, make additions or improvements to or alterations of the Land or the Facility, provided such work when completed does not impair the structural integrity of the Land or the Facility (collectively, the "Improvements"). Notwithstanding the foregoing, the School shall not make any Improvements in violation of the terms of any restriction, easement, condition or covenant or other matter affecting title to the Property. Any such Improvements shall be constructed in a good and workmanlike manner and in compliance with all applicable laws, rules, regulations, ordinances and covenants applicable to the Property.

ARTICLE IX PUBLIC LIABILITY INSURANCE; INDEMNITY

9.1 Liability Insurance. From and after the Completion Date, the School shall maintain, or cause to be maintained, in full force and effect, comprehensive general liability insurance covering the Property in such amounts as may be established by the Borough from time to time but in any event not less than \$[] per occurrence. The School may provide all or a portion of any insurance through the Borough. Such insurance may be carried under a blanket policy with umbrella coverage and shall cover any and all liability of the School and its officials, officers, employees and agents, and the procurement thereof does not constitute a waiver of any defense of governmental immunity. Such insurance (a) shall include coverage for

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any accident resulting in personal injury to or death of any person and consequential damages arising therefrom; (b) shall include comprehensive property damage insurance; (c) shall be issued by a financially responsible insurance company authorized to do business in the State; (d) shall name the Trustee and the Borough as additional insureds thereunder; (e) shall provide that the same may not be cancelled or given notice of non-renewal nor shall the terms of conditions thereof be altered, amended or modified without at least 45 days prior written notice being given by the insurer to the Trustee and the Borough; and (f) shall include contractual liability coverage. The School shall furnish to the Trustee on or before the Completion Date and on or before the effective date of any such policy, certificates of insurance evidencing that the same shall be in full force and effect on such effective date and that the premiums therefor have been paid.

9.2 Indemnity. The School shall indemnify, defend, and hold the Borough harmless from and against all claims, including any action or proceedings brought thereon and all costs, expenses and liabilities (including attorneys' fees) incurred in connection therewith, arising from or as a result of any death, accident, injury, loss, or damage occurring after the Completion Date and arising out of the School's direction, use and operation of the Facility; *provided*, that the Borough shall not be entitled to such indemnification when and to the extent that a court, after a contested determination of the issues or an adjudication of the claim, finds that a loss or claim was caused by the negligence, bad faith or misconduct of the Borough. In such case, the defense, indemnification, and hold harmless provision is reduced by the proportionate amount of the Borough's negligence, bad faith, or misconduct. The provisions of this Section shall survive the expiration or termination of this Agreement.

ARTICLE X ALL-RISK PROPERTY INSURANCE

Following the Completion Date, the School shall carry or cause to be carried all-risk property insurance coverage covering the Facility in such amounts and covering such risks as the Borough may determine from time to time. Such insurance shall be carried with financially responsible insurance companies authorized to do business in the State. The School shall furnish to the Trustee, on or before the effective date of any such policy, certificates of insurance evidencing that the insurance required by this Article are in force and effect on the specified date and that the premiums therefor have been paid. Such policies shall contain a provision that the same may not be cancelled or given notice of non-renewal nor shall the terms of conditions thereof be altered, amended or modified without at least 45 days' prior written notice being given by the insurer to the Trustee and the Borough.

ARTICLE XI LIENS

The School shall not create, incur, assume or suffer to exist any mortgage, pledge, lien, charge, encumbrance or claim on or with respect to the Property, other than the rights of the Trustee, the Lender and the Borough as herein provided. The School shall promptly, at its own expense, take such action as may be necessary to duly discharge or remove any such mortgage, pledge, lien, charge, encumbrance or claim if the same shall arise at any time. The School shall

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reimburse the Trustee, the Lender and the Borough for any expense incurred by it in order to discharge or remove any such mortgage, pledge, lien, charge, encumbrance or claim.

**ARTICLE XII
EMINENT DOMAIN OR LOSS OF TITLE TO PROPERTY**

12.1 Eminent Domain Proceedings or Loss of Title. The following provisions shall apply with respect to eminent domain proceedings or loss of title:

(a) Total Taking. If all of the Property is taken by eminent domain or there is a total loss of title to the Property which is insured under a policy or policies of title insurance, this Agreement shall terminate as of the date the Borough and/or the School, as applicable, is required to vacate the Property.

(b) Partial Taking or Loss of Title. If a taking of any part of the Property by eminent domain or loss of title to any part of the Property renders the Property unsuitable, in the judgment of the School, for the use and occupancy of the Facility, for the construction of the Facility, or following construction of the Facility the use and occupancy of same, this Agreement may, at the option of the School, be terminated as of the date when the Borough and/or the School, as applicable, is required to vacate the portion of the Property so taken or lost, by written notice given to the Trustee and the Borough not more than 180 days after the School receives notice of the taking or loss.

(c) Awards. In any proceeding whereby all or part of the Property is taken by eminent domain or there is a loss of title to all or part of the Property, whether or not the School elects to terminate this Agreement, all of the condemnation award or payments received from the title insurance companies which insured title to the Property shall be paid to the Borough, which shall, after deducting all costs and expenses incurred by the School and/or Borough in connection with the negotiation, adjustment and collection of the award or payment, apply the award or payment as follows:

(1) In the event there is a complete failure of title to the Property or all of the Property is taken by eminent domain, or in the event of a partial loss of title or taking wherein the School has elected to terminate this Agreement, the Borough shall pay the Trustee such portion of the condemnation award or awards or title insurance payment or payments as is necessary to prepay or defease the principal of the Loan then outstanding in accordance with the applicable provisions set forth in the Loan Agreement. The balance of the award or awards or title insurance payment or payments, if any shall be retained by the Borough.

(2) In the event of a partial loss of title or taking wherein the School has not elected to terminate this Agreement, the award or awards or title insurance payments or payments shall be retained by the Borough and applied to Lease Payments due under this Agreement.

12.2 Continuance of this Agreement Following Less than Substantial Condemnation or Loss of Title to the Property. If there is a partial taking of the Property by eminent domain or a partial loss of title to the Property and the School elects not to terminate this Agreement, this Agreement shall not terminate as to the remainder of the Property and there shall be no

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abatement of Lease Payments otherwise payable by the School hereunder, and the Borough shall proceed immediately and with due diligence, using such portion of the condemnation award or awards or title insurance payment or payments as may be necessary to repair, rebuild or restore all or any portion of the Property that may have been taken as nearly as practicable in full compliance with all legal requirements and to the same condition, character and at least equal value and utility to that existing prior to such condemnation or loss.

12.3 Insufficiency of Condemnation Award or Title Insurance Payments. If the condemnation award or title insurance payment is insufficient to pay in full the cost of any repair, restoration, modification or improvement of any component of the Property, the School may elect to have the Borough complete the work at the expense of the School and pay any cost in excess of the amount of the condemnation award or title insurance payment. The School shall not be entitled to any reimbursement therefor from the Borough nor shall the School be entitled to any diminution of any Lease Payments otherwise payable hereunder. In no event shall an insufficient award or payment obligate the Borough to incur any expense to complete any work.

12.4 Temporary Taking. If the temporary use of all or any part of the Property or the appurtenances thereto shall be taken, the term of this Agreement shall not be affected in any way, and the School shall continue to pay in full the Lease Payments and other sums or sums of money herein provided to be paid by the School, and the entire award for such taking shall be paid to and retained by the Borough and applied to Lease Payments due under this Agreement.

12.5 Personal Property and Moving Expenses. Any award or part of an award specifically paid as compensation for the taking of personal property, furniture or equipment owned by the School or for the moving expenses of the School shall be payable to the School.

12.6 Cooperation of the Borough. The Borough shall cooperate fully with the School in filing any proof of loss with respect to any insurance policy covering the events described in Articles XII and XIII and in the prosecution or defense of any prospective or pending condemnation proceeding with respect to the Property or any part thereof.

ARTICLE XIII DESTRUCTION OF PROPERTY

In the event the Property is damaged or destroyed by fire or other casualty, this Agreement shall not terminate and there shall be no abatement of the Lease Payments otherwise payable by the School hereunder. Within 180 days following such damage or destruction, the School shall notify the Trustee and the Borough of its election to either prepay or defease the principal of the Loan then outstanding in accordance with the applicable provisions set forth in the Loan Agreement or to rebuild the Property. In the event the School elects to prepay or defease the principal of the Loan, the Borough shall, after deducting all costs and expenses incurred by the School and/or the Borough in connection with the negotiation, adjustment and collection of the insurance proceeds, pay the Trustee such portion of the insurance proceeds as is necessary to prepay or defease the principal of the Loan then outstanding in accordance with the applicable provisions set forth in the Loan Agreement. The balance of the insurance proceeds shall be retained by the Borough. In the event the School elects to rebuild the Property, there shall be no abatement of Lease Payments otherwise payable by the School hereunder, and the

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Borough shall use such portion of the insurance proceeds as may be necessary to repair, rebuild or restore all or any portion of the Property that may have been damaged or destroyed as nearly as practicable in full compliance with all legal requirements and to the same condition, character and at least equal value and utility to that existing prior to such damage or destruction. If the insurance proceeds are insufficient to pay in full the cost of any repair, restoration, modification, or improvements of any component of the Property, the School may elect to have the Borough complete the work at the expense of the School and pay any costs in excess of the amount of the insurance proceeds. The School shall not be entitled to any reimbursement therefor from the Borough nor shall the School be entitled to any diminution of any Lease Payments otherwise payable hereunder. In no event shall an insufficiency of insurance proceeds obligate the Borough to incur any expense to complete any work.

**ARTICLE XIV
ACCESS BY THE BOROUGH**

At any time during the term hereof the Borough or the Borough's agents or assignees shall have the right to enter the Property on reasonable notice to examine the same. Nothing contained herein shall be construed to impose upon the Borough any duty to repair the Property.

**ARTICLE XV
ASSIGNMENT AND SUBLEASING**

15.1 Assignment by Borough. The Borough's right, title and interest in, and obligations and duties under, this Agreement, including the right to receive and enforce payment of the Lease Payments to be made by the School under this Agreement, may be assigned by the Borough only to the Trustee pursuant to the Assignment of Lease, or by the Trustee as permitted under the Loan Agreement. Any other attempted conveyance, transfer or assignment, whether voluntarily or by operation of law or otherwise, to any Person shall be void and of no effect whatsoever.

15.2 Assignment and Subleasing by School. This Agreement may not be assigned and no part of the Land or the Improvements may be subleased by the School without the prior written consent of the Borough. No such assignment or sublease shall release the School from its obligation to make Lease Payments pursuant to and subject to the terms and conditions set forth in this Agreement.

**ARTICLE XVI
DEFAULT BY SCHOOL**

16.1 Lease Default Events. Each of the following constitutes a "Lease Default Event":

(a) The School fails to make any Lease Payment or pay any other sum of money when due, including Incidental Payments, that the School obligated to pay under this Agreement; or

(b) The School defaults in the performance or observance of any of the other terms, covenants, conditions or agreements of this Agreement for 30 days after written notice and demand by the Trustee or the Borough to School thereof, or if such default is of such a

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nature that the same can be cured but cannot practicably be cured within such 30-day period, the School does not within such 30-day period commence with due diligence to cure such default and within 60 days after such 30-day period thereafter cure such default.

16.2 Remedies. If a Lease Default Event occurs, the Borough may elect, in addition to any other rights or remedies it may have:

(a) To continue this Agreement in effect until the Borough elects to terminate the School's right to possession, whereupon the School shall remain liable to perform all of its obligations under this Agreement and the Borough may enforce all of the Borough's rights and remedies, including the right to recover Lease Payments, and any other sum payable hereunder as and when the same become due; or

(b) To terminate the School's possession of the Property, whereupon this Agreement and all of the School's obligations hereunder, including the obligation to make Lease Payments shall terminate.

16.3 Reletting of the Property. If the Borough elects to continue this Agreement in effect upon the occurrence of a Lease Default Event, the Borough shall use all commercially reasonable efforts to relet or occupy the Property upon commercially reasonable terms.

16.4 Waiver. Neither the acceptance of Lease Payments nor any other actions or omissions of the Borough at any time or times after the happening of any event authorizing the termination of this Agreement shall operate as a waiver of any past or future violation, breach or failure by the School to keep or perform any covenant, agreement, term or condition hereof, or deprive the Borough of its right to terminate this Agreement at any time that cause for termination may exist, or be construed so as at any future time to prevent the Borough from promptly exercising any other right or remedy that the Borough may have under any term or provision of this Agreement.

16.5 Force Majeure. If by reason of *force majeure* the School is unable in whole or in part to carry out its obligations under this Agreement with respect to the Property, other than its obligation to pay Lease Payments and Incidental Payments with respect thereto, the School shall not be deemed in default during the continuance of such inability, provided notice thereof is given to the Trustee and the Borough. "*Force majeure*" means any cause or event not reasonably within the control of the School and not resulting from the negligence of the School and includes the following: acts of God; strikes, lockouts or other industrial disturbances; acts of public enemies; orders or restraints of any kind of the government of the United States of America or the State or their respective departments, agencies or officials, or any civil or military authority; insurrections; riots; landslides; volcanoes; earthquakes; fires; storms; droughts; floods; explosions; breakage or accident to machinery, transmission pipes or canals. The School agrees to remedy with all reasonable dispatch the cause or causes preventing the School from carrying out its agreements hereunder; *provided*, that the settlement of strikes, lockouts and other industrial disturbances shall be entirely within the discretion of the School and the School shall not be required to make settlement of strikes, lockouts and other industrial disturbances by acceding to the demands of the opposing party or parties when such course is in the judgment of the School unfavorable to the School.

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16.6 Termination. Upon termination of this Agreement, the School shall vacate the Property, return the same to the Borough and thereupon be released of all of its obligations hereunder, including its obligations to make all further payments thereafter due under this Agreement, so long as the School vacates the Property and the vacated Property is delivered free and clear of all liens or encumbrances created by the School.

**ARTICLE XVII
MISCELLANEOUS**

17.1 Notices. Any notices required in accordance with any of the provisions herein shall be sent by registered or certified mail or overnight courier addressed to the Borough, the School, the Trustee or the Lender, respectively, as follows:

Address of the Borough:

Matanuska-Susitna Borough
350 East Dahlia Avenue
Palmer, Alaska 99645
Attn.: Borough Manager

With a copy to:

Matanuska-Susitna Borough
350 East Dahlia Avenue
Palmer, Alaska 99645
Attn.: Finance Director

Address of the School:

Attn.:

With a copy to:

Attn.:

Address of Trustee:

U.S. Bank National Association
1420 Fifth Avenue, 7th Floor
Seattle, Washington 98101

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Attn.: Corporate Trust Department

Address of Lender:

Attn.:

or at such other place as the parties above direct in writing. All notices shall be deemed effective upon receipt, refusal of delivery or attempted delivery.

17.2 No Joint Venture. It is not intended by this Agreement to, and nothing contained in this Agreement shall, create any partnership, joint venture or other arrangement between the Borough and the School. No term or provision of this Agreement is intended to be, or shall be, for the benefit of any other Person nor shall any other Person have any right or cause of action hereunder.

17.3 Entire Agreement. This Agreement and any exhibits and attachments hereto and forming a part hereof and the Construction Agreement set forth the entire agreement of the Borough and the School concerning the Property, and there are no other such agreements or understandings, oral or written, between the Borough and the School. Any subsequent modification of this Agreement shall be binding upon the Borough and School only if reduced to writing and signed by the party intended to be bound.

17.4 Partial Invalidity. If any term, covenant or condition of this Agreement or the application thereof to any Person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term, covenant or condition to Persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term, covenant or condition of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

17.5 No Merger. In no event shall (a) the leasehold interest of the School or the estate of the Borough or (b) the rights of the Trustee or the Lender under the Loan Agreement or (c) the leasehold interest, estate or rights of the School as lessee under this Agreement merge with any interest of the School or rights of the Borough as the fee owner of the Property, it being understood that such leasehold interests, estates or rights of the Borough as the fee owner or the Trustee and the Lender as owner of the leasehold interest, estate and right of the School as lessee under this Agreement shall be deemed to be separate and distinct from the School's interest, estate and rights as lessee of the Property and the Borough's rights as fee owner, notwithstanding that any such interests, estates or rights shall at any time or times be held by or vested in the same Person.

17.6 Amendments or Modifications of this Agreement. Subject to the limitations and conditions set forth herein and in the Loan Agreement, the Borough and the School may execute such amendments or modifications to this Agreement as they may deem necessary or desirable from time to time and at any time without the consent of the Trustee or the Lender.

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17.7 Governing Law, Time. This Agreement and the rights of the parties hereto shall be governed and construed in accordance with the laws of the State. In the event any action is brought to enforce the provisions of this Agreement, the venue of any such action shall be in the Third Judicial District of the State, and the parties hereto hereby stipulate to the jurisdiction and venue in the Third Judicial District of the State in Palmer, Alaska. Time is of the essence in the performance of the obligations under this Agreement.

[Signature page follows]

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above set forth.

BOROUGH:

MATANUSKA-SUSITNA BOROUGH

By _____

John Moosey
Borough Manager

SCHOOL:

FRONTERAS SPANISH IMMERSION
CHARTER SCHOOL ACADEMIC POLICY
COMMITTEE

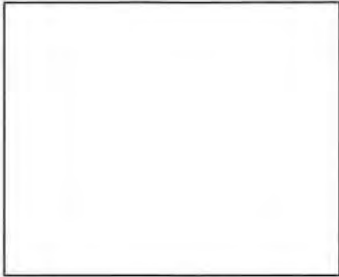
By _____

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STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this _____ day of _____, 2014, by John Moosey, Borough Manager of the Matanuska-Susitna Borough, Alaska, on behalf of the Borough.



(Signature of Notary)

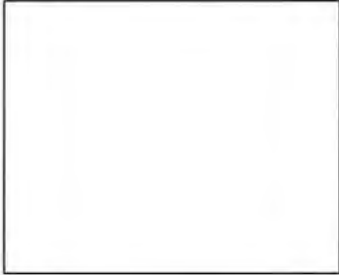
Notary public for Alaska
My commission expires _____.

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STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by _____, _____ of Fronteras Spanish Immersion Charter School Academic Policy Committee, on behalf of the Committee.



(Signature of Notary)
Notary public for Alaska
My commission expires _____.

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EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

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EXHIBIT B

SCHEDULE OF LEASE PAYMENTS

Payment Date	Amount	Payment Date	Amount
--------------	--------	--------------	--------

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APPENDIX I
DEFINITIONS

Capitalized terms that are not otherwise defined in the Agreement shall be defined as set forth below.

Agreement means the Charter School Lease Agreement, dated as of [_____] 1, 2014, between the Borough and the School.

Assignment of Lease means the Assignment of Lease, dated as of [_____] 1, 2014, from the Borough to the Trustee.

Borough means the Matanuska-Susitna Borough, a second-class borough of the State.

Business Day means any day other than a Saturday, a Sunday, a day on which banking institutions in the State of Alaska, the State of New York or any state in which the corporate trust office of the Trustee is located are required or authorized to be closed, or a day on which the New York Stock Exchange is closed.

Closing Date means the date on which the proceeds of the Loan are paid to the Borough.

Construction Agreement means the agreement of that name between the Borough and the School with respect to the management of the design and construction of the Facility by the Borough.

Completion Date means the date of substantial completion of the Facility.

Facility means the new Fronteras Spanish Immersion Charter School building being constructed with the proceeds of the Loan.

Impositions means all real and personal property taxes and assessments (including assessments for public improvements), license and permit fees, charges for public utilities; excise taxes, levies, use and occupancy taxes, privilege taxes and all other impositions and charges of every kind and nature, general and special, ordinary and extraordinary, foreseen and unforeseen, which are imposed, levied upon or assessed against or with respect to the Property (or any portion thereof), any Lease Payments, or the operation, use or possession of the Property on or after the Closing Date and all charges, fees and assessments for utilities, communications and similar services provided to the Facility which accrue, are assessed or levied on or after the Closing Date.

Improvements means the Facility and all additions, including increments and modifications added to the Land pursuant to Article VIII of the Agreement, if any.

Incidental Payments mean the fees and expenses of the Trustee.

Land means the parcel of real property legally described in Exhibit A to the Agreement.

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Lease Default Event has the meaning given such term in Section 16.1 of the Agreement.

Lease Payments means the payments to be made by the School under the Agreement and identified in Exhibit B to the Agreement.

Lender means the United States of America United States of America acting through the Department of Agriculture.

Loan means the loan made by the Lender to the Borough pursuant to the Loan Agreement.

Loan Agreement means the Loan Agreement dated as of [_____] 1, 2014, by and between the Lender and the Borough in the amount of \$[_____] , the proceeds of which the Borough will use to acquire, construct and equip the Facility.

Person means an individual, corporation, firm, association, partnership, trust, or other legal entity or group of entities, including a governmental entity or any agency or political subdivision thereof, unless the context clearly indicates otherwise.

Property means the Land and the Improvements.

State means the State of Alaska.

Toxic or Hazardous Substances include any material or substance that is defined or classified under federal, state or local laws as: (a) a "hazardous substance" pursuant to Section 101 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601(14) or Section 311 of the Federal Water Pollution Control Act, 33 U.S.C. § 1321, each as now or hereafter amended; (b) a "hazardous waste" pursuant to Section 1004 or Section 3001 of the Resource Conservation and Recovery Act, 42 U.S.C. § 6903, 42 U.S.C. § 6921, as now or hereafter amended; (c) a toxic pollutant under Section 307(1)(a) of the Federal Water Pollution Control Act, 33 U.S.C. § 1317(1)(a); (d) a "hazardous air pollutant" under Section 112 of the Clean Air Act, 42 U.S.C. § 7412, as now or hereafter amended; (e) a "hazardous material" under the Hazardous Material Transportation Act, 49 U.S.C. § 1802(2), as now or hereafter amended; (f) any substance regulated by Title 46 of the Alaska Statutes, or regulations promulgated thereunder; (g) toxic or hazardous pursuant to regulations promulgated now or hereafter under the aforementioned laws; or (h) presenting a risk to human health or the environment under other applicable federal, state or local laws, ordinances, or regulations, as now or as may be passed or promulgated in the future. **Toxic or Hazardous Substances** also include any substance that after release into the environment and upon exposure, ingestion, inhalation or assimilation, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavior abnormalities, cancer or genetic abnormalities. **Toxic or Hazardous Substances** also include asbestos, polychlorinated biphenyls (PCBs), petroleum and petroleum based derivatives, flammable explosives, radioactive materials and urea formaldehyde.

Trustee means U.S. Bank National Association, Seattle, Washington.

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RULES OF INTERPRETATION

(a) Unless the context otherwise indicates, words expressed in the singular shall include the plural and vice versa and the use of the neuter, masculine, or feminine gender is for convenience only and shall be deemed to mean and include the neuter, masculine or feminine gender, as appropriate.

(b) Headings of articles and sections and the table of contents are solely for convenience of reference, do not constitute a part of and shall not affect the meaning, construction or effect of any document.

(c) All references to "Articles," "Sections" and other subdivisions are to the corresponding Articles, Sections or subdivisions of the document; the words "herein," "hereof," "hereby," "hereunder" and other words of similar import refer to the document as a whole and not to any particular Article, Section or subdivision hereof.

(c) The term "including" means "including without limitation."

LOAN RESOLUTION
(Public Bodies)

A RESOLUTION OF THE _____
OF THE _____
AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING
A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the _____

(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of _____

pursuant to the provisions of _____; and

WHEREAS, the Association intends to obtain assistance from the Rural Housing Service, Rural Business - Cooperative Service, Rural Utilities Service, or their successor Agencies with the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U. S. C. 1983 (c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$ 10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by the Government. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0575-0015. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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CERTIFICATION TO BE EXECUTED AT LOAN CLOSING

I, the undersigned, as _____ of the _____
 hereby certify that the _____ of such Association is composed of
 _____ members, of whom _____, constituting a quorum, were present at a meeting thereof duly called and
 held on the _____ day of _____, _____; and that the foregoing resolution was adopted at such meeting
 by the vote shown above. I further certify that as of _____, the date of closing of the loan from the Government, said resolution
 remains in effect and has not been rescinded or amended in any way.

Dated, this _____ day of _____, _____.

 Title _____

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SUBJECT: AN ORDINANCE APPROPRIATING \$500,000 FROM THE AREAWIDE SCHOOL SITE ACQUISITION RESERVE, FUND 100, TO FUND 400, PROJECT NO. 40202, FOR ACCESS IMPROVEMENTS TO THE FUTURE FRONTERAS SPANISH IMMERSION CHARTER SCHOOL AND TO THE MAT-SU DAY SCHOOL, AND FOR UTILITIES FOR FRONTERAS SPANISH IMMERSION CHARTER SCHOOL.

AGENDA OF: January 20, 2015

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:

Route To:	Department/Individual	Initials	Remarks
	Originator		
	Finance Director	JEC	1/13/15
	Borough Attorney	NS	
	Borough Clerk	JJM	1/13/15

ATTACHMENT(S): Fiscal Note: NO YES Ordinance Serial No. 15-017 (9 pp) School Site Acquisition Reserve Fund Spreadsheet (1 pp)

IM15-027 OR15-018(3pp) OR15-19(3pp)

SUMMARY STATEMENT:

This ordinance is proposed for the purpose of constructing access to the site of the proposed Fronteras School located on Borough-owned land to the south of the Career Tech High School. The access route will also improve access to the recently constructed Mat-Su Day School, which has substandard access.

This ordinance is a compliment to the legislation approving a USDA loan secured by a lease with the Fronteras Spanish Immersion Charter School.

NOTE: Refer to the attached spreadsheet which reveals the School site selection fund has been used for numerous school improvement projects. Recently the fund was used to loan funds

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for utilities and access to the Redington High School site, pending repayment when state grants and borough road bond funds become available. When the loan is repaid the Site Selection Fund will have a balance of \$3,313,157.00.

Traditional public schools receive buildings funded through the state's bond-debt reimbursement program with local taxpayers providing 30-40 percent of the principal and interest. As a matter of equity for public charter schools, it is fair that this proposed support for access and utilities for the new school be provided.

RECOMMENDATION OF ADMINISTRATION: Introduce and set for public hearing.

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**MATANUSKA-SUSITNA BOROUGH
FISCAL NOTE**

Agenda Date: 1/20/15

SUBJECT: Appropriating \$500,000 from the School Site Acquisition Reserve for access improvements to the future Fronteras Spanish Immersion Charter School and the Mat-Su Day School, and for utility for Fronteras.

ORIGINATOR:

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT <u>YES</u> / NO
AMOUNT REQUESTED <u>500,000</u>	FUNDING SOURCE <u>School Site Reserve</u>
FROM ACCOUNT # <u>100-202-900</u>	PROJECT # _____
TO ACCOUNT: <u>200-Fund 400 & #300</u>	PROJECT # - - .
VERIFIED BY: <u>S. E. C. S.</u>	CERTIFIED BY: _____
DATE: <u>1/13/15</u>	DATE: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING						

CAPITAL		<u>500,000</u>				
---------	--	----------------	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

General Fund						
State/Federal Funds						
Other						
TOTAL						

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary) the balance in the school site acquisition reserve will be \$1,503,157

PREPARED BY: S. E. C. S. PHONE: 907-563-157

DEPARTMENT: _____ DATE: _____

APPROVED BY: S. E. C. S. DATE: 1/13/15

Handwritten notes:
IM15-025
IM15-027
OR15-017, OR15-018
50-225

School Site Acquisition Reserve Fund

	Legislation No.	Purpose of Funds	Transaction Report	Debit	Credit	Balance
7/1/2008		Adjust Reserves to CAFR			\$1,563,454	\$1,563,454.00
7/1/2008		Adjust Reserves to CAFR			\$1,874,378	\$3,437,832.00
7/1/2009		Adjust Reserves for MSBSD Lapsed Funds			699,745	\$4,137,577.00
4/30/2010	OR 10-032	Susitna Valley/Junior Senior High School		\$1,093,021		\$3,044,556.00
7/1/2010		Adjust Reserves for MSBSD Lapsed Funds			\$1,132,482	\$4,177,038.00
7/1/2011		Adjust Reserves for MSBSD Lapsed Funds			268,459	\$4,445,497.00
8/31/2011	OR 11-082	Academy Charter School - Building and Parking Expansion, and Access to Existing and Future MSB Facilities and Real Property Acquisition		\$905,000		\$3,540,497.00
4/30/2012	OR 12-062	Funding Supplement for Academy Charter School Classroom Expansion		\$278,812		\$3,261,685.00
6/30/2012	OR 12-074	Iditarod Elementary School Replacement Site		\$389,153		\$2,872,532.00
7/1/2012		Adjust Reserves for MSBSD Lapsed Funds			\$298,946	\$3,171,478.00
4/30/2013	OR 13-039	Appropriation From General Obligation Bond Proceedes			\$389,153	\$3,560,631.00
7/1/2013		Adjust Reserves for MSBSD Lapsed Funds			\$752,526	\$4,313,157.00
7/31/2013	OR 13-095	Extending Utilities to Valley Pathways School		\$65,000		\$4,248,159.00
7/1/2014		Adjust Reserves for MSBSD Lapsed Funds		\$935,000		\$3,313,157.00
7/31/2014	OR 14-084	Temporary Loan to fund Utilities Design and Construction for Road Improvements for the New Knik Area Middle/High School- to be repaid from Road Bond & Legislative appropriation		\$1,250,000		\$2,063,157.00
				4,915,986.00	6,979,143.00	

Im15-027
 Im15-025
 OR15-017
 OR15-018
 OR15-019

NON-CODE ORDINANCE

Sponsored By: Assemblymembers Colver, Beck, and Arvin
Introduced:
Public Hearing:
Adopted:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 15-017**

AN ORDINANCE AUTHORIZING AND APPROVING A LOAN FROM THE USDA IN AN AMOUNT NOT TO EXCEED \$6,700,000 FOR THE PURPOSE OF PROVIDING FOR ALL OR A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING FRONTERAS SPANISH IMMERSION CHARTER SCHOOL.

WHEREAS, it is necessary for the Matanuska-Susitna Borough (herein called the Borough) to raise a portion of the cost of such undertaking by borrowing the principal amount of \$6,633,000 pursuant to the provisions of Alaska State Statutes; and

WHEREAS, the Borough intends to obtain assistance from the Rural Housing Service, Rural Business - Cooperative Service, Rural Utilities Service, or their successor Agencies with the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking.

WHEREAS, this loan is not general obligation debt of the Matanuska-Susitna Borough, but rather is to be secured only through the revenues generated by the lease of the facility to Fronteras Charter School.

BE IT ENACTED:

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

Section 2. Agreed Upon Terms of Loan.

The Matanuska-Susitna Borough hereby agrees to the following as terms and conditions of the loan not to exceed \$6,700,000 and makes the following commitments:

1. To empower and authorize the Borough Manger via this ordinance, upon advice from the Finance Director and Borough Attorney, to execute such necessary documents as are required by State statutes and as are agreeable and acceptable to the Government. These documents may be in the form as submitted from USDA or with any such modifications as deemed advisable by the Manager to ensure the Borough is acting legally and appropriately in securing the loan.
2. To refinance the unpaid balance, in whole or in part, of its loan upon the request of the Government if at any time it shall appear to the Government that the Borough is able to refinance its loan by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loan for

similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U. S. C. 1983 (c)).

3. To provide for, execute, and comply with Form RD 400-4, 'Assurance Agreement,' and Form RD 400-1, 'Equal Opportunity Agreement,' including an 'Equal Opportunity Clause,' which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$ 10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Borough. Such indemnification shall be payable from the same source of funds pledged to pay the loan which is limited to the rental income of the facility.
5. That upon default in the payments of any principal and accrued interest on the loan or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Borough (payable from the source of funds pledged to pay

the loan), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Borough, and default under any such instrument may be construed by the Government to constitute default hereunder.

6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.

7. Not to defease the loan, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such

undertaking would involve the source of funds pledged to pay the loan.

8. To place the proceeds of the loan on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by the Government. No free service or use of the facility will be permitted.

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Borough is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established and maintained, disbursements from that account may be used when necessary for payments due on the bond if sufficient funds are not otherwise available. With the prior written approval of the Government, funds may be withdrawn for:

(a) Paying the cost of repairing or replacing any damage to the facility caused by catastrophe.

(b) Repairing or replacing short-lived assets.

(c) Making extensions or improvements to the facility.

Any time funds are disbursed from the reserve account, additional deposits will be required until the reserve account has reached the required funded level.

15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain the Government's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Borough or public body.

16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.

17. To accept a grant in an amount not to exceed \$TBD under the terms offered by the Government; that the Manager of the Borough is hereby authorized and empowered

to take all action necessary and or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Borough as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the loan agreement; to the extent that the provisions contained in such agreement should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Borough and the Government or assignee.

Section 3. Effective Date. This ordinance shall take effect upon adoption.

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

LARRY DeVILBISS, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

NON-CODE ORDINANCE

Sponsored By: Assemblymembers Colver, Beck, and Arvin

Introduced:

Public Hearing:

Adopted:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 15-018**

AN ORDINANCE AUTHORIZING AND APPROVING A LEASE OF BOROUGH PROPERTY TO FRONTERAS SPANISH IMMERSION CHARTER SCHOOL FOR A TERM OF 40 YEARS WITH AN ESTIMATED ANNUAL PAYMENT OF \$396,000 WITH THE EXACT TERMS, CONDITIONS AND PROVISIONS AS NECESSARY AND ADVISABLE TO SECURE A LOAN FROM USDA AND PROVIDE FOR REPAYMENT OF THE LOAN.

WHEREAS, Fronteras Spanish Immersion Charter School is seeking a new facility; and

WHEREAS, the Matanuska-Susitna Borough has been approved for a USDA loan to finance the construction of a facility for Fronteras Spanish Immersion Charter School; and

WHEREAS, the loan from USDA will be secured only through the revenue from the project property and that revenue is the money derived from a lease of the facility to Fronteras Spanish Immersion Charter School; and

WHEREAS, the lease term will be 40 years with an estimated annual payment of \$396,000; and

WHEREAS, a draft lease is attached to the Informational Memorandum accompanying this ordinance, but the Manger is empowered to change it even if those changes are substantial.

BE IT ENACTED:

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

Section 2. Lease Approval.

Notwithstanding any other provisions of Borough code the Matanuska-Susitna Borough Assembly immediately approves a lease of Borough property to Fronteras Spanish Immersion Charter School.

The Borough Manager is authorized and empowered to execute a lease of Borough property to Fronteras Spanish Immersion Charter School with such terms, conditions and provisions as are necessary and advisable in the judgment of the Manager to secure a loan from USDA and ensure a successful project.

Section 3. Effective Date. This ordinance shall take effect upon adoption.

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

LARRY DeVILBISS, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

NON-CODE ORDINANCE

Sponsored by: Assemblymembers Colver, Beck, and Arvin

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 15-019**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY APPROPRIATING \$500,000 FROM THE AREAWIDE SCHOOL SITE ACQUISITION RESERVE, FUND 100, TO FUND 400, PROJECT NO. 40202, FOR ACCESS IMPROVEMENTS TO THE FUTURE FRONTERAS SPANISH IMMERSION CHARTER SCHOOL AND TO THE MAT-SU DAY SCHOOL, AND FOR UTILITIES FOR FRONTERAS SPANISH IMMERSION CHARTER SCHOOL.

WHEREAS, Fronteras Spanish Immersion Charter School has secured a \$6.63 million dollar low interest loan to the Borough from the United States Department of Agriculture (USDA) for construction of a school; and

WHEREAS, the Borough will repay the USDA loan obtained to construct Fronteras Spanish Immersion Charter School through a lease between the Borough and the School; and

WHEREAS, the School receives the majority of their funding through the State of Alaska education funding formula; and

WHEREAS, the Borough pays a minimum of 30 percent of the debt, including principal and interest for construction of traditional public schools; and

WHEREAS, additional funding is needed to construct access to the site of Fronteras Spanish Immersion Charter School south from the existing access to the Mat-Su Career and Technical High

School on Seward Meridian, and to also extend and construct utilities for Fronteras Spanish Immersion Charter School; and

WHEREAS, this funding will also be used to provide access to the Mat-Su Day School which is currently inadequate because the only access to the Day School is from Tait Drive, a substandard road due to budget constraints of the Day School project; and

WHEREAS, utilizing the areawide school site acquisition reserve fund is an equitable way to provide minimal public support for Fronteras Spanish Immersion Charter School, a public school, to provide support for publicly funded educational facilities; and

WHEREAS, securing funding for this purpose from the State Capital Budget is highly unlikely due to the impact of a fall in oil prices and a current state budget deficit of \$3.5 billion; and

WHEREAS, should other grant funding be secured for this purpose from other sources the amount of this grant will be reduced by any such grant amounts if available prior to construction or if a grant is secured after construction has commenced, it will be used to payback that portion of this appropriation; and

WHEREAS, the Assembly finds that this appropriation is a

proper use of the areawide school site acquisition reserve fund, and that the fund has been previously used for or contemplated as use for other than the purchase of land, including replacement of the Susitna Valley High School.

BE IT ENACTED:

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

Section 2. Appropriation source. There is hereby appropriated by the Matanuska-Susitna Borough Assembly \$500,000 from fund 100, areawide school site acquisition reserve, to fund 400, project no. 40202, Fronteras School.

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

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

LARRY DeVILBISS, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

SUBJECT: Administrative report relating to the creation of and improvements to North Sorrelwood Natural Gas Local Improvement District No. 509; and consideration of said creation.

AGENDA OF: January 20, 2015

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing on March 3, 2015.

APPROVED BY JOHN M. MOOSEY, BOROUGH MANAGER:

Route To:	Department/Individual	Initials	Remarks
	Originator/Marcia vonEhr	MVE	12/16/14
1	Finance Director	J. J. J. J.	
2	Borough Attorney (Also reviewed by Bond Counsel)	A-NS	
3	Borough Clerk	JMM	12/23/14 (B)

ATTACHMENT(S): Ordinance Serial No. 15-007 (5 pp)
 Exhibit A (4 pp)
 Map (1 p)
 Ballot Tally (1 p) -to be presented at Public Hearing
 Fiscal Note: Yes _____ No X

SUMMARY STATEMENT:

A petition has been filed by the record owners of 55 percent in value of the property and signatures of 75 percent of property owners within the proposed North Sorrelwood Natural Gas Local Improvement District. The petition has been certified by the borough clerk. The proposed North Sorrelwood Natural Gas Local Improvement District is located in Assembly District #6.

As addressed in Section 8 of the manager's administrative report, (listed below) there are 0 properties that do not conform to MSB 3.28.080(B).

MANAGER'S ADMINISTRATIVE REPORT

(MSB 3.28.040)

1. Description of properties to be benefited by the improvement:
SEE ORDINANCE SERIAL NO. 15-007

2. Evaluation of need and benefit of improvement and proposed allocation of special assessments:
The installation of natural gas distribution lines makes available to the property owners within the natural gas improvement district a clean energy source that is substantially lower in cost than any other source available. Properties, including vacant properties, served by natural gas have a tendency to sell more rapidly when placed on the market than similar properties in areas not served by natural gas. It is believed that the benefits will accrue about equally to each property in the improvement district. Therefore, it is proposed that the entire cost of the improvement to be allocated equally to each property within the district, without regard to the front footage, the size of the property, the value of the property or other measures.

3. Estimated total cost of improvement:
The estimated cost of the installation by ENSTAR is \$62,040.00 if done during the 2015 construction season. It is estimated that administrative costs will amount to approximately \$3,854.00 and the delinquency reserve will be \$3,500.00. The estimated total cost of the improvement as of this date is \$69,394.00. It is recommended that the project be financed by a special assessment bond or bank loan, which will be reimbursed from the special assessments on the properties to be benefited. It is anticipated that interest on the loan will be recovered through the interest that will be paid on special assessment installments.

4. Current mill rate: The Fiscal Year 2015 mill rate for the improvement district is 14.172 mills consisting of 9.662 mills (areawide) plus .520 mills (non-areawide) plus 1.99 mills (FSA# 130) plus 2.00 mills (RSA#28).

Taxable Property Values:	Real Property:	\$1,817,800.00
	Personal Property:	0
	Total:	<u>\$1,817,800.00</u>

5. Ownership of distribution lines: Enstar Natural Gas Co. is a division of Semco Energy Inc. It will own and be wholly responsible for the service and maintenance of the natural gas lines.

6. Profile of proposed properties in local improvement district:

	Total Number of Lots:	<u>12</u>
Ownership type of properties:	Private:	<u>12</u>
	Bank:	<u>0</u>
	Public:	<u>0</u>
	MSB:	<u>0</u>
"Tax" status of properties:	Number Current:	<u>12</u>
	Number Delinquent:	<u>0</u>
	Number in Foreclosure:	<u>0</u>
	Number in Bankruptcy:	<u>0</u>
	Population Estimate:	<u>17</u>
	Estimated Area (Acres):	<u>138.95</u>

* This estimate is based on information collected during the 2010 census and current assessment records.

7. Other special assessments effecting this local improvement district: NONE.
8. Properties not conforming to MSB 3.28.080(B) "...An assessment may not exceed 25 percent of the assessed value for real property taxation of the property assessed": 0
9. Method of collecting assessments: Semi-annual due dates will be established, with billings sent to each property owner 30-45 days before each due date. Delinquent accounts will be acted upon in the same manner as delinquent tax accounts, including annual foreclosure action.

IMPROVEMENT PLAN (MSB 3.28.050B)

The improvement is the installation of approximately 2,750 linear feet of natural gas distribution lines by ENSTAR to serve and benefit 12 properties within the North Sorrelwood Natural Gas Local Improvement District as described in Ordinance Serial No. 15-007. The current ENSTAR tariff sets the cost of gas lines at \$22.56 per foot for a total cost of \$62,040.00.

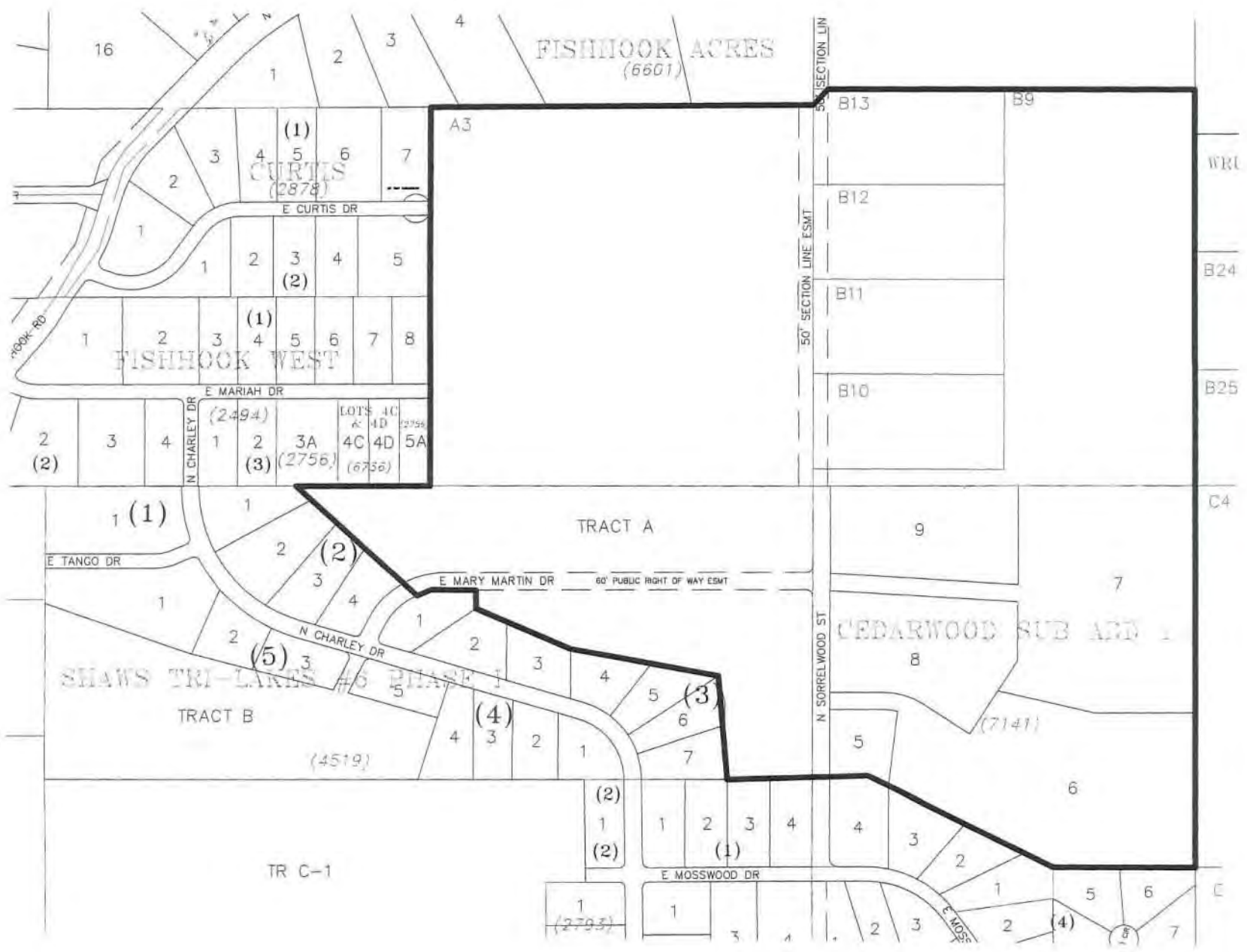
The improvement funding will be obtained by selling a special assessment bond to a bank. Only the proceeds of the special assessments and interest will be pledged as security for payment. The special assessments may be paid by the property owners in semi-annual installments over a ten-year period.

ENSTAR will engineer, own, install, and maintain the line under an agreement with the borough.

The estimated total cost is \$69,394.00. The estimated cost elements are installation costs of \$62,040.00, delinquency reserve of \$3,500.00, and administrative costs of \$3,854.00.

The estimated total cost is to be equally assessed against the properties within the improvement district, including those properties not meeting to MSB 3.28.080(B) criteria.

The estimated special assessment against the 12 lots is \$5,782.83 per lot.



IM No. 15-011
 Ordinance Serial No. 15-007

Non-Code Ordinance

By: Borough Manager
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 15-007**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY CREATING NORTH SORRELWOOD NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 509, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.

WHEREAS, a petition has been filed by the owners of at least one-half in value of the property within North Sorrelwood Natural Gas Local Improvement District for the installation of natural gas distribution lines; and

WHEREAS, the borough clerk has certified the petition; and

WHEREAS, the manager's administrative report, including the improvement plan is incorporated in IM No. 15-011; and

WHEREAS, notice of the public hearing was published for two consecutive weeks in a newspaper of general circulation distributed within the borough; and

WHEREAS, notice was mailed CERTIFIED RETURN RECEIPT REQUESTED to each record owner of property within the local improvement district; and

WHEREAS, a public hearing on the creation of the local improvement district and the improvement plan has been held; and

WHEREAS, ballots approving or disapproving the local improvement district were permitted to be filed in writing for 30 calendar days after mailing of notice of the public hearing; and

WHEREAS, ballots marked "yes" from owners of property bearing more than one-half of the estimated cost of the improvements were received; and

WHEREAS, the proposed improvement is not a power exercised through a service area and there is not a board of supervisors.

BE IT ENACTED:

Section 1. This is a non-code ordinance.

Section 2. The North Sorrelwood Natural Gas Local Improvement Plan will increase safety, improve health, increase property values, is necessary, is in the public interest and the improvement should be made.

Section 3. The petition has sufficient and proper petitioners.

Section 4. Ballots approving the local improvement district were filed timely by the record owners of property within the natural gas local improvement district bearing more than one-half of the estimated cost of the improvement and the Assembly can proceed with the improvement.

Section 5. Notwithstanding MSB 3.28.080(B) there are no

properties that do not conform that will be assessed for the improvement.

Section 6. There is hereby created the North Sorrelwood Natural Gas Local Improvement District No. 509 as described in the attached legal description marked Exhibit A.

Section 7. The manager is hereby authorized to proceed with the improvement, negotiate for sale of a special assessment bond or similar loan for assembly approval, and such other necessary and proper work as appropriate to accomplish the purpose of the improvement plan upon financing approval by the assembly.

Section 8. Upon completion of the work the total cost of the improvement shall be assessed equally against each property within the natural gas local improvement district. The finance director shall prepare a special assessment roll assessing to each property within the natural gas local improvement district an amount equal to the actual total improvement cost divided by the number of properties within the local improvement district. The proposed special assessment roll shall be prepared and presented in accordance with the provisions of the Matanuska-Susitna Borough Code in effect at the time the special assessment roll is prepared.

Section 9. The special assessments against the properties

described in Section 6 above are liens upon the property and are prior and paramount to all liens except municipal tax liens and may be enforced as provided for the enforcement of real property tax liens.

Section 10. Special assessments may be paid in 20 semi-annual installments with due dates established by the assembly upon approval of the natural gas local improvement district special assessment roll, provided, the assembly may authorize payment terms greater than or less than a ten-year period of time. If no time for payment is established, semi-annual installments are due and payable when property taxes are due and payable. Special assessment installments not paid when due shall have a penalty added equal to the penalty for delinquent second-half real property taxes in effect at the time of the special assessment installment delinquency. Upon full payment of the special assessment, the manager shall issue a release of the lien to the record owner of the property.

Section 11. Notwithstanding the approval of the natural gas local improvement district based upon the financing of the cost through the sale of a special assessment bond or loan, if the assembly determines that the sale of a special assessment bond or loan is not feasible or is not available, the assembly may provide

for other means of financing the project cost at its sole discretion.

Section 12. Ordinance Serial Number 15-007 shall take effect upon adoption by the Matanuska-Susitna Borough Assembly.

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

LARRY DEVILBISS, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

LEGAL DESCRIPTION FOR
NORTH SORRELWOOD #509

4519

Tract A, SHAW'S TRI-LKS #6 PH 1, according to Plat #96-80; and

7141

Lots Five (5) through Nine (9), CEDARWOOD ADD 1, according to Plat #2012-90; and

18N01E19A003

Southeast One-quarter Northeast One-quarter (SE 1/4 NE 1/4), Section 19, Township 18 North, Range One East, Seward Meridian; and

18N01E20B009

A parcel of land contained entirely within the W 1/2 of the NW 1/4 Section 20, T18N, R1E, Seward Meridian, Palmer Recording District, Third Judicial District, Palmer, Alaska, and more particularly described as:

Commencing at the 1/4 corner common to Sections 19 and 20, said section corner being marked by a 2 1/2" GLO brass cap monument, and said corner bearing S0°03'37"E 2632.77' from the section corner common to Sections 17, 18, 19, and 20, said section corner being marked by a 2 1/2" GLO brass cap monument, said bearing being the Basis of Bearing for this description, and said 1/4 corner being the True Point of Beginning for this description; thence proceed to the CW 1/16 of Section 20, said 1/16 corner bearing S89°48'13"E 1320.23' from said 1/4 corner, and said CW 1/16 corner being marked by a 2 1/2" pipe; thence proceed along the east boundary of the W 1/2 NW 1/4 Sec. 20 on a bearing of N0°00'59"W 1380.01' to a point marked by a 5/8" x 24" rebar with a plastic cap stamped 'LS-5122'; thence proceed N89°48'13"W 661.29' to a point marked by a 5/8" x 24" rebar with a plastic cap stamped 'LS-5122'; thence proceed S0°03'37"E 1320.00' to a point marked by a 5/8" x 24" rebar with a plastic cap stamped 'LS-5122'; thence proceed N89°48'13"W 660.00' to a point marked by a 5/8" x 24" rebar with a plastic cap stamped 'LS-5122'; thence proceed along the section line common to Sections 19 and 20 on a bearing of S0°03'37"E 60.00' more or less to the True Point of Beginning of this description.

A portion of this parcel is subject to a 50 foot easement along the section line common to Sections 19 and 20.

18N01E20B010

A parcel of land contained entirely within the W 1/2 of the NW 1/4 Section 20, T18N, R1E, Seward Meridian, Palmer Recording District, Third Judicial District, Palmer, Alaska, and more particularly described as:

Commencing at the 1/4 corner common to Sections 19 and 20, said 1/4 corner being marked by a 2 1/2" GLO brass cap monument and bearing S0°03'37"E 2632.77' from the section corner common to Sections 17, 18, 19 and 20, said section corner being marked by a 2 1/2" GLO brass cap monument, and said bearing being the Basis of Bearing for this description; proceed along the section line common to Sections 19 and 20 on a bearing of N0°03'37"W 60.00' to a point marked by a 5/8" x 24" rebar with a plastic cap stamped 'LS-5122'; said point being the True Point of Beginning for this description; thence continue along said section line on a bearing of N0°03'37"W 330.00' to a point marked by a 5/8" x 24" rebar with a plastic cap stamped 'LS-5122'; thence proceed S89°48'13"E 660.00' to a point marked by a 5/8" x 24" rebar with a plastic cap stamped 'LS-5122'; thence proceed S0°03'37"E 330.00' to a point marked by a 5/8" x 24" rebar with a plastic cap stamped 'LS-5122'; thence proceed N89°48'13"W 660.00' more or less to the True Point of Beginning for this description.

This parcel is subject to a 50' section line easement along its west boundary.

18N01E20B011

A parcel of land contained entirely within the W 1/2 of the NW 1/4 Section 20, T18N, R1E, Seward Meridian, Palmer Recording District, Third Judicial District, Palmer, Alaska, and more particularly described as:

Commencing at the 1/4 corner common to Sections 19 and 20, said 1/4 corner being marked by a 2 1/2" GLO brass cap monument and bearing S0°03'37"E 2632.77' from the section corner common to Sections 17, 18, 19, and 20, said section corner being marked by

EXHIBIT A

a 2 1/2" GLO brass cap monument, and said bearing being the Basis of Bearing for this description; thence proceed N0°03'37"W along said section line 390.00' to a point marked by a 5/8" x 24" rebar with a plastic cap stamped 'LS-5122', said point being the True Point of Beginning for this description; thence continue along said section line on a bearing of N0°03'37"W 330.00' to a point marked by a 5/8" x 24" rebar with a plastic cap stamped 'LS-5122'; thence proceed S89°48'13"E 660.00' to a point marked by a 5/8" x 24" rebar with a plastic cap stamped 'LS-5122'; thence proceed S0°03'37"E 330.00' to a point marked by a 5/8" x 24" rebar with a plastic cap stamped 'LS-5122'; thence proceed N89°48'13"W 660.00' more or less to the True Point of Beginning for this survey.

This parcel is subject to a 50' section line easement along its west boundary.

18N01E20B012

A parcel of land contained entirely within the W 1/2 of the NW 1/4 Section 20, T18N, R1E, Seward Meridian, Palmer Recording District, Third Judicial District, Palmer, Alaska, and more particularly described as:

Commencing at the 1/4 corner common to Sections 19 and 20, said 1/4 corner being marked by a 2 1/2" GLO brass cap monument and bearing S0°03'37"E 2632.77' from the section corner common to Sections 17, 18, 19, and 20, said section corner being marked by a 2 1/2" GLO brass cap monument, and said bearing being the Basis of Bearing for this description; thence proceed N0°03'37"W along said section line 720.00; to a point marked by a 5/8" x 24" rebar with a plastic cap stamped 'LS-5122', said point being the True Point of Beginning for this description; thence continue along said section line on a bearing of N0°03'37"W 330.00' to a point marked by a 5/8" x 24" rebar with a plastic cap stamped 'LS-5122'; thence proceed S89°48'13"E 660.00' to a point marked by a 5/8" x 24" plastic cap stamped 'LS-5122'; thence proceed S0°03'37"E 330.00' to a point marked by a 5/8" x 24" rebar with a plastic cap stamped 'LS-5122'; thence proceed N89°48'13"W 660.00' more or less to the True Point of Beginning for this survey.

EXHIBIT A

This parcel is subject to a 50' section line easement along its west boundary.

18N01E20B013

A parcel of land contained entirely within the W 1/2 of the NW 1/4 Section 20, T18N, R1E, Seward Meridian, Palmer Recording District, Third Judicial District, Palmer, Alaska, and more particularly described as:

Commencing at the 1/4 corner common to Sections 19 and 20, said 1/4 corner being marked by a 2 1/2" GLO brass cap monument and bearing S0°03'37"E 2632.77' from the section corner common to Sections 17, 18, 19, and 20, said section corner being marked by a 2 1/2" GLO brass cap monument, and said bearing being the Basis of Bearing for this description; thence proceed N0°03'37"W along said section line 1050.00' to a point marked by a 5/8" x 24" rebar with a plastic cap stamped 'LS-5122', said point being the True Point of Beginning for this description; thence continue along said section line on a bearing of N0°03'37"W 330.00' to a point marked by a 5/8" x 24" rebar with a plastic cap stamped 'LS-5122'; thence proceed S89°48'13"E 660.00' to a point marked by a 5/8" x 24" rebar with a plastic cap stamped 'LS-5122'; thence proceed S0°03'37"E 330.00' to a point marked by a 5/8" x 24" rebar with a plastic cap stamped 'LS-5122'; thence proceed N89°48'13"W 660.00' more or less to the True Point of Beginning for this survey.

This parcel is subject to a 50' section line easement along its west boundary.

THE ABOVE ARE RECORDED IN THE PALMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

SUBJECT: Administrative report relating to the creation of and improvements to Portion of Waxwing Street Natural Gas Local Improvement District No. 535; and consideration of said creation.

AGENDA OF: January 20, 2015

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing on March 3, 2015.

APPROVED BY JOHN M. MOOSEY, BOROUGH MANAGER:

Route To:	Department/Individual	Initials	Remarks
	Originator/Marcia vonEhr	ME	12/16/14
1	Finance Director	JJM	
2	Borough Attorney (Also reviewed by Bond Counsel)	NS	
3	Borough Clerk	JJM	12/23/14

ATTACHMENT(S): Ordinance Serial No. 15-008 (5 pp)
 Exhibit A (1 p)
 Map (1 p)
 Ballot Tally (1 p) -to be presented at Public Hearing
 Fiscal Note: Yes _____ No X

SUMMARY STATEMENT:

A petition has been filed by the record owners of 67 percent in value of the property and signatures of 52 percent of property owners within the proposed Portion of Waxwing Street Natural Gas Local Improvement District. The petition has been certified by the borough clerk. The proposed Portion of Waxwing Street Natural Gas Local Improvement District is located in Assembly District #5.

As addressed in Section 8 of the manager's administrative report, (listed below) there are 0 properties that do not conform to MSB 3.28.080(B).

MANAGER'S ADMINISTRATIVE REPORT

(MSB 3.28.040)

1. Description of properties to be benefited by the improvement:
SEE ORDINANCE SERIAL NO. 15-008

2. Evaluation of need and benefit of improvement and proposed allocation of special assessments:

The installation of natural gas distribution lines makes available to the property owners within the natural gas improvement district a clean energy source that is substantially lower in cost than any other source available. Properties, including vacant properties, served by natural gas have a tendency to sell more rapidly when placed on the market than similar properties in areas not served by natural gas. It is believed that the benefits will accrue about equally to each property in the improvement district. Therefore, it is proposed that the entire cost of the improvement to be allocated equally to each property within the district, without regard to the front footage, the size of the property, the value of the property or other measures.

3. Estimated total cost of improvement:

The estimated cost of the installation by ENSTAR is \$32,035.00 if done during the 2015 construction season. It is estimated that administrative costs will amount to approximately \$3,994.00 and the delinquency reserve will be \$1,900.00. The estimated total cost of the improvement as of this date is \$37,929.00. It is recommended that the project be financed by a special assessment bond or bank loan, which will be reimbursed from the special assessments on the properties to be benefited. It is anticipated that interest on the loan will be recovered through the interest that will be paid on special assessment installments.

4. Current mill rate: The Fiscal Year 2015 mill rate for the improvement district is 15.092 mills consisting of 9.662 mills (areawide) plus .520 mills (non-areawide) plus 1.99 mills (FSA# 130) plus 2.92 mills (RSA#17).

Taxable Property Values:	Real Property:	\$1,740,800.00
	Personal Property:	0
	Total:	<u>\$1,740,800.00</u>

5. Ownership of distribution lines: Enstar Natural Gas Co. is a division of Semco Energy Inc. It will own and be wholly responsible for the service and maintenance of the natural gas lines.

6. Profile of proposed properties in local improvement district:

	Total Number of Lots:	<u>16</u>
Ownership type of properties:	Private:	<u>16</u>
	Bank:	<u>0</u>
	Public:	<u>0</u>
	MSB:	<u>0</u>
"Tax" status of properties:	Number Current:	<u>16</u>
	Number Delinquent:	<u>0</u>
	Number in Foreclosure:	<u>0</u>
	Number in Bankruptcy:	<u>0</u>
	Population Estimate:	<u>25</u>
	Estimated Area (Acres):	<u>14.88</u>

* This estimate is based on information collected during the 2010 census and current assessment records.

7. Other special assessments effecting this local improvement district: NONE.
8. Properties not conforming to MSB 3.28.080(B) "...An assessment may not exceed 25 percent of the assessed value for real property taxation of the property assessed": 0
9. Method of collecting assessments: Semi-annual due dates will be established, with billings sent to each property owner 30-45 days before each due date. Delinquent accounts will be acted upon in the same manner as delinquent tax accounts, including annual foreclosure action.

IMPROVEMENT PLAN (MSB 3.28.050B)

The improvement is the installation of approximately 1,420 linear feet of natural gas distribution lines by ENSTAR to serve and benefit 16 properties within the Portion of Waxwing Street Natural Gas Local Improvement District as described in Ordinance Serial No. 15-008. The current ENSTAR tariff sets the cost of gas lines at \$22.56 per foot for a total cost of \$32,035.00.

The improvement funding will be obtained by selling a special assessment bond to a bank. Only the proceeds of the special assessments and interest will be pledged as security for payment. The special assessments may be paid by the property owners in semi-annual installments over a ten-year period.

ENSTAR will engineer, own, install, and maintain the line under an agreement with the borough.

The estimated total cost is \$37,929.00. The estimated cost elements are installation costs of \$32,035.00, delinquency reserve of \$1,900.00, and administrative costs of \$3,994.00.

The estimated total cost is to be equally assessed against the properties within the improvement district, including those properties not meeting to MSB 3.28.080(B) criteria.

The estimated special assessment against the 16 lots is \$2,370.56 per lot.

Non-Code Ordinance

By: Borough Manager
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 15-008**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY CREATING PORTION OF WAXWING STREET NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 535, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.

WHEREAS, a petition has been filed by the owners of at least one-half in value of the property within Portion of Waxwing Street Natural Gas Local Improvement District for the installation of natural gas distribution lines; and

WHEREAS, the borough clerk has certified the petition; and

WHEREAS, the manager's administrative report, including the improvement plan is incorporated in IM No. 15-012; and

WHEREAS, notice of the public hearing was published for two consecutive weeks in a newspaper of general circulation distributed within the borough; and

WHEREAS, notice was mailed CERTIFIED RETURN RECEIPT REQUESTED to each record owner of property within the local improvement district; and

WHEREAS, a public hearing on the creation of the local improvement district and the improvement plan has been held; and

WHEREAS, ballots approving or disapproving the local improvement district were permitted to be filed in writing for 30 calendar days after mailing of notice of the public hearing; and

WHEREAS, ballots marked "yes" from owners of property bearing more than one-half of the estimated cost of the improvements were received; and

WHEREAS, the proposed improvement is not a power exercised through a service area and there is not a board of supervisors.

BE IT ENACTED:

Section 1. This is a non-code ordinance.

Section 2. The Portion of Waxwing Street Natural Gas Local Improvement Plan will increase safety, improve health, increase property values, is necessary, is in the public interest and the improvement should be made.

Section 3. The petition has sufficient and proper petitioners.

Section 4. Ballots approving the local improvement district were filed timely by the record owners of property within the natural gas local improvement district bearing more than one-half of the estimated cost of the improvement and the Assembly can proceed with the improvement.

Section 5. Notwithstanding MSB 3.28.080(B) there are no

properties that do not conform that will be assessed for the improvement.

Section 6. There is hereby created the Portion of Waxwing Street Natural Gas Local Improvement District No. 535 as described in the attached legal description marked Exhibit A.

Section 7. The manager is hereby authorized to proceed with the improvement, negotiate for sale of a special assessment bond or similar loan for assembly approval, and such other necessary and proper work as appropriate to accomplish the purpose of the improvement plan upon financing approval by the assembly.

Section 8. Upon completion of the work the total cost of the improvement shall be assessed equally against each property within the natural gas local improvement district. The finance director shall prepare a special assessment roll assessing to each property within the natural gas local improvement district an amount equal to the actual total improvement cost divided by the number of properties within the local improvement district. The proposed special assessment roll shall be prepared and presented in accordance with the provisions of the Matanuska-Susitna Borough Code in effect at the time the special assessment roll is prepared.

Section 9. The special assessments against the properties

described in Section 6 above are liens upon the property and are prior and paramount to all liens except municipal tax liens and may be enforced as provided for the enforcement of real property tax liens.

Section 10. Special assessments may be paid in 20 semi-annual installments with due dates established by the assembly upon approval of the natural gas local improvement district special assessment roll, provided, the assembly may authorize payment terms greater than or less than a ten-year period of time. If no time for payment is established, semi-annual installments are due and payable when property taxes are due and payable. Special assessment installments not paid when due shall have a penalty added equal to the penalty for delinquent second-half real property taxes in effect at the time of the special assessment installment delinquency. Upon full payment of the special assessment, the manager shall issue a release of the lien to the record owner of the property.

Section 11. Notwithstanding the approval of the natural gas local improvement district based upon the financing of the cost through the sale of a special assessment bond or loan, if the assembly determines that the sale of a special assessment bond or loan is not feasible or is not available, the assembly may provide

for other means of financing the project cost at its sole discretion.

Section 12. Ordinance Serial Number 15-008 shall take effect upon adoption by the Matanuska-Susitna Borough Assembly.

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

LARRY DEVILBISS, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

LEGAL DESCRIPTION FOR
Portion of Waxwing Street #535

2831

Lots Twenty-two (22) and Twenty-three (23), Block Four (4), Lots Eight (8) through Fourteen (14), Block Six (6), Lots Thirty-four (34) through Thirty-nine (39), Block Six (6), and Lot One (1) Block Seven (7), SOUTHLAND, according to Plat #84-185.

THE ABOVE ARE RECORDED IN THE PALMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

SUBJECT: Administrative report relating to the creation of and improvements to W Coghlan Cir Natural Gas Local Improvement District No. 557; and consideration of said creation.

AGENDA OF: January 20, 2015

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing on March 3, 2015.

APPROVED BY JOHN M. MOOSEY, BOROUGH MANAGER:

Route To:	Department/Individual	Initials	Remarks
	Originator/Marcia vonEhr	MUE	12/16/14
1	Finance Director	g of TEC	
2	Borough Attorney (Also reviewed by Bond Counsel)	NS	
3	Borough Clerk	JMM	12/23/14

ATTACHMENT(S): Ordinance Serial No. 15-009 (5 pp)
 Exhibit A (1 p)
 Map (1 p)
 Ballot Tally (1 p) -to be presented at Public Hearing
 Fiscal Note: Yes _____ No X

SUMMARY STATEMENT:

A petition has been filed by the record owners of 70 percent in value of the property and signatures of 80 percent of property owners within the proposed W Coghlan Cir Natural Gas Local Improvement District. The petition has been certified by the borough clerk. The proposed W Coghlan Cir Natural Gas Local Improvement District is located in Assembly District #4.

As addressed in Section 8 of the manager's administrative report, (listed below) there are 0 properties that do not conform to MSB 3.28.080(B).

6. Profile of proposed properties in local improvement district:

	Total Number of Lots:	<u>21</u>
Ownership type of properties:	Private:	<u>21</u>
	Bank:	<u>0</u>
	Public:	<u>0</u>
	MSB:	<u>0</u>
"Tax" status of properties:	Number Current:	<u>21</u>
	Number Delinquent:	<u>0</u>
	Number in Foreclosure:	<u>0</u>
	Number in Bankruptcy:	<u>0</u>
	Population Estimate:	<u>5</u>
	Estimated Area (Acres):	<u>64.11</u>

* This estimate is based on information collected during the 2010 census and current assessment records.

7. Other special assessments effecting this local improvement district: NONE.
8. Properties not conforming to MSB 3.28.080(B) "...An assessment may not exceed 25 percent of the assessed value for real property taxation of the property assessed": 0
9. Method of collecting assessments: Semi-annual due dates will be established, with billings sent to each property owner 30-45 days before each due date. Delinquent accounts will be acted upon in the same manner as delinquent tax accounts, including annual foreclosure action.

IMPROVEMENT PLAN (MSB 3.28.050B)

The improvement is the installation of approximately 3,200 linear feet of natural gas distribution lines by ENSTAR to serve and benefit 21 properties within the W Coghlan Cir Natural Gas Local Improvement District as described in Ordinance Serial No. 15-009. The current ENSTAR tariff sets the cost of gas lines at \$22.56 per foot for a cost of \$72,192.00 and road bore of \$2,860.00 for a total cost of \$75,052.00.

The improvement funding will be obtained by selling a special assessment bond to a bank. Only the proceeds of the special assessments and interest will be pledged as security for payment. The special assessments may be paid by the property owners in semi-annual installments over a ten-year period.

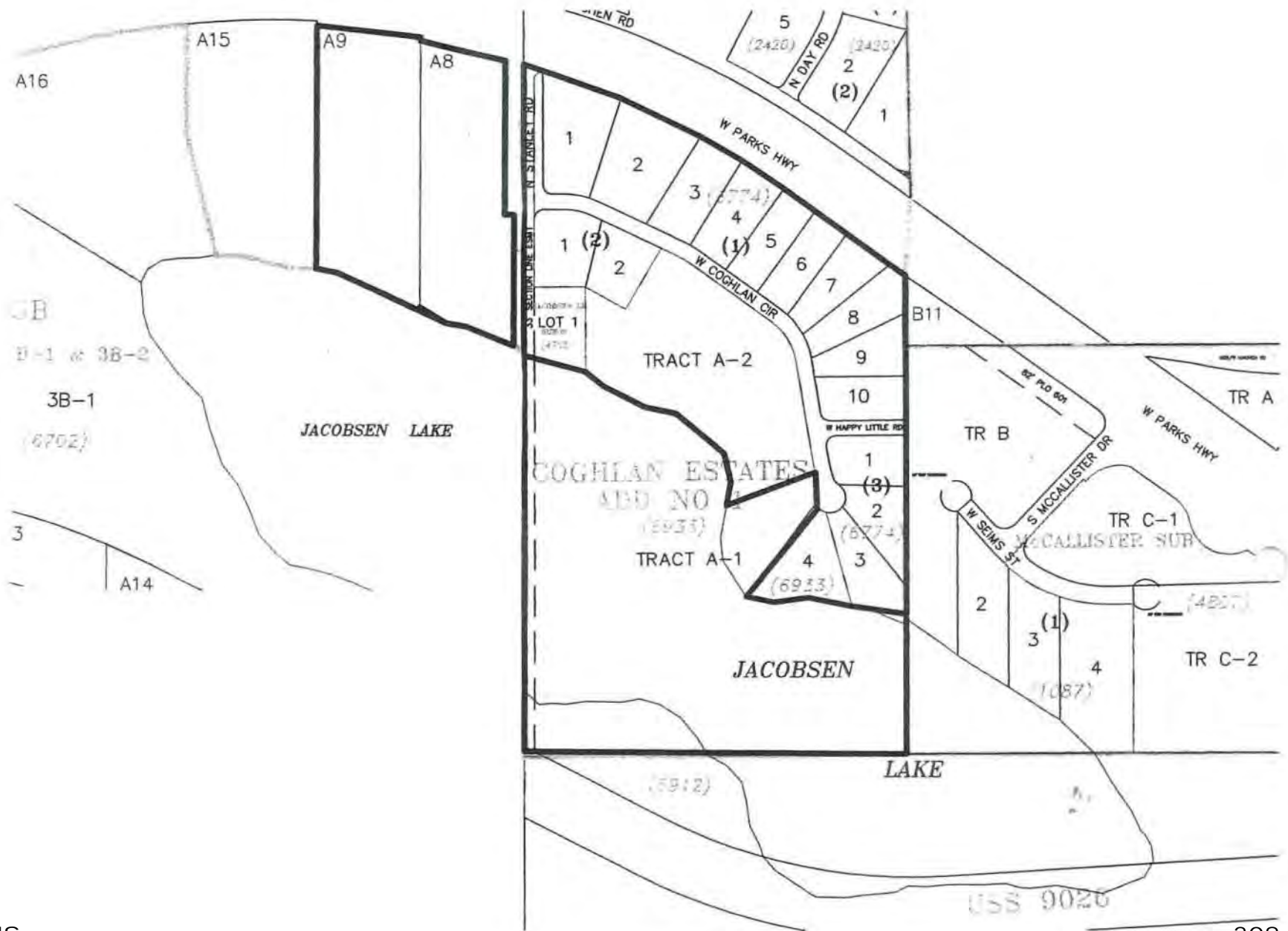
ENSTAR will engineer, own, install, and maintain the line under an agreement with the borough.

The estimated total cost is \$84,813.00. The estimated cost elements are installation costs of \$75,052.00, delinquency reserve of \$4,250.00, and administrative costs of \$5,511.00.

The estimated total cost is to be equally assessed against the properties within the improvement district, including those properties not meeting to MSB 3.28.080(B) criteria.

The estimated special assessment against the 21 lots is \$4,038.71 per lot.

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RD														
12														



Ordinance Serial No. 15-009
 IM No. 15-013

Non-Code Ordinance

By: Borough Manager
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 15-009**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY CREATING W COGHLAN CIR NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 557, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.

WHEREAS, a petition has been filed by the owners of at least one-half in value of the property within W Coghlan Cir Natural Gas Local Improvement District for the installation of natural gas distribution lines; and

WHEREAS, the borough clerk has certified the petition; and

WHEREAS, the manager's administrative report, including the improvement plan is incorporated in IM No. 15-013; and

WHEREAS, notice of the public hearing was published for two consecutive weeks in a newspaper of general circulation distributed within the borough; and

WHEREAS, notice was mailed CERTIFIED RETURN RECEIPT REQUESTED to each record owner of property within the local improvement district; and

WHEREAS, a public hearing on the creation of the local improvement district and the improvement plan has been held; and

WHEREAS, ballots approving or disapproving the local improvement district were permitted to be filed in writing for 30 calendar days after mailing of notice of the public hearing; and

WHEREAS, ballots marked "yes" from owners of property bearing more than one-half of the estimated cost of the improvements were received; and

WHEREAS, the proposed improvement is not a power exercised through a service area and there is not a board of supervisors.

BE IT ENACTED:

Section 1. This is a non-code ordinance.

Section 2. The W Coghlan Cir Natural Gas Local Improvement Plan will increase safety, improve health, increase property values, is necessary, is in the public interest and the improvement should be made.

Section 3. The petition has sufficient and proper petitioners.

Section 4. Ballots approving the local improvement district were filed timely by the record owners of property within the natural gas local improvement district bearing more than one-half of the estimated cost of the improvement and the Assembly can proceed with the improvement.

Section 5. Notwithstanding MSB 3.28.080(B) there are no

properties that do not conform that will be assessed for the improvement.

Section 6. There is hereby created the W Coghlan Cir Natural Gas Local Improvement District No. 557 as described in the attached legal description marked Exhibit A.

Section 7. The manager is hereby authorized to proceed with the improvement, negotiate for sale of a special assessment bond or similar loan for assembly approval, and such other necessary and proper work as appropriate to accomplish the purpose of the improvement plan upon financing approval by the assembly.

Section 8. Upon completion of the work the total cost of the improvement shall be assessed equally against each property within the natural gas local improvement district. The finance director shall prepare a special assessment roll assessing to each property within the natural gas local improvement district an amount equal to the actual total improvement cost divided by the number of properties within the local improvement district. The proposed special assessment roll shall be prepared and presented in accordance with the provisions of the Matanuska-Susitna Borough Code in effect at the time the special assessment roll is prepared.

Section 9. The special assessments against the properties

described in Section 6 above are liens upon the property and are prior and paramount to all liens except municipal tax liens and may be enforced as provided for the enforcement of real property tax liens.

Section 10. Special assessments may be paid in 20 semi-annual installments with due dates established by the assembly upon approval of the natural gas local improvement district special assessment roll, provided, the assembly may authorize payment terms greater than or less than a ten-year period of time. If no time for payment is established, semi-annual installments are due and payable when property taxes are due and payable. Special assessment installments not paid when due shall have a penalty added equal to the penalty for delinquent second-half real property taxes in effect at the time of the special assessment installment delinquency. Upon full payment of the special assessment, the manager shall issue a release of the lien to the record owner of the property.

Section 11. Notwithstanding the approval of the natural gas local improvement district based upon the financing of the cost through the sale of a special assessment bond or loan, if the assembly determines that the sale of a special assessment bond or loan is not feasible or is not available, the assembly may provide

for other means of financing the project cost at its sole discretion.

Section 12. Ordinance Serial Number 15-009 shall take effect upon adoption by the Matanuska-Susitna Borough Assembly.

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

LARRY DEVILBISS, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

LEGAL DESCRIPTION FOR
W COGHLAN CIR #557**17N02W12A008**

That portion of the East 330 Feet of the Northeast One-quarter (NE 1/4) of Section 12, Township 17 North, Range 2 West, Seward Meridian, lying North of Jacobson Lake and South of the Southerly Right of Way line of the Parks Highway, excepting therefrom that portion conveyed to SOA/DOTPF by that Warranty Deed recorded at 2013-013804-0, 6-24-2013 PRD; and

17N02W12A009

The West 330 Feet of the East 660 Feet of that portion of the NE 1/4 of Section 12, Township 17 North, Range 2 West, Seward Meridian, lying North of the Alaska Railroad, South of the Parks Highway right of way EXCEPTING TRACT 2, Naomi Subdivision and the East 330 feet of the NE 1/4 of Section 12, Township 17 North, Range 2 West, Seward Meridian, Alaska, lying North of Jacobsen Lake and South of the Parks Highway Right of Way, excepting therefrom that portion conveyed to SOA/DOTPF by that Warranty Deed recorded at 2013-026595-0, 12-12-2013 PRD; and

4705

Lot One (1), JACOBSEN LK, according to Plat #1997-130; and

6774

Lots One (1) through Ten (10), Block One (1), Lots One (1) and Two (2), Block Two (2), and Lots One (1) through Three (3), Block Three (3), COGHLAN EST, according to Plat #2007-187 and Plat #2009-16; and

6933

Lot Four (4), Tract A-1, and Tract A-2, COGHLAN EST ADD #1, according to Plat #2009-105.

THE ABOVE ARE RECORDED IN THE PALMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

SUBJECT: Administrative report relating to the creation of and improvements to Portion of Dawn Lake Dr Natural Gas Local Improvement District No. 559; and consideration of said creation.

AGENDA OF: January 20, 2015

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing on March 3, 2015.

APPROVED BY JOHN M. MOOSEY, BOROUGH MANAGER:

Route To:	Department/Individual	Initials	Remarks
	Originator/Marcia vonEhr	MVE	12/16/14
1	Finance Director	CJ	4/15/14
2	Borough Attorney (Also reviewed by Bond Counsel)	NS	
3	Borough Clerk	mm	12/23/14

ATTACHMENT(S): Ordinance Serial No. 15-010 (5 pp)
Exhibit A (1 p)
Map (1 p)
Ballot Tally (1 p) -to be presented at Public Hearing
Fiscal Note: Yes _____ No X

SUMMARY STATEMENT:

A petition has been filed by the record owners of 100 percent in value of the property and signatures of 100 percent of property owners within the proposed Portion of Dawn Lake Dr Natural Gas Local Improvement District. The petition has been certified by the borough clerk. The proposed Portion of Dawn Lake Dr Natural Gas Local Improvement District is located in Assembly District #5.

As addressed in Section 8 of the manager's administrative report, (listed below) there are 0 properties that do not conform to MSB 3.28.080(B).

MANAGER'S ADMINISTRATIVE REPORT

(MSB 3.28.040)

1. Description of properties to be benefited by the improvement:
SEE ORDINANCE SERIAL NO. 15-010

2. Evaluation of need and benefit of improvement and proposed allocation of special assessments:
The installation of natural gas distribution lines makes available to the property owners within the natural gas improvement district a clean energy source that is substantially lower in cost than any other source available. Properties, including vacant properties, served by natural gas have a tendency to sell more rapidly when placed on the market than similar properties in areas not served by natural gas. It is believed that the benefits will accrue about equally to each property in the improvement district. Therefore, it is proposed that the entire cost of the improvement to be allocated equally to each property within the district, without regard to the front footage, the size of the property, the value of the property or other measures.

3. Estimated total cost of improvement:
The estimated cost of the installation by ENSTAR is \$18,950.00 if done during the 2015 construction season. It is estimated that administrative costs will amount to approximately \$1,856.00 and the delinquency reserve will be \$1,100.00. The estimated total cost of the improvement as of this date is \$21,906.00. It is recommended that the project be financed by a special assessment bond or bank loan, which will be reimbursed from the special assessments on the properties to be benefited. It is anticipated that interest on the loan will be recovered through the interest that will be paid on special assessment installments.

4. Current mill rate: The Fiscal Year 2015 mill rate for the improvement district is 15.092 mills consisting of 9.662 mills (areawide) plus .520 mills (non-areawide) plus 1.99 mills (FSA# 130) plus 2.92 mills (RSA#17).

Taxable Property Values:	Real Property:	<u>\$280,500.00</u>
	Personal Property:	<u>0</u>
	Total:	<u>\$280,500.00</u>

5. Ownership of distribution lines: Enstar Natural Gas Co. is a division of Semco Energy Inc. It will own and be wholly responsible for the service and maintenance of the natural gas lines.

6. Profile of proposed properties in local improvement district:

	Total Number of Lots:	<u>4</u>
Ownership type of properties:	Private:	<u>4</u>
	Bank:	<u>0</u>
	Public:	<u>0</u>
	MSB:	<u>0</u>
"Tax" status of properties:	Number Current:	<u>4</u>
	Number Delinquent:	<u>0</u>
	Number in Foreclosure:	<u>0</u>
	Number in Bankruptcy:	<u>0</u>
	Population Estimate:	<u>6</u>
	Estimated Area (Acres):	<u>4.28</u>

* This estimate is based on information collected during the 2010 census and current assessment records.

7. Other special assessments effecting this local improvement district: NONE .
8. Properties not conforming to MSB 3.28.080(B) "...An assessment may not exceed 25 percent of the assessed value for real property taxation of the property assessed": 0
9. Method of collecting assessments: Semi-annual due dates will be established, with billings sent to each property owner 30-45 days before each due date. Delinquent accounts will be acted upon in the same manner as delinquent tax accounts, including annual foreclosure action.

IMPROVEMENT PLAN (MSB 3.28.050B)

The improvement is the installation of approximately 840 linear feet of natural gas distribution lines by ENSTAR to serve and benefit 4 properties within the Portion of Dawn Lake Dr Natural Gas Local Improvement District as described in Ordinance Serial No. 15-010. The current ENSTAR tariff sets the cost of gas lines at \$22.56 per foot for a total cost of \$18,950.00.

The improvement funding will be obtained by selling a special assessment bond to a bank. Only the proceeds of the special assessments and interest will be pledged as security for payment. The special assessments may be paid by the property owners in semi-annual installments over a ten-year period.

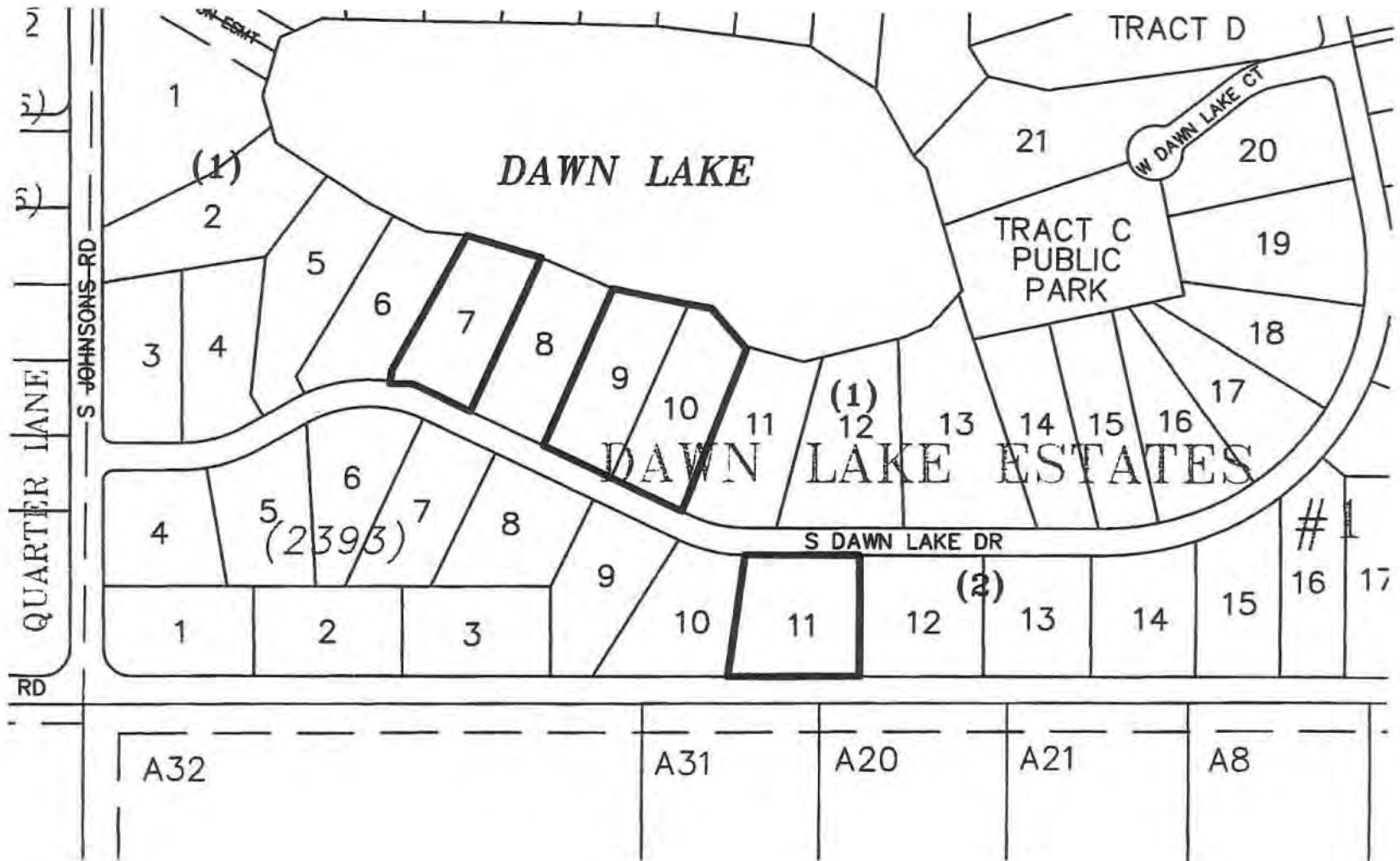
ENSTAR will engineer, own, install, and maintain the line under an agreement with the borough.

The estimated total cost is \$21,906.00. The estimated cost elements are installation costs of \$18,950.00, delinquency reserve of \$1,100.00, and administrative costs of \$1,856.00.

The estimated total cost is to be equally assessed against the properties within the improvement district, including those properties not meeting to MSB 3.28.080(B) criteria.

The estimated special assessment against the 4 lots is \$5,476.50 per lot.

IM No. 15-014
Ordinance Serial No. 15-010



Non-Code Ordinance

By: Borough Manager
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 15-010**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY CREATING PORTION OF DAWN LAKE DR NATURAL GAS LOCAL IMPROVEMENT DISTRICT NO. 559, APPROVING THE IMPROVEMENT PLAN FOR THE DISTRICT, AUTHORIZING THE MANAGER TO PROCEED WITH THE IMPROVEMENT, AND ASSESSING EQUALLY AMONG THE PROPERTIES WITHIN THE DISTRICT THE COSTS OF THE IMPROVEMENT.

WHEREAS, a petition has been filed by the owners of at least one-half in value of the property within Portion of Dawn Lake Dr Natural Gas Local Improvement District for the installation of natural gas distribution lines; and

WHEREAS, the borough clerk has certified the petition; and

WHEREAS, the manager's administrative report, including the improvement plan is incorporated in IM No. 15-014; and

WHEREAS, notice of the public hearing was published for two consecutive weeks in a newspaper of general circulation distributed within the borough; and

WHEREAS, notice was mailed CERTIFIED RETURN RECEIPT REQUESTED to each record owner of property within the local improvement district; and

WHEREAS, a public hearing on the creation of the local improvement district and the improvement plan has been held; and

WHEREAS, ballots approving or disapproving the local improvement district were permitted to be filed in writing for 30 calendar days after mailing of notice of the public hearing; and

WHEREAS, ballots marked "yes" from owners of property bearing more than one-half of the estimated cost of the improvements were received; and

WHEREAS, the proposed improvement is not a power exercised through a service area and there is not a board of supervisors.

BE IT ENACTED:

Section 1. This is a non-code ordinance.

Section 2. The Portion of Dawn Lake Dr Natural Gas Local Improvement Plan will increase safety, improve health, increase property values, is necessary, is in the public interest and the improvement should be made.

Section 3. The petition has sufficient and proper petitioners.

Section 4. Ballots approving the local improvement district were filed timely by the record owners of property within the natural gas local improvement district bearing more than one-half of the estimated cost of the improvement and the Assembly can proceed with the improvement.

Section 5. Notwithstanding MSB 3.28.080(B) there are no

properties that do not conform that will be assessed for the improvement.

Section 6. There is hereby created the Portion of Dawn Lake Dr Natural Gas Local Improvement District No. 559 as described in the attached legal description marked Exhibit A.

Section 7. The manager is hereby authorized to proceed with the improvement, negotiate for sale of a special assessment bond or similar loan for assembly approval, and such other necessary and proper work as appropriate to accomplish the purpose of the improvement plan upon financing approval by the assembly.

Section 8. Upon completion of the work the total cost of the improvement shall be assessed equally against each property within the natural gas local improvement district. The finance director shall prepare a special assessment roll assessing to each property within the natural gas local improvement district an amount equal to the actual total improvement cost divided by the number of properties within the local improvement district. The proposed special assessment roll shall be prepared and presented in accordance with the provisions of the Matanuska-Susitna Borough Code in effect at the time the special assessment roll is prepared.

Section 9. The special assessments against the properties

described in Section 6 above are liens upon the property and are prior and paramount to all liens except municipal tax liens and may be enforced as provided for the enforcement of real property tax liens.

Section 10. Special assessments may be paid in 20 semi-annual installments with due dates established by the assembly upon approval of the natural gas local improvement district special assessment roll, provided, the assembly may authorize payment terms greater than or less than a ten-year period of time. If no time for payment is established, semi-annual installments are due and payable when property taxes are due and payable. Special assessment installments not paid when due shall have a penalty added equal to the penalty for delinquent second-half real property taxes in effect at the time of the special assessment installment delinquency. Upon full payment of the special assessment, the manager shall issue a release of the lien to the record owner of the property.

Section 11. Notwithstanding the approval of the natural gas local improvement district based upon the financing of the cost through the sale of a special assessment bond or loan, if the assembly determines that the sale of a special assessment bond or loan is not feasible or is not available, the assembly may provide

for other means of financing the project cost at its sole discretion.

Section 12. Ordinance Serial Number 15-010 shall take effect upon adoption by the Matanuska-Susitna Borough Assembly.

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

LARRY DEVILBISS, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

LEGAL DESCRIPTION FOR
PORTION OF DAWN LAKE DR #559

2393

Lot Seven (7), Lot Nine (9), and Lot Ten (10), Block One (1)
and Lot Eleven (11), Block Two (2), DAWN LAKE EST #1,
according to Plat #1984-34.

THE ABOVE ARE RECORDED IN THE PALMER RECORDING DISTRICT, THIRD
JUDICIAL DISTRICT, STATE OF ALASKA.

BOARD AND COMMISSION VACANCY REPORT January 20, 2015

N = New Application R = Reappointment *Vacant since 12/31/2012 **Vacant since 12/31/2013 *Vacant since 12/31/2014**

Board - Applicant	Applicants Under Consideration by Mayor	Mayor's Appointments for Confirmation by the Assembly
Animal Care & Regulation Board <i>5 members/1 alt.</i> Animal Interest		Resignation of John Wood
Board of Adjustment and Appeals <i>5 members/3 alt. - 3 vacancies – (3) 3year terms</i> ***Alternate 1 ***Alternate 2 ***Member 4		
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	William Barnes - N	
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		
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	Philip Licht - R	
Historical Preservation Commission <i>9 members- 4 vacancies</i> Member 1 Member 2Karen Bloxsom - N Member 3 Member 7		

Board - Applicant	Applicants Under Consideration by Mayor	Mayor's Appointments for Confirmation by the Assembly
Labor Relations Board 5 members- 2 vacancies Member 2 Member 4		
Library Board 9 members – 3 vacancies ***Palmer ***Talkeenta *Wasilla		
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 Public Utility – Gas **School District		
MSB Fish and Wildlife Commission 7 members - 1 vacancy Assembly RepresentativeJim Sykes – N Member 5 At-Large	Steve Colligan – N (term begins 1/21/15) Terry Niniger - N	
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 – 2 vacancies *District 4 *District 5		
Platting Board 7 members/2 alt. – 2 vacancies District 4 District 7		
Transportation Advisory Board 9 members - 1 vacancy Construction		David Lundin - N

Board - Applicant	Applicants Under Consideration by Mayor	Mayor's Appointments for Confirmation by the Assembly
Butte FSA # 2 3 members – 3 vacancies ***Member 1 ***Member 2 ***Member 3		
Central Mat-Su FSA # 130 Member 5	Jimmy Jameson - N	Resignation of Benjamin Cottle
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		
Bogard RSA # 25 3 members – 1 vacancy Member 3		
Gold Trail RSA # 28 3 members – 1 vacancy Member 3		
Knik RSA # 17 3 members Member 2	Mike Hales - R
Lazy Mountain RSA # 19 3 members – 1 vacancy *Member 1		
Midway RSA # 9 3 members – 1 vacancy *Member 3		
North Colony RSA # 23 3 members – 2 vacancies ***Member 1 ***Member 2		
Trapper Creek RSA # 30 3 members – 1 vacancy Member 3		
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		

Board - Applicant	Applicants Under Consideration by Mayor	Mayor's Appointments for Confirmation by the Assembly
Talkeetna Sewer & Water Service Area # 36 continued *Member 4		

Brenda Henry

From: John Wood [John.Wood@akleg.gov]
Sent: Tuesday, December 30, 2014 9:36 AM
To: Brenda Henry
Subject: RE: Scanned image from Mat-Su Borough Clerks Office

Brenda, thank you for your kind words and your guidance as we worked through some sensitive issues and personalities. I hereby give my resignation from the Board effective immediately.

If anyone were to inquire, my resignation has nothing whatsoever to do with the activities of the Board. It is exclusively the result of the State taking a position that I had to jump through a lot of reporting requirements even though the Board is advisory in nature and its members not paid for their volunteer service.

I left public office many years ago and after many years of service due primarily to my personal decision that places my and my family's privacy rights far above offering my expertise and service to the community. I regret that this has impacted this current decision as it is difficult to see how anything good comes out of this excessive government intrusion.

Please pass along to Lonnie my appreciation for all that she has done over the years. We had a rocky start but once we learned from each other, we all were pulling the same direction.

Please distribute this to my fellow Board members and I wish them well. If there is anything that I can help with in the future, please don't hesitate to contact me. That goes for the Board members as well.

John Wood
Staff for Senator Mike Dunleavy
State Capitol Building
Juneau, Alaska 99801
Ph 907-465-6704
Fax 907-465-3805
Cell 907-723-8999
John.Wood@akleg.gov

Animal Care & Regulation
ACRB Animal Interest
12/31/2015

-----Original Message-----

From: Brenda Henry [<mailto:brenda.henry@matsugov.us>]
Sent: Tuesday, December 30, 2014 9:11 AM
To: John Wood; John Wood
Subject: FW: Scanned image from Mat-Su Borough Clerks Office

Hi John:

Sorry to lose you on the Board. It has been a pleasure working with you. I wish you all the best in the future. Attached are the proposed amendments that we know of as of today.

Let me know if you have any questions.

-----Original Message-----

From: Clerks@Sharp.com [<mailto:Clerks@Sharp.com>] On Behalf Of Clerks@

DATE RECEIVED:
RECEIVED
JAN 05 2015

CLERKS OFFICE

BOARD, COMMISSION, AND COMMITTEE APPLICATION FORM

INSTRUCTIONS

Complete and sign the application. Do not leave any blank fields. Type or print legibly in ink. Specify exactly what board and position you are seeking. Completed applications may be emailed to debra.wetherhorn@matsugov.us or delivered or mailed to the Borough Clerk's Office, 350 E. Dahlia Avenue, Palmer, or faxed to 861-7845. If you have questions, please call 861-8683.

Board and position for which I am applying: BOARD OF Equalization (1 year Term)
(For example, Board of Equalization, Member 3)

Applicant Name: William A Barnes, Jr

Residence Address: 13882 E. Gingham Circle, Palmer, AK 99645

Mailing Address: 1150 S. Colony Way, Suite 3A 566, Palmer, AK 99645

Home phone: 965-9867 Work phone: None Email: wab4551@yahoo.com

Name and Address of Employer: William Barnes Valuations, Inc

Can you regularly attend meetings? Yes No (Pursuant to (MSB 4.05.030, "A vacancy occurs on the board when the member is absent from three (3) consecutive regular board meetings without the board excusing the absence for good cause.")

Do you or any family member have a personal or financial interest with the Borough? Yes No

If yes, list positions and or interest: _____
(For example: employee, emergency responder, RSA or FSA area supervisor, board member, contractor etc.)

How long have you lived in the Borough? 1984-1987, 5/2014 to present

Briefly explain, why you are you interested in serving on the board in which you are applying? The Borough has Vacancies AND I have Time AND Skills to offer.

List professional or personal experiences that qualify you for membership on the board? You may attach a brief resume to highlight your qualifications: See Attached Resume

List three professional or personal references:
Name: Lloyd Smith Phone: 745-9649
Name: Troy Glover, MAJ Phone: 602-909-8908
Name: DAVID BRENA, MAJ Phone: 425-306-2020

Applicant Signature: William A Barnes Date: 12/30/14

(N)

Office Use Only: Precinct: 11-095 Assembly District: 2 Service Area: NA
Position on Board: BOE-member 15 Term Ends: 12/31/2015
Residence Checked: Yes Map Checked: Yes Code Checked: 1st 2nd SN

Applicant Name: William A BARNES, JR

Do you have any civil judgment against you within the last 10 years, whether monetary, non-monetary, declarative, injunctive, or any other form or manner? NO YES

PRIVATE INFORMATION

If yes, please provide on a separate page the following: (1) case name, (2) nature of action, (3) year of judgment, and (4) a brief description of the judgment entered and/or sentence imposed.

Do you have any judgments against you in a criminal case within the last 10 years, whether upon finding of guilt, plea of no contest, suspended, or any form of judgment other than dismissal or not guilty?

NO YES

If yes, please provide on a separate page the following: (1) case name, (2) nature of action, (3) year of judgment, and (4) a brief description of the judgment entered and/or sentence imposed.

William Barnes, SRA
Certified General Real Estate Appraiser
State of Alaska Certificate #857

William Barnes Valuations, Inc.
1150 S. Colony Way, Suite 3 #566
Palmer, AK 99645
Office: 907-365-9567
Fax: (866) 794-8930
Email: wab4551@yahoo.com

SUMMARY:

Mr. Barnes began his appraisal career in 1978 in Alaska and has over thirty five years of residential and commercial real estate appraisal experience. Mr. Barnes has been awarded the SRA Designation (Senior Residential Appraiser) from the Appraisal Institute. He has performed all types of residential properties. His commercial appraisal experience includes apartment projects up to 483 units, office buildings, hotels and motels; single and multi-tenant retail and industrial centers, manufactured home parks, special use properties, churches, a post office, restaurant/bars, subdivision analysis, highest and best use studies, market studies, condemnation, estates (probate), life estates and vacant land assignments of up to 1,100 acres and \$26M. Typical clientele includes banks, savings and loan associations, credit unions, mortgage insurance companies and attorneys. Mr. Barnes has also performed consultation and pre-trial services for various Federal and State agencies including Special Agents of the FBI, IRS, HUD-FHA and the U.S. Attorney.

PROFESSIONAL AFFILIATIONS:

Senior Residential Appraiser Designation (SRA), Appraisal Institute
Alaska Chapter, Appraisal Institute
Board of Directors, Alaska Chapter, Appraisal Institute (2015-2017 term)

STATE OF ALASKA CERTIFICATION:

Certified General Real Estate Appraiser, State of Alaska, Certificate No. 857, expires 6-30-2015
Certified General Real Estate Appraiser since 09/1991

FORMAL EDUCATION:

*Colorado State University, Fort Collins, Colorado. Bachelor of Arts Degree in Political Science with honors in major, May 1974
*Additional business, economics and real estate courses successfully completed from the Appraisal Institute and the University of Alaska (1977 to present)

PROFESSIONAL APPRAISAL EDUCATION:

"Real Estate Appraisal Principles", Appraisal Institute (1978 & 1988)
"Basic Valuation Procedures", Appraisal Institute (1978 & 1988)
"Capitalization Theory & Techniques, Parts A & B", Appraisal Institute (1979 & 1989)
"Residential Valuation", Appraisal Institute (1988)
"Standards of Professional Practice, Parts A & B", Appraisal Institute (1988)
"Highest and Best Use", Appraisal Institute (1993)
"Advanced Residential Form and Narrative Report Writing", Appraisal Institute (1994)
"Residential Case Study", Appraisal Institute (1997)
"Market Analysis and Highest & Best Use", Appraisal Institute (2008)
"Uniform Standards of Professional Appraisal Practice", Appraisal Institute (bi-annual classes taken from 1991 to 2012)

APPRAISAL SEMINARS ATTENDED:

- "Uniform Standards of Professional Appraisal Practice (USPAP)", biannual attendance (1991-2012)
- "The Appraiser as an Expert Witness: Preparation and Testimony", Appraisal Institute (2010)
- "Litigation Appraising; Specialized Topics", Appraisal Institute (2010)
- "Appraisal Policy Changes", Appraisal Institute (2009)
- "General Demonstration Appraisal Report Writing", Appraisal Institute (2008)
- "Analyzing Operating Expenses", Appraisal Institute (2005)
- "HP 12C Financial Calculator", Appraisal Institute (2005)
- "Business Practices and Ethics", Appraisal Institute (2005)
- "FHA and the Appraisal Process", Appraisal Institute (2005)
- "Professional's Guide to the New URAR Report Form", Appraisal Institute (2005)
- "Appraisal Institute Summer Conference" (July 2005)
- "Automated Valuations Model for Financial Reporting", Appraisal Institute (2004)
- "Loss Prevention", Appraisal Institute (2004)
- "Apartment Appraisal", Appraisal Institute (2003)
- "Multiple Regression Analysis", Appraisal Institute (1999)
- "FHA Appraisal Seminar for 4051.2", Appraisal Institute (1999)
- "Appraisal Review - Residential Properties", Appraisal Institute (1994)

U.S. GOVERNMENT APPROVALS:

H.U.D. - F.H.A. Approved residential appraiser (1994 to present).

PERSONAL:

- *Eagle Scout Award (1966), Catalina Council, Boy Scouts of America
- *Assistant Scoutmaster (1992-94), Boy Scouts of America
- *Life Member, National Eagle Scouts Association (NESA)
- *FAA Certified Pilot (1977 to present) 1,000+/- hours; Land & Sea (sea plane) and Complex Aircraft Ratings (over 200 h.p., retractable gear & constant speed prop), Federal Aviation Administration
- *PADI Certified Scuba Diver" (1984 to present); Dive Ratings include: Open Water, Advanced Open Water, Rescue Diver, First Responder, Wreck Diver & Oxygen Use (Nitrox)

MARKET AREAS SERVED:

Municipality of Anchorage
(including Eagle River & Chugiak)
Matanuska-Susitna Borough
Other areas upon request

OFFICE AREAS SERVED:

FHA & Conventional assignments throughout south central
Alaska

ERRORS & OMISSIONS INSURANCE:

11/01/2013 to 11/01/2014
\$1,000,000 Coverage

MATANUSKA-SUSITNA BOROUGH
350 E. Dahlia Ave., Palmer, AK 99645-6488
Phone: 745-9681 Fax: 745-9845

DATE REC'D: **RECEIVED**
JAN 05 2015
CLERKS OFFICE

APPLICATION FOR RE-APPOINTMENT TO BOARDS, COMMITTEES, AND COMMISSIONS

DO NOT LEAVE ANY FIELD BLANK

BOARD NAME: Health & Social Services BOARD POSITION: At-large
NAME: Philip Licht
RESIDENCE ADDRESS: 10430 E Sherrod Dr. Palmer, AK 99645
MAILING ADDRESS: SAME
CONTACT NOS. HM: 841-0813 WK: 373-4732 FAX: _____ EMAIL: philip@setfreeak.org
EMPLOYER AND ADDRESS: PO BOX 876741 Wasilla, AK 99687

Have you been found guilty of any crime (not including traffic tickets)? Yes X No _____
If yes, please explain the circumstances 1996 Misdemeanor for Theft.

Can you regularly attend meetings? Yes X No _____ (MSB 4.05.030(B)(6) states: "A vacancy occurs on the board when the member is absent from three (3) consecutive regular board meetings without the board excusing the absence for good cause.")

Are you or any family member currently affiliated with the Borough in any way? Yes _____ No X

Do you or any family member have a personal or financial interest with the Borough? (Example: employee, emergency responder, RSA or FSA service area supervisor, board member, contractor etc.) Yes _____ No X
If yes, please list positions: _____

How long have you lived in the Borough? 36 years Reason for interest: Promote health & wellness

Brief background of experience that would qualify you for the position, including experience that would enhance board membership. 6 years in substance abuse treatment field & non-profit sector.

Please list three professional references: Name: Paul Bossart Ph: 373-4732
Name: Lisa Hilty Ph: 373-4732 Name: Ryan Ray Ph: 841-9552
12/29/14 _____
DATE SIGNATURE

FOR OFFICE USE ONLY:
Voter Precinct: 12-205 Voter Residence checked: Y N Map residence checked: Y N
Position on Board: HSSB member 8-AtLarge 5 Term of Office Ends: 12/31/17
Code Checked: 1st Check: ✓ 2nd Check: N/A **R** Assembly District: 2

Applicant Name: Philip Licht

Do you have any civil judgment against you within the last 10 years, whether monetary, non-monetary, declarative, injunctive, or any other form or manner? NO YES

If yes, please provide on a separate page the following: (1) case name, (2) nature of action, (3) year of judgment, and (4) a brief description of the judgment entered and/or sentence imposed.

N/A

Do you have any judgments against you in a criminal case within the last 10 years, whether upon finding of guilt, plea of no contest, suspended, or any form of judgment other than dismissal or not guilty?

NO YES

If yes, please provide on a separate page the following: (1) case name, (2) nature of action, (3) year of judgment, and (4) a brief description of the judgment entered and/or sentence imposed.

N/A

MATANUSKA-SUSITNA BOROUGH - CLERK'S OFFICE
350 E. Dahlia Avenue Palmer, AK 99645
Phone: 861-8683 Fax: 861-7845

RECEIVED
DATE RECEIVED
JAN 08 2015
CLERKS OFFICE

BOARD, COMMISSION, AND COMMITTEE APPLICATION FORM

INSTRUCTIONS

Complete and sign the application. Do not leave any blank fields. Type or print legibly in ink. Specify exactly what board and position you are seeking. Completed applications may be emailed to debra.wetherhorn@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: Mat-Su Borough Historic Preservation Commission
(For example, Board of Equalization, Member 3) Historian

Applicant Name: Karen M. Bloxson

Residence Address: 6701 W. Scatters Way, Wasilla, AK 99623

Mailing Address: (same as above)

Home phone: 864-4484 Work phone: 861-5548 Email: millerxc@yahoo.com

Name and Address of Employer: MSBSD - 501 N. Gulkana St., Palmer, AK

Can you regularly attend meetings? Yes No *(Pursuant to MSB 4.05.030, "A vacancy occurs on the board when the member is absent from three (3) consecutive regular board meetings without the board excusing the absence for good cause.")*

Do you or any family member have a personal or financial interest with the Borough? Yes No

If yes, list positions and or interest: _____
(For example: employee, emergency responder, RSA or FSA area supervisor, board member, contractor etc.)

How long have you lived in the Borough? 12 years

Briefly explain, why you are you interested in serving on the board in which you are applying? I am knowledgeable about the Mat-Su Valley, passionate about its rich culture & history, and hope to promote my enthusiasm for our wonderful area, while still serving on the commission and learning more from the board and our residents.

List professional or personal experiences that qualify you for membership on the board? You may attach a brief resume to highlight your qualifications: (attached)

List three professional or personal references: Name: Cyd Duffin Phone: 861-5507
Name: Mike Lopney Phone: 861-5503
Name: Louise Kemper Phone: 786-1933

Applicant Signature: Karen M. Bloxson Date: 01/08/2015

(N)

Office Use Only: Precinct: 08-130 Assembly District: 7 Service Area: NA
Position on Board: His member 3 Term Ends: 12/31/2017
Residence Checked: Yes Map Checked: Yes Code Checked: 1st 2nd

Applicant Name: Karen M. Bloxson

Do you have any civil judgment against you within the last 10 years, whether monetary, non-monetary, declarative, injunctive, or any other form or manner? NO YES

If yes, please provide on a separate page the following: (1) case name, (2) nature of action, (3) year of judgment, and (4) a brief description of the judgment entered and/or sentence imposed.

Do you have any judgments against you in a criminal case within the last 10 years, whether upon finding of guilt, plea of no contest, suspended, or any form of judgment other than dismissal or not guilty?

NO YES

If yes, please provide on a separate page the following: (1) case name, (2) nature of action, (3) year of judgment, and (4) a brief description of the judgment entered and/or sentence imposed.

Karen M. Bloxsom

6701 W. Scatter's Way / Wasilla, Alaska 99623
 (907) 861-5548 (W) / (907) 315-0420 (C)
 millerxc@yahoo.com

Work Experience

Colony High School, Palmer, Alaska 2003- present
 Teacher: AP Government & Politics, Government, Alaska History, Leadership, Civics, World History, US History, Current Events, Alternatives to Conflicts
 BLT (Behavior Leadership Team) member (2013- present)
 Social Studies Department Chairman (2012-present)
 Student Government Advisor (2005-2010)
 Track and Field Assistant Coach (2009-2011)

Nome-Beltz High School, Nome, Alaska 1998 – 2003
 Teacher: World Studies, Government, AK Studies, US History, Art, ANCSA
 Nome District History Department Chairman (2000-2003)
 Quality Schools Mentor Teacher
 Senior Class Advisor
 Native Programs Tutor

LaFayette School District, Onondaga Reservation, New York – 1997-1998
 Social Studies Teaching Assistant
 In-School Suspension Advisor
 Assistant Girls' Varsity Lacrosse Coach, Middle School Girls' Soccer Coach.

Education

University of Alaska, Continuing Education Anchorage, AK, (1999-present)
SUNY Buffalo, Bachelors of Arts-Major: History, Minor: Audiology, Buffalo, NY, 1994
State Collège of New York at Buffalo, Secondary Social Studies Education, Buffalo, NY

Additional Work

Adjunct Professor- UAA-Anchorage, Alaska History for Educators: 2009-Present
MSBSD Curriculum Writer: AK History, World History, Government, & Civics 2008-present
Alaska Humanities Forum Educational Liaison, 2013
Quality Schools Mentor, 2001
Palmer Visitor Center Summer Curator Assistant, 2004 and 2005
Nome Visitor Center Summer Assistant, 1999
Research & Dissection Assistant, SUNY Buffalo Hearing Research Lab, 1990-1994

Achievements

Commencement Speaker, 2013 Colony High School
Teacher of the Year, 2011 Colony High School
BP Teacher of Excellence Nominee, 2008-2014
Commencement Speaker, 2003 Nome-Beltz High School
Co-author of three scientific publications in *Hearing Research Journal*, 1994-1996
NSF Undergraduate Award for Excellence in Scientific Research, 1992
All-East Champion, Track and Field, 800m Run and 4x400m Relay, 1991
Freshman Award, Track and Field, State University of New York at Buffalo, 1990

Hobbies

hunting, trapping, fishing, snow-machining, reading, researching, exercising, and playing with my two German Shepherds: Yukon & Deshka.

References

Cydney Duffin, Principal, Colony High School (907) 861-5507
 Michael Looney, Assistant Principal, Colony High School (907) 861-5503
 Louise Kempker, Professional Programs Assistant, University of Alaska (907) 786-1933



BOARD, COMMISSION, AND COMMITTEE APPLICATION FORM

INSTRUCTIONS

Complete and sign the application. Do not leave any blank fields. Type or print legibly in ink. Specify exactly what board and position you are seeking. Completed applications may be emailed to **debra.wetherhorn@matsugov.us** or delivered or mailed to the Borough Clerk's Office, 350 E. Dahlia Avenue, Palmer, or faxed to 861-7845. If you have questions, please call 861-8683.

Board and position for which I am applying: Matsu Borough Fish & Wildlife Commission #5
(For example, Board of Equalization, Member 3)

Applicant Name: Terry Nininger

Residence Address: 6420 W. Commadore Lane, Wasilla, AK.

Mailing Address: PO Box 877944, Wasilla, AK. 99687

Home phone: 907-357-1606 Work phone: N/A Email: nininger@alaska.net

Name and Address of Employer: Retired N/A

Can you regularly attend meetings? Yes No *(Pursuant to (MSB 4.05.030, "A vacancy occurs on the board when the member is absent from three (3) consecutive regular board meetings without the board excusing the absence for good cause.")*

Do you or any family member have a personal or financial interest with the Borough? Yes No

If yes, list positions and or interest: —
(For example: employee, emergency responder, RSA or FSA area supervisor, board member, contractor etc.)

How long have you lived in the Borough? 14 years

Briefly explain, why you are you interested in serving on the board in which you are applying? I have an active interest in Fish & Wildlife issues in the Matsu Borough. I have considerable time to contribute to commission activities.

List professional or personal experiences that qualify you for membership on the board? You may **attach a brief resume** to highlight your qualifications: I am a current member of the Matsu Valley Fish &

Game Advisory Committee, Alaska Outdoor Council & Planning Committee for Matsu Basin Salmon Symposium

List three professional or personal references: Name: Bruce Knowles Phone: 907-495-4965
Name: Jeff Boatright Phone: 907-495-7700
Name: Pastor Ron Herring Phone: 907-982-0888

Applicant Signature: Terry Nininger Date: 12-30-14

(N)

Office Use Only: Precinct: 08-140 Assembly District: 5 Service Area: NA
Position on Board: SPT member 5 AT LARGE Term Ends: 12/31/17
Residence Checked: Yes Map Checked: Yes Code Checked: 1st 2nd

Applicant Name: Terry Ninninger

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.

The Nininger Family

PO Box 877944
Wasilla, Alaska 99687

December 30, 2014

Mr. Larry DeVilbiss
Members of the Mat Su Borough Assembly
350 E. Dahlia Ave.
Palmer, Alaska 99645

Dear Mayor DeVilbiss and Members of the Assembly:

I would like to be considered for appointment to the Mat-Su Borough Fish and Wildlife Commission.

My wife and I have resided in the Mat-Su Borough for the last 14 years. We have lived in Alaska for 35 years living in Tyonek, Adak, Homer, and the Mat-Su Valley. My interests include sport hunting and I'm an avid sports fisherman. I'm 68 years old and my wife and I have been married for 34 years. We have been active in hunting and fishing since we first came to Alaska. I have regularly attended the Mat-Su Borough Fish & Wildlife Commission meetings. I am retired and could devote a considerable time to fish and wildlife issues specifically as they pertain to the Mat Su Borough.

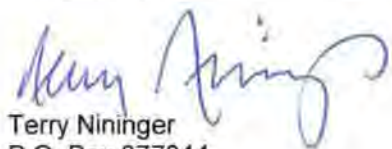
I have taken an active interest in Valley fishery issues, including concern over the declining salmon runs in the Mat Su Valley rivers. This includes submitting proposals, attending and testifying at the State of Alaska Board of Fisheries meetings in Anchorage this past year. I'd like to specifically advocate for Valley sports anglers and like to participate in encouraging more Valley anglers get involved in the issues that are affecting us.

I am a current member of the Mat Valley Fish and Game Advisory Committee, a member of the Alaska Outdoor Council and was on the Planning Committee for the Mat-Su Basin Salmon Symposium this year.

My career has been in resource development, specifically in forest products. In the 1980's & 1990's my wife & I were in a partnership that owned and operated a firm that manufactured and exported wood chips on the Homer spit in Homer, Alaska. We selectively harvested beetle infested white spruce. The chips were sold into the Japanese and Korean markets. I also was on the Board of Directors for the Alaska Forest Association.

In 2000 we moved to the Valley and I went to work for NPI, LLC. The firm constructed and operated the wood chip facility at Port MacKenzie and also built and operated a facility in Valdez. We have resided at 6420 W. Commodore Lane, Wasilla since moving to the Valley in 2000.

Respectfully,



Terry Nininger
P.O. Box 877944
Wasilla, AK 99687
907-357-1606
nininger@alaska.net

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 Jensen Phone: 861-7752

Applicant Signature: [Signature] Date: 12-3-14

Office Use Only: Precinct: 09-628 Assembly District: 6 Service Area: RSA-South Cobble
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



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: Wasilla/Lakes Board of Supervisor
(For example, Board of Equalization, Member 3)

Applicant Name: Timmy L Jameson SR

Residence Address: 1301 W Patricia Ave. Wasilla AK 99654

Mailing Address: Same

Home phone: 373-5115 Work phone: 352-3100 Email: jimj521@mtgonline.net

Name and Address of Employer: Lowe's 7561 E Sun Mountain Ave Wasilla, AK
99654

Have you been convicted of a crime, not including traffic tickets? Yes No

If yes, what were you convicted of? _____

Can you regularly attend meetings? Yes No (Pursuant to (MSB 4.05.030). "A vacancy occurs on the board when the member is absent from three (3) consecutive regular board meetings without the board excusing the absence for good cause."

Do you or any family member have a personal or financial interest with the Borough? Yes No

If yes, list positions and or interest: _____
(For example: employee, emergency responder, RSA or FSA area supervisor, board member, contractor etc.)

How long have you lived in the Borough? 31 years

Briefly explain, why you are you interested in serving on the board in which you are applying? To give
to my community

List professional or personal experiences that qualify you for membership on the board? You may attach a brief resume to highlight your qualifications: see attached

List three professional or personal references: Name: James Steele Phone: 373-8800
Name: Ken Sluison Phone: 376-8698
Name: Carol Christensen Phone: 745-3387

Applicant Signature: Timmy L Jameson SR Date: 12/23/14

Office Use Only: Precinct: 07-125 Assembly District: 4 Service Area: CENTRAL MATSU FSA
Position on Board: FSA 130 member 5 Term Ends: 12/31/15
Residence Checked: Yes Map Checked: Yes (N) Code Checked: 1st 2nd

Applicant Name: Jimmy L Jameson SR

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.

To: Wasilla/Lakes Fire Service Board of Supervisors

I Jimmy L Jameson Sr would like to be considered for a member on the Wasilla/Lakes Board of supervisors. Some of you board members should remember me.

My Past experience:

FSA 22, Lakes Board of Supervisor from approx. 1986 to 1991.

Central Mat Fire Department. Captain from October 1983 to February 2003 Retired.

Approx. 15 Years with Wasilla Ambulance Service as an EMT 1-D.

17 Years with the Mat-Su Dive team as a Rescue Diver.

I feel that I would bring a lot of knowledge to the board from my past experience. During the time I was on the Lakes Board of Supervisors, we voted to merge the Wasilla and Lakes fire services together. I've seen the Fire Service grow a lot in the past years and I feel that I would be a great asset to the board.

Thank you for your time,



Jimmy L Jameson Sr
1301 W Patricia Ave
Wasilla, AK 99654
Hm: (07-373-5115
Cel: 907-355-3335

12-31-14

RECEIVED

JAN 06 2015

To Whom it May Concern; **CLERKS OFFICE**
Due to the fact that I can't
be a member of Mat-Su Fire Dept
and serve on the Superior Visitors Board
so I am resigning from the Board.

Benjamin R. Cottle
Chief Senior Tech. Advisor

CENTRAL mat-SU
FSA 130 members
12/31/2015

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

CLERKS OFFICE

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: RSA 17-KNIK member 2 (For example, Board of Equalization, Member 3)

Applicant Name: James Michael "Mike" Hale

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: mikeasgum@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 [x]

If yes, what were you convicted of?

Can you regularly attend meetings? Yes [x] 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 [x]

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

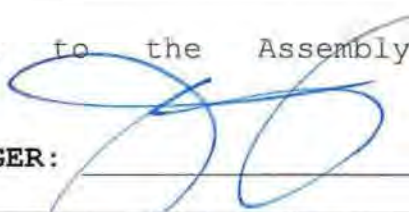
Office Use Only: Precinct: 07-130 Assembly District: 4 Service Area: RSA-KNIK RSA 17 member 2 12/31/2017 code checked - JN

SUBJECT: A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ACCEPTING THE RESIGNATION OF ASSEMBLYMEMBER COLVER AND DECLARING THE DISTRICT 6 ASSEMBLY SEAT VACANT.


AGENDA OF: January 20, 2015

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Present to the Assembly for consideration.



APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: _____

Route To:	Department/Individual	Initials	Remarks
	Originator	LRM	
	Borough Attorney	NS	
	Borough Clerk	Jmm	1/2/15 

ATTACHMENT (S): Fiscal Note: NO X YES _____
 Resolution Serial No. 14-008 (2 pp)
 Resignation Letter from Assemblymember Colver

This legislation is coming forward to accept the resignation of Assemblymember Colver and to declare the District 6 seat vacant.



MATANUSKA-SUSITNA BOROUGH
ASSEMBLY MEMBER JIM COLVER
DISTRICT 6

350 E. Dahlia Avenue • Palmer, Alaska 99645-6488
Phone (907) 861-8683 • Fax (907) 861-7845

January 2, 2015

Lonnie McKechnie, Borough Clerk
Mayor Larry DeVilbiss
Members of the Assembly

Re: Letter of Resignation, Assembly District 6

Dear Madam Clerk, Mayor, and Members of the Assembly,

It has been an honor to serve on the Borough Assembly. Together we have made great strides in improving the life of Mat-Su residents. We led by drafting, passing, and building \$64m of local road bond projects- a first. We completed 50% of a \$250m rail extension to Port McKenzie and built a new Assembly Chambers of adequate size to serve the public- using funds from existing accounts. After 30 years of dreams, we finally succeeded in making skiing improvements at Hatcher Pass, building a Nordic ski area and community center. The Assembly permanently established our Fish & Wildlife Commission, which is making great strides toward restoring wild salmon runs in Mat-Su streams.

We managed to keep taxes low, while increasing local funding of education, enabling education choice in our public schools, and improving our economy. I am proud that together we made our roads safer, improved education for our children, lowered taxes, improved the economy, and our quality of life.

As I move on to the State Legislature it is also with some regret that I leave this wonderful organization, but I will carry the values I have learned in local government with me, to represent Mat-Su residents, and all Alaskans.

Effective January 20th, I resign from the Assembly as the Member representing District 6 on the Matanuska-Susitna Borough Assembly.

Sincerely,

Jim Colver
Assemblymember

Im15-026
RS15-008

Action:

**MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 15-008**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ACCEPTING THE RESIGNATION OF ASSEMBLYMEMBER COLVER AND DECLARING THE DISTRICT 6 ASSEMBLY SEAT VACANT.

WHEREAS, Assemblymember Colver has served honorably as the Assembly Member from District 6 from 2000 to 2006 and again from 2009 to the present; and

WHEREAS, at the November 4, 2014, State General Election, Assemblymember Colver was elected to the Alaska State House of Representatives; and

WHEREAS, Assemblymember Colver will join the Alaska Legislature in its session beginning January 20, 2015; and

WHEREAS, on January 2, 2015, Assemblymember Jim Colver tendered his resignation with an effective date of January 20, 2015; and

WHEREAS, as per AS 29.20.170(3) and MSB 2.12.040(D)(3) a vacancy occurs on the Borough Assembly when a member resigns and the resignation is accepted; and

WHEREAS, as per AS 29.20.180 and MSB 2.12.040(A) the Assembly must fill a vacancy within 30 days from the date it is vacant; and

WHEREAS, the purpose of this resolution is to formally accept Assemblymember Colver's resignation and begin the 30 day time period for filling a vacancy; and

WHEREAS, the Assembly, Mayor, and Staff all congratulate Assemblymember Colver and wish him well on his new endeavor in the State Legislature.

NOW, THEREFORE BE IT RESOLVED, the Matanuska-Susitna Borough Assembly accepts the resignation of Assemblymember Colver effective January 20, 2015.

BE IT FURTHER RESOLVED, the Matanuska-Susitna Borough Assembly declares the seat for Assembly District 6 vacant as of January 20, 2015, upon adoption of this resolution.

BE IT FURTHER RESOLVED, the Matanuska-Susitna Borough shall proceed with due diligence to fill the vacancy in District 6 by February 19, 2015.

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

LARRY DeVILBISS, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on January 6, 2015, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Larry DeVilbiss.

II. ROLL CALL

Assembly members present and establishing a quorum were:

- Mr. Jim Sykes, Assembly District No. 1
- Mr. Matthew Beck, Assembly District No. 2
- Mr. Ronald Arvin, Assembly District No. 3 (*Deputy Mayor*)
- Mr. Steve Colligan, Assembly District No. 4 (*entered the meeting at 6:05 p.m.*)
- Mr. Dan Mayfield, Assembly District No. 5
- Mr. Jim Colver, Assembly District No. 6 (*entered telephonically at 6:15 p.m.*)
- Mr. Vern Halter, Assembly District No. 7

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. Elaine Flagg, Micrographics Specialist

III. APPROVAL OF AGENDA

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

MOTION: Assemblymember Mayfield moved to amend the agenda by removing Ordinance Serial No. 15-001 from introduction.

VOTE: The motion passed without objection.

MOTION: Assemblymember Arvin moved to reconsider removing Ordinance Serial No. 15-001 from the agenda.

VOTE: The motion for reconsideration failed with Assemblymembers Mayfield, Sykes, and Beck opposed and Assemblymembers Halter, Colligan, and Arvin in support (tie vote). The motion passed with Mayor DeVilbiss invoking his voting privilege in the affirmative.

VOTE: The motion to amend the agenda failed with Assemblymembers Mayfield, Sykes, and Beck in support and Assemblymembers Halter, Colligan, and Arvin opposed (tie vote). The motion failed with Mayor DeVilbiss invoking his voting privilege in the negative.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Don Carney, Matanuska-Susitna Borough School District Operations and Maintenance Director.

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

Mayor DeVilbiss inquired if there were any corrections to the special meeting minutes of December 2, 2014, the regular meeting minutes of December 2, 2014, the joint meeting minutes of December 9, 2014, the special meeting minutes of December 16, 2014, or the regular meeting minutes of December 16, 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:

- spoke to new businesses that have opened up in Palmer;
- stated that the City Council has recently adopted their legislative priorities list;
- spoke to borough projects that are complimentary to city projects;

- stated that the public hearing for the Fred Meyer expansion will be at the Mat-Su Senior Center, on January 15;
- advised that the City is working with Fred Meyer in order to have a plan for the old site; and
- stated that there is a Martin Luther King Day celebration on January 19, 2015, from 1 p.m. to 4 p.m. at the Mat- Su Senior Center.

Wasilla City

Mayor Bert Cottle advised that the annual Governor’s Ball is scheduled for February 6, 2015, at 7 p.m. at the Menard Sports Complex.

2. Matanuska-Susitna Borough School District

Dr. Deena Paramo, Superintendent:

- noted that the winter break is over and kids are back in school today;
- stated that the first public hearing regarding the new school boundaries for Joe Redington, Sr. Junior/Senior High School will be January 21, 2015, at 5:30 p.m.;
- summarized where the draft boundaries currently are;
- stated that they have been working with a demographer to establish the boundaries;
- related that the boundaries for Denaina Elementary will be determined through the process in fiscal year 2017; and
- spoke to looking forward to working through the budget process with the Assembly.

3. Mat-Su Convention and Visitors Bureau – Bonnie Quill

Ms. Bonnie Quill, Executive Director, provided an update on the tourism marketing of the Mat-Su Convention and Visitor’s Bureau.

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

Assemblymember Sykes related that he and the Mr. Marc VanDongen, Port Director, spoke with KTUU News regarding the M/V Susitna.

C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues

Mr. Moosey requested that Chief Steele come forward and introduce the newly hired fire fighters.

Chief Steele introduced Captains Brian Shea, Adam Schou, and Steve Josten; and Firefighter/Drivers Jamie Rodriguez, Nick Cooley, and Sarah Smith.

3. Iditarod Elementary School Site Plan

Mr. Mike Brown, Capital Projects Director provided an overview of the new Iditarod Elementary School site plan.

Mr. James Wilson, Internal Auditor, provided an interim audit status report for the Joe Redington, Sr. Junior/Senior High School project.

Mr. Moosey presented Ms. Tammy Clayton, Finance Director, with the “Distinguished Budget Presentation Award” from the Governor’s Finance Officers Association.

D. ATTORNEY COMMENTS

Mr. Spiropoulos:

- stated that the submittal to the Federal Transit Authority in response to the demand letter is due January 15;
- noted that there is a draft that the Manager, the Finance Director, and the Port Director have all provided comment on;
- advised that it is substantially the same as the oral arguments that were presented;
- advised that the Borough has been served with a rather large subpoena regarding the wetland mitigation bank;
- summarized the function of a wetland mitigation bank and the intent of the lawsuit that the subpoena is related to;
- advised that the lawsuit does not include the Borough as of yet, but the Borough would be an interested party;
- stated that the plaintiff had filed a rather large public records request and rejected the response from the Borough;
- noted that the subpoena for documents is largely the same as the public records request;
- opined that the plaintiff is fishing for information at this time; and
- advised that his office will be filing a partial opposition to the subpoena.

E. CLERK COMMENTS

Ms. McKechnie:

- noted the upcoming meeting schedule;
- stated that there has been a request for a joint work session with the School Board on January 20, 2014, at 4 p.m. regarding the local common core education impact; and
- queried if that is a meeting that the body would like to schedule.

Mayor DeVilbiss queried if there was any objection.

There was no objection noted.

Ms. McKechnie:

- advised that the joint Assembly/School Board meeting scheduled for March will be rescheduled to a date in April, due to spring break;
- noted that the Assemblymember Colver's resignation has been received;
- stated that advertising and the acceptance of applications can begin tomorrow; and
- queried what questions the Assembly would like to include on the application.

CONFLICT OF INTEREST: Assemblymember Colver declared a conflict of interest as the topic is regarding filling the vacancy in the district he is resigning from.

RULING: Mayor DeVilbiss ruled that Assemblymember Colver had a conflict and would be recused from voting.

(Assemblymember Colver did not participate during this discussion.)

MOTION: Assemblymember Sykes moved to include his two questions to the application as follows:

- “why do you want to represent District 6 on the Mat-Su Borough Assembly;” and
- “What kind of experience do you have that you believe will be useful to the Assembly, the people living in your district, and the Borough.”

VOTE: The motion passed without objection.

Ms. McKechnie:

- spoke to the meeting schedule proposed for the filling the Assembly District 6 vacancy;
- summarized what could occur at each meeting during the interview process; and
- queried if the process would work for the body.

Mayor DeVilbiss queried if there was any objection.

There was no objection noted.

MOTION: Assemblymember Arvin moved to change the planning session date by striking “January 24” and inserting “January 31” in its place.

VOTE: The motion passed without objection.

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

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

G. INFORMATIONAL MEMORANDUMS

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.
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.

The informational memorandums were presented and no comments were noted.

(The meeting recessed at 7 p.m. and reconvened at 7:10 p.m.)

VII. 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

MOTION PENDING: Assemblymember Colligan moved to adopt Ordinance Serial No. 14-144.

MOTION: Assemblymember Sykes moved a primary amendment to Ordinance Serial No. 14-144, MSB 17.06.160(A)(2) and (3), as follows:

- (2) in the first sentence by inserting the words “and sustainability” after the word “compatibility” and by inserting the words “including fuel

storage or delivery routes where applicable” after the word “project” by inserting the words “its size, design and operational characteristics” after the words “physical characteristics” and inserting the words “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, cultural resources impacts, and traffic safety” to read: “the compatibility and suitability of the project, including fuel storage or delivery routes where applicable, and the site design with surrounding buildings, land uses, ownership and physical characteristics, 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, cultural resources impacts, and traffic safety;” and

- (3)in the first sentence by inserting the words “including to the source of fuel (where applicable) and proposed delivery methods” after the word “project” and by inserting the words “and mitigation measures proposed to minimize impacts” after the word “safety” and by inserting at the end of that sentence the words “Factors and impacts to be considered include, but are not limited to, existing and proposed road alignment, intersections, condition, structure, and site distances along all routes; traffic volumes and types of equipment, dust control and existing road uses” to read: “the adequacy of access to and from the project, including to the source of fuel (where applicable) and proposed delivery methods, the effect on pedestrian and vehicular circulation and safety, and mitigation measures proposed to minimize impacts. Factors and impacts to be considered include, but are not limited to, existing and proposed road alignment, intersections, condition, structure, and site distances along all routes; traffic volumes and types of equipment, dust control and existing road uses.”

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Sykes moved a primary amendment to Ordinance Serial No. 14-144, by striking all references of “101 megawatts” and inserting “101 kilowatts” in its place throughout the legislation.

MOTION: Assemblymember Mayfield moved secondary amendment to strike “101 kilowatts” and inserting “10 megawatts” in its place.

VOTE: The secondary amendment passed with Assemblymembers Colligan and Arvin opposed.

VOTE: The primary amendment passed as amended with Assemblymembers Colligan and Arvin opposed.

VOTE: The main motion passed as amended with Assemblymembers Colligan and Arvin opposed.

VIII. VETO

(There were no vetoes presented.)

IX. SPECIAL ORDERS

A. PERSONS TO BE HEARD (Three minutes per person.)

(There were no persons to be heard.)

B. PUBLIC HEARINGS (Three minutes per person.)

1. **Ordinance Serial No. 15-002:** 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

Mayor DeVilbiss opened the public hearing.

The following persons spoke in support of the proposed amendment to strike MSB 24.05.105, Trapping: Mr. Kyle Wait, Mr. Robert Shoemaker, Mr. Jeffrey Ryle, Mr. Allen Dubord, Mr. Nick Steen, and Mr. Mike Perring.

The following persons spoke in support of the proposed amendment to strike MSB 24.05.105, Trapping and to concerns with existing MSB 24.05.110, Live Animal Traps: Mr. Patrick Wright.

The following person spoke in support of the Title 24 revisions, thanked the Clerk's Office for their support of the Animal Care and Regulation Board, and summarized the process that was used for revising Title 24: Mr. John Wood, Animal Care and Regulation Board Chair.

There being no others present who wished to testify, the public hearing closed and discussion moved to the Assembly.

MOTION: Assemblymember Beck moved to adopt Ordinance Serial Nos. 15-002 and 15-003.

MOTION: Assemblymember Beck moved a primary amendment to Ordinance Serial No. 15-002, as follows:

- by incorporating all changes outlined in the Attorney's memorandum dated September 2, 2104, and attached to IM No. 15-003;
- MSB 24.05.105, Trapping, by deleting the proposed section in its entirety;

- 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;”
- MSB 24.20.090, by striking the word “shall” and inserting the word “may” in its place, to read: “ At least semiannually, the Animal Care Manager may conduct low cost clinics for dogs and cats where spaying/neutering services and rabies vaccinations are made available at cost, plus 10 percent;” and
- MSB 24.40.050, to insert a fee for failure to comply with the conditions of supervised quarantine in the amount of \$200.

VOTE: The primary amendment passed without objection.

(The meeting recessed at 8:15 p.m. and reconvened at 8:20 p.m.)

VOTE: The main motion passed as amended without objection.

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.
 - 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

Mayor DeVilbiss opened the public hearing.

There being no one present who wished to testify, the public hearing closed and discussion moved to the Assembly.

MOTION: Assemblymember Arvin moved to adopt Ordinance Serial No. 15-004 and Resolution Serial No. 15-001.

VOTE: The motion passed without objection.

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.
 - 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

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 Halter moved to adopt Ordinance Serial No. 15-005 and Resolution Serial No. 15-002.

VOTE: The motion passed without objection.

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

Mayor DeVilbiss opened the public hearing.

There being no one present who wished to testify, the public hearing closed and discussion moved to the Assembly.

MOTION: Assemblymember Arvin moved to adopt Ordinance Serial No. 15-006.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

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

The following person spoke to concerns with access to the new Iditarod Elementary School: Mr. Garvin Bucaria.

D. CONSENT AGENDA

1. RESOLUTIONS

- 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

- 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

- 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.
- 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.
- 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.
- 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.
- 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.

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.

X. NEW BUSINESS

A. INTRODUCTIONS (For public hearing – 01/20/15, 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. 15-011:** An Ordinance Accepting And Appropriating \$200,000 From The Rasmuson Foundation, To Fund 490, Project No. 75005 For The Government Peak Recreation Area.
 - a. **Resolution Serial No. 15-005:** A Resolution Approving The Scope Of Work And Budget For The Government Peak Recreation Area.
 - (1) IM No. 15-015

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

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 20, 2015.

VOTE: The motion passed without objection.

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor DeVilbiss requested the following appointments for confirmation:

Board of Adjustment and Appeals

A.C. Buswell, III

Enhanced 911 Advisory Board

Ruthan Josten

Joel Butcher

Historical Preservation Commission

Kelly Dau

Bonnie Allen

Library Board

Jennifer Rinaldi

Local Emergency Planning Committee

Gene Belden

Parks, Recreation, and Trails Advisory Board

Dave Rector

Alpine RSA No. 31

Jill Alford

Caswell Lakes RSA No. 15

Phillip Johnson

Meadow Lakes RSA No. 27

Robert Cassell

Midway RSA No. 9

Roy Rank

Circle View & Stampede Estates Flood & Water Erosion Control No. 131

William Snegirev

MOTION: Assemblymember Arvin moved to confirm the Mayor's appointments.

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 Colver:

- stated that it will be tough to leave his assembly seat, as he feels the body has been very productive over the years;
- noted the many projects that have been accomplished during the time he has served on the Assembly;
- related that he is looking forward to working with the Assembly in his new capacity in Juneau;
- spoke in honor of Brian Sullivan, a former School Board Member who was recently slain;
- expressed his condolences to the Sullivan family; and
- wished the body well and a happy new year.

Assemblymember Colligan:

- spoke to the positive changes that have been made in the way the budget has been presented;
- congratulated staff on the award from Governor's Finance Officers Association;
- noted the importance of Mayor DeVilbiss's public forum on marijuana; and
- spoke to the need to be fully informed on all the possibilities that come with the legalization of marijuana and hemp.

Assemblymember Beck:

- advised that he will be in Hawaii next week;
- stated that he would like to have the minutes from Mayor's marijuana forum;
- spoke to his positive experiences working with Borough staff;
- thanked the public for providing testimony this evening;
- stated that he is proud to work together to accomplish the work of the public;
- spoke in support of the Alaska Scholastic Clay Target Program; and
- opined that the developer of the program should work with Assemblymember Mayfield to address concerns.

Assemblymember Halter:

- spoke in support of the Attorney and the Clerk and the good job that they both do;
- stated that he does not appreciate Mr. Haberman speaking ill of any Borough staff;
- related that he enjoyed the meeting; and
- stated that he is off to the Copper River Basin 300 this weekend.

Assemblymember Mayfield:

- noted that he has the highest respect for the body and the public and understands that there will be disagreements from time to time;
- stated that he hopes that the Assembly will be able to someday reject half baked ideas;
- spoke to concerns with Ordinance Serial No. 15-001;
- thanked the trappers who provided comment this evening on the Title 24 revisions; and
- thanked the body for the meeting.

Assemblymember Sykes:

- wished the body a happy new year;
- thanked Assemblymember Colver for his work on the MSB Fish and Wildlife Commission;
- thanked Mr. John Wood for his work with the Animal Care and Regulation Board;
- stated that he agrees that it is important to understand all the possibilities with the newly enacted Alaska State Marijuana initiative;
- advised that he will be bringing forward legislation to create a Marijuana Advisory Board;
- spoke to the need to approach marijuana being legal in an informed manner;
- opined that an advisory board could assist the Borough in implementing appropriate policies and regulations;
- spoke in support of the Mayor's public forum on marijuana;
- opined that the Real Property Asset Management Board needs to be brought back into existence; and
- stated that he is looking forward to the planning session.

Assemblymember Arvin:

- wished Mr. Spiropoulos Merry Christmas;
- stated that he has enjoyed working with Assemblymember Colver;
- noted that they were often at odds in the beginning of their terms, but were able to come together and work together; and
- wished him well in Juneau.

Mayor DeVilbiss:

- spoke in opposition to pulling legislation off the agenda until after the public process;
- noted that the public forum on marijuana is being conducted for the purpose of fact finding and information gathering; and
- spoke to his history with hemp production.

XIII. EXECUTIVE SESSION

(There was no executive session held.)

XIV. ADJOURNMENT

The regular meeting adjourned at 9:07 p.m.