

# 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
- Barbara Doty, District 6
- Vern Halter, District 7

**ASSEMBLY AGENDA**  
**ASSEMBLY CHAMBERS**  
**350 E. DAHLIA AVENUE, PALMER**

**SPECIAL MEETING**

**4 P.M.**

**TUESDAY, APRIL 7, 2015**

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. PLEDGE OF ALLEGIANCE
- V. AUDIENCE PARTICIPATION
- VI. ITEMS OF BUSINESS
  - A. Discussion On The Big Lake Incorporation
    - 1. Petitioners and Representatives Presentations
  - B. **Resolution Serial No. 15-034:** A Resolution Directing The Manager To Present An Ordinance To The Assembly For The Acceptance Of An Intergovernmental Cooperation Agreement Including The Approval Of The Transfer Of Certain City Of Big Lake Powers To The Borough If The Incorporation Is Approved By The Voters. *(Sponsored By Assemblymember Mayfield)*
    - 1. IM No. 15-090

pp. 5-11  
Mayfield

ADOPTED	AMENDED	POSTPONED	DEFERRED

VII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

VIII. 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.**

Expert Testimony

Special Meeting with Mat-Su Borough Assembly

Big Lake Incorporation

4 PM April 7, 2015

1. **Ina Mueller:**

Two term President Big Lake Chamber of Commerce  
Former Treasurer Big Lake Community Council  
Founder and chairman Big Lake Winterfest  
Certified Event Planner

**Subject:**

Establish that Big Lake is a community as required by State Statute.

**Time Required:** 5 Minutes

2. **Floyd Shilanski:**

Registered Financial Consultant (RFC)  
Accredited Investment Fiduciary (AIF)  
Board Member Big Lake Community Council

**Subject:**

Establish that services could be better provided locally than by the Borough.

**Time Required:** 5 Minutes

3. **Ken Walsh:**

Licensed Civil Engineer, private, Federal and State Agencies  
Former Partner, DOWL Engineers  
Alaska Engineer of the Year 1972  
Professional experience includes design and administration of public works improvements.  
Founding Member Alaska Professional Design Council

**Subject:** Establish how incorporation will allow Big Lake to better maintain and improve our roads in an efficient, cost-effective manner.

**Time Required:** 5 Minutes

4. **Carol Kane:**

Board member Big Lake Community Council  
Past President Big Lake Chamber of Commerce  
Past President Wasilla Chamber of Commerce  
Past Chair, Executive Directors National Association of Secondary School Principals

Principal/Coach Alaska Department of Education

**Subject:**

Establish that Big Lake has the human resources who are professionally qualified to employ and fulfill general administration and road maintenance for the city.

**Time Required:** 5 Minutes

5. **Bill Kramer:**

President Big Lake Community Council

President Lodlow Foundation (Family non-profit)

Contractor/developer

President, Wasilla Youth Baseball and head coach Houston High baseball

**Subject:**

Establish that Big Lake has the financial resources to operate as a city without any increase in taxes for the residents.

**Time Required:** 10 minutes

6. **Jim Faiks:**

Past Board member Big Lake Chamber of Commerce

Past Board member Big Lake Community Council

Past Board member Faith Bible Fellowship of Big Lake

Real estate developer/builder/investor

**Subject:**

Establish that the proposed boundaries for Big Lake are appropriate, reasonable and on a scale suitable for the growing community.

**Time Required:** 5 Minutes

7. **Bill Allen:**

Former Mayor, Fairbanks North Star Borough

Former Commissioner, State of Alaska

Former Mat-Su Borough Assembly member

City Manager, Palmer, Alaska

Director, Office of Economic Development, State of Alaska

**Subject:**

Establish that incorporating Big Lake is in the best interest of the State of Alaska for maximum local self- government.

**Time Required:** 5 Minutes

**MATANUSKA-SUSITNA BOROUGH INFORMATION MEMORANDUM IM No. 15-090**

**SUBJECT:** A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY DIRECTING THE BOROUGH MANAGER TO PRESENT AN ORDINANCE TO THE ASSEMBLY FOR THE ACCEPTANCE OF AN INTERGOVERNMENTAL COOPERATION AGREEMENT INCLUDING THE APPROVAL OF THE TRANSFER OF CERTAIN CITY OF BIG LAKE POWERS TO THE BOROUGH IF THE INCORPORATION IS APPROVED BY THE VOTERS.

**AGENDA OF:** April 7, 2015

**ASSEMBLY ACTION:**

**MANAGER RECOMMENDATION:** Present to the Assembly for consideration.

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

Route To:	Department/Individual	Initials	Remarks
	Originator	NS	for D. Mayfield
	Borough Attorney	NS	
	Borough Clerk	JN	JN

**ATTACHMENT (S):** Fiscal Note: Yes \_\_\_; No X  
Resolution Serial No. 15-034 (4 pp)

**SUMMARY STATEMENT:**

This resolution is coming forward at the request of Assemblymember Mayfield.

A petition for incorporation of the new city of Big Lake was filed on June 9, 2014. A preliminary report addressing the petition was issued by the Alaska Local Boundary Commission on December 17, 2014 and a final report was issued on March 6, 2015.

The petition reads that the newly formed City of Big Lake ("City") would assume control of the Road Service Area (RSA) functions, but would leave Fire Service Area (FSA) functions with the Matanuska-Susitna Borough. The City would hire a City Manager and City Clerk and have transition meetings with the Matanuska-Susitna Borough. In addition, it is contemplated that the new City would transfer back to the Borough the current non-areawide powers and the Borough would continue to exercise them within the City limits.

The transfer of the FSA to the Borough is straightforward. The City can consent by ordinance to inclusion in the FSA and, provided the Borough Assembly agrees, the Borough will continue to levy a FSA mill rate and continue to operate the FSA - even where it is within the City limits. Such an arrangement currently exists with the City of Wasilla.

As for the transfer of the non-areawide powers to the Borough, an intergovernmental agreement and associated ordinances are needed. Currently, the Matanuska-Susitna Borough exercises several non-areawide powers in the area that would become the City. These powers are generally found in Borough code at MSB 1.10.200-285 and includes things like fireworks regulations, libraries, local improvement districts, animal control, and economic development.

If the City of Big Lake is approved by the voters, the proposed intergovernmental cooperation agreement and associated ordinances will do three things. First, they will transfer the non-areawide powers back to the Borough. Second, they will provide that the City will levy an additional property tax mill rate equivalent to the non-areawide levy imposed by the Borough. Finally, the agreement will then allow the Borough to retain that levy to pay for the non-areawide services provided within the city limits.

If the voters approve the formation of a new city, the anticipated property tax mill rates would not change. For example, a comparison of the current an initial proposed rates is below:

<u>FY2015 Borough mill rates</u>		<u>Proposed Big Lake City mill rates</u>	
Areawide	9.662	Areawide (set by the Borough)	9.662
FSA	1.780	FSA (set by the Borough)	1.780
Nonareawide	0.520	City Tax (0.52+2.57)	<u>3.090</u>
RSA	<u>2.570</u>		
TOTAL	14.532		14.532

Under the proposed intergovernmental agreement and associated ordinances, the City of Big Lake would include a mill rate in the City levy equivalent to the non-areawide mill rate levied by the Borough. In the example above, this equates to a 0.52 mill rate. In turn, this portion of the City levy (0.52 mills) would be retained by the Borough to pay for the non-areawide functions it would continue to provide within the City limits. The City would retain its mill levy of 2.57 mills to pay for the roads and general governmental functions.

The resolution here directs the Manger to introduce the necessary agreements and ordinances to accomplish the goals listed above. The agreements and ordinances will be prepared in cooperation with the incorporators and/or City administration if the voters approve formation of the new City.

As the City grows and matures, it is anticipated that the City may seek to take on some of the non-areawide functions provided by the Borough. Future agreements and ordinances will be necessary to accomplish this.

Introduced:  
Public Hearing:  
Action:

**MATANUSKA-SUSITNA BOROUGH  
RESOLUTION SERIAL NO. 15-034**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY DIRECTING THE BOROUGH MANAGER TO PRESENT AN ORDINANCE TO THE ASSEMBLY FOR THE ACCEPTANCE OF AN INTERGOVERNMENTAL COOPERATION AGREEMENT INCLUDING THE APPROVAL OF THE TRANSFER OF CERTAIN CITY OF BIG LAKE POWERS TO THE BOROUGH IF THE INCORPORATION IS APPROVED BY THE VOTERS.

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WHEREAS, the City of Big Lake Petitioners have worked diligently to prepare a Petition for the incorporation of the City of Big Lake ("Petition"); and

WHEREAS, many residents support the City of Big Lake incorporation; and

WHEREAS, the State of Alaska, Division of Community and Regional Affairs recommends the Local Boundary Commission approve the Big Lake City Incorporation petition; and

WHEREAS, the Petitioners have premised the City of Big Lake incorporation on a 2.57 mill tax levy primarily for the exercise of road service power in the new City with the Borough continuing to exercise certain other powers such as libraries, animal control, and other non-areawide services; and

WHEREAS, the Borough levies a non-areawide tax (currently in the amount of 0.52 mills) to pay for the services such as libraries, animal control and other non-areawide services; and

WHEREAS, the Petitioners understand certain details of the Borough's exercise of those powers requires thorough analysis, agreement, and cooperation between the new City and the Borough; and

WHEREAS, the Petitioners propose to levy an additional 0.52 property tax mill with a further agreement that this amount be transferred to the Borough to pay for the services the Borough will retain such as libraries, animal control and other non-areawide services; and

WHEREAS, Article X, Section 1 of the Alaska Constitution provides that the purposes of the article on Local Government "is to provide for a maximum local self-government with a minimum of local government units"; and

WHEREAS, Alaska Constitution Article X, Section 13, authorizes local governments to enter into an intergovernmental cooperation agreement that may include the transfer of powers. It provides:

**§ 13. Agreements; Transfer of Powers**

Agreements, including those for cooperative or joint administration of any functions or powers, may be made by any local government with any other local government, with the State, or with the United States, unless otherwise provided by law or charter. A city may transfer to the borough in which it is located any of its powers or functions unless prohibited by law or charter, and may in like manner revoke the transfer.

WHEREAS, AS 29.35.310 authorizes a city in a second class borough to transfer any of its powers or functions subject to assembly approval. It provides:

**AS 29.35.310. Transfer By City.**

(a) A city in a first or second class borough may transfer to the borough in which it is located any of its powers or functions, subject to the approval of the assembly.

(b) A first or second class borough shall exercise all powers transferred to it by a city.

WHEREAS, in the transition plan required by the Local Boundary Commission, 3 AAC.110.900 may include a condition that an agreement among affected entities be executed. It provides:

**3 AAC 110.900. Transition.**

(d) Before approving a proposed change, the commission may require that all boroughs, cities, unorganized borough service areas, or other entities wholly or partially included within the boundaries of the proposed change execute an agreement prescribed or approved by the commission for the assumption of powers, duties, rights, and functions, and for the transfer and integration of assets and liabilities.

NOW THEREFORE BE IT RESOLVED that the Matanuska-Susitna Borough Assembly directs the Borough Manager to present an ordinance to the Assembly for the acceptance of an intergovernmental cooperation agreement which includes the transfer of certain City of Big Lake powers to the Borough if the City of Big Lake incorporation is approved by the voters.

BE IT FURTHER RESOLVED that, in general terms, the agreement will provide that the City of Big Lake will transfer its non-areawide powers to the Borough and also levy an equivalent non-areawide property tax mill rate to be retained by the Borough to fund the services.

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

\_\_\_\_\_  
LARRY DeVILBISS, Borough Mayor

ATTEST:

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LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)