

# MATANUSKA SUSITNA BOROUGH

350 E Dahlia Ave., Palmer, Alaska 99645

## CHAIRPERSON

Vacant

## VICE CHAIR

Rob Brown



## COMMISSION MEMBERS

Dane Crowley

Fred Elvsaaas

Bryan Scoresby

John Pike

## PORT COMMISSION AGENDA

LOWER LEVEL CONFERENCE ROOM, DSJ

**WORK SESSION**

**NOON**

**February 26, 2024**

1. ROLL CALL, PLEDGE OF ALLEGIANCE
2. DISCUSS PORT COMMISSION
  - A. Roles and Responsibilities
  - B. Expectations
  - C. Objectives
  - D. Goals
3. ADJOURNMENT

# CHAPTER 18.02: PORT DISTRICT

## Section

### 18.02.010 Management and use

### 18.02.020 Boundaries

#### **18.02.010 MANAGEMENT AND USE.**

(A) The area defined as port district shall be managed by the borough manager with due consideration of the recommendations of the port commission. The manager, in consultation with the port commission, shall be responsible for the promotion and lease of this land for commercial or industrial use. The use of port district land shall be in accordance with a master plan identified in MSB [15.24.030\(F\)](#).

(B) Notwithstanding other titles of the borough code, the form and substance of all leases in the port district shall be approved by the borough assembly by ordinance. All terms and conditions of proposed leases will be developed and forwarded by the borough manager to the assembly. Land use permits without assembly approval for a period of time under 18 months are allowed in addition to leases with manager approval.

(C) All proposed leases within the port district shall be presented to the assembly for consideration no more than 60 days following completion of the survey and appraisal of proposed lease.

(D) The borough manager and the chair of the port commission will provide an oral report to the assembly twice a year on port activities.

(Ord. 11-033, § 2, 2011; Ord. 97-175, § 4, 1997; Ord. 94-119, § 2 (part), 1994; Ord. 88-222 (part), 1988)

#### **18.02.020 BOUNDARIES.**

(A) *[Repealed by Ord. 02-208, § 2 (part), 2002]*

(B) *[Repealed by Ord. 02-208, § 2 (part), 2002]*

(C) Uplands in the Point MacKenzie Port District:

**Township 14 North, Range 4 West, Seward  
Meridian, Alaska**

Sections 10 and 11 All

Section 12 Government Lots 3 and 4, W 1/2  
W 1/2

Section 13 Government Lot 1, excepting  
therefrom the Chugach Electric Association  
leased land, Government Lots 2 and 3, W 1/2  
W 1/2

Sections 14 and 15 All

Sections 20, 21, 22, and 23 All

Section 24 Government Lots 2, 3, and 4, SW  
1/4 NW 1/4, SE 1/4 NW 1/4 NW 1/4, W 1/2 NW  
1/4 NW 1/4

Section 25 Government Lots 1, 2, 3, and 4,  
and Alaska Tideland Survey #1440

Sections 26, 27, and 28 All

Section 29 E 1/2, N 1/2 SW 1/4, NW 1/4

Section 33 N 1/2 NE 1/4

Section 34 NE 1/4, N 1/2 SE 1/4, N 1/2 NW  
1/4

Section 35 W 1/2 NW 1/4 SW 1/4, W 1/2 NW  
1/4

(D) Tide and Submerged Lands in the Point MacKenzie Port District:

**Township 14 North, Range 3 West, Seward  
Meridian, Alaska**

Protracted Section 30 All tide and  
submerged land lying northwesterly of the  
southeasterly boundary of the Matanuska-  
Susitna Borough.

**Township 14 North, Range 4 West, Seward  
Meridian, Alaska**

Protracted Section 24 All tide and  
submerged land of the S 1/2

Protracted Section 25 All tide and  
submerged land easterly of Alaska Tideland  
Survey #1440

Protracted Section 36 All tide and  
submerged land of the N 1/2 lying  
northwesterly of the southeasterly boundary  
of the Matanuska-Susitna Borough.

(Ord. 13-042, § 2, 2013; Ord. 02-208, § 3, 2002; Ord. 99-096, § 2, 1999; Ord. 94-119, § 2 (part), 1994; Ord. 90-86, § 2, 1990; Ord. 88-222 (part), 1988)

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# CHAPTER 18.03: PORT COMMISSION: ESTABLISHMENT OF POWERS, AUTHORITY AND DUTIES

Section

**18.03.010 Establishment of powers**

**18.03.020 Delegation of authority [Repealed]**

**18.03.030 Duties**

**18.03.040 Compensation**

## **18.03.010 ESTABLISHMENT OF POWERS.**

The port commission is established pursuant to MSB [1.10.125](#) to provide advice to the assembly and manager on harbors, wharves, docks, elevators, storage yards and other related marine facilities.

(Ord. 90-42, § 5, 1990; Ord. 88-222 (part), 1988)

## **18.03.020 DELEGATION OF AUTHORITY. [Repealed by Ord. 90-042, § 6, 1990]**

## **18.03.030 DUTIES.**

- (A) The port commission shall advise the assembly and the manager on port development matters.
- (B) The port commission may:
- (1) submit an annual budget to the manager to be considered for inclusion in the manager's budget request to the assembly;
  - (2) prepare a strategic port development plan which shall include a marketing, management, financial and facility development strategy for approval by the assembly. The port development plan shall identify port commission goals, objectives and an anticipated course of action to attain those goals. The plan shall be updated annually and be submitted with the annual budget;
  - (3) submit a quarterly report to the assembly which includes a status report on progress towards goals identified in the strategic development plan;
  - (4) recommend to the assembly for approval of leases of port district land for beneficial industrial or commercial enterprises pursuant to MSB Title [13](#);
  - (5) encourage participation of private industry in port development and port-related projects;

(6) recommend to the assembly the establishment of tariffs, rental and ground lease rates consistent with the goal of providing equity among users and in accordance with MSB Title [23](#), except as provided in MSB [18.02.010](#);

(7) prepare a master plan for the port district which shall be reviewed and recommended by the planning commission to the assembly for approval;

(8) assist the borough, other jurisdictions and private industry to plan and promote the development of infrastructure necessary to transport commodities through a Point MacKenzie Port.

(Ord. 94-119, § 2 (part), 1994; Ord. 90-42, § 7, 1990; Ord. 88-222 (part), 1988)

### **18.03.040 COMPENSATION.**

Commission members shall be reimbursed for mileage incurred in connection with meetings of the board in the same manner as borough employees are compensated for mileage expenses upon presentation of supporting documentation satisfactory to the appropriate director.

(Ord. 00-085 § 2, 2000)

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# CHAPTER 18.04: PORT COMMISSION ORGANIZATION AND MEETINGS

## Section

**18.04.010 Reimbursement**

**18.04.020 Appointments and qualifications**

*18.04.030 Terms of members [Repealed]*

**18.04.035 Membership**

**18.04.040 Officials**

**18.04.050 Documentation**

**18.04.060 Vacancies and removal**

**18.04.070 Quorum**

**18.04.080 Meetings; scheduling; notice**

**18.04.090 Meetings; agenda; notice of meeting; order of business**

**18.04.100 Office and staff**

**18.04.110 Formal acts by resolution**

*18.04.120 [Repealed]*

**18.04.130 Conflict of interest; ex parte contact**

### **18.04.010 REIMBURSEMENT.**

Port commission members shall be reimbursed actual expenses incurred on authorized port commission business.

(Ord. 94-119, § 2 (part), 1994; Ord. 91-037AM, § 3 (part), 1991; Ord. 88-222 (part), 1988)

### **18.04.020 APPOINTMENTS AND QUALIFICATIONS.**

- (A) Appointments of port commission members shall be made pursuant to MSB [4.05.030](#).
- (B) Notwithstanding MSB [4.05.040](#), non-borough residents may be appointed to the port commission, but a majority of port commissioners will be Matanuska-Susitna Borough residents.
- (C) A port commission member is not eligible to hold the position of port director.

(Ord. 94-119, § 2 (part), 1994; Ord. 90-42, § 8, 1990; Ord. 88-222 (part), 1988)

**18.04.030 Terms of members. [Repealed by Ord. 96-072, § 2, 1996 and recodified as MSB 18.04.035]**

**18.04.035 MEMBERSHIP.**

- (A) The port commission shall be composed of five members and the seats shall be numerically designated.
- (B) Irrespective of the limits specified in MSB [4.05.050](#), a board member may serve up to three consecutive three-year terms.
- (C) A city official may be nominated and confirmed to one of the seats on the port commission.

(Ord. 23-009, § 2, 2023; Ord. 21-023, § 2, 2021; Ord. 10-103, § 2, 2010; Ord. 98-025AM, § 2, 1998; Ord. 96-072, § 3, 1996)

**18.04.040 OFFICIALS.**

The port commission shall annually elect a chairperson, vice-chairperson and secretary. The vice-chairperson is to serve as chairperson in the chairperson's absence and the secretary shall prepare the journal of the port commission's proceedings.

(Ord. 94-119, § 2 (part), 1994; Ord. 88-222 (part), 1988)

**18.04.050 DOCUMENTATION.**

The port commission shall adopt a seal upon which appear the words "Matanuska-Susitna Borough Port Commission," "Seal" and "State of Alaska." It shall be retained in the custody of the secretary.

(Ord. 94-119, § 2 (part), 1994; Ord. 88-222 (part), 1988)

**18.04.060 VACANCIES AND REMOVAL.**

Vacancies occurring prior to expiration of a term and removal of port commission members shall be pursuant to MSB [4.05.030](#).

(Ord. 94-119, § 2 (part), 1994; Ord. 88-222 (part), 1988)



#### **18.04.070 QUORUM.**

A majority of the port commission membership constitutes a quorum. Any act of the port commission requires the majority of the entire body of the port commission.

(Ord. 94-119, § 2 (part), 1994; Ord. 88-222 (part), 1988)

#### **18.04.080 MEETINGS; SCHEDULING; NOTICE.**

(A) The port commission shall hold a regular, quarterly meeting on the third Monday of January, April, July, and October beginning at 3 p.m. Special meetings may be called by the port commission chairperson or upon the request of at least three port commission members.

(B) Regular and special meetings of the port commission shall be advertised in a newspaper of general circulation.

(C) During the month of January each year, the commission shall adopt a schedule of regular meetings to be held by the commission through January of the following year. The adopted schedule shall be provided to each member of the commission and shall be published at least once in a newspaper of general circulation within the borough.

(Ord. 21-009, § 2, 2021; Ord. 03-132(AM), § 2, 2003; Ord. 94-119, § 2 (part), 1994; Ord. 90-42, § 10, 1990; Ord. 88-222 (part), 1988)

#### **18.04.090 MEETINGS; AGENDA; NOTICE OF MEETING; ORDER OF BUSINESS.**

(A) The agenda for special and regular meetings shall be prepared by the port director. Items not on the agenda shall not be added to the agenda or discussed at a meeting over the objection of any two port commission members.

(B) At least five days prior to a regular meeting, the secretary at the direction of the port director shall mail or deliver to each port commission member a packet including information on the time, place of the meeting, and the agenda. Minutes of the previous meeting and any background materials pertinent to the agenda shall be included in the packet.

(C) The chairperson shall provide written or oral notice of special meetings to each port commission member at least 24 hours prior to the meetings. Notice may be provided at either the residence or the usual work place of the commission member. Notice of the special meeting shall include a statement of the subject for which the meeting is called. Attendance at a meeting is acknowledgement of the receipt of notice.

(D) At every regular meeting, the order of business shall be as follows:

- (1) call to order;
- (2) roll call, determination of quorum and approval of agenda;
- (3) approval of minutes of previous meetings;
- (4) agency and staff reports;
- (5) committee reports;
- (6) persons to be heard;
- (7) public hearings (immediately after persons to be heard);
- (8) unfinished business;
- (9) old business;
- (10) new business;
- (11) correspondence and information;
- (12) administration and commission member comments;
- (13) adjournment.

(E) Meetings shall be conducted under the current edition of *Robert's Rules of Order Newly Revised* except as modified by this chapter.

(F) The order of business at special meetings shall be prescribed by the chairperson.

(Ord. 03-132(AM), § 3, 2003; Ord. 97-038, § 9, 1997; Ord. 94-119, § 2 (part), 1994; Ord. 90-42, §§ 12 and 13, 1990; Ord. 88-222 (part), 1988)

#### **18.04.100 OFFICE AND STAFF.**

(A) The port commission may be provided office space suitable for its needs, adequate to file its journals, resolutions, records, reference materials, correspondence and drawings, all of which shall constitute public records of the borough.

(B) The manager shall appoint the port director and port staff, after consultation with the port commission.

(C) The manager may retain legal counsel to advise the port commission in the proper performance of its duties. (Ord. 94-119, § 2 (part), 1994; Ord. 90-42, § 14, 1990; Ord. 88-222 (part), 1988)

#### **18.04.110 FORMAL ACTS BY RESOLUTION.**

All formal actions of the port commission shall be by resolution.

(Ord. 94-119, § 2 (part), 1994; Ord. 88-222 (part), 1988)

#### **18.04.120 [Repealed by Ord. 90-042, § 15, 1990]**

#### **18.04.130 CONFLICT OF INTEREST; EX PARTE CONTACT.**

(A) A port commission member shall not participate in deliberation or vote on a question if:

- (1) the port commission member or a member of the commissioner's immediate family has a financial interest in any property affected by the decision; and
- (2) the port commission member or a member of commissioner's immediate family could foreseeably profit in any material way through a favorable or unfavorable decision.

(B) Port commission members shall be impartial in all administrative decisions, both in fact and in appearance. No port commission member may receive or otherwise engage in ex parte contact with the applicant or appellant, or other parties interested in the application or appeal, or members of the public, concerning the application or appeal or issues presented in an application or notice of appeal, either before the application or appeal hearing or during any period of time the matter is submitted for decision or subject to reconsideration. This subsection shall not prevent port commission members from discussing an application or appeal among themselves, or prohibit communications between borough staff and port commission members where staff members are not named parties to the application or appeal, or members of an organization which in its own name has become an active party to an application or appeal.

(Ord. 94-119, § 2 (part), 1994; Ord. 90-42, § 16, 1990; Ord. 88-222 (part), 1988)

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# CHAPTER 18.10: POINT MACKENZIE PORT DEVELOPMENT STANDARD DISTRICT (DISTRICT)

## Section

**18.10.010 Intent and purpose**

**18.10.020 Establishment of district boundaries**

**18.10.030 Platting requirements**

**18.10.040 Road construction standards**

**18.10.050 Issuance of lease or other authorization**

**18.10.060 Performance bond or other form of surety**

**18.10.070 Terminal Tariff No. 1**

### **18.10.010 INTENT AND PURPOSE.**

(A) The intent of this chapter is to:

- (1) provide for timely development;
- (2) stimulate development of transportation and other infrastructure;
- (3) have the ability to spread road building costs among benefiting parties;
- (4) spread road building and improvement costs over a reasonable time;
- (5) implement the recommendations of the Point MacKenzie port master plan; and
- (6) allow leasing of land that encourages port development.

(B) The purpose of this chapter is to:

- (1) provide for orderly development of a commercial and industrial port district;
- (2) provide for the ability to issue land leases with road construction and development to occur over a scheduled period of time; and

(3) provide that road construction costs will be fairly allocated among the lessees.

(C) Development of land within this development district shall be in accordance with this chapter.

(D) The requirements of this chapter may not address all approvals, permits, and authorizations required for a use or development. It shall be the responsibility of the applicant to identify and comply with all necessary laws, regulations, policies and procedures of the borough, any applicable plat notes, or restrictions.

(Ord. 00-155(AM), § 2 (part), 2000)

#### **18.10.020 ESTABLISHMENT OF DISTRICT BOUNDARIES.**

(A) The boundaries for this district are established in MSB [18.02.020](#).

(B) The regulations, restrictions, and boundaries set forth in this chapter may from time to time be amended, supplemented, or changed. This chapter shall automatically apply to any such amendments.

(Ord. 00-155(AM), § 2 (part), 2000)

#### **18.10.030 PLATTING REQUIREMENTS.**

(A) Before any lease is issued a record of survey shall be prepared for the subject parcel by a land surveyor, and must be approved by the borough platting officer and recorded in the appropriate recording district.

(B) Physical construction of roads shall be performed in accordance with the terms of the lease or other authorization issued pursuant to MSB [18.10.050](#).

(Ord. 11-036, § 3, 2011; Ord. 00-155(AM), § 2 (part), 2000)

#### **18.10.040 ROAD CONSTRUCTION STANDARDS.**

The road construction standards applicable to the Point MacKenzie port development standard district are specified in MSB [17.23](#).

(Ord. 00-155(AM), § 2 (part), 2000)

#### **18.10.050 ISSUANCE OF LEASE OR OTHER AUTHORIZATION.**

(A) If a lease or other authorization is issued under the conditions of MSB [18.10.030](#), the lease shall reference that fact and state when road construction will take place.

(B) The lease shall state that failure to meet these standards shall be grounds for termination.

(C) No lease shall be issued until a record of survey is prepared and approved by the borough platting officer.

(D) Road maintenance will be the responsibility of the lessee until such time as the roads are upgraded to borough standards and are accepted by the borough.

(Ord. 11-036, § 4, 2011; Ord. 00-155(AM), § 2 (part), 2000)

**18.10.060 PERFORMANCE BOND OR OTHER FORM OF SURETY.**

In lieu of a subdivision agreement, a performance bond or other form of surety may be accepted by the borough manager. The amount of bond or surety may be adjusted to meet changed conditions such as further construction of the required road to acceptable standards, additional lessees that are located along the road that may contribute to its construction, or the establishment of a local improvement district and resulting assessment.

(Ord. 00-155(AM), § 2 (part), 2000)

**18.10.070 TERMINAL TARIFF NO. 1.**

The Port MacKenzie Terminal Tariff was adopted by the Matanuska-Susitna Borough Assembly for regulations, requirements, establishment of user fees, and safety in use of the Port Mackenzie Dock September 2000, as amended October 15, 2002, and April 4, 2006.

(Ord. 06-071, § 2, 2006; Ord. 02-160, § 2, 2002)

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